

Memorandum
Department of Planning and Development
Planning Division



To: Members of the City Council
From: Bill Needelman, Senior Planner
Date: December 1, 2006
Re: B-1, B-1b Traffic Text Amendments
Additional Information

As requested at the November 20 City Council Public Hearing, Planning and Traffic staff have compiled information in support of the Council's consideration of text changes to the B-1 and B-1b zones. Additional information may be provided at the December 4 meeting if it is available.

The Council has asked for the following information: (1) the basis for the 65 trip limit; (2) a list of allowed uses in the zones; (3) a list of existing business in the zones; and, (4) peak hour traffic counts for Stevens Avenue.

Staff has compiled as much of the requested information as possible and will provide additional information at the December 4 meeting if it is available.

(1) Basis for the 65 trip limit

When originally drafting the proposed amendments, City staff sampled typical uses found in the B-1 zones and compared these businesses to the "trip generation" tables of the ITE (Instituted of Transportation Engineers) handbook. Based on the size of businesses expected, 65 trips appeared to be a reasonable limit to encourage businesses that were consistent with existing uses.

Traffic Staff then was able to use the 65 trip limit to estimate the size of new uses that would be impacted by the ordinance. These estimates are provided in the Council report. When providing these estimates, however, two uses were not estimated: Fast food and convenience stores.

According to Traffic Engineer, Tom Errico, for a typical fast food restaurant, 65 trips is generated by 1,480 square feet of space (which is a comparatively high number.) This number increases if a drive thru is included – though drive thrus are not allowed in B-1 zones. Staff does not yet have exact trip generation estimates for convenience stores,

1880 per Zone Euro

though one can expect such uses to be high traffic generators - +/-1800 square feet to generate 65 peak hour trips.

While fast food establishments are not found typically in the B-1 zones, convenience stores are, and are often – though not always - larger than 1800 square feet.

As a sample of a B-1 business that could be impacted, the Traffic Staff conducted an AM peak hour traffic count of the Mr. Bagel on Auburn Street on December 1, 2006. This count resulted in 80 am peak hour trips – which also may have included some trips to an adjacent hardware store.

Given the compatibility of convenience stores (without gas pumps) in the B-1, and the results of the Mr. Bagel data, Mayor Cohen has offered a substitute amendment (Attachment 2.) The Mayor’s amendment applies a ratio of peak hour trips to square feet as a means to impact only those businesses that are extreme generators of traffic. In summary, the substitute amendment prohibits businesses that generate *both* a ratio of 100 peak hour trips per 2000 square feet, *and* more than peak hour 65 trips.

(2) List of allowed uses in the B-1 zones

The permitted and conditional use list for the B-1 and B-1b zones are provided in attachment 1 of this memo. Please note that specific size limits already exist for these uses – 1000 for restaurants, 5000 for single use buildings, and 10,000 square feet for multiuse buildings.

1st 2 SF

(3) List of existing business in the zones

Economic Development Staff and the GIS staff are working to provide this list.

(4) Peak hour traffic counts for Stevens Avenue

Traffic Staff will provide this for the December 4 meeting.

+/- 11,000 A. Daily Trips

Attachment:

1. B-1, B-1b Permitted and Conditional Use List

Passed 12-4-06
Vote 5-2
Donahue, Suslovic, Agnew
Leman, Dusen, Akers

SUBSTITUTE ORDER #2
ORDER 74-06/07

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)

AMENDMENT TO CITY CODE
CHAPTER 14, ARTICLE III. ZONING. DIVISION 12.6
B-1, B-1b NEIGHBORHOOD BUSINESS ZONE:
§§14-162, 163

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

1. That Chapter 14 (Land Use), Art. III (Zoning),
Division 12.6 (B-1, B-1b, Permitted Uses), Section 14-
162 is hereby amended to read as follows:

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

100 PHT / 2000 SF + 100 PHT

(2) *Business:* Business uses listed below are permitted, provided that such use which generates in excess of a ratio of 100 peak hour total vehicle trips per 2000 s.f. of space, and generates in excess of 65100 peak hour vehicle trips [entering and exiting] per am or pm peak hour, is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new peak hour vehicle trips .

1/20 + 100

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of a ratio of 100 peak hour total-vehicle trips per 2000 s.f. of space, and generates in excess of 100 65peak hour vehicle trips [entering and exiting] per am or pm peak hour, is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour new-vehicle trips.

- (a) Restaurants, provided they meet the following requirements:

1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

Attachments

Trip Generation

Conditional Use Appeal with picture

Trip Generations According to the ITE

1. 64 Pine Street Convenience Store (Aurora) 4199 sf (specialty retail) **35 trips**
2. 49 Pine Street Convenience Store (Cumb Farms) 1344 sf **47 trips**
3. 72 Pine Street Office 733 sf **2 trips**
4. 101 Congress Street Mixed Res/Com 7914 sf (office =1114 sf) **13 trips**
(sales = 115 sf)
5. 195 Congress Street Office 683 sf **4 trips**
6. 118 Congress Street Office 2400 sf **4 trips**
7. 559 Brighton Ave Mixed Res/Com (Rosemont Market) 1920 s.f. **66 trips**
8. 578 Brighton Ave Retail (Don's Baseball cards) 2975 sf **8 trips**
9. 580 Brighton Ave Retail (Rosemont Pharmacy) 3648 sf **31 trips**
10. 888 Brighton Ave Office 4319 sf **7 trips**
11. 899 Brighton Ave Retail 11980 sf **33 trips**
12. ~~788 Washington Ave Retail (Angelone Pizza) 1363 sf **15 trips**~~
13. 1039 Washington Ave Office/retail (3277 = Office
764 = retail
5041 = support area **24 trips**
1000 = storage)
14. 223 Congress Street Res/Com (1518 = Tavern/bar **20 trips**
1542 Res)
15. 1576 Forest Ave Mixed Res/Com (Moran's Market) (3920 = retail) **136 trips**
16. 82 Ocean Ave Retail (Dairy Jam) 2720 sf **30 trips**
17. 46 Veranda Street (Pizza Time) 601 sf **7 trips**

1/20 +

136

3920

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. **Conditional Use Authorized by:** Section 14- 163 (1)

11. **Standards - Criteria for Conditional Use Appeal**

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

*high traffic
no parking*

12. **Application Fee:** A fee for 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 Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.


Fee for Service Deposit (\$200.00)
(Required for all applications in addition to the applicable application fee listed below)

<input checked="" type="checkbox"/> Conditional Use	\$100.00
Legal Advertisements	percent of total bill
Notices (workshop and public hearing)	.55 cents each

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. The cost of any and all Newspaper advertisements, legal advertisements and Planning Board notices will be billed directly to the applicant.

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

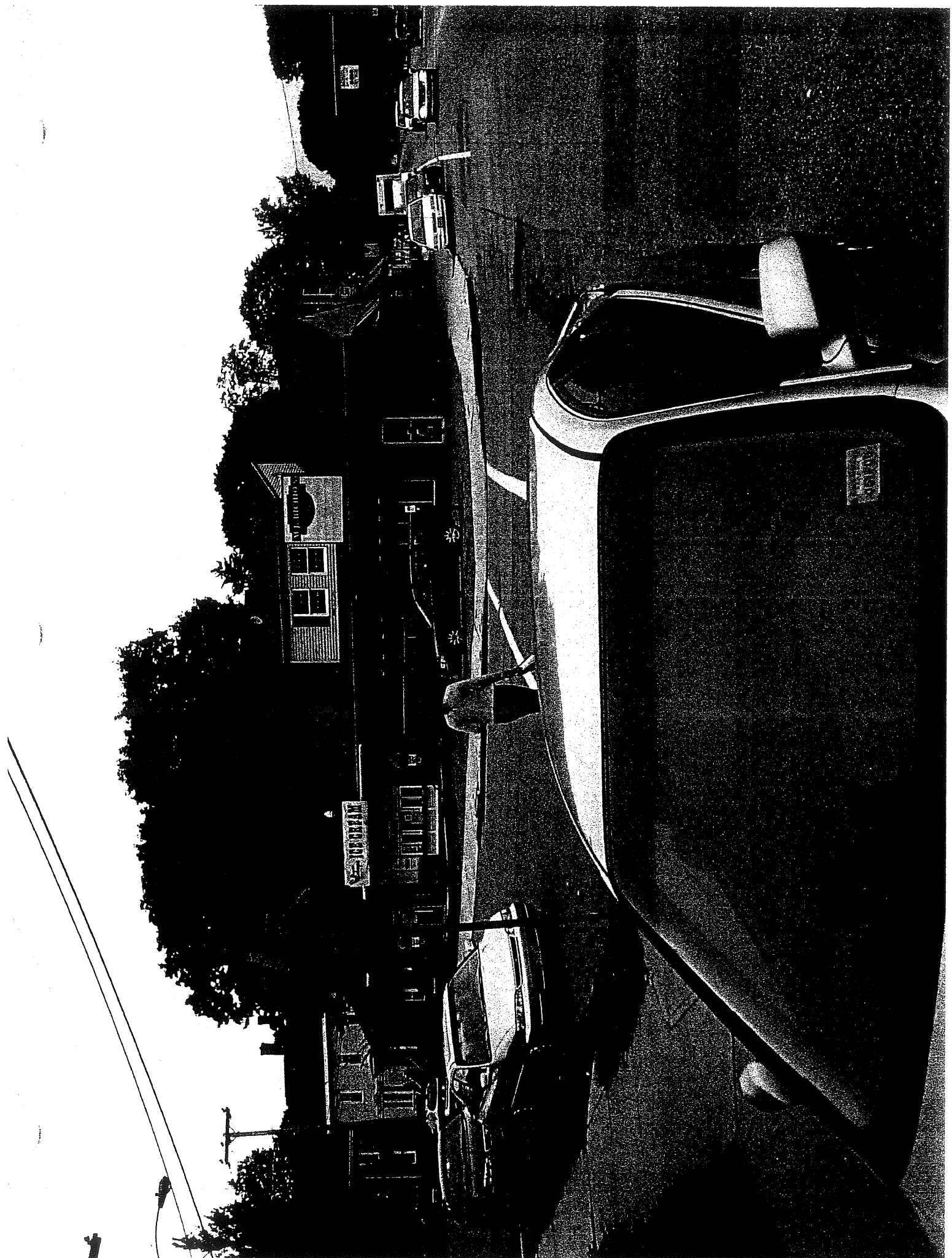
10/25/06
Date of Filing


Signature of Applicant

Further Information: Please contact the Planning Division for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

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

Portland Planning Board, Portland, Maine- Effective: July 6, 1998



**B-1, B-1b ZONE TEXT CHANGE
PROHIBITING HIGH TRAFFIC BUSINESSES
CITY OF PORTLAND, APPLICANT**

Submitted to:
Portland City Council
Portland, Maine

Submitted by:
Bill Needelman, Senior Planner

November 16, 2006
For the
November 20, 2006 Public Hearing

I. INTRODUCTION

Mayor Jim Cohen has sponsored and the City Council's Standing Committee on Transportation has endorsed proposed amendments to the B-1 and B-1b Neighborhood Business Zone texts to limit high traffic generating businesses. The purpose of the amendments is to protect neighborhood business districts from new business that generate more traffic than is compatible with the pedestrian nature of the B-1 and B-1b zones.

The item has been recommended by the Transportation Committee and received its first reading with the City Council on October 16. The amendment would be retroactive to the date of the first reading.

The Planning Board held a public hearing to review this amendment and provided a split recommendation to the full City Council. Please see below.

II. PROPOSED AMENDMENT

The proposed amendment adds language to the B-1 and B-1b permitted and conditional use sections prohibiting "business" uses, as listed, that generate more than 65 peak hour vehicle trips. The "peak hours" are the morning and afternoon commuter rush hours (usually 7:30 to 8:30am, and 4:30 to 5:30 pm). A vehicle "trip" is an arrival to or departure from the facility by car or truck.

For example: a person stopping at a convenience store on the way home from work, parking on the street or in the store parking lot, and then leaving to continue home, would generate two peak hour trips: one arriving and one leaving. Multiple people in the same vehicle would not add to the trips. Pedestrian and bicycle trips are not counted.

The amendments are provided below (new language is underlined) and the "council order" is provided as Attachment 2.

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(2) *Business*: Business uses listed below are permitted, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic

study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips.

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

1. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is

prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips:

- (a) Restaurants provided they meet the following requirements:
1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
 3. Food service and consumption are the primary function of the restaurant; and
 4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

III. IMPACT OF THE AMMENDMENT

Planning Staff requested that consulting traffic engineer, Tom Errico, P.E. provide the Board with a general idea of the impact of the amendment on new business proposals. Mr. Errico provided the following table of use size that would typically generate 65 vehicle trips (and therefore be prohibited under the amendment.) Please note that drive thru services are currently not allowed in either the B-1 or B-1b zones.

65 total peak hour trips correlate to the following:

- * 40,000 sf general office space
- * 17,000 sf of medical office space
- * 24,000 sf of specialty retail space
- * 17,000 sf shopping center
- * 1,400 sf bank (with drive-through/ATM facilities)
- * 6,000 sf High Turn-over Restaurant (w/o drive-through)

The business sizes shown above are generally larger than the typical establishments found in the B-1 zones (based on a qualitative assessment by the Planning Staff.)

IV. REVIEW OF POLICIES

The Board is asked to recommend that the proposed amendment is consistent with the purpose of the zone and the applicable portions of the Comprehensive Plan. The B-1, B-

1b purpose section is provided below, followed by a brief analysis of excerpted portions of the Housing and the Transportation sections of the Comprehensive Plan.

Purpose Section of the B-1, B-1b Zones

The B-1 zones were created to provide a location for “small-scale” businesses that serve the surrounding neighborhood. While these zones are sometimes located along arterial roads, they are distinct from the B-2 “Community Business” zones that are intended to serve a larger area (and the commuting public.) The B-1 districts are pedestrian friendly, walkable, and prohibit drive-thru services. The proposed amendments are intended to ensure that the intensity of vehicle activity generated by new businesses is compatible with the existing and planned character of these “urban village” neighborhood centers.

Deering Center, Stroudwater Village, and the top of Munjoy Hill are currently a few of the B-1, B-1b districts spread throughout the City.

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99)

Comprehensive Plan

The City's Comprehensive Plan supports the proposed amendments in general language found in the Housing Plan (2002) and by specific reference in the Transportation Plan (*Time of Change*, 1993).

Housing Plan

The 2002 Housing Plan provides a series of policy recommendations on both housing and related land uses to promote the general welfare of the City. *Policy #3, Neighborhood Stability and Integrity*, promotes "compatible development" to enhance compatibility between residential and non-residential development. *Policy #3* also promotes "neighborhood livability" by promoting businesses that are "of appropriate size, scale and type within neighborhoods."

Policy #5, Sustainable Development, promotes "neighborhood centers" with "small-scale retail and service businesses at appropriate locations.."

Please refer to Attachment 3 for excerpted portions of the Housing Plan.

Transportation Plan

The 1993 *Time of Change: Portland Transportation Plan* similarly promotes creation and fostering of neighborhood centers to promote walkability. Specifically, the plan suggests as an *action*, "Review the zoning ordinance's land use standards to assure that the uses allowed in the B-1 districts are neighborhood-type business." The proposed amendment asks the Board to make a distinction between "neighborhood-type" business (businesses that generate fewer trips) and higher volume businesses (that should locate in higher intensity zones such as the B-2.)

V. RECOMMENDATIONS

Transportation Committee:

As stated in the Introduction, the Standing Committee on Transportation has recommended the proposed amendment. The during the Committee's hearing, members questioned the basis of the amendment (65 peak hour trips) and how that limit could impact development opportunities in the B-1 zones. After reviewing the tabled information (shown in Section III, page 3 of this report) regarding the types and sizes of

businesses that would be limited, the Committee became comfortable that the amendment was not overly restrictive and unanimously voted to recommend its passage.

Planning Board:

The Planning Board also held a public hearing on the amendment. After deliberation, the Board voted to communicate to the Council a strong endorsement of the policy proposal to prohibit businesses in the B-1 and B-1b zones that generate excessive traffic. In consideration of the amendment, the Board benefited significantly from comments provided by the public (many of whom were from the Deering Center neighborhood.) The Board agreed with the sentiments expressed by those speakers and agreed that the zone needs to be amended.

The Board, however, expressed reservations with the specifics of the proposed language. These reservations were not with the policy change, but rather with the specific wording of the text changes proposed to accomplish the change. Board members were concerned that the proposed text changes appear to be ambiguous as to the number of vehicle "trips" that will serve as the cut off. If ambiguous, the revised zone may well not accomplish the policy of limiting the growth in vehicle traffic in these zones. In addition, because the consulting traffic engineer was not able to attend the hearing, it was unclear how the figure of 65 trips was arrived at. Further inquiry on this point may show that an even lower bar may be necessary in order to accomplish the desired policy goal.

Following deliberation, the Board voted on the following motion:

Motion #1. Based on the material provided in Planning Report #64-04, public testimony, a review of applicable policies, and other information the Planning Board finds that the proposed amendments to the B-1 and B-1b zone text are consistent with the Comprehensive Plan and recommends their adoption to the City Council. **Vote: 2 to 4: Motion fails.** Lowry and Silk in favor; Beal, Odakara, Patterson, and Tevanian against; Hall absent.

Board members in favor of the motion, though somewhat concerned with the specifics of the language, expressed their opinion that the proposal was consistent with policy and should be adopted. The majority, however, felt that too many unanswered questions remained to endorse the language.

Following the above action, the Board voted on the motion below:

Motion #2. The Planning Board extends a communication to the City Council in support of limiting the number of vehicle trips entering and exiting businesses in the B-1 zones, but needs more information to proceed with the current language. **Vote 4 to 2: Motion passes.** Lowry and Silk opposed, Hall absent. As consistent with their vote above, dissenting Board members felt that there was sufficient information to recommend the language as proposed.

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Attachments:

1. B-1, B-1b, Current Text
2. Proposed Amendment Language
3. Housing Plan Excerpt
4. Transportation Plan Excerpt
5. Public Comment Letters

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES*

*Editor's note--Ord. No. 292-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-161--14-167 of Div. 9, B-1 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-161--14-167. Formerly, such sections derived from §§ 602.8.A--602.8.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972, and Ord. No. 499-74, § 4, adopted Aug. 19, 1974.

Sec. 14-161. Purpose.**(a) B-1 Neighborhood Business Zone**

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of smallscale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of smallscale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Att. 1
B-1, B-1b Current Text

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99)

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(1) *Residential*

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

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

(2) *Business:*

a. Professional offices, as defined in section 14-47, but excluding veterinarians.

b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

c. Personal services, as defined in section 14-47.

d. Offices of building tradesmen, provided there is no exterior storage of building materials.

e. Retail establishments, provided such do not

B-1, B-1b Current Text

include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.

- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

(3) *Institutional:*

- a. Church or other place of worship;
- b. Municipal offices;
- c. Elementary, middle and secondary schools;
- d. Nursery schools and kindergarten;
- e. Clinics of less than three thousand (3,000) square feet of total floor space.

(4) *Other:*

- a. Lodging houses;
- b. Utility substations, as defined in section 14-47,

subject to the standards of article V (site plan);

- c. Day care facilities or babysitting services;
- d. Accessory uses as provided in section 14-404;
- e. Bed and breakfast, subject to the standards of article V (site plan).

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

- a. Any residential use set forth in section 14-162(a);
- b. Bed and breakfast, subject to the standards of article V (site plan).

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 2, 11-15-93; Ord. No. 125-97, § 5, 3-3-97; Ord. No. 94-99, 11-15-99)

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

(a) Restaurants, provided they meet the following requirements:

- 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
- 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
- 3. Food service and consumption are the primary function of the restaurant; and
- 4. There shall be no drive-through service.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 3, 11-15-93; Ord. No. 94-99, 11-15-99)

Sec. 14-164. Prohibited uses.

Uses not enumerated in sections 14-162 and 14-163 as either permitted or conditional uses are prohibited.
(Ord. No. 292-88, 4-4-88)

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses permitted under section 14-162(a) shall meet the requirements of such abutting or nearest residential zone except as noted below, and nonresidential uses in the B-1 and B1-b zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. School: Twenty thousand (20,000) square feet.
2. Church or place of worship: Ten thousand (10,000) square feet.
3. All other nonresidential uses: None.
4. Multi-family dwellings above the first floor: 1,000 square feet of land area per dwelling unit.

(b) *Minimum street frontage:* Fifty (50) feet, except that if the average street frontages of all lots within two hundred (200) feet of the boundaries of the lot in question on the same side of the street and within the B-1 or B-1b zone is less than fifty (50) feet, then the minimum street frontage for the lot in question may be reduced to the average frontage of such lots.

(c) *Yard dimensions:* (Yard dimensions are required setbacks for structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Maximum front yard:*

Principal or accessory structure: The maximum front yard setback shall either be: (i) ten feet; or (ii) in cases where the average depth of the front yards of the nearest developed lots on either side of the lot in question is less than ten feet, the front

yard setback of the lot in question shall not exceed such average depth. A "developed lot" means a lot on which a principal structure has been erected.

Building additions are not required to meet this maximum setback.

2. *Rear yard:*

- a. Principal structures: None, except where a rear yard abuts a residential zone or first floor residential use, a minimum of twenty (20) feet is required.
- b. Accessory structures (detached): None, except where the rear yard abuts a residential zone or first floor residential use, a minimum of five (5) feet is required.

3. *Side yard:*

- a. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a first floor residential use, a minimum of ten (10) feet is required.
- b. Accessory structures (detached): None, except that where the side yard abuts a residential zone or a first floor residential use, a minimum of five (5) feet is required.
- c. Side yards on side streets (corner lot): Principal or accessory structures: Ten (10) feet maximum setback, except that for any new construction on a lot abutting more than two streets, the maximum setback shall not apply beyond the two most major streets. (For purposes of this section, "major street" shall mean that street with the highest traffic volume and the greatest street width in comparison with the remaining streets). This maximum setback shall not apply to building additions.

- (d) *Minimum lot width:* None.
- (e) *Maximum structure height:* Thirty-five (35) feet. Where the lot abuts an R-6 residential zone, the maximum height shall be the maximum permitted height in the R-6 residential zone.
- (f) *Maximum impervious surface ratio:* Ninety (90) percent.
- (g) *Floor area:*
 - 1. The maximum first floor area of a single tenant building shall be no greater than five thousand (5,000) square feet.
 - 2. The maximum first floor area of a multi-tenant building shall be no greater than ten thousand (10,000) square feet.

(Ord. No. 292-88, 4-4-88; Ord. No. 52-96, § 1, 7-15-96; Ord. No. 94-99, 11-15-99)

Sec. 14-166. Other requirements.

All nonresidential uses in B-1 and B-1b zones shall meet the requirements of division 25(space and bulk regulations and exceptions) of this article in addition to the following requirements:

- (a) *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).
- (b) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (c) *Offstreet parking and loading:* Offstreet parking and loading are required as provided in division 20 and division 21 of this article.
- (d) *Front yard parking:* There shall be no off street parking in the front yard between the street line and

B-1, B-1b Current Text

the required maximum setback line. Where an existing building setback exceeds the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

- (e) *Signs:* Signs shall be subject to the provisions of division 22 of this article.
- (f) *Exterior storage:* There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. In no event shall vehicles, or truck trailers with or without wheels, be used for on-site storage. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occur more frequently than three (3) times a calendar year.
- (g) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.
- (h) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 292.88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-167. External effects.

Every use in a B-1 or B-1b zone shall be subject to the following requirements:

- (a) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.
- (b) *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 fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (c) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (d) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (e) *Smoke:* Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (f) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they are clearly visible from neighbors' properties or may be transferred beyond the lot boundaries by natural causes or forces. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in fully enclosed containers or receptacles. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 292-88, 4-4-88; Ord. No. 94-99, 11-15-99)

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)

AMENDMENT TO CITY CODE
CHAPTER 14, ARTICLE III. ZONING. DIVISION 12.6
B-1, B-1b NEIGHBORHOOD BUSINESS ZONE:
§§14-162, 163

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

1. That Chapter 14 (Land Use), Art. III (Zoning),
Division 12.6 (B-1, B-1b, Permitted Uses), Section 14-
162 is hereby amended to read as follows:

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(2) Business: Business uses listed below are permitted, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips.

Deleted: ¶

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.

Att. 2.2
Amended Text

- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips:

- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 - 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;

Att. 2.3
Amended Text

3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(1) *Residential*

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

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

(2) *Business:*

a. Professional offices, as defined in section 14-47, but excluding veterinarians.

b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

c. Personal services, as defined in section 14-47.

d. Offices of building tradesmen, provided there is no exterior storage of building materials.

e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.

- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

(3) *Institutional:*

- a. Church or other place of worship;
- b. Municipal offices;
- c. Elementary, middle and secondary schools;
- d. Nursery schools and kindergarten;
- e. Clinics of less than three thousand (3,000) square feet of total floor space.

(4) *Other:*

- a. Lodging houses;
- b. Utility substations, as defined in section 14-47, subject to the standards of article V (site plan);
- c. Day care facilities or babysitting services;
- d. Accessory uses as provided in section 14-404;
- e. Bed and breakfast, subject to the standards of

article V (site plan).

- (5) Uses permitted above the ground floor level of buildings in the B-1b zone: *Residential*
 - a. Any residential use set forth in section 14-162(a);
 - b. Bed and breakfast, subject to the standards of article V (site plan).

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 2, 11-15-93; Ord. No. 125-97, § 5, 3-3-97; Ord. No. 94-99, 11-15-99)

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 - 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
 - 3. Food service and consumption are the primary function of the restaurant; and
 - 4. There shall be no drive-through service.

Note on Dimensional Requirements: Maximum Floor Area

- (g) Floor area:
 - 1. The maximum first floor area of a single tenant building shall be no greater than five thousand (5,000) square feet.
 - 2. The maximum first floor area of a multi-tenant building shall be no greater than ten thousand (10,000) square feet.

SUBSTITUTE ORDER
ORDER 74-06/07

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)

AMENDMENT TO CITY CODE
CHAPTER 14, ARTICLE III. ZONING. DIVISION 12.6
B-1, B-1b NEIGHBORHOOD BUSINESS ZONE:
§§14-162, 163

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

1. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Permitted Uses), Section 14-162 is hereby amended to read as follows:

Sec. 14-162. Permitted uses.

- (a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

...

(2) Business: Business uses listed below are permitted, provided that such use which generates in excess of a ratio of 65-100 peak hour total vehicle trips per 2000 s.f. of space, and generates in excess of 65 peak hour vehicle trips [entering and exiting] per am or pm peak hour, is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new peak hour vehicle trips.

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- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.

- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of a ratio of 100 peak hour ~~65 total~~ vehicle trips per 2000 s.f. of space, and generates in excess of 65 peak hour vehicle trips [entering and exiting] per am or pm peak hour, is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour new vehicle trips:

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- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;

2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

Neighborhood Stability and Integrity

Policy #3: Maintain and enhance the livability of Portland’s neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

While accommodating needed services and facilities, protect the stability of Portland’s residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.

Housing Along Arterials: Maintain residential zoning along arterials and encourage increased residential densities and mixed uses within business zones.

Demolition: Discourage demolition or conversion of residential properties for non-residential uses.

Compatible Development: Encourage well-planned developments and uses to enhance compatibility between residential and non-residential uses.

Student Housing: Encourage construction of affordable student housing to meet current and future needs.

Support Portland’s livable neighborhoods by encouraging a mix of uses that provide needed goods and services, within walking distance of most residents.

Neighborhood Livability: Promote through City policies a mix of housing types, retail and service businesses, community services, and open space/recreation opportunities of appropriate size, scale and type within neighborhoods.

Uphold Zoning: Enforce approved density regulations in the Zoning Ordinance.

Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of the City’s residential neighborhoods.

Municipal Regulations: Update codes to encourage new residential development that:

- Offers diverse and quality living options.
- Encourages traditional neighborhood elements.
- Promotes a walkable city.
- Are compatible with Portland’s existing neighborhoods.

Design Guidelines: Adopt design guidelines for new housing and rehabilitation that are compatible with the character and patterns of development in each neighborhood.

Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.

Assets: Inventory neighborhood assets, such as open space, recreation facilities, schools, services and public transportation.

Suitable Housing Sites: Use asset inventories and agreed upon neighborhood priorities to select potential housing sites as part of the Neighborhood Based Planning Process.

Walkable neighborhoods: Give preference to projects that are located within a walkable distance to neighborhood assets, particularly when seeking City funds.

Ensure the integrity and economic value of Portland’s neighborhoods.

Enforcement: Aggressively enforce codes that require owners to maintain properties.

Maintain Property: Ensure all properties are kept clear of debris and derelict vehicles.

Redevelopment: Work to find productive uses for vacant and underutilized lots.

Public Improvements: Ensure neighborhood improvements are safe, attractive and well maintained.

Public Safety: The Portland Police Department will continue to work with neighborhoods on community policing, crime watch and other public safety programs to ensure neighborhoods remain safe for residents and visitors.

Traffic: Work with neighborhoods to address traffic issues and enforce traffic laws.

Public Parks: Preserve public amenities, such as trails, athletic fields, and parks.

Open Space: Work with neighborhoods to update, “Green Spaces/Blue Edges”.

Sustainable Development

Policy #5: Portland’s Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve our shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.

Target to grow: Achieve and maintain a 25% share of Cumberland County’s population.

Public relations: Analyze and promote the public benefits of growth.

Incentives: Integrate housing and economic development incentives to encourage growth and take advantage of the City’s capacity to accommodate more people.

Monitor: Assess the impacts of growth on infrastructure and adjust policies accordingly.

Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at minimal costs.

Transit Oriented Development: Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

Infill Development: Encourage development on vacant lots along accepted city streets.

Proximity to Services: Encourage housing near schools, parks and athletic facilities.

Denser Development: Encourage higher density housing along arterial and in or near downtown, particularly the redevelopment of Bayside according to the Bayside Plan.

Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.

Work Force Housing: Encourage major institutions and employers to invest in housing in proximity to work places.

Incentives for Mixed-Use: Combine housing and economic development initiatives for mixed-use developments near employment centers.

Build Streets: Explore building streets to encourage infill housing near existing infrastructure and neighborhood centers.

Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.

Neighborhood Centers: Build neighborhood centers with small-scale retail and service businesses at appropriate locations within neighborhoods.

Pedestrian Links: Encourage pedestrian links between residential and business areas.

Innovative Development: Encourage higher density development, which incorporates housing above businesses through flexible reviews and shared parking options.

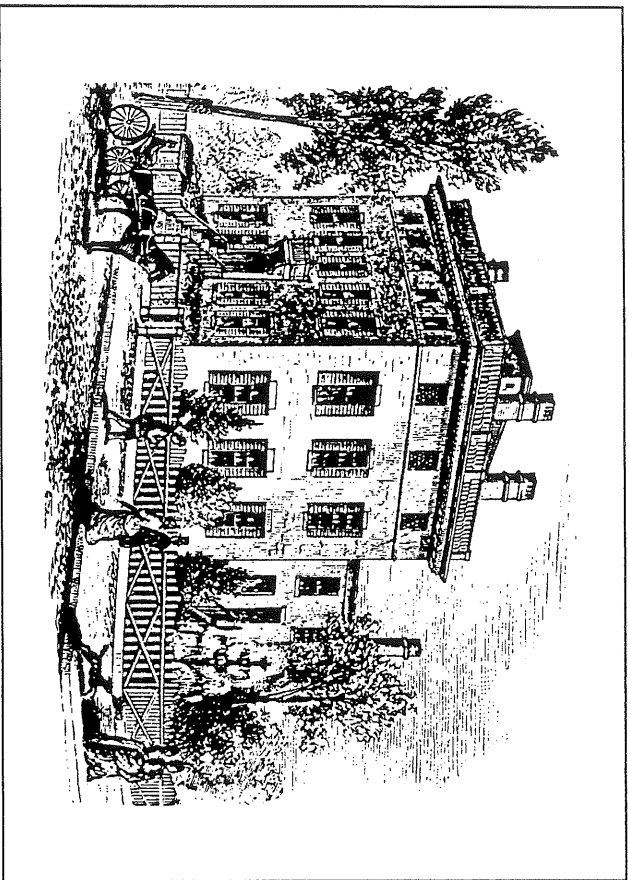
Redevelopment: Encourage redevelopment of underutilized land, such as surface parking lots, to more efficiently use available land.

Locate and design housing to reduce impacts on environmentally sensitive areas.

Open Space: Support Land Bank Commission’s work to preserve sensitive natural areas.

Environmentally Sensitive Development: Encourage development that minimizes environmental impacts and encourages stormwater

IV. MOVING LOCALLY: THE NEIGHBORHOODS



Courtesy of Greater Portland Landmarks

Chapter Summary

1. *Some neighborhoods lack routine daily services within walking distance, and where such services do exist, they often are considered "nonconforming" uses. The City should work with neighborhoods that lack the daily necessities to identify the best locations for them and to assure that existing services will be continued.*
2. *Outside of the City's older neighborhoods, the system of neighborhood streets often lacks safe and convenient interconnections. The City should promote the interconnection of neighborhood streets and pathways, so that there are short, easy paths of travel to key destinations by foot and bicycle, as well as auto.*
3. *Neighborhood streets are increasingly used solely to move traffic. Neighborhood and downtown streets and streets through the City's parks should be considered to be—and designed as—multipurpose public spaces.*
4. *Design standards for neighborhood streets should be revised where practical to conform to notions of traditional neighborhoods and multiple use.*
5. *The use of public transportation and other alternative modes has been nearly eliminated from the everyday lives of the City's youth. The City should repeal the ban on bicycles at elementary schools, where appropriate, and should reinstate METRO as the provider of bus service to the middle and high schools.*

Neighborhood Issues and Policies

Issues of transportation are most personal in neighborhoods. Either the neighborhood is safe for walking or it is not. Either it is protected from noisy through-traffic or it is not. Either things needed day-to-day are within easy reach or they are not. Either parents feel easy about letting a child cross streets or ride a bicycle to school or they do not. Either backing out of a driveway onto the street is a daily risk or it is not.

Before the motor age, the city's neighborhoods were of necessity designed as walkable places. Blocks were short and usually designed in a grid pattern, so that there were multiple ways to get to the same place. Lots were narrow, so that distances between places were short. Within or next to neighborhoods were small-scale stores and services accessible to the neighborhood's residents. With the advent of the trolley, neighborhoods developed farther from the central business district of the City, but even then the neighborhoods were compact and within a quarter- or half-mile of the trolley stop.

As the auto became prominent and affordable to the average family, the design of neighborhoods changed. A suburban ideal took hold. It pushed new neighborhoods farther from the hubbub of the city center. Within neighborhoods, land uses were strictly separated. Lots became wider and larger. Streets were purposely designed to discourage connections and through-traffic. Blocks were lengthened, cross streets were reduced, and dead ends with cul-de-sacs became the norm. And the suburban neighborhood became the model for zoning ordinances.

Figure IV-1 illustrates the difference between the traditional neighborhood street network and the contemporary, suburban approach.

The purpose of the street itself also changed. Prior to the 1950's and the dominance of the auto, the street, including the width of its right-of-way, was by its nature an important public space. Transportation was only one of its purposes. It was also a place of socializing, recreation, and even commerce. Buildings, both homes and businesses, had a specific and often intimate relationship with the street. They enclosed the street and their inhabitants were visually and socially connected to it. The dominance of the auto in the design of contempo-

rary streets and neighborhoods has converted many city streets into single-purpose spaces, and that purpose is to move automobile traffic as efficiently as possible. Where that purpose is tantamount, it is difficult for the other purposes to coexist. In fact, other purposes--even other transportation-related purposes such as bicycling or on-street parking--are diminished or eliminated.

The spread-out location and design of neighborhoods and of the transportation system that serves them was made possible by the auto. In turn, neighborhoods created during the last three decades have become largely dependent on the auto for even the most basic transportation tasks. The auto is at once liberating and confining.

Balancing the realities of the motor age with the imperative of highly livable neighborhoods is at the heart of the transportation issues and policies at the neighborhood level. And it bears directly on the health of the City. If residents who live in the City by choice come to believe their neighborhoods are not safe for walking, are not protected from noisy through-traffic, don't provide easy access to the daily necessities, don't give their children the freedom to move about independently--then the City has lost much of its competitive advantage over the suburbs. Portland still is in the position to preserve its advantage and to help families choose to remain.

Neighborhood Issue 1 Neighborhood Land Use

Some neighborhoods, especially those more recently developed, lack even routine daily services within walking distance. Where such services do exist, the zoning ordinance often considers them to be nonconforming uses.

Policies

Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.

The City should work with individual neighborhoods to identify suitable locations and approaches to accommodate neighborhood businesses.

The City functions as a series of neighborhoods. Oakdale, Deering Center, and Munjoy Hill, for example, are defined areas of the City and evoke certain images of how people live. A basic concept of neighborhood is that it functions as a "unit" in which residents (and especially children) can move about easily and safely and meet at least some of their basic, daily needs within their neighborhood.

Historically, the elementary school and religious institutions were the cornerstones of many neighborhoods. So were small neighborhood stores. All of these serve basic, daily needs and also are natural meeting places. They are part of the "glue" of lively neighborhoods. To the extent that new neighborhoods are designed without proximity or easy access to at least basic goods and services (the corner store, the bakery, the hair salon, etc.), and to the extent that small neighborhood commerce is replaced by single-purpose, auto-oriented commercial strips, the "glue" is lost.

The City has a well-established pattern of small-scale services that meets the needs of many of the neighborhoods. They are found in neighborhood centers such as Rosemont, Central Square, Pine Street, or "down front" on Peaks Island, or in freestanding locations along nearby arterials. While many of these areas are zoned as Neighborhood Business (B-1), many of the services are, in fact, "grandfathered" nonconforming uses, and thus in jeopardy of being lost if they are even temporarily discontinued. In addition, there is little available commercially zoned land that is appropriate for the establishment of new neighborhood services.

There also are neighborhoods, such as the outer North Deering area, Stroudwater, Ludlow Street area, and the Payson Park/Chevrus area of Ocean Avenue, that have limited access to neighborhood services.

See Action Box No. N-1.

Action Box No. N-1

To assure the opportunity for day-to-day services, of appropriate scale and design, within walking distance of all neighborhoods:

- Review the existing nonconforming neighborhood businesses and "legalize" those that are positive factors in meeting neighborhood needs.
- Explore mechanisms to allow the establishment of new neighborhood businesses without creating a proliferation of small B-1 districts. One method might be to establish a strict performance standard approach, including design standards, that would allow neighborhood businesses to locate outside of B-1 zones if the objective criteria are met.
- In neighborhoods without nearby services, work with residents to identify appropriate locations and/or approaches to accommodating these uses.
- Review the zoning ordinance's land use standards to assure that the uses allowed in the B-1 districts are neighborhood-type businesses.
- Review the zoning ordinance's land use standards to assure that neighborhood businesses are "good neighbors," maintain the architectural character and fabric of the neighborhood, and are of an appropriate scale.

Neighborhood Issue 2 Street Network

Outside of the City's older neighborhoods, the system of neighborhood streets often lacks safe and convenient interconnections. This system of street design protects residents from through traffic but also makes them highly dependent on the auto even for simple tasks.

Policy

The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

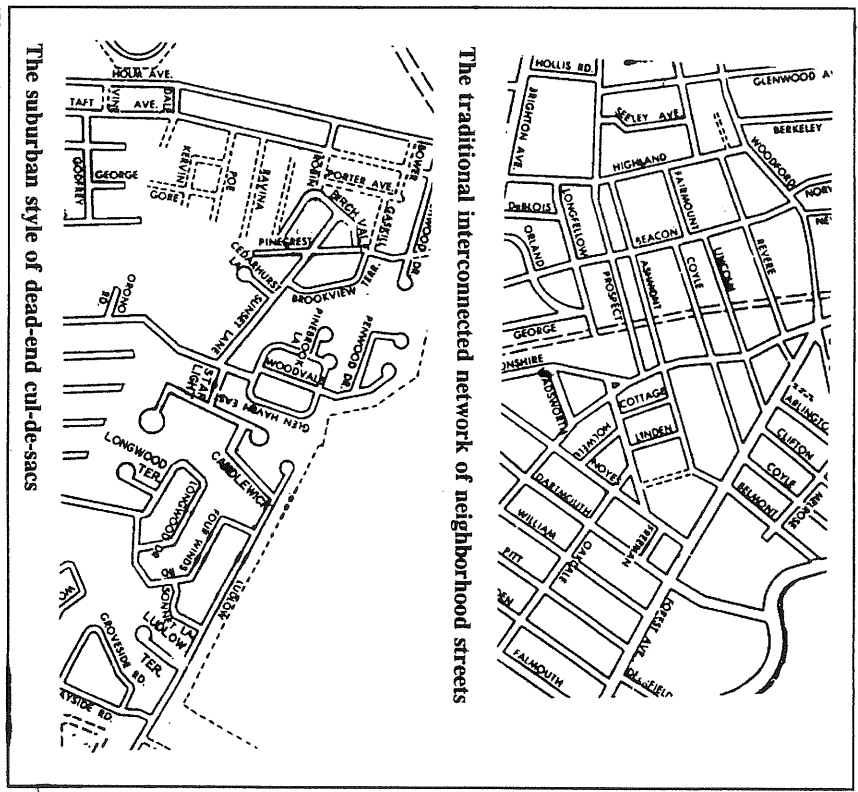
The traditional network of interconnected neighborhood streets offers several advantages. By giving multiple ways to reach the same point, it spreads out local traffic, and it is less likely that any one street will be burdened with the problem of cross-cutting. It allows the neighborhood's residents to get to neighborhood destinations—a school, a store, a friend's house—without having to venture onto an arterial. It makes trips more direct, often cutting down distance and making it easier to think about walking or bicycling.

If neighborhoods are thoughtfully located within larger transportation districts, with arterials and collectors treated in a way that respects the integrity of neighborhoods—as discussed in Chapter V—the need for the dead-end street as a defense against heavy flows of through traffic is lessened. In turn, the opportunities for the neighborhood to function as a social unit, which depend on the physical interconnections of its streets and pathways, are heightened.

The City, of course, cannot dramatically change what already has been built. Many of the city's neighborhoods already have a pattern of interconnected streets. In these cases, the task is to preserve the interconnections. Streets, for example, should not be dead-ended, except perhaps where a neighborhood street is being inappropriately and dangerously used by regional traffic as a through-street; even then, alternatives to eliminating interconnections should first be explored. As a rule streets in the Woodfords area should not be cut-off by

rail lines. In established neighborhoods that don't have an interconnected network, there may be opportunities to make connections: via walkways and bikepaths, for example.

See Action Box No. N-2.



Action Box No. N-2

To promote the interconnection of neighborhood streets and pathways:

- Require through the City's subdivision ordinance that new development be integrated into the overall neighborhood to provide a continuous travel network without dead-ends (keeping in mind that traditional "grid" patterns must be modified to fit the natural conditions of the site).
- Encourage subdividers to pay attention to the City's old street plats, allowing for internal re-configuration of streets but preserving connections to existing roadways.
- Explore the extension of paper streets:
 - off Allen Ave. for connections to Canco Road or Washington Ave.
 - off Forest Ave. for connections to Warren Ave. or to streets that in turn connect to Allen Ave., Washington Ave., and/or Bishop Street
 - off Ray street for connections to Ocean Ave.
- Require new developments to provide pedestrian and bicycle linkages to the surrounding neighborhood and to neighborhood services.
- Use natural resources corridors and "greenways" as part of the pedestrian system.
- Program improvements to neighborhood sidewalks and bicycling facilities.
- In established neighborhoods that lack an interconnected system of streets or pathways, identify key potential linkages--for example, to elementary schools or to main streets with sidewalks--and explore the possibility of gaining easements for walkways and bike paths.

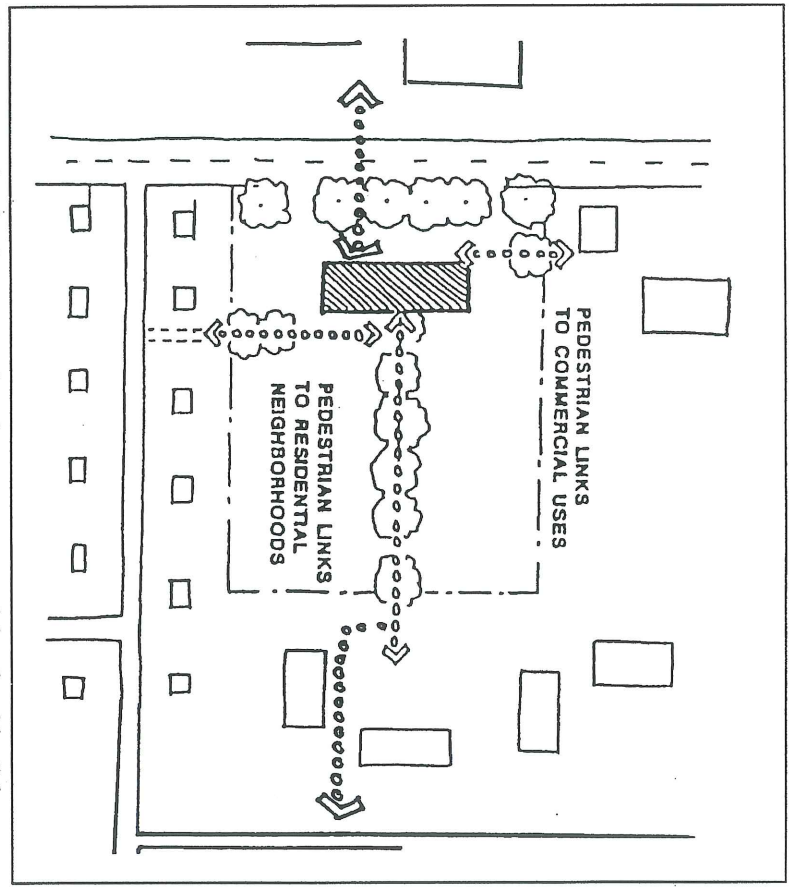


Figure IV-2: Pedestrian interconnections between commercial and residential uses

Neighborhood Issue 3 Streets as Public Space

Neighborhood streets are increasingly used as single-purpose spaces: to move automobile traffic as swiftly as possible. In some cases, arterials and collectors cutting through neighborhoods have been given over almost entirely to this one purpose.

Policy

Neighborhood streets, Downtown streets, and streets through the City's parks should be considered to be--and designed as-- multipurpose, public spaces.

The "street" includes the whole width of the right-of-way. In addition to the paved street, the right-of-way often has within it esplanades with trees and sidewalks on one or both sides of the street. These are part of the multiple purposes of this public space: walking and neighborhood greenery. The paved street itself should be designed for multiple purpose: in addition to the movement of automobile traffic, there can be provision for bicycling, the parking of vehicles, and informal, spontaneous recreation and socializing. These purposes usually are limited or eliminated on arterials and collectors that have been entirely given over to automobile traffic. They should be selectively reintroduced where the goal is to slow down ("calm") or divert through traffic to other roads. (See City Issue 6 in Chapter V) And on neighborhood streets that are not meant to serve commuter traffic, but rather serve primarily the neighborhood's traffic, these purposes should be specifically designed into the street.

In addition to neighborhood streets, Downtown streets and streets through the City's parks offer good opportunities for multiple use. Downtown's retail streets, for example, can be (and are) converted to festival streets from time to time and can be used as an extension of the marketplace and for recreation.

See Action Box No. N-3.

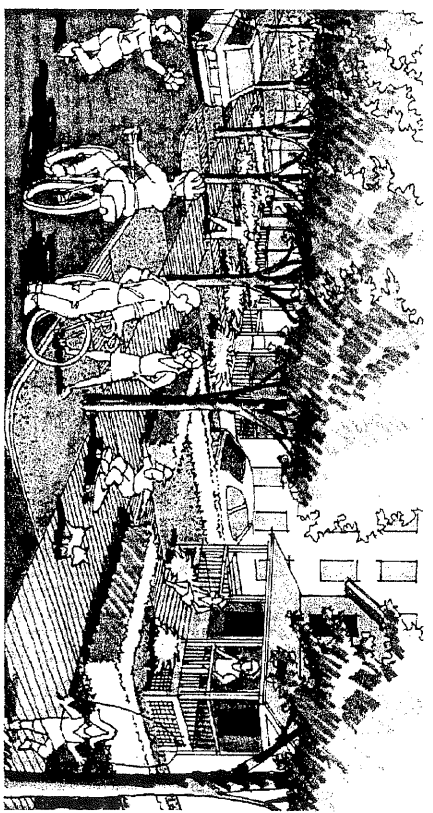


Figure IV-3: Neighborhood street as multipurpose, public space

Action Box No. N-3

To promote the neighborhood street as a multipurpose, public space:

- Upgrade facilities along neighborhood streets for bicycles and pedestrians, as illustrated in Figure IV-3.
- Assure that the subdivision ordinance and the City's street design standards include provisions for on-street parking, esplanades sufficient for shade tree plantings, and sidewalks.
- Where pavement is narrowed as a "calming" technique, combine this with the widening of sidewalks and/or consider bicycle lanes, landscaping, open space that can double as snow storage in the winter, or other uses of the right of way.
- In the reconstruction of neighborhood streets, consider the competing uses of the right-of-way.
- Assure that motor vehicle laws are enforced for the safety of other users of the public streets.

Neighborhood Issue 4 Street Design Standards

Design standards for streets do not conform to the notions of traditional neighborhoods and of the street as a multipurpose, public space.

Policy

The City's street design standards as they apply to local or neighborhood streets should be reviewed and where practical revised for consistency with principles of traditional neighborhood design.

The physical design of the street and its right-of-way will determine whether the street actually will "feel" like an inviting public space and whether the concept of an interconnected network of neighborhood streets actually will work. Portland has ample examples of streets that can serve as models: Craigie, Deering, Noyes, Longfellow Park, and many others. Practical considerations, including topography and other natural conditions, may not always allow replication of their lay-outs and dimensions. However, the City's design standards for local streets should emulate these successful urban streets rather than suburban models.

See Action Box No. N-4.

Action Box No. N-4

Elements of street design in traditional neighborhoods include:

- length of blocks (typically not longer than 300 to 400 feet, with the average perimeter of lots not exceeding an average of 1,300 feet)
- very limited use of dead ends
- where uses are primarily residential, a 50-foot right-of-way to accommodate sidewalks, esplanades, and on-street parking as well as travel lanes
 - in higher density neighborhoods, two 10-foot travel lanes, parallel parking on at least on side, esplanades, and sidewalks both sides
- in lower density neighborhoods with ample room for off-street parking, two 8-foot travel lanes, 8-foot parallel parking each side, and 10-to-12 foot sidewalk, with stores pulled up close to the sidewalk
- street trees and street lamps at regular intervals
- curb radii of not more than 15 feet, less in major foot traffic corridors
- use of bump-outs and safety islands on wider streets

Sources: Performance Streets, Bucks County Planning Commission; Traditional Neighborhood Development Ordinance, Foundation for Traditional Neighborhoods, Ossipee, N.H., 1990

Neighborhood Issue 5 Education of Youth

The idea and use of alternative modes of transportation have been nearly eliminated from the everyday lives of the City's youth. Lacking any habit of using these modes, the youth are not likely to think of them as natural or credible alternatives as they become adults.

Policies

Urge the School Committee to repeal the ban on riding bicycles to elementary schools.

Urge the School Committee to consider reinstating METRO as the provider of bus service to the City's middle and high schools and in other ways introduce students to mass transit.

With proper education, the proper provision of bicycling and pedestrian facilities as recommended elsewhere in this Plan, and proper supervision, the use of bicycles and of the public bus system can be safe and convenient alternatives for transporting students to their schools. In addition to issues of safety, it is important that the schools--like other major destinations discussed in this Plan--provide for the proper storage of bicycles once at the schools as protection against theft.

See Action Box No. N-5.

Action Box No. N-5

To promote the use of alternative modes of transportation among the City's youth:

- As recommended elsewhere in this Plan, give priority to upgrading walking and bicycling facilities, as necessary, that serve the City's schools.
- Include bicycle training courses, including safe bicycling techniques and rules of the road, in the regular curricula of the schools.
- Coordinate bicycle safety and informational programs being conducted by various groups, such as police departments, schools, bicycle interest groups, bike shop owners, and others.
- Repeal the ban on riding bicycles to elementary schools wherever and whenever safe bicycling routes exist.
- Prepare a feasibility study, including cost estimates and fleet requirements, for the provision by METRO of bus services to Portland's middle and high schools.
- Urge cooperation between the schools and METRO to expand educational programs that will prepare the City's youth for the new, multimodal transportation environment being planned for our City.
- Install bike racks on buses and ferries.

Att. 5.1

From: Alex Jaegerman
To: William Needelman
Date: 11/8/2006 2:23:28 PM
Subject: Fwd: B 1b zoning

>>> Lisa Flanagan <lflanag2@bowdoin.edu> 11/8/2006 1:40:23 PM >>>
Lisa Flanagan
33 Brentwood Street
Portland, Maine 04103
207-773-1691

Dear Mr. Jaegerman,

As a resident of Brentwood Street just three houses from the corner with Stevens, I'm concerned that the character of Deering Center could alter dramatically. I knowingly bought a house in the area, for I wanted my children to have the opportunity to walk to school, patronize a Mom and Pop, and not be reliant on cars and a "soccer mom". The three are under the age of 8, and even now I am concerned about the traffic at the corner given the angle and visibility, the nature of Deering High drivers late for school, and the frequently poor plowing and sidewalk shoveling on the part of the Central Square Baptist church. If these conditions were compounded by a high traffic generating enterprise, the quality of life I actively sought upon my return to Portland, would be irrevocably lost. I encourage the board and city to adopt a conservative, long term approach to growth rather than permitting high volume businesses highjack the character of a neighborhood. Though location is the mantra of real estate, safety is the mantra of parents. Please do the right thing on this matter. Lisa Flanagan 773-1691

Att. 5.2

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:40:48 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Nori Gale <gales@maine.rr.com> 10/25/2006 7:21:45 AM >>>
Dear Mr. Jaegerman:

My name is Nori Gale and I live at 34 Tremont Street in Portland.

I am writing in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones. The reason I support this amendment is because high traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods such as the neighborhood in which I live, Deering Center.

Thank you for your time and consideration.

Sincerely,
Nori Gale

AH. 5.3

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:43:16 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Melissa Pritchard <meliss@maine.rr.com> 10/24/2006 9:04:20 PM >>>
Dear Councilors Cohen and Leeman, and Planning Director Jaegerman:
I join members of the Deering Center Neighborhood Association and Deering
community in voicing my support of a proposed amendment (modification to B1
and B1b zones) that would limit the types of businesses that could operate
in Portland.

As you know, Deering has the highest concentration of schools, and therefore
school-children foot a traffic, of any neighborhood in the city. This
modification to business zoning would help keep our and other Portland
neighborhoods safer for families and children walking on our already busy
streets.

I hope you'll vote for this modification.

Thank you for your consideration,

Melissa Pritchard
130 Leland Street
Portland 04103

AH.5.4

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:43:46 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Jessica Kelly <jessicakelly@maine.rr.com> 10/24/2006 8:12:27 PM >>>
Hi Alex Jaegerman,

My name is Jessica Kelly. My husband Tom and I live at 32 Clinton St. with our two children (7 year old Will and 5 year old Margaret). My children and I walk from Clinton to Longfellow School everyday. This walk means we have to cross over Stevens Ave, and already busy street. I am emailing you in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones. I fear for my children's safety with high traffic volume businesses being allowed to open in Deering Center. These types of businesses will most definitely cause a public safety risk. Please keep our walking neighborhood and school zone (Deering High, Lincoln Middle School and Longfellow Elementary) safe!

I URGE YOU TO ADOPT THE PROPOSED ZONING AMENDMENT FOR B1 AND B1B ZONES IN PORTLAND.

Thank you for putting Portland's children first,

Jessica Kelly

Att. 5.5

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:44:18 PM
Subject: Fwd: Zoning Ammendment

>>> Jessica <screebatownsend@earthlink.net> 10/24/2006 6:17:24 PM >>>

My name is Jessica Townsend and I live at 153 Glenwood Avenue in Deering Center. I am writing to express my support of the proposed zoning amendment limiting high traffic businesses moving into Zones B1 and B1-A areas. The beauty of our neighborhood is that we can walk everywhere with a feeling of safety. I am the mother of two who is proud to be able to have my children attend Portland Public Schools and am lucky that my children can walk to their schools from our home. High traffic businesses belong in urban settings with greater commercial use, rather than residential areas such as ours where increased traffic will jeopardize the safety of our children and others. In an era where billions a week are being spent and thousands are dieing to win an Oil driven war in Iraq, I feel strongly that any way we can decrease our dependency on cars and use our own bodies for transportation is necessary. Thank you for the work that you do and for taking the time to read this letter. I can be reached at 774-1780, if you have any questions. In addition, please pass these thoughts along to the Board. Thank you in advance.

Sincerely,

Jessica Townsend

Att. 5.6

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:21:31 AM
Subject: Fwd:

>>> sarah compton <scompton@maine.rr.com> 10/25/2006 2:45:02 PM >>>
Dear Alex,

I am sending this e-mail in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones and that high traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods, because my two young sons and I walk in our neighborhood everyday, whether to go to school, the post office, and our local stores.

Please pass along my comments to the Planning Board.

Sincerely,

Sarah Compton
159 Glenwood Ave
Portland,04103

Att. 5.7

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:29:02 AM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> "Kelly Dufour" <KDufour@maine.rr.com> 10/25/2006 9:39:22 AM >>>
Alex Jaegerman,

As a Deering Center homeowner I would like to express my support in making our neighborhood a B1 and B1b zone. When my husband and I moved back to Maine, we chose Deering Center for its charm, character, and close-knit community. We love the convenience of living in a "walking neighborhood. "

It seems as though revising the neighborhood zoning ould help to maintain current traffic levels so as not to compromise our children 's ability to walk to school or get an ice cream in safety. We place a considerable amount of value on preserving and protecting our walking neighborhood . We hope that implementing family-friendly zoning restrictions will help our unique community remain intact.

Please forward our thoughts to the planning Board. Thank you for your time.

Peter and Kelly Dufour
86 Leland Street
Portland, ME 04103
899-2395

Att. 5.8

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:18:02 AM
Subject: Fwd: proposed amendment for the B1 and B - 1b zones

>>> <Letile@aol.com> 10/25/2006 5:29:35 PM >>>

Greetings,

I live in Deering, 2 minutes away from Deering center. I've heard there's discussion of what kind of business will take place where the old pizzeria was. I'm writing in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones.

High traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods. I moved from NYC to Portland so I can live in a neighborhood like Deering, it would be terrible if it was changed. My kids walk all around Deering Center, Longfellow school and Deering playground. If a large chain business takes over, it would transform the face of the neighborhood, now a lovely walking neighborhood. Please do support the proposed zoning amendment in B-1 and B-1b zones. Thanks in advance for your time and consideration,

Leticia Plate & Roy Germon
292 Stevens Avenue
Portland, ME 04103
207-774 1146
proposed amendment for the B1 and B - 1b zones

Leticia Plate
292 Stevens Avenue
Portland, ME 04103
207-774 1146

www.leticiaplate.com
www.snailmailproductions.etsy.com
www.maineillustratorscollective.org

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:20:56 AM
Subject: Fwd: Zoning Amendment for B1 and B1b

>>> Eric Sokol <eric@ww-architects.com> 10/25/2006 2:49:37 PM >>>
Hello Alex,

I am writing you to voice my support for the proposed zoning amendment (B-1, B-1b) that will be discussed at this Thursday's City Council Meeting. As a resident of Deering Center, I am very concerned about the impact that a high traffic volume business may have on the area. Presently, there are a handful of businesses in Deering Center that seem to be doing quite well, and rely quite a bit on foot traffic by neighborhood residents. I am concerned that a business which relies on and generates a good deal of car traffic will endanger the safety of the residents, children at the neighboring schools, and the spirit of the neighborhood.

When this discussion comes up on Thursday, I hope you will keep this in mind, and pass these comments on to the Planning Board.

Thanks for your time.

Eric Sokol
153 Glenwood Avenue
Portland, ME 04103
207/774-1780

AH 5.10

From: Liz McCabe Park <epark@bates.edu>
To: <AQJ@portlandmaine.gov>
Date: 10/26/2006 9:38:00 AM
Subject: Zoning in Deering Center

Hi Alex,

Would you be willing to share my comments with the Planning Board? Just wanted to weigh in on the zoning issue in Deering Center. Between the hours of 7:30 a.m.- 9:00 a.m. and 2:00 - 3:20 pm Deering Center is one big mass of teeming pedestrian youth. I know my own kids are not particularly good at paying attention while crossing streets, and lots of others are the same. I'm strongly in favor of B1 zoning for Deering Center, to keep businesses local, and keep traffic down. Thanks for your help with this.

-Liz

--

Liz McCabe Park,
166 Brentwood St.
Portland, ME 04103

AH 5.11

From: "Dutton, Scott (LNG-HBE)" <Scott.Dutton@lexisnexis.com>
To: <aqj@portlandmaine.gov>
Date: 10/26/2006 11:40:49 AM
Subject: FW: PROPOSED ZONING AMENDMENT FOR B1 and B1B ZONES IN PORTLAND

Alex,

It was suggested to me that I also forward my e-mail to you in hopes that my comments would also reach the Planning Board. Please read the below, and thanks for your time.

Scott Dutton

> _____
> **From:** Dutton, Scott (LNG-HBE)
> **Sent:** Tuesday, October 24, 2006 10:21 AM
> **To:** 'cl@portlandmaine.gov'; 'dcarr@portlandmaine.gov';
> 'wgorham@portlandmaine.gov'
> **Cc:** 'jcohen@portlandmaine.gov'; 'jcloutier@portlandmaine.gov';
> 'jduson@portlandmaine.gov'; 'kgeraghty@portlandmaine.gov';
> 'nmm@portlandmaine.gov'; 'esuslovic@portlandmaine.gov'
> **Subject:** PROPOSED ZONING AMENDMENT FOR B1 and B1B ZONES IN
> PORTLAND

> Councilors,
> My name is Scott Dutton, and I live at 178 Clinton St (first house in
> from Stevens). I am writing in support of the proposed zoning
> amendment to limit businesses with very high traffic volume in B-1 and
> B-1b zones.
> I have lived in Portland for 30 years, and there is not a neighborhood
> that is more walkable, and with strong desire to be so, than Deering
> Center. I work at home at 178 Clinton St and it is almost daily that I
> see or hear a pedestrian/traffic mishap. The (moderately marked)
> crosswalk that goes from the Quality Shop to Pat's is used all day
> long, and very heavily before and after school by both Longfellow and
> Lincoln students. It's been a somewhat dangerous situation for years,
> and I've seen many a close call (and one incident involving a child
> that luckily only resulted in broken bones). And in the winter with
> the snowbank/plowbank situation, it's flagrant really.
> I realize that businesses are going to be in Deering Center, and I
> make an effort to support (right now) all of them. I also choose and
> love to live here. I realize that litter, teenage drivers (I could
> tell you some stories), bad signage (unfortunately) and unhealthy food
> options are part of this neighborhood. But this traffic/pedestrian
> issue, which so highly involves children, is of the utmost concern to
> me - and should be to all of you. There should be no single factor of
> consideration on this topic that is of more importance to you.
> If you have the ability/power to make a change that would protect this
> situation from getting worse, it would defy reason that you would not
> do so. A high volume business, particularly those that bring traffic
> that would otherwise not have been commuting this way, to a space
> where there is no place to put them, and at a time when our children
> are walking to school right through that space (a DD, for example,
> would literally route a percentage of traffic from Forest Ave directly
> into this space while our children are walking to school), creates a
> public safety risk directly in the middle of 2 schools and a highly

AH 5.12

- > walked neighborhood.
- > I URGE YOU TO ADOPT THIS AMENDMENT
- > Thanks for your time and consideration,
- > Scott Dutton
- > 178 Clinton St.
- > Portland, Maine
- > 207 871-9849
- >

AH 5.13

From: "Barbie Weed" <barbieweed@hotmail.com>
To: <AQJ@portlandmaine.gov>, <jcohen@portlandmaine.gov>, <wgorham@portlandmaine.gov>, <kgeraghty@portlandmaine.gov>, <dcarr@portlandmaine.gov>, <cl@portlandmaine.gov>, <jduson@portlandmaine.gov>, <jcloutier@portlandmaine.gov>, <nmm@portlandmaine.gov>, <esuslovic@portlandmaine.gov>
Date: 11/6/2006 5:48:20 PM
Subject: please support proposed zoning change

Greetings,

I would like to urge you to approve the proposed change to the neighborhood zoning regulations to limit business that would have over 65 cars per hour during peak traffic. I live within 150 feet of Stevens Avenue in the heart of Deering Center. The neighborhood character and pedestrian safety depends on the passage of this change. This small stretch of Stevens Avenue is already thick with cars, trucks, and students. There is simply no room for additional traffic unless you deliberately direct it into the neighborhood. I already contend with 10-20 cars turning around in my driveway on a hot summer evening when people decide that they want to visit the local ice cream shop and that's just MY driveway. The addition of the ice cream business drastically lowered the pedestrian safety in this neighborhood and any other stop-n-go business in the block will make the street lethal. Individuals who are stopping at local business often don't realize how many pedestrians there are in this area, they are especially negligent with regard to the smallest pedestrians, and they rarely consider that there may be children/pets/vehicles in the adjacent driveways. Additionally, there is the question of delivery trucks needed for larger volume businesses. I invite you to sit on this street for a day. You will find delivery trucks parked in the neighborhood, engines running, cargo being dropped onto handcarts starting at 4AM, school buses sitting in idle while they wait for dismissal time, and continual traffic from vehicles that are visiting business or going to the church on the corner. The quality of life in the neighborhood has reduced drastically in the last couple of years and any measure that can be put in place to help slow that deterioration would be greatly appreciated.

Barbie Weed
26 Brentwood Street

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From: Lisa Flanagan <lflanag2@bowdoin.edu>
To: <aqj@portlandmaine.gov>
Date: 11/8/2006 1:43:30 PM
Subject: B 1b zoning

Lisa Flanagan
33 Brentwood Street
Portland, Maine 04103
207-773-1691

Dear Mr. Jaegerman,

As a resident of Brentwood Street just three houses from the corner with Stevens, I'm concerned that the character of Deering Center could alter dramatically. I knowingly bought a house in the area, for I wanted my children to have the opportunity to walk to school, patronize a Mom and Pop, and not be reliant on cars and a "soccer mom". The three are under the age of 8, and even now I am concerned about the traffic at the corner given the angle and visibility, the nature of Deering High drivers late for school, and the frequently poor plowing and sidewalk shoveling on the part of the Central Square Baptist church. If these conditions were compounded by a high traffic generating enterprise, the quality of life I actively sought upon my return to Portland, would be irrevocably lost. I encourage the board and city to adopt a conservative, long term approach to growth rather than permitting high volume businesses hijack the character of a neighborhood. Though location is the mantra of real estate, safety is the mantra of parents. Please do the right thing on this matter. Lisa Flanagan 773-1691

AH. 5.15

Just to let you know, as a Deering neighborhood resident and a parent of two girls, elementary & middle school aged, I support the amendment prohibiting high volume traffic businesses in our B-1 zone along Stevens Ave. I can't make the meeting tonight, but please keep our neighborhood safe for children & the elderly, and friendly to small businesses who don't require such a high volume of traffic for their livelihoods. Thank you.

*Kim Crabill
240 Pleasant Avenue
Portland, Maine*

Businesses in B1 and B2

ZONE	DISTRICT	CATEGORY	BUSINESS NAME	LOCATION
B1	CENTRAL BUSINESS	FOOD/GROCERY	PORTLAND SPICE & TRADING CO	34 VANNAH AVE
B1/B3	CENTRAL BUSINESS	DISTR SERVICE STATIONS, AUTO REPAIR	ALLIANCE ENERGY CORP	101 YORK ST
B1	CENTRAL BUSINESS	DISTR VIDEO SHOPS	TREASURE CHEST, THE	2 PINE ST
B1	DEERING-ROSEMONT	BAKERY	TONY'S DONUT SHOP	9 BOLTON ST
B1	DEERING-ROSEMONT	BEAUTY & BARBER	BERN SIDE & LILLEY	548 BRIGHTON AVE
B1	DEERING-ROSEMONT	BEAUTY & BARBER	HAIR GALLERY	459 STEVENS AVE
B1	DEERING-ROSEMONT	CLOTHING	A SPECIAL PLACE	1189 CONGRESS ST
B1	DEERING-ROSEMONT	COMMUNICATIONS	OP CENTER	570 BRIGHTON AVE
B1	DEERING-ROSEMONT	CONSTRUCTION/BUILDERS	GERMANI CONSTRUCTION	498 WOODFORD ST
B1	DEERING-ROSEMONT	CONSULTANTS	ENTERPRISE RESOURCES	570 BRIGHTON AVE
B1	DEERING-ROSEMONT	DRUGS	ROSEMONT PHARMACY	580 BRIGHTON AVE
B1	DEERING-ROSEMONT	FLORIST	ROSEMONT FLORAL	570 BRIGHTON AVE
B1	DEERING-ROSEMONT	FOOD & GROCERY	ROSEMONT MARKET & BAKERY	559 BRIGHTON AVE
B1	DEERING-ROSEMONT	FOOD SERVICE	DUNKIN DONUTS	1199 CONGRESS ST
B1B	DEERING-ROSEMONT	FOOD SERVICE	SUPER SCOOPS ICE CREAM	482 STEVENS AVE
B1	DEERING-ROSEMONT	FOOD SERVICE (RESTAURANT)	BUFFALO WINGS-N-THINGS	1199 CONGRESS ST
B1	DEERING-ROSEMONT	FOOD SERVICE (RESTAURANTS)	RACHEL'S	496 WOODFORD ST
B1B	DEERING-ROSEMONT	GENERAL SERVICE	ROY'S SHOE SHOP INC	500 STEVENS AVE
B1	DEERING-ROSEMONT	GENERAL SERVICE	BEACON MORTGAGE	500 WOODFORD ST
B1	DEERING-ROSEMONT	GROCERY	CUMBERLAND FARMS INC # 5613	512 WOODFORD ST
B1B	DEERING-ROSEMONT	GROCERY	PAT'S MEAT MARKET INC	484 STEVENS AVE
B1	DEERING-ROSEMONT	HOBBY/CRAFT SHOP	DON'S SPORTS CARD CENTER	578 BRIGHTON AVE
B1	DEERING-ROSEMONT	INSURANCE/ADJUSTMENT	MARSH INSURANCE AGENCY	560 BRIGHTON AVE
B1	DEERING-ROSEMONT	MARKETING	MARKET DYNAMICS LLC	498 WOODFORD ST
B1	DEERING-ROSEMONT	MEDICAL - PSYCHOTHERAPIST	BULLEY SARAH	498 WOODFORD ST
B1	DEERING-ROSEMONT	REAL ESTATE	HARBOR CITY REALTY	502 WOODFORD ST
B1	DEERING-ROSEMONT	REAL ESTATE BROKERAGE (SALE PORTLAND BOARD OF REALTORS	CONGRESS ST CLIPPER MART	558 BRIGHTON AVE
B1	DEERING-ROSEMONT	SECURITY SYS & GUARD SVC	SEWING SHOP THE	1199 CONGRESS ST
B1	DEERING-ROSEMONT	SERVICE GENERAL	GETTY PETROLEUM MKTG INC	461 STEVENS AVE
B1	DEERING-ROSEMONT	SERVICE STATIONS, AUTO REPAIR	JOHNSON'S SPORTING GOODS	1217 CONGRESS ST
B1	DEERING-ROSEMONT	SPORTING GOODS	QUALITY SHOP	1183 CONGRESS ST
B1	DEERING-ROSEMONT	VARIETY STORES	ANANIA'S VARIETY	473 STEVENS AVE
B1	DEERING-ROSEMONT	VARIETY STORES	JET VIDEO	1227 CONGRESS ST
B1	DEERING-ROSEMONT	VIDEO SHOP	PORTLAND HAIR CO	199 PLEASANT AVE
B1	EAST DEERING	BEAUTY & BARBER	BETTY MCKEOWN'S PROF CUTS	804 WASHINGTON AVE
B1	EAST DEERING	BEAUTY & BARBER	MAINE SMOKE SHOP	567 OCEAN AVE
B1	EAST DEERING	DISCOUNT STORE	ALLIED ENGINEERING	804 WASHINGTON AVE
B1	EAST DEERING	ENGINEERING	PIZZA BY ANGELONE	160 VERANDA ST
B1	EAST DEERING	FOOD SERVICE (RESTAURANTS)		788 WASHINGTON AVE

Businesses in B1 and B2

B1	EAST DEERING	FOOD SERVICE (RESTAURANTS)	PIZZA TIME	42 VERANDA ST
B1	EAST DEERING	GROCERY	CUMBERLAND FARMS INC#5604	801 WASHINGTON AVE
B1	EAST DEERING	VARIETY STORES	QUATTRUCCI'S VARIETY	164 VERANDA ST
B1	EAST END	ATTORNEY/LEGAL	CHESTER & VESTAL PA	107 CONGRESS ST
B1	EAST END	BARNS/TAVERNS	AWFUL ANNIE'S IRISH SALOON	189 CONGRESS ST
B1	EAST END	CONSULTANTS	THERIAULT/LANDMANN ASSOC	118 CONGRESS ST
B1/R6	EAST END	DRY CLEANING (SEE LAUND ALSC	LILIANA'S LAUNDROMAT	111 CONGRESS ST
B1	EAST END	FOOD SERVICE	HILLTOP COFFEE SHOP	99 CONGRESS ST
B1	EAST END	FOOD SERVICE (RESTAURANTS)	100 CONGRESS	100 CONGRESS ST
B1	EAST END	GENERAL SERVICE	BLUE SPOON	89 CONGRESS ST
B1	EAST END	GROCERY	COLUCCI'S HILLTOP MARKET	135 CONGRESS ST
B1	EAST END	HEATING, OIL, COAL ETC	BREGGY OIL CO	84 CONGRESS ST
B1	EAST END	PRINTING/BINDING	COASTAL ATHLETICS INC	4 COVE ST
B1/R6	EAST END	TAILOR & SHOE REPAIR	DONATELLI TAILOR SHOP	109 CONGRESS ST
B1	NASONS CORNER	BEAUTY & BARBER	MICHELLE'S	893 BRIGHTON AVE
B1	NASONS CORNER	BEAUTY & BARBER	JERRY'S BARBER SHOP	897 BRIGHTON AVE
B1	NASONS CORNER	COMMUNICATIONS	CINGULAR WIRELESS LLC	885 BRIGHTON AVE
B1	NASONS CORNER	DRUG STORE	RITE AID CORP #1218	936 BRIGHTON AVE
B1	NASONS CORNER	DRY CLEANERS	PORTLAND DRY CLEANERS	897 BRIGHTON AVE
B1	NASONS CORNER	DRY CLEANING (SEE LAUND ALSC	ACCENT DRY CLEANERS #1	952 BRIGHTON AVE
B1	NASONS CORNER	GENERAL SERVICE	JAMES D NADEAU, LLC	918 BRIGHTON AVE
B1	NASONS CORNER	MEDICAL	RUSSETT-COLLETT SUSAN DDS	888 BRIGHTON AVE
B1	NASONS CORNER	MEDICAL	ADULT & PEDIATRIC ORTHODONTIC	888 BRIGHTON AVE
B1	NASONS CORNER	MORTGAGE SERVICES	PEAR CAPITAL	918 BRIGHTON AVE
B1	NASONS CORNER	NAIL SALON	CJ'S NAILS	897 BRIGHTON AVE
B1	NASONS CORNER	PROPERTY MANAGEMENT	LAND & BUILDINGS, LLC	918 BRIGHTON AVE
B1	NASONS CORNER	VARIETY STORES	XTRA MART	865 BRIGHTON AVE
B1/R3	NORTH DEERING	BANKING & CREDIT UNIONS	AEGIS MORTGAGE CORP	94 AUBURN ST
B1/R3	NORTH DEERING	BEAUTY & BARBER	TOWN & COUNTRY HAIR	94 AUBURN ST
B1	NORTH DEERING	BICYCLES	ALL SPEED BICYCLES	1041 WASHINGTON AVI
B1/R3	NORTH DEERING	BOOKKEEPING SERVICE	BALLEW BOOKKEEPING SERVICE	94 AUBURN ST
B1	NORTH DEERING	FOOD SERVICE (RESTAURANTS)	LIB'S DAIRY TREATS	32 AUBURN ST
B1/R3	NORTH DEERING	GENERAL SERVICE	PRIMARY STEEL LLC	94 AUBURN ST
B1	NORTH DEERING	GENERAL SERVICE	TOUCH OF STYLE	1029 WASHINGTON AVI
B1/R3	NORTH DEERING	HEALTH CLUB/TANNING	SERIOUS SUN	94 AUBURN ST
B1/R3	NORTH DEERING	INSURANCE/ADJUSTMENT	STATE FARM INSURANCE	94 AUBURN ST
B1/R3	NORTH DEERING	LESSOR	FIRST FEDERAL LEASING	94 AUBURN ST
B1	NORTH DEERING	MEDICAL	NORTH DEERING VET	456 AUBURN ST
B1/R3	NORTH DEERING	MEDICAL	PORT CITY PHYS THERAPY #102	94 AUBURN ST
B1/R3	NORTH DEERING	MEDICAL	DEUTSCH CHIROPRACTIC	94 AUBURN ST

Businesses in B1 and B2

B1	NORTH DEERING	REAL ESTATE BROKERAGE	CENTURY 21 FIRST CHOICE REALTY	72 AUBURN ST
B1	NORTH DEERING	SERVICE STATIONS, AUTO REPAIR	ALLIANCE ENERGY CORP	84 AUBURN ST
B1/R3	NORTH DEERING	UNION OFFICES	BAKERS UNION LOCAL 334	94 AUBURN ST
B1/R5	OAKDALE	GROCERY	VIENTIANE MARKET	157 NOYES ST
B1	OAKDALE	VARIETY STORES	PUNKYS	186 BRIGHTON AVE
B1	OAKDALE	VARIETY STORES	7-ELEVEN STORE #32537	170 BRIGHTON AVE
B1	RIVERTON	INSURANCE/ADJUSTMENT	DELANO ASSOCIATES INC	4 NEWTON ST
B1	RIVERTON	SERVICE STATIONS, AUTO REPAIR	BROWN C N CO	1585 FOREST AVE
B1	RIVERTON	VARIETY STORES	MORANS MARKET INC	1576 FOREST AVE
B1	WEST END	BARs/TAVERNS	POPEYE'S ICE HOUSE	231 YORK ST
B1	WEST END	BARs/TAVERNS	BLACKSTONE'S	6 PINE ST
B1	WEST END	CRAFT SHOP	PINE STREET STUDIOS	41 PINE ST
B1/B3	WEST END	FOOD SERVICE	HARBOR VIEW PIZZA & SUBS	101 YORK ST
B1	WEST END	FOOD SERVICE (RESTAURANTS)	SUPREME PIZZA	46 PINE ST
B1	WEST END	GENERAL SERVICE	GROVE FAMILY LLC, THE	72 PINE ST
B1	WEST END	GROCERY	CUMBERLAND FARMS INC # 5575	49 PINE ST
B1/R6	WEST END	HOBBY/CRAFT SHOPS	FRAME SHOP THE	184 STATE ST
B1	WEST END	HOTEL, MOTEL	PERCY INN THE	15 PINE ST
B1	WEST END	INTERIOR DECORATORS	HOUGHTON JOHN R	565 CONGRESS ST
B1	WEST END	LAUNDRY (COIN-OP)	WASHBOARD LAUNDRY	207 DANFORTH ST
B1	WEST END	LAUNDRY (COIN-OP)	SOAP BUBBLE LAUNDROMAT INC	68 PINE ST
B1/R6	WEST END	RESTAURANT	CAIOLA'S CAFE	58 PINE ST
B1	WEST END	VARIETY STORES	VESPUCCI'S	211 DANFORTH ST
B1/R6	WEST END	VARIETY STORES	AURORA PROVISIONS	65 PINE ST
B1	WOODFORDS	BEAUTY & BARBER	M'LADY'S BEAUTY SALON	38 VANNAH AVE
B1	WOODFORDS	BEAUTY & BARBER	CUSTOM CUT	47 OCEAN AVE
B1/R3	WOODFORDS	BUILDERS/CONSTRUCTION	SEWALL ASSOC	23 OCEAN AVE
B1/R3	WOODFORDS	GENERAL SERVICE	ANITA FOURNIER CCE	23 OCEAN AVE
B1/R3	WOODFORDS	GENERAL SERVICE	SIEGEL JILL L	23 OCEAN AVE
B1/R3	WOODFORDS	MEDICAL	LEBEL-CURRAN JANA	23 OCEAN AVE
B1	WOODFORDS	MORTGAGE SERVICES	LENDER'S NETWORK	28 VANNAH AVE

Total Businesses: 111

12-4-06

BI

SC. Begun in relation to a problem

Substitute ~~over~~ order #2

Chris Ouel: opponent, representative w/ 1/20 value
on 33 bridges allowed (not correct -
up to 100 under amended west-wire)

Wish?
: would encourage larger stores
: Resident of Peering Center, ~~having~~ ~~Barney~~
on Peering center - protect sense of place
- need to retain - safety & integrity
no studies on lower Brentwood

Kathy Smith: Opponent to DD - City neighborhood
traffic is a legitimate
trash Bin problem, city limits, snowing
and food - obesity & diabetes

Dorcas Kemper: ~~Opponent~~ Support Bill.

loyalists principle. Safety issue on morning
traffic & safety.

Zoe Bourgeois: Owner of Biddy - used as well

Barnwood ~~look~~: Barn side train. Message - "Drive
from Stevens Ave, just don't stop". Don't
Target DD. Peering Center has been a
business site for years

Mark Sander: 25 Brentwood St. Taxes high, but
traffic schools, 100 school kids w/cars - don't
need more traffic

David Sabadon: City Council - surprising - 1980

Working waterfront killed restaurants allowed

targeting small businesses - unless
you want to reduce taxes

Paul Overik, ^{Lava} Angelonia's - owner of Angelonia's Pizza

Many meetings, not enough notice
Complex long process - don't seem to
get real input - can't really
move around

Janet Tibbitt: won't resist me, why not
Hair dresser - ~~no~~ no input

Tony Donovan: will create non conforming
business - will not solve traffic problems

Stacy Schenk: about DD - not fair

no notice for text changes

? : City needs to create more businesses -
will cut. Traffic on Woodford is incredible
What is the Peak Hour?

Phil?

Concern for small business

<u>Donovan</u>	1.5/1000	office
	.5/1000	shopper center
	35/1000	convenience store
	53/1000	fast food

+13 trips per hr/gas

Sustainable

Target 50/1000

Steven Am 900 Peak
Per 1000 "

Mer Basel 90 but trips

0% ~~on~~ on
traffic on
Stevens Ave

NICHOLAS M. MAVODONES, JR. MAYOR (A/L)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)

JAMES I. COHEN (5)
JAMES F. CLOUTIER (A/L)
JILL C. DUSON A/L)
EDWARD J. SUSLOVIC (A/L)

AGENDA
SPECIAL CITY COUNCIL MEETING
EVENING SESSION
DECEMBER 4, 2006

The Portland City Council will hold a Special City Council Meeting at 7:00 p.m. in the City Council Chambers, City Hall. The Honorable Nicholas M. Mavodones, Jr., Mayor, will preside.

PLEDGE OF ALLEGIANCE:

ROLL CALL:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

(Tab 1) Special City Council Meeting November 20, 2006
Regular City Council Meeting November 20, 2006

ANNOUNCEMENTS:

RECOGNITIONS:

PROCLAMATIONS:

Neighborhood Spirit Day

APPOINTMENTS:

Order 110-06/07 Order Appointing City Clerk as Registrar of Voters – Sponsored by
(Tab 2) Mayor Nicholas M. Mavodones, Jr., Mayor.

This order reappoints the City Clerk as Registrar of Voters for a term to end December 31, 2008. Most municipal clerks in the state are also Registrars. This provides continuity for the position and means that the Office of Voter Registration is open the same hours as the City Clerk's office.

Five affirmative votes are required for passage after public comment.

Five affirmative votes are required for passage after public comment.

**Order 114-06/07
(Tab 6)**

Order Granting Municipal Officer’s Approval of Caribbean Associates, Inc., d/b/a Cake Restaurant, 50 Wharf Street. Application for Class XI Restaurant/Lounge and Entertainment With Dance License. Outside Seating. New City and State License – Sponsored by Linda C. Cohen, City Clerk.

New application for Class XI Restaurant/Lounge and Entertainment with Dance License. Outside seating on back patio. Former location of Right Proper Charlies. Date final application filed: 11/16/2006.

Five affirmative votes are required for passage after public comment.

BUDGET ITEMS:

COMMUNICATIONS:

RESOLUTIONS:

UNFINISHED BUSINESS:

Table to table on agenda

**Order 74-06/07
(Tab 7)**

Amendment to City Code Chapter 14, Article III. Zoning. Division 12.6 B-1, B-1b Neighborhood Business Zone: §§14-162, 163 – Sponsored by Councilor James I. Cohen.

This proposed amendment to the B-1, B-1b neighborhood business zones seeks to better implement the promotion of pedestrian friendly businesses suitable to surrounding residential neighborhoods by limiting the business uses to those which do not generate relatively large volumes of traffic. The purpose of the existing zones is to promote and protect businesses serving the local neighborhood.

This item must be read on two separate days. It was given a first reading on October 16th and was forwarded to the Planning Board for review and comment. The Planning Board met on November 14th and voted 4-2 against recommending passage. At the November 21st Council meeting this item was postponed to this meeting. Public comment has been taken. Five affirmative votes are required for passage.

**Order 98-06/07
(Tab 8)**

Best

Amendment to Portland City Code Chapter 14, (Land Use), Article III (Zoning) Re: Incentives for Affordable Housing (“Inclusionary Zoning”) - Sponsored by the Housing Committee, Former Councilor Karen A. Geraghty, Chair.

Inclusionary Zoning can be defined as a practice through which a community either mandates that all new residential developments offer a

Merrill Rehearsal Hall. After extensive discussion, the participants settled on several key action steps for Portland's Creative Economy, and Mayor Cohen indicated that a steering committee would be established to advise the City Council on how to move forward. For the following months the Mayor met with a nominating committee comprised of summit participants to evaluate nominations for the Steering Committee, and this agenda item contains a list of members arising from that nomination committee process. In addition in early November, the final report from the Summit became available to the public. The Creative Economy Steering Committee is tasked with moving Portland's creative economy forward to the next level.

At the November 20th Council meeting this item was postponed to this meeting.

Five affirmative votes are required for passage after public comment.

PUBLIC HEARINGS:

ORDERS:

**Order 115-06/07
(Tab 10)**

Order Accepting 2006 Annual Report of the Portland Public Art Committee – Sponsored by Former Councilor Karen A. Geraghty and Alice Spencer, Chair of the Portland Public Art Committee.

The Portland Public Art Ordinance requires the Portland Public Art Committee to make an annual report to the City Council to present an Annual Public Art Plan for the Council's consideration.

The 2006 Annual Public Art Plan makes recommendations to the Council on the dedication of annual percent-for-art allotment.

The Public Art Ordinance provides that ½ of 1% of the CIP be allotted for public art. For FY 2006, \$49,431 has been set aside for public art. The 2006 Annual Public Art Plan recommends money for new commissions, restoration of existing public art, funding for community-based art works, and permanent signage for the city's public art collection.

By accepting the report, the Council is also approving the financial allocation recommended by the committee.

Five affirmative votes are required for passage after public comment.

AMENDMENTS:

LICENSE RENEWALS:

SUBSTITUTE ORDER #2
ORDER 74-06/07

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)

AMENDMENT TO CITY CODE
CHAPTER 14, ARTICLE III. ZONING. DIVISION 12.6
B-1, B-1b NEIGHBORHOOD BUSINESS ZONE:
§§14-162, 163

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

1. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Permitted Uses), Section 14-162 is hereby amended to read as follows:

Sec. 14-162. Permitted uses.

- (a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

...

- (2) Business: Business uses listed below are permitted, provided that such use which generates in excess of a ratio of 100 peak hour total- vehicle trips per 2000 s.f. of space, and generates in excess of 65100 peak hour vehicle trips [entering and exiting] per am or pm peak hour, is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 -new-peak hour vehicle trips .

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of a ratio of 100 peak hour total-vehicle trips per 2000 s.f. of space, and generates in excess of 100 peak hour vehicle trips [entering and exiting] per am or pm peak hour, is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour new-vehicle trips.

- (a) Restaurants, provided they meet the following requirements:

1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

Attachments

Trip Generation

Conditional Use Appeal with picture

Trip Generations According to the ITE

1. 64 Pine Street Convenience Store (Aurora) 4199 sf (specialty retail) **35 trips**
2. 49 Pine Street Convenience Store (Cumb Farms) 1344 sf **47 trips**
3. 72 Pine Street Office 733 sf **2 trips**
4. 101 Congress Street Mixed Res/Com 7914 sf (office =1114 sf) **13 trips**
(sales = 115 sf)
5. 195 Congress Street Office 683 sf **4 trips**
6. 118 Congress Street Office 2400 sf **4 trips**
7. 559 Brighton Ave Mixed Res/Com (Rosemont Market) 1920 s.f. **66 trips**
8. 578 Brighton Ave Retail (Don's Baseball cards) 2975 sf **8 trips**
9. 580 Brighton Ave Retail (Rosemont Pharmacy) 3648 sf **31 trips**
10. 888 Brighton Ave Office 4319 sf **7 trips**
11. 899 Brighton Ave Retail 11980 sf **33 trips**
12. 788 Washington Ave Retail (Angelone Pizza) 1363 sf **15 trips**
13. 1039 Washington Ave Office/retail (3277 = Office
764 = retail
5041 = support area **24 trips**
1000 = storage)
14. 223 Congress Street Res/Com (1518 = Tavern/bar **20 trips**
1542 Res)
15. 1576 Forest Ave Mixed Res/Com (Moran's Market) (3920 = retail) **136 trips**
16. 82 Ocean Ave Retail (Dairy Jam) 2720 sf **30 trips**
17. 46 Veranda Street (Pizza Time) 601 sf **7 trips**



Conditional Use Application

Department of Planning and Development
Portland Planning Board

1. Applicant Information:

Stevens Avenue Donuts, LLC
Name

1000 Osgood Street, Suite B
Address

North Andover, MA 01845

617-312-0127 978-682-2747
Phone Fax

2. Subject Property:

476 Stevens Avenue
Address

Portland, ME

135-E-12
Assessor's Reference (Chart-Block-Lot)

3. Property Owner: Applicant Other

Rock Properties
Name

45 Wordsworth Street
Address

Portland, ME 04103

207-632-5622 N/A
Phone Fax

4. Current Zoning Designation(s):

B-1

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

Building lease (Lease Agreement attached)

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.)

6. 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.)

7. Existing Use:

Describe the existing use of the subject property: Restaurant (currently vacant)

8. Type of Conditional Use Proposed:

Continued use as a restaurant (proposed Dunkin Donuts) pursuant to the provisions of section 14-163 of the City of Portland Land Use Code.

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. **Conditional Use Authorized by:** Section 14- 163 (1)

11. **Standards - Criteria for Conditional Use Appeal**

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

- a. There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- b. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area;
- c. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

*high traffic
no parking*

12. **Application Fee:** A fee for 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 Workshop and Public Hearing notices as required for this application. Such amount will be billed to the applicant following the appearance of the advertisement.


 X Fee for Service Deposit (\$200.00)
(Required for all applications in addition to the applicable application fee listed below)

<u> X </u> Conditional Use	\$100.00
Legal Advertisements	percent of total bill
Notices (workshop and public hearing)	.55 cents each

NOTE: Legal notices placed in the newspaper for the public hearing meeting are required by State Statute and local ordinance. The cost of any and all Newspaper advertisements, legal advertisements and Planning Board notices will be billed directly to the applicant.

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

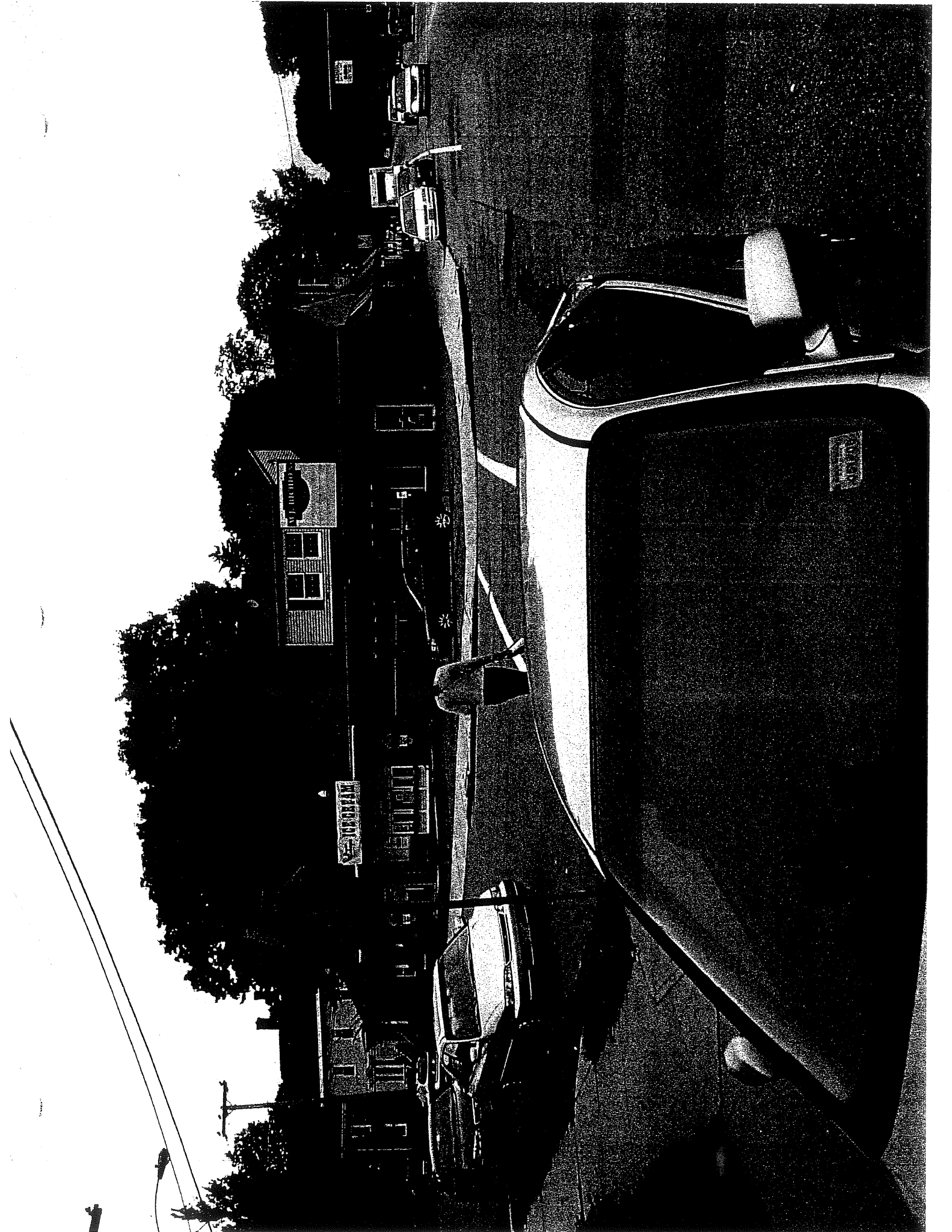
10/25/06
Date of Filing


Signature of Applicant

Further Information: Please contact the Planning Division for further information regarding the conditional use process. Applicants are encouraged to make an appointment to discuss their conditional use before filing the application.

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

Portland Planning Board, Portland, Maine- Effective: July 6, 1998



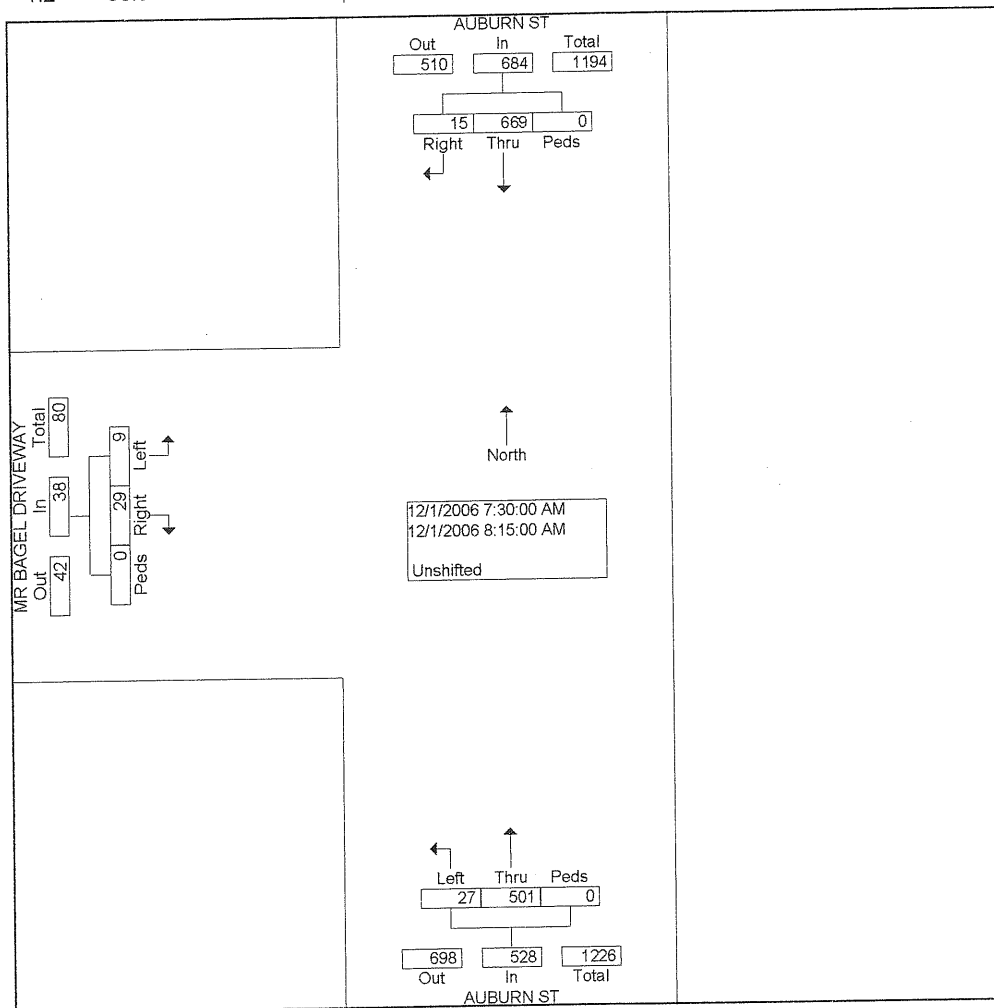
TRAFFIC SECTION
65 HANOVER STREET
PORTLAND, MAINE 04101

RAINY
 N & S = Auburn St
 W = Mr. Bagel Driveway
 1 Hour AM Turning Movement

File Name : untitled1
 Site Code : 00120106
 Start Date : 12/01/2006
 Page No : 1

Groups Printed- Unshifted

Start Time	AUBURN ST From North				AUBURN ST From South				MR BAGEL DRIVEWAY From West				Int. Total
	Right	Thru	Left	Peds	Right	Thru	Left	Peds	Right	Thru	Left	Peds	
Factor	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
07:30 AM	6	175	0	0	0	106	5	0	6	0	2	0	300
07:45 AM	4	197	0	0	0	156	7	0	12	0	1	0	377
Total	10	372	0	0	0	262	12	0	18	0	3	0	677
08:00 AM	2	151	0	0	0	142	10	0	5	0	2	0	312
08:15 AM	3	146	0	0	0	97	5	0	6	0	4	0	261
Grand Total	15	669	0	0	0	501	27	0	29	0	9	0	1250
Apprch %	2.2	97.8	0.0	0.0	0.0	94.9	5.1	0.0	76.3	0.0	23.7	0.0	
Total %	1.2	53.5	0.0	0.0	0.0	40.1	2.2	0.0	2.3	0.0	0.7	0.0	



create file
B-1 Amendment

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEMMAN (4)

AMENDMENT TO CITY CODE
CHAPTER 14, ARTICLE III. ZONING. DIVISION 12.6
B-1, B-1b NEIGHBORHOOD BUSINESS ZONE:
§§14-162, 163

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

1. That Chapter 14 (Land Use), Art. III (Zoning),
Division 12.6 (B-1, B-1b, Permitted Uses), Section 14-
162 is hereby amended to read as follows:

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

...

(2) *Business:* Business uses listed below are permitted, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 ~~new~~ vehicle trips.

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.

- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips:

- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 - 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;

3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

Jim:

I discussed the Willard Beach zoning with the planner from South Portland. (I guess Alex did too, although Alex never communicated that to me). There is nothing in South Portland's zoning ordinance which regulates the amount of traffic which a business is permitted to generate in any particular zone. There is, however, a site plan "standard" addressing traffic when there is a change of use. Section 27-488 of the "Village Commercial District" brings such uses within site plan review and states in part: "The impacts to be considered include, but are not limited to, increases in: traffic generation; parking area; utilization of City services; ... In determining the relative degree of impact of a proposed use, the comparison shall be to either (i) the most recent lawful use of the building or (ii) any lawful use of the building within the last 2 years (but, in the latter case, only if such use was evidenced by a certificate of occupancy on file in the Code Enforcement Officer's office), whether such use was as a permitted use, special exception use or a conforming use."

Unfortunately, Tom Errico is attending a Town of Scarborough meeting tonight and cannot make the Council meeting. In order to answer the question, where the number "65" (in the proposed B-1 text) came from, a general review of the existing businesses in the B-1 zones, with size and use, was conducted. In addition, a review of the MDOT traffic study, (specific to Dunkin' Donuts) was reviewed.¹ A recommended number of 65 seemed like it would allow for some growth of business in these zones while prohibiting those businesses which would generate large amounts of traffic. It was thought that such a number would essentially preserve the status quo in these small pockets of the City, thereby preserving the special character of these zone, while allowing some growth.

Below is a general traffic count per existing businesses in the B-1. As you can see the numbers vary depending on the size of the space and the use. The trips were taken from the ITE manual used by traffic engineers.

1. 64 Pine Street Convenience Store (Aurora) 4199 sf **145 trips**
2. 49 Pine Street Convenience Store (Cumb Farms) 1344 sf **47 trips**
3. 72 Pine Street Office 733 sf **2 trips**
4. 101 Congress Street Mixed Res/Com 7914 sf (office =1114 sf) **13 trips**
(sales = 115 sf)
5. 195 Congress Street Office 683 sf **4 trips**
6. 118 Congress Street Office 2400 sf **4 trips**
7. 559 Brighton Ave Mixed Res/Com (Rosemont Market) 5404 sf (1920
= retail) ~~187 trips~~ **60-70**
8. 578 Brighton Ave Retail (Don's Baseball cards) 2975 sf **8 trips**
9. 580 Brighton Ave Retail (Rosemont Pharmacy) 3648 sf **31 trips**
10. 888 Brighton Ave Office 4319 sf **7 trips**

¹ This study was provided to the state on behalf of Dunkin Donuts (Gorrill Palmer). It was generated because Dunkin' Donuts felt MDOT was being too severe in its traffic counts for Dunkin Donuts on a state wide basis. The numbers indicate only 15% of DD traffic is "new" and that all other customer counts are pass-by traffic. Tom Errico thinks this 15% number is suspect.

- 11. 899 Brighton Ave Retail 11980 sf **33 trips**
- 12. 788 Washington Ave Retail (Angelone Pizza) 1363 sf **15 trips**
- 13. 1039 Washington Ave Office/retail (3277 = Office
 764 = retail
 5041 = support area **24 trips**
 1000 = storage)
- 14. 223 Congress Street Res/Com (1518 = Tavern/bar **20 trips**
 1542 Res)
- 15. 1576 Forest Ave Mixed Res/Com (Moran's Market) (3920 = retail) **136 trips**
- 16. 82 Ocean Ave Retail (Dairy Jam) 2720 sf **30 trips**
- 17. 46 Veranda Street (Pizza Time) 601 sf **7 trips**

Trips/foot

These counts are the trips generated by the businesses, in total (including any pass-bys they may entice, and are not just “new” trips.

You will note the larger s.f. businesses are the market –type businesses, i.e. Aurora in the West End, Rosemont Market at Rosemont Corner, Moran’s Market etc. , generally which provide neighborhood services. These are an anomaly vis a vis this proposed zoning.

Finally, the Comprehensive Plan does promote the limitation of traffic generating uses within these small neighborhood zones as more particularly set forth in Bill Needelman’s memo to the Council.

$$\frac{136 \text{ T}}{3920 \text{ F}} = \frac{65 \text{ T} (3920 \text{ F})}{1873}$$

create file
B-1 Amendment

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

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3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number 1 of 1
Parcel ID 056 C002001
Location 64 PINE ST
Land Use RETAIL & PERSONAL SERVICE

Owner Address PRINCESS K LLC
 64 PINE ST
 PORTLAND ME 04102

Book/Page 16607/144
Legal 56-C-2-4
 PINE ST 58-64
 9732 SF

Current Assessed Valuation

Land	Building	Total
\$154,700	\$288,700	\$443,400

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1950	1	4199	1

Total Acres	Total Buildings Sq. Ft.	Structure Type	Building Name
0.223	4199	CONVENIENCE STORE	AURORA PROVISIONS

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	1584	SUPPORT AREA
1	01/01	2615	CONVENIENCE STORE

Height	Walls	Heating	A/C
7		NONE	UNIT
12	CONC. BLOCK	HOT AIR	UNIT
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
2	COOLER CHILLER	1
2	CANOPY - ONLY	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1974	ASPHALT PARKING	5000	1

Sales Information

<u>Date</u>	<u>Type</u>	<u>Price</u>	<u>Book/Page</u>
08/07/2001	LAND + BLDING	\$300,000	16607-144
12/01/1996	LAND + BLDING	\$200,000	12882-114
09/01/1995	LAND + BLDING	\$150,000	12098-330

Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

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Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed.](#)

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number	1 of 1
Parcel ID	055 B043001
Location	49 PINE ST
Land Use	RETAIL & PERSONAL SERVICE
 Owner Address	 V S H REALTY INC 777 DEDHAM ST # V0546 CANTON MA 02021
 Book/Page	 55-B-43 PINE ST 45-51 & BRACKETT ST 204-208 9602 SF
Legal	

Current Assessed Valuation

Land	Building	Total
\$192,000	\$101,000	\$293,000

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1962	1	1344	1
 Total Acres	 Total Buildings Sq. Ft.	 Structure Type	 Building Name	
0.22	1344	CONVENIENCE STORE	CUMBERLAND FARMS	

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	1344	CONVENIENCE STORE

Height	Walls	Heating	A/C
15	CONC. BLOCK	HOT AIR	CENTRAL
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
1	COOLER CHILLER	1
1	CANOPY - ROOF/SLAB	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1981	ASPHALT PARKING	4000	1
1965	FENCE CHAIN	760	1

1981	CANOPY GD	600	1
1981	SPRINKLER DRY	600	1
1981	PAVING CONC AVG	4000	1
1991	SHED FRAME	5	1

Sales Information

Date	Type	Price	Book/Page
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Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number	1 of 1
Parcel ID	056 B002016
Location	72 PINE ST
Land Use	COMMERCIAL CONDOS
Owner Address	GROVE FAMILY LLC 30 CRESTWOOD DR CUMBERLAND ME 04021
Book/Page	18176/219
Legal	56-B-2 PINE ST 72-78 CLARK ST 186-194 UNIT #16 ANDREWS SQUARE CONDO

Current Assessed Valuation

Land	Building	Total
\$10,000	\$88,700	\$98,700

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1918	1	733	1
Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0	733		OFFICE BUILDING - LOW-RISE	GROVE ASSOCIATES

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	733	OFFICE BUILDING

Height	Walls	Heating	A/C
10	BRICK/STONE	HOT AIR	UNIT
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
1	SPRINKLER - WET	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
-------------------	-----------------------	--------------------------	----------------

Sales Information

<u>Date</u>	<u>Type</u>	<u>Price</u>	<u>Book/Page</u>
10/01/2002	LAND + BLDING	\$109,000	18176-219
02/01/1993	LAND + BLDING		10554-193

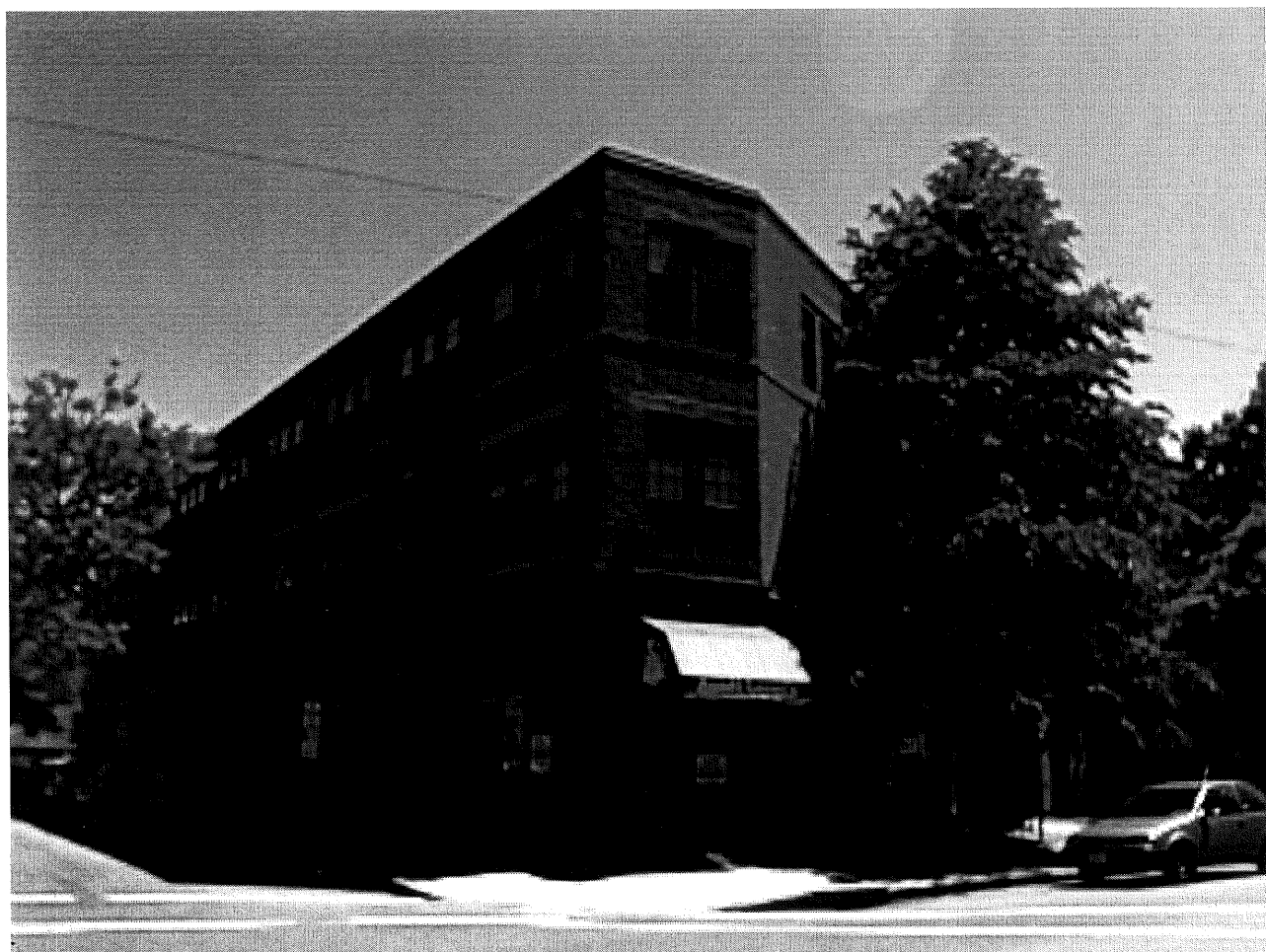
Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

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[New Search!](#)



This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number 1 of 1
Parcel ID 014 D014001
Location 101 CONGRESS ST
Land Use RETAIL & PERSONAL SERVICE

Owner Address CHESTER EDWIN P & BARBARA A VESTAL
 107 CONGRESS ST
 PORTLAND ME 04101

Book/Page 21076/282
Legal 14-D-14
 CONGRESS ST 101-103
 LAFAYETTE ST 1-3
 2500 SF

Current Assessed Valuation

Land	Building	Total
\$85,800	\$288,700	\$374,500

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1910	1	7914	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.057	7914		MIXED RES/COMM	CHESTER & JESTAL

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	2180	UNFINISHED RES BSMT
1	01/01	1114	MULTI-USE OFFICE
1	02/02	2277	APARTMENT
1	03/03	2228	APARTMENT
1	01/01	115	MULTI-USE SALES

Height	Walls	Heating	A/C
9		HW/STEAM	NONE
9	FRAME	HW/STEAM	NONE
9	FRAME	HW/STEAM	NONE
9	FRAME	HW/STEAM	NONE
9	BRICK/STONE	HW/STEAM	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
-------------	-----------------------	------------------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
-------------------	-----------------------	--------------------------	----------------

Sales Information

Date	Type	Price	Book/Page
06/08/2001	LAND + BLDING		16395-136

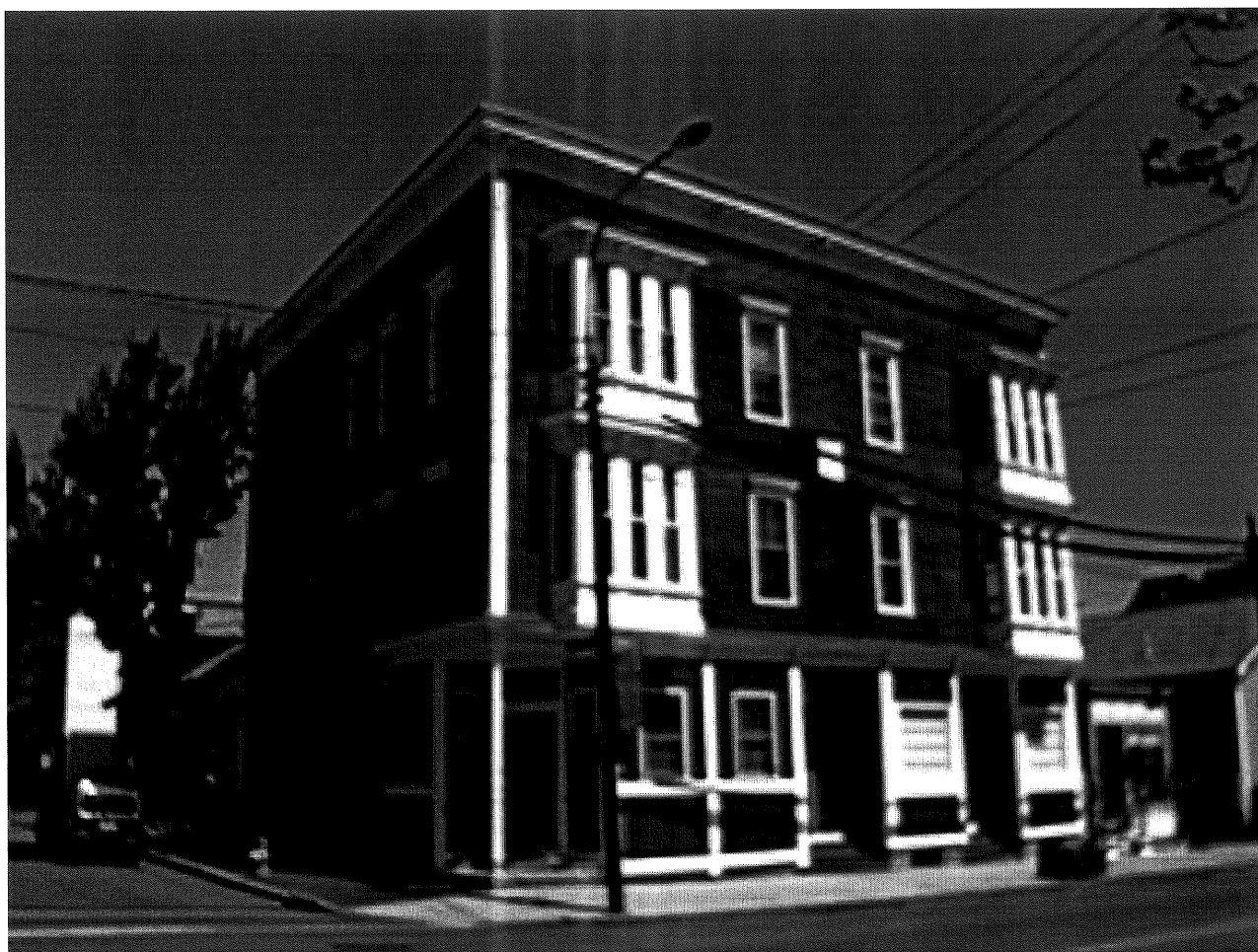
Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

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[New Search!](#)



This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number 1 of 1
Parcel ID 013 M02201B
Location 195 CONGRESS ST
Land Use COMMERCIAL CONDOS

Owner Address REED CRAIG C & HOPE H REED TRUSTEES
 27 SUMMER ST
 IPSWICH MA 01938

Book/Page 23769/030
Legal 13-M-22
 CONGRESS ST 195
 195 CONGRESS STREET CONDO
 UNIT 1B

Current Assessed Valuation

Land	Building	Total
\$24,000	\$96,200	\$120,200

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1889	1	0	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0	0		MIXED RES/COMM	

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	682	MULTI-USE OFFICE

Height	Walls	Heating	A/C
9	FRAME	HW/STEAM	UNIT
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
-------------	-----------------------	------------------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
-------------------	-----------------------	--------------------------	----------------

Sales Information

Date	Type	Price	Book/Page
03/20/2006	LAND + BLDING	\$90,700	23769-030
08/11/2004	LAND + BLDING	\$60,000	21660-15

Picture and Sketch

[Picture](#)[Sketch](#)[Tax Map](#)

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New Search!



This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number	1 of 1
Parcel ID	016 D002001
Location	118 CONGRESS ST
Land Use	RETAIL & PERSONAL SERVICE
Owner Address	ETDL LLC 118 CONGRESS ST PORTLAND ME 04101
Book/Page	14136/274
Legal	16-D-2 ST LAWRENCE ST 97-103 CONGRESS ST 110-118 10750 SF

Current Assessed Valuation

Land	Building	Total
\$163,400	\$239,500	\$402,900

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1968	1	2400	1
Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.247	2400		OFFICE BUILDING - LOW-RISE	THERIAULT & LANDMANN ASSOC

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	2400	MULTI-USE OFFICE

Height	Walls	Heating	A/C
10	CONC. BLOCK	HW/STEAM	CENTRAL
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
1	CANOPY - ONLY	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1968	ASPHALT PARKING	7000	1

Sales Information

<u>Date</u>	<u>Type</u>	<u>Price</u>	<u>Book/Page</u>
09/01/1998	LAND + BLDING	\$145,000	14136-274
11/01/1995	LAND + BLDING	\$125,000	12193-164
01/01/1994	LAND + BLDING		11442-176

Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

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[New Search!](#)



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Current Owner Information

Card Number	1 of 1
Parcel ID	184 D026001
Location	559 BRIGHTON AVE
Land Use	RETAIL & PERSONAL SERVICE
Owner Address	BLUE HOUSE LLC 232 RAY ST PORTLAND ME 04103
Book/Page	21898/19
Legal	184-D-26 BRIGHTON AVE 557-559 5000 SF

Current Assessed Valuation

Land	Building	Total
\$105,000	\$184,300	\$289,300

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1915	1	5404	1
Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.115	5404		MIXED RES/COMM	ROSEMONT MARKET

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	1728	UNFINISHED RES BSMT
1	01/01	1920	RETAIL STORE
1	02/02	1100	MULTI-USE APARTMENT
1	03/03	656	MULTI-USE APARTMENT

Height	Walls	Heating	A/C
7		NONE	NONE
8	FRAME	HOT AIR	NONE
8	FRAME	HOT AIR	NONE
4	FRAME	HOT AIR	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
3	OPEN AREA - MOTEL/APARTMENT	1
2	WOOD DECK	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1992	ASPHALT PARKING	2000	1

Sales Information

<u>Date</u>	<u>Type</u>	<u>Price</u>	<u>Book/Page</u>
10/15/2004	LAND + BLDING	\$245,000	21898-19
01/15/1993	LAND + BLDING	\$149,564	10518-214

Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

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[**New Search!**](#)



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Current Owner Information

Card Number 1 of 1
Parcel ID 185 C002001
Location 578 BRIGHTON AVE
Land Use RETAIL & PERSONAL SERVICE

Owner Address KANE PAUL J & MARIE M KANE JTS
 56 KENILWORTH ST
 PORTLAND ME 04102

Book/Page 21152/311
Legal 185-C-2
 BRIGHTON AVE 578
 4625 SF

Current Assessed Valuation

Land	Building	Total
\$102,400	\$98,300	\$200,700

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1925	1	2975	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.106	2975		RETAIL - SINGLE OCCUPANCY	DON'S BASEBALL CARDS

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	1225	SUPPORT AREA
1	01/01	1750	MULTI-USE SALES

Height	Walls	Heating	A/C
7		NONE	NONE
12	FRAME	HOT AIR	UNIT
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
-------------	-----------------------	------------------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
-------------------	-----------------------	--------------------------	----------------

Sales Information

<u>Date</u>	<u>Type</u>	<u>Price</u>	<u>Book/Page</u>
04/22/2004	LAND + BLDING	\$200,000	21152-311
09/09/1994	LAND + BLDING	\$105,000	11623-306

Picture and Sketch

[Picture](#) [Sketch](#) [Tax Map](#)

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Current Owner Information

Card Number 1 of 1
Parcel ID 185 C001001
Location 580 BRIGHTON AVE
Land Use RETAIL & PERSONAL SERVICE

Owner Address MORESHEAD DOUGLAS R C/O ROSEMONT PHARMACY
 580 BRIGHTON AVE
 PORTLAND ME 04102

Book/Page 9346/94
Legal 185-C-1
 BRIGHTON AVE 580-582
 COLONIAL RD 2-8
 4550 SF

Current Assessed Valuation

Land	Building	Total
\$101,900	\$180,900	\$282,800

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1931	1	3648	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.104	3648		RETAIL - SINGLE OCCUPANCY	ROSEMONT PHARMACY

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	1182	SUPPORT AREA
1	01/01	2466	RETAIL STORE

Height	Walls	Heating	A/C
7		NONE	NONE
14	BRICK/STONE	HOT AIR	CENTRAL
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
-------------	-----------------------	------------------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1973	ASPHALT PARKING	600	1

Sales Information

Date Type Price Book/Page

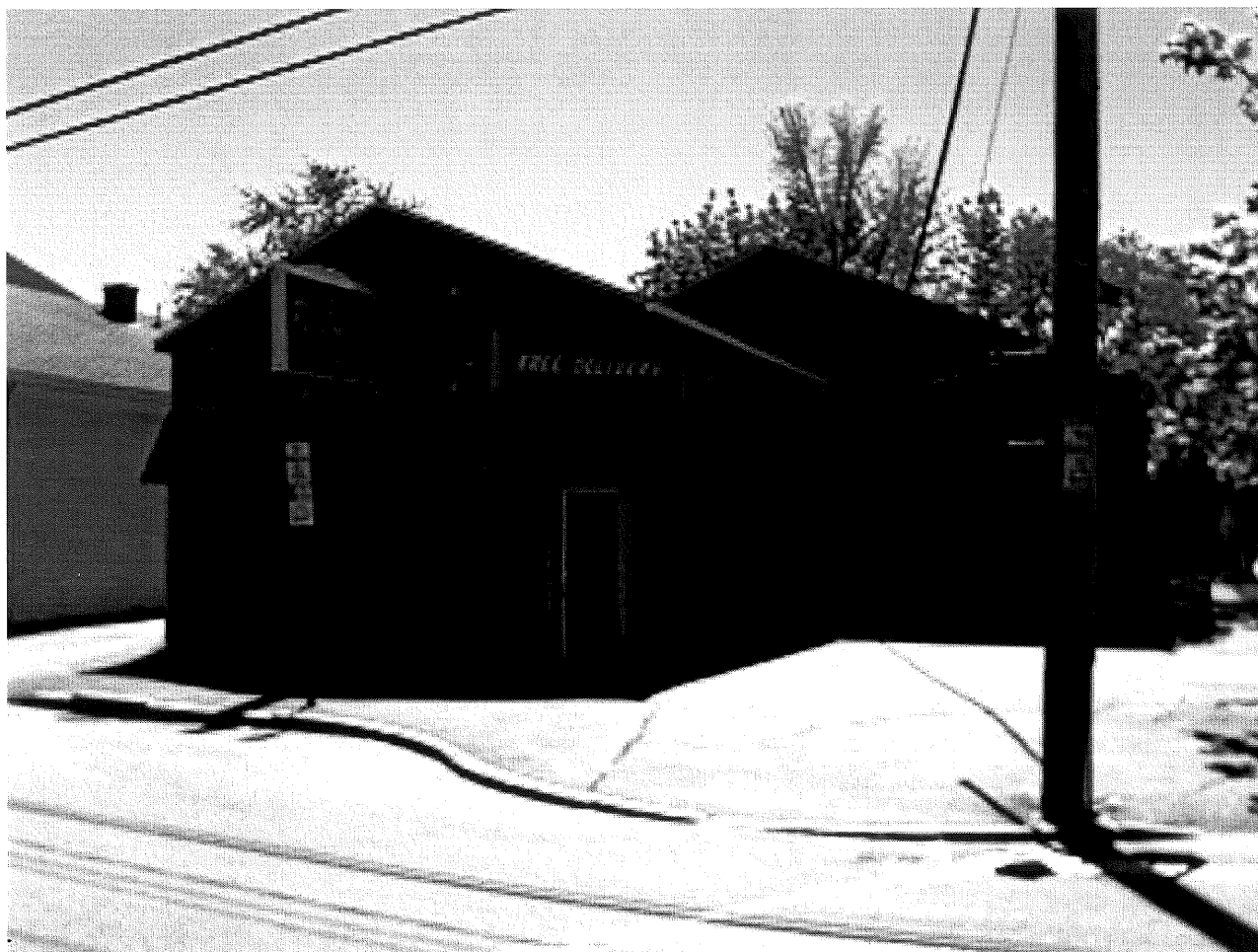
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Picture Sketch Tax Map

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Current Owner Information

Card Number 1 of 1
Parcel ID 260 B018001
Location 888 BRIGHTON AVE
Land Use RETAIL & PERSONAL SERVICE

Owner Address COLLETT RUSSELL J & SUSAN J JTS
 3 LEDGE HILL RD
 GORHAM ME 04038

Book/Page 9011/30
Legal 260-B-18 TO 26
 BRIGHTON AVE 888-902
 HILLCREST & MERELINE
 25311 SF

Current Assessed Valuation

Land	Building	Total
\$247,200	\$241,200	\$488,400

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1904	1	4319	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.581	4319		OFFICE BUILDING - LOW-RISE	SUSAN COLLETT DDS / HOLDSWORTH

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	1429	SUPPORT AREA
1	01/01	1445	CONVERTED OFFICE
1	02/02	1445	CONVERTED OFFICE

Height	Walls	Heating	A/C
7		NONE	NONE
8	FRAME	HOT AIR	CENTRAL
8	FRAME	HOT AIR	CENTRAL
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
-------------	-----------------------	------------------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1980	ASPHALT PARKING	6000	1

Sales Information

Date

Type

Price

Book/Page

Picture and Sketch

[Picture](#)

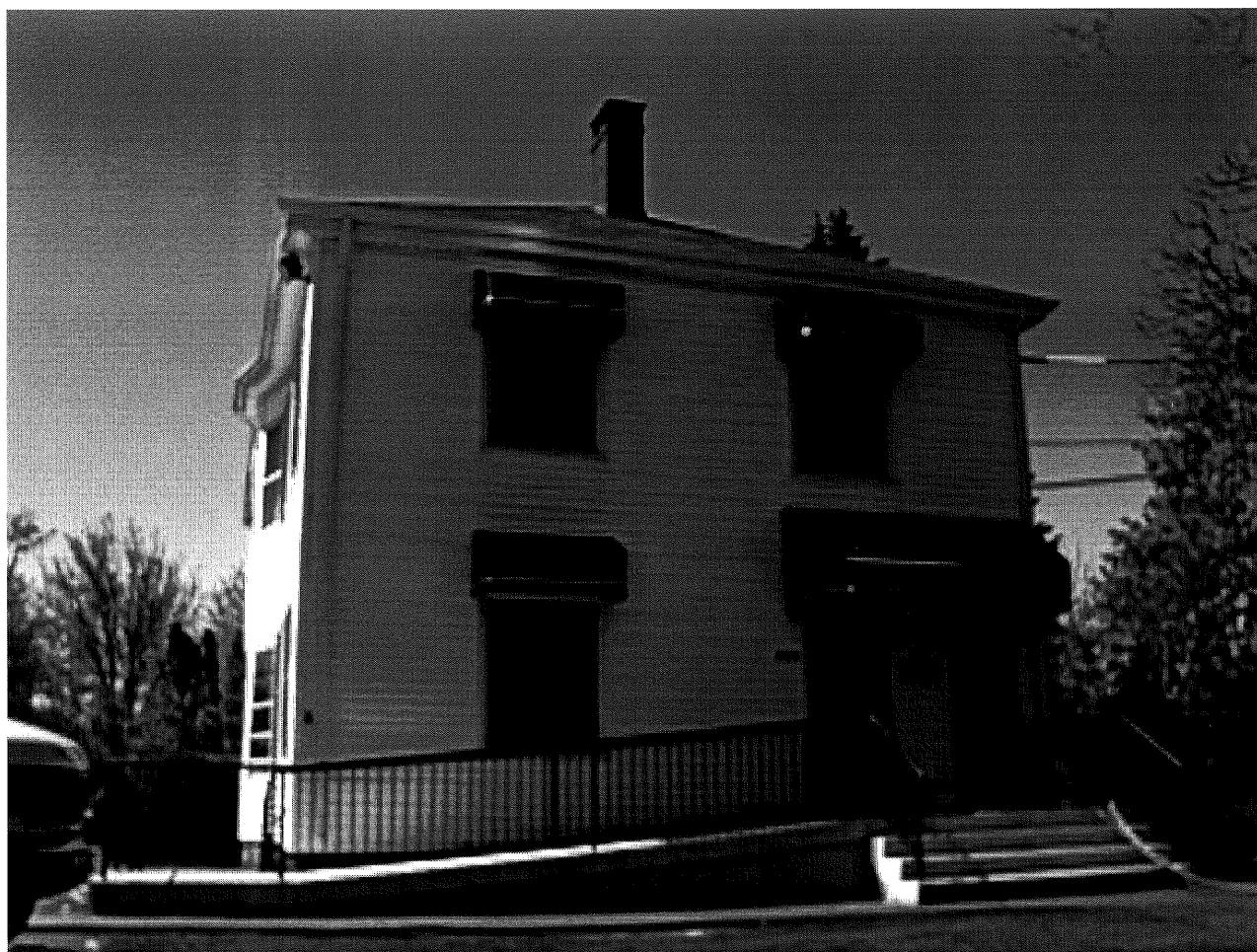
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Current Owner Information

Card Number 1 of 1
Parcel ID 284 C001001
Location 899 BRIGHTON AVE
Land Use RETAIL & PERSONAL SERVICE

Owner Address SAMBA LLC
 P.O.BOX 10110
 PORTLAND ME 04104

Book/Page 17044/232
Legal 284-C-1 TO 5
 BRIGHTON AVE 885-899
 22948 SF

Current Assessed Valuation

Land	Building	Total
\$288,300	\$485,800	\$774,100

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1960	1	11980	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.527	11980		RETAIL - MULTI OCCUPANCY	MULTI TENANT RETAIL

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	5688	RETAIL STORE
1	02/02	4680	MULTI-USE OFFICE
2	01/01	1612	RETAIL STORE

Height	Walls	Heating	A/C
10	MASNRY/FRAME	HW/STEAM	NONE
8	FRAME	HW/STEAM	NONE
12	FRAME	NONE	NONE
		ELECTRIC	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
1	CANOPY - ROOF/SLAB	1
3	CANOPY - ROOF/SLAB	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1974	ASPHALT PARKING	13500	1
1974	FENCE STOCKADE	1000	1

Sales Information

Date	Type	Price	Book/Page
12/05/2001	LAND + BLDING	\$500,000	17044-232

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Current Owner Information

Card Number	1 of 1
Parcel ID	163 E005001
Location	788 WASHINGTON AVE
Land Use	RETAIL & PERSONAL SERVICE
Owner Address	ANGELONE LAURA 28 WHALEBOAT RD PORTLAND ME 04103
Book/Page	11793/248
Legal	163-E-5-6 WASHINGTON AVE 784-792 OCEAN AVE 541-549 18056 SF

Current Assessed Valuation

Land	Building	Total
\$294,600	\$75,840	\$370,440

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1960	1	1363	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.415	1363		SERVICE STATION	ANGELONE PIZZA

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	1363	RESTAURANT

Height	Walls	Heating	A/C
12	CONC. BLOCK	HOT AIR	CENTRAL
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
------	----------------	-----------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1960	ASPHALT PARKING	15000	1

Sales Information

Date	Type	Price	Book/Page
01/19/1995	LAND + BLDING		11793-248
11/01/1994	LAND + BLDING		11728-340

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Current Owner Information

Card Number	1 of 1
Parcel ID	172 G009001
Location	1039 WASHINGTON AVE
Land Use	OFFICE & BUSINESS SERVICE
Owner Address	WASHINGTON AVENUE REALTY LLC 1039 WASHINGTON AVE PORTLAND ME 04103
Book/Page	24131/090
Legal	172-G-9-10 WASHINGTON AVE 1037-1043 RAY ST 1-7 10015 SF

Current Assessed Valuation

Land	Building	Total
\$112,100	\$356,400	\$468,500

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1952	1	10082	1
Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.23	10082		OFFICE BUILDING - LOW-RISE	NOYES & CHAPMAN INS

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	5041	SUPPORT AREA
1	01/01	3277	OFFICE BUILDING
1	01/01	764	RETAIL STORE
1	01/01	1000	MULTI-USE STORAGE

Height	Walls	Heating	A/C
8		NONE	NONE
9	BRICK/STONE	HOT AIR	CENTRAL
9	BRICK/STONE	HOT AIR	CENTRAL
9	BRICK/STONE	HOT AIR	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
------	----------------	-----------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1952	ASPHALT PARKING	2000	1

Sales Information

Date	Type	Price	Book/Page
06/30/2006	LAND + BLDING	\$642,500	24131-090

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Current Owner Information

Card Number	1 of 2
Parcel ID	013 G010001
Location	223 CONGRESS ST
Land Use	RETAIL & PERSONAL SERVICE
Owner Address	MAJE IN MAINE LLC APT H 605 8617 PINE ST PHILADELEPHIA PA 18143
Book/Page	23962/269
Legal	13-G-10-11 CONGRESS ST 223-227 5409 SF

Current Assessed Valuation

Land	Building	Total
\$118,000	\$276,690	\$394,690

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1910	1	0	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.124	6677		MIXED RES/COMM	

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	1518	UNFINISHED RES BSMT
1	01/01	1518	TAVERN/BAR
1	02/04	1542	MULTI-USE APARTMENT

Height	Walls	Heating	A/C
9		HW/STEAM	NONE
10	BRICK/STONE	HW/STEAM	NONE
10	BRICK/STONE	HW/STEAM	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
3	PORCH - OPEN	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
------------	----------------	-------------------	---------

Sales Information

Date	Type	Price	Book/Page
05/16/2006	LAND + BLDING	\$585,000	23963-269
12/01/2002	LAND + BLDING	\$540,000	18537-065

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Current Owner Information

Card Number 1 of 1
Parcel ID 299 D001001
Location 1576 FOREST AVE
Land Use RETAIL & PERSONAL SERVICE

Owner Address LARSEN BERNARD N & DOROTHY A JTS
 3 BELFORT ST
 PORTLAND ME 04103

Book/Page
Legal 299-D-1-2
 FOREST AVE 1574-1580
 BELFORT ST 1-9
 13283 SF

Current Assessed Valuation

Land	Building	Total
\$163,000	\$438,800	\$601,800

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1945	3	10432	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.305	10432		MIXED RES/COMM	MORAN'S MARKET

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	780	SUPPORT AREA
1	01/01	3920	RETAIL STORE
1	02/02	3920	APARTMENT
1	03/03	1422	APARTMENT
1	03/03	390	APARTMENT

Height	Walls	Heating	A/C
7		NONE	NONE
8	FRAME	HOT AIR	NONE
8	FRAME	HOT AIR	NONE
6	FRAME	HOT AIR	NONE
4	FRAME	HOT AIR	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
3	PORCH - OPEN UPPER	2
3	PORCH - COVERED UPPER	1
2	CANOPY - ONLY	1
2	CANOPY - ONLY	1
2	ENCLOSED ENTRY	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1975	ASPHALT PARKING	4000	1

Sales Information

Date	Type	Price	Book/Page
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Picture and Sketch

Picture	Sketch	Tax Map
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Current Owner Information

Card Number	1 of 1
Parcel ID	298 A001001
Location	1564 FOREST AVE
Land Use	RETAIL & PERSONAL SERVICE
Owner Address	TRT PROPERTIES LLC 36 DIBIASE ST PORTLAND ME 04103
Book/Page	17622/180
Legal	298-A-1 FOREST AVE 1564-1566 BELFORT ST 2-10 5935 SF

Current Assessed Valuation

Land	Building	Total
\$111,600	\$131,660	\$243,260

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1959	1	3384	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.136	3384		MIXED RES/COMM	FOREST BARBER SHOP

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	1116	SUPPORT AREA
1	01/01	558	MULTI-USE SALES
1	01/01	558	MULTI-USE OFFICE
1	02/02	1152	APARTMENT

Height	Walls	Heating	A/C
8		NONE	NONE
8	FRAME	HW/STEAM	NONE
8	FRAME	HW/STEAM	NONE
8	FRAME	HW/STEAM	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
------	----------------	-----------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1959	ASPHALT PARKING	2000	1
1959	GARAGE FRAME	480	1

Sales Information

Date	Type	Price	Book/Page
05/10/2002	LAND + BLDING	\$206,000	17622-180

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Current Owner Information

Card Number	1 of 1
Parcel ID	140 C012001
Location	182 OCEAN AVE
Land Use	RETAIL & PERSONAL SERVICE
Owner Address	PICKUS OWEN B 2 CHABOT ST WESTBROOK ME 04096
Book/Page	22475/187
Legal	140-C-12 OCEAN AVE 182-184 WALTON ST 1-9 7405 SF

Current Assessed Valuation

Land	Building	Total
\$113,100	\$136,500	\$249,600

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1951	1	2720	1
Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.17	2720		RETAIL - SINGLE OCCUPANCY	DAIRY JAM

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	2720	MULTI-USE SALES

Height	Walls	Heating	A/C
14	CONC. BLOCK	HOT AIR	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
-------------	-----------------------	------------------------

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1951	ASPHALT PARKING	4200	1

Sales Information

Date	Type	Price	Book/Page
03/31/2005	LAND + BLDING	\$175,000	22475-187

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Current Owner Information

Card Number 1 of 1
Parcel ID 429 A004001
Location 46 VERANDA ST
Land Use RETAIL & PERSONAL SERVICE

Owner Address MACDONALD JAMES E
 74 COLLEGE ST
 PORTLAND ME 04103

Book/Page 11735/268
Legal 429-A-4
 VERANDA ST 46-52 &
 SHERWOOD ST 105-109
 7259SF

Current Assessed Valuation

Land	Building	Total
\$167,800	\$27,900	\$195,700

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1940	1	601	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.167	601		RESTAURANT	PIZZA TIME

Exterior/Interior Information

Section	Levels	Size	Use
1	01/01	601	RESTAURANT

Height	Walls	Heating	A/C
9	FRAME	HW/STEAM	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
1	COOLER CHILLER	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
1960	ASPHALT PARKING	4000	1

Sales Information

<u>Date</u>	<u>Type</u>	<u>Price</u>	<u>Book/Page</u>
12/02/1994	LAND + BLDING	\$125,000	11735-268

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Current Owner Information

Card Number	1 of 1
Parcel ID	197 A008001
Location	23 WESTLAND AVE
Land Use	RETAIL & PERSONAL SERVICE
Owner Address	BOKEELIA INVESTMENTS LLC 17 WESTLAND AVE PORTLAND ME 04102
Book/Page	15835/082
Legal	197-A-8 TO 11 WESTLAND AVE 23-31 10115 SF

Current Assessed Valuation

Land	Building	Total
\$63,300	\$36,400	\$99,700

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1900	1	1320	1

Total Acres	Total Buildings	Sq. Ft.	Structure Type	Building Name
0.232	1320		RES-1 FAMILY	

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	480	UNFINISHED RES BSMT
1	01/01	480	DWELLING
1	02/02	360	DWELLING

Height	Walls	Heating	A/C
7		HOT AIR	NONE
8	FRAME	HOT AIR	NONE
6	FRAME	HOT AIR	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
2	PORCH - ENCL	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
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Sales Information

Date	Type	Price	Book/Page
11/07/2000	LAND + BLDING		15835-082
09/22/2000	LAND + BLDING	\$57,000	15743-260
05/10/1996	LAND + BLDING		12499-227
10/13/1995	LAND + BLDING		12161-182

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**B-1, B-1b ZONE TEXT CHANGE
RECOMMENDATION TO THE CITY COUNCIL
CITY OF PORTLAND, APPLICANT**

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Bill Needelman, Senior Planner

November 9, 2006
For the
November 14, 2006 Public Hearing

I. INTRODUCTION

The City Council's Standing Committee on Transportation has sponsored a proposed amendment to the B-1 and B-1b Neighborhood Business Zone texts to limit high traffic generating businesses. The Planning Board is asked to review this amendment and provide a recommendation to the full City Council. The purpose of the amendments is to protect neighborhood business districts from new business that generate more traffic than is compatible with the pedestrian nature of the B-1 and B-1b zones.

The item has been recommended by the Transportation Committee and received its first reading with the City Council on October 16. The amendment would be retroactive to the date of the first reading.

II. PROPOSED AMENDMENT

The proposed amendment adds language to the B-1 and B-1b permitted and conditional use sections prohibiting "business" uses, as listed, that generate more than 65 peak hour vehicle trips. The "peak hours" are the morning and afternoon commuter rush hours (usually 7:30 to 8:30am, and 4:30 to 5:30 pm). A vehicle "trip" is an arrival to or departure from the facility by car or truck.

For example: a person stopping at a convenience store on the way home from work, parking on the street or in the store parking lot, and then leaving to continue home, would generate two peak hour trips: one arriving and one leaving. Multiple people in the same vehicle would not add to the trips. Pedestrian and bicycle trips are not counted.

The amendments are provided below (new language is underlined) and the "council order" is provided as Attachment 2.

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(2) *Business:* Business uses listed below are permitted, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips.

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

1. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it

calculates the proposed use will generate in excess of a total of 50 new vehicle trips:

- (a) Restaurants provided they meet the following requirements:
1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
 3. Food service and consumption are the primary function of the restaurant; and
 4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

III. IMPACT OF THE AMMENDMENT

Planning Staff requested that consulting traffic engineer, Tom Errico, P.E. provide the Board with a general idea of the impact of the amendment on new business proposals. Mr. Errico provided the following table of use size that would typically generate 65 vehicle trips (and therefore be prohibited under the amendment.) Please note that drive thru services are currently not allowed in either the B-1 or B-1b zones.

65 total peak hour trips correlate to the following:

- * 40,000 sf general office space
- * 17,000 sf of medical office space
- * 24,000 sf of specialty retail space
- * 17,000 sf shopping center
- * 1,400 sf bank (with drive-through/ATM facilities)
- * 6,000 sf High Turn-over Restaurant (w/o drive-through)

The business sizes shown above are generally larger than the typical establishments found in the B-1 zones (based on a qualitative assessment by the Planning Staff.)

IV. REVIEW OF POLICIES

The Board is asked to recommend that the proposed amendment is consistent with the purpose of the zone and the applicable portions of the Comprehensive Plan. The B-1, B-1b purpose section is provided below, followed by a brief analysis of excerpted portions of the Housing and the Transportation sections of the Comprehensive Plan.

Purpose Section of the B-1, B-1b Zones

The B-1 zones were created to provide a location for “small-scale” businesses that serve the surrounding neighborhood. While these zones are sometimes located along arterial roads, they are distinct from the B-2 “Community Business” zones that are intended to serve a larger area (and the commuting public.) The B-1 districts are pedestrian friendly, walkable, and prohibit drive-thru services. The proposed amendments are intended to ensure that the intensity of vehicle activity generated by new businesses is compatible with the existing and planned character of these “urban village” neighborhood centers.

Deering Center, Stroudwater Village, and the top of Munjoy Hill are currently a few of the B-1, B-1b districts spread throughout the City.

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99)

Comprehensive Plan

The City's Comprehensive Plan supports the proposed amendments in general language found in the Housing Plan (2002) and by specific reference in the Transportation Plan (*Time of Change*, 1993).

Housing Plan

The 2002 Housing Plan provides a series of policy recommendations on both housing and related land uses to promote the general welfare of the City. *Policy #3, Neighborhood Stability and Integrity*, promotes "compatible development" to enhance compatibility between residential and non-residential development. *Policy #3* also promotes "neighborhood livability" by promoting businesses that are "of appropriate size, scale and type within neighborhoods."

Policy #5, Sustainable Development, promotes "neighborhood centers" with "small-scale retail and service businesses at appropriate locations.."

Please refer to Attachment 3 for excerpted portions of the Housing Plan.

Transportation Plan

The 1993 *Time of Change: Portland Transportation Plan* similarly promotes creation and fostering of neighborhood centers to promote walkability. Specifically, the plan suggests as an *action*, "Review the zoning ordinance's land use standards to assure that the uses allowed in the B-1 districts are neighborhood-type business." The proposed amendment asks the Board to make a distinction between "neighborhood-type" business (businesses that generate fewer trips) and higher volume businesses (that should locate in higher intensity zones such as the B-2.)

V. MOTIONS FOR THE BOARD TO CONSIDER

Based on the material provided in Planning Report #64-06, public testimony, a review of applicable policies, and other information the Planning Board finds that the proposed amendments to the B-1 and B-1b zone text are consistent with the Comprehensive Plan and recommends their adoption to the City Council.

Attachments:

1. B-1, B-1b, Current Text
2. Proposed Amendment Language
3. Housing Plan Excerpt
4. Transportation Plan Excerpt
5. Public Comment Letters

W. J. Hobbs
Needelman

PLANNING BOARD REPORT #64-06

**B-1, B-1b ZONE TEXT CHANGE
RECOMMENDATION TO THE CITY COUNCIL
CITY OF PORTLAND, APPLICANT**

Submitted to:
Portland Planning Board
Portland, Maine

Submitted by:
Bill Needelman, Senior Planner

November 9, 2006
For the
November 14, 2006 Public Hearing

I. INTRODUCTION

Mayor Sim Cohen has sponsored it for
The City Council's Standing Committee on Transportation has *enclosed* sponsored a proposed amendment to the B-1 and B-1b Neighborhood Business Zone texts to limit high traffic generating businesses. The Planning Board is asked to review this amendment and provide a recommendation to the full City Council. The purpose of the amendments is to protect neighborhood business districts from new business that generate more traffic than is compatible with the pedestrian nature of the B-1 and B-1b zones.

The item has been recommended by the Transportation Committee and received its first reading with the City Council on October 16. The amendment would be retroactive to the date of the first reading.

II. PROPOSED AMENDMENT

The proposed amendment adds language to the B-1 and B-1b permitted and conditional use sections prohibiting "business" uses, as listed, that generate more than 65 peak hour vehicle trips. The "peak hours" are the morning and afternoon commuter rush hours (usually 7:30 to 8:30am, and 4:30 to 5:30 pm). A vehicle "trip" is an arrival to or departure from the facility by car or truck.

For example: a person stopping at a convenience store on the way home from work, parking on the street or in the store parking lot, and then leaving to continue home, would generate two peak hour trips: one arriving and one leaving. Multiple people in the same vehicle would not add to the trips. Pedestrian and bicycle trips are not counted.

The amendments are provided below (new language is underlined) and the "council order" is provided as Attachment 2.

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(2) *Business:* Business uses listed below are permitted, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips.

*As determined by the Tech. design standards
(amended)*

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

1. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it

calculates the proposed use will generate in excess of a total of 50 new vehicle trips:

- (a) Restaurants provided they meet the following requirements:
1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
 3. Food service and consumption are the primary function of the restaurant; and
 4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

III. IMPACT OF THE AMMENDMENT

Planning Staff requested that consulting traffic engineer, Tom Errico, P.E. provide the Board with a general idea of the impact of the amendment on new business proposals. Mr. Errico provided the following table of use size that would typically generate 65 vehicle trips (and therefore be prohibited under the amendment.) Please note that drive thru services are currently not allowed in either the B-1 or B-1b zones.

65 total peak hour trips correlate to the following:

- * 40,000 sf general office space
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- * 1,400 sf bank (with drive-through/ATM facilities)
- * 6,000 sf High Turn-over Restaurant (w/o drive-through)

*2 Types of Businesses
Big*

The business sizes shown above are generally larger than the typical establishments found in the B-1 zones (based on a qualitative assessment by the Planning Staff.)

High Turnover

IV. REVIEW OF POLICIES

The Board is asked to recommend that the proposed amendment is consistent with the purpose of the zone and the applicable portions of the Comprehensive Plan. The B-1, B-1b purpose section is provided below, followed by a brief analysis of excerpted portions of the Housing and the Transportation sections of the Comprehensive Plan.

Purpose Section of the B-1, B-1b Zones

The B-1 zones were created to provide a location for “small-scale” businesses that serve the surrounding neighborhood. While these zones are sometimes located along arterial roads, they are distinct from the B-2 “Community Business” zones that are intended to serve a larger area (and the commuting public.) The B-1 districts are pedestrian friendly, walkable, and prohibit drive-thru services. The proposed amendments are intended to ensure that the intensity of vehicle activity generated by new businesses is compatible with the existing and planned character of these “urban village” neighborhood centers.

Deering Center, Stroudwater Village, and the top of Munjoy Hill are currently a few of the B-1, B-1b districts spread throughout the City.

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

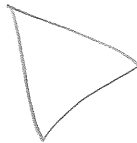
The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99)

Comprehensive Plan

The City's Comprehensive Plan supports the proposed amendments in general language found in the Housing Plan (2002) and by specific reference in the Transportation Plan (*Time of Change*, 1993).



Housing Plan

The 2002 Housing Plan provides a series of policy recommendations on both housing and related land uses to promote the general welfare of the City. *Policy #3, Neighborhood Stability and Integrity*, promotes “compatible development” to enhance compatibility between residential and non-residential development. *Policy #3* also promotes “neighborhood livability” by promoting businesses that are “of appropriate size, scale and type within neighborhoods.”

Policy #5, Sustainable Development, promotes “neighborhood centers” with “small-scale retail and service businesses at appropriate locations..”

Please refer to Attachment 3 for excerpted portions of the Housing Plan.



Transportation Plan

The 1993 *Time of Change: Portland Transportation Plan* similarly promotes creation and fostering of neighborhood centers to promote walkability. Specifically, the plan suggests as an *action*, “Review the zoning ordinance’s land use standards to assure that the uses allowed in the B-1 districts are neighborhood-type business.” The proposed amendment asks the Board to make a distinction between “neighborhood-type” business (businesses that generate fewer trips) and higher volume businesses (that should locate in higher intensity zones such as the B-2.)

V. MOTIONS FOR THE BOARD TO CONSIDER

Based on the material provided in Planning Report #64-06, public testimony, a review of applicable policies, and other information the Planning Board finds that the proposed amendments to the B-1 and B-1b zone text are consistent with the Comprehensive Plan and recommends their adoption to the City Council.

MP, 22 amend - also recommend clarification on N H-163 Clarify meaning of "vehicle trips" 14-162

motion to be 2-4

Attachments:

1. B-1, B-1b, Current Text
2. Proposed Amendment Language
3. Housing Plan Excerpt
4. Transportation Plan Excerpt
5. Public Comment Letters

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES*

*Editor's note--Ord. No. 292-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-161--14-167 of Div. 9, B-1 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-161--14-167. Formerly, such sections derived from §§ 602.8.A--602.8.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972, and Ord. No. 499-74, § 4, adopted Aug. 19, 1974.

Sec. 14-161. Purpose.**(a) B-1 Neighborhood Business Zone**

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of smallscale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of smallscale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Att. 1
B-1, B-1b Current Text

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.
(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99)

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(1) *Residential*

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

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

(2) *Business:*

a. Professional offices, as defined in section 14-47, but excluding veterinarians.

b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

c. Personal services, as defined in section 14-47.

d. Offices of building tradesmen, provided there is no exterior storage of building materials.

e. Retail establishments, provided such do not

Att. 1

B-1, B-1b Current Text

include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.

- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

(3) *Institutional:*

- a. Church or other place of worship;
- b. Municipal offices;
- c. Elementary, middle and secondary schools;
- d. Nursery schools and kindergarten;
- e. Clinics of less than three thousand (3,000) square feet of total floor space.

(4) *Other:*

- a. Lodging houses;
- b. Utility substations, as defined in section 14-47,

subject to the standards of article V (site plan);

- c. Day care facilities or babysitting services;
 - d. Accessory uses as provided in section 14-404;
 - e. Bed and breakfast, subject to the standards of article V (site plan).
- (5) Uses permitted above the ground floor level of buildings in the B-1b zone:
- a. Any residential use set forth in section 14-162(a);
 - b. Bed and breakfast, subject to the standards of article V (site plan).

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 2, 11-15-93; Ord. No. 125-97, § 5, 3-3-97; Ord. No. 94-99, 11-15-99)

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 - 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
 - 3. Food service and consumption are the primary function of the restaurant; and
 - 4. There shall be no drive-through service.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 3, 11-15-93; Ord. No. 94-99, 11-15-99)

Sec. 14-164. Prohibited uses.

Uses not enumerated in sections 14-162 and 14-163 as either permitted or conditional uses are prohibited.
(Ord. No. 292-88, 4-4-88)

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses permitted under section 14-162(a) shall meet the requirements of such abutting or nearest residential zone except as noted below, and nonresidential uses in the B-1 and B1-b zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. School: Twenty thousand (20,000) square feet.
2. Church or place of worship: Ten thousand (10,000) square feet.
3. All other nonresidential uses: None.
4. Multi-family dwellings above the first floor: 1,000 square feet of land area per dwelling unit.

(b) *Minimum street frontage:* Fifty (50) feet, except that if the average street frontages of all lots within two hundred (200) feet of the boundaries of the lot in question on the same side of the street and within the B-1 or B-1b zone is less than fifty (50) feet, then the minimum street frontage for the lot in question may be reduced to the average frontage of such lots.

(c) *Yard dimensions:* (Yard dimensions are required setbacks for structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Maximum front yard:*

Principal or accessory structure: The maximum front yard setback shall either be: (i) ten feet; or (ii) in cases where the average depth of the front yards of the nearest developed lots on either side of the lot in question is less than ten feet, the front

yard setback of the lot in question shall not exceed such average depth. A "developed lot" means a lot on which a principal structure has been erected.

Building additions are not required to meet this maximum setback.

2. *Rear yard:*

- a. Principal structures: None, except where a rear yard abuts a residential zone or first floor residential use, a minimum of twenty (20) feet is required.
- b. Accessory structures (detached): None, except where the rear yard abuts a residential zone or first floor residential use, a minimum of five (5) feet is required.

3. *Side yard:*

- a. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a first floor residential use, a minimum of ten (10) feet is required.
- b. Accessory structures (detached): None, except that where the side yard abuts a residential zone or a first floor residential use, a minimum of five (5) feet is required.
- c. Side yards on side streets (corner lot): Principal or accessory structures: Ten (10) feet maximum setback, except that for any new construction on a lot abutting more than two streets, the maximum setback shall not apply beyond the two most major streets. (For purposes of this section, "major street" shall mean that street with the highest traffic volume and the greatest street width in comparison with the remaining streets). This maximum setback shall not apply to building additions.

- (d) *Minimum lot width:* None.
- (e) *Maximum structure height:* Thirty-five (35) feet. Where the lot abuts an R-6 residential zone, the maximum height shall be the maximum permitted height in the R-6 residential zone.
- (f) *Maximum impervious surface ratio:* Ninety (90) percent.
- (g) *Floor area:*
 - 1. The maximum first floor area of a single tenant building shall be no greater than five thousand (5,000) square feet.
 - 2. The maximum first floor area of a multi-tenant building shall be no greater than ten thousand (10,000) square feet.

(Ord. No. 292-88, 4-4-88; Ord. No. 52-96, § 1, 7-15-96; Ord. No. 94-99, 11-15-99)

Sec. 14-166. Other requirements.

All nonresidential uses in B-1 and B-1b zones shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

- (a) *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).
- (b) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (c) *Offstreet parking and loading:* Offstreet parking and loading are required as provided in division 20 and division 21 of this article.
- (d) *Front yard parking:* There shall be no off street parking in the front yard between the street line and

the required maximum setback line. Where an existing building setback exceeds the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

- (e) *Signs:* Signs shall be subject to the provisions of division 22 of this article.
- (f) *Exterior storage:* There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. In no event shall vehicles, or truck trailers with or without wheels, be used for on-site storage. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occur more frequently than three (3) times a calendar year.
- (g) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.
- (h) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.

(Ord. No. 292.88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-167. External effects.

Every use in a B-1 or B-1b zone shall be subject to the following requirements:

- (a) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.
- (b) *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 fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
- (c) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
- (d) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
- (e) *Smoke:* Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
- (f) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they are clearly visible from neighbors' properties or may be transferred beyond the lot boundaries by natural causes or forces. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in fully enclosed containers or receptacles. Areas attracting large numbers of birds, rodents or insects are prohibited.

(Ord. No. 292-88, 4-4-88; Ord. No. 94-99, 11-15-99)

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEBMAN (4)

AMENDMENT TO CITY CODE
CHAPTER 14, ARTICLE III. ZONING. DIVISION 12.6
B-1, B-1b NEIGHBORHOOD BUSINESS ZONE:
§§14-162, 163

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

1. That Chapter 14 (Land Use), Art. III (Zoning),
Division 12.6 (B-1, B-1b, Permitted Uses), Section 14-
162 is hereby amended to read as follows:

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(2) Business: Business uses listed below are permitted, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6. the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips.

Deleted: ¶

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.

Att. 2.2
Amended Text

- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III. 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips:

- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 - 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;

Att. 2.3
Amended Text

3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

Neighborhood Stability and Integrity

Policy #3: Maintain and enhance the livability of Portland’s neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

While accommodating needed services and facilities, protect the stability of Portland’s residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.

Housing Along Arterials: Maintain residential zoning along arterials and encourage increased residential densities and mixed uses within business zones.

Demolition: Discourage demolition or conversion of residential properties for non-residential uses.

Compatible Development: Encourage well-planned developments and uses to enhance compatibility between residential and non-residential uses.

Student Housing: Encourage construction of affordable student housing to meet current and future needs.

Support Portland’s livable neighborhoods by encouraging a mix of uses that provide needed goods and services, within walking distance of most residents.

Neighborhood Livability: Promote through City policies a mix of housing types, retail and service businesses, community services, and open space/recreation opportunities of appropriate size, scale and type within neighborhoods.

Uphold Zoning: Enforce approved density regulations in the Zoning Ordinance.

Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of the City’s residential neighborhoods.

Municipal Regulations: Update codes to encourage new residential development that:

- Offers diverse and quality living options.
- Encourages traditional neighborhood elements.
- Promotes a walkable city.
- Are compatible with Portland’s existing neighborhoods.

Design Guidelines: Adopt design guidelines for new housing and rehabilitation that are compatible with the character and patterns of development in each neighborhood.

Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.

Assets: Inventory neighborhood assets, such as open space, recreation facilities, schools, services and public transportation.

Suitable Housing Sites: Use asset inventories and agreed upon neighborhood priorities to select potential housing sites as part of the Neighborhood Based Planning Process.

Walkable neighborhoods: Give preference to projects that are located within a walkable distance to neighborhood assets, particularly when seeking City funds.

Ensure the integrity and economic value of Portland’s neighborhoods.

Enforcement: Aggressively enforce codes that require owners to maintain properties.

Maintain Property: Ensure all properties are kept clear of debris and derelict vehicles.

Redevelopment: Work to find productive uses for vacant and underutilized lots.

Public Improvements: Ensure neighborhood improvements are safe, attractive and well maintained.

Public Safety: The Portland Police Department will continue to work with neighborhoods on community policing, crime watch and other public safety programs to ensure neighborhoods remain safe for residents and visitors.

Traffic: Work with neighborhoods to address traffic issues and enforce traffic laws.

Public Parks: Preserve public amenities, such as trails, athletic fields, and parks.

Open Space: Work with neighborhoods to update, “Green Spaces/Blue Edges”.

P
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Sustainable Development

Policy #5: Portland’s Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve our shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.

Target to grow: Achieve and maintain a 25% share of Cumberland County’s population.

Public relations: Analyze and promote the public benefits of growth.

Incentives: Integrate housing and economic development incentives to encourage growth and take advantage of the City’s capacity to accommodate more people.

Monitor: Assess the impacts of growth on infrastructure and adjust policies accordingly.

Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at minimal costs.

Transit Oriented Development: Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

Infill Development: Encourage development on vacant lots along accepted city streets.

Proximity to Services: Encourage housing near schools, parks and athletic facilities.

Denser Development: Encourage higher density housing along arterial and in or near downtown, particularly the redevelopment of Bayside according to the Bayside Plan.

Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.

Work Force Housing: Encourage major institutions and employers to invest in housing in proximity to work places.

Incentives for Mixed-Use: Combine housing and economic development initiatives for mixed-use developments near employment centers.

Build Streets: Explore building streets to encourage infill housing near existing infrastructure and neighborhood centers.

Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.

Neighborhood Centers: Build neighborhood centers with small-scale retail and service businesses at appropriate locations within neighborhoods.

Pedestrian Links: Encourage pedestrian links between residential and business areas.

Innovative Development: Encourage higher density development, which incorporates housing above businesses through flexible reviews and shared parking options.

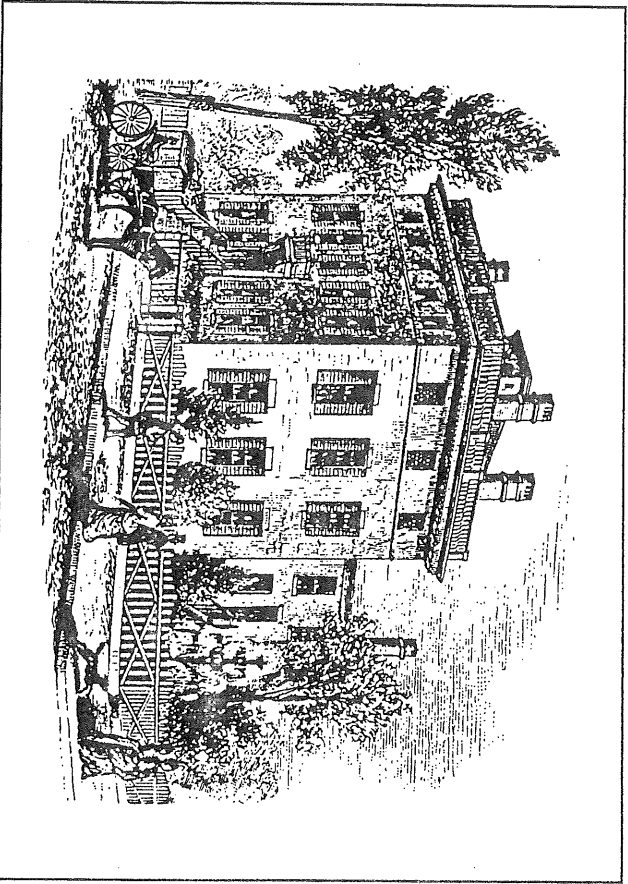
Redevelopment: Encourage redevelopment of underutilized land, such as surface parking lots, to more efficiently use available land.

Locate and design housing to reduce impacts on environmentally sensitive areas.

Open Space: Support Land Bank Commission’s work to preserve sensitive natural areas.

Environmentally Sensitive Development: Encourage development that minimizes environmental impacts and encourages stormwater

IV. MOVING LOCALLY: THE NEIGHBORHOODS



Courtesy of Greater Portland Landmarks

Chapter Summary

1. *Some neighborhoods lack routine daily services within walking distance, and where such services do exist, they often are considered "nonconforming" uses. The City should work with neighborhoods that lack the daily necessities to identify the best locations for them and to assure that existing services will be continued.*
2. *Outside of the City's older neighborhoods, the system of neighborhood streets often lacks safe and convenient interconnections. The City should promote the interconnection of neighborhood streets and pathways, so that there are short, easy paths of travel to key destinations by foot and bicycle, as well as auto.*
3. *Neighborhood streets are increasingly used solely to move traffic. Neighborhood and downtown streets and streets through the City's parks should be considered to be--and designed as--multipurpose public spaces.*
4. *Design standards for neighborhood streets should be revised where practical to conform to notions of traditional neighborhoods and multiple use.*
5. *The use of public transportation and other alternative modes has been nearly eliminated from the everyday lives of the City's youth. The City should repeal the ban on bicycles at elementary schools, where appropriate, and should reinstate METRO as the provider of bus service to the middle and high schools.*

Neighborhood Issues and Policies

Issues of transportation are most personal in neighborhoods. Either the neighborhood is safe for walking or it is not. Either it is protected from noisy through-traffic or it is not. Either things needed day-to-day are within easy reach or they are not. Either parents feel easy about letting a child cross streets or ride a bicycle to school or they do not. Either backing out of a driveway onto the street is a daily risk or it is not.

Before the motor age, the city's neighborhoods were of necessity designed as walkable places. Blocks were short and usually designed in a grid pattern, so that there were multiple ways to get to the same place. Lots were narrow, so that distances between places were short. Within or next to neighborhoods were small-scale stores and services accessible to the neighborhood's residents. With the advent of the trolley, neighborhoods developed farther from the central business district of the City, but even then the neighborhoods were compact and within a quarter- or half-mile of the trolley stop.

As the auto became prominent and affordable to the average family, the design of neighborhoods changed. A suburban ideal took hold. It pushed new neighborhoods farther from the hubbub of the city center. Within neighborhoods, land uses were strictly separated. Lots became wider and larger. Streets were purposely designed to discourage connections and through-traffic. Blocks were lengthened, cross streets were reduced, and dead ends with cul-de-sacs became the norm. And the suburban neighborhood became the model for zoning ordinances.

Figure IV-1 illustrates the difference between the traditional neighborhood street network and the contemporary, suburban approach.

The purpose of the street itself also changed. Prior to the 1950's and the dominance of the auto, the street, including the width of its right-of-way, was by its nature an important public space. Transportation was only one of its purposes. It was also a place of socializing, recreation, and even commerce. Buildings, both homes and businesses, had a specific and often intimate relationship with the street. They enclosed the street and their inhabitants were visually and socially connected to it. The dominance of the auto in the design of contempo-

rary streets and neighborhoods has converted many city streets into single-purpose spaces, and that purpose is to move automobile traffic as efficiently as possible. Where that purpose is tantamount, it is difficult for the other purposes to coexist. In fact, other purposes--even other transportation-related purposes such as bicycling or on-street parking--are diminished or eliminated.

The spread-out location and design of neighborhoods and of the transportation system that serves them was made possible by the auto. In turn, neighborhoods created during the last three decades have become largely dependent on the auto for even the most basic transportation tasks. The auto is at once liberating and confining.

Balancing the realities of the motor age with the imperative of highly livable neighborhoods is at the heart of the transportation issues and policies at the neighborhood level. And it bears directly on the health of the City. If residents who live in the City by choice come to believe their neighborhoods are not safe for walking, are not protected from noisy through-traffic, don't provide easy access to the daily necessities, don't give their children the freedom to move about independently--then the City has lost much of its competitive advantage over the suburbs. Portland still is in the position to preserve its advantage and to help families choose to remain.

Neighborhood Issue 1 Neighborhood Land Use

Some neighborhoods, especially those more recently developed, lack even routine daily services within walking distance. Where such services do exist, the zoning ordinance often considers them to be nonconforming uses.

Policies

Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.

The City should work with individual neighborhoods to identify suitable locations and approaches to accommodate neighborhood businesses.

The City functions as a series of neighborhoods. Oakdale, Deering Center, and Munjoy Hill, for example, are defined areas of the City and evoke certain images of how people live. A basic concept of neighborhood is that it functions as a "unit" in which residents (and especially children) can move about easily and safely and meet at least some of their basic, daily needs within their neighborhood.

Historically, the elementary school and religious institutions were the cornerstones of many neighborhoods. So were small neighborhood stores. All of these serve basic, daily needs and also are natural meeting places. They are part of the "glue" of lively neighborhoods. To the extent that new neighborhoods are designed without proximity or easy access to at least basic goods and services (the corner store, the bakery, the hair salon, etc.), and to the extent that small neighborhood commerce is replaced by single-purpose, auto-oriented commercial strips, the "glue" is lost.

The City has a well-established pattern of small-scale services that meets the needs of many of the neighborhoods. They are found in neighborhood centers such as Rosemont, Central Square, Pine Street, or "down front" on Peaks Island, or in freestanding locations along nearby arterials. While many of these areas are zoned as Neighborhood Business (B-1), many of the services are, in fact, "grandfathered" nonconforming uses, and thus in jeopardy of being lost if they are even temporarily discontinued. In addition, there is little available commercially zoned land that is appropriate for the establishment of new neighborhood services.

There also are neighborhoods, such as the outer North Deering area, Stroudwater, Ludlow Street area, and the Payson Park/Chevrus area of Ocean Avenue, that have limited access to neighborhood services.

See Action Box No. N-1.

Action Box No. N-1

To assure the opportunity for day-to-day services, of appropriate scale and design, within walking distance of all neighborhoods:

- Review the existing nonconforming neighborhood businesses and "legalize" those that are positive factors in meeting neighborhood needs.
- Explore mechanisms to allow the establishment of new neighborhood businesses without creating a proliferation of small B-1 districts. One method might be to establish a strict performance standard approach, including design standards, that would allow neighborhood businesses to locate outside of B-1 zones if the objective criteria are met.
- In neighborhoods without nearby services, work with residents to identify appropriate locations and/or approaches to accommodating these uses.
- Review the zoning ordinance's land use standards to assure that the uses allowed in the B-1 districts are neighborhood-type businesses.
- Review the zoning ordinance's land use standards to assure that neighborhood businesses are "good neighbors" maintain the architectural character and fabric of the neighborhood, and are of an appropriate scale.

Neighborhood Issue 2 Street Network

Outside of the City's older neighborhoods, the system of neighborhood streets often lacks safe and convenient interconnections. This system of street design protects residents from through traffic but also makes them highly dependent on the auto even for simple tasks.

Policy

The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

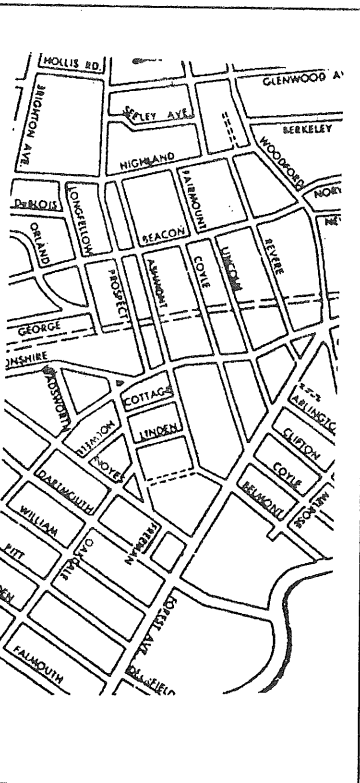
The traditional network of interconnected neighborhood streets offers several advantages. By giving multiple ways to reach the same point, it spreads out local traffic, and it is less likely that any one street will be burdened with the problem of cross-cutting. It allows the neighborhood's residents to get to neighborhood destinations--a school, a store, a friend's house--without having to venture onto an arterial. It makes trips more direct, often cutting down distance and making it easier to think about walking or bicycling.

If neighborhoods are thoughtfully located within larger transportation districts, with arterials and collectors treated in a way that respects the integrity of neighborhoods--as discussed in Chapter V--the need for the dead-end street as a defense against heavy flows of through traffic is lessened. In turn, the opportunities for the neighborhood to function as a social unit, which depend on the physical interconnections of its streets and pathways, are heightened.

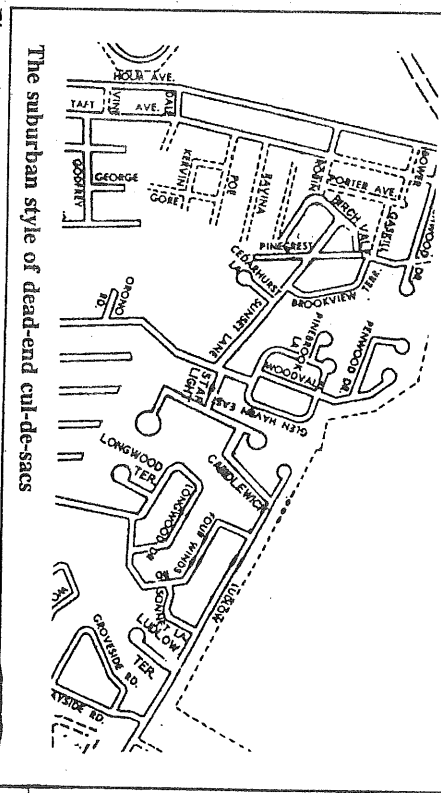
The City, of course, cannot dramatically change what already has been built. Many of the city's neighborhoods already have a pattern of interconnected streets. In these cases, the task is to preserve the interconnections. Streets, for example, should not be dead-ended, except perhaps where a neighborhood street is being inappropriately and dangerously used by regional traffic as a through-street; even then, alternatives to eliminating interconnections should first be explored. As a rule streets in the Woodfords area should not be cut-off by

rail lines. In established neighborhoods that don't have an interconnected network, there may be opportunities to make connections: via walkways and bikepaths, for example.

See Action Box No. N-2.



The traditional interconnected network of neighborhood streets



The suburban style of dead-end cul-de-sacs

Action Box No. N-2

To promote the interconnection of neighborhood streets and pathways:

- Require through the City's subdivision ordinance that new development be integrated into the overall neighborhood to provide a continuous travel network without dead-ends (keeping in mind that traditional "grid" patterns must be modified to fit the natural conditions of the site).
- Encourage subdividers to pay attention to the City's old street plats, allowing for internal re-configuration of streets but preserving connections to existing roadways.
- Explore the extension of paper streets:
 - off Allen Ave. for connections to Canco Road or Washington Ave.
 - off Forest Ave. for connections to Warren Ave. or to streets that in turn connect to Allen Ave., Washington Ave., and/or Bishop Street
 - off Ray street for connections to Ocean Ave.
- Require new developments to provide pedestrian and bicycle linkages to the surrounding neighborhood and to neighborhood services.
- Use natural resources corridors and "greenways" as part of the pedestrian system.
- Program improvements to neighborhood sidewalks and bicycling facilities.
- In established neighborhoods that lack an interconnected system of streets or pathways, identify key potential linkages--for example, to elementary schools or to main streets with sidewalks--and explore the possibility of gaining easements for walkways and bike paths.

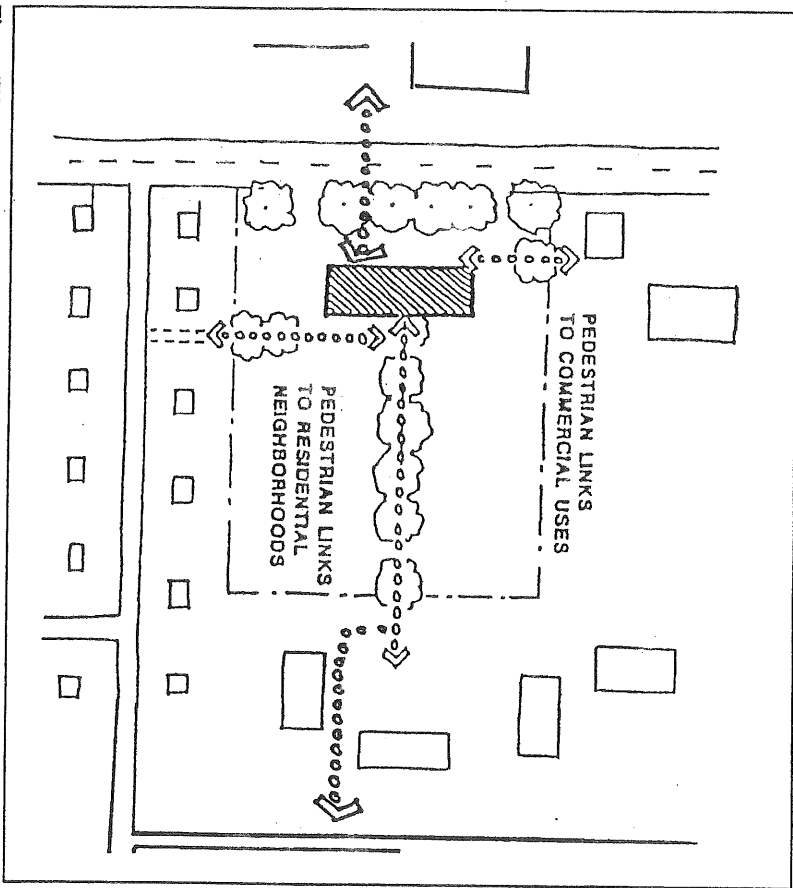


Figure IV-2: Pedestrian interconnections between commercial and residential uses

Neighborhood Issue 3 Streets as Public Space

Neighborhood streets are increasingly used as single-purpose spaces: to move automobile traffic as swiftly as possible. In some cases, arterials and collectors cutting through neighborhoods have been given over almost entirely to this one purpose.

Policy

Neighborhood streets, Downtown streets, and streets through the City's parks should be considered to be--and designed as-- multipurpose, public spaces.

The "street" includes the whole width of the right-of-way. In addition to the paved street, the right-of-way often has within it esplanades with trees and sidewalks on one or both sides of the street. These are part of the multiple purposes of this public space: walking and neighborhood greenery. The paved street itself should be designed for multiple purpose: in addition to the movement of automobile traffic, there can be provision for bicycling, the parking of vehicles, and informal, spontaneous recreation and socializing. These purposes usually are limited or eliminated on arterials and collectors that have been entirely given over to automobile traffic. They should be selectively reintroduced where the goal is to slow down ("calm") or divert through traffic to other roads. (See City Issue 6 in Chapter V) And on neighborhood streets that are not meant to serve commuter traffic, but rather serve primarily the neighborhood's traffic, these purposes should be specifically designed into the street.

In addition to neighborhood streets, Downtown streets and streets through the City's parks offer good opportunities for multiple use. Downtown's retail streets, for example, can be (and are) converted to festival streets from time to time and can be used as an extension of the marketplace and for recreation.

See Action Box No. N-3.

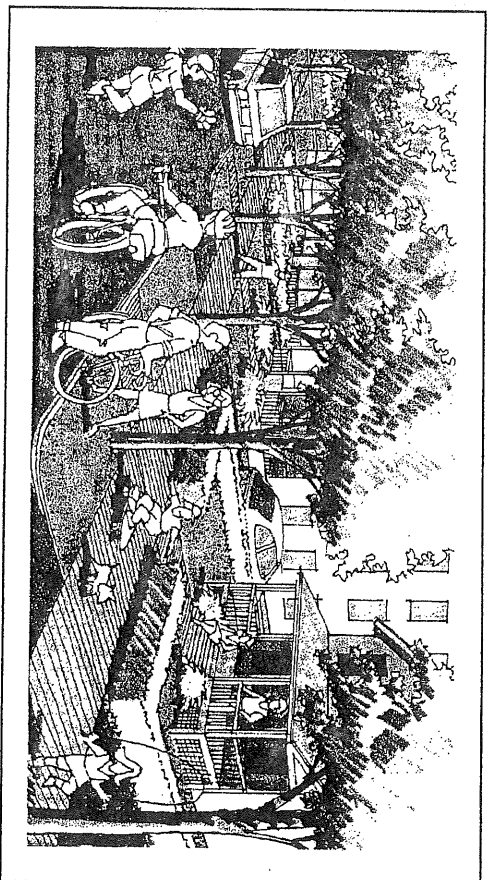


Figure IV-3: Neighborhood street as multipurpose, public space

Action Box No. N-3

To promote the neighborhood street as a multipurpose, public space:

- Upgrade facilities along neighborhood streets for bicycles and pedestrians, as illustrated in Figure IV-3.
- Assure that the subdivision ordinance and the City's street design standards include provisions for on-street parking, esplanades sufficient for shade tree plantings, and sidewalks.
- Where pavement is narrowed as a "calming" technique, combine this with the widening of sidewalks and/or consider bicycle lanes, landscaping, open space that can double as snow storage in the winter, or other uses of the right of way.
- In the reconstruction of neighborhood streets, consider the competing uses of the right-of-way.
- Assure that motor vehicle laws are enforced for the safety of other users of the public streets.

Neighborhood Issue 4 Street Design Standards

Design standards for streets do not conform to the notions of traditional neighborhoods and of the street as a multipurpose, public space.

Policy

The City's street design standards as they apply to local or neighborhood streets should be reviewed and where practical revised for consistency with principles of traditional neighborhood design.

The physical design of the street and its right-of-way will determine whether the street actually will "feel" like an inviting public space and whether the concept of an interconnected network of neighborhood streets actually will work. Portland has ample examples of streets that can serve as models: Craigie, Deering, Noyes, Longfellow Park, and many others. Practical considerations, including topography and other natural conditions, may not always allow replication of their lay-outs and dimensions. However, the City's design standards for local streets should emulate these successful urban streets rather than suburban models.

See Action Box No. N-4.

Action Box No. N-4

Elements of street design in traditional neighborhoods include:

- length of blocks (typically not longer than 300 to 400 feet, with the average perimeter of lots not exceeding an average of 1,300 feet)
- very limited use of dead ends
- where uses are primarily residential, a 50-foot right-of-way to accommodate sidewalks, esplanades, and on-street parking as well as travel lanes
 - in higher density neighborhoods, two 10-foot travel lanes, parallel parking on at least on side, esplanades, and sidewalks both sides
- in lower density neighborhoods with ample room for off-street parking, two 8-foot travel lanes, 8-foot parallel parking each side, and 10-to-12 foot sidewalk, with stores pulled up close to the sidewalk
- street trees and street lamps at regular intervals
- curb radii of not more than 15 feet, less in major foot traffic corridors
- use of bump-outs and safety islands on wider streets

Sources: Performance Streets, Bucks County Planning Commission; Traditional Neighborhood Development Ordinance, Foundation for Traditional Neighborhoods, Ossipee, N.H., 1990

Neighborhood Issue 5 Education of Youth

The idea and use of alternative modes of transportation have been nearly eliminated from the everyday lives of the City's youth. Lacking any habit of using these modes, the youth are not likely to think of them as natural or credible alternatives as they become adults.

Policies

Urge the School Committee to repeal the ban on riding bicycles to elementary schools.

Urge the School Committee to consider reinstating METRO as the provider of bus service to the City's middle and high schools and in other ways introduce students to mass transit.

With proper education, the proper provision of bicycling and pedestrian facilities as recommended elsewhere in this Plan, and proper supervision, the use of bicycles and of the public bus system can be safe and convenient alternatives for transporting students to their schools. In addition to issues of safety, it is important that the schools--like other major destinations discussed in this Plan--provide for the proper storage of bicycles once at the schools as protection against theft.

See Action Box No. N-5.

Action Box No. N-5

To promote the use of alternative modes of transportation among the City's youth:

- As recommended elsewhere in this Plan, give priority to upgrading walking and bicycling facilities, as necessary, that serve the City's schools.
- Include bicycle training courses, including safe bicycling techniques and rules of the road, in the regular curricula of the schools.
- Coordinate bicycle safety and informational programs being conducted by various groups, such as police departments, schools, bicycle interest groups, bike shop owners, and others.
- Repeal the ban on riding bicycles to elementary schools wherever and whenever safe bicycling routes exist.
- Prepare a feasibility study, including cost estimates and fleet requirements, for the provision by METRO of bus services to Portland's middle and high schools.
- Urge cooperation between the schools and METRO to expand educational programs that will prepare the City's youth for the new, multimodal transportation environment being planned for our City.
- Install bike racks on buses and ferries.

Att. 5.1

From: Alex Jaegerman
To: William Needelman
Date: 11/8/2006 2:23:28 PM
Subject: Fwd: B 1b zoning

>>> Lisa Flanagan <lflanag2@bowdoin.edu> 11/8/2006 1:40:23 PM >>>
Lisa Flanagan
33 Brentwood Street
Portland, Maine 04103
207-773-1691

Dear Mr. Jaegerman,
As a resident of Brentwood Street just three houses from the corner with Stevens, I'm a concerned that the character of Deering Center could alter dramatically. I knowingly bought a house in the area, for I wanted my children to have the opportunity to walk to school, patronize a Mom and Pop, and not be reliant on cars and a "soccer mom". The three are under the age of 8, and even now I am concerned about the traffic at the corner given the angle and visibility, the nature of Deering High drivers late for school, and the frequently poor plowing and sidewalk shoveling on the part of the Central Square Baptist church. If these conditions were compounded by a high traffic generating enterprise, the quality of life I actively sought upon my return to Portland, would be irrevocably lost. I encourage the board and city to adopt a conservative, long term approach to growth rather than permitting high volume businesses highjack the character of a neighborhood. Though location is the mantra of real estate, safety is the mantra of parents. Please do the right thing on this matter. Lisa Flanagan 773-1691

A4. 5.2

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:40:48 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Nori Gale <gales@maine.rr.com> 10/25/2006 7:21:45 AM >>>
Dear Mr. Jaegerman:

My name is Nori Gale and I live at 34 Tremont Street in Portland.

I am writing in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones. The reason I support this amendment is because high traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods such as the neighborhood in which I live, Deering Center.

Thank you for your time and consideration.

Sincerely,
Nori Gale

AH. 5.3

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:43:16 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Melissa Pritchard <meliss@maine.rr.com> 10/24/2006 9:04:20 PM >>>
Dear Councilors Cohen and Leeman, and Planning Director Jaegerman:
I join members of the Deering Center Neighborhood Association and Deering community in voicing my support of a proposed amendment (modification to B1 and B1b zones) that would limit the types of businesses that could operate in Portland.

As you know, Deering has the highest concentration of schools, and therefore school-children foot a traffic, of any neighborhood in the city. This modification to business zoning would help keep our and other Portland neighborhoods safer for families and children walking on our already busy streets.

I hope you'll vote for this modification.

Thank you for your consideration,

Melissa Pritchard
130 Leland Street
Portland 04103

AH.5.9

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:43:46 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Jessica Kelly <jessicakelly@maine.rr.com> 10/24/2006 8:12:27 PM >>>
Hi Alex Jaegerman,

My name is Jessica Kelly. My husband Tom and I live at 32 Clinton St. with our two children (7 year old Will and 5 year old Margaret). My children and I walk from Clinton to Longfellow School everyday. This walk means we have to cross over Stevens Ave, and already busy street. I am emailing you in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones. I fear for my children's safety with high traffic volume businesses being allowed to open in Deering Center. These types of businesses will most definitely cause a public safety risk. Please keep our walking neighborhood and school zone (Deering High, Lincoln Middle School and Longfellow Elementary) safe!

I URGE YOU TO ADOPT THE PROPOSED ZONING AMENDMENT FOR B1 AND B1B ZONES IN PORTLAND.

Thank you for putting Portland's children first,

Jessica Kelly

Att. 5.5

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:44:18 PM
Subject: Fwd: Zoning Ammdement

>>> Jessica <screebatownsend@earthlink.net> 10/24/2006 6:17:24 PM >>>

My name is Jessica Townsend and I live at 153 Glenwood Avenue in Deering Center. I am writing to express my support of the proposed zoning amendment limiting high traffic businesses moving into Zones B1 and B1-A areas. The beauty of our neighborhood is that we can walk everywhere with a feeling of safety. I am the mother of two who is proud to be able to have my children attend Portland Public Schools and am lucky that my children can walk to their schools from our home. High traffic businesses belong in urban settings with greater commercial use, rather than residential areas such as ours where increased traffic will jeopardize the safety of our children and others. In an era where billions a week are being spent and thousands are dieing to win an Oil driven war in Iraq, I feel strongly that any way we can decrease our dependency on cars and use our own bodies for transportation is necessary. Thank you for the work that you do and for taking the time to read this letter. I can be reached at 774-1780, if you have any questions. In addition, please pass these thoughts along to the Board. Thank you in advance.

Sincerely,

Jessica Townsend

Att. 5.6

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:21:31 AM
Subject: Fwd:

>>> sarah compton <scompton@maine.rr.com> 10/25/2006 2:45:02 PM >>>
Dear Alex,

I am sending this e-mail in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones and that high traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods, because my two young sons and I walk in our neighborhood everyday, whether to go to school, the post office, and our local stores.

Please pass along my comments to the Planning Board.

Sincerely,

Sarah Compton
159 Glenwood Ave
Portland,04103

Att. 5.7

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:29:02 AM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> "Kelly Dufour" <KDufour@maine.rr.com> 10/25/2006 9:39:22 AM >>>
Alex Jaegerman,

As a Deering Center homeowner I would like to express my support in making our neighborhood a B1 and B1b zone. When my husband and I moved back to Maine, we chose Deering Center for its charm, character, and close-knit community. We love the convenience of living in a "walking neighborhood."

It seems as though revising the neighborhood zoning would help to maintain current traffic levels so as not to compromise our children's ability to walk to school or get an ice cream in safety. We place a considerable amount of value on preserving and protecting our walking neighborhood. We hope that implementing family-friendly zoning restrictions will help our unique community remain intact.

Please forward our thoughts to the planning Board. Thank you for your time.

Peter and Kelly Dufour
86 Leland Street
Portland, ME 04103
899-2395

Att. 5.8

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:18:02 AM
Subject: Fwd: proposed amendment for the B1 and B - 1b zones

>>> <Letile@aol.com> 10/25/2006 5:29:35 PM >>>

Greetings,

I live in Deering, 2 minutes away from Deering center. I've heard there's discussion of what kind of business will take place where the old pizzeria was. I'm writing in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones.

High traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods. I moved from NYC to Portland so I can live in a neighborhood like Deering, it would be terrible if it was changed. My kids walk all around Deering Center, Longfellow school and Deering playground. If a large chain business takes over, it would transform the face of the neighborhood, now a lovely walking neighborhood. Please do support the proposed zoning amendment in B-1 and B-1b zones. Thanks in advance for your time and consideration,

Leticia Plate & Roy Germon
292 Stevens Avenue
Portland, ME 04103
207-774 1146
proposed amendment for the B1 and B - 1b zones

Leticia Plate
292 Stevens Avenue
Portland, ME 04103
207-774 1146

www.leticiaplate.com
www.snailmailproductions.etsy.com
www.maineillustratorscollective.org

5.9

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:20:56 AM
Subject: Fwd: Zoning Amendment for B1 and B1b

>>> Eric Sokol <eric@ww-architects.com> 10/25/2006 2:49:37 PM >>>
Hello Alex,

I am writing you to voice my support for the proposed zoning amendment (B-1, B-1b) that will be discussed at this Thursday's City Council Meeting. As a resident of Deering Center, I am very concerned about the impact that a high traffic volume business may have on the area. Presently, there are a handful of businesses in Deering Center that seem to be doing quite well, and rely quite a bit on foot traffic by neighborhood residents. I am concerned that a business which relies on and generates a good deal of car traffic will endanger the safety of the residents, children at the neighboring schools, and the spirit of the neighborhood.

When this discussion comes up on Thursday, I hope you will keep this in mind, and pass these comments on to the Planning Board.

Thanks for your time.

Eric Sokol
153 Glenwood Avenue
Portland, ME 04103
207/774-1780

AH 5.10

From: Liz McCabe Park <epark@bates.edu>
To: <AQJ@portlandmaine.gov>
Date: 10/26/2006 9:38:00 AM
Subject: Zoning in Deering Center

Hi Alex,

Would you be willing to share my comments with the Planning Board? Just wanted to weigh in on the zoning issue in Deering Center. Between the hours of 7:30 a.m.- 9:00 a.m. and 2:00 - 3:20 pm Deering Center is one big mass of teeming pedestrian youth. I know my own kids are not particularly good at paying attention while crossing streets, and lots of others are the same. I'm strongly in favor of B1 zoning for Deering Center, to keep businesses local, and keep traffic down. Thanks for your help with this.

-Liz

--

Liz McCabe Park,
166 Brentwood St.
Portland, ME 04103

AH 5.11

From: "Dutton, Scott (LNG-HBE)" <Scott.Dutton@lexisnexis.com>
To: <aqj@portlandmaine.gov>
Date: 10/26/2006 11:40:49 AM
Subject: FW: PROPOSED ZONING AMENDMENT FOR B1 and B1B ZONES IN PORTLAND

Alex,

It was suggested to me that I also forward my e-mail to you in hopes that my comments would also reach the Planning Board. Please read the below, and thanks for your time.

Scott Dutton

> _____
> **From:** Dutton, Scott (LNG-HBE)
> **Sent:** Tuesday, October 24, 2006 10:21 AM
> **To:** 'cl@portlandmaine.gov'; 'dcarr@portlandmaine.gov';
> 'wgorham@portlandmaine.gov'
> **Cc:** 'jcohen@portlandmaine.gov'; 'jcloutier@portlandmaine.gov';
> 'jduson@portlandmaine.gov'; 'kgeraghty@portlandmaine.gov';
> 'nmm@portlandmaine.gov'; 'esuslovic@portlandmaine.gov'
> **Subject:** PROPOSED ZONING AMENDMENT FOR B1 and B1B ZONES IN
> PORTLAND

>
> Councilors,
> My name is Scott Dutton, and I live at 178 Clinton St (first house in
> from Stevens). I am writing in support of the proposed zoning
> amendment to limit businesses with very high traffic volume in B-1 and
> B-1b zones.
> I have lived in Portland for 30 years, and there is not a neighborhood
> that is more walkable, and with strong desire to be so, than Deering
> Center. I work at home at 178 Clinton St and it is almost daily that I
> see or hear a pedestrian/traffic mishap. The (moderately marked)
> crosswalk that goes from the Quality Shop to Pat's is used all day
> long, and very heavily before and after school by both Longfellow and
> Lincoln students. It's been a somewhat dangerous situation for years,
> and I've seen many a close call (and one incident involving a child
> that luckily only resulted in broken bones). And in the winter with
> the snowbank/plowbank situation, it's flagrant really.
> I realize that businesses are going to be in Deering Center, and I
> make an effort to support (right now) all of them. I also choose and
> love to live here. I realize that litter, teenage drivers (I could
> tell you some stories), bad signage (unfortunately) and unhealthy food
> options are part of this neighborhood. But this traffic/pedestrian
> issue, which so highly involves children, is of the utmost concern to
> me - and should be to all of you. There should be no single factor of
> consideration on this topic that is of more importance to you.
> If you have the ability/power to make a change that would protect this
> situation from getting worse, it would defy reason that you would not
> do so. A high volume business, particularly those that bring traffic
> that would otherwise not have been commuting this way, to a space
> where there is no place to put them, and at a time when our children
> are walking to school right through that space (a DD, for example,
> would literally route a percentage of traffic from Forest Ave directly
> into this space while our children are walking to school), creates a
> public safety risk directly in the middle of 2 schools and a highly

AH 5.12

- > walked neighborhood.
- > I URGE YOU TO ADOPT THIS AMENDMENT
- > Thanks for your time and consideration,
- > Scott Dutton
- > 178 Clinton St.
- > Portland, Maine
- > 207 871-9849
- >

AH 5.13

From: "Barbie Weed" <barbieweed@hotmail.com>
To: <AQJ@portlandmaine.gov>, <jcohen@portlandmaine.gov>, <wgorham@portlandmaine.gov>, <kgeraghty@portlandmaine.gov>, <dcarr@portlandmaine.gov>, <cl@portlandmaine.gov>, <jduson@portlandmaine.gov>, <jcloutier@portlandmaine.gov>, <nmm@portlandmaine.gov>, <esuslovic@portlandmaine.gov>
Date: 11/6/2006 5:48:20 PM
Subject: please support proposed zoning change

Greetings,

I would like to urge you to approve the proposed change to the neighborhood zoning regulations to limit business that would have over 65 cars per hour during peak traffic. I live within 150 feet of Stevens Avenue in the heart of Deering Center. The neighborhood character and pedestrian safety depends on the passage of this change. This small stretch of Stevens Avenue is already thick with cars, trucks, and students. There is simply no room for additional traffic unless you deliberately direct it into the neighborhood. I already contend with 10-20 cars turning around in my driveway on a hot summer evening when people decide that they want to visit the local ice cream shop and that's just MY driveway. The addition of the ice cream business drastically lowered the pedestrian safety in this neighborhood and any other stop-n-go business in the block will make the street lethal. Individuals who are stopping at local business often don't realize how many pedestrians there are in this area, they are especially negligent with regard to the smallest pedestrians, and they rarely consider that there may be children/pets/vehicles in the adjacent driveways. Additionally, there is the question of delivery trucks needed for larger volume businesses. I invite you to sit on this street for a day. You will find delivery trucks parked in the neighborhood, engines running, cargo being dropped onto handcarts starting at 4AM, school buses sitting in idle while they wait for dismissal time, and continual traffic from vehicles that are visiting business or going to the church on the corner. The quality of life in the neighborhood has reduced drastically in the last couple of years and any measure that can be put in place to help slow that deterioration would be greatly appreciated.

Barbie Weed
26 Brentwood Street

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From: Lisa Flanagan <lflanag2@bowdoin.edu>
To: <aqj@portlandmaine.gov>
Date: 11/8/2006 1:43:30 PM
Subject: B 1b zoning

Lisa Flanagan
33 Brentwood Street
Portland, Maine 04103
207-773-1691

Dear Mr. Jaegerman,

As a resident of Brentwood Street just three houses from the corner with Stevens, I'm concerned that the character of Deering Center could alter dramatically. I knowingly bought a house in the area, for I wanted my children to have the opportunity to walk to school, patronize a Mom and Pop, and not be reliant on cars and a "soccer mom". The three are under the age of 8, and even now I am concerned about the traffic at the corner given the angle and visibility, the nature of Deering High drivers late for school, and the frequently poor plowing and sidewalk shoveling on the part of the Central Square Baptist church. If these conditions were compounded by a high traffic generating enterprise, the quality of life I actively sought upon my return to Portland, would be irrevocably lost. I encourage the board and city to adopt a conservative, long term approach to growth rather than permitting high volume businesses hijack the character of a neighborhood. Though location is the mantra of real estate, safety is the mantra of parents. Please do the right thing on this matter. Lisa Flanagan 773-1691

**B-1, B-1b ZONE TEXT CHANGE
PROHIBITING HIGH TRAFFIC BUSINESSES
CITY OF PORTLAND, APPLICANT**

Submitted to:
Portland City Council
Portland, Maine

Submitted by:
Bill Needelman, Senior Planner

November 16, 2006
For the
November 20, 2006 Public Hearing

I. INTRODUCTION

Mayor Jim Cohen has sponsored and the City Council's Standing Committee on Transportation has endorsed proposed amendments to the B-1 and B-1b Neighborhood Business Zone texts to limit high traffic generating businesses. The purpose of the amendments is to protect neighborhood business districts from new business that generate more traffic than is compatible with the pedestrian nature of the B-1 and B-1b zones.

The item has been recommended by the Transportation Committee and received its first reading with the City Council on October 16. The amendment would be retroactive to the date of the first reading.

The Planning Board held a public hearing to review this amendment and provided a split recommendation to the full City Council. Please see below.

II. PROPOSED AMENDMENT

The proposed amendment adds language to the B-1 and B-1b permitted and conditional use sections prohibiting "business" uses, as listed, that generate more than 65 peak hour vehicle trips. The "peak hours" are the morning and afternoon commuter rush hours (usually 7:30 to 8:30am, and 4:30 to 5:30 pm). A vehicle "trip" is an arrival to or departure from the facility by car or truck.

For example: a person stopping at a convenience store on the way home from work, parking on the street or in the store parking lot, and then leaving to continue home, would generate two peak hour trips: one arriving and one leaving. Multiple people in the same vehicle would not add to the trips. Pedestrian and bicycle trips are not counted.

The amendments are provided below (new language is underlined) and the "council order" is provided as Attachment 2.

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(2) *Business:* Business uses listed below are permitted, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic

study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips.

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.
- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

1. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is

prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips:

- (a) Restaurants provided they meet the following requirements:
1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
 3. Food service and consumption are the primary function of the restaurant; and
 4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

III. IMPACT OF THE AMMENDMENT

Planning Staff requested that consulting traffic engineer, Tom Errico, P.E. provide the Board with a general idea of the impact of the amendment on new business proposals. Mr. Errico provided the following table of use size that would typically generate 65 vehicle trips (and therefore be prohibited under the amendment.) Please note that drive thru services are currently not allowed in either the B-1 or B-1b zones.

65 total peak hour trips correlate to the following:

- * 40,000 sf general office space
- * 17,000 sf of medical office space
- * 24,000 sf of specialty retail space
- * 17,000 sf shopping center
- * 1,400 sf bank (with drive-through/ATM facilities)
- * 6,000 sf High Turn-over Restaurant (w/o drive-through)

The business sizes shown above are generally larger than the typical establishments found in the B-1 zones (based on a qualitative assessment by the Planning Staff.)

IV. REVIEW OF POLICIES

The Board is asked to recommend that the proposed amendment is consistent with the purpose of the zone and the applicable portions of the Comprehensive Plan. The B-1, B-

1b purpose section is provided below, followed by a brief analysis of excerpted portions of the Housing and the Transportation sections of the Comprehensive Plan.

Purpose Section of the B-1, B-1b Zones

The B-1 zones were created to provide a location for “small-scale” businesses that serve the surrounding neighborhood. While these zones are sometimes located along arterial roads, they are distinct from the B-2 “Community Business” zones that are intended to serve a larger area (and the commuting public.) The B-1 districts are pedestrian friendly, walkable, and prohibit drive-thru services. The proposed amendments are intended to ensure that the intensity of vehicle activity generated by new businesses is compatible with the existing and planned character of these “urban village” neighborhood centers.

Deering Center, Stroudwater Village, and the top of Munjoy Hill are currently a few of the B-1, B-1b districts spread throughout the City.

Sec. 14-161. Purpose.

(a) B-1 Neighborhood Business Zone

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of small-scale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of small-scale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.

(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99)

Comprehensive Plan

The City's Comprehensive Plan supports the proposed amendments in general language found in the Housing Plan (2002) and by specific reference in the Transportation Plan (*Time of Change*, 1993).

Housing Plan

The 2002 Housing Plan provides a series of policy recommendations on both housing and related land uses to promote the general welfare of the City. *Policy #3, Neighborhood Stability and Integrity*, promotes "compatible development" to enhance compatibility between residential and non-residential development. *Policy #3* also promotes "neighborhood livability" by promoting businesses that are "of appropriate size, scale and type within neighborhoods."

Policy #5, Sustainable Development, promotes "neighborhood centers" with "small-scale retail and service businesses at appropriate locations.."

Please refer to Attachment 3 for excerpted portions of the Housing Plan.

Transportation Plan

The 1993 *Time of Change: Portland Transportation Plan* similarly promotes creation and fostering of neighborhood centers to promote walkability. Specifically, the plan suggests as an *action*, "Review the zoning ordinance's land use standards to assure that the uses allowed in the B-1 districts are neighborhood-type business." The proposed amendment asks the Board to make a distinction between "neighborhood-type" business (businesses that generate fewer trips) and higher volume businesses (that should locate in higher intensity zones such as the B-2.)

V. RECOMMENDATIONS

Transportation Committee:

As stated in the Introduction, the Standing Committee on Transportation has recommended the proposed amendment. The during the Committee's hearing, members questioned the basis of the amendment (65 peak hour trips) and how that limit could impact development opportunities in the B-1 zones. After reviewing the tabled information (shown in Section III, page 3 of this report) regarding the types and sizes of

businesses that would be limited, the Committee became comfortable that the amendment was not overly restrictive and unanimously voted to recommend its passage.

Planning Board:

The Planning Board also held a public hearing on the amendment. After deliberation, the Board voted to communicate to the Council a strong endorsement of the policy proposal to prohibit businesses in the B-1 and B-1b zones that generate excessive traffic. In consideration of the amendment, the Board benefited significantly from comments provided by the public (many of whom were from the Deering Center neighborhood.) The Board agreed with the sentiments expressed by those speakers and agreed that the zone needs to be amended.

The Board, however, expressed reservations with the specifics of the proposed language. These reservations were not with the policy change, but rather with the specific wording of the text changes proposed to accomplish the change. Board members were concerned that the proposed text changes appear to be ambiguous as to the number of vehicle "trips" that will serve as the cut off. If ambiguous, the revised zone may well not accomplish the policy of limiting the growth in vehicle traffic in these zones. In addition, because the consulting traffic engineer was not able to attend the hearing, it was unclear how the figure of 65 trips was arrived at. Further inquiry on this point may show that an even lower bar may be necessary in order to accomplish the desired policy goal.

Following deliberation, the Board voted on the following motion:

Motion #1. Based on the material provided in Planning Report #64-04, public testimony, a review of applicable policies, and other information the Planning Board finds that the proposed amendments to the B-1 and B-1b zone text are consistent with the Comprehensive Plan and recommends their adoption to the City Council. **Vote: 2 to 4: Motion fails.** Lowry and Silk in favor; Beal, Odakara, Patterson, and Tevanian against; Hall absent.

Board members in favor of the motion, though somewhat concerned with the specifics of the language, expressed their opinion that the proposal was consistent with policy and should be adopted. The majority, however, felt that too many unanswered questions remained to endorse the language.

Following the above action, the Board voted on the motion below:

Motion #2. The Planning Board extends a communication to the City Council in support of limiting the number of vehicle trips entering and exiting businesses in the B-1 zones, but needs more information to proceed with the current language. **Vote 4 to 2: Motion passes.** Lowry and Silk opposed, Hall absent. As consistent with their vote above, dissenting Board members felt that there was sufficient information to recommend the language as proposed.

-

Attachments:

1. B-1, B-1b, Current Text
2. Proposed Amendment Language
3. Housing Plan Excerpt
4. Transportation Plan Excerpt
5. Public Comment Letters

DIVISION 9. B-1 AND B-1b NEIGHBORHOOD BUSINESS ZONES*

*Editor's note--Ord. No. 292-88, adopted Apr. 4, 1988, with an effective date of July 1, 1988, repealed §§ 14-161--14-167 of Div. 9, B-1 Business Zone, of this article and enacted in lieu thereof similar new provisions as set out in §§ 14-161--14-167. Formerly, such sections derived from §§ 602.8.A--602.8.G of the city's 1968 Code and from Ord. No. 74-72, adopted Mar. 6, 1972, and Ord. No. 499-74, § 4, adopted Aug. 19, 1974.

Sec. 14-161. Purpose.**(a) B-1 Neighborhood Business Zone**

The purpose of the B-1 neighborhood business zone is to provide limited areas for the location of smallscale commercial establishments intended to serve a local market. As a result, uses shall be complimentary, quiet and generally do not disturb the comfort and enjoyment of the adjoining neighborhood environment. Uses shall be designed for the pedestrian scale and will provide convenient access for nearby residents and workers to walk in to purchase goods and services. Buildings and uses shall be designed with attractive storefronts or similar features, with windows and doors convenient to a public sidewalk. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3). This zone shall encourage mixed use buildings such as commercial first floor with residential uses above or combined retail/office uses in a multistory structure.

Suitable locations for this zone may include street intersections and arterial streets with existing or proposed traditional neighborhood retail and service uses.

(b) B-1b Neighborhood Business Zone

The purpose of the B-1b neighborhood business zone is to provide appropriate opportunities for the establishment of smallscale ground floor commercial uses in existing buildings, serving a local market, while preserving residential uses and character above the ground floor of structures. Building additions are encouraged but not required to meet the maximum setbacks of 14-165(c)(3).

Suitable locations for this zone may include street intersections, arterial streets, and sites with existing or traditional neighborhood retail and service uses.
(Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 1, 11-15-93; Ord. No. 94-99, 11-15-99)

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

(1) *Residential*

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

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

(2) *Business:*

a. Professional offices, as defined in section 14-47, but excluding veterinarians.

b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.

c. Personal services, as defined in section 14-47.

d. Offices of building tradesmen, provided there is no exterior storage of building materials.

e. Retail establishments, provided such do not

B-1, B-1b Current Text

include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.

f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:

1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

(3) *Institutional:*

- a. Church or other place of worship;
- b. Municipal offices;
- c. Elementary, middle and secondary schools;
- d. Nursery schools and kindergarten;
- e. Clinics of less than three thousand (3,000) square feet of total floor space.

(4) *Other:*

- a. Lodging houses;
- b. Utility substations, as defined in section 14-47,

subject to the standards of article V (site plan);

- c. Day care facilities or babysitting services;
 - d. Accessory uses as provided in section 14-404;
 - e. Bed and breakfast, subject to the standards of article V (site plan).
- (5) Uses permitted above the ground floor level of buildings in the B-1b zone:
- a. Any residential use set forth in section 14-162(a);
 - b. Bed and breakfast, subject to the standards of article V (site plan).
- (Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 2, 11-15-93; Ord. No. 125-97, § 5, 3-3-97; Ord. No. 94-99, 11-15-99)

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements:

- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 - 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;
 - 3. Food service and consumption are the primary function of the restaurant; and
 - 4. There shall be no drive-through service.
- (Ord. No. 292-88, 4-4-88; Ord. No. 133-93, § 3, 11-15-93; Ord. No. 94-99, 11-15-99)

Sec. 14-164. Prohibited uses.

Uses not enumerated in sections 14-162 and 14-163 as either permitted or conditional uses are prohibited.
(Ord. No. 292-88, 4-4-88)

Sec. 14-165. Dimensional requirements.

In addition to the provisions of division 25 (space and bulk regulations and exceptions) of this article, residential uses permitted under section 14-162(a) shall meet the requirements of such abutting or nearest residential zone except as noted below, and nonresidential uses in the B-1 and B1-b zone shall meet the following minimum requirements:

(a) *Minimum lot size:*

1. School: Twenty thousand (20,000) square feet.
2. Church or place of worship: Ten thousand (10,000) square feet.
3. All other nonresidential uses: None.
4. Multi-family dwellings above the first floor: 1,000 square feet of land area per dwelling unit.

(b) *Minimum street frontage:* Fifty (50) feet, except that if the average street frontages of all lots within two hundred (200) feet of the boundaries of the lot in question on the same side of the street and within the B-1 or B-1b zone is less than fifty (50) feet, then the minimum street frontage for the lot in question may be reduced to the average frontage of such lots.

(c) *Yard dimensions:* (Yard dimensions are required setbacks for structures from property lines and setbacks of structures from one another. No structure shall occupy the minimum yard of another structure.)

1. *Maximum front yard:*

Principal or accessory structure: The maximum front yard setback shall either be: (i) ten feet; or (ii) in cases where the average depth of the front yards of the nearest developed lots on either side of the lot in question is less than ten feet, the front

yard setback of the lot in question shall not exceed such average depth. A "developed lot" means a lot on which a principal structure has been erected.

Building additions are not required to meet this maximum setback.

2. *Rear yard:*

- a. Principal structures: None, except where a rear yard abuts a residential zone or first floor residential use, a minimum of twenty (20) feet is required.
- b. Accessory structures (detached): None, except where the rear yard abuts a residential zone or first floor residential use, a minimum of five (5) feet is required.

3. *Side yard:*

- a. Principal and accessory structures: None, except that where a side yard abuts a residential zone or a first floor residential use, a minimum of ten (10) feet is required.
- b. Accessory structures (detached): None, except that where the side yard abuts a residential zone or a first floor residential use, a minimum of five (5) feet is required.
- c. Side yards on side streets (corner lot): Principal or accessory structures: Ten (10) feet maximum setback, except that for any new construction on a lot abutting more than two streets, the maximum setback shall not apply beyond the two most major streets. (For purposes of this section, "major street" shall mean that street with the highest traffic volume and the greatest street width in comparison with the remaining streets). This maximum setback shall not apply to building additions.

- (d) *Minimum lot width:* None.
- (e) *Maximum structure height:* Thirty-five (35) feet. Where the lot abuts an R-6 residential zone, the maximum height shall be the maximum permitted height in the R-6 residential zone.
- (f) *Maximum impervious surface ratio:* Ninety (90) percent.
- (g) *Floor area:*
 - 1. The maximum first floor area of a single tenant building shall be no greater than five thousand (5,000) square feet.
 - 2. The maximum first floor area of a multi-tenant building shall be no greater than ten thousand (10,000) square feet.

(Ord. No. 292-88, 4-4-88; Ord. No. 52-96, § 1, 7-15-96; Ord. No. 94-99, 11-15-99)

Sec. 14-166. Other requirements.

All nonresidential uses in B-1 and B-1b zones shall meet the requirements of division 25 (space and bulk regulations and exceptions) of this article in addition to the following requirements:

- (a) *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).
- (b) *Curbs and sidewalks:* Curbs and sidewalks as specified in article VI of chapter 25.
- (c) *Offstreet parking and loading:* Offstreet parking and loading are required as provided in division 20 and division 21 of this article.
- (d) *Front yard parking:* There shall be no off street parking in the front yard between the street line and

the required maximum setback line. Where an existing building setback exceeds the maximum front yard setback, a maximum of ten (10) percent of the total parking provided on the site may be located between the principal structure and the street.

- (e) *Signs:* Signs shall be subject to the provisions of division 22 of this article.
 - (f) *Exterior storage:* There shall be no exterior storage with the exception of fully enclosed containers or receptacles for solid waste disposal. Such containers or receptacles shall be shown on the approved site plan. In no event shall vehicles, or truck trailers with or without wheels, be used for on-site storage. Truck load sales shall not be considered outside storage provided that such activity does not extend beyond three (3) consecutive days nor occur more frequently than three (3) times a calendar year.
 - (g) *Storage of vehicles:* Storage of vehicles is subject to the provisions of section 14-335.
 - (h) *Shoreland and flood plain management regulations:* If the lot is located in a shoreland zone or in a flood hazard zone, then the requirements of division 26 and/or division 26.5 apply.
- (Ord. No. 292.88, 4-4-88; Ord. No. 94-99, 11-15-99)

Sec. 14-167. External effects.

Every use in a B-1 or B-1b zone shall be subject to the following requirements:

- (a) *Enclosed structure:* The use shall be operated within a completely enclosed structure, except for those specific open air activities licensed by the City, including but not limited to outdoor seating, sidewalk sales, etc.
 - (b) *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 fifty-five (55) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
 - (c) *Vibration and heat:* Vibration inherently and recurrently generated and heat shall be imperceptible without instruments at lot boundaries.
 - (d) *Glare, radiation or fumes:* Glare, radiation or fumes shall not be emitted to an obnoxious or dangerous degree beyond lot boundaries.
 - (e) *Smoke:* Smoke shall not be emitted at a density in excess of twenty (20) percent opacity level as classified in Method 9 (Visible Emissions) of the Opacity Evaluation System of the U.S. Environmental Protection Agency.
 - (f) *Materials or wastes:* No materials or wastes shall be deposited on any lot in such form or manner that they are clearly visible from neighbors' properties or may be transferred beyond the lot boundaries by natural causes or forces. All solid waste disposal, including materials which might cause fumes or dust, or constitute a fire hazard if stored out-of-doors, shall be only in fully enclosed containers or receptacles. Areas attracting large numbers of birds, rodents or insects are prohibited.
- (Ord. No. 292-88, 4-4-88; Ord. No. 94-99, 11-15-99)

JAMES I. COHEN (MAYOR)(5)
JILL C. DUSON (A/L)
JAMES F. CLOUTIER(A/L)
NICHOLAS M. MAVODONES (A/L)
EDWARD J. SUSLOVIC (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

Att. 2.1
Amended Text

WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
DONNA J. CARR (3)
CHERYL A. LEEMAN (4)

AMENDMENT TO CITY CODE
CHAPTER 14, ARTICLE III. ZONING. DIVISION 12.6
B-1, B-1b NEIGHBORHOOD BUSINESS ZONE:
§§14-162, 163

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

1. That Chapter 14 (Land Use), Art. III (Zoning),
Division 12.6 (B-1, B-1b, Permitted Uses), Section 14-
162 is hereby amended to read as follows:

Sec. 14-162. Permitted uses.

(a) The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone. For permitted uses in the upper stories of buildings in the B-1b zone, refer to subsection (5) below: in existence on November 15, 1993:

...
(2) Business: Business uses listed below are permitted, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III. 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips.

Deleted: ¶

- a. Professional offices, as defined in section 14-47, but excluding veterinarians.
- b. Business services, as defined in section 14-47, but excluding beverage container redemption centers.
- c. Personal services, as defined in section 14-47.
- d. Offices of building tradesmen, provided there is no exterior storage of building materials.

- e. Retail establishments, provided such do not include drive-through sales or services and do not operate between the hours of eleven (11) p.m. and six (6) a.m. and do not accept deliveries or services between the hours of ten (10) p.m. to seven (7) a.m.
- f. Beverage dealers (as defined in 32 M.R.S.A. 1862) provided they meet the following requirements:
 - 1. Maximum total floor area for beverage container redemptions, including the storage of spent beverage containers, shall be no greater than five hundred (500) sq. ft. or ten (10) percent of the total floor area of the facility, whichever is less;
 - 2. Beverage container redemption is an accessory use to a principal retail use that includes beverage sales. Local beverage container redemption centers as defined in 32 M.R.S.A. 1867, as may be amended, are not allowed as a principal use.
 - 3. Storage of all beverage containers shall be contained entirely within the building providing retail sales.

2. That Chapter 14 (Land Use), Art. III (Zoning), Division 12.6 (B-1, B-1b, Conditional Uses), Section 14-163 is hereby amended to read as follows:

Sec. 14-163. Conditional uses.

The following uses are permitted in the B-1 zone and on the ground floor level of buildings in the B-1b zone, as provided in section 14-474 (conditional uses), if they meet the following requirements, provided that such use which generates in excess of 65 total vehicle trips [entering and exiting] per am or pm peak hour is prohibited. As set forth in the Technical and Design Standards and Guidelines, Section III, 6, the City Traffic Engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 new vehicle trips:

- (a) Restaurants, provided they meet the following requirements:
 - 1. Maximum total floor area for use of the public shall be one thousand (1,000) square feet;
 - 2. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day;

Att. 2.3
Amended Text

3. Food service and consumption are the primary function of the restaurant; and
4. There shall be no drive-through service.

BE IT FURTHER ORDERED, that the above text changes will have an effective date of October 16, 2006.

Neighborhood Stability and Integrity

Policy #3: Maintain and enhance the livability of Portland’s neighborhoods as the city grows and evolves through careful land use regulation, design and public participation that respects neighborhood integrity.

While accommodating needed services and facilities, protect the stability of Portland’s residential neighborhoods from excessive encroachment by inappropriately scaled and obtrusive commercial, institutional, governmental, and other non-residential uses.

Housing Along Arterials: Maintain residential zoning along arterials and encourage increased residential densities and mixed uses within business zones.

Demolition: Discourage demolition or conversion of residential properties for non-residential uses.

Compatible Development: Encourage well-planned developments and uses to enhance compatibility between residential and non-residential uses.

Student Housing: Encourage construction of affordable student housing to meet current and future needs.

Support Portland’s livable neighborhoods by encouraging a mix of uses that provide needed goods and services, within walking distance of most residents.

Neighborhood Livability: Promote through City policies a mix of housing types, retail and service businesses, community services, and open space/recreation opportunities of appropriate size, scale and type within neighborhoods.

Uphold Zoning: Enforce approved density regulations in the Zoning Ordinance.

Encourage innovative new housing development, which is designed to be compatible with the scale, character, and traditional development patterns of the City’s residential neighborhoods.

Municipal Regulations: Update codes to encourage new residential development that:

- Offers diverse and quality living options.
- Encourages traditional neighborhood elements.
- Promotes a walkable city.
- Are compatible with Portland’s existing neighborhoods.

Design Guidelines: Adopt design guidelines for new housing and rehabilitation that are compatible with the character and patterns of development in each neighborhood.

Encourage new housing development in proximity to neighborhood assets such as open space, schools, community services and public transportation.

Assets: Inventory neighborhood assets, such as open space, recreation facilities, schools, services and public transportation.

Suitable Housing Sites: Use asset inventories and agreed upon neighborhood priorities to select potential housing sites as part of the Neighborhood Based Planning Process.

Walkable neighborhoods: Give preference to projects that are located within a walkable distance to neighborhood assets, particularly when seeking City funds.

Ensure the integrity and economic value of Portland’s neighborhoods.

Enforcement: Aggressively enforce codes that require owners to maintain properties.

Maintain Property: Ensure all properties are kept clear of debris and derelict vehicles.

Redevelopment: Work to find productive uses for vacant and underutilized lots.

Public Improvements: Ensure neighborhood improvements are safe, attractive and well maintained.

Public Safety: The Portland Police Department will continue to work with neighborhoods on community policing, crime watch and other public safety programs to ensure neighborhoods remain safe for residents and visitors.

Traffic: Work with neighborhoods to address traffic issues and enforce traffic laws.

Public Parks: Preserve public amenities, such as trails, athletic fields, and parks.

Open Space: Work with neighborhoods to update, “Green Spaces/Blue Edges”.

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Sustainable Development

Policy #5: Portland’s Comprehensive Plan encourages a manageable level of growth that will sustain the city as a healthy urban center in which to live and work and to achieve our shared vision for Portland. Portland should encourage sustainable development patterns and opportunities within the city by promoting efficient land use, conservation of natural resources, and easy access to public transportation, services, and public amenities.

Encourage growth in Portland that strives for a dynamic balance of the essential elements of the city, such as excellent schools, diverse housing choices, proximity to services and employment, increased public transit usage, expanded economic base, high quality services, and an affordable tax rate.

Target to grow: Achieve and maintain a 25% share of Cumberland County’s population.

Public relations: Analyze and promote the public benefits of growth.

Incentives: Integrate housing and economic development incentives to encourage growth and take advantage of the City’s capacity to accommodate more people.

Monitor: Assess the impacts of growth on infrastructure and adjust policies accordingly.

Maximize development where public infrastructure and amenities, such as schools, parks, public/alternative transportation, sewer lines, and roads, exist or may be expanded at minimal costs.

Transit Oriented Development: Locate new housing along or within walking distance of major transportation corridors to increase use of METRO and encourage alternative modes of transportation.

Infill Development: Encourage development on vacant lots along accepted city streets.

Proximity to Services: Encourage housing near schools, parks and athletic facilities.

Denser Development: Encourage higher density housing along arterial and in or near downtown, particularly the redevelopment of Bayside according to the Bayside Plan.

Create new housing to support Portland as an employment center and to achieve an improved balance between jobs and housing.

Work Force Housing: Encourage major institutions and employers to invest in housing in proximity to work places.

Incentives for Mixed-Use: Combine housing and economic development initiatives for mixed-use developments near employment centers.

Build Streets: Explore building streets to encourage infill housing near existing infrastructure and neighborhood centers.

Encourage neighborhood business centers throughout the city to reduce dependence on the car and to make neighborhood life without a car more practical.

Neighborhood Centers: Build neighborhood centers with small-scale retail and service businesses at appropriate locations within neighborhoods.

Pedestrian Links: Encourage pedestrian links between residential and business areas.

Innovative Development: Encourage higher density development, which incorporates housing above businesses through flexible reviews and shared parking options.

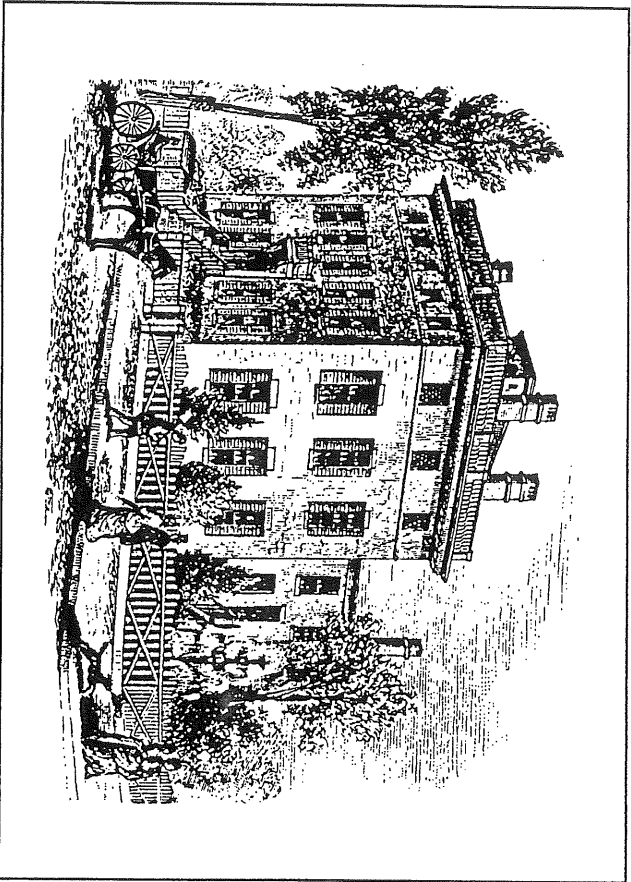
Redevelopment: Encourage redevelopment of underutilized land, such as surface parking lots, to more efficiently use available land.

Locate and design housing to reduce impacts on environmentally sensitive areas.

Open Space: Support Land Bank Commission’s work to preserve sensitive natural areas.

Environmentally Sensitive Development: Encourage development that minimizes environmental impacts and encourages stormwater

IV. MOVING LOCALLY: THE NEIGHBORHOODS



Courtesy of Greater Portland Landmarks

Chapter Summary

1. *Some neighborhoods lack routine daily services within walking distance, and where such services do exist, they often are considered "nonconforming" uses. The City should work with neighborhoods that lack the daily necessities to identify the best locations for them and to assure that existing services will be continued.*
2. *Outside of the City's older neighborhoods, the system of neighborhood streets often lacks safe and convenient interconnections. The City should promote the interconnection of neighborhood streets and pathways, so that there are short, easy paths of travel to key destinations by foot and bicycle, as well as auto.*
3. *Neighborhood streets are increasingly used solely to move traffic. Neighborhood and downtown streets and streets through the City's parks should be considered to be—and designed as—multipurpose public spaces.*
4. *Design standards for neighborhood streets should be revised where practical to conform to notions of traditional neighborhoods and multiple use.*
5. *The use of public transportation and other alternative modes has been nearly eliminated from the everyday lives of the City's youth. The City should repeal the ban on bicycles at elementary schools, where appropriate, and should reinstate METRO as the provider of bus service to the middle and high schools.*

Neighborhood Issues and Policies

Issues of transportation are most personal in neighborhoods. Either the neighborhood is safe for walking or it is not. Either it is protected from noisy through-traffic or it is not. Either things needed day-to-day are within easy reach or they are not. Either parents feel easy about letting a child cross streets or ride a bicycle to school or they do not. Either backing out of a driveway onto the street is a daily risk or it is not.

Before the motor age, the city's neighborhoods were of necessity designed as walkable places. Blocks were short and usually designed in a grid pattern, so that there were multiple ways to get to the same place. Lots were narrow, so that distances between places were short. Within or next to neighborhoods were small-scale stores and services accessible to the neighborhood's residents. With the advent of the trolley, neighborhoods developed farther from the central business district of the City, but even then the neighborhoods were compact and within a quarter- or half-mile of the trolley stop.

As the auto became prominent and affordable to the average family, the design of neighborhoods changed. A suburban ideal took hold. It pushed new neighborhoods farther from the hubbub of the city center. Within neighborhoods, land uses were strictly separated. Lots became wider and larger. Streets were purposely designed to discourage connections and through-traffic. Blocks were lengthened, cross streets were reduced, and dead ends with cul-de-sacs became the norm. And the suburban neighborhood became the model for zoning ordinances.

Figure IV-1 illustrates the difference between the traditional neighborhood street network and the contemporary, suburban approach.

The purpose of the street itself also changed. Prior to the 1950's and the dominance of the auto, the street, including the width of its right-of-way, was by its nature an important public space. Transportation was only one of its purposes. It was also a place of socializing, recreation, and even commerce. Buildings, both homes and businesses, had a specific and often intimate relationship with the street. They enclosed the street and their inhabitants were visually and socially connected to it. The dominance of the auto in the design of tempo-

rary streets and neighborhoods has converted many city streets into single-purpose spaces, and that purpose is to move automobile traffic as efficiently as possible. Where that purpose is tantamount, it is difficult for the other purposes to coexist. In fact, other purposes--even other transportation-related purposes such as bicycling or on-street parking--are diminished or eliminated.

The spread-out location and design of neighborhoods and of the transportation system that serves them was made possible by the auto. In turn, neighborhoods created during the last three decades have become largely dependent on the auto for even the most basic transportation tasks. The auto is at once liberating and confining.

Balancing the realities of the motor age with the imperative of highly livable neighborhoods is at the heart of the transportation issues and policies at the neighborhood level. And it bears directly on the health of the City. If residents who live in the City by choice come to believe their neighborhoods are not safe for walking, are not protected from noisy through-traffic, don't provide easy access to the daily necessities, don't give their children the freedom to move about independently--then the City has lost much of its competitive advantage over the suburbs. Portland still is in the position to preserve its advantage and to help families choose to remain.

Neighborhood Issue 1 Neighborhood Land Use

Some neighborhoods, especially those more recently developed, lack even routine daily services within walking distance. Where such services do exist, the zoning ordinance often considers them to be nonconforming uses.

Policies

Vibrant neighborhoods include nearby, small-scale commercial areas that provide both convenient service and natural meeting places. Routine, daily services should be within walking distance of residents of all neighborhoods, as long as the businesses providing the services are small-scale, are designed compatibly with residences, and fit into the fabric of the neighborhood.

The City should work with individual neighborhoods to identify suitable locations and approaches to accommodate neighborhood businesses.

The City functions as a series of neighborhoods. Oakdale, Deering Center, and Munjoy Hill, for example, are defined areas of the City and evoke certain images of how people live. A basic concept of neighborhood is that it functions as a "unit" in which residents (and especially children) can move about easily and safely and meet at least some of their basic, daily needs within their neighborhood.

Historically, the elementary school and religious institutions were the cornerstones of many neighborhoods. So were small neighborhood stores. All of these serve basic, daily needs and also are natural meeting places. They are part of the "glue" of lively neighborhoods. To the extent that new neighborhoods are designed without proximity or easy access to at least basic goods and services (the corner store, the bakery, the hair salon, etc.), and to the extent that small neighborhood commerce is replaced by single-purpose, auto-oriented commercial strips, the "glue" is lost.

The City has a well-established pattern of small-scale services that meets the needs of many of the neighborhoods. They are found in neighborhood centers such as Rosemont, Central Square, Pine Street, or "down front" on Peaks Island, or in freestanding locations along nearby arterials. While many of these areas are zoned as Neighborhood Business (B-1), many of the services are, in fact, "grandfathered" nonconforming uses, and thus in jeopardy of being lost if they are even temporarily discontinued. In addition, there is little available commercially zoned land that is appropriate for the establishment of new neighborhood services.

There also are neighborhoods, such as the outer North Deering area, Stroudwater, Ludlow Street area, and the Payson Park/Chevrus area of Ocean Avenue, that have limited access to neighborhood services.

See Action Box No. N-1.

Action Box No. N-1

To assure the opportunity for day-to-day services, of appropriate scale and design, within walking distance of all neighborhoods:

- Review the existing nonconforming neighborhood businesses and "legalize" those that are positive factors in meeting neighborhood needs.
- Explore mechanisms to allow the establishment of new neighborhood businesses without creating a proliferation of small B-1 districts. One method might be to establish a strict performance standard approach, including design standards, that would allow neighborhood businesses to locate outside of B-1 zones if the objective criteria are met.
- In neighborhoods without nearby services, work with residents to identify appropriate locations and/or approaches to accommodating these uses.
- Review the zoning ordinance's land use standards to assure that the uses allowed in the B-1 districts are neighborhood-type businesses.
- Review the zoning ordinance's land use standards to assure that neighborhood businesses are "good neighbors," maintain the architectural character and fabric of the neighborhood, and are of an appropriate scale.

Neighborhood Issue 2 Street Network

Outside of the City's older neighborhoods, the system of neighborhood streets often lacks safe and convenient interconnections. This system of street design protects residents from through traffic but also makes them highly dependent on the auto even for simple tasks.

Policy

The City should promote the interconnection of neighborhood streets and pathways, so that there are multiple paths of travel to get to destinations within and between neighborhoods by foot and bicycle, as well as auto.

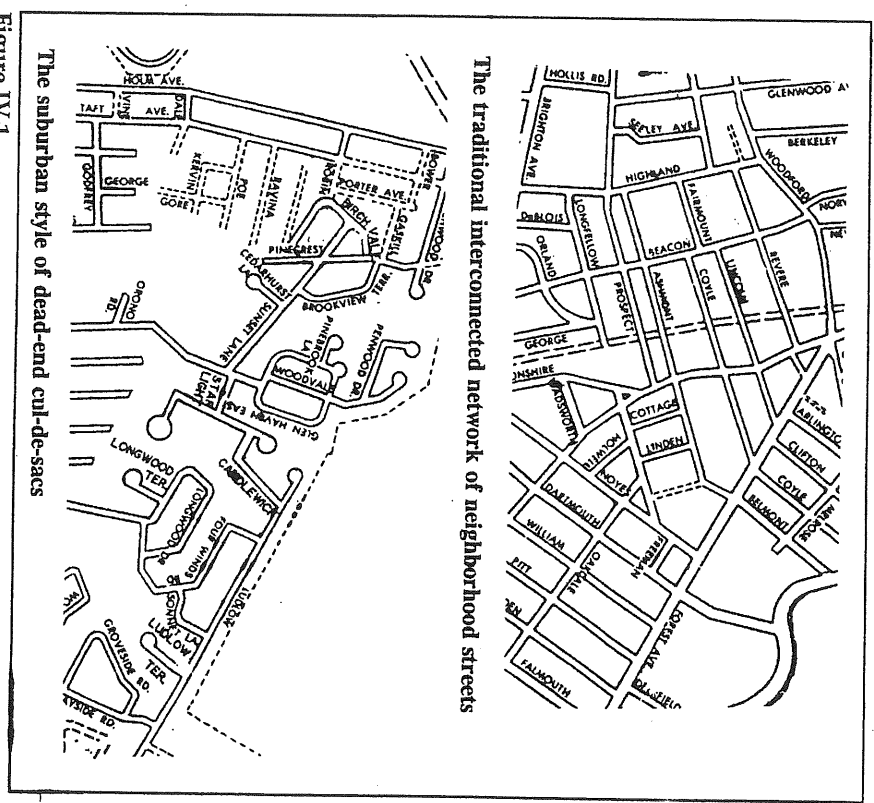
The traditional network of interconnected neighborhood streets offers several advantages. By giving multiple ways to reach the same point, it spreads out local traffic, and it is less likely that any one street will be burdened with the problem of cross-cutting. It allows the neighborhood's residents to get to neighborhood destinations--a school, a store, a friend's house--without having to venture onto an arterial. It makes trips more direct, often cutting down distance and making it easier to think about walking or bicycling.

If neighborhoods are thoughtfully located within larger transportation districts, with arterials and collectors treated in a way that respects the integrity of neighborhoods--as discussed in Chapter V--the need for the dead-end street as a defense against heavy flows of through traffic is lessened. In turn, the opportunities for the neighborhood to function as a social unit, which depend on the physical interconnections of its streets and pathways, are heightened.

The City, of course, cannot dramatically change what already has been built. Many of the city's neighborhoods already have a pattern of interconnected streets. In these cases, the task is to preserve the interconnections. Streets, for example, should not be dead-ended, except perhaps where a neighborhood street is being inappropriately and dangerously used by regional traffic as a through-street; even then, alternatives to eliminating interconnections should first be explored. As a rule streets in the Woodfords area should not be cut-off by

rail lines. In established neighborhoods that don't have an interconnected network, there may be opportunities to make connections: via walkways and bikepaths, for example.

See Action Box No. N-2.



Action Box No. N-2

To promote the interconnection of neighborhood streets and pathways:

- Require through the City's subdivision ordinance that new development be integrated into the overall neighborhood to provide a continuous travel network without dead-ends (keeping in mind that traditional "grid" patterns must be modified to fit the natural conditions of the site).
- Encourage subdividers to pay attention to the City's old street plats, allowing for internal re-configuration of streets but preserving connections to existing roadways.
 - Explore the extension of paper streets:
 - off Allen Ave. for connections to Canco Road or Washington Ave.
 - off Forest Ave. for connections to Warren Ave. or to streets that in turn connect to Allen Ave., Washington Ave., and/or Bishop Street
 - off Kay street for connections to Ocean Ave.
- Require new developments to provide pedestrian and bicycle linkages to the surrounding neighborhood and to neighborhood services.
- Use natural resources corridors and "greenways" as part of the pedestrian system.
- Program improvements to neighborhood sidewalks and bicycling facilities.
- In established neighborhoods that lack an interconnected system of streets or pathways, identify key potential linkages--for example, to elementary schools or to main streets with sidewalks--and explore the possibility of gaining easements for walkways and bike paths.

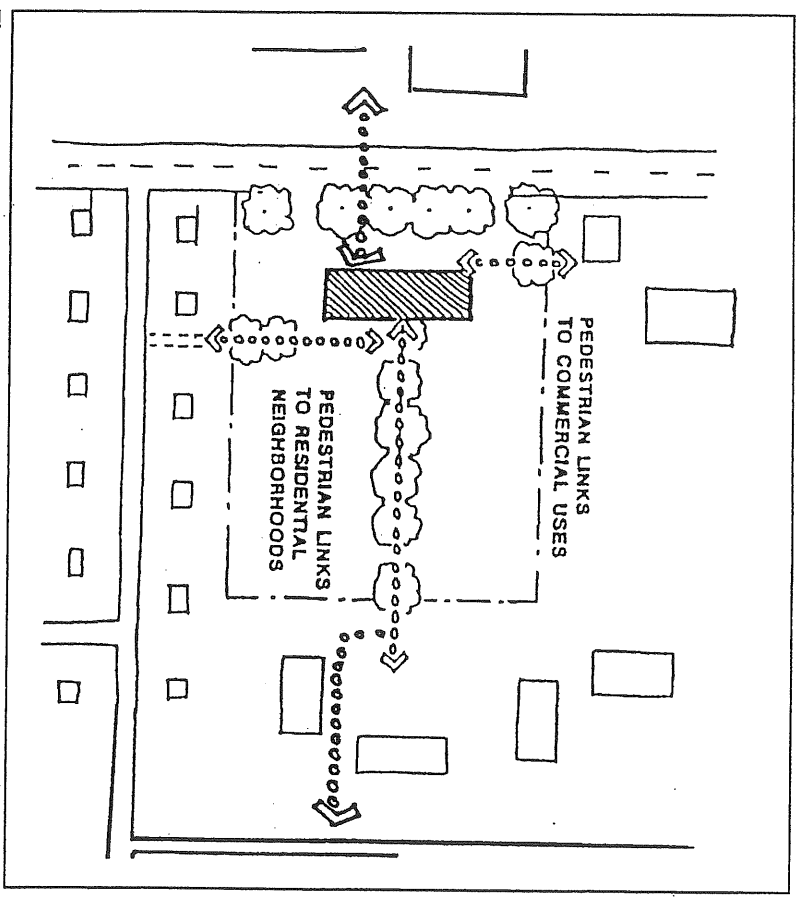


Figure IV-2: Pedestrian interconnections between commercial and residential uses

Neighborhood Issue 3 Streets as Public Space

Neighborhood streets are increasingly used as single-purpose spaces: to move automobile traffic as swiftly as possible. In some cases, arterials and collectors cutting through neighborhoods have been given over almost entirely to this one purpose.

Policy

Neighborhood streets, Downtown streets, and streets through the City's parks should be considered to be—and designed as—multipurpose, public spaces.

The "street" includes the whole width of the right-of-way. In addition to the paved street, the right-of-way often has within it esplanades with trees and sidewalks on one or both sides of the street. These are part of the multiple purposes of this public space: walking and neighborhood greenery. The paved street itself should be designed for multiple purpose: in addition to the movement of automobile traffic, there can be provision for bicycling, the parking of vehicles, and informal, spontaneous recreation and socializing. These purposes usually are limited or eliminated on arterials and collectors that have been entirely given over to automobile traffic. They should be selectively reintroduced where the goal is to slow down ("calm") or divert through traffic to other roads. (See City Issue 6 in Chapter V.) And on neighborhood streets that are not meant to serve commuter traffic, but rather serve primarily the neighborhood's traffic, these purposes should be specifically designed into the street.

In addition to neighborhood streets, Downtown streets and streets through the City's parks offer good opportunities for multiple use. Downtown's retail streets, for example, can be (and are) converted to festival streets from time to time and can be used as an extension of the marketplace and for recreation.

See Action Box No. N-3.

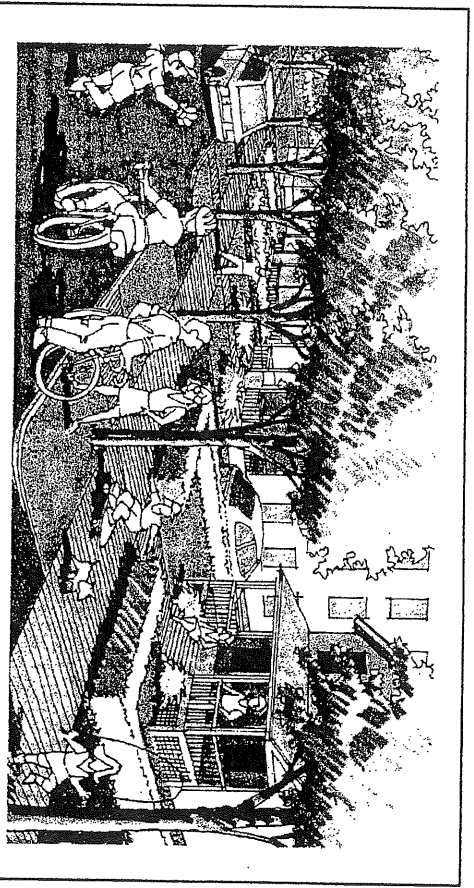


Figure IV-3: Neighborhood street as multipurpose, public space

Action Box No. N-3

To promote the neighborhood street as a multipurpose, public space:

- Upgrade facilities along neighborhood streets for bicycles and pedestrians, as illustrated in Figure IV-3.
- Assume that the subdivision ordinance and the City's street design standards include provisions for on-street parking, esplanades sufficient for shade tree plantings, and sidewalks.
- Where pavement is narrowed as a "calming" technique, combine this with the widening of sidewalks and/or consider bicycle lanes, landscaping, open space that can double as snow storage in the winter, or other uses of the right of way.
- In the reconstruction of neighborhood streets, consider the competing uses of the right-of-way.
- Assume that motor vehicle laws are enforced for the safety of other users of the public streets.

Neighborhood Issue 4 Street Design Standards

Design standards for streets do not conform to the notions of traditional neighborhoods and of the street as a multipurpose, public space.

Policy

The City's street design standards as they apply to local or neighborhood streets should be reviewed and where practical revised for consistency with principles of traditional neighborhood design.

The physical design of the street and its right-of-way will determine whether the street actually will "feel" like an inviting public space and whether the concept of an interconnected network of neighborhood streets actually will work. Portland has ample examples of streets that can serve as models: Craigie, Deering, Noyes, Longfellow Park, and many others. Practical considerations, including topography and other natural conditions, may not always allow replication of their lay-outs and dimensions. However, the City's design standards for local streets should emulate these successful urban streets rather than suburban models.

See Action Box No. N-4.

Action Box No. N-4

Elements of street design in traditional neighborhoods include:

- length of blocks (typically not longer than 300 to 400 feet with the average perimeter of lots not exceeding an average of 1,300 feet)
- very limited use of dead ends
- where uses are primarily residential, a 50-foot right-of-way to accommodate sidewalks, esplanades, and on-street parking as well as travel lanes
 - in higher density neighborhoods, two 10-foot travel lanes, parallel parking on at least on side, esplanades, and sidewalks both sides
- in lower density neighborhoods: with ample room for off-street parking, two 8-foot travel lanes, 8-foot parallel parking each side, and 10-to-12 foot sidewalk, with stores pulled up close to the sidewalk
- street trees and street lamps at regular intervals
- curb radii of not more than 15 feet, less in major foot traffic corridors
- use of bump-outs and safety islands on wider streets

Sources: Performance Streets, Bucks County Planning Commission: Traditional Neighborhood Development Ordinance, Foundation for Traditional Neighborhoods, Ossipee, N.H., 1990

Neighborhood Issue 5 Education of Youth

The idea and use of alternative modes of transportation have been nearly eliminated from the everyday lives of the City's youth. Lacking any habit of using these modes, the youth are not likely to think of them as natural or credible alternatives as they become adults.

Policies

Urge the School Committee to repeal the ban on riding bicycles to elementary schools.

Urge the School Committee to consider reinstating METRO as the provider of bus service to the City's middle and high schools and in other ways introduce students to mass transit.

With proper education, the proper provision of bicycling and pedestrian facilities as recommended elsewhere in this Plan, and proper supervision, the use of bicycles and of the public bus system can be safe and convenient alternatives for transporting students to their schools. In addition to issues of safety, it is important that the schools--like other major destinations discussed in this Plan--provide for the proper storage of bicycles once at the schools as protection against theft.

See Action Box No. N-5.

Action Box No. N-5

To promote the use of alternative modes of transportation among the City's youth:

- As recommended elsewhere in this Plan, give priority to upgrading walking and bicycling facilities, as necessary, that serve the City's schools.
- Include bicycle training courses, including safe bicycling techniques and rules of the road, in the regular curricula of the schools.
- Coordinate bicycle safety and informational programs being conducted by various groups, such as police departments, schools, bicycle interest groups, bike shop owners, and others.
- Repeal the ban on riding bicycles to elementary schools wherever and whenever safe bicycling routes exist.
- Prepare a feasibility study, including cost estimates and fleet requirements, for the provision by METRO of bus services to Portland's middle and high schools.
- Urge cooperation between the schools and METRO to expand educational programs that will prepare the City's youth for the new, multimodal transportation environment being planned for our City.
- Install bike racks on buses and ferries.

Att. 5.1

From: Alex Jaegerman
To: William Needelman
Date: 11/8/2006 2:23:28 PM
Subject: Fwd: B 1b zoning

>>> Lisa Flanagan <lflanag2@bowdoin.edu> 11/8/2006 1:40:23 PM >>>
Lisa Flanagan
33 Brentwood Street
Portland, Maine 04103
207-773-1691

Dear Mr. Jaegerman,
As a resident of Brentwood Street just three houses from the corner with Stevens, I'm concerned that the character of Deering Center could alter dramatically. I knowingly bought a house in the area, for I wanted my children to have the opportunity to walk to school, patronize a Mom and Pop, and not be reliant on cars and a "soccer mom". The three are under the age of 8, and even now I am concerned about the traffic at the corner given the angle and visibility, the nature of Deering High drivers late for school, and the frequently poor plowing and sidewalk shoveling on the part of the Central Square Baptist church. If these conditions were compounded by a high traffic generating enterprise, the quality of life I actively sought upon my return to Portland, would be irrevocably lost. I encourage the board and city to adopt a conservative, long term approach to growth rather than permitting high volume businesses hijack the character of a neighborhood. Though location is the mantra of real estate, safety is the mantra of parents. Please do the right thing on this matter. Lisa Flanagan 773-1691

Att. 5.2

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:40:48 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Nori Gale <gales@maine.rr.com> 10/25/2006 7:21:45 AM >>>
Dear Mr. Jaegerman:

My name is Nori Gale and I live at 34 Tremont Street in Portland.

I am writing in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones. The reason I support this amendment is because high traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods such as the neighborhood in which I live, Deering Center.

Thank you for your time and consideration.

Sincerely,
Nori Gale

Att. 5.3

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:43:16 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Melissa Pritchard <meliss@maine.rr.com> 10/24/2006 9:04:20 PM >>>
Dear Councilors Cohen and Leeman, and Planning Director Jaegerman:
I join members of the Deering Center Neighborhood Association and Deering
community in voicing my support of a proposed amendment (modification to B1
and B1b zones) that would limit the types of businesses that could operate
in Portland.

As you know, Deering has the highest concentration of schools, and therefore
school-children foot a traffic, of any neighborhood in the city. This
modification to business zoning would help keep our and other Portland
neighborhoods safer for families and children walking on our already busy
streets.

I hope you'll vote for this modification.

Thank you for your consideration,

Melissa Pritchard
130 Leland Street
Portland 04103

AH.5.4

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:43:46 PM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> Jessica Kelly <jessicakelly@maine.rr.com> 10/24/2006 8:12:27 PM >>>
Hi Alex Jaegerman,

My name is Jessica Kelly. My husband Tom and I live at 32 Clinton St. with our two children(7 year old Will and 5 year old Margaret). My children and I walk from Clinton to Longfellow School everyday. This walk means we have to cross over Stevens Ave, and already busy street. I am emailing you in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones. I fear for my children's safety with high traffic volume businesses being allowed to open in Deering Center. These types of businesses will most definitely cause a public safety risk. Please keep our walking neighborhood and school zone (Deering High, Lincoln Middle School and Longfellow Elementary) safe!

I URGE YOU TO ADOPT THE PROPOSED ZONING AMENDMENT FOR B1 AND B1B ZONES IN PORTLAND.

Thank you for putting Portland's children first,

Jessica Kelly

Att. 5.5

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 2:44:18 PM
Subject: Fwd: Zoning Ammendment

>>> Jessica <screebatownsend@earthlink.net> 10/24/2006 6:17:24 PM >>>

My name is Jessica Townsend and I live at 153 Glenwood Avenue in Deering Center. I am writing to express my support of the proposed zoning amendment limiting high traffic businesses moving into Zones B1 and B1-A areas. The beauty of our neighborhood is that we can walk everywhere with a feeling of safety. I am the mother of two who is proud to be able to have my children attend Portland Public Schools and am lucky that my children can walk to their schools from our home. High traffic businesses belong in urban settings with greater commercial use, rather than residential areas such as ours where increased traffic will jeopardize the safety of our children and others. In an era where billions a week are being spent and thousands are dieing to win an Oil driven war in Iraq, I feel strongly that any way we can decrease our dependency on cars and use our own bodies for transportation is necessary. Thank you for the work that you do and for taking the time to read this letter. I can be reached at 774-1780, if you have any questions. In addition, please pass these thoughts along to the Board. Thank you in advance.

Sincerely,

Jessica Townsend

Att. 5.6

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:21:31 AM
Subject: Fwd:

>>> sarah compton <scompton@maine.rr.com> 10/25/2006 2:45:02 PM >>>
Dear Alex,

I am sending this e-mail in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones and that high traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods, because my two young sons and I walk in our neighborhood everyday, whether to go to school, the post office, and our local stores.

Please pass along my comments to the Planning Board.

Sincerely,

Sarah Compton
159 Glenwood Ave
Portland,04103

Att. 5.7

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:29:02 AM
Subject: Fwd: Proposed modification to B1 and B1b zones

>>> "Kelly Dufour" <KDufour@maine.rr.com> 10/25/2006 9:39:22 AM >>>
Alex Jaegerman,

As a Deering Center homeowner I would like to express my support in making our neighborhood a B1 and B1b zone. When my husband and I moved back to Maine, we chose Deering Center for its charm, character, and close-knit community. We love the convenience of living in a "walking neighborhood."

It seems as though revising the neighborhood zoning would help to maintain current traffic levels so as not to compromise our children's ability to walk to school or get an ice cream in safety. We place a considerable amount of value on preserving and protecting our walking neighborhood. We hope that implementing family-friendly zoning restrictions will help our unique community remain intact.

Please forward our thoughts to the planning Board. Thank you for your time.

Peter and Kelly Dufour
86 Leland Street
Portland, ME 04103
899-2395

Att. 5.8

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:18:02 AM
Subject: Fwd: proposed amendment for the B1 and B - 1b zones

>>> <Leticia@aol.com> 10/25/2006 5:29:35 PM >>>

Greetings,

I live in Deering, 2 minutes away from Deering center. I've heard there's discussion of what kind of business will take place where the old pizzeria was. I'm writing in support of the proposed zoning amendment to limit businesses with very high traffic volume in B-1 and B-1b zones.

High traffic volume businesses cause a public safety risk in areas of Portland where there are nearby local schools and walking neighborhoods. I moved from NYC to Portland so I can live in a neighborhood like Deering, it would be terrible if it was changed. My kids walk all around Deering Center, Longfellow school and Deering playground. If a large chain business takes over, it would transform the face of the neighborhood, now a lovely walking neighborhood. Please do support the proposed zoning amendment in B-1 and B-1b zones. Thanks in advance for your time and consideration,

Leticia Plate & Roy Germon
292 Stevens Avenue
Portland, ME 04103
207-774 1146
proposed amendment for the B1 and B - 1b zones

Leticia Plate
292 Stevens Avenue
Portland, ME 04103
207-774 1146

www.leticiaplate.com
www.snailmailproductions.etsy.com
www.maineillustratorscollective.org

From: Alex Jaegerman
To: William Needelman
Date: 11/7/2006 9:20:56 AM
Subject: Fwd: Zoning Amendment for B1 and B1b

>>> Eric Sokol <eric@ww-architects.com> 10/25/2006 2:49:37 PM >>>
Hello Alex,

I am writing you to voice my support for the proposed zoning amendment (B-1, B-1b) that will be discussed at this Thursday's City Council Meeting. As a resident of Deering Center, I am very concerned about the impact that a high traffic volume business may have on the area. Presently, there are a handful of businesses in Deering Center that seem to be doing quite well, and rely quite a bit on foot traffic by neighborhood residents. I am concerned that a business which relies on and generates a good deal of car traffic will endanger the safety of the residents, children at the neighboring schools, and the spirit of the neighborhood.

When this discussion comes up on Thursday, I hope you will keep this in mind, and pass these comments on to the Planning Board.

Thanks for your time.

Eric Sokol
153 Glenwood Avenue
Portland, ME 04103
207/774-1780

A# 5.10

From: Liz McCabe Park <epark@bates.edu>
To: <AQJ@portlandmaine.gov>
Date: 10/26/2006 9:38:00 AM
Subject: Zoning in Deering Center

Hi Alex,

Would you be willing to share my comments with the Planning Board? Just wanted to weigh in on the zoning issue in Deering Center. Between the hours of 7:30 a.m.- 9:00 a.m. and 2:00 - 3:20 pm Deering Center is one big mass of teeming pedestrian youth. I know my own kids are not particularly good at paying attention while crossing streets, and lots of others are the same. I'm strongly in favor of B1 zoning for Deering Center, to keep businesses local, and keep traffic down. Thanks for your help with this.

-Liz

--
Liz McCabe Park,
166 Brentwood St.
Portland, ME 04103

AH 5.11

From: "Dutton, Scott (LNG-HBE)" <Scott.Dutton@lexisnexis.com>
To: <aqj@portlandmaine.gov>
Date: 10/26/2006 11:40:49 AM
Subject: FW: PROPOSED ZONING AMENDMENT FOR B1 and B1B ZONES IN PORTLAND

Alex,

It was suggested to me that I also forward my e-mail to you in hopes that my comments would also reach the Planning Board. Please read the below, and thanks for your time.

Scott Dutton

> _____
> **From:** Dutton, Scott (LNG-HBE)
> **Sent:** Tuesday, October 24, 2006 10:21 AM
> **To:** 'cl@portlandmaine.gov'; 'dcarr@portlandmaine.gov';
> 'wgorham@portlandmaine.gov'
> **Cc:** 'jcohen@portlandmaine.gov'; 'jcloutier@portlandmaine.gov';
> 'jduson@portlandmaine.gov'; 'kgeraghty@portlandmaine.gov';
> 'nmm@portlandmaine.gov'; 'esuslovic@portlandmaine.gov'
> **Subject:** PROPOSED ZONING AMENDMENT FOR B1 and B1B ZONES IN
> PORTLAND

>
> Councilors,
> My name is Scott Dutton, and I live at 178 Clinton St (first house in
> from Stevens). I am writing in support of the proposed zoning
> amendment to limit businesses with very high traffic volume in B-1 and
> B-1b zones.
> I have lived in Portland for 30 years, and there is not a neighborhood
> that is more walkable, and with strong desire to be so, than Deering
> Center. I work at home at 178 Clinton St and it is almost daily that I
> see or hear a pedestrian/traffic mishap. The (moderately marked)
> crosswalk that goes from the Quality Shop to Pat's is used all day
> long, and very heavily before and after school by both Longfellow and
> Lincoln students. It's been a somewhat dangerous situation for years,
> and I've seen many a close call (and one incident involving a child
> that luckily only resulted in broken bones). And in the winter with
> the snowbank/plowbank situation, it's flagrant really.
> I realize that businesses are going to be in Deering Center, and I
> make an effort to support (right now) all of them. I also choose and
> love to live here. I realize that litter, teenage drivers (I could
> tell you some stories), bad signage (unfortunately) and unhealthy food
> options are part of this neighborhood. But this traffic/pedestrian
> issue, which so highly involves children, is of the utmost concern to
> me - and should be to all of you. There should be no single factor of
> consideration on this topic that is of more importance to you.
> If you have the ability/power to make a change that would protect this
> situation from getting worse, it would defy reason that you would not
> do so. A high volume business, particularly those that bring traffic
> that would otherwise not have been commuting this way, to a space
> where there is no place to put them, and at a time when our children
> are walking to school right through that space (a DD, for example,
> would literally route a percentage of traffic from Forest Ave directly
> into this space while our children are walking to school), creates a
> public safety risk directly in the middle of 2 schools and a highly

AH 5.12

- > walked neighborhood.
- > I URGE YOU TO ADOPT THIS AMENDMENT
- > Thanks for your time and consideration,
- > Scott Dutton
- > 178 Clinton St.
- > Portland, Maine
- > 207 871-9849
- >

AH 5.13

From: "Barbie Weed" <barbieweed@hotmail.com>
To: <AQJ@portlandmaine.gov>, <jcohen@portlandmaine.gov>, <wgorham@portlandmaine.gov>, <kgeraghty@portlandmaine.gov>, <dcarr@portlandmaine.gov>, <cl@portlandmaine.gov>, <jduson@portlandmaine.gov>, <jcloutier@portlandmaine.gov>, <nmm@portlandmaine.gov>, <esuslovic@portlandmaine.gov>
Date: 11/6/2006 5:48:20 PM
Subject: please support proposed zoning change

Greetings,

I would like to urge you to approve the proposed change to the neighborhood zoning regulations to limit business that would have over 65 cars per hour during peak traffic. I live within 150 feet of Stevens Avenue in the heart of Deering Center. The neighborhood character and pedestrian safety depends on the passage of this change. This small stretch of Stevens Avenue is already thick with cars, trucks, and students. There is simply no room for additional traffic unless you deliberately direct it into the neighborhood. I already contend with 10-20 cars turning around in my driveway on a hot summer evening when people decide that they want to visit the local ice cream shop and that's just MY driveway. The addition of the ice cream business drastically lowered the pedestrian safety in this neighborhood and any other stop-n-go business in the block will make the street lethal. Individuals who are stopping at local business often don't realize how many pedestrians there are in this area, they are especially negligent with regard to the smallest pedestrians, and they rarely consider that there may be children/pets/vehicles in the adjacent driveways. Additionally, there is the question of delivery trucks needed for larger volume businesses. I invite you to sit on this street for a day. You will find delivery trucks parked in the neighborhood, engines running, cargo being dropped onto handcarts starting at 4AM, school buses sitting in idle while they wait for dismissal time, and continual traffic from vehicles that are visiting business or going to the church on the corner. The quality of life in the neighborhood has reduced drastically in the last couple of years and any measure that can be put in place to help slow that deterioration would be greatly appreciated.

Barbie Weed
26 Brentwood Street

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From: Lisa Flanagan <lflanag2@bowdoin.edu>
To: <aqj@portlandmaine.gov>
Date: 11/8/2006 1:43:30 PM
Subject: B 1b zoning

Lisa Flanagan
33 Brentwood Street
Portland, Maine 04103
207-773-1691

Dear Mr. Jaegerman,

As a resident of Brentwood Street just three houses from the corner with Stevens, I'm a concerned that the character of Deering Center could alter dramatically. I knowingly bought a house in the area, for I wanted my children to have the opportunity to walk to school, patronize a Mom and Pop, and not be reliant on cars and a "soccer mom". The three are under the age of 8, and even now I am concerned about the traffic at the corner given the angle and visibility, the nature of Deering High drivers late for school, and the frequently poor plowing and sidewalk shoveling on the part of the Central Square Baptist church. If these conditions were compounded by a high traffic generating enterprise, the quality of life I actively sought upon my return to Portland, would be irrevocably lost. I encourage the board and city to adopt a conservative, long term approach to growth rather than permitting high volume businesses highjack the character of a neighborhood. Though location is the mantra of real estate, safety is the mantra of parents. Please do the right thing on this matter. Lisa Flanagan 773-1691

AH. 5.15

Just to let you know, as a Deering neighborhood resident and a parent of two girls, elementary & middle school aged, I support the amendment prohibiting high volume traffic businesses in our B-1 zone along Stevens Ave. I can't make the meeting tonight, but please keep our neighborhood safe for children & the elderly, and friendly to small businesses who don't require such a high volume of traffic for their livelihoods. Thank you.

*Kim Crabill
240 Pleasant Avenue
Portland, Maine*