

1. HHS, April 11th, 2017 Agenda

Documents:

[HHS COMMITTEE MEETING AGENDA 4112017.PDF](#)

2. Shelter Zoning:Deliberation And Vote

1. Shelter Zoning: Deliberation and Vote

NOTE: Public comment was taken during the public hearing on March 28th; no further public comment will be taken at this time. If the committee votes to forward this proposal, it will go first to the Planning Board and then to the Council. There will be additional opportunities for public comment in both of those forums.

Documents:

[SHELTER ZONING MEMO AND BACKUP \(1\) \(2\).PDF](#)
[SHELTER CONDITIONAL USE 0324 MARKUP VERSION \(1\) \(1\).PDF](#)
[SHELTER ZONING DOC RE PUBLIC COMMENT EMAIL.PDF](#)
[TRANSIT LINE BUFFER MAP HALF MILE SMALL.PDF](#)
[TRANSIT LINE BUFFER MAP QUARTER MILE SMALL.PDF](#)
[MAP OF PROPOSED ZONES TO PERMIT SHELTERS.PDF](#)

3. Golf Cart Ordinance

1. Golf Cart Ordinance

a) Review recommended updates

b) Committee discussion & questions

Documents:

[PROPOSED GOLF CART ORDINANCE.PDF](#)
[GOLF CARTS TITLE 29.PDF](#)
[GOLF CARTS PUBLIC COMMENTS DOCS.PDF](#)

4. Community Policing Update

Documents:

[COMMUNITY POLICING STAFFING PROPOSAL 4-04-17.PDF](#)

5. Public Hearing On Noise Ordinance - Public Comment To Be Taken

Documents:

[CURRENT DISPERSAL ORIGIN.PDF](#)
[NOISE_SOUND_RECOMMENDATIONS_FINAL DRAFT.PDF](#)
[NOISE REGS BY ZONE 3.9.17.PDF](#)

Portland, Maine



Yes. Life's good here.

Health & Human Services Committee

April 11th, 2017

5:30 PM / Room 24 / City Hall

1. Meeting Called to Order and Minutes Reviewed

Committee Chair

2. Shelter Zoning: Deliberation and Vote

NOTE: Public comment was taken during the public hearing on March 28th; no further public comment will be taken at this time. If the committee votes to forward this proposal, it will go first to the Planning Board and then to the Council. There will be additional opportunities for public comment in both of those forums.

3. Golf Cart Ordinance

Chief Sauschuck

- a) Review recommended updates
- b) Committee discussion & questions

4. Community Policing Update

Chief Sauschuck

5. Noise Ordinance: Public Hearing



Jeff Levine, AICP
Director, Planning & Urban Development Department

Memorandum

To: HHS Committee
From: Jeff Levine, Director
Date: March 24, 2017
Re: Draft Map and Revised Conditional Use Standards for Shelters

Attached are the following items:

- A revised map of zones proposed to permit emergency shelters. This map now includes the I-Lb zone that was not on the earlier map. It also adds the B-5 zone as a zone where shelters would be permitted – on the last draft that was listed as an option and we believe we heard that you would like to include it. It does not include the B-5b zone along West Commercial Street;
- A list of proposed conditions for shelters revised based on your comments at the February 14 HHS meeting. As a conditional use, any shelter would have to be approved by the Planning Board or Board of Appeals as meeting these conditions, as well as the standard conditions for all conditional uses. I also include the current conditions for shelters as reference, though they would be superseded by this new list. Note that shelters are currently reviewed by the Planning Board or staff. In the proposed revisions shelters that are subject to Site Plan Review would be reviewed by the Planning Board and others would be reviewed by the Board of Appeals;
- Two reference maps showing ¼ mile and ½ mile buffers around existing transit lines. One proposed condition of permitting a shelter would be to require that the operators provide adequate access to transit. Generally, ¼ mile is the maximum distance that is considered reasonable for walking to transit. Given how much that might limit locational decisions, this draft provides for up to ½ mile distance if the shelter offers options for residents to stay on-site and implements a strategy to get residents to and from the shelter.

I hope these items are helpful as you discuss this issue.

DRAFT PROPOSED CONDITIONAL USE STANDARDS FOR SHELTERS
3/24/17 VERSION

4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474. Notwithstanding section 14-474(a) or any other provision of this Code, the Planning Board shall be substituted for the Board of Appeals as the reviewing authority for any shelter also subject to Level III site plan review:
 - a. The facility shall provide adequate space for conducting security searches and other assessments;
 - b. The facility shall be designed with a centralized shelter operations office on each level providing sight lines to sleeping areas;
 - c. A Management Plan adequately outlining the following areas shall be provided: Management responsibilities; Process for resolving neighborhood concerns; Staffing; Access restrictions; On-site surveillance; Safety measures; Controls for resident behavior and noise levels; and Monitoring Reports.
 1. Adequate access to and from METRO service~~transit~~ shall be provided. The facility shall be within a ¼ mile of a METRO~~transit~~ line, or shall be within ½ mile of a METRO~~transit~~ line and provide adequate indoor space to permit all shelter guests day shelter, as well as implement strategies to help residents utilize transit;
 2. The facility shall provide on-site services to support residents, such as case management, life skills training, counseling, employment and educational services, or other programs.
 - d. Suitable laundry, kitchen, pantry, bicycle storage, and secure storage facilities for shelter stayers shall be provided on-site;
 - e. An outdoor area for guest use shall be provided on-site with adequate screening to protect privacy of guests;

Existing Standards for all Conditional Uses (Section 14-474):

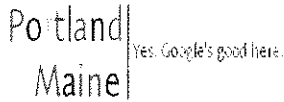
2. *Standards.* The Board shall, after review of required materials, authorize issuance of a conditional use permit, upon a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. The Board shall find that this standard is satisfied if it finds that:

- a. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
- b. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
- c. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Existing Conditional Use Standards for Shelters

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

- 4. Emergency shelters, subject to the following conditions, in addition to the provisions of section 14-474:
 - a. The facility shall be in compliance with the city's current Comprehensive Housing Assistance Plan, a copy of which is on file in the department of planning and urban development, or, if there is no current edition of the Comprehensive Housing Assistance Plan, with a determination of need by the director of the department of health and human services.
 - b. The facility shall be registered with the City of Portland Department of Health and Human Services.



Amy Legere <akl@portlandmaine.gov>

Fwd: Public comment re. shelter rezoning

Belinda Ray <bsr@portlandmaine.gov>
To: Amy Legere <akl@portlandmaine.gov>

Mon, Apr 3, 2017 at 4:03 PM

Here's another comment for the public record on Shelter Zoning. Thanks!

----- Forwarded message -----

From: **stephanie scherer** <stephanie.f.scherer@gmail.com>
Date: Tue, Mar 28, 2017 at 12:25 PM
Subject: Public comment re. shelter rezoning
To: Belinda Ray <bsr@portlandmaine.gov>, bbatson@portlandmaine.gov, nmm@portlandmaine.gov
Cc: Jon Jennings <jpj@portlandmaine.gov>, estrimling@portlandmaine.gov

Hello Councilors,

I am unfortunately unable to attend tonight's HHS Committee meeting but wanted to send you my comments re. the shelter rezoning proposal-

Quite simply, I **fully support** allowing emergency shelter services to be located in more areas of Portland. As long as the location is accessible by public transport, I believe it is an appropriate shelter location.

Crowding such a large number of very vulnerable/unstable people into such a small area (Bayside) isn't serving them, the neighborhood, or the city.

It's not safe (look at the number of calls for emergency service in Bayside, they are the highest on the city and out of proportion with our neighborhood population), it's not effectively reversing (or even slowing) any trends around the homelessness rate in our city, and it's putting a tremendous strain on the significant growth potential of an underdeveloped downtown neighborhood.

I don't think the shelter system needs to fully leave Bayside, but I see no reason for other accessible Portland neighborhoods not to serve this population also.

Thank you,

Stephanie Scherer

Homeowner, 21 Hanover Street

Board Member of the Bayside Neighborhood Association, but writing this message today as an individual / resident

--
Belinda S. Ray
City Council, District 1

4/6/2017

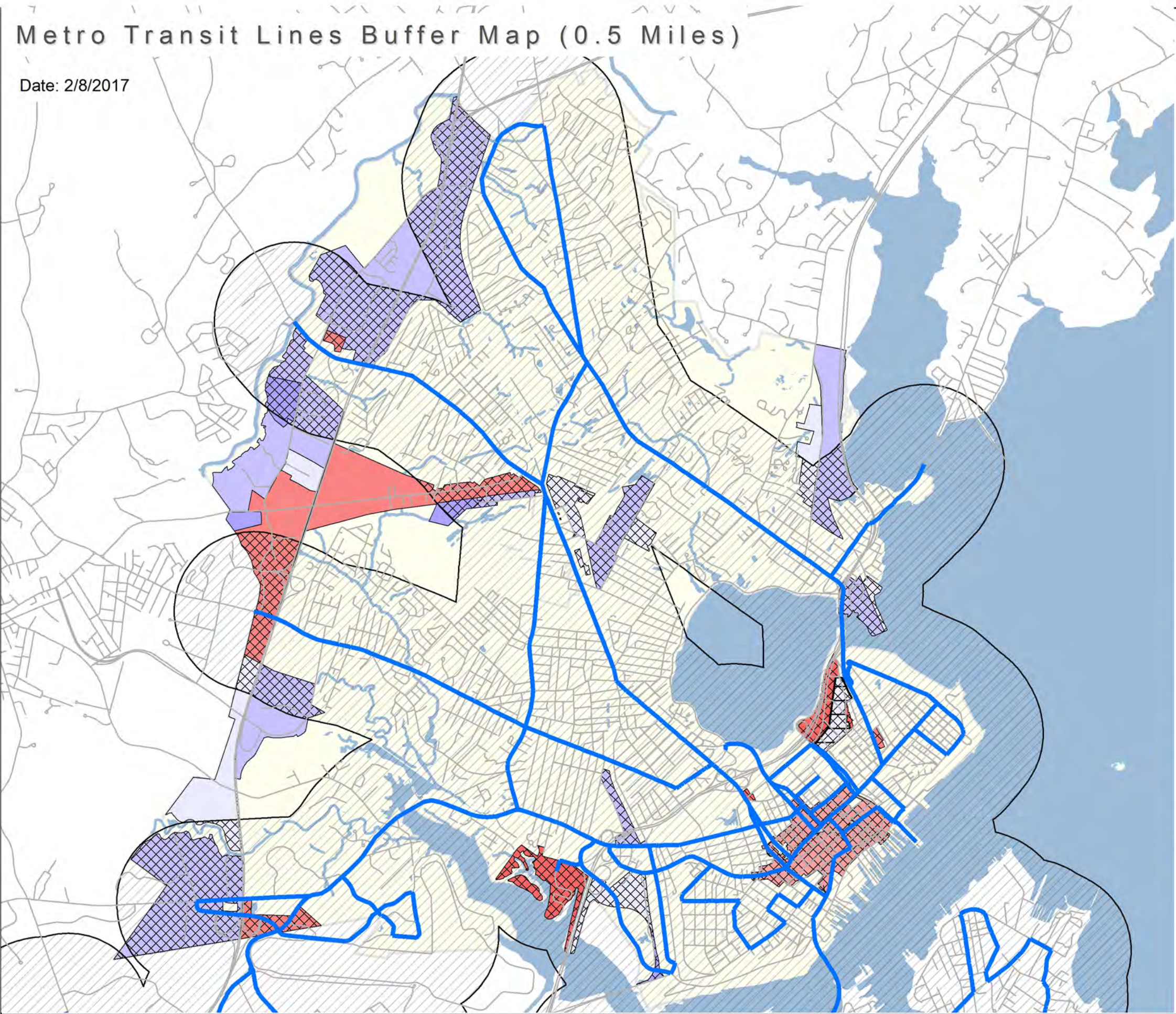
City of Portland Mail - Fwd: Public comment re. shelter rezoning

City Hall
389 Congress Street
Portland, ME 04101
BSR@portlandmaine.gov

Please Note: Under Maine law, emails sent or received by public officials or city employees may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

Metro Transit Lines Buffer Map (0.5 Miles)

Date: 2/8/2017

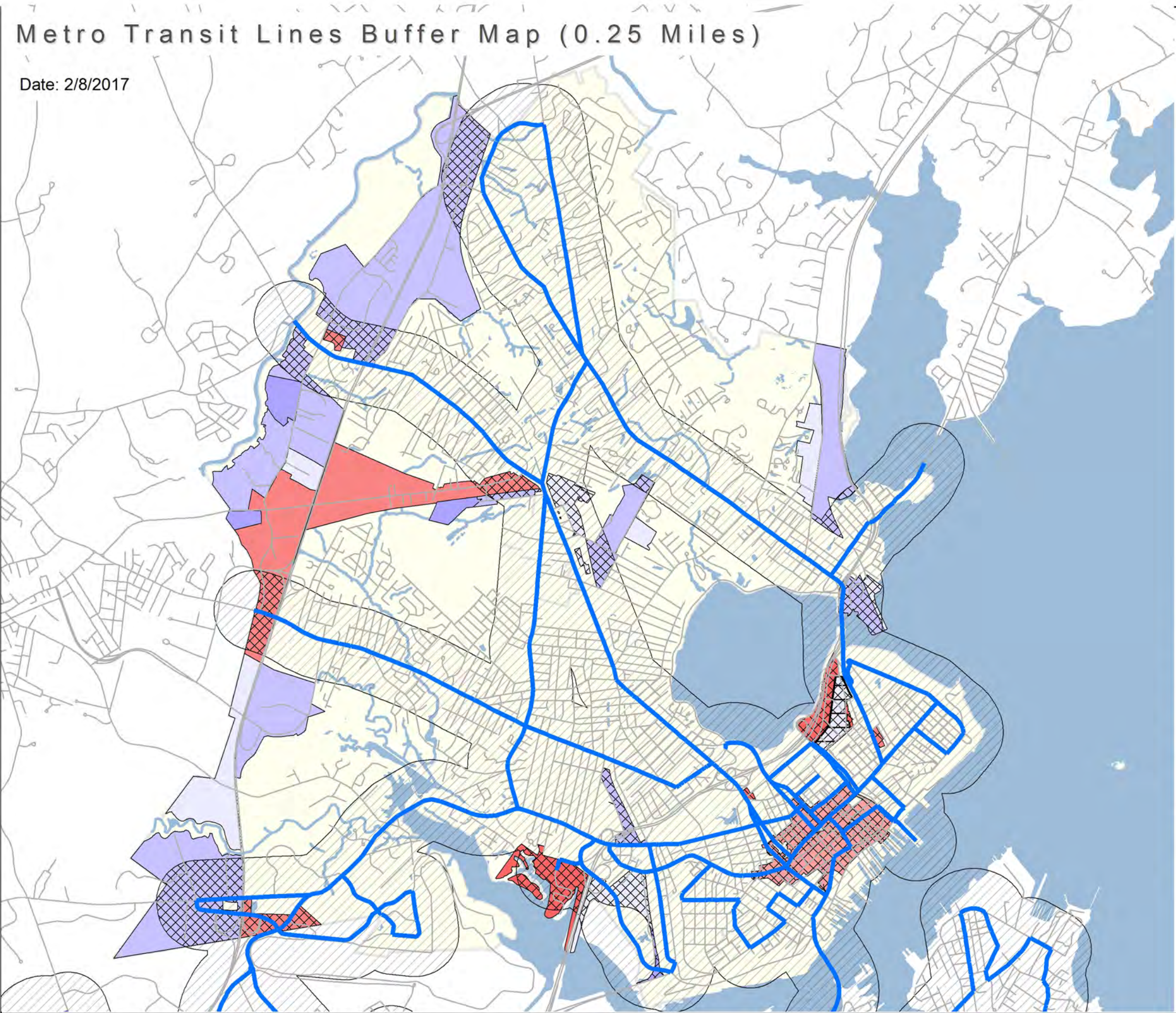


- Metro Transit Lines
- ▨ Applicable 1/2 Mile Buffer
- ▨ 1/2 Mile Buffer
- B3* Downtown Business
- B4 Commercial Business
- B5 Urban Commercial Business
- IL Industrial - Low Impact
- ILb Industrial - Low Impact
- IM Industrial - Moderate Impact
- IH Industrial - High Impact

1:40,000

Metro Transit Lines Buffer Map (0.25 Miles)

Date: 2/8/2017

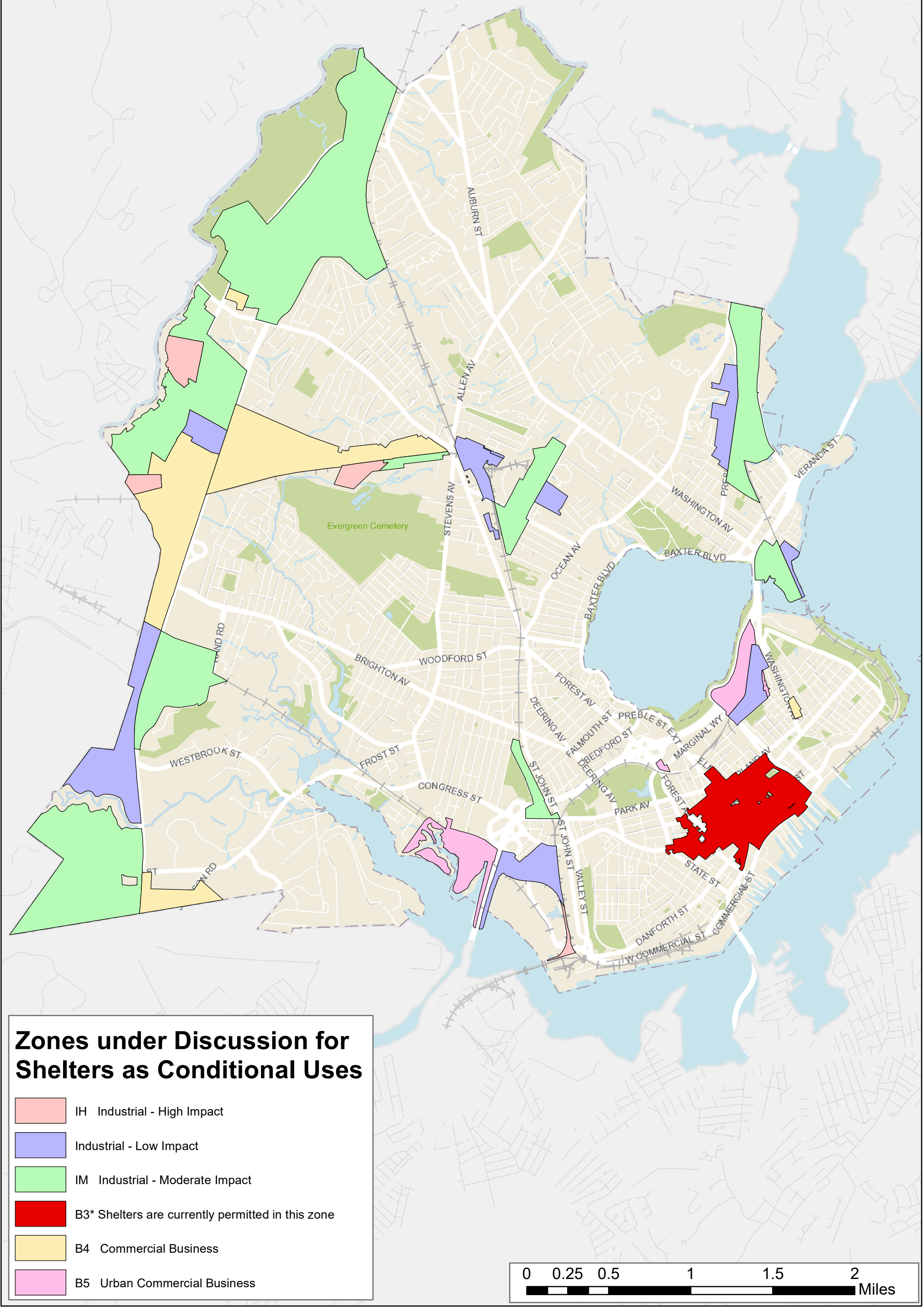


- Metro Transit Lines
- ▨ 1/4 Mile Applicable Buffer
- ▨ 1/4 Mile Buffer
- B3* Downtown Business
- B4 Commercial Business
- B5 Urban Commercial Business
- IL Industrial - Low Impact
- ILb Industrial - Low Impact
- IM Industrial - Moderate Impact
- IH Industrial - High Impact

1:40,000

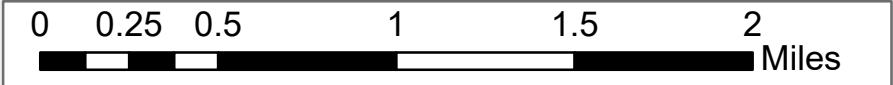
Shelter Zoning Discussion Map: Shelters Currently Only Permitted in the Red (B-3) Zone

DRAFT



Zones under Discussion for Shelters as Conditional Uses

- IH Industrial - High Impact
- IL Industrial - Low Impact
- IM Industrial - Moderate Impact
- B3* Shelters are currently permitted in this zone
- B4 Commercial Business
- B5 Urban Commercial Business



Proposed Amendments to the Golf Cart Ordinance

July 2016

Sec. 28-1. Definitions.

The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them below. When a term is used in this chapter but not defined below, the definitions in 29-A M.R.S.A. § 101 and any amendments thereto shall be used.

Motor vehicle shall mean any self-propelled vehicle, including a golf cart registered by the city for island use, not operated exclusively on tracks but does not include: (a) A snowmobile as defined herein; (b) An all-terrain vehicle as defined in article V; or (c) A motorized wheelchair. Operate shall mean to operate, drive, or use a vehicle in any manner, whether or not the vehicle is moving.

Sec. 28-185. Golf carts on certain island streets by certain persons. The operation of golf carts shall be permitted on the streets of Portland's islands Cliff Island, Great Diamond Island and Peaks Island if in compliance with the following requirements:

(a) The operator must be over the age of twenty-one (21) or possess a valid license to operate a motor vehicle;

(b) Such golf carts shall be operated only in daylight, not earlier than one-half hour before sunrise and not later than one-half hour after sundown; unless equipped with and utilizing suitable headlights and taillights as determined by the police department; shall keep to the extreme right of the roadway; shall not exceed a speed of twenty ten (20) miles per hour; and shall obey all traffic laws applicable to motor vehicles;

(c) When in use at nighttime or at other times when motor vehicles are required to display headlights, an electric personal assistive mobility device or golf cart must have:

1. A lit front light that emits a white light visible from a distance of at least 200 feet to the front;
2. A red reflector to the rear that is visible at least 200 feet to the rear; and
3. At least one reflector strip prominently displayed on the device's tires.

(d) Each golf cart shall be equipped with an auditory warning device, a visual safety flag on a whip antenna of at least six (6) feet in height or visibility tape; slow vehicle markings; and display a sticker on the cart showing annual registration with the city treasury division as an island vehicle.

Title 29-A

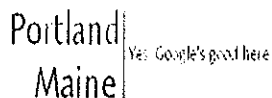
§101 25-A. Golf cart. "Golf cart" means a motor vehicle that is originally designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour. "Golf cart" does not include an ATV as defined in Title 12, section 13001.

§501 2-A. Island vehicles, golf carts and low-speed vehicles. The following provisions apply to vehicles operating on islands that have no public ways maintained or supported by the State.

A. Notwithstanding subsection 1, an automobile may be registered for an annual fee of \$4. A low-speed vehicle or golf cart may be registered for an annual fee of \$4. The registrant must show evidence of payment of the excise tax required by Title 36, section 1482. The municipality may collect an additional \$4 fee annually to defray the cost of removing abandoned vehicles or golf carts.

B. A low-speed vehicle or golf cart may be operated on an island **if the governing body of the municipality allows**. A low-speed vehicle or golf cart may be operated only on a road or street where the **posted speed limit is 35 miles per hour or less**. A low-speed vehicle or golf cart may cross, at an intersection, a road or street with a posted speed limit of more than 35 miles per hour.

C. Any person operating a low-speed vehicle or a golf cart on an island must possess a valid driving license in any class.



Mike Murray <msm@portlandmaine.gov>

Re: Proposed Changes to Golf Cart Ordinance

1 message

aweber123@myfairpoint.net <aweber123@myfairpoint.net>
To: msm@portlandmaine.gov

Sun, Apr 9, 2017 at 4:10 PM

Dear Mike: The proposed changes to the golf cart ordinance seems to be directed at the increase of drivers on Peaks Island and so that's where they should implement them. The City doesn't/can't enforce the ones we have, especially under aged drivers. There is simply not enough time to educate our (GDI's) population about the proposed changes to receive adequate input by Tuesday 4/11.

If this is something that is going to happen regardless of what Great Diamond Island residents think, then educate folks over the summer and change next year.

Thanks

Anne Weber

On Sat, 8 Apr 2017 18:34:07 -0400, Mike Murray wrote:

Good Day to All,

On Tuesday, 4/11/2017 @ 5:30 PM, the City Council Health and Human Services Committee will be discussing proposed changes to the City Ordinance regarding the operation of golf carts on Portland islands. The review and possible changes were requested by representatives of Peaks Island. Please distribute to your listservs and those who wish to have comments entered into the record may email those comments to my email address.

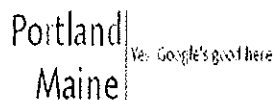
This is a workshop/discussion only. The full agenda and back up material may be found at:

http://www.portlandmaine.gov/AgendaCenter/ViewFile/Agenda/_04112017-2021?packet=true

A redline version of the proposed changes is attached.

Michael Murray
Assistant to the City Manager
City of Portland
389 Congress Street
Portland, ME 04101
207.756.8288

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions.



Mike Murray <msm@portlandmaine.gov>

Golf Carts and young children

1 message

Timothy Murphy <peakssafety@gmail.com>

Mon, Apr 10, 2017 at 11:47 AM

To: mjs@portlandmaine.gov, Belinda Ray <BSR@portlandmaine.gov>, Mike Murray <MSM@portlandmaine.gov>

Cc: John Kiely <jkiely1@maine.rr.com>, Mary Anne Mitchell <papouchemitchell@yahoo.com>, Lisa Penalver <lisap.pic@gmail.com>, Jeremy Sherman <shermjeremy@gmail.com>

Chief & Councilwoman,

I am writing to all to express my disappointment in the proposed Golf Cart ordinance.

I am not talking about underage drivers, I am talking about children who are held in lap by an adult while driving or as passengers. Also unrestrained small children, who's feet cannot touch the floor to brace themselves while seated. Small children and babies have no business in the front seat unrestrained.

It is proven that unrestrained children are not protected in a head on collision, or hard braking scenario, and can be injured, even at 20 MPH in a passenger vehicle, which is why Maine law was established on this. Even worse, children held in one's arms, either while driving or while in the arms of a front seat passenger, is a terrible "airbag protection" for that person holding them.

We Islanders have seen this scenario many times, and cringe when we see it. I cannot tell you how many times I speak to these offenders about this, and shake my head when they still say *they* are good drivers or they have no better way to drive.

So why do passenger vehicles only with Island stickers still have seat belt and child seat & safety laws that have to be followed? **Because it makes sense.**

I think this "children in front seats of Golf Carts" needs to be addressed more thoroughly.

Maine's seatbelt brochure <http://www.growingopportunities.com/seat%20belt%20brochure.pdf>

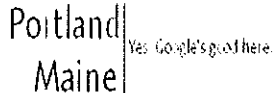
The only complete study of Golf Cart injuries including children

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1067675/pdf/injprev00006-0044.pdf>

Please think about this before the vote. We should not wait for the accident to happen to change our minds.

Thanks,

Murph



Mike Murray <msm@portlandmaine.gov>

Golf Carts on Peaks Island1 message

islander44@aol.com <islander44@aol.com>
To: msm@portlandmaine.gov

Mon, Apr 10, 2017 at 9:45 AM

Dear Mr. Murray,

I have just reviewed the proposed Peaks Island Golf Carts Ordinance. I have a particular interest as I am the manager of Peaks Island Golf Carts. I am unable to attend the workshop, so here are some comments.

The proposal shouldn't cause undue hardship in most areas. The idea that golf carts with roofs might need a flag is a little wacky, as those carts are taller than most cars and some SUV's, so it's not like they are not noticeable. But most of our carts have reflective tape on them, so it's not a problem.

My concern is about signaling devices, i.e. horns etc. Have there been instances where somebody didn't hear a golf cart coming? I doubt it. Is it easy for a driver or passenger to alert somebody vocally? Of course. More importantly, do people on the back shore and other neighborhoods of the island want to hear the additional noise of people beeping, honking, dinging, or otherwise making noise as they make their merry way about the island?

Never mind the fact that it's a financial burden for the business in terms of procurement and maintenance. It's a solution in search of a problem. I have never heard an islander say, "Boy, I sure wish those golf carts had a way of making more noise." I have never heard of an instance where a lack of a signaling device caused a safety issue. The only safety issue regarding signaling devices I have run across is people ignoring the vehicle in reverse signal.

I think the requirement for signaling devices is unnecessary, and will have the unintended consequence of making the island noisier.

Everything else on the list is something that we always tell our customers before they leave in one of our carts, with one exception: animals. Some of the people who rent carts do so because of mobility issues, and some have service or other companion animals. We always tell people to keep control of their dogs. It's a restriction that is not applied to automobile drivers out here, so it seems unfair to restrict golf cart owners or renters from having an animal aboard. A dog in a lap is far more controllable than a dog seated next to the owner or on the floor, unless it's a St. Bernard or something.

If you have further questions, I can be reached at home, 766-5555.

Thank you,

Robert R. O'Brien

To: Health and Human Services Committee

From: Michael Sauschuck, Chief of Police

Date: April 7, 2017

Re: Community Policing Staffing Request

In July of 2016, the City launched Operation Bayside, a multi-departmental initiative to improve the quality of life in Bayside through a combination of enforcement, environmental design and outreach. The Police Department's effort, Bayside Boost, was accomplished by redistributing existing resources to increase patrols focused on quality of life issues while also conducting targeted liquor and drug enforcement. While these efforts yielded some success, it is clear that a sustained, comprehensive effort is necessary to effect long-term change in this beleaguered neighborhood.

While Bayside represents less than 1% of the City's landmass and only 5% of its population, the neighborhood accounted for more than 21% of all police calls for service in the first ten months of 2016. Even more troubling, 34% of all public disorder calls for service originated in Bayside – nearly twice the number of public disorder calls which originated in all of Deering during the same time period. And most notably, 30% of arrests in the City occurred in Bayside during the first ten months of 2016. While calls for service in most Peninsula neighborhoods have remained relatively flat over the past decade, calls to Bayside have increased 71%.

While Operation Bayside Boost yielded slight increases in arrests and citations along with a moderate increase in the number of incident reports taken, the 14 week operation could not reverse decades of disorder and deferred maintenance. Although community members reported that the neighborhood was quieter during the operation than in summers past, we believe we were only able to stem the increase in disorder. A stronger, long term community policing-based effort, accompanied by additional City initiatives to address the root cause of problems in Bayside, is necessary to facilitate a cultural shift and effect a sustained improvement in the quality of life of all residents.

Bayside is currently patrolled by a single beat officer who must respond to calls ranging from burglar alarms and motor vehicle accidents to assaults and robberies. The beat officer is also called upon to provide back up for serious calls in neighboring beats. During the day, the beat officer is augmented by the neighborhood Community Policing Officer whose efforts are almost singularly focused on quelling disorder in the neighborhood. As a result, his ability to problem solve – an important element of community policing – is limited.

In order to reap the full benefits of the community policing model in Bayside, I recommend a two tiered enhancement of the program. The first step is to increase the police department authorized strength by four. The increased staffing will be deployed as follows:

- 1) Community Policing Sergeant: an additional sergeant will be assigned to the Community Policing Unit to bring supervisory span of control to an acceptable level and facilitate enhancement of programming. The new sergeant will also supervise the expanded summer cadet program in the Downtown District.
- 2) Community Policing Officer: A second dedicated Community Policing Officer will be assigned to the Bayside neighborhood in order to enhance efforts to problem solve in addition to quelling disorder in real-time.
- 3) Two Foot Beat Officers: two dedicated Foot Beat officers will be assigned to the Congress Street Corridor and Old Port area. While the additional staffing will be primarily focused in these areas, it can also be flexed to cover Bayside and Parkside/Deering Oaks Park as required by seasonal and emergent needs. Flexibility is also required to ensure the problems apparent in Bayside are not merely moved to nearby neighborhoods – a common side effect of increased police presence in problem areas.

This additional staffing will also allow us to reinstate a community policing area specific to the Old Port.

Due to current staffing shortages and recruiting difficulties, we anticipate launching Tier 1 in the summer of 2018.

Tier 2 consists of adding additional full time Community Policing Officers to East Bayside and Parkside. We will seek COPS grant funding to implement Tier 2. COPS grants provide three years of funding for 75% of the cost of an entry level officer for a period of 36 months. The City is required to maintain the positions for at least an additional 12 months after the federal funding expires.

To meet the increased staffing requirements and fill existing vacancies caused by routine turnover, the Department will also redouble recruitment efforts by maximizing outreach to area and regional universities, strengthening our social media footprint, and automating and expediting the application process.

The problems in Bayside did not appear overnight; they have grown and festered for many years. While the City is currently discussing modifications to its shelter programming and zoning, sustained change will take a slow, steady effort led by an enhanced community policing presence.

Order 164-06/07
3/5/07

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

CITY OF PORTLAND
IN THE CITY COUNCIL

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

AMENDMENTS TO PORTLAND CITY CODE
CHAPTER 14 (LAND USE), DIVISION 12,
REPEALING SECTION 14-217.5. (OLD PORT OVERLAY ZONE)
AND ENACTING
CHAPTER 14, DIVISION 19.8, SECTIONS 14-330.11 - 14-330.
(DOWNTOWN ENTERTAINMENT OVERLAY ZONE)

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

1. That Chapter 14 of the Land Use Code Section 217.5 (Old Port Overlay Zone), be repealed in its entirety.
2. That Division 19.8 is hereby enacted to read:

DIVISION 19.8. DOWNTOWN ENTERTAINMENT OVERLAY ZONE

Sec. 14-330.11. Purpose.

The purpose and intent of this section is to regulate the location of businesses with entertainment licenses in order to maintain and improve public safety and the quality of life of Portland residents by preventing an over concentration of businesses with entertainment licenses, particularly those which also have liquor licenses, and the public safety problems that have and will be experienced when too many of these businesses are located too close to each other. These problems include large late-night crowds within which fights and assaults, disorderly conduct and other breaches of the peace occur and that are difficult to effectively police and that expose not only innocent bystanders but also police officers to danger and personal injury.

Sec. 14-330.12. Definitions.

(a) *After-hours entertainment license.* For the purpose of the after-hours entertainment prohibition in section 14-330.15, "after-hours entertainment license" means any of the music, dancing and special entertainment licenses required or authorized by article III, chapter 4 of this Code.

(b) *Downtown entertainment overlay zone.* For the purposes of this section, the "downtown entertainment overlay zone"

Given 1st reading & Postponed: 3/5/07 Public Hearing, Amended & Passed 4/4/07
Amend/Downtown entertainment overlay zone 6-3 (Leeman, Marshall, Donoghue)

includes and is defined by the boundaries of the following zones as shown on the attached downtown entertainment overlay zone map: B-3, B-3(c) and WCZ zones, a copy of which is on file in the department of planning and urban development.

Any property that lies partly within the overlay zone and partly outside it shall be subject to this ordinance.

Sec. 14-330.13. Dispersal requirement for facilities with entertainment license in downtown entertainment overlay zone.

A business with an entertainment license as required or authorized by Section 4-51(a) of this Code located within the downtown entertainment overlay zone may not be located within 100 feet of another business with an entertainment license, as measured along or across public ways from the main entrance or entrances of each.

Sec. 14-330.14. Exemption.

A business with an entertainment license located in the downtown entertainment overlay zone on or before January 3, 2006 shall not have to comply with the requirements in section 14-330.13 and if located within 100 feet of another licensee shall be considered a non-conforming use controlled by chapter 14, division 23 of this Code. Such a business is considered an entertainment business for the purpose of calculating dispersion requirements under section 14.330.13 for a new or relocating entertainment business in the downtown entertainment overlay zone.

Sec. 14-330.15. Separate business entities.

Where two or more entertainment businesses operate on one site, and where each business entity requires or has a separate business license, or displays in a manner visible from public property separate business trademarks, logos, service marks or other mutually identifying names or symbols, each business entity shall be counted as a separate entertainment business for the purpose of this section.

Sec. 14-330.16. Conditions on after-hours food service in the downtown entertainment overlay zone.

(a) Following a hearing held pursuant to chapter 15, section 15-10, the clerk may impose conditions to maintain or improve public safety on the food service license of any business in the downtown entertainment overlay zone that

operates between 1:00 a.m. and 4:00 a.m., following a written recommendation from the Portland police department that such conditions are necessary.

(b) The clerk's decision may be appealed to the city manager pursuant to section 15-9 of this Code.

(c) Nothing in this section shall be construed to limit the clerk's authority in chapter 15 to deny, suspend or revoke any license pursuant to the standards and process in that chapter.

3. The official zoning map of the City is hereby amended to add the Downtown Entertainment Overlay Zone as described in Chapter 14 section 330.12(6) and as shown on attachment B hereto.

Order 164-08/9
Feb 19 3-5-07

NICHOLAS M. MAVODONES (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
DONNA J. CARR (3)
CHERYL A. LEE MAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

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

AMENDMENTS TO PORTLAND CITY CODE
CHAPTER 14 (LAND USE), DIVISION 12,
REPEALING SECTION 14-217.5. (OLD PORT OVERLAY ZONE)
AND ENACTING
CHAPTER 14, DIVISION 19.8, SECTIONS 14-330.11 - 14-330.
(DOWNTOWN ENTERTAINMENT OVERLAY ZONE)
AND
AMENDMENT TO PORTLAND CITY CODE
CHAPTER 15 (LICENSES AND PERMITS
SECTION 15-12 (FEES AND EXPIRATION DATES)

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

1. That Chapter 14 of the Land Use Code Section 217.5 (Old Port Overlay Zone), be repealed in its entirety.
2. That Division 19.8 in Chapter 14 is hereby enacted to read:

DIVISION 19.8. DOWNTOWN ENTERTAINMENT OVERLAY ZONE

Sec. 14-330.11. Purpose.

The purpose and intent of this section is to regulate the location of businesses with entertainment licenses in order to maintain and improve public safety and the quality of life of Portland residents by preventing an over concentration of businesses with entertainment licenses, particularly those which also have liquor licenses, and the public safety problems that have and will be experienced when too many of these businesses are located too close to each other. These problems include large late-night crowds within which fights and assaults, disorderly conduct and other breaches of the peace occur and that are difficult to effectively police and that expose not only innocent bystanders but also police officers to danger and personal injury.

Sec. 14-330.12. Definitions.

(a) After-hours entertainment license. For the purpose of the after-hours entertainment prohibition in section 14-330.15, "after-hours entertainment license" means any of the music,

dancing, music and dancing, and special entertainment licenses required or authorized by article III, chapter 4 of this Code.

(b) Downtown entertainment overlay zone. For the purposes of this section, the "downtown entertainment overlay zone" includes and is defined by the boundaries of the following zones as shown on the attached downtown entertainment overlay zone map: B-3, B-3(c) and WCZ zones, a copy of which is on file in the department of planning and urban development.

Any property that lies partly within the overlay zone and partly outside it shall be subject to this ordinance.

Sec. 14-330.13. Dispersal requirement for facilities with entertainment license in downtown entertainment overlay zone.

A business with an entertainment license located within the downtown entertainment overlay zone may not be located within 100 feet of another business with an entertainment license, as measured along sidewalks from the main entrance or entrances of each business.

Sec. 14-330.14. Exemption.

A business with an entertainment license located in the downtown entertainment overlay zone on or before January 3, 2006 shall not have to comply with the dispersal requirements in section 14.330.13 and if located within 100 feet of another licensee shall be considered a non-conforming use controlled by chapter 14, division 23 of this Code. Such a business is considered an entertainment business for the purpose of calculating dispersion requirements under section 14.330.13 for a new or relocating entertainment business in the downtown entertainment overlay zone.

Sec. 14-330.15. Separate business entities.

Where two or more entertainment businesses operate on one site, and where each business entity requires or has a separate business license, or displays in a manner visible from public property separate business trademarks, logos, service marks or other mutually identifying names or symbols, each business entity shall be counted as a separate entertainment business for the purpose of this section.

Sec. 14-330.16. Conditions on after-hours food service in the downtown entertainment overlay zone.

(a) Following a hearing held pursuant to chapter 15, section 15-10, the clerk may impose conditions to maintain or improve public safety on the food service license of any business in the downtown entertainment overlay zone that operates between 1:00 a.m. and 4:00 a.m., following a written recommendation from the Portland police department that such conditions are necessary.

(b) The clerk's decision may be appealed to the city manager pursuant to section 15-9 of this Code.

(c) Nothing in this section shall be construed to limit the clerk's authority in chapter 15 to deny, suspend or revoke any license pursuant to the standards and process in that chapter.

3. The official zoning map of the City is hereby amended to add the Downtown Entertainment Overlay Zone as described in Chapter 14 section 330.12(6) and as shown on attachment B hereto.

4. That Chapter 15 of the City Code Section 15-12 (Fees and expiration dates), is hereby amended as follows:

Sec. 15-12. Fees and expiration dates.

(a) Fees for licenses issued pursuant to this code and the expiration date of each license shall be as follows. The fees established for the downtown entertainment overlay zone shall be adjusted annually in the municipal budget process to reflect the need for and cost of more or less police protection in the downtown entertainment overlay zone.

Location in Code	Description	Fee	Expiration Date
Ch. 4, Art. II	Amusement devices:		
	Amusement devices (other than pinball and adult amusements), per device	\$130.00	Twelve months or concurrent with state liquor license or with any city license

	Pinball machines, per device	130.00	Twelve months or concurrent with state liquor license or with any city license
	Adult amusement devices, per location	830.00	Twelve months or concurrent with state liquor license or with any city license
Ch. 3, Art. II	Bottle clubs (must obtain FSE and special entertainment if applicable)	830.00	June 30
Ch. 25, Art. VII	Excavators	500.00	December 31
Ch. 23, Art. II	Flea market dealer	15.00	Last day of February
Ch. 11, Art. II	Food service establishments (FSE):		
	Temporary FSE:		
	Reinspection fee for FSE	\$75.00 per reinspection	
	a. Unopened prepackaged food	80.00	Three months
	b. Opened or nonprepackaged food	80.00	Per event not to exceed two weeks

	Mobile FSE	285.00	March 31
	Base station (for mobile FSE)	105.00	March 31
	FSE-No food preparation on premises	155.00	January 31
	FSE-With preparation limited to hot beverages only	130.00	January 31
	FSE-With beer and wine take out	<u>155.00</u>	January 31
	FSE-Food preparation on premises	390.00	January 31
	FSE's with liquor:		
	FSE-Class A lounge (Class X)	1,950.00	Concurrent with state liquor license
	<u>FSE-Class A lounge (Class X) within the DEOZ</u>	<u>2,795.00</u>	<u>Concurrent with state liquor license</u>
	FSE-Class A restaurant (Class I)	1,315.00	Concurrent with state liquor license
	<u>FSE-Class A restaurant (Class I) within the DEOZ</u>	<u>1,885.00</u>	<u>Concurrent with state liquor license</u>
	FSE-Hotel (Class IA)	<u>1,575.00</u>	

	<u>FSE-Hotel</u> <u>Within the</u> <u>DEOZ</u>	<u>2,225.00</u>	
	FSE-Class A restaurant/ lounge (Class XI)	1,640.00	Concurrent with state liquor license
	<u>FSE-Class A</u> <u>restaurant/lou</u> <u>nge (Class XI)</u> <u>within the</u> <u>DEOZ</u>	<u>2,350.00</u>	<u>Concurrent with</u> <u>state liquor</u> <u>license</u>
	FSE-Qualified catering service (Class I)	1,315.00	Concurrent with state liquor license
	Innholder-15 rooms or less	1,265.00	Concurrent with state liquor license
	Innholder-16 to 40 rooms	1,420.00	Concurrent with state liquor license
	Innholder-more than 40 rooms	1,575.00	Concurrent with state liquor license
	FSE-Spirituos license (Class II)	540.00	Concurrent with state liquor license
	FSE-Vinous license (Class III)	360.00	Concurrent with state liquor license
	FSE-Malt license (Class IV)	580.00	Concurrent with state liquor license
	<u>FSE-Malt</u> <u>license (Class</u> <u>IV)</u>	<u>830.00</u>	<u>Concurrent with</u> <u>state liquor</u> <u>license</u>

	FSE-Malt and vinous license (Classes III and IV combined)	640.00	Concurrent with state liquor license
	<u>FSE-Malt and vinous license (Classes III and IV combined) within the DEOZ</u>	<u>940.00</u>	<u>Concurrent with state liquor license</u>
	FSE-Nonprofit club (Class IV with catering or Class V without catering)	520.00	Concurrent with state liquor license
	<u>FSE-Nonprofit club (Class IV with catering or Class V without catering) within the DEOZ</u>	<u>745.00</u>	<u>Concurrent with state liquor license</u>
	FSE-Liquor catering	25.00	Per event
	FSE-Temporary (bona fide nonprofit organization) with any spirituous, vinous or malt license and special entertainment	55.00	Per 2-day period
	FSE-Auditorium	\$515.00	Concurrent with State Liquor License

	FSE-Civic Auditorium	\$1,305.00	Concurrent with State Liquor License
	<u>FSE-Civic Auditorium within the DEOZ</u>	<u>\$1,585.00</u>	
Ch. 4, Art. IV	Gaming:		
	Beano	90.00	December 31
	Games of chance (application fee pursuant to section 15-6 only)		
Ch. 30, Art. III	Bicycle cabs	100.00, plus 20.00 per driver	January 31
Ch. 30, Art. III	Horse-drawn cabs	200.00, plus 20.00 per driver	April 30
Ch. 16	Massage establishment	55.00	September 30
	Combined massage establishment/ massage therapist	45.00	
	Massage therapist	30.00	
	Conditional massage therapist	30.00	
Ch. 4, Art. III	Music, dancing and special entertainment:		
	Entertainment with dancing	240.00	Twelve months or concurrent

			with state liquor license or with any city license
	<u>Entertainment with dancing within the DEOZ</u>	<u>345.00</u>	<u>Twelve months or concurrent with state liquor license or with any city license</u>
	Entertainment without dancing	90.00	Twelve months or concurrent with state liquor license or with any city license
	<u>Entertainment without dancing within the DEOZ</u>	<u>130.00</u>	<u>Twelve months or concurrent with state liquor license or with any city license</u>
	Dance hall	130.00	June 30
	Concert hall	130.00	June 30
	Single dance	30.00	Per dance
	Single concert	30.00	Per concert
Ch. 19, Art. II	Night Street Vendor (must also obtain FSE and street vendor)	55.00	--
Ch. 4, Art. V	Nudity in licensed	1,250.00	June 30

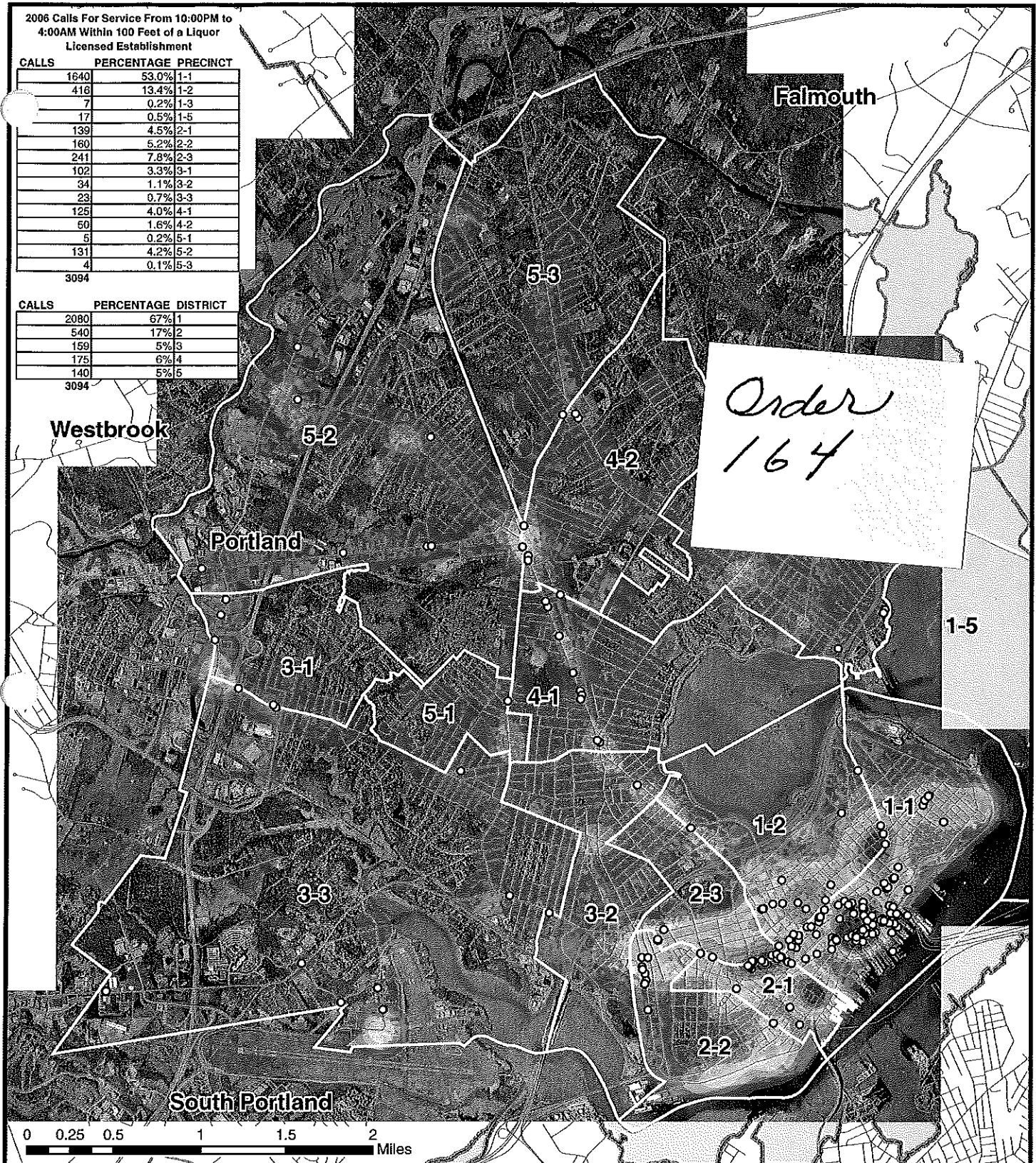
	businesses		
Ch. 12, Art. VII	Operation of rendering facilities	250.00	September 30
Ch. 21	Public markets	65.00	March 31
Ch. 10, Art. VI	Sidewalk tanks and pumps	25.00	December 31
Ch. 19, Art. II	Street vendor (must also obtain FSE)	285.00	March 31
	Street Vendor Cooler storage space - max. of 7 sq. ft.	30.00 per 3.5 sq. ft. of space	March 31
Ch. 23, Art. II	Secondhand goods:		
	Junk collector	20.00	December 31
	Junk dealer	55.00	December 31
	Secondhand dealer (including used cars)	130.00	December 31
	Flea markets	45.00	Per day
Ch. 30, Art. II	Taxicabs and liveries:		
	Taxicab business license	300.00	April 30
	Livery business license	300.00	April 30
	Taxicab driver's license	75.00	April 30

	Taxi Replacement license	10.00	
	Livery driver's license	20.00	April 30
	Livery replacement license	10.00	
Ch. 19, Art. III	Transient sellers	95.00	December 31
Ch. 28, Art. VIII	Wreckers and vehicle towing	235.00	June 30
Ch. 14, Sec. 217.5	Old Port Overlay Zone Permit (in addition to all other required licenses):		
	Bars	\$260.00	Twelve months or concurrent with state liquor license
	All others	55.00	Twelve months or concurrent with state liquor license or with any city license

2006 Calls For Service From 10:00PM to 4:00AM Within 100 Feet of a Liquor Licensed Establishment

CALLS	PERCENTAGE	PRECINCT
1640	53.0%	1-1
416	13.4%	1-2
7	0.2%	1-3
17	0.5%	1-5
139	4.5%	2-1
160	5.2%	2-2
241	7.8%	2-3
102	3.3%	3-1
34	1.1%	3-2
23	0.7%	3-3
125	4.0%	4-1
50	1.6%	4-2
5	0.2%	5-1
131	4.2%	5-2
4	0.1%	5-3
3094		

CALLS	PERCENTAGE	DISTRICT
2080	67%	1
540	17%	2
159	5%	3
175	6%	4
140	5%	5
3094		



2006 Calls For Service by District (10:00PM - 4:00AM)



○ Liquor License
 Street

Council District
 Water Body

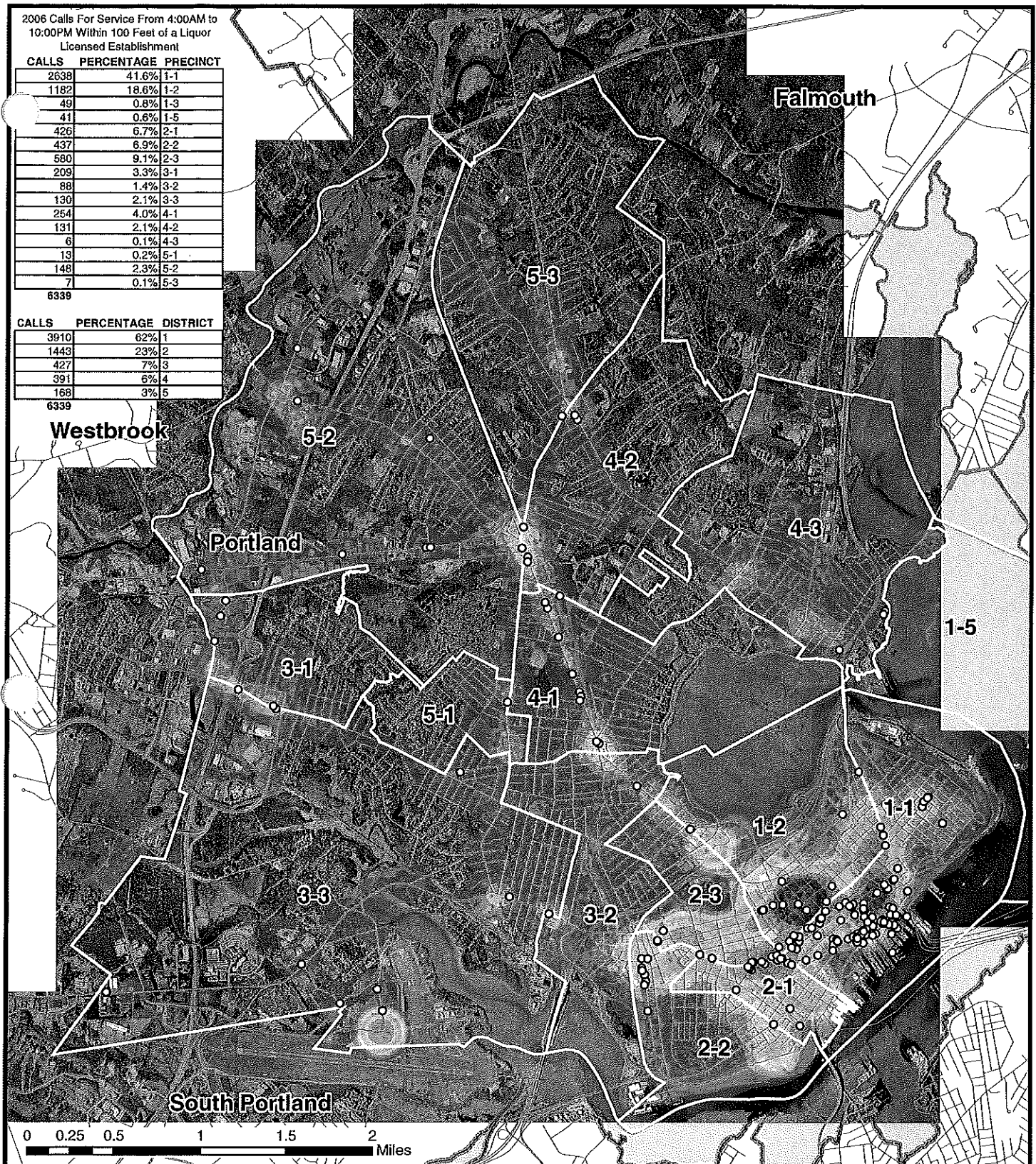
Total Call Density
 High
 Low



2006 Calls For Service From 4:00AM to 10:00PM Within 100 Feet of a Liquor Licensed Establishment

CALLS	PERCENTAGE	PRECINCT
2638	41.6%	1-1
1182	18.6%	1-2
49	0.8%	1-3
41	0.6%	1-5
426	6.7%	2-1
437	6.9%	2-2
580	9.1%	2-3
209	3.3%	3-1
88	1.4%	3-2
130	2.1%	3-3
254	4.0%	4-1
131	2.1%	4-2
6	0.1%	4-3
13	0.2%	5-1
148	2.3%	5-2
7	0.1%	5-3
6339		

CALLS	PERCENTAGE	DISTRICT
3910	62%	1
1443	23%	2
427	7%	3
391	6%	4
168	3%	5
6339		



2006 Calls For Service by District (4:00AM - 10:00PM)

N



Liquor License



Street



Council District

Water Body

Total Call Density

High

Low



Memorandum
Department of Planning and Development
Planning Division



To: Mayor Mavodones and City Council Members
From: Alexander Jaegerman, Planning Division Director
Date: March 29, 2007
Re: Downtown Entertainment Overlay Zone

The Portland Planning Board considered the proposed Downtown Entertainment Overlay Zone at a workshop on March 13, 2007 and held a public hearing on March 27, 2007. Based on the material provided in Planning Report #15-07, testimony from six members of the public, a review of applicable policies, and other information the Planning Board voted unanimously (5-0, Lowry and Silk Absent) that the proposed zoning amendments to create the Downtown Entertainment Overlay Zone are not consistent with the Comprehensive Plan and the Board does not recommend their adoption to the City Council.

The Planning Board's findings include the following points:

1. The imposition of increased fees on businesses within an area of the City to address a problem caused by the concentration of bars in the Old Port could discourage and penalize businesses that are a positive presence in the area.
2. The proposed ordinance encourages businesses to evade the regulations and move outside of the designated business district and move into adjoining mixed use districts, such as Bayside and the Eastern Waterfront.
3. The proposed ordinance does not rein in institutions and fraternal organizations with entertainment licenses in residential zone, which may have a negative impact on neighborhoods.
4. In attempting to solve a limited problem in a specific area of the City, it leaves the larger issues regarding liquor establishments unresolved.
5. Increasing fees on certain businesses in a broader area appears to be more unfair than the current regulation and fees.

Attachments:

- A. Planning Board Report #15-07, including only Attachment 24 (map of liquor licenses on the Peninsula) and Attachment 25 (list of nonprofit institutions and fraternal organizations with a liquor license).

AA A

PLANNING BOARD REPORT # 15 -07

DOWNTOWN ENTERTAINMENT OVERLAY ZONE

**PROPOSED ZONING AMENDMENTS
CITY OF PORTLAND, APPLICANT**

Submitted to:

Portland Planning Board
Portland, Maine
March 27, 2007

Prepared by:

Barbara Barhydt, Dev. Rev. Services Manager
March 23, 2007

I. INTRODUCTION

The Old Port Nightlife Task Force has proposed repealing the Old Port Overlay Zone and substituting a new overlay zone called the Downtown Entertainment Overlay Zone. The draft Council Orders with the proposed amendments are included as Attachments 1, 2, and 3. The proposed amendments are summarized as follows:

1. Increase fees for liquor and entertainment licenses in B-3, B-3c and WCZ zones;
2. Adjust the fee annually to reflect current financial needs to support additional police protection;
3. Prohibit after-hours entertainment (1 a.m. to 7 a.m.) city-wide with existing licenses grandfathered;
4. Impose a 100 foot dispersal requirement within the overlay zone (encompasses B-3, B-3c and WCZ zones) on all facilities with entertainment licenses for music, dance or music and dance (most bars have this license); and
5. Require and authorize the Clerk/License Administrator to impose conduct control requirements on after-hours food service establishments, such as extra lighting, outside video cameras, additional security people outside the facility and etc.

The proposal was referred to the Planning Board for a recommendation to City Council. The Public Safety reviewed the proposal on March 13, 2007 and voted 2-1 (Carr) against creating a dispersal requirement.

A total of 882 notices were sent to area residents and notices appeared in the *Portland Press Herald*.

II. CURRENT OLD PORT OVERLAY ZONE

The existing provisions for the Old Port Overlay Zone are contained within the Downtown Business B-3 Zone (Section 14-217.5) and a copy is included as Attachment 22. The area including within the current Old Port Overlay Zone is depicted on the map included as Attachment 23. The existing Old Port Overlay provisions require the following:

1. An entertainment license is required for any entertainment use located within the Old Port Overlay Zone.
2. The total number of entertainment licenses available in the Old Port Overlay zone is forty (40). Twenty-seven (27) of the initial licenses shall be available for bars and thirteen shall be available for all other entertainment uses. Non-bar licenses may exceed 13 at any given time provided that the total number of licenses at any given time shall not exceed forty (40). The total number of entertainment licenses for bars shall not exceed twenty-four (24). The ordinance clarifies the process of obtaining a license.
3. There is a dispersal requirement states:
 "Each entertainment use within any category of defined entertainment uses shall be located no closer than 100 feet from the same type of entertainment use, as measured in a radius from the center of the lot. This dispersal requirement shall not apply to entertainment uses that are not in the same category."
 Provisions for waiving the dispersal requirement are contained in the section.
4. The Old Port Overlay Zone, Section 14-217.5, also includes provisions that address the continuation of a license, the transfer of an entertainment license, limitations on the number of entertainment licenses issued to a license holder, and limitations on the expansion of establishments with an entertainment license.
5. There is a limitation on after-hours entertainment which stipulates that such uses shall

cease at 3 a.m. and that establishments providing after-hours entertainment during those hours shall limit attendance to individuals at least 18 years old.

6. An annual license fee is required and an annual bar occupancy fee. The bar occupancy fee is \$15 multiplied by the maximum number of occupants permitted to be on the licensed premises, as determined by the Portland fire department pursuant to City ordinances and regulations.

III. THE MAYOR'S OLD PORT NIGHTLIFE TASK FORCE AS AMENDED BY THE PUBLIC SAFETY COMMITTEE

The Findings and Conclusions of the Mayor's Old Port Nightlife Task Force as amended by the Public Safety Committee addresses a broad range of factors, such as extra police protection, controlling bar patrons, physical improvement to improve conduct control, occupancy limits, improving public safety through better business practices, after hours entertainment, and dispersal requirement. The complete set of the findings, conclusions and recommendations are listed in Attachment 7 and all of the Task Force's materials are included as Attachments 8 through 21.

Summarized below are findings that are more directly related to the land use considerations for the Downtown Entertainment Overlay Zone and the dispersal requirements.

Extra Police Protection

- There is a direct correlation between the density of bars and crimes of violence, including assault. There is no similar correlation for restaurants with liquor licenses
- Other businesses throughout the area that includes B-3, B-3c and WCZ benefit from the existence of the Old Port as an entertainment center.
- There are 40 establishments with liquor licenses in the Old Port of which 24 have permits because over half of their revenue comes from alcohol.
- There are 100 establishments in B-3, B-3c and WCZ with liquor licenses (depicted on a map, Attachment 9)
- Drinking alcohol and providing entertainment until 1:00 p.m. in the Old Port will continue to generate crowds and require additional security, including additional coverage by the Portland Police Department
- Current additional police coverage consists of 6 officers working from 10 p.m. to 2 a.m. on Fridays and Saturdays and 4 officers working on holidays and Sundays, if Monday is the holiday, all of whom are paid overtime.
- Annual cost of police service is approximately \$61,000. Funding for the additional police coverage is paid through the Old Port Overlay provisions (refer to item 6 above). An increase in the cost of liquor/FSE licenses on the existing licenses would generate \$61,000.

Dispersal Requirement

- The current Old Port overlay ordinance has a 100 foot dispersal requirement on defined types of entertainment establishments
- That dispersal requirement is measured as the crow flies from the center of the lot on which the structure containing an entertainment licensed facility is located.
- Most bars have entertainment licenses.
- The dispersal concept is one that works to prevent the concentration of bars and entertainment facilities with music, or dance or music and dance licenses that caused public safety problems in the Old Port.
- One hundred (100) feet is a sufficient dispersal to create the result. [The minority report recommended 150 feet.]

- Any dispersal requirement should be measured from the main entrance or entrances of on facility to the main entrance or entrances of the next nearest facility along streets or public ways.
- The creation and implementation of an effective dispersal requirement should be applied to all facilities with entertainment licenses in an area covered by the B-3, B-3c, and WCZ zones.

IV. THE PROPOSED DOWNTOWN ENTERTAINMENT OVERLAY ZONE

The Zoning Amendments forwarded to the Planning Board for consideration and a recommendation to City Council are included as Attachment 2 and the full set of recommendations in the report from the Mayor's Task Force as amended by Public Safety is contained in Attachment 7. The proposal is to repeal the existing Old Port Overlay Zone and create a Downtown Entertainment Overlay Zone. The proposed overlay zone only applies to those establishments selling liquor (this is a change from the Old Port Overlay Zone, which defined entertainment uses more broadly). The proposed overlay zone (Attachment 2) contains the following provisions:

Sec 14-330.11 Purpose: The purpose of the overlay zone is stated as:

...to regulate the location of businesses with entertainment licenses in order to maintain and improve public safety and the quality of life of Portland residents by preventing an over concentration of businesses with entertainment licenses, particularly those which also have liquor licenses, and the public safety problems that have and will be experienced when too many of these businesses are located too close to each other. These problems include large late-night crowds within which fights and assaults, disorderly conduct and other breaches of the peace occur and that are difficult to effectively police and that expose not only innocent bystanders but also police officers to danger and personal injury.

Sec. 14-330.12 Definitions: Under definitions for the proposed Overlay Zone the Downtown Entertainment Overlay Zone is defined as:

For the purposes of this section, the "downtown entertainment overlay zone" includes and is defined by the boundaries of the following zones as shown on the attached downtown entertainment overlay zone map: B-3, B-3c and WCZ zones, a copy of which is on file in the department of planning and urban development.

Any property that lies partly within the overlay zone and partly outside it shall be subject to this ordinance.

The proposed map depicting the extent of the Downtown Entertainment Overlay Zone is included as Attachment 9. A definition is also included for after-hours entertainment license.

Sec. 14330.13 Dispersal Requirement: A dispersal requirement is proposed for the Downtown Entertainment Zone that would maintain a 100 foot separation between businesses that have an entertainment license, as measured along sidewalks from the main entrance or entrances of each business.

Sec. 14-330.14 Exemption: A business with an entertainment license located in the downtown entertainment overlay zone on or before January 3, 2006, shall not have to comply

with the dispersal requirement and if located within 100 feet of another licensee shall be considered a non-conforming use. Such a business is considered an entertainment business for the purpose of calculating dispersion requirements for a new or relocating entertainment business in the downtown entertainment overlay zone.

Sec. 14-330.15 Separate Business Entities: The proposal addresses where two or more entertainment businesses operate on one site, and where each business entity requires or has a separate business license; or displays in a manner visible from public property separate business trademarks, logos, service marks or other mutually identifying names or symbols, each business entity shall be counted as a separate entertainment business.

Sec. 14-330.16 Conditions on after-hours food service: Following a hearing, the clerk may impose conditions to maintain or improve public safety on the food service license of any business in the downtown entertainment overlay zone that operates between 1:00 a.m. and 4:00 p.m., following a written recommendation from the Portland Police Department.

Zoning Map: The official zoning map of the City is hereby amended to add the Downtown Entertainment Overlay Zone as described in Chapter 14, section 330.12 (6) and as shown on Attachment 9.

The other amendments contained Attachment 2 revise the license fees and expiration dates for businesses within the Downtown Entertainment Overlay Zone, which are contained in Chapter 15 of the City's Code. Amendments are also proposed to Chapter 4, Amusements, of the City's Code, which address after hours entertainment. The proposed amendments prohibit after-hours entertainment between 1 a.m. and 7 a.m. city-wide, with grandfathering for existing licenses.

V. ANALYSIS

The Mayor's Old Port Nightlife Task Force Report as amended by the Public Safety Committee contains many recommendations to improve public safety and enforcement within the Old Port area that address extra police protection, controlling bar patrons, physical improvement to improve conduct control, occupancy limits, and improving public safety through better business practices. The focus of this analysis is on the proposed amendments to Portland's Land Use Code, Chapter 14.

The Old Port Overlay Zone as it exists today is depicted in Attachment 23 and it limits the overall number of entertainment licenses to 40 within this defined area. It also includes a 100 foot dispersal between the same type of licensed entertainment uses (as that term is defined in the existing text), which is measured in a radius from the center of the site.

The Downtown Entertainment Overlay Zone is proposed to encompass a larger area than the current Old Port Overlay Zone. The proposed overlay zone includes the Downtown Business B-3 and B-3c Zones and the Waterfront Central Zone WCZ. The Downtown Entertainment Overlay Zone does not limit the maximum number of entertainment licenses that may be held within the overlay zone. The draft ordinance does include a dispersal requirement of 100 feet between entertainment licenses, which are measured along sidewalks from the main entrance or entrances of each business. The proposed draft redefines the category of uses to which the regulation applies to include only those establishments licensed to serve alcohol. There is a minority report from Portland Communities Mobilizing for Change on Alcohol that supported a dispersal distance of 150 feet (Attachment 15). As noted above, the dispersal requirement contained in the draft before the Planning Board and is recommended in the Mayor's Task Force, but this

provision was not supported by the Public Safety Committee (2-1 Carr) at their meeting on March 13, 2007.

The proposed overlay zone does allow the clerk, after a hearing, to impose conditions on an after hours food service that operates between 1 a.m. and 4 a.m. following a written recommendations from the Police Department. Lastly, while it is not part of the zoning amendments to the Land Use Code, there is an amendment proposed to Chapter 4 (Amusements) of the City Code, which would prohibit after-hours entertainment licenses, except for those that were issued prior to Feb. 13, 2007. This prohibition would be applied city-wide.

At the Planning Board Workshop, Board members requested that the staff obtain information on the locations of other bars and entertainment licenses on the peninsula. The Planning Board raised the following questions at the workshop:

1. Should bars in other peninsula locations be regulated under the Overlay Zone?
2. Will the proposed overlay zone encourage new entertainment businesses to locate in those adjoining zones not included within the Downtown Entertainment Overlay Zone, particularly Bayside and the Eastern Waterfront where new mixed use development is being encouraged?
3. Are private clubs or fraternal organizations regulated under the proposed provisions?

Ben Ouellette, GIS Manager, prepared a map showing the bars and businesses with entertainment licenses on the entire peninsula Attachment 24. There are licensed establishments outside of the proposed Downtown Entertainment Overlay District with a cluster of licenses in the B-2 zone along St. John Street, three licenses on Washington Avenue, four licenses on Congress Street in the Munjoy Hill neighborhood, four or five licenses on Portland Street and other licenses in scattered locations throughout the peninsula. The four or five establishments along Portland Street and a licensed facility on Preble Street are located within the Bayside neighborhood. It appears that there are three establishments in the Eastern Waterfront area, which are outside of the proposed Downtown Entertainment Overlay Zone. Drinking establishments are permitted uses in the B-2, B-2b, B-3, B-5 and B-7 Business Zones located on the peninsula.

In reviewing the map of the entire peninsula (Attachment 24), it appears that not all private clubs and fraternal organizations are depicted on the map. However, if such uses are located within the proposed overlay zone, they would be regulated under the draft zoning provisions. For the Board's information, the City Clerk's office provided a list of nine non-profit organizations that have liquor licenses in Portland, which is included as Attachment 25. Private clubs and fraternal organizations are conditional uses in the R-6 zone and permitted uses in the B-2, B-2b, B-3, B-5 (Eastern Waterfront area) and B-7 (Bayside area).

The Comprehensive Plan is designed to promote the health, safety and welfare of the inhabitants of the City of Portland. The proposed regulations are designed to maintain and improve public safety and the quality of life of Portland residents by preventing an over concentration of businesses with entertainment licenses, particularly those which also have liquor licenses, and the public safety problems that have and will be experienced when too many of these businesses are located too close to each other.

VI. MOTIONS FOR THE BOARD TO CONSIDER

Based on the material provided in Planning Report #-07, public testimony, a review of applicable policies, and other information the Planning Board finds that the proposed zoning amendments to

create the Downtown Entertainment Overlay Zone [are/are not] consistent with the Comprehensive Plan and [recommends/does not recommend] their adoption to the City Council [with the following recommendations:]

1. The Planning Board supports the dispersal requirement of 100 feet as proposed in the Downtown Entertainment Overlay Zone.
2. The Planning Board recommends that the Downtown Entertainment Overlay Zone be expanded to include the Business Zones on the peninsula, specifically B-2, B-2b, B-5 and B-7 zones, where drinking establishments and private clubs and fraternal organizations are permitted.
3. The Planning Board recommends that the Downtown Entertainment Overlay Zone be expanded to include the R-6 Zone, where private clubs and fraternal organizations are permitted as a conditional use.

Attachments:

1. Council Order #163 dated March 5, 2007
2. Council Order #164 dated March 5, 2007
3. Council Order #165 dated March 5, 2007
4. Memo from Gary Wood dated March 2, 2007
5. Memo from Gary Wood dated March 2, 2007
6. Mayor's Old Port Task Force Executive Summary
7. Memo from Old Port Task Force dated March 2, 2007
8. List of Liquor License Establishments
9. Map of Liquor License Establishments
10. Police Coverage Report
11. Proposed License Fees effective July 1, 2006
12. Estimated Individual Fee Changes as of December 6, 2006
13. Criminal Complaint Report
14. Bar Management Guidelines Adopted by Nightlife Oversight Committee
15. Minority Report dated November 16, 2006
16. "Changes in Outlet Densities Affect Violence Rates" Article
17. Memo from Ted Ross dated May 24, 2006
18. Memo from Janine Roberts dated January 14, 2006
19. Liquor License Reviews
20. Memo from Old Port Task Force dated December 8, 2006
21. Memo from Gary Wood dated December 21, 2006
22. Old Port Overlay Zone, excerpt from the B-3 Zone
23. Old Port Overlay Map
24. Peninsula Map of Establishments with liquor and entertainment licenses
25. Business License Listing for Non-profits, generated by City Clerk's office

1277

City of Portland Liquor Licenses

Licenses

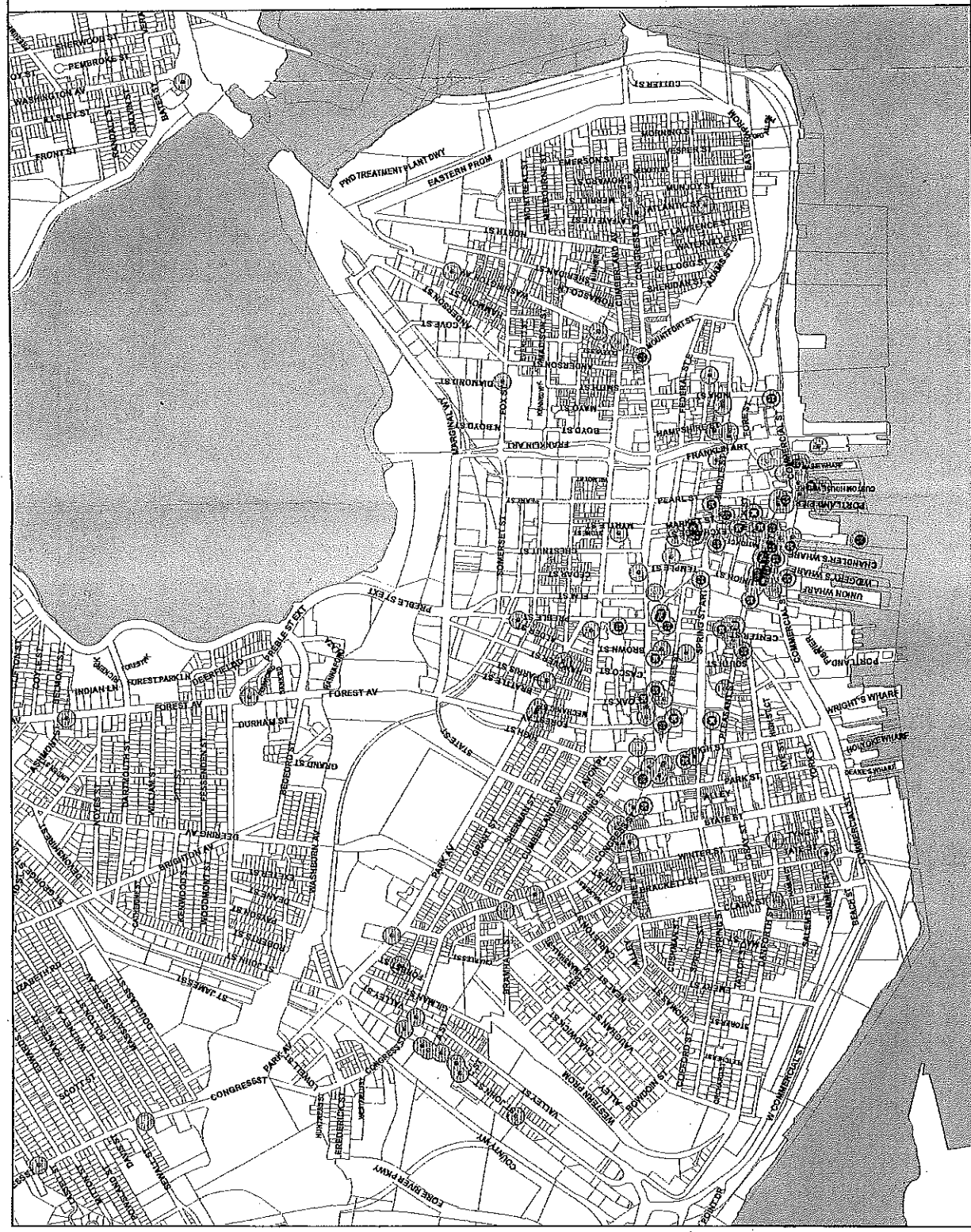
- CIVIC AUDITORIUMS
- CLASS A LOUNGE FSE
- CLASS IA FSE 15-40 ROOMS
- CLASS IA FSE 40+ ROOMS
- CLASS I FSE
- CLASS II & IV FSE (BEER & WINE)
- CLASS IV FSE (BEER)
- CLASS V FSE NON-PROFIT
- CLASS XI FSE RESTAURANT LOUNGE

Entertainment

- Parcels
- 100 Foot Buffer



Map prepared by the City of Portland GIS Department, March 2007



Business License Listing

Class V Fse/non-profit Licenses

Business Name and Address	License Type	Opened	Expires	Status
1) AMVETS POST #25 186 WASHINGTON AVE. PORTLAND, ME 04101	CLASS V FSE/NON-PROFIT <i>ent. w/dance</i>		02/28/2007	IN
2) CUMBERLAND CLUB 116 HIGH ST. PORTLAND, ME 04101	CLASS V FSE/NON-PROFIT <i>ent w/o dance</i>		12/31/2007	AC
3) DEERING MEMORIAL PST #6859 VFW 687 FOREST AVE. PORTLAND, ME 04103	CLASS V FSE/NON-PROFIT <i>ent w/</i>		12/31/2007	AC
4) ELKS LODGE #188 1945 CONGRESS ST. PORTLAND, ME 04102	CLASS V FSE/NON-PROFIT <i>ent w/</i>		01/25/2008	AC
5) HAROLD T. ANDREWS POST #17 AMERICAN LEGION 23 DEERING ST. PORTLAND, ME 04101	CLASS V FSE/NON-PROFIT <i>ent w/</i>		12/31/2007	AC
6) ITALIAN HERITAGE CENTER 40 WESTLAND AVE PORTLAND, ME 04102	CLASS V FSE/NON-PROFIT <i>ent w/</i>	01/01/1977	12/22/2007	AC
7) PAUL MALIA POST #161 AMERICAN LEGION 42 ATLANTIC ST PORTLAND, ME 04102	CLASS V FSE/NON-PROFIT <i>ent w/</i>		12/31/2007	AC
8) PORTLAND EAGLES/CASCO AERIE 184 ST. JOHN ST. PORTLAND, ME 04102	CLASS V FSE/NON-PROFIT <i>ent w/</i>		11/27/2007	AC
9) RANDALL-MACVANE POST #142 LEGION LOUNGE P.O. BOX 118, WELCH ST. PEAKS ISLAND, ME 04108	CLASS V FSE/NON-PROFIT <i>ent w/</i>	01/01/1931	07/13/2006	IN

Total Listed: 9

To: City of Portland: Jon Jennings, City Manager;
Ethan Strimling, Mayor; and City Council

From: Casey Gilbert, Executive Director, Portland Downtown

Date: April 10, 2016

Subject: Noise/Sound in Downtown Recommendations



Portland is growing. The demand for residential housing has spurred investment both on and off the peninsula. Portland is recognized nationally and ever-increasingly on a global scale as a destination. The city has a thriving arts & music culture that drives tourism and attracts people to live and work in Portland. The ‘foodie’ scene – our award winning chefs and restaurants and a growing craft beer and distillery business – is drawing more and more entrepreneurs and is another factor that drives tourism. It is no longer just lobsters and lighthouses.

Over the past few years, there has been increasing friction between those who live and stay in Downtown – both full-time residents, part-time residents and visitors – and the nightlife/entertainment sector. Complaints have been filed at city hall, but many feel their voices are not being heard. Portland Downtown is in a unique position to hear from both sides, as we represent business owners, residents and visitors alike. We are invested in the success of Downtown and want to support Portland as it grows.

Upon the request of Councilor Suslovic and City Manager Jon Jennings, Portland Downtown hosted two open forums to discuss issues surrounding noise/sound in Downtown. The first forum occurred on January 27th, 2016 and the second on February 24th, 2016. Attached are the minutes from both of those forums. Around the table were representatives from the hotel industry, owners of restaurants and bars, residents, and owners and managers of other businesses who simply have an interest in seeing Downtown thrive. We feel that all interests were represented and that the forum provided an opportunity to hear concerns on all sides of the issue.

The result of the forums is the following list of recommendations for your consideration.

Recommendations

i. The City, under the guidance of corporate counsel, should review its DEOZ, B-3 zoning ordinance and licensing pertaining to sound and entertainment/nightlife to correct inherent conflicts and clarify the ordinances and expectations as they pertain to sound in Downtown.

ii. The Sound Oversight Committee should (a) meet on a regular basis, (b) revisit how a noise complaint is handled, and (c) offer a method for mediation between the complainant and the business that may be in violation.

iii. Anyone applying for a building permit within the Downtown Entertainment Overlay Zone (DEOZ) should be encouraged, not required, during the permitting process to build according to a code that will withstand noise, using best practices and suggested STC Ratings.

iv. City of Portland should have an independent sound engineer install devices (ambient monitors) throughout Downtown to measure the ambient noise level. This will be useful as a baseline for any future ordinance revisions.

v. Businesses applying for an entertainment license in the DEOZ zone shall be encouraged to monitor their sound system and reduce the use of 63 hertz bandwidth (which was identified by sound engineers in our sound forums as the bandwidth that causes the most annoyance/complaints). This suggestion could also be used by the Sound Oversight Committee as a suggested change for licensed bars/entertainment licensees to mitigate noise when there are ongoing complaints.

vi. Hire a full-time position at the City of Portland that specifically deals with Ordinance Enforcement (eg. Ordinance Enforcement Officer).

vii. Enforce the existing ordinance, which prohibits the use of outdoor speakers in the Portland Downtown footprint except in the instance of special one-time event licenses, or where licensing specifically allows.

We understand that some of these recommendations may be easier to implement than others. Please know that we stand in support of the city and want to help in any way that we can to find a more equitable solution for all involved. Should you have any follow-up questions regarding the process or our recommendations, I would welcome a conversation.

Sincerely,

Casey T Gilbert
Executive Director

City of Portland Noise Ordinance

- The ordinance does not regulate noise in the residential zone.
- In the business zones, the regulation is usually located in the last section for each zone. Labeled either “external effects”, “Other requirements” or “Performance standards”.
- Regulated at the end of I-L, I-M and I-H and waterfront zones (EWPZ, WCZ & WPDZ).
- **Definitions:**
 - a. Tonal sounds are defined as sound waves usually perceived as a hum or whine because their instantaneous sound pressure varies essentially as a simple sinusoidal function of time.
 - b. Impulse sounds are defined as sound events characterized by brief excursions of sound pressure, each with duration of less than one (1) second.
- **Measurement:** Measurements shall be made at all major lot lines of the site, at a height of at least four (4) feet above the ground surface. In measuring sound levels under this section, sounds with a continuous duration of less than sixty (60) seconds shall be measured by the maximum reading on a sound level meter set to the A weighted scale and the fast meter response (L maxfast). Sounds with a continuous duration of sixty (60) seconds or more shall be measured on the basis of the energy average sound level over a period of sixty (60) seconds (LEQ1). The volume of sound is measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association).
- **Sound abatement** for B-5, B-5b, I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb, B-6, B-7, EWPZ, WPDZ: In addition to the sound level standards established above, all uses located within this zone shall employ best practicable sound abatement techniques to prevent tonal sounds and impulse sounds or, if such tonal and impulse sounds cannot be prevented, to minimize the impact of such sounds in residential zones.
- **Exemption** for B-5, B-6, B-7 and all Industrial Zones:
 - a. Noises created by construction and maintenance activities between 7:00 a.m. and 10:00 p.m. are exempt from the maximum permissible sound levels set forth in subsection (a)3 of this section. Construction activities on a site abutting any residential use between the hours of 10:00 p.m. of one (1) day and 7:00 a.m. of the following day shall not exceed **fifty (50) dBA**.
 - b. The following uses and activities shall also be exempt from the requirements of subsection (a)3 of this section:
 - i. The noises of safety signals, warning devices, emergency pressure relief valves, and any other emergency devices.
 - ii. Traffic noise on public roads or noise created by airplanes and railroads.
 - iii. Noise created by refuse and solid waste collection, provided that the activity is conducted between 6:00 a.m. and 7:00 p.m.
 - iv. Emergency construction or repair work by public utilities, at any hour.
 - v. Noise created by any recreational activities which are permitted by law and for which a license or permit has been granted by the city, including but not limited to parades, sporting events, and fireworks displays.

Zone	Decibel Limit
Residence-Professional (R-P)	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.
Neighborhood Business (B-1)	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.
Neighborhood Business (B-1b)	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.
Community Business (B-2)	Except as provided in 14-183(1)(iii)(2)(relating to Drive-throughs), the volume of sound, shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
Community Business (B-2b)	Except as provided in 14-183(1)(iii)(2)(relating to Drive-throughs), the volume of sound, shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
Community Business (B-2c)	Except as provided in 14-183(1)(iii)(2)(relating to Drive-throughs), the volume of sound, shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
Downtown Business (B-3)	The level of sound inherently and recurrently within the B-3 and B-3b zones shall not exceed fifty-five (55) decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and sixty (60) decibels on the A scale between 7:00 a.m. and 9:00p.m. at the boundaries of any lot nor within publicly accessible pedestrian open space, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.
Downtown Business (B-3b)	The level of sound inherently and recurrently within the B-3 and B-3b zones shall not exceed fifty-five (55) decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and sixty (60) decibels on the A scale between 7:00 a.m. and 9:00p.m. at the boundaries of any lot nor within publicly accessible pedestrian open space, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.

Downtown Business (B-3c)	The level of sound inherently and recurrently within the B-3 and B-3b zones shall not exceed fifty-five (55) decibels on the A scale between the hours of 9:00 p.m. and 7:00 a.m., and sixty (60) decibels on the A scale between 7:00 a.m. and 9:00p.m. at the boundaries of any lot nor within publicly accessible pedestrian open space, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.
Commercial Corridor (B-4)	Shall not exceed sixty-five (65) decibels on the A scale between 7:00 a.m. and 9:00p.m. and sixty (60) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), off premises at source of complaint, excepting air raid sirens and similar warning devices.
Urban Commercial Mixed Use (B-5)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Sixty (60) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty (50) dBA between the hours of 10:00p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Urban Commercial Mixed Use (B-5b)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Sixty (60) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty (50) dBA between the hours of 10:00p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Airport Business (A-B)	Shall not exceed sixty (60) decibels on the A scale, on impulse (less than one (1) second at lot boundaries), excepting air raid sirens and similar warning devices.
Island Business (I-B)	Shall not exceed sixty (60) decibels on the A scale between 7:00 a.m. and 9:00 p.m. and fifty-five (55) decibels on the A scale between 9:00 p.m. and 7:00 a.m., on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
Industrial (I-L)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Sixty (60) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty (50) dBA between the hours of 10:00p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Industrial (I-Lb)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Sixty (60) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty (50) dBA between the hours of 10:00p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

Industrial (I-M)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Seventy (70) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Industrial (I-Ma)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Seventy (70) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Industrial (I-Mb)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Seventy (70) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Industrial (I-H)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Seventy-five (75) dBA between the hours of 7:00 a.m. and 10:00 p.m. b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Industrial (I-Hb)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Seventy-five (75) dBA between the hours of 7:00 a.m. and 10:00 p.m. b. Fifty-five (55) dBA between the hours of 10:00 p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Office Park (O-P)	The volume of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American Standards Association), generated shall not exceed sixty (60) decibels on the A scale, on impulse (less than one (1) second), at lot boundaries, excepting air raid sirens and similar warning devices.
Eastern Waterfront Mixed (B-6)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Sixty (60) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty (50) dBA between the hours of 10:00p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.

Mixed Development District (B-7)	Maximum permissible sound levels: The maximum permissible sound level of any continuous, regular or frequent source of sound produced by an activity shall be as follows: a. Sixty (60) dBA between the hours of 7:00a.m. and 10:00 p.m. b. Fifty (50) dBA between the hours of 10:00p.m. and 7:00 a.m., as measured at or within the boundaries of any residential zone.
Eastern Waterfront Port (EWPZ)	The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the EWPZ between the hours of 7:00 p.m. and 7:00 a.m. from facilities or operations commenced on or after July 1, 1988, shall not exceed fifty-five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices, and maritime navigation signals.
Waterfront Central (WCZ)	The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront central zone shall not exceed seventy-five (75) decibels on the A scale at the boundaries of any lot, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.
Waterfront Port Development (WPDZ)	The level of sound, measured by a sound level meter with frequency weighting network (manufactured according to standards prescribed by the American National Standards Institute, Inc.), inherently and recurrently generated within the waterfront port development zone between the hours of 7:00 p.m. and 7:00 a.m. from industrial facilities or operation commenced on or after July 1, 1988, shall not exceed fifty-five (55) decibels on the A scale at or within the boundaries of any residential zone, except for sound from construction activities, sound from traffic on public streets, sound from temporary activities such as festivals, and sound created as a result of, or relating to, an emergency, including sound from emergency warning signal devices.

Submitted on 3/13/17 by:

Michael A. Russell, Director, Permitting and Inspections Department