

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 nonconforming use.

Sec. 27-778. Reserved.

COMMERCIAL DISTRICT C

Sec. 27-779. Purpose (C).

To provide general retail sales, services and business spaces within the City of South Portland in locations capable of conveniently serving community wide and/or regional trade areas. These shall be in compliance with the performance standards of this and all other applicable ordinances of the City of South Portland.

Sec. 27-780. Permitted uses (C).

- (a) Retail businesses and service establishments including warehousing and wholesale distribution related thereto, but exclusive of junkyards, salvaging operations; outdoor sales and services.
- (b) Business and professional offices.
- (c) Fully enclosed places of assembly, amusement, culture and government.
- (d) Clubs, hotels and motels, and restaurants.
- (e) Transportation termini.
- (f) Storing and handling of petroleum and/or petroleum products, excluding automobile filling stations which are governed by Sec. 27-781(d), and as noted in Sec. 27-1517; provided, however, that any such storing and handling of petroleum and/or petroleum products shall not include the bulk loading of crude oil onto any marine tank vessel.
- (g) Residential uses in air space above the preceding permitted uses and at net densities not less than ten (10) or more than seventeen (17) dwelling units per acre. The minimum space and bulk regulations of a G District shall apply.
- (h) Accessory buildings and uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, and telecommunication antennas, except that such antennas may not be

placed on exempt towers.

- (i) Any use permitted in Limited Business District L-B Zone.
- (j) Recreational or community activity buildings, grounds for games or sports, except those operated for a profit.
- (k) Charitable and philanthropic organizations.
- (l) Child, adult or combined day care centers.
- (m) Marijuana testing facility.

(Ord. No.1-14/15, 7/7/14 [Fiscal Note: Less than \$1000]; Ord. No. 12-16/17, 2/6/17 [Fiscal Note: Less than \$1,000]; (Ord. No. 8-17/18, 10/2/17 [Fiscal Note: Less than \$1000])

Sec. 27-781. Special exceptions (C).

- (a) Pumping stations, compressor stations, substations, sewerage treatment facilities and public utility facilities.
- (b) Outdoor sales and services as regulated in the Limited Business District.
- (c) Light manufacturing.
- (d) Automotive filling stations provided that gasoline pumps or other service appliances shall not extend nearer than twenty-five (25) feet to the street line and that no unlicensed vehicles, or junked or wrecked vehicles will be permitted to be parked or stored on the premises, and no trucks, trailers, or buses will be permitted to remain parked upon the premises unless being worked upon or being serviced by employees of the station.
- (e) The removal of sod, loam, sand, gravel and quarried stone for sale or use on other than the same premises from which it is removed. The requirement for a permit shall not apply to instances where such removal is clearly and only incidental to the construction of a building for which a building permit has been issued.
- (f) Monopole telecommunication towers.
- (g) Combined motor vehicle washing and gasoline or any other flammable liquids sale or dispensing. Special attention must be made to meet site plan requirements regarding traffic and adequate separation of car wash drainage from the flammable liquid dispensing area.
- (h) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (i) Farmers' market subject to the provisions of Sec. 27-1580 et seq.
- (j) Medium- and large-scale ground-mounted solar energy systems.
- (k) Marijuana cultivation facility.
- (l) Marijuana products manufacturing facility.

- (m) Marijuana store.
- (n) Controlled environment agriculture subject to performance standards that include, but are not limited to, the design standards in Sec. 27-1572 et seq. and the pesticide restrictions in Chapter 32.

(Ord. No. 12-12/13, 3/4/13 [Fiscal Note: Less than \$1000], Ord. No. 12-16/17, 2/6/17 [Fiscal Note: Less than \$1,000]; (Ord. No. 8-17/18, 10/2/17 [Fiscal Note: Less than \$1000])

Sec. 27-782. Space and bulk regulations (C).

Minimum lot area: Ten thousand (10,000) square feet, except that the space and bulk requirements for permitted residential uses shall be those of an RG Residential District.

Minimum street frontage: Twenty-five (25) feet.

Minimum front yards: Fifteen (15) feet.

Minimum side and rear yards: None required except where the side and/or rear yard abuts a residential district in which case it/they shall be a minimum of fifteen (15) feet or fifty (50) per cent of the building height, whichever is greater and the buffering requirements of this Chapter shall be met.

Maximum building height: Forty-five (45) feet, except for petroleum storage tanks which should have a maximum height of sixty (60) feet.

Shoreland and floodplain management regulations: Any lot or portion of a lot located within the shoreland area or in a special flood hazard zone shall be subject to the provisions of Article XIII of this Chapter and/or Article IV of Chapter 5 of the Code.

Telecommunication towers, maximum height: One hundred fifty (150) feet, except that the maximum height shall be one hundred (100) feet if the tower is located within five hundred (500) feet of residential districts A, AA, or G. A monopole tower may be a maximum height of one hundred eighty (180) feet only if it provides for co-location in its initial application, and this is evidenced by having two or more co-applicants.

The Board of Appeals may grant a variance of the maximum tower height where, because of the topography of a particular property, a greater height is necessary for the effective use of the tower and the property otherwise meets the variance requirements of State law.

Telecommunication towers, all yard setbacks: Minimum 100% of tower height.

Sec. 27-783. Off-street parking (C).

Off-street parking shall be provided in accordance with the requirements of Sec. 27-1556 of this Chapter.

Sec. 27-784. Signs (C).

Signs shall be regulated in accordance with the requirements of Sec. 27-1561 et seq. of this Chapter.

Sec. 27-785. Site plan review (C).

Any use allowed in the Commercial District C, involving new construction which, when added to new construction within the preceding two (2) years, exceeds one thousand (1,000) square feet of floor area, shall be subject to the site plan review requirements of Article XIV; provided, that this section shall not apply to single-family detached dwellings or their accessory buildings. For purposes of this section, "new construction" means (a) the construction of a new structure, (b) an addition to an existing structure, or (c) any interior construction for the purpose of converting an existing building from one use to another use if the conversion will significantly increase off-site impacts. A "use" shall be any use listed in the zoning district in which the site is located. The impacts to be considered include, but are not limited to, increases in: traffic generation; parking area; utilization of City services; stormwater runoff; or noise odors, or other annoying or dangerous emissions detectable at lot boundaries. 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 nonconforming use.

Sec. 27-786. Prohibition related to implementation of Part 1 of the recommendations of the Draft Ordinance Committee dated July 1, 2014.

Notwithstanding the provisions of Sec. 27-1517, Standards for Above Ground Storage Tanks, there shall be no installation, construction, reconstruction, modification, or alteration of new or existing facilities, structures, or equipment, including but not limited to those with the potential to emit air pollutants, for the purpose of bulk loading of crude oil onto any marine tank vessel in the Commercial District or Shoreland Area Overlay District.

(Ord.No. 1-14/15, 7/7/14 [Fiscal Note: Less than \$1000])

Secs. 27-787 - 27-799. Reserved.