

Secs. 27-1569 - 27-1571. **Reserved.**

DESIGN STANDARDS FOR COMMERCIAL AND NEIGHBORHOOD ACTIVITY CENTERS

Sec. 27-1572. **Purpose.**

These design standards are not intended to restrict imagination or variety but rather to assist in focusing on design principles that result in creative solutions that will develop a satisfactory visual appearance within South Portland's neighborhood activity centers. With this in mind, the purpose of these design standards is to:

- Stabilize and reinforce property values to protect private and public investment.
- Prevent the decline of neighborhoods and business districts and upgrade building quality.
- Preserve and reinforce the natural, historic, and architectural qualities of neighborhood activity centers.
- Establish and enhance aesthetic and architectural compatibility and linkages between sites and with the surrounding neighborhoods.
- Require context sensitive site planning and building design.
- Attract development and redevelopment by establishing conditions that make for an attractive and pleasant living and working environment.

(Ord. No. 6-16/17, 11/7/16 [Fiscal Note: Less than \$1000])

Sec. 27-1573. **Applicability.**

These design standards apply to all building construction or remodeling projects affecting the exterior of buildings within the following zoning districts that require a special exception, site plan, or subdivision approval and/or a non-single family dwelling unit building permit:

- The Village Commercial-Willard VCW Zoning District
- The Main Street Community Commercial MSCC Zoning District
- The Village Extension VE Zoning District
- The Broadway Corridor BC Zoning District
- The Suburban Commercial CS Zoning District
- West End Residential WR Zoning District
- West End Neighborhood Center WNC Zoning District
- Western Avenue Commercial Corridor WACC Zoning District

In addition, all building construction or remodeling projects affecting

the exterior of buildings in the Mill Creek Core (MCC) Zoning District that require a special exception, site plan, or subdivision approval and/or a non-single family dwelling unit building permit that are not being done under the Planned Development requirements are subject to these design standards. While projects in the MCC District that are done under the Planned Development requirements are not subject to the provisions, it is required that these provisions be incorporated into the Master Development Plan for the Planned Development as appropriate.

Where such a project is associated with an existing building, such as an addition or partial remodeling, these design standards apply only to the new construction or the part of the building being remodeled, except that modifications to the existing structure are required as necessary to achieve a harmonious integration of design with the new construction in terms of building materials, exterior colors, and architectural features. The old and new elements do not have to be the same but must be combined in a way that supports a unified design for the building as a whole.

(Ord. No. 14-13/14, 5/5/14 [Fiscal Note: Less than \$1000] Ord. No. 6-16/17, 11/7/16 [Fiscal Note: Less than \$1000] (Ord. No. 16-16/17, 4/19/17 [Fiscal Note: Less than \$1,000]))

Sec. 27-1574. Process for Review/Application Materials.

- (a) No application for a non-single family dwelling unit building permit, special exception, site plan, or subdivision approval within a zoning district where these standards apply shall be finally approved until the applicant has received a positive finding, to be documented in the form of a Design Standard Certificate, from the Planning Board or Code Enforcement Officer, as applicable, that the project complies with these design standards.
- (b) If the construction activity requires Planning Board approval, the Planning Board shall make a determination of the adequacy of project design based on these design standards.
- (c) If the construction activity only requires a non-single family dwelling unit building permit, the Code Enforcement Officer shall, after consultation with the Planning Director, make a determination of the adequacy of project design based on these design standards.
- (d) Appeals of Planning Board determinations with respect to project compliance with these design standards shall be as set forth in Sec. 27-137. Appeals of Code Enforcement Officer determinations with respect to project compliance with these design standards shall be to the Planning Board.
- (e) Application Materials. In addition to other required materials, applications for projects that must comply with neighborhood activity center design standards shall include:
 - (i) An existing conditions plan prepared by a land surveyor or other qualified professional licensed in the State of Maine and drawn to scale showing the boundaries of the lot of record, any improvements on the lot including buildings, structures, or paving, the location

of buildings and other improvements on the abutting lots, the topography and direction of drainage of the parcel, any existing easements, and the location of all utilities on the lot or in adjacent streets.

- (ii) A site plan prepared by a land surveyor or other qualified professional licensed in the State of Maine at the same scale as the existing conditions plan showing the proposed improvements to the lot including buildings, structures, paving, landscaping, easements, and utilities.
 - (iii) Building plans for the principal building and any accessory buildings including, at a minimum, the first floor plan, and color-rendered elevations for all sides of the building showing the architectural treatment of the property.
 - (iv) Color-rendered perspective drawings or photo simulations showing how the proposed building will appear when seen from the street and how it will fit into the streetscape.
 - (v) A written and visual analysis of the existing character of the design district and the immediate neighborhood within five hundred (500) feet of the parcel focusing on the factors identified in Sec. 27-1575. This should include aerial photos and pictures of the existing lots in the neighborhood.
 - (vi) A written and visual analysis demonstrating how the proposed development of the lot meets the standards of Sec. 27-1575.
 - (vii) Design district application materials do not have to be prepared by an architect. However, using an architect decreases the potential for staff to make use, at the applicant's expense, of independent consulting peer review architectural services as provided in Sec. 27-138.
 - (viii) Projects that do not require Planning Board approval and involve modifications to existing buildings only require the submittal of the materials identified in items (iii) and (iv) of this subsection.
- (f) Waiver Requests. An applicant may include a written request for a waiver of one or more of the review standards set forth in Sec. 27-1575 as part of an application under this section. The waiver request must set forth the specific modification requested and all supporting reasons and documentation as to why the modification should be granted and why the modification will not detract from the spirit and intent of these design standards. The Code Enforcement Officer or Planning Board, as applicable, may grant the waiver request if, following a positive recommendation on the waiver request from the City's peer review architect, the Code Enforcement Officer or Planning Board, as applicable, finds that the waiver does not lessen the quality of the building's architectural design and/or compatibility with the neighborhood and does not detract from the spirit and intent of these design standards. The design review standards are not dimensional requirements; however, neither the Code Enforcement Officer nor Planning Board may waive the

provision set forth in the second sentence of Sec. 27-1575(a) (2) regarding no off-street parking in the front yard.

Ord. No. 6-16/17, 11/7/16 [Fiscal Note: Less than \$1000]

Sec. 27-1575. Review Standards.

Construction activities subject to the Commercial and Neighborhood Activity Center design requirements shall meet the following design standards:

(a) Relationship of Buildings to Site

- (1) The site shall be planned to accomplish a desirable transition with the streetscape and to provide for adequate planting, safe pedestrian movement, and parking areas.
- (2) Parking areas shall be treated with decorative elements, building wall extensions, plantings, berms, or other innovative means so as to screen parking areas from public ways. Off-street parking must be located in the rear or side yards and may not be located between the front of the building and the street. Other motor vehicle facilities, such as access drives and driveways, may not be located between the front of the building and the street or between the building and the sidewalk where a sidewalk exists. Overhead doors and motor vehicle service areas must be located on the side or rear of the building and must be screened from view.
- (3) Without restricting the permissible limits of the applicable zoning district, the height and scale of each building shall be compatible with its site and existing (or anticipated) adjoining buildings.
- (4) Newly installed utility services and service revisions necessitated by exterior alterations shall be underground.

(b) Relationship of Buildings and Site to Adjoining Area

- (1) Adjacent buildings of different architectural styles shall be made compatible by such means as screens, site breaks, and materials.
- (2) Attractive landscape transition to adjoining properties shall be provided.
- (3) Harmony in texture, lines, and masses is required. Monotony of design shall be avoided.
- (4) With respect to building footprint and orientation, where a consistent pattern exists in terms of the existing buildings and spaces between buildings, applicable construction must be compatible with the pattern. Determination of compatibility will be based on the overall building footprint square footage, the dimensions of each footprint side, placement of the building footprint on the lot, and the pattern of buildings and spaces along the street edge.

- (5) New and in-fill development must, where such a pattern exists, maintain the line of buildings, thus maintaining the integrity of the street facade. The front facade of the structure must incorporate at least one distinctive entrance, although secondary entrances are permitted on the sides and rear. For buildings on corner lots, the setback relationship on both streets must be maintained. The creation of "empty corners" must be avoided through the placement of buildings or other site features.
 - (6) Additions to buildings shall reflect, and be consistent with, the style of the existing building, including such elements as trim, fenestration, roof pitch, and exterior cladding.
- (c) Landscape and Site Treatment
- (1) Grades of walks, parking spaces, terraces, and other paved areas shall provide an inviting and stable appearance for the pedestrian.
 - (2) Landscape treatment shall be provided to enhance architectural features, strengthen vistas and important accent points, provide shade and enhance stormwater management.
 - (3) Unity of landscape design shall be achieved by repetition of certain plant varieties and other materials and by coordination with adjacent development.
 - (4) Plant material shall be selected for interests in its structure, texture and color, and for its ultimate growth. Plants that are indigenous to the area and others that will be hearty and harmonious to design shall be used.
 - (5) In locations where plants will be susceptible to injury by pedestrian or motor traffic, they shall be protected by appropriate curbs, tree guards, or other devices.
 - (6) Screening of service yards and other places that tend to be unsightly shall be accomplished by use of walls, fencing, plantings, or combinations of these. Screening shall be effective in winter and summer.
 - (7) In areas where general planting will not prosper, other materials such as fences, walls, and pavings of wood, brick, stone gravel, and cobbles shall be used. Carefully selected plants shall be combined with such materials where possible.
 - (8) Exterior lighting, when used, shall enhance the adjoining landscape. Lighting standards and building fixtures shall be of a design and size compatible with the building and adjacent areas. Lighting, including for signs, shall be restrained in design and excessive brightness avoided.
 - (9) Public amenities, such as benches and bicycle racks, shall be encouraged and, if provided, designed and located so as to complement other such amenities in the VCW zoning district. Any bicycle rack should be able to accommodate three (3) or more bicycles at a time and shall be of a design that fits with and enhances the building and site architecture.

(d) Building Design

- (1) Architectural style is not restricted. Evaluation of the appearance of a project shall be based on the quality of its design and relationship to surroundings.
- (2) Buildings shall have appropriate scale and be in harmonious conformance with neighboring development. Where there is an established pattern of building size or scale as viewed from a public street, applicable construction must be compatible in scale with other structures in the district. Long, blank walls are not permitted, and mechanical equipment must be integrated within the structure. Projects with multiple or row type buildings must provide for separations and/or changes in the building plane (facade and roof) to avoid the long barracks like quality imparted by flat walls and roofs of excessive length. Determination of compatibility will be based on the maximum dimension of the structure, the degree of articulation on building surfaces, the magnitude of unbroken faces of a structure, the visual impact of the building mass, and the integration of mechanical equipment within the structure.
- (3) The materials, textures, and colors of a single building must be visually harmonious as such term is defined in Sec. 27-201. Modifications to existing buildings shall avoid the patchwork application of different materials. New buildings must use materials that are visually compatible with adjacent and nearby buildings where a pattern exists, except where unacceptable materials predominate.
 - (a) Acceptable predominant exterior materials include:
 - Brick (colonial red or brown; no glazed, jumbo, or multi-colored brick).
 - Wood (clapboard, shiplap, or shingles).
 - Vinyl, or metal, in traditional patterns (clapboard, shiplap, or shingle).
 - Natural stone (dressed or cut only).
 - (b) Unacceptable predominant exterior materials include:
 - Smooth, stucco-like finishes.
 - Concrete block (except for foundations and fire walls).
 - Precast concrete (except foundations and fire walls and lintels and sills in masonry buildings).
 - Corrugated metal, fiberglass, or plastic.
 - Asphalt shingles.
 - Reflective materials, such as mirror or metalized reflective glass, plastic panels, and brushed aluminum (except for windows and doorways).
 - T-111 and plywood.

- (c) Acceptable materials for pitched roofs and roof elements, such as pediments and dormers, include asphalt shingles and standing seam metal roofing (except that bright colors are not allowed); unacceptable materials include: metal or plastic imitation shakes; and, corrugated metal, fiberglass, or plastic.
 - (d) Many new exterior materials will continue to become available in the future, and it is not the intention of the design standards to restrict the use of any quality material that simulates traditional features and enhances the value and looks of a building.
 - (e) In general, the dominant background color of a building should be a muted or natural color and not excessively bright. Where an applicant feels a bright overall color is essential to the design of a structure, a statement of appropriateness from an architect licensed in Maine is required.
- (4) In any design in which the structural frame is exposed to view, the structural materials shall be compatible with themselves and harmonious with their surroundings.
 - (5) Building components, such as windows, eaves, doors, parapets, etc., shall have logical proportions and relationships to one another. The pattern created by the relationship between doors and windows to the exterior wall space of a building must be compatible to the structure and, where an established pattern of the proportion of windows to wall exists among a group of buildings or along a block face, must maintain the existing pattern. The "bricking up" of windows is not allowed unless the pattern can be maintained in other ways. The first floor front facade must be constructed with an equal or greater proportion of openings to wall space.
 - (6) Mechanical equipment or other utility hardware on roof, ground, or buildings shall be screened from public view with materials harmonious with the building, or they shall be so located as not to be visible from public ways. Solar and wind energy facilities do not need to be screened from view but, to the extent practicable, shall be integrated in the design of the structure.
 - (7) Exterior lighting shall be part of the architectural concept. Fixtures, standards, and all exposed accessories shall be harmonious with building design.
 - (8) Refuse and waste removal areas, service yards, storage yards, and exterior work areas shall be screened from view of public ways.
 - (9) Monotony of design in single or multiple building projects shall be avoided. Variation of detail, form, and siting shall be used to provide visual interest. In multiple building projects, variable siting of individual projects shall be used to prevent a monotonous appearance.

- (10) The type of roof design, along with the height of the building, can significantly influence the scale of a structure and can affect its attractiveness as viewed from the street. Where a pattern exists, new roof construction must conform to the predominant shape of nearby buildings and to the design of the structure. Flat roofs are allowed if the building is designed with architectural detailing that delineates and reinforces the roof edge.
- (e) Signs.
- (1) In addition to other existing sign regulations contained in this ordinance, the design standards contained in this section seek to improve the visual appearance of commercial districts in terms of signage. In general, signage design shall clearly and simply convey the message. Ground signs (free-standing signs set into the ground) are prohibited where buildings are close to the street. Signs attached to the property walls or windows or applied on awnings shall establish the identity of the building's use. Therefore, lettering on these signs shall suit the distance from which it will be read, contain a short message, and carry a simple design.
 - (2) Signs are not permitted to be applied to the wall or windows of the building if they will interfere with architectural details or disrupt the pattern of windows and trim. For single-story structures, the area above the window and below the roof should be used for any wall signs. In multi-story structures, the area above the window and below the floor line of the next story is generally the most appropriate location for wall signs. Signs are not allowed on roofs. Signs projecting from the street wall are allowed, but no portion of the sign may be higher than the roof line, the sign must fit the scale of the building, and there can only be one such sign per business per facade.
- (f) Miscellaneous Structures and Street Hardware
- (1) Miscellaneous structures and street hardware (e.g., benches, bike racks) shall be designed to be part of the architectural concept of design and landscape. Materials shall be compatible with buildings, scale shall be appropriate, colors shall be in harmony with buildings and surroundings, and proportions shall be attractive.
 - (2) Lighting in connection with miscellaneous structures and street hardware shall adhere to standards set forth for site, landscape, buildings, and signs.
- (g) Maintenance - Planning and Design Factors
- (1) The choice of materials and their use, together with the types of finishes and other protective measures shall be conducive to easy maintenance and upkeep.
 - (2) Materials and finishes shall be selected for their durability and wear as well as for their overall appearance. Proper measures and devices shall be incorporated for protection against the elements, neglect, damage, and abuse.

- (3) Provisions for washing and cleaning of buildings and structures, and control of dirt and refuse shall be incorporated in the design. Configurations that tend to catch and accumulate debris, leaves, trash, dirt, and rubbish shall be avoided, except for rain barrels.

(Ord. No. 2-11/12, 9/7/11 [Fiscal Note: Less than \$1000] Ord. No. 6-16/17, 11/7/16 [Fiscal Note: Less than \$1000])

Sec. 27-1575-A. Review Standards for Midrise Buildings

In addition to the standards of Sec. 27-1575, construction activities involving midrise buildings with four (4) or more habitable stories shall conform to the following design standards:

- (a) Mid-rise buildings can appear more solid than transparent due to structural requirements, cost factors, and the need for privacy in certain portions of the building. The massing and façades should strike a balance between solid and transparent treatment. The material and detailing choices shall support the overall style being proposed. Highly reflective or very dark glass curtain wall systems or fenestration are not permitted.
- (b) The massing and design of mid-rise buildings shall be sensitive to the scale of nearby buildings and carefully address the transition to lower height structures that may exist or be anticipated on the same block or on adjacent blocks.
- (c) Mixed-use buildings should differentiate architecturally between their ground-floor activities and the uses on upper floors. For example, fenestration and exterior materials could be different for a ground-floor retail use than for hotel, residential or office uses above.
- (d) Projects shall integrate transit amenities such as bus shelters and seating as appropriate.
- (e) The exterior of buildings shall incorporate a base, middle, and cap described as follows:
- (1) The base portion of the exterior shall include an entryway with transparent windows and a molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least 2 inches and a height of at least 4 inches.
 - (2) The middle portion of the exterior may include windows and/or balconies. Balconies shall be transparent and composed of either metal railing or glass guardrail systems.
 - (3) The cap shall include the area from the top floor to

the roof of the building and shall include a cornice or roof overhang.

- (f) Sec. 27-1575(d)(3) notwithstanding, acceptable materials include architectural concrete or precast concrete panels, stone, curtain wall and heavy gauge metal panel, and brick. Concrete masonry units shall have a ground face and be burnished and/or honed so that the aggregate is visible.
- (g) All street-level retail uses with sidewalk frontage shall be provided with an individual entrance and direct pedestrian access to the sidewalk in addition to any other pedestrian access that may be provided.

(Ord. No. 6-16/17, 11/7/16 [Fiscal Note: Less than \$1000])

Editor's Note: Sec. 27-1575-A was erroneously referenced as a new Sec. 27-1576 in Ordinance #6-16/17 adopted by the City Council on 11/21/16, as there already exists a Sec. 27-1576. The Editor has renumbered the provision as Sec. 27-1575-A for sake of clarity.

ACCESSORY DWELLING UNITS

Sec. 27-1576. Purpose.

The purpose of this Article is to authorize the creation of legal accessory dwelling units ("ADUs") in a manner that enhances residential neighborhoods and helps residents meet their housing needs and realize the benefits of ADUs. Accessory dwelling units may only be created when the single-family character of the principal building is able to be maintained.

Sec. 27-1577. Application.

Accessory dwelling units require approval by the Planning Board as special exceptions, except that, notwithstanding any other provision of the ordinance to the contrary, the requirement of site plan review and approval as set forth in Sec. 27-1405 does not apply to ADUs. A pre-application meeting with the Planning Director, Site Planner, and Code Enforcement Officer is required. The application must be accompanied by the following documentation:

- (i) A mortgage loan inspection plan prepared by a Maine licensed land surveyor and drawn to scale showing the boundaries of the lot; any existing improvements on the lot, including buildings, structures, and paving; and any existing easements benefiting or burdening the lot.
- (ii) A separate copy of the mortgage loan inspection plan prepared by a Maine licensed land surveyor that is marked up to scale by either the applicant or the surveyor to include the