

**Sec. 27-707. Signs (LB).**

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

**Sec. 27-708. Site plan review (LB).**

Any use allowed in the Limited Business District LB, 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. 27-709. Reserved.**

**VILLAGE COMMERCIAL DISTRICT VC**

**Sec. 27-710. Purpose (VC).**

To provide higher density, village-like, mixed residential and business areas within the City of South Portland that in combination with village residential districts provide within walking distance a wide range of housing, employment, retail, service, institutional, public transportation, and recreation opportunities.

**Sec. 27-711. Permitted uses (VC).**

- (a) Local retail stores, not including gasoline filling stations and outdoor sales, and service; provided, however, such facilities may not be open to the public between the hours of 12:00 a.m. and 6:00 a.m.

- (b) Personal services.
- (c) Branch business offices.
- (d) Any use permitted in a G Residential District, except that, in the Knightville Design District, in buildings or additions constructed or installed after December 31, 1999, residential units may only be located above the ground floor.
- (e) Restaurants and other places for the serving of food or beverages, provided, however, such facilities may not be open between the hours of 1:00 a.m. and 6:00 a.m.
- (f) Hotels, motor hotels, motels, tourist lodging, not including trailers or mobile homes; but including, a maximum of two (2) dwelling units for resident operators of tourist accommodations.
- (g) Accessory uses, including roof-mounted solar energy systems, small-scale ground-mounted solar energy systems, telecommunication antennas, except that such antennas may not be placed on exempt towers.
- (h) Child, adult or combined day care centers.
- (i) Multiple/Mixed uses.

(Ord. No. 12-10/11, 5/16/11 [Fiscal Note: Less than \$1000]; 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])

**Sec. 27-712. Special exceptions (VC).**

- (a) Public utility buildings including substations, pumping stations and sewage treatment facilities.
- (b) Municipal buildings and municipal uses other than those permitted in G Residential Districts (Sec. 27-711(d) above).
- (c) Outdoor sales, display and services, other than accessory uses as defined in Sec. 27-201, subject, in addition to other ordinance requirements, to the following terms and conditions:
  - (1) The Planning Board may limit the percentage of area coverage;
  - (2) The Planning Board may restrict the outdoor sales, display, and services to a specific portion of the lot in question;
  - (3) The Planning Board may limit the time and/or number of units involved in such outdoor sales, display or service.
- (d) Recreational or community activity buildings, grounds for games or sports except those operated for a profit.
- (e) Charitable and philanthropic organizations.
- (f) Motor vehicle repair shops provided 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 shop.

- (g) Local retail stores, not including gasoline filling stations, open twenty-four (24) hours a day.
- (h) Restaurants and other places for the serving of food or beverages, open twenty-four (24) hours a day.
- (i) Monopole or lattice telecommunication towers, allowed only on or within existing high voltage electrical transmission towers, and extending no more than 35' above the top of the electrical transmission tower.
- (j) Accessory dwelling units subject to the provisions of Sec. 27-1576 et seq.
- (k) Farmers' Market subject to the provisions of Sec. 27-1580 et seq.
- (n) Medium-scale ground-mounted solar energy systems.
- (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. 27-713. Space and bulk regulations - Non-Residential Uses (VC).**

*Minimum lot area:* 3,500 sq. ft.

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

*Minimum front yards, lots north of Broadway with frontage on Ocean Street, Cottage Road or Waterman Drive:* No minimum front yard required.

For construction after December 27, 1998 of new buildings on lots with frontage on Ocean Street north of Market Street/Hinckley Street or on Cottage Road north of Thomas Street, off-street parking spaces may not be located in the front yard facing Ocean Street or Cottage Road. In addition, the area between the front wall of the building and the front property line must be used for pedestrian space or landscaping and may not be used for access drives, driveways, or other motor vehicle facilities. For the purposes of this section, the meaning of "new buildings" only includes construction of buildings on undeveloped lots or construction that more than doubles the footprint area of existing buildings.

*Minimum front yards, remainder of VC District:* 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.

*Minimum building height-Knightville Design District-for buildings constructed after January 27, 2002: Twenty-four(24) feet.*

*Maximum building height-Knightville Design District: Fifty (50) feet.*

*Maximum building height-Remainder of the VC District: Thirty-five (35) feet, except buildings higher than thirty (30) feet shall have side and rear yards not less than fifty (50) per cent of building height.*

*Maximum building coverage: None*

*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.*

**Sec. 27-714. Space and bulk regulations-Residential Uses (VC) .**

The space and bulk requirements for residential uses shall be the same as those for non-residential uses in the VC District, except as follows:

- (a) VC District not including the Knightville Design District:  
 Minimum lot size: 3,500 sq. ft.  
 Maximum net residential density:

Lot Area (sq. ft.)	Number of Residential Units Permitted
3,500 - 10,499	2
10,500 - 13,999	3
14,000 +	4 plus one unit for each additional 3,500 sq. ft. of lot area;

(b) Knightville Design District:

- (1) Minimum lot area: 3,500 sq. ft.
- (2) Maximum net residential density: Twenty-four (24) dwelling units per net residential acre.
- (3) Minimum building height for buildings constructed after January 27, 2002: Twenty-four (24) feet.
- (4) Maximum building height: Fifty (50) feet.

**Sec. 27-715. Off-street parking (VC) .**

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

**Sec. 27-716. Signs (VC).**

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

**Sec. 27-717. Site plan review (VC).**

Any use allowed in the Village Commercial District VC, 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. 27-718. Reserved.**

**VILLAGE COMMERCIAL - WILLARD DISTRICT VCW**

**Sec. 27-719. Purpose (VCW).**

To provide a village-like, mixed residential and business area in the Willard Square area of the City of South Portland so as to provide within walking distance for the surrounding residences, a suitable range of housing, employment, retail, service, public transportation, and recreation opportunities, consistent with the vision of the Willard Square section of the South Portland Comprehensive Plan.

**Sec. 27-720. Permitted Uses (VCW).**