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**(Ord. No. 14-13/14, 5/5/14 [Fiscal Note: Less than \$1000])**

**Sec. 27-808. Design standards (MSCC).**

All building construction or remodeling projects within the Main Street Community Commercial zoning district must comply with the Design Standards for Neighborhood Activity Centers in Sec. 27-1572 et seq.

**Sec. 27-809. Applicability date (MSCC)**

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, the applicability date of Ordinance #14-13/14 adopting this zoning district is March 10, 2014, the date it first appeared on a City Council agenda.

**Sec. 27-810. Reserved**

**VILLAGE EXTENSION DISTRICT VE**

**Sec. 27-811. Purpose (VE).**

To provide a higher density, pedestrian-focused neighborhood with a mix of commercial and residential uses within the City of South Portland that, in combination with the Mill Creek Core District and the Knightville Village Commercial and Residential Districts, provides an area with a distinct identity as a green and livable place that offers a wide range of housing, employment, retail, service, institutional, public transportation, and recreation opportunities within walking distance.

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

**Sec. 27-812. Permitted uses (VE).**

(a) *Residential uses*

1. Dwellings on the upper floors of a mixed-use building.
2. Dwellings on the first floor of a mixed-use building provided that no dwelling unit or portion thereof, except for a live/work unit, is located in the part of the building that is adjacent to the front property line or to a property line abutting Ocean Street, Cottage Road, E Street, or Broadway.
3. Live/work units including, but not limited to, artists' residences with studio space.
4. Congregate care facilities, assisted living facilities, nursing homes, and similar facilities for the housing and care of senior citizens or people with disabilities.
5. Congregate housing individual unit ownership facilities.
6. Community Homes

(b) *Accommodation services:*

1. Bed & breakfast inns.

(c) *Commercial uses:*

1. Medical, business, and professional offices.
2. Retail stores and service establishments, provided that such facilities may not be open to the public between the hours of 12:00 midnight and 6:00 a.m. This use does not include outdoor sales and service, gasoline filling stations, junkyards, salvage operations, warehouse discount stores, pawn shops, alternative financial establishments, or any provisions for drive-up or drive-through services.
3. Personal and business services.
4. Restaurants and other places for the serving of food or beverages including coffee shops and bakeries, provided that such facilities may not be open between the hours of 1:00 a.m. and 6:00 a.m. and do not include any provisions for drive-up or drive-through services.
5. Marijuana testing facility.

(d) *Public assembly, institutional, or community facilities:*

1. Religious institutions, including related religious facilities such as parish houses and educational buildings.
2. Museums and art galleries.
3. Funeral homes, not including crematories.
4. Public and private educational facilities, including child, adult, or combined day care centers.
5. Municipal buildings and uses.
6. Charitable and philanthropic organizations.

(e) *Utility and related facilities:*

1. Municipal uses, including pumping stations.

(f) *Other uses:*

1. Accessory uses, including, but not limited to, roof-mounted solar energy systems and small-scale ground-mounted solar energy systems.
2. Multiple/mixed uses involving a combination of two or more permitted uses.
3. Studios for artists and craftspeople.

(Ord. No. 6-16/17, 11/7/16 [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. 27-813. Special exceptions (VE)**

(a) *Commercial:*

1. 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:
  - (i) The Planning Board may limit the percentage of area coverage;
  - (ii) The Planning Board may restrict the outdoor sales, display, and services to a specific portion of the lot

in question;

- (iii) The Planning Board may limit the time and/or number of units involved in such outdoor sales, display or service.

- 2. Marijuana store.
- 3. 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.

(b) *Public assembly, institutional, or community facilities:*

- 1. Recreational or community activity facilities, whether operated on a for-profit or not-for-profit basis.
- 2. Theaters not exceeding twelve thousand (12,000) square feet in total building floor area.

(c) *Transportation-related facilities:*

- 1. Surface parking lots.
- 2. Multi-storied parking structures.

(d) *Utility and related facilities:*

- 1. Public utility facilities, including substations.
- 2. Radio, television, or wireless antennas, provided that telecommunication towers are not permitted.

(e) *Other uses:*

- 1. Fully enclosed facilities for light manufacturing or assembly activities only as part of a mixed-use building.
- 2. Medium-scale ground-mounted solar energy systems.
- 3. Marijuana products manufacturing facility.

Ord. No. 6-16/17, 11/7/16 [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. 27-814. Space and bulk regulations (VE).**

<i>Maximum residential density:</i>	None.
<i>Minimum building height for buildings constructed after August 1,2016:</i>	The greater of thirty (30) feet or three (3) habitable stories, except twenty (20) feet or two (2) habitable for a building on a lot with frontage on Broadway.
<i>Maximum building height:</i>	The lesser of sixty (60) feet or five (5) habitable stories, not including floors devoted primarily to parking, except forty-five (45) feet or four (4) habitable stories for a building on a lot with frontage on Broadway. Notwithstanding this limit, the portion of any building located within fifty (50) feet of the E Street property line shall be limited to a maximum of the lesser of (i) forty (40) feet or (ii) three (3) habitable stories, not including floors devoted primarily to parking.
<i>Minimum front yard setback:</i>	None, except fifteen (15) feet from a property line abutting Broadway.
<i>Maximum front yard setback:</i>	Ten (10) feet, except twenty (20) feet from a property line abutting Broadway. In all cases, up to forty percent (40%) of the width of the front façade of the building may be set back further than the maximum setback (i.e., further away from the front property line) if the space between the front wall of this portion of the building and the front property line is used as pedestrian space or for customer related outdoor service activities such as seating for a restaurant.
<i>Minimum side yard setbacks:</i>	None, except fifteen (15) feet where the side yard abuts a residential zoning district or a property in exclusive use for

residential purposes as of the date of adoption of the Village Extension District.

*Minimum rear yard setbacks:*

None, except the greater of fifteen (15) feet or fifty percent (50%) of the building height where the rear yard abuts a residential zoning district or a property in exclusive use for residential purposes as of the date of adoption of the Village Extension District.

*Minimum lot area:*

None.

*Minimum street frontage:*

None.

*Minimum utilization of primary frontage:*

A building or buildings shall fill at least eighty percent (80%) of the primary street frontage except along a property line abutting Broadway. The Planning Board may reduce this requirement if the width of the primary frontage would prohibit vehicular access to the lot without the necessity of a variance from the Board of Appeals.

*Maximum lot coverage:*

Eighty (80) percent.

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

**Sec. 27-815. Design Standards (VE).**

All building construction or remodeling projects within the Village Extension zoning district must comply with the Design Standards for Commercial and Neighborhood Activity Centers (Secs. 27-1572 through 27-1575).

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

**Sec. 27-816. Off-street parking (VE).**

Off-street parking shall be provided in accordance with the requirements of Sec. 27-1556 of this Chapter. No off-street parking including aisles providing direct access to parking spaces shall be located between the front property line of the lot and the front wall of the building extending the full width of the lot.

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

**Sec. 27-817. Signs (VE).**

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

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

**Sec. 27-818. Site plan review (VE).**

Any use allowed in this District 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.

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

**Sec. 27-819. - 27-820. Reserved**