



CITY OF SOUTH PORTLAND

CLAUDE V. Z. MORGAN
Mayor

SCOTT T. MORELLI
City Manager

EMILY F. SCULLY
City Clerk

SALLY J. DAGGETT
Jensen Baird Gardner & Henry

District One
CLAUDE V.Z. MORGAN

District Two
KATHERINE W. LEWIS

District Three
MISHA C. PRIDE

District Four
APRIL L. CARICCHIO

District Five
DEQA A. DHALAC

At Large
MAXINE R. BEECHER

At Large
SUSAN J. HENDERSON

**IN CITY COUNCIL
AMENDED
ORDINANCE #01-19/20**

THE COUNCIL of the City of South Portland hereby ordains that Chapter 27, "ZONING," of the "Code of Ordinances of the City of South Portland, Maine" be and hereby are amended as follows (additions are underlined; deletions are ~~struck-out~~); and

**CHAPTER 27
ZONING**

ARTICLE I. ADMINISTRATIVE PROVISIONS

• • •

Sec. 27-134. Building permit.

No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefore issued by the Building Inspector. No building permit shall be issued except in conformity with the provisions of this Chapter, except after written order from the Board of Appeals. Any permit application involving a building or structure built on or before December 31, 1940 or for a property listed on the South Portland Inventory of Archaeological and Historic Resources shall be subject to the requirements of Secs. 5-67 and 5-68 of the Code of Ordinances.

• • •

ARTICLE II. DEFINITIONS

Sec. 27-201. Definitions.

• • •

Adaptive Reuse. The use of a building or structure for something other than it was originally intended. This term only applies to historic resources that are contained in the South Portland Inventory of Archaeological and Historic Resources.

• • •

Archaeological resource. A site with established or potential value as a location of prehistoric or historic archaeological significance as ~~identified~~recognized by the ~~City's Comprehensive Plan or a list of local archeological resources adopted by the City Council~~ City Council and contained in the South Portland Inventory of Archaeological and Historic Resources.

• • •

Historic resource. A building, structure, ~~or site, or object~~ with established historic significance as ~~identified~~recognized by the ~~City's Comprehensive Plan or a list of local historic resources adopted by the City Council~~ City Council and contained in the South Portland Inventory of Archaeological and Historic Resources.

• • •

Independent living facility. An adult retirement development that emphasizes social and recreational activities but may also provide personal services, limited health facilities, and transportation.

• • •

ARTICLE V. RESIDENTIAL DISTRICTS

• • •

Sec. 27-503. Special Exceptions (RF).

• • •

(g) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-513. Special Exceptions (AA).

• • •

(k) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-533. Special Exceptions (A).

• • •

(n) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-553. Special Exceptions (G).

• • •

(m) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-573. Special Exceptions (VR).

• • •

(l) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

ARTICLE VI. RESIDENTIAL DISTRICTS (CONT.)

• • •

Sec. 27-603. Special Exceptions uses (WR).

• • •

(l) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

ARTICLE VII. MIXED USE/COMMERCIAL DISTRICTS

• • •

Sec. 27-703. Special Exceptions (LB).

• • •

(p) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-712. Special Exceptions (VC).

• • •

(p) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-721. Special Exceptions (VCW).

• • •

(l) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-731. Special Exceptions (SP).

• • •

(n) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-741. Special Exceptions (CS).

• • •

(l) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-751. Special Exceptions (CG).

• • •

(k) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-759. Special Exceptions (PO).

• • •

(k) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-765. Special Exceptions (CCRT).

• • •

(g) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-773. Special Exceptions (CCR).

• • •

(i) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

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

• • •

(p) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

ARTICLE VIII. MIXED USE/COMMERCIAL DISTRICTS

• • •

Sec. 27-802. Special Exceptions (MSCC).

• • •

(g) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-813. Special Exceptions (VE).

• • •

(f) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-823. Special Exceptions (BC).

• • •

(f) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-833. Special Exceptions (MCC).

• • •

(f) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-843. Special Exceptions (WNC).

• • •

(h) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-853. Special Exceptions (WACC).

• • •

(g) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-863. Special Exceptions (MHCC).

• • •

(g) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

ARTICLE IX. INDUSTRIAL DISTRICTS

• • •

Sec. 27-903. Special Exceptions (IL).

• • •

(k) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-923. Special Exceptions (S).

• • •

(k) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-943. Special Exceptions (I).

• • •

(n) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

Sec. 27-963. Special Exceptions (INR).

• • •

(8) Adaptive Reuse subject to the provisions of Sec. 27-1591 et seq.

• • •

ARTICLE XV. STANDARDS

• • •

ADAPTIVE REUSE

Sec. 27-1591. Purpose.

The City recognizes that there are historic resources located in residential zoning districts that should be preserved as important features in South Portland. The City also recognizes that many of these structures cannot reasonably accommodate a permitted use within the existing structure. The purpose of these Adaptive Reuse requirements is to allow for a limited number of additional uses as special exceptions for historic resources as an incentive to stimulate investment in the structure and allow for the long-term maintenance and upkeep of the property without significantly altering the predominately residential nature of the zoning district.

Sec. 27-1592. Uses.

The following uses shall qualify as an Adaptive Reuse as identified in any given zoning district and for the purposes of this section:

- (a) Assisted living facility.
- (b) Independent living facility.
- (c) Community home.
- (d) Congregate housing or congregate care facility.
- (e) Nursing home.
- (f) Bed & breakfast inn.
- (g) Inn.
- (h) Museums and art galleries.
- (i) Charitable and philanthropic organizations.

- (j) Public and private educational facilities including child, adult or combined day care centers.
- (k) Other low-intensity use(s) determined by the Planning Board to be compatible with the existing permitted and special exception uses in the zoning district and with the surrounding natural and built environment.

Uses that are already listed as a permitted use or special exception within the zoning district shall not be required to obtain approval from the Planning Board as an Adaptive Reuse.

Sec. 27-1593. Application.

A pre-application meeting is required. The special exception application shall be accompanied by the following documentation:

- (i) All necessary documentation as required for site plan review under Sec. 27-1424; and
- (ii) If exterior work is proposed on the historic resource, scaled elevations of the existing and proposed building or structure indicating areas of work and material specifications are required.

Sec. 27-1594. Standards.

In addition to the requirements of Sec. 27-1405, the following standards shall be applicable to any Adaptive Reuse:

- (a) Eligibility. The historic resource within which the Adaptive Reuse will be located must be listed on the South Portland Inventory of Archaeological and Historic Resources.
- (b) Use Limitation. The Planning Board approval shall list the specific uses approved for the project. Any combination of uses listed in Sec. 27-1592 may be approved on a property. Additions to the historic resource or accessory structures may be added in accordance with Sec. 27-1594(C), provided that they are supportive of the approved Adaptive Reuse(s).
- (c) Historic Preservation. Notwithstanding the provisions of subsection (k), any alterations to the exterior of the historic resource shall be generally in accordance with the Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings, as determined by the South Portland Arts and Historic Preservation Committee.
- (d) Minimum Lot Size. For a bed & breakfast inn or inn, the lot area shall be at least twice the minimum lot size required by the zoning district in which it is located. Further subdivision of the lot shall be prohibited until such use is no longer in existence.
- (e) Parking. If the requirements of Sec. 27-1556 are not feasible due to site constraints or would otherwise require alterations to the historic resource, either

or both as determined by the Planning Board in its sole and exclusive judgment, the number of off-street parking spaces may be reduced to the amount that may be reasonably accommodated on-site notwithstanding the requirements of Sec. 27-1556. The applicant shall demonstrate that the parking proposed to be provided is adequate for the use based upon national parking demand studies such as Parking Demand published by the Institute of Traffic Engineers or by data on actual parking demand for similar uses in similar situations and/or consideration of the availability of transit services or other alternative transportation that reduces the demand for on-site parking.

- (f) Signs. Signs shall be regulated in accordance with the requirements of Sec. 27-1561 et seq. of this Chapter, except that one additional sign not to exceed four (4) square feet is permitted in zoning districts AA, A, G and RF. Electronic message signs and signs with internal illumination are prohibited.
- (g) Buffering. Where an Adaptive Reuse is located adjacent to a residential use, appropriate landscaping or other buffering shall be provided and maintained in accordance with Sec. 27-1511, but only for the area on site between any off-street parking or improved yard or rooftop area (such as a dining patio or pool) and the lot line adjacent to the residential use.
- (h) Site Access. No additional vehicular access points to the site shall be permitted as a result of the proposed use, unless otherwise required to create safe access for fire and other emergency vehicles.
- (i) Lighting. All proposed lighting shall be in accordance with Sec. 27-1590 with the exception that flood lighting or other directional lighting is prohibited.
- (j) Hours of Operation. The hours of operation shall be limited to between 7 AM and 9 PM. For uses that offer sleeping accommodations, hours of operation shall mean use of dining facilities, organized activities on-site, outdoor recreation, or use of improved yard or rooftop areas (such as a dining patio or pool). After hours check-in/out is permitted.
- (k) Energy Efficiency. Upgrades to the building or structure that improve energy efficiency should be incorporated where feasible. The visual impacts of such upgrades shall be limited so as not to obscure the historic character of the building or structure. Replacement of doors and windows to achieve energy efficiency shall be permitted provided that they retain a similar appearance to the historic elements. Any solar energy systems shall be in compliance with the requirements of Sec. 27-1801 et seq.

Secs. 27-1595 – 27-1600. Reserved.

Fiscal Note: Less than \$1,000.00

Dated: July 2, 2019