

West End Zoning Outline of Revised Zoning Provisions

Proposed Zoning Districts



Clarks Pond Long Creek Commercial (CPLCC)

Purpose:

This zone is established to compliment the adjacent commercial corridor that exists along the South end of Westbrook Street and Western Avenue. It encourages low intensity development such as professional

offices, personal services, and government facilities, and supports development patterns that do not typically increase vehicular traffic, and aim to reduce the negative impacts to water quality in the Clarks Pond.

Allowed Uses:

- Professional office/office complex
- Financial services (no drive-through facilities)
- Business services that function like Professional offices or office complexes
- Telecommunication towers-Site Plan approval needed
- Accessory buildings and uses relating to the permitted use
- Personal services
- Government facilities*

Special Exceptions:

- Restaurant
- Retail Trade/single use or complex
- Hotels/motels with a minimum of 3 stories
- Farmers market subject to provisions of Sec. 27-1580
- Public utility buildings including: substations, pump stations, and compressor stations
- Wholesale trade
- Warehousing and distribution facilities
- Transportation terminals
- New and used motor vehicle sales
- Automotive filling stations, repair services and car washes

Basic Development Standards:

- *Minimum lot area:* Thirty thousand (30,000) square feet
- *Minimum street frontage:* One hundred (100) feet
- *Minimum front yard:* fifty (50) feet, provided the first 30 feet closest to the lot line shall be landscaped, remain unpaved except for sidewalks and access drives, and not be used for off-street parking; in the event a proposed site improvement plan prohibits parking in each yard abutting a street, and such a plan is approved by the Planning Board, the minimum front yard shall be thirty (30) feet, shall be landscaped, remain unpaved except for sidewalks and access drives, and shall not be used for off-street parking.
- *Minimum side yard:* Fifteen (15) feet
- *Minimum rear yard:* Thirty (30) feet
- *Maximum building height:* ninety (90) feet

Telecommunication towers, maximum height: Two hundred (200) feet,

Yard setbacks: Minimum 100% of tower height

Performance Standards

The following performance standards shall be met in all cases to ensure that the proposed development or use is compatible in appearance, operation, and environmental impact with professional offices and

office complexes. An applicant for subdivision, site plan, or special exception approval shall furnish satisfactory written evidence to the Planning Board that the proposed use will meet these standards. If no Planning Board review is required under this Chapter, an applicant for a building or occupancy permit shall furnish satisfactory evidence to the Code Enforcement Officer that the proposed use will meet these standards.

(a) Development proposals shall include a landscape program to illustrate the proposed development and maintenance of open space, roads, paths, and service and parking areas. All land areas not covered by structures, parking area or circulation facilities shall be landscaped and maintained. Existing natural vegetation may be used when determined by the Planning Board to comply with the purpose and intent of this district.

b) Development proposals shall include a drainage and erosion control program complying with the substantive provisions of Sec. 24-19(17) and Sec. 24-43 of the Code. SOUTH PORTLAND CODE Article VII Page 34.

c) Development proposals shall include a program proposing for sidewalk and trail connections, illustrating the manner in which the developer will provide these amenities without detracting from the aesthetics of the district.

d) Development proposals shall include a full disclosure of any and all signs proposed to be located on the property including, but not limited to, an indication of their size, illumination, landscaping, setbacks, specific locations, heights and construction materials; provided, that signs shall be restricted as follows: (a) No flashing, rotating or intermittent signs; (b) No portable signs or banners; (c) No roof mounted signs; (d) No wall mounted signs shall project above the face of the building wall; (e) No more than one free standing identification sign for each entrance to the lot and no freestanding signs other than at entrances. (f) No free standing identification sign shall exceed twenty five feet (25) in height. The burden shall be upon the applicant to demonstrate that the signage plan has not compromised the aesthetics of the district;

e) Development proposals shall include a program of buffers including, but not limited to, an identification of their location, composition, maintenance and ability to remain compatible with large expanses of impervious surface or parking areas. All areas dedicated for mechanical appurtenances or waste disposal shall be screened from view. Where the district abuts a zoning district that permits residential uses, any application for development must include a thirty (30) foot wide buffer strip between the zone line of the residential district and any structure, paving, or other site disturbance associated with the development other than that for vehicular or pedestrian access between the two districts. The buffer strip shall be landscaped as follows: 1. 6-8' high evergreen shrubs shall be planted in an alternating pattern, averaging 10' on center, within 15' of the property boundary. 2. At least one row of deciduous trees, not less than 2 1/2"-3" caliper DBH, and spaced an average of 20' apart and within 25' of the property boundary. 3. In lieu of the foregoing planting requirements, the Board may determine that the existing vegetation may be supplemented to achieve an equivalent means of minimizing the visual and noise impact.

f) Development proposals shall contain sufficient assurances that the proposal shall not be hazardous, obnoxious, offensive, or unsightly by SOUTH PORTLAND CODE Article VII Page 35 reason of odor, sound vibration, radioactivity, electrical interference, glare, liquid or solid wastes, smoke or other air pollutants, or other distractions.

g) Development proposals shall include a program identifying the extent to which the developer shall preserve natural features including, but not limited to trees or other vegetation, floodplains, rock outcroppings, surface water bodies, water quality, and wetlands; provided, any such program shall consider and be sensitive to the need to preserve such natural features.

h) Development proposals shall include a program identifying all proposed traffic controls; parking areas, interior traffic circulation, traffic interface with public highways, and the demonstration that additional traffic generated by the project itself can be accommodated on existing roadways.

i) All building construction or remodeling projects within the Clark Pond Long Creek Commercial district must comply with the Design Standards for Commercial and Neighborhood Activity Centers in Sec. 27-1572 et seq.

j) Development proposals shall indicate proposed impact on all public utilities and the proposal shall provide for satisfactory improvements thereto, if necessary, at the applicant's cost.

k) Development proposals shall include the commencement and completion dates for each portion of the project proposed to be constructed in phases or sections, and the provisions of subsections (a) through (j) above shall apply to each such phase or section.

l) Any use allowed in the 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. For purposes of this subsection, "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 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,

Parking Standards: May be waived by up to one third 1/3 of required spaces provided the applicant uses Low Impact Development standards (LID) for landscaping around the immediate area of the proposed parking in order to address the runoff issues directly associated with Clarks Pond.

***** The Parking Standards cited above can be strengthened to require LID standards and could include a maximum number of spaces rather than requiring a minimum.*****

Western Ave. Commercial Corridor District(WACC)

Purpose:

The Western Avenue Commercial Corridor District is established to accommodate higher intensity commercial uses, while still serving the surrounding residential neighborhoods. Commercial and mixed-use development will be designed to enhance and encourage multimodal and pedestrian connectivity from nearby residential neighborhoods, surrounding sites and nearby public parks and amenities.

Allowed Uses:

- Professional office / Office complex
- Business services
- Financial services (not bank branches or drive-through facilities)
- Child, Adult, or combined daycare centers
- Restaurants (no drive-through facilities)
- Personal services
- Retail trade & complexes
- Educational services
- Multifamily residential as part of a mixed use development

Special Exception Uses:

- Wholesale trade
- Warehousing and distribution facilities
- Public utility buildings (Including Substations, Pump Stations, and Compressor Stations)
- Government facilities
- Community buildings
- Farmers market subject to provisions of Sec. 27-1580
- Motor vehicle sales and repair
- Passenger transportation facilities (train, bus, light rail)
- Telecommunication towers

Basic Development Standards:

- *Minimum lot area:* Ten thousand (10,000) square feet
- *Minimum street frontage:* One hundred (100) feet

- *Minimum front yard:* Thirty (30) feet provided the first fifteen (15) is landscaped closest to the lot line, remains unpaved except for sidewalks and will not be used for off-street parking; in the event a proposed site improvement plan prohibits parking in each yard abutting a street and such plan is approved by the Planning Board, Parking shall be sited at the rear and sides of the building.

***** Parking can also be required to always been located along the side or rear of the building.**

- *Minimum side yard:* Fifteen (15) feet
- *Minimum rear yard:* Thirty (30) feet
- *Maximum building height:* Forty Five (45) feet
- *Maximum building coverage:* fifty (50) percent
- *Minimum open space:* Thirty (30) percent

Telecommunication towers, maximum height: Two hundred (200) feet,
Yard setbacks: Minimum 100% of tower height

Performance Standards

The following performance standards shall be met in all cases to ensure that the proposed development or use is compatible in appearance, operation, and environmental impact with any development. An applicant for subdivision, site plan, or special exception approval shall furnish satisfactory written evidence to the Planning Board that the proposed use will meet these standards. If no Planning Board review is required under this Chapter, an applicant for a building or occupancy permit shall furnish satisfactory evidence to the Code Enforcement Officer that the proposed use will meet these standards.

(a) Development proposals shall include a landscape program to illustrate the proposed development and maintenance of open space, roads, paths, and service and parking areas. All land areas not covered by structures, parking area or circulation facilities shall be landscaped and maintained. Existing natural vegetation may be used when determined by the Planning Board to comply with the purpose and intent of this district.

b) Development proposals shall include a drainage and erosion control program complying with the substantive provisions of Sec. 24-19(17) and Sec. 24-43 of the Code. SOUTH PORTLAND CODE Article VII Page 34.

c) Development proposals shall include a program providing for sidewalks illustrating the manner in which the developer will provide these amenities so they add to the connectivity of the neighborhood.

d) Development proposals shall include a full disclosure of any and all signs proposed to be located on the property including, but not limited to, an indication of their size, illumination, landscaping, setbacks, specific locations, heights and construction materials; provided, that signs shall be restricted as follows: (a) No flashing, rotating or intermittent signs; (b) No portable signs or banners; (c) No roof mounted signs; (d) No wall mounted signs shall project above the face of the building wall; (e) No more than one free standing identification sign for each entrance to the lot and no freestanding signs other than at

entrances. (f) No free standing identification sign shall exceed twenty five feet (25) in height. The burden shall be upon the applicant to demonstrate that the signage plan has not compromised the aesthetics of the district;

e) Development proposals shall include a program of buffers including, but not limited to, an identification of their location, composition, maintenance and ability to remain compatible with large expanses of impervious surface or parking areas. All areas dedicated for mechanical appurtenances or waste disposal shall be screened from view. Where the district abuts a zoning district that permits residential uses, any application for development must include a Thirty (30) foot wide buffer strip between the zone line of the residential district and any structure, paving, or other site disturbance associated with the development other than that for vehicular or pedestrian access between the two districts. The buffer strip shall be landscaped as follows: 1. 6-8' high evergreen shrubs shall be planted in an alternating pattern, averaging 10' on center, within 15' of the property boundary. 2. At least one row of deciduous trees, not less than 2 1/2"-3" caliper DBH, and spaced an average of 20' apart and within 25' of the property boundary. 3. In lieu of the foregoing planting requirements, the Board may determine that the existing vegetation may be supplemented to achieve an equivalent means of minimizing the visual and noise impact.

f) Development proposals shall contain sufficient assurances that the proposal shall not be hazardous, obnoxious, offensive, or unsightly by SOUTH PORTLAND CODE Article VII Page 35 reason of odor, sound vibration, radioactivity, electrical interference, glare, liquid or solid wastes, smoke or other air pollutants, or other distractions.

g) Development proposals shall include a program identifying the extent to which the developer shall preserve natural features including, but not limited to trees or other vegetation, floodplains, rock outcroppings, surface water bodies, water quality, and wetlands; provided, any such program shall consider and be sensitive to the need to preserve such natural features.

h) Development proposals shall include a program identifying all proposed traffic controls; parking areas, interior traffic circulation, traffic interface with public highways, and the demonstration that additional traffic generated by the project itself can be accommodated on existing public highways.

i) All building construction or remodeling projects within the Western Ave. Commercial Corridor zoning district must comply with the Design Standards for Commercial and Neighborhood Activity Centers in Sec. 27-1572 et seq.

j) Development proposals shall indicate proposed impact on all public utilities and the proposal shall provide for satisfactory improvements thereto, if necessary, at the applicant's cost.

k) Development proposals shall include the commencement and completion dates for each portion of the project proposed to be constructed in phases or sections, and the provisions of subsections (a) through (j) above shall apply to each such phase or section. (l) Any use allowed in the 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. For purposes of this subsection, "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 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,

Parking Standards: May be waived by up to one third 1/3 of required spaces provided the applicant uses Low Impact Development standards (LID) for landscaping around the immediate area of the proposed parking in order to address the runoff issues directly associated with Clarks Pond.

***** The Parking Standards cited above can be strengthened to require LID standards and could include a maximum number of spaces rather than requiring a minimum. Developers tend in such areas tend to want to have the maximum number of spaces and have little incentive to reduce those numbers***

West End Residential District (WER)

Purpose:

The development and settlement pattern in this neighborhood is predominantly more affordable multifamily residential with limited locally-owned retail, personal services, offices and state facilities. The purpose of this district is to support and expand these uses, and maintain the area as an affordable neighborhood. Additional density for residential and mixed-use development is encouraged, while allowing for the growth of small-scale commercial, office and recreational uses that serve neighborhood residents. Bicycle and pedestrian connections to Long Creek are encouraged to attract visitors and residents to enjoy its trails and open spaces. Landscaping buffers and screening, and expansion and maintenance of recreational areas are encouraged for aesthetics and to enhance neighborhood amenities.

Allowed Uses:

- Dwelling units excluding Mobile Homes
- Churches, Parish Houses, Places of Worship, Places of assembly,
- Public and Private Schools
- Government and municipal buildings other than Professional Offices and Office Complexes

- Child, Adult or combined daycare centers
- Accessory uses including Home occupations and telecommunication antennas
- Any uses permitted in a Residential A zone.

Special Exception Uses:

- Professional Offices and Office Complexes
- Business Services
- Business and Retail uses intended specifically for the convenience and service of residence of the immediate area
- Recreational or Community activity buildings, grounds for games or sports except for those operated for profit
- Personal Services

Basic Development Standards:

- *Minimum lot area:* Thirty Thousand (7,500) Square feet
- *Minimum street frontage:* One hundred (75) feet
- *Minimum front yard:* Ten (10) feet
- *Minimum side and rear yard:* Ten (10) feet
- *Maximum building height:* Residential- Forty Five (45) feet, Non Residential and mixed-use sixty (60) feet.
- *Maximum building coverage:* fifty (50) percent
- *Minimum open space:* Thirty (30) percent
- *Residential Density:* None

Other Performance Standards for Non-Residential Development

The following performance standards shall be met in all cases to ensure that the proposed development or use is compatible in appearance, operation, and environmental impact with any development. An applicant for subdivision, site plan, or special exception approval shall furnish satisfactory written evidence to the Planning Board that the proposed use will meet these standards. If no Planning Board review is required under this Chapter, an applicant for a building or occupancy permit shall furnish satisfactory evidence to the Code Enforcement Officer that the proposed use will meet these standards.

(a) Development proposals shall include a landscape program to illustrate the proposed development and maintenance of open space, roads, paths, and service and parking areas. All land areas not covered by structures, parking area or circulation facilities shall be landscaped and maintained. Existing natural vegetation may be used when determined by the Planning Board to comply with the purpose and intent of this district.

b) Development proposals shall include a drainage and erosion control program complying with the substantive provisions of Sec. 24-19(17) and Sec. 24-43 of the Code. SOUTH PORTLAND CODE Article VII
Page 34.

- c) Development proposals shall include a program providing for sidewalks illustrating the manner in which the developer will provide these amenities so they increase to the connectivity of the neighborhood.
- d) Development proposals shall include a full disclosure of any and all signs proposed to be located on the property including, but not limited to, an indication of their size, illumination, landscaping, setbacks, specific locations, heights and construction materials; provided, that signs shall be restricted as follows: (a) No flashing, rotating or intermittent signs; (b) No portable signs or banners; (c) No roof mounted signs; (d) No wall mounted signs shall project above the face of the building wall; (e) No more than one free standing identification sign for each entrance to the lot and no freestanding signs other than at entrances. (f) No free standing identification sign shall exceed twenty five feet (25) in height. The burden shall be upon the applicant to demonstrate that the signage plan has not compromised the aesthetics of the district;
- e) Development proposals shall include a program of buffers including, but not limited to, an identification of their location, composition, maintenance and ability to remain compatible with large expanses of impervious surface or parking areas. All areas dedicated for mechanical appurtenances or waste disposal shall be screened from view. Where the lot abuts a residential district, any application for development must include a thirty (30) foot buffer between the residential district and any structure, paving, or other site disturbance, with the exception of vehicular or pedestrian access between the districts. The buffer strip shall be landscaped as follows: 1. 6-8' high evergreen shrubs shall be planted in an alternating pattern, averaging 10' on center, within 15' of the property boundary. 2. At least one row of deciduous trees, not less than 2 1/2"-3" caliper DBH, and spaced an average of 20' apart and within 25' of the property boundary. 3. In lieu of the foregoing planting requirements, the Board may determine that the existing vegetation may be supplemented to achieve an equivalent means of minimizing the visual and noise impact.
- f) Development proposals shall contain sufficient assurances that the proposal shall not be hazardous, obnoxious, offensive, or unsightly by SOUTH PORTLAND CODE Article VII Page 35 reason of odor, sound vibration, radioactivity, electrical interference, glare, liquid or solid wastes, smoke or other air pollutants, or other distractions.
- g) Development proposals shall include a program identifying the extent to which the developer shall preserve natural features including, but not limited to trees or other vegetation, floodplains, rock outcroppings, surface water bodies, water quality, and wetlands; provided, any such program shall consider and be sensitive to the need to preserve such natural features.
- h) Development proposals shall include a program identifying all proposed traffic controls; parking areas, interior traffic circulation, traffic interface with public highways, and the demonstration that additional traffic generated by the project itself can be accommodated on existing public highways.
- i) Architectural renderings of the buildings and signage showing the general design concept and materials shall be required.

j) Development proposals shall indicate proposed impact on all public utilities and the proposal shall provide for satisfactory improvements thereto, if necessary, at the applicant's cost.

k) Development proposals shall include the start and finish dates for each phase or section of the project, and the provisions of subsections (a) through (j) above shall apply to each such phase or section.

(l) Any use allowed in the district involving new construction exceeds one thousand (1,000) square feet of floor area over a two (2) year period, shall be subject to the site plan review requirements of Article XIV. For purposes of this subsection, "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. 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 (evidenced by a certificate of occupancy on file with the Code Enforcement Officer).

Parking Standards: May be waived by up to one third 1/3 of required spaces provided the applicant uses Low Impact Development standards (LID) for landscaping around the immediate area of the proposed parking in order to address the runoff issues directly associated with Long Creek.

Telecommunication towers, maximum height: Two hundred (200) feet,
Yard setbacks: Minimum 100% of tower height

*Underlined Terms need to be defined in Definitions Section

Other Food for Thought:

- **The G3 zone allows for a master plan options, as do some other zones. Perhaps consider including it in this zone.**
- **Consider allowing cluster developments (Article XV) in this district.**