

AGENDA ITEM #3
Meeting of January 23, 2019

Planning Department Memorandum to Planning Board

Subject: Zoning Text Amendments – Revisions to the Village Residential and Village Commercial zoning districts

INTRODUCTION

The City Council has requested the South Portland Planning Board to consider proposed amendments to the Zoning Ordinance regarding the Village Residential and Village Commercial zoning districts and other provisions stemming from the Knightville Fore & Aft planning project. Per Section 27-115, the Planning Board shall provide a land use recommendation.

LEGAL ADVERTISEMENTS AND PUBLIC NOTICES

Legal advertisements regarding this request appeared in the Portland Press Herald on January 9, 2019, and January 14, 2019. Public notices were posted at the City Hall and on the webpage on and mailed to 247 property owners on January 9, 2019, The public notices were also emailed to the Conservation Commission, Planning Board, and City Council.

ATTACHMENTS

1. The Planning Director's memo
2. Proposed ordinance revisions

To: Kevin Carr, Chairman, and Members of the South Portland Planning Board
From: Tex Haeuser, Planning Director 
Cc: Peter Stanton, CPIC Chairman
Barry Lucier, CPIC Vice-Chairman
Members of the CPIC Knightville Fore & Aft Committee
Knightville Fore & Aft Interested Persons
Justin Barker, Community Planner
Steve Puleo, Community Planner
Sally Daggett, Corporation Counsel
Joshua R. Reny, Assistant City Manager
Date: January 17, 2019
Re: **Proposed Knightville Zoning Amendments for the 1-23-19 Planning Board Hearing**

Introduction

The purpose of the public hearing is for the Planning Board members to consider and make recommendations to the City Council on a set of proposed text amendments to the Village Residential (VR) and Village Commercial (VC) zoning districts in Knightville. The amendments were developed as part of the Knightville Fore & Aft Project by the City's Comprehensive Plan Implementation Committee. The proposed amendments are included as part of the Planning Board packet.

Public Notice

Legal advertisements providing notice of the January 23rd Planning Board public hearing appeared in the *Portland Press Herald* on January 9th and 16th of this year. Notice was also posted on January 9th on the City's website, at City Hall, and at the Public Libraries. In addition, notices were emailed to the Conservation Commission, Planning Board, and City Council.

Links to Background Documents on the Knightville Fore & Aft [Webpage](#)

1. [2005 Knightville/Mill Creek Master Plan](#)
2. [Knightville Zoning Map](#)
3. [Knightville Land Use Map](#)
4. [Work Plan](#)
5. [Survey Results](#)
6. [Committee Minutes of 9-20-18 with 22-0 vote on the proposed VR amendments](#)
7. [Committee Minutes of 10-18-18 with 17-1 vote on the proposed VC amendments](#)

8. [Committee Minutes of 11-7-18 with 8-0 \(one abstention\) vote on the proposed provisions to allow existing buildings to be reused for residential at the lot's residential buildout density.](#)
9. [VR zoning: Existing and Proposed](#)
10. [VC zoning: Existing and Proposed](#)
11. [3D "Movie" showing proposed revisions to the VR and VC zoning dimensional requirements](#)

Overview of the Knightville Fore & Aft Project

The Knightville Fore & Aft Project is the current planning effort of the Comprehensive Plan Implementation Committee (CPIC). The CPIC is an official South Portland Committee whose mission is to oversee the implementation of the City's 2012 Comprehensive Plan. In addition to being the principal policy document for the City, the Comprehensive Plan is also the legally required underpinning for South Portland's zoning and other land use regulations.

The Knightville Fore & Aft Project became the CPIC's next planning effort after its completion of the West End Neighborhood Master Plan. The City Council requested the CPIC to undertake this project due to concerns about zoning in Knightville following a controversial trial balloon by the South Portland Housing Authority to rezone one of the largest lots in the neighborhood for a 50-unit affordable housing facility.

Since the Knightville Fore & Aft Project began last February, the Committee has:

- Reviewed previous Knightville visioning, planning, zoning, and capital improvement projects.
- Adopted an open committee structure with Knightville residents and business operators significantly expanding the size of the Committee.
- Developed a work plan and timeline.
- Developed and conducted a web-based survey.
- Discussed business retention and attraction and became the City's first area for the Economic Development business outreach program.
- Conducted an initial Public Forum on 7-26-18.
- Had preliminary parking discussions.
- Made a commitment to bring forward a set of zoning recommendations without waiting for other parts of the project to be completed (e.g., parking and infrastructure).
- Conducted a second Public Forum on 11-15-18.

- Held a workshop with the City Council on 12-13-19.

Knightville Vision

Although the Committee has not formally adopted a vision statement to guide its efforts, the members at various times have referred to the vision contained in the 2005 Mill Creek Master Plan which the City Council adopted and added to the Comprehensive Plan then in effect:

Knightville Mill Creek has both significant assets and considerable potential. It is a community with an extensive waterfront, a rich blend of residential neighborhoods, regional shopping centers, and a traditional downtown with a civic core. There is easy walking access to shops, services, and amenities as well as to a variety of parks, open space, and trails. It is also in close proximity to the markets and infrastructure of Maine's largest metropolitan area.

The vision expressed in this Plan recognizes the great qualities already present here and imagines taking Knightville Mill Creek to a distinctly higher level of business prosperity and residential quality of life. The Plan aims at a Knightville Mill Creek that is well-known as a place where one can live comfortably, if one chooses, without a car. A place where a tradition of mixed uses continues to create a diverse, thriving, and vibrant downtown. A place where several centuries of history are recovered, preserved, and/or enhanced in neighborhood architecture, land use patterns, character, and human scale. A place where new parking solutions, including multi-level structures, create the possibility in some areas for taller and denser commercial and residential development patterns. A place where a village-in-the-city means people out on errands are likely to spend a few minutes chatting with friends they encounter along the way. A place where people from many different walks of life can feel welcome and can find affordable as well as market rate housing. And a place where the library, schools, public safety center, post office, and City Hall remain and are improved in a complementary fashion to form a cohesive civic core that makes South Portlanders—the owners—proud of their city and its accomplishments.

This vision is within reach, and, using this Plan as an organizational tool for action, it can be achieved by residents, businesses, developers, and the City working together.

Overview of the Proposed Zoning Amendments

The Committee's proposed Knightville zoning amendments fall into four groups:

- Changes to the Village Residential (VR) zoning district.
- Changes to the Village Commercial (VC) zoning district.
- Provisions regarding the use of a lot's full residential buildout as the basis for establishing the density limit for buildings converting to residential uses.
- Provisions for dual-zone lots.

Note that portions of Knightville are also contained in the Commercial (C) zoning district, but Commercial C supports condominium and marina facilities at the northern end of the

peninsula, and the Committee chose not to recommend any changes for Commercial (C) at this time.

Proposed Village Residential (VR) Zoning Amendments

The basic thinking behind the Village Residential (VR) zoning amendments was to bring the space and bulk requirements closer to the design of the original subdivision in which the lots were laid out—in keeping with an urban village—while being careful to maintain needed protections for abutters. The main changes include:

- Allow a minimum of 2 residential units per lot and then allow another unit for each additional tenth of an acre of lot size after that. This means that some lots will now be able to have a second unit that previously would only have been allowed as an accessory dwelling unit (ADU). It also means, however, that some properties with multiple units, such as several of the 3- and 6-unit apartment buildings, will still be nonconforming relative to density. In other words, the Committee felt that 2 units per lot strikes a reasonable density balance.
- Reduce the required minimum lot size from 7,500 square feet, which is much larger than the size of the original lots and most existing lots, to 2,500 square feet. However, to reduce an incentive to aggregate lots and subdivide, the street frontage would be required to be 50 feet for newly created lots instead of the 25 feet that is otherwise proposed.
- Keep the maximum building coverage limit of 33%, but allow up to 40% when counting sheds, garages, and other accessory buildings.
- Keep the rear yard setback of 15 feet as is, but reduce the front yard setback from 8 feet to 5 feet, the side yard for principal buildings from 15 feet to 6 feet, and side and rear setbacks for accessory buildings from 6 feet to 3 feet.
- Allow the required off-street parking standard to decrease from 2.0 spaces for detached single-family homes and 1.5 spaces for most multi-family units to 1.0 spaces per unit (or less for smaller multi-family units as is currently allowed).

Proposed Village Commercial (VC) Zoning Amendments

The philosophy behind the proposed Village Commercial (VC) amendments is that enabling small to medium scale development that acts as an incentive for current property owners to make investments in their buildings and properties is a way to both provide additional housing, services, and employment while also making it more difficult for outside developers to aggregate the now more valuable properties for larger scale redevelopments. More specifically, the changes proposed for the Village Commercial Zone are as follows:

- Do not expand the VC zone further into the letter streets but clarify the zoning rules for lots bisected by the Village Residential/Village Commercial zone line.

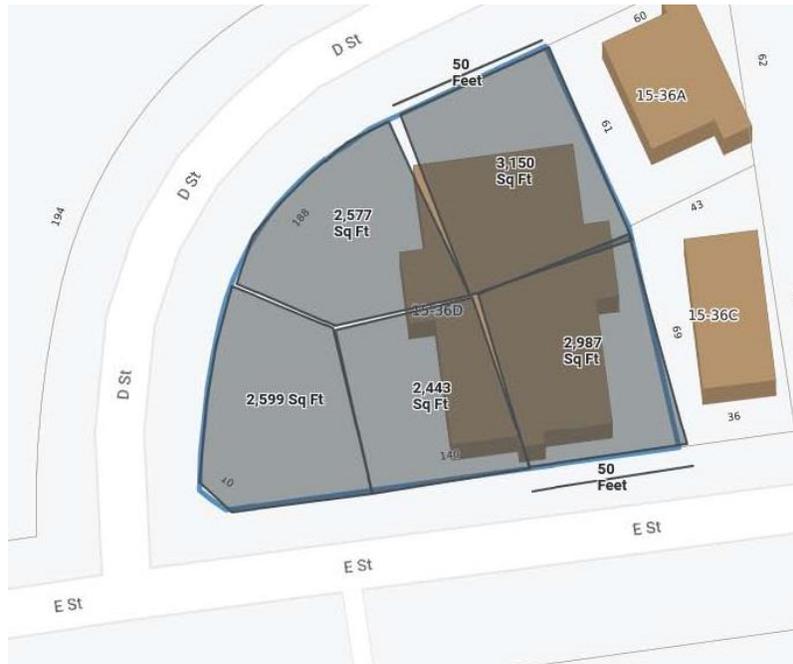
- Do not replace the VC zone with the Village Extension zone, which would have eliminated the density limits and would have allowed greater building height.
- Do not change the maximum number of residential units per acre (24) but do allow a minimum of 8 units per lot.
- Do not change the height limit (50 feet) but require that any building or portion of a building within 50 feet of the VR zone be no taller than 40 feet (the height limit in the VR zone). Also make it the lesser of 50' or 4 habitable floors or, when within 50 feet of the VR zone, the lesser or 40' or 3 habitable floors.
- Remove the zoning distinctions between lots inside and outside the Design District.
- Except for short-term rentals, reduce required on-site residential parking from 1.5 spaces per unit to a maximum of 1.0 spaces per unit or 0.5 for units that are less than 800 sf or are 1-bedroom units or studios.
- Add live-work units as an allowed first floor use.
- Reduce the minimum lot size to 2,500 square feet, the same as the VR proposal.
- For both side and rear yards, take building height out of the equation in cases where the lot abuts a residential zone as this is now covered by the changes to the building height dimensional standard. There would continue to be no side yard setback requirement generally, but it would be 6 feet where abutting the VR zone (not including decks). For rear yards the standard would change from none to 6 feet, except 15 feet where abutting the VR zone (again, not including decks in either case). The recommended standard for accessory buildings (sheds, garages, etc.) is the same as is proposed for the VR zone—3 feet.
- Add a “minimum utilization of primary frontage” standard, as used in the VE zone, to ensure that we don’t end up with too many “missing teeth” along Ocean Street.
- Add a requirement that a lot fronting Ocean Street must place the primary entrance facing Ocean Street to concentrate commercial activity on the district’s main street and away from the residential side streets.
- Add a maximum total building footprint of 10,500 sq. ft. per property to discourage large new developments.

Residential Building Conversions

As part of the Committee process there was a request from the owner of 85 E Street to adjust the zoning to create an option for changing his medical/office building into a multifamily use. Under the proposed VR zoning, the building would be allowed to include four residential units—two more than under the existing VR rules. However, the owner reports that the

building could comfortably accommodate eight residential units if it was converted entirely into an apartment or condominium building.

If the current building were razed, that the parcel could be divided into four or possibly five parcels (see below).



In the example above, it appears that the existing parcel is large enough to accommodate five subdivision parcels based on the 2,500 sf lot size, but the requirement for 50 feet of frontage when doing subdivisions might be hard to meet for more than four parcels.

In any case, if the lot were subdivided into four parcels, it would mean four duplexes could be built for a total of eight residential units. The argument, therefore, is that if a parcel could be subdivided to create eight residential units, why not allow eight residential units in the existing building?

The proposal for consideration, then, is to modify the City's zoning provisions to say that in the VR zone, an existing building may be modified to include more residential units than number shown in the VR zone's maximum residential density table if:

- The applicant submits a site plan prepared by a surveyor showing how many buildable lots the parcel could legally be divided into.
- The number of residential units to be allowed in the modified building does not exceed the number that would be allowed by lot split or subdivision according to the surveyor's plan.

- The existing building is not enlarged to increase the living space. Decks and accessory buildings are exempt from this requirement.
- A declaration of protective covenants running with the land is recorded for the property to prevent any splitting or subdividing of the parcel in the future unless or until the building is demolished or the number of residential units is reduced to meet the zoning density limit otherwise in effect.

Dual-Zone Lots

As a result of the way the zoning in Knightville was laid out decades in the past, such that the boundary line for what is now the Village Commercial zone is set 150 feet from the center of Ocean Street without respect to lot lines, a number of lots in the area are split between the Village Commercial and the Village Residential zones. This creates a variety of issues, and, as previously mentioned, rather than moving the Village Commercial zone further into the residential neighborhood to coincide with rear property lines, the Committee chose the alternative of revising the provisions governing how lots split by a zone line are treated. There are two cases that need to be addressed: dual-zone lots with frontage on Ocean Street and those not fronting on Ocean Street.

Dual-zone lots fronting on Ocean Street are proposed to be wholly governed by the Village Commercial zone for the portion of the lot within VC. For the part that is in the Village Residential zone, the maximum residential density would be allowed to be that of the VC district, but all of the other Village Residential requirements, such as those for permitted uses, building height, and setbacks, would apply. In addition, any portion of a side lot line within the VR zone would be treated as a rear lot line for setback purposes. This would prevent an Ocean Street building extending back into the VR zone from being too close to abutters.

Dual-zone lots not fronting on Ocean Street are proposed to take the VC density limits for the entire parcel, but otherwise the lot is to be wholly governed by VR requirements. Thus, for example, the uses allowed on the VC portion of the lot can only be those allowed in the VR zone.

Conformance with the Comprehensive Plan

The land use recommendations in the City's Comprehensive Plan for Knightville are as follows:

- *The Ocean Avenue – Cottage Road corridor through Knightville* – This is the historic “Main

Street” of KMC. This area should continue to redevelop along a “village concept” embodied in the current Village Commercial District requirements with multi-story, mixed-use buildings located at the sidewalk line and with parking to the side or rear of the buildings.



- *The Knightville residential neighborhood (the letter streets)* – Within this area, the City’s objective is to maintain the existing neighborhood while allowing for “small-scale” residential redevelopment that is compatible with the village character of the neighborhood. The zoning should be revised to maintain the existing scale and character of neighborhood except as part of an approved redevelopment plan. Redevelopment would be allowed that is compatible with a village character that would maintain the existing street pattern. New buildings would be subject to design standards to assure that the buildings fit into the pattern and scale of the neighborhood.



The proposed amendments do not significantly alter the main features of the Village Residential and Village Commercial zoning districts, and they are in keeping with the objectives for multi-story, mixed-use buildings along Ocean Street and maintaining the existing scale and character of the surrounding residential neighborhood. Therefore, the proposed Knightville Amendments may be said to be in conformance with the Comprehensive Plan.

Process Moving Forward

At the conclusion of the Planning Board public hearing, the Planning Board members will vote on a recommendation to the City Council regarding the proposed Knightville zoning amendments. If necessary, the item could then come back for another City Council workshop, but otherwise it would proceed to a City Council First Reading. This is the first of two public hearings that the City Council is required to hold, after obtaining the Planning Board recommendation, on any proposed change to the Zoning Ordinance. If there are no substantive changes to the Knightville zoning proposal arising from Council amendments made at First Reading, the draft will proceed to another City Council meeting where it would be heard at a public hearing called Second Reading. Unlike First Reading where passage requires the normal majority vote, at Second Reading a change to the Zoning Ordinance is not adopted unless it obtains a supermajority vote—specifically, at least five votes in favor.

If adopted at Second Reading, the new zoning provisions do not go into effect until 20 calendar days from the date of adoption.

Review of the Draft Amendments

The current, 1-10-19 draft of the proposed Knightville zoning amendments reflects comments made on 12-3-18 and 12-4-18 by Corporation Counsel Sally Daggett. Community Planner Justin Barker also assisted in developing the draft. It also reflects several requests for revisions made at the Council workshop by Councilors Lewis and Caricchio.

Motion Suggested for a Favorable Recommendation

“I move that the Planning Board send a recommendation to the City Council in favor of the 1-10-19 draft of the proposed Knightville zoning amendments based on their being in conformance with the Comprehensive Plan.”

PROPOSED KNIGHTVILLE FORE & AFT ZONING AMENDMENTS

(Additions are underlined; deletions are ~~struck-out~~.)

Sec. 27-112. Conformity.

. . .

- (e) Except as provided in Secs. 27-571-A and 27-710-A, ~~when~~ when a lot of record at the time of enactment of this zoning ordinance is transected by a zoning district boundary the regulations set forth in this Chapter applying to the larger part by area of such lot may also be deemed to govern in the smaller area beyond such zoning district boundary but only to an extent not more than thirty (30) linear feet in depth beyond said zoning district boundary.

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Sec. 27-201. Definitions

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Habitable story. A building story, as herein defined, intended for use on day-to-day basis by people for residential purposes, or for purposes of conducting a commercial or industrial business, or for similar purposes. A habitable story does not include a story used for vehicular parking.

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VILLAGE RESIDENTIAL DISTRICT VR

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Sec. 27-571-A. Dual-Zone Lots

Sec. 27-112 notwithstanding, the following provisions shall govern lots divided between the Village Commercial zoning district and the Village Residential zoning district as of January 1, 2019:

- (a) Lots fronting on Ocean Street
 - (1) The portion of the lot within the Village Commercial district shall be governed by all of the Village Commercial zoning standards.
 - (2) The portion of the lot within the Village Residential district shall be governed by the Village Commercial district standards for maximum net residential density. Otherwise, all other Village Residential zoning standards shall apply.
 - (3) The portion of any side lot line within the Village Residential zone shall be treated as a rear lot line for setback purposes.
- (b) Lots not fronting on Ocean Street

(1) The entire lot shall be governed by the Village Commercial district provisions for maximum net residential density.

(2) The entire lot shall otherwise be governed by the Village Residential zoning standards.

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Sec. 27-574. Space and bulk regulations (VR) .

Maximum net residential density:

<i>Lot Size (Square Feet)</i>	<i>Number of Units</i>
7,500 — 11,105	1
11,106 — 14,711	2
14,712 — 18,317	3
18,318 — 21,923	4
21,924 — 25,529	5
25,530 — 29,135	6
29,136 — 32,741	7
32,742 — 36,347	8
36,348 — 39,953	9
39,954 — 43,560	10
43,561 and Over	Lot size divided by
	4,356 sq. ft.
<u>2,500 - 6,855</u>	<u>2</u>
<u>6,856 - 11,211</u>	<u>3</u>
<u>11,212 - 15,567</u>	<u>4</u>
<u>15,568 - 19,923</u>	<u>5</u>
<u>19,924 - 24,279</u>	<u>6</u>
<u>24,280 - 28,635</u>	<u>7</u>
<u>28,636 - 32,991</u>	<u>8</u>
<u>32,992 - 37,347</u>	<u>9</u>
<u>37,348 - 43,560</u>	<u>10</u>
<u>43,561 and over</u>	<u>Lot size divided by 4,356 sq. ft.</u>

Maximum net residential density for building conversions: An existing building may be modified to include more dwelling units than provided in the maximum net residential density table of this section as follows:

- The applicant shall submit a survey plan prepared by a Maine-licensed surveyor showing how many buildable lots into which the parcel legally could be divided.
- The number of residential units allowed in the modified building shall not exceed the number of residential dwelling units that would be allowed according to the surveyor's plan.
- The building may not be enlarged to increase living space; however, legally created decks and accessory buildings may be added at any time.
- The applicant shall record at the Cumberland County Registry of Deeds a declaration of protective covenants that runs with the land and is enforceable by the City, approved in advance by the Corporation Counsel as to form, to prevent any splitting or subdividing of the parcel in the future

unless or until the converted building is demolished or the number of residential units is reduced to meet the limits established in the maximum net residential density table of this section.

Minimum lot area: ~~Seven thousand five hundred (7,500)~~ Two thousand five hundred (2,500) square feet.

Minimum lot area for congregate housing individual unit ownership facility: four thousand (4,000) square feet.

Minimum street frontage: ~~Seventy-five (75)~~ Twenty-five (25) feet, except fifty (50) feet for any lots created after January 1, 2019.

Minimum front yards, all buildings: ~~Eight (8)~~ Five (5) feet.

Minimum ~~rear and~~ side yards:

Principal buildings: ~~Fifteen (15)~~ Six (6) feet.

~~Except that principal buildings higher than thirty (30) feet shall have side and rear yards not less than fifty (50) per cent of building height.~~

Accessory buildings: ~~Six (6)~~ Three (3) feet ~~rear yard.~~

Minimum rear yards:

Principal buildings: Fifteen (15) feet.

Accessory buildings: Three (3) feet.

Maximum building height: Forty (40) feet.

Maximum building coverage: Thirty-three (33) percent for principal buildings and forty (40) percent for all buildings added together.

Minimum distance between principal buildings on same lot: The height equivalent of the taller building.

Front entrance location: A principal entrance shall be located on the front façade of the building at the ground floor level. The entrance shall be distinct from, but may be located within, the garage door and shall be set back, if at all, no more than 10 feet from the front most wall of the building.

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. 27-575. Off-street parking (VR) .

In the Village Residential District VR, off-street parking shall be provided in accordance with the requirements of Sec. 27-1556 of this Chapter;

provided, however, notwithstanding any provisions of this Chapter to the contrary, the following regulations shall apply:

(a) Multi-family (non-elderly) residential structures: One (1) off-street parking space is required per dwelling unit ~~plus one (1) additional off-street parking space for guest parking for each dwelling unit~~ for units with one or more bedrooms or units with eight hundred (800) square feet or more of floor area.

~~(b) Guest parking within the meaning of this section may include a gravel base that is loamed and seeded and signed to indicate its use.~~

(b) Multi-family (non-elderly) residential structures: Three quarters or seventy-five percent (75%) of a parking space is required per dwelling unit for units that do not have a separate bedroom or units with less than eight hundred (800) square feet of floor area.

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Village Commercial District VC

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Sec. 27-710-A. Dual-Zone Lots

Sec. 27-112 notwithstanding, the following provisions shall govern lots divided between the Village Commercial zoning district and the Village Residential zoning district as of January 1, 2019:

(a) Lots fronting on Ocean Street

(1) The portion of the lot within the Village Commercial district shall be governed by all of the Village Commercial zoning standards.

(2) The portion of the lot within the Village Residential district shall be governed by the Village Commercial district standards for maximum net residential density. Otherwise, all other Village Residential zoning standards shall apply.

(3) The portion of any side lot line within the Village Residential zone shall be treated as a rear lot line for setback purposes.

(b) Lots not fronting on Ocean Street

(1) The entire lot shall be governed by the Village Commercial district provisions for maximum net residential density.

(2) The entire lot shall otherwise be governed by the Village Residential zoning standards.

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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.

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(j) Live/work units including, but not limited to, artists' residences with studio space.

(k) Rooftop decks used for residential purposes subject to the exterior lighting provisions of Sec. 27-1590 et seq., the noise control provisions of Sec. 17-17 and Chapter 30, and any conditions of approval that may be imposed by the South Portland Planning Board. Commercial uses on rooftop decks, other than general maintenance, are prohibited.

Sec. 27-713. Space and bulk regulations ~~— Non-Residential Uses~~ (VC).

Minimum lot area: ~~3,500~~ 2,500 sq. ft.

Maximum net residential density: Twenty-four (24) dwelling units per net residential acre or eight (8) dwelling units, whichever is greater.

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/Hineckley 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, principal buildings: None required except where the side and/or rear yard abuts a residential the Village Residential zoning district in which case it/they shall be a minimum of ~~fifteen (15)~~ six (6) feet or fifty (50) per cent of the building height whichever is greater and the buffering requirements of this Chapter shall be met for side yards and fifteen (15) feet for rear yards.

Minimum side and rear yards, accessory buildings: Three (3) feet.

Minimum building height ~~— Knightville Design District~~ for buildings constructed after January 27, 2002: Twenty-four (24) feet or two habitable stories.

Maximum building height-Knightville Design District: The lesser of fifty (50) feet or four (4) habitable stories, except the lesser of forty (40) feet or 3 habitable stories for any portion of a building within fifty (50) feet of the Village Residential zoning district. Maximum height shall include any elevators or stairway enclosures that are used to access the rooftop level, but shall not include any elevator equipment or enclosures necessary to access the topmost interior floor.

~~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

Maximum/Minimum utilization of primary frontage: A building or buildings with frontage on Ocean Street shall occupy at least eighty percent (80%) of that frontage unless to do so would prohibit safe vehicular ingress and egress to the lot, in which case the eighty percent (80%) requirement shall be reduced only so much as necessary to allow safe vehicular ingress and egress to the lot.

Maximum area of building footprint: The total building footprint area of new buildings or additions constructed after January 1, 2019, when added to the total footprint area of any building(s) on the lot as of January 1, 2019, shall not exceed 10,500 sq. ft.

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. 27-715714. Off-street parking (VC).

~~Off-street parking shall be provided in accordance with the requirements of Sec. 27-1556 of this Chapter. In the Village Commercial District VC, off-street parking shall be provided in accordance with the requirements of Sec. 27-1556 of this Chapter; provided, however, that notwithstanding any provisions of this Chapter to the contrary, the following regulations shall apply:~~

- ~~(a) Multi-family (non-elderly) residential structures: One (1) off-street parking space is required per dwelling unit for units with one or more bedrooms or units with eight hundred (800) square feet or more of floor area.~~
- ~~(b) Multi-family (non-elderly) residential structures: One half or fifty (50%) of a parking space is required per dwelling unit for units that do not have a separate bedroom or units with less than eight hundred (800) square feet of floor area.~~

Sec. 27-7165. Signs (VC).

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Sec. 27-7176. Site plan review (VC).

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Sec. 27-7187 and 718. Reserved.

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Sec. 27-814. Space and bulk regulations (VE).

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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-~~, unless to do so would prohibit safe vehicular ingress and egress to the lot, in which case the eighty percent (80%) requirement shall be reduced only so much as necessary to allow safe vehicular ingress and egress to the lot.