

City Council Workshop

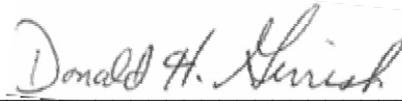
Agenda Item #1

October 12, 2016

Amendments to Chapter 27 regarding
Mill Creek Zoning Amendments

The City of South Portland's Comprehensive Plan Implementation Committee (CPIC) is requesting several amendments to Chapter 27, Zoning. These amendments have been reviewed and are being recommended by the Planning Board. The amendments are part of an implementation program for the previously adopted Mill Creek Master Plan. The zoning map changes will create three new zoning districts: Village Extension District (VE); Broadway Corridor District (BC); and, Mill Creek Core District (MCC). The zoning text amendments are designed to support the new zoning districts by establishing new building height and density standards, lighting standards, and parking standards. The proposed text amendments and the existing and proposed zoning maps, as well as other supporting materials are attached.

Planning Director Tex Haeuser will be at Wednesday's meeting to answer any additional questions the City Council may have.

A handwritten signature in cursive script, reading "Donald H. Hirsch". The signature is written in dark ink and is positioned above a horizontal line.

Interim City Manager

Planning Board Memorandum to the City Council

Subject: Proposed Zoning Text and Map Amendments for Mill Creek

PLANNING BOARD RECOMMENDATION

At its July 26th meeting the Planning Board voted 6-0 (Boudreau absent) to send a favorable recommendation to the City Council regarding the proposed zoning map and text amendments contained in *Mill Creek and Other Amendments without Benchmarking*, July 14, 2016, based on their conformance with the Comprehensive Plan and the Mill Creek Master Plan.

INTRODUCTION

The Mill Creek Master Plan (please see the Comprehensive Plan Committee's webpage) was adopted on July 6, 2015. The *Mill Creek and Other Amendments without Benchmarking*, version July 14, 2016, were developed by the Comprehensive Plan Implementation Committee to create the zoning rules recommended by the Master Plan. The draft amendments closely follow the adopted Master Plan.

The proposed text amendments consist of four main sections:

- Pages 1-26: **Creation of the Mill Creek Core District (MCC), Broadway Corridor District (BC), and Village Extension District (VE).**
- Pages 26-37: **Amendments to the Off-Street Parking Regulations** (applies to all zoning districts).
- Pages 37-41: **Amendments to the Design Standards**, primarily for the three new zoning districts.
- Pages 41-43: **Creation of Exterior Lighting Performance Standards** (city-wide).

The proposed Benchmarking provisions that are part of the Mill Creek Master Plan and that previously were included in the proposed amendments have now been separated out as a different agenda item. They are a key part of the Mill Creek amendments as an environmental component that balances the proposed zoning intensification, but addressing them separately enabled the Planning Board members to make independent recommendations.

The zoning map amendment, which accompanies this memo, proposes to replace portions of the Limited Business, Village Commercial, and Residential A zones in the Mill Creek area with the Mill Creek Core, Broadway Corridor, and Village Extension zoning districts.

The proposed text amendments and the existing and proposed zoning maps, as well as other supporting materials, are available on the Mill Creek Zoning Amendments page of the Comprehensive Plan Committee's section of the City's website.

A legal advertisement providing notice of the public hearings appeared in the Portland Press Herald on July 12 and July 19, 2016, and was posted in City Hall. In addition, the proposed amendments and supporting materials were posted on the City's website, and articles about the hearings ran in the July 1 and July 15 Community Newsletters. Written notice was mailed to 284 owners of property in, and within 500 feet of, the proposed new zoning districts.

A public forum to discuss the proposed amendments was held on April 14, 2016. In addition, the Planning Board held a workshop on the Mill Creek zoning and benchmarking proposals on June 14, 2016. The Planning Board public hearing originally was scheduled for June 28 but was postponed at that meeting to July 26 due to the legal ads not having been published.

This submission was reviewed under Section 27-115 (g) Changes and amendments in Chapter 27 Zoning and for consistency with the City's Comprehensive Plan and Climate Action Plan.

SUMMARY of the PROPOSED TEXT AMENDMENTS

In response to a request from Chairman Laidley, the proposed text amendments were annotated to provide plain language explanations, context, and other information. In addition, a matrix was provided to show how the space & bulk provisions (e.g., maximum building height, setbacks, etc.) of the proposed zones compare with those of the existing zones. In addition, the following outline provides some of the key points about the proposed amendments:

- **Village Extension VE Zone:**
 - 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**.
 - Uses are similar to those of the VC and MSCC.
 - No density limitation.
 - Max height = lesser of 60' or 5 habitable floors, except 45' or 4 habitable floors along Broadway. Also except within 50' of E Street the lesser of 40' or 3 habitable floors.
 - Must meet design standards.

- **Broadway Corridor BC Zone:**
 - To accommodate a wide-range of uses while continuing to allow for **auto-focused** uses in a form that creates a **transition to the more pedestrian focused, higher density development** in the adjacent Mill Creek Core District.
 - Fewer drive-through restrictions.
 - No density limitation.
 - Max height = Lesser of 50' or 4 habitable floors.
 - Must meet design standards.

- **Mill Creek Core MCC Zone:**
 - To allow for and encourage the development of **mixed-use, multistory** buildings as Mill Creek evolves into a **pedestrian focused, higher density more downtown-like area**.
 - Uses fairly similar to those of the other zones.
 - Space & Bulk standards depend on whether doing a Planned Development.
 - Basic Standards (all cases)
 - No density limitation.
 - Max height = The lesser of 75' or 5 habitable stories.
Notwithstanding this limit, the portion of any building located within 50' feet of the E Street property line shall be limited to a maximum of the lesser of 40' or 3 habitable stories.
 - Minimum 10' front yard setback along E Street. **(Forum addition)**
 - Basic Development Standards (if not doing Planned Development)
 - Max utilization of primary frontage = 60% (unless would prohibit vehicular access).
 - Min height = the greater of 30' or 3 habitable stories, except 20' or 2 habitable stories within 75' of E Street.
 - Planned Development
 - Can request modifications for the Basic Development Standards, the Design Standards, Additional Development Standards, and Off-Street Parking.
 - Must demonstrate consistency with Mill Creek Master Plan objectives.
 - Ped focused.
 - Clear identity, attractive gateways, high-quality visual environment.
 - Make Mill Creek “greener”, physically and environmentally.

- Transition to, and protect, the Knightville residential neighborhoods.
- Minimize potential impacts of flooding from storms and sea level rise.
- Planning Board must approve the Master Development Plan before project can proceed.
 - Must meet design standards.
- **Off-Street Parking**
 - PB can reduce the # of spaces in VE and MCC for office, retail, service, and restaurant uses by 50% if applicant can show reduced parking is adequate based on parking demand studies and in consideration of transit or other alternative transportation services.
 - Similar to Knightville and Main Street
 - Would require 1.0 spaces for 1 bedroom units or units between 400 and 800 sq. ft.
 - Would require 0.75 spaces for studios or units with less than 400 sq. ft.
 - Increases distance for off-site off-street parking: residential from 300 to 1,500'; non-res from 500 to 1,500'.
- **Design Standards**
 - Recently adopted design standards for Neighborhood Activity Centers revised to make them applicable to the new Mill Creek districts.
 - Additional standards added for mid-rise buildings with four or more habitable stories.
 - City-wide requirement added to ensure existing and new features dovetail appropriately. (**Forum addition**)
- **Exterior Lighting**
 - Came out of protecting the Knightville residential neighborhoods but applies to all projects needing Planning Board approval.
 - Many developers already include photogrammetric analyses in their submissions.

REVISIONS FOLLOWING THE JUNE 14 PLANNING BOARD WORKSHOP

In addition to revisions made in the preceding months in response to comments from the Comprehensive Plan Implementation Committee, the City Attorney, Mark Eyeran, and staff, two sets of comments about the proposed amendments were made prior to the Planning Board hearing. The first of these came from Caroline Hendry at the Planning Board workshop. Ms. Hendry suggested that:

- The design standards steer Mill Creek architecture toward a chosen style rather than being general.

- Lighting from Mill Creek businesses should not intrude on Knightville homes.
- Attention should be paid to providing (centralized) public parking as well as adjusting the required off-street parking ratios.
- Covered walkways, like in front of Shaw's, should be provided in order to protect pedestrians from the elements.

Discussion: While an interesting concept, choosing an architectural style for Mill Creek did not come up during development of the Mill Creek Master Plan. In general, the approach of the City with regard to design standards has been not to infringe on the owner and architect's design creativity and freedom but to establish some basic principles that when followed tend to ensure better looking buildings of any style.

The concern about lighting was shared by the Comp Plan Implementation Committee, and that is why they created lighting standards not just for Mill Creek but for the City as a whole.

Public parking is also understood to be of vital importance, whether on-street or in lots, and will be included in the implementation of the public improvements portion of the Master Plan. The first phase of these improvements—the area consisting of Waterman Drive, Erskine Drive, and the Casco Bay Bridge Approach—have been funded for design, and a kick-off meeting was held on July 19.

In terms of covered walkways, I had some discussion about this with Mark Eyerman. We felt that this wouldn't be appropriate for buildings brought close to the street (which most will be) and perhaps is something that the Planning Board and staff could suggest be considered in a Planned Development scenario but wouldn't want to mandate.

The other comment came from Natalie West who suggested that we incorporate live/work units into the zoning as a way to allow ground floor residential along the major streets. In such units the "work" part of the use typically is in front, along the street, with the residential portion in the rear, thus eliminating the concern about "getting too much information" when walking on the sidewalk past a ground floor apartment or condominium. As such, I added a definition for live/work units and added them to the permitted uses in the three proposed zones.

DISCUSSION AT THE PLANNING BOARD HEARING

The discussion at the Planning Board meeting was generally favorable to the proposed amendments. The draft minutes for the agenda item are as follows:

Chairman Laidley introduced the item and asked the Planning Director to proceed.

T. Haeuser thanked Kathy Phillips, Councilor Maxine Beecher, and the other members of the Comprehensive Plan Implementation Committee in attendance for their work on the Mill Creek Master Plan and on the zoning amendments now before the Planning Board. He reviewed the changes that had been made in response to comments at the Planning Board workshop and after and then introduced Mark Eyerman, a consultant for the project.

Mark Eyerman gave a PowerPoint presentation in which he reviewed the Mill Creek Master Plan, which the City Council adopted on 7/6/16, and showed how the proposed zoning amendments closely follow the Master Plan's policies and recommendations.

Craig Piper, Chairman of the Comprehensive Plan Implementation Committee, expressed his appreciation to the Committee members and staff for their wide range of talents and for developing the proposed zoning amendments. He talked about how the Committee members had listened carefully to area residents and business people and had pulled together a package in which the parts fit together into a cohesive whole.

Russ Lunt thanked the Committee members for their hard work and stated that it was good to have a vision for this area.

Caroline Hendry thanked staff for addressing her previous comments and said that the proposed amendments look great. Relative to public improvements in Mill Creek, Ms. Hendry requested that serious consideration be given to providing funding for relocating the electric transmission lines underground in order to be able to remove the unsightly power towers.

Phillip Notis stated that he likes the new zoning, especially the proposed Village Extension (VE) zone. For one thing, it doesn't have arbitrary dimensional standards. Mr. Notis expressed hope that the zoning will be implemented.

Natalie West indicated support for the work that's been done and expressed appreciation for a change having been made, that she recommended, to allow live/work units on the ground floor in Mill Creek. The draft previously did not allow ground floor dwelling units along the principal streets. Ms. West explained that in live/work units, the working area is in front while the living space is in back with a rear entrance. They are ideal for entrepreneurs who in many cases are just starting out and do not have enough money to rent an apartment in addition to an office or commercial space. Such people are exactly who we are looking to attract to Mill Creek and Knightville.

Byron Castro, Knightville property owner, agreed with Mr. Notis that the VE zone is a good idea and that the proposed districts in general look good.

Rosemarie De Angelis wanted to reinforce the desirability of live/work units for the first floor. She has a student who wants to start a tailoring shop but can't afford a separate living unit. Ms. De Angelis thanked the Committee for their efforts.

I. Misiuk mentioned that he is the Affordable Housing Committee Chairman. He felt the no density limit is great but wondered about using a density bonus as a way to promote affordable housing. Mr. Misiuk also asked if the Committee had considered the idea that was discussed in his committee of eliminating off-street parking requirements.

T. Haeuser responded that housing affordability had not been a specific objective of the Master Plan, given the apparent difficulty of attracting investment to Mill Creek, but that if new housing can be created here it will indirectly help by creating more competition and increasing the number of units that subsidy holders can try to rent. Density bonus approaches still require trying to guess developers' financial tipping points, and the numbers are arbitrary and likely to be a constraint to redevelopment. In terms of parking, it does appear that at some point we need to let go of increasingly less relevant off-street parking requirements as long as caveat emptors are required for deeds and leases about South Portland's winter parking ban, but for now the Committee felt it was going to be sufficient to move from a minimum of 1.5 off-street parking spaces for multi-family units of any size to 1.0 for one-bedrooms and 0.75 for studios, as proposed.

T. Neff also thanked the Committee on how beautifully the amendments implement the Master Plan. In regard to the proposed lighting standards, Ms. Neff asked where they came from and what the definition of a foot candle is.

M. Eyerman replied that the standards came from a State handbook developed by a variety of environmental and business stakeholders. He wasn't sure exactly how to describe the quantity of light in a foot candle but provided a comparison of the lighting levels of different kinds of light fixtures.

K. Carr thanked the Committee members for all of their hard work and said that we are lucky to have so much expertise in the City. He indicated that he also likes the live/work inclusion.

W. Laidley remarked that density is not equivalent to quality of life and that it can be questionable how the extra revenue that density brings is spent. Increasing density can have negative impacts, and there is a fine line the City needs to walk in the coming years.

Attachments

1. Annotated version of *Mill Creek and Other Amendments without Benchmarking*, July 14, 2016.
2. Unannotated version of *Mill Creek and Other Amendments without Benchmarking*, July 14, 2016.
3. Existing Zoning Districts map.
4. Proposed Zoning Districts map.
5. Zoning Space & Bulk Comparison Matrix.

Revised July 14, 2016

Draft Amendments to Chapter 27 Zoning to Implement the Mill Creek Master Plan

Proposed additions to the ordinance are underlined;

Proposed deletions are ~~struck-out~~.

Revisions made as a result of the 6/14/16 Planning Board Workshop are highlighted.

1. Amend 27-404 Establishment of Zoning Districts to read as follows:

Sec. 27-401. Establishment of zoning districts.

To implement the provisions of this Chapter, the City of South Portland is hereby divided into the following classes of districts:

Residential Districts:

Rural Residential District RF.
Residential District AA.
Residential District A.
Residential District G.
Village Residential District VR.
Transitional Residential District RT.

~~Mixed Use/Commercial Districts:~~ ***Mixed Use/Commercial Districts:***

Limited Business District LB.
Village Commercial District VC.
Village Commercial - Willard District VCW.
Spring Point District SP.
Suburban Commercial District CS.
General Commercial District CG.
Professional Office District PO.
Transitional Central and Regional Commercial District
CCRT.

Comment [c1]: Changed to italic.

Central and Regional Commercial District CCR.

Commercial District C.

Main Street Community Commercial District MSCC |

Village Extension District VE

Broadway Corridor District BC

Mill Creek Core District MCC

Comment [c2]: Should have been added previously.

Comment [c3]: Three new Mill Creek districts added.

Industrial Districts:

Light Industrial District IL.

Shipyards District S

Industrial District I.

Nonresidential Industrial District INR.

Residential Conditional/Contract Zones

Conditional Residential Use District A-1.

Conditional Shipyards District S-1.

Conditional Residential Use District G-1.

Contract Residential District G-2.

Conditional Residential and Limited Commercial Use District G-3.

Mixed-Use, Commercial, Industrial Conditional/Contract Districts

Conditional Armory Zone CAZ.

Conditional Clark's Pond Central and Regional Commercial District CPCR.

Conditional Non-Residential Industrial Municipal Solid Waste Transfer District INR-MSW-1.

Shoreland Overlay Districts

Shoreland Area

- Shoreland Resource Protection Overlay Subdistrict SRP
- Stream Protection Overlay Subdistrict 1 SP-1.
- Stream Protection Overlay Subdistrict 2 SP-2.
- Stream Protection Overlay Subdistrict 3 SP-3.

2. Add new definition for Live/Work Unit as follows:

Live/Work Unit. A single unit (such as a studio, loft, or one-bedroom) consisting of both a residential space and a commercial/office component, with internal access between the residential and commercial/office spaces. The residential and commercial/office space must be occupied by the same tenant and shall be the primary residence of the tenant. Additionally, no portion of the live/work unit may be rented or sold separately.

Comment [c4]: We don't currently have a definition for live/work units, and it is proposed to allow such units in the new Mill Creek zones.

3. Add new sections 27-811 to 27-818 to establish a new Village Extension District to read as follows:

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.

Comment [c5]: See Mill Creek Master Plan p. 106 and proposed zoning map. The VE area currently is Village Commercial VC except for the small area at the corner of Broadway and Cottage which is in the LB and A zones.

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

Comment [c6]: VC is similar.

Comment [c7]: VC doesn't have this exception.

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, 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.

(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.

Comment [c8]: These would not be prohibited from the ground floor along streets.

Comment [c9]: VC just says nursing homes.

Comment [c10]: From the VR.

Comment [c11]: Same.

Comment [c12]: VC has hotels/motels.

Comment [c13]: Same as VC.

Comment [c14]: Hours same as VC. More prohibited types. VC allows drive-through.

Comment [c15]: Same.

Comment [c16]: Same except VC allows drive-through.

Comment [c17]: VC, from A, has "churches."

Comment [c18]: Not in VC.

Comment [c19]: Same except prohibition on crematories.

4. Public and private educational facilities, including child, adult, or combined day care centers.

Comment [c20]: Same.

5. Municipal buildings and uses.

Comment [c21]: Special exception in VC.

6. Charitable and philanthropic organizations.

Comment [c22]: Special exception in VC.

(e) Utility and related facilities:

1. Municipal uses, including pumping stations.

Comment [c23]: Special exception in VC.

(f) Other uses:

1. Accessory uses, including, but not limited to, accessory energy generation facilities.

Comment [c24]: This will change if the solar ordinance is adopted.

2. Multiple/mixed uses involving a combination of two or more permitted uses.

Comment [c25]: Similar in VC.

3. Studios for artists and craftspeople.

Comment [c26]: Not in VC.

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:

Comment [c27]: Same as in VC.

(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.

(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.

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

Maximum residential density: None.

Minimum building height for buildings constructed after August 1, 2016:

The greater of thirty (30) feet or three (3) habitable stories, except twenty (20) feet or two (2) habitable stories for a building on a lot with frontage on Broadway.

Maximum building height:

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

Comment [c28]: VC doesn't allow for-profit ones.

Comment [c29]: Not in VC. Used in MSCC.

Comment [c30]: Not in VC.

Comment [c31]: Not in VC.

Comment [c32]: Same.

Comment [c33]: VC is similar.

Comment [c34]: VC outside of Design District = sliding scale up to one unit per 3,500 square feet. In Design District = 24 units/acre.

Comment [c35]: VC in Design District = 24 feet.

Comment [c36]: VC in Design District = 50 feet. Outside = 35 feet.

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.

Minimum front yard setback: None, except fifteen (15) |
feet from a property line
abutting Broadway.

Comment [c37]: VC with frontage on principal streets = none. Otherwise = 15 feet.

Maximum front yard setback: 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.

Comment [c38]: Not in VC.

Minimum side yard
setbacks: None, except fifteen (15)
feet where the side yard |
abuts a residential zoning
district.

Comment [c39]: Same as in VC except minimum of 15' or 50% of building height, whichever is greater, where abuts a residential 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.

Comment [c40]: Same as in VC.

Minimum lot area:

None.

Comment [c41]: VC = 3,500 square feet.

Minimum street frontage:

None.

Comment [c42]: VC = 25 feet.

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.

Comment [c43]: Not in VC.

Maximum lot coverage:

Eighty (80) percent.

Comment [c44]: In VC max. building coverage = none.

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).

Comment [c45]: See Design Standards amendments.

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.

Comment [c46]: Same as in VC for principal streets.

Sec. 27-817. Signs (VE).

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

Comment [c47]: Same.

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.

Comment [c48]: Same.

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 two (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.

4. Add new sections 27-821 to 27-829 to establish a new Broadway Corridor District to

read as follows:

BROADWAY CORRIDOR DISTRICT BC

Sec. 27-821. Purpose (BC).

To accommodate a wide-range of uses while continuing to allow for auto-focused uses in a form that creates a transition to the more pedestrian focused, higher density development in the adjacent Mill Creek Core District.

Sec. 27-822. Permitted uses (BC).

(a) Residential uses

1. Live/work units including, but not limited to, artists residences with studio space.

(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. Provisions for drive-up or drive-through services are permitted in conjunction with a retail or service establishment only if the maximum number of transactions during the AM Peak Hour or PM Peak Hour is less than twenty (20). This use does not include outdoor sales and service, gasoline filling stations, junkyards, salvage operations, warehouse discount stores, pawn shops, and alternative financial establishments.
3. Personal and business services.
4. Restaurants and other places for the serving of food or beverages, provided that such facilities may not be open between the hours of 1:00 a.m. and 6:00 a.m. Provisions

Comment [c49]: See Mill Creek Master Plan p. 108 and proposed zoning map. The BC area currently is in the Limited Business LB zone.

Comment [c50]: Again, would be allowed on the ground floor as well as above.

Comment [c51]: LB permits hotels/motels.

Comment [c52]: Same as LB.

Comment [c53]: Hours same as in LB. LB does not have drive-through restrictions. More prohibited types here.

Comment [c54]: Same.

for drive-up or drive-through services are permitted in conjunction with a restaurant only if the maximum number of transactions during the AM Peak Hour or PM Peak Hour is less than twenty (20).

Comment [c55]: Same except LB doesn't have drive-through restrictions.

(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.

Comment [c56]: LB permits "churches."

Comment [c57]: Not in LB.

Comment [c58]: LB doesn't have prohibition on crematories.

Comment [c59]: Same.

Comment [c60]: Special exception in LB.

Comment [c61]: Special exception in LB.

(e) Utility and related facilities:

1. Municipal uses, including pumping stations.

Comment [c62]: Special exception in LB.

(f) Other uses:

1. Accessory uses, including, but not limited to, accessory energy generation facilities.
2. Multiple/mixed uses involving a combination of two or more permitted uses.
3. Studios for artists and craftspeople.

Comment [c63]: Will change if solar ordinance is adopted.

Comment [c64]: Same.

Comment [c65]: Not in LB.

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

(a) Commercial:

1. Outdoor sales, display and services, other than accessory uses as defined in Sec. 27-201, subject, in addition to

Comment [c66]: Same.

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.

(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 twenty thousand (20,000) 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.

Sec. 27-824. Space and bulk regulations (BC)

Maximum residential density: None.

Minimum building height for buildings constructed after August 1, 2016: The greater of twenty (20)

Comment [c67]: LB doesn't allow for-profit ones.

Comment [c68]: Not in LB.

Comment [c69]: Not in LB.

Comment [c70]: Not in LB.

Comment [c71]: Same.

Comment [c72]: Similar to LB.

Comment [c73]: In LB the space & bulk regs are those of the least restrictive adjoining residential zoning district. So all comments below are for non-residential uses in the LB.

Comment [c74]: LB = density of least restrictive adjoining residential zoning district.

	<u>feet or two (2) habitable stories.</u>	
<u>Maximum building height:</u>	<u>The lesser of fifty (50) feet or four (4) habitable stories, not including floors devoted primarily to parking.</u>	Comment [c76]: 35 feet.
<u>Minimum front yard setback:</u>	<u>Ten (10) feet.</u>	Comment [c77]: In LB none along principal streets; otherwise 15 feet.
<u>Maximum front yard setback:</u>	<u>Twenty (20) feet, except that 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.</u>	Comment [c78]: Not in LB.
<u>Minimum side yard setbacks:</u>	<u>None except fifteen (15) feet where the side yard abuts a residential zoning district.</u>	Comment [c79]: Same as in LB, except the greater of fifteen (15) feet or fifty percent (50%) of the building height where the side yard abuts a residential zoning district.
<u>Minimum rear yard setbacks:</u>	<u>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.</u>	Comment [c80]: Same.
<u>Minimum lot area</u>	<u>None.</u>	Comment [c81]: LB = 5,000 square feet, or 3,500 in the Knightville section of the zone.
<u>Minimum street frontage:</u>	<u>None.</u>	Comment [c82]: LB = 25 feet.

Maximum lot coverage: Eighty (80) percent.

Comment [c83]: In LB maximum building coverage = none.

Sec. 27-825. Design standards (BC).

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

Comment [c84]: See Design Standards amendments below.

Sec. 27-826. Additional development standards (BC).

Comment [c85]: Not in LB.

(a) Any drive-through service facility in the Broadway Corridor District must comply with the following additional standards:

1. Any point of customer service for the facility must be located on a side of the building that does not face a public street; and
2. The access lane(s) or exit lane(s) for the drive-through service facility must not pass between the front of the building and the front property line.

(b) The portion of the lot between the front wall of the building and the front property line shall be maintained as a landscaped area and/or as pedestrian space.

(c) A pedestrian connection shall be provided from the public sidewalk to the main customer or public entrance to the building.

(d) Where feasible, vehicular entrances from public streets shall be designed to provide access to more than one building.

(e) Where feasible, provisions shall be made to interconnect parking lots serving adjacent lots or buildings.

Sec. 27-827. Off-street parking (BC).

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

Comment [c86]: Same as in LB for principal streets.

front wall of the building extending the full width of the lot.

Sec. 27-828. Signs (BC).

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

Comment [c87]: Same.

Sec. 27-829. Site plan review (BC).

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.

Comment [c88]: Same.

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 two (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.

5. Add new sections 27-831 to 27-839 to establish a new Mill Creek Core District to read as follows:

MILL CREEK CORE DISTRICT MCC

Comment [c89]: See Mill Creek Master Plan p. 110 and proposed zoning map. The area proposed for the MCC currently is the Limited Business LB zone.

Sec. 27-831. Purpose (MCC).

To allow for and encourage the development of mixed-use, multistory buildings as Mill Creek evolves into a pedestrian focused, higher density more downtown-like area.

Sec. 27-832. Permitted uses (MCC).

(a) Residential uses

1. Attached single-family dwellings (townhouses), two-family dwellings, and multifamily dwellings only on lots for which E Street provides the closest street frontage.
2. Dwellings on the upper floors of a mixed-use building.
3. 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 property line of the street where the primary building entrance is located.
4. Live/work units including, but not limited to, artists residences with studio space.
5. Congregate care facilities, assisted living facilities, nursing homes, and similar facilities for the housing and care of senior citizens or people with disabilities.
6. Congregate housing individual unit ownership facilities.

(b) Accommodation services:

1. Bed & breakfast inns.
2. Hotels.

(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. Provisions for drive-up or drive-through services are permitted in

Comment [c90]: Unique to MCC.

Comment [c91]: LB allows ground floor units.

Comment [c92]: No restriction in LB.

Comment [c93]: Can be on the ground floor.

Comment [c94]: Limited to nursing homes in LB.

Comment [c95]: Not in LB.

Comment [c96]: Not in LB. Only hotels/motels.

Comment [c97]: Same.

Comment [c98]: Same except for drive-through restriction and MCC has more prohibited types.

conjunction with a retail or service establishment only as part of a Planned Development approved under the standards of Sec. 27-834. This use does not include outdoor sales and service, gasoline filling stations, junkyards, salvage operations, warehouse discount stores, pawn shops, and alternative financial establishments.

3. Personal and business services.

4. Restaurants and other places for the serving of food or beverages, provided that such facilities may not be open between the hours of 1:00 a.m. and 6:00 a.m. Provisions for drive-up or drive-through services are permitted in conjunction with a retail or service establishment only as part of a Planned Development approved under the standards of Sec. 27-834.

Comment [c99]: Same.

Comment [c100]: Same except for restriction on drive-through.

(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 but only as part of a Planned Development approved under the standards of Sec. 27-834.
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.

Comment [c101]: LB says "churches."

Comment [c102]: Not in LB.

Comment [c103]: Same except LB doesn't prohibit crematories.

Comment [c104]: Same.

Comment [c105]: Special exception in LB.

Comment [c106]: Special exception in LB.

(e) Utility and related facilities:

1. Municipal uses, including pumping stations.

Comment [c107]: Special exception i LB.

(f) Other uses:

1. Accessory uses, including, but not limited to, accessory

- energy generation facilities.
2. Multiple/mixed uses involving a combination of two or more permitted uses.
 3. Studios for artists and craftspeople.
 4. Fully enclosed facilities for light manufacturing or assembly activities only as part of a Planned Development approved under the standards of Sec. 27-834.

Comment [c108]: Will change if the solar ordinance is adopted.

Comment [c109]: Same.

Comment [c110]: Not in LB.

Comment [c111]: Not in LB.

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

(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. Retail stores and service establishments that are open to the public between the hours of 12:00 a.m. and 6:00 a.m. but only as part of a Planned Development.
3. Restaurants that are open to the public between the hours of 1:00 a.m. and 6:00 a.m. but only as part of a Planned Development.

Comment [c112]: Same.

Comment [c113]: Same except for restriction to Planned Development.

Comment [c114]: Same.

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

Minimum side yard setbacks:

None, except fifteen (15) feet where the side yard abuts a residential zoning district.

Comment [c125]: Same as in LB, except the greater of fifteen (15) feet or fifty percent (50%) of the building height where the side yard abuts a residential zoning 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.

Comment [c126]: Same.

Maximum building height:

The lesser of seventy-five (75) feet or five (5) habitable stories, not including floors devoted primarily to parking. 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.

Comment [c127]: LB = 35 feet.

Comment [c128]: The purpose here is to prevent taller buildings from being located close to the Knightville residences.

Maximum residential density: None.

Comment [c129]: LB = density of least restrictive adjoining residential zoning district.

(b) Basic Development Standards

The following additional standards apply to all development and use of property within the MCC District unless the property owner voluntarily elects to be regulated under the Planned Development provisions of subsection (c) rather than the Basic Development Standards of this subsection:

Minimum utilization of

primary frontage: A building or buildings shall fill at least sixty percent (60%) of the primary street frontage. 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.

Comment [c130]: Not in LB.

Maximum front yard setback: Fifteen (15) feet, except that 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. Where there is a permanent easement in existence as of August 1, 2016 that prevents a building from being located close to a street, the maximum setback shall be measured from the edge of the easement area.

Comment [c131]: Not in LB.

Minimum building height for buildings constructed after August 1, 2016: The greater of thirty (30) feet or three (3) habitable stories, except the greater of twenty (20) feet or two (2) habitable stories for the portion of any building located within seventy-five (75)

Comment [c132]: Not in LB.

feet of the E Street property line.

Maximum lot coverage: Eighty (80) percent.

(c) Planned Development

Recognizing that the evolution of Mill Creek into a pedestrian focused, higher density more downtown-like area will require collaboration between the City and property owners and developers, a property owner or developer may voluntarily elect to develop under the provisions of this subsection rather than the standards of subsection (b), Basic Development Standards, if the project involves the construction of a new building, the expansion of an existing building, or the renovation of at least fifty percent (50%) of the floor area of an existing building. A property owner who elects to develop under the Planned Development provisions may also request modifications to the standards of Sec. 27-835, Sec. 27-836, and Sec. 27-837 as part of the Master Development Plan. To utilize the provisions of this subsection, the property owner or developer must prepare a Master Development Plan that details the development proposal and demonstrates to the Planning Board that the proposal will be consistent with the City's vision and objectives for Mill Creek as set out in the Mill Creek Master Plan adopted by the City Council on August 6, 2015.

The proposed Master Development Plan must include, at a minimum, the following information:

1. A site plan and building plans providing the information required by the Site Plan Review requirements of Sec. 27-1424 and the Design Standards for Commercial and Neighborhood Activity Centers (Secs. 27-1572 through 27-1575).

2. A narrative and illustrations demonstrating how the Master Development Plan will be consistent with the City's vision for Mill Creek, and each of the following objectives, contained in the Mill Creek Master Plan:

(a) Make Mill Creek more of a pedestrian focused neighborhood by enhancing the ability of residents, shoppers, visitors, and employees to easily and safely move around the neighborhood on foot while improving the ability of people who live outside of Mill Creek to easily and safely walk and bike to the neighborhood.

Comment [c133]: In LB maximum building coverage = none.

Comment [c134]: Per Mill Creek Master Plan. See p. 112.

Comment [c135]: 27-835 = Design Standards (MCC); 27-836 = Additional Development Standards (MCC); and 27-837 = Off-Street Parking (MCC).

Comment [c136]: Mill Creek Master Plan p. 9.

(b) Establish Mill Creek as a distinct and special place with a clear identity, attractive gateways, and a high-quality visual environment so Mill Creek becomes a destination and a place where people want to spend time and live.

Comment [c137]: Mill Creek Master Plan p. 9.

(c) Make Mill Creek "greener" in both a physical and environmental sense with more green spaces, trees, landscaping and flowers, better connections between parks, and upgraded environmental conditions such as green, energy efficient buildings and improved stormwater management.

Comment [c138]: Mill Creek Master Plan p. 10.

(d) Increase the diversity and intensity of uses and activities in Mill Creek so that, over time, it becomes a true mixed-use downtown neighborhood with a variety of both commercial and residential uses with a focus on encouraging the development of multi-story, mixed-use buildings within a more pedestrian focused, urban environment.

Comment [c139]: Mill Creek Master Plan p. 10.

(e) Create a transition between Mill Creek and Knightville to protect Knightville's residential neighborhood (the letter streets) from the potential impacts of redevelopment of Mill Creek.

Comment [c140]: Mill Creek Master Plan p. 10.

(f) Minimize the potential impacts of increased flooding from storms and sea level rise on Mill Creek so that it can remain a viable and attractive area in which people want to live, visit, and invest.

Comment [c141]: Mill Creek Master Plan p. 10.

The Planning Board shall review the proposed Master Development Plan to determine if it is consistent with the City's vision for Mill Creek contained in the Mill Creek Master Plan and the six objectives set out above. If the Board determines that the proposed development plan is consistent with the vision and objectives, the project may be developed in accordance with the Master Development Plan. Any proposed changes to the project in the future will be required to conform to the Master Development Plan. If the Planning Board determines that the Master Development Plan is not consistent with the vision and objectives, the Basic Development Standards of subsection (b), together with the other applicable provisions of this district and Chapter 27, shall apply to the use and development of the property.

Sec. 27-835. Design standards (MCC).

All building construction or remodeling projects within the Mill Creek Core zoning district must comply with the Design Standards for Commercial and Neighborhood Activity Centers (Secs. 27-1572 through 27-1575), unless the project is approved as a Planned Development, in which case the provisions of the approved Master Development Plan shall apply.

Comment [c142]: See Design Standards amendments below.

Sec. 27-836. Additional development standards (MCC).

The following shall apply unless alternative provisions are specifically approved as part of a Master Development Plan for a Planned Development:

Comment [c143]: These additional standards all go beyond what is in the LB zoning rules.

(a) Any drive-through service facility in the Mill Creek Core District must comply with the following additional standards:

1. Any point of customer service for the facility must be located on a side of the building that does not face a public street, and

2. The access lane(s) or exit lane(s) for the drive-through service facility must not pass between the front of the building and the front property line.

(b) The portion of the lot between the front wall of the building and the front property line shall be maintained as a landscaped area and/or as pedestrian space. Where a permanent easement exists that prevents the building from being located close to the street, the Planning Board may allow alternative use of the space including the space within the easement area.

Comment [c144]: Such as the easement for the electrical transmission lines along Waterman Drive.

(c) A pedestrian connection shall be provided from the public sidewalk to the main customer or public entrance to the building.

(d) Any nonresidential use or activity that is located on a lot that has its principal street frontage on E Street between Q Street and D Street or that has its principal building entrance from E Street within this area shall be subject to the following limitations:

Comment [c145]: This again is an effort to limit impacts on Knightville residences.

(1) All nonresidential activity shall be limited to the hours between 7:00 a.m. and 9:00 p.m.

(2) Routine deliveries shall be limited to two-axle delivery vehicles such as step vans and box trucks.

Sec. 27-837. Off-street parking (MCC).

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 unless specifically approved as part of a Master Development Plan for a Planned Development.

Comment [c146]: Same as in LB.

Sec. 27-838. Signs (MCC).

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

Comment [c147]: Same as in LB.

Sec. 27-839. Site plan review (MCC).

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.

Comment [c148]: Same as in LB.

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 two (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.

6. Amend the Official Zoning Map to show the new Village Extension, Broadway Corridor, and Mill Creek Core Districts.

Comment [c149]: See the Existing and Proposed zoning maps.

7. Amend 27-1556 Off-street parking regulations to read as follows:

Sec. 27-1556. Off-street parking regulations.

(a) Off-street parking, either by means of open-air spaces, or by garage space, in addition to being a permitted use, shall be considered as an accessory use when required or provided to serve conforming uses located in any district. ~~The size of up to thirty three (33) percent of the required off-street parking spaces for non residential uses may be reduced from 9' X 18' for 90 degree parking to 8' X 16', provided that the smaller spaces will be reserved exclusively for employee parking and will be designated for "compact car" parking by appropriate signage.~~

Comment [c150]: This is a rearrangement for a more logical sequence of parking provisions. The language cut here is pasted in below.

~~The size of a required off street parking space to serve a single family detached dwelling or two family dwelling or for 90 degree parking for other residential uses may be reduced from 9' X 18' to 8' X 16', provided that the use of the parking space is restricted to a designated dwelling unit. This size reduction does not apply to common parking areas or lots in which each space is not assigned to a specific dwelling unit or to guest parking.~~

(b) Minimum parking dimensions.

Parking Angle	Stall Width	Stall Depth to Curb	Aisle Width	
			1 Way	2 Way
90°	9'	18'	24'	24'
60°	9'	21'	16'	n/a

45°	9'	19.5'	12'	n/a
90° handicap accessible	8'beside 5'aisle	18'	24'	24'
Parallel	8'	22' Parallel to Curb	n/a	n/a

The required stall depth to curb is the distance from the curb face to the back of the stall assuming that the bumper of a parked car does not extend beyond the curb face. In restricted locations, it can be assumed that the car will move forward until its tire contacts the curb. In these cases, the distance can be reduced by 1.8 feet for 45° parking and 2.2 feet for 60° parking.

The size of up to thirty-three (33) percent of the required off-street parking spaces for non-residential uses may be reduced from 9' X 18' for 90 degree parking to 8' X 16', provided that the smaller spaces will be reserved exclusively for employee parking and will be designated for "compact car" parking by appropriate signage.

The size of a required off-street parking space to serve a single-family detached dwelling or two-family dwelling or for 90 degree parking for other residential uses may be reduced from 9' X 18' to 8' X 16', provided that the use of the parking space is restricted to a designated dwelling unit. This size reduction does not apply to common parking areas or lots in which each space is not assigned to a specific dwelling unit or to guest parking.

Comment [c151]: These two paragraphs are pasted in from above.

~~(c) The Planning Board may reduce the number of off-street parking spaces required to be provided for any use by up to twenty five percent (25%) as part of a Post Construction Stormwater Management Plan if the applicant demonstrates 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 service or other alternative transportation that reduces the demand for on-site parking.~~ The following minimum off-street parking requirements shall be provided and maintained in case

Comment [c152]: Another rearrangement. This language is pasted in below.

of new construction, alterations and changes of use; except that, in the Main Street Community Commercial zoning district and in the District One/Knightville Design Review District section of the Village Commercial zoning district, the minimum number of required off-street parking spaces for office retail, service, and restaurant uses ~~— Sec. 27-1556(b) (4) a., b., and e., Sec. 27-1556(b) (5) and Sec. 27-1556(b) (6) —~~ shall be 50% of the amount otherwise indicated. In addition, the Planning Board may reduce the required off-street parking as provided in (1) or (2) below:

Comment [c153]: References not needed (and potentially a problem if the section numbers are ever changed.

(1) The Planning Board may reduce the number of off-street parking spaces required to be provided for any use by up to twenty-five percent (25%) as part of a Post-Construction Stormwater Management Plan if the applicant demonstrates 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 service or other alternative transportation that reduces the demand for on-site parking.

(2) The Planning Board may reduce the minimum number of required off-street parking spaces for office, retail, service, and restaurant uses by up to 50% of the amount otherwise required for uses in the Village Extension District and the Mill Creek Core District if the applicant demonstrates that the reduced 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 service or other alternative transportation that reduces the demand for on-site parking.

Comment [c154]: This carries over the 50% parking reduction allowance used in Knightville and Main Street but with a requirement for evidence that the parking demand can be met in other ways.

Required minimum off-street parking

(~~4~~3) For residential structures:

- a. Single-family detached: Two (2) parking spaces.
- b. Single-family attached: One and one-half (1 1/2) parking spaces.
- c. Multifamily (non-elderly): One and one-half (1 1/2) parking spaces per dwelling unit for units with more than one bedroom or more than eight hundred (800) square feet of floor area.
- d. Multifamily (non-elderly): One (1) parking space per dwelling unit for units with one bedroom or units with more than four hundred (400) square feet of floor area but less than eight hundred (800) square feet of floor area.
- e. Multifamily (non-elderly): Three quarters or seventy-five percent (75%) of a parking space per dwelling unit for units that do not have a separate bedroom or units with less than four hundred (400) square feet of floor area.
- f. Multifamily (elderly): one-half parking spaces per dwelling unit.

(~~3~~4) For tourist homes, motels, and inns, one parking space for each guest or sleeping room or suite, one additional space for the owner or manager and one additional space for each fifty (50) square feet of public assembly.

(~~3~~5) For hotels, one parking space for each two (2) guests or sleeping rooms, or suites, plus one additional space for each fifty (50) square feet of public assembly. For extended stay hotels, one parking space for each guest room.

(~~4~~6) For general retail:

- a. Personal services: Five (5) spaces per one thousand (1,000) square feet floor area.

Comment [c155]: Smaller units correlate with fewer cars per household.

- b. General retail: Five (5) spaces per one thousand (1,000) square feet floor area (see Note 1).
- c. Furniture/appliance/catalogue showrooms: Two and one-half (2 1/2) spaces per one thousand (1,000) square feet floor area.
- d. Shopping centers: Five (5) spaces per one thousand (1,000) square feet gross leasable floor area (see Note 1) (which gross leasable floor area shall be defined as excluding seventy-five (75) percent of the mall/concourse area or those portions of the mall concourse area not used for business purposes, whichever is smaller, and also excluding service corridors, utility rooms, mechanical rooms, non-selling mezzanine areas and loading docks); provided, however, in shopping centers which are required to have over one hundred (100) parking spaces, the Planning Board may permit a certain number of them, not to exceed one-third of the total required, to be designated for small or compact cars and to permit the parking stalls for such to be reduced to eight (8) feet by sixteen (16) feet.

Note 1: The Planning Board may reduce the number of parking spaces required to be provided for general retail uses to not less than four (4) spaces per one thousand (1,000) feet of floor area and for shopping centers to not less than four (4) spaces per one thousand (1,000) square feet of gross leasable area if the applicant demonstrates 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 service or other alternative transportation that reduces the demand for on-site parking.

(~~57~~) For office, professional or public buildings, having a floor area of over two thousand (2,000) square feet, one off-street parking space for each three hundred and fifty (350) square feet of floor area exclusive of areas used

for storage.

- (~~68~~) For restaurants, tearooms, lunch counters or the like, one parking space for each three (3) employees, plus one additional space for each four (4) patrons accommodated at tables or counters; provided, however, lounges or lounge areas within restaurants must have one additional parking space per one hundred (100) square feet of lounge area.
- (~~79~~) For industrial uses, parking facilities on the basis of one parking space per four hundred (400) square feet of floor area, exclusive of storage space and other space not used for office, research, development or productive purposes, but in no case less than one space for each two (2) employees. The requirement based upon square footage of floor area may be reduced if it can be clearly shown that the type of use does not justify the requirement. Such reduction may not be below the requirement of one space for each two (2) employees.
- (~~810~~) For auditoriums, stadiums, sports arenas or similar uses, one parking space for each six (6) seats plus one additional space for each two (2) employees thereof. Where individual seats are not provided, each twenty (20) inches of benches or other similar seating, or eight (8) square feet of seating or standing space shall be considered as one seat for the purpose of determining requirements thereof.
- (~~911~~) For theaters, one parking space for each six (6) seats plus one space for each two (2) employees.
- (~~1012~~) For schools, one parking space for each two (2) employees including teachers and administrators plus sufficient off-street space for the safe and convenient loading and unloading of students, plus one space for each ten (10) persons seated in public assembly rooms.
- (~~1113~~) For airports, railroad passenger stations, bus depots, or other passenger terminal facilities, parking space adequate for employees, for the loading and unloading of passengers and for spectators, visitors and others.
- (~~1214~~) For hospitals, sanitariums, assisted living facilities, and nursing or convalescent homes, one

parking space for each four (4) patient beds (excluding bassinets) plus one space for each staff or visiting doctor and one space for each three employees including nurses. Loading and unloading space for hospital ambulances and similar vehicles shall not be included in the spaces required herein.

~~(1315)~~ For medical or dental clinics, two (2) parking spaces per doctor engaged at the clinic, plus one additional space for every two (2) employees. For medical marijuana dispensaries, five (5) spaces per one thousand (1,000) square feet total floor area, plus one additional space for every two (2) employees.

~~(1416)~~ For mortuaries or funeral homes, one parking space for each hearse or service vehicle, one space for each family or individual resident on the premises, plus additional spaces equal in number to one space for each one hundred (100) square feet of public area within the building.

~~(1517)~~ For welfare institutions such as asylums, homes for aged, orphanages, etc., one parking space for each staff or visiting doctor, one additional space for each two (2) employees, plus one space for each ten (10) residents.

~~(1618)~~ For community centers, libraries, museums, civic clubs and similar uses, one parking space for every two (2) employees plus one space for each one hundred fifty (150) square feet of public area in the building.

~~(1719)~~ For dance halls, one space for each one hundred (100) square feet of dance floor area plus one space for each two (2) employees.

~~(1820)~~ For bowling alleys, three (3) parking spaces for each alley, plus one space for each two (2) employees.

~~(1921)~~ For convention halls, gymnasiums, parks, racetracks, skating rinks and similar uses, parking spaces equal in number to at least one space for each two (2) employees and one space for each six (6) seats or other unit of capacity.

~~(2022)~~ For any and all uses or structures not specifically provided for in the foregoing enumeration, it shall be

the burden of the applicant to demonstrate to the Code Enforcement Officer, or to the Planning Board if Planning Board approval is otherwise required, that the applicant can provide such parking as shall be necessary to eliminate the necessity for parking on public streets, unless otherwise indicated.

(~~d~~e) Required off-street parking in all districts shall be located on the same lot as the principal building or use except that the Board of Appeals or the Planning Board for projects that require Planning Board review may authorize residential off-street parking to be located within ~~three one thousand five~~ hundred (~~1,500-300~~) feet of the lot on which the principal residential use ~~is located~~, measured along lines of public access, where it cannot reasonably be provided on the same lot. Such parking areas shall be held under the same ownership or lease as the residential uses served and evidence of such control or lease shall be required. In cases in which off-street parking is provided upon leased land, the Building Inspector shall not issue a certificate of use and occupancy for such premises valid for a period longer than the duration of such lease.

Comment [c156]: Increases the distance allowed for residential off-street parking on a different lot.

(~~e~~a) Required off-street parking in all business and industrial zones shall be located on the same lot with the principal building or use, or within one thousand five hundred (1,500) feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the Board of Appeals or the Planning Board for projects that require Planning Board review may permit such off-street parking to be located a reasonable distance from the principal building or use, measured along lines of public access, if the premises to be used for parking are held under the same ownership or lease. Evidence of such control or lease shall be required and such lots shall be located within business or industrial districts.

Comment [c157]: Same as above, for business and industrial zones.

(~~e~~f) Required off-street parking in all business and industrial zones may be substituted by municipal parking facilities, including public parking lots and garages and also on-street public parking spaces. Such substitution shall be shown to be representative of the off-street parking turnover or requirements of the particular business or industry in question and shall take into consideration the needs of other businesses with similar demands upon such public space. No such public parking spaces shall be considered as a substitute unless located within five hundred (500) feet of the principal

building as measured along lines of public access. ~~(Reserved for older built-up areas)~~

Comment [c158]: A nonsensical provision long in need of deletion.

(g~~f~~) Where off-street parking for more than six (6) vehicles is required or provided on a lot in a residence zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:

(1) A continuous guard curb, rectangular in cross section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street or lot line between such off-street parking and that part of the street or lot line involved ~~or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or line involved, either above or below the impact surface.~~

Comment [c159]: Not needed.

(2) Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a residence zone, ~~appropriate landscaping or other buffering a chain link, picket or sapling fence, not less than forty eight (48) inches in height,~~ shall be provided and maintained between such off-street parking and that part of the lot line involved.

Comment [c160]: Old language long in need of change.

(h~~g~~) Where off-street parking for more than six (6) vehicles is required or provided on a lot in any business zone, the following requirements shall be met:

(1) Where vehicles are to be or may be parked within ten (10) feet of any street line, a continuous guard curb, rectangular in cross section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved ~~or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street~~

Comment [c161]: Not needed.

~~or line involved, either above or below the impact surface.~~

- (2) Where such off-street parking shall abut a lot in a residence zone or a lot in residential use, ~~appropriate landscaping or other buffering a chain link, picket or sapling fence, not less than forty eight (48) inches in height,~~ shall be provided and maintained between such off-street parking and that part of the lot line involved.

Comment [c162]: See above.

(i~~h~~) Where off-street parking for more than six (6) vehicles is required or provided, the following construction requirements shall apply:

- (1) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the Municipal Engineer. When access to parking areas is available from more than one street, ingress and egress to and from the lot shall have the approval of the Planning Board.
- (2) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted and with a wearing surface equivalent in qualities of compaction and durability to fine gravel.
- (3) A system of surface drainage shall be provided in such a way that the water runoff shall not be detrimental to the public health, safety, and welfare.
- (4) Where artificial lighting is provided, it shall be shaded or screened so that no light source shall be visible from outside the area and its access driveways.

(j~~±~~) The Board of Appeals may, in specific cases of hardship, reduce the requirements for off-street parking where it is clearly demonstrated that such reduction will not detract from neighborhood values, inconvenience the public, or increase congestion in the streets.

(k~~±~~) The Board of Appeals, or the Planning Board for projects that require Planning Board review, may approve the joint use of a parking facility by two (2) or more principal buildings or

uses where it is clearly demonstrated that said parking facility will substantially meet the intent of the requirements by reasons of variation in the probable time of maximum use by patrons or employees among such establishments.

(1*) The following landscaping requirements shall apply:

- (1) Where an off-street parking lot is required under the terms of this Chapter to contain more than twenty (20) but fewer than one hundred twenty-five (125) parking spaces, five (5) percent of the total parking area, including maneuvering areas but not including access roads which are not a part of the parking area itself, shall be landscaped and maintained with trees, shrubs, and other natural vegetation, in a manner approved by the Planning Board.
- (2) Where an off-street parking lot is required under the terms of this Chapter to contain one hundred twenty-five (125) or more parking spaces, five (5) percent of the total parking area, including maneuvering areas but not including access roads which are not a part of the parking area itself, shall be landscaped and maintained with trees, shrubs, and other natural vegetation, according to a plan prepared by a Maine licensed landscape architect and approved by the Planning Board.
- (3) Where an off-street parking lot is required under the terms of this Chapter to contain more than twenty (20) parking spaces, a landscaped strip at least six (6) feet wide shall be provided wherever said parking lot abuts a public way, in addition to any landscaped area required under paragraphs (1) and (2) above.
- (4) To insure that landscape materials do not constitute a driving hazard, a "sight triangle" shall be required at all street intersections or intersections of driveways with streets, as follows:
 - a. At intersections of driveways with streets, the sight triangle shall be formed by the intersection of each side of the driveway and the street's right-of-way line, with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third line connecting the ends of the two (2) other sides.

- b. At street intersections, the sight triangle shall be formed by the intersection of two (2) or more street rights-of-way, with two (2) sides of the triangle being thirty (30) feet in length along the abutting right-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two (2) lines.

Within these sight triangles, no landscape materials, except grass or groundcover, shall be permitted.

- (5) The Planning Board may permit a portion of the parking area and maneuvering areas required under the terms of this Chapter, but in no event to exceed fifty (50) percent of said requirement, to be dedicated as "Reserved for Parking" but in fact to remain in its natural state until such time, if ever, as the Planning Board determines that existing traffic problems, congestion or public safety require said reserved area to be developed for parking. For the purposes of complying with the landscaping requirements of paragraphs (1) and (2) above, the five (5) percent landscaping requirement for parking areas shall apply only to such parking area as has been in fact developed pursuant to directions of the Planning Board.

8. Amend Sec. 27-1567. Applicability in the Design Standards for Village Downtowns to read:

Sec. 27-1567. Applicability.

Except as otherwise indicated, the design standards apply to all building construction or remodeling projects requiring Planning Board or site plan approval within the following Design Review District(s). Where such a project is associated with an existing building, such as an addition or partial remodeling, the design standards in this Article apply only to the new construction or the part of the building being remodeled.

A. District One: Knightville

1. Location: Lots with frontage on Ocean Street north of ~~Market Street/Hineckley E Street and lots with frontage on Cottage Road north of Thomas Street~~. In addition, lots in the Village Commercial VC zoning district with frontage on Waterman Drive.

Comment [c163]: Here are the Design Standards amendments.

Comment [c164]: The Mill Creek Master Plan proposes that new development in the area be subject to design standards to assure that it is well-designed. Rather than create separate standards for the Mill Creek districts, the amendments revise the recently adopted design standards for Neighborhood Activity Centers to make them applicable to the new districts (see Amendments 7 - 12). The amendments also add additional standards for mid-rise buildings with four or more habitable stories.

Comment [c165]: The deleted areas are picked up below with the inclusion of the VE, BC, and MCC in the Design Standards for Commercial and Neighborhood Activity Centers.

9. Amend the title ~~Design Standards for Neighborhood Activity Centers~~ to be Design Standards for Commercial and Neighborhood Activity Centers

10. Amend Sec. 27-1573 Applicability under the renamed Standards for Commercial and Neighborhood Activity Centers to read:

Sec. 27-1573. Applicability.

These design standards apply to all building construction or remodeling projects affecting the exterior of buildings within the following zoning districts that require a special exception, site plan, or subdivision approval and/or a non-single family dwelling unit building permit:

- The Village Commercial-Willard VCW Zoning District
- The Main Street Community Commercial MSCC Zoning District
- The Village Extension VE Zoning District
- The Broadway Corridor BC Zoning District

In addition, all building construction or remodeling projects affecting the exterior of buildings in the Mill Creek Core (MCC) Zoning District that require a special exception, site plan, or subdivision approval and/or a non-single family dwelling unit building permit that are not being done under the Planned Development requirements are subject to these design standards. While projects in the MCC District that are done under the Planned Development requirements are not subject to the provisions, it is required that these provisions be incorporated into the Master Development Plan for the Planned Development as appropriate.

Where such a project is associated with an existing building, such as an addition or partial remodeling, these design standards apply only to the new construction or the part of the building being remodeled, except that modifications to the existing structure are required as necessary to achieve a harmonious integration of design with the new construction in terms of building materials, exterior colors, and architectural features. The old and new elements do not have to be the same but must be combined in a way that supports a unified design for the building as a whole.

Comment [c166]: It looks like the MCC zone is missing from the bulleted list above, but this is where it is included and addressed.

Comment [c167]: This addresses a concern raised at the April 14 public forum.

11. Amend Subsection (a) in Sec. 27-1574 Process for Review/Application Materials under the renamed Standards for Commercial and Neighborhood Activity Centers to read:

Comment [c168]: This is still part of the Design Standards amendments.

Sec. 27-1574. Process for Review/Application Materials.

(a) No application for a non-single family dwelling unit building permit, special exception, site plan, or subdivision approval within ~~the Village Commercial Willard VCW~~ a zoning district where these standards apply shall be finally approved until the applicant has received a positive finding, to be documented in the form of a Design Standard Certificate, from the Planning Board or Code Enforcement Officer, as applicable, that the project complies with these design standards.

12. Amend the introductory sentence in Sec. 27-1575 Review Standards under the renamed Standards for Commercial and Neighborhood Activity Centers to read:

Sec. 27-1575. Review Standards.

Construction activities ~~is~~ subject to the Commercial and Neighborhood Activity Center design requirements shall meet the following design standards:

13. Create a new Sec. 27-1576 Review Standards for Midrise Buildings under the renamed Standards for Commercial and Neighborhood Activity Centers to read:

Sec. 27-1576. Review Standards for Midrise Buildings.

Comment [c169]: Needed due to taller buildings being allowed in the three new zones. These come from researching a variety of design standards from other cities.

In addition to the standards of Sec. 27-1575, construction activities involving midrise buildings with four (4) or more habitable stories shall conform to the following design standards:

(a) Mid-rise buildings can appear more solid than transparent due to structural requirements, cost factors, and the need for privacy in certain portions of the building. The massing and façades should strike a balance between solid and transparent treatment. The material and detailing choices shall support the overall style being proposed.

Highly reflective or very dark glass curtain wall systems or fenestration are not permitted.

Comment [c170]: Fenestration = windows and doors.

(b) The massing and design of mid-rise buildings shall be sensitive to the scale of nearby buildings and carefully address the transition to lower height structures that may exist or be anticipated on the same block or on adjacent blocks.

(c) Mixed-use buildings should differentiate architecturally between their ground-floor activities and the uses on upper floors. For example, fenestration and exterior materials could be different for a ground-floor retail use than for hotel, residential or office uses above.

(d) Projects shall integrate transit amenities such as bus shelters and seating as appropriate.

(e) The exterior of buildings shall incorporate a base, middle, and cap described as follows:

(1) The base portion of the exterior shall include an entryway with transparent windows and a molding or reveal placed between the first and second stories or over the second story. The molding or reveal shall have a depth of at least 2 inches and a height of at least 4 inches.

Comment [c171]: Molding = decorative recessed or relieved surface.

Comment [c172]: Reveal = the side of an opening (as for a window) between a frame and the outer surface of a wall.

(2) The middle portion of the exterior may include windows and/or balconies. Balconies shall be transparent and composed of either metal railing or glass guardrail systems.

(3) The cap shall include the area from the top floor to the roof of the building and shall include a cornice or roof overhang.

Comment [c173]: Cornice = A top course that crowns a wall or a projecting horizontal member that crowns an architectural composition.

(f) Sec. 27-1575(d) (3) notwithstanding, acceptable materials include architectural concrete or precast concrete panels, stone, curtain wall and heavy gauge metal panel, and brick. Concrete masonry units shall have a ground face and

be burnished and/or honed so that the aggregate is visible.

Comment [c174]: Burnished and honed = polished so you can see stone aggregate in the concrete finish; not a monotone concrete finish.

(g) All street-level retail uses with sidewalk frontage shall be provided with an individual entrance and direct pedestrian access to the sidewalk in addition to any other pedestrian access that may be provided.

14. Create a new Sec. 27-1590 Exterior Lighting that reads:

EXTERIOR LIGHTING

Comment [c175]: These amendments come from wanting to mitigate any potential lighting impacts from the three new zones. As they are needed for the rest of the community as well, they were made to be applicable city-wide.

Sec. 27-1590. General Standards for Exterior Lighting

(a) Effective August 1, 2016, all new or revised outdoor lighting that are part of projects requiring Planning Board approval must be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort and may not cause glare beyond the limits of the property boundaries including the street rights-of-way.

Comment [c176]: Applies to projects that need Planning Board approval.

(b) Lighting fixtures mounted on masts or poles must be full cut-off fixtures except for period or historical fixtures meeting the provisions of subsection (g).

(c) Flood lighting or other directional lighting may be used for supplemental illumination of sales or storage areas provided that the flood lights are installed no higher than fifteen (15) feet above ground level, are aimed to avoid the source of the light being seen from adjacent streets or properties, and meet the illumination standards of this section. The Code Enforcement Officer or his/her designee has the right to inspect the completed lighting installation and, if flood lights are used, to require that the flood lights be re-aimed or fitted with face louvers if necessary to control direct brightness or glare.

(d) Except for ornamental lighting fixtures that utilize lamps with initial lumen ratings of 8,500 lumens or less, wall mounted building lights must include full face shielding consisting of either a solid panel or full face louvers. Exposed lamps, reflectors or refractors may not be visible from any part of the fixture except the bottom, light emitting surface.

(e) Lighting fixtures located on or within canopies must be full cut-off luminaires or be mounted so that the luminaire or lens, whichever is lower, does not project below the bottom of the canopy surface. The lighting installed beneath the canopy must be pointed downward and be substantially confined to the ground surface directly under the canopy. The level of lighting beyond the perimeter of the canopy must be consistent with the standards for parking areas. The sides and top of the canopy shall not be illuminated.

(f) Lighting fixtures must be mounted at the lowest level that allows reasonable compliance with IESNA recommended practices and the provisions of this section. The maximum light fixture height shall be twenty-four (24) feet in the MCC and VE Districts.

Comment [c177]: IESNA = Illuminating Engineering Society of North America.

(g) Period or historical fixtures that do not meet the requirements of this section may be used as an alternative to cutoff fixtures provided the maximum initial lumens generated by each fixture does not exceed 2,000. The maximum initial lumens for metal halide lamps may be increased to 8,500 if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors. The mounting height of period or historical fixtures may not exceed twelve (12) feet above the adjacent ground.

(h) Parking lot or other freestanding site lighting in the MCC District or VE District shall be visually compatible with the City's standard street lighting fixture for the Mill Creek and Knightville neighborhoods.

(i) An average to minimum illumination uniformity ratio of 6:1 or better must be maintained for parking lots and pedestrian areas. In other areas, the uniformity ration must be consistent with IESNA recommended practices and be compatible with the overall lighting of the project and be specifically approved by the Planning Board.

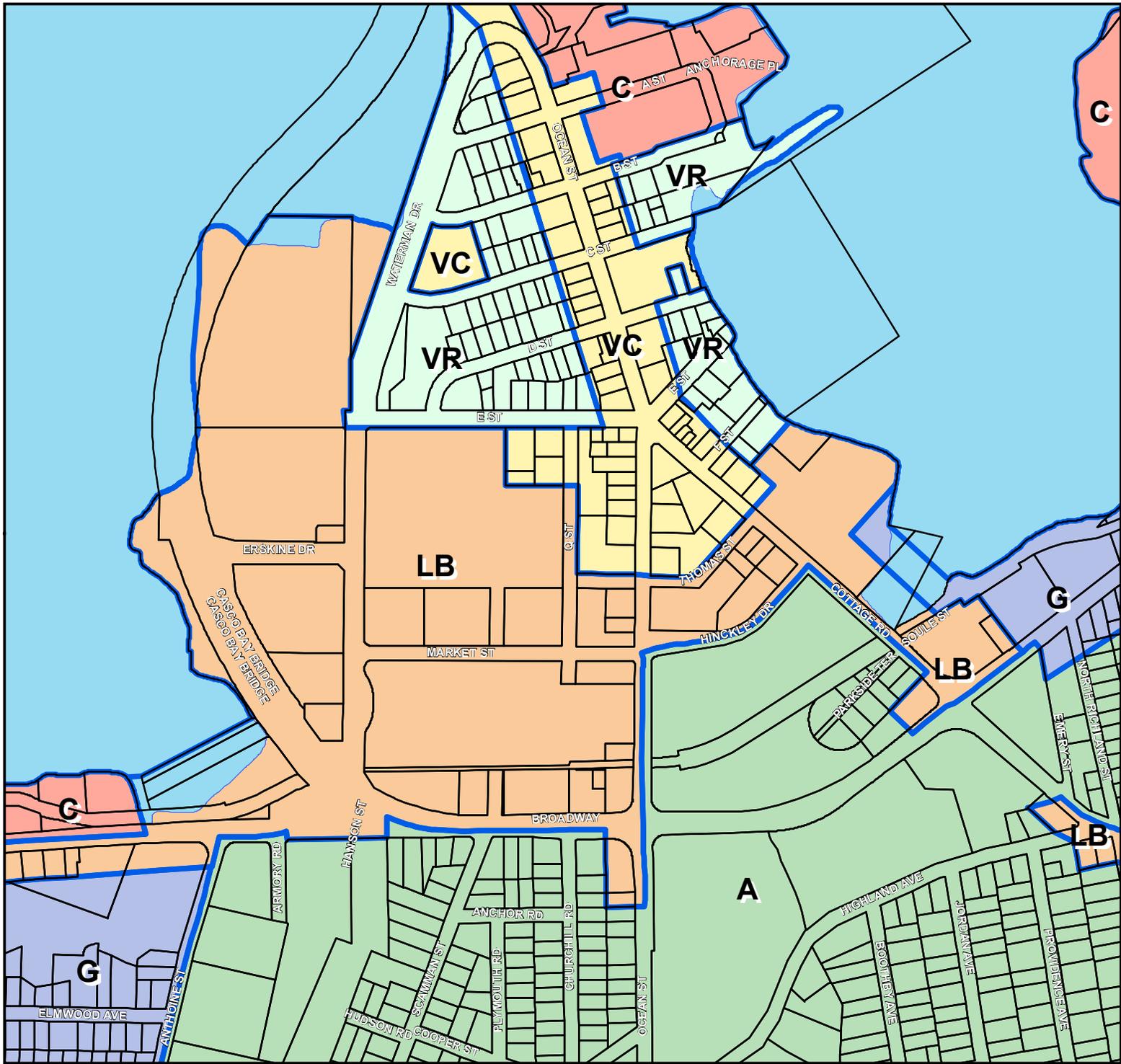
(j) Average lighting levels must not exceed the following standards. For areas not listed, the Planning Board shall determine the appropriate standard based on IESNA recommended practices:

<u>Location</u>	<u>Footcandles</u>
-----------------	--------------------

<u>At building entries</u>	<u>5.0</u>
<u>At loading areas for a commercial or industrial use</u>	<u>10.0</u>
<u>In parking areas for a multifamily residential use</u>	<u>3.0</u>
<u>In parking areas for a nonresidential use</u>	<u>5.0</u>
<u>Along sidewalks and other pedestrian facilities and areas</u>	<u>3.0</u>
<u>Under service station canopies</u>	<u>10.0</u>
<u>In general storage areas for commercial and industrial uses</u>	<u>8.0</u>
<u>In vehicle sales and display areas</u>	<u>10.0</u>

(k) Lighting in all parking areas and along sidewalks and other pedestrian walkways must meet or exceed the following minimum color rendering index:

<u>District</u>	<u>Minimum CRI</u>
<u>Residential and Conditional/Contract Residential Districts</u>	<u>60</u>
<u>Mixed-Use and Conditional/Contract Mixed Use Districts including LB, VC, VCW, SP, PO, MSCC, VE, BC, and MCC</u>	<u>60</u>
<u>Commercial and Conditional/Contract Commercial Districts including CS, CG, CCRT, CCR, and C</u>	<u>20</u>
<u>Industrial and Conditional/Contract Industrial Districts</u>	<u>20</u>



EXISTING ZONING DISTRICTS

Residential Districts

- Rural Residential District (RF)
- Residential District (AA)
- Residential District (A)
- Residential District (G)
- Village Residential District (VR)
- Transitional Residential District (RT)

Mixed Use/Commercial Districts

- Limited Business District (LB)
- Village Commercial District (VC)

Mixed Use/Commercial Districts (cont.)

- Village Commercial-Willard District (VCW)
- Spring Point District (SP)
- Suburban Commercial District (CS)
- General Commercial District (CG)
- Professional Office District (PO)
- Transitional Central & Regional Commercial District (CCRT)
- Central and Regional Commercial District (CCR)
- Commercial District (C)
- Main Street Community Commercial (MSCC)

Industrial Districts

- Light Industrial District (IL)
- Shipyard District (S)
- Industrial District (I)
- Non-Residential Industrial District (INR)

Residential Conditional/Contract Districts

- Conditional Residential District (A-1)
- Conditional Shipyard District (S-1)
- Conditional Residential District (G-1)
- Conditional Residential District (G-2)

- Conditional Residential & Limited Commercial Use District (G-3)
- Conditional Residential District (G-4)
- Conditional Armory Zone (CAZ)

Mixed Use, Commercial, Industrial Conditional/Contract Districts

- Conditional Clark's Pond Central and Regional Commercial District (CPCCR)
- Conditional Non-Residential Industrial Municipal Solid Waste Transfer District (INR-MSW-1)

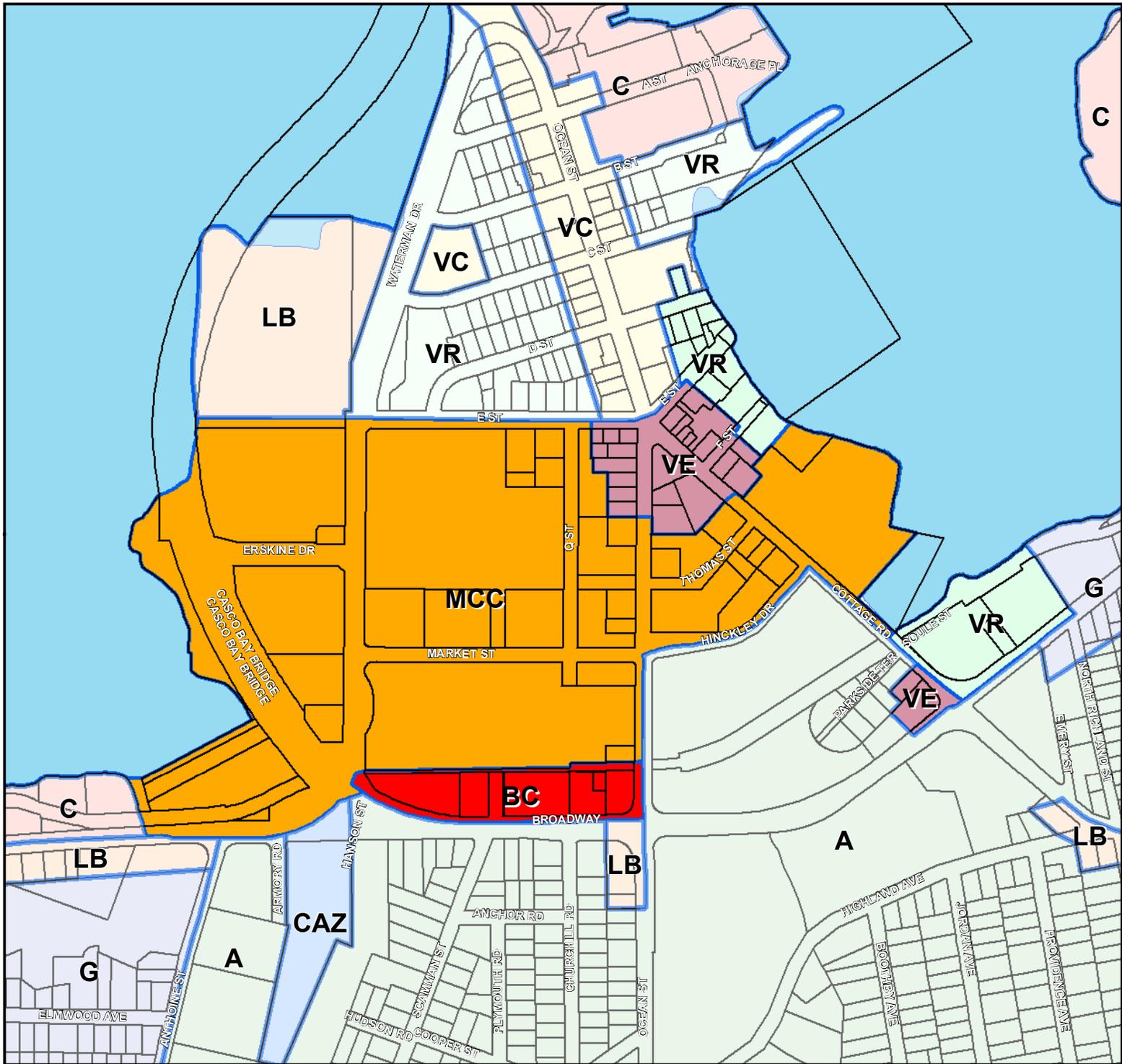
OFFICIAL ZONING MAP OF THE CITY SOUTH PORTLAND
 Prepared by the Planning Department using GIS Mapping and Analysis
 Adopted by the City Council on October 4, 2010
 Amended by the City Council on July 6, 2011
 Amended by the City Council on June 6, 2012
 Amended by the City Council on March 23, 2014
 Amended by the City Council on May 10, 2014
 Amended by the City Council on February 18, 2015
 Amended by the City Council on February 26, 2015
 Amended by the City Council on May 4, 2015
 Amended by the City Council on August 3, 2015

The official copy of the Zoning Map shall be the map that bears the certification that it is true and correct and the attested or confirmed signature of the City Clerk.

September 8, 2015

0 50 100 200 300 400
 Feet





ZONING DISTRICTS

Residential Districts

- Rural Residential District (RF)
- Residential District (AA)
- Residential District (A)
- Residential District (G)
- Village Residential District (VR)
- Transitional Residential District (RT)

Mixed Use/Commercial Districts

- Limited Business District (LB)
- Village Commercial District (VC)

Mixed Use/Commercial Districts (cont.)

- Village Commercial-Willard District (VCW)
- Spring Point District (SP)
- Suburban Commercial District (CS)
- General Commercial District (CG)
- Professional Office District (PO)
- Transitional Central & Regional Commercial District (CCRT)
- Central and Regional Commercial District (CCR)
- Commercial District (C)
- Main Street Community Commercial (MSCC)

Proposed Mixed Use/Commercial Districts

- Broadway Corridor District (BC)
- Mill Creek Core District (MCC)
- Village Extension District (VE)

Industrial Districts

- Light Industrial District (IL)
- Shipyard District (S)
- Industrial District (I)
- Non-Residential Industrial District (INR)

Residential Conditional/Contract Districts

- Conditional Residential District (A-1)
- Conditional Shipyard District (S-1)
- Conditional Residential District (G-1)
- Conditional Residential District (G-2)
- Conditional Residential & Limited Commercial Use District (G-3)
- Conditional Residential District (G-4)
- Conditional Armory Zone (CAZ)

Mixed Use, Commercial, Industrial Conditional/Contract Districts

- Conditional Clark's Pond Central and Regional Commercial District (CPCCR)
- Conditional Non-Residential Industrial Municipal Solid Waste Transfer District (INR-MSW-1)

OFFICIAL ZONING MAP OF THE CITY OF SOUTH PORTLAND
Revised by the Planning and Zoning Commission on August 2, 2016
 Adopted by the City Council on October 2, 2010
 Amended by the City Council on July 2, 2011
 Amended by the City Council on May 4, 2012
 Amended by the City Council on May 13, 2014
 Amended by the City Council on May 19, 2014
 Amended by the City Council on February 20, 2015
 Amended by the City Council on May 4, 2015
 Amended by the City Council on August 2, 2015

The official copy of the Zoning Map shall be the map located in the office of the City Clerk and the official seal of the City Clerk.



PROPOSED MILL CREEK ZONING MAP CHANGES

COSP PLANNING MARCH 15, 2016



SPACE & BULK STANDARDS FOR PROPOSED MILL CREEK ZONES AND THE CURRENT ZONES THEY WOULD REPLACE

<i>Space & Bulk Standards</i>	Residential A	Limited Business LB—Non-Res ¹	Village Commercial VC—Non-Residential	VC—Residential—Not Knightville Design District		VC—Residential—In Knightville Design District	Village Extension VE	Broadway Corridor BC	Mill Creek Core MCC-BS	Mill Creek Core MCC-BDS
Maximum net residential density	Four (4) dwelling units per net residential acre	---	---	Lot Area (sq. ft.)	Number of Residential Units Permitted	Twenty-four (24) dwelling units per net residential acre.	<u>None</u>	<u>None</u>	<u>None</u>	---
				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;					
Minimum lot area	Twelve thousand five hundred (12,500) square feet	Five thousand (5,000) square feet. Except that, other provisions of the Code notwithstanding, in the Knightville section of the VC zoning district, the minimum lot size is 3,500 sq. ft.	3,500 sq. ft.	3,500 sq. ft.		3,500 sq. ft.	<u>None</u>	<u>None</u>	<u>None</u>	---
Minimum area per family	Ten thousand (10,000) square feet	---	---	---		---	---	---	---	---
Minimum street frontage	Seventy-five (75) feet	Twenty-five (25) feet	Twenty-five (25) feet	Twenty-five (25) feet		Twenty-five (25) feet	<u>None</u>	<u>None</u>	<u>None</u>	---
<u>Minimum utilization of primary frontage</u>	---	---	---	---		---	<u>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</u>	---	---	<u>A building or buildings shall fill at least sixty percent (60%) of the primary street frontage. 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</u>

¹ The space and bulk requirements for residential uses shall be those of the least restricted residential district adjoining the district in which the property is located.

Space & Bulk Standards	Residential A	Limited Business LB—Non-Res¹	Village Commercial VC—Non-Residential	VC—Residential—Not Knightville Design District	VC—Residential—In Knightville Design District	Village Extension VE	Broadway Corridor BC	Mill Creek Core MCC-BS	Mill Creek Core MCC-BDS
						<u>access to the lot without the necessity of a variance from the Board of Appeals.</u>			<u>variance from the Board of Appeals.</u>
Minimum front yard, all buildings	Twenty (20) feet	---	---	---	---	<u>None, except fifteen (15) feet from a property line abutting Broadway.</u>	<u>Ten (10) feet</u>	<u>None except ten (10) feet from a property line abutting E Street.</u>	---
Minimum front yards, lots north of Broadway with frontage on Ocean Street or Cottage Road	---	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, lots north of Broadway with frontage on Ocean	---	---	No minimum front yard required. For construction after December 27, 1998 of	Same as for VC—Non-Res	Same as for VC—Non-Res	---	---	---	---

Space & Bulk Standards	Residential A	Limited Business LB—Non-Res¹	Village Commercial VC—Non-Residential	VC—Residential—Not Knightville Design District	VC—Residential—In Knightville Design District	Village Extension VE	Broadway Corridor BC	Mill Creek Core MCC-BS	Mill Creek Core MCC-BDS
Street, Cottage Road or Waterman Drive			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 LB District	---	Fifteen (15) feet	---	---	---	---	---	---	---
Minimum front yards, remainder of VC District	---	---	Fifteen (15) feet	Same as VC—Non-Res	Same as VC—Non-Res	---	---	---	---
Maximum front yard setback	---	---	---	---	---	<u>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</u>	<u>Twenty (20) feet, except that up to forty percent (40%) of the width of the front façade of the building may be set back further than the maximum</u>	---	<u>Fifteen (15) feet, except that up to forty percent (40%) of the width of the front façade of the building may be set back further than the maximum</u>

Space & Bulk Standards	Residential A	Limited Business LB—Non-Res¹	Village Commercial VC—Non-Residential	VC—Residential—Not Knightville Design District	VC—Residential—In Knightville Design District	Village Extension VE	Broadway Corridor BC	Mill Creek Core MCC-BS	Mill Creek Core MCC-BDS
						<u>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.</u>	<u>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.</u>		<u>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. Where there is a permanent easement in existence as of August 1, 2016 that prevents a building from being located close to a street, the maximum setback shall be measured from the edge of the easement area.</u>
Minimum side yards	Six (6) feet	---	---	---	---	<u>None, except fifteen (15) feet where the side yard abuts a residential zoning district.</u>	<u>None except fifteen (15) feet where the side yard abuts a residential zoning district.</u>	<u>None, except fifteen (15) feet where the side yard abuts a residential zoning district.</u>	---
Minimum rear yards	Twenty (20) feet. Except that buildings higher than thirty (30) feet shall have side and rear yards not less than fifty (50) per cent of building height.	---	---	---	---	<u>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.</u>	<u>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.</u>	<u>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.</u>	---
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	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	Same as VC—Non-Res	Same as VC—Non-Res	---	---	---	---

Space & Bulk Standards	Residential A	Limited Business LB—Non-Res¹	Village Commercial VC—Non-Residential	VC—Residential—Not Knightville Design District	VC—Residential—In Knightville Design District	Village Extension VE	Broadway Corridor BC	Mill Creek Core MCC-BS	Mill Creek Core MCC-BDS
		height whichever is greater and the buffering requirements of this Chapter shall be met.	building height whichever is greater and the buffering requirements of this Chapter shall be met.						
Accessory buildings	Six (6) feet rear yard	---	---	---	---	---	---	---	---
Accessory buildings	Six (6) feet side yard	---	---	---	---	---	---	---	---
Minimum building height-Knightville Design District-for buildings constructed after January 27, 2002	---	---	Twenty-four (24) feet	---	---	---	---	---	---
Minimum building height for buildings constructed after January 27, 2002	---	---	---	Twenty-four (24) feet	Twenty-four (24) feet	---	---	---	---
<u>Minimum building height for buildings constructed after August 1, 2016</u>	---	---	---	---	---	<u>The greater of thirty (30) feet or three (3) habitable stories, except twenty (20) feet or two (2) habitable stories for a building on a lot with frontage on Broadway.</u>	<u>The greater of twenty (20) feet or two (2) habitable stories.</u>	---	<u>The greater of thirty (30) feet or three (3) habitable stories, except the greater of twenty (20) feet or two (2) habitable stories for the portion of any building located within seventy-five (75) feet of the E Street property line.</u>
Maximum building height	Thirty-five (35) feet	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	---	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.	Fifty (50) feet	<u>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</u>	<u>The lesser of fifty (50) feet or four (4) habitable stories, not including floors devoted primarily to parking.</u>	<u>The lesser of seventy-five (75) feet or five (5) habitable stories, not including floors devoted primarily to parking. Notwithstanding this limit, the portion of any building located within fifty (50) feet of the E Street property line shall</u>	---

Space & Bulk Standards	Residential A	Limited Business LB—Non-Res¹	Village Commercial VC—Non-Residential	VC—Residential—Not Knightville Design District	VC—Residential—In Knightville Design District	Village Extension VE	Broadway Corridor BC	Mill Creek Core MCC-BS	Mill Creek Core MCC-BDS
						<u>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.</u>		<u>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.</u>	
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	Twenty-five (25) per cent	None	None	None	None	---	---	---	---
<u>Maximum lot coverage</u>	---	---	---	---	---	<u>Eighty (80) percent</u>	<u>Eighty (80) percent</u>	---	<u>Eighty (80) percent</u>
Minimum distance between principal buildings on same lot	The height equivalent of the taller building.	---	---	---	---	---	---	---	---