

South Portland City Council  
***Position Paper of the City Manager***

***Subject:***

**ORDINANCE #7-13/14 – Amending Chapter 27, “Zoning,” regarding a zone text and zone map change from Residential District A to Conditional Residential Use District G-4 at 317 Pine Street. Amended and passed first reading on 2/19/14. ROLL CALL VOTE. Passage requires five (5) affirmative votes.**

***Position:***

City staff requested to rezone City-owned property to a newly created Conditional Residential Use District G-4 zoning district. The parcel is the former Roosevelt School located at 317 Pine Street. It is in the Residential District A zone and shown as Map 10, Lot 117.

This request was brought forward in conjunction with the sale and re-development of the former Roosevelt School by Anew Real Property Development, LLC. The City Council authorized the City Manager to enter into a purchase and sale agreement with this company at its December 4, 2013 meeting. The City Council expressed an interest increasing the residential density on the property as condition of the sale as well as to preserve the front facade of the building. The City Council also requested that each unit have at least 1.25 parking spaces and that 30% of the site be maintained in landscaped open space.

The proposed conditional residential district would allow for an increase in the residential density adequate with the site and facility. Additionally, it will set several conditions that will maintain some important architectural features and be architecturally compatible with the neighborhood.

The purpose of the A zone is “...To provide residential areas within the City of South Portland of medium density in a manner which will promote a wholesome living environment. To this end residential development shall not exceed four (4) dwelling units per net residential acre and any preferably occur in accordance with the provisions of Sec 27-1501 et. seq. of this Chapter”.

The purpose of the G-4 zone is “...To permit the conversion of the former Roosevelt School property into multi-family residential use in a manner that, maintains elements of

the existing school building, follows best architectural practices for multi-family infills in single-family residential neighborhoods, and ensures sizeable area of unpaved green space on the Property.”

The Planning Board held a public hearing on January 28, 2014. By a vote of 6-0 (Hasson absent) the Planning Board made a positive recommendation to the City Council to approve the proposed conditional zone from the Residential District A to the Conditional Residential Use G-4. The new zone line shall extend around the perimeter of the property and shall follow the property line as shown on the standard boundary survey.

This ordinance was amended at the February 19, 2014 meeting by adding “assessment” in the Purpose section and deleting the traffic condition in the Conditions section.

**Sec. 27-1058. Purpose (G-4).**

Pursuant to Sec. 27-117 of the Code, the property identified as Assessor’s Map 10, Lot 117 as of the April 1, 2013 **assessment** date (the “Property”), is rezoned from Residential District A to Conditional Residential Use District G-4, with a number of conditions and restrictions relating to the physical development and operation of the Property. The purposes of the Conditional Residential Use District G-4 are: To permit the conversion of the former Roosevelt School property into multi-family residential use in a manner that maintains elements of the existing school building, follows best architectural practices for multi-family infills in single-family residential neighborhoods, and ensures a sizeable area of unpaved green space on the Property.

**Sec. 27-1059. Conditions to Zone Change (G-4).**

The following conditions shall apply to the Conditional Residential Use District G-4:

...

~~(c) Traffic projected to be generated by any new development must not cause an intersection to fall below a Level of Service (LOS) “D” during the peak hours. This shall not apply if an intersection is already below LOS D.~~

(dc) New construction and/or remodeling must meet minimum Leadership in Energy & Environmental Design (LEED) construction standards but does not need to be LEED certified.

(ed) Prior to the issuance of a certificate of occupancy for the Property, a ten (10) foot wide public access pedestrian easement connecting the Sprague and Mussey Streets corner of the property with Chase Street shall be provided to the City of South Portland and recorded at the Cumberland County Registry of Deeds.

(fe) All electrical service to the building shall be underground.

This ordinance is in order for second reading and action.

Tex Haeuser will be at Monday's meeting to answer any questions.

***Requested Action:***

Council passage of ORDINANCE #7-13/14.

  
City Manager



CITY OF SOUTH PORTLAND

GERARD A. JALBERT  
Mayor

JAMES H. GAILEY  
City Manager

SUSAN M. MOONEY  
City Clerk

SALLY J. DAGGETT  
Jensen Baird Gardner & Henry

IN CITY COUNCIL

ORDINANCE #7-13/14

District One  
MICHAEL R. POCK

\_\_\_\_\_

District Two  
PATRICIA A. SMITH

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District Three  
MELISSA E. LINSKOTT

\_\_\_\_\_

District Four  
LINDA C. COHEN

\_\_\_\_\_

District Five  
GERARD A. JALBERT

\_\_\_\_\_

At Large  
MAXINE R. BEECHER

\_\_\_\_\_

At Large  
THOMAS E. BLAKE

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

**THE COUNCIL** of the City of South Portland hereby ordains that the Official Zoning Map of the City of South Portland dated September 8, 2010, which map is a part of Chapter 27, "Zoning," of the "Code of Ordinances of the City of South Portland, Maine," be and hereby is amended to change the zoning designation of the property described as Tax Map 10, Lot 117 (317 Pine Street) from Residential A to Conditional Residential Use District G-4, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The Official Zoning Map of the City of South Portland as amended is available for review and inspection at the Planning and Development Office and the City Clerk's Office.)

**Conditional Residential Use District G-4**

**Sec. 27-1058. Purpose (G-4).**

Pursuant to Sec. 27-117 of the Code, the property identified as Assessor's Map 10, Lot 117 as of the April 1, 2013 **assessment** date (the "Property"), is rezoned from Residential District A to Conditional Residential Use District G-4, with a number of conditions and restrictions relating to the physical development and operation of the Property. The purposes of the Conditional Residential Use District G-4 are: To permit the conversion of the former Roosevelt School property into multi-family residential use in a manner that maintains elements of the existing school building, follows best architectural practices for multi-family infills in single-family residential neighborhoods, and ensures a sizeable area of unpaved green space on the Property.

**Sec. 27-1059. Conditions to Zone Change (G-4).**

The following conditions shall apply to the Conditional Residential Use District G-4:

- (a) Unless otherwise approved by the City Council, modifications and additions to the existing school building are required to adhere to the historic preservation standards of the U.S. National Parks Service, to the extent practical and feasible, with particular emphasis placed on the Pine Street façade and front entry landscape as well as the massing and cladding of any new addition so as to be visually distinct while subordinate in scale to the school building.
- (b) The existing architectural design of the school building is compatible with the surrounding neighborhood. Any new construction shall be designed to continue architectural design compatibility within the residential neighborhood.
- (c) Traffic projected to be generated by any new development must not cause an intersection to fall below a Level of Service (LOS) "D" during the peak hours. This shall not apply if an intersection is already below LOS D.
- (dc) New construction and/or remodeling must meet minimum Leadership in Energy & Environmental Design (LEED) construction standards but does not need to be LEED certified.
- (ed) Prior to the issuance of a certificate of occupancy for the Property, a ten (10) foot wide public access pedestrian easement connecting the Sprague and Mussey Streets corner of the property with Chase Street shall be provided to the City of South Portland and recorded at the Cumberland County Registry of Deeds.
- (fe) All electrical service to the building shall be underground.

**Sec. 27-1060. Permitted Uses (G-4).**

In the Conditional Residential Use District G-4, the following uses shall be permitted:

- (a) Dwellings, exclusive of mobile homes.
- (b) Public and private educational facilities, including child, adult, or combined facilities.
- (c) Accessory uses, including home occupations.

**Sec. 27-1061. Special Exception Uses (G-4).**

In the Conditional Residential Use District G-4, the following uses shall be permitted as special exceptions according to the provisions of Article XIV of this Chapter:

- (a) Farmers' market subject to the provisions of Sec. 27-1580 et. seq.

**Sec. 27-1062. Space and Bulk Regulations (G-4).**

Maximum number of residential dwelling units for the Property: Nineteen (19).

Minimum lot area: One acre.

Minimum street frontage: Seventy-five (75) feet.

Minimum front yard, all buildings: Ten (10) feet.

Minimum side and rear yards: Fifteen (15) feet; except that principal buildings higher than thirty (30) feet shall have side and rear yards not less than fifty (50) percent of the building height.

Accessory buildings: Six (6) feet side and rear yard.

Maximum building height: Fifty (50) feet.

Minimum landscaped open space: Thirty percent (30%) of gross lot area.

#### **Sec. 27-1063. Off-Street Parking (G-4).**

In the Conditional Residential Use District G-4, off-street parking shall be provided in accordance with requirements of Sec. 27-1556 of this Chapter.

#### **Sec. 27-1064. Landscape Standards (G-4).**

In the Conditional Residential Use District G-4, any Site Plan application shall include a landscape program for all land areas not proposed to be covered by structures, parking area, or circulation facilities.

#### **Sec. 27-1065. Signs (G-4).**

In the Conditional Residential Use District G-4, signs shall be regulated in accordance with the requirements of Sec. 27-1561 et seq. of this Chapter, except as follows:

- (a) One (1) building-mounted sign is permitted. It shall not exceed three (3) feet in height nor eight (8) feet in length.
- (b) One (1) ground sign (a free-standing sign without a physical gap between the message portion of the sign and the sign base) is permitted. It shall not exceed five (5) feet in height nor six (6) feet in length.
- (c) Other types of signs may be permitted by the Planning Board or Code Enforcement Officer, as appropriate, such as parking area signs required for traffic circulation.

(d) No sign may be internally illuminated, animated, consist of changeable letters, or be an electronic message board. External illumination is permitted.

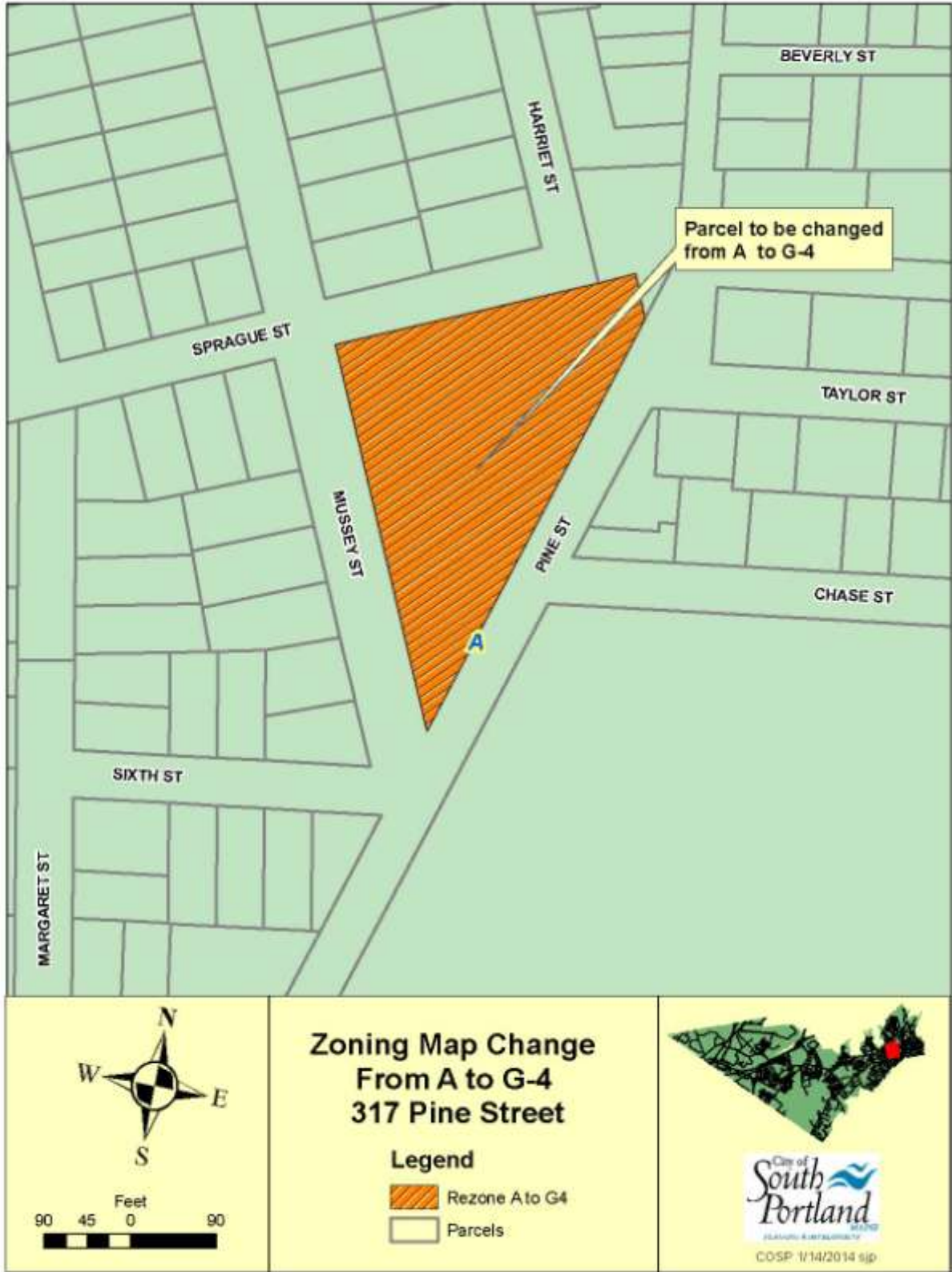
**Sec. 27-1066. Farm animals and produce (G-4).**

In the Conditional Residential Use District G-4, the keeping of farm-type animals, including but not limited to horses, ponies, cattle, pigs and fowl (except pet chickens as regulated in Chapter 3); the keeping of dogs, cats and rabbits for commercial purposes; and other similar uses offensive and detrimental to the neighborhood are prohibited. The sale of produce raised on the premises is permitted provided off-street parking spaces are provided in sufficient numbers to avoid any parking on public streets or highways.

**Sec. 27-1067. Site plan review (G-4).**

Any use allowed in the Conditional Residential Use District G-4, 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. In determining the relative degree of impact of a proposed use, the comparison shall be to either (i) the most recent lawful use of the building or (ii) any lawful use of the building within the last 2 years (but, in the latter case, only if such use was evidenced by a certificate of occupancy on file in the Code Enforcement Officer's office), whether such use was as a permitted use, special exception use or a conforming use.

**Secs. 27-1068 – 27-1100. Reserved.**



Fiscal Note: Less than \$1000

Dated: February 19, 2014