

Land Use and Development Code Amendment: Roadside Commercial Outdoor Storage

**Town of Gorham
Planning Board Ordinance Committee
November 6, 2023**

ITEM 1 - Discussion – Land Use and Development Code Amendment – proposed amendment to the Land Use and Development Code to allow for Outdoor Storage as an accessory use in the Roadside Commercial Zone.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Planning Board – Discussion	PLBD forward the item to the PLBD Ordinance Committee for review and recommendation.	August 7, 2023
Planning Board Ordinance Committee - Discussion	The Committee requested staff to have a landscape architect to provide review criteria and comments on an appropriate amount of outdoor to allow depending on lot size.	August 29, 2023
Planning Board Ordinance Committee - Discussion		November 6, 2023

The Planning Board refers to staff notes during the review process; however, it shall be noted that staff recommendations are noncommittal and all final decisions are those of the Planning Board and not Town Staff.

Memo completed by Tom Poirier, Community Development Director.

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1. OVERVIEW

At its meeting on August 29, 2023 the committee requested a review and recommendation from a landscaped architect regarding buffering and comments about appropriate size for outdoor storage depending on the size of the lot. Town staff has received recommendation from the Town's peer review landscape architect firm of Barton & Loguidice, see item 2.

The Town Council is proposing an amendment to the Roadside Commercial District to allow for outdoor storage as an accessory use. The amendment is also proposing to add HVAC units and outdoor storage areas as not being visible from public streets or residential properties. This item was referred to the Planning Board Ordinance Committee for review at its meeting on August 7, 2023.

The Planning Board raised the following questions for further discussion:

1. *Why is this needed?*
2. *What other zoning districts is this in?*
3. *What is the definition of outdoor storage?*
4. *15,000 sq ft is a "big area"; could we reduce that amount?*
5. *Why is it "whichever is greater"? shouldn't it be "whichever is less"?"*
6. *Should we have a limit on the total sq ft over time*
7. *Should we have an impervious coverage maximum?*
8. *What is stored?*

2. LANDSCAPE ARCHITECT RECOMMENDATIONS

The proposed language amendment was prepared by Kevin Grindle, A.S.L.A., P.L.A with Barton & Loguidice.

*Land Use & Development Code
Town of Gorham, Maine
Section 1-11 Roadside Commercial District*

E. Performance Standards

2) The following additional performance standards shall also apply.

- f) Outdoor Storage of equipment, supplies, machinery, commercial vehicles, and other materials may be permitted pursuant to the following:
 1. Outdoor storage shall be an accessory use to the primary permitted use on the property. Outdoor storage areas shall be limited to the following:
 - a. Locations that are visible from the street or an adjacent primary residential or commercial structure:
 - i. Lots up to five acres = 25% of the lot area
 - ii. Lots between five and ten acres = 15% of the lot area
 - iii. Lots above ten acres = 10% of the lot area
 - b. Locations that are not visible from the street or adjacent primary residential or commercial structure:

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- I. 25% of the lot area based upon the applicant successfully demonstrating to the Board that visibility is precluded by topography, vegetation or by other means.
 - II. The applicant shall provide written documentation to the Board that all means used to satisfy the intent of this Section are either owned or under acceptable lease by the applicant and will be preserved and remain undisturbed for the duration of the permitted outdoor storage use.
2. Outdoor storage areas shall be fully screened from public view (except for necessary access drives) by buildings, fences, walls, landscape buffers or by topographic features such as earthen berms, or a combination thereof. The proposed method of enclosure shall have a height sufficient to completely screen the storage area and shall have a minimum height of eight (8) feet.
3. Existing topography, vegetation, buildings or other structures may be utilized in whole or in part, to achieve the screening noted above. The applicant must demonstrate to the satisfaction of the Board that these existing features meet the intent of this regulation.
4. No outdoor storage shall be permitted in any areas of Special Flood Hazards as defined by the Federal Emergency Management Agency (FEMA).
5. Outdoor storage areas shall not extend beyond the front face of the subject parcels primary building, furthermore these areas shall not extend into the zone's minimum front, side and rear yard setbacks.
6. Outdoor storage buffers shall accommodate adequate space for snow storage, maintain clear sight lines for safe vehicle and pedestrian access and be comprised of durable materials that will be suitable for all-weather outdoor exposure.
7. All loading/unloading areas shall be interior or adjacent to the permitted outdoor storage area and be oriented away from the street and neighboring properties, in order to maintain public safety and minimize disturbance to abutting properties.
8. Outdoor storage areas shall not be utilized for retail/commercial display purposes, unless explicitly authorized by the Board.
9. No temporary or permanent storage of any State regulated waste product or material shall be permitted under this Section.
10. The Board shall consider the impact upon public safety, public health, sanitation and aesthetics when considering applications under this Section and they may regulate such outdoor storage based upon the quantity, location, enclosure/screening and nature of materials to be stored.

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3. PROPOSED AMENDMENT LANGUAGE TO ORDINANCE

The language shown below in black is existing zoning language not proposed to be amended. The TC amendment language is shown in black and underlined.

Chapter 1: Zoning Regulations

Section 1-11– Roadside Commercial District

B. Permitted Uses

- 3) Accessory uses and buildings including a caretaker unit and accessory outdoor storage with an area not greater than 2 times the total square footage of all the structures located on the site or 15,000 sq. ft whichever is greater.

E. Performance Standards

2) The following additional performance standards shall also apply.

a) Lot Layout

2) All generators, HVAC units, outdoor storage areas, and dumpster pads shall be landscaped and located behind buildings and structures so that they are not visible from any public street or residential properties. The Planning Board may allow generators, HVAC units, outdoor storage areas, and dumpster pads to be located so they are not located behind the buildings if the Board finds that the proposed locations are required to provide for a better overall design of the lots/ development and that are sufficiently buffered from public roads and residential properties.

F. Staff recommends adding a definition for landscape buffer so applicants know what is included in the term.

Staff suggests the Committee review the thresholds recommended by the Landscape Architects. The numbers used create unintended threshold effects – for example, a lot of 5 acres is permitted .75 acres of outdoor storage but a lot with 4.9 acres is permitted 1.225. Our suggestion for a remedy is as follows:

- For lots up to 5 acres, allow 25% or 0.75 acres, whichever is less
- For lots from 5-10 acres, allow 15% of lot area or 1 acre, whichever is less

Section 1-5 Definitions

Landscape buffer Landscape buffer shall contain an adequate mix of trees, shrubs, plants, hardscapes, berms, topography, and other landscaping features that adequately break up the proposed development.