

**Land Use and Development Code Amendment: Roadside Commercial Outdoor Storage  
Council Item 2023-04**

**Town of Gorham  
Planning Board Meeting  
December 4, 2023**

**ITEM 1 – Public Hearing – 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.

INDEX OF PACKET ENCLOSURES	
DESCRIPTION	PAGE NUMBER
1. Overview	2
2. TC Proposed Language with Planning Board Revisions	2-4
3. Proposed Motions	4

**AMENDMENT TRACKING**

DESCRIPTION	COMMENTS	STATUS
<b>Planning Board – Discussion</b>	PLBD forward the item to the PLBD Ordinance Committee for review and recommendation.	<b>August 7, 2023</b>
<b>Planning Board Ordinance Committee - Discussion</b>	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.	<b>August 29, 2023</b>
<b>Planning Board Ordinance Committee - Discussion</b>	The Ordinance committee reviewed proposed performance standards from a licensed landscape architect and some minor changes then forwarded the item for a public hearing.	<b>November 6, 2023</b>
<b>Planning Board – Public Hearing</b>		<b>December 4, 2023</b>

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 the meeting on November 6, 2023 the PBLD Ordinance committee made revisions to Section 1-11, B Permitted Uses 3) by requiring outdoor storage to meet the performance standards drafted by Landscape Architect Kevin Grindle, ASLA PLA with Barton & Loguidice. The recommendations by the landscape architect were accepted with some minor change by the committee. The changes to the landscape architect's recommendations included a section under f), 1), ii., iii. to have a greater provision to account for inconsistencies between the three different lot sizes and percentages of outdoor storage allowed on a lot and under 2) revision include removing the wording "public view" and replace it with "street view."

The committee forwarded the item to a Planning Board meeting for a public hearing. This item is on the agenda for a public hearing on the item. Once the public hearing is completed the Planning Board can make a recommendation to the Town Council on the proposed zoning amendment.

## 2. PROPOSED AMENDMENT LANGUAGE TO ORDINANCE

The language shown below in black is the existing zoning language not proposed to be amended. The TC amendment language is shown in black and underlined with the Planning Board Ordinance Committee's recommended changes shown in **black, bolded, underlined, and struck through.**

### 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 **meeting the requirements outlined in Section E. Performance Standards f). 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) 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 or 1.25 acres whichever is greater.**
    - iii. **Lots above ten acres = 10% of the lot area or 1.5 acres whichever is greater.**
  - b. **Locations that are not visible from the street or adjacent primary residential or commercial structure:**
    - i. **25% of the lot area based upon the applicant successfully demonstrating to the Board or Site Plan Review Committee that visibility is precluded by topography, vegetation or by other means.**
    - ii. **The applicant shall provide written documentation to the Board or Site Plan Review Committee 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 the street view (except for necessary access drives) by buildings, fences, walls, landscape buffers or by topographic features such as earthen berms, or a combination there-of. 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 or Site Plan Review Committee 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.**

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- 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 or Site Plan Review Committee.
- 9) No temporary or permanent storage of any State regulated waste product or material shall be permitted under this Section.
- 10) The Board or Site Plan Review Committee 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.

**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.

**PROPOSED MOTIONS:**

Move to recommend adoption of the proposed amendment to the Land Use and Development Code to allow accessory outdoor storage with landscaping performance standards to the Roadside Commercial District (as revised by the Planning Board).

OR

Move to full Planning Board discussion of additional ordinance amendments based on public hearing comments.

OR

Move to Planning Board Ordinance Committee discussion of additional ordinance amendments based on public hearing comments.