

Land Use and Development Code Amendment: South Gorham Corridor Commercial District

**Town of Gorham
Planning Board CPIC Workshop
November 7, 2022**

ITEM 1 - Land Use and Development Code and Zoning Map Amendment– Discussion: – South Gorham Commercial Corridor – proposed amendments to the Land Use and Development Code and Zoning Map for the area of South Gorham.

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AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council Meeting	The Town Council forwarded the item to the Planning Board for a public hearing and recommendations. (6 ayes)	June 7, 2022
Planning Board - Discussion	The Planning Board forwarded the item to the Planning Board’s CPIC for a workshop and discussion.	July 11, 2022
Comprehensive Plan Implementation Committee		August 1, 2022; September 12, 2022 October 3, 2022 November 7, 2022

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 Thomas Poirier, Director of Community Development.

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1. Overview

This is the fourth time the proposed ordinance has been before the CPIC. Ben Smith with Northstar will be attending the meetings to assist the CPIC in their review of the item. Staff attached the latest version of the proposed South Gorham Commercial District received from Northstar Planning. The language in below is the language the committee reviewed at the last meeting for reference.

Directly below is the language from the Comprehensive Plan – Future Land Use section on the South Gorham Commercial Center Area outlining the vision for the South Gorham Commercial Corridor.

- **South Gorham Commercial Center Area**

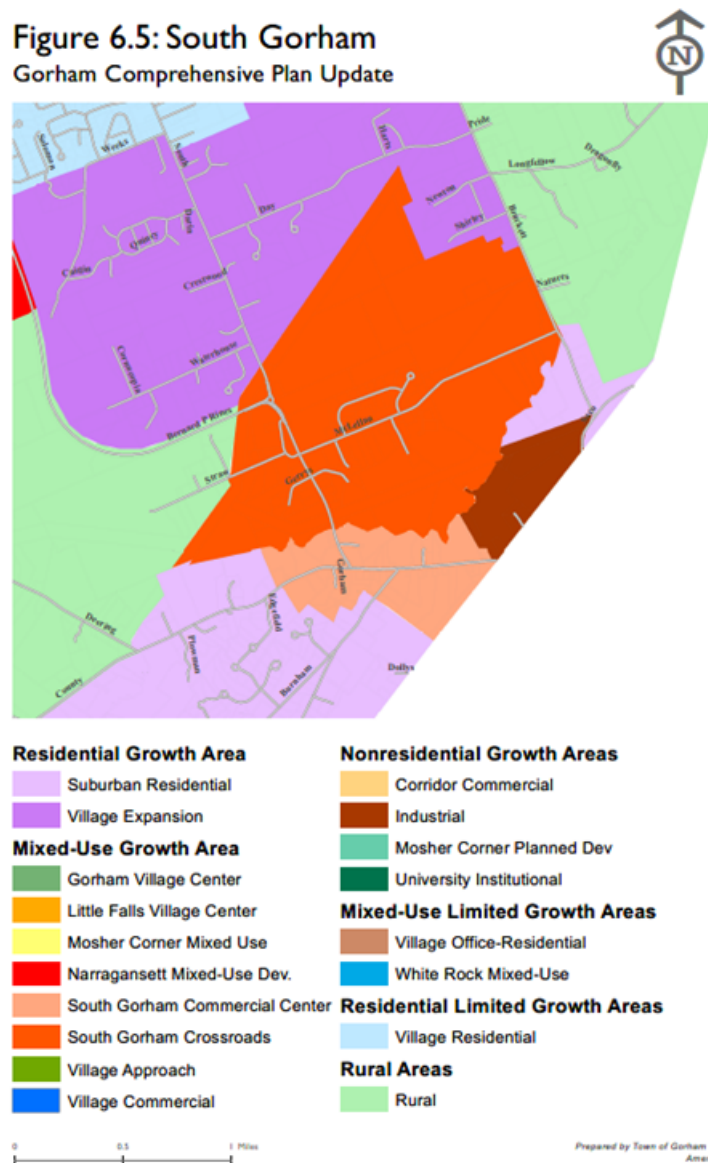
- **Location** – The South Gorham Commercial Center Area designation includes the land on both sides of the County Road in the vicinity of the intersection with South Street (see Figure 6.5). This designation includes the parcels that have been “contract zoned” thereby creating a consistent pattern for this area of the community.
- **Allowed Uses** – In the longer-term, the land use regulations in this area should be based on a Master Plan for South Gorham and North Scarborough developed jointly with the Town of Scarborough. In the near-term, the zoning should incorporate the provisions of the existing contract zones that have been established within this area. The allowed uses in this designation should include a range of residential uses including eldercare facilities together with a wide-range of smaller-scale non-residential uses including business and professional offices, personal and business services, restaurants, retail uses, B&Bs, and community uses. . Most non-residential uses should be limited to a maximum of 5,000 to 7,500 square feet of floor area. Larger uses such as retail uses with up to 15,000 square feet of floor area may be allowed on “back lots” away from County Road provided that their access is from internal streets and the frontage along County Road is developed with smaller-scale buildings.
- **Development Standards** – As noted above, the land use regulations for this area should evolve as a Master Plan for South Gorham and North Scarborough is developed and adopted. As a general guiding principle, a higher density of activity should be allowed within approximately one thousand five hundred (1,500) feet of the intersection of County Road and South Street with lower density activity in the remainder of the area. Residential uses should be allowed at a density of up to two units per net acre with on-site sewage disposal and four units per acre with public sewerage throughout the area with higher density allowed with public sewerage near the South Street intersection. The basic minimum lot size should be 20,000 square feet that can be reduced to 10,000 square feet or less with public sewerage. The variable density provisions for small units should apply in this designation if public sewerage is utilized.

The development standards should promote a campus style development pattern in the area near the South Street intersection with more of a village character in the remainder of the area.

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The standards should require that new buildings have a traditional character and scale and be limited to a maximum of two stories except in the area around the South Street intersection if public sewerage becomes available in the future. Buildings should be located on access drives or new streets where feasible to minimize curb cuts on County Road. The creation of an interconnected street network should be required where feasible. New buildings directly fronting on County Road with access from that street should not be allowed unless there is no alternative. Buildings should be located in proximity to the street or access road with a setback of no more than fifty feet along the County Road and 35 feet on other streets or drives.

Figure 6.5: South Gorham
Gorham Comprehensive Plan Update



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2. PROPOSED AMENDMENT:

Below is the draft amendment for the Board's review, provided by NorthStar Planning on September 29, 2022. The additions are underlined; deletions are ~~struck out~~

SECTION 1-26 SOUTH GORHAM COMMERCIAL DISTRICT

A. PURPOSE

To provide opportunity for a mixed-use growth area centered on a mix of small-scale non-residential uses, a wide range of residential uses, and mixed-use projects. Large non-residential buildings should not front directly on the district's main roads.

B. PERMITTED USES

- 1) Residential Uses
 - One and two-family dwellings as part of a Mixed-use Development only
 - Nursing homes or homes for the aged
 - Manufactured housing units on single-family residential lots in designated manufactured housing sub-districts
 - Apartment buildings or multifamily housing/Apartment buildings or multifamily housing, except fraternity housing
 - Accessory Apartments
 - Residential dwelling units above the first floor as part of a Mixed-Use Building
- 2) Non-Residential Uses
 - Accessory uses and buildings including home occupations
 - Banks
 - Bed and Breakfast Establishment
 - Business Personal and Repair Service Establishments as defined in Chapter I, Section V of the Land Use and Development Code
 - Business and Professional Services
 - Convenience Stores, either with or without associated gasoline sales
 - Day Care Centers
 - Distilling and brewing
 - Funeral Home
 - Municipal buildings or uses
 - Municipally owned parks and playgrounds
 - Public and private utility facilities, including substations, pumping stations and treatment facilities, but excluding business offices
 - Retail stores
 - Roadside stands
 - School, hospital, church or any other institution of education, religious, philanthropic, fraternal organization or social nature which is not used for residential occupancy
 - Sit-down restaurants
 - Conference Center or Banquet Hall
 - Hotel
 - Inn
 - Motel
 - Light Industrial Use, only on lots not fronting on County Road

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Home Occupations
Camper and Trailer Sales

C. DIMENSIONAL STANDARDS

- 1) Minimum Lot Size
Public Water & Sewer - 10,000 sq ft
Unsewered - 20,000 sq ft
- 2) Minimum area per dwelling unit
Public Water & Sewer - 10,000 sq ft
Unsewered - 20,000 sq ft
- 3) Minimum street frontage
80 feet
0 feet if two lots share one curb-cut from County Road
- 4) Front yard setback
County Road and South Street – Minimum 30 feet, maximum 50 feet
All other internal roads and access drives – Maximum 20 feet
- 5) Minimum side and rear yard setbacks
10 feet, except buildings higher than 30 feet shall not have side and rear yards not less than 50% of the building height.
- 6) Maximum building height
50 feet or four stories, whichever is greater

D. SITE PERFORMANCE STANDARDS

- 1) Light Industrial Use buffer.

Any Light Industrial Use that is not incorporated into a Mixed-Use Building must be setback 50 feet from any property lines abutting a residential use.

- 2) Master Site Development Plan for phased projects.

Master Site Development Plan is intended to show an overall development scheme for a large property so that the Planning Board can ensure that development of large sites, with potential town-wide or regional impacts, proceeds in an orderly sequence with coordinated phasing. Master Site Development Plans are to assure adequate provisions are made to protect public health and safety, taking into account such factors as traffic safety and access; water supply and sewage disposal; management of stormwater, erosion, and sedimentation; protection of the environment; and other criteria as noted below.

- a) A Master Site Development Plan is required when
 - i) the subject property has a cumulative lot area of more than five (5) acres, or
 - ii) where the use is expected to generate more than 50 peak hour vehicle trips, or

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- iii) the site is designed as a cohesive development program consisting of multiple buildings and associated site improvements proposed to be built in phases.
- b) A Master Site Development Plan must show:
 - i) Public and private rights-of-way which should be consistent with Gorham's road standards ordinance. Any deviation from these standards must be noted on the plan. If extensions of roads are proposed in later phases, the Master Site Development Plan must also show the location of turnarounds where the right-of-way ends at the phase line delineations shown as per (ii) below
 - ii) Phase delineations showing the extent of site work and development proposed for each phase
 - iii) Areas designated for stormwater control, management or retention. All stormwater management site improvements must be made as part of the first phase of the Master Site Development Plan
 - iv) Areas designated for open space and green space, as well as for sidewalks, paths and greenways as required by section D (7) below.
 - v) Parking sufficient to meet the requirements of Chapter 2, Section 2-2. However, the use of on-street parking is encouraged. Mixed-use Development proposals may include parallel or angled on-street parking. If such new on-street parking proposed as part of a phase of the Master Site Development Plan receives Final Approval from the Planning Board, it can be used to satisfy the requirements of Chapter 2, Section 2-2.
- c) A Master Site Development Plan approval shall not be construed as final authorization for development. Approval shall be a preliminary approval for the overall project site, and confer pending proceeding status upon the development with the effect of maintaining the applicability of regulations in effect at the time of approval, as long as the Master Site Development Plan remains valid, including permissible extensions, if granted.
 - i) Each phase of the approved Master Site Plan must receive Final Approval from the Planning Board.
 - ii) The approved plan shall not be released for recording until the required performance guarantee has been posted for the first phase. If an approved plan has not been recorded within one (1) year of the original approval, it shall become null and void. All subsequent phases must receive final approval and be recorded within five (5)

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years of the Master Site Plan approval, or those phases will become null and void.

- 3) All buildings, structures, and uses shall conform to the following additional performance standards:
 - a) The general performance standards of Chapter 2.
 - b) The Site Plan approval criteria and standards of Chapter 4, Section 4-9 where applicable, and
 - c) If there is conflict between the various standards of performance, the more restrictive provision shall apply.
- 4) Vehicular Access and Circulation
 - a) Access. In addition to being safe and convenient, vehicular access into the site shall be designed to minimize traffic delays on the streets providing access to the site and shall meet the following requirements:
 - i) Entrances to uses in this district shall be combined to the maximum extent possible.
 - ii) Each parcel shall be limited to a maximum of one entrance. Lots with Frontage on two streets must locate the entrance on the street of lower volume or classification. The Planning Board may approve an additional entrance on a second street as part of Site Plan Review.
 - iii) A parcel that does not have frontage on a street shall not be granted vehicular access from that street except in cases where access will be provided through a combined entrance with another parcel.
 - iv) Provisions shall be made for the interconnection of parking lots on adjacent parcels where feasible and appropriate to allow vehicular circulation between lots without having to go onto the public street. Such interconnections shall be designed to minimize the potential for the parking areas to be used as a “short cut” by traffic.
 - b) Circulation
 - i) Internal drives are encouraged to develop street frontage for existing buildings and provide more opportunity for infill development
 - ii) Internal drives shall be designed to provide maximum mobility for pedestrians and cyclists as well as motorists

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- iii) Internal drives may be used for loading zones provided the volume and frequency of deliveries can be accommodated
 - iv) Internal drives are subject to road construction standards in Section 2-5 of the Gorham Land Use and Development Code. The Gorham Planning Board may waive standards to promote traffic calming and pedestrian safety, mobility, and comfort.
- 5) Parking
- a) On street parking is encouraged on internal drives
 - b) Off-street parking shall be located to the rear of buildings, or as far from Route 22/114 to the maximum extent practicable
 - c) No off-street parking shall be located within a required front, side, or rear yard or setback. No portion of the lot in front of the front building line shall be used for off-street parking. Parking may be located in the side and rear setbacks if the Planning Board determines that the proposed design constitutes a creative parking solution that maximizes parking, encourages shared parking and or/cross access with adjacent properties.
 - d) The amount of off-street parking required by Chapter 2, Section 2-2 may be reduced for uses in this district in accordance with the provisions of that section
- 6) Relationship of the Building to the street
- a) At least one building entrance shall be located on the side of the building that fronts the street.
 - b) The area between the building and street shall be used for pedestrian amenities, walkways, and landscaping
 - c) For new buildings on corner lots, the setback relationship of both streets shall be maintained where possible to avoid the creation of “empty corners”
 - d) Pedestrian Relationships and Facilities
- 7) Pedestrian Relationships and Facilities
- a) Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives.
 - b) The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and

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inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood.

- c) If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.
- d) Provisions shall be made for pedestrian circulation between buildings and uses within a site or on adjacent parcels if the buildings do not have a direct relationship to the sidewalk or if the front wall of the building is located more than one hundred (100) feet from the property line.

8) Bike paths/greenway systems

The applicant shall provide for convenient and safe pedestrian and bicycle access to and within the development. The requirement for off-site sidewalk extension, if necessary, shall be modified by the Planning Board or Site Plan Review Committee provided the following conditions are met:

- a) For projects under site plan review, the costs for off-site sidewalks exceeds a cost of \$1,000 per 2,000 sq. ft. of gross commercial floor area or for projects proceeding under subdivision review the costs for off-site sidewalks exceeds a cost of \$10,000 per lot. Subdivision lots that have been reviewed under this provision are not required to be reviewed again under site plan review.
- b) In place of a full sidewalk extension, the applicant is required to extend the nearest sidewalk the following lengths towards the proposed development:
 - i) For roads with existing closed drainage systems and curbing the applicant shall extend the sidewalk 200' for each 5,000 sq. ft. of gross floor area under site plan review or 400' for each lot;
 - ii) For roads without existing closed drainage systems and curbing the applicant shall extend the sidewalk 100' and close in the drainage system for each 5,000 sq. ft. of gross floor area under site plan review or 250' for each lot;
 - iii) For existing public roads with sidewalks in poor condition as determined by the Public Works Director or his designee, an applicant can request that half of the required extension be utilized to repair the existing sidewalk network on a foot by foot exchange.

9) Street Facades

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All buildings shall be designed so that the front wall of the building and any wall facing any public street that is not a front wall have the visual appearance of a front facade. Windows or architectural treatments designed to simulate windows shall comprise no less than twenty (20) percent of the exterior wall surface. The facade shall be designed to avoid large areas of blank wall space.

10) Signs

All signs must conform to the standards of Chapter 2, Section 2-3.G., standards for signs in a Village Environment.

11) Block Standards.

- a) Land must be divided with Streets to create Blocks conforming with Block perimeter, below.
- b) Blocks shall be generally rectangular in shape, but are expected to respond to natural features and the block pattern of the surrounding street network.
- c) Blocks shall be a minimum width so as to provide two rows of developable lots.
- d) Block perimeter. No block shall have a perimeter of more than 1,600 feet. The Planning Board may grant a waiver to reduce block perimeter length in accordance with the provisions of Chapter 3 if part of a subdivision plan or Chapter 4 if part of a site plan.
- e) Portions of development sites abutting areas of undeveloped land, areas unsuitable for development, or pre-existing incomplete blocks may be granted a waiver from the block size requirements in accordance with the provisions of Chapter 3 if part of a subdivision plan or Chapter 4 if part of a site plan.

12) Public Utilities

- a) All projects requiring site plan review and subdivisions shall connect to public sewer and water meeting the requirements of the Portland Water District and the Town of Gorham.
 - i) The Planning Board may grant a waiver for the requirements of the extension of public sewer if the lot is located more than 1,000 feet from the nearest connection to a public sanitary sewer and the connection to the public sanitary sewer would cause an undue hardship to the developer, as determined by the Planning Board.
 - ii) The Planning Board may grant a waiver for the requirements of the extension of public water if the lot is located more than 1,000 feet and the proposal meets the Determination of Unreasonable Costs

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under Chapter 2, Section 2 – Provision of Public Water Supply, D.,
Exemption from Public Water Supply Requirements.

- b) All developments are required to have underground utilities.
- 13) Building and Other Structure Materials
- a) The predominant exterior building materials shall be of high-quality materials, including, but not limited to, wood or vinyl clapboard siding, masonry units that replicate shake or clapboard siding, brick, sandstone, wood, native stone and tinted/textured concrete masonry units and/or glass products or metal or plastic roofing that simulates shake or shingle roofing. Simulated material may be substituted for any of the aforementioned building materials.
 - b) At least three different building materials shall be used for the primary façade of a building facing the primary street the building accesses. The Planning Board may waive the building material to two different materials if it finds the building design has enough architectural detail to sufficiently break-up the massing of the building. Glass for use in windows and doors shall not be considered one of the required building materials. All façades that have frontage on a street shall be considered a primary façade.
 - c) Exterior building materials shall not include smooth-faced concrete block, tilt-up concrete panels, or T-111. Prefabricated steel panels are excluded unless they contain architectural details with intricate designs. Metal roofs may be allowed if compatible with the overall architectural design of the building.
- 14) Building Entrances
- a) Building(s) shall be located on the property with the principal building entrance oriented toward the primary focal point of the property/development.
 - b) Building entrance(s) shall be clearly defined and highly visible by using features such as canopies, porticos, overhangs, recesses/projection, and raised corniced parapets over the door, arcades, arches, wing walls. Integral planters are highly encouraged.
- 15) Roof Design
- Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. The following design elements are highly encouraged: variations within one architectural style; visible roof lines and roofs that project over the exterior wall of a building enough to cast a shadow on the ground; and overhanging eaves, sloped roofs and multiple roof elements. Architectural methods shall be used to

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conceal flat roof tops. All roof-top mechanical equipment shall be screened so that it is not visible from grade at the closest public street.

16) Mechanical Equipment and Service Areas

The location of loading docks and service areas shall be to the sides and/or rear of a building.

17) Screening

- a) The architectural design of the buildings shall incorporate features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards. Landscaping, fencing, berms and similar features may be used to accomplish this goal.
- b) Fencing, screening, landscaped berms, natural features or combination thereof, shall be utilized to shield from the view of abutting residential properties and the closest public way all loading and unloading operations, storage and repair work areas, commercial vehicle parking, and waste disposal and collection areas. Screens at least as high as the equipment they hide shall be of a color and material matching or compatible with the dominant colors and materials found on the facades of the principal building. Chain link or cyclone fencing (with or without slats) shall not be used to satisfy this requirement.

18) Lighting

Exterior lighting shall be designed to provide only the minimum lighting necessary to ensure adequate vision, safety, and comfort in parking areas and to not cause glare beyond the limits of the property boundaries. Lighting shall also conform to the following standards:

- a) At a minimum, light fixtures shall have a total cutoff of light at no more than ninety (90) degrees and a beam cutoff of no more than seventy-five (75) degrees.
- b) The illumination of parking lots shall provide a relatively even distribution of light over the entire parking lot area.
- c) The maximum illumination level within parking lots shall be not more than 6.0 footcandles measured at the ground surface.
- d) The maximum light fixture height shall be twenty (20) feet for parking lots with less than twenty thousand (20,000) square feet of area, twenty-five (25) feet for parking lots with twenty thousand (20,000) to eighty thousand (80,000) square feet of area and thirty (30) feet for lots larger than eighty thousand (80,000) square feet.

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- e) The maximum illumination level at the property line with abutting properties in a residential district shall be not more than 0.2 foot candles.
- f) The lighting of canopies shall not be used to attract attention to the business. Areas under canopies shall be illuminated so that the uniformity ratio (ratio of average to minimum illuminance) shall be no greater than 3:1 with an average illumination level of not more than 30 foot candles.
- g) Light fixtures located on canopies shall be mounted so that the lens cover is recessed or flush with the ceiling of the canopy.
- h) The illumination of other areas and facilities may be greater than the level established for parking lots provided that the lighting level and design are consistent with the guidelines of the Illuminating Engineering Society of North America (IESNA) Lighting Handbook.
- i) Building mounted or wall pack lighting fixtures that have lamps or reflectors that are exposed to angles greater than forty-five (45) degrees above nadir are prohibited.
- j) Awnings shall not be illuminated in a manner that results in light being emitted through the awning material or that results in the awning appearing to be illuminated.
- k) Period or historical fixtures that do not meet these requirements may be used as an alternative to conventional lighting provided that if the fixtures are not cutoff fixtures the maximum initial lumens generated by each fixture shall not exceed 2,000 for incandescent lamps and 8,500 for metal halide lamps if the lamp is internally recessed within the fixture or is shielded by internal louvers or refractors and the mounting height shall not exceed fifteen (15) feet above the adjacent ground.
- l) A photometric point by point analysis, on a grid no larger than 20 feet, shall be submitted to the Planning Board for review for all major developments requiring site plan review, applications involving increased security risks such as banks and ATM's, and applications for uses regularly open after 9:00 PM. The grid shall extend to all project property boundaries.