

Section 534. Parking Lot Redevelopment Overlay Districts (PLROD)

A. Purpose

The Parking Lot Redevelopment Overlay Districts (PLROD) are intended to bring high density housing back into Freeport Village thus infusing a new level of vitality. Starting in the early 1980's, the Village was being transformed from a ~~small town~~small-town village into a retail hub that was dominated by national retail chain stores. The shopping opportunities were in high demand and customer flocked to Freeport to shop. To accommodate the new traffic, houses were demolished and parking lots were built. With the growth of online sales, customer traffic has decreased. To encourage reuse of vacated retail spaces and new development the parking requirement in the Village Commercial 1 District was substantially reduced. As a result, fewer parking spaces are needed to serve customers.

These overlay districts are designed to concentrate new higher density residential housing and mixed use development in parking lots that are no longer needed while also maintaining an adequate level of parking for visitors. The town is optimistic that because the land is previously developed and because of the expedited review process, a diversity of housing types at a variety of price points will be built.

The purpose for having two overlay districts is to differentiate between areas that are suitable for four story buildings and three story buildings. This distinction is based on elevation changes, the height and scale of nearby buildings, and to preserve the parking lots that studies have shown are the most desirable for customers.

B. Designation as an Overlay District

This Overlay District applies to parking lots in the Village Commercial 1 District that are divided into two Parking Lot Redevelopment Overlay Districts ~~(PLROD)~~. As an overlay district, the requirements of the underlying zoning district and other pertinent sections of the Zoning Ordinance and Subdivision Ordinance will remain in force and will apply to all uses of land and buildings within the Overlay District except as specifically modified by the provisions of this Section 534.

This section applies to existing parking lots in the Village Commercial 1 (VC-1) District; however, undeveloped land may be incorporated into any given project provided at least 50% of the development is on an existing parking lot.

PLROD One, on the east side of US Route One allows 4 story buildings and 80% of the site can be impervious. PLROD ~~two~~Two, all of the areas in the Village Commercial 1 District that are not in PLROD ~~One, allows~~One, allows three story buildings and 90% of the site can be impervious. *Note: The building heights and percent of impervious standards conflict with the standards in the table in Section H.*

As a redevelopment, the focus of the review should be on the design of the building more than site considerations. Therefore, an expedited review process is provided.

C. Definitions Applicable in the Parking Lot Redevelopment Overlay District

Building story: that portion of a **building** included between the upper surface of a floor and the upper surface of the floor or roof next above. A story is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost story, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters.

D. Review Standards and Process

1. Review Process

The review process has three steps:

1. conceptual review,
2. final review, and
3. as-built plan submission.

Conceptual Review - The conceptual review step is intended to introduce the project and for the applicant to get feedback from the Project Review Board on the design of the proposed building(s) and the location of buildings, parking, the treatment of stormwater, and landscaped areas. The request for any waivers from submission requirements should be dealt with during this conceptual ~~phasereview~~. The review standards of Section F of this Section 534 cannot be waived, but they may be found to not be applicable for a specific reason. During the conceptual ~~phasereview~~, the Project Review Board should vote on any requests for a waiver of submission requirements or to find a that a standard is not applicable.

Final Review - Applications for final review should only be submitted when all of the details of the plans have been resolved. At this time, all necessary state and federal permits must have been obtained.

A public hearing is required for all Subdivisions per Article 6 (Minor Subdivisions) of the Freeport Subdivision Ordinance. ~~This public hearing will also suffice for Site Plan Review.~~ If, for some reason a project does not meet the definition of a Subdivision, the Project Review Board may opt to hold a public hearing if a majority of Board members present and voting agrees to a public hearing. If so, the notification process of a public hearing as outlined in Sec. 602, Site Plan Review shall be followed.

Upon a majority vote of those present and voting, the Project Review Board may require any submission requirements or apply any standard of Site Plan Review that is not included in this section.

As-built plan submission- The last step of the review process is the submission of as-built plans. The approvals of details of utility construction are required by

the various utility companies, not the local review board. This step does not require approval by either staff or a board.

2. Submission Requirements

a. **Conceptual Plan** submission requirements:

1. A narrative description of what the development will include such as the number of units, the size of the units, and other uses that are proposed. In addition, the narrative will include, the pre and post development number of parking spaces on the site, and how many parking spaces will be open to the public, if any.
2. Two plans must be submitted, existing conditions and a proposed plan of development. The existing conditions plan may be an aerial photo that accurately depicts current conditions, or a plan drawn to scale that shows existing conditions. The plan of development is superimposed on either the aerial photo or the drawn plan and includes the following information: the proposed location and size of building(s), entrances and drives, parking areas, non-developed area, how stormwater on the site will be treated if different than the existing drainage and other features the applicant wants to highlight.
3. A conceptual landscaping plan, in a bubble diagram format, that shows where landscaping will be placed and what the purpose is, for example, landscaping for the purpose of screening, or beautification and /or color, or stormwater management etc., as well as any hard scaping features that are proposed. This plan does not include actual species, number or sizes of plants, only their intended purpose. This information can be incorporated into the plan of development or it can be a separate plan.
4. Conceptual elevations of the exterior of the building. The elevation should show all sides of the building and describe the materials that are proposed. The materials for all elements of the building; siding, windows, doors, roofing, etc.
5. Adequate evidence of right, title or interest shall be submitted along with a completed application form supplied by the Town of Freeport [and applicable fees per the Town of Freeport Fee Schedule.](#)
6. Any requests for waivers of submission requirements and any requests to find that a standard of Section F be found to not be applicable.

The conceptual ~~master~~ plan shall be prepared by a registered landscape architect, registered architect, or registered professional engineer.

eb. Final Plan submission requirements:

1. From Sec. 602.D – Site Plan Review submission requirements, the following items: 602.D. 1, 2,3, 4a,b,c,e,f,i,j,l,m, n, o, and s.
2. The ~~project~~ Project Review Board may require additional information as listed in Sec. 602.D, if the need for additional information arises.
3. Letters from ~~the water~~ Maine Water and ~~the Freeport sSewer district~~ District stating they have the capacity to ~~handle~~ serve the proposed development.
4. The location and cut sheets of all exterior lighting fixtures, both building mounted and free standing.
5. Paint chips of any surface of the exterior of the building that will be painted.
6. Evidence that any necessary state and/or federal permits have been applied for and must have been found to be complete by the reviewing authority. The Board may approve a project before state and/or federal permits have been obtained, provided a condition of approval is added that states that no construction can start until all permits have been obtained. *Note: This conflicts with Section 534.D (Final Review) which states that these permits MUST be obtained prior to final approval.*

ec. As-built plan

An as-built plan shall be submitted before the Certificate of Occupancy is issued. The purpose of the plan is to confirm the constructed location and details of all utilities, public and private, especially those that are underground. This includes the depth of pipes, the size and material of pipes as well as the location of all components necessary to shut off a utility. The final as-built plan must be in a field marked form translated into a record drawing. The plan must include a signature by a representative of ~~the water district~~ Maine Water, ~~sewer district~~ Freeport Sewer District, ~~electric company~~ Central Maine Power (-only if power is installed underground), solar company (if any of the system is underground) and ~~the natural gas company~~ Maine Natural Gas. The purpose of the signature is to confirm that utility companies are in agreement that all of the pipe and other facilities are accurately shown. *Note: Need to confirm if this is something the utilities would be willing to sign-off on since the lines would most likely be on private property.*

E. Amendments or Expansions

The Town Council may modify or expand the boundaries of a Parking Lot Redevelopment Overlay District at any time, following the same procedures of a Zoning Map amendment outlined in Sec. 203 of this Ordinance.

F. Subdivision, Site Plan Approval and Design Review approval

1. Site Plan ~~Review - Parking~~ Review - Parking lot redevelopments are subject to the following standards of Site Plan Review, Sec. 602.F:

- c – Vehicular Access,
- d – Parking and Circulation,
- e – Surface Water Drainage,
- f - Utilities.
- i – Exterior Lighting,
- j – Emergency Vehicle Access
- k – Landscaping, and
- l – Environmental Considerations (1) and (5)

2. If the number of units meets the definition of a Subdivision, Subdivision review is necessary. All Parking Lot Redevelopment Overlay projects are classified as minor subdivisions and are subject the process, submission requirements of Article 6 – Minor Subdivisions of the Subdivision Ordinance. These projects are not subject to to Article 5 – Pre-application Procedures. *Note: Need to amend the applicable Articles of the Subdivision Ordinance to reflect this change.*

3. New construction in these overlay districts are not subject to the Design Review Ordinance provided the standards of Sec. ~~ML~~ - Design Elements, below are met. If a project does not meet the standards of Sec. ~~M-L~~ Design Elements, then *approval of a Design Review approval-Certificate from the Freeport Project Review Board* is required. *Note: Need to amend the Design Review Ordinance to reflect this exemption of review.*

G. Additional Permitted Uses

In addition to the uses allowed in the underlying zoning district, the following uses shall be permitted uses in any Parking Lot Redevelopment Overlay District:

- 1. Mixed use development
- 2. Art Galleries and Museums
- 3. Dwelling units on the ground level

H. Space and Bulk Standards

Notwithstanding the requirements of the underlying zoning district, a Parking Lot Redevelopment and all uses, buildings and structures associated with it shall be governed by the following provisions: *NOTE: The impervious area requirements,*

height limits, and the parking requirements in this table conflict with other Sections of this document.

	District 1	District 2
Minimum lot size	0	0
Land area per dwelling unit	0	0
Maximum lot coverage	90%	80%
Height limitation	3 stories, max. 35' building height	4 stories, max 45' building height
Studio, 1BR residential unit parking requirement	1 <u>parking space per unit</u>	1 <u>parking space per unit</u>
2 BR, 3BR and greater	1.5 <u>parking space per unit</u>	1.5 <u>parking spaces per unit</u>
<u>Other Uses</u>	<u>Per Section 514 of the Freeport Zoning Ordinance</u>	<u>Per Section 514 of the Freeport Zoning Ordinance</u>

1. Building location requirements –

a. Front building location requirements

i. Build to: Buildings shall be built 7 feet to 17 feet from the property line along a public road. If the building has two sides of a building along a public road, the build to requirement applies to both sides. Side and rear setbacks are the same as the Village Commercial 1 District.

ii. Setback: Buildings that are proposed to be built on sections of parking lots that are not adjacent to the public road will use the setback requirement. In these cases, the setback requirements are used to create a break from any existing parking lots and the new building. Note: this is not clear.

b. Side and rear Setback requirement –

i. None - if non-combustible construction is used and the roof does not pitch in that direction.

ii. Five feet (5') – if non-combustible construction is used and the roof pitches in that direction.

iii. Fifteen feet (15') – if non-combustible construction is used

2. Developments with more than one building in a parking lot can have a combination of built to requirements and setbacks depending on a buildings relationship to a public road.

I. Parking requirements and access

Notwithstanding the standards of Sec. 514 – Parking Requirements of this Ordinance. the following off –street parking requirement shall apply for developments in this overlay district. Off-street parking spaces may be provided on the same parcel as the use they serve, and/or on another lot held under the same ownership provided the parking spaces are within the Village Commercial 1 District, and/or with a credit issued pursuant to Article 6 of the Traffic and Parking ordinance, and/or they may be leased from another entity as per the Traffic and Parking Ordinance, Chapter 48, Article V Leased Parking Standards. *Note: These parking standards conflict with the table in 534.H*

1. Parking Lot Redevelopment residential units:
 - a. One parking space for each residential unit regardless of size
2. Parking Lot Redevelopment commercial uses:
 - a. As per the parking requirement of Sec. 514 of this Ordinance
3. Access:
 - a. If possible, the redevelopment of the parking lot should maintain the existing access point from the public road. If the access point has to be moved, the standards of Sec. 512.D must be met, in addition to any requirements of the Town of Freeport Street Regulation Ordinance and the Freeport Subdivision Ordinance (if applicable).

J. Landscaping

1. Maintain existing street trees and landscaping – parking lots tend to have landscaping around the perimeter rather than internally. The design of the building should be done in such a way to incorporate existing street trees and landscaping around the perimeter. If the existing trees cannot be maintained because they are in poor health, or if construction damages the plant such that its life span is significantly reduced, one new tree of a similar ~~caliber~~ upcaliper up to a 4” caliper should be planted for each tree lost.
2. Create a new landscaped strip - If the parking lot doesn’t have any perimeter street trees or landscaping or if the redevelopment occurs on the part of a parking lot that is not adjacent to a public street, a landscaped area with a combination of street trees, shrubs and perennials and/or grasses shall be established to create a new perimeter for the new development and to separate the development from the parking lot.

3. All landscaping must be proposed by a landscape professional. *Note: This was discussed at a previous meeting. The way it is written could be interpreted that anyone that works in the field of landscaping could prepare the plan. The concept plan has to be prepared by a licensed professional, so as written, this conflicts with Section 534.D.2*

MK. Design ~~Elements by~~Elements by Mac Collins



Village Parking Lot Redevelopment Overlay

DRAFT April 2019

All other area in Village Commercial 1 District that is not in Parking Lot Redevelopment One is Parking Lot Redevelopment Overlay District Two (blue outline)

Parking Lot Redevelopment Overlay District One (red outline)

Legend

-  Parking lots
-  Building footprints