

ITEM # 74-19 ZONING  
ORDINANCE AMENDMENT

TOWN OF FREEPORT  
Planning Board

April 27, 2019

TO: Peter Joseph  
FROM: Donna Larson  
RE: Proposed Amendment to the Zoning Ordinance

On behalf of the Planning Board, I am pleased to submit this recommended amendment to the Zoning Ordinance. This amendment is limited to the Commercial 1 District (Route One South), it removes the limitation of one overhead door on a side of a building that is visible from Route One. In place of the limitation, a clause has been added to Section 527, Performance Standards for Commercial Districts, stating that overhead doors shouldn't be designed to stand out.

The limitation on overhead doors was added several years ago when retail was expected to be the primary use in the District and when self-storage facilities were being developed along corridors like Route One. It was thought that a series of buildings with overhead doors, such as self-storage units, would give the corridor a warehouse and industrial look which would discourage the development of retail and office uses. Development in this part of Freeport has not been retail, but instead has been a combination of office, manufacturing and warehouse, boat sales and storage and uses related to auto repair.

The Planning Board has recommended several changes to this clause in the Ordinance over the last few years. At a recent Planning Board meeting, Keith McBride, FEDC, suggested that the Board remove the clause as it is slowing development in the area. The Board discussed the request to remove the limitation and they all agreed that it was no longer needed.

The Board held a public hearing on this item on April 26, 2019. Three owners of properties in the Commercial 1 District spoke in favor of deleting this clause from the Ordinance. None spoke against it. Caroline Pelletier, Assistant Planner and the staff person to the Project Review Board, asked the Planning Board to add the phrase, "this may be accomplished through the use of color, material and/or form" to describe how an overhead door could be designed to not visibly stand out. The Planning Board agreed and the clause was added. The Board agreed unanimously to this amendment. The Board motion is on the last page of this document.

## Section 409. Commercial District I “C-I”

### A. Purpose:

It is the intent of this District to provide for suitable locations for commercial uses which are appropriately situated at highway locations and to encourage an attractive entrance to the Town of Freeport. This District comprises land along the U.S. 1 corridor from Yarmouth to the plaza just north of Desert Road and is the major local connector between Yarmouth and Freeport. This district is intended to be flexible with regard to minimum lot size, road frontage requirement, and setbacks from property lines provided points of access onto U.S. Route One are limited, and design standards are met.

### D. Other Standards:

1. Outdoor storage for non-residential uses is prohibited in the front setback. Outdoor storage areas shall be fenced.
2. In the front setback, in a strip extending along the entire frontage of Route One, except for driveways, for a depth of 15 feet, landscaping is required. Landscaping is also required in all side setbacks for a depth of 15 feet extending from the front property line to the furthest back edge of the developed area (buildings, parking lots, other impervious surface). The Project Review Board shall determine whether the side landscaping shall consist of plantings and/or retention of the natural cover. Only accessways, walkways, pedestrian and vehicle connectors between parking lots on abutting lots and common driveways for abutting lots are permitted in the side landscaped setbacks.
3. Items for sale are allowed within all of the required setbacks.
4. If existing or proposed parking spaces are eliminated due to the creation of parking lot connectors and/or common driveways for abutting lots, the property shall be credited for each lost space so that no net loss of parking spaces shall occur.
5. The Project Review Board may reduce the setback requirements if the proposed building is adjacent to an existing building used for commercial purposes, if a lot shares access, parking, or other facilities with another lot, or if environmental constraints on the property limit the logical location of buildings to be closer to the property line.

~~6.a. Non-residential uses allowed one overhead door that will be used for boats, equipment and vehicles of all types and/or storage on a side of the building visible from U.S. Route One. The Project Review Board may approve more~~

~~than one overhead door on a side of the building visible from U.S. Route One if the size and shape of the lot are such that no other reasonable alternatives exist, that adequate screening is provided, and that the doors are designed to not visually stand out from the overall facade.~~

76. The Project Review Board may allow building heights up to 45' provided the building can be adequately screened from U.S. Route One, I-295, Old South Freeport Road and South Freeport Road as applicable with existing trees and the building is 300' or greater from U.S. Route One.

87. The Performance Standards of Section 527 are applicable.

98. For uses that require outdoor storage of materials or the operation/storage of large equipment (other than inventory for sale), the Project Review Board shall require screening that visually obscures the storage area(s) and/or reduces the ambient noise level of the use to the greatest extent practicable. Such screening may include plantings, retention of existing vegetation, berms, fences, or other vegetative or constructed barriers to mitigate the visual and auditory impact of the development on the surroundings.

The final shape, size and location of all screening shall be determined, at the discretion of the Project Review Board. In determining the shape and size of the screening, the board shall consider the amount of land being used for outdoor storage, the type of screening being used, the amount of noise that may be generated by the outdoor storage, the proximity of the outdoor storage to the road, and the amount of natural vegetation being maintained.

## **Section 527. Performance Standards for Commercial Districts (C-I, C-III, C-IV)**

The purpose of this section is to encourage a pattern of development along major roadways which minimizes the appearance of strip development and supports the following goals:

- Create harmonious and attractive signage;
- Encourage the development of architecturally well designed buildings;
- Provide for a safe flow of vehicular traffic;
- Encourage connectors between parcels for vehicles and pedestrians;
- Encourage pedestrian activity along the corridor;
- Minimize sky glow from lighting; and
- Create attractive settings for developments through the use of extensive plantings in the setbacks.

The following performance standards are for the Project Review Board to use to evaluate the specific plans for a site. The standards are mainly general in nature to encourage creative solutions related to the unique characteristics of individual

sites. Detailed advisory guidance on suggested methods to meet the following standards is available in the Route One South Design Guidelines. These referenced Guidelines are provided as a supplement to this Ordinance, but do not take precedence over and are not requirements of this Ordinance. *{Amended, Effective 01/02/18}*

A. Signage

1. Placement, materials, shape, size, colors and style of the sign(s) should complement the building and nearby properties.
2. The amount and size of the information on the sign should be consistent with the ability of the viewer to comprehend it.
3. Framing/supports should be in proportion to, and compatible with, the size of the sign and the size of the building.
4. One free standing sign per building is preferred
5. Lighting of interior illuminated signs should not create sky glow.
6. Dark background colors and light letter colors are preferred for interior illuminated signs.
7. Free standing signs should not be located in the side setback of lots.
8. One building sign per building side is preferred.
9. For multi-tenant signage, the review process may be streamlined if, at the original time of approval, minimum and maximum sign size and placement and a design plan are established. Subsequently, each tenant may choose the lettering. When tenants change, administrative approval can be obtained unless the sign changes are more significant than the name change.
10. The establishment of integrated sign systems for multi-tenant developments is encouraged.
11. Gooseneck lights on signs are preferable to ground lights. Ground lights are discouraged. If ground lights are used they shall have year-round screening with landscaping or some other method.

B. Building Design *{Amended, Effective 01/02/18}*

In addition to the criteria and standards included in Section 602.F.1.b. of the Freeport Zoning Ordinance regarding the relation of proposed buildings to the environment, the following standards apply.

1. For proposed building facades that face or are visible from any public road including but not limited to US Route One and Interstate 295, residential neighborhoods, or buildings on abutting properties, the following standards apply:
  - a. To prevent long, visually monotonous buildings facades, design features shall be added to the building such as but not limited to, wall plane projections, recesses, windows, roof elevation variations, variations in siding materials and orientations, moldings and trim are design features that must be incorporated into a building. In no case shall there be an uninterrupted span of wall for more than 50 feet. In addition, commercial buildings with wall heights greater than 20' shall be treated as a 2-story

building in terms of window and trim treatment regardless of the number of floors on the inside of the building.

- b. *To encourage high quality buildings, architectural details on the front and side edges of pitched and flat roofs are required.*
- c. To create consistent building styles, all sides of the building should match or complement the style of the building that has the greatest visibility from a public street.
- d. In addition to the standards of this section, to blend metal sided buildings in with other stick-built buildings along a corridor, metal siding installed in a single direction is not permitted on a façade more than 12 feet tall or more than 50 feet long.
- e. All façade elements shall be coordinated with the landscape plan.

- f. For buildings with overhead doors, the overhead doors should be designed to not visibly stand out; this may be accomplished through the use of color, material and/or form. Except if the overhead door is a prominent feature of the building, in which case the design must include architectural features such as trim or type of glass.
- 2. Blank or unadorned walls are allowed if the walls are NOT directly visible from any public road including but not limited to US Route One and Interstate 295, residential neighborhoods, or buildings on abutting properties.

#### C. Vehicular Access.

- 1. New access points on Route One shall not be closer than 300 feet to an existing access point to the greatest extent possible.
- 2. Sharing of common driveways is encouraged, especially for access to abutting lots which are nonconforming in area and/or frontage.
- 3. Where possible, access from a side street or driveway is preferable to access from Route One.
- 4. A minimum of the first 50 feet of any driveway off Route One shall be paved.
- 5. Driveways between parcels to connect adjacent parking lots are required where they are practical to improve vehicular travel without using U.S. Route One and where environmentally feasible.

#### D. Pedestrian Access

- 1. A pedestrian access at least 5 feet wide connecting abutting parcels shall be constructed on each parcel where development is proposed. If the adjoining parcel is developed, the access should be designed to relate to existing facilities on the abutting lot. Materials might be asphalt, stone dust or wood, as examples. If the abutting lot is not developed, the plan shall contain a statement that says that continuous and consistent access will be created when

the abutting lot is developed. The Project Review Board may waive this requirement if no reasonable access is available due to, for example the presence of wetlands, and/or steep slopes.

E. Front landscaped setback

The purpose of the landscaped setback is to soften the appearance of structures and parking lots from the road and to screen vehicular headlight glare on and off site.

1. If drainage basins and swales are located in the setback, they should be landscaped with trees or shrubs and the edge of the basin should be graded, if possible, to create height variations (a berm effect). If landscaping and berming will eliminate the retention/detention function of the basin, the basin should be relocated outside of the setback or the size of the setback should be increased to accommodate the basin and the landscaped strip.
2. Preservation of existing mature trees and planting or preservation of masses of shrubs in the setback is encouraged.
3. Landscaping should include planting of new trees and shrubs if none presently exist.
4. Loaming and seeding may be a part of the landscaping plan but should not be the only element of the plan.
5. Fencing may be incorporated into the landscaping plan, at the interior edge of the front landscaped setback, especially to screen vehicular lights from the roadway.

G. Site Features

1. In general, no more than three flagpoles should be located on a parcel.
2. The height of the flagpole shall be in proportion to the height of the building. The dimensions of the flag shall be in proportion to the dimensions of the flagpole.

**Proposed Motion:**

Be it ordered that the Planning Board recommends that the Town Council adopt the proposed amendments with the following addition to Sec. 527.B.1.f “this may be accomplished through the use of color, material and/or form,” as the architectural and landscaping standards for buildings and projects will allow new construction and redevelopment to blend in with the character of the District. The Board further finds that the proposed amendments are consistent with the Comprehensive Plan to allow a wide variety of uses that provide the goods and services needed.