

PLANNING BOARD REPORT

DEPARTMENT OF PLANNING AND DEVELOPMENT



Miscellaneous Zoning Text Amendments (#26-003)

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I. INTRODUCTION

Starting the new year, staff continue to assemble and draft potential updates to the zoning ordinance. Some of the more immediate and concise amendments staff are recommending include the following topics:

- Minimum Height Requirements (in GM6-7)
- Off-street Parking along Maine Street Frontages in GM6
- Façade Materials Allowed in Village Review Overlay
- Continuance Period for Nonconforming Uses

At this time, the Planning Board is requested to review the attached zoning amendments (Attachments 1-4) and provide feedback in advance of a future public hearing.

II. SUMMARY

Minimum Height Requirements in GM6-7 (Attachment 1):

Both Growth Mixed Use (GM) 6 and 7 zoning districts require a minimum height of 24¹ feet. Given the varying height of existing structures currently in the GM7 district (Brunswick Landing) and the wide range of uses that occur within the district, staff recommend adding additional flexibility for allowing minimum height to be determined based on average building height, as well as exempting existing buildings from being factored into the calculation. In both districts, additional exemptions are provided to clarify that certain architectural features, such as porches and porticos, are not subject to the minimum height requirement. In the GM7, utility substations, accessory buildings, and similar structures or building components may be of a lesser height. In the GM6, the entire building would be required to meet the minimum height, and the language requiring the standard to be met at the front lot line has been removed to clarify that the requirement applies to the entire building.

Off-street Parking along Maine Street Frontages in GM6 (Attachment 2):

Currently, Maine Street is a vibrant pedestrian corridor lined with an abundance of commercial uses oriented towards Maine Street. However, there are occasional instances where properties prioritize vehicle access and parking lots are located along Maine Street frontages with buildings set farther back from the street. When this happens pedestrian walkability and active street engagement are negatively affected by various factors such as reduced visual interest, increased walking distances to building entrances, and disruption to the established rhythm of the street. To promote more walkable connections and support commercial-oriented, pedestrian-focused development, staff recommend an ordinance amendment that prohibits off-street parking within 30 feet of the edge of the public right-of-way along Maine Street. This requirement would apply in the GM6 to any development, change of use, or reconstruction of principal structure or parking area.

¹ The GM6 district requires a minimum height on the front lot line only if development is increasing the floor area by 50 percent.

Façade Materials Allowed in Village Review Overlay (Attachment 3):

The Village Review Overlay design review standards for new construction, additions, and alterations to existing structures prohibit use of cinder block, concrete and concrete block on any portion of a structure that is visible from the building's exterior, except on the building's foundation. Because the Village Review Board (VRB) already reviews projects to ensure they are designed to enhance or improve the structure's compatibility with nearby contributing resources staff believe this prohibition may unnecessarily limit the use of higher quality concrete-based materials that could be contextually appropriate. Given the VRB retains discretion over the materiality of structures, staff recommend allowing concrete-based products on exterior facades where the Board finds that the material closely resembles wood or stone in appearance thereby providing additional flexibility while providing oversight of the design.

Continuance Period for Nonconforming Uses (Attachment 4):

Outside of the APO, SPO, FPO, and WPO Districts, the Zoning Ordinance does not allow a nonconforming use to be re-established if it has been discontinued for a period of 36 months or more. This represents a relatively long continuance period compared to other communities, particularly given that many existing nonconforming uses were established under significantly older regulations that reflected different planning objectives and land-use priorities. Staff recommend reducing the discontinuance period from 36 months to 24 months so that nonconforming uses that have been inactive for an extended period are more promptly brought into alignment with current zoning standards and planning priorities.

NEXT STEPS

Staff will review any feedback provided by the Planning Board, return with updated draft ordinances, and schedule a public hearing for the Board's recommendation to the Town Council.

III. ATTACHMENTS:

Attachment 1. Draft Amendments - Minimum Height Requirements (in GM6-7)

Attachment 2. Draft Amendments - Off-street Parking along Maine Street Frontages in GM6

Attachment 3. Draft Amendments - Façade Materials Allowed in Village Review Overlay

Attachment 4. Draft Amendments - Continuance Period for Nonconforming Uses

4.2.3. Growth Area Dimensional and Density Standards

Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts [Unless separate standards approved in Common Development Plan]																												
Stand	Current Zone	GR1	GR2 & 10	GR3	GR4	GR5	GR6	GR7	GR8	GR9	GM1	GM2	GM3	GM4 ^[1]	GM5	GM6	GM7	GM8	GC1	GC2	GC3	GC4	GC5	GA	GI	GO	GN ^[2]	
	1997 Zoning District	R-R	R1 & 8	R2	R3, 4, 5, 6	R7	TR1	TR2	TR3 & 4	TR5	MU2	MU3 & 6	MU4 I1, I-4	MU1, CC	HC1 & 2	TC1, 2, 3	, R-CMU	MUOZ	CU1 & 3	CU5 & 6	CU4 & 7	CU/TC	CU2	R-AR	I2,I3 & R-B&TI	R-R&OS	BCN	
Lot area, min. ^[22]		n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses									n/a for residential uses; 7,000 sq. ft. for non-residential uses								
Density, max. (dwelling units per acre of net site area <i>see definition</i>)		8	4	6 ^[3]	6	7	10	5	6	6	6	10	10	15	6	n/a	24	6	12	24 ^[4]	5 ^[5]	24	10	n/a	n/a	n/a	n/a	
Lot width, min. (feet)		40	65	75	75	65	65	65	65	65	60	65	75	60	75	n/a ^[12]	n/a	75	65	65	65	40	65	50	50	n/a	n/a	
Building frontage, min. (% of lot width)																75 ^[6]										n/a		
Building frontage, max. (% of lot width)																100 ^[7]										n/a		
Front setback, min. (feet) ^[8]		0	15	20	20	15	15	20	20	20	20	15	30	0	15	0 ^[12]	0	20	15 ^[19]	15	15	10	15 ^[19]	0	10	0	n/a	
Build-to Zone (feet) ^[8]													^[9]		0-5 ^[10]											n/a		
Rear setback, min. (feet)		0	20	20	20	20	15	20	20	20	20	20	30	15	15	0 ^[12]	0	30	15 ^[19]	15 ^[19]	15	10	15 ^[19]	20	20	20	n/a	
Side setback, min. (feet)		0	15	15	15	15	15	15	15	15	15	15	15	0	20	0 ^[12]	0	30	15 ^[19]	15 ^[19]	15	10	15 ^[19]	15	15	10	n/a	
Impervious surface coverage, max. (% of lot area)		45	35	35	35	35	50	35	35	35	75	50	60	80 ^[11]	70	100 ^[12]	100	50	60	50	50	50	50	80	80	10	^[2]	
Building height, min. (feet)		24														24 ^[13]	24 ^[25]									n/a		
Building height, max. feet. ^[14]		50	35	35	35	35	35	35	35	35	40	35	60	60	45	40 ^[15]	50	40	70 ^[20]	45	35	70	55	100	60	35	n/a	
Building footprint per structure, max. (1,000 square feet) ^[24]		20 ^[3]	5	5	5 ^[16, 19]	5 ^[19]	7.5	5	5	5	20	5	30 ^[21]	50 ^[18]	20 ^[23]	n/a ^[12]	n/a	25% of lot size	n/a	8.5	5 ^[17]	n/a	n/a	n/a	n/a	n/a	n/a	

**Table 4.2.3: Dimensional and Density Standards for Growth Area Zoning Districts
[Unless separate standards approved in Common Development Plan]**

Stand	Current Zone	1997 Zoning District
	GR1	R-R
	GR2 & 10	R1 & 8
	GR3	R2
	GR4	R3, 4, 5, 6
	GR5	R7
	GR6	TR1
	GR7	TR2
	GR8	TR3 & 4
	GR9	TR5
	GM1	MU2
	GM2	MU3 & 6
	GM3	MU4 I1, I-4
	GM4 ^[1]	MU1, CC
	GM5	HC1 & 2
	GM6	TC1, 2, 3
	GM7	, R-CMU
	GM8	MUOZ
	GC1	CU1 & 3
	GC2	CU5 & 6
	GC3	CU4 & 7
	GC4	CU/TC
	GC5	CU2
	GA	R-AR
	GI	I2,I3 & R-B&TI
	GO	R-R&OS
	GN ^[2]	BCN

NOTES:

[1] All new, enlarged, or redeveloped buildings and additions in the GM4 District subject to Development Review shall also be consistent with the Cook's Corner Design Standards, unless such design standards are waived in accordance with Subsection 5.2.9.0 (Waiver Provisions).

[2] Area of new disturbance per parcel shall not exceed 1% of total acreage, measured as of the effective date of this Ordinance.

[3] 1 du per 20,000 sf of net site area for developments using subsurface wastewater disposal systems.

[4] Except that lands north of Bath Road shall be limited to 8 du/ac.

[5] Except that parcel between South Street and Longfellow Avenue shall be limited to 10 du/ac.

[6] Applicable only to the first floor of buildings along Maine Street. Does not apply to buildings on Park Row.

[7] Does not apply to buildings on Park Row.

[8] Front setback averaging applies; See Subsection 4.2.5.B(4)

[9] See Cook's Corner Design Standards for maximum front setbacks applicable along Bath Rd., Gurnet Rd., proposed Perimeter Rd, Thomas Point Rd., and all public and private connector roads.

[10] Applicable only to the first floor of buildings along Maine Street. For all other buildings in the GM6 District, the build-to zone is determined by the range of front setback of principal buildings on the nearest occupied lots on either side on the same block face. Does not apply to buildings on Park Row.

[11] Limited to 50% impervious coverage and maximum building footprint of 20,000 sq. ft. north of Route 1.

[12] Except that parcels fronting onto Park Row front setbacks shall be consistent with the established average front setback (see subsection 4.2.5.B (4)), shall have minimum side and rear setbacks of 15 feet in width; a minimum lot width of 60 feet; a maximum footprint of 7, 500 square feet and a maximum impervious coverage of 45%;

[13] Expansions that will increase floor area by 50% or more require minimum height to be met for the entire building. Porches, porticos, and similar attached architectural features may be a lesser height. Minimum height is triggered if floor area is being increased by 50%, and must be met at front lot line.

[14] Unless restricted to a lower height by Flight Path Overlay (FO) District regulations (see Subsection 2.3.7).

[15] Except that lands north of U.S. Highway 1 shall have a maximum building height of 60 ft.

[16] May be increased to up to 30,000 square feet for a community living facility as defined by 30-A M.R.S. § 4357-A, , as amended, with a Conditional Use Permit approved in accordance with Subsection 5.2.2 (Conditional Permits).

[17] 10,000 square feet for multifamily dwellings, and 20,000 square feet for the Bowdoin College Edwards Center for Art and Dance building.

[18] 300,000 square feet if the structure meets one of the conditions listed in Subection 4.2.5.B(9).

[19] See Subsection 4.2.5.B(4) for additional setback requirements.

[20] See Subsection 4.2.5.B.(7) for additional height requirements..

[21] No building footprint restriction shall apply for properties located south of Route 1, along Cressey Road and Columbus Drive.

[22] See Subsection 4.2.5.F for minimum dimensional requirements for lots located within the Shoreland Protection Overlay.

[23] Except that public safety municipal facilities shall have no maximum building footprint per structure.

[24] Except that public school facilities shall have no maximum building footprint per structure.

[25] Minimum height shall be determined based on the average height of each building. Porches, porticos, and similar attached architectural features, as well as utility substations, accessory buildings, and similar structures or building components, may be of lesser height. Buildings existing prior to January 1, 2026, shall be excluded from this calculation.

Sec. 4.9. Parking and Loading.

4.9.1. Minimum and Maximum Vehicle Parking Requirements.

- A. *General Standard.* A development shall provide adequate off-street parking and loading/unloading areas for motor vehicles and bicycles, or shall provide reasonable alternative parking.
- B. *Specific Standards.*
- (1) *Specific Standards: Minimum Number of Off-Street Vehicle Parking Spaces.* Except as otherwise provided in this Ordinance, new development shall provide the minimum number of off-street vehicle parking spaces in accordance with Table 4.9.1.A, based on the principal use(s) involved and the extent of development.

Table 4.9.1.A: Minimum Number of Off-Street Vehicle Parking Spaces		
Principal Use		Minimum Number of Vehicle Parking Spaces ^{1,2,3,4}
Residential Uses		
Household Living		
Dwelling, 1- or 2-family (includes all mobile homes; excludes accessory dwelling units)	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Dwelling, multifamily	2 or more bedrooms	2 per du
	1 bedroom or studio	1 per du
Group Living		
Assisted/Congregate Living Facility		1 per 3 beds
Boarding house		1 per guest room
Nursing home		1 per 5 beds
Residence hall		1 per 3 beds
Public, Institutional, and Civic Uses		
Community, Cultural, and Educational Uses		
Club or lodge		1 per 120 sf of assembly space
College		1 per 900 sf of academic space
Community center		1 per 300 sf
Day care facility, small		1 per 325 sf of licensed primary indoor space
Day care facility, large		
Hospital		1 per 3 inpatient beds
Library, museum, or art gallery		1 per 500 sf
Municipal facility		1 per 400 sf of office space + 1 per 600 sf of maintenance, distribution, or storage space
Park or conservation area		See Section 4.9.1.E
Religious institution		1 per 5 persons of maximum occupancy capacity in assembly space
School	High school	1 per classroom + 1 per 10 students
	Middle or elementary school	1 per classroom + 10 visitor spaces
Communication Uses		
Small-scale telecommunication tower		n/a
Telecommunication tower		1 space

<i>Commercial Uses</i>	
<i>Agriculture, Aquaculture, and Animal Care Uses</i>	
Aquaculture	See Section 4.9.1.E
Equestrian facility	1 per 5 stalls
Farm	n/a
Kennel	1 per 300 sf used for boarding
Plant nursery	1 per 1,000 sf of display area
Veterinary office	1 per 500 sf
<i>Food, Beverage, and Entertainment</i>	
Adult entertainment establishment	1 per 300 sf
Golf course	1 per 300 sf of indoor area + 1 per golf course hole
Recreation facility, as a principal use	See Section 4.9.1.E
Restaurant or dining facility	1 per 4 persons of maximum occupancy capacity of customer service area(s)
Theater	1 per 4 persons of maximum occupancy capacity of assembly space
<i>Lodging</i>	
Campground	1 per campsite + 1 space
Hotel	1 per guest room + 1 per 800 sf of assembly space
<i>Retail Sales and Services</i>	
Farmer's Market	1 per 400 sf of stall and vehicle space, and customer circulation area
Financial Institution	1 per 300 sf
Neighborhood store	1 per 300 sf
Office	1 per 400 sf
Office, Medical	1 per 200 sf
Retail, Class I	1 per 300 sf
Retail, Class II	1 per 300 sf
Service business, Class I	1 per 300 sf
Service business, Class II	1 per 300 sf
Studio	1 per 300 sf
<i>Transportation and Vehicle-Related Uses</i>	
Aviation operations	See Section 4.9.1.E
Aviation-related business	See Section 4.9.1.E
Bus or rail station	1 per 400 sf of passenger waiting area
Car wash	1 per 500 sf
Marina or boat storage	0.5 per boat slip or mooring
Parking facility, as a principal use	n/a
Ultra-light airport	See Section 4.9.1.E
Vehicle fueling station	n/a
Vehicle sales, rental, or storage	1 per 400 sf of indoor sales display area and office space
Vehicle service or repair	1 per 500 sf
<i>Industrial Uses</i>	
Contractor's space	1 per 200 sf of office space
Industry, Artisan	1 per 600 sf
Industry, Class I	1 per 1,000 sf

Industry, Class II	1 per 1,000 sf
Junkyard or automobile graveyard	1 per 1,000 sf of storage area
Marine activity	See Section 4.9.1.E
Mineral extraction	See Section 4.9.1.E
Recycling collection facility, as a principal use	3 per station
Renewable energy generating facility, as a principal use	See Section 4.9.1.E
Utility facility, major	See Section 4.9.1.E
Utility facility, minor	n/a
Warehousing and storage	1 per 2,500 sf

NOTES:

1. When computation of the number of required parking spaces results in a fraction, the result shall be rounded upward to the next highest whole number.
2. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on square feet of floor area, all computations shall be based on gross floor area.
3. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the maximum occupancy capacity, all computations shall be based on the occupant load of the building or facility as established in accordance with the Brunswick Building Code.
4. Except as otherwise provided in this section, where the minimum off-street parking space requirement is based on the number of employees, students, or residents, all computations shall be based on the largest number of persons working on any single shift (for employees), or the maximum enrollment (for students), or the fire-rated capacity (for residents), as appropriate.

C. ~~Exemptions~~ Special Provisions in the Growth Mixed-Use 6 (GM6) District.

(1) Off-street vehicle parking spaces are not required for a use in the GM6 District that:

- (i) Is located on a lot less than 10,000 square feet in size; or
- (ii) Is housed in an existing building with less than 10,000 square feet of gross floor area.

(2) There shall be no off-street vehicle parking located within 30 feet of the edge of the public right-of-way of Maine Street. Compliance with this provision shall be required notwithstanding any nonconforming status of a structure or use, and shall be implemented upon any change of use or reconstruction of the principal structure. Compliance shall also be required upon reconstruction of the parking area, to the extent reasonably practical.

D. *Applicability to Existing Development Use Changes and Expansions.*

- (1) A change in the use of an existing development shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this Section for the existing use and the minimum number of spaces required by this Section for the new use.
- (2) If an existing structure or use is expanded in terms of the size unit used in this Section to determine the minimum number of off-street vehicle parking spaces required for the applicable use (e.g., dwelling units, floor area, seating capacity), such expansion shall be accompanied by the provision of any additional off-street vehicle parking needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this section for the expanded development.

- E. *Uses with Variable Parking Demands.* Some uses have widely variable parking demand characteristics that make it difficult to establish a single appropriate minimum off-street vehicle parking standard. On receiving an application proposing such a use (as designated by reference to this Subsection in Table 4.9.1.A), the Director, in consultation with the Code Enforcement Officer, is authorized to apply a minimum requirement for a listed use deemed most similar to the proposed use, establish the minimum requirement by reference to a standard parking standards resource, or establish the minimum requirement based on a parking demand study prepared by the applicant using data from the Institute of Traffic Engineers (ITE) or other acceptable source.
- F. *Requirements for Developments with Multiple Uses.* Developments containing more than one (1) principal use shall provide vehicle parking spaces in an amount equal to the total of the requirements applied to all individual principal uses. This does not limit the opportunity to reduce the resulting minimum requirement through approval of an alternative parking plan justifying shared parking (see Subsection 4.9.4.A (Shared Parking)).
- G. *Maximum Number of Off-Street Vehicle Parking Spaces.* For Retail Class II uses with more than 50,000 square feet of gross floor area, the number of off-street vehicle parking spaces shall not exceed 125 percent of the minimum number of spaces required by this Section unless the additional spaces are located within a parking structure or are allowed through approval of an alternative parking plan pursuant to Subsection 4.9.4.C (Provision over the Maximum Allowed).
- H. *Accessible Parking Spaces.* Within each off-street vehicle parking area, a portion of the total number of parking spaces shall be spaces specially designated, located, and reserved for use by persons with physical disabilities ("accessible parking spaces") in accordance with the standards of the Americans with Disabilities Act.

4.9.2. Minimum Bicycle Parking Requirements.

- A. All parking areas containing ten (10) or more vehicle parking spaces shall provide bicycle parking facilities (e.g., bike racks/lockers) to accommodate the parking of at least two (2) bicycles for every ten (10) vehicle parking spaces required, provided that no more than 20 bicycle parking spaces shall be required in any one (1) parking lot.
- B. Any bicycle parking facilities shall be located in a well-lit location that is conveniently accessible to a primary entrance(s) to the development's principal buildings, does not interfere with pedestrian traffic, and is protected from conflicts with vehicular traffic.

4.9.3. Design, Construction and Maintenance of Parking Areas.

A. Location and Configuration.

- (1) Each parking area shall be designed with adequate access, turning radii and snow storage areas. Minimum dimensional standards shall apply as follows in Table 4.9.3:

Table 4.9.3: Minimum Parking Space Dimensional Standards				
Parking Angle (degree)	Stall Width (feet/inches)	Skew Width (feet/inches)	Stall Depth (feet/inches)	Aisle Width (feet/inches)
90	9'0"	0"	18'	24'0"
60	8'6"	10'5"	19'0"	16'0" (1-way)
45	8'6"	12'9"	17'5"	12'0" (1-way)
30	8'6"	17'0"	17'5"	12'0"

- (2) No parking area may be constructed within a required setback.

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- (3) Where practicable, in the GM6 District and Village Review Overlay Zone, off-street parking shall be located to the rear of the development's principal building and shall be accessed from a secondary street.
 - (4) In all Growth Mixed-Use (GM) and Growth College (GC) zoning districts, a maximum of one (1) row of off-street parking may be located in front of the principal building being served (but not within the required front yard).
 - (5) Parking lots shall be designed and landscaped to avoid long, uninterrupted rows of parked vehicles. Surface parking lots containing more than 30 spaces shall be broken into separate parking areas by the use of landscaped islands, pedestrian and bicycle areas, or buildings.
 - (6) The Review Authority may waive the requirements of this Subsection where a primary structure already exists on the parcel and there is no other alternative for siting parking, or where compliance would be impractical.
- B. *Landscaping.* The following landscaping standards shall apply to all surface parking areas other than those for single and two-family dwellings on a single lot.
- (1) *Perimeter Landscaping.*
 - a. Where a parking lot is within 50 feet of and visible from a street, other development (except another parking lot), or vacant property, perimeter landscaping shall be provided and maintained within a strip of land between the parking lot and the adjacent street right-of-way or easement or property line except where such strip is crossed by an authorized vehicular, bicycle, or pedestrian accessway, or utility easement.
 - b. The perimeter landscaping strip shall be at least the minimum width necessary to adequately accommodate the proposed plantings and other screening material and avoid damage to such materials by parked vehicles.
 - c. Perimeter landscaping shall consist of any combination of trees, evergreen shrubs, berms, walls, and fences that form a continuous solid/completely opaque screen not to exceed four (4) feet in height along the perimeter of the parking lot that is designed to screen the headlights of vehicles in the parking lot yet allow security surveillance of the parking lot from the adjacent street.
 - (2) *Interior Landscaping.*
 - a. Parking lots containing more than 30 parking spaces shall provide and maintain landscaped islands:
 - i. At the end of every row of parking spaces;
 - ii. Along a long row of parking, spaced no more than 20 parking spaces apart; and
 - iii. Between at least every three (3) parallel parking bays.
 - b. Islands shall be at least the minimum width necessary to adequately accommodate the proposed plantings and any proposed walkway through it and avoid damage to landscaping by parked vehicles.
 - c. Each landscaped island shall include at least one (1) shade tree, provided that understory trees may be substituted for canopy trees in areas beneath overhead utility lines.
- C. *Surfacing, Drainage, Lighting.*
- (1) Parking areas shall be constructed with a suitably durable surface that minimizes dust and is appropriate for the use of the land, with adequate drainage.

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- (2) Surfacing, grading and drainage shall facilitate groundwater recharge by minimizing impermeable pavement and run-off. Oil traps may be required for larger paved parking lots.
 - (3) Parking areas shall be lighted in a manner that does not result in direct lighting to or glare to abutting residential properties or cause a traffic hazard due to glare.
- D. *Modification/Waiver of Design Requirements.* The Review Authority may waive or modify the design and construction standards in this subsection on finding that the total number of parking spaces required for the use cannot be accommodated in accordance with the standards, that the site layout prevents compliance with the standards, or that existing development on the site has been determined by the Code Enforcement Officer to be nonconforming with the standards.
- E. *Maintenance.* All parking lot areas shall be maintained pursuant to Section 4.15 (Maintenance).

4.9.4. *Parking Alternatives.*

The Review Authority may approve alternatives to complying with the requirements in Subsection 4.9.1 in accordance with the following standards.

A. *Shared Parking.*

- (1) The Review Authority may allow use of a common parking facility to meet the minimum parking requirements for multiple uses or uses on multiple lots on finding that the uses generate parking demands during different times, or have characteristics making it likely that a significant portion of people will use the same parking space to access the other uses sharing the parking facility.
- (2) Shared parking spaces shall be located within 1000 feet walking distance of the primary pedestrian entrance to all uses.
- (3) The Review Authority may require cross easements or other legally enforceable documents that ensure the participating uses or property owners the right to joint use of the parking facility as long as the shared spaces are needed to comply with this Ordinance. If the shared parking becomes unavailable to a participating use, the uses shall provide alternative means of meeting off-street parking requirements.

B. *Off-Site and Satellite Parking.*

- (1) The Review Authority may allow use of a parking facility located on one (1) lot to meet the minimum parking requirements for a use located on a separate lot.
- (2) The Review Authority may require legally enforceable documents that ensure that the served use has the right to use the off-site or satellite parking facility as long as the spaces are needed to comply with this Ordinance. If the off-site or satellite parking facility becomes unavailable to the served use, the use shall provide alternative means of meeting off-street parking requirements.

C. *Provision over the Maximum Allowed.* The Review Authority may allow the maximum parking requirement applicable to a development in accordance with Subsection 4.9.1.G to be exceeded on finding that the additional spaces are justified by a parking demand study demonstrating that they are necessary to adequately serve a development.

D. *Parking Requirement Reductions.* The Review Authority may allow additional reductions of the minimum vehicle parking requirements in Subsection 4.9.1. To support a request for an additional reduction, the Review Authority may require a parking demand study showing reduce transportation and vehicle parking demand due to the location, characteristics, or committed operations of the particular use (e.g., type of development, proximity to transit, employee carpool/vanpool program, off-peak work schedules).

4.9.5. *Minimum Off-Street Loading Requirements.*

A. *Minimum Number of Off-Street Loading Spaces.*

- (1) *General Standard.* New development involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development site shall provide a sufficient number of off-street loading spaces to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner.
- (2) *Specific Standards.*
 - a. Table 4.9.5.A(2) below sets forth the minimum number of off-street loading spaces that presumptively satisfies the loading space needs of medium-sized and large-sized delivery/shipping trucks based on the principal use and size of the development. It is assumed that the needs of small delivery/shipping trucks can be met through the temporary use of vehicle parking spaces or accessways, without impeding use of adjacent driveways or fire lanes.
 - b. The Review Authority may require a higher or lower number of off-street loading spaces based on a finding that the characteristics of the particular development warrant such an increase or decrease, and that the general standard in Subsection (1) above is met.

Table 4.9.5.A(2): Minimum Number of Off-Street Loading Spaces		
Gross Floor Area (GFA)	Medium-Sized Truck	Large-Sized Truck
<i>Public, Civic, and Institutional Uses and Office Uses¹</i>		
Up to 10,000 sf	0	0
10,001 to 50,000 sf	1	0
Over 50,000 sf ²	2	0
<i>Commercial Uses Other than Office Uses¹</i>		
Up to 20,000 sf	0	1
20,001 to 50,000 sf	1	1
50,001 to 100,000 sf	1	2
100,001 to 200,000 sf	2	2
Over 200,000 ²	3	2
<i>Industrial Uses</i>		
Up to 5,000 sf	0	0
5,001 to 10,000 sf	1	0
10,001 to 50,000 sf	0	1
50,001 to 100,000 sf	0	2
Over 100,00 sf ²	0	3

NOTES:

1. For mixed-use developments, gross floor area devoted to residential uses is excluded.
2. Additional spaces may be required based on development-specific assessment relative to size.

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- B. *Exemptions in Growth Mixed-Use District 6 (GM6).* Off-street loading spaces are not required for a nonresidential use in the GM6 District that:
- (1) Is located on a lot less than 10,000 square feet in size; or
 - (2) Is housed in an existing building with less than 10,000 square feet of gross floor area.
- C. *Applicability to Existing Development Expansions.* If the gross floor area of an existing structure is expanded, such expansion shall be accompanied by the provision of any additional off-street loading needed to make up the difference between the minimum number of spaces required by this section for the existing development and the minimum number of spaces required by this Section for the expanded development.
- D. *Design and Use of Off-Street Loading Areas.*
- (1) Each loading space shall be of sufficient size to accommodate the types of vehicles likely to use it.
 - a. The minimum loading space that presumptively satisfies loading space needs of a medium-size truck is at least 12 feet wide and 35 feet long, and has at least 13 feet of vertical clearance.
 - b. The minimum loading space that presumptively satisfies loading space needs of a large-size truck is at least 12 feet wide and 75 feet long, and has at least 14 feet of vertical clearance.
 - c. The Review Authority may require larger or smaller loading spaces on finding that the characteristics of the particular development warrant the variation, and the general standard in Subsection (1) above is met.
 - (2) Where practicable, off-street loading areas shall be located to the rear of the principal building(s) it serves.
 - (3) Loading areas shall be located and designed so vehicles can maneuver safely and conveniently to the loading space(s) and complete loading/unloading without interfering with vehicular, bicycle, or pedestrian traffic or use on streets, bike lanes, crosswalks, and parking areas.
 - (4) Off-street loading areas shall be located and designed to screen and otherwise mitigate their potential adverse visual and noise impacts on adjacent streets and properties by any combination of buildings, walls or fences, or dense continuous hedge.

Sec. 5.2. Specific Procedures.

5.2.8. Village Review Overlay Design Review.

C. Review Standards.

(1) General Standard.

- a. All Certificates of Appropriateness for new construction, additions, alterations, relocations or demolition shall be in accordance with applicable requirements of this Ordinance.
- b. In meeting the standards of this Ordinance the applicant and Village Review Board in its review shall be informed by guidance from the U.S. Secretary of Interior's Standards for Rehabilitating Historic Buildings and the Village Review Zone Design Guidelines.

(2) New Construction and Additions and Alterations to Existing Structures.

- a. In approving applications for a Certificate of Appropriateness for new construction or additions or alterations to contributing resources, the Review Authority shall make findings that the following standards have been satisfied:
 - i. Any additions or alterations shall be designed in a manner to minimize the overall effect on the historic integrity of the contributing resource.
 - ii. Alterations shall remain visually compatible with the existing streetscape.
 - iii. Concealing of distinctive historic or architectural character-defining features is prohibited. If needed, the applicant may replace any significant features with in-kind replacement and/or accurate reproductions.
 - iv. New construction or additions shall be visually compatible with existing mass, scale and materials of the surrounding contributing resources.
 - v. When constructing additions, the applicant shall maintain the structural integrity of existing structures.
- b. In approving applications for a Certificate of Appropriateness for new construction of, or additions to commercial, multifamily, and other non-residential structures, the Review Authority shall make findings that the following additional standards have been satisfied:
 - i. Where practicable, new off-street parking shall be located to the rear of the principal building and shall be accessed from a secondary street. In cases where off-street parking currently exists in a front or side yard, the parking area shall be screened from the public right-of-way with landscaping or fencing.
 - ii. Site plans shall identify pedestrian ways and connections from parking areas to public rights-of-way.
 - iii. All dumpsters and mechanical equipment shall be located no less than 25 feet away from a public right-of-way, unless required by a public utility, and shall be screened from public view.
 - iv. Roof-top-mounted heating, ventilation, air conditioning and energy producing equipment shall be screened from the view of any public right-of-way or incorporated into the structural design to the extent that either method does not impede functionality. Parapets, projecting cornices, awnings or decorative roof hangs are encouraged. Flat roofs without cornices are prohibited.

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- v. ~~A concrete product may be used on the exterior of a building if the Board finds the product resembles wood or stone to a high degree. The use of cinder block, concrete and concrete block is prohibited on any portion of a structure that is visible from the building's exterior, with the exception of use in the building's foundation.~~
 - vi. The use of vinyl, aluminum or other non-wood siding is permitted as illustrated in the Village Review Board Design Guidelines. Asphalt and asbestos siding are prohibited.
 - vii. Buildings with advertising icon images built into their design ("trademark buildings") are prohibited.
 - viii. No building on Maine Street shall have a horizontal expanse of more than 40 feet without a pedestrian entry.
 - ix. No building on Maine Street shall have more than 15 feet horizontally of windowless wall.
 - x. All new buildings and additions on Maine Street shall be built to the front property line. This may be waived if at least 60 percent of the building's front façade is on the property line, and the area in front of the setback is developed as a pedestrian space.
 - xi. If more than 50 percent new floor area is added to a structure located on Maine Street, the addition shall be at least two (2) stories high and/or not less than 20 feet tall at the front property line.
 - xii. The first floor façade of any portion of a building that is visible from Maine Street shall include a minimum of 50 percent glass. Upper floors shall have a higher percentage of solid wall, between 15 percent and 40 percent glass.
 - c. Proposed additions or alterations to noncontributing resources shall be designed to enhance or improve the structure's compatibility with nearby contributing resources as compared to the existing noncontributing resource.
- (3) *Signs.* Signs shall comply with Section 4.13 (Signs) with consideration given to the Village Review Zone Design Guidelines.
- (4) *Demolition and Relocation.*
- a. Demolition or partial demolition or relocation of a contributing or, if visible from a public right-of-way, a noncontributing resource, excluding incidental or noncontributing accessory buildings and structures not visible from the public right-of-way, located on the same property, shall be prohibited unless the proposed replacement structure or reuse of the property is deemed to be as appropriate and compatible with the existing streetscape and surrounding contributing resources and the application satisfies at least one (1) of the following criteria:
 - i. The structure poses an imminent threat to public health or safety. An application must be accompanied by a report from a qualified structural engineer for review by the Code Enforcement Officer and photographs depicting the current condition of the building.
 - ii. The condition of the structure is such that it cannot be adapted for any other permitted use, whether by the current owner or by a purchaser, resulting in a reasonable economic return, regardless of whether that return represents the most profitable return possible, provided that the applicant can document he/she has not contributed significantly to the deterioration of the structure. An opinion shall be provided from an architect, licensed engineer, developer, real estate consultant or appraiser or from a professional experienced in historic rehabilitation, as to the economic feasibility for restoration, renovation, or rehabilitation of the contributing resource versus demolition or relocation of same.

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- b. Demolition, partial demolition or relocation of a noncontributing resource visible from a public right-of-way, shall be approved by the Village Review Board if it is determined that the proposed replacement structure or reuse of the property is deemed more appropriate and compatible with the surrounding contributing resources than the resource proposed for demolition.
 - D. *Expiration of Certificate of Appropriateness.* If two (2) years after issuance of a Certificate of Appropriateness, the approved work is not found to be complete by the Code Enforcement Officer, the approval shall lapse. The applicant may, at any time before the date of approval expiration, make a written request to the Village Review Board for an approval time extension. This request shall explain the reasons why the improvements have not been completed and indicate how the applicant expects to complete the project if the Board grants an extension. The Board may consider any changes to this Ordinance or any other new information relevant to the application when considering an extension request.

1.6.3. Nonconforming Uses.

The following standards apply both within and outside the SPO District, unless otherwise specified below.

- A. *Continuance.* A nonconforming use may be continued even though it does not conform to the use standards for the base zoning district (and any overlay district) in which it is located. A nonconforming use that is discontinued, whether or not there was an intent to abandon, for ~~36~~24 consecutive months or more outside the APO, SPO, FPO, and WPO Districts, or for 12 consecutive months or more within the APO, SPO, FPO, or WPO Districts, may not be re-established except in compliance with the current standards of this Ordinance.
- B. *Change in Use.* A nonconforming use may be replaced by another use not allowed in the base zoning district (or any overlay district) if the Staff Review Committee determines that the new use will have no greater adverse impact on the water body, tributary stream wetland, aquifer, or on adjacent properties and resources, than the existing use. To show that no greater adverse impact will occur, the Change of Use application shall include written documentation assessing the probable effects on public health and safety, traffic, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, scenic features, as delineated in the 2002 Brunswick Parks, Recreation and Open Space Plan, as amended, flood plain management, archaeological and historic resources, commercial fishing and marine activities, and other functionally water-dependent uses.
- C. *Expansion of Use.*
 - (1) *Outside SPO.* A nonconforming use may be expanded throughout the existing structure housing the use. A nonconforming use may also be expanded throughout any expansion of the existing structure allowed by this Ordinance. Any additional expansion of area occupied by the use, whether from expansion of the structure or extension of the use to additional land area, shall be limited to 1,000 square feet over a five-year period; provided that further additional expansion of a nonconforming use may be allowed through approval of a Special Permit in accordance with Subsection 5.2.3.C.
 - (2) *Within SPO.* Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the Code Enforcement Officer, be expanded within existing residential structures or within expansions of such structures as allowed in Subsection 1.6.4.B(2).
- D. *Reconstruction of Structure with a Nonconforming Use.* If a structure housing a nonconforming use is destroyed, removed or damaged by any cause, the nonconforming use may be re-established in the structure if it is restored or reconstructed provided that a Building Permit for the restoration or reconstruction is obtained within three (3) years after the date of destruction, removal or damage, if the property is located outside the APO, SPO, FPO or WPO Districts; or within one (1) year of the date of destruction, removal or damage, if the property is located within the APO, SPO, FPO or WPO Districts.