

403 Village Review Overlay Zone

403.1 Purpose.

- A. The Westbrook Comprehensive Plan calls attention to both national and local historic district properties. A survey by Greater Portland Landmarks identified potential national historic districts and four local districts. The Village Review Overlay Zone, corresponding to these areas, will provide architectural guidance to property owners within the zone. No change to the exterior of an existing building, no addition to an existing building, or any new construction shall occur in the Village Review Overlay Zone without the approval of either City Staff or the Planning Board. This section will guide owners in the maintenance of important architectural qualities of the property, or creating new ones that relate to surrounding properties.
- B. As a supplement to the Village Review Overlay Zone regulations and within the area designated as the Downtown District, it is hereby declared to be the intent of this article to establish design and development standards for the Downtown District, hereinafter called the "Downtown". The purpose of this article is to foster and strengthen economic vitality in the city's Downtown while respecting and enhancing the special character of the existing development in the area.
 1. The Downtown is a compact assembly of storefront buildings, short walkable blocks, mixed uses, pedestrian amenities, and consolidated on- and off-street parking as well as residential developments.
 2. The Downtown is especially vulnerable to intrusion from incompatible uses and physical development practices. The Downtown is so important and significant to the city that it justifies a special set of regulations designed to protect and enhance its character when considering new development.
 3. The purpose of this article is to establish requirements for building and site design for new developments and for the modification of existing developments within the Downtown.
 4. This article is intended to protect the existing character of the downtown and encourage orderly development in accordance with the comprehensive plan for the City of Westbrook and the 2009 Downtown Streetscape Planning Study by Wilbur Smith Associates & MRLD.
 5. The following principles serve as the foundation for this article:
 - a. Efficient use of land and services.
 - b. A mix of land uses which strengthen opportunities for economic vitality and support pedestrian activity as well as housing opportunities.
 - c. Provide for community gathering places and pedestrian/visitor amenities.
 - d. Maintain and expand a distinct storefront character for commercial properties associated with the Downtown, specifically two- or more story tall buildings, rectangular in mass with complementary design features.
 - e. Maintain and enhance the area's character through design standards
 - f. Increase pedestrian activity through the enhanced character, comfort, and interest of the pedestrian environment.
 - g. Importance of protecting existing historical properties and resources.

403.2 Area of Zones.

- A. Village Review Overlay Zone. The area to be included in the “Village Review Overlay Zone” (VROZ) is depicted on the Westbrook Zoning Map.
- B. Downtown District. For the area included in the “Downtown District” within the VROZ, see the Westbrook Zoning Map.
- C. Heart. Enhanced design standards are included for a sub-area within the Downtown District termed the “Heart” of Downtown. The “Heart” is defined as properties fronting along Main Street from William Clarke Drive to Spring Street, or included in the “Downtown Housing Overlay” southerly of the Presumpscot River.

403.3 Applicability.

- A. For VROZ properties, when a permit from the Code Enforcement Office is required, the work to be performed will be reviewed subject to the standards within Section 403. Areas to be reviewed will include:
 1. Exterior alterations to the appearance of an existing building, which may include but are not limited to the installation of new or replacement siding, windows or other architectural features;
 2. Signage; (Sign applications are exempt from the VROZ application fee and abutter notification requirements.)
 3. Changing the use within a building which requires alterations to the storefront appearance of an existing building;
 4. Building a new structure;
 5. Additions to an existing building.

403.4 General Factors.

- A. The following general factors shall be considered in the review of VROZ application.
 1. The applicant shall incorporate the U.S. Secretary of Interior's Standards and Practices and Guidelines for *Preservation, Restoration or Reconstruction*, a copy of which is on file in the City Planner's Office, in the design.
 2. The distinguishing qualities, character or stylistic features of the structure must be preserved, including features which have taken on historic significance in their own right. All structures must be recognized as products of their own time.
 3. Historic Significance is defined as being associated with events that have contributed to the formation and development of the City of Westbrook, or with the lives of people who have been important to the community, or with the lives of people who have made a contribution to the broader patterns of our common history.
 4. Any building, or any part or appurtenance thereof, including, but not limited to, walls, fences, light fixtures, steps, driveways, and parking areas may only be moved, constructed, reconstructed, or altered in a manner that will preserve their architectural significance. Where repair or replacement is considered, any new material used must be consistent with previous materials.

Architectural Significance is defined by whether or not a building or structure embodies distinctive characteristics of a type, period or method of construction, or represents the work of a master architect or builder, or possesses high artistic values.

403.5 Criteria.

A. Visual Factors. The following visual factors shall be considered in the review of a VROZ application.

1. **Scale of the Building.** The scale of the building depends on its overall size, its mass in relationship to the open space around it, and the size of its doors, windows, porches and balconies. The scale of a building, and its windows, doors, porches and balconies must be compatible with its site and the proportions of any existing features of the building, where applicable. In addition, the scale of a building must be compatible with adjacent properties and buildings in its neighborhood.
2. **Height.** Change in the building height can have a negative impact on how a street appears. While maintaining a particular height is not required, changes in height must be compatible with the streetscape, adjacent buildings and the neighborhood.
3. **Rhythm of Front Facades.** In reviewing any facade, the pattern of doors, windows and wall surface, their height and width, should be compatible with the neighboring structures.
4. **Relationship of Facade Shapes and Materials.** The relationship of the facade shapes and materials should be considered in relation to the structure's context within the neighborhood significance, as defined. In particular, the rhythm of shapes, pitch, and orientation to the street on which the structure fronts should be maintained. Facades shall not be significantly altered or interrupted without Staff or Planning Board review and approval.

Neighborhood Significance is defined as contributing to the creation of a physical setting that represents a period in time that is important to the evolution of the City. It is understood that the physical setting of a structure(s), which is comprised of buildings, landscape features and open space, and other natural and architectural features, is an important factor in creating a sense of history.

Examples of neighborhood significance are as follows:

- a. A group of buildings that are similarly constructed and/or designed by a particular individual important in the City's history
- b. A group of buildings that are of similar or significant architectural styles
- c. A group of buildings whose location, layout on the property or size serves as an important element in the neighborhood.

403.6 Demolition Approval.

A. In order to demolish or remove a building within the Village Review Overlay Zone, a property owner must first obtain a unanimous recommendation from the Village Review Overlay Zone Committee. If the Village Review Overlay Zone Committee is not unanimous in their recommendation a Certificate of Approval is required from the Planning Board. The Planning Board shall either grant the certificate or declare a 90-day moratorium from demolition. The purpose of the moratorium is to:

1. Provide time to examine alternative ways to meet the owner's needs,
2. Provide an opportunity to relocate, rather than demolish, the structure,
3. Allow time to make a photographic survey of the structure for recording purposes.

If, at the end of the 90-day period no satisfactory alternative to demolition has been found, then the Planning Board shall authorize the Code Enforcement Officer to issue a Certificate of Approval to demolish the structure or relocate it.

403.7 Downtown District Regulations.

A. The following regulations shall apply in the review of VROZ applications within the Downtown District as defined in this section, unless a waiver to any of the standards is approved by the reviewing authority.

1. In addition to the standards of 403.7, Residential Uses within the Downtown District are subject to the standards and restrictions as described in Section 301, City Center District.
2. For all new building construction, minimum building height: two-stories or 26' (Maximum height: See Zoning District regulations)
3. A licensed architect shall be required to aid in façade design efforts at the discretion of the reviewing authority.
4. Building entrances should be defined with a recessed door and have other features that accentuate the entrance such as awnings and pedestrian scale lighting.
5. Upper story windows should be oriented with proportions that relate to the overall building scale.
6. Existing windows shall be maintained and not infilled or altered.
7. Building colors shall represent natural building materials. Painting facades with complementary color tones accenting the architectural features of the building may be considered. Buildings should utilize (3) three colors or less. Brick and stone building materials are encouraged, but thoughtful and creative designs utilizing contemporary materials may be considered.
8. For stairs and decks that front on a street, the stairs and decks shall be painted wood, colored composite material, sheathed wood members or other similar style material. Bare wood (pressure treated) decks and stairs are prohibited on street facing sides.
9. Building materials shall be impact-resistant, durable materials that are visually appropriate to the streetscape. The following exterior siding materials are not permitted: EIFS, vinyl and aluminum. For existing structures conducting partial renovations, a waiver to this standard may be granted by the reviewing authority.
10. Building material(s) shall be visually integrated and compatible on all sides. Buildings at street corners shall use consistent materials on both facades.
11. To maintain visual vibrancy, 70% of facades facing streets shall be articulated with windows, transoms, signs, cornices, and other coordinated architectural features.
12. Buildings with flat roofs shall have a defined cornice at the roofline to offer architectural aesthetic borders.
13. Loading/Service areas, Storage, Drive-Thru's, and other utility components shall be accessed from the rear of the building to maintain a consistency of use and a pedestrian orientation of the streetscape. However, where buildings have a 'rear of the building'

that is highly visible from a street, access drive, or public lands, buildings must be designed like a front face with sufficient screening or masking of service areas.

- a. Trash receptacles should be located internal to buildings; however, if outdoor trash receptacles are used, they shall be in an enclosed/screened area that visually fits its surroundings.

14. Awnings – Material required – Canvas or metal. Colors – Dark based colors. Height – Bottom of awning must be nine (9) feet above average grade of the public sidewalk beneath it and shall not extend more than four (4) feet into a public right of way and shall not extend into the curb line of a public street. Awnings may include the street address and or business name only. Any writing or signage on an awning must receive a sign permit. Please refer to Section 404 of this Land Use Ordinance for information on Awning Signage. Awnings cannot be internally illuminated or have lighting attached to the awning itself.

B. Heart Regulations. (Heart of Downtown) In addition to the Downtown District regulations, these additional standards shall apply to VROZ application within the Heart, as defined in this section.

1. Properties shall have commercial or retail on the first floor (street level) and mixed uses on the upper floors, which can include residential. No residential use will be permitted on street level, directly on the public right of way. For all new building construction, minimum building height: two-stories or 26'.
2. Where a property has frontage on both Main Street and a side street, buildings shall be oriented to Main Street and the primary entrance shall be on Main Street, unless demonstrated to the reviewing authority that an alternative is in the best interest of the Downtown and in keeping with the intent of the streetscape.
3. On the first floor (street level), windows shall be free of visual obstructions, that are not an integral part of the window, allowing views of merchandise and the viewing of activities within the building and to the street, to maintain a visually vibrant streetscape and increase connection to the pedestrian way, except for issue of confidentiality; avoid dark colored reflective window tints that obscure views into the building;
 - a. Existing buildings are not required to meet these standards, until the owner makes alterations to the building that require a permit. Current internal visual obstructions shall be removed to the greatest extent practical upon a change of use that no longer needs confidentiality. An alternate to visual transparency into the building, if a use would not work for full transparency, could be reviewed on a case by case basis, such as the use of architectural elements or an alternate window type/layout that still complements the scale and intent of the streetscape.
4. The creation of a new professional office that requires privacy measures shall incorporate such measures in the interior of the building and not as part of the exterior of the building. Privacy measures should be at least 3 feet back from the windows to allow for window displays.

403.8 Application Process.

A. Submission Requirements. The applicant shall submit to the Planning Office a permit application form which must attach the following information to describe the exterior changes or new construction to be in compliance with the regulations of Section 403:

1. Current elevations of all building facades that are to be affected.
 - a. Photographs of the existing structure, where applicable.
2. Proposed elevations of all building facades that are to be affected.
 - a. Include dimensions of facades/window/doors/signage/awning/etc. in square feet.
3. A list and description of all materials proposed to be used, as applicable.
4. A sample of the building materials, as applicable.

403.9 Review Process.

A. Staff Review (Minor). This level of review applies to changes to the exterior appearance of a building or an addition with a footprint or floor area equal to, or less than, three thousand (3,000) square feet to an existing building, unless in the opinion of the City Planner the application should be referred to the Planning Board. For the purposes of this Ordinance, attached or detached garages shall be classified as building additions. Minor changes can consist of changes to the exterior, such as installation of new windows, or the installation of new siding, or restorative alterations:

1. Upon receipt of a complete application, the City Planner shall send notice of the application to all owners of property that abut the property on which the construction activity is proposed. Where applicable, owners of property directly across a public or private way shall also receive notification of the application's receipt. The notice shall include the following:
 - a. Address of property.
 - b. Name of applicant.
 - c. General description of the work to be completed.
 - d. General description of the staff review process - review in accordance with Section 403.
 - e. General description for public comment on the application.
 - f. Description of the appeal process to the administrative decision.
2. Applications shall be approved, approved with conditions, or denied by the City Planner within thirty (30) days of the receipt of a complete application. The City Planner may consult with other appropriate City Staff, the Village Review Overlay Zone Committee, and/or other appropriate outside professionals. The City Planner shall review the application with the owner to make any changes to the plan that would make the proposal more consistent with the criteria of Section 403.

B. Planning Board Review Process. New buildings or additions over three thousand (3,000) square feet (footprint or floor area), or applications referred to the Planning Board by the City Planner shall be reviewed by the Planning Board. For the purposes of this Ordinance, the addition of new floors to an existing building shall be calculated using the footprint of each proposed floor. This calculation includes both usable and unusable space within the proposed addition.

1. The Board shall review the application with the owner, and work with the owner to make any changes to the plan that would make the proposal more consistent with the criteria in Section 403 as applicable.

2. Where Site Plan Review is necessary, the Village Review Overlay Zone Committee shall review the project and make a recommendation to the Planning Board. The Village Review Overlay Zone Committee shall review the application using the criteria of Section 403 as applicable.
3. Where Site Plan Review is necessary, the Planning Board shall use the criteria of Section 403 as part of any final action.
4. Once the Board is in receipt of a complete application and has made that determination, the application shall be approved, approved with conditions, or denied by the Planning Board.

403.10 Appeal.

- A. Staff Review (Minor). Within thirty (30) days of the City Planner's decision, the applicant or any other aggrieved party may appeal the decision of the City Planner to the Planning Board. The Planning Board will review the application *de novo* and issue its own decision on whether the application meets the requirements of Section 403 of the Ordinance.
- B. Planning Board Review. Within thirty (30) days of the Planning Board's vote, the applicant, abutting landowner or aggrieved party may appeal the decision of the Board to the Superior Court.

403.11 Fees.

- A. See Master Fee Schedule.

(Ord. of 01-08-07; 06-19-17)