

## **GREEN ENTERPRISE RECREATION OVERLAY DISTRICT LAND USE AREA #22 on the FUTURE LAND USE MAP**

### **DESCRIPTION OF PAST AND EXISTING LAND USE**

The Green Enterprise Recreation Overlay District is an area in excess of 300 acres. It spans Route 1 to the West, Main Street to the north and east, Horn and Rogers Roads to the South, and Railroad Avenue in York Beach to the east. Currently held by multiple property owners, much of the land is undeveloped, with the largest exception being the inclusion of the entirety of York's Wild Kingdom Zoo and Amusement Park. The land includes a large wetland complex, much of which is included in the Shoreland Zone. This wetland, several streams, and smaller wetlands all coalesce into a single outlet which transits through natural and artificial water channels to exit from a penstock on the popular tourist beach of Short Sands in York Beach Village. Thus, the quality and volume of the water discharge from this brook is both crucial to the tourist economy of York Beach and completely dependent on the hydrological conditions in the project area. The Town of York has recently purchased over 50 acres for municipal use, including plans for a public access road from Route 1 to York Beach, and a new police station. Currently, the property, located in the Town's Growth Area, is one of the largest undeveloped land areas in York east of US Route 1.

### **DESCRIPTION OF EXISTING ZONING**

This area consists of the following six base zones: Route1-4, Route 1-5, RES-6, RES-7, GEN-3, YBVC. The zones that constitute the largest portion of land are Route 1-4 and GEN-3, together comprising approximately 2/3 of the land area. The Route One district is designated for small commercial activities and limited outdoor recreation, GEN-3 and YBVC offer extremely large ranges of use possibilities, with the Residential zones being comparatively restrictive. Similarly, the dimensional standards for each zone vary considerably, from 25% to 100% lot coverage, for instance, and associated differences in setbacks and density standards.

In addition to the above base zones, this area is also partially in the Mixed-Use Shoreland Overlay District, the Wetlands Protection Overlay District, and in a floodplain.

### **ISSUES TO ADDRESS IN LOOKING TO THE FUTURE**

This Land Use Area has been identified as a result of a thorough planning process over a two year period, after the Planning Board was given a charge in 2009, through the Board of Selectmen, to develop a vision for the land between Route 1 and the York Beach Fire Station for the maintenance and development of an attractive, economically viable, safe, pedestrian and family-oriented environment, with a vibrant mix of business uses. Towards that goal, the Planning Board identified issues through researching the history of the area, gathering vast data on existing environmental conditions, inviting in various Town Staff to share their perspectives at workshops, as well as meeting with environmental and economic development professionals for input. All of these meetings were open to the public for viewing and participation. Direct public input was solicited on various occasions through multiple public input meetings, a paper and online questionnaire, and in-person interviews conducted by the Planning Board in York Beach over the summer of 2010. In addition, the Planning Board performed a series of site visits. Below is a list of issues identified over the course of the planning process.

As the title **Green Enterprise Recreation Overlay District** suggests, any development of this land is to be done with the utmost consideration for the amount, type and intensity of development it can support while still meeting the goals of sustainability.

1. **Infrastructure.** This area will require costly water and sewer infrastructure, which will need to be strongly considered when considering any significant development of the property.
2. **Transportation and Parking.** The transportation and parking needs of York Beach should be strongly considered in the course of any improvements; this includes the likelihood of a new road between Route 1 and York Beach, shuttle service from parking areas, or other means of reducing the need of cars to enter downtown York Beach.
3. **Water Quality.** The existing condition of the land, with its large, healthy wetland complex, determines the quality of water entering Short Sands Beach, as well as to the ability of the area to infiltrate water. The goal of sustainability includes not impairing and protecting water quality, and not contributing to the flood risk of an already floodprone area -- critical concerns that need to figure prominently in any discussion of development or change here.
4. **Character of Development.** A goal for this area is ensuring that any commercial development that occurs be varied and vibrant mixed use and of a scale complementary with that of York Beach. Both single family housing and large, monolithic retail box stores were identified as development definitively not desired.
5. **High Value Plant and Animal Habitat.** This property has high plant and animal habitat value, as well as stormwater and flood retention value. This is evident from the research and data collected by the Planning Board on the existing conditions of this land, and reinforced by Maine Department of Inland Fisheries and Wildlife Beginning with Habitat Maps which identify this land as important by several standards:
  - a. regionally important for its place in a network of rare plant and wildlife communities, and its high wetland functions such as control of runoff and flood flow;
  - b. important for its natural stormwater control, water filtration, and erosion and sedimentation retention;
  - c. important to finfish habitat by virtue of the proximity of this undeveloped land to the Atlantic Ocean; its role as an undeveloped habitat block that provides support for plant and animal life has been noted;
  - d. and important as the location of rare plants and rare, threatened or endangered wildlife.

Due to the high habitat values of this property, and its proximity to the ocean and other forms of outdoor activities, much of this land is most appropriate for conservation or low impact recreation and entertainment.

6. **Consistency with Historic, Pedestrian Oriented Character of York Beach.** Any development in the area should be consistent with the historic character of the area, particularly that of the distinct, walkable center of York Beach, born of its history as a seaside destination.
7. **Family Friendly Destination.** It has been repeatedly, and from many quarters, mentioned that it is important that this area remain a family-friendly destination, with food, entertainment, and amenities that continue to cater to family visits and vacations.
8. **Public/Private Partnerships and Funding.** The current ownership of this property -- both municipal and private - the infrastructure needs, as well as the suitability of

much of this land for preservation and recreation, lends itself to public/private partnerships and potential support in the form of grants.

9. **Growth to Support Existing Businesses.** Whatever growth may occur in this area, efforts should be made to ensure that it supports existing businesses, rather than detract from them. To this end, efforts need to be made to have growth be contiguous with existing downtown York Beach, to not mimic the sprawling patterns emerging on US Route 1 that so sharply contrast with that of the downtown, and foster connections with York Beach in terms of the physical and architectural character of the area as well as the range of family-friendly businesses and attractions. Thus, ideally development would occur from the York Beach end of the property, outward towards US Route 1, rather than the reverse.
10. **Housing.** If housing is developed in this area, it should be housing that is integral to mixed-use development, as in apartments above ground floor commercial development, and/or of the kind that adds housing stock long identified as needed in York, such as that for seasonal workers or workforce affordable housing. It's imperative that any housing created be consistent with the village scale and character intended for development in this area.
11. **Tourism.** Tourism is integral to York, York Beach, and the existing businesses on Route 1, and any new proposals that deal comprehensively with this area, whether development applications or Zoning amendments, should support tourism as a crucial and sustainable industry of York.
12. **Pedestrian and Non-vehicular Needs.** Comprehensive Planning for this area provides an opportunity to give pedestrian and non-vehicular needs plenty of forethought. This includes prioritizing the ample opportunities for trail development, building pedestrian and bicycle access into any new roadway(s) built in this area, making sure there is connectivity between roads and trails in the area, and pursuing shuttle or trolley service plans that will contribute to a pedestrian-friendly environment and provide alternatives to car-only access to York Beach. This property could and should serve as an excellent connector between the trails and recreational opportunities of Mt. Agamenticus and the Atlantic Ocean, and provide the potential for increased parking for York Beach center.

## **PLAN RECOMMENDATIONS**

Specific Recommendations include the following:

1. A Green Enterprise Recreation overlay district should be created that employs tools that acknowledges the unique attributes of this land. To that end, the overlay should consist of four subdistricts, outlined below. Each of the recommendations below is made with the assumption that they will take place within the context of a new Green Enterprise Recreation District.
  - a. **Route 1 Mixed Use Area.** This area should extend approximately 400 feet back from Route 1. This subdistrict would serve as one of the entrances to this property, and eventually to York Beach. Though it should be zoned for a different scale and range of uses than York Beach, all effort should be placed to ensure that this area does not develop in a single-use strip development pattern, and that it be required to develop a traditional pattern that is an organic extension of the York Beach village area, and its recently adopted Design Standards, rather than an abrupt break from it. This area has great possibility as a transportation

hub, allowing for a dense, viable mix of uses consistent with a downtown development pattern.

b. York Beach Mixed Use Area. East of the Route 1 Mixed Use Area, and south of the Shoreland Zone that is dominates the center of this overlay. This area should be most consistent with the existing York Beach area, in appearance, scale, and range of businesses.

c. Recreation Area. The land east of Route 1 and north of the areas Shoreland zone is best suited for a dedicated recreation area, providing low impact outdoor recreation areas, outdoor education opportunities, some outdoor entertainment, and with some small footprint, accessory commercial structures allowed.

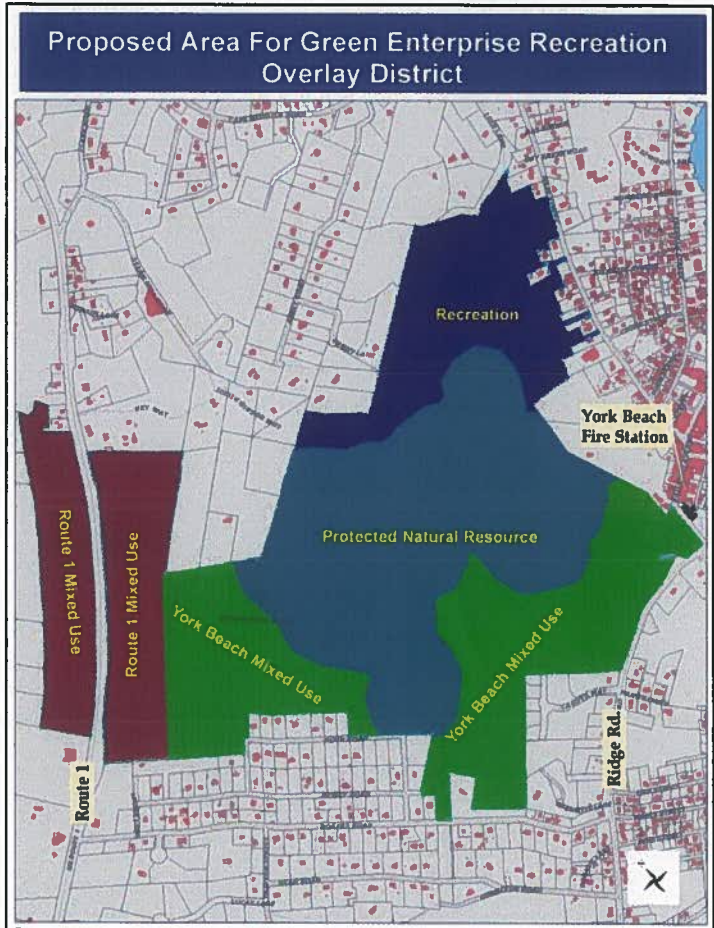
d. Protected Natural Resource Area. The Green Enterprise Recreation District contains wetland, streams, and vernal pools that are protected by local, state and federal regulations. This designation seeks to reinforce this status for

wherever these resources are identified, and to refine the standards for development in the immediately adjacent Shoreland Zone. Currently permissive in the range of uses permitted in Shoreland, there is an opportunity to refine the performance standards of impact of those uses as they occur, so as to be compatible with these fragile natural resource areas.

**IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

2. York’s Wild Kingdom is important to the tourism economy of York. This operation meets the much cited goal of keeping York Beach a family-friendly destination, with food, entertainment, and amenities that cater to family visits and vacations. It is located in the Route 1-4 zoning district, which currently allows a range of recreational establishment, making the site currently conforming. York’s Wild Kingdom should continue to be supported by local regulations, with consideration given to its future maintenance and development.

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**



3. There should be coordination between the Planning Board, the Board of Selectmen, Department of Public Works, and the York Sewer Department and York Water Department to develop an infrastructure masterplan for this area. The masterplan should prioritize improvements along with estimated costs and schedules for water, sewer, drainage, roadway, sidewalk, path, public space and streetscape projects.

**MID-TERM PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

4. The Town should pursue grants and potential partnerships with organizations such as the York Land Trust, the Nature Conservancy, The Trust for Public Land or state departments such as the State Planning Office, Inland Fisheries and Wildlife, and Maine Bureau of Parks and Lands, wherever possible for the acquisition and management of land deemed most suitable for dedicated recreation and conservation.

**ON-GOING PRIORITY – SELECTMEN & PLANNING BOARD TAKE LEAD ROLE**

5. The Town should support the continuing operation of existing businesses by rezoning areas within the Green Enterprise Recreation Overlay District adjacent to downtown York Beach to ensure they are complementary with existing character. Rezoning should also support the current Zoning goals for York Beach: that the area promote an attractive, inviting, safe, pedestrian-focused, family oriented environment; safeguard the historic flavor, character and diversity; safeguard clean healthy beaches; and help support coordinated improvements to businesses, residences and public places through a predictable and timely process. This goal should be expanded to all developable land in this particular area.

**ONGOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

6. Recommendations for rezoning of this land do extend to the residential areas immediately outside of the District, such as those of Main Street, Church Street, Railroad Avenue, and Rogers Road. No changes are proposed to these near or abutting residential neighborhoods, and protecting them from any negative impacts of new commercial development should remain a high priority. It is also important that proper setbacks and buffers be established between any expansion of commercial activity and existing, adjacent residential areas.

**ONGOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

7. The Town should pursue transportation and parking solutions that ensure safe pedestrian access and movement, including safe paths and roads for all users, ADA compliant sidewalks, multi-modal transportation options, and new parking programs that ease York Beach's current parking constraints. The purchase of Town property in a portion of the study area provides the opportunity to create parking for downtown York Beach; ideally the cost of creating and maintaining new parking would be self-sustaining.

**ON-GOING PRIORITY – SELECTMEN TAKE LEAD ROLE**

8. Mechanisms need to be implemented to ensure that new private development supports the necessary infrastructure expansion, whether in the form of off-site improvements, impact fees, or the creation of a new or modified TIF district.

**ON-GOING PRIORITY – SELECTMEN TAKE LEAD ROLE**

9. To the extent possible, Zoning should encourage retail and restaurants geared towards families. Where Zoning cannot specify this in enough detail, it may be appropriate to begin an economic development effort to encourage the particular types of businesses seen to be most appropriate or needed here. A community economic development

corporation is one option worth exploring as a means to consistently court businesses that might be a good fit with this property.

**MID-TERM PRIORITY – SELECTMEN TAKE LEAD ROLE**

10. Expanded development in this area cannot be allowed to negatively impact the health of the beaches. To that end, all development should have Low Impact Development standards in place that ensure that the quantity of additional stormwater runoff is kept to a minimum and that stormwater quality is not impaired.

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

11. New construction in this area should utilize renewable energy sources and green building technologies.

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

12. The creation of the Green Enterprise Recreation District provides an opportunity to define and promote green recreation, eco-tourism, and a vision of sustainable tourism based around the natural beauty of York. Promoting green recreation should be prominent in all Zoning changes and land management plans for this area.

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

13. New development proposals, public and private, should be reviewed keeping in mind the feedback received from the public of the need for more amenities to families vacationing in York Beach, providing seating, shade, bathrooms, and other facilities to make trips to York Beach more convenient and welcoming for visitors.

**ON-GOING PRIORITY – PLANNING BOARD & SELECTMEN TAKE LEAD ROLE**

14. The specifics of the Green Enterprise Recreation Overlay District should make clear that new residential development not be stand-alone single family housing, but rather take the form of apartments over businesses, as well as housing that addresses the need for either workforce affordable or seasonal worker housing. The District should be implemented in such a way as to grant the Town oversight as to the site layout, pattern, scale, and design of new residential development so as to be consistent with the existing built environment and optimize the protection of natural resources.

**IMMEDIATE PRIORITY – PLANNING BOARD TAKES LEAD ROLE**

15. A combination of existing site conditions and the many unique goals for this area demand that innovative zoning tools be implemented to produce a combination of conservation, recreation, and sustainable development not possible using conventional zoning. Below are applicable tools recommended for inclusion in the creation of the Green Enterprise Recreation District:

- a) **Transfer of Development Rights.** TDR encourages transfer of growth from sensitive areas or areas desired for recreational space, to places that have been agreed to as desirable for more intense development or with the capacity to carry more intense development. This can create a mechanism for protection of certain lands, and an incentive for an increase in density or development options in others. Sending areas could be outside the District, while both sending and receiving areas could be within the District. Recommended elsewhere in this document, this could be an excellent opportunity to implement this tool and test its applicability in the District and beyond.

- b) **Planned Unit Development.** Developing a Planned Unit Development option for projects proposed in the District would allow for greater flexibility in pairing of different land uses, comprehensive planning for a large area, and the ability to override dimensional requirements for individual lots in favor of an assessment of the cumulative impact over a large parcel. Current existing overlay districts in York, such as the York Village Hospital Overlay District, and the York Village Affordable Elderly Housing Overlay District, utilize some of these principles now, and provide a good starting point for creating a zone suited to the particular needs of this site.
- c) **Form Based Code.** Implementing a form based code would provide the single most control over the character of new development. Form based code is a regulatory tool that places primary emphasis on the physical form of the built environment – including buildings, types of streets, and public spaces – with the end goal of producing a desired type of place. A form based code would be a new type of regulation in York, but not necessarily a more onerous one than the existing regulations it would supplant. Simple and clear graphic prescriptions for building height, building placement, and building elements (such as location of windows, doors, etc.) are used to ensure development respects the public realm. Highly prescriptive, much uncertainty would be removed for both the applicant and the Planning Board and Code Enforcement in determining not just minimum use and dimensional standards, but exactly what type of development the Town is striving for. Form based codes sometimes include or are paired with Design Standards to address specifics of architectural style preferences for an area, and the inclusion of Design Standards for this site is recommended as well.

This is not intended to be an exhaustive list of alternative planning tools; this land presents a unique opportunity to think outside the box of conventional development patterns and development review, with much environmentally, economically, and culturally depending on sustainable development and conservation. If other methods that allow for approaching this sensitive and pivotal land holistically are presented that further the many objectives listed above, they should also be considered, and the opportunity presented by the creation of the Green Enterprise Recreation District realized to the fullest extent possible.

**ON-GOING PRIORITY – PLANNING BOARD TAKES LEAD ROLE**