

Notes from November 14, 2017 Planning Advisory Committee meeting. 5PM to 6:30 PM, Town Hall Meeting Room

In attendance:

Members: Ron Ranes, Ann Jackson, Rosa Ergas, Haas Tobey, Adam Nelson, Laurie Green , Bruce Rockwood.

Staff: Matt Lutkus, Tony Dater

Ronn Orenstein, Dana Orenstein, Jenny Begin, Jane Lefleur

The meeting was devoted to a presentation by Jane Lefleur. Jane reviewed the Heart and Soul charrette process that took place over a two-year period and provided the group with an introduction to form based codes. Jane has worked in the planning field for 35 years and currently does consulting work for the Orton Foundation and municipalities that are going through similar Heart and Soul exercises.

Jane distributed copies of the Town's Values Statement which was one of the outcomes of the Heart and Soul charrettes. (attached). During the charrettes, participants gave a high priority to accessibility, preservation of the natural environment and a small-town feel. She said that a form-based code was determined to be one method for implementing the values. Jane said that a model code ("the 9.2 template") was used as a starting point in the development of the draft code that was presented to the voters in 2011. She described how the model was changed to meet the particular needs of Damariscotta and that it would be a mistake to adopt the model without a very close review and modification.

According to Jane, conventional or Euclidian zoning separates land uses. It is not cost-effective because it creates distance between home and work. Jane said that the commercial strip, i.e., the classic development of sprawl development, is the result of conventional zoning.

Form based codes, on the other hand, consider all types of uses. Form based is sometimes referred to as character based, (there are some differences between the two). It uses a stream-line process. Anyone can pick up a form based code and know what has to be done if they wish to develop a property. Theoretically, one does not need to go to a planning board in form based code process although many towns continue to use planning boards for the administration of the code.

Jane listed some of the other characteristics of form-based codes as follows:

In form based codes, buildings are easily reusable by many types of businesses if the original business vacates the building.

Form based codes can be implemented even though conventional zoning has been in place for a long time. She referenced Sprawl Repair Manual, a book about how this can be accomplished as redevelopment of conventionally zoned properties occurs over time.

Infill of developed areas can be encouraged by the sale of development rights, whereby the rights to develop an outlying "greenfield" property are relinquished to allow in-fill development. This system is

administratively cumbersome and is more successful in areas where there is a high demand for development.

Developments in form-based code communities are more pedestrian-focused versus vehicle-oriented. Neighborhoods are connected and there are multiple ways to get to any one place, e.g., no cul-de-sacs.

Form based codes are the result of a public design process where more attention is on the public realm, i.e., parks and streets, and less attention on what is going in each building. The emphasis is on building form and design. The concept is to create a place for people not businesses.

Form based codes need to be viewed as mandates rather than as guidelines.

Jane gave a description of the process used to develop and implement form based codes. Her notes on this portion of her presentation are attached. Her outline is based on a Michigan paper entitled "Form Based Code in Seven Steps". This is a resource that can be downloaded. She described the three types of form based codes and noted that there is no such thing as a hybrid form based code. She described how transects can be used as an organizing method to define the form -ranging from rural to high density. Jane cautioned that one town should not base their form-based code on another community's code because of the need to have it tailored to each individual community's needs.

During the Q and A, Jane said that she once heard that developers have three versions of what they are willing to build in a community, A, B and C. "A" is what they want to build, "B" is their back-up when there is push back and "C" is what the community wants and what the developer can provide if they are required to.

When asked about the waivers that the Damariscotta Planning Board has provided in the past, Jane said that she only heard of this happening in Damariscotta and that most zoning codes do not allow waivers. She said that in other municipalities, exceptions are typically only allowed after a very involved variance process.

Attachments: Town Values Statement and Jane Lafleur's notes

MJL/ 11-27-17

Damariscotta Values

we work locally



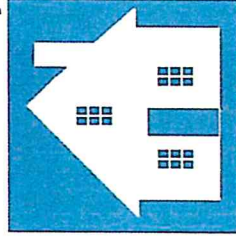
We value **working locally** and growing locally owned businesses.

culture & nature meet



We value having **culture and nature in close proximity**, where we might see a seal or a moose but we also have restaurants, art galleries, local theater and a library, all within walking distance.

we live locally



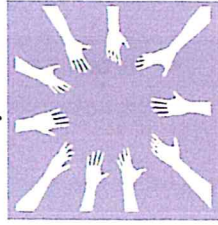
We value **living locally**, being able to afford to live and shop in Town.

town is accessible



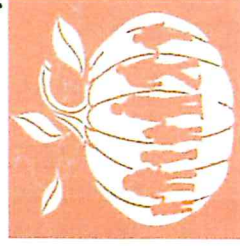
We value an **accessible community** where we have easy access to goods and services, to local government and information.

community is involved



We value **community involvement** where people participate in schools, organizations, churches and community events and festivals.

sense of community



We value a strong **sense of community** where people trust one another and feel safe.

Form Based Codes in Seven Steps
Damariscotta, Maine
November 11, 2017

Part 1: Setting the Stage

- Introduction
- Step 1: Community Intentions
- Step 2: Finance
- Step 3: Getting the Right People
- Step 4: Community Scoping
- Step 5: Community Visioning

Part 2: Drafting the Code

- Step 6: Writing the Code

Part 3: Administration

- Step 7: Code Adoption and Administration

Notes
Rosa
Anne Jackson
Rosa
Haas
Adam Nelson
Lynn Green
Bruce Rodwood
Jennie Bacon
Dana Oronsten
Ron Oronsten

Introduction:

Form Based codes differ from conventional zoning because they:

- Are the result of a public design process which creates a clear and articulate vision for a municipality or a define district of neighborhood.
- Pay greater attention to the design of the public realm and the importance that the streetscape design and individual public building character have in defining public spaces and in creating that special sense of place.
- Emphasize site design and building form over density and land use regulations. Form based codes pay more attention to the buildings that will last for years instead of uses which will change over time.
- Encourage a mix of uses and housing types to reduce the need for people to travel as apt of their daily routines.
- Make use of graphic illustrations to explain important design elements, rather than relying on numeric standards and text.

Form based codes can:

- Retain and preserve the character of your downtown
- Repair your commercial strip
- Create a new place in the form you love/like/desire.

Principles of Good urban design

- A center
- A network of streets

- Concentrated housing
- A discernable edge
- Good access to public transportation
- Pedestrian friendly
- Walkable neighborhoods
- Buildings close to the street
- Streets are used for parking
- Preservation of Prominent sites

STEP 1: Community Intentions

STEP 2: Finance

Do you have a Vision? Have you done your homework?

Approach #1: Have money and have resources

- Launch a steering committee
- Create action plan for public involvement
- Inform the public

Responsibilities:

- Steering committee
- Staff
- Consultant

Approach #2: Have some money, have some resources

- Launch a steering committee
- Create action plan for public involvement
- Inform the public

Responsibilities:

- Steering committee
- Staff/consultant

STEP 3: Getting the Right People

STEP 4: Community Scoping:

- Where should the codes apply?
- What are the existing conditions>
 - Walk the site

- Observe the conditions
- Document the conditions

WHAT IS BUILDING FORM¹: Observe the form you have or wish to create

Blocks

- Number of buildings per block?
- Are some blocks bigger than others?
- Are corner buildings different?

Access

- Entry is from the street, alley?
Courtyard?
- Individual or multiple entries?
- Driveway length and width?
- Garage attached, detached?
- Pedestrian walkway from street?
Sidewalk?

Lot

- Width? Depth?
- Setback/ Build-to dimensions?
Alignment to build-to line?
- Consistency between buildings?
Within a building?
- Different at corners?
- Predominant yard locations-front?
Side? Rear? Courtyard? Is outdoor
space public or private
- Privacy-side manners between
houses?

Internal organization of buildings?

- Shallow wide or narrow deep?
- Number of floors? Height?
- Unit count? (number of mailboxes)
- Elevation above grade?
- Wings to front or rear?
- Vertical steps back as building rises?
- Access for physically handicapped?
- Garage: attached or detached?
- Entry location?
- Internal circulation/room layout
(stair hall/towers, entry lobby,
internal corridors)

Elements

- Balconies, stoops, porches?
- Roof style, slope?
- Fences, walls?
- Align to build-to line or encroach on
public realm?
- Special at corners? e.g. wrap around
porch?

Uses

- Inventory by floor
- Implications for parking demand

Overall observations

- What characteristics are consistent?
Variable?
- How do you feel about the range of
variation?

¹ Form Based Codes Institute, FBC 101 Field Exercise Checklist

Public Space and Street Standards

Physical Characteristics

- Number of traffic lanes? Width? Striping/separation? Median? Transit potential or existing?
- Sidewalks? Width? Height in relation to vehicle lanes? Curb section? Planting strip? Other pedestrian protection?
- Curb cut frequency, location? Obstacles (utility boxes, etc.) Pinch points?
- Street parking? Configuration? Street trees? Placement in relation to sidewalk? Spacing along sidewalk?
- Frontage? Yard? Fencing?

Overall observations

- What is posted speed? Desired design speed rather than typical design of 10 mph over desired speed)
- How does the street quality change from block to block? Why?
- What characteristics are consistent? Variable?
- How do you feel about the range of variation?

STEP 5: COMMUNITY VISIONING

STEP 6: WRITING THE CODE

5 Components in a FBC

1. The regulating Plan (the map): A plan or map of the regulated area that defines the placement of buildings, streets and open spaces
2. Building Form Standards: defines the height, bulk, and function of buildings
3. Public Space standards: defines the types of streets and open spaces (e.g. sidewalks, travel lanes, squares, plazas and parks)
4. Administration: clearly defines how the FBC is applied and provides a streamlined project review process
5. Definitions: ensures precise use of technical terms

Determine the Right Code: THREE TYPES

- **Mandatory FBC:** Can replace the zoning ordinance, or can apply to a specific district (sub-area). Usually requires updating masterplan/comprehensive plan to reflect vision. Usually a subarea plan is adopted as part of the masterplan/comprehensive plan and then FBC is placed on the sub-area. It is housed within the zoning ordinance.
- **Parallel FBC:** The FBC is a stand alone code; it exists within the existing standards but does not replace them. Parallel codes can be adopted as an overlay and the property

owners have a choice which set of standards they want to use. Can be complex to understand and applicants can try to pick most beneficial unless it is clear which applies when.

- **Floating Zone FBC:** No regulating map and not clear where it applies. A developer who wishes to create a walkable, mixed use area where it is not currently permissible under the current ordinance, prepares a FBC (including the Regulating Plan) and submits to the community for approval. If approved, the property is rezoned to the FBC designation. Its not actually a FBC but a technique used by developers to create a mixed use walkable neighborhood.

HYBRID CODES: There is no such thing, according the Congress for New Urbanism. It is sometimes used when a community has adopted a FBC district and conventional zoning regulates the rest of the community. But there is no such type code.

Determine the Right Organizing Method

- **Transect/zone based**
- **Building type**
- **Frontage based**

Ask:

- Where will the new standards be applied? Will the new standards cover a specific neighborhood or corridor or the entire town?
- What are the underlying goals of the code? What is the impetus for creation of a FBC? Preservation of existing character or coding for new character? Do different areas have different priorities or goals?
- How will the code be administered? What administrative review processes or project review criteria be established?
- Are their community issues that need to be handled beyond how a building relates to the public space of the street? For example, are their issues of nonconformance under the provisions of the existing conventional code that need to be rectified?

STEP 7: ADOPTION and ADMINISTRATION

Identify an administrative point person to process applications

Step One: Developer and point Person meet face to face; rough sketch of development

Step Two: Pre-Application Conference (copies to multi-disciplinary review team and face to face meeting)

Step Three: Formal submission (to point person and multi-disciplinary review team)

Step Four: Approval by administrator (sometimes by legislative body for final approval; also to Planning Board if it cannot be approved administratively)