

**CITY OF LEWISTON  
PLANNING BOARD MEETING**  
Monday, December 10 2018 – 5:30 P.M.  
City Council Chambers – First Floor  
Lewiston City Building  
27 Pine Street, Lewiston, ME

## **AGENDA**

- 1. ROLL CALL**
- 2. ADJUSTMENTS TO THE AGENDA**
- 3. CORRESPONDENCE**
- 4. PUBLIC HEARINGS:** None
- 5. OTHER BUSINESS:**
  - a. Discuss Comprehensive Plan Update:  
Update to Design Standards and Consultant Selection
  - b. Recognition for Chairman Bruce Damon
- 6. READING OF THE MINUTES:** Motion to adopt the October 22, 2018 draft minutes
- 7. ADJOURNMENT**

The next scheduled Planning Board meeting is January 7, 2019

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## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Lewiston Planning Board

**FROM:** Douglas Greene, AICP, RLA; Deputy Director/City Planner

**DATE:** December 10, 2018

**RE:** Comprehensive Plan Implementation- Comprehensive Design Standards

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#### **The Proposal-**

The Planning Staff is proposing to hire a consultant to assist the city in creating a comprehensive set of design standards. The Comprehensive Plan makes a number of recommendations that support changing Lewiston's zoning and land use code that deal with design standards:

- "Regulatory Barriers- Simplify the Code": pages 226 through 228 provide details on why adopting new design standards can benefit developers and neighborhoods alike (attached)
- "Improving the Quality of Affordable Housing" through Form Based Code (pg. 236)
- "Simplifying and Improving Historic Preservation Regulations and Improve the Effectiveness and Predictability of Design Review" (pg. 240)

#### **Why Change the Current Design Standards?**

The current zoning ordinance regulations for historic, site plan and architectural design elements are out of date, lack specificity, are overly permissive (may vs. shall) or are missing important design elements. This situation forces the Staff and Planning Board to negotiate important design issues with developers on a case by case basis with little regulatory backing. The Historic Preservation Review Board, developers and property owners would benefit from updating the existing Historic Preservation Design Manual to clarify and simplify what is required for structures and development projects in our historic districts. The Staff thinks this comprehensive approach to updating Lewiston's design standards will create a predictable direction and vision for our future growth. Reasonable and effective design standards will be an important part of changing the future appearance and perception of Lewiston in a positive way.

#### **General Recommendations for the Process-**

The attached project overview describes the project's purpose, what would be updated, a proposed selection/project committee, what would be expected from the consultant, an approval process and a timeline. The funding for this implementation project has been appropriated. The Staff is interested in getting feedback and support from the City Council for this project.



# CITY OF LEWISTON

## Department of Planning & Code Enforcement

### Lewiston Comprehensive Plan Implementation Project Comprehensive Update of Design Standards Proposed Scope of Work

1. Purpose- The project, as recommended in the Comprehensive Plan and Riverfront Master Plan, will update and/or create new design standards that will result in predictable, reliable, attractive and high quality development in Lewiston. The current design regulations are close to 30 years old, are primarily optional and not required. This leaves implementing good design during the development review process at best, as a negotiated process. Updated standards can be adopted and applied to ensure projects reach a high level of quality while not significantly impacting construction costs. Standards can also assist in reinforcing and protecting land use patterns and character.
2. Update of Lewiston's Design Standards will include:
  - a. All design related sections of the Zoning and Land Use Ordinance
  - b. The Site Plan Review and Design Guidelines
  - c. The Lewiston Historic Preservation Design Manual
  - d. Possible creation of design or character districts
3. Project Description- The Comprehensive Design Standards Project will include:
  - a. A selection/project committee that includes representation from:
    - City Council
    - Planning Board
    - Historic Preservation Review Board
    - Finance Committee
    - Business and Development Community
    - Interested Citizen representation
  - b. Staff creates scope of work, RFP
  - c. RFP released, consultant selected
  - d. Consultant Process and Deliverables
    - Evaluation of current regulations, other community's design standards
    - Develop new standards and criteria for each design component
    - Create alternatives and draft plan(s)
    - Public meetings and approval process

4. Approval Process
  - a. Design Standard Committee meets on a regular basis
  - b. Finance Committee endorses project and consultant selection
  - c. City Council, Planning Board and Historic Preservation Review Board get updates as work progresses
  - d. Planning Board and Historic Preservation Review Board make recommendations to City Council (Public Hearing)
  - e. City Council makes final decision (Public Hearing)
  - f. Implement new Design Standards and Districts
  
5. Timeline of approximately 12 months
  - a. Project Development (Scope of Work, RFP)- 1 month
  - b. Consultant Selection- (RFP released, selection of top proposals, interviews, consultant selection, execute contract) 2 months
  - c. Project development- 8 months
  - d. Project approval- 2 months
  - e. Project Implementation- Upon approval

# Regulatory Barriers

The City of Lewiston's zoning code and land development regulations need an "upgrade" to deliver the community vision articulated by the plan. The City's existing zoning does not encourage the range of housing, recreational, retail, and civic opportunities sought by residents. In addition, the City's economic development is hindered by zoning categories which are out of synch with market needs. As a result of the way in which the existing zoning in Lewiston is written, the predominant form of development over the past 30 years has been detached single-family homes on large lots with strip commercial development along the main thoroughfares. Because of this zoning, Lewiston has a limited range of lifestyle options, making it difficult for the City to remain competitive in a national market where preferences have changed and more people desire smaller homes and apartments within walking distance of amenities. While improvements are possible within the boundaries of the existing regulatory system, Lewiston should want to consider a more holistic approach, adding form-based coding to the City's planning and economic development toolkit.

## Why Regulatory Change Now?

During the Planapalooza, it became clear that a majority of the community wants to see additional options and higher-quality development in the Downtown, along corridors, and in new, planned centers of activity. While everyone agreed that existing neighborhoods should be preserved to maintain the lifestyle preference of those who like Lewiston the way it is, there was broad consensus that new growth should occur in the form of clearly defined compact, walkable, mixed-use centers as described in the Plan Framework section. This approach allows for greater lifestyle choice so that there is something for everyone. Unfortunately, the current zoning ordinance has limited capacity to enable, encourage, and promote the diversity of high-quality places desired by the community.

Over the years, Lewiston's existing zoning has been amended in a piecemeal fashion to address specific issues as they have come up, without a major rewrite in the roughly 25 years since it was first enacted. Because of this history of "tacking on" amendments, the zoning has many deficiencies and inconsistencies and is difficult to use.

## Zoning Today

Like most American cities, Lewiston's current zoning is based in concept on the Standard State Zoning Enabling Act of 1926. Often referred to as "Euclidian" zoning after a 1926 Supreme Court case involving Euclid, OH, its primary purpose is to separate uses. At one time in Lewiston's history, the separation of housing from factories was critical. Today, Euclidian zoning goes too far, separating compatible uses such as homes, businesses, and offices. Because of this mandated separation and the additional requirements for large setbacks and buffers, virtually every errand run outside of downtown Lewiston requires a person to drive. This outcome didn't just happen. Lewiston's version of new development looks strikingly similar to new development across Maine and the country as a direct result of conventional zoning codes, all modeled on the same generic zoning template.

## A New Approach

In order to implement this Comprehensive Plan and remove barriers to potential investment, the City should pursue a comprehensive rewrite of its zoning and subdivision ordinances, including form-based components to deal with all aspects of community character and design. While conventional zoning may remain prudent and appropriate in certain areas of the City, the adoption of form-based or “character-based” codes will assist in achieving desired outcomes in appropriate areas.

### Creating Mixed-Use Centers

A form-based or “character-based” approach to land use regulation will more effectively yield walkable, compact, diverse, mixed-use environments focused in areas where the City has determined growth should occur. The owner of a shop or office can live above their place of work. Children can walk to their school. People can walk from their homes to a corner store, coffee shop, or restaurant.

In contrast with conventional zoning, which emphasizes separating uses, a form-based code uses character - the look and feel of a place - as the primary organizing principle. Form-based codes take the approach that most uses, which fall into the broad categories of retail, residential, office, civic, even light industrial activities, are compatible, having traditionally coexisted happily in communities for centuries. Given appropriate standards, all of these uses can be located close to each other, except in unique cases where smells or extreme noise are an issue, where the conventional approach of separating uses is appropriate.

Just like conventional zoning, form-based codes set rules and expectations for development by placing more emphasis on character and having a greater appreciation for the complexity and nuance involved in protecting and making great places.

Form-based codes focus on the character and feel of a place, allowing land owners and developers to

build places that contribute to a more sustainable, healthy, and safe community. These include: emphasizing sustainable stormwater systems; alleviating traffic congestion by promoting a more interconnected street network when possible; reducing traffic speeds in areas that are appropriate for pedestrians and cyclists; allowing for easier construction of traditional housing types including apartment buildings and garage apartments; and enabling more intense infill development where there is a local interest in creating centers of activity and maximizing use of existing infrastructure.

### Protecting Neighborhoods

While form-based codes can be used to promote infill and new investment in activity centers, they can also be a powerful tool to reinforce and protect existing land use patterns. Where existing suburban neighborhoods already exist, a form-based approach can maintain the current character and existing lifestyle, while making it easier for homeowners to make simple modifications to their home and property. As with any zoning change, existing buildings would be grandfathered until such time as a substantial change is made to a property.

### Simplify the Code

**CD4 General Urban District — Corridor 2**

KEY: --- Property Line (ROW)    — Setback Line

BUILDING PLACEMENT — PRINCIPAL BLDG		
Front Setback, Principal Frontage	0 ft min, 5 ft max	A
Front Setback, Secondary Frontage	2 ft min, 12 ft max	B
Side Setback	0 ft min, 6 ft max	C
Rear Setback	greater of 3 ft min or 15 ft from center line of alley	D
Frontage Buildout	75% min at front setback	

LOT OCCUPATION		
Lot Width	18 ft min, 200 ft max	E
Lot Coverage	70% max	

BUILDING FORM — PRINCIPAL BUILDING		
Building Height	3 stories max	F
Ground Floor Height	12 ft min, 25 ft max	
Upper Floor Height	10 ft min	
Facade Glazing	X %	
Roof Type	flat, hip, gable	

YARD TYPES		
Edgeyard	permitted	

Another advantage of the form-based coding approach is simplicity. The code is written in plain English rather than in complicated “legal speak” and easy-to-understand diagrams replace pages of text. The goal of a form-based code is to make it clear to the public and to land owners what is allowed. A form-based approach would also help consolidate, simplify, and update Lewiston’s zoning language to reflect the desires of the community, which would promote private-sector investment and expand lifestyle options.

A form-based code tells you what to do instead of telling you what NOT to do. This is a subtle but important difference, both psychologically and practically. If a developer looking to invest in Lewiston knows what the community wants and submits plans that are in keeping with the intent of the Comprehensive Plan, those plans should move more quickly through the approval process, saving time and money.

Because form-based codes emphasize character and the design and context of development, a number of elements are regulated including the height and placement of buildings, the location of parking, the frontage, sidewalk, planting area, drainage, and the street itself. Instead of building setbacks, form-based codes reference where the front of a building should be. Instead of floor-area ratios, form-based codes talk about the appropriate scale and massing of buildings. All of this information is conveyed through easy to understand diagrams or other graphic illustrations.

Structurally, a form-based code is organized according to intensity of development, or Character Districts. A Regulating Plan is generated that identifies the location of Character Districts. The code would include standards for

by-right, non-permitted, special, and accessory uses as well as Public Space Standards (street/sidewalk/parking), Site Development Standards, Architectural Standards, Signage Standards, and Definitions.

In Lewiston, a form-based code would establish Character Districts within the activity centers identified in the Plan Framework section of this document, while retaining the existing character of residential areas in the remainder of City. The character zones would be defined to reflect the community’s desired and goals for development. Within the activity centers, codes can be written to encourage a variety of uses, pedestrian comfort by addressing walkable streets, and a high-quality public realm defined by buildings that have great architectural design. If adoption is successful, Site Plan and Subdivision regulations would likely have to be amended to accommodate the new form-based code.

When properly implemented, new development under a form-based code creates a complete community or adds to existing ones in ways that creates places where people can live, work, and play. Having this kind of tool in place makes it easier to transform the built environment over time as the market calls for new development.



Hire a consultant to produce a form-based code for Lewiston.



Economic & Community Development Department

Planning & Code Enforcement

City Administration

City Council

Planning Board