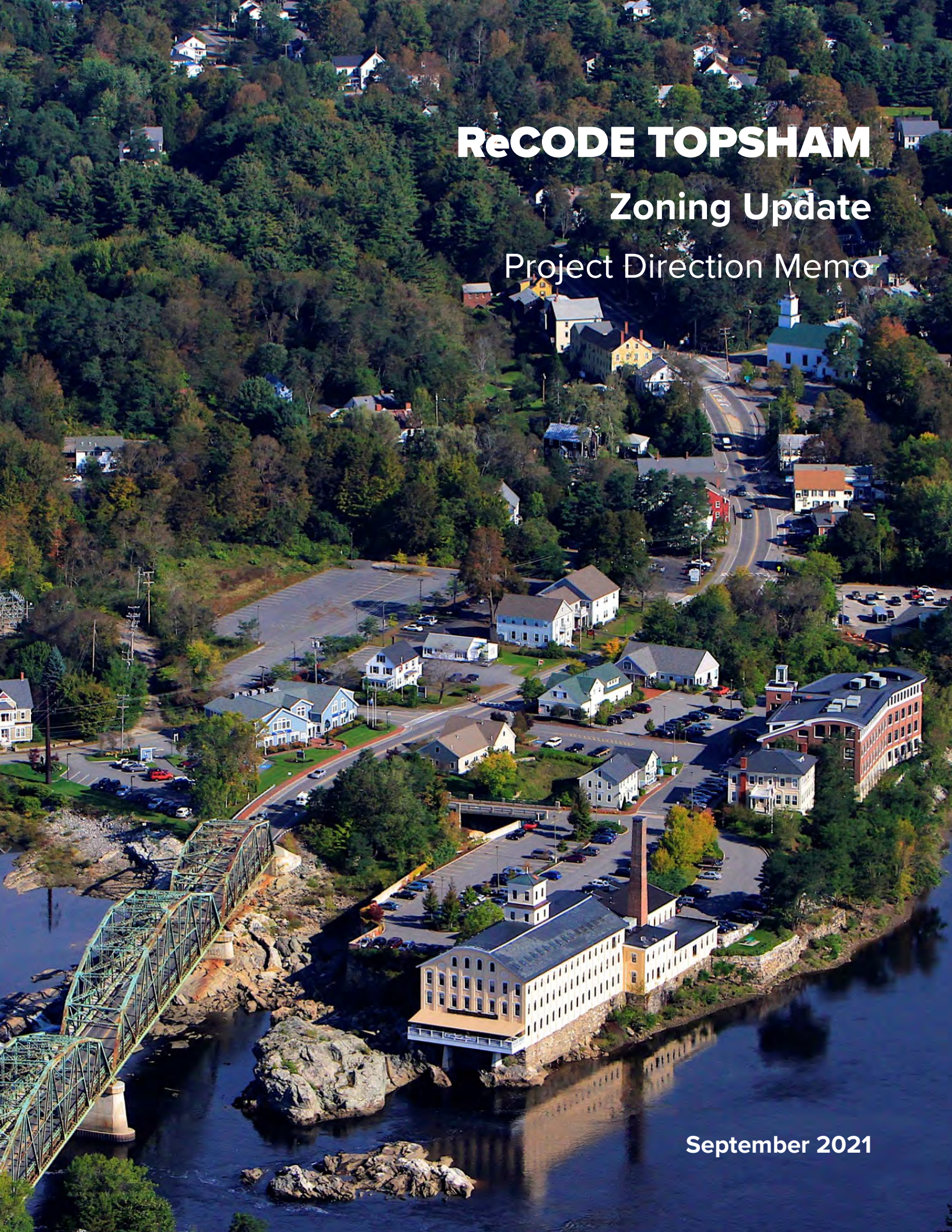

ReCODE TOPSHAM

Zoning Update

Project Direction Memo

September 2021

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Cover Image: *??*

Contents

Contents (continued)

ReCODE Topsham

Topsham has initiated a project to update the town's existing zoning and land development regulations. Branded as "**ReCODE Topsham**," the update effort is being carried out to better align current development-related ordinances with the vision set forth in the town's 2019 comprehensive plan and to provide a more modern regulatory framework to guide future conservation and development.

General Objectives

The updated zoning and development regulations ordinances are expected to:

- Set the stage for a re-imagined and revitalized "Topsham Center" by promoting walkable, mixed-use development patterns in areas designated in the comprehensive plan as "intentional growth" sectors;
- Streamline development review and approval procedures;
- Eliminate redundancies and inconsistencies among various chapters of the town code;
- Incorporate updated design standards and new place-making tools;
- Protect stable residential neighborhoods and natural resources;
- Promote sustainable development practices; and
- Ensure consistency with federal and state law.

Project Direction Memo

This document summarizes the consultant team's initial high-level recommendations regarding the scope and direction of the update project. The intent is to provide a sense of the general direction to be pursued in the update effort, not to identify the specifics of every needed or proposed regulatory change. After review by the project advisory group, the report will serve as a skeletal blueprint for the ReCODE effort.

In preparing the memo, a variety of policy documents and regulations were reviewed to gain an understanding of the town's planning and regulatory framework. This work was supplemented by time (virtually) exploring the town. This visual survey work was invaluable in translating existing regulations and stakeholder comments into and understanding of actual on-the-ground conditions.

The recommendations in this document represent broadly framed ideas for addressing identified deficiencies within the current zoning and land development regulations. They are intended to serve as the starting point for discussion, prior to beginning the ordinance drafting and zoning map preparation work. Recommendations can and will be revised and tailored in response to local reviews and issues encountered as the project proceeds.

Key Advisors

Advisory Group

The town's comprehensive plan implementation committee (CPIC) and planning board will work with town staff and the consultants (technical team) to help shape the updated regulations. They will provide local knowledge and policy guidance and help ensure that various perspectives and opinions are considered as part of the ReCODE effort.

User Groups

Individuals who are regular ordinance users and development process participants were invited to participate in small group listening sessions at the beginning of the project. By engaging in discussions

with property owners, builders, developers, real estate professionals, civic leaders, neighborhood advocates, and others, these listening sessions provided the consultant team with a first-hand account of the views of groups directly affected by the town's zoning and development regulations.

General Public

During the comprehensive plan update and other planning efforts, the general public has been engaged and asked to participate in a variety of ways. As a plan implementation exercise, the ReCODE project demands more targeted and focused participation. Still, it is essential that the general public be informed about the project and engaged at key points in the update effort.

The town's website will serve as a key portal for sharing information about the project, including the posting of documents and announcements regarding project meetings and events (www.topshammaine.com/recode). Once draft regulations are ready for review, town staff and the consultants will conduct meetings to introduce the public review draft and solicit input on the updated regulations and zoning map.

Planning Board

Besides their informal role as project advisors, the town planning board will have a formal role towards the end of the zoning update process. As with any proposed zoning text or map amendment, the planning board will review the proposed zoning regulations and any zoning map changes.

Board of Selectmen

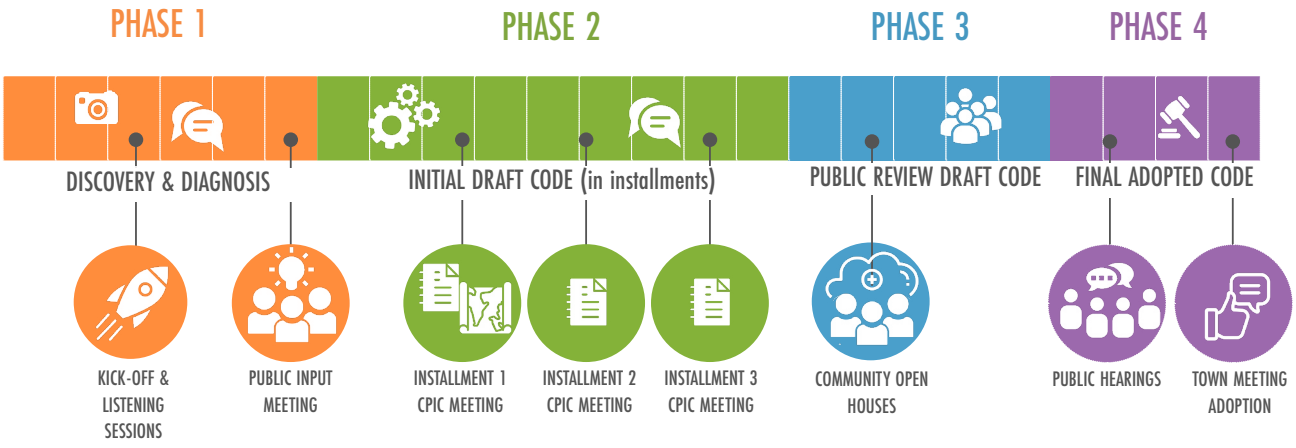
Towards the end of the update project the board of selectmen will... (help! still a little unsure about how public hearing and adoption process works)

Town Meeting

Final enactment of the new regulations will occur at the annual town meeting or at a special town meeting.

Work Plan

The project is expected to be complete by the time of the 2023 town meeting. The work plan is summarized below.



GOAL: Understand key objectives of the updated code through review of comprehensive plan and other documents, listening sessions with representative interest groups, and surveying areas within the town.

PRODUCT: Directions report identifying key observations, issues, and recommendations. Outline of updated code structure.

GOAL: Work with staff and CPIC to develop first draft of the new land use code text and zoning map.

PRODUCT: Complete DRAFT zoning code and map.

GOAL: Educate the community about proposed new code and zoning map, obtaining broad-based input.

PRODUCT: Community open houses and group meetings. Revised draft code and zoning map based on community feedback and testing.

GOAL: Adoption of the new land use code and zoning map.

PRODUCT: New land use code and zoning map

Image: Topsham comprehensive plan | Photo credit: Larry Finch

Plan Implementation

The Plan

In 2019, the Town of Topsham adopted an updated comprehensive plan. The plan provides the fundamental foundation for the ReCODE effort and identifies several specific, zoning-related actions that will help set the community's vision into motion. This section includes an overview of key plan principles and strategies.

Relevant Principles and Strategies

The comprehensive plan is organized around nine 'big ideas" that provide a townwide policy framework:

1. Streets for People
2. Local and Regional Mobility
3. Access to Nature and Open Space
4. Foster Social Connection
5. Support Knowledge Economy
6. Be Deliberate About Growth
7. Housing Diversity
8. Open Governance
9. A More Sustainable Future Economic

For each big idea, the plan identifies a series of targeted strategies, several of which are specifically assigned to the zoning update.

Streets for People

- Update the zoning code to **include a range of street types** keyed to land use character and that provide for safe and comfortable pedestrian and bicycle use. Require new developments to choose from these street types.
- Continue to **require that new developments provide an internal street network** to the extent possible and connect to existing street and trail networks.
- Continue to **require that new neighborhoods connect to existing streets and adjacent neighborhoods** to produce a network of streets and paths.

Local and Regional Mobility

Update the zoning code to **require parking maximums within intentional growth areas**, but allow flexibility in permitting so the free market can determine what the actual parking need is.

Access To Nature and Open Space

Update zoning to **clearly articulate when trail corridors should be preserved or added** as private development occurs.

Update the zoning code to require developers building projects of a certain scale within the rural districts to **protect high quality open space**. Use the Natural Areas Plan to inform protection

Foster Social Connection

- Update the zoning code to **include neighborhood centers** that are enabled through 5-minute walk pedestrian shed standards.
- Update the Town's zoning code to **include provisions for meaningful open space types** tied to developments of various scales. Open space types should include the full range of civic spaces including commons, parks, squares, and plazas, as well as amenities such as recreation fields, playgrounds, swimming pools, gardens, skating rinks, dog parks, and amphitheaters.

Support Knowledge Economy

- Update the zoning code to **allow shared workspaces** throughout all zoning districts in Topsham.
- Update zoning to **allow for higher density development** as a means for creating more walkable destinations and naturally affordable housing.
- As part of future zoning efforts, ensure performance standards continue to **allow as-of-right home occupations for businesses with on-site employees**.

Be Deliberate About Growth

- Update the zoning code to further **encourage a higher density, mixed use pattern of development** that delivers a higher municipal return on investment.
- Update the zoning code to **emphasize town building principles**, including neighborhood character, blocks, streets, civic spaces, and buildings that, in total, add up to a feeling of authenticity.
- Update the zoning code to **permit greater density within the intentional growth area** as identified on the Conservation & Growth Map.
- Update the zoning code to **permit rural development that responds to rural character**, including rural building group types.
- Update the zoning code to **allow smaller parcels and higher density mixed-use development within the Neighborhood Transformation - Intentional Growth Sector**, including infill on parcels that already have development.
- Update the zoning code to **remove off-street parking requirements** to enable the market to determine parking need.
- **Allow a broad range of land uses** within the intentional growth areas as well as within the rural zones as part of building groups.
- Update zoning to **enable flexible use of historic buildings**, including a range of uses, unit numbers, and a removal of off-street parking requirements.

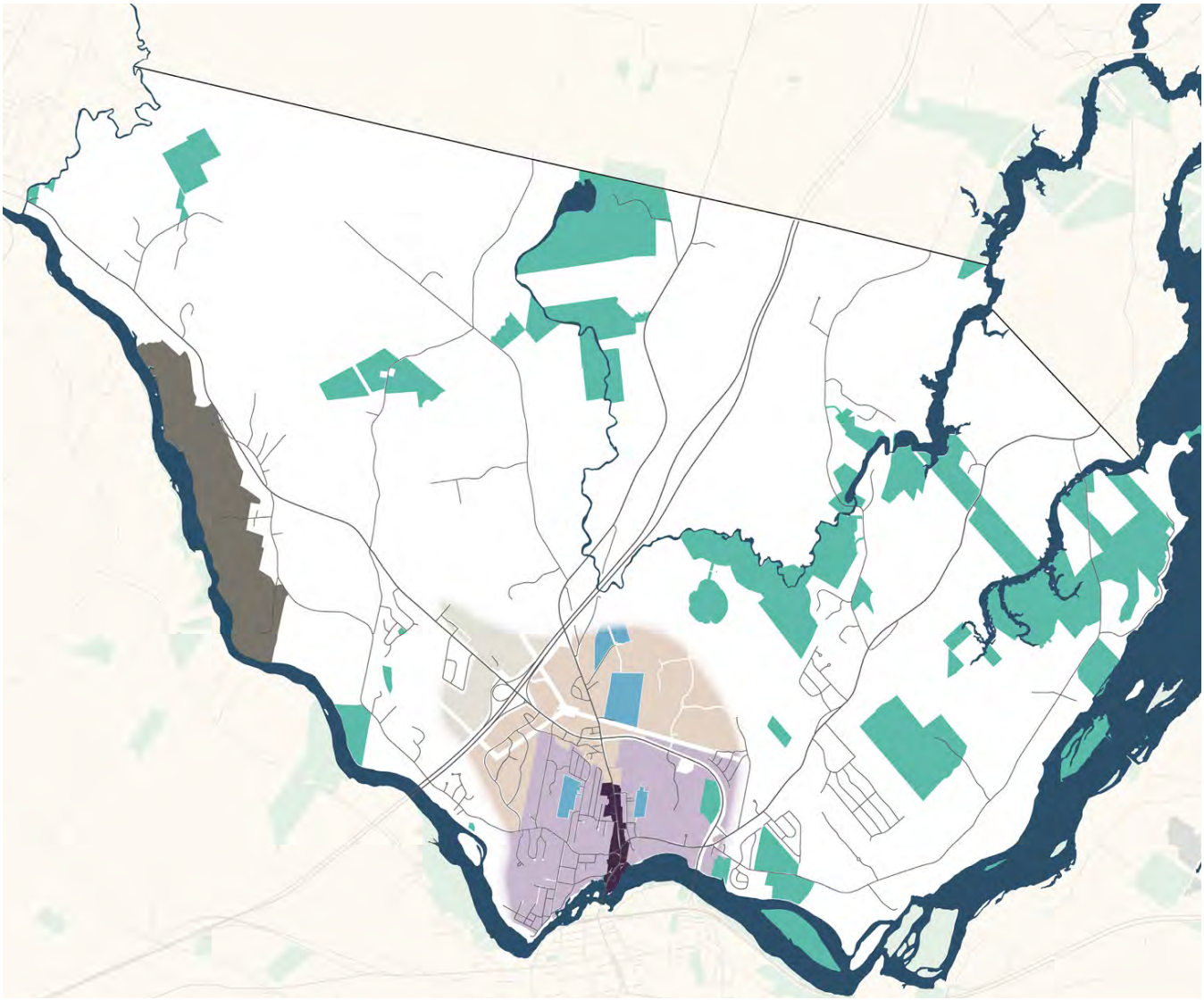
Housing Diversity

- Update the zoning code to **include clearly defined building types** with a range of unit sizes that are reflective of local character and are allowed to be built in town by right.
- Update the zoning code to **allow building groups such as pocket neighborhoods, connected farms, small and large compounds, and hamlets**.
- Review all municipal codes and procedures to **remove barriers to small-scale development and the construction of affordable building types**.
- Update the zoning code to ensure that local land use rules are **aligned with the updated building codes to support the construction of tiny homes and accessory units**.
- Evaluate and **adjust zoning policies in regards to accessory units**.
- Update the zoning code to provide a more stringent set of **development standards to control building form, scale, components, placement, materials and associated site improvements**.
- Update the zoning code to **regulate building types by zoning district to** ensure new buildings and projects complement the scale and character of the existing neighborhood.
- Evaluate the effectiveness of zoning policies that grant density bonuses to **incentivize affordable and senior housing**. Amend, as needed.
- Allow density bonuses for developments within the growth area if that development **contributes fees to an affordable housing fund**.

Conservation, Preservation and Growth

In addition to establishing big ideas and recommending strategic policy changes, the comprehensive plan's "Conservation, Preservation and Growth Map" sets forth a framework for future zoning. The map identifies sectors and special districts that serve as an important foundation for updates to the town's zoning map.

A key principle advanced by the plan's map, is that the identified "Intentional Growth" sector should be the priority for most new growth and infrastructure investment. This, in turn, will strengthen the town's ability to maintain deliberately rural character in large areas of the town and reap potential fiscal efficiencies.



Conservation, Preservation and Growth Map (*Topsham Comprehensive Plan)*

- CONSERVATION AND PRESERVATION - **NO GROWTH SECTOR**
- RURAL - SUBURBAN LANDS - **LIMITED GROWTH SECTOR**
- NEIGHBORHOOD PRESERVATION - **INTENTIONAL GROWTH SECTOR**
- NEIGHBORHOOD ENHANCEMENT - **INTENTIONAL GROWTH SECTOR**
- NEIGHBORHOOD TRANSFORMATION - **INTENTIONAL GROWTH SECTOR**
- INDUSTRIAL SPECIAL DISTRICT
- SCHOOL SPECIAL DISTRICT
- ROUTE 196 SPECIAL DISTRICT

Realignment of the Regulations

Ensuring that zoning and development regulations are consistent with local plans and include tools necessary to achieve identified big ideas and recommended strategies is a key priority for the ReCODE project. This section provides a general overview of the types of changes that will help ensure that the town's zoning and land development regulations are consistent with and help implement adopted planning policies.

1. Create new mixed-use zoning

One of the comprehensive plan's prominent themes is its call for walkable, mixed-use development patterns and conversion of single-use zones into mixed-use zones. In contrast to single-use zoning, mixed-use zoning promotes a combination of land uses in a given area. Promoting a mix of residential, retail, service and entertainment uses helps create walkable, connected places where people have access to employment, entertainment, recreation, and lifestyle amenities within a short distance of home.

Mixed-use can come in the form of "vertical mixed-use" buildings, where different uses are found within the same building (e.g., ground-level storefronts with residential or office space on upper floors). Mixed uses can occur in "horizontal mixed-use" communities where single-use buildings occupied by different land uses are integrated within a single neighborhood or development project.

There are many benefits of walkable mixed-use development patterns. They are more compact. They are supportive of walking, cycling, transit use and other forms of active transportation. Because mixed-use projects are typically more densely developed, they can also increase property tax revenue for local governments and offer public cost efficiencies in terms of infrastructure and public services. Finally, there is growing evidence that mixed-use environments have positive public health benefits.

New mixed-use zones should be added to the zoning ordinance and mapped in areas that the comprehensive plan identifies for "intentional growth." Proposed mixed-use zoning is explored further in the Building Types and the Zones & Mapping sections of this report.

2. Transition to form-based regulations

The ReCODE project offers an opportunity to modernize the existing zoning ordinance to include form-based controls. Such an approach should help realize the plan's vision for a new "Topsham Center" area; make the regulations more predictable, and

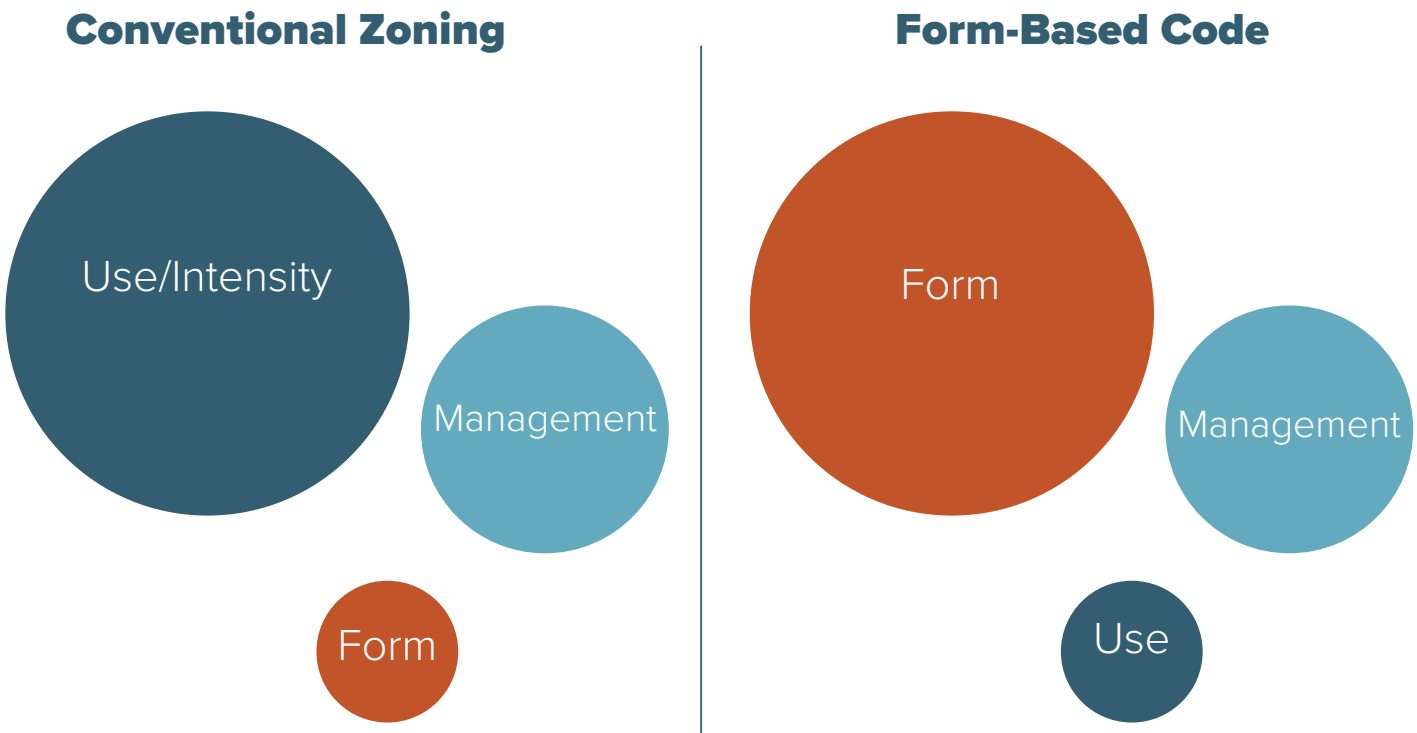


Image: Topsham comprehensive plan | Photo credit: Peter A. McCarthy

promote desired urban design and community character.

Form-based zoning is an increasingly popular alternative to conventional zoning. In simple terms, form-based codes focus primarily on building form or physical character and secondarily on use. In contrast, conventional zoning has historically focused almost exclusively on use and separation of activities deemed incompatible with one another. Form-based controls are intended to achieve a particular type of "place," based on a shared vision for an area. They have proven particularly effective over the past 20 to 25 years in helping to foster and create walkable, mixed-use development, especially in areas with a rich physical character or clear vision for future desired character (e.g., Topsham).

To the extent that conventional zoning attempts to address form or character, it does so in sometimes ineffective ways, relying on abstract concepts such as "floor area ratios," "open space ratios," and "building footprints." Such measures suggest specificity and precision, but they produce unpredictable and often times unsatisfying results. A requirement calling for 20% of a site to be set aside as open space, for example, can result in many different site designs and project layouts and thereby reveal very little about how a project will relate to the street or to other nearby buildings. These types of regulations and ordinance requirements can be difficult for ordinance users to understand and challenging for staff to administer and enforce.

Another way to think about the distinction between conventional and form-based regulations is that conventional zoning regulations generally focus on *proscriptions*, provisions describing the limits of what is allowed (e.g., *don't* build closer to a property line than x, taller than y or more units than z).

Form-based zoning regulations, on the other hand, are largely focused on *prescriptions*, regulations describing in some detail the types of buildings and development features that are required (e.g., *do* build within this area and *do* include sidewalk-facing doors and windows). Perhaps more than any other factor, this distinction helps to explain how form-based zoning produces predictable results.

To the maximum extent possible, these new regulations should consist of *objective, measurable criteria*, thereby enabling a determination of compliance through an efficient, administrative site plan review process (see also recommendation No. 10).

3. Increase housing options and choice

The town's current zoning ordinance identifies a very narrow range of residential dwelling types permitted in various zones: "single-family," "two-family," and "multi-family" dwellings.

The new zoning ordinance can and should accommodate a wider range of housing options by allowing additional residential building types, especially in comprehensive plan-designated "intentional growth" sectors. It also important to note that the new ordinance is expected to include new site planning and design criteria that will help ensure that these new housing options can be seamlessly integrated into existing areas without disrupting their established or desired physical character.

4. Address housing affordability

At the time of the comprehensive plan update, a median-priced home in Topsham was beyond the financial reach of well over half of all households in the town (based on traditional mortgage lending guidelines). As recommended in the comprehensive plan, the ReCODE project offers an opportunity to identify, evaluate and remove unnecessary obstacles to maintaining and providing affordable housing options throughout the town. Such barriers can come in the form of inflexible density and lot size restrictions, excessive off-street parking requirements and other zoning regulations that directly or indirectly affect the cost of housing.

Beyond these sorts of adjustments, the plan recommends evaluating the effectiveness of the current density bonus system, with possible changes to produce greater results.

5. Promote increased bikeability/walkability

Walkable neighborhoods and a complete transportation system that includes support for walking, bicycling, and other transportation options are keys to realizing the comprehensive plan's "local and regional mobility" goals.

These goals can be addressed at least in part by:

- Reducing or eliminating minimum motor vehicle parking mandates;
- Establishing maximum off-street parking limits in the intentional growth area;
- Adding more robust bicycle parking requirements or incentives;
- Establishing clear thresholds for when traffic impact studies are required and criteria for issues to be addressed;
- Requiring that buildings interface directly with sidewalks and that parking be located to the rear or side of buildings, at least in walkable mixed-use areas of the town;
- Promoting context-sensitive building design standards that consider and respond to abutting street types;
- Requiring pedestrian inter-connectivity between sites (and within large parking lots); and

Zoning should not impose unnecessary regulatory obstacles for community gardens, farmers markets, renewable energy use, or the pursuit of other sustainable development practices.

- Requiring master planning of large development/redevelopment sites to include predictable street types, walkable block patterns, and a distribution of building forms.

6. Support economic development and employment growth opportunities

As the town's zoning regulations and map are updated, it will be important to accommodate modern employment-generating land uses and to maintain an adequate supply of land zoned for such uses. Addressing transitions from high-intensity industrial areas to lower intensity neighborhoods will also be an important consideration.

ReCODE also presents an opportunity to modernize home occupation regulations and better address other zoning issues associated with aspects of the changing economy.

7. Promote sustainability, resiliency and public health

The comprehensive plan includes several recommendations related to natural resource preservation, sustainability, and resiliency. ReCODE Topsham offers an opportunity to advance several of the town's natural resource conservation, open space preservation, and sustainability goals.

The updated regulations should accommodate and promote sustainable development practices and healthy lifestyles through the removal of unintended

Image: Topsham comprehensive plan

barriers and the inclusion of appropriate regulations and incentives that address such issues as:

- The use of renewable energy sources;
- Connectivity and walkability;
- Promotion of green development practices, including low-impact infrastructure solutions;
- Zoning for community gardens and farmers markets and other forms of urban agriculture); and
- Continued protection of sensitive natural resources and rural character.

Image: Topsham comprehensive plan | Photo credit: Peter A. McCarthy

Other Recommendations

While there is much to do to bring zoning regulations into closer alignment with the comprehensive plan, the ReCODE project also offers the opportunity to modernize existing zoning and land development regulations and to address technical, substantive, and usability issues. This section describes a few of the known issues to be addressed.

Ordinance Structure

8. Improve organization and format

One of the goals for the zoning update project is to ensure that Topsham's updated development regulations are easier to use than their present-day counterparts. Substantive regulations should be clear, comprehensive and internally consistent. Administrative and procedural provisions should be streamlined, consistent and easy to understand.

Given the important role that zoning and development regulations play, the new regulations should be logically organized, well-formatted and easy to use. The document should be laid out in a way that people can find the information they need and written so that information can be understood once it is found.

The new regulations should include illustrations and graphics—instead of just long passages of text—to help convey the meaning of regulatory concepts. Generous white space and graphics should be used to enhance the regulations' visual appearance and improve their usability. Page headers and footers should be used to provide navigational aids to those searching for information within the new ordinances.

Administration and Procedures

9. Consolidate and clarify procedures

Zoning-related procedures (amendments, conditional uses, variances, appeals) are currently interspersed among several sections of the zoning ordinance. They should be consolidated in a single article.

The clarity of procedural provisions—and the timing and relationship of various development-related processes—should be improved through editing, diagrams, and reorganization.

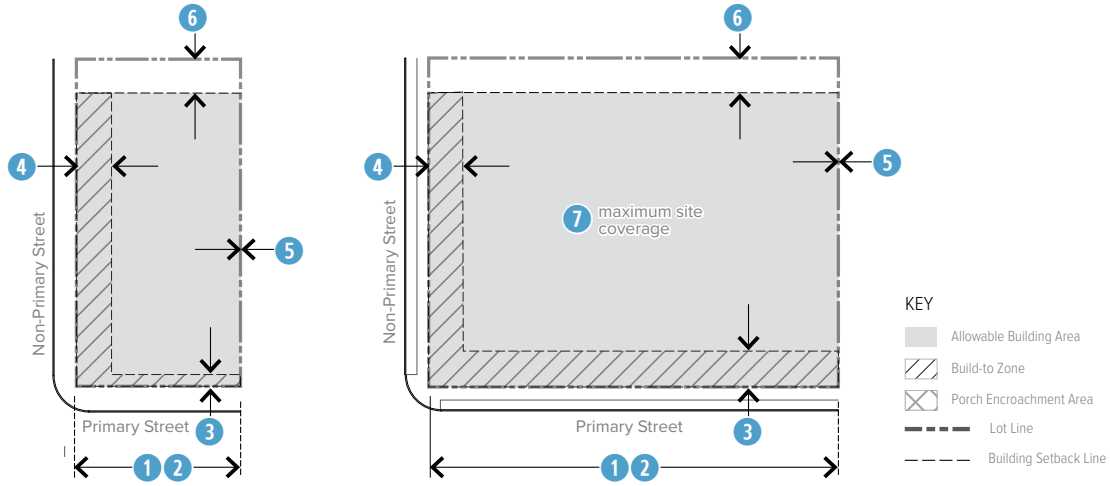
As part of the update, procedures should be edited to be clear, consistent, and time-efficient. The updated procedures should also follow rules of "parallel construction," so that each respective approval process is set forth using the same general headings and outline sequence.

10. Increase reliance on objective standards

While many of the town's zoning and development regulations are stated in straight-forward, objective terms, other provisions, such as the "Performance Standards" in the Chapter 175 (Site Plan Review) are somewhat vague, which makes them difficult to consistently interpret, administer, and enforce.

To the maximum extent possible, Topsham's new zoning and development regulations should make use of clear, objective development regulations, which will, in turn, enable more efficient (staff-level) reviews and approvals and a more predictable framework for approval of projects that satisfy the town's objectives for promoting context-sensitive, high-quality development. After all, an efficient, transparent development approval process can be a strong economic development tool.

Figure 3.20-B. Storefront Building Siting



		ZONES			
		DX1	MX1, MX2	MXN	Additional/References
3.20.4. **BUILDING SITING.** See Figure 3.20-B					
1	Lot Width	18 ft.	—	50 ft. min.	
2	Primary Street Streetwall	90% min.	75% min.	75% min. 100 ft. max.	See courtyard, outdoor dining, and seating allowances per 3.20.10.A. Min. pedestrian area required per 3.20.10.B. Through-lots addressed per 3.20.10.D. See XXX for measuring.
3	Primary Street Build-to Zone	0 min. 5 ft. max.	0 min. 15 ft. max.	0 min. 15 ft. max.	
4	Non-Primary Street Build-to Zone	0 min. 10 ft. max.	0 min. 15 ft. max	0 min. 15 ft. max.	
5	Side Setback	0 or, if set back, min. 5 ft.	0 min. Min. 5 ft. adjacent to other building type	0 min.	
6	Rear Setback	15 ft. min.	15 ft. min.	20 ft. min.	Buffer required adjacent to N zones per 3.20.10.I
7	Site Coverage	95% max.	95% max.	85% max.	See XXX for measuring site coverage.

Presenting lot and building regulations in tables, with standards keyed to diagrams, can help convey important information in a way that is easy to understand.

User Friendly Ordinance Features

- Plain language
- Tables, charts
- Illustrations/graphics
- Detailed table of contents
- Accurate (hyper-linked) cross-references
- Short sentences, sections
- Consistency (among ordinance sections and with related ordinances)

11. Avoid needless nonconformities

In zoning parlance, "nonconformities" are uses, lots, and structures that were established in compliance with regulations in effect at the time of establishment, but that no longer comply with zoning regulations because the rules were changed—or were first instituted—after such situations were established. Nonconforming status could be related to virtually anything now addressed by current controls, including failure to meet current use, lot size (area or width), building setback or building height regulations.

Some people confuse "nonconforming" with "illegal." A more apt description might be "previously conforming," because it more clearly indicates that such situations did comply with applicable rules at one point in time.

Nonconforming status can sometimes result in regulatory or procedural hassles for property owners. As part of the ReCODE update, care should be taken to ensure that new or modified regulations do not create needless nonconformities or pose a significant stumbling block to context-appropriate redevelopment activities in the town.

Other Substantive and Technical Issues

12. Ensure compliance with the law

The Maine Legislature has adopted a number of express limitations on municipal home rule authority in Title 30-A MRSA Sections 4351 through 4360. The town is bound by these requirements. It will also be important to ensure that the new regulations reflect emerging case law and federal regulations governing key issues such as sign regulations, telecommunications facilities, and fair housing.

13. Update definitions

The definitions section of the new regulations should be comprehensive, modern, and easy-to-understand. Existing definitions will be pruned, supplemented and revised as necessary to reflect new and revised substantive regulations and to address any inconsistencies or conflicts among various sections of the regulations. Separate sections will likely be set-aside within the zoning ordinance for new more general use classifications and for measurement-related terms (e.g., how to measure building height, setbacks, facade transparency, etc.,).

14. Modernize use classifications

The town's current zoning ordinance lists nearly 100 residential, business, civic/institutional and other uses that may—or may not—be allowed in one zoning district or another. Despite the (high) number of uses listed and defined, the ordinance fails to address many 21st century land use and business types.

The use regulations and the way in which uses are classified and defined, should be updated. The updated zoning ordinance should rely on broad, generalized categories of defined use, which will allow the town to better respond to economic and technological changes over time and classify new uses and business types based on common operational or physical characteristics.

15. Remove off-street parking mandates

The updated comprehensive plan recommends elimination of minimum off-street parking ratios and the imposition of maximum motor vehicle parking standards within intentional growth areas. Such recommendations recognize that excessive off-street parking requirements can inhibit reuse of older buildings and stymie infill and redevelopment efforts (especially on smaller lots) and can lead to over-development of parking infrastructure.

Eliminating parking minimums and imposing new maximums may help reduce the amount of hard-surface area on a site which means reduced stormwater runoff impacts and decreased flooding risks. Lowering the amount of area that is required to be paved can also reduce the urban heat island effect caused by the sun's heating of large paved areas. Reducing the amount of land area devoted to surface parking lots can also reap community appearance benefits.

Other parking changes that will likely be proposed as part of the ReCODE project include:

SAMPLE USE TABLE ONLY

	ZONES													
	MX1	MX2	MX3	RX1	RX2	EX	NX2	NX1	R2	R1	RE	P1	P2	Reference
RESIDENTIAL														
Group Living	◓	◓	◓	○	○	–	○	○	○	○	○	–	–	27-6.30
Household Living, 1 unit	◓	◓	◓	●	●	–	●	●	●	●	●	–	–	
Household Living, 2 units	◓	◓	◓	●	●	–	●	●	●	●	–	–	–	
Household Living, 3 units	◓	◓	◓	●	●	–	●	●	–	–	–	–	–	
Household Living, 5+ units	◓	◓	◓	●	●	–	●	–	–	–	–	–	–	
COMMERCIAL														27-6.40
Day Care	●	●	●	●	●	●	●	●	●	○	–	–	●	
Entertainment Venue, Large	○	○	●	–	–	●	–	–	–	–	–	–	●	
Office	–	●	●	●	●	●	–	–	–	–	–	–	–	
Retail & Entertainment	●	●	●	◐	◐	◐	–	–	–	–	–	–	–	
Consumer Service	●	●	●	●	●	●	–	–	–	–	–	–	–	
Funeral & Mortuary Service	–	–	●	●	●	●	–	–	–	–	–	–	–	
Self-Service Storage, Indoor	–	–	○	–	–	●	–	–	–	–	–	–	–	
Sexually Oriented Business	–	–	○	–	–	○	–	–	–	–	–	–	–	
Vehicle Sales & Service	–	○	●	–	–	●	–	–	–	–	–	–	–	
MANUFACTURING & INDUSTRY														27-6.50
High-Impact Industry	–	–	–	–	–	●	–	–	–	–	–	–	–	
Industrial Service	–	–	–	–	–	●	–	–	–	–	–	–	–	
Manufacturing & Production, General	–	–	–	–	–	●	–	–	–	–	–	–	–	
Manufacturing & Production, Artisan	●	●	●	●	●	●	–	–	–	–	–	–	–	
Warehouse & Distribution	–	–	–	–	–	●	–	–	–	–	–	–	–	
Wholesale Sales	–	–	●	○	○	●	–	–	–	–	–	–	–	
CIVIC & INSTITUTIONAL														27-6.60
College	◓	◓	●	●	●	●	–	–	–	–	–	–	●	
Community Assembly	–	–	●	●	●	●	–	–	–	–	–	–	●	
Cultural Facility	●	●	●	●	●	●	–	–	–	–	–	–	●	
Detention Facility	–	–	–	–	–	○	–	–	–	–	–	–	–	
Hospital	–	–	●	●	●	●	–	–	–	–	–	–	●	
Parks and Open Space	●	●	●	●	●	●	●	●	–	–	–	●	●	
School	–	–	–	●	●	●	–	–	–	–	–	–	●	
Utilities, Minor	●	●	●	●	●	●	●	●	●	●	●	●	●	
Utilities & Services , Major	○	○	○	○	○	○	○	○	○	○	○	○	●	
OTHER														27-6.70
Agriculture	–	–	–	–	–	●	–	–	–	–	●	●	●	

KEY: ● = Permitted ◓ = Permitted in Upper Stories Only ◐ = Limited to No More than 25% of Footprint ○ = Requires Conditional Use Approval – = Prohibited

- Updating/upgrading existing bicycle parking provisions; and
- Addressing parking (and charging/fueling facilities) for alternative fuel vehicles.

16. Create Public/Civic Zoning Districts

The town's existing zoning ordinance does not include specific zoning classifications for public and quasi-public facilities, such as schools, churches, parks, public facilities, and open spaces. Instead, most public and quasi-public uses are classified as permitted or conditional uses in zones intended primarily for other activities.

As a result, the zoning map may convey an inaccurate message about the range of uses and activities that may occur, particularly in residential zones. Furthermore, the lot and bulk regulations associated with residential zoning districts may be inappropriate for public and civic use types, and they may not adequately mitigate the impacts of high-intensity public/civic uses.

To better align the zoning ordinance with the comprehensive plan and provide greater certainty for neighbors, consideration should be given to adding one or more public/civic zoning classifications to the updated ordinance.

17. Consolidate landscape & screening regulations

Landscape and screening regulations are currently found in multiple places within the town code. To the maximum extent possible, the updated regulations should include a consolidated section of landscape and screening regulations to address apparent redundancies, inconsistencies, and conflicts among existing code provisions.

18. Remove content-based sign regulations

The town code currently includes a few "content-based" definitions and regulations, meaning that the term or regulations is based on the message allowed to be displayed on the sign. "Project/contractor signs," for example, are allowed but limited to advertising builders, engineers, designers, or similar individuals responsible for work under construction.

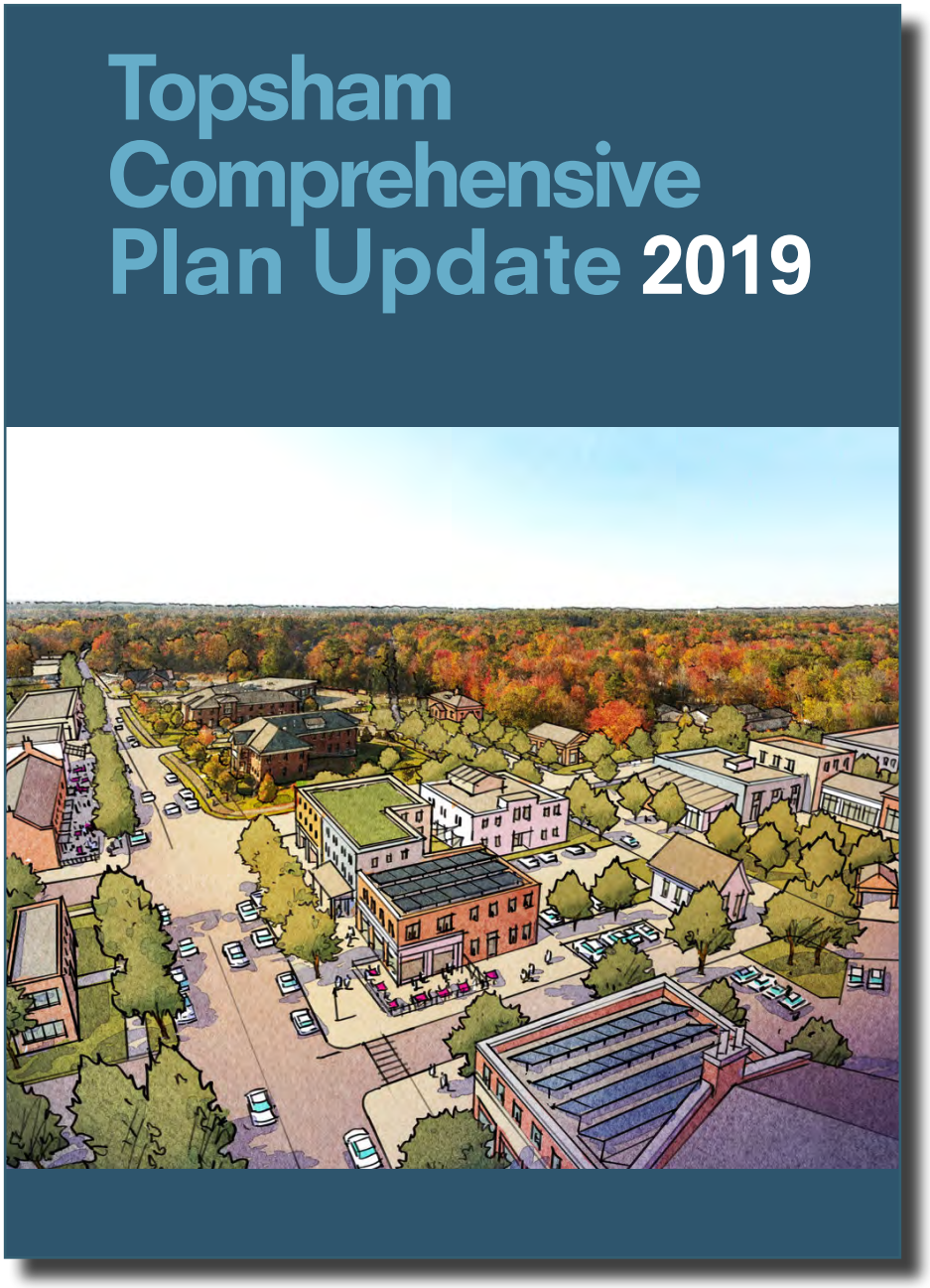
Based on U.S. Supreme Court rulings, the new regulations should adhere to a more content-neutral approach to sign regulation in order to avoid legal challenges.

19. Clarify and Rework Site Plan Review Chapter

The town's existing site plan review standards and procedures are not part of the zoning ordinance. They are codified separately in Chapter 175 of the town code. Although such an organizational approach is somewhat unusual, it has at least one potential advantage that may be worth retaining as part of the ReCODE effort: by codifying site plan regulations outside of the zoning ordinance, the planning board may have greater flexibility to considered waiver, partial waiver and alternative compliance requests (as compared to the stricter criteria that apply to the granting of zoning variances by the board of appeals). On the other hand, a separate site plan review ordinance is sometimes not the best approach for municipalities with town-wide zoning. Whether to keep site plan review as a separate ordinance is an issue that will require further study and deliberation as the ReCODE project goes forward.

A preliminary list of other potential changes to the site plan provisions in Chapter 175 follows:

- Remove most "site plan content and application procedures" (Sec. 175-5). These detailed technical requirements would be better included as part of non-codified application checklists, which could be easily modified in response to changing needs and practices (this recommendation to remove application and plan content specifications applies universally to all zoning and development-related procedures).
- Clarify and potentially update thresholds for minor (staff-approval) site plans and major (planning board) site plans. By focusing on clearly stated objective regulations, the new proposed mixed-use zones should be much easier to administer at the staff level. Planning board site plans for projects within the mixed-use zones could, for example, be reserved solely for those projects seeking waivers or design exceptions.
- Clarify and reconcile which regulations (now referred to as "performance standards") are zoning regulations and which are site planning standards, with primary difference being the method for seeking relief from compliance.



Please remember to check the project website
https://topshammaine.com/recode
for periodic updates on the ReCODE project

Proposed Zoning Outline

This section presents a general organizational outline for Topsham's updated zoning ordinance, in essence a proposed skeletal framework for reformatting and reorganizing the town's existing ordinance. There are, of course, many organizational schemes that could be used, and the one presented here will likely undergo some degree of change as the result of staff review and even during the process of preparing the updated regulations. Its function at this point in the ReCODE process is to focus attention on the types of organizational issues that will need to be confronted in preparing the updated ordinance and to reach agreement on the overall ordinance outline.

The existing zoning ordinance is codified as Chapter 225 of the town's overall code of ordinances and has several notable readability, usability, and organizational issues. The ordinance lacks a coherent structure, lacking a logical organization. As a result, information is scattered and difficult to find.

Frequently consulted provisions are sometimes buried in sections of the ordinance where the reader would not expect to find them. Some of the ordinance's provisions are written in a dense, legalistic style, consistent with older code drafting practices. Long sentences and paragraphs that difficult to read and often obscure information readers are looking for. The ordinance contains few tables and no graphics to help clearly convey regulatory information.

It is important to point out that any perceived ordinance shortcomings do not reflect poorly on previous authors or upon public officials and staff charged with administering them. The types of issues identified are commonplace, as land use and planning policies evolve and as regulations are incrementally revised in response to ever-emerging issues.

As identified earlier in this report, a key objective of the ReCODE project is to make the town's existing regulations more user-friendly. The tentative outline presented below is intended to advance that goal.

Article I Introductory Provisions

Official Name (Title)

[Existing ordinance section: 225-2 Short Title]

Authority

Provisions explaining town's legal authority for adopting and enforcing zoning regulations.

[Existing ordinance section: 225-1 Statutory authority]

Applicability (or Jurisdiction)

Provisions explaining the ordinance's jurisdiction and applicability—where and to what it applies.

[Existing ordinance section: 225-4 Jurisdiction and 225-13 Applicability]

Effective Date

[Existing ordinance section: 225-83 When effective]

Purposes

[Existing ordinance section: 225-3 Purpose]

Compliance Required

[Existing ordinance section: 225-15]

Permits Required

[Existing ordinance section: 225-15 Conformance required; permits and certificates of occupancy]

Conflicting Provisions

General provisions explaining which regulations govern in cases of conflict between zoning ordinance regulations and other (local, state, federal) governmental regulations or between zoning ordinance regulations and private restrictions. Individual sections of ordinance (as today) may contain specific references to how conflicts are to be handled (e.g., overlay district regulations).

[Existing ordinance section: 225-80 Conflict with other laws]

Zoning Map

[Existing ordinance sections: Article III Official zoning map and 225-12 Rules governing zone boundaries]

Transitional Provisions

Provisions dealing with developments/buildings underway and ordinance violations in existence at time of ordinance effective date.

[Existing ordinance sections: NA]

Severability

[Existing ordinance section: 225-81 Severability]

Article II Residential Zones

This article will include the existing ordinance's residential zone regulations (including possible strategic amendments identified during the drafting process). The general proposed format for presenting zone-specific regulations should follow a similar pattern for all of the residential, mixed-use, commercial, and industrial zones.

[Existing ordinance sections: 225-11 Establishment of zones]

Article III Mixed-Use Zones

This article will include the proposed new mixed-use (form-based) zone regulations and building type standards.

[Existing ordinance section: NA]

Article IV Commercial & Industrial Zones

This article will include the existing ordinance's business, commercial, and industrial zone regulations (including possible strategic amendments identified during the drafting process). The general proposed format is as follows: ??

[Existing ordinance section: NA]

Article V Overlay Zones

[Existing ordinance sections: 225-18 Historic Overlay District, 225-19 Shoreland Overlay District, 225-20 Aquifer Protection Overlay District, 225-20.1 Development Transfer Overlay Zone, 225-20.2 Vernal Pools Overlay District]

Article VI Uses

This article is the proposed home of all use-related provisions, including a table of allowed uses, the use classification system, and supplemental use regulations for specific use types. The article may also include accessory use and structure regulations, although in light of the expected length of this article it may be best to include accessory use provisions in a separate article.

[Existing ordinance section: 225-16 Use regulations and those use-specific regulations in Article VIII Specific Performance Standards]

Article VII Building Design

This article will include building design regulations that will apply to buildings in the new proposed (form-based) mixed-use zones. It will include provisions governing building material, facade elements roof types, building entrances, and facade elements (e.g., windows, shutters, awnings and canopies).

[Existing ordinance section: NA]

Article VIII Parking & Access

[Existing ordinance sections: 225-27 Off-street parking and loading and 225-28 Traffic]

Article IX Landscape & Site Design

[Existing ordinance sections: 225-26 Lighting and 225-29 Landscaping]

Article X Signs

[Existing ordinance sections: 225-33 Signs]

Article XI Natural Resources

This article will include flood protection, stormwater management, vernal pools and other natural resource-related regulations now interspersed among various provisions in Article VII.

[Existing ordinance sections: All resource-related provisions from Article VII General performance

standards, including 225-24 Erosion control, 225-25 Floodplain management, 225-34 Stormwater management, 225--35 Water quality, and 225-41.1 Vernal pools]

Article XII Other Generally Applicable Regulations

This article, the name of which will likely change, will include several of the existing ordinance's environmental performance and pubic facility standards.

[Existing ordinance sections: 225-22 Air emissions, 225-37 Noise, and others]

Article XIII Review & Approval Procedures

Under this proposed outline, all of the zoning ordinance's zoning-related review and approval procedures will be located in a single article. Consolidating the various review and approval processes, including required notice and appeal procedures, should make it easier to find information in the updated ordinance.

[Existing ordinance sections: Article XII Amendments, 225-67 Conditional use permits, 225-71 Variances, 225-72 Appeals of administrative decisions]

Article XIV Administration & Enforcement

This article is the proposed home of existing ordinance provisions establishing and defining roles of various zoning-related review and decision-making bodies. It will also include zoning enforcement provisions.

[Existing ordinance sections: Article X Board of Appeals, 225-64 Code Enforcement Officer, 225-66 Violations and penalties]

Article XV Nonconformities

[Existing ordinance section: 225-14 Nonconforming uses, structures and lots of record]

Article XVI Measurements & Definitions

[Existing ordinance section: 225-5 Word usage, 225-6 Definitions]

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Image: Topsham comprehensive plan

Building Types

This section, along with the two following sections, Zones & Area Maps and Master Plan Development (MPD), begins to provide a framework for the building, site, and use regulations for Topsham Center. The identification and use of building types ensures that the code reflects the scale and both current and desired architectural character of the community. Building types also provide a clear illustration of the intent of the regulations to gauge whether or not they are meeting the vision.

The Town's recently approved comprehensive plan provides clear direction for the town center area of focus in Topsham. The catalyst site studies provide insight into the potential for areas in the town center, and illustrate key elements of the community's vision. Additionally, the character areas and building groups discussed in the plan provide a starting point for further analysis and the preparation of a building typology in Topsham.

BUILDING TYPES

The regulations for buildings and sites in Topsham Center are proposed to be organized around a series of building types, listed in the Table of Building Types. These building types are defined based on the comprehensive plan vision and analysis, successful recent developments in the town, and the existing character of well loved areas in the town and region. As we continue to work on the code, these building types may evolve: some may be combined or new ones introduced.

Table of Building Types

VILLAGE SHOPFRONT
VILLAGE GENERAL BUILDING
STOREFRONT CENTER
GENERAL BUILDING
WORKSHOP BUILDING
ROW BUILDING
MANUFACTURED HOME SITE
CIVIC BUILDING

Building types will used as the organizing structure of the new code, illustrating clear intent for the building and site regulations for each zone with the goal of more predictable building results. The following pages provide an overview of each building type, accompanied by images meant to convey the intent of the building type.

Traditional Storefront Building

The Storefront building, across the nation, has several configurations and is always calibrated to the local character in form-based zoning. The following types have been identified in the Topsham region:

1. Village Shopfront. See explanation on the following page of this document. This storefront type is pulled from the node at Winter/Elm/Main Street. Typically, this building type takes its design from houses, but has been modified to include more ground story glass. Key characteristics include 1.5 to 2.5 stories, less storefront glass on the ground story, pitched roof, typically clapboard siding.

2. Traditional Main-Street Style Storefront Buildings. Examples include buildings on Maine St in Brunswick and Front Street in Bath. Key characteristics include 2 to 3 stories, true storefront glass on ground story, flat roof, usually masonry construction, zero side yards resulting in a streetwall of buildings. Consider if there are locations where this building type would be desirable and may warrant being its own set of regulations in this code.

3. Current Trend Commercial. While strip centers and big box retail is still built, a trend towards more walkable, better designed single-use commercial buildings is occurring. Key characteristics include single story, mid-level storefront, flat roof, lots of composite siding. Examples include Panera Bread and Firehouse Subs strip center at Topsham Fair Mall. The Storefront Center building type outlined in this document uses this as a basis for the building type, but allows characteristics of the typical main-street style building to occur as well.

Traditional Main-Street Style Storefront Buildings on Front Street in Bath

Traditional Main-Street Style Storefront Building on Maine Street in Brunswick

Imagea: All images googlemaps.com unless otherwise noted

Village Shopfront Building Type

The Village Shopfront building type is for use in small-scale nodes of shopping and dining activities. This building type has similar characteristics of a house, and, in some cases, may have once been a single family house, now modified for use for shops or eating or drinking establishments. The key design elements are pulled from versions that exist on Main Street in the Lower Village, but examples also occur regionally.

Oriented to pedestrian arrival, these buildings are built close to the front lot line, but may also include wider sidewalk space for outdoor dining or displays. Storefront windows on the ground story and entrances on the street facades provide a high level of permeability and transparency. Other design elements are similar to a traditional house, such as pitched roofs and horizontal lap wood siding (or similar material).

Variations: Though these buildings are often freestanding with space surrounding the building, many regionally have been connected to adjacent buildings. Typically one building is located per lot, but clusters of these buildings may also be developed on a single, larger lot, called a Village Shopfront Court.

KEY CHARACTERISTICS

- 1.5 to 2.5 stories
- Pitched roofs
- Front facades located close to the front lot line
- Ground story storefront glass and entrances on the front facades
- Narrow width along street with potential connections between buildings
- Commercial uses on primary ground stories; residential & office uses on non-primary facades and upper stories

Village Shopfront Buildings in Topsham

Village Shopfront Buildings in Topsham

Village Shopfront Buildings in Other Places

Village Shopfront Buildings in Other Places

Village Shopfront Court in Other Place

Image: Christina Anderson

Village General Building Type

The Village General building type is a flexible building type based upon the traditional house buildings along Main Street in the Lower and Middle Village areas. Many of these houses have been converted to office and service uses, and new construction mimicking the characteristics of these houses have been constructed in the Lower Village.

The characteristics pulled from the houses include vertically oriented windows organized by story, entrances off a stoop or porch, pitched roofs, and horizontal lap wood siding (or similar materials). Additionally, the overall scale of these buildings is narrower along the street, with the allowance of developing wider versions through the use of small-scaled connections between multiple Village General buildings. The building is also surrounded by some amount of landscaped yard area.

Variations: Typically one building is located per lot, but clusters of these buildings may also be developed on a single, larger lot, called a Village General Court.

KEY CHARACTERISTICS

- 1.5 to 2.5 stories
- Pitched roofs
- Small front and side yards
- Entrances and windows on street, organized per story
- Narrow width along street with potential connections between buildings
- Commercial uses on primary ground stories; residential & office uses on non-primary facades and upper stories

Village General Buildings in Topsham

Village General Building Court in Yarmouth

New Construction Village General Buildings

Image: Portside Real Estate Group

Storefront Center Building Type

The Storefront Center building type is a single-use or mixed-use building or series of buildings, accommodating visitors arriving by both walking and driving. This building type is intended for use along Lewiston Road and in the Topsham Fair Mall area. Examples from other places are shown to illustrate the potential for pedestrian connectivity both through and to the centers. Note the examples taken from within the storefront center developments taking their cues from traditional main streets such as Maine Street in Brunswick. Other examples illustrate single-use shopping centers where some buildings are close to the front lot line, providing pedestrian access, while others extend into the site and front the parking lot.

Storefront windows on the ground story and entrances on the street and parking lot facades provide a high level of permeability and interest for passers-by. Outdoor seating areas adjacent to the sidewalks incorporate landscape elements and can be highly visible from the street. Drive-through facilities and other auto-focused uses, such as gas stations and vehicle maintenance and repair could occur within this building type.

KEY CHARACTERISTICS

- Existing area single story; allow multiple stories
- Typically flat or parapet roof types
- Single or multiple buildings on a lot
- Oriented to both street and parking area
- Large parking areas on site
- Commercial (usually retail and restaurant, some service) uses on ground story; allow residential in upper stories

Storefront Centers in Topsham

Storefront Centers in Other Places (Internal Streets in Developments)

Image: Leslie Oberholtzer

Image: Leslie Oberholtzer

Storefront Center Buildings in Other Places

General Building Type

The General building is a standard urban building for both office and residential uses. Some commercial uses may also be located in the building, usually on corners or along primary streets. The General building typically has deeper setbacks than the Storefront building with more landscape or plaza area in the front.

While windows are located on front facades, additional glass on the ground story may occur, but is not required, in contrast to the required ground story glass of a Storefront building type. Entrances are located on the street facade of the building, providing easy access for pedestrians. Parking is located in the rear or along the side of the building, directly connected to the pedestrian path to the main entrance.

The scale of the General building is larger than the Village General building, and the materials are often masonry. Roof types vary and include pitched, flat, and parapet roofs. Multiple buildings may be located on a lot, similar to the town municipal complex or on the Bowdoin Mill site.

KEY CHARACTERISTICS

- 1.5 to 3 stories
- Pitched, flat, or parapet roofs
- Front facades located close to the front lot line with front landscaped yards
- Windows located along stories on front facades
- Office and residential uses on all floors; allowance for limited commercial uses on primary ground stories

General Buildings in Topsham

General Buildings in Other Places

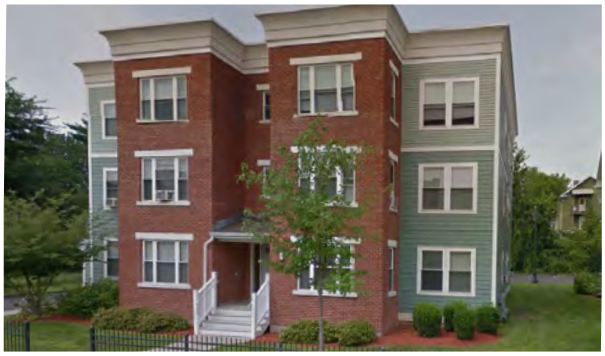


Image: Leslie Oberholtzer

Workshop Building Type

The Workshop building type is primarily a production, packaging, and warehousing building, sometimes accommodating a level of trucking and distribution. To accommodate those uses, the workshop building also allows for service bays, loading, and vehicular doors in more locations. Eating and drinking, service, showrooms, and retail sales uses associated with the items produced may also be included; however, increased design elements will be required.

In some locations, such as along Park Drive, metal buildings may be accommodated on this building, provided the design of the Village General or the General building is used on the streetside of the building. Loading and service bays would then be located on the side or rear of the building.

In other locations, an upgraded metal building may be appropriate, with some allowance for loading or service on the front facade. In this case, a glass door may be required and other design elements included, to ensure the building works within the desired context of the area. Further discussion will be required to accommodate outdoor storage and equipment needed for uses within these buildings.

KEY CHARACTERISTICS

- 1 to 2 stories
- Pitched, flat, or parapet roofs on front buildings
- Front facades oriented to the front lot line
- Commercial and design uses located behind the front facade; production, packaging, and warehousing facilities located in the rear
- Loading bay location based upon zone
- Design standards for front loading bays

Workshop Building in Topsham

Workshop Building in Other Place

Workshop Buildings Regionally

Image: the gazette, Christian Murdock

Image: Mainebeercompany.com

Row Building Type

The Row building is similar in many ways to the General building, but with divisions between the vertically organized units. Multiple entrances occur along the facade, with an entrance into each unit directly from the outside. Parking is typically provided for each unit, located in the rear of the unit, either attached or detached to the building.

The Row building accommodates a variety of subtypes, such as rowhouses, townhouses, and live-work units. Where office or other commercial uses are allowed, live-work units may have those uses on the ground story.

Each Row building consists of multiple units, with the number based upon the scale of the zone; for example, a zone in the Upper Village may allow only 4 units side-by-side, while a zone in the Upper Village may allow up to 8 units connected. Multiple buildings are usually allowed on a single lot, provided the units front either the street, a courtyard, or a defined open space type.

KEY CHARACTERISTICS

- 1 - 2.5 stories
- Variety of roof types
- Entrances off front stoop or porch
- Front landscaped yards
- Residential and office uses
- Windows located along stories on street facades; increased ground story glass for live-work units
- Materials may include lap wood siding in Village zones and masonry in other zones.

Row Buildings in Other Places






Image: mapio.net

Manufactured Home Site Type

The manufactured home site type (replacing the mobile home overlay) is a neighborhood of multiple manufactured homes (and potentially other buildings) located on a single site, clustered along drives or around open space. Unlike the building types, this site type provides only limited design regulations for the buildings; the focus of the site type is on the layout of the homes, drives, and open space to create a cohesive neighborhood.

The purpose of this site type is to encourage a layout that provides both drive access to the homes as well as pedestrian pathways and landscaping to create a coherent, comfortable system for pedestrian circulation. The layout and orientation of the homes on the site and their relationship to the circulation system will be addressed. A series of open space types (such as plazas, greens, pocket parks) will be defined to ensure spaces are small in scale, accessible to units, and usable for gatherings of people.

Variations: A smaller court version of the Manufactured Home site type might also be included to allow smaller nodes of these homes oriented around an open space, similar to the Village General Court.

KEY CHARACTERISTICS

- Walkable "blocks"
- Homes organized along circulation routes or around open space types
- Sidewalks and "streetscape" throughout
- Potential for neighborhood center node of other building types
- Basic home design standards carried forward from the current code

Manufactured Homes Site in Topsham

Example Layout of a Manufactured Home Site

Manufactured Homes Site in Other Places

Civic Building Type

The Civic building type is the most flexible building type, but is limited to such civic and institutional uses as schools, city halls, community centers, libraries, museums, and churches,.

The intent is to allow more flexibility in terms of design of these buildings, with more creative freedom for the designer. Basic parameters ensure a high level of pedestrian focus with parking is located in the rear, entrances facing the street, and a minimum amount of facade transparency (windows).

Scale of the stories will be flexible with allowances for assembly spaces. Different roof types will be accommodated through increased review processes.

KEY CHARACTERISTICS

- 1 to 2.5 stories
- Variety of roof types
- Limited to civic and institutional uses
- Minimum levels of transparency on street facades
- Entrances on front facades

Civic Buildings in Topsham

Civic Buildings in Other Places

Zones & Area Maps

This section begins to identify new zones or zoning districts and locates them on maps within Topsham Center. The new zones utilize the building types identified in the previous section as their organizing framework. The proposed locations for large site Master Plan Developments (MPDs) are also identified in this section, then MPDs are explained in the following section.

A proposed new set of zones or zoning districts is listed in left-hand column of the Zones & Allowed Building Types Table. This table also provides some initial insight into the intent of each zone by designating which building types are allowed in each zone. (Building types are summarized in the previous section of this document.) In some instances, multiple building types are allowed in a zone, illustrating that a choice is available.

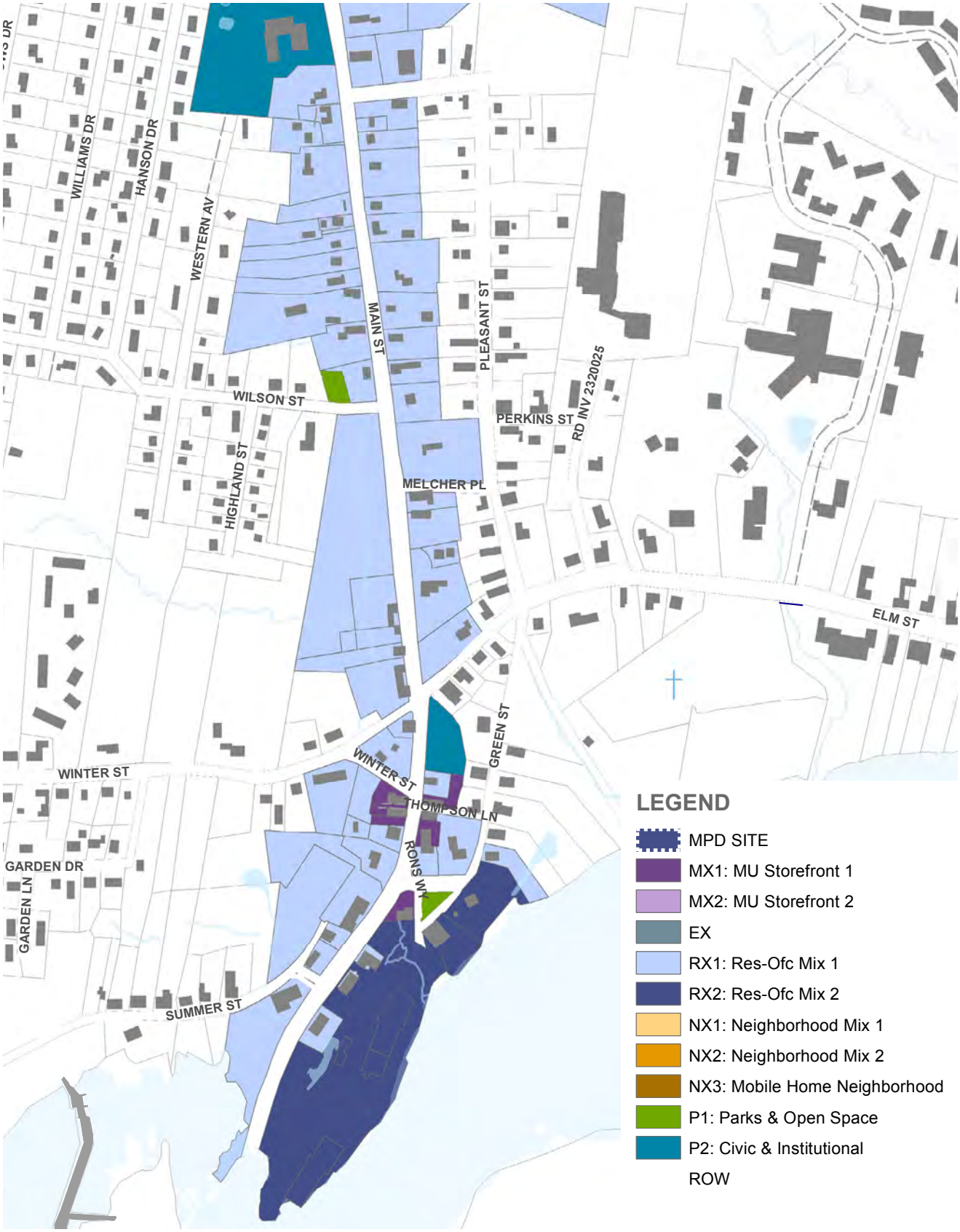
In this section, the new zones are mapped for each area within Topsham Center to illustrate where and how the zones may be used. A brief description of how the zones have been applied and the potential for development of the different sized parcels in each area is provided.

Zones & Allowed Building Types Table

	BUILDING TYPES								KEY ACCESSORY STRUCTURES	
	VILLAGE SHOPFRONT	VILLAGE GENERAL BUILDING	STOREFRONT CENTER	GENERAL BUILDING	WORKSHOP BUILDING	ROW BUILDING	MANUFACTURED HOME SITE	CIVIC BUILDING	FUELING STATIONS	DRIVE-THROUGH FACILITY
PROPOSED ZONES										
MX1: Mixed-Use Storefront 1	●									
MX2: Mixed-Use Storefront 2	●		●						●	●
RX1: Residential-Office Mix 1		●				●				
RX2: Residential-Office Mix 2		●		●	○	●				
NX1: Neighborhood Mix 1		●				●				
NX2: Neighborhood Mix 2		●		●		●				
NX3: Manufactured Home Neighborhood		●				●	●			
P1: Parks, Open Space, Conservation								●		
P2: Civic-Institutional Buildings								●		

KEY: ● = Allowed ○ = Limited Use

Lower & Middle Village Area



Lower & Middle Village Area

BUILDING TYPES & ZONES

Village General Building in RX Zones

The main building type for the Lower and Middle Village areas is a Village General Building, providing a similar form for both houses and offices. The flexibility in use in this building type is accommodated by the RX1 zone.

General Building in RX2 Zones

The Bowdoin Mill site includes excellent examples of the proposed General building type, larger multi-story buildings that can house apartments or offices and other types of uses (warehousing, small-scale manufacturing).

Village Shopfront Building in MX1 Zone

For use in the shopping and dining nodes along Main Street, zoned MX1, the village version of a storefront building type would mimic the characteristics of the existing commercial buildings at Thompson Lane, Winter Street, and Main Street.

Civic Building in P Zones

Civic buildings are more flexibility building types that accommodate a wide range of civic and institutional buildings.

DEVELOPMENT TYPES

Lots in the Lower and Middle Village generally range between a half acre and 2 acres in size. The following types of development are anticipated:

- Smaller lots may accommodate a single building and parking.
- Deeper lots provide an opportunity for a cluster of Village buildings, either for residential or commercial use, around a courtyard space, called Village Shopfront or General Courts.
- If, in the future, multiple parcels are combined for a new larger development, the Master Plan Development (MPD) process would be triggered. See Master Plan Developments section of this document for an example.

FRONTAGES

Most lots front onto Main Street with some exceptions: One important cluster of lots behind Main Street at the intersection of Green Street provides an opportunity for new development including a small green and access to and views of the waterfront.

The lots at the intersection of Elm Street, Winter, and Main Street may also require some design consideration in terms of determining appropriate frontages and parking locations, with the parcels in the triangle having multiple street frontages.

SHOPPING & DINING NODES

While Village General buildings may accommodate a wide range of services and offices, functioning along Main Street among residential houses, other uses should be clustered into nodes. Nodes of more intensive activity can also help create synergies between shopping and dining uses, while also consolidating their potentially negative impacts (noise, light, parking, traffic) on residential houses.

These nodes would include storefront buildings at a village scale and may also allow a Village Shopfront Court, where multiple storefronts surround a small courtyard.

The existing node at Thompson Lane, Winter Street, and Main Street is maintained. In the future, an additional node could be added; however, these uses should be focused thoughtfully where the existing buildings occur and in the Upper Village first.

STREETSCAPE

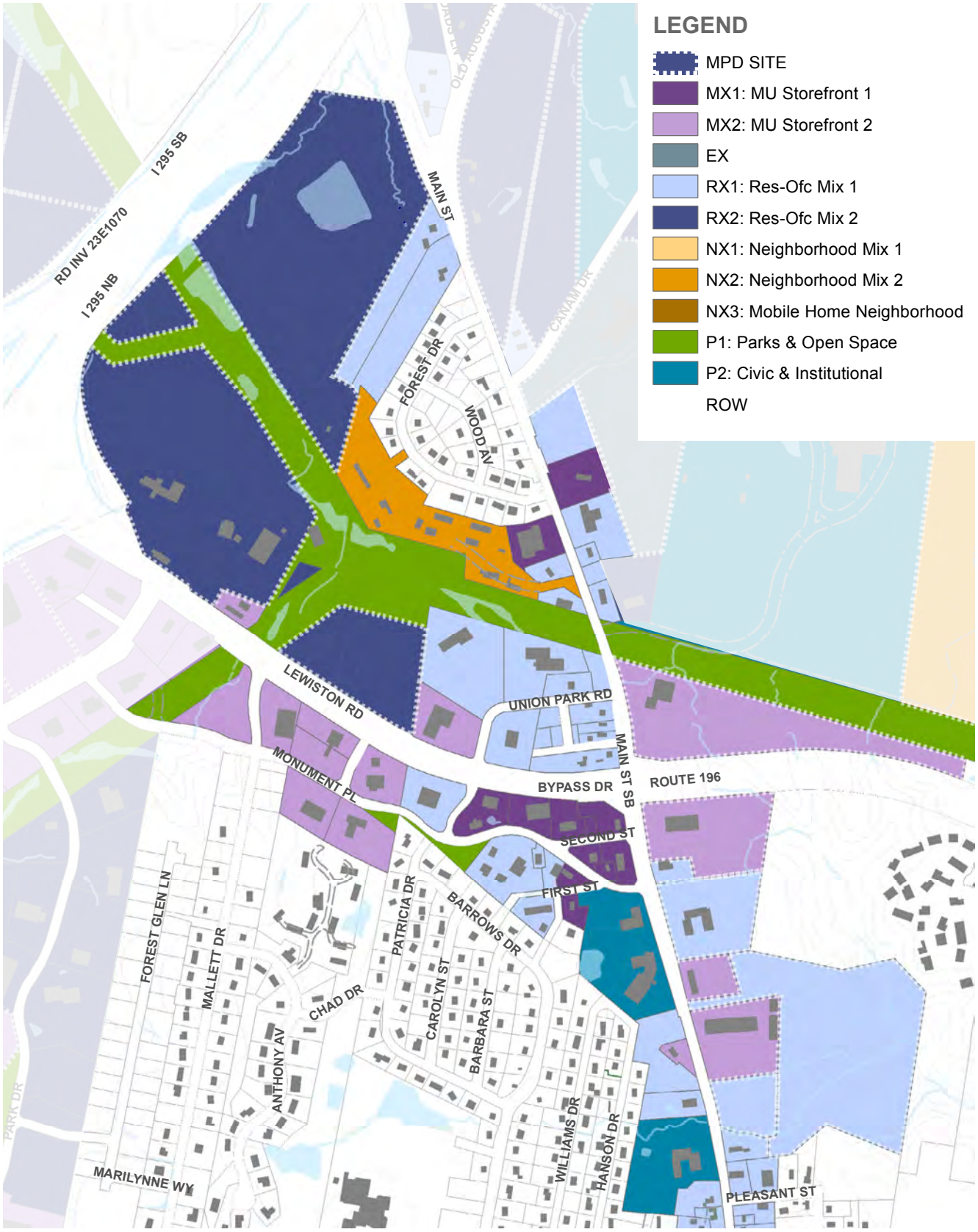
Consideration must be given to the amount of right-of-way remaining along Main Street and other streets to fully accommodate bicyclists and pedestrians. Connections to trails and open space will be incorporated.

OPEN SPACE AND NATURAL AREAS

Village Courts will be required to incorporate small courtyards, but, because of the scale of the parcels in the Lower Village, public open spaces, such as a village green or plaza, will typically need to be negotiated outside of zoning. For example, the parcels at Green and Main Street owned by the town may be used to negotiate a village green.

Conservation of natural areas can also be incorporated into larger parcels, but in the Lower and Middle Village areas, unless there is an environmental regulation preventing or limiting development, conservation areas may need to be negotiated on a individual basis.

Upper Village Area



Upper Village Area

BUILDING TYPES & ZONES

Storefront Buildings

The Upper Village area includes two versions of a Storefront Building in the MX zones:

- **Village Shopfront in MX1 Zone**. The central node along Second Street and Monument Place adjacent to Town Hall is small-scale, traditional, mixed-use buildings with ground story storefronts, similar to the node, though probably larger, at Winter and Main.
- **Storefront Center in MX2 Zone.** The Lewiston Road corridor could accommodate a larger scale commercial center building form that uses storefronts as its organizing element. This corridor commercial area could allow for a wider range of uses (more auto-focused) more accessible parking, while also incorporating pedestrian access.
- Design cues for both will be taken from some of the newer, successful development such as Down East credit union.

General Building

Larger sites can accommodate General buildings, larger multi-story buildings that can house apartments or offices and other types of uses (warehousing, small-scale manufacturing).

Village General Building

The "village building" (or cottage building) here provides a small scale building to accommodate small offices, services, and possibly residential (multi- and single-unit), in some locations. The flexibility in use in this building type is accommodated by the RX1 zone.

Civic Building

Civic buildings are more flexibility building types that accommodate a wide range of civic and institutional buildings. Minimal regulations ensure that the buildings are pedestrian-focused and parking is handled appropriately, while allowing for unique roofs, entrances, and larger scaled stories common for such uses as churches, community centers, and, more specifically, the Town Hall complex.

DEVELOPMENT TYPES

The Upper Village includes a wide variety of lot sizes that can accommodate multiple development types:

- Smaller lots may accommodate a single building and parking.
- Deeper and wider lots on less than 3 acres provide an opportunity for a cluster of Village buildings, either for residential or commercial use, around a courtyard space, called Village Courts, or multiple General buildings on a lot.
- Multiple, small parcels combined in the central node would trigger the master plan development (MPD) tool with an MPD-type designed specifically for the Upper Village. The MPD, applied to parcels over 3 acres, would subdivide the parcels into walkable blocks with designated open space, and the potential for multiple building types. See Master Plan Developments section of this document for an example.
- Existing 3 acre or larger parcels (noted on the map with a light gray horizontal hatch) would automatically trigger the MPD tool (see bullet above), but a different MPD-type may be applied that would include more of a mix of building types (residential and possibly a node of storefront at the front).

STREETSCAPE

A study of the available right-of-way for pedestrian accommodations will be done to ensure that the new zones provide any additional needed area for sidewalk and streetscape facilities. .Also, the design of the streetscape should retain the rural character of the area.

FRONTAGES

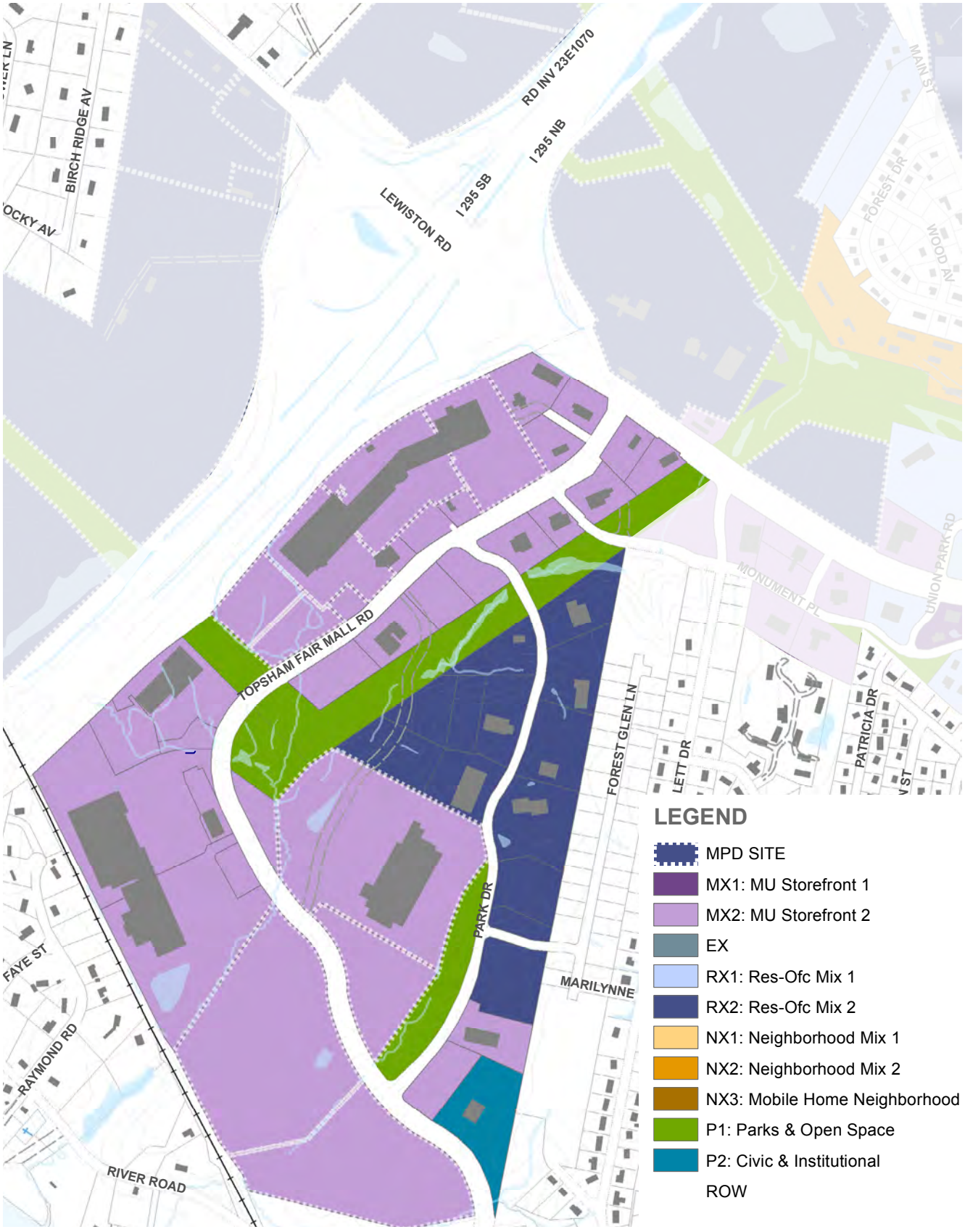
The new code will determine the appropriate orientation of through-parcels between Lewiston Road and Monument place/Second Street is needed. .Addressing the "rear" of these parcels through building type regulations will be needed.

OPEN SPACE AND NATURAL AREAS

While the MPD tool will require centrally located open space, the smaller parcels along Monument Place and along Union Park Road would benefit from a central gathering point. This type of open space in these situations would be established by the Town as these parcels are mostly too small to accommodate it economically.

Conservation of natural areas can also be incorporated into larger parcels using the MPD tool, but in the Upper Village areas, the main area to conserve would be wooded areas on the Crooker site.

Topsham Fair Mall Area



Topsham Fair Mall Area

BUILDING TYPES

Storefront Center Building

The main building form for the Topsham Fair Mall area is a traditional Storefront Building, modified to accommodate larger scaled buildings, more parking, and more intensive uses, such as drive-through facilities. Single-use buildings are typical, but mixed-use would be allowed. The design of these buildings is more traditional, flat-roofed main-street style buildings.

General Building

The General building accommodates office, light industrial, and apartments along Park Drive and could also be incorporated into the rear of any potential redevelopment (MPD) along Topsham Fair Mall Road. A modified Workshop version of the General might be helpful in this location as well as areas of the Northside.

DEVELOPMENT TYPES

The Topsham Fair Mall area includes a wide variety of lot sizes that can accommodate multiple development types:

- Smaller, out-parcel lots may accommodate a single building and parking.
- Deeper and wider lots on less than 3 acres provide an opportunity for a cluster of Village buildings, either for residential or commercial use, around a courtyard space, called Village Courts, or multiple General buildings on a lot.[1]
- Existing 3 acre or larger parcels (noted on the map with a light gray dashed outline) and a combination of smaller parcels for redevelopment would automatically trigger the MPD tool (see bullet above), but a different MPD-type may be applied that would include more of a mix of building types (residential and possibly a node of storefront at the front).[2] The MPD, applied to parcels over 3 acres, would subdivide the parcels into walkable blocks with designated open space, and the potential for multiple building types. See Master Plan Developments section of this document for an example.

FRONTAGES

Most lots front onto either Topsham Fair Mall Road, Midway Drive, or Park Drive.[3]

STREETSCAPE

The new zones may need to provide additional areas for sidewalk and streetscape facilities beyond the existing rights-of-way. The basic required streetscape elements for the area should be included in the new code.

OPEN SPACE AND NATURAL AREAS

The MPD tool will require centrally located open space should this area or portions of it redevelop in the future. However, the building types for the MX2 zone could also include requirements for small plazas and seating areas, in addition to pedestrian connections through the site.

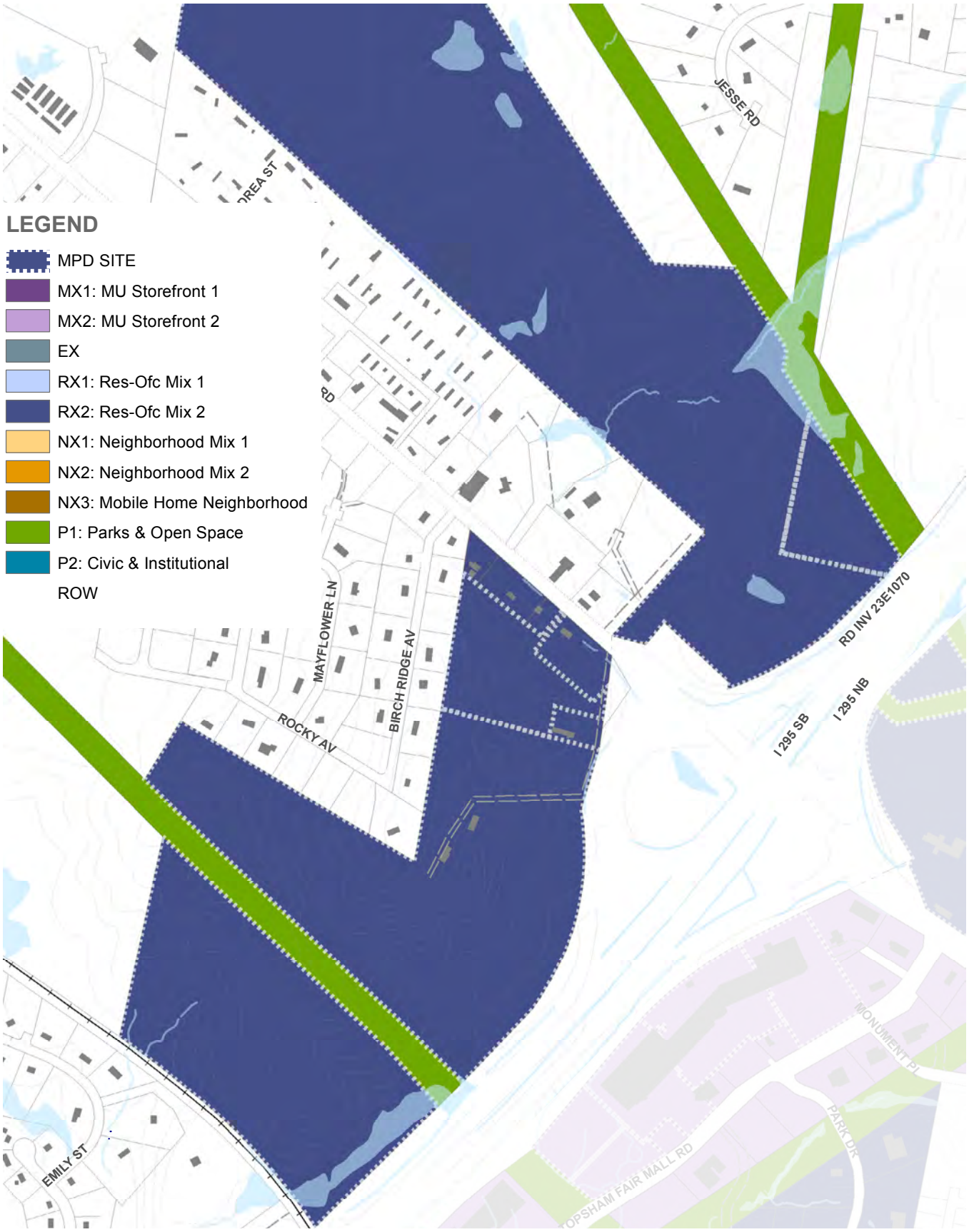
Conservation of natural areas can also be incorporated into larger parcels using the MPD tool, and in the mall area should include valuable streams and other waterways. Trails through the existing natural areas should be connected to and enhances on development parcels as well.

1 Avoid multiple buildings located in parking lots with no organizing element.

2 I realize this is confusing for now, but it will be explained in the coming MPD section...

3 Has Midway Drive been dedicated and the parcels subdivided? Not currently in GIS

West of 295 Area



West of 295 Area[1]

1 Is there a better name?

BUILDING TYPES

General Building in RX2 and potential NX2 Zone
The main building type of the RX2 zone would be General buildings, larger multi-story buildings that can house apartments or offices and other types of uses (warehousing, small-scale manufacturing).

Village General Building in RX1 and RX2 Zones
The Village General building is a smaller scaled, general building with characteristics similar to a house. The MPD tool and approval process would allow use of the RX1 zone (see below).

Row Building in RX and NX Zones
The Row building allows a series of vertically oriented units, stacked side-by-side and sharing one or 2 common walls. The Row building accommodates townhouses, rowhouses, and live-work rowhouses in RX1, RX2, NX1, and NX2 zones. The MPD tool and approval process would allow use of the these zones and this building type (see below).

Village Shopfront Building in MX1 Zone
The MPD could allow for small nodes of shopping and dining, located close to Lewiston Road. The village version of the storefront building in these locations would mimic the characteristics of the existing commercial buildings on Main Street.

Mobile Home Site in NX3 Zone
A mobile home site type will be developed to allow for mobile home neighborhoods, with characteristics similar to the Village Court, incorporating clear access pathways for both vehicles and pedestrians and usable open spaces with buildings organized around them. The Mobile Home Site would be allowed by right in the NX3 zone, but could also be incorporated into an MPD as one of the new zones on a site.

MASTER PLAN DEVELOPMENT (MPD)

While these parcels will be zoned to allow for a single building to be constructed (currently shown as RX2), the use of the master plan development tool will facilitate a mix of new zones in a neighborhood configuration and will also provide the most developability. The MPD tool would require subdivision of the parcels into walkable blocks with designated open space, and the potential for multiple building types and zones on the site through rezoning. See Master Plan Developments section of this document for an example.

FRONTAGES

Building frontages will be oriented to new walkable streets and blocks designated on these large parcels through the MPD. Otherwise, development of a single or couple of buildings on the site would require orientation to Lewiston Road.[1]

STREETSCAPE

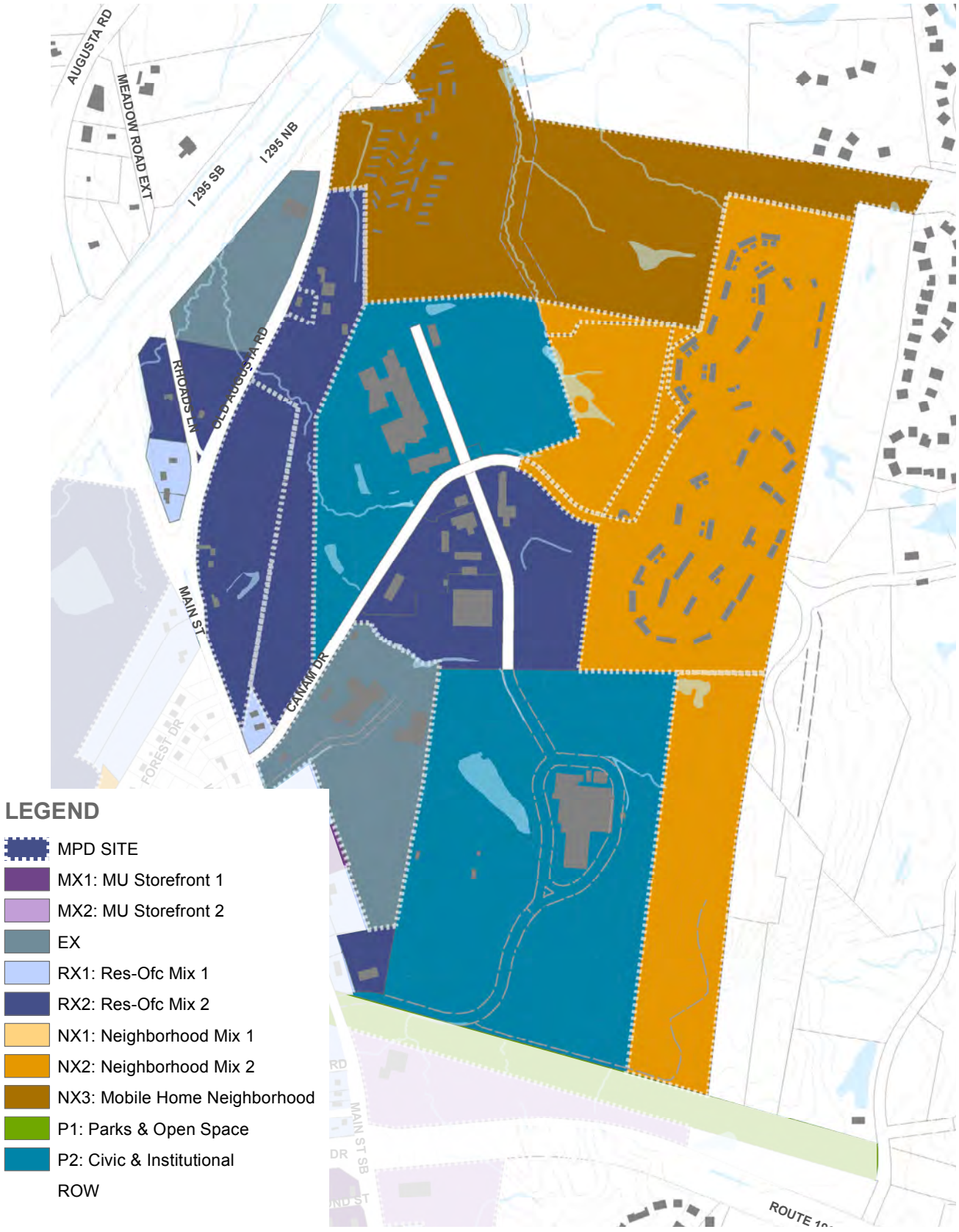
Streetscape along new streets will be defined in the code, but streetscape along the existing Lewiston Road should also addressed. Again, the rural character of the street should be considered in the design of the streetscape.

OPEN SPACE AND NATURAL AREAS

Open space would be required as part of an MPD, but conservation of natural areas as a separate component should also be considered. In the case of these parcels, wooded areas and waterways constitute the basis for conservation.

1 Let's discuss whether to require an MPD on some of these sites or just allow it for more developability.

North Village Area



North Village Area

BUILDING TYPES

General Building in RX2 and NX2 Zone

The main building type of the RX2 zone would be General buildings, larger multi-story buildings that can house apartments or offices and other types of uses (warehousing, small-scale manufacturing).[1] A workshop version of the general building that perhaps allows more visible loading docks should be considered to allow for warehousing and small-scale manufacturing with limited truck traffic.

As NX2 is intended to be a neighborhood (primarily residential) zone, the General buildings would be utilized for a variety of apartment configurations along with the Row building for rowhouses and townhouses and the Village General building for smaller scale multi-unit houses.

Village General Building in RX and NX Zones

The Village General building is a smaller scaled, general building with characteristics similar to a house (pitched roof, limited building width, residential materials). The Village General building could be used for offices and services as well as residential, including multi-unit houses in the RX zones and mainly residential uses in the NX zones. The NX1 zone (currently unmapped) would allow for small lot 1- and 2- unit configurations as well as larger multi-unit houses.

Row Building in RX and NX Zones

The Row building allows a series of vertically oriented units, stacked side-by-side and sharing one or 2 common walls. The Row building accommodates townhouses, rowhouses, and live-work rowhouses in RX1, RX2, NX1, and NX2 zones.

Village Shopfront Building in MX1 Zone

The MPD could allow for small nodes of shopping and dining, such as corner stores or corner cafes, in the neighborhood settings, located close to existing connector roads (Canam, Main, Old Augusta). The village version of the storefront building in these locations would mimic the characteristics of the existing commercial buildings on Main Street.

Mobile Home Site in NX3 Zone

A mobile home site type will be developed to allow for mobile home neighborhoods, with characteristics similar to the Village Court, incorporating clear access pathways for both vehicles and pedestrians and usable open spaces with buildings organized around them. The Mobile Home Site would be allowed by right in the NX3 zone, but could also be incorporated into an MPD as one of the new zones on a site.

MASTER PLAN DEVELOPMENT (MPD)

While these parcels will be zoned to allow for a single building type to be constructed (currently shown as RX2, NX2, and NX3), the use of the master plan development tool will facilitate a mix of new zones in a neighborhood configuration and will also provide the most developability. The MPD would include subdivision of the parcels into walkable blocks with designated open space, and the potential for multiple building types and zones on the site through rezoning. See the section on Master Plan Developments in this document for an example.

FRONTAGES

Building frontages will be oriented to new walkable streets and blocks designated on these large parcels through the MPD. Otherwise, development of a single or couple of buildings on the site would require orientation to existing streets (Canam, Main, Old Augusta).[2]

STREETSCAPE

Streetscape along new streets will be defined in the code, but streetscape along the existing streets should also addressed. Again, the rural character of the area should be considered in the design of the streetscape through the use of multi-use trails and natural landscape.

OPEN SPACE AND NATURAL AREAS

Open space would be required as part of an MPD, required small neighborhood parks and greens within a certain distance of each front door. Conservation of natural areas as a separate component should also be considered. In the case of these parcels, wooded areas and streamside buffers likely constitute the basis for conservation.

1 How to address existing industrial uses - Sandelin and Precast of Maine?

2 Let's discuss whether to require an MPD on some of these sites or just allow it for more developability.

Master Plan Developments

The Master Plan Development (MPD) regulations are proposed to provide a structure for transforming large parcels of land into walkable, town-scaled neighborhoods. The maps and annotations for the subareas within the town center, located in the previous section, discuss locations where MPDs may be appropriate. This section outlines the components of the MPD.

Building type regulations provide a fairly fine-grained approach to building and site design, applicable to each building's site. Building type courts are discussed in each building type summary, where multiple buildings organized around a common feature may be located on a mid-sized parcel (such as one or two acres).

In order to achieve the vision of a walkable, town- or village-scaled community, larger parcels (3 or more acres) may warrant new streets and blocks, new open space types, or even multiple zones. A new set of regulations is proposed to help guide development and achieve that vision: the Master Plan Development (MPD).

This section is intended to introduce the concept of MPDs. This tool, as well as all other components proposed in these three section (building types, zones & maps, and MPDs), will be discussed and refined at length throughout the code drafting process.

Streets & Blocks

Specific regulations for street and block layouts resulting in a walkable system of blocks, the definition of primary and non-primary streets, and a sensitivity of how and where street views terminate. Further, street sections included can be approved in advance by the town (public works, fire, etc.), simplifying the process for approvals and yielding more predictability for all parties.

Open Space Types

Open space regulations define types of open space and parameters for their development. A series of smaller scaled spaces, geared to the type of development planned for the area can then be more easily established.

Multiple Zones on the Parcel

The use of already established zones and building types for the building sites within the development means, once rezoning is approved, the development will be mapped more clearly on the town's zoning map. Future building sites may be approved by-right through an administrative process. Also, the use of the building types and building design regulations means the developer is not required to design the buildings up front and negotiations of details need not occur during the master plan approval process.

Types of MPDs

The regulations may also include multiple types of MPDs, based upon the location within the town. For example, MPDs in the Upper Village may have smaller blocks and open space types than MPDs west of 295. Different zones allowed to be applied to an MPD in the Upper Village may be different may be created for different context areas within the cmmunity. An MPD in the northern area may be allowed to introduce a Manufactured Home site, whereas in the Upper Village it would not be allowed.

Process

The process for MPDs includes the approval of a master regulating plan illustrating new streets, blocks, and open space. See an example on the following page. The regulating plan serves as the basis for subdivision approvals to dedicate any public streets and open space, and as the base for delineation of parcels to apply new zones during a rezoning process. Subdivision and rezoning is approved through the typical town process, though all 3 approvals could be concurrent.

Upon granting of all approvals, development of buildings on the site may occur by-right through an administrative site plan approval process.

While similar to PRDs or other planned developments, the approval of the MPD, rezoning, and subdivision is objective and more predictable than those processes, saving both time and money.

EXAMPLE REGULATING PLAN
This diagram illustrates an example regulating plan as required by the MPD. Key elements shown include:

- **Streets and Blocks**. Introduction of a new public or private street, providing access deep into the site. The new street could align with the existing Monument Place, providing a new crossing, smaller in scale than the Lewiston intersection.
- **Open Space**. A new open space adjacent to the existing creek, meeting the Greenway open space type requirements for width, length, street frontage, trail/path, and degree of landscape area.
- **Mix of Zones.** Introduction of 2 new zones to the site in addition to the RX1 zone applied to the overall site. The MX1 zone on the Main Street frontage is labeled as a Village Shopfront Court. The new NX1 zone, Row buildings or Village General buildings, used as residential. An alternative would be to replace the NX1 with RX1.

Not that the building and parking layout is not shown at this stage, but would be regulated by the building type. Parking access is, however, shown as this would define where parking and service drives would occur through the site and allows them to be shared.

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