

Land Use and Development Code Amendment: Pedestrian Overlay District

**Town of Gorham
 Planning Board Meeting
 September 11, 2023**

ITEM 2 - Land Use and Development Code Amendment – Discussion: proposed amendment to the Land Use and Development Code to add a new Pedestrian Overlay District and proposed amendments to all existing ordinance sections that include pedestrian/sidewalk standards.

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<i>Attachment A: Map of proposed Pedestrian Overlay District</i>	

AMENDMENT TRACKING

DESCRIPTION	COMMENTS	STATUS
Town Council		8/1/2023
TC Ordinance Committee		9/2022, 10/2022, 12/2022, 1/2023, 2/2023, 3/2023, 4/2023, 5/2023, 6/2023
Planning Board		9/11/2023

Memo completed by Carol Eyerman, Town Planner, and Damon Yakovleff, Assistant Planner

Land Use and Development Code Amendment: Pedestrian Overlay District

1. Overview

During the February 2023 meeting, the Town Council indicated that they would like to move forward with the creation of a Pedestrian Overlay District. This overlay district ordinance section would work in conjunction with the overlay map that has been created, included as *Attachment A*.

In the April, 2023 meeting the Town Council Ordinance Committee reviewed the proposed ordinance amendments and recommended addition of a fee schedule to use for off-site fee in lieu of construction that breaks down the fees by square footage of building for commercial construction and a per unit fee for residential construction.

Below are proposed amendments to implement the overlay zone and language creating the overlay zone & amendments to existing sections to create uniform language and standards.

2. Proposed Amendments to Chapter 1 Zoning Regulations Section 1-1 B

Additions are underlined; deletions are ~~struck out~~

Chapter 1 Zoning Regulations

Section 1-1 General

B. ESTABLISHMENT OF ZONES

To implement the provisions of this Chapter, the Town of Gorham is hereby divided into the following classes of Districts:

Urban Residential UR

Urban Residential Expansion URExp

Suburban Residential SR

Rural R

Village Centers VC

Urban Commercial UC

Roadside Commercial RC

Industrial I

Mosher Corner Mixed Use MCMU

OfficeResidential OR

Narragansett Mixed Use Development ND

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Black Brook and Brackett Road Special Protection

10 Preble Street Conditional Zone

McLellan Sampson House Conditional

Olde Canal Industrial OCI

Agricultural Industrial AI

South Gorham Commercial SGCC

Shoreland Overlay District

Small Dwelling Overlay District

Manufactured Housing Park Overlay District

Development Transfer Overlay

Pedestrian Overlay District

Resource Protection Subdistrict

Stream Protection Subdistrict

Add the following zoning overlay district language:

Section 1-26

Purpose

The purpose of the Pedestrian Overlay District (PED) is to establish a safer, more diverse, healthier, financially productive and business friendly environment. The district encourages walkability which complements the overall neighborhood design.

Applicability

The PED will be applied to select areas as an overlay to existing zoning districts. The PED shall be shown on the official zoning map. The design standards are stated in Chapter 2 Section 2-5 and shall apply to both public and private rights of way.

Board of Appeals

The Board of Appeals shall have no authority to grant variances from the design standards except as a result of notice of zoning determination challenge..

Exceptions

1. New development within areas designated as PED is subject to the development and design standards of PED, with the following exceptions:
 - a. Development exempted under Chapter 3: Subdivision, C. Administration.

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- b. Development exempted under Chapter 4: Site Plan Review, Section 4-2 Applicability, A. and B.

PERFORMANCE STANDARDS

1. Pedestrian facilities shall be provided to and within the development.
2. Pedestrian facilities shall adhere to current engineering practice as well as Federal and State law in regards to design and construction.
3. That residential and commercial subdivisions and developments with private ways and public streets are required to be designed with sidewalks as described under Chapter 2, Section 2-5 Minimum Standards for the Design and Construction of streets and ways.
4. On-Site Pedestrian Relationships and Facilities
 - a. Where sidewalks exist or can be constructed in front of the parcel, the site shall be designed to provide for pedestrian access to the front entrance of the building without the need to cross parking areas or access drives.
 - b. The walkway to the front entrance shall be constructed with materials that contrast with the paving of the vehicular areas, that provide a safe and inviting access to the building, and that are visually compatible with other pedestrian facilities in the neighborhood.
 - c. If a sidewalk along the street is interrupted or crossed by a proposed driveway, access road, or other vehicular facility, the sidewalk material or design must be maintained across the driveway or another visually compatible method used to clearly delineate the sidewalk from the drive.
- d. Provisions shall be made for pedestrian circulation between buildings and uses within a site or on adjacent parcels if the buildings do not have a direct relationship to the sidewalk or if the front wall of the building is located more than one hundred (100) feet from the property line.

Off-site Fee in lieu of construction.

Where a new sidewalk is required to be constructed, a waiver may be granted by the Planning Board and a fee in lieu of that sidewalk shall be paid if one or more of the following conditions apply:

- (1) The sidewalk is proposed to be constructed within an existing right-of-way where sufficient right-of- way or easement width does not exist or cannot be dedicated to build the sidewalk without reducing existing transportation facilities such as travel lanes, on-street parking, bicycle lanes, and the adaptive reuse or preservation of an existing building or structure prevents extending the sidewalk onto private property. In these instances, compliance to the maximum extent practicable is required and a fee is paid for the balance of sidewalk not constructed.

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(2) The sidewalk is proposed to be constructed within or on existing natural resources or their associated setback requirements, steep slopes great than 25%, historic or archaeological features.

(3) The sidewalk is a part of a publicly funded project that includes sidewalks. In this case, the developer shall pay the fee based on the town or State design up to the amount limited by the Fee Schedule.

(3) The sidewalk is more than five hundred (500) feet from an existing sidewalk, measured from the closest points along the road frontage.

The fee shall be based on the amounts identified in the town’s Fees Schedule and may be prorated based on partial compliance. The total cost of the project shall include all construction costs associated with the improvement as approved by the town.

In the event that a fee in lieu of constructing a sidewalk is approved, the developer must provide a recorded easement if necessary for the future development of the sidewalk. All fees shall be paid prior to the issuance of a building permit and shall not transfer to future projects on the same property.

The developer, wherever practical, shall grade for the future development of a sidewalk.

Use of fees.

All fees collected by the town pursuant to these provisions shall be accounted for separately from other monies, shall be expended only for the construction or rehabilitation of sidewalks or other pedestrian improvements in the town.

The following are proposed amendments to existing ordinance sections:

SECTION 1-9 - VILLAGE CENTERS DISTRICT

SUBSECTION 2. GORHAM VILLAGE CENTER DISTRICT

e. PERFORMANCE STANDARDS

SECTION 1-10 URBAN COMMERCIAL DISTRICT

E. PERFORMANCE STANDARDS

SECTION 1-11 - ROADSIDE COMMERCIAL DISTRICT

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E. PERFORMANCE STANDARDS

e) Access Management:

- 1 Entrances and uses in this district shall be combined to the maximum extent possible. Developments must allow for vehicular access into the lot's driveways, sidewalks, and/or parking lots from the abutting properties.

SECTION 1-13 – MOSHER CORNER MIXED USE

E. PERFORMANCE STANDARDS

e) Access Management

1. Entrances and uses in this district shall be combined to the maximum extent possible. Developments must allow for vehicular access into the lot's driveways, sidewalks, and/or parking lots from the abutting properties.

SECTION 1-16 – NARRAGANSETT MIXED-USE DEVELOPMENT DISTRICT

E. PERFORMANCE STANDARDS

- 7) Bike paths/greenway systems – the applicant shall provide for convenient and safe bicycle access to and within the development.

SECTION 1-25 – SOUTH GORHAM COMMERCIAL DISTRICT

D. SITE PERFORMANCE STANDARDS

a)

Chapter 2 General Standards of Performance

SECTION 2-4 - RESIDENTIAL

B. PERFORMANCE STANDARDS FOR MULTI-FAMILY HOUSING

2. g) Sidewalks within the development are required to allow pedestrian connections to structures, amenities, and/or prominent natural features within the development and the existing sidewalk network.

SECTION 2-5 - MINIMUM STANDARDS FOR THE DESIGN AND CONSTRUCTION OF STREETS AND WAYS

F. STREET DESIGN STANDARDS - PUBLIC WAYS

- 11) Sidewalks - Sidewalks shall be provided within all subdivisions and commercial development located in the Pedestrian Overlay

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District. All pedestrian facilities shall adhere to the Performance Standards in Section 1-26 Pedestrian Overlay District and the design standards under this section. .

Chapter 4 Site Plan Review

SECTION 4-9 - APPROVAL CRITERIA AND STANDARDS

E.

Pedestrian Relationships and Facilities

a.. Adequate pedestrian facilities shall be provided to and within the development if any part of the development is located in the Pedestrian Overlay District.

Fee Schedule Addition Recommendation:

Commercial Construction Sidewalk Fee is based on the following square footage schedule:

- 0 ft² to 5,000 ft² - \$5,000
- 5,001 ft² to 10,000 ft² - \$7,500
- > 10,000 ft² - \$7,500 + \$700 for every 1,000 ft² , or portion thereof, over 10,000 ft²
- Commercial Fee is capped at \$100,000 regardless of facility size

Residential Construction Sidewalk Fee is based on number of proposed units per the following schedule:

- Fee is \$2,500 per allowable unit.
- Residential Fee is capped at \$500,000 regardless of number of units.

PROPOSED MOTIONS:

Move to send the proposed Zoning Amendment to add a new Pedestrian Overlay District and proposed amendments to all existing ordinance sections that include pedestrian/sidewalk standards to the (Planning Board Ordinance Committee or Comprehensive Plan Implementation Committee) for review and recommendations.

OR

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Move to send the proposed Zoning Amendment to add a new Pedestrian Overlay District and proposed amendments to all existing ordinance sections that include pedestrian/sidewalk standards to the next available Planning Board for a public hearing.