Leading the Planning Movement

Form-Based Codes' Scorecard

2016 Annual Texas Chapter
State Planning Conference

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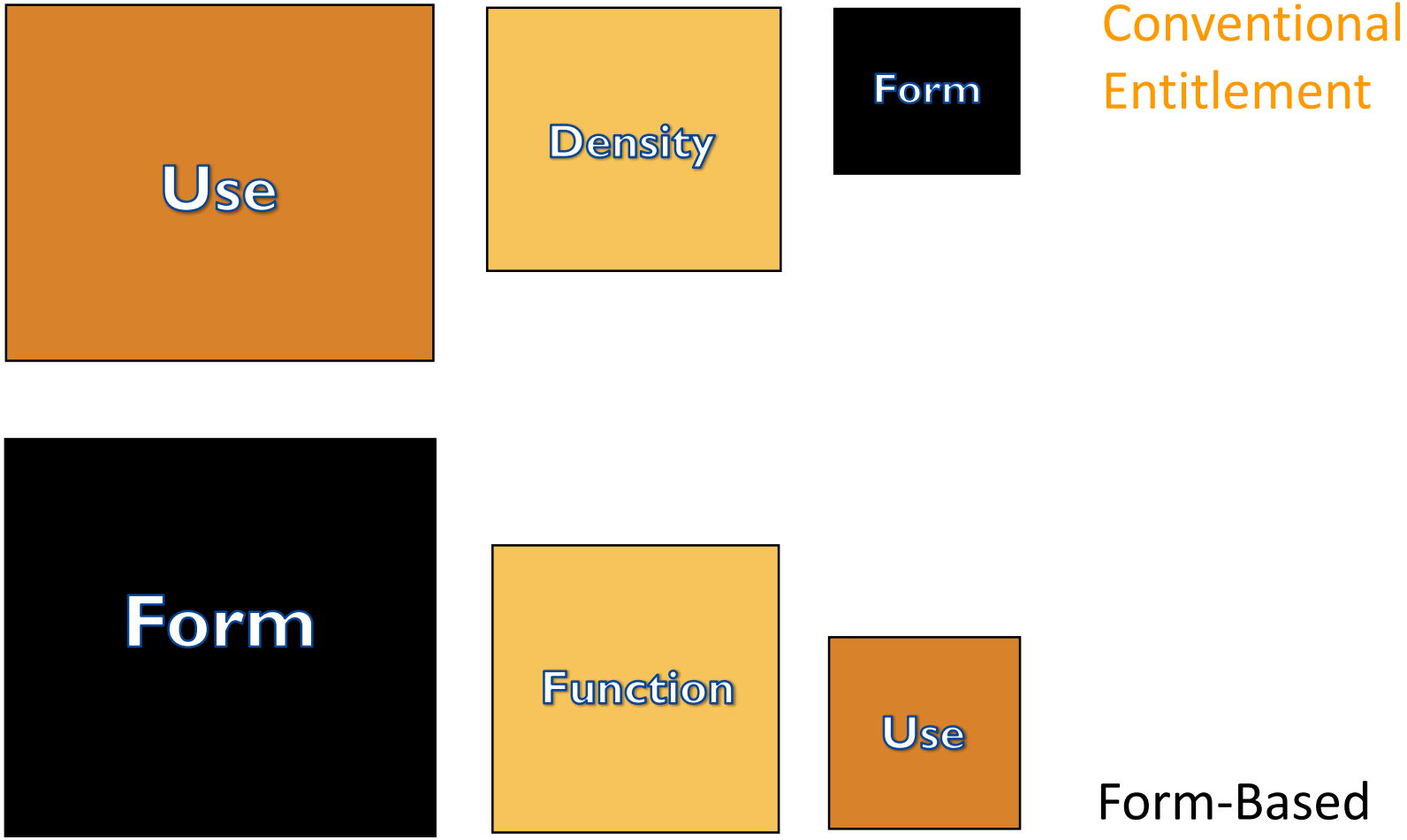
Sam Chavez, AICP, City of Richardson
Jay Narayana, AICP, CNU-A, Livable Plans and Codes

GP JW LIVABLE PLANS & CODES

What is Form-Based



When/Where are FBCs Appropriate

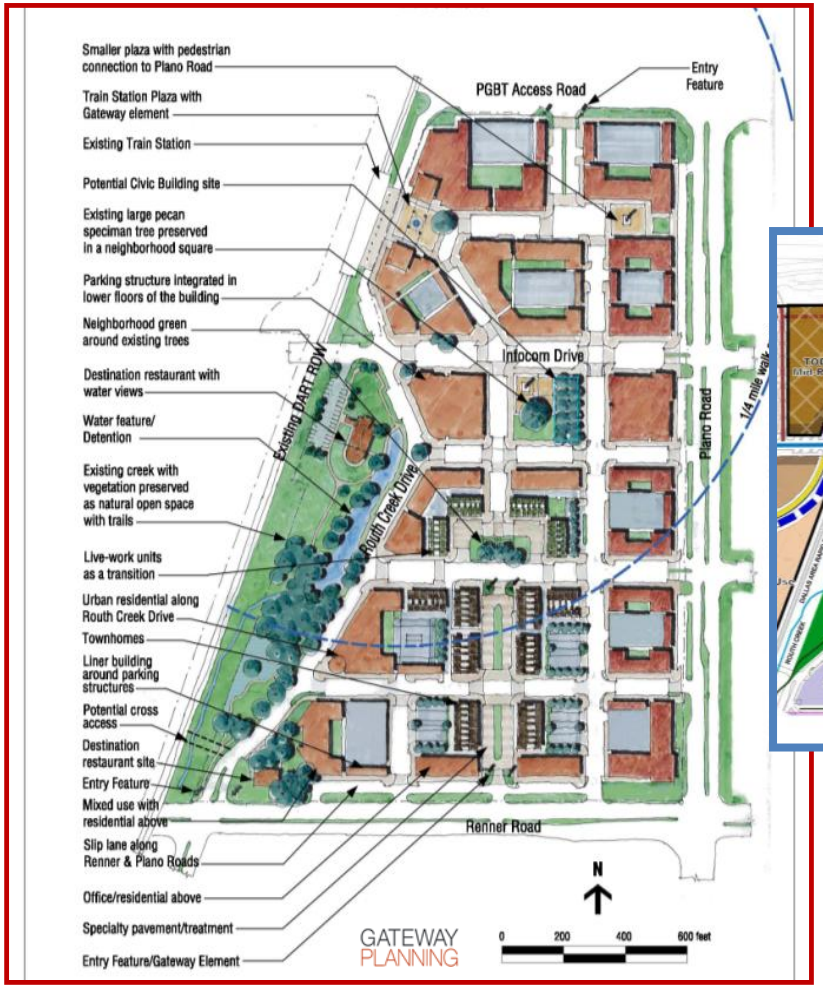
- **What are you trying to achieve?**
- **Comp Plan Implications**
- **Public or privately initiated**
- **City-wide or Area Specific**
- **Hybrid**

Elements of an FBC

- **Intent/Process/How to Use/Administration**
- **Regulating Plan**
- **Character Zones**
- **Uses by character zone**
- **Street types/Frontages/Massing**
- **Civic and private space types/design/requirements**
- **Modification process**
- **Architectural Standards/Historic Preservation**
- **Ancillary (signage, etc.)**
- **Other?**

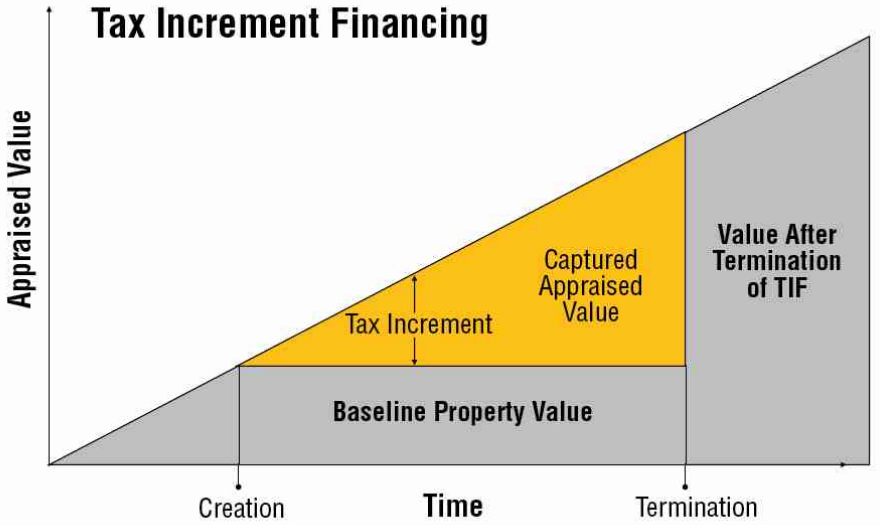
Aligning Vision/Managing Expectations

Illustrative Plans (vision/calibration)

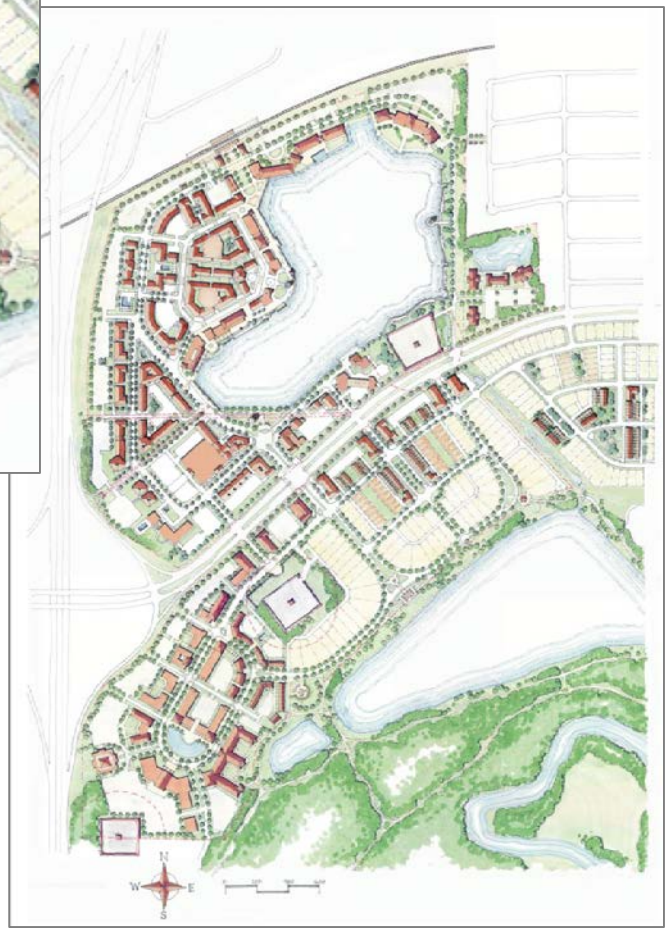


CITY LINE

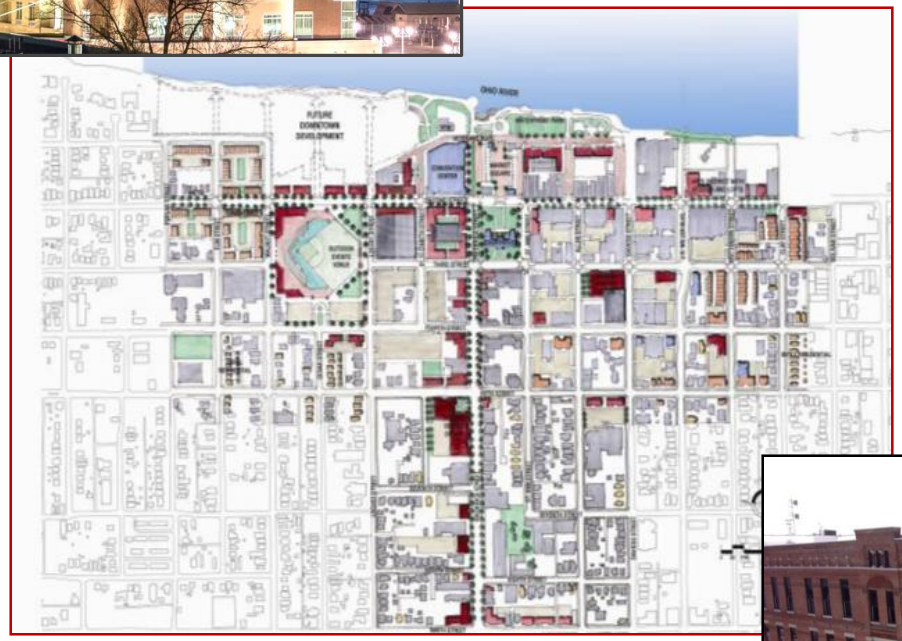
Role of Market Analysis



Use/Housing Mix



Infill v. Greenfield



g. **Original Ornamentation**. Preserve and restore original ornamentation and details of the façade using photographic and other evidence.

h. **Upper Story Windows**. Along street facing facades, preserve the size and shape of upper story windows. Reopen any blocked upper story windows. Maintain the original spacing of windows.

i. **Window Materials**. Aluminum tube type windows shall not be permitted along any street facing facades.

Solid vinyl windows are only permitted as long as the window has a minimum frame depth of 4-1/2", is a color other than pure white, and is fabricated to fit the original window opening size.

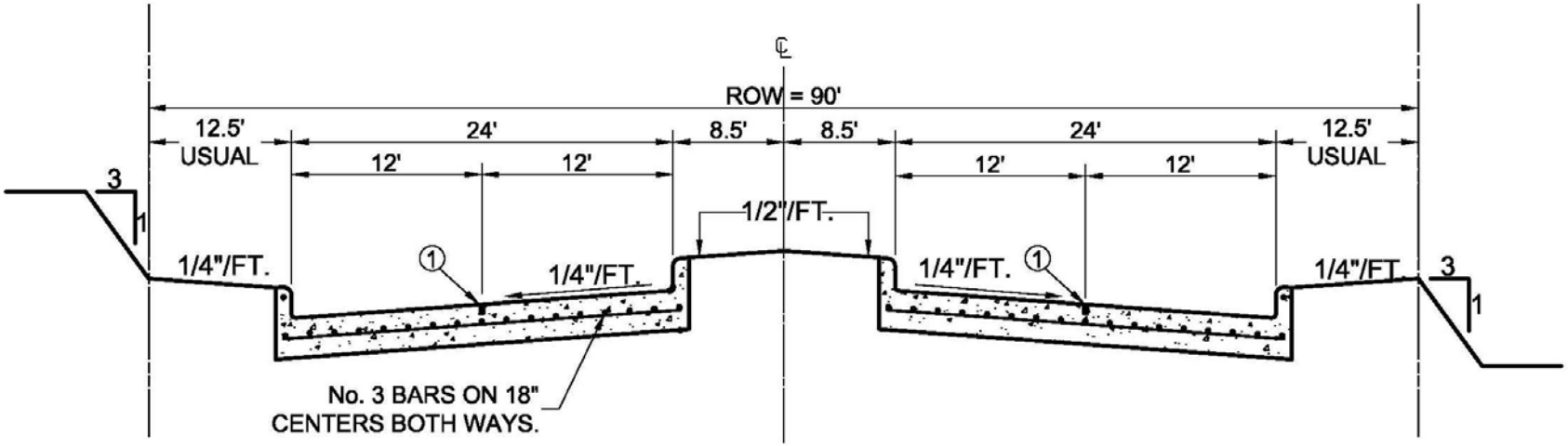
Street Design Standards

STREET TYPES: Cross Sections

- Conventional – dimensional/construction based
  - Subdivision Code
  - Unified Development Code
  - Engineering Design Standards

- Contextual - FBC
  - Public realm
  - Right-of-way
  - Lane widths
  - On-street parking
  - Amenity zones (street trees, furnishings and sidewalks)

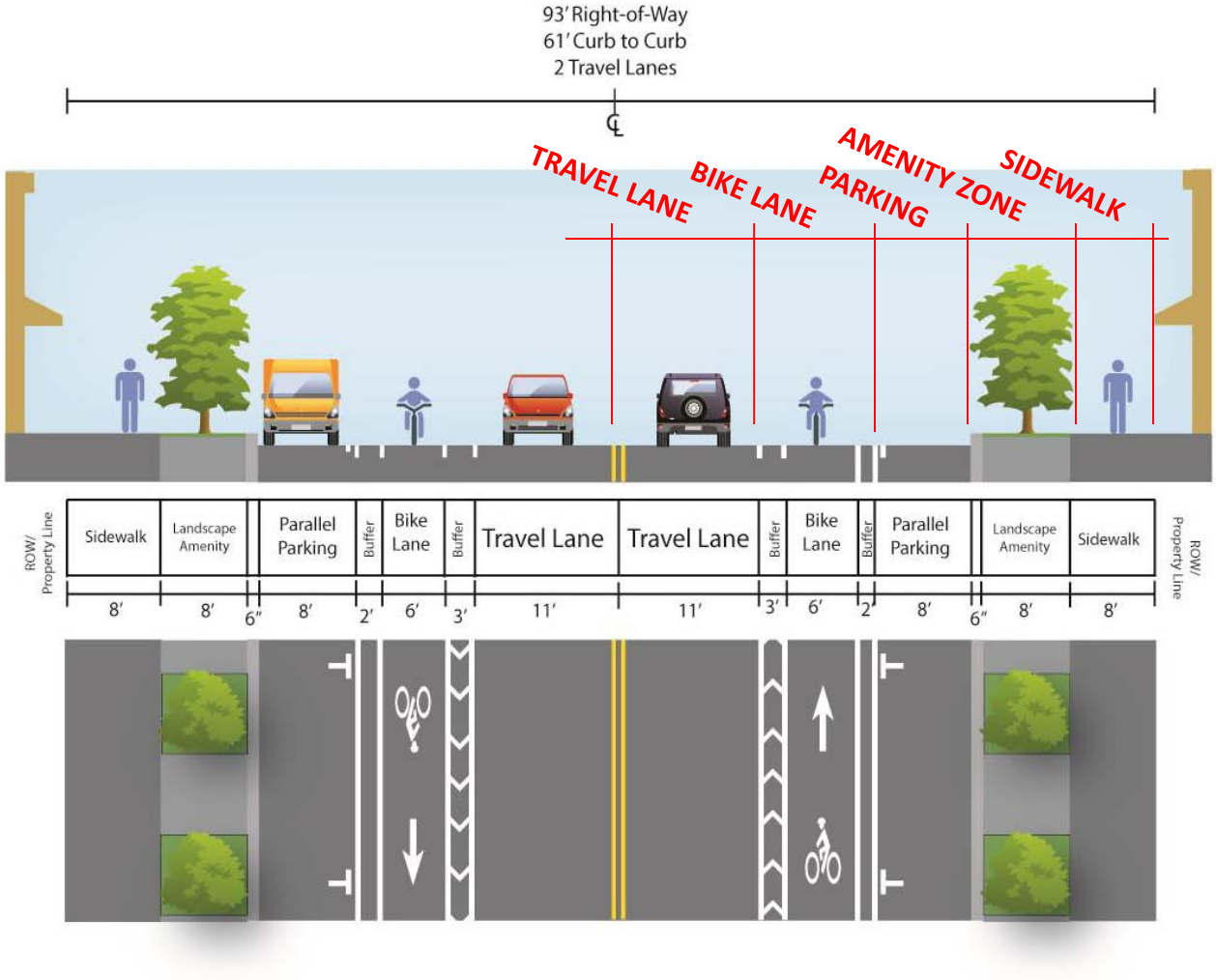
Conventional: Street Cross Section



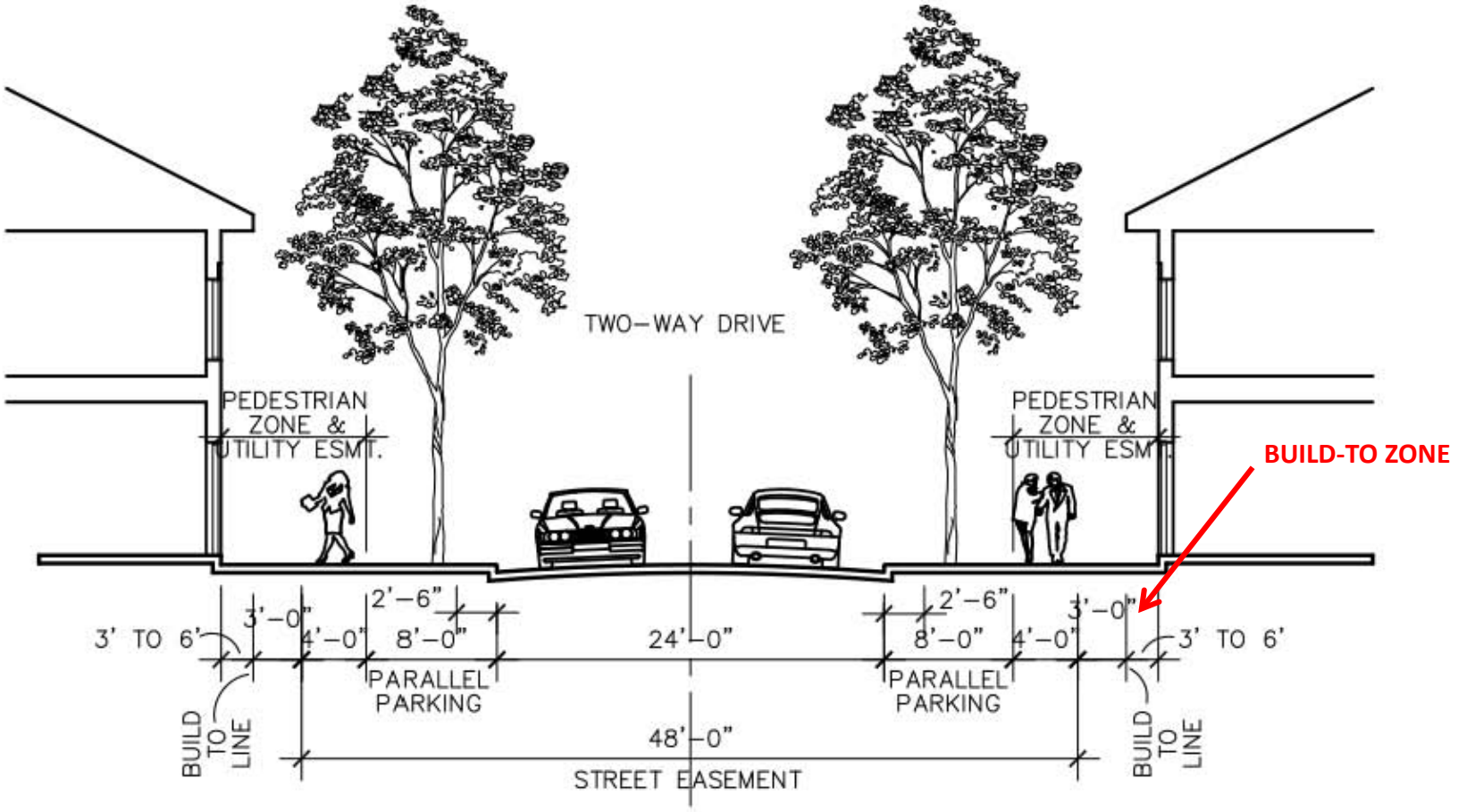
FBC: Street Cross-Section

- Promotes:
  - A cohesive streetscape along block faces
  - The public realm
  - Consistent design theme within character zones or sub-districts

FBC: Street Cross-Section



FBC: Street Cross-Section



Street Design Standards

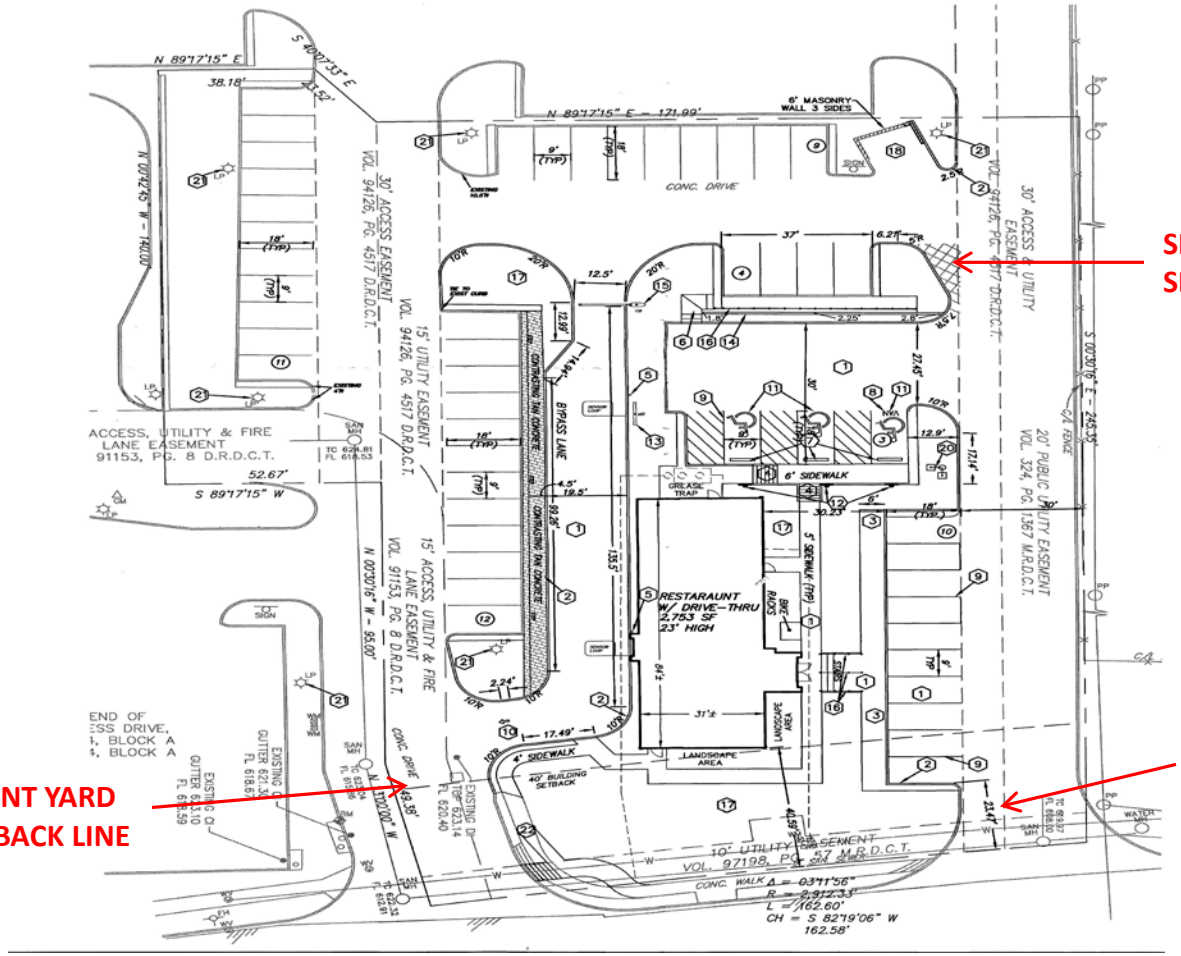
- Redevelopment Context
  - CIP planning and coordination
  - Multiple-property owner context
  - Utilities and easements
  - Phasing and construction
  - Funding realities

Code Administration: Site Plans

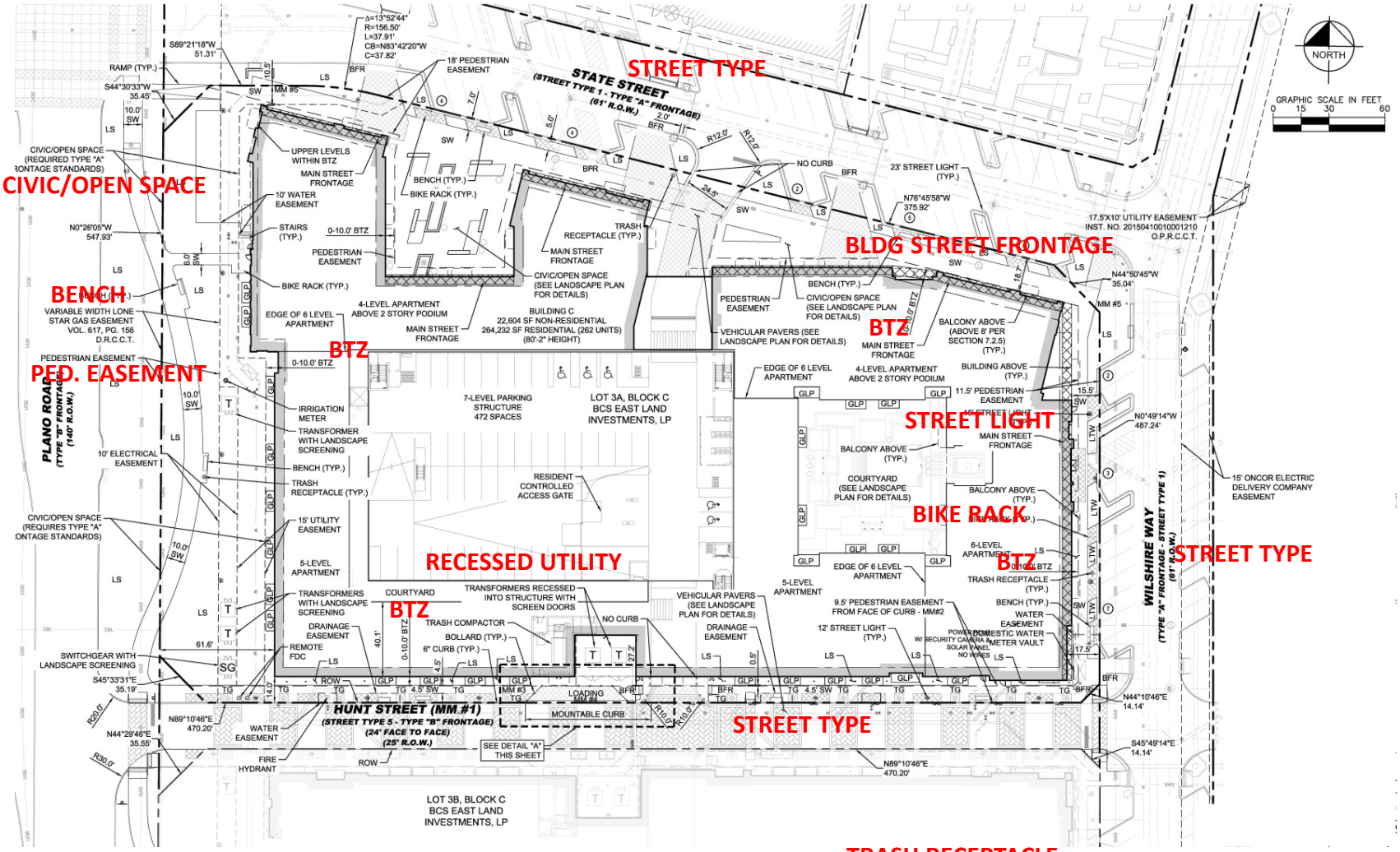
SITE PLANS

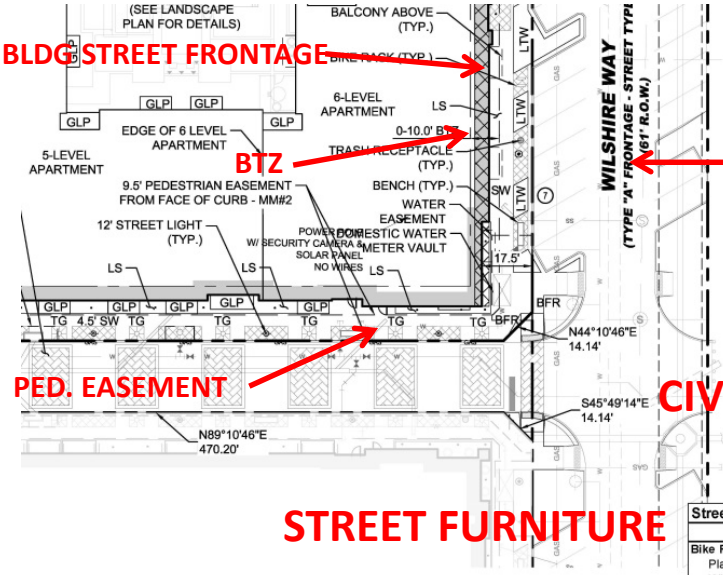
- Conventional
  - Standardized
  - Zoning code compliant
- Contextual – FBC
  - Delivers intended form and character
  - Creates high quality, legible public realm
  - Provides predictability consistent with community's vision, **BUT**
  - Time Intensive

Conventional: Site Plan



FBC: Admin Site Plan





NOTES
1. ALL DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE STATED.
2. ALL RADII ARE 2.0' UNLESS OTHERWISE STATED.
3. REFER TO LANDSCAPE PLANS FOR STREET LIGHTS, STREET FURNITURE, TREE GRATES, AND HARDSCAPE DETAILS.
4. PEDESTRIAN EASEMENT IS MEASURED FROM THE BACK OF CURB.
5. CONTRACTOR TO VERIFY LOCATION OF EXISTING UTILITIES.
6. BARRIER FREE RAMPS REQUIRED FOR SIDEWALKS & TRAILS.
7. TRANSFORMERS TO BE SCREENED BY LANDSCAPE (REFER TO LANSCAPE PLANS).

PROJECT SUMMARY

Zoning	PD Planned Development
Ordinance	PD 4049
Character Zone	TOD Mixed Use
Land Area	3.32 acres (144,808 square feet)
Building Area	
Residential	331,167 square feet
Retail	22,985 square feet
Total	354,152 squre feet
Number of Apartments	262 units (255,274 gross sf)
1 Bedroom	190
2 Bedroom	63
3 Bedroom	9
Maximum Height	225' - #7 Corner buildings may exceed the maximum building height by 15% for 20% of the buildings frontage along each corresponding street façade.
Actual	80'-2"
Building Height	73'-2"
Parking Structure	80'-2"
Floor Area Ratio	1.98:1
Parking Ratio	1.5 Space/unit + 1/300 Space/SF for Non-Residential
Off-Street Parking Required	470 spaces
Non-Residential	77
Residential	393
Off-Street Parking Provided	472 spaces
Structured	472
On-Street Parking Provided	
Hunt Street	None
State Street	19
Wilshire Way	12

CIVIC/OPEN SPACE

Civic/Open Space (Type "A" Frontage Required)	
Provided	0.472 AC

STREET FURNITURE

Street Furniture (Section 9.7)	Required	Provided
Bike Racks (Section 9.7.4)		
Plano Road	1/block	1
Wilshire Way		2
State Street		3
Trash Receptacles (Section 9.7.4)		
Plano Road	1/block	1
Wilshire Way		1
State Street		1
Benches (Section 9.7.5)		
Plano Road	Recommended; Not Required	2
Wilshire Way		1
State Street		2
Hunt Street		2

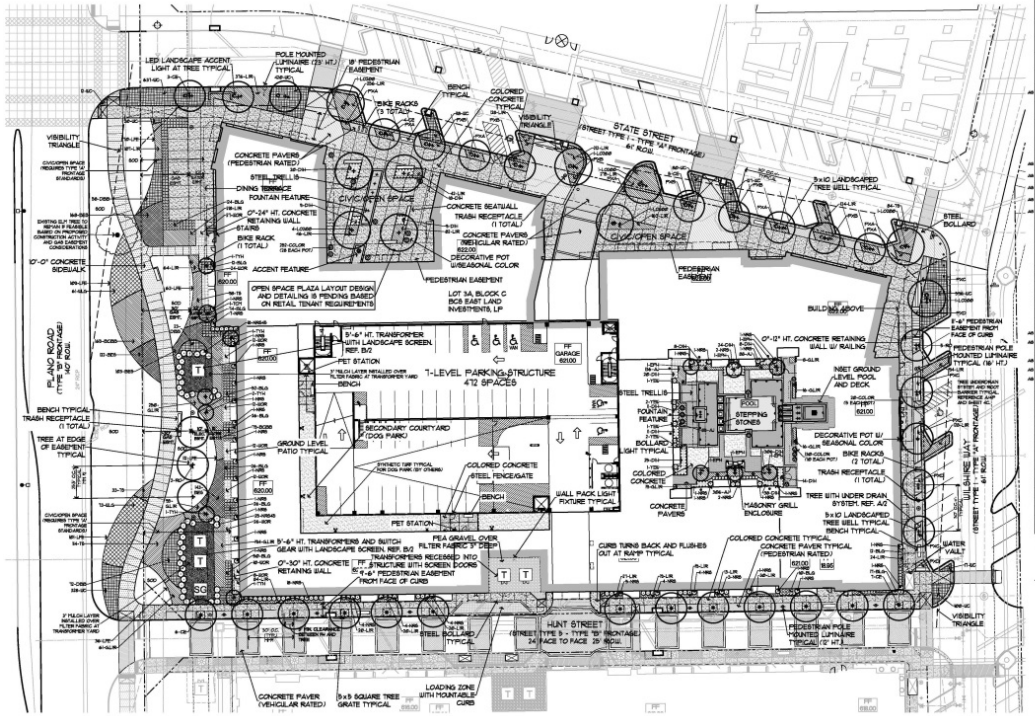
MINOR MODIFICATIONS

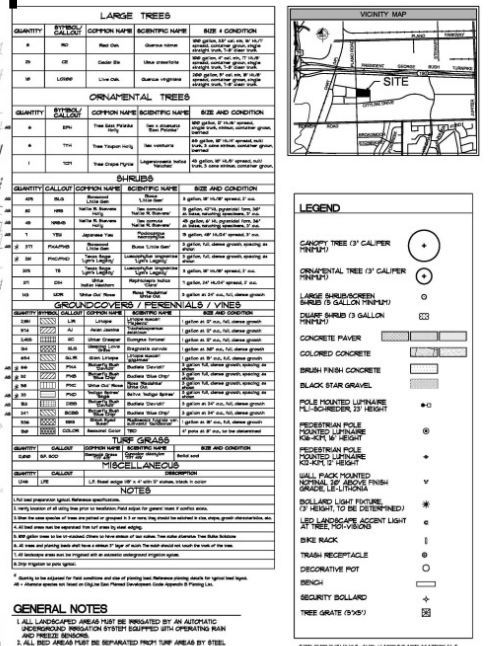
MINOR MODIFICATION (MM)			
Key	**Provision**	**Request**	**Justification**
1	Section 3.8 (Table 3.1) Addition of a new street not shown on Regulating Plan.	Allow new street not Regulating Plan.	The street serves as a utility and access corridor for the multifamily buildings.
2	Section 9.4.3 Street Type 5, Along Hunt Street, a minimum 12' pedestrian easement is required.	Allow a minimum 9.5' pedestrian easement measured from the face of curb.	The reduced pedestrian easement allows a maximum 2.5' encroachment of private ground floor balconies and landscape, which creates interest. Exposed foundations and/or retaining walls are finished with similar building areas as the main structure.
3	Section 9.7.6 All street furniture shall be located in such a manner as to allow a clear sidewalk passageway of a minimum of 6 feet.	Allow a minimum 4.5' unobstructed sidewalk.	Hunt Street serves as a service drive with low pedestrian traffic. The minimum 4.5' unobstructed sidewalk is in combination with pavers and tree grates that provide a minimum 4.5' walkable surface at the loading zone and a minimum 6.2' walkable surface at tree wells.
4	Section 9.4.3 Hunt Street a minimum 12' pedestrian easement is required.	Adjacent to the parking sturcture, allow an 8' wide loading zone and a 4' unobstucted sidewalk, within the min. 12' pedestrian easement.	Hunt Street serves as a service drive. The location of the loading zone provides convenient access to the building.
5	Section 9.4.3 Along State Street a minimum 12' pedestrian easement is required.	Allow a reduced width pedestrian easement along the corner of the buildings.	At the intersection of Plano Road and State Street, and State Street and Wilshire way, there is more than 10.5' of walkable area within the public ROW.

BUILDING PLACMENT

BUILDING PLACEMENT				
Street and Civil/Open Space Frontage	Build-To Zone (BTZ) Distance from edge of pedestrian easement to edge of the BTZ. Along a Type 'B' Street, the area between the building and edge of the BTZ at the public sidewalk shall be paved flush with the sidewalk.		Building Frontage Percentage of the building's front facade required to be located within the front BTZ as a proportion of that lot's frontage along a street and civic/open space (lot) width is measured from the min. BTZ to min. BTZ or improved forecourts, and pedestrian breezeway frontages shall be considered as buildings for the calculation of building frontage.	
	Required	**Actual**	**Required**	**Actual**
Hunt Street (Type 'B" Frontage) 435' of frontage	0'-10'	0.5'-27.0'	None, except at intersection with Type 'A' Frontage, min. 30' from the corner along both streets required (Hunt Street and Wilshire Way)	83% (392')
Wilshire Way (Main Street Frontage) 218' of frontage		2.5'-19.6'	Min. 80% (174')	92% (201')
State Street (Main Street Frontage) 586' of frontage		0.1'-28.7'	Min. 80% (467')	92% (536')
Plano Road Civic/Open Space (Type 'A' Street) 330' of frontage		0'-10'	Min. 80% (264')	92% (306')

FBC: Admin Landscape Plan





SITE FURNISHINGS AND HARDSCAPE MATERIALS SHALL MATCH PROPOSED ITEMS FOR OVERALL CITYLINE EAST DEVELOPMENT SITE.

FBC REQUIREMENTS

TABULATIONS - BUILDING C

CITYLINE EAST PLANNED DEVELOPMENT CODE 4845

STREET TREES (3" CALIPER MINIMUM)

STATE STREET (STREET TYPE U | TREE/40 LF FRONTAGE AVERAGE
TREES REQUIRED (940LF LFAB + 0LF) =
TREES PROVIDED

WILSHIRE WAY (STREET TYPE U | TREE/40 LF FRONTAGE AVERAGE
TREES REQUIRED (341LF LFAB + 0LF) =
TREES PROVIDED

HUNT STREET (STREET TYPE J / | TREE/40 LF FRONTAGE AVERAGE
TREES REQUIRED (940LF LFAB + 0LF) =
TREES PROVIDED

PLANO ROAD/CIVIC OPEN SPACE (TYPE "A" FRONTAGE)
1 CANOPY/1 ORNAMENTAL TREE/40 LF
TREES REQUIRED (940LF/40 = 1 CANOPY, 1 ORNAMENTAL)

TREES PROVIDED (3 CANOPY, 1 ORNAMENTAL)

SECTION	ITEM	REQUIREMENTS	WILSHIRE WAY (TYPE J STREET)	STATE STREET (TYPE U STREET)	HUNT STREET (TYPE B STREET)	PLANO ROAD/ CIVIC OPEN SPACE (TYPE A FRONTAGE)
TABLE 6.2	TRANSFORMER SCREENING	PROVIDE LIVING OR ARCHITECTURAL SCREEN ON TYPE 'A' STREET FRONTAGE. UTILITY EQUIPMENT THAT BE RECESSED INTO THE BUILDING.	N/A	N/A	RECESSED INTO BUILDING AND ARCHITECTURAL SCREEN PROVIDED	LIVING SCREEN PROVIDED (5'-6" HT. MINIMUM)
TABLE 6.2	UTILITY SCREENING (SWITCH GEAR)	PROVIDED LIVING OR ARCHITECTURAL SCREEN	N/A	N/A	N/A	LIVING SCREEN PROVIDED (5'-6" HT. MINIMUM)
5.12	PEDESTRIAN STREET LIGHTS	PEDESTRIAN LIGHTING MUST BE PLACED AT UNIFORM LOCATIONS AS APPROVED BY THE CITY. MAX. 25' HEIGHT	PROVIDED (SPACING PER KDC)	PROVIDED (SPACING PER KDC)	PROVIDED (SPACING PER KDC)	PROVIDED (SPACING PER KDC)
5.14	BIKE RACKS	MINIMUM U/BLOCK FACE TYPE A STREETS	2 PROVIDED	3 PROVIDED	N/A	1 PROVIDED
5.14	TRASH RECEPTACLES	MINIMUM U/BLOCK FACE TYPE A STREETS	1 PROVIDED	1 PROVIDED	N/A	1 PROVIDED
5.15	BENCHES	RECOMMENDED TYPE A STREETS	1 PROVIDED	2 PROVIDED	2 PROVIDED	2 PROVIDED

CIVIC/OPEN SPACE (TYPE 'A' FRONTAGE REQUIRED)	
PROVIDED	0.473 AC

MINOR MODIFICATIONS

KEY	PROVISION	MINOR MODIFICATION (MM)	JUSTIFICATION
1	5A.2 Street trees are required and may be planted an Average of 40' both on center (measured per block face) along all streets unless otherwise specified in the cross sections.	Allow street trees at 43 feet on center average along the Street frontage. (13 trees in lieu of 14 trees)	Due to the parking structure access, the street trees on the north side of Hunt Street and the 5th floor gas easement, the on center average is less. Street trees are 38' feet on center, except for the access, loading zone and easement areas.
2	5A.6 Along arterials, street trees must be planted in accordance with City policies. Within the landscape buffer, one canopy and one ornamental tree should be planted for every 50' lineal feet of street frontage.	Allow the canopy and/or ornamental trees to be planted outside the 20 foot landscape buffer area (planted outside gas easement and within Oncor easement)	Due to a 50' front gas easement on site and a gas line in the right-of-way, there is no area within the minimal 20 foot landscape buffer to locate canopy and ornamental trees along Plano Road.
3	5A.6 Along arterials, street trees must be planted in accordance with City policies. Within the landscape buffer, one canopy and one ornamental tree should be planted for every 50' lineal feet of street frontage.	Allow the canopy tree requirements to be reduced due to utility conflicts. (3 canopy trees in lieu of 7 canopy trees)	Due to gas easement, oncor easement, transformer easement and pedestrian light pole clearance requirements, there is not enough room to accommodate the required number of canopy trees along Plano Road frontage.

0 15 30 60 90

Administration: Minor Modifications

Administrations: Minor Modifications

- Establish specific criteria for administrative or minor modifications
- Identify which key elements need to be maintained (not modified)
- At what point have the key elements been watered down to be indistinguishable from conventional development?

Administrations: Minor Modifications

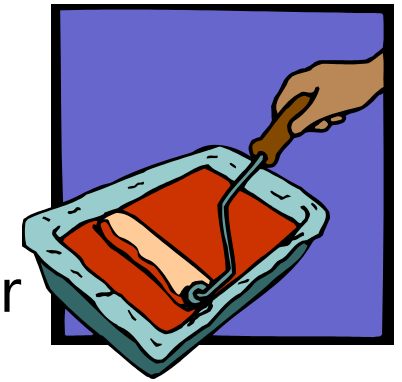
Table 3.2 Minor Modifications Allowed

Standard	***Minor Modification Allowed***	***Criteria***
Area/boundary of Character Zones	No more than a 15% change (increase or decrease) in the area of any Character Zone (aggregate or per block)	• Shall not eliminate any Character Zone • Shall not change the overall boundary of the Regulating Plan • 15% measurement shall be based on the total area of that specific Character Zone within the entire Corridor
Building Form and Development Standards		
• Build to zones/setbacks	No more than a 20% change in the maximum or minimum setback.	• Changes to the build to zones and setbacks may only be due to any changes to the street cross sections or changes in the width of a sidewalk. • In no case shall the sidewalk be less than 6 feet in width
• Building Frontage	No more than a 15% reduction in the required building frontage along each block of a Neighborhood Street.	• Any reduction in the required building frontage shall be to accommodate porte-cocheres for drop-off and pick-up.
• Street screen	Waiver of street screen requirement along the Boulevard.	• Requirement for a street screen may only be waived along the Boulevard along the frontage of any interim surface parking lot (off-street) that is intended to be in-filled with a parking structure. • In no case shall any portion of the surface parking have frontage along a Neighborhood Street without a required street screen • In no case shall the (off-street) surface parking lot be located at a street intersection for a minimum depth of 20' along each street (regardless of the Street Type).
Streetscape standards	Street tree planting, street lighting, and other streetscape standards may be adjusted based on the development context and street cross section.	• Any changes to the streetscape standards shall be based on specific development context such as vegetation, natural features, drainage, and fire access and is subject to approval by the City.

Applicability/Nonconformities

Code Applicability

- When should the new code apply? And which sections apply when? (infill only)
  - Eliminate any guessing and establish clear process for administrator with objective criteria
  - Identify most common types of applications (signage to maintenance to scrape and rebuild)
  - Ensure greater flexibility for modest changes to existing sites and buildings



Dealing with Nonconformities

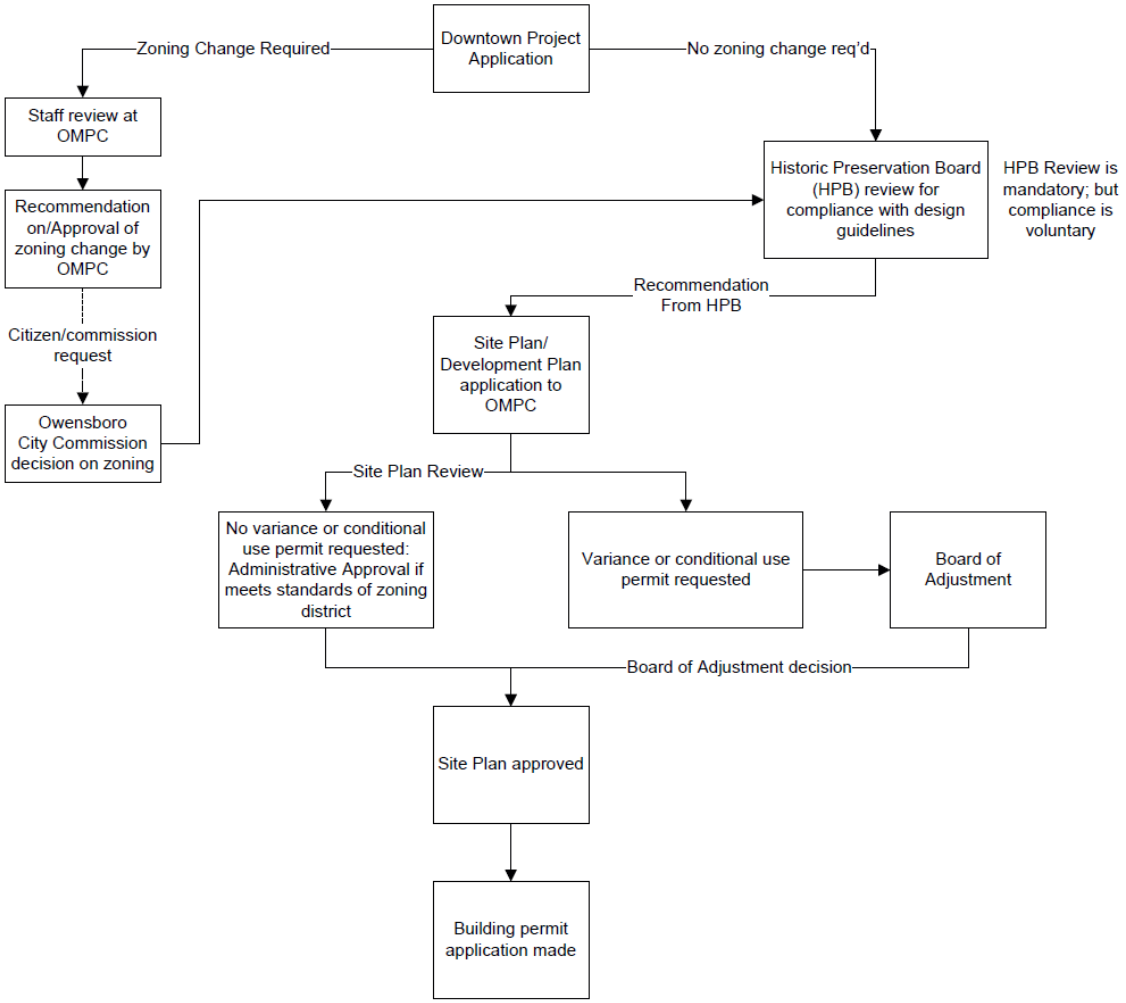
- Key concern for existing business/property owners
- Can make the difference between getting the FBC adopted with wide community support versus getting it rejected due to property owner concerns
- Message should emphasize "availability of two assets – existing viable business in a suburban building and land that could be more valuable for higher and better use when the market catches up with the vision"
- Focus on a realistic, market based approach to nonconformities
- Evolution, not revolution in the name of progress

Administration:
Role of Town Urban Designer/Architect

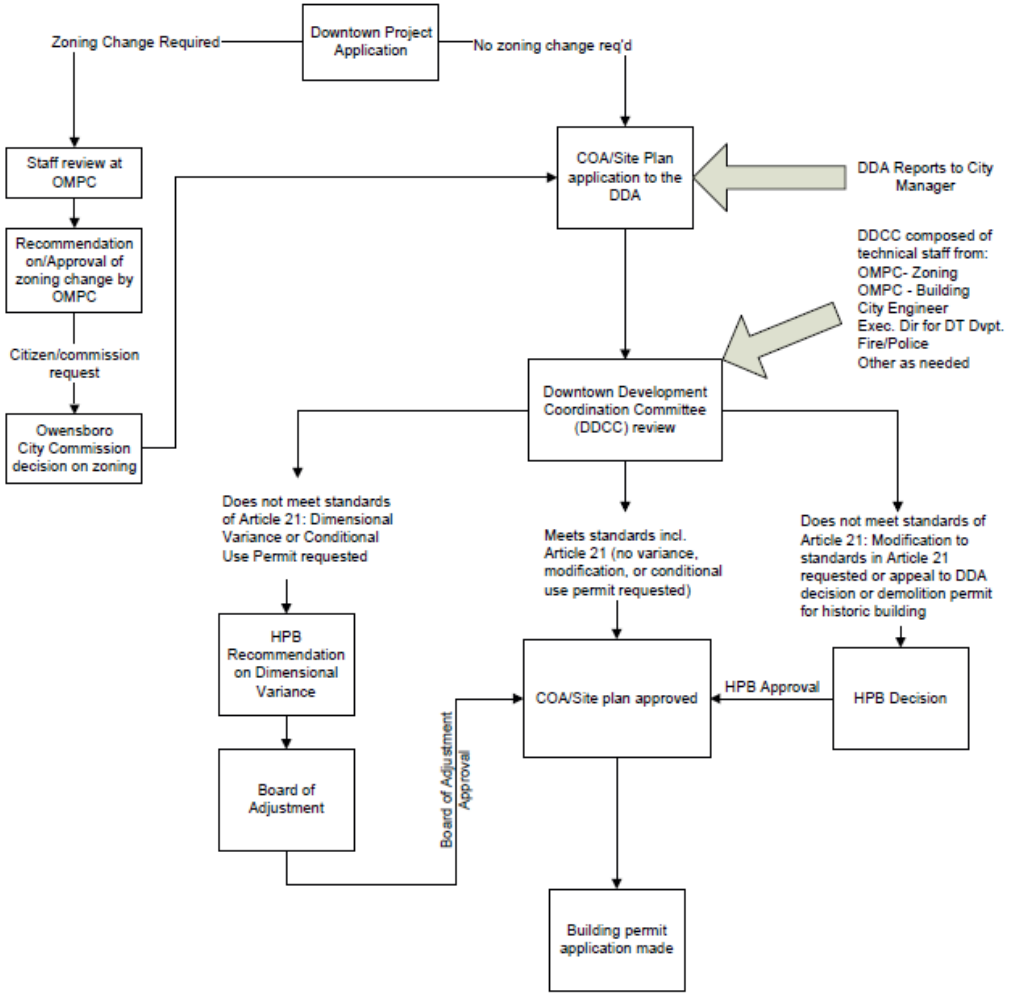
Role of Town Urban Designer/Town Architect

- Need for professional expertise to be the "ombudsman" facilitating FBC implementation
- Greenfield projects – town architect works on behalf of the developer
- Infill projects – town architect or urban designer works for the city
- Role is different from a typical current planner

Downtown Owensboro: Process prior to FBC



Downtown Owensboro: Process after FBC



Ancillary FBC Issues: Sign Standards

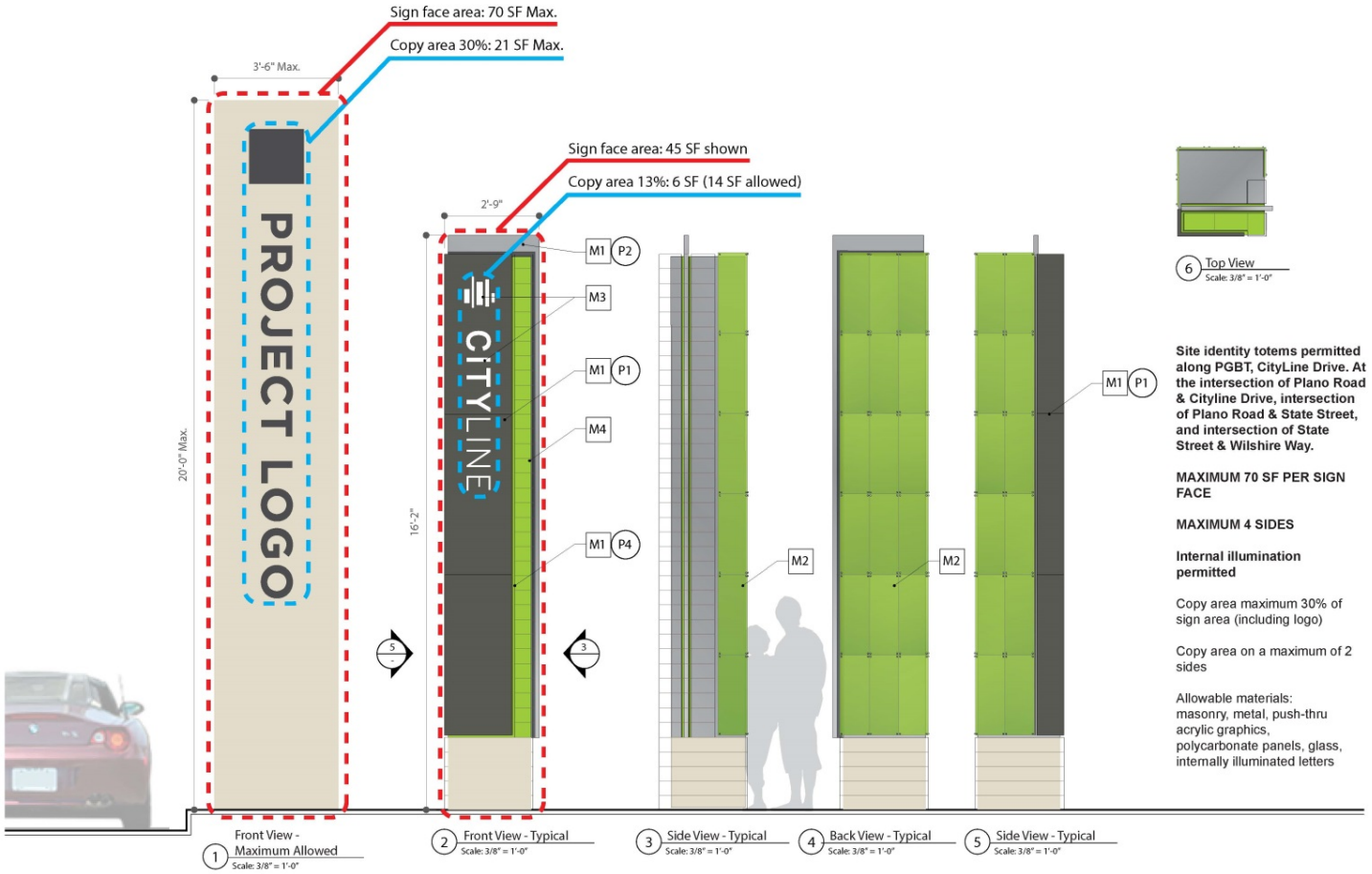
SIGN REGULALTIONS

- Standard
  - Code of Ordinances
  - Sign Code
- FBC: Allowable Sign Types
  - Based on use or building type
- FBC: Master Sign Plan Option
  - Development specific

FBC: Allowable Sign Types

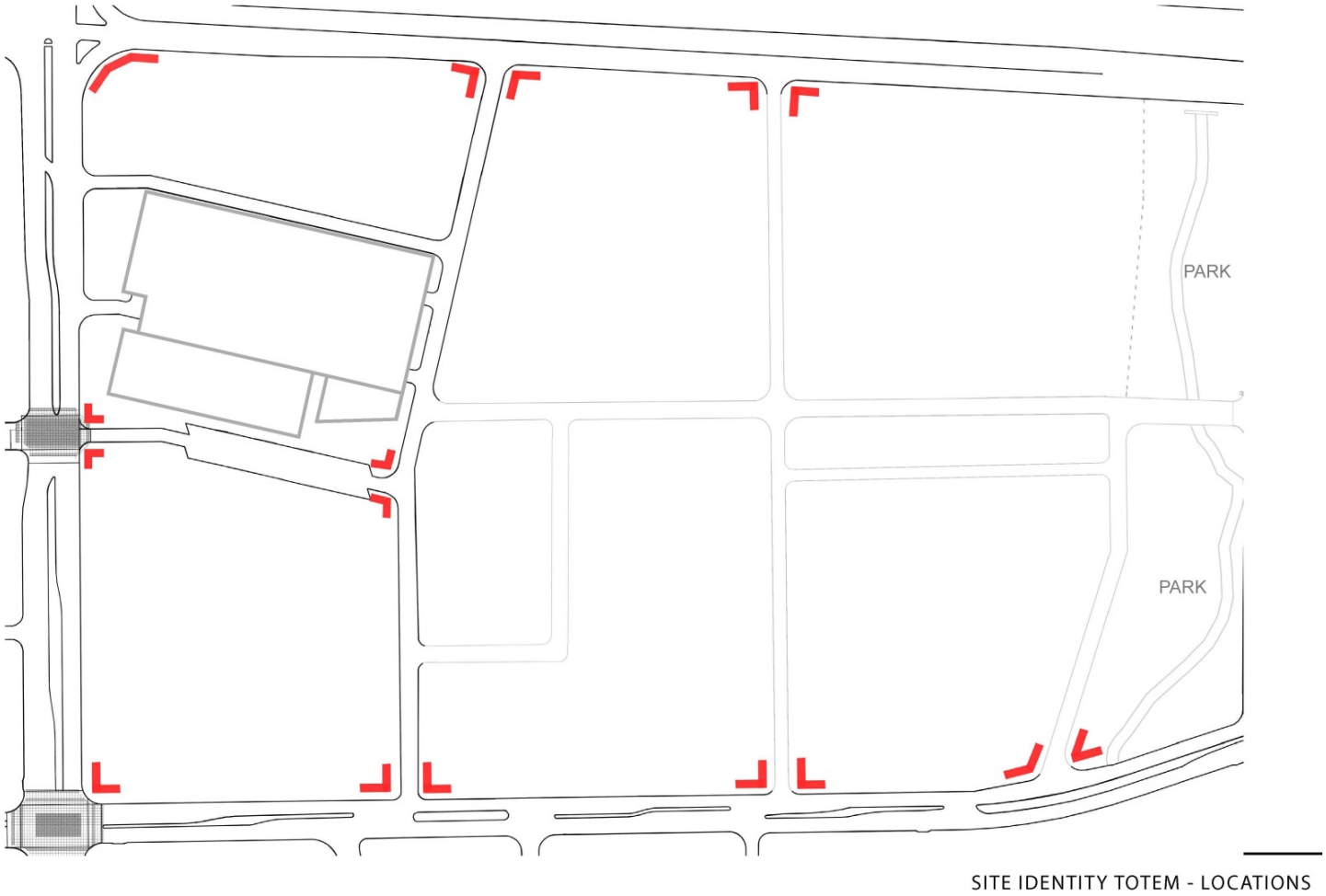
Bldg. Type / Sign Type	Patio/ Duplex	Town home	Mixed Res	Live/ Work	Mixed Use	Comm.	Standards	Require Permit
Marquee Signs					P	P	a. A maximum of one marquee shall be permitted for theaters, auditoriums and other public gathering venues accommodating 100 persons or more subject to the approval of a Minor Modification. b. The area of the sign shall be limited to 100 sq.ft. and may include changeable copy (electronic and non-electronic). c. A marquee sign must be attached to the building, may extend over the sidewalk but must not intrude on the street tree planting zone and shall maintain a minimum 8 foot clearance between the lowest element of the sign and the sidewalk level.	Yes
Memorial Signs or Tablets	P	P	P	P	P	P	a. Memorial signs may be constructed of bronze or other noncombustible materials attached to the building or may be cut into any masonry surface. b. Memorial signs shall not exceed four square feet in area, with one sign permitted for each building wall facing a street.	No
Monument Signs			P		P	P	a. Monument signs shall be limited to an area of 35 square feet per face. b. Monument signs must be located a minimum of 30 feet from adjoining platted property lines. c. No monument sign shall obstruct the	Yes

FBC: Master Sign Plan Option



SITE IDENTITY TOTEM

Sign Location Map



Sign Table

MASTER SIGN PLAN TABLE

Sign Type	Maximum Size				Illumination	Description	Permitted Location
	Height	Width	No. of Sides	Square Feet			
Site Identity Totem	20'	3'-6"	4	70 SF per side/identity on maximum of 2 sides per sign	Internal Permitted	Provide project identity at prominent intersections of the development •Copy area not to exceed 30% of each allowed side (logo included) •Allowable materials: masonry, metal, push-thru acrylic graphics, polycarbonate panels, glass, internally illuminated letters	Site identity totems permitted along PGBT, CityLine Drive. At the intersection of Plano Road & Cityline Drive, intersection of Plano Road & State Street, and intersection of State Street & Wilshire Way.
Vehicular Directional	8'	3'-6"	2	28 SF per sign face	Internal Permitted	Provide wayfinding directional signs for vehicular traffic & circulation throughout the development •Copy area not to exceed 70% of sign area on each side •Project logo to be incorporated into sign •Allowable materials: masonry, metal, push-thru acrylic letters & arrows	Adjacent to vehicular traffic circulation paths within the development at key decision points and street intersections, driveway and garage entries

Standardized Elements

FONTS

SF News Gothic Roman

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

SF News Gothic Demi

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

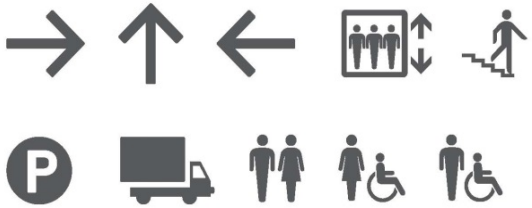
Neutraface Demi

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

Neutraface Demi Alt

ABCDEFGHIJKLMNOPQRSTUVWXYZ
abcdefghijklmnopqrstuvwxyz
1234567890

SYMBOLS

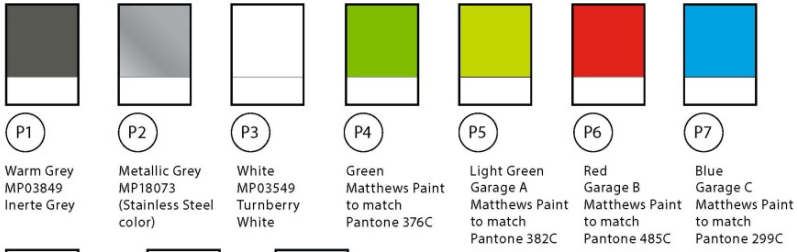


Fonts, symbols, paints and materials shown are for site wayfinding and building identity only

Tenant fonts, symbols, paints and materials vary per tenant as allowed by the Master Sign Plan guidelines

Standardized Elements

COLOR SCHEDULE



P1	P2	P3	P4	P5	P6	P7
Warm Grey MP03849 Inerte Grey	Metallic Grey MP18073 (Stainless Steel color)	White MP03549 Turnberry White	Green Matthews Paint to match Pantone 376C	Light Green Garage A Matthews Paint to match Pantone 382C	Red Garage B Matthews Paint to match Pantone 485C	Blue Garage C Matthews Paint to match Pantone 299C

P8	P9	P10
NOT USED	High Reflective White MP281 500SP Gloss Finish	Medium Grey MP03066 Coy grey

Fonts, symbols, paints and materials shown are for site wayfinding and building identity only

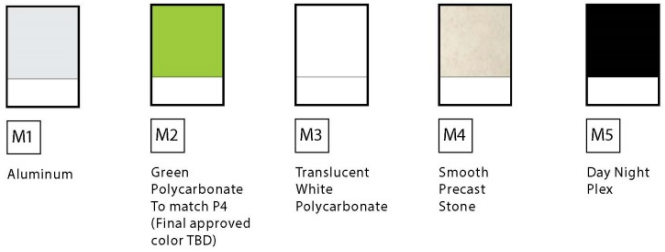
Tenant fonts, symbols, paints and materials vary per tenant as allowed by the Master Sign Plan guidelines

(REPRESENTATIVE OF CURRENT LOGO - SUBJECT TO CHANGE)

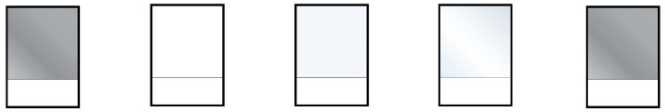
LOGO COLORS

L1	L2	L3	L4	L5	L6
Dark Green Pantone 7490C	Aqua Pantone 3135C	Dark Blue Pantone 301C	Light Green Pantone 376C	Light Blue Pantone 312C	Gray C 0; M 4; Y 3; K 67

MATERIAL SCHEDULE

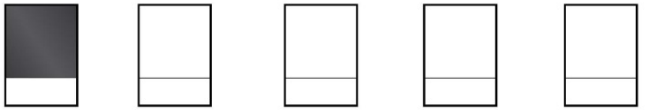


M1	M2	M3	M4	M5
Aluminum	Green Polycarbonate To match P4 (Final approved color TBD)	Translucent White Polycarbonate	Smooth Precast Stone	Day Night Plex



M6	M7	M8	M9	M10
Stainless Steel #4 Brushed horizontal finish	White Acrylic	Clear Photopolymer	Clear Glass	Stainless Steel #7 Polished finish

VINYL SCHEDULE



V1	V2	V3	V4	V5
3M Vinyl Painted to match P1	3M White Reflective Vinyl 680-10	3M White	Vinyl to match P3	3M Translucent 7725SE-314 Dusted Crystal

Ancillary FBC Issues: Infill Context

Public improvement triggers as barriers to infill

- Requirements for street improvements for "substandard" streets (public works, fire)
- Improvements to public utility service and main lines (water, sewer)
- Requirements for on-site storm water detention/retention
- Impact fees
- Park land dedication for residential development
- Other?

Ancillary FBC Issues: Historic Preservation

Ancillary FBC Issues: Historic Preservation

- Fully integrated into the FBC as a separate transect/character zone with applicable historic preservation standards and appeals process through any historic board or commission (Owensboro, Rockport); or
- Maintain existing historic preservation standards for rehab of any historic buildings with any new construction or additions under the purview of the FBC (McKinney)

21.8 OVERLAY DISTRICT BUILDING FORM & DEVELOPMENT STANDARDS

21.81 Historic Core Overlay District

HISTORIC CORE Character District

Note: this map is for reference only. Refer to the Regulating Plan for Special Requirements.

21.81 (g) Historic Preservation Standards

(i) Applicability

These standards shall apply to all building demolitions, renovations and reconstruction to the exterior facades of existing buildings within the Historic Core Overlay District. These standards shall also apply to additions to existing buildings and new construction within the Historic Core Overlay District.

Demolitions of existing buildings shall require a Demolition Permit to be obtained from City only after review and approval by the Owensboro Historic Preservation Board (HPB). Appeals to the Demolition review may be made to the Circuit Court of Daviess County.

All renovations and reconstructions of building exteriors within this District shall be required to obtain a Certificate of Appropriateness prior to building permit application or commencing the work. The Certificate of Appropriateness may be approved administratively by the Zoning Administrator after compliance review by the Downtown Design Administrator and appealed to the Historic Preservation Board.

The following activities (regardless of whether they require building permits) shall require a Certificate of Appropriateness:

i. Additions to existing historic structures; or new buildings or outbuildings on sites containing historic structures.
ii. Removal and replacement of any architectural detailing.
iii. Construction of roof top additions or decks.
iv. Alteration of accessory structures such as garages.
v. Installation of exterior access stairs.
vi. Window or door replacement with or without alteration of the openings.
vii. Installation of antennas and satellite receiving dishes that are visible from adjoining public rights-of-way (except alleys).
viii. Masonry work; including without exception, spall repair, pointing, sandblasting, chemical cleaning; or surface refinishing.
ix. Installation or alteration of any new exterior sign, or alteration of any sign contributing to the significance of a structure.
x. Site features other than vegetation, including without exception fencing, lighting and lighting fixtures, paving and grading.

The following activities shall not require a Certificate of Appropriateness:

a. Work which consists solely of ordinary maintenance;
b. Emergency repairs of a temporary nature to remedy problems determined by an outside agency that threaten life, health or safety; or,
c. Alteration of interior space and finishes of a historic building (Secretary of the Interior Standards may still apply for interior renovations).

(ii) Demolitions

Demolitions of existing building within the Historic Core Overlay District shall only be permitted after review and approval by the Owensboro Historic Preservation Board after a duly advertised Public Hearing. All applications for demolitions shall be reviewed by the Downtown Design Administrator and recommendations shall be forwarded to the HPB.

If an application for demolition is denied, it may be appealed to the Circuit Court of Daviess County. All appeals shall be taken in the Circuit Court within thirty (30) days after the action or decisions of the Historic Preservation Board and all decisions which have not been appealed within thirty (30) days shall become final. After the appeal is taken, the procedure shall be governed by the rules of civil procedure. When an appeal has been filed, the Clerk of the Circuit Court shall issue a summons to all parties and shall cause it to be delivered for service as in any other law action.

A building permit to demolish a building that has been approved for demolition by the HPB may only be granted after the approval of a building permit for new construction on the same property as the building to be demolished, unless the building has been deemed as a public hazard or attractive nuisance.

In reviewing and considering applications for building demolitions, the Downtown Design Administrator and the HPB shall consider the following:

a. The public's interest in the preservation of the cultural resource.
b. Whether the building is locally or Nationally designated as a landmark.
c. The age of the cultural resource, its uniqueness or uncommon design, texture, and/or material and its ability to be reproduced without unreasonable difficulty and/or expense.
d. The ability of the cultural resource to help preserve and protect a historic place or prehistoric site or area of historic interest in the City.
e. The ability of the cultural resource to promote the general welfare of the City by:
   1) Encouraging the study of American History, architecture and design;
   2) Developing an understanding of the importance and value of the American culture and heritage; and
   3) Making the City a more attractive and desirable place in which to live.
f. Whether the building is being demolished for new construction on the same site which is more economically feasible than restoring the existing structure.

An application for demolition may only be approved by the HPB if:

a. A building or part of a building is structurally unstable or in a stage of advanced deterioration and has been deemed by the City as a hazard to public safety or an attractive nuisance; or
b. A building or part of a building is structurally unstable or in a stage of advanced deterioration and a technical report has been prepared by an architect or professional engineer experienced in rehabilitation of historic structures detailing the building's structural soundness and suitability for rehabilitation including the nature and extent of the specific problems and reasonable cost estimates to rectify them. In addition the following shall be required:
   - A financial report is submitted with the application detailing the costs of rehabilitation, and evidencing that the existing improvement is incapable of reasonable use or producing an economic return, and
   - Demolition application is submitted with complete plans for the new development proposed on the site, together with a timetable and a budget for both the demolition and the reconstruction, as well as satisfactory evidence that adequate financing is available.

(iii) Renovation of Existing Buildings

The following standards shall apply in reviewing and approving applications for Certificates of Appropriateness for renovation of existing buildings within the Historic Core Overlay District.

Photographs used in this section are for illustration purposes only. Specifically, they are intended to show how the standards would apply when buildings are renovated and do not impose any requirements on existing buildings.

Other Ancillary FBC Issues

Integration with UDC Elements

- PD Structure
- Highway frontage standards
- Overlay design standards
- Subdivision standards
- Hybrid-codes

Legal Challenges

- **Comprehensive Plan**
- **Inverse condemnation, damaging, taking**
- **Substantive due process (vagueness, new terms/interpretation of prescriptive regulations)**
- **Failure to comply with statutory/ local procedures/ different approval, modification processes**
- **Spot Zoning**