

CONTRACT FOR PROFESSIONAL PLANNING CONSULTING SERVICES

This Contract for Professional Planning Consulting Services (the “**Agreement**”) is made the 26th day of August, 2024 (the “**Effective Date**”), by and between REGROWTH PLANNING LLC, a limited liability company formed under the laws of the State of Vermont (the “**Company**”), and the Town of Georgia, Vermont, having an address of 47 Town Common Road No. St. Albans, VT 05478 (the “**Client**”).

1. **Description of Services.** The Company agrees to provide the professional planning consulting services as set forth in the scope of work (the “**SOW**”), attached and incorporated herein to this Agreement as **Exhibit A** (the “**Services**”).
2. **Project Name.** The Services shall be in relation to the project as identified in the SOW and referred to here as the Project (the “**Project**”).

Town of Georgia Development Regulations Update

PROJECT NAME

3. **Term.** This Agreement shall begin on the Effective Date and shall conclude on the date upon which the Services in relation to the Project are reasonably completed, as determined by the Company in its sole discretion, and final payment has been rendered by Client (the “**Term**”), unless terminated earlier pursuant to the provisions of this Agreement.

4. Compensation and Fees

- a. **Compensation.** Client agrees to pay the Company the total lump sum fee of up to \$18,340.00, (the “**Compensation**”) including reimbursable expenses, payable as a percentage complete for each of the Tasks and Amounts specified in the Compensation Schedule below. Reimbursable expenses are expenditures made by the Company and it’s sub-consultants in the execution of the Project, and may include but are not limited to travel expenses, vehicle mileage, tolls, printing/reproduction and postage. Reimbursable Expenses will be billed at direct cost, with receipts. Vehicle mileage will be billed at a rate of \$65 cents per mile for gasoline vehicles, and at a rate of \$50 cents per mile for electric vehicles.

b. **Compensation Schedule**

Task #	Task Name	Amount
1	Existing Code Assessment	\$3,000.00
2	List of Corrections / Improvements	\$2,760.00
3	Draft Code Organization & Format	\$3,360.00
4	Draft Development Regulations*	\$5,520.00
5	Revised Development Regulations	\$1,440.00
6	Final Development Regulations	\$840.00
	Expenses Allowance	\$220.00
	Total:	\$18,340.00

* = The production of any new or updated code illustrations, if requested by the Town, would be billed hourly, or a revised fee proposal can be negotiated based on the number of new graphics expected.

- c. **Supplemental Services.** Supplemental Services are in addition to the original Scope of Work of this Agreement and, when agreed to in writing by both parties, shall authorize the Consultant to provide additional work beyond the Scope of Work in return for additional compensation. Supplemental Services may be billed as a lump sum amount, or hourly at the rate of \$120 /hour, as specified in the amendment. Supplemental Services under this Agreement expressly include, but are not limited to the following:

Additional in-person public meetings, in-person committee meetings or travel beyond the services described in the proposed scope of work. The production of any new or updated code illustrations, if requested by the Town, would be billed hourly, or a revised fee proposal can be negotiated based on the number of new graphics expected.

5. **Payments**

- a. **Terms.** Payment of the Compensation, Reimbursable Expenses, and additional compensation for Supplemental Services if applicable, shall be made by Client within thirty (30) days of the date affixed to the Company's invoice issued to Client.

- b. **Interest.** If the payment installments are not received by the Company per the terms set forth in section 5(a) above, interest at a rate of TWO PERCENT (2%) of the full installment due and payable shall accrue per month until payment of the installment is made in full.

6. Termination. The Company may, but is not required to, terminate this Agreement upon seven (7) days' written notice to Client if Client has materially breached this Agreement, including nonpayment for Services, and the breach is not cured within fourteen (14) days of receiving notice of such breach.

7. Company Representations and Covenants

- a. The Company represents that it shall perform the Services with all due skill, care, and diligence and in accordance with the professional standards applicable at the time and in the location of the Project and appropriate to the nature and scope of the work.
- b. The Company represents that it shall promptly commence the Services and perform the Services in as expeditious a manner as allowed by the standard of care set forth in section 7(a) above.

8. Client Representations and Covenants

- a. Client agrees that, once the Company has finalized the SOW for the Services, which shall be signed by Client, the Services shall not be substantially altered. If the Project will be substantially altered, Client agrees to notify the Company as soon as practicable and understands that a new or revised SOW may need to be created, which may result in additional costs and fees as set forth in section 4 above.
- b. Client shall provide to the Company data and assistance available to it and relevant to the Project, as described in the SOW (the "**Client Deliverables**"). The Company shall be entitled to rely on the accuracy and completeness of the Client Deliverables in its execution of the Services.
- c. Client shall make reasonable attempts to conduct its review and approval of draft materials provided by the Company in a timely manner so as not to delay the performance of the Services.

- d. Client shall designate a single representative as the primary point of contact between Client and Company to coordinate communications and to avoid conflicting directives from multiple representatives.

9. Intellectual Property

- a. All intellectual property, including documents, graphics, maps, images, and final deliverables that are developed or produced pursuant to this Agreement shall be the sole property of the Client provided, however, that full payment is made by Client for the same and that Client hereby grants to Consultant an irrevocable, non-exclusive license to use, publish, reproduce, or display the intellectual property for purposes of marketing and work with current or future clients.

10. Insurance

- a. Company agrees to maintain insurance coverage in amounts no less than:
 - i) Commercial General Liability: One million dollars (\$1,000,000) each occurrence, two million dollars (\$2,000,000) aggregate.
 - ii) Professional Liability: One million dollars (\$1,000,000) each occurrence, two million dollars (\$2,000,000) aggregate.

11. Indemnification

- a. Client shall indemnify, defend, and hold the Company and its officers, directors, employees, agents, contractors, representatives, successors, and assigns harmless from and against any and all damages, liabilities, costs, and expenses, including reasonable attorney's fees and expenses, that the Company may incur that in any way arise out of, relate to, or are in connection with (a) a breach of this Agreement by Client or Client's officers, directors, employees, agents, contractors, and/or representatives, or (b) the intentional or negligent acts or omissions of Client or Client's officers, directors, employees, agents, contractors, and/or representatives with respect to this Agreement, the Project, and/or the Services.

12. Limitation of Liability; No Warranty.

- a. Except as to the Company's gross negligence or willful misconduct, the Company shall, in no event, be liable to client and/or any other third party for its performance of and/or failure to perform any Services contemplated pursuant to or in connection with this Agreement and/or any scope of work, whether directly or indirectly. In no event shall the Company be liable for and/or required to indemnify client or any third party for any indirect, incidental, punitive, special, exemplary, or consequential damages, including but not limited to lost profits, loss of use, or loss of good will, in any way arising out of this Agreement or the Services, regardless of whether such damages were foreseeable and whether client has been advised of the possibility of such damages. In no event shall the Company's total liability arising out of or relating to this Agreement or the Services, whether based in contract, tort, strict liability, or otherwise (including claims based upon breach of warranty), exceed the total amount paid by client and actually received by the Company for the Services out of which the claim arose.
- b. The Services are provided "as is." Except as otherwise provided herein, the Company provides no warranties or representation, and excludes and disclaims all warranties, expressed, implied, or statutory, to the maximum extent permitted by law, including but not limited to, implied warranties of merchantability and fitness for a particular purpose, and/or non-infringement, and there are no warranties created by a course of dealing, course of performance, and/or trade usage.

13. Miscellaneous

- a. Amendment. This Agreement may not be modified, supplemented, or amended unless by a writing signed by both parties.
- b. Assignment. Neither party shall assign, transfer, or delegate any of its rights or obligations under this Agreement without the prior written consent of the other party.
- c. Counterparts. This Agreement may be signed in two or more counterparts by original, PDF, or facsimile or electronic signature, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

- d. Entire Agreement. This Agreement comprises the entire agreement between the parties and supersedes all prior or contemporaneous understandings, agreements, negotiations, representations and warranties, and communications, both written and oral.
- e. Force Majeure. The Company shall not be liable to Client for any delay or failure in performing its obligations under this Agreement to the extent that such delay or failure is caused by an event or circumstance that is beyond the reasonable control of the Company, without the Company's fault or negligence, and which by its nature could not have been foreseen by the Company or, if it could have been foreseen, was unavoidable ("Force Majeure Event"). Force Majeure Events include, but are not limited to, acts of God or the public enemy, government restriction, flood, fire, earthquake, explosion, epidemic, pandemic, war, invasion, hostilities, terrorist acts, riots, strikes, embargoes, or industrial disturbances.
- f. Governing Law; Venue. All matters arising out of or relating to this Agreement shall be governed by and construed in accordance with the laws of the State of Vermont without giving effect to any choice or conflict of law provision or rule that would cause the application of the laws of any jurisdiction other than those of the State of Vermont. Any disputes that may arise between the parties regarding the performance or interpretation of this Agreement shall be subject to the exclusive jurisdiction of the state and federal courts located in Rutland County, Vermont.
- g. Notice. All notices required under this Agreement shall be in writing and shall be delivered either personally or by certified mail, return receipt requested, to the parties' respective addresses provided in the SOW unless stated otherwise. Notice shall be deemed duly given and effective upon receipt or rejection.
- h. Severability. If any term or provision of this Agreement is found to be invalid, illegal, or unenforceable in any jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other term or provision of this Agreement or invalidate or render unenforceable such term or provision in any other jurisdiction.
- i. Survival. Those provisions of this Agreement, which by their content are intended to, or by their nature would, survive the performance, termination, or expiration of this Agreement, shall survive such performance, termination, or expiration of this Agreement.

- j. Waiver. The failure by any party to insist upon the strict performance of any provision of this Agreement shall not constitute a waiver of that provision. The waiver of any provision of this Agreement shall be effective only if made in a writing signed by both parties and shall not operate or be construed to waive any future claim of any other provision of this Agreement.
- k. Agency. The individual signing this Agreement on behalf of Client hereby individually represents and warrants that he or she has the full legal power to execute this Agreement on behalf of Client and to bind and obligate Client with respect to all provisions contained herein.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

REGROWTH PLANNING LLC



By: Michael B. Allen, AICP

Title: Owner/Member

[CLIENT]

By:

Title: Chair, Selectboard

EXHIBIT A

SCOPE OF WORK

Attached Proposal

TOWN OF GEORGIA, VT

DEVELOPMENT REGULATIONS UPDATE



PROPOSAL

JULY 23, 2024



CONTACT

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EMAIL

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PHONE

(518) 496-3009



July 23, 2024

Douglas Bergstrom
Zoning Administrator
Town of Georgia
47 Town Common Road
St. Albans, VT 05478



Re: Proposal for Georgia DEVELOPMENT REGULATIONS UPDATE

Mr. Bergstrom,

Please accept this document as my formal Proposal in response to the RFP for **Town of Georgia Development Regulations Update** on behalf of Regrowth Planning.

Regrowth Planning has many years of experience drafting zoning code updates for a variety of small and large municipalities, and takes great pride in developing codes which are clear and concise for all users.

I have put together in this proposal what I believe to be a logical, step-by-step process for the regulations update. I propose to complete this work for a total lump-sum fee of \$18,340 as detailed on page 9. If the assumptions or approach to this update do not align with your anticipated needs, I would be happy to revise the approach or scope as necessary.

Based on current workload, I anticipate being available to begin this work in October. I have included with this document some sample work materials from other codes I have developed over the years, as well as related project experience. Thank you for the invitation to submit a proposal for this effort.

If you have any questions about the proposal, do not hesitate to contact me anytime at (518)-496-3009.

Thank you for your time.


Michael B. Allen | Principal



GEORGIA
HISTORICAL
SOCIETY



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The Brick School

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PROJECT APPROACH

PROJECT UNDERSTANDING

The following scope of work is proposed to provide the Town of Georgia with a new set of updated Development Regulations which achieve the following goals: Incorporate necessary edits to align with the newly adopted Town Plan; Correct any current deficiencies or errors; Add new or missing information; and reorganize and redesign the document format to provide a more user-friendly design and layout for use by both local officials and the general public.

The new Town Plan, anticipated to be adopted in the Fall of 2024 or early 2025, incorporates a number of new initiatives and policies carefully extracted from a public visioning discussion which should be properly reflected in the current zoning and land use development regulations. These goals also include state-wide policies on housing, land conservation and energy use which should be addressed. The need to update these regulations provides an opportunity to also make other adjustments to the current code which will result in a clearer, more user-friendly document. While at first glance the existing Development Regulations appear to be clear and neatly organized, there are some areas of improvement which have been noted for future correction.

While the exact details of the desired code improvements are not known at this time, a preliminary review of the document by Regrowth Planning has identified some potential ideas for discussion. These include: Adding additional flow-charts to graphically explain the steps and processes for various reviews or approvals; Compiling all of the definitions into one section; Organizing the code requirements by each zoning district for easier reference; Reorganizing the different sections and subsections into more compatible groupings; Providing easier reference with the use of color-coded sections and/or providing running code section identifiers on each page so the user always knows what current article/section or subsection they are in; Correcting table and figure numbers to more closely correspond to the current section; Providing hyperlinked cross-references to tables, figures and illustrations; and potentially adding or updating illustrations. These different ideas could be discussed during the early code assessment phase of the work in addition to other ideas the Town may have already identified.

This proposal anticipates that a large majority of the existing language and text of the 180-page document will remain, however will be re-organized and reformatted to improve usability, correct current deficiencies and incorporate edits necessary to comply with the newly adopted Town Plan.

I have developed a logical step-by-step approach for how these regulations could be updated, organized by task. The details of this approach are outlined on the next pages.

SCOPE OF WORK

TASK 1 EXISTING CODE ASSESSMENT

The focus of this task overall will be to identify likely code changes and assess the usability of the code from both the TOWN'S PERSPECTIVE as well as the APPLICANT'S PERSPECTIVE. This task will begin with an in-person kickoff meeting with the Office of the Zoning Administrator and town staff to discuss the overall goals and objectives of the Development Regulations Update, and discuss initial issues and areas of improvement which are already known. This meeting will also be used to make arrangements for interviews with local staff, board and commission members who would have insight on desired code improvements.

TOWNS PERSPECTIVE: To help identify potential changes to the code, a series of interviews would be used. It is not presently known what format these interviews should take, but for the purposes of this proposal it is assumed that individual Zoom meetings could be scheduled with each of the following groups at one of their regularly scheduled meetings:

- » Development Review Board;
- » Planning Commission;
- » Selectboard;
- » Other town staff/committees as identified.

The purpose of these interviews will be to discuss any and all updates, deficiencies or potential improvements to the existing Development Regulations which should be considered. This would include identifying new or missing information which needs to be added to the document (or reserved for a future section). Prior to the interviews, Regrowth Planning will request in advance that each group consider and discuss what improvements they would like to see, or what questions they have encountered, to ensure a productive meeting.

APPLICANT'S PERSPECTIVE: Because these regulations are also used by a variety of different applicants in the general public, it is important to assess their usability from their perspective as well. To achieve this, Regrowth Planning will work with the Zoning Administrator to help identify the most common zoning requests, applications or question scenarios which the Town experiences. These potential scenarios will then be "war-gamed" against the existing code to identify areas of confusion, problems and potential improvements. Because Regrowth is already highly familiar with many zoning and development regulations, it may be helpful to also run these scenarios by a "focus group" style of other individuals who are not familiar with how these codes normally operate to get their input.

SUGGESTION

Focus-group style tests of the code to identify common problem areas or misunderstandings.

PROJECT APPROACH

SCOPE OF WORK

During this period, Regrowth Planning will continue to closely coordinate with the Zoning Administrator and maintain a working list of recommendations for use in the next task.

TASK 2 LIST OF CORRECTIONS / IMPROVEMENTS

The purpose of this task will be to compile, review, revise and finalize a comprehensive list of recommended changes to the Development Regulations before the new document is created. During this task, Regrowth Planning will conduct research on other modern zoning and development regulations adopted by other municipalities in Vermont and nationally to identify potential strategies for code simplification and usability. Regrowth Planning will also review the existing code to identify areas which will likely need to be modified to properly align with the newly adopted Town Plan, and review the code to identify other potential improvements.

A comprehensive list of recommended code modifications will then be assembled and submitted for review and comment by the Town. It is recommended that this list be reviewed by each of the boards and commissions interviewed. If necessary, follow-up interviews or discussions can be arranged. Based on review comments, Regrowth Planning will revise the list and resubmit for approval. Once agreement and signoff is reached on the proposed edits, Regrowth will finalize the list and proceed to the next task.

RECOMMENDATION

Running list of proposed code edits be reviewed and discussed by the different boards that will use them so that there is agreement on changes.

TASK 3 DRAFT CODE ORGANIZATION & FORMAT

The purpose of this task is to agree on an overall organizational structure, layout and design format for how the new code will look and function. Based on the input and research from the previous tasks, Regrowth Planning will develop a proposed code outline, broken down by article, section and subsection, for the new document. Regrowth will also design and prepare a number of “sample pages” which illustrate the new recommended look and format of the code representing different typical document sections.

The draft outline and sample design pages will be submitted to the Town for review and comment. A review meeting can be scheduled to discuss these draft materials. Based on review comments, Regrowth Planning will revise the materials and resubmit for approval until agreement is reached on the overall code organization and design format.

SCOPE OF WORK

TASK 4 DRAFT DEVELOPMENT REGULATIONS

Utilizing the input from the previous tasks, Regrowth Planning will transfer all of the existing Development Regulations text, tables and graphics* into a new document using the desired organizational structure and design layout. Once the code has been transferred to the new document, the code changes agreed upon in Task 2 will be made. It is recommended that in order to facilitate the tracking of changes to the existing code for public review, any areas with substantive changes to the code text will be **HIGHLIGHTED** for reference, and recorded in a separate Change Log which identifies its current article, section or subsection and a brief description of the nature of the change and why it was made.

IMPORTANT

The potential need to create new or updated graphics and illustrations is an unknown budget item, and is instead offered as an hourly service.

*NOTE: Existing graphics, where provided by the Town, will be transferred into the new document as desired. However, it is unknown if the Town wishes to also replace or provide new or updated graphics as part of this update. Therefore, for the purposes of this proposal, any new graphics or illustrations requested by the Town (not counting flow charts) are not included in the base proposal fee but would be billed separately at an hourly rate of \$100/hour if authorized.

This document will be professionally prepared in the latest version of Adobe InDesign. A copy of the Draft Development Regulations (version 1.0) will be provided to the Town in PDF format for review and comment.

TASK 5 REVISED DEVELOPMENT REGULATIONS

Based on review comments and discussion with the Town, the draft document and change log will be revised and updated (version 2.0), and resubmitted to the Town for review and comment.

TASK 6 FINAL DEVELOPMENT REGULATIONS

Based on review comments and discussion with the Town, the final Development Regulations and change log will be prepared and submitted to the Town for adoption and use.

PROJECT APPROACH

SCOPE OF WORK

FINAL DELIVERABLES

Final Project Deliverables : Town of Georgia Vermont Development Regulations, professionally developed in Adobe InDesign software, provided to the Town in both *.indd and *.pdf file formats suitable for printing and online posting. Digital copies of all final electronic files created during the work, including associated illustrations, photographs, graphics.

This work would be billed monthly on a percentage-complete basis for each task listed, inclusive of expenses. I have provided sample copies of zoning and development regulations developed for other municipalities for reference on the following pages.

SPECIAL NOTES & PROPOSAL ASSUMPTIONS

- » This proposal assumes travel time and mileage for two (2) in-person visits in the Town of Georgia for interviews and/or other coordination meetings. Other meetings are assumed to happen virtually.
- » This proposal does not include attendance or participation in any public meetings, or public hearings as part of any formal adoption process.
- » It is anticipated that the Town of Georgia and the Regional Planning Commission will be able to assist with providing electronic file copies of existing graphics and illustrations used in the current code.
- » This proposal has not budgeted time for the creation of any new or updated code illustrations/graphics (not including flow charts). If desired, this work could be billed hourly, or a separate price for them can be calculated once the number and amount of work is better understood.
- » This proposal assumes that the Northwest Regional Planning Commission would be responsible for developing an updated zoning map, if required.
- » This proposal does not include costs associated with printing, mailing, postage or distribution of any documents, posters, flyers, mailings or costs associated with advertising meetings or presentations in the local media.
- » This proposal does not include the completion of any environmental review studies, analysis, forms, declarations or distribution of review materials required under Local Law, or the State of Vermont/Act250.

PROPOSED BUDGET

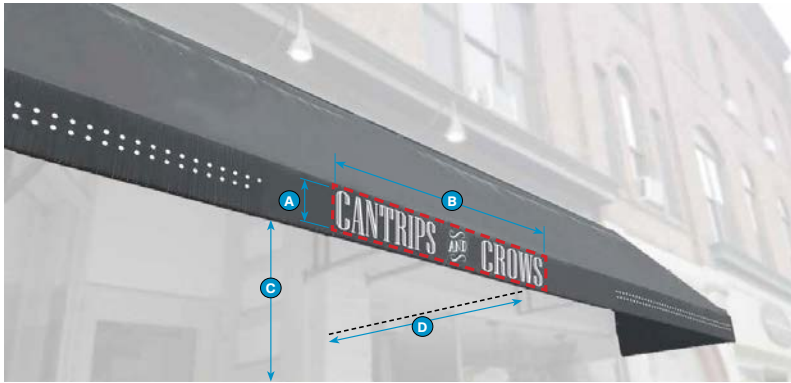
TASK DESCRIPTION		HOURS (@ \$120/hr)	FEE
TASK 1	EXISTING CODE ASSESSMENT	25 hours	\$3,000
TASK 2	LIST OF CORRECTIONS / IMPROVEMENTS	23 hours	\$2,760
TASK 3	DRAFT CODE ORGANIZATION & FORMAT	28 hours	\$3,360
TASK 4	DRAFT DEVELOPMENT REGULATIONS	46 hours	\$5,520
TASK 5	REVISED DEVELOPMENT REGULATIONS	12 hours	\$1,440
TASK 6	FINAL DEVELOPMENT REGULATIONS	7 hours	\$840
		151 HOURS (inc. travel time)	
EXPENSES			\$220
TOTAL LUMP SUM FEE			\$18,340

The production of any new or updated code illustrations, if requested by the Town, would be billed hourly, or a revised fee proposal can be negotiated based on the number of new graphics expected.

Codes & Standards

Examples of codes & standards developed for prior clients.

Awning Sign



Description

Graphics or lettering printed on the vertical front surface of an awning above a public storefront. Counts as an accessory sign.

Standards

1. As an accessory sign, Awning Signs are permitted in addition to any allowable primary or freestanding Sign.
2. No more than one Awning Sign is permitted per ground floor window or door of the facade.
3. Lettering or graphics are only permitted on the vertical or sloping front face of the awning.
4. Awnings to which signs may be applied must be constructed over doors or windows, fastened to the building facade and not supported from the ground.

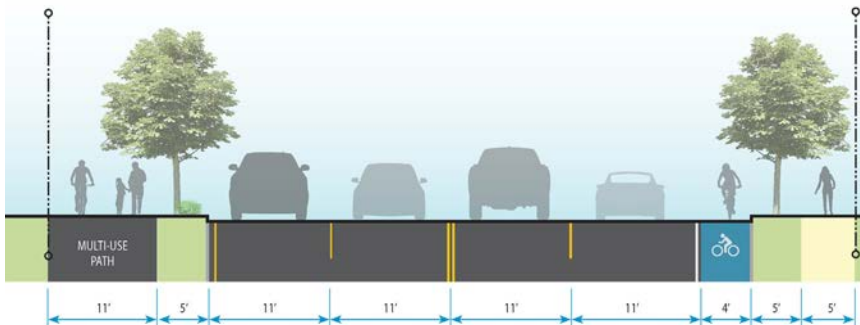
Allowed Sign Illumination (See 4.10.5)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Externally Illuminated | <input type="checkbox"/> Internally Illuminated Letter |
| <input type="checkbox"/> Internally Illuminated Cutout | <input type="checkbox"/> Silhouette |

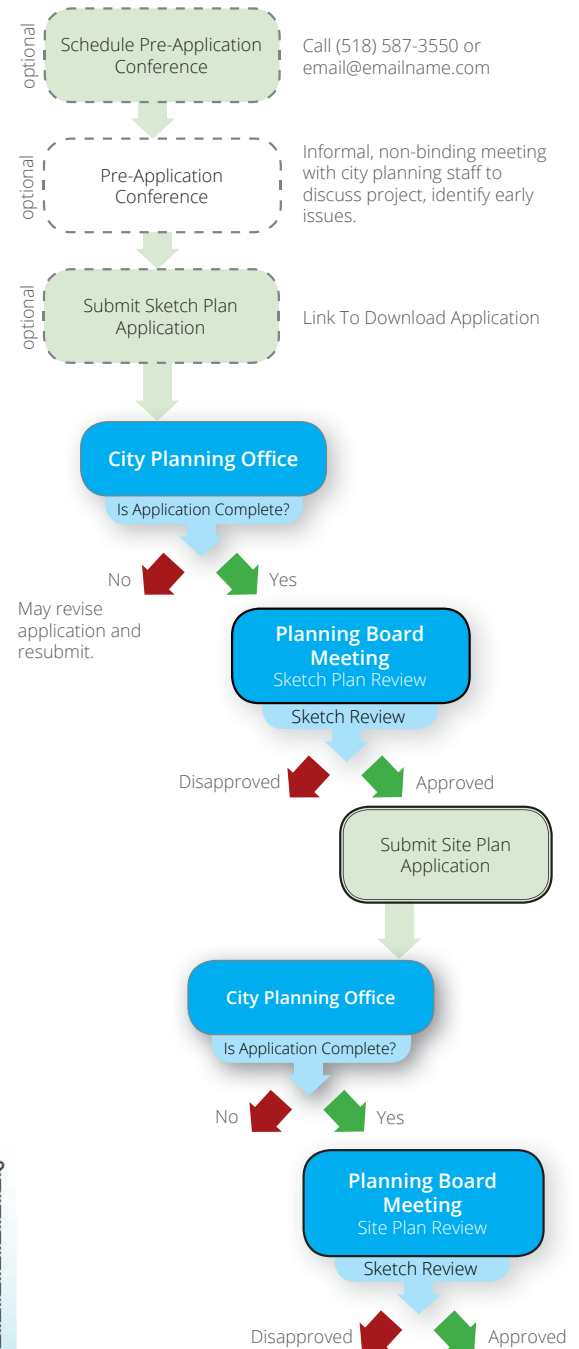
5. Sign text should be limited to the business name, slogan, brief description of products or services offered and street address. Phone numbers and other miscellaneous info is discouraged.
6. Awnings are recommended to be darker color, with lighter text. Awnings designs on a facade shall be consistent in design and color, and are limited to no more than two colors (not including text color).
7. Sign text should be of a consistent design and color, unless expressly part of a multi-color business logo or name design.
8. Street address numbers printed on awnings shall not count toward the sign area.

Sign Dimensions

	Transect Zones (T4, T5, T6)	Other Mixed Use Districts	Residential Districts
A Text height (max.)	8"		8"
B Text width (max.)	80% width of awning/15 feet max.	25% of awning face, up to 100 s.f.	80% width of awning/15 feet max.
C Vertical clearance (min.)	7 feet	7 feet	7 feet
D Extension from facade (max.)	7 feet	7 feet	7 feet



1.3 SITE PLAN APPROVAL



TOWN CENTER

Building Setbacks

Build-To Zone (Distance from Property Line)

Front Facade	10' min. to 20' max.	A
Side Street Facade	10' min. to 20' max.	B

Building Facade Width at Built-To Zone

Front Facade	50% width of Development Area min.	C
Side Street Facade	25% width of frontage min.	

Corner properties: Both street facing facades of corner properties must be built within the Build-to Zone for the first 30' min. from the corner.

Other Setbacks (Minimum distance from property line)

Side - Principal Structure	10' min.	E
Accessory Structure	5' min.	
Rear - Principal Structure	20' min.	F
Accessory Structure	10' min.	

Parking Setbacks (Minimum distance from property line)

Front Yard	40' min.
Side Street	30' min.
Side Yard	20' min.
Rear Yard	10' min.

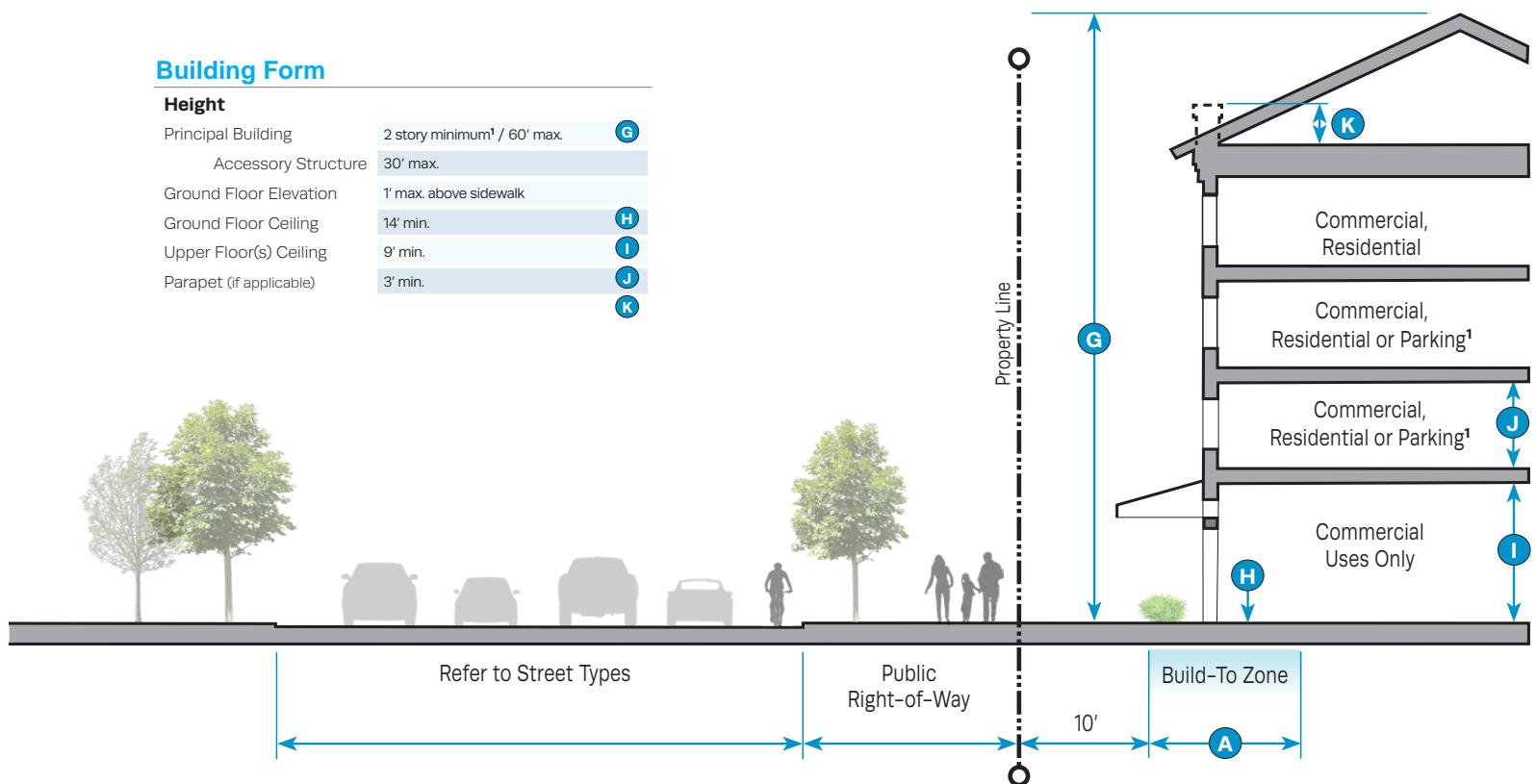
Building Form

Height

Principal Building	2 story minimum ¹ / 60' max.	G
Accessory Structure	30' max.	
Ground Floor Elevation	1' max. above sidewalk	
Ground Floor Ceiling	14' min.	H
Upper Floor(s) Ceiling	9' min.	I
Parapet (if applicable)	3' min.	J
		K

Codes & Standards

Examples of codes & standards developed for prior clients.



USE SCHEDULE

Use Description		T5	T4	T3C	T3R	SD	OS
RESIDENTIAL USES	Assisted Living Facility	⊙	⊙				
	Condominium	⊙	⊙	⊙	⊙		
	Dwelling Above Commercial Use ¹	⊙	⊙	⊙			
	Home Occupation	●	●	●	●	●	
	Multi-Family Dwelling	⊙	⊙	⊙	⊙		
	Single Family Dwelling			●	●		
	Townhouse		⊙	⊙	⊙		
	Two-Family Dwelling		⊙	⊙	⊙		
COMMERCIAL USES	Accessory Use	●	●	●	●	●	●
	Adult Day Care Center	⊙	⊙	⊙		⊙	
	Adult Use						
	Agricultural Structure				⊙		⊙
	Agricultural Use				●		●
	Airport						
	Airport Allied Uses						
	Animal Hospital	⊙	⊙			⊙	
	Asphalt Manufacturing & Storage						
	Automobile Body Work		⊙			⊙	
	Automobile Charging Terminal	●	●	●	●	●	
	Automobile Charging Station	⊙	⊙	⊙		⊙	
	Automobile Fuel Station	○	○	○			
	Automobile Rental Facility	⊙	⊙			⊙	
	Automobile Repair and Service	⊙	⊙			⊙	
	Automobile Sales	⊙	⊙				
	Automobile Detailing / Carwash	○	○	⊙		○	
	Bed & Breakfast			○	○		
	Brewery / Winery / Distillery	⊙	⊙			⊙	
	Bulk Storage					⊙	
	Business or Professional Office	⊙	⊙			⊙	
	Bus Terminal	○	○	○		○	
	Carwash / Automobile Detailing	○	○	○		○	
	Cemetery			⊙	⊙		
	Child Day Care Center	⊙	⊙	○		⊙	
	Child Day Care, In-Home	●	●	●	●	●	
	Clinic	⊙	⊙	⊙			
	Community Center	⊙	⊙	⊙	○		
	Concrete Manufacturing and Mixing Plant						
	Conference Center	⊙	⊙			○	

CHAPTER 240 UNIFIED DEVELOPMENT ORDINANCE

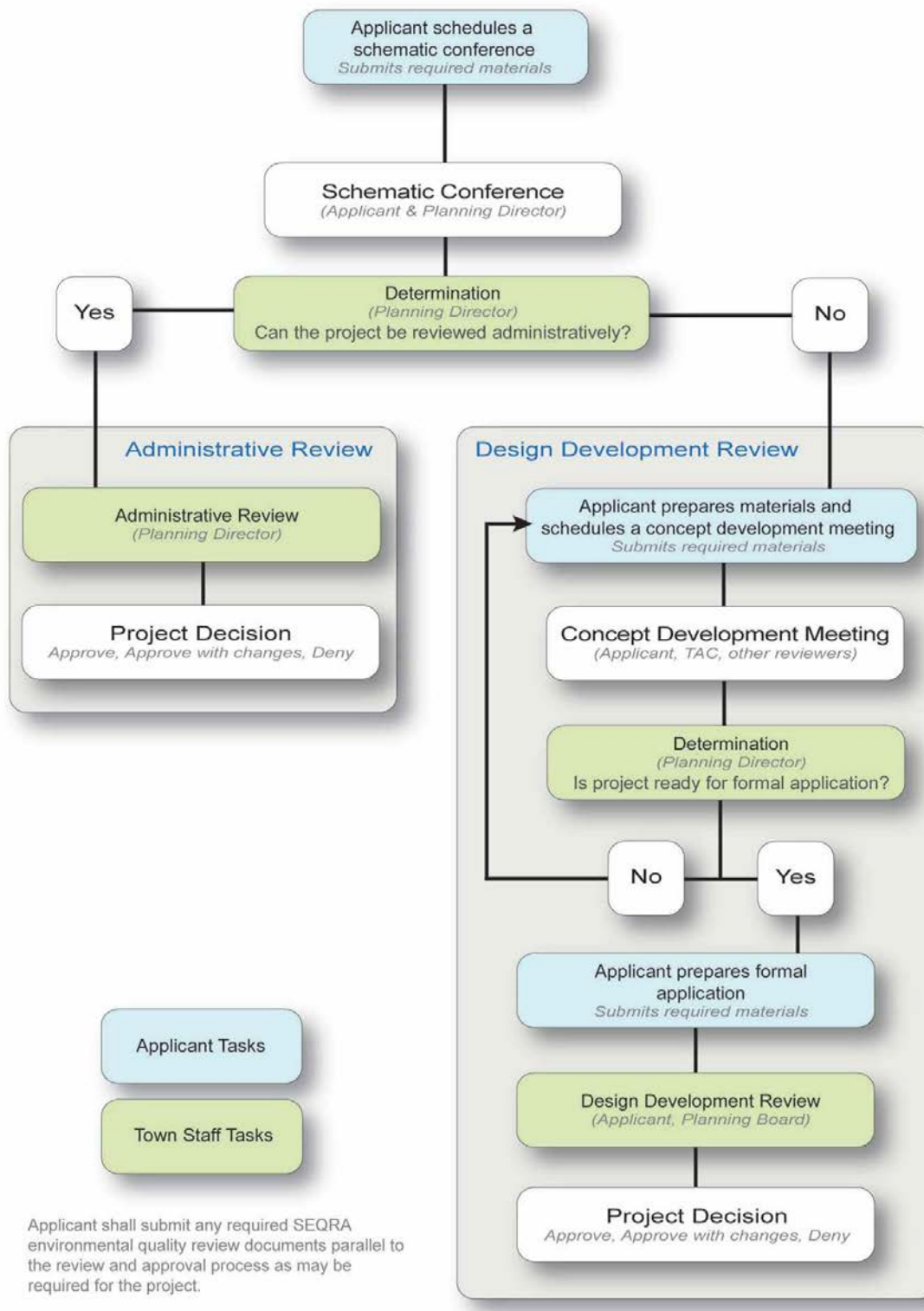
1.2.1 REVIEW & APPROVALS Reference Chart

Approval or Permit Type	Overview	Review By	Decision By	Design Guidance (See Section)	Review and Approval Process (See Section)
Architectural Review	Consideration of architectural design aspects of a project	Design Review Board	Design Review Commission	2.4.3 / 4.6	5.7
Building Permit	Review for compliance with building code		Code Enforcement Officer		5.17
Certificate of Occupancy	For use and occupancy of building		Code Enforcement Officer		5.18
Demolition Permit	To demolish an existing structure		Code Enforcement Officer		5.15
Demolition Permit in Landmark / Historic District	To demolish an existing structure if landmark or in historic district	Design Review Board	Code Enforcement Officer		5.15
Floodplain Development Permit	Land alteration or construction in a flood hazard area		Building Inspector		5.16
Historic District Review	Appropriateness with historic design standards	Design Review Board	Design Review Commission	2.4.2	5.8
Land Disturbance Permit	Review of earthwork other land disturbance		Stormwater Management Officer		5.10
Lot Line Adjustment	Modification of boundary lines of existing lots	Planning Office	Planning Board Chairperson		5.4.2
Planned Unit Development	Designation of an overlay zone for development under a master plan	Planning Board	City Council		7.2
State Environmental Quality Review Act (SEQRA)	Compliance with regulations related to environmental protection	All involved agencies	Lead Agency TBD (typically Planning Board)		
Sign Permit	Review dimensional and related aspects of signs		Building Inspector	4.11	5.12
Sign Permit with Design Review	Review design aspects of signs in design review districts	Design Review Board	Building Inspector	4.11	5.12
Site Plan Review	Review site development plans	Planning Board	Planning Board	4.6 / 4.7	5.6
Renewable / Solar Permit	Review for compliance with design and other requirements			4.13	5.13
Special Use Permit	Special review of certain land uses	Planning Board	Planning Board		5.5
Stormwater Management Permit	Compliance with water quality protection requirements		Stormwater Management Officer	4.8	5.9
Subdivisions	Review new lots and related infrastructure improvements	Planning Board; other city departments	Planning Board	4.15	5.4
Tree Work / Removal Permit	Prior to cutting of trees along streets and other city property		Department of Public Works		5.14
Variance	Request for specific relief from requirements of the ordinance	Zoning Board of Appeals	Zoning Board of Appeals		6.1
Watercourse Activity Permit		Planning Board	Planning Board	2.4.9	5.11
Zoning Amendment	Legislative process to modify the ordinance	Planning Board	City Council		7.1

This reference table provides basic information on commonly-requested permits and approvals, and does not include all permits or approvals which may be required for every project. Some projects may need to also comply with the provisions of the New York State Environmental Quality Review Act (SEQRA).

WORK SAMPLES

SECTION 2.1 REVIEW AND APPROVAL PROCESS



Before / After PhotoSimulations

Examples of photoshop simulations developed for prior clients.



Existing (before) photograph



Projected (after) photosimulation

WORK SAMPLES

Computer Rendering

Examples of computer renderings developed for prior clients.



Before / After PhotoSimulations

Examples of photoshop simulations developed for prior clients.



Existing (before) photograph



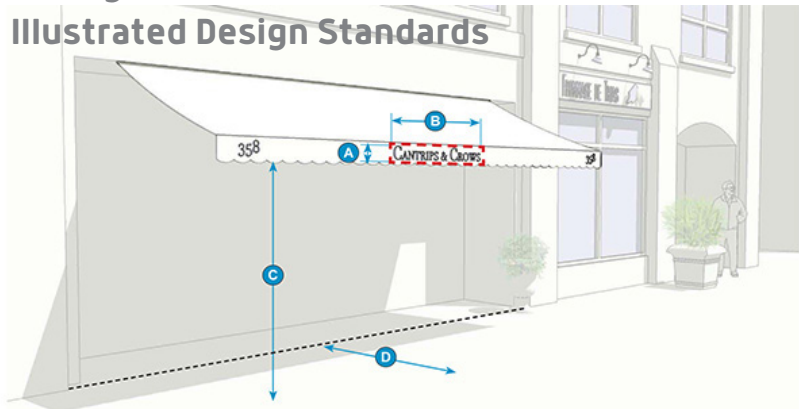
Projected (after) photosimulation



About

Regrowth Planning was founded in 2020 by Michael B. Allen, A.I.C.P. who has been a practicing professional planner since 2003. In his prior work, Michael served as Senior Associate with Behan Planning and Design of Saratoga Springs, a firm he still collaborates with. Michael has over 20 years of planning experience working directly with municipalities and the public to improve their communities through illustrated zoning codes, design guidelines and strategic plans.

Zoning Codes & Illustrated Design Standards



Sign Dimensions

	Transect Zones (T4, T5, T6)	(districts)	(districts)
A Text height (max.)	8"	25% of awning face, up to 100 s.f.	
B Text width (max.)	80% width of awning/15 feet max.		
C Vertical clearance (min.)	7 feet	7 feet	7 feet
D Extension from facade (max.)	7 feet	7 feet	7 feet

Illustrated zoning codes and design standards provide clear graphics of the technical zoning requirements, conveying a lot of information into easy-to-read and understandable diagrams. This helps to make complex code requirements much more user friendly to applicants and the public. They are particularly useful in providing clear guidance on the desired visual aesthetic of new development, utilizing a combination of illustrations and photographs to convey a range of desired design solutions.



Goals

- Create vibrant, mixed-use communities where people actually enjoy walking, shopping and living.
- Raise the standard for design to create places that contribute to the character of the community and make it a desirable destination.
- Re-balance the transportation network to include walking, bicycling, multi-use trails and other complete streets initiatives.
- Strengthen existing downtowns, towns and village centers with supportive infill development.
- Transform dying big-box retail development areas with attractive and pedestrian-friendly infill development.

Services

- Community Planning
- Zoning Updates
- Public Outreach & Engagement
- Form-based Codes
- Design Guidelines
- Computer Visualizations
- Photosimulation Renderings
- Informational Videos



Computer rendering of proposed pedestrian crossing along Empire State Trail and Erie Canal.

Photosimulations & Computer Modeling

"Before & After" photoshop simulations and computer renderings help to allow local officials and the public to better visualize future development scenarios, assess potential building impacts, and to envision their desired community improvements such as a new park, streetscape or municipal building.

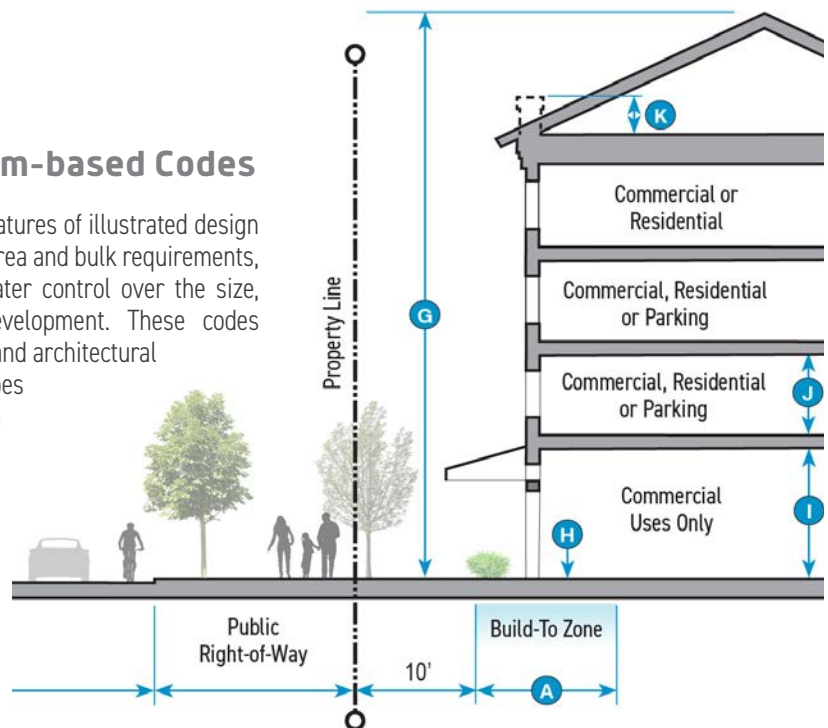


Community Planning & Public Outreach

Long-term vision planning—through Town Plans, Comprehensive Plans, Open Space & Farmland Protection—is built on successful public outreach. The hosting of large public meetings, interactive workshops, open houses whether in-person or virtual, is a cornerstone of modern planning. Regrowth Planning specializes in designing and facilitating these events with community surveys to collect input that drives the vision.

Form-based Codes

Form-based codes combine the features of illustrated design standards with detailed building area and bulk requirements, providing a community with greater control over the size, scale and massing of new development. These codes emphasize desired building form and architectural design characteristics over the types of building uses within them, often providing more flexibility and encouraging a mix of uses.



QUALIFICATIONS

Michael B. Allen, AICP

Principal, Regrowth Planning



EDUCATION

Bachelor of Architecture | 1993
Syracuse University School of Architecture
Syracuse, New York

PROFESSIONAL EXPERIENCE

Principal | 2020-Present
Regrowth Planning, LLC

Senior Planner / Senior Associate | 2007-2020
Behan Planning and Design — Saratoga Springs, NY

Principal | 2002-2007
Bailliere Consulting — Saratoga Springs, NY

Project Architect / Project Manager | 2000-2002
Einhorn Yaffee Prescott, A/E, — Albany, NY

Project Architect | 1997-2000
O'Connor & March Architects — Albany, NY

Architectural Designer | 1995-1997
Brandt-Poost Architects — East Greenbush, NY

Draftsman / Designer | 1993-1994
Badger & Associates — Manchester, VT

PROFESSIONAL AFFILIATIONS

American Institute of Certified Planners
American Planning Association
New York Planning Federation

PRIOR COMMUNITY WORK

Round Lake Zoning Board - Village of Round Lake, NY
Dorset Planning Board - Town of Dorset, VT
ReBuild Prattsville, Volunteer - Prattsville, NY



Michael B. Allen has been a practicing professional planner since 2003, with over 20 years of experience working directly with municipalities and the public to help improve their communities. Prior to founding Regrowth Planning in 2020, Michael served as Senior Associate with Behan Planning and Design of Saratoga Springs for over twelve years, and was Principal of his own consulting firm specializing in zoning updates. Michael specializes in leading public outreach campaigns for comprehensive plans, neighborhood plans, open space and farmland protection and other community visioning efforts.

RELATED PROJECT EXPERIENCE

(Including projects during employment at prior firms.)

Comprehensive Planning

TOWN PLAN

Town of Georgia, VT
In Progress - Anticipated Completion 2024

COMPREHENSIVE PLAN

Town of Chatham, NY

WEST PAWLET VILLAGE MASTER PLAN

Town of Pawlet, VT

BELMONT VILLAGE PLAN

Town of Mount Holly, VT

WARRENSBURG COMPREHENSIVE PLAN

Town of Warrensburg, NY *(Subconsultant)*

COMPREHENSIVE PLAN

Town of Schroepfel, NY

COMPREHENSIVE PLAN HOSPITALITY STUDY

Town of Washington, NY *(Subconsultant)*

COMPREHENSIVE PLAN

Town of Woodstock, NY
Behan Planning and Design

COMPREHENSIVE PLAN

Town of Wallkill, NY
Behan Planning and Design

COMPREHENSIVE LAND USE PLAN

Town of East Greenbush, NY
Behan Planning and Design

TOWN CENTER MASTER PLAN

Town of Clifton Park, NY
Behan Planning and Design

GREENWAY STRATEGIC DEVELOPMENT PLAN

Towns of Glenville/Scotia, NY
(w/ Behan Planning and Design)

TOWN CENTER SMART GROWTH PLAN

Town of Plattsburgh, NY
(Subconsultant w/ Behan Planning and Design)

CAPITAL DISTRICT TRAILS PLAN

Capital District Transportation Committee (CDTC)
Behan Planning and Design

ALBANY BIKE AND PEDESTRIAN MASTER PLAN

City of Albany, NY and the Capital District
Transportation Committee (CDTC)
Subconsultant to Nelson/Nygaard Consultants

ROUTE 119 COMPLETE STREETS PLAN

Town of Tarrytown / City of White Plains
Subconsultant to Nelson/Nygaard Consultants

EXIT 17 / ROUTE 9 CORRIDOR LAND USE & TRANSPORTATION STUDY

Town of Moreau, NY
Subconsultant to Creighton Manning Engineering

DOWNTOWN PARKING STUDY

City of Poughkeepsie, NY
Subconsultant to Nelson/Nygaard Consultants

Michael B. Allen, AICP

PROJECT EXPERIENCE, Continued

TOWN PARK MASTER PLAN

Town of Clifton Park, NY
Behan Planning and Design

NEW PALTZ INTERMODAL FEASIBILITY STUDY

Ulster County, NY
Behan Planning and Design

NATURAL HAZARD MITIGATION PLAN

Town of Wallkill & City of Middletown, NY
Behan Planning and Design

HAZARD MITIGATION PLAN

Delaware & Sullivan Counties, NY
Subconsultant to SUNY AVAIL Laboratories

FARMLAND PROTECTION PLAN

Town of Wallkill, NY
Behan Planning and Design

FARMLAND PROTECTION PLAN

Town of Milton, NY
Behan Planning and Design

OPEN SPACE PLAN

City of Kingston, NY
Behan Planning and Design

EAST GREENBUSH AMENITIES PLAN

Town of East Greenbush, NY
Behan Planning and Design

LOCAL WATERFRONT REVITALIZATION PLAN

Town of Marlborough, NY
Behan Planning and Design

LOCAL WATERFRONT REVITALIZATION PLAN

Village of Hoosick Falls, NY
Subconsultant to Barton & Loguidice Engineers

LOCAL WATERFRONT REVITALIZATION PLAN

Town of Crown Point, NY
Subconsultant to Saratoga Associates

LOCAL WATERFRONT REVITALIZATION PLAN

Town of Brewerton, NY
Subconsultant to Saratoga Associates

DEPOT STREET CORRIDOR STUDY

Town of Manchester, VT
Bailliere Consulting

Zoning and Design Guidelines

TOWN CENTER SMART GROWTH ZONING

Town of Plattsburgh, NY
(w/ Behan Planning and Design)

TOWN CENTER FORM-BASED ZONING

Town of Clifton Park, NY
(w/ Behan Planning and Design)

VILLAGE ZONING & DESIGN GUIDELINES

Town of Williston, VT

NEW CITY HAMLET ZONING AND DESIGN GUIDELINES

Town of Clarkstown, NY
(w/ Behan Planning and Design)

VILLAGE DESIGN GUIDELINES

Village of Voorheesville, NY *(Subconsultant)*

INLET VALLEY ZONING AND DESIGN GUIDELINES

Town of Ithaca, NY
(w/ Behan Planning and Design)

RESIDENTIAL NEIGHBORHOOD ZONING & DESIGN GUIDELINES

Town of Pittsford, NY
(w/ Behan Planning and Design)

B-3 DISTRICT ZONING UPDATE

Village of New Paltz, NY
(w/ Behan Planning and Design)

TRADITIONAL NEIGHBORHOOD ZONING AND DESIGN GUIDELINES

Town of Amherst, NY
(w/ Behan Planning and Design)



COMPREHENSIVE ZONING UPDATE

Town of East Greenbush, NY
(w/ Behan Planning and Design)

ZONING REVIEW & UPDATE

Town of Rosendale, NY
(w/ Behan Planning and Design)

COMPREHENSIVE ZONING AMENDMENTS

Town of Wallkill, NY
(w/ Behan Planning and Design)

ADULT USES ZONING UPDATE

Town of Wallkill, NY
(w/ Behan Planning and Design)

MIDTOWN DESIGN STANDARDS

City of Kingston, NY
Bailliere Consulting

RONDOUT CREEK ZONING UPDATE & DESIGN GUIDELINES

City of Kingston, NY
Bailliere Consulting

CONSERVATION SUBDIVISION REGULATIONS & DESIGN GUIDELINES

Town of Wallkill, NY
Behan Planning and Design

BROADWAY DESIGN STANDARDS

City of Newburgh, NY
Behan Planning and Design

DESIGN GUIDELINES

Village of North Bennington, VT
Bailliere Consulting

ZONING & LAND USE UPDATE

Town of Montgomery, NY
Behan Planning and Design



RELATED WORK



Computer rendering of proposed neighborhood character in one of the residential districts within the Town Center.

Town Center Zoning & Design Guidelines

Town of Plattsburgh, NY

The Town of Plattsburgh had completed the Town Center Smart Growth Plan, which outlined a vision and strategy to re-imagine its core commercial center as a more mixed-use, walkable and sustainable community. To implement this bold vision, it sought to develop a completely new zoning code for the center of town, while simultaneously updating and coordinating the zoning for the rest of the town, which was in need of refreshing.

Chazen Engineering was selected to lead this project and overhaul the town-wide zoning, with Behan Planning and Design as subconsultants to develop the new Town Center Zoning. The project included a form-based code strategy for the new districts, with all new design standards for massing, scale, bulk, architectural features, stormwater, parking, exterior lighting and other site considerations. Mr. Allen, working for Behan Planning and Design, developed all of the Town Center Code and Design Standards, and finalized the code to coordinate it with updates to the remainder of the town zoning.

The Town Center Zoning was adopted in 2021.



Year Completed: 2021

Prime: Chazen Engineering

Sub Consultant: Behan Planning and Design

Project Reference:

Trevor Cole, AICP

Senior Planner, Town of Plattsburgh, NY

trevorc@townofplattsburgh.org (518) 562-6853



Innovative approaches for stormwater management are strongly supported in the new code.



New City Hamlet Zoning Update

Town of Clarkstown, NY

Mr. Allen, while employed as Senior Associate with Behan Planning and Design, served as project manager and primary code author to complete the New City Hamlet zoning update. The Town of Clarkstown had just completed the *New City Vision Plan*, and was seeking to revitalize its core downtown business district with new investment and development.

Building off of the recommendations and public input gathered about the desired future vision of the community, the new zoning code sought to enable and implement many of the ideas discussed, including allowing mixed-use commercial and residential apartments, reducing the burden of many parking requirements, providing incentives for redevelopment, and creating commercial design standards.

Working with a local committee and the town attorney, a completely new code was developed for the commercial district which reduced building setbacks and parking requirements to provide business owners the ability and incentive to redevelop their property with more use-able square footage. The code also created greater flexibility for shared parking arrangements, and provided new design standards for signs, site planning, landscaping, parking lot landscaping, exterior lighting and architecture.



Year Completed: 2011

Prime: Behan Planning and Design

Project Reference:

Joe Simoes, Town Planner

Town of Clarkstown

j.simoes@clarkstown.org

(845) 639-2070



RELATED WORK



New mixed-use development under the town center zoning.

Town Center Zoning

Town of Clifton Park, NY

Michael Allen, during his employment at Behan Planning and Design, served as project manager and lead writer to complete the Clifton Park Town Center Zoning. Developed with subconsultant Dover, Kohl & Partners, this zoning was the follow-up project to implement the Clifton Park Town Center Master Plan, developed by the same team in 2012.

Funded by the Capital District Transportation Committee (CDTC), the goal of the new zoning was to develop design-oriented form-based codes for the town's commercial core at Northway Exit 9. The new zoning was designed to promote and enable a transformation into a more attractive and pedestrian friendly mixed-use destination.

The planning process included a three-day public design charrette and property owner meetings where design concepts for new infill development were envisioned which would increase retail square footage while improving the walkability of the neighborhood. The new code included several new zoning districts defined by a regulating plan, as well as design standards for architecture, site planning, landscaping and parking, and was adopted in 2014.



Year Completed: 2015

Prime: Behan Planning and Design

Sub Consultant: Dover, Kohl & Partners

Project Reference:

John Scavo

Planning Director, Town of Clifton Park, NY

jscavo@cliftonpark.org

(518) 371-6651





Old Brick Church in historic Williston Village

Village Zoning & Design Guidelines

Town of Williston, VT

The Town of Williston Vermont was seeking to redevelop the zoning ordinance for their Village Zoning District (VZD), which included a National Register Historic District as well as many contributing structures and additional review areas. The previous zoning for the village had become cumbersome and had resulted in some confusion and lack of interest in new development. The Town wished to reconfigure the zoning to clarify the standards and encourage adaptive re-use and more vibrant uses.

Regrowth Planning was selected to rewrite the existing Chapter 42 of the zoning ordinance, simplify and clarify the code requirements, and include graphics which helped to explain the code's intents and provisions.

The new ordinance—completely rewritten and reorganized—included standards and guidelines for site planning, subdivision design, residential density, screening and buffering, landscaping, exterior alterations, additions, demolitions, exterior materials, lighting and signs.

The new VZD Zoning is nearing public review stages and is expected to be finalized for adoption in 2023.



Year Completed: Completed 2022

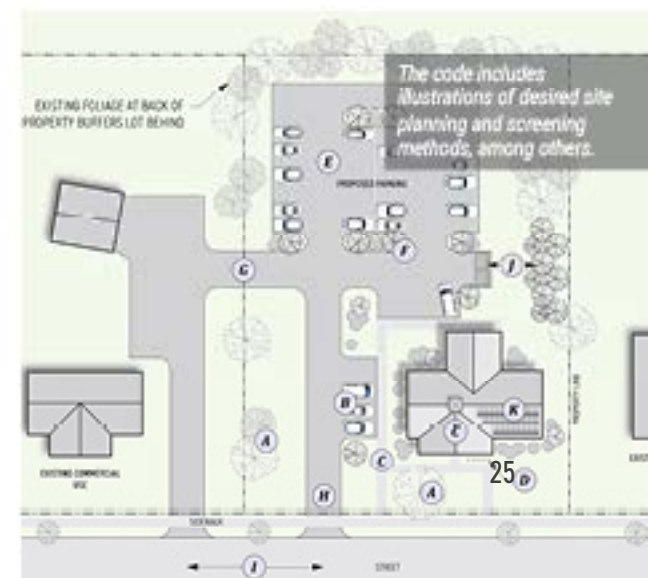
Prime: Regrowth Planning

Project Reference:

Emily Heymann, AICP

Planner, Town of Williston, VT

EHeymann@willistonvt.org (802) 878-6704



RELATED WORK



Aerial view over Northside Drive showing the extent of commercial growth outside the downtown.

Northside Drive Design Guidelines

Town of Bennington, VT

The Town of Bennington was experiencing a new wave of growth on the outskirts of downtown along the Northside Drive commercial corridor. To address these changes, the town created the Planned Commercial District as a design review district to improve the character and natural beauty of this important gateway over time. Michael Allen was selected to develop design guidelines which would guide this effort. The final document included sections on Site Planning & Landscaping, Scale & Massing, Building Height, Roof Design, Proportions, Fenestration as well as Exterior Materials and Colors.



Year Completed: 2007

Prime Consultant: Michael Allen

Project Reference:

Dan Monks

Zoning Administrator, Town of Bennington, VT

dmonks@benningtonvt.org (802)-442-1037

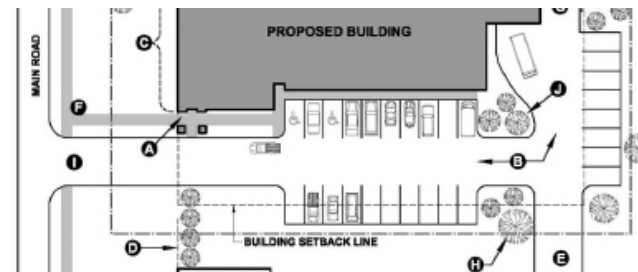
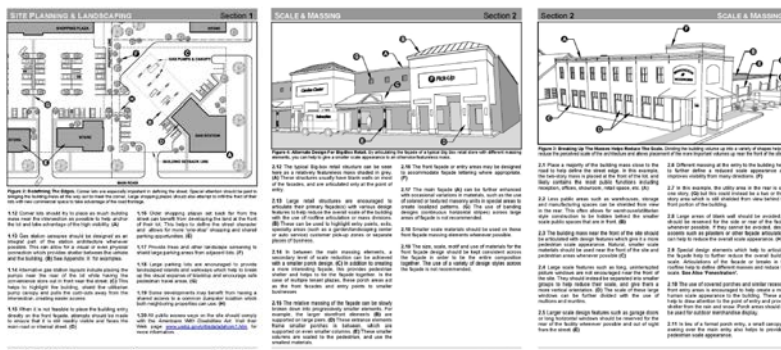


Figure 1: Sample Site Layout. The building is brought forward as close to the street as possible, with parking and other service tucked around the side and back. This helps to define the identity of the street and gives the business maximum public exposure.

- 1.1 The primary building entry should always be placed at the front of the building (facing the front lot line) and be clearly identifiable from the street. (A) In this example, an entry vestibule is created which faces the front, side and rear parking area simultaneously.
- 1.2 Parking should be placed at the side or rear of the lot and screened from view whenever possible. Break the parking areas up into groups of no more than 20 spaces per area (35 for large development projects) separated by landscaping areas. (B)
- 1.3 Place as much of the building width at the front of the lot as possible to maximize front facade exposure to the public. (C) The front facade should be kept
- 1.6 Provide sidewalks for the full width of the property with a direct link to the primary building entry. (F)
- 1.7 Loading docks, service areas and trash facilities should be located in the rear of the property and not visible from the street. (G)
- 1.8 Incorporate recommended designs into new site plan development whenever possible to reduce waste and salvage good shade trees. (H)
- 1.9 Minimize the amount of cut-outs by having a single driveway in and out of the property from the main road whenever possible. Secondary access points from side roads are encouraged on large



Outdoor dining and shops along the historic Kingston waterfront.

RF-R District Development Standards

City of Kingston, NY

The City of Kingston was looking to rehabilitate the former industrial lands along the Rondout Creek. This area of the city had great potential, and yet many of the properties were dormant with vacant or abandoned industrial buildings. Sensing a new wave of re-investment interest in the area, the city wanted to encourage redevelopment of the waterfront with attractive adaptive re-use of the properties.

Michael Allen was hired by the city to help write new zoning language which would help to protect the existing historic structures and promote new development which enhanced and harmonized with the setting.

The new zoning language worked with graphic illustrations to encourage adaptive re-use which retained the outside facades and rooflines of old warehouses and mills, and develop a shared parking arrangement which would loosen the need for large parking lots as well as other measures. It also included incentives and requirements for a multi-use path “promenade” which would connect all the attractions along the water as each property was developed.



Year Completed: 2005

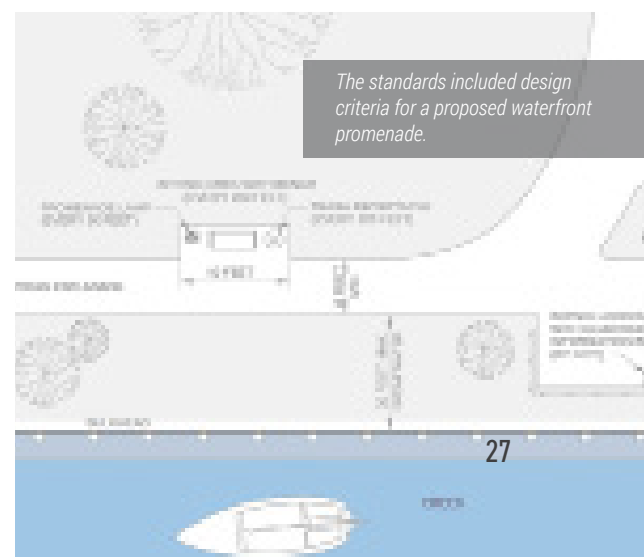
Prime: Michael Allen/Bailliere Consulting

Project Reference:

Suzanne Cahill

Planning Director, City of Kingston, NY

scahill@kingston-ny.gov (845) 334-3955



The standards included design criteria for a proposed waterfront promenade.

