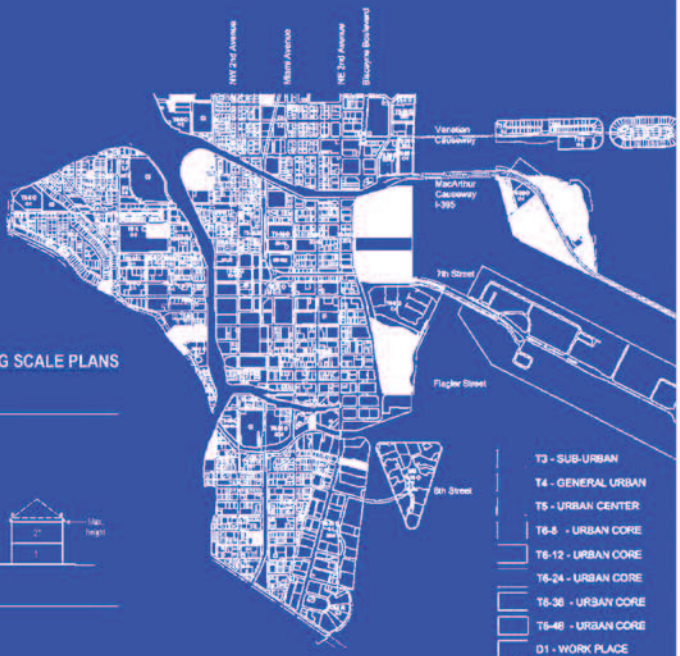
# INNOVATIONS IN ZONING for Smart Growth


## ARTICLE 5. BUILDING SCALE PLANS

BUILDING HEIGHT

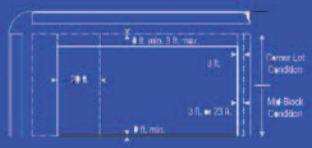
1. Building height shall be measured in number of stories, excluding a raised basement, or inhabited attic.
2. Each story shall not exceed 14 ft. clear, floor to ceiling.
3. Maximum height shall be measured to the eave or roof deck.


BUILDING DISPOSITION

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Buildings shall have facades along principal frontage lines and elevations along lot lines. (see Table 16E)

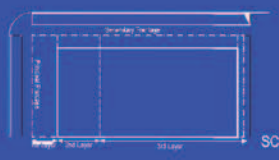

OUTBUILDING PLACEMENT

1. The elevations of the out buildings shall be distances from the lot lines as shown.




PARKING PROVISIONS

1. Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram (see Table 16D).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 16D).
3. Trash containers shall be stored within the 3rd Layer.

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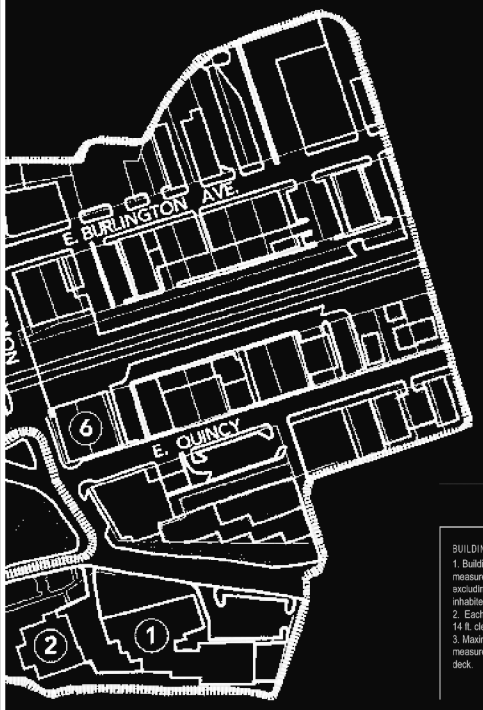


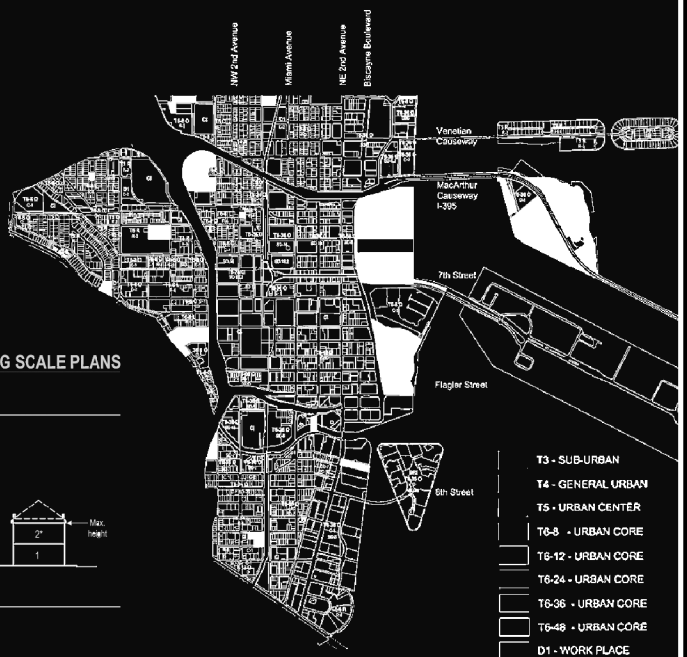


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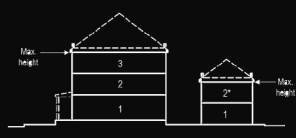


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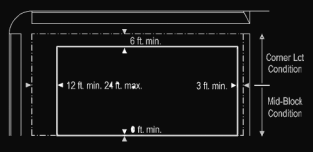


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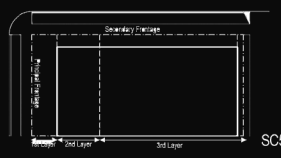


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Created in 1965, the Delaware Valley Regional Planning Commission (DVRPC) is an interstate, intercounty and intercity agency that provides continuing, comprehensive and coordinated planning to shape a vision for the future growth of the Delaware Valley region. The region includes Bucks, Chester, Delaware, and Montgomery counties, as well as the City of Philadelphia, in Pennsylvania; and Burlington, Camden, Gloucester and Mercer counties in New Jersey. DVRPC provides technical assistance and services; conducts high priority studies that respond to the requests and demands of member state and local governments; fosters cooperation among various constituents to forge a consensus on diverse regional issues; determines and meets the needs of the private sector; and practices public outreach efforts to promote two-way communication and public awareness of regional issues and the Commission.

Our logo is adapted from the official DVRPC seal, and is designed as a stylized image of the Delaware Valley. The outer ring symbolizes the region as a whole, while the diagonal bar signifies the Delaware River. The two adjoining crescents represent the Commonwealth of Pennsylvania and the State of New Jersey.

DVRPC is funded by a variety of funding sources including federal grants from the U.S. Department of Transportation's Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), the Pennsylvania and New Jersey departments of transportation, as well as by DVRPC's state and local member governments. The authors, however, are solely responsible for its findings and conclusions, which may not represent the official views or policies of the funding agencies.

DVRPC fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations in all programs and activities. DVRPC's website may be translated into Spanish, Russian, and Traditional Chinese online by visiting www.dvrpc.org. Publications and other public documents can be made available in alternative languages or formats, if requested. For more information, please call (215) 238-2871.

# Innovations in Zoning for Smart Growth

July 2007

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## EXECUTIVE SUMMARY

Starting in the early 20th century, zoning and other land use techniques have emerged as an adopted method for controlling growth and development. Zoning was initially intended to separate incompatible uses, such as industrial and residential sites. However, as zoning became universally adopted, and as it shaped the growth of the American suburb, planners identified flaws with the old, Euclidean method.

Euclidian zoning often does not allow for traditional types of development. It tends to promote sprawl and require auto-dependence, standing in the way of mixed-use development. Additionally, many municipalities' codes do not provide the flexibility to respond to changes in private market demand. These rationales have led municipalities to seek new zoning strategies appropriate for a modern context.

Many of these new strategies encourage "smart growth." This term refers to a development strategy that discourages sprawl and encourages infill and preservation. Smart growth development is often transit- and pedestrian-friendly. Smart growth, in the right form and the right location, can reduce the number of car trips and vehicle-miles-traveled (VMT) both locally and throughout the region, preserving the capacity of our transportation network. Smart growth encourages mixed-use development and the conservation of natural environments and open space.

Smart growth is still a relatively new concept, and changing the accepted ideas and practices of land use regulation and development will not be easy. However, it is clear that our old methods of use-based Euclidian zoning are no longer as relevant as they once were. Market forces and changing lifestyles provide the social, economic, and political support to make smart growth zoning both appropriate and feasible for the municipalities in our region.

A simple quick test of your community's smart growth readiness is to find the best street in your community, a place everyone would agree is great, then ask whether such a place could be built anywhere in your community today. Chances are the answer will be "no," as your current conventional zoning code does not allow it. Above all else, smart growth zoning's intent is to demystify placemaking.

A number of national, state, and regional organizations have focused on smart growth as a development strategy. National groups include the Environmental Protection Agency's Smart Growth Network, the nonprofit Smart Growth America, and the Congress for the New Urbanism. State groups include 10,000 Friends of Pennsylvania and NJ Future. Regional organizations include the Delaware Valley Smart Growth Alliance.

There are a variety of ways for municipalities to zone for smart growth. Some of the major methods include Transit-Oriented Development, Traditional Neighborhood Development, Inclusionary Zoning, Mixed-Use Zoning, Live/Work Zoning, Multimunicipal Zoning, and effective Agricultural Zoning, among others.

Adopting a form-based code is another way municipalities can zone for smart growth. Form-based codes create zones based not on land use, but rather on physical form. In contrast to conventional codes, form-based codes are typically very graphic-oriented.

The major sample form-based code available is the New Urbanist SmartCode. It is based on the transect theory, which includes an appropriate zone (and appropriate elements of urbanism) for each type of environment (e.g., urban, suburban, rural). Form-based codes have been already been adopted in a number of municipalities across the country.

Although there are currently no true form-based codes in the Delaware Valley, a number of municipalities have adopted some form of smart growth zoning, or are interested in form-based codes. In addition, a number of municipalities have adopted Traditional Neighborhood Development (TND) zoning. Various state and local agencies and organizations promote smart growth and provide resources to municipalities and developers. DVRPC promotes smart growth as a critical strategy for the region.

Ultimately, it is up to municipalities to decide to adopt a smart growth agenda and codify it through smart growth zoning techniques. Successfully adopting such an approach relies on a strong element of public participation and comprehensive planning.

## INTRODUCTION

Smart growth is a concept that has been around for decades, though the term "smart growth" is relatively new. It is an approach to development that reduces sprawl, conserves natural environments, utilizes existing infrastructure, revitalizes growth centers, and encourages walking, biking, and transit. It is a strategy endorsed by the state governments of Pennsylvania and New Jersey, as well as DVRPC.

Recently, market demand in the region has shifted, showing a desire for more residential options than may be permitted under current zoning. Older suburbs have sought new ways to revitalize their core areas, and rural municipalities have been challenged by development pressures on their farmland and open space. State departments of transportation increasingly seek smart growth commitments at the municipal level to assure ongoing capacity for their transportation improvements.

At the same time that municipalities are seeing the need for a smart growth approach, they are challenged by the fact that conventional zoning codes make such development very difficult to permit. This is the rationale for smart growth zoning: a need for development patterns not permitted through existing land use regulations. The solution is a set of strategies that codify a smart growth approach and encourage different types of development opportunities.

To respond to the flaws in existing codes and shift in market demand, some municipalities in the region have implemented some forms of smart growth zoning: planned unit development or traditional neighborhood development overlay zones. Others have struck a balance between the rural and developed environments through transfer of development rights. Overall, however, the region can go much further in encouraging smart growth through its land use regulation tools.

This report investigates the root flaws in conventional zoning codes and lays out a variety of adopted approaches for codifying smart growth principles. Its goal is to serve as a guide for municipalities looking for tools and resources to help them find zoning solutions that promote a smart growth agenda. The most significant smart


Washington Town Center in Washington Township, Mercer County, NJ, is an example of a municipality using zoning to facilitate smart growth development.
*Credit: DVRPC*

growth zoning tool is the adoption of a "form-based code." No municipality in the region has a true form-based code; however, it is a tool that could greatly benefit our region.

Smart growth zoning means a shift in values and priorities. It means understanding the long term benefits of smart growth development on quality of life, the environment, our transportation network, economic development, and regional competitiveness. If implemented properly, smart growth zoning can be a valuable tool, benefiting both individual municipalities and the long-term goals of the entire region.

DVRPC has recently established an Office of Smart Growth to study and report on smart growth approaches, and to bring a smart growth focus to the range of DVRPC's planning work. In addition, DVRPC has recently carried out several smart growth-related studies and reports. These include:

- *New Regionalism: Building Livable Communities Across the Delaware Valley* (1999)
- *Realizing Density: Strategies for Compact Suburban Development* (2004)
- *Smart Transportation Solutions for Communities in Pennsylvania and New Jersey* (2007)
- *Corridor Planning Guide : Towards a More Meaningful Integration of Transportation and Land Use* (2007)

# CHAPTER 1:
## BACKGROUND AND SMART GROWTH PRINCIPLES

Downtown Haddonfield, New Jersey, is a strong example of a smart growth community, with mixed-use, pedestrian-friendly development, enabled by special zoning districts.
*Credit: DVRPC*

## Evolution of American Land Use Regulation

Zoning is a system of land use regulation that has evolved significantly over the course of the 20th century. Prior to legislated zoning regulations, land use decisions were often guided by an unwritten rule of compatible uses. New York adopted the first zoning regulations in the U.S. in 1916 in order to regularize compatibility procedures, in light of new skyscraper proposals seen as undesirable and out-of-place by surrounding communities. New York's code was fairly simple, establishing height and setback regulations, and creating residential districts.

Edward Basset, one of the authors of New York's code, spearheaded a committee appointed by then U.S. Secretary of Commerce Herbert Hoover, to draft the Standard State Zoning Enabling Act under which municipalities may adopt zoning regulations. The Act was printed in 1924, with an updated edition in 1926. It had nine sections, including a grant of power, allowing the creation of districts, establishing purposes, and laying out methodology for establishing, changing, and enforcing zoning regulations. In 1927 the Standard City Planning Enabling Act was released, and together these documents became widely known as the Standard Acts, which were adopted by most states.

Most state zoning regulations allowed for home rule and local enforcement of zoning codes. Most adopted Euclidean zoning, still the predominant form in the U.S., which creates geographic zones based on common usage (residential, commercial, industrial, etc.). Euclidean codes may permit different classes of uses, with some flexibility for mixed-use functions. Euclidean zoning is named after the landmark 1926 U.S. Supreme Court case Village of Euclid, Ohio v. Ambler Realty Co., in which the court set a precedent for local zoning enforcement over a challenge by a private company that viewed the new zoning as an illegal taking.

Over time, Euclidean zoning was amended and altered, and new forms of land use regulation came into practice. In 1957 Chicago became the first city to use incentive zoning, encouraging developers to provide public plazas by rewarding them with increased building densities. New York followed in 1961, creating a more comprehensive incentive system that rewarded developers for creating street-level amenities and protecting special-use districts. Today, many cities have some form of incentive zoning on the books.

In 1949, Georges County, Maryland was the first to institute what became known as a Planned Unit Development (PUD), which allows developers to plan and develop a large area as a single entity, with the design flexibility to mix land uses, housing types, and densities, and to phase developments over a number of years. PUDs typically merge zoning and subdivision controls to allow such flexibility. PUDs are generally negotiated on a project-by-project basis. PUDs can be floating zones, overlay zones, a new by-right district, or authorized as a conditional use or by special permit.

PUDs were widely used in post-WWII planning, as the foundation for master-planned communities like Levittown and Park Forest, Illinois. Today, many state planning codes allow for PUDs or similar concepts that permit large-scale, mixed-use development, created with a guiding unified plan, though the term "PUD" can be negatively associated with conventional suburban development. PUDs, in some ways, are the precursors to today's Traditional Neighborhood Development (TND) Zoning and Unified Development Codes, discussed later in this report.

As described in the next section, changing community preferences and development growth trends have created challenges to Euclidean zoning. Today, concerns regarding sprawl, environmental impacts, and quality-of-life issues have driven developers, planners, and municipal officials to explore new concepts for zoning and development.

## Problems with Conventional Zoning Approaches

As discussed in the previous section, zoning has changed to accommodate and respond to new forms of American urban and suburban growth patterns. Strategies, such as incentive zoning and inclusionary zoning, are examples of new applications of land use regulation, giving zoning a larger impact on the public realm, and utilizing it as an agent for ensuring social equity. Smart Growth Zoning is the latest movement in attempting to shape and refine the concept of zoning to continue to serve its original purposes, while accommodating modern community needs and building types across

the American landscape. The zoning strategies classified as smart growth are generally a response to failings in Euclidian codes, which have proven counterproductive to growth patterns and community preferences.

Initially, a Euclidean approach was effective in protecting residential communities from undesirable uses, such as industrial facilities. However, Euclidean zoning does not easily adapt to the kinds of land use patterns that have recently emerged in the U.S. Euclidean zoning does not do well at establishing mixed-use environments—the kind traditionally found in many urban areas, older towns, and suburbs, with a mix of housing, office, and commercial space. Additionally, it does not hold much flexibility when existing areas change in usage (for example, when developers convert an old, industrial area to residential and commercial uses).

In the suburbs, many municipalities' Euclidean codes establish wide tracts of residentially-zoned properties, without allowance for higher-density growth or the incorporation of commercial and retail uses. In this way, Euclidean zoning promotes sprawl and encourages low-density residential development with businesses laid out in shopping centers, disconnected from other uses. This kind of development pattern requires large areas of land to accommodate separated residential development, and necessitates a heavy reliance on automobile travel with long commutes. Euclidean zoning not only allows such growth patterns but mandates it, providing communities and developers little flexibility to design different types of living environments.

Euclidean zoning has also proven ineffective at responding to changes in consumer preference. Many suburban communities view zoning as a useful tool for protecting residential areas and ensuring that new development is appropriate for its context. However, many of these same municipalities have zoning codes that do not promote the type of growth that their residents would support. Existing codes have forced communities and developers to look for outside options facilitated by smart growth-enabling legislation like PUDs or TNDs.

As land use patterns changed, municipalities have amended their codes, adding overlay districts, new zones, and classifications. Many codes have become much longer than their original versions, often becoming complicated, difficult to use, and clumsy when followed. These problems frustrate developers and make it difficult for all parties to comprehend and apply the code.

Euclidean zoning codes mandate single-use zones, they encourage sprawl, they often do not respond to actual emerging growth trends, and they can become confusing and difficult to use. For these reasons, a number of municipalities have already adapted or rewritten their codes to incorporate smart growth principles. The next section will look at the kinds of strategies that exist to promote smart growth and flexibility in zoning codes.

## What Is Smart Growth?

Smart growth describes an approach to land use planning that promotes a concentration of development and diversity of uses. The term encompasses a number of existing planning concepts and zoning capabilities, generally meant to counteract single-use zoning, suburban sprawl, separation of residential and commercial centers, and an automobile-dependant lifestyle. Smart growth is a broad and flexible concept that has been utilized by planners and urban designers across the country, in a variety of capacities and different settings, from older urban areas to new suburban subdivisions.

Planning practitioners have used smart growth with the intent of reducing sprawl, preserving open space, and focusing development around concentrated main streets and mixed-use communities. Smart growth often encourages the revitalization of existing urban centers and brings new life to older communities, as opposed to greenfield development. However, it can also be applied to new communities, in which smart growth promotes a form of development that mirrors elements found in traditional small towns and cities. These elements include mixed-use development, main streets and town centers, a grid street layout, diversity of housing types, a focus on human-scale and street-level uses, and an overall emphasis on walking and mass transit.

When properly implemented, smart growth can be a fiscally responsible development pattern, with lower costs for individual units and public utilities. Smart growth is environmentally sound, encouraging brownfield redevelopment, preserving open space

by concentrating development, and reducing emissions by promoting mass transit and walkability. Smart growth is sometimes promoted as a socially conscious strategy, calling for a diversity of housing types, and encouraging inclusionary zoning practices. Finally, some proponents of smart growth tout it as a strategy for returning communities to a traditional American identity, preserving elements like small town main streets, allowing children to walk to school, and promoting a sense of "front porch" interaction.

## Smart Growth Principles

Smart growth is a broad term with a variety of different applications and groups promoting its use. For this reason, different groups, individuals, and municipalities define smart growth in a broad array of contexts, and use its set of tools toward vastly different ends. Below are some of the major concepts that have become adopted as the foundation for smart growth:

### Antisprawl

Many proponents of smart growth describe it as an antisprawl strategy, encouraging a renewal of existing communities, utilization of existing infrastructure capacity, and a concentration of higher-density development in new communities. Smart growth grew out of a response to conventional post-WWII suburban developments with single-family tracts, large yards, and dead end and cul-de-sac streets.

### Infill and Preservation

Smart growth proponents often encourage the adaptive reuse of buildings and the revitalization of existing cities and towns. In this way, many preservation groups have adopted smart growth, promoting it as a strategy to save our historic structures and restore our traditional contexts.

### Mixed-Use Development

Many groups, developers, and municipalities have adopted smart growth as a means toward achieving mixed-use development. Smart growth often seeks to encourage growth as found in existing urban areas and small towns, including ground-floor retail with offices or housing above. Smart growth has become a tool to combine uses and oppose single-use development and zoning practices.

### Land and Resource Conservation

Smart growth has been adopted by a number of conservation and environmental organizations, looking to preserve farmland and natural resources. Land use regulation has been used for years to preserve open space in land trusts or through deed restrictions. Strategies like transfer of development rights (a smart growth zoning technique described later) create a perfect mix of open-space preservation and concentrated growth in existing centers.

### Brownfields and Remediation

A number of programs have existed for years to finance brownfield remediation and predevelopment costs. Developing on brownfields reuses an existing site and promotes adaptive reuse of land and structures. The environmental and land use impacts of reusing formerly contaminated sites can be seen as promoting smart growth goals, and for this reason remediation has been adopted by some groups as an important element and strategy in a smart growth agenda.

### Walking, Bicycling, and Transit

Often, smart growth is used to promote walkable, centralized communities. This translates into easily walkable streets and bicycle facilities. A major type of zoning for smart growth is transit-oriented development, which focuses development around transit hubs. Groups that promote mass transit have adopted smart growth as a development concept that encourages accessibility and enhanced transit use.

### Affordable/Work Force Housing

Successful smart growth development includes a variety of housing types, affordable at a variety of income levels. The opportunity for everyone who works in a community to also live there is an important element of building diverse, vibrant places. A number of municipalities across the region have implemented inclusionary zoning policies, with developer incentives, in order to promote or require mixed-income housing.

### Community Design/Public Process

Smart growth promotes the concept of community design, developed through a hands-on public process, such as a charrette.

## The Rise of New Urbanism

New Urbanism is a planning and land use movement in the U.S. started in the late 1980s by a group of planners and architects, including Andres Duany and Elizabeth Plater-Zyberk. The work of the New Urbanists is largely advanced by the Chicago-based nonprofit Congress for the New Urbanism (CNU). New Urbanism was created with the goal of "reform[ing] all aspects of real estate development" and promoting building forms that echo the ideals of older urban areas-concentrated, walkable, mixed-use communities.

New Urbanism has influenced a variety of settings, but has had its greatest impact in planning new communities, such as Florida's Seaside and Celebration. Additionally, New Urbanism has had significant impact in shaping the federal Hope VI Program that supported the redevelopment of high-rise public housing projects into lower-density, mixed-income communities.

## Smart Growth Developers

Successful smart growth relies on municipal, county, and state governments that adopt and promote a set of principles. It also relies on private developers to realize the market demand and cost savings of a smart growth approach. A number of developers nationally and locally have embraced smart growth, either building successful urban infill development or suburban traditional neighborhood developments (TND). These developers have identified a residential and retail market for this type of development, and have often worked with municipalities to create new zoning to permit this type of growth.

In the Delaware Valley, Arcadia Land Company is one of the most notable TND developers. The company's principals and partners are established names in New Urbanism, having designed communities in Florida (notably Seaside), New Mexico, and Missouri. Arcadia's recent work has focused on TND communities in suburban Philadelphia, such as Sadsbury Park and New Daleville, both located in Chester County. Arcadia has worked with municipalities to create TND zoning, allowing dense, walkable communities with traditional building forms. Arcadia creates the overall community design, then works with outside home builders to construct the buildings.

A site plan of Sadsbury Park, a Traditional Neighborhood Development to be built by Arcadia Land Company in Sadsbury Township, Chester County, PA.
*Credit: Arcadia Land Company*

The Exton-based Hankin Group is now well known for its Eagleview development in Chester County, which is a very large TND combining hundreds of acres of housing, retail, and office space.

In southern New Jersey, Sharbell Development Company has been a leader in TND communities, with its most significant project being Washington Town Center in Washington Township, Mercer County.

In contrast, Westrum Development has adopted an urban model of smart growth, tapping into the Philadelphia infill residential market. With projects like Brewerytown Square and Hilltop at Falls Ridge, Westrum has constructed rowhouse communities in the midst of existing urban neighborhoods, capitalizing on the surrounding mixed-use environment and amenities.

It is important to note that developers must often take the lead in proposing TND and then urging the municipality to update their zoning ordinance to allow it. It would be more effective (and more ethical) if a municipality proactively updated its zoning, rather than waiting for parcel-by-parcel requests to rezone in order to allow traditional neighborhood development or infill. Form-based codes in particular allow a community to establish upfront what type and form of development they want, rather than waiting to react to development proposals.

# CHAPTER 2:
## ZONING FOR SMART GROWTH

Lower Merion Township, Montgomery County, PA has used a number of zoning elements to ensure smart growth development in Ardmore, balancing historic development (above along Lancaster Avenue), with infill development (below Suburban Square). Lower Merion's recent MUST ordinance is one of the most progressive measures in the Delaware Valley Region to promote smart growth, design controls, and transit-oriented development.
*Credit: DVRPC*

## Codifying (Zoning) Smart Growth

Smart growth principles were reviewed in Chapter 1. There are many ways to implement these principles, and this chapter (and the overall study) focuses on the use of zoning to apply smart growth. As previously discussed, conventional zoning often works against the principles of smart growth. This study seeks to introduce new types of zoning to communities in order to encourage them to adopt zoning that produces smart growth. Zoning is the primary tool communities can use to prescribe smart growth.

Before a community can change or adapt its zoning, the community's comprehensive or master plan must state the community's overall vision and goals. The comprehensive or master plan provides the rationale and context for any changes in zoning. Sometimes updating the plan is needed to provide the new rationale.

The comprehensive or master plan and the zoning ordinance must be coordinated and ideally updated together, as they work hand in hand. A comprehensive or master plan states a community's goals and aspirations, but without coordinated zoning it will not be able to affect change in new development. A zoning ordinance without the rationale stated in the comprehensive or master plan can be legally challenged. Many communities update one or the other, but not both, leaving the door open for development that is not smart growth, or the potential for legal challenge to their zoning ordinance.

There are generally two types of zoning: either by-right zoning, or overlay districts. The smart growth zoning districts described below can be either by-right or overlay, depending on what the community wants.

**By-Right Zoning:** If development is built by-right, it means that it does not need to conform to criteria of an overlay district, and does not require a variance. It needs to only conform to the elements of the base zoning code. Smart growth can be codified for by-right zoning by changing the base zoning through the drafting of a form-based code, or by incorporating smart growth criteria into existing zoning classifications.

**Overlay District:** An overlay district is a special set of classifications that modify the base code for a particular geographical area. Overlays primarily relate to more intensive uses than the base zone, but can also include revised development standards. When building in an overlay district, developers must conform to the base code, as well as to the specifications of the overlay. A number of smart growth techniques can be codified through the creation of an overlay district which modifies the type of development allowed or encouraged for specific areas while not altering the underlying zoning code.

## Incentive Zoning

By-right or overlay zones can include incentives (often called incentive zoning) to reward developers for including some element that is beneficial for the public good, such as open space or affordable housing. A common incentive to the developer is a density bonus over what the existing zoning allows. Other types of incentives include fast-track permitting, development fee waivers, and tax abatements. The smart growth zoning techniques discussed in this chapter can all contain incentives if a community chooses.

A number of major cities and suburban municipalities use some form of incentive zoning. Chicago, New York, and Philadelphia provide developers with a density bonus (increase in allowable floor-area ratio) for creating public amenities like open plazas, arcades, and park improvements. Boston provides a density bonus for developers opting into a "large project review" process. Seattle and San Francisco offer density bonuses for developers building a certain number of affordable housing units. Washington D.C. affords a bonus for historic preservation.

It is important to note that the smart growth zoning techniques listed represent partial approaches to changing a community's zoning to apply smart growth principles. These represent initial steps on the way to changing an entire community's zoning ordinance. A more comprehensive approach is adopting an entirely new form-based code, discussed in Chapter 4.

Conceptual plan for TOD around the Princeton Junction train station, as part of New Jersey's Transit Village Initiative. The design consultant for the project is Hillier Architecture.
*Credit: Township of West Windsor*

## Transit-Oriented Development (TOD) Zoning

Transit-oriented development (TOD) is a term used to describe intensified, mixed-use, pedestrian-friendly growth intentionally concentrated around a transit facility. The transit facility can be rail or bus, though generally rail, given its fixed nature, is more commonly associated with TOD. TOD encourages moderate-to-high-density residential uses and can be either new construction or redevelopment. Buildings are designed and oriented to facilitate transit usage. While the automobile is accommodated, bicycle and pedestrian paths are given equal importance to encourage multimodal access.

A TOD Zoning district can be either by-right or overlay. The TOD district should permit uses that are transit supportive and not allow uses that are not transit supportive. Transit-supportive uses include those that cater to convenience goods and service needs of residents, employees, and transit station users. Uses that entertain or create activity on the street, or attract day and night activity, are all transit supportive, such as movie houses or professional theaters, sidewalk cafes, and other arts venues.

### Transit-Supportive Uses

- Single-Family and Two-Family Residential (depending on density and arrangement)
- Townhouses
- Multifamily Residential
- Elderly Residential
- Retail
- Restaurants and Bars
- Bakeries
- Gourmet Food Stores
- Food and Beverage Sales
- Toy Stores
- Personal Services
- Banks
- Travel Agencies
- Day Cares
- Movie Theaters
- Offices
- Government Offices
- Cultural Institutions
- Hospitals and Medical Offices
- Schools
- Hotels/Bed and Breakfasts
- Clubs and Lodges
- Churches
- Light Industry/Employment

### Nontransit-Supportive Uses

- Cemeteries
- Animal Boarding
- Funeral Homes
- Auto Repair Shops
- Gas Stations/Car Wash
- Vehicle Storage
- Warehousing
- Self Storage
- Large Manufacturing Operations
- Big Box Retail

*Source: DVRPC, 2007*

Land uses that should be prohibited include those that do not produce many trips, or require large setbacks or very large tracts of land, such as warehousing or industrial facilities. The above box contains a list of those land uses that are generally transit-supportive and those that may not be. It is important to note that some of the nontransit-supportive uses could be transit supportive, such as

big box retail and gas stations, if designed urbanistically, with shallow setbacks, pedestrian street frontages, sidewalks, and structured parking.

TOD districts often require mixed-uses within the same building and should not prohibit such an arrangement. TOD districts should also contain reduced parking and/or shared parking requirements. Residential densities should be high enough to support transit viability (at least 6 dwelling units per acre). A minimum residential density should be established, rather than only having maximum densities. Design guidelines or bulk standards should be included that allow buildings to be built close to the street and provide sidewalks.

While a community can adopt a specific TOD district near the community's transit station (usually a ¼ mile to a ½ mile radius surrounding the station), a community might also review all of its zoning districts for the encouragement of TOD. A community might want to encourage higher densities in all of its residential districts, to support transit viability, for instance.

One local example of a TOD zoning district in the region is the Mixed-Use Special Transit Overlay Zoning District (MUST) in Lower Merion Township. Lower Merion's MUST was created to promote TOD in commercial districts within proximity to SEPTA's R5 and R6 regional rail stations. The MUST creates incentives such as relaxed dimensional requirements and eased parking requirements, including a shared parking provision. It also provides incentives for creating open space and providing affordable residential units. The design standards within the MUST include street-wall development, building height parameters, off-street parking restrictions, adherence to architectural and historic context, and pedestrian-friendly development. In addition, the MUST was subsequently amended, providing two tiers of density bonus for inclusion of affordable housing, public gathering space, a developer fee, or a historic façade easement.

In New Jersey, there are currently 17 municipalities that have been granted Transit Village status, giving their TOD efforts State endorsement, priority funding for certain State programs, and access to certain grant dollars. These efforts also may result in new TOD zoning districts.

## Transit Revitalization Investment Districts (TRID) Zoning

Pennsylvania's Transit Revitalization Investment District Act (Act 238 of 2004) authorizes the creation of Transit Revitalization Investment Districts (TRIDs). A TRID can be created surrounding a transit station to enable the financing of improvements in the station area that promote transit-oriented development. It is similar to a tax-increment financing (TIF), whereby a municipality is able to float a bond to finance station area improvements by using property tax increments in the defined district to repay the bond issue. TRIDs must be created through a partnership between local governments, transit agencies, and the private sector to achieve transit-oriented development, redevelopment, and community revitalization. The Pennsylvania Department of Community and Economic Development administers a TRID Planning Grant program that offers grants to municipalities to create a TRID plan, including transit-oriented zoning.

## Traditional Neighborhood Development (TND) Zoning

Traditional Neighborhood Development (TND) generally describes a mixed-use community that is walkable and compact, with residential, retail, office, and civic buildings in close proximity to one another. TNDs may or may not include a transit connection. TND is based on traditional small town and neighborhood development principles.

TNDs generally include a range of housing types such as townhomes, duplexes and fourplexes, carriage homes or other accessory units, and senior housing, beyond just the single-family detached house common in many suburban communities.

TNDs provide a variety of options for walking, bicycling, and taking transit, and include an interconnected street pattern (rather than cul de sacs), often with alleys. Streets are usually more narrow than conventional suburban development (usually 20 to 36 feet wide) and have lower design speeds (usually 20 mph), and on-street parking is preferred with those spaces counted in minimum parking requirements. Curb radii are generally smaller to allow easier pedestrian crossings of streets. Blocks are shorter, creating multiple routes

Lantern Hill is a TND in Doylestown Borough, Bucks County, built by Granor Price Homes. Although it is a new community, it replicates a small town feel, with walkable streets, rear-access alleyways, traditional architecture, shallow setbacks, and a pedestrian bridge connecting the development to a nearby shopping center. 10,000 Friends of Pennsylvania awarded Lantern Hill its Commonwealth Design Award in 2004.
*Credit: DVRPC*

through the community. Sidewalks are required and are usually wider (5 feet) than most conventional subdivisions (4 feet, if provided), and they are parallel to the street, not undulating like some conventional developments.

TNDs are built at a human scale, with special care given to the heights of buildings, the design of streetscapes, walking distances, and the importance of including parks and civic spaces within the neighborhood. There is usually no minimum building setback (which allows buildings to be built to the street) and there may be a building setback maximum (which discourages buildings placed too far from the street edge). TNDs acknowledge that the street is the preeminent form of public space, and buildings are expected to honor the street and define the space.

Often times TNDs also employ neotraditional and/or vernacular architecture, with homes designed with front porches, pitched roofs, eaves, and cornices, for example, though a TND does not require a certain architectural style. What is required is an urban code that makes these buildings and the space they occupy function in an urban way. This is an important distinction, as sometimes TNDs are criticized as being a romanticized version of some past that never existed, and appear too "Disney" for some tastes. Rather than municipalities or developers regulating style (which they can do if desired), the TND district should regulate urban form, so a TND can have one style (be it modern, neocolonial, craftsman bungalows, Victorian) or a variety of styles, without sacrificing the basic building blocks and standards of good urban form.

TND ordinances usually derive from the concept of the PUD; they enable developers to design for a large geographic tract, unconstrained by the underlying zoning. PUDs usually allow each district to be developed individually, often working in concert with local planners. TNDs, in contrast, often include a more in-depth set of design guidelines focused on the specific look and feel of community building. TNDs may limit developers' flexibility in the final design more than PUDs, but they ensure an emphasis on smart growth development patterns.

TNDs generally are used in the same way as PUDs: to provide municipalities with flexibility to shape more progressive design than allowed in their restrictive zoning codes. TND ordinances tend to be more applicable for new communities than for existing ones; however, there are notable exceptions where older suburbs and urban areas utilized TND ordinances to structure historic preservation and infill development in a built-out corridor. In some cases, municipalities have used a TND ordinance to structure a very large-scale development (100 acres and up).

A number of states and municipalities have written and legislated formal TND ordinances into their planning and zoning enabling acts. The Pennsylvania Municipalities Planning Code (MPC) includes enabling legislation for TND (Article VII-A: 2000), as well as Planned Residential Development (PRD in Article VII, concept is the same as PUD). In New Jersey, the standard concept for creating large-scale, single-developer, mixed-use, traditional neighborhood development is through a PUD.

Applications of TND vary widely throughout the region. For example, the city of Coatesville in Chester County created three separate TND overlay districts, in order to structure urban redevelopment and infill. West Bradford Township, Chester County, created two TND overlay districts to encourage sympathetic development in a historic context. The township created an accompanying Manual of General Design Guidelines. All development applicants must go through a design review process.

Skippack Township, Montgomery County, adopted an outright TND zoning district, in which T.H. Properties is building Biltmore Estates. Perhaps the

most well-known TND in the region is Eagleview in Upper Uwchlan Township, an 800-acre mixed-use community developed by the Hankin Group. Other examples of prominent TNDs include New Daleville in Londonderry Township (Chester County), Sadsbury Park in Sadsbury Township (Chester County), and Woodmont in Lower Merion Township (Montgomery County), all developed by Arcadia Land Company.

As mentioned earlier, New Jersey does not have statewide enabling legislation specifically for TND; however, some municipalities have enacted special zoning districts that resemble the types of land use regulations specified in TND. Washington Town Center in Washington Township, Mercer County, is one of the best-known examples of smart growth development in the region, developed by Sharbell Development Corporation. Washington Township's code establishes general policy statements outlining smart growth principles and four Town Center zoning districts (TC-1 through TC-4) with provisions for residential and commercial mixed-use development.

## Mixed-Use Zoning

Some communities may want to adopt a Mixed-Use Zone that is distinct from a PUD, PRD, or TND, as TNDs are generally used for large scale new development, while a stand-alone Mixed-Use Zone would work for an already urbanized area. Examples of where this would be appropriate might be a suburban commercial area that the municipality wants to evolve into a walkable shopping district with residential uses. A community might adopt a Mixed-Use Zone in an older area of town that is already mixed-use (these uses already "grandfathered" in), but is threatened by infill or redevelopment that is auto-oriented. Mixed-Use Zones generally require:

- A mixture of uses, often reserving street-level shopfronts for retail or services, with offices or residential uses above
- Multistory construction
- Short block lengths, to encourage walking
- Narrow storefront widths, to encourage small scale stores (though a market analysis should be performed to determine retail demand and appropriate sizes of retail spaces)
- Shared parking between residents, shoppers, and business owners, so as to not oversupply parking
- On-site parking behind buildings, in garages, and/or on the street, to discourage large surface parking lots in front of stores, which detract from walking experience (also, on-street parking spaces can often be counted in parking requirements)

## Live/Work Zoning

Some communities have adopted live/work zoning, promoting a different type of mixed-use. Live/work zoning differs from zoning to allow for home office occupations. The latter allows home offices and small businesses operating out of a residential property. Live/work, in contrast, zones for structures that combine a significant amount of floor space for residential and business use. The most commonly referenced type of live/work space is an artist loft, in a converted warehouse building. However, live/work is a flexible term that provides for a variety of mixed-use structures for a variety of business types and income levels. Often artists are the target population for such housing, though this is changing, as more professionals see the potential for generating income on site and shortening their commute. For example, live/work spaces may be appropriate for art and music studios, galleries, healthcare and law practices, accounting and financial services, information technology services, architectural and engineering services, graphic design, small-scale retail, catering, and day care.

Some cities have created live/work zoning for underutilized industrial or commercial districts, or some cities allow live/work in all zoning districts.

Haddonfield New Jersey is an example of a municipality with a mixed-use zoning district, ensuring a balance of retail, residential, and recreational uses all within walking distance.
*Credit: DVRPC*

Common issues to resolve in live/work zoning include customer parking, hours of operation, number of employees, signage, and some restrictions on the types of businesses.

## Conservation Design Zoning

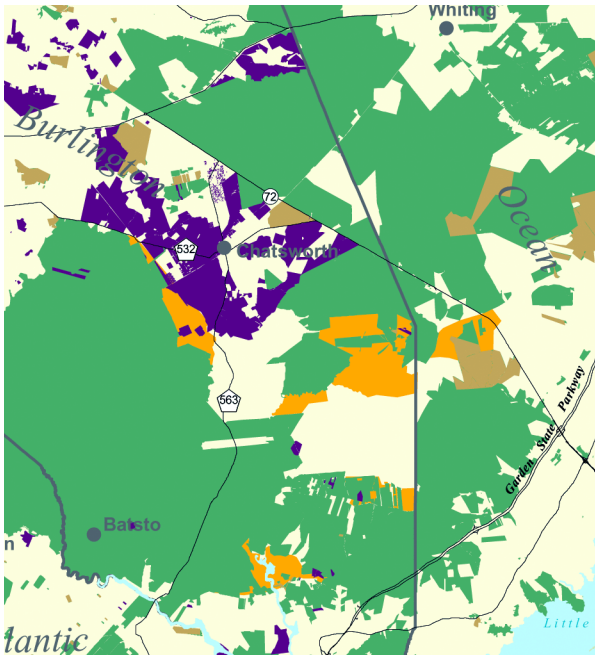
Conservation design is the practice of planning residential communities that preserve open space without reducing the overall density of an area's built environment. To achieve this goal, homes are arranged on a site in a manner that allows at least half of the parcel's total land area to be set aside as common open space. This practice of designing with nature helps ensure the protection of environmental, historic, and cultural resources that often do not survive the development of more conventional subdivisions.

Unfortunately, the application of conservation design does not comply with the zoning, subdivision, and site plan review codes currently in place in most municipalities. To address this issue, DVRPC and the Natural Lands Trust are working with communities located throughout the Delaware Valley to draft and implement conservation design ordinances. (While the Natural Lands Trust has drafted codes for several Pennsylvania municipalities, most of DVRPC's work in this area to-date has taken place in New Jersey.)

Corridors located in outer suburban and semirural areas are often proximate to large parcels of undeveloped land. As the demand for new housing increases in these places, local governments may be asked to approve large-scale subdivision plans that pay little heed to existing environmental resources. Recommending the adoption of conservation design ordinances in growing communities can help strike a balance between rising development demand and shrinking supplies of open space.

## Effective Agricultural Land Zoning

There are a number of zoning techniques targeted at preserving large-scale agricultural land and preventing sprawl from eating up commercial farmland. Farmland should be protected, as should environmentally sensitive areas. Conflicts can arise when new subdivisions are built too close to working farms, sometimes yielding lawsuits over noise, dust, and groundwater seepage.




Above is a segment of the New Jersey Pinelands Permanent Land Protection map. The green area is publicly-owned open space and the purple shows transfer of development rights (TDR) areas.
*Credit: New Jersey Pinelands Commission, 2003*

Effective agricultural zoning limits nonfarm-related uses in agricultural zoning districts and also zones for very large minimum lot sizes. In the New Jersey Pinelands Comprehensive Management Plan, for example, new nonfarm related housing is limited to one dwelling per 40 acres.

Sliding Scale Zoning is a type of agricultural preservation zoning that regulates the amount of nonfarm development by the size of an agricultural parcel. A greater density of development is permitted on small parcels with less potential for major agricultural uses, while such density is not permitted on large parcels that contain major active/commercial farms.

Protecting farmland can also be accomplished through a transfer of development rights (TDR) program, which transfers development rights from farms into more dense areas where development is appropriate.

## Habitat- and Species-Specific Zoning

Though not as common as other zoning techniques, zoning can protect critical and sensitive habitats and species, once these are specifically identified by

municipalities. Human settlement and land use changes have led to biodiversity loss and some species becoming threatened or endangered. Climate change may also have significant effects on habitats and species in the future. According to the American Planning Association, land use changes that have caused habitat loss are associated first with the expansion of agriculture, and second with the expansion of urban areas and infrastructure.

Communities should first gather data from various sources to aid in identifying sensitive habitats and species, and map these critical areas. Data sources include:

- The National Heritage Program (www.cr.nps.gov/heritageareas) provides data on rare, endangered, or exemplary species (plants and animals) or ecosystems.
- GAP analyses supplement the data found in the National Heritage program by identifying gaps in the protection of species and ecosystems, and hot spots of biodiversity and species richness. GAP analyses are generally performed by research centers, universities, and state and federal agencies.
- The U.S. Fish and Wildlife Service (www.fws.gov) and the National Marine Fisheries Service (www.nmfs.noaa.gov) prepare habitat conservation plans and recovery plans, and keeps data on federally listed threatened and endangered species. The U.S. Fish and Wildlife Service also maintains a National Wetlands Inventory which collects data on the characteristics, extent and status of wetlands and deepwater habitats.
- The National Atmospheric and Oceanic Administration (www.noaa.gov) provides data on land cover change, habitats, and species in coastal zones.
- The U.S. Geological Survey (www.usgs.gov) provides data on daily stream flow conditions, flooding and high water flows, earthquakes, and groundwater.
- The Nature Conservancy (www.nature.org) has developed ecoregional plans for many areas of the country.
- The state of New Jersey (www.njconservation.org) has also mapped conservation areas.
- DVRPC offers New Jersey municipalities a program of services, the Open Space and Natural Resource Planning Program (www.dvrpc.org/planning/environmental/municipal.htm) through which a municipality can conduct significant planning to protect its important environmental resources. Natural Resource Inventories (NRI) can be completed on a contract basis with DVRPC. NRIs include descriptions, tables, and maps of land use; soils; steep slopes; drinking water aquifers and wells; surface waters, including watersheds, streams, lakes, wetlands, and floodplains; impacts on water resources; vegetation, including forests and grasslands; animal communities; threatened and endangered species; Heritage Priority Sites; and known contaminated sites.

Once the data is mapped and analyzed, habitat and species-specific zoning (sometimes called “sensitive area zoning” or “critical area zoning”) can be used to protect species and habitats through controlling land uses, densities, performance standards, and design. Such zoning can be by-right, but more commonly is an overlay district. The zoning standards should be tailored to each community’s specific situation. Sensitive area zoning districts can protect land that has significant wildlife or habitat, with flexible residential densities, oftentimes lower or clustered to protect portions of land.

Density bonuses are often given to developers who protect sensitive lands, to encourage them to build elsewhere. Sensitive area zoning might have limitations on utility placement (usually required to be underground), roadways, bike paths, and sidewalks (usually desired minimized in sensitive areas, or restricted altogether), damage to vegetation (restore plant material salvaged from the site), lighting (usually minimal), fencing (usually not allowed, in order to protect migratory paths of wildlife), and the amount of impervious surface. Other standards could require: buffers between habitats and developed uses; developing additional or improved habitat to make up for habitat loss; protection of the tree canopy; and wildlife crossings for roads.

There are three strong examples of this type of zoning in the Delaware Valley region: London Grove Township, Chester County; Bethel Township, Delaware County; and Lower Makefield Township, Bucks County. In Pennsylvania the Natural Lands

Trust develops zoning language for local municipalities that want sensitive area zoning, while DVRPC provides this service for New Jersey municipalities. Additionally, both Pennsylvania and New Jersey are requiring municipalities to pass municipal stormwater ordinances that will provide stricter guidelines on impervious surface, stream corridor buffers, and restoring natural areas. This effort to restore natural areas, as part of local stormwater mitigation, will be the first such instance of this type of policy in the United States.

## Inclusionary Zoning

Incentive or mandatory zoning focusing on affordable housing is often called inclusionary zoning (zoning that effectively encourages only high-priced residential real estate, such as through large minimum lot sizes, is sometimes called "exclusionary zoning"). This type of zoning encourages a diversity of income levels and housing types by requiring or offering an incentive to developers to include a modest percentage of affordable homes within new developments. These affordable homes can be targeted towards low-income families, moderate-income families, or both. In return, the developer may receive an incentive, such as a density bonus, unit size reduction, parking reduction, tax abatement, or fast track permitting. Inclusionary zoning can apply to either rental or for-sale units.

Inclusionary zoning can be voluntary (relying entirely on the attractiveness of the developer incentives) or mandatory, the latter of which usually works better in practice. One notable exception is the recent voluntary inclusionary zoning ordinance New York City enacted for the Greenpoint-Williamsburg neighborhood of Brooklyn, which has been quite successful. Chicago's inclusionary zoning is mandatory for developments seeking public financial assistance, but voluntary for those that do not use public monies.

Hundreds of municipalities have inclusionary zoning ordinances; however, Philadelphia does not (though City Council is currently considering it). Inclusionary zoning is particularly useful in high-cost housing markets, such as in California, where by 2003, 107 counties and cities had inclusionary zoning, according to the California Coalition for Rural Housing and the Non-profit Housing Association of Northern California. Montgomery County, Maryland

Mixed-income housing in Cherry Hill Township, New Jersey, built through the township's inclusionary zoning program.
*Credit: Cherry Hill Township*

passed the nation's first inclusionary zoning law in the 1970s, specifying that at least 12.5 to 15 percent of homes in any new development with at least 50 homes be affordable to families with incomes at or below 65 percent of the area median income. Mount Joy, Pennsylvania, in Lancaster County, has an inclusionary zoning ordinance, though there is no Pennsylvania state-wide requirement to enact inclusionary zoning.

Since the passage of the statewide Fair Housing Act in 1985, inclusionary zoning is required in New Jersey to enforce a constitutional requirement to provide affordable housing. This is administered through the Council on Affordable Housing (COAH), part of the New Jersey Department of Community Affairs. The Fair Housing Act emerged from the famous Mount Laurel I (1975) & II (1983) New Jersey Supreme Court decisions.

Recently, there have been several court decisions that have challenged COAH's actions. COAH's

responsibility is to issue rules every six years to direct local compliance. In 1999, however, COAH failed to issue a third round of rules, and in 2004, it was forced to issue the rules by a court decision. However, the rules produced were substantially different than the previous two rounds and included a new methodology. Four simultaneous legal suits were filed in January 2005 by the Coalition on Affordable Housing and the Environment, Fair Share Housing Center, ISP Management Co. Inc., and the New Jersey Builders Association, challenging the rules, COAH's calculations, and its methodology. The court ruled in January 2007 that COAH must create a new set of third round rules. To date, COAH has issued an RFP for a consultant and must comply by July 2007.

While controversial, inclusionary zoning can be politically viable because of the incentives offered to developers and because of the growing gap between housing costs and income. Often inclusionary zoning produces more homes affordable to moderate-income families because of the cost differential between what moderate-income families and low-income families can afford to pay for the unit. In order to ensure that some of these units go to low-income families, a local housing authority or nonprofit could purchase these units (as is done in Montgomery County, Maryland and Fairfax County, Virginia), and then add other subsidies to make them affordable to low-income families.

Inclusionary zoning ordinances have several elements in common, including:

- Specified percentage of new units that must be affordable, and a minimum number of housing units in a development that necessitates compliance.
- Income levels of those families who qualify for the affordable units. This is generally expressed as a percentage of the area's median income. Some ordinances differentiate between low-income and moderate-income levels.
- Duration of affordability, often 15 to 20 years. This limit makes it difficult to preserve mixed income communities over time, though there are options to extend the affordability protection indefinitely.
- On-site vs. Off-site. Some ordinances allow a developer of new housing units to provide affordable homes off-site rather than on-site or pay a fee in lieu of providing the housing units on-site. This offers more flexibility to developers to allow shifting of some or all of these units to areas with lower land costs; however, some proponents of affordable housing favor only the on-site approach.

In addition to inclusionary zoning ordinances, a municipality can use other zoning tools to increase the availability of affordable homes, including increasing allowable densities within residential or mixed-use zones, increasing the amount of land zoned residential or mixed-use, and adopting zoning that supports a wide variety of housing types, including multifamily, accessory dwelling units, and manufactured homes. Some municipalities either restrict or in effect restrict (such as through infeasible parking requirements for multifamily units) these types of housing, greatly limiting the supply of housing for working class or middle class families.

## Multimunicipal Zoning

Multimunicipal zoning allows neighboring municipalities to coordinate their zoning to address such issues as growth management, infrastructure, economic development, and preservation of natural and historic resources. Multimunicipal zoning is based on a shared vision between participating municipalities, as outlined in a multi-municipal plan. Multimunicipal zoning can be accomplished through a joint zoning ordinance or separate municipal ordinances that are coordinated and consistent with the multi-municipal plan.

Pennsylvania's Municipalities Planning Code (MPC) was amended in June 2000 (Intergovernmental Cooperative Planning and Implementation Agreements, Article XI) to make multimunicipal planning easier and more attractive to local governments. New Jersey's Municipal Land Use Law also provides for multi-municipal efforts. The process for "joint exercise of powers of planning and land use control" is outlined in section 40:55D-77.

Multimunicipal zoning allows for greater flexibility and may more effectively deal with land uses that may be incompatible across municipal boundaries. Multimunicipal planning can also support programs, such as transfer of development rights and shared services.

# CHAPTER 3:
## UNIFIED DEVELOPMENT CODES


The Mall At Voorhees Town Center is a smart redevelopment of the former Echelon Mall in Voorhees Township, Camden County, New Jersey, developed by Pennsylvania Real Estate Investment Trust (PREIT). Voorhees has a unified development code, combining zoning and subdivision regulations to facilitate coordination and design review.
*Credit: PREIT,*

## What is a Unified Development Code (UDC)?

Most municipalities have separate zoning and subdivision regulations. While a zoning ordinance divides a municipality into zoning districts, with different land use controls for each of these districts, including standards on land uses, density/intensity, and bulk (height, setbacks, etc), the Subdivision and Land Development Ordinance (SALDO) controls the division of land for building and development purposes, and includes standards for the design and layout of lots, streets, utilities, and other public improvements. Subdivision regulation, like zoning regulation, was first legislated through the Standard City Planning Enabling Act of 1928. The subdivision and land development process is also commonly known as site plan review.

As regulating development becomes more complex, it has become more difficult to rely on separate zoning and subdivision regulations. Oftentimes the standards found in the zoning district conflict with the SALDO standards, and vice versa. Zoning regulations may be handled by a different board and staff than the subdivision standards, resulting in two different processes. A development may be exempt from subdivision and land development regulations, causing a problem if all road standards are contained within the subdivision ordinance. A UDC eliminates these arbitrary distinctions.

## What are the Benefits of a Unified Development Code?

Combining the zoning and subdivision regulations into a Unified Development Code (UDC), has many benefits including:

- Unified codes offer an integrated review process combining land use, density, and bulk standards, with site plan review (which includes road and utility standards, design review, and often stormwater management) into one review process. By combining these processes, proposed developments are easier to visualize and review, by both staff persons and citizens. A developer who presents a rezoning would have to show the proposed site plan, as well as how access, landscaping, and utilities are handled. This could also greatly benefit the developer, who does not have to go through several separate review processes, and may also allow the developer to better convey a good project. Citizens would have more information all at once, so they would not have to wonder whether to support or fight a rezoning if they have assurances on the design of the actual development.
- A UDC can better implement the community's comprehensive or master plan because the newly drafted UDC has been written and reviewed by both the boards and staffs of those responsible for zoning and site plan issues, so the street standards can be better integrated with future land uses, for example.
- The UDC creates a more predictable process for everyone involved. Having all development regulations in one document makes these easier to understand, administer, and enforce, and offers the municipality an opportunity to eliminate redundancies and inconsistencies. A UDC is also just a good business practice because it makes the development process as transparent and logical as possible.

In some ways, Unified Development Codes are the modern equivalent of the Planned Unit Development. They encourage a more comprehensive approach to development, creating the ability to promote smart growth from the beginning of a development review process.

## Who has a Unified Development Code?

The concept of a unified development code is relatively new, but has already been adopted in a number of areas nationwide. Some New Jersey municipalities have adopted UDCs, including, within the DVRPC region, Deptford and Logan Townships, Gloucester County; and Camden City and Voorhees Township, Camden County. No Pennsylvania municipality has yet adopted a UDC. However, in 2004 the Pennsylvania Planning Association's Municipalities Planning Code Task Force recommended creating UDC enabling legislation. To date, the new language had not yet been proposed to amend the Pennsylvania Municipalities Planning Code.

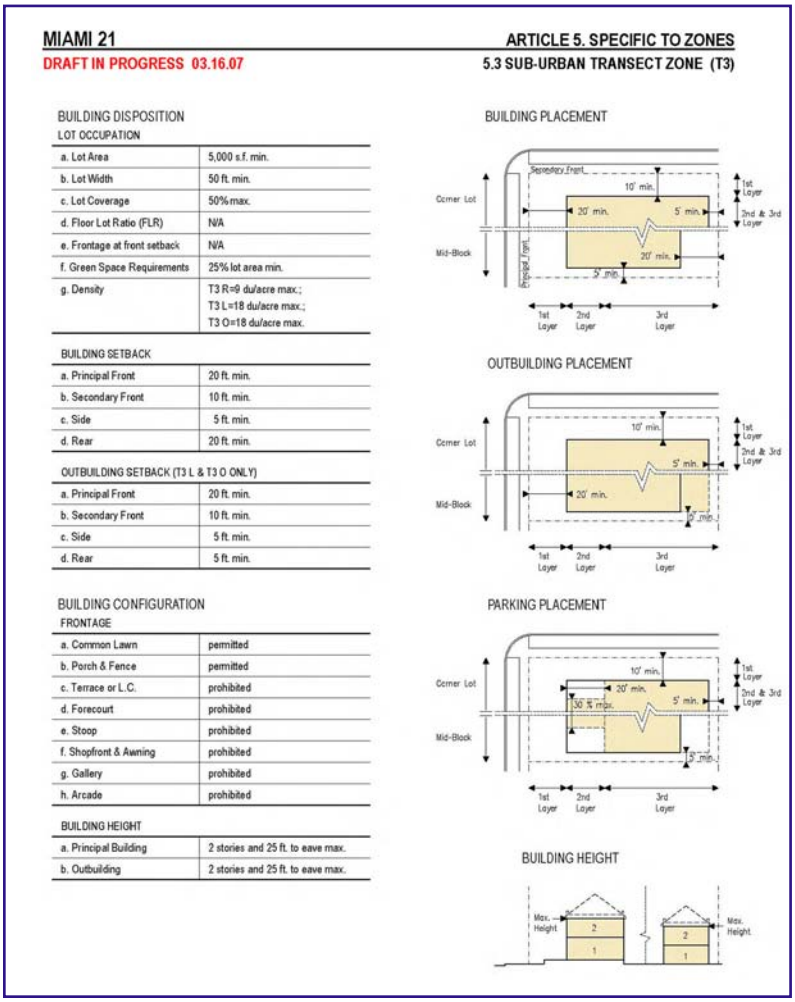
## Model Unified Development Code

Part of a model UDC (from *Zoning Practice*, published by the American Planning Association) is available in Appendix A of this document. The model UDC applies to all land use decisions, whether these are made by a planning commission, legislative body, hearing officer, or specialized group (such as a historic preservation commission). The model UDC retains the authority of all permit-approving bodies, which can be quite important, while placing all land use decisions under the same procedural standards. Application requirements, schedules, and application review criteria may vary based on the type of land use decision, but they are all listed in one place in the UDC.

The model creates a consolidated permit review process, especially helpful for development projects that require multiple permits. This only applies, however, to municipal permits, not those that require state or federal approval, as these would have different application requirements. A typical permit review committee using the model UDC would consist of local government officials, the local public health department, the public utility company, and possibly the parks and recreation department, all meeting with the applicant to review the same permits or variances. Such a meeting can clarify how development regulations collectively impact a property and may result in better design alternatives that may even eliminate the need for a variance or special permit.

# CHAPTER 4:

## FORM-BASED CODES AND HYBRID ZONING



MIAMI 21 — ARTICLE 5. SPECIFIC TO ZONES
DRAFT IN PROGRESS 03.16.07 — 5.3 SUB-URBAN TRANSECT ZONE (T3)

BUILDING DISPOSITION

LOT OCCUPATION

| | |
|---|---|
| a. Lot Area | 5,000 s.f. min. |
| b. Lot Width | 50 ft. min. |
| c. Lot Coverage | 50% max. |
| d. Floor Lot Ratio (FLR) | N/A |
| e. Frontage at front setback | N/A |
| f. Green Space Requirements | 25% lot area min. |
| g. Density | T3 R=9 du/acre max.;<br>T3 L=18 du/acre max.;<br>T3 O=18 du/acre max. |

BUILDING SETBACK

| | |
|---|---|
| a. Principal Front | 20 ft. min. |
| b. Secondary Front | 10 ft. min. |
| c. Side | 5 ft. min. |
| d. Rear | 20 ft. min. |

OUTBUILDING SETBACK (T3 L & T3 O ONLY)

| | |
|---|---|
| a. Principal Front | 20 ft. min. |
| b. Secondary Front | 10 ft. min. |
| c. Side | 5 ft. min. |
| d. Rear | 5 ft. min. |

BUILDING CONFIGURATION

FRONTAGE

| | |
|---|---|
| a. Common Lawn | permitted |
| b. Porch & Fence | permitted |
| c. Terrace or L.C. | prohibited |
| d. Forecourt | prohibited |
| e. Stoop | prohibited |
| f. Shopfront & Awning | prohibited |
| g. Gallery | prohibited |
| h. Arcade | prohibited |

BUILDING HEIGHT

| | |
|---|---|
| a. Principal Building | 2 stories and 25 ft. to eave max. |
| b. Outbuilding | 2 stories and 25 ft. to eave max. |

BUILDING PLACEMENT



OUTBUILDING PLACEMENT



PARKING PLACEMENT



BUILDING HEIGHT



Miami recently became the first major U.S. city to adopt a true form-based code. At left is an excerpt from Miami's draft code. Form-based codes are highly visual, focusing on the design and context of development, rather than its uses.

*Credit: Miami21, 2007*

## What Is Form-Based Zoning?

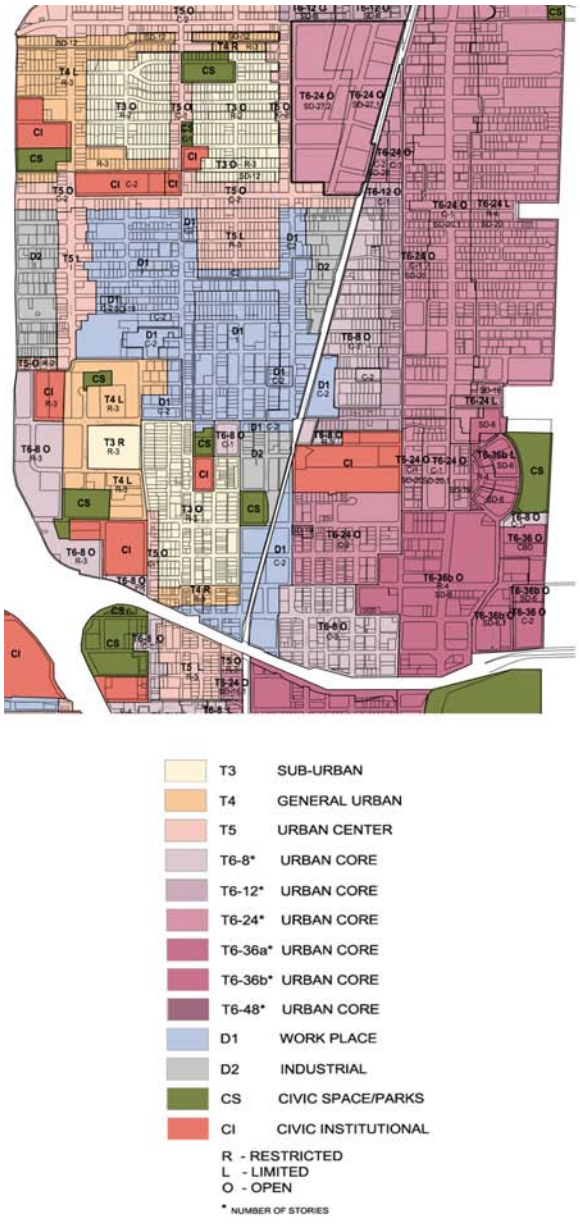
Many municipalities have adopted the kinds of smart growth zoning techniques described in Chapter 2, adding new by-right districts or overlays to their conventional zoning code. Others have adopted an entirely new form-based code, accepting a different basis for organizing and structuring development and infrastructure by focusing on form over use.

Conventional Euclidean codes separate zones by land use (Residential, Commercial, etc.), while form-based codes contain zones that describe the overall environment and level of urbanism (Rural, Suburban, Urban Center). Euclidean, or use-based codes, contain long tables of allowed, conditional, and prohibited land uses in each zoning district. Variances are required if a development is not an allowable land use, and this can be a barrier to future use changes as the market changes. Building type-based, or form-based, codes, on the other hand, regulate according to building type, which are often linked to the type of street a building fronts.

Form-based codes establish zones based on geographic areas that may hold a wide variety of usage types, but are housed in buildings with a compatible scale, architecture, massing, pedestrian, and vehicular environment. The emphasis in a form-based code is on building type, form, and design, with a greatly simplified use list. Setbacks and other design standards are then applied to the building rather than to the use. This is not to say that form-based codes totally ignore use; rather, it is one element among many, and less important than form.

Form-based codes are keyed to a regulating plan that designates the appropriate form and scale of development rather than just land use types. Form-based codes typically include a regulating plan (plan or map designating the locations where different building form standards apply), building form standards (control the configuration, featues, and functions of buildings), public space/street standards (specifics on sidewalks, travel lanes, street trees, etc.), administration (application and review process), and definitions. Some form-based codes also include architectural standards (materials, quality of architecture, etc.).

Form-based codes provide much more flexibility about what type and combination of uses may be built, while typically establishing much stronger aesthetic guidelines, ensuring that each development fits with the vision for an entire area. The strongest reason to adopt a form-based code is to eliminate the systemic problems caused by conventional zoning codes in separating uses, which make mixed-use and walkable neighborhoods essentially non-conforming.




Above is one of the area zoning maps accompanying Miami's form-based code. Instead of use-based zones like Residential or Commercial, the zones are based on a mixed-use paradigm that focuses primarily on form, urban design, and development intensity.
*Credit: Miami21, 2007*

Form-based codes are prescriptive; they give direction and guidance on what type of development a community wants. They encourage specific outcomes. Conventional codes were created with an overall philosophy that was proscriptive, focusing on what a community does not want and what it wants to forbid or restrict. The form-based code is therefore proactive about presenting what type of development is desired, rather than the conventional zoning code which was created (and continues to be amended) mostly based on reactive forces, such as reacting to an unwanted land use. Zoning has, since its inception, been a rather rigid tool to regulate land uses, while form-based codes are attempting to create a more flexible tool that better reflects and adapts to how a community should grow.

Form-based codes are often highly visual with diagrams showing the requirements for issues like mass, setback, sidewalk treatment, lighting, and parking configuration.

Form-based codes are not to be confused with design guidelines or general statements of policy; rather, they are regulatory, not advisory.

## The SmartCode

SmartCode is a complete sample form-based code, developed by Duany Plater-Zyberk, the leading new urbanist firm, in 2003. The SmartCode is the result of collaboration among planners, designers, land use attorneys, editors, and code writers. The code and accompanying manual is available for free download at www.placemakers.com, and there is no licensing fee to use it. The manual contains information on implementation responsibility, calibration, and legal issues. The appendices include sample regulating plans, sample enabling legislation, an ordinance, case studies, and resources.

The SmartCode is form-based and *transect*-based (described later in this chapter), and is also a unified development code (UDC), as described in Chapter 3. It folds zoning, subdivision and land development regulations, urban design, and basic architectural standards into one document. It can thus replace these documents. It is important to note that the SmartCode is not a building code (the code that addresses life and safety issues, such as fire and storm protection) and is not meant to replace that document.

The SmartCode is designed to support local character, diversity of housing, transportation options, walkable and mixed-use neighborhoods, and the protection of open space. It seeks to prevent sprawl, loss of open space, a hostile public realm, car-dominated streets, and repetitive subdivisions.

The SmartCode requires the preparation of plans that allocate the sectors (sector plans by the municipal planning department), show the layout of community plans (new community plans by land owner, developer, or municipal planning department or infill plans by the municipal planning department), and show lot and building design (lot and building plans by the builder or property owner).

The SmartCode addresses development patterns at three scales of planning, which are nestled within each other:

### Sectors:

There are seven different sectors, or large geographic areas or regions, each allowing several designated types of communities, arranged by "open" or "growth" and by intensity. The Sector scale can address issues best handled at a regional scale. These are:

- *O-1 Preserved Open Sector* contains open space protected from development in perpetuity by environmental regulation or conservation measures, such as conservation easements, purchase of land by a land trust, or the sale of development rights. No development is permitted by right.
- *O-2 Reserved Open Sector* contains open space not yet protected from development. No development is permitted by right.
- *G-1 Restricted Growth Sector* contains open space that has value but is subject to development. Cluster land development (CLD) is permitted by right.
- *G-2 Controlled Growth Sector* contains land where development is encouraged to promote mixed-uses and development along transportation corridors. Traditional neighborhood development (TND) and CLD are permitted by right.

- *G-3 Intended Growth Sector* (for new communities) contains land served by high-capacity thoroughfares or transit that can support substantial commercial land uses. Regional Center Development (RCD)s and TNDs are permitted by right, and RCDs with existing transit (bus or rail) are designated as Transit-Oriented Developments (TOD).
- *G-4 Infill Growth Sector* (for existing urbanized areas) contains areas already developed, but with the potential to be modified or completed as TNDs, RCDs, or TODs. This sector contains urban areas, greyfields and brownfields, and conventional suburban development.
- *SD Special District* contains development that cannot conform to one of the community types.

### Communities:

There are three basic Community types. These are:

- *CLD Cluster Land Development,* or a hamlet, permitted in G1 and G2
- *TND Traditional Neighborhood Development*, a village or an urban neighborhood, permitted in G2, G3, and G4
- *RCD Regional Center Development or TOD Transit-Oriented Development*, a town or a downtown, either without transit (RCD) or with transit existing or planned (TOD), permitted in G3 or G4

### Transect Zones:

There are seven transect zones, which are:

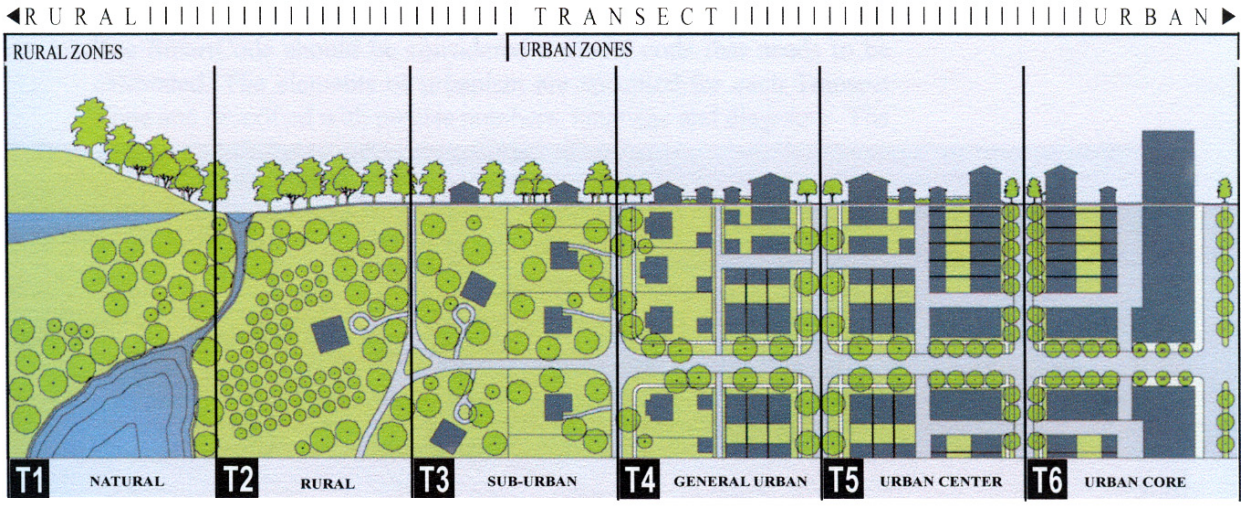
- *T1 Natural Zone:* Lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology, or vegetation.
- *T2 Rural Zone:* Lands in open or cultivated state or sparsely settled, including woodland, agricultural land, grassland, and irrigable deserts.
- *T3 Sub-Urban Zone:* Low-density suburban residential areas, which differ by allowing home occupations. Planting is naturalistic with setbacks relatively deep. Blocks may be large and the roads irregular to accommodate natural conditions.
- *T4 General Urban Zone:* Mixed-use, but primarily residential urban fabric. Wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets typically define medium-sized blocks.
- *T5 Urban Center Zone:* Higher density mixed-use building types that accommodate retail, offices, rowhouses, and apartments. It has a tight network of streets, with wide sidewalks, steady street tree planting, and buildings set close to the frontages.
- *T6 Urban Core Zone:* Highest density, with greatest variety of uses and civic buildings of regional importance. It may have larger blocks; streets have regular street tree planting and buildings set close to the frontages.
- *SD Special District:* Reserved for specialized functions that may not fit along the normal urban to rural continuum, such as industrial districts, college campuses, and large medical centers.

## What is the Transect?

Form-based codes often (but do not necessarily) follow the transect theory, establishing a range of zones of increasing densities and increasing urbanism, which allow for a variety of living environments. The SmartCode does apply the transect. The transect is a term used widely by the New Urbanists to describe a development continuum of built and natural environments, from the most natural setting to the most urban.

The New Urbanists borrowed the term “transect” from ecology to show an imaginary line that cuts across different kinds of environmental and human habitats. When graphically visualized, the transect moves seamlessly from the natural into the rural, suburban, and urbanized environments. The transect’s purpose is to create environments with integrity, with each transect zone made up of elements that support and intensify its locational character. The transect has been applied to form-based zoning codes to define the array of zoning districts.

The transect is an attempt to reform the current ad hoc, fragmented system of community design. The transect is meant to replace the “hidden design” found in current zoning codes, the “designs” that




An illustration of the transect.
*Credit: SmartCode Version 8.0*

lead to strip malls, single-use office parks, and large surface parking lots. The transect enables a community to "sort out" what's urban, what's suburban, and what's rural, and where they should go.

It is important to note that the transect is not a single continuum, nor should cities or regions be planned that way. Certainly, in the Delaware Valley, we would have multiple transects based on historic settlement patterns. Rather, the transect is a useful way to organize how development happens in a certain zone and where the community wants growth to occur. By figuring out a community's transect zones, all elements of development or redevelopment can be keyed to that transect zone. All of the elements in that zone, such as building setbacks, minimum block sizes, building types, street sections, civic spaces, and even public lighting, contribute to the collection of qualities appropriate to that zone.

For example, one would not have the same building setback in an urban center as one would have in a suburban zone. The T3 Sub-urban Zone might allow a 24-foot-minimum setback, while the T6 Urban Core Zone would allow a zero foot minimum setback, with a maximum setback of 12 feet. Shorter building setbacks make sense as one moves from rural to more urban along the transect, and buildings should be built to the street line in more urban areas.

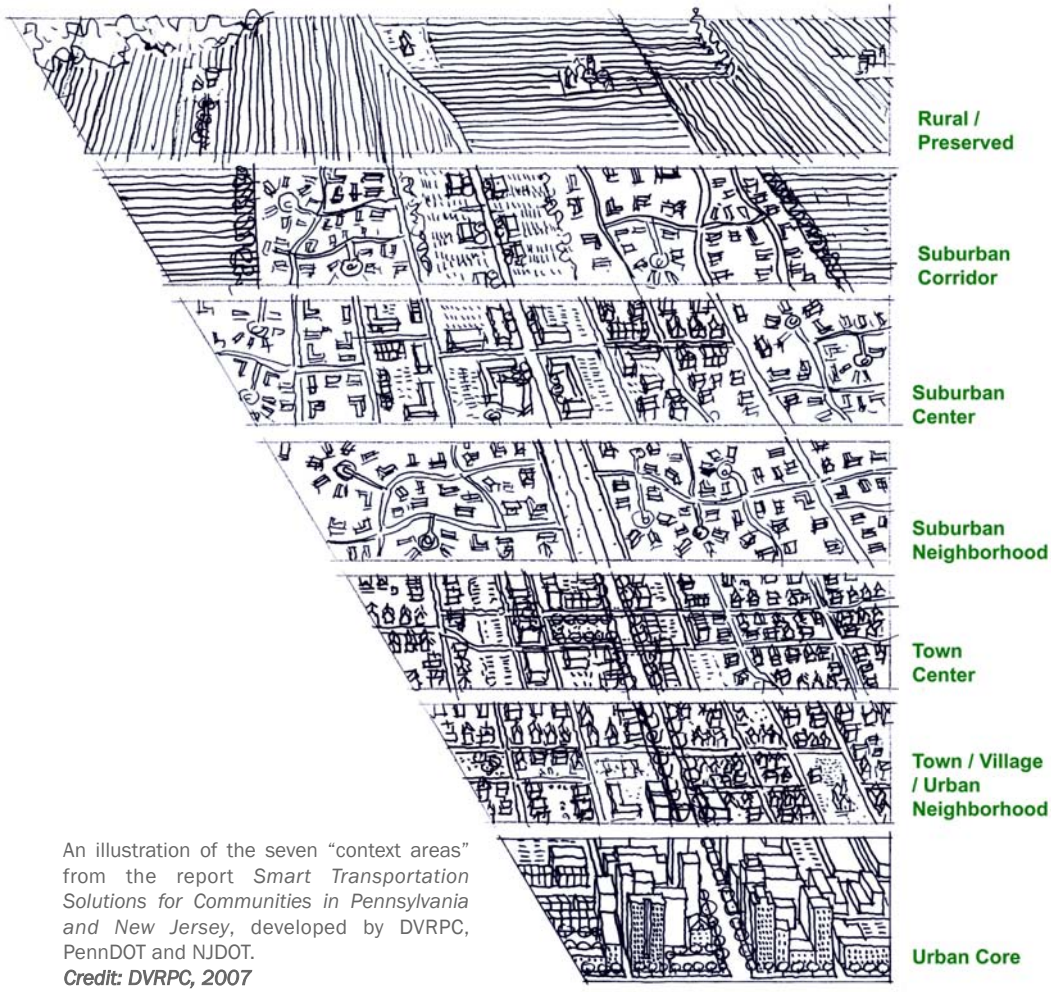
A T3 Sub-urban Zone could allow a maximum block size of 3,000 feet in perimeter, while a more urban zone, such as T6 Urban Core Zone, could allow a maximum block size of 2,000 feet maximum. The rationale is that in traditional urbanism, smaller block sizes (shorter blocks) function better for the pedestrian and the automobile.

A ranch house building type would not work well in a town center (T5 or T6), but townhomes and apartment buildings would. The transect supports increasing residential density as one moves from rural to more urban.

A certain type of civic space is appropriate in certain zones and not in others, such as a park in a T1 Natural Zone, while a plaza would be more appropriate in a T5 Urban Center Zone or T6 Urban Core Zone.

Public lighting may vary based on brightness needed and the character of the fixture. The community's public utility company would approve a set of different light fixtures. A tall cobra head light fixture might be appropriate for a T1 Natural Zone, while a shorter column fixture would be more appropriate for T3 Sub-urban, T4 General Urban, and T5 Urban Center.

This may seem overly specific, but each element contributes to the overall immersive nature of each zone. The transect is designed to avoid common errors of placing urban elements in suburban or rural areas, and using suburban elements (such as surface parking frontage, large setbacks, no on-street parking, etc.) in urban areas. Such errors are sometimes playfully called "transect violations."




An illustration of the seven "context areas" from the report *Smart Transportation Solutions for Communities in Pennsylvania and New Jersey*, developed by DVRPC, PennDOT and NJDOT.
***Credit: DVRPC, 2007***

The transect evolves over time, just as urbanism does, such that a T4 General Urban Zone might grow to be a T5 Urban Center Zone over time.

The transect is a powerful tool because its standards can translate across other disciplines, including traffic engineering, planning, public works, architecture, landscape architecture, and ecology. It integrates environmental and zoning methodologies

The transect is becoming widely known and adopted by diverse constituencies, including ITE and the U.S. Green Building Council (the organization that has developed LEED certifications for green buildings). Locally, DVRPC is working with PennDOT and NJDOT to update roadway standards based on the transect theory, in the forthcoming report *Smart Transportation Solutions for Communities in Pennsylvania and New Jersey*. The report defines seven "context areas," similar to the transect zones, through which a roadway may pass. These include rural/preserved, suburban corridor, suburban center, suburban neighborhood, town center, town/village/urban neighborhood, and urban core.

A new roadway typology is proposed, expanding the conventional functional classification system of four roadway types (principal arterial, minor arterial, collector, and local) into six classifications. These types include regional arterial, community arterial, Main Street, community collector, neighborhood collector, and local collector. This wider segmentation of roadways allows greater flexibility in design to match context areas or transect zones. A drawback of the existing conventional functional classification system is that an entire highway or roadway is placed into a certain classification based on select characteristics-such as the overall roadway length, or trip volumes relative to other roadways in the urban area-although its level of access and mobility are not consistent with other roadways in that classification. The revised classification system better marries community context with roadway design.

## Benefits of Form-Based Codes

Form-based codes allow mixed-use development, walkability, and greater flexibility for developers than conventional codes. Conventional codes have a number of shortcomings, the greatest of which is that they were designed for the needs of a different time. Conventional Euclidean codes are designed to separate uses, making it impractical or impossible to combine them in ways that accommodate modern development trends and the needs of local residents and businesses.

Today, many cities and towns are looking to create new kinds of environments, like concentrated main streets, with a mix of businesses and residences. However, they find that their current codes do not allow the type of development they are trying to encourage. In order to build new development types, variances and overlays are needed that complicate and prolong the permitting process.

Form-based codes are easier to interpret, as they use illustrations and graphics to demonstrate the desired form of allowable development. Conventional zoning codes can be viewed as complicated and confusing, with pages clarifying the allowable uses in each zone, and often layers of amendments. Bulk standards in conventional zoning are usually expressed only in written form, such as the minimum front setback and side setbacks, and can be difficult to interpret, although some communities have included illustrations in their zoning ordinance.

Form-based codes are more flexible for changing uses in the future. Form-based codes are therefore better able to adapt to changing market forces. Form-based codes have been cited as a strategy for giving the market a larger role in deciding usage, while establishing the basic layout and land use patterns of a district or corridor.

The standard way to enforce strong design standards with a conventional zoning code is by creating a set of design guidelines supplementary to the code. These guidelines are often advisory, and vary, from municipality to municipality, in how well they are enforced. Form-based codes codify the smart-design concepts typically laid out in design guidelines, removing the need for a separate, supplementary document. Design guidelines have periodically proven vulnerable to court challenge. Form-based codes may add a greater legislative authority for enforcing design criteria; however, since form-based codes have yet to be widely adopted, their ability to hold up under legal challenge is still to be seen.

## Weaknesses of Form-Based Codes

Form-based codes require more upfront planning work that is time- and labor-intensive. Form-based codes may streamline the development process in the long-term; however, upfront they are much more time- and labor-intensive to draft. They almost always are products of a multiday charrette, described later in this chapter.

Form-based codes are not as well understood yet in this region. A positive note is that training is now available in form-based codes, the SmartCode, and the charrette process. Nationally, more communities are embracing form-based codes, and interest is growing in this region.

## Application of Form-Based Codes

Form-based codes may be used to entirely replace an existing Euclidean code, or they may be used to supplement an existing code, through overlays or specific form-based districts in certain geographic areas. For new communities and municipalities that are looking to become built out, it may be advantageous to adopt an entirely new form-based code. For older communities and denser urban environments, adopting a new code wholesale may be difficult. In these cases, form-based districts and overlays can be incorporated and adapted into existing codes. If applied as an overlay, it should not be blended with other elements of conventional zoning or subdivision regulations, and should be incentivized (through expedited review, reduced or waived application fees, tax incentives, etc.).

## Legality of Form-Based Codes

Form-based codes are legal under the 1926 Standard State Zoning Enabling Act, which gave states the ability to regulate form, such as in Pennsylvania's Municipalities Planning Code (MPC) and New Jersey's Municipal Land Use Law (MLUL). Form-based codes, however, cannot abandon the regulation of uses, as this would pit form-based codes against current federal laws, including the

Religious Land Use and Institutionalized Persons Act of 2000 and the Fair Housing Act of 1968, which specifically address uses.

While state enabling acts do not preclude form-based codes, some states have taken the extra step to add language to their state code to encourage form-based codes and the serious consideration of urban form and design along with land use. California passed a law in July 2004 explicitly stating that form-based codes are legal.

## Relationship to Other Plans and Regulations

Form-based codes should be supported by language within the community's comprehensive or master plan. The Congress for New Urbanism has been working on an initiative to highlight how the principles of new urbanism can be incorporated into comprehensive plans, by including:

- Land use descriptions that incorporate form and character, with discussion of urban design and design guidance.
- The community's vision as developed through a public process, such as a charrette.
- Identification of a typology of places in a municipality, either using the transect or some other system to classify places (such as neighborhood, district, corridor, etc.). Policies and recommendations can then be tailored to the place type.
- Integration of land use and transportation policies and goals, which ensures that streets are sensitive to the surrounding land uses and design context.
- Integration of sustainability, public health, economic development, and social justice goals into the elements and overall vision of the comprehensive plan.

Form-based codes encourage administrative approvals rather than decisions by local elected officials, and specify a range within each standard to minimize the need for variances. This is in contrast to conventional zoning, where developments that do not meet zoning must seek variances, resulting in numerous public hearings and a lengthy review process. In general, most form-based codes offer more options than conventional zoning, not fewer.

## Evaluating Form-Based Codes

The Form-Based Codes Institute has published a guide to identifying whether a code is form-based and, if it is, whether it is well crafted. This list is also available at www.formbasedcodes.org/checklist.html.

### Is It Form-Based?

Form-based codes generally receive "yes" answers to all of the following questions:

- Is the code's focus primarily on regulating urban form and less on land use?
- Is the code regulatory rather than advisory?
- Does the code emphasize standards and parameters for form with predictable physical outcomes (build-to lines, frontage type requirements, etc.) rather than relying on numerical parameters (FAR, density, etc.) whose outcomes are impossible to predict?
- Does the code require private buildings to shape public space through the use of building form standards with specific requirements for building placement?
- Does the code promote and/or conserve an interconnected street network and pedestrian-scaled blocks?
- Are regulations and standards keyed to specific locations on a development plan?
- Are the diagrams in the code unambiguous, clearly labeled, and accurate in their presentation of spatial configurations?

### Is the Form-Based Code Enforceable?

Enforceable form-based codes generally receive "yes" answers to all of the following questions:

- Does the code implement a comprehensive or master plan that reflects specific community intentions?
- Are the procedures for code administration clearly described?
- Is the form-based code effectively coordinated with other applicable policies and regulations that control development on the same property?
- Is the code designed, intended, and programmed to be regularly updated?

### Is the Form-Based Code Easy to Use?

Easy-to-use form-based codes generally receive "yes" answers to all of the following questions:

- Is the overall format and structure of the code readily discernable so that users can easily find what is pertinent to their interest?
- Can users readily understand and execute the physical form intended by the code?
- Are the intentions of each regulation clearly described and apparent even to planning staff and citizens who did not participate in its preparation?
- Are technical terms used in the code defined in a clear and understandable manner?
- Does the code format lend itself to convenient public distribution and use?

### Will the Code Produce Functional and Vital Urbanism?

Functional and urbanistic form-based codes generally receive "yes" answers to all of the following questions:

- Will the code shape the public realm to invite pedestrian use and social interaction?
- Will the code produce walkable, identifiable neighborhoods that provide for daily needs?
- Is the code based on a sufficiently detailed physical plan and/or other clear community vision that directs development and aids implementation?
- Are parking requirements compatible with pedestrian-scaled urbanism?

## Examples of Form-Based Codes

While some municipalities within the Delaware Valley Region have adopted form-based special districts, there are no examples of true form-based codes. Notable national examples of form-based codes include Columbia Pike in Arlington, VA; Kendall, FL; St. Lucie County, FL; Petaluma, CA; and Woodford County, KY. Miami is undergoing a wholesale rewriting of its zoning code, creating a new form-based code and smart growth approach, through an initiative called Miami21.

The Congress for the New Urbanism has been very influential, if controversial, in the rebuilding of Gulf Coast towns in Louisiana and Mississippi following the devastation of Hurricane Katrina. Many of these towns are in the process of writing form-based codes to structure their reconstruction.

## The Charrette

Form-based codes, including calibrating the SmartCode, are frequently produced using the charrette process. The SmartCode commentary defines a charrette as "the heart of the community participation process in New Urbanist practice…a series of interactive working meetings where design ideas are discussed and actual designs reviewed." The term "charrette" comes from the French word for cart, and refers to the cart that was used to pick up final drawings by art and architecture students at the Ecole des Beaux Arts in Paris in the 1800s. The term "charrette" evolved to mean a final, intense, creative work effort before a deadline.

Charrettes can be used not just for creating form-based codes, but also for preparing regional plans, master plans, redevelopment projects, new communities, or even for the design of individual buildings. New urbanists have embraced the charrette as a replicable, flexible process that can be applied at a variety of scales and contexts

Most charrettes are multiday workshops that provide for multiple short feedback loops between the designers, the public, and implementing agencies. They also involve all interested parties, from local residents to actual implementing agencies, through a series of focus group meetings, which often take place during the day, to larger open houses, often at night or on a weekend, for the public to review the work as it progresses. The final product is a feasible implementation plan, not just a visioning document.

The term "charrette" is increasingly misused to mean any design or planning exercise or workshop, regardless of its structure, participants, or outcome. A true charrette has a structure that allows for multiple short feedback loops, almost always necessitating more than one day (many charrettes are three to four or even six or seven days), and result in a realistic implementable plan.

A true charrette involves a large team of designers (architects, planners, landscape architects, sometimes artists, and often students in these fields), implementers (city agencies, such as

planning, engineering, economic development offices, community development corporations, public officials, land owners, and developers), and the general public (who are invited to the public open houses, but are also often encouraged to "walk in" and engage the design team with ideas or even sketches). The charrette process also allows interested participants to engage the design team at different times (during an open house, as a walk-in, or in a focus group meeting) and does not exhaust the public or local agencies by requiring them to be there for the whole charrette.

There are often multiple focus groups that meet during the first day or two of a typical neighborhood or master planning charrette to give the design team critical background information, and for the design team to gather feedback on initial ideas. Focus groups are usually composed of invited professionals, and some typical topical groups include: developers, land owners, and home builders; transportation, utilities, and engineering; land use, planning, and codes; architecture and historic preservation; commercial and economic development; business owners; churches; nonprofit and service organizations; housing and neighborhood revitalization; parks, open space, and community amenities; media; schools; and police, fire, and emergency services.

A participant can choose to come to the whole process, or might prefer to attend only the public presentations/open houses. While a charrette is meant to be an intense marathon for the design team of professionals, the public has multiple options in choosing the level of involvement and time each person is willing and able to commit.

Lastly, a charrette's outcome should be a detailed set of recommendations that have already been discussed, debated, and "owned" by the charrette participants. It is not just a visioning session and it should not be a plan created by only a few people that will affect many. Because the process has involved so many people, and involved the public officials, land owners, and implementing agencies, there should be a large amount of public support and trust in what has been created. It should also create momentum to move the project forward after the design team has left because so many local partners participated.

While often a good deal of work and investment upfront, a charrette can provide a community with a feasible plan within a short time frame. This short time frame assures residents, developers, and city agencies that there will be a product at the end of the charrette, rather than a product that takes a year to complete. Such longer planning processes can be hard to sustain, particularly because it is difficult to keep all participants involved and engaged.

Charrettes have become more popular and prevalent in part because of their use by the New Urbanists, but also because the planning profession has begun to embrace more visualization techniques, aided by computer software and a renewed emphasis on design. Some would argue that the planning profession is simply returning to its roots as a design and town planning profession, one that emphasizes physical planning and placemaking over policy making. Ideally, it is all of the above: good design enabled by a good process (the charrette), resulting in good policy (form-based codes).

## Pattern Books

Because the SmartCode and some other form-based codes only offer basic architectural standards, some communities have chosen to adopt supplemental design guidelines or a pattern book. Produced with architects, pattern books assist homeowners and homebuilders as they repair, rebuild, and expand their houses and neighborhoods. Pattern books date back to Roman times, when architects contributed designs and principles to the building industry in a series of builders' handbooks known as pattern books. New urbanists have revived the pattern book tradition in order to better understand the design elements that make up distinct architectural traditions.

Pattern books can be similar to design guidelines, but they usually go beyond design guidelines to very specific information on architectural styles and details. Pattern books identify the various architectural styles already found in a community and illustrate key components, such as the architectural massing, building types, heights, facades, materials, and details, such as the shape of windows and doors, roof pitches, and types of porches. They are often used when a community wants to retain a specific traditional architecture. Some pattern books also contain guidelines for open space, streets, and parking, though this can

often be found in the master or comprehensive plan and/or the form-based code.

The Mississippi Renewal Forum, in association with Urban Design Associates, recently produced *A Pattern Book for Gulf Coast Neighborhoods*, which provides practical tools for builders, homeowners, and suppliers to rebuild the Gulf Coast communities in a time-honored way. The book provides information on the sense of place specific to each community and the "DNA" that makes up the architecture of the region. It is designed to retain the character of the region in both renovation projects and new construction.

Such pattern books can also be an extremely practical guide for homeowners who often have a difficult time findings builders, architects, or materials that are in keeping with the period of their house.

*A Pattern Book for Gulf Coast Neighborhoods*, for instance, provides a list of national manufacturers of building products that provide appropriate materials for the architectural styles in the pattern book. These include manufacturers of windows, shutters, entry doors, columns, exterior siding, molding and trim, fencing, garage doors, and roof shingles and tiles.

The pattern book should be based on the vision of a master or comprehensive plan for a community and it ensures that the architecture of individual buildings is in keeping with the overall community vision.

## Training in Form-Based Codes, the SmartCode, and the Charrette

The nonprofit Form-Based Codes Institute, established in 2004, offers three courses on form-based codes. The first course, 101, is a three-day overview of form-based codes. The second course, 201, is a two-day design-intensive workshop. The third, 301, is a two-day workshop on completing, adopting, and administering the code. Courses are offered at various sites across the country. Completion of these three courses earns a certificate in form-based codes. In 2007, the Form-Based Codes Institute initiated the Driehaus Form-Based Codes Award, the first award program for the writing and implementation of form-based codes.


Riverside, Illinois adopted a hybrid code, with form-based districts to structure the redevelopment of its downtown.
*Credit: Camiros, 2007*

More information can be found online at: www.formbasedcodes.org.

PlaceMakers planning consultants offers the SmartCode Workshop, a three-day introduction and evaluation of the SmartCode. The New Urban Codes Collaborative offers the next course in the SmartCode, called the SmartCode Pro Sessions, an advanced, hands-on charrette-style three-day training lab for small groups of planning and design professionals. For more information, see www.smartcodepro.com.

The nonprofit National Charrette Institute, based in Portland, Oregon, provides educational resources for planners and community leaders in facilitating New Urbanist charrettes, as well as certification as a charrette planner (3 days), charrette manager (an additional 1.5 days), or public meeting facilitator (a separate 2.5 day course). The American Planning Association, in association with the National Charrette Institute, recently published The Charrette Handbook (2006). For more information, see www.charretteinstitute.org.

## Hybrid Zoning: Adding Form-Based Elements to an Existing Zoning Code

Hybrid zoning is the term used to describe a combination of traditional zoning and a form-based code. Hybrid zoning can apply form-based elements to specific areas of a municipality, while not changing the zoning process or the familiar framework of the existing code. Adopting a new

form-based code may not be feasible for every municipality, as it may be too great a political hurdle. Additionally adopting a form-based code may be difficult in places that are already built-out, and where staff do not have the expertise to draft or implement a new code. Form-based codes often describe and codify a complete physical picture of the entire municipality, which requires a great deal of upfront work. Hybrid zoning is not the best approach, however, if a municipality's current zoning process is deeply flawed, such as in many big cities where layer upon layer of zoning amendment has made the zoning ordinance incomprehensible.

In many cases, in developed areas, there are certain locations that are ripe for development, where it may be beneficial to use form-based elements to guide a certain kind of growth. For example, in an older suburb with a historic main street, or a community with development pressure along a central business district or waterfront (such as along Philadelphia's Delaware River waterfront), a form-based code may allow the municipality greater control over the type of development that takes place, while providing developers a guide that is clearer than the existing code of the form this area should take.

Hybrid zoning focuses on a specific location, essentially in the form of an overlay, but refers all development to a new supplementary form-based code section. In essence, it combines two more familiar concepts-an overlay and design guidelines-into a formal element of the zoning code. This means that developers desiring to build within the boundaries of the designated area will refer to a form-based section integrated into the existing traditional code document.

This method has both pros and cons. The advantages are that for a specific growth area, it allows municipalities and developers a more specific and visual guide to direct a certain type of development. This concept is very helpful, especially when the new development is intended to fit in seamlessly with historic structures, or a particular look and feel or visual image, such as on a main street or town center. It is certainly a much easier task to integrate form-based zoning for a specific area than to rewrite an entire code. The disadvantages are that this type of zoning concept is not yet well understood and may cause apprehension on the part of citizens or the development community. In addition, it still leaves the rest of the municipality's zoning untouched, thereby only utilizing a form-based methodology to improve the development of certain areas.

Municipalities that wish to adopt a form-based element into their codes should start by identifying the need. Is it too difficult or impractical to draft a full form-based code? Are there specific areas that could benefit from form-based zoning? Municipalities should set overall goals to guide the specific regulations. Next, municipalities need to identify the specific boundaries for the form-based zoning and carefully determine the form of the district. This should be done in tandem with a program of public education and a process of community planning to integrate citizen input into these decisions. Once the form of the buildings, streetscape, parking, and other elements has been determined, then the municipality can codify them in a form-based document. It is important to balance the degree of new regulations. That is, developers used to a certain degree of flexibility may be put off by both a new zoning paradigm, plus many new required elements. There should be discussion on what is required and what is encouraged.

Finally, the municipality needs to determine how the new form-based section(s) will be administered. Will there be a staff architect or planner who works closely with developers to ensure that the code is followed? Will the form-based elements be considered under the normal process of site plan review? Is there a need to create a new review body? What will be the method for updating or amending the form-based sections of the code? These are the types of questions municipalities should address before embarking on the creation of a hybrid code.

## Tips on Code Writing

Whether a community chooses to adopt an entire form-based code, some combination of new by-right or overlay zoning, or a hybrid code, here are some general tips on code writing:

- Use plain language and terms that are well defined and consistently applied.
- Avoid confusing cross references, footnotes, and exceptions in codes. Strive to make each section of the code as self-contained as possible.
- Calibrate the code to local conditions. The

writers of the SmartCode, other form-based codes, and various model ordinances all emphasize the importance of fitting standards to the local situation.

- Use graphics and tables instead of repetitive text as much as possible to convey standards. This is especially useful for bulk standards, such as height and setbacks.
- Test the draft code to make sure the type of development you desire is actually possible under the new code. This is one of the shortcomings of conventional codes and hence the reason for the form-based codes "reform" movement. If you want to encourage a "Main Street" style small downtown, will the setbacks, height requirements, parking standards, design speed, and lane widths create this? Are densities enough to support transit where you want it?

# CHAPTER 5:
## NEXT STEPS FOR MUNICIPALITIES

A process of public outreach and education is a critical step towards adopting and codifying smart growth concepts. A charrette process may be useful in educating the public and stakeholders, and utilizing public input in shaping the planning process. The charrette shown above was one run by Penn Praxis as part of the City of Philadelphia's Central Delaware Riverfront Planning Process.
*Credit: Penn Praxis*

## Assess Your Community's Smart Growth Readiness

Before undertaking any type of smart growth zoning, it is important for municipalities to determine whether adopting a form-based approach or other strategy is appropriate. This kind of assessment can be handled through a comprehensive or master planning process, ideally through the charrette process for maximum participation and feasibility. Educating the public and your constituency on smart growth principles and specific zoning techniques is a very important part of the process.

A simple quick test of your community's smart growth readiness is to find the best street in your community, a place everyone would agree is great, then ask whether such a place could be built anywhere in your community today. Chances are the answer will be "no," as your current conventional zoning code does not allow it. Above all else, smart growth zoning's intent is to demystify placemaking.

A useful tool to assess your municipality's smart growth preparedness is to fill out New Jersey Future's Smart Growth Scorecard for Municipal Review (see Appendix C).

The scorecard identifies smart growth strengths and weaknesses in municipal planning and decision-making. The scorecard can determine whether a municipality is embracing and encouraging smart growth, and whether or not the right tools are in place to do so. Questions are asked about the community's land use plans and planning practices to determine overall commitment to smart growth in general, and to measure municipal sophistication about land use issues. Specific questions are asked about the town's master plan, zoning code, affordable housing strategy and/or plan, parking regulations, and open space plan, among other topics. A grade of A through F is calculated to determine the muncipality's smart growth strengths and weaknesses. While some of the questions only relate to New Jersey, most of the survey questions are applicable to Pennsylvania municipalities as well.

## Identify Funding and Partners

Rewriting zoning, particularly a form-based code, requires resources that some communities may not have. Municipalities should investigate grant programs (such as DVRPC's Transportation and Community Development Initiative [TCDI]), which offer grants to municipalities to rewrite their zoning codes. DVRPC also recently completed a Municipal Resource Guide, which includes a fairly comprehensive list of available funding sources and their applications.

Municipalities should also consult with their county planning departments for grant programs and technical assistance in updating or rewriting their zoning codes. County planning departments may also be instrumental in defining a vision for the county and bringing multiple municipalities together into a joint planning effort.

## Change Municipal Zoning to Allow Smart Growth

To adopt a form-based code or SmartCode, a hybrid version, a unified development code, or some version of smart growth zoning, municipal officials should take the lead in beginning the process of community involvement and buy-in necessary for a change of the status quo of conventional zoning. The planning commission and municipal solicitor should be consulted. It is important to educate everyone on the benefits of these codes and the need for an alternate code.

Any changes to zoning, particularly an entirely new code, will require a significant amount of upfront planning and preparation. Municipalities should be prepared to take a step back and assess their full potential. This means a comprehensive visioning process, most likely resulting in an update to the existing municipal comprehensive or master plan. Communities that have recently updated their comprehensive or master plan may find that many of the goal or aspirational statements in the plan already support smart growth zoning.

## Action Steps for Municipalities

If a community is interested in changing or updating their zoning to better serve smart growth, the following steps should be taken:

1. Educate municipal leaders, the planning commission, and planning staff on form-based codes, SmartCode, hybrid zoning, and/or other types of smart growth zoning. Consider sending staff to training on form-based codes, the SmartCode, or the charrette process.
2. Begin a public outreach and education process through a community charrette or other type of input process. The charrette can also educate builders and developers, public utilities, the municipal attorney, and other municipal departments on the benefits and incentives of form-based codes.
3. Host a code-writing charrette, either creating new code or calibrating the model SmartCode to local conditions.
4. Adopt new zoning, consistent with pertinent amendments to the local master or comprehensive plan.
5. Establish a consolidated design review committee and/or staff planner as the point person to administer the new form-based code, hybrid zoning, UDC, or other smart growth zoning. Depending on the degree of complexity and familiarity with the new zoning, a separate committee may not be necessary, and an existing committee or process, such as site plan review, can accommodate these new zoning regulations. Some large municipalities across the country have established “design and development centers” to assist with all aspects of development, including the zoning code.

## CONCLUSION

This report outlined a range of zoning techniques for promoting smart growth. A number of municipalities within our region have adopted one or more of these zoning approaches, but we need to go further. Our region is not yet a leader in smart growth, which hurts the future of our towns, cities, farmland, resources, and overall regional strength.

Smart growth is still a relatively new concept, and changing the accepted ideas and practices of land use regulation and development will not be easy. However, it is clear that our old methods of use-based Euclidian zoning are no longer as relevant as they once were. Market forces and changing lifestyles provide the social, economic, and political support to make smart growth zoning both appropriate and feasible for the municipalities in our region.

Smart growth is a strategy strongly promoted by DVRPC and the region's long-range plan, *Destination 2030*. It is critical for our regional strength and competitiveness to curb sprawl, enhance land preservation, revitalize our core cities and older suburbs, increase transportation options, and look for innovative solutions that reimagine our range of environments from rural to suburban to urban. The governments of Pennsylvania and New Jersey, both states' departments of transportation, and a significant collection of independent organizations share in DVRPC's commitment to promoting smart growth. These agencies and organizations provide substantial assistance and resources for carrying out smart growth strategies within our region.

More and more developers and municipal officials today understand and promote smart growth. The resources and tools for supporting smart growth will only increase over time. The journey towards a stronger region will require three important elements: multimunicipal cooperation, public education, and developer buy-in. With these elements, municipalities can move ahead in playing their part toward increasing the strength of their own jurisdictions and the region as a whole.

Many municipalities have already implemented some form of smart growth zoning. However, no municipality in the DVRPC region has adopted a true form-based code, and those that have embraced smart growth can go much further. Those without any form of smart growth zoning should seriously consider whether their current approach to land use regulation is outdated.

Municipalities should develop a smart growth vision and timeline outlining both short-term and long-term strategies. In the short term, for example, a municipality could create a new downtown district with density incentives, and create a set of design guidelines. In the longer term, it could consider implementing TND, rewriting the zoning ordinance as a form-based code or adopting a unified development code (UDC).

Form-based zoning, whether as a full code or through hybrid zoning, provides a new way to zone that promotes placemaking. The SmartCode is a useful model for understanding and applying form-based zoning. Unified development codes have also become an important tool for connecting the concepts of zoning with development implementation.

Communities now have an extensive toolkit with multiple options and approaches for codifying smart growth. It is up to individual municipalities to assess their smart growth potential, needs, and future direction, and to select the approaches that can help them achieve their smart growth goals.

## BIBLIOGRAPHY

American Institute of Certified Planners. *Form-Based Zoning*. CD-ROM. 2004.

American Planning Association. "Form-Based Zoning." PAS QuickNotes. October 2004.

American Planning Association. "Practice Affordable Housing." *Zoning Practice*. December 2006.

American Planning Association. "Practice Habitat Protection." *Zoning Practice*. January 2007.

American Planning Association. "Practice Unity." *Zoning Practice*. June 2006.

American Planning Association. "Standard State Zoning Enabling Act/Standard City Planning Enabling Act." www.planning.org/growingsmart/enablingacts.htm

City of New York. "New York City Zoning History." www.ci.nyc.ny.us.

Commonwealth of Pennsylvania. "Commonwealth of Pennsylvania Keystone Principles for Growth, Investment, & Resource Conservation." Economic Development Cabinet. October 24, 2005.

Commonwealth of Pennsylvania Executive Order 1999-1. "Land Use Planning." January 7, 1999.

Delaware Valley Regional Planning Commission. *Municipal Implementation Tool #3: Multi-Municipal Planning*. January 2003.

Delaware Valley Regional Planning Commission. *Municipal Implementation Tool #9: Inclusionary Zoning*. June 2006.

Delaware Valley Smart Growth Alliance. Project Recognition Program Criteria. www.delawarevalleysmartgrowth.org/criteria.htm

Duany, Andrés, et. al. *SmartCode: A Comprehensive, Form-Based Planning Ordinance*. V-6.5. Spring 2005.

EcoCity Cleveland. Community Design Scorecard. www.ecocitycleveland.org/smartgrowth/imageswr/commun_socre.html

Form-Based Codes Institute. "Checklist for Identifying and Evaluating Form-Based Codes." www.formbasedcodes.org/checklist.html

Gindroz, Ray. *Architectural Pattern Book.* W.W. Norton & Co. 2004.

Lanford, Brent. "The Future of Civic Life: New Rules concerning Urban Design Could Make Sprawl a Thing of the Past." *Charleston City Paper.* June 18, 2003.

Local Government Commission. *Smart Growth Zoning Codes: A Resource Guide*. 2003.

McMahon, Edward T. and Shelley S. Masran. "Better Models for Development in Pennsylvania." Pennsylvania DCNR. 2005.

Morris, Marya. *Incentive Zoning: Meeting Urban Design and Affordable Housing Objectives*. American Planning Association. Planning Advisory Service. Report No. 494. 2000.

National Center for Safe Routes to School. Bikeability Checklist. www.saferoutesinfo.org/resources/education_bikeability-checklist.cfm

National Center for Safe Routes to School. Walkability Checklist. www.saferoutesinfo.org/resources/education_walkability-checklist.cfm

New Jersey Future. Smart Growth Scorecard for Proposed Developments. www.smartgrowthgateway.org/pdf_folder/scorecard1.pdf

New Jersey Future. Smart Growth Scorecard for Municipal Review. www.smartgrowthgateway.org/pdf_folder/scorecard2.pdf

New Jersey Housing and Mortgage Finance Agency. Smart Growth Locator. www.sgl.state.nj.us

New Jersey Office of Smart Growth. Smart Growth Areas Map.

www.nj.gov/dca/osg/docs/smartgrowthareasmap.pdf

New Jersey State Office of Planning. Development Review Checklist. www.nj.gov/dca/osg/docs/developmentchecklist110195.pdf

New Jersey State Planning Commission. *The New Jersey State Development and Redevelopment Plan*. 2001.

Peirce, Neal R. "Zoning Ready to Be Reformed?" Washington Post Writers Group. 2003.

Pennsylvania Department of Transportation. "Sound Land Use Planning for Your Community." 2004.

PlaceMakers. SmartCode Case Studies. www.placemakers.com/info/infoClear.html

Rouse, David C., et. al. "Beyond Euclid." *Zoning News*. American Planning Association. October 2001.

The Town Paper. National Inventory of TND. tndtownpaper.com/neighborhoods.htm

Tracy, Steve. *Smart Growth Zoning Codes: A Resource Guide*. Local Government Commission. 2003.

U.S. Department of Commerce. "A Standard State Zoning Enabling Act Under Which Municipalities May Adopt Zoning Regulations." 1926.

Voorhees Transportation Policy Institute. Pedestrian-Friendliness Scorecard. www.smartgrowthgateway.org/pdf_folder/tpiwalkscorecard-5.xls

# APPENDIX A:
## MODEL UNIFIED DEVELOPMENT CODE

# MODEL UNIFIED DEVELOPMENT REVIEW PROCESS WITH COMMENTARY

[From *Zoning Practice*, June 2006. Reprinted with Permission of the American Planning Association.]

### 101. Purpose

The purposes of this ordinance are to: (a) Provide for the timely consideration of development permit review applications; (b) State the requirements for applying for and receiving a development permit; (c) Authorize a consolidated permit review process for land-use decisions; and (d) State the manner for the appeal of land use decisions.

**Comment:** A building permit is necessary for new construction. A zoning permit is issued when new construction changes a building's exterior dimensions or where there is a change of use. If a conditional use permit for a specific use is granted, a zoning permit is, nonetheless, required as the final determination that all zoning requirements are satisfied (See "Conditional Uses: Using Discretion, Hoping for Certainty," May 2006). While approval of a preliminary plan of a subdivision does not, by itself, authorize development, it is a condition precedent to the review of a final subdivision plat. Consequently, it is included in the model permits and approval table as a "preliminary approval." The model table is provided as a web-based enhancement on the Zoning Practice webpages. It lists the typical types of development permits and approvals granted by a local government. The times shown in the table are typical but may vary. The table treats a rezoning as a legislative action not requiring a record hearing because the only route of appeal is directly to the courts. Nonetheless, some local governments may treat rezonings as if they were administrative actions and compile a record, including a transcript of the proceedings. In some states, including Oregon, zoning map changes are considered administrative or quasi-judicial, and require more formal hearings. Because a sign permit is a ministerial action involving no discretion, the time limit on approval is proposed to be 15 days.

### 102. Authority

This ordinance is enacted pursuant to the authority granted by [cite to state statute or local government charter or similar law].

**103. Definitions** (see web-based enhancements on the Zoning Practice webpages).

### 104. Schedule for decisions on development permits and preliminary approvals; application requirements; preapplication meetings:

(1) The purpose of this Section is to identify the types of development permits issued by the [name of local government], who is responsible for determining whether applications are complete, whether an application can be approved, whether a record hearing is required, and the maximum number of days after the completeness determination for a decision on the application.

(2) Decisions on development permit applications, preliminary approvals, and amendments to the zoning map and the text of the land development regulations shall be made according to the following schedule.

(3) In computing any period of time prescribed or allowed by this ordinance, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or a legal holiday.

(4) The permit review coordinator shall prepare and issue a standard form requiring information common to all applications, including: (a) Name, address, telephone number, and electronic mail address (if available) of applicant; (b) Address or legal description of the location of the property for which the development permit, preliminary approval, or zoning map amendment is sought: (c) Area in square feet or acres of property described in (4)(b) above: (d) Zoning district designation for property described in (4)(b) above; (e) Type of development permit, preliminary approval, or zoning map or text amendment being sought; (l) For new construction or additions to an existing building or structure, a site plan, drawn to a scale of [insert scale] showing the distances of the new construction or addition to lot lines and the dimensions of the lot; and (g) Fee schedule and location on application form for calculation of the total fee to be charged.

In addition, the coordinator shall prepare forms for specific additional information required for development permits, preliminary approvals, zoning map amendments, and amendments to the text of the land development regulations.

**Comment:** The purpose of this section is to list all of the application requirements for each type of development permit or similar action. Each of the following types of development permits, preliminary

approvals, or applications for zoning map or text amendments requires different types of information, although no attempt has been made to list all of them. Common to each would be: (1) completion of an application form; (2) a scale drawing of the proposed building on the site in relation to lot lines; and (3) payment of the required fee. Building permit application requirements would be governed by the applicable building code, which is often based on a national model. In addition, applications for subdivisions and planned unit developments would require maps drawn in a manner required by the local government and containing certain information.

Other information may be required for applications. In some cases, land development regulations will require a narrative statement describing how the applicant believes the proposal will satisfy the decision-making criteria. For applications that require a record hearing, providing the names and addresses of all owners of record of real property within a certain radius of the site is necessary to give notice. Sometimes, technical information will be required. An application for a final plat of a subdivision would be accompanied by engineering plans and calculations for runoff. In the case of a certificate of appropriateness for changes to a historic structure, the applicant would need to submit drawings of building elevations and, in some cases, examples of proposed materials or colors. A zoning map amendment would require a legal description of the property proposed to be rezoned and the name of the specific zoning district classification. In some cases, the legal description would need to be prepared by a registered surveyor to ensure its accuracy.

Types of information typically required include special information for the different types of development, such as a subdivision or a conditional use; names and addresses of property owners within a certain radius of the property; submission of certain drawings in certain formats, such as electronic or on certain drafting media, or at certain scales; engineering calculations, including runoff calculations; descriptions (in written and graphic form) of mitigation measures; and statements explaining how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision making.

> (5) In order to be determined complete, an application for a development permit or preliminary approval, a zoning map amendment, or amendment to the text of the land development regulations shall contain the following information:
>
> (a) Building permit; (b) Zoning permit; (c) Sign permit; (d) Conditional use permit; (e) Variance; (f) Planned unit development preliminary plan; (g) Planned unit development final plan; (h) Subdivision preliminary plan; (i) Subdivision final plat; (j) Certificate of appropriateness; (k) Lot split, minor subdivision, or resubdivision; (l) Zoning map amendment; (m) Amendment to text of land development regulations.

**Comment:** Information requirements should follow each submittal.

> (6) The permit review coordinator shall be responsible for convening, at the request of an applicant, a preapplication meeting with officials of the local government and other governmental and nongovernmental organizations who would be involved in reviewing and acting on a development, whether or not the applicant is applying for a consolidated permit, provided that no official who is responsible for a land-use decision made on the basis of a record hearing shall participate in the preapplication meeting. At such a meeting, the permit review coordinator shall: (a) Identify the comprehensive plan policies and plan map designations applicable to the proposal; (b) Identify relevant ordinance provisions, including substantive and procedural requirements, applicable to the proposal; (c) Provide available technical data that will aid the applicant; (d) Identify other governmental policies and regulations that relate to the proposal; and (e) Identify any other reasonable opportunities or constraints concerning the application.
>
> Failure of the permit coordinator to provide any of the information in (a) to (e) above shall not constitute a waiver of any criteria or requirements for the application.

**Comment:** Paragraph (6) allows the permit review coordinator to convene meetings for the applicant that would include local government officials, the local public health department, and the local utility company. All would be involved, for example, in the review of a subdivision. Such a committee could also include officials from adjoining local governments where the development would be located partly in another jurisdiction.

One advantage of such a meeting is that, early in the design process, the applicant is given information that clarifies how the land development regulations

collectively apply to the property. This can prevent problems that arise when an applicant misunderstands development regulations and spends time and money to prepare plans that might violate those regulations. In addition, the meeting allows an applicant to determine if variances, which are minor departures from the strict and literal interpretation of the zoning ordinance are, in fact, needed for the project, or if good design alternatives are available that lessen or eliminate the need for them.

The limitation on the participation of certain officials in the preapplication meeting is to ensure that officials who must make a decision based on a record created at a hearing are not involved in ex parte contacts with applicants or others. For example, if a development needed a variance from the board of zoning appeals, a member of the board could not participate. On the other hand, a preapplication meeting could involve the local government's engineer, building official, and planning director.

> (7) The permit review coordinator may establish a technical advisory committee comprised of officials from the local government and other governmental and nongovernmental organizations who would be involved in reviewing and acting on a development to coordinate action on applications for development permits and preliminary approvals. A technical advisory committee, however, shall have no authority to approve, approve with conditions, or deny applications.

**Comment:** Paragraph (7) describes the type of technical advisory committee typically established within a local government to review certain types of proposed development (e.g., subdivisions and PUDs) that involve multiple decision makers. It is important for the planning department to consider the views of the health department about the minimum lot size for a septic tank or the project's "friendliness" toward pedestrians and bicyclists, for example. Similarly the parks and recreation department may have an opinion on the location of a proposed park in a new subdivision or PUD

> **105. Consolidated permit review process; permit coordinator** [available as a web-based enhancement on the Zoning Practice webpages]

> **106. Completeness review of application; when application is deemed complete** [available as a web-based enhancement on the Zoning Practice webpages]

> **107. Decision-making criteria**
>
> In making a decision for the following types of development permits. preliminary approvals, zoning district map amendments. and amendments to text of the land development regulations, the approving authority shall apply the following criteria, provided that approval, denial, or approval with conditions shall be based on the criteria applicable at the time the application was first accepted:

**Comment:** The criteria the local government approving authority uses to make the particular land use decision should be set forth under each of the headings in Section 107. Because each set of land development regulations contains unique criteria for different types of land use decisions, or because statutes might establish the criteria independent of local regulations (as in the case of a variance), this model does not attempt to describe all of them. Examples of the language to be used are under the headings of a building permit, a zoning permit, and a zoning district map amendment. If this section is drafted using an internal citation style rather than the style setting forth the complete criteria, the internal citation should be as specific as possible. For example, if the criteria for approving a conditional use permit appear in Article 12 of the zoning code, but the precise language is in Section 12-103(2), the internal citation should refer to that section, including paragraph (2). Doing so will eliminate confusion as to what parts of a code actually constitute "criteria."

> (a) Building permit. The chief building official shall approve an application for a building permit if the official finds that the application complies with the relevant provisions of the building code.
>
> (b) Zoning permit. The zoning administrator shall approve an application for a zoning permit: 1. If the administrator finds that the application complies with the relevant provisions of the zoning code; and
>
> 2. If the application requires an additional development permit, the approving authority for such development permit has either approved the application or has approved it with conditions, which shall be incorporated as conditions of the zoning permit.

A zoning permit shall not be required for any construction that does not alter the exterior dimensions of a building or structure.

(c) Sign permit. The zoning administrator shall approve an application for a sign permit if the administrator finds that the application complies with the relevant provisions of the sign code. (d) Conditional use permit; (e) Variance; (f) Planned unit development preliminary plan (g) Planned unit development final plan; (h) Subdivision preliminary plan; (i) Subdivision final plat; (j) Certificate of appropriateness; (k) Lot split, minor subdivision, and resubdivision. [insert decision-making criteria after each]

**Comment:** In some communities, lot splits, minor subdivisions (subdivisions of three to four lots not involving any public improvements or dedication), and resubdivisions (redrawing of lot boundaries without creating new lots) are subject to an administrative review, bypassing a planning commission, and could be included in paragraph (1). In such a case, a record hearing would not be required, and Section 104 should be changed to eliminate it.

(l) Zoning district map amendment. A proposed amendment to the zoning district map shall be consistent with the local comprehensive plan. The legislative body shall find that the proposed amendment to the zoning map is consistent with the local comprehensive plan when the amendment:

1. Furthers, or at least does not interfere with, the goals and policies contained in the local comprehensive plan;

2. Is compatible with the proposed future land uses and densities and/or intensities contained in the local comprehensive plan; and

3. Carries out, as applicable, any specific proposals for community facilities, including transportation facilities, other specific public actions, or actions proposed by nonprofit and for-profit organizations that are contained in the local comprehensive plan.

In determining whether the proposed amendment to the zoning map satisfies the requirements of subparagraph (l) above, the legislative body may take into account any relevant guidelines contained in the local comprehensive plan.

(m) Amendment to the text of land development regulations.

### 108. Administrative review; responsibility for completeness review

(1) Building permits and zoning permits are subject to administrative review.

(2) An applicant for a building or zoning permit shall submit an application to the chief building official or zoning administrator, respectively, on forms provided by the local government. An applicant for a master permit that incorporates a building permit and a zoning permit shall submit the application to the permit coordinator.

(3) Any decision on a building or zoning permit or master permit that incorporates a building permit and a zoning permit shall be accompanied by a checklist stating applicable codes or regulations that the chief building official or zoning administrator applied in making the decision.

(4) In the event the chief building official or zoning administrator denies a building permit or a zoning permit, the official or administrator shall state in writing the reasons for denial and the code sections relied upon in making the decision.

### 109. Applications not involving solely administrative reviews

For any development permit application that requires a record hearing as specified in Section 104, the applicant shall apply to the zoning administrator on forms provided by the local government.

### 110. Record hearing; notice requirements

(1) If an approving authority holds a record hearing on a development permit application, it shall provide notice of the date of the record hearing within [15] days of a completeness determination on the application under Sections 106(3) to 106(s) above, or within [15] days from the date an application is deemed complete under Section 106(7) above. Notice of the record hearing shall be mailed at least [20] days before the record hearing, and the record hearing must be held no longer than [30] days following the date that notice of the record hearing is mailed. A local government may hold a record hearing at a later date, but no more than [60] days following the date that notice of the record hearing was mailed, if state agencies or other local governments must approve or review the development application, or if the applicant for a development permit requests an extension of the time at which the record hearing will be held.

(2) The notice of the record hearing shall: (a) State the date, time, and location of the record hearing and the body or officer that will hold the hearing; (b) Explain the nature of the application and the proposed use or uses that could be authorized; (c) List the land development regulations and any goals, policies, and guidelines of the local comprehensive plan that apply to the application; (d) Set forth the street address or other easily understood geographical reference to the subject property; (e) State that a failure to raise an issue at a record hearing, in person or by letter, or the failure to provide statements or evidence sufficient to afford the local government an opportunity to respond to the issue, precludes an appeal to the appeals board based on that issue, unless the issue could not have been reasonably known by any party to the record hearing at the time of the record hearing; (f) State that a copy of the application, all documents and evidence submitted by or on behalf of the applicant, and any applicable land development regulations or goals, policies, and guidelines of the local comprehensive plan are available for inspection at no cost and will be provided at reasonable cost; (g) State that a copy of any staff reports on the application will be available for inspection at no cost at least [7] days prior to the record hearing and will be provided at actual cost; (h) State that a record hearing will be held and include a general explanation of the requirements for the conduct of the record hearing; and (i) Identify, to the extent known by the local government, any other governmental units with jurisdiction over some aspect of the application.

### 111. Record hearing; methods of giving notice

**Comment:** This section should specify the manner in which the local government gives notice for the record hearing. Requirements for notice may be stated in state statutes or the local government may have latitude to establish its own methods. For that reason, no ordinance language has been provided. Alternatives for notice include: conspicuous posting of the notice on the property for site-specific development proposals; publishing the notice, including at least the development location, description, type of permit(s) required, and location where the complete application may be reviewed, in a newspaper of general circulation in the jurisdiction of the local government and on the Internet; posting the notice on a bulletin board in a conspicuous location in the principal offices of the local government; making certain the manner of publication or posting takes into account the culture of the affected community by, for example, writing the notice in Spanish for areas with an Hispanic population; mailing the notice to all adjacent local governments and to all state agencies with jurisdiction over the development application; and mailing the notice to abutting and confronting property owners or property owners within a certain radius of the site.

This section should also indicate how far in advance of the record hearing notice must be given, either through publication, posting, or mailing. If the request is for a consolidated permit procedure, the notice must identify each application to be deciding as a consequence of the record hearing. Finally, the section should indicate how the information is to be presented so that a layperson can understand where the property in question is located, who owns or has control of it, which is the applicant, and what the matter to be decided is.

### 112. Record hearing; conduct of hearing

[available as a web-based enhancement on the Zoning Practice webpages]

### 113. Record hearing; findings, decision, and notice

[available as a web-based enhancement on the Zoning Practice webpages]

### 114. Time limits on decisions

(1) If the approving authority for a development permit fails to approve, conditionally approve, or disapprove a development permit application within the time period stated in Section 104 after it makes a written determination that a development permit application is complete, or from the time a development application is deemed complete, the failure to act shall be deemed an approval.

(2) The approving authority and the applicant for a development permit may mutually agree to an extension of the time limits for a decision specified in paragraph (1) above for a period not in excess of [90] days.

(3) If an application for a development permit is deemed approved under this section, the approving authority shall send by mail written notice that the permit has been deemed approved to all: (a) parties to the record hearing, and (b) persons and governmental units that submitted documents and materials to the administrative review.

(4) The time limits for the decision specified in this section do not run during any period: (a) of less than [30] days during which a local government

requests additional studies or information concerning a development permit application; or (b) in which the local government is unable to act upon development permit applications due to circumstances beyond the local government's control, including a reasonable period for resubmission of development permit applications and related materials destroyed, damaged, or otherwise rendered unusable.

### 115. Appeals

(1) The appeals board shall have the authority to hear and decide appeals where it is alleged there is error in a land-use decision made by an approving authority. An appeal of a land-use decision may be taken to the appeals board within [30] days after the decision is issued or within [30] days after the date the application is deemed approved under Section 114:

(a) by the applicant for the development permit and any party to the record hearing if there has been a record hearing; or (b) if there has been an administrative review: 1. by the applicant for the development permit; or 2. by any person or governmental unit aggrieved by the land-use decision.

There shall be no more than one record appeal on an application for a master permit.

**Comment:** The authority of the appeals board extends only to appeals that are administrative in nature. Consequently, the appeals board cannot hear decisions that are not final (e.g., preliminary approvals of subdivisions or decisions on zoning map amendments and amendments to the land development regulations).

(2) The party appealing must file a notice of appeal specifying the grounds for the appeal with the approving authority that made the decision that led to the appeal, and with the appeals board. The approving authority that made the decision that led to the appeal shall transmit to the appeals board the record for the land-use decision that the party is appealing.

(3) The appeals board may dismiss an appeal if it determines the notice of appeal is legally insufficient on its face.

**Comment:** If a record hearing has been held on a development permit application, any person who could be aggrieved has the opportunity to become a party to the hearing, so this section limits appeals to persons who became parties. If there has been an administrative review without a hearing, there has been no opportunity to establish party status, so the applicant and any person aggrieved may appeal.

(4) An appeal that is not dismissed shall stay any and all proceedings to enforce, execute, or implement the land-use decision being appealed. Any development authorized by said land-use decision, unless the approving authority that made the decision that led to the appeal certifies in writing to the appeals board that a stay in the decision or development thereunder would cause immediate and irreparable harm to the appellant.

(5) The appeals board shall set the time and place at which it will consider the appeal, which shall be no more than [20] days from the time the appeal was filed. The appeals board shall give at least [two] days' notice of the appeal hearing to the approving authority that made the decision that led to the appeal and to the parties to the appeal.

(6) The appeals board shall hold a hearing on the record in a record appeal. The appeals board may take supplementary evidence in record appeals only in those limited cases in which it makes a written finding that evidence proffered by any party was improperly excluded from the record hearing. If the appeals board decides to take supplementary evidence, it shall provide mailed notice of this decision to all parties to the record hearing that was appealed and shall hold a record hearing as required by the local government's unified development review process.

(7) An appeals board shall issue a written decision after the record hearing in which it may reverse or affirm, wholly or in part, or may modify a land-use decision that has been appealed, and shall have the authority in making such a decision to exercise all the powers of the approving authority that made the decision that led to the appeal insofar as they concern the issues stated in the appeal. A tie vote is an affirmation of the decision that was appealed.

(8) The appeals board shall not make findings of fact unless the board has taken evidence supplementing the record on appeal, in which case it shall make findings of fact based on this evidence and shall make a decision based on such findings.

(9) In an appeal from an administrative review, the appeals board shall hold a record hearing and make a decision as provided in Sections 110 to 114 above.

(10) The appeals board shall mail a notice of any decision to the parties to the appeal and to the [local planning agency or code enforcement officer] of the local government within [30] days of the commencement of the hearing.

(11) The appeals board shall keep written minutes of its proceedings, showing the vote of each member upon each appeal or, if absent or failing to vote, indicating that fact, and shall keep records of its official actions in its office.

(12) The [name of legislative body] shall adopt rules of procedure for the appeals board.

**Comment:** This section describes an appeals procedure concerning land use decisions. It gives the authority to an appeals board to hear appeals. The appeals board can hear appeals: (a) on the record, which occurs where there has already been a record hearing (e.g., when there has been a hearing on a conditional use permit); and (b) subject to a record hearing held by the appeals board, which would occur in the case of an administrative decision (e.g., the decision on a zoning permit). An appeals board could not, however, hear appeals it had previously heard. One situation needs special attention. If there is an existing board of zoning appeals and it is charged with serving as the appeals board, an alternate body must be designated as the appeals board in the case of record appeals on variances. A good alternative is to assign the job of conducting the review to a hearings officer.

### 116. Code Interpretations; Index of Interpretations

[available as web-based enhancement on the Zoning Practice webpages]

# APPENDIX B:

## EXCERPTS FROM SMARTCODE

[SmartCode version 8.0, New Urban Publications Inc.,
Credit: Duany Plater-Zyberk & Co.
SmartCode is available online at PlaceMakers.com]

5.1 **INSTRUCTIONS**

5.1.1 Lots and buildings located within a Community Plan subject to this Code and previously approved by the Legislative Body shall be subject to the requirements of this Article.

5.1.2 An owner or a developer may have site and building plans prepared on their behalf.

5.1.3 Owners and developers require administrative approval by the CRC.

5.1.4 The requirements described in this Article shall control the Disposition, Configuration and Function of buildings, as well as their architectural, landscape, parking, signage, ambient and visitability standards.

5.1.5 Building and Site Plans submitted under this Article shall show the following, in compliance with the standards described in this Article:

a. For preliminary site and building approval:
- Building Disposition
- Building Configuration
- Building Function
- parking standards

b. For final approval, in addition to the above:
- architectural standards
- landscape standards
- signage standards
- ambient standards
- visitability standards
- Special Requirements

5.2 **SPECIFIC TO NATURAL AND RURAL TRANSECT ZONES (T1 & T2)**

The following shall be applicable to Zones T1 and T2:

5.2.1 Buildings in the T1 Zone are permitted by Variance and in the T2 Zone by Warrant. Permission to build in T1 and the standards for Disposition, Configuration, Function, parking, architectural, environmental, ambient and visitability shall be determined concurrently as Variances, in public hearing of the Legislative Body.

5.2.2 **Environmental Standards**

The modification of the natural conditions shall be according to Local, State and Federal guidelines.

5.3 **SPECIFIC TO SUB-URBAN TRANSECT ZONE (T3)**

5.3.1 **Building Disposition (T3)**

a. Newly platted lots shall be dimensioned according to Section 5.4.11
b. Buildings shall be disposed in relation to the boundaries of their lots according to Section 5.4.11
c. One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each lot as shown in Table 16C.
d. Lot coverage by building shall not exceed that shown in Section 5.4.11.
e. Facades shall be built parallel to a rectilinear Principal Frontage Line or parallel

to the tangent of a curved Principal Frontage Line.

f. Setbacks for Principal Buildings shall be as shown in Table 14G. In the case of an Infill lot, Setbacks shall match one or the other of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.
g. Rear Setbacks for Outbuildings shall be a minimum of 12 feet measured from the centerline of the Alley or Rear Lane easement. In the absence of Rear Alley or Lane, the rear Setback shall be as shown in Section 5.4.11.
h. Building Types shall be as shown in Table 9.
i. [RESERVED]

5.3.2 **Building Configuration (T3)**

a. Private Frontage types shall conform to and be allocated in accordance with Table 7 and Section 5.3.11.
b. [RESERVED]
c. [RESERVED]
d. Building Heights shall conform to Table 8 and be as shown in Section 5.4.11.
e. [RESERVED]
f. All specified Building Heights may be increased by the base elevations required by applicable FEMA standards.

5.3.3 **Building Function & Density (T3)**

a. Buildings in each Transect Zone shall conform to the Functions described in Table 10 or 11 and Section 5.3.11. Functions that do not conform to the requirements of Tables 10 and 11 shall require approval by Warrant.
b. The Actual Parking available to meet the Required Parking shown on Table 12 shall constitute the Base Density. Functions shall be limited by the Base Density, subject to upward adjustment in accordance with paragraphs 5.3.3c and 5.3.3 d.
c. The Base Density may be adjusted upward by adding the Actual Parking available for each of two Functions within any pair of adjacent Blocks, and the resulting sum then multiplied by the corresponding Sharing Factor (Table 12). The result shall be the Effective Parking available for calculating an Adjusted Density. Conversely: The Effective Parking required is the sum of the Required Parking divided by the Sharing Factor.
d. Within the Long Pedestrian Shed of a TOD, the Effective Parking available for calculating the intensity on each lot may be increased by a multiplier of thirty percent (30%).

5.3.4 **Parking Standards (T3)**

a. Vehicular parking shall be required and adjusted for mixed-use as shown in Tables 11 and 12.
b. On-street parking available along the Frontage Lines that correspond to each lot shall be counted toward the parking requirement of the building on the lot.
c. Maximum parking ratios may be established by the CRC.
d. Parking shall be accessed by the Alley or Rear Lane, when such are available on the Community Plan.

e. Parking lots shall be masked from the Frontage by a Liner Building or Streetscreen as specified in Section 5.3.5b.
f. Open parking areas shall be located at the Second and Third Lot Layers, as shown in Table 16D, except that Driveway aprons and drop-offs may be located at the First Layer. Garages shall be located at the Third Layer.
g. The required parking may be provided within one-quarter mile of the site that it serves, subject to approval by Variance.
h. [RESERVED].
i. [RESERVED]
j. [RESERVED]
k. For buildings on Secondary Grids (S-Grids), parking lots may be allowed on the Frontage by Warrant (see Section 5.8.1a).

5.3.5 **Architectural Standards (T3)**

a. Building wall materials may be combined on each Facade only horizontally, with the heavier below the lighter.
b. Streetscreens should be between 3.5 and 8 feet in height and constructed of a material matching the adjacent building Facade. The Streetscreen may be replaced by a hedge or fence by Warrant. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
c. All openings, including porches, galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.
d. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade being calculated independently.
e. [RESERVED].
f. Doors and windows that operate as sliders are prohibited along Frontages.
g. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches and attached sheds may be no less than 2:12. h. The exterior finish material on all Facades shall be limited to brick, wood siding, cementitious siding and/or stucco.
h. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the CRC.
i. Balconies and porches shall be made of painted wood.
j. Fences, if provided at the First Layer, shall be painted. Fences at Lot Lines may be of wood board or chain link.

5.3.6 **Environmental Standards (T3)**

a. Transect Zones manifest a range of responses to natural and urban conditions. In case of conflict, to the extent not inconsistent with applicable state or federal law, the natural infrastructure shall have priority in the more rural zones (T1-T3) and the urban infrastructure shall have priority in the more urban zones (T4-T6) as detailed in Sections 5.2 through 5.6.
b. The landscape installed shall consist primarily of native species requiring minimal irrigation, fertilization and maintenance.
c. Impermeable surface by building shall be minimized and confined to the ratio of lot coverage by building shown in Table 14F.

d. To the extent not inconsistent with applicable state or federal law, the management of storm water shall be primarily through retention and percolation on the individual lot or through swales in the Public Frontage.

5.3.7 **Landscape Standards (T3)**

a. A minimum of one tree to match the species of street trees on the Public Frontage shall be planted within the First Layer for each 30 feet of Frontage Line as illustrated in Table 16D.
b. [RESERVED].
c. [RESERVED].
d. Trees shall be of various species, naturalistically clustered, with an understory stall below for maintenance. Lawn shall be permitted by Warrant.

5.3.8 **Signage Standards (T3)**

a. One address number no more than 6 inches measured vertically shall be attached to the building in proximity to the principal entrance or at a mailbox.
b. One blade sign for each business may be permanently installed perpendicular to the Facade. Such a sign shall not exceed a total of 4 square feet.
c. [RESERVED].
d. There shall be no signage permitted additional to that specified in this section.
e. Signage shall not be lit.

5.3.9 **Ambient Standards (T3)**

a. Sound levels measured at the building Frontage shall not exceed 65 decibels from sunrise to sunset and 55 decibels from sunset to sunrise.
b. Average lighting levels measured at the building Frontage shall not exceed 1.0 fc (foot-candles).
c. Streetlights shall be of a general type illustrated in Table 5.
d. Outdoor storage shall be screened from view from any Frontage by a Streetscreen in conformance with Section 5.3.5b.

5.3.10 **Visitability Standards (T3)**

a. There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building.
b. All first floor interior doors (including bathrooms) shall provide 32 inches of clear passage.
c. There shall be a half or full bath provided on the first Story of each building.

## SMARTCODE

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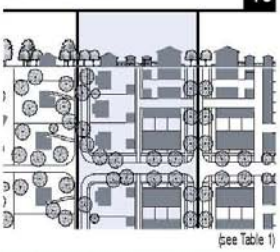
## ARTICLE 5. BUILDING SCALE PLANS

**SECTION 5.3.11** **T3**

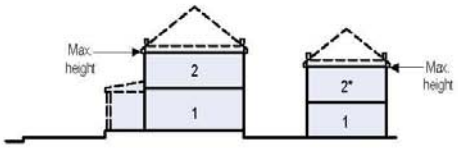


(see Table 1)

| BUILDING FUNCTION (see Tables 10 & 11) | |
|---|---|
| a. Residential | restricted use |
| b. Lodging | restricted use |
| c. Office | restricted use |
| d. Retail | restricted use |
| BUILDING HEIGHT (see Table 8) | |
| a. Principal Building | 3 stories max. |
| b. Outbuilding | 2 stories max. |
| LOT OCCUPATION | |
| a. Lot Width | 72 ft. min 120 ft. max. |
| b. Lot Coverage | 60% max |
| BUILDING TYPE (see Table 9) | |
| a. Edgeyard | permitted |
| b. Sideyard | prohibited |
| c. Rearyard | prohibited |
| d. Courtyard | prohibited |
| BUILDING DISPOSITION | |
| a. Front Setback | 24 ft. min. |
| b. Side Setback | 12 ft. min. |
| c. Rear Setback | 12 ft. min. |
| d. Frontage Buildout | |
| OUTBUILDING DISPOSITION | |
| a. Front Setback | 20 ft. min. |
| b. Side Setback | 3 ft. or 6 ft. |
| c. Rear Setback | 3 ft. or 23 ft. |
| PRIVATE FRONTAGES (see Table 7) | |
| a. Common Lawn | permitted |
| b. Porch & Fence | permitted |
| c. Terrace or L.C. | prohibited |
| d. Forecourt | prohibited |
| e. Stoop | prohibited |
| f. Shopfront & Awning | prohibited |
| g. Gallery | prohibited |
| h. Arcade | prohibited |
| | Refer to Summary Table 14 |
| PRIVATE PROVISIONS | |
| See Tables 11 & 12 | |

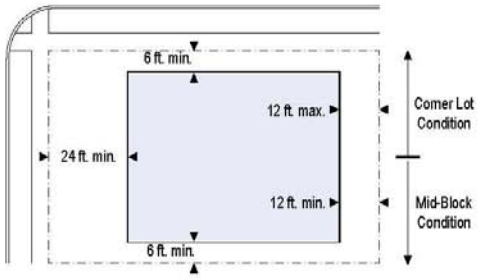
### BUILDING HEIGHT

1. Building height shall be measured in number of stories, excluding a raised basement, or inhabited attic.
2. Each story shall not exceed 14 ft. clear, floor to ceiling.
3. Maximum height shall be measured to the eave or roof deck.



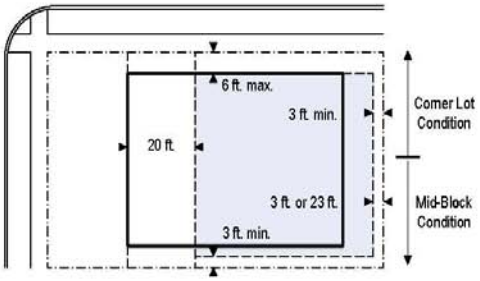

### BUILDING DISPOSITION

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Facades shall be built along the principal frontage to a minumum of 50% of its width of the principal frontage.



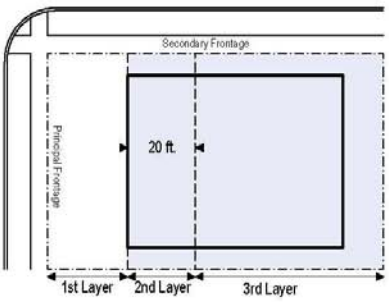

### OUTBUILDING DISPOSITION

1. The elevation of the out buildings shall be distanced from the lot lines as shown.




### PARKING PLACEMENT

1. Uncovered parking spaces may be provided within the 2nd and 3rd Layer as shown in the diagram (see Table 16D).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 16D).
3. Trash containers shall be stored within the 3rd Layer.

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SmartCode Version 8.0

## 5.4 SPECIFIC TO GENERAL URBAN TRANSECT ZONES (T4)

### 5.4.1 Building Disposition (T4)

a. Newly platted lots shall be dimensioned according to Section 5.4.11
b. Buildings shall be disposed in relation to the boundaries of their lots according to Section 5.4.11
c. One Principal Building at the Frontage, and one Outbuilding to the rear of the Principal Building, may be built on each lot as shown in Table 16C.
d. Lot coverage by building shall not exceed that shown in Section 5.4.11.
e. Facades shall be built parallel to a rectilinear Principal Frontage Line or parallel to the tangent of a curved Principal Frontage Line.
f. Setbacks for Principal Buildings shall be as shown in Table 14G. In the case of an Infill lot, Setbacks shall match one or the other of the existing adjacent Setbacks. Setbacks may otherwise be adjusted by Warrant.
g. Rear Setbacks for Outbuildings shall be a minimum of 12 feet measured from the centerline of the Alley or Rear Lane easement. In the absence of Rear Alley or Lane, the rear Setback shall be as shown in Section 5.4.11.
h. Building Types shall be as shown in Table 9.
i. A minimum Residential housing mix of three Types (none less than 20%) shall be required in the General Urban Zone, selected from Table 9.

### 5.4.2 Building Configuration (T4)

a. Private Frontage types shall conform to and be allocated in accordance with Table 7 and Section 5.4.11.
b. Awnings may encroach the public sidewalk without limit. Stoops may encroach 100% of the depth of a Setback. Open porches and awnings may encroach up to 50% of the depth of the Setback. Balconies and bay windows may encroach up to 25% of the depth of the Setback.
c. Loading docks and service areas shall be permitted on Frontages only by Warrant.
d. Building Heights shall conform to Table 8 and be as shown in Section 5.4.11.
e. All specified Building Heights may be increased by the base elevations required by applicable FEMA standards.

### 5.4.3 Building Function & Density (T4)

a. Buildings in each Transect Zone shall conform to the Functions described in Tables 10 or 11 and Section 5.4.11. Functions that do not conform to the requirements of Tables 10 or 11 shall require approval by Warrant.
b. The Actual Parking available to meet the Required Parking shown on Table 12 shall constitute the Base Density. Functions shall be limited by the Base Density, subject to upward adjustment in accordance with paragraphs 5.4.3 c and 5.4.3 d.
c. The Base Density may be adjusted upward by adding the Actual Parking available for each of two Functions within any pair of adjacent Blocks, and the resulting sum then multiplied by the corresponding Sharing Factor (Table 12). The result shall be the Effective Parking available for calculating an Adjusted Density. Conversely: The Effective Parking required is the sum of the Required Parking divided by the Sharing Factor.

d. Within the Long Pedestrian Shed of a TOD, the Effective Parking available for calculating the intensity on each lot may be increased by a multiplier of thirty percent (30%).
e. Accessory uses of Limited Lodging or Limited Office shall be permitted within an Outbuilding.

5.4.4 **Parking Standards (T4)**

a. Vehicular parking shall be required as shown in Tables 11 and 12.
b. On-street parking available along the Frontage Lines that correspond to each lot shall be counted toward the parking requirement of the building on the lot.
c. Maximum Parking ratios may be established by the CRC.
d. Parking shall be accessed by the Alley or Rear Lane, when such are available on the Community Plan.
e. Parking lots shall be masked from the Frontage by a Liner Building or Streetscreen as specified in Section 5.4.5b.
f. All parking areas except for Driveways shall be located at the Third Layer as illustrated in Table 16D. Garages shall be at the Third Layer.
g. The required parking may be provided within one-quarter mile of the site that it serves, subject to approval by Variance.
h. [RESERVED].
i. [RESERVED]
j. A minimum of one bicycle rack place shall be provided within the Public or Private Frontage for every ten vehicular parking spaces.
k. For buildings on Secondary Grids (S-Grids), parking lots may be alllowed on the Frontage by Warrant (see Section 5.8.1a).

5.4.5 **Architectural Standards (T4)**

a. Building wall materials may be combined on each Facade only horizontally, with the heavier below the lighter.
b. Streetscreens should be between 3.5 and 8 feet in height and constructed of a material matching the adjacent building Facade. The Streetscreen may be replaced by a hedge or fence by Warrant. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.
c. All openings, including porches, galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.
d. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade being calculated independently.
e. [RESERVED].
f. Doors and windows that operate as sliders are prohibited along Frontages.
g. Pitched roofs, if provided, shall be symmetrically sloped no less than 5:12, except that porches and attached sheds may be no less than 2:12.
h. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the CRC.
i. The exterior finish material on all Facades shall be limited to brick, wood siding, fiber-cement siding and/or stucco.

j. Balconies and porches shall be made of painted wood or metal.
k. Fences, if provided within the First Lot Layer shall be painted. Fences at other Layers may be of wood board or chain link.

5.4.6 **Environmental Standards (T4)**

a. Transect Zones manifest a range of responses to natural and urban conditions. In case of conflict, to the extent not inconsistent with applicable state orfederal law, the natural infrastructure shall have priority in the more rural zones (T1-T3) and the urban infrastructure shall have priority in the more urban zones (T4-T6) as detailed in Sections 5.2 through 5.6.
b. The species of landscape installed shall consist primarily of durable species tolerant of soil compaction.
c. Impermeable surface shall be confined to the ratio of lot coverage by building, as shown in Table 14F.
d. To the extent not inconsistent with applicable state or federal law, management of storm water shall be primarily off-site through underground storm drainage and there shall be no retention or detention required on the individual lot.

5.4.7 **Landscape Standards (T4)**

a. A minimum of one tree to match the species of street trees on the Public Frontage shall be planted within the First Layer for each 30 feet of Frontage Line as illustrated in Table 16D.
b. [RESERVED].
c. [RESERVED].
d. Trees of species matching the planting on the Public Frontage as shown in Table 4. Lawn shall be permitted.

5.4.8 **Signage Standards (T4)**

a. One address number no more than 6 inches measured vertically shall be attached to the building in proximity to the principal entrance or at a mailbox.
b. One blade sign for each business may be permanently installed perpendicular to the Facade. Such a sign shall not exceed a total of 4 square feet .
c. [RESERVED].
d. There shall be no signage permitted additional to that specified in this section.

5.4.9 **Ambient Standards (T4)**

a. Sound levels measured at the building Frontage shall not exceed 65 decibels from sunrise to sunset and 55 decibels from sunset to sunrise.
b. Average lighting levels measured at the building Frontage shall not exceed 2.0 fc (foot-candles) .
c. Streetlights shall be of a general type illustrated in Table 5.
d. Outdoor storage shall be screened from view from any Frontage by a Streetscreen in conformance with Section 5.4.5b.

5.4.10 **Visitability Standards (T4)**

a. There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building.
b. All first floor interior doors (including bathrooms) shall provide 32 inches of clear passage.
c. There shall be a half or full bath provided on the first Story of each building.

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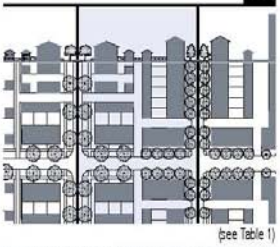
## ARTICLE 5. BUILDING SCALE PLANS

**SECTION 5.4.11** **T4**



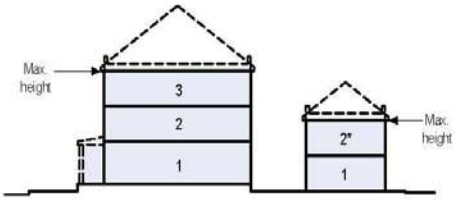
(see Table 1)

| BUILDING FUNCTION (see Tables 10 & 11) | |
|---|---|
| a. Residential | limited use |
| b. Lodging | limited use |
| c. Office | limited use |
| d. Retail | limited use |
| **BUILDING HEIGHT** (see Table 8) | |
| a. Principal Building | 4 stories max, 2 min |
| b. Outbuilding | 2 stories max. |
| **LOT OCCUPATION** | |
| a. Lot Width | 18 ft min 96 ft max |
| b. Lot Coverage | 70% max |
| **BUILDING TYPE** (see Table 9) | |
| a. Edgeyard | permitted |
| b. Sideyard | permitted |
| c. Rearyard | permitted |
| d. Courtyard | prohibited |
| **BUILDING DISPOSITION** | |
| a. Front Setback | 6 ft. min. 18 ft. max. |
| b. Side Setback | 0 ft. combined min. |
| c. Rear Setback | 3 ft. min.* |
| d. Frontage Buildout | |
| **OUTBUILDING DISPOSITION** | |
| a. Front Setback | 20 ft. min. + bldg. setback |
| b. Side Setback | 0 ft. min. or 3 ft. |
| c. Rear Setback | 3 ft.* or 23 ft. |
| **PRIVATE FRONTAGES** (see Table 7) | |
| a. Common Lawn | prohibited |
| b. Porch & Fence | permitted |
| c. Terrace or L.C. | permitted |
| d. Forecourt | permitted |
| e. Stoop | permitted |
| f. Shopfront & Awning | permitted |
| g. Gallery | permitted |
| h. Arcade | prohibited |
| | Refer to Summary Table 14 |
| **PARKING PROVISIONS** | |
| See Tables 11 & 12 | |

* or 15 ft. from center line of alley

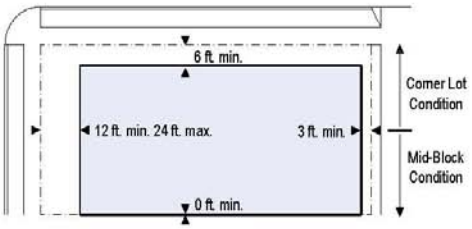
### BUILDING HEIGHT

1. Building height shall be measured in number of stories, excluding a raised basement, or inhabited attic.
2. Each story shall not exceed 14 ft. clear, floor to ceiling.
3. Maximum height shall be measured to the eave or roof deck.



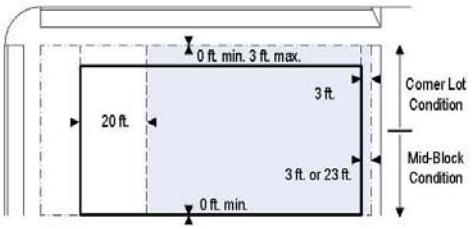

### BUILDING DISPOSITION

1. The facades and elevations of principal buildings shall be distanced from the lot lines as shown.
2. Buildings shall have facades along principal frontage lines and elevations along lot lines. (see Table 16E).



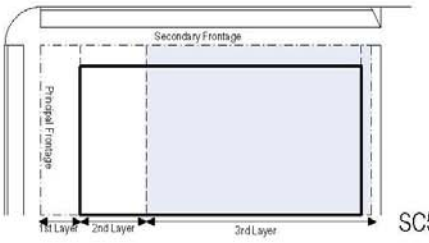

### OUTBUILDING PLACEMENT

1. The elevations of the out buildings shall be distances from the lot lines as shown.




### PARKING PROVISIONS

1. Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram (see Table 16D).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 16D).
3. Trash containers shall be stored within the 3rd Layer.




SC55

SmartCode Version 8.0

# APPENDIX C:

## SMART GROWTH SCORECARD – MUNICIPAL REVIEW

[Credit: New Jersey Future
available online at www.njfuture.org]

NEW JERSEY FUTURE

# SMART GROWTH SCORECARD — Municipal Review

An easy-to-use scorecard for identifying Smart Growth strengths and weaknesses in municipal planning and decision-making.

Scorecards are complimentary upon request. To become a friend of New Jersey Future, and to learn more about our efforts to bring smarter growth to New Jersey, visit our website at www.njfuture.org or call 609/393-0008.

## What is Smart Growth?

Smart Growth means adding new homes, new offices and businesses and new jobs to New Jersey's economy in a way that enhances the communities where we already live – without requiring higher taxes, adding to our road and traffic woes and without consuming or polluting our remaining farmland, beachfronts, woodlands and open spaces.

## How do you know Smart Growth when you see it?

Smart Growth has two primary features: the "where" and the "how." It happens "where" development can be accommodated with minimal adverse impact to the environment, and in places where development takes maximum advantage of public investments already made. Smart Growth also addresses "how" the finished development will work with neighboring development to restore choices that are missing in places marked by sprawl: such as the choice to walk or use public transit, the choice to meet neighbors in attractive common spaces, or the choice to live in an apartment, a house, or a condominium.

## About this scorecard

This scorecard is as much a conceptual model as it is a practical tool. It should be viewed as a way to help citizens and local officials evaluate whether or not a municipality is "growing smart," and whether or not the right tools are in place to do so. A lack of smart growth on the ground often reflects problems with local plans and regulations. As a result, some of the questions in this survey may require a look at local planning documents and/or the zoning ordinance; others can be answered by observation. It may also be necessary to speak directly with your local planning and zoning office.

## General Smart Growth criteria:

- Occurs near existing development and infrastructure
- Increases the range of housing options
- Creates or enhances a vibrant mix of uses (residential, retail, office)
- Creates or enhances choices for getting around
- Walkable, designed for personal interaction
- Protects open space, farmland and critical environmental areas
- Respects community character, design and historic features

## Directions:

The scorecard is broken up into eight sections, one for each Smart Growth criterion (see above) plus a section to establish a general planning profile of the town. Read through the sections and circle the best answer for each measurement listed. The measurements are weighted differently so that the maximum score for each measurement reflects its importance to Smart Growth goals. To calculate the score, multiply the points for a given answer by the measurement's weight and enter it into the score column. Add up the scores for each measurement and write that number (subtotal) in the space provided.

## Municipal Planning Profile – A snapshot of the town's land use plans and planning. This helps to get a sense of municipal commitment to land use planning in general, as well as municipal sophistication about land-use issues.

| Measurement | Answer | Points | Weight | Score |
|---|---|---|---|---|
| Town Master Plan is current; it should be thoroughly examined, revised, and amended at least every 6 years | Yes<br>No | 1<br>0 | X 2 | |
| Town Master Plan incorporates State Plan concepts such as planning areas and centers | Yes<br>No | 1<br>0 | X 2 | |
| Town has a designated center (a defined area intended to accommodate growth) or endorsed plan as granted by the State Planning Commission | Yes<br>No | 1<br>0 | X 1 | |
| Town actively engages the public in its planning activities | Yes<br>No | 1<br>0 | X 2 | |
| Town has an affordable housing plan that is certified by the New Jersey Council on Affordable Housing (COAH), or has a judgment of repose from the courts | Yes<br>No | 1<br>0 | X 1 | |
| | | | Subtotal | |

## I. Near existing development and infrastructure –

Makes the most of limited public resources and builds on public investments already made by encouraging new development where infrastructure and services already exist. Creates opportunity for infill or redevelopment of under-utilized, abandoned and brownfield sites.

| Measurement | Answer | Points | Weight | Score |
|---|---|---|---|---|
| New development does NOT require the extension of new roads and sewer lines into previously undeveloped lands | Yes<br>No` | 1<br>0 | X 5 | |
| New development is occurring within 1/2 mile (walking distance) of existing development in a town center (Town centers are compact, walkable places intended to accommodate growth and include a variety of community services, employment, shopping, housing and public spaces.) | Yes<br>No | 1<br>0 | X 5 | |
| Public facilities (schools, libraries, etc.) are located centrally, within walking distance for most users | Yes<br>No | 1<br>0 | X 4 | |
| Town has looked into the capacity of its infrastructure and environment to accept new growth (carrying capacity analysis, build-out analysis) | Yes<br>No | 1<br>0 | X 3 | |
| Town has redeveloped, or has plans to redevelop vacant, under-utilized, and/or brownfield properties | Yes<br>No | 1<br>0 | X 2 | |
| | | Subtotal | | |

## II. Range of housing options –

Offers a range of housing types and sizes. Increases the choices available to households of all income levels.

| Measurement | Answer | Points | Weight | Score |
|---|---|---|---|---|
| Zoning allows for a mix of housing types, including single-family homes, affordable housing, multi-family housing, apartments and senior housing | A good mix<br>Limited mix<br>No mix | 2<br>1<br>0 | X 1 | |
| Town encourages affordable housing as a fixed percent (at least 15 percent) of new development | Required<br>Encouraged<br>Not mentioned | 2<br>1<br>0 | X 1 | |
| Town has an affordable housing strategy that includes inclusionary zoning, new construction and rehabilitation programs for low- and moderate-income households. (Inclusionary zoning refers to the allowance of lot sizes [usually greater than 8 dwelling units per acre] that make the provision of affordable units by private developers feasible.) | Yes<br>No | 1<br>0 | X 2 | |
| Affordable housing opportunities are distributed throughout the community, integrated into market-rate communities | Yes<br>No | 1<br>0 | X 1 | |
| | | Subtotal | | |

## III. Mix of uses –

Creates a vibrant community where places to work, shop, live and play are integrated.

| Measurement | Answer | Points | Weight | Score |
|---|---|---|---|---|
| Most daily shopping and service needs can be met in a central location or business district, without the use of a car to get between shops and services | All needs met<br>Some needs met<br>No needs met | 2<br>1<br>0 | X 2 | |
| Zoning code encourages mixed-use development (commercial and residential uses in the same building and/or district), especially in a town center | Required<br>Encouraged<br>Allowed<br>Not mentioned | 3<br>2<br>1<br>0 | X 2 | |
| Local parking regulations support smart growth by allowing shared parking, credit for parking provided off-site, reduced parking requirements for mixed-use development and credit for on-street parking | Yes<br>No | 1<br>0 | X 3 | |
| Town has a Special Improvement District or economic development plan to attract new businesses and housing options to a town center | Yes<br>No | 1<br>0 | X 2 | |
| | | Subtotal | | |

## IV. Choices for Getting Around – Maximizes use of existing transit service and other transportation options in order to decrease dependency on the automobile, thereby reducing traffic and encouraging walkability (see V. below).

| Measurement | Answer | Points | Weight | Score |
|---|---|---|---|---|
| Town encourages multiple modes of transportation, as evidenced by on-street parking, bike lanes, sidewalks and frequent crosswalks in the town | Yes<br>No | 1<br>0 | X 4 | |
| Town has convenient access to public transit (bus, rail, jitney) | Yes<br>No | 1<br>0 | X 3 | |
| Town has a recent circulation plan element as part of its Master Plan | Yes<br>No | 1<br>0 | X 2 | |
| Zoning encourages more compact, higher-density development within 1/2 mile of transit stops (bus, train, shuttle, etc.) | Yes<br>No | 1<br>0 | X 4 | |
| Streets within the town are interconnected, in a clear pattern for getting around, with few cul-de-sacs or dead end streets that encumber traffic flow | Yes<br>No | 1<br>0 | X 3 | |
| | | Subtotal | | |

## V. Walkable, designed for personal interaction – Designed for the human, rather than for the automobile. Helps to reduce traffic and create places with increased potential for social interaction, walking and sense of community.

| Measurement | Answer | Points | Weight | Score |
|---|---|---|---|---|
| Town has a good network of sidewalks and safe pedestrian/bike paths, interconnecting the town | Yes<br>No | 1<br>0 | X 4 | |
| Zoning requires buildings to be close enough to each other to encourage walking and pedestrian activity (Average residential density greater than 8 dwelling units per acre; commercial floor area ratio (FAR) exceeding 1.0) | Yes<br>No | 1<br>0 | X 5 | |
| Town is designed with the pedestrian in mind; curb cuts favoring vehicular access are minimized, parking lots in the front of buildings are avoided and there are many crosswalks | Yes<br>No | 1<br>0 | X 4 | |
| | | Subtotal | | |

## VI. Protects open space, farmland and critical environmental areas – Benefits the general public as it spares watersheds, scenic vistas and agricultural areas needed for drinking water, farm and tourism revenues and strong quality of life.

| Measurement | Answer | Points | Weight | Score |
|---|---|---|---|---|
| Zoning regulations limit growth in critical environmental areas, including State Plan Planning Area 5, prime watersheds, unbroken forest and grassland areas and critical wildlife areas/wildlife habitat (Low densities should be in place in these areas with provisions for small, clustered lots in order to protect farmland and forest land. The more environmentally sensitive the land, the lower the density should be.) | Yes<br>No | 1<br>0 | X 3 | |
| Town has regulations that steer development away from unsuitable land, including (if applicable) steep slopes greater than 20 percent, floodplains, stream corridors, aquifers and aquifer recharge areas | Yes<br>No | 1<br>0 | X 2 | |
| Town has adopted an open space plan to strategically identify and preserve open lands, including public parks and recreation areas, farms, natural habitats and forests | Yes<br>No | 1<br>0 | X 2 | |
| Town has plans to clean up brownfield and unused industrial sites | Yes<br>No | 1<br>0 | X 2 | |
| Town requires that all new development exceed the standards in NJ's energy code | Yes<br>No | 1<br>0 | X 2 | |
| Town has an active Environmental Commission | Yes<br>No | 1<br>0 | X 1 | |
| | | Subtotal | | |

## VII. Respectful of community character and design –

Growth is in keeping with the local architecture, especially if in historically significant area. Enhances the overall quality and values of the community. Enhances the community's desirability as a place to live, work, shop and recreate.

| Measurement | Answer | Points | Weight | Score |
|---|---|---|---|---|
| Zoning has specific design guidelines, including graphic images, to ensure new development is in keeping with community character, especially in historic districts | Yes<br>No | 1<br>0 | X 4 | |
| Town has a historic district and/or historic preservation commission to protect important structures | Both<br>Commission<br>None | 2<br>1<br>0 | X 2 | |
| Town has pedestrian-friendly amenities such as benches, lighting, street trees and trash cans, as well as windows at street level | Yes<br>No | 1<br>0 | X 1 | |
| Town has clean, well-lit community spaces such as public plazas, squares, parks, etc. | Yes<br>No | 1<br>0 | X 1 | |
| | | Subtotal | | |

### Final calculations:

1. Starting with Table I below, enter the subtotals for each section into Column 2 (Section Scores).
2. Divide Column 2 by Column 1 (Total Possible) and enter that number into Column 3(Calculation).
3. Multiply Column 3 by 100 and enter that number into Column 4. This is the Final Score for the section.
4. Using Table II below, enter the letter grade for each section into Column 5 (Final Grade).

Once the calculations are complete, take a look at the areas in need of improvement. Does the town under evaluation score well in terms of efficient use of infrastructure, but poorly in terms of providing access to public transit and other choices for getting around? Are the building design standards in keeping with the local architectural style, but inaccessible to pedestrian traffic? Making determinations of this nature, and asking the right questions will help guide planning and new development in the right direction, toward Smart Growth.

**TABLE I**

| Smart Growth Criteria | Column 1<br>Total Possible | Column 2<br>Section Scores | Column 3<br>Calculation (Col 2/Col 1) | Column 4<br>Final Score (Col 3 x 100) | Column 5<br>Final Grade (A-F) |
|---|---|---|---|---|---|
| Municipal planning profile | 8 | | | | |
| I. Near existing development and infrastructure | 19 | | | | |
| II. Range of housing options | 7 | | | | |
| III. Mix of uses | 15 | | | | |
| IV. Provides choices for getting around | 16 | | | | |
| V. Walkable, designed for personal interaction | 13 | | | | |
| VI. Protects open space, farmland and critical environmental areas | 12 | | | | |
| VII. Respectful of community character, design and historic features | 10 | | | | |
| TOTAL OVER ALL CRITERIA | 100 | | | | |

**TABLEII**

| Final Score | Letter Grade |
|---|---|
| 100 – 90 | A |
| 89 – 80 | B |
| 79 – 70 | C |
| 69 – 60 | D |
| 59 – 0 | F |

# Innovations in Zoning for Smart Growth

**Publication Number:** 07029

**Date Published:** July 2007

**Geographic Area Covered:** Nine-county Delaware Valley Region, including the counties of Bucks, Chester, Delaware, Montgomery, and Philadelphia in Pennsylvania; and Burlington, Camden, Gloucester, and Mercer in New Jersey.

**Key Words:** by-right zoning, charrette, conservation design zoning, design guidelines, effective agricultural zoning, form-based code (FBC), habitat- and species-specifc zoning, hybrid zoning, inclusionary zoning, live/work zoning, mixed-use zoning, multimunicipal zoning, new urbanism, overlay zoning, pattern book, planned unit development (PUD), SmartCode, smart growth, traditional neighborhood development (TND), transect, transit-oriented development (TOD), transit revitalization investment district (TRID), unified development code (UDC).

**Abstract:** This report is a guide for municipalities and counties in the Delaware Valley region to assist them in understanding and implementing zoning to promote smart growth. Smart growth is an approach to development that discourages sprawl, while encouraging revitalization of urban areas, infill, mixed-use, and land conservation, and promoting environments focused on pedestrian and transit accessibility. The report provides background on existing zoning methodology and smart growth innovations, including an extensive review of unified development codes, form-based codes, and the model SmartCode.

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