

ZONING**PRACTICE**

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PRACTICE TOWN CENTER ZONING

A large, bold, black number "5" is positioned in the lower half of the cover, partially overlapping the background image of a town center street scene. The background image shows a multi-story brick building with a "BELLINI" sign, street lamps, and flower beds, all in a monochromatic yellowish-brown tone.

If You Zone it They Will Come: Town Centers

By Kirk Bishop, Duncan Associates

This issue of *Zoning Practice* provides an overview of the structure of town center regulations and is part of larger effort by the American Planning Association on the development of model smart growth ordinances.

Included in APA's *Model Smart Land Development Codes* (www.planning.org/smartgrowth-codes/pdf/chapter1.pdf) are models that may be adapted by local governments to implement special planning policies (e.g., multimodal transportation; affordable housing; etc.). As used in this effort, smart growth ordinances and development codes mean regulations intended to achieve a variety of objectives (e.g., encouraging mixed uses, preserving open space and environmentally sensitive areas, providing a choice of housing types and transportation modes, and making the development review process more predictable). In addition, because smart growth ordinances involve providing more transportation options and more compact, mixed use development, they inevitably have public health implications; they encourage walking, bicycling, and human interaction, with the potential to support more

active, socially engaged lifestyles that result in better physical and mental health. The primary smart growth principle addressed with town center zoning is mixing land uses. Secondary smart growth principles include walkable neighborhoods and distinctive and attractive places.

FOR POLICYMAKERS

Local policymakers, such as mayors, city council members, and planning commissioners, can use this article to familiarize themselves with the contents of land development regulations, alternative ways to update such regulations, methods to incorporate smart growth objectives, and particular types of smart growth ordinances.

The model town center ordinance featured in the article provides a starting point for discussion among policymakers as to the

desirability and general approach to such regulations. In some cases, the model ordinance provides several regulatory alternatives among which policymakers can select or, by working with their planners, devise a hybrid approach that suits their community.

FOR PLANNERS

Professional planners can use the options discussed in the article to help policymakers understand land development regulation and how to meet smart growth objectives in the formulation of a town center ordinance. The article contains enough model language for planners to understand the technical and administrative complexities of smart growth ordinances and to draft and administer one for town centers.

Model provisions are preceded by commentary on drafting them.



Paul Hart



Lawrence Sawyer

☉ The defining characteristics of town centers are the mix of land uses and walkable, attractive public spaces. (Left) The core area of a traditional town center in a small suburban community. The street trees, wide sidewalks, building setbacks, and public clock contribute to a distinct sense of place. (Right) A town center district with a commercial orientation in Kansas City, complete with retail and service uses, on-street parking, a public clock, and civic space.

CREDITS AND ACKNOWLEDGMENTS

This report was prepared under the direction of the Research Department of the American Planning Association in Chicago. Stuart Meck, FAICP, was the principal investigator and coauthor. He is a former senior research fellow in the Research Department and is currently the director of the Center for Government Services, Edward J. Bloustein School of Planning and Public Policy, Rutgers University, New Brunswick, N.J. Coauthor Marya Morris, AICP, a former APA senior research associate, is now a senior associate with Duncan Associates in Chicago. Rebecca Retzlaff, AICP, assistant professor in Auburn University's community planning program and a former APA staffer, assisted the authors. Other coauthors include Kirk Bishop, executive vice president of Duncan Associates, Chicago, and Eric Damian Kelly, vice president of Duncan Associates and a professor of planning at Ball State University in Muncie, Indiana.

The editor was James Hecimovich, the editor of APA's Planning Advisory Service. Lisa Barton, design associate, designed the report. William R. Klein, AICP, APA's director of research, provided overall project administration.

Web-Based Enhancements for *Zoning Practice*

To enhance the reading experience for *Zoning Practice* subscribers, we have provided the full model town center ordinance on the *Zoning Practice* webpages of APA's website. We invite you to check out this enhancement at www.planning.org/ZoningPractice/currentissue.htm.

ALWAYS LOOK TO A MODEL

The following ordinance model establishes a town center that serves as a high-density, high-intensity, mixed use employment center with three authorized subdistrict types:

- (1) TC-1, town center core subdistrict, which is primarily intended to encourage and enhance the high-intensity office and employment center function of the town center's core area;
- (2) TC-2, town center mixed use subdistrict, which is primarily intended to support mixed use (residential/nonresidential) projects that contain active ground-floor uses within walking distance of the TC-1 district; and
- (3) TC-3, town center residential subdistrict, which is primarily intended to accommodate moderate- to high-density residential development and small-scale ground-floor commercial uses with residential units above. The district also accommodates low-intensity office development compatible with the residential character of the TC-3 district.

The model ordinance describes, in section 104, a set of permitted uses, that are slightly different for each use district. While not every community will want to establish and map all three different types of districts, this table offers guidance for the types of uses that might be allowed if the community opts for the three-district alternative.

Note that drive-in facilities are not allowed uses in the TC districts because of the potential of interfering with the desired pedestrian orientation of the land-use mix. Similarly, the TC districts also require a certain level of transparency for ground-floor retail to



David Lewis

➡ Town center zoning has several purposes, not the least of which is to create and preserve places that are unique for both residents and visitors, and to promote high-quality design. (Top) The French Quarter in New Orleans. (Bottom) South Beach, with one of the world's most famous and—increasingly—protected collections of Art Deco architecture.



Steve Geer

give buildings a human scale (see section 112). In core areas such as town centers setbacks are critical. The model allows setback averaging up to a maximum of 15 feet to reflect the context of adjoining buildings (see section 108).

DISTRICT PURPOSE

The generic purpose statements that follow reflect the intent of typical town center-style districts. Purpose statements should reflect the objectives of the plans that the zoning regulations are intended to implement.

Town Center District

101. Purpose

The purposes of a TC, Town Center district, are to:

- (a) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
- (b) Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors, and residents;
- (c) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;
- (d) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- (e) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- (f) Enhance the community's character through the promotion of high-quality urban design.

THE DISTRICTS

This model suggests a basic framework consisting of three districts. The number of districts needed to implement town center planning objectives will vary from community to community, reflecting the types of places and activities that exist within the area as well as the community's agreed-upon vision for the area. Note that, if desired, the TC-2 and TC-3 subdistricts can be combined if the distinctions between them are perceived as too fine for regulation or are simply not needed in a community.

102. Subdistricts

The TC district consists of three mapped subdistricts that reflect the existing and desired places within the Town Center area. They are:

(a) TC-1, Town Center Core subdistrict. The TC-1 subdistrict is primarily intended to encourage and enhance the high-intensity office and employment center function of the town center's core area. The TC-1 subdistrict regulations support the town center's role as a hub of regional importance for business, communications, office, government, retail, culture, education, visitor accommodations, and entertainment. The district regulations support a mix of large-scale offices, commercial, public, recreation, and entertainment uses. The TC-1 district also accommodates mixed use and residential projects as important components of the area's vitality.

(b) TC-2, Town Center Mixed Use subdistrict. The TC-2 subdistrict is primarily intended to support mixed use (residential/nonresidential) projects with active ground-floor uses within one-quarter of a mile of the TC-1 district.

(c) TC-3, Town Center Residential subdistrict. The TC-3 subdistrict is primarily intended to accommodate moderate-to high-density residential development and small-scale ground-floor commercial uses with residential units above. The district also accommodates low-intensity office development compatible with the residential character of the TC-3 district.

103. Definitions

As used in this ordinance, the following words and terms have the meanings specified below:

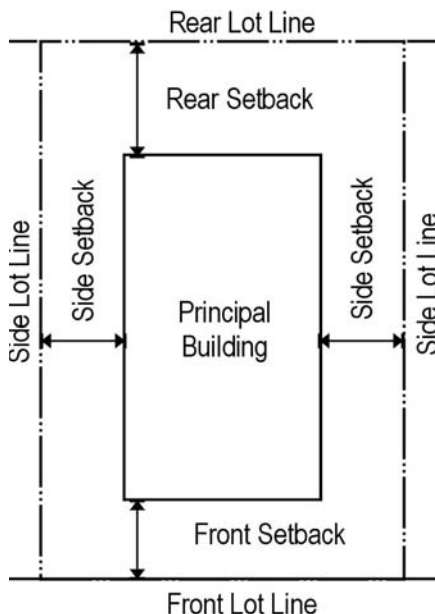
"Floor Area Ratio" means the ratio of a building's gross floor area to the area of the lot on which the building is located.

"Gross Floor Area" is the sum of the gross horizontal areas of several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade. Gross floor area does not include accessory parking, attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

"Mixed Use Building" means a building that contains at least one floor devoted to allowed nonresidential uses and at least one devoted to allowed residential uses.

"Setback" means the open, unobstructed area required to be provided between the furthestmost projection of a building and the adjacent property line.

LOCATION OF LOT LINES AND SETBACKS



USES THAT REFLECT LOCAL TASTES AND NEEDS

Use tables for town center districts should be refined to reflect local characteristics and planning objectives.

104. Allowed Uses

Uses are allowed in "TC" zoning districts in accordance with the use table of this section. [Available as a web-based enhancement on the Zoning Practice web pages.]

FLOOR AREA RATIO

In establishing proposed standards, communities will want to survey existing development to determine typical FAR ranges in areas covered by the TC district. FAR levels should be high enough to encourage moderate- to high-intensity buildings but not so high that new buildings would be out of scale with the surrounding areas. In underdeveloped town centers, communities may want to consider increasing the maximum allowable FAR to accommodate larger buildings. The following table suggests a typical range of appropriate FAR standards for buildings in the town center district.

105. Floor Area Ratio

All development in TC districts is subject to the following maximum FAR standards:

District	Maximum Floor Area Ratio
TC-1	[varies: 3.0–7.0 "typical"]
TC-2	[varies: 3.0–5.0 "typical"]
TC-3	[varies: 2.0–3.0 "typical"]

LET LOT AREA DICTATE RESIDENTIAL DENSITY

Within the types of urban and semi-urban settings where a town center district is likely to be applied, it is fairly common to regulate residential density in terms of the amount of lot area required per dwelling unit. It should be noted that some jurisdictions—notably Seattle—have chosen to abandon residential density standards in village center and mixed use commercial areas. The thinking behind such an approach is that density is already indirectly regulated by many other controls, such as building codes, parking requirements, FARs, maximum height limits, and setback controls. The logic here is that the community wants to encourage residential development, so why not remove the sometimes-arbitrary control that density limits represent?

106. Lot Area Per Unit (Density)

All residential development in TC districts is subject to the following standards for lot area per dwelling unit:

District	Minimum Lot Area Per Dwelling Unit
TC-1	[varies: 200–400 square feet]
TC-2	[varies: 200–400 square feet]
TC-3	[varies: 300–700+ square feet]

MAXIMUM BUILDING HEIGHTS FOR CONTEXT

Communities that want to promote building forms compatible with the area should establish maximum building heights. Height limits can also play an important role in protecting neighborhoods on the periphery of the town center. Building step-back (skyplane) standards should be used to soften the height transition between town center-style districts and lower-intensity neighborhood districts.

When using height limits, calibrate them to reflect FAR and building coverage limits. To calculate the number of building stories required to make full use of the allowed FAR, divide the FAR by the maximum building coverage. If, for example, the maximum FAR allowed is 2.0 and the maximum building coverage allowed is 66 percent, it will require a building of three or more stories to achieve the full FAR ($2.0 \div 0.66 = 3.03$). When no building coverage limits apply, maximum building



Michael Davidson

➔ Setbacks are critical to town centers, but context is also important to allow for uses such as outdoor eating areas. This is the town center of a new urbanist community in Glenview, Illinois. Angled parking accommodates more shoppers for the district's many businesses, including a restaurant and its adjacent patio. Residential and office uses are above.

height limits (in stories) should be established at no less than 1.5 to 2.5 times the allowed FAR (e.g., three to five stories in a district that allows an FAR of 2.0). In mid- and high-rise districts, the rule of thumb is typically three to four stories for each additional 1.0 FAR.

107. Building Height

All development in TC districts is subject to the following maximum building height standards:

District	Maximum Building Height
TC-1	[varies: 5 stories to unlimited]
TC-2	[varies: 4–7 stories]
TC-3	[varies: 3–5 stories]

CONTEXTUAL SETBACKS

Rather than mandating a zero-foot build-to line for all properties in TC zoning districts, this model offers flexibility to accommodate contextual setbacks, reflecting the setbacks of adjacent buildings. Paragraph (2) allows buildings to be set back to reflect those of neighboring buildings. Special provisions are also included to accommodate building recesses and setbacks for building entries and outdoor seating areas.

108. Setbacks

(1) No minimum front or street side building setback is required.

(2) The maximum front and street side building setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.

(a) If one or more of the lots required to be included in the averaging calculation are

vacant, such vacant lots will be deemed to have a yard depth of zero feet.

(b) Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in computing the average.

(c) When the subject lot is a corner lot, the average setback will be computed on the basis of the two adjacent lots that front on the same street as the subject lot.

(d) When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.

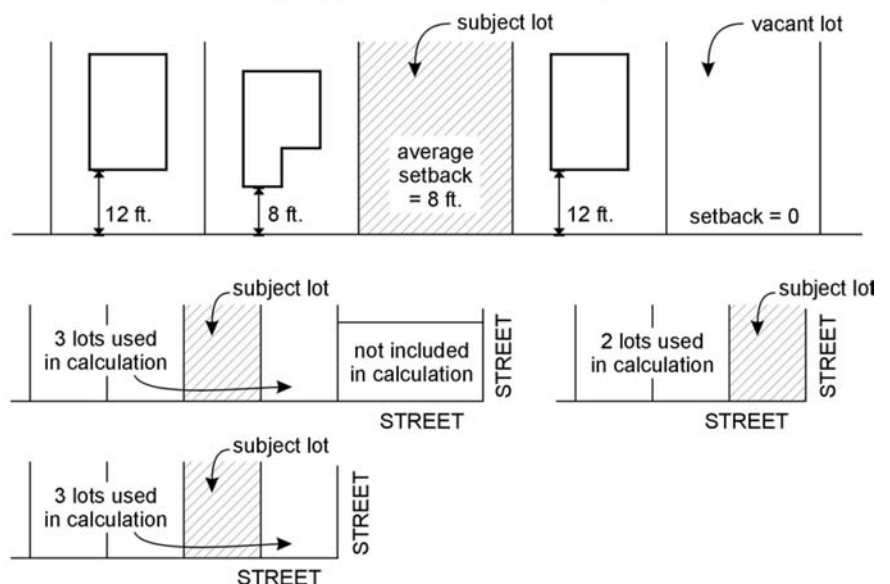
(3) The following exceptions to the maximum front and street side building setbacks apply:

(a) A portion of the building may be set back from the maximum setback line in order to provide an articulated facade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.

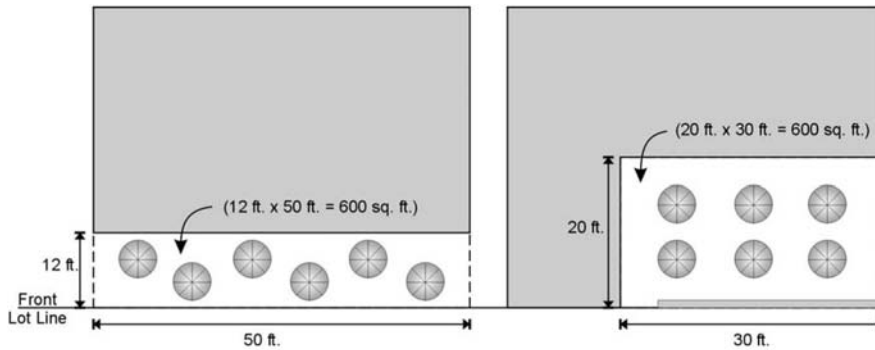
(b) A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the streetwall, the building may be set back no more than 12 feet from the front or street side property line or at least 40 percent of the building facade must be located at the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building facade may not exceed 12 times the building's street frontage in linear feet.

SETBACK CALCULATIONS

Example: $(12 \text{ ft.} + 8 \text{ ft.} + 12 \text{ ft.} + 0 \text{ ft.}) / 4 = 8 \text{ ft.}$



EXCEPTIONS TO MINIMUM FRONT AND STREET SIDE SETBACKS



The appropriate minimum building setback will depend on lot and development patterns in the area. When alleys abut the rear of lots no rear setback may be necessary, except perhaps for upper floors. On the other hand, when TC-zoned lots will abut the rear property line of low- to moderate-density residential lots, buildings in TC districts should be set back from rear property lines to protect the privacy and open feeling expected within residential rear yards.

(4) The minimum rear setback must be [0–30] percent of the lot depth.

Streets within town center areas are often lined with buildings that span the entire width of the lot. The standard proposed here will help reinforce that pattern, while also

imum side yard setback required in the TC district must be the same as required for a residential use on the abutting R-zoned lot.

KEEP THE PARKING SECONDARY

Although many ordinances require 1.5 or two parking spaces per dwelling unit, most TC-style districts warrant consideration of lower residential parking ratios, such as one space per unit (lower perhaps for affordable units, elderly housing, and areas with excellent transit accessibility). Exempting certain sizes of nonresidential uses from compliance with off-street parking requirements will help promote pedestrian-oriented character and encourage use/reuse of storefront retail space.

must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of twice the lot area.

(3) No off-street parking is required for nonresidential uses in the TC-2 district unless the gross floor area of such uses exceeds the area of the lot, in which case off-street parking must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of twice the lot area.

(4) No off-street parking is required for nonresidential uses in the TC-3 district unless the gross floor area of such uses exceeds 5,000 square feet of gross floor area, in which case off-street parking must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of 5,000 square feet.

(5) All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from the public right-of-way or residential zoning districts.

110. Indoor/Outdoor Operations

All permitted uses in the TC districts must be conducted within buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas, alone or in connection with restaurants.

THE PEDESTRIAN AND THE GROUND FLOOR

In areas with strong residential real estate markets ground-floor space is sometimes viewed as an afterthought or an incidental area—particularly when developed with a poor understanding of mixed use development. In other words, if profit margins are high enough on the residential units, inexperienced developers may have no incentive to make ground-floor commercial space attractive and conducive for retail activity. These provisions can help ensure that ground-floor space meets the needs of future retailers and not sit vacant for years after upper-floor residential units have been leased or sold.

111. Floor-to-Floor Heights and Floor Area of Ground-Floor Space

(1) All nonresidential floor space provided on the ground floor of a mixed use building must have a minimum floor-to-ceiling height of 11 feet.

(2) All nonresidential floor space provided on the ground floor of a mixed use building must contain the following minimum floor area:

(a) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or

(b) At least 20 percent of the lot area on lots with 50 feet of street frontage or more.

Merchants block required windows with display shelves, signs, and other visual



ensuring that a “typical” residential side yard is provided in areas abutting neighborhood residential zoning districts.

(5) No interior side setbacks are required in the TC district except when TC-zoned property abuts R-zoned property, in which case the min-

109. Off-Street Parking

(1) One off-street parking space must be provided for each dwelling unit.

(2) No off-street parking is required for nonresidential uses in the TC-1 district unless the gross floor area of such uses exceed twice the area of the lot, in which case off-street parking

➡ Town centers are zoned for livability—for the pedestrian. Provisions such as ground-floor retail, minimum floor-to-ceiling heights for ground-floor spaces, and windows and entrances that front the sidewalk benefit the social and economic viability of the districts. (Top) Downtown Lodi, California. (Bottom) A suburban downtown.



Mike Sommerberg



Michael Davidson

obstructions either because they view windows as a security concern or because they desire to maximize product display area. This ordinance does not expressly prohibit this practice because of the difficulty of enforcing such prohibitions. The most important objective here is that buildings be designed to include such pedestrian-oriented features rather than later having to retrofit existing storefront designs.

112. Transparency

(1) A minimum of [60–75] percent of the street-facing building facade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor nonresidential space or product display areas.

(2) The bottom edge of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than [3–4.5] feet above the adjacent sidewalk.

(3) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

Ground-floor windows and sidewalk-facing entrances create a pleasing pedestrian environment because people are attracted to spaces with interesting, pedestrian-scale views and visually appealing elements, such as window displays. Identifiable and accessible building entrances make it easier for pedestrians to navigate the area and makes them want to spend time there.

113. Doors and Entrances

(1) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(2) Building entrances may include doors to individual shops or businesses, lobby en-

trances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

WALKABILITY AND SAFETY FOR THE PEDESTRIAN

Driveways that cross sidewalks disrupt pedestrian movements and pose safety threats, and therefore should be the rare exception in neighborhood-oriented mixed use districts. Some communities may elect to treat businesses with drive-through facilities as a conditional use, requiring case-by-case approval. When using that approach, standards should be included requiring that drive-through windows be located behind the building and that pedestrian circulation routes be protected from auto traffic. The prohibition does not apply to service windows such as a service window for an ice cream parlor.

114. Vehicle and Driveway Access

No curb cuts are allowed for lots that abut alleys.

115. Drive-through Facilities

Drive-through facilities for vehicles are prohibited in all TC districts.

The town center of a new urbanist community in Glenview, Illinois. Photo by Michael Davidson.

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