

ZONING PRACTICE

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PRACTICE ONE-DISTRICT ZONING



6

One-District Zoning

By Lane Kendig

The majority of communities have far more zoning districts than they need to manage their growth and development.

There are several reasons for this. First, the tradition of single-use districts in Euclidian zoning requires more districts. Second, some communities create districts to control troubling uses by forcing a zoning change rather than planning to mitigate the problems. A third reason is that small municipalities and counties often copy their codes from larger places. The result in the vast majority of municipalities is too many zoning districts. One metric that captures this idea is the number of people per zoning district (see Table 1). The smaller the community, the more absurd the metric becomes.

TABLE 1. ZONING DISTRICTS AND POPULATION

Municipality	Population	Zoning Districts	People per District
Milwaukee, Wis.	600,000	99	6,060
Crystal Lake, Ill.	38,000	25	1,520
Zackary, La.	11,000	23	478
Indian Creek, Ill.	194	7	28

TOO MANY DISTRICTS

Having too many zoning districts creates problems. An excessive number of residential districts encourages developers to seek zoning changes to increase the density, arguing that the small change is inconsequential. Euclidian zoning with excessive districts prohibits mixed uses. It also results in over-specialized districts that often require zoning changes to enable a business to use a site. This creates undue delays and can frustrate the market. For example, in the 1970s, Lake County, Illinois, had three commercial districts. During a four-year span, one property requested and received three zoning changes. The first change was for a prospective purchaser, but no sale was

made, and the following year the property owner changed it back to the original zoning district for another prospective buyer. Ultimately, it was changed again before being developed. The oversupply of zoning districts goes against the goals of smart growth and more sustainable communities.

Perhaps the greatest problem is that having too many zoning districts destroys the character of the community. As I explained in *Community Character*, there are eight community character types, and many communities have only a few (see Table 2).

Milwaukee is a large city that previously had 99 zoning districts but only three urban and one sub-urban character type. Most districts did nothing to define character, only use.

At the other end of the scale, Indian Creek, Illinois, had seven zoning districts consisting of 40 small parcels of three to 20 acres and a subdivision of one-acre lots, all

of which were of estate character. The other six zoning districts were urban, auto-urban, or suburban in character, and failed to relate to the village's existing character.

When a community has many more districts than character types, a large number will be transitional between character types and have attributes of two character types. Since a major element of planning and zoning is to protect a specific character, transitional character types introduce confusion. If urban is desired, areas that are more auto-urban or have suburban characteristics simply detract from the community's identity.

THE ONE-DISTRICT ZONING CONCEPT

In the late 1980s, there was a lot of interest in Harden County, Kentucky's single-district zoning ordinance. That code purported to protect the county's rural character while providing a variety of development options. All the development options were negotiated with

TABLE 2. COMMUNITY CHARACTER TYPES

Urban Class	Sub-urban Class	Rural Class
Urban areas have buildings defining enclosed spaces for pedestrian activity and streets.	Suburban areas have garden-like spaces and lack enclosure. Vegetative masses shelter buildings and are as important as buildings.	Countryside describes residential areas that provide enough open space to retain rural character.
Urban Core is a very intense form of urban with high-rise buildings creating canyon-like spaces.	Estate is a lower density version of suburban, typically served by on-site sewer and water.	Agriculture is an area where the land use is the growing of food and fiber.
Auto-urban describes areas where the demands of surface parking destroy any sense of enclosure.		Natural describes areas where natural vegetation is undisturbed.

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About the Authors

Lane Kendig is the founder and former president of Kendig Keast Collaborative. He has been practicing and writing about the relationship between community design planning and regulatory tools for more than 40 years. In addition to the recent books *Community Character* and its companion, *A Guide to Planning with Community Character*, Kendig is the author of *Performance Zoning* and the PAS reports *Too Big, Boring, or Ugly*; *Traffic Sheds*, *Rural Highway Capacity*, and *Growth Management*; and *Performance Standards for Non-Residential Uses*.

neighbors through a conditional approval process. This was politically appealing to rural areas because the process avoided having to create a zoning map. Rural residents being introduced to zoning are often upset by the idea that some landowners get commercial or other high-value zoning while others get lower value rural zoning. The courts ultimately struck down the ordinance because it delegated power to citizens.

Despite the failure of the Hardin County approach, it is time to revisit one-district zoning. The attractiveness of the concept is that it eliminates the political challenges of drawing district boundaries and eliminates fears that zoning will be inequitable. More importantly, a great number of such communities have a strong desire to protect their character. If the community desires a single character, a single-district code becomes a very attractive strategic approach. It protects the community by providing all needed land uses while ensuring that they all have the desired character.

There are only three major classes of community character—rural, sub-urban, and urban—with a total of eight character types (see “Defining and Measuring Community Character”). Jurisdictions that can be classified as agricultural, countryside, estate, or suburban are the ones most likely to find the approach desirable. For suburban and estate areas, small communities are the most likely users.

The towns and townships of the northeastern states, where there is no unincorporated land, are easy targets for one-district zoning because they cannot grow by annexation and have to plan for their ultimate growth or build-out. Communities that can grow by annexation should also be planning for their

ultimate growth. This enables them to have a vision and plan of preserving the desired character over a long time period. However, there is potential for the plan to be disrupted by another community annexing part of the planning area. Annexation is even more threatening for counties because the threat of annexation places economic pressure on the county to rezone to higher intensities.

A one-district zoning ordinance will, by necessity, have to be very different from existing zoning codes. Even a rural zoning code must deal with a number of uses if it is in or near metropolitan areas or areas where tourism or second homes are driving growth. How can a single-district zoning ordinance control residential, commercial, and employment uses?

Mixed use zoning has been possible with performance standards for decades (see *Performance Zoning*). Districts in performance zoning areas are based on community character, and residential, commercial, and employment uses can be designed consistent with all five urban and sub-urban character types. While commercial and employment uses cannot be designed to be rural, hamlets and villages—which are rural development forms—can accommodate such uses.

There is an unreasoned fear that communities need commercial, office, and industrial districts to keep these uses out of the heart of residential neighborhoods. The fear is unfounded because most commercial uses want to be on major collector or arterial roads where they are visible to maximum traffic flows, so the market economics are an effective control on all but the smallest, most marginal commercial uses. Positive control is provided by performance

standards that limit commercial uses to frontage on these major roads. Employment uses are not as market-sensitive but the locational limitation also prevents these uses from disrupting residential areas by bringing high volumes of traffic or trucks into neighborhoods.

Buffering requirements also serve to protect existing residential against any nuisance potential of specific uses. The key elements of one-district zoning are performance standards that control the location of uses and minimum area requirements for locating large-scale development forms like hamlets or villages.

I first used one-district zoning in Chattahoochee Hills, Georgia (originally named Chattahoochee Hill Country). This was a new city carved out of Fulton County in 2007 to preserve its rural character. The Chattahoochee Hill Country Conservancy hired us to work with its members and developers to provide a draft code that would preserve the city’s rural character and eliminate the elements of the code assumed from the county that did not work.

MAJOR COMPONENTS OF ONE-DISTRICT ZONING

The major elements of one-district zoning require a different approach to land uses, character-based performance standards, a detailed assessment of existing development, environmental standards, landscaping and design standards, and possibly transportation performance standards.

Land Use

With one-district zoning, there are two major changes in the way land uses are addressed. First, land uses are simplified and

reduced in number while expanding the use list to include development forms. Second, a third type of permission, limited use, is widely used, providing greater control than permitted uses without the hassle and delay associated with conditional uses. Instead of the uses, housing types, and lot sizes used in Euclidian zoning, one-district zoning uses residential development forms—conventional, cluster, planned, hamlets, villages, or crossroads. “Conventional” and “cluster” limit uses to single-family housing. “Planned” permits all housing types but is residential. “Hamlets,” “villages,” and “crossroads” have specific lists of permitted commercial and employment uses. The more complex uses require large land areas, high open-space ratios, and often locational

areas, internal open space, and fringe buffers in addition to the density and overall open space requirements. There are often phasing requirements for nonresidential uses to ensure that such uses are provided. This ensures that the commercial uses that enhance the tax base are actually developed. In some cases this means the full residential build-out can be delayed for years.

Parcel Size

In developing the standards and proposing development forms, a careful analysis of parcel size and ownership patterns is essential. First, nearly all communities will have to address small parcels (one to 20 acres) that are unlikely to be assembled into larger holdings.

The introduction of limited uses in addition to permitted, prohibited, and conditional uses allows precise control within one-district zoning.

requirements, such as road type, spacing, design, and phasing.

The introduction of limited uses in addition to permitted, prohibited, and conditional uses is the second critical element. This device allows precise control within one-district zoning. A limited use is defined as permitted by-right, provided locational, design, or other performance standards are met. Thus, in the table of uses, retail sales would be listed as a limited use, and the limitation would be that retail would be located only in hamlets, villages, or crossroad centers. The hamlet and village are both further broken into center and residential areas so that the retail uses are limited to the center area—they cannot be located randomly within the development forms.

Development Forms

The cluster and planned (which permits all dwelling unit types) development forms have few needed controls other than density and open space that specifically regulate these forms. Hamlets, villages, and crossroads are intended to be communities with an internal organization and design. They are thus limited uses with a section of the code on the design and layout of these forms, which controls the overall planning for a center, residential area, employment

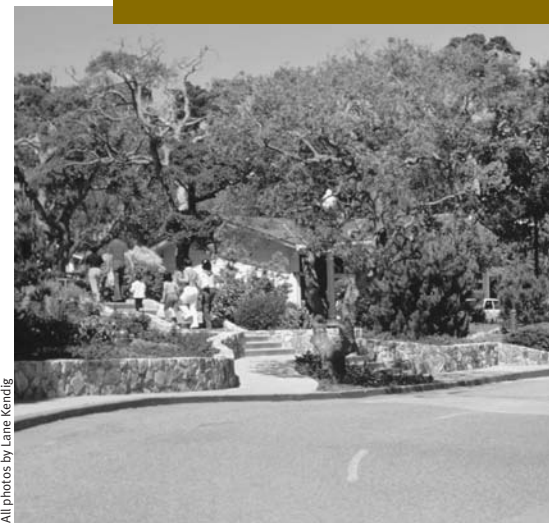
Conventional development, where lots are split into several parcels, is easy, but clustering is more difficult to manage for developments of small numbers of lots. For lots of less than one acre, public sewer facilities are required, and while there is no minimum scale for this, management is easier when there are larger numbers of units. Consequently, minimum property sizes of 50 to 100 acres are often necessary.

Hamlets and villages need 100 to 500 dwelling units as thresholds, so very large parcels are required. It is critical that planners evaluate the feasibility of assembling parcels adequate for these larger uses. Crossroads may or may not need larger areas as they must be adapted to existing crossroad development.

While planners can draft regulations for villages, unless there is a realistic chance of a developer assembling this amount of land, it can be a wasted exercise. Each development form provided should be achievable by one or more landowners. For hamlets and villages, it is recommended that at least some of the area be permitted to be noncontiguous because rural landowners often have noncontiguous properties. If a hamlet requires a square mile, having a hundred acres of farmland that is not contiguous does not present a problem (see incentives discussion to follow).



➡ (Above) In this urban commercial district, trees cover 75 percent of the site, and vegetation is a dominant visual feature.



All photos by Lane Kendig



Community Character

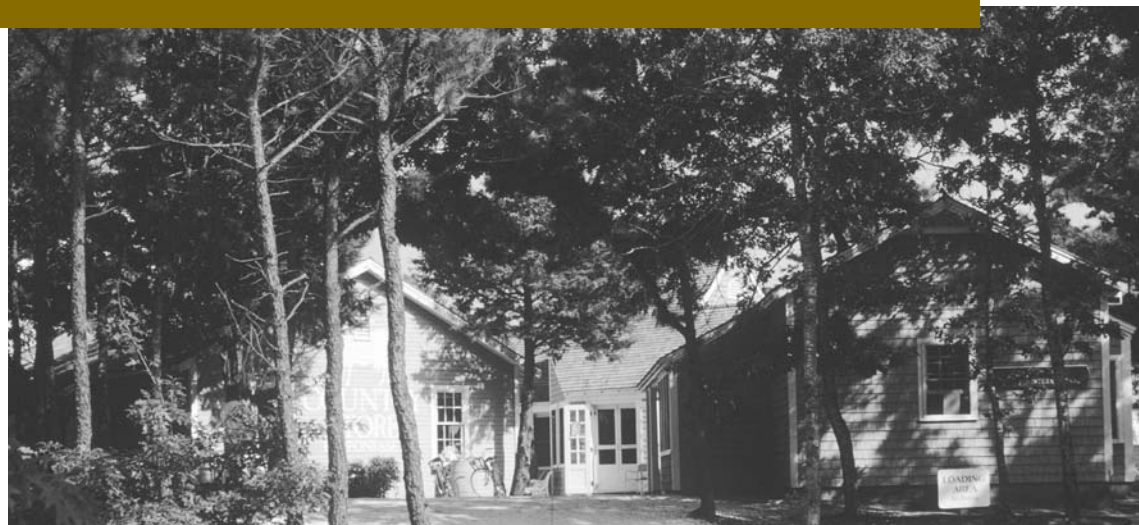
The most important element of one-district zoning is the determination of the character of the community when it is fully developed. There are four character types for which one-district zoning is best suited: agriculture, countryside, estate, and suburban. The intensity performance standards for commercial, office, or industrial uses can be tailored to meet any of these character types. Take commercial, for example. In urban character types, 90 to 100 percent of the land is in buildings or parking with little landscaping. In suburban, 50 to 60 percent of the land is landscaped open space. To provide an estate character, the open space needs to be in excess of 65 percent. The photos here illustrate the visual difference between commercial of different character types.

Incentives

The existing form of development in most areas considering one-district zoning will be a Euclidian or cookie-cutter development form that the development community is familiar with. Since open space is critical to all the other development forms, the new development will run against the experience of most developers. Incentives are an effective way to encourage the use of these forms, particularly for the larger scale forms.

For rural character, and to a lesser degree for suburban character types, open space is very important, so the form of development must be cluster development to preserve open space. While it is possible to

cial area, buildings create a sense of enclosure for pedestrians. (Below, left) In this suburban commercial area, landscaping is 50
 tion shelters and screens buildings. (Below, right) In this estate commercial area, landscaping occupies 65 percent of the site and is the



mandate extreme clustering, it is often better to provide a density incentive. Rewarding more extreme clustering with higher densities thus makes sense. In rural areas, preserving viable agricultural operations is important, so it is desirable to have fewer large-scale developments rather than a large number of smaller developments. This reduces the exposure of farm fields to residential areas that generate complaints and nuisances and provides larger contiguous fields for efficient farming. It is difficult to get the cooperation of multiple land owners even with transferable development rights (TDR). In many communities TDR programs are too conservative to gain market acceptance. Building a significant density incentive to obtain willing-buyer and willing-seller participation is the best approach to making TDR workable in the absence of a state mandate such as the New Jersey Pinelands.

The simplest density incentive is to build it into the development form options. Permitted density is proportional to the amount of open space provided. This means that the more desirable development forms must have a large site to be eligible to use the option. As noted, it is critical that ownership patterns are considered in the design. The incentive needs to be higher when many owners must cooperate than when only a few are needed, or where developers have a history of assembling large tracts of land. A very simple TDR system, permitting the site area to include a percentage of noncontiguous properties, is another form of incentive. Many rural landowners have multiple parcels but not all are contiguous, so allowing them to develop as a whole makes it easier to assemble the needed acres. In order to maintain the desired character, this requires a limit on how much may be noncontiguous and standards regarding the location and buffering of the developed portion.

Density

The primary incentive or disincentive is density. It also is a critical factor in setting up one-district zoning. A single-district ordinance has an advantage in that there is no threat of giving one landowner a higher density than others. It can be shown that the density achieved is partially controlled by the landowners' willingness to cooperate and invest in water and sewer infrastructure needed for higher densities.

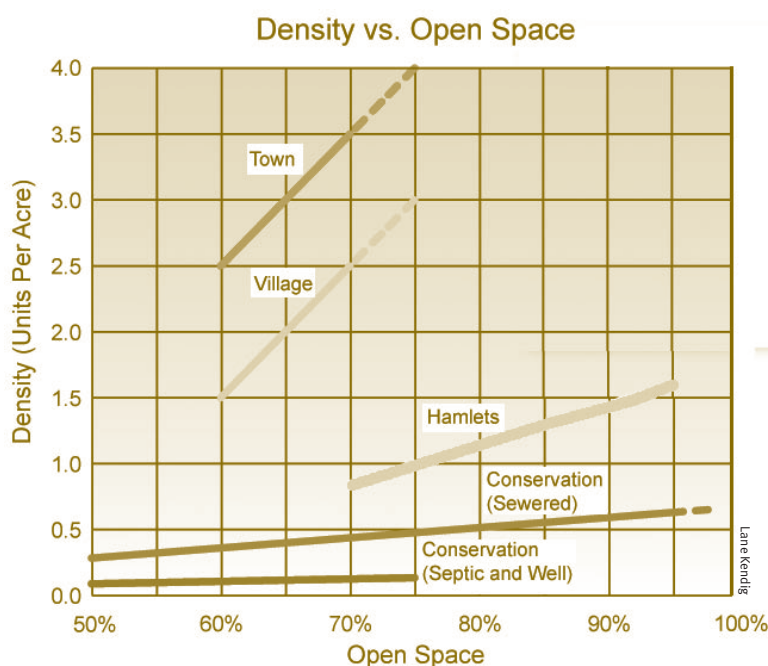
Selecting the maximum density development option must be done in conjunction with the open space required. As open

space increases, the net density on the developed part of the site also increases even if gross density remains constant. The use of incentives means that gross density must increase, so understanding what type of housing is being proposed is critical.

The process of developing a workable rural system in Chattahoochee Hills was greatly complicated by the constraints introduced by the prior county zoning. First, the original Agricultural zoning in Fulton County was one-acre lots, which is estate character, not rural. A starting point for rural zoning must be substantially lower. Second, a common error was made in understanding density.

Fulton County set the densities way too high and open space too low to preserve rural character. In fact, the permitted gross density was actually higher than anything the largest developers were proposing or likely to be able to market.

The chart below shows the incentive system proposed for Chattahoochee Hills. The obvious thing about the chart is that the town and villages do not preserve the same high levels of open space as lower density options and pose a problem for actually achieving rural character. This was the direct result of the densities originally adopted by Fulton County. The rationalization for lower levels of open space protection was that these forms



- ⑨ The town and village options in the density incentive scheme considered by Chattahoochee Hills, Georgia, may not preserve enough open space to protect rural character.

One-acre lots do not result in a gross density of one dwelling unit per acre. In reality, a developer using one-acre lots would be lucky to actually achieve 0.85 dwelling units per acre, since land must be used for roads and inefficiencies in design are likely.

In Chattahoochee Hills, even this was too high on the average. A combination of rugged terrain, poor soils for septic systems, floodplains, and Chattahoochee River protection standards meant that, on average, a developer using one-acre lots would more likely have gotten a gross density of only 0.33 dwelling units per acre. This gross density is similar to what three-acre zoning might achieve. As a result, to provide the incentive for hamlets and villages,

would be providing the city's nonresidential tax base. As the forested environment would largely screen this development from view, it was thought to be acceptable. However, if the original planning had started from a base gross density of 0.33 instead of one, the highest densities would have been lower and amount of open space higher—better assuring the preservation of rural character. An ideal rural area would have lower densities than shown and higher open spaces for hamlet, village, and town development forms. For estate areas, the top-end densities are also a bit high. In suburban districts there would likely be fewer options, and the most intense option could be a higher density.

The performance standards and choice of development forms for one-district zoning provide the flexibility to accommodate changes in development over a long planning period without threatening to alter the area's character.

Natural Resource Protection

One-district zoning uses well-tested performance standards for the protection of natural resources. In short, various natural resources are identified and given specific levels of protection by an open-space ratio, indicating what percentage of the resource may not be disturbed. This approach represents both a sound planning strategy for protecting rural character and for promoting energy and carbon sustainability.

The natural resources would include totally protected floodplains, wetlands, woodlands or forest, steep slopes, riparian buffers, and drainage ways. In addition, the performance standards should designate a minimum amount of buildable land to be provided for recreation. Since most recreation facilities require land to be cleared and leveled, buildable land must be provided. In practice, many municipalities found developers donating wetlands, areas with a high water table, and floodplains for parks and recreation, and these lands were often unusable when needed for spring sports. There is one additional demand for generally buildable land—detention or retention facilities. The sum of resource protection, recreation, and stormwater facilities land will determine the total required open space on a site. This number is then used to determine the maximum density.

Buffer Yards

Buffer yards that screen development from view are essential to creating a rural character in a wooded landscape. In farmland environments both setbacks and screening are needed. Formal buffer yards that are counted as open space are required for all the development types except for lot splits, where a very large setback and front yard landscaping are used instead of an actual buffer yard. The buffer along the right-of-way of existing roads is critical in this. The resident and visitor will see the municipality from the existing road network,

and screening development or pushing it into the background is essential. The exceptions to this are the village and town-scale developments, which need to have access to major roads and can be visible provided the performance standards for these development forms require spacing between them measured in miles. This makes these villages seem to be totally freestanding and surrounded by rural land. The area requirements for villages need to be coordinated with the separation and location requirements to test their workability.

Adequate Roads

In many rural areas, roads have nine- or 10-foot lanes that are well short of the standard 12-foot or more breakdown or bicycle lanes. In many cases these roads are gravel. These narrow or gravel roads have lower capacity to move traffic. Even with lower densities, a build-out plan's trip generation is likely to exceed the capacity of the road network at level of service C. The use of traffic sheds analysis as a control is an important tool (see *Traffic Sheds, Rural Highway Capacity, and Growth Management*). Even estate areas may have this problem. The traffic shed analysis al-

locates each land owner a density based on a fair share of the capacity of the road given the land area served.

CONCLUSION

The one-district zoning ordinance has the power to provide a vehicle for the complex planning of a rural municipality or small estate or suburban character communities. Its great advantage is that no matter the land use or development option used, the ultimate character of the municipality will be the one desired. The performance standards and choice of development forms provide the flexibility to accommodate changes in development over a long planning period without threatening to alter the area's character.

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Main Street sign in small-town America. © Andreblais I Dreamstime.com; design concept by Lisa Barton

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6