

From Policy to Reality

Updated
^ **Model Ordinances for Sustainable Development**



2000
Environmental
Quality Board

2008
Minnesota Pollution
Control Agency

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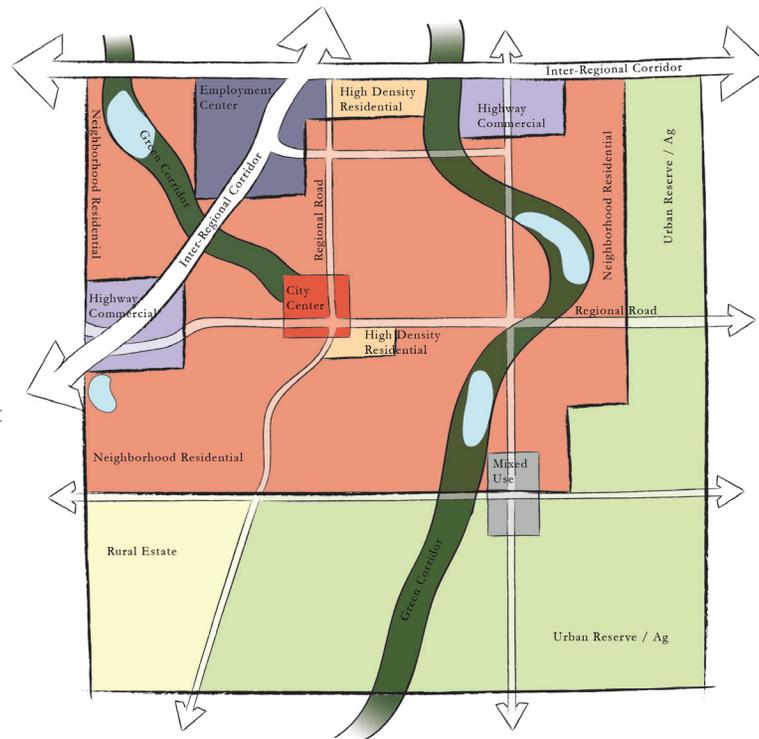
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Community
Resources

INTRODUCTION

Sustainability is not in the ordinance, but in the community’s goals and policies, and in the way the ordinance is administered to affect public and private sector actions. The ordinance is a tool used to achieve the goals and policies. This is most evident when we address the basic functions of land development regulation, such as those typically used in the zoning district. For instance, the list of permitted, conditional, interim, and accessory uses in each district is constructed to meet the goal of the district, which in turn should be linked to Comprehensive Plan goals and policies.

The model zoning districts are provided as examples for how specific types of districts can be used to meet sustainable comprehensive plan goals. The Downtown Mixed Use (DMU) district is designed to meet economic sustainability goals and community character goals for commercial areas serving a traditional city center downtown function in larger cities. The DMU district is intended to work complementarily with other commercial districts in the City, including neighborhood commercial, highway commercial, and specialized mixed use areas such as transit-oriented development.

DMU districts are places where more emphasis can be placed on form and less on identifying uses. DMU districts are intended to include a mix of uses, responding more organically to changing markets and placing less importance on minimizing nuisances. This model does not directly address form-based codes, but can be adapted to incorporate more form and design elements.



Model Zoning Districts

The model zoning districts in this model ordinance provide a sampling of districts types. Some districts are designed for mid-size or larger cities, others are more applicable for small cities, while others may be more appropriate for counties. Each of these different types of communities have district development patterns, development opportunities, and development risks. The Downtown Mixed Use district is most applicable in larger cities where the city will have multiple commercial areas. A similar district, the Village Mixed Use district, is directed to very small cities or even unincorporated “hamlets” or cross-roads in rural counties or townships.

Purpose

This purpose statement would be appropriate for a downtown within a city that serves as a regional center, such as a county seat. Many smaller communities have small downtown districts that nonetheless can serve important community functions.

Residential Uses

Lower-density residential uses such as single- and two-family dwellings would not typically be introduced as new uses in a downtown district, but are included here as conditional uses in order to recognize and legitimize any existing buildings of this type.

- I. **Purposes** - The Downtown Mixed Use District is designed to recognize and enhance the vitality of Model Community’s downtown by allowing and encouraging a full range of high-intensity uses, including retail, multi-family housing, offices, entertainment and civic uses. The DMU District regulations specifically implement the following goals from the Comprehensive Plan:
 - A. **Goal** – Maintain and enhance Model Community’s downtown as the predominant activity center and community gathering place for Model Community and the surrounding region.
 - B. **Goal** – Reinforce the compact development pattern found within the downtown as a means for reducing the number of vehicle miles traveled within Model Community.
 - C. **Goal** – Promote and enhance the downtown’s vitality and cultural character by enhancing day and night activity, providing and maintaining public spaces, and requiring pedestrian-oriented design.
 - D. **Goal** – Protect significant historical resources in the downtown and encourage their renovation or adaptive reuse.
 - E. **Goal** – Increase high-quality employment and diverse housing opportunities in the downtown area.

II. Use Regulations

- A. **Table of Uses** - The following table indicates allowed land uses with the following abbreviations: P for Permitted Use, C for Conditional Use, N for Not Permitted.

	DMU
Residential Uses	
Single-family dwelling	C
Two-family dwelling	C
Townhouse, rowhouse	P
Dwelling unit located at ground floor	C
Dwelling unit located above ground floor	P
Secondary dwelling	C
Community residential facility	P
Live-work space	P

	DMU
Civic and Semi-Public Uses	
Libraries, museums, community centers	P
Colleges and universities, commercial schools and professional training facilities	P
Religious assemblies	P
Schools, public and private	P
Day care centers	P
Parks and recreation facilities	P
Hospitals, clinics, nursing homes	P
Transit stations and related parking facilities	P
Commercial Uses	
Retail sales and service establishments, multi-tenant shopping centers, and personal service establishments	P
Services such as beauty shops, barbershops, and dry-cleaning establishments. No drive-through service windows permitted.	P
Professional business and general offices such as banks, offices, clinics, medical, dental and doctor's offices, government and public utility office buildings, post offices, opticians' offices and similar uses.	P
Hotels, motels, inns, bed and breakfasts	P
Convention centers and halls, conference centers, exhibition halls	C
Theaters, indoor entertainment facilities, fitness centers, health clubs	P
Sports facilities, arenas, stadium	C
Structured parking facilities when part of a mixed-use development	P
Restaurants including open air or sidewalk cafes	P
Food and beverage sales	P
Taverns, lodges or private clubs	P

Auto-Oriented Uses

Auto-oriented uses may be appropriate within a downtown area or close to the downtown. Drive-through facilities are frequently associated with banks (a common and desirable downtown use) and may be treated as a conditional use with standards that require placement to the rear of the principal building, provide adequate screening, and avoid interference with pedestrian circulation.

Ground Floor Uses

This “50% rule” may be feasible along certain primary streets in communities where market conditions will support ground-floor office or retail uses. Another option is to require that the space be designed for future retail or office use.

Downtown Setback Standards

In keeping with traditional downtown development patterns, buildings are generally placed at the front property line (or inner edge of the sidewalk), with some exceptions. New buildings should reinforce this “streetwall.”

	DMU
Art and craft galleries and studios	P
Farmers’ markets	P
Mixed-use developments or multi-use developments	
P	
Drive-through facilities in conjunction with a permitted use	C
Automotive service stations, including convenience stores with fuel sales	N
Automobile sales and service	N
Outdoor sales and storage in conjunction with a permitted use	N

- B. **Ground Floor Uses** - Along designated primary streets, at least 50 percent of ground floors, measured along the primary street façade, shall be occupied by commercial or civic uses.

III. Dimensional Standards

	Min. Lot Area, sq. ft.	Min. Lot Width, sq. ft.	Min. Front Yard, feet		Min. Side Yard, feet	Min. Rear Yard, feet
			Min.	Max.		
Office, Retail or Mixed-Use Building		none	none	[1]	[2]	[3]
Townhouse, Row-house, Live-Work Building	2,000/unit	25	5 - 15 [4]	8 (end unit)	20	
Multifamily Building	1,000/unit	60	10 - 20 [4]	10	20	
Other Building Type	To be determined through Conditional Use process					

- A. A build-to line is established at the front property line. At least 65 percent of the front façade must be located at the build-to line. The remainder of the façade may be recessed to allow for entry features, outdoor eating areas, courtyards and similar features.
- B. Side yards are required only in cases where nonresidential or mixed-use buildings abut residentially-zoned lots. In these cases, the minimum side yard shall be that required in the adjacent residential district.
- C. Rear yards are required only in cases where nonresidential or mixed-use buildings abut the rear or side yards of residentially-zoned lots. In such cases, the minimum rear yard shall be 20 percent of lot depth.
- D. Where at least 50 percent of a block’s frontage is developed with principal structures, the front yard setback for new structures shall equal the average setback of the existing structures, except that any structure set back 20 percent more or less than the average may be discounted from the formula.



IV. Density and Height Standards

- A. Public gathering spaces, landscaped areas, public art, and outdoor seating areas may be counted toward building square footage in calculating the FAR.
- B. Exceptions to minimum FAR:

Minimum Density	15 units/acre
Maximum Density	50-80 units/acre
Minimum FAR	0.3 – 1.0 [1][2]
Minimum Height	1.5 - 2 stories
Maximum Height	5-12 stories
Minimum First-Floor Height	11 feet floor to ceiling

- 1. Historic buildings as defined in this Ordinance are exempt from the minimum FAR requirement.
- 2. A new building with less than the required FAR may be permitted with a conditional use permit if it is on a developed zoning lot where an existing building will remain, subject to the following standards and conditions: (1) Total lot coverage and FAR for the zoning lot are not reduced; and (2) The new development provides enhanced landscaping, pedestrian realm enhancements, or building design elements that significantly improve the pedestrian friendliness and aesthetic appeal of the total development.

Ranges are provided for maximum density, floor-to-area ratio (FAR) and height, to illustrate the wide range of conditions found within downtown districts.

- A two-story minimum height is often required to help define the street as a pedestrian-oriented space and encouraged mixed use.
- A maximum height of 4 or 5 stories may be appropriate for a small city, while 10 or 12 stories may be appropriate for a larger one.
- An FAR of 0.3 is appropriate for retail with surface parking, while higher FARs can be achieved with structured parking (or with no required parking at all).
- The minimum first floor height is designed to provide sufficient height for retail uses at ground floor level.

Parking Requirements

Many downtown districts require no off-street parking; others require parking only for residential uses. Parking is frequently a controversial issue, and should ideally be resolved in a unified manner for the entire district, by providing shared surface lots or parking structures and carefully managing the on-street parking supply. The use of car sharing or other alternatives to car ownership can allow for reduced parking requirements for residential housing, but discretion must be used to avoid creating a long-term situation of residents using street parking as car storage. Consider reducing the minimum requirements (as discussed in the TOD District) and the TDMP ordinance).

Pedestrian Design Standards

Because design standards for pedestrian-oriented streets and districts are likely to apply to more than one zoning district, they are included as a separate Article in this Chapter.

V. Parking Requirements

- A. **Off-Street parking not required** - No off-street parking is required in the DMU District, with the exception of the following:
 - 1. **Large Entertainment/Convention/Sports Facilities** - Arenas, convention centers, sports stadiums or indoor entertainment facilities exceeding 100,000 square feet in gross floor area. Parking requirements for such uses shall be determined as part of the conditional use process.
 - 2. **Parking Required for Residential Units** - One off-street parking space must be provided for each residential unit. If more than one parking space per unit is desired, the additional spaces must be structured. Less than one parking space per unit is allowed if Model Community determines that one of the following travel demand management tools are incorporated into the residential development:
 - a. Car sharing services:
 - b. Transit-oriented design and transit incentives, consistent with a Travel Demand Management Plan:
 - c. Other demonstration that vehicle ownership and use will be significantly lower than one car per household.
- B. **Front Parking Lots Prohibited** - Off-street parking is not permitted between the front façade of a building and the primary street. Parking may be located to the rear or side of a building, provided that no more than 35 percent of the lot frontage along the primary street is devoted to parking or drives. Surface parking shall not be located within thirty (30) feet of a corner
- C. Surface parking shall be landscaped and screened as provided in Article X of this Ordinance.

VI. Design Standards - The Downtown Mixed-Use District is defined as a pedestrian-oriented district, and the design standards in Article X of this Ordinance shall apply unless superseded by this Article.