

# Atlanta Regional Commission Quality growth Toolkit

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## Mixed-Use Development



## Introduction

Large or small, urban, suburban or rural, it's happening in every community in metro Atlanta:

- Automobile traffic seems to get worse with each new office park, retail center and subdivision.
- Large areas of land in good locations are devoted to parking cars. Parking areas are unattractive, hot and directly contribute to storm water runoff and thus degrade water quality.
- Residents complain about traffic and must drive a car to perform almost every task.
- Residential areas are becoming increasingly segregated by incomes, age and race.
- Residents and workers want communities that offer more convenience and less hassle in their lives.
- Older persons have transportation problems, feel disconnected, and may need to move out of their homes when they can no longer drive.
- Developers have to ask for multiple zoning variances and complain about project delays.
- New workers are finding it impossible to live anywhere near their jobs.
- Public infrastructure costs are rising, and tax increases are looking more like a necessity.
- Every year it gets harder to attract and keep workers because they want a higher quality of life than they can afford here.

What do all of these situations have in common? They can all be positively affected by the encouragement of mixed-use development in your community.

## What is “Mixed-Use Development?”

The general term “mixed-use” covers an enormously wide variety of development types, from the neighborhood corner store to a thousand-acre master-planned community.

However, there are several criteria that all good mixed-use developments meet:

- They include a combination of related uses in one place – residential, office, retail, entertainment, civic space, and even government uses.
- They provide a significant proportion of each use within the “mix.”
- They provide convenient and safe pedestrian and bicycle connections both within the development and to places outside the development.

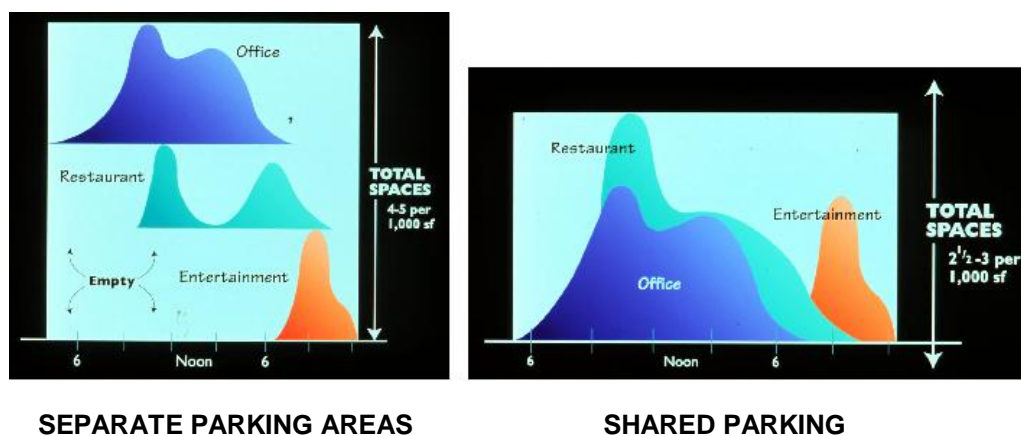
The essence of mixed-use developments is that it brings people closer to the things that they need on a day-to-day basis. It provides more options for both residents and workers, so that they don't have to drive to drop off the kids, get a newspaper, buy the day's groceries, purchase stamps, get a sandwich for lunch, or maybe simply get to work. It

allows an area to be useful for a much more significant part of the 24-hour day than single-use developments. Mixed-use developments, if done well, can greatly increase the convenience and enjoyment in people's day-to-day lives.

Additionally, mixed-use developments can also make more efficient use of land and public infrastructure. The right mix of uses can be extremely efficient in using resources such as roadways, parking, and even water and sewer. That is because different uses are generally active during different times of the day, week -- or perhaps even different times of the year!

One example is automobile parking. Retail uses need parking during the morning and evening, offices and factories need parking during the daytime, restaurants and entertainment venues need parking in the evening and on the weekend, and residential areas and hotels need parking overnight. If all of these uses can share the same parking spaces, the total need for parking can be dramatically reduced. *[See Toolkit on Smart Parking Solutions.]*

**Figure 1**, below, shows how a shared parking arrangement among office, restaurant, and entertainment uses can result in a decrease of necessary parking spaces from 4-5 spaces per 1,000 square feet to 2 ½-3 spaces per 1,000 square feet.



**Figure 1. Mixed-Use Developments can Reduce Overall Parking Requirements**

Source: Glatting Jackson & Associates

Another example of how uses can be “complementary” with regard to parking is between office and retail uses. Offices’ peak parking needs are Monday through Friday, while retail sees most of its parking demand on the weekend. Parking needs can also be complementary between seasons: For example, retail overflow parking space that is needed during the December holiday season can accommodate a farmers market during the spring and fall, and a children’s play area during the summer, when the kids are out of school.

But parking is certainly not the only resource that mixed-use developments can share. Different uses can complement one another in countless ways. For example: stormwater facilities, sidewalks, greenspace or parks, utilities, security services, automobile

entrances, roadways, transit facilities, exercise gyms, meeting rooms, and many other resources can be shared as well.

The third major benefit of mixed-use development is that it can reduce the traffic demand on roadways. By allowing users to conveniently travel on foot between destinations that are close by, the number of trips that require driving on the roadway system can be greatly reduced. For example: having a lunch cafeteria in an office building greatly reduces the need to drive a car to leave work for lunch. Having offices within close distance to retail or even childcare centers provides employees the ability to reduce or have shorter trips in the car. Grocery stores and other retail uses within walking distance of residential areas provides an older person the ability to minimize the need for a car. Finally, as Peachtree City has found having many mixed uses connected by golf cart paths provides residents the choice to make various trips without a car.

### **How does mixed-use development fit in with Quality growth?**

Mixed-use development is one of the cornerstones of Quality growth. Quality growth seeks to minimize automobile use, improve community design, use public infrastructure wisely, and conserve environmental resources. By providing more opportunity for convenient walking trips, fewer or shorter auto trips and by sharing common resources, mixed-use development



helps achieve these two tenets of Quality growth. In addition, developing with a mix of uses reduces the amount of land that is developed, conserves more land for open space on a community or regional scale, and helps protect more of our natural environment.

## What to Consider

### Relationship to the Comprehensive Plan

Once your community has decided that mixed-use development, in general, is a good idea, where do you go from there? Before you start drafting or amending zoning ordinances, you will probably have to review and update your comprehensive plan to consider how mixed-use districts might fit into the future development patterns of your community. Population, environmental, infrastructure, and transportation goals can all be related to mixed-use districts.

Your comprehensive plan should help to identify potential problems and opportunities that mixed-use areas can help address. If so, you may need to add one or more “mixed-use” land use categories to your future land use maps. Mixed-use areas can be considered in many ways including along existing commercial corridors. This type of planning would encourage new mixed-use developments in corridors to be created as older commercial properties become obsolete. Many times these corridors have public infrastructure that is not being optimized. These areas may also encounter less public concern, since the adjoining residential areas can be preserved and enhanced by pedestrian scale, convenient uses.

### Zoning District Types

There are as many different types of mixed-use zoning districts as you can imagine. Even before deciding on the uses themselves, you will have to consider certain basic characteristics of the districts. Community type, physical integration, and density will all be expressed as a part of the districts you envision.



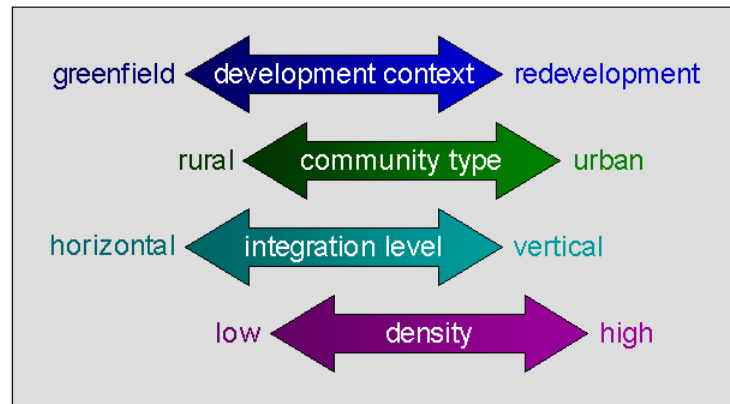
To make it easier to talk about these varieties of mixed-use areas, we will distinguish them using four factors: 1) development context, 2) community type, 3) level of integration, and 4) density.

The **development context** has to do with what types of uses, buildings and sites already exist in the area. Is the surrounding area mostly commercial or mostly residential? What uses are going to be added as mixed-use elements to complement the existing land uses? Or perhaps your goal might be to create brand new mixed-use neighborhood or village centers in new developments on vacant land. New mixed-use development needs to consider the existing disposition of the land. *[See Toolkit on Infill Development Strategies.]*

You must also consider the **community type**: is it urban, rural, suburban or in transition between two types? This might help you to determine how the resulting district might need to relate to its surrounding area. Districts that are intended to function within suburban or rural communities will most likely need to consider relationships to existing areas. *[See section on “Fitting In.”]*

Within the community, what sort of physical **integration level** is appropriate? Vertical integration is where different uses inhabit the same building and sit atop one another, such as occurs where offices occupy the upper floors of a building that has retail below.

Horizontal integration means that uses are placed next to each other, such as an apartment building that is adjacent to restaurants and shops. Is there a reason that one type of physical integration might be preferable to another, or would it be better to let developers decide, as long as they meet some other pre-established criteria?



**Figure 2. Considerations in Mixed-Use Districts**

Another consideration that relates to community context is **density**. What is the minimum project density required for development feasibility? Is there an upper limit of density that the district should allow? Do you want to create multiple mixed-use districts that are similar except for the ranges of densities allowed? If an area is anticipated to grow appropriate densities may help reduce the loss of land to accommodate the growth.

### Responding to Problems, Creating Opportunities

Another consideration when thinking about mixed-use districts is what are the primary problems that you are addressing and/or the big opportunities to which you are responding? Mixed-use districts, although they generally address many different community challenges, can be crafted to respond best to particular situations. You want to make sure that the resulting districts do what they were intended to.

Some examples of typical problems and opportunities for which mixed-use districts can be targeted are:

- Creating or enhancing a town center, activity center or destination
- Preserving existing, grandfathered mixed-use neighborhoods
- Staying ahead of the development curve by ensuring quality future development
- Preserving open space or rural character
- Decreasing automobile traffic or parking impact
- Allowing developers to more easily build proposed mixed-use projects without having to obtain multiple approvals, variances or build redundant parking or stormwater facilities
- Increasing accessibility for non-motorized modes, in particular pedestrians and bicyclists

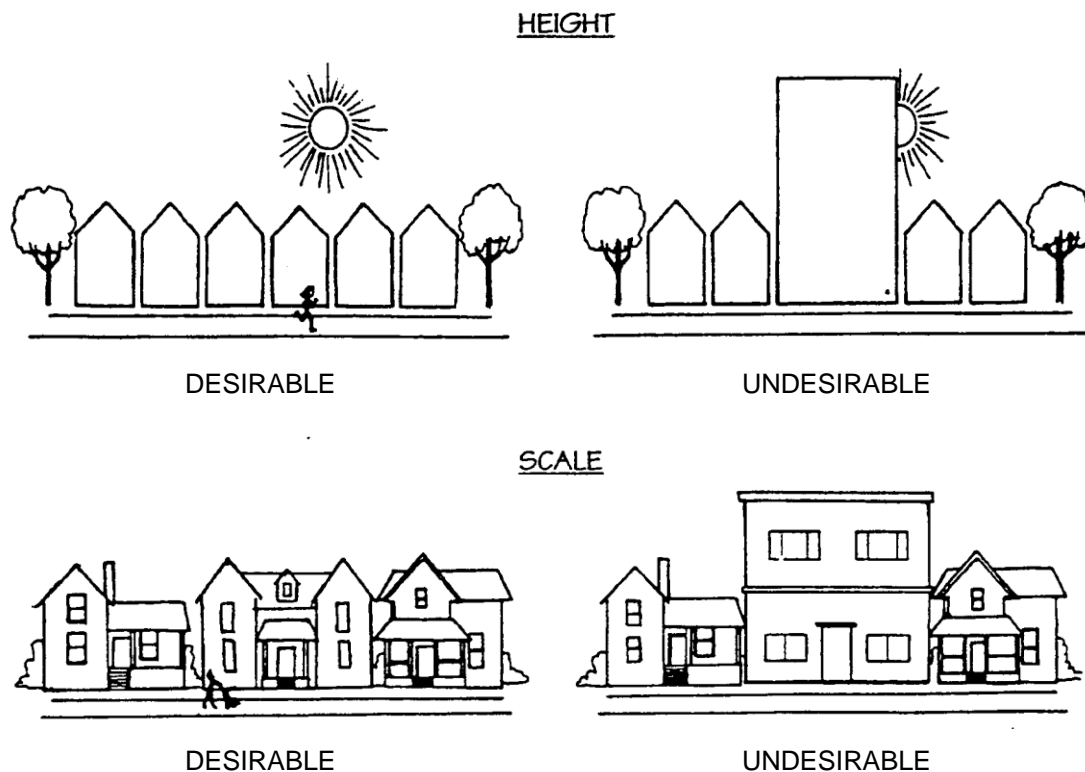
- Decreasing impact on water quality

Of course, many of these problems and opportunities are not mutually exclusive. However, it is important to focus on specific goals and opportunities when creating districts, rather than trying to create a single “one-size-fits-all” mixed-use district that tries to respond to many different situations.

### Fitting In

If a community desires to permit mixed-use development in existing areas, it is important that new structures are compatible with the scale, height, massing, details, and other important aspects of the existing buildings. Small commercial projects that are introduced into a residential area should relate to the scale and design of their surroundings. Especially with overlay districts, you can reduce the impact of new development on existing neighborhoods by requiring the incorporation of elements of existing quality buildings such as materials, building details, massing, and proportions. *[See Toolkit on Overlay Districts]*. New buildings should also complement the setbacks of existing buildings. Other considerations are roof shapes, fenestration patterns, façade proportions (vertical or horizontal), and the positioning of entryways.

The diagrams below show desirable and undesirable mixes of buildings.



**Figure 3. Height and Scale in Mixed-Use Development**

In all likelihood, actual mixed-use districts will exist side-by-side with existing single-use districts. You will have to determine up-front how transitions will be made from one to the other – both spatially and functionally. It is important to have this element well



defined, thought out, and agreed to in advance, since it is those who live or work in the transitional areas that will have the biggest concerns with the new districts.

By definition, mixed-use districts will allow non-residential uses. This will be a concern to any adjoining single-use residential district – particularly where a mixed-use district adjoins a single-family detached district. Three ways of handling concerns about noise, traffic, and spatial impacts are through buffers, height planes, and density step-downs.

Buffers specify a transition zone between districts in which nothing can be built. Buffers may be existing natural areas but often require fencing or landscaping to screen one district to the next. Transitional height planes specify that structures at the edge of a multi-use district cannot be higher than an imaginary boundary. Density step-downs specify lower maximum densities at the edge of multi-use districts that adjoin other, less dense districts.

Multi-use districts also have a *functional* relationship with adjoining districts. Will they function as extensions of surrounding districts, with connecting local streets that allow good access? Or will they be enclaves with limited ingress and egress opportunities? These considerations are critical and can to a large part determine the degree to which a district does or does not meet its goals.

## **Making Soup**

Deciding what goes into a successful mixed-use district is a lot like making soup. The first step is to choose your ingredients. If we were making onion soup, for instance, we would want to include stock, onions, bread and cheese.

One of the most critical considerations in creating a district is which uses will be allowed – by right (without additional approval) and uses permitted by special consideration. In many ways, the answer will depend upon the role that the district is intended to play in the community. For example, a town center district would most likely allow at least a combination of civic, government, retail, office, educational, and higher-density residential uses. A live/work district would allow both residential and office uses, and might allow some small retail and even light industrial uses.

Many experts define “mixed-use” to include at least three different major uses. “Live/Work/Play/Shop” is a motto that we hear frequently to describe the benefits of mixed-use districts. Perhaps the number of uses is less important than how well they relate to each other. How will residents, workers and visitors actually make use of the destinations? What level of convenience will the mix provide? Are the types of jobs and cost of housing compatible? In general, the more compatible uses that are allowed, the greater the chance that the district will be able to serve multiple needs, keep cars off the major roads, and increase day-to-day convenience. When deciding which uses are appropriate, you might begin with a comprehensive list, only excluding or restricting particular uses if you can document a compelling reason to leave it out.

The next step is to decide the proportion of ingredients to use. In our onion soup example, we would want to procure specific ratios of stock, onions, bread, and cheese to make a tasty soup.



While it may be difficult to specify exact proportions of different uses within a district, you may want to include minimum and/or maximum requirements. If the district is to be primarily residential, for instance, you might require developers to include between five and ten percent of the residential floor area as neighborhood commercial uses. This is where market research can be invaluable, especially when dealing with retail and commercial uses. One rule of thumb, for instance, is that an average size grocery store requires a minimum of 10,000 persons to support it.<sup>1</sup> While an entire retail market base does not have to reside or work within the district itself, they must have adequate and convenient access.

The following table gives examples of the types of requirements and incentives for mixed use allowed by various jurisdictions in the Southeast. Floor Area Ratio in the description below describes the amount of building area permitted in relation to size of the property.

<b>Atlanta, GA</b>	
Neighborhood Commercial District (NC)	Non-residential Floor Area Ratio (FAR) limited to 1.5, residential limited to 1.49 Bonus for mixed-use: total FAR up to 2.99 No detached single-family houses permitted
Live/Work District (LW)	Non-residential FAR limited to 0.5, residential limited to 0.696 Bonus for mixed-use: total FAR up to 1.196. Bonuses for open space, affordable housing, ground floor commercial, civic uses
Mixed Residential/Commercial (MRC)	Non-residential FAR limits from 1.0 (MRC-1) to 4.0 (MRC-3) Residential FAR limits from 0.696 (MRC-1) to 3.2 (MRC-3) Bonus for mixed-use: total FAR up to 1.696 (MRC-1) to 7.2 (MRC-3) Bonuses for residential balconies, new public streets, connectivity, on-street parking
Multifamily Residential (MR)	Non-residential limited to 5% of total floor area on ground floor only Residential FAR limits from 0.162 (MR-1) to 6.4 (MR-6) Bonuses for new public streets, connectivity, on-street parking
<b>DeKalb County, GA</b>	
Traditional Neighborhood Development (TND)	Permits “neighborhood shopping” as accessory uses, up to 25% of residential floor space No bonuses
Office-Commercial-Residential (OCR)	Office, commercial and residential allowed up to a combined FAR of 1.50. No bonuses
Stonecrest Overlay District	Bonus of additional 0.25 FAR for office + commercial mix Bonus of additional 0.50 FAR for adding residential component
<b>Roswell, GA</b>	
Parkway Village District	Allows flexible bonuses for mixed use (especially residential), including increased density, reduced setback, reduced parking
<b>Newton County, GA</b>	
Mixed-Use Business Park District	Allows office, light manufacturing and commercial Project density limited to 20,000 square feet/acre
Residential Neighborhood Development Overlay	Residential density limited to 3 du/acre, single-family housing must By at least 80% of total residential buildout
Town Center Overlay	Single family dwellings cannot comprise more than 50% of district

<sup>1</sup> Peter Calthorpe, *The Urban Network: A Radical Proposal*, Planning 68:5 (May 2002), p. 14.

	Non-residential limited to ground floor Residential density limited to 20 du/acre per project
<b>Cornelius, NC</b>	
Neighborhood Residential (NR)	Requires minimum 50% residential Mixed-use buildings must be at least 2 stories
Neighborhood Mixed-Use (NMX)	Total commercial limited to 15,000 square feet per building Individual commercial uses limited to 5,000 square feet Requires minimum 50% residential
Village Center (VC)	Total commercial limited to 15,000 square feet per building Encourages vertical integration Maximum building height of 3 stories
Town Center (TC)	No limit on commercial component Encourages vertical integration
Traditional Neighborhood (TN)	Use mix must meet minimum percentages over project (e.g., min 5% parks, 2% civic uses, 5-15% workplaces, etc.)
<b>Orlando, FL</b>	
Mixed Residential-Office (MU-1)	Office space must be less than 50% of floor area Non-residential limited to ground floor Bonuses for ground floor commercial up to additional 0.9 FAR Bonuses for mixed use up to additional 2.0 FAR Subject to minimum percentages for various uses
<b>Hilton Head, SC</b>	
Community Mixed-Use (CMU)	Maximum residential density of 4 dwelling units per acre Maximum non-residential density of 7,000 square feet per acre
<b>Huntersville, NC</b>	
Neighborhood Center (NC)	Minimum of 50% residential Non-residential limited to 6,000 square feet on ground floor only
Town Center (TC)	Non-residential limited to 15,000 square feet on ground floor only
Highway Commercial (HC)	Non-residential limited to 65,000 square feet on ground floor only

**Table 1. Examples of Mixed-Use Ordinances in the Southeast U.S.**

There is one more critical success factor for mixed-use districts: the *degree of integration* of the district. Just including the right uses in the right proportions is not enough, especially for large projects. Different uses must be highly accessible from each other by multiple transportation modes, including walking. This means integrating uses as much as possible among one another. It also means considering the location and comfort of the sidewalk. A sidewalk located immediately adjacent to a busy roadway will receive little use as pedestrians will feel unsafe. Sidewalks that require long walks across large parking areas have a similar problem.

Let's go back to the soup analogy. If you just put several whole onions, a few slices of bread, and a hunk of cheese into the

<b>What's In The Mix?</b>	
<i>uses</i> <i>uses</i> <i>uses</i>	the different uses that will be permitted and/or required in the district
<i>proportions</i>	limits on the amount of one type of use versus another
<i>integration</i>	the degree that different uses must be mixed within the district

stock, your soup would not be very appetizing. The ingredients must be chopped up appropriately and mixed with each other.

How to ensure that the uses in your districts are mixed well? One possibility is to require a design review for every project in the district, but the effort and cost involved makes this impractical for most jurisdictions. A more reasonable approach might be to require only large projects to have a design review and approval, have moderate sized projects meet minimum use percentages for critical uses, and let smaller projects happen as they will. Another approach is to place a limit on the total square footage for specific uses. This reduces the possibility that massive project components, such as warehouse stores, might take up large amounts of contiguous land – and therefore eliminate the potential for other uses.

Another consideration is: how much integrating of uses is best? Many urban design professionals say without hesitation that the more uses that are mixed, the better. In many ways this is true. One caveat is, that certain uses, such as retail, generally require a “critical mass” and high visibility to function optimally. Grouping together destinations that are accessed very frequently will generally increase overall convenience. One way this can be accomplished is by designating “storefront streets” or “retail corridors” within the district that require retail uses on the ground floor that open to the sidewalk. After all, even with onion soup, you want all the cheese to be on top!

### Mixed-Use Scenarios

There are many types of mixed-use districts. The following is a listing of some of the more frequent scenarios:

**Neighborhood Commercial** – Convenience goods and services are permitted within a primarily residential area. Example is the 2,000 square foot corner convenience store that serves a residential area. This is perhaps coupled with one or two other high-frequency uses such as dry cleaner, childcare center, small restaurant or hairdresser/barbershop.

**Main Street Residential/Commercial** – These districts are often found in historic town centers but can be created in new areas. Two-to-three story buildings allow residential units above and commercial uses on the ground floor. The development faces the street and provides excellent pedestrian access.

**Urban Residential/Commercial** – Multi-story buildings are primarily residential, but allow or require active commercial or civic uses on the lower floors – particularly the ground floor. This higher-density urban development type can be used to promote pedestrian-oriented retail or storefront corridors.

**Office Convenience** – This is the counterpart of the Neighborhood Commercial scenario, but intended for a daytime worker population. Small retail or service uses are permitted within a much larger office district to serve the needs of the local employees. Generally, the retail/service uses will be oriented toward the interior of the office development, and will not serve any surrounding community.

**Office/Residential** – Multi-family residential uses are located within office or business uses. Buildings are generally not vertically or horizontally mixed, but are located within close proximity to each other. The intent is to provide homes that are close to businesses, which may have previously existed. The residential component generally is added later.

**Shopping Mall Conversion** – Residential and/or office components are added to a stand-alone shopping mall. Multi-family residential buildings are constructed in close proximity to an existing shopping mall, allowing residents to walk or bike to access goods and services located there.

**Retail District Retrofit** – A small area study of an existing retail or community shopping area can yield opportunities for integrating new uses and improved pedestrian access or building design. Many areas of the Atlanta region that were developed in a suburban style can be retrofitted for a more village-like appearance and mix of uses. A planning, design and market feasibility study of the area can determine types and locations of new uses, pedestrian infrastructure or site design that can transition an existing area. The ARC Livable Centers Initiative (LCI) provides funds for this type of planning study. Including new uses in an existing single use area can help reduce the length of many automobile trips.

**Live/Work** – This vertically-mixed type allows residents to operate small businesses or offices out of the same building where they live – generally on the ground floor. This scenario not only eliminates work-based automobile trips for the live/work residents, but may provide some locally-accessible goods and services for the live-only population.

**Studio/Light Industrial** – This development type permits residents to operate studios or small workshops within the same building. The mix of uses can be either vertical (residences above) or horizontal (workshops located in another part of the building). This strategy may assist in business incubation and provide lower-cost living expenses for artists.

**Hotel/Residence** – A vertical or horizontal mixing of hotel space and multi-family residential usually allows for a sharing of hotel services with residents. Residences are generally high-end. Often full service hotels have accessory retail uses including copy centers, restaurants, gift shops, and barber shops.

**Parking Structure with Ground Floor Retail** – Structured (decked) parking requires that retail goods or services uses be placed on the ground floor level. This composition allows parking to be shielded from public view while increasing accessibility to goods and services for the surrounding (daytime or nighttime) population.

**Single Family Detached District with Standalone Shopping Center** – This development type allows commercial uses to be clustered within a single-family detached neighborhood. In general, the number of residential units must be quite large to sustain a small shopping center. A small number of houses may offer walking accessibility to goods and services, while somewhat more will allow bicycle accessibility. A mixed-use

development with a Traditional Neighborhood Development (TND) design or with similar design elements can provide a larger number of homes with good access to the commercial area. *[See Toolkit on Traditional Neighborhood Development]* Pedestrian access through internal subdivision trail systems or on-street sidewalks in subdivisions with a pedestrian scale will encourage residents to walk or ride a bicycle or golf cart. Many trips will require a car trip on local roads – although this may slightly reduce the number of trips that require collector/arterial access. This type of development certainly would reduce the number of miles traveled.

### Choosing the Right Type of Zoning District

Mixed-use zoning can be accomplished through many different types of districts. Planned Unit Developments (PUD), Overlay zones, and “By Right” (permitted use) zoning can all be created or amended to allow a mix of uses in the same district. Your goals and objectives, implementation timeframe, and the degree of public acceptance of mixed-use zoning will all affect which method is best. *[See Toolkit on Overlay Zones.]*

Many jurisdictions already have PUD ordinances that allow mixed-use development. PUD zoning generally applies only to a specific site (usually a large one). Following submission of an application from a property owner, a PUD can be approved based upon a detailed development plan and map, yet it requires quite a bit of administrative review. If changes are desired after PUD approval, a site plan or zoning amendment may be required.

Overlay zones also apply to specifically designated areas, but allow quite a bit more flexibility in meeting requirements. The local government rather than a property owner usually initiates overlay zones. Overlay zones are applied on top of the base property zoning and can either further restrict or allow increased development flexibility to an existing area. The overlay zone boundaries may be mapped in advance or left unmapped until requested by a property owner (“floating district”). You can also create new stand-alone (by right) zoning districts that allow mixed-use in subsequent developments. In this case, properties must be re-zoned to the new districts – which replaces the old zoning. An alternative is to amend existing “by right” zoning districts in the ordinance to allow mixed uses on existing zoned property for those districts. Careful consideration will need to be given to the locations of these amended zoning districts on the official zoning map to ensure adjoining property use conflicts will not exist.

There are pros and cons to each method. The table below lists some of each:

**Table 2. Types of Zoning Districts**

District Type	Pros	Cons
Planned Unit Development (PUD)	<ul style="list-style-type: none"> <li>• least politically threatening</li> <li>• can be written to meet specific site requirements</li> <li>• can be written explicitly,</li> </ul>	<ul style="list-style-type: none"> <li>• high administrative review requirements</li> <li>• may only apply to a specifically designated area, and may be difficult</li> </ul>

	easy to interpret	to reuse
Overlay District	<ul style="list-style-type: none"> <li>• does not change existing development rights</li> <li>• can be reused in other areas</li> </ul>	<ul style="list-style-type: none"> <li>• only applies to a specifically designated area</li> <li>• more difficult to interpret</li> </ul>
By Right District	<ul style="list-style-type: none"> <li>• can be specifically tailored</li> <li>• easier to interpret</li> <li>• can apply across county or municipality</li> </ul>	<ul style="list-style-type: none"> <li>• can be politically challenging (especially if updating existing zoning)</li> <li>• not effective if properties are not rezoned (if creating new districts)</li> </ul>

In general, PUDs and overlay districts are much easier to get approved when introducing mixed-use zoning to an area that is not familiar with it. Once examples are built and benefits are realized, you might begin to look at introducing new general mixed-use zones, or bringing mixed-use possibilities into existing zoning ordinances.

Regardless of the types of districts that you use, you will have to think about the appropriate ways to encourage mixed-use to occur. A long history with single-use zoning in Georgia and suburban areas of the U.S. has made developers, builders, lenders, and design consultants all generally happier to continue what they have done in the past. Just *allowing* mixed-use usually isn't enough.

**Requirements** for a specified mix of uses in a district has been only somewhat successful, and comes along with the most problems. One reason this method is problematic is that firm targets for mix percentages do not respond well to changing market circumstances. For instance, developers will be reluctant to propose a project in a district that requires a substantial percentage of residential space if the residential market in that area is currently overbuilt, or if the market conditions do not allow an adequate return on the residential component.

*[See Toolkit on Attracting Businesses Your Community Needs.]*

This approach has been quite effective, however, when applied to very

specific circumstances in a fairly limited geographical area. The cities of Boston and Palo Alto, for example, have used mixed-use zoning to create vibrant communities by requiring retail uses on the ground floor of specific commercial districts. Their districts'

#### A Checklist for Mixed-Use Planning

- ☐ Are the uses complementary?
- ☐ Are the uses linked by sidewalks or paved paths?
- ☐ Are they within convenient walking distance of each other?
- ☐ Are the walking routes short and direct?
- ☐ Do the buildings themselves fit in and complement each other?
- ☐ Do the uses create activity at different times of the day?
- ☐ Is parking kept out of the pedestrian's path of travel?
- ☐ Do the uses support each other economically?

Source: Morris, p. 27

success was due to both a good understanding of what the market would bear, and a very tight selection of district boundaries.<sup>2</sup>

A more flexible and very effective approach has been to use incentives to encourage mixed-use. The most frequently used incentive is **density bonuses**. Developers are allowed to increase their project density if they incorporate multiple uses. The City of Atlanta allows lower caps on floor area ratio (FAR) for single-use projects, and raises allowable limits for projects that incorporate both residential and non-residential components. The same is true in Seattle and Washington, DC. In its downtown district, Orlando increases allowable floor area with each additional type of use. Portland, Oregon allows three times more overall density if developers add residences to commercial projects.<sup>3</sup> *[See Toolkit on Incentive Zoning and Density Bonuses.]*

Density bonuses are effective, but they are not the only possible incentives. Relaxed open space requirements and accelerated review procedures are two other methods of rewarding developers for mixed-use projects.

**Performance standards** are another, although somewhat less direct, way of encouraging mixed-use. Standards that are tied to the benefits of mixed-use – such as reduced traffic generation or parking requirements, can help to present mixed-use development as an option. Unfortunately, developers must understand the benefits of mixed-use development in advance in order for this approach to work. Performance zoning also tends to be more difficult to administer and enforce, and so has been adopted in only a few jurisdictions in the U.S. *[See Toolkit on Performance-Based Land Use Controls.]*

## Connectivity

In order to realize many of the benefits of mixed-use development, there must be a high level of connectivity between the different destinations in the district. To accomplish this, many mixed-use districts require frequent, convenient, and direct sidewalks and pedestrian pathways. Requirements for adequate separation of pedestrians from automobile traffic and parking through buffers is often included as well. Requiring connectivity with adjacent development can greatly increase the benefits of mixed-use districts. *[See Toolkits on Promoting Innovative Site Design, Design for Walkable Communities, and Planning for Bicycles.]*

Good connectivity can result in a high degree of “internal capture” of automobile trips, and can thereby reduce the impact of trips on surrounding roads. Two recent studies confirm this. In one study of mixed-use communities in Florida, over half of the projects retained more than 25% of trips within the project. Several retained up to 50% of all trips.<sup>4</sup> Another study in Seattle showed that residents of mixed-use neighborhoods

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<sup>2</sup> Kelly Kline and Jim Schutz, *Getting in on the Ground Floor*, Planning 6:8, August 2001, p.14.

<sup>3</sup> Douglas R. Porter, *Zoning for Mixed Uses*, unpublished, undated manuscript.

<sup>4</sup> Eric Dumbaugh, Reid Ewing and Mike Brown, *A Study of Internal Capture Rates for Mixed-Use Developments in South Florida*. Paper prepared for presentation at the 2001 Transportation Research Board conference in Washington DC, January 2001.



traveled 72% fewer miles than their counterparts in single-use neighborhoods.<sup>5</sup> A common rule of thumb is that mixed-use districts can retain about 20-25% of trips.

## Legal Framework

The Georgia Constitution explicitly gives zoning as a power to cities and counties:

*Constitution 99-9-2.4 Paragraph IV. Planning and zoning. The governing authority of each county and of each municipality may adopt plans and may exercise the power of zoning. ....*

The Constitution does not give a definition of zoning, however. Some guidance (however scant) is provided by the 1985 Zoning Procedures Act:

*“Zoning” means the power of local governments to provide within their respective territorial boundaries for the zoning or districting of property for various uses and the prohibition of other or different uses within such zones or districts and for the regulation of development and the improvement of real estate within such zones or districts in accordance with the uses of property for which such zones or districts were established (O.C.G.A. 36-66-3).*

However, a narrow reading of this statute does not appear to disallow multiple uses within a district. Most legal scholars agree that the Constitution gives almost unlimited powers to local governments to zone property.<sup>6</sup>

The historical understanding and precedent of zoning since the time it was first allowed as a legal tool is that it has been used as a tool to *restrict* the uses that could reside in a district. The thrust behind mixed-use zoning in many ways stands the traditional idea of zoning on its head. Mixed-use zoning encourages different uses to inhabit the same district. Its focus is to *closely group compatible uses* rather than to *separate incompatible uses*. From a historical perspective, it might even be seen as “*anti-zoning!*”

For these reasons, it is best to include the local legal staff (including judges) in your efforts to introduce mixed-use zoning ordinances. You should also plan to test any proposed ordinances with hypothetical legal issues, and request the review and opinion of your local city or county attorney.

## Political Concerns and Public Acceptability

The term *mixed-use* can mean a lot of things. Unfortunately, there are now several generations of Americans who have grown up entirely without any true familiarity with mixed-use neighborhoods and the benefits and conveniences they can provide. You should plan on the fact that citizens may be skeptical of the idea at first. Your first efforts

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<sup>5</sup> Edward McCormack, G. Scott Rutherford and Martina G. Wilkinson, The Travel Impacts of Mixed Land Use Neighborhoods in Seattle. Paper prepared for presentation at the 2001 Transportation Research Board conference in Washington DC, January 2001.

<sup>6</sup> Jerry Weitz, et al, *White Paper on Planning and Zoning Legislation*, Georgia Planning Association Legislative Committee (unpublished), April 2002.

will undoubtedly require a focus on public education and community dialog. [See *Toolkit on Effective Public Involvement Process*.]

Many community members will instinctively assume that mixed-use means *more* use. They may think that your efforts are actually intended to increase the density of their neighborhoods. This, of course, can be a flash point in most lower density residential districts. One jurisdiction took great pains to make sure that the maximum allowed density in each of its mixed-use districts exactly matched the current maximum density in each of the corresponding existing districts. Although this helped make the new ordinances more acceptable, there was still widespread skepticism. One suggestion is to separate the concepts of *density* and *use* early on in the public education process.

Another political concern is with *process*. There is no doubt that mixed-use districts are more complicated to administer than single-use districts. However, if done correctly, they do not have to be appreciably more so. Many citizens who are actively involved in the zoning process may see mixed-use districts as requiring more of their already sparse volunteer time. Or, they may assume that an already overworked planning department may not be able to handle the increased workload without sacrificing quality. To address these issues, try to create reasonable, well-documented, objective processes that balance the increased review requirements. Be up-front about the amount of additional time that will be needed and your department's plans to address this.

Amending existing zoning districts to allow mixed-use development is more politically threatening than adding additional overlay zones, since the former method applies city- or county-wide. And of course, you will never hear from the really vocal opposition until close to the end of the process. Where mixed-use is brand new to a community, you may want to start with one or a small number of overlay zones. Once projects have been built and the procedural kinks have been worked out, you will hopefully have many non-threatening local examples of good mixed-use development to point to. At this point you may want to think of introducing change on a wider scale.

Developers are becoming increasingly interested in mixed-use development, and some are even looking to be "ahead of the curve." Having to request multiple variances and suffer project delays, however, may keep developers from proposing good projects in your community if your zoning does not support them. One thing to avoid is the public appearance that zoning changes are being proposed only to accommodate a developer's project. In this case, a good public education campaign should stress the values of mixed-use development to the community first. On the other hand, a savvy developer will work directly with the community up front to explain the values of a project. If the community agrees and is convinced that outdated zoning laws are keeping the project from being built, they could become excellent catalysts for political change.

Although it may be cost prohibitive for some jurisdictions, public polling can give a good indication of the political climate surrounding mixed-use development. One poll conducted in Gwinnett County in July 2001<sup>7</sup> asked voters of about their perceptions of mixed-use development, among other things. 54% said that "mixed use developments are a bad approach to handle growth" while 55% supported mixed-use developments "as

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<sup>7</sup> Ayres, McHenry & Associates, *Survey of Gwinnett County Registered Voters*, July 9-11, 2001.

a way to try to improve declining neighborhoods.” However, it is critically important to gauge the general understanding and familiarity that the public has of “mixed-use” development before embarking on a poll, or results can be very misleading.

## Administrative Complexity

Mixed-use districts can be somewhat more complex than single-use districts, but they do not have to involve a significantly higher amount of administrative overhead. The most significant cost will certainly be in up-front training. Staff, planning commissions, committees, inspectors, and legal staff should be provided some time, training, and coaching to understand the new code. A few tools, forms, and processes may need to be updated to collect and work with additional information. Once staff is “up to speed” with the various aspects of mixed-use districts, any additional administrative work should fall off rapidly.

You may want to engage in a public education campaign as well, to help ensure that community members understand the benefits of mixed-use development and how it might work when located near their neighborhoods. This will involve extra community meetings, publishing informational materials, and working with the media. Also keep in mind that adding extra process steps to a mixed-use ordinance, such as creating a development review board for an overlay district, will require more staff time to administer. *[See Toolkit on Effective Public Involvement Process.]*

It appears as if neither horizontal nor vertical integration of uses have higher administration requirements. Horizontally-integrated plans will need only site plan review, while vertical integration means that your staff will have to scrutinize plans in three dimensions and consider building code requirements. However, there is a much higher need to review horizontally-integrated plans for adequate connectivity. Vertical integration, by its nature, is much more connected from the start.

Another consideration is fire codes. Fire codes are usually more stringent for commercial, office, and industrial construction than for residential. A vertically-integrated structure may combine residential areas with commercial, office, or even light industrial uses. How will you deal with a mixture? It is better to get inspectors involved upfront in this matter than to be surprised by additional construction costs and requirements at the end of a project.

The additional cost of zoning enforcement is most likely negligible. Inspectors will have to examine current conditions against allowable use mixes, but they most likely have the tools to do that already.

In 1992, the City of Roswell adopted a Parkway Village overlay district that allows mixed-use development and also specifies village-oriented design requirements. This overlay district is now used in over 14 areas – with an average size of over 20 acres each. According to the former economic development director for the City of Roswell, some older retail centers are even redeveloping to follow the overlay district design standards.

The director did not feel that the administration of the overlay district added to the overall administrative burden of the city staff. However, the overlay district requires a more skilled staff to manage the review process and negotiations with developers and neighbors. Overall, the application cycle was longer for applications for the Parkway Village Design district, but developers reported that it added less than two percent to their development costs.

### Implementation Costs

The following table shows the various cost items that you might want to consider when planning for mixed-use development:

**Table 3. Implementation Cost Considerations**

<b>Cost Type</b>	<b>Task</b>	<b>Notes</b>	<b>Relative Cost</b>
<b>Implementation</b>	Market Research to determine uses needed	Varies depending upon the scale of districts	Moderate/High
	Writing/Revising Ordinances	Use of model ordinances can save significant time	Moderate
	Adopting Ordinances		Moderate
	Executing Public Education Campaign	Depends upon familiarity of citizens with mixed-use.	Moderate/High
	Staff Training	Varies greatly depending upon staff skill level	Moderate
	Developer Education		Low
	Updating Processes	Cost may be higher if alternate processes are adopted for mixed-use development	Low
	Drawing Districts and Rezoning	Varies depending upon the scale of districts	Moderate
<b>Administration</b>	Development and Plan Review	Varies greatly. Can be higher if mix restrictions or requirements are controlled at the district (rather than project) level.	Low/Moderate
	Inspection		Low
	Comprehensive Planning	Mixed-use adds some additional consideration to comprehensive planning.	Low/Moderate

## Implementing Mixed-Use Development Districts

The implementation process for introducing mixed-use development into your jurisdiction has several steps. Since there are a vast variety of types of mixed-use development, you should tailor your ultimate implementation plan to your goals and specific situation. The following is a series of widely applicable steps for planning your implementation of mixed-use development. In general, the process follows these phases: Define, Design, Build and Test, Execute, and Evaluate.

### 1. Define

- Understand Problems, Threats, and Opportunities

It is important to clearly understand and state the problems and opportunities you are addressing up front. This will help you test your plan and zoning tools at the end of the design cycle to make sure they still address your concerns. What specific, current problems are you attempting to address through mixed-use development? This might include issues of congestion or community identity. What are the anticipated problems, or threats? Will citizens find the concept difficult to accept? What are the benefits? Are there economic, tax or environmental benefits? What specific opportunities does your jurisdiction want to realize with mixed-use development? In this and all but the most “internal” tasks, involve the public early and often.

- Articulate Goals

For each of the problems and opportunities stated, can you recognize and measure progress and success? Articulating the goals will help citizens and elected officials better understand the big picture and long-term community benefits.

### 2. Design

- Design District Types

Much of your work will most likely go into designing the general characteristics of the various mixed-use districts. Don’t go into too much detail too early! First try to find the best approach. Is a new district needed? Can an existing district be amended to meet the purpose? Does a specific geographic focus make the use of an overlay district reasonable? State the purpose of each district type, and then describe the scale, density, context, grain, and general mix of uses in each. Photographs or computer visualizations can be very helpful here, particularly as you seek public feedback. You may also want to seek some market research input here, and include developers to get their feedback, gauge interest, discuss feasibility, and determine factors of real estate success.

- Test District Types Against Goals

After all of your input and redesign, do your districts still address your goals? One technique is to create a matrix with goals on one axis and envisioned districts on the other, and mark each intersection “high,” “medium,” or “low,” depending upon how well each district addresses each goal. Are the most important goals covered adequately?

- Determine High-Level Implementation Plan (Roll-Out Strategy)

In this step you determine the best way to package and introduce the mixed-use districts you have outlined, given the political and economic realities of your jurisdiction. What will your phasing be? If your jurisdiction is not familiar with mixed-use development, you may want to consider a phased approach that begins with introducing a less-threatening option, such as a mixed-use overlay district. In this way you might show early successes that can pave the way for more widespread acceptance. If your jurisdiction contains existing, well-functioning mixed-use districts, you probably can afford to be more aggressive in your roll-out plan – perhaps even by updating an existing zoning category to allow mixed-use. In this task you should also determine the extent and timing of any public education campaigns.

### 3. Build and Test

- Determine New Processes and Changes to Existing Processes

Specify what sort of administrative processes will be necessary to put the envisioned code into practice. What level of development review is necessary? Can you accommodate the new districts within current processes?

- Write Codes and Guidelines

Using model codes and existing ordinances from a successful jurisdiction as a starting point can save significant time here. In addition to textual zoning code material, you might want to write a high-level “guideline” for each district type that gives just an overview of allowed uses, densities, etc. This will help the first-time user of the code – and can act as an outline for public education materials as well. You also might want to include graphics that describe site and connectivity requirements.

- Create Internal Change Management Plan

Given your current levels of staffing and support, what are the personnel implications and costs to implement the new district types and administrative processes? Are current skill levels adequate, or should you build some training and/or hiring into your plan? Fiscal constraints may come to light here that might cause you to re-assess your roll-out plan.

- Test Codes and Guidelines

After being immersed in the details of codes, plan to take a step back to test what you have produced. Use development proposals (both desirable undesirable) and legal

challenges in a “conference room pilot” to find the inevitable problems in the code. Does your code and administrative process make developing desirable mixed-use projects easy? Having outsiders (preferably developers and neighborhood representatives) create development scenarios will help ensure your objectivity and make your test more valid. Plan to make changes to the proposed code and guidelines.

#### **4. Execute**

- Create Internal Training Materials and Tools

Your administrative staff may need materials to get them up-to-speed with the proposed ordinances, especially if they will be expected to follow new processes, and if they have not been a part of the development process. You might want to hold a short training session and field questions. In addition, you may need to develop new tools such as forms and spreadsheets to calculate shared parking requirements.

- Create Public Education Materials

Create any materials that you will need to inform the general public, other administrators, council members, developers, and members of the legal community about the proposed mixed-use ordinances and districts. Fact sheets, presentations, web sites, press releases, and maps may all be useful.

- Execute Public Education Program

Depending upon the familiarity of your jurisdiction with mixed-use development and its benefits, and the scope of your plans for mixed-use districts, the effort involved in this task can vary tremendously. As always, the more public education, the better.

- Update Comprehensive Plan

While this task can be undertaken earlier in the process, comprehensive plans and/or future land use maps may need to be updated to address mixed-use development.

- Adopt Ordinances and Districts

The timing and sequencing of your legal adoption activities will depend heavily upon your implementation strategy and jurisdiction. Involving the city or county attorney, manager and elected officials early will be important.

- Perform Internal Training

If most of your staff has already been involved in the development process, this task may be minimal. If not, you will have to spend some time training administrators with the new codes and tools.



## 5. Evaluate

- Understand and Fix Immediate Problems

Unanticipated problems with the code or processes may require you to make some changes in the short term. Alter codes, tools, and processes as needed.

- Monitor and Evaluate Against Goals

After a reasonable amount of time, it will be helpful to re-evaluate the performance of your mixed-use districts against your original goals. Gather informal feedback from developers, citizens, and other professionals, and determine if your goals are being met. If your implementation plan is phased, you may want to do this sort of re-evaluation while planning for each subsequent phase, so that unanticipated problems can be corrected.

## Lessons Learned

### Get Officials On Board

One lesson that we can learn from many jurisdictions is to get the buy-in of elected officials early. Workshops and frequent overview sessions will flush out any misunderstandings in advance, and will allow elected officials to seek the feedback and support (hopefully!) of their constituents. In any event, early conversations will at least reveal the future sticking points to be addressed.

In addition, if you are introducing mixed-use for the first time, plan to start early in the election cycle! Despite beginning their foray into mixed-use zoning several years in advance, planners for the City of Atlanta unfortunately ran into an election – and had to spend almost nine more months explaining and selling the concept to a new City Council.

### Encouraging Mixed-Use

Unfortunately, having an ordinance that allows mixed-use in a district does not guarantee that you will actually have any mixed-use development. The “historical inertia” of single-use development is very strong, and lenders are reluctant to trust a development type with which they may have little experience.

Two additional ingredients seem to be necessary to ensure that good mixed-use development actually happens: incentives and pragmatism. The most popular and effective incentive for developers to date has been to give density bonuses for mixed-use projects that meet certain requirements. Developers who include threshold amounts of certain uses are allowed to develop a site more intensely than if they included only a single use.

When drawing up incentives, it is critical to specify the mix of uses that will qualify for density bonuses – most ordinances specify a minimum amount of residential development that must be included, along with either office or commercial uses. You may also want to include a provision that requires adequate internal connectivity or even

a certain “fineness of grain” – for example, a hundred acre site that is developed on one half with strip commercial and the other half with office uses should probably not qualify – especially if the areas are separated with fenced-in parking lots!

There are other incentives other than density bonuses. Jurisdictions have successfully used reductions in required parking, reduced setbacks or open space requirements, and streamlined permitting processes as well.

### **Don't Overuse Commercial**

The Planning Director of Cornelius, North Carolina (which has had several mixed-use zoning ordinances available for years) cautioned against letting mixed-use ordinances just substitute for more commercial development. She advised that a certain amount of residential development be required as a part of each mixed-use district. She also recommended encouraging a mix of residential types as well – townhouses, condos, single-family, etc.

On the flip side, you should also be pragmatic: mixed-use development should be used in well-crafted districts that can support the appropriate “market” for commercial establishments. When considering boundaries for a storefront district in downtown Palo Alto, CA, where retail uses would be required on ground level, the city planners’ motto was, “If in doubt, leave it out.”<sup>8</sup> In the City of Atlanta, mixed-use Neighborhood Commercial districts must be separated by at least a quarter of a mile from another commercial district. Achieving a “critical mass” of any one use is essential, but requiring too much, say, commercial use -- can lead to empty storefronts during an economic downturn.

When considering the integration of commercial uses into residential developments, location and accessibility can be just as important as quantity. The Ridenour development in Cobb County, for example, originally planned to locate retail commercial uses in the midst of its residential areas. This would have given residents excellent walking and biking accessibility for routine shopping trips. However, the scale of the commercial component required that it be visible and accessible to a much wider market base in order to be viable. Unfortunately, this meant relocating the commercial uses to the outskirts of the project, and across a major highway. The business opportunities were much better here, but the project lost out on many of the benefits of mixed-use development.

### **Allow Flexibility**

Remaining flexible is a key to making mixed-use districts work within market realities. Some options you might consider are:

- Allow developers to provide different uses on the same site, or within convenient walking distance, rather than necessarily in the same building.
- Use performance standards to allow a wider variety of uses while still controlling the impacts on surrounding uses.

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<sup>8</sup> Kline and Schutz, p.15.

- Allow phasing at the project level – different components of a mixed-use district must support each other, and it might take a while before densities of certain uses are sufficient to do this.
- Control the mix of uses at the district level, rather than strictly at the project level.

### **What Mixed-Use is Not**

Mixed-use districts have been around for as long as people have lived together in communities. Historically, U.S. cities were predominantly characterized by a mixed-use pattern. The term “mixed-use,” however, was only recently coined to differentiate it from the overwhelming amount of “single-use” development that has occurred since zoning made that type of development the norm. Unfortunately, the term “mixed-use” can be misleading and may be applied to projects that do not really provide those benefits.

All too often, projects that contain multiple uses spread them out so that residents or workers cannot access those uses safely and conveniently without a car. Retaining walls, fences, lack of pedestrian entrances, or parking lots can easily prevent users from getting from one place to another. Worse yet, they might even require users to use existing roadways to go from one portion of the development to another! These developments do not realize any of the potentially beneficial traffic demand benefits of good mixed-use developments.

### **Parking**

One of the most successful immediate results of mixed-use development has been the reduced need for on-site parking. Most jurisdictions agree that a 20-25% reduction in required parking is easily achievable, and more savings can be gained with the right mix. In its Perimeter overlay district, which mixes office, commercial, and residential uses, DeKalb County is anticipating that the greatest savings will be achieved when residents and office workers can share the same spaces. They have reduced the required office parking by 20%, and lowered residential parking to one space per dwelling unit. The City of Atlanta now uses a computer spreadsheet application to determine parking requirements in mixed-use developments, based upon the combination and amount of different uses.

## Additional Resources

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## Web Sites and Other Contacts

ULI Bookstore: [http://www.uli.org/DK/uli\\_BookStore\\_fst.html](http://www.uli.org/DK/uli_BookStore_fst.html) (search on “mixed use” category).

Oregon Transportation and Growth Management Program: Commercial and Mixed Use Development Code Handbook: [http://www.lcd.state.or.us/tgm/commercial\\_code.htm](http://www.lcd.state.or.us/tgm/commercial_code.htm)

US Department of Energy: <http://www.sustainable.doe.gov/landuse/mixed.shtml>

City of Atlanta Mixed-Use Zoning Codes:  
<http://www.ci.atlanta.ga.us/citydir/dpdnc/qolzoning.htm> and  
<http://www.ci.atlanta.ga.us/citydir/dpdnc/projectsandstudiescurrentcommercial.htm>

Athens-Clark County Zoning Code:  
<http://www.athensclarkecounty.com/~planningdept/planning.html>

City of Suffolk, VA Unified Development Ordinance:  
<http://www.suffolk.va.us/citygovt/udo/>

## Appendix A – Case Studies

### 1. City of Atlanta: Neighborhood Commercial District

Specifics of the Ordinance:

- Intended for small neighborhood centers
- Distance requirements: NC districts must be located at least 1/4 mile from each other
- Allows 1.49 FAR for residential, 1.50 FAR for non-residential
- Density bonus raises FAR to 2.99 for mixed-use (defined as including both residential and non-residential uses)
- No single-family detached housing allowed
- Maximum allowable square footages for certain uses
- Can control mix of use by district
- Includes connectivity, urban design, pedestrian, and bicycle standards

The Atlanta City Council passed the mixed-use Neighborhood Commercial (NC) zoning ordinance in 2000, after almost two years of planning and public participation. Passing the ordinance was the first step in a multi-phase plan to re-invigorate the entire existing city zoning ordinance. Although the NC ordinance could have been passed more speedily, planners felt it was critical that they take the time to do it correctly, since it laid the groundwork for future mixed-use ordinances.

The process of developing the NC ordinance in Atlanta was highly participatory. It began with the creation of several neighborhood-based task forces in different parts of the city: Little Five Points, East Atlanta, West End, Virginia-Highland, Poncey-Highland, etc. Each was a compact, “nodal” neighborhood that functioned as a neighborhood center. Each was faced with the immediate problem of single-use, isolated development that was not appropriate for a neighborhood center.

Task forces included both members of the residential community and business owners. Where there was not an active and organized business community, the groups sought to create one. In neighborhoods that were of mixed race, such as East Atlanta, the planning staff made sure that each major group was represented. Task force agendas were unstructured, and participants were urged to deliberate together in order to explore the nature of the problems that were confronting them. What resulted was a surprising commonality of issues.

Rather than create many different neighborhood-specific solutions, the planning staff decided to bring the various neighborhood representatives together to create a single ordinance that would address their overlapping problems and threats. They saw that a highly participatory process, while much more time consuming, would result in a more defensible and legitimate result, especially if it was going to involve an “innovative” solution such as mixed-use development. The city-wide “NC Task Force” included all neighborhoods, as well as traffic engineers, urban design specialists, landscape architects, and architects. The group met monthly for approximately a year.

One critical task was to determine what was a healthy “mix” of uses for a neighborhood center. The task force hired a marketing consultant, and together determined that they should aim for specific percentages of uses in each district.

The NC ordinance requires neighborhoods to nominate themselves for rezoning to the Neighborhood Commercial designation – it cannot be initiated by a single property owner. As long as they do not violate any of the provisions of the baseline ordinance, the planning staff gives neighborhoods a fairly free hand in tailoring their specific NC districts. For example, one neighborhood placed a cap on numbers of gas stations allowed within the district, while another limited the number of liquor licenses to 25% of the total number of commercial establishments.

The City of Atlanta has since passed, in June of 2002, three additional mixed-use ordinances that are based on many of the concepts established by the Neighborhood Commercial district:

- **Mixed Residential Commercial** (MRC-1 through MRC-3) districts are intended to provide well-integrated mixed-use districts at three different scales and overall densities that parallel existing commercial districts (C-1 through C-3).
- **Live/Work** (LW) district allows residences and small businesses to coexist, and is an alternative to the current single-use Light Industrial (I-1) and Community Commercial (C-1) zoning.
- **Multi-family Residential** (MR-1 through MR-6) districts allow limited non-residential uses within multi-family residential districts of different types and densities, and provide parallel alternatives to existing single-use multi-family districts.

For more information on the City of Atlanta’s mixed-use ordinances, contact Enrique Bascuñana at (404) 330-6296 or via email at [ebascunana@ci.atlanta.ga.us](mailto:ebascunana@ci.atlanta.ga.us). Atlanta’s Neighborhood Commercial ordinance can be accessed at [www.ci.atlanta.ga.us](http://www.ci.atlanta.ga.us) (Code of Ordinances).

## 2. DeKalb County Mixed-Use Ordinances

DeKalb county has allowed mixed-use since 1999, when it passed its Traditional Neighborhood Development (TND) ordinance. The TND ordinance allows smaller “neighborhood shopping” uses to be integrated within a residential development. Although areas under TND zoning could realize many of the benefits of mixed-use development, there has been little application of this zoning category so far. One reason for this is that the code requires a minimum district size of 10 acres. This makes it perfect for greenfield development of new communities, but the fact that DeKalb is mostly built out makes it highly impractical for most developers. Another reason it has not caught on is that the TND ordinance does not contain any incentives for developers to build mixed-use projects.



To address redevelopment situations, DeKalb introduced another mixed-use ordinance: the Office-Commercial-Residential (OCR) district. The OCR category was intended to spur the redevelopment of warehouse districts, defunct shopping centers, and abandoned church sites into vibrant, mixed-use communities. Unlike the TND ordinance, there was plenty of opportunity to apply OCR for this type of redevelopment in DeKalb.

While more successful than the TND ordinance, there still has been little application to date of OCR. The OCR district requires a minimum lot size of 2-acres, which is still somewhat restrictive, and makes OCR unlikely to be applied in infill situations. And similar to the TND ordinance, there are no developer incentives.

In addition, some development controls within the OCR ordinance make it difficult to achieve adequate connectivity within districts – a requirement for effective mixed-use developments. A maximum height of 2 stories makes extensive vertical integration problematic. A minimum lot width of 100 feet, coupled with minimum front and side yard setbacks of 50 and 20 feet, respectively, ensure that elements within the same district will not be in close proximity – to the sidewalk or to each other.

Many of these challenges, however, have been addressed in four new mixed-use overlay districts that are in the works. Site-specific districts are being created for Candler Road, the Stonecrest Mall area, and Dunwoody Village, and a Transit-Oriented Development (TOD) overlay is in process as well. Each of these districts provides density bonuses for mixed-use development, and one (the TOD district) offers reduced parking as an incentive as well.

According to Stephan Michael, Planning Manager for DeKalb County, interest in applying OCR zoning has been increasing among developers, and he believes the zoning category will see more success in the future as it evolves. Although the mixed-use overlay districts are promising to be more effective in the short term than either the TND or OCR categories, Michael thinks the county will ultimately have more success with general zoning categories like OCR. The reason is they can provide more flexibility than site-specific districts, and can more easily respond to developers' creativity and knowledge of the market – two vital components for success. Another reason why he prefers by-right zoning categories is that they do not require as much administrative time by his staff as site-specific zones – an important consideration for a modest planning staff.

Michael advises jurisdictions that are thinking about mixed-use ordinances not to get too wed to one particular vision of mixed-use, but to consider the full range of applications of this tool – from low-intensity to high-intensity. He advocates careful consideration of the overall context of the intended district, and then crafting an ordinance that responds to that context. He also recommends phasing in limited mixed-use ordinances over time so that the community has time to adjust and become familiar with the concept. Live/work districts are relatively non-threatening, however, Michael advises using visual preference surveys when allowing commercial uses, since established communities often react

negatively based upon their familiarity with today's mostly single-use commercial developments.

For more information on DeKalb County's ordinance, contact Stephan Michael at (404) 371-2155.

### 3. Athens-Clarke County Mixed Use Ordinances

Specifics of the Ordinance:

- Allows small retail uses in higher-density residential districts
- Permits residential uses in all commercial zones, on upper floors only without a special use permit
- Allows up to 20% of projects in Employment-Office zones to be residential
- Contains limits on square footage of certain uses by district type

The Athens-Clarke County zoning ordinance is one case where mixed-use development was made widely possible by amending the allowable uses by-right in existing districts. The process also was one that benefited by incorporating public awareness and interaction up front.

Athens-Clarke County adopted mixed-use elements into their zoning code in December 2000. According to Brad Griffin, Planning Director, mixed-use was one element of a strategy to allow more traditional neighborhood development (TND) throughout the county. TND, in turn, was a way to allow development to continue by providing an alternative to the large-lot suburban-style development that was alarming residents by spreading to the more agricultural outskirts of the county. It was a way to reduce density at the fringes of the county by allowing higher densities (but with less impact than single-use development) at the core.

Knowing that most residents were not familiar with mixed-use development, the planning department initially conducted a series of visualization studies. Residents could attend in person, or even respond to televised versions of the study. The study confirmed that the majority of residents were in favor of mixed-use development, as long as it was visually appealing, contributed to the vibrancy of the area, and was appropriate to the existing scale of development. Following these studies, residents were invited to participate in workshops to identify the neighborhood centers, corridors, and other areas where mixed-use development would be appropriate.

This preparation laid the groundwork for adding mixed-use provisions to the city/county code. Residential uses were added to all of the existing commercial zones – but allowed on the upper floors only. Stand-alone multifamily was allowed with a special use permit. In higher-density residential areas, the new code permitted smaller retail uses up to 2,500 square feet. It also allowed up to 20% of developments in Employment-Office zones to be residential. Minimum setbacks were eliminated or decreased in commercial areas, and minimum lot sizes were eliminated in residential districts in favor of overall limits on density by development. These two provisions allowed uses to be located closer together, which is critical for the success of mixed-use development.

The code also specifies *minimum* floor area ratios (FARs) for certain districts. Griffin believes that this is one of the particular strengths of the Athens-Clarke County ordinance. Minimum

FARs help to ensure that there is the necessary density for mixed-use development to really work. Developers can also qualify for significantly reduced parking for developments that can share parking spaces that are used at different times throughout the day.

Athens-Clarke County's foray into mixed-use development is still evolving. Griffin would like to see more incentives for mixed-use built into the code. Without incentives, he sees most developers building the same thing they are used to: single-use development. He would also have liked to have some architectural standards built into the code. This would ensure that the county's mixed-use developments are appealing and of high quality, and that the community sees them as very positive additions. One of the biggest challenges, he says, is to create an administrative process that assists "good developers who want to do the right thing" while giving adequate checks against poorly designed or inappropriate developments. His advice to cities or counties who are considering mixed-use is to add as many creative incentives to the code as possible, and to really consider the use patterns of mixed-use districts to make sure that uses are complementary, that they contain traffic generators, and allow maximum overall utilization of public resources – that they "keep people in one place as long as possible."

For more information on Athens-Clarke County, contact Brad Griffin at 706-613-3515. The Athens-Clarke County zoning code can be viewed on line at <http://www.athensclarkecounty.com/documents/code/index.htm>.

## Appendix B – Model Ordinance

Depending on the individual community, all of the zone districts may not be needed, or variations on these districts may be appropriate. For example, very small communities with only one or two commercial zones (e.g., a downtown and highway-commercial zone), may not need the neighborhood center provisions. In larger cities or counties with many commercial centers, it may be necessary to distinguish between minor and major neighborhood centers, and determine how those areas relate to the downtown core.

Notes are given in *italics* to help guide the use of the model ordinance. In some places, the model ordinance does not prescribe specific standards. Rather, it provides blanks (“\_\_\_”) or placeholders for numerical standards (“x”). In other places, ranges (x – y) or options (x / y) are provided.

### Section 1 – Purpose

This chapter applies to all development in the *[name applicable zone district(s)]*. The purpose of the *[zone district(s)]* is to:

1. Allow a mixture of complementary land uses that *[may]* include*[s]* housing, retail, offices, commercial services, and civic uses, to create economic and social vitality and to encourage the linking of trips;
2. Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
3. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
4. Reinforce streets as public places that encourage pedestrian and bicycle travel;
5. Provide roadway and pedestrian connections to residential areas;
6. Provide transitions between high traffic streets and neighborhoods;
7. Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking;
8. Facilitate development (land use mix, density and design) that supports public transit, where applicable;
9. Provide appropriate locations and design standards for automobile- and truck-dependent uses;
10. Maintain mobility along traffic corridors and state highways;
11. *[Other]*

*[Note: The above purpose statements may be used in any combination, and additional purpose statements can be added as needed.]*

**Section 2 – Applicability and Location**

*[Note: This section describes where the zoning district applies, and it provides locational criteria for Zoning District Map changes. The section should be refined based on local characteristics and planning objectives.]*

<b>Zone District Location and Characteristics</b>	
<b>Zone District</b>	<b>Location and Characteristics</b>
<b>Downtown/Main Street District</b>	Downtown and Main Street districts should be designated in the historic downtown, central business district, and/or main street area, and adjacent areas that have, or are planned to have, commercial and/or mixed-use development with a storefront character. Typically, downtowns and main streets are designed to give priority to pedestrians. Transit service, when available, is most frequent in downtowns and along main streets.
<b>Neighborhood Center District</b>	Neighborhood Centers should be adjacent and connected to the residential district(s) they are intended to serve. Small neighborhood center districts typically range from 1-3 acres and serve a population of approximately 1,000 to 3,000. Large centers may contain up to approximately 10 acres and serve a population between 3,000 and 40,000. Both types of centers should be oriented to existing or planned streets with pedestrian amenities, such as extra-wide sidewalks, street tree cut-outs, pedestrian-scale lighting, and street furnishings. These locations should also contain transit stops, where applicable. Individual land uses may range from less than 1,000 square feet of leasable floor area to over 50,000 square feet, but generally do not exceed 100,000 square feet.
<b>Community Commercial District</b>	Community Commercial zones should be centrally located to serve a community or regional market area, and provide access to transit where available. Districts are typically 10-30 acres for community commercial centers and over 30 acres for regional centers. The market area for either may be greater than 40,000 population. Individual land uses may exceed 100,000 square feet of gross leasable area.
<b>Corridor Commercial District</b>	The Corridor Commercial Zone is intended to support infill and redevelopment along existing commercial corridors. Market areas for uses in this district are highly variable, though emphasis should be given to automobile-dependent land uses – e.g., automobile sales and repair; warehousing and distribution; storage, servicing or repair of heavy equipment; drive-up facilities; gas service stations; etc. People-intense uses, such as offices, houses of worship, schools, and housing, are not appropriate here. New corridor zones should not be designated unless circulation plan and/or local street plan are/is developed that protect(s) the transportation functions and safety along the corridor and ensure(s) appropriate secondary access and connections to adjacent neighborhoods and districts. <u>Note:</u> Neighborhood Center zoning may be appropriate at strategic intersections along corridors; i.e., intersections with frequent transit service or high-density housing nearby.

**Section 3 – Permitted Land Uses**

*[Note: The following recommendations should be refined based on local characteristics and planning objectives.]*

<b>Table 3.1 - Permitted Land Uses</b>					
<b>Land Use</b>	<b>D/MS</b>	<b>NC1</b>	<b>NC2</b>	<b>CC</b>	<b>CORR</b>
<b>Residential</b>	S(1)	S(1)	S(2)	S(2)	[S(2)/N]
<b>Commercial</b>					
Retail Sales and Service, except vehicles (3) - greater than [2,000-5,000] square feet GLA* - less than [2,000-5,000] square feet GLA	P P	[N/C] P	P P	P P	[C/P] P
Restaurants - with drive-through (3) - without drive-through, fewer than [ ] tables or less than [ ] square feet - without drive-through, unlimited size	[N/C] P P	[N/C] P [N/C]	[C/P] P P	P P P	N P P
Office and Clinics <i>[Note: Offices are appropriate in CORR only if they are associated with an auto-dependent use, or if the corridor has transit service.]</i>	P	P	P	P	[N/C]
Lodging <i>[Note: Lodging in CORR should only be allowed in centers/nodes, or on a transit corridor, but not on a commercial strip.]</i>	P	[N/C]	[C/P]	P	[N/C]
Vehicle Sales and Service, including fuel sales (3) - enclosed in building - not enclosed in building	[C/P] [N/C]	[N/C] N	C C	P C	P P
Commercial and Public Parking (3)	P	N	P	P	P
Commercial Storage - enclosed in building and on an upper story - not enclosed in building	P N	C N	P [N/C]	P P	P P
Entertainment - enclosed in building (e.g., theater) - not enclosed (e.g., amusement)	P C	C N	P C	P C	[N/C] [N/C]
Wholesale - greater than [20,000 - 60,000] square feet GLA - less than [20,000 – 60,000] square feet GLA	[C/N] [C/P]	N C	[C/N] P	P P	P P
<b>Mixed Use (residential with commercial/civic/industrial)</b> Mixed-use developments shall be subject to the use limitations prescribed for the respective individual uses. <i>[Note: Mixed-use should only be allowed in centers/nodes, or on a transit corridor, but not on a commercial strip.]</i>	S(1)	S(1)	S(2)	S(2)	[S(2)/N]
<b>Civic</b>	<b>D/MS</b>	<b>NC1</b>	<b>NC2</b>	<b>CC</b>	<b>CORR</b>
Government - point of service (e.g., library)	P	[P/C]	P	P	N
Government – no point of service; no central offices dealing directly with the public (e.g., public works yards, etc.)	[C/N]	N	[C/N]	[C/N]	P
Parks and Open Space	P	P	P	P	P

**Table 3.1 - Permitted Land Uses**

<b>Land Use</b>	<b>D/MS</b>	<b>NC1</b>	<b>NC2</b>	<b>CC</b>	<b>CORR</b>
Schools - pre-school, daycare, and primary - secondary, colleges, and vocational	[P/C] [P/C]	[P/C] [C/N]	P P	P P	[C/N] [C/N]
Clubs and Religious Institutions	C	[C/N]	C	C	[C/N]
<b>Industrial</b>					
Manufacturing and Production - greater than [5,000 – 10,000] sq. ft. - less than [5,000 – 10,000] sq. ft., or with retail outlet	N [P/C]	N [C/N]	[C/N] P	[C/N] [P/C]	P P
Warehouse	N	N	[C/N]	[P/C]	P
Transportation, Freight and Distribution	N	N	N	[C/N]	P
Industrial Service (e.g., cleaning, repair)	C	C	C	[C/N]	P
Processing of Raw Materials <i>[define uses]</i>	N/C	N	N/C	N	[C/N]

**Key to Districts****D/MS** = Downtown/Main Street;**NC1** = Minor Neighborhood Center (as designated to serve small neighborhood areas);**NC2** = Major Neighborhood Center (as designated to serve larger neighborhood areas);**CC** = Community Commercial;**CORR** = Corridor Commercial.**Key to Permitted Uses****P** = Permitted;**N** = Not Permitted;**S** = Special Use (see conditions below);**C** = Conditional Use (without sunset provision).**\*GLA** = Gross Leasable Area**Conditions for Special Uses**

(1) Residential uses are permitted on upper stories or on ground floors when they do not use storefront space.

(2) Residential uses shall not exceed 50 percent of the ground floor building space per parcel.

(3) Fueling islands, vehicle drives, surface parking areas, and drive-up/through facilities shall not be within [20-40] feet of a street intersection, as measured from the property line(s). *[Note: This standard should be tailored based on local conditions and landscaping standards.]*

\*Each community determines appropriate conditions.

*[Note: This table is intentionally incomplete. The use of “[x]” indicates items that should be completed based on local characteristics and planning objectives. For example, maximum building heights along a main street with existing buildings of two or three stories, should be approximately 30-40 feet to allow for high ground-floor ceilings. However, a downtown with five story or taller buildings, will may need to allow buildings up to 60 feet in height.*

*Minimum floor area standards are typically used in areas where higher density development is planned that will support existing or future transit service. A minimum floor area ratio of 0.4:1 or greater typically requires multi-story buildings. At higher floor area ratios, structured parking is often required. The maximum allowable lot coverage in a downtown or main street should be 100 percent because natural open space is typically provided in public parks rather than on individual building sites. Lot coverage standards in other districts should be reviewed*



*based on the local character, and surface water management objectives, to determine whether they are impediments to compact development.]*

#### Section 4 – Development Standards

<b>Table 4.1 – Development Standards</b>				
<b>Standards</b>	<b>D/MS</b>	<b>NC (1 and 2)</b>	<b>CCC</b>	<b>CORR</b>
<b>Building Height – maximum (feet)</b> - cornice alignment (1) - height transition or step-down required adjacent to residential development, where applicable (2)	[x] Yes Yes	[x] Yes Yes	[x] [Yes/No] Yes	[x] No Yes
<b>Floor Area Ratio (floor space-to-land area)</b> - minimum (3) - maximum	[.4-1 to 1] none	[.25] none	[none/x] none	[none/x] none
<b>Yard Setbacks (feet)</b> - front setback – minimum - front setback – maximum (4)  <i>[Note: Yard setbacks in the CORR zone will vary depending on whether the site is located in a center/node, in which case the NC standards should apply; or along a commercial strip, in which case there may be buffering requirements along major streets.]</i>	0 [0-10]	0 [10-20]	0 ft. [20/none]	[x] [x]
<b>Lot Coverage – performance standard</b> The area covered by impervious surfaces (i.e., area covered by buildings and pavement) shall be minimized to the greatest extent practicable; best practices for surface water management shall be required.	Does Not Apply	Applies	Applies	Applies

#### Special Standards in Table 4.1

- (1) Where applicable, cornices (e.g., building tops or first-story cornices) shall be aligned to generally match the height(s) of those on adjacent buildings.
- (2) Building height “transitions” or step-downs shall be provided.
- (3) “Floor area ratio” is the ratio of leasable floor space to land area. A “shadow plan” for future development, as defined under Section 5 of this ordinance, may be used to demonstrate compliance with the minimum floor area ratio standard.
- (4) The maximum front setback standard shall be met when at least 50 percent of the “site frontage,” as defined under Section 5, has building façade(s) placed within the minimum and maximum setback. Exceptions to this standard may be approved for developments with “pedestrian amenities,” as defined under Section 5, placed between the building façade and street sidewalk. Exceptions may also be approved for sites with multiple, detached buildings, when those buildings are oriented to an internal “shopping street,” as defined under Section 5.

<b>Table 4.1 – Development Standards (continued)</b>				
<b>Standards</b>	<b>D/MS</b>	<b>NC (1 and 2)</b>	<b>CCC</b>	<b>CORR</b>
<p><i>Landscaping – Per Chapter X [in local code]. (5)</i></p> <p>-street trees required (6)</p> <p>- landscape buffer between parking lot and adjacent pathways and streets</p> <p><i>Standard is: 6' wide planter with 3' minimum vertical growth; or 4' average height masonry or living wall with 3' wide planter and 2' minimum vertical growth. May be modified through design review.</i></p> <p>- parking lot minimum interior landscape. <i>Does not apply to structured parking (underground or multi-story).</i></p> <p>- buffer between abutting commercial/civic/industrial and residential sites, as determined through design review; exceptions may be granted through site/design review, as appropriate for mixed-use projects.</p>	<p>Yes</p> <p>Yes, with exceptions permitted for parking courts designed to double as plazas</p> <p>5%, for lots with more than 10 parking spaces</p> <p>Yes</p>	<p>Yes</p> <p>Yes, with exceptions permitted for parking courts designed to double as plazas</p> <p>10%, for lots with more than 10 parking spaces</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>10%, for lots with more than 10 parking spaces</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p> <p>10%, for lots with more than 10 parking spaces</p> <p>Yes</p>
<p><b>Lighting(7)</b></p> <p>- building entrances</p> <p>- parking areas and pathways</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>	<p>Yes</p> <p>Yes</p>
<p><i>Building Design – Per Chapter [x]</i></p> <p>- historic/conservation standards</p> <p>- [other standards, as applicable]</p>	<p>[x]</p> <p>[x]</p>	<p>[x]</p> <p>[x]</p>	<p>[x]</p> <p>[x]</p>	<p>[x]</p> <p>[x]</p>

### Special Standards in Table 4.1

(5) Required landscape treatments shall be determined through site/design review.

- (6) Street trees shall be planted in sidewalk cut-outs where on-street parking is provided, and in landscape parkway strips where on-street parking is not provided. Street tree standards may be modified where the development provides pedestrian amenities, in conformance with Section 5.
- (7) All building entrances, pathways and other pedestrian areas shall be lit to two-foot candles with pedestrian-scale lighting (e.g., wall mounted, sidewalk lamps, bollards, landscape uplighting, etc.). Alternative lighting meeting the intent of the design guidelines in Section 5, Criteria 3 and 5, may be approved through site/design review.

### ***Section 5 – Design Guidelines and Standards***

This section articulates the community’s design goals and objectives for new development and redevelopment. The following guidelines and standards are intended to implement the purposes of this district, as described in Section 1. As discretionary approval criteria, Sections 1-8, below, are meant to be flexible, recognizing the wide range of commercial needs in the community and the creativity of the market.

### **Design Review Procedures**

*[Note: It is presumed that a jurisdiction will want to use a site plan review or design review process for reviewing applications. The procedure could be administered by staff, or include a public hearing/meeting with a design review board or commission. In either situation, it will be necessary to provide proper public notice, and an opportunity for local appeal. It is recommended that applicants attend a pre-application conference or meeting with city staff, and, for large projects, be required to meet with the affected neighborhood(s) to identify issues of design context and neighborhood interest.]*

The applicant must demonstrate how his/her proposal conforms to all of the “guidelines” numbered 1-8, below. The guidelines under each criterion must be used to satisfy the criterion, or the applicant may propose an alternative approach, as approved by the decision-making body, that better achieves the intent of the guidelines. Before a development may be approved, the decision-making body must make findings that the proposal satisfies the guidelines.

### **Criteria**

#### **Criterion 1: Compact Development**

The site layout is compact, and enables future intensification of development and changes in land use over time.

#### **Guidelines:**

- A. If in a Downtown/Main Street Zone, the development achieves a floor area ratio consistent with that provided in Table 4.1, or a shadow plan is provided that demonstrates how development may be intensified over time for more efficient use of land *[and to meet the required FAR]*; and
- B. Opportunities for shared parking are utilized in the proposal; and
- C. If the site contains more than one use, the site layout clusters buildings on the site to promote linked trips. A cluster is a group of buildings that are attached, oriented on adjacent street corners, or are close together such that a pedestrian

need not walk across more than 64 lineal feet of parking and driveway area, or one double-loaded row of parking (not inclusive of sidewalks, pathways, landscaping, plazas, and other pedestrian facilities), whichever is less, between building entrances; and

- D. The provisions of Section 6, Parking, are met; and/or
- E. The proposal contains an equally good or superior way to achieve the above criterion.

### **Criterion 2: Mixed Land Use**

Where appropriate, land uses are mixed on-site or are mixed in combination with adjacent uses (existing or planned); the combining of land uses should promote easy access among stores and services by pedestrians.

#### **Guidelines:**

- A. The proposal is a “mixed-use” development or contributes to a mixed-use district. For the purposes of this ordinance, “mixed-use” means a combination of residential and commercial/industrial/civic uses, arranged vertically (in multiple stories of buildings) or horizontally (adjacent to one another); or
- B. The proposal is designed in such a way that it is well integrated with adjacent land uses. “Integrated” means that uses are within a comfortable walking distance (1/8 mile) and are connected to each other with direct, convenient and attractive sidewalks and/or pathways; or
- C. The existing and planned land uses on, or in the vicinity of, the site make it impracticable to meet Guideline A or B; or
- D. The proposal contains an equally good or superior way to achieve the above criterion.

### **Criterion 3: Pedestrian Access, Safety and Comfort**

All portions of the development are accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and the development provides appropriate pedestrian amenities. The design of buildings supports a safe and attractive pedestrian environment.

#### **Guidelines:**

- A. If in the *[name of zone(s)]*, the building(s) shall have at least one primary entrance facing *[a / every abutting]* street, or is/are directly accessed by a sidewalk or plaza within *[10-20]* feet of the primary entrance; and
- B. Building entrances in the *[name of zone(s)]* open directly to the outside; every building has at least one entrance that does not require passage through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible; and
- C. If in the *[name of zone(s)]*, at least *[20-60]* percent of the building’s front façade (measured horizontally in linear feet) is located within *[10-20]* feet of the front property line; and windows or window displays are provided along at least *[30-60]* percent of the building’s façade; and
- D. In any zone, pedestrian facilities as defined in Criterion 4(D) connect the development to adjacent land uses and provide connections through the development to the public street right-of-way;
- E. Sidewalks and/or plazas are provided with weather protection (*e.g.*, awnings/canopies), and a street furnishing zone on both sides of every public and private street. Appropriate pedestrian amenities (*e.g.*, street tree well cut-outs,

- and space for outdoor seating, bus waiting areas, trash cans, newspaper vending machines, mail boxes, sidewalk displays, public art, etc.), are provided in the street furnishing zone; and
- F. Parking and vehicle drives are located away from building entrances, and not between a building entrance and the street, except as may be allowed when a direct pedestrian connection is provided from the sidewalk to the building entrance, consistent with Section 4(D), below;
  - G. Surface parking is oriented behind or to the side of a building when possible; parking shall be accessed from an alley when possible; and parking shall not be located on street corners if in the *[name of zone(s)]*;
  - H. Landscape buffering per Table 4.1 is provided between parking lots and all adjacent sidewalks; and/or
  - I. The proposal contains an equally good or superior way to achieve the above criterion.

*[Note: The building entrance, setback and window standards above should be tailored to address local characteristics and the intent of the zone. For example, along a main street with shops set right up to the sidewalk, it may be appropriate to require 60 percent window glazing. However, in a corridor commercial zone, where there is less pedestrian activity, it may not be practical or reasonable to set such a high standard.]*

#### **Criterion 4: Street Connections**

The development is part of a connected street system that serves vehicles, pedestrians and bicycles.

##### **Guidelines:**

- A. Public or private streets connect the development to adjacent neighborhoods and zoning districts; and
- B. Public streets are preferred over private streets to accommodate through traffic; and
- C. The proposal implements all planned street connections, as designated by the City's *[Transportation System Plan/Local Street Plan/Other]*<sup>9</sup>; and
- D. When street connection(s) is/are not practicable, pedestrian connection(s), as conceptually shown in the accompanying graphic, are made to and through the development in lieu of planned street connection(s). Pedestrian connections should equal what would be available if they were on a street [(i.e., distinct from vehicle lane, minimum clear space, Americans With Disabilities Act accessible, direct route with minimum interruption, shade by day and light by night, connects to a destination that attracts pedestrian activity (front door of commercial use, public plaza/park, residence, transit stop, true street, etc.)); and/or
- E. The proposal contains an equally good or superior way to achieve the above criterion.

<sup>9</sup> Street requirements, and other exactions, must meet constitutional requirements under the US Supreme Court decision, *Dolan versus City of Tigard*, and similar State court opinions that require a "rough proportionality" between the impacts of development and required public dedications and improvements.

**Criterion 5: Crime Prevention and Security**

The site design, buildings, signs, landscaping, parking, and other elements provide a safe environment for customers, employees, occupants, and adjacent properties.

**Guidelines:** Crime prevention shall be considered in the site design through application of all of the following guidelines:

- A. *Territoriality* – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. (Generally, people protect and maintain territory that they feel is their own and have a certain respect for the territory of others.) For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in B; and
- B. *Natural Surveillance* – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and
- C. *Activity Support* – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and
- D. *Access Control* – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or
- E. The proposal contains an equally good or superior way to achieve the above criterion and guideline(s).

*Discussion: The text in Section 2.5 can be used to create definitions for local zoning ordinances. For a complete Crime Prevention Through Environmental Design ordinance, see the City of Tempe, Arizona's web site at <http://www.tempe.gov/tdsi/Planning/CPTED/>.*

**Criterion 6: Parking and Land Use Efficiency**

All of the following methods are used whenever possible to minimize the amount of land developed as surface parking.

**Guidelines:**

- A. *Shared Parking.* “Shared parking” means that multiple uses share one or more parking facilities. Parking demands must “peak” during different times of the

day. Shared parking shall comply with Chapter [X], *Shared Parking Agreements*;<sup>10</sup>

- B. *Credit for on-street parking.* The amount of required off-street parking shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to City standards, except that angled parking may be allowed for some streets, as approved by the City. The configuration of the on-street parking and allowable credit toward off-street parking requirements shall be addressed during site/design review. The City shall maintain a written record of credits granted per each use;
  - C. *Reduce or waive minimum off-street parking standards.* The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City;
  - D. *Maximum parking ratio.* Surface parking shall not exceed 110% of the minimum parking requirement for the subject land use(s). Exemptions to the standard can be approved through site/design review for developments that provide parking structures, shared parking, valet parking spaces, market rate parking, or similarly managed parking facilities;
- Note: Maximum parking ratios are recommended whether or not there is public parking and transit service, although where those exist, there is a more compelling reason for maximum ratios.*
- E. *In-lieu fee for off-street parking.* The applicant may pay an in-lieu fee for required off-street parking. The in-lieu fee shall pay for public parking facilities, as provided in the City's [Parking District Ordinance]. [Note: this is applicable only where a parking district has been established];
  - F. *Structured parking incentive.* A density or floor area bonus of one building story shall be granted for every story of structured parking provided in a building, subject to building height limitations for the zoning district;
  - G. *Valet parking.* Valet parking is permitted where a valet parking plan is approved by the City with the site/design review application. Valet parking allows stacking of smaller parking spaces with less space devoted to drive aisles.

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<sup>10</sup> For a sample shared parking ordinance, please refer to "Shared Parking in the Portland Metropolitan Area: Model Shared Parking Ordinance; Model Shared Use Agreement for Parking Facilities", Metro (1997). Contact Metro Growth Management Services at (503)797-1562.

**Criterion 7: Creating and Protecting Public Spaces**

The proposal provides usable public space, and recognizes and responds appropriately to existing or planned public spaces (e.g., parks, civic buildings and spaces, transit stops, sidewalks, plazas, and similar spaces). Public spaces are “public” when they are within view of a street or other public space, accessible by pedestrians, and can be occupied by people. All developments shall meet or exceed the following guidelines. A development proposal may be required to mitigate impacts to a public space when it is likely to degrade public safety, or the function, comfort, or attractiveness of a public space.

**Guidelines:**

- A. The development provides at least [10-20] square feet of public space, in addition to required sidewalk(s), for every 10 off-street surface parking spaces or 1,000 square feet of floor space, whichever is greater.
- B. The development does not diminish the safety, function, comfort or attraction of an existing public space, as described in 1-4, below. A superior design may enhance an existing public space and/or create a superior public space(s).
  - 1. “Safety” means both pedestrian safety near vehicles, and safety related to crime prevention (see Criterion #5); and
  - 2. The “function” of a public space may include transportation, in the case of the sidewalk; recreation and socialization, in the case of a plaza or park; and
  - 3. “Comfort” means the ability of a public space to reasonably accommodate expected uses; and
  - 4. “Attraction” relates to the reason people use the public space; and/or
- C. The proposal contains an equally good or superior way to achieve the above criterion.

**Criterion 8: Human Scaled Building Design**

*[Note: Building design standards should be tailored to fit the local design context and character. A framework is provided below for developing your own contextually-based building design guidelines.]*

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood.

*[Note: Community acceptance of compact mixed-use development requires that the design reflects the context of its surroundings or create its own distinct look and identity. This does not mean that it needs to copy or mirror the architectural style of the surrounding buildings (unless that is critical to the historic character of an area). The key elements to consider are outlined below.]*

**Guidelines:**

- A. Existing architectural character of the neighborhood/district, which may or may not be an appropriate guide for new development or redevelopment;
- B. The continuity of the building sizes;
- C. How the street-level and upper-level architectural detailing is treated;
- D. Roof forms;
- E. Rhythm of windows and doors; and
- F. General relationship of buildings to public spaces such as streets, plazas, other open space, and public parking.