



# **Task 12 Technical Memorandum Land Use and Zoning Toolbox**

**Draft**

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## **Introduction**

This technical memorandum provides a toolbox approach of recommendations for communities to consider when modifying planning and zoning codes to accommodate the development of a viable intermodal transit system throughout the I-70 corridor. The information from this memorandum follows from the review of land use plans and zoning codes conducted as part of Task 7 and feeds into the community action plans in Task 10.



## 1.0 Overview

This toolbox is designed to be a guide for the future integration of land use and transit planning efforts for communities within the I-70 corridor. Today's land use decisions and land use planning efforts need to be conducted with consideration of the future advanced guideway system (AGS) and supportive transit system. The scale, mix and pattern of today's land use developments are the base of tomorrow's ridership. Destination travelers to the corridor will look for supportive and mixed land use in proximity to station locations to enhance their experience and broaden their recreational, entertainment or other opportunities. Commuters or workforce will seek residential development that eases access to regional transit and enables movement along the corridor between employment bases and residential areas. Each travel pattern unique to the I-70 corridor is built and sustained on the synergy between the area's land use and its transit service.

The relationship between transit and land use can take years to foster and implement. The community planning process often begins with a visioning process that identifies the role of transit in the community and the types of land uses viewed as supportive and characteristic of that community. Planning for transit and mountain or rural transit supportive development will create opportunities for the I-70 corridor jurisdictions to re-visit their community visions and values, update comprehensive plans if needed, and analyze their existing zoning codes for ways to effectively achieve a future land use scenario that is consistent with their own community context and character. It can take numerous steps and planning efforts to eventually implement a successful development at a station. This memo outlines the basic steps in that process and provides potential language and concepts that communities may want to consider at each stage.

Currently, the I-70 corridor communities are years away from an AGS system implementation and local planning efforts should focus on high level and long-range actions that establish the groundwork for later, more detailed site specific plans. Jurisdictions can conduct visioning, comprehensive plan updates, specialty plans such as bike or pedestrian plans, and considerations of land availability or resources that may affect the community's ability to support station development. As AGS planning moves forward and station locations are evaluated through an environmental review process, local communities can begin the station sub-area planning process and necessary land assemblage to support future implementation. Once planning efforts are complete, jurisdictions will turn their attention toward implementation techniques specific to the site, including potential redevelopment efforts, tax increment financing, developer incentives, etc. The identification of the implementation tools needed for success will depend upon the land use plans unique to the station site and, in the case of the mountain communities, this may include resort operations, retail-commercial mix, or public space or civic monument uses. The following basic planning process illustrates the planning steps from today to station implementation and is described with more detail in the body of the toolbox.



## **Long-Term Planning – Today’s Actions**

- Establishing broad-based community visions and goals
- Updating comprehensive plan goals, objectives and policies
- Identifying sub area or specialty plans
- Determining allowances under planned unit development that are transit supportive

## **Mid Term Planning - 3-10 years before AGS**

- Confirming station sites and beginning land assemblage or other site consolidation
- Coordinating funding mechanisms and incentives for developers
- Developing a station area sub-plan that includes
  - Design guidelines
  - Infrastructure evaluation and recommendations
  - Parking strategies
  - Pedestrian and bicycle connectivity
  - Market analysis
  - Land use mix and density recommendations
  - Zoning recommendations
  - Transportation demand management strategies
  - Implementation Strategies
- Evaluating zoning codes and potential for creating a zoning overlay, transit-oriented development (TOD) zoning or form-based code
- Identifying a developer

## **Short Term - 1-3 years before AGS**

- Coordinating and implementing infrastructure improvements related to site development
- Coordinating with potential developers
- Planning and implementing transit system connections



## **2.0 Community Visioning**

Many communities today are undergoing a community visioning process that encourages strong local public participation in identifying community goals for their town, city or county future. The process moves slowly to allow for open public participation, but remains very strategic in its efforts to identify local values and long-term, mid-term and short range goals for the community. While visioning projects and programs differ substantially by community and jurisdiction, the focus and organization of the process in each community must be designed to match its character, interests and opportunities for local involvement in decision-making.

A visioning process is an important step in developing public buy-in to a community planning process. It brings together all sectors of a community to identify problems, evaluate current and future conditions and establish collective approaches to building a future. It is a good way for a community to discuss local mobility concerns, visions for future mobility patterns and the role of transit in the long-range transportation network within their town. These ideas, visions and values form the groundwork for future transportation plans within the community and for the eventual implementation of transportation improvements. The integration of transit into a future vision should be established through a community visioning process.



### 3.0 Comprehensive Planning

A comprehensive plan is a document produced through a planning process designed to establish guidelines for future growth and guidance for future land use decisions within a community. The document is official in nature, meaning that it is designed to be adopted into law by some form of local government. The document should then serve as a policy guide to decisions about community development. The elements of a comprehensive plan can vary from community to community but typically include existing conditions and a discussion of future trends, goals, and objectives in the areas of land use patterns, housing types, population, roadways, and other infrastructure issues.

A comprehensive plan contains long term goals, objectives, and policies that establish a community identity and a vision for the future regarding land use, transportation, housing, parks and open space, and much more. It is essential for the comprehensive plan to clearly state its goals and objectives. **Goals** are a broad set of statements that identify a community's long term desires, whereas, the **objectives** are specific statements that are measurable and can be accomplished in the short term. The **policies** are the statements that lay out the course of action that is needed to achieve the goals and objectives.

It is important to clearly and precisely lay out the direction of each goal, for example, communities that have potential for transit in the future should consider goals related to transportation and land use. Comprehensive plans can be used to guide how transit, transit facilities and future development will be integrated into the community fabric. Communities that are considering updates to their comprehensive plans should create goals that support integrated transit and land use systems, and objectives that are specific steps towards transit supportive growth. It is critical that local planners, politicians and the public identify the appropriate policies during their comprehensive plan updates and craft and enact language detailed enough to convey the desired result.

The following examples illustrate language for transportation goals and ways in which objectives and policies further that goal:

**Transportation Goal: Develop a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility.**

Objective: Publicize activities and the availability of resources and facilities that promote a multimodal transportation system.

Objective: Implement educational programs that recognize the need for developing and maintaining a multimodal transportation system that supports the movement of freight as well as people.

Objective: Pursue opportunities to improve the transportation system, including grants, private/public partnerships, and other non-traditional funding mechanisms.



Objective: Coordinate the funding and development of transportation facilities with regional transportation and land use plans and with public and private investments.

Objective: Give consideration to Metro's Local Public Involvement Policy for Transportation Planning in Portland's transportation planning activities.

Policy: Coordinate with affected state and federal agencies, local governments, special districts, and providers of transportation services when planning for and funding transportation facilities and services.

Policy: Carry out a public involvement process that provides information about transportation issues, projects, and processes to citizens, businesses and other stakeholders.

*Portland, Oregon (Transportation Element Goal #6 Comp Plan – Transportation System Plan Adopted April 2007)*

**Transportation Goal: Carefully manage and guide growth in a manner that promotes economic development, integrates current and future multimodal transportation systems and is sensitive to the natural environment.**

Objective: Provide for the coexistence of urban and rural land uses.

Objective: Promote diverse employment opportunities near population base.

Policy: Encourage, coordinate and support commercial and industrial land uses in appropriate areas to maximize adequate services including transportation, water, sewer, fire suppression and utilities.

Policy: Encourage new developments to locate where amenities and infrastructure already exist, are planned or will be provided.

*Pinal County, Arizona (Comp Plan Draft – October 2008)*

**Transportation Goal: Ensure that transportation decisions, strategies and investments are coordinated with land use goals that support the urban village strategy.**

Policy: Design transportation infrastructure in urban villages to support land use goals for compact, accessible, walkable neighborhoods.

Policy: Make the design and scale of transportation facilities compatible with planned land uses and with consideration for the character anticipated by this Plan for the surrounding neighborhood.

*(Seattle, Washington (Comp Plan Updated 2007)*





## 4.0 Transit-Oriented Development Policies and Strategies

This section provides a greater number of policy examples for land use and transportation strategies that municipal and county governments are currently using. The example policies are intended to give the reader an understanding of the types of policies other jurisdictions have developed through their local planning processes for mixed-use development or enhanced mobility within a community.

### 4.1 Land Use Policies

Some examples of policies that support transit-oriented land uses are as follows:

- Review and modify the zoning code to allow higher densities and viable transit oriented development at appropriate locations to foster increased transit ridership and reduce automobile trips. Provide appropriate land use and pedestrian routes for the areas near future rapid transit stations to better promote public transit usage and reduce the need for single occupancy vehicle travel. (Aurora 2003)
- Encourage more mixed use (residential with commercial) along or near Main Street and Summit Boulevard. (Frisco 2004)
- Prepare language to create transit and pedestrian overlay districts in the zoning code. Recommendations to apply the city-wide overlays will come through small area plans or as the zoning code is revised. (Denver 2002)
- Evaluate the need for amendments to Zoning Regulations and master plans to incorporate transit-oriented development and more mixed use. (Vail 2007)
- Continue to improve land use practice by concentrating jobs, housing and retail uses in close proximity allowing people the opportunity to reduce their travel distance between work, home, and shopping. (Aurora 2003)
- King County and local cities should adopt transit supportive road design standards, site access guidelines and land use regulations to promote transit use, high density development, mixed uses and reduced parking in the Urban Growth Area. Site design should stress connectivity with adjacent neighborhoods and other land uses via transit, pedestrian and other non-motorized facilities. (King County 2008)

### 4.2 Policies Directing Development Toward Transit

Some examples of policies that direct development toward transit systems are as follows:

- Encourage mixed, transit-oriented development that makes effective use of existing transportation infrastructure, supports transit stations, increases transit patronage, reduces impact on the environment, and encourages vibrant urban centers and neighborhoods. (Denver 2000)



- Support changes in the east end business district through redevelopment of commercial properties and the conversion of residential areas to commercial and mixed use development as appropriate. (Idaho Springs 2008)
- Continue current efforts to study and design a mixed-use structured parking facility that is readily accessible from Hwy 9, offers commercial and retail space at street level to enhance the pedestrian experience and minimizes its visual impact on the downtown core. Ensure an efficient use of land by encouraging mixed-use projects that incorporate publicly accessible civic space that benefits local residents and visitors. New parking facilities and gondola terminals should be constructed as conduits to Main Street and should include pedestrian friendly elements that encourage residents and visitors to walk between transit centers and the downtown core. (Breckenridge 2002)
- Support infrastructure investments, zoning changes, development incentives, and other transit-supportive strategies to achieve a Transit-Oriented Development (TOD) in rail station areas and at other key transit locations. Develop small area bus circulators to provide non-auto access to transit stations. (Denver 2002)
- The City should encourage transit-oriented development at its urban transportation nodes. The City can encourage relatively dense, mixed use, transit-oriented development at four nodes within the urban area: West Glenwood at Mel Ray and Hwy 6, Downtown, along 27<sup>th</sup> Street, and near the proposed southern Roaring Fork River bridge. (Glenwood 1998).
- Promote transit-oriented development as an urban design framework for urban centers and development areas. Development at transit stations should provide both higher ridership to the transit system and viability and walkability in the area. (Denver 2000)
- King County supports transit-oriented development in transit corridors. King County shall encourage public/private partnerships to propose opportunities for joint transit-oriented development that includes multifamily housing and promotes the pedestrian-friendly character of adjacent properties. Such developments should provide priority access for transit, pedestrians, bicycles, car and van pools and other alternatives to single-occupant vehicles. (King County 2008)

### 4.3 Mobility-Related Policies

Some examples of policies that support enhanced mobility, and multi-modalism as a key aspect of development around transit stations, include:

- Transit centers and park-and-ride lots should include safe and convenient access for buses, high-occupancy vehicles, pedestrians and bicycles to minimize conflicts with other traffic. Mixed land uses should be encouraged at transit centers and park-and-ride lots to meet passenger and commuter needs and reduce vehicle trips. Park-and-ride facilities should be designed with consideration of the most efficient use of the land. (King County 2008)

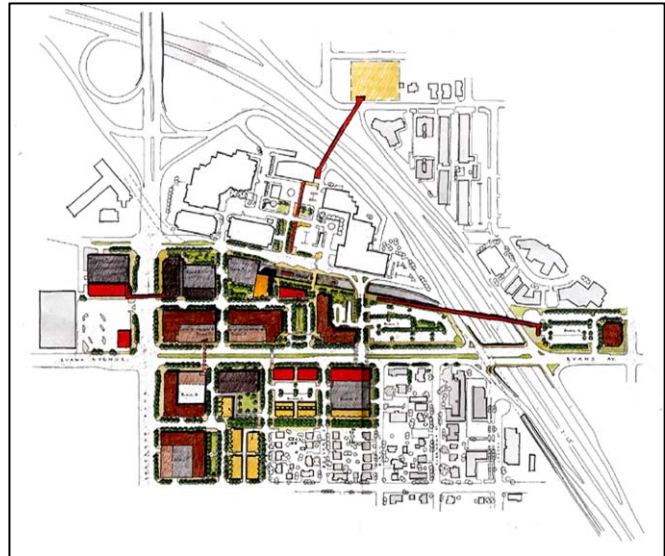


- Provide safe and convenient pedestrian and bicycle facilities within urban centers and new development areas. (Denver 2000)
- Work with private developers to ensure all arterials in Vail have bikeways along them and that there are connections between them. (Vail 2007)
- The City should develop a set of rules defining “walkability” and apply them to all proposed centers, to verify that a mix of uses is accessible to within a 5 to 10 minute walking time. (Aurora 2003)
- Ensure that all pedestrians have a maximum of a quarter mile or less to walk from transit stops to major destinations. (Vail 2007)
- Prioritize investment in pedestrian infrastructure to support transit ridership for light rail and enhanced bus corridors and to improve safety. (Denver 2002)
- Ensure that transit and pedestrian connections are integrated in the design of development projects. (Vail 2007)



## 5.0 Station Area Sub-Plans

As the AGS planning process moves forward, communities will begin to examine the land use opportunities associated with this service. For each I-70 community this will mean something different. It may mean strengthening land use development patterns that increase residential connectivity to the local transit center. It may mean planning for a station location and integrating future land use development at that site. The principles described through the station area planning process will be an applicable framework for community planning whether the station is a bus transit center or a mainline AGS station. Recognizing the importance of supportive land use planning will help ridership at either type of station.



The station area planning process should be conducted by the local jurisdiction in close coordination with the transit agency and its station planning process. While the transit authority is responsible for the layout and design of the station platform and service operations, the local jurisdiction is assumed to take the lead on the land use planning effort surrounding the station. It is important that these planning efforts have close coordination since they can impact and inform each other.

In today's urban cities the "transit-oriented development pattern" encourages a land use mix which allows people to live, work and play without having to use their car. Its intent is to promote high quality transit, bike and pedestrian connections while encouraging a compact, higher density mixed use development pattern. In the mountain and resort settings along the I-70 corridor, the development pattern at a station may be smaller in scale, lower density, promote recreational or entertainment opportunities, or may include park or civic uses which showcase the unique mountain character and natural setting. Achieving a balance between community context and economic viability of the development is the responsibility of the local jurisdiction to determine during the planning process. The development potential and land use configuration at every station is unique to each community and needs to be tailored to fit the needs and goals of the municipality, the residents and the businesses in the area.

Typically, a station area plan focuses on a ½-mile radius around the station which is considered a reasonable walking distance. The following planning elements are typically addressed in a station area sub-plan, although they may vary by location and the desires of the jurisdiction:



## 1. Public Involvement

Every station area planning effort should include an active and informative public involvement element from day one. Community input to the station site will promote buy-in and support that the station and surrounding uses are truly “part of the community”. In some areas this involvement effort has culminated in a public art project that is developed by a local school or community center and integrated into the station area.

## 2. Land Use

Managing the appropriate mix of land uses and densities, with buy-in from the community, is the job of the local jurisdiction. Typically, transit supportive uses are high pedestrian generators that directly promote greater transit ridership and opportunities for multi-purpose trips. The local jurisdiction will need to work with a market strategist and the public to ensure that the determination of land use mix and density is at a scale that economically works, represents the community, and encourages ridership to and from the location.

Transit-supportive uses may include higher density residential, office, retail, storage, education or civic spaces. In the case of I-70 communities, appropriate uses may also include support services for mountain recreation such as sports equipment rentals, tours or guide services, and storage facilities for visitors. Whatever the use, the highest densities are ideally located closest to the station to optimize transit rider convenience. The intensity of development tapers off away from the station to create an appropriate transition to the surrounding community. Adjacent vacant lots or low intensity uses can present opportunities for future infill development and should be part of the long range elements of the station area planning exercise.

## 3. Urban Form-Design Guidelines

Urban design addresses the various ways that buildings and development interact with the public and the natural environment. Urban design should create a pedestrian-friendly environment that connects a mix of land use types to each other and to the local station. This design consideration should also be specific enough to reflect the style or character of the local setting. Often design guidelines are applied to the block around a station to require developers to integrate design treatments that create an interface with pedestrians, relate uses to each other and the station and enhance a local character or style. Design guidelines may include specific direction on:

- Building placement and setbacks within the station core or surrounding sub-areas.
- Build-to lines.
- Building step-backs.
- Building entrance orientation and treatment.
- Parking lot locations, screening techniques and site integration requirements.
- Landscape buffers between uses.



- Pedestrian scale landscape amenities.

The architecture of the buildings should assist the intent of the design guidelines in creating pedestrian-friendly locations that complement the natural mountain landscape.

- The first floor façade should draw a strong pedestrian interaction.
- Building materials should accommodate winter conditions and represent community character, i.e. historic, modern, and rugged.
- Building heights and rooflines should be in keeping with community scale and style.

#### **4. Public amenities**

Station or transit center locations are often a site for increased public amenities that make the station useable and appealing. Sidewalks, public open spaces or plazas are key features in a pedestrian-friendly location. Consideration should be given to the specific sidewalk design into and out of the station area, public land dedication if required, the design of waiting spaces, and the materials used for paving or plaza treatments. Pedestrian lighting shall be provided throughout all circulation areas to promote safety and walkability. Signage within the area should be clear, informative and scaled to the pedestrian-oriented nature of the area.

#### **5. Circulation and Connectivity**

The station area should be integrated with the surrounding community, easily accessible and have a coherent, well-designed circulation system that provides ingress and egress from the site. Vehicular access and roadway capacity should accommodate the projected demand for parking or drop-off activities, including bus transit. Bike and pedestrian connectivity should be considered early in the planning process as key elements of overall mobility and access. Pedestrian access through the parking lots, around the site and to external sidewalks/trails and open space will also be important to mountain communities.

#### **6. Parking Management**

Parking is always a necessary consideration in the development of a station and the areas surrounding the station. Parking should serve both development and transit by placing a priority on the development of shared parking solutions which minimize impacts on the surrounding neighborhoods. If there is adjacent residential, a parking pass program should be evaluated in order to prevent AGS commuters from parking in the surrounding neighborhoods. Depending on the projected ridership and travel patterns associated with the station, the demand for parking may be significant. Along the I-70 corridor, parking demand in the Golden-Jefferson County area is anticipated to be significant to accommodate Denver metro riders. Parking demand in the Summit County area may be lessened by the destination orientation of the area. In addition to vehicular parking, bicycle parking should be accommodated and prioritized at all stations.



## **7. Market analysis**

An assessment of market and economic conditions provides guidance of what type and where developments could occur in the short and long term. By providing this market analysis, the land use plan will be better grounded in market and economic reality.

## **8. Zoning Recommendations**

The underlying zoning is a key ingredient to the implementation of the desired land use outcome. This element is discussed in this document in Section 6.0.

## **9. Implementation Strategies**

Inter departmental and agency coordination is a significant part to achieving successful planning. Guiding principles are developed to provide municipal staff with a clear direction of the desired development. This provides the staff with an understanding of the steps that are required to set the stage for development. This could include infrastructure improvements, revisions to zoning code, and financial tools. Guiding principles provide municipal staff, property owners and developers with clear guidelines to develop and/or evaluate specific development proposals for the area around a station. The guiding principles address issues critical to development including: the type and intensity of land use desired, transportation connectivity, parking and urban design. The guiding principles help to inform the implementation strategy. Key elements to the success of the development are identified and assigned a time frame and organizations responsible for achieving these goals. All players must maintain a certain level of flexibility so that specific development proposals can respond to changing market conditions and still achieve the basic goal of having development which supports transit.

## **10. Financial strategies**

Financial strategies are addressed in Section 7.0.



## 6.0 Zoning Strategies

As the jurisdiction works through the station area sub-plan or land use plans in support of local transit, it is important to examine whether the existing zoning in and around the site is conducive to achieving the land use pattern desired. This section examines traditional zoning, overlay zoning, form-based code zoning and specific transit zone districts and provides examples of when and how these applications have been used in other communities. The I-70 corridor communities will want to consider these zoning options and evaluate whether adopting new zoning strategies is a piece of their planning process.

### 6.1 Traditional Zoning

Traditional zoning designates specific geographic areas of a community as one of several zone districts identified by the zoning code. Restrictions and regulations in a particular district apply to all areas of the community that are similarly zoned. Rezoning from one category to another can be accomplished by means of the procedures set forth in the local zoning ordinance. Historically, accomplishing a change in zoning required proof that either the original zoning was incorrect or surrounding conditions have changed to the point where the rezoning is justified.

Once considered novel, but now fairly standard in most jurisdictions, is the planned unit development (PUD) zone district. This generally gives the landowner the opportunity to create a unique, site specific zone district; in exchange, the local community can request certain guarantees not required by the other categorical zone districts. One disadvantage to the traditional zoning and rezoning is that they can be done on the sporadic, piecemeal basis—one landowner at a time. To provide a more unified and consistent built environment, the overlay zoning approach is recommended. If a community chooses, overlay zoning with performance standards is another option.

### 6.2 Overlay Zoning

Overlay zoning is a technique to manage land use, specific to a designated area, by creating additional regulatory standards, incentives, and to guide development with specific criteria onto an underlying zoning condition. Some examples of how communities can use overlay zoning districts are:

- Protect cultural and natural resource areas.
- Guide development in existing neighborhoods.
- Encourage mixed-use or higher density development served by transit.
- Encourage affordable housing .

Communities should clearly define the purpose and the geographic limits of the overlay district when identifying overlay zone, for example “to preserve historical character” or to “allow higher density residential development at a transit stop”. Overlay zoning districts need to be clearly defined and mapped, and do not have to follow the boundaries of the underlying zoning.





Public involvement is very important in the creation of overlay zoning, to explain the reasons for the change, to clarify issues, and to educate property owners for compliance with the new regulations. The advantage of overlay zoning is that regulations and design criteria can be applied to specific or isolated areas and are not restricted by the underlying base zoning.

The following presents an example case study for implementation of an overlay district.

### **Case Study - Overlay District**

**Location:** Steamboat Springs, Colorado.

**Issue:** Steamboat Springs' historic downtown has significant opportunity to expand and redevelop. The traditional zoning code and entitlement process that the City relied on did not allow for developers or the community to get the type of developments that were desired in the historic downtown. The City needed new regulations for its downtown core, and the Commercial Old Town District was created to resolve this issue.

**Solution:** The City aspired to achieve a balance between maintaining the historic district character while allowing new development to occur. Designs should not copy early styles but instead should find creative new solutions; however, the traditional and historic design must still be valued and appreciated. The three main objectives for the Commercial Old Town District was to maintain the definition of the street edge, maintain a traditional sense of scale, and accommodate new development that is compatible with traditional commercial storefront type buildings. The three objectives were achieved through the following regulations which became a part of the overlay district:

- Maintaining traditional building width.
- Maintaining traditional building and roof forms.
- Solid-to-void ratio – smaller, rectilinear lots and buildings.
- Use of traditional materials such as masonry and wood – new materials may be considered.
- Using architectural details such as recessed entries and adding visual interest for pedestrians.
- Visual continuity of windows and doors throughout the district.

## **6.3 Form-Based Code**

A “newer” method of land use planning is form-based code, which regulates development to achieve a specific urban form. Form-based codes create predictable public realm, primarily by controlling physical form with a lesser focus on land use, through city or county regulations. Form-based codes consists of a regulating plan which designates where different building forms apply, standards for elements such as building form and massing, street width and character, and public spaces. Form-based code regulating plans also contain the administrative process and the definitions which alleviate the misinterpretation of technical terms.



Form-based codes are created with the physical end result in mind because it has clear controls on the building form, its relationship to the street and the adjacent properties. Form-based codes allow for the public to understand how a building or use will look and affect the physical build out of a development, because residents can see gradually and individually how each lot will be developed.

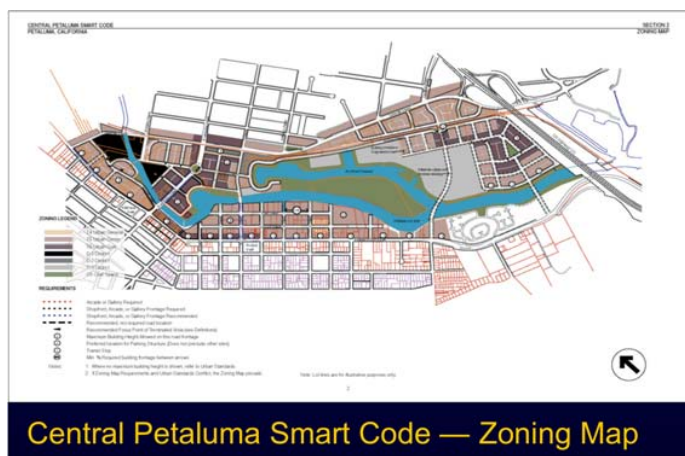
Form-based codes allow for a variety of uses in one area because it is not based on land use or uses within an area, rather it is based on the physical form and the relationship to the surrounding properties. How the building looks and the lots are developed is driven by the jurisdiction while the land uses are driven by the market. If desired the form-based code can restrict undesired land uses. Form-based codes work both as the code as well as the design guidelines which allows for more consistency between projects. Design guidelines leave room for interpretation and form-based code is easier to enforce as it plays both the role of the code and of the design guidelines.

### **Case Study – Form-Based Code**

**Location:** Petaluma, California (Northern California between San Francisco and Eureka).

**Issue:** Petaluma was an historic town originally developed in the late 1800s during the California gold rush. There was land located near the historic downtown which was considered underutilized by the community, as it was being used as a warehouse and industrial area in a key location near the town core and the Petaluma River. The general consensus was that the new development should connect both the downtown and the river, but the traditional zoning code presented a major hurdle to implementing this future. The community was not assured through the traditional land use zoning code that new development would mimic or complement the historic downtown, and it was confusing to use because of its complex charts containing numbers for certain floor area ratios requirements, etc.

**Solution:** The City strived to get the community as involved as possible with the long process, which lasted seven years. Through community workshops and committee discussions, a vision was developed that described central Petaluma as a place where a wide range of residential and commercial uses should coexist in relative proximity to one another within a lively urban environment. The community envisioned pedestrian-oriented public streets, plazas, squares and riverfront walks, lined with mixed-use, pedestrian-oriented buildings. ([http://www.healthytransportation.net/view\\_resource.php?res\\_id=19&cat\\_type=revital](http://www.healthytransportation.net/view_resource.php?res_id=19&cat_type=revital) )



The City brought in an urban design team that suggested changing the zoning code to a code that would allow for development that achieved the town vision. The design team introduced Smartcode (a brand of form-based code) which rather than regulating uses



regulates the form of buildings through easy to understand graphics that all members of the community could understand. Immediately, the community was intrigued by this idea that they decided to move forward with this code. Nine months later the city council adopted the Petaluma Smartcode. The Petaluma Smartcode's focus is on pedestrian experience which can be achieved through the design of the public realm in coordination with the private buildings. Different parts of the site are designated for different densities, minimum and maximum building heights, parking areas, percentage of building frontage, and most importantly a mix of uses similar to the historic downtown.

Soon after the Smartcode was approved, many high quality projects were reviewed and approved. After nearly 20 years of little development in this area, new projects were under construction on six downtown blocks in the first year of the new code.

The entitlement process was updated to require a design review which shortened and streamlined the approval process. This updated planning process not only pleased developers, but the City and community as well because they achieved type of development they were looking for. The lessons learned in this process are to identify different parties' interests, identify issues through visual means such as walking tours, and visual preference surveys.

## **Case Study – Form-Based Code**

**Location:** Ada County, Idaho

**Issue:** Ada County, Idaho is a rural community in southwest Idaho. The community has been working as an agricultural area for 130 years at the foot of the Rocky Mountains, where the climate is a semi-arid high desert. Well known ski areas, such as Sun Valley in Ketchum, Idaho are a little over 150 miles away by highway. Developers were interested in





creating a master planned community in the County, where little development of this type had occurred. In addition to lack of experience with this type of development, there were significant site constraints including elevation variations by as much as 900 feet. Ada County did not have any planned development ordinances prior to the approval of the development, called Hidden Springs. The main concern of the residents of Ada County was that this new development would preserve a rural character and farming traditions, creating a small town atmosphere, and connection to the natural environment.

**Solution:** Since the beginning of the planning process in 1995, sustainability was the major core value of the Hidden Springs community. Although it took the County and developer two years to get through the entitlement process, Hidden Springs was the first project of this kind to be approved in this area. In an effort to approve the project, the County created a new zoning ordinance; similar to a PUD. The PUD zoning for Hidden Springs was contingent on the inclusion of smart growth and sustainable neighborhood principles. The planned community began with a master plan that included 1,000 acres of open space which was used for trails, agriculture, wetlands, and wildlife refuge. The plan is divided into different neighborhoods, has a town center, a public school and a private pre-school, and a community supported produce farm. The design guidelines for Hidden Springs were drafted to promote the preservation of the more visually sensitive foothills slopes where homes were tucked in hidden side valleys or on the valley floor. Hidden Springs housing types are diverse ranging from condominiums to custom homes. Zoning allows for home based businesses which allow for diversity of uses within the neighborhood. Zoning also allowed for accessory dwelling units which could provide affordable rental units. There are 24 trails that meander through the development and connect residents from neighborhoods to the town center to the foothills. Hidden Springs also used resource-efficient infrastructure. As lots are sold and resold, a transfer fee of 0.25 percent of the price funds trails improvements and open space enhancements, etc. Hidden Springs used sustainable practices for their wastewater reclamation system. The lessons learned from the development team were establishing a set of guidelines for all the stakeholders and establish clarity in ownership structure, management control and decision making.

## **Case Study – Form-Based Code**

**Location:** Taos, New Mexico.

**Issue:** With diverse cultural traditions and over 400 years of built history, the Town of Taos, New Mexico, is home to very distinctive historic architecture and planning patterns. The conventional zoning ordinance was not conducive to maintaining the historic form and development patterns, thus not allowing for the type of development that the town as well as citizens desired.

**Solution:** The Town worked with a planning firm to develop a Smartcode. Public participation was essential in determining how the new code could allow development while maintaining the historic and cultural diversity of Taos. There were seven major goals of the Taos Smartcode:



- 1) Maintain the historic character and authenticity which was enforced in the code through stronger architectural guidelines which ensure authenticity in design.
- 2) Create a more walkable and bikable environment while migrating traffic. This was done through reduced lane widths, continuous sidewalks, and a better level of service for traffic signaling.
- 3) Enhance commercial viability which was implemented through creating compact public spaces that allow for pedestrians to linger comfortably which effectively increased pedestrian flow to small scale retail.
- 4) Respect the natural landscape which was accomplished through using low water native plant material and also added natural beauty and comfort to streets.
- 5) Use parking alternatives were implemented through providing convenience as well as not compromising the pedestrian experience.
- 6) Supporting mixed-use buildings was enforced through the code by only allowing commercial on the first level and office or residential on the upper levels. This designation allowed for a more vibrant downtown district.
- 7) Lastly, affordable housing options were implemented through allowing many options on housing densities throughout the downtown district.

## 6.4 Transit-Oriented or Transit Supportive Zone District

There is currently much interest in transit-oriented development (TOD). TOD is compact, mixed use development near new or existing public transportation infrastructure that serves housing, transportation and neighborhood goals. Its pedestrian-oriented design encourages residents and workers to drive their cars less and ride mass transit more. Some agencies have developed, adopted and applied a particular zone district to areas surrounding rail stations, hoping to encourage this pattern of development and pedestrian walkability.

TOD districts are typically found in urban areas and feature high commercial intensities, job clusters and higher residential densities. There are some neighborhood TOD districts which support bus transit lines and typically include neighborhood shopping centers or multi-family housing units. However, in the case of the I-70 corridor, neither of these particular applications may be appropriate. A Mountain and Resort-Oriented Development code may need to be considered that centers on the recreation-destination attractions, the unique context and character of the mountain communities, and the setting and scale that brings travelers to the area. The combination of land uses, the intensity or density of those uses and the design of the area would need to be uniquely developed for each mountain community that hosts an AGS station. A Mountain and Resort-Oriented Development zoning district would address the specifics desired within that community and the development levels sustainable in the mountain corridor.

A transit supportive zone district typically addresses the following elements, each individualized to the setting and location:



- Intent of the district.
- Areas of application.
- Organization of uses or sub-area applications.
- Permitted uses.
- Dimensional requirements.
- Design requirements and setbacks.
- Open space requirements.
- Circulation and connectivity.
- Parking ratios.

### **Example – Transit-Oriented Zone District**

The following City of Lakewood Transit Mixed Use (TMU) zone district example identifies some elements of a transit-oriented code, recognizing that the specifics may be different for the I-70 mountain communities.

#### **City of Lakewood, Colorado Article 22: Transit Mixed Use Zone District (January 2007)**

The City of Lakewood adopted a TMU district for application to areas surrounding four light rail stations within their community. For Lakewood, the intent of the TMU district was to create an environment for efficient and attractive transit and pedestrian oriented commercial, office, residential, research and development, and mixed-use projects along the Regional Transportation District's West Corridor light rail line. The TMU district was also intended to allow for flexibility in use mixture and building design.

To further enhance the flexibility inherent in the TMU zone district, proposed projects in Lakewood utilize a performance-based review process, which addresses how development functions and interacts with adjacent land uses and transit infrastructure. Project creativity and responsiveness to the established neighborhood framework and nearby transit facilities is encouraged as part of the process.

The Lakewood TMU district includes eight distinct sub-areas, each of which was created to achieve specific purposes:

- (1) *Transit Mixed Use – Station Core Sub-Area (TMU-SC)*. This sub-area, generally located adjacent to, and within ¼ mile of the light rail station platform, is intended to contain the most intense development. Projects within this area include a mix of retail, office, hotel, civic, cultural, and multi-family residential uses. Transit stations and associated parking facilities will generally be located within this sub-area as well. This will be the most pedestrian-friendly of the TMU sub-areas, with automobile access and parking limited to the greatest extent possible. All new buildings within



- this sub-area shall contain at least two of the uses described above. Up to 75 percent of the gross floor area of a project can be residential.
- (2) *Transit Mixed Use – Commercial Sub-Area (TMU-C)*. This sub-area allows for the concentration and densification of commercial uses along arterial streets generally within ½ mile of the station platform. This sub-area is primarily intended to be retail oriented, although mixed-use development including multi-family residential is also encouraged. All new development within this sub-area will be pedestrian-friendly, with buildings oriented to the adjacent principal streets. Up to 50 percent of the gross floor area of a project can be residential.
  - (3) *Transit Mixed Use – Office Sub-Area (TMU-O)*. This sub-area allows for the development of intense employment centers within the station areas. This sub-area will primarily allow for office and retail development adjacent to stations and arterial streets within the station areas. Multi-family residential, as a secondary use, is allowed within this sub-area. Up to 40 percent of the gross floor area of a project can be residential.
  - (4) *Transit Mixed Use – Office 2 Sub-Area (TMU-O2)*. This sub-area allows for the development of intense employment centers within the station areas. This sub-area primarily allows for office and retail development adjacent to stations and arterial streets within the station areas. Additionally, some light manufacturing and similar uses is also allowed. Multi-family residential, as a secondary use, is allowed within this sub-area. Up to 40 percent of the gross floor area of a project can be residential.
  - (5) *Transit Mixed Use – Research and Development Sub-Area (TMU-RD)*. This sub-area is intended to allow existing research and light industrial users within the station area to continue the development of high quality employment centers adjacent to the light rail station. The sub-area encourages campus-style development that is transit-supportive in design, and provides for easy pedestrian access to the light rail station.
  - (6) *Transit Mixed Use – Higher Density Residential Sub-Area (TMU-HDR)*. This sub-area allows for compact multi-family residential development generally in close proximity to the station platform. This sub-area also allows for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of this sub-area to maximize the potential number of transit riders and business users within the station areas. Up to 30 percent of the gross floor area of a project can be non-residential use.
  - (7) *Transit Mixed Use – Medium Density Residential Sub-Area (TMU-MDR)*. This sub-area is intended to act as a buffer between the more intense development planned around the station platform and existing medium density residential development surrounding the station area. Although this sub-area allows for a mix of uses, it is primarily intended for single-family attached and multi-family residential development. Single-family detached residential units are also allowed. Minimum and maximum residential densities are established to further the intent of transit oriented development, while limiting the impact on existing neighborhoods. Up to 25 percent of the gross floor area of a project can be a non-residential use.



(8) *Transit Mixed Use – Lower Density Residential Sub-Area (TMU-LDR)*. This sub-area is intended to act as a buffer between the more intense development planned around the station platform and existing lower density residential development surrounding the station area. Single-family attached and detached residential development is allowed. Non-residential uses, with the exception of live-work spaces, are not permitted in this sub-area. Maximum residential densities are established to limit the impact on existing neighborhoods.

The code identifies permitted uses within each of these districts and the densities of use associated with each sub-area (summarized below):

<b>Transit Mixed Use Sub-Area Density Regulations</b>							
<b>Density</b>	<b>TMU-SC</b>	<b>TMU-C</b>	<b>TMU-O/O2</b>	<b>TMU-RD</b>	<b>TMU-HDR</b>	<b>TMU-MDR</b>	<b>TMU-LDR</b>
Minimum Residential Density	35 du/ac	25 du/ac	20 du/ac	N/A(1)	30 du/ac	5 du/ac	None
Maximum Residential Density	None	None	None	N/A(1)	None	25 du/ac	10 du/ac

(1) Residential uses are not permitted in the Research and Development sub-area.

The code also specifies the height, design requirements, setbacks and open space requirements associated with each sub-area or use type. It addresses the need for circulation and connectivity within and to and from the zoned district uses, including roadway, bike and pedestrian facilities. Parking requirements are addressed by use type as shown below:

<b>Minimum and Maximum Number of Parking Spaces</b>	
<b>Use</b>	<b>Ratio</b>
Hospital	One space per bed minimum, 2 spaces per bed maximum.
Hotels/Motels/Bed and Breakfast	One space per three rooms minimum, one space per room maximum.
Laboratory/Light Manufacturing/Light Industrial	One space per 1,000 square feet minimum, 2 spaces per 1,000 square feet maximum.
Office/Bank	Two spaces per 1,000 square feet minimum, three and one-half spaces per 1,000 square feet maximum.
Church/Synagogue/Temple/Mosque	One space per five seats minimum, one space per two seats maximum.
Residential	One space per unit minimum, two spaces per unit maximum.
Restaurant	Four spaces per 1,000 square feet minimum, eight spaces per 1,000 square feet maximum.
Retail	Two spaces per 1,000 square feet minimum, four spaces per 1,000 square feet maximum.
Theater	One space per five seats minimum, one space per two seats maximum.





## 7.0 Financial Strategies

Because of the complexities associated with transit station developments, public sector financial participation may be necessary in order to create an environment conducive for private sector interest and participation. The public sector does have some land use and financial tools that can be made available to assist with a variety of different types of development or redevelopment efforts at the local, state, and federal levels.

### 7.1 Local

Jurisdictions may want to ensure the type of development identified by their community as appropriate for the station area. There are several methods of making a site more enticing for developers, and yet directing that development in context with the community setting. As discussed earlier, the underlying zoning is the first step in establishing the development pattern and land use mix identified in the station area sub-plan. Another land use tool available to local jurisdictions is the concept of transferable development rights (TDRs).

In this scenario, the right to develop a certain parcel is given up, with the entitled rights “transferred” to another parcel. Often the area from which the rights are transferred is an area the community desires to leave undeveloped; similarly, the areas to which the rights are transferred are often areas where the local jurisdiction want to encourage growth. The “net” affect of transferable development rights is often “neutral”, with no more growth allowed communitywide than would be allowed without the transfer. One benefit is the preservation of open space or historic structures and the channeling of density and growth into areas the jurisdiction have designated for growth, redevelopment, etc. Obviously, the receiving parcel will be allowed to develop at a greater density than allowed under existing zoning.

To accomplish the transfer, a value must be placed on the rights if they are being transferred from one landowner to another. Compensation for the rights can be by means of traditional purchase, or more innovative means such as tax relief. Documentation of the transfer usually requires a legal agreement between the selling landowner, the receiving landowner and the local jurisdiction.

Additional actions that would support “jurisdictional - developer cooperation” in ensuring the outcome envisioned by the community could include the following:

- Reductions in development fees and expedited development review processes for areas adjacent to stations, if developers are proposing plans in keeping with the community’s vision for the area.
- Parking requirement reduction would reduce the number of spaces required per development and can be implemented through a PUD process or designated in an zoning overlay district or new transit supportive zone district.
- Formation of a parking district would integrate area parking needs with local development. A management entity is established and new developments have the option of paying into a parking fund rather than constructing parking within a given area. The



management company then constructs and operates the pooled parking for the entire district.

- Public-private partnerships are becoming an increasingly popular tool to encourage private development particularly in areas where there is a public policy goal and the public can play a role in helping to mitigate infrastructure or cleanup costs.
- Public infrastructure improvements through increased sales tax revenues allocated to public improvements around station areas, through fee programs such as public improvement fees (PIF) or through Enhanced Sales Tax Incentive Programs (ESTIP). These funds are typically used to pay back designated public infrastructure improvements.
- Commercial linkage ordinances are a method of financing affordable/workforce housing that recognizes the link between job creation and the need for new housing. These programs require developers to pay into a workforce housing trust fund, typically assessed on a per square foot basis. These monies go toward the development of affordable housing by the jurisdiction.

There are several financing or funding mechanisms that should be explored to generate dollars that support transit. On a local basis these include:

- Tax increment financing (TIF) – is an often used method of financing redevelopment (specifically improvements offering a public benefits, such as site acquisition and/or clearance, hazardous materials removal, infrastructure such as streets, utilities, parks, and parking). The tax increment can be placed on both property and retail sales taxes, although it generally works best on projects with a large retail component. It is usually administered through an Urban Renewal Authority.
- Bond Financing – can be used to fund public improvements and are paid back through property tax revenues, tools, charges and special assessments.
  1. Special Tax Assessment Districts – Districts which are governed by a local jurisdiction; and funds infrastructure improvements associated with development. These districts fund infrastructure improvements associated with development and are paid back through special assessments on property owners.
  2. Business Improvements Districts – Created to construct public improvements and support economic and business development through planning, marketing, and management. They can also issue bonds and levy and collect taxes.
  3. Title 32 Metropolitan Districts – Popularly used tool by developers to finance roads, water, sewer, and other public improvements. Methods of repayment include property taxes, fees, etc.



## 7.2 State

State departments of transportation can play an important role in facilitating transit station development. In some circumstances, transit station development can be facilitated through disposition and redevelopment of underutilized state-owned land near transit stations. The Colorado Department of Transportation has programs oriented towards transit station planning and development. They include the:

- Surface Transportation Program (STP – Enhancement) - Enhancement funds can be directed towards pedestrian/ bicycle enhancements, parking facilities, and even housing developments.
- Congestion Mitigation Air Quality (CMAQ) – CMAQ funds are available for station area planning for portions of the project area within the Denver Regional Council of Governments region.
- State Infrastructure Bank (SIB) – The SIB can make low interest loans or provide credit enhancement to local and private entities for public transportation improvements.
- Other Fees (including Rental Car / Recreation Usage) - The State of Colorado is currently examining ways to bolster funding for transportation improvements. A rental car fee is a method which has been suggested as a way of raising funds. Recreation usage is another area impacted by transportation and potentially a source of funding.

## 7.3 Federal

Federal funding is directed to the development of transit through existing programs such as the New Starts and Small Starts program at the Federal Transit Administration which currently funds most of the nation's transit improvements. One of the criteria in receiving federal funding is support for transit-station developments that would support ridership. Other agencies' programs can be accessed to support transit station developments including:

- Department of Agriculture – The construction of community facilities (bus or transit buildings) may be eligible for grants and low interest loan programs in rural areas
- Housing and Urban Development – Housing development funds and programs can be accessed to help provide for workforce or affordable housing at transit stations.
- Environmental Protection Agency (EPA) - The EPA provides funds and technical assistance to states and local communities to clean up and redevelop potentially contaminated lands.
- Economic Development Administration (EDA) – there are grants available for planning which support communities' economic development needs.



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