

redevelopment ready communities\*

# **ENABLING BETTER PLACES:**

USERS' GUIDE TO ZONING REFORM

MICHIGAN MUNICIPAL LEAGUE

&

MICHIGAN
ASSOCIATION OF
PLANNING
CONFERENCE

September 21,2018



## **SPEAKERS**

Richard Murphy, AICP

Michigan Municipal League

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MEDC









Making Great Communities Happen



Mallory Baches, AICP, LEED-AP, CNU-A Congress for the New Urbanism

## PARTNER ORGANIZATIONS









American Planning Association **Michigan Chapter** 

Making Great Communities Happen



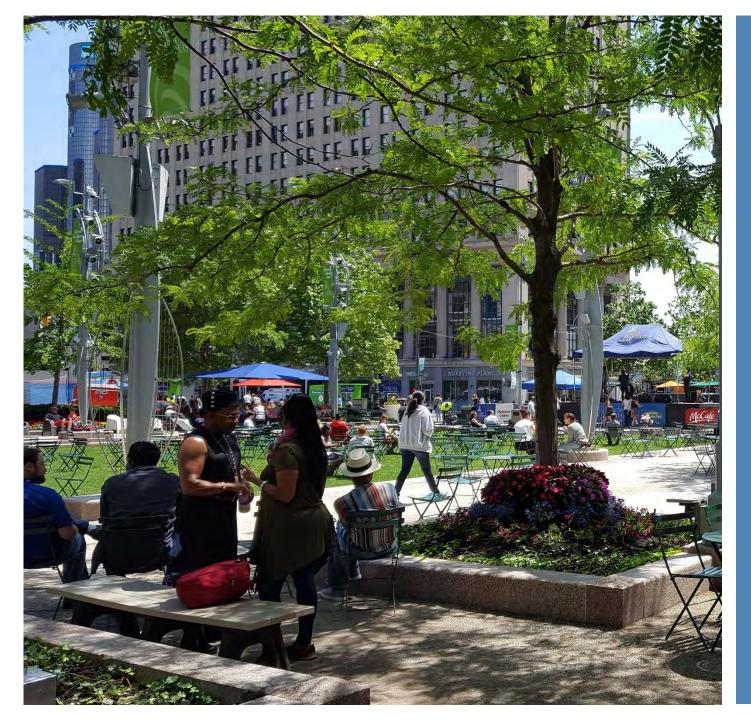




## PROJECT FOR CODE REFORM

- 1. Introduction to PCR
- 2. The "Users' Guide"
  - \*break\*
- 3. Your Case Studies
- 4. Future Work(suburban context)
- 5. Office Hours

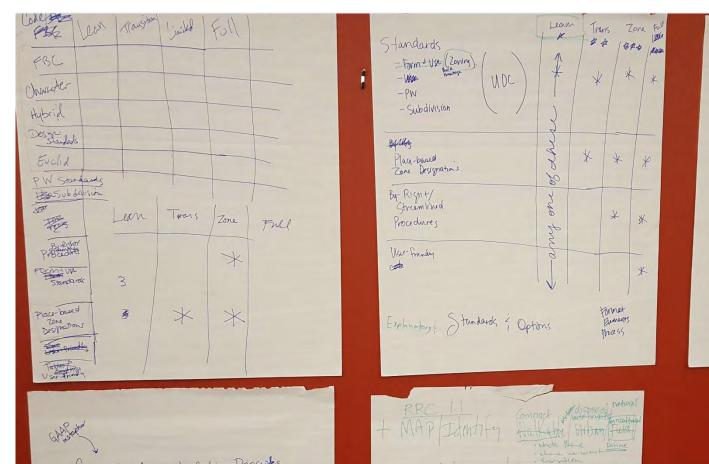




Project for Code Reform: Why Michigan?

Building Places People Love.





FOOD-HERE
ELSEWHERE?
LATER

Form Activity

Activity

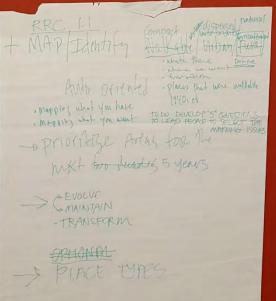
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ples types

Generally Accepted Coding Principles

E related to other parts operations

Transpersed Coding Enabling Legislation

Adoption by Reference



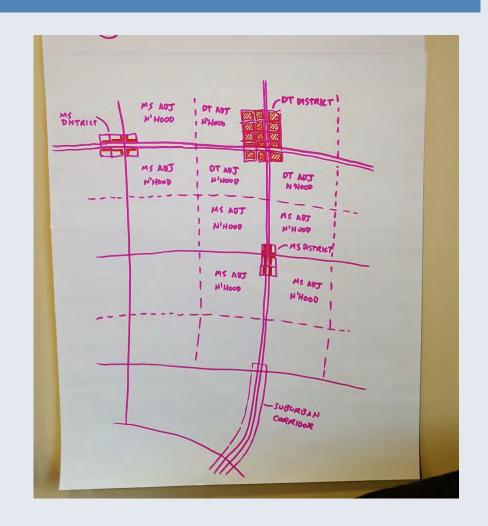
## PRIORITY PLACE TYPES

## Now:

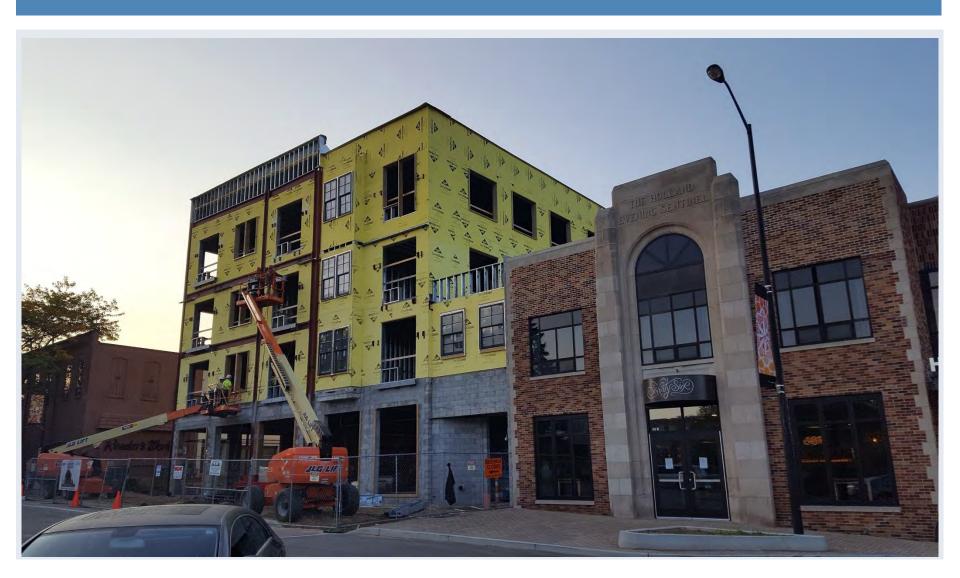
- Main Street
- Downtown
- Adjacentneighborhood

## Later:

Suburban corridor (with potential to change)



# TACTICS TO MAKE THE GOOD STUFF EASIER

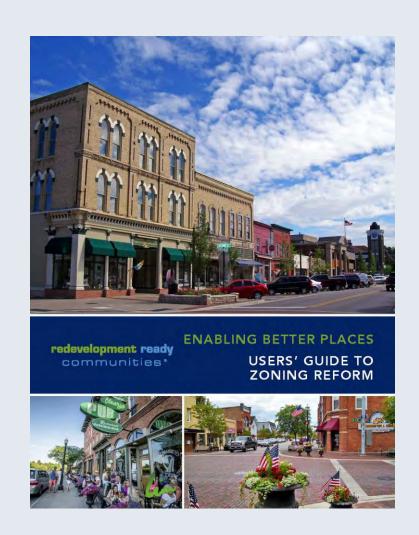


# THE GUIDE

1.Background

2.Guide

3. Resources



## STEP 2: test additional changes in urban standards STEP 1: -STEP 3: Proving approve small adopt new changes in zoning district parking, frontages, uses, form, signs and the public realm SINGLE USE NEW CITY-ZONING WIDE CODE

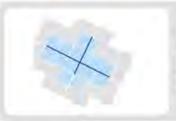
ARC OF ENGAGEMENT

**BACKGROUND** 



## **USING THIS GUIDE**

This Guide is structured to enable a planning department or local government to address a series of steps in determining where and how to engage in the code reform process and enact change.



## 1. Determine the Place Type

Determine the Place Type where changes will be targeted. See the section describing Place Types on page 14. This Guide provides tools for downtowns, main streets, and adjacent neighborhoods.



## 2. Gauge Support and Capacity

Determine the municipality's point in the arc of engagement, see page 5, level of political support, and staff capacity. Building Support on page 11 describes building capacity amongst all stakeholders.



## Initial Steps of Code Reform

Use the incremental fixes detailed in this section to make small improvements to your existing code. Add new fixes over time and as you build more capacity and support, graduate from Stage 1 to Stage 2 Fixes.



## Strong Political Support and Staff Capacity

Select the model zoning district[s] from the Resources section of this Guide and edit them for local use. Explanatory text for various topics is found in the blue side bar of each model district. **BACKGROUND** 



## PRINCIPLES OF CODE REFORM

Code reform is not a one-size-fits-all solution. This Guide will help you get started with an incremental process that is unique for each place and condition, yet built on a foundation of shared principles.

### Know who you are.

Understand what is possible!

- What is the staff capacity to administer, or the political will to enforce proposed code changes?
- Does the local market support the changes?

### Know where you are.

Localize solutions!

- Customize decisions about height and mapping for the local context.
- Pay attention to the local market how much retail space or downtown housing can the community support?

### Keep it simple.

Don't overcomplicate the effort!

- Don't regulate things that are addressed by other health and safety codes.
- Don't try to anticipate every possible situation.
- · Don't attempt to predict future market demands.

### Focus on the basics.

A little change can go a long way!

- Get quality buildings in the right places to define the public realm – the uses can and will change over time.
- Locate parking on the street or behind the buildings.
- Design for people; accommodate cars.

### Use the correct tool.

Code reform is not a silver bullet!

 Don't expect zoning changes to fulfill every community aspiration or solve every community problem.

### Change can be difficult.

Move forward together!

- Make sure the key players understand why code reform is being undertaken.
- Recognize that "business as usual" will produce the usual results.
- Let go of regulations that are no longer relevant. These
  may include legacy standards that were put in place
  to micromanage a specific use or to address a specific
  problem that no longer exists.

### Don't bite off more than you can chew.

This is just a beginning!

- Focus on key areas this Guide will not address your entire city or village.
- There are many other important issues that are not covered here, but may be important for you to consider now or in the future.

Building Support

Concept Definitions

BACKGROUND
Lessons Learned



## PLACE TYPES





**Main Streets** 

**Downtowns** 

**Adjacent Neighborhoods** 

scale, intensity, range of uses, and other physical characteristics

## AREAS OF REFORM





## Streetscape

Streetscapes are designed according to the intensity of land use through which the street passes. In downtowns and main streets, streetscape design should focus on the success of businesses as much as it might focus on vehicular movement. In neighborhoods, streetscape design should focus on the safety and comfort of residents ahead of vehicular movement.



## **Form**

Regulations that control the form of buildings, including setbacks, height, lot size, lot coverage, and similar restrictions. In many places regulations designed for suburban setbacks and buffers have been applied to downtowns, main streets, and adjacent neighborhoods, reducing the value of existing buildings and properties.



## Use

Restrictions on the use of buildings and properties, and the ability to combine multiple uses, both on the parcel and within a single building.



## Frontage

The design of building facades and yards that face the sidewalk. Frontage quality affects the likelihood that people will walk along a street. This is independent of architectural style. Most issues relating to frontage are regulated to increase vibrancy, which is reflected in the amount of pedestrian activity.



## **Parking**

The amount and location of parking. The effects of parking requirements are often underestimated in their ability to improve or detract from the success of downtowns and main streets.





STREETSCAPE

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**FORM** 







Looking west along Chicago River from an Illinois Central Elevator, 1908.



USE

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FRONTAGE

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**PARKING** 



## INCREMENTAL FIXES



## FOR EACH AREA OF REFORM & EACH PLACE TYPE





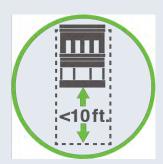
- Simple policy changes
- Text amendments
- Minimal cost
- Quick implementation



## Stage 2: Mid-Term

- More political capital
- Physical changes
- [Some] Monetary investment
- Longer timeline











## MAIN STREETS AND DOWNTOWNS

## **Streetscape**

Streets provide the public space for any main street or downtown. Simple changes to the zoning code and street design standards can help transform streets from being primarily places for cars to being places for people. Some of the following recommendations require coordination with additional agencies and are likely difficult to achieve if attempted on state funded roadways. Changes on locally controlled roadways are a good first step.

## Stageel: Short-term fixs

1. Maintain existing streets and alleys.



Small blocks with separate service access via alleys are integral to the success of downtowns and main streets. Abandoning streets and alleys reduces walkability and a district's future potential for success. In most instances, abandonment is at the request of large users. In some rare cases alley or street

abandonment may be justif able, but the process should not be easy or used frequently.

 $2.\ Permit encroachments into public rights-of-way.$ 

Many downtown and main street businesses rely on awnings and signage that project into the public right-of-way and use of



the sidewalk for seating. In some locations, encroachments have been disallowed or subject to a revocable permit. T e ability to encroach and the guarantee of a reasonable permit duration are important to the success of urban businesses.

3. Establish on-street parking.

On-street parking supports businesses and provides a layer



of safety to pedestrians. On-street parking spaces represent signif cant revenue as well as cost savings for businesses. Rather than building of -street parking at additional cost.

## Stage@: Mid-term fixs

1. Provide of -site stormwater options.



Stormwater is an outlier in the streetscape category, but streets play a signif cant role in stormwater management. When downtowns and main streets were frst established, stormwater was not regulated. It is a reasonable expectation that buildings will cover the vast majority of these properties. As

private investment attempts to revitalize these areas, stormwater management cannot easily be added on site, and where it can be added it comes at a signif cant cost, in the form of underground storage. To allow for revitalization, of -site stormwater options should be made available within downtowns and main streets. Ideally, stormwater is managed collectively over a larger area. Where this is not the case, fee in lieu options may be added, which may fund streetscape retrof ts to add storage and address water quality or fund area-wide facilities.

2. Develop public realm standards.



T e quality of sidewalks, lighting, furnishing, and plants in streets and open space impacts the success and vibrancy of downtowns and main streets. Districts should have a relatively unif ed look and feel, supporting a comfortable pedestrian environment. Where standards are missing, each new development

might miss the mark or create a character that detracts from a cohesive environment. Careful attention should be paid to

INCREMENTAL FIXES



## **MAIN STREETS AND DOWNTOWNS**

## Use

Zoning's purpose has historically been to separate incompatible uses. Regulations cleaning up industry and manufacturing in the last century this has become almost irrelevant, particularly in the main street or downtown context. To encourage economic development and a robust local economy, uses should be able to change within a single building without the barriers of a change of use permit. Te short-term fixes below can enable that to happen.

## Stageel: Short-term fixs

### 1. Permit mixed use.



Main streets and downtowns include a mix of uses within the district and often within the same property or building. Mixed-use must be permitted within the district, and should be permitted within the property and building, but not required. T e building code addresses issues of use separation and

compatibility; additional regulations concerning the mix of uses are not necessary, and could stife development if the market shifts.

Ground f oor commercial requirements are a common pitfall when establishing mixed-use districts. Non-residential ground f oor uses may be required along the primary retail corridor, typically no longer than  $\frac{1}{4}$  mile, but should not be required throughout the district. In the greater downtown area, permitting residential as a single use should be allowed, which provides population support for area businesses.

## 2. Simplify uses.

In main street and downtown areas, a very broad collection of uses is necessary to ensure a vibrant business and pedestrian



environment. T ese uses change frequently over time. When businesses change tenants or ownership, they should not be subject to new zoing requirements. Ideally, uses are regulated by category, such as commercial, of ce, lodging, residential, civic, institutional, and industrial, and not specifically, such as

cof ee shop ice cream parlor and barber shop. Where there

## Stagee2: Mid-term fixs

### 1. Permit temporary uses.



Activating and maintaining a vibrant main street or downtown requires experimentation from time to time as public preferences change. Allowing temporary uses and structures lowers the barrier to business successin adaptation. Temporary uses permit short term, unplanned uses and does not

trigger parking requirements and other use-specific conditions. Temporary structures should permit small, non-permanent structures to test business ideas or activate underutilized spaces without the cost of site and building development. Temporary uses and structures should be permitted for at least 2 years with the option to renew.

### 2. Publicly accessible parking.



Surface parking lots and parking garages that are not lined with active uses are detrimental to the vibrancy of main street and downtown districts. However, in many cases parking demand necessitates parking as a primary use to service the district. To discourage underutilized parking facilities and provide parking

for the district, require private parking lots and structures to provide publicly accessible parking. T is encourages shared parking and park-once function for the district.

### 3. Permit multi-family.



Housing within walking distance of downtowns and main streets is vital to

# INCREMENTAL FIXES



## **ADJACENT NEIGHBORHOODS**

## **Form**

A primary concern in historic neighborhoods is how lot size and setback regulations applied in the mid-20th century and after have created non-conforming conditions for existing properties and structures. It should be a priority to match the zoning regulations to the existing context.

## Staged: Short-term fixs

1. Make existing lots conforming.



In many cities, historic lots with existing buildings have been made non-conforming through zoning. In the mid-20th century, many communities adopted suburban standards that did not refect the existing platting. With this process, many existing lots became non-conforming. Adopt language to

bring existing lots with structures into conformance with zoning. Example: Existing lots with dwellings made non-conforming by zoning standards specifying minimum lot size or dimension are hereby deemed to be conforming lots instead. Existing dwellings made non-conforming by zoning standards specifying minimum setbacks are hereby deemed to be in conformance with setback requirements and may be modified in their present position.



2. Permit new buildings to align with existing buildings.

Broad adoption of suburban zoning standards has often resulted in front setback requirements that exceed the average front setback in existing neighborhoods.

Setting new buildings back further than existing buildings is detrimental to neighborhood character. To address this, permit new buildings to either meet the minimum setback or align with neighboring buildings.

## Stage@: Mid-term fixs

1. Modify minimum lot size and setback standards to match existing lots.



As discussed in Stage 1, historic lots with existing buildings made non-conforming through zoning should be made conforming. To fully protect the historic pattern that originally established the neighborhoods they are in, lot size and setback standards should be modified to reflect existing lots and

structures in the neighborhood.

2. Eliminate specific design standards for townhouses and multi-family buildings.



Design standards that require vertical or horizontal alignment changes in townhouses and multi-family buildings, intended to avoid large or monotonous building facades, result in erratic design that is more visually distracting than monotonous buildings.

3. Eliminate density / FAR and unit size restrictions.



Per-property density or foor area ratio restrictions are unnecessary in adjacent neighborhoods. Height, setback, and building footprint requirements address issues of building bulk. Te building code and fre code address issues of residential unit size and life safety. Additionally, parking

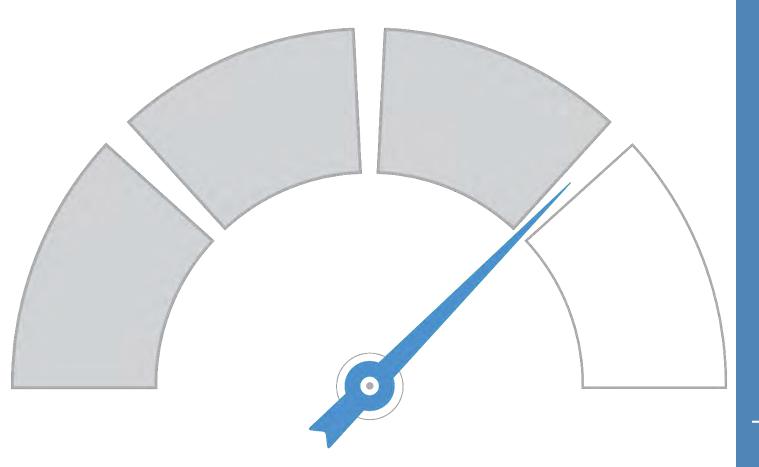
requirements often restrict development intensity

INCREMENTAL FIXES

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# Arc of Engagement



**RESOURCES** 



## **MODEL DISTRICTS**



Scope

Many place types include a primary retail corridor or main street district [see Main Street District] that is surrounded by single-family residential

### MAIN STREET DISTRICT [M]

A. Scope
1. District boundaries are assigned according to the District

The Primary Retail Corridor is assigned according to the District Boundary Map.

### Conflicting Ordinances

ung Orannanes
Where there appears to be a conflict between these standards
and any other sections of the Zoning Ordinance, Subdivision
Standards, or Public Works Standards, the requirements
specifically set forth in this district prevail. This district does not prevail over Life Safety Codes.

These regulations are designed for the following purposes: a. To promote the health, safety, and welfare of the

- lo promote the health, safety, and welfare of the general populous;
  To implement the Master Plan;
  To provide for walkable streetscapes where active facades address sidewalks and parking and loading are located behind building;
  To promote small, incremental development, alongside
- larger developments;
- To promote infill redevelopment that results in a walkable, vibrant, and diverse mixed-use corridor, allowing for shopfronts, sidewalk cafes, and other commercial uses at the street level with offices and
- residences overlooking the main street; and To promote a park once environment in a compact, walkable form.
- Additionally these regulations seek to reduce barriers that Additionally intest regulations seek to reduce darties that may disadvantage individuals unfamiliar with the complexities of development, land use regulations, and the myriad requirements, agencies, and goals involved in maintaining a stable city, region, and state.

Permitted Uses
1. Multiple uses within a single site or building is permitted. Uses are designated with (P), (R), or (N), indicating the

- Uses atter two-growth of the use is permitted.

  b. (R) The use is permitted, provided it complies with the
- (N) The use is not permitted.

Temporary Uses
a. Temporary uses require a Special Use Permit.

Special Use Permits for temporary uses have a period of 2 years after which point they may be renewed.

### Scope

### Restricted Uses

### **DOWNTOWN DISTRICT [D]**

- A. Scope
  1. District boundaries are assigned according to the District
  - The Primary Retail Corridor is assigned according to the District Boundary Map.

### Conflicting Ordinances

Where there appears to be a conflict between these standards and any other sections of the Zoning Ordinance, Subdivision Standards, or Public Works Standards, the requirements specifically set forth in this district prevail. This district does not prevail over Life Safety Codes.

- These regulations are designed for the following purposes:

  a. To promote the health, safety, and welfare of the general populous; To implement the Master Plan; To provide for walkable streetscapes where active

  - facades address sidewalks and parking and loading are located behind buildings; To promote small, incremental development, alongside
  - larger developments;
  - To promote economic opportunity/viability, consumer services, and housing options for the [city/village] and surrounding area; To promote infill redevelopment that results in a
  - walkable, vibrant, and diverse mixed-use district, including retail, office, institutional, and residential; and To promote a park once environment in a compact, walkable form.
- Additionally these regulations seek to reduce barriers that may disadvantage individuals unfamiliar with the complexities of development, land use regulations, and the myriad requirements, agencies, and goals involved in maintaining a stable city, region, and state.

Multiple uses within a single site or building is permitted.

- Nutrupe uses within a single still or Journal on a permitted.

  Uses are designated with (P), (R), (C), or (N), indicating the following:

  a. (P) The use is permitted.

  b. (R) The use is permitted, provided it complies with the use restrictions specified.

  c. (C) The use may be permitted, subject to administrative soorself.
- approval. (N) The use is not permitted.

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d. (N) The Use is not permitted.
Temporary Uses such as Special Use Permit.
b. Special Use Permits for temporary uses have a period of 2 years after which point they may be renewed.

### Scope

### **Restricted Uses**

## **ADJACENT NEIGHBORHOODS [A]**

District boundaries are assigned according to the District

Boundary Map.
The Transition District is assigned according to the District Boundary Map.

### B. Conflicting Ordinances

Where there appears to be a conflict between these standards and any other sections of the Zoning Ordinance, Subdivision Standards, or Public Works Standards, the requirements specifically set forth in this district prevail. This district does not prevail over Life Safety Codes.

- These regulations are designed for the following purposes:
  a. To promote the health, safety, and welfare of the general populous;
  b. To implement the Master Plan;

- To provide for walkable streetscapes where active facades address sidewalks and parking and loading are located behind buildings; To promote small, incremental development, alongside
- larger developments;
  To promote infill redevelopment that supports main streets and downtowns by providing for a sufficient residential population within walking distance.
- f. To provide a transition in intensity from main streets and downtowns to adjacent residential neighborhood Additionally these regulations seek to reduce barriers that may disadvantage individuals unfamiliar with the complexities of development, land use regulations, and the myriad requirements, agencies, and goals involved in maintaining a stable city, region, and state.

### Permitted Uses

- Multiple uses within a single site or building is permitted.

  Uses are designated with (P), (R), (C), or (N), indicating the
- Uses are unbuggered.

  a. (P) The use is permitted.

  (R) The use is permitted, provided it complies with the use restrictions specified.
- use restrictions specified.
  (C) The use may be permitted, subject to the approval of the Hearings Office.
  (N) The use is not permitted.

- Temporary uses require a Special Use Permit. Special Use Permits for temporary uses have a period of 2 years after which point they may be renewed.

## Restricted Uses

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## **QUICK START**

This section contains three model zoning districts that may be used alone, or combined into a code for urban areas. This is Step 3. of the Arc of Engagement on page 5, and provides local government with a suggested model that they can tailor to their specific local context, with the guidance of the municipal attorney. It may follow on the guick fixes in the previous section or be used independently.



## 1. Determine Place Type

Determine the intensity of the zoning area based on the descriptions of "Place Types" on page 14 and page 32.



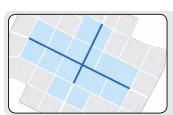
## 2. Determine Scope

Some communities may only need to update their Downtown zoning, while others want to provide sensitive transitions to the adjacent neighborhoods. T e scope of needed zoning reform determines the sections to use and how to combine them appropriately. See the proceed escribed on page 33.



## 3. Select the District[s]

T ree sample zoning districts are provided that may be combined as described in the Scope section. T ey are designed for a range of Michigan cities and villages, but must be calibrated for the local context. T e sample zoning districts begin on page 34.



## 4. Map the District[s]

Applying the districts is the f nal step in the process and requires both observation and negotiation with landowners and neighbors. See the mapping examples that begin on page 52.

## GETTING STARTED



## DETERMINE THE PLACE TYPE



Who and Where are you?

# DETERMINE SCOPE & SELECT DISTRICT[S]

[M] [D] [A]

How much change?

## MODEL DISTRICT CONTENTS



## **MAIN ST**

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	c.
3.	Temp
	a.
	b.

RESOURCE

### MAIN STREET CORRIDO

MAIN SIREET COP	KIDO
Use	Perm
Residential	
Single-family detached	N
Single-family attached	R
Duplex, Triplex	R
Multi-family	R
Accessory dwe <b>ll</b> ing units	Р
Commercial	
Automobile sales	R
Adult	N
entertainment	
Gas stations	N
Storage facilities	N
Off-street parking facilities	R
General Office	Р
Personal and Professional Services	Р
All other	R

commercial uses

### E. Lots and Yards

1.	Lot A	rea:
	a.	No m
2.	Front	Yard:
	a.	No fr
		less t
		requir
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	b.	Buildi
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		Plann
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		ii.
	c.	Front
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	d.	Fenci
		Retail
3.	Side '	Yard:
	a.	No si
4.	Rear	Yard:
	a.	Lots a
		ft. rea

### F. Site Development

1.	Existing stre
2.	Street trees
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3.	Street furnit
	of the curb

## G. Off-street Parking an

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Cross-access b a. Alleys adjace

## MAIN STREE

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feet. . Building height is . Building height is

adjacent resident

Building facades
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Rooftop equipme
 height.

### I. Signs

1.	Projecting signs
	<ol> <li>Vertical</li> </ol>
	height.
2.	Sidewalk signs a
3	The following si

Off-prem

Free stan

Buildings must ha

## Building Standards

facade along the lot lines, or fraction Building facades minimum of 15% The ground floor Corridor must be 50% clea facade. Buildina 8 feet in Awnings feet of th Display v The first the Prima related d office.

Commercial activ occupy yards.

Facade elements

## **MAIN STREET DISTRICT [M]**

### **DEFINITIONS**

**PRIMARY RETAIL CORRIDOR**: The principal retail street that accommodates a mix of uses in a compact, walkable form.

PLAZA: A publicly accessible open space that is primarily paved and oriented towards group assembly and activities. The space is defined by building frontages.

**SQUARE**: A publicly accessible open space that is primarily landscaped and oriented towards passive recreation. The space is defined by building frontages.

**GREEN**: A publicly accessible open space for unstructured recreation, spatially defined by landscaping rather than building frontages.

FORECOURT: A portion of the front yard that is extended in depth up to 30 feet from the front lot line to provide for pedestrian access and use in commercial estibilities.

STREET FURNITURE: Elements located within the right of way between the curb and lot lines including, but not limited to, lighting, bike racks, seating, newspaper boxes, and mailboxes.

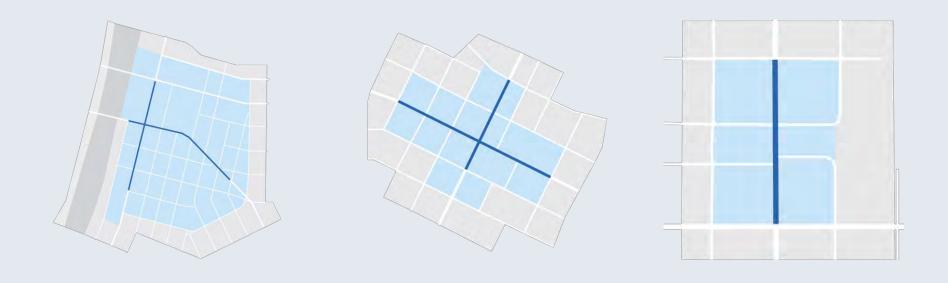
SIDEWALK SIGN: A temporary sign, which may be an A-frame or sandwich board type sign, placed on the sidewalk area within the public right-of-way and associated with the abutting commercial establishment.

### **Definitions**

The definitions provided are likely needed for updating the existing zoning code. Other words are considered to be used as commonly defined.

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# MAP THE DISTRICT[S]



Where will the districts apply?

## **BRANDS BEHAVING**

Most national chain restaurants, stores, and hotels have multiple building prototypes, including those that are appropriate for an urban, pedestrian-friendly context: street-oriented, compact building footprints with limited or shared off-site parking. This Resource establishes the preferred format for such development within Main Street or Downtown Districts.



Hampton Inn





Courtyard by Marriott













Taco Bell



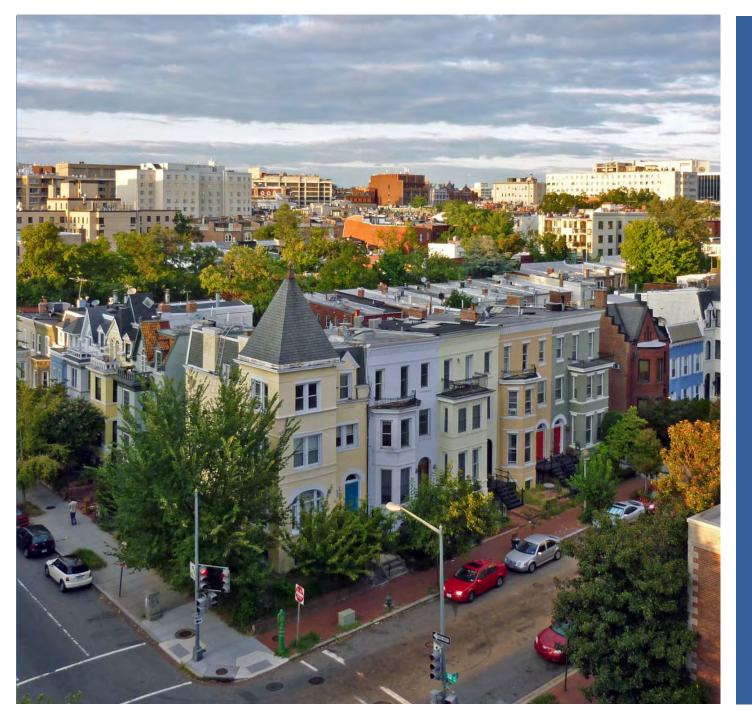
Kroger



## **ADDITIONAL RESOURCES**

Web links to other organizations and tools





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## DOWNLOAD THE GUIDE

- https://www.cnu.org/our-projects/project-code-reform
- http://placemaking.mml.org/
- https://www.miplace.org/resources/ -> search "RRC"

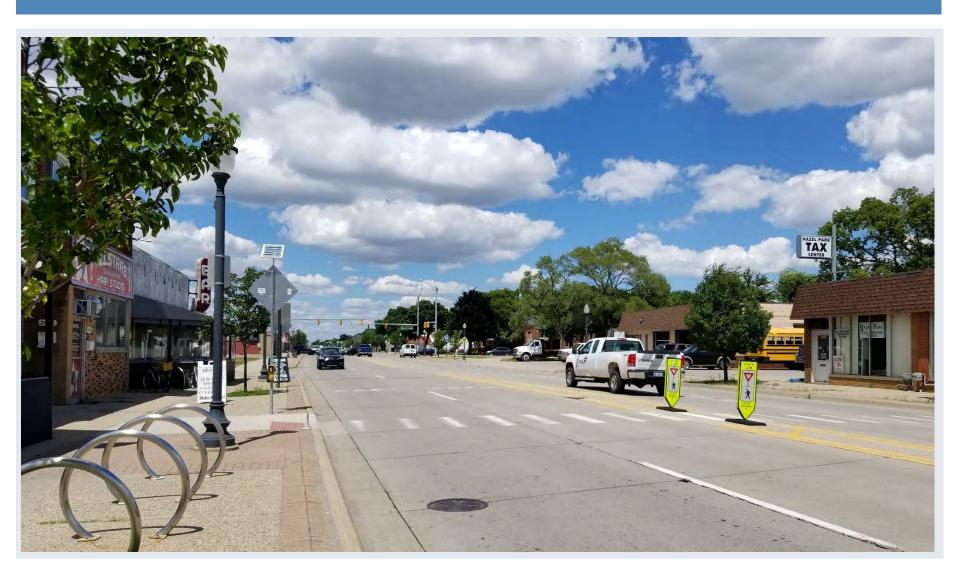
# (YOUR CASE STUDY HERE)



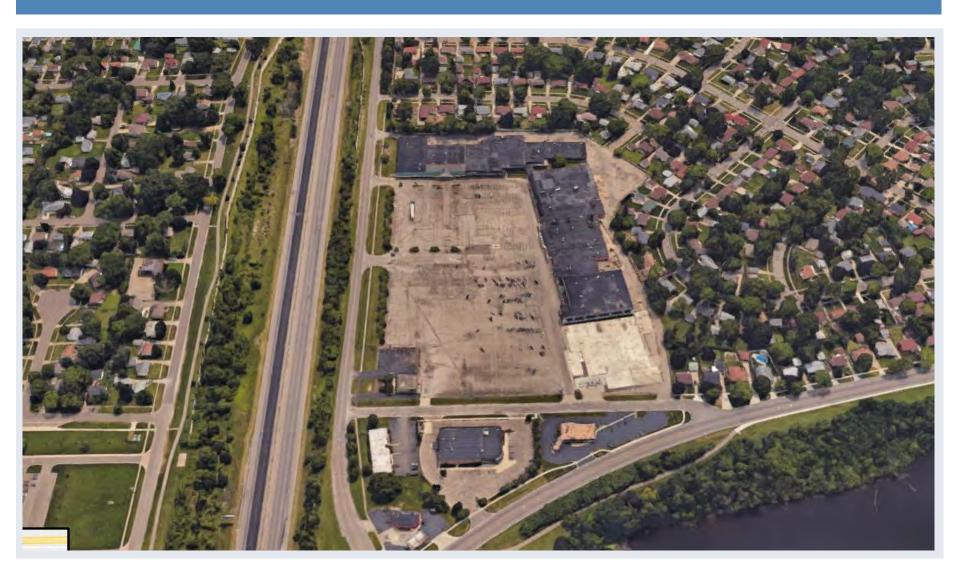




# SUBURBAN PLACES?



# SUBURBAN PLACES?



## SUBURBAN PLACES?

- Scale: mall sites redevelopment vs incremental corridor infill?
- Surrounding context: traditional grid vs arterials & cul-de-sacs?
- Road jurisdiction: local vs state/county?

## DOWNLOAD THE GUIDE

- https://www.cnu.org/our-projects/project-code-reform
- http://placemaking.mml.org/
- https://www.miplace.org/resources/ -> search "RRC"