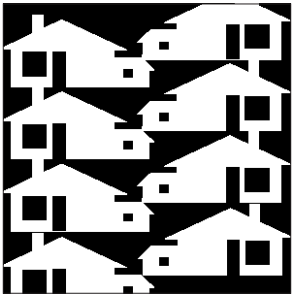
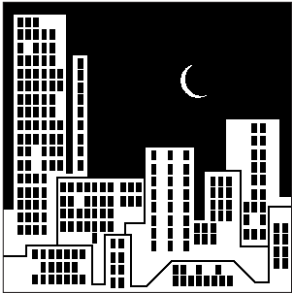


9. Streamlined Zoning, Dezoning, and More

Fact Sheet



This smart growth tool can be used in urban or suburban communities.

What is Dezoning?

Dezoning is a radical streamlining and simplification of zoning regulations, particularly the use and bulk regulations. A relatively innovative concept just beginning to gain national attention, dezoning has notably been implemented in only two cities so far, both located in the State of Washington: Bainbridge Island (a small hamlet across the Puget Sound from downtown Seattle) and the City of Tacoma.

Why use Dezoning?

The intent of dezoning is to reduce regulatory burden and thereby stimulate new development. Because zoning regulations are often overly complex, inflexible, and ineffective in achieving good development, it is thought that they may actually stand in the way of positive change in an ailing urban or suburban center. With fewer restrictions for development to follow, it is envisioned that the dezoned area would grow into a dynamic urban environment, with a mix of uses and activities, relatively high densities, and a pedestrian-oriented setting that fosters street life. To that end, while zoning restrictions on use and bulk are loosened up, new restrictions are implemented to promote pedestrian-friendly design. Because of the eclectic use mixtures and high densities generated, dezoning is especially useful in connection with downtown redevelopment and infill.

Toolbox



Streamlined Use Regulations. Like Traditional Neighborhood Design (see Chapter 6), dezoning promotes a mixed-use environment. However, whereas Traditional Neighborhood Design strives for a careful balance of housing, office, and retail, with attention to the planning of parks and public spaces, the siting of public buildings, and architectural design, dezoning is more free-form. In a dezoned ordinance, a wide variety and mix of uses would be permitted, and those uses would be allowed to grow and evolve flexibly over time, much as would have happened in a city prior to modern-day zoning regulations. The degree of flexibility in the use regulations needs to be determined by each municipality. The Tacoma regulations allow maximum flexibility, because all uses not specifically prohibited are permitted, but this degree

of flexibility may not be appropriate for all places.



Streamlined Bulk Regulations. Zoning provisions regulating building size and massing (i.e., bulk) would also be simplified to the bare minimum necessary to protect public health and safety. Tacoma's bulk regulations were reduced to three: (1) floor area ratio, (2) building height, and (3) minimum and maximum parking. Again, Tacoma's regulations strive for maximum flexibility, and a more restricted approach may be appropriate for another city or town. Additional bulk regulations that should be considered include:

- Maximum Lot Coverage, which can help prevent excessive impervious surfaces and thus reduce the risk of drainage and flooding problems.
- Rear Setbacks, which help ensure adequate air and light in buildings. Front setbacks, because light and air is accessible from the street, are not necessary. If rear setbacks are required, side setbacks are not necessary either.
- Requirements for stepping back the upper stories of high-rise buildings, in order to prevent tall buildings from casting large shadows that would otherwise prevent light from reaching lower floors and the street.



Design Standards. Design standards are not intended to impose a strict architectural aesthetic upon a dezoned area. The primary intent, rather, is to ensure that buildings are designed in a pedestrian-friendly format that fosters sidewalk activity. To that end, design standards should limit front setbacks, require entrances and display windows fronting on the sidewalk, promote pedestrian-oriented signage, and require pedestrian amenities along the sidewalk frontage (like awnings, street streets, benches, and landscaping). Parking can also be limited, and features that would contribute to visual blight (dumpsters, mechanical equipment) can be subject to screening requirements.



Streamlined Review Procedures. A shorter time frame and more predictable outcomes during the review process can reduce risk for investors and developers. This is one more way that “dezoning” can entice new business. Streamlined reviews, however, should be balanced with the application and enforcement of appropriate design and performance standards.



The City of Tacoma adopted a new plan for its downtown area in 1999, which led to a radical simplification (or "de-zoning") of its use and bulk regulations. Through increased regulatory flexibility, the regulations were intended to stimulate growth and foster a dynamic, pedestrian-oriented urban environment. The strategy is intended to make downtown Tacoma a destination of choice for business, shopping, living, and entertainment. The sketches shown above were included in the downtown plan to illustrate the vision for the downtown area. (Source: City of Tacoma, Destination Downtown, November 2000)



Keys to Success



Provide density incentives for good design. Density incentives can be used to promote excellence in architectural design. Although design elements intending to foster a pedestrian-friendly environment should be required of all development projects, additional design features can be encouraged through incentives. For example, in downtown Tacoma, the base floor area ratio (FAR) is 6.0, but this can be doubled to 12.0 if the developer is willing to undergo a voluntary design review process. If undergoing voluntary design review, the developer would be required to provide up to four specified design features, such as architectural expression of the building base or crown, enhancement of the pedestrian environment, or the addition of sidewalk-oriented shops and restaurants. The FAR can then be doubled again to 24.0 if other "special features" are provided, such as publicly accessible plazas and parks, as well as other public amenities.



Protect public health, safety, and quality of life through performance standards. If zoning regulations are simplified, how can the municipality protect the quality of life? One approach is to couple de-zoning with environmental performance standards, which would be required over and above the design standards already mentioned. Performance standards

establish "impact thresholds" against which new development projects would be measured and judged, while still allowing flexibility in terms of use and building bulk. Such thresholds can be established for many different project aspects — from traffic impacts to impacts on natural resources. As a hypothetical example, a performance standard could stipulate that no development would be permitted for any portion of a site that would be subject to recurring floods. While not prohibiting any development specifically, this provision would potentially reduce the development potential of a parcel, depending on whether it lies within or next to a flood hazard area.



Consider utilizing land use classifications. Land use classifications add flexibility to a zoning code without going to Tacoma's free-form approach. Under a classifications approach, all similar uses are grouped into categories (with the effect of simplification), but some of the critical distinctions between uses are maintained. For example, whereas the Tacoma ordinance lumps all "industrial" uses into a single category, a use classification system might distinguish between some types of industrial uses, such as "heavy industrial" vs. "light industrial" vs. "warehouse" vs. "utility stations." Despite being lengthier than a dezoned use regulation, the use classification system is nevertheless a major improvement upon the long lists in some conventional ordinances, like the current ordinance for the City of Hartford, whose use table spans 23 pages. The use classification system may be a preferable middle-ground between conventional and dezoned regulations.

For More Information

1. City of Tacoma, Donna Stenger, Urban Planner for Downtown Tacoma, (253) 591-5210, <dstenger@ci.tacoma.wa.us>, <www.cityoftacoma.org/10Home/default.asp>.
2. LMN Architects, Mark Hinshaw, FAIA, FAICP, Principal, (206) 682-3460, <design@lmnarchitects.com>, <www.lmnarchitects.com>.

See also, Detailed Technical Analysis on Streamlined Zoning, Dezoning and More, available through CRCOG.

Prepared by Abeles Phillips Preiss & Shapiro, Inc., 2002.