



*Managing Maryland's Growth*

**Models and Guidelines for Infill  
Development**

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## Statement of Purpose

*Designed to reinvigorate existing communities and support new compact, mixed-use development, Maryland's Smart Codes initiative consists of the Maryland Building Rehabilitation Code, which streamlines conflicting and overlapping building codes that previously hampered the rehabilitation of existing buildings, and models and guidelines for infill development and "Smart Neighborhoods." This publication addresses infill development and includes model zoning codes<sup>1</sup>, examples of existing zoning codes from jurisdictions throughout the country, and a list of minimum requirements that jurisdictions must meet in order to qualify for certain state incentives.*

*By absorbing growth into existing communities, infill relieves growth pressures on rural areas and can improve quality of life for older communities. Infill helps to achieve the goals of smart growth: support existing communities, preserve our best agricultural and natural areas, and save taxpayers from the high cost of building infrastructure to support development that has spread far from our traditional population centers. However, there are many barriers to infill development.*

*For example, zoning requirements adopted for new construction during the last half-century generally favor a single use, Euclidean model. While initially well intended, zoning can stifle efforts to replicate or maintain the many physical amenities which our traditionally-built communities offer. Current regulations often prohibit construction of structures that reflect the pattern, use, function, or character of established neighborhoods. Simply stated, infill development codes avoid this problem and allow replication of what already exists.*

*This publication is intended to help local governments, architects, builders and developers achieve infill by offering remedies that overcome barriers; illustrating rural, suburban, and urban strategies; and identifying alternative approaches.*

## I. Introduction

The State of Maryland has a solid policy basis for encouraging infill development. The seven visions of the 1992 Economic Growth, Resource Protection, and Planning Act direct development to suitable areas and existing population centers. Building upon this framework, the 1997 Smart Growth Priority Funding Areas Act targets State spending on growth-related capital projects to areas (Priority Funding Areas, or PFAs) where State and local governments want to encourage economic development, community revitalization, and new growth. In 2000, the Maryland Legislature enacted Chapter 285 of the Laws of 2000, which directs the Maryland Department of Planning to develop models and guidelines and model development codes to further promote infill development and "Smart Neighborhoods."



*INFILL SHOULD BE DESIGNED TO BE ATTRACTIVE AND COMPATIBLE WITH EXISTING DEVELOPMENT*

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<sup>1</sup> In this document, "codes" refers to zoning codes.

## Minimum Requirements to Qualify for State Infill Incentives

The 2000 legislation also directed the Maryland Department of Planning to work with local governments, state agencies, and departments to develop incentives to encourage the voluntary adoption and implementation of infill programs that reflect the intent of the models and guidelines. Qualifying local programs will attain:

1. Comprehensive plan policies and provisions for infill;
2. Zoning that encourages infill on certain vacant, abandoned, passed over, or underutilized parcels of land within built-up areas of the jurisdiction;
3. Zoning tools that require connectivity of infill with surrounding streets and open spaces;
4. Zoning that maintains or increases the density of the surrounding community at or above applicable PFA density standards;
5. Zoning that allows a mix of housing types, where planned;
6. Regulatory processes that make infill competitive with conventional development.

There are three main ways that local jurisdictions may qualify for the incentives: 1) Adopt the State's model, or a substantially similar model; 2) Develop another model that meets the State's minimum requirements; and 3) Demonstrate that existing codes meet the minimum requirements.

## Infill Development Defined

Infill refers to new development in a Priority Funding Area on vacant, bypassed, and underutilized land within built up areas of existing communities, where infrastructure is already in place. Infill also includes redevelopment of lots in these areas. The following examples illustrate the wide range of potential infill scenarios:

- 2 acre brownfield redevelopment site;
- single commercial parcel made vacant after a fire on Main Street;
- one or two lots in an urban or suburban residential neighborhood; and
- one or two lots in a rural village.

## Infill and Smart Growth

Infill development fills gaps in existing communities and plays a critical role in achieving community revitalization, resource and land conservation, and alternatives to sprawl development. Although the current number of infill housing starts is quite small (estimated at 1% nationally) in the context of all new development, it is emerging as a viable long-term method of reducing pressure for sprawl development.

Infill development conserves a community's financial resources by taking advantage of existing infrastructure, increases walkability by contributing to safe and attractive pedestrian environments, and creates new opportunities for mixed-use neighborhoods that recapture the "sense of place" that is largely missing from development projects during the past 50 years.



*NEW GROWTH IN EXISTING COMMUNITIES REDUCES SPRAWL PRESSURE ON MARYLAND'S FARMLANDS AND WOODLANDS, AND TAKES ADVANTAGE OF EXISTING INFRASTRUCTURE*

Historic preservation plays a key role in Smart Growth. These models and guidelines do not advocate nor promote the demolition and replacement of historic buildings with infill. Use of the Maryland Building Rehabilitation Code and state and local preservation tax credit programs provide the preferential benefit for the reuse of existing buildings of historic character, so that our communities retain a strong sense of historical perspective.

## II. Identifying Barriers and Realizing Benefits

This section discusses some of the key physical, social, regulatory and economic barriers and benefits to infill development. Although some local jurisdictions have processes and regulations that facilitate infill development, they remain the exception, not the rule.

### **Barriers**

The barriers described in this section, while not all-encompassing, convey a sense of the hurdles that lie in the path of infill projects. Combined, such barriers emerge to make infill difficult, uncertain and expensive. In the face of these barriers, most developers avoid infill projects in favor of developments that contribute to sprawl.

#### **Physical Barriers**

Physical site constraints often limit the feasibility of developing infill sites. Environmental issues such as wetlands, poor soils, poor drainage, or contamination from prior uses, can reduce the amount of buildable land, require costly design solutions, or necessitate environmental assessments and cleanup. Some infill sites adjacent to nuisance uses, such as automobile body shops, busy railway lines, heavily-traveled roads, or abandoned buildings, have to overcome the burden of a location that many people perceive as less desirable. Small-scale projects on small sites require successful melding into the fabric, architecture, function, and circulation of an existing neighborhood.

#### **Social Barriers**

People have an inherent resistance to change, and a natural fear of the unknown. As a result, plans to develop infill sites may face vociferous opposition, whether or not justified from a land use perspective. Opposition can center on design compatibility, increased density, different housing types, parking, traffic, or simply the prospect of more or different types of people moving in. Objections to infill are also often based on the belief that the project will strain public facilities, even if the impact on facilities is marginal.

#### **Regulatory Barriers**

Regulatory constraints often work against good design, raise roadblocks against innovation, or prevent projects that are otherwise consistent with the character of existing communities. The following list offers a sample of the range of potential regulatory constraints:

- Zoning, subdivision, and building codes can inadvertently preclude redevelopment or infill, or result in development designs that are incompatible with the existing character of older communities.
- Regulations for parking, road design or stormwater management may prohibit or severely limit development.
- Conflicting requirements or arbitrary approvals often limit the ability of developers to achieve permitted densities.
- The need for waivers or variances can slow the approval process, and overlapping and conflicting requirements can make it difficult for a developer to determine how to proceed, or how long it will take for agencies to resolve differences.
- Building permits may be denied if a lot is undersized by only a few square feet, even though it is otherwise in character with its neighbors.

- Adequate Public Facilities Ordinance (APFOs) sometimes contain language or provisions that inadvertently preclude infill and direct growth to peripheral areas with less capacity.

### **Economic Barriers**

Difficult sites and uncertain outcomes and timeframes can reduce developers' economic interest in undertaking infill projects. In addition, land acquisition costs are usually higher for infill sites. In areas where land is undervalued, accumulated public liens on a property often outstrip its value. Even when those issues are overcome, historic but functionally obsolete buildings are often targeted for replacement by infill because rehabilitation costs are viewed to be prohibitive.

Construction costs are often higher for infill jobs. As projects tend to be small, it becomes more difficult to realize economies of scale for labor and materials. Contractors or subcontractors may be hard to find for small jobs or because job sites may be located in areas they perceive as dangerous.

The infill pre-construction process is often as time consuming, or more time consuming than for conventional development. Permits and approvals often take disproportionately longer, and time spent in meetings, attending zoning appeals hearings, and producing documentation costs time and money.

Another major obstacle is the lack of funding for infrastructure maintenance and renovation. Many smaller, rural jurisdictions do not have Capital Improvement Programs (CIPs). Development of a CIP strategy is essential to provide budgeting processes to plan for long-term capital needs, which should be in place in order to support infill development.

### **Benefits**

By absorbing growth in existing communities, infill reduces growth pressure on rural areas, provides for efficient use of land, infrastructure, and services, and can improve quality of life in older communities. Infill can enhance the character, viability, and function of existing communities, and these benefits are evident in many Maryland communities, from Baltimore's revitalized waterfront neighborhoods to tight-knit villages like Centreville and downtown Ellicott City. A successful infill strategy at the local level maintains or restores spatial continuity to streetscapes, strengthens neighborhoods, respects historic preservation, and introduces compatible uses that complement existing community attributes and needs.

### **Response to needs of the Community**

Infill can contribute to unmet commercial, economic, social, housing, or civic needs in the existing community.

Through sensitive design, infill can introduce a new type of housing into the community. A balanced mix of well designed housing types (owner/renter occupied units), sizes and prices for all income levels (market and non-market rate units) can be accomplished with similar or even identical housing styles on the same street and phase of construction, if economies of scale allow. Excellent examples exist in Montgomery County where smaller, moderately priced townhouses are adjacent to significantly higher priced units, and the difference is not apparent. Varying market gradations can coexist in the same structure as another way to create moderately priced units without architectural or geographic segregation.<sup>2</sup>

### **Appearance and Viability**

Infill can inject new life into communities and help neighborhoods become more connected and sociable places, and ultimately increase property values, without altering their character.

Infill fills in the gaps of the existing community structure, providing for continuity and enclosure of the streetscape,

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<sup>2</sup> Metro-Dade report, 1997, 12.

elements that give a place definition and security. For example, traditional row or town houses, at 7 to 30 units per acre, provide excellent streetscape enclosure. Infill can support this same effect in urban, suburban, and rural communities, with housing types and densities appropriate to those communities.



*CONTEXTUAL CONSIDERATION. THE MIDDLE BUILDING WAS BUILT IN 1926, 13 YEARS AFTER THE ROWHOUSES. THE CORNICE BAND AND PORCH LINE IS CARRIED ACROSS THE NEW FACADE, RESPECTING THE PRESENCE OF THE HOUSES, BUT THE LACK OF FENESTRATION PRESENTS A BLANK FACE TO THE STREET*

### **Circulation and Walkability**

Infill can enhance circulation and walkability of a community by replacing vacant, deserted sites with vibrant and uses that people can walk to, such as schools, places of worship, shops, and parks.



*Places to sit are an amenity in any community.*

### **Infrastructure**

Infill capitalizes on existing infrastructure and minimizes the need for costly new infrastructure. Although some infrastructure may need upgrades to meet new demand, the benefit from the expense is enjoyed broadly. School capacity may not be an issue in communities with a declining enrollment or aging population. The community can also benefit from more efficient use of emergency and public safety services, because response times are shorter for development located in existing communities than in peripheral, low density areas.



*THE NEW FIRE STATION ON THE EDGE OF DOWNTOWN BEL AIR, MD IS PULLED UP TO THE BUILDING LINE*

### III. Components of a Successful Infill Strategy

Jurisdictions must provide a clear regulatory and procedural path that is supportive of infill in order for projects to mature into reality within reasonable time frames. The following key components can help a jurisdiction implement a successful infill strategy:

#### 1. The Comprehensive Plan

The comprehensive plan should establish a policy basis, goals and objectives for the infill strategy and identify desired characteristics of and locations for infill. Growth policies can accommodate and encourage infill within designated zones or on a case-by-case basis. For example, the comprehensive plan (or pertinent small area plan) can include a policy that permits “higher density development in certified PFAs when the following conditions are found to exist: ...”. Consistency with small area plans may reduce potential conflicts later in the development process.

#### 2 (a) Zoning Regulations

Zoning regulations should support infill and include a clear articulation of intent that reinforces the provisions in the comprehensive plan. There are many zoning options available, including changing an existing zone, or creating a new zone, an overlay zone, or a floating zone.

An overlay zone allows jurisdictions to target particular areas for infill without rewriting entire zoning categories. Parcels affected by an overlay zone are subject to the rules of the underlying zone, in addition to the rules of the overlay zone. This approach is commonly used in Maryland to protect historic or environmentally sensitive areas, viewsheds, and the Chesapeake Bay Critical Area. The practical effect of the overlay regulations varies by local preference: the overlay may modify or eliminate existing regulations, or it may introduce new regulations. Potential conflicts may arise between the underlying zone and the overlay zone. One way to address this is to add a clause to the ordinance that states, “in the case of conflict among regulations, the more flexible standard shall apply.” This rule is premised on the policy that infill rules should permit flexibility. (In these models and guidelines, a boundary-specific infill overlay zone provides flexibility for infill development in existing communities without changing or rewriting the existing zoning code.)

A floating zone enables future application of the zone to locations not currently in need of infill, provided that applicants demonstrate that the site and project meet the provisions of the comprehensive plan.

#### 2(b) Existing Lots of Record

Treatment of lots of record can have particular influence over whether infill sites are legally or viably buildable. Zoning standards imposed subsequent to the building out of a neighborhood inadvertently preclude many lots from development because of minimum size restrictions. Such shortfalls may only



amount to a couple of hundred square feet, and exceeding the standards will not compromise the neighborhood's character. A number of Maryland jurisdictions have employed existing small lot amnesty, or grandfathering, to return such lots to development circulation.

Hagerstown permits single family and two family housing on existing lots that do not meet minimum lot size requirements but are otherwise developable. This provision allows infill housing to be constructed with the same front and sideyard setbacks as the existing development on the same block. Approvals for such minor development proposals are effected administratively by city planning staff, with an average process time of 17 days. See Appendix B for examples of ordinances from Hagerstown and Montgomery County that address small lots.

### 3(a) Regulatory Consistency and Streamlining

Interagency reviews should be coordinated to ensure efficiency and consistency. Reviewers of development proposals should possess a comfortable degree of certainty regarding the latitude they can apply to the project. By making the approval process easier, more efficient, and more clearly defined, developers will be less hesitant to embark upon infill projects.

County growth policies can have the unintended consequence of putting a de facto moratorium in place in areas designated for infill projects. See #4 for more information.

### 3(b) Administrative Waivers

Jurisdictions may want to use administrative waivers or approvals to speed up projects by eliminating time consuming public review of routine or minor matters.

The provision of administrative waivers provides a more 'userfriendly' regulatory environment that increases speed and certainty.<sup>1</sup> Article 66B Section 4.05 (D)(1) states that a local legislative body may authorize the Planning Director or another designee to grant administrative adjustments from the following (local) requirements in a zoning ordinance enacted by the local legislative body:

- a. Height;
- b. Setback;
- c. Bulk;
- d. Parking;
- e. Loading dimension or area; or
- f. Similar local requirements.

The adoption of administrative waivers will allow administrative decisions to replace the more time consuming and onerous quasi-judicial proceedings of the Board of Appeals.

## 4. Infrastructure

Adequate Public Facilities Ordinances (APFOs) should reinforce growth management policies in the comprehensive plan by ensuring that APFO standards accommodate infill projects. Jurisdictions with APFOs should review language for provisions that inadvertently limit infill (such as traffic level of service

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<sup>1</sup>Parameters on the percentage of adjustments could be established to allay neighborhood concerns.

requirements) and direct development to peripheral areas with excess capacity, a situation that may ultimately create more congestion than that created by infill.

Jurisdictions with Capital Improvement Programs (CIPs) should support infill by targeting infrastructure, renovation, and maintenance projects to areas where infill is desired.

#### 5. Public Participation

Jurisdictions should evaluate their public participation policy to determine how it affects the infill development review process. See Appendix B for a model citizen participation ordinance.

Because infill takes place in established communities, input from area residents should be sought, preferably during the infill planning process, and before specific projects are proposed. Residents have a long-standing stake in the community, and often feel a sense of propriety over a passed-over parcel of land, however small, as a public recreation or green space under their stewardship.

Gaining the cooperation and trust of the community is critically important. Planners and developers should work with the community early in the process, and include their input in meaningful ways to effect creative solutions to community concerns. For example, provision of open space, public facilities, and other amenities either on or off-site can turn community opposition into support. The timing of this involvement is important – the earlier it is done the more benefit it will have for all concerned parties.

#### 6. Incentives

Jurisdictions should consider targeting financial and other incentives to infill. The State is currently drafting incentives for local jurisdictions and the private sector to consider in support of infill development.

#### 7. Design Review

Jurisdictions may want to establish a design review procedure for infill projects that ensures quality, innovative, context-sensitive design without adding a new barrier to the process. The procedure should include a set of clearly articulated standards. Chapter 7 describes techniques that jurisdictions can use or adapt to help with evaluation of many aspects of development proposals, including design.

## IV. Design Elements of Successful Infill Projects

Infill projects should enhance the design and function of the existing community. Infill encompasses many different forms and interpretations, but whether in an urban or a rural environment, appearance and function of infill should respect common principles to ensure that the project benefits the existing community.

### **Connectivity**

Infill should achieve connectivity between on-site and off-site transportation systems, streetscapes, and open space networks. Public access to and between such amenities should not be restricted. The introduction of sidewalks in new infill projects can increase public support for sidewalk retrofitting in areas where sidewalks do not exist on both sides of the street.



*NEW SIDEWALKS AS PART OF A NEW INFILL PROJECT CAN ACT AS A CATALYST TO GARNER PUBLIC SUPPORT FOR NEW SIDEWALKS IN AN EXISTING COMMUNITY*

### **Circulation**

If the infill development is large enough, new streets should be laid out as an interconnected multi-modal network (usually in a grid or modified grid pattern) to maintain continuity of the existing community's circulation system. New street systems should meet the needs of bicyclists, strollers, wheelchairs, pedestrians and motor vehicles. The overall transportation strategy should favor walkability over automobile travel. Access control may be an important component; curb cuts should be minimized whenever possible. Closed street systems should be avoided. Cul-de-sacs, if restricted to a short keyhole design, may be used to increase density coverage and connect to the main grid. Blocks should be short to increase turning opportunities and heighten pedestrian orientation.

### **Parking**

Parking regulations should be adjusted to accommodate infill development. Parking requirements in zoning ordinances can hinder infill projects—the site may not be large enough to accommodate the required spaces, or the requirement may make the project too expensive. In many cases, however, the amount of parking required for infill under local zoning is not necessary, given opportunities for onstreet parking, shared parking, or an increase in walking, biking, or transit. Shared parking in particular should be considered for mixed-use projects sited within ¼ mile of a parking facility.

Alternative configurations—such as alley garages—can also enhance the design and function of infill projects. Parking for commercial or mixed-use projects should be accommodated behind buildings, rather than in front of buildings, to maintain a pedestrian-oriented streetscape.



*IN THIS EXAMPLE, THE BUILDING IS PULLED UP TO THE SIDEWALK LINE. A TOTAL OF 15 PARKING SPACES ARE LOCATED AT THE REAR*

## Compatibility

Compatibility is a largely subjective measure of how well new construction or substantial rehabilitation fits into the existing community structure. Pattern, alignment, size, and shape are the essential elements of compatibility. These elements define the basic relationships between new and old buildings without referencing a specific style of architecture.

### *Special Compatibility Issue: Preservation of Historic Resources*

Unprotected historic buildings have been razed for replacement by infill in many communities around the nation. Such structures have been lost when deemed functionally obsolete, often in an arbitrary and capricious manner, in order to clear the way for redevelopment on a ‘clean’ site. These models and guidelines do not support demolition of such buildings for infill replacement. Property owners are urged to take advantage of the new Maryland Building Rehabilitation Code, and the state’s preservation tax credit programs, so that existing historic resources are preserved whenever possible. In addition, local jurisdictions are urged to review requests for demolition of National Register or National Register-eligible buildings for infill replacement proposals.

The City of Lake Forest, Illinois has adopted a historic preservation ordinance to address this issue. In addition, a real estate rider is attached to all transactions of sale within the city limits, which notifies new property owners of the existence and intent of the preservation ordinance, the role of the preservation Commission, and the principles of historic compatibility that the City strives to maintain. The full text of the rider is included in Appendix B.



***THE NEW INFILL STRUCTURE ON THE RIGHT DOES NOT RESPECT THE HISTORIC ARCHITECTURE OR CHARACTER OF THE ADJACENT ROWHOUSES***

Through the planning process, the community should decide the relative importance of compatibility. Communities wishing to transform their current appearance and function will place less emphasis on compatibility than communities wishing to maintain their current appearance and function. However, in no case should the quality or visual aesthetics of infill in marginal areas be inferior. Transformation plans of entire areas or corridors have the opportunity to set very specific compatibility guidelines that raise aesthetic standards.

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<sup>1</sup> “Unprotected” means historic resources not located within a local historic district.



**AREAS THAT SEEK TO TRANSFORM THEIR APPEARANCE AND FUNCTION WOULD PLACE LESS IMPORTANCE ON COMPATIBILITY WITH EXISTING STRUCTURES**



**THIS RESIDENTIAL STRUCTURE IS SIMILAR IN HEIGHT AND SETBACK TO ITS NEIGHBORS, BUT THE OVERALL DESIGN IS NOT COMPATIBLE WITH QUALITY OF THE ADJACENT BUILDINGS. THE DRIVEWAY AND PROTRUDING GARAGE ARE NEW FEATURES ON A STREET OF ALLEY-LOADED PARKING**



***ORIENTATION OF BUILDINGS AND THEIR MAIN ENTRANCES SHOULD FACE THE STREET, EXCEPT IN THE CASE OF ACCESSORY BUILDINGS***

For areas in which compatibility is a strong goal, the overall design strategy should focus on integration with the surrounding area. Architects refer to signature buildings and background buildings. Signature buildings stand out, while background buildings make a valuable contribution to the community without drawing attention to themselves. Generally, infill should not overpower nearby buildings or disrupt other uses. Some of the best examples of infill projects are those that are virtually unnoticed; only upon examination is it apparent that an infill structure has been built. However, there are circumstances in which it is appropriate for infill to include a signature building. Buildings that are obviously new and different can also enhance the appearance of a community, by adding a contemporary component to the historical stratum of a community without detrimentally changing its character.



*THE HIGHLANDTOWN PLAZA CO-OP IS AN ADAPTIVE REUSE PROJECT OF A FORMER STREETCAR BARN. THE FAÇADE PRESENTS A NEW FACE TO THE STREET*



*ANOTHER VIEW OF THE HIGHLANDTOWN PLAZA CO-OP. THE DESIGN RESPECTS THE RHYTHM OF THE ROWHOUSES ACROSS THE STREET, AND DOES NOT OVERWHELM THE NEIGHBORHOOD WITH ITS SCALE*

Principles of compatibility can be applied successfully to infill sites within existing urbanized areas, as well as in small town and rural areas. For example, adding accessory apartments or several new lots to an existing low density community can be accomplished without altering its character.

Regulations for lot size and coverage, bulk, height and setbacks should ensure that infill is sensitive to the development context, but architectural design guidelines should not be too stringent, except where they may apply in historic districts. Jurisdictions may elect to apply relatively loose guidelines relating to design standards, deferring decisions to the market. Or, the community could instigate a detailed discussion of design and architectural standards, with flexible guidelines to be applied on a case-by-case basis.

The Secretary of the Interior's Standards may be used as a guide when reviewing new structures in undesignated areas of historic character (See Chapter VI). The Otterbein Homesteading Community in Baltimore City, for example, adopted a less restrictive version of the Secretary Of the Interior's Standards.

Case example: Otterbein Homesteading Community, Baltimore City.

In Baltimore's historic Otterbein community, the rowhouse building type is dominant, but their form is uniquely random as opposed to the usually identical continuous rows that were built together as a unit. The presence of varying textures, rooflines, styles and eras in a single block produce a unifying harmony in form and function. Houses are generally 10 to 24 feet wide, 2 to 3 stories in height, some having pitched roofs with dormers, or shed roofs that are invisible from the street. Constructed between 1800 and 1880, all 130 units were built to the lot line facing the street. The neighborhood plan proposed to "create a viable urban residential neighborhood which will preserve and enhance the positive qualities and at the same time function as an integral part of the Inner Harbor West Development Area."

About 20 new structures were proposed for infill in the 1970s, either as single family, multi-family residences, or other uses. Design objectives were developed to guide this development, which focuses on consistency of character and scale. Any new infill units were to be compatible with the rehabilitated existing units in order to maintain neighborhood cohesion. The objectives were not in the form of a mandatory list, but rather a laundry list of important considerations to adhere to. The result today indicates that this approach was successful.



*ROWHOUSES, OTTERBEIN NEIGHBORHOOD, BALTIMORE.*

*Special Compatibility Issue: Replica Architecture*

Many unprotected streetscapes in older areas have been changed significantly by incompatible new development. On the other hand, buildings should reflect their own time. New construction adjacent to older buildings that imitates history (replica architecture), while not technically incompatible, creates false historical facades, and should be discouraged. The Secretary of the Interior's Standards for Historic Preservation address this issue (see Chapter VII). Jurisdictions may want to consider this issue.

*Special Compatibility Issue: Trademark Buildings*

'Trademark buildings', buildings with distinct or unique exterior appearances by which particular businesses can be easily identified, can interrupt the continuity of the streetscape. Jurisdictions may want to consider how to address the vulnerability of commercial streetscapes to these buildings, especially when they become derelict.



*A 'TRADEMARK' BUILDING*

*Special Compatibility Issue: Teardowns*

Jurisdictions may want to consider the issue of 'teardowns', the demolition and subsequent replacement of a structure, as they address infill in their comprehensive plans and code revisions.

Teardowns raise a multitude of issues, including short- and long-term compatibility. Teardowns typically occur in areas with low-cost houses and valuable lots, particularly when smaller, poorly designed, or obsolete structures without modern amenities are not considered historic or quaint.

Teardowns can be both scourge and blessing. Replacement structures that differ dramatically in size, footprint, mass, or height change the dominant vernacular character of the neighborhood. When viewed over the long term, teardowns have the potential to result in higher order architecture, more functional site design, or other changes that benefit the community. Entire streets or neighborhoods can be transformed into more attractive communities. When considered in this light, teardowns are a natural progression in the evolution of our communities. This may, however, also result in loss of affordable housing and buildings with historic character.

Jurisdictions concerned about this phenomenon should investigate its cause. For example, prohibitive rehabilitation codes can often encourage the replacement process.





In this example, these 1920s duplexes stand today as the dominant housing type, dwarfing the remaining 7 ½ foot wide shanty in this urban neighborhood. This tiny house is the only surviving example of the community that grew up in this area around 1900. The neighborhood offers a range of housing options, as many of the ‘new’ homes have been gradually subdivided into market rate apartment units.



The three new buildings are obviously different from the 1920s dominant type, except for the awning line. Although the replacement infill design is much larger in terms of bulk, scale, and height, the setback, use, and absence of off-street parking is consistent with adjacent structures. It is likely that this type will displace the smaller homes over a period of time, if market demand remains strong.



**NEW STRUCTURES BUILT BEHIND SMALLER VERNACULAR HOMES IN CAPE MAY, N.J.**

Three story townhouses in the background threaten to become the dominant building type, overshadowing these small vernacular homes, pitting pressure for more expensive dwellings against a greater range of housing options.

## V. Model Infill Ordinance

Jurisdictions may adopt the following model infill ordinance, craft it to fit their particular needs, or identify an alternative approach to supporting infill. The appendix contains additional ordinance language such as parking guidelines, accessory units and live/work provisions, which may be ‘plugged in’ to the model ordinance as jurisdictions see fit. **Local governments may already have regulations that support infill and require little or no modification in order to qualify for the incentives. The State does not require local jurisdictions to adopt the model Infill Ordinance.**

*This model is intended for use in residential areas and also provides for commercial and mixed use infill development. It may also be applied to situations where demolition has created opportunities for existing structures to be replaced with new construction, or where new street patterns can seamlessly be integrated with existing adjacent communities.*

### **Section 1: INTENT**

It is the general intent of this Ordinance to:

(OTHER STATEMENTS OF INTENT MAY BE SUBSTITUTED HERE)

- 1) Accommodate growth in (NAME OF LOCAL JURISDICTION) by encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of (NAME OF JURISDICTION) residents.
- 2) Encourage efficient use of land and public services in the context of existing communities.
- 3) Stimulate economic investment and development in older established communities.
- 4) Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing communities.
- 5) Create a high quality community environment that is enhanced by a balanced compact mix of residential, commercial, recreational, open space, employment and institutional uses and building types.
- 6) Implement the goals, objectives, and policies of the comprehensive plan, or the small area plan.
- 7) Improve approval certainty for infill development by providing clear development standards.
- 8) Encourage compact development that is pedestrian-scaled and, if applicable, transit-oriented.

## Section 2: GENERAL REQUIREMENTS

General: The site plan shall incorporate the following elements to enhance compatibility with the surrounding community:

- (1)
  - (a) Sidewalks that connect to the adjacent sidewalk system;
  - (b) Public streets that connect to the adjacent street pattern;
  - (c) Preservation of architecturally significant structures whenever feasible;
  - (d) Inclusion of, or relationship to, civic spaces;
  - (e) Street furniture, lighting and landscaping that is primarily oriented to pedestrian use; and
  - (f) Setbacks, building envelopes, use and parking compatible with surrounding community.
  - (g)
- (2) All new buildings (except accessory structures) shall have the primary entrance oriented to the street or public walkway, with direct, barrier-free and convenient pedestrian connections.

## Section 3: PERMITTED USES

General: (CERTAIN TYPES) of uses and building types are allowed, including accessory dwellings and accessory buildings if they are consistent with the comprehensive plan.

Residential (EXAMPLE FOR ACCESSORY DWELLINGS AND HOME OCCUPATIONS)

- (1) One Accessory dwelling unit per lot may be allowed in addition to the principal dwelling unit.
- (2) Home occupations are allowed if the use is clearly incidental and secondary to the use of the dwelling for residential dwelling purposes, and does not change the residential character of the dwelling.

Commercial/Employment (EXAMPLE FOR LIVE/WORK UNITS)

- (1) Commercial/employment may be mixed vertically or horizontally with residential. First floor space (Live/work units) restricted to non-residential use in areas of predominantly commercial use.

Institutional/Civic/Public uses are permitted for not-for-profit uses.

Mixed Use may include dwelling types and uses other than what is permitted in the underlying zone by right, subject to consistency with the comprehensive plan. Mixed use should be planned for in the context of existing walkable amenities in the neighborhood.

- (1) Residential uses are the predominant element, unless the project plan demonstrates how the development contributes to and strengthens the overall mix of uses of the surrounding neighborhood.
- (2) Residential uses can be mixed vertically with commercial/employment, including single structure Live/work units.

## Section 4: DEVELOPMENT STANDARDS

General: Density, design, materials, use and scale should reflect local style, climate, heritage and materials unique to (NAME OF LOCAL JURISDICTION).

- (1) Density: may exceed the underlying zone (BY xx UNITS PER ACRE) for the purpose of creating a neighborhood having a variety of housing types.
  - (a) Total number of dwelling units as well as location to be established at the time of preliminary plan approval.
  - (b) Lot Size. Lot areas established in the preliminary plan shall be dependent on proposed densities, floor area ratios, setbacks, building heights and community compatibility.
    - (i) Existing Small Lot Amnesty. A legal lot of record that existed prior to the date of this

- Ordinance, may use Infill Ordinance minimum buildable lot standards.
- (ii) Minimum Buildable Lot Standards. See sample Ordinance language in Appendix B.
- (2) Building Height.
- (a) Buildings restricted to (X) stories or (XX) feet in height, or the average of adjacent buildings.
    - (i) Heights allowed by right or by special exception in the underlying zone.
    - (ii) If greater than the allowed maximum, the proposed building or structure must meet the following criteria for community compatibility:
      1. Neighborhood scale
      2. Privacy
      3. Light and shadow
      4. Views
      5. Architectural compatibility
- (3) Building Setback.
- (a) Setbacks as allowed by right in the underlying zone.
  - (b) Contextual setback option. May use an average of the setbacks of adjacent or abutting lots.
- (4) Bulk and Scale shall be similar to and consistent with the surrounding neighborhood as evaluated by the bulk of buildings adjacent, abutting and surrounding the proposed development. Larger buildings should be designed to adhere to the existing architectural pattern of the surrounding neighborhood.
- (5) Flexible development standards to reduce lot areas, widths and yards and to increase building heights may be permitted for infill developments at the discretion of the approving agency(s), subject to proof of good cause and benefit to the development and community, to encourage a variety of land uses, and to address difficult sites which incorporate infill and redevelopment or rehabilitation. Building height and coverage may vary so long as the project average is consistent with the neighborhood scale and architectural rhythm and does not constitute a disruptive condition in the identity of the area (See Section 5).

### Section 5: COMPATIBILITY STANDARDS

General: Provides exemplary site design, architectural design and high quality materials that are compatible with, and does not negatively alter the character of, the existing neighborhood.

- (1) All permitted uses conform to the purposes of the Ordinance (Section 1) and are compatible with uses, existing or proposed in the comprehensive plan in the general vicinity of the proposed development. The following requirements shall apply:
  - (a) Building Size, Height, Bulk, Mass, Scale. Similar in height and size or articulated and subdivided into massing that is more or less proportional to other structures in the area, and maintains the existing architectural rhythm.
  - (b) Building Orientation. Primary facades and entries face the adjacent street with a connecting walkway that does not require pedestrians to walk through parking lots or across driveways.
  - (c) Privacy. Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses by considering the placement of windows and door entrances. Create opportunities for interactions among neighbors in common pedestrian circulation areas of the project.
  - (d) Building Materials shall be similar to materials of the surrounding neighborhood or use other characteristics such as scale, form, architectural detailing, etc. to establish compatibility.
- (2) All planned uses, building types, and landscaping will be included on the preliminary plan and will demonstrate the relationships of the proposed development with existing offsite development in the context of the adjacent community. Compliance with these requirements shall in and of itself be deemed to create a presumption of compatibility.

### Section 6: OPEN SPACE and LANDSCAPING

General: All open space, recreational amenities and landscaped areas shall be shown on the plan.

*Open space.* Infill development shall provide common public open space, if planned, except as follows:

- (1) Proximity to public park. An open space credit may be granted if a project is connected to, and located

within ¼ mile of, an improved public park by a continuous public sidewalk.

*Landscaping.* Natural vegetative features and existing trees shall be incorporated into the site design if practicable. Long term management and maintenance plans for natural areas, street trees, and common open space shall accompany the project.

### **Section 7: PUBLIC FACILITIES and UTILITIES**

General: Existing and planned public facilities should be shown on the plan.

- (1) All public streets, walkways and alleyways shall be shown on the plan. All through streets and walkways must be public. The local street and walkway system shall be safe, efficient, convenient, attractive and shall accommodate use by all segments of the population.
  - (a) The street and walkway system provides multiple, direct and continuous intra and inter-neighborhood connections between destinations.
  - (b) The street network shall include sidewalks on both sides of the street.
  - (c) Closed street systems are prohibited, but short ‘keyhole’ cul-de-sacs that connect to the main grid system are allowed when consistent with the surrounding community.
  - (d) Street widths should be consistent with the surrounding community and sized to promote walkability and multi-modal use.
- (2) Roads, lighting, sidewalks, street furniture, utilities and other public facilities should enhance pedestrian circulation.

### **Section 8: PARKING**

General: Flexibility for the number of parking spaces shall be considered if the project is pedestrian-oriented and serviced within ¼ mile by a transit stop.

- (1) Parking for private automobiles is provided based on safety, convenience, pedestrian and vehicular circulation, and proximity of public parking and public transportation.
- (2) The parking plan may provide a combination of off-street and on-street spaces. On-street parking is encouraged.
- (3) Shared parking is encouraged.
- (4) Sub-grade single garages may be allowed at the front of the building subject to local design standards.
- (5) As is practicable, at-grade off-street parking areas should be located at the rear of the dwelling, with alley access.
- (6) All parking spaces shall be shown on the site plan.
- (7) Bicycle spaces shall be provided for commercial/employment and mixed-use projects.
- (8) Parking requirements can be waived where ample public parking is available in close proximity.

### **Section 9: FINDINGS REQUIRED**

The jurisdiction shall approve the plan upon finding that:

- (1) The plan accomplishes the purposes, objectives and minimum standards and requirements of the overlay;
- (2) The plan is in accord with the area master plan;
- (3) The plan is internally and externally compatible and harmonious with existing and planned land uses in the area;
- (4) Existing or planned public facilities are adequate to service the proposed development;
- (5) The development staging program is adequate in relation to the provision of public facilities and private amenities to service the proposed development; and
- (6) The plan is consistent with the purposes and provisions of the smart growth areas act and other applicable Smart Growth legislation.

### **Section 10: PROCEDURES FOR AMENDMENT**

<<TO BE DEVELOPED AS NEEDED>>

## VI. Development Review Techniques

Local jurisdictions may wish to employ one of the following techniques to review, grade, and select projects from a Smart Growth perspective, and, in the case of the Secretary of the Interior's Standards, from an historic preservation compatibility perspective.

Local jurisdictions may find it necessary to customize their review techniques to meet the needs of residents as well as those of the existing community. One such example is provided as Development Review Technique 2.

### **Development Review Technique 1 - Smart Scorecard for Development Projects**

Sponsored by the Congress for New Urbanism and developed by M. Victoria Jacobsen and Will Fleissig, the Smart Scorecard for Development Projects quantifies aspects of development which are generally qualitative by nature.

Intended for use by staff planners, commissioners, local councils, neighborhood associations, individual citizens, and project applicants, the sample checklist can be modified to address jurisdictional preference. Whether used as a scorecard or checklist, it can be applied through adoption of an incentivebased point system, special review committee, or through a standardized development agreement.

The summary table below translates 10 of the most critical smart growth principles into more specific criteria and benchmarks.<sup>1</sup>

#### 1. Proximity to existing/future development and infrastructure

Distance to existing roads, transit, water and sewer service; PFA location; distance to food and convenience stores, schools, daycare, recreation centers (for residential projects); distance to market and rental housing; restaurants, schools; daycare (for employment-based projects); lead time before additional amenities (shopping, schools, transit) are available.

#### 2. Mix and balance of uses

Responsiveness to unmet need in nearby neighborhoods; street level activity generated by particular use; number and types of uses within project; vertical mix of uses.

#### 3. Site optimization and compactness

Percent advantage of allowable DU's per acre and FAR; gross density; percentage of usable open space for recreation; location of buildings at minimum setbacks, or at buildto lines when present; parking spaces under buildings or decked.

#### 4. Accessibility and mobility choices

Minimization of VMT; proximity to existing or proposed transit; pedestrian access promotion (sidewalks on both sides of street; provision of continuous pedestrian amenities that meet ADA standards; proper maintenance of facilities; direct street connections; location of parking behind buildings); connection of pedestrian paths to existing or planned open space; choice of transportation mode; provision for Park & Ride lots; availability of van/car pool service.

#### 5. Community context and site design

Preservation of existing structures; design that reflects local and regional style, climate, heritage and materials; scale and mass of structure in concert with surroundings; building facades that define streetscape; continuation of existing street pattern; *transition buffer zones between areas with different uses and densities?*; inclusion of civic spaces; street furniture and lighting enhance pedestrian connections to entrances, parking and natural features.

#### 6. Fine-grained block, pedestrian and park network

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<sup>1</sup> The State is currently drafting a Maryland-specific Scorecard and Evaluation Matrix.

Number of street intersections and turning opportunities - *more is better*; length of blocks; variety of street widths; connectivity and continuity of pedestrian circulation system; dispersed variety of park types and sizes.

#### 7. Environmental quality

Energy efficiency of buildings; use of green building procedures; use of energy and water conservation systems; protection, preservation and/or restoration of on-site natural features (i.e. wetlands, riparian corridors, watersheds, steep slopes, significant vegetation); use of local vegetation on-site to minimize impact on local habitats and water consumption.

#### 8. Diversity

Variety of building types and styles; provision of diversity of uses to fulfill economic goals of community; provision of wide range of price structures of units that will be sold or leased; variety of densities in both residential and commercial employment units; varying setbacks and lot sizes; need for civic needs and amenities, such as daycare, teen and senior centers, recreation and cultural facilities, meeting halls.

#### 9. Re-use and redevelopment options

Location of underground utility lines; master plan showing future streets, blocks and development sites; building types and structures that are strictly defined in form that can accommodate several different uses; location of building entrance relative to future street.

#### 10. Process collaboration and predictability of decisions

Pre-design meeting with neighbors and conference with local planning agency staff; conceptual design meeting with neighbors and adjoining property owners; participation in district/property owner association (parking, maintenance, etc.); contact with planning agency staff in all key agencies; automatic approval when conformity with applicable area plans has occurred, but review deadlines not met; identification of community objectives in adopted plans that the proposed project meets.

### **Development Review Technique 2 – Gainesville, Florida Traditional City Area Ordinance**

The City of Gainesville, Florida has established a Traditional City overlay district to regulate the design of new construction within a defined area, as well as the design of streets and sidewalks, parking provisions, and landscaping. The Ordinance provides authority for compliance, evaluation, right of appeal and exceptions to the standards, which are relatively prescriptive. The full text of the Ordinance, which includes illustrations, is included in Appendix A.

### **Development Review Technique 3 - Secretary of the Interior's Standards for Historic Preservation**

Reference to these guidelines is recommended when infill projects are located in areas with existing architecturally significant structures, but are not governed by local historic district commissions. The spirit and intent of the Standards should be considered when designing and constructing a new building to be compatible with the historic character of the site as well as that of adjacent buildings.

#### **General Guidelines**

##### Not recommended:

- Creating a false historical appearance because the replaced feature is based on insufficient historical, pictorial, and physical documentation.
- Introducing a new building or site feature that is out of scale or of an otherwise inappropriate design.
- Introducing a new landscape feature, including plant material, that is visually incompatible with the site, or that alters or destroys the historic site patterns or vistas.

#### **Alterations/Additions for the New Use**

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been addressed.

#### Recommended:

- Designing new onsite parking, loading docks, or ramps when required by the new use so that they are as unobtrusive as possible and assure the preservation of historic relationship between the building or buildings and the landscape.
- Designing new exterior additions to historic buildings or adjacent new construction which is compatible with the historic character of the site and which preserves the historic relationship between the building or buildings and the landscape.
- Removing non-significant buildings, additions, or site features which detract from the historic character of the site.

#### Not Recommended:

- Locating any new construction on the building site where important landscape features will be damaged or destroyed, for example, removing a lawn and walkway and installing a parking lot.
- Placing parking facilities directly adjacent to historic buildings where automobiles may cause damage to the buildings or to important landscape features.
- Introducing new construction onto the building site that is visually incompatible in terms of size, scale, design, materials, color, and texture; which destroys historic relationships on the site; or which damages or destroys important landscape features.
- Removing a building in a complex of buildings; or removing a building feature, or a landscape feature that is important in defining the historic character of the site.
- The setting is the area or environment in which a historic property is found. It may be an urban or suburban neighborhood or a natural landscape in which a building has been constructed.
- The elements of setting, such as the relationship of buildings to each other, setbacks, fence patterns, views, driveways and walkways, and street trees together create the character of a district or neighborhood. In some instances, many individual building sites may form a neighborhood or setting.

#### **Rural Environments**

In rural environments, agricultural or natural landscapes may form the setting for an individual property.

#### Recommended:

- Identifying, retaining, and preserving building and landscape features which are important in defining the historic character of the setting. Such features can include roads and streets, furnishings such as lights or benches, vegetation, gardens and yards, adjacent open space such as fields, parks, commons or woodlands, and important views or visual relationships.
- Retaining the historic relationship between buildings and landscape features of the setting. For example, preserving the relationship between a town common and its adjacent historic houses, municipal buildings, historic roads, and landscape features.

#### Not recommended:

- Removing or radically changing those features of the setting that are important in defining the historic character.
- Destroying the relationship between the buildings and landscape features within the setting by widening existing streets, changing landscape materials or constructing inappropriately located new street or parking.
- Removing or relocating historic buildings or landscape features, thus destroying their historic relationship within the setting.

#### **Technical Design Aspects**

The following work is highlighted to indicate that it represents the particularly complex technical or design aspects of rehabilitation projects and should only be considered after the preservation concerns listed above have been



addressed.

Recommended:

- Designing required new parking so that it is as unobtrusive as possible, thus minimizing the effect on the historic character of the setting. "Shared" parking should also be planned so that several businesses can utilize one parking area as opposed to introducing random, multiple lots.
- Designing and constructing new additions to historic buildings required by the new use. New work should be compatible with the historic character of the setting in terms of size, scale design, material, color, and texture.
- Removing non-significant buildings, additions or landscape features which detract from the historic character of the setting.

Not Recommended:

- Placing parking facilities directly adjacent to historic buildings which cause damage to historic landscape features, including removal of plant material, relocation of paths and walkways, or blocking of alleys.
- Introducing new construction into historic districts that is visually incompatible or that destroys historic relationships within the setting.
- Removing a historic building, building feature or landscape feature that is important in defining the historic character of the setting.

## Appendices

### Appendix A Examples of Alternative Codes

Example 1: Infill Development Overlay Zone  
Example 2: Infill Overlay Zone A: Mixed use, commercial  
Example 3: Infill Overlay Zone B: Single family residential  
Example 4: Sandy Spring/Ashton Overlay Zone  
Example 5: Model Village Design Ordinance  
Example 6: Annapolis Residential Conservation Overlay District  
Example 7: Oregon Transportation and Growth Management Program  
Example 8: Trappe, MD Village Overlay Zone  
Example 9: Gainesville, FL Traditional City Overlay

### Appendix B Specific Element Alternatives

Intent  
Accessory Dwellings  
Home Occupations  
Existing Lots of Record  
Citizen Participation  
Compatibility Real Estate Rider

### Appendix C Definitions

### Appendix D References/annotated bibliography

## Appendix A Examples of Alternative Codes

These models may be amended to meet local needs, but revisions should incorporate the spirit and intent of the State requirements.

### **Example 1. Infill Development Overlay Zone.**

#### Section 1: INTENT

The Infill Development Overlay Zone (IDZ) accommodates infill growth by encouraging a compatible, high quality community environment enhanced by a balanced, walkable, compact mix of uses in existing communities.

Fundamental planning principles enable development projects to meet the needs of the people who live and work in the community. All uses, standards and criteria in the underlying zoning district shall apply except where otherwise stated herein. In the case of conflict, the more flexible standard shall apply.

#### Section 2: GENERAL PRINCIPLES

The Infill Development Overlay Zone is based upon the following principles:

- (1) The promotion of complete and integrated communities containing housing, shops, workplaces, schools, parks and civic facilities essential to the daily life of residents;
- (2) the design of community size so that housing, jobs, daily needs and other activities are within easy walking distance of each other;
- (3) the location of as many activities as possible within walking distance of transit stops, where applicable;
- (4) the presence of a wide variety of housing types to enable citizens from a wide range of life stages, economic levels and age groups to live within the community;
- (5) the presence of businesses within the community that provide a range of job types for residents;
- (6) a transportation network that is consistent with the location and character of the community;
- (7) a center focus that combines commercial, civic, cultural and recreational uses;
- (8) open space in the form of squares, greens and parks whose frequent use is encouraged through placement and design;
- (9) the design of public spaces to encourage the attention and presence of people;
- (10) the provision of a well-defined edge for each community or cluster of communities, such as agricultural greenbelts or wildlife corridors, permanently protected from development growth;
- (11) a system of fully-connected intersecting routes to all destinations that includes streets, pedestrian paths and bike paths, designed to encourage pedestrian and bicycle use by being small and spatially defined by buildings, trees and lighting and by discouraging high speed traffic;
- (12) the preservation, if possible, of the natural terrain, drainage and vegetation of community;
- (13) a community design that conserves resources and minimizes waste;
- (14) the efficient use of water by natural drainage, drought tolerant landscaping and recycling; and

- (15) the design of an energy efficient community through street orientation, the placement of buildings and the use of shading.

**Example 2. Infill Overlay Zone-A: Mixed Use**

*This overlay zone encourages a mix of infill development on bypassed or underutilized lands in PFAs. The zone achieves more efficient land use through flexible development standards that reflect the surrounding community, and through flexible use guidelines that permit residential uses in commercial districts, and limited commercial development in residential communities.*

**Applicability:** The District applies to infill parcels [insert maximum size if desired] within areas targeted by jurisdiction in comprehensive plan.

**Development Standards Residential Zones<sup>1</sup>:**

Land Uses [select uses consistent with the plan]

- All uses permitted by underlying zoning;
- Duplexes and triplexes on corner lots;
- Zero-lot line housing;
- Attached single-family units that are similar to duplexes and triplexes in size and character;
- Accessory dwellings;
- Neighborhood commercial (subject to size, hours of operation requirements), [defined as \_\_\_\_\_];
- Mixed-use (horizontal and vertical), limited to neighborhood commercial uses and residential.

Development Standards

Net residential density shall be equal to or greater than, by no more than [110%/120%], the net residential density of the historical community.

FAR for neighborhood commercial uses and the commercial component of mixed-use development shall be [\_\_\_\_] to maintain the integrity of the streetscape.

The following elements shall conform (within a 10% range) to the average established standards of the historical community: building setbacks, building coverage, lot width, lot size, residential building size, and building height.

Building orientation: Building orientation should maintain the integrity of the streetscape and provide direct, safe access to the street.

Parking: The number of required offstreet parking spaces shall be based on existing standards, *reduced* by a factor that takes into account opportunities for on-street and shared parking and increased pedestrian activity and other alternative means of transportation.

Open space: Developments of more than [#] units shall provide public open space equal to or greater than [%] of the development site, except that an open space credit of [%] may be granted when the development is connected, via a continuous sidewalk meeting ADA standards, to an improved public park located within one-quarter mile. (Oregon Department of Transportation). All developments shall provide for continuity of open space networks, including trails, bicycle paths, stream corridors, and greenways.

**Development Standards Commercial, Mixed-use<sup>2</sup>:**

Land Uses

- All uses permitted by underlying zoning, except auto-oriented establishments;

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<sup>1</sup> Applies to land with an underlying residential zone.

<sup>2</sup> Applies to land with an underlying mixed-use or commercial zone.

- Mixed-use (horizontal and vertical);
- Duplexes and triplexes;
- Attached single-family units;
- Multi-family housing;
- Accessory dwellings;
- Housing for the elderly.

Development Standards:

Commercial FAR shall be equal to or greater than, by no more than [110%/120%], the commercial FAR of the historical community.

Residential density shall be sufficient to maintain or reinforce the continuity of the streetscape.

The following elements shall conform (within a 10% range) to the average established standards of the historical community: building setbacks, building coverage, lot width, lot size, residential building size, and building height.

Building orientation: Building orientation should maintain the integrity of the streetscape and provide direct, safe access to the street.

Parking: The number of required offstreet parking spaces shall be based on existing standards, *reduced* by a factor that takes into account opportunities for on-street and shared parking and increased alternative transportation mode share.

Open space: Developments of greater than [size] shall provide public open space equal to or greater than [%] of the development site, except that an open space credit of [%] may be granted when the development is connected, via a continuous sidewalk meeting ADA standards, to an improved public park located within one-quarter mile.<sup>3</sup>

**Example 3. Infill Overlay Zone -B: Single family residential**

*This overlay zone encourages single-family infill development on existing lots of record. Although the location of the zone can be tailored, it is primarily intended to work in residential zones. The zone encourages the use of bypassed land in existing communities consistent with the surrounding uses and standards, by allowing development to proceed in accordance with standards in place at the time of the original development.*

**Applicability:** The Infill Overlay Zone-B applies to existing lots of record located in residential zones in Priority Funding Areas.

**Buildable lot under previous ordinance:** Any lot that was recorded by subdivision plat or by deed prior to [DATE] that does not include parts of previously platted properties, and that was a buildable lot under the law in effect immediately before [SAME DATE] is a buildable lot for building a one-family dwelling only, even though the lot may have less than the minimum area for any residential zone. Any such lot may be developed under the zoning development standards in effect when the lot was recorded.<sup>4</sup>

**Example 4. Sandy Spring/Ashton Rural Village Overlay Zone, Montgomery County, Md.**

It is the purpose of this overlay zone to:

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<sup>3</sup> Oregon Department of Transportation.

<sup>4</sup> Montgomery County, Maryland.

- A. Preserve and enhance the rural village character of the Sandy Spring and Ashton village centers by ensuring an attractive and traditional pattern of houses, commercial establishments, open spaces and their relationship to roadways.
- B. Encourage a compatible relationship between new or expanded houses or businesses and traditional neighboring structures that reflects the best of local village character, particularly in terms of scale, siting, design features, and orientation on the site.

**Example 5. Model Village Design Ordinance (Randall Arendt)**

1. A. General Purposes

- 1. To create a distinct physical settlement surrounded by a protected greenbelt used for agricultural, silvicultural, recreational, and environmental protection purposes.
- 2. To develop a settlement of modest size and scale that accommodates and promotes pedestrian travel rather than motor vehicle trips.
- 3. To promote design that results in residentially scaled buildings fronting on, and generally aligned with, streets.
- 4. To encourage the inclusion of a diversity of household types, age groups, and income levels in [NAME OF JURISDICTION].
- 5. To promote traditional village building and site development patterns with an interconnected and broadly rectilinear pattern of streets, alleys, and blocks, providing for a balanced mix of pedestrians and automobiles, as typically exists in neighborhoods as shown in [SOURCE DOCUMENT OR REFERENCE FOR DESIGN GUIDELINES].

1. B. Applicability

The standards in this section are applicable within the Village Design Overlay District (VDOD), whose location and boundaries have been selected to be consistent with policies in the [COMPREHENSIVE PLAN] encouraging compact mixed-use development in areas where increased building density would be appropriate for the reasons detailed in that [PLAN].

**Example 6. Residential Conservation Overlay District, Annapolis, Maryland.**

*Although used in an urban setting, this model is general enough that it may be adapted to fit rural or neighborhood contexts.*

Purpose: The purpose of the RC residential conservation overlay district is to preserve patterns of design and development in residential neighborhoods characterized by a diversity of styles and to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of would disrupt the existing scale and architectural character of the neighborhood. The general purpose includes:

- 1. Protection of the architectural massing, composition and styles as well as neighborhood scale and character;
- 2. Compatibility of new construction and structural alterations with the existing scale and character of surrounding properties;
- 3. Encouragement of existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community;and

4. Preservation of streetscapes.

**Example 7. Sample code provision from Oregon’s Transportation and Growth Management Program (OTAK)**

Purpose and Intent: The purpose of this district is to provide for complete [NEIGHBORHOODS / TOWN CENTERS / MAIN STREETS / EMPLOYMENT CENTERS / MIXED USE DISTRICTS , etc] with efficient land use and cost-effective delivery of urban services. The provisions of this district recognize the design challenges inherent to developing infill properties, and ensure that new development is consistent in character and scale with established [HOUSING / COMMERCIAL DEVELOPMENTS].

The specific objectives of this district as related to infill and redevelopment are to (select or modify as appropriate):

1. Allow flexibility in housing location, type and density within the densities allowed by the Comprehensive Plan.
2. Provide flexibility in lot size, configuration, and vehicle access to facilitate infill development.
3. Provide clear development standards that promote compatibility between new and existing development and promote certainty in the marketplace.
4. Encourage development of needed housing in close proximity to employment and services
5. Promote neighborhood preservation and enhancement through redevelopment of blighted, distressed, and underutilized properties.
6. Provide standards of “historic appropriateness” for redevelopment and alteration of historic buildings.
7. Encourage mixed-use development to complete neighborhoods and provide housing close to jobs.
8. Encourage development and preservation of affordable housing through infill development.

**Applicability and General Provisions– Sample Code Provisions**

Option 1 – Standards applied “by definition” for municipal or countywide infill objectives:

(NAME OF JURISDICTION) Infill Development Standards shall apply to all lots and parcels that are adjacent to developed land on two or more sides. “Developed land” means lots and / pr parcels that have all urban services required for development (i.e., adequately sized water, sanitary sewer, and storm drain lines) at the property line.

Option 2 – Standards applied “by district” for specific neighborhood/community infill objectives:

(NAME OF JURISDICTION) Infill and Redevelopment Zone District– Applicability and General Provisions:

1. This district implements the (NAME OF JURISDICTION) neighborhood/community plan. The provisions of the district apply to all lands designated (XX) on the (JURISDICTION’S) official zoning map.
2. All land uses and development, including buildings, drives, parking area landscaping, streets, alleys, greenways, tree protection, and pedestrian/bicycle ways, shall be located and developed in accordance with the provisions of:
  - a) The (NAME) Neighborhood/community Plan, as incorporated by this chapter;
  - b) (NAME OF JURISDICTION) land use Ordinances, except as modified by this chapter;
  - c) (NAME OF JURISDICTION) Public Improvement Standards, except as modified by this chapter;
  - d) (other)

**Permitted Uses in a Mixed Use zone**

- Residential Uses, subject to the standards in Section (X), Neighborhood Commercial Uses
- Retail Sales and Services - not to exceed 3,000 square feet per use
- Lodging – limited to Bed and Breakfast Inns only, and subject to the provisions of section (X), Bed and Breakfast Inns
- Manufacturing– allowed only when ancillary to a primary permitted use (e.g., Bakeries are allowed when the primary use is Retail Sales and Services)
- Personal and Professional Services (e.g., attorneys, accountants, insurance and similar uses)– not to exceed

- 3,000 square feet per use
- Uses similar to those listed above, as approved by (X0 through and Administrative (Type II) Review

**Example 8: DRAFT Village Overlay Zone, Trappe, MD.**

*This overlay zone is applicable in a rural village or small town setting.*

SECTION 29. Village Overlay Zone

29.1 Purpose. The intent of the Village Overlay Zone is to implement the recommendations of the Comprehensive Plan to use traditional "smalltown" or neighborhood type development for creating attractive and diverse environs within the traditional Trappe Town Center. Further it is the purpose of the Village Overlay Zone to preserve patterns of design and development in the village overlay zone and to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of which would disrupt the existing scale and architectural character of the Town.

29.2 Specific goals and objectives. The goals and objectives of the Village Overlay Zone are:

- A. To maintain the intimate human scale and setting that make Trappe a desirable place to live by requiring design for the human scale and perceptions.
- B. To serve communities with streets that are interesting, that encourage slow vehicular speed and that result in pedestrian friendly environment.
- C. To create a pleasant and functional pedestrian realm that consists of common open spaces, treelined streets, landscaped transition areas (between public and private spaces) and utility corridors.
- D. To reduce issues of nonconformity by recognizing the appropriateness of the existing mix of land uses, building types and structure placement in the designated village overlay zone.
- E. To create compact, identifiable neighborhoods with distinct yet compatible character to the rest of the Town.
- F. To enhance Trappe's sense of place in its rural and regional setting by maintaining the small town feel and vistas of open farmland.
- G. To accommodate a mix of housing densities, and building types.
- H. To integrate appropriate details in building design including protection of the village's architectural massing, composition and styles as well as neighborhood scale and character.
- I. To encourage compatibility of new construction and structural alteration with the existing scale and character of surrounding properties.
- J. To encourage existing types of land uses that reflect the mixture and diversity of uses that have historically existed in the community.
- K. To preserve the village streetscape.

29.3 Applicability. The provisions of the Village Overlay Zone apply to new construction involving structural alterations and new structures on all land as designated by this overlay zone to the existing underlying zone districts. The provisions shall serve to supplement the underlying zoning district regulations in order to support the purposes noted in Section 29.2

29.4 Enforcement. In the Village Overlay Zone, new construction including new buildings, enlargement to building size or bulk, structural alterations to existing structures which have an impact upon the street façade and any change

of use that is permitted only by virtue of the Village Overlay Zone provisions, shall be reviewed for compliance with this section by the Planning Commission in accordance with the provisions of Section 29.11 through 29.13.

29.5 Locations. The Village Overlay Zone shall be used in areas identified on the Official Zoning Map and described in the Comprehensive Plan. It will be applied in addition to, and overlay, the underlying zoning.

29.6 Permitted Uses. Uses as specified in the underlying zone shall be permitted by right in the Village Overlay Zone.

29.7 Conditional Uses. Other uses may be permitted by special exception and as specified in the underlying zone as conditional uses.

29.8 Density and lot size. The maximum density shall be eight (8) dwelling units per acre. Accessory dwelling units that rely on the same water connection shall not be counted in the overall density calculation. The subdivision process must demonstrate the feasibility of future building placement in accordance with the requirements of the Village Overlay Zone.

29.9 Provisions governing residential land use, lots and buildings.

- A. Different types of residential dwellings may be mixed on the same block or lot. A residential building may be mixed with a nonresidential building on the same block or lot by special exception. A residential use may be mixed with nonresidential uses in the same building provided the nonresidential use has a separate front entrance.
- B. Buildings should not exceed three stories in height. Chimneys, antennae, flagpoles, and other details, such as steeples, cupolas, and widow's walks, are not bound by this general rule.
- C. The minimum lot setback shall be five feet from the front line, edge of sidewalk, or the existing building line, whichever is greater. The minimum lot setback shall be equal to setback on the adjoining property, or at least five feet from the side lot line, whichever is greater. Under no circumstances should the setback be less than 10 feet from a building on an adjoining lot.

29.10 Provisions governing commercial and mixed land use, lots and buildings.

- A. Non-residential uses must be existing non-confirming uses, or have been permitted by variance or special exception.
- B. All nonresidential uses must be constructed on lots that contain at least 6,000 square feet, and maintain a minimum width of 50 feet to allow for offstreet parking and deliveries.
- C. Buildings shall be built at least 5 feet from the front lot line. Sidewalks should be located between the street and the building front.
- D. The minimum side lot setback shall be no less than the setback on the adjoining property, or five feet, whichever is greater. Under no circumstances shall the setback be less than 10 feet from a building on an adjoining lot, excepting that a lesser setback is permitted in the underlying zone. If there is no building on the adjoining lot, then the minimum setback shall be the same as the underlying zone. However, the exterior of the structure must be accessible for maintenance on all sides from within the lot lines of the property on which the building is constructed. The side and roof of two-story structures must be accessible for scaffolding, which normally requires a 5-foot minimum width that is unobstructed. Also, a minimum of 10 feet, on at least one side, must be provided for unobstructed vehicular access on any parcel not served by a rear yard access road or alley.
- E. Adequate space shall be provided for parking, maneuvering, landscaping, and private yard areas when residential uses are included.



29.11 Parking. Parking shall be provided in accordance with Special Provisions of the Zoning Ordinance. However, in the Village Overlay Zone, all required offstreet parking is encouraged to be located in the side or rear yard area. Additional special requirements for the Village Overlay Zone follow:

- A. Parking along the side of residential buildings must be screened from neighboring properties.
- B. When access is from the street frontage, garages or carports shall be located behind the main building façade. However, garage doors should be oriented toward the side or rear whenever possible.
- C. If off-street commercial parking spaces are required, no less than 50% of those spaces shall be to the rear of the building. Parking shall not be located in the required front yard.

**29.12 Design Provisions.** The Planning Commission will rely on the Comprehensive Plan and the Village Overlay District Design Guidelines concerning issues of design, neighborhood and community character and compatibility. In general, these call for the following characteristics:

- A. Traditional neighborhoods should have recognized edges while still blending and continuing the overall character of Trappe. Accordingly, linear clustering and the creation of common linear open spaces, buffer screens, and pedestrian paths are strongly encouraged.
- B. The mass and spatial relationships of new buildings shall be compatible in size and scale with those found within the Village Overlay Zone.
- C. Building fronts shall face the street.
- D. Front porches are encouraged on all singlefamily detached homes.
- E. Exterior materials shall be natural in appearance, with preference given to wood or wood appearance siding, stone, and brick. Exterior building colors should be traditional muted tones.
- F. Shade tree and other plant materials satisfactory to the Planning Commission should be provided along street frontages occupied by homes and in any other required screens or buffer plantings. All deciduous trees planted as a condition of site plan approval shall not be less than eight feet in height nor less than two-inch caliper.
- G. Within this overlay zone, the Town of Trappe encourages an architectural style, which is best described as “traditional”. Favorable consideration will be given to Building Permit Applications for new construction and remodeling where the plans include styling features of the older houses in the Town, such as higher, more traditional roof pitch, and/or a substantial front porch. Building Permit Applications for modern or “contemporary” design will be discouraged within the Village Overlay Zone. Within the Village Overlay Zone, replacement construction and remodeling Building Permit Applications will receive favorable consideration in appeals for setback variance where the construction is within the original “footprint” and the plan is for a traditional look.

29.13 Site Plan. An approved site plan for development within the Village Overlay Zone shall be required and shall follow the procedural and substantive requirements for site plan submittal, review, and approval, as set forth in site plan requirements and review procedure, contained in the Subdivision Regulations. However, the Planning Commission may require a scale larger than the minimum, if needed for clarity and usefulness.

29.14 Additional Requirements. The Planning Commission, at its discretion, may require a series of photographs and sketches of the proposed Village Overlay Zone development site from various vantage points, both on and off site, to provide graphic descriptions of existing and postdevelopment views. Sketches should be of sufficient accuracy and detail to convey adequate information about the proposed general streetscape appearance, landscaping, buildings, parking and circulation proposed in order to facilitate findings of compatibility with the character of the

neighborhood and the community. However, they do not need to be expensive presentation renderings. Photographs may be in digital form but should be large enough to facilitate easy comparison to the sketch studies. The sketches, photographs, and any other supporting documentation submitted for review should accompany the preliminary site plan in order to:

1. Illustrate issues and features of the concept plan; and
2. Improve communication between the Planning Commission and the applicant; and
3. Promote streamlined review at subsequent stages when plans have begun to firm up and before substantial funds are expended on engineering and detailed design.

**Example 9. Traditional City Area Overlay, Gainesville, Florida**

*This model may be useful to larger centers that wish to employ traditional development principles in their redevelopment strategy. This Ordinance establishes elemental rules that require buildings near the street, prominent entrances and fenestration, wide sidewalks, street trees, and parking to the side or rear. It is especially easy to follow, and illustrated with simple drawings to help explain the minimum development standards in the overlay.*

(a) Purpose. The Traditional City is established to improve the sense of place and community; improve the environment for businesses, including smaller, locally-owned businesses; support a healthy economy by providing a vibrant mix of commercial, office, retail and residential uses in close proximity; reduce crime by encouraging a 24-hour mix of uses and a significant number of pedestrians; strike a balance between the needs of the car and pedestrian by creating a pleasant ambiance and interesting people-scaled features, and make the pedestrian feel safe and inconvenienced; increase transit viability; and improve independence of people without access to a car. (see figures 1 & 1A). The standards are designed to make Gainesville a more vibrant, livable place, and increase citizen pride in its development and downtown. The standards are designed to establish an important engine in job creation, a strengthened tax base, and an incubator for new, entrepreneurial, locally-owned businesses and entry-level job opportunities. The standards are also intended to protect the property values of nearby residential areas.

(b) Effect of Classification. The Traditional City standards are an overlay zoning district. They shall operate in conjunction with any underlying zoning district in the subject area. The regulations of the underlying zoning district, and all other applicable regulations, remain in effect and are further regulated by the Traditional City standards. If provisions of the Traditional City standards conflict with the underlying zoning, the provisions of the Traditional City standards shall prevail.

(c) Annual Evaluation. The City Plan Board shall conduct an evaluation of these standards on an annual basis.

(d) Exceptions. Exceptions to these standards can be granted by the appropriate reviewing board, city manager or designee, upon a finding that either of the following criteria are met:

1. The proposed construction is consistent with the overall intent of these minimum development standards;  
or
2. The applicant proves an undue hardship, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards.

In addition to the exceptions that may be granted above, exceptions to the build-to line may be granted if the proposed construction includes an existing structure which has been designated as an historic property, or has historic significance because it is potentially eligible for listing on the national or local register, and maintaining a view of the existing historic structure is in the public interest.

(e) Right to Appeal.

1. Any person aggrieved by a decision rendered by the appropriate reviewing board, city manager or designee, may appeal the decision to the City Commission within 14 days from the date the decision by the appropriate reviewing board, city manager or designee, is reduced to writing and served by certified mail, return receipt requested, to such person. The appeal shall be made by filing a written notice of appeal within the above-proscribed time period with the Community Development Department. The notice shall set forth concisely the decision under appeal and the reasons or grounds for the appeal.

2. The Community Development Department shall prepare the appeal for the City Commission. The appeal shall be de novo and shall be heard by the City Commission at its next regular meeting, provided at least 14 days have intervened between the time of the filing of the notice of appeal and the date of such meeting. The City Commission shall consider evidence and testimony placed before it, and shall render its decision promptly. The City Commission may affirm, amend or reverse the decision of the appropriate reviewing board, city manager or designee, based on competent, substantial evidence. The decision by the City Commission shall be reduced to writing and shall constitute final administrative review. Appeals from decisions of the City Commission may be made to the courts as provided by law.

(f) Definitions.

*"A" Street.* A street that is designed with, or otherwise characterized by or planned to include, features that promote the safety, comfort, and convenience of pedestrians, and that does so in a relatively exceptional way, as determined by the city manager or designee. Such streets typically feature sidewalks at least 5 feet wide, narrow streets, buildings pulled up close to the street, no front yard off-street parking, pedestrian-scaled lighting, on-street parking, landscaped medians, articulated building walls, aligned building facades, a building entrance on the street, modest turning radii, trash receptacles remote from the sidewalk. and outdoor mechanical equipment on the side, rear or roof of buildings.

*Adjacent.* Property that physically abuts the subject property on the same side of the street.

*Arcade.* An exterior covered passageway along a building facade open to the street frontage. (see figures 2 & 2A)

*Build-to line.* The line at which construction of a building facade is to occur on a lot. A build-to line runs parallel to the front property line and is established to create an even (or more or less even) building facade line on a street.

*Civic or civic use.* Administrative and legislative government offices, schools, postal facilities, cultural facilities (such as libraries and museums), places of religious assembly, meeting halls, child care centers, clubhouses, bandshells, pavilions, and the like.

*Facade.* The principal face, front elevation, or vertical surface of a building which is set along a frontage.

*Formal landscaping.* Street trees or shrubs, sometimes placed in tree grates, brick-paved sidewalks, planters, or distinctive screening walls, that form an aligned street wall parallel to the street. This tree arrangement forms an intimate, comfortable, dignified public place along a corridor. The arrangement is often useful to visually "narrow down" a corridor when facing buildings on a street are set too far apart or are of insufficient height to establish the preferred street width to building height ratio of 1:1 to 3:1. (see Figure 3)

*Freestanding retail.* A retail building in which the entire building is used by a single retailer. A single- rather than mixed-use retail building. Retail shall not include entertainment activities.

*Frontage.* That side of a lot abutting a street right-of-way. When a lot abuts more than one street, it is that side that abuts the more primary street or the street designed for the highest pedestrian volume. For a corner lot, all sides abutting a street shall be considered frontage.

*Glazed area.* Combined geometric surface area of fixed or operable window units, storefront windows and glass doors. Glazed area does not include glass block.

*Main entrance.* That entrance of the building which is most architecturally prominent and contains operable doors.

*Mechanical equipment.* A heating, ventilation, or air conditioning unit placed outside of a building.

*Parapet.* A low, solid, protective screening or decorative wall; often used around a balcony or balconet, or along the edge of a roof. (see Figure 4)

*Parking structure.* A multi-story structure containing vehicle parking. Does not include a single-level parking area, commonly known as a "surface parking lot."

*Pedestrian-style/scale or people-scaled.* The establishment of appropriate proportions for building mass and features in relation to pedestrians and the surrounding context.

*Pilaster.* A rectangular or round column or shallow pier attached to a wall constructed to coordinate with the style of the building. (see Figure 5)

*Rhythm.* Regularly recurring facade elements, features, or building masses.

*Screening wall.* A wall made of fieldstone, brick, stucco, wrought-iron (or equivalent to wrought-iron), or a combination of these materials, excluding round industrial railing and chain link. The wall shall create a visual buffer and shall be at least 25 percent solid.

*Setback.* The required minimum horizontal distance from a building structure to a street or property line within which a structure may not be erected.

*Street edge.* The vertical face formed by building facades, street trees, and screening walls which is aligned along a street, forming a comfortable people-scaled space.

Notes:

- Above-defined terms are italicized in the text for convenience.
- Drawings are illustrative only. They do not represent required designs.

#### (g) Delineation of Traditional City Overlay District

Properties adjacent on both sides of streets along the borders of the area in the Traditional City overlay district are within the Traditional City. Distances from the Traditional City to structures outside the Traditional City shall be measured from the outer curb or edge of pavement along the Traditional City border.

#### (h) Required Compliance

All new commercial, office, civic and multi-family buildings and developments shall be required to comply with the sections of the text labeled "standards."

(1) Presumptive vested rights. Developments shall be presumptively vested for the purposes of consistency with this overlay if they have filed a valid application for a preliminary development order issued by the city, as specified by Article VII, Division 1, prior to the effective date.

(2) Non-conforming uses and buildings:

a. Continuation of use. A nonconforming use may be continued as provided in section 30-23, Non-Conforming Use, and section 30-346, Non-conforming Lots, Uses or Structures.

b. Expanding existing non-conforming uses. A special use permit may be issued for expansion of uses made non-conforming by these Traditional City standards when the City Plan Board makes findings that the proposed expansion is in compliance with Article VII, Division 4, Special Use Permit.

In addition, no permit for expansion of a non-conforming use shall be issued unless the City Plan Board makes the following findings concerning the proposed expansion:

1. The expansion complies with the Traditional City standards, as applicable;
1. Auto Dealers, Auto Service and Limited Auto Services, and Gas Service Stations shall comply with sections 30-93 and 30-94;
2. Carwashes shall comply with section 30-95;
3. Outdoor Storage shall comply with section 30-97;
4. Parking Lots, as the principal use other than structured parking or the use of existing parking lots, shall comply with section 30-114;
5. The expansion shall not reduce pedestrian safety by increasing driveway widths, adding a new driveway crossing to a sidewalk or crosswalk, or increasing the number of driveway lanes;
6. The expansion shall not increase the size of signs on the site;
7. The non-conforming use shall not be changed (except to a conforming use) as a result of the expansion;
8. The expansion shall not result in a conversion of the non-conforming use from a seasonal to a year-round operation, nor shall it result in the use expanding its hours of operation;
9. Outdoor storage areas shall not be expanded or located any closer to residential development as a result of the expansion; and

11. The proposed expansion shall not add more than 25 percent of new floor area to existing buildings on the site.

c. Change of use. A non-conforming use may only be changed to a conforming use.

d. Development, enlargement, or modification of a non-conforming building. A non-conforming building may be modified without requiring conformance with this overlay if the change would not increase the degree of non-conformity with the following standards: Build-to Line, Parking, Trash and Recycling Receptacles and Loading Docks, Sidewalks, Building Orientation, Building Wall Articulation, Mechanical Equipment, Landscaping or Lighting.

e. Exception for College Park Special Area. Only the following standards of this overlay shall apply in the College Park Special Area Plan area: Build-to line, Sidewalks, Building orientation, and Mechanical equipment.

(i) Build-to line

(1) Intent. The intent of a build-to line is to pull the building facade close to the street and streetside sidewalk. By doing so, building facades along a block face will be aligned to form a

street edge that frames the public realm, while retaining sufficient width for people to walk, and sufficient space to provide a formal landscape created by street trees. (see figures 6 & 7) The street edge shapes the public realm to provide a sense of comfort and security for the public space. The build-to line prevents overly large setbacks. Overly large setbacks are inconvenient and unpleasant for pedestrians. They increase walking distances from the public sidewalk. They prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building. Similarly, overly large setbacks contribute to sign proliferation and visual blight because a building set back a large distance often needs to "shout", with signs, at passing motorists and transit users, bicyclists, and pedestrians in order to be noticed. Buildings pulled up to the street sidewalk have more of a human scale, and allow for the construction of canopies which create shade and shield the pedestrian from wet weather.

In general, the goal of a commercial build-to line should be that the width of the street corridor (as measured by opposing building facades) and the height of the buildings shall be at least a ratio of 1:1 to 3:1. (The width should be no more than three times the height. See Figure 8.) When the building across the street is not properly pulled up to the street, the desired ratio is 1.5:1 as measured from the street centerline.

(2) Standard. The build-to line (see Figure 9) shall be that which achieves the above-stated intent, as determined by the appropriate reviewing board, city manager or designee, and shall apply even if the facade faces a street outside of the overlay affected area. Building walls along a street that are not within the overlay affected area that are entirely more than 250 feet from the Traditional City shall be exempt from the Build-to Line standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard. In most instances, the build-to line shall be 20 feet from the curb or edge of pavement for at least 70 percent of the building *façade*. The *build-to line* shall apply to the building *façade* even along street sides (except rear) not facing the more primary street. Factors to be considered for variations to this build-to line shall be as follows:

- When considering a closer build-to line, the building facade shall, in most instances, be no closer than 14 feet from the curb or edge of pavement along an arterial, 12 feet along a collector, and 11 feet along a local street, in order to leave space for adequate sidewalks and tree strips (see Map A).
- When the proposed building is adjacent to existing buildings on an abutting property the facade shall, in most instances, be built at the facade of the adjacent building closest to the street, or at the 20-foot build-to line, whichever is closer to the street. (see Figure 10)
- The appropriate reviewing board, city manager or designee can approve a facade closer to the curb or edge of pavement than the previously listed distances so that a consistent street edge of adjacent buildings can be maintained.
- Buildings on corner lots or buildings on more than one street frontage shall, in most instances, have the 20-foot build-to line requirement on the more primary street frontage area.
- Buildings may have a build-to line that exceeds (is deeper than) the above requirement in order to create a courtyard or outdoor sidewalk cafe, if a screening wall 3 feet to 4 feet in height is provided at the required build-to line.
- Places of religious assembly and other civic buildings may have a build-to line up to 60 feet to allow congregational/assembly/open space, as long as at least 50 percent of the building facade is built at the required 20-foot build-to line.
- The appropriate reviewing board, city manager or designee may approve a greater build-to line (farther from the street) than the required build-to line when site constraints such as significant tree features, or significant design features warrant it. If such approval by the appropriate reviewing board, city manager or designee is granted, the front yard area must be landscaped to provide shade for pedestrians with tree plantings and to establish the street edge articulation.

- The standards described in this subsection shall supersede any landscape buffer width requirements found in Article VIII of the Land Development Code for frontage areas, except in front of surface parking lots.

Stoops, stairs, chimneys, and bay windows are allowed to extend beyond the build-to line as long as they do not exceed more than 25 percent of the front facade. Open porches, projecting signs, balconies, arcades, awnings and outdoor cafes may also extend beyond the build-to line. However, at least 5 feet of unobstructed sidewalk width and room for any required tree strip must be retained.

(j) Parking.

(1) Intent. Parking is one component of the successful commercial area, but should not dominate the streetscape, degrade the public realm, or excessively inconvenience pedestrians or transit users in the Traditional City. A good pedestrian environment is important competitive leverage for the Traditional City over other commercial areas. Parking areas located in front of buildings are inconvenient and unpleasant for pedestrians. They significantly increase walking distances from the public sidewalk. They create hot expanses of asphalt, prevent the pedestrian on the public sidewalk from enjoying building details and activity within the building, and increase safety problems since pedestrians must dodge cars in the parking area. In addition, they prevent the building from contributing to an intimate, comfortable street edge. Buildings pulled up to the street without intervening parking area have more of a human scale. A larger curb turning radius at a parking area ingress and egress point allows vehicles to negotiate a turn rapidly, whereas a smaller radius forces a vehicle to slow down.

(2) Standard.

a. No motor vehicle parking is required. All motor vehicle parking, except for single-family dwellings, shall be located in the rear or interior side of the building, or both (see figures 11, 11A, 11B and 14). No parking for motor vehicles is allowed between the *build-to line* and the front property line. However, driveway entrances and exits to parking areas for motor vehicles shall be allowed on the front side of the building. No parking lot areas shall extend for a width of more than 70 feet along any street *frontage*, without a building, outdoor café, or other vertically prominent and articulated *pedestrian scale* amenities interrupting the parking streetscape. Parking areas for motor vehicles shall not abut the more primary street intersection (see Figure 13) or occupy lots which terminate a street vista. Structured parking may be allowed in front if retail, office or residential uses are provided on the first floor abutting all public streets and sidewalks. (see Figure 12). Parking for motor vehicles shall not be incorporated into the first floor *façade* so that the first floor building space facing the *frontage* consists of parking. In addition, stormwater basins shall not abut the more primary street intersection.

b. When a parking area for motor vehicles is adjacent to a street, it shall be buffered with a *screening wall* 3 feet to 4 feet in height in order to enclose the portion of the parking exposed. (see Figure 15) Alternatively, landscaping 3 to 4 feet high may be used if it adequately defines the street corridor and screens the parking area with a least 75 percent opacity. However, such walls or landscaping must be broken up at intervals no greater than 50 feet to allow pedestrian access.

c. No parking area shall be larger than 1.5 acres in first floor area unless divided by a street or building. In no case shall parking areas use more than 50 percent of the site. The minimum number of motor vehicle parking spaces required by section 30-332 is the maximum number allowed. However, there shall be no limit on the number of parking spaces in *parking structures*.

d. The Central City District Parking Exempt Area shall not apply to bicycle parking in the Traditional City. Instead, bicycle parking spaces shall be installed as called for by section 30-332(a) - (d). Such parking may encroach into the public right-of-way or beyond the *build-to line* as long as at least 5 feet of unobstructed sidewalk width and any required tree strip is retained. Bicycle parking requirements may be waived if public bicycle parking exists to serve the use. There is no maximum number of bicycle parking spaces that may be provided.

(k) Trash and recycling receptacles, and loading docks.

(1) Intent. Trash and recycling receptacles, grease containers, and loading docks typically provide an unsightly appearance and odor problem. Improperly located and screened receptacles and docks can cause noise problems for nearby land uses when receptacles and packages are being loaded or unloaded. Therefore, they should be located as far from public sidewalks as possible and screened from view.

(2) *Standard.* If stored outside of the building, and if the building is not residential only, all solid waste, recycling, yard trash containers (except litter containers), and grease containers, shall be placed at the side or the rear of the building and attached to that building with an enclosing wall, so that it is not visible from the street. The enclosing wall shall not exceed 7 feet in height, and shall be finished or painted with the same material as is used on the building. The enclosing wall shall be fitted with an opaque sliding or hinged door and working latch. Loading docks shall be placed at the side or rear of the building, and shall be screened from the street. If the building is residential only, such containers shall be located in parking areas or in a location remote from the streetside sidewalk. When in a parking area, solid waste, recycling, and yard trash containers (except litter containers), and grease containers, shall be located in that portion of the parking area furthest from the streetside sidewalk, or at least 20 feet from a streetside sidewalk. Such containers shall be screened to minimize sound to and visibility from abutting streets or residences. "Trash Shacks," a sealed and cooled self-compacting container, may be used.

(l) Sidewalks.

(1) Intent. Sidewalks, when properly designed and maintained, provide the pedestrian with a pleasant, safe, and convenient place to walk, and mitigate traffic impacts by making the area more walkable. They are therefore an important public space in the Traditional City. Sidewalks which are too narrow are inconvenient, especially in areas with large volumes of pedestrians, for pedestrians walking side-by-side (which requires a minimum sidewalk width of 5 feet unobstructed), and for people using wheelchairs. In addition, sidewalks that are too curvilinear or that wrap around large block faces are an impediment to pedestrian convenience.

(2) *Standard.*

a. All buildings or developments must provide sidewalks along the street edge(s) of their property. Sidewalks shall be placed to align with existing sidewalks. Sidewalk connections from the principal building to the public sidewalk must be provided, and be aligned to minimize walking distance. Curvilinear sidewalks are not allowed unless they are necessary to avoid significant trees, stormwater basins, or topography, as determined by the appropriate reviewing board, city manager or designee.



b. The maximum length of a block face shall be 480 feet, unless shortened with cross-access sidewalks, arcades or alleys, so that the face is no more than 480 feet.

The minimum unobstructed width shall be 2 feet less than the required sidewalk width, as long as at least 5 feet of unobstructed width is retained. At transit stops, the minimum width is 8 feet of unobstructed width. Minimum width for a tree strip shall be 4 feet, or such other width as may be adequate for tree placement, unless the tree strip requirement is waived by the appropriate reviewing board, city manager or designee.

d. In order to maintain a consistent street edge of adjacent buildings, the appropriate reviewing board, city manager or designee may modify the required sidewalk width and the tree strip width in order to achieve the above-stated intent. In areas where a sidewalk pattern as to materials and width has been adopted, the appropriate reviewing board, city manager or designee can allow the pattern to be continued by each new development. If the sidewalks installed are less than the minimums provided above, sufficient space shall be provided in order for these minimum sidewalk widths to be added in the future.

(m) Building orientation.

(1) Intent. A successful commercial district must have vital streetfronts. Neighborhoods with lively streetfronts become the healthiest for business. Streetfront entrances provide convenience for customers and residents by minimizing walking distances from public sidewalks and nearby buildings. Rear or side entrances, or entrances oriented toward a parking lot, when no streetfront entrance is available, make travel highly inconvenient for pedestrians and transit users, cuts the building off from street life, "turns the building's back" to the public realm, and hides architectural character from public view. When a building is located at an intersection, the most convenient entrance is usually abutting the public sidewalks at the corner of the intersection.

(2) *Standard.* The *main entrance* of buildings shall be on the first floor on the more primary street, even if the more primary street is outside of the overlay affected area. If there is a prominent, publicly-accessible, scenic feature that is or will eventually be regularly used by the public, as determined by the city manager or designee, on the side opposite the street that the building must face, the building shall also face this feature with a *main entrance*. The Building Orientation standard applies if a portion of the wall along the more primary street outside of the overlay affected area is within 250 feet of the overlay affected area. The *main entrance* shall not be oriented toward a parking lot. Direct access to the building shall be provided from the street (see Figure 17). Buildings on a corner lot or a lot fronting on two streets shall place the *main entrance* on the more primary street, even if the more primary street is outside of the overlay affected area (either street if they are similar) or at the corner of the intersection. This standard does not preclude additional rear or side entrances facing parking areas.

(n) Building wall articulation.

(1) Intent. All buildings and development shall be designed to provide streetfront vitality. Long expanses of blank walls tend to be monotonous. Windows attract pedestrians, who act as a security system for the business. Like the build-to line, windows put "eyes on the street," which establishes citizen surveillance of the streetside sidewalk. Buildings without relief and interest tend to create a "massive scale", and make the public realm impersonal.

(2) Standard.

a. No more than 20 feet of horizontal distance of wall shall be provided without articulation or architectural relief for building walls facing the street, even if the building wall faces a street outside of the overlay affected area, but only if this street is more primary. Building walls along a street that is not within the overlay affected area and that are entirely more than 250 feet from the Traditional City shall be exempt from the Building Wall Articulation standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard. Walls along rear or side service areas or parking may be exempted by the appropriate reviewing board, city manager or designee. Building wall articulation or architectural relief can include, but is not limited to pilasters, windows, pedestrian entrances, arcades, awnings, shutters and canopies, or other types of building massing that modulates the building mass or surface texture. Building wall articulation shall maintain a distinction between the street-level story and upper stories.

b. Development shall generally maintain the rhythm established by the repetition of facade elements. The relationship of the new building's width to its height, particularly in lower floor bays, should be similar, if possible, to buildings in the same block face. (see figures 18 & 18A) Traditional, established breaks that occur between buildings, such as alleys, should not be eliminated.

c. Front and side building walls shall have non-reflective, transparent windows or *glazed area* at pedestrian level (between 3 feet above grade and 8 feet above grade) on the first floor, even if the wall faces a street outside of the overlay affected area. For front building walls, windows shall cover at least 30 percent of this area. For side walls, windows shall cover at least 10 percent of this area. However, side wall glazing is only required if the building is set back at least 3 feet from the side property line. Operable entrance doors shall be excluded from the calculation of total *façade* surface area. Windows or *glazed areas* facing a sidewalk on the first story of a commercial building shall use glass which is at least 80 percent transparent. Building walls along a street that is not within the overlay affected area and that are entirely more than 250 feet from the Traditional City shall be exempt from the Building Wall Articulation standard. If a portion of the wall along a street is within 250 feet, all of the wall is affected by the standard.

(o) Mechanical equipment.

(1) Intent. Mechanical equipment, when improperly located on a site or improperly screened, can contribute to noise problems and create visual blight.

(2) Standard. All mechanical equipment must be placed on the roof, in the rear or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be

allowed along street frontage(s). (see Figure 19) Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.

(p) Landscaping.

(1) Intent. In the Traditional City area, landscaping should be used both to soften the "hardness" of the urban area for the pedestrian, and make the pedestrian feel more comfortable by providing shade, reducing glare and helping to form public spaces, "outdoor rooms," and street corridor edges. Such formality of landscaping adds dignity to the Traditional City area.

(2) Standard.

a. When installed, landscaping fronting on a street must be aligned to provide a pleasant pedestrian atmosphere. Landscaping adjacent to existing and proposed street sidewalks must be formal landscaping and include shade trees and hedges that help to frame and define the public space. When installed, large shade street trees reaching at least 40 feet in height at maturity must be planted at no more than 40-foot intervals along streets.

b. For commercial development, the spacing shall be designed to avoid obscuring entrances and building signs.

c. Chain link fences, barbed wire, line-voltage electrified wire, and razor wire fences are prohibited. The city manager or designee may waive the prohibition on barbed wire or electrified fences due to public safety concerns.

(q) Lighting.

(1) Intent. Appropriate lighting can enhance the intimate, pleasant, romantic character the City seeks to promote in the Traditional City area. Lighting designed for cars tends not to be human-scaled and detracts from a pleasant ambiance. Lights on tall structures cause light pollution by casting light into areas not needed by pedestrians. In addition, the lights present a poor, bleached out atmosphere as the pedestrian views an area from afar, and hides the nighttime sky completely.

(2) Standard. Lighting, if installed, shall be pedestrian-style lighting along all sidewalks and around bicycle parking areas. If lighting is installed, structures must be no more than 20 feet high in pedestrian-oriented and parking areas and no more than 30 feet high if they are street lights. (see Figure 20).

Building, wall, and freestanding exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets.

(r) Prohibited Uses.

(1) Intent. Certain uses decrease streetfront vitality, and are so exclusively oriented toward or designed to attract motor vehicles, that they contribute to visual blight, and lack of human scale for a traditional area. As a result, such uses are not compatible with the Traditional City area.

(2) Standard. The following uses are prohibited:

- Auto Dealers, Auto Service and Limited Auto Service (IN-5511, MG-753)

- Carwashes (IN-7542)
- Gas Service Stations (IN-5441)
- Parking Lots as the principal use, other than structured parking (IN-7521). Any existing surface parking lot, whether currently a principal or accessory use, may continue, and any existing accessory surface parking lot may be converted to principal use.
- Outdoor Storage as the principal use
- *Freestanding retail* greater than 30,000 square feet in first floor area
- Gasoline pumps when accessory to a Food Store (MG-54)

(s) *Specially regulated uses.*

(1) *Intent.* Certain uses decrease sidewalk vitality, and are so exclusively oriented toward or designed to attract motor vehicles, that they tend to contribute to visual blight and a lack of human scale for a traditional area. Such uses require special review within the Traditional City area.

(2) *Standard.* The following uses are allowed by special use permit.

- Drive-throughs. In addition to conforming to the provisions of the Transportation Concurrency Exception Area, drive-throughs
  - a. shall not have an entrance or exit onto an "A" street;
  - b. shall have only one drive-through lane; and
  - c. shall be located at the rear or side of the building.

(t) *Minimum lot width.*

(1) *Intent.* Relatively narrow lots enhance the comfort and convenience of pedestrians by reducing walking distance and increasing interest and activity along the sidewalk.

(2) *Standard.* The minimum lot width at the *build-to line* shall be

18 feet for lots with alley access;

36 feet for lots without alley access; and

24 feet for lots with a shared driveway.

(u) *Building coverage.*

(1) *Intent.* Without a minimum parking requirement, a maximum building coverage creates an incentive for informal, undesirable and unsanctioned off-street parking. Landscape, stormwater and setback rules already provide sufficient limitations on building coverage. In addition, the lack of a minimum parking requirement provides an added incentive and opportunity to construct more building square footage, which is beneficial for transit and walking.

(2) *Standard.* There shall be no maximum building coverage in the Traditional City.

## Appendix B Specific Element Alternatives

### **Intent**

Statements of intent in codes and in the comprehensive plan or small area plan should be more or less interchangeable and without contradiction.

#### **Intent (Belmont, North Carolina)**

The intent of this district is to design infill developments in built-up environments which adhere to the following neighborhood design principles:

1. Integration of existing street systems
2. Flexibility of housing type
3. Creation of a usable and coherent public realm
4. Reservation of prominent sites for civic uses, where practical
5. Parking shall be determined on a project by project basis.

#### **Intent (Maryland Smart Codes Strategy Group)**

This model Ordinance:

1. Provides local governments flexibility to adjust lot area, width and side yard requirements and building heights for infill development
2. Allows for mixed-use infill development
3. Allows for accessory dwelling units in residential neighborhoods
4. Provides flexible parking requirements

### **Accessory Dwellings**

(based on Davis, California Special Uses Article 23, Chapter 29, Zoning).

- (a) One (1) accessory dwelling unit shall be allowed per legal building lot as a subordinate use in conjunction with any single family structure
- (b) Either the primary residence or the accessory dwelling unit must be occupied by the owners of the property. In addition, accessory dwelling units shall not be subdivided or otherwise segregated in ownership from the main building.
- (c) The accessory dwelling unit shall not contain less than three hundred (300) square feet and not more than eight hundred (800) square feet.
- (d) The accessory dwelling unit shall be designed to maintain the appearance of the main building of the single family residence.

### **Home Occupation Model**

Home occupations (not Live/Work Units) may be allowed subject to all of the following conditions:

- Such use shall be conducted entirely within a dwelling and carried on by the inhabitants of the dwelling with not more than one (1) additional employee or co-worker.
- Such use shall be clearly incidental and secondary to the use of the dwelling for residential dwelling purposes and shall not change the residential character of the dwelling.
- The total area used for such purposes shall not exceed ½ (one-half) the floor area of the user's dwelling unit.
- There shall be only incidental sale of stocks, supplies or products conducted on the premises.
- There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.

- A home occupation shall not provide additional off-street parking areas in order to accommodate all needs created by the home occupation.
- There shall be no exterior signage in or on the building or on the property pertaining to the home occupation.

**Existing Lots of Record**

**Hagerstown, Maryland.**

*A simplified approach to legalizing small lots under current zoning.*

Section 68-23. Compliance with ordinance. (amended 12-4-78; 12-15-81).

- A. Where at least sixty-six (66%) per cent of all lots on both sides of the same street block as the subject lot have been developed, the front and side yard setbacks of the subject lot shall conform to the average established front and side yard setbacks and the lot area and width requirements shall not be less than the average lot area and width. (Amended 2-24-94).
- B. Where, by proper subdivision, lots are created from a lot recorded among the land records of Washington County prior to the effective date of this ordinance; and where each lot so created contains a residential dwelling that existed prior to the effective date of this ordinance; and where the purpose of the subdivision is for the transfer of ownership and not for building development, then the lots so created shall be deemed to meet the lot area, width and setback requirements of the district.

**Montgomery County, Maryland.**

*A method of legalizing small lots that were previously subject to zoning.*

Buildable Lot under Previous Ordinance, Sec. 59-B-5.1:

Any lot that was recorded by subdivision plat prior to June 1, 1958, or any lot recorded by deed prior to June 1, 1958 that does not include parts of previously platted properties, and that was a buildable lot under the law in effect immediately before June 1, 1958, is a buildable lot for building a one-family dwelling only, even though the lot may have less than the minimum area for any residential zone. Any such lot may be developed under the zoning development standards in effect when the lot was recorded except that:

- a. a lot recorded before March 16, 1928, in the original Maryland-Washington Metropolitan District must meet the development standards in the 1928 Zoning Ordinance;

**Citizen Participation Ordinance, Glendale, Arizona**

**SECTION 3.304. CITIZEN PARTICIPATION PLAN:**

- A. Every application which requires a public hearing shall include a citizen participation plan which must be implemented prior to the first public hearing.
- B. The purpose of the citizen participation plan is to:
  - 1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community;

2. Ensure that the citizens and property owners of Glendale have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
  3. Facilitate ongoing communication between the applicant, interested citizens and property owners, City staff, and elected officials throughout the application review process.
- C. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.
- D. At a minimum the citizen participation plan shall include the following information:
1. Which residents, property owners, interested parties, political jurisdictions and public agencies may be affected by the application.
  2. How those interested in and potentially affected by an application will be notified that an application has been made.
  3. How those interested and potentially affected parties will be informed of the substance of the change, amendment, or development proposed by the application.
  4. How those affected or otherwise interested will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing.
  5. The applicant's schedule for completion of the citizen participation plan.
  6. How the applicant will keep the Planning Department informed on the status of their citizen participation efforts.
- E. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the site. The target area for early notification will be determined by the applicant after consultation with the Planning Department. At a minimum, the target area shall include the following:
1. Property owners within the public hearing notice area required by other sections of this ordinance;
  2. The head of any homeowners association or registered neighborhood within the public notice area required by other sections of this ordinance; and
  3. Other interested parties who have requested that they be placed on the interested parties notification list maintained by the Planning Department.
- F. These requirements apply in addition to any notice provisions required elsewhere in this ordinance.
- G. The applicant may submit a citizen participation plan and begin implementation prior to formal application at their discretion. This shall not occur until after the required pre-application meeting and consultation with the Planning Department staff.
- A. This section applies only when a citizen participation plan is required by this ordinance.
- B. The applicant shall provide a written report on the results of their citizen participation effort prior to

the notice of public hearing. This report will be attached to the Planning Department's public hearing report.

- C. At a minimum, the citizen participation report shall include the following information:
1. Details of techniques the applicant used to involve the public, including:
    - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
    - b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
    - c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and
    - d. The number of people that participated in the process.
  2. A summary of concerns, issues and problems expressed during the process, including:
    - a. The substance of the concerns, issues, and problems;
    - b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
    - c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

### **Jurisdictional Intent of Compatibility**

#### **Real Estate Rider, City of Lake Forest, Illinois**

#### **RIDER TO BE ATTACHED TO REAL ESTATE CONTRACTS IN LAKE FOREST, ILLINOIS EXPLAINING THE HISTORY OF LAKE FOREST REGARDING THE CITY'S CONTINUED DESIRE TO MAINTAIN THE OVERALL COMMUNITY CHARACTER AND ITS EXISTING RESIDENTIAL STRUCTURES AND STREETSAPES.**

The City of Lake Forest, Illinois is one of the oldest planned communities in the United States. Ever since its creation by Special Charter of the Illinois Legislature in 1861, Lake Forest has continuously planned its development and growth.

From time to time, Lake Forest has reviewed and amended its comprehensive plan and ordinances, but in each case, amendments represented a continuation of the central philosophy of the City which is to maintain its compatible community character, historic structures and streetscapes.

The City remains strongly dedicated to the preservation of its community character and historic past and to the results that have been achieved through the planning process. On September 17, 1998, the Lake Forest City Council continued the long tradition of planning for the preservation of the character of the community by adopting an Historic Preservation Ordinance. This Ordinance established the City's first Historic Preservation Commission. The Historic Preservation Commission is charged with overseeing development and re-development activity within the City's three Historic Districts to ensure the protection of the character of the Districts.

City ordinances that apply to properties throughout the City, prohibit the demolition or major alteration of existing structures of streetscapes for a reasonable period of time until the City's Boards and Commissions have had an opportunity to study the appropriateness of the proposed demolition or alteration regardless of the age of the



structure. If deemed appropriate, alternatives to the proposed demolition or alterations will be considered by the Board or Commission in an effort to achieve the goals of the City's Ordinances. Because of its unique status as a Special Charter City, Lake Forest views itself as one unified whole and not a collection of individual parts. Therefore, the City does not view a property in isolation, but rather in the context of the properties around it and, if the property is within an Historic District, in the context of the District as a whole.

Lake Forest is an attractive place in which to live and work because of its Special Charter, its history, its planning process and its continued devotion to principles which make the City attractive. **Those seeking to purchase property in Lake Forest for the first time, or moving from one place to another in Lake Forest, should be aware that the City has adopted ordinances governing demolition, construction and alteration and those ordinances should be carefully considered before making a decision to purchase.**

The City principles have withstood the test of time and the City is determined to adhere to those principles.

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Seller

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Seller

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Buyer

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Buyer

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Approved by City Council 11/19/98

## Appendix C Definitions

**BUILD-TO LINE:** The line at which construction of a building facade is to occur on a lot, running parallel to the front property line without setback, and thus ensuring a uniform (or more or less even) building facade line on the street.

**COMPATIBILITY:** Provision of exemplary site design, architectural design and high quality materials that are compatible with, and does not negatively alter the character of, the existing neighborhood.

**HOME OCCUPATION:** Ancillary businesses conducted in private homes with no exterior alteration or need for additional parking requirements, subject to certain conditions.

**INFILL:** The development of vacant, abandoned, passed over or underutilized land within built-up areas of existing communities, where infrastructure is already in place.

**LIVE-WORK UNITS:** Building type with office or retail space configured on the first floor, and residential space above.

**MIXED-USE:** A contributing use, when combined with other uses, that satisfies the day-to-day needs and functions of a walkable neighborhood or community. A mixed use building may be a live/work unit or separate- use structure situated in a predominantly residential area.

**REDEVELOPMENT:** 1. Construction in previously developed areas which may include the demolition of existing structures and building new structures, or the substantial renovation of existing structures, often changing form and function. Projects tend to be somewhat larger and more complex than infill projects.  
2. The re-use of previously used, non-agricultural land.

**SMART NEIGHBORHOODS:** Compact mixed use areas employing the principles of Traditional Neighborhood Development. “Smart Neighborhood Development” means a comprehensively planned, compact mixed use development within a PFA that integrates residential, commercial, open space, walkability and public uses.

**TEARDOWN:** Demolition and subsequent replacement of a structure

**TRADEMARK BUILDING:** Buildings with distinct or unique exterior appearances by which particular businesses can be easily identified. May also have unique interior layouts that cannot be easily reprogrammed for subsequent occupation.

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