

## Zoning Module 1 - Mixed-Use Activity Center

*This Mixed Use Activity Center model zoning code is designed to remove obstacles to mixing uses. This zone allows mixed-use development by right (i.e., without the need for a rezoning or special discretionary approval process such as Planned Unit Development) where the city has identified and proactively rezoned the area. This zone fits the locations described in the Introduction as priority areas to encourage more mix of uses as. Use the goals in CP-1 and process in CP-2 to help determine district(s) location and size. When implemented as described this zone allows you to intensify development where you can serve it more efficiently and where the community has agreed it makes sense. This zone has two categories; Community Activity Centers are designed to serve larger community areas while Neighborhood Activity Centers serve a smaller neighborhood-wide area.*

### Neighborhood Activity Center (NAC) Community Activity Center (CAC)

**Purpose:** Promote the development or re-development of mixed use activity centers and support walking and biking choices with a simple, clear approval process.

1. Promote mixed use, compact, and transit oriented development that supports a sustainable pattern of land use with retail, commercial, and residential units.
2. Provide minimum standards for development of mixed use activity centers with flexibility in design, uses and other development requirements that recognize the unique characteristics of each site and its surroundings.
3. Require development with the physical characteristics of pedestrian-oriented design;
4. Promote the health and well-being of residents by encouraging physical activity through active transportation, alternative transportation, and greater social interaction; and
5. Utilize unused existing capacity in infrastructure and service systems.

**Comment:** *Level the playing field for mixed-use developments. This module is intended to be used for activity centers (See Comprehensive Plan Module 2 for description of characteristics and tools to identify activity centers) Create incentives for mixed-use development through the use of this zone by introducing a wider array of permitted uses (as opposed to single-use districts), allowing higher densities and appropriate dimensions and accelerating application processing. In return the zone requires building and streetscape characteristics that are more successful in providing walking and biking opportunities and in supporting Placemaking or creating great places within the community. You should concurrently change your code for single-use commercial strip developments to hold them to the same high design and other standards required of mixed-use developments to strengthen the incentive of this zone.*

### Definitions

As used in this ordinance, you should add the following words and terms to your list of definitions if they are not already included with the meanings specified here:

**“Floor Area Ratio”** means the ratio of a building’s gross floor area to the lot on which the building is located.

**“Gross Floor Area”** is the sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. Gross floor area does not include basements when at least one-half the floor-to-ceiling height is below grade, accessory parking (i.e., parking that is available on or off-site that is not part of the use’s minimum parking standard), attic space having a floor-to-ceiling height less than seven feet, exterior balconies, uncovered steps, or inner courts.

**“Mixed-use Building”** means a building that contains at least one floor devoted to allowed non-residential uses and at least one devoted to allowed residential uses.

### A. Allowed Uses

**Comment:** *This use table or list should be refined to reflect local characteristics and planning objectives. You should also review this table against use tables in your existing ordinances for consistency, making changes as necessary. The range of uses allowed should be kept as broad as possible in order to ensure that the district is economically viable. Note that this model allows, as a conditional use, drive-through facilities in Community-sized Activity Centers. Drive-through facilities may be appropriate in such areas in connection with banks and pharmacies, and only rarely for restaurants. Whether to allow them is a policy choice, no different than other policy choices. In buildings with residential units, commercial use issues will be largely self-policing because owner associations and builder/developers will ensure that commercial uses in mixed-use buildings will be compatible with upper-story residential uses.*

**Directions for using this section:** Uses are shown in matrix and as a list, use the method that best fits other portions of your zoning code. There are examples of uses allowed in the list section. Add those examples to the matrix or to your list of definitions if needed.

Uses	Neighborhood Activity Center	Community Activity Center
Residential	Attached and detached Single-family	Attached and detached Single-family (discourage in core)
	2-family (duplex), group residential	2-family (duplex), group residential (discourage in core)
	Live-work units	Live-work units
	Multi-family dwellings 12 units or less	Multi-family dwellings 48 units or less
Other Mixed Uses	Personal and Professional Services: Professional offices Personal Services ATM	Personal and Professional Services: Professional offices Personal Services Financial Institutions (drive-through service by conditional use only)
	Neighborhood Retail: Food Sales-Convenience Consumer Repair Services General Retail Sales-Convenience	Community Retail: Food Sales Consumer Repair Services General Retail Sales (subject to building size limits) Drug Store/Pharmacy (drive-through service by conditional use only) Auto Related Repair services (by conditional use only) Gasoline or other fuel are prohibited
	Restaurant, excluding drive-through service	Restaurant (drive-through service by conditional use only)
	Laundromats and dry cleaners	Laundromats and dry cleaners
	Lodging: Inn, Bed & Breakfast or Hostel with fewer than 12 beds	Lodging: Hotel with 36 rooms or less
	Child Care serving 24 children or less	Child Care serving 48 children or less
	Public Uses	Public Uses
	Live-Work Units	Live-Work Units

**Comment:** *Fuel sales uses are prohibited, allowing them is a policy choice you may want to consider as a conditional use. Generally they will disrupt the pedestrian fabric, though good design can mitigate.*

A1. **Residential Uses** permitted as listed subject to conformity with standards in Section B.

A 1.1. Attached and detached Single-family

A 1.2. 2-family (duplex), group residential

**Comment:** *Unless you adopt a minimum density standard, lower density residential uses are allowed, however they must still meet the dimensional standards of the district and should be discouraged as new infill in the core of the activity center.*

A 1.3. Live-work units

A 1.4. Multi-family dwellings NAC 12 units or less, CAC 48 Units or less

A2. **Personal and Professional Services** permitted as listed subject to conformity with design standards below.

A 2.1. Professional offices (i.e., medical or dental offices and clinics, counseling services, attorneys, life insurance, real estate sales, design and other similar professional services)

A 2.2. Personal Services (i.e. barber shops, beauty shops, nail and pedicure, seamstress/alterations, financial planning services and similar uses.)

A 2.3. Financial services (ATM only allowed in NAC, banks, credit unions, allowed in CAC only with drive-through service allowed by conditional use only)

A3. **Activity Center Retail Sales and Services** as specified for Neighborhood Activity Centers (NAC) and Community Activity Centers (CAC) permitted as listed subject to conformity with design standards below. All other uses are prohibited.

A 3.1. Child Care Center serving 24 (NAC) or 48 (CAC) children or less.

A 3.2. Neighborhood and Community Retail as listed below.

3.2.1. Food Sales (i.e., groceries, bakeries, candy shops, delicatessens)

3.2.2. Consumer Repair Services (i.e., watch, jewelry, musical instrument) auto related repair and services by conditional use only in CAC

3.2.3. General Retail Sales-Convenience (i.e., health & beauty products, apparel, fabrics, arts, antiques)

3.2.4. Drug Store/Pharmacy within building size limit (CAC only, drive-through service allowed by conditional use only)

A 3.3. Restaurant, (NAC no drive-through service allowed, CAC drive-through service allowed by conditional use only)

A 3.4. Laundromats and dry cleaners.

A4. **Lodging:** Subject to conformity with the design standards below.

A 4.1. Inns, Bed & Breakfast, Hostel with 12 bedrooms or less (NAC); Hotel with 36 rooms or less (CAC)

A5. **Uses similar to the above** when approved by the Planning Director.

**Comment:** *Similar uses as approved are meant to accommodate unforeseen uses that impose no adverse impact. This power may already be articulated in your general zoning code and may not need to be added in this section.*

## B. Dimensional Standards

Requirement	Minimum Standard	
	Neighborhood Activity Center	Community Activity Center
<b>FAR/Density</b>		
Buildings without mixed use		
Floor Area Ratio (FAR)	0.5 – 1.0 FAR	0.5 – 2.0 FAR
Residential (DU/Acre)	8 – 20 DU/Acre	12 – 40 DU/Acre

<b>Mixed use Buildings</b>		
Floor Area Ratio (FAR)	0.5 – 1.5 FAR	0.5 – 3.0 FAR
Residential (DU/Acre)	8 – 20 DU/Acre	12 – 40 DU/Acre
Residential (% of FAR)	50% of gross floor area	33% of gross floor area
Non-residential (% of floor area)	15% of the floor area	10% of the floor area
<b>Placemaking</b>		
Public Open Space	2.5% (see B1.1 below)	5% (see B1.1 below)
Public Amenities	1 (see B1.2 below)	2 (see B1.2 below)
<b>Setbacks/Maximum Heights</b>		
<b>Setbacks</b>		
Front Set backs	0-10 feet (see B1.3 below)	0-10 feet (see B1.3 below)
Side yard Setbacks	0 (see B1.4 below)	0 (see B1.4 below)
Rear Set backs	20 feet (see B1.5 below)	0-30% of lot depth (see B1.5 below)
<b>Height</b>		
Buildings w/o mixed use	37 feet	55 feet
Mixed Use Buildings	40 feet	60 feet

**Comment:** *If mixed-use buildings are desired, such buildings should be rewarded with more flexible development standards. The model ordinance allows higher FARs, and increased heights in mixed-use buildings than it does in single-use buildings. The standards proposed allow greater height for mixed-use buildings than for single-use buildings because mixed-use buildings are required to have taller floor-to-ceiling heights on the ground floor. The proposed standards will accommodate up to three-story buildings in a neighborhood activity center or five-story buildings in a community activity center. If this size building is too tall for your community these standards can be adjusted to meet local needs (such as a two story in NAC and three story in CAC standard). If you adjust them they should still reward mixed use buildings. Some communities will want to regulate height by stories rather than feet above grade, since stories will allow for greater flexibility in building design.*

**B1. Dimensional Standards permitted as listed in the table above subject to the following.**

- B 1.1. Each commercial or retail use shall provide a public trash receptacle.
- B 1.2. Public open space requirement may be met by an outdoor seating area, expanded sidewalk space, a residential front stoop or other similar elements and required amenities may be located in the open space area.
- B 1.3. Payment in lieu to fund an open space or plaza area for the district as a whole may be accepted, if there is a district plan and funding mechanism.
- B 1.4. Public amenities include public art, public seating, or other sidewalk furnishings, drinking fountains, approved ROW or sidewalk landscaping with maintenance plan or an amenity approved by the planning director to meet this requirement. Requirement may be met by a payment in lieu for a proportionate share of an approved amenities plan for the district as a whole, if there is a district plan and funding mechanism.

**Comment:** *Public open space and amenities help provide Placemaking characteristics to an activity center which ultimately benefits the landowners in the district by making it more attractive and successful. Requirements or exactions for on-site improvements are long accepted in land use law, though the Idaho Supreme Court has never ruled on them (see case law in Idaho Land Use Handbook listed in resources). To identify the most efficient way to provide these, such as planning a shared open space rather than individual open spaces, the activity center should have an open space and amenity plan. A plan can be developed through a public process or a private agreement (such as a development agreement). You*

*need to determine if having such a requirement is a big enough barrier as to discourage development in the activity center. You should develop some mechanism or incentive for these place making characteristics if you don't require them in code.*

B 1.5. The entire building façade must abut front and street side property lines or be located within [10] feet of such property lines.

**Comment:** *Rather than mandating a zero-foot “build-to” line for all properties in Z1 zoning districts, this model offers flexibility to accommodate shallow building setbacks that are sometimes necessary to accommodate features such as outdoor seating/display areas, residential stoops and sidewalk widening. Those features may also be accommodated on easements in the public right-of way with consent of the controlling public agency*

B 1.6. No interior side setbacks are required in the Z1 district, except when Z1-zoned property abuts residentially zoned property, in which case the minimum side setback for the abutting side shall be the same as required for a residential use on the abutting R-zoned lot.

**Comment:** *Most pedestrian-oriented shopping streets are lined with buildings that span the entire width of the lot. The standard proposed here will help reinforce that pattern, while also ensuring that if a Z1 district abuts a residential zoning district, a “typical” residential side yard will be provided.*

B 1.7. The minimum rear setback will be as listed except when Z1-zoned lots abut the rear property line of residential lots, in which case the minimum rear setback for the abutting rear lot line shall be the same as required for a residential use on the abutting R-zoned lot.

**Comment:** *The appropriate rear setback will depend on lot and development patterns in the area. When alleys abut the rear, no rear setback may be necessary, except perhaps for upper floors. When residential lots abut the rear yard you will want to protect the privacy and open feeling expected within residential rear yards*

## **B2. Building Size Limits**

B 2.1. The gross floor area of commercial establishments shall not exceed [7,500] square feet (NAC) or [15,000] square feet (CAC).

**Comment:** *Floor area limits are proposed in the model ordinance to help ensure that allowed commercial uses would be geared toward a neighborhood market area. The upper limit proposed in this model ordinance would accommodate a modern drug store. If floor area limits are employed, the standards should not be so restrictive as to hamper the economic viability of the district. If the district serves an area that does not otherwise have grocery service you may want to include an exception for a viable sized grocery (typically up to 30,000 sf) as long as the building it is housed in meets the zones standards.*

## **B3. Floor-to-Floor Heights and Floor Area of Ground-floor Space**

B 3.1. All commercial floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of [11] feet.

B 3.2. All commercial floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

3.2..1. At least [1000] square feet or [25] percent of the lot area (whichever is greater) on lots with street frontage of less than [50] feet; or

3.2..2. At least 20 percent of the lot area on lots with [50] feet of street frontage or more.

**Comment:** *In areas with strong residential real estate markets, ground-floor space is sometimes viewed as an afterthought, particularly when developed by those with a poor understanding of mixed-use development. These types of provisions can help ensure that ground-floor space will meet the needs of future retailers and not sit vacant for years after upper-floor residential units have been leased or sold.*

**B4. Indoor/Outdoor Operations**

B 4.1. All permitted uses in the district must be conducted within completely enclosed buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas.

**B5. Parking Requirements**

B 5.1. [Insert reference to your agencies existing parking standards here]

B 5.2. On-street parking spaces adjacent to the property may be credited toward the minimum parking requirements.

B 5.3. No off-street parking is required for nonresidential uses in [Z1] districts unless such uses exceed [3,000] square feet of gross floor area, in which case off-street parking must be provided for the floor area in excess of [3,000] square feet.

B 5.4. Off-street parking spaces may be off-site and may be leased by the user in parking lots that meet city requirements. All off-street parking that is on-site must be provided in the rear of the principal building if access allows or in the side yards and screened so as to not be visible from public right-of-way or residential zoning districts. No parking is allowed between the building and street except for on-street parking.

B 5.5. [Optional] For all uses that are within [150 feet] of each other and can prove parking needs occur at differing peak times credit for parking spaces may be shared at the discretion of the planning administrator based on the results of a credible parking study.

B 5.6. [Optional] For all residential uses and non residential uses over 3000 square feet of gross floor area all parking requirements are reduced by [15%/10%].

**Comment:** *Allowing on-street parking spaces to count toward the minimum parking requirement and exempting small retail businesses from compliance with off-street parking requirements will help promote use of small parcels, pedestrian-oriented character and encourage use/reuse of storefront retail space. Allowing parking to be off-street but not requiring that parking to be on-site or owned by the user provides the opportunity to share parking with other businesses. You may consider allowing parking lots as a conditional use in the district, but only with criteria that limits the street frontage and total area for the district and provides for screening the parking from the right-of-way. It may be advantageous to provide shared public parking for the full activity center – this would likely require a business improvement district, urban renewal district, other public support or a willing landowner. Communities should also examine off-street parking ratios in their standard parking requirements with an eye toward reducing the amount of off-street parking required overall and encouraging shared off-site parking arrangements. You may increase or decrease the distance between uses (B.5.5) that share parking based on local conditions. In addition to exempting the first 3,000 square feet you may want to reduce parking for the remaining square footage by a ratio that makes sense locally (B.5.6, 15%/10% for example). If you do reduce parking collect data on those approved and adjust up or down or except certain uses if needed.*

**Comment:** *You may find that larger retail chains object to the minimum FAR of 0.5 and the parking location requirements in this zone (to the side or rear). They may cite a standard design the calls for a building that is setback behind the parking and a higher ratio of parking to building area. Allowing exceptions to the parking or building location and FAR will create gaps in the pedestrian fabric of the activity center and can make is less lively, however having such a use may bring more customers to the activity center. Whether to allow an exception to these standards is a policy choice, no different than other policy choices, but should be made with full understanding of the impacts. Design standards can be used to mitigate some of the impacts.*

**B6. Bicycle Parking:** Shall be provided near the front entrance and covered where possible.

- B 6.1. For multifamily residences there shall be one bicycle space or locker for each two dwelling units, or portions thereof.
- B 6.2. Bicycle parking for two bikes is required for all uses non-residential uses over 3000 square feet. One bicycle parking space for each ten (10) required automobile parking space(s) or fraction thereof are required when that number is greater than two. This bicycle parking requirement may be met with shared bicycle parking at a larger rack within [100] feet.
- B 6.3. Each bicycle parking space shall be sufficient to accommodate a bicycle at least six (6) feet in length and two feet wide, and shall be provided with some form of stable frame permanently anchored to a foundation to which a bicycle frame and both wheels may be conveniently secured using a chain and padlock. (See APBP standards in resource section)

**Comment:** *Bicycle parking needs to be visible, accessible, easy to use, convenient, and plentiful. Racks need to support the whole bike (not just one wheel) and enable the user to lock the frame and wheels of the bike with a cable or U-shaped lock. Parking should preferably be covered, well lit, and in plain view without being in the way of pedestrians or motor vehicles. When these criteria aren't met, there's a good chance cyclists won't use what is provided and will park wherever they think their bike will be safe.*

**B7. Building Transparency**

- B 7.1. A minimum of [60–75] percent of the street-facing building façade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas in commercial or retail spaces.
- B 7.2. The bottom of any window or product display window used to satisfy the transparency standard of paragraph (1) above may not be more than [3–4.5] feet above the adjacent sidewalk.
- B 7.3. Product display windows used to satisfy these requirements must have a minimum height of [4] feet and be internally lighted.

**B8. Doors and Entrances**

- B 8.1. Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.
- B 8.2. Building entrances may include doors to individual shops or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of shops or businesses.

**Comment:** *Requiring ground-floor windows and sidewalk-facing entrances help make for a more active and interesting pedestrian environment.*

**B9. Vehicle and Driveway Access**

- B 9.1. Existing block patterns should be maintained by carrying adjacent street connections to and through the activity center;
- B 9.2. No curb cuts are allowed for lots that abut alleys.
- B 9.3. Shared access is desired for lots using curb cut driveways to minimize the number of driveways

**Comment:** *Driveways that cross sidewalks disrupt pedestrian movements and pose safety threats. They should be the rare exception in neighborhood-oriented mixed-use districts.*

**B9. The city may modify the base dimensional standards** for greater FAR, density, height and setback in a development agreement in return for [insert list of reasons or standards to allow incentives such as, additional public amenities, affordable housing allowances, or green building standards that exceed minimum requirements] based on the following criteria:

- B 9.1. Taller or more dense buildings may be allowed at the center of the site and along primary street frontages not adjacent to a less intense zone; building height may be allowed to exceed limit in these areas or on buildings that employ upper story setbacks;
- B 9.2. Building height and mass should gradually decrease toward the edge of the center so that new structures have a comparable scale as adjacent properties along the shared lot line or street frontages at the centers edge;
- B 9.3. Lower-intensity housing types (e.g., townhomes, duplexes, etc.) can be placed in transition areas between the activity center and the neighborhood.

**Comment:** *Each city will have different goals that they may want to incent through additional FAR height or density. Include this section only if you have adopted goals and rationale to support it.*

## References

Sec. 4.1 Model Mixed-Use Zoning District Ordinance Model Smart Land Development Regulations Interim PAS Report ©American Planning Association, March 2006

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