

Zoning & Subdivision Report

Planning & Development Department ~ 417/864-1611
840 Boonville Avenue ~ Springfield, Missouri 65801

ZONING ORDINANCE AMENDMENT: FORM BASED CODE OVERLAY DISTRICT

DATE: August 9, 2010

PURPOSE: To amend Division IV, District Regulations, by adding a new section, Section 4-2800, FBC - Form Based Code Overlay District.

BACKGROUND:

In August 2009, 33 business, government and education leaders from the Springfield area traveled to Grand Rapids, Michigan for the Springfield Area Chamber of Commerce Community Leadership Visit. The Report 2009: Springfield, MO to Grand Rapids, MI indicates that “The City has adopted a form-based zoning code that places more emphasis on high-density urban areas and pedestrians, and less emphasis on vehicle traffic.” The City of Grand Rapids’ commitment to sustainability focuses on several areas including quality community design and infrastructure. As a result of the Grand Rapids visit, there was interest in using this type of development regulations in the city of Springfield.

The form-based code district concept was presented to the Springfield Area Chamber of Commerce Development Issues Input Group (DIIG) and the group was supportive.

Planning and Zoning Commission initiated this application at their August 5, 2010 meeting.

STAFF COMMENTS:

A Form-Based Code is a means of regulating development to achieve a specific urban form. Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form and scale of development rather than only distinctions in land use types. This is in contrast to conventional zoning’s focus on the management and segregation of land uses.

This proposal is to establish a new section, Section 4-2800, FBC – Form-Based Code Overlay District in the Zoning Ordinance to promote traditional urban form and a lively mix of uses. The new section will provide an alternative to development under the typical requirements of the Zoning Ordinance by allowing the establishment of a Form-Based Code District as an overlay zoning district within an area. Under these regulations, property owners will have the option of developing under FBC District or the zoning ordinance, but it must be one or the other.

There are several components of a FBC District including the regulating plan and building envelope standards, architectural standards, street specifications, streetscape standards, ambient standards, ambient standards and parking requirements. The regulating plan provides the

standards for each property and specific information on permitted development for each property within the District. The regulating plan also identifies the building envelope standards for all building sites within the FBC District. The building envelope standards establish basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain required or permitted building elements, such as shopfronts, doors, windows, balconies, and street walls. The building envelope standards establish both the boundaries within which things may be done and specific things that must be done. The intent of the architectural standards is to promote a coherent and pleasing architectural character that is complementary to the best regional traditions. The standards govern a building's architectural elements regardless of its building envelope standard and set the parameters for allowable materials, configurations, and construction techniques. The street-type specifications illustrate typical configurations for streets within the FBC District. Specifications address vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, pedestrian crossing distances, and on-street parking configurations. The streetscape standards are intended to ensure coherent street space and to assist builders and owners with understanding the relationship between the public space of the FBC District and their own building. These standards set the parameters for the placement of street trees and other amenities or appurtenances including benches, signs, etc. The ambient standards are intended help create the desired environment for the FBC District by setting the parameters for sound levels, noise levels, screening, and other environmental concerns. The goals of the parking requirements are to encourage shared parking, avoid adverse parking impacts on neighborhoods adjacent to the form district, maximize on street parking, etc.

The application to create a FBC District would identify and assign Community Types and then assign Transect Zones and Civic Functions within each Community Type. There are three possible Community Types including Urban Neighborhoods, Downtowns and Specialized Communities. There are seven possible Transect Zones ranging from T1: Natural to HWY: Highway Development. The designation of an area as an FBC District would include review by the Administrative Review Committee (ARC) and then public hearings before Planning and Zoning Commission and City Council.

Following approval of this proposed text amendment City staff will begin work on a FBC District for the IDEA Commons as recommended in the IDEA Commons Plan. The Community Types and Transect Zones within the FBC District will be determined through a process of public consultation including a developer/neighborhood meeting as well as a Design Charrette. The Design Charrette, scheduled for various sessions August 31 through September 9, will provide the opportunity to explore how people feel about design in the community.

RECOMMENDATION: Staff recommends **approval** of this amendment (Attachment A). Due to the complexity of this amendment, Commission is encouraged to continue the public hearing and discussion on this amendment if Commission members have questions or would like additional information regarding the amendment.

STAFF CONTACT PERSON:

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ATTACHMENT A
PROPOSED ZONING ORDINANCE AMENDMENT

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Section 4-2800. FBC - Form-Based Code Overlay District

4-2801. **Intent.** The intent of this District is to promote traditional urban form and a lively mix of uses by enabling, encouraging, and qualifying the implementation of the following policies.

A. The Metropolitan Area

1. The metropolitan area should retain its natural infrastructure and visual character derived from topography, woodlands, farmlands, riparian corridors, and coastlines.
2. Growth strategies should encourage infill and redevelopment in parity with new communities.
3. Development contiguous to urban areas should be structured in the neighborhood pattern and be integrated with the existing urban pattern.
4. Development non-contiguous to urban areas should be organized in the pattern of clusters, traditional neighborhoods or villages, and activity centers.
5. Affordable housing should be distributed throughout the Metropolitan Area to match job opportunities and to avoid concentrations of poverty.
6. Transportation corridors should be planned and reserved in coordination with land use.
7. Green corridors should be used to define and connect the urbanized areas.
8. The metropolitan area should include a framework of transit, pedestrian, and bicycle systems that provide alternatives to the automobile.

B. The Community

1. Neighborhoods and Activity Centers should be compact, pedestrian-oriented, and mixed-use.
2. Neighborhoods and Activity Centers should be the preferred pattern of development and that districts specializing in single-use should be the exception.
3. Ordinary activities of daily living should occur within walking distance of most dwellings, allowing independence to those who do not drive.

4. Interconnected networks of Streets should be designed to disperse and reduce the length of automobile trips.
5. Within *Neighborhoods*, a range of housing types and price levels should be provided to accommodate diverse ages and incomes.
6. Appropriate building densities and land uses should be provided within walking distance of transit stops.
7. *Civic*, institutional, and commercial activity should be embedded in *Activity Centers*, not isolated in remote single-use complexes.
8. Schools should be sized and located to enable children to walk or bicycle to them.
9. A range of open space including parks, squares, and playgrounds should be distributed within *Neighborhoods* and urban zones.

C. The Block and the Building

1. Buildings and landscaping should contribute to the physical definition of streets as *Civic* places. Buildings are aligned and close to the street. Buildings form the space of the street. The street is a coherent space, with consistent building forms on both sides. This agreement of buildings facing across the street-space contributes to a clear public space and street-space identity.
2. Development should adequately accommodate automobiles while respecting the pedestrian and the spatial form of public space.
3. The design of streets and buildings should reinforce safe environments, but not at the expense of accessibility. Buildings oversee the street-space with active fronts. This overview of the street-space contributes to vital and safe public space. Property lines are physically defined by buildings, walls, or fences. Land should be clearly public or private—in public view and under surveillance or private and protected.
4. Architecture and landscape design should grow from local climate, topography, history, and building practice. Buildings are designed for towns and cities. Rather than being simply pushed closer together, as in many suburban developments, buildings must be designed for the urban situation within towns and cities. Views are directed to the street-space and interior gardens/court-yards, not into neighboring lots.
5. Buildings should provide their inhabitants with a clear sense of geography and climate through energy efficient methods.

6. Civic Buildings and public gathering places should be provided locations that reinforce community identity and support self-government.
7. Civic Buildings should be distinctive and appropriate to a role more important than the other buildings that constitute the fabric of the city.
8. The preservation and renewal of historic buildings should be facilitated to affirm the continuity and evolution of society.
9. The harmonious and orderly evolution of urban areas should be secured through graphic codes that serve as guides for change.

4-2802. Applicability.

- A. Provisions of the FBC District are activated by “shall” when required; “should” when recommended; and “may” when optional. When recommended, compliance shall be required, unless an alternative is approved by the Administrative Review Committee (ARC).
- B. The FBC District is an overlay district with provisions distinct from the Base Zoning District. Development of a property in an FBC District shall be in compliance with either all of the provisions of the FBC District or all of the provisions of the Base Zoning District. The provisions of the FBC district and the Base Zoning District cannot be mixed when developing a property.
- C. The provisions of the FBC District, when in conflict, shall take precedence over those of other codes, ordinances, regulations and standards of the City of Springfield except the Local Health, Safety, Building and Fire Code, Airport Overlay District (Subsection 4-2600) and Landmarks (Subsection 4-2400).
- D. The codes and ordinances of the City continue to be applicable to issues not covered by the FBC District except where these would contradict the Intent of Subsection 4-2801, in which case the conflict shall be resolved in favor of the FBC District.
- E. The Subdivision Regulations of the City shall be and remain in full force and effect to the extent not in conflict with the FBC District. A provision in the FBC District that conflicts with the Subdivision Regulations or any other City regulation, e.g. street lighting, street and thoroughfare layout, street drainage, landscaping and setbacks will govern and control; provided that all streets, drainage to be constructed as provided in the FBC District, water and wastewater lines and facilities, utilities, and all other infrastructure shall be designed and installed in accordance with good engineering practices and City-approved plans and specifications. The specifications for and quality of construction and installation of all infrastructure shall comply with the rules, regulations, standards and requirements of the City, in effect from time to time. All construction, work and installation shall be subject to City inspection and acceptance.

- F. Terms used throughout this Section shall take their commonly accepted meanings or as defined in the Definitions of Terms (*Subsection 4-2809*). Terms listed in the Definitions of Terms are italicized with the first letter capitalized in this section. In the event of conflicts between these definitions and those of existing codes and ordinances of the City, those of this Section shall take precedence.
- G. The Definitions of Terms contains regulatory language that is integral to this section.

4-2803. Components of an FBC District. A FBC District is comprised of the Regulating Plan, Architectural Standards, Street Specifications, Streetscape Standards, Ambient Standards and Parking Requirements as described below. Additional standards and specifications may be established beyond the required standards and specifications.

A. Regulating Plans

- 1. A regulating plan provides standards for the disposition of each property or lot and illustrates how each relates to the adjacent properties and street-space. The regulating plan is the coding key for the FBC District that provides specific information on permitted development for each property.
- 2. The regulating plan identifies the building envelope standards for all building sites within each FBC District. The building envelope standards establish basic parameters governing building form, including the envelope for building placement (in three dimensions) and certain required or permitted building elements, such as shopfronts, doors, windows, balconies, and street walls. The building envelope standards establish both the boundaries within which things may be done and specific things that must be done. The applicable building standard for a lot or parcel is determined by its street frontage, as designated on the regulating plan. The building envelope standards also include broad parameters for use. The intent of the building envelope standards is to shape vital public space throughout each Form District through placement and envelope controls on buildings that frame the street-space. The standards aim for the minimum level of control necessary to meet that goal.
The regulating plan standards shall generally contain four (4) sections:
 - a. Height;
 - b. Siting;
 - c. Elements; and
 - d. Use.
- 3. Full-scale regulating plans are available for review at the Department of Planning and Development.

B. Architectural Standards. The intent of the architectural standards is to promote a coherent and pleasing architectural character that is complementary to the best regional traditions. The standards govern a building's architectural elements regardless of its building envelope standard and set the parameters for allowable materials, configurations, and construction techniques. Equivalent or better products than those specified are always encouraged and may be submitted for approval to the City.

C. Street Specifications. The street-type specifications illustrate typical configurations for streets within the FBC District. Specifications address vehicular traffic lane widths, curb radii, sidewalk and tree planting area dimensions, pedestrian crossing distances, and on-street parking configurations.

D. Streetscape Standards. The Streetscape standards are intended to ensure coherent street space and to assist builders and owners with understanding the relationship between the public space of the FBC district and their own building. These standards set the parameters for the placement of street trees and other amenities or appurtenances (e.g., benches, signs, street lights, etc.) on or near each building site and are coordinated with the street specifications.

E. Ambient Standards. The ambient standards are intended help create the desired environment for the FBC district by setting the parameters for sound levels, noise levels, screening, and other environmental concerns. Parameters may be established that are greater or less than the requirements of other codes and ordinances.

F. Parking Requirements. The goals of the parking requirements are to:

1. Promote a park once environment that will enable people to conveniently park and access a variety of commercial and Civic enterprises in pedestrian friendly environments by encouraging shared parking.
2. Reduce fragmented, uncoordinated, inefficient, single-purpose reserved parking.
3. Avoid adverse parking impacts on Neighborhoods adjacent to the form districts
4. Maximize on-street parking
5. Increase visibility and accessibility of publicly-available parking.
6. Provide flexibility for redevelopment of small sites.
7. Promote early prototype projects using flexible and creative incentives.
8. Incorporate convenient bicycle parking.

4-2804. **Procedure.** Designation of an area as a FBC District and processing of development applications shall be accomplished as follows.

- A. **Initiation of a FBC District.** The initiation of a FBC district may be made by the Springfield City Council, the Planning and Zoning Commission or by application of property owners and/or residents in the area or site to be designated. If the application is made by property owners and/or residents in the area, such application must contain signatures of property owners representing at least fifty (50) percent of the property within the proposed FBC district boundary area.

- B. **Preparation of a FBC District.** The FBC District shall be prepared for the described area in conformance with *Subsection 4-2807*.
 - 1. Communities (defined by extent and intensity in *Subsection 4-2807.C*) are comprised of *Transect Zones* (defined by the elements appropriate to them in *Subsection 4-2807.B*).
 - 2. Communities and the standards for each *Transect Zone* shall be determined through a process of public consultation. The public consultation shall consist of a neighborhood meeting in conformance with the City Council Policy for Developer/Neighborhood Meetings and a *Design Charrette*. The Developer/Neighborhood Meeting and the *Design Charrette* may be combined in one meeting.

- C. **ARC Review.** The ARC (ARC) shall review the proposed FBC District for completeness and conformance with this *Section 4-2800*. If the ARC finds the FBC District to be complete and in conformance with this *Section 4-2800*, the proposed FBC Code shall be placed on the next available agenda for the Planning and Zoning Commission.

- D. **Planning and Zoning Commission Recommendation.** The Planning and Zoning Commission shall hold a public hearing on the proposed FBC District after public notice in accordance with the provisions of *Section 3-3800*. The Commission shall, after the public hearing, submit its recommendations with respect to the proposed FBC District to the City Council for its consideration.

Prior to recommending the proposed FBC District to the City Council for approval, the Commission shall consider whether the proposed land uses and building requirements in the area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted and harmonious development of the Community and its environs which, in accordance with present and future needs, will promote health, safety, morals, order, convenience, prosperity and the general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic and other dangers, adequate provision for light and air, the promotion of the healthful and

convenient distribution of population, the provision of adequate transportation, water, sewerage and other public utilities, schools, parks, recreational and community facilities and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, the prevention of the recurrence of insanitary or unsafe dwelling accommodations or insanitary areas, or conditions of blight or deterioration, and the provision of adequate, safe and sanitary dwelling accommodations.

- E. **City Council Review and Approval.** The City Council shall review the proposed FBC District in accordance with the provisions of *Section 3-3700*. The City Council may approve the proposed FBC District if Council finds that the Plan and District feasible and in conformity with the general plan for the development of the community as a whole. Upon approval an FBC District shall be noted on the Official Map by “FBC-“ followed by a consecutive number with the first district starting at “1”.
- F. **ARC Permitting Process.** The ARC shall expedite the permitting process by providing a single interface between the developer and the agencies for review and approval of a Building Plan. A landowner or developer may appeal a decision of the ARC to the Planning and Zoning Commission.
- G. **Violations.** Should a violation of an approved plan occur during construction, the Department of Planning and Development has the right to require the landowner or developer to stop, remove, and/or mitigate the violation, or to require the landowner or developer to secure a *Variance* to cover the violation.

4-2805. Deviations.

- A. There shall be two levels of Deviations: *Warrants* and *Variances*. The Department of Planning and Development shall determine whether a requested Deviation requires a *Warrant* or *Variance*.
- B. *Warrants* permit a practice that is not consistent with a specific provision of this Code, but is justified by the Intent, *Subsection 4-2801*, (as determined by the Director of the Department of Planning and Development). *Warrants* may be granted administratively by the ARC.
- C. *Variances* permit a practice that is not consistent with a provision or the Intent (*Subsection 4-2801*), as determined by the Director of the Department of Planning and Development. *Variations* shall only be granted by the Board of Adjustment.
- D. The request for a *Variance* shall not subject the entire application to public hearing, but only that portion necessary to rule on the issue under consideration.
- E. *Warrants* and *Variances* shall be considered unique and shall not set precedent for others.

F. The following standards and requirements shall not be available for Warrants or Variances:

1. The allocation ratios of each Transect Zone.
2. The maximum dimensions of traffic lanes.
3. The required provision of Rear Alleys and Rear Lanes.
4. The minimum residential densities.
5. The permission to build Ancillary Units.
6. The requirements of parking location.

4-2806. **Incentives.** To encourage the use of this district, the City Council shall grant the following incentives:

- A. Building plans in full compliance will be processed administratively.
- B. The application processing will be expedited.
- C. [Reserved].

4-2807. **FBC Districts.**

A. **Instructions.**

1. An applicant or the Department of Planning and Development shall prepare, or have prepared on its behalf, a FBC District.
2. The FBC District shall identify, assign, and follow the requirements of the community types described in Subsection 4-2807.C.
3. The FBC District shall assign Transect Zones and Civic Functions within each community type as described in Subsection 4-2807.B.
4. In addition to the Regulating Plan, which assigns the Special Requirements as provided in Subsection 4-2807.D., the FBC District shall include a Community/Transect Map that shows Community types and Transect Zones. The Community/Transect Map should show an area larger than the proposed FBC District to provide context for the FBC District.

B. **Transect Zones.** FBC District shall consist of areas designated one or more Transect Zones as follows.

1. **T1: Natural.** Consists of lands approximating a wilderness condition, permanently set aside for conservation in an essentially natural state.

2. **T2: Rural.** Consists of lands in open or cultivated state or sparsely settled. These include woodland, grassland and agricultural land.
3. **T3: Sub-Urban.** Consists of low-density areas, primarily comprised of single-family residential units with relatively deep setbacks, streetscapes with swales, and with or without sidewalks. Blocks may be large and the roads may be of irregular geometry to accommodate natural and historic conditions.
4. **T4: General Urban.** Consists of a Mixed-use but primarily residential urban fabric with a range of building types including single-family and small apartment buildings. Setbacks are short with an urban Streetscape of Sidewalks and trees between the Sidewalk and street. Thoroughfares typically define medium-sized Blocks.
5. **T5: Urban Center.** Consists of higher-density, mixed-use building types that accommodate retail and office uses, townhouses and apartments. A network of small Blocks has thoroughfares with wide Sidewalks, steady street tree planting and buildings set close to the frontages with frequent doors and windows.
6. **T6: Urban Core.** Consists of the highest density and greatest variety of uses, including Civic Buildings of regional importance. A network of small Blocks has thoroughfares with wide sidewalks, with steady tree planting and buildings set close to the frontage with frequent doors and windows.
7. **HWY: Highway Development.** Consists of the least regulated building types and accommodates commercial and industrial uses of a scale and with a Streetscape that facilitate vehicular access.

C. **Community Types.**

1. **Urban Neighborhoods.** Urban Neighborhoods shall be urbanized areas that are primarily residential. Infill Plans that include Urban Neighborhoods shall be based on conserving, completing, or creating a Transect-based urban structure. An Urban Neighborhood shall be defined by a single standard Pedestrian Shed. Its physical center should be located at an important traffic intersection associated with a civic or commercial institution. The edges of the Urban Neighborhood should blend into an adjacent Urban Neighborhood or Activity Center without buffer. The minimum acreage for an Urban Neighborhood is 40 acres.
2. **Activity Centers.** Activity Centers shall be urbanized areas that are primarily mixed-use. Infill Plans that include Activity Centers shall be based on conserving, completing, or creating Transect-based urban structure. An Activity Center shall be defined by a Long Pedestrian Shed with the elongation following an important commercial corridor. Activity Centers should be the location of large commercial and retail uses as well as

government and other *Civic* institutions of regional importance. The edges of an *Activity Center* should blend into adjacent *Neighborhoods* without buffer. The minimum acreage for an *Activity Center* is one-hundred-sixty (160) acres.

3. **Specialized Communities (SC).** Specialized Communities shall be areas dedicated for certain uses that by virtue of size or function cannot meet the requirements for any *Transect Zone* or combination of *Transect Zones*. Specialized Communities should be created by the Department of Planning and Development in the process of preparing a *Community/Transect Map*.

D. **Special Requirements.** A FBC District shall designate the following special requirements.

1. A differentiation of the Streets as a Primary-Grid (P-Grid) and a Secondary-Grid (S-Grid). Buildings along the P-Grid shall be held to the highest standard of this Code in support of pedestrian activity. Buildings along the S-Grid may be more readily considered for Warrants and Exceptions allowing automobile-oriented standards. The frontages assigned to the S-Grid shall not exceed 30% of the total length within a Pedestrian Shed.
2. Where appropriate, a designation for mandatory and recommended retail frontage requiring that a building provide a shopfront at sidewalk level along the entire length of the frontage.
3. A designation of coordinated Streetscape frontage, requiring that the Public and Private Frontages be coordinated as a single, coherent landscape and paving design.
4. A designation of Terminated Vista locations, requiring that the building be provided with architectural articulation of a type and character that responds to the location as approved by the ARC.
5. A designation for cross *block* passages, requiring a minimum 8-foot-wide pedestrian access be reserved between buildings on the first floor.
6. Any additional Special Requirements appropriate for the specific FBC District.

E. **Pre-Existing Conditions.**

1. Existing buildings that do not conform to the provisions of the FBC District may continue in use as they are until a *Substantial Modification* is requested, at which time the ARC shall determine which provisions of the FBC District that shall apply.

2. Existing buildings that when renovated have at any time received a certificate of occupancy shall not require upgrade to the current Building Code and may meet the standards of the Code under which they were originally permitted.
3. The modification of existing buildings is permitted by right if such changes result in greater conformance with the specifications of the FBC District.
4. Where buildings exist on adjacent lots, the ARC may require that a proposed building match one or the other of the adjacent setbacks and heights rather than the provisions of the FBC District.
5. The restoration or rehabilitation of an existing building shall not require the provision of parking nor on-site stormwater retention/detention in addition to that existing.

4-2808. Building Plans.

A. Instructions.

1. A property owner or a developer may have building plans prepared on their behalf.
2. Landowners and developers following building plans approved by the Department of Planning and Development require only administrative approval by the ARC.
3. The requirements described in this Section and the specific FBC District shall control *Building Disposition*, *Building Configuration* and *Building Function*, as well as their architectural, landscape, parking, signage, and ambient standards.
4. Building plans shall show the following, in compliance with the standards described in this Section:
 - a. For preliminary site and building approval:
 - i. *Building Disposition*
 - ii. *Building Configuration*
 - iii. *Building Function*
 - iv. parking standards
 - b. For final approval, in addition to the above:
 - i. architectural standards
 - ii. landscape standards
 - iii. signage standards
 - iv. ambient standards

4-2809. Definitions of Terms.

This Subsection provides definitions for terms in the FBC District that are technical in nature or that otherwise may not reflect a common usage of the term. If a term is not defined in this Subsection or the specific FBC district, then the ARC shall determine the correct definition of the term.

Activity Center: a mixed-use center or main commercial corridor of a community. An Activity Center may be a substantial downtown commercial area, often connected to other Activity Centers by transit.

Actual Parking: the gross number of existing parking spaces.

Affordable Housing: dwellings consisting of rental units or for-sale units. Both shall be economically within the means of the equivalent of the starting salary of a local elementary school teacher.

Allee: a regularly spaced and aligned row of trees usually planted along a Thoroughfare or Pedestrian Path.

Ancillary Unit: an Apartment not greater than 600 square feet sharing ownership and utility connections with a Principal Building. An Ancillary Unit may or may not be within an outbuilding. Ancillary Units do not count toward maximum density calculations.

Backbuilding: a single-story structure connecting a principal building to an outbuilding.

Base Zoning District: The zoning district that underlies the FBC District overlay. The provisions of the *Base Zoning District* are distinct from the provisions of the FBC District.

Bicycle Lane (BL): a Thoroughfare dedicated to bicycle use running within a moderate-speed vehicular Thoroughfare, demarcated by striping.

Bicycle Route (BR): a Thoroughfare suitable for the shared use of bicycles and automobiles moving at low speeds.

Bicycle Trail (BT): a Thoroughfare running independently of a high-speed vehicular Thoroughfare.

Block: the aggregate of private lots, passages, rear lanes, and alleys, circumscribed by Streets.

Block Face: the aggregate of all the building *Facades* on one side of a *Block*.

Boulevard (BV): a Thoroughfare designed for high vehicular capacity and moderate speed. Boulevards are long-distance Streets traversing urbanized areas. Boulevards are

usually equipped with slip roads buffering sidewalks and buildings. Boulevards become arterials upon exiting urban areas.

Building Configuration: the form of a building as defined by its massing, Private Frontage, and height.

Building Disposition: the placement of a building on its lot.

Building Function: the uses accommodated by a building and its lot. Functions are categorized as Restricted, Limited, or Open, according to the intensity of the use.

Building Height: the vertical extent of a building measured in stories, not including a raised basement or a habitable attic. *Building Height* limits do not apply to masts, belfries, clock towers, chimney flues, water tanks, elevator bulkheads, and similar structures. *Building Height* shall be measured from the average grade of the *Enfronting* street.

Building Type: a structure category determined by function, disposition on the lot, and configuration, including frontage and height.

By Right Permit: a proposal for a building or community plan that complies with this code and may thereby be processed administratively, without public hearing.

Civic: the term defining not-for-profit organizations dedicated to arts, culture, education, recreation, government, transit, and municipal parking.

Civic Building: a building designed specifically for a *Civic Function*. *Civic Buildings* shall not be subject to the requirements of the *Regulating Plan*. The particulars of their design shall be determined by *Warrant*.

Civic Function: premises used by organizations considered to support the common good of the community. Uses include educational, cultural social service, and religious not-for-profit organizations.

Civic Use: See *Civic Function*.

Civic Parking Reserve: parking structure or lot within a quarter-mile of the site that it serves. Space may be leased or bought from this reserve to satisfy parking requirements.

Civic Space: an open area dedicated for public use. *Civic Space* types are defined by the combination of certain physical constants including the relationship between their intended use, their size, their landscaping, and their *Enfronting* buildings.

Cluster Land Development (CLD): A freestanding neighborhood. Because of a location away from transportation, a CLD has a weak commercial center.

Community Pattern: the physical form of a settlement. Variations are due to the particulars of the site, density, spatial definition program, transportation, and implementation. Transect-based Community Patterns are socially and functionally variegated; they are walkable, and they manifest a gradient from urban to rural.

Community/Transect Map: A map, required to be included with a FBC District, showing the Communities and Transect Zones within and surrounding the proposed FBC District.

Context: surroundings made up of the particular combination of elements that create specific habitat.

Corridor: a lineal geographic system incorporating transportation and/or greenway trajectories. A transportation corridor may be a lineal urban Transect Zone.

Courtyard Building: a building that occupies the boundaries of its lot while internally defining one or more private patios.

Curb: the edge of the vehicular pavement detailed as a raised curb or flush to a swale. The Curb usually incorporates the drainage system.

Density: the number of dwelling units within a standard measure of land area, usually given as units per acre.

Design Charrette: an intensive, hands-on workshop that brings people from different disciplines and backgrounds together to explore design options for a particular area or site. Public workshops generally include community members, design professionals, and other project staff

Design Speed: is the velocity at which a Thoroughfare tends to be driven without the constraints of signage or enforcement. There are three ranges of speed: Very Low: (below 20 MPH); Low: (20-25 MPH); Moderate: (25-35 MPH); High: (above 35 MPH). Lane width is determined by desired design speed.

Driveway: a vehicular lane within a lot, usually leading to a garage. A Driveway in the First Layer may be used for parking if it is no more than eighteen (18) feet wide, thereby becoming subject to the constraints of a parking lot.

Edgeyard Building: a building that occupies the center of its lot with setbacks on all sides.

Elevation: an exterior wall of a building not along a Frontage Line.

Enfront: to place an element along a Frontage Line, as in “porches enfront the street.”

Entrance, Principal: the main point of access of pedestrians into a building.

Exception: a Variance that permits a practice that is not consistent with a provision or Intent of this Section.

Facade: the exterior wall of a building that is set along a Frontage Line.

Frontage Line: those lot lines that coincide with a Public Frontage. *Facades* along Frontage Lines define the public realm and are therefore more regulated than the Elevations that coincide with other Lot Lines.

Greenway: an open space corridor in largely natural conditions, which may include trails for bicycles and pedestrians.

Inside Turning Radius: the curved edge of a street at an intersection, measured at the inside edge of the vehicular tracking. The smaller the Turning Radius, the smaller the pedestrian crossing distance and the more slowly the vehicle is forced to make the turn.

Kiosk: a small, self-standing structure used for Commercial purposes. Examples include, but are not limited to, a newsstand or ticket booth.

Layer: a range of depth of a lot within which certain elements are permitted.

Light Industrial: industrial facilities that conduct their operations in such manners that no results are created or apparent outside an enclosed building that are incompatible with adjacent or nearby non-industrial uses.

Liner Building: a building specifically designed to mask a parking lot or a parking garage from a frontage. A *Liner Building*, if less than thirty (30) feet deep and two stories, shall be exempt from parking requirements.

Live-Work Unit: a dwelling unit that contains, to a limited extent, a commercial component. A Live-Work Unit is a fee-simple unit on its own lot with the commercial component limited to the ground level.

Neighborhood: a mostly residential area, often with a recognizable edge. For the purposes of this Section, a “complete neighborhood” is further defined as consisting of one pedestrian shed (1/2-mile diameter) with a mixed-use center.

Office: premises available for the transaction of general business but excluding retail, artisanal and manufacturing uses.

Outbuilding: an accessory building, usually located towards the rear of the same lot as a Principal Building. A *Backbuilding* sometimes connects it to the principal building. Outbuildings shall not exceed six-hundred (600) square feet of habitable space, excluding parking areas.

Parking Structure: a building containing two or more stories of parking. Parking Structures shall have Liner Buildings at the first story or higher.

Passage (PS): a pedestrian connector passing between buildings, providing shortcuts through long *Blocks* and connecting rear parking areas to frontages. Passages may be roofed over.

Path (PT): a pedestrian way traversing a park or rural area, with landscape matching the contiguous open space. Paths should connect directly with the urban sidewalk network.

Pedestrian Shed: an area defined by the average distance that may be traversed at an easy walking pace from its edge to its center. This distance is applied to determine the size of a *Neighborhood* or extent of a *Community*. A standard Pedestrian Shed is one quarter of a mile radius or one-thousand-three-hundred-twenty (1,320) feet. With transit available or proposed, a Long Pedestrian Shed has an average walking distance of a half-mile or two-thousand-six-hundred-forty-feet (2,640) feet. Pedestrian Sheds are oriented toward a central destination containing one or more important intersections, meeting places, Civic Spaces, Civic Buildings, and the capacity to accommodate a T5 Transect Zone in the future.

Planter: the element of the public streetscape, which accommodates street trees. Planters may be continuous or individual.

Primary-Secondary Grid: Thoroughfare designations appearing on the Regulating Plan. Buildings on the P-Grid are subject to all of the provisions of this Code. Buildings on the S-Grid are exempt from certain provisions, allowing for Warranted open parking lots, unlined parking decks, drive-throughs and hermetic building fronts.

Principal Building: the main building on a lot, usually located toward the frontage.

Private Frontage: the privately held Layer between the Frontage Line and the *Principal Building Facade*. The structures and landscaping within the *Private Frontage* may be held to specific standards. The variables of Private Frontage are the depth of the setback and the combination of architectural elements such as fences, stoops, porches, and galleries.

Public Frontage: the area between the curb of the vehicular lanes and the *Frontage Line*. Elements of the Public Frontage include the type of curb, walk, planter, street tree, and streetlight.

Push Cart: a small, mobile and wheeled device that is utilized for temporary Commercial purposes.

Rear Alley (AL): a vehicular driveway located to the rear of lots providing access to service areas and parking, and containing utility easements. Alleys should be paved from building face to building face, with drainage by inverted crown at the center or with roll curbs at the edges.

Rear Lane (LA): a vehicular driveway located to the rear of lots providing access to

parking and outbuildings and containing utility easements. Rear lanes may be paved lightly to driveway standards. Its streetscape consists of gravel or landscaped edges, no raised curb and is drained by percolation.

Rear-yard Building: a building that occupies the full *Frontage Line*, leaving the rear of the lot as the sole yard. This is a more urban type, as the continuous *Facade* spatially defines the public thoroughfare. For its residential function, this type yields a Rowhouse. For its commercial function, the rear yard can accommodate substantial parking.

Regional Center Development (RCD): A Community Type consisting of one *Long Pedestrian Shed* with a strong *Activity Center*. The minimum developable area of a RCD/TOD is one-hundred-sixty (160) acres.

Retail Frontage Line: *Frontage Lines* designated on a *Regulating Plan* that require the provision of a shopfront, causing the ground level to be available for retail use.

Secondary Grid: see Primary-Secondary Grid.

Setback: the area of a lot measured from the lot line to a building *Facade* or elevation. This area must be maintained clear of permanent structures with the exception of: galleries, fences, garden walls, arcades, porches, stoops, balconies, bay windows, terraces and decks (that align with the first story level) which are permitted to encroach into the *Setback*.

Shared Parking: an accounting for parking spaces that are available to more than one function. The requirement is reduced by a factor, shown as a calculation. The *Shared Parking* ratio varies according to multiple functions in close proximity, which are unlikely to require the spaces at the same time.

Sideyard Building: a building that occupies one side of the lot with a setback to the other side.

Sidewalk: the paved layer of the public frontage dedicated exclusively to pedestrian activity.

Specialized Building: a building that is not subject to Residential, Commercial, or Lodging classification. Most specialized buildings are dedicated to manufacturing and transportation, and are distorted by the trajectories of machinery.

Specialized Communities (SC): *Specialized Community* designations shall be assigned to areas that, by their intrinsic function, disposition, or configuration, cannot conform to one of the six normative *Transect Zones* or other Community Types specified by this Section. Typical Districts may include large parks, institutional campuses, refinery sites, airports, etc.

Story: a habitable level within a building of no more than fourteen (14) feet in height

from finished floor to finished ceiling. Attics and raised basements are not considered stories for the purposes of determining Building Height.

Streamside Corridor: the zone within which a waterway flows, its width to be variably interpreted according to the *Transect Zone*.

Streetscape: the urban element that establishes the major part of the public realm. The streetscape is composed of Streets (travel lanes for vehicles and bicycles, parking lanes for cars, and sidewalks or paths for pedestrians) as well as the visible private frontages (building *Facades* and elevations, porches, yards, fences, awnings, etc.), and the amenities of the public frontages (street trees and plantings, benches, streetlights, etc.).

Streetscreen: sometimes called Streetwall. A freestanding wall built along the Frontage Line, or coplanar with the *Facade*, often for the purpose of masking a parking lot from the Thoroughfare. Streetscreens shall be between forty-two (42) inches and eight (8) feet in height and constructed of a material matching the adjacent building *Facade*. The Streetscreen may be a hedge or fence by Warrant. Streetscreens shall have openings no larger than is necessary to allow automobile and pedestrian access. In addition, all Streetscreens over 4 feet high should be 30% permeable or articulated to avoid blank walls.

Substantial Modification: alterations to a building that are valued at more than fifty (50) percent of the replacement cost of the entire building, if new.

Terminated Vista: a location at the axial conclusion of a Thoroughfare. A building located at a Terminated Vista designated on a Community Plan is required to be designed in response to the axis.

Third Place: a private building that includes a space conducive to unstructured social gathering. Third Places are usually bars, cafés, and corner stores.

Traditional Neighborhood Development (TND): A Community Type consisting of one or more pedestrian sheds plus a mixed-use center or corridor. The minimum developable area of a TND is eighty (80) acres.

Transect: a system of ordering human habitats in a range from the most natural to the most urban. The SmartCode is based upon six *Transect Zones*, which describe the physical character of place at any scale, according to the density and intensity of land use and urbanism.

Transect Zone (T-Zone): *Transect Zones* are administratively similar to the land-use zones in conventional codes, except that in addition to the usual building use, density, height, and setback requirements, other elements of the intended habitat are integrated, including those of the private lot and building and the Enfronting public streetscape. The elements are determined by their location on the Transect scale. The T-Zones are: T1 Natural, T2 Rural, T3 Sub-Urban, T4 General Urban, T5 Urban Center, and T6 Urban Core.

Transit-Oriented Development (TOD): TOD is *Regional Center Development (RCD)* with transit available or proposed.

Transition Line: a horizontal line spanning the full width of a *Facade*, expressed by a material change or by a continuous horizontal articulation such as a cornice or a balcony.

Type: a form category determined by function, disposition, and configuration, including size or extent. There are community types, street types, and *Civic Space* types.

Urban Neighborhood: A TND Community Type within an urbanized area. See: TND.

Variance: an administrative technique granting relief from the provisions of a code. There are two types of Deviations: Warrants and Exceptions (*Subsection 4-2805*).

Warrant: a type of Variance that permits a practice that is not consistent with a specific provision of this Code, but is justified by its Intent or by hardship.

4-2810. Administration of Form-Based Code Districts.

- A. **Forms.** Applications required under the FBC District regulations shall be submitted to the Planning and Development Department on forms and in such numbers as required by the Planning and Development Department.
- B. **Fees.** Filing fees shall be established from time to time to defray the cost of processing the application. Before review of an application, all associated fees shall be paid in full.
- C. **Completeness Review.**
 1. All applications shall be sufficient for processing before the Planning and Development Department is required to forward the application to the ARC. Within five (5) working days of the receipt of the application, the Planning and Development Department shall notify the applicant in writing whether or not the application is complete or whether additional information is required.
 2. An application shall be sufficient for processing when it contains all of the information necessary to decide whether or not the development as proposed will comply with all of the requirements of the FBC District regulations.
 3. The presumption shall be that all of the information required in the application forms is necessary to satisfy the requirements of the FBC District regulations. However, it is recognized that each application is unique, and therefore more or less information may be required according to the needs of the particular case. The applicant may rely on the recommendations of the ARC as to whether more or less information should be submitted.

4. Upon receipt of a complete application, the ARC shall review the application and may confer with the applicant to ensure an understanding of the applicable requirements of the FBC District regulations; that the applicant has submitted all of the information they intend to submit; and that the application represents precisely and completely what the applicant proposes to do.

D. Concurrent Applications.

1. Applications may be filed and reviewed concurrently, at the option of the applicant. Any application that also requires a variance shall not be eligible for final approval until the variance has been granted.
2. Applications submitted concurrently are subject to approval of all other related applications; denial or disapproval of any concurrently submitted application shall stop consideration of any related applications until the denied or disapproved application is resolved.

4-2811.

Administrative Warrants

- A. **Authority.** The ARC is authorized to approve administrative warrants to certain requirements of *Section 4-2800, Form-Based Code Overlay Districts*, as specified below. This optional process shall occur only where the applicant requests an administrative warrant to a district standard as specified below.
- B. **Applications.** The applicant shall provide to the Director of the Department of Planning and Development all of the information required for making a decision, including a site plan or plot plan, elevations, photographs, and other materials as necessary. The Director of the Department of Planning and Development shall then forward the application to the ARC for review and approval.
- C. **Administrative Warrant Review**
The ARC shall review the application in light of the specific intent and purpose of this development code. The ARC shall have the authority to approve an administrative warrant for the following standards:
 1. Building Envelope Standards
 - a. Height
 - (1) Minimum and maximum story heights: up to ten (10) percent for any one story, limit of five (5) percent for any cumulative increase or decrease in building height.
 - (2) Street wall/fence requirements: up to ten (10) percent.

(3) Finished floor elevation: up to five (5) percent.

b. Siting

(1) Required building line: increase of up to six (6) inches.

(2) Required building line (minimum percentage built-to): reduction of up to five (5) percent of required length.

(3) Mezzanine floor area: up to ten (10) percent additional area.

(4) Street wall requirements: up to ten (10) percent.

(5) Entrances (maximum average spacing): up to five (5) percent increase in spacing.

c. Element

(1) Windows and Doors (minimum and maximum percent): up to five (5) percent.

(2) Elements (minimum and maximum projections): up to five (5) percent.

2. Architectural Standards

a. Primary and accent materials: up to ten (10) percent.

b. Shopfront entry geometry: up to ten (10) percent.

c. Materials: acceptable equivalent or better materials

d. Wall signs: façade placement for one story structures constructed prior to the establishment of the Form Based Code District. The wall sign must align with or be framed by the building's major architectural elements such as doors, windows, moldings, pilasters, arches, roof eaves, and/or cornice lines.

e. Awnings and Overhangs: minimum height location for one story structures constructed prior to the establishment of the FBC District. The awning/overhang must align with or be framed by the building's major architectural elements such as doors, windows, moldings, pilasters, arches, roof eaves, and/or cornice lines.

4-2812. **Criteria for Administrative Warrants**

To approve an administrative warrant, the ARC shall make an affirmative finding that all of the following criteria are met:

- A. That granting the administrative warrant will not have an adverse impact on land use compatibility;
- B. That granting the administrative warrant will not materially and adversely affect adjacent land uses and the physical character of uses in the immediate vicinity of the proposed;
- C. In the FBC District, that granting the administrative warrant will not have an adverse impact on the urban form and/or the street-space;
- D. That granting the administrative warrant is consistent with the purpose and intent of the of the Zoning Ordinance
- E. That granting the administrative warrant is consistent with the purposes and intent of the adopted plans.

4-2813. **Action for Unlisted Standards**

Any request for warrant from the provisions of this development code not listed above shall be reviewed by the Board of Adjustment in accordance with *Section 3-3500, Variances.*