

## **4.3 MODEL TOWN CENTER ZONING ORDINANCE**

The following ordinance model establishes a town center that serves as a high-density, high-intensity, mixed-use employment center. Three types of subdistricts are authorized:

- (1) TC-1, Town Center Core Subdistrict, primarily intended to encourage and enhance the high-intensity office and employment center function of the Town Center's core area;
- (2) TC-2, Town Center Mixed-Use Subdistrict, primarily intended to support mixed-use (residential/nonresidential) projects that contain active ground-floor uses within walking distance of the TC-1 district; and
- (3) TC-3, Town Center Residential Subdistrict, primarily intended to accommodate moderate- to high-density residential development and small-scale ground-floor commercial uses with residential units above. The district also accommodates low-intensity office development compatible with the residential character of the TC-3 district.

The model ordinance describes, in Section 104, a set of permitted uses, which are slightly different for each use district. While every community may not want to establish and map all three different types of districts, this table offers guidance for the types of uses that might be allowed if the community opts for the three-district alternative.

Note that drive-in facilities are not allowed uses in the TC districts because of the potential of interfering with the desired pedestrian orientation of the land-use mix. Similarly, the TC districts also require a certain level of transparency for ground-floor retail to give buildings a human scale (see Section 112). In core areas such as town centers, setbacks are critical; the model below allows setback averaging up to a maximum of 15 feet to reflect the context of adjoining buildings (see Section 108).

Primary Smart Growth Principle Addressed: Mix land uses

Secondary Smart Growth Principle Addressed: Walkable neighborhoods, distinctive and attractive places.

### **TC, Town Center District**

#### **101. Purpose**

The purposes of a TC, Town Center district, are to:

- (a) Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs;
- (b) Promote a diverse mix of residential, business, commercial, office, institutional, educational, and cultural and entertainment activities for workers, visitors, and residents;

- (c) Encourage pedestrian-oriented development within walking distance of transit opportunities at densities and intensities that will help to support transit usage and town center businesses;
- (d) Promote the health and well-being of residents by encouraging physical activity, alternative transportation, and greater social interaction;
- (e) Create a place that represents a unique, attractive, and memorable destination for visitors and residents; and
- (f) Enhance the community's character through the promotion of high-quality urban design.

**Comment:** *These “generic” purpose statements reflect the intent of typical town center-style districts. Actual purpose statements should reflect the objectives of the plans that the zoning regulations are intended to implement.*

## **102. Subdistricts**

The TC district consists of three mapped subdistricts that reflect the existing and desired places within the Town Center area. They are:

- (a) TC-1, Town Center Core Subdistrict. The TC-1 subdistrict is primarily intended to encourage and enhance the high-intensity office and employment center function of the Town Center's core area. The TC-1 subdistrict regulations support the Town Center's role as a hub of regional importance for business, communications, office, government, retail, culture, education, visitor accommodations, and entertainment. The district regulations support a mix of large-scale offices, commercial, public, recreation, and entertainment uses. The TC-1 district also accommodates mixed-use and residential projects as important components of the area's vitality.
- (b) TC-2, Town Center Mixed-Use Subdistrict. The TC-2, Town Center Mixed-use subdistrict is primarily intended to support mixed-use (residential/nonresidential) projects with active ground-floor uses within one-quarter of a mile of the TC-1 district.
- (c) TC-3, Town Center Residential Subdistrict. The TC-3, Town Center Residential subdistrict is primarily intended to accommodate moderate- to high-density residential development and small-scale ground-floor commercial uses with residential units above. The district also accommodates low-intensity office development compatible with the residential character of the TC-3 district.

**Comment:** *This model suggests a basic framework consisting of three districts. The number of districts needed to implement town center planning objectives will vary from community to community, reflecting the types of places and activities that exist within the area as well as the community's agreed-upon vision for its town center area. Note that, if desired, the TC-2 and TC-3 subdistricts can be combined if the distinctions between them are perceived as too fine for regulation or are simply not needed in a particular community.*

### 103. Definitions

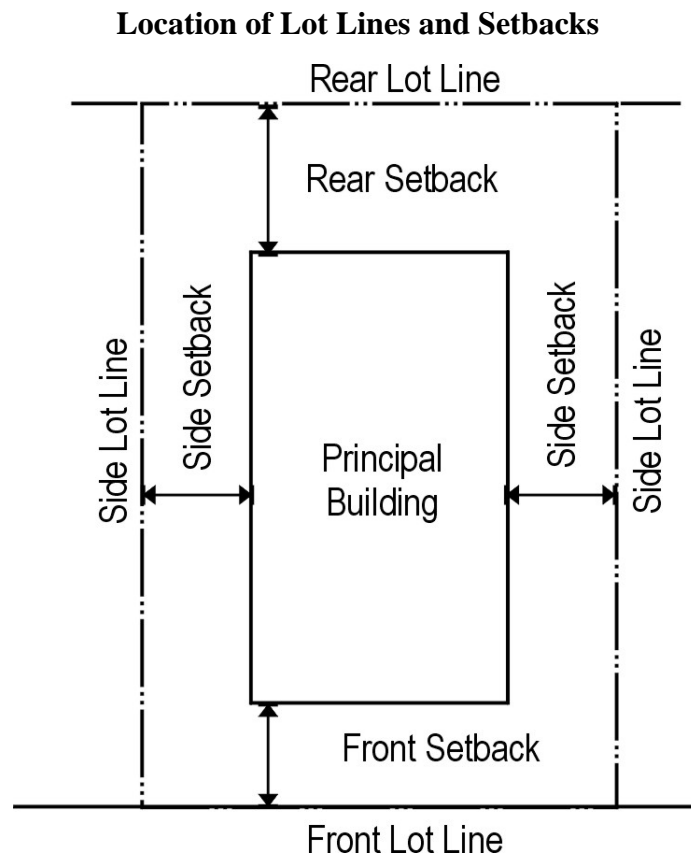
As used in this ordinance, the following words and terms have the meanings specified below:

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

**“Gross Floor Area”** is the sum of the gross horizontal areas of several 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. Gross floor area does not include accessory parking, 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 nonresidential uses and at least one devoted to allowed residential uses.

**“Setback”** means the open, unobstructed area required to be provided between the furthestmost projection of a building and the adjacent property line.



## 104. Allowed Uses

Uses are allowed in “TC” zoning districts in accordance with the use table of this section.

USE GROUP Use Category Specific Use Type	SUBDISTRICT		
	TC-1	TC-2	TC-3
P = permitted by-right    C = conditional use    N = Not allowed			
<b>RESIDENTIAL</b>			
<b>Household Living</b>			
Artist Live/Work Space located above the ground floor	P	P	P
Artist Live/Work Space, ground floor	N	C	P
Dwelling Units located above the ground floor	P	P	P
Dwelling Units located on the ground floor	N	C	P
<b>Group Living</b>			
Assisted Living	C	C	C
Group Home	C	C	C
Nursing Home	C	C	C
Temporary Overnight Shelter	C	C	C
Transitional Residences	C	C	C
Transitional Shelters	C	C	C
<b>PUBLIC AND CIVIC</b>			
Colleges and Universities	C	C	N
Cultural Exhibits and Libraries	P	P	C
Day Care	P	P	P
Hospital	C	C	C
Lodge or Private Club	P	P	N
Parks and Recreation	P	P	P
Postal Service	P	P	N
Public Safety Services	P	P	P
Religious Assembly	P	P	P
School	C	C	C
Utilities and Services, Minor	P	P	P
Utilities and Services, Major	C	C	C
<b>COMMERCIAL</b>			
<b>Animal Services</b>			
Shelter/Boarding Kennel	N	N	N
Sales and Grooming	P	P	N
Veterinary	P-	P	N
Artist Work or Sales Space	P	P	P
<b>Eating and Drinking Establishments</b>			
Restaurant	P	P	P[1]
Tavern	P	P	C[1]
<b>Entertainment and Spectator Sports</b>			
Small (1–149 seats)	P	P	N
Medium (150–999)	P	P	N
Large (1,000+)	P	C	N
Financial Services	P	P	P[1]
Food and Beverage Retail Sales	P	P	P[1]

USE GROUP Use Category Specific Use Type	SUBDISTRICT		
	TC-1	TC-2	TC-3
P = permitted by-right    C = conditional use    N = Not allowed			
<b>Gas Stations</b>	N	N	N
<b>Lodging</b>			
Small (1–16 guest rooms)	P	P	P
Large (17+ guest rooms)	P	P	N
<b>Medical Service</b>	P	P	P[1]
<b>Office</b>	P	P	P[1]
<b>Parking, Commercial</b> (Nonaccessory)	C	C	C
<b>Personal Service, including health clubs and gyms</b>	P	P	P[1]
<b>Repair Service, Consumer, including bicycles</b>	P	P	P[1]
<b>Residential Storage Warehouse</b>	N	N	N
<b>Retail Sales, General</b>	P	P	P[1]
<b>Vehicle Sales, Service, and Repair</b>	N	N	N
<b>INDUSTRIAL</b>			
<b>Manufacturing, Production and Industrial Services</b>			
Artisan (hand-tools only; e.g., jewelry or ceramics)	C	C	N
<b>OTHER</b>			
<b>Wireless Communication Facilities</b>			
Co-located	P	P	P
Freestanding (Towers)	C	C	C

[1] Allowed only in buildings containing more than 50 dwelling units and may only be located on the first or second floor. Individual business establishments are limited to a maximum of 5,000 square feet in area. Larger establishments or expansions beyond 5,000 square feet require conditional use approval.

**Comment:** *This use table should be refined to reflect local characteristics and planning objectives.*

### 105. Floor Area Ratio

All development in TC districts is subject to the following maximum FAR standards:

District	Maximum Floor Area Ratio
TC-1	[varies: 3.0–7.0 "typical"]
TC-2	[varies: 3.0–5.0 "typical"]
TC-3	[varies: 2.0–3.0 "typical"]

**Comment:** *This table suggests a typical range of FAR standards that may be appropriate for buildings within the boundaries of a Town Center district. In establishing proposed standards, communities will want to survey existing development to ascertain typical FAR ranges within the various areas to be covered by the TC district. Care should be taken to ensure that allowed FAR levels are high enough to encourage moderate- to high-intensity buildings, while not setting the allowed levels so high that new buildings would be out-of-scale with the surrounding areas. In underdeveloped town center areas, communities may want to consider increasing the maximum allowable FAR to accommodate larger buildings.*

### 106. Lot Area per Unit (Density)

All residential development in TC districts is subject to the following standards for lot area per dwelling unit:

District	Minimum Lot Area Per Dwelling Unit
TC-1	[varies: 200–400 square feet]
TC-2	[varies: 200–400 square feet]
TC-3	[varies: 300–700+ square feet]

**Comment:** *Within the types of urban and semi-urban settings where a town center district is likely to be applied, it is fairly common to regulate residential density in terms of the amount of lot area required per dwelling unit. It should be noted that some jurisdictions—notably Seattle—have chosen to abandon residential density standards in village center and mixed-use commercial areas. The thinking behind such an approach is that density is already indirectly regulated by many other controls, such as building codes, parking requirements, FARs, maximum height limits and setback controls. If the community wants to encourage residential development, the logic goes, why not remove the sometimes-arbitrary control that density limits represent.*

### 107. Building Height

All development in TC districts is subject to the following maximum building height standards:

District	Maximum Building Height
TC-1	[varies: 5 stories to unlimited]
TC-2	[varies: 4–7 stories]
TC-3	[varies: 3–5 stories]

**Comment:** *Communities that want to promote building forms compatible with the physical context of the existing area will want to establish maximum building heights. Height limits can also play an important role in protecting neighborhoods on the periphery of the town center area. Building step-backs (skyplane) standards, such as those proposed above, should be used to soften the height transition between town center-style districts and lower-intensity neighborhood districts.*

*When height limits are used, they should be calibrated to reflect FAR and building coverage limits. To calculate the number of building stories required to make full use of the allowed FAR, divide FAR by the maximum building coverage. If, for example, the maximum FAR allowed is 2.0 and the maximum building coverage allowed is 66 percent, it will require a building of three or more stories to achieve the full FAR ( $2.0 \div 0.66 = 3.03$ ). When no building coverage limits apply, maximum building height limits (in stories) should be established at no less than 1.5 to 2.5 times the allowed FAR (e.g., three to five stories in a district that allows an FAR of 2.0). In mid- and high-rise districts, the rule of thumb is typically three to four stories for each additional 1.0 FAR.*

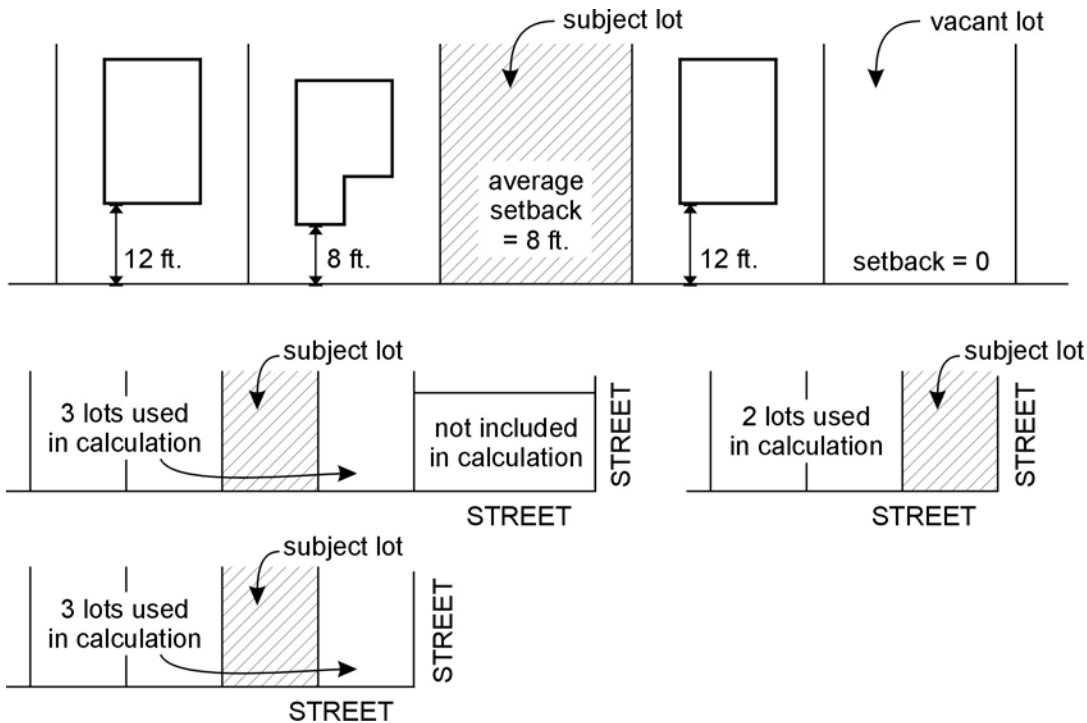
### 108. Setbacks

- (1) No minimum front or street side building setback is required.
- (2) The maximum front and street side building setback may not exceed the average front yard depth of the nearest two lots on either side of the subject lot or 12 feet, whichever is less.

- (a) If one or more of the lots required to be included in the averaging calculation are vacant, such vacant lots will be deemed to have a yard depth of 0 feet.
- (b) Lots fronting a different street than the subject lot or separated from the subject lot by a street or alley may not be used in computing the average.
- (c) When the subject lot is a corner lot, the average setback will be computed on the basis of the 2 adjacent lots that front on the same street as the subject lot.
- (d) When the subject lot abuts a corner lot fronting on the same street, the average setback will be computed on the basis of the abutting corner lot and the nearest two lots that front on the same street as the subject lot.

### Calculating Setbacks

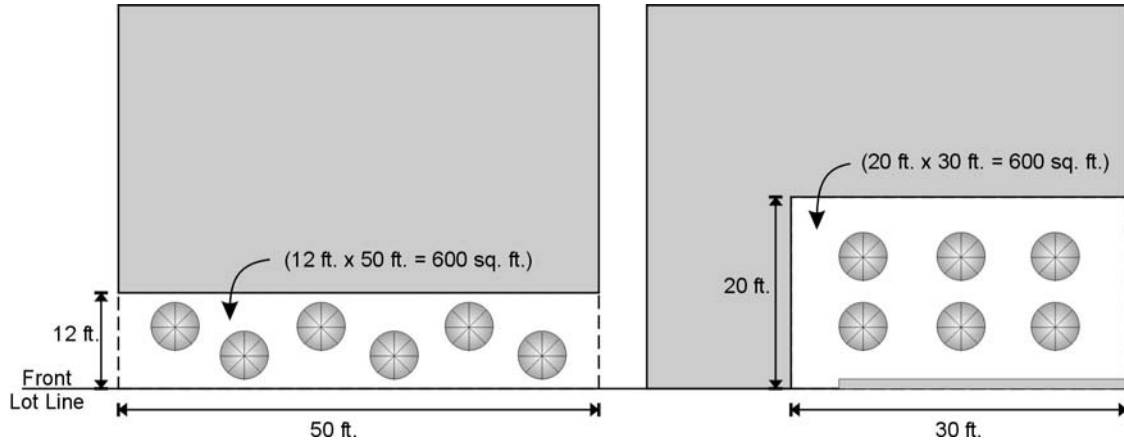
**Example:  $(12 \text{ ft.} + 8 \text{ ft.} + 12 \text{ ft.} + 0 \text{ ft.}) / 4 = 8 \text{ ft.}$**



- (3) The following exceptions to the maximum front and street side building setbacks apply:
  - (a) A portion of the building may be set back from the maximum setback line in order to provide an articulated façade or accommodate a building entrance feature, provided that the total area of the space created must not exceed one square foot for every linear foot of building frontage.

(b) A building may be set back farther than the maximum setback in order to accommodate an outdoor eating area. In order to preserve the continuity of the streetwall, the building may be set back no more than 12 feet from the front or street side property line or at least 40 percent of the building façade must be located at the maximum setback line. The total area of an outdoor eating area that is located between a public sidewalk and the building façade may not exceed 12 times the building’s street frontage in linear feet.

### Exceptions to Minimum Front and Street Side Setbacks



**Comment:** *Rather than mandating a zero-foot “build-to” line for all properties in TC zoning districts, this model offers flexibility to accommodate contextual setbacks, reflecting the setbacks of adjacent buildings. Paragraph (2) allows buildings to be set back to reflect the building setbacks of neighboring buildings. Special provisions are also included to accommodate building recesses and setbacks for building entries and outdoor seating areas.*

(4) The minimum rear setback must be [0–30] percent of the lot depth.

**Comment:** *The appropriate minimum building setback will depend on lot and development patterns in the area. When alleys abut the rear of lots, no rear setback may be necessary, except perhaps for upper floors. On the other hand, when TC-zoned lots will abut the rear property line of low- to moderate-density residential lots, buildings in TC districts should be set back from rear property lines in order to protect the privacy and open feeling expected within residential rear yards.*

(5) No interior side setbacks are required in the TC district, except when TC-zoned property abuts R-zoned property, in which case the minimum side yard setback required in the TC district must be the same as required for a residential use on the abutting R-zoned lot.

**Comment:** *Streets within town center areas are often lined with buildings that span the entire width of the lot. The standard proposed here will help reinforce that pattern, while also ensuring that a “typical” residential side yard will be provided in areas abutting neighborhood residential zoning districts.*

## 109. Off-Street Parking

(1) One off-street parking space must be provided for each dwelling unit.



(2) No off-street parking is required for nonresidential uses in TC-1 district unless the gross floor area of such uses exceed twice the area of the lot, in which case off-street parking must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of twice the lot area.

(3) No off-street parking is required for nonresidential uses in TC-2 district unless the gross floor area of such uses exceeds the area of the lot, in which case off-street parking must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of twice the lot area.

(4) No off-street parking is required for nonresidential uses in TC-3 district unless the gross floor area of such uses exceeds 5,000 square feet of gross floor area, in which case off-street parking must be provided at a minimum ratio of [one or two] spaces per each 1,000 square feet of gross floor area in excess of 5,000 square feet.

(5) All off-street parking spaces must be located to the rear of the principal building or otherwise screened so as to not be visible from public right-of-way or residential zoning districts.

***Comment:** Although many ordinances require 1.5 or two parking spaces per dwelling unit, the nature of most TC-style districts warrants consideration of lower residential parking ratios, such as one space per unit (lower perhaps for affordable units, elderly housing, and areas with excellent transit accessibility). Exempting certain sizes of nonresidential uses from compliance with off-street parking requirements will help promote pedestrian-oriented character and encourage use/reuse of storefront retail space.*

## **110. Indoor/Outdoor Operations**

All permitted uses in the TC districts must be conducted within buildings unless otherwise expressly authorized. This requirement does not apply to off-street parking or loading areas, automated teller machines, or outdoor seating areas, alone or in connection with restaurants.

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

(1) All nonresidential floor space provided on the ground floor of a mixed-use building must have a minimum floor-to-ceiling height of 11 feet.

(2) All nonresidential floor space provided on the ground floor of a mixed-use building must contain the following minimum floor area:

(a) At least 800 square feet or 25 percent of the lot area (whichever is greater) on lots with street frontage of less than 50 feet; or

(b) 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 or an incidental area, particularly when developed by those with a poor understanding of mixed-use development. In other words, if profit margins are high enough*

*on the residential units, inexperienced developers may have no incentive to make ground-floor commercial space attractive and actually useable for retail activities. 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.*

## **112. Transparency**

(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 nonresidential space or product display areas.

(2) The bottom edge 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.

(3) Product display windows used to satisfy these requirements must have a minimum height of four feet and be internally lighted.

**Comment:** *There is always a possibility that merchants will choose to block required windows with display shelves, signs, and other visual obstructions, either because they view windows as a security concern or because they desire to maximize product display area. This ordinance does not expressly prohibit this practice because of the difficulty of enforcing such prohibitions. Moreover, the most important objective is that buildings be designed to include such pedestrian-oriented features rather than later having to retrofit existing storefront designs.*

## **113. Doors and Entrances**

(1) Buildings must have a primary entrance door facing a public sidewalk. Entrances at building corners may be used to satisfy this requirement.

(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 pleasing pedestrian environment. People are attracted to spaces with interesting, pedestrian-scale views and visually appealing elements, such as window displays. Identifiable and accessible building entrances make it easier for pedestrians to navigate the area and thus encourage them to spend time there.*

## **114. Vehicle and Driveway Access**

No curb cuts are allowed for lots that abut alleys.

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

## **115. Drive-through Facilities**

Drive-through facilities for vehicles are prohibited in all TC districts.

**Comment:** *Some communities may elect to treat businesses with drive-through facilities as a conditional use, requiring case-by-case approval. When that approach is used, standards should be included requiring that drive-through windows be located behind the building and that pedestrian circulation routes be protected from auto traffic. Note that this prohibition does not apply to service windows, such as a service window for an ice cream parlor.*

## References

Bellevue, Washington, City of. Land Use Code, Part 20.25I Community Retail Design District [accessed December 13, 2004]:

[http://search.mrsc.org/nxt/gateway.dll/blvu?f=templates&fn=blvupage.htm\\$vid=municodes:Bellevue](http://search.mrsc.org/nxt/gateway.dll/blvu?f=templates&fn=blvupage.htm$vid=municodes:Bellevue)

Lacey, Washington, City of. Municipal Code, Title 16, Chapter 16.59, Village Center Zone [accessed November 8, 2004]: [www.ci.lacey.wa.us/lmc/lmc\\_main\\_page.html](http://www.ci.lacey.wa.us/lmc/lmc_main_page.html)

Miami-Dade County, Florida. Downtown Kendall Urban Center District [accessed November 4, 2004]:

<http://sustainable.state.fl.us/fdi/fsc/resource/document/docs/kendall99-166.pdf>

Providence, Rhode Island, City of. Municipal Code, Zoning, Chapter 27, Article 5, Section 502. Downcity District [accessed November 8, 2004]:

<http://www.municode.com/resources/gateway.asp?pid=11458&sid=39>

San Diego, California, City of. Municipal Code, Zoning Regulations, Chapter 13, Art. 2, Division 11, Urban Village Overlay Zone [accessed November 8, 2004]:

<http://clerkdoc.sannet.gov/legtrain/mc/MuniCodeChapter13/Ch13Art02Division11>

Tacoma, Washington, City of. Municipal Code, Land Use Regulatory Code, Title 13, Chapter 13.06A, Downtown Tacoma [accessed November 8, 2004]:

[www.cityoftacoma.org/default.asp?main=/54municode/default.asp](http://www.cityoftacoma.org/default.asp?main=/54municode/default.asp)

Winter Springs, Florida, City of. Municipal Code, Zoning, Chapter 20, Sections 20-230 *et seq.*, Town Center District Code [accessed November 8, 2004]:

<http://www.winterspringsfl.org/towncenter.html>