

Creating Communities of Place

Office of State Planning

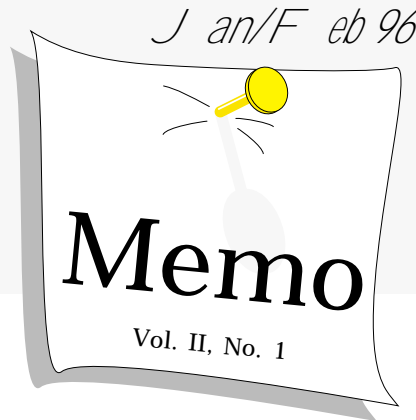
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CODES FOR CENTERS: Development Regulations for Compact Communities

Introduction

Developers attempting to create compact, walkable, mixed-use Centers inspired by the New Jersey State Development and Redevelopment Plan face numerous barriers. Project financing, market support and the structure of the development industry itself add time and complexity to such projects, whether they are located in rural "greenfield" conditions, in suburban infill areas or in other environments.

The challenges are compounded by the uncertainty and additional risk associated with securing local planning approvals for these projects, which typically require significant changes to the adopted zoning and land development codes or, alternatively, numerous variances and waivers from them. Understandably,

the development industry views these challenges as significant disincentives to undertaking Center-type projects in municipalities with neither the appropriately zoned land nor the appropriate administrative mechanisms to create Centers.

In an effort to assist municipalities and developers in removing these barriers, the Office of State Planning reviewed existing codes promoting Center development in New Jersey and elsewhere in the United States. We identified several important features shared by many of them:

Codes for Centers are similar to conventional (single-use) codes in what they regulate. Both address issues of permitted uses, lot sizes, site coverage, setbacks, building height, and so forth.

Codes for Centers are particularly close to planned development ordinances, such as those for planned-unit developments (PUDs) or planned-unit residential developments (PURDs) under New Jersey's Municipal Land Use Law. Such districts typically allow a variety of uses or at least a variety of housing types developed in a master planned or coordinated fashion. State land use law stipulates minimum tract sizes -- 10 acres for a PUD, 5 acres for a PURD.

OSPlanning Memo is a monthly publication which highlights strategies, techniques and data of interest to the planning community in New Jersey. I welcome your comments on these memos and your suggestions for future topics.

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But codes for centers can differ from conventional codes in one or more of the following ways:

- **Format** - While many zoning codes contain a table of bulk standards summarizing the bulk requirements (such as minimum lot size and setbacks) for each zoning district, the matrix codes developed by planners and architects Duany/Plater-Ziberk are unique in that all code provisions are collapsed into matrix form.
- **Content** - Codes for Centers reflect changes in many of the assumptions (e.g., different land uses or housing types are incompatible) and specific provisions (e.g., minimum lot size and minimum setbacks) found in conventional codes. Changes in assump-

Codes for Centers are:

simple
linked to a plan or vision
well organized

Codes for Centers include:

sophisticated design guidelines
illustrations of the plan or vision
design review procedures

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tions lead to changes in specific provisions (e.g., creation of multi-use districts).

- Graphics - While conventional codes rely almost entirely on written regulations, codes for Centers make frequent use of illustrations and graphics.
- Links to Physical Plans - Conventional codes are designed to facilitate piecemeal development, on a parcel-by-parcel basis. But codes for Centers are linked to a comprehensive vision for the area and often to specific layouts and detailed land use plans, and therefore emphasize the development pattern and the interrelationships between parcels. The vision and the plan usually precede the code.
- Regulatory Controls - Codes for Centers are both more demanding and less demanding than conventional codes. More demanding, because they often establish stricter regulations than conventional codes. For example, they are likely to require buildings to adhere to a build-to line, instead of merely establishing a minimum front-yard setback. And less demanding, because in many cases they allow much greater flexibility than conventional codes. For example, side and rear setback requirements are often relaxed, as are requirements for buffers and separation between uses. These differences simply reflect changes in priorities between conventional development and Center-based development.

It should be noted that all of these features of codes for Centers can also be applied to great advantage to codes that promote more conventional single-use development forms. It should also be noted that codes for centers, which usually follow intense planning efforts, have the potential to significantly

streamline the review and approval process..

Codes

"Codes" is the shorthand term for the regulatory framework controlling all aspects of land development, both substantive and procedural. Substantive rules govern land use and subdivision controls; the uses to which land can be put; the density of development; infrastructure requirements; and the physical design of the built environment such as street widths, building setbacks and building height. Procedural rules govern submission requirements, notification requirements and the review and approval process.

All municipalities in New Jersey have land development controls that regulate these elements. However, with a few possible exceptions, conventional codes used by most municipalities rule out Centers and instead promote single-use, auto-oriented, low-density development. This is true even in jurisdictions with treasured historic Centers that provide models to be emulated.

But codes that have been shaping sprawl during the last 50 years can, with adaptations or revisions, just as easily shape other forms of development, including Centers. As a result of efforts to reverse the prevailing pattern of development, codes for Centers have been prepared for numerous locations around the country.

Many have been implemented. Some have resulted in communities now under construction or approaching build-out. Examples include the Kentlands, in Gaithersburg, Md.; Harbortown, in Memphis, Tenn.; and Sunnyside Village, in suburban Portland, Ore.

To our knowledge, none of the models reviewed requires statutory changes in order to be implemented in New Jersey.

Experience with these codes in New Jersey is also growing. Center codes have been adopted in Montgomery Township (Somerset County), Medford Township (Burlington County) and Mansfield Township (Burlington County). In Trenton, the Capital District Code drafted for the State-operated Capital City Redevelopment Corp. (CCRC) has been partially implemented.

Although different in both form and substance, as well as in their design preferences, the codes for Centers that we reviewed promote core features common to Centers of all sizes and configurations: strong pedestrian (and in some cases, transit) orientations; an integrated variety of housing types; different uses located in close proximity; major public spaces and civic buildings sited as community focal points; and good circulation for all modes of transportation.

Many of the codes reviewed are either directly or indirectly associated with the New Urbanism, which emphasizes mixed-use, human scale, visual appeal and other design components deemed to enhance the quality of community life. Among them are the traditional neighborhood development (TND) model promulgated by Duany/Plater-Ziberk; the transit-oriented development (TOD) model devised by Calthorpe Associates; and other neo-traditional or village development models, such as Anton Nelessen's model code and Peter Brown's more "hybrid" codes. The hybrid codes are designed to create developments with New Urbanism features, such as a pedestrian orientation, while incorporating extraneous elements such as golf courses or factory outlet centers.

The New Jersey Office of State Planning recognizes that Centers represent more complex forms of land development, and that municipalities interested in promoting them may be unaware of their options or not know how to modify their existing regulations to stimulate developer interest and facilitate the types of Centers

Type of Code	Type of Condition	National Applications	New Jersey Applications
Site-Generic	generic	Dade County, FL San Diego, CA	Nelessen model code
	redevelopment		MSM Reg. Council, P. Buchsbaum
Site/District-Specific	urban redevelopment	East Oceanview (Norfolk, VA)	Capital District (Trenton)
	urban infill	Harbortown (Memphis, TN)	B-5 Zone (Metuchen)
	suburban infill	Kentlands (Gaithersburg, MD)	Planned Village Development (Montgomery)
	suburban fringe	Sunnyside Village (OR)	Easttown (Medford)
	rural/exurban	Cordova (Memphis, TN) Kent County, MD W. Bradford Twp., PA	Crystal Lake (Mansfield)

appropriate to local conditions. As part of our investigation of barriers to Center implementation, we sought answers to the following questions:

- Are there different models of codes for Centers?
- What models are available to New Jersey municipalities considering implementation of a Center development strategy?
- Can these models be readily adopted within the existing legal framework governing land development at the local level, or would their implementation require new tools and mechanisms not available under the existing statutory framework?
- Can conventional zoning mechanisms be fine-tuned, to allow for the development of Centers?

We found many different approaches to codes for Centers, in the form of both *site-generic* (i.e., "model" codes) and *site-* or *district-specific* codes, as listed in the table below. Site-generic approaches have been developed for greenfields development, infill and redevelopment. Site-specific codes have also been prepared for a wide variety of conditions -- urban restructuring, urban infill, suburban infill, suburban fringe and rural/exurban development. Some codes are implemented through

overlay zones, and some are private-sector driven, while others are public-sector driven. All of these approaches are available to New Jersey municipalities. Selection of a given approach should reflect the specific conditions in the municipality and whether the public or private sector is taking the lead in project development.

To our knowledge, none of the models reviewed requires statutory changes in order to be implemented in New Jersey. Nor do these codes use tools not already authorized under the State's enabling legislation.

In comparing conventional zoning with codes for Centers, it becomes apparent that in many cases the differences between them are not insurmountable, and that some careful fine-tuning can accomplish the transition. This is easiest to achieve with

planned development districts -- which already contain many of the elements of a Center -- but is also possible for single-use zoning. After all, most of the projects reviewed were previously zoned for single-use development.

The key to a successful transition from conventional to Center-based codes, however, appears to be the preparation and acceptance of a development plan embodying a shared vision. The plan -- which is developed *before* the code -- guides the necessary modifications to the code.

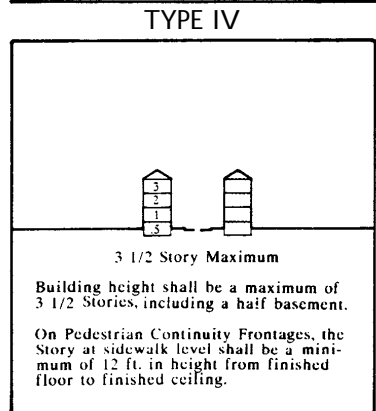
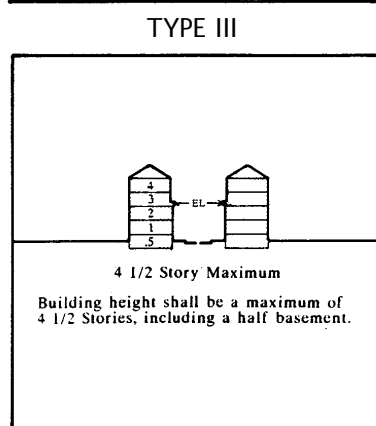
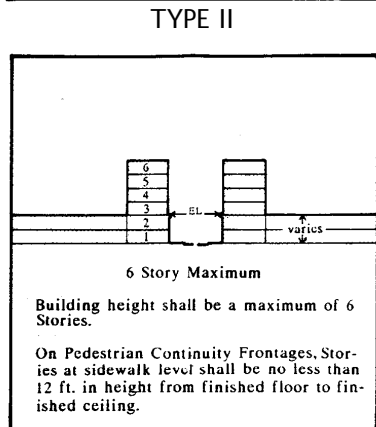
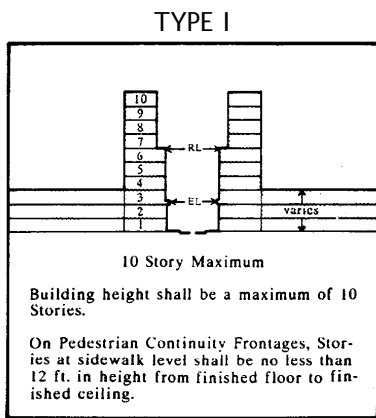
Scope

Most codes tend to follow a generalized framework, and include some or all of the following provisions: a statement of purpose, a section on definitions, a section on applicability, the general development parameters, subdivision standards, the types of uses permitted, circulation standards, lot utilization standards, architectural standards, landscaping standards, lighting standards and utility standards.

Although their core scope is roughly the same, some codes contain considerable detail on topics -- such as architectural standards or open space maintenance and preservation -- that other codes either ignore or treat very succinctly. Some codes adopt qualitative standards (e.g., a mix of housing unit types), whereas others enforce strict quantitative standards

Substantive and procedural changes to conventional codes needed to encourage Centers may include the following:

make zone adjustments
diversify permitted uses
redefine bulk requirements
redefine design standards
redistribute densities and intensities
streamline submission requirements
streamline procedural requirements
affirm design review authority



The urban code for Trenton's Capital City Renaissance Plan organizes all code provisions in terms of the four building types graphically depicted above.

(e.g., 60 percent single-family units, 25 percent townhouses and 15 percent apartments) or express them as a range (e.g., from 40 percent to 60 percent single-family housing). These differences reflect the different priorities, ideological approaches and development experience of the authors of the codes.

In New Jersey, future code provisions governing design standards should consider the Statewide Uniform Residential Site Improvement Standards, once those regulations go into effect.

Format

Most codes are presented in narrative form, in 8 1/2-by-11-inch format, with occasional graphics or illustrations. Many are organized into chapters and articles and codified for inclusion in the general municipal codes.

The Duany/Plater-Ziberk codes stand out for their unique matrix format, a model of conciseness, clarity and organization. For example, the Kentlands code is presented in two 24-by-36-inch sheets -- one for urban standards and other for architectural standards.

The *urban standards* matrix contains eight columns, each representing a particular building type and use (e.g. Type IA, B - retail/office; Type IIA, B - retail/residential, etc.), and five rows representing height, yard, porch/stoop, outbuilding, and off-street parking. Each matrix cell (column/row intersection) contains an annotated graphic (either a cross-section or a figure-ground) depicting the requirements for each building type. The *architectural standards* are organized into four columns (materials, configuration, techniques and miscellaneous) and five rows (external walls, building elements, roofs, windows and doors, and gardens).

Public Sector and Private Sector Codes

The codes were prepared for projects originating in both private and public

sectors, and reflect a variety of approaches and responses to physical conditions and planning frameworks. In each case, the code is part of an effort to alter the basic planning rules and development parameters for a given area, usually by creating a more attractive option to the underlying conventional zoning. Private-sector initiatives usually focus on the rezoning of specific parcels, while public-sector initiatives focus on a broader planning framework, either through comprehensive planning or through redevelopment.

Site-Generic and Site-Specific Codes

Codes can be site-generic, that is, applicable to every site with a certain set of characteristics (such as minimum acreage, type of access, etc.), or site-specific, targeting a site or district that can be identified on a map.

In site-generic situations, the code usually comes first, and a plan that tries to respond to the adopted code provisions is developed later; whereas in site-specific situations, the code is normally written to implement an agreed-upon development plan, which precedes it. This is a critical distinction. Site specific codes require much more proactive planning on the part of municipalities, but offer them a much greater level of control; whereas site-generic codes leave the planning to private initiative.

Site-generic codes be applied through overlay districts or floating districts. If applied through either a floating district or an overlay district, they provide an alternative to the base zoning. (An overlay zone is delineated on a map; a floating zone is not, and can be applied at any location within a given jurisdiction that satisfies a particular set of conditions.)

Site-generic codes, which are not anchored to specific site conditions, try to address a wide range of hypothetical situations. This is typically done with complex formulas and abstract relationships that make it very difficult to predict what the final

product will be. In the absence of a flexible implementation framework with plenty of room to adapt general provisions to specific site conditions, site-generic ordinances can be difficult to apply.

By contrast, site-specific codes can be very succinct, because the basic rules of development are defined beforehand. If supplemented by a regulating plan, site-specific codes assume even greater authority.

Codes with regulating plans establish the basic framework of streets, public open spaces, civic sites, and so forth. Although there may be flexibility in determining lot lines, the exact alignment of local streets or even the type and location of specific uses, codes with regulating plans are clearly linked to a specific vision.

Site-specific codes are usually prepared when there is a stated development interest in the site, and are often provided to a municipality by the development team. Alternatively, the public sector may take the lead in preparing the code, often in consultation with the property owner(s) and/or potential developer(s).

Graphics and Visuals

Whereas conventional codes rely almost entirely on written regulations, codes for Centers use illustrations and graphics liberally as a way of both streamlining the code and of making code provisions easier to understand.

In some cases, code provisions are only provided graphically, with no written expression (e.g., bulk standards for the Kentlands). In other cases, the illustrations reinforce or clarify written provisions. Or, illustrations or diagrams are used to clarify concepts or offer possible solutions. Finally, illustrations may represent technical specifications or adopted products.

Implementation Issues

Adoption of a code is an important step -- but does not by itself guarantee

Origination	Mechanism	Code
Public Sector		
	Redevelopment Plan - Zoning / Code	East Oceanview
	Design Guidelines-Comp Plan - Zoning	San Diego
	Comp Plan / Design Guidelines - Zoning	Sunnyside Village
	Master Plan - Design Guidelines	Capital District (Trenton)
	Redevelopment Plan - Zoning / Code	MSM Reg. Council
Private Sector		
	Rezoning - Regulating Plan / Code	Cordova
	Rezoning - Regulating Plan / Code	Kentlands
	Rezoning - GDP - Site Plan / Code	Easttown
	Rezoning - GDP - Site Plan / Code	Crystal Lake

that a Center will develop. What are the most important requisites to the successful implementation of these codes?

Center Development Plan - the Regulating Plan

Site-specific codes are generally linked to a Center development plan or a regulating plan. Designers will debate the details of such a tool and how much flexibility is enough or too much, but it is generally accepted that the regulating plan should establish the following elements:

- generalized street system (major streets only)
- location of major public spaces
- location of major civic buildings
- generalized distribution of land uses
- generalized distribution of development densities.

It is not necessary for the regulating plan to firmly establish the number and type of buildings and units for each individual block, so market-driven variations and adaptations can be allowed. However, the regulating plan is necessary to provide the vision and physical backbone for Center development.

The regulating plan is generally devel-

oped and adopted through the master plan process, as an amendment to the land use element. In New Jersey, the land use plan submitted for General Development Plan (N.J.S.A. 40:55D-45.2) approval of PUDs or other large-scale development can serve this function, as can the official map (N.J.S.A. 40:55D-32).

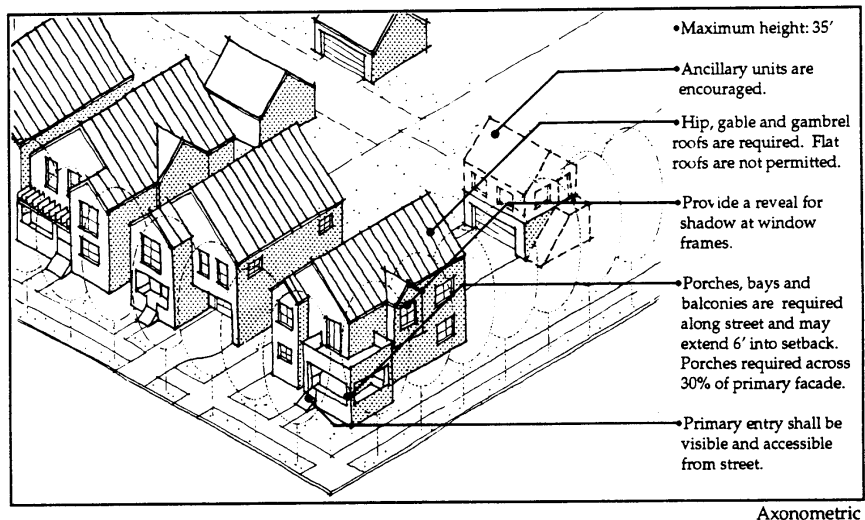
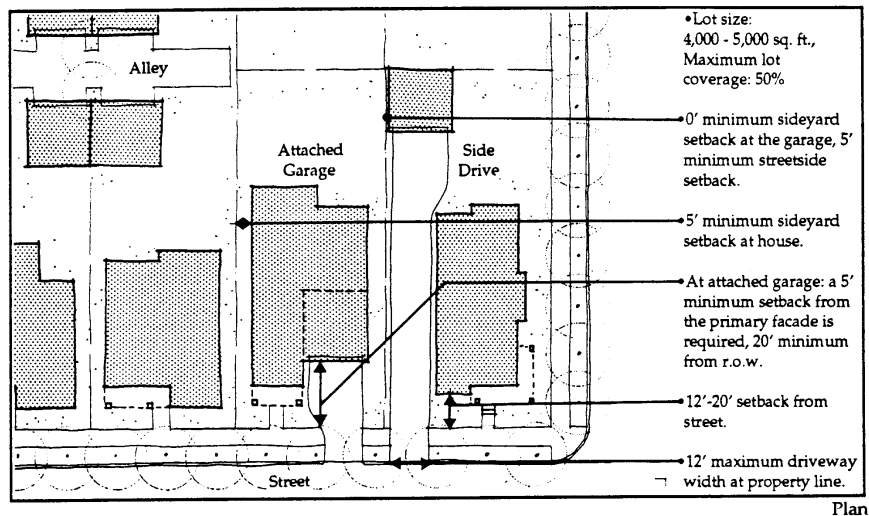
Coordination Functions - The Role of the "Master Developer"

Because Centers, like master planned communities, are more complex than conventional development projects, project coordination takes on a critical dimension. The functions of the Center coordinator may include coordination of permitting, construction phasing, infrastructure and financing; and allocation of the financial responsibilities to the various parties involved.

In single-ownership situations, this function is performed by the "master developer". In multiple ownership situations, a developer can perform this role if designated by an association of landowners or investors. Redevelopment agencies either coordinate in-house or delegate these functions to for-profit or nonprofit developers.

Finally, this role can also be performed by the public sector. Sunnyside Village in Oregon is an example. Since there is no master developer, the plan is implemented

VILLAGE SMALL-LOT SINGLE-FAMILY



The graphic guidelines developed by Calthorpe Associates for the Sunnyside Village code provide a clear representation of the rules and desired outcomes.

through individual development applications, as well as through actions taken by public agencies (Clackamas County, the Oregon Department of Transportation, the local Board of Education) with jurisdiction over roads, school construction, etc. Clackamas County has two staff planners coordinating development of the village.

The Sunnyside Village code enacts a mechanism for funding neighborhood park acquisition and improvements to road frontage on those parks through developer contributions. Clackamas

County has enacted a surcharge of \$427 on each building permit to raise funds for parkland and open space acquisition within the plan area. The county has also received a Federal Transit Administration Livable Communities grant for this purpose.

Landowners are required to dedicate designated park sites but through this fund are reimbursed fair market value for the public open space within their holdings. Other infrastructure improvements are entirely funded and built by developers.

Design Standards and Design Review

Some form of design control and review is generally considered appropriate in Centers, although there is debate on the best way to implement these regulatory measures, and on their scope. Some codes are very prescriptive, with detailed design standards that control everything visible from the exterior, even the individual fixtures.

At the Kentlands infill development, for example, the code refers to a *master list* of approved paint colors, exterior building materials, plant materials, and miscellaneous items such as mailboxes, newspaper boxes, lettering and numbering. In this, as in many other ways, such projects are following the lead set by the development industry in the established master planned communities and PUDs.

Other codes are more relaxed about design issues. Codes for projects such as Harbortown and Cordova contain design guidelines illustrating "recommended" and "not recommended" solutions. That format provides guidance to designers, while still allowing great flexibility.

In many projects with a master developer there are two layers of design controls. Often, the municipal approvals contain certain minimum requirements, but the bulk of the design controls are implemented by the developer, through a "town architect," a homeowners association, in-house staff or other means. Execution of the code may be an integral part of the development approval, and so the design code may be adopted by reference even though it is implemented through the developer. In other cases, the design review process is exercised by a public body.

In Sunnyside Village, design review is required on applications for retail, office and multi-family development. The Clackamas County planning staff has been responsible for design review, with some consultant assistance. This is also the case in Trenton,

Agency Administering Design Review	Code
Public	
Norfolk Redevelopment Housing Authority	East Oceanview
Clackamas County	Sunnyside Village
Dade County	Traditional Neighborhood Development
City of San Diego	Transit-Oriented Development
City of Trenton/ CCRC	Capital District
Private	
Master Developer	Kentlands
Master Developer	Easttown
Master Developer	Harbortown
Master Developer	Cordova

review subcommittees, staff, or consultants. Developers can supplement the municipal review with more detailed developer controls, which can be perpetuated through deed restrictions or covenants and enforced by a homeowners association.

For Further Information

All codes cited in this article are on file with the Office of State Planning. To consult the codes, for further information on this topic, or to find out more about how the Office of State Planning can assist your community with development codes, please contact Carlos Macedo Rodrigues, Manager - Special Projects, at 609-292-3097 or e-mail at rodrigues_c@tre.state.nj.us.

where city staff and CCRC staff jointly review applications for conformance with CCRC's Capital District Code, which is considered advisory since it has not been formally adopt-

ed by the city. In New Jersey, design review falls under the purview of municipal planning boards, which may delegate part or all of that responsibility to design

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