

FOREWORD –WHAT IS COMPOSITE ZONING?

(From Leander, TX Composite Zoning Code)

In most zoning ordinances, a zoning district may be any one of a list of use districts. In an attempt to provide for districts that fit within the context of different locations, a city will typically add to the list of use districts with districts that have more and more narrowly defined lists of uses and perhaps some form based rules that define what site and architectural standards apply. As new zoning situations arise which may not be appropriate to the existing districts, either more districts are created, or a Planned Unit Development (PUD) or special permit may be employed to further customize the rules. These customized districts may be narrowly defined and, as they become more numerous in a city, they become more and more difficult to administer because every tract of land handled in this way has its own unique standards. This can eventually result in confusion about what rules do and do not apply to a tract of land.

The comment heard frequently from developers is that standard zoning use districts become too narrowly defined with respect to permitted uses. They find it difficult to market property with uses being so narrowly defined. PUD districts and special use permits can be even more narrowly defined and the approval process can be time consuming and unpredictable.

The comment heard from neighbors and the community at large is that standard zoning districts do not adequately define the standards that are most important to them such as form based standards, i.e. what the project will look like. Frequently the site and architectural standards have to be structured to fit the lowest common denominator of standards appropriate for the full list of allowable uses. Zoning districts often fail to provide the predictability necessary to protect the community from inappropriate development.

The problem is that standard zoning districts tend to be too narrowly defined with regard to permitted uses and there are no choices with respect to form and esthetic standards. This problem is caused by the structure of the code. Zoning choices that involve use, site and architectural standards should not be made with a one-dimensional approach whereby all standards are lumped into single category.

Take, for instance, ordering food at a restaurant. Imagine ordering soup, a salad and a main entrée. You decide that you would like vegetable soup, a garden salad and shrimp with bow tie pasta only to learn that with the shrimp dish you get bean soup and a Caesar salad. You would probably be disappointed with the lack of choice you have and the inflexibility of the menu. The same situation exists with standard zoning districts. They lack a flexible menu. If you want a particular use, the site and architectural standards come with the use choice and cannot be changed. You may want different site and architectural standards, but if you choose a particular use district, the site and architectural standards come with that use district and there is no flexibility in changing them even if they do not fit within the context of the location.

Why not order your courses separately and get what you want? Why not make separate decisions about the use, the site standards and the architectural standards the same way you make separate decisions about soup, salad and an entrée? In this way you can mix and match these standards to better fit within the context of a particular tract of land. Every individual has different tastes in food, and every tract of land falls within a different context. Why be forced to utilize the lowest common denominator of site and architectural standards when higher standards may be appropriate? Why not expand your zoning menu options to allow you to select the right mix of standards? This is what Composite Zoning provides. It allows choices to be made independently for appropriate use, site and architectural standards.

The concept of Composite Zoning is not new. Some of our earliest zoning ordinances were composite zoning ordinances. The Village of Euclid adopted a zoning ordinance in 1924 that included a use district, a height district and an area district. One of each of these districts was combined to create a “composite” zoning district. This ordinance was tested in a 1926 Supreme Court decision which validated the ordinance and established the constitutional footing for zoning in this country. With time, height and area standards were integrated into the use districts in most cities.

Following with the older traditions, this ordinance re-establishes Composite Zoning, but in a new way. This new way expands the old height and area districts to incorporate more form standards. It is form standards that establish important criteria that determine what we actually see when a project is built, not what activity goes on inside the building.

This ordinance provides three zoning components to choose from and mix and match. Just like a meal which may include soup, salad and an entrée, this composite zoning ordinance includes a use component, a site component and an architectural component. The menu includes a number of options in each category just like you have a choice of different soups, salads and entrées. One option is selected from each category to create the composite zoning district that is appropriate for a specific location.

Such an approach to zoning provides for the following:

(1) Composite zoning offers greater potential to mix land uses: It creates opportunities to avoid compartmentalization into single-use neighborhoods physically separated from each other and accessible only by car, and offers potential for integrating compatible land uses into development patterns which promote walking, biking, and community life in general, and allow residents to satisfy their daily needs within walking distance. This in turn reduces the number of car trips per day, reduces pollution, reduces trip length and time lost in travel. The integration of uses, if done thoughtfully, encourages human interaction and promotes more authentic and real neighborhoods.

(2) Places higher priority on site and building standards: Site and building development standards are frequently as important as, or sometimes even more important than, the building use. As an example, a manufacturer of computer chips is an

industrial use. But such a user may be able to occupy a building that is built to high architectural standards and the site may resemble a campus environment with no outdoor storage or other intensive site use characteristics. However, a standard industrial district may permit low architectural standards including corrugated metal siding, and intensive site conditions such as outdoor storage of materials and heavy equipment. By combining a heavy commercial use component with site and architectural components that require high site and architectural standards, a composite district can be created to accommodate the desired use without the fear relegating the site to more intensive conditions in the future if that computer chip manufacturer should either change its plans and not purchase the site or leave the site at a later date and sell to another industry. Composite zoning can thereby enable the location of needed economic development projects in closer proximity to more restricted districts without the fear of negative impacts in the future. Such an approach can result in allowing employers to locate in a more desirable area of the city closer to their employees. This can help to decrease traffic, save time in commuting and reduce air pollution while enabling successful location of a needed employer.

(3) Better zoning protection: By creating zoning districts with multiple components, it is easier to zone property for compatibility with adjacent properties. This is often referred to as “contextual” zoning. Even if the uses vary from one site to the next, consistent or compatible site and building standards can be maintained thereby enabling harmonious development with adjacent properties.

(4) Helps to reduce the number of use districts and re-zoning requests: The number of use districts can be reduced because additional use districts no longer have to be created to distinguish between a variety of site and architectural standards. A City no longer has to create an R & D district, an employment district, or other versions of light industrial and commercial districts because the uses permitted by such districts may be combined with different site and architectural components to create the desired mix of development standards. By reducing the number of use districts (components), each district can be more flexible with regard to the types of uses that are permitted. Re-zoning requests to accommodate a change of use within a developed site can be reduced in number because a single district can now accommodate more types of uses. For example, a developed shopping center that wants to change a use from a video store to a hardware store can be accommodated because there are more uses included in commercial use districts. The center has already been built to the desired site and architectural standards. It makes little, if any, difference that the land use changes from a video store to a hardware store. With composite zoning districts this change of use can be accomplished without re-zoning while maintaining the desired development standards.

(5) Benefits decision making: Under standard zoning districts, a zoning consensus can be difficult to achieve. In order to accommodate the need for a drive-through service lane or limited outdoor storage, a more intensive use district may be the only choice for a use that does not require such an intensive use district. Without composite zoning, a donut shop that needs a drive-through service lane may be forced into requesting more

intensive commercial zoning that would permit this lane but would also permit potential undesirable uses such as liquor stores, gasoline service stations or car washes. With composite zoning, a local commercial use component that would permit a donut shop could be combined with a site component that would permit a drive-through service lane thereby avoiding a decision to risk more intensive uses under a more intensive use district and also avoiding the requirement for a Conditional Use Permit.

(6) Provides more options: Since use components, site components and architectural components can be combined in multiple combinations, composite zoning provides more options for development standards. This results in better definition to zoning standards with less reliance on Planned Unit Development districts or Conditional Use Permits to provide a successful combination of standards for a particular site.