Essential Information For Downtown Revitalization October 15, 2007

Downtown Idea Exchange

Perspectives

Downtown revitalization: Is your zoning helping or hindering it?

By George R. Frantz

Communities across the United States recognize the value of — and continue to invest in — efforts to maintain and reinvigorate their downtowns. One critical aspect of the downtown puzzle that many cities overlook is their municipal zoning code, much of which may be working counter to their vision for downtown.

Zoning in the United States dates back to the early 1900s. Unfortunately for many downtowns, an underlying assumption of zoning, albeit rarely articulated, is that the dense urban pattern that developed in America since colonial times and which marked the typical downtown, is inherently unhealthy. The objectives of good zoning laid out in the Standard State Zoning Enabling Act published by the U.S. Department of Commerce in 1926 — including lessening congestion in the streets, securing safety from fire, providing adequate light and air, and preventing overcrowding — were part of a wider reaction to the perceived ills of America's cities. The rise of zoning also coincided with the rise of the automobile and the new American suburbs, which presented an attractive alternative to life in the city.

Particularly in smaller cities, zoning regulations were written to reflect the new suburban ideal of zoning, which emphasized the accommodation of the automobile and reducing development densities. Front, side, and rear yard setback requirements and lot coverage and building height restrictions ignored the historic American downtown development patterns, which emphasized attached, multistory buildings with zero setbacks from the right-of-way and with no provisions for parking. In many towns across the country, the very downtown properties that create the physical character and atmosphere that residents and visitors cherish do not conform to current zoning regulations.

Although nobody is being forced to tear down buildings that do not conform to zoning, nonconformance can be a major obstacle to downtown revitalization. It is one more risk that investors weighing a downtown project against one on a suburban greenfield site must factor into the equation. The need to seek special permits, variances, or other municipal approvals for a building that does not conform to zoning may be the added cost, and the roll of the dice, that turns away the prospective investor. Design that meets local downtown zoning may well be possible, but more often than not, building with 10- or 20-foot setbacks, keeping to a 30- to 40-percent maximum lot coverage, and providing parking onsite is an economic non-starter.

And in too many instances where new downtown development that conforms to zoning has occurred, it has required heavy government subsidies, including from the pockets of local taxpayers. In most cases, too, the results have not been aesthetically pleasing. Simply setting a building back even just 10 feet from the historic sidewalk edge can have a dramatic visual effect on the character of a downtown commercial block. The traditional row of sidewalk storefronts is disrupted and the downtown

This article was reprinted from the October 15, 2007 issue of *Downtown Idea Exchange.*
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pedestrian experience suffers. The impact on downtown character can be particularly adverse when it involves a block of historic commercial buildings.

Unfortunately in many cases, the adverse visual impact of building to zoning in the downtown is further exacerbated by the need to provide parking. Too often in smaller downtowns, the parking goes between the new building and the street line, or alongside the building. The hole in the fabric of a downtown gets bigger and bigger, as storefront displays are replaced with a sea of asphalt. The overall aesthetic appeal of the downtown and the quality of the pedestrian experience deteriorate accordingly.

Civic leaders, businesses, and downtown development professionals need to take a close look at their zoning regulations for downtown to ensure that the regulations will support, not impede, their vision for a vibrant downtown. The traditional fabric and historic architecture of the American downtown has weathered the post-WWII suburban development binge fairly well. The zero setbacks from the street line, 100-percent building lot coverage, and four- to five-story height limits are extremely efficient uses of land. These walkable development characteristics promote an attractive pedestrian environment, feature texture, and create an ambience the suburban strip commercial developments can only fantasize about. They are what collectively attracts increasing numbers of people back to the downtown.

Ironically, out in the suburbs, planners and developers have woken up to this very fact. Suburban communities are now adopting neotraditionalist and new urbanist-style zoning regulations that permit developers to mimic the traditional American downtown. Even they have come to recognize a good thing! Make sure your downtown zoning recognizes a good thing as well.

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