

From Policy to Reality

Updated
^ Model Ordinances for Sustainable Development



2000
Environmental
Quality Board

2008
Minnesota Pollution
Control Agency

Primary Author:



CUNINGHAM
G R O U P

| Suzanne Rhees

Project Coordinator:

C R Planning, Inc.
Community
Resources

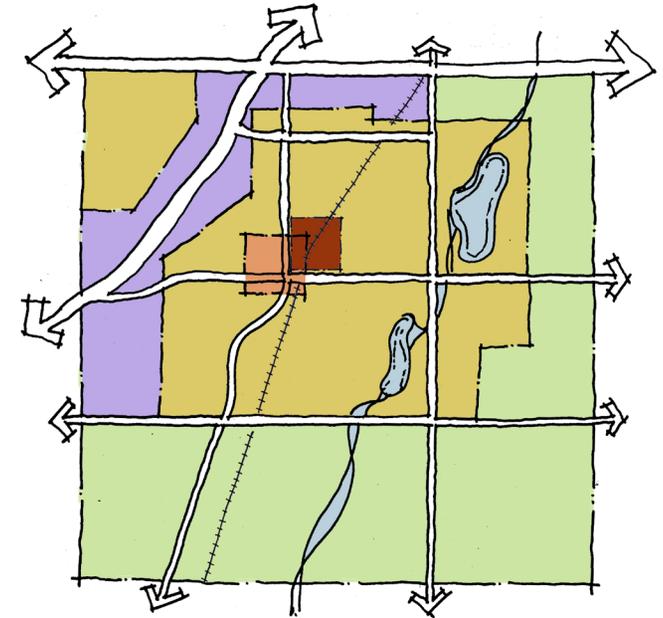
INTRODUCTION

Transit-oriented development can be simply defined as “a mix of uses, at various densities, within a walkable radius of a transit stop.” A more meaningful definition incorporates the goal of creating a functional integration of transit and surrounding development, through which each supports and strengthens the other. Transit-oriented development (abbreviated as TOD) is attracting increasing interest nationwide and in Minnesota, as new transit corridors are studied or built, and as planners and decision-makers recognize the role of supportive development patterns in building transit ridership. In the Twin Cities metropolitan area, for example, multiple transit station area plans have been developed or are underway for existing or planned transit corridors. Examples of TOD ordinances, however, are less common.

A transit-oriented development district is typically located within walking distance of a transit stop or station, whether these serve a light rail, commuter rail, streetcar, bus rapid transit or local bus system, although most TODs are focused on fixed-guideway (i.e., rail or busway) transit systems. Detailed plans for station areas are often developed when a transit system is in the planning stages, and TOD ordinances are often closely linked to those station area plans. A TOD district can also be applied along a transit corridor, such as a streetcar line, in a more linear pattern.

The challenge in drafting a “model” TOD ordinance is to recognize the broad range of transit modes that may be involved and of locations where a TOD district might be located. Land uses, density and intensity of use, building height and coverage, amount and placement of parking – all will differ depending on transit mode and location. The Center for Transit-Oriented Development (CTOD) suggests a “TOD Typology” that ranges from the densest urban centers to the most dispersed suburban ones. In the Twin Cities metro area, the Metropolitan Council defines the following types of TOD Settings, which align with the sectors served by Metro Transit:

- Urban Downtown / Transit Corridor
- Urban Neighborhood / Transit Corridor
- Suburban Downtown
- Commuter Town Center / Joint Use Park-and-Ride



TOD References

The quote in the first sentence, and most other references in this section, are from The New Transit Town: Best Practices in Transit-Oriented Development. Hank Dittmar and Gloria Obland, eds. Island Press, 2004.

The table below summarizes some of the variables that may apply to each TOD type or setting, based on the Metropolitan Council's TOD types and CTOD's guidelines.

TOD Type	Land Use Mix	Housing Types	Density and Scale of Development	Transit Modes; Frequencies
Urban Downtown	Primary office center; urban entertainment, multifamily housing, retail	Multifamily, loft	High >60 units/acre	All modes; < 10 minute frequency
Urban Neighborhood	Residential, retail, small-scale office	Multifamily, loft, town-home, single-family	Medium >20 units/acre	Light rail, streetcar, rapid bus, local bus; 10 minutes peak, 20 minutes off-peak
Suburban Center / Downtown	Primary office center, urban entertainment, multifamily housing, retail	Multifamily, loft, townhome	High >50 units/acre	Rail, streetcar, rapid bus, local bus, paratransit; 10 minutes peak, 10-15 minutes off-peak
Commuter Town Center / Joint Use Park-and-Ride	Retail center, residential	Multifamily, townhome, single-family	Low >12 units/acre	Commuter rail; rapid bus Peak service

Source: Adapted from The New Transit Town, Chapter 1: Defining TOD: The New Regional Building Block.

A TOD ordinance can be designed as either an overlay district or a primary (base) district. An overlay district can, as its name suggests, be applied “over” one or more existing districts, while a new primary or base district replaces any pre-existing districts. Many primary districts are developed as an outgrowth of station area plans, which define desired land uses, building types, street types, parking, movement and open space, often at a block-by-block level. Station area planning should create a foundation for zoning ordinances and other tools that will shape development. Some cities, such as Minneapolis, Austin, Texas, or Portland, Oregon, have created temporary station overlay districts. These function as placeholders, restricting some incompatible land uses and activities, until such time as station area plans can be developed.

A transit-oriented development usually is designed with a center (around a transit station) with the highest density and concentration of uses, and a peripheral area with lower densities and a narrower range of land uses, such as a residential or employment district. Some ordinances define various types of TOD districts – i.e., Austin, Texas, defines neighborhood center, town center, regional center and downtown TODs. Others are specific to only one type of district or to one station area. The model that follows employs one district type but divides it into two sub-districts: a TOD Core (or Center) and a TOD Neighborhood, which could be primarily residential or employment-focused. This model is designed at a scale that would support a light rail or Bus Rapid Transit (BRT) corridor serving a mid-sized freestanding town center or neighborhood center. It is designed as a primary district, but could also be adapted as an overlay.

- I. **Intent and Purpose** - The TOD District is designed and intended to encourage a mixture of residential, commercial, employment and civic uses in proximity to identified transit stations at densities and intensities that support and increase transit use. The district is also intended to:
 - A. Encourage a safe and pleasant pedestrian environment near transit stations and to limit conflicts between vehicles and pedestrians;
 - B. Maximize access to transit;
 - C. Encourage use of transit infrastructure;
 - D. Provide parking in an unobtrusive manner;
 - E. Reduce parking requirements by encouraging shared parking and alternative modes of transportation;
 - F. Encourage a sense of activity and liveliness along the street level of building facades.

- II. **Applicability** - The TOD District shall be applied within [1,000 feet – ½ mile] of a transit stop or station, or to areas designated in a station area plan adopted by the City.

- III. **Use Regulations** - The following table indicates allowed land uses with the following abbreviations: P for Permitted Use, C for Conditional Use, N for Not Permitted.

	Core	Neighborhood
Residential Uses		
Single-family dwelling	N	P
Two-family dwelling	C	P
Townhouse, rowhouse	P	P
Dwelling unit located at ground floor	C	P
Dwelling unit located above ground floor	P	P
Secondary dwelling	C	P
Community residential facility	P	P
Live-work space	C	P

Applicability

If the TOD District is designed as an overlay district, then a statement like the following could be used. If it is a primary district it will be designated on the City's zoning map like other zoning districts.

Use Regulations

TOD Districts typically allow a broad range of uses and prohibit a few, mainly those that are oriented toward motor vehicles sales and service and surface parking. The following list, like all the lists of uses in this collection, needs to be tailored to each community's needs.

Civic and Semi-Public Uses	Core	Neighborhood
Libraries, museums, community centers	P	P
Colleges and universities, commercial schools and professional training facilities	P	C
Religious assemblies	P	P
Schools, public and private	P	C
Day care centers	P	P
Parks and recreation facilities	P	P
Hospitals, clinics, nursing homes	P	C
Transit stations and related parking facilities	P	P
Commercial Uses		
Retail sales and service establishments, multi-tenant shopping centers, and personal service establishments with a maximum of 30,000 square feet of gross floor area per floor, per single tenant.	P	P
Retail sales and service establishments, multi-tenant shopping centers, and personal service establishments with more than 30,000 square feet of gross floor area per floor, per single tenant.	C	C
Services such as beauty shops, barbershops, and dry-cleaning establishments. No drive-through service windows permitted.	P	P
Professional business and general offices such as banks, offices, clinics, medical, dental and doctor's offices, government and public utility office buildings, post offices, opticians' offices and similar uses.	P	P
Hotels, motels, inns, bed and breakfasts	P	P
Convention centers and halls, conference centers, exhibition halls	P	C
Theaters, indoor entertainment facilities, fitness centers, health clubs	P	C
Structured parking facilities when part of a mixed-use development	P	C
Restaurants including open air or sidewalk cafes	P	P
Food and beverage sales	P	P
Tavern	P	C
Art and craft galleries and studios	P	P
Farmers' markets	P	C

	Core	Neighborhood
Mixed-use developments or multi-use developments with a maximum of 30,000 square feet of gross floor area per floor, per single tenant.	P	P
Mixed-use developments or multi-use developments with more than 30,000 square feet of gross floor area per floor, per single tenant.	C	C
Drive-through facilities in conjunction with a permitted use	N	C
Automotive service stations, including convenience stores with fuel sales	N	C
Automobile sales and service	N	N
Outdoor sales and storage in conjunction with a permitted use	N	C
Limited production and manufacturing uses*	N	C

* This use type may be suitable in an employment-oriented district.

IV. Multiple Use Requirements

- A. In the TOD Core, development proposals that involve [3-5] acres shall include at least two of the following use categories. A minimum of 10% of the proposed gross floor area of the development shall be devoted to each use:
 1. Residential
 2. Commercial, (including any use in the Commercial category in the above table)
 3. Civic and Semi-Public
- B. Within the TOD Core, a minimum of 50% of ground floor frontage along primary streets shall be designed for retail use, with a floor-to-ceiling height of at least 10 feet and with 60% façade transparency between 2 and 8 feet from ground level.
- C. All parking structures shall be lined with other allowed uses along the primary street frontage.

- V. **Public Space Requirement** - Development proposals that involve [10 – 15 acres] or more must set aside a minimum of 5% of the project site as open space, which may be designed as a square, plaza, terrace or green, with a variety of landscaped and paved surfaces and seating areas. This requirement may be waived in cases where a master development plan already specifies the location and design of open space on the site.

A requirement for multiple uses in larger projects is intended to encourage diversity and avoid single-use enclaves.



Not surprisingly, dimensional standards will vary widely depending on the context and culture of each community; the following standards are provided as a starting point.

VI. Dimensional Standards

	Min. Lot Area, sq. ft.	Min. Lot Width, sq. ft.	Min. Front Yard	Min. Side Yard	Min. Rear Yard
Single-Family Detached	4,000	40	20	7	20
Two-Family	5,000	50	20	7	20
Townhouse, Rowhouse	2,500	25	10	8 (end unit)	20
Live-Work Unit	If attached, townhouse requirements apply. If detached, single-family requirements apply.				
Multifamily	700/unit	60	20	10	20
Mixed-Use Building; Other Uses	Varies by location – see Section __ below				

Structure Setback/Build-To Line for Mixed-Use and Other Buildings:

- A. Within the TOD Core, there is no minimum front setback or street side yard. The maximum front setback shall be no greater than 15 feet from the street right-of-way. However, up to 30% of the building façade may exceed the maximum setback in order to create courts, plazas, outdoor seating areas, or other pedestrian amenities.
- B. Within the TOD Neighborhood, there is no minimum front setback or street side yard, except when adjacent to a residential use or zoning district, in which case the setbacks of that district shall apply to the closest building. The maximum front setback shall be no greater than 20 feet from the street right-of-way. However, up to 30% of the building façade may exceed the maximum setback in order to create courts, plazas, outdoor seating areas, or other pedestrian amenities.

VII. Density Standards

	TOD Core	Neighborhood
Minimum Density	30 units/acre	15 units/acre
Maximum Density	80 units/acre	50 units/acre
Minimum FAR	2.0	1.0
Minimum Height	2 stories	2 stories
Maximum Height	8-10 stories	4-6 stories

In a TOD, it is more important to require a minimum density than a maximum density, which will be largely determined by other site constraints. Densities of 90 or more units/acre are typical in a downtown TOD setting.

VIII. Parking Requirements

- A. Required parking may be reduced to [50 – 80% percent] of the minimum otherwise required in this Code. The maximum amount of required parking shall not exceed [100 – 120%] of the minimum otherwise required in this Code. The maximum provision shall not apply to park-and-ride facilities or other parking provided as part of a transit facility.
- B. Shared parking between complementary uses is encouraged. Minimum parking requirements may be further reduced with submittal of a shared parking plan.
- C. Off-street surface parking is not permitted between the front façade of a building and the primary street. Parking may be located to the rear or side of a building, provided that no more than [40%] of the lot frontage along the primary street is devoted to parking or drives.
- D. Bicycle parking shall be provided as a component of all parking facilities, at a ratio of one bicycle space per [10-25] automobile spaces.

Because of the availability of transit, off-street parking requirements should be reduced or even eliminated in some cases. The degree of reduction will depend on the level of transit service provided and other factors specific to each community. A parking cap may also be desirable in order to avoid an over-supply of parking close to transit stations.

IX. Street Design

- A. **Connectivity** - New or extended streets within the district shall connect to at least two other streets unless physical barriers or sensitive natural resources preclude such connection. Cul-de-sac streets are not permitted except as temporary street-ends.
- B. Sidewalks shall be provided along both sides of all streets, except where streets abut a park or other public space with entrances and pathways in other locations.



This mixed-use building, the Dakotah, in West St. Paul, wraps around rear-yard parking and green space. Image from Metropolitan Council, Transit-Oriented Project Profile.

Some TOD Districts include their own specific street standards; for additional information on walkable streets, see Section [TBA].



X. Design Standards

- A. **Consistency with Station Area Plan** - Where a station area plan has been adopted by the governing body, the arrangement of land uses and streets shall be consistent with that plan. Any design guidelines or standards established in that plan shall be in addition to the following standards, or, in case of conflict, will supersede these standards.
- B. **Entrance Placement** - The primary pedestrian entrance for pedestrians to access all sidewalk level uses and business establishments with street frontage:
 - 1. Shall face and be visible from the street.
 - 2. Shall be directly accessible and visible from the sidewalk.
 - 3. Shall remain unlocked during business hours for non-residential uses.
- C. **Window Transparency** - At least 40% of the ground floor building facades shall be transparent, with openings located between two and 8 feet from ground level.
- D. **Façade Articulation** - Buildings should be designed with a base, middle and a top. Elements such as windows, doors, columns, changes and material, and similar detailing should be used to visually divide long facades into smaller increments.
- E. **Building Height Transitions** - Buildings at the edges of the district, where those edges abut lower-density residential districts, shall step down to the maximum height allowed in those districts within one-half block of the boundary.
- F. Building scale and height on opposite sides of any street within the District should be consistent. Transitions in height should occur across rear lot lines. This requirement may be waived for where a master plan for the area establishes a more detailed block and height pattern.