

AGENDA – WORKSHOP OF THE PLANNING & ZONING COMMISSION OF THE CITY OF PEARLAND, TEXAS, TO BE HELD ON MONDAY, NOVEMBER 1, 2010, AT 6:00 P.M., IN THE 2nd FLOOR CONFERENCE ROOM, CITY HALL, 3519 LIBERTY DRIVE, PEARLAND, TEXAS.

I. CALL TO ORDER

II. PURPOSE OF THE WORKSHOP:

- 1. COMMISSION INPUT AND DISCUSSION: LAND USE MATRIX CONTINUATION** – *presented by Mr. Evan DuVall, Planner II*

III. ADJOURNMENT

This site is accessible to disabled individuals. For special assistance, please call Young Lorfing at 281-652-1653 prior to the meeting so that appropriate arrangements can be made.

Land Use–Matrix

Planning and Zoning Commission

Workshop: 10/18/2010

Zoning: Workshop

- ▶ A) Zoning:
 - Brief History
 - ▶ B) Euclidean Zoning
 - ▶ C) Performance Zoning
 - ▶ D) Incentive Zoning
 - ▶ E) Form Based Code

 - ▶ F) Discussion
- 

Zoning: The beginning

The Equitable Building, New York.



First zoning ordinance was established in New York City to address the newly completed Equitable Building.

- * Building was 36 Stories high and an cast a 7 acre shadow on the surrounding streets.
- * Zoning Ordinance was established in 1916 and limited the height, setback and allow for lighting to hit street level

Zoning: The beginning

Origins of Zoning Authority

Village of Euclid, Ohio v. Ambler Realty Co. (1926), was the first case to uphold zoning authority against constitutional challenge.

- Ambler Realty owned 68 acres in Euclid, a suburb of Cleveland.
- To prevent industrial Cleveland from growing into and subsuming Euclid, the village developed a zoning ordinance with 6 uses.

Ambler Realty sued the village, arguing that the zoning ordinance had substantially reduced the value of their property by limiting its use

The court upheld the zoning ordinance, finding a valid government interest in maintaining the character of a neighborhood and in regulating where certain land uses should occur.

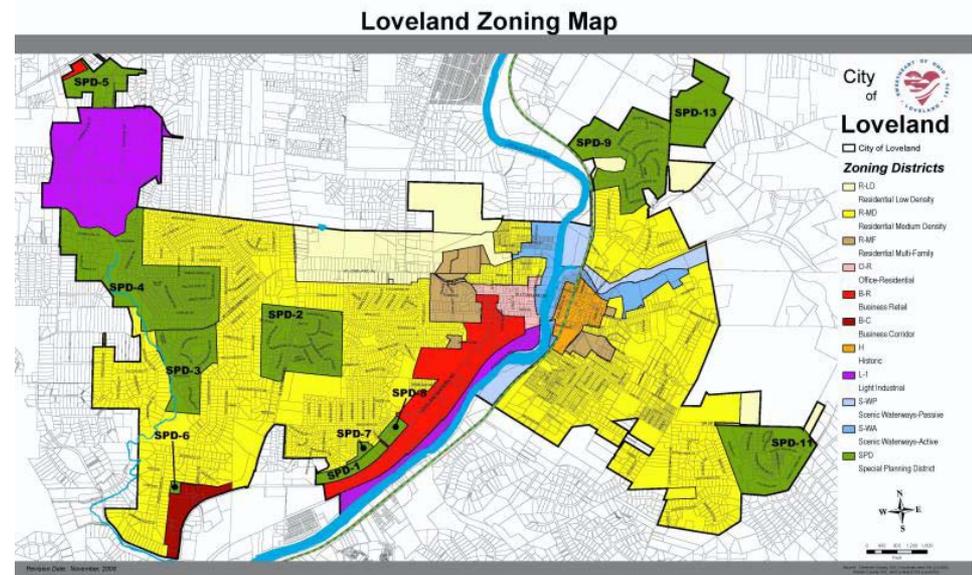
Note: Ambler property remained vacant for 20 years after this verdict.

Euclidean Zoning

- In response to incompatible uses next to residences or tenements.
 - Examples:
 - Chicago slaughter houses next to homes of workers. – Upton Sinclair the Jungle
 - Industrial uses churning out pollution and noise while operating business 24-hours.
 - During this time there were no zoning districts.
- 

Euclidean Zoning

- ▶ Three basic zoning types were established; Residential, Commercial and Industrial zoning districts.
- ▶ Uses were separated from each other and no longer could a convenience store be located within a neighborhood.



Euclidean Zoning

Focus on Uses & bulk

▶ Elements:

- Use
 - Minimum lot area
 - Lot coverage restrictions
 - Maximum height
 - Required setbacks
- ▶ Use relates to the function of the building – not form
- City of Pearland's is example

Critiques of Euclidean Zoning

- ▶ Separation of uses too restrictive
 - The time of the industrial revolution in the United States has ended. Less worries about manufacturing locating near single family homes
 - Some residential and commercial uses may be complementary with each other and can co-exist. Example: Offices and residential

Five Critiques of Euclidean Zoning

- ▶ 1) urban sprawl; (2) racial and socioeconomic segregation;
- ▶ (3) environmental degradation and energy waste; (4) adverse economic impact; and (5) diminished quality of life.

Important Author: Jane Jacobs

Euclidean Zoning

Good at:



Poor at:



Performance Zoning

Uses performance-based or goal-oriented criteria to establish review parameters for proposed development projects in any area of a municipality.

- ▶ Often uses a "points-based" system whereby a property developer can apply credits toward meeting established zoning goals through selecting from a 'menu' of compliance options (some examples include: mitigation of environmental impacts, providing public amenities, building affordable housing units, etc.)

Performance Zoning:

Example: Hanover County Virginia

Industrial Uses:

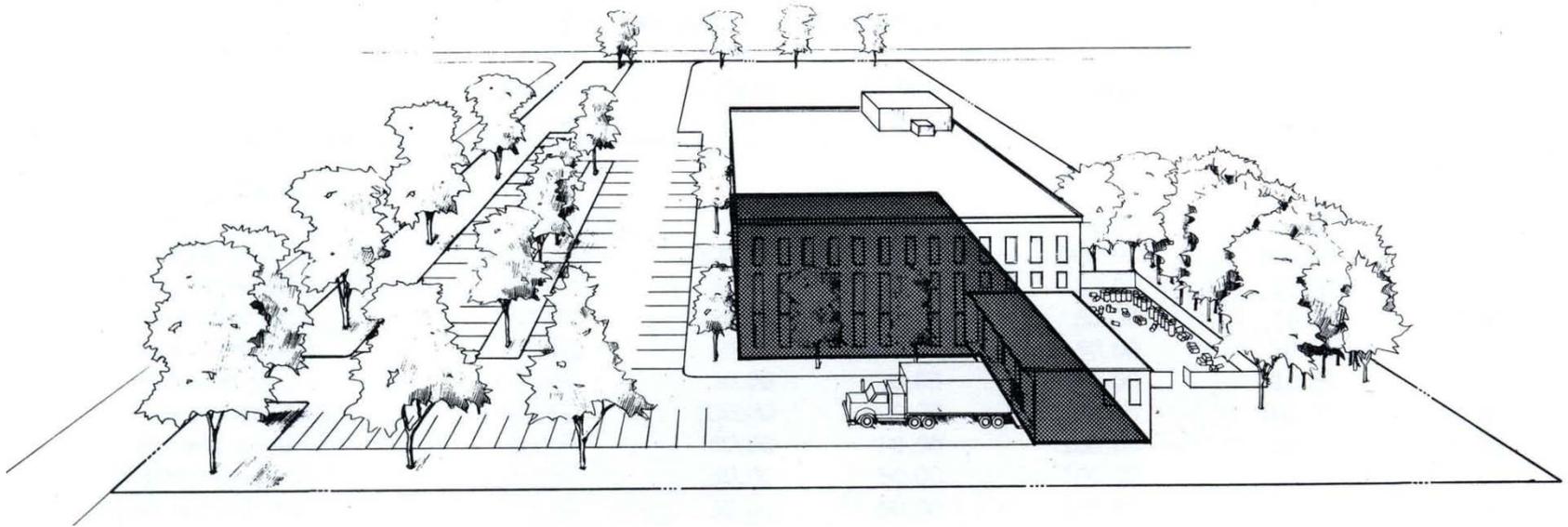
- * Performance zoning for industrial areas typically regulates parking, loading, floor area ratios (FAR), building setbacks, landscaping and even maintenance.
 - * Done by two ways regulation of the site and regulation of activities or outputs.
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Performance Zoning:

- ▶ Goals of zoning are created and then measures are used to assure these goals are satisfied.
 - ▶ Scores are typically given to developments based upon established criteria.
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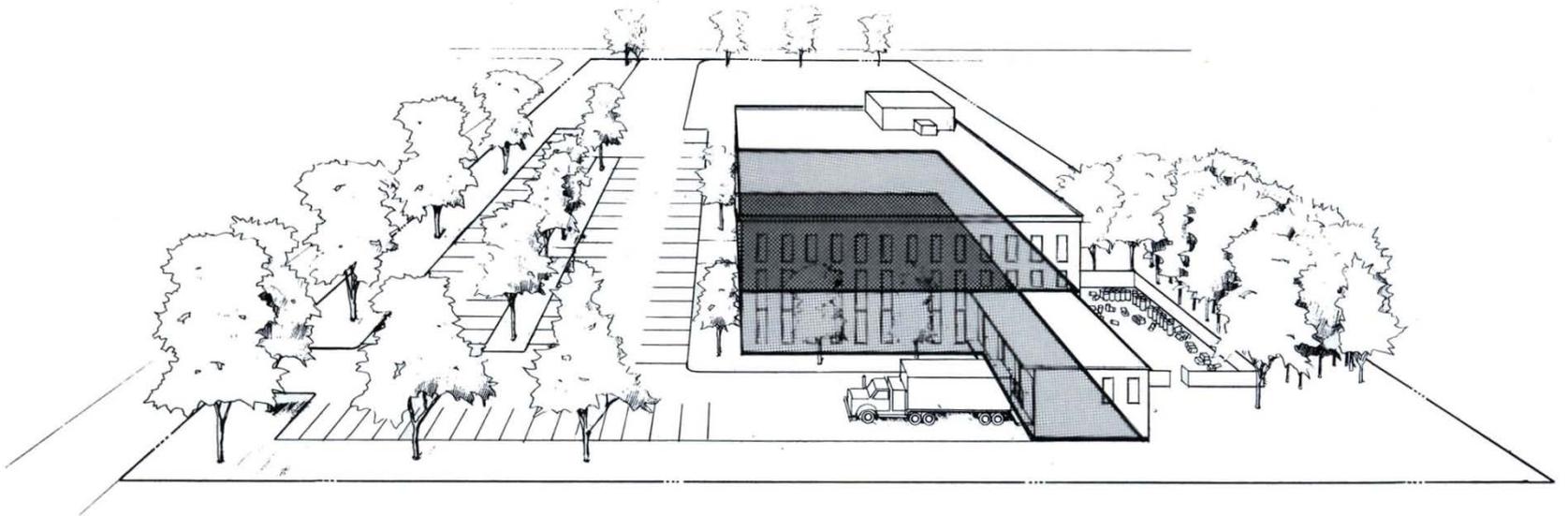
Performance Zoning

Building Coverage:



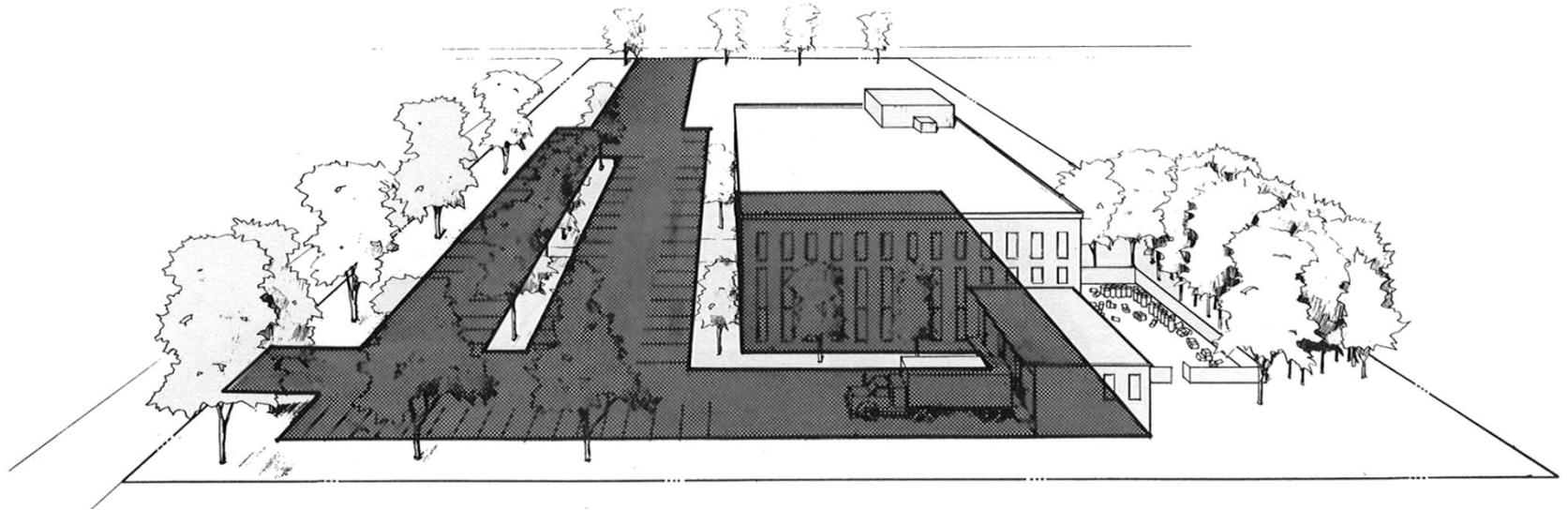
Performance Zoning

Floor Area Ratio:



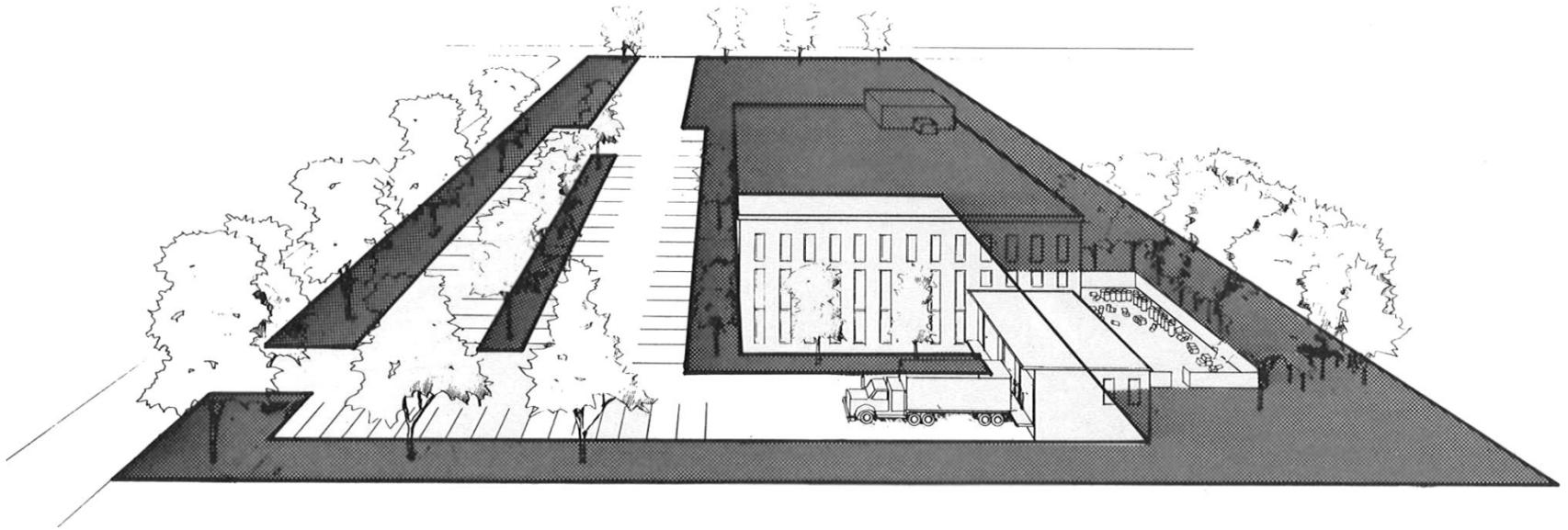
Performance Zoning

Impervious Surface Ratio



Performance Zoning

Landscape Surface Ratio



Performance Zoning

- ▶ Score is then Calculated based on selected measures.

	Site A	Site B	Site C
BVR	0.637	0.637	0.637
LVR	0.9	0.358	1.792
SVR	-0.547	-0.279	1.155
FAR	0.3	0.3	0.3
BC	0.15	0.15	0.15
LSR	0.448	0.448	0.448
ISR	0.552	0.552	0.552
% LSR	10%	40%	80%

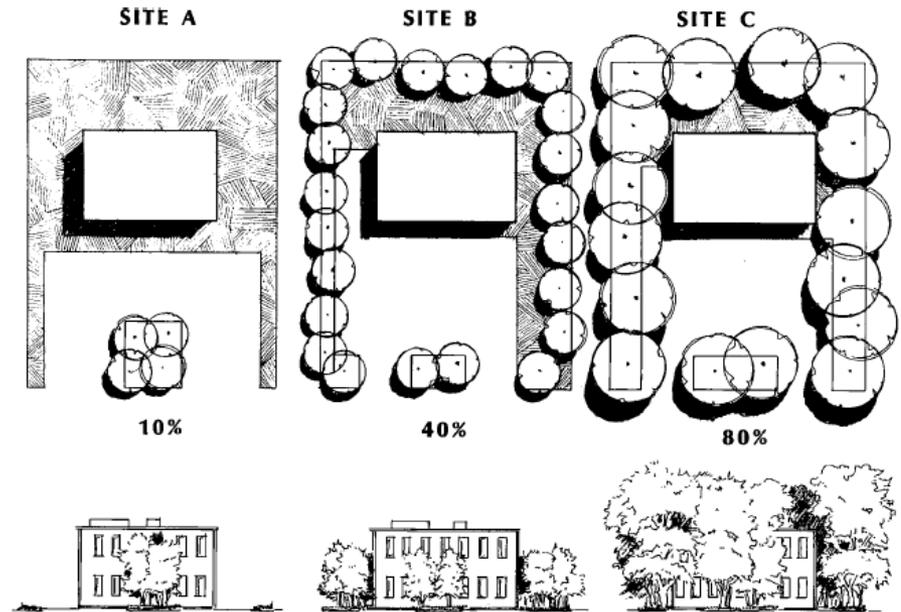


Figure 7: Landscape Coverage and Site Volume Ratio

Performance Zoning:

Site Conditions Scoring Matrix - R1 Single-Family Zoning District

Criteria	Standard		Points	Possible Combinations	Maximum Points	Points Scored
Open Space & Recreation Features						
Open Space..	(A)	...>1,500 square feet per base lot..	(1) ...as an undeveloped natural area.	75	(A)(1)+(B)(2)=175 (A)(2)+(B)(1)=300	300
			(2) ...as a developed park.	250		
	(B)	...1,000-1,500 square feet per base lot..	(1) ...as an undeveloped natural area.	50		
			(2) ...as a developed park.	100		
Pedestrian Paths..	(A)	...an 8 foot wide pedestrian path is provided within the development		25	not applicable (graduated scale)	75
	(B)	...a pedestrian path in a linear park system is provided within the development.		75		
Landscaping/Tree Preservation..	(A)	...at least 3 hardwood trees per base lot are planted in the development.		25	(A)+(B)=50	50
	(B)	...at least 50% of pre-existing hard wood trees are preserved (20 tree minimum).		25		
Transportation Features						
Entrance Design..	...a landscaped entrance is provided for the development			25	not applicable	25
Infrastructure Features						
Drainage Design..	...drainage facilities in the rear yards are enclosed.			225	not applicable	225

Total Site Conditions Points

Performance Zoning:

Structure Characteristics Scoring Matrix - R1 Single-Family Zoning District

Criteria	Standard	Points	Possible Combinations	Maximum Points	Points Scored
Garage Orientation..	(A) ...>100% of the base lots have garage doors setback behind the dwelling's living area.	75	<i>not applicable (graduated scale)</i>	225	
	(B) ...at least 75% of the base lots have garage doors that do not face a public street.	75			
	(C) ...at least 75% of the base lots have garages accessed only by alleys.	150			
	(D) ...all dwellings have garages accessed only by alleys.	225			
Front Porches..	...at least 75% of base lot dwellings have front porches.	50	<i>not applicable</i>	50	
Exterior Materials..	(A) ...at least 75% of base lots have a front façade that is at least 75% wood, brick, or stone.	25	<i>(A)+(C)=75 (A)+(D)=100 (B)+(C)=100 (B)+(D)=125</i>	125	
	(B) ...at least 75% of base lots have a front façade that is 100% wood, brick, or stone.	50			
	(C) ...at least 75% of base lots have exteriors that are at least 50% wood, brick, or stone.	50			
	(D) ...at least 75% of base lots have exteriors that are at least 75% wood, brick, or stone.	75			

Total Structure Characteristics Points _____

Total Points (Site Conditions Points + Structure Characteristics Points) _____

Performance Zoning:

Location Bonus Scoring Matrix - R1 Single-Family Zoning District

Criteria	Standard	Points (applies only the those lots that meet the standard, not the entire development)
Neighborhood Services..	(A) ...the lots are within 1/4 mile of neighborhood commercial services.	100
	(B) ...the lots are within 1/2 mile of neighborhood commercial services.	75
Public Parks..	(A) ...the lots are within 1/4 mile of a public park.	100
	(B) ...the lots are within 1/2 mile of a public park.	75
Thoroughfares..	(A) ...the lots are within 1/4 mile of an Arterial street.	100
	(B) ...the lots are within 1/2 mile of an Arterial street.	75

Performance Zoning:

Performance Based Alternate Lot & Yard Standards - R1 Single-Family Zoning District

Total Points	Min. Lot Size	Min. Lot Width	Max. Lot Coverage	Minimum Primary Structure Setback						Min. Living Area per Dwelling
				Front Yard			Garage Door*	Side Yard	Rear Yard	
				Arterial	Collector	Local				
350-424	8,000 sq. ft.	65 ft.	50%	50 ft.	30 ft.	20 ft.	20 ft.	7 ft.	15 ft.	1,200 sq. ft.
425-624	6,500 sq. ft.	50 ft.	60%	50 ft.	20 ft.	15 ft.	20 ft.	5 ft.	10 ft.	1,000 sq. ft.
625 +	5,400 sq. ft.	45 ft.	60%	50 ft.	20 ft.	15 ft.	20 ft.	5 ft.	10 ft.	900 sq. ft.

*If facing a public street

Performance Zoning

▶ Pro's

- Supportive reasoning for approving/denying projects, i.e. formula.
- Development is the focus instead of requesting zone changes.
- Assure development with goals of development in mind

▶ Cons

- Difficult to write Performance Zoning Ordinance
- Will only apply to new development
- Site plan review will take longer to complete
- More administrative time to complete.
- Increased difficulty in understanding development process.

Incentive Zoning

First implemented in Chicago and New York City

- Intended to provide a reward-based system to encourage development that meets established urban development goals. Typically, a base level of prescriptive limitations on development will be established and an extensive list of incentive criteria will be established for developers to adopt or not at their discretion.
 - A reward scale connected to the incentive criteria provides an enticement for developers to incorporate the desired development criteria into their projects.
 - Common examples include FAR (floor-area-ratio) bonuses for affordable housing provided on-site and height limit bonuses for the inclusion of public amenities on-site. Incentive zoning has become more common throughout the United States during the last 20 years.
- 

Incentive Zoning

Incentive zoning—increase in floor area ratio or waivers for height, setback, yard, and lot coverage or parking for provisions of public amenity:

- Protection of floodplain
- Streetscape improvements
- Affordable housing, day care centers
- Preservation of habitat

Incentive Zoning: Redondo Beach, California

- ▶ **10-2.2104 Eligible developments.**
- ▶ No application for a density bonus shall be accepted unless the proposed development meets all of the following requirements:
- ▶ (a) **Minimum five units.** The density bonus is applied for in conjunction with a housing development that includes five (5) or more dwelling units, not including the requested density bonus.
- ▶ (b) **Multiple-family zoning.** The site for the development must be zoned for multiple-family units, and may include mixed-use zones.
- ▶ (c) **Affordable units.** The number of dwelling units which are required to be affordable shall be calculated based on the number of units that could be developed on the site without the granting of a density bonus, multiplied by either twenty (20%) percent, ten (10%) percent, or fifty (50%) percent, depending on the category of affordability. The affordable units of the housing development shall be from one of the following categories:
 - (1) **Lower income.** Twenty (20%) percent of the units shall be reserved for lower income households as defined in Section 50079.5 of the State Health and Safety Code; or
 - (2) **Very low income.** Ten (10%) percent of the units shall be reserved for very low income households as defined in Section 50105 of the State Health and Safety Code; or
 - (3) **Qualifying residents.** Fifty (50%) percent of the units shall be reserved for qualifying residents as defined in Section 51.2 of the Civil Code of the State.
- ▶ (Ord. 2756 c.s., eff. January 18, 1996)

Incentive Zoning: Density Bonus: Pictorial



12449 W LOUISE AVE

Form Based Code:

- ▶ **According to the Form-Based Codes Institute:**
 - ▶ A method of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land and use, through city or county regulations.
 - ▶ www.formbasedcodes.org
- 

Form Based Code:

Euclidian Zoning

Form Based Codes

- Use Segregation, Auto Orientation
- Organized by Use
- Use is Primary
- Reactive to Individual Development Proposals
- Generally Proscriptive
- Creates Buildings

- Mixed-use, Walkable, Compact
- Organized by Spatial Hierarchy
- Physical Form is Primary
- Proactive Community Visioning
- Generally Prescriptive
- Creates Places

Form Based Code:

Requirements for Code:

- ▶ *Regulating Plan.* A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded.
- ▶ *Public Space Standards.* Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).
- ▶ *Building Form Standards.* Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.
- ▶ *Administration.* A clearly defined application and project review process.
- ▶ *Definitions.* A glossary to ensure the precise use of technical terms.

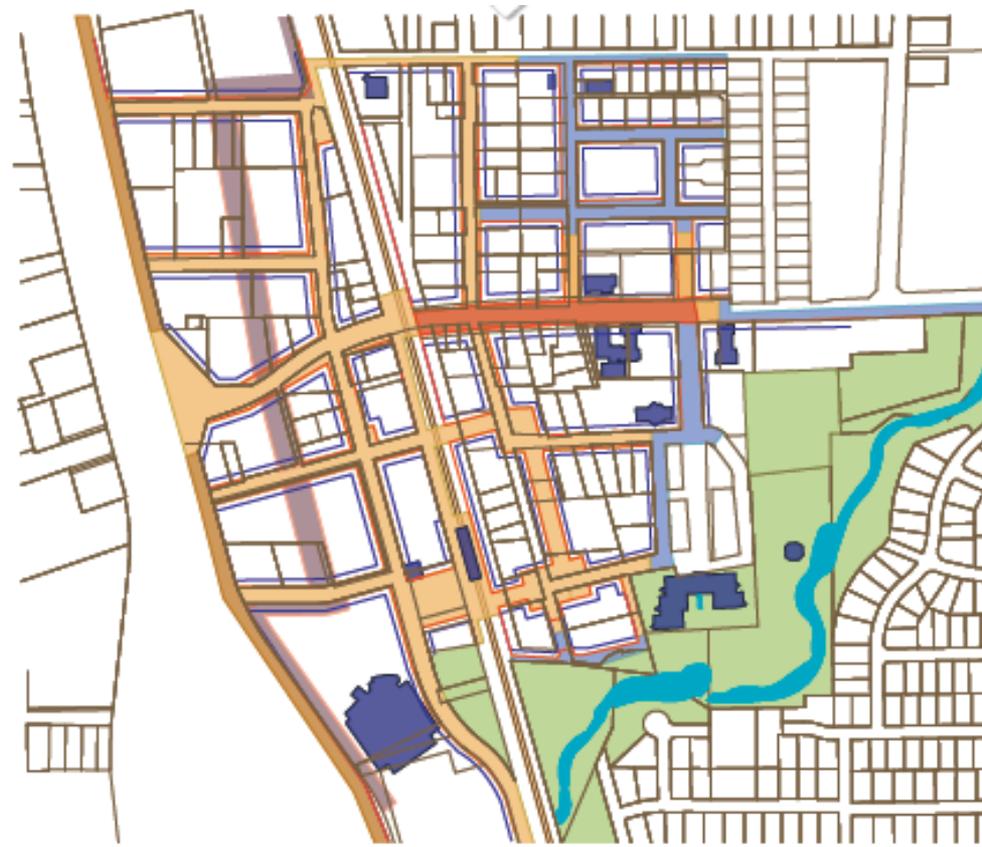
Form Based Code: Example

▶ FARMERS BRANCH, TEXAS

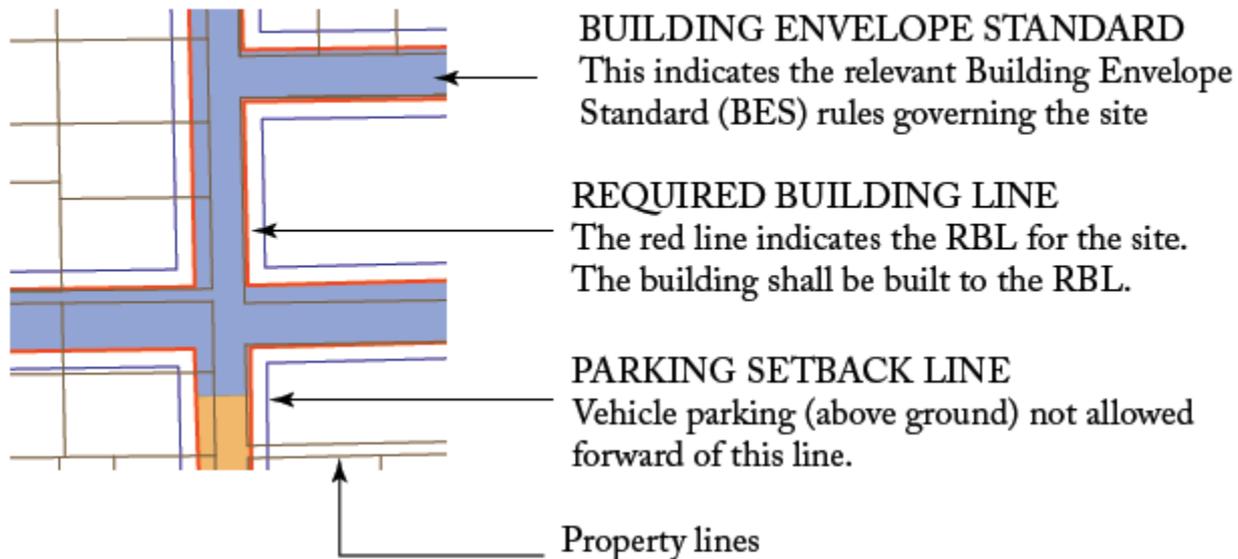
Land-Use Plan:



Regulating Plan:



Form Based Code: Regulating Plan



Development Standards:

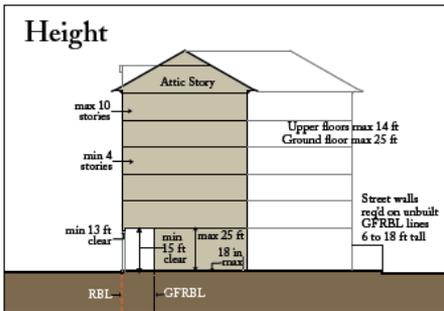
Alleys: required to access parking; must satisfy requirements for emergency vehicles and city requirements.

Buildings: Maximum footprint of 60,000 SF, greater requires a special exception

Parking Requirements: No minimum parking for buildings under 20,000 SF. Over 20,000 SF requires 1 space per residential unit and 1/8 space per unit shared parking.

Form Based Code: Building Envelope Standards

B. Building Envelope Standards: Shopfront Colonnade Sites



Building Height

1. The height of the principal building is measured in STORIES.
2. Each principal building shall be at least four (4) STORIES in height, but no greater than ten (10) STORIES in height, except as otherwise provided on the REGULATING PLAN.

Parking Structure Height

Where a parking structure is within 40 feet of any principal building (built after 2005) that portion of the structure shall not exceed the buildings EAVE or PARAPET HEIGHT.

Ground Story Height:

1. The GROUND STORY finished floor elevation shall be equal to, or greater than, the adjacent exterior sidewalk elevation up to a maximum finished floor elevation of eighteen (18) inches.
2. The GROUND STORY shall have at least fifteen (15) feet of clear interior height (floor to ceiling) contiguous to the GFRBL frontage for at least one-half (½) of its area.
3. The maximum STORY HEIGHT for the GROUND STORY is twenty-five (25) feet.

Upper Story Height

1. The maximum floor-to-floor STORY HEIGHT for STORIES other than the GROUND is fourteen (14) feet.
2. At least eighty percent (80%) of each upper STORY shall have an interior clear height (floor to ceiling) of

at least nine (9) feet.

Mezzanines

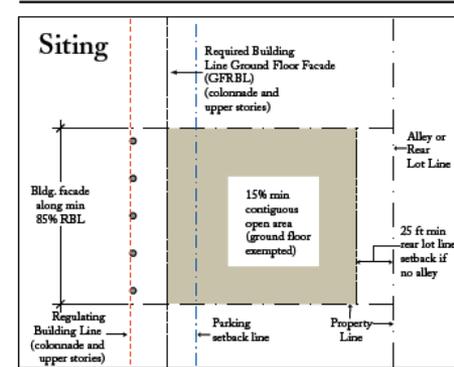
Mezzanines having a floor area greater than one-half (½) of the floor area of the STORY in which the mezzanine is situated shall be counted as a full STORY.

Street Wall Height

1. A STREET WALL not less than six (6) feet in height or greater than eighteen (18) feet in height shall be required along any GFRBL frontage that is not otherwise occupied by a building on the lot.
2. STREET WALL height shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the ground elevation once construction is complete.

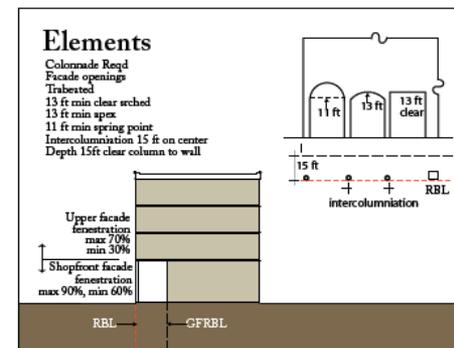
Other

Where a SHOPFRONT COLONNADE site is located within forty (40) feet of an existing single-family residential zoning district, the maximum EAVE OF PARAPET HEIGHT for that portion of the SHOPFRONT COLONNADE site shall be thirty-two (32) feet. This requirement shall supersede the minimum STORY requirement.



Street Facade

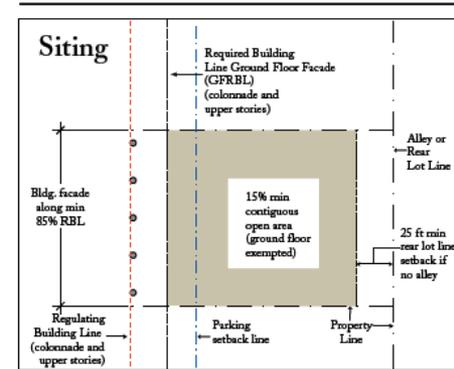
1. On each lot the building FAÇADE shall be built to the RBL for at least eighty-five percent (85%) of its RBL and/or GFRBL length.
2. The building FAÇADE shall be built to the RBL and GFRBL within thirty (30) feet of a BLOCK CORNER.
3. These portions of the building FAÇADE (the required minimum build to) may include jogs of not more than eighteen (18) inches in depth except as otherwise provided to allow BAY WINDOWS (upper STORIES only).
4. GROUND STORY unit frontage widths shall be a



Form Based Code: Building Envelope Standards

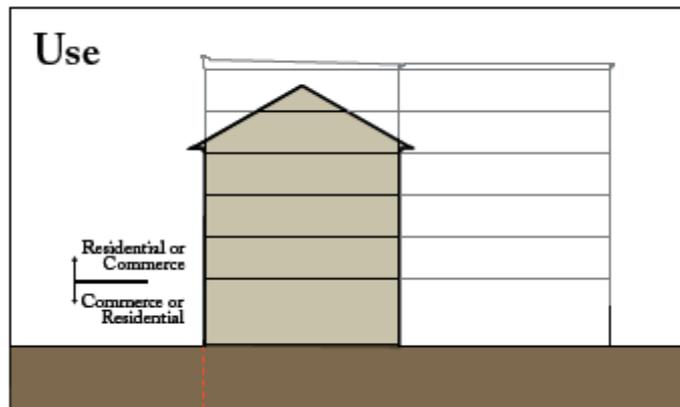
Form based code is more about the form of the buildings; Uses are more vague, and denotes by floors.

Commercial on first floor; Upper stories are residential and office in nature. Not typically retail.



Street Facade

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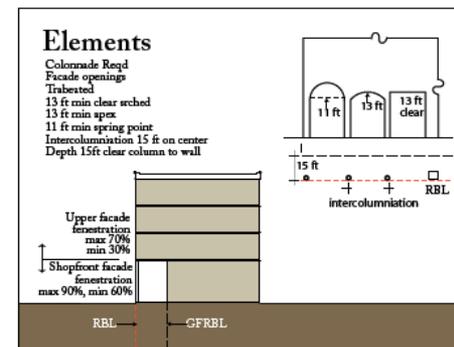


Ground Story

The GROUND STORY shall house COMMERCE OR residential uses. See Height specifications above for specific requirements unique to each use.

Upper Stories

The upper STORIES shall house residential or COMMERCE uses excluding RETAIL SPECIALITY and RETAIL TRADE uses (except those that have direct RBL frontage and are second STORY extensions of the GROUND STORY USE).

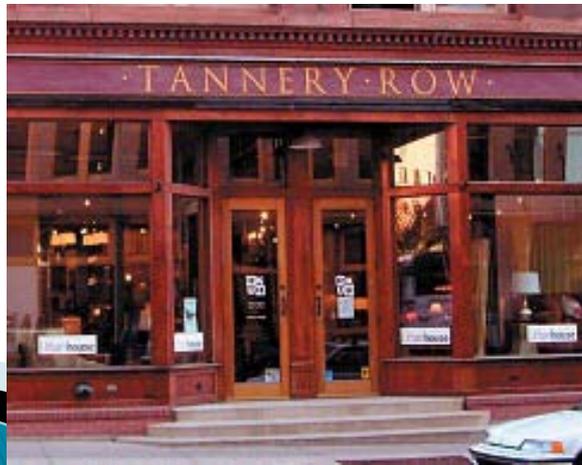


Form Based Code: Limited Uses

- ▶ Limited and Prohibited Uses
- ▶ **Uses permitted with a Specific Use Permit:**
 - ▶ • Any commercial use (indoor and outdoor)
 - ▶ • Any permitted use having drive-through service
 - ▶ • Any permitted use having outside storage or display
 - ▶ • Any permitted use serving alcoholic beverages
 - ▶ • Hotels and motels
- ▶ **Prohibited uses:**
 - ▶ • Sexually oriented business
 - ▶ • Motor vehicle sales and repair of any kind
 - ▶ • Gasoline service stations and car washes
 - ▶ • Establishments selling used goods or merchandise
 - ▶ • Industrial and manufacturing use of any kind

Form Based Code: Building Envelope Standards

▶ ARCHITECTURAL STANDARDS



Form Based Code: Summary

Pros:

- ▶ Allows mixed-use by right
- ▶ User-friendly with graphics & illustrations
- ▶ Design/Form is predictable

Cons:

- ▶ Architectural standards may lead to interpretations of design controls
 - ▶ Requires more upfront planning (charrettes, public input, etc.)
 - ▶ New approach
 - ▶ Represents change
- 

Discussion:

- ▶ Questions and Comments?

Workshop: Active Participation

