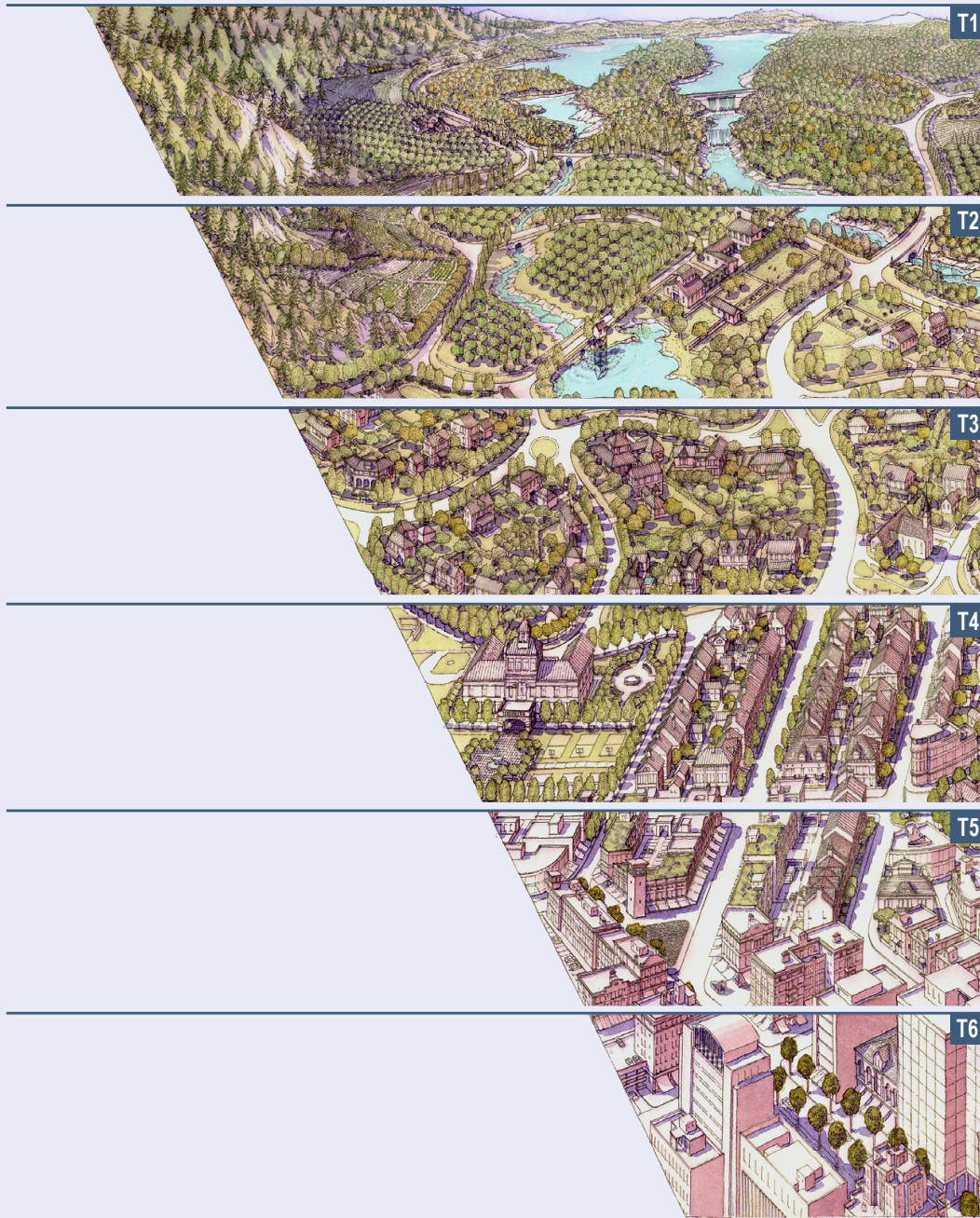# Appendix B:
# Smart Code V8.0 - excerpts
# from the Architectural Firm of Duany Plater-Zyberk

The following excerpts from the Smart Code developed by Andreas Duany is included here as an example of one of the next steps to be done for the SE Gateway / Kings Park Neighborhood as described in Section 7 - Implementation.

# SMARTCODE & MANUAL



T1
T2
T3
T4
T5
T6

*Includes the complete SmartCode v8.0*

APPENDICIES

## CONDITIONS OF USE

- The text and diagrams appearing in the SmartCode and the diagrams appearing in this Manual are the property of Duany Plater-Zyberk & Company (DPZ). Their reproduction and use is permitted with "Credit: Duany Plater-Zyberk & Co." in print.
- The text appearing in this Manual is the property of the authors. Its reproduction and use is permitted with appropriate credit.
- This Manual is available online at PlaceMakers.com
- The complete SmartCode in electronic, editable format is available from PlaceMakers.com
- Information on implementation seminars and consultants is available from PlaceMakers.com

## 1.1    AUTHORITY

This section establishes the authority for the SmartCode, as well as its relationship with any Master or Comprehensive Plan and the relevant state zoning and subdivision enabling statutes. The Code must be synchronized with the existing governance by adjusting the paragraphs or terms in blue print.

It is important to recite the basis of the state statutory authority, and analyze the enabling statutes and case law regarding zoning and subdivision matters. In the absence of state zoning and subdivision enabling statutes, local governments do not have authority to regulate those matters. It may be necessary to write local legislation enabling this SmartCode. In addition, in some jurisdictions, the zoning ordinance must be enacted pursuant to, and in accordance with, the applicable Comprehensive Plan of the jurisdiction. If a Comprehensive Plan is in existence, it may need to be adjusted in reference to the provisions of this Code.

The SmartCode is actually multiple Codes. It requires more than just authority for a zoning Code. It is a "unified Code," a combination of subdivision and zoning Code, for which specific authority may be necessary. For example, TDRs must be specifically authorized in many states. In some states, compliance with comprehensive plans can be mandatory, but not in others. The constraints of enabling language need to be clearly understood. Localities in Dillon's Rule states have only the authority granted by the state. In other states, the locality can do anything not prohibited by law. In some states, public referendum can trump the process, while in others only court challenge can change the outcome. At the same time, it is important not to be overly conservative in melding authorities, because there have rarely been risk-free Codes; an overly conservative attorney for a jurisdiction can completely gut the effectiveness of the SmartCode in trying to completely eliminate risk.

## 1.2    INTENT

This section establishes the intent of the SmartCode. The policies listed in this section are derived from the Charter of the New Urbanism, with modifications. They should be replaced with the provisions of a local vision plan if one exists. It may also be possible to use this section with only minor modifications, as the provisions of recent vision plans have usually coincided with these policies.

This section may also provide an agenda for topics to be discussed in the public process of implementing the SmartCode. Once these intentions have been determined, the particulars of the Code will flow from them, and they may not need to be discussed in detail. A clearly written Intent section is important, as it may be used to resolve controversial issues that may not be fully spelled out in other sections of the Code.

Not all "intents" are appropriate for all jurisdictions. Intent is also used by courts in interpreting ordinances. This section may be adopted as policy when a jurisdiction is beginning the process of considering a SmartCode along with removing impediments to it. Some of these intents, such as holding Infill and redevelopment in parity with new communities, integrating with the existing urban pattern, distributing affordable housing, and preserving transportation corridors, among others, need stakeholder buy-in and a clear political commitment.

This section also serves as a reference for amendments, Variances and other decisions. It is useful in determining whether a deviation from the Code requires a Warrant or a Variance (see Section 1.5 ).

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**5.5     SPECIFIC TO URBAN CENTER ZONES (T5)**

*5.5.1f  Note that Setbacks (Table 14G) are provided as ranges. They thus act as build-to lines, but with a degree of flexibility. In general, they decrease in dimension as the Transect Zones become more urban.  A zero lot line streetwall is often desirable in the most urban conditions, because it strongly defines the street space. However,  this Code specifies a 6' minimum front Setback in T4 so that private frontage can accommodate stoops, porches, private planters and gardens, sidewalk signs, outdoor seating, cafe tables, and other encroachments. (See 5.5.1h) We also recommend (but do not require) at least a 4' setback in T5 and T6 for the same reason.  The effect of a build-to streetwall can still exist if the setback is disguised as part of the sidewalk (though it does effectively widen the total street space). This allows encroachments otherwise requiring a Warrant or Variance.*

*Alternatively, include text allowing encroachments for the aforementioned accessories on sidewalks, provided a minimum 5 ft clear path is maintained for pedestrians. This is generally preferable to the Setback as it does not increase overall Frontage width, and it addresses the desirable cafe tables and everything else in one line. Also, the common sidewalk is installed, maintained, and cleaned by the same hand.*

*The side Setbacks in T4, T5, and T6 are zero minimum to allow rowhouses and townhouses.*

*5.5.2b    Deep awnings, covering a large proportion of sidewalk, are generally recommended.*

*5.5.2d    Building height should always be expressed in stories, not feet. If the height limit is in feet a developer may try to squeeze in extra stories by making the ceilings lower.  This maneuver would affect both Density and design. Floor Area Ratio (FAR) is not used in this Code for a similar reason.*

*5.5.3   The localized Density is determined as follows:*

*1.       The required parking for each category of Function appears on Table 11. These requirements also apply to the subcategories of Table 10. For those Functions that are not covered, the parking is calculated by Warrant.*

*2.       Table 12 (Required Parking) summarizes the parking requirements of Table 11 which  determines the amount of parking required for each site or, conversely, the amount of buildings allowed on each site given the parking available.*

*3.       In the event of mixed use (defined as two dissimilar Functions occurring within any two adjacent blocks) the actual parking required is calculated by adding the total number of spaces required by each separate Function and dividing the total by appropriate factor from Table 12 (Sharing Factor). An example of this calculation: The Residential Function requires 10 spaces while the office portion requires 12 spaces.*

*(continued)*

5.5     SPECIFIC TO URBAN CENTER TRANSECT ZONES (T5)
5.5.1   **Building Disposition (T5)**
        a. Newly platted lots shall be dimensioned according to Section 5.5.11
        b. Buildings shall be disposed in relation to the boundaries of their lots according
           to Section 5.5.11
        c. One principal building at the Frontage, and one outbuilding to the rear of the
           prinicipal  building, may be built on each lot as shown in Table 16C.
        d. Lot coverage by building shall not exceed that shown in Section 5.5.11.
        e. Facades shall be built parallel to the Principal Frontage Line along a minimum
           of 70% of its length on the Setback shown in Section 5.5.11. In the absence of a
           building along the remainder of the Frontage Line, a Streetscreen shall be built
           co-planar with the Facade.
        f. Setbacks for Principal Buildings shall be as shown in Table 14G. In the case of an
           Infill lot, Setbacks shall match one or the other of the existing adjacent Setbacks.
           Setbacks may otherwise be adjusted by Warrant.
        g. Rear Setbacks for Outbuildings shall be a minimum of 12 feet measured from
           the centerline of the Alley or Rear Lane easement. In the absence of Rear Alley
           or Lane, the rear Setback shall be as shown in Section 5.5.11.
        h. Building Types shall be as shown in Table 9.
        i. [RESERVED]
        j. Buildings shall have their principal pedestrian entrances on a Frontage Line.
5.5.2   **Building Configuration (T5)**
        a. Private Frontage types shall conform to and be allocated in accordance with Table
           7 and Section 5.5.11.
        b. Awnings may encroach the public sidewalk without limit. Stoops may encroach
           100% of the depth of a Setback. Open porches and awnings may encroach up
           to 50% of the depth of the Setback. Balconies and bay windows may encroach
           up to 25% of the depth of the Setback.
        c. Loading docks and service areas shall be permitted on Frontages only by Warrant.
        d. Building Heights shall conform to Table 8 and be as shown in Section 5.5.11.
        e. A first level Residential or Lodging Function shall be raised a minimum of 2 feet
           from average sidewalk grade.
        f. All specified Building Heights may be increased by the base elevations required
           by applicable FEMA standards.
5.5.3   **Building Function & Density (T5)**
        a. Buildings in each Transect Zone shall conform to the Functions described in
           Tables 10 or 11 and Section 5.5.11. Functions that do not conform to the require-
           ments of Tables 10 or 11 shall require approval by Warrant.
        b. The Actual Parking available to meet the Required Parking shown on Table 12
           shall constitute the Base Density.  Functions shall be limited by the Base Density,
           subject to upward adjustment in accordance with paragraphs 5.5.3 c and 5.5.3 d.
        c. The Base Density may be adjusted upward by adding the Actual Parking available
           for each of two Functions within any pair of adjacent Blocks, and the resulting sum
           then multiplied by the corresponding Sharing Factor (Table 12).  The result shall
           be the Effective Parking available for calculating an Adjusted Density. Conversely:
           The Effective Parking required is the sum of the Required Parking divided by the
           Sharing Factor.
        d. Within the Long Pedestrian Shed of a TOD, the Effective Parking available for
           calculating the intensity on each lot may be increased by a multiplier of thirty

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*(cont. 5.5 SPECIFIC TO URBAN CENTER ZONES (T5))*

*Independently they would require 22 spaces, but when divided by the sharing factor of 1.4, they would require only 16 spaces. A second way to calculate: If there are 22 spaces available for Residential and Office, multiplying this by the factor 1.4 gives the equivalent of 30 spaces. Buildings are allowed corresponding to 30 parking spaces.*

*When three functions share parking, use the lowest factor so that enough parking is assured. Some central business districts eliminate all parking requirements and let the market dictate parking provisions. The Code should specify maximum parking requirements, however, to preclude more onerous parking provisions from being instituted. Because the SmartCode allows (but does not require) users to determine Density based on Table 12 Parking Requirements (as described above), elimination of this calculation may necessitate further adjustments.*

*5.5.5    This section contains Architectural Standards for Building Plans for the T-5 Urban Center Zone. They may be discarded if a pattern book is used. Some municipalities may elect not to regulate architectural matters. In any jurisdiction where it is not permitted or desired to provide architectural regulation to the extent that it is deemed merely aesthetic, consider adopting the Code without this provision. However, many of these standards also have health and public safety purposes (such as crime prevention by increasing "eyes on the street") that may be cited as support for their implementation.*

*5.5.5.c   This assures a minimum of visual harmony. Vertical may be replaced by "horizontal" where modernist architecture is desired.*

*5.5.5.g, h & i    This should be removed where modernist architecture is desired.*

*5.5.6 This statement of priorities is essentially similar to the environmental provisions of the Article 3 and Article 4 Community Plan requirements of the Code.*

*5.5.9    As with other requirements of the Code, these standards vary according to the applicable Transect Zone. The Public Lighting Illustration in Table 5 is incorporated into these standards, as are the Streetscreen construction requirements of Paragraph 5.5.5.b. Sound ordinances are important more to allow more urban sound levels than to preclude noise. Fully enforceable sound ordinances must typically address where the measurement occurs, how background sound is treated and the part of the spectrum being measured.*

*5.5.10    This is a slight and easy-to accommodate upgrade of Accessibility Standards.*

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percent (30%).

e. Accessory uses of Limited Lodging or Limited Office shall be permitted within an outbuilding.

f. First story Commercial shall be permitted throughout and shall be required at Mandatory Shopfront Frontages.

g. Manufacturing within the first Story may be permitted by Variance.

5.5.4    **Parking Standards (T5)**

a. Vehicular parking shall be required as shown in Tables 11 and 12.

b. On-street parking available along the Frontage Lines that correspond to each lot shall be counted toward the parking requirement of the building on the lot.

c. Maximum Parking ratios may be established by the CRC.

d. Parking shall be accessed by the Alley or Rear Lane when such is available in the Community Plan.

e. Parking lots shall be masked from the Frontage by a Liner Building or Streetscreen as specified in Section 5.5.5b.

f. All parking areas shall be located at the Third Lot Layer .

g. The required parking may be provided within one-quarter mile of the site that it serves, subject to approval by Variance.

h. The vehicular entrance of a parking lot or garage on a Frontage shall be no wider than 30 feet.

i. Pedestrian entrances to all parking lots and parking structures shall be directly from a Frontage Line. Only underground parking structures may be entered by pedestrians directly from a Principal Building.

j. A minimum of one bicycle rack place shall be provided within the Public or Private Frontage for every ten vehicular parking spaces.

k. For buildings on Secondary Grids (S-Grids), parking lots may be alllowed on the Frontage by Warrant (see Section 5.8.1a).

5.5.5    **Architectural Standards (T5)**

a. Building wall materials may be combined on each Facade only horizontally, with the heavier below the lighter.

b. Streetscreens should be between 3.5 and 8 feet in height and constructed of a material matching the adjacent building Facade. The Streetscreen may be replaced by a hedge or fence by Warrant. Streetscreens shall have openings no larger than necessary to allow automobile and pedestrian access.

c. All openings, including porches, galleries, arcades and windows, with the exception of storefronts, shall be square or vertical in proportion.

d. Openings above the first Story shall not exceed 50% of the total building wall area, with each Facade being calculated independently.

e. The Facades on Retail Frontages shall be detailed as storefronts and glazed with clear glass no less than 70% of the sidewalk-level story.

f. Doors and windows that operate as sliders are prohibited along Frontages.

g. Buildings may have flat roofs enclosed by parapets or sloped roofs. Pitched roofs shall be symmetrically sloped no less than 5:12, except that porches and attached sheds may be no less than 2:12.

h. Flat roofs shall be enclosed by parapets a minimum of 42 inches high, or as required to conceal mechanical equipment to the satisfaction of the CRC.

i. The exterior finish materials on all Facades shall be limited to stone, brick and/or stucco.

j. Balconies, galleries and arcades shall be made of concrete, painted wood or metal.

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k. Streetscreens shall be located coplanar with the building Facade line as shown in Table 16D.

5.5.6    **Environmental Standards (T5)**

a. Transect Zones manifest a range of responses to natural and urban conditions. In case of conflict, to the extent not inconsistent with applicable state or federal law, the natural infrastructure shall have priority in the more rural zones (T1-T3) and the urban infrastructure shall have priority in the more urban zones (T4-T6) as detailed in Sections 5.2 through 5.6.

b. The landscape installed shall consist primarily of durable species tolerant of soil compaction.

c. Impermeable surface by building shall be confined to the ratio of lot coverage as shown in Table 14F.

d. To the extent not inconsistent with applicable state or federal law, management of storm water shall be primarily off-site through underground storm drainage, and there shall be no retention or detention required on the individual lot.

5.5.7    **Landscape Standards (T5)**

a. A minimum of one tree to match the species of street trees on the Public Frontage shall be planted within the First Layer for each 30 feet of Frontage Line as illustrated in Table 16D.

b. [RESERVED].

c. The First Layer as shown in Table 16D shall be landscaped or paved to match the enfronting Public Frontage as shown in Table 4.

d. Trees shall be a species with shade canopies that, at maturity, begin higher than the top of the second Story of buildings.

5.5.8    **Signage Standards (T5)**

a. One address number no more than 6 inches measured vertically shall be attached to the building in proximity to the principal entrance or at a mailbox.

b. Blade signs, not to exceed 6 square ft. for each separate business entrance, may be attached perpendicular to the Facade.

c. [RESERVED].

d. A single external sign band may be applied to the Facade of each building, providing that such sign not exceed 3 feet in height by any length.

e. Signage shall be externally lit, except that signage within the shopfront glazing may be neon lit.

5.5.9    **Ambient Standards (T5)**

a. Sound levels measured at the building Frontage shall not exceed 70 decibels from sunrise to midnight and 60 decibels from midnight to sunrise.

b. Average lighting levels measured at the building Frontage shall not exceed 5.0 fc (foot-candles).

c. Streetlights shall be of a general type illustrated in Table 5.

d. Outdoor storage shall be screened from view from any Frontage by a Streetscreen in conformance with Section 5.5.5b.

5.5.10   **Visitability Standards (T5)**

a. There shall be provided one zero-step entrance to each building from an accessible path at the front, side, or rear of each building.

b. All first floor interior doors (including bathrooms) shall provide 32 inches of clear passage.

c. There shall be a half or full bath provided on the first Story of each building.

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SECTION 5.5.11

*The following plate is a diagram creating a sample architectural code for architects, builders, and developers. Like the rest of the SmartCode, it is form-based code. A form-based code is one that envisions and encourages a certain physical outcome -- the form of the region, community, block, and/or building. Such a code may or may not include illustrations as part of its technical format. Form-based codes are a different type from conventional codes that are based primarily on use, process, performance or statistics -- none of which envision or require any particular physical outcome.*

*This architectural code makes visually explicit the metrics of Summary Table 14. Note that these metrics are broken out into separate Transect Zones so that a developer who is only working in one T-Zone may use a simple one-page table relevant only to that Zone.*

*The repetition represents building types that recur in different Transect Zones but with a different response to setback and frontage. These building types are summarized with a greater degree of precision, including the parking provision, in the adjacent illustrations.*
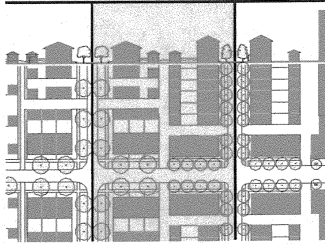
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**SECTION 5.5.11** **T5**


(see Table 1)

| BUILDING FUNCTION (see Tables 10 & 11) | |
|---|---|
| a. Residential | open use |
| b. Lodging | open use |
| c. Office | open use |
| d. Retail | open use |

| BUILDING HEIGHT (see Table 8) | |
|---|---|
| a. Principal Building | 6 stories max. 2 min. |
| b. Outbuilding | 2 stories max. |

| LOT OCCUPATION | |
|---|---|
| a. Lot Width | 18 ft min 180 ft max |
| b. Lot Coverage | 80% max |

| BUILDING TYPE (see Table 9) | |
|---|---|
| a. Edgeyard | prohibited |
| b. Sideyard | permitted |
| c. Rearyard | permitted |
| d. Courtyard | permitted |

| BUILDING DISPOSITION | |
|---|---|
| a. Front Setback | 0 ft. min. 12 ft. max. |
| b. Side Setback | 0 ft. min. 24 ft. max. |
| c. Rear Setback | 3 ft. min.* |
| d. Frontage Buildout | 70% min at setback |

| OUTBUILDING DISPOSITION | |
|---|---|
| a. Front Setback | 40 ft. max. from rear prop. |
| b. Side Setback | 0 ft. min.* |
| c. Rear Setback | 3 ft. max. |

| PRIVATE FRONTAGES (see Table 7) | |
|---|---|
| a. Common Lawn | prohibited |
| b. Porch & Fence | prohibited |
| c. Terrace or L.C. | permitted |
| d. Forecourt | permitted |
| e. Stoop | permitted |
| f. Shopfront & Awning | permitted |
| g. Gallery | permitted |
| h. Arcade | permitted |

Refer to Summary Table 14

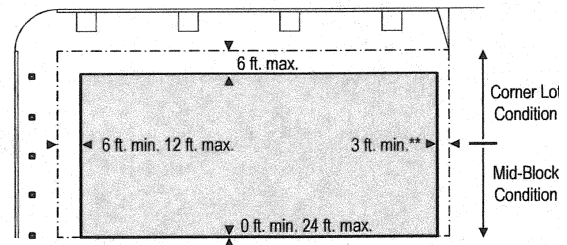| PARKING PROVISIONS | |
|---|---|
| See Tables 11 & 12 | |

\* or 15 ft. from center line of alley

## BUILDING HEIGHT

1. Building height shall be measured in number of stories, excluding a raised basement, or inhabited attic.
2. Each story shall not exceed 14 ft. clear, floor to ceiling.
3. Maximum height shall be measured to the eave or roof deck.
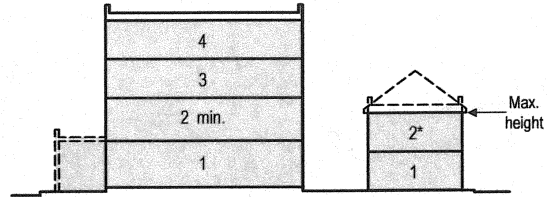


## BUILDING DISPOSITION

1. The facades and elevations of a building shall be distanced from the frontage and lot lines as shown.
2. Buildings shall have facades along the principal frontage lines and elevations along lot lines (see Table 16E).
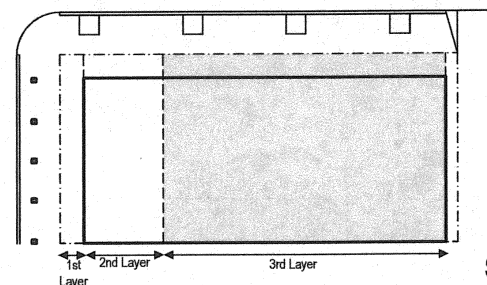


## OUTBUILDING DISPOSITION

1. The elevations of the out buildings shall be distances from the lot lines as shown.
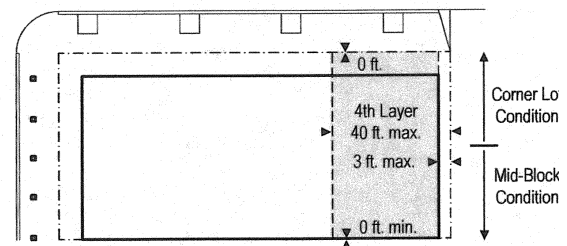


## PARKING PROVISIONS

1. Uncovered parking spaces may be provided within the 3rd Layer as shown in the diagram (see Table 16D).
2. Covered parking shall be provided within the 3rd Layer as shown in the diagram (see Table 16D).
3. Trash containers shall be stored within the 3rd Layer as shown in the diagram (see Table 16D).



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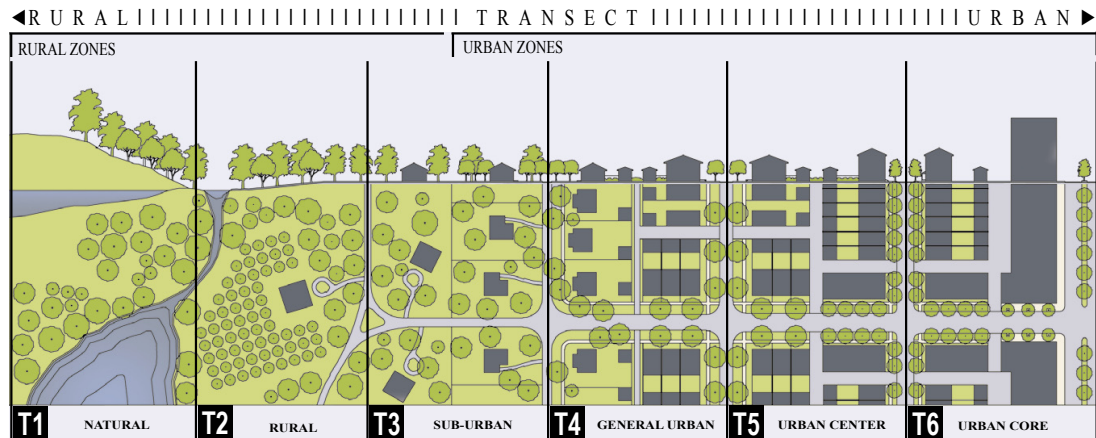APPENDICIES

**Sample Community Plan**



**TRANSECT ZONES**

- T1 - NATURAL ZONE
- T2 - RURAL ZONE
- T3 - SUB-URBAN ZONE
- T4 - GENERAL URBAN ZONE
- T5 - URBAN CENTER ZONE
- T6 - URBAN CORE ZONE

**OTHER ZONES**

- **SD** - SPECIAL DISTRICT
- **W** - WARRANT
- **V** - VARIANCE

**CIVIC RESERVATIONS**

- CP - CIVIC PARKING RESERVE
- CB - CIVIC BUILDING RESERVE
- **CS** - CIVIC SPACE RESERVE

**REQUIREMENTS**

- LONG PEDSHED (10 MIN. WALK)
- STANDARD PEDSHED (5 MIN. WALK)
- RD-47-27 THOROUGHFARE TYPE
- MANDATORY SHOPFRONT FRONTAGE
- RECOMMENDED SHOPFRONT FRONTAGE
- RECOMMENDED ARCADE FRONTAGE
- RECOMMENDED TERMINATED VISTA

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SMARTCODE VERSION 8.0

**Transect System Illustrated**: Elements that determine urbanism exist in a range that can correspond to the gradient of the Transect. Most of the elements listed here are addressed in the SmartCode prescriptions.

◄ R U R A L | | | | | | | | | | | | | | | | | | | | | | | |  T R A N S E C T  | | | | | | | | | | | | | | | | | | | | | | | | | U R B A N ►

RURAL ZONES | URBAN ZONES

| T1 NATURAL | T2 RURAL | T3 SUB-URBAN | T4 GENERAL URBAN | T5 URBAN CENTER | T6 URBAN CORE |

**PRIVATE**

| | |
|---|---|
| LESS DENSITY | MORE DENSITY |
| LARGER BLOCKS | SMALLER BLOCKS |
| PRIMARILY RESIDENTIAL | PRIMARILY MIXED-USE |
| SMALLER BUILDINGS | LARGER BUILDINGS |
| MORE GREENSCAPE | MORE HARDSCAPE |
| DETACHED BUILDINGS | ATTACHED BUILDINGS |
| ROTATED FRONTAGES | ALIGNED FRONTAGES |
| YARDS & PORCHES | STOOPS & SHOPFRONTS |
| DEEP SETBACKS | SHALLOW SETBACKS |
| ARTICULATED MASSING | SIMPLE MASSING |
| WOODEN BUILDINGS | MASONRY BUILDINGS |
| GENERALLY PITCHED ROOFS | GENERALLY FLAT ROOFS |
| SMALL YARD SIGNS | BUILDING-MOUNTED SIGNAGE |
| LIVESTOCK | DOMESTIC ANIMALS |

**PUBLIC**

| | |
|---|---|
| ROADS & LANES | STREETS & ALLEYS |
| NARROW PATHS | WIDE SIDEWALKS |
| HIGH L.O.S. STANDARDS | LOW L.O.S. STANDARDS |
| OPPORTUNISTIC PARKING | DEDICATED PARKING |
| LARGER CURB RADII | SMALLER CURB RADII |
| OPEN SWALES | RAISED CURBS |
| NIGHT SKY | BRIGHT LIGHTING |
| MIXED TREE CLUSTERS | ALIGNED STREET TREES |
| MORE SILENCE REQUIRED | MORE NOISE ALLOWED |

**CIVIC**

| | |
|---|---|
| LOCAL GATHERING PLACES | REGIONAL INSTITUTIONS |
| PARKS & GREENS | PLAZAS & SQUARES |

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SmartCode Version 8.0

APPENDICIES

Note: All requirements in this Table are subject to calibration for local context.



R U R A L I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I I U R B A N

**DISTRICTS**
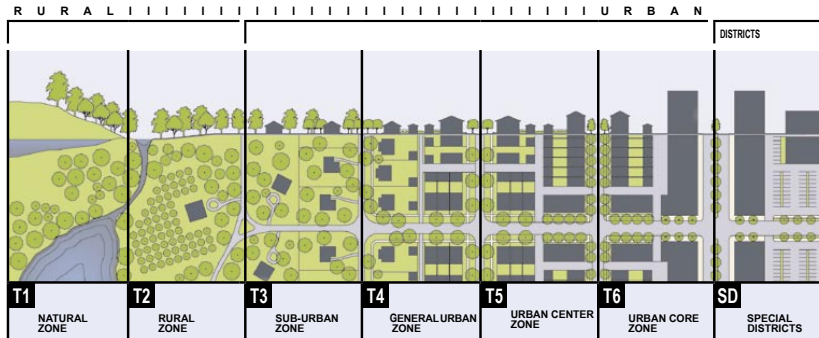
| | T1 NATURAL ZONE | T2 RURAL ZONE | T3 SUB-URBAN ZONE | T4 GENERAL URBAN ZONE | T5 URBAN CENTER ZONE | T6 URBAN CORE ZONE | SD SPECIAL DISTRICTS |
|---|---|---|---|---|---|---|---|
| **A.  ALLOCATION OF ZONES    (see Section 3.1 and Table 2)** | | | | | | | (see Table 15) |
| CLD | no minimum | 50% MIN | 10 - 30% | 20 - 40% | prohibited | | |
| TND | no minimum | | 10 - 30% | 30 - 60 % | 10 - 30% | prohibited | |
| RCD | no minimum | | prohibited | 10 - 30% | 10 - 30% | 40 - 80% | |
| TOD | no minimum | | prohibited | 0 - 30% | 0 - 30% | 40 - 100% | |
| **B.  BASE RESIDENTIAL DENSITY   (see Section 3.4)** | | | | | | | |
| By Right | 1 unit / 100 ac. avg. | 1 unit / 20 ac avg. | 2 units / ac. gross | 4 units / ac. gross | 6 units / ac. gross | 12 units / ac. gross | |
| By TDR | by Variance | | 6 units / ac. gross | 12 units / ac. gross | 24 units / ac. gross | 96 units / ac. gross | |
| Other Functions | by Variance | | 10 - 20% min | 20 - 30% min | 30 - 50% min | 50 - 70% min | |
| **C. BLOCK SIZE** | | | | | | | |
| Block Perimeter | no maximum | | 3000 ft. max | 2400 ft. max | 2000 ft. max | 2000 ft. max          * | |
| | | | | | | * 3000 ft. max with parking structures | |
| **D. PUBLIC FRONTAGES  (see Tables 3 and 4)** | | | | | | | |
| HW & RR | permitted | | | prohibited | | | |
| BV | prohibited | | permitted | | | | |
| SR | prohibited | | permitted | | prohibited | | |
| RS | prohibited | | permitted | | prohibited | | |
| SS & AV | prohibited | | | | permitted | | |
| CS & AV | prohibited | | | | permitted | | |
| Rear Lane | permitted | | | | prohibited | | |
| Rear Alley | prohibited | | permitted | required | | | |
| Path | permitted | | | | prohibited | | |
| Passage | prohibited | | permitted | | | | |
| Bicycle Trail | permitted | | | prohibited    * | | | |
| Bicycle Lane | permitted | | | | prohibited | | |
| Bicycle Route | permitted | | | | | | |
| | | | | | | * permitted within Open Spaces | |
| **E. CIVIC SPACES  (see Table 13)** | | | | | | | |
| Park | permitted | | | | | | |
| Green | prohibited | | permitted | | | prohibited | |
| Square | prohibited | | | permitted | | | |
| Plaza | prohibited | | | | permitted | | |
| Playground | permitted | | | | | | |
| **F. LOT OCCUPATION** | | | | | | | |
| Lot Width | by Variance | by Warrant | 72 ft. min 120 ft. max | 18 ft. min 96 ft. max | 18 ft. min 180 ft. max | 18 ft. min 700 ft. max | |
| Lot Coverage | by Variance | by Warrant | 60% max | 70% max | 80% max | 90% max | |
| **G. BUILDING DISPOSITION** | | | | | | | |
| Front Setback | by Variance | 48 ft. min | 24 ft. min | 6 ft. min 18 ft. max | 0 ft. min 12 ft. max | 0 ft. min 12 ft. max | |
| Side Setback | by Variance | 96 ft. min | 12 ft. min | 0 ft. total min | 0 ft. min 24 ft. max | 0 ft. min 24 ft. max | |
| Rear  Setback | by Variance | 96 ft. min | 12 ft. min | 3 ft. min  * | 3 ft. min  * | 0 ft. min | |
| | | | | | | * or 15 ft. from center line of alley | |
| **H. BUILDING TYPE (see Table 9)** | | | | | | | |
| Edgeyard | permitted | | | | prohibited | | |
| Sideyard | prohibited | | | permitted | | prohibited | |
| Rearyard | prohibited | | | permitted | permitted | | |
| **I. PRIVATE FRONTAGES (see Table 7)** | | | | | | | |
| Common Yard | not applicable | permitted | | prohibited | | | |
| Porch & Fence | not applicable | prohibited | permitted | | prohibited | | |
| Terrance or L.C. | not applicable | prohibited | | permitted | | prohibited | |
| Forecourt | not applicable | prohibited | | permitted | | | |
| Stoop | not applicable | prohibited | | permitted | | | |
| Shopfront  &  Awning | not applicable | prohibited | | permitted | | | |
| Gallery | not applicable | prohibited | | permitted | | | |
| Arcade | not applicable | prohibited | | | permitted | | |
| **J. BUILDING HEIGHT (see Table 8)** | | | | | | | |
| Principal Building | not applicable | 3 stories max | | 4 stories max, 2 min | 6 stories max, 2 min | 12 stories max, 2 min | |
| Outbuilding | not applicable | 2 stories max | | 2 stories max | 2 stories max | not applicable | |
| **K. BUILDING FUNCTION (see Table 10 &11)** | | | | | | | |
| Residential | prohibited | restricted use | | limited use | open use | | |
| Lodging | prohibited | restricted use | | limited use | open use | | |
| Office | prohibited | | restricted use | limited use | open use | | |
| Retail | prohibited | | restricted use | limited use | open use | | |

DISPOSITION

CONFIGURATION

FUNCTION

ARTICLE 5
ARTICLE 2, 3, 4

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SmartCode Version 8.0

APPENDICIES

| | T1 | T2 | T3 | T4 | T5 | T6 | SD | Specifications |
|---|---|---|---|---|---|---|---|---|
| **Cobra Head** | ■ | | | | | | ■ | |
| **Pipe** | ■ | ■ | ■ | | | | | |
| **Post** | | ■ | ■ | ■ | | | | |
| **Column** | | | ■ | ■ | ■ | | | |
| **Double Column** | | | | | ■ | ■ | | |

SC113

| | SECTION | PLAN |
|---|---|---|
| | LOT / R.O.W.<br>PRIVATE ▶ / ◀ PUBLIC<br>FRONTAGE / FRONTAGE | LOT / R.O.W.<br>PRIVATE ▶ / ◀ PUBLIC<br>FRONTAGE / FRONTAGE |

**a. Common Yard:** a frontage wherein the facade is set back substantially from the frontage line. The front yard created remains unfenced and is visually continuous with adjacent yards, supporting a common landscape. The deep setback provides a buffer from the higher speed thoroughfares.
T2 T3

**b. Porch & Fence:** a frontage wherein the facade is set back from the frontage line with an attached porch permitted to encroaching. A fence at the frontage line maintains the demarcation of the yard. The porches shall be no less than 8 feet deep.
T3 T4

**c. Terrace or Light Court:** a frontage wherein the facade is set back from the frontage line by an elevated terrace or a sunken light court. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment. The terrace is suitable for conversion to outdoor cafes.
T4 T5

**d. Forecourt:** a frontage wherein a portion of the facade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicular drop-offs. This type should be allocated in conjunction with other frontage types. Large trees within the forecourts may overhang the sidewalks.
T4 T5 T6

**e. Stoop:** a frontage wherein the facade is aligned close to the frontage line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing. This type is recommended for ground-floor residential use.
T4 T5 T6

**f. Shopfront and Awning:** a frontage wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade. This type is conventional for retail use. It has a substantial glazing on the sidewalk level and an awning that may overlap the sidewalk to the maximum extent possible.
T4 T5 T6

**g. Gallery:** a frontage wherein the facade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than 10 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.
T4 T5 T6

**h. Arcade:** a frontage wherein the facade is a colonnade that overlaps the sidewalk, while the facade at sidewalk level remains at the frontage line. This type is conventional for retail use. The arcade shall be no less than 12 feet wide and may overlap the whole width of the sidewalk to within 2 feet of the curb.
T5 T6

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APPENDICIES

## SAMPLE ENABLING LEGISLATION

The following is a draft sample of model enabling legislation. It specifically enables form-based and Transect-based codes and defines their relationship to Smart Growth development patterns. The sections reading "amend to replace" are specific to a particular state's legislation and are included here to indicate the kinds of clauses that usually need to be replaced. The sections proposing changes and additions may be used in any state essentially as written. Some state enabling legislation incorporates more explanatory language about Smart Growth, for purposes of education as well as legislation.

**Proposed Statutory Amendments for Form-Based and Transect-Based Regulation Enabling**

DRAFT 9.23.05

**[Existing] [State] Code Section _____. Definitions**
**Add following definition of Form-based Regulation:**
A form-based regulation is one that envisions and encourages a certain physical outcome -- the form of the region, community, block, and/or building. Such a regulation may or may not include illustrations as part of its technical format. Form-based regulations are a different type from conventional regulations that are based primarily on use, process, performance or statistics.
**Add following definition of Transect-based Regulation:**
A Transect-based regulation is a form-based regulation that utilizes an ordering system of single and mixed-use zoning categories that range from rural lands to the urban core. Design and function standards for Transect Zones are based on the appropriateness of context as prescribed by individual codes. They enable Smart Growth and Traditional Neighborhood Development patterns, to encourage compact, walkable, mixed-use communities, access to transit, and conservation of open space and natural resources.

**[Existing] [State] Code Section _____. Manner of exercise of powers conferred.**
**Amend to replace** *"Sections _____ through _____, inclusive"* **with** *"Sections _____ through _____ inclusive"*

**[Existing] [State] Code Section _____. Zones.**
**Amend to replace** *"Sections _____ through _____, inclusive"* *with "Sections _____ through _____, inclusive"*

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[Existing] [State] Code Section _____. **When local regulations Amend to replace** *"made under the authority of Sections _____ through _____, inclusive, the provisions of such other statute, or local ordinance or regulation shall govern; otherwise the provisions of the regulations made under the authority of Sections _____ through _____, inclusive, shall be controlling"* **with** *"made under the authority of Sections _____ through _____, inclusive, the provisions of such other statute, or local ordinance or regulation shall govern; otherwise the provisions of the regulations made under the authority of Sections _____ through _____, inclusive, shall be controlling"*

[existing] [State] Code Section _____. **Subdivision regulation. Amend to replace**
Amend to replace *"Sections _____ through _____, inclusive,"* with *"Sections _____1 through _____, inclusive,"*

[Proposed New] § [State] Code Section _____. **Form-based and Transect-based zoning regulations authorized**
(a) Any municipality or county shall be authorized and empowered to establish form-based and Transect-based zoning regulations in order to accomplish the following purposes:
 (1) to enable and qualify Smart Growth community patterns that includes hamlets, villages and towns;
 (2) to integrate a range of zoning categories that form a continuum from the rural to the urban core;
 (3) to integrate any scale of planning concern whether regional, local, or the individual lot and its architectural elements;
 (4) to integrate methods of sustainable development and open space conservation;
 (5) to integrate zoning, subdivision, planning, development, public works, and transfer of development rights standards;
 (6) to provide a set of zoning categories common to new communities and to the infill of existing urbanized areas;
 (7) to establish parity of process for existing and new urban areas;
 (8) to integrate architectural, landscape, signage, ambient, and visitability standards;
 (9) to integrate protocols for the preparation and processing of plans;
 (10) to encourage administrative approvals;
 (11) to encourage form-based and Transect-based development through incentives, prescriptions, and prohibitions;
 (12) to specify standards parametrically (by range) to minimize the need for variances;
 (13) to increase the range of the options over those allowed by conventional land use regulations.

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(b) Any municipality or county may enact, amend and repeal provisions of an existing ordinance or regulation in order to fix standards and conditions for a form-based or Transect-based zoning regulation. The provisions for standards and conditions for such development shall be included within the ordinance.

(c) Transfer of development rights.
Municipalities and counties electing to enact form-based or Transect-based zoning regulations may also incorporate within such regulations provisions for transfer of development rights, on a voluntary basis, in accordance with express standards and criteria set forth in the ordinance.

(d) Forms and types of Transect-based zoning regulations.
A form-based or Transect-based development may be developed and applied in any of the following forms.
    (1) as a new development.
    (2) as an outgrowth or extension of existing development.
    (3) as a form of urban infill where existing uses and structures may be incorporated into the development.
    (4) in any combination or variation of the above.

A municipality or county may permit form-based or Transect-based developments by any of the following types of zoning regulations:
    (1) as a comprehensive and exclusive zoning regulation.
    (2) as a comprehensive, parallel supplement to an existing zoning regulation.
    (3) as a floating or overlay zoning regulation.

(e) Manual of written and graphic design guidelines.

Where it has adopted provisions for a form-based or Transect-based zoning regulation, the governing body of a municipality or county may also adopt by ordinance a manual of written and graphic design guidelines to assist applicants in the preparation of proposals for a form-based or Transect-based development project.

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APPENDICIES

## SAMPLE ORDINANCE

ADOPTING THE SMARTCODE AS A COMPONENT OF THE MASTER PLAN OF THE *MUNICIPALITY* IN AN AREA GENERALLY BOUND BY *[ - ]* ON THE NORTH, *[ - ]* ON THE EAST, BY *[ - ]* ON THE SOUTH AND BY *[ - ]* ON THE WEST.

WHEREAS, the Master Plan of the *MUNICIPALITY* was adopted on *[Date]*; and

WHEREAS, the *STATE CODE* allows amendment of the *MASTER PLAN* following a public hearing and review by the *PLANNING COMMISSION*; and

WHEREAS, a public hearing was held on *[Date]* by the *PLANNING COMMISSION* allowing all interested citizens to be heard; and

WHEREAS, the *PLANNING COMMISSION* has recommended that the *GOVERNING BODY* amend the Master Plan by adopting the SmartCode; and

WHEREAS, the *GOVERNING BODY* has considered the effect of this amendment to the Master Plan and has determined that it conforms to the Master Plan Policies:

NOW THEREFORE, BE IT ORDAINED BY THE *GOVERNING BODY* OF THE *MUNICIPALITY*:

SECTION 1. The Master Plan of the City of *[ - ]* is hereby amended by adopting the SmartCode as a component of the Master Plan for an area bound by *[ - ]* on the north, *[ - ]* on the east, by *[ - ]* on the south and by *[ - ]* on the west.

SECTION 2. The SmartCode is attached as Exhibit "A" hereto and incorporated herein for all purposes.

SECTION 3. This ordinance shall be immediately effective upon the affirmative vote of a majority of members of the *GOVERNING BODY* otherwise it shall be effective *[Date]*.

PASSED AND APPROVED this *[Date]*.


ATTEST: _____
                    *MUNICIPALITY* Clerk


APPROVED AS TO FORM: _____
                            *MUNICIPALITY* Attorney

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CASE STUDIES

SMARTCODES - ADOPTED
Coconut Grove, portion of Miami, Florida
FEC, portion of Miami, Florida
Flowood, Mississippi - October 2005 - optional
- http://www.riverregionsmartgrowth.com
Leander, Texas - September 2005 - mandatory for jurisdiction
- http://www.gatewayplanning.com/Leander%20TOD/2005/leander%20cap%20metro%20bd%208.30.05.pdf
Petaluma, California - July 2003 - mandatory for 400 acres in Central Petaluma
Case Study
- http://www.lgc.org/freepub/land_use/presentations/hall_sgzc_oak04/
Presentation
- http://www.healthytransportation.net/view_resource.php?res_id=19&cat_type=revital
Petaluma SmartCode Online
- http://cityofpetaluma.net/cdd/cpsp.html
Pike Road, Alabama - August 2005 - mandatory for Sectors O-1, G-3, G-4
- http://www.riverregionsmartgrowth.com
Sarasota, Florida - June 2004 - mandatory for downtown
- http://www.sarasotagov.com/Planning/DowntownCode/DowntownCodeHP.html


SMARTCODES - IN PROCESS
Airdrie, Alberta
Azusa, California
Bay St. Louis, Mississippi
Broward County, Florida
Carmel, Indiana
Caroline County, Virginia
Central, Louisiana
Chaffee County, Colorado
Choctaw Indian Reservation, Mississippi
Columbia, South Carolina
Dade County, Florida
Dallas, Texas
Davie, Florida
Early County, Georgia
Fayetteville, Arkansas
Fort Myers, Florida - mandatory for downtown,
passed Planning Commission, pending before
City Council
- http://www.cityftmyers.com/departments/dra/
duanyplan.htm
Gautier, Mississippi
Grand Rapids, Michigan
Gulfport, Mississippi
Harrison County, Mississippi
Hillsborough County, Florida
Hollywood, Florida
Iowa City, Iowa
Lancaster, Texas
Lauderdale Lakes, Florida
Lauderhill, Florida
Long Beach, Mississippi

Margate, Florida
Missoula, Montana
Miami, Florida
- http://www.miami21.org/
Miami Gardens, Florida
Miramar, Florida
Monroe, Georgia
Montgomery, Alabama - optional, passed Plan-
ning Commission October 2005, pending before
City Council
- http://www.faulkner.edu/o/admin/websites/ce-
merson/RiverRegionSmartGrowth.htm
Montpelier, Vermont
Moss Point, Mississippi
North Lauderdale, Florida
Ocean Springs, Mississippi
Parkland, Florida
Pascagoula, Mississippi
Pass Christian, Mississippi
Plantation, Florida
Post Falls, Idaho
San Antonio, Texas
Sebastopol Northeast Area SmartCode, Califor-
nia - mandatory, 50 acres
Spotsylvania County, Virginia
Tamarac, Florida
Tarpon Springs, Florida - Optional overlay
Ventura, California
Waveland, Mississippi
West Park, Florida

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OTHER TRANSECT-BASED CODES - ADOPTED & IN PROCESS
Baton Rouge, Louisiana - Adopted
D'Iberville, Mississippi
Farmer's Branch, Texas
- http://www.farmersbranch.info/Planning/codes7FAQs.html
Jupiter, Florida - Adopted
- http://www.jupiter.fl.us/PlanningAndZoning/upload/MXD.pdf
Miami, Florida - Adopted 1993
- http:www.co.miami-dade.fl.us/planzone/
Onondaga County, New York - September 2000
Syracuse, New York - September 2000
West Palm Beach, Florida - Adopted 1995
- http://www.cityofwpb.com/plan/dmp.htm

NOT ADOPTED
Orlando, Florida
Vicksburg, Mississippi

ECONOMIC IMPACTS
Flowood, Mississippi
+ Richard Ridgeway's Flowood Town Center project will have a DPZ charrette in January 2006, enabled by
the Flowood SmartCode.
Leander, Texas
+ The TOD / SmartCode Initiative is estimated to generate at least $1.8 billion in additional tax base value.
Petaluma, California
+ $100 million of new development entitled and approved since July 2003 (half of this is built; remaining is
under construction with a December 2006 completion date).
Pike Road, Alabama
+ Pike Road was able to annex The Waters, a $1 billion Traditional Neighborhood Development of seven
hamlets, after passing the Pike Road SmartCode.
Sarasota, Florida
+ Economics Research Associates, Washington, DC http://sarasotagov.com/Planning/DowntownCode/ERA_
analysis%5CFinal_Draft_Report.pdf
   State Route 7 Initiative, Florida
+ ULI Study http://www.sfrpc.org/data/sr7/BrowardCo%20FL%2004%20v7.pdf

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## RESOURCES

**On the New Urbanism:**
*The Charter of the New Urbanism,* by the Congress for the New Urbanism
*Suburban Nation,* by Andrés Duany, Elizabeth Plater-Zyberk, and Jeff Speck
*New Urbanism: Toward an Architecture of Community,* by Peter Katz
*The Next American Metropolis: Ecology, Community and the American Dream,* by Peter Calthorpe
*New Urbanism: Comprehensive Report & Best Practices Guide,* by New Urban News
*The Geography of Nowhere,* by James Howard Kunstler
*The Wealth of Cities,* by John Norquist
*The New Transit Town,* by Hank Dittmar
*The New American Urbanism,* by John Dutton

**Selected books and articles:**
http://dpz.com/company_bibliography.htm

**On the Transect and SmartCode:**
List of publications and resources at:
http://www.placemakers.com/info/infoClear.html

Short piece about the launch of the SmartCode (2003):
http://www.tndtownpaper.com/Volume5/smartcode.htm

CNU Council Report IV - information on the SmartCode and progressive codes in general; transcripts from Santa Fe 2002 Council on Codes:
http://www.nucouncil.net/nucouncil.asp?a=spf&pfk=3

*Making the Good Easy: The Smart Code.* Andrés Duany and Emily Talen Fordham Urban Law Review Journal 29, 4: 1445-1468. (2002)

*Forthcoming (February 2006)* - "Making Traditional Town Planning Legal Again: Legally Calibrating the SmartCode for Local Jurisdictions" by Chad Emerson. cemerson@FAULKNER.EDU

*TransectMap: A Transect Calibration & Delineation Method,* by Eliot Allen and Criterion Planners, http://www.crit.com/

**On Charrettes:**
http://www.charretteinstitute.org/

To order a hard copy of the *SmartCode & Manual* including the complete Annotated v8.0 SmartCode, contact New Urban Publications, Inc. at 607-275-3087 or rob@newurbannews.com

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