

COMMUNITY GROWTH MANAGEMENT

Performance Zoning

An Option For A Small Oregon City

Most citizens are concerned with the "livability" of their community. As Oregon's population continues to grow at a pace well beyond the national average, local officials and concerned citizens are looking for ways to cope with rapid change. Land use regulations, especially zoning, are important tools to gain some control over the effects of change and growth.

Communities apply zoning regulations to reduce conflicts between land uses, protect property values, and promote desirable community characteristics. A traditional zoning ordinance divides the community into various zones, such as single-family residential, multi-family residential, commercial, and industrial. Each zone establishes rules and procedures for any development that occurs within the zone.

Performance zoning, a variation of traditional zoning, uses performance standards to regulate development. Performance standards are zoning controls that regulate the effects or impacts of an activity on the surrounding neighborhood, instead of separating uses into various zones. In other words, single-family residential, multi-family residential, stores, and offices may be permitted in the same neighborhood, *if certain standards of performance are met*. The standards are designed to regulate traffic, visual impact, noise, lights, or other emissions, overall density, water run-off, and other environmental concerns.

Performance zoning may take a number of forms. It may consist of a simple set of rules that

apply across the board in the community.¹ (Numbers refer to source citations at the end of this circular.) Second, performance standards may be used in a traditional zoning ordinance to regulate certain kinds of uses, such as industry or conditional uses.² A third approach is to establish two or three intensity zones, based on the neighborhood characteristics of a community. Each zone may permit various uses, but the standards would vary between zones to promote the desirable character of the neighborhood.³

This third approach is utilized in Bay City, Oregon, a small, rural community of 1,000 persons located on Tillamook Bay on the northern Oregon coast. In some ways, Bay City is reminiscent of a European or New England village, with its compact village center, sloping hillsides with views over the bay, and the picturesque mixture of early 20th-century homes and small farms.

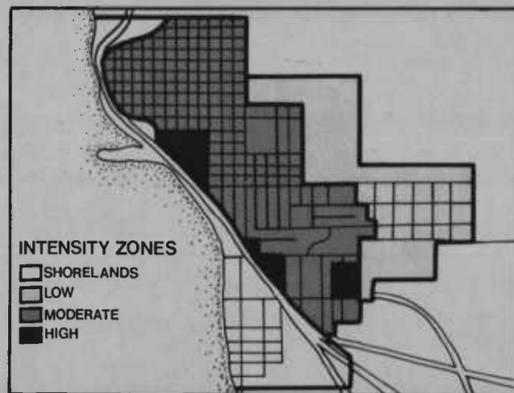
Bay City is also a community on the verge of being "discovered." Land sales, building permits, and subdivision activity are at record levels. In 1978, the city received two subdivision requests totaling 70 lots; the last previous subdivision was in 1972. In response to this recent growth pressure, the city council and planning commission asked the local council of governments planning staff and the Oregon State University Extension Service, through its land resource management program, for assistance. The city wanted to develop a plan and a land-use ordinance that would maintain the traditional mixture of uses, respect the environment of the area, and attempt to lessen the negative effects of new development rather than restrict the *type* of development. The steep slopes of the unbuilt portions of the city made

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protection of views and control of storm run-off important.

Because of the city's small size, local officials were concerned with administrative simplicity. In the words of Jim Richards, the city council president, "We needed an ordinance that could pretty much be administered by the planning commission itself rather than a professional planner. Also, we wanted to combine the zoning and subdivision ordinances and streamline the application process, to provide a one-stop permit process at the local level. We think that encouraging developers to do a good job, through the clustering of homes, through common open space, and other techniques, will benefit everybody."

The development ordinance divides the city into three intensity zones: High Intensity, Moderate Intensity, and Low Intensity. These zones are based on physical characteristics, the existing land use pattern, and the presence of public facilities such as sewer and water lines and streets.



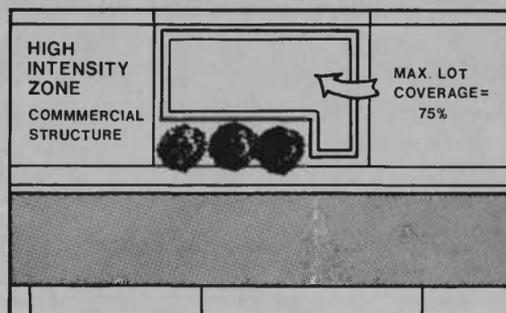
The new zones generally conform to the previous zoning categories of commercial, residential, and rural residential—but the important difference is that the intensity zones are aimed at controlling the intensity of development and its impact on the neighborhood, regardless of the type of development. Several performance standards in each zone are designed to accomplish this purpose. The standards cover density, lot coverage, common open space, setbacks, traffic, buffers and screens, noise and other emissions, water run-off and erosion, and hazards such as flooding or landslides.

Each zone is assigned a *density* for residential development and a lot coverage figure, in place of a minimum lot size for each dwelling unit. This approach permits the developer to place buildings in any site design that meets the density, lot

coverage, and other standards. The design can include clustering, mobile homes, planned unit development, a mixture of single families and multi-families, or even business or commercial uses. A subdivision application submitted to the planning commission shortly after the ordinance was adopted requested that duplexes be permitted on all lots over a certain size. Since the overall density of the development was within the density standard of the zone, the request was allowed under the ordinance. The developer may build duplexes on the individual lots, or sell the lots and the buyer can retain that option.

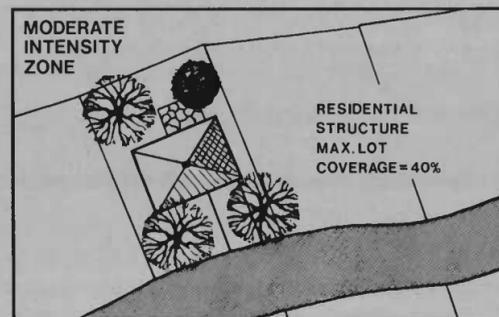
Another developer was startled to learn from the planning commission that a six-unit apartment complex would be permitted as readily as six individual homes on a 1-acre parcel in the Medium Intensity Zone. However, other parts of the site would need to be designated as open space. The city council and planning commission felt that this approach would implement the goal of preserving open space and the character of the community, and achieve other purposes such as lower housing costs, more efficient use of public facilities, and a diverse community.

The *lot coverage standard* regulates the amount of area of the lot or parcel that can be covered by buildings, driveways, or other impervious (paved) surfaces. The standard regulates building intensity, thereby controlling site disturbance as well as influencing neighborhood character. In the High-Intensity Zone, lot coverage is higher for commercial structures (75 percent) than for residential uses (50 percent). The difference in the standard encourages commercial uses in this zone, and insures that multi-family and other housing developments provide a reasonable amount of open area. The High-Intensity Zones are the relatively level downtown- and highway-oriented areas of the city, with a storm drainage system in place and access to major streets. No geologic or flood hazards are present in this zone.



In the Moderate-Intensity Zone, lot coverage for all uses is limited to 40 percent. This standard would permit a builder to cover 2,000 square feet of a 5,000-square-foot lot with buildings, driveways, patios, and decks. Under the previous zoning code, the builder was required to remain within a 20-foot front yard setback, a 15-foot rear yard setback, and 5-foot setbacks on either side. On a 5,000-square-foot lot, the previous code permitted lot coverage of more than 50 percent excluding the driveway and other impervious surfaces. While lot coverage is reduced by approximately 10 percent on standard residential building lots in the new code, developers can build up to the lot lines with planning commission approval. City officials felt that this coverage was generous, considering the amount of steep slopes and lack of storm sewers in most of the city. By building two stories, a builder could still construct a dwelling or other structure larger than 2,500 square feet on a 5,000-square-foot lot.

The larger the parcel of land, of course, the larger the building could be. A small farm on two or three acres of land or a small manufacturing firm on several acres would have no trouble locating all their structures within these limits. With proper buffers and screening, the impact on adjacent property would be minimized.



In the Low-Intensity Zone, lot coverage for all uses is limited to 10 percent. This area, which contains several farms and forested hillsides, is intended to be maintained in its present character until the growth of the community requires additional land for development. Most of the parcels in this area are more than 1 acre in size. As the need develops, the ordinance provides for zone changes if certain conditions are met.

Common open space is required for all subdivisions of more than six units. For example, the Medium-intensity zone requires 15 percent



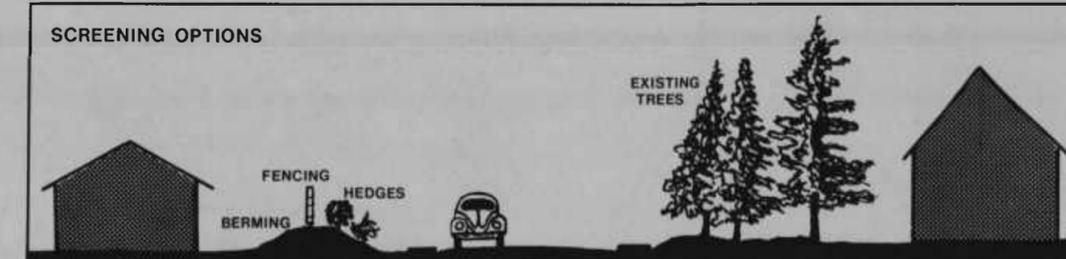
of the site to be available to residents of the subdivision as common open space.

The use of *buffers* and *screens* is an important part of the ordinance. Buffers are defined as horizontal distances between certain uses intended to maintain existing vegetation, block noise and glare, or maintain privacy. A screen is defined as a vertical barrier in a limited space designed to reduce visual or noise impacts.

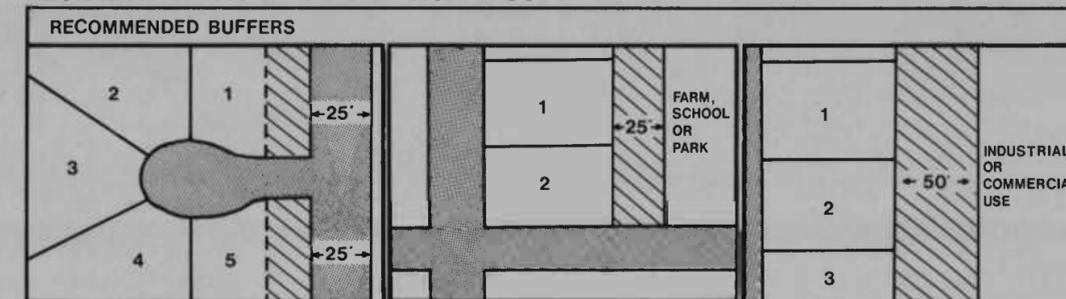
Because the ordinance permits non-residential uses in residential neighborhoods, buffers and screens provide necessary protection between adjacent uses. For example, to protect a subdivision or a milk ranch from the visual impact, noise, or lights of a small factory or commercial use, standards were adopted to require that a buffer, a screen, or both be constructed between the uses, and that the use be located on a major street. The more potentially incompatible the adjacent uses, the larger or wider the buffer or screen required. Although certain size buffers were included in the ordinance, the planning commission was empowered to vary their size depending on the situation.

Buffers may be required between new subdivisions and major streets, between subdivisions and less intensive uses such as schools, farms, or parks, or between new subdivisions and more intensive uses such as factories or commercial activities. The obligation to provide the buffers is that of the most recent developer. For example a new factory may be required to provide a 50-foot buffer or more on its property and demonstrate that the buffer is sufficient to reduce undesirable effects on an adjacent housing area. A screen may be required in addition to a buffer. If the factory were adjacent to other high-intensity uses, such as a commercial or industrial activity, the buffering and screening requirements could be waived.

RESIDENTIAL FROM MAJOR STREETS



RESIDENTIAL FROM LOW INTENSITY USES

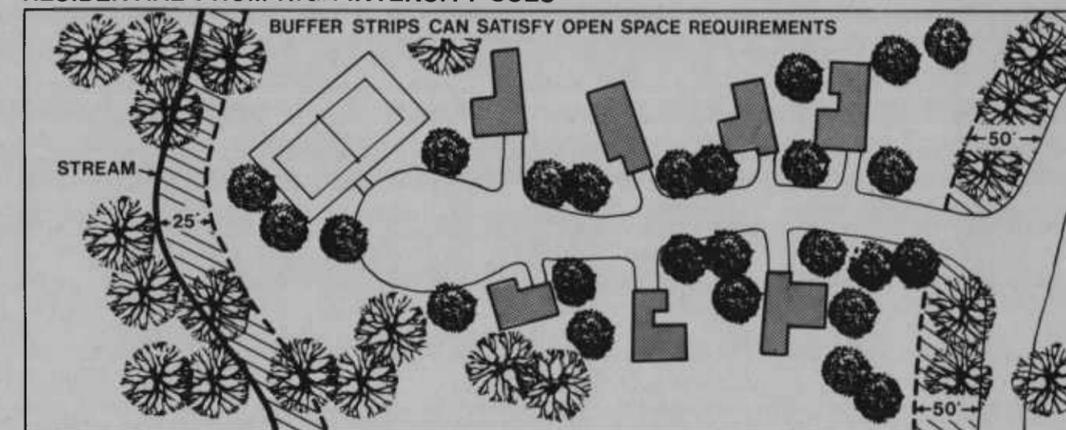


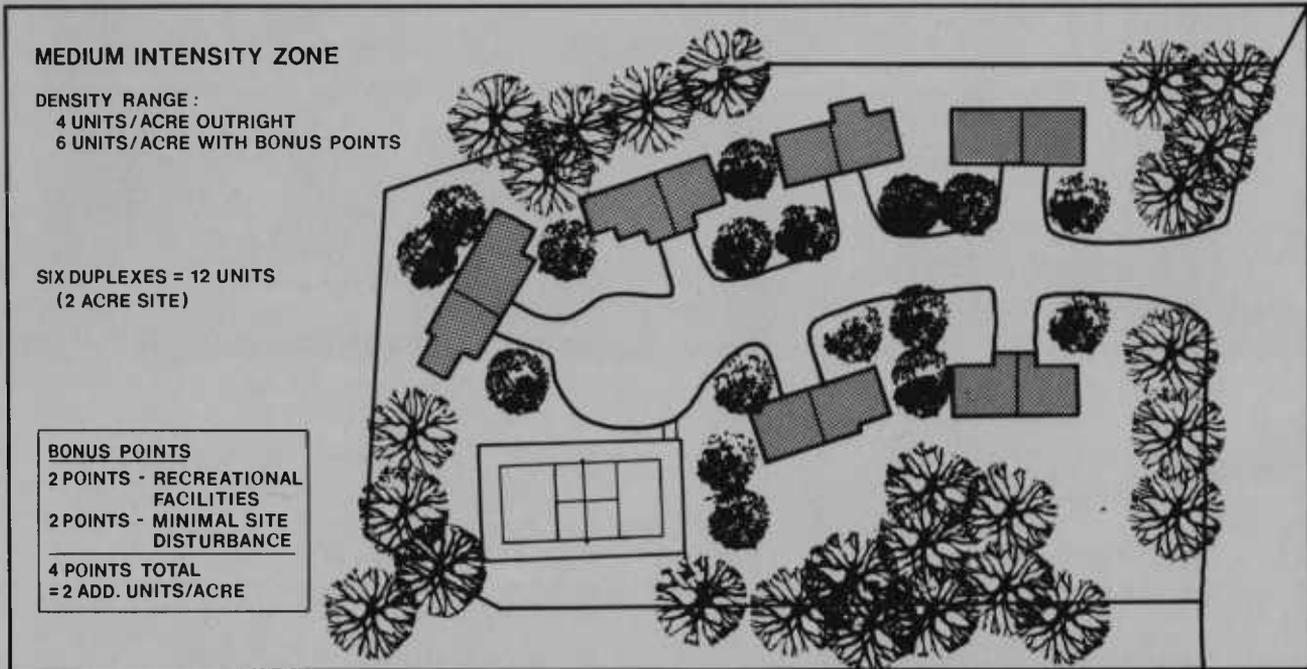
In the design of new subdivisions, buffers are a means of satisfying the requirement to provide common open space within the development. By spacing lot lines 25 or 50 feet from an adjacent arterial, and by providing a single access road, subdividers can create a more secluded development and enhance the marketability of the roadside houses or lots. The community benefits by the maintenance of green or open areas along major streets.

Buffers are required adjacent to streams and Tillamook Bay for all uses that do not require

water access. This standard varies depending on the size of the stream or the type of use or streambank, but is not less than 25 feet, and is intended to protect riparian (waterfront) vegetation, to enhance wildlife habitat, and to provide scenic corridors. Stream or bay buffers can, of course, be used as part of the common open-space requirement, and can provide the community with valuable recreation areas, such as a trail system. For example, a recent subdivision deeded to the city, as its open-space requirement, approximately 5 acres adjacent to a stream and a city park.

RESIDENTIAL FROM HIGH INTENSITY USES





A *hazard overlay zone* is used to apply additional precautions in areas subject to flooding or landslides. The overlay zone cuts across the three basic intensity zones and may reduce permitted densities or require certain development practices in order to reduce the risk of damage to property or life.

Road access is regulated to reduce traffic congestion, noise, and safety hazards. Certain activities that generate high traffic are restricted to sites that have adequate access to arterial roads. While it is possible to regulate traffic through a sophisticated set of traffic generation standards,⁴ the Bay City approach simply relates expected traffic generation to the capacity of the access road.

Finally, the Bay City ordinance provides an incentive system for encouraging certain desirable development characteristics through a *Bonus Density System*. Each intensity zone has a permitted density range. For example, in the Medium-Intensity Zone the density range is four to six dwelling units per acre. This means that a density of four units per acre is permitted outright. A developer can gain two more dwelling units by including certain design characteristics in his development: additional common space, minimal site disturbance, provision of major recreational facilities, architectural design merit, or energy efficient construction. Each of these factors is assigned a number of points on a quality point scale. For example, providing recreational

facilities can contribute from one to two points. Any combination of points can be used. Each set of two points provides a “bonus” of one dwelling unit up to the maximum density for that zone. This quality-point system is another application of the performance-zoning concept.

In summary, the performance-zoning ordinance of Bay City is intended to meet the needs and goals of a small community, while providing it with the tools necessary to deal with increasing change and growth. As a recent book on small

Performance Zoning =

- ★ CONTROL OF THE IMPACTS OF DEVELOPMENT.
- ★ ENCOURAGEMENT OF FLEXIBLE SITE DESIGN.

towns put it, "As the decentralization of American business continues, more and more people will be released from urban populations to find their way into smaller communities . . . Times are changing . . . Small towns across the country are beginning to feel the pressure . . . Since small towns lack the resources or trained people to cope effectively with large-scale pressures from outside, they must either succumb or invent their own defenses."

Performance zoning is a tool that can be used in combination with others to manage growth. Although there are many ways to apply performance zoning, the central idea is to regulate development by controlling its impact on its neighbors, while encouraging flexibility of site design. Since each community has its own character and development problems, the use of performance zoning by a city, county, or small town would need to be designed carefully to fit that particular character and needs.

The Oregon State University Extension Service has collected research papers and ordinances on performance zoning for several years. Information is available from the Extension Land Resource Management Specialist, Department of Geography, Oregon State University, Corvallis, Oregon 97331 or your county Extension office.

Citations

1. Lynch, Kevin. "Performance Zoning, The Small Town of Gay Head, Massachusetts Tries It." *Planners Notebook*, October, 1973, and Philip B. Herr and Associates. *Franklin County, Massachusetts: Performance Zoning II*. Franklin County Planning Department, Greenfield, Massachusetts, 1972.
2. American Society of Planning Officials. *Industrial Zoning Standards*. Planning Advisory Service Information Report No. 78, 1313 E. Sixtieth, Chicago, Illinois 60637, 1955.
3. Bucks County Planning Commission. *Performance Zoning*. Doylestown, Pennsylvania, October, 1973, and Pierce County Planning Department. *Development Regulations for the Gig Harbor Peninsula*. Tacoma, Washington, 1975.
4. Kaminsky, Jacob. *Environmental Characteristics Planning: An Alternative Approach to Physical Planning*. Regional Planning Council, 701 St. Paul Street, Baltimore, Maryland 21202, 1972.
5. Robertson, James and Carolyn. *The Small Towns Book: Show Me The Way to Go Home*. Doubleday/Anchor Press, New York, 1978.

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