

Section 1

Land Use and Zoning

The Land Use and Zoning section proposes a more transparent, efficient, and flexible zoning system for Palmer. This process is part of an integrated approach, along with the Economic Development and Community Design sections, to vitalizing the downtown commercial core while retaining the "small town" character of Palmer as a whole.

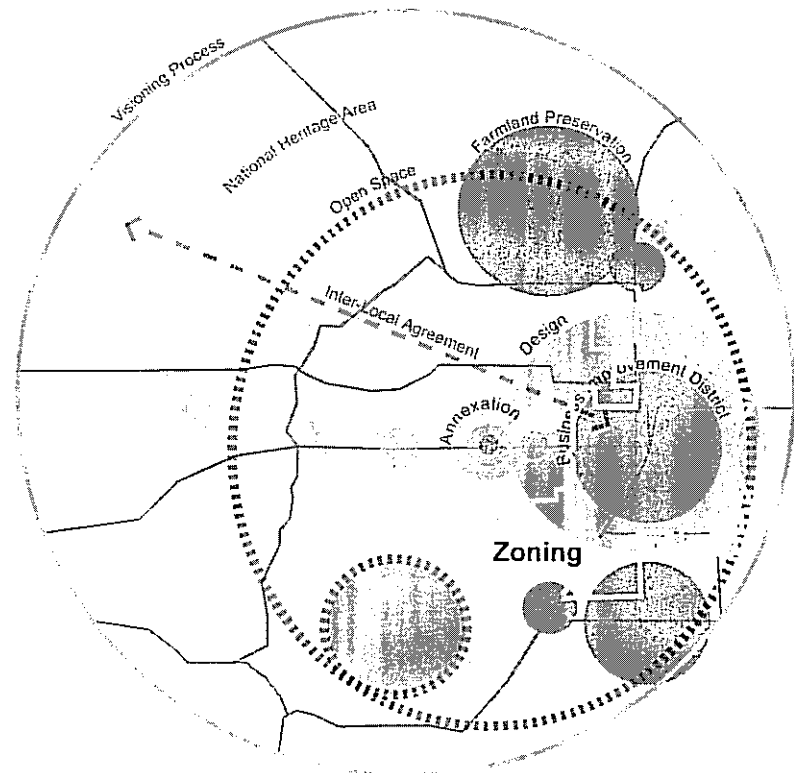
In workshops and surveys, residents of Palmer indicated a desire to vitalize their downtown while preserving its small town character. One tool which the city can use to preserve this character is zoning. An effective zoning code functions as the regulatory bridge between a community's vision and the built environment. The City of Palmer has recognized that its current zoning code has led to an ambiguous development vision and fragmented land use patterns. Like many small cities, Palmer utilizes the traditional Euclidean zoning system. This system, while it has certain advantages such as security and objectivity, does not provide for flexibility and innovation. This section outlines a process by which the city can maximize the strengths of its traditional zoning system while incorporating other, more flexible zoning options.

Related Working Goals

Shape the character and channel the direction of growth into city limits in order to maintain and enhance Palmer's working rural landscape and small-town identity.

Enhance Palmer's social and economic vitality by promoting downtown commercial growth and community development.

Identify and prioritize farmland facing development pressure and establish mechanisms to preserve identified farmland.



Recommendation

Strengthen existing zoning code, establish new guidelines, and identify incentive zones to anticipate future land use and address population pressures.

In order to give the city of Palmer the tools to effectively channel commercial growth into the downtown core while allowing for low, moderate, and high density residential areas, the following three phases are recommended:

- **Phase 1:** Amend the existing code
- **Phase 2:** Modify existing zoning designations
- **Phase 3:** Create flexible “second tier” zoning alternative

Phase I: Revise zoning code

The first phase of the zoning recommendations aims to revise the current city code in order to make it a more effective tool for the shaping of growth within the Palmer city boundaries. The following three principles form the base upon which the various recommendations were made:

- Transparency
- Flexibility
- Efficiency

A transparent, flexible, and efficient zoning code will become a tool that the city can use to check unwanted growth and allow for appropriate land use patterns. The following are the Phase I recommendations.

Permitted Uses & Zoning Dimensions Matrices

An accessible and intelligible code leads to greater transparency in the permitting process. By including two new matrixes – Permitted Uses and Zoning Dimensions – citizens and city staff alike will be able to access and compare key information on each zoning district. Examples of both matrixes are found in Appendices B and C.

Senior Citizen/Multi-Family Housing

Both R3 and R4 zoning designations should contain explicit provisions for senior citizen and multi-family housing within their code. As part of the provisions, both should be required to submit a landscape plan as part of their permitting procedures. A sample R3 code is included in Appendix D.

Automatic Zoning

When considering the alternative of annexation, the city should avoid automatically zoning to the lowest density designation. Instead, the city should have a zoning schema already designed (see Annexation Alternatives for sample Palmer-Wasilla schema) in order to implement it immediately. This attentiveness to zoning designations will avoid future complications with rezoning.

Additional Zoning Designations

Also useful when considering annexation alternatives would be the creation of one to two new commercial designations. If the city is to use zoning to effectively channel commercial growth into the downtown, additional designations will allow the city to define the type and density of commercial development that will occur on the Palmer-Wasilla highway and the Glenn Highway. A Commercial Limited Highway would allow for certain low-density commercial uses, while not permitting retail and services that help to make



the downtown area more vibrant. In a similar vein, a Commercial Limited Rural designation would allow for “agricultural based” types of commercial activity, such as farm stands and feed stores. The former would be appropriate for the Palmer-Wasilla highway, and the latter the Glenn Highway. In addition to these two new designations, a Rural Residential designation would allow for larger, 5 acre lots in the southwest sector of Palmer. All three designations are included in both matrices in Appendices B and C.

Commercial General Height Limit

In order to preserve precious views and encourage development that is appropriate to Palmer, the city should lower the Commercial General (CG) height limit from 50 feet to 35 feet. In the future, if the city and community decide that increasing height limits is desirable in certain areas of town, more flexible zoning could be used to promote commercial density downtown while allowing for viewsheds. Matrices in Appendices B and C reflect this change.

Buffering/Landscape Requirements

Instituting buffering and landscape requirements for zoning designations RR, R1E, R1, and R2 would enhance the rural character of Palmer’s low density residential areas. Matrices in Appendices B and C reflect these requirements.

Cluster Zoning

One of the design strategies that we present in both the Annexation Strategies and Farmland and Open Space chapters in cluster housing. Explicitly adding cluster housing as an option within the PUD chapter would encourage developers to consider this flexible, innovative strategy to residential/open space configurations.

Design Guidelines

A useful tool in preserving a small town’s character is an explicit design guideline chapter in the zoning code. An example of such design guidelines are included in Appendix E.

Enforcement

While it is recommended that the zoning code’s flexibility be strategically increased, flexibility in enforcement is strongly discouraged. A firm code will help to form a foundation of enforcement that will give the city the leverage to negotiate with developers in the future. The city’s ability to engage in these negotiations is key to further commercial vitalization and implementation of social, physical, and cultural amenities.

Phase II: Modify Zoning Designations

Once the city has improved the transparency, flexibility, and efficiency of the current code, it will be able to modify a number of different zoning designations. Focusing commercial growth into the downtown core means modifying existing commercial zoning designations in non-core areas. The accompanying map portrays recommended zoning changes.

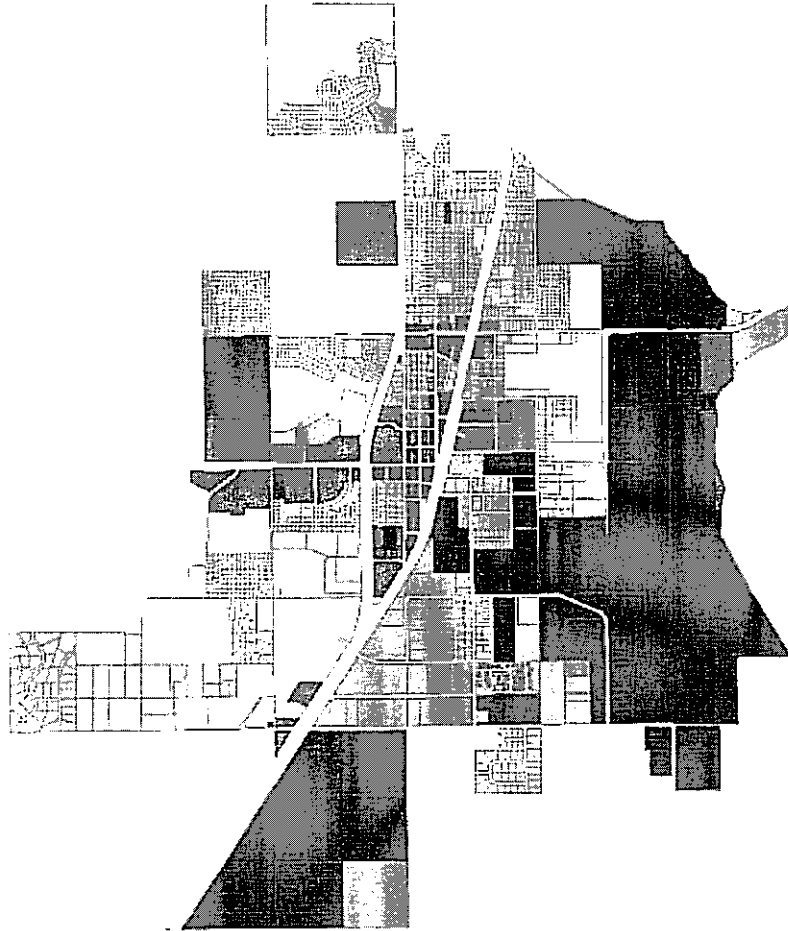
Challenges

Modifying zoning codes in a city can present political, social, and cultural issues that the city must be prepared to handle. It is crucial that the city frame these modifications in the overall vision of the community. Below are issues that may arise during this process:

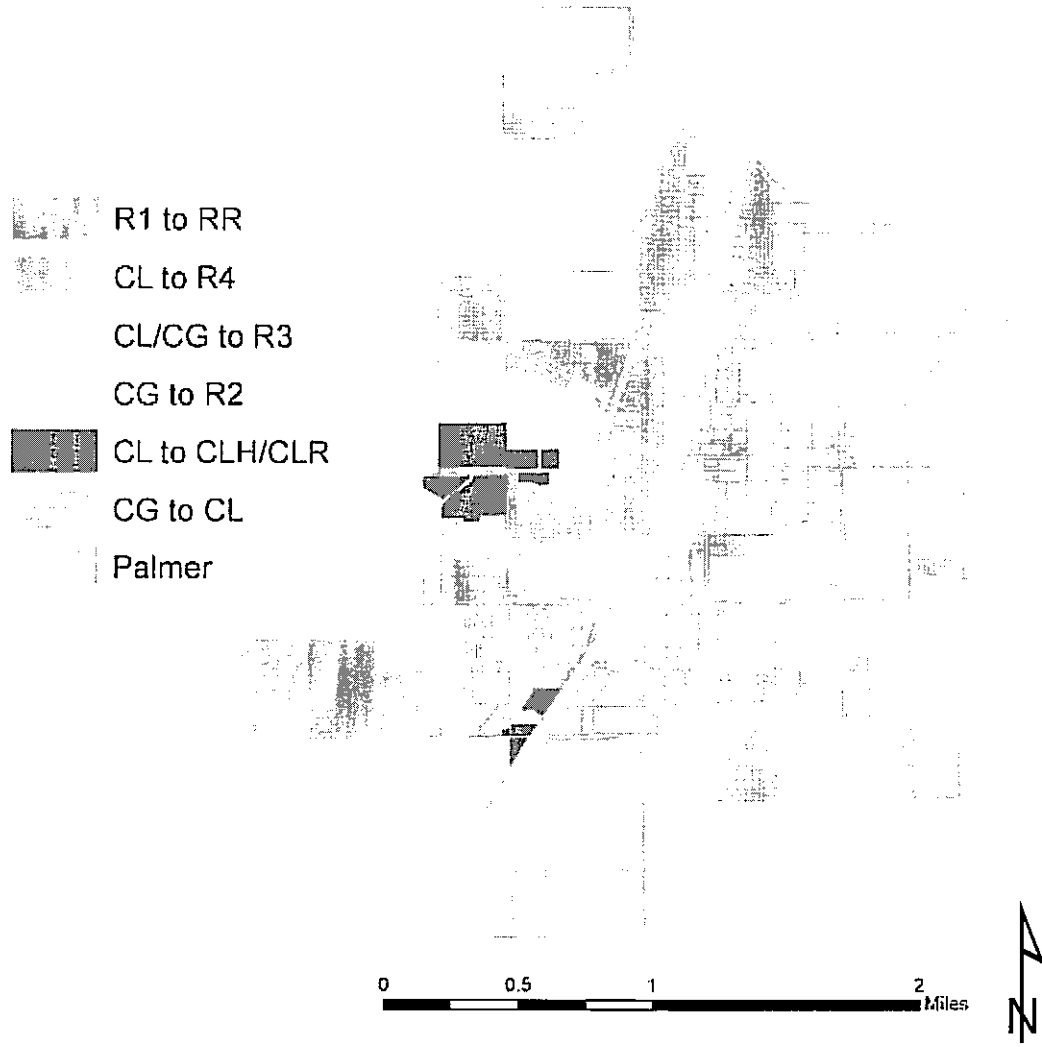
- **Non-Conforming Uses** – These are a reality that any city must confront when proposing any zoning shift in a developed area. Many land-owners will fear that their

Zoning: Current

-  CG
-  CL
-  R1E
-  R1
-  R2
-  R3
-  R4
-  BP
-  PUD
-  P
-  I



Zoning: Phase II



commercial buildings will be limited in the future in the case of fire or destruction of their buildings. The city has a few options to deal with this issue:

- Amortization of Non-Conforming Uses: Amortization essentially sets a due date on the changing of the non-conforming use. If immediate repercussions are feared, an extended time limit may be pursued, e.g. 15 years.
- Conditional Use Option: Many cities will set provisions that if non-conforming buildings either: a) Suffer damages to more than 51% of the building, or b) Are not used for over X number of years, then the new zoning regulations take effect and the non-conforming use cannot be rebuilt. An option can be offered, however, of a streamlined conditional use permit for previously existing non-conforming uses.
- Improvements: The zoning code may allow non-conforming buildings to be improved as long as they don't increase the non-conformity of the building.

Phase III: "Two-track" Zoning

Once Palmer has established momentum with its amended zoning code and map, it will have the opportunity to look into more flexible zoning options. While most developers will prefer the security and ease of the traditional, established zoning system, there will be developers that will be interested in projects that push creative boundaries. At the same time, the city may be interested in encouraging developers to include more amenities to the community than are required by the existing code. These two desires would be well served by an additional, second "track" of flexible, performance-based zoning. A discussion of how this hybridized zoning system would work follows.




Performance Zoning

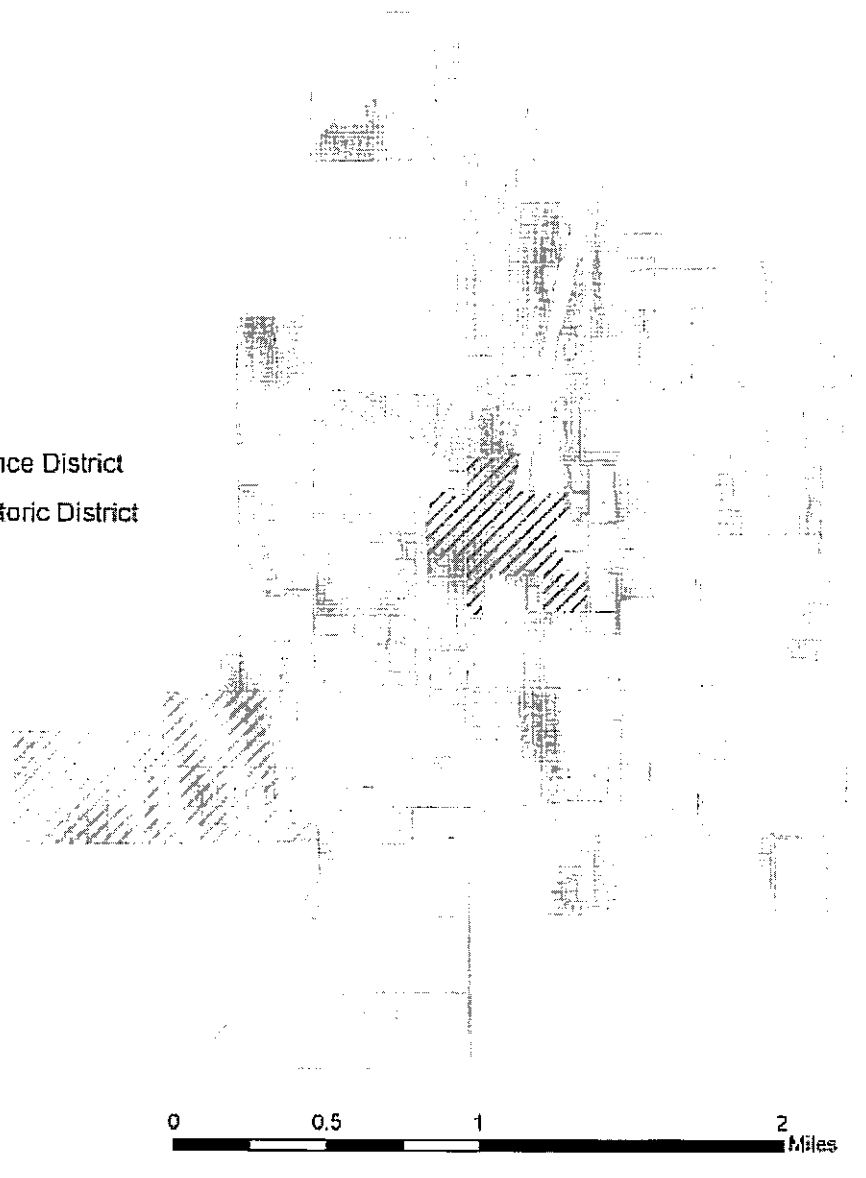
In 1980, Lane Kendig published his seminal work, Performance Zoning. Based on his experience working with Buckingham Township, Pennsylvania in the early 1970s, "performance zoning" evaluated projects based on their impacts. In his book, he proposed the establishment of eight zoning districts: three rural/residential districts, one industrial district, one neighborhood conservation district, a development district, an urban core district, and a "holding" district designed for annexation areas. Within these districts, development would be regulated through point allotments based on mathematical calculations of density factors, floor/area ratios, open space ratios, impervious surface ratios, and occasionally minimum site areas. These, in essence, would be "performance standards" that a project would need to meet to a predetermined degree in order to be approved.

A number of communities have adopted performance zoning based on Kendig's model since its introduction in the eighties. While experiences varied, most communities found that a pure performance based zoning system was difficult to implement. Those communities that have been most successful have developed hybridized zoning codes in which they retain elements of performance zoning, while incorporating permitted uses back into their code.



Zoning: Phase III

-  Rural Performance District
-  Commercial/Historic District
-  Palmer



The Two-Track System

The two-track zoning system incorporates the strengths of traditional and performance zoning in order to create a business- and community-friendly environment by offering a second, more flexible zoning track. This track would allow developers to implement more innovative building and design techniques while also meeting social, environmental, and aesthetic goals that the city and community would like to achieve.

A two-track system would leave in place the existing zoning code (with revisions) as the predominant methodology used in identifying the permitted uses in the existing zoning districts. It would then add a second performance-based option available for projects that wished to pursue that route. Projects would be judged on certain criteria as set forth by the city, such as the installation of street amenities or shared parking. In exchange, the developer would benefit from more flexible lot area, building height, and use requirements. The second option would allow the city to proactively solicit social, environmental, and aesthetic benefits while the applicant is given more flexibility in the type of development he or she may propose. For example, a developer building downtown would benefit from relaxed FAR requirements in exchange extending pedestrian pathways between the commercial and historic districts.

The two-track system would not be available everywhere. The city would identify areas that it would like to see change and list out those important criteria unique to each area.

Implementation of a Two-Track System

The advantage of a two-track system is that it would allow the city

of Palmer to leave in place the existing zoning code. Applicants would have the option to pursue the traditional permitting process, benefiting from the ease and security it provides. This would be the first of the two tracks, and would be utilized by the majority of the applicants.

The second track would incorporate performance zoning principles with which the city and developer would enjoy public-private cooperation not normally possible. The second track would be incorporated into the existing zoning code through an additional chapter. The new chapter would lay out the methodology and standards that the city would use in reviewing projects. Crucial in the formation of this chapter would be the formation of criteria based on social, environmental, and aesthetic goals of the community. This criteria would be weighted (higher points for those criteria with greater value to the community). An example is found in Appendix F.

Writing the chapter

The new chapter would follow the format of the existing chapters within Palmer's existing code. While the scope of this document prohibits the creation of a complete chapter, we provide the following recommendations.

Apart from the structural requirements of the new chapter, it will be essential for Palmer to designate the overlay zones by including a zoning map and dedicating sections to each zone. The

Floor Area Ratios "FAR"

A FAR is determined by dividing the gross floor area of all of the floors of any building or buildings on a lot by the lot area. A FAR of 3 would mean that a 3000 sq. ft. building could be built on a 1000 sq. ft. footprint.



accompanying map includes two examples of districts in which developers would be encouraged to embark on projects consistent with the community's vision: Commercial/Historic and Residential Performance.

Both districts would utilize a separate format. The Commercial/Historic district would implement Floor Area Ratios (FAR) as the basis for approving projects. Developers who incorporate community amenities into their project would benefit from additional square footage allowances to the base FAR. The Residential Performance District would use a performance based zoning system that would evaluate projects based on their impacts to the area. Appendix E and Appendix F include possible code layouts for a Commercial/Historic District and a Residential Performance District.

References and Information

Exner, Marlene, and Russell Sawchuk. 1996. *The Performance-Based Planning Model Final Report*. Prepared for The Town of Morinville and Canada Mortgage and Housing Corporation. Edmonton, Alberta: Steppingstones Partnership, Inc.

Jaffe, Martin. 1993. *Performance Zoning: A Reassessment*. *Land Use Law & Zoning Digest*, 45: 3: 3-9.

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Porter, Douglas R., Patrick L. Phillips, and Terry J. Lasser. 1988. *Flexible Zoning: How It Works*. Washington, DC: Urban Land Institute.

Related Appendices: B, C, D, E, F