DUBUQUE COUNTY, IA
RURAL MODEL SMART CODE

IMPLEMENTATION PLAN
DUBUQUE COUNTY

CREATED BY:

WITH ASSISTANCE FROM:

DUBUQUE COUNTY ZONING DEPARTMENT

2012

EXECUTIVE SUMMARY

In November 2010, the State of Iowa awarded Dubuque County and the Cities of Asbury, Cascade, Dubuque, Dyersville, Epworth, Farley and Peosta a grant to create a regional plan for sustainable development. These seven cities and the County established the Dubuque Smart Planning Consortium. The primary objective of the Consortium is to create a "Smart Plan" that will incorporate the principles of sustainability (e.g. renewable energy, energy efficiency, stormwater best practices, complete streets, low impact development, groundwater conservation, mixed land uses, etc.) into everyday life. Adoption of the Smart Plan is anticipated to occur in November of 2012. Since the Smart Plan on its own has no legal authority, the Smart Planning Consortium has begun to explore possible methods for implementing the recommendations of the Smart Plan.

In February 2012, Dubuque County was awarded a Community Development Block Grant (CDBG) made possible by the American Recovery & Reinvestment Act (ARRA), distributed through the Iowa Economic Development Authority (IEDA) for the purpose of creating a Rural Model Smart Code. In May of 2012, Dubuque County hired MSA Professional Services, Inc. to assist the County with the development of a sample smart code for the County. The Dubuque County Rural Model Smart Code is intended to help achieve the goals and objectives of the Dubuque County Smart Plan by using a hybrid form-based zoning approach that places more emphasis on design and density of new development rather than the traditional Euclidian zoning approach with its primary emphasis on separation of uses.

The Cities of Bankston, Durango, and Sageville served as pilot communities for the development of the Smart Code. The pilot communities have low to moderate income populations greater than 51%. Cost constraints and a lack of in-house staff limit the capacity of these cities to create a development code on their own.

The planning process was guided by a Technical Advisory Committee (TAC) comprised of representatives from Dubuque County, East Central Intergovernmental Association (ECIA), the Dubuque County Smart Planning Consortium, and representatives from the Cities of Bankston, Durango and Sageville. The TAC met four times during the planning process to discuss and modify the Rural Model Smart Code. During the planning process, various county and city engineers, zoning administrators, planners and elected officials were invited to provide input on the Rural Model Smart Code. The final code was presented for public comment at two public informational meetings in the month of August, 2012.

Adoption or "codification" of the Dubuque County Rural Model Smart Code by each of the three cities, or Dubuque County, was not part of the scope of this project; however, this document, and the Notes section of the Zoning Manual (Part 1) discusses the process by which the County can calibrate the Smart Code to fit their particular needs. In addition, each of the pilot cities was given similar implementation plans.

The purpose of this project was to provide training in the use and establishment of a hybrid form-based code within the three pilot communities, which can be replicated elsewhere within Dubuque County. By developing a base model smart code from which all cities and the County can work from it is the desire that not only will the County achieve sustainability principles outlined in the Smart Plan, but that there may also be efficiencies and transparency gained through having a coordinated land use regulatory framework that is consistent from one city to another, and between cities and the County.

SMART CODE DEFINED

- The Smart Code is a <u>hybrid form-based zoning code</u> that incorporates <u>Smart Growth</u>, <u>New Urbanism</u>, and <u>Transect-Based Zoning principles</u>.

> *Form-based codes* – a type of land development regulatory tool (i.e. zoning code) that places greater emphasis on the physical form of the built environment with the end goal of producing a specific type of 'place'. The Smart Code is a hybrid code since it incorporates aspects of traditional use-based zoning, performance impact-based zoning, and principles of sustainability.

> *Smart Growth* – a policy of rural and urban planning which seeks to create, in an open and collaborative process, community land use plans and development codes that result in more sustainable (i.e. lighter impact on the natural environment), and resilient communities (i.e. resistant to natural and economic adversities).

> *New Urbanism* – a discipline of city planning which seeks to guide the form of the built environment to resemble that of traditional neighborhoods, towns and villages. New Urbanism is strongly influenced by urban design standards that were prominent until the rise of the automobile in the mid-20th century. The objective is neighborhoods with strong social connectivity in which it is safe, convenient and pleasant to travel by walking.

> *Transect-Based Zoning* – a concept of New Urbanism whereby zoning districts are arranged based on a geographical cross section of a region. Such a cross-section can be used to identify a set of habitats that vary by their level and intensity of development and character, a continuum that ranges from *natural-to-rural-to-urban*.

Dubuque County Model Transect
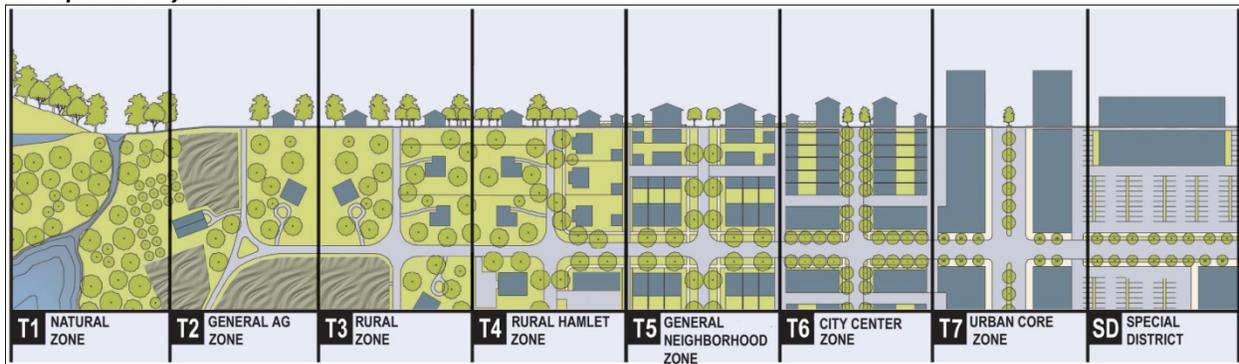
The principles of Smart Growth and New Urbanism support communities that are town-centered and transit and pedestrian oriented, with a mix of housing, commercial and retail uses, while preserving open lands and achieving other environmental goals. While their objectives are similar, Smart Growth is a policy-driven movement and New Urbanism is a design/regulatory-oriented movement.

SMART GROWTH IN IOWA

The Iowa Smart Planning Principles were signed into law on April 26, 2010, as one of the three primary components of the Iowa Smart Planning Act contained in State Code Chapter 18B; Land Use- Smart Planning. These Principles must be considered and may be applied when local governments and state agencies deliberate all appropriate planning, zoning, development and resource management decisions. Application of these Principles is intended to produce greater economic opportunity, enhance environmental integrity, improve public health outcomes, and safeguard Iowa's exceptional quality of life. Successful integration of the Principles also addresses the need for fair and equitable decision-making regarding the growth of communities, and can produce cost savings regarding the provision of public services. The Iowa Smart Planning Principles include:

1. Collaboration
2. Efficiency, Transparency, and Consistency
3. Clean, Renewable, and Efficient Energy
4. Occupational Diversity
5. Revitalization
6. Housing Diversity
7. Community Character
8. Natural Resources and Agricultural Protection
9. Sustainable Design
10. Transportation Diversity

The Dubuque County Rural Model Smart Code was developed and is intended to promote the Iowa Smart Planning Principles.

SMART CODE OVERVIEW

The Dubuque County Rural Model Smart Code contains two separate parts:

A. Part 1 Zoning Manual – The Zoning Manual includes an Introduction which describes the history of zoning regulations in the United States, the origins of urban sprawl, and the basics of Transect zoning. It also contains a Notes section which provides information pertaining to particular portions of the Zoning Manuscript (Part 2). These notes are included within the manual to assist with local calibration of the Smart Code.

B. Part 2 Zoning Manuscript – The Zoning Manuscript contains the actual zoning regulations of the Rural Model Smart Code. It is broken down into seven articles:

1. Article 1 contains the general instructions pertaining to all other Articles.

2. Article 2 prescribes how Regional Plans designate the Open Sectors intended for open lands and the Growth Sectors intended for development and redevelopment. It also prescribes what Community Unit types (i.e. subdivisions) belong in each Sector.

3. Article 3 prescribes the requirements for New Communities (i.e. subdivisions), including the Transect Zones that make up each type.

4. Article 4 prescribes the Infill requirements for areas already urbanized.

5. Article 5 prescribes lot and building standards within each Transect Zone.

6. <u>Article 6</u> contains diagrams and tables supporting the other Articles.

7. <u>Article 7</u> contains terms and definitions supporting the other Articles.

RELATIONSHIP TO EXISTING ORDINANCES – CODE ADOPTION

Both the Manual and the Manuscript indicate that communities can either adopt the Rural Model Smart Code as a stand-alone zoning ordinance or as an overlay zoning ordinance, which is available for use in certain portions of the community (either by mandate or choice) instead of the existing traditional zoning code. Since the three pilot cities currently do not have any zoning regulations, except for floodplain regulations, it would be most appropriate for them to adopt the Smart Code, as locally calibrated, as the stand-alone zoning ordinance. However, given the Dubuque County already has a land use zoning code it is probably more practical to adopt the Smart Code as an optional overlay district in all portions under the County's jurisdiction. This is the recommended option since the complete repeal of the existing zoning code and replacement with the Smart Code is probably difficult to consider, both administratively and politically, at this time. Adopting the Smart Code as an optional overlay zoning code will allow the County to gradually fade-in and incentify the use of the code. Refer to page 10 for more on local code adoption.

LOCAL CALIBRATION

The Dubuque County Rural Model Smart Code was created to encompass the diversity of land uses and development formats across the entire County, including both urban and rural areas. It was created to allow all cities, from Dubuque to Bankston, to use the Smart Code and calibrate it to fit their needs. Some parts of the Smart Code will not be appropriate for rural areas of the County. The Smart Code should therefore be locally calibrated before proceeding with adoption. Local calibration consists of eliminating portions of the Smart Code which do not fit the context and jurisdiction of Dubuque County; developing open space, growth sector and transect maps; and making minor adjustment to the remaining policies and tables of the Smart Code. Part 1, and the remaining portion of this document, will aid in the local calibration and adoption of the Smart Code.

During the development of the Rural Model Smart Code, representatives from the pilot cities took part in a charrette that generated initial feedback on how the Rural Model Smart Code could be calibrated to fit their needs. These exercises included reviewing appropriate land uses within the municipal boundaries and within each city's extraterritorial plat review area (i.e. two-mile radius). The latter is within the County's zoning jurisdiction and therefore provided some initial insight into how the Smart Code could be calibrated for the County's use.

<u>Exercise #1: Regional Open Space & Growth Sectors</u>
The purposes of this exercise were to review the definitions of each of the model Regional Open Space and Growth Sectors, decide which sectors are appropriate within each of the pilot cities, map their locations, and provide any comments regarding how the model can be adjusted to fit the city's needs. The model open space and growth sectors include:

☑ *(O-1) Preserved Open Sector* - The Preserved Open Sector consists of Open Space that is protected from development in perpetuity (e.g. surface waterbodies, wetlands, purchased open space, conservation easements, recreational trail corridors, etc).

☑ *(O-2) Reserved Open Sector* - The Reserved Open Sector shall consist of Open Space that should be, but is not yet, protected from development in perpetuity (e.g. floodplains, steep slopes, open space to be acquired, legacy woodlands or farmland, etc).

☑ *(G-1) Restricted Growth Sector* - The Restricted Growth Sector is assigned to areas that have value as open space but nevertheless are subject to development, either because the zoning has already been granted or because there is no legally defensible reason, in the long term, to deny it. The Restricted Growth Sector generally consists of undeveloped areas within or adjacent to existing municipal boundaries, or existing rural subdivisions, that is appropriately suited for new mostly residential development.

☑ *(G-2) Controlled Growth Sector* - The Controlled Growth Sector is assigned to those locations that can support mixed-use by virtue of proximity to an existing or planned thoroughfare. The Controlled Growth Sector generally consists of undeveloped areas within or adjacent to existing municipal boundaries that are appropriately suited for new mixed-use development.

☑ *(G-3) Intended Growth Sector* - The Intended Growth Sector generally consists of undeveloped areas within or adjacent to existing municipal boundaries that encompass an existing or proposed transit stop or major thoroughfare and are intended for a greater mix of high density residential development and higher intensity business developments.

☑ *(G-4) Infill Growth Sector* - The Infill Growth Sector is assigned to areas already developed, having the potential to be modified. The Infill Growth Sector generally consists of developed areas within existing municipal boundaries that could be redeveloped into higher intensity uses (from residential to commercial) or into higher density (single-family to multi-family) uses.

☑ *(SD) Special Districts* - Special District designations shall be assigned to areas that, by their intrinsic size, function, or configuration, cannot conform to the other growth sector definitions. Examples include large industrial areas, an airport, or college campus.

The initial exercise identified that within the pilot cities, and the area within two miles of the city limits (i.e. extraterritorial plat review area), all of the open space and growth sectors except the G-3 Intended Growth Sector are appropriate. Therefore, during local calibration each of the pilot cities would eliminate all portions of the Rural Model Smart Code, including associated tables, which refer exclusively to the G-3 Intended Growth Sector. However, given the land use context of the City of Dubuque and the area around the city, it is likely that Dubuque County will need to maintain the G-3 sector in its calibrated code. Refer to Article 2 of the Zoning Manuscript, and the associated notes in the Zoning Manual, for more information on mapping Open Space and Growth Sectors.

Exercise #2: Transect Mapping
The purposes of this exercise were to review the definitions of each of the model Transect Zoning Districts, decide which transects are appropriate for each of the pilot cities, map their location, and provide any comments regarding how the model can be adjusted to fit the city's needs. The model transects include:

☑ *(T-1) Natural Zone* - T-1 Natural Zone consists of lands approximating or reverting to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology or vegetation. Recreational trails may provide connectivity to other T-Zones.

☑ *(T-2) General Agricultural Zone* - T-2 General Ag. Zone consists of sparsely settled lands in open or cultivated state. These include woodland, agricultural land, prairies, and grassland. Typical buildings are farmhouses, agricultural buildings, cabins, and villas in low-density unplatted areas. May include agricultural related sales and service businesses and home occupations. Recreational trails may provide connectivity to other T-Zones. Lots are almost exclusively served by private septic and well utilities.

☑ *(T-3) Rural Zone* - T-3 Rural Zone consists of low density residential areas, in mostly platted subdivisions. Home occupations and outbuildings are allowed. Planting is naturalistic and setbacks may be relatively deep depending on the method of platting (i.e. conventional vs. cluster). Blocks may be large and the roads irregular to accommodate natural conditions. Homes may be clustered to preserve prime agricultural land, historic sites, or sensitive natural features. Recreational trails may connect subdivisions through preserved open space to higher density areas. Lots, unless part of a cluster development, are generally served by individual private septic and well utilities.

☑ *(T-4) Rural Hamlet Zone* - T-4 Rural Hamlet Zone consists of a small settlement in a rural area with a mixed of residential, commercial, and civic uses. It may have a wide range of building types: single, duplex, and multi-family. Setbacks and landscaping are variable but generally closer than found in the Rural Zone. The presence of curbs is variable and blocks are medium-sized. Sidewalks, if present, may be located along only one side of the street. Recreational trails, or designated on-road bicycle routes, may provide connectivity to other T-Zones. Lots may be served by either public or private sewer and water utilities.

☒ *(T-5) General Neighborhood Zone* - T-5 General Neighborhood Zone consists of a mixed-use but primarily detached single-family residential urban fabric. It may have a wide range of building types: single, sideyard, and rowhouses. Setbacks and landscaping are variable. Streets with curbs and sidewalks (usually on both sides of the street) define medium-sized blocks. Commercial uses and higher density residential development (i.e. duplexes, multi-family buildings, etc.) are generally on the periphery of the block or neighborhood, along major thoroughfares. Commercial uses are compatible with the predominately single-family neighborhood and may feature second or third story apartments. Recreational trails, or designated on-road bicycle routes, may provide connectivity to other T-Zones. Lots, unless part of previous farmhouse, are almost exclusively served by public sewer and water utilities.

☒ *(T-6) City Center Zone* - T-6 City Center Zone consists of higher density mixed-uses that accommodate retail, offices, civic uses, rowhouses, and apartments. Single-family buildings may be present but are less prevalent. Uses may be mixed both within buildings (vertical mixed-use) and between adjacent buildings (horizontal mixed-use). It has a tight network of streets, with wider sidewalks (almost exclusively on both sides of the street), steady street tree plantings and buildings set close to the sidewalks. Recreational trails, or designated on-road bicycle routes, may provide connectivity to other T-Zones. Lots are exclusively served by public sewer and water utilities.

☒ *(T-7) Urban Core Zone* - T-7 Urban Core Zone consists of the highest density and height, with the greatest variety of uses, and civic buildings of regional importance. Residential uses include mostly rowhouses and apartments. Uses may be mixed both within buildings (vertical mixed-use) and between adjacent buildings (horizontal mixed-use). It may have larger blocks; streets have steady street tree planting and buildings set close to the wide sidewalks (exclusively on both sides of the street). Designated on-road bicycle routes may provide connectivity to other recreational trails or T-Zones. Lots are exclusively served by public sewer and water utilities.

☑ *(SD) Special Districts* - SD Special Districts consist of areas with buildings that by their function, disposition, or configuration cannot, or should not, conform to one or more of the seven normative Transect Zones.

The initial exercise identified that within the pilot cities, and the area within two miles of the City limits (i.e. extraterritorial plat review area), only the first four Transects (T1-T4) are appropriate. Therefore, during local calibration each of the pilot cities would eliminate all portions of the Rural Model Smart Code, including associated tables, which refer exclusively to the T5, T6, or T7 Zones. Given that the T5, T6, and T7 Zones represent the "urban transects" the County can also eliminate these Zones in its calibrated code. Refer to the Zoning Manuscript, and the associated notes in the Zoning Manual, for more information on mapping Transect Zones.

Exercise #3: Transect Land Uses
The purpose of this exercise was to review which particular land uses may be appropriate within the pilot cities, by Transect Zone, based on the descriptions provided in Exercise Two. The uses would be permitted either By Right (a use that complies with the code and may thereby be processed administratively without public hearing) or By Special Permission (i.e. may be appropriate upon a determination of acceptable project impact and imposition of appropriate conditions). In general, each of the pilot cities tended to identify best those uses which already exist within and surrounding their community; however, there are additional uses listed in Table 12 of the Zoning Manuscript (Article 6) which are probably appropriate within the T1-T4 Zones. Therefore, the County should consider adopted Table 12 as is, or with less modification, than the initial calibrations by the pilot cities.

Calibrating Community Unit Types
The meeting on July 12th, 2012 did not include any discussions or exercises to identify Community Unit Types. A Community Unit is a regulatory category defining the physical form, density, and extent of settlement appropriate within each Open Space and Growth Sector. The three Community Unit Types addressed in the Smart Code are Cluster Development (CLD), Traditional Neighborhood Development (TND), and Regional Center Development (RCD). Based on the characteristics of the pilot cities, and the open space/growth sectors identified in Exercise 1, only CLD or TND are appropriate within the pilot communities. This is also likely the case for the areas within the County's jurisdiction; therefore, the County could consider eliminating all portions of the Rural Model Smart Code, including associated tables, which refer exclusively RCD Community Unit Types during local calibration.

CODE ADMINISTRATION

One of the benefits of the Smart Code is that once it has been locally approved administration of development requests can be facilitated without traditional Plan Commission review and public hearings. This is advantageous because it simplifies and expedites permitting by providing the

developer with a single interface with the various regulatory agencies that oversee applications. The Smart Code establishes the following levels of administration and enforcement:

- <u>Planning Office (Zoning Administrator)</u>: day to day code administration, including responding to code inquiries, advising on the use of the code, aiding in the design of developments and buildings, processing applications, organizing development review meetings, and record keeping is provided through the Planning Office. The County's existing Planning and Zoning Office can continue to facilitate this role for County permitting and could contractually provide this service for the smaller pilot cities, should they adopt their own Smart Code.

- <u>Consolidated Review Committee</u>: Usually part of the Planning Office, a CRC is comprised of various professionals presenting the disciplines of urban planning, building inspection, civil engineering, transportation engineering, landscape architecture, architecture, environmental sciences, and a representative from each of the various regulatory agencies that have jurisdiction over the permitting of a project. The CRC is intended to serve at least three important functions. First, it simplifies and expedites permitting by providing the developer with a single interface with the various regulatory agencies that oversee applications. This integrated permitting system avoids the separation of the various professional disciplines involved in the design of a project, one of the contributing factors to sprawl development. Second, applications for projects that comply with the Smart Code are approved in an administrative process by the CRC, rather than a full public hearing process before the full legislative body of the municipality. Finally, as noted in Section 1.5, the Smart Code sets up a two-pronged process for deviations from the Code, whereby Special Permissions are handled administratively by the CRC. The County Board of Supervisors would need to approve membership of the CRC. In addition, the professionals elected to the County's CRC could also serve a similar function through a contractual agreement for any of the pilot cities that adopt their own Smart Code. In the latter case, a representative of the applicable pilot city could serve on the CRC when local development requests are reviewed to act as a liaison for the city.

- <u>Board of Zoning Appeals</u>: The purpose of the Board of Zoning Appeals is to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination by an administrative officer in the enforcement of the Code. The Board of Zoning Appeals also has the power to grant or deny Variance from the Code. A Variance is a ruling that would permit a practice that is not consistent with either a specific provision or the intent of the Code. Variance are not changes in the Code, rather they are modifications in the application of a provision of the Code to a particular parcel of land. Variances are only considered for area modifications (i.e. setbacks, building heights, etc.) and are not allowed for uses which do not fit a particular Transect. The County's existing Board of Adjustment can continue to facilitate this role for the County.

As discussed in the next section, the Smart Code is locally calibrated and approved through a public process by the County. Once approved, the code administration provisions discussed above smooth out the permitting of projects by reducing the need for local public hearings/meetings for projects that already fit the Smart Code. One of the greatest incentives under the Smart Code is the following: If the Article 3 New Community Plan (i.e. development) is of a Type (i.e. function, disposition, configuration, etc.) that (a) is permitted by right under the Smart Code, (b) corresponds to the applicable Sector of the Regional Plan in which the subject property is located, and (c) complies with the provisions of the Smart Code, the Plan is entitled to be considered for administrative approval by the Consolidated Review Committee. That process expedites and simplifies development review because the public hearing

process will already have been completed when the Smart Code was adopted by the County Board. This frees the Planning Commission and the legislative body for higher purposes than day to day code administration and the discussion of minor matters.

NEXT STEPS – CODE ADOPTION

Adoption or "codification" of the Dubuque County Rural Model Smart Code by the County or three pilot cities was not part of the scope of this project; however, this document, and the Notes section of the Zoning Manual (Part 1) discusses the process by which the County can continue to calibrate the Smart Code to fit its particular needs. In summary this process should include:

- Creating an Open Space and Growth Sector Map based on the initial input gathered during this project.

- Creating a Transect Zoning Map based on the initial input gathered during this project.

- Eliminating portions of the Smart Code which do not apply to Dubuque County (e.g. policies exclusively related to urban transect zones), including associated tables, graphics, and definitions.

- Calibrate the remaining portions of the Smart Code to fit the local context. Note, text that should be considered for alteration appear in **teal** in the Smart Code; however, other portions of the text may be considered for alteration as needed. Care should be taken when considering modifications to the standards of the Smart Code so as to not erode the purpose and intent for which the Smart Code is created.

- Develop associated land division ordinances and Transfer of Development Rights (TDR) program. The Smart Code identifies the Community Unit Types that are appropriate within each Open Space and Growth Sectors. However, these methods of subdividing land require additional regulatory instructions/policies to implement. These subdivision regulations are adopted as stand-alone ordinances. There are a number of model cluster/conservation subdivision and traditional neighborhood development ordinances available on the internet. Dubuque County will need to develop these additional subdivision ordinances prior to adopting the Smart Code. In addition, the Smart Code introduces the potential for TDR. TDR is a method of relocating existing zoning/development rights from areas to be preserved as Open Space to areas to be more densely development. TDR programs are most successful when implemented over a large geographic region, such as an entire County. The TDR program requires an additional policy plan to provide more specific regulations to guide its use. This policy plan should be developed by the County prior to adopting the Smart Code.

- A public hearing.

- Adoption of the final code by ordinance.

The adoption of the Smart Code involves the same legal requirements as adoption of traditional zoning ordinances. Smart Code calibration should be done with the input of the public and with the advice of urban planners, architects, civil engineers, and municipal attorneys.

There is no timeline for consideration and adoption of the Smart Code for Dubuque County. However, to maintain the momentum generated from this planning process, continued calibration of the code should continue immediately.