

Smart

Growth



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Introduction

In keeping with national trends, many towns and cities along the Gulf coast are considering applying the principles of “smart growth” in their community planning efforts. Dauphin Island, Alabama, is one such town.

The Mississippi-Alabama Sea Grant Legal Program has been asked to provide an analysis of the Dauphin Island Zoning Ordinance in order to help the community identify ways in which it can maximize its smart growth potential. The Legal Program has chosen to use a checklist generated by the American Planning Association (APA) to accomplish this task. The results of this analysis are given below, following a brief background section.



What is Smart Growth?

The term “smart growth” is a flexible one that can encompass a wide range of meanings depending on the needs of the community that seeks to improve its planning efforts. This is one of the concept’s greatest strengths. However, it requires a community to reach agreement on *some* definition.

Fortunately, there are resources that offer guidance. Two of the most comprehensive are the American Planning Association (APA) and the U.S. Environmental Protection Agency (EPA).

The APA’s 2002 Smart Growth Policy Guide provides a definition of the term, as well as a set of “Core Principles.” The APA defines smart growth as follows:

Smart growth means using comprehensive planning to guide, design, develop, revitalize and build communities for all that:

- have a unique sense of community and place;
- preserve and enhance valuable natural and cultural resources;
- equitably distribute the costs and benefits of development;
- expand the range of transportation, employment and housing choices in a fiscally responsible manner;
- value long-range, regional considerations of sustainability over short term incremental geographically isolated actions; and
- promotes [sic] public health and healthy communities.

Compact, transit accessible, pedestrian-oriented, mixed use development patterns and land reuse epitomize the application of the principles of smart growth.¹

The APA has established a set of thirteen Core Principles that can help accomplish smart growth. They are:

- Recognition that all levels of government, and the non-profit and private sectors, play an important role in creating and implementing policies that support smart growth.
- State and federal policies and programs that support urban investment, compact development, and land conservation.
- Planning processes and regulations at multiple levels that promote diversity, equity and Smart Growth principles.
- Increased citizen participation in all aspects of the planning process and at every level of government.
- A balanced, multi-modal transportation system that plans for increased transportation choice.
- A regional view of community.
- One size doesn't fit all – a wide variety of approaches to accomplish Smart Growth.
- Efficient use of land and infrastructure.
- Central city vitality.
- Vital small towns and rural areas.
- A greater mix of uses and housing choices in neighborhoods and communities focused around human-scale, mixed-use centers accessible by multiple transportation modes.
- Conservation and enhancement of environmental and cultural resources.
- Creation or preservation of a “sense of place.”²

The EPA defines smart growth as “a range of development and conservation strategies that help protect our natural environment and make our communities more attractive, economically stronger, and more socially diverse.”³ The EPA's Smart Growth Network has established ten principles of smart growth:

1. Mix land uses.
2. Take advantage of compact building design.
3. Create a range of housing opportunities and choices.
4. Create walkable neighborhoods.
5. Foster distinctive, attractive communities with a strong sense of place.
6. Preserve open space, farmland, natural beauty, and critical environmental areas.
7. Strengthen and direct development towards existing communities.
8. Provide a variety of transportation choices.
9. Make development decisions predictable, fair, and cost effective.
10. Encourage community and stakeholder collaboration in development decisions.⁴

Applying Smart Growth Principles to Zoning Ordinances

Building on its smart growth principles, the APA has developed an “Audit Checklist” that may be applied to comprehensive plans and zoning ordinances.⁵ The checklist is a component of a full Smart Growth Audit, a significant effort that involves government officials and members of the community and is beyond the scope of this document. However, the checklist is a useful tool for a straightforward analysis of a zoning ordinance.

The checklist is presented in the form of questions, to be answered “yes” or “no.” The questions that address zoning ordinances are:

1. Do land-use regulations establish minimum densities to promote efficient use of lands designated for higher densities?
2. Do minimum lot sizes allow for urban-sized lots [single-family-zoned lots of 5,000 to 6,000 square feet]?
3. Does the zoning ordinance zone much of the fringe land as exclusively agricultural (i.e., a holding category), or with a substantial minimum lot size that discourages single-family tract housing and preserves large sites for viable farm use?
4. Does the local zoning ordinance provide at least one or more zoning districts that allow mixes of residential and commercial uses?
5. If the community has a downtown, are residential uses allowed in the central business zoning district?
6. Do[es] the...zoning ordinance allow for compatible, small-scale neighborhood commercial uses (e.g., corner store) adjacent to or within residential neighborhoods?
7. Does the local zoning ordinance provide for traditional neighborhood development (TND)?
8. Are home occupation regulations flexible enough to allow a wide variety of telework activities, while maintaining the peace and quiet of the neighborhoods in which they are located?
9. Do planned unit development (PUD) regulations provide for an appropriate mixture of housing and jobs, or do the PUD regulations result in predominantly single-family residential developments with no jobs nearby?
10. Do all (or most) zoning districts require a minimum open space ratio (i.e., percentage of land area for each development that must be open space)?
11. Do land-use regulations require developers to consider connecting open spaces and greenways to existing destinations and open space reservations?
12. Do local land-use regulations provide for "conservation subdivisions" or "cluster subdivisions" as a matter of right?
13. Do land-use regulations require the planting of shade trees along new subdivision roads and within parking lots?
14. Does the local zoning code provide an option for subdivisions to be designed for solar power use?
15. Do local land-use regulations prohibit development within, and the filling of, floodways and floodplains?
16. Do the use provisions within at least some of the residential zoning districts allow for a wide range of housing types, by right (versus requiring a conditional use permit)?
17. Do local regulations allow for mixed-income housing developments?
18. If the housing needs assessment identifies a need for multiple-family residences, does the zoning ordinance provide sufficient vacant land to meet future needs?
19. Does the zoning ordinance allow for "accessory apartments" within single-family residential zoning districts?
20. Are manufactured homes a use permitted outright in at least one residential zoning district?
21. Are minimum lot sizes set low enough in at least one residential zoning district to provide for homeownership for all income classes?
22. Does the local zoning ordinance provide flexibility with regard to house sizes (i.e., do they allow small-sized units versus establishing large minimum floor areas for all dwelling units)?
23. Have local parking regulations been reviewed with an eye toward reducing excessive on-site parking requirements?
24. Do land-use regulations include maximum parking ratios (i.e., a cap on the number of parking spaces that can be built in a particular development or simply eliminate parking requirements)?
25. Do parking regulations provide for reductions of on-site spaces in places where transit is available?
26. Is on-street parking allowed in places where it can be safely provided, such as in downtown areas and pedestrian-retail districts?

These questions are answered below.

1. Do land-use regulations establish minimum densities to promote efficient use of lands designated for higher densities?

No. The Dauphin Island Zoning Ordinance does not establish minimum densities.

There are five types of residential zoning districts. In order of increasing maximum density, they are: R-1 Single Family Residential; R-2 Two-Family Residential; RM-1 Multi-Family Residential (1-4 units per structure); RM-2 Multi-Family Residential (1-6 units per structure); and RM-3 Multi-Family Residential (1-10 units per structure). The uses permitted for each district incorporate the uses permitted in the district of next-lower density. Thus, R-2 allows the uses permitted in R-1, RM-1 allows the uses permitted in R-2, and so on. The effect is that lowest-density residential development is possible in *any* residential zoning district. This absence of minimum densities may hinder efforts to foster smart growth.



2. Do minimum lot sizes allow for urban-sized lots [single-family-zoned lots of 5,000 to 6,000 square feet]?

Yes. Although the ordinance does not explicitly specify minimum lot sizes, calculations of yard requirements and minimum floor areas show that the ordinance allows for a 5,000 square foot R-1 lot.

For example, consider a 50 foot by 100 foot (5,000 square feet) lot, zoned R-1. The front yard requirement is 30 feet, the rear yard requirement is 10 feet, and the side yard requirement is 5 feet on one side and 8 feet on the other. Subtracting the square footage required for yard space, the remaining buildable square footage is 2,220 square feet. The minimum floor area is 750 square feet, exclusive of stoops, steps, porches, decks, and garages. Thus, a lot of 5,000 square feet could be single-family-zoned.

3. Does the zoning ordinance zone much of the fringe land as exclusively agricultural (i.e., a holding category), or with a substantial minimum lot size that discourages single-family tract housing and preserves large sites for viable farm use?

This consideration does not apply to Dauphin Island, which has no farmland.

4. Does the local zoning ordinance provide at least one or more zoning districts that allow mixes of residential and commercial uses?

Yes. There are three such districts, although in two of them mixed use requires special approval by the Planning Commission.

The R-C Resort Commercial zoning district is intended “to provide suitable locations for housing serving the needs of tourist [sic] or residents who wish to reside in the resort area and for related commercial activities that are compatible with the resort character of the district” and permits “[h]otels, motels, multiple apartment buildings, condominiums, and commercial uses such as restaurants, lounges, and shops which serve the public, stores, boutiques and other related activities which are designed to be compatible with this district.”⁷

The C-1 Commercial District (Convenience) is intended “to provide for limited wholesale/retail convenience goods and personal service establishments located in proximity to residential concentrations. The district regulations are designed to permit the development of the district for its intended purpose as well as to protect the abutting and surrounding residential areas by requiring standards that are comparable to those in residential districts.”⁸ The C-1 district permits retail stores and markets, as well as businesses providing convenience goods and services, such as convenience stores, banks, barber shops, etc. While residential use is not one of the enumerated permitted uses, it may be allowed if reviewed and approved by the Planning Commission.

The C-2 Commercial District (General) is intended “to provide locations for wholesale/retail trade and services that serve the residential and seasonal population of the Town and visitors. Types of uses permitted are restricted to those that are compatible with the Town’s resort character.”⁹ C-2 allows for a broader array of uses than C-1, including all uses permitted under C-1 plus shopping centers, movie theaters, service stations, marinas, etc. As with C-1 districts, residential use may be allowed in C-2 districts if approved by the Planning Commission.

5. If the community has a downtown, are residential uses allowed in the central business zoning district?

Yes, depending on how the business district is zoned. The R-C Resort Commercial District combines business and residential uses by permitting apartment buildings and condominiums alongside restaurants and shops.¹⁰

The C-1 Commercial District (Convenience), while it does not allow mixing residential and commercial uses without review, does allow a wide variety of limited commercial uses in close proximity to residential concentrations.¹¹

The C-2 Commercial District (General), which includes general wholesale/retail trade and services, allows residential use only upon review and approval by the Planning Commission.¹²

The IM Industrial and Manufacturing District prohibits residential uses.¹³

The Planning Commission could, at its discretion, allow for residential uses in the central business district if that district is zoned in some combination of R-C, C-1, and C-2, as is likely.

6. Does the zoning ordinance allow for compatible, small-scale neighborhood commercial uses (e.g., corner store) adjacent to or within residential neighborhoods?

Yes. The C-1 Commercial District (Convenience) is expressly intended to “provide for limited wholesale/retail convenience goods and personal service establishments located in proximity to residential concentrations” and permits “[n]eighborhood retail stores and markets.”¹⁴

The C-2 Commercial District (General), in addition to allowing all uses allowed by the C-1 district, permits shopping centers that are no closer than fifty feet to a residential district.

The R-C Resort Commercial District permits mixed commercial and residential uses that are compatible with the district’s resort character.

Commercial uses are generally not permitted in the single- and multiple-family residential zoning districts.

7. Does the local zoning ordinance provide for traditional neighborhood development (TND)?

Yes. The Dauphin Island Zoning Ordinance provides for traditional neighborhood development.

“Traditional neighborhood development” (TND) is a term frequently used in the New Urbanist planning movement. It has been defined as “a style of development that works to emulate many of the features of urban neighborhoods of 50 to 100 years ago. It stresses a walkable scale, an integration of different housing types and commercial uses, and the building of true neighborhood centers with civic uses.”¹⁵

The Dauphin Island Zoning Ordinance allows for this type of development in the R-C Resort Commercial District designation. Other residential districts do not expressly permit mixed residential and commercial uses, although the C-1 Commercial District (Convenience) permits some commercial uses in close proximity to residential neighborhoods. Thoughtful application of the C-1 designation near residential areas could provide many of the benefits of TND.

All residential districts permit certain civic-oriented uses, subject to review by the Planning Commission. These civic uses include schools, churches, parks and recreational areas, and government buildings that are used for public purposes. Residential districts that include these facilities would be somewhat similar to the “traditional neighborhoods” envisioned by the New Urbanists, lacking only commercial uses.



8. Are home occupation regulations flexible enough to allow a wide variety of telework activities, while maintaining the peace and quiet of the neighborhoods in which they are located?

Yes. The Dauphin Island Zoning Ordinance accommodates telework activities, with some restrictions.

The zoning ordinance defines “home occupation” as “[a]ny occupation for gain or support customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof.”¹⁶ Home occupations are permitted provided they are “clearly incidental to the residential use of the dwelling and [do] not change the essential residential character of the dwelling or adversely affect the uses permitted in the district of which it is a part.”¹⁷ A home occupation cannot disturb the welfare of the residential area with increased noise, traffic, or other detrimental conditions.

Other restrictions on home occupations include:

- Limited to no more than 25% of the gross floor area of the dwelling’s principal building
- Must be confined entirely to the principal building
- Cannot employ people outside the family
- Cannot necessitate external changes to the dwelling
- Cannot use equipment that creates light, glare, noise, or TV or radio interference outside the dwelling
- Can be carried on only between 7:00 a.m. and 10:00 p.m.

Even with these restrictions, it would be possible for Dauphin Island residents to engage in a wide variety of telework activities in their homes.

9. Do planned unit development (PUD) regulations provide for an appropriate mixture of housing and jobs, or do the PUD regulations result in predominantly single-family residential developments with no jobs nearby?

No. Dauphin Island does not have planned unit development regulations.

According to the Center for Land Use Education at the University of Wisconsin-Stevens Point,

The term Planned Unit Development (PUD) is used to describe a type of development and the regulatory process that permits a developer to meet overall community density and land use goals without being bound by existing zoning requirements. PUD is a special type of floating overlay district which generally does not appear on the municipal zoning map until a designation is requested. This is applied at the time a project is approved and may include provisions to encourage clustering of buildings, designation of common open space, and incorporation of a variety of building types and mixed land uses. A PUD is planned and built as a unit thus fixing the type and location of uses and buildings over the entire project. Potential benefits of a PUD include more efficient site design, preservation of amenities such as open space, lower costs for street construction and utility extension for the developer and lower maintenance costs for the municipality.¹⁸

The Town has the authority to enact PUD regulations if it so chooses. The Center for Land Use

Education recommends that zoning and subdivision ordinances, and a comprehensive plan, be in place before PUD regulations are implemented.¹⁹

10. Do all (or most) zoning districts require a minimum open space ratio (i.e., percentage of land area for each development that must be open space)?

No. None of the zoning districts requires a minimum open space expressed as a ratio. However, most of the zoning districts require minimum front, rear, and side yards expressed as integers. For example, the R-1 Single Family Residential District requires a front yard thirty feet from the street right-of-way, a rear yard ten feet from the property line, and side yards of five to ten feet depending on size of the lot and its location relative to streets.

11. Do land-use regulations require developers to consider connecting open spaces and greenways to existing destinations and open space reservations?

No. The Dauphin Island Zoning Ordinance contains no requirement that developers make any particular considerations concerning open spaces and greenways (which are zoned C-P Conservation-Park).

12. Do local land-use regulations provide for “conservation subdivisions” or “cluster subdivisions” as a matter of right?

Yes. Although the Dauphin Island Zoning Ordinance does not use the terms “conservation subdivision” and “cluster subdivision,” it implicitly allows for the creation of such subdivisions as a matter of right (subject, as are all permitted uses, to the conditions of the ordinance).

The terms “conservation subdivision” and “cluster subdivision” are used more or less interchangeably and do not have fixed definitions. The major distinguishing characteristics of these types of subdivisions are compact lot sizes and preservation of common open spaces.

The State of Wisconsin has instituted a Model Conservation Subdivision Ordinance that serves as an example. The ordinance defines a “conservation subdivision” as “a housing development in a rural area that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible.”²⁰



These concepts are not explicitly expressed in the Dauphin Island Zoning Ordinance. However, the uses permitted (that is, uses as a matter of right) in residential zoning districts can encompass conservation/cluster subdivisions.

13. Do land-use regulations require the planting of shade trees along new subdivision roads and within parking lots?

Yes, in parking lots. Parking lots accommodating six or more parking spaces must consist of ten percent “landscaped areas.”²¹ The interior area of the lot must be at least five percent landscaped areas.²² Landscaped areas must be a minimum of sixteen square feet in area and must contain at least one tree.²³ Interior areas must contain at least one landscaped area for each twelve parking spaces and at least one tree for each twenty-four parking spaces.²⁴

The Dauphin Island Zoning Ordinance does not address the planting of trees along subdivision roads.

14. Does the local zoning code provide an option for subdivisions to be designed for solar power use?

No, at least not explicitly. However, nothing in the Dauphin Island Zoning Ordinance would prohibit a subdivision being designed for solar power use.

15. Do local land-use regulations prohibit development within, and the filling of, floodways and floodplains?

No. The Dauphin Island Zoning Ordinance does not address development or filling in floodways or floodplains.

16. Do the use provisions within at least some of the residential zoning districts allow for a wide range of housing types, by right (versus requiring a conditional use permit)?

Yes. The most restrictive residential zoning district, R-1 Single Family Residential, allows for only one housing type (single family residence), but all other residential districts allow for at least one housing type by right in addition to single family residence. The R-2 Two Family Residential District allows duplexes. The RM-1 Multi-Family Residential District adds dwelling structures of one to four units, including townhouses, condominiums, and apartments. The RM-2 Multi-Family Residential District adds dwelling structures of up to six units. The RM-3 Multi-Family Residential District adds dwelling structures of up to ten units.

17. Do local regulations allow for mixed-income housing developments?

Yes. Mixed-income housing developments are possible in any of Dauphin Island’s residential zoning districts. Mixed-income housing developments generally would be easier to establish in higher-density dis-

tricts like the multi-family districts (RM-1, RM-2, and RM-3), which allow for condominiums and apartments, than in the lower-density residential districts (R-1 and R-2).

18. If the housing needs assessment identifies a need for multiple-family residences, does the zoning ordinance provide sufficient vacant land to meet future needs?

No. The Dauphin Island Zoning Ordinance does not explicitly address the provision of vacant land for future needs, as such regulation would be beyond the scope of the ordinance. Guidance may be found in the APA's commentary on this question, however.

The commentary states that “[a] community’s zoning regulations are ‘smart’ only if they provide reasonable and fair opportunities for diverse housing types and price ranges. Local governments can do this by reducing minimum lot sizes, eliminating or lowering minimum house sizes, providing for manufactured homes in one or more residential zoning districts, allowing accessory apartments, and providing for apartment development where needed.”²⁵ Dauphin Island’s ordinance can be examined for each of these factors.

Reducing minimum lot sizes. The Zoning Ordinance has front yard requirements of twenty-five to thirty feet, and rear yard requirements of ten feet, for all residential districts. Side yard requirements range from five to twenty feet. Minimum lot sizes could be reduced by lowering these requirements.

Eliminating or lowering minimum house sizes. Dauphin Island’s minimum house sizes (expressed as floor areas) range from 600 to 750 square feet, exclusive of stoops, steps, decks and garages, and exclusive of porches for all districts except RM-1 Multi-Family Residential. A 600-square-foot house is hardly excessive by today’s standards; however, cottages and bungalows in the 450- to 500-square-foot range, which may be practical for single people and couples, are precluded. The Town may wish to consider lowering the minimum house size of at least some of its residential zoning districts to encourage smarter growth.

Providing for manufactured homes in one or more residential zoning districts. The Dauphin Island Zoning Ordinance defines “manufactured home” as “the same as a mobile home.”²⁶ The ordinance provides for manufactured homes in only one district, the MHP Mobile Home Park District. Mobile homes must be located in permitted mobile home parks. Mobile home parks must be at least one acre in area.²⁷ Density must not exceed ten sites per acre.²⁸ Parks must have a thirty-five foot buffer strip that is landscaped and maintained.²⁹ They must also have one hundred square feet of park and recreational area for each unit of mobile home space.³⁰

The Zoning Ordinance sets space standards for mobile home parks that reflect Dauphin Island’s aesthetic values by ensuring that mobile home parks will not be overly crowded. Lots must be at least 3,200 square feet each, with an average area of at least 3,600 square feet.³¹ Lots cannot be less than thirty feet wide, and must have an average width of at least forty feet.³² They must have minimum yard setbacks of fifteen feet in the front, and ten feet on the sides and rear, and the yards must be “permanently landscaped and maintained with ground cover, trees, and shrubs.”³³ Each home must have a two-hundred square foot deck or patio and two off-street parking spaces.³⁴ These regulations should provide for reasonable development of mobile home parks, while precluding the type of aesthetically displeasing development that is often associated with the term “mobile home park.”

Allowing accessory apartments. The term “accessory apartment” is not used in the Dauphin Island Zoning Ordinance. However, a typical definition from another jurisdictions is “a completely independent living facility with separate cooking, eating, sanitation and sleeping facilities that is either in or added to an existing single-family dwelling or in a separate accessory structure on the same lot as an existing dwelling.”³⁵ These facilities are commonly referred to as “mother-in-law apartments.”³⁶

The R-1 Single Family Residential District regulation does not clearly address accessory apartments. However, R-1 permitted uses include “accessory buildings...located on the same lot or parcel as the principal structure; provided all pertinent sections of this Ordinance are met.”³⁷ This permitted use should allow for accessory apartments.

Providing for apartment development. Apartment development is permitted in four zoning districts: RM-1 Multi-Family Residential, RM-2 Multi-Family Residential, RM-3 Multi-Family Residential, and R-C Resort Commercial. RM-1 allows dwelling structures of up to four units, RM-2 allows dwelling structures up to six units, and RM-3 allows dwelling structures up to ten units.³⁸ R-C allows for, among other things, “multiple apartment buildings” that are compatible with the resort-type character of the district.³⁹

The Town’s delineation of four zoning districts in which apartment development is permitted indicates that there is, at the very least, the potential for adequate apartment development.

19. Does the zoning ordinance allow for “accessory apartments” within single-family residential zoning districts?

Yes. As discussed in the response to number 18, above, the Zoning Ordinance appears to allow accessory apartments within the R-1 Single Family Residential District despite the fact that the ordinance does not explicitly refer to that use.



20. Are manufactured homes a use permitted outright in at least one residential zoning district?

Yes. Manufactured homes are an expressly permitted use in the MHP Mobile Home Park District, which is discussed above in the response to question 18.

21. Are minimum lot sizes set low enough in at least one residential zoning district to provide for homeownership for all income classes?

Yes, probably. The Zoning Ordinance mandates minimum lot sizes in only one residential zoning district, the MHP Mobile Home Park District. (Other districts refer only to minimum yard requirements and floor areas.) The minimum size for a mobile home lot is 3,200 square feet.⁴⁰ Mobile home lots must be located in mobile home parks.

While it cannot be said with certainty that homeownership on Dauphin Island will be possible for *all* income classes, the availability of mobile home lots should allow for citizens of moderate means to purchase homes because mobile homes are generally one of the more affordable housing options.

22. Does the local zoning ordinance provide flexibility with regard to house sizes (i.e., do they allow small-sized units versus establishing large minimum floor areas for all dwelling units)?

Yes. The Zoning Ordinance establishes minimum floor areas in all residential districts. The R-1 Single Family Residential District has the largest minimum floor area at 750 square feet, exclusive of stoops, steps, porches, decks and garages.⁴¹ The R-2 Two Family Residential District (Duplex) has a minimum dwelling unit size of 600 feet exclusive of stoops, steps, porches, decks and garages.⁴² The RM-1 Multi-Family Residential District has a minimum floor area of 600 square feet exclusive of stoops, steps, decks and garages, but including porches.⁴³ The RM-2 and RM-3 Multi-Family Residential Districts have a minimum floor area of 600 square feet exclusive of stoops, steps, porches, decks and garages.⁴⁴

According to the National Association of Home Builders, in 2004 the average size of a new home was 2,330 square feet.⁴⁵ The largest minimum floor area in the Dauphin Island Zoning Ordinance, 750 square feet, is less than one-third that size. Most of the zoning districts have a minimum floor area of 600 square feet, which is approximately one-fourth the area of an average new home. Thus, while the APA does not define “small” and “large,” it seems reasonable to conclude that a 600-square-foot home would qualify as “small” by today’s standards. The Zoning Ordinance therefore allows for reasonable flexibility with regard to house sizes.

23. Have local parking regulations been reviewed with an eye toward reducing excessive on-site parking requirements?

No. Under the Dauphin Island Zoning Ordinance, an off-street parking site is defined as

[a]n all-weather surfaced area not in a street or alley having an area of not less than 180 square feet exclusive of driveways, permanently reserved for the temporary storage of one automobile and connected with a street or alley by an all weather surface driveway which affords ingress and egress for an automobile without requiring another automobile to be moved. For single and two-family (duplex) dwellings, an all-weather surfaced area is not required; off-street parking spaces can be located on a driveway.⁴⁶

Minimum off-street parking requirements are detailed in Article 7 of the Zoning Ordinance. For residential structures, the number of off-street parking sites required is a function of the number of bathrooms

contained in the structure.⁴⁷ Retail and similar establishments that serve the public, as well as professional and business offices, base the required number of parking sites on the square footage of the facility, with a typical ratio of one parking site for each 300 square feet of floor area.⁴⁸ Some structures, such as Laundromats and bowling alleys, that by their nature can serve only a limited number of customers at a time, have site requirements based on the number of facilities they offer. For example, Laundromats must have one parking space for each three washing machines.⁴⁹

The Town has reviewed the ordinance in recent years, with minor amendments to parking requirements having been made in 2002 and 2005. However, there is no evidence that any attempts were made to reduce parking requirements. The Town has an opportunity to facilitate smart growth by undertaking a review of the ordinance with an eye toward reducing parking requirements to a level that will serve the needs of the Town's residents and visitors while simultaneously maintaining open space.

24. Do land-use regulations include maximum parking ratios (i.e., a cap on the number of parking spaces that can be built in a particular development or simply eliminate parking requirements)?

No. The Dauphin Island Zoning Ordinance does not include maximum parking ratios.

25. Do parking regulations provide for reductions of on-site spaces in places where transit is available?

Yes. The Zoning Ordinance does not mention reductions of parking sites specifically. However, reductions may be possible. The ordinance states that “[a]ll parking situations can not [sic] be covered by this ordinance. Unusual parking needs will be addressed on a case by case basis by the Planning Commission



in cooperation with the Building Inspection department.”⁵⁰ This provision should allow for reductions of required spaces where transit is available.

27. Is on-street parking allowed in places where it can be safely provided, such as in downtown areas and pedestrian-retail districts?

The Zoning Ordinance makes no reference to on-street parking.

Conclusions and Recommendations

The Dauphin Island Zoning Ordinance provides a solid foundation for establishing smart growth in the Town of Dauphin Island. The answers to the checklist questions show that Dauphin Island has already embraced many measures that foster smart growth.

Opportunities for improvement remain, however. Based on the APA checklist analysis, it is recommended that Dauphin Island take the following steps to increase the town’s smart growth potential:

- Establish minimum densities in some residential zoning districts. Good candidates for minimum densities would be districts that are already geared towards higher density, such as the Multi-Family Residential Districts (RM-1, RM-2, and RM-3).
- Consider adopting planned unit development regulations to encourage the mixing of housing and jobs in appropriate areas.
- Determine whether existing requirements for front, rear, and side yards are adequate to ensure sufficient open space in residential areas.
- Develop a mechanism, either regulatory or an incentive, that will cause developers to connect open spaces and greenways to existing destinations and open space reservations.
- Encourage the development of subdivisions that use clean alternative energy sources, such as solar.
- Take steps to ensure that sufficient vacant land is available to meet future needs for multiple-family residences.
- Consider reducing minimum lot sizes.
- Consider reducing minimum house sizes in some residential zoning districts.
- Clarify the ordinance such that accessory apartments are explicitly allowed in the R-1 Single Family Residential District.
- Review the ordinance to ensure that on-site parking requirements are not excessive.
- Cap the number of parking spaces permitted in areas where a cap would be feasible.
- Analyze whether increasing public transit options would enable the Town to reduce the amount of land necessary to accommodate the use of private vehicles as the primary means of transportation.

Endnotes:

1. American Planning Assn., *Policy Guide on Smart Growth* 1-2 (APA 2002).
2. *Id.* at 2-4.
3. U.S. Environmental Protection Agency, *Smart Growth - Basic Information* <http://www.epa.gov/smartgrowth/basic_info.htm> (accessed Oct. 29, 2007).
4. U.S. Environmental Protection Agency, *Smart Growth – About Smart Growth* <http://www.epa.gov/smartgrowth/about_sg.htm> (accessed Oct. 29, 2007).
5. Stuart Meck, Marya Morris, Kirk Bishop & Eric D. Kelly, *Interim PAS Report – Model Smart Land Development Regulations* 2-38 to 2-45 (APA 2006) (hereafter *Model Regulations*).
6. “Traditional neighborhood development” is a term frequently used in the New Urbanist planning movement. It has been defined as “a style of development that works to emulate many of the features of urban neighborhoods of 50 to 100 years ago. It stresses a walkable scale, an integration of different housing types and commercial uses, and the building of true neighborhood centers with civic uses.” APA, *Planning and Urban Design Standards* 602 (John Wiley & Sons 2006).
7. Dauphin Island Zoning Ordin. (Ala.) 30 (2006).
8. *Id.* at 31.
9. *Id.* at 32.
10. *Id.* at 30-31.
11. *Id.* at 31.
12. *Id.* at 32-33.
13. *Id.* at 34.
14. *Id.* at 31.
15. APA, *Planning and Urban Design Standards* 602.
16. Zoning Ordin. at 14.
17. *Id.* at 45.
18. Douglas Miskowiak & Linda Stoll, *Planning Implementation Tools - Planned Unit Development* (Univ. of Wis.-Stevens Point Center for Land Use Educ. 2006).
19. *Id.*
20. Wis. Stat. § 66.1027(1)(a).
21. Zoning Ordin. at 56.
22. *Id.*
23. *Id.*
24. *Id.*
25. *Model Regulations* at 2-42.
26. Zoning Ordin. at 15.
27. *Id.* at 38.
28. *Id.* at 39.
29. *Id.*
30. *Id.*
31. *Id.*
32. *Id.*
33. *Id.*
34. *Id.*
35. Montgomery County, Md., Dept. of Housing and Community Affairs, *Accessory Apartments* <http://www.montgomerycountymd.gov/dhctmpl.asp?url=/Content/DHCA/housing/landload_T/accessory_aprt.asp> (accessed Sept. 24, 2007).
36. *Id.*

37. Zoning Ordin. at 25.
38. *Id.* at 27-29.
39. *Id.* at 30.
40. *Id.* at 39.
41. *Id.* at 26.
42. *Id.* at 27.
43. *Id.* at 28.
44. *Id.* at 29-30.
45. Infoplease, *Ask the Editors* <<http://www.infoplease.com/askeds/us-home-size.html>> (accessed Oct. 30, 2007).
46. Zoning Ordin. at 17.
47. *Id.* at 53.
48. *Id.* at 53-55.
49. *Id.* at 54.
50. *Id.* at 55.

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