


# deCODING DOWNTOWN

Finding balance between regulation and revitalization

MAIN STREET
★ ALABAMA ★

Creating Jobs. Keeping Character.




Foley

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# Introduction

This guide is intended to identify ways in which municipal regulations can better support downtown revitalization. In particular, the guide addresses local zoning and building codes in the context of downtown revitalization. Both types of regulation are exercised under the "police power"—the authority of local governments to impose reasonable regulations to protect and promote the health, safety, morals, and welfare of their communities. While the purposes of zoning and building codes are worthwhile, they can inadvertently pose obstacles for private investment, which is essential to the vitality of our downtowns.

## Zoning

Zoning regulations are used by municipalities to manage where various uses—businesses, homes, industries—may occur. In addition, zoning regulations control the physical development of uses through setback requirements, minimum lot sizes and height limitations.

In the United States, local zoning regulation emerged through the Standard State Zoning Enabling Act, crafted by the Department of Commerce in 1922. So, for many communities, zoning came long after their downtowns had developed. While early zoning ordinances were relatively simple and had limited impact on downtown development, over time, cities and towns adopted more complex and oftentimes more restrictive development regulations.

Most zoning ordinances are written with new development in mind. As a result, zoning rules give rise to unintended consequences for long-developed downtowns and historic neighborhoods.

## Building Codes

Building codes establish standards for how structural, fire protection, ventilation, electrical and other building systems should be designed and constructed. Local governments adopt model codes, like the International Building Code, to assure the health and safety of building occupants and the community-at-large. Building codes adopted by local governments consist of several, individual codes—building, residential, fire, etc.—that are enforced by a municipal building official and fire department official.

Building codes are not created locally, but by organizations such as the International Code Council. These codes are updated from time to time to reflect advances in practice and technology. So, buildings developed under one building code may not comply with the most recent code. This can complicate making changes to an existing building. The International Code Council developed the Existing Building Code in 2003 to help address these issues. Nonetheless, reinvestment in existing buildings continues to be hindered by building code expectations.




Monroeville




## Process

Zoning and building code information was collected for each of Alabama's 32 designated Main Street communities. Zoning ordinances and zoning maps were reviewed to understand the zoning regulations that applied to each community's Main Street. Building code information was reviewed to determine how current building codes are in each community and whether an Existing Building Code was in place.

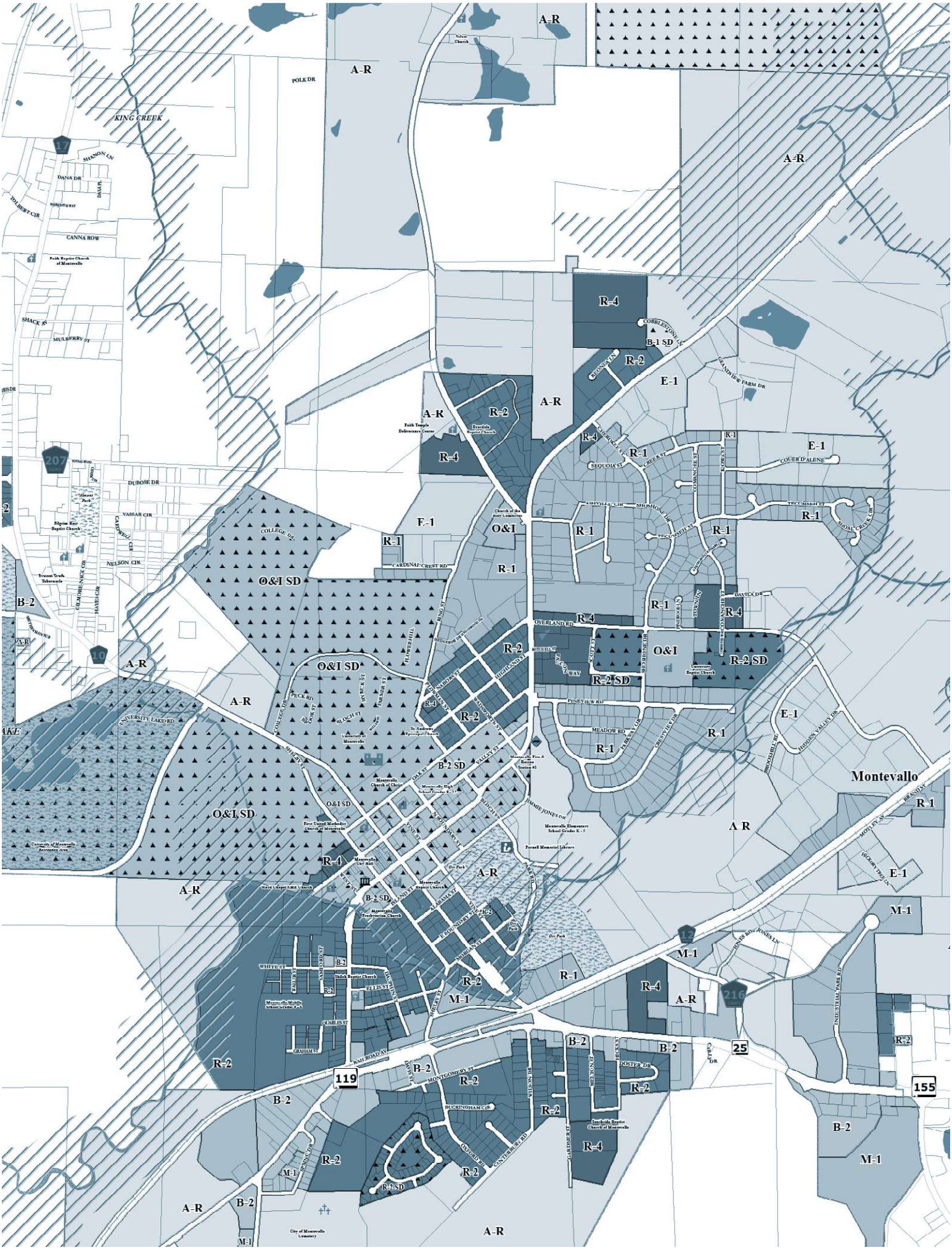
Next, three separate surveys were formulated—for municipal staff, for Main Street program representatives and for downtown stakeholders. This last group included property and building owners and others involved in development, construction, design and real estate in each community's downtown area. The surveys were intended to uncover—from different perspectives—any zoning and building code requirements that may be limiting reinvestment in each community's downtown.

Research was performed to identify best practices for zoning and building codes in the context of downtown revitalization and reinvestment in existing buildings. An initial set of recommendations was compiled. The zoning information collected from designated Main Street communities were analyzed against criteria formulated from the recommendations.

The results of the data collection, surveys and initial recommendations were discussed in virtual meetings with three pilot communities. A meeting was held for each peer group—municipal staff, Main Street representatives and downtown stakeholders—from the three communities to discuss zoning and building codes.

The meeting with property owners, developers and designers offered an in-depth conversation on the perceived road blocks in zoning and building codes that had emerged from the survey. Preliminary recommendations were presented in the municipal staff and Main Street focus group sessions. Municipal staff shared challenges they had experienced, lessons learned and any changes they have made or were interested in pursuing.

Following the focus group discussions, the set of recommendations presented in this guide book were finalized. A virtual forum was held to present the outcome of the codes study to municipal and Main Street staff and other downtown stakeholders from all 32 communities.


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R-4
R-2
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O&I SD
R-2 SD
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B-2 SD
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Montevallo
KING CREEK
POLK DR
SHANNON LN
DANA DR
CANNA ROW
MULBERRY ST
DUBOSE DR
VASSAR CIR
NELSON CIR
COLLEGE DR
CARDINAL CREST RD
OVERLAND RD
PINEY HWY RD
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DAVILA DR
SEQUOIA ST
COMANCHE ST
SHOSHONE DR
TECUMSEH ST
COUER D'ALENE
ASHVILLE CIR
GRANDVIEW FARM DR
HIGHLAND ST
VALLEY ST
OAK ST
MAIN ST
PARK RD
HIGHWAY 119
RAILROAD AV
MONTGOMERY ST
BUCKINGHAM CIR
CANTERBURY RD
HILLSIDE DR
HICKS ST
DOSTER DR
CARL DR
INDUSTRIAL PARK RD
JIMMIE JONES DR
JONES MOTLEY JONES LN
MOTLEY ST
HICKORY TREE LN
BROOKHILL RD
HIDDEN VALLEY DR
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155
216
207
17
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University of Montevallo
Montevallo Elementary School Grades K - 5
Montevallo Middle School Grades 6-8
Montevallo Fire & Rescue Station #1
Montevallo City Hall
Orr Park
Farrell Memorial Library
Montevallo Church of Christ
First United Methodist Church of Montevallo
Montevallo Baptist Church
Montevallo Presbyterian Church
Shiloh Baptist Church
Faith Baptist Church of Montevallo
Pilgrim Rest Baptist Church
Everdale Baptist Church
Faith Temple Deliverance Center
Church of the Holy Comforter
St. Andrews Episcopal Church
University Baptist Church
Ware Chapel AME Church
Oakdale Baptist Church of Montevallo
City of Montevallo Cemetery

## Zoning in Alabama's Main Streets

The first step in assessing zoning in Alabama's designated Main Street communities was to collect their zoning ordinances and maps. This was initiated by visiting each municipality's website. It became apparent that, while many communities provide information about their zoning regulations and building codes online, finding it is not always easy. This realization led to the first recommendation for this guide book:

### Put zoning online 1

This makes it convenient for property owners, builders, designers and real estate professionals to access information that is critical to vetting, planning and designing investments in downtown.

Most communities post zoning ordinances on their websites or make them available through a code host site like Municode. A PDF or link to where the zoning ordinance is available online should be placed in a logical location on the city's website, ideally on the webpage of the department responsible for administering the zoning ordinance.

- 22 cities have a PDF of their zoning ordinance posted on their website (two of these were in locations that were not immediately obvious)
- 7 cities provide access to their zoning ordinance through Municode (four of these were not linked on the applicable department's webpage)
- 2 cities do not provide access to their zoning ordinance online

Providing access to the zoning map is just as critical as the zoning ordinance. One has to know which zoning district their property is located in to determine what zoning rules apply. In the last several years, online access to this information has increased—even among Alabama's smaller towns.

- 15 cities have their zoning map available through an internal or external GIS application (one was not linked through their website, one was no longer being updated, one was difficult to use, and one was inaccessible to the public due to site permissions)
- 13 cities have their zoning map posted as a PDF on their website (three of those were not legible, one had a broken/removed link).
- 4 cities do not provide their zoning maps online in either PDF or GIS format.

Similarly, applications for zoning requests (variances, rezoning, etc.) and for other development permits should be available on the municipality's website. Information about zoning procedures, public hearing calendars, and frequently asked questions can be shared via the city website.

Each ordinance was evaluated to determine the requirements and limitations of the zoning district(s) applied to the downtown area, including the following:

- zoning classifications, including overlay districts
- uses permitted, prohibited and requiring special approval
- setback, lot size or lot width requirements
- height limits
- rules regarding outdoor and/or sidewalk dining and retail activity
- parking requirements
- landscaping requirements

Most communities had one primary zoning classification applied to their downtown. Several cities have adopted overlay districts and/or local historic districts for their downtowns. Overlay districts typically feature a different set of development requirements than the underlying zoning—setbacks, landscaping, building materials standards—though some may also change the types of uses allowed.

The following zoning recommendations are organized into two sections. The first set of recommendations is intended to loosen overly restrictive regulations and expand options for private investment. While these can be of particular help to communities whose downtowns are experiencing little if any reinvestment, these guidelines are relevant to all downtowns. The second set is intended to tighten zoning regulations to assure that downtown's physical characteristics and competitive advantage are protected as new investment occurs. These are targeted primarily to communities that are seeing development that is inconsistent with the vision for downtown.

**When comparing downtown against other business areas, walkability is a competitive advantage. Zoning regulations should reinforce walkability rather than weaken it.**

## Zoning | Loosen Up

For communities that are having a hard time filling up vacancies or drawing people to support downtown businesses, loosening zoning regulations may be helpful. However, easing restrictions should be done in ways that make *intended* development easier, not just *any* development.

## Eliminate front and side setbacks 2

In many downtowns, lots are small and only a few lots remain that are not built on. Reducing or eliminating setbacks allows more flexibility to use sites limited in size. Developing in a more compact pattern (little or no space between buildings) and placing buildings up to the front lot line (back of sidewalk) makes downtown more walkable. This means people can "park once" and visit multiple destinations, thus reducing parking needs. Existing buildings that are closer to the front and side lot lines than allowed by later adopted zoning rules are considered "nonconforming," which can complicate reinvestment prospects. Eliminating setback requirements removes this impediment.

In addition, rear setbacks can be reduced or eliminated wherever there are mid-block alleys.



### Benefits

- supports walkability
- optimizes use of limited land/space
- removes cloud of nonconformity

## 3 Allow entertainment

For the purposes of this guide, "entertainment" includes nightclubs, playhouses, theaters, concert venues, art galleries, and what some zoning ordinances may define as "indoor recreation"—bowling alleys, pool halls, game rooms, and similar venues. While restaurants are typically permitted by right in most downtown zones, whether or not entertainment uses are permitted is much more hit and miss, which is unfortunate, because dining and entertainment are an important economic pairing. Like restaurants, entertainment businesses operate beyond the weekday hours that many downtowns struggle to surpass and they attract customers from throughout the community (and sometimes further). In addition, entertainment venues provide residents with things to do! When they are clustered downtown, Main Street becomes a cultural center.




### Benefits

- increases weekend and nighttime activity
- draws people, supporting other businesses
- enhances quality of life
- supports tourism

## Allow alcohol sales

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Some communities limit alcohol sales in restaurants, bars and other businesses through zoning regulations and others may have restrictions in their Code of Ordinances. Communities that are not averse to allowing "on-premise consumption" of alcohol in their downtown should evaluate both their zoning ordinance and City Code to remove undesirable or unintended road blocks—such as separation requirements from single-family neighborhoods and other uses. Alcohol sales support the profitability of restaurants, bars, taprooms, nightclubs, bowling alleys, theaters, concert venues and other similar businesses. Dining and entertainment businesses keep downtown vibrant in the evenings and on the weekends and draw customers from outside of downtown who are then likely to frequent other businesses nearby.



### Benefits

- increases weekend and nighttime activity
- encourages dining and entertainment uses
- draws people, supporting other businesses
- supports tourism

## 5 Allow lodging

Hotels are typically not a use that communities intend to keep out of their downtown. Nonetheless, our investigation found that several communities do not include them in the list of permitted uses in their downtown zoning district, which could be an oversight. Still others require some type of special approval process, which is normally associated with businesses that have potential negative impacts on their surroundings. Downtown hotels, bed and breakfasts, and other types of lodging can bring tourists and other travelers directly to a community's downtown, where they can patronize nearby restaurants, stores and entertainment options. This supports businesses that add vitality to downtowns on weeknights and on the weekend.




### Benefits

- increases weekend and nighttime activity
- draws people, supporting other businesses
- supports tourism
- encourages dining and entertainment uses

## Expand downtown housing options

6

Most zoning ordinances exclude residential uses from business zoning districts. This approach has often included zoning districts used in downtowns. But over the last twenty years, many communities across Alabama have amended their zoning ordinances to allow "lofts" or upper-story dwellings in downtown zones. Downtown living creates more overall activity and foot traffic, particularly in the evenings and on the weekends. Downtown residents are a captive market for restaurants, retailers and other downtown businesses because they are often in walking distance.

Communities should also consider providing an approval path for dwellings partially on ground floor—such as live-work buildings—to the rear of the business occupying the storefront, particularly for downtowns with high vacancy rates.



### Benefits

- supports walkability
- increases weekend and nighttime activity
- encourages dining and entertainment uses
- draws people, supporting other businesses

## 7 Enable density at the edges

People living near downtown offer many of the same benefits as housing *in* downtown. In fact, the more the merrier. To the degree appropriate to the development patterns in each community, zoning classifications applied at the edges of downtown should allow a variety of housing and higher densities to create more potential customers for downtown businesses. Densely populated downtown-adjacent neighborhoods can greatly increase downtown foot traffic throughout the week. Expanding housing options can also attract development interest in neighborhoods suffering from disinvestment.



### Benefits

- supports walkability
- increases weekend and nighttime activity
- draws people, supporting other businesses

## Let uses spill out on the sidewalk

8

While not all zoning ordinances explicitly govern what occurs within rights-of-way, some do—and in ways that may overly restrict downtown activities. For example, many zoning ordinances have a prohibition on signs in rights-of-way. This is an understandable rule, however, communities should include an allowance for small temporary, sidewalk signs for downtown businesses. In addition, allowing outdoor dining and small retail displays along sidewalks gives businesses more flexibility (both spatially and for advertising purposes) and adds vibrancy to the downtown experience.

In codifying such allowances, communities should mandate a clear pedestrian zone of about five feet along downtown sidewalks. Staff approval may be appropriate to determine what portion of the sidewalk dining and displays can be placed, for example, against the building or against the curb.



### Benefits

- optimizes use of limited land/space
- supports walkability

## 9 Relax parking requirements

People living near downtown offer many of the same benefits as housing *in* downtown. In fact, the more the merrier. To the degree appropriate to the particular development patterns in each community, zoning classifications applied at the edges of downtown should allow a variety of housing and higher densities to create more potential customers for downtown businesses. Densely populated downtown-adjacent neighborhoods can greatly increase downtown foot traffic throughout the week. Expanding housing options can also attract development interest in neighborhoods suffering from disinvestment.



### Benefits

- optimizes use of limited land/space
- supports walkability
- removes cloud of nonconformity
- supports preservation, compatible development
- reduces costs

## Relax landscaping requirements

10

While not all zoning ordinances explicitly govern what occurs within rights-of-way, some do—and in ways that may overly restrict downtown activities. For example, many zoning ordinances have a prohibition on signs in rights-of-way. This is an understandable rule, however, communities should include an allowance for small temporary, sidewalk signs for downtown businesses. In addition, allowing outdoor dining and small retail displays along sidewalks gives businesses more flexibility (both spatially and for advertising purposes) and adds vibrancy to the downtown experience.



### Benefits

- optimizes use of limited land/space
- reduces costs
- removes cloud of nonconformity

## 11 Loosen height restrictions

Zoning regulations for nonresidential zones typically set height limits in feet, while height limits in residential zones are set at a certain number of stories. Regulating height in stories allows greater freedom for the floor-to-floor heights and for the design of the top of the building, whether a pitched roof or decorative cornice. A relatively tall ground floor is advantageous because it increases the adaptability of ground floor space if its use changes in the future. Downtown zoning should allow the greatest building height that can be served by the local fire department.

The fire department, who may nonetheless prefer a rule measured in feet, should be consulted when setting height limits.



### Benefits

- optimizes use of limited land/space
- enables creativity
- supports walkability

## Zoning | Tighten Up

For communities that have an active downtown real estate market—but where the investments that are occurring are contrary to the vision for downtown, making regulations more restrictive may be desirable. But, zoning rules should not be so restrictive that they freeze out private investment. Monitor the effect that changes have on the market and relax them as needed.

## Establish Build-to Lines 12

In the last 25 years, communities across the United States have adopted "form-based" zoning regulations that focus on physical development patterns more so than the use of buildings. A common element of these regulations are *build-to lines*. Build-to lines are the reverse of front yard setbacks. They require buildings to be built near front property lines so that they are more easily accessible from sidewalks. Build-to line requirements encourage a consistent pattern, where buildings define the edges of the streetscape. They also prevent parking, loading and driveways between the building front and the sidewalk.

When buildings are placed toward the perimeter of the block, the interior of the block can be designed for parking to serve all of them. Shared parking areas can be designed more efficiently—producing more spaces—than multiple small lots.




### Benefits

- supports walkability
- optimizes use of limited land/space
- supports preservation, compatible development

## 13 Limit parking locations

To assure that new developments are consistent with historic development patterns and reinforce downtown walkability, off-street parking can be limited to the side and/or rear of buildings. When off-street parking is located in front of buildings, pedestrian access from sidewalks to building entrances is hindered.

If parking for multiple buildings is clustered toward the interior of the block, a larger, more space-efficient shared parking facility can be created. When parking is on the interior of a block, perimeter landscaping requirements to "dress up" the parking lot can be reduced or waived altogether.



### Benefits

- supports walkability
- optimizes use of limited land/space
- supports preservation, compatible development

In reference to Guidelines 14-17, uses can be "limited" in different ways. While undesirable uses can be outright prohibited, alternatively, they can be allowed only through a special review and approval process, such as by the city's board of adjustments or council. These special approvals may come with conditions required of the particular request to mitigate incompatible characteristics, including where buildings, parking, and loading areas are placed on site.

## *Limit unenclosed businesses* 14

Businesses that display and sale all or most of their merchandise outside of a building may not be appropriate or desirable downtown for various reasons. Outdoor sales disrupt typical historic patterns of buildings extending to the sidewalk—a key part of downtown's walkability. Generally, unenclosed retail businesses do not contribute positively to the visual character of downtown. Car sales attract few people throughout the day compared to other downtown businesses. Businesses in which the bulk of the property is used for outdoor storage are probably not an advantageous use of downtown's limited space.

Unenclosed businesses can be categorically or individually prohibited or permitted only through a special review and approval process. There may be certain types of outdoor sales (farmers market, plant nursery, etc.) that some communities will find desirable downtown. These can addressed separately from other unenclosed businesses.



### Benefits

- supports walkability
- optimizes use of limited land/space
- supports preservation, compatible development

## 15 Limit auto-oriented businesses

Businesses whose primary function is to provide services for automobiles, such as car washes, auto repair and gas stations, are desirable and necessary in every community. But, downtown may not be the right location for them. These uses draw traffic, but not in ways that noticeably boost activity for other businesses. Once a person enters their car, they are as likely to leave downtown for other activities than to stay.

In addition, the design of auto-oriented businesses tend to conflict with the compact, walkable character usually envisioned for downtown. Some of these businesses can be designed to fit better in a walkable environment if the building is placed in front and any fuel islands or repair bays are located to the rear (or side). A decorative wall, fence and/or landscaping should be required between the sidewalk and vehicular areas.




### Benefits

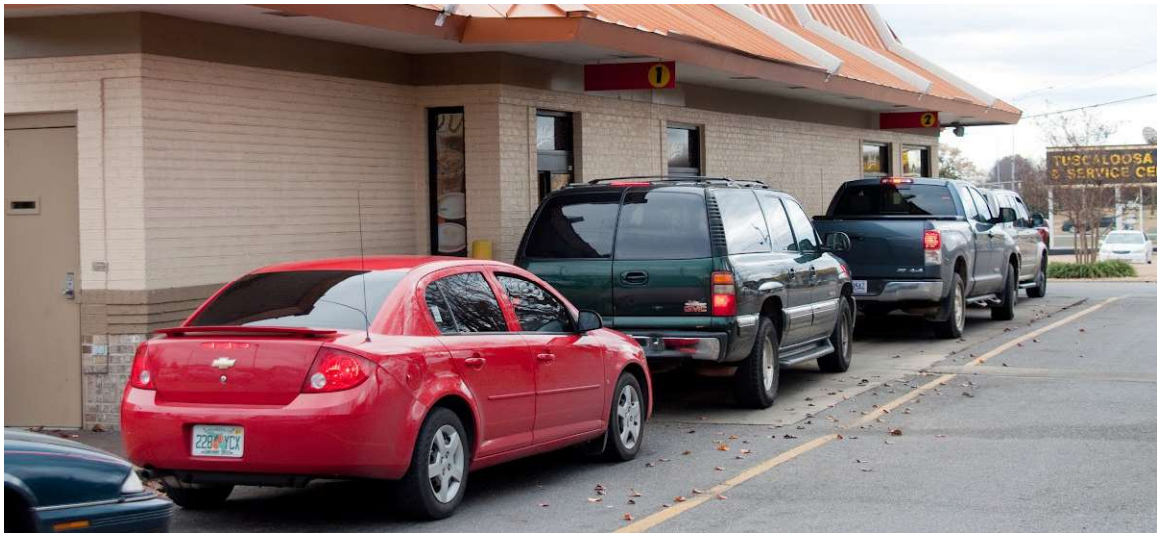
- supports walkability
- (reserves space for uses that) draw people, supporting other businesses
- supports preservation, compatible development

## Limit drive-throughs

16

Businesses that feature drive-throughs—restaurants, banks, dry cleaners, etc.—typically generate more driving than pedestrian activity. As with auto-oriented businesses, it is much harder to keep people downtown for dining, shopping and other activities once they have gotten into their car.

Drive-through businesses are typically designed in ways that are inconsistent with downtown's historic, compact development pattern. For communities that do not wish to prohibit them, build-to line requirements and limits on the location and size of curb cuts can help drive-through businesses to fit better in a downtown context.



### Benefits

- supports walkability
- (reserves space for uses that) draw people, supporting other businesses
- supports preservation, compatible development

Guidelines 17 and 18 are applicable to communities that are seeing little reinvestment and to those that are, if not more so.

## 17 Limit storage

Storage is undesirable as the primary use of a downtown building. While dead storage in an upper story is a concern, use of a ground floor for storage is even more problematic. It exacerbates the sense of disinvestment. Visibly vacant buildings can also foster perceptions that downtown is undesirable and/or unsafe.

Any storage in a downtown building or otherwise on-site should be "accessory" to—commonly associated with and supportive of—the primary use of the building. Such restrictions can encourage building owners to find more productive uses for a building or perhaps sell it someone who can.




### Benefits

- (reserves space for uses that) draw people, supporting other businesses
- discourages disinvestment

## Discourage vacancy

18

While not common in Alabama, communities in other parts of the United States have adopted regulations to spur owners of vacant buildings to either find occupants for them or to sell them to someone who will re-use them. Vacant property regulations may be within the zoning ordinance or a city's Code of Ordinances.

Such ordinances typically require that owners "register" their vacant buildings. Fees are collected to cover inspections and other administrative costs and may be required annually to renew registration if buildings remain vacant. These requirements are not meant as a financial burden but a disincentive to inaction by owners of vacant buildings.



### Benefits

- discourages disinvestment
- supports public safety

## 19 Require transparency

Doorways and windows along the street project a visual sense of vibrancy that makes walking a more enjoyable and interesting experience. Simultaneously, the ability to see other people inside buildings—and to be seen—while walking past, prevents any isolation that can make pedestrians feel uncomfortable or unsafe. In contrast, unadorned building facades without windows—particularly long, blank stretches of building—can make the walking environment uninteresting and engender a sense of isolation that makes a downtown block feel less safe.

Transparency also helps police officers to monitor activity inside businesses as they patrol. While this "surveillability" does not prevent crime, it can make the prospect of it feel riskier to would-be perpetrators.



### Benefits

- supports walkability
- supports public safety

## Require sidewalk access

20

Downtown buildings should have a primary entrance along the sidewalk. When entrances are placed on the side or rear of the building—to provide access from a parking lot, it reduces pedestrian activity in front of the building. Pedestrians are diverted off sidewalks, sometimes requiring them to walk through a parking lot or alleyway to enter a building.

This applies to virtually all uses—residential, business, institutional, etc. Civic and other buildings that are set back from the sidewalk by a lawn or plaza are appropriate exceptions.

Such a requirement should clarify that other entrances are allowed but that, in the case of businesses, the sidewalk entrance must be maintained and usable during business hours.



### Benefits

- supports walkability

Projecting sign







Externally illuminated sign




Internally illuminated (neon) sign

Sidewalk sign







Temporary window signs

## Sign Regulations

In Alabama, sign regulations are most often part of a city's zoning ordinance. Signs contribute to the appearance of downtown. They are important tools for advertising businesses and help visitors find their destinations. The following are a few concepts to help guide changes to sign regulations so that they are better calibrated for downtown's physical environment.

### *Find the right balance*

- **Do not regulate signs based on content.** Content-based regulations conflict with First Amendment protections. Sign regulations should be limited to addressing the "time, place and manner" of signs. *Time* restrictions might address how long a temporary sign may be posted. *Place* restrictions might establish where signs can be erected. Sign regulations also may vary based on location—rules may differ in business districts compared to those in neighborhoods. *Manner* includes the different ways that signs are designed, e.g., their size and height, whether they are illuminated or if they have changeable copy.

- **Allow projecting signs.** Because most downtown buildings extend to the front lot line, there is no room for a freestanding sign. So, projecting signs are used instead. Sometimes referred to as "blade signs," they extend outward from the building face and can be seen from a distance as one approaches the building. Modern sign regulations tend to be overly restrictive toward these sign types.

- **Allow illuminated signs.** While many communities allow externally illuminated signs (where the light source is external and pointed toward the sign), restrictions on internally-illuminated signs are fairly common. Some communities, for example, allow certain types of illumination but may prohibit neon signs. Illuminated signs help downtown feel vibrant after the sun goes down!

- **Allow sidewalk signs.** Generally, sign regulations prohibit any permanent or temporary signs in street rights-of-way. An exception should be carved out for downtown. A-frame and similar temporary signs can be allowed up to a certain size so long as they do not interfere with pedestrian flow. Sidewalk signs can also be required to remove from the sidewalk during non-business hours.

- **Limit window signs.** Window signs are common for downtown storefronts, particularly painted or acrylic lettering and graphics that identify a business or other tenant. However, temporary window signs can be overused, particularly by businesses that blanket storefronts with product advertisements. Sign regulations can be written to limit the amount of window area on a storefront that can be covered with such temporary signs. This supports ground floor transparency described in Guideline 19.

## Building Codes

Zoning ordinances are prepared locally, a process that is largely driven by the policies and preferences of the governing body, planning commission and staff. A zoning ordinance is as much a policy document as a technical one. In contrast, building codes—including residential, fire, electrical, plumbing, mechanical, energy and other related construction codes—are highly technical *model* codes authored by a large number of experts, professional organizations and other contributors throughout the United States and beyond. The frequency and purpose of local zoning ordinance amendments varies from community to community, whereas the commonly used International Building Code is methodically reviewed and updated every three years to adapt to emerging construction technologies and practices.

Numerous recommendations have been offered in the preceding pages to remove zoning obstacles to downtown investment or to tighten zoning requirements to prevent undesirable development. It is much harder to critique individual building code requirements, all of which are constantly re-evaluated and revised by experts and whose exclusive purpose is the protection of health and safety. Instead, the building code-related recommendations in this guide focus on the administration and interpretation of building codes in the context of existing buildings.

### Existing Building Code

Realizing that rigid application of standard building code requirements on older buildings was costly and suppressing reinvestment in historic buildings, the International Code Council created the International Existing Building Code (IEBC) in 2002. The intent of the IEBC is to guide building officials in determining the scope of code compliance measures that must be taken based on the type and scale of proposed changes to an existing building, including changes in its use.

Nine out of ten designated Main Street communities have adopted an existing building code. Those communities that have not yet adopted an existing building code are recommended to do so. The following guidelines deal mostly with application of the IEBC and similar existing building codes.



**The IEBC offers three compliance paths for changes to existing buildings. With the Prescriptive Method, all work must comply fully with current code requirements. The Work Area Method establishes requirements based on the type and scale of the work being performed. The Performance Method relies on a scoring system to assure that the rehabilitation will maintain or exceed the current level of safety. Code officials and project designers should exercise these options to their fullest to take advantage of the flexibility they offer.**

## Applying an Existing Building Code

- **Sharpen your axe.** Building codes are highly technical, complex documents involving many aspects of building design and construction. They are not written by the municipal staff who are responsible for interpreting them. Municipalities that are committed to downtown revitalization and preservation and reuse of existing buildings should provide their building and fire code officials with every opportunity to obtain training on the use of existing building codes. This should not be limited to one-and-done classes but multiple educational offerings over time to develop an in-depth knowledge of best practices. Code officials may have greater confidence to support alternative compliance strategies when they have learned of successful application elsewhere.

- **Pull the right triggers.** One of the key components of an existing building code is determination of when and to what extent portions of the building and building systems must be upgraded. In the past, one of those triggers was the cost of proposed construction compared to the value of the existing building. If proposed construction exceeded 50% of the value of the building, for example, the code official could require that the entire building be brought *up to code*. The IEBC and similar codes have moved away from such triggers, but focus on factors such as how much of a building is being modified and changes in use or occupancy type. Changes to the IEBC over time have recognized that not all changes of occupancy warrant significant code compliance measures. Some changes in use may pose the same or less life-safety risks than preceding uses and should not be used as a justification to force disproportionate code upgrades.

- **Collect and share best practices.** In addition to seeking training on application of existing building codes, code officials are encouraged to develop a library of acceptable solutions to code issues involving existing buildings, including local success stories and those that occurred elsewhere. Cities can share this accumulated knowledge with building owners, architects, engineers and builders and even provide technical assistance to building owners to help them navigate complex code challenges.

- **Amend the code.** It is not uncommon for municipalities to modify provisions of building codes when they are adopted. When adopting a new or updated building code, code officials and their governing bodies should consider whether any amending provisions should be included that support adaptive re-use of buildings. New Jersey, California and several US cities have adopted their own codes to encourage and facilitate historic preservation and adaptive re-use of existing buildings. Flexibility provided through a unique local code or amendment can be limited to downtown, and if proven successful, expanded to other areas.

## Other Recommendations

- **Put codes, permits and FAQs online.** As recommended with zoning, cities should make building code and permit applications available and easy to find on their website. This should include any information regarding local amendments to their adopted code and related technical codes. Communities are transitioning to paperless permitting systems in which applicants may fill out and submit forms and fees through an online permit center. These efforts make the permitting process more convenient for those wanting to build, renovate and otherwise invest in the community. Cities should also develop and share information addressing frequently asked questions about permitting requirements and procedures.

- **Assure accurate, consistent information.** As permit applicants and others engage with municipal staff on zoning and building code requirements, they may interact with multiple staff representatives, such as a planner or zoning official, building inspector or fire code official. Survey responses indicated that inaccurate or inconsistent information was provided—in a few cases—by staff regarding zoning and/or building code requirements. This is most likely to occur when a representative of one department is asked for information about the requirements or expectations of another. If there is a chance of miscommunication, staff should defer questions to the applicable official.

- **Reduce fees.** Waiving or reducing permit and other fees for work on existing buildings in a community's downtown is an incentive that, coupled with other supportive policies and regulations, can encourage reuse projects that might not happen in their absence. A related incentive cities can offer is expedited review, essentially putting permit requests for existing downtown buildings at the front of the queue.

- **Offer financial assistance.** Some designated Main Street communities offer facade improvement grants or loans to incentivize building owners to refurbish storefronts. Such a program could be expanded or a similar one created to offset code compliance costs for existing building projects. While the typical amount of a facade grant or loan may be much less than the cost of installing a sprinkler system, every little bit counts toward making a project financially feasible. Some cities offer tax incentives to encourage construction of new businesses. This could also be offered to facilitate adaptive reuse of existing buildings.

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