



This report is intended to provide an understanding and summary of best practices when studying potential revisions to the Unincorporated Hillsborough County Commercial-Locational Criteria (CLC). As part of this effort, two primary sources of information were investigated. The first was a series of comprehensive plans and land development regulations (LDR) from comparable and/or aspirational communities from across the United States. Additionally, articles and reports published by research institutions, universities, and professional organizations were also reviewed. The results of these endeavors are summarized within the contents of this report and may be utilized by Hillsborough County City-County Planning Commission Staff to determine the best practices and principles that should be implemented during the forthcoming case study analysis.

CURRENT PRACTICES FROM ACROSS THE UNITED STATES

The comparable and/or aspirational communities researched as part of this effort included eleven municipalities, as listed below:

1. Broward County, FL
2. Manatee County, FL
3. Miami-Dade County, FL
4. Orange County, FL
5. Palm Beach County, FL
6. Pasco County, FL
7. Arlington County, VA
8. Forsyth County, NC
9. James City County, VA
10. Richmond, VA
11. Washington, DC

The CLC established (or not established) within each jurisdiction are summarized as follows:

Broward County, FL

Both *Policy 1.1.1.* of the **Broward County Comprehensive Plan** and *Section (§) Two* of the **Broward County Land Use Plan** permit limited nonresidential uses (including neighborhood-serving commercial) within residential-designated lands on the Broward County Future Land Use Map (FLUM), as long as the use meets the following criteria:

- Maintains consistency with all relevant provisions of both the Broward County Comprehensive Plan and Land Use Plan
- Nonresidential uses do not comprise more than:
 - 5% of the total area designated for residential use on the Broward County FLUM that is within a ‘flexibility zone’ (an established boundary designed to rearrange land uses to address municipal-level land use planning issues without the need for County Commission approval)
 - 5% of the total area designated for residential use on the Broward County Land Use Plan Map that isn’t within a municipality

- Would not result in a ‘contiguous’ area of ten or more acres comprised of nonresidential uses. Within this context, contiguous is interpreted as attached, located within 500 feet, and/or separated only by streets, waterways, or easements.

Although not explicitly stated within the Broward County Comprehensive Plan, nor the **Broward County LDR**, commercial zoning districts which permit limited nonresidential uses such as neighborhood-serving commercial by right appear to be permitted within residential FLUCs. If true, the most appropriate zoning designation that is consistent with a residential FLU and permits neighborhood-serving commercial by right would be B-1 (Limited Commercial Business). In addition to the landscaping, setback, and buffering standards established elsewhere within the LDR, development within the B-1 Zoning District is required to abide by supplemental compatibility requirements—particularly when located adjacent to residential activity. These requirements are contained in LDR §39-294 (General Provisions), §39-297 (Plot Size), §39-298 (Plot Coverage), and §39-299 (Height).

Manatee County, FL

The **Manatee County Comprehensive Plan** provides for a detailed discussion regarding the location of commercial uses in residential future land use categories (FLUC) within the Goals, Objectives, and Policies (GOPs) of the *Future Land Use Element (FLUE)* and the *Land Use Operative Provisions (a supplement to the FLUE)*. The most relevant provisions are condensed as follows:

- *Objective 2.10.1* addresses the location of commercial development. *Policy 2.10.1.2* promotes the development of commercial uses in nodes and *2.10.1.3* encourages a vertical or horizontal mix of residential and commercial (retail/offices).
- *Objective 2.10.2* addresses the size, function, and compatibility of new commercial development. *Policy 2.10.2.1* establishes three sizes of commercial development (‘small’ up to 30,000 sq. ft. of gross floor area; ‘medium’ up to 150,000 sq. ft.; ‘large’ up to 300,000 s. ft. with the possibility of allowing larger office uses or developments in high access locations) to ensure compatibility with surrounding residential development.
- *Objective 2.10.3* contains access requirements for commercial development.
- *Objective 2.10.4* introduces the locational criteria for commercial uses. *Policy 2.10.4.1* reinforces the directive to locate commercial uses in nodes; *Policy 2.10.4.2* prohibits commercial in residential FLUC unless consistent with the commercial locational criteria; *Policy 2.10.4.3* contains additional direction for new commercial development to protect residential areas through the use of setbacks/buffers, building orientation, access, and commercial node separation (1/2 mile). The actual CLC is contained in the *Land Use Operative Provisions*.
- The *Land Use Operative Provisions* specify the appropriate location for the small, medium and large commercial uses. Small and medium size commercial developments may only be located at the intersection of two collectors and shall not exceed more than 800 feet or 1,500 feet along the road, respectively; large commercial developments require a location on at least one arterial. Exceptions to maximum frontage may be permitted in instances where the project is considered an ‘appropriate infill commercial project’, part of platted commercial subdivision, or allows for joint use of private internal roadways.

Until recently, developers had to go through Special Approval (BOCC approval) and a Planned Development (PD) rezoning process to obtain approval for a commercial use in a residential FLUC. The

current **Manatee County LDR** establishes two zoning districts that are intended to provide for neighborhood-serving commercial for adjacent and nearby residential development: NC-S (Neighborhood Commercial-Small) and NC-M (Neighborhood Commercial-Medium). These districts are allowed within several residential, nonresidential, and mixed use FLUCs.

Miami-Dade County, FL

Miami-Dade County does not provide for detailed CLC within their **Comprehensive Development Master Plan**. However, several policies within the **Land Use Element** provide general principles for the location of commercial development:

- *LU-1G*. Business developments shall preferably be placed in clusters or nodes in the vicinity of major roadway intersections, and not in continuous strips or as isolated spots, with the exception of small neighborhood nodes. Yet, granting of commercial rezoning requests is not necessarily warranted on any property regardless of this adjacency or proximity to roadways and intersections.
- *LU-4D*. Uses which are supportive but potentially incompatible with neighborhoods, communities or districts shall only be considered where proper design solutions will be used to integrate compatible/complementary elements and buffering to any potentially incompatible elements.
- *LU-8B*. Distribution of neighborhood or community-serving retail sales uses and personal and professional offices throughout the urban area shall reflect the spatial distribution of the residential population, among other salient social, economic and physical considerations.
- *Interpretation of the [Future] Land Use Plan Map*. ‘Neighborhood corner stores’ are permitted in most Residential FLUCs at a rate of “one acre per 600 dwelling units.”

Despite these provisions, it is not clear what zoning districts would permit neighborhood-serving commercial if the property possessed a residential FLUC. Complicating matters further, the **Miami-Dade County LDR** establishes two zoning districts that are primarily intended to allow for neighborhood-serving commercial, yet no indication is provided within the Code what FLUCs are consistent with each designation.

Orange County, FL

Although the **Orange County Comprehensive Plan** contains GOPs which conceptually support the integration of neighborhood-serving commercial into residential communities, CLC are not clearly established. Furthermore, it does not appear that the County’s residential FLUCs generally permit nonresidential activity. The **Orange County LDR** identifies two zoning districts intended primarily to support neighborhood-serving commercial uses; however, neither of these districts are permitted within residential FLUCs.

Palm Beach County, FL

Unlike Orange County, residential land use categories identified within the **Palm Beach County Comprehensive Plan** generally permit certain nonresidential activities which may be limited (through the development review process) to ensure that the proposed use is appropriate in size, scale, and character with adjacent and nearby residential development (*FLUE Policy 2.2.1-m*). However, this Policy

goes on to qualify that “limited commercial uses . . . designed for the convenience of the residents” (e.g., neighborhood-serving commercial) must be located within a Planned Development District (PDD). Alternatively, the **Palm Beach County LDR** establishes one other zoning district which is intended for these purposes—CN (Commercial Neighborhood). However, as shown on *LDR Table 3.A.3.B*, this zoning district is not permitted within Residential FLUCs and thus, would necessitate a FLUM amendment prior to approval of a neighborhood-serving commercial use.

Pasco County, FL

Policy FLU 1.6.1 of the **Pasco County Comprehensive Plan** explicitly limits commercial activity to lands designated as Commercial, Town Center, Planned Development, Retail/Office/Residential, or Mixed Use on the Pasco County FLUM. However, limited commercial development may be permitted within areas designated for residential activity on the FLUM if (1) it’s part of a mixed use project over 100 acres in size and designed using traditional neighborhood development (TND) standards or (2) used for recreational vehicle parks. Additionally, the **Pasco County LDR** identifies one zoning district, C-1 (Neighborhood Commercial), which is intended to provide neighborhood-serving commercial to adjacent and nearby residential communities (§525). Although there is no table within the Comprehensive Plan, nor LDR, identifying which FLUCs are appropriate for this district, County Staff stated in a **telephone conversation** that it is highly unlikely that any new rezoning request to C-1 would be approved for a property currently possessing a residential FLUM designation.

Arlington County, VA

The *General Land Use Plan Element* of the **Arlington Comprehensive Plan** supports, but does not detail, locational requirements for limited commercial activities which serve adjacent and nearby neighborhoods. The County also has a number of supporting planning documents to further implement the GOPs of the Comprehensive Plan, such as sector plans, area plans, park master plans, special studies, and more. Many of these supporting documents discuss and guide redevelopment within the Columbia Pike neighborhood, a nationally-renowned example of urban renewal and revitalization. Consistent with the Comprehensive Plan, the importance of neighborhood-serving commercial is frequently emphasized—particularly within the Columbia Pike community. Yet, residential FLUCs up to 72 dwelling units per acre do not permit zoning districts which allow this type of use either by right or by special use permit (**Arlington County LDR §5.1 and §6.1**).

It should be also be noted that In 2015, the County adopted the **Arlington County Retail Plan**. The document expresses the priority of the County in providing commercial activities along corridors and nodes but does not speak to locational criteria for neighborhood-serving commercial within residential FLUCs. However, the document does state that “nodes of neighborhood-serving commercial...are a valuable resource to the community and provide an important scale and context the neighborhoods. If required, staff will provide assistance to property owners and tenants within these areas,” which likely indicates Staff is generally supportive of FLUM amendments and rezoning requests to designations which seek to develop this type of use within close proximity to residential communities.

Forsyth County, NC

Several Elements of the **Comprehensive Plan for Winston-Salem/Forsyth County, and its Towns** recognize the importance of neighborhood-serving commercial within a community (e.g., *Neighborhoods & Towns Element Policy - Promote new, convenient, commercial and business services to support each neighborhood’s needs*). Furthermore, the County does not have a formal FLUM which

must be consistent with a property’s underlying zoning designation—meaning that a rezoning to a district which permits neighborhood-serving commercial by right would not be required to amend the FLUM as part of the rezoning process. Additionally, the **Winston-Salem/Forsyth County LDR** does not explicitly establish locational-criteria for zoning districts which permit this use by right, such as NB (Neighborhood Business).

Although the regulatory barriers for rezoning a property for neighborhood-serving commercial adjacent or nearby residential activities appear minimal on the surface, County Staff disclosed in a **telephone conversation** that such a rezoning would be highly discouraged. Instead, Staff would recommend that a potential developer of such a facility should wait until County Staff developed/revised a small area plan for the surrounding community which may identify neighborhood-serving commercial as an appropriate use within the area.

James City County, VA

The *Land Use Element* of the **Toward 2035: Leading the Way, James City County, VA Comprehensive Plan** establishes residential FLUCs which permit the implementation of nonresidential zoning districts that allow for limited commercial activity. Several of these districts permit neighborhood-serving commercial by right, subject to the following additional ‘Use and Character Compatibility Standards’ established within the Plan:

- Complement the residential character
- Have traffic, noise, lighting, and other impacts similar to surrounding residential uses
- Generally be located on collector or arterial roads at intersections
- Act as transitional use between residential and commercial areas or, if located within a residential community, serve to complement the residential character of the area rather than altering its nature
- Provide adequate screening and buffering to protect the character of nearby residential areas
- Intend to support the residential areas in which they are located

Additionally, a new neighborhood-serving commercial use on a property possessing an appropriate nonresidential zoning district (such as LB (Limited Business)) and a residential FLUM designation would be required to abide by the additional locational criteria (as well as any other applicable compatibility provisions) established within the **James City County LDR**, particularly when located adjacent to residential development. These criteria include design standards (§24-369.(c)), setbacks (§24-371), yard requirements (§24-372), height limitations (§24-374), building coverage maximums (§24-375), sign regulations (§24-376), pedestrian accommodations (§24-379), and landscaping (§24-380).

Richmond, VA

The *Future Land Use Element* of the **Richmond 300 Master Plan** identifies that nonresidential uses (excluding community support facilities such as parks) are not permitted within residential FLUCs (note: nonresidential is permitted within mixed-use categories). Although commercial activity is desired within the existing nodes and activity centers, developing a neighborhood-serving commercial use within residential-designated areas on the FLUM would necessitate a FLUM amendment to a nonresidential or mixed-use FLU category prior to development.

Washington, DC

The **Washington, DC Comprehensive Plan** does not provide for detailed CLC in the same manner as Hillsborough County Comprehensive Plan, but rather provides generalized locational criteria for neighborhood commercial within its *Land Use Element*, such as:

- *LU-2.4.1.* Promote the vitality of commercial centers and provide for the continued growth of commercial land uses to meet the needs of residents...Commercial centers should be inviting and attractive places and support social interaction and amenities for nearby residents.
- *LU-2.4.2.* Maintain and reinforce a hierarchy of neighborhood, multi-neighborhood, regional, and main street commercial centers in the District...Established centers should be expanded in areas where the existing range of goods and services is insufficient to meet community needs.
- *LU-2.4.6.* Develop new uses within commercial districts at a height, mass, scale and design that is appropriate for a growing, densifying Washington, DC with surrounding areas.

Within the **Washington, DC LDR and Zoning Handbook** neighborhood-serving commercial is interpreted as 'Corner Stores' and is permitted within most residential zoning districts. Corner Stores within these districts are required to abide the following CLC:

- The lot is located at the intersection of two generally perpendicular streets
- Not within 500 ft. of more than one other lot with a corner store use or more than three other lots with a corner store use
- Not within a certain distance of any mixed use zoning district
- Not located on an alley lot, a lot or within a building containing more than one dwelling unit or another corner store, nor within a building that is accessory to the principal building on the lot

In addition to the aforementioned CLC and all other relevant provisions of the LDR, Corner Stores are subject to additional use limitations, which includes:

- No sale of alcoholic beverages for onsite consumption
- Only one external sign may be displayed on the building's façade, provided that the sign is not illuminated and is flush-mounted.
- A corner store which acts primarily as a fresh food market or grocery store shall be required to abide by the following additional conditions:
 - The use shall not operate between 9:00 p.m. and 7:00 a.m.
 - A minimum of 40% of customer-accessible sales and display areas dedicated to the sale of a general line of food products intended for home preparation and consumption
 - A minimum of 20% of retail space dedicated to the sale of perishable goods
 - A maximum of 15% of the gross floor area of the corner store located on the ground floor of the building may be devoted to the sale of alcohol for off-site consumption only when approved as a special exception
 - If this type of corner store use does not meet these requirements, a special exception may be pursued, subject to the compatibility requirements outlined in §254.14

ACADEMIC & ORGANIZATIONAL RESOURCES

In addition to the municipal research, two dozen professional and academic articles, reports, and publications were concurrently analyzed during this effort. Although the importance and evolution of neighborhood-serving commercial uses were the focal point of much discussion and analysis, land use and locational criteria were rarely identified. However, several related topics arose throughout the research that are worth mentioning within the context of this Literature Review. These findings are briefly summarized, as follows.

Local Retail: Benefits and Adaptation Strategies

Despite the fact that approximately 14 percent of all retail transactions are conducted virtually (US Department of Commerce, 2020), the need to quickly purchase daily consumables and staples within our community continues to help keep our brick-and-mortar neighborhood-serving commercial stores alive. Additionally, local retailers continue to provide experiences unmatched by their digital counterparts by acting as a 'third place' (locations where people spend time between home ('first' place) and work ('second' place)) within our communities. Despite these continued benefits exclusive to brick-and-mortar retail, our neighborhood businesses continue to adapt to changes in the market. For example, many retail establishments act as showrooms, where their retail spaces also function as marketing locations for online sales. Many stores, such as Walgreens and CVS are also expanding their list of services, such as acting as a walk-in clinic, drive-thru pharmacy, and even pickup and mailing stations for packages. Other retailers have also found success in the co-locating with other retailers and/or small-scale eateries.

Increase the Flexibility of Land Use and Zoning

For the past century, inflexible use and zoning standards have been a major contributor to suburban sprawl and have rendered many of our communities (particularly members who are unable or unwilling to operate a motor vehicle) underserved by nonresidential development capable of meeting their daily needs. To address these inequities, municipalities across the country have slowly relaxed these use and zoning standards to permit a wider of range of nonresidential and public activities. These relaxed standards may take the form of permitting appropriate nonresidential activities within residential FLU and zoning designations or shifting the focus of their planning documents from use-specific to context-sensitive compatibility, buffering, and design requirements.

Explore New Planning Tools, such as Accessory Commercial Units

A relatively new tool within the planner's toolbox is Accessory Commercial Units (ACUs), which are defined by a 2020 Strong Towns article as "small commercial units that are accessory to the principal residential use on the site". Similar to Accessory Dwelling Units (ADUs), ACUs should be limited to certain residential zoning districts, particularly those which permit and/or require densities and design standards supportive of walkable, connected neighborhoods. While ACUs may be inappropriate for more rural and suburban communities, permitting ACUs would likely assist the Planning Commission in promoting low-cost entrepreneurship, addressing existing food deserts, reducing vehicles miles traveled, encouraging infill development and redevelopment, and serving the needs for goods and services of nearby residents.

CONCLUSION

Several insights were gained over the course of the Literature Review process—the most profound of which was that **few municipalities currently permit neighborhood-serving commercial activities by right within residential FLUCs**, with even **fewer communities establishing clear CLC** for this type of use. In jurisdictions where these criteria have already been established, the **principles and priorities** for the CLC are often **found in the Comprehensive Plan**, while the explicit **locational and compatibility criteria are detailed within the LDR**. While every community reviewed as part of this effort possessed mixed-use FLU and zoning designations, **few governmental bodies allowed neighborhood-serving commercial within lands possessing residential FLU designations**. In municipalities where this is permitted, a vast majority **required, at minimum, a rezoning to a neighborhood commercial district, supplemented with specific standards regarding compatibility, buffering, and locational requirements**.

In conclusion, only five of the eleven municipalities reviewed as part of this effort are appropriate for further analysis in forthcoming case study analysis:

1. Broward County, FL
2. Manatee County, FL
3. Miami-Dade County, FL
4. James City County, VA
5. Washington, DC

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