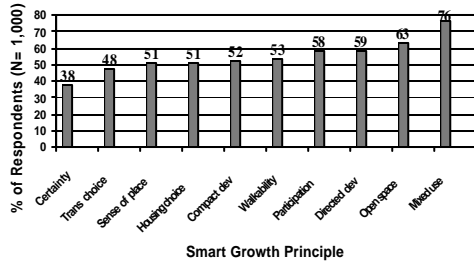


Introduction to Code Reform

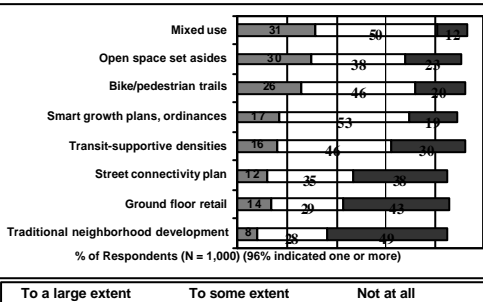
5th Annual New Partners for Smart Growth Conference
 Denver, January 27, 2006
 Marya Morris, AICP
 American Planning Association



Smart Growth Implementation



Smart growth code reforms that implemented by jurisdictions in the prior 10 years



APA/EPA Smart Codes Project

- **Project purpose:** Identify and evaluate existing smart growth land development ordinances, regulations, and incentives, focusing particularly on land development regulations and techniques that advance EPA's 10 smart growth principles.
- **Format:** is based on a smart growth ordinances, and the report will include model regulations with commentary that local governments can adapt for their purposes.
- **Outcome:** APA Planning Advisory Service Report (Phase 1 — available February 2006; phase 2 available December 2006)



APA

Why revise the zoning code?

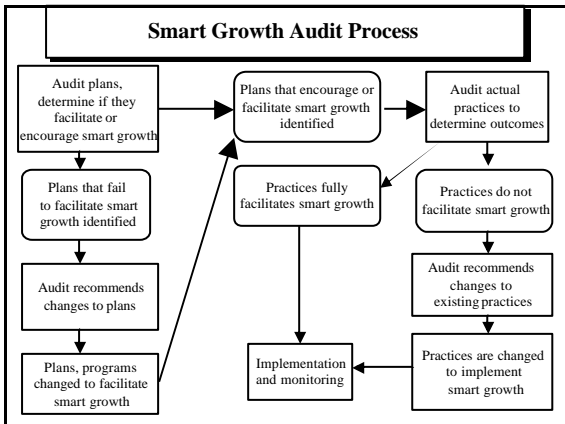
- New comprehensive plan has been adopted
- Cumulative effects of piecemeal amendments
- Community values have changed**
- Cumulative effects of rapid growth, redevelopment, or decline
- Multiple and conflicting interpretations of existing codes
- New federal and state decisions, statutes require local response

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More reasons to revise the zoning code

- New land uses emerge
- New approaches to managing development
- Development standards need to be reassessed
- Streamlining of permit review
- Removing barriers to desirable development
- Organization and reformatting

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What constitutes an effective code revision process?

- Plan-driven
- Technical review
- Citizen participation (format varies)
- Drafting code in modules
- Public review of modules
- Administrative study
- Public hearing draft

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The Big Objective

To understand how the existing land development (zoning) code, including recent amendments, is or is not working to achieve smart growth goals.

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The Role of the Comprehensive Plan

- Describes the land-use policies for various areas of the city in mapped and/or text form
- May contain proposals for specific changes to zoning code and other land development regulations
- Assigns responsibility for implementation to various agencies, entities

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Technical Review

- Examines the structure and organization, existing districts and district standards, regulations of general applicability, definitions, and zoning code procedure
- Someone needs to read entire code and see how it fits together

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A technical review of the code should do the following:

- Evaluate the regulatory purpose of each code provision
- Identify the optimum condition on the ground
- Specify findings
- Look for patterns in petitions for appeals and variances
- Evaluate, sample characteristics of existing development
- Check adequacy of development standards (e.g., parking)

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More on technical review

- Other issues:
 - User-friendliness
 - Internal consistency
 - Conflicts with state and federal statutes, court decisions
 - Unnecessary cost-generating requirements for affordable housing
 - Use definitions/new uses
 - Streamlining—layering of development permits

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Opportunities for Citizen Participation in the Code Update

- Neighborhood planning boards/organizations
- Local or regional smart growth advocacy groups
- Planning commission
- Planning commission with special task force
- Advisory committee or task force appointed by elected officials
- Charrettes
- Community meetings, formal public hearings, newsletters, websites

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Administrative Study

- May be desirable to look at administrative process separately
- Examine processes of reviewing and issuing permits
- Identify barriers to smart growth
- Determine time, steps involved in permit process
- Identify the actual direct and indirect costs of processing and approving permits, propose fee changes

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A Quick Note About Form-Based Codes

- Focus less on use, more on form
- Use diagrams and dimensions
- Specify building, massing, height, and relation to the street and public spaces.
- Specify street and sidewalk widths



Pedestrian-Friendly, Walkability Ordinances

- **Purpose:** to reestablish the urban fabric by promoting a mixture of uses in a pedestrian-oriented setting of moderate density and encourage the reuse of existing buildings, high quality design, and the use of public transit (Charlotte, NC)



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Minimum Residential Density Ordinances

Washington County, Oregon
Specifies minimum and maximum densities in residential districts

- R-5 District: no more than 5 units per acre or less than 4 units per acre.
- R-6: no more than 6 units per acre or less than 5 units per acre.
- R-24: no more than 24 units per acre or less than 19 units per acre



Transit-Oriented Development Ordinances

- Sacramento County TOD Ordinance: requires site plan review, mixed use, minimum densities, pedestrian and bicycle amenities, open space, and parking.
- Gresham, Oregon: High-Density Transit Development District: Mixed Use commercial/residential development at 30DU/Acre; freestanding retail cap of 10,000 sq. ft.



Live/Work Ordinances

- **Purposes:** to permit live/work units that function predominantly as workspaces and secondarily as residences, to provide locations where new businesses can start up, to protect existing commercial/industrial uses from conflict with new residential uses (Berkeley, CA)
- **Definition:** One-family dwellings over or at the rear of an existing commercial use, for the exclusive use of the owner or operator of the commercial establishment (LeMore, CA)



Live/Work Ordinances

Live/work and affordable housing: One inclusionary live/work unit shall be provided for each five units in a project, to be sold or rented to persons with an income of 80% the annual median income (Berkeley, CA)



Transfer of Development Rights Ordinances



- Preserves environmentally sensitive, agricultural, conservation, or agricultural areas.
- Sending and receiving zones are established as overlay zones



Mixed Use Zoning and Development

Purposes:

- To encourage mixed use development and commercial and office uses while maintaining a strong emphasis on pedestrian scale, urban development, and amenities (Charlotte, NC).
- To create a sustainable and balanced community where the streets are convenient and comfortable for walking, where the parks are focus for public activity, and where the life and vitality of a mid-sized town can be enjoyed by residents and visitors (Orlando, FL).

Mixed Use Zoning and Development

- Development Standards: Street walls that encourage pedestrian activity, provisions for signs, banners, and flags, requirement for street trees, maximum percentage of reflective surfaces, requirements for building entrances (Charlotte, NC)
- Proportions of Use: All developments shall include minimum of 35% open space, 20% residential, and 15% employment (Howard County, MD).



Mixed Use Zoning and Development

Conditions for mixed use:

- All developments must be multiple uses, not single uses
- Location, orientation, massing, scale, operation, and visual and sound privacy must be compatible with adjacent uses
- Use of performance standards for pedestrian connections, roadway connectivity, multi-modal transportation design, compatibility with regional plans, and minimization of impacts on local neighborhood streets



Town Center Development

Types of Town Center Districts

- Downtown Commercial Core District: high rise office buildings, street level shops, theatres, and public services
- Downtown Mixed Use District: high concentration of educational, cultural, governmental, and commercial uses
- Downtown Residential District: combines mid-rise, high density, urban residential development, with places of employment and retail services (Tacoma, WA)



Town Center Development

- Design Standards
- Maximum floor area ratio, bonus provisions for mixed use, child care facilities
- 50% of street wall must be transparent
- Parking prohibited in front and side yard
- Provisions for building articulation and façades
Residential use, parking prohibited at ground level



**Affordable Housing Density
Bonus Ordinances**

Low- and moderate income housing units required as a percentage of total number of dwelling units

- Developments between 2.7 – 2.3 dwelling units per acre must include affordable units in 5% of development
- Developments denser than 2.7 units per acre must include affordable units in 10% of development (Howard County, MD)



For More Information

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