

Grasping the Low Hanging Fruit of Zoning Reform



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THE MAIN POINT(S)

- You can do a lot of good with a limited number of strategic zoning fixes
- Sometimes taking away the wrong regulations does as much good as adding the right new ones



1. REIN IN RURAL PUDS



Challenge: Large rural PUDs undermine comp plans growth policies and lead to costly rural sprawl

Responses:

- Limit PUDs to town growth areas
- Limit waiver of open space and environmental standards

Benefits:

- Increased certainty in review process
- Avoid fragmentation of rural landscape
- More cost-efficient services and administration



1. REIN IN RURAL PUDS

Implementation steps

- Designate rural growth areas in comp plans
- Establish maximum PUD size in rural areas
- Ban PUDs outside town growth areas

Practice pointers

- Establish baseline of compensating public benefits
- Avoid creating mini-zone districts with multiple PUDs



2. ENABLE MIXED USE DEVELOPMENT

- One of the Key Things you can do to reduce Vehicle Miles Travelled (VMT)
- DON'T start with creating a new mixed use zone district (or 2 or 3)
- Start by removing the use separations that we – the planners – created in the first place
- Create a use matrix – review it – and ask the “why not” question



2. ENABLE MIXED USE DEVELOPMENT

Zone District		P = Permitted use S = Special exception use V = 'P' if Vacant for 10 consecutive years														A = Accessory use T = Temporary use			Use-Specific Standards															
		D-A	D-S	D-1	D-2	D-3	D-4	D-5	D-5II	D-6	D-6II	D-7	D-8	D-9	D-10	D-11	C-1	C-3		C-4 ¹	C-5	C-7 ²	MU-1 ³	MU-2 ⁴	MU-3 ⁵	MU-4 ⁶	I-1-U&S	I-2-U&S	I-3-U&S	I-4-U&S	CBD-1	CBD-2	CBD-3	
LAND USE CATEGORY																																		
Processing, and Packaging of Food and Beverages ⁴⁹																											S	P	P	P				
Stock Yards and Processing of Stock ⁵⁰																														S				
COMMERCIAL and INDUSTRIAL USES⁵¹																																		
Business, Home, and Personal Services or Repair⁵²																																		
Auctioneering and Liquidating Services ⁵³																				P							P	P						
Check Cashing or Validation Service ⁵⁴																			P	P	P	P												
Crematorium ⁵⁵																														S	P			
Dry Cleaning Plant or Industrial Laundry ⁵⁶																				P							P	P	P	P				

3. USE CLUSTER SUBDIVISIONSCAREFULLY

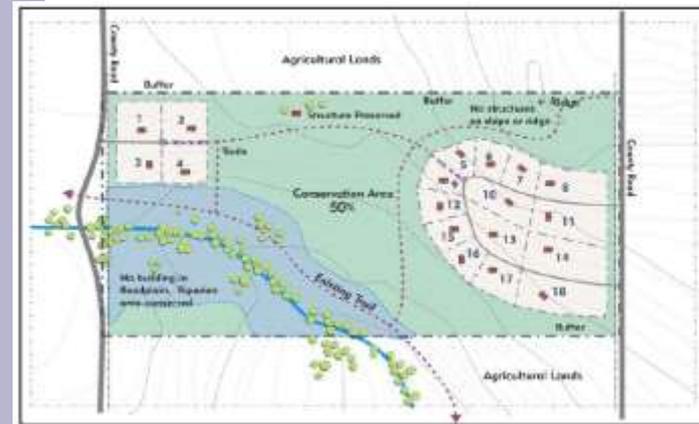
Challenge: Cluster subdivisions in wrong place can hamper farming and lead to cluster sprawl

Responses:

- Allow, but utilize in appropriate locations

Benefits:

- Appropriate town/rural transitions
- More cost effective service provision
- Avoid ag interference
- Avoid cluster sprawl



3. USE CLUSTER SUBDIVISIONSCAREFULLY

Implementation steps

- Allow cluster subdivisions at town's edge
- Require use of clusters at town's edge
- Prohibit or limit cluster use outside town growth areas

Practice pointers

- Require open space contiguity in clusters
- Allow reduced lot sizes and community septic

4. REDUCE PARKING REQUIREMENTS

- On-site Parking Requirements were created to avoid traffic congestion
- Be careful that you are not applying a solution to a problem you don't have
 - Maybe you only need parking requirements in certain locations
- Most older codes have parking requirements significantly higher than they need to be



4. REDUCE PARKING REQUIREMENTS

- **Key areas for reductions**

- Small commercial sites – maybe just exempt them
- Multi-family residential – it is NOT true that every apartment requires 2 spaces
- Office
- Retail
- Downtown areas – amazing how 50% of downtowns get by without any requirements at all



4. REDUCE PARKING REQUIREMENTS

- **By the way**

If you use broader, more flexible use categories you'll have fewer “change of use” applications to review and spend less time trying to see whether the new tenant requires more or less parking than the current tenant.

- Most of the time, the market can handle that



5. USE FISCAL IMPACT ANALYSIS

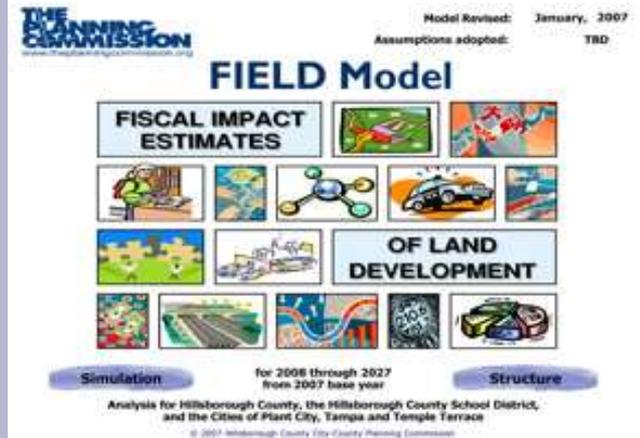
Challenge: Many rural communities approve development without true picture of long-term costs/benefits

Responses:

- Require basic fiscal impact analysis

Benefits:

- Real understanding of costs/benefits
- Foundation for mitigation
- Projects with clear benefits gain citizen support
- Reduces unproductive intergovernmental competition



5. USE FISCAL IMPACT ANALYSIS

Implementation steps

- Adopt simple fiscal impact statement requirement--require developer to pay
- Identify fiscal thresholds for acceptable projects
- Require analysis of impacts on other jurisdictions and service providers

Practice pointers

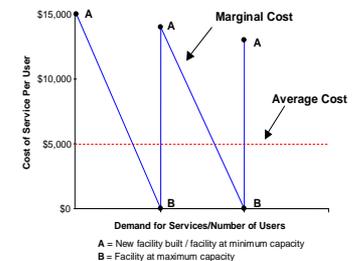
- Look at cumulative impacts of multiple developments
- Consider environmental and social impacts also

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Average vs. Marginal Cost



6. REVISE GREENFIELD STANDARDS

- Over time, suburban screening, buffering, and landscaping standards creep into zoning codes
 - They often don't work well in smaller lots in older areas
- Even Low Impact Development (LID) designs may require space that urban parcels don't have



6. REVISE Greenfield Standards

- **Get rid of space intensive standards and allow space saving options**
- **This is particularly important for parking lot, side lot, and rear lot line treatments**
- **Don't require interior landscaping in smaller/urban parking lots**



7. PROTECT SENSITIVE NATURAL AREAS

Challenge: Many rural ecosystems and species at risk due to habitat loss

Responses:

- Adopt plans that identify critical habitat and natural resources
- Enact protective regulations

Benefits:

- Significant contribution to local economies
- Protection of rural character
- Green infrastructure value



7. PROTECT SENSITIVE NATURAL AREAS

Implementation steps

- Identify sensitive natural areas in plans
- Adopt protective zone districts and sensitive area protection regulations
- Require restoration of degraded habitats

Practice pointers

- Use incentives like TDRs and cost-sharing for restoration
- Limit use of cluster subdivisions



8. LIGHTEN UP ON NONCONFORMITIES

Standard approach is “zoning parole”

Nonconforming structures

- Cannot be expanded
- Cannot be rebuilt if damaged over 50%

Nonconforming uses

- Cannot be expanded
- Cannot be restarted if discontinued



8. LIGHTEN UP ON NONCONFORMITIES

Creates lots of problems

- Ignores job creation potential of existing viable businesses
- Tries to “push out” businesses and structures that neighbors are used to and don’t mind
- Ignores the embedded materials and energy in nonconforming structures that will be lost if a different replacement structure is required
- Can result in loss of needed affordable housing units



8. LIGHTEN UP ON NONCONFORMITIES

- **Treat nonconformities that do not create health and safety impacts the same as conforming uses and structures**
 - **Allow expansion of structures that don't create new nonconformities**
 - **Allow expansions of uses in the same structure**
 - **Allow reconstruction after damage**
 - **Allow restarting or replacement with a less serious nonconforming use after discontinuance**



9. REGULATE RURAL COMMERCIAL

Challenge: Scattershot rural commercial development fragments landscape and undermines town business districts

Responses:

- Target most commercial to towns
- Adopt commercial design standards

Benefits:

- Avoid sprawl-inducing scattershot commercial
- Protection of rural character
- Increased town tax base
- Avoid strip commercial outside towns



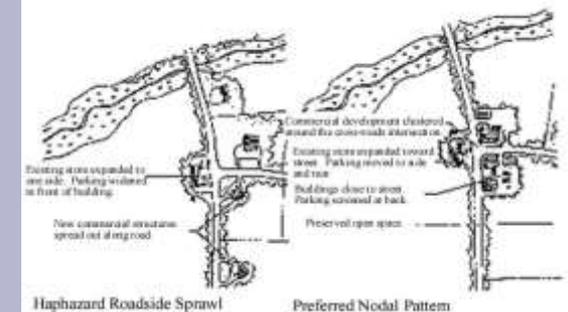
9. REGULATE RURAL COMMERCIAL

Implementation steps

- Adopt county plan policy to target most commercial to towns
- Prohibit rural commercial in most county zone districts—allow if resource dependent only
- Sign IGA to share commercial tax revenues

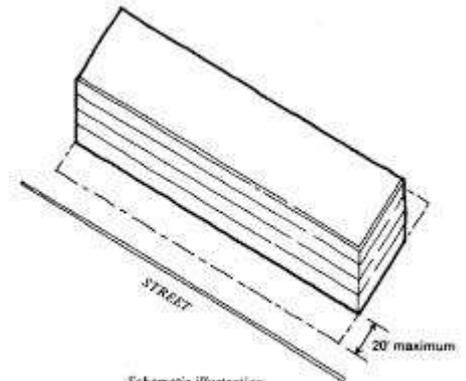
Practice pointers

- Joint town/county planning for rural commercial



10. ADOPT FRONT BUILD-TO LINES – WHERE APPROPRIATE

- The most important element of form-based zoning
 - Whether you call it form-based zoning or not
 - Often the only element the community really needs
- Addressing the relationship between buildings and the street – which indirectly controls the location of parking areas -- has significant impacts on walkability, street enclosure, and street image



Schematic illustration
(4-story R5B Quality Housing building)

10. ADOPT FRONT BUILD-TO LINES – WHERE APPROPRIATE

- Address the percentage of building frontage and number of stories of building height that needs to meet the build-to line
 - Hint – it's not 100% in most cases
- Set the build-to line to allow one row of front parking if needed
 - The goal is not necessarily Larimer Square
- Choose the streets wisely
 - Major arterials may not be the right place



11. RIGHT-SIZE RURAL ROADS

Challenge: Conventional roadway design standards fail to maintain character of rural roads and small town main streets. They can also make extension and maintenance very expensive.

Responses:

- Adopt standards to “right-size” rural streets according to their location.

Benefits:

- Reduced road construction and maintenance costs
- More mobility choices, especially for pedestrians and bicyclists
- Safer roads



11. RIGHT-SIZE RURAL ROADS

Implementation steps

- **Develop new town street design standards and implement “road diet”—reduce widths, require sidewalks, bike lanes**
- **Convert one-way to two-way streets**
- **Adopt rural road standards that preserve landscapes and views, follow topography**

Practice pointers

- **Involve state highway department early in standard revision process**

Comments and Questions



Implementation discussion and tips

INSTITUTIONAL

- **Include all local government departments in drafting smart growth comprehensive plans—utilities, public works, emergency services.**
- **Involve other governmental agencies in setting communities goals—schools, state DOT, federal land management agencies.**
- **Integrate economic development planning and institutions (e.g., chambers of commerce) into community planning process.**
- **Coordinate with other local governments and regional planning agencies.**

Implementation discussion and tips

PROCESS

- Incorporate fiscal impact analysis in all plans and development decisions.
- Don't focus exclusively on new regulations (although important)—look at removing barriers to smart growth and sustainable development and creating incentives where possible.
- Be sensitive to impact on property values but do not be scared off by saber-rattling about “property rights.”
- Explore funding mechanisms as incentives (reduced permitting fees, cost sharing, cost recoupment from later developments, etc.)

Implementation discussion and tips

REGULATIONS

- Focus initially on removing barriers to smart growth in existing regulations (e.g., large lots required in all residential zone districts; restrictions on multi-family development and accessory dwelling units; wide open PUD processes that allow anything to be built anywhere).
- Level playing field for preferred development patterns vs. sprawl. Do not make it more complicated from a regulatory standpoint or more costly.
- Coordinate town regulations with surrounding counties and nearby towns. Work towards goal of uniform or supportive development regulations to avoid jurisdiction shopping.
- Gear regulations and review processes to available staff resources—keep things simple!!