

AGENDA
PLANNING COMMISSION SPECIAL MEETING
CITY OF ROELAND PARK, KANSAS
ROELAND PARK CITY HALL
4600 WEST 51ST STREET, ROELAND PARK, KS 66205
JULY 21, 2015 7:00 P.M.

- I. **Roll Call**
- II. **Approval of Minutes - Pending**
- III. **Moment of Silence for Linus Orth**
- IV. **Discussion Items**
 - 1. Covered Front Porches
 - 2. Demolition Permit Process
 - 3. Review of parking requirements for Overlay District
 - 4. Sustainable Code Review – Mark Kohles
- V. **Future Discussion Items**
 - 1. Temporary sign code review
- VI. **Other Matters Before the Planning Commission**
- VII. **Adjournment**

Scheduled Meeting Dates for 2015:

January 20	February 17	March 17	April 21	May 19	June 30
July 21	August 18	September 15	October 20	November 17	December 15

**City of Roeland Park
Action Item Summary**

Date: 7/21/2015

Submitted By: Mike Flickinger

<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Presentation
<input type="checkbox"/> Agreement	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Other

Covered Front Porches

Recommendation:

To discuss recommending the amendment to Chapter 16-425 regarding Yard Exceptions in the City Code of Ordinances to allow for covered front porches in Roeland Park.

Details:

Below is the suggested revisions to the City Code to allow covered front porches.

- **Sec. 16-425. - Yard Exceptions—Required Yards.**

(a)

Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, belt courses, cornices, chimneys buttresses, ornamental features and eaves; provided however, that none of the above projections shall extend into a court more than six inches nor into a minimum yard more than 30 inches; and provided further that canopies or **open porches having a roof area not exceeding 60 square feet may project a maximum of six feet into the required front or rear yard.** ~~Unenclosed decks not more than 30 inches above natural grade may extend into the rear yard to the same extent as a detached accessory building. For purposes of this section the height above natural grade shall be measured along the perimeter of the deck and shall not exceed 30 inches at any point.~~ Patios, pools or similar structures which are at or below grade may be located in any side or rear yard area provided they are at least three feet from any property line.

PROPOSED:

- **Sec. 16-425. - Yard Exceptions—Required Yards.**

(a)

Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projection of sills, belt courses, cornices, chimneys buttresses,

ornamental features and eaves; provided however, that none of the above projections shall extend into a court more than six inches nor into a minimum yard more than 30 inches.

1. Canopies or open porches having a roof area projecting a maximum of ten feet into the required front yard set-back and a maximum width of the single-family residential structure shall be allowed where there are no deed restrictions and where they meet the following criteria:
 - a. The porch must be designed and finished with materials that match the existing house as to appear that it was part of the original house;
 - b. The covered porch shall be attached to the main house structure;
 - c. The roof pitch shall be within a minimum of 2.5/12 pitch of the existing house roof;
 - d. The covered porch shall remain open and free of any screening or glass that encloses the space; and,
 - e. The covered porch shall have an open decorative railing around it that compliments the porch and house structure; the railing shall be no higher than 38 inches and the minimum post size shall be at least 8" nominal dimension.
2. Patios, pools or similar structures which are at or below grade may be located in any side or rear yard area provided they are at least three feet from any property line.

Financial Impact

Amount of Request:	\$0.00	
Budgeted Item? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Budgeted Amount	
Line Item Code/Description:		

**City of Roeland Park
Action Item Summary**

Date: 7/21/2015

Submitted By: Jennifer Jones-Lacy

<input type="checkbox"/> <i>Ordinance</i>	<input type="checkbox"/> <i>Resolution</i>	<input type="checkbox"/> <i>Presentation</i>
<input type="checkbox"/> <i>Agreement</i>	<input checked="" type="checkbox"/> <i>Discussion</i>	<input type="checkbox"/> <i>Other</i>

Demolition Permitting Review

Recommendation:

Make a recommendation to Council to include language in the City Code guiding the demolition permitting process.

Details:

The June 30th Special Meeting regarding the Special Use Permit for 47th and Mission raised questions on the City Code regarding demolition permitting. The City Code currently does not require landowners to make improvements to the lot outside of filling any basement or excavation on the premises to leave it in safe condition. There was an interest from the members of the Planning Commission to review the city code and make a recommendation to Council that would require improvements to the lot after a demolition.

The Planning Commission only has statutory authority over Chapter 16. Because demolition is located in Chapter 8 in the city code, the Commission's recommendation would only be advisory and is not subject to the same regulations of approval as required for Chapter 16.

In reviewing demolition permit requirements of other municipalities, some require that a site be leveled after demolition is complete. Below is a list of three Cities with this requirement that you may want to consider when recommending a change to the City Council.

Englewood, Colorado: Englewood requires any demolition contractor to follow certain procedures including erosion control and requiring the site to be "cleaned, filled and leveled within 48 hours after demolition is complete".

Mission, Kansas: Mission requires that any demolition of a structure would require the site be leveled and graded with the foundations removed or collapsed and covered.

Merriam, Kansas: Merriam requires that the foundations be removed or that basements be filled and the property to be brought to grade. They use the unsafe structures portion of their City Code to enforce this requirement.

**City of Roeland Park
Action Item Summary**

Date: 7/21/2015

Submitted By: Jennifer Jones-Lacy

<input type="checkbox"/> <i>Ordinance</i>	<input type="checkbox"/> <i>Resolution</i>	<input type="checkbox"/> <i>Presentation</i>
<input type="checkbox"/> <i>Agreement</i>	<input checked="" type="checkbox"/> <i>Discussion</i>	<input type="checkbox"/> <i>Other</i>

Parking Requirements for the 47th Street Overlay District

Recommendation:
For discussion purposes only.

Details:

A member of the Planning Commission suggested a review of parking requirements for the 47th and Mission Overlay District. Below is the section of the City Code (16-501) that discusses parking in that district.

3) Parking.

(i) Required parking. The required parking shall be established by the applicable standards for the underlying zoning district. However, parking shall not cover more than 50 percent of the lot area.

(ii) Location. Parking shall be provided primarily behind buildings in the village area, however up to 50 percent of the required parking may be provided to the side of a building. No off-street parking shall be provided in front of the building line in the village area. Parking on commercial lots outside the village area should be located primarily behind the building, but may be located on the side or in front of the building.

(iii) Shared parking. Parking requirements may be met through shared parking according to the following conditions and standards:

(A) A written agreement for the joint use of parking facilities shall be executed by the parties, approved by the city and recorded with the Johnson County Register of Deeds. The agreement shall include any cross access easements among property owners deemed necessary by the City to effectuate the agreement.

(B) Parking requirements are cumulative except that parking may be shared, at the sole discretion of the City, according to the following standards:

(I) When two or more uses located on the same or adjacent lot have distinctly different hours of operation (e.g. commercial office and residential, or church and school) 100 percent of the required parking may be shared. Required parking shall be based on the use that demands the greatest amount of parking per the requirements of the underlying zoning district.

(II) When two or more uses located on the same or adjacent lot have distinctly different peak hours of operation—(e.g. office and restaurant/entertainment), 50 percent of the required parking spaces may be shared among the uses.

(III) Shared parking shall not be allowed if the parking spaces are more than 700 feet from the main entrance of the building.

(C) Direct pedestrian access, meeting the requirements of subsection (f)(2)(iii), shall be provided between any shared parking and the main entrance of any building proposing to share parking.

(D) Applicants for shared parking shall submit a statement indicating the ability of the proposed shared parking arrangement to meet the demands of all uses involved. The statement shall include hours of operation, hours of peak operation, forecasted demand, and other data indicating the appropriateness of shared parking.

(E) Any change of use or other change causing violation of the shared parking agreement or these standards shall invalidate the shared parking eligibility and the parking requirements of the underlying zoning district shall be met.

(iv) On-street parking. Any on-street parking, authorized by the City and within 300 feet of the lot, may be credited towards the on-site parking requirements at a rate of one on-site parking space credit for every four on-street parking spaces. A maximum of 50 percent of the required parking may be satisfied by on-street parking credits. On-street parking spaces may be counted by more than one user in meeting this requirement.

(v) Bicycle parking. Bicycle parking facilities are encouraged. Any bicycle parking spaces provided within 100 feet of the main entrance of a building may be credited towards the on-site parking requirements at a rate of one parking credit for every five bicycle parking spaces. A maximum of ten percent of the required parking may be satisfied by the bicycle parking credit.

(vi) Landscape elements. Parking lots larger than 20 spaces shall incorporate at least one internal landscape island into the lot design. Landscape islands shall be at least ten percent of the parking lot area. Each required landscape island shall be a minimum of 20 square feet and a maximum of 500 square feet. Landscape islands shall maintain a minimum five foot width at all times. Landscape islands shall be planted with landscape elements consistent with subsection (f)(5). Landscape elements along the perimeter of a parking lot shall not count towards the landscape island requirement.

(vii) Lighting. Exterior lighting on commercial properties shall be designed and maintained so as to not cast obtrusive glare onto sidewalks, streets, or property used for residential purposes.

Sustainable Code Framework & Code Audits

Meeting Summary

July 14, 2015

Recommendations came in two general forms:

- 1) Ways that MARC could continue to support the adoption of codes and policies that facilitate sustainable development, and
- 2) Ways that MARC could improve the Sustainable Code Framework as a tool for local governments.

MARC Support

Cities would like to continue to be able to access technical support when considering the adoption of policies to facilitate sustainable development. This is difficult since the grant has ended that initially supported this work. However several approaches were identified that fits into MARC's current capacity. They include:

- ❖ MARC can sponsor workshops that address specific sustainable development issues. For example a workshop addressing redevelopment of strip centers.
- ❖ MARC does have expertise in a number of areas that can assist local governments. For example MARC can help individual communities in reviewing and adopting strategies to implement Complete Street policies.
- ❖ MARC can also assist local communities in providing research on specific topics related to sustainable development and codes and policies.
- ❖ The quarterly meetings of the Planners Roundtable can address important issues related to sustainable development.

MARC needs to designate a specific person to coordinate this work and that local governments can contact.

Website

It was agreed that a number of improvements could be made to the website to make it more useable and accessible for local government officials. Following are some of those suggestions:

- ❖ A better opening page explaining how to use the website and its tools.
- ❖ Create a two-tiered approach to the website with a simplified set of information, while also allowing someone to dig deeper. Particularly focus on simplifying the benefits and strategies section under each concept as well as emphasizing examples of how communities addressed specific issues. More emphasis through case studies and examples of how to address issues.
- ❖ Focus more on challenges and how communities are addressing specific issues. This could include:
 - ◆ Issues identified by Chris Brewster in his final report
 - ◆ Identified issues that specific projects faced and how they addressed them
 - ◆ Emphasize how to use the framework to help address these issues
- ❖ Try to better connect the projects in the framework with the policies and strategies
- ❖ Continue to add new contact and contacts

Key Issues

The principle issue is how will this work be accomplished and who will be the key contact for local governments. It is not so much a technical issue related to the website, but a content issue that must be generated by program staff.

A photograph of a modern brick building with large glass windows and a playground in the background. The building is the primary focus, showing its architectural details like balconies and window frames. The playground is visible in the distance, and there are trees on the right side of the frame. The overall scene is bright and clear.

SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT

FINAL REPORT - November 2014

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Department of Housing and Urban Development (HUD)

This project was made possible by a Sustainable Communities Planning Grant for the United States Department of Housing and Urban Development, Office of Sustainable Housing and Communities. (2013 – 2014)



Mid-America Regional Council (MARC)

Partner Jurisdictions: Participation from staff and stakeholders from the following partner jurisdictions contributed to the Model Sustainable Development Code Website and individual jurisdiction development code audits:

- Fairway, KS
- Gladstone, MO
- Grandview, MO
- Independence, MO
- Mission, KS
- Prairie Village, KS
- Raytown, MO
- Roeland Park, KS



Consultant Team:

gouldevans



SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT



REINVESTMENT

Reinvesting in existing communities and neighborhoods ensures they remain or become vibrant, connected, green places.



TRANSPORTATION CHOICE

Varied transportation options help reduce family travel costs, reduce air pollution, and connect families to jobs and services.



HOUSING CHOICE

Housing choices for all ages, lifestyles, and income levels help support diverse communities and a healthy housing industry.



CORRIDORS & ACTIVITY CENTERS

Vibrant corridors connecting activity centers encourage new developments and public transportation while making efficient use of public and private assets.



DESIGN FOR HEALTHIER LIFESTYLES

Places designed for active lifestyles with access to healthy foods can improve the health of residents, reduce health-care costs and contribute to vibrant neighborhoods.



UNIQUE COMMUNITY CHARACTERISTICS

Distinctive communities and historical, cultural and natural assets increase the vibrancy of a region and contribute to its overall economic health.



RESOURCE CONSERVATION & ENERGY EFFICIENCY

Sustainable places conserve resources for future generations while simultaneously reducing costs and increasing economic and fiscal efficiency.

INTRODUCTION

This report provides a final summary of the Mid America Regional Council Model Sustainable Development Code and Community Code Audits project. It was made possible by a Sustainable Communities Planning Grant from the U.S. Department of Housing and Urban Development, Office of Sustainable Housing and Communities. The Model Sustainable Development Code project is part of MARC's Creating Sustainable Places initiative. For more information on the entire initiative, see <http://www.marc.org/Regional-Planning/Creating-Sustainable-Places>.

Approach

The Creating Sustainable Places initiative promotes a vision for VIBRANT, CONNECTED, and GREEN communities throughout the Kansas City Region. This 3-year program began in 2010 and involved more than 60 regional partners of local governments, state agencies, and civic, business and development organizations. A 40-member coordinating committee developed the 7 key principles for sustainable development in our metropolitan area.

The Model Sustainable Development Code project builds off of this vision and these principles. There are many broad and complex policy, program and design issues associated with these principles, and they may mean different things in the vastly different contexts within our region. However this effort aimed to narrow in on only those issues that are most impacted by development codes. Through facilitated discussions with our stakeholder jurisdictions, 22 "Sustainable Development Concepts" were identified under these principles. With emphasis on these 22 concepts, the model sustainable development code website and development code audits are focused on the most pressing regulatory issues that are important to our region.

This project involves 2 main components – a model sustainable development code website and code audits of eight local jurisdictions.

Model Sustainable Development Code Website

The model code website is established as a resource for code examples from other jurisdictions – most outside of our region – that address the sustainable development concepts identified by our stakeholder jurisdictions. Rather than jump directly to regulatory language, the website first establishes the policy supporting each concept, lists benefits and outcomes from the policy, and identifies a range of regulatory strategies that implement each concept. Example codes are then provided as a resource for jurisdictions that support those policies. <http://codes.sustainable-kc.org/>

The model code website is organized under 3 main frameworks:

- LEARN – organizing the development code strategies and code examples around the 7 main principles and 22 sustainable development concepts.
- CODE – organizing the development code strategies around the table of contents of a model development code.
- EXPLORE – demonstrating the types of projects and project metrics that support the principles and concepts from the model sustainable development code. This portion of the website will grow and become better coordinated with the 7 CSP principles and 22 sustainable development concepts as the data base of projects grow, and our experience implementing these projects in our region increases.



The 22 Sustainable Development Concepts, and the policies, strategies and codes that impact those concepts are arranged on the website under the 7 main CSP principles for those that want to learn and research particular topics.



The “Code Framework” arranges the same 22 Sustainable Development Concepts like a typical table of contents for a development code. This enables identifying interrelated – and possibly competing – sustainability principles within sections of development codes. For example, this image demonstrates how someone concerned about the “Pedestrian Oriented Public Realm” concept, may need to check several code sections that may impact that concept.

SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT



Community Code Audit Example

The model code website is also part of a larger suite of on-line resources, including the Regional Indicators that help track our progress towards a more sustainable region with real time access to important data; a Natural Resources Inventory which includes highly refined data at various scales documenting existing resources and restoration opportunities that can allow natural systems to support development in our communities; and Envision Tomorrow and Visualization Tools that can help program and implement concepts within specific contexts. This suite of resources is intended to promote LOCAL ACTIONS, with IMPACTS ON PLACES, that produce REGIONAL OUTCOMES.

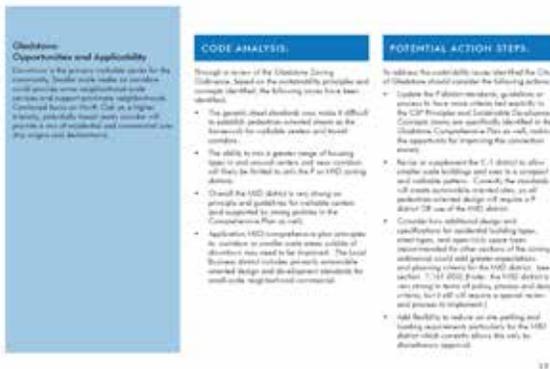
part analysis can result in a more integrated code by identifying where the development code is strong, silent, or weak on certain principles, and identifying where some sections may undermine other related principles and concepts.

Each community code audit is organized under the 7 key principles for sustainable development: Reinvestment; Transportation Choice; Housing Choices; Corridors and Activity Centers; Design for Healthy Lifestyles; Unique Community Characteristics; and Resource Conservation and Energy Efficiency. Under each topic, the reports contain:

Code Audits

Eight of our stakeholder jurisdictions also participated in a code audit – evaluating their development code against the 22 sustainable development concepts. To initiate this process, each prepared a “policy profile”, ranking the sustainable development concepts from a 1 – high priority, to a 4 – lowest priority. This profile gives an order of magnitude gauge on which issues are most relevant to each community’s context and current planning priorities, and it helps tailor an action plan for code updates to each jurisdiction’s needs.

- **Principles & Concepts**- a summary of each Principle and how the Sustainable Development Concepts impact common sustainability metrics for comprehensive planning and development;
- **Opportunities and Applicability** – a quick observation of how the each Principle and the supporting Concepts could apply to the jurisdictions’ physical and planning context.
- **Code Analysis** - Analysis of how well the development code relates to each concept and typical regulatory objectives, including identification of barriers or loopholes.
- **Potential Action Steps** – Options to consider for future updates to the regulations (note: more information and examples of these action steps can be found on the Model Sustainable Development Code website.)



Community Code Audit Example

Evaluating how development regulations impact sustainability goals requires a two-part analysis. First, consider whether the regulations present barriers – provisions that prohibit or limit the application of “best practices” towards any specific sustainability objective. Second, and perhaps most importantly, consider how effectively the regulations limit, close loopholes or prohibit other competing practices that undermine broader sustainability issues. This two-

An action plan is provided to each jurisdiction that prioritizes some of the potential action steps based on those that are most easily achievable under the cities current plans and policies (as opposed to those that need broader programs and community input to support them) and those that are most aligned with the cities "policy profile" filled out at the beginning of the audit process. A section by section list of raw comments used to evaluate the code, guide the analysis and determine the rating is included as an appendix to this report. These sections can be used by staff to help prioritize potential action steps, address emerging issues, and improve the Codes performance on certain sustainability concepts.

This Final Report is a summary of trends reflected across the 8 jurisdictions, including common impediments, typical "quick fixes" and the major significant code and policy issues that our region needs to address more effectively.



Grey = Concepts development codes were typically silent on.

Green = Concepts development codes were typically stronger on (indirectly supported or directly supported).

Yellow = Concepts development codes were typically neutral on (both indirectly supported and indirectly conflicted).

Red = Concepts development codes were typically weak on (indirectly or directly conflicted).

Summary of Community Code Audits - By Topic

TYPICAL QUICK FIXES

The action plans of the code audits organized each jurisdiction's priority issues into short-term and long-term actions. The short-term actions or "quick fixes" were things the jurisdiction could accomplish with very little additional policy reform or community discussion and which did not need significant code restructuring. These involved policies and strategies that were already broadly supported by the community, things that added new options already reflected in the market place, or things that simply coordinated conflicting provisions in the current regulations to remove impediments.

Flexible Parking(Optimized Parking)

Flexibility in parking was often needed and can typically be very easily incorporated into regulations through a broad range of strategies, which included:

- Count on-street parking, and design streets for it.
- Give credits or reductions for development patterns that support walking, biking or transit.
- Improve the context, criteria and procedures where shared parking is permitted or required.
- Reduce the parking minimum (or eliminate it), implement a parking maximum, or have a cap that requires design mitigation.
- Give more administrative discretion for "optimal parking" through waivers.

Street Trees / Landscape Standards (Pedestrian Oriented Public Realm & Tree Preservation)

Although Pedestrian Oriented Public Realm scored particularly low among jurisdictions, most codes at least demonstrated intent to value and preserve trees, and a willingness to promote "street trees." However, the intent was frequently undermined by conflicting provisions in landscape, streetscape or street design sections. Often this involved improper identification of species or improper location – particularly regarding street trees, and lack of specifications for survival of landscape investments. Trees – and particularly street trees in strategic locations, can be a low-investment / high return strategy that can improve even the most car-oriented or pedestrian-hostile areas in the short term. (See "Street Design" under the Common Impediments section for more details.)

Accessory Dwelling Units (Diverse Housing Types)

Enabling accessory dwelling units (detached or attached) – whether in specific or limited locations, or through conditional or administrative permits is a simple way to increase the density with very little impact on the scale and character of existing neighborhoods. While any housing policy and code strategy must be very specifically tailored to the jurisdiction and neighborhoods where they would be implemented, codes that enable this housing option are quite simple. Most jurisdictions had areas where this approach is a viable strategy to provide housing options to meet market and demographic shifts.



Pedestrian Oriented Public Realm



Mixed-use



Integrated Uses

Planned Districts (Compact, Walkable Centers)

Over-reliance on planned districts to create sustainable development practices is part of our larger and more significant code issue discussed later. However some easy updates were often recommended to improve the current use of planned districts. Too often these districts reflected “standard-less districts”, where the absence of standards and the reliance on an applicant-supplied development plan is perceived as permitting flexibility and at least enabling the sustainable development concepts to be executed. However, these districts are as likely or more likely to lead to development that conflicts with sustainable development concepts, than further them. Unguided use of planned districts often results in narrowly-focused projects, internal orientation with little broader public benefit, or simply get used as an “end run” around the otherwise applicable regulations. An easy fix to this is to better tie the use of planned districts more specifically to the cities specific planning policies, then introduce sustainable development concepts as a prerequisite to using the district, and/or set some basic default standards that the flexibility in the plan must equally or better meet. Not only will this improve the results from a “sustainable development” perspective, but it increases the expectations for applicants and decision-makers in this sometimes too-vague process. A further level of improvement is to tie the use of planned districts to a more refined neighborhood, area, or specific plan scale that can provide better context-specific guidance and serve as a better bridge between the broader public benefits and the privately driven development plan.

Food Production (Access to Healthy Foods)

Most codes addressed “agriculture” uses in some manner, even if it was simply a holding zone for larger lot or rural but urbanizing areas that are a remnant of past growth scenarios. Yet somewhere between the scale of agriculture on a farm, and the accessory use of growing tomatoes in the back yard (which needs no regulatory approach), lies a wide range of small- to intermediate-scale food production activities. At least acknowledging in use tables that food production can occur at a variety of scales and in a variety of contexts (some even indoors), can allow these emerging uses to be more explicitly enabled in a variety of appropriate contexts.

Site-scale Energy Systems (Renewable Energy)

Site-scaled renewable energy systems are beginning to hit the market at increasingly affordable and productive methods. Some jurisdictions already have provisions that address these topics, and others were silent to it (perhaps in a way that implies these uses could simply be “accessory” uses when implemented at the smallest scale). Further, for those that have included ordinances that address these strategies, emerging techniques may require that we continue to revisit codes and there are many models and examples available (see Model Code website and MARCs broader initiative on renewable energy).

Sidewalks (Pedestrian Oriented Public Realm & Complete Streets)

Many development codes included city-wide sidewalk standards, often with a minimum of 4' in neighborhoods or 5' generally. While this is an improvement over having no standard or building streets without sidewalks, the appropriate sidewalk design can often not be expressed as a city wide standard. Typically, 5' is the bare minimum to allow people to walk side-by-side. Further, it may be completely insufficient in areas where more walking is encouraged (8' or 12' minimum will be necessary here), or areas where more social activity is desired (20' or more is necessary here). In addition, many of the city-wide standards would say nothing to the actual design and location of the sidewalks, whether it was buffered from moving lanes of traffic by on-street parking or landscape strips, or whether street trees are part of creating a pleasant place to walk. Adjusting these requirements for (a) the planning context; and (b) the street-type, can be an important improvement on city-wide sidewalk design standards.



Active Public Realm

COMMON IMPEDIMENTS

The jurisdictions as a whole score particularly low with respect to code provisions addressing street design, creating compact, walkable centers and housing choices. These scores reflect a more complex regulatory issue that may require further scales of planning, deeper policy discussions, or more comprehensive restructuring of our codes. However, these are perhaps the most significant sustainable development issues for our region and deserve more focused attention.

COMMON IMPEDIMENTS – STREET DESIGN

Although many jurisdictions plans, policies and even intent statements in the regulations speak to “complete streets” or “multi-modal” transportation goals, the design standards in the regulations typically do not reflect best practices. There is certainly a question of how great an impact the development regulations have on street design (i.e. a built-out community may not build or replace streets through the development code and development review process, but use other design standards outside the code); however, street design standards in development regulations are a common impediments to the Transportation Choice principle of the Creating Sustainable Places program. The typical impediments include:

- Lane Widths – 12’ wide standard
- Focus on Functional Classification
- Prioritizing vehicle flow (corner turn radius, turn lanes, site access lanes)
- Prohibition on street trees

Lane Widths – 12’ wide standard

Most development codes start with the assumption that 12’ wide lanes are “standard,” and they apply this to all kinds of streets in a variety of contexts as a minimum. The reality is that 12’ wide lanes are appropriate only on higher-speed, free-flowing, principal arterials streets where speeds over 45 mph are expected; they are not appropriate for a most city contexts – especially neighborhoods or walkable activity centers where slower speeds of vehicles are essential to allow cars to mix safely with pedestrians and bicycles. 12’ wide lanes undermine this fundamental principle of multi-modal street design. In our limited right-of-way space, a foot or two matters when we are trying to find space for wider sidewalks, on-street parking and street trees. Lanes as narrow as 9’ and 10’ work perfectly well in these contexts (as is even acknowledged by the American Association of State Highway and Transportation Official (AASHTO) design manual, a guide for state highways often used by cities for designing city streets). When 9’ or 10’ lanes are applied to multiple lanes, this can help us capture coveted space for things that make people comfortable, while also taming the speed of cars. Any environment where we want vehicle speeds operating below 45 mph (i.e. especially all neighborhoods and walkable centers where speeds below 25 mph are desired and posted), should have 9’ – 11’ lanes instead of 12’ lanes, even according the AASHTO design guidance.

Focus on Functional Classifications

Simple approaches to traffic engineering (moving more cars quickly) organize our streets based on “functional classifications” – Arterial, Collector and Local streets. While this works as a logical concept for organizing the function of our street network,



Lack of Street Design



Complete Street Design

it is a poor tool to guide the actual design of our streets on specific segments. Most development regulations simply base standards on functional classifications. This misses a significant opportunity to coordinate transportation investments with the abutting land use and development patterns, and to promote the essential urban design role that streets play in building valuable places and neighborhoods. Rights-of-way – the spaces between buildings and sites – are the largest component of our public realm and the design of this space has a significant role in creating the character of places. The model code examples collected for this project demonstrate a better way to use the “functional classification” system to plan networks, but then apply a wider variety of “street design types” to actually invest in streets appropriate to the context.

Prioritizing Vehicle Flow

Related to the above two significant impediments, all of the development codes that were reviewed reflect a priority for vehicle flow in street design and site design standards, often above all other interests. This priority needs to be questioned – particularly within neighborhoods and walkable centers where our planning policies and development investments are based on a different priority. Things like required turn lanes, larger curb-return radius, driveway access standards, and internal driveway, circulation, and parking lanes standards reflect prioritizing vehicle flow. All of these standards will compromise the interests of people on foot and on bikes, result in more space dedicated to cars and leave less space dedicated to civic spaces for people.

Prohibiting Street Trees

Many development codes are either silent to or prohibit street trees in the interests of efficient street design (perceived lower maintenance) or reducing conflicts with utilities. This is misguided. Not only are these interests not clearly served by such a policy, it misses the significant role that street trees play in sustainable development – everything from filtering and infiltrating stormwater, increasing comfort for pedestrians, and increasing property values. (see “Typical Quick Fixes” discussion on street trees). Further, some codes that promote street trees require them to be out of the right-of-way, or prioritize utility placement over street tree locations. This undermines the performance and impact of street trees. Trees and utilities need to be carefully planned to peacefully co-exist and our most resilient, sustainable places demonstrate how to do this. Street trees are one of the lowest cost – highest return urban design investments a city can make. (See Focus on Functional Classification discussion; a variety of street design types also enables a more specific standard for different street tree types and locations for different streets.)

COMMON IMPEDIMENTS – “PLACE-MAKING”

Over many years, and the last decade in particular, the planning profession has awakened to the fact that our historic “use-based” focus to regulating development is not always appropriate for our increasingly complex development environment (emphasizing the use of land and assuming districts of the same or similar uses). When “place-making” is the focus of our planning policies, the integration of neighborhoods and walkable centers to create more valuable places should be the goal. Most of the development codes reviewed reflected at least



Impact of No Street Trees



Impact of Street Trees



Hardware Store - Large Scale



Hardware Store - Small Scale

some acknowledgment of this fact, but they were weak on the nuances of making places or prohibiting practices that undermine “place making”. The typical impediments to the Corridors and Activity Centers principles of the Creating Sustainable Places program include:

- Focus on use / Silence on scale
- “Mixed-use” vs. well-integrated uses
- Over-reliance on planned districts.
- Lack of public realm and streetscape standards (placed for people, prohibit or administrative burdens on sidewalk activities.)

Focus on Use / Silence on Scale

Even when regulations encouraged a more integrated approach to permitted uses, they often did not acknowledge where the true impacts of different land use scales result from – the scale of the use. Use-based standards are famous for at once being too specific (drawing distinctions between similar uses where there is no difference) and too vague (ignoring distinctions between the same use where there are significantly different impacts.) To make up for this, development codes often layer on design standards aimed to mitigate assumed impacts in a variety of contexts, which run the risk of working well in few contexts. An alternative strategy is to become more general with the types of uses (i.e. “retail” instead of “hardware store”), but more specific with the scale of use (i.e. “neighborhood retail” vs. “warehouse retail”) With this approach, eligible land uses can be more appropriately keyed to different zoning districts and contexts.

“Mixed-use” vs. Well-integrated Uses

Most codes did reflect at least a basic understanding the benefits that a less use-focused approach can bring, and enabled a “mixed-use” district. However, most of these seemed to assume that simply mixing uses was the end goal. Codes may have enabled multiple uses, but frequently did not express even policy guidance for an appropriate range of uses – a list of ingredients rather than a recipe which can lead to lower expectations during implementation. Further, related to the “scale” issue, it is not simply mixing uses that is the planning goal to begin with, but rather a compatible integration of complimentary uses where each one contributes more to the vitality of a place, than were the use in isolation. Many of the historic models that we are trying to emulate with mixed-use regulations, are actually a compilation of many single-use districts – just applied at a much more refined block scale and with a focus on how well the multiple zoning districts relate and support each other. The model code examples collected for this project demonstrate how mixed-use districts can better prescribe outcomes and/or how multiple compatible zoning districts can better relate and support each other through policy guidance and intent statements.

Over-reliance on “Planned Districts”

Related to the two previous issues, most codes rely on “planned” or flexible zoning districts to make up for these deficiencies. Most often these planned district applications come through discretionary review processes. While this technically makes up for any deficiencies in specifying better “place-making” standards in our development regulations and at least enables projects, it does not necessarily raise expectations. These processes can be time-

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consuming and costly, reflecting another separate impediment to sustainable development – particularly when the outcome is not assured. Beyond this uncertainty, many of the planned districts lack default standards or clear planning criteria on how this flexibility is to be used for greater public benefit. The outcomes are just as likely not to support the planning policies of the jurisdiction or specific context as they are to support it. Ultimately, rather than doing broader community or area planning to support innovative development for a particular context, the planned districts are at risk of being an “end run” around the development standards through site designs posing as “plans.”

Lack of Public Realm and Street Design Standards

As mentioned in the Street Design discussion, most regulations lacked the variety of street design types necessary to build valuable places. This is particularly crucial where “place-making” is a goal, as these streets serve as the social and civic heart of these places first, and a means to get to that place secondarily. Having standards for this special type of street and social place – even if it only applies to a block or two in the community, is a critical place-making and economic development tool. Further, many codes also reflected impediments to capitalizing on this space – either prohibiting, or limiting through cumbersome administrative procedures, the use of this space for leisurely or business activities such as sidewalk sales or sidewalk cafes.

COMMON IMPEDIMENTS – HOUSING CHOICES

There has been much discussion in the planning profession regarding our changing demographics. The twin tides of aging populations and Generation Y coming of age impacts planning and development – particularly in terms of their housing needs and where they prefer to invest in housing. Although it is impossible to predict exactly where the market will go on this topic, and most agree that more options is at least the first strategy to deal with this uncertainty. However for years our housing industry and our development codes have reflected the market bias that housing most often meant “single family homes” – whether in a neighborhood or a subdivision, and anything else was an alternative. This history lingers strongly in our development regulations, and presents many impediments to the Housing Choices principle of the Creating Sustainable Places program. The typical impediments include:

- Over-reliance on Density
- Silence on small-scale, multi-unit housing
- Lack of neighborhood design / streetscape standards.

Over-reliance on Density

Most zoning districts use “density” as the most significant regulation for housing. The assumption is that common densities will deliver compatibility. While this may have been true during recent home-building era, it belies the physical patterns of most of our older neighborhoods. This strategy may not be well suited to meet the housing needs of the coming demographic shifts. Further, over-reliance on density gives false comfort that it will yield the sought-after “compatibility.” Density is an abstraction – it is



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calculated in “dwelling units per acre, and gives no indication to the size of the dwelling unit, the type of dwelling unit, the character or design of the dwelling unit, or the number of people (impact) of the dwelling unit. While other standards in development codes may answer some of those questions, for areas where housing choices are desired, these are answers to all of the wrong questions. Rather “housing choice” is the compatible flip-side to walkable places. Sustainable development practices need to put more people in close proximity to walkable places or transit stops, and do so with a neighborhood design approach that mixes a wider range of housing types into a compatible and valuable neighborhood pattern. Development regulations relying too heavily on density eliminates many potential projects even before some of these more important questions can be answered.

Silence on Small-scale, Multi-unit Housing

Related to the above issue of over-reliance on density, most development codes were silent on the smaller-scale multi-unit housing options. By relying solely on density there is a built-in but hidden bias against these smaller scale housing options that fit well in neighborhoods and are reflected in our traditional neighborhood building patterns. By eliminating this option by code, we have erased these types of projects from our portfolio of housing. This stems from two built-in biases: (1) anything that is not “single-family” is “multi-family” (except for “duplex”) and (2) multi-family is regulated by density and buffers. As a result, in order to get a critical mass to make a project work, any housing alternative needs a larger land area, yet is constrained by artificially low densities (again in the name of compatibility). The end result is that project aiming to give a

housing alternative become very large in scale (“apartment complexes”), reinforcing the justification that they need to be buffered from adjacent areas. Meanwhile, one of the greatest benefits of density – placing people closer to amenities and transit, in walkable patterns, is eliminated, and an entire group of smaller-scale, multi-unit building types that are quite compatible with neighborhoods are eliminated. The model code examples collected for this project demonstrate how returning to a “housing type” approach can balance the interests of compatible density and compatible neighborhood design.

Lack of Neighborhood Design / Streetscape Standards

One way to increase housing choices is to create “mixed-density” neighborhoods – an area where a variety of housing types can be found in the same neighborhood, sometimes even on the same block. The “building type” approach to regulations above is part of the strategy to implement such a policy. However, the most effective way to allow a range of compatible (or even incompatible) building types to mix is to improve the public realm. That is the reason people are attracted to a neighborhood, and the benefit of a quality public realm often allows people to ignore or not even notice other smaller or perceived issues brought on with more choices. The neighborhood design and streetscape design standards are an essential part of presenting broader housing options – whether along a block, within a neighborhood, or simply expanding options throughout a community. Standards for neighborhood streetscapes, open spaces (whether public or common) and how buildings relate to these spaces will help introduce a broader range of choices into the community.



Small Scale / Multi-unit Housing - 8 DUs per Acre



Small Scale / Multi-unit Housing - 35 DUs per Acre



Small Scale / Multi-unit Housing - 60 DUs per Acre

SUSTAINABLE CODE FRAMEWORK AND COMMUNITY AUDIT

SUMMARY

The Creating Sustainable Places initiative is based on 7 well-established, and widely endorsed principle on how to build “Vibrant, Connected, and Green” communities. The regional sustainable development plan also presents options that can lead us to better economic development, increased return on public investments, and better environmental performance if we invest collectively under these principles. However, our region is wide and diverse, and each jurisdiction serves a different role in this vision.

The Model Sustainable Development Code and Community Code Audits are part of our evolving discussion on these critical issues. The model code website provides examples to help jurisdictions consider what is right for them. This resource should continue to evolve and grow as our discussion and experience with these issues grow.

Further, the code audits and this summary report provide an objective critique of our development regulations. There are many common impediments that reflect our tendency to borrow regulatory approaches over time – even when they don’t work or don’t achieve our planning goals. These impediments need to be removed for us to progress as a region.

However each jurisdictions’ response needs to be based on their own policies and their unique context – and strategies will likely differ based on their many different contexts and many different types of places they are planning for, even within their jurisdiction. The observations and recommendations in this report and project are not silver-bullet solutions, but are part of our growing awareness of the impact of development regulations on the types of projects we build, and their impact on our sustainability goals.

TYPICAL QUICK FIXES:

- Flexible parking standards
- Accessory dwelling units
- Street trees
- Improve planned districts
- Small-scale food production
- Site-scale renewable energy systems
- Improved sidewalk standards

COMMON IMPEDIMENTS:

- Transportation Choice: Street design
- Compact, Walkable Centers: mixed-use development
- Housing Choices: density standards and housing types

Completed as part of the
Creating Sustainable Places initiative for MARC:

