

Interim PAS Report

Model Smart Land Development Regulations

Prepared by the Research Department of the American Planning
Association, Chicago, Illinois

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Chapter 1

INTRODUCTION

1.1 Purpose of Report

This report provides an overview of the structure of land development regulations and is a guide to the development of model smart growth ordinances, including models that may be adapted by local governments to implement special planning policies (e.g., multimodal transportation; affordable housing; etc.). As used here, “smart growth ordinances” and “smart growth development codes” mean regulations intended to achieve a variety of objectives (e.g., encouraging mixed uses, preserving open space and environmentally sensitive areas, providing a choice of housing types and transportation modes, and making the development review process more predictable). In addition, because smart growth ordinances involve providing more transportation options and more compact, mixed-use development, they inevitably have public health implications; they encourage walking, bicycling, and human interaction, with the potential to support more active, socially engaged lifestyles that result in better physical and mental health.

1.2 How policymakers can use this report

Local policymakers, such as mayors, city council members, and planning commissioners, can use this report to familiarize themselves with:

- ◆ The contents of land development regulations;
- ◆ Alternative ways to update such regulations;
- ◆ Methods to incorporate smart growth objectives; and
- ◆ Particular types of smart growth ordinances.

The model ordinances contained here provide a starting point for discussion among policymakers as to the desirability and general approach to such regulations. In some cases, the model ordinances give several regulatory alternatives. Policymakers can select among these alternatives or, by working with their planners, devise a hybrid approach that suits their community.

1.3 How planners can use this report

Professional planners can use this report to assist policymakers in understanding both land development regulation and the formulation of ordinances meeting smart growth objectives. Chapter 2 in particular provides professional planners with detailed guidance about how to update development regulations and how to conduct smart growth audits of

plans, local development practices, and land-use controls. By reading the description of existing models in Chapter 3, the proposed models in Chapter 4, and those local ordinances that served as a basis for the models, planners can get into the details of drafting and administering such ordinances. Thus, professional planners can have a head start on drafting smart growth ordinances and understanding their technical and administrative complexities.

1.4 Organization of Report

The remainder of this report is divided into three chapters, plus a bibliography.

Chapter 2 discusses land development regulations and smart growth. Sections 2.1 to 2.7 outline the elements, standards, and procedures of land development regulations, and, in particular, the concept of a unified development code that consolidates such regulations in a single document that includes zoning, subdivision controls, design standards, and administrative procedures. Section 2.8 proposes a series of strategies for evaluating and revising land development regulations. Section 2.9 describes smart growth principles formulated by the American Planning Association and the U.S. Environmental Protection Agency and sets forth an approach for conducting a smart growth audit.

Chapter 3 summarizes and evaluates a number of model codes and related materials produced by state agencies and nonprofit groups. The chapter is divided into three parts:

- (1) Comprehensive codes, meaning materials organized or drafted in a code format that cover a wide variety of land-use regulation, including zoning and subdivision;
- (2) Non-comprehensive code models, meaning codes that focus on a single topic or combinations of single topics (e.g., affordable housing, street standards, impact fees, and street graphics); and
- (3) Related materials that provide guidelines (e.g., APA's *Growing SmartSM Legislative Guidebook*), whose model planning and zoning statutes contain minimum content requirements for a wide variety of land development regulations.

Chapter 4 contains 11 model smart growth ordinances with commentary. The ordinances are:

- 4.1—Model Mixed-Use Zoning District Ordinance
- 4.2—Model Live/Work Ordinance
- 4.3—Model Town Center Ordinance
- 4.4—Model Affordable Housing Density Bonus Ordinance
- 4.5—Model Unified Development Permit Review Process Ordinance
- 4.6—Model Transfer of Development Rights Ordinance
- 4.7—Model Cluster Development Ordinance
- 4.8—Model Pedestrian Overlay District (POD)
- 4.9—Model On-Site Access, Parking, and Circulation Ordinance
- 4.10—Model Shared Parking Ordinance

- 4.11—Model Street Connectivity Standards Ordinance

Each model is preceded by a commentary about model itself and remarks concerning the locally adopted ordinances used as a basis for drafting them. We have also provided references or web links to useful reference materials related to the topic of the ordinance. The discussion will also indicate primary and secondary smart growth principles that may be satisfied by the use of the ordinance (Chapter 2 describes those principles).

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