Chapter 3

MODEL COMPREHENSIVE AND NONCOMPREHENSIVE SMART GROWTH CODES

This chapter 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—materials organized or drafted in a code format that cover a wide variety of land-use regulation, including zoning and subdivision;

(2) Noncomprehensive code models that focus on single topics (e.g., affordable housing, street standards, impact fees, and street graphics) or combinations of those topics; and

(3) Related materials that provide guidelines, like APA's *Growing Smart*[SM] *Legislative Guidebook*, whose model planning and zoning statutes contain minimum content requirements for a wide variety of land development regulations.

3.1 COMPREHENSIVE CODES

3.1.1 *MODEL DEVELOPMENT CODE AND USER'S GUIDE FOR SMALL CITIES* (OREGON TRANSPORTATION AND GROWTH MANAGEMENT PROGRAM, PREPARED BY OTAK CONSULTANTS, 1999)

Of all of the comprehensive model codes APA reviewed, this is one of the best. The code, which is aimed at small cities in Oregon (cities with a population of less than 10,000, although larger cities can use it as well) is divided into two volumes: a user's guide, and the code itself. The user's guide describes the organization of the model code, the set of "smart" principles upon which the code was based, how to relate the code to the local comprehensive plan and state planning regulations, steps for getting started, and tips on how to adapt the model language to individual situations. Its advice for getting started include forming an advisory committee, identifying objectives, reviewing the existing code against the backdrop of the model code, and setting a strategy for code updates and related revisions (see sidebar).

SETTING A STRATEGY FOR CODE UPDATES

A complete code update strategy may include one or more of the following actions, in addition to code revisions:

- Publication and education about the code (e.g., the creation of new application forms, checklists for property owners and city reviewers, etc.)

- Staff training and development (e.g., several professional and municipal associations offer training for planning commissions, development review, etc.)
- Changes to other municipal codes.
- Modifications to the comprehensive plan for clarity.

Source: Otak, *Model Municipal Development Code and User's Guide for Small Cities,* Vol. 1, 9).

The model code itself is divided into five chapters. Chapter 1 provides definitions for selected terms and information on the legal construct of the code. It also explains the city authority to enforce the development code. Every parcel, lot, and tract of land within the city's incorporated boundaries is also within a "land-use district." (Land-use districts are shown on the city's official zoning map.) Chapter 2 identifies the land uses permitted within each district and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by Oregon law, the zones or land-use districts must conform to the comprehensive plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Chapter 3 contains design standards that apply throughout the city. They are used in preparing development plans and reviewing applications. Their purpose is to ensure compliance with city standards for access, circulation, landscaping, parking, public facilities, surface water management, housing densities, and sensitive lands.

Chapter 4 provides all of the application requirements and procedures for obtaining permits required by the code. Four types of permit procedures are covered:

(1) Type I (nondiscretionary, "ministerial" decision);
(2) Type II (discretionary, "administrative" decision);
(3) Type III (discretionary, administrative decision with public hearing); and
(4) Type IV ("legislative" decision by the city council).

Chapter 5 provides standards and procedures for variances and nonconforming situations (i.e., existing uses or development that do not comply with the revised code).

Users of this code should be aware it complies with Oregon's planning statutes and administrative rules, so it may contain some language that would be inapplicable to local governments outside of that state. Nonetheless, this is a very well done model that deserves attention.

3.1.2 *MODEL LAND USE CODE* (COLORADO OFFICE OF SMART GROWTH, 2003)

This CD-ROM includes a unified development code for zoning, subdivision, and annexation, although the materials are not actually drafted in an ordinance format. It also contains community design and development standards. Originally prepared by the Colorado Department of Local Affairs, Office of Smart Growth, and a team of planning consultants for the small, but growing, town of Frederick, Colorado, the work was then modified for use by all Colorado statutory cities (i.e., non-home-rule jurisdictions, although the authors acknowledge that it can be used by home rule cities as well) with the intent of helping communities cope with growth pressure and preserve their small town and rural character.

Although billed as a model code, it is more akin to a manual for lay planning and zoning commissioners and citizens who are concerned about growth and protecting the character of small towns or rural communities. The regulations are very descriptive, with extensive language describing the intent of each provision and offering checklists for conducting site development review, granting variances, drafting a development agreement, and modifying the model regulations to conform to existing plans and to address local preferences and circumstances.

3.1.3 SmartCode (Duany Plater-Zyberk & Co./Municode, 2003)

The SmartCode is an effort to translate New Urbanist concepts into code language. The code is available for use as a municipal document through a license granted by the Municipal Code Corporation (Municode). An "Intent" section contains a series of policies that are based on the Congress for the New Urbanism's Charter of the New Urbanism (see below). The policies promote specific development characteristics at the regional, community, and block and building level.

The SmartCode provides guidance in the preparation of regional plans, new community plans, infill community plans, and site and building plans.

The provisions for regional plans contemplate that a planning office or consultants will prepare such plans. The regional plan would consist of four categories of tiers:

(1) Rural tiers intended for open space conservation.

(2) New community tiers intended for development.

(3) Existing urban tiers intended for already developed areas including conventional suburban development, greyfields, and brownfields.

(4) Assigned districts that accommodate development "justified but not consistent with the Intent of this Code." Examples of assigned districts include college campuses, entertainment and tourist districts, hospitals, and large-scale transportation facilities (e.g., airports and port facilities)

Within the new community tier, certain types of development are allowed by right: cluster development, traditional neighborhood development, and town center developments; the Smart Code describes in general terms new community plans that encourage such development, and the steps in allocating density for housing units throughout various zones in the plans. It also specifies the general design of thoroughfares networks and the creation of civic spaces. Similarly, within the existing urban tier, planners may develop infill community plans to accommodate neighborhoods that are primarily residential, mixed-use town centers, and assigned districts.

The SmartCode recommends that community plans be subdivided into a series of "context zones" of varying degrees of urbanization. These context zones are part of the "transect," which is the central organizing theory of the SmartCode. The transect depicts a gradient of use areas from a rural or semi-rural state to more urbanized settings. There are seven context zones and two civic zones in the transect; the civic zones include areas for public space and public buildings. The idea of the transect is very similar to the concentric zone theory in urban geography, which describes a gradient of zones of increasingly lesser intensity and density emanating from a central business district.

The SmartCode contains a hierarchy of street types with corresponding design specifications. Different context zones call for different street types or specifications. For example, in the most urban zones the maximum design speed is assumed to be at a moderate level, 20-35 miles per hour, and the inside turning radius therefore is a tight one, 15 feet, in order to slow down traffic and to ensure pedestrian safety.

Specific use classifications for buildings appear in a series of tables that also contain parking standards. The building uses vary by where they are located in the transect. For example, an “estate house” (a term that is not defined) can be located only in a “T-2 Rural Reserve” context zone. There, a lot area must average 20 acres, and side, front, and rear yard setbacks must be 100 feet minimum. Such a building use requires three parking spaces.

By contrast, all types of industrial uses can be located only in “special districts” by the granting of a “warrant variance,” which permits a practice inconsistent with a specific provision of the code but justified by either the code’s intent or “hardship.” There are no standards for parking for industrial and similar uses; apparently, they would be set through the warrant-granting process. Where standards for parking do exist, the code also authorizes reduction of parking requirements for shared parking when uses are mixed through application of a “sharing factor,” which replaces the standard ratio for the individual use.

Densities under the SmartCode range from 1 unit per 100 acres average in the “T-1 Rural Reserve” to 24 units per net acre in the “T-6 Urban Core.” It should be noted that this latter density is on the upper end of suburban garden apartments and would not include high-rise development unless it were allowed in a special district under the Smart Code. Using transfer of development rights, however, the T-6 district’s density can be increased up to 92 units per net acre.

The SmartCode establishes detailed standards dealing with the position of buildings and structures (e.g., fences) on lots, the manner of access by vehicles, the shape of roofs, the type of landscaping, and the nature of the exterior building finish.

The SmartCode does not describe a detailed permit review process, and it does not assign a permit-issuing function to one individual or entity. It does require the legislative body to create an urban design center to advise in the use of the code and the buildings based on it. In addition, the planning office is charged with convening a consolidated review committee that includes representatives from the various regulatory agencies with permitting authority. The SmartCode implies that these agencies will jointly make a decision on an application. An applicant may appeal that decision of the committee to the local board of zoning appeals and then to the local legislative body, if necessary.

Extensive illustrations and tabular material accompany the SmartCode, in part to reinforce the transect concept and to graphically represent definitions.

3.1.4 *Alternatives to Conventional Zoning* (Jerry Weitz, AICP, for the Georgia Department of Community Affairs, 2002)

Developed by Jerry Weitz, AICP, a Georgia planning consultant, *Alternatives to Conventional Zoning* is a set of independent but interrelated land development code models aimed at small to medium-size Georgia communities. The model code is organized into seven major sections that cover such topics as basic provisions for developed and undeveloped areas, provisions for agricultural and rural areas, provisions for small downtown, innovative approaches, and administering the code. Within each section, individual modules address relevant subjects and areas of regulation.

A user guide is provided to assist communities in taking advantage of the very practical and useful material offered in the various modules. The user guide, along with the commentary in each topic (as needed), explains how to avoid potential conflicts between different modules. While the entire model code is extremely thorough and well done, the model for "downtown specific plans," deserves special mention. Such plans describe in more detail the type of development planned for a particular area than found in the comprehensive plan, combining the planning objectives for an area and the implementation techniques to achieve them. As the commentary notes, specific area plans, which are commonly used in California, typically focus on some unique feature of the geographic area they encompass and can relate to local conditions that cannot be fully addressed by conventional zoning. Although especially suited to application for large, undeveloped land areas, the specific plan may be used to guide the buildout of partially developed areas with potential for infill and redevelopment. In particular, the downtown specific plan model contains clear guidelines for building and storefront design to give the buildings a street orientation and to make the downtown area attractive to pedestrians through the provision of amenities (e.g., plazas, canopies, public art, and sitting areas).

3.1.5 *PERFORMANCE ZONING* (LANE KENDIG ET AL./AMERICAN PLANNING ASSOCIATION, 1980)

The American Planning Association published the ambitious *Performance Zoning* model ordinance in 1980. Based on an idea developed in the 1950s by the late Dennis O'Harrow, executive director of the American Society of Planning Officials, a predecessor organization of the APA, and originally confined to industrial uses, *Performance Zoning* represents the first full-scale application of performance standards to a zoning code. Performance zoning differs from Euclidian zoning inasmuch as it permits most uses by right, provided they are able to meet quantitative performance standards. Some standards are use-specific, others are district standards, and still others are site specific. These standards are based on the impact the planning authority anticipates that a land use will have on neighboring uses and the community in general. The standards vary according to the intensity of the use proposed, the comprehensive plan policies governing the time and location of development, and the capacity of the site. District performance standards include open space ratios, density factors, and floor area factors. Site-specific standards, for example, apply to areas of steep slopes, areas having erosion hazard, and areas with mature woodlands.

The districts zoned to permit most development are sized, located, or mapped to accommodate growth for a given period of time (approximately 25 years). The model provides a variety of districts. Three are intended to accommodate the bulk of development:

(1) A development district intended to be the area which will accommodate most of the development necessitated by the jurisdiction's growth

(2) An urban core district, which includes areas currently urbanized or expected and planned to become so

(3) A heavy industrial district, intended to accommodate industrial areas that must be segregated because of major negative impacts that cannot be made compatible with other uses through the application of performance standards.

Once districts are established, the performance zoning ordinance creates a table to indicate where a use category is or is not permitted in each district. The ordinance permits a vast range of uses in the districts intended for development, and a smaller number in other districts (e.g., agriculture and conservation).

There are two distinguishing features in *Performance Zoning*. One is the use of a device called a "bufferyard," which consists of land containing a specified type and amount of planting. Any bufferyard required between land uses is a function of the land-use intensity class of the adjoining uses. For example, two adjacent uses of the same intensity class would require minimal bufferyards, while a relatively low-intensity apartment unit would require substantial buffering to protect it from the impacts of a high-intensity, adjoining fast food, drive-in restaurant. Depending on the potential impact of a proposed use, a bufferyard may vary in width and density of plant materials or requirements for structures or berms. It is possible to trade off bufferyard characteristics, allowing a narrower bufferyard, but with more planting.

The second feature of the performance standards is the incorporation in the model ordinance of procedures, including a worksheet, for calculating site capacity. The purpose of this calculation is to ensure that the site will not be developed beyond its carrying capacity, and it removes the guesswork out of determining the buildable potential of the site for both the developer and the local government. The ordinance defines a number of natural resources and features in objective, measurable terms, and a specific minimum open-space ratio for each resource. For example, the requirements provide that floodways be 100 percent open space, no more than 50 percent of drainage ways be developed, and land areas with slopes of 12-30 percent be 50 percent open space.

3.2 NONCOMPREHENSIVE SMART GROWTH CODES

3.2.1 *FROM POLICY TO REALITY: MODEL ORDINANCES FOR SUSTAINABLE DEVELOPMENT* (MINNESOTA PLANNING AND BIKO ASSOCIATES, SEPTEMBER 2000)

Minnesota Planning and consultants Biko Associates developed these materials in response to state legislation (Minn. Stat. Sec. 4A.07(3)) that directs the state agency to formulate a model ordinance for sustainable development. The models, which are largely drawn from existing regulations, are grouped into seven categories:

(1) Citizen participation

(2) Growth management

(3) Managing community resources

(4) Neighborhood design

(5) Infrastructure

(6) Resource-efficient buildings

(7) Economic development

Of this collection, several ordinances are notable, including a citizen participation ordinance (adapted from one developed by Glendale, Arizona), a town center ordinance, and an urban expansion district. The model transfer of development rights ordinance is discussed in Chapter 4 of this report.

The citizen participation ordinance mandates that every development requiring a public hearing be accompanied by a citizen participation plan implemented prior to the first public hearing. The plan must identify affected parties and methods of notification, and explain how affected parties will have the opportunity to discuss the proposal. The plan must contain a schedule for completion and must indicate how the applicant will keep the planning department informed on the status of its citizen participation efforts. A written report on those efforts must be filed with the planning department before the notice of the public hearing, and is to be attached to the planning department's public hearing report.

The model town center ordinance is intended to reinforce an existing town center and allow it to intensify where appropriate. A permitted use section limits stores and shops to building footprints of 10,000 square feet. Lot area may be a minimum of 2,500 square feet and a maximum of 25,000 square feet. Commentary to the model observes that some ordinances do not require a minimum lot size, allowing existing lot sizes to set the standard. The maximum lot size is intended to discourage out-of-scale buildings.

A "build-to" line of zero feet is established, although the setback may be increased to 15 feet if additional space is landscaped as a garden or outdoor seating area. Building entries may be recessed up to 10 feet. There is also a "build-up line" of two stories, and the first finished floor must be level with the sidewalk grade.

The ordinance does not require off-street parking for permitted uses, although the planning commission must review such facilities when provided. On-street parking, either diagonal or parallel, must be provided, although, as a practical matter, it is the local government and not the private land user who controls access to this space. Language in the model supports common off-site parking facilities but does not actually establish fee-in-lieu standards for them, which may be problematic as a result of the vagueness.

The town extension district ordinance is a vehicle to allow expansion or extension of a small city that maintains its urban character or a planned unit development that follows similar neighborhood design characteristics. Its general requirements call for the preparation of a master development plan that includes interconnected streets, the development of a public square, and lot dimensions generally more deep than wide. The minimum area required for such an extension is 25 acres, although commentary to the code notes that a range of 15-30 acres is necessary for "critical mass." The mix of land uses is to reflect the mix of uses within the existing town center, and no more than 20 percent of the district can be used for commercial purposes.

While the ordinance does include minimum and maximum lot dimensions, commentary recommends that lot dimensions be based on the lot sizes of the existing town and the requirements of the master plan for the community. The street system "shall act as a functional and visual link between neighborhoods, open space, civic, and commercial uses."

To some degree, the architectural standards provisions of the model operate at cross-purposes. While, on the one hand, they indicate that new structures may be built in any architectural style, other language in the model discourages stylistic details from other regions of the country by requiring that any structures or buildings using elements of Victorian, Craftsman or Bungalow, Prairie School, or colonial revival stylistic details must be based an architectural inventory of the existing town center. And although the ordinance is not clear on this point, it would appear the developer would be required to provide such details during the review of the master development plan for the area, not when a building permit is being requested, which is far past the point at which a major modification to the overall architectural scheme could be made.

3.2.2 *URBAN PLANNING TOOLS FOR QUALITY GROWTH AND WORKBOOK* (ENVISION UTAH, 2002)

Formed in January 1997, Envision Utah is a public/private community partnership dedicated to studying the effects of long-term growth in the Greater Wasatch Area of northern Utah, a region surrounding the Salt Lake City area. This workbook contains guidelines for a variety of development strategies to enhance the livability of the region. These include protecting sensitive lands, meeting housing needs, water conservation, reuse and infill, urban forestry, energy conservation, walkable commercial and residential development, and public safety and residential street design. The workbook is accompanied by a set of model ordinances, the bulk of which concentrate on conservation-oriented design. For example, the models concerning environmentally sensitive areas provide development standards for floodplains, riparian reserve areas, areas with slope failure and erosion potential, and areas subject to wildfire. Also included is a model ordinance for a "performance standard subdivision," which specifies an overall density for the subdivision and permits lot sizes to vary within the subdivision, thus creating a mix of compatible housing types or at least providing the opportunity for such housing types to exist. The subdivider may increase the density by the same proportion in which affordable housing is provided, up to a maximum density bonus of 25 percent.

The models include site design standards intended to ensure "walkable communities" and to be applied to subdivisions, apartments, and commercial developments. The site design standards must be linked to both a comprehensive plan that has determined the location of mixed-use centers for the cores of new and existing walkable neighborhoods and a master street plan that guarantees connectivity between parcels of a street at a frequency of every 600 feet. Zoning districts, the model notes, must be modified to allow appropriate densities and use mixtures as well as a reduction of building setbacks to less than 10 feet. Supplementing the design standards are land-use standards for walkable neighborhoods (40-120 acres), rural clusters (more than 40 acres), and mixed-use centers (20-120 acres). Finally, there are standards to ensure street connectivity.

Assuming a strong planning framework, a professional planning staff to review proposed developments, and consistent application of the design standards, the Envision Utah models are clearly written, easy to use, internally consistent, and well-organized.

3.2.3 Model Ordinances to Protect Local Resources (U.S. EPA)

The U.S. EPA has developed a series of model ordinances to protect local resources, which are on its website at http://www.epa.gov/owow/nps/ordinance/. The model ordinances and the ordinances on which they are based are oriented toward environmental issues as opposed to design or use mixes. The models address aquatic buffers, erosion and sedimentation, stormwater control, illicit discharges, post-construction controls, and water source protection. A set of miscellaneous ordinances includes a transfer of development rights code from Sarasota County, Florida. A model open space development ordinance is similar to the model conservation development ordinance formulated by the Wisconsin Agricultural Extension as part of that state's smart growth program.

The models are written in a standard format, with commentary throughout. The drafting is crisp and succinct, and the ordinances are notable for their clear definitions, their use of formulas to explain concepts, and their linkage to supporting documents (e.g., a design manual on stormwater) in order to facilitate administration. For example, the open space development ordinance employs a formula to calculate the total number of dwelling units in such a development and contains links to a model land trust agreement elsewhere on the website.

3.2.4 *CONSERVATION DESIGN RESOURCE MANUAL: LANGUAGE AND GUIDELINES FOR UPDATING LOCAL ORDINANCES* (NORTHERN ILLINOIS PLANNING COMMISSION AND CHICAGO WILDERNESS, 2003)

Conservation design, according to the manual, is defined as "a design system that takes into account the natural landscape and ecology of a development site and facilitates development while maintaining the most valuable natural features and functions of the site." The manual offers to the following four principles:

1. Develop flexible lot-size and design standards
2. Protect and create of natural landscape drainage systems
3. Reduce impervious surface area
4. Implement sustainable stormwater management techniques

The manual includes model ordinance language for 13 conservation practices, organized according to the four principles. For the flexible lot design principle, model ordinance language for lot size, density, open space location, building orientation, and setbacks is provided. For the reduction of impervious surface principle, model language is included for roadway, driveway, and parking lot design, as well as for walkways, roof runoff management, and vegetated swales.

The model language provided was adapted for use by Illinois jurisdictions from numerous sources, most extensively from the *Conservation Development Resource Manual* (2000) prepared by the Countryside Program (a project of the Western Reserve Resources Council of Northeast Ohio). It also draws on Randall Arendt's writings and various model ordinances, specifically *Growing Greener: Putting Conservation into Local Plans and Ordinances* (Island Press 1999). And it refers to ordinances enacted by Lake, Kane, and Will Counties in Illinois, and other model language prepared by the Center for Watershed Protection in Ellicott City, Maryland, and the University of Wisconsin Extension Service.

In addition to the models, each of the techniques is accompanied by a description of its benefits to developers, the community, and homeowners. The manual also describes the economic benefits of conservation design and a range of approaches jurisdictions may use to incorporate the techniques into comprehensive plans and ordinances.

3.2.5 *GROWING GREENER ORDINANCE LANGUAGE: VISUALLY ENHANCED ZONING AND SUBDIVISION MODELS* (NATURAL LANDS TRUST, PA., 2001)

The material on this CD-ROM is an enhanced, interactive version of the model zoning, subdivision, resource conservation, and conservation design ordinances that originally appeared in an appendix to Randall Arendt's *Growing Greener* (Island Press 1999). The model regulations include a conservation design overlay zoning district and extensive, detailed submission requirements for preliminary and final plats and procedures for review of plats. It also includes video commentary from Arendt on many of the code provisions.

3.2.6 *PENNSCAPES: PENNSYLVANIA STRATEGIES, CODES AND PEOPLE ENVIRONMENTS* (PENN STATE UNIVERSITY, 2003)

PennSCAPEs is a collection of model ordinances, design guidelines, and other supporting information prepared by the Hamer Center for Community Design Assistance at the Penn

State University School of Architecture and Landscape Architecture. Its aim is to help Pennsylvania communities implement a 2000 Pennsylvania law that enables and encourages local governments to enact traditional neighborhood development ordinances.

The approach PennSCAPEs offers is based on nine principles for conservation-based rural neighborhood residential development and supported by multilayered model ordinance provisions and residential design guidelines. The principles emphasize neighborhood designs that protect the natural environment and natural systems (particularly groundwater), conserve energy, ensure economic viability, and contain connected streets and open spaces.

The model code language is grouped into three categories: rural residential, clustered residential, and mixed use. Perhaps the strongest aspect of the PennSCAPEs material is the detailed design and dimensional standards for lots, houses, streets, driveways, landscaping, open space, and stormwater management. It also contains guidance on how best to adapt and adopt the model codes, suggesting that Pennsylvania communities either (1) adopt all of the provisions (2) use only a portion of the provisions, or (3) adopt the provisions as special zoning overlay.

3.2.5 *SMART GROWTH: CREATING COMMUNITIES FOR PEOPLE* (INCLUDES ORDINANCE LANGUAGE) (CITIZENS FOR A BETTER ENVIRONMENT, 2001)

Citizens for a Better Environment, a Milwaukee-based smart growth and public interest advocacy group, prepared this document with a grant from the Wisconsin Department of Transportation. It is targeted at citizen advocates of smart growth as well as planning and zoning commissioners, developers, and practicing planners.

The guidebook, which is available on CD-ROM, contains extensive text describing the background, definitions, typical components, and the benefits to a community of each nine smart growth principles. It also describes the benefits (and in some cases the detriments) of each implementation mechanism associated with each principle. Each of the 11 chapters is heavily illustrated with photos, quotations, and sidebars containing pertinent facts, examples, and ideas. Eight of the 10 chapters focus on a separate smart growth design principle, such as density, mixed use, public space, streetscapes, road design, transit, and parking. Excerpts from zoning ordinances, with citations to the source document, are provided at the end of each chapter. Most of the excerpts are derived from model ordinances promulgated by Tri-Met, the regional transportation agency in Portland, Oregon, which is chiefly responsible for route planning and station area design of that region's light rail system.

A resource section at the end of the book contains a substantial bibliography, along with the full text of model code for a transit development district and a village district, as well as traditional neighborhood district ordinances. It also includes a model Request for Proposal (RFP) and a smart growth checklist.

3.2.8 *CREATING TRANSIT-SUPPORTIVE LAND-USE REGULATIONS*, PAS REPORT 468 (APA, EDITED BY MARYA MORRIS, AICP, 1996)

This report is organized into chapters covering four categories of implementation measures to encourage transit-supportive development: site design requirements; parking; mixed use-development; and density requirements and incentives. Each chapter presents an array of implementation issues, along with a variety of actual code language, to address different circumstances and regulatory styles. The report includes, in an appendix, citations to the actual ordinances from which excerpts are included. It is especially useful for fine-tuning ordinances to address smart growth principles by the addition of new ordinance language.

3.2.9 *Model Traditional Neighborhood Development Ordinance* (State of Wisconsin, Brian Ohm et al., April 2001)

Section 66.1027 of the Wisconsin statutes, part of the state's 1999 smart growth law, requires that the University of Wisconsin Extension Service prepare a model ordinance for traditional neighborhood development. A state legislative committee approved the ordinance. Cities, villages, and towns with a population more than 12,500 were required by state law to have adopted such an ordinance (although not this specific state model) not later than January 1, 2002. The ordinance is not required to be mapped.

The drafters clearly understand how to incorporate traditional neighborhood development principles into conventional land development regulations. The model ordinance is written in a format similar to planned development district and planned unit development regulations. It includes provisions intended to achieve compact development, mixed uses, multiple modes of transportation through an interconnected network, and enhancement of the cultural and environmental features of the site.

The model ordinance calls for a three-step approval process:

1. An initial pre-application conference
2. Development of a general implementation plan and corresponding zoning map amendment
3. A specific implementation plan

The general implementation plan establishes the intent, density, and intensity of the proposed development. It includes a conceptual site plan, identification of architectural styles, a site inventory or analysis, and other features that are part of conventional planned developments. The local legislative body approves the general implementation plan, along with a zoning map amendment. The specific implementation plan is similar but more detailed, including elevations of all proposed commercial buildings and typical elevations of residential buildings. The legislative body approves this plan as well, but the planning department may, under certain conditions, approve minor changes.

The key part of the ordinance is its design standards, which are fairly concrete and easy to follow. For example, the model calls for a broad range of residential types to occur "anywhere in the traditional neighborhood development." Large commercial structures are prohibited, with a suggested maximum of 6,000 square feet in area. The ordinance includes a series of density ranges: 5 to 8+ dwelling units per net acre for single-family attached and detached units; and 15 to 40 dwelling units per net acre for multi-family units. The ordinance proposes perimeter blocks that are in the range of 200-400 feet deep by 400-800 feet long, and lot sizes are to be diverse, rather than uniform to encourage housing mix. Sidewalks, of 3 to 5 feet in width, are mandated. The ordinance also specifies the features of entries and building facades. For example, the front façade of any building must face onto a public street, and not be oriented to face directly toward a parking lot, which eliminates parking lots in front of buildings. The model also gets into subtle details like radii, in order to slow down traffic at intersections; corner radii are limited to 15 feet for local streets and 20 feet for intersections involving local streets.

The model includes incentives. For example, for each affordable housing unit provided in areas devoted to mixed residential uses, one additional dwelling unit shall be permitted, up to a maximum 15 percent increase in dwelling units. To encourage mixed-use areas, the number of single-family and multifamily dwelling units are calculated on the basis of densities in residential areas, but an additional number of units not to exceed 10 percent of the amount so calculated is allowed.

3.2.10 *MODEL CONSERVATION SUBDIVISION ORDINANCE* (STATE OF WISCONSIN, BRIAN OHM ET AL., DECEMBER 2000)

Section 66.1027 of the Wisconsin statutes, part of the state's 1999 smart growth law, requires that the University of Wisconsin Extension Service to prepare "an ordinance for conservation subdivision." While the initial law required cities, villages, and towns with a population of at least 12,500 to adopt such an ordinance, an amendment to the statutes later that same year lifted the requirement. Nonetheless, the Extension developed this model for educational purposes for Wisconsin's communities.

As defined in the Section 66.1027(1) (a) of the Wisconsin Statutes, a "conservation subdivision" is "a housing development in a rural area that is characterized by compact lots and common open space, and where the natural features of land are maintained to the greatest extent possible." The well-organized model ordinance contains a three-part process for development of the conservation subdivision: an initial application (which is preceded by a conference); a preliminary plat; and a final plat. Under the initial application step, the subdivider devises a "preliminary yield analysis" that shows the maximum number of dwelling units permitted on a parcel under the applicable zoning ordinance. This analysis, according to commentary in the model, is used to ensure that conservation subdivisions are "development-neutral"; that is, the number of units developed is the same as what would be permitted under conventional development. The exception, of course, is that, under a conservation subdivision, lots are clustered and the common open space is held for public or private common use.

The base development yield may be increased if the development complies with one or more of four criteria. Each criterion provides a development yield bonus of 5 percent (the numbers are in brackets, so the local government can modify them). The maximum bonus permitted is a recommended 20 percent. Meeting any of the following criteria will qualify the development for a bonus:

- Creating an endowment the principal of which would generate sufficient annual interest to cover the conservation easement holder's year costs for taxes, insurance, maintenance, etc.
- Providing for access by the general public to trails, parks, or other recreational facilities, excluding golf courses
- Providing affordable housing, including a minimum of 25 percent of all units, and using the U.S. Department of Housing and Urban Development's standard for moderate-income households
- Reusing historical buildings and structures, including those buildings inventoried by the Wisconsin State Historical Society

As a practical matter, a 5 percent density bonus per criterion may be insufficient to compensate for the additional costs. It is likely that a developer, before pursuing any one of them, would conduct an economic analysis to determine whether complying with one or more would equal the value represented by the incentive.

Moreover, despite the bonus provisions, a further difficulty with the yield plan is the manner in which the yield is calculated. In calculating the total number of dwelling units, the subdivider must deduct land that is “undevelopable” because of other laws that prohibit development in certain areas (e.g., floodplains, steep slopes, and drainage ways). Consequently, the total yield is reduced by omitting land area that could be otherwise counted in determining the maximum number of dwelling units, even though the omitted land area could not be built upon in any case because of inherent limitations. In this regard, the ordinance effectively penalizes a developer who develops on environmentally sensitive terrain.

The model ordinance contains a set of clear performance standards to guide the design of the subdivision. For example, the subdivider must identify a “conservation theme or themes,” which may include forest stewardship, water quality preservation, farmland preservation, or viewshed preservation, among others. The model suggests lot requirements and recommends standards for clustering (including maximum and minimum numbers of lots that should be clustered), for streets, and for water and sewer facilities. The model ordinance provides a range of right-of-way and roadway dimensions, depending on expected levels of daily traffic, with the objective being to minimize roadway width.

3.2.11 *Model Municipal Impact Fee Ordinance* (Martin J. Leitner and Eric J. Strauss)

Leitner and Strauss’ Model Municipal Impact Fee ordinance appears as Chapter 12 in *Development Impact Fees: Policy Rationale, Practice, Theory, and Issues* (Chicago: Planners Press, 1989) edited by Arthur C. Nelson. According to its authors, the ordinance is based on the experience of fast-growing communities in California, Florida, and Texas, and in the Kansas City, Missouri, suburbs.

The ordinance is designed for communities with a mayor-council or commission manager form of government but can be modified for use with counties. The authors have drawn the ordinance broadly to go beyond the typical impact fee designed to help solve road, sewer, water supply, and drainage problems. They note, however, that some governments may not want to impose certain types of fees because of either a lack of authority to solve those problems or a lack of financial powers (e.g., the ability to sell bonds based on impact fee revenues).

The model ordinance includes definitions, procedures for the calculation and assessment of the impact fee, provisions for establishing a development subareas map, adoption of a capital improvements program by subarea, bonding, refunds, appeals of fees or refunds, variances and exceptions, and credits. Commentary accompanies the ordinance provisions.

3.2.12 *Model Density Bonus Ordinance* (California Department of Housing and Community Development, Division of Housing Policy Development, August 6, 1996)

California Government. Code Sec. 56915 requires all cities and counties to adopt density bonus ordinances in order to facilitate the economic feasibility of affordable housing. The statute requires that local governments shall grant density bonuses of at least 25 percent, plus an additional incentive(s) or equivalent financial incentives, to housing developers who agree to construct at least: 20 percent of the units affordable to lower-income households, or 10 percent of the units affordable to very-low-income households, or senior citizen housing.

This model, developed by the state department of housing and community development, is very well drawn. In particular, its definitions and structure anticipate the kinds of routine questions that arise in the administration of such an ordinance. There are clear definitions of "affordable rent," "affordable sales price," "density bonus" ("a minimum density increase of at least 25 percent over the "maximum residential density"), "maximum residential density" (which means the maximum number of residential units permitted by the city or county's general plan and zoning ordinance at the time of application or, if in a planned development overlay zone, to be determined on the basis of the plan and the *underlying* zone), and "lower or very low income households" (households at 60 and 50 percent, respectively, of the area median income for the county, multiplied by 30 percent and divided by 12).

Under the model, the city or county must grant either a density bonus or density bonus with "additional incentives" or "equivalent financial incentives" to an applicant or developer of a housing development who agrees to provide the following:

- At least 20 percent of the total units of the housing development as target units for lower-income households; or
- At least 10 percent of the total units of the housing development as target units affordable to very low income households; or
- Senior citizen housing

"Additional incentives" means a series of regulatory concessions including the reduction of site development standards or zoning code requirements, direct financial assistance, approved of mixed use zoning in conjunction with the development, or any other regulatory incentive that would result in identifiable cost avoidance ore reductions that are offered in addition to the required density bonus. "Equivalent financial incentives means a monetary contribution, based upon a land cost per dwelling unit equal to either a density bonus and additional incentives, or a density bonus wither an additional incentive is not requested or determined to be unnecessary. A "qualifying resident" means a senior citizen or other person eligible to reside in senior citizen housing.

Under the model, target units are dwelling units within the housing development reserved for sale or rent to low- and very-low-income households or qualifying residents. In most cases, target units must remain restricted and affordable to the designated group for a period of 30 years. Under certain circumstances, target units can be provided off site.

The model ordinance contains a comprehensive set of development incentives, noting that the need for incentives will vary depending on the development. In any case, the development incentives granted must "contribute significantly to the economic feasibility of providing the [t]arget [u]nits."

Applicants or developers requesting a density bonus must agree to enter into a density bonus agreement with the city or county. The planning director reviews and revises the draft agreement as appropriate and formulates a recommendation to the local planning commission, which has final approval.

Perhaps the only limitation of this ordinance is its emphasis on low- and very-low-income homes, to the exclusion of moderate-income housing (i.e., households at 80 percent of the area median). If an objective of the ordinance is not only to produce affordable housing for target groups, but also to stimulate the production of housing for groups under the median household income in order to encourage filtering, including a broader definition of what is constitutes "affordable housing" would seem to be necessary. This is especially true for California, where the problem is production of housing to meet the needs of all income groups.

3.2.13 Inclusionary Housing Bylaw/Ordinance for Towns in Barnstable County, Massachusetts (Horsley & Witten, Consultants, and Robinson and Cole, a Boston law firm, for the Cape Cod Commission).

This ordinance provides towns in Barnstable County, Massachusetts, that are part of the Cape Cod Commission (a regional planning commission) with a vehicle to comply with the Massachusetts Low and Moderate Income Housing Act, Chapter 40B of the Massachusetts General Laws, enacted in 1969. Chapter 40B establishes a streamlined procedure for developers of state or federally subsidized housing to obtain a single development permit for a local zoning board of appeals. This "comprehensive permit" is in lieu of separate application to various local boards. Applicants may appeal a ZBA decision to a state-level three-member Housing Appeals Committee, which may reverse denials of comprehensive permits or may modify or reject conditions that, when imposed, make an affordable housing project infeasible. Local governments whose affordable housing stock is in excess of 10 percent of the housing in the city or town are immune from appeals.

This model creates a local housing fund for the purpose of creating affordable housing as defined in the ordinance. These purposes include use by the town housing authority for the purchase of land or units, the development of new dwelling units for affordable housing occupants or the rehabilitation of existing dwelling units for such occupants, or a housing trust or community development corporation.

Two actions activate the ordinance: (1) the division of land into 10 or more units, or (2) the construction of 10 or more multi-dwelling units. Both actions require a special-use permit. At least 10 percent of the units in a division of land or a multi-unit development subject to the ordinance must be affordable units. The law offers several alternatives to the actual construction or rehabilitation of units. These alternatives include payment of fees-in-lieu or the donation of off-site, fee simple land suitable for the construction of the affordable units. Applicants must submit a marketing plan to be approved by the town stating how it will market the affordable units to potential homebuyers or tenants. This plan must include a description of the lottery or other process the town will use to select buyers or tenants.

The ordinance requires that all affordable units constructed within a larger development must be situated in the development "so as not to be in less desirable locations than market-rate units . . . and shall, on the average, be no less accessible to public amenities, such as open space, as the market-rate units." Affordable units shall also be compatible in design, appearance, construction, and quality of units with other units.

A schedule establishing the timing of affordable units coincident with market-rate units is also included in the ordinance to ensure that affordable units are built at about the same rate as the market-rate units.

The fee-in-lieu provision allows the developer to pay $40,000 per unit in cash that goes into the affordable housing trust fund (although, obviously, the amount of the fee, will need to be altered over time). In addition, the ordinance establishes a process for certifying income for purchasers of for-sale units in order to confirm eligibility as a low- or moderate-income household.   Furthermore, for-sale affordable units must be subject to a deed restriction governing the amount for which it can be subsequently sold, and these resale controls must be in force for a period of 40 years. The restrictions on resale, according to commentary accompanying the model, encourage the homeowner to maintain and improve the property while, at the same time, enjoying the same discount between sale price and appraised value. The model does not state, however, the period for which affordable rental units must be restricted.

The Cape Cod Commission model does not include any language for specific incentives (e.g., density bonuses), although it does identify a section of the ordinance where such bonus language would be appropriately placed. The implication is that new affordable development will not be different in any way from the market-rate units that make up the other parts of the development.

3.2.14 *MODEL CODE PROVISIONS FOR URBAN STREETS AND SUBDIVISION* (WASHINGTON STATE COMMUNITY TRADE AND ECONOMIC DEVELOPMENT, 1998)

The Washington State model code provisions for streets and subdivisions are one of several prepared by the State Department of Community, Trade, and Economic Development as technical assistance to Washington cities and counties in the implementation of the state's Growth Management Act. This set of models address three statewide goals:

(1) Directing development to areas where adequate public services are in place

(2) Creating an efficient transportation system

(3) Providing a variety of housing types and densities for all income levels.

The model provisions contain detailed cross-sectional diagrams with specific recommended measurements for each element in the right-of-way, including sidewalks, planting strips, parking lanes, and the roadway.

3.2.15 *STREET GRAPHICS AND THE LAW, REVISED EDITION*, PLANNING ADVISORY SERVICE REPORT NO. 527 (DANIEL R. MANDELKER WITH ANDREW BERTUCCI AND WILLIAM EWALD, AMERICAN PLANNING ASSOCIATION 2004)

This report contains a model ordinance with commentary. Accompanying the model ordinance (which is also on a CD-ROM) are commentary on legal issues related to sign regulation and a discussion of different strategies to deal with nonconforming street graphics, including amortization or phasing out of signs over a period of years. The "street graphics" approach, developed by Professor Mandelker and William Ewald, is concerned about communications along streets and highways, and is a system that deals with symbols and letters as they appear in all kinds of signage in the urban environments. The concept behind street graphics is that signage on ground graphics on streets and highways should be based on legibility and related to highway speeds and widths. The model ordinance is limited to commercial graphics because the street graphics for these uses differ and require special attention. It applies primarily to strip commercial development, but it also provides for the different graphic needs of shopping centers.

3.2.16 *CROSSROADS, HAMLET, VILLAGE, TOWN: DESIGN CHARACTERISTICS OF TRADITIONAL NEIGHBORHOODS, OLD AND NEW, REVISED EDITION*, PLANNING ADVISORY SERVICE REPORT NO. 523/524 (RANDALL ARENDT, AMERICAN PLANNING ASSOCIATION, 2004).

This report is an analysis of the characteristics of villages, both in the U.S. and Great Britain. It begins with a historical overview and follows with a dissection of design principles of villages. Among these principles are retaining and designing around natural features, limiting block length to vary the length and duration of walking and to connect residential areas on parallel streets more easily, and providing multiple small greens and commons to increase the perception of open space, where lots are small.

The key part of the report are two model ordinances, one dealing with subdivision design of villages and the other a zoning overlay for villages (also included on a CD-ROM, accompanied by an audio commentary). The basic approach taken by the ordinances is that of a planned unit development, with a four-step process for analyzing and laying out the development plan for the site. The model ordinances contain development standards for different parts of the village as well as standards for greenways. Several types of density bonuses are described, among them a basic density bonus for undertaking village-type development and a bonus linked to public land dedication and the establishment of an endowment for maintaining conservation land.

3.3 RELATED MODELS AND GUIDELINES

3.3.1 *GROWING SMART LEGISLATIVE GUIDEBOOK: MODEL STATUTES FOR PLANNING AND THE MANAGEMENT OF CHANGE*, 2002 EDITION, CHAPTERS 8, 9, 10 (STUART MECK, FAICP, GEN. EDITOR, AMERICAN PLANNING ASSOCIATION, JANUARY 2002)

The Legislative Guidebook is APA's collection of model statutes intended to replace the *Standard City Planning and Zoning Enabling Acts* of the 1920s, which were drafted by an advisory committee of the U.S. Department of Commerce under Commerce Secretary (and later President) Herbert Hoover. The Guidebook is divided into 15 chapters that span the full spectrum of planning issues. Three chapters, in particular, deal with regulatory matters and contain model statutes that provide a basis for ordinance drafting with smart growth objectives: Chapter 8 on local land development regulation; Chapter 9 on special and environmental development regulations and land-use incentives, and Chapter 10 on administrative and judicial review of land-use decisions.

The model statutes on regulations and related devices do not contain ordinances themselves but do specify minimum content requirements for ordinances. Several of them have a strong relationship to smart growth principles. These include:

- Section 8-303 Planned Unit Development; Traditional Neighborhood Development. The model statute authorizes planned unit development, a regulatory device that merges elements of zoning and subdivision control, allowing developers to mix land uses, housing types, and densities, and to get development approval on large developments that will be built in phases over a number of years. APA's PUD model incorporates a set of site planning standards to encourage traditional neighborhood development and permits the adoption of a manual of graphic and written design guidelines to assist applicants. These site-planning standards may be placed in a PUD ordinance. The *Guidebook* does provide an alternative to the use of traditional neighborhood development as the product of a PUD process; the model statute authorizing a zoning ordinance, Section 8-201, contains a paragraph that allows TND to be formulated through the imposition of a zoning district or overlay.

- Concurrency; Adequate Public Facilities. This model statute, in Section 8-603, authorizes local governments, with guidance from the state, to adopt a "concurrency management" ordinance to ensure adequate public facilities for future developments in five areas: potable water supply and distribution; wastewater treatment and sanitary sewage; stormwater drainage; solid waste; and roads. Under the concurrency model, adequate public facilities must be in place when the impacts of the development occur, or the local government agency or developer must have made a financial commitment at the time of approval of the development so that the facilities are completed within two years of the impact of the development. The state is responsible for defining the level-of-service standards for the different types of facilities. This eliminates the need for local governments to undertake a series of separate, costly, but identical studies to define what such standards should be.
- Transfer of Development Rights. Section 9-401 is a model statute authorizing the transfer of development rights, which can be used for protecting environmentally sensitive land or preserving farmland or property on which historic structures are located. It specifies the minimum contents of a TDR ordinance, which include:

    - a statement of consistency with the local comprehensive plan;
    - a description of both the sending and receiving districts, as well as their designation on the zoning map of the local government;
    - a description of the development rights to be transferred in reasonable detail, preferably in quantifiable terms such as area, building coverage ratio, density, floor area ratio, height, or other forms of measurement;
    - record-keeping requirements, including a recordation with the local recorder of a conservation easement on the sending property and approval of the local planning agency of the transfer to the receiving property.

    In addition, the model statute authorizes the establishment of a development rights bank that can acquire, sell, or convey development rights. Under the model, two local governments can enter into an agreement in which they allow development rights to be transferred across jurisdiction boundaries (e.g., a county transfer of development rights from an unincorporated area to a municipality).

- Land-Use Incentives for Affordable Housing, Community Design, and Open Space Dedication. Section 9-301 requires local governments to grant density bonuses of at least 25 percent, plus an additional incentive(s) or equivalent financial incentives to developers of affordable housing. The developer is required to enter into a development agreement with the local government to formalize the manner in which the affordable housing is to be kept affordable and other administrative details relating to the project. The model statute also authorizes development incentives for increased nonresidential floor area for provision of "public benefit amenities" (e.g., plazas, parks, and open space; access to transit stations; overhead weather protection and street arcades). A public benefit amenity may also include provision of affordable housing as part of a nonresidential development, in which case a density bonus may be granted. A local government may also adopt a "uniform incentives ordinance" to address both the provision of affordable housing and dedication of open space and the provision of community design amenities.

- Uniform Development Permit Review Process. In order to ensure that the development permit review process functions as efficiently as possible, the Legislative Guidebook requires the establishment of a uniform development permit review process for all decisions concerning development permits that, at some point, are subject to an administrative review or record hearing. Part of the permit review process is the adoption of a uniform development permit review ordinance under Section 10-201 that consolidates all permit approval requirements in one place. Such an ordinance must include:

    - a citation to the land development regulations, statute, rule, or other legal authority under which the development permit is required;

    - the category of development to which it applies;

    - the stage or sequence of the development process at which it must be obtained;

    - the designation of the officer or body of the local government responsible for reviewing and granting the development permit and the subsequent certificate of compliance;

    - Whether a record hearing—a hearing in which a written record is created—is required;

    - The approximate time necessary for review and grant of such development permit; and

    - The time limit for granting, granting subject to conditions, or denying such development permit.

  The ordinance establishing a unified development permit review process may provide for no more than one record hearing for each development permit and one record appeal. The ordinance may also authorize the administrative review of development permit applications—the routine granting of a permit—without a hearing and one appeal for each development permit reviewed in such a fashion through a record hearing.

  The intent here is to examine all the steps for all the permits necessary for development to commence and to consolidate the steps and set deadlines for various decisions as well as clarify which bodies must approve permits and which bodies hear appeals from the denial of permits or from conditions imposed on such permits.

3.3.2. *TRADITIONAL NEIGHBORHOOD DEVELOPMENT STREET DESIGN GUIDELINES* (TRANSPORTATION PLANNING COUNCIL COMMITTEE 5P-8, INSTITUTE OF TRANSPORTATION ENGINEERS (ITE), OCTOBER 1999)

While not a model ordinance as such, these ITE street design guidelines are intended for traditional neighborhood development (TND) neighborhoods with both attached and freestanding buildings, with mixed residential and commercial uses. Individual lot densities may range from 1 to 40 or more dwelling units to an acre, with overall project density in the averaging 6 to 10 dwelling units per acre.

The guidelines are based on a series of design principles. They could be redrafted as ordinance language and incorporated into codes. Several guidelines deserve special mention:

- Specificity. The ITE manual stresses that TND street design is very specific for the street at hand and even segments of a street. Consequently, all of guidelines must be understood before they are applied. The manual also points out that the streets in a TND are not intended to carry large volumes of through traffic and that an adequate, separate, system of arterial roadways is necessary to serve high volumes and long distance traffic.
- "Lanes" and Shared Space. The guidelines emphasize that the designer should not think in terms of separate lanes of traffic or parking. Streets may not be striped and the function of through movement may be shared with on-street parking. Occasionally, it may be necessary for a driver to slow down or pull over to let an oncoming vehicle, such as a truck, pass before proceeding.
- Bicycling. Bicycling is encouraged in TND street design, but the guidelines recognize the conflict inherent in doing so. In particular, bicycling lanes adjacent to parked cars must be designed to avoid conflicts between bicycles and opening car doors.
- Interconnectivity. TND streets are interconnected, the guidelines say, and cul-de-sacs and similar dead-end streets are not permitted, except in extreme conditions—steep slopes or wetlands—that preclude connections.
- Discouragement of through traffic. TND streets are designed to permit multiple paths through the neighborhood but to discourage through traffic. The street design does this through extensive use of three-leg or "T" intersections as well as one-way traffic routing.
- Pedestrian Networks. TND streets are shared with pedestrians, and the street designs are intended to be pedestrian friendly. Because of this, great attention is paid to the contiguity of pedestrian networks as well as curb-return radii at intersections. The emphasis on smaller radii in most cases is to protect pedestrians by slowing right-turn movements.
- Street trees. Street trees are provided to create human scale at the edge of streets, creating "outdoor rooms" to enhance the nonmotorist environment.
- Conflict resolution. Perhaps the most important element of the guidelines is the dictum that, when an irreconcilable conflict exists between the vehicular and non-vehicle users of a TND, the design or policymaker should resolve them in the favor of the non-vehicle users.

The manual includes some geometric design standards for street elements, including minimum centerline radii for different design speeds, curb return radii (and their relation to pedestrian crossing times and distances), and stopping sight distances. However, it eschews specifying street widths, noting that it is "actually a complicated topic" (p. 23). The rule it adopts is that a street "should be not wider than the minimum width needed to accommodate the usual vehicular mix that street will serve." It adds that this will mean "a particular traveled surface may be as narrow as ten, twelve or fewer feet" (p. 26). On balance, the guidelines suggest a more careful, holistic approach to designing street systems in TND developments, rather than the mechanical application of standards characteristic of much contemporary subdivision and development design.

3.3.3 *Getting to Smart Growth: 100 Policies for Implementation* (International City/County Management Association for U.S. EPA, 2002)

This monograph is a collection of concrete recommendations on how to achieve smart growth in a community, based on actual examples from local governments throughout the country. The recommendations are organized under the 10 smart growth principles developed by the Smart Growth Network, a coalition of private sector, public sector, and nongovernmental organizations in the U.S. (see above). Each smart growth principle is discussed. Ten specific policies are highlighted for each principle, supplemented by a series of "practice tips" that either illustrate their application in a community or identify additional resources to aid communities in implementation. There are two appendices: one includes a matrix showing the most likely level of government to achieve the policy, and the other a bibliography.

For example, under the principle of "creating walkable communities," the primer recommends that local governments adopt design standards for sidewalks to be a minimum width of 10 feet, with buffers to shield users from traffic or edges to clearly mark pedestrian zones. A "practice tip" under the principle of "creating a range of housing opportunities and choices" points to the Cary, North Carolina, zoning code that allows all single-family homes to include accessory units but requires them to be attached to the main building and occupied by a relative of the owner.

3.3.4 *Charter of the New Urbanism* (Congress of the New Urbanism, 1996)

The Congress of the New Urbanism (CNU) developed and adopted The Charter of the New Urbanism. The Charter contains a series of principles to guide public policy, development practice, urban planning and design. The principles are organized around three levels of scale: the region; the neighborhood, the district, and the corridor; and the block, the street, and the building. The Charter's principles can be used to stimulate discussion about development code objectives, although the Charter itself is not written as an ordinance. The Charter is on the CNU website, http://www.cnu.org/.