

CNU X Breakout Session

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Amending Land Use Regulations to Promote Smart Growth **Joel Russell**

Many communities have comprehensive plans that call for the planning strategies that have come to be known as “smart growth.” There has been much written about what that means: it boils down to compact, walkable settlement centers that create a sense of place, surrounded by and accessible to parks and countryside. But how does one achieve this result on the ground? It is not enough to put this into a plan – it must be translated into workable zoning and subdivision laws.

This article will cover some of the most important actions a community can take to foster smart growth through regulatory amendments for settlement centers. Space limitations preclude discussion of the entirely different set of actions necessary to achieve the other side of the smart growth coin: preservation of the countryside. This material is presented as a series of principles, followed by a list of actions a municipality can take to implement these principles. These lists are not exhaustive, but merely suggest some of the regulatory changes a community can adopt to make smart growth a reality.

Keep in mind that whenever zoning is amended, the entire zoning law must be taken into consideration. It is important not to create inconsistencies between sections. Deleting outmoded material may be just as important as adding new language. Before undertaking regulatory amendments, the entire regulatory framework must be understood so that interventions are made in a legally correct and practically effective way.

Principle 1: Revise dimensional regulations so that buildings and street layouts effectively shape the street as a public space.

Actions:

A. Review and amend setback requirements to ensure that buildings are pulled close enough to the street and to each other to effectively shape the space of the street and create the feeling of an “outdoor room.” This generally means reducing or eliminating minimum setbacks and instead establishing “build-to lines” or “build-to zones” (consisting of minimum and maximum setbacks). Exceptions can be allowed for civic buildings or other structures that create a pedestrian plaza in front of the building.

B. Review and amend setback and height requirements to create appropriate ratios between the height of buildings and the distance between their facades (as they face each other across a street). This usually means establishing minimum and maximum building heights that are related to street widths, build-to lines, sidewalks, planting strips, and street trees. Illustrated street “sections” are a good way to show these relationships graphically.

C. Establish maximum block lengths reflective of traditional patterns (generally no greater than 300 - 500 feet) to maintain connectivity of streets and variety in the pedestrian experience.

Principle 2: Revise parking requirements so that the parking of cars does not interfere with the creation of high quality public spaces.

Actions:

- A. Reduce or eliminate minimum on-site parking requirements. Allow any minimum parking requirements retained to be satisfied by the use of on-street, municipal, common, or shared parking. Encourage the creation of municipal parking lots and garages by allowing payment of a fee in lieu of providing on-site parking and by encouraging landowners to dedicate rear portions of their lots to the municipality for public parking.
- B. Prohibit parking in front of buildings, except in the form of on-street parallel or diagonal parking.
- C. Provide access to parking areas through alleys and side streets rather than through individual driveways running off of a main street.
- D. Provide safe, convenient, and attractive pedestrian pathways through parking areas, and frequent passageways between rear parking areas and main streets.
- E. Make parking areas as pedestrian-friendly as possible through the use of trees, walkways, and attractive lighting on low fixtures.
- F. Provide alternatives to the automobile to the extent feasible, in the form of convenient transit facilities, bicycle facilities, and incentives for people to take transit, carpool, bicycle, or walk.

Principle 3: Design streets and associated sidewalks, planting strips, street furniture, and street trees to create an attractive public realm that is friendly to pedestrians. (This is not entirely a regulatory matter, but also involves the municipality's own investment in its streetscape.)

Actions:

- A. Require narrower streets and wider sidewalks. Lower street design speeds.
- B. Create pedestrian cross-walks with bump-outs to shorten crossing distances.
- C. Require streets to interconnect except where topography makes this impossible. Require pedestrian walkways and/or stairways in such situations where feasible.

Principle 4: Allow a variety of uses to create vitality, synergy, and enhance the pedestrian experience.

Actions:

- A. Create mixed-use zoning districts that allow a fine-grained mixing of uses, especially within downtown core areas.
- B. Require that ground-floor spaces be used for activities that generate pedestrian traffic, such as retail, restaurants, and personal service businesses. Require that upper floors of such buildings contain a mix of apartments, offices, and miscellaneous compatible non-residential uses such as artist and artisan studios, dance studios, and gyms.

C. Encourage the location of civic buildings, such as a town hall, post office, library, school, or house of worship in visually prominent central locations.

D. Adopt illustrated design standards covering building layout and architecture to ensure quality design. It is more important to require quality urban design (i.e. the relationships of buildings to one another and the design of the spaces between the buildings) than to mandate specific architectural standards. Make sure that all illustrated materials are adequately explained in text, captions, and/or annotations.

Principle 5: Create a streamlined review process for projects that meet the smart growth requirements in local regulations.

Actions:

A. For small-scale projects in communities that are large enough to have planning staff, enact development standards that are sufficiently clear that they can be administered by staff without requiring discretionary board approvals. This will also have the effect of minimizing SEQR reviews of such projects.

B. For larger scale projects, combine all reviews into one development review board (usually the Planning Board) with clear criteria to guide decision making. This can be done primarily through site plan review, but for uses that are potentially problematic it may be appropriate to use a combined special permit and site plan review process. If an adequate environmental review process has occurred in the course of adopting the new smart growth regulations, most individual projects should be able to meet SEQR requirements with a long-form EAF and a negative declaration.

C. Make the procedures more complex and difficult for projects that seek to deviate from the smart growth standards, and require an environmental impact statement whenever such a deviation may have a significant adverse effect on the environment.

Written October 25, 2001