

SUBMITTED TO PLANNING COMMISSION BY ANN FRODEL 8/20/2018 FOR FILE # 2018-07.

# Smart Codes: Model Land-Development Regulations



Marya Morris, General Editor



American Planning Association

Planning Advisory Service  
Report Number 536

This report was prepared in two phases by the Research Department of the American Planning Association in Chicago, under the guidance of William R. Klein, AICP, Director of Research.

Marya Morris, AICP, a planning consultant in the Chicago area, was the general editor and coauthor of Phase II and coauthor of Phase I. From 2006 to 2008, she was a senior associate with Duncan Associates in Chicago. Prior to that she spent 18 years as a senior research associate at APA, where she served as director and principal author of numerous studies on health and the built environment, smart growth, and urban design, including *Planning Active Communities* (PAS Report 543/544) and *Integrating Planning and Public Health* (PAS Report 539/540). Phase II coauthors include Brad Gregorka, Meghan Lewis, AICP, Joseph MacDonald, AICP, Kristen Raman, Lynn M. Ross, AICP, and James C. Schwab, AICP. Ann Dillemoth provided critical editorial support.

For Phase I, Stuart Meck, FAICP, director of the Center for Government Services at the Edward J. Bloustein School of Planning and Public Policy at Rutgers University, was the principal investigator and coauthor. Rebecca Retzlaff, AICP, now of Auburn University, assisted Meck and Morris. Other coauthors of Phase I include Kirk Bishop, executive vice president of Duncan Associates; and Eric Damian Kelly, FAICP, vice president of Duncan Associates and professor of planning at Ball State University. James Hecimovich was the editor, and Lisa Barton was the designer.

This report was funded by grants from the U.S. Environmental Protection Agency (EPA) Smart Growth Program in Washington, D.C., and the National Center for Environmental Health at the Centers for Disease Control (CDC) in Atlanta. The project officer was Daniel J. Hutch, M.A., Economist, U.S. EPA, Development, Community and Environment Division, Office of Policy, Economics and Innovation. The project officer for the CDC was Dr. Andrew Dannenberg, M.D., M.P.H. The editors and coauthors wish to thank Hutch and Dannenberg for their thoughtful, timely, and rigorous reviews and compassionate project monitoring. In addition, several others reviewed drafts of material and provided excellent comments. These include: Daniel R. Mandelker, FAICP, professor of law at the Washington University School of Law in St. Louis; Kevin M. Nelson, AICP, a planner with the EPA; Stephen Sizemore, AICP, former staff attorney at APA and former editor of *Planning and Environmental Law*; Steve Tracy; and Paul Zukofsky of the Local Government Commission. Finally, the coauthors thank Jerry Weitz of Jerry Weitz and Associates, Alpharetta, Georgia, whose material on smart growth audits has been incorporated here.

The contents of this report are the views of the authors and do not necessarily represent the views of the EPA, CDC, or the U.S. government. *Smart Codes* is a research product and does not necessarily represent the policy of APA, unless specifically identified as such in a policy guide or other action by its Board of Directors.

*Cover design by Lisa Barton; this report is printed on recycled paper.*

*Cover photo: a San Francisco street scene, by Yufeng Guo.*

---

The Planning Advisory Service is a subscription service offered by the Research Department of the American Planning Association. Four reports are produced each year. Subscribers also receive *PAS Memo* and *PAS QuickNotes*, and they have access to the Inquiry Answering Service and other valuable benefits. W. Paul Farmer, FAICP, Executive Director and CEO; Sylvia Lewis, Director of Publications and Website; William Klein, AICP, Director of Research.

Planning Advisory Service Reports are produced in the Research Department of APA. Timothy Mennel, Editor; Lisa Barton, Design Associate

© April 2009 by the American Planning Association.

APA's publications office is at 122 S. Michigan Ave., Suite 1600, Chicago, IL 60603.

APA headquarters office is at 1776 Massachusetts Ave., N.W., Washington, DC 20036.

E-mail: [pasreports@planning.org](mailto:pasreports@planning.org)

---

# Smart Codes: Model Land-Development Regulations

MARYA MORRIS, GENERAL EDITOR

## TABLE OF CONTENTS

<b>Chapter 1. Introduction</b> .....	1
<b>Chapter 2. Development Codes and Smart Growth</b> .....	5
Land Development Regulations and Unified Development Codes .....	6
Organization and Structure of a Development Code .....	8
Annotated Development Code Table of Contents .....	9
Code Contents by Article .....	10
Approaches to Code Revisions .....	25
APA Smart Growth Policy Guide .....	28
The U.S. EPA Smart Growth Principles .....	28
The Smart Growth Audit .....	30
References.....	40
<b>Chapter 3. Model Comprehensive and Noncomprehensive Smart Growth Codes</b> .....	41
Comprehensive Codes .....	42
Noncomprehensive Smart Growth Codes .....	47
Relevant Models and Guidelines.....	59
<b>Chapter 4.1. Model Mixed Use Zoning District Ordinance</b> .....	65
<b>Chapter 4.2. Model Live/Work Ordinance</b> .....	71
<b>Chapter 4.3. Model Town Center Zoning Ordinance</b> .....	75
<b>Chapter 4.4. Model Affordable Housing Density Bonus Ordinance</b> .....	83
<b>Chapter 4.5. Model Unified Development Permit Review Process Ordinance</b> .....	91
<b>Chapter 4.6. Model Transfer of Development Rights (TDR) Ordinance</b> .....	109
<b>Chapter 4.7. Model Residential Cluster Development Ordinance</b> .....	117
<b>Model Ordinances to Help Create a Physically Active Community</b> .....	125
<b>Chapter 4.8. Model Pedestrian Overlay District (POD) Ordinance</b> .....	127
<b>Chapter 4.9. On-Site Access, Parking, and Circulation Ordinance</b> .....	135
<b>Chapter 4.10. Model Shared Parking Ordinance</b> .....	139
<b>Chapter 4.11. Model Street Connectivity Standards Ordinance</b> .....	147
<b>Chapter 4.12. Model Urban Growth Boundary Ordinance</b> .....	153

Chapter 4.13. Model Transit-Oriented Development Overlay District Ordinance .....	163
Chapter 4.14. Infill Development Incentive Model Approaches .....	177
Chapter 4.15. Model Critical Area Ordinance .....	183
Chapter 4.16. Model Home Occupation Ordinance.....	201
Chapter 4.17. Model Policy Promoting Complete Streets .....	209
Chapter 4.18. Grayfield Redevelopment Model Approaches.....	217
Chapter 4.19. Form-Based Code Overview and Model Approaches .....	225
Chapter 4.20. Lot Size Averaging Model Ordinance .....	235
<b>Chapter 4.21. Innovative Approaches to Encourage Meaningful Citizen Participation in the Development Process .....</b>	<b>239</b>
Citizen Participation in the Development Process .....	241
Innovative Participation Approaches .....	241
Citizen Participation Principles, Policies, and Practices.....	241
Model Citizen Participation Plan Ordinance .....	244
Community Benefit Agreements and Good-Neighbor Agreements .....	246
Appendix: Three Sample Citizen Participation Plan Ordinances.....	250

## CHAPTER 1

### Introduction



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 for multimodal transportation, infill development, affordable housing, and other best practices in planning and development regulation. As used here, “smart growth ordinances” and “smart growth development codes” mean regulations intended to achieve a variety of objectives, including 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. The environmental and social aspects are profound as well.

TABLE 2.1. A RECOMMENDED SMART GROWTH AUDIT CHECKLIST WITH COMMENTARY

Topic	Document	Yes	No	Reviewer Comments
LAND USE ( <i>continued</i> )				
Do plan policies discuss opportunities and encourage the mixing of land uses at the building, site, and neighborhood levels?	Comprehensive Plan			
Does the local zoning ordinance provide at least one or more zoning districts that allow mixes of residential and commercial uses?	Zoning Ordinance			
If the community has a downtown, are residential uses allowed in the central business zoning district?	Zoning Ordinance			
Do the future land-use plan and zoning ordinance allow for compatible, small-scale neighborhood commercial uses (e.g., a corner store) adjacent to or within residential neighborhoods?	Comprehensive Plan and Zoning Ordinance			
Does the local zoning ordinance provide for traditional neighborhood development (TND)?	Zoning Ordinance			
Are home occupation regulations flexible enough to allow a wide variety of telework activities, while maintaining the peace and quiet of the neighborhoods in which they are located?	Zoning Ordinance			
<i>Commentary: Mixing of land uses is a major tenet of smart growth. Plan policies and land-use regulations should provide for and even encourage mixed land uses, especially residential and commercial. Such mixtures allow people to work and reside in the same area, sometimes even within the same building. It is generally accepted that mixing land uses allows for walking, shorter trips, and reduced vehicle miles traveled, which can help to improve air quality and relieve traffic congestion.</i>				
JOBS/HOUSING BALANCE				
Does the comprehensive plan consider the appropriateness of balancing jobs and housing, both qualitatively and quantitatively?	Comprehensive Plan			
Do any small area plans or corridor plans for the community consider and integrate the notion of jobs-housing balance?	Subarea Plans			
Do planned unit development (PUD) regulations provide for an appropriate mixture of housing and jobs, or do the PUD regulations result in predominantly single-family residential developments with no jobs nearby?	Zoning Ordinance			
<i>Commentary: The concept of jobs-housing balance holds that communities should plan for a rough match between the number of jobs and the number of housing units. A desirable range is approximately 1.5 housing units for every job in the community. Plans should also investigate whether the characteristics of housing in the community match the needs of workers residing in the community, and whether the types of jobs in the community match the skills of the resident work force (i.e., consider the "qualitative" aspects of balance). A quantitative balance of jobs and housing does not necessarily signal smart growth, especially if there are qualitative mismatches between jobs and housing.</i>				
OPEN SPACE/GREEN SPACE				
Does the plan establish a goal, policies, and implementation measures to set aside a certain percentage of total land area in the community as open space or green space?	Comprehensive Plan			
Do all (or most) zoning districts require a minimum open space ratio (i.e., a percentage of land area for each development that must be open space)?	Zoning Ordinance			
Do land-use regulations require developers to consider connecting open spaces and greenways to existing destinations and open space reservations?	Zoning Ordinance			
Are open spaces and green spaces accessible to all or most of the residents of the community?	Parks and Recreation or Green Space Master Plan			
Has the community considered a special funding measure such as a special local option sales tax or general obligation bond referendum for acquisition of green spaces?	Comprehensive Plan; funding components			

MAJOR  
question

TABLE 2.1. A RECOMMENDED SMART GROWTH AUDIT CHECKLIST WITH COMMENTARY

Topic	Document	Yes	No	Reviewer Comments
<b>OPEN SPACE/GREEN SPACE (continued)</b>				
Do local land-use regulations provide for "conservation subdivisions" or "cluster subdivisions" as a matter of right?	Zoning Ordinance and Subdivision Regulations			
<i>Commentary: Open space, conservation, and cluster subdivision practices are among the more effective ways of setting aside green space and open space. Local regulations are not "smart" unless they provide for, and even encourage, these types of subdivisions. When clustering or conservation design is not allowed, subdividers wind up incorporating all land into the individual lots, which are then sold and the opportunity to preserve natural features and open space is then lost, probably forever.</i>				
<b>ENERGY CONSERVATION</b>				
Does the comprehensive plan identify energy conservation as a goal, and do policies exist to promote energy conservation?	Comprehensive Plan			
Do land-use regulations require the planting of shade trees along new subdivision roads and within parking lots?	Zoning Ordinance and Subdivision Regulations			
Does the community have guidelines for designing development sites and buildings for energy efficiency?	Design Guidelines			
Does the local zoning code provide an option for subdivisions to be designed for solar power use?	Zoning Ordinance			
<i>Commentary: There are multiple ways a local plan can promote energy conservation. For instance, tree protection ordinances help retain and enhance shade, which reduces cooling costs. Shade tree requirements along streets and parking lots provide aesthetic benefits in addition to helping to attain energy conservation objectives. Local governments can adopt design guidelines for energy efficient buildings and site designs. Though more popular in the 1970s than today, changing local codes to facilitate efficient energy use can provide for designing subdivisions with appropriate solar access, which then facilitate solar panels (and cells) for domestic energy use.</i>				
<b>WATER QUALITY</b>				
Do local land-use regulations prohibit development within, and the filling of, floodways and floodplains?	Zoning Ordinance; other regulations			
Have the community's development regulations been revamped recently to encourage or require best management practices for water quality?	Various land-use regulations			
Does the local jurisdiction have the minimum required water quality ordinances in place as required by state administrative rules?	Various land-use regulations			
<i>Commentary: Local governments should adopt regulations for the protection of water supply watersheds, groundwater recharge areas, and wetlands that are consistent with any state standards or guidelines.</i>				
Has the community instituted programs of water quality monitoring and other related programs to ensure total maximum daily loads (TMDLs) are not exceeded?	Various land-use regulations			
<b>AIR QUALITY</b>				
Does the comprehensive plan discuss the issue of air quality and identify policies and implementation measures to protect air quality?	Comprehensive Plan			
If the community is in a nonattainment area with regard to air quality, is the local plan consistent with, and does it reference, regional and state goals for the management of air quality?	Comprehensive Plan			
<b>HOUSING</b>				
Does the housing element of the comprehensive plan contain a housing needs assessment?	Comprehensive Plan			
<i>Commentary: A local plan cannot be "smart" unless it has forecasted the future housing needs of the community and ensured that land-use regulations provide for development practices to meet those forecasted housing needs.</i>				

# 8/2011

## OLD PARK & OPEN SPACE Inventory

### Goal 8: Recreational Needs

Goal 8, Policy 6 states: "As parcels of land are annexed from the UGA into the City, some land will be designated Open Space/Public Land for the development of new parks and public facilities, including access ways, to serve the recreational needs of the community."

The following parks and open spaces are identified in the Hood River Valley Parks and Recreation District's Capital Facilities Master Plan<sup>1</sup>:

#### Open space areas in the City:

"Morrison Park"	13.54 acres	<i>Just Reduced to half by City Council</i>
Indian Creek Trail	14.12 acres	
"Elloit Park"	11.8 acres	
"Waucoma Park"	0.5 acre	
Wells Island (portion)	18 acres	

#### Parks in the City:

→ Waterfront Park	<del>6.45</del> acres	<i>— 5.5 acres</i>
Jackson/Friendship Park	9.19 acres	
Children's Park	1.24 acres	
Wilson Park	1.05 acres	
Tsuruta Park	0.87 acre	
Mann Park	0.48 acre	
Coe Park	0.34 acre	
Memorial Overlook and Rose Garden	0.4 acre	
Aquatic Center (HRVPRD)	0.94 acre	
Jaymar (HRVPRD)	2.77 acres	
Rotary Skate Park (HRVPRD)	2.71 acres	<i>✶</i>
Culbertson Park (HRVPRD)	0.6 acre	
Hazelview (HRVPRD)	0.35 acre	
Marina Park and Event Site (Port)	9.5 acres	
Georgiana Smith (County)	0.5 acre	

Total park lands = approximately 37.39 acres (does not include schools)

Total open space lands = approximately 57.96 acres

Total park and open space lands = approximately 95.35 acres

*37.39 TOTAL PARK*  
*37.25 OPEN SPACE ex. Wells Is.*  


---

*73.64 TOTAL acres*

According to a "Best Development Practice"<sup>2</sup> that is intended to ensure adequate park and open space lands are available, 1.5 acres of park and open space are recommended per 1,000 population. Based upon such practice, a minimum of 10.77 acres of park and open space is required to serve the city's current population of approximately 7,180 residents ( $7,180/1000 = 7.18 \times 1.5 = 10.77$  acres of open space/park land needed). As detailed above, currently there are greater than 95 acres of parks and open space areas in the city.

The Hood River Valley Park and Recreation Capital Facilities Master Plan provides a different methodology for provision of parks and open space based upon Level of Service and Service Radius. This plan details the locations of needed neighborhood and mini-parks inside the UGA. The plan does not recommend development additional parks in the vicinity of the subject site. As such, development of a

<sup>1</sup> Hood River Valley Parks & Recreation District/City of Hood River "Parks & Recreation Capital Facilities Master Plan", Don Ganer & Associates, 1998.  
<sup>2</sup> Ewing, Reid "Best Development Practices", American Planning Association, 1996. Page 35.