

Changing Development Rules in Your Community

With urbanization, the composition of the landscape dramatically shifts away from forests, meadows, pastures, crop lands, and wetlands to hard, impervious surfaces such as roads, roofs, parking lots, sidewalks, and driveways. Numerous watershed studies have documented the negative impact that impervious cover has on the quality of aquatic systems. Consequently, communities striving for sustainable development (i.e., economic growth that also protects local streams and habitat) are faced with a difficult challenge.

Communities often find that their existing development codes and ordinances conflict with the goal of sustainable development. Many local codes and ordinances require excessive impervious cover in the form of wide streets, expansive parking lots, and large-lot subdivisions, making preservation of the natural environment difficult. In addition, the economic incentives for developers to conserve natural areas are generally few and far between.

Many communities are choosing to reevaluate their local codes and ordinances with the goal of sustainable development in mind. One of the most effective ways of reforming development rules is through a local site planning roundtable. A local site planning roundtable brings together a diverse cross-section of key players from the local government, development, and environmental communities. Though a consensus process, these stakeholders can hammer out the development rules best suited to achieving sustainable development in the context of local conditions.

When assembling the roundtable membership, it is particularly important to get every local agency with development review authority to actively participate in the roundtable process. It is equally important to involve elected officials in the process, as they must ultimately vote to adopt the proposed changes. Table 1 lists potential members of a local site planning roundtable.

The primary tasks of the local roundtable are to identify existing development rules, compare them to the principles of better site design, determine if changes can or should be made to current codes and ordinances, and finally, negotiate and reach consensus on what the changes should be. To facilitate this analysis, the Center has developed a Codes and Ordinances Worksheet (COW) to help communities evaluate their development rules in the context of better site design principles.

Anatomy of a COW

The COW allows communities to systematically compare their local development rules to the better site design principles discussed in the first feature article. The COW asks specific questions to elicit basic information about how development actually happens in the community, and can be thought of as an “audit” of the existing codes and ordinances.

The COW uses a scoring system to measure a community’s general ability to support environmentally sensitive development, with points assigned based on how well current community development rules support the principles of better site design. Point

Table 1: Potential Members of a Local Site Planning Roundtable

Planning Agency or Commission	Engineering Consultants
Department of Public Works	Homeowner Associations
Road or Highway Department	Chamber of Commerce
Developers	Elected Officials
Land Trusts	Urban Forester
Realtors	Site Plan Reviewer
Real Estate Lenders	Stormwater Management Authority
Civic Associations	Municipal Insurance
Fire Official	Watershed Advocates
Health Department	Residents/and Owners
Land Use Lawyers	

allocation is somewhat subjective, and can be modified for each community based on any pressing issues facing the local government. For example, if stream protection is more of a community focus, then the value of buffers might be more heavily weighted. The total number of points possible is 100, with heaviest emphasis placed on development rules that directly relate to minimizing the amount of impervious cover.

Getting Ready to Take the Test

The development process is usually shaped by a complex labyrinth of regulations, criteria, and approvals. Before the COW worksheet can be completed, roundtable members need to wade through this maze of paperwork and assemble all local development rules currently in place. As few communities include all of their development rules in a single document, a list of potential documents to scout for is provided in Table 2. Keep in mind that the information on a particular development rule may not always be found in a code or regulation, and may be hidden in supporting design manuals, review checklists, guidance documents or construction specifications. Be prepared to contact regional, state, and federal agencies to obtain copies of the needed documents, as well.

The next step is to identify all the local, state, and federal authorities that actually administer or enforce these rules within the jurisdiction. A team approach to this task is often helpful, using the expertise of various disciplines involved in the development process (e.g., local plan reviewers, land planners, land use attorneys, and civil engineers).

Taking the Test

Once current rules and administering authorities have been identified, roundtable members are ready to “take the test” and see how local development rules measure up against the better site design principles.

The COW consists of a series of 66 questions that correspond to the principles of better site design (see insert). Each question focuses on a specific site design practice, such as the minimum diameter of cul-de-sacs, the minimum width of streets, or the minimum parking ratio for a certain land use. If the local development rule agrees with the better site planning principle applicable to a particular practice, points are awarded.

In some instances, local codes and ordinances might not explicitly address a particular practice. In these cases, roundtable members should use appropriate judgement based on standard community practices.

Calculating the Score

Once the COW has been completed, the points are totaled. Generally, a score less than 80 means that local codes should be amended in order to achieve sustainable development. The scoring ranges presented in Table 3

Table 2: Key Local Documents Needed to Complete the COW

Zoning Ordinance
Subdivision Codes
Street Standards or Road Design Manual
Parking Requirements
Building and Fire Regulations/Standards
Stormwater Management or Drainage Criteria
Buffer or Floodplain Regulations
Septic/Sanitary Sewer Regulations
Environmental Regulations
Tree Protection or Landscaping Ordinance
Erosion and Sediment Control Ordinances
Public Fire Defense Masterplans
Grading Ordinance

can help determine where a community’s score falls in relation to the better site design principles.

With COW results in hand, roundtable members can focus discussion on specific local conditions in need of improvement. Where environmentally sensitive development rules exist, it may be helpful to assess whether they are actually implemented within the community. For example, the development rules may allow for vegetated islands within cul-de-sacs, yet they may rarely be incorporated into actual subdivision designs. Similarly, if local review agencies typically require certain environmentally sensitive standards that are not explicitly stated in the local codes, it may be a good idea to amend the codes to reflect the current practice.

It should be expected that a roundtable will need to meet many times over the course of a year to come to agreement on the changes that need to be made to the maze of codes, engineering standards, guidelines, regulations, and ordinances that collectively shape local development. The challenge is in ironing out the technical details and packaging the changes in a manner that is easy to present and understand. Furthermore, while amending local codes and ordinances is an integral first step towards achieving sustainable development, the next challenge is to ensure that better site design practices are widely implemented. This may require that local governments provide incentives and, if necessary, requirements to spur developers into innovative ways of planning, designing, and building.

Does the Process Work?

The COW was tested out in the field when the Center recently facilitated a local site planning roundtable in the fast-growing community of Frederick County, Maryland (FCSPP, 1999). Frederick County was an ideal candidate for implementation of the local

site planning roundtable process, due in part to the rapid pace of growth in the county (approximately 22% since 1990). With large areas of undeveloped land still remaining in the area, growth management and the cost of services are current pressing issues in the county. Furthermore, the county was already planning to revisit its local subdivision and zoning codes.

The Center, in cooperation with the Frederick County Planning and Zoning and Public Works staff, recruited a diverse group of about 40 individuals to participate in the roundtable. To jumpstart the process, the Center conducted an audit of local subdivision and zoning codes using the COW worksheet. The County scored a 65 out of 100. Because there were several areas that warranted review, the roundtable membership split into three groups based on the three major better site design categories: streets and parking, lot development, and conservation areas.

The roundtable met six times over the course of a year, and ultimately adopted a set of 65 specific recommendations that were presented to the Frederick County Planning Commission and County Commissioners in February 2000. It is anticipated that it will take another year for the County to go through the laborious process of updating local codes to reflect approved changes; however, this is a relatively short period of time given the significance of the task at hand.

The Frederick County experience demonstrated that, with appropriate planning and willing and open-minded participants, the site planning roundtable process can effectively address and resolve difficult local development issues. The Center was encouraged to find that while a handful of issues were hotly debated, there was general agreement that the development process should be modified to better protect and enhance natural resources.

Advancing the Process

The Center has received COW scores from several other communities that have “taken the test.” On average, scores are in the low sixties, with totals ranging from about 50 to 70. There is significant interest among these and other communities in the Chesapeake Bay region in embarking on local site planning roundtables. The major challenge facing these communities is a lack of funding. However, several counties in central Virginia have recently obtained funding to pursue local roundtables. - *EWB*

References

- Center for Watershed Protection (CWP). 1998. *Better Site Design: A Handbook for Changing Development Rules in Your Community*. Ellicott City, MD. 174 pp.
- Frederick County Site Planning Roundtable (FCSPR). 1999. *Recommended Model Development Principles for Frederick County, MD - A Consensus Agreement*. Center for Watershed Protection, Ellicott City, MD. 20 pp.

Note: A full version of the COW worksheet can be found in *Better Site Design*, CWP, 1998.

Table 3: Assessment of COW Scoring Ranges

Score	Assessment
90 - 100	Community has above average provisions in its codes and ordinances that promote the protection of streams, lakes, and estuaries.
80 - 89	Local development rules are good, but could use minor adjustments or revisions in some areas.
79 - 70	Opportunities exist to improve development rules. Consider creating a site planning roundtable.
60 - 69	Development rules are likely inadequate to protect local aquatic resources. A site planning roundtable would be very useful.
less than 60	Development rules definitely are not environmentally friendly. Serious reform of the development rules is needed.