

**Lakewood! Zoning Improvement
Community Advisory Group
Session #3
July 21, 2009**

I. Welcome

The Community Advisory Group took a few minutes to greet each other before the evening's session.

II. A Better Way To Zone presented by Don Elliott, Clarion Associates

Don Elliot spoke to the Community Advisory Group for about an hour and shared the following thoughts. Don opened the presentation by providing an outline of what he would cover.

- A definition of zoning.
- A review of international examples.
- A summary of current trends with zoning codes using U.S. examples.
- 10 key zoning principles from, A Better Way to Zone.

There are lots of ways to zone a city and almost every city chooses a different way.

- Key factors to think about include: predictability, flexibility, form, use, quality, and efficiency and enforcement
- I also, encouraged the City of Philadelphia to start a Citizens Planning Academy based on the success of the Lakewood model.

What is zoning?

- It is not complicated and it is a list zones with rules addressing:
 - Uses
 - Size
 - Quality
- And, a map

Germany

- Uses a top down approach with national norms
- Defines a fixed set of zones
- Zones must fit into a plan
- Has some flexibility
- Big changes requires government approval
- Significant design review

India

- Master plans are required city wide
- Neighborhood plans are required to set land uses
- The law is not enforced
- The plan and law are often mixed together
- Confusions between the citywide plan and use-specific details.

Canada

- Is much like the US, but more top down in approach
- Regulations have more respect to technical aspects
- Cities design and choose their own zones

Six US examples and trends

- List of zones multiplies
- List of uses multiplies
- Size and form controls multiplies
- Ideas about quality multiply

Trends – More complex over time and a continuing search for more flexibility

- Euclidean zoning
- PUDs – Contract zoning
- Performance – Uses measurements to regulate or not
- Form Based – Regulates form not uses
- Zoning codes often over regulate land uses or under regulate form and scale
- Example “how big” Home Depot is not Ace Hardware but both could be defined as hardware store

Other Trends

- Ignoring Sustainability – separating uses requires more driving, urban agriculture, density, solar, wind and geothermal options.
- Ignoring Governance – lose focus on long term solution, adding new regulations but never replacing the old ones, failing to address predictability and flexibility
- Example – Tolerance clause – plus or minus 5 to 10 percent can be close enough

Miami 21

- Most ambitious effort to adopt form based zoning
- 21 downtown districts
- Efforts to find form is very complex
- Controversial and expensive

Denver

- 2nd most ambitious effort to adopt form based zoning
- Districts are formed around 6 contexts
- Each context has 10 to 15 zones
- Each zone allows certain building types
- Use menu is simplified

San Diego

- Modular approach allows one to mix and match “modules” of uses and forms
- Intended to provide greater flexibility
- Over 80 zones to do this

Portland

- Best planned city in America but the zoning is a mess
- Quality is achieved through overlapping regulations on use, form design, and environmental issues
- Takes a lot of time and money to get things done
- Difficult to navigate

Philadelphia

- Traditional code politicized to gridlock
- 82 districts – many addressing a few parcels
- Almost everything goes to Zoning Board of Adjustment
- Both citizens and developers fear politics
- Philly is moving consolidate the number of zone districts and uses
- And, delegating power from ZBA to staff

Fort Collins

- Award winning land use guidance system
- Dismantled after 10 years because citizens valued predictability and developers valued flexibility

Form Based Zoning

- Easily misunderstood
- Easier to increase regulations on form than decrease the number of uses; needs balance
- Could over regulate and inhibit change if not careful
- Could impose artificial forms in areas where a form is not discernable

Key zoning principles include:

1. More Flexible Uses

- Fewer uses
- Broader categories, i.e. fewer rows

2. Mixed Use Middle

- Single family uses will always exist
- Blur the line between multi-family, commercial, institutional and light industrial uses
- Mixing of uses
- Simpler and shorter codes
- Remember redevelopment, as cities mature they need to change

3. Attainable Housing

- More people are renters and spend more income on housing than before
- Housing is more unaffordable
- Trend toward smaller homes may help to address this issue
- Most affordability issues are resolved by multi-family and rentals
- Examples – Aurora, CO, Mesa County, CO Denver, Co

4. Mature Area Standards
 - Suburban standards generally do not work in areas that are redeveloping
 - 2 parts management and 1 part design
 - To accommodate small lots - trade buffer intensity for distance and design
 - Embodied energy i.e. a more sustainable strategy
5. Living with Non-Conformities
 - Zoning parole – “live with it”
 - Non-conformities do not go away
 - Move away from limits on expansion and replacement
 - Remove legal consequences
 - Allow it to continue unless it is a public health, safety or welfare issue
6. Dynamic Development Standards
 - Let them adjust automatically to conditions
 - Changes to heights, setbacks, and fees
 - Example from Kalamazoo, MI, - Tallest height within 200 feet, plus 2 stories
 - Future applications include carbon emissions, density, parking etc
7. Negotiate Large Developments
 - Not small ones
 - Large projects offer opportunities to change image
 - Limit use of PUDs
 - Examples Highlands Ranch and Union Station
 - Avoid “one-off” zoning and provide for flexibility
8. De-Politicizing Final Approval
 - Big role for public in planning and setting rules
 - Allows for call-ups if necessary
 - Don’t change rules after process has started
 - Delegate approvals to staff
 - Use Hearing Officers
 - Limit public hearings to the listed issues
9. Better Webbing
 - Most websites don’t link planning and zoning
 - A website should be address driven
10. Scheduled Maintenance
 - Zoning needs regular updates to address changing conditions
 - Schedule for regular maintenance

Questions and Answers with Don Elliott:

Q: Why did Fort Collins change?

A: Not all impacts of a development were adequately address and it had unexpected results in some instances.

Q: It seems that most citizens are against change.

A: Yes, it is the perceived impacts of a development that most people oppose.

Q: So it appears that there are 3 ways to provide flexibility within a zoning code?

A: Form based zoning and performance zoning are not necessarily compatible with each other and are different tools for addressing zoning issues.

Q: Zoning codes generally list permitted uses, are you aware of any codes that regulate prohibited uses?

A: I am not aware of any codes that specifically regulates those use not allowed.

Q: Conceptually, would you error on the side of history or what's trendy?

A: Most cities try to fix what's wrong with a code, this is not ideal and sometimes provides a watered down solution. Breckenridge has been successfully using a points system for years. Form based zoning is a big change from the way in which communities are used to regulating land uses.

Q: During your presentation I noticed that being sustainable and providing for change tend to contradict each other.

A: Yes, that can be the case, but what I wanted to point out was that reusing existing (small scale) buildings for other uses is sustainable. It allows for reuse of buildings and increased density.

Q: Densification and sustainability do not mix and at some point we will run out of room and higher densities are not the answer.

A: There is nothing that we can do to control global population growth. The question is how many people are going to come here and where are they going to live? Higher densities in the built environment will reduce consumption.

Q: Sustainable growth at a managed rate of change is healthy growth/context sensitive growth.

A: Yes, I agree managed growth is healthy, but you still have to deal with the fears of single-family homeowners. It is a tricky problem to resolve, but do not let it be tricky with the other zoning districts.

III. Community Advisory Group Discussion:

Julia Burroughs (Community Advisory Group Chair) opened up a discussion of the group's reactions to the last two speaker presentations regarding zoning issues. Comments and discussion included the following:

Statement: Densification is not appropriate for every community

Statement: Single-family neighborhoods should be left alone, and density and sustainable development should be targeted for blighted areas that need redevelopment

Statement: There are areas along the light rail corridor that are opposed to growth

Statement: Generational changes will address different issues and provide for different perspectives. It is important to realize that density is not a bad thing.

Statement: Lakewood does provide for a balance between the city and rural environments. It is a wonderful place to live. Changes do need to occur to address how the community will continue to evolve now and in the future.

Q: How will we make it happen for our community?

A: Generational issues need to be addressed; energy costs need to be evaluated and costs defined; and wages vs. gas is not always the best argument for changes.

Q: Through the planning process are we training to enable change or accommodate change?

A: I think we should plan for and allow change but not force change. Let the markets decide what change needs to occur. One-size fits all approach should not be used to address these changes.

A: Changes need to address new and future technologies

A: The changes should deal with permanent residents as well as future residents and provide for an inclusive community i.e. that includes residents, business owners, and employees.

A: Lakewood is sprawled out but it is changing

A: There will be trade-offs between housing affordability and development; TOD development tends to have expensive units.

Statement: I am not a big believer in letting the markets determine what is best; some future vision does need to be included.

IV. Questions and Next Steps

Staff noted upcoming session on August 11 and 25 and reminded the group about the photo exercise.