

2012 ZONING SERIES

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Keeping Zoning Relevant: Reimagining Development Regulations in a Changing World

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This article is the introduction to a new zoning series for 2012. This first of six installments will be published exclusively in the E-dition and will provide specific tools and practices that can be used to examine the use and relevance of zoning in your community.

To reach all MAP members with this valuable resource, an abbreviated version of this article will also appear in the January/February issue of the Michigan Planner magazine. Stay connected to future issues of the E-dition to follow this six part series.

Streamlining. Expediting. Removing barriers. These terms have been used in connection with nearly every zoning ordinance update or amendment I have written or been involved in over the past 10 years. It is clear that there is a pervasive sense that zoning is somehow failing us by either preventing us from building the kind of communities that we want, or is standing in the way of economic development and progress. This is the first in a new series that will examine how zoning can be reformed to promote lively, vital, relevant and successful communities.

This series is predicated on a simple concept – our built environment is often dissatisfying and does not serve basic human needs. For the past 60 years we have almost exclusively built one-size-fits-all places that are not walkable on a human scale and require automobile use for nearly every task of daily life. Our regulations permit drivable suburban development by right, but usually preclude walkable urban places through density restrictions and single use residential districts.

This series will examine how to restore balance to our communities to provide opportunities for those who want to live in a walkable place, while preserving and improving the quality of our drivable suburban places. This series will also make a few assumptions– for instance, the National Association of Realtor's 2011 Community Preference Survey indicates that 80% of Americans hold the single family house as their preferred living arrangement, so the techniques and ideas that we explore will be compatible with the preservation of our single family lifestyle. The same survey indicates that it is important to 66% of respondents that they have an easy walk to places where they frequent, yet most of us do not live in places where day to day needs can be easily accessed by walking. It is this disconnect, between the kind of place we want to live in and the kind of places that we have actually built, that must be addressed.

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Shouldn't this be as well?

The automobile was a revolutionary advancement in transportation and offers unparalleled independence and freedom of movement, and has had unprecedented impacts on development patterns. Because the way our communities have developed over the past 60 years has had no precedent in history, many American communities are in uncharted territory with respect to the long-term viability and sustainability of our current development patterns.

If we reach back into history for lessons on how cities were built, we find that different cultures and societies all over the world developed remarkably similar city-building scales and proportions over the course of thousands of years. It is only during the past half-century we have departed from those time-tested city-building methods and practices and fundamentally changed how we build. The drastic shift boils down to one simple change – in the past cities were designed based primarily around a comfortable walking distance for a person, but recently cities have been designed based primarily around automobile travel. In the past, our destinations had to be within a 20 minute walking distance (about a mile), but today most of our destinations are within a 20 mile driving radius (anywhere from 5 miles in a dense city to 30 miles in a rural area).

The purpose of this series is not to advocate that everyone live in dense urban environments, but to propose alternative zoning approaches which can be implemented into the quality and character of our communities. The benefits of drivable suburban development and suburban living are undeniable and today we enjoy larger houses, more affordable consumer goods, and the freedom to travel individually by private automobile directly to our destination. I live in a detached single family house in one suburb and commute to work in another, so I understand the benefits and drawbacks of how we have built our cities, villages, and townships during the latter half of the 20th century. But as we are now discovering, there are costs to our suburban experiment:

- It is wasteful of land. The storage and accommodation of automobiles at every destination means that more land area is dedicated to parking than the actual building.
- It requires car ownership. Suburban development requires car ownership by design and there are many costs associated with this. Many households now spend as much on transportation

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as they do on housing costs. Money is spent buying gasoline processed from imported oil, sending dollars out of our country that could otherwise be invested in our own economy. In fact, U.S. households have reduced gasoline consumption by 8% since 2007, but gas prices remain high due to the impact of a growing global economy where there is more competition from developing nations for finite natural resources. Suburban development patterns result in few alternatives to automobile travel, leaving most households victims of increasing commuting costs.

- It requires huge infrastructure costs. The cost of new infrastructure (roads and pipes) is burdensome on both government and residents who share the cost of serving new developments even when a population may be shifting from those areas where infrastructure has already been invested in. Maintenance falls almost entirely upon the tax payers of a community. It is a burden that is becoming increasingly hard to bear, and one that diverts public money away from parks, civic spaces, and other municipal services.
- It yields less value per acre. Studies show that drivable suburban development yields much less tax revenue per acre than walkable pedestrian-scale development.¹ Simply stated, it costs more to serve lower density development.
- It results in same-ness. Drivable suburban development can be categorized using 18 standard real-estate products. These are replicated across the country with little variation, regardless of the unique aspects of a community's location, culture, climate, or history. Development that conforms to these standard products is easier to finance than development that does not.²
- It is designed for the demographic reality of yesteryear. Suburban development patterns are increasingly at odds with the needs of today's household demography. No longer are families with children the dominant household unit.³ Suburban type development will leave our aging baby boom generation isolated, with fewer options for accessing day to day needs as driving ability decreases. The creative class is typically attracted to dense, vital urban spaces and shun suburban lifestyles.
- It is damaging to physical and social health. Studies show that drivable suburban development isolates people, deprives them of the physical benefits of walking, and limits

¹ Joe Manicozzi. "Public Interest Projects, Inc." <<http://placeshakers.files.wordpress.com/2011/02/joe-manicozzi.pdf>> (availability verified December 19, 2011)

² Christopher Leinberger. "The Need for Alternatives to the Nineteen Standard Real Estate Product Types," Places Magazine (2005) <http://chrisleinberger.com/docs/By_CL/Need_For_Alternative_Places.pdf> (availability verified December 19, 2011)

³ Arthur C. Nelson FAICP, and Robert Lang. "The Next 100 Million," Planning Magazine (2007) <<http://law.du.edu/images/uploads/rmlui/conferencematerials/2008/thursday/Americaat400/TheNext100Million.pdf>> (availability verified December 19, 2011)

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human interactions typical in walkable communities.⁴ This is especially relevant for persons who cannot drive, such as children and the elderly. In 1969, 90% of children walked to school, but in 2002 only 31% did so.⁵

- It results in great exposure to commodity prices of gasoline. Gas prices spiked to \$5 a gallon a few years ago. However, oil is a finite resource and with the burgeoning increase in the middle class in emerging economies there will be drastically increased demand for cars and gasoline worldwide. What if gas spikes to \$10 or \$20 per gallon? This would place households under great duress as the cost of daily commutes could consume an even greater percent of income. There are substitutes for gas such as diesel (which results in higher efficiency if not lower prices) or electric powered vehicles, but price and range limitations would clearly impact how we live on a daily basis.

Despite these costs, it is likely that most households will continue to place great value on the benefits of suburban living. Barring extraordinary circumstances or events, it is extremely unlikely that we are going to abandon the advantages of our automobile dominated, predominantly-suburban lifestyle to move into an urban neighborhood or return to farming the land. And so we must find ways to make our existing communities more sustainable and more complete *without* impacting the essential character that attracted residents in the first place.

This means that it's time to roll up our sleeves and make our communities better, more attractive and more livable places. It's time to start investing in our already-built places rather than building more and more new suburbs. Creating complete communities will require a broad range of initiatives by many actors and stakeholders over the course of years and decades. This series will focus on how to adjust zoning and development regulations to allow for more attractive, functional, and desirable forms of development on equal footing with drivable suburban development.

Specifically, this series will examine how to:

- Create compact, walkable nodes or places within the larger context of a drivable suburban community. These nodes can be developed almost entirely in areas of underperforming asphalt – that is, underused parking lots in existing commercial areas. This has the benefit of not requiring disturbance to existing neighborhoods, and resulting in increased vitality in already-existing commercial areas with good road access.

⁴ Joel S. Hirschhorn, *Sprawl Kills: How Blandburbs Steal Your Time, Health, and Money* (New York: Sterling and Ross Publishers, 2005). Authors note – please look past its polemic title.

⁵ Jessica L. Furey. "Travel and Environmental Implications of School Siting," United States Environmental Protection Agency (2003) via EPA, http://www.epa.gov/dced/pdf/school_travel.pdf (availability verified December 19, 2011)

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- Find balance between automobile-driven design and community image. These techniques will examine how to rethink our standard suburban pad-site design practices to create better automobile-oriented development that balances market demands with community character.
- Create pockets of vitality and interest in the community through temporary or mobile uses.

The strategies we examine will be incremental in nature. There are many reasons why we are where we are today – zoning, real estate financing, risk-averse developers, and federal incentives and policies have developed to favor one kind of development– drivable suburban development – over others. Changes won't happen all at once, and the economic downturn actually allows local government to focus on codes and regulations that will result in better executed developments, once investors have access to financing again.

The strategies we examine in this series will not result in the instant and complete redevelopment of communities, but will instead allow for opportunistic implementation. Large public investment will not be required although public-private partnerships will greatly expedite the process. They are intended to improve the quality of our communities by creating walkable nodes while leaving the essential nature of the community otherwise intact. By and large, they require no impact on existing single family residential areas. The net result for residents will be a higher quality of life with little or no disruption.

Function, Configuration, Disposition

As a preface to the specific techniques we examine over the coming months I'd like to introduce the concept of function, configuration, and disposition, three design considerations that determine the ultimate character of a building and by extension, the character and context of the built environment in a community.

- **Function** is the purpose for which a building or site is designed or exists. Function differs from "use" in the zoning perspective in that it is broader in meaning. Function can be separated into broad categories (industrial, office, retail, residential, mixed use), where use in a zoning perspective is typically more specific (i.e. corporate office vs. professional office). Buildings are built with the purpose of accommodating one or more functions.
- **Configuration** refers to how the building is laid out in response to its intended function. Industrial, office, retail and residential functions each have their own design requirements that shape how the building is configured. The building's configuration will also respond to external factors such as ancillary uses like outdoor sales areas; the site's context; or zoning restrictions such as height minimums or maximums, lot coverage, etc.

Buildings that are configured to accommodate just one specific function are harder to re-purpose for different functions. It is preferable that buildings be designed with re-use for different functions in mind. The re-use of older industrial buildings for loft residences and artist studios is one example of how a building with a flexible configuration is more

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sustainable over the long term than a building with an inflexible configuration. Buildings that are harder to re-use have less inherent flexibility, and are therefore much less likely to rejoin tax generating properties in a community.

- **Disposition** refers to where the building sits on its property. The disposition of buildings is the most important element in creating the character of a place. Generally speaking, buildings which sit close to the street create a more urban, walkable character while buildings that are set back farther from the street are a more rural or suburban character. Building location also dictates where parking is located on the site, either in front, on the side, or in the rear of the building, and whether parking is the most visible aspect, or if it is secondary to the function of the building.

Buildings with a consistent disposition within their lots and relationship to the street are one necessary element to create a place with a defined character. However, when buildings do not have a consistent disposition, it usually results in an incoherent and disparate built environment. One of the major failings of conventional zoning is that it typically requires minimum setbacks, but does not establish maximum setbacks. This means that buildings on adjacent parcels can be placed according to the whim of the property owner with no consideration for the overall character and quality of the place.

Single family residential neighborhoods usually have an identifiable character because the relatively small lot sizes dictate a generally consistent setback from the street. It is in nonresidential areas where lot sizes are larger that we typically see an inconsistent relationship between the building and the street.

Great places have a strong and identifiable character. Creating character requires careful attention to building configuration and disposition. Consider two examples: Both are located along major divided-highway arterials with traffic counts above 30,000 cars per day and both have primarily retail/service functions.



This example shows a place that has a definite and identifiable character because the buildings are similarly configured and have a consistent disposition relative to the street. All of the buildings come to the sidewalk, and only small, pedestrian scale signs are necessary to identify each business.

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This example shows a place that has no identifiable character. The buildings do not have consistent setbacks or configurations, and the result is a confusing and indecipherable place. It is in this kind of place where signs get bigger because the sign is the only part of the development that is legible to passing motorists.

We usually don't think holistically about the interaction of the three considerations and how they conspire to create character and the quality of our communities suffers for it. In fact, we rarely think about the disposition of buildings at all. We have been conditioned by the practice of minimum setbacks to disregard the concept of consistency in disposition between the building and the street. Properly managing how the function, configuration, and disposition of buildings interact with each other is the key to creating better quality of place. The concepts of function, configuration, and disposition will be applied in our examination of specific techniques in upcoming articles.

Series author Jim Breuckman, AICP, is the Manager of Planning for the City of Rochester Hills. Jim has been a professional planner for over 10 years as a consultant with McKenna Associates, and in the public sector with Rochester Hills. His experience includes preparing and updating master plans and zoning ordinances for dozens of communities in Michigan, Ohio, and Indiana with an emphasis on practical and realistic design-based planning and zoning. He has also conducted numerous economic feasibility studies and market studies for residential, retail, office and industrial uses.