

DEALING WITH DEVELOPMENT CONTROVERSY

When Is Enough, Enough?

Over the past few years concerns have been raised by residents in several suburban communities about proposals for new apartment complexes. In the early 1980s the City of Kentwood was embroiled in a controversy regarding the number of apartments that should be permitted in the city. Other communities in the Grand Rapids area have had to confront the same problem.

Concerns expressed by opponents to these projects are wide ranging but generally include:

- Traffic
- Impact on the schools
- Lowering of property values by low income/subsidized housing
- Crime
- Transient residents
- Loss of natural features
- Drainage problems

Other concerns, while often not expressed openly, relate to racial and economic differences between the apartment residents and neighboring residents. Even though these concerns are largely perception rather than fact, they still affect the decision making process.

The expectations of opponents to apartment projects are sometimes beyond what the City can fulfill. When zoning permits such projects, the City is limited to a review of the site plan. As a result, the neighboring property owners are frustrated and express disbelief that the power of the City is so limited. The City is then placed in the position of attempting to negotiate points to appease the opponents.

Other times the power of the City is greater, particularly when the applicant must request a rezoning. Ideally, the City will look to the Master Plan to provide guidance as to the action it should take. Even then, the decisions are not easy ones to make. The Master Plan may be out of date, changed conditions may have reduced the usefulness of the Plan.

The Issue Paper on Evaluating Development provides guidelines for review of development projects. Using the process described will allow the City to make decisions in a fair and consistent manner. But there remains the question of dealing with the public and their expectations.

The question arises as to what the role of the public should be. Various zoning approvals require participation by the public in the decision making process, usually in the form of public hearings. The dilemma in which most decision makers find themselves is trying to determine what weight to give the comments (and complaints) of the public.

Most of you probably know by now that people do not generally come to a meeting in support of a particular project; most have concerns that they wish addressed, many are simply opposed to what is proposed. The foremost concern that any decision maker should have is to ensure fairness for all concerned; the applicant as well as the public. To ensure fairness, keep some simple things in mind.

- Everyone must have the opportunity to speak and present evidence at public hearings. While some limitations may be placed on this right, as described later, no action should be taken that would deprive a person of their right to be heard.
- Most people are uncomfortable speaking in public. One of mankind's greatest fears is not death; it is public speaking. While the Chair cannot make everyone effective speaker, he/she can make sure that meeting rules are followed and order maintained. Keeping a subtle balance between the degree of formality required, and the degree of informality that is sometimes needed is a learned art.
- Recognize emotional responses and treat them with concern and understanding. Land use issues, as you may have discovered, can bring out strong emotions. Strong responses, within limits, should be

expected and understood. Controlling your own emotions is essential, even when the comments get personal.

- The Chair can help things stay calm by following meeting rules and requiring that comments are made only on the subject at hand. (It is often helpful to point out what request is being made and to ensure that the public understands the limitations of the City).

Your responsibilities remain the same: following the standards and making decisions based on the facts presented as applied to those standards. However, you cannot ignore the concerns and fears of the public. As noted above, the strong emotions you must sometimes face are difficult to overcome. But your concerns can be expressed with some very simple steps.

- Repeat the concerns that you hear. "What I hear you saying is..." When doing so try to take some of the more heated terms out of the sentence.
- State your concern. Restate the concern by noting your understanding and agreement. "I agree that we should be concerned about...?"
- Narrow the issue to the items which are at the root of the concern. If the issue is safety, try to narrow down the issue to one or two items. If the comments are about danger to children, is this caused by traffic speed, narrow roads, traffic volumes? Do this by a series of questions that will not embarrass the speaker, but will force them to confront the true issues.
- Find out what you can do about the issues that surface. Perhaps through conditions to the approval you can help matters. If a sidewalk is needed, place a condition on the approval that a sidewalk be constructed. If a better roadway is needed, make a separate motion to contact the County Road Commission about the need to fix the road.

What you are trying to do is: a) take out the emotional content of the issue by showing understanding and concern; and b) determine what actions can be taken to make the situation better. This will not be possible in all circumstances and you must be careful not to promise more than can be delivered.

Do not try to answer all questions. Some questions will not have an answer; or the answer must come from the applicant. For example, "why don't you build this in the township?"

In the final analysis, the role of the public is to provide information to the decision maker. The residents of the area can provide a unique perspective on the neighborhood which may cause the need for further studies or information to be provided by the applicant, or gathered by the City.

Petitions, letters, and other expressions of concern are useful, but only to the point where they provide information not previously known by the decision makers. Zoning decisions must always be based on the facts and standards applicable to the application; they are not based on a show of hands or the number of names on a petition.

How Much is Enough?



A broader question related to this issue is when the City has enough apartments. This is a question that has no clear answer. Land use planners are accustomed to calculating land use needs based on population projections and other measures. However, in a metropolitan area these calculations are difficult and probably useless since the land use needs of any one community tend to overlap with others.

In the late 1970s a concept was developed in Montgomery County, Ohio (Dayton) which described a Fair Share concept for housing. This concept stated that each community should be required to shoulder its fair share of providing federally subsidized low income housing, rather than concentrating it in a few areas. This idea was broadened to include other land uses as well to avoid the stigma of just dealing with low income housing.

This brought about a discussion of the responsibility of each community to provide for their citizens. As a result the issue of fair share housing began to be framed as a social and economic issue. In turn, this made the issue a matter of local government policy rather than one of calculating land use needs.

One example of how a policy was expressed is to be found in the City of Kentwood. City leaders and neighborhood groups became alarmed at the extent of multiple family housing already constructed and that which could be constructed in the future. The City Commission, working with the Planning Commission and the neighborhood groups, adopted a policy that set a goal of 70-30, i.e., 70 percent single family and owned housing to 30 percent rental.

Although achieving the goal would be some years away it gave the City a framework within which it could help determine future land use patterns. At the same time it limited the use of land in some areas of the city that would otherwise be well suited for multiple family housing but might not be suited for single family. One partial resolution to this was to include condominiums as part of the 70 percent, even in a multiple family setting.

Decision makers will have to recognize that setting a policy will affect property owners, residents, investors, potential new residents, and many others, regardless of the policy adopted. This must be taken into account when developing a policy. Following a clear process will help reveal these effects.

Setting a Land Use Policy



This approach is not intended as a model, but does illustrate the use of land use policy to achieve community goals. Setting a policy for multiple family housing, or any other land use, involves a series of steps. Citizen involvement throughout this process is critical, but the ultimate responsibility rests with a cooperative effort between the Planning and City Commissions.

1. Develop a clear statement of the problem/issue.

Developing a land use policy requires a clear understanding of the affect of the issue on the City. Facts need to be expressed and the effects of perceptions must be understood. As noted on the first page, many of the impacts of apartment projects are perceptions rather than fact, but that does not mean that the issue is not important. An overall balance of any land use can have far reaching affects on other parts of the community. Too much industrial land, especially if improperly located, can severely affect the feelings of residents about the community.

These elements should be written as a statement of the problem/issue which can then be used as a basis on which to build a policy.

2. Collect information.

Some preliminary information may have to be collected to help develop Step 1, but the bulk of the data will be needed to address the Problem Statement. This may include:

- calculation of land use build out;
- base information for calculation of impacts (trips per day, students per unit, etc.);
- basis for effects of perceptions and the tangible and intangible problems created;
- other information related to basic issues of Problem Statement.

3. Develop and evaluate alternative policies.

At this point some general approaches to the Problem Statement should be explored, based on the information collected in Step 2. These alternatives should be developed without consideration of legal issues, economic/social factors, or land use impacts which might eliminate a policy. The first part of this step will simply list the approaches that could resolve the problem.

Once a list is in place, the other considerations can be used to help in the evaluation of the most useful approach. Constitutional and legal issues can be described and other potential negative impacts examined. This will eliminate the alternatives that could be used.

4. Develop a Policy Statement.

Any approaches remaining can be worded into a Policy Statement that clearly expresses the desired outcome and the measures that will be used to achieve that outcome. The Policy should be tested against the following. The Policy Statement should:

- a. be achievable;
- b. be realistic:
- c. be broad enough to inspire but narrow enough to meet #1 and #2;
- d. be limited to no more than 2-3 major points; and
- e. provide clear direction for future decision makers.

5. Implement the Policy.

This step may include some tough decisions. Master Plan and zoning changes may be required, new zoning districts and regulations adopted, and other actions. This will require a close working relationship between the Planning and City Commissions. It is probably better to undertake these steps as part of a comprehensive package, rather than trying to implement them over time. But this will depend on the adopted policy.

6. Evaluate the Policy and adopt needed changes.

The Policy Statement, if properly drafted, will provide direction on evaluation measures; the 70-30 policy of Kentwood contained a numerical goal which allowed an annual calculation of progress. The evaluation measures should indicate the effectiveness of the Policy. Changes may be needed if over time the Policy appears to be ineffective, or the implementation measures inadequate.

Conclusion



Land use is intended to help a community achieve its Vision. Consideration of social and economic factors should be an important part of that Vision. At the same time the needs of existing residents must also be taken into account. Balancing these interests where they conflict is part of the job of the decision maker. Building a better community is the ultimate goal.

EVALUATING DEVELOPMENT

Changing the use of any property can have far reaching consequences, physically, environmentally, financially, and legally. Therefore, a careful evaluation of proposed development is essential. As with any development decision, the use of standards is essential to reaching fair and consistent decisions. The following factors may be used in considering development approvals.



1. Consistency with the goals, policies, and future land use plan of the Master Plan

Policies regarding land use are expressed through the Master Plan. A master plan will include a description of the community, outline goals and objectives, and map areas of different land uses, ranging from agricultural to industrial uses. The Master Plan must be reviewed to make sure that the new growth conforms to what was planned. But as events unfold these plans must be changed to take unanticipated events into account.

The Master Plan lays out the intended land use for property within the community. Since the Master Plan helps determine land use, rezoning decisions should be consistent with its provisions. This is not to say that all rezonings that are consistent with the Future Land Use map should automatically be approved. If all of the preconditions of the Master Plan are met, approval of the request should logically be forthcoming.

If, however, a rezoning request is different than that shown in the plan, it should not automatically be rejected, particularly if the plan has not been reviewed in some time. Each request should be evaluated with respect to the plan with the idea that if conditions which were originally considered when the plan was adopted have changed.

If conditions have changed significantly since the Master Plan was adopted, such as economic factors, demographic shifts, new utility lines, changing traffic conditions, or other reasons, the Planning Commission and legislative body should consider these events as part of their deliberation to insure that the Master Plan is current.

2. Compatibility

All of the uses allowed in the proposed district should be compatible with the conditions present on the site and in the immediate vicinity of the site. Environmental constraints should be considered. Is the land itself able to accommodate the planned use? Are the soils and drainage facilities capable of handling the density of development planned? Where public utilities are not available, what will be needed?

Compatibility may take many other forms. Architectural and aesthetic considerations most often come to mind when compatibility is desired. However, making judgments solely on this basis can be problematic. Instead, compatibility should be determined through similarities in use. Many communities do not care to mix commercial and industrial uses, for example, since their traffic characteristics and lot sizes are usually very different. Do the uses generate about the same amount of traffic? Are they generally for the use of the public, or are they occupied only by the employees?

3. Reasonable return on investment

It is the right of every property owner to receive a reasonable return on the investment placed on property. This does not mean that zoning is a slave to the "highest and best use," which is not a zoning, but a real estate, term. It does mean that there should be a reasonable use available within the zone district.

Perhaps the most difficult aspects of zoning and the exercise of local control of land use is the need to balance these various, often competing interests, of property owners and residents. These competing interests are presented to us by the concept of property rights.

On the one hand, the law tells us that residents have the right to peace and quiet of their neighborhoods and to have the value of their property protected.

On the other hand, we are also told that owners of property have a right of a reasonable return on their investment through zoning and that zoning cannot deprive the owner of that return.

Then there are the groups of people who follow the NIMBY and BANANA principles. The NIMBYs believe that the project is well designed, needed in the community, but located in the wrong place. Not In My

Back Yard, NIMBY, is their battle cry. Others may believe that the project should not be built anywhere in their community, or perhaps anywhere at all. Their motto is Build Absolutely Nothing Anywhere Near Anything - BANANA.

In the midst of these many competing interests and views is the local authority for zoning; the Zoning Administrator, City Planner, the Planning Commission, the Board of Appeals, and the City Commission.

Dealing with each of these conflicting views is simply not always possible, and the intent of zoning is to avoid the necessity of trying to judge between them. Instead, zoning follows some basic principles and procedures designed to treat each person and property in a fair and consistent manner.

4. Consistency with surrounding property

All of the uses allowed in the district should be consistent with the existing or planned characteristics of neighboring properties, especially in terms of density, character, traffic, aesthetics, and property values. The purposes of zoning, as noted earlier, are designed to insure this consistency. How will the planned land uses impact existing uses? Are there some areas that are residential now that the community would like to see become commercial in the future? How will planned uses affect those uses already established nearby?

5. Availability of services.

ALL of the uses permitted in the district should be able to be served with appropriate public or private facilities and services. This includes not only water and sewer, but fire and police protection and other necessary services. Are services capable of handling planned development? Are utility systems able to accommodate the intensity and type of development desired? What kind of strain will new commercial and industrial development place on the ability to provide adequate fire protection? What road improvements may be required?



While this analysis may not be a direct cost-benefit issue, it should be at least clear that the community will benefit in both tangible and intangible ways. It should be equally clear that the cost ratio should not unduly affect the value and use of surrounding properties.

6. Demand for the use

There should be some relationship between the amount of land zoned to accommodate certain uses and the logical demand for those uses. An excessive amount of land zoned for individual categories of use can lead to

blighted areas and haphazard development. What uses are needed in the community? If a shortage of quality housing was determined to be a community issue, providing appropriate land uses in desirable locations would be an appropriate response. If a regional shopping center seems appropriate for the community and the region, a location should be selected and planned, based on the ability of the location to accommodate the use.

7. Appropriate district

This standard may be especially helpful if the applicant has a specific use in mind. It may be possible that the use is allowed in another, more suitable district, or it may be that an amendment to the uses allowed in the existing district would be more appropriate. In some circumstances the type of development may not fit the existing ordinance and new language may need to be developed that better accommodates the needs of the community and the development.

8. Ordinance compliance

The site should be able to safely accommodate the requirements of the Zoning Ordinance for parking, setbacks, etc. In addition, the Ordinance may be written so as to not permit requests that have been

submitted (and denied) within the past year, without a significant change in the conditions that caused the denial.

The density and intensity planned for the land use districts should be able to be related to lot sizes, density, lot coverage, and other regulations. If the Master Plan calls for improved aesthetics, landscaping, sign control, driveway controls or other similar actions, the zoning ordinance may be a logical place to develop regulations to enforce these measures. Protection of environmentally sensitive areas may be regulated through the ordinance as a part of site plan review.

One important point: site plans should never be considered as part of a rezoning request (with the exception of a PUD). The Planning Commission and/or legislative body should not be swayed by what is proposed by the petitioner. Instead, keep in mind that ALL of the uses permitted in the proposed district may be placed on the site; not just the one shown on the site plan.

Planned Unit Development



Depending on the nature of the proposed use, a planned unit development may be more appropriate than a commercial zone district. However, PUDs should not be viewed as a substitute for rezoning; some communities view PUDs as a method to "lock in" uses for various parcels. Using a PUD solely for this purpose is not justified; land use issues must still be addressed.

PUDs should be reserved for special situations, such as preserving natural areas, site related difficulties, unique development characteristics (mixture of land uses), or innovative land development. Where these conditions apply, a PUD may be preferable to a rezoning.

What is a PUD? A Planned Unit Development, commonly known by its abbreviation - PUD, is a regulation that allows some flexibility in the normal zoning requirements, such as uses allowed, setbacks, density, and others.

When should PUDs be allowed? The intent of a PUD is to allow for special conditions for which normal zoning regulations are inappropriate. Approval of PUDs are intended to be reserved for special situations, such as preserving natural areas, development on larger parcels, allowing multiple uses on the same property, or innovative project designs.

How are PUDs approved? PUDs may be approved by one of several methods. A rezoning may be required, which will create a separate zone district with its own set of development requirements and approval standards for site plans. The PUD zone may either be mapped, as any other zoning district, or as a "floating" zone.

If the PUD is a mapped zone, a change is made to the Zoning Map to indicate the PUD District. A PUD District may have both Permitted and Special Land Uses. For example, the District may permit by right residential uses, but require commercial uses within the PUD to obtain a Special Land Use approval.

A floating zone is one that attaches special regulations to the underlying zone district. Thus, the basic district does not change, but additional regulations are associated with that district as a PUD.

PUDs may also be approved as a Special Land Use. This requires that the ordinance list PUDs under the appropriate zoning districts and that standards and requirements be developed for their approval. The review standards may be the same as those for all special land uses.

The PUD regulations may also be divided into different types of PUDs. For example, there may be a Residential PUD, which has only residential uses as a primary use. Although commercial or office uses may also be allowed, they generally will be very limited, often by restricting their size to 5 or 10 percent of the total site area. There may also be Commercial and Industrial PUDs, and a PUD which allows a combination of these uses (Mixed Use PUD).

All PUDs are required to receive a site plan review. The ordinance may permit a larger, multiple phase PUD to be reviewed on two levels. The first may be a preliminary approval a conceptual site plan,

including a general description of land uses, road layout, and other major elements proposed in the entire PUD. The second may allow a detailed, final site plan review of individual phases. This review would ensure that the plans were generally in compliance with the concept plans and that they meet the requirements of the ordinance.

What should be in a PUD regulation? At a minimum, the State Zoning Acts require that PUD provisions state the reviewing authority or authorities, eligibility requirements, the process/application procedures, and the standards by which the PUD will be reviewed and approved. The following are also generally considered to be acceptable elements of a PUD regulation.

Objectives



The PUD provisions may list separate objectives that a PUD is designed to achieve. If a community goal is preservation of the environment, this may be reflected in the PUD objectives as an intended purpose of the regulations. Other objectives will tend to paraphrase the language of the Zoning Acts, which call for "innovation in land use and variety in design, layout, and type of structures constructed; economy and efficiency in the use of land, natural resources, energy and the provision of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities.."

Qualifying Conditions

The ordinance should list those characteristics that a site must possess in order to be considered as a PUD. These might include a minimum size, a requirement that the property be under one ownership or jointly developed under multiple ownerships, minimum open space requirement, and others that relate to the objectives desired by the community.

Review Procedures

As noted earlier, the review procedures may take a number of forms, but the procedure, including application and site plan requirements, and the process to be used to evaluate the proposal, such as public hearings, staff reviews, etc., must be specifically stated in the ordinance.

Uses Allowed

There should be some indication as to what uses are permissible in the PUD. They may be very specific--only allowing unique uses, such as airports, landfills, etc.; or, at the other end of the spectrum, they may be broad, allowing virtually any use permitted by the ordinance, subject to the requirements of the PUD.

Site Development Requirements

The PUD may require some specific site development elements, such as minimum open space percentages and ownership/maintenance details, minimum site perimeter setbacks, density, landscaping, signs, architectural elements, utility placement, parking, and other site-related characteristics. These provisions should be as specific as possible in order for the applicant to know what is expected.

Review Standards



All PUD provisions must include the standards by which the development will be evaluated. The Zoning Acts contain some guidance on suitable standards, but they will often include protection of the environment, general compatibility with adjacent land uses, ability to be served with public facilities and services, and protection of the public health, safety, and welfare. Other standards, such as those noted for site plan review, will also be applicable, since a site plan review is required for all PUDs.

PUD Documentation

PUDs approved as a rezoning will require a Zoning Ordinance amendment to implement that action. The amending ordinance will normally contain all of the site development requirements, any conditions of approval (conditions may be attached to an affirmative decision for any PUD), and other relevant information, such as site location, uses permitted, reference to a dated site plan, etc. The ordinance amendment should contain as much detail as possible in order to properly document the approval and the requirements attached to the approval.

A Special Land Use PUD will be documented through the minutes of the meeting and any other administrative notices normally completed for any Special Land Use approval.

What is Spot Zoning?

Often a review of individual development will raise a concern about spot zoning. Spot zoning is an often misused term. In order to qualify as an inappropriate spot zone the property in question must:

1. generally be small in size in relation to surrounding properties;
2. allow uses which are inconsistent with the surrounding land uses;
3. confer a special benefit on a single property owner which is not available to others; and
4. be contrary to the Master Plan.

Permitting a spot zone meeting these criteria is a poor zoning practice since it introduces a use into an area which is unlike all the other uses around it. However, as the characteristics of a spot zone imply, simply rezoning a small parcel for commercial use, when surrounded by residential uses, does not make it a spot zone. A Master Plan will often designate such properties for commercial use to serve surrounding neighborhoods.

Consequently, a rezoning consistent with that designation is not a spot zone. As a result, calling a rezoning a "spot zone" simply because it is different from the other uses around it is not always correct.

Remember...

Rezoning approvals run with the land, not with an owner. Therefore, a change to the zoning map is permanent and stays in place regardless of the property's ownership.

Rezoning cannot be conditioned upon other factors. You cannot, for example, approve a rezoning subject to the applicant's compliance with a site plan, public improvements, or any other condition.

The Development Review Process



Site Visits

Before making any decision, it is necessary that those charged with that responsibility have an adequate amount of information to allow a reasonable conclusion. Visiting the site is often critical in rendering a good decision. Still, some precautions should be used. A site visit by a majority of the membership of a decision-making body must be preceded by notice under the Open Meetings Act.

Given the potential problems associated with Open Meetings Act compliance, as well as other regulations, such as the Americans With Disabilities Act (ADA), site visits by individual members is a suggested option.

Two cautions for individual visits: 1) do not go onto the site unless specific written permission has been granted by the property owner or the site is otherwise available to the public (such as an existing shopping center); and 2) do not talk to the property owner, neighbors or applicant outside of the meeting. This is known as an "ex parte" contact (or from only one point of view) and can be perceived as prejudicial.

The intent of information gathering is to insure that everyone has the same information on which to base a decision. If a contact cannot be avoided, it should be reported to the rest of the Planning Commission, along with the general content of the conversation.

Details to look for during a site visit include traffic conditions, natural features, surrounding land uses, and general neighborhood characteristics. Visits at different times and days would also be useful. You should describe your findings to the rest of the Planning Commission so that they may have the benefit of your observations and comments. Photographs, slides or video tape may be a good option, particularly for larger, inaccessible sites.

Meeting Preparation

Prior to the meeting you should take the time to review all of the material made available to you. Make sure that the Zoning Ordinance requires that applications be submitted early and that enough site plan copies are provided so that each member can be sent a plan prior to the meeting. The Zoning Ordinance should also be reviewed to determine the applicable standards and requirements prior to the meeting. Questions about the proposal should be written down.

In some circumstances, it may be advisable to contact community staff to determine the availability of special studies that may be applicable to the site or the area. Staff reports and materials submitted by the applicant should also be available for review.

Making Decisions

Decisions must always be based on the standards of the Zoning Ordinance and facts, not on emotion or opinions. The following guidelines may prove useful in determining whether or not a decision is reasonable.

The record must show sufficient facts to back up the findings made according to the ordinance standards. If traffic is a concern, describe those concerns as precisely and factually as possible.

It is not enough to deny an application because of a vague notion that the use is not a "good idea," or that it will "harm the neighborhood."

Simply because a roomful of people show up to oppose the project is not sufficient reason to deny an application.

The past performance of the applicant (positive or negative) should not be used as a basis for a denial. If there are doubts about performance, make proper use of conditional approvals (except for rezonings), performance bonds, and proper documentation.

Approvals and denials should each be thoroughly documented, clearly stating how the Ordinance standards were, or were not met.

Resolve questions of doubt before taking action; do not act hastily. Zoning decisions are permanent; take care that the decision you make is the correct one.

Site Plan Review



The Zoning Acts indicate that a community may "require the submission and approval of a site plan before authorization of a land use or activity regulated by the zoning ordinance." Accordingly, the Zoning Ordinance must state which land uses or activities will need site plan approval and the conditions under which a site plan will be reviewed.

The Zoning Acts state that the Ordinance must specify the "body, board, or official" who will review site plans. Review responsibilities can be divided; the Planning Commission may review certain plans and the Zoning Administrator others. The legislative body may also be made the final decision maker for site

plans, if desired. The Board of Appeals cannot conduct site plan reviews since they may have to hear an appeal of a site plan decision.

The reviewing authority may attach reasonable conditions to a site plan approval. Conditions must be related to the review standards contained in the Ordinance. A performance guarantee may also be required. In practice, site plans are rarely denied approval. Instead, the reviewers tend to place the conditions necessary to meet the standards of the Zoning Ordinance. If the site plan is greatly deficient, it may be tabled pending submission of corrected plans. The approved site plan becomes part of the community's records and the project must be constructed in accordance with that plan.

Site Plan Review Standards

All Final Site Plans must be approved, approved with conditions, or denied based on the purposes, objectives and requirements of this Ordinance, and specifically, the following considerations when applicable:

1. The uses proposed will not adversely affect the public health, safety, or welfare. Uses and structures located on the site shall be planned to take into account topography, size of the property, the uses on adjoining property and the relationship and size of buildings to the site. The site shall be developed so as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.

This standard is used to ensure that the proposed development fits the site, particularly with respect to features and relationships to adjoining properties. For example, off-street parking can be a source of problems related to circulation, but they can also have a significant effect on adjacent properties if not properly located and designed. Entrances to parking areas should be located in areas convenient to the street to which they provide access. The parking areas should be located in areas convenient to the use that they serve.

However, the location of parking areas depends largely on the use that they serve and how they relate to adjoining properties. For example, parking areas in commercial areas should, to the extent possible, connect with one another to provide internal circulation between adjacent uses. This may be accomplished through a formal arrangement, such as front or rear service drives, or simply by making it convenient to move between adjoining parking areas.

On the other hand, nonresidential parking areas located next to residential uses should be located as far from the adjacent properties as possible and/or have sufficient screening to protect adjacent properties.

This standard also allows the reviewer to require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately shielded from surrounding property. It is useful to define minimum buffers, in terms of widths, landscape plantings, berms, wall materials, heights, etc. Minimum requirements should be stated as such, with a clarifying statement that additional screening may be required by the Planning Commission or other reviewing authority.

This standard may also be used to require screening of loading areas, dumpsters, rooftop mechanical equipment, and other areas of intense activity. Screening of loading and waste storage areas can provide not only a visual buffer, but can help contain litter from blowing onto adjacent properties.

Lighting should be adequate to illuminate the area, yet not "spill over" on adjacent properties, particularly residential areas. Requiring "cut-off" fixtures for lights, or reducing the height of light poles can be effective ways to meet this standard. Sign lighting should also be considered under this standard to prevent the glaring of lights onto the roadway or adjacent properties.

2. Safe, convenient, uncongested, and well-defined vehicular and pedestrian circulation shall be provided for ingress/egress points and within the site. Drives, streets and other circulation routes shall be designed to promote safe and efficient traffic operations within the site and at ingress/egress points.

3. The arrangement of public or private vehicular and pedestrian connections to existing or planned streets in the area shall be planned to provide a safe and efficient circulation system for traffic within the City.

The purpose of reviewing circulation is to ensure proper driveway spacing, adequate setbacks for clear visibility, and proper placement of parking areas. Requiring parking setbacks, particularly along the roadway, can have a beneficial effect on the community in terms of improving driveway placement and control (stacking capacity at the driveway opening), control of glare and headlight spray, and community aesthetics.

Special consideration should be given to uses with large parking areas to ensure that circulation is safe and does not conflict with pedestrians, other vehicles, and adjacent uses. Shared driveways may also be required to reduce the overall number of access points. It is also advisable to require access between properties so that vehicles do not have to enter the roadway to reach adjacent uses. Other considerations, such as service drives (front and/or rear), may also be required.

A common misconception is that local communities have no input on driveway locations if the state has jurisdiction over the roadway. Although local regulation cannot conflict with the road authority (i.e. be less restrictive), it can control driveway locations through the site plan review process. Local governments do have authority to control the placement and spacing of curb cuts (as long as they are not less restrictive than the road authority).

Other aspects, such as providing sidewalks for pedestrians, will largely depend on local policies. Compliance with state or federal regulations for handicap parking and access is also important.

4. Removal or alteration of significant natural features shall be restricted to those areas which are reasonably necessary to develop the site in accordance with the requirements of this Ordinance. The Planning Commission or Zoning Administrator may require that landscaping, buffers, and/or greenbelts be preserved and/or provided to ensure that proposed uses will be adequately buffered from one another and from surrounding public and private property.

Site plans should show any "significant natural feature," which is defined as:

"Any natural area as designated by the community, Michigan Department of Natural Resources, or other agency which exhibits unique topographic, ecological, hydrological, or historical characteristics such as a wetland, flood plain, water features, or other unique natural features."

There are two approaches to natural features: preservation and integration. Preservation measures should be applied to those features which are so sensitive or so valued that any alteration would have a negative impact on the community, in terms of aesthetics, environmental quality, and safety. In these areas, development should be either prohibited or restricted to those projects which have a negligible effect on the environment. Regulated wetlands and identified flood prone areas are examples of lands requiring preservation techniques.

Natural features may also be integrated into the development of a site, allowing them to remain as pristine as possible. The use of small wetlands as aesthetic features, or maintaining vegetated areas as screening or visual interest is becoming more common. In this way, natural features often help market development projects.

Preserving natural features, such as woodlands and topography, may be accomplished through conditions of approval, using this standard as support. Reviewers should also be aware of the potential of environmental contamination, particularly where underground storage tanks are, or have been, present. Many lending institutions now require the completion of an environmental audit to determine the likelihood of contamination prior to approving funding of projects.

5. Satisfactory assurance shall be provided that the requirements of all other applicable Ordinances, codes, and requirements of the City will be met.

This standard gives the Planning Commission the latitude to condition development approvals on the review of city professional engineers and others. For example, most Planning Commissioners are not adequately trained to ensure that a site is properly engineered to avoid excessive amounts of storm water runoff. Normally, local engineering or other sources need to be consulted. Having this standard allows the community to consider these engineering factors in their approval. The same is true of the adequacy of sanitary sewer and water services, safety services, and others. Perhaps the best way to ensure that this

standard is met is to involve public safety authorities in the site plan review process. Many communities may have local regulations that address fire lane standards and building access that must be taken into account to ensure that ordinance conflicts are avoided.

6. The general purposes and spirit of this Ordinance and the Master Plan of the City shall be maintained.

The intent of any Zoning Ordinance and Master Plan is to protect properties from the harmful effects one may have on the other. It is important to note that this does not just mean residential properties. For example, mixing commercial and industrial uses can foster traffic and circulation problems by creating conflicts between truck, employee, and customer vehicles. Ensuring proper land use relationships is the function of the Ordinance and Master Plan; site plan review helps ensure that those principles are implemented.

To ensure that this standard is met, the Master Plan should be reviewed to determine if there are any particular aspects that apply to the property being reviewed. Access management principles, goals that encourage protection of environmental areas, and guidelines for managing community aesthetics are all involved in this review.

How to Avoid Litigation



The short answer to avoiding litigation is simple; you can't! Governments are always open to lawsuits, regardless of the methods used to reach a decision. Disappointed applicants and neighbors far too often look to the courts to make a decision favorable to their position. However, there are some actions that you may take to strengthen your legal position.

The first way to deal with a legal challenge to your decisions is to follow the procedures and principles outlined in this handout. As you have seen, the zoning process involves a wide variety of technical, administrative, and judgmental factors. The technical factors may include compliance with the numerical requirements of the Zoning Ordinance, such as setbacks, height, parking, etc. The administrative requirements include such items as ensuring that notices are mailed and published, meeting procedures followed, and other similar actions.

Finally, and probably most important, are the judgmental factors that are required in making effective zoning decisions. The standards provided in the Zoning Ordinance for various types of decisions are the clearest guide given to decision makers. All decisions should be based on these standards and the facts that are used to apply them.

Other factors that should be remembered:

Keep the Master Plan and Zoning Ordinance up-to-date. A current Plan and Ordinance, reflecting the needs and desires of the community can bolster an effective defense. An outdated Plan or Ordinance is subject to attack as not relevant to today's conditions.

Recognize the landowners right to a reasonable rate of return, but remember that it may not be the use which provides the highest profit.

Do not exclude lawful land uses if there is a demand and an appropriate location in the community (see zoning enabling acts). Don't try to steal or extort property by zoning; buy it.

Base decisions on the ordinances and facts, not emotion or an opinion of the applicant.

Make consistent decisions using the standards written into the Zoning Ordinance.

Know the rules of procedure and follow them, consistently.

Do not make decisions which have the effect of polluting, impairing or destroying the air, water, and other natural resources of the state and the public trust therein.

Resolve questions of doubt before taking action; do not act hastily. Zoning decisions are permanent; take care that the decision you make is the correct one.

Know the limits of your authority and act in good faith.

Correct immediately any situations which could be/are found liable.

If sued, hire competent legal counsel familiar with the type of litigation involved.

The Image of the City of Walker



What Is a Community?

One of the concerns consistently expressed by Walker residents is the feeling that they are simply a part of Grand Rapids and have no distinct identity. While in some areas this concern may not be a significant problem, the needs of the City of Walker and its residents can be affected by this lack of identity.

Some of these effects may include difficulties in passing improvement mileages, gaining approvals for infrastructure projects, developing consensus on zoning issues, and others. In part, these difficulties may exist because the residents have little sense of commitment to Walker as a community; their concerns may not go beyond the boundaries of their neighborhood.

A Community Survey, conducted as part of the Master Plan process, indicated a fairly weak sense of identity and belonging to the city. While it was clear that people are proud to live in the city, they do not seem to have a clear sense of attachment to the community. There may be several reasons for this, including the proximity of the City of Grand Rapids, the lack of a Walker school system, multiple mailing addresses, and others.

Some communities are easy to recognize, because they have a unique image, a distinguished (or sometimes infamous) history, industrial identity (Detroit, Milwaukee), or simply because their citizens take pride in their community and spread the word. Many American cities suffer from a lack of uniqueness. In a metropolitan area the problem is compounded since the uniformity of development makes it difficult to tell one community from another.

Some communities create their own uniqueness. A small town in Indiana has the distinction of having several public buildings designed by world renowned architects. In Michigan, the cities of Frankenmuth and Gaylord have encouraged German and Scandinavian themes for their downtowns.

One question asked that the respondents to the Survey identify images of the community that were important to them. The responses were broken down by four areas of the city (see illustration). While there were some elements that were stronger in some areas than others, there were a number of images common to each.

Areas 1 and 2 were more likely to identify Greenridge Square and Alpine Avenue as part of their image of Walker. Areas 3 and 4 viewed Standale and Wilson Avenue as part of their image. Each area, while not ignoring the distinctness of the images of others, viewed these four as strong in their area.

On the other hand, several images were rated strongly in all areas of the city: neighborhoods, government, schools, trees, and parks/open space. Accordingly, it will be important to carefully consider each of these elements in the development of the image of the City. The wide consensus on the importance of these elements to the image of the city will help in the development of an image strategy. But what is most important is that the City undertake an active effort to improve the overall image of the community by taking advantage of the positive elements and working to improve the negatives.

In summary, the images of the city that appeared to have the most impact were those that provide a sense of character and place, the city's neighborhoods; and natural scenes, such as trees, parks, and open spaces. Therefore, the image of the City of Walker should evolve from those two elements: neighborhoods and a sense of place and the natural environment.

Neighborhoods and Sense of Place

The term, Compact Livable Community, originated in the Metropolitan Development Blueprint, commissioned by the Grand Valley Metropolitan Council. The Blueprint stated:

"There is great value in promoting compact, livable communities consisting of a blend of residential areas which are livable cities, villages, and neighborhoods, served by efficient utility and transportation systems each having its own identity and access to the area's natural resources."

Walker has a strong residential neighborhood character. This character is part of the fabric of what is often meant by "quality of life." People who have a sense of belonging to an area or a community will put more effort into preserving the qualities that make their neighborhood a desirable place to live.

Our term for this concept is "Living Neighborhoods." This term not only implies the liveliness of a neighborhood, but is intended to represent continuity which itself implies the need for constant support and maintenance.

CHARACTERISTICS OF LIVING NEIGHBORHOODS

"Living Neighborhoods" is one in which its residents live with a sense of community, safety, and security. These neighborhoods have common characteristics which provide the necessary critical mass for support and continuity. The characteristics described below are those of an ideal neighborhood, which is rarely achieved. However, it is possible to examine existing or proposed neighborhoods to see what, if any, obstacles might be overcome to get closer to this ideal.



Density

Residential densities should be sufficient to make efficient use of the existing or provided infrastructure, yet be appropriate and compatible with the surrounding neighborhoods. Neighborhoods should contain a variety of housing types and prices. Maintenance of existing homes should also be a high priority.

Village Character

The Neighborhood should encourage resident interaction by providing meeting spaces, green areas, walking paths, and other amenities. Buildings and uses should be of a scale and nature that provides a small town quality.

Internal Street Network

The street network should allow movement within the Neighborhood without using abutting arterial streets. The street network should access abutting arterial or collector streets at the safest and most efficient point. Intersections with abutting major streets should be planned to allow signalization.

Open Space

The Neighborhood should provide, or have easy access to, open space that is usable, or preserves valuable natural features. The open space may also have a function within the Neighborhood, i.e., separates different land uses, etc.

Pedestrian Links

The Neighborhood should have links between attractors, such as adjoining shopping areas, open spaces, and other features. Such links need not follow street systems.

Walkability

The Neighborhood should be sufficiently compact to promote walking between features by ensuring proper security, separation from vehicles, and attractiveness. Features requiring access by all areas should be located within a reasonable distance of residential areas.

Related Commercial

Small scale shopping areas of sufficient size to be economically practicable, yet appropriate for the population of the neighborhood, may be provided. Uses should be those which provide for the day-to-day needs of the residents.

Support Services

Services such as day care, schools, medical facilities, and other similar uses may be provided.

Neighborhood Association

Neighborhood interaction and cooperation should be facilitated through the use of an association which looks after the common interests of the Neighborhood. The association should provide a social as well as a service function.

Preservation of Views

Design of the development should permit the preservation of significant views to natural or cultural features. These views should be identified early in the planning of new development. Views should be available to as many residents as possible and not reserved for a single or a few residents.

Cultural and Historical Preservation

Among the characteristics that makes neighborhoods unique is the variety of cultural and historical elements that make up the social and physical fabric of the area. Ethnic architecture, neighborhood service centers, and other features help keep neighborhoods distinct and interesting. Identifying and preserving these elements should be a high priority.

Preservation and Integration of Natural Features

Valuable or irreplaceable natural features should be preserved from the effects of development; other natural features may be integrated into the development as part of the open space or common areas.

Flexible Zoning

The governing community should recognize the unique aspects of Neighborhood development and permit flexibility in the application of setbacks, yards, accessory building regulations, and other requirements, consistent with safety and compatibility with surrounding areas.

Flexible Utility Standards

Street designs, sidewalk locations, utility easements, and other standards should be appropriate for the level of development that they are designed to serve.

Environmental Programs

Neighborhoods should be planned to utilize environmental programs, such as curbside recycling, composting, and other appropriate programs.

Transit service

The Neighborhood, if of sufficient size and appropriate location, should provide central points for transit pickup. Other programs, such as Dial-a-Ride, may also be considered.

Security

The Neighborhood should possess a sense of safety and security. This can be obtained through physical measures, such as ensuring adequate lighting in public areas, as well as community methods, such as Neighborhood Watch and community safety programs.

Ultimately it should be realized that security depends as much on the interaction of residents as it does on reliance on public safety officials.

Sense of Place



Two other images, government and schools were also strongly identified as images for the city. Most often, these institutions are recognized for their names: the City of Walker or the Walker Schools. The Survey drew responses about the relationship between the Walker government and its citizens, with mixed results. The weakest responses dealt with how well the respondents felt that they were represented by the City and how the City valued their opinions. More positive responses were given about how well the City communicated with its citizens.

For Walker the school systems do not bear the name of the city, but the connection within families is still present. School aged children and their parents develop ties with the school system. This tie between the community and the schools would be strengthened if the names were related, particularly with respect to financial support and community activities planned in conjunction with the schools.

The Natural Environment

Trees

As with many developed communities, the landscape of Walker is dotted by mature trees within its residential neighborhoods. Many also line the Grand River and the roadways in and around the city. The largest concentrations of trees and other vegetation may be found in the area generally south of Lake Michigan Drive to the Grand River.

Trees provide natural functions, such as influencing the microclimate and providing wind breaks. But the most important aspect of vegetation in an suburban environment is the aesthetic benefits of shielding unfavorable views and simply providing a sense of serenity.

Some of the other values of trees include:

Providing a varied and rich environment for plants and animals. Forest layers, including canopy, branches, trunks, shrubs, and plants on the forest floor provide breeding, feeding, and refuge areas for many species of insects, birds, and mammals.

Protecting watersheds and soils. Vegetation moderates the effects of winds and storms, stabilizes and enriches the soil, and slows runoff, allowing the surface of the ground to filter groundwater.

Serving as buffers to the sights, sounds, and odors of civilization. Trees mute noise from freeways and factories, and absorb air pollutants. Along roadways trees can provide visual relief and help slow speed of traffic by limiting the sight lines of drivers to make the street appear narrower.

Moderating climate, when present in large areas. The microclimate of a stand of trees, created in part by the shade of the trees and the transpiration of water from the leaves, keeps surrounding air at an even temperature. Temperatures of treed areas are generally cooler in the day and warmer at night than the more widely varying temperatures of unforested areas, creating natural air conditioners.

Woodlands on private lands deserve greater concern. Without tree cutting regulations, a community risks losing its tree resources. Designed to prevent these losses, tree management regulations can identify the specific benefits trees provide to the community.

Green Spaces

Green, or open, spaces come in many forms and varieties, from lawns to parks to vacant fields. Some open space is formal, owned and maintained for the purpose of providing a place for recreation and enjoyment of all. Other open space adds visual distraction, such as landscaping for businesses and institutions. Still others are provided by private property owners for their own enjoyment.

In an urban environment, open space is highly valued as a means to ease the view of hard surfaces, such as parking lots, buildings, and streets. Conversely open space in urban areas is the most difficult to preserve and maintain. Land values make preservation or larger open spaces difficult unless owned by a public entity.

The need to maintain and increase available open space and parks and recreation activity was an opinion expressed by participants throughout the planning process. In the Community Survey only 18 percent of respondents would support additional taxes for new parks and 13 percent for more recreational facilities. However, a stronger 69 percent would support the use of existing taxes for the operation and upkeep of existing parks. In addition, 55 percent support existing taxes for recreational programs, and 47 percent for the purchase of open spaces.

Yet, in the same survey, 47 percent felt that parks and open spaces were "very important" to their image of Walker. This would seem to indicate that residents appreciate the aesthetic quality of parks and open spaces, but are not as willing to commit additional resources to preserving, increasing, or maintaining them.

Sense of Arrival

When people take long trips away from their home, after a time, they begin to picture various parts of their community with which they are familiar. This is the "sense of place" that we all have; that place where we are most comfortable. When returning those same people will quickly identify landmarks that announce that they have arrived at their "place."

This sense of arrival may take many forms, but whatever form it takes, it provides a distinct feeling of comfort and identity. By placing a physical landmark at the entrances to the city, the arriving resident, or visitor, can gain a sense of arrival.

Conclusion

Even though there are some physical changes that can be made to enhance the identity of Walker, creating that connection is much more than appearances. The other elements of the Plan must work in concert to improve the sense of belonging that people should have with their community. This will take the dedicated efforts of the leaders and citizens of Walker to become "ambassadors" for their community. This, in turn, will require a positive attitude and continuous communication between the City and its citizens.

Alternative Actions



The following are alternative actions; they are not intended to be all encompassing. Instead they should be used to provoke new ideas and approaches toward improving the sense of identity and belonging that the residents of Walker need to have with their community.

Neighborhoods and Sense of Place

1. Identify with residents neighborhood units within the city, defined by geographic boundaries, housing similarities, road networks, and other similar factors.
2. Identify leaders and communicators within these neighborhoods through which information about city activities may be circulated. Technical assistance may be provided to help form neighborhood associations, watches, etc., as desired.

3. Begin a Living Neighborhood Quality Evaluation process, using the criteria suggested in this Issue Paper. Identify and address deficiencies within individual neighborhoods.
4. Establish a Neighborhood Council where leaders within each neighborhood can meet to discuss common concerns and suggestions; and where the City can communicate its concerns and suggestions.
5. Consult with the school system to determine the potential for relating the schools more closely with the community. This may include joint City Commission and School Board meetings, joint sponsored activities (clean up days, holiday celebrations, City/School charity games, logo contest - see #7, etc.).
6. Create an attractive Web Page on the Internet for the City of Walker. Include information about City officials, mailboxes for the Mayor and Commissioners and key staff, City announcements, minutes of meetings, etc. Provide computers in City Hall and the Library for access.
7. Find a simple, modern, and distinctive City logo (consider the existing logo as a seal of the City). Use it at the entrances to the City, street signs, and other visible locations.

Natural Features



1. Require street trees as part of all street projects. Consider a tree management program.
2. Develop landscape standards for all construction projects requiring City approvals.
3. Plan a Walker Trail looping through the City. Provide periodic rest stops with information about City activities and natural features visible from the stop, exercise stations, and other attractions. Plan connections to regional trails (Grand River).
4. Implement a Walker Central Park for community activities.
5. Utilize the Residential Development Checklist for Environmental Concerns adopted by various agencies and development interests in Kent County.
6. Ensure that City ordinances properly address natural features and environmental considerations.
7. Consider adopt a street/stream/open space program for neighborhood residents.

HIGHWAY CORRIDOR DEVELOPMENT

One aspect of highway corridor development that is universally true is the impact of one community on another. Traffic and other effects of commercial development have little respect for community boundaries. Since all of the roadways involved are major access routes to all points of the compass, development along any one will necessarily affect traffic and quality of life along the corridor in every community. Therefore, solutions to the potential problems of corridor development need to be viewed as regional issues and addressed with a unified approach, involving property owners, developers, the Michigan Department of Transportation, Kent County Road Commission, and the City of Walker.



Street Planning and Access Management



Internal Streets

Lots which face major streets are often limited to access using those streets. A large number of individual driveways along major streets, often carrying high speed traffic, can create a hazard. Two solutions are possible. If the interior of the property is also being developed, as many lots as possible should be

required to gain access from the interior streets. Rather than stripping lots along the roadway, the interior street should be placed on lot depth into the property and the homes should back up to the section line street. Additional landscaping or fencing may be provided for the back yard areas of these homes.

The second solution can be used if interior development is not taking place. Rather than each lot having its own driveway, two or more lots can share a common driveway for the first several feet of the lot, then split into individual driveways to reach the building sites of each lot. Finally, the subdivision could be redesigned to accommodate a cul-de-sac providing access to an interior street. If none of these solutions prove useful, each lot fronting on a major street should be required to construct a turn-around area to allow vehicles to enter the street facing forward.

Access Management

Preserving the traffic carrying capacity of a roadway is another way to prevent costly improvements. Transportation studies have consistently shown that the number, design, and location of driveways can have a great affect on the ability of a road to safely move traffic and provide access for adjacent land uses. The number, design, and location of driveways along major roadways will affect traffic flow, ease of driving, and accident potential. Every effort should be made to limit the number of driveways and encourage access from side streets, service drives, frontage roads, and shared driveways.

A common misconception is that local communities have no input on driveway locations if the state or county has jurisdiction over the roadway. Although local regulation cannot conflict with the road authority (i.e. be less restrictive), it can control driveway locations through the site plan review process. Local governments do have authority to control the placement and spacing of curb cuts (as long as they are not less restrictive than the road authority).

The most effective means of ensuring proper access management is the site plan review process, enforced through the zoning ordinance. However, in order to properly administer site plan review, the city should oversee the implementation of Future Land use along the corridor. It would be preferable to complete a joint land use plan between all affected communities along the roadway.

The Zoning Ordinance will require a minimum lot frontage on major roadways in many residential areas of the city. This distance helps ease traffic conflicts between driveways and vehicles on the street. Driveway spacing (and lot frontages) will be less on those streets that are more developed and where speed limits should be reduced.

Driveway controls are also important when considering commercial and other nonresidential development. Driveways should be as far from the intersection of public streets as possible. Sharing of drives for adjacent properties should also be required, where feasible. Limiting access points clearly helps provide an added measure of safety for uses that generate higher volumes of traffic.

Driveway Spacing and Alignment

Since many of the primary roads within the city have a speed limit of 45-55 miles per hour, driveway spacing between land uses along these major streets is a significant concern. Increasing the distance between each driveway provides a measure of safety by ensuring that drivers are not confused as to the location of driveways, since they may be separated by a wide distance. This also allows for a sufficient distance to slow down to enter the driveway.

Access to major roadways should be provided at a safe and convenient location. Adequate sight distances need to be provided. Access points should directly oppose or be offset from opposing property access by a distance sufficient to prevent conflicts with turning vehicles, or what is commonly known as a "left-turn lockup." A minimum driveway offset distance is 150 feet.

Driveway spacing from intersections should be measured from the centerline of the driveway to the extended edge of the travel lane on the intersecting street, unless otherwise noted. The minimum distance between a driveway and an intersecting street should be:

1. 100 feet along streets intersecting with major arterial roadways;

2. 250 feet from any existing signalized intersection or location designated for a future traffic signal;
3. 75 feet for driveways designed and signed for right turn ingress only, excluding tapers or parallel lanes;
4. 75 feet along non-arterial streets which intersect an arterial street at locations not designated for future traffic signal;
5. If the amount of street frontage is not sufficient to meet these criteria the driveway should be constructed along the property line furthest from the intersection to encourage future shared use, and/or a frontage road or rear access service drive should be developed or access limited to side streets.

Changes to these guidelines should only be considered if it can be demonstrated by a traffic impact study that the driveway operation will not result in conflicts with vehicles at the adjacent intersection.

Minimum and desirable driveway spacing requirements should be determined based on posted speed limits along the parcel frontage. At 55 miles per hour spacing between driveways should be at least 425 feet apart, although 875 feet is desirable. The "Desirable" values are based on sight distance necessary to allow an egressing vehicle to enter the arterial traffic stream without causing oncoming traffic to decrease their speed by more than 10 mph, and should be required, to the extent feasible, where parcel size permits.

The "Minimum" values are based on the distances required to avoid conflicts between vehicles turning right or left from adjacent driveways. In order to prevent left turn conflicts, where possible, driveways should be aligned with those across the street or offset a sufficient distance from driveways across the street to avoid the possibility of turning conflicts.

In the case of expansion, alteration, or redesign of existing development where pre-existing conditions prohibit adherence to the minimum driveway spacing requirements, driveways may be located closer than the minimums, but in no case should driveway spacing of less than 60 feet be permitted.

Number of Driveways

Access to individual parcels should consist of either a single two-way driveway or a pair of one-way driveways. Certain developments generate enough traffic to consider allowing more than one driveway along a major street. Where possible, these second access points should be located on a side street or shared with adjacent uses.

For parcels with frontages of at least 300 feet, an additional driveway may be allowed, but should only be considered following a traffic impact study which demonstrates a need.

Finally, where parcels have frontage on both an arterial and a side street, access should be provided from the side street. For parcels with at least 100 feet of arterial frontage, a right turn in/right turn out only driveway along the arterial could be allowed.

Shared Driveways, Frontage Roads, and Service Drives

Sharing or joint use of a driveway by two or more property owners should be encouraged. This will require a written easement from all affected property owners during the site plan approval process. Where a future shared access is desired, the developer should indicate an easement which will be provided to future adjacent uses.

Shared driveways may also be required to reduce the overall number of access points. At a minimum, it is advisable to require access between properties so that vehicles do not have to enter the roadway to reach adjacent uses. Other considerations, such as service drives (front and/or rear), may also be required.

In areas within 1/4 mile of a future signal location access to individual properties should be provided by alternative access methods (frontage roads, service drives) rather than by direct connection to the arterial. No driveways from individual homes should be permitted direct access to any major road.

In the case of existing, proposed or recommended rear service drives, additional access to individual properties may be allowed through a direct connection to the adjacent arterial street, provided that movements at these driveways are restricted to right turns into and/or out of the site, and are appropriately spaced.

In areas where frontage roads or service drives are proposed or recommended but adjacent properties have not yet developed, the site should be designed to accommodate a future drive, with access easements provided. The city may grant temporary direct access for individual properties to the arterial street until the frontage road or service drive is constructed. This access point should be closed when the frontage road or service drive is constructed.

Frontage road and service drive intersections at the arterial street should be designed according to access management guidelines. A frontage road can be delineated through a parking lot by raised islands separating parking from the traffic lane.

Aesthetics

While aesthetics alone should not dictate the full extent of improving development along roadways and on developing sites, attention to details, such as parking setbacks, landscaping, and signs, will help manage that development and contribute to preserving the character and attractiveness of the city. The following discussion outlines some of the aspects of aesthetics which should be examined.

Landscape Design

An important element of any development is landscaping. Landscaping can perform a number of vital functions, including screening, micro-climate control, improving aesthetics, and preserving the natural environment. Landscaped setbacks for nonresidential uses can improve aesthetics and, if properly designed, help define the locations of driveways.

Another advantage of roadside landscaping is that it may appear to the driver that the roadway is narrower, which can have a tendency to slow traffic speed.

Requiring parking setbacks, particularly along the roadway, can have a beneficial effect on the city in terms of improving driveway placement and control (stacking capacity at the driveway opening), control of glare and headlight spray, and city aesthetics. Special consideration should be given to uses with large parking areas to ensure that circulation is safe and does not conflict with pedestrians, other vehicles, and adjacent uses.

The most effective style of landscaping will often depend on its location and function. For example, landscaping along a high speed roadway should be clustered to provide a clear visual impact; stringing out plantings will not make an impression on the driver. Plantings may also be used to screen objectionable views, such as dumpsters, parking areas, storage areas, and others.

Large parking lots may also require landscaping to break up the view of acres of asphalt. Interior landscaping in parking lots should be required when the lot exceeds a certain number of spaces. Some guidelines that should be considered include:

1. The interior area of any parking lot should incorporate planting islands at a minimum ratio of one (1) island per each twelve (12) parking spaces, or part thereof.
2. Each planting island should be at least ninety (90) square feet in area with a minimum horizontal dimension of nine (9) feet.
3. Landscaped islands should be dispersed evenly throughout the entire area of the parking lot in order to break up large expanses of pavement and may be used to separate pedestrian areas, maneuvering areas, and drives.
4. A minimum of one (1) approved canopy tree should be provided for each planting island, with the balance of the island covered with grass, or approved shrubs or ground cover.

5. Fifty percent (50%) of the required trees should be required to be installed in the interior of the parking area and fifty percent (50%) on the perimeter, in addition to those which may be required as part of the front yard landscaping.

Architectural Guidelines

Of all the development guidelines architectural quality is the most difficult to ensure. The variety of uses that are likely to occur in any city make enforcement of a consistent set of architectural guidelines impractical. Innovation and unique design should be allowed to flourish.

In keeping with the landscape guidelines architectural design should, to the extent possible, take into account the natural features of the land. Incorporation of wetlands, orientation of buildings to woodlands and water bodies, and other techniques to combine the natural and built environments should be highlighted in the design and placement of buildings.

Rigid architectural controls tend to stifle creativity, can be counterproductive, and encourage monotony. Architectural controls may be appropriate in areas rich with historical buildings and character. Most often, these measures are found in designated historic districts and require the formation of an architectural review board. This board is given the authority to review exterior finishes and improvements. Their function is to ensure that the historical character of the area is not jeopardized.

Signs

Signs should reflect their function. Those uses which require a high profile should have enough signs to adequately identify their purpose for the motorist. Those uses which require less identification should have smaller, less intrusive signs. For example, "destination" uses require fewer and smaller signs, since the driver is specifically looking for that use. On the other hand, "impulse" businesses tend to rely heavier on their signs to attract customers, and therefore generally desire larger and more visible signs.

The problem with signs along major commercial roadways tends to be one of competition. Impulse businesses in particular look for ways to attract attention to their signs, not just for identification, but for advertising as well. As each business struggles to compete in the sign battle, ever larger signs, pennants, streamers, balloons, and a wide variety of other visual features are planted in the landscape.

Eventually, the competition becomes so fierce, that no winner emerges; all of the signs are lost in a blizzard of visual impact with virtually no means to distinguish one sign from the other. While sign regulations need to permit visibility, they need not allow a blight on the landscape. For example, requiring a reasonable setback from side and front property lines can provide some visual relief between signs.

For each zone district (or groups of zone districts, such as Commercial, Industrial, etc.) there should be a list of permitted signs, along with regulations governing their location, size, and number. Sign regulations are generally restricted to "time, place, and manner" rather than content, with certain exceptions pertaining to advertising related to particular products. The regulations need to be as content neutral as possible.

Lighting

In residential areas, lighting is a significant concern. High levels of background lighting can light up nearby buildings and create a nuisance to neighbors. Commercial areas in particular can have an impact on lighting levels since parking lots tend to be larger and require more illumination.

There is a need to balance the requirements of safety, which require higher levels of illumination, and the affect of that lighting on the night sky. Limiting the height of lighting and requiring "cutoff" light fixtures can be effective in restricting light levels and properly directing that lighting to the areas that are most in need.

Maps



 The following Master Plan maps are available in PDF format.

[Current Conditions](#)

[ELU](#)

[FLU](#)

[Natural Features](#)

[Parks and Recreation](#)

[Roadway System Improvements](#)

[Sanitary Sewer System](#)

[Watermain System](#)

[Home](#)

[Contact](#)

[Departments](#)

[Documents](#)