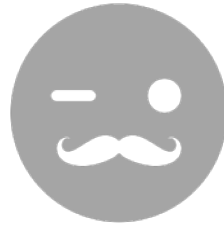


Setting the Standards for Code Audits



Allison Mouch, AICP



Bob Barber, FAICP



Oliver Seabolt, ASLA



The image features a dark grey background with three overlapping blue circles of varying shades. A white horizontal band runs across the middle of the image, containing the text "What is an Audit?".

What is an Audit?

The World's
Second
Oldest
Profession





APA Foundation

Donate

Ways to Give

Mission

Priority Initiatives

Research

[Home](#) > [APA Foundation](#) > [Foundation Priority Initiatives](#) >

FutureShape

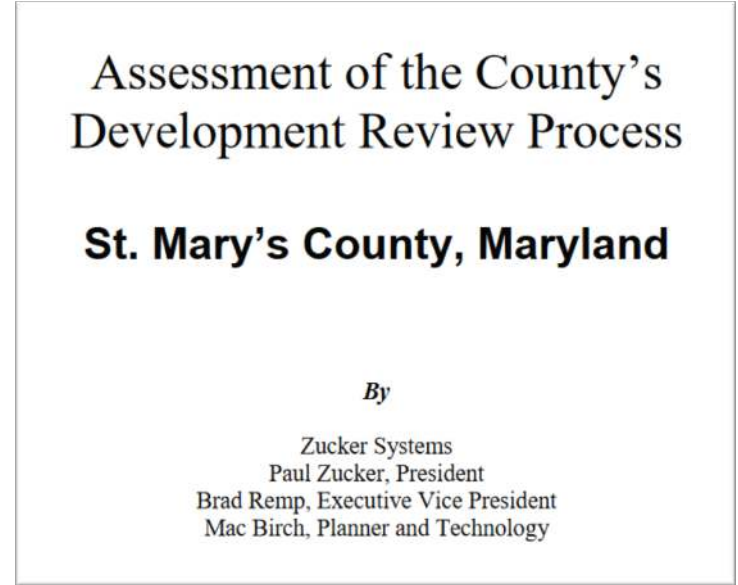
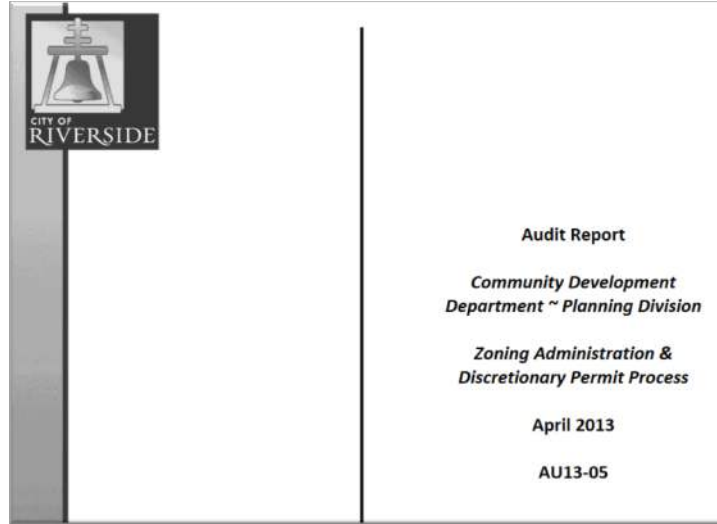
What is FutureShape?

FutureShape will collaboratively produce a research agenda for the planning profession, to be used by funders, researchers and others as a guide to prioritize research activities worldwide. The process will involve several stages of interaction between the research community and other partners, culminating in an in-person convening of

It's On Planner's Minds

- "Performance and Impact"
 - *Is there a threshold at which a plan can be judged to be effective and who would do the judging (an objective standard)?*
 - *Should varying plan processes be evaluated for effectiveness of outcomes? How should effectiveness be measured?*
 - *How do investments and policies that support existing concentrations of economic assets yield better outcomes than those that promote job sprawl? How do we define and measure those outcomes (e.g. who benefits?)?*
 - *What evidence exists to assess the effectiveness and value of a comprehensive plan?*
 - *How should impact be measured? How can effectiveness be judged?*

The screenshot shows the Lafayette California website. The header features the city name 'LAFAYETTE CALIFORNIA' in large green and orange letters. Below the header is a navigation menu with links for RESIDENTS, BUSINESS, VISITORS, SERVICES, and WHY LAFAYETTE. The main content area displays the title 'PLANNING CUSTOMER SATISFACTION FORM' in orange. Below the title, there is a 'Save Progress' button and a question: '1. How often did / do you interact with the Planning & Building Department?'. Three radio button options are provided: 'Seldom (1-2 times per year)', 'Occasionally (3-5 times per year)', and 'Frequently (more than 5 times per year)'. A 'Font Size' control is visible on the right side of the form.



Process Audits Are Common

ZONING ORDINANCE REWRITE

Phase 1 Assessment



FINAL REPORT

DESIRED PLACE TYPES






CODE DEFICIENCIES

- The zoning Ordinance permits a single lot development for residential development.
- Comprehensive zoning code allows residential development and zoning is between land uses but parking control over the purpose use of land.
- Accuracy structure not listed.
- No requirements or controls for preservation, or maintenance of land identified for preservation or open space in adopted plans.
- Power commercial district not developed enough to allow for diverse businesses.
- Master planning of large lot commercial development not required in all commercial districts, or not focused leading to preservation and lack of mixed use development.
- Current development does not take advantage of open space in zoning code.
- No preservation of open space.
- No treatment of use horizontal.
- Encourages the existing district use approach.
- No shared parking lot.
- No corridor access management plans.
- No transportation investments to help reduce corridor traffic congestion.
- Lacked consistency regarding proposed design techniques.
- Typical sign standards are not being followed by a number of independent signs.

City of Greenville, Tennessee



TITLE 19 ZONING CODE AUDIT
Final Report - March 2018

OPD ORION PLANNING DESIGN

may have to invest in creating and administering zoning, there is no perfect zoning code or zoning program, and all zoning codes become obsolete over time if not comprehensively reviewed and rewritten on a regular basis. Likewise, there is no model code that every city or county should follow. Each code should be customized to address unique community development needs, resources, and aspirations. A review of best practices indicates that effective codes are characterized by:

1. Use of simple, clear language;
2. Inclusion of tables to help organize information and make it easier to read and compare;
3. Use of quality graphics to convey concepts;
4. Reasonable flexibility in standards;
5. Consistent, predictable processes;
6. Standards that implement plans and policies; and
7. Broad support within the organization evidenced by educated, well-trained staff, well-trained and committed boards and elected officials, and sufficient resources to effectively administer and enforce adopted standards.

METHODOLOGY

Overview

The methodology for auditing and analyzing Title 19 was detailed in the contracted scope of work and based on our desire to learn as much as possible about Maui's planning and development circumstances and especially Title 19 and its associated plans and policies. The process included a comprehensive review of Title 19 content and administrative processes; a tour of Maui Island (later expanded to include portions of Molokai and Lanai); a summary of the Maui General Plan; and interviews with identified stakeholders. Information gathered through these methods was supplemented by surveying internal and external code users, and by researching literature and other codes regarding issues relevant to Maui.



The Orion team and County staff onsite during Trip 1 to Maui.

Web-based Meetings with Staff

Prior to the audit team's first site visit (Trip 1) and its series of stakeholder meetings, Maui County hosted several web-based meetings between the Orion Planning + Design team and divisions within the Department of Planning. These meetings served several key purposes:

1. They introduced the Orion Planning + Design team to the staff;
2. They provided an overview of how each division uses or impacts Title 19; and
3. They initiated an important dialogue between Orion Planning + Design and staff on what is and is not working in Title 19.

The results of these meetings guided our initial background research and informed the series of questions we had for each stakeholder group, as well as survey respondents.

Planned Mixed-Use District

Existing Land Use Summary

The Planned Mixed-Use District (PMUD) is mapped in the 2008 Comprehensive Plan in a portion of five acres containing 1,200 acres of land. Each of these areas is adjacent to Interstate 59 and three of the four acres are largely undeveloped. A brief summary of each area follows.

Vision

- The Plan purpose and goals for the PMUD can be summarized as:
1. Promote unified, cohesive development, as opposed to piecemeal;
 2. Encourage pedestrian-oriented development; and
 3. Encourage a mix of uses, both within the area as well as within individual buildings.

Existing Zoning Comparisons

The mapped PMUD overlaps five different zoning districts: A-1, B-3, B-5, B-1A, and Z-4. These districts vary widely in what they currently permit and how they may be developed. Regulations require a variety of setbacks and some design and use standards related to specific uses such as location of building signs. There are no provisions concerning parking amount or location and some setbacks could be considered excessive given the intent of the PMUD. More flexibility as well as means to address potential incompatibilities should be added to the regulations.

Districts as a whole may be appropriate to incorporate as compared to the intent of the PMUD. Some land uses currently allowed by zoning in the NCMAUD may be incompatible with the intent of the district, and design provisions may need to be altered or added.

Initial Recommendations

In order for the PMUD to support the vision that was the intent of the district, significant zoning or zoning district reforms will have to occur to allow, and especially restrict, the type and intensity of uses, open space and building patterns described in the district characteristics. Specific recommendations to consider for the LDG update include:

- Require pedestrian-scale development. Setbacks for uses, lot widths, and coverage will need to be amended.
- Require continuation of and connection of building and public spaces. Women on a functionally separate from public access to address residential and agricultural areas.
- Promote vertical as well as horizontal mix.
- Adopt design standards to ensure that the



City of Hattiesburg Land Development Code Update



Code Audit

Outcome Audits Are Rare

Setting the Standard for Code Audits

Why Do You Need A Code Audit?

How An Audit Can Streamline Your Focus And Provide Research And Ideas

How An Audit Can Help You Build Support

Determine If You Need Help And How To Get It

The Art and science of Code Audits

Using The Audit To Update Your Code

A Few Pointers

- The audit is to be performed by a person or persons having adequate technical training and proficiency as an auditor.
- **In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors.**
- Due professional care is to be exercised in the performance of the audit and the preparation of the report.

Why Do You Need A Code Audit?

- Blueprint for Updates
- Building Support
- Streamlining Focus

**My friend keeps saying
"cheer up man it could be
worse, you could be stuck
underground in a hole full
of water."**

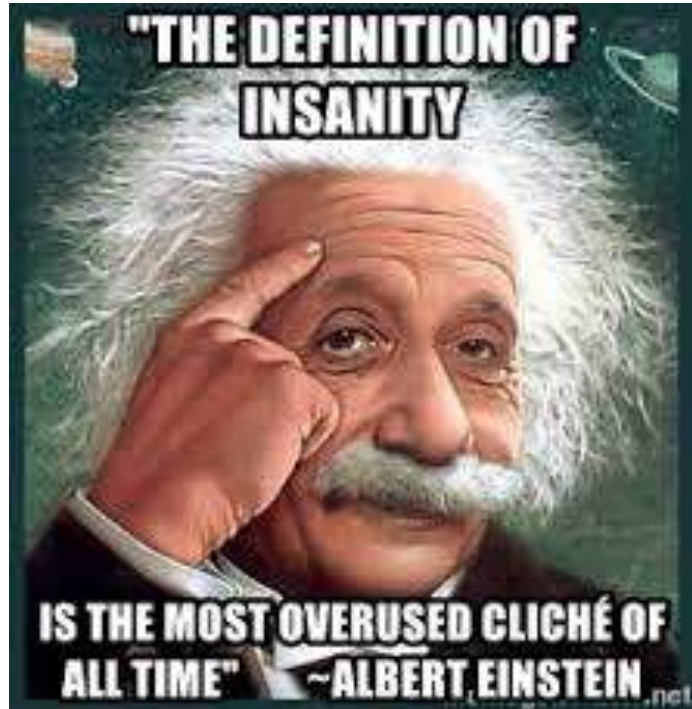
I know he means well.

An Audit Helps Build Support For A Code Update

Lays out the rationale for why changes are needed

Shows how user friendly and understandable today's codes should be

Creates a compelling argument for convincing leadership and the public of next steps



How Do You Succeed In Getting Funding and Time To Do An Audit?

- Have a few key supporters from different sectors surrounding you at key meetings, presentations, etc.
- Repeat quote: *The definition of insanity is doing the same thing over and over and expecting different results.*
- The costs of NOT doing an audit.

How Do You Determine If You Need help?

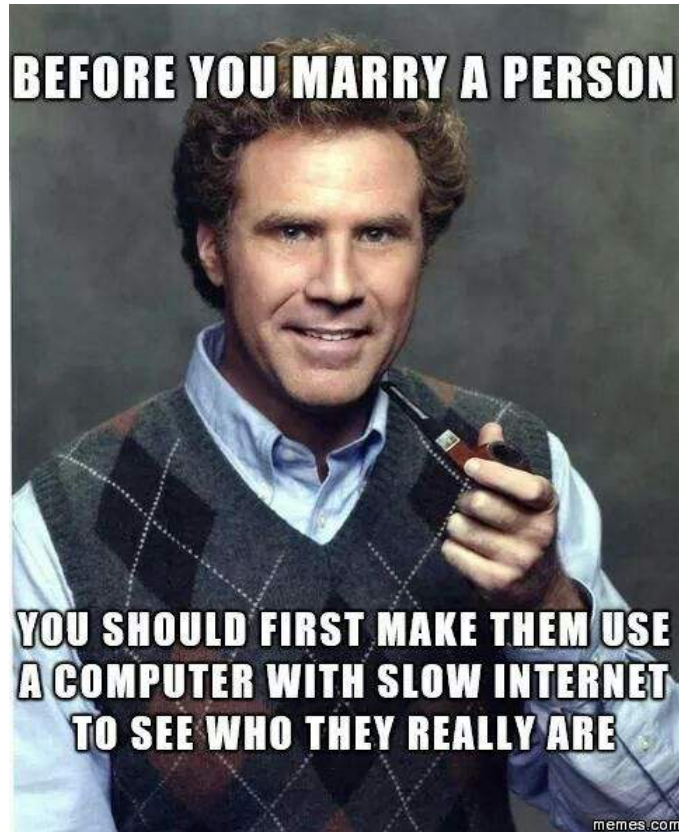


- Understanding needs and limitations
- What type of audit is appropriate for the situation?
- Refining the scale and scope
- Consider your capacity

Writing the RFP



- Be clear!
- Allow room for creativity in approach
- Don't forget the outreach
- Define the budget
- Staff capacity and involvement
- Need for an attorney

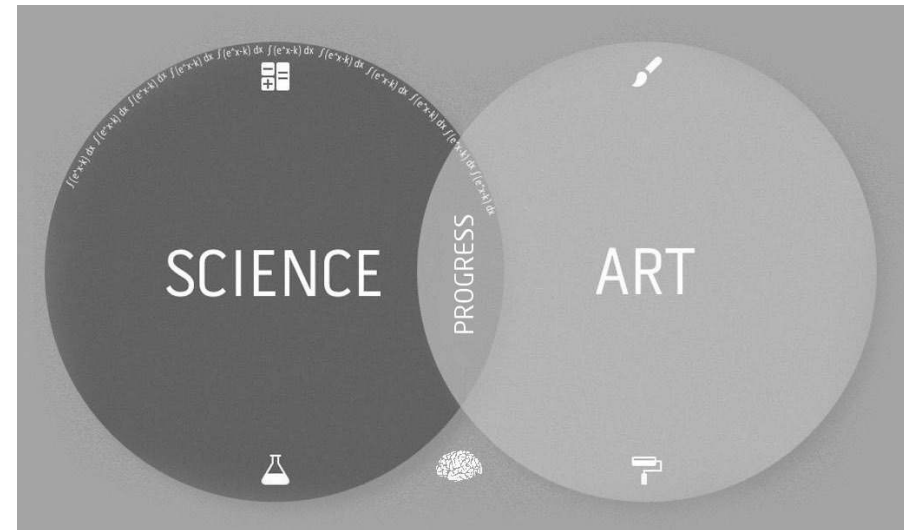


Choosing the Right Partner

- Local knowledge, outside perspective – value in balancing both
- It's not always about 'comparable' experience
- Works as an extension of staff
- Good communication

Understanding the Art and Science of Code Audits

- Schedules and Expectations
- Content and Quality
- Public Participation
- Deliverables and Milestones



Crafting the Report

- Background—is this important?
- Findings—what are they and how should you report them?
- Conclusions—do you need them and how will you use them?
- Recommendations—
 - Be concise
 - Be strategic
 - Be honest
 - Be constructive
- Effective organization
- Linking results with next steps

RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED
Engage all relevant departments and divisions in the planning process as integral partners.	●○○○○○	Political and administrative support; good communication; resolve to pursue; good communication writers.
Engage the community planning process so that they remain relevant guides for decision-makers, landowners, citizens, and developers.	○○○○●	Political and administrative support; good communication; resolve to pursue; good communication writers; support from the community.

Implement Organizational Change

Implement a Title 19 revision process to rebuild trust between the county, citizens, and stakeholders, and between county departments.	○○○○●○	A unified resolve of elected and appointed leaders and staff.
Assess the political, organizational, and social capital needed to support transformation.	○○○○●	A unified resolve of elected and appointed leaders and staff.
Encourage work in cross-department, cross-function, cross-platform, and cross-team teams to accomplish plan goals, maximize code effectiveness, and change when it occurs.	○●○○○○	A unified resolve of elected and appointed leaders and staff.
Establish a Political Review Committee that meets regularly to discuss: <ul style="list-style-type: none"> • Proposals (need to determine these), and • Interactions between divisions and departments, • The role in development review or approval should be given to departments such as police, fire and public safety, emergency management, housing and human concerns, and other agencies, and invited on an as-needed basis. 	●○○○○○	Support from the executive branch and staff leadership.
Consider creating a new position (or repurpose an existing position) to coordinate Title 19 and other areas of community planning efforts.	○○○○●○	Support from the executive branch and Council.

TITLE 19 EXISTING TABLE OF CONTENTS	OPD RECOMMENDATIONS
19.10.060 - Rule making authority.	This section of the code has been used to greatly amend or extend the authorities established under this code. We recommend redefining rule-making so that it is limited to interpreting only adopted code provisions and establishing administrative procedures required to fulfill its intent.
Chapter 19.11 - SERVICE BUSINESS RESIDENTIAL DISTRICT	
19.11.010 - Purpose and intent.	
19.11.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.11.030 - Accessory uses and buildings.	Merge this section with general use specific standards for accessory uses. Note: "Pools, hot-tubs and Jacuzzi spas" along with "other landscape features" should have a blanket allowance in the code for all districts and uses; these can be governed as "incidental structures."
19.11.040 - Special uses.	TVRs are listed here; decide if you will continue dealing with them separately or consolidated with other short-term rentals.
19.11.050 - Development standards.	Merge with a general dimensional standards table by district category.
Chapter 19.12 - APARTMENT DISTRICT	
	Consider eliminating this stacked district and stacking in other districts and in its place creating more multi-residential and multi-use districts, perhaps with use specific conditions. Regulating ownership is something zoning doesn't permit, so the category of multi-family should cover apartments and condos of 5 units or more. Duplexes, triplexes, and quadplexes are generally regulated separately since they can merge nicely in predominately single-family detached neighborhoods.
19.12.010 - Purpose and intent.	
19.12.020 - Permitted uses.	Merge with a general table of uses by district category and use specific conditions as needed.
19.12.030 - Accessory uses and buildings.	Merge with a general table of uses by district category and use specific conditions.
19.12.040 - Reserved.	
19.12.050 - Development standards.	Merge with a general dimensional standards table by district category.

TRIP 1 ISSUES - SUMMARY MATRIX

ISSUES	COUNTY STAFF									EXTERNAL STAKEHOLDERS									
	Real Property Tax	County DOT	DPW & HDOT	Parks & Recreation	Zoning Admin. & Enf.	Long Range Planning	Environmental Mgmt	Water Supply	Current Planning	Plan Implementation	TRIP TOURS	Travel & Tourism	MPO & HEAL	Planners, engineers, etc.	Dev., Builders, Owners	Economic Dev. Groups	Prop. Owners Assoc.	Environmental Groups	Farm Bureau
PLANNING APPROACH & POLICY																			
1. Underlying code is old and doesn't reflect current goals, priorities, or contemporary development practices					X	X			X	X			X	X	X	X	X		X
2. Over reliance on interpretive policy memos					X	X			X	X			X	X					
3. Confusing relationship between code and plans: plans are viewed as regulatory and advisory			X		X	X	X	X	X	X	X		X	X	X	X	X		
4. Extraordinarily large number of plan implementation actions (over 1100) increases management complexity and challenges					X	X			X	X							X		
5. Code language describes uses in ways that are difficult to translate to zoning definitions, tables OR definitions are not updated to reflect plan language; creates conflicts					X	X		X	X	X		X	X	X	X				
6. The number (quantity) of plans and planning layers (county, state, federal) is a real challenge; no "vertical integration" between plans					X	X		X	X	X			X	X	X				
7. Layering of plans and processes creates inconsistency and the challenge of interpretation					X	X			X	X			X	X	X	X	X		
8. Need to allow a project district to be modified concurrent with a community plan					X	X			X	X			X	X					

SUMMARY LIST OF RECOMMENDATIONS

The following matrix contains a summary list of all recommendations for Title 19. Each recommendation is accompanied by three types of information:

- The degree of difficulty implementing the recommendation Easy → Difficult
○○○○○
- Resources needed to implement the recommendation stated in general terms—due to the number of variables, cost of implementation is not included
- Priority where 1=urgent, 2=important, 3=desirable, and 4=should be considered, but could be part of a future update

RECOMMENDATION	DEGREE OF DIFFICULTY	RESOURCES NEEDED	PRIORITY
I. Create a Simplified, Hybrid Code			
A. General Code Items			
1. Thoroughly review Title 19 at least once every five years and make comprehensive amendments as needed to address new community issues.	○○●○○	Support of planning commissions, the community, and Council.	3
2. Improve the predictability of Title 19 by: 1) limiting the use of administrative rules and discretion (by boards/planning director), 2) tightening up regulations, terms, and definitions so that they are more objective, and 3) making as many uses as possible permitted with specific conditions.	●○○○○	Political and administrative resolve to pursue.	1
3. Develop a 'User's Guide' for navigating the zoning code.	○○●○○	Political and administrative resolve to pursue.	3
4. Establish an ombudsman, or applicant advocate, to assist developers and the public with the process, connect applicants to appropriate departments and facilitate a faster, smoother permitting/development review/zone change process.	○○●○○	Political and administrative resolve to pursue.	3
5. Create a UDO by merging Title 19 with codes related to subdivision, environmental regulation, mobility and other land development regulations.	○○○●○	Support of planning commissions, the community, and Council.	4

USE TABLES TO BETTER ORGANIZE INFORMATION

Title 19 has many tables containing use, accessory use, and dimensional standards information. While the best written codes include use and dimensional standards tables, they design them to have greater impact than the tables currently in Title 19.

The typical Title 19 table looks something like the following, an excerpt from 19.16.030.A:

Accessory uses	Criteria or limitations
Dwelling units	One or more, located above or below the first floor of a permitted use
Energy systems, small-scale	Provided there will be no detrimental or nuisance effect upon neighbors

or the following from 19.16.050:

	B-1	Notes and exceptions
Minimum lot area (square feet)	6,000	
Minimum lot width (in feet)	60	
Maximum building height (in feet)	30	Except that vent pipes, fans, chimneys, antennae, and equipment used for small-scale energy systems on roofs shall not exceed foot feet

These tables apply to only one district, so it isn't possible to compare districts easily. Their formatting is not particularly attractive or helpful to the reader who wants to quickly grasp the information.

Many newer codes are using tables that greatly enhance readability. For example, consider the following page showing how zoning district information is communicated in a code we created in 2015.

ZONING CODE 3.0 ZONING DISTRICTS ESTABLISHED 11

R-12 SUBURBAN NEIGHBORHOOD (R-12)

PURPOSE
The purpose of the R-12 Suburban Neighborhood Code is to provide a framework for the development of low density, single-family residential uses in a suburban setting. It is the intent of this ordinance that zoning residential development be produced from a process of voluntary and non-competitive use and that new developments be constructed according to sound, reasonable, and absolute regulations as stated within this ordinance.

TYPICAL BUILDING TYPE

PRINCIPAL INTENSITY AND DIMENSIONAL STANDARDS

Minimum lot area (sq ft)	12,000
Minimum lot width (ft)	30
Minimum lot area per dwelling unit (sq ft)	1,800
Maximum building coverage (% of lot area)	30
Maximum height (ft)	40
Minimum front yard depth (ft)	30
Minimum side yard depth (ft)	0
Minimum rear yard depth (ft)	25
Front lot line	See Section 4
Development Standards	See Section 5
Accessory Standards	See Section 6
Parking Requirements	See Section 7

TYPICAL LOT PATTERN

TYPICAL DEVELOPMENT CONFIGURATION

NOTES: (1) = minimum height, (2) = height. Height in this code shall apply to signs, antennas, chimneys, etc. unless otherwise specified. Maximum height shall not exceed the height of the roof line and shall not exceed the maximum height of the building.

TOC

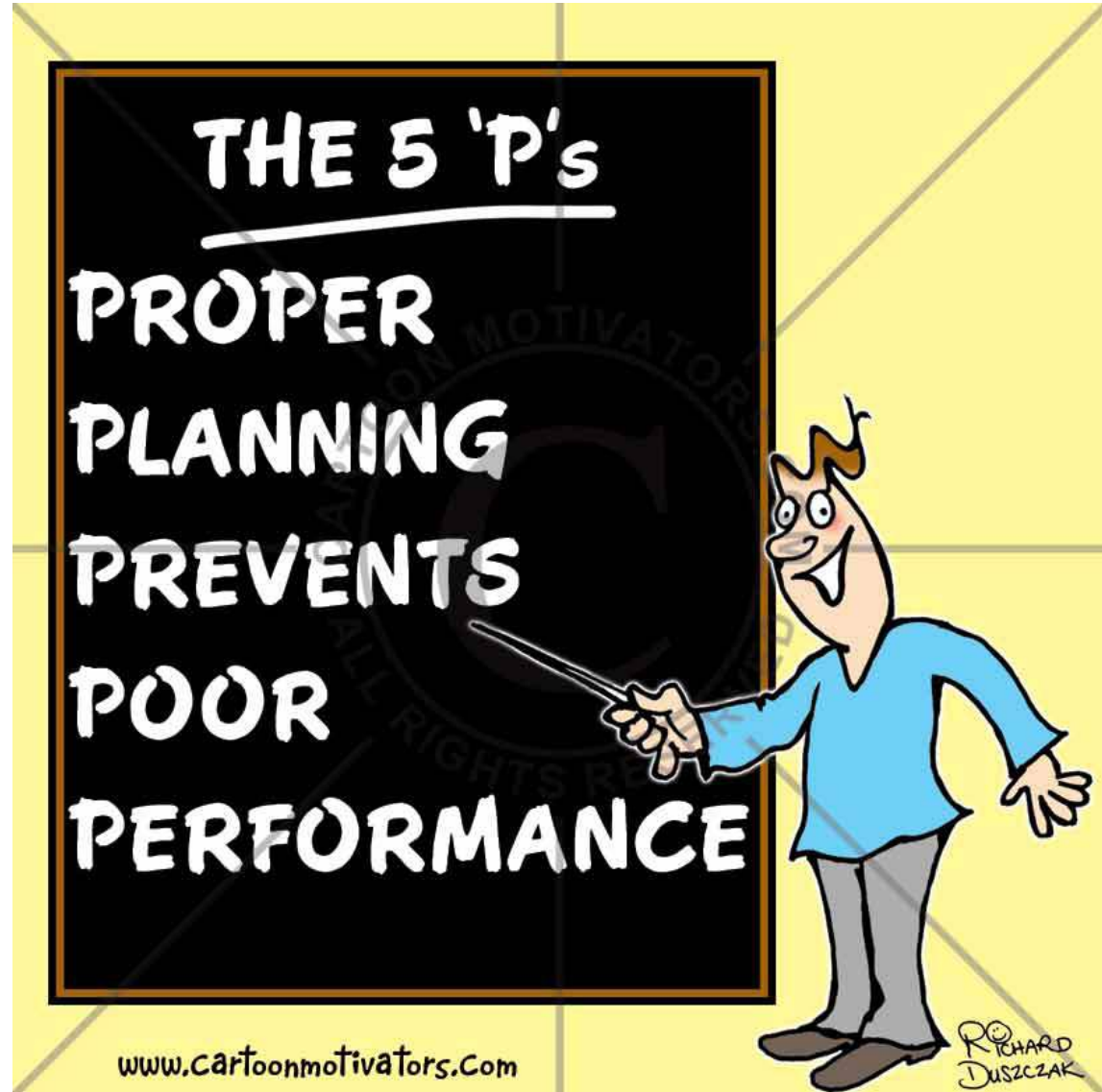
Using the Audit To Update Your Code

- Going from Reflection to Results
- Managing the Update

Things to Consider Before Starting

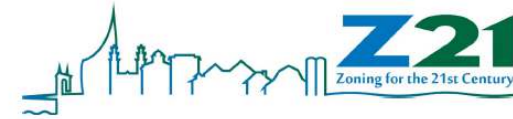
How do you go from reflection and analysis to results?

- Comprehensive or strategic updating?
- What type of Code are you creating?
- What organization should you use?
- What type of public involvement?
- How should you approach drafting?
- Process for review?



4 EVANSVILLE – VANDERBURGH COUNTY
UNIFIED DEVELOPMENT CODE
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A Comprehensive Review of the
Erlanger Zoning Ordinance

DRAFT ASSESSMENT
THE CITY OF ERLANGER, KENTUCKY
JANUARY 10, 2018

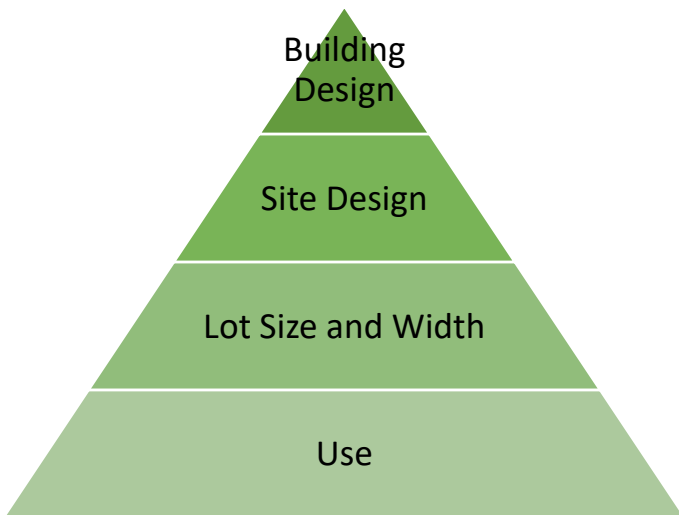
Prepared By:
Rundell Ernstberger Associates
Orion Planning + Design

Comprehensive or strategic updating?

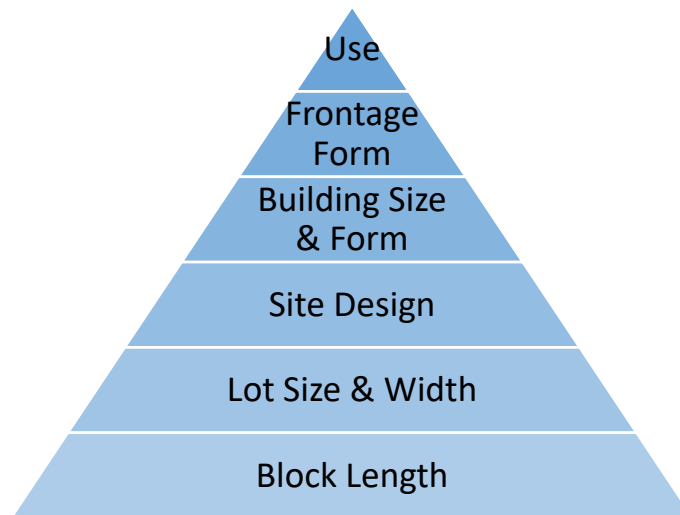
What type of Code are you creating?



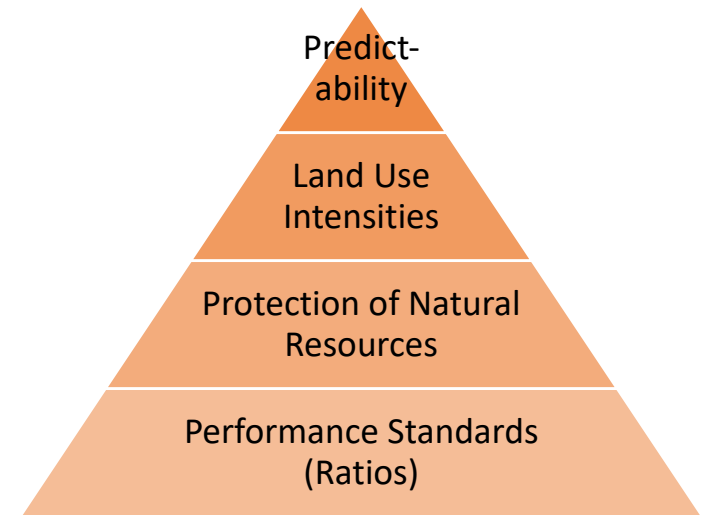
EUCLIDIAN



FORM



PERFORMANCE



How should you organize your approach?

- File System
- What program will you use?
- Color-coding

Green Text = Options that you should consider and tailor to your community.

Orange Text = Graphics

Blue Text = Definitions

Green Highlight = Links you should check prior to adoption and periodically afterwards to ensure they are not broken.

Pink Highlight = Cross References to other parts of the ordinance or other policies and ordinances.

Yellow Highlight = Questions



In order to speed up the system, I have my own personal member of the public to consult



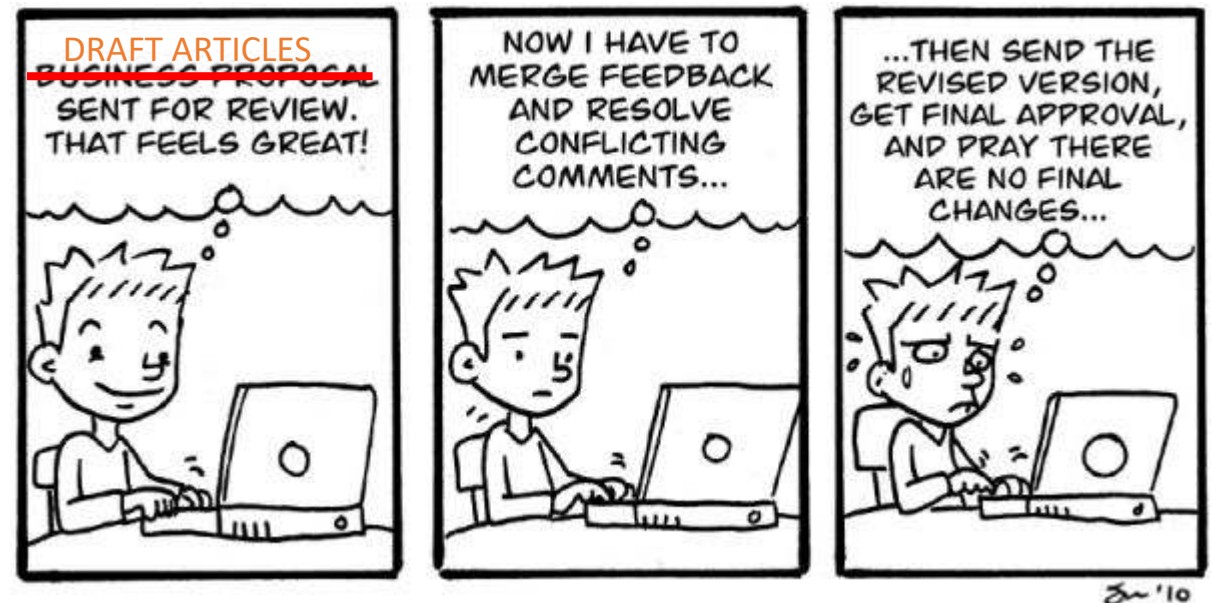
What is our approach to public engagement?

How and when do you get input?

- Have a feedback group
- Begin with the end in mind
- Identify tools to use
- Make sure you have the equipment and it works!

Process for Review?

- What is your review process with staff & task force?
- Long-term review considerations
- Testing of new code
- Consistent and timely review; get something in place and go back & change if needed!



Dos, Don'ts, and Wish I Hadn'ts!

- **Ensure that staff takes the time to review each draft article**
- **Truly spend time with staff to conduct comprehensive review of full document**
- **Have staff review current applications and then discuss with consultant**
- **Make sure to create a reasonable timeframe to write document – it usually takes longer than you think**
- **Each time you craft a new article read through draft articles to make sure that something doesn't need to be changed**
- **Do a final review to check position of graphics, cross-references, etc.**
- **Create a sheet of editing standards to guide the development of each article and quality review**
- **Interview stakeholders**