Analyzing Codes and Ordinances

Gary Belan
I. Why local stormwater controls can be effective
II. Understanding the political landscape
III. Choosing a local policy
IV. Understanding key components of your stormwater ordinance
V. Mobilizing Community Support

http://www.americanrivers.org/newsroom/resources/local-water-policy-innovation.html
Why Act Locally?

• Controlling urban stormwater depends on controlling land use – an inherently local decision
  • Comprehensive land use planning
    • Smart growth policies
    • Zoning codes and ordinances

• Local governments have plenty of experience and existing authority to regulate land use

• Stormwater management can be integrated into site plan reviews already conducted by local authorities
Identify Local Legislative Bodies

Who creates or influences local ordinances?

• Likely depends on the municipal structure created by state law and the jurisdiction you are in (i.e., City Council or County Board)

• There may be a subcommittee devoted to land use issues (such as a Zoning Board) that does not pass ordinances, but makes recommendations to the legislative body

• That subcommittee may also review development proposals, hold hearings, and implement the ordinance requirements once enacted
The following Ten Guidelines are intended to guide you in the selection of potential stormwater measures.

1. Review current zoning code for regulatory barriers and quick improvements
2. Some zoning codes are “prescriptive” – requiring the use particular design features to control stormwater.
3. Take additional measures to reduce impervious surfaces
4. Promote the use of Specific LID Techniques
5. Use “Overlay Districts” to add new requirements to existing zoning districts
6. Create standards to improve stormwater management in developed areas
7. Address the storage and use of pollutants that may come in contact with stormwater
8. Create and protect buffers for water resources
9. Require LID techniques for municipal projects
10. Connect zoning decisions to a comprehensive plan
The purpose of the scorecard is to address water quality protection across multiple scales (municipality, neighborhood, and site) and across multiple municipal departments.

Goal 1: Help communities protect water quality by identifying ways to reduce the amount of stormwater flows in a community

Goal 2: Educate stakeholders on the wide range of policies and regulations that have water quality implications.
Policy: The Scorecard

* This scorecard is a locally controlled self-assessment and guide for better incorporating green infrastructure practices at the municipal, neighborhood, and site scales.

* Best if multiple departments are involved.

* Documents needed include:
  * Zoning Ordinances
  * Subdivision Codes
  * Street Standards or Design Guidelines
  * Parking Requirements
  * Setbacks
  * Height Limitations
  * Open Space or Natural Resource Plans
  * Comprehensive Plans
To highlight the diverse nature of green infrastructure approaches, as well as the fact that oversight over these policies resides in various municipal agencies, the scorecard has five sections:

1. Protect Natural Resources (Including Trees) and Open Space
2. Promote Efficient, Compact Development Patterns and Infill
3. Design Complete, Smart Streets that Reduce Overall Imperviousness
4. Encourage Efficient Provision of Parking
1. Adopt plans/Educate
2. Remove barriers
3. Adopt incentives
4. Enact regulations
<table>
<thead>
<tr>
<th>Implementation Tools and Policies</th>
<th>Avail.</th>
<th>Rec. or N/A</th>
<th>Notes and Local References</th>
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Getting Started

* Step 1. Identify which agencies, departments, or personnel need to complete each section.
* Step 2. Convene appropriate staff to review various sections of the tool. Teamwork is critical!
* Step 3. Collect existing ordinances and policies that will be necessary references to complete the scorecard.
* Step 4. Coordinate between appropriate agencies or departments to complete the scorecard.
* Step 5: Identify sections of the scorecard and/or specific policy questions that should be prioritized for immediate revision or update.
* Step 6: Identify short-, medium-, and long-term goals and strategies for revising local policies to better support green infrastructure.
Grand Rapids

- Interest in reducing remaining volume of CSO’s.
- Realization that green is a community benefit
- Potential cost savings
- Funding is a challenge (no utilities)
Sustaining Stormwater Investment in Grand Rapids

- A report by the West Michigan Environmental Action Council
- American Conducted a review of the Cities Codes and Ordinances, with input and assistance from City staff.
- Primary goal was not to keep score, but to produce recommendations.
In Grand Rapids, the City’s Sustainable Streets Task Force released a report in 2013 outlining the current status of the City’s street network, investment considerations, and recommendations on how the City will transform its streets and rights-of-way into “Vital Streets.”

On May 6, 2014, city voters approved an income tax extension to help fund streets.

Grand Rapids should require the incorporation of LID elements into street repair or improvement projects, which would reduce the amount of imperviousness and improve water quality.

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Complete Streets recommendations

* Develop ordinances for Vital Streets design, including a specified funding mechanism
* Consider reducing new single-family driveways to a minimum width of nine feet and a maximum width of 10 feet with LID infiltration alternatives
* Require LID elements into street repairs and improvement projects, where site conditions allow, as defined by the City’s Technical Reference Manual (see Section 4)
* Wherever possible, adopt stormwater green infrastructure retrofit standards for major street projects and require a minimum of 10% of all monies used for stormwater capital improvements be devoted to stormwater green infrastructure elements
* Adopt code provisions that would incentivize developers to utilize pervious materials in parking lots, alleys, or roads
The End

Questions?