

SMART CODES Checklist

- ☐ **Prepare a good comprehensive plan:**
 - Include a housing and economic development element, in addition to land use and transportation
 - Integrate elements of plan
 - Ensure affordability and availability of housing
- ☐ **Link implementing regulations to plan**
- ☐ **Update/evaluate plans and regulations regularly**
- ☐ **Limit scope and duration of moratoria**
- ☐ **Implement a land market monitoring/buildable lot inventory system to ensure land availability and densities achieved and examine effects on affordability**
- ☐ **Allow a mix of land uses, including open space**
- ☐ **Allow as of right a variety and mix of housing types, including**
 - Attached/multifamily
 - Small lot
 - Manufactured homes/modular
 - Accessory units
 - Live-work units
 - Accessible units
- ☐ **Allow innovation and flexibility in site planning and design including**
 - PUD (planned unit development)
 - Cluster
 - Small lots
 - Higher density
 - TND (traditional neighborhood development/design) option
 - Zero lot line
 - Reasonable street widths
 - Street connectivity
 - Alternative street surfaces
 - Alleys
 - Shared parking, access
 - Setback requirements
 - Alternative storm water and septic system approaches
 - Altered utility installation

SMART CODES Checklist **continued**

- ☐ Allow multiple transportation options
 - ☐ Allow/encourage infill and redevelopment
 - ☐ Offer incentives for providing amenities
 - Density bonuses
 - Density transfers
 - Tax credits
 - Reduced fees/rebates
 - Expedited permitting
 - ☐ Plan for and fund infrastructure/capital improvements program (CIP)
 - ☐ Coordinate CIP with comprehensive plan
 - ☐ Use fair and broad-based funding mechanisms
 - ☐ If fees and exactions are imposed, ensure they are properly set (proportionality, nexus, dedication)
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SMART PROCESS Checklist

- ☐ Regularly evaluate process (especially length and complexity), content, consistency of regulation
- ☐ Certainty, stability, predictability and presumption of approval should be guiding principles
- ☐ Uses allowed by right should be allowed to proceed
- ☐ Define key terms and use simple, clear, direct, objective language
- ☐ Simplify and reduce number of zoning districts
- ☐ Minimize reliance on rezonings and special approvals; allow and encourage innovation
- ☐ Conduct pre-application conferences
- ☐ Have a one-stop permitting/central permit information desk
- ☐ Cross-train staff

SMART PROCESS Checklist continued

- ☐ Incorporate Permit tracking system accessible to applicant
- ☐ Use permit ranking/expediting, especially for infill, redevelopment, affordable housing, PUDs, cluster
- ☐ Designate an interdepartmental review coordinator
- ☐ Conduct concurrent, not sequential, reviews where possible
- ☐ Have clear submittal requirements
- ☐ Include ordinance approval process checklists and flow charts
- ☐ Require appropriate level of detail in submittals
- ☐ Allow more objective decisions to be handled administratively
- ☐ Specify timeframes/limits for review and approvals (including public hearings) to ensure clear process and timely decisions
- ☐ Include a “deemed approved” provision
- ☐ Eliminate multiple hearings
- ☐ Minimize administrative remedies that must be exhausted
- ☐ Allow broad and inclusive public participation in formulation of plans and ordinances, but more limited participation at site-specific permit stage
- ☐ Allow sufficient time between approvals with possibility of extensions
- ☐ Allow and use vesting and development agreements
- ☐ Use remediation/mediation as alternatives to appeals
- ☐ Prohibit reopening of settled issues
- ☐ Limit standing to aggrieved parties
- ☐ Allow self-certification of plans and/or inspections by engineers
- ☐ Combine inspections
- ☐ Specify timeframe for inspection of constructed improvements and release of performance bonds or guarantees

REFERENCES

See www.ncsbcs.org and www.regbarriers.org for streamlining examples.

Advisory Commission on Regulatory Barriers to Affordable Housing. 1991. *"Not In My Back Yard": Removing Barriers to Affordable Housing, Report to President Bush and Secretary Kemp*. Washington, DC: U.S. Department of Housing and Urban Development.

Bassett, Debra. 1998. "Streamlining the Development Approval Process," Background paper submitted on behalf of the National Association of Home Builders for the American Planning Association's *Growing Smart* Legislative Guidebook Project, Phase III.

Economic Growth, Resource Protection, and Planning Commission. December, 1996. *1996 Annual Report, Volume I, Recommendations and Report*. Baltimore, MD.

Meck, Stuart, General Editor. January, 2002. *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change*. Chicago, IL: American Planning Association.

NAHB Research Center. July, 1987. *Affordable Housing: Challenge and Response, Volume 1, Affordable Residential Land Development: A Guide for Local Government and Developers*. Washington, DC: U. S. Department of Housing and Urban Development, Office of Policy Development and Research.

NAHB Research Center. November, 1991. *Affordable Housing Development Guidelines for State and Local Government*. Washington, DC: U. S. Department of Housing and Urban Development, Office of Policy Development and Research.

NAHB Research Center. June, 1993. *Proposed Model Land Development Standards and Accompanying Model State Enabling Legislation, 1993 Edition*. Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

National Association of Home Builders. 1978. *Subdivision Regulation Handbook*. Washington, DC.

National Association of Home Builders. 1995. *The Truth About Regulations and the Cost of Housing*. Washington, DC.

National Association of Home Builders, State and Local Government Affairs Department. July, 1993. *Status Report on State and Local Advisory Commissions on Regulatory Barriers to Affordable Housing*. Washington, DC.

REFERENCES continued

National Conference of States on Building Codes and Standards. March, 1994. *Making Housing Affordable: Breaking Down Regulatory Barriers, A Self-Assessment Guide for States*. Herndon, VA.

National Institute of Building Sciences. 1990. *Land-Use Regulations Handbook*. Washington, DC.

Portman, Cliff. Fall, 1995. "Seattle's MUP is a model for consolidated permitting." *About Growth: A Quarterly Publication About Growth Management*. Olympia, WA: Washington State Community, Trade and Economic Development.

U.S. Department of Housing and Urban Development, Office of Policy Development and Research. December, 1992. *Removing Regulatory Barriers to Affordable Housing: How States and Localities Are Moving Ahead*. Washington, DC.

Vranicar, John, Welford Sanders, and David Mosen. November, 1980. *Streamlining Land Use Regulation: A Guidebook for Local Governments*. Chicago, IL: American Planning Association.

Weitz, Stevenson. *Affordable Housing: How Local Regulatory Improvements Can Help*. September, 1982. Washington, DC: U.S. Department of Housing and Urban Development, Office of Policy Development and Research.

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