



An El train passes over the 606, an urban park and elevated trail stretching 2.7 miles across four Chicago neighborhoods.

Contemporary Parks and Recreation Planning

PLANNING TOOLS

AMERICAN PARKS AND recreation planning evolved from the sanitary reform and health movement in the mid-19th century. In her seminal 1982 work, *The Politics of Park Design*, Galen Cranz discusses how subsequent parks and park systems have reflected the values, needs, and attitudes of American society, including the Pleasure Ground (1850–1900), the Reform Park (1900–1930), the Recreation Facility (1930–1965), the Open Space System (1965–2004), and most recently, the Sustainable Park that responds to the needs for our cities to become more ecologically and socially sustainable.

The current focus on sustainability has led to far more complex parks and

recreation planning processes, as noted by Peter Harnik in *Urban Green: Innovative Parks for Resurgent Cities*:

“A major problem for [park] advocates and managers is that parks seem relatively simple and straightforward. People frequently say, ‘It’s not rocket science, it’s just a park.’ No! For rockets . . . you need to be good at math. Parks require math plus horticulture, hydrology, psychology, sociology, and communication. They are immensely complicated.”

Today’s parks and recreation master plans may address any number of urban issues important to a community: residents’ needs and priorities; programs; capital improvements; trends; operations and maintenance; funding and fiscal sustainability; political priorities; level of service; comprehensive plan goals;

service-delivery models; mission, and role; branding; partnerships; staffing; land development codes; impact fees; park classifications; economic development; social equity; environment and green infrastructure; agency accreditation; cost recovery; aging in place; design standards; marketing; tourism; health and wellness; quality of life; crime; redevelopment; and resource protection.

There is no prescribed process or methodology for conducting a parks and recreation system planning process. According to APA’s 2008 Planning Advisory Service Report *From Recreation to Re-creation*, “specific guidance on planning for parks and open space systems in a manner similar to other community resources is simply not available.”

The planning process

As outlined in the recent *PAS Memo* entitled “Alternatives for Determining Parks and Recreation Level of Service,” the typical parks and recreation master planning process consists of four phases: existing conditions analysis; needs and priorities assessment; long-range vision; and implementation strategy. Each phase of the process builds on the findings and conclusions from the previous phase(s).

THE EXISTING CONDITIONS ANALYSIS includes an assessment of both the community and the parks and recreation system. The community analysis focuses on understanding the context of the parks and recreation system within the community’s history, vision, values, demographics, land-use patterns, and standards. This phase typically includes the review of previously prepared guiding documents such as comprehensive plans, vision plans, strategic plans, redevelopment plans, previous parks and recreation master plans, and other documents related to the issues being addressed in the process.

It is particularly important to evaluate existing and projected future land development patterns and demographics to gain a thorough understanding of the types of people who are and will be living in the community, their preferred lifestyles, the density of development in different parts of the community, and other factors that may provide insights into parks and recreation needs, priorities, and desired levels of service.

THE NEEDS AND PRIORITIES ASSESSMENT determines the gaps between existing and desired conditions. Communities typically use a “triangulated” approach to identifying needs, including various types of qualitative and quantitative techniques to determine top priorities from different perspectives.

Qualitative techniques typically include interviews with elected officials, community leaders, and other key

stakeholders; focus group meetings with user groups such as sports leagues, seniors, and teenagers; workshops with a project advisory committee and the public; and informal discussions with residents at special events.

Quantitative techniques include statistically valid surveys, non-statistically valid online surveys, and LOS benchmarking in comparison with other communities. It is important to note that benchmarking has replaced state or national standards in determining appropriate parks and recreation LOS.

The third phase of the planning process is to develop a long-range vision based on findings from the first two phases of the process, best planning practices and principles, and the unique desires and aspirations of the community. Elements typically include a long-range vision for each of the parks and recreation “subsystems” such as parks, trails, and bikeways; athletic complexes; community centers; aquatic centers; civic plazas; natural areas; historical and cultural sites; water access; and programs.

THE IMPLEMENTATION STRATEGY may include recommendations for funding, phasing, partnerships, capital improvements, programs, operations, maintenance, staffing, policies, regulations, and the means of accomplishing the long-range vision. The implementation phase also includes recommendations for updates to the community’s comprehensive plan, impact fee ordinance, land development regulations, and other policy and regulatory documents to reflect the new vision and standards for parks and recreation.

Relationship to a community’s comprehensive plan

David Rouse, FAICP, APA’s managing director of research and advisory services, noted at a recent parks conference that “the comprehensive plan is the framework defining how all city plans, investments, and programs fit together to support a

common direction.” Since a parks and recreation system master plan addresses so many elements of the public realm—“a community’s publicly accessible system of streets, sidewalks, parks, civic spaces, historic and cultural areas, natural areas, trails, stormwater treatment ponds, utility corridors and/or other lands owned and managed by city, county, regional, state or federal agencies” it is imperative that the comprehensive plan reflect the findings and recommendations for the parks and recreation system master plan. Key elements that should be included in the comprehensive plan include the summary of findings from the existing conditions analysis and needs assessment; proposed guiding principles, projects, and initiatives from the long range vision; and an overview of the proposed implementation strategy. The specific details of the parks and recreation master plan can also be adopted into the comprehensive plan by reference.

The role of planning commissions

Planning commissions can play a vital role during the parks and recreation master planning process, providing interim review and feedback regarding the needs assessment findings, the long range vision, and the implementation strategy.

Commissioners should ask to review interim draft documents at each stage of the planning process, as well as interim presentations to the commission. Commissioners can identify any conflicts or inconsistencies between the parks and recreation master plan and the comprehensive plan, as well as opportunities to further community goals and policies.

Perhaps most importantly, planning commissioners can serve as the “vision keepers” for the community, making sure that every planning decision is consistent with the community’s vision for its parks and recreation system.

—David Barth, PhD, AICP, ASLA

Barth is the principal of Barth Associates in Gainesville, Florida. He specializes in the planning, design, and implementation of the public realm.



Communities should plan parks that are accessible for use by people of all ages and abilities.

Adapting Communities for an Aging Population

BEST PRACTICES

IF YOU'VE NOTICED an increase in the number of older people in your community, you are bearing witness to a global phenomenon.

The aging of society is both an amazing opportunity and a significant challenge. Older adults are an extraordinary social and economic resource—as caregivers, volunteers, skilled employees, investors, and consumers. At the same time, increased longevity corresponds to more years of living with disabilities. For example, we can expect to live six to eight years past our ability to drive safely. The need for support in daily activities such as food preparation and self care will be enormous, but changing household composition will mean less family support and more reliance on increasingly expensive professional services. The health care system will be strained.

Most American communities have built environments that are predicated on continuing capacity to maintain large homes and drivers. This creates challenges for older people who wish to retain their independence and quality of life. Extreme social isolation is possible, and caregiving is more difficult.

It is imperative that communities and their planning efforts get serious about providing a livable environment that is supportive of people at all life stages. Aging should be a dominant consideration in the comprehensive planning process to ensure that this perspective is embedded in all aspects of planning and that implementation is not an ancillary consideration. This focus would also be educational, raising awareness for consumers as they make important long-term decisions such as housing purchases. Aging must also become a cornerstone of several functional areas of planning to integrate it from the start.

LAND-USE PLAN. A livable community for older people includes a range of easily accessible land uses that serve daily needs, such as grocery stores, pharmacies, restaurants, and medical services. Particular attention needs to be given to the long-term tenancy of certain uses like grocery stores, as their closure could have a devastating effect on people who are aging in place. Specialized housing such as assisted living should be in livable, accessible neighborhoods and not relegated to the outskirts of a community or a nonresidential area.

TRANSPORTATION PLAN. Older people will continue to drive, but they must also have viable alternatives. Road design standards should reflect the possibility that drivers might have vision deficits and slower reaction times. Pedestrian amenities such as benches and crosswalks in appropriate locations should address the needs of older people. Transit systems should be accessible, safe, and responsive.

HOUSING PLAN. Communities need to allow the single-family home to adapt to changing demographics. Universal design and accessory dwelling units are the two most significant ways in which the single-family home can be made more responsive to the aging of society. Mandatory universal design will reduce the need to make expensive modifications that delay the need to move to more specialized housing. Accessory dwelling units enable home owners to derive revenue from excess space or provide cost-effective independent living units for family members or care providers.

There is also a need for more housing diversity, including centrally located, higher density housing connected to transit services.

PARKS AND RECREATION PLAN. Parks can play an integral role in an older person's quality of life by serving as a place for physical activity and relaxation. Design standards need to address the specific needs of older people, such as appropriately designed benches with armrests that enable an older person to more easily sit and then stand up. Specific recreational needs such as shuffleboards can be offered in response to the interests of communities adjacent to a particular park.

ECONOMIC DEVELOPMENT PLAN. Aging can be embraced as a significant economic opportunity. This might involve initiatives such as workforce training that supports an older work force and supporting the development of new businesses that view older adults as an important consumer base.

NEIGHBORHOOD PLAN. At this scale it is possible to focus on a level of detail that makes a huge difference in livability for older adults. A new mixed use development might be modified to meet specific local needs. Both private property improvements and public investments can be encouraged to contribute to the incremental improvements that are needed to transform the built environment in support of the aging experience. Even cracks in sidewalks, which could be insurmountable obstacles to older people, could be addressed.

Planning for aging involves recognizing the exceptional opportunity to see communities from a different perspective. It is imperative for those involved in the planning process to develop an appreciation of how people experience a community as they age. To this end, we should engage older people in meetings, focus group interviews, expert interviews, and

surveys. Older people can give neighborhood tours to reveal where improvements are needed. Care providers, both professionals and family members, are an important source of input, as are unobtrusive observations of older people as they negotiate the environment.

It may be necessary to help people consciously view the environment differently in order to identify what is helping and what is hindering older people. Care providers, for example, may not currently appreciate how land-use policy makes their work more difficult; they just do what needs to be done.

Solicitation of input about how the environment can be improved should be an ongoing effort because the work will never be completely finished. But in taking the first steps, planners make a powerful statement that we need to humanize our environment to ensure that it supports life as it is actually lived. Older adults will have greater opportunities to maintain their health and independence and to thereby have a higher quality aging experience.

—Deborah Howe, PhD, FAICP

Howe is the president of the Oregon College of Oriental Medicine, and a former professor of planning at the Tyler School of Art and Oregon State University.

PART TWO OF A TWO-PART SERIES

Legal Issues with Form-Based Codes

LAW

THIS SECOND PART to the article begun in the August/September issue (planning.org/planning/2016/aug/thecommissioner)

examines the legal issues related to zoning and provides concluding observations. For more on form-based codes, see "A Crack in the Code?" on page 20 in this issue.

Constitutionality and zoning litigation

When land development codes are authorized, they must be exercised in a constitutionally permissible manner. For purposes of substantive due process and equal protection, codes must exercise legitimate police powers, and there must be a rational connection between the development codes and those goals.

For example, in *Restigouche v. Town of Juniper* a local government denied a

special exception for an automobile campus, finding that the use contradicted its planning policies to promote a walkable, traditional main street (59 F.3d 1208 (11th Cir. 1995)). The court found that this objective was legitimate and was furthered by restricting uses with large-format design, with large parking areas disrupting pedestrian flow between retail.

Other courts have also upheld traditional uses of zoning powers in order to protect neighborhoods with traditional

design characteristics. For example, see *City Council of the City of Salem v. Wendy's of Western Virginia, Inc.*, No. 951493 (June 7, 1996).

There is far less guidance in the courts about traditional mainstays of form-based coding, such as build-to lines (i.e., maximum setbacks), parking disposition (e.g., rear parking requirements), frontage type standards, minimum building height standards, and similar restrictions. While a handful of cases have invalidated some of these restrictions, many are older and from an era of land-use law in which both the courts and the planning profession were unfamiliar with these newer regulatory tools.

A sound comprehensive planning process, good findings in both the comprehensive plan and adopting ordinances, and careful drafting can resolve many of these issues.

One example is a 1991 Missouri Court of Appeals decision that struck down the application of a build-to line to a proposed gas station (*Dallen v. City of Kansas City*, 822 S.W.2d 429 (Mo. App. 1991)). Kansas City had adopted an overlay district that contained many elements of a form-based code, including build-to lines, prohibitions on blank walls, a prohibition on parking between buildings and the primary street line, and a prohibition on “[d]esign and materials that suggest rural, rustic or non-urban characteristics.”

The court found that the overlay district regulations conflicted with the underlying zoning district and were “confiscatory and unconstitutional.” Specifically, the court ruled that the maximum setback was arbitrary and unreasonable because it “completely ignores the realities of operating a gas station.”

Kansas City could have avoided the outcome and *Dallen* with more carefully drafted regulations (avoiding conflicts with the underlying district standards) and background analyses that demonstrate the successful application of rear parking standards to uses such as gasoline stations. In addition, the decision is somewhat of an anomaly, as the overlay



The District, a shopping area in Henderson, Nevada, illustrates many features of form-based codes, from a uniform and shallow setback to the carefully placed door and window openings that enliven the street facade.

and base districts would typically allow a number of uses that easily fit within typical form-based code metrics. Regulations are not usually considered confiscatory simply because they deny the viability of one of many possible uses in a district.

Many form-based codes establish minimum height or density standards, or minimum building height requirements at the street level for storefronts. These standards provide street enclosure, and also ensure that storefronts remain viable for a variety of uses. However, minimum height standards have not fared well in cases where they have been challenged. Cases from 1917 to 1967 in South Dakota, New Jersey, Illinois, and Florida invalidated minimum height limits, but not in view of modern planning standards, documentation of the broader relationship between design and community health, and a more expansive view of the police power.

A community that wants to include

minimum height standards in a form-based code should include careful findings that document why the standards are needed. Graphics that illustrate the differences between undersized and properly sized buildings in relation to the street can help the reader—and, if needed, a reviewing court—understand why they are necessary. Updated state planning legislation can provide further support for these types of controls.

Other legal principles

Other principles unique to zoning and land-use law may also affect a form-based code. These include case law on aesthetic-based zoning, uniformity requirements, vagueness, and spot zoning.

A few states (e.g., Virginia) prohibit zoning that is designed principally to promote aesthetics. Even in states that allow aesthetic-based zoning, a regulation that has a severe impact on the economic value of property is more defensible if it is characterized as protecting public health rather than promoting visual appearance. While form-based codes are more specific about development outcomes than traditional zoning codes, the principles underlying form-based codes are not designed to further a taste preference. Instead, they are designed to promote walkability, healthy communities, and even better physical outcomes. It is important to make these principles clear when drafting a form-based code.

Design-based codes sometimes include very general statements about appearance, compatibility, and design. If these statements require a subjective interpretation by the permitting authority, a court could overturn the regulations as excessively vague. While form-based codes also promote design, they are usually written with significantly more precision than the traditional design review board framework. In most states, therefore, they should present fewer risks of a successful vagueness challenge than a traditional design review code.

One benefit of form-based codes is their ability to replace vast, single-use

neighborhoods with a denser fabric of mixed uses. However, zoning actions that weave new uses into a single-use neighborhood are sometimes challenged as spot zoning. Courts have long recognized the legitimacy of placing complementary uses within a close distance of each other in order to promote walkability. For example, in 1943 the Utah Supreme Court rejected a spot zoning challenge to a zoning system that placed small, neighborhood-serving retail uses in the midst of residential neighborhoods in *Marshall v. Salt Lake City*, 105 Utah 111, 141 P.2d 704, 711 (1943). The court recognized the validity of a flexible system of use regulations that promote walkability and avoid the rigid separation of uses that requires constant vehicle trips to meet daily needs.

Conclusions

Form-based codes are an evolving practice, and as such have not been tested very often in the courts. While there are legal risks, communities can avoid them with planning, good findings, and careful drafting.

It is striking that the very principles underlying modern form-based codes were part of zoning enabling statutes all along. However, over the decades, zoning codes have developed a rigid separation of uses and structural regulations. It does not have to be this way, and a growing body of statutes and case law support the use of form-based codes to promote an alternative future.

Before drafting the new form-based codes, the community should carefully survey their enabling legislation and case law to make sure the codes are drafted with any applicable legal restrictions in mind. This is the same kind of analysis that should underlie a traditional zoning code. Therefore, while form-based codes are an emerging practice, they will ultimately fit comfortably within the fabric of American land-use jurisprudence.

—Mark White, AICP

White is a partner in the law firm Smith & White, LLC, in Lees Summit, Missouri.

HISTORY

THE 1811 PLAN OF NEW YORK



BETWEEN 1686 AND THE EARLY 19TH CENTURY, the settlement on Manhattan Island grew slowly as settlers made inroads into the forests and wetlands. By 1807, officials recognized the need for a larger, more orderly system for creating streets and steering development. They created a state-appointed commission with full powers to establish a binding plan for future streets and open spaces.

Gouverneur Morris served as president of the commission and John Randall worked as the chief engineer and surveyor. Four years later they published the 1811 *Plan of New York*. A supplemental act in 1809 authorized the removal of trees and other obstacles to the creation of the street plan. From this plan, New York assumed the grid system urban design that continues to define it today. This bold and forward-thinking plan anticipated future development to a remarkable degree.

—Kelly Chen

Chen is a planning student at the University of Illinois.

RESOURCE FINDER

Parks are more than just amenities for communities. They are vital to overall well-being of the community and its residents.

APA PUBLICATIONS

Alternatives for Determining Parks and Recreation Level of Service

David Barth

PAS Memo, May 2016

planning.org/pas/memo/2016/may

From Recreation to Re-creation: New Directions in Parks and Open Space System Planning

(PAS Report 551)

Megan Lewis

planning.org/publications/book/9026875

APA RESOURCES

City Parks Forum

Briefing Papers

planning.org/cityparks

The Great Urban Parks Campaign

planning.org/nationalcenters/green/urbanparks

Plan4Health: Tulsa, Oklahoma's efforts to expand parks

plan4health.us/mapping-play-in-tulsa

Plan4Health: Safe Routes to Parks

plan4health.us/tools-and-resources/toolkits/safe-routes-to-parks

APA ON-DEMAND EDUCATION Parks That Reshape Cities

planning.org/events/course/9103879

Safe Routes to Parks

planning.org/events/course/9102814

Equity and Public-Private Parks

planning.org/events/course/9102741