Each year I attended a conference on environmentally sensitive development conducted by the National Association of Home Builders. Most of the speakers were developers interested in building more compact, mixed use, pedestrian friendly communities. Almost to a person the builders complained about the inflexibility of local subdivision standards, particularly excessive residential street standards.

As one builder put it, “the typical code requires us to build roads wide enough to land a 747 on.” Or as another builder explained, “too wide streets encourage speeding and are unattractive.” Overdesigned roads are also expensive. According to one expert, “over wide streets can add up to $9,000 to the cost of a house.”

Sitting next to me throughout the conference was a representative of the Chesapeake Bay Foundation, a regional environmental organization devoted to restoring the health of the Chesapeake Bay. After the first complaint from a builder about residential road standards he turned to me and said, “I completely agree with him.” An environmentalist and a developer in complete agreement. This would come as a shock to many people, but the environmentalist quietly explained that less pavement meant less run-off, less sedimentation, and less non-point source pollution. This in turn meant a healthier Chesapeake Bay.

We often hear people say that a healthy economy and healthy environment go hand in hand and yet innovative developers who would protect the environment are often stymied by inflexible regulations. Ironically, when an environmentally sensitive design varies from the letter of the law, developers must often spend time and money arguing for their plan. When the cost and delay are too great, the “by-the-book” project will prevail over innovation, even if it hurts the environment.

Land use regulations need to be flexible enough to allow for innovation. Currently, regulators deal with one issue at a time, as if they existed in a vacuum. A more holistic approach, that looks at the relationship of all the issues, would prevent some of the defects in the present system. Let’s look at a few examples:

1. **Street Standards** — Do residential streets have to be 36 to 42 feet wide when 24 feet is safer and less costly? Overly wide streets mean more paving, more runoff, and more tree removal. This clearly hurts the environment while increasing development costs. Likewise, regulations should, wherever feasible, permit flexibility in road slope and grade standards. For example, having a shallow slope alongside a 36 foot wide road often means 80 to 90 feet of clearance. Increasing the slope — even slightly — may significantly reduce the number of trees or amount of vegetation that would otherwise have to be cleared, without sacrificing road stabilization. Both the environment and the developer will benefit.

2. **Wetlands** — Is it better to carve up five acres of woodland than to temporarily disturb an acre of wetland? Put another way, does it make sense to destroy a lot of one natural feature to save a little of another? One Maryland developer whose plans called for disturbing 3.5 acres of wetland on a large site was required to clear 7 acres of forest to mitigate for the disturbed wetland. There are clearly better ways to achieve environmental protection.

3. **Parking lots** — Does every parking lot have to be designed for the Christmas Eve overflow crowd, and remain mostly empty 95 percent of the time? If parking lots were designed to meet typical customer flow requirements instead of being over designed for the peak demand hour, adverse impacts on stormwater runoff, soil erosion, wildlife habitats, and non-point source pollution would be reduced. Infrequently used overflow lots could have grass or other porous surfaces.

4. **Stormwater Management** — Do your regulations permit developers to use natural stormwater management systems such as grassy swales or gravel packed trenches? Or do your regulations require...
storm sewers, curb and gutters, or other high cost systems in every case? What about retention ponds? Today, they are typically little more than a whole in the ground with a fence around them. Do your regulations give developers the flexibility to design ponds as an amenity, surrounded by vegetation instead of fences? Can channels be curved instead of straight?

5. Zoning — Is your zoning flexible enough to protect open space and natural features? Local comprehensive plans almost always express the goal of preserving community open space, but the typical large lot zoning ordinance often does just the opposite. For example, 100 three acre lots on a 300 acre site will eradicate all open space and natural features. On the other hand, 100 one acre lots on a portion of the site will preserve 200 acres of open space while requiring less grading, fewer roads, and shorter sewage lines. Zoning ordinances need to be flexible enough to allow for clustering and other environmentally sensitive design techniques.

Clearly planners, elected officials, developers, environmentalists, and the general public have more in common than is generally recognized. "Visioning"

A growing number of communities recognize that there are alternatives to sprawl that are more attractive, efficient, profitable, and environmentally sensitive than the typical cookie-cutter development pattern. We need to encourage these innovations and facilitate creative developers who want to design ecologically.

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