



GUIDE for
DEVELOPING ACCESSIBLE &
AGE FRIENDLY ZONING CODE

Finding Common
Ground
Inclusive
Communities
Toolkit
June 2021





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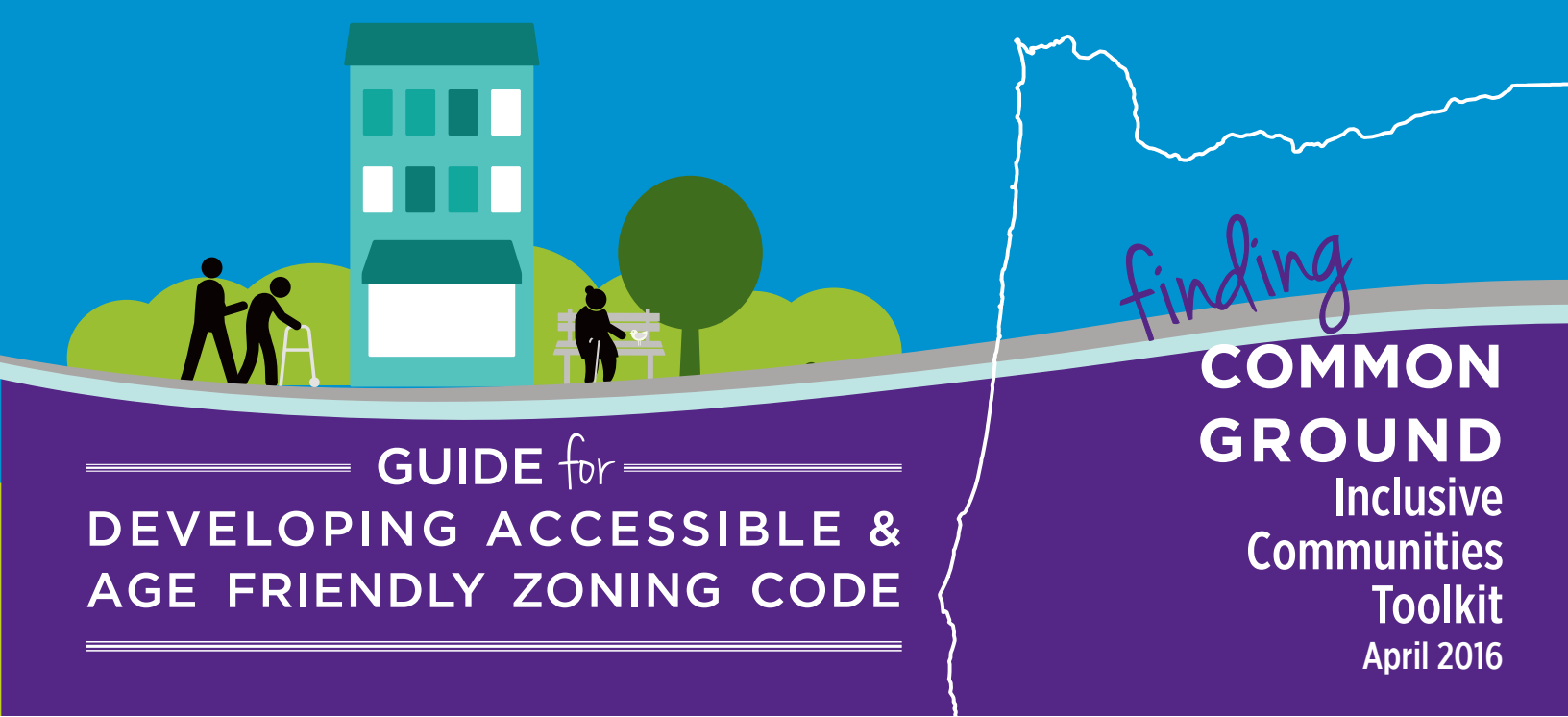
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GUIDE *for* DEVELOPING ACCESSIBLE & AGE FRIENDLY ZONING CODE

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SECTION 1.



ACCESSIBLE & AGE FRIENDLY ZONING PROJECT

Introduction to fair housing and accessible and age friendly development background.

SECTION 2.



ACCESSIBLE & AGE-FRIENDLY CODE MATRIX

Diagnostic tool and set of suggestions for updating a jurisdiction's zoning code to achieve accessibility, affordability and age-friendly goals.

INTRODUCTION



The relationship between fair housing and age friendly, accessible and affordable development hinges on providing housing opportunities to those members of protected classes under federal and state fair housing law who tend to be disproportionately older, lower-income, and disabled.

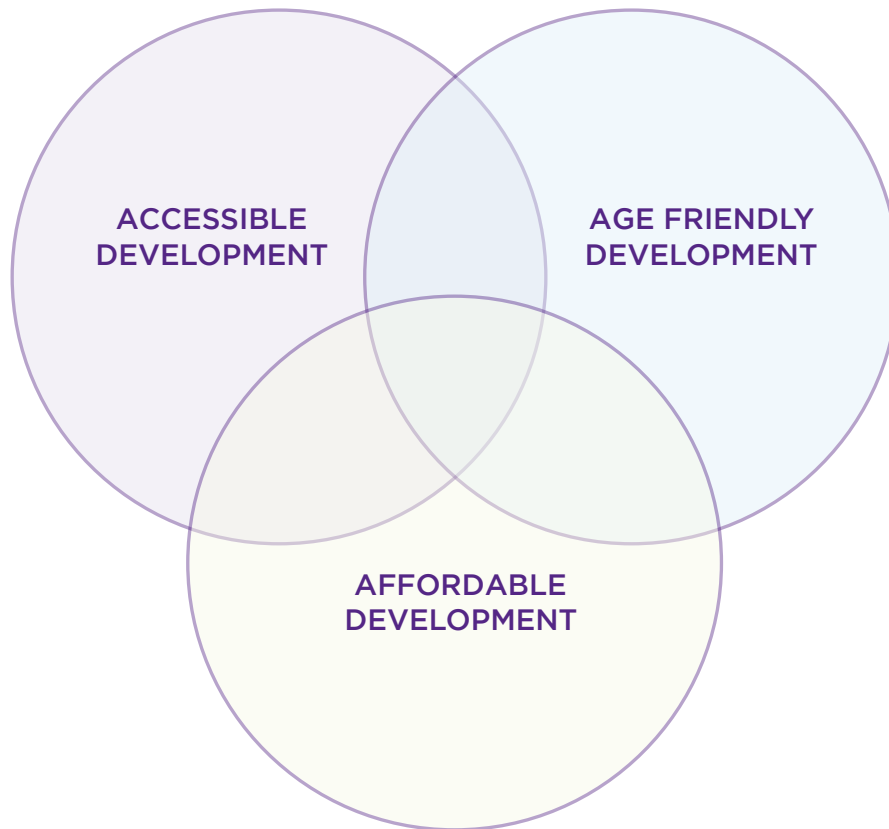
Federal fair housing law, first enacted by Congress as Title VIII of the Civil Rights Act of 1968, prohibits discrimination in housing based on race, color, religion, national origin, sex, disability, or familial status - the seven federal protected classes. Oregon law prohibits discrimination based on source of income, marital status, sexual orientation, gender identity, and being a domestic violence survivor. Survivors of stalking and sexual assault are protected under Oregon landlord-tenant law. The law applies to public entities, private businesses, nonprofits and individuals.

Housing discrimination against people living with disabilities has an outsized impact on older adults, because of the high levels of reported discrimination and the high number of older adults with disabilities. Approximately 50% of the fair housing complaints in Oregon received by the Fair Housing Council of Oregon are from people living with disabilities. National statistics reflect the same percentage. 50% or more of adults over the age of 65 years are living with a disability, meaning that roughly one in four fair housing complaints affect older adults.

Although age itself is not a protected class, the high degree of overlap between disability and age makes fair housing for older adults a priority for the Fair Housing Council of Oregon.

It is unlawful for local governments to utilize land use and zoning policies to keep persons living with disabilities from locating in specific neighborhoods or areas. Fair housing law does not pre-empt the ability of local government to regulate land use and zoning. However, local governments may not exercise that authority in a way that is inconsistent with federal fair housing law. Local laws cannot overtly or otherwise have the effect of discriminating against individuals in housing on the basis of protected class.

This **GUIDE FOR DEVELOPING ACCESSIBLE AND AGE FRIENDLY ZONING CODE** is part of the **FHCO FINDING COMMON GROUND: INCLUSIVE COMMUNITIES TOOLKIT**, including the first guide, **GUIDE FOR EXAMINING LOCAL LAND USE WITH A FAIR HOUSING LENS**. FHCO looks forward to partnering with communities across the state to implement the ideas in these guides - not just to fulfill the legal requirements of state and federal fair housing law, but also to expand housing options for all our citizens and neighbors.



OVERVIEW



With one in five Americans expected to be over 65 years old by 2050, adapting our cities for the needs of older adults is a top planning priority. Accessibility and affordability are two key concerns for the older adult population, and impact a broad cross-section of the general population as well. People living with disabilities make up 19% of US population — including 50% or more of adults over 65 years old — whereas 30% percent of US households of all ages struggle with housing costs. In addition to addressing challenges of existing communities and development, upstream work needs to be done to ensure that new development is carefully designed to address accessibility, aging and affordability concerns.

One important tool in shaping this future development is city and county zoning codes. This project develops model zoning code approaches that address accessibility, aging, and affordability issues in the built environment, designed to be compatible with existing zoning codes, community priorities, and state regulations in a range of Oregon cities.

The first phase of the project worked to identify initial zoning code concepts to improve age friendliness and accessibility. Additional background was provided by a focus group of city staff, citizens, and experts on planning and older adult issues to discuss the applicability of age friendly zoning in Beaverton, OR. Focus group results verified that age friendly concepts resonated with participants as a shared community goal, with the need for professional assistance to develop specific zoning code changes to achieve goals.

Case studies of three Oregon cities further explored opportunities and existing ideas for zoning code improvements. The cities of Springfield, Bend, and Central Point, OR, were selected, with city selection based on size and geography for variety, local initiatives related to aging and accessibility, quality of zoning code, and demographic factors to ensure variety. Each case study included background on community needs for aging and accessible development, an inventory of the existing zoning code, overview of development review practices, permitting history for earlier senior-focused projects, and local aging and disability initiatives. Interviews with city staff and key community stakeholders were instrumental to provide an inside perspective on key issues and past performance in the three cities.

Findings from the case studies and code inventories are summarized in this report, and translated into an implementation matrix of model zoning code provisions to be used as a guide for cities to update their codes. (See Section 2: Accessible and Age Friendly Zoning Code Matrix.) The matrix tool is intended as either an internal diagnosis and guide for cities to complete their own code updates, or to be implemented with the help of an outside planning consultant. Each community will benefit from carefully examining the unique needs of their population and the unique provisions of their zoning code in tailoring the model code provisions for their city. Zoning code updates can also be the springboard for future work upstream, such as comprehensive planning, and downstream, such as development review and building codes, to more holistically address issues of accessibility, affordability, and aging readiness in our communities.

A photograph with a torn-edge effect showing a man and a woman in front of a house. The man, on the left, is wearing glasses and a dark blue polo shirt, looking down at a clipboard he is holding. The woman, on the right, is wearing a bright blue and yellow floral shirt and is gesturing with her right hand while looking up. The background shows the exterior of a house with light green siding and a white door.

AGING IN PLACE

The vast majority of older adults across various income levels and degrees of disability want to age in place in their existing homes and neighborhoods, but retrofitting existing homes and providing services at the neighborhood-scale will require considerable effort.

Photo Credit: Esther Honig, KCUR

BACKGROUND



AN AGING POPULATION

Aging Americans will reshape our society in coming years as they become a larger segment of the population, and our communities need to adapt along with them. The percentage of adults over 65 in the US is expected to double by 2050 — from approximately 13% to 20%, or 1 in 5 Americans.¹ Aging in place is a priority for tomorrow's older adults, with 89% wishing to remain in their homes, with more than two-thirds citing community connections as their motivation.² New initiatives are needed to shape age friendly communities that address the needs of older adults, creating communities where policies, services and structures related to the physical and social environment are designed to support and enable older people to “age actively” — that is, to live in security, enjoy good health and continue to participate fully in society. Transforming our communities will require adaptations to both physical structures and services to ensure they are accessible and inclusive of older adults with varying needs and capacities. Age friendly communities have the promise to benefit all segments of society, including immediate benefits for those living with disabilities and low-income populations facing accessibility and affordability challenges.

RELATED DISABILITY ISSUES

Americans of all ages are living with a range of disabilities including physical, mental and communicative disabilities. In total, 19% of the US population has one

or more disabilities.³ Disability issues are a major issue among the older adult demographic, with 50% of adults aged 65 or over reporting a disability, and the actual number likely higher after accounting for underrepresented populations like nursing home patients.⁴ Because disability is a protected class under the Fair Housing Act, ensuring cities adequately regulate creation of accessible housing and neighborhoods to prevent discrimination against persons with disabilities is a legal as well as moral priority.

AFFORDABILITY CHALLENGES

In addition to age and accessibility issues, the third related challenge affecting development of housing and neighborhoods is affordability. According to the 2014 American Community Survey, over 30% of US households spend 30% or more of their monthly income on housing and are considered housing-cost burdened. The burden is particularly pronounced for renters, among whom 52.3% spend 30% or more of their monthly income on housing costs. The high prevalence of high housing costs makes accessibility a housing priority for all generations, including older adults and people living with disabilities.

According to the 2014 American Community Survey, 9.4% of older adults lived at or below the poverty line across the US; while this is lower than the 15.6% poverty rate for the general population, heavily influenced by the high number of children living in poverty, this means one in ten older adults is struggling

20%

US POPULATION
OVER 65 BY 2050

89%

SENIORS WHO
WANT TO AGE
IN PLACE

with affordability issues. Poverty is also a pronounced concern among people living with disabilities: 14.7% of adults 15 to 64 years old with severe disability live at or below the poverty line and 10.4% of adults with a non-severe disability struggle with poverty, compared to 8.4% of the population without a disability.⁵

PROPOSED AGE FRIENDLY ZONING

A key component of developing age friendly and accessible cities will be physical changes to the built environment to accommodate the housing and transportation needs of this population. Zoning regulations are a powerful tool to influence new development and redevelopment of established neighborhoods, and can be adapted to implement age friendly concepts as part of every project. Planning and zoning practices directly contribute to the built environment, and age friendly zoning changes can achieve:

- Expanded housing options to increase affordability and accessibility, through incorporation of non-traditional housing types in residential zones; density bonuses or other incentives to encourage senior housing; and simplifying permit review for exterior alterations such as wheelchair ramps.

THE ROUND

Mixed use projects like The Round in Beaverton combine multiple uses, and link them to transit, providing an increased range of options for older adults.



Photo Credit: Jim Springhetti, The Oregonian

- Mixed use neighborhoods with increased accessibility of goods and services, including mixed use zoning and flexible use of buildings to allow more commercial, medical, and service opportunities near residential areas.
- Improved site design to make the public realm easier to navigate, including prioritizing pedestrian, transit and bike access to developments; requiring pedestrian connectivity across large developments; and incentivizing usable outdoor recreation spaces, including gardens and trails.

¹ Grayson K. and Victoria A. Velkoff, 2010, THE NEXT FOUR DECADES, The Older Population in the United States: 2010 to 2050, Current Population Reports, P25-1138, U.S. Census Bureau, Washington, DC.

² Keenan, Teresa A., Ph.D., 2010, Home and Community Preferences of the 45+ Population, P4, AARP, Washington, DC.

³ Brault, Matthew W., 2012, Americans with Disabilities: 2010, P4, U.S. Census Bureau, Washington, DC.

⁴ Ibid, P6.

⁵ Ibid, P11.

COMMUNITY FEEDBACK



INITIAL RESULTS

The project team, with the help of City of Beaverton and AARP Oregon, convened a focus group of City staff, citizens, and experts on planning and older adult issues to discuss the applicability of age friendly zoning in the Beaverton context. The event was held November 19, 2013 at the Beaverton City Library.

The group included Beaverton Planning Division staff, a Beaverton City Councilor, AARP volunteers, members of the Beaverton Senior Citizens Advisory Board, staff of nonprofits serving older adult populations, and senior housing providers.

Main topics of conversation included:

- Areas of Beaverton that are currently problematic for older adults, or were examples of well-design development that functioned well for older adults. Favorable examples included the village movement, Progress Ridge town center mix of uses, increasing use of Universal Design concepts. Negative examples included difficulty navigating public streets, lack of crosswalks, pedestrian environment on Hall Boulevard.
- Interest in mixed-use development, and the balance of integrating commercial uses into existing residential neighborhoods through home occupations and other approaches.

- Communal approaches like the village movement and Bridge Meadows in North Portland, and the importance of community spaces in multifamily development.

Key observations from the focus group are that there is an active audience for age friendly initiatives that feels a clear need for improvements, but that enthusiasm needs to be focused. Given the diverse needs of an aging society, and the significant work our communities need to do to prepare, there were many interconnections between zoning concepts and more program or service based solutions. Tools for effective future engagement with similar constituents include an educational component on zoning, as well as more specific alternatives for zoning approaches.



PEDESTRIAN CONCERNS

Participants cited auto-dominant infrastructure with limited pedestrian options as a concern, such as along Canyon Road.

Photo Credit: Jim Parsons, BikePortland.org



PROGRESS RIDGE TOWN SQUARE

Progress Ridge, a master planned community with a mix of uses was cited as a positive development example

Photo Credit: Mackenzie, mcknze.com



CASE STUDIES



The three cities selected for case studies—**BEND, SPRINGFIELD, and CENTRAL POINT, OR**—each contribute to a broader understanding of conditions that drive the built environment where older adults live, and point to opportunities to revise standards with a greater focus on aging, accessibility and affordability. The three cities were selected based on geographic diversity, diversity of sizes, and availability of online zoning code as basic pre-requisites, then focusing on cities with a larger older adult population both at present and forecast for the future, and an expressed interest in age friendly communities. Interviews with city planners and community

stakeholders provided background on each community, aging and accessibility concerns, and existing zoning code. (See Section 2.)

Their codes were used as three examples of diverse cities. Each was analyzed for general principles and areas of improvements as the basis for a model code that any interested city could implement. While each zoning code is unique and is developed over time in response to community specifics, there are general concepts that can be distilled and transferred between codes.

CITY	SIZE	OLDER POPULATION	NOTABLE FEATURES
Bend	79,698	14.3 % 65+ 26.9% 55+	<ul style="list-style-type: none"> Adopted accessibility standards in building code Housing inventory identified lack of options for seniors 25% of population will be seniors by 2029 due to influx of retirees
Springfield	59,882	11.3% 65+ 23.7% 55+	<ul style="list-style-type: none"> Age-friendly community, planning initiative in concert with World Health Organization initiative
Central Point	17,443	18.0% 65+ 28.8% 55+	<ul style="list-style-type: none"> Lifelong Housing standard Developing intergenerational park

Source: 2010-2014 American Community Survey 5-Year Estimates



BEND WALKABILITY

Walkability remains a concern in some areas of Bend, OR, particularly where rapid development has outpaced transportation improvements.

Photo Credit: Ryan Brennecke, The Bend Bulletin

BEND

Bend is located in central Oregon with a population of nearly 80,000, and is a popular destination for retirees from Oregon and beyond who are attracted to the relatively sunny climate and active lifestyle. The Bend area experienced significant growth prior to the recession, and is once again one of the fastest growing metropolitan areas not just in Oregon but across the country, with a 2.7% annual growth rate reported in 2014 by the U.S. Census. An estimate of 14.3% of the population is currently 65 years of age or older, with a full one-quarter of the population expected to be older adults by 2024.

Bend planners have identified several initiatives to make the city more age friendly. The City integrated accessibility standards into the building code effective in 2012. City planners have reviewed the local housing inventory and found that there are not enough of the types of housing units that older adults will want, such as cottage homes,

duplexes, triplexes, condos, and townhouses. Long-range plans will identify ways to expand range of these housing types. The City's Transportation Department has also identified walkability as a priority for future transportation plans, based on survey findings that making streets more pedestrian friendly is a top priority for older adults.

Local resources for older adults include the public Bend Senior Center, several age-restricted and assisted living communities, and the Central Oregon Council on Aging (COCOA).

The City's zoning code provides for a range of residential districts at varying densities, several geographically specific mixed-use districts, commercial districts, and other supporting districts. Allowed densities range from 2 to 42 units per acre, with a variety of housing types allowed in the medium and high density zones. Commercial standards include building and site design standards, with provisions for multimodal transportation.

CASE STUDIES



SPRINGFIELD

The City of Springfield is only the second community in Oregon after Portland to join the AARP Network of Age Friendly Communities, a joint initiative of the World Health Organization (WHO) and AARP to prepare communities for rapidly aging populations. The city is halfway through developing an action plan based on assessments conducted within the community to identify needs within the eight areas the WHO has identified as influencing the health and quality of life of older adults. The city is an ideal partner for this zoning code project because they are in the initial stages of identifying opportunities to make the city more age friendly.

The city's population of 60,000 includes 11.3% seniors today; seniors are expected to make up nearly one-quarter of the population by 2024. The city is generally known as a progressive community with an emphasis on 'Hometown Feel.' Existing strengths include an award-winning park and recreation district with options tailored for older adults, a walkable and bike friendly community, and a downtown that is home to community events like farmers markets and art walks.

The Springfield Development Code allows for a range of residential types across zones that accommodate densities from 6 to 42 units per acre. There are provisions for adult day care, group care facilities, senior

recreation centers, accessory dwelling units (ADUs), and a range of residential types across the residential, mixed-use and commercial zoning districts.

CENTRAL POINT

Central Point is a smaller city of 17,500 residents in southern Oregon, with a demonstrated interest in aging and accessibility issues. The city is part of the broader Medford metropolitan area, and participates in the Rogue Valley Council of Governments (RVCOG). The RVCOG provides a range of senior and disability services, and developed the Lifelong Housing standard in partnership with AARP to promote residential design that adapts to needs of older adults.

The Lifelong Housing standard is being put into practice in selected homes within the new Twin Creeks development. The city is also exploring designs for an all-ages park as a centerpiece of the new development.

The city's zoning code, however, has not necessarily caught up with the city's age friendly intentions. The ADU code, for example, was adopted in 2006 and is fairly restrictive in terms of which zones ADUs are allowed and the design requirements. Other areas of the code provide greater possibility for age friendly development, such as the Medical Commercial zone that allows mixing of residential, commercial and medical services.

DOWNTOWN SPRINGFIELD

Downtown Springfield, OR offers a range of shops and services at a scale accessible to older adults, providing an alternative to big-box or auto-dominated commercial centers.



Photo Credit: Discover Downtown Springfield



LIFELONG HOUSING

Example of a Lifelong Housing-certified home, a single-story home in the Twin Creeks development in Central Point, OR.

Photo Credit: Howard M. Johnson, Age Friendly Innovators, Inc.

ZONING CODE IMPROVEMENTS



Because of the variety of local zoning code regulations, the model code matrix covers a range of topics with examples from multiple jurisdictions. Implementing the matrix concepts in individual cities will require applying the concepts and code language throughout each city's existing code and balancing the concepts against broader community priorities, resulting in unique zoning regulations in each jurisdiction rather than a single template. The zoning matrix tool includes specific code language wherever possible, such as for definitions. However, some guidance is more general because of the variety of regulations. (See Section 2.) The zoning codes from the three case study cities have been used to illustrate local opportunities and the variety of approaches that can achieve similar outcomes.

Zoning code topics generally can be grouped into residential standards intended to expand range of housing options, mixed-use requirements for use flexibility, commercial site design standards to improve access, and process standards designed to simplify or incentivize accessible and affordable projects. Topics addressed in the model zoning matrix include:

- **“Missing middle” housing types:** Allow variety of housing types in between single-family, detached homes and multifamily buildings. Permit uses such as Accessory Dwelling Units (ADUs), courtyard apartments, and cottage housing clusters. Add definitions for each use and create alternative dimensional standards where needed.
- **Family definitions:** Align definition of “family” with state law to eliminate discrimination against households comprised of non-related individuals. Focus on regulating physical dwelling units rather than the occupants.
- **Care facilities definitions:** Align definitions of housing types such as adult foster homes and nursing homes with state licensing requirements to simplify siting such facilities.
- **Density bonuses:** Provide density bonuses for affordable, accessible and/or age-restricted housing. Develop definitions and/or monitoring programs to ensure housing developed with density bonus is used as intended.
- **Residential dimensional standards:** Review dimensional standards including setbacks for single-story homes.
- **Residential parking requirements:** Explore minimum and maximum parking requirements for a variety of residential uses including “missing middle” uses like ADUs and larger-scale uses like apartment buildings. Balance needs for ADA parking spaces against cost and design implications of parking requirements.
- **Commercial mixed use:** Explore whether residential uses are appropriate in low-

impact commercial zones such as neighborhood commercial zones.

- **Medical mixed use:** Evaluate the range of uses allowed in mixed use and/or commercial zones. Allow medical uses such as clinics, offices, care facilities, and support services integrated with residential uses to provide on-site services for residents.
- **Parking lot design for commercial development:** Prioritize human connections and de-emphasize motor vehicle access in parking lots. Actions include requirements for pedestrian pathways and crosswalks, moving parking lots to side or rear of building, interior parking lot landscaping, and pedestrian plazas and other amenities such as benches.
- **Multimodal amenities:** Integrate bicycle racks and transit stops into site design. Consider incentives such as parking reductions in exchange for such amenities or for location relative to transit.
- **Commercial building entrances:** Provide direct accessible building entrances from sidewalks instead of or in addition to entrances from parking lots.
- **Commercial frontage standards:** Develop streetscape standards for public streets in front of commercial businesses that balance amenities like landscaping,

benches and sidewalk displays with clear zone for accessible travel way. Review allowances for outdoor storage, seating and/or displays to ensure they do not encroach on travel ways that conform to ADA spacing or better.

- **Accessible design incentives:** Explore incentives to incorporate Universal Design, Lifelong Housing Certification, and other similar standards into building permit review which may include faster permitting process, reduced fees, or other local benefits.
- **Review classification for accessibility renovations:** Provide expedited or simplified review for minor accessibility renovations such as exterior wheelchair ramps. Balance requirements of any historic preservation or design standards against need for accessibility.

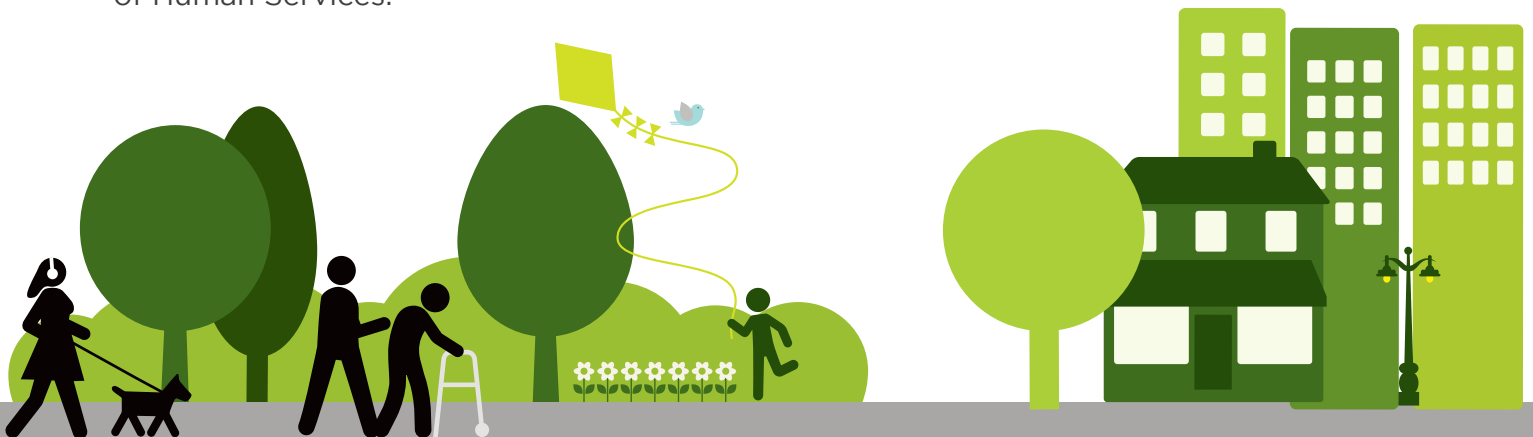
FUTURE IMPLEMENTATION




The model zoning matrix provides a tool to guide revisions of city and county zoning codes. Realizing regulatory improvements related to aging, accessibility and affordability challenges will rely on future efforts by city planners and planning professionals to apply the matrix concepts to their individual zoning codes, in order to shape future development in those communities. Future implementation efforts should focus on identifying interested communities with elected officials, community advocates and staff interested in piloting a new approach to zoning, and identifying funding sources to support the work. The three case study cities — Bend, Springfield, and Central Point — would be a good starting point. Networking through statewide groups such as the Oregon chapter of the American Planning Association, the Real Estate/Land Use Section of the Oregon State Bar, League of Oregon Cities, Oregon City/County Management Association, AARP Oregon, the Fair Housing Council of Oregon, the Oregon Department of Land Conservation and Development, and the Oregon Department of Human Services.

An initial lead for funding is the Technical Assistance Grant program run by the Department of Land Conservation and Development (DLCD). The next round of grants will be awarded in 2017. Prior to the next grant cycle, work should focus on identifying cities interested to implement the model zoning concepts to apply for grants, and lobbying the grant committee to increase the relative priority of housing-related projects in their decision process. Additional sources such as private foundations should be identified as well.

Another opportunity to expand this project statewide is to partner with DLCD to apply the model zoning concepts to the Model Development Code for Small Cities. The state model code is a tool used by many small cities as the basis for their zoning regulations, and provides the best “one-size-fits-many” approach to broaden the applicability of the accessible and age friendly model code concepts to the greatest number of cities.





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**REALIZING REGULATORY IMPROVEMENTS RELATED
TO AGING, ACCESSIBILITY AND AFFORDABILITY WILL
RELY ON FUTURE EFFORTS BY CITY PLANNERS AND
PLANNING PROFESSIONALS TO APPLY THE MATRIX
CONCEPTS TO THEIR INDIVIDUAL ZONING CODES.**

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