

Mixed-Use Zone Report for the Town of Middletown, Delaware

October 2018

Prepared by
Sean O'Neill, AICP, Policy Scientist



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Acknowledgements

As the director of the Institute for Public Administration (IPA) at the University of Delaware, I am pleased to present this *Mixed-Use Zone Report for the Town of Middletown, Delaware*. The document is a follow-up report to IPA's 2017 *Middletown Multifamily Housing Analysis*, which recommended that the town consider adopting a mixed-use zoning district.

Middletown has experienced unprecedented growth over the past two decades. This growth presents both challenges and opportunities, such as establishing new and exciting areas within town for residents and visitors. Given the large amount of residential growth in the surrounding area, commercial development has followed and is likely to continue. The new Route 301 highway is likely to attract commercial developers seeking to build retail, office, and multifamily uses that will have quicker access to the I-95 Corridor than has previously been possible in Middletown's Westtown area. In an effort to address the challenges and opportunities resulting from growth, this report outlines the key aspects of a new mixed-use zoning district that would allow for more density in some of the town's growth areas while providing for the flexibility needed to create new walkable and attractive neighborhoods. This report is intended to be an informational tool for Middletown's decision makers and solicitor in their consideration of a new mixed-use zone.

I would like to acknowledge IPA Policy Scientist Sean O'Neill and Senior Land Use Planner Linda Raab who developed the framework and authored this report. Additional thanks go to Graduate Public Administration Fellows Davis Braun and Chris Czepiel, who prepared important research materials for the report. Kudos also go to IPA Policy Scientist Lisa Moreland, who edited the document, and IPA Policy Specialist II Sarah Pragg, who formatted the report for publication.

Jerome R. Lewis, Ph.D.
Director, Institute for Public Administration

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Executive Summary

At the request of the Town of Middletown, Delaware, the Institute for Public Administration (IPA) at the University of Delaware has developed this Mixed-Use Zone Report. This report is meant to be used as an informational tool as town officials consider the creation of a new mixed-use zoning district. This report follows up on IPA's 2017 Middletown Multifamily Housing Analysis that included a key recommendation for the town to consider creating a new mixed-use zoning district, particularly for larger tracts of land in town and areas near the new Route 301 highway. The new zone would help the town grow in a more sustainable way and respond to the increasing development pressure it has been experiencing recently in part due to the construction of the new Route 301 highway. The new mixed-use zone would facilitate the creation of new pedestrian-friendly and well-connected "town center" areas that are both attractive and accessible to a variety of age groups. Using these new areas as focal points for growth, Middletown can continue to develop in a more cohesive manner with clear central "places" around which to grow.

Some of the key recommendations for a new mixed-use zone include:

- Set a minimum size of ten acres for properties or groups of properties within the zone.
- Allow for a mix of uses with building heights greater than are currently allowed under the town's zoning ordinance.
- Increase the allowable density in units per acre compared to what the zoning ordinance currently allows.
- To ensure improved design, require developers submitting plans in this new zone to go through a more rigorous and detailed site-plan-review process as a condition of approval.
- Incorporate walkable design features and other pedestrian amenities into the new zone.
- Create a Route 301 Corridor Study to look more closely at the properties being affected directly by the highway and develop policies that will help to plan in greater detail for new development in this area.
- Consider "cleaning up" the current zoning ordinance to make it more clear, cohesive, and easier to interpret.

Introduction

Situated south of the Chesapeake & Delaware Canal, Middletown has experienced significant growth since the 1990s, transitioning from small town to one that is burgeoning with more than 20,000 residents. Currently Delaware's fourth-largest municipality behind only Wilmington, Dover and Newark, Middletown's growth rate could advance it to the state's second-largest town over time. Middletown and its surrounding areas are primed for additional growth. New schools and homes with lower prices than found elsewhere in much of New Castle County have attracted wealthy young professionals to the area. Those who have lived or worked in Delaware for a long time may be surprised to know that, according to the 2015 Census American Community Survey, Middletown now has the third-highest median income of Delaware's 57 municipalities and three counties—only behind the towns of Henlopen Acres and Townsend. In addition, Middletown is a relatively young town with a median age of 34.4, which is significantly lower than the median age for the state of 39.3 and New Castle County of 37.5. All of these factors point toward the likelihood of continued growth in Middletown and its surrounding area.

Rapid growth in the Middletown area will only be enhanced by the new U.S. Route 301 highway on the western side of town. This new highway will make commuting to Wilmington and the I-95 Corridor easier for those living on the western side of Middletown, and Middletown will be a more attractive location for new office and commercial uses. Commercial developers and investors who seek to take advantage of the young professionals with expendable income as well as the quick access the new highway will provide north to Wilmington and south to Maryland's eastern shore. Given the fact that Middletown is well positioned to grow and is interested in growth, it is important for the town to develop a detailed plan for growth in newly developed areas within town and annexation areas.

In the summer of 2017, IPA completed a multifamily housing analysis for Middletown. This report came about as a result of the abovementioned growth potential. Facing an unprecedented number of proposed multifamily housing unit developments, the Town of Middletown asked IPA to review the developments and make recommendations on how it could manage the expected growth. One of the key recommendations of this analysis was that the Town:

Consider adopting a new Mixed-Use (MX) zoning district, particularly for newly annexed areas adjacent to the Route 301 highway, that will be designed to help create new walkable "town center" areas that are both attractive and accessible to a variety of age groups.

Following up on this recommendation, the Town of Middletown asked IPA for a report outlining guidelines and recommendations for a new mixed-use zone. This report is divided into five sections that include:

- An analysis of mixed-use recommendations made in the 2012 Comprehensive Plan (written by IPA and adopted by Middletown).
- An analysis of current zoning and how it relates to recommendations made in the 2012 Comprehensive Plan.
- An analysis of best practices for mixed-use zones.
- An analysis of mixed-use zones from a select group of other municipalities.
- Recommendations and draft language for a new mixed-use zone.

The analysis provided and the recommendations made in this report are intended to serve as a guide as Middletown considers creating a new mixed-use zone to help create centers of place for residents and visitors of all ages.

Analysis of Mixed-Use Recommendations in the 2012 Comprehensive Plan

The 2012 Comprehensive Plan's future land-use map identifies several areas for "mixed use." These areas are concentrated primarily along the right-of-way for the current U.S. Route 301 and the future rights of way for U.S. Route 301 highway, along with a few properties on and near Main Street between State Routes 71 and 1. The plan identifies a broad range of zones that would be considered consistent with the mixed-use land-use designation. The intent behind allowing such a broad range of zones is to allow flexibility for these areas moving forward, particularly due to the fact that the adopted Comprehensive Plan has the force of law. The following zones are considered consistent with land uses identified for mixed use:

- R-1A Single-Family Residential
- R-1B Single-Family Residential
- R-2 Single-Family Residential
- R-3 Multi-Family Residential
- R-MH Mobile Home Residential
- C-2 Downtown Commercial
- C-3 Employment/Regional Retail

The plan states:

Where the 2005 plan designated a number of parcels as commercial, this plan recommends mixed use. This designation provides flexibility so that the market can dictate the best combination of uses for these parcels.

However, some of the building types and development styles that the 2012 Comprehensive Plan considers consistent with "mixed use" are not typical of what most professional planners consider to be consistent with a "mixed use" area. Mixed-use areas typically allow for a variety of land uses in a relatively small portion of land—often within the same building—with the intent of intermingling the land uses to create a more dynamic environment. Perhaps the best example of a truly mixed-use environment would be a main street such as the Main Street in Newark, Delaware, or, in a larger city, a downtown area such as Market Street in Wilmington, Delaware. Mixed-use areas are usually intended to create a more walkable environment, often incorporating ground-floor commercial uses with residential or office uses above.

Most of the zones that are considered consistent with land uses the 2012 Comprehensive Plan identifies for mixed use in do not allow for these types of uses. The R-1A and R-1B zones are very suburban in style with very little ability or opportunity to effectively incorporate other uses as only detached homes are permitted in these zones. The C-3 zone is a highway-oriented

commercial zone intended for uses such as big-box stores, movie theaters, fast-food restaurants, pad sites for restaurants or other stores, and strip centers. The C-3 zone is also very auto-oriented and auto-dependent, which is very different than what is normally intended for mixed-use areas. Finally, the R-MH area is intended to accommodate mobile homes, which are not typically included as part of new commercial or mixed-use areas. It is recommended, therefore, that areas designated for “mixed-use” should only accommodate the following existing zones as well as any new mixed-use zone subsequent to this report:

- R-2 Single-Family Residential
- R-3 Multi-Family Residential
- C-2 Downtown Commercial

There are four zones that do not encourage mixed-use developments. R-1A and R-1B areas are designed to be suburban style, single-family developments that typically do not include a true mix of uses. The C-3 zone is designed to accommodate highway-oriented commercial uses. Although zoning districts like Middletown’s C-3 Zone sometimes allow a mix of uses, they usually do not mandate or encourage design standards that promote mixing uses, walking and biking. These, therefore, should be categorized as “commercial” areas that may allow for light-industrial or office uses. Mobile-home developments are often very similar to R-1 areas in terms of serving as single-family detached homes, and they should not be included in this mixed-use category either.

The 2012 Comprehensive Plan also includes a reference to the *Delaware By Design* guide that was produced by the Office of State Planning Coordination to provide five key principles and examples of well-designed neighborhoods that communities can use as a model for their development. The five principles from *Delaware by Design* are:

- Increase density when in appropriate locations.
- Unite people and places through an integrated street network.
- Mixed uses.
- Car parking solutions not requiring large lots.
- A place where residents love to live.

While no longer available through the State Office of Planning Coordination website, these principles are still very applicable to mixed-use areas or zones.

Additionally, the following statement in the Housing Chapter of the 2012 Comprehensive Plan supports the development of a mixed-use zone (as recommended in the 2017 Multifamily Housing Analysis):

Middletown's zoning and subdivision regulations provide for mixing of housing types as well as communities that mix residential and commercial uses. This type of regulatory environment encourages a diverse housing stock by creating opportunities for the construction of rental and condominium apartments. It also provides incentives for the development of infill properties.

Changing demographics are likely to impact future home development in Middletown. As the baby boomer generation retires, demand for large homes in suburban locations may decrease. Retirees may prefer homes similar to the types that many first-time homebuyers would choose—downsized, single family homes or townhomes located close to services and public transportation. Middletown can prepare for this possible demographic shift by continuing a regulatory and planning environment that permits subdivisions with a mix of housing types and commercial enterprises.

The following recommendations for consideration from the 2012 Comprehensive Plan also support the creation of a mixed-use zone:

- Land Use and Growth-Management Considerations
 - Continue reviewing existing land uses to identify additional areas suitable for mixed use, especially in the downtown area and Westtown.
- Community Character and Design Considerations
 - Continue utilizing “Better Models” principles in the administration of land-use regulations and give them strong consideration as land-use standards are revised. Specifically Principles 3 “Build Livable Communities,” and Principle 6 “Reduce the Impact of the Car.”
 - Incorporate “Complete Streets Policy” to integrate multiple modes of transportation into an interconnected transportation network.
 - Require attractive, pedestrian-friendly placement of commercial and institutional buildings.
- Transportation Considerations
 - Maximize pedestrian, bicycle, and vehicular interconnectivity both within new development and among existing developments.
 - Make investments in construction of bicycle and pedestrian pathways.

- Review parking and landscaping requirements in the zoning and subdivision ordinances to ensure that commercial and institutional sites are designed to be pedestrian and bike friendly.
- Housing Considerations
 - Encourage infill development projects.
 - Encourage continued diversification of the housing stock by maintaining land use regulations that allow mix of housing types and sizes in new residential developments.
- Economic-Development Considerations
 - Encourage redevelopment of underutilized and infill locations.
 - Work with relevant state agencies as well as potential new businesses and investors to attract new employment uses to town and retain existing employers.

Analysis of Current Zoning and How It Relates to the Recommendations Made in the 2012 Comprehensive Plan

As stated in the previous section, the 2012 Comprehensive Plan recommends a broad range of existing zones to allow the town flexibility for these areas moving forward. As a result, Middletown continued to allow for three- and four-story multifamily apartments by right within the C-2 and C-3 zones. Following recommendations made in IPA's previous report *Middletown Multifamily Housing Analysis* from October 2017, this has been changed to allow multifamily development only as conditional uses in the C-2 and C-3 zones. Other recommendations for consideration relating to mixed-use areas from the plan do not appear to have been implemented to a large degree, including:

- Land Use and Growth-Management Considerations
 - Continue reviewing existing land uses to identify additional areas suitable for mixed use, especially in the downtown area and Westtown.
- Community Character and Design Considerations
 - Continue utilizing “Better Models” principles in the administration of land-use regulations and give them strong consideration as land-use standards are revised. Specifically Principles 3 “Build Livable Communities,” and Principle 6 “Reduce the Impact of the Car.”
 - Incorporate “Complete Streets Policy” to integrate multiple modes of transportation into an interconnected transportation network.
 - Require attractive, pedestrian-friendly placement of commercial and institutional buildings.
- Transportation Considerations
 - Maximize pedestrian, bicycle, and vehicular interconnectivity both within new development and among existing developments.
 - Make investments in construction of bicycle and pedestrian pathways.
 - Review parking and landscaping requirements in the zoning and subdivision ordinances to ensure that commercial and institutional sites continue to be designed to be pedestrian and bike friendly.

The areas designated as “Mixed Use” in the 2012 Plan are currently zoned C-3 (Employment/Regional Retail) or C-2 (Downtown Commercial). The C-3 properties are concentrated along the current and future rights-of-way for U.S. Route 301. Properties zoned C-2 are situated along Main Street between State Routes 71 and 1.

Following IPA's recommendation in the 2017 Multifamily Housing Analysis, Middletown amended the C-2 and C-3 Zones to allow multifamily as a conditional use (Ordinance 17-09-01, adopted October 2, 2017). This change will give the town an opportunity for more thorough and detailed review of applications for multifamily housing in the C-2 and C-3 Zones, but it does not go far enough. Middletown's R-3 Zone permits the development of multifamily homes, but none of the town's current zones allow for what would typically be considered a mixed-use building. To encourage the development of communities featuring mixed-use buildings in a pedestrian-friendly environment, a new zoning district should be considered.

Analysis of Best Practices for Mixed-Use Zones

This section of the report identifies best practices for mixed-use zones from sources including the American Planning Association (APA), the Environmental Protection Agency (EPA), and the Urban Land Institute (ULI) that were highlighted in journals, model ordinances, policy guides, and descriptions of existing developments in several communities.

Policy Guides, Strategies, and Models for Mixed Use

American Planning Association (APA) Policy Guide on Smart Growth

An APA Policy Guide on Smart Growth, originally ratified by the board of directors and subsequently updated in 2012, states that APA supports the development of mixed-use, mixed-income, livable communities where people choose to live, work, and play because they are attractive and economical options rather than forced decisions. The policy guide offers a series of declarations related to smart growth including economic benefits, an inclusive planning structure and process, transportation and land development, fiscal efficiency, social equity and community building, farmland protection and land conservation, and healthy communities. It defines Smart Growth and lists core principles of Smart Growth and then outlines the benefits of Smart Growth. In the “Benefits of Smart Growth” section of the policy guide, APA offers a detailed definition for mixed-use developments that states:

Mixed-use developments include quality housing, varied by type and price, integrated with shopping, schools, community facilities, and jobs. Human-scale design in harmony with the existing urban form and quality construction contribute to successful compact, mixed-use development and also promote privacy, safety, visual appeal, and compatibility among uses and users. In rural areas, a mix of housing types and price ranges should be encouraged to meet the needs of the entire community. Mixed-use development is not limited to vertical mixed-use structures; locating parks, neighborhood retail and services, schools, and housing all within walking distance is another way to create a mixed-use community. (American Planning Association, 2012)

The final portion of the guide offers policy outcomes related to Smart Growth including economic benefits, planning structure and process, transportation and land use, fiscal efficiency, social equity and community building, farmland protection and land conservation, and public health.

As Middletown considers creating a mixed-use zone of its own, the definition of mixed-use developments stated above can be a helpful reference tool.

Smart Codes: Model Land-Development Regulations

In 2009, Planning Advisory Service (PAS) released a report providing an overview of the structure of land-development regulations and serving as a guide to the development of model Smart Growth ordinances. Marya Morris, FAICP, a former Senior Research Associate at APA and author of seven other PAS reports, served as general editor. Ms. Morris has provided training to thousands of practicing planners on diverse topics, and her work over more than 25 years has moved progressive planning ideas forward into the national mainstream. In this Smart Codes report, Ms. Morris provides two model zones that would be worth Middletown's consideration if it decides to create a mixed-use zone. The first is in Chapter 4.1 of the report and outlines a Model Mixed-Use Zoning District, and the second is in Chapter 4.3 of the report and outlines a Model Town Center Zoning Ordinance (Morris, 2009). Each includes elements that would allow it to serve as a starting point as Middletown considers creating its own mixed-use zone. Some of the elements outlined in this report include:

- Model Mixed-Use Zoning District (Neighborhood Commercial, Mixed-Use District [CX1])
 - Accommodate mixed-use buildings with neighborhood-serving retail, service-industry uses, and other commercial uses on the ground-floor and residential units above the nonresidential space. This model zone is intended to encourage development that exhibits the physical design characteristics of pedestrian-oriented, storefront-style shopping streets.
 - Maximum building height of 38–50 feet for mixed-use buildings.
 - Do not require off-street parking for nonresidential uses unless such uses exceed 3,000 square feet of gross floor area.
 - Mandate that a minimum of 60–75 percent of the street-facing building façade between 2–8 feet in height must comprise clear windows allowing views of indoor space or product display areas.
 - Mandate that buildings must have primary entrance doors facing a public sidewalk.
 - Prohibit curb cuts for lots that abut alleys (driveways that cross sidewalk disrupt pedestrian movements and pose safety threats). (2009, p. 65)
- Model Town Center Zoning Ordinance
 - Promote development of a compact, pedestrian-oriented town center consisting of a high-intensity employment center, vibrant and dynamic mixed-use areas, and residential living environments that provide a broad range of housing types for an array of housing needs. This model zone intends to promote a diverse mix of residential, business, commercial, office, institutional, educational, cultural, and entertainment activities for workers, visitors, and residents. This model zone

includes three subdistricts that are described as a Town Center Core, a Town Center Mixed-Use area, and a Town Center Residential area. The intent of these subdistrict is to allow for and direct development in a variety of ways even within the model zone itself.

- Allow building heights to vary from 3–7 stories (approximately 30–84 feet), depending on the subdistrict.
- Do not require a minimum front or street-side building setback.
- Require one off-street parking space for each dwelling unit.
- Mandate that a minimum of 60–75 percent of the street-facing building façade between 2–8 feet in height must comprise clear windows that allow views of indoor nonresidential space or product display areas.
- Prohibit drive-through facilities for vehicles. (2009, p. 75)

Moving forward, Middletown may want to consider a mixture of these two zones. While building heights of 84 feet may not be appropriate in Middletown currently, heights over 30 feet already are permitted in other zones. Some elements included in these model zones, such as subdistricts or no off-street parking requirements, may not be suitable for Middletown. None the less, both model zones offer a good starting place for the town as it considers creating its own mixed-use zone.

Essential Smart Growth Fixes for Urban and Suburban Zoning Codes

A November 2009 report by the United States Environmental Protection Agency (EPA) sought to identify the most common code and ordinance barriers communities face and suggest actions communities could take to improve their land-development regulations. The 44-page report is divided into 11 Chapters, some of which relate directly to mixed-use zones. Chapter 1 of the report is titled, “Allow or Require Mixed-Use Zones.” The following recommendations listed under the “Practice Pointers” section of Chapter 1 include:

- Consider mandatory mixed-use development in preferred locations (e.g., near transit stops) to ensure that these prime locations are not used for low-density, single-use development.
- Adopt compatibility standards to ensure adequate transitions to adjacent, lower-density uses. Consider architectural, design, open space, operational, and other categories of transitional standards.
- Tailor development standards (such as parking, open space, and landscaping regulations) for mixed-use developments so as not to create unintended hurdles for this preferred development form. For example, typical parking requirements often do not reflect the reduced need for parking typical of most mixed-use developments. The additional land that such excessive standards require for

parking can spread out growth so that lively, compact developments are hard to achieve.

- Use market studies to ensure an appropriate amount of commercially and residentially zoned land. Avoid requiring more vertically mixed-uses than the market can support. Horizontal mixed-use districts can allow the market to determine the appropriate mix of uses. Establish standards for the development of each use within the area to ensure contiguous retail areas. In these locations, establish triggers such as achieving market benchmarks for renewed planning efforts as the area begins to change.
- Level the playing field for mixed-use developments. For example, make sure that single-use commercial strip developments are held to the same high design and other standards required of mixed-use developments.
- Create incentives for mixed-use development, such as a wider array of permitted uses in mixed-use districts (as opposed to single-use districts), increased densities, and accelerated application processing. (Nelson, 2009)

These “Practice Pointers” can serve as an important resource to Middletown as it moves forward and considers creating a mixed-use zone within town, allowing for the implementation of many of these recommendations.

Zoning for Sustainability: A Review and Analysis of 32 Cities in the United States

A December 2014 article in the Journal of the American Planning Association written by Edward J. Jepson, Jr. and Anna L. Haines analyzed 32 zoning ordinances based on measures of their sustainability. The article identifies nine principles of sustainability and identified regulatory items that are correlated with each principle. The nine principles include:

1. Encourage higher-density development.
2. Encourage mixed use.
3. Encourage local food production.
4. Protect ecosystems and natural functions.
5. Encourage transportation alternatives.
6. Preserve/create a sense of place.
7. Increase housing diversity and affordability.
8. Reduce the use of fossil fuels/encourage the use of fossil fuel alternatives.
9. Encourage the use of industrial byproducts.

Of these nine principles, the first two—encouraging higher-density development and encouraging mixed use—are core aspects of what a new mixed-use zoning district would offer Middletown. The other principles that should be considered as Middletown continues to grow

that directly relate to creating a new mixed-use zone include encouraging transportation alternatives, preserving/creating a sense of place, increasing housing diversity and affordability, and reducing the use of fossil fuels and encouraging the use of fossil fuel alternatives.

The authors analyzed 32 zoning ordinances for regulatory measures relating to the nine principles of sustainability to evaluate their effectiveness. The most common principles that had been incorporated into the zoning ordinances are encouraging mixed use, protecting ecosystems and natural functions, and reducing the use of fossil fuels. The least common principles are encouraging the use of industrial byproducts, preserving and creating a sense of place, and encouraging higher-density development. In part, the article concludes:

In many ways, this review of the inclusion of sustainability into zoning is a study in variation: variation in the format and content of the ordinances, variation in how often sustainable development regulations appear in the ordinances, variation in the use of zoning as a tool of sustainability. At the same time, there is evidence of some consistency: Many principles and regulatory items appear in many zoning ordinances regardless of differences in geographic location or population. Of the 53 regulatory items we considered, 11 are included in a majority of the ordinances, while only 10 are found in two or fewer of the ordinances. (Jepson & Haines, 2014)

This conclusion recognizes the variation in zoning, design, and regulatory standards from place to place. This variation can make implementing sustainable policies such as encouraging higher-density development or preserving and creating a sense of place more difficult, but the article also identifies key principles for Middletown to consider as it creates a mixed-use zone in the effort to grow in a more sustainable manner.

Building Healthy Places Toolkit: Strategies for Enhancing Health in the Built Environment

In 2015 the Urban Land Institute released a “Building Healthy Places Toolkit: Strategies for Enhancing Health in the Built Environment,” which seeks to outline evidence-supported opportunities to enhance health through changes in approaches to buildings and projects. Within this Toolkit, Chapter 2 – Physical Activity offers recommendations on how to build places that encourage physical activity. The first recommendation in this section is to incorporate a mix of land uses, which can be achieved by creating mixed-use developments. The full list of recommendations in Chapter 2 includes the following:

Incorporate a mix of land uses.

Design well-connected street networks at the human scale.

Provide sidewalks and enticing, pedestrian-oriented streetscapes.

- Provide infrastructure to support biking.
- Design visible, enticing stairs to encourage everyday use.
- Install stair prompts and signage.
- Maximize indoor lighting quality.
- Provide high-quality spaces for multi-generational play and recreation.
- Build play spaces for children. (Urban Land Institute, 2015)

These recommendations present a vision focused primarily on physical activity and promoting healthy lifestyles in a newly developed community, but they also incorporate important design concepts. These recommendations and design concepts can serve as important guiding principles to provide focus to Middletown's consideration of its own mixed-use zone.

For additional information, see <http://uli.org/wp-content/uploads/ULI-Documents/Building-Healthy-Places-Toolkit.pdf>.

Summary of Policy Guides, Strategies, and Models for Mixed Use

Among the five sources, some common themes include:

- Encouraging a mix of land uses in a variety of ways.
- Providing a variety of housing options.
- Allowing for more density and greater building heights.
- Effectively managing parking.
- Designing buildings for a human-scaled walkable environment.

While Middletown may choose to adopt some aspects of these best practices and not others, they are essential principles for the development of a truly mixed-use community. They will be important to consider when deciding how a new mixed-use zone in town might be designed.

Urban Land Institute (ULI) Case Studies

The Urban Land Institute has created a series of case studies that highlight and analyze developments of all different types from around the country. These developments are categorized by location and type based on their individual characteristics. For the purpose of this study, IPA has identified four of these ULI Case Studies that would be characterized as both suburban and mixed use. The four examples are summarized below. Additionally, the zoning ordinances for each of these case studies are included in IPA's analysis of exemplar mixed-use zoning districts. Each of these developments can serve as useful examples for different types of development that Middletown may consider when creating a mixed-use zone.

Storrs Center

(<https://casestudies.uli.org/storrs-center/>)

Storrs Center is a mixed-use development in Storrs, Connecticut. Storrs is home to the University of Connecticut and located about 45 minutes east of Hartford, Connecticut. The Storrs Center development consists of 11 mixed-use buildings that include 626 rental apartments as well as 139,707 square feet of retail and office. Most of the buildings in the development site measure five stories with ground-floor commercial uses. Forty-two for-sale townhouses and condominiums are included on the site. New retailers, such as a supermarket, restaurants, medical center, and bookstore have been incorporated into the development, creating a very walkable and vibrant atmosphere. A half-acre town square and 20 acres of nature preserves also provide places for gathering and recreation. The project was initiated by a partnership among the town, the university, and local business leaders. Master developer LeylandAlliance, together with apartment developer Education Realty Trust (EdR), built the \$169 million commercial and residential development, while the town used over \$25 million in grants for on-site infrastructure and planning. Storrs Center was a finalist for the ULI Global Awards for Excellence in 2015. (Urban Land Institute, 2016)

Rockville Town Square

(<https://casestudies.uli.org/wp-content/uploads/sites/98/2015/12/C039006.pdf>)

A six-block, urban, mixed-use infill project anchored by restaurants, shops, for-sale and rental multifamily housing, parking, and two public buildings (a regional library and a business innovation and arts center), Rockville Town Square in Rockville, Maryland, is the first phase in the development of a 60-acre town center. Located in an inner-ring, outside-the-Beltway suburb of Washington, D.C., on the Red Line of the Metrorail mass-transit system, the pedestrian-oriented project features two public buildings and four mid-rise residential structures atop ground-floor retail space, surrounding a town square. The result of a public/private partnership among local developers, the City of Rockville, and Montgomery County, Rockville Town Square has created an urban live-work-play environment in an established suburban community. (Urban Land Institute, 2009)

Easton Town Center

(<https://casestudies.uli.org/wp-content/uploads/sites/98/2015/12/C030018.pdf>)

Easton Town Center in Columbus, Ohio, is a 750,000-square-foot, mixed-use retail/entertainment complex located about eight miles from the Columbus central business district (CBD) but within city limits and within the I-270 beltway. Easton Town Center is a destination project with a “main street” that includes restaurants, a brew pub, a comedy club, a book superstore, a fitness center, a home furnishings store, a cybercade, more than 50 upscale boutiques and shops, and a 30-screen Planet Movies cineplex. A centrally located “town

square” completes the village theme, providing an identity for the project and a gathering spot for social activities. (Urban Land Institute, 2000)

Avalon

(https://casestudies.uli.org/wp-content/uploads/sites/98/2016/11/avalon_16pg_V3.pdf)

Located in Alpharetta, Georgia, a northern suburb of Atlanta, Avalon is a mixed-use town center that, in its first phase, includes retail, restaurant, multifamily rental housing, single-family, for-sale housing, and office uses surrounding a main street and a central plaza. A second phase will add a hotel and conference center as well as additional retail, multifamily rental housing, and office space. The 2.3-million-square-foot project is located in an affluent northern suburb of Atlanta on an 86-acre site. A previous developer had planned a similar concept for the site in the mid-2000s era but was unable to execute the development. (Urban Land Institute, 2016)

Summary Analysis of Mixed-Use Zones from Other Towns

IPA analyzed eight mixed-use zones in four municipalities in Delaware, Maryland, and Virginia to get a better sense of what works best in designing a successful mixed-use area. In addition, IPA took the four ULI Case Study developments and performed a similar analysis of those zones. These mixed-use zones are located in areas that are considered comparable to Middletown; they are suburban, growing areas with mixed-use developments on a similar scale that could be imagined in Middletown.

The zones and municipalities analyzed include:

- **C-O-1.5 Zone, Arlington, Virginia** — A very dense urban-style mixed-use district used for The Market Common development in the Clarendon area of Arlington, along the Rosslyn-Ballston corridor adjacent to the DC Metro’s Orange Line. Structured parking is incorporated in this development along with a variety of higher-end retail establishments and multifamily apartments.
- **MXD Zone in Gaithersburg, Maryland** — The MXD Zone is used for the Kentlands and the Lakelands in Gaithersburg, Maryland. This area is primarily residential, designed in a “new urbanist” traditional neighborhood development style with a mixed-use main street area and a more traditional commercial area. Structured parking is not included. Instead, parking is designed and managed in some areas of Kentlands and Lakelands to be well hidden and landscaped to fit in with the surrounding development and avoid being an eyesore or a “sea of parking.”
- **MX Zone in Annapolis, Maryland** — This zone is used along the West Street corridor in Annapolis, which is near the historic downtown and the state capitol. It promotes small-scale, mixed-use, infill development that aligns in character with the historic

buildings in the corridor. There is some structured parking available in the MX Zone West Street area of Annapolis, but in very limited locations and mostly funded in part by the city or through tax increment financing (TIF) agreements.

- **BB Zone in Newark, Delaware** — This zoning district is used along Main Street in Newark and promotes medium-scale buildings with limited setbacks and ground-floor retail. Many new buildings within this zone have residential units on upper floors. Parking around this zone is mostly limited to surface-level lots located behind buildings along Main Street, although a limited amount of structured or covered parking is available.
- **Storrs Center Special Design District in Mansfield, Connecticut** — This zone is used exclusively for the large Storrs Center Development near the University of Connecticut. Storrs Center is a mixed-use development with primarily residential and ground-floor retail uses that includes two public squares and mostly five-story buildings. Structured parking is also available throughout the development.
- **Town Square Zone in Rockville, Maryland** — This zone was designed almost exclusively for the Rockville Town Center in Rockville, Maryland. Rockville Town Center is a mixed-use development with primarily residential and ground-floor retail uses that includes a town square and a new public library with mostly five- and six-story buildings. Structured parking is available throughout the development. In fact, Rockville's parking standards are particularly noteworthy. The ordinance states:

Most parking should be located to the side or in the rear of the buildings. Structured parking, either above or below grade, is preferred. Any parking structure facades visible from the street or a transitway must be treated in a similar manner as the primary building facades. All parking at the sides or rear must be screened to prevent vehicle headlights from shining into adjoining residential properties.
- **Easton Town Center, Planned Community District in Columbus, Ohio** — This zone was created primarily for Easton Town Center in the northeast corner of Columbus. Easton Town Center is slightly smaller in scale than many of the other mixed-use centers identified in this report, with mostly two-story buildings that have primarily retail commercial uses. Easton Town Center does have some three-story buildings and residential uses incorporated along with public gathering areas, but resembles more of a traditional suburban mall setting than some of the other mixed-use areas identified in this study. A mixture of both surface level and structured parking is available.
- **Avalon Mixed-Use Zone in Alpharetta, Georgia** — This zone was created primarily for The Avalon mixed-use development in the wealthy Atlanta suburb of Alpharetta, Georgia. The Avalon is a large-scale mixed-use town center with a mix of two- to

five-story buildings with ground-floor retail along with adjacent single-family townhomes and a central gathering plaza. A mixture of both surface-level and structured parking is available throughout this development.

Of these eight zones, we found that Middletown would be best served by modeling its mixed-use zone on Newark's BB zoning district due to the ability to incentivize mixed-use buildings in desired areas of town rather than completely changing the existing structure of Middletown's zoning code. The Newark BB zone promotes medium-scale buildings with limited setbacks and ground-floor commercial uses by incentivizing, and allows for a mix of commercial, residential, and institutional uses as well as residential uses up to 50 units per acre under conditions. Some changes would be recommended to the Newark BB District, such as allowing for office uses in addition to residential uses, but none the less we found that this is the best model for Middletown of the eight zones listed above. The other zones Middletown might find worthy of consideration are The Avalon Mixed-Use Zone in Alpharetta, Georgia, and the MX Zone in Annapolis, Maryland.

A more detailed analysis of mixed-use zones in each jurisdiction can be found in Appendix A.

Recommendations and Draft Language for a New Mixed-Use Zone for Middletown

Using the analyses from the previous sections, the following recommendations are proposed for consideration.

Adopt a Mixed-Use Zone

This report recommends that Middletown consider adopting a Mixed-Use (MX) zoning district to help create new walkable areas that serve as focal points of activity and are accessible to a variety of age groups. This zone would be primarily intended for newly annexed areas of town that are adjacent to the Route 301 Highway as well as select areas in the central core of Middletown and the Westown area of Middletown.

Some of the elements recommended for consideration when drafting language for a mixed-use zone include the following:

- Ten-acre-minimum tract-size
 - Does not need to be one property or one owner
- Development plans for this zone should include a mix of the following uses:
 - Residential
 - Single-family attached
 - Multifamily

- Multifamily with ground-floor commercial (office or retail)
- Commercial
 - Retail
 - Office
 - Office with ground-floor retail
- Height standards
 - Maximum building heights of four stories and 60 feet for buildings with ground-floor retail and commercial uses, and for buildings without ground floor retail and commercial uses
- Density
 - Residential density of up to 32 units per acre. This standard is based on the ability to allow for enough density to add an additional story of apartments to the current standard of 24 units per acre (eight units per floor of the building). Buildings with ground-floor commercial would be required, at a minimum, to use concrete or similar materials for the construction of the ground floor.
- Concept plan
 - A qualifying applicant would be required to submit a concept plan for the entire development at application, with the expectation that the town will have the ability to request changes to the plan concept during the approval process. The concept plan should show the placement of buildings and building heights, the proposed uses of building (residential, multifamily, retail, office, etc.), parking areas, landscaped areas, public use areas such as parks or plazas, interior roads and road designs, bicycle and pedestrian designs, and a detailed explanation for the design of the plan.
- Pedestrian- and bicycle-friendly environment
 - The stated intent of the mixed-use district should include the desire to create a more pedestrian- and bicycle-friendly environment for people of all ages, while also allowing for more growth and development in appropriate areas of town. Development should be designed primarily for the pedestrian, not for the automobile. However, the district should also make reasonable accommodations for parking and parking access to ensure that commercial and office properties are marketable and attractive to tenants, shoppers, residents, and employees.
- Design elements
 - Areas that are designated for the MX Zone should give the town a greater ability to determine the design of the proposed development area. Elements such as sidewalks, street trees, bicycle lanes, bicycle parking, bus stop locations, parking locations, and other elements should be presented to the town early in the development review process during the development concept or design review phase. Final approval of a detailed site plan by both the town's planning commission and town council should be a

requirement before new construction begins in this zone. ([See Ocean View, Delaware ordinance.](#))

- Street grid and pedestrian areas
 - To achieve a better pedestrian environment, more flexibility should be given to developers when designing the street grid and pedestrian areas, particularly as it relates to allowing for narrower street widths, alleys for commercial delivery access, pedestrian-only street areas, on-street parking, turning radius at intersections, and vehicle access to streets.
- Walkable “main street” setting
 - Limit minimum setback requirements in this new zone to accommodate a more walkable “main street” setting that is designed to accommodate outdoor dining and on-street parking.
- Park and open space
 - Any new development area should include a minimum of five percent of the total developable area for park, open, or other public gathering space. For example, a ten-acre development would be required to include a set aside one-half acre for neighborhood parks, plazas, or other public gathering spaces.
- Parking
 - Buildings in undeveloped areas in this zone should be no more than 100 feet arterials or collector streets. Parking should mostly be located in areas that are not highly visible from primary roadways, with smaller amounts of parking available within the 100 feet between major roadways and buildings (similar to how Newark, Delaware locates its public parking lots behind buildings that front Main Street).
 - Structured parking is preferable in this zone, but it may not be financially feasible for developers. As the town continues to grow, it may be in its best interest to redevelop properties that currently have surface level parking with a mixture of structured parking and increased building heights. As a result, it may be in the town’s interest to consider instituting tax increment financing (TIF) or other methods for publicly financing structured parking in the future.
- Manufacturing, industrial and warehouse uses
 - Manufacturing, industrial or warehouse uses should not be permitted in this zone.

Create a Route 301 Corridor Plan

This report recommends that Middletown consider creating a “Route 301 Corridor Plan” for the west side of town that includes an analysis of all properties adjacent to the existing and future corridor. The intent of the Route 301 Corridor Plan will be to give a more detailed plan of action for new development over the next 10–30 years.

The Route 301 Corridor Plan also should consider creating a system of “mixed-use focus areas” of new development that can act as centers for transportation and commerce. In coordination with DelDOT and WILMAPCO, these areas could be developed as part of a town circulator bus system to transport people to high-density residential areas and commercial areas throughout town.

“Clean Up” the Existing Zoning Ordinance

This report recommends that Middletown undertake a comprehensive review of its zoning and ordinances. The most important aspect of this review is to codify the amendments that have been enacted since the last revision of these ordinances in 1997. This endeavor would also identify areas that should be edited or updated to make the entire zoning ordinance more consistent. In addition, this process may allow the Town of Middletown to identify areas can streamline the development process. Further, review of the zoning code provides an opportunity to update and revise design standards for all districts, but especially for the R3, C2, and C3 Zones.

Appendix A: Analysis of Mixed-Use Zones from Other Towns

Arlington, Virginia – C-O-1.5 Zone Analysis

The purpose of the C-O-1.5, Mixed-Use District is to primarily provide for office building land use and, under appropriate conditions, hotel, multiple-family, commercial and/or institutional redevelopment of older commercial, and industrial areas. Appropriate mixtures of use and densities in this district are determined in accordance with the special exception provisions of the zoning ordinance and must be consistent with the General Land Use Plan or approved plans for the area. Determinations as to the actual types and densities of uses to be allowed are based on the characteristics of individual sites in their neighborhoods and on the need for community facilities, open and landscaped areas, circulation and utilities.

Location

The C-O-1.5 zone is spread throughout the county in very small sections. It abuts a variety of other zones depending upon the location. There are very few parcels county-wide zoned C-O-1.5.

Uses

By right uses include: single-family detached homes, religious institutions, minor utilities, financial offices, medical offices, government offices, business and professional offices, and branch banks.

Most uses are regulated and require additional approval. Some of these uses include: multi-family housing, dormitory or fraternity/sorority housing, group and nursing homes, colleges, community service facilities, daycares, government facilities, hospitals, parks, passenger terminals, schools, social service institutions, food establishments, entertainment venues, hotels, recreation, retail sales, personal service facilities, vehicle sales and service, waste-related services, and medical or dental laboratories.

Area Regulations

By-right development:

Category	Regulation
Minimum Lot Area	One-family dwellings: 6,000 sf. All other uses: 20,000 sf.
Minimum Lot Width	One-family dwellings: 60 sf. All other uses: 100 sf.
FAR	One-family dwellings: none All other uses: up to 0.60 ¹

Special exceptions:

Category	Regulation
Maximum Density (units/acre)	Apartment: 72 Hotel: 110 All others: no specification
Minimum Lot Area	20,000 sf.
Average Lot Width	100 ft.
Maximum Height (stories)	Apartment: 10 Hotel: 10 Office: 8 All others: 35 ft.
FAR	Office: 1.5 Institutional: 1.5 All others: dependent on lot area ²

Other design standards include: mechanical equipment placed on the roof should be screened from view, and hotel meeting rooms and restaurants may exceed the density requirements with approvals. Also, by site plan approval, any building or group of buildings may have a mix of

¹ Site area <10,000 sf.: 0.40.
Site area 10,000-19,999 sf.: 0.50
Site area 20,000+ sf.: 0.60

² Up to 9,999 sf: 0.4
10,000-19,999 sf: 0.5
20,000+ sf: 0.6

uses, but no part of any site can be used more than once in calculating its permitted density of use.

Effectiveness

The C-O-1.5 zone has been somewhat effective in creating dynamic mixed-use neighborhoods in Arlington. The Market Common and the area around it have been a model for mixed-use developments that is often used as an example around the country, but there are not many other similar examples of developments similar to this in Arlington that use the C-O-1.5 Zone. The zone allows building heights of eight to ten stories that would not be permitted in most places other than large cities. Despite the intense uses allowed in this zone, many of the sites that are zoned C-O-1.5 have not redeveloped into mixed-use areas. The use of the zone, largely limited to individual lots and not located in any kind of contiguous district, limits any chance of creating a neighborhood feel based on mixed-use development.

Additionally, the classification of almost all uses as conditional uses, requiring approval from appropriate local boards, creates an additional burden and regulation on developers, stifling growth. While the additional local control may be desired by fairly-built-out Arlington County, it is inappropriate in most localities.



The Market Common at Clarendon Blvd in Arlington, Virginia



The Market Common Area and surrounding area from an aerial in Arlington, Virginia

Gaithersburg, Maryland – MXD Zone Analysis

Gaithersburg's Mixed-Use Development (MXD) zone is unique in the amount of land area it covers across the city. By an imprecise visual interpretation of the city's zoning map, it appears that the greatest percentage of land is in the MXD Zone. A wide variety of uses are permitted by-right, but the typical ground-floor commercial/upper-story residential structures normally seen in mixed-use zones do not seem to be encouraged or mandated. The following sections summarize the Gaithersburg MXD Zone, and provide commentary on the code's effectiveness.

Location Requirements

Land designated to be in an MXD zone must be identified as such in an adopted city master plan or approved by a majority of city council members. Land designated as MXD must be a minimum of ten acres in size, adjacent to existing or planned highways, and served by municipal water and sewer. Signage in the zone must be consistent with that outside of the zone, and lots are not required to have direct access to a public street as long as there is adequate private access to a public way.

Uses

By-right uses are defined in comparison to other established zones throughout the city. All residential uses are permitted, as well as commercial/ industrial uses permitted in zones R-B (residential buffer), C-B (commercial buffer), C-1 (local commercial), C-2 (general commercial), C-3 (highway commercial), E-1 (urban employment), E-2 (moderate intensity industrial park), and I-3 (industrial and office park). This represents a wide variety of uses for the zone, encompassing much of the land use throughout the city.

Uses specifically prohibited include: adult-oriented business, body-piercing establishments, drive-in theaters, fortune-telling business, extended-stay hotels, and manufacturing beyond that of "integrated light manufacturing."

Uses allowed by special exception include: boarding homes, care homes, cemeteries, child- or elderly-care facilities, clinics, commercial parks and outdoor entertainment venues, funeral parlors, nonprofit group residential facilities, hospitals, nursing and care homes, private clubs, public utilities, radio and television broadcasting stations, telecommunication facilities, and towers.

Area Regulations

It is important to note that the city has a wide degree of latitude in what is allowed and required in the zone. The city planning commission and city council have final authority over all development and must approve all schematic plans. Because the zone's uses are so broad,

there are not clear descriptions of what is permitted by-right in all cases. The commission and council have total authority over what is allowed in the zone.

Category	Regulation
Residential Density	Referred to master plan
Commercial/Employment/Industrial Density	Referred to master plan
Right of Way	Referred to master plan
Maximum Height of Buildings	Referred to master plan, city planning commission
Setbacks	Referred to master plan, city planning commission
Residential Open Space	40% of total area
C/E/I Open Space	25% of total area
Utility Lines	Must be buried
Parking	Referred to planning commission

Effectiveness

Even though Gaithersburg's MXD Zone seems too vague to be effective, it does appear that new development is being constructed in MXD Zones throughout the city. Initially, it appears that the broad authority of the city council and planning commission would harm developers' interest in working with the city; in many cases, excess authority of political bodies can slow development and create bureaucratic roadblocks to new development. In the case of Gaithersburg, however, it appears that development is rapidly occurring.

Through a simple analysis of Google satellite and street images, it appears that areas zoned MXD are undergoing new development. Examples of this abound. The Crown and Downtown Crown development in the southeastern portion of the city, still under construction, has several distinct neighborhoods within it. The downtown area is home to five-story buildings with first-floor retail and dining and upper-floor residences. The more residential area features four-story townhouses in a traditional grid street layout.

Other examples of development in the MXD Zone include Orchard Park, Kentlands, and Lakelands. Also home to townhouses in the residential area, Orchard Park features a biotech office park instead of retail or commercial in its commercial/employment/industrial area.

Kentlands and Lakelands are primarily residential areas with a mix of townhouses and single-family detached homes. The downtown area is a traditional, vehicle-dependent shopping plaza, with stores like Lowe's, Kmart, and Whole Foods.

It appears that the MXD zoning regulation is effective in promoting mixed-use development throughout the city. The city is going through a major building boom at present, though it is difficult to see Gaithersburg as a city-wide community. Neighborhoods appear to be entirely separate from one another, connected only by highways. Pedestrian access to other areas of the city is lacking, and it appears that neighborhoods are set up simply to accommodate professionals commuting to work by car. A feeling of community seems to be lost in the endless rows of townhouses and auto-based commercial centers.

Despite this, it appears that the goal of Gaithersburg's MXD zoning district has been achieved. The zone promotes "orderly, staged, development of large scale comprehensively planned multi-use developments." Governing form is not the intention of the code, and, therefore, it achieves its principal goal. Gaithersburg's model may not be appropriate for the majority of municipalities.



Main Street at The Kentlands in Gaithersburg, Maryland



Main Street Pavilion Area at The Kentlands in Gaithersburg, Maryland

Annapolis, Maryland – MX Zone Analysis

Annapolis's MX Zone is designed to promote a mixture of residential, office, and retail spaces within a specific corridor (West Street) leading to the Maryland state capital. The following sections summarize the MX Zone and provide commentary on the code's effectiveness.

Location

The Annapolis MX Zone runs along the West Street corridor from Westgate Circle to Church Circle. A portion of the district, east of Calvert Street, lies within the city's historic district and is subject to additional regulation beyond the MX code. Density varies throughout the corridor, with the Park Place development being the largest in scale on the western side. West Street is a minor arterial street running east-west from the capital to the city limits. The majority of the district also lies within the Capital City Cultural Arts District (CCCAD), designed to foster arts and cultural venues through a variety of tax incentives.

Uses

By-right uses include all types of residences, offices, restaurants (except fast food), schools, and the following commercial and other activities: antique stores, appliance stores, arts and crafts studios and stores, banks, bake shops, candy stores, carpet stores, catering establishments, clubs and lodges, coffee shops, convenience stores, delicatessens, department stores, dry cleaning and laundry, furniture stores, garden supply, hotels with fewer than forty rooms, ice cream stores, laboratories, museums and art galleries, nautical shops, personal care establishments, parking facilities, pet grooming, photocopying services, personal fitness studios, health clubs, religious institutions, research and development institutions, retail goods stores, supermarkets, telephone-transmission facilities, indoor theaters, tobacco shops, and wine bars.

Uses allowed by special exception include: taxi stands, conference facilities, government facilities, hotels with more than forty rooms, liquor stores, motor vehicle service stations, and fast-food restaurants.

Area Regulations

Category	Regulation
Minimum Lot Area	5,400 sf.
Minimum Lot Width	50 ft.

Minimum Setback	Dependent upon building height ³
FAR	1.75 with exceptions ⁴
Maximum Height	Divided into height districts ⁵
Front Facades	Maintain setbacks of surrounding structures ⁶
Open Space	Lots 40,000–100,000 sf: 10% Lots over 100,000 sf: 30%
Living Space for Dwellings above Nonresidential Uses	Efficiency apartment: 300 sf. 150 additional sf. per additional bedroom

Other design standards include: buildings should be of urban character, ground floors should be different from upper floors to establish a building “base,” off-street parking is required even if an existing structure is only being converted to a new use, and demolitions must be approved by the planning director.

All commercial buildings erected after 2005 must include retail commercial on the first floor. Only after six months of making reasonable attempts at finding tenants and failing will other uses be allowed.

Effectiveness

Overall, Annapolis’s MX district does a good job at promoting mixed-use development along West Street. While traveling east toward the state capital, development is dense, with many retail ground-level floors and some residential upper floors. This is clearly the intention of the code, as it specifically mentions that commercial buildings constructed after 2005 must have first-floor retail. One exception to this is the newly developed townhomes on the western side of West Street to the south side of Southgate Avenue. The homes are three stories in height with rooftop decks and are designed in a more urban style, with short setbacks from the street and ground-floor garages located in the back of the homes accessed by an alley. The code also does a good job at keeping the existing character of the neighborhood, particularly with its regulation that facades must be the same setback from the street as abutting structures. In this way, the existing aesthetic and “feel” of the district is consistent throughout development. This

³ When a lot line adjoins a residential district: 15 feet. When any portion of a structure is over 35 feet in height: 15 feet, plus 10 feet for every 10 feet of building height over 35 feet. When a structure is over 46 feet in height but not stepped back as described for structures over 35 feet: 50 feet. All other yards are to be determined through the zoning process.

⁴ Structures with 25% or more of their floor area devoted to commercial uses, or residential uses, or a mix of the two, or structures with the entire ground level facade devoted to commercial are permitted a 2.25 FAR.

⁵ Within 30 feet of a zoned residential lot: 35 feet. MX-1 height district: 65 feet. MX-2: 45 feet. MX-3: 36 feet.

⁶ Where there is not an established setback: not more than 15 feet from the curb.

is particularly important in Annapolis, especially downtown Annapolis, as the city is known for its history and historic architecture.

More modern development is seen in the western section of the district with two- to six-story buildings, some of which are mixed use. There are some vacant lots that could be developed and some buildings that contribute little to the neighborhood. An example of new, creative architecture that fits both the MX district mission and that of the CCCAD is the Metropolitan Kitchen and Lounge at 175 West Street. The three-story glass structure is innovative and appropriate for the more western section of the district. Such development would likely not be allowed in the eastern portion, which includes the historic district.

In all, the district is fairly built out at present, so the MX code is targeted at redevelopment. The district has a coherent, neighborhood feel that is reinforced by the code. Structures built after it was implemented in 2005 are subject to more stringent regulations, and demolition is heavily governed, ensuring that development is consistent with the neighborhood aesthetic. Floor-Area Ratio (FAR) bonuses for mixed-use structures also help to promote the kind of development that Annapolis is looking for in the West Street corridor. The code is effective for this historic, mostly built-out area of Annapolis. The code promotes a specific type of redevelopment, and parts of the code may not be appropriate for other communities. However, on the whole, it is a good model.



Light House Bistro and The O'Callaghan Hotel on West Street in Annapolis, Maryland



The Metropolitan Kitchen & Lounge and Lemongrass Restaurant on West St in Annapolis, Maryland

Newark, Delaware – BB District Analysis

Newark’s BB “Central Business” district allows for a variety of low-impact mixed uses in the city’s downtown. The following sections summarize the Newark BB Zone and provide commentary on the code’s effectiveness.

By-Right Uses

By-right uses include those commonly found in downtown mixed-use districts. These include: retail and specialty stores, retail food stores if they do not distribute, restaurants, banks and other financial institutions, offices, personal-service establishments like barbers and tailors, studios, repair and service of items sold within the district, accessory structures of no additional impact, parking garages and lots, public-transit facilities, social clubs, and photo-development facilities.

Special Permit Uses

With a special permit, the following uses can also be approved in the BB district: retail food stores over 5,000 square feet, drive-in and curbside service, fast-food restaurants meeting certain specifications, motels and hotels, commercial indoor recreation, instructional spaces, utility stations, communication towers, police and fire stations, libraries, museums, art galleries, places of worship, cafeteria-style restaurants, apartments in the same building as nonresidential uses, restaurants with alcoholic beverages, some accessory structures, and indoor theaters with alcoholic beverages.

Area Regulations

Category	Regulation
Minimum Lot Area	3,000 sq. ft.
Maximum Lot Coverage	Entire Lot
Minimum Lot Width	20 ft.
Maximum Height of Buildings	35 ft., with exceptions ⁷
Setbacks	None, with exceptions
Rear Yard	15 ft.

⁷ Up to four floors above 35 ft. are permitted with a 20 ft. setback *or if the additional floors contain*: 60% off-street parking or building mechanical, 60% exhibition, lobby, or gallery area, 40% terrace, or 50% apartment units being two-bedrooms or less with occupancy by one family or up to four unrelated tenants. No heights should exceed 78 ft.

Side Yard	None, with exceptions ⁸
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Effectiveness

Newark's BB district is primarily located along East Main Street between Chapel Street and College Avenue. Additional parcels exist along Elkton Road (also known as South Main Street), on East Main Street east of Chapel Street to Library Avenue and in a what is currently a large shopping plaza along Library Avenue.

The core downtown area is largely true to the form the BB district intends to create. Buildings are almost entirely retail, service, or restaurant space on the first floor, with many buildings having second-, third-, and fourth-story residences. Nearly all new construction fits the model of commercial first floor with residential upper floors. Older development sites generally consist of one-story businesses, though it appears that redevelopment on these sites is becoming more mixed use.

A strip-style shopping plaza and a new six-story apartment building characterize the BB Zone east of Chapel Street, with several BB parcels mixed with those of other zones fronting East Main Street. In this area, the BB Zone is ineffective, as it cannot create consistent feel when combined with inconsistent zones. The East Main Street corridor east of Chapel Street includes BB, BC (general business), BLR (business limited-residential), RD (single-family residential), and RM (garden apartments). If the goal of the BB district is to create a downtown, mixed-use feel, it cannot be mixed with other zones like it is in this corridor.

The Library Avenue BB district is presently a large strip-center shopping plaza with several "big box" stores. A number of spaces are vacant at present. The zone may be intended to serve as guidance for redevelopment of the parcel in the future.

Parcels along Elkton Road are more successful than those east of Chapel Street in creating a mixed-use environment. While the divided, often high-speed, roadway between East Main Street and the extent of the BB-zoned parcels makes it challenging to create a neighborhood feel, several new developments accommodate commercial first floors and residential upper floors. This corridor is another example of mixed districts, with BC, BN (neighborhood business), BL (business limited), and RM zones all mixing with the BB district. However, this corridor does an adequate job at promoting mixed uses.

⁸ No side yard is required for buildings under 35 ft. in height. For buildings over 35 ft. in height, an 8 ft. side yard is required or the required side yard for an abutting zone—whichever is greater.

On the whole, Newark's BB district is successful, as its downtown area is thriving and continuing to see new development and growth. Other areas zoned as BB may be redeveloped in the future, bringing additional growth to the city and downtown. The BB district standards are written well, ensuring that dense mixed uses are incentivized by allowing height bonuses and bonuses for one- and two-bedroom apartments.



Central Main Street in Newark, Delaware



The Washington House building on Main Street near the intersection with Academy Street in Newark, Delaware

Mansfield, Connecticut – Storrs Center Special Design District Analysis

The Storrs Center Special Design District envisions the creation of a mixed-use town center at the crossroads between the Town of Mansfield and the University of Connecticut. It aims for a combination residential, retail, and commercial uses to create a community corridor culminating in the town square in the heart of Storrs Center.

Location

The Storrs Center Special Design District is located on the southeastern end of Storrs within the Town of Mansfield. Storrs is the location for the University of Connecticut (UCONN), the dominant institutional presence in the region. The special district is located on the east side of Storrs Road, the main corridor through the university. The Town Square and Market Square are located at both ends of the special district along Storrs Road. The special district includes the area, roads, and buildings situated east from this section of the primary street and extends onto Wilbur Cross Way and into the forest behind these areas.

Uses

Town Square & Market Square

By-right uses in this area of the zone are similar to what one would expect from a mixed-use zone. These include retail, restaurant, live/work, and any other non-residential uses with entries and lobbies to upper floors. Non-residential use is permitted on the second floor as an extension of ground-floor use, but the upper floors are normally residential areas. Residential uses can only be on the ground floor in buildings on streets that do not directly front the town square. Structured parking areas are allowed but should be below grade or blend into the surrounding architecture, if above ground.

Village Street Area

This area has slightly different allowances from the two squares in that it permits residential and non-residential uses at grade and in the upper floors.

Residential Area

In the residential area of the special district, only residential uses are permitted. Service and civic uses associated with residential uses are allowed, such as laundry, management offices, and a central clubhouse.

Area Regulations

Category	Restriction
Minimum Lot Size	None
Front Yard Setback	0 ft. minimum, but the face of the building must be within 8 ft. from the back curb
Side Yard Setback	0 ft.
Building Height	Two-story minimum and five-and-a-half-story maximum. 85-ft. maximum height. Three-story minimum height for buildings located directly on the Town Square Two-and-a-half-story minimum for buildings located directly on Market Square

Effectiveness

The purpose of the Storrs Center Special Design District was to create a college town environment adjacent to the UCONN campus. The lack of restaurants and public gathering areas was cited as a primary reason why accepted students did not attend UCONN and made it more difficult for the university to recruit faculty and staff. With enrollment of nearly 25,000 students, UCONN was one of the only major universities to not have a town, college town, or city atmosphere associated with it.

At the time of writing this in Spring 2018, only the development around the Town Square and Market Square was completed, while the other areas were still in progress. Thus far though, it is a very successful endeavor. It is popular among students who want to live off campus, but also with senior citizens. It is conveniently located so that students are within walking distance to campus, close to all the amenities offered in Storrs Center, and do not have to drive a car. A quick look at the area shows there were not many off-campus options available to anyone wanting to live close to the university before this project. It is even more surprising when compared to the plentiful options available to students at the University of Delaware, whose enrollment is approximately 10,000 fewer students than UCONN.

Storrs Center attracted a mix of retail options to locate in their facilities. A pharmacy/convenience store moved into one corner of the Town Square, and a local café positioned at the other corner. Three facilities related with the university moved into a building behind the Town Square. The hugely popular online retailer Amazon opened a staffed pickup location in the center, a model that works well in more rural areas. They have also been somewhat successful in attracting small local businesses to open stores and restaurants within

this special district, and incentives were given to small businesses that relocated to Storrs Center from the strip mall located there before this project.

As part of the special district, the infrastructure was updated to be more accessible. The roads are more pedestrian friendly, the sidewalks are larger, and biking is more accessible now. Additionally, a transportation center is attached to the parking garage built to provide for Storrs Center. It includes an enclosed, staffed waiting area for campus, local, and intercity buses with displays showing real-time bus arrival schedules. There are also four electric vehicle chargers.

There were difficult moments in the planning and execution of the Storrs Center Special District project, but it has ended up being quite successful and achieved most of the goals it set out to accomplish thus far. Perhaps its most important accomplishment was bringing the local government, university, and private businesses together in partnership. This collaboration has continued, and occurs as a normal interaction now.



Mansfield Town Square at Storrs Center in Mansfield, Connecticut



The Dog Lane Café on Dog Lane at Storrs Center in Mansfield, Connecticut

Rockville, Maryland – Town Square Analysis

Rockville's Town Square is part of the city's Planned Development Zones. These zones were created to identify areas in which future development was planned. The special zones were associated with one or more zones already in Rockville's code to act as guidance and make the planning process quicker for special districts. The Planned Development Zone of the Rockville Town Square was designated as an equivalence zone to Rockville's Mixed-Use Transit District (MXTD). The MXTD is intended for areas near Metro stations and allows high-density development of retail, office, and residential uses.

Location

Rockville's Planned Development Zone for the Town Square is located just to the northwest of the Rockville Metro Station. The Rockville Town Square stretches three blocks west from Maryland Route 355, Hungerford Drive, to North Washington Street. It is two blocks north-south from East Middle Lane to Beall Avenue. There are two roads that run north-south through the town square allowing vehicle traffic, while the east-west cross streets are limited to pedestrian travel.

Uses

Permitted uses in the MXTD Zone include most types of residential units with the exception of detached housing, restaurants, banks, medical or dental labs, child-care centers, adult day care, private educational institutions, libraries, museums, art galleries, nursing homes, places of worship, veterinary or animal hospital, public utility building, public-owned and operated buildings, alcohol stores, commercial gallery, sales and services, retail, hotel, health and fitness facilities, recreational establishment, theater, and limited alcoholic beverage production.

Uses specifically prohibited include detached and duplex residential, ambulance service, kennel, boats and marine supplies, home improvement service, taxi service, automobile parts sales or service or repairs, vehicle sales, shooting gallery, unlimited alcoholic beverage production, warehouse or self-storage, and industrial.

Conditional or special exception uses include in-home child care, hospital, wireless communication facility within an existing building or attached to a structure or a freestanding ground-mounted antenna support structure, temporary uses, drive-in or drive-through lanes, funeral home, garden supplies, gas station, commercial parking facility, and outdoor recreational establishment.

Area Regulations

Category	Restriction
Maximum Height	120 ft.
Minimum Open Area	10% ⁹
Minimum Public Use Space Required Within Open Area	10%
Front Setback	None
Side Setback for Residential Land Abutting	25 ft. or height of building, whichever is greater
Side Setback for Non-Residential Land Abutting	None. 10-feet minimum, if provided
Rear Setback with Residential Land Abutting	25 ft. or height of building, whichever is greater
Rear Setback for Non-Residential Land Abutting	None. 10-feet minimum, if provided
Building Facades Height	Range of 45 ft. and 65 ft. at street level. Additional height up to 120 ft. allowed when recommended or approved.

Effectiveness

The Rockville Town Square grew in the location of the failed Rockville Mall. It benefits from a strategic location a brief walk from the Rockville Metro Station. The redevelopment of the mall into the Town Square has been a tremendous success for the city. Rather than producing an economic uplift, the mall created a roadblock affecting city travel. It did not help that the mall became unpopular and did not attract the required number of businesses or shoppers. The Town Square, on the other hand, benefits the residents, businesses, and city alike.

The redevelopment into Rockville Town Square created an area that is now full of businesses and residences. Through this project, Rockville implemented many of the approaches that create complete communities. Additionally, it provides individuals and families with a place to gather. The square is pedestrian and bicycle friendly in stark contrast to the former auto-oriented suburban mall. Travel through the area is now much easier and more efficient. More people are able to visit the downtown and center city areas than were able to beforehand. New residents have much easier access to Washington, D.C., via the nearby Metro station that is within walking distance.

Business and the city itself have also greatly benefitted from this project. These structures enable businesses to move into a great location. There are also many more potential customers for town center products and services who live upstairs or down the street. From the perspective of the city, there is an increase in economic activity as a result of this development.

⁹ Minimum area goes up to 15% if residential dwellings are provided.

Similarly, the additional business and residents enables the city to collect more taxes, allowing them to provide more and better services to the city.

Overall, the Rockville Town Square is a very successful redevelopment project. It created an active and accessible community in the center of the city. A resident or business has access to most necessities within walking distance, and residents can also be on a train to Washington or Frederick within minutes. It is accessible by car or transit, but the transportation infrastructure does not disrupt the ability to travel by foot or bicycle. This, combined with the successful mixed-use structures, turned the square into a successful redevelopment project.



Rockville Town Square at Rockville Town Center in Rockville, Maryland



Maryland Avenue at Rockville Town Center in Rockville, Maryland

Columbus, Ohio – Planned Community District Analysis (Easton Town Center)

Easton Town Center is a fully planned commercial town center located eight miles from Columbus's central business district. It is part of Columbus's Planned Community District zone. This zone is used when large areas of land are developed under a unified control. These zones are approved for mixed use and used to accelerate the development for residents, while reducing costs for the municipality. This district is used in projects that are at least 200 acres in land area and will be developed in stages between 6–20 years. The Planned Community District is, in effect, a comprehensive plan for the development of a new neighborhood or town requiring a range of urban services.

Location

The Easton Town Center is located eight miles from the Columbus central business district in the northeastern quadrant of the city. It is located within the city, but close to the city limits at the intersection of the I-270 Beltway and Morse Road. It is also located just six miles north and directly up I-270 from the John Glenn Columbus International Airport. Additionally, it is not too far from Ohio State University, which is approximately ten miles southwest. The town square sits on eight city blocks, four north-south blocks tall, and two blocks wide. Four roads travel through the square, each of them running east-west.

Uses

Permitted uses in a Planned Community District include dwelling or dwelling units, accessory buildings to residential units, religious activities and structures, parks, playgrounds, athletic areas, golf courses, swimming pools, lakes and land for recreation, recreational buildings provided they are not substantially larger than normal, nursery, primary and secondary education, horticulture, government and public utility uses that are not industrial, and warehouse storage.

Permitted commercial uses include appliance stores, automotive parts and tires store, bars and nightclubs, baked goods stores, beauty shops, book stores, butcher and meat markets, cafes, drive-in theater, drug stores and pharmacies, electronics stores, florists, fruit and vegetable markets, furniture and homeware stores, general stores, gift shops, grocery stores, health stores, hotels, hospitals ice cream shops, lawn and garden supplies, performing arts, post office, shoe stores, specialty food stores, tailors, theaters, rooftop telecommunications, and veterinarians.

Area Regulations

Category	Restriction
Residential Density	Maximum 14 units per gross acre of land
Maximum Height	300 ft.
Buffer Space	No building, structure or use permitted in land along the perimeter
Building Location	Location of structures shall provide adequate light, access for emergency vehicles, reasonable degree of privacy
Minimum Size	200 acres of land

Effectiveness

The Easton Town Center created a commercial and leisure space for residents to gather not far from downtown Columbus. It achieves its goal of having a classic American downtown atmosphere. Once you arrive at the center, all of the stores and restaurants are in convenient walking distance. This project is a good example of what can be achieved through careful planning and designing for the size of the community.

While the developers were limited to the tract of land they owned, the Easton Town Center could be more accessible. It necessitates travel to the center by car or bus. The entirety of the town center is bordered by roadway. It is difficult to get there if you do not drive, but it is pedestrian friendly once you arrive. There is a bicycle lane on the main highway, but it is not very wide. The design could be safer; attempting to make a left turn on a six-lane road where the median is a two-way left-turn lane is not the safest design. Another issue with the Easton Town Center was the lack of attention paid to planning and designing peripheral retail locations. When looking at the town center through an aerial map, one can see a uniformity in the peripheral buildings. It appears the central structures have unique characteristics or designs that maintain the environment that planners sought.

The Easton Town Center is successful at providing a variety of ways for residents to spend their leisure time. Anchor stores are located on the periphery or incorporated into the design, while most of the shops are laid out in a more accessible urban street design. They were successful in bringing in restaurants and stores local to Columbus, which was consistent with the requests of their residents. In addition to the local offerings, the town center also hosts several clothing stores featuring popular global brands. An occupancy rate at approximately only 85 percent, however, could indicate issues with this project.

There are many entertainment possibilities in the town square, as well. There is a 30-screen multiplex cinema. There is also an amusement park for children, billiards and bowling venue, all-night jazz club, comedy club, and a theater group performing daily. Furthermore, there is a fitness facility containing fitness equipment, two swimming pools, two basketball courts, squash courts, climbing walls, and a child-care facility.

The Easton Town Center makes up for any shortcomings by offering a wide arrange of amenities. While it does not provide a large mix of residential or office uses, it comprises a plethora of restaurant, shopping, fitness, recreation, entertainment, and social opportunities. The design of the town square is accessible and pedestrian friendly. It is a good model for the planning for and development of an area that is not centrally located in a city or town for retail and entertainment use.



A lighted fountain at The Strand in Easton Town Center in Columbus, Ohio



Bath & Body Works, Abercrombie & Fitch, and Bar Louie from Easton Station Road at Easton Town Center in Columbus, Ohio

Alpharetta, Georgia – Mixed-Use Analysis (Avalon)

Alpharetta, Georgia, is a wealthy suburb north of Atlanta containing high-tech jobs and upscale residential areas. Avalon was envisioned as a mixed-use area of the city where residents could congregate and have ample amenities. Before Avalon, Alpharetta did not have a pedestrian-friendly, walkable downtown urban area. As a result, residents could only find a pedestrian-friendly area with downtown amenities in central Atlanta. The city looked to utilize their mixed-use zoning to create an urban experience in a suburban setting.

Location

Avalon is located quite centrally within the City of Alpharetta. It is approximately 25 miles north of midtown Atlanta, or between a 30- and 45-minute drive. It is conveniently located at the intersection of two major roads that run through the city, making it fairly accessible by car from anywhere in the surrounding area. One of these roads (I-19, the Turner-McDonald Pkwy) travels directly into downtown Atlanta, facilitating a simple journey to or from the major metropolis to the suburban location. There is also a bus stop located at the southern entrance to Avalon.

Uses

Residential conditional uses include assisted-living or progressive-care facilities, “for-rent” dwellings, and bed and breakfasts. Conditional commercial uses include art galleries, banks, barber and beauty shops, book stores, breweries, contractors’ offices, child-care centers, distillery, drug store, entertainment venues, florist, heliport, hotels, liquor stores, museum or library, nail salon, outdoor or indoor recreation facilities, pet grooming, print shop, restaurant, religious institution, schools, spas, and theaters or cinemas. Other uses in this category include athletic facilities and public buildings.

Area Regulations

Minimum Development Requirements for Mixed-Use Zone

Category	Minimum Percentage of Development Required in MU
Dwelling, Attached or Detached	25%
Commercial	25%
Public Space	10%
Office/Institutional	25%
Open Space	One acre of open space per 100 population of residential use

District Regulations

Category	Regulation
Minimum Lot Size	25 acres
Maximum Density of Dwelling Units	8 units/acre
Maximum Impervious Area	80% for entire area

Effectiveness

Avalon has been a successful venture thus far and looks to only become better when the project is built out. It seems that the planners appropriately addressed the potential issues that could arise in such a development. There were two phases to the project with the first completed in 2014 and the second completed in spring 2017. Avalon has an urban feel while being situated in a suburban setting. Avalon attracted many retailers and is currently at almost full capacity. The residential options are also a favorite in the city now.

The planners recognized most people would arrive at Avalon by car, and, therefore, automobile circulation was a vital consideration in the project. To facilitate efficient traffic flow, there are three main entrances in addition to five other entrances/exits. The majority of the structures are centrally located, with parking on the perimeter, ensuring the walkability of Avalon for visitors and residents. Avalon is intersected by Avalon Boulevard, which runs east-west through the center of the district and is the main street. While somewhat similar to the design of the Easton Town Center, Avalon is aided by its central location in the suburb, proximity to the major city, and inclusion of more residential units within the development.

The residencies at Avalon have been attractive options, evidenced by their 98 percent occupancy rate. The average age of renters in the apartments is 43, which is also higher than the developer expected. Demand from affluent people in this demographic was an important factor in the rising rents during the leasing process.

Avalon's retail is also 98 percent leased, indicating similar achievement in this capacity. The district is anchored by a premium cinema, a grocery store, and 15 restaurants. There are also leading clothing stores and other retailers on both sides of the center. The restaurant options feature unique Atlanta and southeastern regional options and highlight popular local chefs. The developer undertook the task of trying to lease to chef-driven restaurants, instead of franchises. Chefs were contacted individually, as well as collectively, and convinced to come together with their restaurants. One potential future source of contention is that Avalon asks retailers in the main areas to close by 10:00 p.m. to minimize noise for the residents living on Avalon Boulevard.

Although it is still early, Avalon appears to be a mixed-use development that is achieving its goals. The density and size align with the location—not too dense, but also not too rural. It created a walkable urban environment in suburban Alpharetta that is very accessible by car for visitors from outside the district. There are high-profile companies moving into the retail and office spaces available, and the vacancy rate (two percent) underscores the project’s success.



An aerial view facing northeast toward Avalon Boulevard at Avalon in Alpharetta, Georgia



The Plaza, the Plaza Fountain, and concierge area in front of the Regal Cinemas at Avalon in Alpharetta, Georgia

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