



Growing Better: Successful Planning Tools for Growing Communities

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Foreword

The State of Delaware has faced tremendous growth over the past few years, most of it occurring in the middle and southern portions of the state and extending, for the first time, intensely into the largely agricultural lands to the west. The Delaware Population Consortium (2004) estimates that Sussex County could see a 62 percent growth rate by 2030 to almost 255,000 people; along with those people comes increased residential and commercial growth, stress on public facilities and growing pressure on our agricultural and open lands.

Now is the time for our public officials and community leaders to speak out, to decide what our communities will look like as they continue to grow, how we should protect the things we cherish, and what we would like to add in the future. The need for action is urgent in order to ensure that Delaware's communities remain places in which we love to live and that we can welcome our new neighbors in a positive manner—without fear of what is to come. The key lies in intentionally managing growth in the way that you decide is best for your specific community.

Today's bookshelves are full of growth management policy guides and program suggestions with technical details, program specifics, and economic analysis. All of these program guides can play an important part of creating a growth management strategy for your community, but they skip a very important first step: assistance in selecting which programs and techniques to evaluate as potential strategy components. How do you choose which programs and options would be best suited to your specific issue or community?

This document, *Growing Better*, is designed to do just that; to help the reader to identify which programs and actions are worth learning about in greater detail, given the real-life issues they face as public officials, community leaders, or the general public. Anyone interested in protecting the community they love or creating one they envision can benefit from this document. This document attempts to place today's "hot" growth management topics into real-life situations and to show how these programs interact with actual communities or address specific issues.

Each of the communities selected for this document have characteristics and issues similar to those somewhere in the state of Delaware; they have also decided those characteristics are worth protecting and have taken the initiative to do so, with positive results. The communities of Delaware hold all of the same beauty and potential; it is now time for us to take our initiative.

This booklet is designed to function both as its individual parts, to provide specific information on a topic you may find useful, and as a whole, to help communities identify programs or steps they may take to improve the possibilities for their future. All of these options have one thing in common: they require community support to function properly; but, given that support and appropriately implemented, they really can work to help growth occur in a better manner. Delaware's communities are already amazing; the goal must be to make sure they remain that way as they face the pressures of growth.

What does growing better mean?

- Collect information, invite participation, receive feedback, and create a plan.
- Place people near the things they use and places they go on a daily basis.
- Provide a range of housing and employment options so that the workforce for the community can afford to live in that community.
- Design communities in ways that provide multiple transportation options.
- Ensure that non-motorized means to mobility are given equal consideration for safety and convenience.
- Avoid forced or unplanned expansion of infrastructure to serve new development.
- Personalize plans that are designed appropriately for the implementing community.
- Keep “eyes” on public spaces from adjacent buildings with welcoming architectures

What can growing better do for a community?^{1,2}

- Increase retail sales by 20 percent
- Protect historic places, traditions, and community values
- Improve safety in public spaces
- Decrease the incidence of obesity and childhood diabetes
- Create vibrant, active public streets
- Protect natural resources and agriculture
- Attract tourism and out-of-state monies
- Decrease the cost of public infrastructure
- Increase resident pride and community participation
- Foster caring communities and invested residents

For more information, please contact the UD Coastal Community Enhancement Initiative at 302-645-4235 or visit www.ipa.udel.edu.

¹ Lawrence, Frank, Sarah Kavage, & Todd Litman. 2007. *Promoting Public Health Through Smart Growth*. Vancouver, BC, Canada: SmarthGrowthBC. Online. Available from: www.smartgrowth.bc.ca/downloads/SGBC_Health%20Report%20Final.pdf, accessed 12 Jan 2007.

² Center for Livable Communities. 2005. *Walk to Money: The Economic Benefit of Walkable Communities*. Sacramento, CA: Local Government Commission. Online. Available from: www.lgc.org/freepub/PDF/Land_Use/focus/walk_to_money.pdf, accessed 20 Jan 2007.

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1.1 City of Asheville, Buncombe County, NC

Like many of the towns in Delaware, Asheville, N.C. contains a core of historic architecture and a growing population that threatens to damage the delicate interaction between the new, modern development and the social memory and functional use of its historic buildings. Asheville is also surrounded by beautiful open space that attracts tourists to its natural resources and supports a local agricultural economy, but is threatened by encroaching development and increasing public utilities costs in rural areas. Keep reading to find out how Asheville helped to quell the negative effects of rampant growth, and instead, channeled that growth into a successful downtown revitalization that fueled an improved tourist economy while protecting existing local agriculture.

While many cities chose to default on their Depression-era liabilities and start over with a clean slate after the stock market crash in 1929, Asheville city fathers chose to pay back every dollar. It was a burden several generations would carry until 1976, when the last obligations were paid.

Until that year, Asheville had no money to

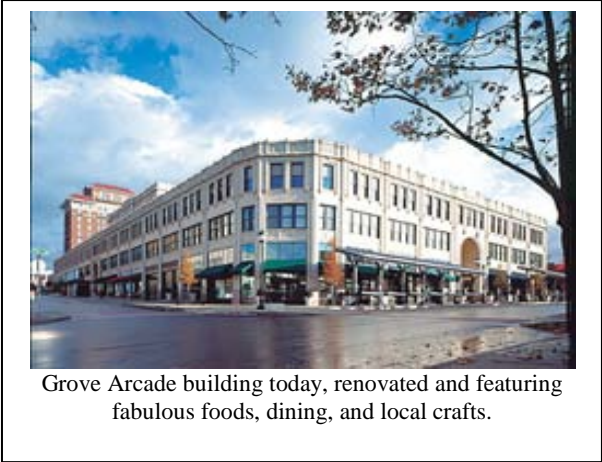


Grove Arcade, circa 1940

invest in the urban renewal projects that were so popular in other cities following Black Monday. The magnificent buildings built

during the boom years were spared the bulldozer as a result of Asheville’s commitment to repay its debt.

That is why Asheville is a snapshot of what an American boomtown looked like during the turn of the century. It isn’t unusual to find quaint mom-and-pop shops in elegant surroundings. Like much of old, Southern



Grove Arcade building today, renovated and featuring fabulous foods, dining, and local crafts.

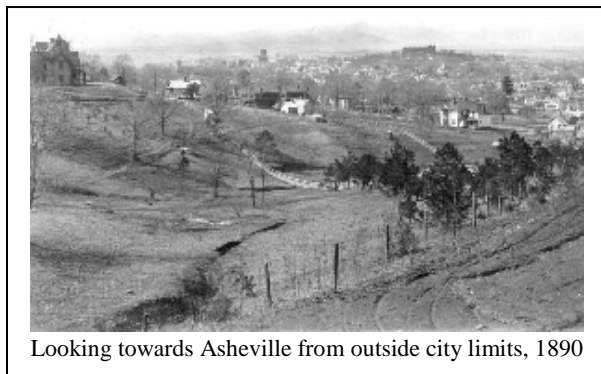
Delaware, Asheville started with “good bones;” this is the original version of what so many towns and cities are attempting to recreate using growth management techniques that focus on strategically developing particular places while protecting the rural nature of the surrounding area.

However, like many areas faced with significant growth and aging public infrastructure, Asheville began to experience intense pressure to decide how their city would move forward into the 21st Century. In 1999, a citizens’ committee (called the Center City Steering Committee) formed to revitalize development of a master plan for Downtown Asheville. In the past few years, hundreds of people gave input for the Center City plan through various forums and workshops. Asheville has recently invested millions of dollars for new construction and renovation to bring the downtown district back. Saving the

classic buildings that contribute to the architectural diversity of downtown remains an important goal for the city.¹

For their efforts and sensitivity to place and walkability, Asheville is consistently ranked high among the best places to live, work and retire. The city's long-range planners are directed to maintain and improve the quality of life in the area, so that it shall remain one of the "best places."

Just outside Asheville's dense center and close-knit residential districts, North Carolina is still deeply rural and agricultural. The 31 million acres of North Carolina are still home to more than nine million acres of farmland that employ over 17 percent of the state's workforce and account for 20 percent of its entire income.² But each year North Carolina loses 33,600 acres of farmland that once produced farming products, and as of March 2005 the State began work on an "Agricultural Development and Farmland Preservation Strategy" which includes the purchase of



Looking towards Asheville from outside city limits, 1890

¹ Historic Resources Commission of Asheville & Buncombe County. "The Importance of Historic Preservation." *City of Asheville Planning Department*. Online. Available from: www.ashevillenc.gov/planning/historic.htm, accessed 20 Jan 2007.

² North Carolina Department of Agricultural and Consumer Services (NCDACS.) 2006. "North Carolina Agriculture Overview." *NCDACS website*. Online. Available from: www.ncagr.com/stats/general/general11.htm, accessed 20 Jan 2007.

agricultural conservation easements, program planning, and the growth and development of family farms.



Many of North Carolina's farms are on the fringe of rapidly growing urban areas and possess important natural areas in addition to being productive agricultural land. Many have also been owned by the same family for generations and have great historical and sentimental importance.

Among the successes of this program's efforts to purchase conservation agreements is the Taylor Farm, now in its 6th generation of continuous farm use by the Taylor family, pre-dating the Civil War. Located along one of America's 10 most endangered scenic byways, the popularity of the immediate area for second-home development threatens the scenic, agrarian landscapes, which make it so attractive. The Taylor Farm easement provides considerable water quality benefits and provides a sizeable area of cultural significance in this historic area of Watauga County.

The 124-acre Graham Farm conservation easement was signed and recorded on December 15, 2003, protecting this farm for agricultural use forever. Despite tremendous development pressures, the area remains a hub of agricultural activities consisting of thousands of acres of working farmland. The Graham Farm has remained in the same

family since the original land grant in 1762 and is subject to best management practices including “never-till” crop production. Efforts to protect the Graham Farm have even spurred additional farmland-preservation interest on adjacent farms.



Buncombe County, in which Asheville resides, has also tried to ensure that, as growth occurs, existing communities have the opportunity to shape the form and character of the outcome as they see fit. To assist in guiding development, the county has adopted Community-Based Planning Programs that address the “major concerns of community residents and express the consensus of the community” regarding goals, a recommended community-development pattern, a community needs assessment, and a community action strategy.¹

In addition to daily life and its agricultural heritage, Asheville spends a good deal of time focusing on protecting its tourist attractions and working to accommodate its groups of annual visitors. Asheville is renowned for its fall colors, beautiful hiking trails and the Biltmore Estate, the “largest home” in the U.S.²

¹ Buncombe Board of County Commissioners. 8 April 2003. “Article IV. Community-Based Planning Program.” *Buncombe County Code of Ordinances*.

² Buncombe County Tourism Development Authority. *Asheville, NC’s Official Tourism website*. Online. Available from: www.exploreasheville.com, accessed 20 Jan 2007.

Generations of the same families have worked to maintain Asheville’s character and attraction. The Genealogical Society and Museum has been listed as one of the “must-see area attractions,” and Asheville has become a popular filming location for featuring idyllic portrayals of the old south and strong community. *Forrest Gump*, *Last of the Mohicans*, and *Patch Adams* are just a few of the big title movies that drew their graceful scenery from Asheville and its surrounding locations.³

While there is still a lot of work to do to protect Asheville’s precious heritage and character as growth continues at a record pace, efforts to this point have definitely made a difference.

- Ranked 7th in the *Kiplinger’s Personal Finance* “50 Smart Cities” list of 2006.
- *Southern Living* 2006 Reader’s Choice Awards, 1st place in the Best Mountain Destination category.
- Ranked 7th in a listing of the 10 Greatest Escapes in America (July/August 2005 issue of *Organic Style*).
- 8th in the Top 25 Arts Destinations in reader-voted *AmericanStyle Magazine*.
- Ranked 9th in “America’s Top 100 Places to Live in 2005” by *RelocateAmerica.com*.
- Named one of five *USA Weekend Magazine* “Cities that are Special” (July 2004).
- *National Geographic Adventure* listed Asheville as one of the “10 Great Adventure Towns” (September 2004).

“When you visit Asheville, North Carolina, expect to feel good. Both the natural and planned landscapes of Asheville and that beautiful part of North Carolina are simply so gorgeous you can’t help but smile.”
Work-at-home.org

³ “Hollywood & Asheville.” *Asheville Magazine*. Online. Available from: www.newfrontier.com/aha/Asheville-News.htm, accessed January, 2007.

City of Asheville, Buncombe County, NC; the Technical Side of Change

In the past 15 years, Asheville has undergone a significant renaissance period. A downtown revitalization effort that began in the 1980s and was provided new strength in the 1990s by the influence of historic preservation has resulted in significant and long-lasting improvements.

A 104 percent increase in retail trade sales from 1997 to 2002 occurred in Asheville's metropolitan area, compared to only a 23 percent increase in the same period for the State of North Carolina, overall.¹ Meanwhile, median home value in 2000 for Asheville was \$105,200, compared to \$95,800 for the state, and in the year 2005 the values were \$109,100 and \$108,300, respectively. The historic-preservation efforts of the area have helped to improve the economy while being able to "stabilize property values and stimulate new investment in older residential neighborhoods and commercial areas."²

The redevelopment of buildings along the street began in 1986. A streetscape plan was adopted, which led to the complete resurfacing of the streets with cobblestone paving, placing electric service and wires underground, and providing a new storm drainage system. Sidewalks, brick paved areas, historic-era streetlights, benches, and landscaping were installed shortly thereafter. The physical characteristics of the street that

are conducive to slow automobile speeds combined with the pedestrian-friendly streetscape elements enable Wall Street to prosper.

"To focus on specific areas of need, the Planning & Development Department has prepared a number of small area plans over the past 10 years."³ These plans have resulted in "town centers" that serve as walkable, functional main streets with mixed use, high population density and carefully structured mobility options. "One of Downtown Asheville's greatest attributes is that there are so many things to do. Not only that, they are easy to get to. Downtown Asheville is so compact that you can park and walk to everything."⁴

City and Downtown Commission review, in accordance with Downtown Design Guidelines, a non-regulatory version of a Form-Based Code, is triggered by any change to the exterior of a building or property. This tool is used because "Downtown Asheville is recognized as a special place to be protected as a community resource, because it represents an important part of the city's heritage, and because its unusual character creates an identity for Asheville today. Compatible design helps to enhance the quality of life for all residents while also strengthening the economic viability of downtown."⁵ Historic preservation played an important part in the

¹ Retail Trade Geog. Area Series. (Asheville Metro) U.S. Census Bureau, 1997 Economic Census Nov. 9, 1999 & Retail Trade_Geo. Area Series North Carolina 1 (Asheville Metro) U.S. Census Bureau, 2002 Economic Census.

² National Parks Service. *Historic Preservation, National Register of Historic Places: Asheville, N.C.* Available from: www.cr.nps.gov/nr/travel/asheville/preservation.htm

³ *Small Area Plans*. Asheville, NC Planning & Development Department. Available from: www.asheville.nc.us/planning/smallarea.htm

⁴ Asheville Downtown.org

⁵ Glines, Alan. *Downtown Design Review*. City Development Office, Asheville, NC. Available from: www.asheville.nc.us/planning/downtown/downtown%20design%20review.htm

decision to select this program as the appropriate tool for Asheville.

All of these tools together are why Asheville is one of the model communities discussed in a new book about smart communities, by Dr. Suzanne Morse, which explains “how seven key elements can serve as the basis for lasting community change. The seven key strategies include: investing right the first time, working together, building on existing assets, exercising democratic virtues, preserving the past, growing new leaders and inventing the future.”¹

The success of many of these tools was assisted by the fact that the State of North Carolina, in cooperation with other local entities, has set up agricultural-protection programs designed to allow existing farms (particularly heritage farms) to continue active agriculture in perpetuity. One program purchases agricultural “easements” so that the current owners retain ownership and the easement “restricts the residential, commercial, and industrial development of the land while maintaining its agricultural production capability.”² This provides the farmer with monies similar to that which would be received from



a developer, minus the value of the physical land itself. In addition, the lower taxable value of the land (due to ‘removing’

potential uses) can assist the property owner as property values and taxes rise.

These easements run with the land, even through change of ownership, preserving the permanence of agriculture on that property unless certain rare circumstances arise that allow the state or owning agency to sell the easement back to the owner. While this program works well (it preserves active agriculture and helps farmers financially) it requires substantial government funding and can be a slow process due to the efforts required to procure funds. Pennsylvania, Florida, Maryland, and Virginia have all enacted similar programs to help protect their important agricultural heritage.

In addition to the purchase of easements, the State has set up a Voluntary Agriculture District (VAD) program. The intent of a North Carolina VAD, as stated by the North Carolina Legislature, is to “increase identity and pride in the agricultural community and its way of life and to increase protection from nuisance suits and other negative impacts on properly managed farms.”³ Once a district is created, state law prohibits assessments against VAD farmland for water and sewer improvements unless the farms are actually connected to the water and sewer improvements. This can protect farmers from paying into assessments for required public improvements that their activities do not influence.

Tools Used to Create Asheville’s Success

- Community Visioning and Planning – See Section 2.5, page 40
- Form Based Code (streetscape plan) – See Section 2.2, page 34
- Historic Preservation
- Agricultural Preservation (State Program) – See Section 2.7, page 44

¹ Asheville Downtown.org. *News*. Available from: www.ashevilledowntown.org/event_morse.shtml

² National Center for Agricultural Law Research and Information. *State Environmental Laws Affecting North Carolina Agriculture*, Oct. 2000 Available from: www.nasda.org/nasda/nasda/Foundation/state/NorthCarolina.pdf

³ N.C. General Statutes § 106-738 (Bender 1999).

1.2 City of Clewiston, Hendry County, FL

Hendry County was formed in 1923 and gets its name from Francis A. Hendry, one of the first settlers of the area. Hendry County has a population of approximately 39,500 with just over 8,000 families. The total area of the county is 1,190 square miles – 1,153 square miles of land and 37 square miles of water. Like much of Delaware, agriculture and family ties are extremely important in Hendry County. Many of the residents have live there for generations and are saddened by the rapid disappearance of the land-tied, rural lifestyle they have come to know and love. However, recent efforts have helped to ensure that important components of that lifestyle remain, even as the population grows and that the county continues to remain economically viable for those who rely upon the land.

Hendry County is a mix of developed and rural land, but much of the county is still rural. The county is known for its natural areas and recreation. Residents and tourists enjoy biking, hiking, birding, camping, horseback riding, canoeing, boating, golfing, fishing, and hunting. Hendry County's primary industries are sugar cane, vegetables, citrus, cattle, tourism, and fishing

Hendry County has a heritage, a people, and an easy living lifestyle all its own. Hendry



County's heritage stems from an agricultural economy, cultural diversity, and a sense of strong moral values. The residents of Hendry County value their small-town atmosphere,

where people know one another and don't hesitate to help out when needed. They are committed to their community and will volunteer for anything that helps make Hendry County a great place to live.



Hendry-Glades County Bridge

Residents and tourists alike enjoy the beauty that surrounds them in Hendry County and appreciate the many recreational opportunities that the natural resources provide. Beautiful, sprawling oak trees provide canopies around the county. The air is clean and residents boast that you can still see the brilliance of the night sky.

Hendry County residents appreciate their low population and small-town lifestyle. They like having a limited number of traffic lights, and some say they can get to work in just five minutes. Housing density is low, and there is still plenty of open space and room to breathe. Even with a relatively low population, residents have access to a variety of amenities such as good health care, good schools, libraries, museums, historical buildings, and recreation. There are also many fine places of worship from which to choose.

Hendry County residents also see opportunities on the horizon. Hendry County has a convenient central location and many qualities that are attracting newcomers to the area. Residents believe that growth must be

thoughtfully and carefully planned, in order to stimulate business and other opportunities but also to safeguard a special quality of life. (Excerpted from Vision Report, June 2006, Hendry County Vision 2020 Process¹.)

Hendry County's major centers are LaBelle and Clewiston; the rest of the county is still mostly rural or active agricultural land. The eastern half of Hendry County revolves around sugar; Clewiston is the home of U.S. Sugar, one of Florida's most powerful industries and the number one employer within the county, generating about \$2 billion in economic activity annually.² Citrus and tourism are also important components of the local economy.



Most of the early development of Clewiston occurred on the two thoroughfares running east and west, with most of the growth taking place on U.S. Highway 27. A construction boom during the 1980s brought several new shopping centers to the area and pushed development westward, and strip commercial became a dominant feature of Clewiston's outer limits.

Faced with a shrinking business base downtown in the 1990s, a plan was

¹ Florida Conflict Resolution Consortium. 2006. "Vision Report." *Hendry County Visioning Process*. Online. Available from: consensus.fsu.edu/heartland/hendry.html, accessed 20 Jan 2007.

² Clewiston Chamber of Commerce. *Florida Sugar Cane Industry*. Clewiston, FL. Online. Available from: clewiston.org/sugar.htm, accessed 20 Jan 2007.

developed to revitalize the downtown area and establish the Clewiston Redevelopment Agency. Residents were invited to participate in the planning and concepts developed by the group are to be implemented in phases, with the core project beginning in the shopping area directly across from the historic landmark—the Clewiston Inn and Civic Center Park—and adjacent to the new Town Square. Downtown merchants are already beginning to remodel and repaint their buildings, and a spirit of voluntary improvement is taking place.³

Clewiston is now home to the annual Sugar Festival, the internationally renowned Lake Okeechobee Birding Festival, and a comfortable, walkable main street that bustles with visitor lunching and shopping during the early afternoon. Their efforts have paid off, and more are on their way.

Unincorporated Hendry County faces similar pressures from increasing development and lagging public services. Thousands of homes are being built on the western edge of the county as the growth of its neighbor, Lee County, expands beyond its borders. Hendry County, with help from the University of Florida, just completed a county-wide visioning process to help the municipalities and unincorporated areas



Sunset over Lake Okeechobee

³ Clewiston Chamber of Commerce. *Business*. Clewiston, FL. Online. Available from: clewiston.org/business.htm, accessed 20 Jan 2007.

make sure that quality of life and important heritages are protected during the current rapidly occurring growth. New and existing projects and priorities were identified and assigned to various groups and departments to help find funding and ensure their

completion. The experience was a positive one that has spurred many important projects into action and will help to guide upcoming development in a way that the current residents can appreciate.

Clewiston, Hendry County, FL; the Technical Side of Change

In 1997 there were 507 farms in Hendry County, totaling 606,839 (over 70 percent of the land in the county). In 2002 this number had already decreased by almost 10 percent, to 552,352 acres.¹ Recently, agriculture is being replaced even more rapidly by residential land uses, transforming Hendry County into the bedroom community for the economically vibrant surrounding counties.



In 2005, a county-sponsored amendment to the comprehensive plan was submitted for 18,397 acres in the northwest corner of the county, near the Town of La Belle.² This amendment proposes to transform predominantly agricultural land to

residential land at a rate of two homes per acre; amounting to the creation of a massive chunk of low-density residential land use in an area with no public or commercial or public provided.

In April 2004, La Belle created a water-service district. The creation of that district shows forward thinking on the part of the local government but may be easily contradicted by the potential results of this proposed amendment. This is significant because the West La Belle Land Use Study states “the potential for higher densities could be realized if and when water lines are extended.”³

The Hendry County Comprehensive Plan supports this conclusion by drawing relationships between urban development and existing or planned sewer facilities. Objective 6.A.3, “The County shall maximize use of existing sewer facilities and discourage urban sprawl with infill development...” is supported in Policy 6.A.2.1 by placing the “greatest density...where sewer facilities are available or are more feasible for sewer extensions than the more remote areas.”

In a remote area adjacent to an important regional natural resource, the addition of thousands of septic tanks is extremely concerning. The requirement of half-acre

¹ United States Department of Agriculture (USDA.) *2002 Census of Agriculture*. Available from: www.nass.usda.gov/census/census02/profiles/fl/cp12051.PDF

² Hendry County CPA, Case Number DCA 05-1/CPA04-04

³ Florida Department of Community Affairs Sufficiency Response letter, DCA 05--01

lots in order to accommodate individual well and septic systems not only presents serious water-quality concerns but creates a situation that actually encourages patterns of urban sprawl development.

The 1999 Hendry County Comprehensive Plan estimates the number of on-site septic tanks in the county at 5,200. This proposed amendment has the potential to more than quadruple that number in a concentrated area also lacking central water. This section of the comprehensive plan also states that septic tank usage is appropriate “where centralized sewer systems are not available or cost effective....” Neither of these conditions is true of the 18,000 acres proposed for conversion to low-density residential.

Situations such as this abound throughout Florida’s central territories, as growth from the east and west push into the heartland in an effort to find lower-cost housing for the economic centers of the coasts. This rapid change to communities that have been predominantly agricultural and slow-paced unto this point has spurred action by a number of communities and organizations in the area.

Clewiston’s success is partly due to state and federal efforts to improve the natural areas surrounding the city. The Lake Okeechobee Scenic Trail improvements, Everglades restoration areas and, in recent years, the improved prevalence of the Great Lake Okeechobee Birding Festival have continued to provide this town with cash flow from tourism and environmental engineering projects.

At the beginning of 2006, Florida’s Heartland Rural Economic Development Initiative (FHREDI), working with the Florida Department of Community Affairs,

sponsored a visioning process, moderated by Florida State University, for the citizens of Hendry County. In the end, projects and funding sources were identified that would assist the short- and long-term priorities for the county and included municipalities. Other efforts have sprung from this as well.¹



Community involvement and organization is big in this community; the local Audubon, Sierra, and Riverwatch chapters, as well as Rotary and other service organizations have worked to ensure that the public remains aware of the ongoing issues and remains involved in providing input in the planning and development process.

Due to continued growth and tourism, Clewiston has decided to move into the first phase of Florida’s Main Street Program, a technical assistance program administered by Florida’s Bureau of Historic Preservation, to assist traditional historic commercial corridors.² In addition, the city of Clewiston recently bought 185 acres from U.S. Sugar Corp. and on part of the land is developing Clewiston Commerce Park, which is located in a state enterprise zone

¹ Florida Conflict Resolution Consortium. *Hendry County Visioning Process*. Available from: concensus.fsu.edu

² MyFlorida.com. *Florida Main Street*. Available from: www.flheritage.com/preservation/architecture/mainstreet/

that offers tax advantages and incentives to businesses. Downtown Clewiston is already becoming a success. Main Street cafés are packed at lunch time, and a newly rehabilitated, centrally located park hosts community events and afternoon strolls.¹

While time will tell to what extent Hendry County and the City of Clewiston’s efforts will thrive, they are definitely on the right track, and the community support to create true success is there. The next few years will be very telling, regarding the staying power of the community-identified priorities of the visioning process.



Tools Used to Create Hendry County’s Success

- Community Visioning and Planning – See Section 2.5, page 40
- Main Street and Rural Economic Revitalization
- Urban Service Boundary Planning – See Section 2.6, page 42
- Impact Fees: Education and Transportation – See Section 2.3, page 36

¹ City of Clewiston. *Tourism*. Available from: www.clewiston-fl.gov

1.3 Southside Neighborhood, Greensboro, NC



In 1990, Greensboro had a downtown with great bones, great history and memories, but declining revenues and increasing vacancies. Like many of Delaware’s rapidly growing communities, the traditional Main Street commercial areas suffered while development moved to the edges of the community, but revitalization of nearby neighborhoods brought new life to the downtown commercial centers and reconnected people with their neighbors and their past.

Greensboro is the county seat of Guilford County, and named after General Nathanael Greene a revolutionary war hero who helped inflict massive casualties on Britain’s General Cornwallis. The city’s location was chosen to be the exact center of the county in 1808. The city has a rich history of



textile, insurance, and transportation with the first textile mill opening in 1828, the first insurance company in 1850, and the first railroad laid in 1851. The city was the one of the military centers for the confederacy during the civil war and also a major stop in the Underground Railroad.¹

Most of the initial industries remained in Greensboro until the 21st century when they either went bankrupt, reorganized, and/or merged with other companies. However, Greensboro still remains a major distribution and textile center.² In addition, the University of North Carolina at Greensboro, North Carolina Agricultural and Technical State University, Guilford College, Bennett College, and Greensboro College all call Greensboro home. The state community-college system also has several campuses in the area and in August of 2006, the Elon University School of Law opened a campus in downtown Greensboro.

Since the 1990s the Greensboro metro area has experienced explosive growth due to its temperate climate, high standard of living, and low property cost. In fact, Greensboro is the third-most-populous city in North Carolina with 223,891 residents. However, until recently, many of the urban neighborhoods remained dormant while the suburbs exploded with growth. In order to cope with the changes, the City of Greensboro’s Department of Housing and Community Development developed a “Traditional Neighborhood District” (TND) zoning ordinance to assist revitalization of areas within the urban limits of Greensboro.³

The Southside Neighborhood took advantage of this new zoning classification. Southside developed in the 1890s in southeast Greensboro. A traditionally black

¹ Hicks, Gayle. 1997. *A Brief History of Greensboro*. Fripp/Greensboro Historical Museum. Online. Available from: www.greensboro-nc.gov/CityGovernment/about/history.htm, accessed 20 Jan 2007.

² Wikipedia.com *Greensboro, North Carolina*. Online. Available from: en.wikipedia.org/wiki/Greensboro%2C_North_Carolina, accessed 30 Jan 2007.

³ Greensboro City Council. 3 Feb 1999. “30-4-2. Traditional Neighborhood District Requirements.” *Code of Ordinances, City of Greensboro*.

neighborhood, impacted by highway construction, this area was afforded little investment during the first half of the 20th century and began to fall into disrepair, gaining a reputation as the “rough side” of town.¹ In 1990, the citizens of Greensboro voted to tax themselves to raise a \$5 million bond that would assist the restoration of this vitally located neighborhood. The revitalization, just one-and-a-half blocks from Greensboro’s historic main street, transformed a blighted area into a thriving, attractive district. The community capitalized on a rich stock of historic buildings and public spaces to restore this downtown neighborhood and bring public pride back into the area.²

For such a small area, the revitalization of this district has created a drastic transformation. In approximately ten acres, the development includes 30 single-family homes, ten two-family homes, 50 townhouses, 10 restored historic homes and 20 live/work units where business owners live upstairs from their shop or office. In addition, the neighborhood common, used as a community park, retains a canopy of mature trees that adds value to the rotating schedule of public art.

“One of the major hurdles to making Southside a vibrant, walkable community was Martin Luther King Jr. Boulevard,

which runs through the center of the neighborhood...creating an undesirable “dead zone” at the center. Using traffic-calming measures...the plan reclaims this main street as a grand urban boulevard, with a distinctive, pedestrian-friendly streetscape design that sets Southside apart from the surrounding neighborhoods.”³

“The first new residents moved in during the summer of 2001, a new art gallery opened in 2002, and despite a depressed national economy, home sales in the first three weeks of 2003 set a record.”⁴ Success is not limited to the Southside neighborhood either; redevelopment initiatives, including housing and mixed-use projects, are expanding into adjacent neighborhoods and downtown and have resulted in national recognition.⁵

“Southside was the type of neighborhood we had been searching for-it provides us with the sense of community we crave within walking distance of all the services and amenities downtown has to offer. When we built our house two years ago we felt like urban pioneers, but now, with the neighborhood nearly complete, we know we made the right choice.”
-- A new Southside resident

- American Planning Association’s 2003 Winner of the National *Outstanding Planning Implementation Award*.
- U.S. Environmental Protection Agency’s 2004 *Excellence in Smart Growth Award* for “Built Projects.”
- Sierra Club’s 2005 *Guide to America’s Best New Development Projects*. “Southside... combats the problem of sprawl by building homes and businesses on existing urban land.”

¹ A 1994 survey by the city's Housing and Community Development Department found that only 30 percent of principal Southside structures were in reasonably good condition.

² The Smart Growth Network. *Smart Growth In Action: Southside Neighborhood, Greensboro, North Carolina*. Online. Available from: www.smartgrowth.org/library/articles.asp?art=1817&res=1024, accessed Jan 2007.

³ DPZ and Company. “Southside.” *DPZ – Projects*. Online. Available from: www.dpz.com/project.aspx?Project_Number=9999&Project_Name=Southside, accessed 20 Jan 2007.

⁴ Davidson, Mike. “Southside Area Development Plan: Greensboro.” *Journal of the American Planning Association*. (March 2003): 8-9.

⁵ U.S. Environmental Protection Agency. “National Award for Smart Growth Achievement 2004: Built Projects.” *Smart Growth*. Available from: www.epa.gov/dced/sg_awards_publication_2004.htm accessed 20 Jan 2007.

Southside Neighborhood, Greensboro, NC; the Technical Side of Change

A vibrant neighborhood in the 1920s and 30s, Southside experienced problems similar to those of many neighborhoods during urban renewal. Low investment in urban areas, movement to the suburbs, and residential segregation took their toll. By the end of the century, crime in this neighborhood was about seven times higher than the citywide average and the median income for Southside residents was about half that of the rest of Greensboro.¹

The Southside neighborhood is a mere five-minute walk from downtown Greensboro, making this community the ideal location for a revitalization project that would help provide the residential and workforce support for the adjacent business district. This urban village has access to all of the amenities of an urban location, while providing the community feel and support that a traditional neighborhood provides. The revitalization effort that took place here transformed a blighted area into a thriving mixed-use community with a strong sense of place and active public spaces.² The initial idea for the Southside Development Plan



began in 1990, when the area was identified as a unique development opportunity for the

center city as part of the Center City Master Plan.³

In 1996 the Greensboro City Council approved a bond package that included funding for the redevelopment of a blighted neighborhood on the southern edge of the downtown.

Southside residents, Schwartz (AICP, Project Manager) says, knew it was unacceptable to undertake

redevelopment without addressing reasons the neighborhood had fallen apart. So among the plan's objectives were encouraging homeownership for first-time buyers, attracting new business and residential development, preserving the architectural integrity of existing homes, improving public transportation, maximizing open space, introducing community policing, and addressing the neighborhood's long-standing social problems.⁴

The result was the Southside Plan—an innovative blueprint that breaks ranks with previous redevelopment plans in Greensboro. Innovative and improved methods of approaching the project were

“The importance of Southside could hardly be ignored. This blighted downtown community connected five neighborhoods, served as the gateway to the downtown business district, and was vital to enhancing residential development in the downtown generally.”
— Mike Davidson, APA

¹ Davidson, Mike. “Southside Area Development Plan: Greensboro.” *Journal of the American Planning Association*. March 2003, p. 8.

² The Smart Growth Network. *Smart Growth In Action: Southside Neighborhood, Greensboro, North Carolina*. Available from: www.smartgrowth.org/library/articles.asp?art=1817&res=1024

³ City of Greensboro Press. 2002. *Southside Development Plan Wins National Planning Award*. Available from: www.greensboro-nc.gov/pressreleases/2002/021111.htm

⁴ Davidson, Mike. “Southside Area Development Plan: Greensboro.” *Journal of the American Planning Association*. March 2003, p. 8.

achieved, and construction began in 1999. The Southside Plan follows the principles of “new urbanism.” Existing historic houses are being renovated for owner-occupied residences. New housing will feature houses that are closely spaced and oriented toward the street with wide front porches. Sidewalks, period streetlights, and other amenities add to the turn-of-the century ambiance.

The highest priorities were land acquisition and streetscape, and water and sewer projects, to trigger private investment...A unique traditional neighborhood development ordinance was created to guide infill when the city realized its unified development ordinance would not accommodate the smaller lots, zero setbacks, mixed-uses, alleys, and other traditional patterns called for in the new plan.¹

Creating the Southside neighborhood involved \$5 million and the efforts of 20 city departments. The culmination of years of focus, public participation, and plan-making now depended on bringing together a team of municipal employees who were used to working autonomously. It paid off. Before the redevelopment, the neighborhood generated only \$400,000 in tax revenue. At completion, the total tax revenue generated from the neighborhood will be over \$10 million.²

Housing & Community Development Director Andy Scott states, “Southside has taught us a lot about urban infill

development; lessons that have led to a number of innovations; such as collaborative planning and Traditional Neighborhood Development, that will ensure a higher quality of infill development in Greensboro in the future.”³ The community needed to be a part of the process but also provided with the professional assistance required to design the plan in a manner that would both succeed and reflect the desires of the community.

As of 2007, the heart of Southside consists of ten acres, located at the corner of Martin Luther King Jr. Drive and Gorrell Street, and includes 100 residences, a combination of townhouses, live/work units and single-family homes, ranging from \$129,000 to \$261,000. Historic houses already in the area have been renovated, and new sidewalks, old-style streetlights and decorative brickwork and landscaping help to preserve and enhance the historic character of the area. Residents began moving into Southside in summer 2001, and the development continues to grow with the addition of more townhouses and live/work units underway.⁴

Tools Used to Create Southside’s Success

- Historic Preservation & Form-Based Code with Historic context – See Section 2.2, page 34
- Traditional Neighborhood Development & Mixed Use Zoning – See Section 2.8, page 46
- Community Visioning – See Section 2.5, page 40
- Targeted home-ownership assistance programs

¹ Davidson, Mike. “Southside Area Development Plan: Greensboro.” *Journal of the American Planning Association*. March 2003, p. 8.

² The Smart Growth Network. *Smart Growth In Action: Southside Neighborhood, Greensboro, North Carolina*. Available from: www.smartgrowth.org/library/articles.asp?art=1817&res=1024

³ Ibid.

⁴ City of Greensboro Press. 2002. *Southside Development Plan Wins National Planning Award*. Available from: www.greensboro-nc.gov/pressreleases/2002/021111.htm

1.4 Davidson Land Plan and Planning Ordinance Town of Davidson, Mecklenburg County, NC

The town of Davidson, located within Mecklenburg County is culturally and historically rich, with pride found in the past and the present. Like Delaware, this county played an integral part in the creation of this nation; formed in 1762, it was—allegedly—the first part of the thirteen colonies to declare independence from Great Britain on May 20, 1775.

The county is approximately half the size of Sussex County at 546 square miles and contains 20 square miles of water. The town of Davidson is located 15 miles north of Charlotte, near the foothills region of North Carolina. Davidson offers a moderate climate with year-round appeal and is ideally situated to experience the full beauty of the seasons; brilliant fall colors and the occasional winter snow, abundant spring flora, and summers near Lake



¹ Davidson College. *Regional Information*. Online. Available from: www2.davidson.edu/welcome/wel_region.asp, accessed 30 Jan 2007.

Biltmore Estate. The Town of Davidson also presents its own historic charm. Newcomers consistently find a warm welcome and a friendly blend of tradition with appreciation for new ideas.

In the early 1990s, worried about losing their history and culture due to the rapidly occurring new development, residents and community members came together to make a change for the better. In response, town

“Davidson is a place where drivers stop to let pedestrians cross Main Street; where saying ‘hi’ to complete strangers is not only acceptable but expected; where bands still play on the town green for dancing children and picnicking parents. Davidson is a community ‘where everybody knows your name.’ Most of the time this is one of the best aspects of the town. However, if claustrophobia begins to set in, the anonymity of Charlotte and its many diversions is just minutes away.”
— Davidson Resident

planners decided to create a comprehensive town plan to preserve existing historic places and ensure that the town future generations experience will hold all of the same wonderful qualities as it has in the past—planning ahead for the needs of the town and working to protect those things they already considered to be ideal.

Protecting this quality of life did not come at the expense of new development. In fact, new development was highly encouraged in locations and manners that supported the desires the community had expressed.

With the active participation of town residents, the town adopted the “Davidson Land Plan” in 1995 and a Planning Ordinance in 2001.² Before the final approval of any new development plan, residents receive an opportunity to voice

² Sustainable Communities Network (SCN). “Smart Growth in Action: Davidson Land Plan & Planning Ordinance, Davidson, North Carolina.” *Smart Growth Resource Library*. Online. Available from: www.smartgrowth.org/library/articles.asp?art=1816&res=1024, accessed 30 Jan 2007.

their opinions during a public charrette and help the developer to create a project the community supports. The town requires pedestrian, bicycle, and street circulation plans for all new development. Streets are designed to discourage cars from speeding, making it easier to walk around town. To further encourage walking, the town requires narrow, tree-lined streets with on-street parking and sidewalks on both sides of the street.¹

A high quality of life is the ultimate goal of Davidson residents. This small community is setting the standard for creating healthy



and vibrant neighborhoods in a historic setting. Its new neighborhoods incorporate a variety of lot sizes and housing types, including affordable housing, and neighborhood parks within a five-minute walk.² In addition, Davidson has required that 12.5 percent of all new housing be affordable to families making less than the county's median family income. This technique, called Inclusionary Zoning, allows residents of all income levels to live in a small town that is historically rich and aesthetically beautiful without the high cost of living.

¹ The Town of Davidson. *Davidson Planning Department*. Online. Available from: www.ci.davidson.nc.us/units/planning/Default.asp, accessed 30 Jan 2007.

² Sustainable Communities Network (SCN). "Smart Growth in Action: Davidson Land Plan & Planning Ordinance, Davidson, North Carolina." *Smart Growth Resource Library*. Online. Available from: www.smartgrowth.org/library/articles.asp?art=1816&res=1024, accessed 30 Jan 2007.

Although the town is still in transition, Davidson's leaders and residents have become catalysts for positive change within their community.

Davidson's plan and ordinance have allowed it to build on its strengths while accommodating new growth. For example, the old Davidson Cotton Mill complex has been revitalized and transformed into offices, condominiums, and a restaurant. The plan and ordinance also clearly articulate the town's vision for its growth. This, in turn, makes developers active partners in implementing the community's vision of connected, walkable neighborhoods that maintain Davidson's legacy as a traditional small town.³ The initiatives started in this town, less than ten years ago, have already begun to pay off and are likely to continue improving in the coming years.

Recognition for the Town of Davidson planning efforts include the following:

- The Town of Davidson received the "Overall Excellence in Smart Growth" award by the U.S. Environmental Protection Agency in 2004.
- The developer received the URBIE Award from the *Charlotte Observer*, in the category "those who make better places."



³ U.S. Environmental Protection Agency. "National Award for Smart Growth Achievement 2004: Overall Excellence in Smart Growth." *Smart Growth*. Online. Available from: www.epa.gov/dced/sg_awards_publication_2004.htm, accessed 30 Jan 2007.

Davidson, NC; the Technical Side of Change

Davidson's residents and leaders wrote the following when describing the future of their town: "Davidson is a small town committed to controlling its own destiny as a distinct, sustainable municipality. Our town's unique sense of community is rooted in citizens who respect each other; in its racial and socioeconomic diversity; in the presence of a liberal arts college; in its pedestrian



Participants at the recent Griffith Street Improvement meeting.

orientation; and in a history and setting that help guide us." In order to achieve the success it has, Davidson relied on extensive planning and some innovative funding mechanisms. To ensure that the new growth does not overwhelm the existing infrastructure, the Town implemented an "Adequate Public Facilities Ordinance (APFO)," a form of concurrency that mandates that certain levels of service must be maintained whenever any structure is built that will add to the number of people in Davidson's community. The six crucial facilities the APFO protects are streets, law enforcement, fire protection, community parks, greenways, and affordable housing.¹

The "Davidson Land Plan" of 2001 established the physical groundwork that their town was built upon, determining the locations and types of roadways and developments through a regulating plan and Code. The plan was updated again in September 2003.

¹ Lovellette, Grant. "The APFO: Davidson's National Innovation." *Libertas – Focus*. Available from: www.davidson.edu/student/organizations/libertas/00/Feb/25/focus/apfo.html

First, Davidson relied on a comprehensive visioning process (See Section 2.5, page 40). Public participation is imperative to any successful community plan. In Davidson, comprehensive goals were clearly set out that created a framework for future development. The goals stated include:²

- We must preserve Davidson's status as a small town.
- We must preserve and enhance Davidson's unique downtown.
- Growth must be sustainable.
- We must preserve substantial amounts of open space.
- We must re-establish our historic diversity of people.
- Development must proceed no faster than the Town can provide public facilities.
- In Davidson, we rely on a unique combination of private property rights and the health of the community as a whole.



² Town of Davidson. "Ch. 1 - General Principles for Planning in Davidson." *Town of Davidson Planning Ordinance*. Available from: www.ci.davidson.nc.us/units/planning/ordinance/pdfs/01-GeneralPrinciples-hd.pdf

As is clearly illustrated, Davidson not only placed high priority on keeping their sense of community, but on balancing private property rights and the health of the community. The first goal of “preserving Davidson’s status as a small town” was described as:

The essence of a small town is that residents know their neighbors and interact with them in a variety of well-designed settings. More than any other force, this small-town essence attracts new residents to Davidson. But the resulting growth threatens [that] atmosphere...we must avoid large-lot sprawl type development, totally automobile-dependent development, enclave development that puts people into protected areas where their fellow residents are unwelcome, and development at such a pace that we are unable to assimilate new residents into the life of the Town.¹

Following the comprehensive plan and visioning process, the Town of Davidson developed ordinances that provide regulatory support for implementing their vision of what Davidson should be. These ordinances are clearly defined and designed in prescriptive rather than proscriptive manner, making them easier to comply with and to administer.

Another component of Davidson’s plan was the Griffith Street Corridor Plan of 2003, intended to address the impact of over \$120 million of new investment in the immediate area by managing growth, traffic, and development. This \$1.8 million project is unique, due to the lack of financial

assistance from the North Carolina Department of Transportation. Nearly half of the cost was borne by the commercial property owners and developers in the immediate area who stood to benefit most from the improvements.² By 2009-2012, Davidson anticipates an additional 400,000 square feet of office and commercial buildings, 150,000 square feet of retail and 200 homes, which will generate added traffic. Traffic-calming measures that maintain roadway capacity and improve safety, such as roundabouts, have been helpful on this project.

Although Davidson’s residents will continue to face growth and new development, their completion of a comprehensive plan, backed by ordinances and a forward-thinking vision, will help to ensure that they can also achieve their goal of maintaining the feel of a small town for current and future residents.

Tools Used to Create Davidson’s Success

- Concurrency – See Section 2.1, page 32
- Community Visioning – See Section 2.5, page 40
- Historic Preservation
- Traditional Neighborhood Design – See Section 2.8, page 46



¹ Town of Davidson. “Ch. 1 - General Principles for Planning in Davidson.” *Town of Davidson Planning Ordinance*. Available from: www.ci.davidson.nc.us/units/planning/ordinance/pdfs/01-GeneralPrinciples-hd.pdf

² Town of Davidson. 12 Nov 2002. *Griffith Street Corridor Plan*. Available from: www.ci.davidson.nc.us/units/planning/reference/Griffith%20Rpt%20Approved%20Nov%202002.pdf

1.5 Virginia Beach, VA

Virginia Beach is an incorporated city located in the South Hampton Roads area in the Commonwealth of Virginia, on the shores of the Chesapeake Bay and the Atlantic Ocean. The city is the largest city in the Commonwealth of Virginia and the 39th largest city in the U.S., with a population of approximately 431,000.¹ It is the third largest suburban city in the United States after Long Beach, Calif., and Mesa, Ariz., and the fourth largest in North America.

Interestingly, despite its size, this city holds a clear and intentional distinction between the urban and rural; a sentiment well understood through the State of Delaware. Virginia Beach is a microcosm of Southern Delaware. While the City is best known for its major resorts, with miles of beaches and hundreds of hotels, motels, and restaurants along its oceanfront, the southern half consists largely of rural areas, farmland and marshes which provide vital support to the adjacent urban communities. It is also home to several state parks, several long protected beach areas, three military bases, a number of large corporations, and two universities.

The city is listed in the Guinness Book of World Records as having the longest pleasure beach in the world and is located at



the southern end of the Chesapeake Bay Bridge-Tunnel, the longest bridge-tunnel complex in the world.

Virginia Beach also is home to many sites of historical importance and has 18 sites on the National Register of Historic Places. Such sites include the Adam Thoroughgood House (one of the oldest surviving colonial homes in Virginia), the Francis Land House (a 200-year-old plantation), the Cape Henry Lighthouse and nearby Cape Henry Light Station (a second tower).²

Facing the strains of exponential growth in the early 1990s, much of the rural land was quickly being developed. In response, the City of Virginia Beach enacted the *Agricultural Lands Preservation Ordinance* and *Virginia Beach Agricultural Reserve Program* on May 9, 1995. The program was designed and promoted by a coalition of farm, conservation, business, and civic interests. There was common concern for resource protection and growth management, as well as preservation of agri-business and a balanced tax base.

The goal of the program is to promote and enhance agriculture as an important local industry that is part of a diverse local economy. The city hopes to purchase development rights on as much as 20,000 acres in the southern portion of Virginia

¹ U.S. Census Bureau. 2005. *Virginia Beach city, Virginia*. Online. Available from: factfinder.census.gov/servlet/ADPTable?_bm=y&-geo_id=16000US5182000&-qr_name=ACS_2005_EST_G00_DP1&-ds_name=ACS_2005_EST_G00_-&-_lang=en&-_sse=on, accessed 15 Jan 2007.

² Wikipedia.com. 2007. *Virginia Beach, Virginia*. Online. Available from: en.wikipedia.org/wiki/Virginia_beach, accessed 30 Jan 2007.

Beach.¹ An owner of the farmland would not have to sell the entire property at one time. Instead, the program would provide a way for a landowner to “cash in” on the development value of the land while still being able to retain the land for farming. In cases where inheritance taxes might force the sale of a farm, sale of development rights might bring enough cash to allow the heirs to continue farming.

Nothing in this program requires the landowner to farm the property. Selling development rights simply restricts the landowner or anyone else from developing the property for non-farm purposes. If the landowner wished to change his/her type of farming, he would be perfectly free to do so. If he/she didn’t want to farm the property at all, he/she would be free to lease it to someone else to farm, or sell it. The only restriction on the landowner or any subsequent owner is that the property cannot be developed for non-farm purposes. In other words, even if the landowner sold the property, the restriction against development would transfer with the land.²

"Only people who lived through the go-go years in the mid-'80s, when subdivisions were sprouting like weeds, can fully appreciate how unlivable the city might have become. But smart-growth plans were implemented, and a wiser, better city is starting to emerge."
 -- *Virginian-Pilot* 2/24/2003

wasteful spending—as well as conserving

¹ Prince William County, Virginia. 2005. “Best Practices/Policy Analysis.” *Parks and Open Space Projects Summary of Findings Report*. Online. Available from: www.pwcgov.org/docLibrary/PDF/004933.pdf, accessed 2 Feb 2007.

² Ibid.

According to a 1990 report on sprawl, “Smart growth can save us billions of dollars in

open space, reducing air pollution and making our communities more livable...smart growth will save Virginia Beach well over \$300 million in infrastructure costs—a 45-percent savings compared to sprawling development—while conserving farm land and significantly reducing air pollution.”³

In 1979, Virginia Beach adopted a “Green Line” across the city that is the basis



for its land use and capital improvement planning. Due to this Urban Service Boundary, since 1991, Virginia Beach has added 160,000 residents in the urban area and only a handful in the rural area.⁴

City Manager James Spore stated, “We had infill growth, a lot of remodeling, a lot of additions, a lot of upgrades, a lot of tear-downs and replacements,” which created “a seller’s” real estate market, saved farmland, vacant-lot prices went up, and the city enjoyed record “tax-paying development without the lowered quality of life that comes from uncontrolled growth.”⁵

³ *Virginia Sprawl Costs Us All* report (Primary source: 1990 study by Siemon, Larsen, Purdy et al.)

⁴ Southern Environmental Law Center. 1999. *Smart Growth in the Southeast: New Approaches for Guiding Development*. Washington, DC: Environmental Law Institute (ELI.) Online. Available from: www.southernenvironment.org/newsroom/publications/smart_growth_southeast.pdf, accessed 28 Jan 2007.

⁵ “Smart Growth Policies Result in “Wiser, Better” Virginia Beach.” *Virginian Pilot*. 24 Feb. 2003. Available from: www.pilotonline.com/opinion/, accessed 2 Jan 2007.

Virginia Beach, VA; the Technical Side of Change

Over the past 20 years, communities around the Commonwealth of Virginia have attempted to reign in the negative impacts of growth by directing it to appropriate locations and coordinating public facilities with their land use planning. A variety of programs have been implemented successfully to reduce residential densities, protect natural resources, and retain tourism assets. For example,

*...the City of Virginia Beach's Agricultural Reserve Program acquires development rights in designated areas within the rural portion of the City. Since 1995, the City has entered 27 agreements, purchasing the development rights of almost 4,000 acres and directly preserving approximately 350 sites from non-agricultural development. The City of Virginia Beach attributes the program's success to its reflection of farm, conservation, business and civic interests, as well as the use of 100 percent fair market value of the land minus its agricultural value in the calculation of the price of the development rights.*¹

The City Council created the Agricultural Reserve Program for the acquisition of agricultural conservation easements. The program is funded until 2010 by a dedicated property tax levy of 1.5 cents per \$100 of assessed value.² The intent is to purchase development rights over a resource base of

¹ Southern Environmental Law Center. *Smart Growth in the Southeast: New Approaches for Guiding Development*. Washington, DC: Environmental Law Institute (ELI), 1999. Available from: www.southernenvironment.org/newsroom/publications/smart_growth_southeast.pdf

² Virginia Natural Resources Institute. *Smart Growth and Conservation of Open Space: Private Markets, Public Responsibilities*. Available from: www.virginia.edu/ien/vnrli/docs/Smart%20Growth%202005.pdf

farmland large enough to sustain an economically viable local industry. Acreage covered by acquired development rights will be a function of available revenues as well as cost and pace of acquisition. Currently, the total amount of land enrolled in the Agricultural Reserve Program is 7,079 acres with another 398 acres under review. In addition, the total number of development units purchased to date is 623 units.³

The City of Virginia Beach Agricultural Advisory Commission determines the eligibility of properties offered to the program, helps set purchase priorities, and advises the City



Council about easement acquisitions. The commission is composed of five members appointed by council. Other incentives include:⁴

- extra capital, which could be used for purchasing additional land, making improvements in present operations, or for any other purpose the landowner chooses;
- the assurance that other farms around them in the program would continue to be farmed;
- stability in agriculture and a feeling that the state and city care about farmers and farming;
- farmers who are farming on rented land (or new farmers) would be better able to financially purchase land for farming;

³ Ibid.

⁴ Ibid.

- capital-gains taxes would be deferred for 25 years when entering the program, because the principal is paid at the end of the installment purchase;
- semi-annual interest paid on the purchase price is exempt from federal, state, and local income taxes.

Historic preservation has also played an important role in keeping investment in already urbanized areas. In Virginia, localities typically provide additional incentives to state program packages. For example, the Cedarville Enterprise Zone in Warren County offers businesses a five-year partial rebate of business license fees; cash grants; five-year partial credits of building, planning, and zoning permit fees; accelerated permit-review process; and a five-year partial credit of real estate taxes for certain rehabilitation of older property.¹ Virginia Beach has implemented tax-abatement and -exemption measures to help protect its historic charm.²

Since 1991, virtually all growth in Virginia Beach has occurred within the area designated for commercial and residential development.

Created in 1979, “the Green Line is a geopolitical boundary imposed by the Planning Commission and City Council in an attempt to preserve the rural nature of South Virginia Beach. It marks the northern boundary of the Transition Area between the

¹ Southern Environmental Law Center. *Smart Growth in the Southeast: New Approaches for Guiding Development*. Washington, DC: Environmental Law Institute (ELI), 1999. Available from: www.southernenvironment.org/newsroom/publications/smart_growth_southeast.pdf

² City of Virginia Beach, Museums and Historic Preservation Department. *Historic Preservation*. Available from: www.vbgov.com/vgn.aspx?vgnnextchannel=09f221b2d1bcc010VgnVCM1000006310640aRCRD

urbanized north and the rural south.”³ This form of an urban service boundary has served Virginia Beach well. This allows them to govern where public funds will be spent on infrastructure. For example, although 84 percent of Virginia’s urban highways are not in good condition, the majority of the state’s road budget goes to new construction.⁴ Since the early 1990s when development pressure picked up significantly, Virginia Beach’s “Green Line” has helped to ensure that the lion’s share of the public funds go to infrastructure in locations previously identified as growth areas, leaving more funding for improvements where citizens already live and for addressing existing problems, rather than creating new ones.

This Green Line also helps to keep development within a more localized area, increasing the efficiency of public services and decreasing the cost of living. A study commissioned by the City of Virginia Beach found that between 1990 and 2010, if the city were to develop in a more traditional, compact manner, it could have the same increase in housing units but cut the number of needed new lane miles in half and reduce the number of miles driven by roughly 65 percent.⁵

Tools Used to Create Virginia Beach’s Success

- Impact fees – See Section 2.3, page 36
- Urban Service Boundaries – See Section 2.6, page 42
- Agricultural Preservation Programs – See Section 2.7, page 44
- Historic Preservation

³ Johnson, Henry M., IV. *USGS Fact Sheet 173–99: The Virginia Beach Shallow Ground-Water Study*. U.S. Geological Survey. Available from: va.water.usgs.gov/online_pubs/FCT_SHT/FS173-99/fs173-99.html

⁴ Southern Environmental Law Center.

⁵ Ibid.

1.6 Chattahoochee Hill Country, Fulton County, GA

The rural communities of unincorporated south Fulton County date back more than 100 years. Many of the families native to this area have raised generations in the modest, white frame homes that dot the countryside, and some elders, still cared for by extended families in the communities, recall life before rural electrification, paved



roads, and bridges that crossed the Chattahoochee River. The reasons that keep many families in this area—a strong sense of community, a beautiful rural setting, and a love for nature—are also the reasons that are attracting more people and potentially damaging development.¹ Amazingly, this land is situated less than 30 minutes from the vast cultural and economic resources of the city of Atlanta.²

The Chattahoochee Hill Country's efforts began when the local residents, aware of impending development, came together to create a new land use plan promoting sustainable development coupled with environmental preservation. The community, working with local government and nonprofit partners, held a series of

public meetings to define the vision and document their goals.³ An organization called the Chattahoochee Hill Country Alliance evolved out of the recognition that now is the time to preserve the rural heritage and create a community based upon the philosophy of sustainable development and the conservation of greenspace that will lead to overall improvements in the quality of life.

Residents of the Chattahoochee Hill Country, a 40,000-acre area, and land-planning experts created a master plan to preserve the area's rural character while accommodating future growth. The resulting comprehensive land-use plan and overlay district guidelines that were adopted by Fulton County concentrate future growth in three 750-acre high-density, mixed-use, and pedestrian-friendly villages. The sustainable village concept incorporated into the land-use plan provides a mix of uses organized around a center of life, work and play that is surrounded by and integrates existing agricultural services and open-space conservation.

Due to the predominantly agricultural and rural nature of the area, additional enabling legislation was required. The plan was finally made possible when Fulton County adopted a Transfer of Development Rights (TDR) Ordinance in April 2003, providing a



¹ Chatt Hills Organizing Committee, Inc. *History*. Online. Available from: www.chatthills.org/history.htm, accessed 25 Jan 2007.

² Chattahoochee Hill Country Conservancy. *CHCA History*. Online. Available from: www.chatthillcountry.org/main/history.htm, accessed 20 Jan 2007.

³ Chattahoochee Hill Country Conservancy. *Welcome*. Online. Available from: www.chatthillcountry.org/, accessed 15 Jan 2007.

mechanism for managing development by concentrating it in areas the community designated for development. Within the Chattahoochee Hill Country, the receiving areas are the three villages.¹

The outcome of these efforts presents an opportunity to engage in the sustainable development and conservation of over 65,000 acres of farmland and forests and miles of the Chattahoochee River and its tributaries. In addition, a new zoning category was created to help ensure that development occurs in a sustainable manner. This ordinance, called the Chattahoochee Hill Country Overlay District, includes mixed-use and Community Unit Plan districts and is intended “to protect the natural areas of the Chattahoochee Hill Country and ensure responsibly planned economic and social growth.”²

The Chattahoochee Hill Country Land Use Plan represents the first plan in the region that was developed by a community through a grassroots initiative. The innovative sustainable development tools developed so far are just the beginning. The plan, if implemented in its entirety, will save 80 percent of a large swath of unincorporated



south Fulton County, stretching from the city of Palmetto to the Chattahoochee River. The land is one of the largest undeveloped areas in North Georgia.³

The future looks bright for this community. The first of the three village hamlets to be developed, Serenbe, is a rousing success. Every home in the first phase has been sold and Atlanta’s FoxTV Channel has referred to this area as a place of “Slow, Relaxing Living South of Atlanta.”⁴ Almost 75 percent of this developed community preserved as some sort of open space, and the commercial components and traditional town feel have already made this a popular destination for day-trip escapes from the congestion

of downtown Atlanta.

Recognition for the efforts in Fulton County includes:

- *Outstanding Environmental Contribution* 2003, by the Fulton County Citizens Commission on the Environment.
- *Honor Award* for the Chattahoochee Hill Country Master Plan, by the American Society of Landscape Architects.
- Named one of the *Top Three Projects to Watch: Greenfield Development Without Sprawl*, by the Urban Land Institute.
- Atlanta Regional Commission, Livable Centers Initiative “*Greenfields*” Award.
- Georgia Planning Association’s Award for *Outstanding Plan Implementation*.

¹ Georgia Quality Growth Program. *Chattahoochee Hill Country Introduces TDR Program in South Fulton County*. Available from: www.dca.state.ga.us/toolkit/ProcessExamplesSearch.asp?GetExample=155, accessed 2 Jan 2007.

² Fulton County Board of County Commissioners. 2 August 2006. “Article XIII. Chattahoochee Hill Country Overlay District.” *Fulton County Zoning Ordinance*.

³ Yoo, Charles. 10 March 2003. “Fulton studies proposed ordinance on land use.” *The Atlanta Journal*.

⁴ *Serenbe Community Home Page*. Online. Available from: www.serenbecommunity.com/, accessed Jan 2007.

Chattahoochee Hills Country, Fulton County; the Technical Side of Change

For years, Chattahoochee Hills Country residents had watched nearby areas with sufficient infrastructure fill to the brim with new residents and grow in conventional subdivision design that encouraged sprawl and ruined the agricultural history of the adjacent areas. Finally, the combination of



pressure from adjacent areas already at capacity and infrastructure projects proposed by the Georgia Department of Transportation (DOT) took its toll, and residents became seriously concerned about the future of their precious community. Final approval was granted in 2003 for completion of South Fulton Parkway—a divided highway that runs south from Interstate 285, Atlanta’s “perimeter” highway—by extending it through the hill country to the next county. Large-scale and conventionally planned developments, such as one with 2,300 houses and apartments, are encroaching. However, thanks to forward thinking and citizen efforts, the Chattahoochee Hills Country area is ready to deal with whatever volume of growth they encounter.¹

In 2001, the Chattahoochee Hill Country Alliance (CHCA) formed as a result of major landowners in south Fulton County organizing around a common mission and

¹ Learner, Jonathan. “Detour: No Suburbs Ahead.” *Landscape Architecture*. Nov. 2003. pp 52.

vision supporting the conservation of existing greenspace, land values, and sustainable development. The size of the project was massive: 63 square miles, divided among some 700 property owners. The goal was to address new growth in a manner that accommodated new residents while preserving and even complementing the existing culture and facilities of the area. Through a charrette led by the director of the School of Architecture of Washington State University, the CHCA and other partners developed an idea that eventually grew to become a master plan for the 40,000-acre region they called the Chattahoochee Hill Country.²

Fulton County government officials, recognizing the unique opportunity to preserve the environment while enhancing economic development, provided a \$79,000 grant in 2001 to hire Ecos Environmental Design, Preston & Associates, and Associated Engineering Consultants to develop the master plan. The plan utilizes the historic village and hamlet development patterns, directing growth into certain locations in order to preserve the surrounding agricultural land. These villages promote an increase in density and a mix of uses in order to provide a “center” for residents to live, work and relax.³

If uncontrolled development occurred, as in the

Other elements of the plan include designating buffers around scenic corridors, cultural features, and riparian zones and establishing greenbelts around the villages.

² Chattahoochee Hill Country Alliance, Inc. *CHCA History*. Available from:

www.chatthillcountry.org/main/history.htm

³ Chattahoochee Hill Country Conservancy. *Master Plan*. Available from:

www.chatthillcountry.org/main/master_plan.htm

typical one house per acre pattern of Metropolitan Atlanta, 80 percent of the land would be disturbed. The adopted district actually increases development rights in the area while providing for the preservation of 50-75 percent of the land as undisturbed greenspace and farm.



Selecting “growth” areas alone does not adequately protect the rural land and natural resources of the Hill Country. Therefore, the community plan provides another level of protection via three preservation buffers. These buffers protect scenic corridors, historic landscapes, and water quality at a higher level than currently exists in the county code.¹

In 2003, recognizing the importance of the Master Plan, the Atlanta Regional Commission (ARC) named the Chattahoochee Hill Country its first greenfield Livable Centers Initiative project. As such, the Hill Country received an \$87,000 ARC grant to fund the design of a

¹ Chattahoochee Hill Country Conservancy. *Master Plan*. Available from: www.chatthillcountry.org/main/master_plan.htm

model sustainable village and hired consultants Ecos Environmental Design, Inc., to design this second phase of the Hill Country master planning process which “renders visible” the concept of a compact village pattern.²

With the adoption of the Chattahoochee Hill Country Master Plan and Chattahoochee Hill Country Overlay District in 2002, the community was in the home stretch. The final key was the legal power to move the development units from the surrounding areas to the locations they had designated as growth areas.

On April 22, 2003, the Georgia State Legislature passed an amendment to the Transfer of Development Rights (TDR) legislation (Senate Bill 86), making TDR Programs available to any county that adopts enabling ordinances. Fulton County had already passed the enabling ordinance on April 2, 2003, making Fulton County’s Chattahoochee Hill Country the first area eligible for TDR transactions, not only in Georgia, but in the entire southeastern United States.³

To calculate the number of TDR’s needed for residential development, one subtracts the gross acreage to be developed from the total number of residential units to be developed. Thus, if 7000 residential units are to be developed on 500 acres, 6500 TDR credits are needed. For every 2,000 square

“Within the Chattahoochee Hill Country, the Mixed Use District (MIX-CHC) and the Community Unit Plan District (CUP-CHC) allow for developments with a mix of uses for residents to live, work and relax.”

“Article XIII.” Fulton County Zoning Ordinance. 7 Sept. 2005.

² Chattahoochee Hill Country Alliance, Inc. *The Chattahoochee Hill Country Sustainable Village Model*. Available from: www.chatthillcountry.org/main/project_sus-village.htm

³ Chattahoochee Hill Country Alliance, Inc. *CHCA History*. Available from: www.chatthillcountry.org/main/history.htm

feet of commercial space, a developer is required to buy one TDR. For every acre of village, approximately seven acres in the sending area will be preserved in perpetuity. A nonprofit TDR bank is in the process of being established... A complementary grant of \$10,000 was made by the State of Georgia Department of Community Affairs for the development of a GIS greenspace database.¹

In the current open-market situation it appears that a TDR will sell for 40-60 percent of the fair market value of the underlying property. This means the owner of land valued at \$10,000 per acre might anticipate receiving approximately \$5,000 per development right (at one development right per acre).² As development pressure grows, it is likely that the TDR market will as well; it will be important to watch this community in the next few years to gauge the true success of their comprehensive land plan. Despite adoption of the formal land use plan and completed setup of the TDR market, citizen involvement in local politics and land use has not ceased.

In recent years, discussions regarding incorporation (the proposed City of Chattahoochee Hill Country) have ensued. A vote on a referendum for incorporation is set for June of 2007 and would include two of the three “sustainable villages” in the South Fulton Land Plan.³ If and when the

proposed city moves forward with organizing its governance, one thing is for sure: this area already has a number of potential candidates who have demonstrated their determination and devotion to making the best decisions for the community, with proven track records of achieving even complicated goals.

Tools Used to Create Fulton County, Georgia’s Success

- Conservation Easements – See Section 2.7, page 44
- Transfer of Development Rights – See Section 2.4, page 38
- Mixed Use Zoning – See Section 2.8, page 46
- Community Visioning – See Section 2.5, page 40



¹ Georgia Quality Growth Program. *Chattahoochee Hill Country Introduces TDR Program in South Fulton County*. Available from: www.dca.state.ga.us/toolkit/ProcessExamplesSearch.asp?GetExample=155

² Chattahoochee Hill Country Conservancy. *Frequently Asked Questions*. Available from: www.chatthillcountry.org/more-info/faq.htm

³ Chattahoochee Hill Country Conservancy. *Incorporation*. Available from: www.chatthillcountry.org/Incorporation/Incorporation.htm

2. Technical Information and Program Specifics

2.1 Concurrency

The Unified Development Code of New Castle County, Delaware, requires that the facilities and infrastructure needed to support development—that the roads, sewers, emergency services, libraries and parks be in place before or at the same time that new development occurs. “Concurrency,” as this is often called, can be an effective way for local governments to help to ensure that new growth does not overwhelm the existing or planned facilities. The county also worked with the State of Delaware to define growth areas and agree on infrastructure improvements to increase efficiency and coordinate funding.¹

Concurrency requirements (also called adequate public facilities requirements) are a growth management concept intended to ensure that the necessary public facilities and services are available concurrent with the impacts of development. Concurrency requirements are intended to protect existing residents from declining levels of service, overloaded facilities, and increasing debt resulting from the demands of growth. To carry out concurrency, local governments must define what constitutes an adequate level of service as well as measure whether the service needs of a new development exceed existing capacity and any scheduled improvements in the capital improvements program for that period. If adequate capacity is not available, then the developer must provide the necessary facility or service improvements to proceed or, provide a monetary contribution toward such improvements or, wait until

government provides the necessary improvements.²

Concurrency requirements can cover any number of required public services or facilities as specified by the state or local government. Some of the services and facilities typically required include roads, police services, fire protection services, schools, parks, mass transit facilities, water services, sewer services, and solid waste removal. Concurrency requirements can include specified public services and facilities of concern to the local or state government enacting the requirements.³



Enabling legislation expressly providing authority to implement an Adequate Public Facilities Ordinance (APFO) is rare. Maryland is the only state with specific APFO enabling legislation.

¹ New Castle County Department of Land Use. *How New Castle County Practices Smart Growth*. Available from: <http://www.co.new-castle.de.us/landuse/home/fileuploads/images/smart%20growth%202.pdf>

² State of Florida, Department of Community Affairs. September 2006. *Transportation Concurrency Requirements and Best Practices: Guidelines for Developing and Maintaining: An Effective Transportation Concurrency Management System*. Online. Available from: www.dca.state.fl.us/GrowthManagement2005/TCBP.pdf

³ Kramer, Michelle and Ann Livingston. 2001. *Colorado Sprawl Action Center's Growth Management Toolkit*. Denver, CO: CoPIRG. Additionally Online. Available from: www.copirg.org/sprawlaction/toolkit/index.html

However, some states derive land use authority directly from the state constitution, such as Florida and Washington. A limited number of states require concurrency at the state level by prohibiting development that would have a negative effect on defined public services.¹

Montgomery County, MD, has had an adequate public facilities system since 1974. The system was established with a requirement that all development proposals pass two tests of transportation facilities adequacy. The first test, called the Policy Area Transportation Review, analyzed the effect of growth on the overall road system. If the growth in population or jobs could be accommodated with existing roadway capacity, bus, or rail, then development could be permitted. The second test is the Local Area Transportation Review, which measures level of service at local intersections, and requires certain standards be met before development is approved.²

There are seven major objectives of a concurrency system, to³

1. Link the provision of key public facilities and services with the type, amount, location, density, rate and timing of new development.
2. Properly manage growth and development so it does not outpace the ability of service providers to accommodate the development at the established level of service standards.
3. Coordinate public facility and service capacity with the demands of new development.
4. Discourage sprawl and leapfrog development patterns and to promote more infill development and redevelopment.

5. Encourage types of development patterns that use infrastructure more efficiently, such as New Urbanism or Transit-Oriented Development.
6. Require that the provision of public facilities and service to new development does not cause a reduction in the levels of service provided to the existing residents.
7. Provide an approach for providing necessary infrastructure for new residents.

Communities choosing to implement concurrency requirements must first determine which public services will be governed by the ordinance. A level of service standard (LOS) is then established for each public service included in the ordinance. The LOS determination creates an objective standard for evaluating the impact each unit of demand places on the municipality's infrastructure. The city/town then examines the demand placed on its infrastructure by existing development. Before new development can proceed, the developer must show the existing infrastructure can support the demand at the level of service standard established by the ordinance. If capacity exists, the project receives an adequacy permit and the development is allowed to move forward. When a particular development is denied an adequacy permit, it is placed on hold until infrastructure is available.⁴

Additional Resources

Weitz, Jerry. "Concurrency: Evolution and Impacts of an Infrastructure and Growth Management Policy." *Public Works Management & Policy*, Vol. 2, No. 1, 51-65 (1997)

Kramer, Michelle and Ann Livingston. 2001. "Public Service Concurrency." In *Colorado Sprawl Action Center's Growth Management Toolkit*. Denver, CO: CoPIRG. Additionally Online. Available from: www.copirg.org/sprawlaction/toolkit/index.html

¹ Ott, Steven H. and Dustin C. Read. 2006. *Adequate Public Facilities Ordinances in North Carolina: A Legal Review*. Available from: www.naiop.org/foundation/apfonlegal.pdf

² Spokane Regional Transportation Council. 2006. *Regional Transportation Concurrency System in Spokane County A Feasibility Study*. Available from: [www.wsdot.wa.gov/NR/rdonlyres/3B4C1B32-4E45-4E5D-ADB6-](http://www.wsdot.wa.gov/NR/rdonlyres/3B4C1B32-4E45-4E5D-ADB6-ABA6EC5321EF/0/TechnicalMemo_2LiteratureReview.pdf)

[ABA6EC5321EF/0/TechnicalMemo_2LiteratureReview.pdf](http://www.wsdot.wa.gov/NR/rdonlyres/3B4C1B32-4E45-4E5D-ADB6-ABA6EC5321EF/0/TechnicalMemo_2LiteratureReview.pdf)

³ White, M.S., and Paster, E.L. 2003. "Creating effective land use regulations through concurrency." *Natural Resources Journal* 43, 3: 753-79.

⁴ Ott, Steven H. and Dustin C. Read. 2006. *Adequate Public Facilities Ordinances in North Carolina: A Legal Review*. Available from: www.naiop.org/foundation/apfonlegal.pdf



2.2 Form-Based Codes

Form based codes are still rather untried in the State of Delaware and its associated localities, but in the First State, with all of its history, these types of codes could help to maintain the quality and pride of existing communities as redevelopment, infill, and new development occur in our neighborhoods.

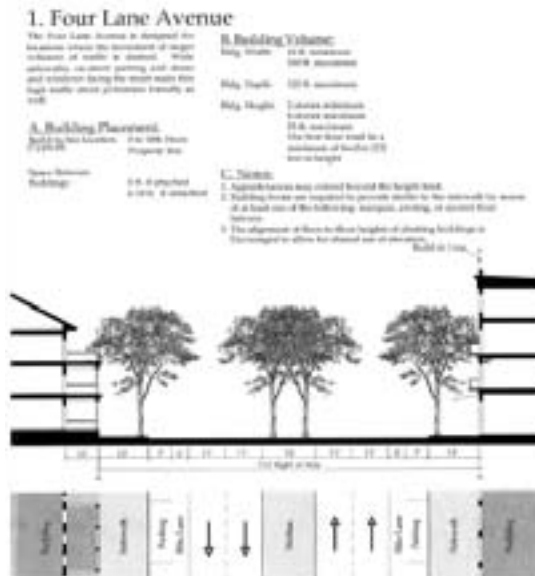
A 1999 study by the Urban Land Institute of four new pedestrian-friendly communities determined that homebuyers were willing to pay a \$20,000 premium for these homes compared to similar houses in surrounding areas.¹ A mix of housing types, interspersed to create vibrant communities, has the potential to boost resale values in these walkable areas. Studies have shown that people do want to live in communities rather than developments. Considering the benefits, it is not surprising that compact, mixed-use development is the model that most of the nation is using to revitalize economies and accommodate their continuing growth in a sustainable manner. However, to reap the benefits of mixed-use, regulations must be designed to accommodate this livable, walkable urban form.

“The density and location of compact development [can] also allow for a more economical extension of public services and utilities than is possible under more dispersed

trend development... and the relatively higher densities of compact development also enable natural features and agricultural areas to be preserved and protected from development.”² Since infrastructure costs are decreased in compact developed areas, the units themselves may also be more affordable due to the decreased need for impact fees and necessary special taxing units. The design and connectivity that support transit and walkability tend to be mixed-use and associated with densities of at least seven units per acre.

As part of a Form-Based Code effort, mixed-use buildings need to be encouraged in order to locate required services near those that they serve, but existing zoning categories encourage separation of uses and prevent implementation of effective New Urban techniques. Implementation of a Form-based Code is one of the most common ways of addressing this difficulty, even with the high density of successful projects. “A form-based code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal

of producing a specific type of ‘place’.”³ In places that use this type of code, the use of



¹ Eppli, Mark J. and Charles C. Tu. 1999. *Valuing The New Urbanism, The Impact of the New Urbanism on Prices of Single-Family Homes*. Washington, D.C: Urban Land Institute.

² Mix, Troy. 2003. *Exploring the Benefits of Compact Development*. Dover, DE: Office of State Planning Coordination.

³ City of Farmers Branch. *Codes Project: Frequently Asked Questions*. Online. Available from: www.farmersbranch.info/Planning/codes7FAQs.html

adjacent buildings is less important than the compatibility and interrelated nature of those uses. Today’s technology has allowed many uses, once thought to be disturbing to neighborhoods, to be placed within mixed-use or residential communities without negative impact to the surrounding residents.

By increasing mobility and transportation options, this type of code results in more efficient use of land, even in already developed communities. The included graphic from Hercules, Calif., shows an example of the type of code that might be created.¹ The intent is to have transitioned but clear differences that provide a visual understanding of the changes that occur as your drive or walk: a decrease in speed represented by narrowed streets and the addition of on-street bike paths, transition to more residential sections by the increase to traditional setback limits, etc.

Application of a Form-Based Code can maintain the desired character and integrity of existing communities while effectively directing development in a compact, economically beneficial way. Focus on the physical form and placement of structures helps determine the



character and use of locations; buildings are placed close to sidewalks to encourage pedestrian use, and parking is located behind to

also accommodate automobile traffic. Special attention is paid to increasing the “green factor” and safety of pedestrian and bicycle paths and elements, such as window/entrance placement on

commercial establishments that encourage active frontage and increase foot traffic for area business.

Form-Based Codes are beneficial to the overall community and easier for developers to use,

1. *“Because they are prescriptive (they state what you want), rather than proscriptive (what you don’t want), Form-Based Codes (FBCs) can achieve a more predictable physical result...*
2. *FBCs encourage public participation because they allow citizens to see what will happen where—leading to a higher comfort level about greater density, for instance...*
7. *FBCs obviate the need for design guidelines, which are difficult to apply consistently, offer too much room for subjective interpretation, and can be difficult to enforce...fostering a less politicized planning process that could deliver huge savings in time and money and reduce the risk of takings challenges.”²*

Additional Resources

The Form-Based Codes Institute,
formbasedcodes.org
 The Local Government Commission, Form-Based Codes Fact Sheet,
www.lgc.org/freepub/PDF/Land_Use/fact_sheets/form_based_codes.pdf
 Duan Plater-Zyberk & Company,
www.dpz.com/transect.htm
 Congress for New Urbanism (CNU),
www.cnu.org
 Farmers Branch Planning,
www.farmersbranch.info/Planning/codes7FAQs.html
 Madden & Spikowski, *Place Making with Form-based Codes* (ULI), spikowski.com/Madden-Spikowski-Article.pdf

¹ *Central Hercules, CA Plan*. Online. Available from: hercules-plan.org/Deliverables/Central-Hercules-Plan_Regulating-Code.pdf

² Peter Katz, the Form Based Code Institute. *Eight Advantages to Form-Based Codes*. Online. Available from: www.formbasedcodes.org/advantages.html

2.3 Impact Fees

Sussex County has become a destination of attention and relocation for many retirees and baby boomers. It offers a wide range of attractive incentives that include beautiful beaches, no sales tax, a low property tax, and a relatively low density. The result has been a population increase of 38.3 percent from 1990—2000, and an increase of 12.7 percent from 2000—2005 according to the U.S. Census. However, Sussex County is facing serious development issues. Public services such as water, sewer, volunteer fire and ambulance services, and transportation modes are reaching capacity with no end in sight.

Currently, Kent and Sussex County charge a 0.25 percent building-permit surcharge on the value of new construction to help some of the capital improvements. New Castle County collects \$731 in fees on a detached dwelling, and the money goes toward parks, libraries, county facilities, emergency medical services, police, and volunteer fire and rescue. Simply stated, impact fees allow growth to pay for growth.

What are Impact Fees? According to the American Planning Association, “Impact fees are payments required by local governments of new development for the purpose of providing new or expanded public capital facilities required to serve that development. The fees typically require cash



payments in advance of the completion of development, are based on a methodology and calculation derived from the cost of the facility and the nature and size of the development, and

are used to finance improvements offsite of, but to the benefit of the development.”

Impact fees may be used for highway improvements, public safety facilities, sewer- and water-treatment plants, parks and open spaces, school improvements, or other public infrastructure.

Legality of Impact Fees

Across the nation, as impact fees have been challenged in court cases, a principle known as the *rational nexus* test is used to determine the legitimacy of an impact fee. The rational nexus test consists of requirements to assure the fairness of a fee,¹

- The expansion of the facility and/or service must be necessary and must be caused by the development.
- The fees charged must be based on the costs of the new facility/service apportioned to the new development.
- The fees must benefit those who pay; funds must be earmarked for a particular account and spent within a reasonable amount of time.
- Funds received from impact fees must be segregated from the municipality’s general fund and may be used only for the project or intent for which they were collected.

Potential Advantages of Impact Fees

Direct benefit: Those beneficiaries who pay for the service receive the service.

¹ Main State Planning Office. 2003. *Financing Infrastructure Improvements through Impact Fees*. Online. Available from: www.state.me.us/spo/landuse/docs/impactfeemanual.pdf

Equity and efficiency: Once a method of collecting impact fees is established, it is efficient and equitable to old and new residents.

Politically popular: Impact fees help shift the costs of new facilities for new developments from current residents to the new residents who will be using the service.

May reduce borrowing and debt costs: Impact fees provide an alternative method to finance public infrastructure improvements.

Potential Disadvantages of Impact Fees

May not cover total infrastructure costs: Rarely will a new facility or improvement to a facility solely serve new development, (e.g., a new fire station.)

Difficult to establish: Impact fees must be based upon substantial planning and research. A local government must complete a needs assessment and use recent cost estimates. A community must also establish desired standards for levels of service, such as acres of parkland per capita.

Difficult to administer: An impact-fee system requires long-term maintenance of segregated accounts that tracks contributions to and withdrawals from these accounts.

Examples of Regional Practices

The American Planning Association has developed Impact Fee Program Standards that communities are recommended to follow:

- Benefit must accrue to the development as a result of the payment.
- The amount of the fee must be a proportionate fair share of the costs of the improvements

made necessary by the development and must not exceed the cost of the improvements.

- A fee cannot be imposed to address existing deficiencies, except where they are exacerbated by new development.
- Funds received must be segregated from the general fund and used solely for the purposes for which the fee is established.
- The fees collected must be expended in a reasonable timeframe.
- The fee assessed cannot exceed the cost of the improvements, and credits must be given for outside funding sources (such as federal and state grants, developer-initiated improvements for impacts related to new development, etc).



- The fee cannot be used to cover normal operation and maintenance or personnel costs, but must be used for capital improvements or, under some linkage programs, affordable housing, job training, child care, etc.

- The fee established for specific capital improvements should be reviewed at least every two years to determine whether an adjustment is required.

Additional Resources:

American Planning Association.

planning.org/policyguides/impactfees.html

Duncan Associates. *An Online Impact Fee resource*. Available from:

www.impactfees.com

Jerry Kolo and Todd J. Dicker. "Practical Issues in Adopting Local Impact Fees." *State and Local Government Review* Vol. 25, No. 3 (Fall 1993): 197-206.

Juergensmeyer, Julian, Arthur Nelson, James Nicholas. 1992. *Practitioner's Guide to Development Impact Fees*. APA Planners Press

2.4 Transfer of Development Rights (TDR) Programs: Protecting Agriculture and Natural Resource through Market-based Tools

The Purchase of Development Rights (PDR) program, has been the most effective agricultural land protection strategy utilized in the State of Delaware, to date, but it has faced funding issues and is not significant enough to protect agriculture in the State.¹ However, transferring development rights to more desirable areas can also be a very successful protection strategy and can do so in ways that do not require massive public funds investments. Delaware's *State Transfer of Development Rights Enabling Legislation* is in Draft format, and will "enhance current efforts by enabling county level TDR banks and allowing receiving zones to use a special mechanism called Special Development Districts to plan for and fund needed infrastructure."²

By owning property, land-use law assumes certain rights to that property. One of those rights is the right to build residences or other buildings, as designated by the local codes and laws. TDR programs are voluntary market-based efforts to transfer these development rights out of undesirable areas into areas that are appropriate for more intensive development, i.e., from coastal high hazard, agricultural, wetlands, or other sensitive areas to areas designated as future urban areas with appropriate infrastructure provision. Maryland and Pennsylvania have both been successful at implementing this type of program.



"To set a TDR program in motion, public officials work with community residents to determine which areas they want to develop and which ones they want to preserve. To restrict development, the community then transfers the right to develop away from restricted areas to more suitable development sites. Areas to be preserved are known as "sending sites," while areas targeted for development are the "receiving sites." (Sending sites may also be called "selling sites," and receiving called "purchasing.") TDRs permit landowners in the sending area to sell the "right to build" to landowners in the receiving area. The sending landowner's property is then permanently restricted from the transferred development, usually by a recorded deed restriction. In contrast to regulation, TDRs compensate landowners for keeping land in its current use, rather than selling it for development." (Progressive Policy Institute, *Using Markets to Protect Land & Property Rights*)

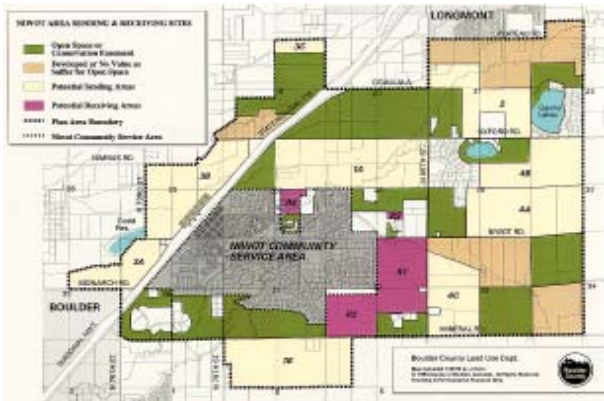
Some programs use banks to facilitate the sale/purchase of these units by allowing people to sell their units to a "bank" prior to the market demand for them. The county or other implementing agency then sells those units as the demand occurs. Many times, the state provides technical assistance to local governments in order to promote the TDR program within urban areas for high-density infill and redevelopment projects.

Successful programs significantly increase density in the receiving areas in order to accommodate urban amenities such as public transportation or

¹ Delaware Department of Agriculture. *Livable Delaware Implementation Strategy*. 24 Jan 2002.

² Delaware Office of State Planning Coordination. *TDR Bill "Highlights" Document*. Available from: stateplanning.delaware.gov/livedel/draft_tdr_legislation_highlights_20070426.pdf

workforce housing and to incentivize transfer of these units for private developers. Increased rates of transfer (one purchased unit resulting in permission to build two units in the receiving area), in combination with this increase permissible density, is one way to encourage the purchase/use of these units rather than maintenance of the status quo.



Communities with rural backgrounds can be wary of increasing density, but by concentrating future development, more open space and agricultural heritage can be preserved for future generations. Smart Growth provides multiple tools that can be used to ensure that, despite increased density in urban areas, the outcome is positive and reflects the expected result, as determined by the existing community. Examples of these tools are Form-Based Codes, Community Planning, and Traditional Neighborhood Design.

A TDR Program would *not*

- Force landowners to sell their development rights.
- Prevent landowners from building units they are currently permitted to build on their land.
- Cause the removal of development rights without just compensation to the landowner.
- Remove community control over local land use

A TDR program *would*

- Preserve agriculture by providing funds to property owners that sell their TDR units and allowing them to continue farming the subject property.
- Move potential homes and commercial square footage from existing agricultural areas to more appropriate urban areas.
- Increase density to beneficial urban levels in previously identified locations in a way that helps guarantee the expected outcome.
- Allow developers to build at densities that may encourage units to be available for workforce housing and support a sense of community.
- Help combat the negative effects of stormwater runoff and protect aquifer recharge by maintaining pervious land in sending areas.
- Cost little in public funds in order to potentially achieve very significant land-use goals.

Additional Resources:

William B Fulton; Jan Mazurek; Rick Pruetz; & Chris Williamson. *TDRs and other market-based land mechanisms how they work and their role in shaping metropolitan growth*
www.brookingsinstitution.org/Urban/pubs/2004_0629_fulton.pdf
 Delaware 143rd General Assembly, *Senate Bill 344*: www.legis.state.de.us
 Montgomery County, MD Planning Board: www.mc-mncppc.org
 York County PA Planning Commission, *Protecting York County's Rural Environment*, January 2004
www.ycpc.org/index_docs/Protecting%20rural%20envir.pdf
 American Farmland Trust. Farmland Information Center, *TDR Fact Sheet*
farmlandinfo.org/documents/27746/FS_TDR_1-01.pdf

2.5 Community Visioning

Education, economic and other sectors around the State of Delaware—such as *First State Innovation* and education’s *Vision 2015*—have already engaged in the important step of identifying their common vision, but physical communities can also benefit substantially from engaging in this type of effort. Whether carried out at the county or municipal level, visioning can help to solidify and protect the values and beliefs of a community as growth occurs.

A series of workshops are held in various locations in the community to ask citizens what they like about their community, what they dislike, what they want to make sure they keep, what they want to change, and what they want to see happen in the future.

Between workshops, the responses are reviewed by a steering committee of local officials and certain experts, so that ideas may be presented at the next meeting to see whether appropriate and desirable solutions can be found to fulfill the community’s goals and priorities.

People are typically excited to be involved; the participants range from elected officials and land-use planners, to neighborhood shop owners and school children. The input of long-time residents regarding how and why certain things occur in the manner that they do is invaluable, and the results should reflect community desires and character rather than generic desires associated with many growth management efforts.

“A result of the vision process is this community driven document that reflects the priorities of those county residents that participated in the meetings. Along with creating more awareness and empowerment in the community, one of the goals of the vision process was to match emerging citizen priorities with potential funding sources. Once resident priorities had been identified, community leaders could look for sources that would fund programs and projects that address those priorities. That process of identifying funding sources has already begun and will continue.”

(Exec. Summary, Visioning Process, Heartland Rural Economic Development Initiative)



Purpose of Community Visioning Services:

To work with small and rural communities to help them design a community vision by developing a visioning plan, which includes facilitating visioning workshops for citizens, analyzing information, and implementing the seven steps of the community visioning model through on-going citizen work teams. The seven steps are:

- Getting Together
- Building Partnerships
- Organizing the Process
- Gaining Support
- Conducting Meetings
- Bringing It All Together
- Implementing Community Vision

(Florida Department of Community Affairs, Division of Community Planning, Community Visioning Services)

The visioning processes seek to:

- Identify what residents treasure in their county and what they want for the future of their county.
- Seek to clarify and resolve any differences in what people want.
- Build broad commitment among citizens and the public, private, and nonprofit sectors for a set of county priorities.

Additional Resources:

National Civic League. 2000. *Community Visioning and Strategic Planning Handbook*. Denver, CO: NCL Press. Also available from: www.cpn.org/tools/manuals/Community/pdfs/VSPHandbook.pdf

Ames, Steven. 1993. *Guide to Community Visioning: Hands-On Information for Local Communities*. APA Planners Press.

National Park Service, Philadelphia Office. *Vision Creating*. Available from: nps.gov/phso/rctoolbox/dec_vision.htm

Sustainable Communities Network. *Community Visioning & Implementation*. Available from: www.sustainable.org/creating/vision.html

Sample steering committee of stakeholders:

- Administrator
- Grants and Special Projects
- City Manager or Mayor
- Local Major Business/Agricultural Interests
- Economic Development Council
- Public Works

Sample Results: Housing that is Affordable

Need

Glades County has approximately 758 families that spend more than 30 percent of their income on housing. The lack of quality, affordable housing is a major obstacle to attracting public service workers and new businesses that need housing for their workers.

Vision Priorities

Increase availability of affordable housing for the workforce, seniors, young families, veterans, etc.

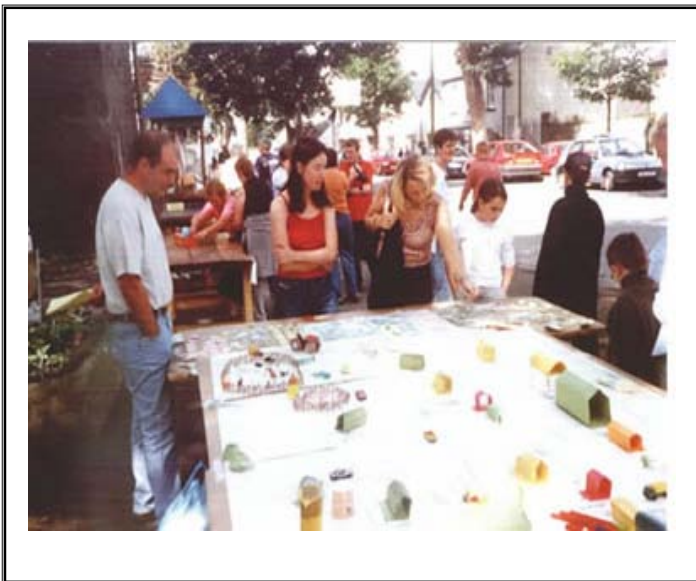
Current Activities that Address Vision Priorities

Approximately 28 families receive federal rental assistance, and there are programs available to assist low- and moderate-income homebuyers. The County will consider including provisions in the comprehensive plan, currently being updated, to allow higher-density housing in existing communities and require affordable housing as a part of large developments.

New Initiatives

The County and City of Moore Haven and FHREDI will encourage and support private and nonprofit groups develop affordable housing with assistance from the State Housing Improvement Program (SHIP), the Community Development Block Grant (CDBG), program, the Federal Emergency Management Agency (FEMA), and others.

(Vision Report 2006, Glades County, FL Visioning)



2.6 Urban Growth Boundary (UGB)/ Urban Services Boundary (USB)

An urban growth boundary (UGB) or Urban Services Boundary (USB) is a jurisdictional boundary, set in an attempt to control urbanization by designating the area inside the boundary as higher density and/or designated areas to which public services will be expanded; the area outside the boundary remains lower density rural development and usually does not have expansion of public services planned in the immediate (or even long-term) future.

An urban growth boundary circumscribes an entire urbanized area and is used by local governments as a guide to zoning and land use decisions. If the area affected by the boundary includes multiple jurisdictions a special urban planning agency may be created by the state or regional government to manage the boundary. In a rural context, the terms *town boundary*, *village curtilage* or *village envelope* may be used to apply the same constraining principles.¹

Some jurisdictions refer to the area within an urban boundary as an urban growth area, or UGA. While the names are different, the concept is the same. The boundary controls urban expansion onto farm and forestlands. Land inside the boundary supports urban services such as roads, water and sewer systems, parks, schools, and fire and police protection that create thriving places to live, work, and play. Typically set in 20-year intervals, these boundaries are one of the tools

used to protect farms and forests from urban sprawl and promote the efficient use of land, public facilities, and services inside the boundary.

Other benefits of the boundary include:

- Motivation to develop, re-develop, and infill on land and buildings in the urban core. This helps keep core “downtowns” in business.
- Assurance for businesses and local governments about where to place the infrastructure (such as roads, sewers, and public transportation routes) needed for future development.

- Efficiency for businesses and local governments in terms of how that infrastructure is built. Instead of building roads further and further out as happens in urban “sprawl,” money can be spent to make existing roads, transit service, and other services more efficient.²



Best Practices

The states of Oregon, Washington and Tennessee require cities to establish urban growth boundaries. Notable U.S. cities that have adopted boundaries include Portland, Oregon; Minneapolis, Minnesota; Virginia Beach, Virginia; Lexington, Kentucky; and in Miami-Dade County, Florida. In the San Francisco Bay Area there are several examples. In particular, Livermore and Pleasanton have voter-controlled

¹ Wikipedia.com *Urban Growth Boundary*. Available from: en.wikipedia.org/wiki/Urban_growth_boundary

² Metro. 2006. *Urban Growth Boundary*. Available from: www.metro-region.org/article.cfm?articleID=277

boundaries as well as their surrounding County of Alameda, creating a robust “double” boundary.

Referring to Oregon’s use of urban growth boundaries, Real Estate Research Corporation, an independent real estate investment consulting firm, recently concluded,



“In reality, the most stable investment markets—the ones that have staying power and hold value—also have growth controls, either government-enacted or enforced by natural geographic boundaries. It’s no coincidence that San Francisco, Seattle, and Boston are hemmed in by water, Chicago

borders a huge lake, and Manhattan is an island. Developers reflexively loathe the regional growth boundaries set by Portland, Oregon, but admit the laws have led to a thriving downtown center as well as a healthy metropolitan area.”¹

Urban growth boundaries were one of the most significant reforms enacted by Oregon in its 1973 state-wide planning legislation. Each locality was required to adopt a UGB as part of its overall planning, a rule that helped Portland maintain its high quality of life over the next 25 years and has preserved 25 million acres of farmland and forests. Some towns, such as Corvallis and Ashland, have actually decided to permanently freeze their boundaries. Kentucky’s growth boundary has preserved the Bluegrass Country around Lexington since 1958.²

¹ 1000 Friends of Oregon. 1999. *Myths & Facts About Oregon’s Urban Growth Boundaries*. Available from: www.friends.org/resources/myths.html

² Bollier, David. 1998. *How Smart Growth Can Stop Sprawl, a briefing guide for funders*. Washington, D.C.: Essential Books.

About 20 years ago, Frederick County was among the first Virginia jurisdictions to create what they termed an “urban development area” (UDA.) The idea was to concentrate development in a zone where it could be cost-effectively served by water, sewer, and roads. Outside the zone, land would be largely preserved for agriculture. This boundary has been indispensable in maintaining the quality of life in Frederick County. Between 1990 and 2000, county population grew 29 percent, making it one of Virginia’s fastest growing jurisdictions, and the population is expected to reach 72,300 by 2010.³ Channeling the growth into the UDA has successfully limited the need to extend utilities and upgrade country roads to serve undesirable patchy development in historically agricultural districts.⁴

Additional Resources:

Rolf Pendall, Jonathan Martin, and William Fulton. August 2002. *Holding the Line: Urban Containment In The United States*. Available from: www.brookings.edu/es/urban/publications/pendallfultoncontainment.pdf

Maryland Office of Planning. 1995. *Models and Guidelines for Managing Maryland’s Growth: Urban Growth Boundaries*. Available from: www.mdp.state.md.us/info/download/Mmg12.PDF

Smart Communities Newtownk. *Land Use Planning Strategies—Urban Growth Boundaries*. Available from: www.smartcommunities.ncat.org/landuse/urban.shtml



³ Bacon, James A. 2006. *Focused Growth*. Available from: www.baconsrebellion.com/Issues06/11-06/Bacon.php

⁴ Ibid.

2.7 Agricultural Preservation Programs

“The federal government has had only a very small role in the direct protection of farmland. ... The 1996 Farm Bill included \$35 million in grants to state and local governments for the purchase of development rights to farmland. This money [was] spent or committed by the end of 1998, and additional funding has not yet been authorized.”¹

Given the local focus of land use and lack of federal protective action, it then falls to the counties and municipalities to decide whether they want agriculture to remain an active part of their culture and community. Protecting agriculture not only protects a heritage and a means of economic support, it can also foster good growth patterns and protect important environmental functions through open-space preservation. In short, finding ways to ensure that we do *not* grow in areas where agriculture is successful and desirable can be a very effective growth strategy. However, with today’s fierce pressure for many landowners to sell for development, active farms often need assistance to survive; states and localities across the nation have provided this assistance through agricultural preservation programs, designed with the community’s specific goals in mind. Participation in all of these programs is voluntary, and they are all made more effective when combined with well-conceived local land use planning that supports regulatory protection of agricultural and open-space preservation as well, such as restrictive agricultural zoning and urban growth boundaries.

Farmland preservation programs may work in a number of ways. The most common are programs that either: (1) remove all the rights from a property except the right to farm, leaving title to the land and the right to farm with the property owner; (2) purchase the right to develop from the property and allow those rights to be used elsewhere; or (3) create incentive programs such as tax abatement or financial assistance.

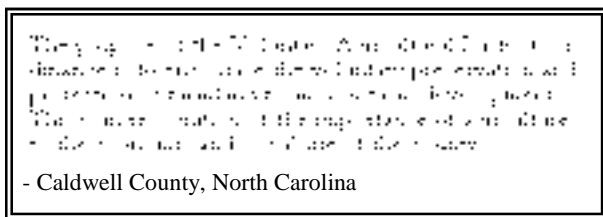


Application of an agricultural easement to a property removes the right to use the property in a manner other than agriculture, allows existing and future agricultural practices on the property, often provides the current owner with funds to compensate for this decrease in property value, and decreases the taxable value of the land due to this decrease in property values. This first form of preservation program can help protect existing agricultural operations, particularly those of heritage farms, since the land remains with the original owners and becomes more affordable to maintain in active agriculture. Easements may be either given voluntarily or may be placed on a property through purchase. Programs in which easements are purchased are also referred to as Purchase of Development Rights (PDR) programs, since, unlike a TDR program, these programs do not relocate the development rights allocated to the property from which they are purchased but are held by a land trust, government agency, or other preservation organization. Communities that have used this form of

¹ Daniels, Tom. 1998. *The Purchase of Development Rights, Agricultural Preservations and Other Land Use Policy Tools—The Pennsylvania Experience*. Online. Available from: www.farmfoundation.org/1998NPPEC/daniels.pdf

agricultural preservation program include the State of Maryland, State of Delaware, Forsyth County in NC, and the City of Virginia Beach.¹

A second option for agricultural preservation are programs such as Transfer of Development Rights (TDR) where active agricultural areas are identified as the “sensitive areas” to be protected and virtually moves the units that would have been legally allowed to the agricultural property to another location that is desirable for development. These programs typically “move” purchased units to a virtual bank from which developers can purchase and place into designated development areas. This does not decrease the overall residential density of the subject locality but still removes development pressure from existing agricultural properties. Communities that have used this form of agriculture preservation program include Montgomery County in Maryland, the Commonwealth of Massachusetts, and the State of New Jersey, including its municipalities.



The third method of agricultural protection may be utilized by creating agricultural districts that address taxing, public facilities, or nuisance issues. These voluntary districts often exempt active agriculture from being required to pay for public service improvements unless the improvement in service is directly required by the agricultural operation. This protects agriculture from having to pay for improvements associated with increasing commercial or residential development in the region. Lighter nuisance restrictions for agriculture-oriented practices are also common, as are lowered taxing requirements. Communities that have used this form of

¹ American Farmland Trust. August 2006. *Fact Sheet: (PACE) Purchase of Agricultural Conservation Easements*. Available from: www.farmlandinfo.org/documents/27751/PACE_2006.pdf

preservation include the State of Maryland, State of Delaware, Sonoma County in CA, and Orange County in NC.²

Each of these programs has its own strengths and weakness; which will work most successfully will depend upon the specific goals and capacities of the implementing community. All of these programs require a certain amount of public funding in order to succeed, but the level of monetary commitment is significantly different, depending upon which program is selected. Often multiple programs are selected in order to fully meet the needs of the community.³ Programs that purchase land or conservation easements require a significant pot of money from which the funds for purchase may be drawn. Tax-abatement programs require little or no startup capital but result in decreased earnings from the taxes of these properties. Programs such as TDRs require significantly less in terms of public funds commitment, but are also less assured of success, since they are market-based and program participation is dependent upon a well-set-up market system as well as the funding availability and willingness from the local development community.

Additional Resources:

Farmland Information Center Home Page.

<http://www.farmlandinfo.org>

American Farmland Trust. *The Farmland Protection Toolbox*. Oct 2002. Available from:

http://www.farmlandinfo.org/documents/27761/FS_Toolbox_10-02.pdf

(USDA) U.S. Department of Agriculture. *Natural Resources Conservation Service, Farm and Ranch Land Protection Program (FRPP)*.

<http://www.nrcs.usda.gov/programs/frpp/>

² American Farmland Trust. Nov 2006. *Fact Sheet: Agricultural District Programs*. Available from: www.farmlandinfo.org/documents/27763/Ag_Districts_11-06.pdf

³ The State of Maryland uses agricultural districts that may decrease taxes as a short-term assistance measure and purchases easements for long-term protection. The Maryland Environmental Trust. *Land Conservation Center*. Available from: www.conservemd.org/purchased/malpf/index.html



2.8 Traditional Neighborhood Development/Mixed Use

“Almost any man worthy of his salt would fight to defend his home, but no one ever heard of a man going to war for his boarding house”

~ Mark Twain

America no longer builds “home towns” like those we idealize in shows such as *Andy Griffith* and, still today, *Everwood*. Instead, for the past 50 years we have constructed single-purpose, cookie-cutter subdivisions that have removed us from many of those things that we use and people we see every day. Traditional Neighborhood Development and mixed-use efforts attempt to take us back towards a built environment that supports community and livable, walkable towns.

Traditional neighborhood development (TND) is a comprehensive plan that promotes a variety of housing types and land uses within a distinct area. In a TND, residents have options for walking, biking or driving within their neighborhood, while public and private spaces are equally important.¹



Mixed-use is a development and building pattern that allows buildings with a mix of certain zoning district uses and/or sites with a mix of such uses, whether these were in

adjacent parts of a block of buildings, or in separate parts of the same site.²

Traditional Neighborhood Development (TND) and mixed use, while not synonymous, are commonly found in conjunction with each other, have similar intentions, and, when successful, contain many of the same characteristics. In actuality, these efforts commonly complement each other and help to ensure the other’s success. The design and connectivity of TND support transit and walkability, while increased densities and mixed use help to ensure that there are useful destinations for transit and non-motorized travel. Studies have found that “the density and location of compact development also allows for

a more economical extension of public services and utilities than is possible under more dispersed trend development...and the relatively higher densities of compact development also enable natural features and agricultural areas to be preserved and protected from development.”³

Since infrastructure costs are decreased in

¹ *Smart Growth and Traditional Neighborhood Development*. Available from: <http://www.smartgrowthinfo.com/>

² *Mixed Use Planned Development Overlay District*. 7 Sept 2004. Hurst, TX Code of Ordinances, Chapter 27, Zoning. Available from: www.ci.hurst.tx.us/Publications/Development/MUZoning2A.pdf

³ Mix, Troy. 2003. *Exploring the Benefits of Compact Development*. University of Delaware, Institute for Public Administration, for the Delaware Office of State Planning Coordination.

compact developed areas, units themselves built in this area may also be more affordable to the workforce due to the decreased need for impact fees and necessary special taxing units. Considering all of the benefits, it is not surprising that compact, mixed-use development, often referred to as Smart Growth, is the model that most of the nation is using to revitalize economies and accommodate their continuing growth in a sustainable manner. However, the concept, in itself, is not enough. To reap the benefits of mixed use, regulations must be designed to accommodate, and even incentivize this livable, walkable urban form.

Zoning laws attempt to address this by using different forms of mixed-use zoning. A mixed use district will most commonly be the “downtown” of the community. The mixed use guidelines often result in residential buildings with streetfront commercial space. Retailers have the assurance that they will always have customers living right above and around them, while residents have the benefit of being able to walk a mere number of yards to get groceries and household items, or see a movie.¹



Once mixed use is permissible through the local zoning code, direction for the development itself is commonly implemented using a form-based code in order to ensure a visually pleasing outcome. In addition, today’s technology has allowed many uses, once thought to be

¹ Wikipedia.com *Mixed-use Development*. Available from: en.wikipedia.org/wiki/Mixed-use_development

disturbing to neighborhoods, to be placed within mixed-use or residential communities without negative impact to the surrounding residents. Many of the issues of conflict between adjacent uses can now be mitigated through regulating



the building form (in three dimensions). Simply put, many urban building types (multi-story, main street shopfronts, etc.) do not readily lend themselves to particular noxious uses. Additional issues, such as glare, are addressed through both the Building Envelope Standards and the Architectural Standards, where elements such as lighting and signage are regulated.

“Providing shopping, jobs and community services within convenient walking distance allows residents to meet some of their daily needs without driving. This provides mobility and freedom to all residents, from eight-year-olds who can’t drive yet to 80-year-olds who don’t drive any more.”²

Additional Resources:

Constantine, James and J. Carson Looney. *Three P’s of Traditional Home Design: Proportion, Parking and Privacy*. Available from: www.tndhomes.com/grad03.htm

Metropolitan Area Planning Council. *Mixed Use Zoning: A Citizens’ Guide*. www.mapc.org/whats_new/Regional_Record/May_2006/Mixed_Use_Toolkit/Mixed_Use_Citizens_Guide.pdf

Capitol Region Council of Governments. *CRCOG Best Practices Manual: Traditional Neighborhood Design*. Available from: www.crcog.org/community_dev/pdfs/Ch06_FactSheet_TND.pdf

² Constantine, James. *America’s New Traditional Neighborhoods*. Available from: www.tndhomes.com/under02.htm

3. Guide to Solutions

Find the concern or problem your community wants to address in the index below. Other places with similar issues and programs that have been successfully used to address those issues have been cataloged here to help you identify programs and steps that might be helpful in your community.

Concern: Active agricultural or sensitive lands are being developed or sold for future development

Potential Solutions:

- Agricultural Preservation Programs (see Section 2.7)
 - Asheville, NC (see Section 1.1)
 - Virginia Beach, VA (see Section 1.5)
 - Chattahoochee Hill Country, GA (see Section 1.6)
- Transfer of Development Rights (TDR) Programs (see Section 2.4)
 - Chattahoochee Hill Country, Fulton County, GA (see Section 1.6)

Concern: Struggling Downtown, Main Street, or Historic District

Potential Solutions:

- Form-Based Codes (see Section 2.2)
 - Asheville, NC (see Section 1.1)
 - Southside, NC (see Section 1.3)
- Community Visioning (see Section 2.5)
 - Asheville, NC (see Section 1.1)
 - Hendry County, FL (see Section 1.2)
 - Southside, NC (see Section 1.3)
 - Davidson, NC (see Section 1.4)
 - Chattahoochee Hill Country, GA (see Section 1.6)
- Traditional Neighborhood Development/Mixed Use (see Section 2.8)
 - Southside, NC (see Section 1.3)
 - Davidson, NC (see Section 1.4)
 - Chattahoochee Hill Country, GA (see Section 1.6)

Concern: Public facilities are not keeping up with the needs of new growth and taxes continue to rise to help address increasing need

Potential Solutions:

- Urban Growth Boundaries (see Section 2.6)
 - Hendry County, FL (see Section 1.2)
 - Virginia Beach, VA (see Section 1.5)
- Concurrency (see Section 2.1)
 - Davidson, NC (see Section 1.4)
 - Hendry County, FL (see Section 1.2)
- Impact Fees (see Section 2.3)
 - Hendry County, FL (see Section 1.2)
 - Virginia Beach, VA (see Section 1.5)

Concern: Large single-use or spread-out development occurring in ways that do not agree with or compliment the existing structure or culture

Potential Solutions:

- Community Visioning (see Section 2.5)
 - Asheville, NC (see Section 1.1)
 - Hendry County, FL (see Section 1.2)
 - Southside, NC (see Section 1.3)
 - Davidson, NC (see Section 1.4)
 - Chattahoochee Hill Country, GA (see Section 1.6)
- Urban Growth Boundaries (see Section 2.6)
 - Hendry County, FL (see Section 1.2)
 - Virginia Beach, VA (see Section 1.5)
- Traditional Neighborhood Development/Mixed Use (see Section 2.8)
 - Southside, NC (see Section 1.3)
 - Davidson, NC (see Section 1.4)
 - Chattahoochee Hill Country, GA (see Section 1.6)
- Transfer of Development Rights (TDR) Programs (see Section 2.4)
 - Chattahoochee Hill Country, Fulton County, GA (see Section 1.6)

4. Additional Information and Resources

General New Urbanism or Environmental Development Websites

Council on New Urbanism, www.cnu.org
Smart Growth Online, www.smartgrowth.org
Getting to Smart Growth, Vol. I & II “100 Policies for Implementation”
Building Walkable Communities (techniques and examples) www.walkable.org
International Dark-Sky Association, www.darksky.org
Lincoln Institute of Land Policy, www.lincolnst.edu
New Urbanism, www.newurbanism.org
Form-Based Code Institute, www.formbasedcodes.org
Duany Plater-Zyberk & Company’s Homepage, www.dpz.com
Spikowski Planning Associates, www.spikowski.com/Form-BasedCodes.htm
Placemakers (SmartCode download), www.placemakers.com
Smart Growth Leadership Institute, www.sgli.org/providing.htm

Growth Management Toolboxes and Strategies

SmartGrowthBC Tool Kit, www.smartgrowth.bc.ca/index.cfm?Group_ID=3383
Equitable Development Toolkit, www.policylink.org/EDTK/overview.html
SMARTE: A Revitalization Decision Support Tool,
www.smartec.org/smartec/home/index.xml;jsessionid=34dta60sso3sb
Land/Water Protection Toolkit, www.lgean.org/html/whatsnew.cfm?id=961
Local Tools for Smart Growth: Practical Strategies and Techniques to Improve Our
Communities,
www.naco.org/Content/ContentGroups/Programs_and_Projects/Environmental1/Sources/1528LocalTools.pdf

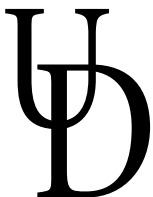


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