Making Land Development Regulations Work for Smart Growth
Land Development Regulations can help you achieve Smart Growth

What is Smart growth?
Smart Growth is development that revitalizes neighborhoods, protects farmland and open space, keeps housing affordable, and provides more transportation choices. It is development that is good for the environment, community, and economy.
Communities Develop in Different Ways

- How development occurs affects what choices you have
  - Housing types & prices
  - Transportation options
  - Location and access to jobs, shops, and services
  - Lifestyles

- Land development regulations affect how development occurs and how well your community functions to meet the needs of residents
What do Land Development Regulations Control?

• Type and mix of uses
• Size of lots
• Building type, size and height
• Building setbacks
• Street and sidewalk width
• Parking requirements
• Infrastructure
• Etc.

Source: www.user.gru.net/domz
Examples of Land Development Regulations

- State Planning Statutes
- Zoning Ordinances
- Building Codes
- Subdivision Regulations
- Street Standards
- Etc.
Rethinking the Impact of Existing Land Development Regulations

- 1928 Standard City Planning and Zoning enabling Act has shaped land development policy for 74 years.
- The nation was a different place at the time the Act was drafted.
- The modern environmental movement has shifted society’s view of land.
- More communities want change.
  - 553 state and local ballot measures in 2000 related to growth -- 72% passed
  - 24 Governors engaged in smart growth activities in 2001 “State of the State” analysis
Development Paradigms

Status Quo

Smart Growth

Source: APA’s PAS Report #479, the Principles of Smart Development
Outdated Land Development Regulations May Conflict with Smart Growth Objectives

- High Density Development
- Street Trees
- Below-ground utilities
- Mixed-Use (Residential and Commercial)
- Pedestrian-friendly area
- Median for light rail
- Bike Lanes
- TOD District

Source: www.urban-advantage.com
Ultimate Consequence, 
Smart Growth is Prohibited

Source: www.urban-advantage.com
Communities Maintain Existing Conditions

- Low Density Development
- Single use district
- Above ground utilities
- No parking in rear
- Auto-oriented development
- Narrow Sidewalks
- WIDE STREETS

Source: www.urban-advantage.com
Unintended Consequences: Single Family Residential

Source: www.smartgrowthamerica.org  Source: Diane Dorney, Publisher, The Town Paper
Smarter Land Development Regulations can...

- Create a variety of housing choices
- Create walkable communities
- Encourage collaboration in development decisions
- Foster diverse, attractive communities
- Make development decisions predictable and fair
- Mix land uses
- Preserve open space, critical areas
- Provide transportation choices
- Direct development to existing communities
- Create compact building design
Regulatory Reform

State Government
- Planning requirements
- Enabling legislation and tools
- Incentives and assistance

Local Government
- Civic vision setting
- Revised, comprehensive plans
- Revised zoning codes and ordinances
- Streamlined processing

States
- Maryland - Smart codes
- New Jersey - Rehab code
- Wisconsin - Smart Growth Law
- Etc.

Localities
- Arlington, VA
- Austin, TX
- Montgomery County, MD
- San Mateo County, CA
- Etc.
Wisconsin

• Prior to 1999, only 29% of communities had a land use plan

• Plans varied in content, often not implemented

• Results: leap-frog development, inadequate attention to affordable housing and environmental protection

Source: www.dot.wisconsin.gov
Wisconsin’s Smart Growth Law (s.66.1001)

- Required comprehensive plan “elements”
- Required “consistency” with all other local regulations by 2010
- State grants and assistance

Source: Photo courtesy of the Wisconsin Department of Administration, www.wisconsin.gov
Every city and village with a population of at least 12,500 will adopt a “traditional neighborhood development” ordinance by January 1, 2002.

Source: www.erdman.com/mhills
New Jersey Rehabilitation Code

**Before**
- Traditional codes too rigid for rehabilitation.
- Codes designed for new construction.
- Rehabilitation tended to be more expensive than building new.
- Lead to deterioration and abandonment of older properties and neighborhoods

**After**
- Staged level of code stringency (case by case).
- Rehabilitation is manageable, unnecessary upgrades are not required.
- Rehabilitation increased by 40% and as much as 80%.
Rehabilitation in Elizabeth, New Jersey

Before

- Elizabethport neighborhood is disadvantaged and economically depressed.
- Many commercial structures are underutilized and need rehabilitation.
- The neighborhood became a prime area for criminal activity.

Source: Joyce Harley, Program Director, New Jersey Multi-City LISC
Rehabilitation in Elizabeth, New Jersey

After

- **P.R.O.C.E.E.D.** rehabilitates abandoned warehouse property.
- Property now hosts a child care center and social service office space.
- Project has spurred other economic development in the Elizabethport neighborhood.

Source: Joyce Harley, Program Director, New Jersey Multi-City LISC
Rehabilitation in Elizabeth, New Jersey - Rafael Cordero Day Care Center

Source: Joyce Harley, Program Director, New Jersey Multi-City LISC
Town of Huntersville, NC

- 63 square miles - 30,000+ residents
- 725% growth 1990 - 2001
- Evaluation of reform options 1994-5
- New code adopted 1996

Source: Mike Mooney Aerial Photography, www.carolinaairphoto.com
Development Principles - Huntersville

- Small town character
- Street connections, walkability
- Range of housing
- Density near highways and rail lines
- Open space and watershed protection

Source: www.vermillion-tnd.com
Zoning Districts - Huntersville

• Mixed use centers
  - Town, neighborhood, and transit centers

• Residential
  - Detached, attached, multi-family

• Commercial
  - Highway and “campus” business/institutional

• Open space
  - Density bonuses for more acres preserved

http://www.huntersville.org/planning/
Vermillion - Huntersville

Source: www.vermillion-tnd.com
Accessory Dwelling Units - Huntersville, NC

Before
- Low density, single-family homes
- Limited affordable housing
- Large land use change required to facilitate high density development

After
- *Invisible* increase in density
- Increased supply of affordable housing
- Community character unaffected, no additional infrastructure required

Source: www.vermillion-tnd.com
Live/Work Provisions - Salt Lake City, UT

Before
• Segregated land uses
• Unproductive/blighted lots

After
• Lower VMT
• Increase tax base
• Infill development

Source: www.artspaceutah.org
Process for Changing Land Development Regulations

• Learn how other communities modified their land development regulations.
• Assess the political climate.
• Community participation
  – Initiate a dialogue on local development.
• Form a local site planning roundtable.
  – Assess current codes and ordinances
  – Pinpoint areas that are recommended for change
• Changing land development regulations is one piece of the smart growth puzzle
• Get started and be committed.
Resources

- Smart Growth Network www.smartgrowth.org
- American Planning Association www.planning.org
- Congress for the New Urbanism www.cnu.org
- International City/County Management Association (ICMA) www.icma.org
- Local Government Commission www.lgc.org
- Local Initiatives Support Corporation www.liscnet.org/resources/smart_growth.shtml
- State of Maryland www.op.state.md.us/smartgrowth/
- State of New Jersey www.state.nj.us/dca/codes/rehab/rehab.htm
- State of Wisconsin www.uwex.edu/ces/cty/dodge/crd/CRDW/EB2-1034.htm
- U.S. Environmental Protection Agency www.epa.gov/smartgrowth/
Smart Growth Network Partners

• American Farmland Trust
• American Planning Association
• Association of Metropolitan Planning Organizations
• Center for Neighborhood Technology
• Congress for the New Urbanism
• The Conservation Fund
• Environmental Law Institute
• G.W. University Center on Sustainability and Regional Growth
• Growth Management Leadership Alliance
• Institute For Transportation Engineers
• International City/County Management Association
• Local Government Commission
• Local Initiatives Support Corporation
• NACo/USCM Joint Center for Sustainable Communities
• National Association of Counties

• National Association of Local Government Environmental Professionals
• National Association of Realtors
• National Multi-Housing Council
• National Neighborhood Coalition
• NOAA
• National Trust For Historic Preservation
• National Wildlife Federation
• Natural Resources Defense Council
• Northeast-Midwest Institute
• Rails to Trails Conservancy
• Scenic America
• State of Maryland
• Surface Transportation Policy Project
• Sustainable Communities Network
• Trust for Public Land
• Urban Land Institute
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