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Breaking Ground: Planning and Building in Priority Growth Districts

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Breaking Ground: Planning and Building in Priority Growth Districts

A Guide for Local Leaders

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Joshua Rinesmith and Sue Huot, ASSISTANT EDITORS

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Land Use Law Center, Pace University School of Law

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EXECUTIVE SUMMARY

The need to control sprawl, encourage Smart Growth, and create more livable neighborhoods that instill a sense of community through traditional neighborhood design, are topics in the forefront of national discussions about community planning and development. There is an innovative land use technique that can be used by communities to manage and define future growth in a way that creates more livable places, places that are environmentally, socially, and fiscally sound. Specifically, a community may designate mixed-use Priority Growth Districts, or PGDs, which direct development to selected locations and also specify a design that is attractive to the community's current and future residents. This report provides the necessary tools and describes the steps that a community may take to designate Priority Growth Districts and reap their many benefits.

The PGD concept discussed here is particularly suited for outlying suburban and exurban counties, where the rate of growth is significant but there is still a rural character that can be preserved. Growth in these areas may result from the actions of transportation agencies, which make outlying communities more accessible, from housing shortages in areas near job centers, or from the changing housing needs of current residents. The pressure to provide new homes can best be addressed through the identification of PGDs where roadways and other infrastructure either exist or can be accommodated.

This report draws examples primarily from Dutchess and Orange counties in New York State, but the principles and techniques discussed here are applicable in various locations.

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Table of Contents

CHAPTER ONE: THE PRIORITY GROWTH DISTRICT CONCEPT	11
<i>Overview</i>	11
Background and Planning Foundation	11
Potential Benefits of Smart Growth and PGDs	14
Priority Growth Districts Defined	15
<i>Case Study Illustrations</i>	17
LaGrange Town Center	17
Warwick Grove, Warwick	18
Four Corners, East Fishkill	18
<i>Priority Growth District Principles</i>	20
<i>Identified Community Needs and Benefits</i>	27
Settlement Patterns and Demographic Conditions	28
Added Benefits of Incentive Zoning	29
<i>Developer Benefits</i>	30
Developer Certainty And Streamlined Approvals	30
Market Diversity	31
Meeting Societal Needs	31
 CHAPTER TWO: ZONING AND PLANNING	 33
<i>Introduction</i>	33
<i>The Comprehensive Plan</i>	33
Step One: Identify Critical Issues	34
Step Two: Set Goals	35
Step Three: Establish Objectives	36
Step Four: Develop Planning Strategies	36
Step Five: Devise An Implementation Plan	37
<i>Implementation Tools</i>	38
<i>Zoning and Land Use Regulations</i>	38
Priority Growth District	38
Floating Priority Growth District	39
Priority Growth District Overlay Zone	41
<i>Additional Provisions</i>	42
Incentive Zoning	42
Transfer of Development Rights	44
Cluster Development	46
Waiver Provision	47

CHAPTER THREE: SITE SELECTION	49
<i>Introduction</i>	49
<i>Net Buildable Acreage and Project Density</i>	49
Net Buildable Acreage	50
Areas Targeted For Preservation	50
Unusable Lands	51
Exterior Project Setback or Buffers	53
Project Density	53
<i>Proximate Land Uses</i>	53
<i>Infrastructure</i>	54
Transportation	54
Water and Sewage Systems	54
<i>Economic Viability</i>	57
CHAPTER FOUR: SITE PLANNING	59
<i>Introduction</i>	59
<i>Overall Layout and Site Design</i>	59
<i>Residential Uses</i>	61
Overall Site Layout and Design for Residential Uses	61
Individual Lot Design for Residential Uses	66
<i>Commercial Center Development</i>	67
Architecture and Design Themes	68
<i>Roadway Design for Pedestrians, Bicyclists, and Motor Vehicles</i>	70
Traditional Roadway Specifications	70
Traffic Calming Measures Available in PGDs	71
Pedestrian – Bicycle Activity	73
Grid Design vs. Cul-de-sac	73
<i>Land Conservation as a Complement to Development</i>	74
CHAPTER FIVE: HOW TO WORK WITH DEVELOPERS	77
<i>Why Would a Municipality Want to Work with a Developer?</i>	77
<i>What Does a Developer Need to Achieve an Economically Viable Development?</i>	77
Location	78
Appropriate Density	78
The Land Plan	79
Community Components	80
Architecture	80
<i>What Tools and Techniques Does the Municipality Have for Working with the Developer?</i>	81
Financial Incentives	81
Land Assemblage	81
Streamlining the Process	82

CHAPTER SIX: NEW YORK STATE CASE STUDIES	85
<i>Four Corners: East Fishkill, New York</i>	85
<i>Town Center: LaGrange, New York</i>	92
<i>Warwick Grove: Warwick, New York</i>	97

CHAPTER SEVEN: PRIORITY GROWTH DISTRICT PROJECTS IN OTHER STATES	103
<i>Introduction</i>	103
<i>Case Study: Kentlands: Gaithersburg, Maryland</i>	104
<i>Case Study: P'On: Mt. Pleasant, South Carolina</i>	108
<i>Case Study: Alachua County, Florida</i>	112
<i>Case Study: Sun Prairie, Wisconsin</i>	115
<i>Additional Case Studies</i>	119
Alabama	New Jersey
California	New Mexico
Colorado	North Carolina
Florida	Oregon
Georgia	South Carolina
Louisiana	Tennessee
Maryland	Texas
Massachusetts	Virginia
Michigan	Washington

GLOSSARY OF LAND USE TERMS	135
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APPENDIX: TRANSPORTATION CORPORATION AND WATER/SEWAGE DISTRICTS	137
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The Priority Growth District Concept

OVERVIEW

This report describes an innovative land use technique that can be used by communities to manage and define future growth in a way that creates more livable places, places that are environmentally, socially, and fiscally sound. Specifically, a community may designate mixed-use Priority Growth Districts, or PGDs, which direct development to selected locations and also specify a design that is attractive to the community's current and future residents. This report provides the necessary tools and describes the steps that a community may take to designate Priority Growth Districts and reap their many benefits.

The PGD concept discussed here is particularly suited for outlying suburban and exurban counties, where the rate of growth is significant but there is still a rural character that can be preserved. Growth in these areas may result from the actions of transportation agencies that make outlying communities more accessible, housing shortages in areas near job centers, and the changing housing needs of current residents. The pressure to provide new homes can best be addressed through the identification of Priority Growth Districts where roadways and other infrastructure either exist or can be accommodated.

While the PGD concept is widely applicable, this report uses Dutchess County, New York's experience to provide a concrete context for the discussion.

Background and Planning Foundation

The need to control sprawl, encourage Smart Growth, and create more livable neighborhoods that instill a sense of community through traditional neighborhood design, are topics in the forefront of discussions about community planning and development. They are not at all new; planners and community residents have been promoting just those concepts for many years, but without the labels that almost have become household words today. For example, these concepts have been encouraged in several Dutchess County planning documents in the past 40 years. In 1965, the first Dutchess County Plan, entitled *Concept for Growth*, stressed the conservation of existing communities called "satellite centers," which were to be developed around or in proximity to certain populated areas such as the City of Beacon, the villages of Fishkill and Wappinger Falls, and four hamlets. Each satellite center was to offer many

of the advantages of urban living on a smaller scale, by using a neighborhood pattern of community design. Each neighborhood would consist of residential development supported by an elementary school, convenience goods stores, churches, and small parks. The center of each satellite community would serve broader community needs, such as education, shopping, medical services, employment, and culture. Beyond these “urban cores” a rural atmosphere would be maintained.

The principles in *Concepts for Growth* evolved over the years into *Directions: The Plan for Dutchess County*, a comprehensive planning document that was published in 1987. *Directions* encourages focusing new growth in existing centers and hamlets or creating new centers where appropriate. However, it also acknowledges that suburban residential development has occurred beyond the originally identified satellite centers, primarily in southwestern Dutchess. It recommends community center uses in and around the existing cities of Beacon and Poughkeepsie, all eight villages and major hamlet areas. These centers would include the greatest mix of uses, the highest densities, a wide range of housing types, and significant commercial activities. They would “contain highly organized public spaces and have a strong sense of community and place.”

Dutchess County’s latest planning document, *Greenway Connections: Greenway Compact Program and Guide for Dutchess County Communities*, adopted by the Hudson River Valley Greenway Communities Council on March 8, 2000, takes the community center concept to the next level of detail and actually promotes “priority growth areas” which are analogous to the PGDs discussed here. *Greenway Connections* defines centers as the “traditional central places of community life” ranging from the size of “crossroads hamlets to more self-sufficient villages and larger cities with multiple neighborhoods.” According to *Greenway Connections*, the primary virtue of centers is that “they provide the ability for residents to walk, meet their neighbors on the street, and build a stronger sense of community.” Centers may grow “by additions at the fringe,” “by converting automobile oriented strip development, and by creating a new central place.” Most importantly, *Greenway Connections* concludes that “comprehensive plans can designate growth areas for new or expanding centers so that growth does not occur in random or sprawling patterns.” Dutchess County communities can now rely on county planning documents, such as *Directions* and *Greenway Connections*, to support their decisions to designate Priority Growth Districts. The concept of mixed-use PGDs, as proposed here, is consistent with Dutchess County’s regional planning initiatives and community leaders need not be concerned about proceeding into uncharted areas of land use planning.

An appropriate regional planning foundation has also been provided for PGDs in other outlying counties. For example, the Orange County Comprehensive Plan, *Strategies for Quality Communities*, adopted in 2003, also identified “Priority Growth Areas” for future development by building upon the “Urban-Rural Concept” of the county’s 1987 *County Comprehensive Development Plan Update*. In identifying Priority Growth Areas for future development, *Strategies* recognizes the important role of the county’s historic community centers that were identified in the 1987 plan,

including cities, villages, and hamlets and their immediate surroundings. However, *Strategies* also recognizes the importance of transportation hubs, interchanges, crossroads, and the corridors linking these with the historic centers, and identifies them as Priority Growth Areas as well. *Strategies* designates the areas outside the Priority Growth Areas as the county's Rural Areas and supports a mix of agriculture, forest, and other natural areas along with low intensity residential and commercial uses. PGDs can be designated to direct and define future growth on the fringes of existing centers, at interchanges, crossroads and corridors, and to reduce the development pressure in rural areas.

Westchester County adopted *Patterns for Westchester: The Land and the People* in 1996 to address the issue of sprawl and to direct growth to the appropriate areas. *Patterns* built upon similar concepts in earlier planning documents including *Assumptions, Goals and Urban Form Refinement* completed in 1975 and updated in 1985 as *Urban Form Refinement*. *Patterns* succinctly states that "a healthy balance between economic growth and a sound environment depends upon directing growth to centers, reinventing developed corridors as multi-use places and factoring open space elements into the development process." Due to its proximity to New York City, Westchester County has an older and more extensive development pattern than the outlying counties. It also has the added constraint of the New York City Watershed Regulations, which limit growth in the more rural areas of the northern sections of the county. As a result, the designation of PGDs in Westchester (and in other similar inner suburbs) may be more useful in promoting the redevelopment of the county's existing centers, guiding infill development and redevelopment along its more intensely developed corridors, and possibly expanding existing hamlets in the county's more rural areas.

At the state level, the legislature has recognized the benefits of mixed-use development, flexibility of design and open space preservation. In July of 2003 it enacted the Planned Unit Development provisions of the Town, Village, and General City Laws. These laws specifically authorize the establishment of the zoning districts of the type envisioned by the PGD concept. (Town Law § 261-C, Village Law § 7-703-A, and General City Law § 81-F).

Dutchess County's Greenway Connections specifically supports the concepts of Smart Growth and traditional neighborhood design (also called the New Urbanism). These planning concepts endorse the notion that our communities should grow in sensible ways that recapture many of the qualities that have been lost as a result of the automobile oriented development pattern that has prevailed since the 1950's. This pattern has taken its toll not only on the countryside, but also on our social well-being. Lifestyles based on large lot subdivision development are inherently automobile dependent, causing parents to shuttle children to virtually every activity. Adults cannot walk to work or mass transit, nor utilize retail or community facilities without driving to them. In many of our suburban communities, children no longer walk or ride bicycles to school or to visit friends. In addition to the constraints that this places on parents, it also has health implications.

Potential Benefits of Smart Growth and PGDs

Growth can certainly be a positive aspect of community life, creating new opportunities for work, recreation, shopping, and cultural experiences, but it must be done with care so as not to detract from the qualities of our communities that we currently enjoy. The negative aspects of poorly planned growth, dubbed “sprawl,” are now so apparent that people can be expected to support innovative solutions, such as PGDs. Such support can be expected if they understand the benefits and the benefits are clearly identified through participation in the review process. In order to accommodate future growth, development density must increase at some locations, and that, undoubtedly, will be a concern. But by informing the community of the long-term benefits, that concern can be overcome.

The common-sense approach to new development that has been promoted historically by regional planners, and can be achieved by the PGD methodology, has a wide range of potential benefits that can be presented to gain community consensus. These are summarized as follows:

- Development is implemented as planned neighborhoods or centers that have previously been designated and selected with meaningful community input. This replaces an adversarial and reactionary land use process with a proactive and constructive one.
- It responds to the housing demands of current and future residents, thereby reducing the overall demand for new sprawl development. As empty nester and elderly households are offered suitable housing opportunities in the form of condominium or rental apartments or townhomes in a PGD that is located within their community, not only can they “age in place,” but their former housing accommodations, typically single family detached residences, become available to serve the needs of growing families from within or outside the community. Similarly, the smaller housing types in PGDs will enable young newly formed households to find opportunities to remain in the community.
- PGDs protect natural resources by designating areas to be preserved within the districts as well as relieving development pressures on outlying open space areas in other portions of the community.
- Mixed uses can reduce traffic generation beyond the district by “capturing” trips between uses within the district. It can also provide alternative transportation modes such as walking, bicycling, jitneys, and the like.
- PGDs promote walkable neighborhoods or centers, which encourage healthier levels of activity, social interaction, and an awareness of community identity.
- PGDs facilitate efficient and predictable capital planning for infrastructure such as roads, utilities, transit facilities, and schools, replacing the customary case-by-case, problem-solving approach of constructing high-

way intersection improvements and other capital improvements to mitigate individual project impacts.

- More compact development with shorter, narrower roads and shorter utility distribution systems reduces infrastructure costs. More importantly, PGDs support centralized facilities that allow economies of scale and more efficient and effective technology, such as central water and sewage treatment plants and community storm water management and water quality facilities, rather than relying upon individual septic and storm water systems that may not be properly or regularly maintained. The more effective central systems have positive environmental and economic benefits.
- PGDs bring a mix of land uses that enhance and diversify the local tax base, generating additional revenues to meet the costs of municipal and educational services while also creating a diversity that can be less susceptible to market and economic cycles.

By combining PGDs with incentive zoning and/or the Transfer of Development Rights (TDR), allowable densities can be reduced in other parts of the community and open space preserved. The incentive zoning method is discussed later in this chapter. Under a TDR program, the PGD can be designated as the receiving district for development rights, and areas outside the PGD that are identified as suitable for preservation would be designated as sending districts. These can include natural, scenic, or agricultural open space lands that have been targeted for preservation. (Town Law § 261-a; Village Law § 7-701; General City Law § 20-f). A developer in the PGD can purchase development rights from preservation areas to increase density in the PGD.

By following the steps described in this guidebook, it is possible to achieve community consensus and to plan wisely for future growth. One of the primary advantages of the PGD method of development is that it proposes a proactive rather than a reactive approach to land use decisions. The latter often results in adversarial situations where the focus is on what people do not want rather than what they do want.

Can Priority Growth Districts solve development problems? Perhaps not all, but they can undoubtedly improve the current condition, make for a better future for our communities, and reverse the pattern of sprawl that has become so prevalent.

Priority Growth Districts Defined

So what exactly is meant by a Priority Growth District? Precisely what it is will depend upon the community within which it is located and the site selected for its application. However, the overall concept, including several of its benefits, can be defined as follows:

Priority Growth Districts (PGDs) are specially selected areas where, through the comprehensive planning process, a community has determined that

growth is desirable, compatible with existing uses, and can be implemented in a manner that will enhance the larger community by providing needed housing alternatives, preserving open space, and adding retail, commercial and community uses that support the tax base. PGDs should be served by existing community water and sewer facilities or located where such facilities can be readily provided. PGDs should incorporate traditional neighborhood design concepts that emphasize creating a sense of place in the form of a community or neighborhood center. They should provide a variety of housing types in a cohesive, pedestrian friendly environment, include services and employment opportunities within walking distance from homes, and be designed to respect the district's natural features. In sum, PGDs can accommodate a community's future growth in a manner that minimizes sprawl and creates an opportunity to maximize the preservation of open space both within the district and in other areas of the community.

Generally PGDs will be located where adequate transportation infrastructure is available, such as along or proximate to state or county highways or other arterials, or near transit facilities.

PGDs are mixed-use districts that may be located in a variety of settings depending upon a community's needs, such as:

- on the edge of existing centers that will both serve and benefit from new residential development;
- adjacent to existing neighborhoods where community infrastructure has the capacity to be extended to serve the PGD and whereby combining existing and future residential development, appropriately scaled, readily accessible, non-residential centers can be introduced and supported by the expanded neighborhood;
- as infill in existing underdeveloped or haphazardly developed areas, such as along suburban corridors that can be made more functionally cohesive and less automobile reliant or in areas where an older use is no longer viable, such as defunct mills and closed institutional facilities; and
- in outlying areas where a community has made a decision to establish a new hamlet center that can accommodate future growth, such as at existing crossroads.

Now what might that definition translate into? In every community the "solution" will be different, but all Priority Growth Districts should adhere to common principles described in the next section. PGDs may range in size from as small as 40 acres to as large as several hundred acres. They can include a wide variety of mixed uses; some having only enough non-residential uses to serve the new development, with others containing such a significant non-residential component as to create a new town center. The amount of commercial space that is proposed must be based on the population that will support it, which may be the new community's residents

or also nearby residents. The commercial space must also be planned so as not to have an adverse impact on existing commercial development or hamlet centers. To offer a range, an independent 40 acre site developed at a residential density of at least 6 units per acre can accommodate nearly 250 units. Depending on circumstances, such a development might be able to support between 5,000 and 10,000 square feet of convenience retail or personal services. A PGD involving several hundred acres, and serving the larger community could include up to 1,000 housing units and several hundred thousand square feet of non-residential space.

CASE STUDY ILLUSTRATIONS

La Grange Town Center

Perhaps the best way to illustrate the concept is to describe specific projects that embody many of the recommended principles of PGDs. An example of what could be considered a major PGD is the *Town Center Zoning District* that was adopted in the Town of LaGrange for its Freedom Plains area. The following graphic, the “LaGrange Town Center Illustrative Plan,” provides one possible manifestation of a PGD. The Dutchess County Planning Department worked with the community and landowners to prepare the illustrative plan to serve as a guide for future development.



LaGrange Town Center Illustrative Plan
 Courtesy of the Dutchess County Department of Planning and Development

Several concepts from Dutchess County’s *Greenway Connections* have been incorporated into the Illustrative Plan, and these are designed to achieve many of the principles of PGDs that should be encouraged. In the LaGrange Town Center, the PGD concept was applied to an existing suburban commercial corridor and to the undeveloped lands surrounding it. It is intended to be a new hamlet, serving new and existing residential development, so the amount of commercial development proposed may be greater than that which would be appropriate for a PGD in a different setting. However, it introduces the concepts of mixed-use development, a variety of housing types, and walkable design elements that create a main street scale and a sense of place. The zone encompasses 616 acres, of which 133 acres are New York State designated wetlands. A preliminary estimate of development potential, as discussed in the *Generic Environmental Impact Statement for the Town Center*, could include as much as 220,000 square feet of commercial space, including up to 160,000 square feet of retail uses, a supermarket and restaurants, a 50,000 square foot government center with a library, and between 560 to 680 housing units of all types: senior housing and assisted living units, apartments, townhouses, and single-family residences. It will be served by central water and sewer and is located along a State highway. It is likely to be one of, if not the largest, PGD type developments to be undertaken in the county.

Warwick Grove, Warwick

The Warwick Grove project, in the Village of Warwick, is a compact, pedestrian-oriented community of 215 residences. It includes single-family residences, townhouses, and condominium apartments, together with community parks, a meetinghouse, and walking trails. Commercial uses may include a bed and breakfast, live-work townhouses, and a small general store.

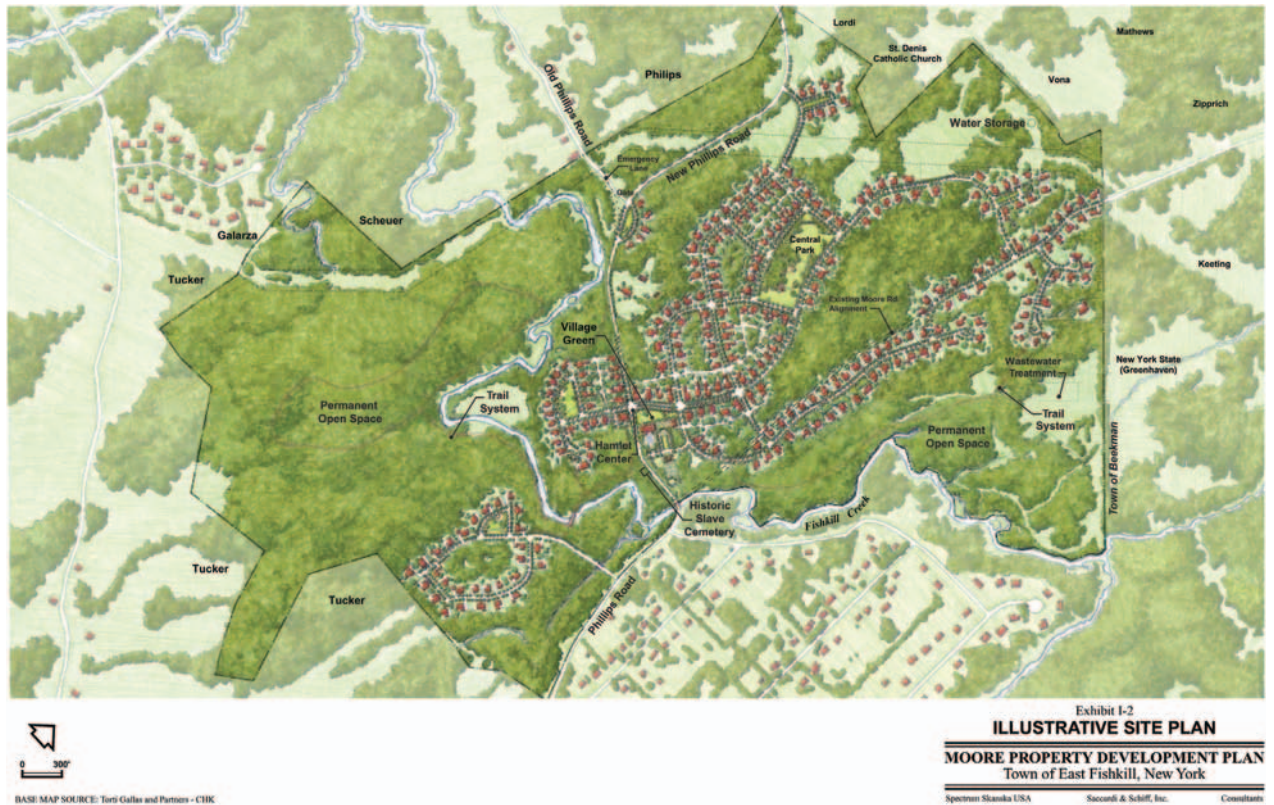
Warwick Grove is located on the edge of a historic village, adjacent to Veteran’s Memorial Park, where little league baseball and many other village activities take place. Warwick Grove is an “Active Adult” community, intended for occupancy by persons 55 years of age and older; all permanent residents must be over 18 years of age – thus, there will be a positive impact on the local school budget from the property taxes generated, but no burden from additional students.

As part of the approval process, the developer agreed to donate 12 acres of land for expansion of Memorial Park, as well as a two acre parcel, which will be the site of a new public library. Warwick Grove is the first community in New York planned by Duany Plater-Zyberk & Company (DPZ). DPZ has planned over 250 Traditional Neighborhood Development (TND) communities throughout the nation and overseas, including the first recognized and much celebrated TND, “Seaside,” in the Florida panhandle.

Four Corners, East Fishkill

Another example of the PGD approach, in what may be a more frequently encountered scale of development, is the Four Corners project (The Moore Property) in East Fishkill. This project could be considered an initial step toward implementing

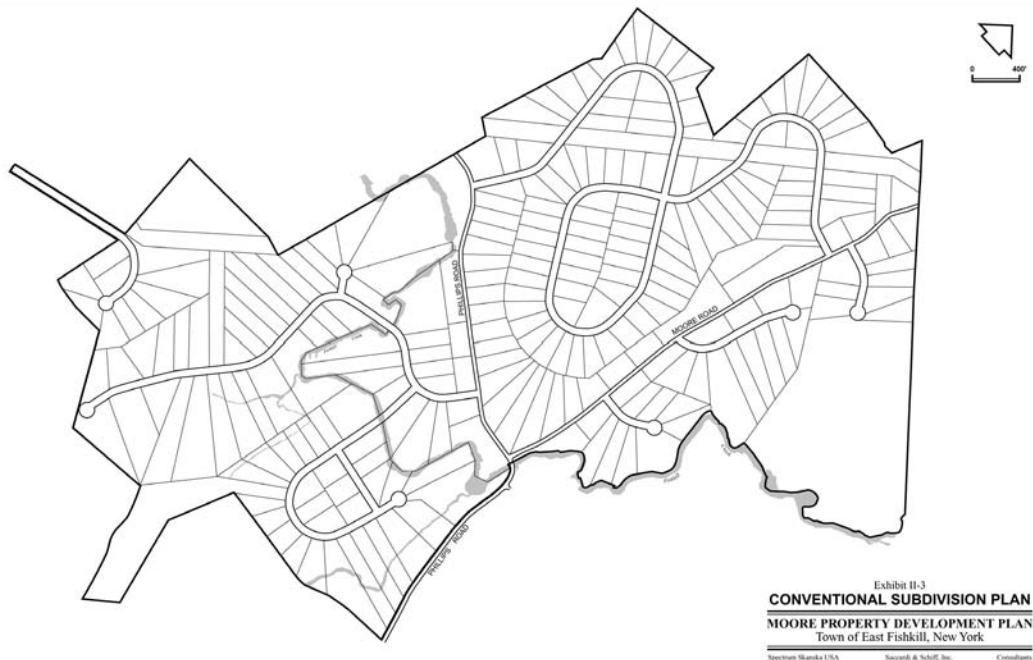
development with several of the desired components of Priority Growth Districts. While it is a mixed-use development, it consists primarily of single-family detached residences of various types and sizes on building lots of various areas. The project preserves a significant area of open space within the site, and encourages community interaction through the creation of a core or “Hamlet Center” that includes a village green, a meetinghouse, possibly a day care center, and a general store with offices above, which primarily serves the residents of the development. Occupying 480 acres, the development includes 263 single-family residences (including fourteen affordable units), 10,000 square feet of retail/office space, civic space, and active and passive open space with external trails and sidewalks connecting all parts of the development as depicted in “Illustrative Site Plan- The Moore Property Development Plan.”



Illustrative Site Plan (Four Corners)

LaGrange Town Center, Warwick Grove, and Four Corners are described in greater detail in Chapter Six of this guidebook. These projects may well be examples of PGD type development. The LaGrange project is designed to create a town center in a community that has no existing center. As such, developers propose commercial, civic, and a wide range of residential uses together with a substantial open space component. Warwick Grove is mixed-use active adult community located on the edge of the Village. The Four Corners is situated in close proximity to the

Taconic State Parkway, but not in close proximity to an existing center. It incorporates several principles of traditional neighborhood design with the intent to create a walkable community “where residents interact at their common facilities and along the sidewalks that connect residential areas with the Hamlet Center.” The Hamlet Center is located at the juncture of two town roads so it might serve residents of the larger community beyond the proposed development. It attempts to create a focal point that brings new and former residents of the community together. The retail component is relatively small, designed to serve the immediate area and not compete with the nearby hamlet center of Hopewell Junction. Perhaps the more important consideration for the surrounding neighborhood is the fact that the “enhanced cluster design” preserved 311 acres of the site’s 480 acres. The enhanced cluster concept permitted a wide range of lot sizes, including 10,000 square foot lots rather than the one acre lots that would ordinarily have been required by East Fishkill’s zoning regulations. While not embodying all of the features of a classic PGD, Four Corners and Warwick Grove are of a character that may be more readily accepted as a community’s first foray into the mixed-use PGD concept.



Conventional Subdivision Plan (Four Corners)

PRIORITY GROWTH DISTRICT PRINCIPLES

In order for the PGD concept to be effective, it must be applied in a flexible manner, but with adherence to certain fundamental principles.

As presented in subsequent chapters, there are a number of steps in a comprehensive planning process that must be taken to properly identify and designate appropriate sites and provide the necessary design criteria for Priority

Growth Districts. Those chapters address planning and zoning, site selection, site design, and the provision of water and sewer facilities. Local case studies, LaGrange Town Center, Warwick Grove, and Four Corners, are described in greater detail in a subsequent chapter, and nationwide case studies are presented to give communities a wide variety of projects from which to select appropriate concepts of scale and design for their PGDs.

The PGD process begins with the preparation of a comprehensive plan that promotes the implementation of Smart Growth principles (specifically including the creation of PGDs) and identifies the criteria for their establishment, such as proximity to highways, transit facilities, existing development centers, existing neighborhoods, etc. The comprehensive plan should also define the tools and techniques that can be used by the community to define and encourage PGDs. These could include zoning incentives to achieve desired community objectives, such as affordable housing, open space preservation, and the like, or possibly the transfer of development rights to shift development from outlying areas deemed worthy of preservation into the PGDs. Thereafter, the process focuses on site-specific suitability considerations such as the amount of available developable land, the availability of necessary infrastructure such as central or municipal water and sewer facilities, the environmental characteristics of the site, and market demand at that location.

Depending upon the size of the district, which could be as small as 40 acres or as large as several hundred acres, the plan can be designed as a single project or a number of individual projects that will be integrated into a single master planned neighborhood or center.

What fundamental principles should be adhered to in designating and designing PGDs? The principles of Smart Growth and traditional neighborhood design are key. While many descriptions of Smart Growth have evolved, several common elements or principles appear in virtually all of them. These should be prerequisites for the location and development of PGDs.

A relevant collection of Smart Growth principles was developed by the Environmental Protection Agency. (<http://cfpub.epa.gov/sgpdb/glossary.cfm?type=topic>). These can be achieved in varying degrees depending upon the specific qualities of a particular district. A description of these principles and how they can be used to guide PGD selection and design is as follows:

- **Encourage community collaboration in development decisions** to ensure early and frequent involvement of all community members throughout the planning and development decision-making process.

This is critically important in the comprehensive planning phase when the locations and criteria for PGDs are being identified. Since density will be increasing in designated areas, in order to gain acceptance for the plan, residents must be informed of the overall benefits to the community. All interested parties must be invited into the process, including residents, property owners, the business community, developers, and builders, so that those who will be affected and those who will be implementing the PGDs plan will have had input into its formation.

Community support from the onset will also allow development projects within PGDs to be expedited.

- **Make predictable and cost effective development decisions.** This principle recommends that development designs which enhance community, preserve the environment, and address other community needs should be encouraged and expedited.

The comprehensive planning process that establishes the PGD should include the preparation of a Generic Environmental Impact Statement so that future development proposals that conform to the PGD's objectives and criteria can undergo a simplified environmental review process.

- **Direct development toward existing communities** by encouraging re-investment and redevelopment of communities that possess previous investment of infrastructure and development.

PGDs should be served by existing transportation infrastructure and by central water and sewer facilities that may be extended from existing developed areas. Where possible, such as in the case of the LaGrange Town Center, existing development can be expanded and re-organized to create a cohesive and efficient community center. Where surrounding or adjacent suburban development already exists, the introduction of a mixed-use project can create a core or center that is supported by existing and new development, creating a sense of place for both. New hamlets on vacated and undeveloped land should be built at a scale that allows for the development of supportive water and sewer facilities.

- **Take advantage of compact building design** by constructing buildings vertically rather than horizontally and configuring them on a block or neighborhood scale that makes efficient use of land and resources and is consistent with neighborhood character and scale.

This can be achieved by “enhanced clustering” that configures residential development of various types (multifamily, townhomes, apartments, and single-family detached residences) on a range of lot sizes in proximity to community facilities including retail, services, and recreation. This configuration also creates the opportunity to achieve density while preserving usable and appropriate open space within and possibly beyond the district.



I'On, Mt. Pleasant, South Carolina
Photo courtesy of I'On

- **Foster distinctive and attractive places**, which are regions, towns, and communities whose architectural and natural elements reflect the interests of all residents and which reinforce and contribute to community cohesiveness.

Design criteria should be established for PGDs which emulate the identifying features and enhance the architectural character of the larger community. Where such character is not well defined, the PGD can be designed to create the sense of place that may be lacking.



I'On, Mt. Pleasant, South Carolina
Photo courtesy of I'On Village



Kentlands, Gaithersburg, Maryland
Photo courtesy of Duany Plater-Zyberk

- **Mix land uses** by placing differing uses, such as residential, commercial, and retail, in close proximity to one another, whereby alternatives to driving, such as walking or biking may be fostered. The enhanced pedestrian activity can increase the sense of place and revitalize community life.

A mix of uses at an appropriate density in a PGD may also be sufficient to support public transit or a private jitney to reduce reliance on the automobile.



Haile Village, Gainesville, Florida

- **Preserve open space and farmland** by protecting natural areas such as habitat, agricultural land, scenic areas, and environmentally sensitive areas from development through acquisition of land or development rights or removal of development pressure.



Town of Tioga, Gainesville, Florida

In the PGDs themselves, this can be done by designating development and preservation areas within the district. PGDs can also reduce development pressures in other areas of the community. PGDs can become receiving areas under a transfer of development rights program that shifts development rights from those areas outside the district that are worthy of preservation. Zoning incentives also may be included in the PGD, such as increased density in exchange for contributions to an open space preservation fund for the acquisition of land or development rights beyond the district’s boundaries, as discussed later in this chapter.

- **Create a range of housing choices** by providing households of all income levels, ages, and sizes with the ability to live in a home that meets their needs and, where possible, locating them in proximity to the workplace.

PGDs can permit a range of housing types from the “apartment over the store” to larger lot single family residences with condominiums and townhouses in between, thereby meeting the needs of the community for a range of household sizes and types that were identified in the comprehensive planning process.

- **Provide a variety of transportation choices** by providing residents with multiple, safe and connected options including driving, rail and bus transit, biking, and walking. This is accomplished by incorporating the principles of compact building design and mixed uses that support multiple travel choices.

Reducing vehicle trips results in reduced congestion on community roads. Sufficient density to support convenient and safe public transit removes more vehicles from those roads with the resulting improvements to quality of life.

- **Create walkable neighborhoods** that locate housing, offices, retail, public transportation, schools, libraries, and other community facilities within a safe and easy (1/4 mile) walking distance from places of residence. Again, mixing land uses in a compact building design and adding inviting pedestrian corridors creates a streetscape that better serves a range of users.



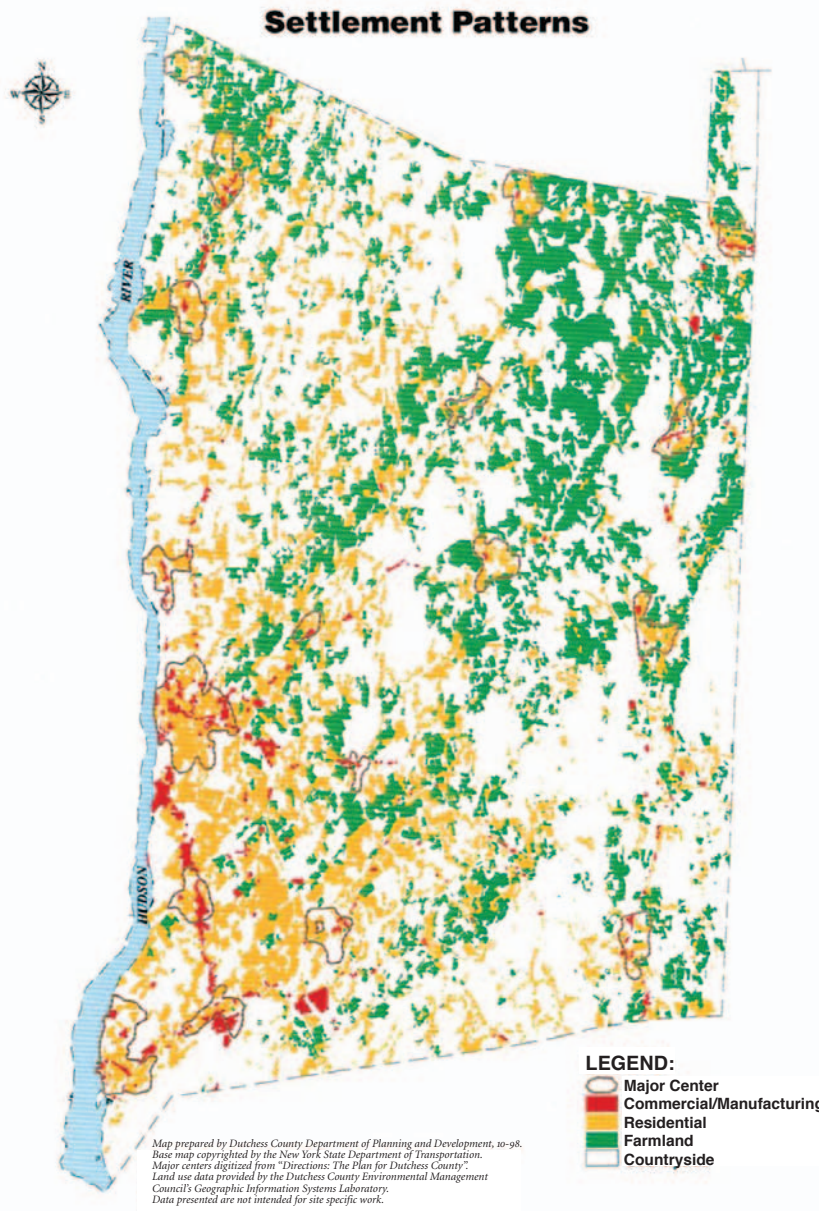
Kentlands, Gaithersburg, Maryland
 Photo courtesy of Duany Plater-Zyberk

In PGDs this can be accomplished by the inclusion of a core with a variety of services and amenities suitable to that particular location, and a variety of housing types at different densities, including apartments over stores, townhomes, and condominiums, with sufficient density to encourage walking to essential services. Walkable neighborhoods can be enhanced by the inclusion of several elements of traditional neighborhood design. As suggested by the Congress for the New Urbanism, buildings should be designed to make the street feel safe and inviting, by having front doors, porches, and windows facing the street – rather than having a streetscape of garage doors. The neighborhood center should include formal civic spaces and a square. A neighborhood should also meet the “popsicle test” that states that an eight-year-old in the neighborhood should be able to bike to a store to buy a popsicle, without having to contend with highway-size streets and freeway-speed traffic. (http://www.cnu.org/about/_disp_faq.html)

All of these principles and design characteristics can be included in the planning objectives and related design criteria for PGDs. As noted above, their manifestation in a particular PGD will depend upon its unique circumstances and characteristics. Each community can choose to either map the PGD and include specific design criteria, or to create a “floating zone” with its eligible location and design criteria clearly specified.

IDENTIFIED COMMUNITY NEEDS AND BENEFITS

In order to provide some insights into the specific community needs that can be addressed and other benefits that can be realized by PGDs, a discussion of identified needs in Dutchess County, and the potential benefits to be derived from actual projects, are discussed here. Additional community benefits that can be achieved through the use of incentive zoning are also discussed.



Courtesy of the Dutchess County Department of Planning and Zoning

Settlement Patterns and Demographic Conditions

Despite Dutchess County's countywide planning emphasis on directing growth to reinforce and build upon existing centers and to preserve the rural countryside, the demand for relatively more affordable housing (more affordable than that found in counties closer to New York City) has generally been responded to with the development of large single family detached residences in single use developments on conventionally subdivided large lots. The sound planning principles set forth in *Directions* and *Connections* have not yet been realized.

The Dutchess County *Smart Growth Housing Task Force Report* released in December 2001 by the Dutchess County Department of Planning and Development, identified several serious issues related to demographics, economic vitality, land use, and the traffic impacts that have arisen in outlying areas. These could, in part, be addressed by encouraging mixed-use Priority Growth Districts, especially districts that would permit a variety of housing types to meet a range of demographic needs.

Some facts and trends highlighted in the report, which were based on an analysis of population trends between 1990 and 2000, include:

- One and two person households represent more than 56% of the county's population;
- A 38% increase in the 45-55 age category;
- A 30% increase in the over 85 age category;
- A 33% decrease in the 18-34 age category – the report described younger single households as fleeing Dutchess County at an alarming rate; and
- A 26% increase in single parent households.

All of these factors point to the need for smaller and more affordable housing opportunities. However, the report also notes that since the 1950's:

- The median size of a home in Dutchess County has nearly doubled from around 1,000 square feet to almost 2,000 square feet; and
- The median lot size has increased from 0.4 acres to 1 acre.

Virtually all of the housing that is being built consists of very large, single-family detached homes on larger lots, as communities have "upzoned" to reduce density in an effort to reduce environmental impacts, traffic generation, and municipal costs. Consequently, the problems have been exacerbated rather than mitigated. Even without considering the important question of affordability, it is apparent that the housing product that is being built is not addressing the physical requirements of the changing population. This is characteristic of other outlying counties, such as Orange County, which are experiencing similar growth trends, and also characteristic of other more typically suburban New York counties.

Open space and agricultural land is being lost at a significant rate due to the emphasis on large lot single-family development. *Directions* noted in 1987, primarily due to population growth, approximately 1,800 acres of forest and agricultural land were being

converted to development each year. Between 1980 and 1990, the County's population increased by 14,407 persons (from 245,055 in 1980 to 259,462 in 1990). In the next decade population increased by 20,688 persons to 280,150. (U.S. Census, Dutchess County Department of Planning & Development-<http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/PLCensusOtherCo.pdf>). Consequently, it can be estimated that between 1990 and 2000, thousands of acres of agricultural land and other open space areas, perhaps 20,000 acres or more, have been converted to residential use.

The *Smart Growth Report* also concludes that traffic volumes and commuting times have increased, which can be attributed to a higher percentage of new residents and current residents who commute to New York City and to Westchester County for employment. For example, the report notes that there have been significant increases in annual average daily traffic on southern portions of the Taconic State Parkway (TSP) between 1990 and 1999, with gains as high as 52% on some sections. Also, counts at the interchange between the TSP and I-84 increased by 39% during that same time period. According to the census, in 2000, nearly 20% of Dutchess County households had 3 or more cars available and nearly 62% had 2 or more vehicles available. (U.S. Bureau of the Census, Dutchess County Department of Planning & Development – <http://www.co.dutchess.ny.us/CountyGov/Departments/Planning/PL2000cars.pdf>). Clearly, Dutchess County residents depend on their automobiles. The *Smart Growth Report* also notes that as people spend additional time commuting, they have less time for volunteer services. Communities must then rely more on paid staff to perform municipal and emergency services, increasing governmental costs and real estate taxes that must be levied.

Added Benefits of Incentive Zoning

By completing the comprehensive planning process and the preparation of the Generic Environmental Impact Statement (GEIS) that are recommended for the establishment of Priority Growth Districts, a community would be in the position to include incentive zoning as a tool to enhance the PGD. Incentive zoning can enable communities to provide bonuses to property owners, such as increases in permissible height, floor area, density, and population, in exchange for the provision of certain specified community benefits such as affordable housing, open space preservation, elder care, day care, or other specific physical, social or cultural amenities, or cash in lieu thereof. Clearly, a wide range of community benefits can be identified within those parameters.

Town, Village, and General City Law grant authority to adopt incentive zoning, subject to certain procedural and substantive requirements. They all require that the system of zoning incentives or bonuses be in accordance with a comprehensive plan and that a GEIS be prepared if the incentives may have a significant effect on the environment. Undoubtedly, as part of the planning and environmental review for the identification and designation of a community's PGD(s), an evaluation of the district's capacity to accommodate increased density would be a central consideration. It can be expected that community residents will be concerned about the potential negative impacts of increased development in PGDs. The GEIS can be

used to define appropriate mitigation and enhancements on a district-wide basis. As stated earlier, the community-wide benefits will need to be clearly evaluated and presented to interested parties.

DEVELOPER BENEFITS

Developer Certainty and Streamlined Approvals

Development proposals are often received with suspicion, concern, and sometimes outright hostility, especially in areas of rapid growth where community members fear the loss of the character that originally attracted them to a place. Often the development process is reactionary, where the community's attention to a property or an area results from a developer proposal or a number of proposals. The initial inclination is to stop a project entirely, rather than constructively discuss the actual issues and any potential adverse impacts, as well as the mitigating measures that might be used to address them and perhaps even improve upon existing conditions in an area.

The comprehensive planning process and environmental review that underlies the identification and implementation of PGDs, if thoroughly done, can remove, to a large degree, uncertainty on both the developer's and the community's part.

The adoption of the LaGrange Town Center District included the preparation of a GEIS that went a long way toward identifying necessary mitigation measures, primarily in the form of roadway improvements and central water supply and sewage treatment facilities that would be needed. Individual projects will still be required to undergo environmental review. It is not clear whether projects will benefit from an expedited approval process. However, it is quite possible that with the major issues having been identified, an applicant and the community will be able to focus more quickly on what specific improvements must be made to accommodate a particular development in the district and the method for its implementation.

The Illustrative Plan that is incorporated into the comprehensive plan for the Town Center in LaGrange should be the guide for the site specific projects and should help expedite the approval of projects that conform with its principles.

The more clearly the community expresses its vision for the district, and the more thorough the environmental review, the fewer questions will remain when a specific development proposal is contemplated and proposed. However, in order for the findings of the studies to be relevant, it is critical that property owners and the development community are involved in the comprehensive planning process so the vision that is formed is feasible and can be implemented.

The uncertainty and the complexity of the current approval process results in a number of adverse effects on the developer, including the time required and financial costs incurred. For example, in Westchester County, soft costs associated with obtaining approvals, such as consultants, fees, processing, etc., can be as much as the cost of the property itself, and periods of up to three years or more to obtain approvals are not uncommon. Not only do these expenditures and the costs to carry the property during that period add to the risk associated with the development and

the cost to the consumer, market cycles can come and go, and a product that was in demand at the onset could be oversupplied by the end of the process. Only developers with substantial capital are likely to be able to proceed under these circumstances, thereby limiting the participants in the area's economic growth. By reducing risk and lowering development costs, smaller and more local builders may become involved in the community's progress. In addition, incentives might be provided to larger developers who are building master planned communities, in order to encourage the involvement of local trades and businesses in their projects.

Market Diversity

It is common knowledge that the real estate industry is susceptible to favorable and unfavorable business cycles. It is affected by interest rates, and by general economic factors such as employment and unemployment, etc. When interest rates are low, as they have been for the past several years, demand for "for-sale" housing rises, and demand for rental units often declines, as purchasing "a piece of the rock" becomes more feasible for more households and more attractive than renting. Obviously oversupply of a given housing product will adversely affect its marketability. By allowing developments that include a range of housing types, developers can plan production in a way that responds to the market demands of the community and of the times. The ability to offer a variety of housing types can also improve sales absorption by enabling the developer to satisfy the needs of several segments of the market.

Meeting Societal Needs

Before the negative effects of sprawl were encountered, developers were largely regarded as meeting valuable societal needs: creating places for people to live and work and traditional mixed use communities where people gathered. Today, most developer's projects are regarded negatively: they cause more traffic or the loss of open space. By identifying PGDs, developers once again can be seen as valuable, even necessary, to the community's vision for its future. They can be seen as implementers of a sound comprehensive plan that embodies smart growth principles.

Having an opportunity to work positively and constructively with a community to implement a soundly developed plan can be extremely rewarding. It can create a sense of accomplishment and satisfaction. Communities with clearly defined plans, supported by citizens, realize that developers are assets, not liabilities, and work together with them to achieve a common vision.

There is a tremendous emphasis in the planning and real estate industries on the wisdom of Smart Growth, mixed-use development, traditional neighborhood design, and place-making, all of which have been described as elements of Priority Growth Districts. If a community wishes to create an environment where those concepts can be pursued, it will undoubtedly find many willing and qualified partners.

We have an opportunity, through true public/private partnerships, to change the course of sprawl and re-create places where people can live more rewarding lives with less effort and more community involvement. This book will be helpful in that effort.

Zoning and Planning

INTRODUCTION

If a municipality is considering the use of Priority Growth Districts (PGDs), how should it proceed?

For a community to concentrate its future growth in PGDs, it must first identify this objective as a component of its comprehensive plan, and then use the various implementation tools available under New York law to achieve its objective. This chapter provides a step-by-step method for developing a PGD component in a municipality's comprehensive plan and descriptions of the available implementation techniques.

THE COMPREHENSIVE PLAN

The comprehensive plan as the overall guide for land use policy decisions, defines the optimal pattern of development within the community and the manner in which the community can achieve that development. The comprehensive plan plays an important role in land use policy because state law requires zoning regulations to be enacted in accordance with it. Comprehensive plans typically take stock of a locality's strengths and weaknesses, often in terms of preserving the natural environment and meeting demographic needs such as housing and transportation.

Some comprehensive plans are simple and straightforward, essentially presenting a land use map that is a basis for the zoning code and zoning map, and not much more. Other plans are more sophisticated, particularly when defining implementation tools designed to make the plan proposals a reality. For plans to serve the objectives of Smart Growth, they should carefully assess growth pressure and environmental constraints, and identify areas appropriate for growth and those that must be preserved. The plan should also identify the land use regulations needed to accomplish both conservation and development objectives. A general planning process is set forth below that may serve as a guide to municipal leaders who desire to direct future development to PGDs.

Comprehensive Plan:
A written document that identifies the goals, objectives, principles, guidelines, policies, standards, and strategies for the growth and development of the community.

The Planning Process

- (1) Identify Critical Issues
- (2) Set Goals
- (3) Establish Objectives
- (4) Develop Planning Strategies
- (5) Devise an Implementation Plan

Step One: Identify Critical Issues

An initial description and analysis of existing conditions within the community provides the basis for all comprehensive plan proposals. When a community is contemplating adopting a PGD component, it should gather and analyze community opinion and conduct studies on existing land uses, infrastructure, environmental features, and current and future housing needs.

The information gathered during the initial phase of a comprehensive planning process will vary depending on the physical environment of the community. Rural and semi-rural communities may address issues of farmland preservation, maintenance of scenic views, aquifer protection, and prevention of residential and commercial sprawl. In localities with built-up hamlet centers, downtown areas, highway strips, and other activity nodes, the existing condition studies often take a more detailed look at problems and opportunities. These communities will usually conduct studies related to incompatible land uses, building conditions, relationships between structures, roads and facilities, pedestrian activity, and other design features in order to facilitate a comprehensive plan component designed to enhance existing built-up areas.

Communities planning PGDs can further their analyses by utilizing a planning technique that identifies areas susceptible to change-sites or areas with development potential over the 10 to 15 year horizon of the comprehensive plan. In defining areas susceptible to change, the comprehensive planners should examine sizable tracts of vacant or underutilized land with good transportation access, existing or potentially available water and sewer service, and limited environmental constraints. Such areas might be located within or adjacent to hamlet centers or at crossroads. They might also exist in outlying locations where access, infrastructure, and other characteristics make them prime for development. Communities may categorize areas susceptible to change in terms of short-term, intermediate, or long-term market appeal. As the comprehensive plan evolves, certain areas with short-term potential (i.e. 5 years) may be determined to be PGDs, where development of a certain type and design would be encouraged. Other areas susceptible to change may be designated for low-density development or open space preservation for reasons clearly set forth in the comprehensive plan.

It is critical to encourage and develop public participation during this early phase to insure that the community supports the next steps in the process. Community

surveys are an ideal starting point. Citizens can be invited to discuss and make recommendations related to existing problems within the community.

Step Two: Set Goals

After a community has identified critical issues, it is ready to set goals that specifically address each of those issues. Community involvement is the cornerstone of this portion of the comprehensive planning process. A process currently referred to as “visioning” facilitates an exchange of ideas with the community. This process is designed to establish a direction for each major component of the comprehensive plan, e.g., land use, housing, open space, community facilities, transportation, and economic development.

Illustration: Kentlands, Maryland

As an example of how the involvement of a large number of community members can ease the planning process, we look to the communities of Kentlands and I’On. In June of 1988, the developer of Kentlands, its planning firm, the City of Gaithersburg Department of Planning, concerned residents, and county officials attended a five-day planning charette. Because of the involvement of multiple parties, the zoning application process was streamlined with relatively little community opposition.

The possible application of a variety of housing types should be considered at this point. The visioning process should address the potential use of clustering, age-restricted housing, incentive zoning, and other planning techniques that are available to meet broad housing needs and create viable neighborhood developments. These same techniques can be used to implement PGDs when the community vision calls for integrating these types of residences with commercial, retail, and community service land uses. The conceptual basis for PGDs should be firmly established in this stage of the planning process, thereby emphasizing how and where specific types of growth should be pursued, in contrast to the other portions of the community where the vision may be very low density development or open space preservation.

Illustration: Alachua County, Florida

Alachua County is in the process of redrafting its Land Development Regulations to comply with its recently amended Comprehensive Plan. The county is holding sessions to inform and get comments from the public to assist in drafting the regulations in accordance with the county's comprehensive plan. Issue papers are distributed to members of the public discussing various regulation proposals prior to each of the public meetings. Through the meetings, interested members of the public are afforded the opportunity to become better informed on the county's land use policies and voice any concerns that they may have regarding them. Once the comment period is completed, the county planning department will amend the regulations as necessary and send them to the county council for approval.

Step Three: Establish Objectives

Objectives are statements of attainable, quantifiable, intermediate-term achievements that help accomplish goals contained in the comprehensive plan. To set realistic objectives a community must carefully assess the resources available to it in addressing its most critical issues. Communities will want to gather information on its available resources from various agencies connected with public services, housing, education, employment, transportation, and natural resource protection. This is a fundamental step in the planning process for communities desiring to direct growth to PGDs. To provide for appropriate development, it is necessary to identify where development should occur, what types of development are desired, at what densities, and what infrastructure and services are needed.

Step Four: Develop Planning Strategies

Strategies are the specific actions recommended to accomplish each objective. One or more actions may be suggested to attain the objective. There are two basic ways of directing development to appropriate development sites. The first is to recommend precisely where PGDs should exist. The plan can designate a new zoning district, such as a PGD, where it identifies particular locations for future growth.

Illustration: I'On, South Carolina

Mt. Pleasant, South Carolina identified the current location of I'On Village as an ideal site for a PGD community while it was in the process of amending its comprehensive plan, however, it did not formally designate it as such. As a result, I'On's developers had to apply to the Town Council for the approvals needed under the Town's land use regulations in order to develop the PGD community.

The second method is to define what an appropriate development site is without identifying exactly where it is located. Characteristics of such sites may include lack of environmental constraints, presence of county and state roads, availability of central water or sewer, etc. Where the plan lists the desirable characteristics for growth areas, it can specify that an overlay zone, floating zone, or planned unit development rezoning should be used to enable development in such areas. This will stabilize, rather than inflate, land prices and insure that vital amenities and infrastructure can be provided. In both instances, incentive zoning can be used to allow the desired uses and densities.

Planned Unit Development. (PUD) A zoning district that permits land developments on several parcels to be planned as single units and to contain both residential dwellings and commercial uses. It is usually available to landowners as a mixed-use option to single uses permitted as-of-right by the zoning.

Floating Zone. A zoning district that is added to the zoning law but “floats” until an application is made to apply the new district to a certain parcel. Upon the approval of the application, the zoning map is amended to apply the floating district to the parcel of land.

Overlay Zone. A zone or district created by the local legislature for the purpose of conserving natural resources or promoting certain types of development. Overlay zones are imposed over existing zoning districts and contain provisions that are applicable in addition to those contained in the zoning law.

Step Five: Devise an Implementation Plan

The final step in the process calls for drafting the specifics of the comprehensive plan. An effective implementation plan will designate the agencies and officials responsible for each action, identify necessary resources, and set out a time frame for completing each action. Details vary widely from community to community. While all plans consider future land uses and densities of development, some may present detailed designs for redevelopment of certain areas, while others may provide detailed transportation elements.

Few land use plans detail how their objectives are to be achieved. More typically, the implementation section of the comprehensive plan is a tacked-on chapter of the report, citing various tools that are generally available to implement the plan. Although some plans do contain fairly specific recommendations for zoning changes, few consider the full range of realistic implementation tools concurrently with the creation of plan proposals. If PGDs are designed to be a definitive goal for the community – something the planners, decision makers, and citizens agree upon early in the comprehensive plan process – specific plan proposals and implementation measures must be spelled out in the plan. The implementation plan should coordinate all the related strategies that are to be carried out to achieve the objectives

contained in the comprehensive plan. The implementation plan should answer the questions: who, what, where, and how.

To attract high quality developers to the community, certainty in the approval process, along with timely reviews and approvals, must be provided. In addition, the plan may have to take into consideration assistance in the assemblage of land. In certain cases, for example when a PGD is in close proximity to an existing crossroads or hamlet center, with components that serve broad community-wide or regional needs beyond the reasonable scope of an individual project, financial incentives, and the use of grant monies may need to be secured. Monies for road improvements, pedestrian trailways, or open space acquisition can be achieved with outside funding sources complementing private sector investments.

Promoting PGDs should be based upon a well-planned public/private partnering program designed to facilitate development as envisioned in the comprehensive plan. If properly drawn, the comprehensive plan will establish a consensus for a future development pattern within the PGDs. A consensus should extend throughout the various boards of the locality, including those that adopt, apply, and interpret the community's plan and land use laws.

IMPLEMENTATION TOOLS

Zoning and Land Use Regulations

Following the direction provided in the comprehensive plan, PGDs should be listed as permitted uses in the locality's zoning ordinance. The locality can accomplish this in a number of ways. These include designating a fixed PGD location on the zoning map, or use of a Floating PGD Zone or a PGD Overlay Zone. These provisions are often complemented by the adoption of other innovative zoning techniques, such as special permits, incentive zoning, cluster development, and special site plan or subdivision regulations, to name a few.

The power to adopt and amend zoning regulations is a legislative one, and is exercised by the village trustees, town board, or city council. Once relevant studies have been completed, the zoning mechanism has been identified, and its substantive provisions have been drafted, public notice must be given and a public hearing held. Compliance with environmental review provisions of state law and conformance with the comprehensive plan are also required.

The local legislature may want to precede these formal steps with a variety of informal meetings with landowners and citizens who will be affected. This helps the locality to gather needed information, learn more about the impacts of its legislation, and develop support for the proposals. This is always a good idea where land use controls are being amended or adopted in any significant way.

Priority Growth District

The most direct method of implementation is to locate the PGD on the adopted zoning map with boundaries following property lines to the extent possible. This method

works best when the community has a clear idea of the location for the PGD. A community should be aware that such a designation may inflate property values and disrupt the marketing and affordability of the PGD.

Floating Priority Growth District

Alternatively, the zoning ordinance could be amended to contain a Floating Priority Growth District. A floating zone simply defines a land use that the community wants to encourage. Floating zones are usually added to existing zoning laws to define certain uses when the community desires them, but for various reasons, does not choose to affix the zone to a specific location. Floating zones allow developers flexibility in locating sites and determining how new land uses can be designed and buffered to fit into their surroundings.

The floating zone's location can be affixed to a qualifying parcel of land in two ways. The first way is by application by the parcel's owner to the planning board for an advisory decision, which requires final approval and rezoning by the local legislature. The second is for the local legislature to affix the zone to a parcel on its own initiative. An owner who requests that the zone be applied to a particular parcel must demonstrate that the property exhibits the proper characteristics for growth and a variety of impacts will be properly handled, such as traffic and site access; water and sewer service; design continuity; effect on natural resources; visual and noise impact; preservation of open space; and the effect on nearby property values. Upon approval, the parcel is rezoned to reflect the new use and becomes a small zoning district; its development is governed by the use, dimension, and other provisions of the floating zone.

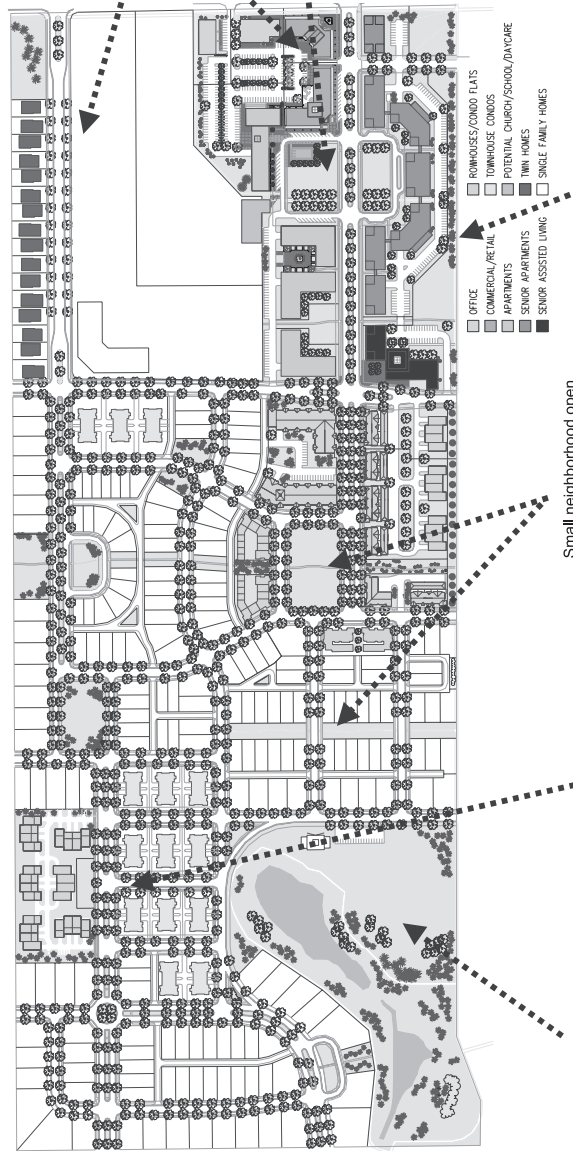
As part of the application for the Floating PGD, the applicant should be required to submit a conceptual development plan, clearly outlining the parameters of the proposed development. The components of this plan should include:

- The disposition of various land uses and the areas covered by each, in acres.
- A sketch of the interior circulation system with (1) all existing and proposed roadways, whether public or private and (2) pedestrian sidewalks and pathways, linking the development, its amenities, and its open spaces together, with connections provided to abutting areas where applicable.
- Delineation of the various residential areas, indicating the number of dwelling units, approximate square footage and bedrooms by each housing type, and square footage for each type of accessory use. The plans should show the density, in dwelling units per acre, for the entire development. It should clearly articulate provisions for meeting the community housing needs.
- The open space system and proposed recreation facilities, an indication as to how the open space system would be preserved throughout the life of the development, and how it would be owned and maintained.

General Development Plan

Liberty Square

NEIGHBORHOOD DESIGN FEATURES



Interconnected pattern of narrow, pedestrian-friendly streets, designed for neighborhood-type traffic speeds.

Neighborhood-scale commercial and office space with apartments above.

Town Square will provide an anchor for the development as well as a neighborhood-gathering place.

Mix of housing types, sizes and costs.

Parking and garages located at the rear of most single-family residential properties.

Underground parking typical for Apartment buildings and Condominium flats.

Neighborhood connections to regional trail system, allowing access to and from Liberty Square by multiple modes of transportation.

Small neighborhood open spaces with pedestrian pathways located throughout the neighborhood, accessible to nearby residents.

Stonehaven Drive designed to control speed of through traffic.

Parkland dedication of 13.85 acres, including joint-venture community shelter, playground, bike trail and natural area.

Liberty Square, Sun Prairie, Wisconsin

Illustration courtesy of Sun Prairie Department of Planning and Economic Development

- An illustrative site plan, indicating the relationship between the proposed road system, parking, buildings, open spaces, and other physical features.
- Schematic water, sanitary sewer, and storm water management systems and how they are proposed to be connected to the system in adjoining areas, or be built on the site.
- Physical characteristics of the site, including topography, areas of slope in excess of twenty percent, soils, rock outcrops, streams, wetlands, lakes, ponds and floodplains, and all proposed alterations of said physical characteristics.
- If the developer is to stage the development, a clear indication of how the staging is to proceed.
- Analyses of market demand for the proposed development based upon local and regional demographic factors and the existing housing supply.

Upon review, the approved plan – with or without modifications – would provide the overall concept for land development and the basis for subsequent subdivision and site plan approvals.

Priority Growth District Overlay Zone

An overlay district is created by the local legislature by identifying a development area and adopting new provisions that apply in that area in addition to the provisions of the zoning ordinance. The term “overlay district” refers to the superimposition of the existing district’s lines on the zoning map’s district designations. The provisions of an overlay district can be more restrictive or more permissive than those contained in the zoning district. In a Priority Growth District Overlay Zone, the provisions may impose restrictions, but also provide zoning incentives and waivers to encourage certain types and styles of development.

The purpose of a PGD Overlay Zone is to realize development objectives without unduly disturbing the expectations created by the existing zoning ordinance. The existing zoning provisions may properly regulate the relevant district in general, but more specific and targeted provisions may be needed to accomplish pressing land use objectives such as priority growth development. Within that context, an overlay zone establishes land use regulations that must be enforced by local authorities under the terms of the law adopting the overlay district. The local legislature can require the landowner to apply for a special use permit for the new standards in the overlay zone to apply. Special uses are allowed in zoning districts, but only upon the issuance of a special permit subject to conditions designed to protect surrounding properties and the neighborhood from the negative impacts of the permitted use. By requiring projects to obtain special use permits, the zoning code affirms that the community desires such projects, but allows the planning board the authority to ensure that each project meets all objectives and standards.

Frequently, special use permits are issued by the local planning board, which is experienced in reviewing development projects for site plan or subdivision approval. It should be stipulated that the planning board is to apply the principles and standards

in the comprehensive plan and zoning code that pertain to PGD development. The applicant's proposal for approval of the special use permit should refer back to: (a) the zoning ordinance and map, and (b) the comprehensive plan, both of which would have established the basic framework for PGDs and the specific objectives of the community. Within this context, the comprehensive plan and zoning would have clearly articulated the local criteria for design of the development in the PGD.

Town of LaGrange

Sections 240-35 (B) and (C) of the LaGrange Zoning Code identify seven design principles for the Town Center Business and Residential District. They are:

- Establish a coordinated image for the Town Center.
- Provide a variety of housing options.
- Promote pedestrian activity through a safe and walkable environment.
- Create narrow, tree-lined streets to slow traffic.
- Promote the prominent positioning of civic buildings and central green spaces in order to enhance community identity and public interaction.
- Create an interconnected street system for both pedestrian and vehicular traffic.
- Protect important natural and historic features.

Additional Provisions

Incentive Zoning

Development in PGDs can be promoted through the use of incentive zoning. This zoning provision allows a local legislature to provide a system of incentives to land developers in which existing zoning provisions are left in place, but which permits more intensive development of the land in exchange for certain community benefits. Developers can receive density bonuses and additional incentives, including adjustments to the height, open space, use, or other requirements of the underlying zoning law on the condition that they provide or pay for the services and facilities needed in the area or in the community as a whole. Such services may include open space or parks, affordable housing, day care or elder care, or "other specific physical, social, or cultural amenities of benefit to the residents of the community."

Additional community benefits that may be attractive to existing community residents could include street and sidewalk improvements to existing streets in the district, which would be designed to achieve PGD objectives such as enhanced pedestrian or bicycle access or to create pedestrian trails or links between nearby neighborhoods and the proposed centers being created in the PGD.

Affordable Housing – A density bonus is allowing one additional market rate unit for each affordable housing unit provided. Density bonuses vary from one community to another with some providing as much as a 100% density bonus for the inclusion of affordable housing.

Municipal Services – Development brings with it the need to provide municipal services and facilities to serve and absorb the impacts of additional population, traffic, sewage, water consumption, and the like. Generally, such services are paid for in two ways. Normally, the municipality pays for them directly out of the revenues derived from taxing real property. Occasionally, they are required to be provided by the developers of specific projects to mitigate the direct impacts of the developments on the community. Incentive zoning provides a third alternative by having developers use some of the economic benefits afforded by the incentives to provide or pay for facilities and services. Further, because economic incentives are used to encourage developers to provide needed benefits, and because such systems are voluntary, developers tend not to oppose them.

Open Space Preservation – Other desired community benefits may be identified in the comprehensive planning process. Since open space is specifically defined in the statute as a community benefit or amenity, the district provisions could provide bonus incentives for preserving additional open space within the district itself, such as in the form of an enhanced buffer between adjacent land uses where appropriate. Increased density in another portion of the district would be the incentive offered. Since requiring the provision of cash in lieu of a required benefit is also permitted, another approach might be to establish a fund to be used for the acquisition of open space in a larger “service area” than the district itself. This could result in a significant community benefit, as exemplified in the following case study of Warwick.

Case Study: Warwick, New York

In the 1990s, continuing metropolitan area population pressures made Orange County the fastest growing county in New York. Until then, the Town of Warwick had been beyond the pale of sprawl, spared the task of reworking its traditional zoning ordinance. The Town is characterized by significant open space: highly productive farming on rich black dirt in its lowland areas, associated dairy and other agricultural activity on its adjacent uplands, and significant biodiversity along the Wallkill River watershed that it occupies and regulates. A decade ago, this landscape began to be dotted by large lot subdivisions, threatening the Town’s rural character and the vitality of its agricultural economy. During that ten-year period, local leaders searched for methods of controlling growth.

In a process that is still ongoing, the Town and its centrally located village, also called Warwick, drafted an inter-municipal agreement designed to incorporate Town lands into the Village of Warwick and its water and sewer districts in a way that provides financial resources to the Village and Town to accomplish their comprehensive plan objectives. In recent years, the Village has annexed lands under General Municipal Law, Article 17.

The Village automatically provided that the annexed lands would be zoned to permit three units of housing per annexed acre, increasing allowable density nine-fold over the three-acre minimum lot size provided under town zoning. This provided annexed landowners and developers a windfall density increase. Under the inter-municipal agreement, the Village will annex land in cooperation with the Town and zone annexed land at the same density provided under the applicable Town zoning. In much of the area around the Village, town zoning allows the construction of single-family homes on three-acre lots.

Using average figures, under the Town's zoning as adopted by the Village, a 100-acre parcel annexed by the village might yield 25 building lots, with deductions for roads and infrastructure and environmental conditions. After the application of the village's floating incentive zone to the land, the same 100-acre parcel might yield 150 lots, accounting for the same deductions and a planning board decision to allow one-third acre, rather than one-half acre, lots to protect the adjacent areas. This new zoning increases the parcel's yield by 125 lots [150-25]. Under New York's incentive zoning law, the developer can be required to pay a fee for this density bonus with the funds deposited into a trust fund for specific public benefits that will be secured by the incentive awarded. If this fee is established at \$50,000 per unit, a fairly modest cost for land in the area, the trust fund contribution by the developer of this 100-acre parcel would be \$6,250,000. The agreement provides that 30 percent of this amount, nearly \$2,000,000, will be dedicated to the purchase of development rights on lands in the town. Over \$4,000,000 would be deposited in the trust fund for Village watershed protection, urban parks and recreation, and infrastructure improvements.

Transfer of Development Rights

New York statutes define transfer of development rights (TDR) as “the process by which development rights are transferred from one lot, parcel, or area of land in a sending district to another lot, parcel, or area of land in one or more receiving districts.” Local governments are allowed great flexibility in designing a TDR program; they can establish conditions that they deem “necessary and appropriate” to achieve the purposes of the TDR program.

To implement a transfer of development rights program, the local legislature identifies a “sending district” where land conservation is sought and a “receiving

district” where development of property is desired and can be serviced properly. Under a TDR program, the PGD can be designated as the receiving district for development rights, and areas outside the PGD that are identified as suitable for preservation would be designated as sending districts.

In many TDR programs, the zoning provisions applicable to the sending district are amended to reduce the density at which land can be developed. While losing their right to develop their properties at the formerly permitted densities, property owners in the sending district are awarded development rights.

TDR programs usually establish some method of valuing the development rights that are to be transferred from the sending to the receiving district. Some communities establish development rights “banks” that purchase development rights from landowners in sending districts and sell them to landowners in receiving districts.

Property owners in the receiving district are eligible to apply for zoning incentives that increase the densities at which their lands may be developed. To qualify for these incentives, the property owners must purchase the development rights from landowners in the sending district or from the development rights bank.

According to New York statute, the purpose of a TDR program is “to protect the natural, scenic, or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic, or economic interest or value, and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource.”

An effective TDR program allows a community whose zoning law creates a hard-to-service, spread-out development pattern to develop in a more cost-effective manner. An effective TDR program can increase the tax base while minimizing the costs of servicing land development. It can preserve threatened conservation areas while allowing owners of land in that area to be compensated through the sale of some or all of their former development rights.

Case Study: Chesterfield, New Jersey

As sprawl from New York City and Philadelphia continues to present land development problems for rural communities in New Jersey, the state government is experimenting with a possible solution. The experiment, entitled the Transfer of Development Rights System, gives landowners in areas designated as “undeveloped areas” the opportunity to sell rights to developers in areas that are being built. A recent *New York Times* article discussed New Jersey’s efforts and what a particular community is doing to make such a system work. “Chesterfield [located approximately 50 miles northeast of Camden] approached its transfer system with the calculation that 1,200 houses were headed its way under its current, large-lot zoning system. Rather than buying up the land itself or waiting for those houses to spread across the landscape, the Town created a 560-acre ‘receiving area’ called Old York Village

into which all of the new growth would be forced. That left most of the township's remaining 21 square miles, the 'sending area,' largely undeveloped. The plan overcomes the inequity such a system would normally impose on landowners in the sending area by giving them a credit for each house they were entitled to build under the existing zoning. So an owner of 25 developable acres in a five-acre zone would be given five credits to sell, often with fractions awarded for incomplete parcels. These credits are then bought by the developer in the "receiving area," entitling them to build additional dwellings in the "receiving zone." Chesterfield is using the system to plan a new community from scratch. Lumberton, in southern Burlington County, however, has focused on pushing new development, mostly of single-family homes, into already built-up areas, where roads and sewer connections are easier and cheaper to make.

Old York Village's design won an American Planning Council award for its New Urbanism Village style, with houses on narrow lots built close together, many with alleyways in back to keep cars and garbage collection off the streets. It will have its own downtown commercial area with shops, parks, churches, and an elementary school within walking distance for many children. "And every time a house goes up in Old York Village, you know that there are five or six acres out in the agricultural area that are being preserved," said Philip B. Caton, the principal planner. He figured the village would be built and occupied in 5 to 10 years, depending on the housing market. Besides saving the open space, another benefit of this type of community is that the compact design makes running a municipality cheaper.

*See Peterson, Iver, "For New Jersey Towns, an Experiment: Putting Growth Here, Not There." *New York Times*, April 21, 2004.

Cluster Development

The local legislature may enact a cluster provision for the Priority Growth District. Zoning usually requires that the entire parcel be divided into lots that conform to minimum lot sizes and that buildings on subdivided lots conform to rigorous setback, height, and other dimensional requirements. Cluster development permits a land developer to vary these dimensional requirements without otherwise increasing the number of allowed units. This can allow, for example, homes to be placed on quarter-acre lots in a one-acre zone. The land that is saved by this reconfiguration may then be left undeveloped to provide open space and serve the recreational needs of the residents of the development. Clustering can also lower site development costs, preserve on-site resources such as view sheds, archeological sites, or other significant natural features, reduce the number of access points to adjacent roads, and allow a wide variety of layouts and design schemes for subdivisions in the community.

All municipalities in New York are authorized, but not required, to use the cluster development method. However when a municipality uses this method, it may not allow greater density than if the land were subdivided according to the district's existing minimum lot and density requirements. To adopt a cluster development provision, the local legislature must enact a law or ordinance authorizing the planning board to adjust the dimensional requirements of the zoning law in particular circumstances. This legislative act must specify the particular zoning districts in which clustering is to be permitted. The act also must contain the circumstances under which clustering is permitted, the objectives it is to accomplish, whether clustering may be required of a land developer, and which provisions of the zoning law may be altered. These provisions of the act will define how broad the authority and discretion of the planning board will be in applying the cluster technique to subsequent subdivisions.

To take advantage of the cluster development provisions, a developer must first submit a conventional subdivision plat, so that the planning board can determine the density of development that would be allowed without clustering. The planning board will then determine the density that would be permitted if a conventional subdivision were approved. Then the developer submits a clustered subdivision plat placing the permitted density on a portion of the site, leaving the remainder as undeveloped open space or as a recreational facility. The developer must meet all other subdivision requirements, such as compliance with the provisions of the comprehensive plan, with the environmental review procedures, with public notice and hearing, and with all necessary subdivision approvals.

Waiver Provision

A municipality may adopt a waiver provision to allow the planning board to waive requirements contained in other local laws and regulations that are inconsistent with the standards contained in the PGD. Other laws may be more restrictive than necessary for the type and level of development anticipated with the PGD. The waiver will allow for the flexibility needed to achieve the design standards of the PGD. For example, road standards within subdivision regulations that require excessively wide paved roadways and large diameter turn-around areas on cul-de-sacs, could inhibit traditional neighborhood design concepts fostered by the comprehensive plan and PGD zoning.

Site Selection

INTRODUCTION

This chapter discusses how communities identify Appropriate Development Sites (ADSs) for establishment of Priority Growth Districts (PGDs) in the planning and zoning process. Identification of ADSs is governed by a few essential criteria.

- **Net Buildable Acreage and Density**

Sufficient available acreage to achieve adequate density in order to support the infrastructure improvements, amenities, landscaping, and architectural treatments typically necessary for a successful development.

- **Proximate Land Uses**

Evaluation of nearby land uses to determine if the Priority Growth District will adversely affect them or be impacted by existing unfavorable land uses.

- **Infrastructure**

- *Transportation*

Access to the surrounding roadway network, with linkages to major transportation arteries and mass transit.

- *Water and Sewage Systems*

Existence of appropriate soil and hydrological conditions to support water and sewer sources for mixed use, higher density development.

- **Economic Viability**

Evidence that there is sufficient infrastructure, net buildable acreage, and project density. In addition, whether a market exists for the housing, retail, and commercial uses expected in a PGD.

NET BUILDABLE ACREAGE AND PROJECT DENSITY

The number of acres required to develop a successful project can vary widely. The two chief variables are the amount of *Net Buildable Acreage* and the acceptable *Project Density*. A 40-acre site could be appropriate and successful if the majority of the land is buildable and the community is supportive of 8 to 12 units per acre. Likewise, a 400-

acre site could prove to be insufficient if significant ecological or historic resources dominate it and the community is supportive of density only in the one unit per acre range. The application of the process of determining sufficient acreage can vary widely.

Net Buildable Acreage

Net Buildable Acreage is established by determining the areas targeted for preservation, acreage of unusable or inaccessible lands, and exterior project setbacks or buffers. This acreage is then subtracted from the gross project acreage to create the Net Buildable Acreage. A good site selection process will involve a multi-layered and frequently intense investigation of the property area to determine buildable and unbuildable areas. Where environmentally constrained acreage is prevalent, the area should not be considered for PGD status.

+	GROSS PROJECT ACREAGE
-	AREAS TARGETED FOR PRESERVATION
-	UNUSABLE LAND
-	BUFFERS
<hr/>	
	NET BUILDABLE ACREAGE

Areas Targeted for Preservation

Step 1. Initial Analysis – Identifying Areas Targeted for Preservation. The first step in the process involves an analysis of known environmentally sensitive features that have been targeted for preservation. Mapping is frequently available from Internet sources that are sufficiently accurate for the initial analysis. The area proposed for the PGD should contain at least one area of significant acreage relatively free of known wetlands, floodplains, and soils with a high water table. The project area must pass this initial screen to determine that there are potentially buildable areas, and that they are of a size and in a location that makes sense to develop.

Sources of Maps for Initial Analysis of Areas Targeted for Preservation:

- Tax maps will aid in determining approximate property boundaries and acreage.
- The New York State Department of Environmental Conservation (NYS DEC) maintains maps showing the approximate size and location of state-regulated wetlands and streams.
- The Federal National Wetland Inventory (NWI) produces maps showing the approximate size and location of Federally regulated wetlands.
- Floodplains and flood hazard areas are available from the Federal Emergency Management Agency (FEMA).
- Soil types and their typical limitations are available from the local Soil Conservation Service (SCS).
- Local Geographic Information Systems (GIS) are available.

Step 2. On-Site Field Investigations – Verifying Areas Targeted for Preservation.

Once the community performs the initial analysis, they must then verify the information on the maps through on-site field investigations to allow a more precise definition of the buildable acreage and to investigate other potentially significant, usually unmapped environmental features. If areas investigated are found environmentally sensitive, then the impact of any proposed development must be mitigated.

Unusable Lands

Some areas not previously targeted for preservation are so vulnerable to the impacts of development that they are unusable for PGD purposes. These may include:

Wetlands

Wetland maps available from NYSDEC and NWI are created by interpreting aerial photographs of vegetation types to determine the approximate extent of the wetlands. The true wetland edge can only be established in the field by examining the soils and vegetation, which can then be added to the project area map. In addition, adjacent wetland buffer areas must be mapped to establish local, state, and federal regulatory limits. Some wetland types are of such a critical nature that development is deemed incompatible with them.



Photo courtesy of www.ioncommunity.com

Wildlife Habitat and Floral Communities

Concurrent with the wetland mapping, there should be an evaluation of the potential for rare, threatened, or endangered species. Potentially sensitive wildlife habitat and floral communities should be examined, evaluated, and mapped for avoidance as necessary.



Photo courtesy of Natural Resources Conservation Service

Steep Slopes

A detailed slopes analysis should be undertaken to determine the severity of slopes on site and to avoid significant re-grading during development. Land containing slopes can be classified as follows.

Slope Percentages	Construction Suitability
0% - 10%	Preferred Development Area
10% - 15%	Potentially Suitable for Development
15% - 25%	Limited Development Opportunities
> 25%	Generally Non-Buildable

In conjunction with the slopes analysis, there should be an evaluation of ridgeline development and the potential visual impact a project may have on a community. Should the steeply sloped areas of the project coincide with ridgelines or mountaintops of visual consequence to the locality, the community should add them to the non-buildable acreage.

Other Features

Other areas within a potential PGD site that may be unusable, include man-made features (cemeteries, historic homesteads and known pre-historic sites), natural features (unique geologic areas and old-growth forest areas), and lands with exceptional public value due to their location. Abutting regional parks or other known sites of local importance should be assessed for inclusion in the non-buildable acreage.

Exterior Project Setback or Buffers

Areas unsuitable for development in a potential PGD site include appropriate buffers – protective areas – surrounding unusable acreage. Appropriate buffers can range from 50 to 200 feet or more depending upon how sensitive the unusable area is and the conditions in the vicinity of the unusable acreage, such as stability of soils, vegetation, and slope. Appropriate buffer zones should be excluded from buildable acres.

Project Density

In order to steer a significant percentage of a community's future developments into PGDs, developers must be permitted to build at net densities that range from 4 to 20 dwelling units per acre. Greater densities can be assigned to PGD sites that are supported by central water and sewer services and have access to transportation. The greater the residential density, the more retail and commercial space can be supported in a PGD. In addition, more affordable housing and community space can be provided economically in higher density developments where site conditions support higher density projects. This may be both economically feasible and beneficial to the public. Zoning for PGD development can provide sufficient flexibility to allow planners to assign appropriate densities to individual sites. These densities multiplied by the net buildable acres in the potential PGD parcels yield the total development potential of the PGD.

PROXIMATE LAND USES

PGDs should be located at or near existing crossroads, village centers, hamlets, or in other areas free from unusable acreage and buffers. These crossroads sites usually have some existing commercial or municipal component as well, with existing land uses providing the context for a sense of community. Adding growth into these areas should gain public support because as the total traffic trips into the surrounding roadway network can be reduced, existing commercial ventures can be supported, and the sense of community can be enhanced. The PGD should provide vehicular and pedestrian linkages to the existing center where the PGD is distant from an existing center. Where the density is adequate to support its own commercial area, PGD projects should integrate a commercial center into the site design.

Caution should be exercised when targeting growth in areas with significant undesirable uses nearby. Proximity to former or existing hazardous waste sites, airports, noxious industrial uses, and other undesirable uses must all be assessed to determine if the proximate uses will have a significant adverse impact on the desirability of the project. The long-term success or failure of a project will hinge on marketability, and locations sufficiently distant from undesirable land uses will enable the project to generate the anticipated public benefits. There are occasions where the project itself will provide the resources to transform an existing undesirable landform into a desirable project. Brownfield redevelopments provide good examples of turning undesirable land uses into valuable projects.

INFRASTRUCTURE

Municipalities use their general taxing and spending authority to provide roads, transit facilities, parking, water, sewer, storm drains, lighting, sidewalks, etc. for redevelopment work and projects. They can establish special districts within their borders where benefited owners are taxed for these services on an ad valorem basis or use basis. The establishment of a PGD is more likely to be successful in an area where infrastructure is available.

Transportation

Communities looking to focus growth should identify areas with good access to a regional collector or arterial roadway. Good access can be defined as the ability to enter and exit from the project area in a location where sight distance is not compromised, and traffic flows allow for adequate gaps. Two or more such access roads are necessary to disperse traffic onto the surrounding roadway network and to provide adequate access for emergency vehicles.

Existing crossroads provide established transportation routes within a community; therefore, they do not introduce traffic into new areas. In addition, easy access to major transportation routes in the region and mass transit should be considered.

Water and Sewage Systems

A PGD must be supported by a central water supply and sewage service. Therefore, the feasibility of providing those services is a factor in site selection. A community's comprehensive plan should document the need for central water and sewer systems and how they will be provided because PGD development will necessitate either an expansion of existing systems or development of entirely new systems. Expansion of an existing system is typically the more feasible alternative. However, it is often the case that municipal water and sewer systems are not readily available for extension to new projects, particularly in previously undeveloped areas of the municipality.

Water Supply

Existing and Expansion

Connection to existing water supply is the simplest solution to providing water to a PGD development. However, a developer wishing to connect to an existing public water supply system by expanding the service district may be required to bring additional water supply sources or storage facilities into the water district. The developer can accomplish this by drilling and testing new wells in either sand and gravel or bedrock aquifers or by providing a site for an elevated storage tank. This can be done on the developer's property or by expanding an existing well field, or even by establishing a well field or storage tank on other available properties within or outside the water service district.

PGD site evaluation for the expansion of a water supply should consider the following:

Is the water supply adequate?

If yes, can the developer connect to the municipal system?

If no, can developer add to the capacity?

Creation

If, upon a developer's application for project approval, it becomes apparent that existing water supplies will not meet the increased demand for water, the developer may be required to create a new community water supply system. A community water system is necessary in PGDs because reduced lot sizes associated with PGDs limit the ability to use individual wells. When a developer is contemplating use of onsite groundwater sources, the site hydrogeology should be assessed as an integral and critical part of the overall site planning effort. In addition, although experienced consultants can commonly estimate the water supply feasibility of a property, drilling and testing of wells is essential to confirm planning estimates and assess any potential off-site impacts on neighboring wells.

In general, the development, testing, and permitting of new well sources is the responsibility of a hydrogeologist. Water system design, permitting, and installation is the responsibility of a professional engineer.

PGD site evaluation for the creation of a water supply should consider the following:

Are there sand and gravel aquifers that can yield large quantities of water? Does the site plan afford suitable protection of such aquifers?

If there are no sand and gravel aquifers present, will the bedrock beneath the site support the proposed level of development? Is the bedrock water quality suitable?

Is there a stream or river suitable for the discharge of clean effluent?

In either case, what areas of the site should be set-aside for water supply uses?

Sewage Systems

Existing and Expansion

As with water supplies, an initial investigation into the feasibility of connecting to an established public sewer system should be undertaken. Some public systems have been built with excess treatment capacity, and others may require expansion of collection, treatment, and discharge facilities. Substantial expansion may require obtaining a new State Pollution Discharge Elimination System permit under the Clean Water Act.

PGD site evaluation for the connection to an existing sewer facility should consider the following:

Is the sewer facility adequate?

If yes, can the developer connect to the municipal system?
 If no, can the developer add to the capacity?

Creation

In the event that connection to an existing system is not feasible, it will be necessary to create a community sewage collection, treatment, and discharge system to serve the proposed development. As a general rule, the treatment and discharge facilities should be located on lower lying land, possibly within or adjacent to open space areas, to avoid or minimize the need for sewage pumping stations and force mains. In some localities, the discharge of highly treated sewage effluent to subsurface leaching systems should be considered where the shallow surficial geology is suitable.

Surficial: Of, relating to, or occurring on or near the surface of the earth.

The design and permitting of sewage systems is primarily the responsibility of licensed professional civil, sanitary, or environmental engineers. Where subsurface disposal of treated effluent is considered, field-testing and mounding analysis by professional hydrogeologists is usually required.

PGD site evaluation for the creation of a sewer system should consider the following:

Is there lower lying land, possibly within or adjacent to open space areas available?
 Is the shallow surficial geology suitable for the discharge of highly treated sewage effluent to subsurface leaching systems?

Regulatory Constraints

The planning process must also account for regulatory constraints imposed by various state administrative agencies. In New York, public water supplies are regulated by the state and county Department of Health for adequacy and quality of supply, by the Department of Environmental Conservation for environmentally acceptable allocation of the waters of the State, and by the Department of Public Utilities for water rates.

As with water systems, the planning process must address applicable regulatory constraints. The New York State Departments of Health and Environmental Conservation regulate sewage treatment plants and discharges of treated effluent. Discharges of treated sewage effluent are most readily permitted in large, perennial streams or rivers. In New York, there are specific regulations for the level of treatment required for discharges to intermittent streams. In southeastern New York, the Department of Environmental Protection (DEP) imposes additional requirements for discharges within the New York City watershed.

Legal Framework for Creation of Water and Sewage Systems

State law defines the legal framework within which cities, towns, and villages in New York must operate when creating water and sewer infrastructure. The law provides two options:

New Municipal System

State Law authorizes towns to create water and sewer improvement districts. The process can be initiated by citizen petition to the town board or by town resolution. Towns may then require private property owners in the newly created district to connect their properties to the system. The town may then charge property owners for the cost of construction and operation of the system. The town can maintain authority over the created district or may contractually delegate that authority to a private entity.

New Developer System

When a municipality makes the construction of water and sewer facilities by the developer a condition of project approval, the developer has two options. One option is to allow the municipality to accept title to the completed water or sewer system and take on operation and maintenance responsibilities. A community can accomplish this by forming a public benefit “authority.” The developer’s second option is to form a water or sewer works corporation pursuant to the Transportation Corporation Law (TCL). The TCL provides for the formation of domestic corporations to operate and maintain enumerated utilities, including water-works and sewage-works corporations. As a practical matter, when a private developer is considering providing a new community water and sewage system within the development, a business entity that will operate and maintain these systems must be created. Any entity established for this purpose will be subject to the provisions set forth in Article 4 of the Business Corporation Law. The TCL provides additional requirements that are specifically tailored to the type of corporation being formed.

For a more detailed description of Transportation Corporations and Water Districts, see Appendix.

ECONOMIC VIABILITY

A community must consider economic viability when selecting a site for a PGD because it may determine whether a developer will deliver the results the community desires. The greater the economic viability, the more likely the developer will fund the anticipated public benefits.

The two most influential factors in economic viability are net buildable acreage and infrastructure costs. The more net buildable acreage and density allowed, the more profitable the project can be for a developer. Likewise, the less infrastructure costs associated with a project, the more profitable the project can be for a developer. The lower the initial costs and the more profitable the project, the greater the amount of money available in the developer’s budget to provide public benefits.

Expected public benefits are landscaping, architectural detailing, affordable housing, community services and buildings, elder care, parks, and public infrastructure improvements. These reinvestments also benefit the developer since it results in a better overall project with more public support.

A developer must be able to build a project where it is marketable. A marketable development needs to be located where the product it provides is needed by the consumers in that area. A municipality can have an impact on the marketability of a development by allowing and encouraging a PGD that has mixed uses and multiple residential products. This gives the developer the flexibility of targeting a variety of markets at the same time.

A good working relationship between the community and the developer, along with a method of linking the goals and objectives of the developers and the community, is key to bringing the best projects to fruition. A community's ability to understand what a developer needs in order to achieve economic viability is a critical link to successful PGD development. Chapter Five discusses economic viability from the developer's point of view.

Clearly, quality livable developments must remain the goal. By working collaboratively, a municipality can reduce the risk and the timeline for the developer, and thus gain from the increased value the developer's physical investments in the projects bring to the community.

Site Planning

INTRODUCTION

This chapter describes what a Priority Growth District (PGD) should look like and how it functions. Site planning is the process of designing a PGD so that it will look and work the way the municipality intends. Site planning in a PGD has three aspects. These are layout and design; roadway design for pedestrians, bicyclists, and motor vehicles; and land conservation. Layout and design standards should be divided into standards for (1) overall site layout and design and (2) individual lot design. In addition, different standards apply to the residential and the neighborhood commercial center components of PGD developments.

The characteristics of good site planning discussed in this chapter are:

Overall Residential Guidelines Summary

- Allocate specified percents of land for residential, commercial, open space, and other uses
- Interconnect streets
- Create walkable neighborhoods by utilizing sidewalks. Sidewalks should be a minimum of 5 feet wide
- Locate public buildings, monuments, and parks at important intersections and at the end of streets
- Terminate street vistas at public destination points or architecturally important structures
- Utilize dead end streets and curved streets only in response to topography
- Use narrow streets (e.g., 18-foot wide travel way and 8-foot shoulder for on-street parking on both sides)
- Provide sidewalks on at least one side
- Provide a density bonus for affordable units or desired community amenities
- Provide community greens as part of the open space system
- Emphasize preservation of existing vegetation
- Emphasize native vegetation for new landscaping
- Retain natural borders and landscape edges
- Bury utility lines

- Line streets with trees
- Landscape contours should be maintained where possible, or smooth transitions between new and existing grades should be maintained

Residential Lot Design and Layout Guidelines Summary

- Designate consistent build-to line
- Establish maximum driveway curb cut of 12 feet
- Locate garages so that cars parked in driveways do not project beyond the front building line
- Encourage use of alleyways for rear access to garages (or use other techniques to minimize the effects of garages on the streetscape)
- Allow porches to extend beyond the building line and be a maximum of 12 feet deep and minimum of 8 feet deep
- Permit encroachments into yards to foster desired design elements
- Require rear landscape buffers
- Establish maximum permitted clearing areas on lots of one half acre or more
- Preserve natural features on individual lots through use of appropriate grading, slope retention, and planting
- On hillsides, require houses and other site improvements to be stepped up or down the slope as required, but do not allow the foundation and the ground floor to be at one continuous elevation
- Where retaining walls are utilized, limit their height and require plantings to be integrated into the landscape
- Dependent on lot size and housing type, require that a minimum of 10% to 25% of the rear yard be planted in landscape materials other than lawn
- Require a minimum of 15% of land area to be planted in hedges, shrubs, and ground cover
- Require remaining area to have canopy trees, shrubs, ornamental trees, and ground cover

Overall Commercial Center Guidelines Summary

- Cluster commercial development at the crossroads intersection
- Construct buildings at the edge of the sidewalk in commercial center locations or around courtyards or other pedestrian facilities
- Create a build-to line
- Locate buildings so that they front upon the street
- Create parking along streets
- Permit on-street parking to count as part of parking requirement
- Supplement with screened auxiliary parking lots to the side and rear of buildings
- Along arterial roads, provide landscape buffers between buildings and roadway

- Prohibit large parking lots that front on roadways
- Prohibit parking lots on corners
- Encourage shared parking between uses with different peak hours
- Landscape all parking lots
- Discourage drive-in services

OVERALL LAYOUT AND SITE DESIGN

PGDs should have defined residential neighborhood and commercial center components. Standards that allocate land for residential uses, commercial uses, recreational uses, and other amenities such as open space should also be developed. A minimum gross site size of 40 acres could be established as the baseline criteria for a PGD if adequate density is permitted. Sites should be required to have a location served by an adequate roadway network of state, county, or municipal roads.

RESIDENTIAL USES

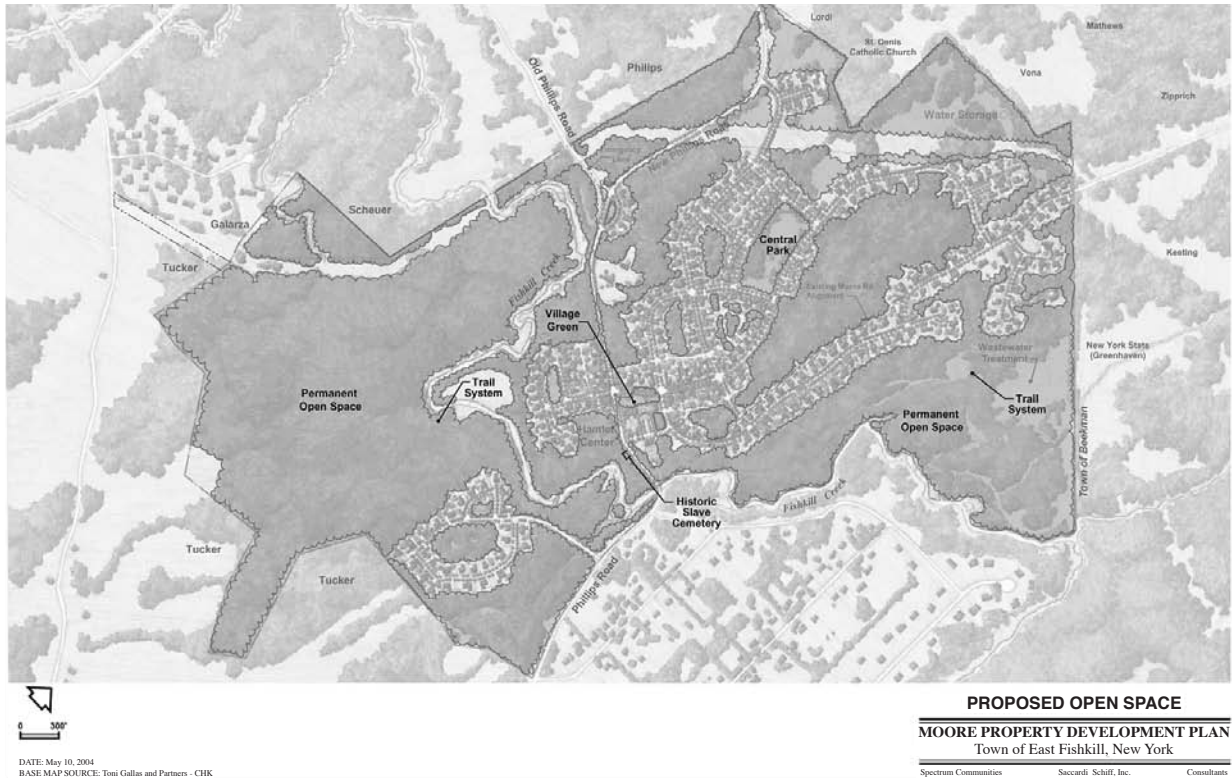
Overall Site Layout and Design for Residential Uses

Density

The purpose of designating PGDs is to provide for mixed-use higher density development in appropriate locations. Densities in PGDs can range from four to 15 dwelling units per acre or an equivalent amount of floor area ratio (FAR) for commercial uses, depending on the community's current land use pattern. The final determination of permitted density will depend on local factors and site location, but an additional density bonus may be permitted for provision of affordable units, design amenities, and childcare or senior centers. Maximum development coverage should be established that would not exceed a specified percentage of the total gross site area.

Open Space

Community open space should be specified as a percentage of the overall gross site area, with sliding adjustments based on the provision of affordable housing. A minimum of 33 percent of the site area as required open space is recommended. An overall development site buffer area should be provided along the property line of a PGD, particularly in those areas where rear yards face exterior streets of the development. If natural vegetation exists, it should be preferred to a landscaped strip.



Proposed Open Space (Four Corners)

A significant portion of community open space should consist of defined community greens that are visually oriented to the front rather than rear yards of residential and commercial uses. These should be accessible to all members of the community and separated from private front yards by sidewalks or streets. The requirement of usable open space or community greens assures that significant open area is available as a cohesive, accessible amenity to area residents.

Relatively high-density developments with large open space dedications tend to be beneficial to aquifer recharge, with fewer impervious surfaces and prospective opportunities to use collected storm water to recharge aquifers. Furthermore, the use of smaller lawn areas on residential and commercial lots is a natural control on areas subject to irrigation, an important and relatively new stress on public water supply systems.



Maybank Green, l'On, South Carolina
Photo Courtesy of www.ioncommunity.com

Illustration: Open Space at The Preserve

Constructed adjacent to the 250-acre natural Moss Rock Preserve, The Preserve, a PGD development located just outside of Birmingham, Alabama, was designed to be compatible with the large natural area it adjoins. Miles of nature trails within the community connect to the intricate trail system within the Moss Creek Preserve. In addition, The Preserve has fifteen acres of open spaces within five distinct neighborhood parks. Each of these parks is interconnected through the community nature and bike trail systems.

Streets, Bike Lanes, and Sidewalks

The character of PGD streets should enhance community cohesiveness and community interaction and safety, rather than only serve as a means of transporting residents into and out of the neighborhood. Road specifications are described below.

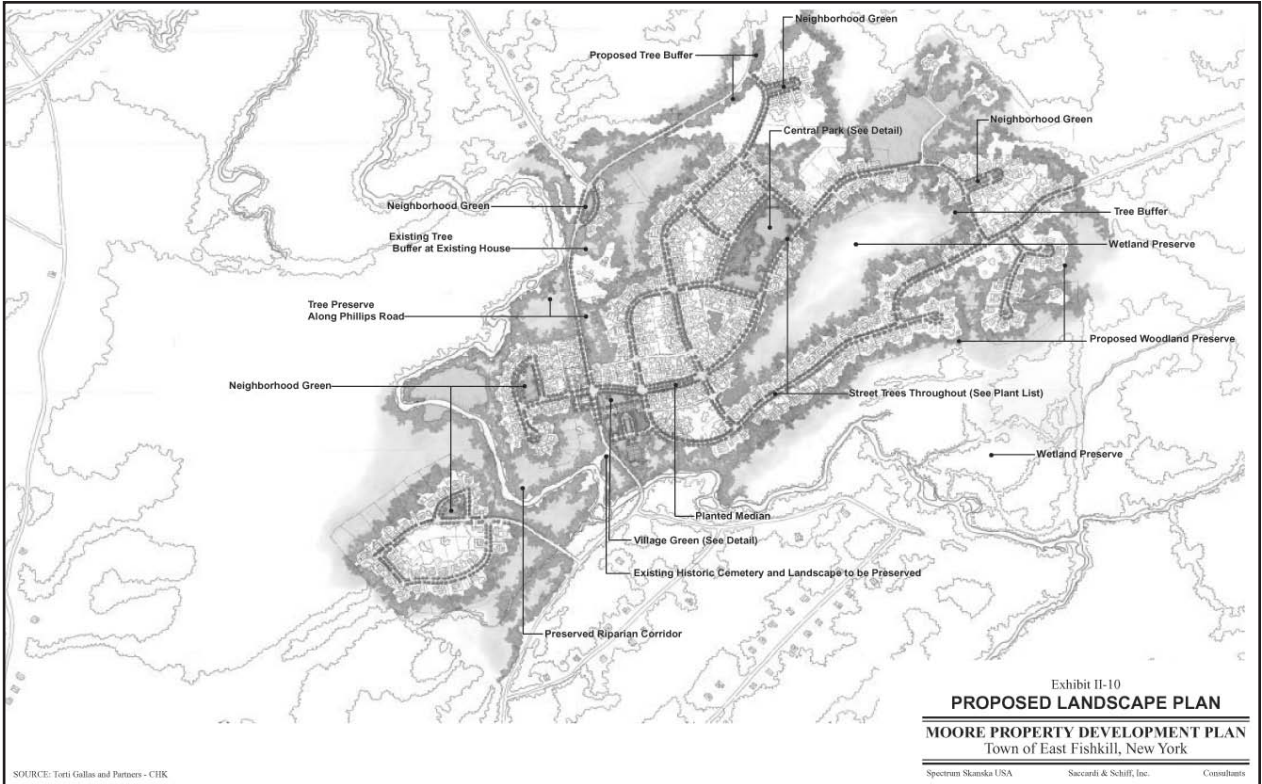
The PGD should be serviced by sidewalks that, at a minimum, lead from a cluster of units to main neighborhood roadways and to the community and commercial center. For example, if homes are in a courtyard cluster of four to six units, sidewalks need not be provided in front of each unit, but should be provided at the edge of the cluster connecting it to any adjacent cluster, thereby forming a continuous pedestrian way through the community. These sidewalks should be extended to any offsite community amenity that may be adjacent to the proposed PGD. The provision of bike lanes, separate vehicular lanes, and unpaved bike trails should be encouraged. In addition, opportunities for future vehicular, bicycle, and pedestrian connection to surrounding lands or other PGDs should be provided. Trails and pathways through community open space should also be provided to act as another form of pedestrian access to the center and to adjacent amenities.



Town of Tioga, Gainesville, Florida

Topographical and Landscape Features

Communities should be designed to retain as many landscape contours and historic features of their sites as possible. Areas with slopes in excess of 20 percent should be avoided. Clearing areas around buildings should be established. Best management practices should be utilized for erosion and sedimentation control during construction. Existing plant material should be retained to the maximum extent possible. Buildings should respect existing topography and should be placed below the ridgeline on affected sites. New grades should meet existing topography in smooth transitions to reflect adjacent natural slopes. Retaining walls can be utilized within reasonable maximum heights. Landscaping should cover at least 10 percent of any retaining wall's exposed base.



Landscape Plan (Four Corners)

Drainage structures should follow natural contours of the land. Houses and other site improvements should take advantage of hillside sites by either stepping up or down the slope. The foundation and ground floor should not be at one continuous elevation. Trees to be preserved should be specified, and measures for preservation during construction should be established.

By linking development to the existing landscape, Priority Growth District areas will create visually attractive communities that are positive man-made environments in the midst of remaining natural open space.

Illustration: Maintenance of Topography and Vegetation at Mt. Laurel

The development team of Mt. Laurel, a neighborhood designed with PGD principles in Birmingham, Alabama, was committed to saving the natural topography and watersheds of the area. In doing so, they minimized any needed grading and saved trees of all different sizes and species. In addition, the natural drainage corridors of the site were maintained and all replanted vegetation was native to the area.

Amenities and Services

In addition to open space, community greens, and pedestrian paths, other amenities include recreation facilities and community centers. Community centers can house meeting and party rooms and a business center. Day care and senior centers can also be part of the community center. The services provided in these facilities should be open to the public. Tot lots, playgrounds, and gazebos can be recreation amenities and social community focal points. Recreation amenities can include indoor and/or outdoor pools, tennis courts, full or executive golf courses, putting greens, baseball fields, and fitness trails. Community size and economics will dictate the amount and types of services that can be made available.



Haile Village, Gainesville, Florida

Individual Lot Design for Residential Uses

Standards for development of residential lots will create an overall aesthetic for PGDs. Frontages should be flexible to permit clustering and to help avoid large circumference cul-de-sacs. The lot requirements should be tailored to different housing types. Standards should guide the design and construction of the building within the lot. Garage locations should be specified to be setback from the building line. Any driveways in front of this garage line should be limited to 10 to 12 feet in width unless it is accessed from a side street where it can be a maximum of 16 feet in width. To encourage their use, porches should be permitted to extend beyond the front and side street building line to a maximum of 12 feet, but should be a minimum of eight feet deep. Open balconies and bay windows should be permitted to encroach beyond the front and side setback lines, but should be limited in encroachment on the side yard line. There should be a required minimum landscaped buffer in rear yards in which no uses may encroach. Lots of one half acre or more should have a specified maximum clearing area.



Alley Behind Homes in Haile Village, Gainesville, Florida

COMMERCIAL CENTER DEVELOPMENT

The commercial center can function in a range of capacities. It can be a convenience center serving only its own community or, preferably, a neighborhood center that serves the larger surrounding neighborhood. The commercial center should be the location of other site amenities, such as a community center, day care center, or recreation facilities to function as a community focus and convenience center for the development. The type and extent of the commercial services it offers depends largely on the market area it serves. If it is limited to the adjacent development, only small general store type functions are likely to be supported with an emphasis on convenience or specialty goods. In this way, public amenities are clustered to generate a shared civic life, providing neighborhood meeting areas and an enhanced quality of life. If the commercial uses are located at an existing crossroads that either builds upon existing commercial uses or establishes a new commercial crossroads, the center can be a viable neighborhood center outside the existing downtown that services outlying areas. The location should enable pedestrian and bicycle access to the center, reducing required automobile trips within the community.



Haile Village, Gainesville, Florida

In general, commercial development performance standards for landscaping, screening, signage, curb cuts, parking, pedestrian and transit access, as well as architectural design and lighting, should be developed.

Centers that adhere to stricter standards have a defined sense of place and vitality and become the focus of surrounding residential or mixed-use development.

Illustration: Market Square at Kentlands

Kentlands, a traditional neighborhood development in Gaithersburg, Maryland has approximately 870,000 square feet of commercial space in its mixed-use village center. This center, called Market Square, is a conventional outdoor shopping center that is anchored by a K-Mart and a Giant Food Store. Examples of additional commercial buildings within Market Square include live/work units with shops and offices, a Starbucks coffee shop, banks, bookstores, an eight-screen theater, and a dozen sit-down restaurants. All of these are within walking distance of all Kentlands' residents.

Architecture and Design Themes

Building guidelines are needed for residential and commercial buildings. New buildings or additions to existing buildings should reflect the existing scale and materials of buildings in the area. The best way to respect the local architectural style is to adapt PGDs to the local setting rather than merely copy the pre-existing style. The use of traditional features that can be adapted to new designs, such as porches, bays, dormers, and porticoes, should be encouraged.

Roofs of buildings should be in keeping with local styles relative to type and height. Typically, residential building heights should vary based on building types. A mix of types should be encouraged. Single-family homes should not exceed two stories, townhouses two to three stories, and multi-family buildings, office buildings, and mixed-use structures three to four stories. Building scale should also be consistent with the existing scale of the surrounding community. Window and door styles and spacing should be consistent with local neighborhood design. By avoiding too much wall or too much glass when that is not in keeping with local design, the aesthetic character of development can be enhanced. Garages should be set back from the building line and not have facades that are parallel to the street. Building facades should have some type of fenestration. All sides of buildings should be designed and treated as if they were building fronts. Building materials and paint colors should also follow locally established themes.



Kentlands, Gaithersburg, Maryland

In commercial centers, use of the following guidelines will help to avoid the pitfalls of strip center or standard shopping center development:

- Buildings should be at least two stories in height; add height through use of parapet walls
- Encourage second-story uses above ground floors
- Blank walls facing the street or highway should be avoided
- Flat-roofed buildings should have decorative parapets
- Gateway buildings should mark transition areas
- Buildings should define the streetscape through setbacks formed by the build-to line
- Corner buildings should be designed as more dramatic structures to emphasize their prominent location; parking should be offset from the corner

Illustration: Architectural Guidelines in I'On

The houses and buildings constructed in I'On are designed to resemble the low country architecture of cities such as Charleston and Savannah. The entire vision for the community is outlined in the I'On Code guidelines, which were designed to maintain visual harmony between the buildings. The I'On Design Committee reviews all construction drawings, site plans, and landscaping plans for compliance with the Code and provides guidance when necessary.

ROADWAY DESIGN FOR PEDESTRIANS, BICYCLISTS, AND MOTOR VEHICLES

PGDs reduce the number of vehicle trips made by providing retail within the district and reduce impervious coverage due to the condensed development pattern. In order to achieve the condensed development pattern, traditional traffic standards must be altered. Federal and state roadways must conform to American Association of State Highway and Transportation Officials (AASHTO) standards, but subdivision and PGD roads have greater flexibility. PGDs may include sidewalks on both sides of the street near parks and schools, and on at least one side of the street in a residential neighborhood. Sidewalks should be accompanied by a planting strip with trees to provide a buffer for pedestrians from traffic. Residences on lots less than 50 feet wide should have an alley running behind them that is landscaped on both sides to look like a narrow street with a paved width of 12 feet. The PGD should follow a comprehensive plan that includes all the elements of design that promote walkability, including roadway, pedestrian/bicycle, traffic calming, and respect for the environment.



Haile Village, Gainesville, Florida

Traditional Roadway Specifications

In establishing the width of a roadway, the basic premise is that two vehicles must be able to pass in the same or opposite direction. Normally, the vehicles used to establish minimum road widths are trucks, which have an average width of slightly less than 9 feet. Thus, at a minimum, the width of the total way should be 18 feet. This minimum width is recognized in the American Association of State Highway and Transportation Official (AASHTO) Design Manual. It assumes a relatively low volume roadway (less than 400 vehicles per day) and a roadway that has a two-foot wide stabilized shoulder. An Average Annual Daily Traffic (AADT) of 400 vehicles per day is roughly equivalent to traffic generated by 40 single-family homes over a 24-hour period.



Town of Tioga, Gainesville, Florida

The width of the travel way is increased from the minimum of 18 feet depending upon a number of conditions. These conditions include the volume of traffic on the roadway, the design speed of the roadway, the edge treatment, curbing, and potential pedestrian volume. Town roads normally have a posted speed limit of 30-35 mph, or less which does not require a width greater than 20 feet. The AASHTO or state traffic design manuals should be consulted for higher speed roadways.

Adding curbs to the roadway will add two feet to either side of the roadway. This would result in a roadway section of some 22 feet (18+2+2). In all cases, it is assumed that a three to five foot area adjacent to the roadway is graded to provide drainage, sight lines, and snow storage area. This would not allow for parking along the roadway section. If there were a desire to allow parking on one side, the width of the roadway would be 27 feet (18+2+7). This would allow vehicles to pass the parked vehicles by utilizing the gutter section immediately adjacent to the travel way. If parking were required on both sides of the street, the width of the roadway would be 32 feet (18+7+7).

PGDs should be designed with the narrowest streets possible that still allow access to services and fulfill the streets intended purpose. Added benefits of narrower roadways are traffic calming, less impervious surface, reduced runoff, etc.

Key Resources for Planning and Designing Streets

Walter M. Kulash, *Residential Streets, Urban Land Institute, 3rd ed.*, 2001
The Traffic Calming Library, <http://www.ite.org/traffic/default.asp>

Traffic Calming Measures Available in PGDs

New road standards under review by the Delaware Department of Transportation (DOT) are efforts to achieve traffic calming, a concept based on lower traffic speed needed to create a pedestrian friendly environment. Various Traffic Calming

Measures (TCMs) can be used on both local and collector roads once the objectives for particular streets are defined. The TCM recommended may vary with the identified objective.

Design standards for roads can differ from the function for which they are designed. The following chart is a synopsis of various standards being studied by the Delaware DOT as a means of creating narrower streets with less impervious coverage. The chart offers a contrast between local residential streets and residential collector streets. The first distinction can be found in the design speed for the two different streets. The design speed for a local street is 20 mph, while the design speed for a collector street is 25 mph. It is clear from the design speed and the other standards that the two styles serve different functions. The residential streets are smaller, more numerous streets that feed into the larger and busier collector streets that are fewer in number.

In this chart some standards are either collector or residential streets. Alleys for example, are associated only with local residential streets and medians. Center islands are appropriate only in collector streets.

Some of the standards that are specific to each style of street are:

Standard of Design	Local Residential Street	Residential Collector Street
Design speed	20 mph	25 mph
Right-of-way width	41 feet	53-61 feet
Pavement width	18 feet	22-36 feet
Travel lane width	9 feet	10 feet
Parking lane width	7 feet	7 feet
Pavement edge treatment	6-8 inch vertical curb	8 inch vertical curb
Sidewalks	½ acre parcels require a sidewalk on both sides. 1-2 acre parcels require a sidewalk on at least one side.	Both sides.
Sidewalk widths	Where a planting strip protects pedestrians from traffic, 5 feet. Otherwise 8 feet.	Where a planting strip protects pedestrians from traffic, 5 feet. Otherwise 8 feet.
Alleys	Where lots are less than 50 feet wide an alley is appropriate. A 20 foot right-of-way, with a 12 foot paved width.	Not appropriate.
Traffic calming measures	Allowed consistent with 20 mph design speed.	Not appropriate.
Spacing of slow points	200-300 feet between.	Not appropriate.
Medians or center islands	Not appropriate.	On all multilane roads.

Pedestrian–Bicycle Activity

Pedestrian and bicycle activity are normally designed to occur adjacent to roadways. For pedestrian activity, sidewalks with a 5-foot minimum width are normally located four to six feet from the face of the curb. If a bike lane is to be included, it is normally placed adjacent to the roadway and would utilize the shoulder. For a curbed section, a designated bike lane would be located within 2-3 feet of the curb. Appropriate signing and striping are required to be included for safety. If bikeways and pedestrian ways are not located adjacent to the roadway, they should be placed in a separate right-of-way (12-30 feet).



Courtesy of the Dutchess County Department of Planning and Development

Grid Design vs. Cul-de-Sac

Frontages should be flexible to permit clustering and to help avoid large circumference cul-de-sacs.

A roadway normally ends at an intersection with another roadway or at a “dead end.” For the design of intersecting roadways, the AAHSTO Design Manual should be consulted for design parameters. For “dead ends,” hammerheads (the widening of the roadway) are used to permit vehicles to turn using only one backing maneuver. More often it is desired to allow vehicles to make a continuous loop (cul-de-sac) without having to back up.

For cul-de-sacs it is necessary to establish the design vehicle. Quite often, the design vehicle is a passenger car, which would have a turning radius of 30 feet or less. This would equate to a cul-de-sac having a diameter of some 60 feet. Based upon the turning track of the vehicle and the ability of one vehicle to pass another, it is unlikely that a raised island could be incorporated into this design. In addition, trucks and buses could not make the turn in a single movement. If a bus or a single unit truck were the design vehicle, a diameter of the cul-de-sac would be in the order of 90 feet. However, this radius would allow for the construction of a raised center island with a diameter of approximately 20-25 feet. The incorporation of an island would provide an area for landscaping or snow storage and would reduce the size of impervious surface.

LAND CONSERVATION AS A COMPLEMENT TO DEVELOPMENT

Part of the PGD approach is to respect land with recreational, environmental, or historical significance.

In many developments sensitive lands are protected in perpetuity by deeding them to a municipality or by conveying a conservation easement to an environmental organization.

Transfer of ownership places the land in the hands of the public. A conservation easement establishes specific limitations on the further use and development of a parcel, such as requiring preservation of vegetation or other site features.

Easements and transfers of ownership are often used in combination to provide most effectively for preservation of sensitive property. For example, a municipality or homeowners association may be given title to a property, and a conservation organization given a conservation easement enabling it to assure preservation of sensitive resources or recreational and historical features.

Example: Town of Somers, Zoning Code, Article IIIA: “Conservation Zoning.”

In particular, Code Section 170.13.3[E] requires the “permanent preservation” of land with “meaningful scenic, ecological, environmental, recreational and/or buffer value” as a condition of development approvals in areas whose environmental sensitivity establishes the need for a special “conservation subdivision.”

In one case, in the hamlet of Shrub Oak, in Yorktown, Westchester Land Trust and Yorktown Land Trust obtained easements preserving 40 acres of a total 50-acre parcel that is the site of 208 units of senior housing. Forested habitat, a large pond and other natural resources, and public trails will be preserved on 35 acres; a public park with a track, gazebo, and parking will be created on the other five acres of land. The developer’s application for the rezoning required for project approval was unanimously approved, due in large part to these easements.

A 124-unit project containing 66 affordable units, located on 25 acres in downtown Mount Kisco, near shops, medical services, and other parkland, was approved with an 8-acre conservation easement. Westchester Land Trust holds the easement that was intended to provide public trails, preserve woodlands, and provide storm water control areas.

In each of the preceding cases, the municipality made the easement a condition of site plan or subdivision approval, using environmental preservation and public amenities to mitigate potential project impacts. In two other cases, developers chose to create easements or make land gifts voluntarily, to achieve goodwill in the community and qualify for income tax deductions.

As part of a 114-acre subdivision in Bedford, a 59-acre parcel was donated as a conservation easement. Building lots will comprise 41 acres; 5.6 acres will be donated to the Bedford Central School District and 3.6 acres to the Westmoreland Sanctuary.

In Pound Ridge, 30 acres of an 80-acre parcel are being donated to Westchester Land Trust to attach to its neighboring preserve and trail network. Subdivision approval took roughly three years.

As demonstrated above, local municipalities are making extensive use of their authority to assure that land preservation goes hand in hand with development on large and small parcels. This approach benefits communities and developers alike, by safeguarding sensitive resources, providing public amenities, and helping developers ease concerns of adjacent landowners and community members. This makes for a more issue-focused and efficient approval process. When land conservation is coupled with use of the collaborative techniques, highlighted by the Pace Land Use Law Center report cited below, the land use approval process usually functions as intended: as an inclusive, open, and flexible means of determining, for all concerned, the most appropriate use of a property.

See “Collaborative Developments: A Report on Development Approvals Achieved through Collaboration,” prepared by Sean Nolon and Emily Beck, Pace Land Use Law Center, under the direction of the Westchester County Executive’s Task force on Environment and Development. September 2003, Available for download at: <http://www.westchesterlandtrust.org/Accomplishments/collaborativeplanning.html>

Sources for Design Information

1. Jacob’s Ladder Trail Design Guidelines
2. Stern, Robert A.M. Architects and EDAW, Inc. Landscape Architects. Tuxedo Reserve Design Guidelines.
3. Tate, Anne; Russell, Joel S.; Shakespeare, Jennifer. Prepared by the Dutchess County Department of Planning and Development, Hamlet Design Guidelines, October 1994.
4. Valley Vision, The Regional Land Plan for the Pioneer Valley, Executive Summary. Pioneer Valley Planning Commission (September 1997)
5. Institute of Traffic Engineers/Federal Highway Administration Traffic Calming: State of Practice (August 1999)
6. Walter M. Kulash, Residential Streets, 2nd ed., 2001

How to Work with Developers

WHY WOULD A MUNICIPALITY WANT TO WORK WITH A DEVELOPER?

When local land use policies and the activities of the private sector are coordinated, developers can become the implementers of the community's comprehensive plan. Understanding developers' decision-making processes is key to using them to achieve the community's vision. The fundamental consideration of any developer is whether the project will be economically viable.

WHAT DOES A DEVELOPER NEED TO ACHIEVE AN ECONOMICALLY VIABLE DEVELOPMENT?

From the point of view of the developer, the most critical components of achieving an economically viable development are as follows:

- The Location of the land determines the optimal use and benefits of an available property as well as the market the developer will be investing in.
- Appropriate Density is the number of units needed to make the development project economically viable or to balance the cost of building the units with the expected marketability of the project. Whether the critical mass is economically viable is affected by the community tolerance for density, marketability of the development, and development trends both local and national.
- The Land Plan is the overall design of the project that takes into account the features of the land and the needs of the community.
- Community Components are uses in addition to residential uses that add value to the community, such as commercial and civic areas.
- Architecture is the design of the more specific aspects of the project that takes into account the aesthetic guidelines of the community as a whole, as well as the design of the units marketed to the individual buyer.

If a municipality wants to achieve its goals, it is important that it understand what each of the above criteria means to the developer who is implementing its growth

objectives. The municipality can use this understanding when developing guidance and incentives for the creation of Priority Growth Districts (PGDs).

Location

Location of the property is important to the developer when assessing the economic viability of the project. Location is critical when trying to understand what works in the area market. The developer gains an understanding of the market for a development at a particular location from the immediately surrounding area in addition to the location itself. Critical components of location are proximity to jobs, shopping, recreation, schools, and entertainment. Other features include safety, environmental context, quality of schools, and the reputation of the community. The reputation of the community is defined by mailing addresses, perceived value, and perceived quality of life in the area. It is critical that the community is considered hospitable to the intended occupants of the proposed housing, whether they are growing families, seniors, or high-end buyers.

When planning a land acquisition, the developer frequently aims to create a balance between an opportunity in the open market and strategic planning. There are varieties of target homebuyers that can be attracted to a neighborhood based on several criteria. First-time buyers, move-up buyers, empty nesters, and age restricted buyers are usually attracted to different factors, and projects can be designed with ample variation in the product to attract various types of consumers. Priority Growth District developments provide housing for a variety of residents by offering multiple housing types and conditions. The key for a municipality in selecting locations for PGDs is to work with the benefits and constraints of the available locations to determine if they are appropriate for a mixed-use development.

Appropriate Density

A developer needs a critical mass of units in order to have a project that is marketable and affordable. What constitutes critical mass varies, and there is no set minimum unit count. A PGD will provide residential units for a diverse market place with enhanced design features. To build a PGD, the developer must have an appropriate density of units sufficient to respond to development trends in the region and to distribute the costs of the development.

Developers tend to have a primary market of buyers in mind when designing their projects. Where land is expensive and density kept low, they may market to high-end families, typically with school aged children. With PGD developments and an appropriate density, developers can design projects to attract a second and third type of buyer: younger families and senior households. For example, where more than one market is intended to be reached, there should a minimum of 50 units of each type to insure there are enough homes to create a meaningful draw to the secondary and tertiary buyers.

Additionally, an appropriate density serves the function of more broadly distributing the costs of community amenities, sewer treatment facilities, and water supply systems that are required. When densities are appropriate, even below market housing to meet the needs of the entire community and retail components can be included, if the local zoning permits.

Developers are also concerned with what is known as the absorption rate – the number of units that will be sold each year and the total number of years that they will stay on the market. An appropriate density that allows developers to sell to two or three housing markets also creates a favorable absorption rate and less exposure to market risks.

The Land Plan

The land planning for a PGD pulls all of the components of the benefits and constraints of the land together with the marketing goals. The land plan should create a lifestyle that is unique to the neighborhood by taking into consideration the physical attributes of the property and by establishing the locations and placement of the various intended uses. The goal of the land plan is to provide a blend of the most innovative and cost-effective methods for providing the intended product to the market while integrating that product with the natural features and benefits of the property.

One benefit of PGD projects is that they lend themselves to the creation of mixed-use designs. A PGD allows for the synergy necessary to create special components of a neighborhood. These special components in turn generate energy for the PGD and the surrounding community. The PGD also provides the best possible base plan for multiple product types that can be targeted to different age groups and incomes as well as providing for the ability to include community, retail, and commercial components. This diversification of components and uses strengthens the tax base of the community.

The key to a successful PGD land plan is flexibility in design standards. The developer will want the municipality to be flexible regarding roadway design, lot size, and building spacing. There also needs to be a focus on the prevalent features of traditional neighborhoods such as sidewalks, street trees, special streetlights, attractive signage, special pavement and curbs, stonewalls, fences, and park benches. De-emphasis of the car with architectural design, as discussed in Chapter 4, and land planning also provides a greater value and sense of community by creating a more pedestrian oriented community. This also leads to interaction between neighbors that is clearly attractive to today's more environmentally and socially conscious buyers. These features all create a sense of place in addition to simply supplying building lots.

The PGD land plan clusters homes on smaller lots. Smaller lots use less land, require less extensive infrastructure, and foster a greater sense of community. Traditional communities utilize these concepts, allowing the pastures and farmlands to remain as permanent open space reserves. Unfortunately, it is no longer possible to design these traditional communities as standard subdivisions under standard zoning. However, it is possible using the flexible design that is allowed in a PGD to create an economically viable project similar to a traditional community. This requires a land plan with a quality design created through partnership with the municipality.

Community Components

The marketing success of a PGD project relies heavily on the community components of the land plan. Community components are uses such as retail shops and services, offices, daycare centers, and recreational programming. These, if permitted, are as fundamental to the land plan as the various types of housing allowed. They have the ability to enhance the visual and social disposition of the neighborhood. The building scales for retail and recreational uses can be enlarged, providing diversity in the streetscape. They can be combined effectively to create a “village center” when mixed with residential buildings. The massing created allows for a more traditional feel to the community.

By providing services, shops, and offices, the neighborhood takes on an inherent unity, as it has more than its homes and streets to make it unique. The convenience factor draws out members of the neighborhood and the surrounding community. The overriding benefit for the neighborhood is the resulting interaction between neighbors at these village centers. The size of the retail component can be limited to 5,000 to 10,000 square feet, depending on the size of the neighborhood, but not to the extent that it loses its viability.

Neighborhoods should be equipped with a pool, fields, tennis courts, and playgrounds. Sometimes it is necessary to increase the range of the amenities to address the needs of the diverse market by including a gymnasium, meeting house, and/or a computer lounge. Prospective buyers and community residents will sense a greater value in their community with these additional project features.

Architecture

For optimal marketability the architecture must be pertinent and harmonious, but not monotonous. Many celebrated neighborhoods built in the early 1900’s provided for significant diverse architectural styles woven together in the fabric of community features. PGD projects should de-emphasize the garage and feature front porches, traditional rooflines, balanced fenestration, attention to lot constraints, and the use of quality materials.

The exterior design of the houses must blend the needs of the larger community with the needs of the buyer in terms of livability. First time buyers may want products designed with three bedrooms and family rooms on moderately sized lots. Move-up buyers might want four or five bedrooms with master bedroom suites on larger lots. The senior buyer may look for master bedroom suites on the first floor with more traditional dining rooms and living rooms as well as home offices and a small guestroom on the smaller lots. The homes designated to be sold below market to meet the local housing needs of the entire community must be un-differentiable from the other architecture on-site and should be dispersed, if good planning allows, throughout the neighborhood. Each housing line for each targeted buyer should have a variety of models and styles to choose from to establish further diversity and promote more individuality.

WHAT TOOLS AND TECHNIQUES DOES THE MUNICIPALITY HAVE FOR WORKING WITH THE DEVELOPER?

With an understanding of what a developer defines as a successful or economically viable development, a municipality can use a variety of tools and techniques to guide a developer into correctly implementing the comprehensive plan. And, it can ensure that the developer's definition of success is sympathetic with the municipality's.

Financial Incentives

In some cases, development projects in a PGD may be eligible for local, county, state, or federal funds. To the extent that infrastructure costs are high or planned benefits to the community are great, the municipality should help identify outside funding. In some cases, outside funding should be pursued through applications made by the municipality; in other cases, requests for funding are the responsibility of the developer.

Some potential funding sources are:

- Capital funds from the municipality, the county, or the state that might leverage the applicant's funds for major road or park improvements.
- Application can be made to the State Department of Transportation (DOT) to fund road or intersection improvements jointly with the developer. This funding source is particularly available in cases where the state has previously identified the need for an improvement, but funding constraints or other priorities delayed its completion.
- The use of Community Development Block Grant funds (through the Urban County or Small Cities programs) for certain activities that eliminate blight or meet lower income needs, including affordable or senior housing components of an overall development.
- The use of low interest loans or grants from Industrial Development Agencies, the Empire State Development Corporation, and other entities.
- The leveraging of public open space acquisition funds with local land trusts and similar organizations.
- There may also be Federal grants available from a variety of programs.

Land Assemblage

In certain instances, communities may need to assist applicants with the assembly of small, strategically located parcels to create the unified development envisioned in the locality's comprehensive plan and needed for a PGD. There are at least four ways that a municipality can assist qualified developers to assemble land. They can:

- Create a floating planned unit development zone that allows privately owned parcels to be assembled by agreement among landowners and

permits clustering on the appropriate land and shares financial benefits among them.

- Incorporate a not-for-profit corporation empowered to acquire options to purchase adjacent properties and assign these options to qualified developers.
- Sell municipally owned land to qualified developers or encourage other governmental agencies or institutions such as hospitals, schools, or large corporations that own excess property to sell to PGD developers.
- Acquire land and dispose of it to qualified developers under the New York State Urban Renewal Law (Articles 15 and 15A).

In order to acquire land and dispose it to the private sector as a public purpose, the municipality must determine that the subject site or area is suitable for redevelopment based on a blight study. New York State law defines blight very broadly. It can include deteriorating structures, obsolete buildings, incompatible land uses, unproductive land, and a host of other factors. After completion of the blight study, the governing body would authorize the preparation of an urban renewal plan that specifies proposed land uses, properties-to-be-acquired, land disposition, and lot and bulk controls.

Streamlining the Process

Project carrying costs are critical to the developer. In addition, they are extremely variable since they are directly related to the amount of time a project may be in the land use approval process. In order to shorten the approval time, municipalities can jumpstart the process by examining potential project impacts through the New York State Environmental Quality Review Act (SEQRA) process. Alternatively, the municipality can shorten the process by carefully scoping out the SEQRA process, and by working with a developer to expedite reviews.

Each step in the process of planning for and implementing PGDs must be considered under the provisions of SEQRA. Once the PGD approach has been agreed upon in the proposed comprehensive plan and zoning ordinance, its local approval would best be achieved through the preparation of a Generic Environmental Impact Statement (GEIS). A GEIS is undertaken during the formal adoption of a comprehensive plan and zoning ordinance, thereby complying with SEQRA. If this impact statement also addresses the impacts of a proposed PGD, the review of the applicant's subsequent proposals can be more site-specific and less time-consuming. The site-specific studies could then refer back to the impacts and mitigation measures identified in the GEIS, as well as the policies articulated in the comprehensive plan. In addition to saving time, having a completed GEIS through the adoption of Environmental Findings would provide assurance to the developer that the site-specific proposal would likely be approved, given its consistency with community planning, zoning, and environmental analyses.

The GEIS, as envisioned herein, would reduce developer and community uncertainty. With an appropriate level of detail, the GEIS would clearly identify and analyze major impacts, provide mitigation, and establish parameters for future site-specific assessments. The GEIS would articulate the pre-established community vision as it applies to the PGD. The GEIS would also provide a solid foundation for potential Development Agreements designed to ensure mitigation measures and plan details that meet the objectives of the community as expressed through the SEQRA process. Developers can be charged a reasonable percentage of the cost of the preparation of the GEIS.

The level of detail in the GEIS would differ from a subsequent site-specific review that the applicant must still complete. The subsequent studies could be limited to a full Environmental Assessment Form (EAF). The community's GEIS will undertake certain critical studies, such as traffic analysis, whereas the applicant's EAF would provide the specifics of storm water management.

Subdivision and site plan review and approval, as well as all other discretionary approvals at the local, county, state, or federal levels, cannot occur until the site-specific SEQRA review has been completed, culminating in a negative declaration or findings statement. However, with the assurances garnered through compliance with the concepts in the comprehensive plan, the specifics of the zoning ordinance, and the mitigation measures in the GEIS, the applicant should feel sufficiently confident that a site-specific approval would be forthcoming. With that approval in mind, the developer should be in a position to authorize detailed design drawings from architects and engineers, and to initiate the permitting process with the State Department of Environmental Conservation (DEC) and other agencies, which are often very time-consuming procedures. Additional public and neighborhood-level meetings, particularly at the site-specific review stage, and expedited technical reviews by the municipality's consultants, can further streamline the process.

For more information on public/private cooperation, read *Redeveloping Urban Centers: Legal Tools and Techniques for Public/Private Cooperation*.
www.law.ace.edu/landusebook_publications.html

New York State Case Studies

FOUR CORNERS: EAST FISHKILL, NEW YORK

The Town of East Fishkill in Dutchess County is in a region “reachable” by people commuting from metropolitan areas such as New York City. East Fishkill has access to highways and beautiful countryside. However, it does not contain a plethora of “villages” or town centers. Before the proposed development of Four Corners, portions of the Town were becoming typical examples of suburban sprawl.

Four Corners is located in the northeastern portion of East Fishkill. The site, based on zoning and environmental constraints, will have approximately 260 residential units. This allows for a variety of product and a mass that supports the basic concept of a multi-use Traditional Neighborhood Development (TND) in a Priority Growth District (PGD). WCI Spectrum Communities, the developer of the project, designed Four Corners as a TND, and it will be a walkable community with a variety of lot sizes and housing styles. It has a number of passive and active open spaces in the developed area.

Four Corners can be viewed as an “introductory” PGD that another community may wish to emulate as it takes its first step toward implementing a PGD. It includes “enhanced clustering” with a mixed-use component, affordable housing, and open space preservation. It also introduces concepts of traditional neighborhood design.

Project Facts

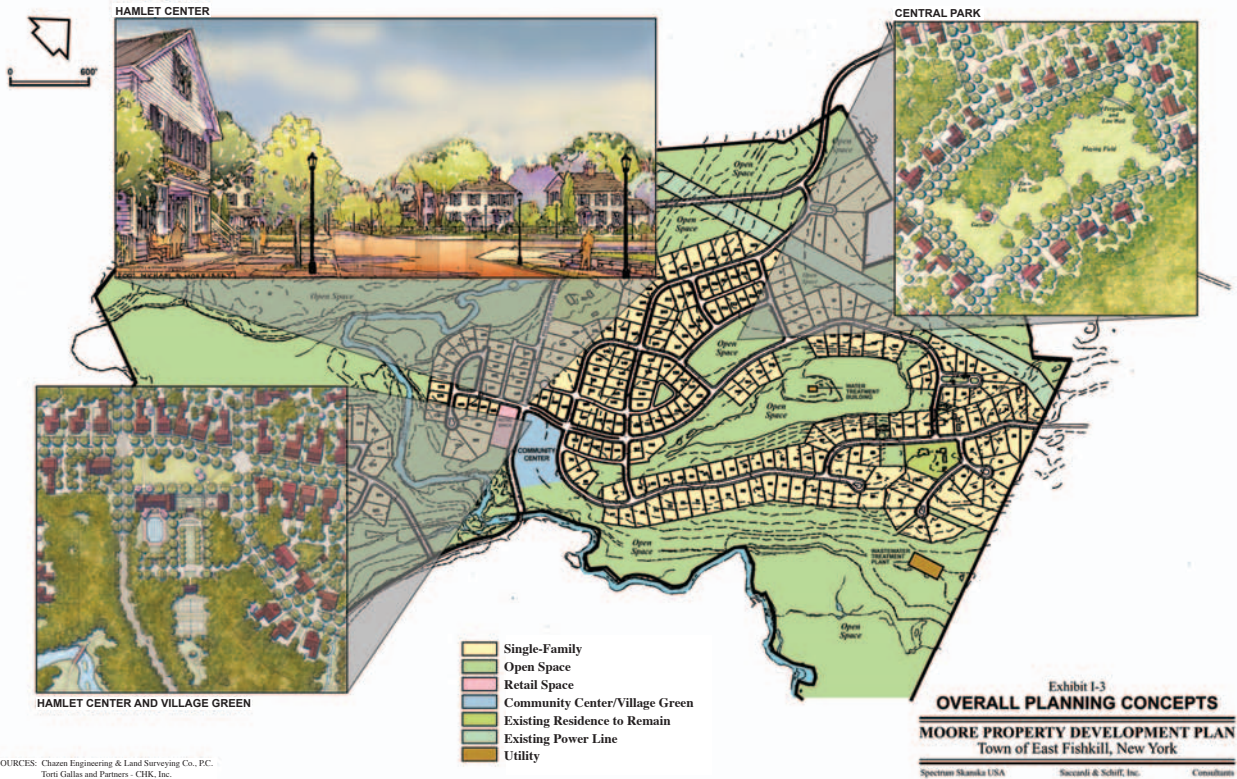
Size	478 acres
Development	168 acres
Retail/Office	10,000 square feet
Residential	261 new single-family units, 2 existing single-family units
Civic Space	1 unit, pool, tennis courts, & many parks

History of Site

The history of East Fishkill is one of an agricultural town. The Moore Property encompasses land owned by one of the first farming families in East Fishkill. Two historic farms with their associated outbuildings are located within the Four Corners development. The two farmhouses are the John Storm-Moore house, built in 1800 and the Adriaance-Hooley-McMillen House, built in 1846.

The Moore Property is comprised of several distinct areas: some former croplands, some gently sloped woodlands, some more demanding terrain, land areas with difficult access and environmentally sensitive lands (wetlands and steep slopes).

Another section of the Four Corners Development contains what current residents of the Town refer to as the “Slave Cemetery.” This location is where the brothers Garret and Isaac Storm reportedly buried slaves until New York outlawed slavery in 1828. The site is demarcated by a stone wall on two sides and a single gravestone. A series of woodland trails will incorporate the area using historical plaques.



Overall Planning Concepts

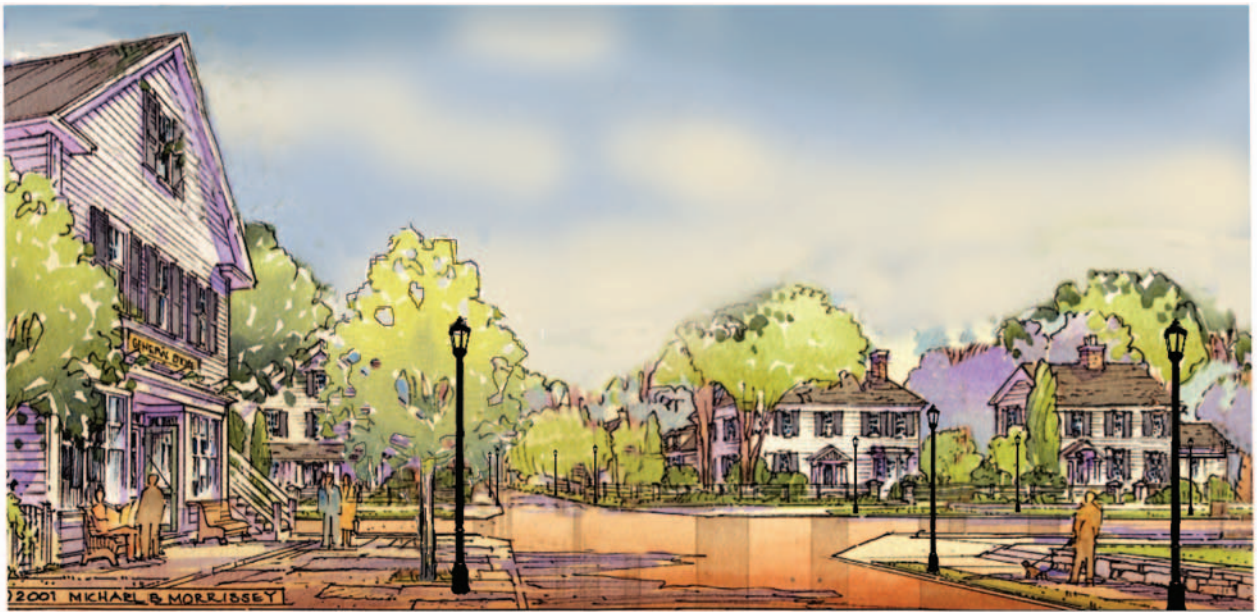
Description

The quality of design found at Four Corners extends beyond the residential space. The developed area of Four Corners is only 35% of the total land available for the project. Spectrum has preserved 65% as open space. A conventional development plan for the same property would have conserved a mere 11% of the land as open space. The developed space includes a Hamlet Center, considered the centerpiece of the developed area. The Four Corners Hamlet Center is located at the intersection of two town roads, Phillips Road and Moore Road, and includes a mix of convenience and retail services. It also has a residential streetscape with front porches set close to

the sidewalk to create a pedestrian friendly and interactive environment. This exemplifies a principle of traditional neighborhood design that creates safe and pleasant streets and a walkable neighborhood. The Hamlet Center consists of the Village Green, Community Meetinghouse, General Store, recreational facilities, and a number of residences.

The Village Green is approximately 32,000 square feet of green space just to the east of the main intersection of the development. The Village Green is designed to increase community interaction and recreation.

To the west of the Village Green is the General Store; it has 10,000 square feet of retail and office space. The General Store enables residents within walking distance of the Hamlet Center to purchase the necessities of life without driving, thereby reducing traffic in the development. It will typify the model of an “old-time country store.”



This sketch is designed to illustrate some of the design concepts proposed for the hamlet center. It is not meant to depict actual conditions.

SOURCE: Tori Gallis and Partners - CHK, Inc.

Exhibit III-B-2
**VIEW OF HAMLET CENTER
 CONCEPT AT PHILLIPS ROAD**
 MOORE PROPERTY DEVELOPMENT PLAN
 Town of East Fishkill, New York
 Spectrum Skanska USA Succardi & Schiff, Inc. Consultants

View of Hamlet Center Concept

Directly across from the General Store is the Community Meetinghouse. The Meetinghouse is on scale with the residences in the area. It is another space for the neighbors to gather, thereby increasing community interaction through design.

Spectrum made two changes to the Hamlet Center resulting from public presentations and discussions of the project. The first change came after a presentation to the Town Board. The Town encouraged the developers to add an additional unit of affordable housing to the project by creating an apartment over the

Community Meetinghouse. Their suggestion was that this additional affordable housing unit would be the designated residence of a groundskeeper for the numerous parks and woodland trails scattered throughout the 478 acre Four Corners. The developer took that suggestion and incorporated such an apartment into the design. The second suggestion came from an observant and interested member of the public after a presentation of the proposed project. The individual noted that a child involved in an activity at the Community Meetinghouse or community pool would have to cross the Four Corners busiest thoroughfare to get an ice-cream cone from the General Store. As a result, the General Store was moved to the other side of the Village Green next to the Community Center.

Another sizable portion of open space within Four Corners is Central Park. It is a five-acre park located on what the developer considers some of the most picturesque and readily developable land available in Four Corners. Instead of developing this land so only a relatively few households could make use of it, Central Park was designed for the entire community of Four Corners. Central Park includes a number of features: a formal garden area with a gazebo, a playground area, and an open field for informal active recreation.

The housing styles of Four Corners will contain traditional designs consistent with those found in the Hudson River Valley and New England. The styles will include Georgian, Federal, and Colonial Revival. One of the two early 19th century houses already on the site, the John Storm-Moore house is a Federal style brick house built in 1800. Some of the features common to all the houses will be front porches designed to bring the residents to their front yards, to the sidewalks, and to the Hamlet Center itself. In addition, there will be clapboards, overhanging eaves, and dormer windows. These features will add architectural detail. Finally, garages will be located to the rear or side of the house to minimize their visual impact. This will all help to make the street a defined space, thereby making it a point of community interaction.

Discussions with local realtors and people in and around the Town of East Fishkill, as well as an analysis of the demographics of the area led the developer to conclude that there are three distinct buyers in the East Fishkill area:

- **Move-up buyer.** This is the standard market for Dutchess County: people who want a new bigger home and cannot afford the home prices of Westchester, Fairfield, and Putnam Counties and who will not cross the River. Many of these people live in East Fishkill already.
- **First-time buyer.** People who cannot afford to purchase a first home south of Dutchess County are also a standard target.
- **Senior buyer.** This is not a typical draw for the area. However, analysis performed shows that there are many who moved to Dutchess County in the last wave who want to step down from their homes on two acres to a smaller lot. A home geared more to their new lifestyles, where they no longer need rooms for children who have moved out of the house.



SOURCE: Tom Gallo and Partners - CH2M, Inc.

Exhibit III-B-4
TYPICAL STREET ELEVATION
 MOORE PROPERTY DEVELOPMENT PLAN
 Town of East Fishkill, New York
 Spectrum Skanska USA Saccardi & Schiff, Inc. Consultant

Typical Street Elevation

To accommodate these three potential markets, Four Corners is designed with four distinctly different products. While the housing element of the development consists almost exclusively of single family detached residences, the homes will vary in size from 1,850 square feet with two bedrooms and a two car garage to 3,500 square feet with five bedrooms and a three car garage:

- **Village homes.** These are marketed toward an empty nester. They are situated on smaller lots, clustered in and around the center of the community. They feature a design that promotes empty nester life: master bedrooms on the first floor, open floor plan with formal dining, smaller second and third bedrooms, and home offices.
- **Manor homes.** Manor homes are designed for the first time buyer: three bedrooms with features designed for young families like walkout basements and big family rooms. The home sites are moderately sized parcels around the perimeter of the center.
- **Estate homes.** These are situated on the largest lots, 20,000 – 30,000 square feet on the outskirts of the center of the community. These homes are larger and feature large master bedroom suites and four and some five bedrooms designs. They are designed to address the needs of the established families who are moving up from their first or second homes. They have put down roots in East Fishkill and are committed to the community.
- **Middle income homes.** The middle income homes are interspersed throughout the community. They are designed to be very similar to the Manor Homes with a slightly smaller finished floor area. They are designed to address the needs of public servants or young East Fishkill res-

idents who would normally have to seek less expensive living arrangements than a new development typically provides.

All four lines of homes are designed with multiple model types, and each model type is designed with two to three elevations to ensure that there are never two identical homes adjacent to each other. The “enhanced cluster” concept enabled the developer to include the non-residential uses, as well as lots smaller than those previously permitted under the Town’s cluster provisions.

One of Spectrum’s priorities is to provide a community with a foundation that is unique and conducive to a quality standard of living. Four principles adhered to while designing Four Corners are:

Gridded Street Network – The project contains an interconnected “village-like” street system, which provides pedestrians, bicyclists, and vehicles alike with multiple routes to any destination. The street network reflects the natural topography and is curvilinear in part, rather than a purely rectilinear grid. On several blocks, rear driveways add an additional circulation pattern within the site, allowing individual access to garages, while freeing neighborhood streets, and town roads from additional curb cuts.



Major Pedestrian Circulation & Trails Plan

Homes Front onto Streets – The streets in the development have been designed for character as well as capacity. Homes are placed close to streets and sidewalks to complement the streetscape design. The mixture of lot sizes and housing types helps to assure a high quality, picturesque streetscape in a traditional neighborhood environment.

Integration of Parks and Open Spaces – Small parks and neighborhood greens are seamlessly integrated into the overall design of the proposed development. An assortment of single-family homes front onto a Central Park, while the Village Green will be framed in part by a Community Meetinghouse and General Store.

Reduced Visual Impact of Parking – In order to enhance the development's pedestrian character, the project is designed to lessen the visual impact of parking on the public areas. Garages are not dominant parts of the architectural design for each home. In general, parking is provided to the rear or the side of homes or screened from the public's view, and additional parallel parking is provided on the streets to provide a traffic calming effect.

Planned and Environmentally Sound Infrastructure – The developer provides central water and sanitary sewer systems to serve all of the proposed uses. This includes an advanced Wastewater Treatment Plant designed to meet the standards for surface water used for drinking.

Fiscal Benefits – A somewhat lower number of public school children is anticipated than with a standard subdivision. It is anticipated that there will be 0.6387 versus 0.7864 public school students per home or 168 students versus 207 students. The estimated revenues for the effected school district are expected to exceed educational costs by as much as \$340,000.

Local Government Role

Four Corners development as something resembling a PGD happened in what would seem to be reverse order. While it is not a true PGD, it is something similar created by a developer who saw a need and tailored their development to fill that need by adopting design techniques like those found in a PGD. They did this in the absence of zoning laws that mandated such design. As a result, the Town of East Fishkill had a positive model to emulate as they amended their comprehensive plan and zoning laws to foster development in a PGD. If this were a true PGD, there would have been zoning laws in place that detailed exactly what the Town was looking for from the developers.

John Saccardi of Saccardi & Schiff Inc. identified the difference between what Spectrum has done and a true PGD. Spectrum created a very desirable, well designed property, but at its own risk. A true PGD would maintain those same high levels of design and desirability, but the risk would be significantly reduced. A PGD reduces the level of risk associated with the approval process because the developer has

collaborated with the community and they are both pulling in the same direction. For the community, this assures a dramatically better development and for the developer, this can mean an expedited approval process.

The Comprehensive Plan for East Fishkill “calls for the use of cluster development techniques to preserve open space and to protect and enhance Fishkill Creek.” It also sets as goals the retention of rural character and the preservation of historic resources. Four Corners utilized a cluster plan and proposed “a pedestrian oriented neighborhood of homes, parks and open spaces.” Simply complying with the Comprehensive Plan with a basic cluster plan would have sacrificed many of the unique attributes present in Four Corners.

Development Team

WCI SpectrumCommunities; Saccardi & Schiff Inc.; The Chazen Companies; Delaware Engineering, P.C.; Hudson Valley Consulting; Torti Gallas and Partners – CHK, Inc.; John Collins Engineers; Historical Perspectives Inc.; Paul J. Jaehnig; Stearns & Wheler, LLC; Environmental Consulting, LLC; Hudsonia; Michael W. Klemens LLC; Leggette, Brashears & Graham, Inc.; Galli Engineering, P.C.; Hubble Realty Services Inc.; Town of East Fishkill Planning Board. For more information visit <http://wci.weicomunities.com/default.asp?pageID=home&siteID=62&vid=1000>.

TOWN CENTER: LAGRANGE, NEW YORK

Introduction

LaGrange, New York anticipates a rapid increase in its population with the ever-extending reach of commuters who work in New York City and other areas of the state. The municipality has taken a proactive approach and established a Priority Growth District (PGD) so the inevitable growth is a boon, not a burden. Joseph Luna, a LaGrange Councilman and Chairman of the Master Plan Committee distilled the issue clearly: “LaGrange does not have a Main Street. We needed a place of being; a place where people want to live, work, and shop; a place to get away from the mega malls.”

Project Facts

Size	6 mile diameter
Development	Town Center; Business and Residential District
Retail	102,700 square feet retail; 48,000 square feet supermarket
Office	67,000 square feet - 210,000 square feet office
Residential	2nd floor residential-100 units; 132 apartments; 132 single family residences; 43 town homes; senior housing 100 units; and assisted living 152 units; estate homes 3 units
Civic Space	30,000 square feet government complex; 20,000 square feet library

History of Site

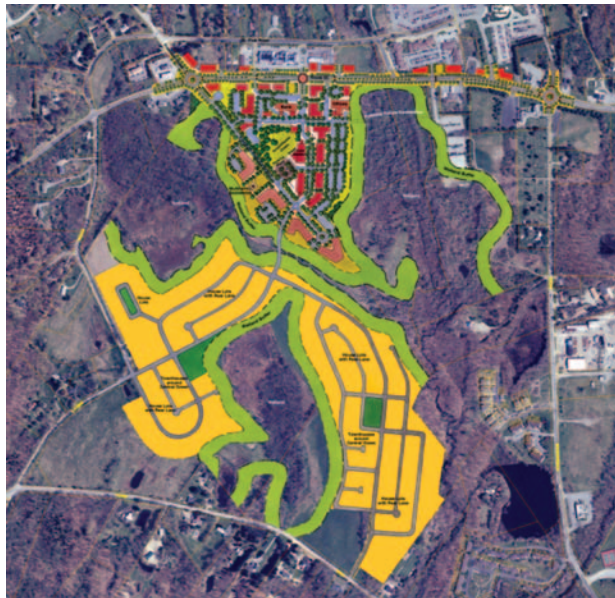
A Town Center concept was introduced in the early 1960's as an area where future growth or commerce should develop in the Town of LaGrange. This area was approximately 6 miles in diameter, just west of the Taconic State Parkway, with State Route 55 as its core. Over the next 20 years as the Town's residential base grew, little in the way of commercial development was attracted to the area.

However, as LaGrange moved into the 1980's, strip malls were beginning to appear along State Route 55, west of the Taconic State Parkway. The Town felt that it was time to develop a Town-wide Comprehensive Plan and to review the Town Center zoning.

Description

The Town of LaGrange, New York established a priority growth area in July of 2003 by amending its zoning laws to include § 240-35 "Town Center... in Freedom Plains." This addition created two new districts in an area now designated the "Town Center." The two districts are the "Town Center Residential District" and the "Town Center Business District." These zoning amendments are the implementation of recommendations in the Town of LaGrange Comprehensive Plan.

The purpose of these two new zoning districts and the "Town Center" concept is "to create walkable, highly integrated, multifunctional public and private spaces, through a network of connected streets, sidewalks, and uses. Structures in the [Town Center Business] District are generally to have two to three stories, with retail on the ground floor and office or residential uses above. The [Town Center Residential] District provides for higher density residential development and selected uses compatible with residential streets in the immediate area surrounding the [Town Center Business] District."



Plan for LaGrange Town Center

Courtesy of the Dutchess County Department of Planning and Development

One of the benefits that the Town hopes to see from these changes is “a vibrant Town Center.” The Draft Environmental Impact Statement (DEIS) explains that this Town Center will comply with the *Greenway Compact Program and Guidelines for Dutchess County* since LaGrange is a Greenway Compact Community.

With the addition of two new districts to their zoning code, the Town of LaGrange hopes to create a mixed-use community with a palpable sense of “place and character.” In addition, the DEIS predicts that these changes will encourage Smart Growth, which is the driving force behind PGDs, TND, and mixed-use development. The result of such Smart Growth will be the creation of a wide variety of housing options, including affordable housing, a reduction in residential sprawl, better utilization and concentration of infrastructure, a reduction in the strain on community resources, and gain in net revenue for the municipality from concentrated commercial and residential uses.

Financial Benefits of PGD Zoning

The DEIS establishes that the Town Center will expand and diversify LaGrange’s tax base. The DEIS also explains that the net tax revenues created by development under the new PGD zoning will be greater than that created under standard zoning. This will result from an increase in the density of commercial uses, with the corresponding increase in demand for city services being minimal.

According to the DEIS, development under the new PGD zoning will “yield a net budgetary gain for local government.” The report cites such factors as increased local job opportunities, increased tax revenue to both the Town and school district, and ability to develop land at a higher density with a minimal impact on local service providers such as police, fire, and emergency services.

The diversified housing mix may be expected to have a positive fiscal impact on the school system. The *Smart Growth Housing Task Force Report* described the findings of an economic study for Westchester entitled “Analysis of the Impact of Housing Construction on the Local Cost of Public Education: Westchester County.” That study found that market rate apartment housing and market rate and affordable senior for-sale housing produced more revenue than costs to educate public school students. The Westchester report showed that market rate apartments and affordable apartments generated 0.14 children and 0.25 children per unit, respectively, as compared to the 1.02 children generated per market rate single family home. While specific characteristics will differ from county to county, these findings indicate that introducing a variety of housing types can have positive revenue impacts relative to the cost of education. The addition of retail and commercial land uses in PGDs provides needed sales and property tax revenues for the community.

The DEIS for LaGrange Town Center concludes that by promoting a more efficient use of space in its commercial area, the Town Center encourages greater diversity and a potentially higher yield from the Town’s tax base.

Open Space/Natural Resource Protection – As noted previously, the 616-acre Town Center District contains 133 acres of state designated wetlands. The Illustrative Plan preserves those wetlands and designates a 100 foot buffer as added protection. In

terms of relieving development pressure outside the district, it is noted in the DEIS that residential development in LaGrange has typically occurred as single-family detached residences on lots of 5 acres or more. If the roughly 600 residential units contemplated at the Town Center were to be constructed under pre-existing zoning, approximately 3,000 acres would be needed for residential use, compared to the 300± acres indicated on the Illustrative Plan for residential use.

Local Government Role

The PGD in LaGrange is a concerted effort on the part of the Town Council and Joseph Luna. Any future development that occurs within the Business or Residential Districts of the LaGrange Town Center will be credited to their forethought and planning.

In January of 2001, a Master Plan Review Committee was established. It consisted of two members of the Town Board, two members of the Planning Board, one member of the Zoning Board of Appeals, one member of the Conservation Advisory Committee, a Town Planner, and two interested citizens.

The Master Plan Review Committee's agenda was to carefully review the existing Master Plan and to formulate a Town-wide Comprehensive Plan and revised and updated zoning ordinance to implement the plan.

To implement the policies of the new plan, incorporate the guidelines from the Greenway Connections, and include recommendations from urban planning experts, the existing zoning ordinances needed updating with the new information the committee was gathering. Guidance from the New York State Department of Conservation was sought to help design parameters for the required community infrastructure that would not disturb existing wetlands.

The committee's first focus was on the Town Center. The municipality already had the beginnings of a Town Center Concept in its existing Master Plan and knew that it did not want strip malls lining State Route 55. The committee's intent was to create a Town Center that would have a presence; it would provide a sense of place while still permitting a rural character.

To that end, §§ 240-35 (B) and (C) of the LaGrange Zoning Code were drafted to identify 7 design principles for the Town Center Business and Residential District.

They are:

- Establish a coordinated image for the Town Center.
- Provide a variety of housing options.
- Promote pedestrian activity through a safe and walkable environment.
- Create narrow, tree-lined streets to slow traffic.
- Promote the prominent positioning of civic buildings and central green spaces in order to enhance community identity and public interaction.
- Create an interconnected street system for both pedestrian and vehicular traffic.
- Protect important natural and historic features.

Additionally, § 240-35 (B) establishes 4 more principles of design exclusively for the Town Center Business District. They are:

- Bring buildings up toward the sidewalk and street edge.
- Promote a mix of commercial and residential uses in multistory buildings.
- Minimize the visual impact of the automobile by managing the placement and screening/landscaping of parking areas.
- Encourage the development of both on-street parking and shared parking areas between nearby uses.

The design guidelines are consistent with those described in Chapter 4 of this book. As stated in the *Draft Environmental Impact Statement* (DEIS) for the proposed Comprehensive Plan and Zoning amendments; “the Illustrative Plan will serve as a template for the application of specified design principles in order to achieve the desired form and appearance of development.”

John Clark, the Chief Planner for the County Master Plan Committee, made presentations to the public to both inform and obtain input from the public. The first public presentation was in May 2001. The public input garnered from the meeting was used to modify the plan and zoning proposal. In June 2002, the committee gave a status report to the public and a final presentation of a revised plan and zoning proposal was made in November of 2002. The Environmental Impact Statement was complete in June 2003.

Enabling legislation was required to enact the Town Center Zoning. The Master Plan Review Committee consisting of the Town Planner, the Chair of the Planning Board, the County Planner, the Town Engineer, the Town Attorney, and Councilman Joseph Luna, worked cooperatively to create accompanying legislation. This legislation was passed in the fall of 2003 after being presented to the public for their comments and approval.

Establishing the framework for a Town Center did not require the acquisition of land by the municipality. Rather, public policy actions affecting privately owned land in the form of zoning amendments will accomplish the goal. Therefore, a minimum of taxpayer dollars have been involved. The area will be served by a water district and a new sewer district to be funded by establishing a special assessment district of affected property owners.

The Town of LaGrange has created the potential for a truly unique Town Center. The Master Plan Committee has planned and zoned a new Hamlet while retaining the eclectic charm of Hamlets of the past.

Members of Development Team

Joseph Luna, LaGrange Councilman and Chairman of Master Plan Committee; Gary Beck, Town Board; Jack Brewster, Planning Board Chair; Bob Straub, Zoning Board of Appeals; Joachim Ansoerge, Director of Planning and Zoning; John Clark, Esq. from Dutchess County Planning; Dan Stone, Susan Blickstein and Nancy Clark from Chazen Co.; VanDeWater & VanDeWater

WARWICK GROVE: WARWICK, NEW YORK

Introduction

The Village of Warwick is located in the heart of the picturesque Hudson Valley in Orange County, New York, within 50 miles of New York City and close to the heavily populated areas of Westchester and Rockland Counties in New York and Bergen County in New Jersey.

The Town of Warwick is highly regarded for its beautiful countryside, plentiful apple orchards, onion farms, and other farming activities. The Town is dedicated to preserving open space, and passed a referendum to purchase farm development rights so that future generations in Warwick will be able to enjoy its beauty. See Chapter 2 for a discussion of Warwick's Incentive Zoning program. The Village of Warwick is the largest village in the Town and is known for its vibrant and charming Main Street, with numerous specialty stores, restaurants, antique shops, and bed and breakfast establishments. It has an active arts and educational community. The Village has maintained much of the historic architectural character of its downtown, which exhibits the simple yet elegant vernacular of the Hudson Valley Region.

Project Facts

Project	Warwick Grove
Type of Neighborhood	Active Adult
Total Land Area	130 acres
Conservation Area	100 acres
Retail/Office	Live-work town house units will accommodate galleries, professional offices, etc. A bed and breakfast site is included and a small general store may be operated in the Neighborhood Center
Residences	215 total residences, including 154 detached single-family homes, 31 town homes and live-work units, and 30 condominiums in three-story elevator buildings
Civic Space	Donations of 12.5 acres of land for the expansion of Memorial Park and 2 acres for a new library site. Neighborhood Center, with meeting rooms, gathering room, library, fitness facilities, swimming pool, etc. Neighborhood green, and a variety of neighborhood parks

History of Site

Warwick Grove was originally part of the farmstead owned by the Card family; land was sold to Matt Forte, a Long Island developer, in 1978. Mr. Forte developed a condominium community known as Homestead Village on part of the site at the edge of the Village of Warwick. By the mid-1990's, Mr. Forte had passed away without having completed his condominium development.

Leyland Alliance LLC had become interested in pursuing traditional neighborhood design development and decided to purchase the undeveloped portion of the property from Mr. Forte's estate.

Description

Warwick Grove is a new, traditionally designed neighborhood for active adults in the Village of Warwick. The site is a mix of heavily wooded land with intense topographical changes: large wetland areas, prairie grass, and a variety of soils. It is located approximately one mile from the established commercial center of the Village. The 130-acre site is located between Route 17-A and Forester Avenue in the Village. It is bordered by Memorial Park – with activities such as walking, softball, soccer, and special events. The developer has donated over 12 acres of land adjacent to the Park for a future park expansion, as well as approximately 2 acres to the Village to serve as the site of a new public library.

The plan envisions 215 residential units and is designed to be a traditional, walkable neighborhood and a natural extension of the historic Village. The project will have a visual connection to Main Street from its neighborhood center and residents will be able to walk through the adjoining park to the Village center.

Warwick Grove has a mix of housing types, community buildings, squares, greens, parks, sidewalks, and other amenities. The Neighborhood Center, located near the entrance of the community, offers meeting rooms, a library, a large gathering hall, and a fully equipped fitness center, together with an outdoor swimming pool and locker facilities.

Streets radiate outward from the Neighborhood Center and there is a range of thoroughfare types. The primary neighborhood streets offer two-way travel, parallel parking, trees, and sidewalks on both sides. Side streets offer parking, trees, and sidewalks, and allow for cars to pass slowly. Back lanes provide vehicular access to rear-entry garages on many of the home sites. Paths and passages offer residents and visitors shortcuts through the neighborhood.

The neighborhood is bordered on three sides by a 100-acre conservation easement, which covers 75% of the site and will be managed by the Orange County Land Trust. Hiking trails will enable walkers to enjoy flora and fauna. Of particular importance in this regard is the Bog Turtle. It was determined during the SEQRA process that the wetlands of the property are an excellent Bog Turtle habitat (The Bog Turtle is a very small and rare species of turtle). As a result, the developer worked with a conservation biologist to design a unique creek crossing that employs a bridge with "skylights" in order to make the crossing as Bog Turtle friendly as possible.

Warwick Grove consists of four distinct areas, each having its own sense of place. Elm Street features large homes with grand porches. Overlook Park is on high ground; homes have a grand view of the valley. The Neighborhood Square, adjacent to Memorial Park, includes town homes, condominiums, and live-work units – ideal for lawyers, artists, or writers. The edge of Warwick Grove includes several quieter, more intimate streets.



Warwick Grove includes a mix of residential types: condominiums, live-work units, town homes, and a variety of single-family, detached homes. The neighborhood is comprised of 154 detached single-family homes, 31 town homes, and 30 condominiums. Design guidelines employed by the developer serve as a benchmark for the architectural designs and will assist in fulfilling the overall vision. The architectural standards are based on styles found throughout the historic Warwick Valley, predominately Georgian, Greek Revival, Federal, and American Cottage, with floor plans and interiors that reflect the lifestyles and requirements of the Active Adult market.

Many of the design features were chosen to appeal to the active adult community. Front yards in all areas are relatively shallow so that front porches are within talking distance of the sidewalk. This facilitates the kind of community interaction already enjoyed in many parts of the Village of Warwick. Side and backyards are also modest, providing “outdoor rooms” on a scale that requires minimal maintenance but provides space for gardening, cookouts, and other activities. A Homeowners Association will maintain yards and handle snow removal.

Typical lot sizes for detached single-family homes range between 50’-65’ wide, by 110’ deep, although some lots are wider. Residences are constructed with low

maintenance products. While single-story residences are available, two-story residences are designed for single-floor living with master bedrooms on the first floor. This includes single-family detached homes and town homes. Residents can live entirely on first floors, if desired, leaving second floors for home offices, hobby rooms, or guest suites for visiting friends and family.

Condominiums feature single-floor living and elevators make it easy to reach units on the second and third floors. Other aging-in-place features include downstairs dens that can be converted into a second bedroom on the first floor, doorways wide enough for wheelchairs, shower stalls with built-in seats, and appropriate lighting to reduce glare and shadow. All homes will have 2-car garages, accessible directly to the house or through an attached breezeway.

Community Involvement

In 1997, there were few, if any, examples of Priority Growth Districts in the region. Leyland decided to retain the Traditional Neighborhood Development (TND) planning firm, Duany Plater-Zyberk & Company (“DPZ”), the firm responsible for “Kentlands,” described in the next chapter, and hundreds of other new towns and neighborhoods.

A design charrette was held in October of 1997 in Warwick. A team assembled by DPZ spent over a week in Warwick, involving a large segment of the community in the charrette. The charrette was conducted as a creative forum in which the developer, architects, planners, engineers, environmental consultants, local government representatives, and the general public could work collaboratively to design a master plan for the neighborhood. A historical tour of the property gave participants a closer connection with the landscape and the culture of Warwick. Lengthy deliberations were held about the needs of the community, along with discussions about how to design the buildings in keeping with Warwick’s existing neighborhoods, how to connect neighborhoods to the village, and how to enhance Memorial Park.

Local Government Role

Following the excitement and energy generated by the charrette, the developer faced several challenges, including the need to create a new zoning law to accommodate a TND development. Concepts discussed elsewhere in this book were employed to address this need. Due to concerns regarding the potential impact of a relatively high density development on the local public school system, it was decided to focus the development on an age-restricted concept, in which a community may restrict housing so as not to permit children as full time residents; in order to do so, the community must be intended for occupancy by older persons – in this case, people 55 years of age and older. The federal Fair Housing Law requires that at least 80% of all residential units in such a development must be occupied by at least one person who is 55 years of age or older.

The Village of Warwick hired the planning firm Looney Ricks Kiss to assist in the drafting and study of a floating zone called the “Planned Adult Community (PAC)” zone. Residents of Homestead Village, the condominium Mr. Forte had developed,

opposed the PAC zone, fearing the effects of additional traffic through the public streets in their neighborhood. Consequently, as adopted, the PAC zone prohibits connections to existing subdivisions. This requirement to avoid connections is, of course, antithetical to TND principles, where connections are encouraged, but it was a necessary political compromise at the time in order to obtain approval of the PAC.

A portion of the land Leyland wanted to develop was also located in the Town of Warwick, outside the Village. Therefore, it was necessary to annex a portion of the property from the Town to the Village to obtain Village water and sewer services and the PAC zoning (a village floating zone).

In view of the need to gain access to the land without going through the Homestead Village neighborhood, it was also necessary to find alternate means of access. Leyland was able to acquire land from the McFarland brothers, whose family has operated a farm in Warwick for several generations. The access road will be called McFarland Drive.

Leyland also acquired additional land from the McFarlands so that they could donate about 12.5 acres of land for the expansion of the Village's Memorial Park, as well as a 2-acre site that is slated to be the site of a new public library.

Because the access road, McFarland Drive, had to cross through a small portion of the rear of Memorial Park, it was also necessary to obtain a State authorization allowing the parkland to be used for a roadway. The bill was adopted at the request of the Village Trustees by the NYS Assembly and Senate and signed into law by Governor Pataki in 1993.

In addition, SEQRA compliance was a lengthy process, as were the processes leading to adoption of the PAC floating zone, annexation, rezoning, and site plan and subdivision approval. Overall, the approval process took approximately seven years to accomplish. Warwick Grove broke ground in the spring of 2004.

Development Team

Warwick Grove Company, LLC – An affiliation of LeylandAlliance LLC and Tarragon Corporation, Developer; Duany Plater-Zyberk & Company, Master Planner; Donald Powers Architects; John Reagan Architects; Degraw & DeHaan Architects, Architectural Design; Michael Klemens, Ph.D, Environmental Research and Design; Lanc & Tully and Lehman & Getz, Engineering; Jacobowitz & Gubits and Bonacic, LoBiondo & Krahulik, Legal Counsel; Patricia Stadel Interior Design, East Petersburg, PA, Interior Design. For more information go to www.warwick-grove.com.

Priority Growth District Projects in Other States

INTRODUCTION

In New York there are very few mixed-use development projects that utilize the full set of design and site standards found in ideal Priority Growth Districts (PGDs) projects. There are many successful examples from other states. Four projects are discussed here to demonstrate these features and the obstacles that can arise in their planning. Two of the case studies detail successful and prominent neighborhoods: Kentlands in Gaithersburg, Maryland and P'On in Mt. Pleasant, South Carolina. The other two case studies explore less well known examples: one from Alachua County in north central Florida and another from the City of Sun Prairie in south central Wisconsin. Each of these municipalities turned their focus to development in growth centers to alleviate problems associated with sprawl, such as the lack of housing that meets the needs of the community and heavy traffic congestion.

The chapter ends with briefer descriptions of projects in other states that illustrate the popularity and breadth of this type of development. The number of PGD projects has increased exponentially over the last few years. A study completed in December of 2003 by New Urban News found that there were 648 such projects. This was an increase of 176 projects from the year before. Of the PGD projects across the country, 369 were built or under construction, while the other 279 were in various stages of planning at the time of the study.

For the purpose of the study, New Urban News looked at projects on parcels of at least 15 acres that featured interconnected, pedestrian friendly street networks; a mixture of housing types; and commercial establishments, with civic and retail services within walking distance of all project residences.

The developments studied, include urban infill, revitalization projects, and Greenfield projects, currently under construction or in the planning stages. The southeast is currently the epicenter of the movement, with Florida leading the way, and the Carolinas, Maryland, and Texas slightly behind. A map showing the number of projects in each state can be viewed at <http://www.newurbannews.com/survey/storyjano4.html>.

CASE STUDY: KENTLANDS: GAITHERSBURG, MARYLAND

Kentlands is well known among planners as the first new urban neighborhood. Although Seaside, Florida was the first new urban project of any kind, it is a resort community and not meant for year-round occupation. Kentlands, on the other hand, is a traditional neighborhood where thousands of people live year round. Construction began on the 350-acre development, designed by Duany Plater-Zyberk (DPZ), in 1988. Although traditional neighborhood development principles have become very popular over the last decade and a half, Kentlands is still looked at as one of the most well designed examples.

Project Facts

Size	352 acres
Retail	870,000 square feet
Office	84,800 square feet
Residential Units	520 single-family detached homes 411 townhouses 127 condominiums 750 apartments 137 garage apartments 30 live/work units
Civic Space	Several community buildings, most notably The Clubhouse, and an abundance of parks and open spaces.

Description

There are six neighborhoods within Kentlands, each having a distinct character; however, all blend together to fit in with the overall community ambiance. The Kent family estate is the center of the Old Farm Neighborhood with the current infrastructure being patterned after the original Kent streets and alleys. The City of Gaithersburg owns the Kent Mansion that serves as a banquet hall. The Kent barn has been renovated into a cultural arts center and is also owned and operated by the City.



**An aerial view of the Old Farm Neighborhood
Photo courtesy of Duany Plater-Zyberk**

The various types of housing built in Kentlands consists of rental apartments, condominium apartments, stacked-unit townhouses, row houses, single-family detached houses, and urban cottages. Twelve builders submitted plans for different house designs for attached and detached homes. Most of these plans were specifically designed for Kentlands, and an attempt was made to make the homes as affordable as possible. The architecture and design code of the community is modeled after the best traditional architecture found in the area.

The most prominent examples that the designers used in drafting the design codes were those of Annapolis, Georgetown, and the old section of Alexandria. The community has relatively equal numbers of multi-family and single-family detached housing with an approximate population of 4,600.



Photo courtesy of Duany Plater-Zyberk

Kentlands has approximately 870,000 square feet of commercial space. The first town center, called Market Square, is a conventional outdoor shopping center that is anchored by a K-Mart and a Giant food store. Examples of other commercial

buildings in Market Square include live/work units with shops and offices, a Starbucks coffee shop, banks, bookstores, an eight-screen theater, and a dozen sit-down restaurants. All of these are within walking distance of all community residents.



Photo courtesy of Duany Plater-Zyberk

The Kentlands Clubhouse is the neighborhood's social, administrative, and recreational center. Owned by the Kentlands Citizen Assembly, the clubhouse, pool, tennis courts, and lawn are used daily by residents for meetings, social events, sports, and clubs. Membership to the clubhouse is free of charge and open to all residents. Other civic buildings within the community include an elementary school, several churches, and civic spaces such as parks, squares, and the plaza. Every property owner within the community is a member of the Kentlands Citizens Assembly (KCA). The KCA maintains all community property, oversees the architectural integrity and maintenance of the lots within the development, and organizes community events. Examples of major events include a 5K run through Kentlands and Lakelands and an October Harvest Festival.

Enhancing the Neighborhood Feel

A distinguishing feature of Kentlands, other than its design in general, are the homes that front sidewalks and pathways instead of streets. This feature was used to promote walking and a community environment.

Value of Properties

In *Valuing the New Urbanism*, a housing study by Mark J. Eppli and Charles C. Tu published by the Urban Land Institute, it was found that properties in Kentlands sell for \$30,000 to \$40,000 more, on average, than homes in the surrounding suburbs. Both positive and negative inferences can be drawn from this figure. In the positive, it shows that individuals are more willing to pay to be a part of communities such as this, a testament to the gaining popularity of new urban development. On the other hand, it shows that properties in this type of neighborhood might not be as affordable as other developments. Such a situation could be overcome with a conscientious effort to plan by the municipality to meet housing needs of the region.



Photo courtesy of Duany Plater-Zyberk

Local Government Role

Prominent area developer Joseph Alfandre purchased the site in 1987 for \$43 million to develop an entire town based on traditional town planning techniques. Alfandre formed important alliances with prominent Gaithersburg political figures that shared his vision. One such individual was the current mayor, Edward Bohrer. He then hired Duany Plater-Zyberk & Company (DPZ) to be the principal designer and to create a community master plan. In June of 1988, Alfandre, DPZ, the City of Gaithersburg Department of Planning, concerned residents, county officials, and planners attended a five-day planning charette, a small group planning discussion.

A new zoning concept for the city was born from this gathering. This new zoning type, classified as MXD, allowed for the mix of commercial and residential uses needed for the neighborhood design. It was to be governed by and developed in accordance with the design code that was created at the planning sessions.

History

The ownership of the land upon which Kentlands is located was first recorded in the mid-18th century when Henry Clagett began acquiring the land to build his estate. The Clagett family held approximately 1,000 acres until selling to Frederick Tschiffely. Tschiffely donated portions for the construction of civic buildings and willed the rest of it to his son, who built the mansion that is currently present in Kentlands.

The estate was sold to a prominent Washington lawyer named Otis Kent in 1942, who spent many years and substantial resources constructing lakes, ponds, and buildings on the property. The lakes and ponds were intended for irrigation and flood control, but most importantly, they served as habitat for birds, fish, and wildlife. Mr. Kent was a pioneering conservationist and was determined to shelter and preserve these species. Inspiration Lake, built by Kent, now serves as the centerpiece of the Kentlands development.

Development Team

Joseph Alfandre, developer; Andres Duany and Elizabeth Plater-Zyberk of Duany Plater-Zyberk & Company, designers

CASE STUDY: I'ON: MT. PLEASANT, SOUTH CAROLINA

Located just across the bay from Charleston, I'On is rapidly gaining recognition as one of the premier examples of traditional neighborhood design in the United States. In 2003, the community received a Charter Award from the Congress for New Urbanism. In addition, the community received the South Carolina Department of Natural Resources Stewardship Award in 1999 for sustainable development and the protection of the state's natural resources.

Project Facts

Size	243 acres
Commercial Space	30,000 square feet
Residential	850 Dwelling Units Single-family detached units Townhouses Apartments Live/work units
Civic Space	I'On Club offers outdoor recreation including a swimming pool, several lakes and parks, and an outdoor amphitheater.

Description

I'On is composed of five distinctly different neighborhoods that blend into an overall community environment. They are Eastlake, Ionsborough, Montrose, Shelmore, and Westlake.



Aerial view of homes home surrounding Eastlake
Photo courtesy of www.ioncommunity.com

I'On's 762 homesites are divided into five small boroughs. Each is planned for approximately 150 homes. The layout of the community allows lot sizes to be designed to accommodate a variety of individual tastes and needs. Homes built on speculation range from \$350,000 to \$1.5 million and custom homes range from \$300,000 to more than \$2 million. An individual homesite can be purchased for prices ranging from \$79,000 to \$500,000.



Community gathering areas like this are common throughout I'On
Photo courtesy of I'On Village

The town center of I'On is called I'On Square. It offers approximately 30,000 square feet of commercial floor space. The commercial neighbors in I'On Square include several professional offices: The Square Onion (a gourmet food store), Metropolitan Hair, Grace Day Spa and Salon, Peris Homes, I'On Realty, The I'On Company, and O'Brion's Pub and Grill. The Square will eventually accommodate several more buildings and businesses and possibly a church. A unique feature of the community located just off I'On Square and bordering Westlake is the I'On community amphitheater. It is the location of concerts, plays, and outdoor movie screenings for residents of the community.



Outdoor concerts at I'On amphitheater provide entertainment for all residents
Photo courtesy of www.ioncommunity.com

Architecture

The houses and buildings constructed in I'On are designed to resemble the low country architecture of cities such as Charleston and Savannah. The entire vision for the community is contained in the I'On Code guidelines, which were designed to maintain visual harmony among all buildings. The I'On Design Committee reviews all construction drawings, site plans, and landscaping plans for compliance with the Code and provides guidance when necessary.



Photo courtesy of I'On Village

Lakes and Preserves

The lakes of I'On feature a dramatic recreational backdrop for homes in the neighborhood. Eastlake is a 12-acre lake located along Ponsbury and Sowell streets in the Eastlake borough of I'On. Westlake is a newer 7-acre lake connected to Eastlake by 2 canals. At the head of Westlake sits the Amphitheater and the geographic center of I'On. The Jefferson and Lafayette Canals feature two award-winning bridges along the walking path on Westlake.



Photo courtesy of I'On Village



Photo courtesy of www.ioncommunity.com

Environmental Considerations

The Rookery, a seven-acre pond, is I'On's most significant freshwater wetland preserve. It serves as the nesting ground of at least five species of marsh birds during the spring and summer and hundreds of ducks during the winter months. Careful planning and monitoring has protected this area, enabling the nesting population to increase while providing residents access to blinds, which allow the viewing of the birds without disturbing their nesting. Instead of allowing private docks to proliferate, there are six neighborhood docks, which facilitate access to the water without intrusion into the natural wetlands.



Photo courtesy of www.ioncommunity.com

I'On Club

The I'On Club is the recreational hub of the community. It offers six clay tennis courts, an Olympic sized swimming pool, and locker rooms.



Photo courtesy of I'On Village

Each homeowner belongs to the I'On Assembly, which governs the neighborhood's common areas. Shared maintenance costs of the Assembly include insurance and care of street landscaping.

An additional organization has been formed within the community called the I'On Biznet, comprised of citizens with a business interest in the community and local business owners. The goal of I'On BizNet is to bring economic opportunities closer to the social and family lives of I'On residents and to foster a blending of commerce and community life.

Local Government Role

In 1992, the Town of Mt. Pleasant unanimously adopted a Town-wide comprehensive plan that incorporated traditional neighborhood design principles. In addition, the Town Council identified the current I'On site as an ideal location for a traditional neighborhood. However, the Town's zoning regulations were not updated to coincide with this designation and the site remained classified as 'R-1.' The R-1 classification had certain minimum lot width and setback specifications that would have prevented

the development of a neighborhood of I'On's character. In order to develop the site, the development group had to apply for a zoning change to classify it as a planned development district (PD). A PD zoning classification is used to encourage flexibility in the development of land in order to promote its most appropriate use; to improve the design, character, and quality of new developments; to facilitate the provision of streets and utilities; and to preserve the natural and scenic features of open areas. When a specific area has been classified as PD, a developer can use and develop the land in a manner compatible with other uses in the area upon approval by the Town Council.

The founders of the community retained the design firms of Dover Kohl and Duany Plater-Zyberk to work together in developing the neighborhood plan. This plan was presented to the Mt. Pleasant Town Council at a meeting in December of 1995 where it was rejected by a 5-4 vote. The founders made several modifications to the plan in order to gain approval from the council members. The amount of commercial space was decreased from 90,000 square feet to 30,000, and the residential density was decreased from 3.5 units per acre to 2.8 units per acre. The Town Council then approved the plan in March 1997.

History

The name of the community came from Jacob Bond I'On, a planter, South Carolina statesman, and hero during the War of 1812, whose family owned the property upon which I'On is built.

Development Team

Vince and Tom Graham, Developers; Dover, Kohl & Partners, DPZ & Company, Planning Firms; Glattling Jackson, Traffic Engineering Consultant; Seamon-Whiteside, Engineering and Landscape Architecture; Zimmerman-Volk Associates, Market Analysis; Peter Katz, Positioning; Grenfell Architects, Illustrations.

CASE STUDY: ALACHUA COUNTY, FLORIDA

Alachua County completed a housing study in May of 2003 that cited a severe shortage of affordable housing in the area due to the modest incomes and great diversity of its 224,000 residents. In response, the county has encouraged the development of communities designed using traditional neighborhood principles.

County Role

The county has stated its intent to use traditional neighborhood developments within its borders to maintain the character of its communities, deter typical suburban sprawl developments, and assist in providing housing opportunities that meet the needs of the region's residents. Objective 1.6 of the proposed Comprehensive Plan provides goals and objectives for 'Village Centers.' The Village Centers referred to by the plan are high-density, mixed-use centers that are characteristic of traditional

neighborhood developments. The plan states the objective is “to provide for limited mixed-use centers integrated into new residential neighborhoods through specific site and design standards, to encourage the consolidation of trips and non-automobile modes of transportation, moderate peak hour automobile trips, enliven outdoor spaces, and calm or separate automobile oriented uses from pedestrian oriented uses.”

History

The City of Gainesville is located in Alachua County. “Alachua” is a Seminole word that means jug, and the County probably takes its name from the sinkhole in Paynes Prairie. Gainesville, the County seat, was established in 1854 on land that was part of a grant from the King of Spain to Don Fernando Arredondo in 1817. Micanopy, the second oldest town in Florida, was an Indian settlement when DeSoto passed through the County in 1539.



Town of Tioga Community Center

Description

Town of Tioga

The Town of Tioga is located less than 10 minutes west of the University of Florida right off Interstate 75. Designed by Orjan Wetterqvist, the community spans 500 acres, 19% of which has been left as open green areas. Community features include a recreational park, community pool and meeting hall, pedestrian parkway esplanade, lighted basketball and tennis courts, children’s playground, and a town center. The community will blend single-family detached residences with townhouses, condos, and apartments in its residential districts, which lie just outside the town center. All property owners in the Town must join the neighborhood civic association that is responsible for maintaining all public property and organizing all community programs. The civic association organizes neighborhood parties that allow residents to meet and interact with one another. An architectural control committee reviews all home designs to ensure that all homes conform to design specifications. For additional information, visit the Town of Tioga’s website at www.townoftioga.com.

Project Facts

Size	500 acres
Open Space	95 acres
Residential	500 dwelling units
Retail/Office	Town Center



Townhomes in Town of Tioga

Brytan

Brytan is a new urban community spanning 148 acres, located just southeast of the city limits of Gainesville. Designed by Duany, Plater-Zyberk, this new town offers 700 residential units, 140,000 square feet of retail, 150,000 square feet of office space, and 10,000 square feet of civic space. The community will offer multiple types of housing, including single-family detached homes, rowhouses, live/work units, apartments, and bungalows. Small-scale streets with sidewalks and a vast amount of open green space will help to maintain a “small town” feel while providing areas for walking and recreation. The Brytan website offers an extensive array of information including access to its architectural guidelines, its county application (discussing all aspects of the development), and a comprehensive site plan. To view information about this community, visit www.brytan.com.

Project Facts

Size	148 acres
Retail	150,000 square feet
Office	10,000 square feet
Residential	700 dwelling units

Haile Village

Haile Plantation is a large community that is composed of several typical suburban developments spanning approximately 1,800 acres. It offers an array of amenities for its residents, including a championship golf course and two elementary schools that will accommodate the neighborhood's children. Haile Village is the mixed-use village center that is located within Haile Plantation. Housing types within Haile Village include single-family detached homes, townhouses, and apartments, while the housing options in the rest of Haile Plantation are mostly single-family detached homes. A Haile Village condominium starts at approximately \$120,000. The most expensive housing options within the community are certain single-family homes priced around \$600,000. Apartments in the Village Center rent for less than \$1,000 a month. The 25-acre Village Center is centrally located and is designed to accommodate the modern needs of the community's residents. The Center includes medical services, a café, a market, a bank, a post office, professional services, boutiques, and shops in a walkable town-like setting. For additional information on this community, visit www.haileplantation.com.



Haile Village Center

CASE STUDY: SUN PRAIRIE, WISCONSIN

The City of Sun Prairie has been especially receptive to mixed-use development. It is located on the outskirts of Madison with a total area of 10.6 square miles and approximately 21,739 people. Currently, there are several projects in varying stages of development using traditional neighborhood principles within the city's borders. Due to the higher density of the new urban developments compared to more traditional suburban neighborhoods, the City feels it will be able to provide more efficient services such as emergency services, transit, and waste collection to its residents.

The City of Sun Prairie has experienced two decades of record-setting growth. Development pressure caused a concern on the part of both long-time and recent residents as they openly resisted becoming one of Madison's suburban sprawl neighborhoods. The City responded by developing comprehensive smart growth plans and principles. The summaries to follow describe the efforts the City has made

in attending to sprawl and some of the traditional neighborhood developments currently underway.

Local Government Role

To avoid sprawl, the City approved a downtown redevelopment plan and several traditional neighborhood developments with grid-oriented streets and innovative housing designs with easier access to community services. The city passed a moratorium on its largest undeveloped area, known as the Westside, until it could complete an effective planning process.

Description

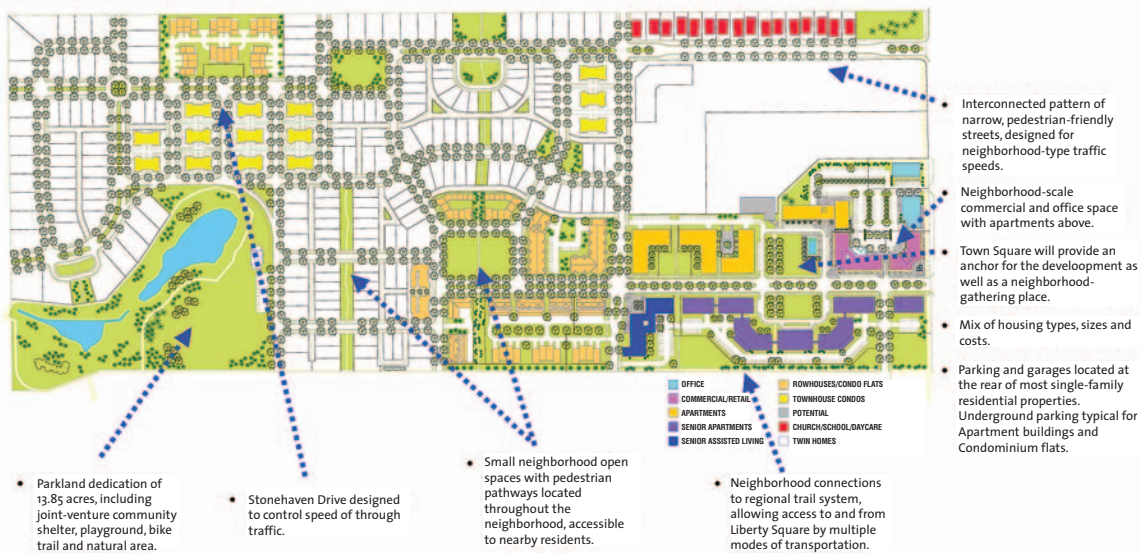
Liberty Square

Liberty Square is located in the northern section of Sun Prairie. It is a 140-acre community that will feature as many as 680 dwelling units for a gross density of 4.85 dwelling units per acre. Most buildings in Liberty Square will have front porches situated relatively close to the sidewalks. Driveways and automobile parking will be maintained in the rear of the houses, accessed by service alleys to maintain a uniform “town look” to the fronts of houses. The mix of housing types will include single-family detached homes, townhouses, condominiums, apartments, senior apartments, senior assisted living, and live/work units. The development will have access to a regional trail system. There is a 14-acre park in the southwest corner of the neighborhood that will provide a community shelter, playground, bike trails and natural areas, and an additional 11 acres of parks and open spaces to encourage citizens to enjoy the outdoors.

Liberty Square

General Development Plan

NEIGHBORHOOD DESIGN FEATURES



Liberty Square General Development Plan

The Liberty Square General Development Plan offers an abundance of information on the specifics of the community. It includes design features, landscape and vegetation charts as well as demographic studies and market analysis for use in the planning of the market square. Additional information on this community is available on the City of Sun Prairie's website at www.sun-prairie.com.

Project Facts

Size	140 acres
Retail	30,500 square feet
Office	17,800 square feet
Residential	680 dwelling units
Civic Space Including public buildings, parks and open spaces	25.28 acres

Providence

This is a 90-acre, 451-unit project being developed by Wilshire Development. It includes up to 72,000 square feet of retail and office space in the town center. The development includes approximately 200 single-family detached dwellings and 220 multi-family dwellings including townhouses, condominiums, and apartments. In addition, a church and private school will be located in the center of the development.

Project Facts

Size	90 acres
Retail/Office	72,000 square feet
Residential	451 dwelling units 196 single-family detached homes 146 townhouses/condos 145 apartments
Civic Space	3.56 acres of civic buildings 18.56 acres of parks and open spaces

Smith's Crossing

This community is being developed by Veridian Homes, the Madison area's largest home builder. It is a 1,841-unit development that will include approximately 350,000 - 400,000 square feet within a town center that will include retail, office, civic, and community space. The property is about 460 acres in size, but almost 200 acres of that

amount are covered with woodlands, wetlands, and a drainage corridor required and maintained by the Department of Natural Resources. A sketch plan of the neighborhood is available at the Sun Prairie website www.cityofsunprairie.com. Additional information available at www.veridianhomes.com.

Project Facts

Size	460 acres
Open Space	200 acres
Retail/Office	390,000 square feet
Residential	1,841 dwelling units

Cannery Square

This downtown redevelopment project is transforming an aged industrial area into an urban village adjacent to the Main Street business district. It will include approximately 32,000 square feet of new commercial floor area within two new mixed-use buildings and a rehabilitated canning factory building. It will also include about 220 dwelling units, available as both rentals and condominium units, and two small civic open spaces. More information on Cannery Square can be found on the City of Sun Prairie's website at www.sun-prairie.com.

Project Facts

Size	15 acres
Residential	220 dwelling units
Retail/Office Space	32,000 square feet

Uplands

The Uplands is a small assisted housing project about $\frac{3}{4}$ mile east of downtown, containing 143-units on approximately 40 acres. It is designed as a walkable neighborhood, incorporating many of the principles of the New Urbanism. The property has a large wetland area, limiting its density somewhat. It consists of a mix of single-family, duplex, and small-scale multi-family dwellings, and includes both assisted rental and for sale market rate units. There is no commercial or retail space planned for the neighborhood as of this date.

Project Facts

Size	40 acres
Residential	143 dwelling units 50 single-family detached homes 93 townhouses
Civic Space	11.9 acres of parks and open spaces

ADDITIONAL CASE STUDIES

The remaining pages of this chapter present brief descriptions of different Traditional Neighborhood Developments completed, under construction, or in the final planning stages throughout the country. The descriptions discuss some of the prevalent features of the developments, the types of housing and commercial space offered, and some of the community amenities. In addition, listed with the description of each community is the website where additional information can be accessed.

ALABAMA**Mt. Laurel*****Birmingham, Alabama***

This 442-acre community consisting of 550 homes prides itself on three development principles that are essential to the new urban movement: a strong sense of community, a respect for nature, and a commitment to the future. The sense of community will be fostered through a strong civic association, wide sidewalks, and a town center within walking distance from all residences. The development team, committed to saving the natural topography and watersheds of the area, attempted to minimize grading and has saved trees of all different sizes and species. Natural drainage corridors were maintained, and all replanted vegetation is native to the area. The town center consists of an architecturally unique fire station, a church, a town hall, retail and office units, live/work units and an elementary school. Several businesses are already open (a grocer, Standard Bistro Restaurant, Mt. Laurel Apothecary, Mt. Laurel Hardware, Fitness Together, and Jimbo's Soda Shop), and more are planned such as neighborhood doctor and dentist offices, a video store, a cleaners, and a bank branch. Housing types include detached single-family houses, flats and townhouses in addition to the live/work units already mentioned. Within the geographic center of the community, there is a lake providing ample recreational opportunities such as fishing and boating.

An abundance of information, including home styles and floor plans, is available on the community website at www.mtlaurel.com.

Providence

Huntsville, Alabama

What used to be rural farmland in the western part of Huntsville has been transformed into a 300-acre, 1,000-unit traditional neighborhood development with an abundance of open space, creek-side parks, and plazas. The town center will include a grocery store, a bakery, a few restaurants, and other retail merchants. The development also boasts several parks and ball fields, miles of walking trails, a town hall with a community pool, and an elementary school. Providence offers several types of housing, including cottages, townhouses, single-family homes, live/work units, and apartments. For additional information, such as site plans and pricing lists, visit www.villageofprovidence.com.

The Preserve

Hoover, Alabama

The Preserve, located just south of Birmingham, is a 220-acre traditional neighborhood development situated adjacent to the 250-acre Moss Rock Preserve. Within the new town, there are 15 acres of parks, including the Village Green, which consists of a half-mile sidewalk loop, an open lawn for community functions, an Olympic swimming pool, a kiddy pool complex, and a town hall. The town center abuts the Village Green and offers 34 work/live units, 14 retail units with loft condominiums located above, and two restaurants. Housing options include several different single-family home styles, townhouses, condominiums, and apartments. The streets have five-foot sidewalks on both sides, trees, and lights. There are also miles of additional nature trails in the Moss Rock Preserve. The town association publishes a seasonal newsletter (discussing the news and events in the community), which can be downloaded from its website. For additional information, see the following websites: www.mossrockpreserve.com or www.hooverpreserve.com.

CALIFORNIA

Doe Mill Neighborhood

Chico, California

While this 48-acre community located approximately one hour north of Sacramento is one of the few mixed-use communities being built in the state of California, it stills lacks some of the main principles representative of the neo-traditional neighborhoods being built in the southeast. The community offers 300 units in a variety of housing options, including single-family detached homes, townhouses, live/work units, and apartments. Although there is a small commercial district within this neighborhood, it does not have a typical “village center,” a common characteristic of new urbanist communities. Doe Mill is being used as an experimental project, and if successful, there is the possibility that a 200-acre TND named Meriam Park will be developed adjacent to Doe Mill. This TND will offer a village center that will be within walking distance for Doe Mill residents. To look at the site plan and the

principles behind the design of the community, visit www.doemill.com or www.doemill.org.

COLORADO

Belle Creek

Commerce City, Colorado

This 171-acre development is located just north of the city of Denver. The finished community will offer 950 residential units, a retail district, and an elementary school. There are single-family homes with several different floor plans, split-level townhouses, and apartments. It is the goal of the builder to have housing options of all price ranges to ensure a diverse neighborhood population. The community center in the middle of town has a family center, a daycare center, a technology center providing Internet access, a gym, and a charter school. Construction on the development is about half completed. For additional information, visit www.bellecreek.com.

Prospect

Longmont, Colorado

What was once an 80-acre tree farm in the city of Longmont is currently in its third phase of development and will eventually have up to 585 units. A town center has been built around a skating rink and houses, shops, restaurants, and offices all within a five-minute walk from Prospect's residential areas. The commercial uses include a coffee shop, a barbecue house, and a design studio and gallery. Prospect offers single-family homes, townhouses, live/work units, and apartments. Like most developments built in PGDs, Prospect offers narrower, tree-lined streets with wider sidewalks and several parks scattered throughout the town. Designed by DPZ, the community has won the Governor's Smart Growth Award for its innovative alternative to suburban sprawl, and has been written about in over 40 newspaper and journal articles. The website has numerous photographs of the unique home designs, architectural design policies, and the urban regulations for the town. To obtain this information, visit www.prospectnewtown.com.

FLORIDA

Amelia Park

Fernandina Beach, Florida

Located on Amelia Island off the northern Atlantic Coast of Florida, Amelia Park combines the community values of traditional neighborhoods with the modern conveniences of today's technology. The community, designed by Duany Plater-Zyberk, spans 100 acres with approximately 421 units and a main street that will include approximately 70,000 square feet of retail space. Amelia Park not only features ample retail and office space, but also offers a brand new YMCA recrea

tional facility within walking distance of all residences. Four lakes within the town's locale will offer boating and fishing recreational opportunities as well. By incorporating the latest technological developments in communications, such as high-speed Internet service in all structures, Amelia Park hopes to appeal to business owners and younger citizens, resulting in a diverse community. For additional information, please visit http://www.lendryhomes.com/communities/ap/main_frame.htm.

Avonlea
Stuart, Florida

Located just south of Vero Beach on the Atlantic coast of Florida, Avonlea spans 44 acres. Avonlea has preserved half of this acreage as open space. Construction of phase 1, including commercial properties, office space, and town homes is currently underway. For those desiring not to live on the "busier" Main Street, there will be quieter residential offerings tucked away from the commercial center. To create a traditional community character, all streets will include tree-lined sidewalks with green spaces and nature trails connecting the different phases of development. For additional information, visit www.avonleahome.com.

Botanica-Sea Plum
Jupiter, Florida

Located approximately 20 miles north of West Palm Beach, Botanica covers 143 acres and offers a variety of housing types. Designed by Cotleur-Hearing, Botanica features over 60 acres of nature preserves and lakes, two community parks, miles of bike paths, and a nature trail. The community will offer approximately 120 different styles of single-family homes that fall within the architectural design guidelines as well as an array of multi-family living possibilities. It is the intent of the designers to appeal to a diverse citizenry by offering houses that will appeal to a wide range of buyers. The master plan is calling for 630 total units and approximately 55,000 square feet of commercial, retail, and office space.

For information on this development, visit www.newurbancommunities.com/Communities/botanica.

Longleaf
New Port Richey, Florida

Located just north of Tampa, this new town boasts a finished community of 568 acres containing four neighborhoods with approximately 1,400 units, a town center with a civic building, "main street" shops, and future business locations so that one can live and work within the community. The first neighborhood, Pioneer Square, is 90% completed, while the second of the neighborhoods, The Melon Field, is approximately 40% finished. This mixed-use community was designed with four principles in mind: a sense of community while maintaining privacy, an identity of uniqueness, high quality living for a reasonable price, and maintaining the natural vegetation, wildlife and hydrology of the land by preserving natural open space.

There are parks within two blocks of every residence, and a new school is slated for construction in 2006 so that all children in the community will be able to walk without the threat of major roadways. Interesting features of the town include narrower streets, 5-foot wide sidewalks to promote side-by-side walking, postal kiosks (instead of unsightly mailboxes) which afford residents the opportunity to chat and meet one another, and a town hall with a catering kitchen. Town amenities include a 25 yard heated swimming pool and spa, ball fields, a paved hiking and biking trail winding through every neighborhood, several lakes within the community for fishing and boating (motorboats are not allowed), and a daycare center located in Pioneer Square. For additional information, visit www.longleaftown.com.

Seaside

Walton County, Florida

Located in the Florida panhandle, Seaside is an 80-acre resort community located on the shores of the Gulf of Mexico that utilizes many of the principles of growth districts. These principles can be applied to any potential new urban community: the built environment must be diverse in use and population, it must be scaled for the pedestrian yet capable of accommodating the automobile, and it must have a well-defined public realm supported by an architecture reflecting the ecology and culture of the region. The retail center has been designed as a downtown commercial district with conference facilities and a town hall. Other civic amenities include a chapel, a primary school, a fire station, and a post office, all of which are shared by neighboring communities. In order to make this project successful, a multitude of different developers were used to design buildings on their own; however, such designs had to be kept in accordance with the provisions of the Master Plan and Zoning Code. For additional information on this community, visit www.seasidefl.com or www.dpz.com/projects.html.

There are also several other PGD communities in Walton County. For information on these communities, see the following websites: Rosemary Beach – www.rosemarybeach.com, WaterSound Beach - <http://www.arvida.com/watersound>, Alys Beach (formerly Somerset) – www.alysbeach.com.

Winthrop

Brandon, Florida

Winthrop is located just southeast of Tampa in the town of Brandon, spanning approximately 148 acres. Duany Plater-Zyberk designed a master plan using the parameters of the existing zoning, which recommended mixed use and mixed building types. Construction is currently under way, and when complete, Winthrop will boast approximately 167,000 square feet of commercial space, 184 townhouses, 50 live/work units, 286 apartments, and 268 detached single-family units. The final design incorporates 40 acres of wetlands into a continuous network of parks, tying into a series of more urban civic spaces such as greens, squares, and playgrounds. The street system was designed to provide pedestrians direct access to the wetland areas.

There are numerous civic buildings scattered throughout the development, including a library, meeting hall, a daycare center, a market structure, and a pool building. To obtain additional information, including a site map of the community, visit the website at www.dpz.com/project.aspx?Project_Number=9929&type=3

GEORGIA

Glenwood Park

Atlanta, Georgia

This 28-acre, 425-unit community is located just outside of downtown Atlanta off of Interstate 20. It was a 2003 recipient of a Congress for New Urbanism Charter Award in the neighborhood, district and corridor category. The community sits adjacent to a proposed transit line and has two civic squares. Housing types offered include single-family houses, condominiums, lofts, apartments, and live/work units. Upon completion, the development will offer approximately 20,000 square feet of office space and 80,000 square feet of retail. Glenwood Park intends to appeal to the pedestrian by keeping streets narrower, sidewalks wider and lined with trees while still being able to accommodate the automobile. In keeping to the traditional town feel, car garages will be located behind the homes, accessible only through small alleyways. The website claims that it is the goal of the developers to intentionally create habitat to promote small game wildlife. However, it does not provide detail about what this project will entail. The projected tax impact will be approximately \$4.5 million annually for the City of Atlanta, Fulton County and the public school system. Groundbreaking was set for February of 2004, with the first phase of homes opening in the summer of 2004. For additional information, visit www.glenwoodpark.com.

Vickery

Forsythe County, Georgia

Spanning 214 acres in the southern part of Forsythe County, Vickery will have a variety to offer to its residents in terms of homes, retail and office spaces, civic centers, and parks. The master plan calls for approximately 70 units consisting of 431 single-family detached homes, 125 town homes, and additional lofts and live/work units located in the town center. There will be approximately 100,000 square feet of retail space, 50,000 square feet of office space (most of it above the retail), and 55 acres of parks and open green ways. Recreational activities in the community include a 50,000 square foot YMCA, a competition sized swimming pool with clubhouse and snack bar, multi-use playing fields, basketball and tennis courts, and multi-use walking trails. For additional information, visit www.hedgewoodhomes.com.

LOUISIANA

River Ranch

Lafayette, Louisiana

Located on land in the heart of the city of Lafayette, this 256-acre, 1,200-unit community offers fine retail establishments and plenty of recreational opportunities, all within walking distance for its residents. Housing options include detached residences, townhouses, condominiums, and urban apartments. The website states that there are several “chic” shops and restaurants in the town commercial district; however, exact square footage amounts have not been found as of this date. The City Club at River Ranch, located within walking distance of all residences, is a 55,000 square foot fitness club featuring a full service health and wellness center, day spa, thirteen tennis courts and a tennis pro shop, two swimming pools, an award winning dining room, a casual bar and grill, and a banquet room and business forum. Preservation Lake is a five-acre lake stocked with bass and bream, providing boating and fishing activities. Elysian Fields, a five-acre park, provides ball fields and additional water facilities. In addition, there are seven smaller neighborhood parks scattered throughout the town. For additional information, visit www.river-ranch.info.

MARYLAND

Lakelands

Gaithersburg, Maryland

This 343-acre mixed-used community is located on the parcel of land directly adjacent to Kentlands, discussed above. The community offers narrow streets and an abundance of sidewalks. They are organized in a grid pattern to eliminate heavy traffic congestion, dead end streets, and cul-de-sacs. Single-family homes and town homes are built on smaller lots to promote neighborliness, safety, and security, as well as to minimize property taxes and upkeep. Schools, stores, and parks are within walking distance to further encourage interaction among neighbors and reduce reliance on automobiles. Housing types will include 548 single-family homes, 460 townhouses (16 of which will be live/work units), 363 condominiums, and 253 apartments. For additional information on this community, visit www.lakelands.org.

MASSACHUSETTS

Mashpee Commons

Mashpee, Massachusetts

Mashpee Commons started out strictly as a destination for retail shoppers. However, since the start of the new urban movement, it is the desire of the developer to transform it into a traditional neighborhood community by adding residential structures as well as other community amenities. Currently, the community has 13

apartments. However, once construction is completed, it will have approximately 500 residential units of varying types. The addition of a library, church, post office, and other professional offices will help transform the strip mall into a true town center. The town will also feature a bandstand for outdoor concerts and a movie theater. Approximately 65% of the land that is developed will remain as open space consisting of parks, greens, and play areas. The developers intend to use native vegetation extensively throughout the community. For additional information, visit www.mashpeecommons.com.

MICHIGAN

Town Commons

Howell, Michigan

Located approximately half an hour west of Detroit, this 61-acre community will incorporate the architectural design features of the common Midwestern town prior to the suburbanization of America. The development will be composed of 420 units, including single-family detached homes, townhouses, rental apartments, and an assisted care senior citizen center. Approximately 13,000 square feet of retail space will be located along the main street at the entrance to the community. Two and three bedroom apartments will be located above the shops. The stores are aimed at serving the residents of the town and include a food market, a pizzeria, a laundry, a wine shop, and the Purple Mushroom Market and Café, which offers an array of specialty sandwiches and coffees. In accordance with most TND communities, Town Commons will have several parks and green spaces and will have miles of lighted tree-lined sidewalks. For additional information, visit www.towncommonsllc.com.

NEW JERSEY

Old York Village

North Burlington, New Jersey

Old York Village is located in the rural community of North Burlington in Chesterfield Township. Chesterfield is employing the use of a Transfer of Development Rights (TDR) program to promote the use of PGDs. This method allows non-growth designated area landowners to receive compensation even though they are not able to develop their land. Developers are able to purchase the rights from these non-growth areas that will allow the higher density development in the 'receiving area.' The current 'receiving area' is a 560-acre parcel known as Old York Village. The development plan provides for 1,200 dwelling units in a variety of housing types. These include single-family detached homes, townhouses, and apartments. Other features will include an elementary school, and a mixed-use village center housing retail, and office space. Parks and trails will connect the various neighborhoods within the development. For more information on Old York Village and Chesterfield Township visit www.chesterfieldtwp.com/smart_growth.htm.

NEW MEXICO

Aldea de Santa Fe

Santa Fe, New Mexico

Set in the hills of some of the most desirable real estate in Santa Fe County, Aldea has views of all four nearby mountain ranges. Aldea de Santa Fe is a New Urbanist village on Santa Fe's prestigious northwest side. When completed, it will consist of 344 acres with 215 residential units, a central plaza, and retail space. Housing options include single-family homes, courtyard homes, townhomes, and live/work units. In the Village Center, work is currently being done on five of the twelve live/work units. Currently commercial tenants being considered for this space are a bed & breakfast inn, a Euro style market, and a World Fusions Café. In addition, Aldea includes several parks and walking trails, giving residents plenty of recreational opportunities. For additional information, visit www.aldeadesantafe.com.

NORTH CAROLINA

Afton Village

Concord, North Carolina

Afton Village is located right off of Interstate 85 just north of Charlotte. It features 180 acres, approximately 525 units, an abundance of retail and office space, and a recently completed YMCA in the town center. Housing options include large and small single-family homes, two-family homes, retirement cottages, townhomes, apartments, and live/work units. Different home styles and floor plans are available on the website listed below. Upon completion of all phases of the commercial district, Afton will house 300,000 square feet of retail, office, and civic spaces. Merchants already operating business in the town center include a Natural Body Shop and Salon, the Wine Room restaurant, Hansel and Gretel's Bakery, Elizabeth's Treasures gift shop, State Farm Insurance Agency, and Cappuccino Unlimited, the town's coffee shop. The developer of Afton Village conducts interviews with each potential merchant to ensure that the addition of a prospective business will promote the small town atmosphere. The developer of Afton dedicated 24 acres to the City of Concord in 1996 to serve as a city park. This recreational area will abut the YMCA park to form a 60-acre expanse of open natural area, featuring ball fields and miles of walking and nature trails. For additional information regarding this mixed-use community, visit www.aftonvillage.com.

Cheshire

Black Mountain, North Carolina

The Cheshire website states that "this classically inspired and health oriented vibrant community integrates homes within walking distance of a traditional town center of shops, cafes, offices, parks, walking trails, an outdoor amphitheater, and "green' areas." This 58-acre community, located approximately an hour west of Charlotte, has been afforded the opportunity of developing under a new zoning classification as of 1998. The town of Black Mountain added TND as a zoning classification to its land

use ordinances, providing Cheshire the flexibility of locating shops, restaurants, and offices within walking distance of its homes. Cheshire has 268 units with approximately 35,000 square feet of retail and office space. The community provides single-family home, townhouses, live/work units, and apartments. Town amenities include bed & breakfast townhouses, a chapel, a local market, outdoor and indoor tennis facilities, fitness and daycare centers, and a small education campus to be used as an elementary school. Several businesses, including a bank, a raw oyster bar, a grocer, and a coffee shop are currently open with another retail center under construction. For additional information, such as building and architectural principles or available housing floor plans, visit www.villageofcheshire.com.

Devaun Park

Calabash, North Carolina

Consisting of 149 acres, located in between the Atlantic Ocean and the Intracoastal Waterway, Devaun Park features a five-acre village commercial center, six distinct neighborhoods featuring approximately 480 residential units of varying types, twelve neighborhood parks, two lakes, and eight miles of sidewalks, all directly adjacent to the Ocean Harbour Golf Course. When completed, the Village Center, which is located within a five-minute walk for most residents, will consist of eight buildings. Seven of these buildings will house retail on the bottom floors, with the second and third floors being left to office suites and apartments or bed and breakfast accommodations. The last building in the Village Center will serve as a 10,000 square foot membership health center with an indoor pool. Light boating and fishing is allowed on the Horseshoe Lake in the center of town, with basketball, tennis, and swimming facilities nearby. In the northwestern corner of the neighborhood, sits Devaun Pointe, a neighborhood park along the Calabash River with an observation deck and dock for boating access into the Calabash River. For more information, visit www.devaunpark.com.

Southern Village

Chapel Hill, North Carolina

This 312-acre, 1,200-unit community, located just south of the city limits of Chapel Hill, has been the top-selling neighborhood in the Chapel Hill-Raleigh-Triangle since 1999. The village center currently offers over 25 businesses, comprising 200,000 square feet of space, ranging from dentist and doctor offices to retail spaces and restaurants. The Village offers four distinct single-family neighborhoods in addition to the townhomes and apartments that are closer to the center of town. Town amenities other than the Village Center include soccer fields, basketball and tennis courts, swimming facilities, a church, a daycare center, an elementary school, and a greenway that surrounds and transects the Village, providing an abundance of walking and nature trails. For more information, visit www.southernvillage.com.

Vermillion***Huntersville, North Carolina***

This development, located on 360 acres adjacent to downtown Huntersville, recently received the designation as the Best Project in North Carolina from the Sierra Club. Another design project of Duany Plater-Zyberk, Vermillion follows thirteen design principles that are essential to TND communities. A list of these principles and a walk-through of their application within the community is available on their website. Vermillion offers residents the choice of single-family homes, townhouses, or apartments. The center of town offers 31,000 square feet of retail and office space, a convenience store, and Harvey's Bar and Grill. An adjacent 32-acre property called Anchor Mill is currently being redeveloped from an old mill into a transit station that will serve as a rail connection to Charlotte. A creek way runs through the middle of the community and connects to a countywide greenway system. The public space along the creek forms a half-mile-long park ranging from 250 to 1,000 feet in width. Vermillion developer Nate Bowman grew up in Ridgewood, New Jersey and has used its neo-traditional design as a basis for his new development. A contract is currently being worked out with Habitat for Humanity to provide more affordable housing in the community. For additional information, please visit www.vermillion-tnd.com.

Woodsong***Shallotte, North Carolina***

This 22-acre community comprising 164 dwellings is located just inland of Holden Beach in the southeastern section of North Carolina. Currently in its first phase of development, Woodsong will offer a variety of housing options, including single-family homes, townhouses, live/work units, and apartments upon its completion. There will only be a few retail spaces, such as a corner coffee shop and some civic buildings. However, Woodsong is noteworthy for its unique attempts at minimizing its impact on the environment. The developers of Woodsong have been partnered with N.C. State University since 1997 to study the effects the development of the community will have on the quality of the area watershed. To promote the health of the watershed, Woodsong is already using several design principles in hopes of minimizing the impact the community has on the surrounding environment. One such example includes a dam system designed to slow down storm water runoff and direct it to preserved wetlands, allowing for groundwater filtration and recharge. Another example is courtyard pools that will collect rainwater and filtrate it into the aquifer below (see example on website). For more information on Woodsong and its innovative environmental practices, visit www.villageofwoodsong.com.

OREGON

Fairview Village

Fairview, Oregon

Located just 15 minutes east of Portland, across the Columbia River from Washington State, this 93-acre mixed-use community is in its final stages of construction. When completed, it will feature 600 units, ten acres of retail and approximately 100,000 square feet of office space. Housing options include single-family homes, rowhouses, townhomes, and apartments. The Market Square mixed-use center offers various retail establishments on the ground floor with apartments above. Current commercial tenants in this district include a coffee shop, real estate company, nail salon, beauty parlor, travel agency, eye surgeon's office, ice cream parlor, sandwich deli, land development company, and several gift shops. The town was also able to incorporate a Target and a Bally's Total Fitness Center into the pedestrian oriented design of the community. One of the main goals of the developers was to get the residents out of their cars and back on the streets. The Village streets are designed for walkers and bicycle riders as well as motorists. Additionally, over 30 acres of conservation lands adjacent to the Village provide attractive forested areas through which the Salish Nature Trail System meanders. The trails attract walkers, joggers, bikers, and those who desire a lazy afternoon of fishing at the Salish Ponds. The Village also houses a daycare center, an elementary school, a civic hall, and a public library that anchors the north end of the Market Square. For additional information, visit www.fairviewvillage.com.

SOUTH CAROLINA

Habersham

Beaufort, South Carolina

This 275-acre community sits right on the water just minutes south of Beaufort and approximately one hour from Hilton Head, Charleston, and Savannah. When completed, it will feature 1,000 residential units, live/work units, a fire station, a post office, and a town center. The architecture in the Town Center will be similar to historic main street buildings found throughout the region. The buildings will define the street and include retail spaces on the first floor and office or residential spaces on the second floor. Retail businesses in this area may include a corner store, coffee shop, or restaurant. Housing opportunities will include single-family homes, townhomes, live/work units, and apartments. The community will offer multiple parks, some with docking facilities into Habersham Creek, a community pool and playground, an extensive nature trail system, and plenty of recreational possibilities, such as fishing, crabbing, and shrimping. For additional information, visit www.habershamsc.com.

Harborside***Richland County, South Carolina***

When looking briefly at the expansive community located around Lake Carolina just north of the capital of Columbia, it appears that Harborside is just another one of the 23 neighborhoods that make up this development. However, Harborside is unique. This 140-acre neighborhood is the first TND in the Columbia area, and when finished, the community will feature 350-375 units with plenty of retail. Housing options include single-family detached homes, townhomes, and live/work townhouses. The first commercial building in the Town Square opened in October of 2002, and as of July 2003, it was completely leased. The commercial tenants include Maggie's Market, Groucho's Deli, East West Karate Center, a law office, a fitness studio, and a real estate office. Another 24,000 square foot retail and office building opened earlier this year. All of Lake Carolina's neighborhoods are connected through intricate sidewalk and nature trails that offer a variety of walking, jogging, or biking opportunities. In addition, Harborside has several parks and a swim club with a snack bar. The Village Green has a bandstand that can be used for outdoor concerts. For additional information on Harborside and links to all neighborhoods within the Lake Carolina community, please visit www.lakecarolina.com/about/towncenter.shtml.

TENNESSEE**Lenox Village*****Nashville, Tennessee***

Since the opening of its model homes in October of 2002, Lenox Village has sold over 200 of its condominiums, townhouses, and single-family homes. Built on just over 100 acres on the outskirts of South Nashville, the completed community will include 594 units and 85,000 square feet of commercial space. As the community grows, it is the hope of the developer to attract such businesses as a general store, deli, drug store, ice-cream parlor, dry cleaner, beauty salon, video rental store and a host of professional offices. Lenox is maintaining the small neighborhood feel to its streets by keeping garages behind the houses, accessible only by alleyways. In addition, these alleyways will also serve as the means of trash collection for the community. The development has several parks and a long greenway on each side of a creek that runs through the center of town. For more information, visit www.lenoxvillage.com.

Pleasant View Village***Pleasant View, Tennessee***

Located approximately halfway between Clarksville and Nashville, this 56-acre community will feature approximately 300 homes and a commercial village square with a municipal hall upon its completion. The development will have multiple parks and greenways that will provide walking and biking trails. Like most other mixed-use communities, the development will have tree-lined streets and wide sidewalks. Since construction of phase 1 of the development (which is entirely residential), there is

little information available as of yet about the amount of space that will be left to retail and office establishments. For more information, visit www.pleasantviewvillage.com.

TEXAS

Home Town

North Richland Hills, Texas

Located just northeast of the Fort Worth beltway, this 330-acre Greenfield community will have approximately 1,700 residential units with a town center that will include retail, office and civic spaces. The community will offer a variety of single-family homes, townhouses, upscale apartments, and lofts all governed by the architectural guidelines established by Looney Ricks Kiss. All units are within walking distance of the lake, the recreation center, regional library, Performing Arts and Conference Center, schools, shops, and restaurants. The center of town includes the Crossing Shopping Center that is anchored by a Kroger signature store and a Kohl's, with a variety of smaller retail stores and dining establishments in between. The downtown area will include approximately 600,000 square feet of office space, all with the possibility of the latest communications technology and high speed Internet connectivity. Home Town considers nature to be an important aspect of the community. It boasts a 25-acre central park system with eight acres of lakes, two natural waterfalls, beautiful trails, and many inviting pocket parks throughout the community. There is even a two-acre natural urban forest. For additional information, visit www.hometownnrh.com.

Plum Creek

Kyle, Texas

Plum Creek is a 2,200-acre master-planned community located between the towns of Kyle and Buda, just south of Austin, Texas. Plans call for a mixed-use development, including homes, parks, schools, a community center, and commercial and office projects. When completed, Plum Creek will consist of approximately 4,800 residential units with varying housing types, such as single-family homes, townhouses, live/work units, and apartments. The epicenter of the development will be Plum Creek Square, the neighborhood commercial district. Plum Creek Square is already home to Central Texas Medical Center, State Farm Insurance agency, a day spa, a dry cleaners, and a dance studio. Amenities include an 18-hole golf course, a 30-acre fishing lake, miles of scenic hike-and-bike trails, convenient on-site childcare facilities, an elementary school, a performing arts center, four neighborhood parks, and a community swimming pool. For additional information, visit www.plumcreektx.com.

Village at Colleyville
Colleyville, Texas

This 28-acre mixed-use community is located just east of North Richland Hills, the site of HomeTown. It is currently under construction, and when completed, will offer multiple types of residences and a town center with 800,000 square feet of retail, restaurants, and offices. Housing types include single-family villas and apartments. The community has a variety of offices and retail establishments, including bed and breakfast inns, an old-fashioned five and dime store, bakeries, toyshops, bookstores, art galleries, and day spas. In addition, the community offers a Kroger supermarket and a Chase Bank. The Village also has a City Park that features an outdoor amphitheater, tennis court, walking and jogging trails, and a beautiful outdoor play center named “Kidsville.” For additional information on this mixed-use community, please visit www.realtycapital.com/villageatcolleyville.htm.

VIRGINIA**Belmont Bay**
Prince William County, Virginia

Located just southeast of Manassas on the Occoquan Bay, this 75-acre community is built among The Ospreys golf course. The community will offer multiple designs for single-family homes, townhomes, and condominiums. The town center, focusing around the 158-slip Harbor Marina, will include several shops and restaurants as well as a science museum. A 240-room hotel with approximately 40,000 square feet of conference space is planned for the southeast corner of the village. A transit center that will provide transportation to Washington, D.C. is located along the north edge of the community. For additional information, visit www.belmont-bay.com.

Belmont Greene
Loudoun County, Virginia

In May of 2000, developers began construction of phase one of this 273-acre community, which will feature 752 homes, 162,356 square feet of retail space and 364,815 square feet of office space. Neighborhood housing options will include single-family homes, quartet homes, townhouses, and condominiums. Community amenities include an outdoor pool with showers and lockers, a town civic area, tennis courts, baseball and soccer fields, a volleyball court, pocket parks throughout the neighborhood, and a community-wide pedestrian trail system that will connect all the greens, parks, wetlands, and recreation center. An active community association has been created. It includes an architectural review committee, to ensure that all architectural changes are in compliance with the neo-traditional values of the community; a maintenance committee, a covenant enforcement committee, to ensure compliance with property encumbrances; and an activities committee, to plan special community events. For additional information on Belmont Greene, visit www.belmontgreene.com.

WASHINGTON

Lookout Ridge

Washougal, Washington

This 106-acre mixed-use neighborhood development is located on a south-facing slope along the Columbia River Gorge with panoramic views of Mt. Hood, the Cascade Range, and the Columbia River. LCA Town Planning & Architecture designed a master plan that provided the developer with codes, architectural guidelines, and schematic building designs. The focus of the design was to protect the views and the access to the hillside's natural amenities. Through a range of housing types, such as apartments, townhouses, and duplexes and varying lot sizes for single-family homes, the goal of the design is to attract residents with a wide range of income levels. The community will feature over 14 acres of parks that are connected through pedestrian staircases and paths. It will preserve natural wetlands and ancient oaks. For contact information regarding this community, visit www.lcaarchitects.com/neighborhoods/lookout-ridge.html.

Glossary of Land Use Terms

Comprehensive Plan. A written document that identifies the goals, objectives, principles, guidelines, policies, standards, and strategies for the growth and development of the community.

Density Bonus. See “Incentive Zoning.”

Developer Agreements. A contract entered into between a developer and a municipality that is mutually beneficial. The landowner seeks a guarantee of the municipality’s zoning regulations, conditions, and exactions, so that they will remain consistent during the development of the project. In exchange, a municipality obtains concessions and land use conditions that will benefit the public.

Floating Zone. A zoning district that is added to the zoning law but “floats” until an application is made to apply the new district to a certain parcel. Upon the approval of the application, the zoning map is amended to apply the floating district to that parcel of land.

GEIS. A Generic Environmental Impact Study (GEIS) is broader and more general than a project-specific EIS. The GEIS is a useful vehicle for conducting comprehensive environmental and development planning for a geographic area that a municipality wishes to protect or an area that it wishes to develop or redevelop carefully. It is also useful when a municipality is preparing its own plan for an area, such as a conservation overlay zone, or is adopting or amending the comprehensive plan with respect to a particular area.

Growth Centers. 1. A method of preserving the environment by using land use techniques and the private sector to develop in appropriate locations. 2. A key tool for fighting sprawl, implementing community comprehensive plans, and meeting housing and employment needs.

Incentive Zoning. A system by which zoning incentives are provided to developers on the condition that specific physical, social, or cultural benefits are provided to the community. Incentives include increases in the permissible number of residential units or gross square footage of development, or waivers of the height, setback, use, or area provisions of the zoning ordinance. The benefits to be provided in exchange may include affordable housing, recreational facilities, open space, day-care facilities, infrastructure, or cash in lieu thereof.

Master Plan. A term used synonymously by many to refer to the comprehensive plan. The statutory, official name for the community's written plan for the future is the comprehensive plan.

Priority Growth Districts. Specially selected areas where, through the comprehensive planning process, a community has determined that growth is desirable, compatible with existing uses, and can be implemented in a manner that will enhance the larger community by providing needed housing alternatives, preserve open space, and add retail, commercial and community uses that support the tax base.

Planned Unit Development. An overlay zoning district that permits land developments on several parcels to be planned as single units and to contain both residential dwellings and commercial uses. It is usually available to landowners as a mixed-use option to single uses permitted as-of-right by the zoning ordinance.

SEQRA. The State Environmental Quality Review Act requires local legislatures and land use agencies to consider, avoid, and mitigate significant environmental impacts of the projects that they approve, the plans or regulations they adopt, and the projects they undertake directly.

Special Use Permit. Special uses are allowed in zoning districts, but only upon the issuance of a special use permit subject to conditions designed to protect surrounding properties and the neighborhood from the negative impacts of the permitted use. Also called conditional use permit, special exception permit, and special permit.

Traditional Neighborhood Development. TND or neo-traditional development is essentially an answer to the question: How should we grow? TND proponents believe that growth should take the form of pedestrian-friendly, mixed-use neighborhoods with open spaces, diverse housing types, and clearly defined edges that are linked by an interconnected street system.

Transfer of Development Rights. Provisions in a zoning law that allow for the purchase of the right to develop land located in a sending area and the transfer of those rights to land located in a receiving area.

Vested Rights. Vested rights are found when a landowner has received approval of a project and has undertaken substantial construction and made substantial expenditures in reliance on that approval. If the landowner's right to develop has vested, it cannot be taken away by a zoning change by the legislature.

Zoning District. A part of the community designated by the local zoning law for certain kinds of land uses, such as for single-family homes on lots no smaller than one acre or for neighborhood commercial uses. Only these primary permitted land uses, their accessory uses, and any special uses permitted in the zoning district may be placed on the land in that part of the community.

Appendix:

Transportation Corporations and Water/Sewage Districts

Counties, cities, villages, and towns are authorized by the New York State Constitution to contract for indebtedness to pay for systems for the supply of water or the disposal of sewage. The state legislature has adopted statutes that direct the process of the establishment of water and sewer districts and systems. Water and sewer districts or systems can be established at the municipal or county level. In either case, the costs for the improvements and operations of the systems can be passed on to the owners of the parcels of land that will be benefited by the improvement. New York State statutes specifically provide for the establishment of water and sewer districts or systems that can serve the current needs of a community and provide excess capacity.

INTRODUCTION

Towns

The New York state legislature provides that a town board may establish a sewer or water district, extend a current district, or create a number of existing districts that need not be contiguous. A town may establish a new water or sewer district in two ways. Town Law specifies the conditions under which property owners within a proposed district may petition the town board to establish or extend an improvement district. Alternatively, the town may decide to establish a district by resolution without citizen petition, subject to the permissive referendum process. In either case, the town must hold a public hearing and must determine that all the property within the proposed district is benefited by the creation of the district, that all benefited properties are included in the boundaries of the proposed district, and that the creation of the district will have no adverse environmental impacts.

If citizens petition the town board, the petition must include a description of the boundaries of the proposed district and must be signed and acknowledged by the petitioners. The petition must include the maximum amount proposed to be expended on the requested construction or improvement. Upon receipt of the

petition, the town board may opt to conduct a study relating to the proposal. Following the initial study, if the town board determines that further action is needed, it may order maps and plans to be prepared, clearly identifying the district, the source of water to be provided, estimates for the construction of facilities and acquisition of equipment needed, and methods of financing the improvements.

If a resolution is adopted to conduct a study regarding the establishment of a district, the town board must appropriate funds to pay for the study. The cost is considered part of the cost of establishing the district and, once the district is formed, is reimbursable to the town—at the town's discretion—by property owners in the new district. The map, plan, and petition for a water or sewer district must be submitted to the state or county Department of Health for approval. The Department of Health will review the proposal and may request further information before approving the petition. The town board must hold a hearing to determine that the petition is valid and that a new or extended district will benefit the property owners in the proposed district. The notice of public hearing must estimate the average, typical first-year cost to a typical property. If this figure exceeds a state-determined threshold, the Comptroller must approve any proposed debt. Where the State Comptroller must make a determination, the Comptroller must consider whether the public interest will be served by the creation of the district and whether the cost will impose an undue burden on real property within the proposed district. The town board may accept bids for the engineering and construction of the improvement and is authorized to enter into contracts based on the bids.

After the town board has established a district, the board must adopt a resolution allowing the new or extended district to connect to the existing sewer or water systems. The town may require private property owners to connect their properties to the system under the review of a public official, or the town may provide and pay for the connections. Once a district is created and bonds are issued to pay for the installation of facilities, property owners are charged for the cost of the systems and their operation. All properties may be charged a pro-rata share of the capital costs of the systems. Use charges to pay for the operation and maintenance of the systems may be charged to property owners based either on their actual use or on an ad valorem basis. In certain districts, the Comptroller may require that operating and maintenance charges be based on use determined by such factors as the type of land use or the volume or square footage of buildings. The cost of maintaining a sewer or water system is charged to all properties served by the new or extended district in the form of a sewer or water tax.

Villages and Cities

To establish a sewer and water system, a village may act upon its own motion or on petition of its citizens. The controlling body of a village sewer system is the village board of trustees. A village also has the option of contracting with larger municipalities for connection to an existing sewer system. Cities may create water or sewer systems and may operate, maintain and construct such systems, which are controlled by the city council.

Counties

A municipality or district or, alternatively, property owners within the municipality or district may petition the county board of supervisors or legislators to establish a county sewer or water district. The county may designate an officer, board, body, or public authority to act as the county sewer or water agency. Upon presentation of a petition or upon its own motion, the board of supervisors may direct the county agency to prepare studies and maps, assess costs, submit a petition to the state Department of Health for approval, and—if financing is necessary—obtain any necessary approval from the office of the State Comptroller.

Fundamental Choices

If a developer applies for approval of a subdivision in an area not currently served by a water or sewer district or system, a town can establish as a condition of the project's approval that the community itself will provide water and sewers at the developer's expense. In this case, the developer will be required to furnish a bond or other security for the improvement and will have to wait for the community to establish the district and build the improvements. To maintain control of the process, the developer has the option of constructing the improvements directly. This option may speed the development process. To assure the safe functioning and maintenance of the water and sewer system after the project is completed, the community may accept title to the system and then repair and improve the facilities at the expense of the property owners served by them.

To provide water and sewer services, a community can form a public benefit corporation called an "authority." Organizing an authority requires a special act by the legislature. The governing body of the municipality has one year following the legislative act to file a certificate with the Secretary of the State. The certificate must include the date of the passage of the special act, the name of the authority, the names of the members of the authority, and the bounds of the district. If the district includes all or part of another municipality, an inter-municipal agreement must be included. The authority is a public benefit corporation consisting of no fewer than three members or more than five members. A majority vote is required to approve any action by the authority. The authority is authorized to borrow money and issue notes and bonds; to enter into contracts; to acquire land; to construct, improve, rehabilitate, and maintain water and sewer facilities; to make plans and undertake studies regarding water and sewer needs; to fix rates and collect charges for use of the facilities; and to provide for the discontinuance or disconnection from the facilities for non-payment of fees, rates, and rents properly charged for the services provided. These public benefit corporations are created for the health, safety, and welfare of the citizens, and the powers of the authority include all that is necessary to provide sewer and water facilities.

Two or more municipalities may choose to contract for a common water supply or sewer disposal system. Municipalities acting jointly may acquire and develop a joint water system or may form a joint public authority for that purpose. Any city, village, town, or county may establish a sewer or water district or system with capacity in

excess of its own needs for the purpose of treating water and treating and disposing of the sewage needs of another community. If a municipality chooses to construct excess sewer or water facilities, it may contract with public corporations or improvement districts to provide for their needs for a period of no longer than 40 years.

. . . .

To follow is a detailed description of the legal procedures required to establish community water/sewer systems under the Transportation Corporation Law and Article 12 of the Town Law.

TRANSPORTATION CORPORATION LAW

The Transportation Corporation Law (“TCL”) provides for the formation of domestic corporations to operate and maintain enumerated utilities including water-works and sewage-works corporations (TCL §2). As a practical matter, when a private developer is considering the alternative of providing a new community water and sewage systems within the development, a business entity that will operate and maintain these systems must be created. Any entity established for this purpose will be subject to the provisions set forth in Article 4 of the Business Corporation Law (“BCL”). The TCL provides additional requirements that are specifically tailored to the type of corporation being formed.

Water-Works Corporations

A water-works corporation is defined as “a corporation organized to supply water by mains or pipes to any of the cities, towns, or villages in this state, and the inhabitants thereof.” (TCL §40). The TCL requires compliance with Article 4 of the BCL and that any municipality being serviced by the water-works corporation consent to the formation of the water-works corporation prior to the filing of a certificate of incorporation. (TCL §41).

The procedures to obtain consent of a municipality for the formation of a water-works corporation include:

1. Developer must file an application which requests consent;
2. File an engineering plan for the proposed project simultaneously or attached to the application.¹ The plan must specify location and size and type of wells, pumps distribution mains and other facilities of water supply and/or distribution system;
3. Submit the engineering plan to the county water authority, if in existence, where the corporation will operate²;
4. The county water authority is required to respond within ten days of the notice of application;

¹This is not a formal requirement of the statute, however, as a practical matter it should be submitted with the application.

²A municipality cannot render a decision on an application until it receives a recommendation from the County water authority.

5. Prior to taking or using any land, the corporation is required to file a survey and a map of lands to be utilized for the water distribution system and designating the owners thereof with the county clerk;
6. The President and Secretary of the corporation must sign the map prior to its filing with the county clerk.

Once consent is obtained, the certificate of incorporation and articles of organization can be filed with the Department of State. Thereafter, the corporation will have the duty to supply wholesome water, at reasonable rates (TCL §42) and will have certain powers. These powers include:

1. The power to lay and maintain its pipes and hydrants for delivering and distributing water;
2. The power to cause examinations and surveys to be made to determine the proper location of waterworks and to enter upon any lands or waters (though the corporation will be liable for any damage done thereto) (TCL §43); and
3. The power to condemn property if an agreement with respect to the terms of purchase cannot be agreed upon between the corporation and a third party.³

³However, a waterworks corporation is not entitled to condemn watercourses owned by the state.

Sewage-Works Corporation

General Provisions

Article 10 of the Transportation Corporation Law governs the formation and functions of a sewage-works corporation. Pursuant to §115, a sewage works corporation is defined as a corporation organized to provide a sewer system for the disposal of sewage through an established system of pipelines, treatment plants and other methods of disposal and performs other operations incidental thereto (TCL §115(1)). A sewer system consists of all pipes, sewage pumping stations, sewage treatment plants, and sewage disposal plants/sites (TCL §115(2)).

The procedure for formation of a sewer-works corporation is as follows:

1. Submission of an application to the local governing body requesting consent to formation.⁴ (TCL §116(1));
2. Applicant is required to submit maps and specifications of the proposed system to the Department of Health⁵;
3. The local governing body is obligated to retain an engineer or to utilize its own engineer to:
 - a. Examine the plans and specifications;
 - b. Inspect, during and after construction of the system, and report to the governing body on the systems progress; and

⁴See appendix _____. With respect to timing, once a governing body receives a request for formation of sewage-works corporation, it has sixty days within which to grant or deny the request or sixty days from the date it receives notice the department of health approval, whichever is later. (TCL § 116 (2)).

⁵A local governing body cannot consent to the formation of a sewage works corporation until the health department approves its maps. (TCL § 117 (1)).

- c. Issue a report to the governing body regarding the cost of construction; and issue a report to the governing body that construction has been completed (TCL §118 (1)).
4. The corporation and the governing body are required to enter into an agreement regarding the terms of payment and the cost of such services (TCL §118 (2)) of these fees.

Once consent is obtained, the certificate of incorporation and articles of organization can be filed with the Department of State. Thereafter the corporation will have the duty to supply sewage collection, treatment and disposal at a fair, reasonable and adequate rate (TCL §121). However, unlike the water works corporation procedure, the rates are to be agreed upon by the governing body and the corporation. (TCL §121). The rates are reviewed at an interval of no more than five years or upon a petition of the corporation with notice. The governing body is required to grant or deny the petition within ninety days of its submission. If a determination is not made, the petition is deemed approved (TCL §121).

Furthermore, once it incorporates, the sewage-works corporation has the following powers:

1. To lay and maintain its pipes and hydrants for the disposal, treatment, and removal of sewage, and to prescribe the manner in which sewer connections are made (TCL §222 (1))⁶;
2. To cause examinations and surveys to be made to determine the proper location of waterworks;
3. To enter upon any lands or waters (though the corporation will be liable for any damage done thereto) (TCL §122(2)); and
4. The right to acquire property necessary for the system in, through and over the land of others⁷.

Additional Safeguards for Sewage-Works Corporations

There are additional measures in Article 10 of the TCL that provide protection for governing bodies in the event that the sewage-works corporation fails. These additional safeguards include:

1. The local government must require that the corporation post a performance bond for the completion of construction and a reasonable guaranty from the corporation that it will continue to maintain and operate the system for at least five years.⁸
2. The corporation is required to place its stock in escrow and, should the corporation fail to complete construction or in the event of abandonment/discontinuance of maintenance and operation, the title to the stock will automatically transfer over to the governing body (TCL § 119(3)).
3. If a sewer system is abandoned by a private corporation, the local govern-

⁶If the corporation desires to lay pipes, sewers or conduits under a highway, road or avenue, it must obtain the consent of the local governing body or official in charge of that road, highway, street or avenue. (TCL § 122(1)).

⁷If the terms of the purchase of such property rights cannot be agreed upon, the corporation may acquire it through condemnation (TCL § 124).

⁸The Guarantee is calculated by subtracting the estimated revenues that are received from properties served from the estimated cost of operation and maintenance of the project. The guarantee can be reviewed by the governing body for modification that reflects the fiscal performance of the system or other conditions.

ing body has the right to continue operation and maintenance on the system.

4. Once governing body takes over an abandoned corporation It can incorporate the system into the municipal or sewer district system or allow another corporation or other agency take over the system (TCL §119(4)).
5. The local governing body may require the posting of an additional bond/guaranty for the payment of labor and material furnished in the course of construction and for the cost of retained engineering services to assist it during the approval process. (TCL §119 (1)).
6. A governing body has the opportunity to require that the corporation provide an option to the municipality to purchase the system or at any time shall have the right to purchase or acquire it by condemnation. (TCL §120(1)).

TOWN LAW AND THE FORMATION OF WATER AND SEWER DISTRICTS

Article 12 of the Town Law provides for the establishment and extension of utility type improvement districts. It authorizes the formation of water storage and distribution districts, water treatment districts, sewage disposal districts, and water and sewer drainage districts. An improvement district is created to serve the well being of those within the district, however, its purpose is governmental. Generally, to create a special improvement district it is necessary to submit a petition to the governing town board (Town Law §190). These districts can be publicly or privately funded, but remain part of the town's public works system irrespective of who is paying the bill.

General Requirements

Contents of Petition (Town Law § 191):

A petition to establish or extend a water or sewer district must comply with the following requirements:

1. Signed by owners of taxable real property within the proposed district area and that, in the aggregate, own at least one-half of the assess valuation of all the taxable real property in the district (Town Law §191)⁹;
2. The petition must describe the boundaries of the proposed district, state the maximum amount proposed to be expended for construction and the maximum amount to be expended annually for such services.
3. Submission of a map and a plan that depicts the boundaries of the district and the general plan of the proposed sewer and/or water system.

⁹When a single developer is planning a subdivision, this criteria is easily met – because the developer, as owner of the property, will be the only signature required.

For sewer petitions there are several additional requirements:

1. The map should identify all outlets, the terminus and course of each proposed main sewer;
2. The map is to contain the location and general description of each sewage disposal plant, pumping stations, and is required, to the furthest extent possible, to be consistent with any comprehensive plan for sewer; and
3. Prior to town board approval, the map and plan must receive approval from the State Department of Health.

For water districts there are several additional requirements:

1. The map and plan are required to show the source of water supply and must contain a description of lands, streams, water or water rights to be acquired, unless the petition states that the water will be purchased from a municipal or other corporation.
2. The map and plan should also show the mode of construction of the water works, water mains, distribution pipes and public water supply systems.

Public Hearing (Town Law §193(1))

After the submission of the petition, maps and plans to the town board, a public hearing is required. The town board is required to adopt an order that describes the general terms of the petition, the cost of hook-up fees, the cost of the district to the typical property and the date, time and place of the hearing.¹⁰ This order must be published in the official paper and the Town is required to prepare a file for public inspection, which details how the hook up fees and cost to the average property was computed. Publication must occur not less than ten (10) days or nor more than twenty (20) days before the date set for the hearing. Additionally, a copy of the order should be posted on the town signboard within the same time period as the publication requirement.

¹⁰See Appendix for sample.

Establishment of the District (Town Law §194)

Pursuant to § 194, a town board is required to make certain determinations prior to granting the petition. These include:

1. That the petition was duly signed;
2. Whether the property owners within the district benefit;
3. Whether the property owners that are benefited are within the district; and
4. Whether it is in the public interest to grant the petition.

If the town board determines that the petition was not duly signed or that it is not in the public interest, it is required to deny the petition. If the town board finds that

the property owners within the district are not benefiting or that there are property owners outside of the district that benefit, it can specify the necessary changes of boundaries and/or extension of service to ensure that these criteria are satisfied. Should the map and plans be modified, an additional public hearing is required. Once the Town determines that all criteria are met, it can approve the establishment of the district.

Authority of Town over the District

Once a water/sewer district is established, the town board is authorized to exercise certain powers over the district. These powers are listed in §198 of the TCL and include, but are not limited to:

1. For sewer districts:
 - a. Design, construct, alter, maintain and repair the district's improvements;
 - b. Contract with others to supply sanitary sewer facility, for joint disposal;
 - c. Regulate the construction of private sewers; and
 - d. Charge fees for services.
2. For water districts:
 - a. Construction of the system;
 - b. Purchase and sell water;
 - c. Adopt rules and regulations governing the district; and
 - d. Set fees/rates for services.
3. Public versus Private construction/operation of a water/sewer district

Given the provisions of Article 12 of the Town law, though a Town may have governing authority over a water/sewer district, it is granted the power to delegate that authority, through a contract, to a private entity. This is important, especially with respect to residential development, where a private developer is willing to pay the expense of establishing the district, including laying pipe, providing connections to the residential development, and operation and maintenance of the district.

First, it is an important consideration of any Town Board that allowing development might exceed its existing sewer and water capacity. However, the establishment of a water district that will service the needs of the new development and that will be paid for by the developer is one method of allaying this concern. Additionally, a developer may offer to provide additional capacity beyond that needed by its development so that it can meet some of the Town's future sewer and water needs as well.

Second, if the town board is funding the establishment of an improvement district, an additional approval is required under the TCL. The town board is required to

submit a copy of the order for the public hearing (§193 (1)(a)) to the state comptroller (TCL §193 (b)(1)). Pursuant to TCL §194 (3)(b), after the Town approves the establishment of a water/sewer district, the town board must submit a detailed application to the state comptroller for approval. The state comptroller can require the submission of additional information or can conduct an investigation regarding the establishment of a district or the amount of money to be expended (TCL §193(b)(2)). However, if the state comptroller denies the application of a town, the town board is required to deny the petition (TCL §194(b)(5)).

THE USE OF THE TRANSPORTATION CORPORATION LAW IN CONJUNCTION WITH THE TOWN LAW

Although the TCL and the Town Law deal with similar subjects and have similar requirements with respect to the consent required and the content of submissions, they are two independent processes. However, given the similarities of these statutes, it is possible to simultaneously institute each process and to obtain the required consents at approximately the same time. Using these statutes simultaneously is efficient and will save time/resources of the municipality should a private public works corporation fail.

The TCL provides that a town is authorized to take over a sewer-works/water-works corporation if it fails to maintain and operate its facilities. If this is the case and a water/sewage district has not previously been established, the town will be required to create a water/sewage district and will be required to comply with Article 12 of the Town Law.

On the other hand, if the formation of a water/sewer district is accomplished simultaneously with the formation of the water-works/sewer-works corporations, the ownership of the corporation will automatically be relinquished to the Town and, since the water/sewer district has already been established, no further actions on the part of the Town will be required. This automatic transfer of ownership and authority to the Town will ultimately save the town's resources, time and will ensure that there is no interruption of service.

Editor Biographies

Jessica A. Bacher is an adjunct professor at Pace University School of Law and a staff attorney at the Land Use Law Center. She graduated from the University of Florida with highest honors in 1999 with a B.S. in marketing and a minor in environmental studies. She received her J.D. *summa cum laude* from Pace University School of Law in 2003, along with a certificate in environmental law. While in law school, she published two scholarly articles in professional law journals on the topic of using land use law to preserve barrier islands. She co-authors a regular land use column in the *New York Law Journal*.

Sue Huot received her Bachelor of Science degree in business administration from Sacred Heart University in Fairfield, Connecticut. Prior to entering law school, she was employed with an electric utility company in Connecticut. She received her J.D. from Pace University School of Law in May of 2005. Ms. Huot interned with the Honorable Peter F. Boggia, Superior Court of New Jersey, and was an Honors Fellow at the Land Use Law Center. She plans to pursue a career in land use law.

John R. Nolon is a tenured professor of law and teaches in the fields of property, land use, and environmental law at Pace University School of Law. He serves as Counsel to the Land Use Law Center. Professor Nolon received a Fulbright Scholarship to develop a framework law for sustainable development in Argentina and has published five books and dozens of law review and journal articles in his field. He is Visiting Professor at the Yale School of Forestry & Environmental Studies.

Joshua Rinesmith received his Bachelor of Science degree in environmental studies in 2001 from Bucknell University in Lewisburg, Pennsylvania. He received his J.D. *cum laude* from Pace University School of Law in May of 2005, along with an environmental certificate. At Pace, he served as a research associate with the Land Use Law Center as well as a member of the Barrister's Guild.

Jeremy Stone graduated from The College of William and Mary in 2001 with his Bachelor of Arts in cultural anthropology. He received his J.D. from Pace University School of Law in May of 2005. While in law school, he interned with the New York State Attorney General's Office, served as a research associate with the Land Use Law Center, and worked as a research assistant in the area of tax law.

