

# Durham Smart Growth Audit

November 2000



**duncan** associates

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## Introduction

**Duncan | Associates** was engaged by the City of Durham and Durham County to conduct a “Smart Growth Audit” of the City and County’s respective plans, regulations and policies. The intent of the project was to determine whether or not the materials reviewed incorporated current thinking about planning objectives related to the regional and national “growing smarter” movement.

Over the past several years, both the City and County have established themselves as regional leaders in the “smart growth” movement. For example, the Mayor of Durham (along with the mayors of Chapel Hill and Cary) has been a constructive player in the quest for more regional planning and decision-making, especially concerning transportation. Other areas toward which local “smart growth” efforts have been focused include watershed protection, downtown revitalization and implementation of the Triangle Transit Authority regional transit plan. This “smart growth audit” was organized into the following categories:

- **Planning**
- **Implementation: Infrastructure**
- **Implementation: Urban Form**
- **Implementation: Development Design**
- **Development Review**

A more complete discussion of these principles follows. The materials reviewed during this project are listed in Appendix B.

## Defining Smart Growth

“Smart Growth” is a term that is being widely used in 2000. Like any phrase that has grown rapidly in use—and like “sustainable development” several years ago—it can be interpreted in many ways. From the resources cited in Appendix B and from team members’ own collective experience, the Durham Smart Growth Audit team established principles to guide the Smart Growth Audit. Those principles are:

### A. Planning

1. A comprehensive plan or set of plans that:
  - a) Encompass all land area within the jurisdiction;
  - b) Address all physical resources and development within the jurisdiction, including resources essential to the provision of public services, such as water, wastewater, roads, parks and public safety; and
  - c) Are long-range in outlook.
2. A close link between comprehensive plan elements and regulations that affect type, location and timing of private development
3. A consideration of land-demand in comprehensive planning effort
4. A designation of planned or priority growth areas

## **B. Implementation: Infrastructure**

1. Capital improvements for City and County investments, based on comprehensive plan or plan elements
2. Capital improvements for public water, waste water and other utility investments, based on comprehensive plan or plan elements
3. Capital improvements program for schools, coordinated with or based on comprehensive plan or plan elements
4. Coordination of MPO and NCDOT plans with comprehensive plan
5. Fair and continued investments in infrastructure, consistent with growth demands
6. Infrastructure dedication/gift policies that restrict premature or inappropriate creation of infrastructure by others, particularly outside priority growth areas
7. Incentives for development in priority growth areas

## **C. Implementation: Urban Form**

1. Regulations to encourage compact development in primary growth areas
2. Active program to acquire open space to shape urban form and preserve natural resources
3. Active programs to encourage infill development, including:
  - a) Impact fee and exaction waivers and incentives
  - b) Rehabilitation building codes
  - c) Zoning consistent with existing lot sizes and use patterns
  - d) Appropriate provision of public parking
  - e) Reduction or elimination of discretionary development approvals for infill consistent with traditional development types and patterns
  - f) Downtown housing
4. Significant restrictions on large-scale rural development, including:
  - a) Appropriate minimum lot sizes
  - b) Limitations on strip development along existing County roads
  - c) Limitations on large-scale development on septic tanks
  - d) Suburban-type development standards for suburban-type development, even if premature in particular location.

## **D. Implementation: Development Design**

1. Code provisions to encourage creation of walkable neighborhoods, with good connectivity to community level
2. Code provisions to encourage creation of transit-friendly neighborhoods in areas with transit service or planned for future transit service
3. Code provisions to encourage automobile connectivity among neighborhoods without unnecessary over-loading of arterial streets and roads

4. Code provisions to offer flexibility and incentives to encourage development design that adapts to character of land or surrounding development
5. Code provisions to encourage mixtures of residential, commercial and office development
6. Code provisions to encourage creation of true neighborhood commercial centers
7. Parking provisions that differentiate between strip, big-box and neighborhood-oriented commercial development
8. Commitment to provision of public parking in downtown area

**E. Development Review**

1. Ensure reasonable, predictable and efficient development plan reviews
2. Provide for citizen participation that encourages public involvement and development approvals in accordance with plan, but limits unnecessary delay

**F. Other Policies**

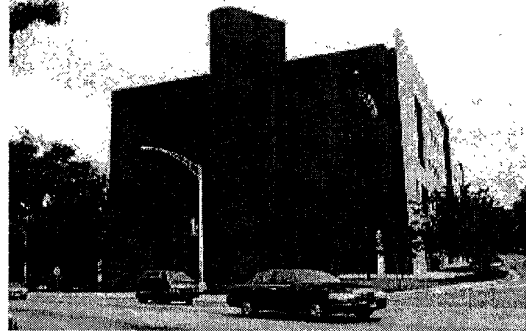
1. Ensure that economic development policies are consistent with comprehensive plan or plan elements
2. Ensure that housing and community development policies are consistent with comprehensive plan or plan elements
3. Coordinate planning and major decision-making with surrounding local governments.

A more detailed Appendix that outlines principles and practices that have been included in—and used to define—smart growth by some of its leading proponents, is included as Appendix B.

# I. Planning

## A. A Comprehensive Plan or Set of Plans that:

- Encompass all land and water area within the jurisdiction;
- Address all physical resources and development within the jurisdiction, including those that are essential to the provision of public services, such as water, wastewater, roads, parks and public safety; and
- Are long-range in outlook.



### 1. Audit Resources:

- a) Durham 2020 Comprehensive Plan
- b) 2025 Long Range Transportation Plan
- c) Project Implementation Schedule
- d) Congestion Management System: Procedures and Responsibilities Report
- e) Building a Livable Future: the Durham 2020 Comprehensive Plan
- f) Long Range Facilities Plan
- g) City of Durham Capital Improvement Plan, Fiscal Years 2001-2006
- h) Durham County CIP Planning Document, Fiscal Years 2001-2006
- i) Durham County Open Space Plan
- j) Durham Urban Trails and Greenways Masterplan
- k) Durham Parks and Recreation Master Plan [Draft]
- l) Downtown Durham Master Plan
- m) Redevelopment Guide: City of Durham
- n) Revised Economic Development Investment Policy for the City of Durham
- o) Station Area Development Guidelines
- p) A Regional Transit Plan for the Triangle
- q) Various Small Area Plans

### 2. Strengths

- a) Historic City-County cooperation in planning.
- b) Shared City-County planning staff.
- c) Current comprehensive plan is City-County document.
- d) Durham 2020 meets two of three criteria for evaluating comprehensive plan:
  - 1) Coverage of entire land area within jurisdiction
  - 2) Long-range in outlook.
- e) Established CIP process for both City and County, and excellent process links between comprehensive plan and City CIP.

- f) Urban Growth Area (UGA) established through Durham 2020 planning process provides outer limit for sewer and water extension and thus guides planning for those facilities. This is major strength of plan implementation in Durham, although relationship could be made even stronger—see below.
- g) Consideration of environmental character in establishing primary growth areas.
- h) Recent discussions of Smart Growth, including symposium and forum.

### 3. Opportunities for Improvement:

- a) Ensure express consistency among all local plans. Considering number of separate plans and number of entities involved in preparing them, there are surprisingly few actual inconsistencies. However, there are few links or cross-references, among plans.
- b) Establish complimentary short and long range CIP processes for both City and County with process links between the comprehensive plan and City/County CIP's.
- c) Ensure that school capacities and accessibility are considered in setting long-range planning policies (Durham 2020 updates or amendments) and then ensuring that school facilities plans are consistent with and reinforce comprehensive plan.
- d) Ensure that open space plans and policies are consistent with and reinforce comprehensive plan.
- e) Ensure that Downtown Master Plan and Durham 2020, which are philosophically consistent in supporting urban revitalization, are fully coordinated.
- f) Ensure that park and recreation land and accessibility needs are considered in setting long-range planning policies (Durham 2020 updates or amendments) and then ensuring that Park and Recreation Master Plan is consistent with and reinforces comprehensive plan.
- g) Improve coordination between transportation and land-use planning.
- h) Conduct fiscal feasibility analysis of the Durham 2020 Comprehensive Plans and priorities and adjust to make it fiscally realistic, at least for development likely to occur within five years. See discussion below, in section 4.g.
- i) Conduct fiscal feasibility analysis of Durham 2020 plans and priorities and adjust to make it fiscally realistic, at least for development likely to occur within five years.
- j) Review County CIP by planning commission or other body for consistency of these proposed investments with Durham 2020:
  - 1) Durham County Track and Field Stadium (location);
  - 2) Youth Home (location; access to public facilities and transportation)
  - 3) Open Space Land Acquisition
  - 4) Human Services Building Complex and Parking Deck (location; access to public transportation, future transit; traffic impacts)
  - 5) Education (see above)
  - 6) Branch Libraries (locations, access to public transportation)
  - 7) NC Museum of Life and Science (location; access to public transportation, future transit).

### 4. Discussion:

- a) City and County have long and strong tradition of local planning and have joint, current comprehensive plan. They also have many other plans. Some have been prepared by the Planning Department, including small area land use plans, urban



trail and greenways plans and open space plans. Other plans have been prepared by other planning entities, with several of those plans apparently driven by different priorities. The purpose of a comprehensive plan is to coordinate all local planning efforts—at least those related to physical development of the jurisdiction. The City and County simply do not have that level of coordination.

- b) Whether these multiple plans are consistent is not clear. There are no obvious inconsistencies. For example, the Durham Downtown Master Plan supports core revitalization, a goal that seems entirely consistent with Durham 2020; on the other hand, the Downtown Master Plan was not one of the nine “planning studies” recommended as implementation tools for Durham 2020 (p. 63) and there is no obvious reference in the downtown plan to Durham 2020 and its goals. In many cases, the relationship between other plans and Durham 2020 is unclear—for example, the County’s location-specific capital investments may very well reinforce Durham 2020, but there is nothing in the County’s CIP that makes that clear. The same problem exists with the schools plan. Whether it reinforces or conflicts with Durham 2020 is simply not clear.
- c) One good example of coordination between planning efforts is the established City process of including the Planning Department in the review process for the Capital Improvements Program. One of the ten categories of “projects likely to be funded” through the CIP process are those “that further the City’s goals of orderly growth as set forth in the City’s Comprehensive Plan.” The only thing that is missing from that process is a reconciliation of the CIP back to the Durham 2020 goals.
- d) It is our understanding that the Durham 2020 process involved all agencies of the City and County and that there should thus be broad support for it among all agencies. There is little evidence of that in the adopted plans that we reviewed. That lack of evidence suggests a lack of continuing attention to this issue. The Department of Planning should be directly involved in the continuing planning efforts of other agencies, and there should be appropriate links among the plans. The process of working out detailed plans for a particular functional or geographic area of the City or County may lead participants to conclude that there is a need for additions or changes to the adopted comprehensive plan. Those issues should be expressly addressed, not ignored. Ideally, each plan adopted as an element of, or under the general guidance of, the comprehensive plan should contain a short section relating it to the comprehensive plan—and expressly identifying inconsistencies with the adopted plan and any proposed amendments or additions to make the plans consistent.
- e) Durham 2020 is now more than five years old. In a rapidly growing community, that means that it is time for a major review and update. An update effort should not start with a clean slate. Many of the premises of Durham 2020 continue to be valid. There are important elements in a number of the functional and geographic area plans separately adopted that should be incorporated into an updated City-County comprehensive plan.
- f) A subsequent section of this Audit Report suggests that an updated planning effort should be based on a land-demand analysis. It is impossible to draw geographic boundaries like the urban growth boundary without some sense of how much land ought to be included within the boundary. It is well-accepted within the planning profession that, when such a boundary is drawn, it should include enough land to satisfy the market for at least 20 years, plus some cushion to avoid creating an artificial shortage in the market and a resulting escalation of prices—one of the side effects that has occurred with Portland’s tightly-drawn growth boundary.

- g) Plans typically suggest projects, and projects cost money. Although the most serious budgeting effort related to planning occurs through the continuing CIP processes of both City and County, there should be a fiscal feasibility analysis of the comprehensive plan at a fairly gross and general level—as a form of what is sometimes called a “reality check.” If the plan projects the addition of 25,000 single-family homes spread over 10,000 acres, there should be a rough analysis of the probable capital and operating costs and the new tax revenues from that development; that analysis should include schools, school buses and other major investments, not just the obvious roads, sewer and water lines. If the plan calls for the acquisition of significant amounts of open space (as we believe that it should), there should be some cost and revenue calculations attached to that—and those calculations should recognize that there will be some net loss to the tax roles as a result. The preferred practice is to incorporate at least some of this analysis into the development of the plan and alternative scenarios under it; through such a process, the fiscal data educates the rest of the planning process. What does all of this mean? It is wonderful to have grand plans, but someone has to pay for them—and, while most residents will prefer that most future development be limited to single-family homes, they may change their preferences as they understand the fiscal implications of sprawling, single-family development.
- h) The complex issue of coordinating comprehensive planning and transportation planning is discussed below.

**5. Action Recommendations:**

- a) Update City-County comprehensive plan based on land demand capacity analysis and incorporating fiscal feasibility analysis.
- b) Conduct consistency review of all adopted plans affecting City and County.
- c) Achieve consistency among all existing plans and updated Comprehensive Plan. Refer inconsistent provisions back to adopting agencies with express requests to amend affected plans. Summarize relationships among plans in updated Comprehensive Plan;
- d) Include “how to use this plan” guide in updated plan that incorporates action checklist (similar to one in Durham 2020) and suggests how to use the comprehensive plan to guide future planning and CIP efforts;
- e) Establish plan coordination committee that includes all major agencies adopting plans that affect the future of Durham and Durham County. Ensure that the committee participates in designing the scope of each new plan and that it conducts a new consistency review of each new plan and the updated Comprehensive Plan.
- f) Use plan coordination committee to prepare an annual synthesis of “major planning policies” for use by appointed and elected officials in making decisions. Citizens reasonably expect their public officials to follow adopted plans, but there is no practical way for anyone to follow all of the existing, adopted plans in Durham and Durham County—there are simply too many plans and the relationships among them are too complex. The “major planning policies” document could be adopted as an element of or appendix to the updated Comprehensive Plan itself, an approach which would require that it be reviewed by the appointed and elected officials before adoption; such a process would increase the likelihood that public officials would remain cognizant of the major plan elements.

**B. Link Between Plan Elements and Regulations that Affect Type, Location and Timing of Private Development**

**1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) Building a Livable Future: the Durham 2020 Comprehensive Plan
- d) "Text Amendments" Table of Zoning Text Amendments

**2. Strengths:**

Durham 2020 plan contained checklist of amendments required to bring regulations into conformity with plan.

**3. Opportunities for Improvement:**

- a) Durham 2020 contained list of specific recommendations for implementation of plan through amendments to local regulations. Of eight items on that list, one has been fully implemented, one has been partially implemented, one has been delayed due to concerns about the cost of implementation/enforcement and five remain to be accomplished. Plans are effective only if implemented. Some recommendations of a particular plan may be difficult to implement and may take many years. When an adopted plan includes a detailed checklist of relatively straight-forward undertakings to implement it, however, they should be carried out as promptly as practicable. A two or three year work program would be appropriate for implementation of a checklist like the following one. The implementation of the small area plans should be scheduled for implementation over a period that extends approximately one year past the adoption of each such plan.

Recommendation	Target	Apparent Status
[Incorporate] Transportation-Oriented Development Districts: TOD-UC's and TOD-NC's	7/1997	Partially accomplished <sup>1</sup>
Zoning Changes [to implement small area plans]	Various	Not complete
Timing of Development Approval	7/1997	Not done
Residential Street Standards	7/1996	Adopted 12/1997 <sup>2</sup>
Parking Standards	7/1997	No apparent ordinance amendments
Interim Development Regulations	7/1996	Not done
Inclusionary Housing Amendments	7/1996	Not done
County Minimum Housing Code	7/1997	Delayed for policy reasons

- b) Inadequate timing controls on development, other than the relatively gross level control of the UGA. The UGA is a line that controls sewer extensions, which effectively control annexation and development within the City. The UGA was established with a consideration of the feasibility of providing public services to the

<sup>1</sup> MU and NC districts appear to serve this purpose to some extent, but the full intent of the plan has not been implemented.

<sup>2</sup> Effect of amendments unclear from documents available;

areas to be served. There is no similar priority or timing system outside the UGA, where some recent development has occurred, nor is there a priority system for land within the UGA. The UGA appears to be a medium-range planning tool, including areas that can practically be provided with full public services over the next ten years.

The County in recent years has had approved two different types of subdivisions: 1) those inside the UGA, at low/moderate densities which shortly thereafter connect to City water and sewer and annex themselves into the City; and 2) those outside the UGA, with very low densities and with long-term utility service proved by well and septic or other State-approved local systems. For example, during 1996, a total of 25 subdivisions and 1,366 lots were approved in the County jurisdiction. Of these 19 subdivisions representing 1,272 lots were located in the UGA and 6 subdivisions representing 94 lots were outside the UGA (that is, about 7 percent).

- c) In general, both City and County would benefit from adoption of some form of standards representing minimum acceptable levels of public services for different types of new development. This implies at a minimum including in the updated planning effort an element establishing "levels of service" for different types of development. Such an element should specifically address:
  - 1) Roads (peak or average; note if failure during peak periods will be accepted)
  - 2) Sewer (public or private, septic or central)
  - 3) Water (public or private, wells or central)
  - 4) Fire response times (EMS may be incorporated or separate)
  - 5) Water for fire-fighting (minimum pressure, non-availability for some rural developments)
  - 6) Stormwater (systems)
  - 7) Park lands, open space and recreational facilities (per capita)
  - 8) Street lighting (where offered, where not)
  - 9) Sidewalks and pedestrian access (where offered, where not).
- d) Some communities today adopt comprehensive "level of service" (LOS) standards, specifying operating parameters, such as traffic volumes or LOS based on Institute of Transportation Engineers (ITE) standards, water pressures and fire response times in minutes. Although there is substantial planning and engineering validity to such standards, they can be difficult to implement and maintain in a rapidly changing urban and suburban environment. Another approach to the issue is simply to establish minimum facility standards for all facilities for all types of development; although many of these standards exist in the form of regulations, the policy discussion involved in a planning process is important in addressing these issues is important. It should answer questions like:

- 1) Are septic tanks a realistic long-term solution for handling household wastewater in any part of Durham County?
- 2) Should rural subdivisions within a specified distance of the City have sidewalks or other pedestrian connections?
- 3) Should rural subdivisions have adequate water for firefighting?
- 4) Should residents of rural subdivisions expect street lighting and urban levels of EMS and fire response times?

**4. Action Recommendations:**

- a) Review regulatory implementation checklist set out. For each incomplete item, either complete it or adopt a resolution of the appropriate body stating that it will not be completed and specifying reasons why.
- b) Consider variable levels of service for new development. Distinguish among:
  - 1) Urban, infill development;
  - 2) Urban fringe/suburban development within UGA;
  - 3) Fringe development outside UGA but within specified distance of City limits or UGA;
  - 4) Truly rural development.

**C. Consideration of Land-Demand In Comprehensive Planning Effort**

**1. Audit Resources:**

Durham 2020 Comprehensive Plan

**2. Strengths:**

See discussion

**3. Opportunities for Improvement:**

See discussion

**4. Discussion:**

This issue is most relevant in relation to establishment of the UGA. The issue will become more important if City and County accept the recommendations of this report and rely on the UGA in establishing CIP policies and in determining location and types of development to be approved. From available planning documents, it is unclear whether the UGA boundary is based in part on a land-demand analysis. The UGA boundary should be reviewed in the context of land demand, as well as other issues raised in this report. Land absorption within the UGA should then be reported as part of the periodic "Development Summary" reports prepared by planning staff.

**5. Action Recommendations:**

Base new Comprehensive Plan on land demand and absorption projections.

**D. Designation of Planned or Priority Growth Areas**

**1. Audit Resources:**

Durham 2020 Comprehensive Plan

**2. Strengths:**

Plan clearly designates UGA, following long tradition of including UGA in local planning efforts

**3. Opportunities for Improvement:**

- a) Review UGA to ensure consistency with:
  - 1) 2025 Long Range Transportation Plan.
  - 2) Durham County Open Space Plan
  - 3) A Regional Transit Plan for the Triangle
- b) Update Comprehensive Plan to clearly articulate locational and policy basis for drawing and administering UGA boundary, administrative process for modifications and timing. In the context of updating the plan, the City and County should jointly view UGA as a tool for shaping land use (suburban vs. rural) as well as public utility extensions; and that coordination requires that both elected boards be involved in decisions to modify the UGA boundary.

**4. Discussion:**

This is one of the historic strengths of planning in Durham and Durham County.

**5. Action Recommendations:**

Ensure that UGA includes adequate amount of developable land to accommodate 20-year growth demand.

## II. Implementation: Infrastructure

### A. Capital Improvements for City and County Investments Based on Comprehensive Plan

#### 1. Audit Resources:

- a) 2025 Long Range Transportation Plan.
- b) Project Implementation Schedule [Transportation]
- c) Building a Livable Future: the Durham 2020 Comprehensive Plan
- d) Long Range Facilities Plan, Durham Public Schools
- e) Durham County CIP Planning Document, Fiscal Years 2001-2006
- f) City of Durham Capital Improvement Plan, Fiscal Years 2001-2006

#### 2. Strengths:

- a) City policy limiting sewer and water extensions to UGA, with some exceptions.
- b) 2025 Long Range Transportation Plan.
- c) Project Implementation Schedule [Transportation]
- d) Long Range Facilities Plan, Durham Public Schools
- e) Adopted City and County CIP's, with support planning process in place.

#### 3. Opportunities for Improvement:

- a) Coordinate capital facilities planning with comprehensive plan.
- b) Establish policy/priorities reporting system for CIP, including maps showing relationship between CIP and policy priorities established in comprehensive planning process. In other words, each adopted rolling CIP should contain both a summary explaining to what extent it is consistent—or, where necessary, inconsistent—with the adopted Comprehensive Plan, and a map showing proposed capital facilities and their relationship to “priority growth areas” established under the Comprehensive Plan.
- c) Exceptions to sewer/water extension policy for schools, for industry and for existing developments with failing systems may defeat purpose of UGA unless such extensions are “right-sized” and subject to access control to limit additional connections to them.
- d) There is currently discussion in the City and County of establishing “Adequate Public Facilities” standards. The policy discussion regarding “levels of service” for public facilities, recommended under Category 1, will establish the policy basis for determining what facilities will be “adequate” and can be used as the basis for adopting appropriate ordinances.

#### 4. Discussion:

- a) Investments in roads and sewers are the most powerful tools available to government to influence the timing and location of growth. Development is likely to follow road and sewer extensions and improvements; demand for schools, parks, fire protection and other public services and facilities will follow that development in turn. That well-documented fact has two major implications for decisions about investments in major sewer and road improvements:

- 1) Major sewer and road improvements should generally be made in the areas best able to absorb additional development with minimum other public improvements;
  - 2) Planned growth patterns should govern most major investments in roads and sewer systems.
  - 3) Construction of capital facilities should be based on established level-of-service standards.
- b) The comprehensive plan provides the over-arching policy that indicates where such investments are most appropriate; the CIP for the facilities should reflect the specific implementation strategy for the policy established by the plan.

**5. Action Recommendations:**

- a) Prepare annual CIP addendums for City and County, showing how proposed expenditures relate to adopted Comprehensive Plan and illustrating, with a map, how those expenditures relate to priority growth areas and other mapped policies.
- b) Establish minimum facility standards in both City and County, based on the policy discussion of "levels of service".

**B. Capital Improvements for Water, Wastewater and Other Utilities Based on Comprehensive Plan**

**1. Audit Resources:**

Building a Livable Future: the Durham 2020 Comprehensive Plan

**2. Strengths:**

Existing UGA policy:

*Durham's urban growth policy is straightforward and direct: prohibit the extension of public water and sewer services outside the Urban Growth Area.*

Durham 2020 Comprehensive Plan, p. 34.

**3. Opportunities for Improvement:**

- a) Establish limits on services to exceptions (schools, industries, areas with health hazards or failing systems) to ensure that the exceptions do not have unanticipated and undesirable spin-off effects.
- b) Establish improved rural subdivision and/or rural zoning standards to limit the amount and density of large-scale development that occurs outside the UGA.

**4. Discussion:**

- a) The existing policy is an excellent one that builds on existing knowledge about the land-use impacts of sewer and road improvements. We have received somewhat conflicting information on the extent of subdivision activity in the County. According to a First Quarter 1999 "Durham Development Activity" report, just under 20 percent of the total value of new residential construction occurred outside the city in 1996 and 1997, with that figure falling below 15 percent in 1998 and to about 13 percent in the first quarter of 1999. On a dwelling unit count basis, in 1997 about 16 percent of the new single-family units in the County were built in the unincorporated area and about 35 percent of the new multi-family units were built in the County. In 1998, that dropped to about 17 percent of single-family and one percent of multi-family and, in the first quarter of 1999, about nine percent of



single-family and no multi-family. Staff comments on an earlier draft of this report indicated that only 94 units were approved on wells and septic tanks in one recent year. Even at that rate, however, the county would add 1,000 dwelling units in subdivisions over a 10-year period, with most or all of those units on wells and septic tanks and many of them depending on existing state roads for their primary access.

- b) Although it may be difficult, both politically and legally, to deny subdivision approval in rural areas, the County should consider upgrading its standards for subdivisions in rural areas to ensure that those with suburban characteristics have suburban-level services, including centralized sewer and water systems, sidewalks, streetlights and other amenities; residents of suburban-style subdivisions are likely to expect those facilities at some point and it makes fiscal sense to require that such facilities be provided by the developer. Further, at least in some parts of the country, some rural subdivisions occur because it is cheaper to develop in rural areas—because the standards are lower. Such policies provide an often-unintentional incentive to develop in rural areas; adoption of suburban-quality subdivision standards for suburban-style subdivisions, even in remote rural areas, can eliminate or at least reduce such an incentive.

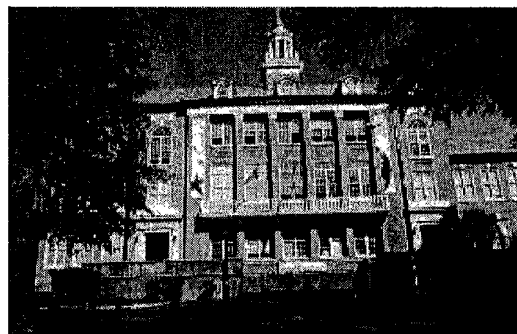
**5. Action Recommendations:**

Adopt suburban-quality subdivision and/or zoning standards for larger subdivisions in rural areas. “Level of service” discussion above should provide policy basis for those standards.

**C. Capital Improvements for Schools Based on Comprehensive Plan**

**1. Audit Resources:**

- a) Building a Livable Future: the Durham 2020 Comprehensive Plan
- b) Long Range Facilities Plan, Durham Public Schools



**2. Strengths:**

Durham Public Schools has a long-range facilities plan.

**3. Opportunities for Improvement:**

There is no apparent coordination between the schools plan and the Durham 2020 plan. Although the public open-space plan refers to school sites, there does not appear to be direct coordination among Parks and Recreation Master Plan, Durham County Open Space Plan and Long-Range Facilities Plan.

**4. Discussion:**

Schools represent largest single portion of County’s current CIP. School sites represent a measurable portion of total open space and offer open space in areas that lack other public open space. Pending state proposals may increase mandatory minimum site size for new schools. For those reasons and many others, investments in public schools should be carefully coordinated with other public investments. North Carolina is relatively unique in placing responsibility for provision of school facilities on County

government, a fact that should facilitate such planning coordination. To the extent that Smart Growth is about money and wise use of public resources, it is simply impossible to develop a truly “smart” plan for growth without schools as a partner. It is important to remember that the partnership ought to be of mutual benefit—the City and County can limit fiscal burdens on the schools in part by encouraging revitalization in areas where schools have excess capacity and considering school capacities, accessibility and transportation costs in drawing future UGA boundaries.

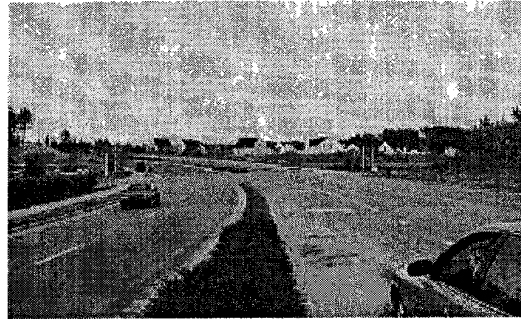
**5. Action Recommendations:**

Recognize that schools are among the most important capital facilities built with tax dollars and ensure that plans for those investments are fully consistent with—and fully coordinated with—other public plans.

**D. Coordination of MPO and NCDOT Plans with Comprehensive Plan**

**1. Audit Resources:**

- a) 2025 Long Range Transportation Plan.
- b) Project Implementation Schedule
- c) Congestion Management System: Procedures and Responsibilities Report
- d) Building a Livable Future: the Durham 2020 Comprehensive Plan



**2. Strengths:**

Informal regional discussions at which planners from multiple agencies and jurisdictions discuss the relationship between transportation and land-use.

**3. Opportunities for Improvement:**

- a) Better and clearer coordination among 2025 Long Range Transportation Plan, Project Implementation Schedule, and Durham 2020 Comprehensive Plan.
- b) Consider inter-local agreements with adjacent jurisdictions for area-wide transportation impact analysis and impact fee requirements, including evaluation of cross jurisdictional travel demand impacts.

**4. Discussion:**

- a) Road investments are the single most powerful shapers of growth. Although the last two federal transportation laws—the Intermodal Surface Transportation Efficiency Act (ISTEA) and the current Transportation Efficiency Act for the 21<sup>st</sup> Century (TEA-21) have required that states give increased attention to land-use implications of their transportation decisions, there is still an emphasis on optimizing efficiency for people to travel between essentially self-chosen points in individual automobiles. To some extent, the system is circular. Local governments make population projections and sub-regional allocations of those projections based on knowledge of the transportation system and the travel patterns that it supports; the MPOs then design transportation systems to optimize efficiency, within available financial resources, within that land-use pattern.

- b) A more logical transportation planning process would recognize the systemic relationship between land use and transportation and would develop an interactive, interdependent decision-making system. With such a system:
  - 1) Some roads would not be built, because they would facilitate congestion;
  - 2) Congestion would be accepted in areas currently served—or to be served—by mass transit, because congestion encourages use of alternative travel pattern;
  - 3) Some road investments would be made in advance of predicted need to encourage development of primary growth areas—areas with few or no environmental constraints and with most other infrastructure readily available;
  - 4) Land-use and transportation planners would develop plans jointly, recognizing that each of their decisions significantly affects decisions of the other.
  - 5) The City and County would use Transportation Impact Analysis computer modeling software for staff analysis of development proposals which would at the same time provide network-wide, link by link cumulative traffic impact data, lower applicant costs for similar services and provide transportation staff resources to increase development review efficiencies and effectiveness.
- c) It is difficult to realize this somewhat idealized program now for several reasons:
  - 1) State transportation funding policies are still heavily influenced by rural legislators who direct funds into relatively lightly populated areas;
  - 2) There are multiple planning agencies—including two different MPO's and a separate transit agency—in the transportation region of which Durham is part;
  - 3) Transportation planning is largely driven by detailed federal and state mandates that control available funding.
- d) Recognizing these obstacles, Durham and Durham County should seek greater coordination and cooperation between land-use and transportation planning, at least in their corner of the Triangle.

**5. Action Recommendations:**

- a) Use inter-local agreements with surrounding jurisdictions to improve regional coordination of transportation planning and implementation.
- b) Use political, administrative and legal means to increase coordination of NCDOT and MPO planning with local planning efforts.
- c) Acquire and implement in-house TIA software and network analysis program.

**E. Fair and Continued Investments In Infrastructure Consistent With Growth Demands**

**1. Audit Resources:**

- a) 2025 Long Range Transportation Plan.
- b) Project Implementation Schedule
- c) Building a Livable Future: the Durham 2020 Comprehensive Plan
- d) Long Range Facilities Plan
- e) CIP Planning Document, Fiscal Years 2001-2006
- f) City of Durham Capital Improvements Plan, Fiscal Years 2001-2006
- g) Durham County Open Space Plan
- h) Durham Urban Trails and Greenways Master Plan

- i) Durham Parks and Recreation Master Plan [Draft]
- j) Downtown Durham Master Plan.

**2. Strengths:**

- a) Active continued local investment in all major infrastructure.
- b) City and County CIP's to guide infrastructure investment.

**3. Opportunities for Improvement:**

Improve coordination of planning for infrastructure improvements, as discussed above.

**F. Infrastructure Extension and Financing Policies that Reinforce Planning Goals**

**1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) Long Range Facilities Plan
- d) CIP Planning Document, Fiscal Years 2001-2006
- e) City of Durham, Capital Improvements Program, Fiscal Years 2001-2006
- f) Durham County Open Space Plan



**2. Strengths:**

Urban Growth Areas policy represents a solid element of a broader policy.

**3. Opportunities for Improvement:**

- a) Establish full array of impact fees to finance the capital costs of growth.
- b) Establish policy to discourage infrastructure investments—even by others—in areas not slated for growth.

**4. Discussion:**

- a) Just because a developer pays for something does not make it a good idea. The City in particular should have at least three categories of future infrastructure:
  - 1) **High priority** infrastructure—generally reflected in a current, five-year CIP -- that is so important to the City or County that it may invest public funds in that infrastructure. Offers of dedication of land or improvements related to such infrastructure should be welcomed possibly recovering part of the cost through impact fees. Developers should always receive fee credit or reimbursement credits for construction of major elements of high priority infrastructure.
  - 2) **Medium priority** infrastructure that is on the long-range plans of the City or County but is not on the current CIP. Although the City will not invest in this infrastructure in the short range, it should generally accept offers of dedication of land or improvements related to such infrastructure. Developers should be offered long-term cost recovery, reimbursement agreements for provision of medium-priority infrastructure.

- 3) **Low priority/unwanted** infrastructure that is not on any adopted plans of the City or County. Both City and County should generally refuse dedications of such infrastructure and should provide disincentives for its construction. Where a developer is allowed to construct such infrastructure, there should be no credits against fees and no reimbursement of any kind, even for over-sizing.
- b) Such an infrastructure policy is a logical corollary of the adopted UGA policy.
- c) In addition, the City and County should work together for legislative authority for the adoption of a full range of impact fees and should then implement those fees. New impact fees should be structured to provide incentives for appropriate development, reducing fees to minimal levels in the core area and charging maximum fees for outlying development. See, also, next section.

**5. Action Recommendations:**

- a) Adopt priority-based infrastructure provision policy (high, medium and low).
- b) Seek additional legislative authority for impact fees, including schools.
- c) Restructure impact fees to allow incentives that reinforce “smart growth” policies.

**G. Incentives for Development in Priority Growth Areas**

**1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) Building a Livable Future: the Durham 2020 Comprehensive Plan

**2. Strengths:**

Designation of priority growth areas through UGA policy, which provides planning context for such policy.

**3. Opportunities for Improvement:**

- a) Adopt incentives, including restructured impact fees and connection fee policies and new reimbursement policy; secure legislative authority as necessary.
- b) Streamline development review procedures with more explicit ordinance standards, particularly for appearance and design issues, and more administrative review and approval authority to include redefinition of major and minor project thresholds.
- c) Focus development incentives, including reduced impact fees and public construction of essential new infrastructure, on specific target areas, such as community development areas, downtown, new transit-oriented neighborhoods, and special tax districts.

**4. Discussion:**

- a) Adoption of infrastructure policies suggested previously would provide one form of incentive. If coordinated City/County infrastructure impact fee authority were to be sought and granted, an important incentive could be the consideration of variable or tiered systems of impact fees which might look something like this:

- 1) No or low fees downtown, in designated community development areas or around regional transit stations;
  - 2) Modest fees (perhaps half base rate) on infill sites outside the downtown and community development areas;
  - 3) Base-rate fees in priority growth areas; and
  - 4) Full-cost fees, including maintenance allowance if practicable, for development beyond UGA.
- b) Land that is more remote is generally cheaper. A system of financial disincentives for leapfrog development can offset the market incentive to develop far from existing urban area.

**5. Action Recommendations:**

- a) Streamline development review process and replace discretionary design reviews, where possible, with objective standards and administrative reviews.
- b) Focus future development incentives—including public investments in infrastructure—on community development areas and other priority growth areas.

## III. Implementation: Urban Form

### A. Regulations that Encourage Compact Development In Primary Growth Areas

#### 1. Audit Resources:

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) Building a Livable Future: the Durham 2020 Comprehensive Plan



#### 2. Strengths:

- a) Durham 2020 Plan includes this vision statement:
  - 1) Durham will promote a variety of distinct neighborhoods, emphasizing choices in the types of places our residents can live and work.
  - 2) Durham will identify and support compact corridors in certain places in the community. Compact corridors will be the location for much of our future growth and development activity. Compact neighborhoods in these corridors will include housing areas and employment centers. They will be mixed use, higher intensity and well designed. Compact neighborhood will be pedestrian-oriented and will allow less dependence on the automobile. They will be served by attractive and efficient transit and public facilities.
  - 3) Compact neighborhoods will be sensitive to existing urban neighborhoods.
  - 4) Urban growth will be directed into compact neighborhoods to preserve Durham's rural character and to protect sensitive water supplies.

"Compact Neighborhoods" policy in Durham 2020, pp. 39-40.

- b) The R-5 zoning district, with minimum lot size of 5,000 square feet and R-3 zoning district, with minimum lot size of 5,000 square feet or 3,000 square feet per unit for duplexes and triplexes, provide opportunity for compact development. Planning staff reports, however, that these districts are rarely used for new development. That suggests need for additional zoning districts to encourage or mandate compact development in new areas.
  - c) The PDR, planned development, zoning district provides opportunity for compact development with sufficient design flexibility to adapt to sometimes challenging topography found in Durham.
- #### 3. Opportunities for Improvement
- a) Adopt *maximum* lot sizes or *minimum* densities, which effectively mandate compact development.
  - b) Ensure that appropriate zones for compact development have been applied in primary growth areas and along transit corridors, in accordance with plan.
  - c) Create one or two additional standard zoning districts to encourage and accommodate compact new development.

- d) Create new mixed-use planned unit development (PUD) regulations to supplement or replace existing PDR, which emphasizes residential development.
- e) Establish formulas to allow higher densities in planned developments that fulfill particular public goals.

**4. Discussion:**

Compact development is possible but not required in the primary growth areas. Both principles of Smart Growth and the Durham 2020 suggest that compact development should be mandated, at least in some prime growth areas.

**5. Action Recommendations:**

- a) Update zoning ordinance to include:
  - 1) New zones to encourage, accommodate and, in some cases, mandate more compact residential development in some new areas;
  - 2) New PUD, mixed-use zone, with formulas allowing density increases and other incentives for PUD projects that meet specified goals;
  - 3) Maximum lot sizes or minimum densities in some zones.
- b) Review zoning map to ensure that it provides for higher density and mixed-use development in priority growth areas.

**B. Public and Private Open Space Programs that Shape Urban Form and Preserve Natural Resources**

**1. Audit Resources:**

- a) Building a Livable Future: the Durham 2020 Comprehensive Plan
- b) CIP Planning Document, Fiscal Years 2001-2006
- c) Durham County Open Space Plan
- d) Durham Zoning Ordinance [on-line edition]
- e) Durham Subdivision Ordinance [on-line edition]
- f) Durham Parks and Recreation Master Plan [Draft]



**2. Strengths:**

- a) Existing open space plan.
- b) Six million dollars budgeted in County's current five-year CIP for open space acquisition.
- c) Existence of Eno River Association and Triangle Land Conservancy, both land trusts.

**3. Opportunities for Improvement:**

- a) Coordinate Park and Recreation Plan, Open Space Plan and schools' Long Range Facilities Plan.



- b) Re-evaluate provisions for public and private open space requirements which currently include inconsistent and contradictory provisions and standards for the dedication of land, money-in-lieu exactions, park and open space impact fees and private open space or floodway ordinance set-asides. In many cases these requirements do not extend to protection of other sensitive lands on site.
- c) Actively promote activities of land trusts as supplemental vehicle(s) for open space acquisition and protection.

**4. Discussion:**

- a) Durham County’s current plans include a significant financial commitment to open space acquisition. County CIP includes annual allocations for open space acquisition funds: \$260,000 for this FY, \$300,000 for next FY and \$400,000 for each of the next five FYs. These represent a strong commitment—very positive for open space implementation. Recent successful grant applications have demonstrated Durham’s ability to leverage significantly more funds for open space.
- b) Land typically becomes more expensive to acquire over time, so the City and County together should commit the maximum amount of funding that they consider reasonable to this important goal. The existing open space plan provides excellent planning and policy guidance for the expenditure of the funds.
- c) Over the long run, the City and County would benefit from thinking of open space as a complex but interrelated system, including school sites, campuses, state lands, greenways and other types of open space in a coordinated plan for land preservation. Playing fields and school sites play very different roles in the community than do preserved wetlands and floodplains, but all are part of the system that people view as open space.

**5. Action Recommendations:**

- a) Keep purchasing more open space;
- b) Seek additional grants and other funding sources;
- c) Revise City and County land dedication, land reservation and fee-in-lieu policies to be consistent and to reinforce other plan policies;
- d) Encourage activities of private land trusts;
- e) Consider referendum proposal for small tax increment specifically dedicated to acquisition of open space—such referenda have succeeded elsewhere, even in the face of general citizen resistance to new taxes.

**C. Programs that Encourage Neighborhood Preservation and Infill Development:**

- Impact fee and exaction waivers and incentives
- Rehab building codes
- Zoning consistent with existing lot sizes and use patterns
- Appropriate provision of public parking
- Reduction/elimination of discretionary development approvals for infill consistent with traditional development types and patterns
- Downtown housing

**1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) Building a Livable Future: the Durham 2020 Comprehensive Plan

**2. Strengths:**

- a) Availability of R-5 and R-3 zoning districts, which are generally compatible with the types of development characteristic of many older neighborhoods.
- b) Clear commitment of both the City and County to providing public parking in support of downtown development.
- c) Small area planning process.
- d) Community development policies that support infill development and urban housing opportunities.
- e) Zoning provisions for multi-family housing in central business district.

**3. Opportunities for Improvement:**

- a) Lobby for new State rehabilitation housing and building code that removes unnecessary barriers and obstacles to urban infill and redevelopment..
- b) Restructure fee and exaction policies and increase financial incentives for infill.
- c) Complete review of consistency of existing zoning with neighborhood development patterns. Some of the small area plans suggest that there is zoning in place that allows intensive multi-family development in existing, viable single-family areas; such provisions can damage vital neighborhoods and build political support for NIMBYism. On the other hand, where base zoning requirements require larger lots or setbacks than those that exist in a neighborhood, the effect is to make every dwelling or every lot “nonconforming,” a status which often discourages individual rehabilitation.
- d) Work with development community to develop realistic incentives for inclusion of more affordable housing in new developments.
- e) Develop infill design standards in order to ensure that new development is compatible with existing residential neighborhoods.
- f) Consider minimum housing maintenance codes throughout the City, including at least all rental properties. Such codes can be used as a means to ensure that owners do not accomplish “demolition by neglect.”
- g) Review City operating expenditures for neighborhood maintenance. Studies in other communities show that declining neighborhoods benefit from increased expenditures on things as simple as trash pickup. “Weed and seed” and “any broken window” programs can make a significant difference in neighborhood preservation. Durham clearly has made a commitment in these areas and this could easily be listed as a strength; meetings with citizens, however, suggest a need for continued attention to this important issue.

**4. Insufficient Information to Evaluate:**

- a) Actual consistency of current zoning and current lot sizes and development patterns in older neighborhoods; this issue should be reviewed as part of small area planning process.

- b) Practical and political issues involved in obtaining approval of infill development consistent with Durham 2020 policy to support compact development patterns along major corridors.

**5. Discussion:**

Concerns about sprawl underlie most smart growth programs, but the design of most of those programs recognizes that sprawl is an issue that must be addressed in the core as much as on the fringes. Infill policies are critical to the success of efforts to combat sprawl. Durham has many good infill policies in place, but it would benefit from a careful review of its existing patterns of zoning in established neighborhoods.

**6. Action Recommendations:**

- a) Lobby for adoption of new State rehabilitation housing and building code, based on Maryland and New Jersey models;
- b) Adopt minimum housing maintenance code for all rental housing;
- c) Review zoning of older neighborhoods to ensure that existing zoning is appropriate to maintain and preserve desirable characteristics of those neighborhoods; amend where necessary and supplement with infill design criteria;
- d) Work with neighborhood groups to review City's operating funds expenditures and how they affect existing neighborhoods; adjust where appropriate.

**D. Significant Restrictions On Large-Scale Rural Development:**

- Appropriate minimum lot sizes
- Limitations on strip development along existing County roads
- Limitations on large-scale development on septic tanks
- Suburban-type development standards for suburban-type development, even if premature in a particular location.



**1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]

**2. Strengths:**

None identified.

**3. Opportunities for Improvement:**

- a) Establish larger minimum lot sizes in truly rural areas. Existing "Rural" district allows lots of less than two acres in size and thus effectively allows large-scale, by-right subdivision of rural land into two-acre lots.
- b) Planned development zone allows rural planned developments at up to 3 units per acre, which is appropriate in rural areas planned for conversion to urban or suburban uses (mostly within UGA) but which is completely inappropriate in other areas.
- c) Impose substantial subdivision improvements in rural areas, including frontage roads, cul-de-sacs and other forms of access other than state road system,

installation of dry sewer and water lines for future use, and installation of suburban-quality improvements (street lights, drainage) in suburban-scale rural development.

**4. Discussion:**

- a) The current pattern of subdivision in the county is the most glaring deficiency in local implementation of the comprehensive plan and of “smart growth” principles. The Durham 2020 Comprehensive Plan contains this policy statement:

*The primary objective for Rural Areas is to preserve the present rural character for agricultural use, very low-density housing, and small-scale commercial and community services. p. 45.*

- b) The plan establishes a “target for housing density” of 0.2 dwelling units per acre, or about a 5-acre minimum lot size. The zoning allows a 2-acre minimum lot size, and the combination of zoning and subdivision regulations encourage strip subdivisions along existing County roads, with few if any real subdivision improvements and a resulting low cost to developers. That combination of policies provides powerful financial incentives for rural subdivision activity.

**5. Action Recommendations:**

- a) Implement larger minimum lot sizes (five and 20 acres) in some rural areas; overlay that with clustering requirements for subdivisions involving more than four lots.
- b) Eliminate rural planned developments of three units per acre outside UGA.
- c) Upgrade standards for suburban-style subdivisions in rural areas.

## IV. Implementation: Development Design

### A. Code and Plan Provisions that Encourage Walkable and Bike-Friendly Neighborhoods

#### 1. Audit Resources:

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) 2025 Long Range Transportation Plan.
- d) Project Implementation Schedule
- e) Building a Livable Future: the Durham 2020 Comprehensive Plan
- f) Durham Urban Trails and Greenways Master Plan
- g) MPO Regional Bicycle Plan

#### 2. Strengths:

- a) Durham 2020 commitment to compact neighborhoods that are “walkable’ and ‘bikable.’” (p. 39).
- b) Significant attention to pedestrian ways in Downtown Durham Master Plan.
- c) Policies in 2025 Long Range Transportation Plan relating to pedestrian and bicycle improvements.
- d) Section 5J of subdivision ordinance requires sidewalks or alternate pedestrian routes in all new subdivisions.
- e) Section 5J of subdivision ordinance requires that sidewalks, walkways and trail systems “shall conform to applicable City or County Urban Growth Area policies and plans for sidewalks and trails.”
- f) Section 17.5.3 of the Zoning Ordinance that requires “location and adequacy of pedestrian and vehicular access points” to receive site plan approval.
- g) Section 17.5.8 of the Zoning Ordinance that requires “conformance with open space and trails planning” to receive site plan approval.

#### 3. Opportunities for Improvement:

- a) Include pedestrian and bicycle circulation patterns as central elements in Long Range Transportation Plan and in small area plans. Pedestrian circulation patterns should be coordinated with automobile circulation patterns but planned separately so that major pedestrian routes are either separate from the major auto routes or design new roadways to handle bicycle, pedestrian and vehicular traffic safely.
- b) Require pedestrian and bicycle connectivity between and through neighborhoods, without routing all such pedestrian traffic back to busy state roads.
- c) Adopt bicycle parking requirements for all parking lots above specified size and for all development in NC district and other walkable and bicycle-friendly development.
- d) Implement actions called for in Durham 2020 to create transit-oriented development zones for compact neighborhoods and apply those zones around transit stations.
- e) Create transit-oriented development zones along major corridors.

#### 4. Discussion:

Durham, like many other North Carolina communities, has developed in recent years with patterns of individual developments with their own, isolated road systems, typically connected back to the state road system—or a local arterial—at only one or two points. It appears that sidewalks generally follow those road systems. The effect of such a system is to force a pedestrian wanting to go from one neighborhood to another or from a neighborhood to a nearby commercial area to walk along a very busy road—and, in many cases, to take an unnecessarily long route. A bicyclist must also use busy collector or arterial streets with no bike lanes and, in most cases, not even a wide outside travel land. While experienced cyclists can deal with this situation, children and less experienced cyclists generally will not risk it. A community with a stated commitment to bicycle and pedestrian circulation must do more than require the installation of trails and sidewalks in new developments—it must ensure that those trails and sidewalks connect together to create a logical circulation system. To the extent that the road system may remain somewhat hierarchical (but, see next item), there should be alternate pedestrian and bicycle connections between neighborhoods, among neighborhoods and commercial areas and, generally, separated from major automobile routes.

#### 5. Action Recommendations:

- a) Amend zoning map to add transit-oriented development corridors along major routes, as recommended in Durham 2020.
- b) Require pedestrian and bicycle connectivity between new and adjacent subdivisions and other developed areas, even where there is no automobile connectivity.
- c) Update Urban Trails and Greenways Plan to incorporate comprehensive pedestrian and bicycle circulation system, down to the neighborhood level.
- d) Amend zoning ordinance to include more transit-friendly provisions.
- e) Amend the zoning ordinance to require bicycle and pedestrian design details as required features of site plans.
- f) Include in any request for new legislation on impact fees sufficient flexibility to use transportation impact fees for all local transportation improvements, including bicycle and pedestrian improvements.

### B. Code Provisions that Encourage Automobile Connectivity among Neighborhoods

#### 1. Audit Resources:

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) 2025 Long Range Transportation Plan.
- d) Building a Livable Future: the Durham 2020 Comprehensive Plan

#### 2. Strengths:

Section 5G of subdivision ordinance requires consistency of street plans in new subdivisions with adopted thoroughfare plan, providing legal basis for enforcing connectivity requirements—if included in plan.

### **3. Opportunities for Improvement:**

- a) Include automobile circulation patterns as central elements in Long Range Transportation Plan and in small area plans. Pedestrian circulation patterns should be coordinated with automobile circulation patterns, but they should be planned separately so that major pedestrian routes are separate from major auto routes.
- b) Require stub streets from one development to adjacent undeveloped land.
- c) Require that development application for part of larger parcel include master circulation plan for entire property under same ownership.
- d) Modify policies or subdivision ordinance to require automobile connectivity between neighborhoods, without routing all short trips back to busy state roads.

### **4. Discussion:**

- a) Durham, like many other North Carolina communities, has developed in recent years with patterns of individual developments with their own, isolated road systems, typically connected back to the state road system—or a local arterial—at only one or two points. The effect of this system is to force virtually every automobile trip onto the busy state roads that serve as arterials or thoroughfares in Durham. While the state roads must continue to serve many of the cross-community and other longer distance travel needs in the community, the City has the ability to remove at least future short trips from the system by requiring better connections among neighborhoods and between individual neighborhoods and nearby commercial areas. To be effective, it must be an absolute policy, because residents of a neighborhood often protest proposed connections to other neighborhoods and thus pressure public officials to exercise available discretion against connectivity—for that reason, connectivity should not be discretionary.
- b) Police, fire and emergency medical personnel are likely to support actively proposals for increased connectivity. A more connected community offers shorter routes to emergency situations and also offers alternate routes in case of temporary blockage or closure of a route.
- c) Advocates of neo-traditional planning address this issue by insisting that all new development should follow a grid. Implementation of increased connectivity does not necessarily require a grid pattern of development, nor does it require the abandonment of the hierarchical road system. The grid system presumably offers multiple alternate routes for through traffic and ensures connectivity at one-block (usually 300 to 500 foot) intervals. A hierarchical road system with increased connectivity may provide connections at 1000-foot intervals and can provide connectivity in ways that encourage the use of these routes for short, inter-neighborhood trips, but that discourage their use for through traffic. Combining the inter-neighborhood connections with traffic calming efforts can reduce the impacts of the connections on nearby residents.

### **5. Action Recommendations:**

- a) Require master circulation plan for all contiguous land under common ownership.
- b) Require sub-arterial connectivity among subdivisions wherever practicable.
- c) Adopt true major thoroughfare plan, showing long-range physical plans for neighborhood connections at multiple levels of street hierarchy.
- d) Coordinate thoroughfare plan with pedestrian circulation plans.

## **C. Code Provisions that Encourage Transit-Friendly Neighborhoods**

### **1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) 2025 Long Range Transportation Plan.
- d) Building a Livable Future: the Durham 2020 Comprehensive Plan

### **2. Strengths:**

- a) Cohesive commitment to compact neighborhoods along compact, transit-oriented corridors in Durham 2020.
- b) Commitment to multi-modal transportation system in 2025 Long Range Transportation Plan.
- c) Strong transit commitment in Downtown Durham Master Plan.
- d) Inclusion in zoning of NC Neighborhood Commercial district, a type of zone very suitable for use at bus stops.
- e) Inclusion in zoning ordinance of MU Mixed Use district, with strong transit emphasis throughout.
- f) Requirement for transit access planning in Research Park overlay district.

### **3. Opportunities for Improvement:**

- a) Require individual developments to prepare pedestrian circulation plans and provide convenient connections to nearest existing or planned transit stops.
- b) Require bus pull-outs and bus shelters, where appropriate, in subdivision ordinance.
- c) Require that significant commercial developments include provisions for internal, off-street bus stops and waiting areas.
- d) Mandate high density activity centers around future rail transit stations and preclude development with strip commercial, single-family or low-density multi-family.

### **4. Discussion:**

- a) Bus transit can serve dispersed populations, but people need to have relatively easy access to places where buses can pick them up and drop them off. Ideally, many of those bus stops include shelters that at least provide protection from rain and prevailing winds and places where buses can stop for a short period of time without significantly delaying traffic on the busy state roads often used by the buses.
- b) In contrast, rail transit requires—and eventually attracts—relatively dense activity centers around transit stations. People who live or work within 1000 feet or less of a rail transit stop are very likely to use the transit system for at least some of their transportation needs. Shopping and entertainment centers near transit stations will also increase transit usage; further, shopping and entertainment centers near transit stations can share some parking with the transit station, because the peak demand times for the parking for the system are different from the peak demand times for the retail and, especially, entertainment activities. The City and County can help to maximize the number of people living, working and shopping within a short distance of transit stops by encouraging intensive use of that land.

### **5. Action Recommendations:**

- a) Require that pedestrian circulation plans include convenient transit access.



- b) Require that commercial developments include convenient locations for pedestrian-transit connections in subdivision ordinance and site plan review provisions.

**D. Code Provisions that Encourage Design that Adapts to Natural and Built Context**

**1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) 2025 Long Range Transportation Plan.
- d) Building a Livable Future: the Durham 2020 Comprehensive Plan

**2. Strengths:**

- a) Recognition of importance of natural resource lands in Durham 2020 Comprehensive Plan.
- b) Provisions for stream buffers and cluster zoning, as well as application of additional design and performance standards within Watershed Districts.
- c) Section 8.1.10 of zoning ordinance allows use of clustering in all single-family zoning districts and gives density credit for undevelopable lands.

**3. Opportunities for Improvement:**

- a) Revise Section 8.1.10 of zoning ordinance to reduce what appears to be a density credit in cluster development for open space when up to 50 percent is covered by water or floodway; consider reducing that number to 25 percent.
- b) In future planning effort, identify or define particularly sensitive sites—or the character of particularly sensitive lands—and consider requiring the use of cluster development or other techniques to preserve the sensitive areas. Note that maintaining a program of giving substantial density credit for preserved areas is essential to avoid successful “takings” challenges.
- c) Require that required land dedications for open space include as much as practicable of any particularly sensitive sites that are part of the parent parcel for the dedication.
- d) Require that open space in a cluster development or planned development include any particularly sensitive sites, up to as much as one-half the required open space.

**4. Discussion:**

Durham’s natural environment defines it and enriches it. Preserving as much of the natural character of the community as practicable is important aesthetically and psychologically—preserving sensitive natural lands is, of course, also important environmentally. The City and County should continue to include particularly sensitive sites as priority areas for acquisition with open space and other funds. It is likely, however, that it will not be possible to purchase all of the sensitive sites in the community. Through appropriate development regulations, the City and County can preserve the character of some of the lands that the public does not acquire.

**5. Action Recommendations:**

- a) Define environmentally sensitive lands and sites in updated Comprehensive Plan.
- b) Allow some density credit for land under water, in floodways or otherwise sensitive.

- c) Reevaluate the confusing and potentially contradictory relationships among City/County's four variable public and private open space dedication, set-asides, impact fees and money-in-lieu exactions currently in place with emphasis on protection of portions of sensitive sites.
- d) Require that open space dedications include portions of sensitive sites.
- e) Require cluster and planned developments to preserve up to one-half their required open space as sensitive land.

## **E. Code Provisions that Encourage Mixed-Use Development**

### **1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) 2025 Long Range Transportation Plan.

### **2. Strengths:**

- a) MU, Mixed Use, district clearly serves this purpose.
- b) CBD, Central Business District, allows and appropriate mixture of uses.

### **3. Opportunities for Improvement:**

- a) Addition of "multi-family, above first story" as permitted use in Neighborhood Commercial (NC), Shopping Center (SC) and General Commercial (GC) districts.
- b) Creation of one or more new mixed-use districts, depending on the actual success of the current MU district.

### **4. Discussion:**

Politically and practically, the easiest way to achieve mixed-use development is to allow or encourage the addition of residential uses to commercial uses in appropriate districts. The reverse process, of trying to include commercial development into primarily residential areas, is often politically difficult; to the extent that it is achievable in Durham, the existing NC district provides an appropriate vehicle. The City should, however, make it easier for a developer to propose housing above the first floor in office and retail developments. Although some retail developments today are so unattractive that no one would want to live above them, if the same developer is creating both the commercial and residential spaces, there is a substantial incentive to do it well. Creating the regulatory vehicles to allow such developments will not guarantee that they will be built, but at least the City would be providing the opportunity for developers to build them.

### **5. Action Recommendations:**

- a) Allow "multi-family above first story" as use-by-right in NC, SC and GC districts.
- b) Modify PRD district to allow exchange of density for public benefits and amenities.
- c) Replace MU district with new PUD district that allows the mixing of residential and non-residential uses.

## **F. Code Provisions that Encourage Neighborhood Commercial Centers**

### **1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Building a Livable Future: the Durham 2020 Comprehensive Plan

**2. Strengths:**

Current NC, Neighborhood Commercial, zoning district serves exactly this purpose.

**3. Opportunities for Improvement:**

- a) Require new neighborhood commercial centers to have rear parking and no front setbacks; current ordinance require 25-foot front setbacks.
- b) Encourage upper floor residential uses above neighborhood commercial uses.

**4. Discussion:**

Well-conceived and well-drafted zoning district is excellent. It even includes language that allows reduction of off-street parking when district is located along transit route.

**5. Action Recommendation:**

Amend NC district and proposed mixed-use PUD districts to allow neighborhood centers to have rear parking and no front setbacks to create pedestrian-friendly orientation.

**G. Parking Provisions that Differentiate Between Strip, Big-Box and Neighborhood Commercial**

**1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Building a Livable Future: the Durham 2020 Comprehensive Plan

**2. Strengths:**

- a) Current NC, Neighborhood Commercial, zoning district includes provisions allowing adjustment of parking.
- b) Private uses in central business district are exempt from parking requirements.

**3. Opportunities for Improvement:**

None.

**4. Discussion:**

Current zoning ordinance clearly reflects different types of parking needs for different types of shopping areas.

**5. Action Recommendation:**

Keep current parking provisions, or something similar, in updated zoning ordinance.

**H. Commitment to Provision Of Public Parking in Downtown Area**

**1. Audit Resources:**

Downtown Durham Master Plan

**2. Strengths:**

- a) Substantial existing public parking in downtown
- b) Downtown Durham Master Plan continues commitment to public parking, reflecting plans for addition of significant numbers of parking spaces in each sector of downtown as it develops

**3. Opportunities for Improvement:**

None.

**4. Discussion:**

City clearly has long history of providing adequate public parking in the downtown area. The Downtown Master Plan calls for a continuation of this commitment. The City should also fund parking plans as the area develops, something it has done in the past.

**5. Action Recommendation:**

Continue present policies.

## **V. Development Review**

### **A. Ensure Reasonable, Predictable and Efficient Development Plan Reviews**

#### **1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]
- c) A Handbook on Zoning and Land Use Regulation in Durham

#### **2. Strengths:**

- a) Department-sponsored developer workshops and training programs.
- b) “Handbook” provides useful guide to development review process
- c) One-Stop development review program.
- d) Planning Department’s development review process streamlining program.

#### **3. Opportunities for Improvement:**

None identified, but both City and County should continue to be attentive to this issue.

#### **4. Actions:**

Maintain and extend formal and informal Planning Department and related development agency activities to continuously receive and evaluate internal and external input regarding desirable actions and activities designed to streamline and enhance one-stop and reinventing programs.

#### **5. Recommendations:**

Continue to work with development community and other stakeholders to ensure that review process is as fast and efficient as possible, consistent with implementation of substantive public goals and policies related to the quality of development. .

### **B. Provide for Citizen Participation that Encourages Involvement and Allows Development in Accordance with Plan, But Limits Unnecessary Delay**

#### **1. Audit Resources:**

- a) Durham Zoning Ordinance [on-line edition]
- b) Durham Subdivision Ordinance [on-line edition]

## VI. Other Policies

### A. Economic Development Policies Consistent With Comprehensive Plan or Plan Elements

#### 1. Audit Resources:

- a) Revised Economic Development Investment Policy for the City of Durham
- b) Downtown Durham Master Plan

#### 2. Strengths:

Revised economic development investment policy provides most financial support to economic development that will locate in the core of the city and that will meet strategic employment needs of the community.

#### 3. Opportunities for Improvement:

None.

#### 4. Discussion:

City economic development policy squarely supports “smart growth” and urban form policies of Durham 2020, as well as addressing significant social needs.

#### 5. Action Recommendation:

Continue present policies—they represent extremely forward-thinking approach to this important issue.

### B. Housing and Community Development Policies Consistent With Comprehensive Plan or Plan Elements

#### 1. Audit Resources:

Building a Livable Future: the Durham 2020 Comprehensive Plan

#### 2. Strengths:

- a) Durham 2020 commitment to protect and revitalize urban neighborhoods.
- b) Small area planning process.
- c) Obvious investment of community development funds in urban neighborhoods.
- d) Economic development policy that focuses on core area and employment opportunities for its residents.

#### 3. Opportunities for Improvement:

- a) None identified by audit team.
- b) Planning Department staff recommends inclusionary housing/fair share/low-cost housing requirement.

#### 4. Discussion:

There is every indication that Durham is performing well in this important area. The audit team had less data on this issue than others, however, and has relied primarily on third-party anecdotal reports and on field observations in reaching this conclusion. Thos

familiar with the community development programs and policies should examine them critically in the context of this policy analysis.

**5. Action Recommendations:**

- a) Continue existing community development policies.
- b) Adopt workable inclusionary and affordable housing policies.

**C. Coordination of Planning and Major Decision-Making With Surrounding Local Governments.**

**1. Audit Resources:**

- a) 2025 Long Range Transportation Plan.
- b) Project Implementation Schedule
- c) Congestion Management System: Procedures and Responsibilities Report
- d) Building a Livable Future: Durham 2020 Comprehensive Plan
- e) Durham County Open Space Plan
- f) Durham Parks and Recreation Master Plan [Draft]
- g) Downtown Durham Master Plan
- h) Redevelopment Guide: City of Durham
- i) Revised Economic Development Investment Policy for the City of Durham
- j) Station Area Development Guidelines
- k) A Regional Transit Plan for the Triangle

**2. Strengths:**

- a) Long history of joint City-County planning and other cooperation.
- b) Triangle Transit Authority.
- c) RDU Airport Authority.

**3. Opportunities for Improvement:**

Initiation of new and expanded joint planning and regulatory efforts with adjacent jurisdictions that have comparable and compatible “smart growth” policies and plans in place, such as the Towns of Chapel Hill and Cary.

**4. Discussion:**

Because of the close cooperation between City and County, Durham and Durham County engage in far more cooperative, intergovernmental planning than most local governments in the United States. Nevertheless, City and County officials should always remember that they are really part of a much larger metropolitan area; in that context, local officials should seize every practicable opportunity to cooperate with peer local governments in that area on matters related to planning and physical development.

**5. Action Recommendation:**

Develop inter-local agreements with other jurisdictions to address planning and regulatory issues of common interest and concern.

# **Appendix A:**

## **Action Recommendation Summary**

### **A. By Subject Area**

#### **1. Planning**

- a) Update Comprehensive Plan based on land demand/capacity analyses;
- b) Include complete consistency review of all adopted plan documents;
- c) Achieve consistency among all plans and updated Comprehensive Plan;
- d) Include guide in updated plan that incorporates action checklist;
- e) Establish plan coordination committee that includes all major agencies;
- f) Use committee to prepare annual synthesis of “major planning policies”;
- g) Review regulatory implementation checklist;
- h) Consider variable levels of service (urban/infill, fringe/UGA, rural);
- i) Base new Comprehensive Plan on land demand and absorption projections;
- j) Review UGA boundaries in process of updating Comprehensive Plan.

#### **2. Implementation: Infrastructure**

- a) Prepare annual City and County CIP consistent with adopted plans;
- b) Acquire and implement in-house TIA software and analysis.
- c) Establish minimum facility standards in both City and County regulations;
- d) Consider suburban-quality standards for larger subdivisions in rural areas;
- e) Ensure that new school investments are consistent with other public plans;
- f) Use inter-local agreements to improve regional transportation coordination;
- g) Increase local coordination with NCDOT and MPO planning efforts;
- h) Adopt priority-based infrastructure provision policy (high, medium, low);
- i) Seek legislative authority for impact fees, including schools;
- j) Design impact fees to include incentives that reinforce “smart growth” policies;
- k) Replace discretionary design reviews with objective standards and reviews;
- l) Focus infrastructure investments and incentives in priority growth areas;

#### **3. Implementation: Urban Form**

- a) Adopt zoning districts that encourage compact residential development;
- b) Adopt mixed-use PUD district that allows density increases and incentives;
- c) Incorporate maximum lot sizes or minimum densities in certain districts;
- d) Allow high-density and mixed-use development in priority growth areas;
- e) Keep purchasing more open space;
- f) Seek additional grants and other funding sources;
- g) Encourage activities of private land trusts;
- h) Consider referendum for special tax for open space acquisition;
- i) Lobby for new State rehabilitation housing or building code;



- j) Adopt minimum housing maintenance code for rental housing;
- k) Ensure that existing zoning in older neighborhoods is appropriate;
- l) Review effect of City operating expenditures on existing neighborhoods;
- m) Implement large minimum lot sizes and cluster overlays in rural areas;
- n) Eliminate rural planned developments of three units per acre outside UGA;
- o) Upgrade standards for suburban-style subdivisions in rural areas.

#### **4. Implementation: Development Design**

- a) Add transit-oriented development corridors to zoning map;
- b) Reevaluate the confusing and potentially contradictory relationships among City/County's four variable public and private open space dedication, set-asides, impact fees and money-in-lieu exactions currently in place with emphasis on protection of portions of sensitive sites.
- c) Require pedestrian connectivity between new and adjacent subdivisions;
- d) Include pedestrian circulation system in Urban Trails and Greenways Plan;
- e) Include more transit-friendly provisions in zoning ordinance;
- f) Require master circulation plan for contiguous land in common ownership;
- g) Require sub-arterial connectivity among contiguous subdivisions;
- h) Adopt thoroughfare plan showing neighborhood connections;
- i) Coordinate thoroughfare plan with pedestrian circulation plans;
- j) Require that pedestrian circulation plans include convenient transit access;
- k) Require that commercial projects include pedestrian-transit connections;
- l) Define environmentally-sensitive sites in Comprehensive Plan;
- m) Require that open space dedications include sensitive portions of sites;
- n) Require that cluster or planned development open space include sensitive lands;
- o) Allow some density credit for land under water, in floodway or otherwise sensitive;
- p) Allow "multi-family above first story" as use-by-right in certain districts;
- q) Modify PRD district to allow exchange of density for public benefits and amenities.
- r) Replace MU district with new PUD district that allows the mixing of residential and non-residential uses.
- s) Promote pedestrian-oriented commercial with no setbacks and rear parking;
- t) Keep current or similar parking provisions in updated zoning ordinance.

#### **5. Implementation: Other Policies**

- a) Continue current forward-thinking economic development policies;
- b) Continue current housing and community development policies;
- c) Consider workable inclusionary and affordable housing policies;
- d) Use inter-local agreements to address common planning issues.

### **B. By Work Program Groups, with Priority Discussions**

#### **1. Comprehensive Plan Update**

- a) Include complete consistency review of all adopted plan documents;
- b) Update Comprehensive Plan based on land demand/capacity analyses;

- c) Achieve consistency among all plans and updated Comprehensive Plan;
- d) Include guide in updated plan that incorporates action checklist;
- e) Base new Comprehensive Plan on land demand and absorption projections;
- f) Develop level of service (LOS) policies for major services;
- g) Consider variable levels of service (urban/infill, fringe/UGA, rural);
- h) Review UGA boundaries in process of updating Comprehensive Plan;
- i) Adopt thoroughfare plan showing neighborhood connections;
- j) Coordinate thoroughfare plan with pedestrian circulation plans;
- k) Include pedestrian circulation system in Urban Trails and Greenways Plan;
- l) Define environmentally-sensitive sites in Comprehensive Plan.

***Priority Discussion:** Updating the plan should be a top priority. A rapidly growing community should review adopted plans carefully every five years and update them as necessary. Through recent discussions of Smart Growth, through other adopted plans and through this Smart Growth Audit, it has become clear that it is time for a major update to the adopted Comprehensive Plan. This is a major undertaking that could take up to two years. Because the general direction of the City and County on many issues are clear from a combination of adopted plans and policies, implementation of other recommendations can begin while the plan is underway.*

## **2. Regulatory Revisions**

- a) Establish minimum facility standards in both City and County regulations;
- b) Consider suburban-quality standards for larger subdivisions in rural areas;
- c) Adopt zoning districts that encourage compact residential development;
- d) Adopt mixed-use PUD district that allows density increases and incentives;
- e) Incorporate maximum lot sizes or minimum densities in certain districts;
- f) Allow high-density and mixed-use development in priority growth areas;
- g) Ensure that zoning in older neighborhoods is appropriate to preserve character;
- h) Replace discretionary design reviews with objective standards and reviews;
- i) Implement larger minimum lot sizes and cluster overlays in rural areas;
- j) Eliminate rural planned developments of three units per acre outside UGA;
- k) Upgrade standards for suburban-style subdivisions in rural areas.
- l) Add transit-oriented development corridors to zoning map;
- m) Require pedestrian connectivity between new and adjacent subdivisions;
- n) Include more transit-friendly provisions in zoning ordinance;
- o) Require master circulation plan for contiguous land in common ownership;
- p) Require sub-arterial connectivity among contiguous subdivisions;
- q) Require that pedestrian circulation plans include convenient transit access;
- r) Require that commercial projects include pedestrian-transit connections;
- s) Require that open space dedications include sensitive lands portions of sites;
- t) Require that cluster or planned development open space include sensitive lands;

- u) Allow density credit for sensitive lands up to one-half required open space;
- v) Allow “multi-family above first story” as use-by-right in certain districts;
- w) Modify PRD district to allow exchange of density for public benefits and amenities.
- x) Replace MU district with new PUD district that allows mixing of residential and non-residential uses.
- y) Promote pedestrian-oriented commercial with no front setbacks and rear parking;
- z) Keep current or similar parking provisions in updated zoning ordinance.

***Priority Discussion:** Both the City and County have done well at amending their regulations to meet current needs. Periodically, however, it is both desirable and necessary to engage in a comprehensive update to development regulations. The length of the list of recommended changes and the fundamental character of many of the changes suggests that it is time for the City and County to undertake that work. Note that this work could be conducted in coordination with the plan updating process, ideally with the work on the regulations following a few months behind the planning efforts so that the planning process can further guide the substance of the regulations. This should be a top priority.*

### **3. Adequate Public Facilities**

- a) Adopt priority-based infrastructure provision policy (high, medium, low);
- b) Seek legislative authority for impact fees, including schools;
- c) Design impact fees to include incentives that reinforce “smart growth” policies;
- d) Focus infrastructure investments and incentives in priority growth areas;
- e) Keep purchasing more open space;
- f) Seek additional grants and other funding sources;
- g) Encourage activities of private land trusts;
- h) Consider referendum for special tax for open space acquisition.

***Priority Discussion:** Some of this work will flow logically out of the plan update process. Because availability of strategic open space is reduced over time, programs to increase funding available to acquire open space—including possible referendum—should be very high. New infrastructure policies should also be high-priority, because such policies directly shape growth.*

### **4. Institutional and Policy Issues**

- a) Establish plan coordination committee that includes all major agencies;
- b) Use committee to prepare annual synthesis of “major planning policies”;
- c) Review regulatory implementation checklist;
- d) Coordinate annual City and County CIPs with adopted policy plans;
- e) Ensure that new school investments are consistent with other public plans;
- f) Review effect of City operating expenditures on existing neighborhoods;
- g) Continue current forward-thinking economic development policies;
- h) Continue current housing and community development policies;

- i) Adopt minimum housing maintenance code for rental housing;
- j) Consider workable inclusionary and affordable housing policies.

**Priority Discussion:** *The most urgent of these policies is the establishment of the plan coordination committee. It can undertake a review of most of the other issues in this section and set a priority schedule for implementing them. The review of the effect of City operating policies and expenditures on existing neighborhoods should be undertaken separately, as should consideration of a minimum housing maintenance code. The idea of inclusionary and affordable housing policies deserves special discussion; although that discussion should be coordinated with the plan update and regulatory reform efforts, it is a complex issue that might best be handled by a special task force appointed for that purpose.*

## **5. State and Regional Issues**

- a) Use inter-local agreements to improve regional transportation coordination;
- b) Increase local coordination with NCDOT and MPO planning efforts;
- c) Lobby for new State rehabilitation housing or building code;
- d) Seek legislative authority for impact fees, including schools;
- e) Use inter-local agreements to address common planning issues.

**Priority Discussion:** *These issues are all important. They are, by definition, difficult to control locally and thus uncertain in achievement and outcome. If practicable, they should be undertaken soon. If, however, it is necessary to make policy, staffing or budget choices between locally controllable work items and the action items in this section, there would be a great many reasons to make the locally controllable items higher priority.*

## **Appendix B: Audit Resources: Reports and Materials Reviewed**

- 1. 2025 Long Range Transportation Plan.**
  - a) Date: December 6, 1999
  - b) Author: Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
  - c) Format: 32 pages, 4 maps (none showing plans), multiple tables
  - d) Relates to: Project Implementation Schedule, Congestion Management Report
  - e) Other: "Land use assumptions" based on local land-use plans, including Durham 2020 Comprehensive Plan
  
- 2. Project Implementation Schedule**
  - a) Date: December 6, 1999
  - b) Author: Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
  - c) Format: Multiple tables
  - d) Relates to: 2025 Long Range Transportation Plan
  
- 3. Congestion Management System: Procedures and Responsibilities Report**
  - a) Date: September 1999
  - b) Author: Durham-Chapel Hill-Carrboro Metropolitan Planning Organization
  - c) Format: Multiple tables
  - d) Relates to: 2025 Long Range Transportation Plan
  - e) Other: Not a plan; simply sets out procedures for complying with federal law
  
- 4. Building a Livable Future: the Durham 2020 Comprehensive Plan**
  - a) Date: December 1995
  - b) Author: Durham 2020 Comprehensive Plan Steering Committee; City of Durham; Durham County; Durham City/County Planning Department
  - c) Format: 66 pages, plus appendix, includes tables, schematic plans and maps, "community growth map"
  
- 5. Long Range Facilities Plan**
  - a) Date: August 1999
  - b) Author: Durham Public Schools
  - c) Format: 135 pages, includes tables, maps, plans for specific schools
  - d) Relates to: 1995 Durham Public Schools Long Range Facilities Plan
  
- 6. CIP Planning Document, Fiscal Years 2001-2006**
  - a) Date: March 15, 2000
  - b) Author: Durham County
  - c) Format: 230 pages, basically a project list, organized by general heading
  - d) Relates to: Long Range Facilities Plan, Durham Public Schools; Durham County Inventory of Important Natural Areas, Plants and Wildlife

7. **City of Durham: Capital Improvement Program**
  - a) Date: 2000
  - b) Author: City Manager, with participation of Budget Office, City-County Planning Department
  - c) Format: On-line; detailed overview is 18 pages in PDF format; total of 9 separate sections available on-line
  - d) Relates to: Internal review by Planning Department for consistency with adopted plans
  
8. **Durham County Open Space Plan**
  - a) Date: 1989 [estimate]
  - b) Author: Durham County Advisory Open Space Committee; staff support from Durham City/County Planning
  - c) Format: 38 pages plus appendix
  - d) Relates to: FEMA floodplain mapping; Inventory of Natural Areas and Rare Species of Durham County; federal, state, County and City owned open space, park and recreation lands; public institutional lands, including school lands; Durham Urban Trails and Greenway System;
  
9. **Durham Parks and Recreation Master Plan [Draft]**
  - a) Date: 2000 [estimate]
  - b) Author: Community Advisory Group; consultants; staff support from Parks and Recreation Department staff;
  - c) Format: 141 pages plus appendices; includes multiple tables and 4 maps, including one mapped plan
  
10. **Durham Urban Trails and Greenways Masterplan**
  - a) Date: October 1988
  - b) Author: Trails and Greenways Commission and Durham City-County Planning Department
  - c) Format: Bound, 38 pages plus 4 appendices, including 5-year cost estimate (through 1994?) and material incorporated from American Association of State Highway and Transportation Officials manual (1981)
  
11. **Downtown Durham Master Plan**
  - a) Date: 1999
  - b) Author: "Blue Ribbon Committee;" consultants
  - c) Format: 138 pages, including maps, illustrations
  - d) Relates to: Consistent with Durham 2020 Comprehensive Plan, but no reference to it
  
12. **Redevelopment Guide: City of Durham**
  - a) Date: March 1999
  - b) Author: Research Triangle Institute for Office of Economic and Employment Development
  - c) Format: 20 pages, plus appendices
  - d) Relates to:

- e) Other: Not a policy document; guide to programs and policies
13. **Revised Economic Development Investment Policy for the City of Durham**
    - a) Date: 1999 [estimate]
    - b) Author: City Council
    - c) Format: 8-page policy document
    - d) Relates to: Durham 2020 Comprehensive Plan; Station Area Development Guidelines
  14. **Station Area Development Guidelines**
    - a) Date: 1997
    - b) Author: Triangle Transit Authority; consultants
    - c) Format: 106 pages, includes illustrations
    - d) Relates to: Regional Transit Plan
  15. **A Regional Transit Plan for the Triangle**
    - a) Date: 2000 [estimate]
    - b) Author: Triangle Transit Authority
    - c) Format: Brochure, with map
    - d) Relates to: Not clear
  16. **A Handbook on Zoning and Land Use Regulation in Durham**
    - a) Date: January 1998
    - b) Author: Durham City-County Planning Department
    - c) Format: 23 pages, stapled, includes charts, tables, glossary
    - d) Relates to: Zoning Ordinance; Subdivision Ordinance
  17. **Durham City-County Zoning Ordinance [on-line edition]**
    - a) Date: Version on-line August 2000; site says “last update July 1999”
    - b) Author: City of Durham, Durham County, staff support from City-County Planning Department
    - c) Format: 300 pages+, on-line
    - d) Relates to: Durham 2020 Plan, with limits as noted in this report; Subdivision Ordinance
  18. **Durham City-County Subdivision Regulations [on-line edition]**
    - a) Date: Version on-line August 2000; site says “last update July 1999”
    - b) Author: City of Durham, Durham County, staff support from City-County Planning Department
    - c) Format: 27 pages, on-line
    - d) Relates to: Durham 2020 Comprehensive Plan, with limits as noted in this report; Zoning Ordinance

## **Appendix C:**

# **Smart Growth Principles and Practices**

This Appendix outlines the principles and practices that have been included in—and used to define—smart growth by some of its leading proponents.

### **A. Maryland Smart Growth Goals:**

- a) to save our most valuable remaining natural resources before they are forever lost,
- b) to support existing communities and neighborhoods by targeting state resources to support development in areas where the infrastructure is already in place or planned to support it, and
- c) to save taxpayers millions of dollars in the unnecessary cost of building the infrastructure required to support sprawl.

Source: State of Maryland, <http://www.dhcd.state.md.us/>

### **B. The Urban Land Institute on Smart Growth:**

- a) Development is economically viable and preserves open space and natural resources.
- b) Land use planning is comprehensive, integrated, and regional.
- c) Public, private, and nonprofit sectors collaborate on growth and development issues to achieve mutually beneficial outcomes.
- d) Certainty and predictability are inherent to the development process.
- e) Infrastructure is maintained and enhanced to serve existing and new residents.
- f) Redevelopment of infill housing, brownfield sites, and obsolete buildings is actively pursued.
- g) Urban centers and neighborhoods are integral components of a healthy regional economy.
- h) Compact suburban development is integrated into existing commercial areas, new town centers, and/or near existing or planned transportation facilities.
- i) Development on the urban fringe integrates a mix of land uses, preserves open space, is fiscally responsible, and provides transportation options.

Source: O'Neill, David. 1999. *Smart Growth: Myth and Fact*. Washington: Urban Land Institute, p. 3.

### **C. National Association of Home Builders “key elements” in Smart Growth:**

- a) Anticipating and planning for economic development and growth in a timely, orderly and predictable manner.
- b) Establishing a long-term comprehensive plan in each local jurisdiction that makes available an ample supply of land for residential, commercial, recreational and industrial uses as well as taking extra care to set aside meaningful open space and to protect environmentally sensitive areas.
- c) Removing barriers to allow innovative land-use planning techniques to be used in building higher density and mixed use developments as well as infill developments in suburban and inner-city neighborhoods



- d) Planning and constructing new schools, roads, water and sewer treatment facilities and other public infrastructure in a timely manner to keep pace with the current and future demand for housing, and finding a fair and broad-based way to underwrite the costs of infrastructure investment that benefits the entire community.
- e) Achieving a reasonable balance in the land-use planning process by using innovative planning concepts to protect the environment and preserve meaningful open space, improve traffic flow, relieve overcrowded schools and enhance the quality of life for all residents.
- f) Ensuring that the process for reviewing site-specific land development applications is reasonable, predictable and fair for applicants and contiguous neighbors.
- g) Most important, Smart Growth is understanding the aspirations of Americans - the very people comprehensive growth plans are intended to serve – while protecting the environment and quality of life for all Americans. Where do people want to live? What type of homes do they want for themselves and their children? What can they afford? What types of jobs and economic opportunities do they seek and expect?

Source: the National Association of Home Builders,  
[http://www.nahb.com/main\\_features/smartpolicy.html](http://www.nahb.com/main_features/smartpolicy.html)

#### **D. California League of Cities' Principles for Smart Growth**

##### **Ten Principles for Smart Growth adopted by the California League of Cities:**

1. Well-Planned New Growth: Recognize and preserve open space, watersheds, environmental habitats and agricultural lands, while accommodating new growth in compact forms, in a manner that:
  - a) De-emphasizes automobile dependency;
  - b) Integrates the new growth into existing communities;
  - c) Creates a diversity of affordable housing near employment centers; and
  - d) Provides job opportunities for people of all ages and income levels.
2. Maximize Existing Infrastructure: Accommodate additional growth by first focusing on the use and reuse of existing urbanized lands supplied with infrastructure, with an emphasis on reinvesting in the maintenance and rehabilitation of existing infrastructure.
3. Support Vibrant City Centers: Give preference to the redevelopment and reuse of city centers and existing transportation corridors by supporting and encouraging:
  - a) Mixed use development;
  - b) Housing opportunities for all income levels;
  - c) Safe, reliable and efficient multi-modal transportation systems; and
  - d) Retaining existing businesses and promoting new business opportunities that produce quality local jobs.
4. Coordinated Planning for Regional Impacts: Coordinate planning with neighboring cities, counties, and other governmental entities so that there are agreed upon regional strategies and policies for dealing with the regional impacts of growth on transportation, housing, schools, air, water, wastewater, solid waste, natural resources, agricultural lands and open space.

5. Support High Quality Education And School Facilities: Develop and maintain high quality public education and neighborhood-accessible school facilities as a critical determinant in:
  - a) Making communities attractive to families;
  - b) Maintaining a desirable and livable community;
  - c) Promoting life-long learning opportunities;
  - d) Enhancing economic development; and
  - e) Providing a work force qualified to meet the full range of job skills required in the future economy.
6. Build Strong Communities: Support and embrace the development of strong families and socially and ethnically diverse communities by:
  - a) Working to provide a balance of jobs and housing within the community;
  - b) Avoiding the displacement of existing residents;
  - c) Reducing commute times;
  - d) Promoting community involvement;
  - e) Enhancing public safety; and
  - f) Providing and supporting educational, mentoring and recreational opportunities.
7. Emphasize Joint Use of Facilities: Emphasize the joint use of existing compatible public facilities operated by cities, schools, counties and state agencies, and take advantage of opportunities to form partnerships with private businesses and nonprofit agencies to maximize the community benefit of existing public and private facilities.
8. Support Entrepreneurial/Creative Efforts: Support local economic development efforts and endeavors to create new products, services and businesses that will expand the wealth and job opportunities for all social and economic levels.
9. Encourage Full Community Participation: Foster an open and inclusive community dialogue and promote alliances and partnerships to meet community needs.
10. Establish a Secure Local Revenue Base: Support the establishment of a secure, balanced and discretionary local revenue base necessary to provide the full range of needed services and quality land use decisions.

Source: *Western Cities*, August 15, 2000.

## **E. Municipal Responsibilities for Smart Growth in Maryland:**

### **1. Impact Fees**

- a) Municipalities in a county with a residential development impact fee to finance the costs of school construction must help counties collect that fee for new residential construction in the municipality. The map identifies counties, as of June 1997, where this provision applies. The municipality may either collect the fee and remit it to the county, or require the fee be paid to the county. This provision does not affect any existing agreements between a municipality and a county concerning the levying and collection of impact fees.

### **2. Adequate Public Facilities Standards**

Municipalities exercising zoning authority in a county with adequate public facility standards for school capacity must adopt their own adequacy standards before the State

can fund growth related projects. This requirement is waived for municipalities that collect an impact fee or have other provisions to defray the local cost of school construction attributed to new residential development.

### **3. Annexation**

Areas annexed by a municipality after January 1, 1997 must meet the following residential density standards to qualify as Priority Funding Areas:

- a) Land that was developed before January 1, 1997 must have community sewer service and an average density of 2 or more units per acre.
- b) Land that was undeveloped as of January 1997 must have community water and sewer service and an average permitted residential density of 3.5 or more units per acre.

Source: State of Maryland, <http://www.dhcd.state.md.us/>

## **F. Characteristics of Priority Growth Areas under Maryland's Smart Growth Program:**

### **1. Areas initially established:**

- a) Municipalities
- b) Baltimore City
- c) Areas inside the Baltimore and Washington Beltways
- d) Revitalization Areas
- e) Enterprise Zones
- f) Heritage Areas

### **2. Areas eligible for County designation:**

- a) Areas with industrial zoning.
- b) Areas with employment as the principal use, which are provide with, or planned for, sewer service.
- c) Residential areas that have an average density of two or more units per acre, are within designated growth areas, and are served by water or sewer systems.
- d) Rural Villages designated in the comprehensive plan before July 1, 1998.
- e) Other areas within County-designated growth areas that: - reflect a long-term policy for promoting an orderly expansion of growth and an efficient use of land and public services, - are planned to be served by water and sewer systems, and - have a permitted density of 3.5 or more units per acre for new residential development

Source: State of Maryland, <http://www.dhcd.state.md.us/>

## **G. Charlotte/Mecklenburg County Smart Growth Audit Principles**

The Charlotte-Mecklenburg County Smart Growth Audit team used these principles in their audit, indicating original sources in parentheses by each principle:

### **1. Planning capacity and quality**

- a) Anticipating and providing for development and growth (NAHB)
- b) Long-term comprehensive plan with adequate land supply (NAHB)

## 2. Urban form

- a) Compact development (APA)
- b) Protection of natural resources (APA)
- c) Substantial public open space (NAHB)
- d) Infill development (APA)
- e) Variety of housing (APA)
- f) Mixed-use walkable neighborhoods (NAHB)

## 3. Infrastructure

- a) Balanced multi-modal transportation (APA)
- b) Maximizing existing infrastructure (APA)
- c) Timely and fairly funded new infrastructure (APA)

## 4. Supportive development decision-making process

- a) Reasonable, predictable and efficient plan review (APA and NAHB)
- b) Supporting fiscal policies (Audit team)
- c) Integration of land use, transportation and infrastructure decisions (Audit team).

Source: Avin and Holden 2000. Sidebar 2. Charlotte's Smart Growth Audit Principles

## H. Sierra Club on Solving Sprawl

Although not using the phrase “smart growth,” the Sierra Club addressed very similar issues in its 1999 evaluation of state efforts at “solving sprawl.” Here is the “snapshot” overview from that report:

### 1. Open Space Protection:

Twenty-five states have taken steps toward protecting farms and 20 states have agricultural conservation easement programs. These programs compensate property owners for giving up the right to future development. Overall, open-space protection enjoys extremely broad public support. Yet few states have preserved enough land to protect our wild places and keep them in good health.

### 2. Land Use Planning:

Only 11 states have passed comprehensive statewide growth-management acts. These laws mandate or encourage comprehensive local planning according to statewide standards and enable the use of tools such as impact fees and urban growth boundaries. Clearly, the overwhelming majority of states are lagging behind in adopting these powerful and effective tools -- perhaps because political leaders have yet to understand that sensible growth management isn't antithetical to economic prosperity. Indeed, as business leaders are increasingly recognizing, managing growth helps ensure a strong economy. Those states that have had growth management acts on the books for a decade or more offer a lesson to those states just now passing laws or considering doing so: Enforcement is the key. Oregon is, by and large, enforcing its Act. Florida, by and large, is not. The difference is visible and tangible: Florida continues to sprawl while Oregon is managing its growth.

### 3. **Community Revitalization:**

Twenty-eight states now have brownfields redevelopment programs to clean up abandoned and often polluted industrial sites. These programs are a big step in the right direction as long as, in implementation, environmental and public health standards are not watered down. Unfortunately, some states have created weak brownfield programs or have eviscerated them before they can be implemented. Michigan, for example, has a brownfields program on the books, but the public health and environmental standards have been gutted since the law's passage.

### 4. **Transportation:**

From 1996 to 1997, 21 states spent over half of their federal transportation dollars on new road construction. New highways are sprawl magnets -- once built, they attract more cars and more development. Better to invest in repairing and maintaining existing roads, and building transportation alternatives. Unfortunately, from 1993 to 1997, 26 states spent less than \$10 per urban resident per year on mass transit construction. Twelve states spent less than \$5 per urban resident per year. Thanks to changes in federal highway spending and state-level leadership in places like Rhode Island, a few states are beginning to provide better transportation choices by investing in bike paths, buses and rail lines. There is a movement among a growing number of states to make the transportation planning process more transparent and participatory -- a move that will ensure that transportation systems are actually designed to suit their users.

Source: Sierra Club. 1999. *Solving Sprawl: The Sierra Club Rates the States*. Available on the Web at <http://www.sierraclub.org/sprawl/report99/>

## I. **Center for Urban Policy and the Environment**

The Center for Urban Policy and the Environment at Indiana University/Purdue University/Indianapolis has undertaken a comprehensive review of local development regulations "to determine the degree to which comprehensive plans, zoning ordinance, and subdivision regulations in Indiana support smart growth or sustainable development principles by providing flexible standards for development." A June 2000 preliminary draft included this checklist of items:

- a) **Planned Unit Development (PUD):** Is mixed-use development permitted?
- b) **Development Standards:** Does the community set standards that minimize the consumption of lands?
- c) **Performance Standards:** Are measurable standards used?
- d) **Flexible Zoning:** Is quality of development considered or simply lists of whether development can take place?
- e) **Point Systems:** Is there a determination of development capacity based on natural conditions or infrastructure capacity?
- f) **Traditional Neighborhood Development Ordinances or Zones:** Does the community provide standards and an expedited review process for traditional development that mixes residential and commercial uses?
- g) **Environmental Overlay Districting:**
- h) **Incentive Zoning:** Does the community offer incentives for infill development, like impact fee waivers, floor area ratio credits or permitting accessory apartments?
- i) **Scenic Preservation Zoning, Conservation Zoning, Agricultural Protection Zoning:**

- j) **Floodplain Protection:** Does the community establish a basic or overlay zone to mitigate the effects of development within a floodplain and its surrounding area?
- k) **Locational Requirements:** Does the community regulate location on basis of distance from an urban area, natural resources or specified facilities?
- l) **Density Bonus:** Does the community allow increased density within ¼ mile of a transit stop?
- m) **Level of Service (LOS) Standards:** Does the community use LOS standards to limit or encourage development?
- n) **Phasing of Development:** Is all development review done site by site or is there a provision for the proposal and review of multi-parcel, multi-owner projects?
- o) **Encouraging Infill Development:** Do regulations address infill development specifically, or are they mainly geared to newly developed areas?
- p) **Urban Growth Boundary/Urban Service Boundary:** Has the community delineated future planned public expenditure areas and does it allow higher densities within this areas?
- q) **Subdivision Clusters:** Does the community allow for the clustering of lots within subdivisions?
- r) **Infrastructure Standards and Design:** Does the community require sharing of access points and provide alternatives to arterial roads?
- s) **Infrastructure Standards and Design (2):** Does the community allow human-scale, street widths and block lengths?
- t) **Locational Requirements:** Does the community regulate the subdivision of land on basis of distance from an urban area, natural resources or specified facilities?
- u) **Exemptions and Development Standards:** Does the community prohibit the division of lots without the approval of the plan commission and require the same review and infrastructure for all subdivisions, regardless of size?

Source: Center for Urban Policy and the Environment, "Planning and Zoning in Central Indiana: Approach and Proposed Methodology." 2000. "Draft 6/21/00."

## J. A Traditional Consideration

Implicit in most of the smart growth efforts but explicit in none of them is the need for a truly **comprehensive plan** as the basis for local decision-making. There are three fundamental characteristics of a comprehensive plan:

- a) It includes plans for the **entire land area** subject to the jurisdiction of the planning entity;
- b) It includes plans for **all physical characteristics and improvements** within that land area;
- c) It is relatively **long-range** in outlook.

A fundamental principle underlying smart growth efforts is careful coordination of public and private investments in community change. Adequate public facilities or concurrency regulations focus on the relationship between public investments in infrastructure and new development that will depend on that infrastructure. It is the comprehensive plan itself, however, that must provide the basis for coordination of public investments by multiple agencies—investments in roads, parks, trails, school, open space, fire stations, sewer lines, water service, mass transit and a variety of other public facilities and services.

Source: for additional information on this issue, see Kelly, Eric Damian, and Barbara Becker. 1999. *Community Planning: an Introduction to the Comprehensive Plan*. Washington: Island Press.

#### **K. An Evolving Principle: Smart Rehab Codes**

Revitalization, redevelopment and infill development are key elements of most smart growth programs. Rehabilitation of existing buildings should be a central element of any significant program of redevelopment and revitalization. Modern building codes, however, often create extraordinary and sometimes insurmountable obstacles to rehabilitation of older buildings, particularly if they are to be used for multi-family or commercial purposes. Maryland and New Jersey are pioneers in the development of Rehab Codes that apply essential life-safety provisions of modern codes to the rehabilitation of older buildings but that offer flexibility in code requirements. Maryland provides this description of its "smart codes," which are still under development: The Rehabilitation Code will facilitate the rehabilitation of existing buildings in at least three ways:

- a) It will integrate the ten codes that now commonly govern construction work on existing buildings in Maryland into one document,
- b) It will clearly separate rehabilitation requirements from those for new construction, and
- c) It will set up an easy-to-use framework of code requirements that gradually increase as the scope of the rehabilitation project increases: the smaller the rehabilitation project, the fewer the code requirements that apply.

Source: State of Maryland, <http://www.dhcd.state.md.us/>