

Village Development in RI: A 'How To' for Planners, Developers, & Community Advocates

Held on Thursday, October 2, 2014
The Assembly Theatre, 26 East Avenue, Harrisville, RI

3.5 AICP CM credits offered

This workshop presented an overview of the new Rhode Island Village Guidance Manual developed by the Rhode Island Department of Environmental Management with funding from the Rhode Island Statewide Planning Program.

Planners, local officials, and others were provided with guidance on village planning and design, overcoming barriers to village development, ordinances to encourage village growth and lessons learned from successful villages in other states.

Speakers included the Manual's authors Peter Flinker from Dodson and Flinker and Nate Kelly from Horsley Witten Group. Tom Kravitz, Burrillville, RI Planning Director, talked about the lessons learned from the successful redevelopment of Harrisville. Other local planners shared their experiences in overcoming barriers to implementing village development in their communities.

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[Village Guidance Manual](#)
[Transfer of Development Rights \(TDR\) Manual](#)

Presentations

[The Need for Villages \(Peter Flinker\)](#)
[Villages as Part of the State's Growth Center Strategy \(Jeff Davis\)](#)
[Overview of the Village Toolkit: Planning, Design & Consensus-Building Strategies & Local & National Case Studies \(Peter Flinker\)](#)
[Overview of the Village Toolkit: Regulatory Guidance \(Nate Kelly\)](#)
[Village Planning in Action Overcoming Barriers: Exeter \(Scott Millar\)](#)
[Village Planning in Action Overcoming Barriers: North Kingstown \(Jon Reiner\)](#)
[Trailer for Austin T. Levy PBS documentary \(YouTube video\)](#)

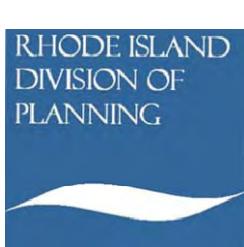
Village Development in RI

A 'How To' for Planners, Developers, & Community Advocates

Thursday, October 2, 2014, 9:00 am to 12:30 pm
The Assembly Theatre, 26 East Avenue, Harrisville, RI

AGENDA

- 9:00 am Welcome**
*Scott Millar, RI Department of Environmental Management
Jennifer West, Narragansett Bay Research Reserve*
- 9:10 am The Need for Villages**
Peter Flinker, Dodson & Flinker
- 9:25 am Villages as Part of the State's Growth Center Strategy**
Jeff Davis, RI Statewide Planning Program
- 9:35 am Overview of the Village Toolkit**
Planning, Design and Consensus-Building Strategies
Local and National Case Studies
Peter Flinker, Dodson & Flinker
Regulatory Guidance
Nate Kelly, Horsley Witten Group
- 10:45 am Break**
- 11:00 am Village Planning in Action: Overcoming Barriers**
*Scott Millar, Exeter, RI
Jon Reiner, North Kingstown, RI*
- 11:35 am Stillwater Mill Redevelopment Project**
Tom Kravitz, Planning Director, Burrillville, RI
- 11:55 am Wrap up and evaluations**
- 12:00 pm Optional self-guided tour of Stillwater redevelopment project**
- 12:30 pm Adjourn**



Speaker Biographies



Peter Flinker, AICP

Mr. Flinker is both a registered Landscape Architect and member of the American Institute of Certified Planners. A partner with Dodson & Flinker, Landscape Architects and Planners, he maintains an active portfolio of projects with public and private clients, including design of new communities, downtown revitalization, planning for greenways and open space conservation, and sustainable design for schools and other public facilities. He has developed numerous training programs and award-winning publications in the areas of Smart Growth and Sustainable Development, including the *Rhode Island Rural Design Manual* and the *Urban Environmental Design Manual*.



Jeff C. Davis, AICP

Mr. Davis has served as a Principal Planner for Land Use at the Rhode Island Statewide Planning Program since February 2012. His work includes support for the State's HUD Sustainable Communities Regional Planning Grant, particularly the State's new Economic Development plan and its efforts to help municipalities make informed decisions about designating "growth centers" – compact, walkable, mixed-use, transit-friendly areas that build on existing infrastructure while minimizing impacts on sensitive environmental and cultural resources. Mr. Davis has a Masters of Community Planning from the University of Maryland, with a professional background in neighborhood planning, community development and housing.



Nathan Kelly, AICP

Mr. Kelly is Senior Planner for the Horsley Witten Group, Inc. and directs the firm's Providence Office. Mr. Kelly has successfully managed projects for over ten years at Horsley Witten, providing professional planning and zoning services to more than 50 New England municipalities. His work includes a unique blend of public engagement, policy development, regulatory reform, and community design. Many of Mr. Kelly's projects require extensive public outreach in the form of charrettes, workshops, and consensus building processes. He regularly provides technical training on a wide variety of innovative regulatory tools and focuses on translating community goals into predictable and clear regulatory systems. Some of his most notable local projects include the North Kingstown Transfer of Development Rights program, the Massachusetts Smart Growth/Smart Energy Toolkit, KeepSpace facilitation,

RhodeMap RI, and re-writing the permitting process and performance standards for the Quonset Development Corporation. Mr. Kelly's project teams have received numerous awards from the Rhode Island Chapter of the American Planning Association and he regularly provides technical support to Grow Smart RI. Mr. Kelly is a member of the Rhode Island and Massachusetts Chapters of the American Planning Association and lives in Providence, Rhode Island. He received his Masters Degree in Urban and Environmental Policy from Tufts University.



Scott Millar

Mr. Millar is the Administrator of the RI Department of Environmental Management's Sustainable Watersheds Office. He has over 30 years of environmental management and policy experience. In his current position he leads DEM's smart growth initiative. Mr. Millar's Office provides technical and financial assistance as well as training to encourage communities to use their land use authority to prevent and restore impacts to the environment. Mr. Millar has managed and edited six guidance manuals to demonstrate how innovative land use techniques can work effectively in both rural and urban settings. Mr. Millar also has over 20 years of community experience as a planning board and conservation commission chair as well as coordinating the preparation of his

community's comprehensive plan. Mr. Millar graduated from the University of Rhode Island with a BS in Natural Resources Science and a MS in Wildlife Biology.



Jonathan J. Reiner, AICP

Mr. Reiner served as the Director of Planning and Community Development for the Town of North Kingstown, Rhode Island. During his nine year tenure, the Planning Department has completed and implemented numerous projects including the update to the Comprehensive Plan, the Town's first Affordable Housing Plan, the Post Road Corridor Plan, a plan to revitalize the main commercial corridor into multiple village centers, the first transfer of development rights program in the State of Rhode Island, assessing the impacts of sea level rise and climate change, as well as the adoption of compact mixed use village

zoning to help revitalize the existing historic villages and planned growth centers in North Kingstown.



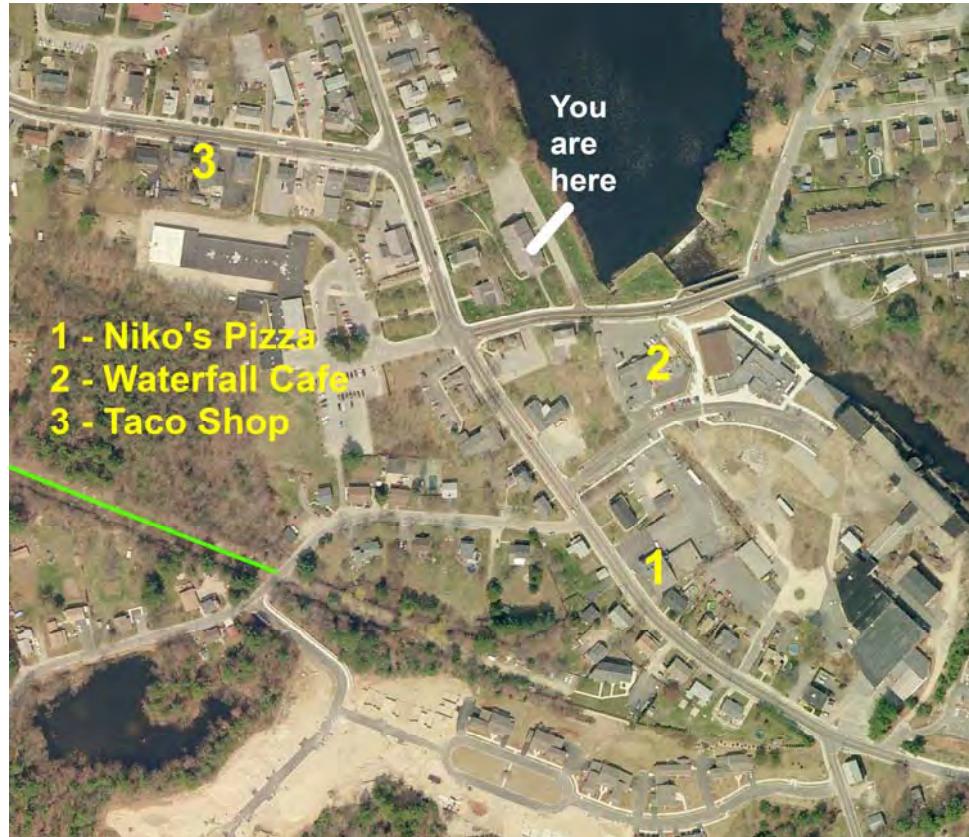
Thomas J. Kravitz

Mr. Kravitz has been the Director of Planning and Economic Development for the Town of Burrillville since 2001. In addition to his many other duties and accomplishments, Mr. Kravitz forged successful partnerships resulting in the redevelopment and renewal of the village centers of Harrisville and Pascoag. He obtained and implemented funds for the redevelopment of the Stillwater Mill Complex, which now contains a \$5.7 million dollar HUD 202 Senior Apartment building named Stillwater Heights, a \$9 million dollar 25,000 square foot public library, and the Clocktower Apartments, a 47 mixed-income, mixed-use professional office building with a construction budget of

\$17 million dollars. Mr. Kravitz has also worked for the Rhode Island Economic Development Corporation and the City of Cranston. He received a master's degree in Community Planning and Landscape Architecture from the University of Rhode Island and a baccalaureates degree in Earth Sciences from California University of Pennsylvania.



Over for more detail →



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Village Guidance:

Tools and Techniques for Rhode Island Communities

Village Guidance: Tools and Techniques for Rhode Island Communities

February, 2015

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Dear Rhode Islander,

Rhode Island is filled with special and beloved places. The unique characteristics of our communities matter to us; they illuminate our history and shape our lives. At the Department of Environmental Management (DEM), we work with the public through a variety of programs to assist efforts to safeguard and enjoy the lands and waters of Rhode Island. This publication provides guidance that will be useful as you work to determine the future of your city or town.

To date, one-fifth of Rhode Island's land area has been protected for future generations to enjoy. Approximately three-fifths of our State is undeveloped and unprotected. Many of our important farms, drinking water supplies and habitats are on lands that can be developed, placing critical resources at risk. While in the past unplanned growth has negatively impacted many of our natural areas, the goals of growing our economy and protecting our environment are not mutually exclusive. DEM has developed many tools such as *Conservation Development*, *Low Impact Development Site Planning and Design Guidance*, *Urban Environmental Design* and *Community Guidance to Maintain Working Farms and Forests* to help communities plan for growth while avoiding and reducing negative impacts to natural resources and community character. *Village Guidance: Tools and Techniques for Rhode Island Communities* and the companion *Rhode Island Transfer of Development Rights Manual* are two additional resources to assist communities.

Development of villages leads to a "win-win" scenario. Villages help communities accommodate the growth needed to prosper without degrading quality of life or natural resources. Village development helps to protect our environment by:

- Guiding growth away from our farms, forests and habitat;
- Protecting water quality by reducing impervious cover;
- Reducing greenhouse gas emissions by encouraging walking, biking and mass transportation;
- Decreasing the land needed to support new housing and businesses.

Through villages and the use of transfer of development rights, local officials and developers can work together to guide and promote growth where it is most suitable. We at DEM take great pride in providing Rhode Island cities and towns with the assistance they need to more effectively plan for growth while protecting and preserving the environment. Please make use of this guide to continue your efforts to make beautiful Rhode Island more vital and livable now and in the future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Janet Coit".

Janet Coit

Director

I. Introduction and Executive Summary

WHY VILLAGES?

In the days before cars, zoning, and other modern inventions, towns grew organically. Growth and development were of necessity balanced with the ability of the surrounding landscape to provide food, water, energy, transportation and other needs. With the industrial revolution, however, we became a regional society. The necessities of life increasingly came from other places. Carried along on a wave of industrial expansion, cities and towns grew and prospered – but along with prosperity came pollution, congestion and social upheaval.

Enabled by streetcars and the automobile, the suburban model seemed like a perfect solution to the problems of the city, allowing people to live in the country and still work downtown. As rural towns turned into suburbs, however, growth was often unplanned and chaotic. Communities coped with the sudden shift in population by adopting zoning ordinances that restricted the extent and density of growth, and separated residential, commercial and industrial uses. The suburban model worked well for a time, but today many towns are trapped by zoning that calls for larger residential lots than most people need, and requires strip commercial growth that is outmoded and inefficient.



Many towns have adopted large-lot zoning to protect their rural character and quality of life. Unfortunately, as in this example in Saratoga County, NY, too often rural character changes into just another form of suburbia (photo courtesy Bing Maps).

The unintended consequences of the suburban experiment have become clear. **Environmental impacts** include loss of working farm and forest lands, decline in water quality and fragmentation of wildlife habitat. From 1982 to 2007, Rhode Island developed 22.5 percent of its farmland.¹ During the height of the suburban



Wickford grew organically, with a mix of residential, commercial, and civic uses. Like most of Rhode Island's historic villages it's form and function are a direct result of its location and economic role within the region. The result is a unique "sense of place."

boom, from 1970 to 1995, developed land in the state increased nine times faster than the rate of population growth.² **Economic impacts** include soaring municipal expenses to maintain roads, bridges and infrastructure, not to mention providing police and fire protection and other services to far-flung residential neighborhoods. The cost of education is a continual drain on town finances, especially those with a limited commercial and industrial tax base. Since the 1970s dozens of "cost of community services" studies have shown that the typical suburban home costs its community more in services than it generates in taxes.³ An analysis of commercial activity in Barnstable, Massachusetts found the same problem with commercial development: shopping centers, big box stores and restaurants all cost more in town services than they paid in taxes⁴.

2 Rhode Island Statewide Planning Program, *Technical Paper 149: Rhode Island Land Use Trends and Analysis (Including Land Use Surveys for the Period 1970-1995)*. (Providence, RI, 2000).

3 American Farmland Trust, Farmland Information Center, *Fact Sheet on Cost of Community Services Studies*, 2010.

4 Town of Barnstable, Massachusetts. *Fiscal Impact Analysis of Residential and Nonresidential Land Use Prototypes*, prepared by Tischler & Associates, Inc., 2002.

1 American Farmland Trust, Farmland Information Center, 2007 NRI: *Changes in Land Cover/Use - Agricultural Land*.



South County Commons (left) in South Kingstown, RI, takes uses that might otherwise sprawl along the highway and pulls them into a walkable, mixed-use center. Developers across the country are using the approach to create memorable places. At **Cherry Hill Village** in Canton, MI (right) a tree-lined square provides a focus for surrounding residential, commercial and civic uses.

Finally, the **social impacts** of the suburban model are widespread. Dependent on the automobile for many daily needs, both young people and older residents are isolated. Parents must spend hours in the car taxiing their kids to every activity. Zoned into neat single-family neighborhoods where everyone is the same, there are few opportunities for community life, much less a vibrant mixing of social and economic groups. Ironically, while the neighborhoods themselves change little over time, their residents have to move frequently, especially young people just starting out or older people looking to retire – both of whom have to move away in order to find a smaller home or apartment.

Villages can be part of the solution. The suburban model was a logical response to a 19th Century problem, but it has outlived its usefulness and cannot meet the needs of the 21st Century. The village – a compact, walkable center with a mix of residential, commercial and community uses – has clear economic, social and environmental advantages.

Exeter's recently adopted Village Overlay Ordinance, for example, will direct growth into areas that can best support it. Designed with a diverse mix of single-family homes, townhouses and apartments, the village will meet the needs of residents at every stage of life. With more people within walking distance, there will be increased support for local businesses and new jobs. And because the increase in density within the villages will only be possible through the protection of farmland and other open space, the village will help to protect the environment.

In addition to this environmental benefit, an analysis of fiscal impacts of Exeter's potential villages found that each new village home will generate \$1,500 more than it requires in town services, compared to a net loss of about \$1,000 for the more typical suburban home on a large lot.⁵ Key to the difference is the reduction in costs for road maintenance and other public services due to a more compact and efficient lay out, as well as a reduction in school-aged children stemming from the increased diversity of household types. A 2008 study of nearly 13,000 homes in 32 Transit Oriented Developments (TOD) found they generated just 3 students for every 100 homes.⁶

Increasingly, villages are finding economic success because they meet a critical need for smaller homes and apartments. A recent market study for the Wickford Junction area in North Kingstown found a significant demand for apartments.⁷ Allowing them would spur redevelopment on the site, meet a need voiced by local residents, and generate positive net tax revenue for the town.⁸ This scenario has played out over the last ten years in South Kingstown's South County Commons project.

5 Exeter, RI, *A Vision for Exeter: Implementing the Game Plan for Our Future*. Prepared by Dodson & Flinker, Inc., 2011.

6 Gorman, Heidi and Robert Galvin, *What About Our Schools?* (Urbanonics & Edison Exchange, 2008).

7 North Kingstown, RI, *Wickford Junction TDR Assessment: Phase I Background and Market Analysis*. Prepared by 4ward Planning, Inc., October, 2013.

8 North Kingstown, RI. *Wickford Junction: Fiscal Impact Analysis Memorandum*, prepared by 4ward Planning, Inc., November, 2013.

A mixed-use development with a village theme, it includes more than 230 one- and two- bedroom apartments, a senior-living community, and more than 50 shops, restaurants and service businesses. The project has been a success for the developer, created numerous jobs and business opportunities, and every year produces tax revenue well in excess of the cost of town services.⁹

According to Smart Growth America's report *Measuring Sprawl 2014*, compact, connected, mixed use communities yield measurable benefits to their residents.¹⁰ They spend less on housing and transportation, and have more choices in both. They live longer, and are safer and healthier, with lower rates of obesity and fewer deaths in car accidents. Quality of life is better for everyone today, and increased options for social and economic mobility create opportunities for a brighter tomorrow.

Whether in city, suburb or rural town, the village model can capture these benefits for Rhode Island communities. The following chapters offer a more detailed look at the benefits of the village approach, with a step-by-step guide to public participation and visioning, village planning and design. The manual also addresses regulatory issues, including innovative approaches to balancing development with conservation – using village development to provide needed homes and jobs, while simultaneously helping to preserve the natural and cultural resources that make Rhode Island such a great place to live and work:

I. The Need for Villages in the 21st Century: Since societies first formed thousands of years ago, the village has been the basic building block of community life. Rediscovering the principles of village development can sustain social, economic and environmental benefits for decades to come. Includes examples of Rhode Island villages that point the way.

II. Village Planning: A step-by-step guide to planning compact, walkable, mixed-use growth centers, including public participation and consensus building, town-wide visioning and site planning. Describes the process of determining the best village locations, deciding on the right density and understanding the mix of uses that might be most successful in the Real Estate market.

III. Designing the Village: Includes recommendations for general design principles and a discussion of sustainability, followed by an overview of critical design elements such as water and wastewater planning, traffic, parking and streetscape design. It includes examples of typical design standards for architecture, landscaping, signage and lighting.

IV. Successful Village Development in Other States: Demonstrates how communities around the country have encouraged villages as a way to provide for economic growth while helping to protect natural and cultural resources. Case studies range from revitalization of existing villages to development of entirely new villages that help preserve open space through transfer-of-development-rights and other regulatory techniques.

V. Regulatory Guidance for Village Development: Sprawl is to a large extent encoded in the state's regulatory DNA, but there are many regulatory tools communities can adopt as they move toward a more sustainable model. This chapter provides an overview of common issues and zoning types, followed by information about Village Districts and Overlay Zones, Form-based Codes and Cottage Development. It also explores Conservation Development, Transfer of Development Rights and other techniques that provide for increased density as a tradeoff for protecting farmland and other open space resources.

VI. Overcoming Barriers to Village Development: Planners interviewed as part of the project identified barriers in four categories – physical constraints, state/local policies and regulations, economic challenges and social/political issues. Suggested solutions are provided, starting with ways to eliminate unnecessary roadblocks and continuing with potential state and local incentives that could help tip the balance in favor of village development.

9 L. Vincent Murray, Director of Planning, South Kingstown, RI. Email to author, Dec. 1, 2014.

10 Reid Ewing and Shima Hamidi, *Measuring Sprawl 2014*. (Washington, DC, Smart Growth America, 2014).

II. The Need for Villages in the 21st Century

HIGHLIGHTS OF THIS CHAPTER

Villages were once a fundamental part of every Rhode Island community. As towns look beyond the suburban approach to development, the village can provide a model for more sustainable growth. Included in this chapter:

- The village in history.
- The need for villages in a post-suburban era.
- The village as a tool for sustainable development in the 21st Century.
- Projects in Rhode Island that point the way.

From the end of World War II until the Great Recession, sprawling suburban growth patterns were the dominant form of development through much of the country. Fueled by the flight of the middle class from the cities, enabled by the automobile and abetted by the investment of more than 400 billion federal dollars in the interstate highway system, the suburban model promised a new lifestyle in clean, safe and comfortable communities just a short ride away from downtown job centers. In good economic times – and especially when fuel prices are relatively low – the suburban model works for many people. The recent recession, however, has exposed its brittle economic underpinnings – most notably the narrow range of lifestyles that it effectively supports.

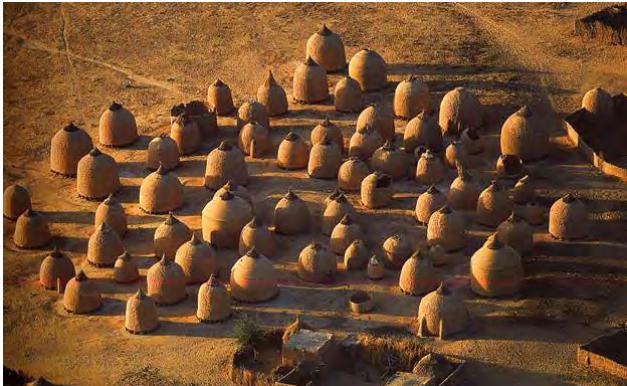


As the baby boom generation ages, for example, neither they nor their children need the big suburban houses they grew up in. Fundamental demographic changes – smaller households, fewer marriages, delayed childbearing, and a shrinking middle class – are changing the way people live. With few options in the traditional suburbs, small households both young and old are finding their way back to cities, towns and villages, places which by definition offer diverse housing choices, access to jobs at every level, the ability to live without a car, and other economic benefits. Many urban centers like Providence, meanwhile, are responding to this increased demand with renewed investment in parks, schools and transportation systems.

It is a broad oversimplification to call this an inevitable or permanent trend. The 2010 census found more than half of all Americans living in the suburbs. 43% of jobs were more than 10 miles from a city center. While both residen-



The automobile allowed people to leave the city and seek a better life in the “country.” While the suburbs will continue to exist, they no longer work for much of the population, and will need to change in order to remain economically competitive (photo of Rt. 2, Warwick, by Google StreetView).



tial and job growth in cities is increasing, the momentum of suburban development will continue, taking advantage of the extraordinary investment in suburban buildings, road systems and other infrastructure. The suburbs will remain a viable and desirable place to live and work. The question is how can we best serve the residents and business owners in these towns? How can we bring the economic and social advantages of the cities and towns to rural and suburban areas – to ensure their continued economic success and make them more economically, socially and environmentally resilient?

Villages are part of the answer. Adaptable to many degrees of size and density, villages share a compact, walkable form, and a diverse mix of residential, commercial and community uses, organized around the public space of streets, parks and playgrounds. They accommodate the automobile, but keep it in its place. While they may not rely on public transportation now, should the need arise they can easily be served by it. While density is not as high as in the urban centers, they have enough density to take advantage of the efficiencies of scale that make urban places more competitive in the marketplace.

Throughout history, the village has been the basic building block of society. In a pattern repeated throughout the ages and across the world, the village begins as a gathering together of dwellings, first of families and clans, growing through marriage into a more diverse social group. Left to its own devices, a village grows organically and adapts to surroundings; fenced and gated as needed to enclose livestock or keep out threats, while maintaining access to the resources of the surrounding landscape. In a location tied to agriculture, mining, fishing or other resources, structures and activities evolve to serve the need for storage and processing, shipping and trade. Villages at a special crossroads or harbor location may grow to serve a larger region around them. Over time, the form of the village changes and grows to accommodate diverse uses needed by residents – trade, banking, health care, education, government and religion. Villages that serve the surrounding region will naturally grow into towns or cities.

In the absence of land ownership, much less planning and zoning, villages grow organically to accommodate social and environmental functions (photos from *Earth from Above*, by Yann Arthus Bertrand). From top to bottom:

- 1. clustered buildings allow the gathering together of families and clans (Aderawa Village, Niger);**
- 2. a fence controls access (Hibas Village, Namibia);**
- 3. separating buildings by use helps facilitate division of activities (Village in Mali); and**
- 4. formation of a simple street system organizes movement and divides activities into districts (Village in Madagascar).**

Rhode Island began as a series of villages, starting more than a thousand years ago with Native American villages centered on agriculture and fishing. Many of these villages were taken over by European settlers in the 17th Century, but their essential functions continued. Early villages existed to serve agricultural areas, to take advantage of trade on the early turnpikes, to capitalize on the power of the state's many rivers, or because of a harbor. There were more than 175 village in Rhode Island in the 19th Century, and more than 150 distinct village centers remain – at least as place names – across the states 39 cities and towns.

Over time, villages with particular advantages of resources and location, harbors or transportation grew into town centers. Places where road, rail and water transportation came together kept growing into the state's cities. The function of many villages disappeared, however, as resource-based industries such as agriculture, mining and water-powered declined. Other villages were swallowed up by the growing cities, evolving into urban neighborhoods, suburban cross-roads and shopping districts.

A prime location and steady growth of the state's economy after the Civil War turned Providence into the center of the state. As in most of New England, rural areas were depopulated as residents left for opportunities in the cities or on more fertile land in the western states. Growth of industry along the Blackstone, Pawtuxet, Woonasquatucket and other rivers drove steady increase in population in urban areas. Streetcar lines connected the city centers, and gradually the urban fabric filled in until Providence was embedded in a matrix of streets that extended into every neighboring town.

This economic expansion, driven by industry, carried with it the seeds of later suburbanization. Congestion, social strife and widespread pollution were problems that were endemic to city life, often by-passed but seldom solved. When they could afford it, city residents increasingly left the close-in neighborhoods for new residential areas on the outskirts, served by the growing network of streetcars. The older centers filled up with new immigrants happy to have jobs in the mills. Enabled by the streetcars, and then the automobile, cities continued to expand, often with little rhyme or reason.

The first zoning laws were adopted in the 1920s in an attempt to mitigate some of the inevitable conflicts. Residential, industrial and commercial uses were separated into different districts, which was now possible because people didn't have to live within walking distance of their jobs. As the automobile became a universal part of

SPRAWL'S UNINTENDED CONSEQUENCES

Environmental:

- Decline in water quality.
- Loss and fragmentation of habitat.
- Loss of working farm and forest lands

Economic

- Expense of maintaining roads and other infrastructure.
- Expense of providing police, fire and other public services.
- Lack of access to local jobs.
- Lack of opportunities for young people.
- Financial pressure on both young and old residents.

Social

- Dependence on the automobile for many daily needs.
- Fewer opportunities for community life.
- Stratification and separation of social groups.
- Isolation of both younger and older residents.

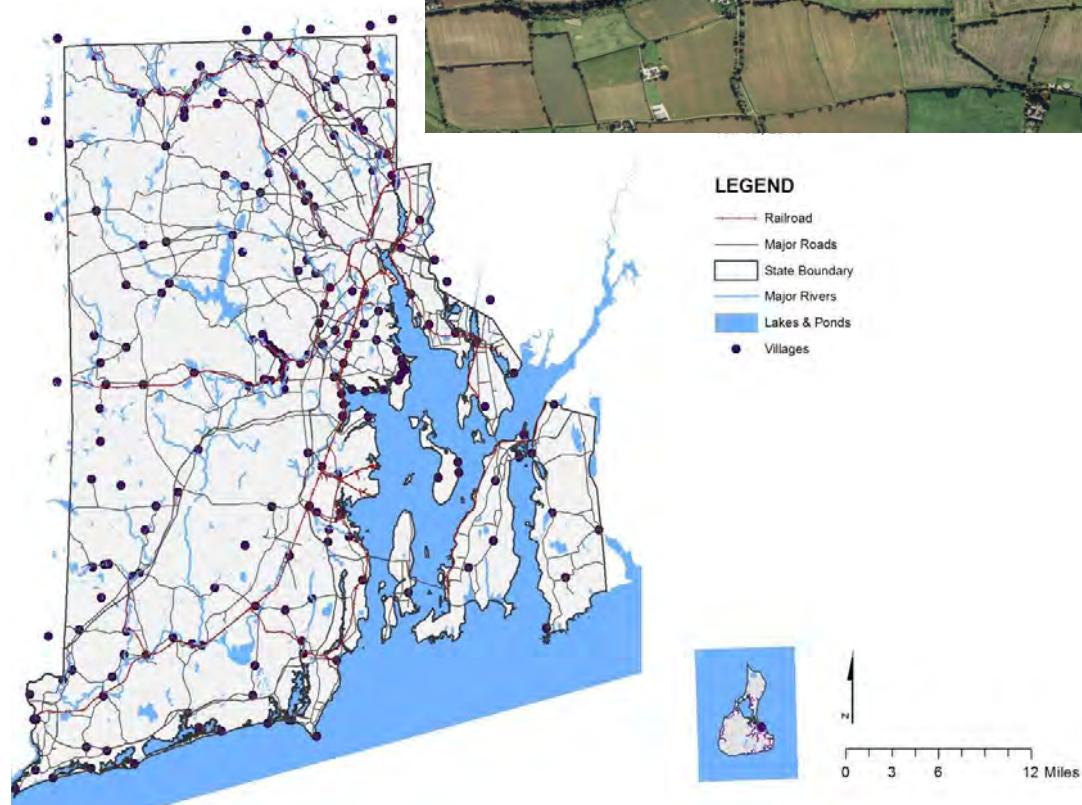
middle-class life the process merely continued, allowing people to purchase new homes in the suburbs and commute to work. With the creation of the interstate highway system, work patterns started to shift. Encouraged by increasing social strife in the urban centers in the 50s and 60s, suburbs started to out-compete cities for jobs, and cities declined.

The post-war suburban boom placed demands on towns for which many were ill-prepared. One solution was to extend the zoning model originally created for the cities into the surrounding towns, by separating uses and limiting density to avoid the worst impacts. Many towns

Little Compton, RI (top right) shares a form with Little Compton, England (lower right) that has changed little since the middle ages. For most of history, people needed to live near the land they farmed, and population was limited by the food that land could produce (aerial photos courtesy Bing Maps).



By the 19th Century, there were around 175 villages in Rhode Island (below). While a few retain their original form, many are now suburban cross-roads, while others grew into town centers or were swallowed by nearby cities.



ended up dominated by residential zoning that required 2, 3, 4 and even 5 acre minimum lot sizes. Far from preserving the character and traditional uses of the rural landscape, this replaced farms and forest lots with the new paradigm of the suburban subdivision. Commercial activity followed residents into the suburbs, gravitating to locations at the highway interchanges that are accessible to residents of several towns and convenient to commuters returning from work. This in turn allowed growth of the big-box stores, and the inevitable decline of the older Main Street shopping districts.

While most towns have since recognized the limitations of the suburban model, for the most part suburban zoning is still encoded in the state's regulatory DNA. Not only does this force developers to eat up more land than necessary, it limits the ability of towns to meet the needs of their residents. While zoning has changed little over the years, these needs have changed dramatically. Smaller households need homes that are smaller, in neighborhoods that have a mix of home styles adapted to the changing lifestyles of singles and families. Job, meanwhile, increasingly are created by small businesses, and built around the resources of the 21st Century: young, educated, tech-savvy workers; culturally-rich, socially-vibrant and beautiful locations, access to public transit; and high-capacity internet access.

THE 21ST CENTURY VILLAGE

While the state's urban centers are increasingly offering all of these advantages, suburban and rural towns can use the village model to capture their portion of the 21st Century economy and leverage its advantages for their residents and businesses. The 21st Century village:

- Allows for a mix of residential, commercial, and civic uses.
- Is designed with a compact, efficient form.
- Allows for driving, walking, biking and public transportation.
- Provides diverse housing choices
- Provides flexible space for the evolution of business.
- Is connected to the surrounding landscape.

The village's compact form and dynamic mix of uses has distinct environmental, economic and social benefits compared to other forms of development. While



Villages lend themselves to a mix of house types and sizes that cater to the needs of people at every stage of life (Warwick Grove, NY).



Village development can support economic growth and increase the tax base (Baxter, NC - photo courtesy Baxter Village Development Company).



Villages can provide shared amenities such as parks, walking trails, playgrounds and community facilities that increase our quality of life (Donovan's Farm, Norwell, MA).

conventional suburban zoning treats all "vacant" land equally, the village approach allows for somewhat higher density in locations that can best support it. This reduces the pressure to develop farmland and natural areas elsewhere in town, and can provide direct support for conservation through the use of Transfer of Development

The Village approach can help towns implement a comprehensive strategy for conservation and development. This image shows an existing rural landscape which was created by centuries of farming and other human uses, overlaid with the natural patterns of forest, rivers and streams, ponds and wetlands.



Under current zoning, most of the landscape will be converted to three-acre house lots. Farmland, natural areas, scenic vistas and historic rural character will be lost forever.



Using the village approach (below), the same amount of growth allowed by current zoning is channelled into areas where it works best. This includes expanding existing villages and building new ones, as well as creating conservation subdivisions around the edges of some of the farms.



Rights and other regulatory techniques. The compact, efficient form of the village also allows for a higher level of environmental performance within the village itself, especially by enabling shared water supply, wastewater treatment and stormwater systems.

While reducing impacts on the environment, villages can support the economic growth and tax base that towns need. By allowing for a mix of residential, retail, office and civic uses within a compact, walkable center, the village can create a more dynamic business environment, creating opportunities that may be absent in a typical suburban commercial strip. Opportunities to share parking and other services reduced costs, and the diversity of spaces allows businesses to grow without having to leave the neighborhood. Perhaps most importantly, in an age where both residents and businesses can choose to locate anywhere, the village provides a high "quality of place" that gives it a distinct advantage in the real estate market.

The social benefits of villages start with the sense of community that comes from living, working and playing in a shared space. On a practical level, a village can provide homes for people at all stages of their lives. Rather than moving from place to place to find a starter home or apartment, a place to raise a family, or a smaller retirement home, residents in a village need only move next door or down the street. Affordable housing can be mixed into the village without isolating residents of more modest means. The small businesses that are the



Simple amenities like a coffee shop and cafe that would fail in a standard subdivision are easy to support in a village setting.



The example of Wickford (right), Nantucket (above), and innumerable other New England villages demonstrates that a village setting can have higher property values and a better quality of life than suburban-style subdivisions in the same town (aerial photo courtesy Bing Maps).

mainstay of economic growth can also find a flexible array of spaces around the village to fit their changing needs over time, enhancing social as well as economic stability. Finally, the village approach can help pay for amenities that increase the quality of life for everyone, from parks, playgrounds and walking trails to libraries, schools and other public facilities. The result is a “virtuous cycle,” where the shared investment in establishing and maintaining the village supports a high quality of life, supporting property values and encouraging private investment that keeps the ball rolling.

Rhode Island’s original villages were all created for a purpose. They started because of a particular resource – farmland, water power, or access to railroad, turnpike or harbor – and grew organically as social and economic activity expanded. Most of us no longer make our living from the land, but we can continue to live in a place that has a functional relationship to its context, whether that’s for provision of local food and water, recreation,



Redevelopment of the Stillwater Mill in Harrisville included a new community library (above), farmers market, riverwalk and community park. Amenities like these make the project more successful in the marketplace, but just as importantly, they enhance the quality of life for existing residents of the village.

or economic and social connections to the surrounding neighborhood. The 21st Century Village is not just a recreation of an historic style – rather, it is based on rediscovering the principles that have always made the village an essential building block of a sustainable social and economic system.

PROJECTS IN RHODE ISLAND THAT POINT THE WAY

Rhode Island’s many historic villages continue to provide great places to live, work and play. Many of the original mill villages have faced significant challenges from the



Sandywoods Farm in Tiverton provides affordable housing for artists in a village setting adjacent to a working farm. The community hall (below) has become a vibrant center for musical performances and other events that draw people from throughout the region (photos courtesy Bob Ericson).



steady loss of manufacturing in the state and competition from suburban office parks and big-box centers. Some have successfully made the transition to quiet residential enclaves, and still others have thrived as summer communities. Towns throughout the state have focused on redevelopment of their historic village centers:

In Harrisville, the town of Burrillville has fostered private redevelopment of the Stillwater Mill and creation of additional housing next door. A new town library, riverwalk, park and farmer’s market have created a focus for community life, supporting private investment in redevelopment of surrounding properties.

In 2012, the town of Glocester adopted a village overlay district to encourage redevelopment of Chepachet and other village centers. The new zoning is designed to provide flexibility in setback, uses and density to encourage new housing, new business and business expansion.

Exeter's village overlay zone includes detailed standards for village planning and design. There are two principal goals: first to allow increased density only through preservation of farmland and other resources, and second, to design a village where parks, playgrounds, ball fields, community farms and other amenities can be enjoyed by every resident.



sion while minimizing the need for variances or special use permits. The zoning complements earlier work to develop an innovative approach to wastewater treatment, solving a key problem of how to support village density without a municipal wastewater plant.

Since 2010, the North Smithfield Redevelopment Agency has been working to implement a masterplan for Branch Village, a 263-acre site that includes the 175-acre Branch Village Industrial Park. Long-term plans call for access improvements and installation of sewer lines, seen as critical to the success of the project.

North Kingstown recently completed a feasibility study for redevelopment of the historic villages of Lafayette, Allenton and Hamilton. Recent completion of a commuter rail station and parking lot at Wickford Junction helped to spur a reimaging of what is currently a commercial center anchored by Walmart into a mixed-use village adjacent to the station. A recent economic analysis identified little demand for additional retail uses, but significant demand for apartments.

In addition to redeveloping existing village, many Rhode Island towns have encouraged redevelopment of commercial strips into mixed-use centers, and a few are promoting entirely new villages:

In Tiverton, the non-profit Church Community Housing Corporation (CCHC) of Newport purchased 68 acres of land from local farmers with the dream of creating a rural artists' colony. Sandywoods Farm includes 50 rental cottages, community buildings, 24 single-family house lots

and a 22-acre working farm.

Close to Sandywoods Farm, the town is promoting redevelopment of a commercial district at Bliss Four Corners, a busy intersection surrounded by strip-style development. To guide the process, the town is considering a roundabout and streetscape improvements that will smooth out traffic flow while making the district more pedestrian-friendly. The town is also considering adoption of a Commercial Form-Based Code with extensive standards for siting and designing new buildings, access roads and parking lots.

In South Kingstown, the town created a new Special Management District zone to allow for development of South County Commons, a mixed-use project on Route 1. The new village centers on a traditional main street, and hosts a mix of more than 50 shops, restaurants and service businesses, as well as a hotel and movie theater. Connected to the core village are 234 one- and two-bedroom apartments, and a senior living community. The project is seen as a successful source of tax revenue, particularly because the small residential units generate few school children.

In 2012, the town of Exeter enacted a village overlay zone that will allow a future developer to create a village in one of several locations identified through an extensive public planning process. Potential loss of open space to large-lot residential development, along with a lack of homes and apartments for smaller households, were important factors in the town's decision. Key to the success of the proposal, however, was a pro-

vision that allows an increase in allowed density only if the developer pays to preserve farmland and other open space resources elsewhere in town. Extensive design standards ensure that the village is designed in a way that complements the town's traditional architecture and rural character.

POTENTIAL VILLAGE PROJECTS IDENTIFIED BY RHODE ISLAND CITIES AND TOWNS

Early in the Village Guidance project, planners from more than $\frac{3}{4}$ of the state's cities and towns participated in interviews about the status of planning for villages and other growth centers in their communities. Participants identified more than 55 villages and other potential growth centers that communities are actively considering for revitalization and future growth. Many of these places, for all of the reasons outlined above, were bypassed by the suburban boom and have changed relatively little over the last decades. As demographic and economic conditions continue to evolve, however, planners are increasingly looking to village development as a way to meet all of the diverse needs of their communities.

The list of villages includes a diverse range of mixed-use centers, from small rural hamlets to main streets and urban corridors. Some of the key types include:

Historic Villages: by far the most numerous type of village in the state, those identified by planners as locations for future growth hold the potential for a combination of infill development and modest expansion. Some, such as Jamestown or the Old Harbor on Block Island, have some of the highest property values in the state. Many others suffer from long-term neglect and disinvestment. A key issue with all historic villages is the complexity of redevelopment in a place with multiple parcels, residents and business owners with a diversity of interests. A key issue is how to make life better for existing residents while increasing development activity in their neighborhood.

Main Streets: The traditional Main Street district is a village spread along the road, such as Upper Main Road in Tiverton or Boon Street in Narragansett. With uses focused on shops and services, the traditional Main Street village often serves as the civic center for the surrounding town and can include government, religious and educational buildings. Residential uses traditionally occurred on upper floors of Main Street buildings. Redevelopment is sometimes hampered by zoning and building codes that make it too expensive to renovate upper stories for residential use.

Downtowns: urban centers in Providence, Woonsocket, Pawtucket and Westerly began as villages, but long ago grew into regional service centers with a broad array of residential, commercial, government and institutional uses. Ironically they retain some of the best aspects of the traditional village, especially streets and sidewalks that cater as much to pedestrians as to cars. Dense urban neighborhoods have often been likened to villages, especially in stable areas where residents get to know each other and the same families and businesses remain for generations.

Commercial Strips: Planners are looking at older commercial strips as opportunities to reclaim "greyfield" sites



The diversity of historic centers such as Chepachet, Wickford and Westerly demonstrates that planning for village growth cannot be a one-size-fits-all design process: rather, it's about finding the best fit between the type of village and the environmental, economic and social context of the site.

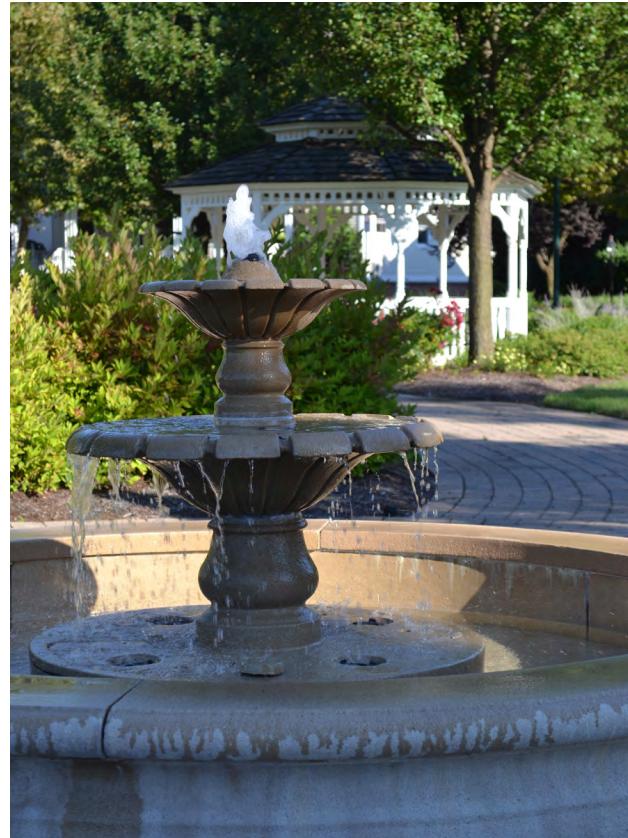
and promote redevelopment that's a better fit with the needs of their communities. Often this means identifying places along a commercial strip that can become "pedestrian nodes," and working with landowners to create a masterplan for managing access, improving the streetscape, building new buildings along the street, and consolidating parking in shared parking lots behind buildings. North Kingstown has done extensive work on the Post Road corridor over the past decade, including adoption of innovative zoning codes that allow for an increase in residential density using Transfer of Development Rights.

New Villages: many rural towns lacking a clear center are exploring the creation of new villages as a way to concentrate activity in a single location and contain sprawling commercial districts at highway interchanges. In addition to the Exeter village overlay ordinance, which could be applied to the area south of the Exit 5 on I-95, West Greenwich has long discussed village center on their side of Exit 5. Hopkinton and Richmond have plans for villages at Exits 1 and 3, respectively. Even Cranston is considering a new village as a way to concentrate growth in the more rural west end of the city, which still contains a significant area of farmland. For each of these towns, village development is being considered as a way to meet the multiple objectives of economic development, diversification of housing stock and conservation of open space, while creating a place where the community can gather for civic and cultural events.

CONCLUSION: WHY BUILD A VILLAGE?

As described in subsequent chapters of this manual, villages are being revitalized and developed from scratch throughout the northeast. The practical issues surrounding planning, zoning design and engineering are complex, but can be addressed successfully, even by small rural towns. Changing demographics and the realities of the post-recession economy have altered the real-estate market in ways that favor compact, mixed-use centers. While towns can sit back and let the development community lead the way, there are both philosophical and pragmatic reasons why they should take a more active role in village planning:

Mitigate effects of 20th Century suburban sprawl: Suburbanization has left many towns to struggle with increased demand for road maintenance, public safety, schools and other costs, that will only continue if suburban-style zoning remains in place. The village model offers an alternative that can keep sprawl from getting worse while pumping new life into declining suburban



By concentrating improvements within a village setting, the same investment can go farther, allowing for the creation of shared amenities that are not part of typical suburban development projects.

shopping districts. Many of the commercial structures built in the last 50 years are worn out and inefficient. If we need to replace them anyway, instead of building on new land why not redevelop these "greyfield" properties rather than paving over undeveloped land?

Provide for growth while reducing fiscal burden on towns: One of the unintended consequences of suburban sprawl is the miss-match between the tax revenue generated by the typical new 3-4 bedroom tract house and the cost of services that home requires from the town. Led by the cost of education, the fiscal impact also stems from the cost of police and fire protection, road improvements, maintenance, and water supply systems. A village, with its emphasis on diverse housing stock, caters to people at every stage of life, so that families with children are balanced by young single people and retirees. Services and maintenance costs are lowered by a reduction in the "per capita" length of roads and other infrastructure. Meanwhile more of a town's farmland and other working landscapes can remain in active use, generating tax revenue while demanding little in the way of services.

Leverage social, economic and environmental benefits for current and future generations: While the village approach can produce short-term benefits for towns, these advantages multiply over time to benefit future generations. As part of a town-wide strategy for growth and conservation, village development can help towns protect important farmland, wildlife habitat and water supply watersheds, all of which provide important “ecosystem services,” the true value of which we are only beginning to understand. Villages are also a great fit with the social and economic needs of the younger and older generations that represent an increasing part of the population. By allowing for diverse housing alternatives within walking distance to shops, restaurants and other businesses, along with community services, parks, playgrounds, etc., a village can provide a high quality of life for a broad range of ages and incomes in this generation, while making things better for those to come.

Build resilience in the face of an uncertain future: It is increasingly clear that our communities are subject to global trends over which we have little control. Climate change is likely to bring harsher storms, rising sea levels, and more frequent extremes of temperature, flooding and drought. As demonstrated by the recent Great Recession, the state’s economy is tied to global cycles of boom and bust, triggered by decisions made in financial centers hundreds or thousands of miles away. The towns that survive and thrive are those that have the capacity to bounce back from the impact of unplanned events and quickly put out new growth. As in a natural system, communities that are diverse and multi-layered carry within them the capacity for renewal. By encouraging growth in villages, our suburban and rural towns can start planting the seeds of social and economic diversity that will make the entire community more resilient.

III. Village Planning

HIGHLIGHTS OF THIS CHAPTER

Many of Rhode Island's urban centers are being rediscovered and revitalized by a new generation of residents and business owners. Using the village model, suburban and rural towns can capture their portion of the 21st Century economy and leverage its advantages for their residents and businesses. Recent studies have shown that village development can be successful in the market place as well as having a positive fiscal impact on town finances.

The major topics covered in this chapter include:

- Public Participation and Consensus Building.
- Public Participation Tools
- Town-wide Visioning and Village Planning Process
- Village Economics
- Market Analysis
- Fiscal Impact Analysis

ORGANIZING A CONSENSUS-BASED PLANNING PROCESS

Most of Rhode Island's villages and towns were designed and built long before zoning existing. Development was driven by individuals, banks, and local governments - overseen by elected officials, but generally without much regulation. Yet, even without benefit of master plans, zoning ordinances and planning board review, the results were remarkably consistent. Constrained by the limitations of human and animal labor, relying by necessity on locally-available materials, and guided by common practices handed down through the apprentice system, most development projects fit well into the surrounding community.



Public participation has become increasingly important to effective planning. Residents are no longer willing to accept plans that are made for them by someone else. If people are not closely involved in the process, those whose interests are affected by the resulting decisions will seek to block implementation of those plans by any means at their disposal.

WHY IS PUBLIC PARTICIPATION IN VILLAGE PLANNING SO IMPORTANT?

- Village planning is personal – changes can have a direct effect on property values, neighborhood character, and quality of life.
- Existing residents and businesses are unwilling to risk what they have – even if the alternative is demonstrably better.
- People worry that increased density will create problems:
- Increased traffic and parking shortages.
- Loss of open space and impacts to natural resources
- Increased noise, light pollution, etc.
- Change to their neighborhood.
- Influx of strangers from different social, racial or economic groups.
- Where to live or locate a business is one of the most important economic decisions most people have to make.
- Bottom line: it's hard for anyone involved to stay objective.

Thanks to the industrial revolution and the modern age, these traditions were soon lost within a world where almost anything could be built almost anywhere. In response, modern planning and zoning tools were developed to help communities protect the health, safety and welfare of their citizens – not least of all to protect the property values that continue to represent the core wealth of most families.

For much of the 20th Century, planning and zoning decisions were made by planning boards and local officials with limited public involvement. As in other aspects of social and political life, this hierarchical, top-down decision making structure no longer functions effectively – especially in planning. Residents are no longer willing to accept plans that are made for them by someone else. If people are not closely involved in the process, those whose interests are affected by the plans and policies that result will seek to block implementation of those plans by any means at their disposal.

These trends are amplified in village planning. While few people generally show up to discuss town-wide growth policy at planning board meetings, development proposals within existing neighborhoods or village centers always seem to engender strenuous debate. The reason is that the logical location for village growth is often already developed to some extent, and current residents and businesses will be directly affected by planning. Unlike the suburban subdivision off in the woods somewhere, property values and quality of life for existing residents will likely be directly affected by future change. Given the resulting uncertainty, most people would rather things stay as they are rather than risk the unknown – even if the rewards of change are clearly demonstrated. To plan effectively in this context, towns need to focus on effective public participation with the goal of building broad consensus in support of any decision. If this step isn't done carefully and thoroughly the village planning process is not likely to be successful.

The traditional planning processes work well enough for issues that are fairly cut and dried, such as traffic studies, water and sewer plans, etc. They tend to break down when choices are less clear, or where there are perceived winners and losers. Appointing a steering committee and bringing in consultants to offer a fresh perspective can make the process seem fairer and more objective, but often leads to sharpening conflicts rather than resolving them. An alternative is The Consensus Building Approach, which as the name suggests is designed to identify and resolve conflicts, to the extent possible, as part of the decision-making process. Developed by Lawrence Susskind, an MIT professor and founder of the

Consensus Building Institute (CBI) in Cambridge, MA, the Consensus Building Approach can be adapted for planning projects even in small towns with limited budgets.

Key steps include:

- Determining the boundaries of the study area and potential scope of the project.
- Identifying stakeholders and defining their interests.
- Convening a stakeholder committee or working group.
- Planning and scheduling – making sure not to waste anyone's time.
- Shared fact-finding
- Exploration of alternatives.
- Deliberation and decision-making
- Finding Consensus

Whether you hire a consultant to facilitate a formal consensus-building process or do it in house, this strategy can be very helpful. Regardless of how the process is described, successful planning projects often can be seen to have followed a similar approach, usually under the guidance of a local planner who knows the players and works behind the scenes to ensure that everyone's interests are respected. The concept of shared fact finding is very important, which means allowing stakeholders



A visual preference survey doesn't need to be anything more fancy than a series of photos. People can vote with dots to indicate which they like or dislike.

ers to help determine the data sources, mapping and analysis process they believe can be trusted to lead to good decisions. If the "experts" merely present their conclusions – even if the data and analysis are completely valid – participants are likely to reject those conclusions out of hand.

Complex and controversial planning projects may require the skills of an expert facilitator trained in the consensus-building approach, but for many project there are simple things that can be accomplished at minimal expense:

Identifying and reaching out to stakeholders and decision makers:

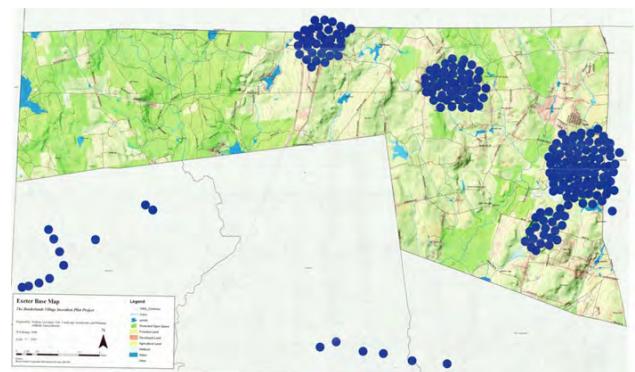
- Make a list of everyone responsible for making decisions about the project as well as those affected by those decisions.
- Talk to people one-on-one about their issues and concerns.
- Host an informational table or display at public events.
- Ask to make brief presentation at a neighborhood cocktail party or barbecue.
- Make a brief presentation to the town council.
- Visit local political committees

Mapping out problems and opportunities and identifying potential conflicts:

- Take a map of the town or project site and circle problem areas and opportunities for revitalization or development.
- Note potential conflicts between uses, people, or things.
- Identify the key naysayers and explore why they might be against it.

Describing community values and vision:

- Ask people to identify by name or on a map places they care about that should be protected or enhanced.
- Ask people to identify places or things they'd like to change or replace.



Participants in the Exeter, RI, visioning workshops mapped out problems and opportunities and used dots to vote on preferred village sites.

- Ask people what they'd like to see for this place in the future.
- Use visual preference surveys to gauge opinions on the relative importance of things to be protected, or the character of potential new development.
- Ask people to send in photographs of features they like or dislike.
- Develop a draft vision statement, map or diagram quickly so people have something to react to.
- Make sure that everyone is working from a single shared document, rather than competing proposal.

Shared fact-finding:

- Develop an on-line database of all previous reports, maps and other documents related to the project.

- Identify which facts are accepted and trusted, and which need more work.
- Seek agreement on which facts are most important for making good decisions.
- Involve the public in collecting additional information.
- Use free mapping tools from Google and Bing.

Exploring alternatives:

- Ask simple questions: What are possible solutions to specific needs or problems? Where should future development go? Are there many possible locations or just a few?
- Sketch out ideas on maps with markers, or have people use dots to identify preferred locations.
- Show photographs of similar projects.

Choosing a preferred alternative:

- Explore the feasibility, costs and benefits of different scenarios and share with participants.
- Evaluate which alternative best supports the values expressed by residents.
- Have people vote on their preferences with keypads or dot-polling at a public meeting, or on-line polling from home.
- Include key decision makers and stakeholders in the discussion.

PUBLIC PARTICIPATION TOOLS

Whatever the scope of the particular public participation/consensus building process, a variety of tools can be tailored to each stage, from regional visioning to design for specific sites. Workshops can be as simple as a listening session in a local neighborhood or involve a week-long charrette with teams of consultants. New technologies allow for direct and anonymous feedback from the public, including the use of keypads for public meetings, or on-line polling that participants can access from any web device.

Listening workshops focus on understanding existing conditions and listing the issues and concerns that are



Listening workshops can employ many different techniques to get people talking about their community. Large group discussions led by a facilitator (top) allow residents to hear from each other. Small groups or stations, with participants circulating among them (middle) allow for more detailed gathering of information and opinions. Sticky notes and dots (bottom) allow for commentary on photographs of the study area.

A clear vision statement, map or diagram can help to capture the key themes generated by the public discussion. This plan was organized around three key themes: physical redevelopment, improving the public realm and business development.



important to stakeholders. They often include some form of SWOT exercise (identifying Strengths, Weaknesses, Opportunities and Threats), visual preference survey or identifying “places in the heart.” The focus is on exercises that help participants provide information about a place, express their values, and talk about what they want it to be in the future. They allow people to talk about their concerns without the immediate threat of having to react to (and defend themselves against) an actual proposal.

A **visioning workshop** is designed to help people focus on the big picture: what do they want their town to be like in the future? What is their vision for a particular neighborhood, corridor or village site? Visioning workshops are designed to look beyond the details of what's possible today, or particular barriers that may exist, and simply dream a little. They often begin with a presentation and discussion of existing conditions, followed by brain-storming exercises to define a range of preferred future alternatives. The results are captured in a vision statement and/or a vision map that sets down the principles that will guide additional planning.

A **design charrette** is an intense planning and design exercise, usually for a specific site or project area. A charrette process generally brings professional planners, architects, landscape architects and engineers together with town staff, business owners, residents and other stakeholders to explore alternatives for a particular place. They often last for multiple days, allowing for multiple feedback loops as ideas are generated, evaluated and revised. Rooted in the experience of design education and professional practice, the charrette approach recognizes that a focused process with a clear goal and

deadline can be more productive than a more typical planning process that unfolds over a period of months.

The benefits of a charrette include:

- Generates excitement that boosts participation
- Intense activity, but participation is time-limited.
- Collaborative process makes for better plans with strong public support.
- Focuses attention of professionals, town staff, elected officials and the public – building political support for the plan that results.

The National Charrette Institute (NCI) provides education and training for charrette design and facilitation and certifies trained charrette facilitators. NCI recommends a minimum of five days for a charrette to allow for at least three feedback loops to be incorporated into the process:

1. Open public meeting: vision and values
2. Generate alternative plans and scenarios
3. Second public meeting to evaluate alternatives.
4. Synthesis of alternatives into a preferred plan.
5. Exploration of details and economic, design and political feasibility.
6. Presentation of results at final public meeting.

EXETER VILLAGE VISIONING PROCESS

In 2008, Exeter received a grant from the Orton Family Foundation to involve residents in exploring the heart and soul of the community and developing a shared vision for the future. The project was overseen by a project Team made up of town staff, residents and business owners appointed by the Exeter Town Council. The intent was to engage the people of the community to determine what they value about Exeter and how those values may be addressed as the town grows. All findings and recommendations were based on extensive public feedback over 3 years, including focus groups/web-based surveys, four public meetings, and electronic key pad polling to allow the public anonymous input.

At the first workshop, the focus was on listening to residents' concerns and identifying issues and opportunities that impact planning decisions. Clearly defining problems that need to be solved helps to set the stage for an assessment of whether village development can benefit the community.

The project continued with a town-wide visioning process, which began by working to identify areas that are important to the "Heart and Soul" of the community. Some of these were specific places, buildings or landscape features, while others were more general categories. This exercise helped to clarify the elements of "rural character" that would be lost if suburban-style development is allowed to run its course.

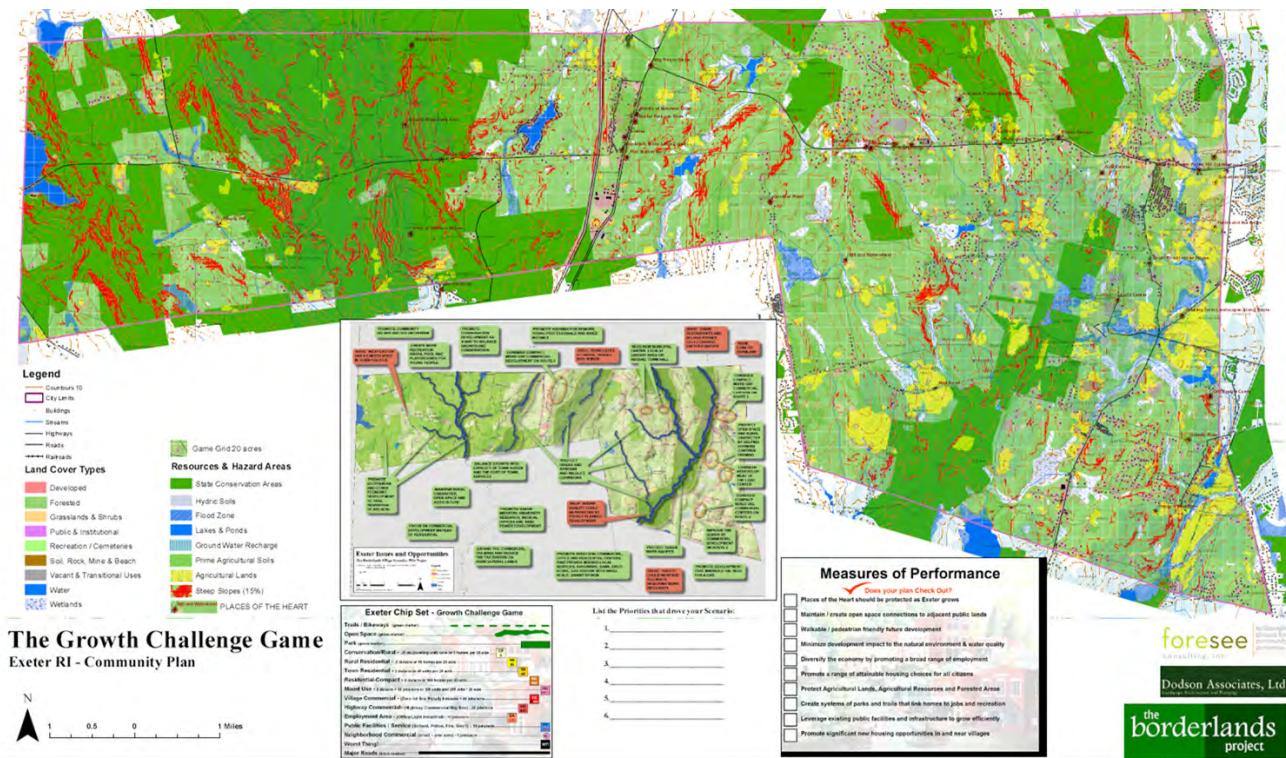
Once a list of the "places in the heart" was drawn up, residents used keypad polling to rank the relative importance to the character of the town of farmland, historic sites, stone walls and other features. They also used keypad polling to answer a visual preference survey, comparing photographs of different types of development and rating them for whether they seemed a good fit for Exeter. For both exercises, keypad polling offered real advantages:

- It's interactive and engaging: people enjoy it.
- It's anonymous, so people can express their opinion without repercussions.
- It provides instant feedback.
- People get to see what others are saying.

It was clear from the first two public meetings that the public supported village growth, but only as a trade off to protect farms, forests, quality of life and lower property taxes. At the center of Exeter's visioning process was a vision statement that was drawn up by the project committee at the conclusion of the public participation process. It provided a set of goals and objectives that guided the subsequent phases of the project:

- The rural character and quality of life will be preserved;
- Natural areas will be protected;
- Our working farms and forests will be maintained for future generations;
- Environmentally appropriate and sustainable economic growth will be stimulated;
- The negative impacts of increased traffic will be minimized;
- Property taxes will be as low as possible;
- Balanced housing needs will be achieved;
- Rural design and architectural guidelines will be used for new growth;
- Individual property rights will be respected;
- There will be an efficient delivery of town services;
- Village style development patterns will be encouraged.

The extensive consensus building and public participation ultimately lead to the adoption of ordinances to encourage village development and the Transfer of Development Rights. Scott Millar, the Chair of the Vision for Exeter, said that "the consensus building process was critical to allowing Exeter residents to understand and support village growth. The project would not have been successful if we didn't take the time to involve all the key stakeholders in the community."



As part of the "A Vision for Exeter" project, game-playing exercises allowed residents to experiment with reorganizing the homes and businesses allowed under current zoning – including trading in some of the low-density development required by current zoning and creating villages at somewhat higher density. The game is played with a board fashioned from the base map of the town. As the game unfolds, players work in groups to define common values and goals for future development type and location.

Game-Playing Exercises are user-friendly, and are a great way to involve people in planning discussions who are not familiar with traditional maps, planning documents and zoning tools. Games are less threatening. Everyone understands that a game is a way to play with ideas and alternatives – not a final decision that they need to defend themselves against. And games are fun – they help people set aside more immediate concerns and think outside the box.

As part of the "Vision for Exeter" project, one workshop featured the "Exeter Growth Challenge Game." The game allowed residents to play with the question: "how could the growth we're going to get anyway be reorganized to allow for development while protecting our rural character and natural resources?" Using a game board based on a map of the town, residents took chips representing the homes and businesses allowed under current zoning and placed them where they thought they should go. Starting with a pile of chips that would have covered all remaining buildable land, participants soon realize that by trading in some of the low-density development

Exeter Chip Set - Growth Challenge Game

Trails / Bikeways (green marker)	-----	-----
Open Space (green marker)	-----	-----
Park (green marker)	-----	-----
Conservation/Rural - .25 du (dwelling unit)/acre or 5 homes per 20 acre	CR 5	-----
Rural Residential - .5 du/acre or 10 homes per 20 acre	RR 10	-----
Town Residential - 2 du/acre or 40 units per 20 acre	TR 40	-----
Residential-Compact - 8 du/acre or 160 homes per 20 acre	RC 160	-----
Mixed Use - 8 du/acre + 10 jobs/acre or 160 units and 200 Jobs / 20 acre	MU 160	-----
Village Commercial - (Zero lot line Retail) 4 du/acre + 40 jobs/acre	VC 400	-----
Highway Commercial- (Highway Commercial/Big Box) - 20 jobs/acre	HC 200	-----
Employment Area - (Office/Light Industrial) - 10 jobs/acre	EA 100	-----
Public Facilities / Service (School, Police, Fire, Gov't) - 10 jobs/acre	PF 100	-----
Neighborhood Commercial (small – one acre) - 5 jobs/acre	NC 50	-----
Worst Thing!	WT	-----
Major Roads (black marker)	-----	-----



PLANNING GAMES FOR YOUR TOWN

Implementing a game for your town requires only a little creativity and a laser printer. Office supply stores stock a variety of blank sticker sheets and Microsoft Word templates that can be used to create inexpensive playing pieces. Any map can be used as the game board, though if you have a GIS department and large-format printer, maps can be customized for a particular area. The game itself should be designed around a few key questions and tailored to the amount of time you have. Keep it simple – it always takes more time than you think, and people need a chance to talk about what they're doing as the game unfolds.

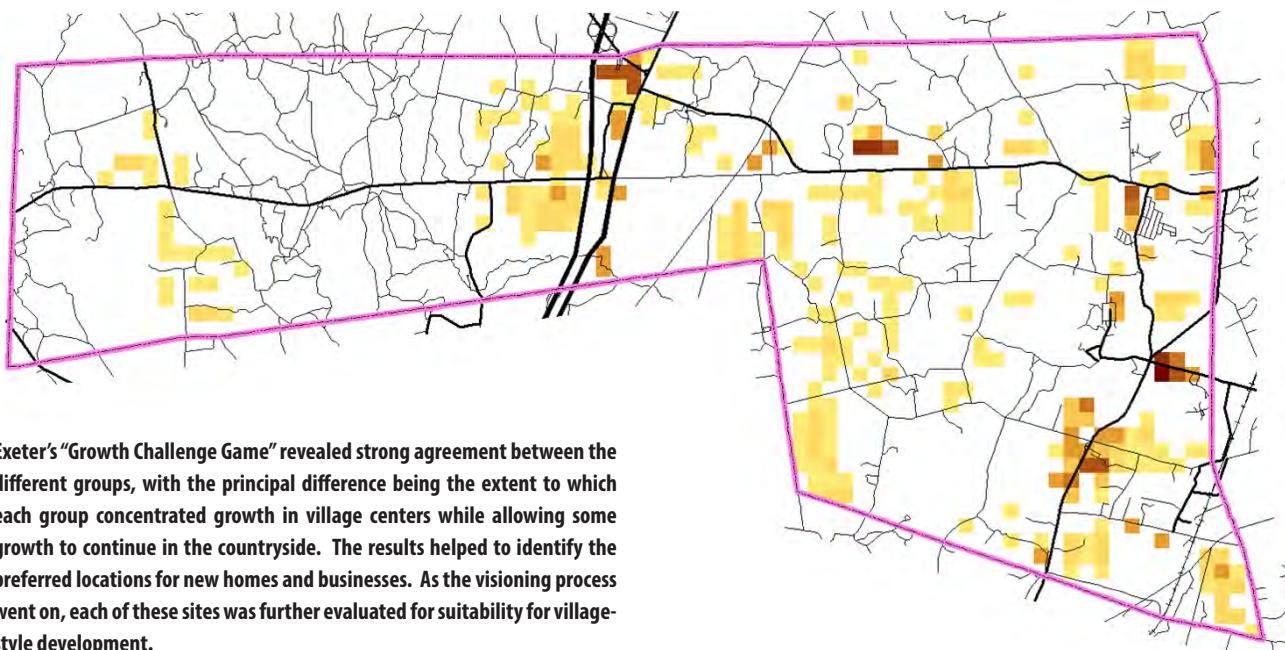
For more information about scenario-planning games see the Orton Family Foundation's website: <http://www.planningtolexchange.org/tool/growth-chip-game> and http://www.orton.org/resources/publications/scenarios/scenarios_e_journal/the_chip_game

required by current zoning and creating villages at somewhat higher density, they could promote growth in areas best suited to it while preserving valuable open space. The results from multiple group game sessions were digitized and combined into a single map showing the preferred location for new homes and businesses. As the visioning process went on, each of these sites was further evaluated for its suitability for village-style development.

Another planning game was developed recently to explore the role of existing and potential growth centers in the regional economy. At a series of workshops held in six regions around the state participants played the "Growth Centers Game."

The game was based on discussions with participants that highlighted the fact that while planning decisions in Rhode Island are made by 39 individual cities and towns, the state's economy, transportation networks and natural systems are best understood in terms of larger regions. In South County, for example, there are perhaps two downtown areas – Westerly and Wakefield - that offer many regional services. Much of the commercial activity, however, is concentrated in four or five commercial districts along the major regional highways. Local road connect these regional centers with local centers. In fact, the entire region is an interconnected web of economic and transportation systems. Recent expansion of commuter rail service will likely shift some of these activities towards the rail station areas, possibly creating new regional centers.

The game includes "playing cards" representing the various types of centers that exist in Rhode Island, from urban downtowns to rural hamlets. The Game board is a map of the region, with information about land use, conservation land, and development suitability. This includes wetlands and water bodies that cannot be developed, as well as areas served by public water and/or sewer systems, which are more likely to accommodate additional density. Stickers represent each of the growth center types. Participants place these on the board first



to identify existing or potential centers. Additional stickers are then placed to indicate whether a particular center serves the neighborhood, town or region. A second set of stickers identifies the level of growth players think is appropriate for each center, from modest infill and adaptive reuse to major redevelopment.

The results of multiple game boards from six regional workshops around the state were compiled into a single database that is helping to inform further research and analysis efforts. The game proved its value as an engaging way to educate the public about some key planning concepts, as well as a means to gain important input on the way that existing and potential growth centers fit into the state's transportation networks and economic systems.

TOWN-WIDE VISIONING

Every Rhode Island community has a comprehensive plan, and many of them support village style development, especially as applied to revitalization of existing villages. In practice, implementation of these policies is often hampered by resistance of local residents to reducing density in areas that ought to be protected, or increasing density in the best village sites. Reaching consensus on the village approach is impossible unless residents understand the potential impact of current trends, agree on shared values and priorities, and see how villages can be part of the solution.

Understanding Issues and Opportunities

Establishing a clear vision begins with a shared understanding of the issues facing the community and potential opportunities for the future. The best way to start is by talking to residents and business owners about the problems facing the town, things they like or don't like, and what they think the town needs. Meeting with community groups, having a listening workshop, or doing one-on-one interviews can all help develop a list of the issues and opportunities. Priorities will soon develop as the same ideas are mentioned by different people and groups. Simple maps and photographs can help give a physical dimension to the discussion, with participants identifying good and bad features with different color markers or stickers.

Agreeing on Shared Values

In order to move forward towards a shared vision, local residents need to find agreement on the basic principles and values that should govern decisions about land use generally and village planning in particular. What

do people value about the community? What features or aspects of the town would they miss if they changed or disappeared? Are there fundamental principles that everyone can agree on? A great resource for community visioning ideas is the Orton Family Foundation (www.orton.org). Their Heart & Soul Method "reconnects people with what they love most about their town, and translates those personal connections into a blueprint that serves as the foundation for future community decisions." The approach is rooted in an understanding that "emotional connections are the real drivers for citizen engagement in community planning and development."

Working with the Knight Foundation and the Gallup Poll, they found that people are attached to three key qualities of a place: social offerings such as meeting places and entertainment venues; a sense of welcoming and openness; and aesthetic quality. These factors are often key reasons that people choose to live in a rural town, even though they may have a long commute – and the potential loss of these qualities often makes people reluctant to support any growth at all. By delineating these qualities at the start of the process they become a touchstone for comparing alternative future growth scenarios. If a village can be shown to be a better fit with the shared values and "heart & soul" of the community, people will be much more likely to support it.

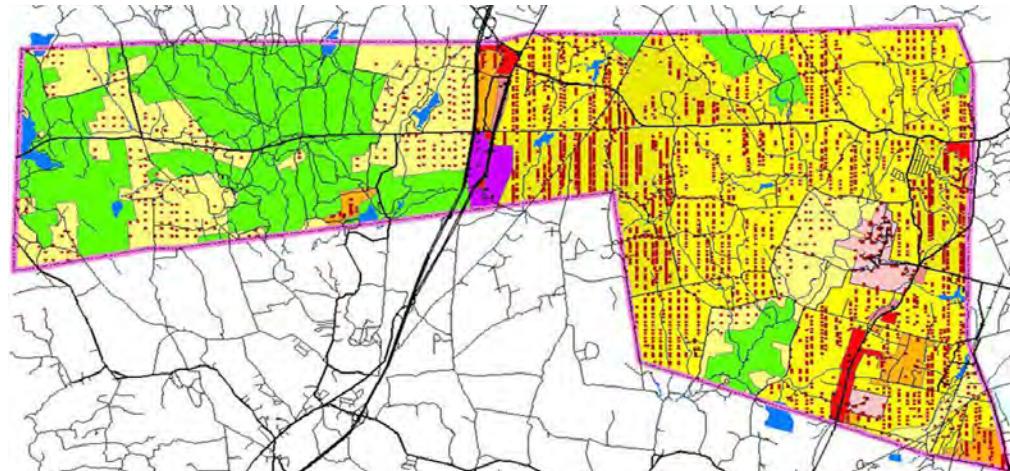
Shared Fact-Finding: Understanding Existing Conditions

As the community discusses issues, opportunities and community values, a list of questions will emerge: how much land is available for development? What is already protected? How many homes and businesses are there? What is the capacity of roads, water supply, and other public services to support additional growth? How much growth is possible under the current zoning?

Many of these questions will have been addressed in the Comprehensive Plan, but some may be out of date. Other answers may be difficult to come by, or may change depending on who you talk to.

This is a key point in the process. Unless everyone involved understands and trusts the maps, traffic studies, water supply plans, etc. that are provided, and trusts the source of that data, they may have a hard time agreeing with any subsequent decisions. Shared fact-finding means involving stakeholders early in the process: asking questions, determining what information is needed to answer those questions, and making sure that the data is complete. Some of this information will be available and widely-accepted, other elements will be a matter of

The Buildout Analysis of Exeter predicts more than 3000 new homes (red dots), more than doubling existing population.



disagreement and debate. Ultimately, some people will have to “agree to disagree,” but an open and transparent fact-finding process will go a long way to clarifying the nature of those disagreements.

Most of the information needed to understand existing conditions has been collected as part of the town’s comprehensive planning process. Many towns have Geographic Information System software (GIS) and can prepare base maps and overlays showing various features of the landscape. The Rhode Island GIS website also has many layers available for download. Much of the discussion that happens early in the village planning process can proceed with a fairly simple basemap, but it is particularly useful to have up-to-date information showing the extent of existing development, as well as an accurate map of land which is already protected. The initial goal should be to map out the status of conservation and development across the town, and identify those areas that are available as potential village development (or redevelopment) sites. The first step is to assemble a base map with:

- Roads, parking lots and other paved areas.
- Homes, businesses and other structures.
- Rivers, streams, ponds and wetlands.
- Property boundaries, if available.
- Topographic contours.
- Land cover and vegetation.

Sometimes an aerial photograph provides the most up to date source of information for many of these features. Orthophotos are available for the entire state from RIGIS, and some towns have more recent photos. These are so

complex and detailed that they are not always useful for townwide planning, but they are very good for a particular focus area. Both Google and Bing provide access to similar (and sometimes identical) photographs. Both sites also offer birds-eye views of many communities, and Google’s street view feature provides ground-level images.

Setting Conservation Priorities

Having established a baseline understanding of existing conditions, it is very useful to set priorities for conservation: this can include natural resources such as wildlife habitat, farmland and water supplies, as well as cultural and historic resources that are important to defining community character. The town’s comprehensive plan may already have priorities laid out, and local land trusts may be willing to assist in identifying potential conservation land.

One way to understand what’s important locally is to explore how local open space resources fit into the larger region. Regional plans such as the Rhode Island Greenspace Program may be helpful in identifying how local priorities fit into the surrounding region. Conservation mapping analysis is often divided into identifying

For more information see the Greenspace project reports on the web site of the Rhode Island DEM Planning and Development Office. Prepared on the watershed scale, the maps suggest an approach to coordinate resource conservation efforts across a region – individual towns can make their own plans and priorities using the same data, all of which is available on the Rhode Island Geographic Information System: <http://www.edc.uri.edu/rigis/>.



Existing Conditions



Development under current zoning



Mixed-use village alternative

Visualizations can be a great way to talk about the impact of the buildout. These can be plans or illustrations depicting future growth scenarios, or photographs showing examples of areas that have already been developed under the same kind of zoning density and dimensional requirements.

features that have to be preserved and then addressing those that may be valuable to the town but which are otherwise open for development. The first category includes features that are protected by state or federal law, such as wetlands and waterbodies, or which cannot be developed due to physical constraints. The second category includes features such as farmland and scenic views and areas that are partially constrained by poor soils or other issues. While there is little room for argument about the lands with legal constraints, choosing between farmland or wildlife habitat or watershed land is often difficult. A good statement of the town's vision and values can help inform which of these resources are the most important to preserve.

Understanding Growth Trends and Potential Impact of Future Development

People seldom warm quickly to the idea of village development, preferring the town to remain just as it is. Most

people understand that change will happen, but it often takes place so slowly and incrementally that it is hard to see what will happen over a period of decades. A Buildout Analysis speeds the process up – on paper – by showing how each of the vacant, developable parcels could be developed under the current zoning. Generally it ignores the current rate of development and asks simply how many new homes and businesses are we likely to have if every available site is developed? This can then be adjusted to account for the likely speed of development based on the annual rate of buildings permitted or built over some preceding time period.

A buildout analysis starts with the base map of the town, and proceeds by subtraction. Any permanently protected state, local or non-profit conservation land is removed, as well as parcels that may be protected by conservation easements. Parcels that are already fully developed are removed, and those that are partially-developed are often indicated separately. Public road right-of-ways,

utility easements and the like are also taken off the table. Finally, any land that is protected by law, such as wetlands, or inherently unbuildable, such as lakes and ponds, is removed from the equation.

What remains are all the parcels that could theoretically be developed. Overlaying the zoning map and applying the density and dimensional standards for each zone allows for the number of new homes or businesses in each zone to be estimated. The size of the area often determines how detailed the result. For a large area it is often necessary to simply measure the total area of developable land and divide by the minimum lot size, subtracting an appropriate amount for roads – generally around 10%. For a smaller area of town it is possible to “play developer,” drawing in imaginary new roads and lot lines for each parcel, and following all of the rules for setbacks, dimension and lot coverage that could possibly affect the outcome.

A buildout analysis is often accompanied by maps and visualizations that help residents imagine the likely extent and pattern of future growth. GIS-based buildout tools like Community Viz can automatically distribute potential structures across a map of the town, after first screening out areas that are already protected, fully developed or undevelopable. Community Viz can also create a simple three-dimensional view of the potential development, and other digital modeling platforms like Sketch-up are limited only by the amount of time it takes to create the model. Traditional hand-drawn illustrations are also an effective way to convey both the extent of future growth and the visual impact it will have on the town. Photographs showing examples of areas that have already been developed under the same kind of zoning density and dimensional requirements are an effective complement to maps and illustrations.

Identifying and Evaluating Existing Villages or Potential Village Sites

The conservation analysis helps to identify the natural, cultural and recreational resources that are most important to protect. The buildout will provide an objective look at what is likely to happen to those resources if the development process proceeds to its eventual conclusion under current zoning. Overlaying the buildout map on the conservation plan will quickly highlight potential conflicts or threats to potential conservation areas from future development. As described previously, the resulting maps can be incorporated into workshops and other public discussions, and are guaranteed to inspire vigorous discussion about the town’s future. Some people will say that the buildout is so unlikely, or so far in the future as to not be worth worrying about.

Remind them that even though the rate of development may be slow, the pattern of development required by zoning is expressed by every new home and business. Does that pattern fit into the town’s vision for itself? If not, why not look for alternatives?

Given an adequate fact-finding and mapping process, likely areas for village development will start to emerge. Local residents and business owners can help to narrow the list of possibilities with a few simple questions: which areas have decent road access? Which are close to major roads and regional highways? Do any have particular resources, such as public water or sewer systems, that would support higher density? Finally, are there areas that simply make sense as community centers, places where existing residents could take advantage of housing, community uses like schools or libraries, or commercial activity? What kind of uses does the town need?

The result will be a map of the town with the approximate locations of potential village sites, including existing villages suitable for redevelopment and infill. Each location can then be evaluated for its development suitability and carrying capacity. This typically employs techniques used by engineers and landscape architects to assess the development potential of any site, starting with a more detailed version of the conservation and buildout analysis prepared for the whole town. Unbuildable wetlands and waterbodies, conservation land and easements and other absolute constraints to development are mapped out. Soil maps can be consulted to determine if the land is suitable for construction, or if expensive measures will be required to deal with rock outcrops, steep slopes or a high water table.

Carrying capacity has to do with the number of new homes and businesses a village site could support. This is determined by evaluating:

- Availability of water, whether by individual or shared wells or the town’s water system.
- Availability of public sewer service, or the capacity of the site to support individual or shared wastewater systems.
- Road access and potential configuration and grade of internal site roads.
- Capacity of existing roads and intersections leading to the site to accommodate additional traffic.
- Potential impact of development on the site on sensitive resources, including impacts on existing

homes in the neighborhood.

- Soil capacity for construction, usually focusing on water table, drainage and bearing capacity.

Finally, each potential village site should be assessed for its capacity to support an efficient design process and overall feasibility. This will include:

- The acreage of available land.
- Number of different parcels and owners.
- Configuration of lot boundaries relative to road access points.
- Potential for road connections through the site.
- Pattern and nature of existing uses in the area, and potential positive or negative impact on the project.
- Development context relative to feasibility of the project in the local real estate market.

Exploring Alternatives

Once the best sites are identified there are several ways to move forward with development of alternatives. Every town will be different, and available time and resources will also have an influence. In Exeter, the town decided to evaluate two of the logical sites, then went further in exploring alternatives for one of them. In North Kingstown, a recent village project evaluated the capacity of all of their historic village centers to accommodate additional growth, then did more detailed planning and analysis for four of them. A key question in how different the potential sites are from each other. If they are all similar, one of them can be selected for more detailed study, and used as a model for the others. If there are two or three significant village types it makes sense to look at each type.

Still another alternative, especially if landowners are nervous about having the town create imaginary plans for their properties, is to draw up an imaginary site that can stand in for the real ones. Existing only on paper (or in the computer) this can be a composite of the typical site features, configuration and context of the actual village sites. The advantage is that any plans that result are obviously imaginary, and therefore less threatening. The discussion can then focus on planning and design ideas instead of getting bogged down in local politics and questions of whether someone would ever sell their land to a developer, etc.



In Exeter, RI, alternative village growth scenarios helped residents understand their choices and choose a density that will work best for the town.

Once the site or sites is determined, it makes sense to start by drawing up the conventional buildout plan that is likely under current zoning. This helps to ground-truth the more generalized townwide buildout prepared earlier, and reinforces the choice to be made is not between a village and leaving the town the way it is, but rather than two alternatives for developing the site, one of which is required by the current zoning. Alternatives to the conventional plan can start with the same number of homes and square footage of commercial buildings (if allowed) that are shown on the buildout. Many residents will be familiar with the concept of Conservation Development, which means taking the same number of homes allowed under the conventional plan but clustering them on one part of the site. A village may be made up of a number of parcels in different ownership, but the concept is the same.

The number of alternatives is limited only by time and imagination, but usually should be no fewer than three. Start with nearby projects that people know and like and see how they might fit the site. Look at a range of size and densities. Should the entire area be fully developed, or should some land be set aside around the edges of the village to create a permanent greenbelt. Perhaps there should be parks or other open space reserved within the village or along the entry road. The context of the property will suggest ideas. Is this an agricultural village where residents drive past a working farm? Does it relate to an existing road, or incorporate an historic farmstead or hamlet? Are there views of natural areas or parks that can serve as a focus?

Determining Appropriate Density and Mix of Uses

After brainstorming alternatives and going through several iterations of the design, a range of realistic options will begin to emerge. If possible, these should be divided according to their various themes, and ordered as to size, density or other aspects so that people can keep them straight.

The next step is to compare them as objectively as possible, using measures that have meaning to the town as defined in the visioning process. Is traffic a key issue? There are recognized multipliers to get a rough idea of the number of additional car trips different options will generate. Pull out any previous studies or reports that define the traffic capacity of roads and intersections near the village site. Is there ample capacity, or are there already problems with congestion or accidents that will have to be addressed? Is there a need for a particular kind of housing or business space? Each scenario can be evaluated for its strengths and weaknesses relative to the uses desired by the town. If conservation of wildlife habitat or farmland is an important local value, which alternative provides a significant benefit?

The question of density is often a subject of keen debate, usually because residents of rural and suburban towns are unfamiliar with densities higher than one or two units per acre. If higher densities seem to fit well on the village site it's useful to look for nearby examples. Historic villages in the area are a place to start. Density can be estimated using aerial photographs or calculated very precisely using town GIS data. Density in Rhode Island's town centers and villages falls typically in the range of 6 -10 units per acre, depending on the building type. 18th and 19th Century builders generally put houses as close together as was practical – typically 40 or 50 feet, accounting for the width of the lot and need for a driveway to the rear and other modest setbacks. Duplexes

were common in mill villages, allowing for somewhat higher density. One of the charms of historic villages, however, is that density varies from lot to lot, with attached houses, cottages and large single family homes all sharing the same block. Meanwhile, houses may be close to the street and close together, but have deep lots behind them that lower the overall density.

Because increasing density tends to be a hot-button issue in many towns, it is helpful to focus on how increasing density can help the community, not just the developer. In its Village Overlay Ordinance adopted in 2012, Exeter will allow density of up to eight units per acre (essentially a 50 foot by 100 foot village house lot). This density will only be approved subject to the TDR provision of the plan, which links the increase in density to the conservation of open space elsewhere in town. Similarly, North Kingstown established a maximum density of twenty-five units per acre in the Post Road District. Again, the increase over the current four unit per acre zoning is only allowed through the use of a TDR provision that helps protect important open space areas. These initiatives received strong support from local residents not just because they help protect land, but also because the resulting densities help to provide more balanced housing opportunities for all ages and incomes.

Most towns, for example, are working to increase the supply of affordable housing - both housing that meets the state standard for affordability as well as less expensive market rate units. The cost of land is one of the largest parts of the developer's pro forma. If you can put more housing units on a given piece of land the cost of land per unit is less. The construction of roads, water and sewer lines and other infrastructure is another more or less fixed cost per unit that can drop dramatically with increased density. Finally, as projects increase in density the size of the units typically shrinks. Since the square foot cost of construction is more or less fixed (at least for a given quality), smaller units cost less to build, and those savings can be passed down to the consumer.

There are several good books with photographs of various development types at a given density, including Visualizing Density, by Julie Campoli and Alex Maclean. Their work, including a searchable data base of aerial photographs at different densities, is also available at the Lincoln Institute's website: <http://www.lincolninst.edu/subcenters/visualizing-density/>.

Understanding the Real Estate Market

The desire of the town and its residents for particular uses must be tempered by the reality of the real estate market. Residents often express a desire for a bank, pharmacy or small grocery store, while all of these may be present in the big box center a few miles away. They may thus never be possible in the proposed village. In general, Rhode Island's suburban retail and office market is over supplied with floor area, except in a few key locations. Smaller service establishments, specialty stores, restaurants, galleries and the like may find a particular niche in a village, which may have enough residents to support a small business, and attract visitors looking for the village ambiance. Keep in mind that as a rule of thumb, it takes about 1,000 residential units to support one block of retail.

One area of the real estate market that seems to be healthy is smaller one and two-bedroom apartments and attached townhouses. These appeal to smaller households, and are inherently more affordable, even without subsidies. Many village projects incorporate the traditional shop front buildings with apartments on the upper stories. Taking advantage of the same footprint, foundation and utility services, the apartments add relatively little to the expense of construction compared to a free-standing unit, while providing immediate rental

income. Some village developers are experimenting with cottage-style development, where small single family homes and duplexes are clustered around a shared open space, with everyone also sharing a single parking lot. The units are about the same size as a typical apartment, but very appealing to people who may have always lived in a single-family house. Overall density can duplicate that of an apartment building, making for very efficient use of the land.

Municipal Needs can be an important part of the proposed village, including town offices, library, police, fire, public works, and schools. As towns consider replacing or adding these facilities, they are an obvious choice for the village, where they can provide services for nearby residents. They can also play a role in jump starting a village project, especially in that most public facilities will involve construction of roads, parking lots, sewer and water systems and other infrastructure that can be shared with other village uses.

Finally, more general community needs should be considered when weighing options for a proposed village. These can include parks, playgrounds, ball fields, swimming pools and other forms of indoor and outdoor recreation facilities. In agricultural areas, community gardens, community-supported agriculture farms are welcome additions, and farmer's markets are popular just about



Many of Rhode Island's original settlements were organized to utilize a particular resource. Above (left to right): the agricultural village of Little Compton, the mill village of Peacedale, and the harbor village of Wickford. Designed to accommodate various social and economic functions within a particular environment, historic villages like these end up with a unique visual character and sense of place (lefthand aerial photo courtesy Bing Maps).

anywhere. Services for families revolve around schools, parks and playgrounds, and day care has become an important part of the mix in most communities. Many communities also welcome space for religious institutions, which often themselves offer community services in recreation, education and child care.

While it may not be necessary or desirable to limit acceptable uses too early in the process, the size, density and location of a proposed village will in fact determine many of the uses that are feasible. Local values and politics also play a role in determining the acceptable range of size and density. In Exeter, a central idea was that any increase in density on a proposed village site will only be allowed through the preservation of farmland and other resources surrounding the village or elsewhere in Exeter. In the town's village overlay ordinance, the developer would essentially purchase increased density by paying for the preservation of farmland through a Transfer of Development Rights process.

Density can also be made more acceptable by building amenities that increase quality of life within the village. This is particularly important when a town is trying to promote redevelopment and infill within an existing village. For existing residents, infill development is often a threat to their peace and quiet – the answer is creating amenities that will provide tangible enhancement to their quality of life that can offset potential impacts. For most people there is little to be gained by having new neighbors, but if new homes and businesses are accompanied by parks, playgrounds, ballfields, gardens, sidewalks, libraries, etc. there is a measurable increase in quality of life, and property values, that makes up for what was lost. New villages are often designed around interior parks and views of protected open space surrounding the village. While owners won't have a private 4-5 acre mini-estate, each of them shares in the open space that is created as part of the project.

The quality of the design can also be a powerful way to offset an increase in density. In the conventional subdivision, much of the investment goes into long roads, driveways, and utility lines. Landscaping is by necessity spread thin along the roadside. In the village, by contrast, more of that money can go into higher quality design features. Granite curbs instead of asphalt, brick sidewalks, attractive fences and hedges. The same number of trees and shrubs, planted in a smaller area, will obviously have a bigger impact. While houses may not be as big as those in a conventional subdivision, the quality of design and detailing can maintain the value for the developer.



Village projects are often designed with public amenities and attention to detail that offsets increased density. A village green creates a focus at Olde Town Commons in Medfield, MA. Garages are hidden behind the houses off a rear alley. Careful design and traditional materials and detailing create a sense of quality and permanence that is carried out into the landscape.

VILLAGE ECONOMICS

Communities can plan for village redevelopment and define the location and preferred design for a new village; they can change zoning to promote village density and character; they can even invest in new roads, sewer lines and other infrastructure – but that doesn't mean a village will actually start to grow. The reason of course is that any village is subject to regional economic trends and forces that determine whether development is profitable. As in any type of real estate context, if the demand for new retail or office buildings, residential units, etc. exceeds supply, growth may be supported. At the same time, however, both private and public developers are restricted by the basic economics of development. The sale or rental value of the finished buildings must exceed the (ever-growing) cost of planning, design, permitting and construction. That value, in turn, is driven by the market for various types of new homes, in the case of residential development, or the market for various retail or office uses.

Market Analysis comprises a series of economic tools that can be used to understand supply and demand for each potential village use. Commercial corporations use market analysis on a daily basis to shape their portfolio of products and locate new stores or other facilities. Residential developers use market analysis to decide where to acquire and develop land and what mix of housing types they should build. Communities can use the same tools to support village planning, informing decisions such as allowable mix of uses and density, and whether to invest in roads, sewers and other shared infrastructure.

Where a market does exist for village development, planners are often concerned about what additional homes and businesses will mean for the community's bottom line. While development increases the tax base it also requires additional services that can increase the municipal budget, such as road maintenance, sewage treatment, water supply, public safety and education. **Fiscal Impact Analysis** is the process of comparing the revenue produced by new development to the additional costs to the town for these services. It can be done for an entire town to test the implications of future buildout under current zoning, or for a particular study area, but in each case can help determine if future development will in fact be good for the town.

Keep in mind that in rural or suburban towns where village-style development is most likely, agriculture, forestry, recreation and other open space uses are an important part of the economic picture. As described below, dozens of studies have found that even though

VILLAGE ECONOMICS AT A GLANCE

Recent studies have determined that village development can be successful in the market place as well as having a positive fiscal impact on town finances. This section describes how market and fiscal analyses can contribute to the village planning process. It also contains several case studies to detail the positive fiscal impacts of village development. Some of the key findings of these include:

- While overall population growth will be flat, demographic changes will drive demand for more diverse village housing types, including apartments and townhouses, as well as smaller single-family units.
- Compact, mixed-use villages are preferred by the empty-nesters and young professionals that drive the real estate market.
- Village development can meet local demand for residential, retail and office space while helping to preserve the environment.
- Traditional single-family homes typically cost a town more in services than they pay in taxes.
- Village development with smaller cottage and multifamily units typically generates surplus tax revenue after factoring in town expenses.

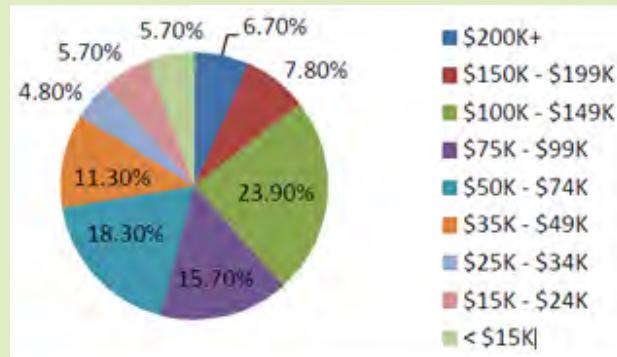
these uses pay lower taxes than commercial or residential development, they require so much less in the way of services that they can have a very favorable impact on the town's bottom line. From a market perspective, moreover, agriculture is becoming an increasingly important economic driver, and the shrinking supply of farmland is an economic asset that must be carefully managed.

What follows provides an introduction to market and fiscal impact analysis for community planners wondering how best to take advantage of these economic analysis tools, but it is not meant to be a step-by-step guide to the process. Brief case studies illustrate some ways that Rhode Island communities have used market and fiscal impact analyses to support village planning. Where possible, links have been provided to connect readers to more in-depth resources.

CASE STUDY: EXETER VILLAGE CENTER ECONOMIC DEVELOPMENT STUDY.

As part of Exeter's recent village planning effort, Pamela Sherrill Planning prepared an economic study of one of the potential village sites on Route 2 in Exeter. Using data and reports from ESRI Business Analyst, the study defined demographic and income profiles for the population living 5, 10 and 15 minutes away from the site by car.

The study also defined the marketplace conditions for the area surrounding the potential village site. Organized according to the NAICS, the reports generated by ESRI define various retail uses, then determine based on the location of similar uses and demographic conditions whether there is sufficient demand. This is expressed as "leakage" and "surplus." Leakage means that residents are spending more for products than local businesses can provide; therefore there money is "leaking out" of the local economy and being spent elsewhere – demand exceeds supply. A surplus means that the local trade area is capturing the dollars available in the local market – supply exceeds demand. Evidence of leakage is desirable if a potential village site is to be economically successful. The study found that some of the uses that would be appropriate for a village center (defined as having a leakage factor in excess of 30) include food and beverage stores, including small grocery stores, as well as florists, shoe stores and book stores. Unfortunately, the fact that these uses are under-supplied in the area doesn't mean that they would be economically successful in the pro-



A chart generated with ESRI's Business Analyst shows the range of household incomes within a 15-minute drive of the site.

posed village, or that a national chain such as Whole Foods would consider the site. The study also found excess capacity at several nearby retail developments, where space is already permitted and available should these businesses materialize.

Among the conclusions of the study, finally, was the idea that **the market for new development on the village site would primarily be driven by residential uses, focusing on providing a more diverse set of housing types, including multi-family apartments and townhouses**, than are currently available in Exeter. As these residential uses develop, they will create a modest demand for new retail, service and office uses within the village.

MARKET ANALYSIS

Knowing the potential market for retail, office and residential uses on a village site helps towns understand how best to support redevelopment efforts. Market studies are often commissioned by a local economic development or planning department for a particular corridor or district. A consulting firm is typically hired to compile data about the study area and prepare the analysis. Developers have their own staff and methodologies, but often draw on the same consulting expertise to review the viability of their projects. In all cases, the depth and accuracy of the analysis is often directly proportionate to the time and money available. Still, a general sense of the market can be gleaned from relatively inexpensive sources – especially since most studies start with public census data and national market studies supported by the federal government.

The core activity of village market analysis is estimating the current supply of commercial floor area or residential units and determining if there is demand for additional space. This can include an inventory of existing conditions and classifies retail, office and residential uses in all their different iterations, with total floor area, vacancies, etc. Local assessors' records often include the necessary data, and with luck it will be linked to GIS maps showing parcels and building footprints. In conjunction with the inventory, interviews of local realtors, business owners and other professionals are often used to understand the history of the local real estate market and the potential for future growth. This can be very helpful in moving beyond the raw data listing the amount of available space to an understanding of the quality of that space and the match (or miss-match) with the market demand. For example, there could be an abundance of vacant retail storefronts on Main Street, but the location may

not meet the needs of regional retail chains, who often want to be in a location with a high traffic count close to the Interstate.

When large corporations plan the location for new supermarkets or fast-food outlets, they use data developed by the US Census to estimate demand within a given area. This includes detailed information on who lives within each census tract, including all the usual data on household size, the age and ethnicity of its members, their income range and level of education. Combined with maps showing the distance to different population centers, corporations can locate their facilities in places they know from experience

will succeed based on access to certain populations. Many will not bother opening a facility unless they meet certain criteria. The Whole Foods website, for example, instructs potential landlords that the company is looking for locations with at least 200,000 people within a 20-minute drive, in a high-traffic area with a large number of college-educated residents.

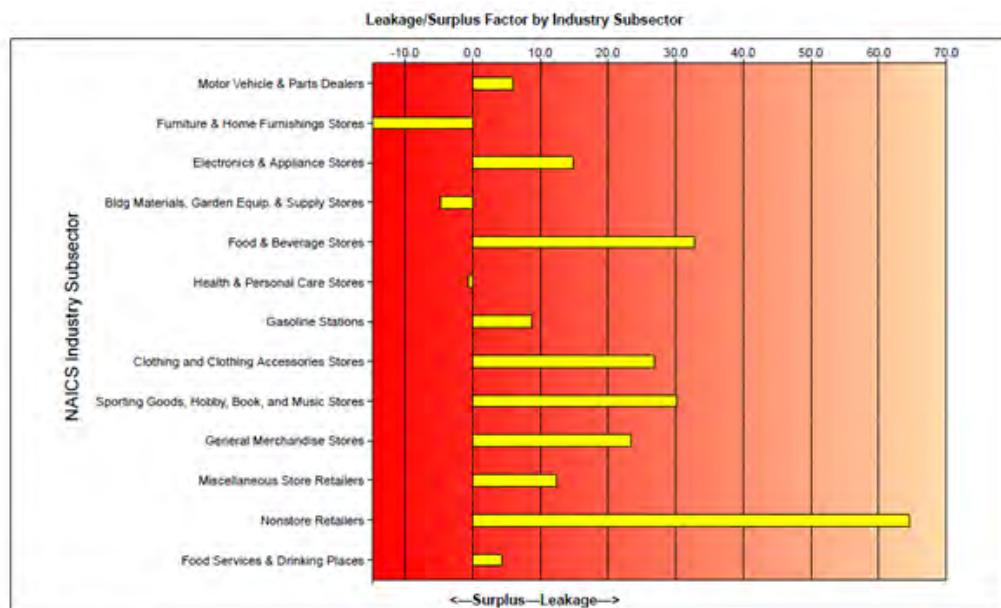
While demand is typically a function of location and demograph-

ics, understanding the current supply of retail, office and residential uses, rental rates and level of vacancy is a key part of the market analysis. Residential uses are typically tracked carefully by the local assessor's office. They often have detailed information about the size and general use for retail and commercial buildings, but typically don't keep track of the specific businesses within those buildings. Local economic development agencies, Main Street Associations and Chambers of Commerce sometimes keep detailed inventories of businesses, and a windshield survey can be used to get a snapshot.

For the larger community and region there is a wealth of information gathered by the US Census on economic activity. These data are collected and analyzed using the North American Industry Classification system (NAICS). Developed by the Federal Office of Management and

Budget, NAICS classifies businesses into broad categories such as Agriculture, Mining, Finance, Health Care and Retail Trade, and innumerable subcategories. The US Census provides basic fact sheets for each state based on the information they collect in a series of national economic surveys. You can quickly discover, for example, that Rhode Island had 2007 retail sales of about \$12.3 Billion - about \$11,646 per capita, as compared to \$12,990 per capita for the entire country.

For the specific area of a single village, the US Census collects a remarkably detailed record of the local business economy through their Economic Census. Conducted



Business data collected by the US Census is the basis for reports like this one generated by ESRI showing supply and demand for a series of potential retail uses in a future village site.

every five years – most recently at the end of 2012, the Economic Census included sending forms to nearly 4 million businesses in all U.S. locations and industries. The results include a broad array of information on the type of businesses, sales and other data for every community. While this information is available for free to anyone (see American FactFinder at www фактfinder2.census.gov) it takes a certain level of expertise to use it effectively. Larger cities and towns do some of the analysis in-house, while many will hire consultants to look at a particular area or project. Likewise, corporations and marketing firms use the data as the basis for additional analysis and mapping for themselves or on behalf of public and private sector clients.

Smaller towns can take advantage of the wealth of census data by having a basic market analysis prepared by

any of several national consulting firms. Depending on the scope of the project these can be relatively inexpensive – on the order of \$50 for a report – and are often used by planners to inform village planning processes. Some of the providers include:

- **ESRI Business Analyst:** makers of the most common GIS software, ArcMap, ESRI created “business analyst” to combine Census-based demographic and business data with mapping. Offered as desktop software or a web-based service, it provides data and custom reports by location.
- **Claritas** (now part of Nielsen) developed SiteReports to provide on-line access to US Census data, with extensive analysis, maps and reports designed to support business site selection and market analysis.
- **Reis:** provides quarterly trend analysis and forecasts of rent, vacancy and inventory for apartment, office, retail, warehouse/distribution, flex/R&D, self-storage and senior housing properties in 274 metropolitan areas and more than 7,000 markets. Includes property-level data collected through telephone interviews with building owners and managers.

The reports generated by these services are typically only the starting point for a more detailed analysis of conditions surrounding an existing or potential village site. As described in the case studies, this can be a relatively cursory look at market conditions for one location, or a detailed study of an entire town, with extensive public participation.

GETTING STARTED WITH VILLAGE MARKET ANALYSIS

Market Analysis begins with understanding the current business environment, which can start with a straightforward look at business activity and available space:

- Prepare an inventory of land uses in the village or potential village site, with active and vacant floor area, lot and building ownership, name and owners of business tenants, etc.
- Interview business owners to get their sense of the marketplace, possibilities for expansion, needed uses or features, etc.
- Purchase a basic market report from one of the national vendors.

- Establish a village planning or marketing committee to assist with the inventory process and define the scope of needed activities.
- Hold workshops with village stakeholders to start developing a shared vision for the village and gather information about desired uses and potential activities.

THE NATIONAL MAIN STREET CENTER

Moving from a simple market analysis to an integrated marketing and economic development strategy is of course a long-term endeavor that can demand significant time and resources. A great place to start is the National Main Street Center, Inc., a program of the National Trust for Historic Preservation established in 1980. Their Main Street Four Point Approach® “provides a framework for communities to organize themselves for success, improve the design of their neighborhoods, promote their district, and enhance the economic base of a community” (<http://www.preservationnation.org/main-street/about-main-street/the-center/>):

1. **Organization** – to establish partnerships and cooperation among stakeholders. For the typical local Main Street Program this means hiring a paid program director to coordinate volunteer programs, establish working committees and a board of directors.
2. **Promotion** – to create a positive image of the community and celebrate its architectural, social and economic assets and cultural traditions.
3. **Design** – to preserve what is best about the place and encourage revitalization of historic structures and creation of an appealing streetscape.
4. **Economic Restructuring** – strengthening existing economic assets while diversifying the economic base, with an eye toward responding to current and future needs of the market.

Success in implementing the four point approach is guided by eight principles:

- Comprehensive – sustainable revitalization requires activities across all four points.
- Incremental – revitalization starts with simple steps that build confidence and lead to more ambitious projects.

- Self-Help – stakeholders must be willing to shoulder the load, guided by local leaders.
- Partnerships – the public and private sectors must work together effectively.
- Identifying and capitalizing on existing assets – unique features like historic buildings and human scale create a sense of place.
- Quality – in all elements of the process, from brochures and signage to architectural and streetscape improvements.
- Change – in both attitude and practice is almost always necessary.
- Implementation – no matter how small, visible improvements and activities are essential to moving revitalization efforts forward.

Rooted in the National Trust's interest in historic preservation, the work of the Main Street Center is focused on revitalization of older Main Streets – thousands of which have declined with suburbanization and changing commercial markets. However the basic principles can apply as well to new village main streets and are worth exploring. Membership in the National Main Street Center's Main Street Network (ranging from \$250 to \$495 per year) provides access to a range of on-line resources, webinars, publications, conferences, etc.

CASE STUDY: WICKFORD JUNCTION MARKET ANALYSIS

In 2013, North Kingstown commissioned 4Ward Planning, Inc. to prepare a market analysis of the Wickford Junction area, site of a recently-opened commuter rail station. The firm conducted interviews with local developers, businesses, real estate brokers and town staff to identify challenges and opportunities for development. Using US Census data, they examined socio-economic trends within the immediate market area as well as the surrounding county and state. 4Ward Planning then utilized Reis Reports and other data to study trends in the real estate market, including changes in the inventory of available space due to new construction, vacancy and absorption rates, and trends in monthly or annual rents.

A major factor in the local market is the inventory of projects that are already in the pipeline. The study found that there are over 1,200 new housing units in permitting or under construction in North Kingstown, as well as some 280,000 square feet of retail space. About 950 of the permitted housing units are estimated to be multi-family. 4Ward prepared a supply and demand analysis to explore the demand for housing within a 20-minute drive, and found that more than 9,800 housing units will be needed within this area by 2017, and nearly 17,000 by 2027. While only part of this growth will be captured by development at Wickford Junction, the study suggested that the site is ideally suited to attract commuters and others who want to live in a walkable, mixed-use environment.



A new commuter station and parking garage is expected to drive demand for Transit-Oriented Development at Wickford Junction (photo courtesy Google Street View).

The study found that:

- Even with little population growth regionally, there is **strong growth in non-family households**, which will drive a demand for rental units.
- Relatively affluent empty-nesters and young professionals will drive demand for housing in the area - with a **preference for smaller housing units** close to jobs, entertainment and other amenities.
- While demand for large-scale retail and office uses will be flat, there is **growing demand for small independent retail and service uses and small-format office space** (2,000-3,000 square feet).

Downtown and Business District Market Analysis



Home About Data Sources Example Studies ▾ Industry Links

Main Streets Programs have led the way in developing tools for market analysis and economic development, but the principles are applicable to any village project. University of Wisconsin Extension hosts a useful website: fyi.uwex.edu/downtown-market-analysis/

DOWNTOWN AND BUSINESS DISTRICT MARKET ANALYSIS TOOLBOX

Another great resource is a collaborative effort of University of Minnesota Extension, Ohio State University Extension and University of Wisconsin Extension, the toolbox was first developed in 2003 and updated in 2011. It is based on the economic restructuring principles of the National Trust Main Street Center, but provides materials without a membership fee. They have developed a detailed description of the Market Analysis Process with three major elements (see fyi.uwex.edu/downtown-market-analysis/):

- **Understanding the Market** – presenting tools needed to develop a basic understanding of the competitive environment, including trade area analysis, demographics, business surveys and case studies.
- **Analysis of Opportunities by Sector** – providing tools to analyze the business and real estate development opportunities identified in the inventory. This includes methods for retail and service businesses, restaurants, arts and entertainment, housing, office and lodging.
- **Putting Your Research to Work** – realistic solutions for moving forward with revitalization, including branding and marketing, business retention and recruitment, niche development and entrepreneurship.

FISCAL IMPACT ANALYSIS

Many communities are interested in encouraging growth and development as a way to increase the tax base, but worry about the impacts of that growth. Some of these, such as increased traffic and parking shortages, are fairly easy to quantify and can often be mitigated with infra-

structure improvements. Others, including potential fiscal impacts due to increased demand for police and fire protection, educational expenses and other town services, may not be apparent until after growth occurs. The goal of fiscal impact analysis is to understand the effect of potential growth on local services and budgets early in the planning process. It can include studies of potential growth across the entire community, or focus on a specific district or project. It can be used to compare the costs and benefits of a particular proposal or as a way to test various alternative scenarios and help the community choose the one that creates the most benefit.

Used in local, state and federal planning since the 1930s, fiscal impact analysis tools were first compiled in Burchell and Listokin's *The Fiscal Impact Handbook* in 1978, and since then have become an important part of the planning process on both the macro and micro levels (Kotval & Mullen). On the macro level, The American Farmland Trust developed their Cost of Community Services model to look at the impact a typical new home has on a community. These studies demonstrate that farmland is a net revenue generator for local budgets, while the typical home demands more in services than it generates in taxes. On a micro level, fiscal impact analysis explores the impacts of particular projects on the community. For example, in areas of the country where developers are commonly asked to pay impact fees, Fiscal Impact Analysis is used as part of the permitting process for individual projects. Even where impact fees are not required, analyses are often undertaken to help inform public decision-making about proposed planning initiatives or zoning changes.

The methods of Fiscal Impact Analysis vary widely with the context of each project, reflecting the nature of the land use and the time and money available for the effort. Burchell and Listokin identified 6 methods, and since that time there have been many refinements, but the basic steps are fairly consistent (Bise):

1. **Estimate the basis of demand:** whether analyzing the impact of a town-wide build-out or a single project, zoning and other factors will determine the allowable number of residential units or the square footage of commercial space. Local or national averages are typically employed to then generate the number of new residents or jobs that will be produced, and the related demand for new roads and other infrastructure.
2. **Estimate Revenue:** revenue includes property taxes, excise taxes, miscellaneous fees, and indirect income such as state aid that is based on population growth.
3. **Estimate Costs:** The highest cost for most towns

CASE STUDY: EXETER VILLAGE FISCAL IMPACT ANALYSIS, EXETER, RI

In Exeter, which provides few municipal services, the largest cost to the tax payer is for education, with an average yearly cost for each student in the school system of \$11,743. There is no town water or wastewater system, nor police department. (All facts and figures are from Exeter Village Center: Key Economic Development Findings, prepared by Pam Sherrill Planning.) The purpose of the analysis was to evaluate the potential fiscal impacts of a range of imaginary development scenarios for a potential village site in Exeter. The analysis used an Average Cost Approach that assumed that additional costs would rise incrementally with each additional home or business. **The Conventional Development Scenario** was based on a total of 89 new homes, which is what is possible under the base zoning for the site:

- Assessed value of a four- bedroom house on a large lot = \$450,000
- Tax rate: \$14.16 per 1000
- Annual Tax Revenue = $450 \times \$14.16 = \$6372/\text{year}$
- Cost of Town Services: Each student costs the town \$11,473.5; annual road maintenance totals \$1.29/foot or \$6,811 per mile.
- Tax Revenue for 89 houses under the Conventional Development Scenario: $\$6,372/\text{year} \times 89 \text{ houses} = \$567,108/\text{year}$ in tax revenue.
- Typical house has .58 students x 89 houses = 52 students
- Annual Education Cost: 52 students @ \$11,473.58 = \$596,626
- Annual Road Maintenance Cost: 15,250 feet of new road @ \$1.29/foot = \$19,673
- Annual deficit: $[\$567,108 (\text{tax revenue}) - \$596,626 (\text{school cost}) - \$19,673 (\text{road cost})] = \$49,191$

Thus **each new house in the conventional plan will, on average, cost the town \$553 dollars per year more in educational costs and road maintenance than it pays in taxes.** This is only part of the story. Consider that each property in the potential development area

is already paying taxes as undeveloped land (requiring no town services) and that revenue will be lost and replaced by taxes paid by the new homes.

- Current annual revenue to be lost: \$42,000 (as reported by Town Assessor).
- Annual deficit from new development: \$49,191.
- **Total annual cost to taxpayers: \$91,191. or \$1,025 per unit.**

The village scenario proposed that density be increased on the Exeter Village site through the use of Transfer of Development Rights, which for the sake of the analysis allowed for a total of 356 new homes in the village. About two-thirds of these would be single-family homes (generating about .58 students each) and the remainder would be apartments or town-houses. These generate many fewer children on average: only about .05 students per unit. Thus 356 homes in the village would generate just 93 students (compared to the 207 students we might expect in a conventional plan. Thus, **even if you assume each house pays lower taxes in the village scenario than under the conventional plan, the net revenue to the town is higher:**

Annual Revenue:

- Tax rate: \$14.16 per 1000
- Assessed value of a three-bedroom house on a village lot = \$350,000
- Annual Tax Revenue for single-family house = $350 \times \$14.16 = \$4,956/\text{year}$
- Assessed value of a townhouse or apartment = \$300,000
- Annual Tax Revenue for single-family townhouse = $300 \times \$14.16 = \$4,248/\text{year}$

Cost of Town Services:

- Each student costs the town \$11,473.58
- Annual Road Maintenance: \$1.29/foot or \$6,811 per mile.

CASE STUDY: EXETER VILLAGE FISCAL IMPACT ANALYSIS, CONTINUED

Fiscal impact for 356 houses under the Village Development Scenario:

- \$4,956/year x 224 single-family houses = \$1,110,144/year in tax revenue.
- 4,248/year x 132 multi-family houses = \$560,736/year in tax revenue.
- Total tax revenue: \$1,670,880.
- Single-family generates .39 students x 224 houses = 86 students (based on regional averages for smaller single-family houses)
- Multi-family generates .05 students x 132 houses = 7 students
- 93 students @ 11,473.58 = \$1,067,042 annual education cost.
- 9,700 feet of new road @ \$1.29/foot = \$12,513. annual road maintenance cost.

- Loss of existing tax revenue: 50 acres out of 500 developed = 10%; 10% of \$42,000 existing revenue = \$4,200 in lost revenue
- Total costs to town: \$1,067,042 (schools) + \$12,513(road maintenance) + \$4,200 (lost revenue) = \$1,083,755.
- \$1,670,880(revenue) - \$1,083,755(cost) = \$587,125 net annual tax revenue, or \$1,649 per unit.

The analysis showed that a single-family home on a large lot will cost Exeter approximately \$1,025 every year. However, the average village residential unit generates an annual surplus of about \$1,649 for a net difference of \$2,674 per unit. The big difference is the lower number of school children predicted in the village. Coupled with the other benefits of village development, including diversifying housing opportunities and helping to protect open space, the analysis helped gain wide support for a new Village Overlay ordinance, which was adopted by the Town Council in 2012.

is education, followed by services such as road maintenance, public safety, sewer and water infrastructure, waste removal and recycling, recreation, libraries and government expenses. Because many of these costs are shared by the whole community, the key question is how to fairly assign a cost for these services to a particular new home or business.

4. Compare costs to revenue

to determine if impacts are positive or negative.

The six general methods for working through the steps defined by Burchell and Listoken have multiplied in the last 30 years, but they still start with two general approaches: the Average Costing Method and the Marginal Costing Method (Kotval and Mullen):

Average Cost - Per Capita Multiplier Technique: This is a simple technique that takes the total cost of a service, such as education, and divides by the number of users. So if the school budget is \$10 million and you have 1000 students, the per capita cost is \$10,000. If the total town budget is \$50 million and you have 10,000 residents the cost per capita is \$5,000, and so on. This approach

assumes of course that each student or resident has the same impact, and that every additional user will add to the costs, rather than just taking advantage of existing capacity.

Average Cost - Service Standard Technique: this approach allows towns that are not sure what additional staff or services will be required in the future to estimate them based on regional averages for similar communities as defined by the US Census. Therefore if the national standard for fire personnel is 2 to 2.5 per 1000 population, the town can estimate when growth will trigger the need to expand the fire department. As with the Per Capita Multiplier technique, this is a quick and effective way to get a general idea of the impact of future growth, but it assumes that similar towns will have identical needs, and doesn't take into account the spatial pattern and interactions between different land uses. It is perhaps most useful in getting a general estimate of future staff levels needed to meet the needs of population as the town grows.

Average Cost – Proportional Valuation Technique: most commonly used to evaluate the impact of commer-

CASE STUDY: WICKFORD JUNCTION REDEVELOPMENT, NORTH KINGSTOWN, RI

As part of a planning and rezoning effort for Wickford Junction, North Kingstown hired 4Ward Planning, Inc. to prepare a fiscal impact analysis. Site of a new commuter rail station and parking garage, Wickford Junction is seen as an ideal location for Transit-Oriented Development, essentially taking what is now a big box retail center with Walmart, Staples and other retail outlets and adding a significant amount of housing, office, entertainment and related uses. The fiscal impact analysis was based on a scenario developed during the planning process that assumed a full build-out of:

- 170 Apartment Units
- 58 Cottages
- 104,050 square feet of retail/dining/entertainment.
- 205,000 square feet of office
- These would be added to 180,000 square feet of existing retail, dining, and entertainment uses.

4Ward Planning developed the analysis based on local data for demographics, per capita spending and service requirements and tax rates. They estimated the likely number of residents and new employees based on national models. As with all fiscal impact analyses, each step requires assumptions to be made based on the given scenario to be tested, using the best available data and trend information to create multipliers:

- Residential Unit Counts: set by the client for the purpose of the study at 85% market value, 7.5% affordable to low-income and 7.5% affordable to moderate-income households. Assume 60% one-bedroom, 30% two-bedrooms, 10% three-bedrooms, for an average of 1.5 bedroom per unit.
- Unit Size: market norms were used to put one-bedroom units at 800 square feet, two-bedrooms at 1,100 SF and three-bedrooms at 1,400 SF, with a monthly market-rate rent of \$1.60, \$1.50 and \$1.40 per square foot respectively. Low-income units reduced by a factor of 0.4 and moderate-income by 0.25.
- Population Multipliers: based on multipliers developed by researchers at Rutgers University, they found that full development would generate 414 people, of whom just 22 would be school-age children.
- Data from the Urban Land Institute was used to estimate the number of employees per 1,000

square feet of retail and office space, resulting in a prediction of 1,230 office workers and 225 jobs in retail, dining and entertainment. They estimated that about a third of the jobs would go to non-residents.

- Potential service and capital costs were developed based on a per capita average of municipal expenditures of \$967.
- Education expenses were set at \$13,075 per student, based on the average cost, with the caveat that actual cost per student may only be a few hundred dollars where there is excess capacity.
- Based on the current number of public safety personnel compared to national metrics for appropriate staff levels per 1,000 population, the study found that there would be no need for additional public safety staff.

Summary of Net Fiscal Impact Findings

- Projected Capital Costs: \$0 (Project would take advantage of existing road, wastewater and school capacity)
- Projected Service Costs: \$283,066. (\$26,902 for school expenses, \$256,165 for other town services)
- Projected New Revenues: \$1,513,980. (\$1,453,786 from real estate property taxes, \$60,195 Motor Vehicle Excise revenue.)

The fiscal impact analysis clearly demonstrated that allowing increased commercial and residential development at Wickford Junction would be a financial benefit to the town. This is largely due to the low number of school children typically generated by the proposed housing types, and the relatively low demands on other public services. The project also demonstrates the benefits of infill development, which can take advantage of existing infrastructure and reduce capital costs. The fact that many residents will be able to use the train station is an added bonus, reducing potential traffic impacts. A companion market analysis documented that there was a very soft demand for new single family homes on large lots but a very strong demand for smaller residential units in a village setting.

cial and industrial development, this approach assigns costs to new uses in proportion to the share of assessed value that the use adds to the overall tax base. Like the other average cost methods, this technique is a simple way to gauge the likely long-term impact of new development on the community's bottom line, but assumes that costs go up in line with each new use.

Marginal Cost – Case Study Technique: this and other marginal cost approaches differ from average cost techniques in that the analyst uses subjective judgment, local indicators and capacity assessments to estimate future costs and revenues. This technique uses interviews with local staff and officials to determine capacity levels of different departments and assess whether future growth is likely to fit within that capacity or exceed it. The next question is whether a temporary or permanent loss of capacity will require significant upgrades to staff or facilities, and what that will mean for the town's budget. This can be a time-consuming process, but allows for a more nuanced view of how growth will affect local services. It

also calibrates the process to reflect the policies and values of a particular town – the willingness to expand class sizes, for example, or accept longer response times from public safety in order to keep costs down, etc.

Marginal Cost – Comparable City Technique: this technique is most useful when the project or expected level of growth is beyond the experience of the local community – for example, a shopping mall or large multi-family development. Data from comparable communities is used to determine the likely ratio between revenue and costs, and that ratio is then applied to the proposed project. Care must be taken to ensure that the subject of the analysis and the case study share similar contexts in terms of capacity, land uses, etc.

Marginal Cost – Employee Anticipation Technique: this approach focuses on the impacts of non-residential growth on costs and revenues. These are expressed as coefficients that reflect national averages for the typical demand on services from different commercial and

CASE STUDY: COST OF COMMUNITY SERVICES STUDIES

A common argument in favor of development is that it will increase the town's tax base and generate needed revenue to support schools and other services. In the 1980s, the American Farmland Trust began a long-term effort to challenge this assumption using Cost of Community Services (COCS) studies. The method looks at typical development across the community, dividing land use into three categories: residential, commercial/industrial, and agriculture/open space. Using the same census-derived demographic and economic data as other types of fiscal impact analysis, the COCS studies focus on defining the tax revenue per acre generated by each of the three land use types. This is then compared to the costs of various community services that each land use type requires.

In their own work and in reviewing COCS by others across the country, American Farmland Trust has found that **residential development requires an average of \$1.15 in community services for every \$1.00 it pays in taxes.** Meanwhile, farmland and other open space require only \$0.35 in services for every \$1.00 in tax, while commercial and industrial uses require only \$0.27. The reason of course is that residential growth generally increases educational costs, which are typically the largest part of the small-town budget.



Cost of Community Services Studies are sometimes criticized for oversimplifying the fiscal impact analysis. They usually use an average cost approach and often do not take into account potential excess capacity within a school system or other municipal service. They also focus on rural and suburban towns where most of the residential development takes the form of large, family-friendly, single-family homes. Studies done in Exeter and North Kingstown determined that smaller residential units in a village setting, unlike single family homes, are tax positive for communities. While varying with the context and specific method of each study, however, the resulting ratios between cost and revenue universally show that residential development demands more in services than it pays in taxes, while farmland is a net revenue generator (Kotval and Mullen).

CASE STUDY: BARNSTABLE, MASSACHUSETTS

A well-known study in Barnstable, Massachusetts focused on the impacts of non-residential uses. The study used data from Urban Land Institute (ULI) and the Institute of Traffic Engineers (ITE) to compare the impacts of eight non-residential uses: business park, office, shopping center, big box retail, specialty retail, hotel, restaurant and fast food restaurant. Key factors included:

- Employees per 1000 square feet, which range from 0.62 for a hotel to 5 for restaurants and fast food restaurants.
- Vehicle trips per 1000 square feet, ranging from 12.76 in a business park to 496 for a fast food restaurant.
- EDUs (equivalent dwelling units) per 1000 square feet, ranging from 0.98 for a hotel to 24.3 for fast food. (EDUs compare demand for services by non-residential uses to the demand from a single home, and typically include sewer and water usage as well as public safety services.)

Based on recognized standards from national professional organizations, the Barnstable study showed that typical strip commercial uses generate more vehicle trips, employees, water use, sewer flows, and demand for police per 1000 s.f. than other non-residential uses. The study then calculated the average cost to the town for each employee, vehicle trip and EDU to arrive at an annual cost for all public expenditures per 1000 s.f.:

■ Business Park	\$ 531
■ Office	\$ 729
■ Shopping Center	\$1,158
■ Big Box Retail	\$ 948
■ Specialty Retail	\$ 730
■ Hotel	\$ 259
■ Restaurant	\$1,945
■ Fast Food Restaurant	\$6,829.

Finally, they subtracted the costs for each use from the tax revenue generated per 1000 square feet for each use, discovering that **shopping centers, big boxes, restaurants and fast food establishments are all net money-losers for the town, while business parks, offices, hotels and specialty retail all generate an annual surplus. Specialty retail, which combines relatively high assessed value with lower costs, ended up generating the best fiscal benefits for the town.**

As in the other fiscal impact studies, the applicability of Barnstable's results to other towns depends on the alignment of multiple variables. Like revenue, the predicted raw numbers of employees, trips per day, water and sewer use and other impacts can be accurately predicted based on national or regional data. What is less clear is whether the cost of those impacts will be felt in the same way. If there is ample capacity on roads serving the projects, if private developers will be making any needed capital improvements to infrastructure, if local police have plenty of free time, then fiscal impacts may not be as extreme as predicted in Barnstable.

industrial land uses. Warehouses, for example, have a relatively low number of employees relative to assessed value, and modest demand for services. Fast food restaurants, for example, have many employees and a more significant demand for services. The coefficient associated for each use, then, is a convenient stand in for the type of use itself, while the number of anticipated employees corresponds to the proposed scale of the project.

the town and for the developer. Towns will naturally want to encourage village planning and design approaches that increase the tax base while reducing costs of education, road maintenance, public safety and other costs. Happily, these goals align well with the developer's desire to reduce construction and maintenance costs while producing a desirable place to live and work:

Mixed-use buildings. Village zoning can increase revenue by encouraging construction of buildings that incorporate many different uses within one structure, and spread out both vertically and horizontally to provide a range of rental opportunities. Because buildings are not customized for a particular use, they can be designed to accommodate a larger range of uses within a more durable structural shell, allowing for a higher level of design

IMPLICATIONS FOR VILLAGE DEVELOPMENT

While fiscal impact analysis has traditionally been used to measure the impact of development on the municipal budget, these studies also provide instructive ideas for making villages more economically successful, both for

detail and more expensive (and attractive) materials. This in turn will make it easier to lease out space over the long term, attracting businesses that are looking for a more "upscale" location while also providing for the needs of smaller firms or those that are just starting out.

High-quality Public Realm. In village settings, higher value buildings work hand in hand with an enhanced landscape surrounding the buildings, with attractive sidewalks, parks and public gathering spaces that enhance the value of the whole project. The usual sprawling suburban shopping center or office park is often reduced to a mediocre design simply because it is so expensive to build the basic infrastructure. By bringing uses together and sharing amenities, the character

and design quality of the whole village can be upgraded for the same initial investment.

Density and Walkability. While the efficiencies and design quality of the village approach can enhance revenues, the town can also benefit from lower costs for municipal services and capital improvements. This could mean encouraging uses that generate fewer vehicular trips, use less water and generate lower sewer flows, have lower numbers of employees per square foot, and require lower levels of police and fire services. Many of these goals can be met simply by allowing a more compact, pedestrian friendly environment. Access points, driveways and parking areas can be consolidated to encourage walking and reduce maintenance. Public

CASE STUDY: STORRS CENTER, MANSFIELD, CT

Storrs Center is a mixed-use project abutting the campus of the University of Connecticut in Mansfield, CT. A fiscal impact study was prepared during the planning and permitting process in 2008, and updated in 2012 after construction was largely completed. A public/private partnership between a municipal development agency, the Mansfield Downtown Partnership, Inc., and private developer Leyland Alliance LLC, the project is slated to include 690 new residential units, 158,000 square feet of retail and 22,000 s.f. of offices.

The fiscal impact study was conducted on behalf of the developer by HR&A advisors, a national economic and real estate consulting firm, and peer-reviewed on behalf of the town by Economics Research Associates (ERA). The study found that the completed project would have an assessed value of \$158 million, generating annual revenue of \$3.7 million in real estate property taxes, with an additional \$0.55 million in business/personal property taxes, motor vehicle taxes and conveyance taxes.

On the cost side, the project was predicted to result in annual expenditures of \$1.2 million in municipal costs and \$0.4 million in net school-related costs. Town costs per new resident would total \$359 per year, exclusive of any educational expense. Cost per new worker was found to be about \$49 per year. The study also predicted that the project would require the town to hire six new police and fire personnel and an additional 1 ½ Public Works employees, plus additional vehicles and equipment. About 10% of these costs were attributed to workers, with 90% assigned

to the residential side of the project. **Subtracting costs from revenue, the project was predicted to produce an estimated annual surplus of \$2.6 million to the Town of Mansfield.**

In 2012, HR&A Advisors prepared an updated fiscal impact study that reflected a somewhat revised footprint, with approximately 340,000 square feet of residential rental units, 124,000 s.f. of retail and about 63,000 s.f. of mixed-use. They found that these elements add more than \$65 million in assessed value to the town – more than the assessed value of the next top seven taxpayers combined— with estimated tax revenue in FY 2015-16 of nearly \$2 million.

The study calculated average and marginal costs, as appropriate, for community services such as general government, public safety, public works and other town-wide expenditures, as well as a new intermodal transportation center. The number of potential school children was lowered to just 16 in the whole project, with a net cost to town, after state aid, of \$43,339. Total costs are predicted to be about \$655,000 in FY 2016-2017 and rise to \$938,450 by 2022.

As predicted, **Storrs Center is a net revenue generator to the town.** Some of the surplus will go to repay the town's investment of some \$2 million in a new parking garage, road improvements and other infrastructure, but that should be recouped between 2015 and 2017, depending on whether expected state aid materializes. **Between 2014 and 2022 the project will generate almost \$6 million in net revenues.**

roads, sidewalks and infrastructure are all shorter, reducing capital expenses and ongoing maintenance. This also helps the town to provide for more efficient police and fire protection. Mixed use can also make more efficient use of parking: spaces which are used by retail or office uses during the day can service entertainment and housing in the evening and overnight hours. This allows more land to be left in its natural state, reducing the costs for irrigating lawns and minimizing the need to collect and treat stormwater.

Diverse Housing Choices. A key lesson of almost every fiscal impact study is that new school children drive municipal expenses up. Recognizing that children are a necessary and desirable part of our communities, villages can help balance the equation by catering to smaller households, typically by driving construction of one and two-bedroom residential units. The growth of the cottage development movement is particularly promising: units are typically as small as an apartment or townhouse, but designed as a single family home with attractive detailing and amenities. The result: like apartments, they generate few school children, but with an assessed value that will generally be much higher.

GETTING STARTED WITH FISCAL IMPACT ANALYSIS

While many towns have chosen to hire a professional firm to prepare a site-specific or generalized fiscal impact analysis, there are several ways that any town can begin the process:

- Interview education, public works and public safety staff to get their sense of the potential costs of new development. What is the capacity of various departments to do their work effectively? At what point will the addition of new homes and businesses require additional staff, hours or equipment? What is the capacity of the school system, and how will it be affected by current trends? At what point will that capacity be used up, requiring hiring additional teachers or building new schools?
- Do a simple Cost of Community Services Study (see methodologies published by the American Farmland Trust: www.farmland.org/services/fiscalplanning/) to get a general sense of the costs associated with the typical home or business in the community. Work with town assessors to determine the average tax revenue generated by those uses.
- Compile the results of fiscal impact studies that have

been done by similar towns in the region.

- Compile the results of any fiscal impact analyses done for previous development projects in your community. How do the predicted results compare with the actual outcome ?

REFERENCES:

Burchell, Robert W., and David Listokin, 1978. *The Fiscal Impact Handbook: Estimating Local Costs and Revenues of Land Development*. New Brunswick, NJ: Center for Urban Policy Research, Rutgers University.

L. Carson Bise II, AICP, *Fiscal Impact Analysis*, in *Planning and Urban Design Standards*, John Wiley & Sons, Inc. 2006.

Dodson & Flinker, Inc., 2011, Exeter Phase II Report

Freedgood, Julia, with Lori Tanner, Carl Mailler, Andy Andrews and Melissa Adams, 2002. *Cost of Community Services Studies: Making the Case for Conservation*. Northampton, MA: American Farmland Trust.

HR&A Advisors, Inc., 2008 and 2012, *Fiscal Impact Study*: Storrs Center, Mansfield, CT

Kotval, Zenia and John Mullin, 2006. *Fiscal Impact Analysis: Methods, Cases, and Intellectual Debate*.

Tischler & Associates, Inc., 2002, *Fiscal Impact Analysis of Residential and Nonresidential Land Use Prototypes*, Prepared for the Town of Barnstable, Massachusetts.

IV. Designing the Village

HIGHLIGHTS OF THIS CHAPTER

Once the village approach has been adopted as a part of the local comprehensive plan and zoning ordinances, attention turns to the details of design and implementation. This chapter provides recommendations for overall village design principles, followed by an overview of the critical design elements that should be addressed as part of the process.

- General Principles for Village Design – contextual design, the public realm, connecting to the landscape, and sustainability.

Good design is critical to the success of any village. Unlike the traditional suburban subdivision, where the focus is on individual houses, in the village the entire composition of streets, sidewalks, buildings and landscaping is important to the character and quality of the whole. Investing in good design and quality materials in the “public realm” of streets, sidewalks and parks makes up for the fact that residents may have a smaller individual home and lot. This is why people will often pay more for a small house in a historic village center than for a comparable home in a suburban subdivision.

GENERAL PRINCIPLES FOR VILLAGE DESIGN

Individual towns should discuss which aspects of village design are most important. Some may be most concerned about maintaining historic character and other aesthetic values. Other communities may care more about questions of density, affordability or sustainability. The following themes or general principles are important considerations in designing a village that balances these different goals:

1. The village should fit the character of the town.

The village should be designed and built in a manner that is compact, pedestrian friendly, and consistent with the setting of the community. It should include a mix of uses appropriate to its location and employ architectural techniques that reflect local traditions and materials.

The conventional subdivision is prone to a confused mix of styles, architecture and landscaping, and one looks the same as a thousand others. Great places, by contrast,

- Key objectives for sustainable village development
- Design of water and wastewater systems.
- Vehicular Circulation, Parking and Complete Streets
- Architectural Design
- Signage
- Landscaping
- Lighting

balance a diversity of forms, uses and experience within a unified composition that reflects the character of a particular place. In historic villages this composition often evolved organically, as the village grew over time. For new villages, it's important to select a consistent theme to help unify many different elements into a pleasing composition.

This is a common approach for masterplanned communities like Baxter, South Carolina, or Mashpee Commons on Cape Cod, but harder to achieve with a village made up of multiple parcels and owners. The first step is to develop a masterplan showing not just the location of roads and house lots, but the relationship of buildings to the street, the location of driveways and parking areas, trees and other landscaping, sidewalks and bike paths, and the design of parks, squares and other public spaces. The design can be based on historic patterns or be more contemporary, but consistency is important.

2. The village should be organized around the shared space of the “public realm.”

The village should be designed around the shared public space of streets, parks, squares, greenways, pedestrian trails and other open space areas. A key principle of urban design practice, later codified by the Congress for the New Urbanism and its adherents, is a focus on the design of “the public realm.” It grew out of recognition that the great cities and other places of the world are more than a collection of famous buildings and monuments, but really about the way these elements are organized within the larger network of streets and public spaces. Rather than dominating the composition, the buildings serve collectively as walls defining and containing these

SUSTAINABILITY

The term “sustainability” has become burdened in recent years with a great deal of political baggage. Still, there are few other words which capture the ultimate goal of village development. The Brundtland Commission’s definition from 1987 remains perhaps the simplest definition of the term:

“development which meets the needs of current generations without compromising the ability of future generations to meet their own needs.”

Regardless of your political views on environmentalism, social equity or economic justice, this definition provides a clear and objective metric for measuring sustainability: are we making life better for our children and grandchildren, or worse?

According to the US Environmental Protection Agency:

“Sustainability is based on a simple principle: Everything that we need for our survival and well-being depends, either directly or indirectly, on our natural environment. Sustainability creates and maintains the conditions under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic and other requirements of present and future generations.”

spaces. Each street, park and square is carefully designed to fit the needs of users, balancing the needs of vehicles with that of pedestrians and bicyclists, and providing for many different activities within a shared space.

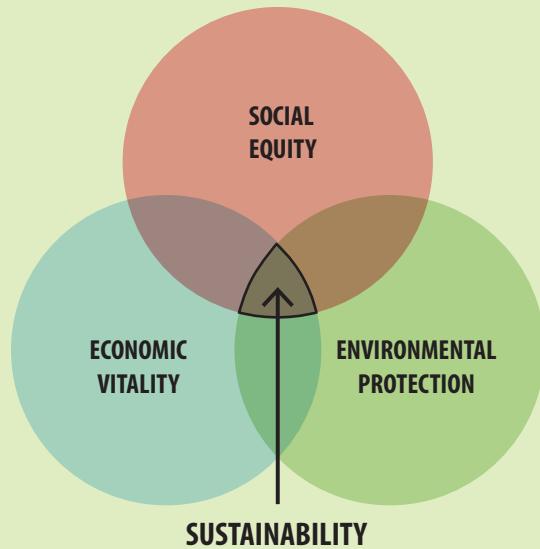
3. The village should make a connection to the landscape.

The design of the village should foster connections to the surrounding landscape and incorporate natural systems, agriculture, recreation and views into the fabric of the community. In a rural context, villages should maintain the essential rural pattern of development surrounded and separated by significant open space.

Rhode Island’s original settlements were all created in a specific location for a particular purpose. They grew up around a resource - farmland, water power, crossroads, rail line or harbor – and grew organically as social and economic activity expanded. Most of us no longer make our living from the land, but we can continue to live in

The Sustainability Triad

John Elkington coined the term “triple bottom line” in 1997 to advocate that businesses should account for the environmental and social costs and benefits of their activities as well as the economic outcome. The concept of the sustainability triad has been broadly adopted in sustainability thinking since then, and is very useful in community planning, which is always about finding a balance between protecting the environment, promoting economic development and seeing to the social needs of citizens.



a place that has a functional relationship to its context, whether that's for provision of local food and water, recreation, or to take advantage of economic and social connections to the surrounding neighborhood.

4. The village should be sustainable.

The design of the village should support environmental sustainability by:

- Reducing dependence on the automobile by providing for easy pedestrian access and circulation.
- Reducing energy use through compact design and energy-efficient construction.
- Protecting existing ecosystems, wildlife habitat and water quality.
- Preserving the surrounding landscape for food production and other uses.

KEY OBJECTIVES FOR SUSTAINABLE VILLAGE DEVELOPMENT

There are several important objectives in planning for villages that can help achieve the goal of sustainability:

Site Suitability: avoid areas where village development would have unacceptable impacts to sensitive natural or cultural resources. Some of these, such as wetlands and water bodies, are protected under state and federal laws, while features like farm and forest land, scenic landscapes, etc. are fully developable. Suitability also involves avoiding constraints such as poor soils or high water table that will add to the cost of developing a village – and often burden residents and the town with increased maintenance costs for ever after. A sustainable site will also be free from hazards such as stream flooding and coastal inundation, which are projected to have an increased frequency due to global climate change.

Provide a mix of commercial, residential and civic uses: The traditional New England village was a self-contained system, with what planner Benton MacKaye called the “five senses”- home, business, government, school and church. While the mix of uses may be different today, having a diverse mix of uses can support many of the goals of sustainability: reducing energy use by limiting vehicle trips, providing jobs and business opportunities serving local residents, and providing for the social needs of the community.

Provide Diverse Transportation Choices: In many suburban and rural villages, the number of people is simply too low to support public transportation systems. Even if they were higher, residents are no longer commuting en masse from the suburbs into the city, complicating transit planning. As long as gas prices remain relatively low, most people will choose the convenience of the automobile. In coming decades, however, fuel prices will continue to rise, and places that are served by bus or rail will begin to have a distinct advantage in the marketplace. A “transit-ready” village will be designed so that, when the time is right, residents can easily walk to a station or bus stop. It will also have a level of density – perhaps 8 units per acre - that can support transit service. Commuter bike routes, park and ride lots, and shuttle van service can also be part of the village planning process.

Provide Diverse Housing Choices: Trends in the recent real estate market seem to be following general demographic trends, with increased demand for smaller one and two bedroom apartments and townhouses rather than single-family homes. This also reflects the economic situation, with many people likely staying in smaller units

because they can't afford to move up. This provides an opportunity for village planners to step in and fill a need in many towns for housing for smaller households, which can be a great benefit in a town where young people as well as retirees find it hard to find an apartment or condominium unit. Increasing the mix of housing types in the village can thus make a project more economically successful, while at the same time providing housing choices for people who might otherwise have to leave the town entirely.

Use Energy Efficient Design and Materials: The compact nature of the village reduces the energy required to build, maintain and get around the community. During the masterplanning process, attention to site planning can help to reduce energy usage further by taking advantage of sheltering masses of vegetation to block winter winds, orienting houses to optimize solar exposure, and planting trees for summer shade. While an energy-efficient home or business doesn't have to be in a village, a village is more likely to include attached units, apartments and smaller single-family structures that are inherently more energy efficient. Several village projects have also employed shared heating systems that service multiple homes from a single geothermal system or wood-fired boiler.

Adopt Environmental Performance Standards: There are several systems for rating the environmental performance of buildings and sites, of which LEED is perhaps the best known. LEED for Neighborhood Development (LEED-ND) is a recent addition to the LEED rating system with direct application to the village model. The LEED-ND rating system is divided into three categories: Smart Location & Linkage, Neighborhood Pattern & Design, and Green Infrastructure & Buildings. All three have prerequisites which are required of all projects and additional credits which reward performance. There also are ten additional points for Innovation and Design Process (exemplary performance and innovative performance) and Regional Priority Credits.

Smart Location & Linkage focuses on WHERE the project is built. This section looks at the broader context of the project, as well as how sensitive features within or near the project are addressed. The prerequisites outline where the project cannot be located in order to preserve prime farmland, wildlife habitat, wetlands, and other places we want to save. At the same time, projects are encouraged to locate in existing areas near services or transit.

Neighborhood Pattern & Design looks at HOW the project is laid out. This section promotes compact, intercon-

LEED® for Neighborhood Development

Total Possible Points 110***

	Smart Location & Linkage	27
	Neighborhood Pattern & Design	44
	Green Infrastructure & Buildings	29

* Out of a possible 100 points + 10 bonus points

** Certified 40+ points, Silver 50+ points, Gold 60+ points, Platinum 80+ points

	Innovation & Design Process	6
	Regional Priority Credit	4

The LEED rating system is divided into three categories: Smart Location & Linkage, Neighborhood Pattern & Design, and Green Infrastructure & Buildings. All three have prerequisites which are required of all projects and credits which reward performance. There also are ten additional points for Innovation and Design Process (exemplary performance and innovative performance) and Regional Priority Credits.

nected developments. It includes standards designed to promote construction of neighborhoods with a unique character, and which include a variety of uses and building types that reflect local tastes. This section promotes neighborhood design that includes plenty of opportunities for residents, workers, and visitors to meet and build community, such as parks, farmers markets, and plazas.

Finally, the Green Infrastructure & Buildings section focuses on measures that can reduce the environmental impacts associated with the construction and operation of buildings and infrastructure. It promotes more efficient energy and water use, building on the extensive standards for Green Building design that are at the core of the LEED system.

The LEED certification process and criteria are maintained by the US Green Building Council. The LEED ND manual is available at: <http://www.usgbc.org/resources/leed-neighborhood-development-v2009-current-version>

DESIGN OF WATER AND WASTEWATER SYSTEMS

The lack of shared water supply and wastewater treatment systems is probably the biggest barrier to village development in rural Rhode Island. In good soils conditions, lot sizes can be reduced to perhaps half an acre and still accommodate an individual well and an onsite waste water treatment system (OWTS), and to as little as a quarter of an acre if there is public water. Creative approaches to wastewater treatment have been explored by URI Cooperative Extension, including the use of cutting-edge OWTS technologies applied to sites in the village of Chepachet, serving lot sizes in some cases less than 5,000 square feet. The town of Glocester continues to study options for Chepachet, including the idea of small decentralized systems – essentially larger versions of an individual home wastewater disposal system that treat sewage from a multiple homes, but not the whole village.

Cooperative Extension at the University of Rhode Island has extensive materials on its website on the subject of water supply wells and wastewater treatment. Of particular relevance to village planning is their report: [A Creative Combination: Merging Alternative Wastewater Treatment with Smart Growth](http://www.uri.edu/ce/wq/NEMO/Publications/PDFs/WW.Creative%20Combination.pdf), available at : <http://www.uri.edu/ce/wq/NEMO/Publications/PDFs/WW.Creative%20Combination.pdf>

Shared wastewater treatment systems and community wells are easier to plan and install in new villages, where a careful analysis of existing conditions can help to identify areas with the best soil, slope and drainage conditions, and where it's easier to place wells in areas protected from potential contamination. Planning level analyses can be prepared using readily available data from Rhode Island Geographic Information Systems (RIGIS) to "screen out" soil types, geologic deposits, and other natural features that would make it difficult to yield adequate amounts of drinking water from subsurface aquifers or to dispose of high volumes of wastewater into subsurface deposits.

One of the most important factors in any development is an adequate supply of safe drinking water. Rhode Island is lucky to have plentiful water supplies, but not all are in the places where they are most needed for new development.

Residences in most villages outside the urban core are served by private wells, and businesses that serve the

public, such as restaurants and motels, are served by public supply wells that were granted licenses by grandfathering when regulation of public water was first initiated. Most of these could not be approved under today's standards, and some are even now experiencing water quality issues. This makes new development difficult, and change of use from residential to commercial virtually impossible.

The best option, if there is an opportunity to pursue it, is to extend a line from an existing licensed public water system that has surplus water. The existing system would need to have adequate technical, managerial and financial capacity to provide water to the intended population, and the quality and quantity to allow for development.

A second option is to develop a new licensed public water system to serve existing and new development. A new system will most likely need some public money up front, but should be supported by rate-payers over the long term. The process of creating a new system can seem onerous, but can be broken down into the component steps.

1. Community support is necessary to begin the process. Public health will be better protected, businesses will see more opportunities, and property owners will see their values increase, but these advantages may need some explaining and promotion.
2. The management structure of the new system must be determined, and grant money or other funding must be sought to develop the system. Non-profit groups such as the Rural Community Assistance Partnership (<http://www.rcap.org/>) and Atlantic States Rural Water and Wastewater Association (<http://www.asrwwa.org/>) can help.
3. A likely spot for a source well must be identified. The property should have a willing seller, be well protected from development, and have water of adequate quality and quantity.
4. The proposed source location must be approved by the Office of Drinking Water Quality at the Department of Health (DWQ). Once the well is drilled, pump-tested and sampled for the required contaminants, it will be approved for use as a public supply well, and construction of the water system can begin.

The townwide screening-level analysis should not be used to eliminate a site as a potential village location,

DESIGN GUIDELINES

Guidelines covering the many aspects of village design are often developed to support zoning for a particular district or village site. Customized for the specific location and community context, guidelines can help clarify community goals for both the function and appearance of various village elements. They simplify the review process by letting the developer know exactly what the town wants, and provide objective criteria that the planning board can use to review applications. They also play an important role in helping residents understand and accept the village approach. Some examples include:

Exeter Village Design Manual: <http://www.town.exeter.ri.us/Village%20Design%20Manual%20for%20web.pdf>

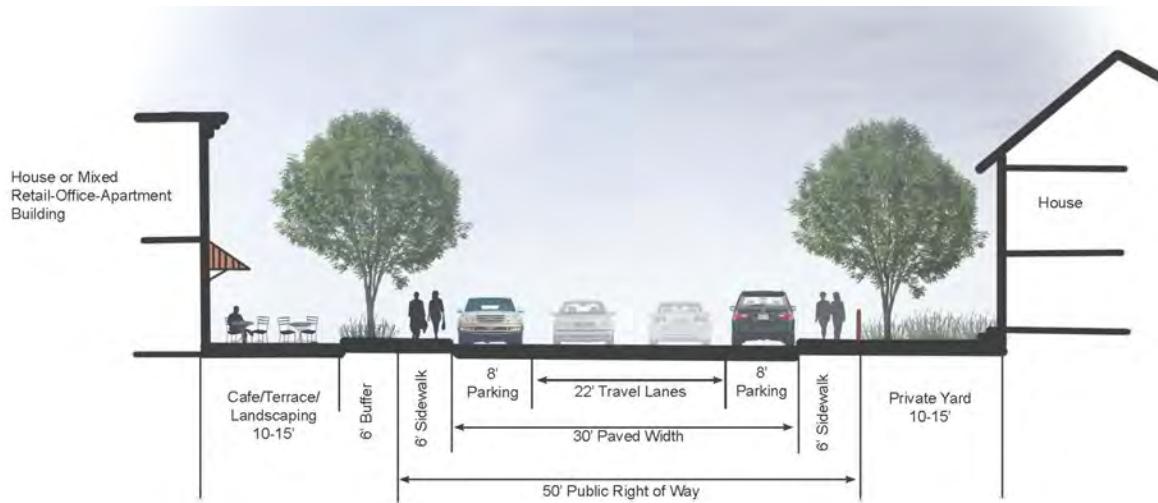
Shannock Design Guidelines: <http://www.richmondri.com/DocumentCenter/Home/View/288>

Jamestown Pattern Book and Design Guidelines: <http://www.jamestownri.net/plan/DGbook.pdf>

but it can certainly identify the most likely limitations on density. Additional site investigation will be necessary to understand the true implications, which may have more to do with increased costs to build the systems and a lower limit on total number of units and/or density.

DESIGN FOR VEHICULAR CIRCULATION, PARKING AND COMPLETE STREETS

The potential increase in traffic is a frequent issue for residents living near any possible village site. The volume of traffic generated is one aspect of development that can be predicted with a fair degree of certainty. The Institute of Transportation Engineers' [Trip Generation Manual](#) predicts the number of vehicular trips generated by various land uses, based on more than 5,500 studies of sites across the country. This can quickly generate a number of additional trips-per-day that can be used to estimate whether there will be significant impacts on roads or intersections leading to the project site. Many state highways and major intersections have data available for trips per day and per hour, turning movements and the like that have been collected over the years for



various land uses, and these can be used as a baseline for existing conditions. These can be used for town-wide screening analysis to see if any roads or intersections would need major upgrades to serve a village.

The potential design of the village should also play a role in the analysis. While a commercial strip may have multiple driveway entrances and no connections between lots, a village is usually designed with an interconnected street system and a limited number of entrances onto local roads. A village approach also offers the opportunity for use of alternative means of transport that can reduce individual vehicle trips. Finally, the village scenario can have a dramatic impact on reducing the number of vehicle trips generated; mixed-use walkable communities have been shown to reduce vehicle trip impact over their conventional single-use development counterparts by up to 40%. The mix of serves within the village and any provision for public transit will obviously greatly affect the number of vehicle trips generated.

All villages should be designed with an efficient system of roads and parking areas that fits the proposed uses while minimizing the amount of pavement and reducing the impact of the automobile. Wherever possible, Cul-de-sacs and dead end streets should be avoided in favor of streets that have multiple connection points to other streets, creating a grid system. This allows roads to be as narrow as possible, while still accommodating a high volume of traffic and providing alternate routes for public safety vehicles.

Another concept is the creation of a street hierarchy, with each street cross-section carefully designed to serve the uses along the street. A single village, for example may have several different street types within a relatively small area, for example:

The street cross-section above accommodates multiple forms of transportation, a key element of the Complete Streets concept.

- A central commercial street with parking on both sides to serve street-front businesses as well as providing visitor parking for apartments.
- Residential streets with parking on both sides.
- Secondary streets that are narrower, with parking on one side.
- Alleys, perhaps just 16 feet wide, providing access to garages at the rear of lots.

The Complete Streets concept has emerged in recent years to describe the idea of streets that accommodate all forms of transportation, including automobiles, buses, bicycles and pedestrians. Communities that adopt a Complete Streets policy expect "transportation planners and engineers to routinely design and operate the entire right of way to enable safe access for all users, regardless of age, ability or mode of transportation" (Smart Growth America). There are many types of complete streets, and no one-size-fits-all solution, so the concept can be applied to rural hamlets as well as busy downtowns.

Rhode Island adopted complete streets legislation in 2012, requiring that

"When the state of Rhode Island constructs or modifies roads and highways, the relevant department must consider complete street design features that facilitate safe travel by all users that expands upon currently accepted state and federal design requirements to accommodate all users, including current and projected users, particularly pedestrians, bicyclists and



Base
↓
Body
↓
Cap



Historic New England villages typically exhibit a pleasing variety of building types, sizes, shapes and details as a result of centuries of growth and change. At the same time there is a certain consistency and repetition in shapes, colors, materials, etc. that unifies the overall composition.

Traditional “Main Street” buildings follow time-tested approaches to articulating the building’s base, body and cap. Horizontal elements typically separate each element; the body should constitute at least 50% of the building’s total height. While most commonly applied to flat-roofed structures with parapets (near left), these proportions can also apply to structures with pitched roofs (far left).

individuals of all ages and mobility capabilities. These features of complete street design shall include, but not be limited to, sidewalks, paved shoulders suitable for use by bicyclists, lane striping, bicycle lanes, share the road signage, “road diets,” roundabouts, crosswalks, pedestrian control signalization, bus pull outs, curb cuts, raised crosswalks and ramps and traffic calming measures” (2012 – H 7352).

While the legislation applies only to state projects, the goal of accommodating all users through a variety of integrated approaches is a useful guide to creating a pedestrian- and bike-friendly village.

ARCHITECTURAL DESIGN

The design of buildings is crucial to the character of a village, but rarely discussed in local zoning and other regulations. The extent to which a community specifies particular architectural styles or treatments needs to be determined as part of the townwide village planning process. There is generally the greatest concern about architecture in historic villages, where infill projects have the potential to drastically alter existing character. Many towns throughout New England have established local historic districts with architectural regulations for this purpose.

In all villages there are certain key architectural concepts that should be considered:

Location, Orientation and Entrances:

Village buildings should generally be oriented with a clear relationship to the street, usually with the building close to the sidewalk and parking hidden behind. They should define and dignify public spaces, whether street, sidewalk, square or park. Entrances should be clearly marked, not just with signage by incorporating architectural features that draw attention to the entrance. These features may include covered porches, planters, porticos, recessed doorways, awnings, and/or different sidewalk surface treatment. Commercial buildings may have more than one principal façade and/or entry where more than one side of the building fronts on public space.

Building Height and Scale

The height of new structures should be compatible with the surrounding buildings, if any, and in keeping with the context of the surrounding town. Human scale should be the basis for determining the overall scale of new structures, and the scale of the façade should relate to the scale of the streetscape. Uniformity of height along the streetscape is generally to be avoided, but each part should relate to the whole.

Articulation

Articulation, from the latin articulare: "to divide into distinct parts," refers to the manner in which the mass of a



Entrances should face the principal public space, and be clearly identifiable. Celebration of the front door with extra design attention is a tradition that goes back thousands of years.

building is divided up into separate elements. It is an important architectural technique, in that it allows a large building which otherwise would be out of scale with its context to be broken onto smaller masses and shapes which relate better to that context and to the human form. This is particularly important in rural areas, where a long history of essentially hand-made buildings, walls, fields, fences and other elements has produced a comfortable, "human scale" environment.

Articulation can apply to the height of a building, with multistory buildings dividing into a base, body and cap. It can also be reflected in the division of long facades or rooflines into separate sections – generally not more than 50 feet wide – by breaks in form, changes in materials or the use of porches, awnings or other elements.

Roofs

Roof design is critical to the overall character of a building. Building facades should not just terminate, but should be integrated into the design of the roof as part of the overall expression and character of the structure. Depending on



Vertical orientation is preferred for all fenestration, whether or not traditional forms and materials are used. Where larger openings are to be filled with glass, the area should be subdivided to provide some articulation of the opening.



Storefront windows should offer unobstructed views of window displays and/or the interior of the building. This should be reinforced with lighting that illuminates the interior and highlights displays while avoiding glare in the eyes of window shoppers.

the context of the village, roofs should follow traditional New England models, generally with a steep pitch allowing an attic space that can be made usable through the use of dormers. Flat roofs are acceptable when integrated into a traditional main street block, with the façade terminating in a strong cornice or parapet.

Recent growth in the use of "green roofs," solar collectors and photovoltaic panels has created a challenge in village design and historic preservation. Generally they are to be avoided facing principal streets and public spaces, and where possible hidden on rear-facing roofs or facing parking areas. Where they are to be allowed at all they should be carefully integrated into the overall design of the building and not simply "stuck on" as an afterthought.

Fenestration

The proportions, detailing and distribution of windows are especially prominent elements of the building's character and vocabulary. The composition of windows across a building's façade (and other elevations) shall be deliberate and pleasing. Windows should generally be vertically proportioned, with a minimum width-to-height ratio of 1:2. Where wider openings are desired multiple windows should be placed next to each other. Large uninterrupted window glass panes are discouraged unless appropriately integrated into commercial façades with other smaller windows and articulating features.

Windows should be designed to reduce energy costs through good seals and insulation, low- emissivity glass, etc. Design for solar gain in winter, opening windows in summer, and natural lighting are encouraged. Tinting or reflective coatings should be discouraged so that windows remain transparent, especially ground-floor windows facing public areas. For the same reason storefront windows should not be backlit or covered with signage.

Porches, Arcades, Canopies and Awnings

The use of porches and arcades to shelter building entrances and connect buildings is encouraged as a way to provide for pedestrian use and comfort and add interest to the streetscape. Unlike permanent porches and canopies, they can be retracted to allow more light into front windows – which is useful in the cooler, darker months. Like more permanent structure, however they should be carefully integrated with the design of the building facade, with authentic materials and study construction. Stormwater management should be carefully planned.

Awnings and Canopies should be designed with simple shapes, integrated with the façade of the building, and consistent in character across multiple buildings or storefronts. Round or bullnose shapes are to be avoided. Both fixed and retractable awnings should be no lower than 8 feet above the sidewalk. Backlit awnings should be discouraged.

SIGNAGE

Signs should make a positive contribution to the general appearance of the district, and should be compatible with the building and its neighbors. They should not compete with each other for attention, but focus attention on each business or other use in turn, allowing for visitors to easily find their desired destination. In most cases light letters on a dark background are preferred.

Size and Location

Signs should only be big enough to serve the needed purpose and scaled appropriate to the building façade and/or use they describe – generally lettering from 8" – 14" is large enough to be seen from across the street. Wall mounted or projecting signs should typically be located above the ground floor storefront and just below the second floor windows. Signs should not obscure architectural features or windows and should be integrated with the design of the building.

Wall signs should be organized within a signboard or frieze integrated into the overall façade of the building. Projecting signs are ideal in pedestrian areas, and can have traditional been used in creative ways, using images that visually represent the goods or services provided on the premises. They should be centered on a vertical pier or column, not centered on a wall opening such as a door, window or storefront. Window signs, meant to be seen by pedestrians from a few feet away, should complement and not obscure window displays. Signs painted on the glass are acceptable if carefully planned and executed. Signs that look temporary and cover large areas of storefront windows should not be allowed. Signage on awnings should be permitted only on the apron portion of the awning for business identification or to advertise particular goods and/or services.

The number of signs on a façade should be kept to the minimum necessary to effectively communicate the messages being conveyed. "Less is more": too many signs not only compete with each other, they also detract from the appearance of the district and can cause customers to block out the messages entirely. Where multiple signs are needed in order to list tenants or uses in a building, they should be consolidated within a single area with a clear, understandable hierarchy. Signage above the sills of second story windows should be confined to painted letters on window glass, provided that these signs advertise the organizations therein and are compatible with the architecture of the building.



Contrasting colors and lettering between 6" and 12" in height allow signs to be easily read from across the street or a moving car.

Materials

All signs should be made of durable, high quality architectural materials, with forms and colors that are compatible with the associated structure. Traditional wood, metal, or glass signs are preferred, while composites which look like wood and can be carved are also acceptable. Color should be compatible with the color of the building and its neighbors.

Lighting

Signs should not be internally illuminated, backlit, or use channel lettering. Illumination shall be projected onto signs, preferably from above, and directed away from pedestrians or vehicles. Electronic message signs, flashing signs, etc. should be avoided, while neon signs should be used carefully, and only as part of a larger plan and design scheme for a commercial area.

Incandescent spot or flood lighting attached to the building façade should be spaced appropriately to illuminate the full area of the sign. Fixtures that contribute the design of the façade, such as gooseneck lamps or other decorative elements, are preferred. Fluorescent lights should be shielded to hide the light source, and should be color balanced to retain the color of the sign and building façade if necessary. Use of light-emitting diode (LED) fixtures is encouraged as long as the source is shielded from view and the intensity, coverage and color of the light matches traditional light sources.

Free-standing signs may be appropriate for roads or driveways which provide access to complexes of uses and buildings within the village. No such major entrance sign shall be permitted for individual uses or buildings.



Projecting signs provide an opportunity for creating a work of art that conveys both the identity and spirit of the business within. Coordinated with other elements of the facade, they have a comfortable human scale and enrich the character of the streetscape.

Such free standing signs should generally be less than six feet in height above the ground and should not be larger than thirty or forty square feet in sign display area per side. They should incorporate design details, materials, and colors of the associated buildings. Their base or support elements should be integrated with the surrounding environment and should incorporate ornamental landscaping where possible.

LANDSCAPING

Every potential village location in Rhode Island is embedded in a larger ecosystem, and filled and surrounded by features that have been created over centuries of human activity. Landscaping within the proposed village should reflect this historic character, and respond to opportunities suggested by the surrounding landscape. The following are important overall goals:

Spatial definition: Trees and other landscape plantings should be used to reinforce the pattern of private and public spaces -- not just for decoration. The landscape should enhance the sense of place, creating a human-scale and pedestrian-oriented environment.

Screening and framing: Plantings and site features should promote and increase design compatibility between different land uses, while ensuring attractive views from streets and adjacent properties. These site features should shield adjacent properties from potentially adverse impacts of development.

High quality materials are encouraged, providing an expression of concern for the quality of the pedestrian experience and the perception of timelessness.

Sustainability: The reliance on one species is discouraged to reduce the risks and prevent spread of blights and pests -- although massed plantings of the same variety may be allowed for design purposes. For most situations, plans should focus on the use of native and/or drought tolerant plants, and minimize the clearing and grading of existing vegetation. No invasive species should be permitted.

Parking lots and driveways

Parking lots should be planted with large shade trees and landscaped to provide visual relief, minimize the amount of glare, noise, and heat, block wind, and support safe patterns of circulation. This requires canopy trees growing in enough permeable soil to thrive. To that end, at least 5% of the interior of any parking lot shall be main-



Lighting and light fixtures should be designed as an integral part of the pedestrian realm. Poles and fixtures for street, parking and pedestrian lighting should be consistent within each area, but need not be identical throughout the district. Lighting for signs, building facades, and window displays should be considered as part of the overall plan for illuminating the streetscape.

tained with landscaping (trees and shrubs) in islands and/or medians at least ten feet wide.

Parking lots visible from streets or public pedestrian ways should be screened with attractive fences and plantings. Opaque screening should be required for at least 75% of the parking area between streets or public pedestrian ways. Shrubs, plantings, hedges or walls should provide an opaque screen or barrier for the first three feet of height within three years of planting.

Streetscape

The planting of trees along public streets or the retention of existing natural vegetation should enhance the appearance of the village, enclose and define the streetscape and reinforce the pattern of spaces. Special plantings may highlight significant sites, gateways and entrances. The streetscape itself should be designed to minimize conflict between trees, roadways, sidewalks, sight distance, and streetlights.

Street trees should be planted in sufficient numbers and close enough together to form a continuous canopy at maturity. They shall be large deciduous trees, unless the use of smaller trees is required due to other considerations.

Landscape plantings can be used to bring a human-scale to large buildings while enhancing the character of each site. Whether placed against the building wall in a traditional manner, or between the building wall and the vehicular use area, the plantings should be designed to soften hard edges and create human-scaled spaces. Perimeter plantings should visually break up the mass of buildings and pavement, located between sidewalks and buildings or between parking areas and sidewalks.

LIGHTING

Lighting should be provided at the minimum level that will provide for reasonable comfort and security, with an average illumination of 1-2 foot-candles and a maximum of 5 foot-candles to reduce "hot spots." All lighting should employ full cut-off fixtures with color-corrected lamps to minimize glare, reduce light trespass and avoid polluting the night sky. The reflectivity of building surfaces and pavement should be considered when designing lighting in order to reduce reflection of light into the night sky. All lighting should wherever possible incorporate timers or other devices to turn off lights when not needed. Flood or area lighting is not acceptable.

Street and Parking Lot Lighting

Except in the case of decorative fixtures designed to complement the streetscape, all lighting should employ cut off elements to project light downward. A larger number of medium-wattage streetlights is preferable to generalized illumination by bright lamps located high above street level. Area floodlights that use high-glare lamps should not be permitted. Metal halide or similar color-corrected lighting shall be used whenever possible. Indirect lighting of facades, vegetation and signage is encouraged.

Height of Fixtures

Fixtures should be mounted at a height appropriate to the scale of the buildings and to support a pedestrian-scale streetscape. Wall Mounted fixtures should be mounted no higher than 12-15 feet above grade, depending on the size of the building. Pole mounted fixtures should be no higher than 15 feet above grade.

Building Lighting

Indirect lighting of facades and decorative elements should be encouraged. Lighting of entrances, sidewalks, and parking areas should be accomplished with recessed fixtures under eaves and porches to minimize glare. Window displays should be illuminated with shielded accent lights. Interior lights should not create glare that shines out windows and doors.

Hours of Operation

Except as needed for site safety or security, all external lighting, including lighting accessory to authorized signs, should be extinguished one half hour after the facility is closed for the business day. Such lighting may be timed to resume one half hour prior to the arrival of the first employee on the premises.

Light Source

No outdoor light fixtures using high pressure sodium vapor or mercury vapor lamps should be allowed. The use of LED and fluorescent lighting is encouraged as long as the intensity, coverage and color of the light matches traditional light sources.



Poles and fixtures should be designed as complementary units, with both elements consistent with the design of the streetscape and surrounding buildings. Short, pedestrian-scale light poles are preferred to tall, high-wattage fixtures.

V. Successful Village Development in Other States

HIGHLIGHTS OF THIS CHAPTER

Communities around the country are using the village model to provide for continued growth while helping to protect their natural and cultural resources. This chapter presents case studies that include:

- Revitalization of Existing Villages - showing how three communities have used the village approach to expand an existing center or revitalize declining older villages.
- Development of New Villages – showing how the village approach can be used to protect farmland and other open space while creating a vibrant new center.

PURPOSE OF THE CASE STUDIES

As described in Chapter 2, there is a growing list of village development examples within a short drive from Providence, ranging from redevelopment of historic villages to entirely new mixed use centers. Many were first envisioned as part of a town planning process. Some include conservation of open space as part of the development process. Few, however, do all of these things at once. In looking for additional examples from outside the region, this project focused on those that succeeded on multiple levels, and also represented a scale of development that could be duplicated in Rhode Island. While there are many villages that are planned or partially built, another objective was to assemble case studies of villages that are well along, if not complete. Twelve candidates were identified that met these criteria, six of which are described in this chapter: three representing revitalization of existing villages, and three describing new villages.

REVITALIZATION OF EXISTING VILLAGES

Almost always, historic villages were located to take advantage of particular resources, such as farmland or waterpower, or transportation connections, such as a crossroads, harbors or railroad stations. Established before the automobile, most were compact and walkable by definition. Over the course of the 20th Century, however, many historic villages lost their focus as they were inundated by the rising tide of auto-driven suburbanization, and even rural villages lost their dependence on the surrounding landscape. Commercial uses abandoned the villages in favor of more central locations – often near the interstate highways – and schools, post offices, libraries and other community facilities left villages for sites with more space and better road access. In many communities, historic villages today

have fewer residents and businesses than they did in the 19th Century, creating an opportunity for revitalization and infill development.

Across the country, there are many examples of historic villages that are undergoing revitalization as residents and businesses rediscover the resources and amenities that drew people to them originally. The three examples described here each have been successful in bringing vitality and beauty back to a historic center. Just as importantly they show how village revitalization can be coordinated with town and region-wide planning efforts in transportation planning, economic development and conservation. By thinking of villages in terms of these larger systems and relationships, planners have been able to take advantage of underlying functional connections that helped villages succeed historically, and which give them a key advantage in the post-suburban era.

Case Studies

Revitalization of Existing Villages

- Weatherstone Village, Chester County, PA
- Cherry Hill Village, Canton Township, MI
- White River Junction, VT

Development of New Villages

- Old York Village, Chesterfield Township, NJ
- Middle Green Valley Specific Plan
- Clarksburg, Montgomery County MD

For the Weatherstone village in Chester County, PA, developers were planning for the site at the same time that the township and county were developing plans for the adjacent historic hamlet. The project will eventually become one neighborhood within the larger plan. The location of roads, buildings, parks and open space work well for Weatherstone, but also fit in seamlessly with the concept for the whole area. Cherry Hill Village, in Canton Township, MI, serves a similar function, but its particular strength is showing how an historic hamlet surrounded with scattered suburban uses can grow into a mixed-use town center, much as the hamlet would have grown into a village if the same development potential existed a century ago. Finally, White River Junction, Vt. Shows how a town can plan for village revitalization, leveraging a state growth centers program to improve the economic viability of private redevelopment efforts.

DEVELOPMENT OF NEW VILLAGES

Some communities never had village centers. In others the existing villages are already built-out, or have historic or environmental resources that limit growth. As a result, some towns have worked to identify areas suitable for an entirely new village. The goals driving these efforts can be diverse. Sometimes towns are looking for a way to create a more successful concentration of commercial activity that will be more functional than the typical low-density commercial strip, and attract businesses that are looking for a more attractive pedestrian environment. Other towns are focused on diversifying their housing stock, recognizing that existing single-family subdivisions can't meet the needs of small households made up younger people just starting out or retirees looking to down-size.

The three examples that follow meet both these objectives, while also helping to preserve open space in the surrounding countryside. For Old York Village in Chesterfield Township, NJ, on the basis of an overall conservation/development plan, the township designated an area of 570 acres near the NJ Turnpike as a new village with 1,250 homes on relatively small lots. In order to build at the density envisioned by a detailed village master plan, developers were required to purchase the development rights on designated farmland areas elsewhere in the township. This Transfer of Development Rights (TDR) approach has saved more than 2,500 acres of farmland. The Middle Green Valley Specific Plan in Solano County, CA envisions another new village that will use TDR to save the natural and cultural resources of in a rural area. Finally, the village of Clarksburg in Montgomery County, MD features a series of new neighborhoods

clustered around a new mixed use center on a declining suburban commercial strip.

The case studies that follow are organized around a series of themes. First, they describe the planning context of the project; how does it fit into plans for the surrounding town, county and region? Second, they explore the masterplan concept; how were buildings, roads, parking and open spaces organized and how were these decisions made? Third, the case studies describe the detailed design strategies for private house lots as well as the "public realm" of streets, sidewalks, parks and civic buildings. Next is the conservation component: how did the project work to protect farmland, wildlife habitat and other sensitive features? Finally, each case study describes the zoning that guides development on the site, as well as any special infrastructure approaches that were needed in order to service new homes and businesses in the village.

WEATHERSTONE

Overview: Weatherstone is a mixed-use village of 273 homes and 240,000 square feet of commercial space, including a branch of the county library. Like many rural village projects, the residential element has a more certain market and has been leading the project, with much of the commercial component on hold until demand picks up. In addition to a high level of design quality, the project is embedded in a larger plan for the adjacent hamlet, which is itself part of a county-wide scheme to direct growth away from farmland and other open space and into a series of growth centers.

Planning Context: The 300 acre site is adjacent to Ludwigs Corner, an historic hamlet that has been identified as a rural growth center in Chester County's comprehensive policy plan, Landscapes 2. Adopted in 2009, the plan provides a vision for growth and conservation in what has become the fastest growing county in Pennsylvania. Central to the plan is the Livable Landscapes map, which identifies six types of landscapes: growth areas include urban landscapes, suburban landscapes and suburban centers; while rural resource areas include rural landscapes, agricultural landscapes and rural centers. The various landscapes were mapped out through an overlay process that created separate maps for natural features, agriculture, cultural features and so on. An extensive public participation process involved stakeholders from across the county in evaluating these resources and helping planners decide which areas should be protected and where growth should be encouraged. While zoning and development review remain in the purview of the townships, the county plan provides guidance to local planners as well as helping to direct county and state investment in planning, conservation and infrastructure improvements.

A traditional crossroads of two state highways, Ludwigs Corner also lies at the intersection of three different townships. The 18th Century Ludwigs Inn (a popular

Location: Ludwigs Corner, West Vincent Township, Chester County, PA.

Area of Project Site: 300 Acres, including 195 acres in permanent conservation.

Village Type: Expansion of existing crossroads hamlet.

Residential units: 197 single family homes and 76 townhouses.

Other uses: 240,000 square feet of commercial is permitted but not yet built. A new county branch library has been completed at the entrance to the project.

Project Team: The Hankin Group, Exton, PA

Timeline: 2000 - Present

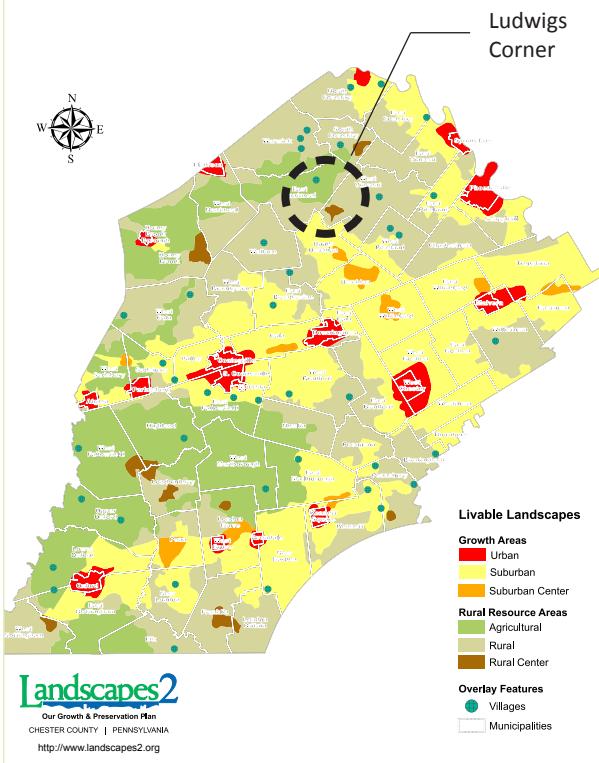


Ludwig's Corner today includes a typical exurban mix of uses, with an historic Inn, church and cemetery on one corner, a small commercial development, and a suburban-style bank and gas station. The Weatherstone project will eventually be tied into this area with infill development across the vacant land in the lower right of the photo (Aerial photo courtesy Bing Maps).



While this field between the existing residential village and county library and the original hamlet will eventually be filled in with commercial structures, under the master plan the village will retain the traditional rural pattern of a compact center surrounded by permanently-protected open space.

Livable Landscapes



The historic Ludwigs Inn sits a few yards from the busy crossroads of two state highways (above). Across the corner (below), a typical exurban gas station takes advantage of the high traffic count.

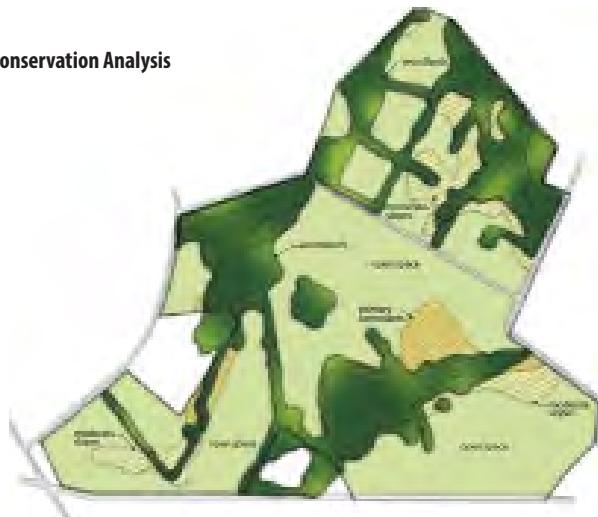


Chester County's Livable Landscapes map (above) outlines a plan for conservation and growth across the region. Ludwigs Corner is a designated Rural Center in the Southeast Corner of West Vincent Township. The township prepared a masterplan for Ludwigs Corner (right) that is designed to integrate existing and proposed development on multiple properties into a coherent village center. New roads through the village relieve congestion at the existing intersection while providing access to interior blocks (maps courtesy Chester County, PA and West Vincent Township).

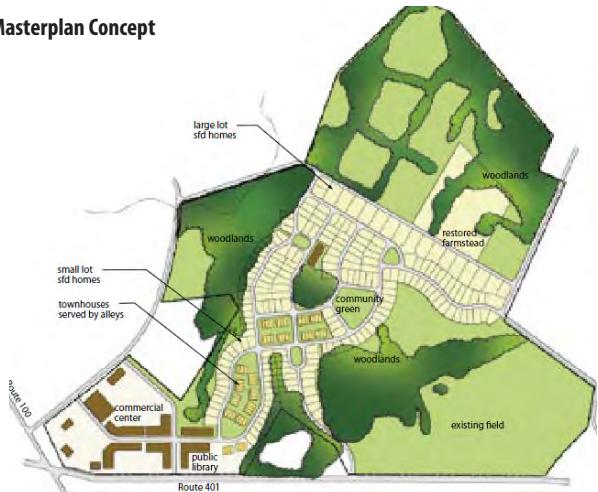


An historic farmstead and barn (above and right) were incorporated into the project as a community center complex with pool, playground, tennis courts and gardens (Aerial Photo Courtesy Bing Maps).

Conservation Analysis



Masterplan Concept



restaurant) stands at one corner, surrounded by a mix of commercial and residential development, including an attractive mixed use project adjacent to the Inn, a modern bank/drive-through and a gas station/convenience store. The state highways through the site have long attracted a mix of scattered exurban development - service businesses, farm stands, etc. - and the townships have for many years been trying to reduce the potential for additional strip commercial growth in favor of more traditional village centers. A master plan for Ludwigs corner was prepared in 2005 to address issues of traffic, parking and the design and organization of future growth. The community design plan incorporates an earlier concept for a new road bypass, designed to relieve traffic back-ups at the intersection. This ring road has been worked into the masterplan for the future village, providing access to a grid of interior streets that will simplify circulation within the village itself. The new road provides one of the principal entrances to the Weatherstone project.

Masterplan Concept: West Vincent Township's 2003 revised Zoning Ordinance adopted the "Growing Greener" conservation design approach. Applicants are required to identify Primary Conservation Areas (including unbuildable floodplains, wetlands and steep slopes) as well as Secondary Conservation Areas (partially-constrained lands and areas with environmental, recreational and agricultural value (left, top). After these features are identified, new buildings and streets are located on the plan in a way that preserves the most important open space areas. The masterplan (left, below) clusters houselots on the interior of the site, with a mixed-use commercial area adjacent to the existing Ludwigs Corner crossroads. The plan thus preserves the most visible open space on the property, tucking the new neighborhood into the rolling landscape at the center of the site.

Design Strategies: While many Conservation Development projects preserve a significant portion of the site, Weatherstone goes further than most with beautiful community design based on the principles of Traditional Community Development (TND). Rather than focusing on the individual homes, in the TND the streets, sidewalks,



The basic building block of the village is a relatively narrow house lot (40 or 50 feet wide), with houses close to the street and parking in the rear. Front porches, a small landscaped front yard, sidewalk, tree belt and curb all help soften the transition from the house to the street.



One advantage of a compact design approach is that the same per-unit investment in trees, fences, hedges and other landscaping is also more concentrated, producing a more complete effect with less time and expense. After just ten years, trees are tall enough to demonstrate how the project will just get better over time.



Like many Traditional Neighborhood Development projects (TND), Weatherstone features a series of small parks that provide a focal point for each neighborhood. The project goes further than most, however, with a unique design for each park and an extraordinary attention to detail.

parks and other features of the “public realm” form the backbone of the project. Rows of buildings, interspersed with tall shade trees, form a continuous enclosure to the streetscape. An irregular grid of relatively narrow roads allows reduced traffic speeds and creates a comfortable pedestrian environment. Continuous sidewalks connect to a series of parks, each of which is uniquely designed and detailed to take advantage of its particular location and function. At the center of the project, a historic house and barn have been re-purposed for a community center, with pool, tennis courts and playground.

Conservation Component: 195 acres, 65% of the 300 acre site, was preserved through clustering of the residential units. The original farmstead and 10 acres were sold with a deed restriction limiting future development. Additional open space areas were identified through the conservation design process, including two stream corridors and their associated wetlands.

Zoning: A village ordinance (under consideration before the project started) was enacted in 2003 as the project was getting under way. Including all of Ludwigs Corner, zoning for the area includes a planned commercial/light

industrial district along the main road, a Village Center Commercial district centered on the intersection and an 2-acre residential zone that includes most of the existing Weatherstone Village. A Village Center Residential Overlay allowed for the new homes to be clustered on lots smaller than two acres. The village overlay also provided a density bonus, allowing for an increase in base density from 2 acres per unit to 1 acre per unit as a bonus for village design, with an additional .5 unit/acre for elderly/affordable housing.

Infrastructure: While the conventional 2-acre house-lots that could have been built on the property would have had individual sewage disposal systems, the village approach required a shared wastewater system. Taking advantage of a common approach in Pennsylvania, the chosen wastewater treatment method involves a series of collection ponds, with spray irrigation of the effluent on the hayfields on the southeast corner of the site. Relatively narrow roads and the use of low impact development techniques limit stormwater runoff. Excess is channelled through a series of landscaped ponds, which add additional variety and beauty to the overall project.



The agricultural landscape surrounding the project was largely preserved. Some of the hayfields are used to treat wastewater through spray irrigation.

CHERRY HILL VILLAGE

Overview: Cherry Hill Village is a planned community that will eventually include 1900 homes and 60,000 square feet of commercial/office uses. The site includes the historic crossroads of Cherry Hill, which was once an isolated hamlet within the farmland of Canton Township.

Planning Context: The township, within commuting distance of Detroit, grew from just 5,000 people in 1960 to more than 90,000 today, mirroring the suburban explosion that occurred across the country in the latter half of the 20th Century. As subdivisions threatened to advance across what remained of Canton's open farmland, in 1998 the township adopted a masterplan for the area that envisioned preservation of the historic hamlet within a traditional village setting. The village is also designed to increase the diversity of available housing stock in the community, most of which is traditional three-bedroom single-family homes, through the addition of townhouse and apartment units. The core of the village will provide services to residents and businesses within the new neighborhood, while also serving the rest of the town.

Masterplan Concept: The project is laid out according to the principles of New Urbanism, with a focus on the public realm of streets, parks and other civic spaces, to

Location: Canton Township, Michigan

Village Type: New village surrounding a historic crossroads hamlet.

Size and Density: 338 Acres, at 4-6 units/acre.

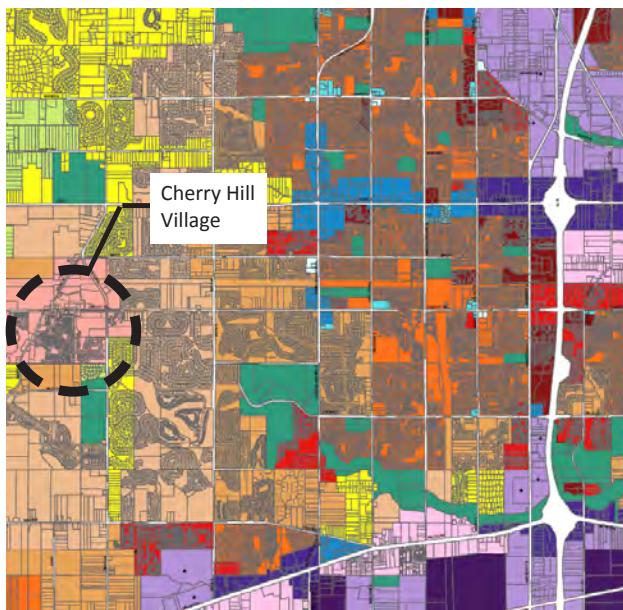
Residential units: 1,291 homes, including single family, townhouses and apartments. Additional approvals for up to a total of 1900 units.

Other uses: 216,500 square feet of commercial, 26,560 square feet of civic space, 400 seat community theater complex, firehouse and school.

Project Team: Biltmore Development, Birmingham, MI. Looney Ricks Kiss, planning and design.

Timeline: 2000-present. First two phases completed in 2003.

which the residential and commercial building form a backdrop. A hierarchy of streets extends out from the village core, divided into blocks by cross streets, and terminating in a series of parks and squares, each of which forms the center of its immediate neighborhood. Density decreases with distance from the village core, which



The future land use plan for the town shows the location of Cherry Hill Village within the remaining farmland in the west end of the Township. Commercial and industrial uses (purple) are concentrated along the interstate on the east side (maps courtesy Canton Township, MI).



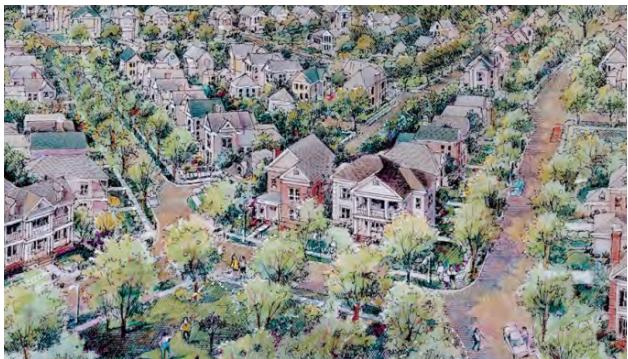
The masterplan for the village was established through a series of public meetings, and continues to evolve as outlying neighborhoods are filled in. It includes a clear demarcation of developed areas framed by open space.



A new theater at the center of the village brings a steady flow of activity into the village from throughout the township.



After a decade of growth, the streetscape within much of the project (above) is starting to bear out the promise of the initial design renderings (below). Traditional elements like attractive facades, porches, heavily-planted front yards, sidewalks and tree belts help to create an interesting and dynamic visual environment. Even though individual yard spaces are relatively small, the shared public space along the street provides a level of beauty and function that is missing from the typical subdivision (rendering courtesy Biltmore Development, LLC)..



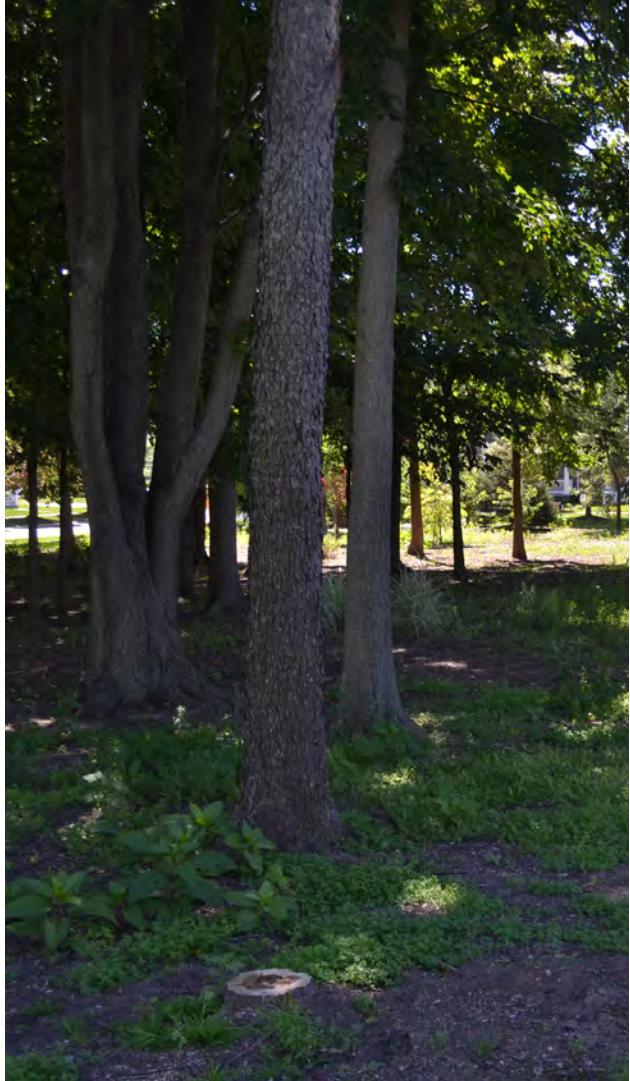
This aerial view of the village core shows the town square, which forms the hub where all activities converge. Existing historic structures are at the lower left and bottom of the picture; residential neighborhoods to the right, and new mixed-use structures toward the top of the image. The theater is part of a large mixed-use block in the upper left, that includes retail, office and residential uses. A marquee and public plaza at the corner provide a highly visible landmark (aerial photo courtesy Bing Maps).



The 1876 Cherry Hill School (above), with its lawns and huge trees, shows how valuable preservation can be in establishing a strong sense of place for a new community. Now given over to community uses, the shady grounds of the school provide a counterpoint to the new mixed-use block across the street. Several wooded areas (right) were preserved within the masterplan as part of the system of community parks that weaves through the village.

has more apartments and townhouses, to the outlying streets, which have larger single-family homes. Important civic and commercial buildings, such as the theater, take pride of place at important intersections. The project is sensitive to existing historic buildings and large trees, which have been linked to the village core with a continuous network of sidewalks.

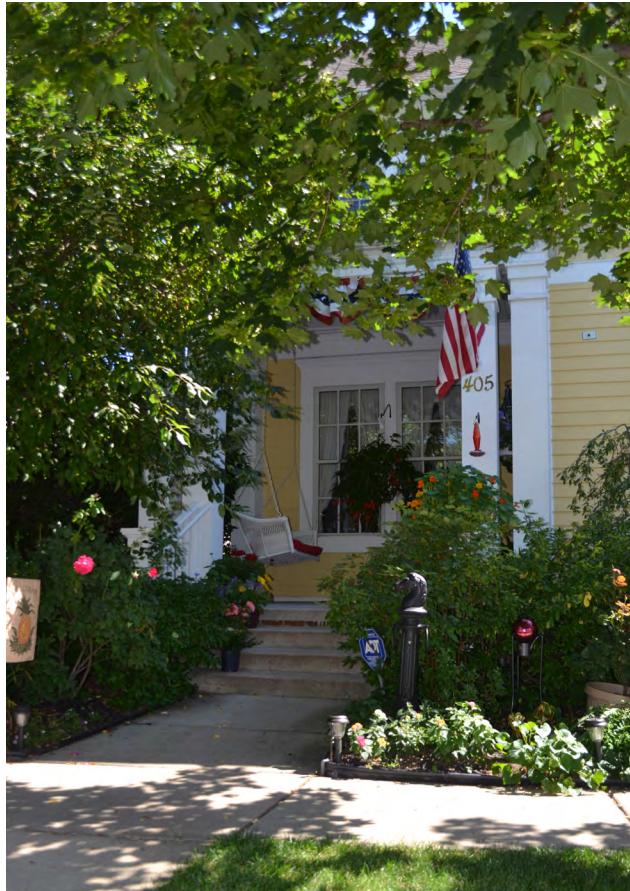
Design Strategies: the project is a traditional neighborhood design with a grid of streets interspersed with small parks, focusing on a town square surrounded by mixed-use buildings. Homes come up to the sidewalk, with rear parking accessed from alleys, which allows the street frontage to be given over to the pedestrian. The public realm along the street, punctuated by neighborhood parks and the town square, acts as the skeleton for the overall composition. Within this structure, uses vary from apartments and townhouses to single-family homes. The architectural design forms another unifying element, with traditional treatment of each type based on historical precedents, from the brick or frame Main Street blocks to farmhouse style homes on the outlying streets.



Conservation Component: While conservation was not the focus of the planning and design process, a variety of open spaces were woven into the structure of the village. These include the central square, several landscaped parks, and a few patches of forest that were left in a natural state. Additional agricultural parcels were set aside around the village. Twenty-two miles of pathways, bike trails and sidewalks are incorporated into the plan, allowing ample access to open spaces both within and outside the village.

Zoning: The project was planned and permitted as a Planned Development District, which establishes a basic range of density (4-6 units/acre in the village edge, 12 units/acre in the mixed-use village core) and otherwise allows flexible design in conformance with detailed design standards. This provides the developer with the flexibility to mix and match uses, while providing for a consistent level of design quality.

Both public and private spaces are richly planted and full of the sort of detail that is often found only in towns that have been around for much longer. This investment is possible in part because less money is spent on the private space around each home, and the compact nature of the project allows fewer trees to have a greater collective impact.





Like traditional towns and villages across the country, Cherry Hill Village offers a high quality of life, not just for what it offers residents within their homes, but because they can leave home and walk along miles of sidewalks and paths to find opportunities for community life, shopping, work and play. And all of this is available to people at every stage of life and diverse incomes, from single people and couples just starting out to growing families that need a larger home, as well as seniors looking to downsize.

Infrastructure: the project is connected to township water and sewer services, allowing for flexibility of density and unit types. Roadways are designed according to a hierarchy of use and traffic demand, so that those serving fewer units and/or serving only the immediate neighborhood have a smaller cross section. The gridded street pattern supports narrower streets by spreading traffic more evenly, preventing bottlenecks. Public safety is also enhanced because vehicles have more than one access to a given block.

Parking for homes and businesses is kept to the rear, with garages at the back of the lots accessed from narrow alleys. Multi-family units have parking lots in the rear of the structures, with free-standing garages for some of the units. On-street parking is provided along most of the streets, providing for visitors or commercial customers while also serving to reduce vehicle speeds through residential neighborhoods.

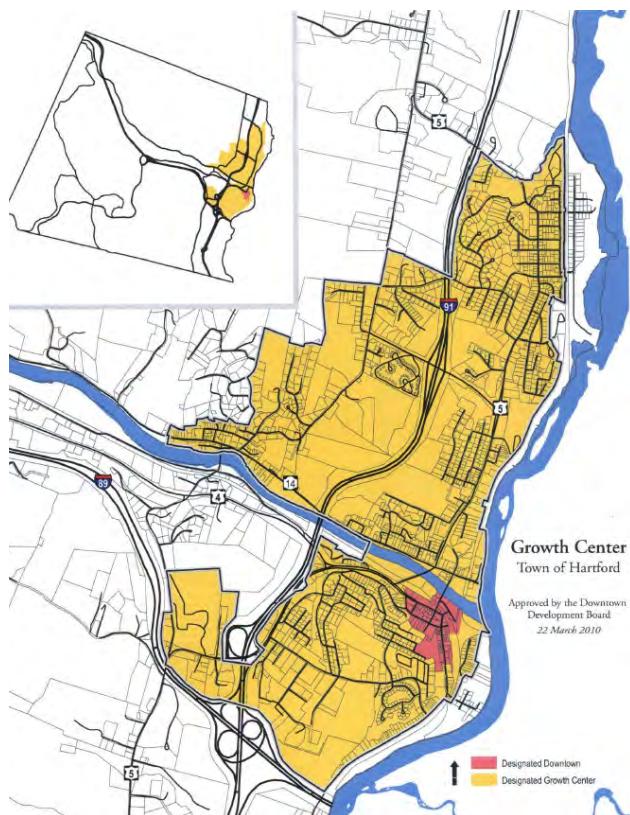


Single-family dwellings have their own driveways and garage parking. For townhouses and apartments, small parking lots and drive-under parking garages help to screen cars from view.



Diverse multi-family housing includes a range of offerings, from brick townhouses to three-story wood frame apartment blocks.

WHITE RIVER JUNCTION



Overview: White River Junction is a "designated downtown" within a larger growth center outlined by the town of Hartford, Vermont and approved by the State. The designation allows the area to qualify for enhanced support from the state, including creation of a Tax Increment Financing District (TIF).

Planning Context: Vermont's 2006 Growth Center statute allows towns to designate an area of land in or adjacent to a downtown, village center or new town center to accommodate a majority of growth anticipated over a 20-year period. The Town of Hartford applied for growth center designation in 2009 and was approved by the

Location: Hartford, VT

Village Type: Revitalization of an existing village.

Size and Density: The 2,005-acre growth center comprises approximately 7% of the town, including Hartford's designated downtown in White River Junction and two historic village, Hartford Village and Wilder.

Uses: White River Junction is a regional center for community services, visual and performing arts, offices, education and dining.

Project Team: Biltmore Development, Birmingham, MI. Looney Ricks Kiss, planning and design.

Timeline: 2000-present. First two phases completed in 2003.

state in 2010. The growth center is targeted to accommodate approximately 60% of the housing and more than a majority of commercial development over the next 20 years. The location and goals are also reflected in the town's 2007 municipal plan.

Tax Increment Financing: In 2011 the town established a TIF district for White River Junction which includes some 114 acres of the downtown, with 129 separate parcels. The TIF designation will allow the town to make \$13 million in infrastructure improvements. Utility and infrastructure upgrades will include improvements to sewer, water, stormwater and communications systems. Sidewalk and streetscape improvements will enhance streets and sidewalks with new trees and other landscaping, and improve signage and street furnishings. Parking and roadway improvements will include redevelopment



Like many historic villages, White River Junction declined as the center of commerce and industry moved elsewhere -- but the fundamentals of location, transportation access, pedestrian-friendly development patterns and available space provide favorable odds for long-term success.



Boundaries of the White River Junction Downtown TIF District.

of an existing public parking lot into a 180 space parking deck.

The TIF will enable redevelopment of 8 key properties: Prospect Place, which will redevelop a former industrial site into four new mixed-use buildings, with ground floor retail, offices on the second and third floor, and residential condos on the fourth floor; Northern State, a new 45,000 s.f. theater, with potential for an 79,000 additional square feet of commercial space and 36,650 square feet of residential; Northern Hospitality a 55,000 square feet retail/hotel complex; Main Street Renaissance, redevelopment of a car dealership parking lot into a 15,600 square foot mixed-use building; 54,000 square feet redevelopment of multiple parcels on Gates and South Main Streets; 140,000 square feet of mixed use on Pine Street; 65,000 square feet on Maple Street; and 58,000 square feet on Bridge and North Main Streets. Depending on the market, of course, it will take many years to achieve the redevelopment of all of this space, but the TIF designation provides a source of funding that can be used immediately to finance needed public investment in the downtown.

Design Strategies: The Growth Centers designation is only one part of a revitalization effort that the town has been pursuing for many years, including previous planning efforts that described a vision for traditional downtown and village centers with a mix of uses and strong sense of place. Improvements to streets, side-

walks and other streetscape element have been made that are designed to promote walkability, calm traffic and improve parking conditions.

Conservation Component: By designating the growth center, the town targets state and local funding towards infrastructure improvements that will provide an incentive for future growth to locate in the existing downtown and villages. Restrictions in services outside the growth area will further limit pressure to develop more rural areas of the town.

Zoning: Amendments to the zoning bylaw were made in 2008, including provisions designed to implement the master plan. These included increasing densities in the villages and downtown while scaling back commercial and industrial zones along Route 5.

Infrastructure: the town upgraded the wastewater treatment plant to serve the growth center. Sewer and water extensions are planned to services most parts of the growth center. Utility hook ups outside the growth areas will not be allowed. Construction of a new 180 space parking deck is designed to support increased density in the downtown.



Design Guidelines adopted in 2001 encourage architecture that fits in with the historic context, without precluding creative approaches to adaptive reuse that build on the community's industrial history and funky atmosphere.

OLD YORK VILLAGE

Overview: This new village grew out of a town-wide planning process that had as its goals preservation of farmland and other open space, revitalization of existing historic centers, and accommodation of future growth. The result was a decision to consolidate new growth in a new village close to the NJ Turnpike. The township's historic villages would be contained within their historic boundaries, and houses that would have popped up in the corn fields would be shifted into the new village through the use of Transfer of Development Rights (TDR).

Planning Context: The project is part of a long-term planning initiative, with a 1997 master plan that identified sending and receiving areas and adoption of a TDR



The nearby historic village of Crosswicks, with its irregular grid of streets, diverse uses and varied architecture, was a model for design of the new village (aerial photo courtesy Bing Maps).



The new village was designed to relieve development pressure on farmland as well as the three existing villages within Chesterfield Township (plans courtesy Chesterfield Township, NJ and Clarke Caton Hintz).

Location: Chesterfield Township, New Jersey

Village Type: New Village

Size and Density: 570 acres, with a gross density of 2.2 units/acre.

Residential units: Total of 1,250 units, including single and multi-family.

Other uses: A modest amount of mixed use was included in the original master plan, but will not be built until completion of the current phase, recently announced. A township elementary school has been completed, with ball fields that serve the village as well as school functions.

Project Team: The original masterplan was prepared for the town by Clarke Caton Hintz. Five different developers have been responsible for detailed design and construction.

Timeline: Construction commenced in 2003, with 115 units occupied by 2006, and more than 800 units have been completed. Development of multi-family housing and a commercial component has recently commenced.



The masterplan creates a series of neighborhood centers, each with somewhat higher densities of housing surrounding a public park. A central open space network links a system of streams and drainage ponds, and provides trails leading to a new elementary school.

ordinance in 1998. A masterplan for the receiving area was completed in 2002, establishing an overall plan and standards for roads and architecture.

Masterplan Concept: The project is organized around a gridded street system, interrupted at intervals with parks and squares. For most units, parking is hidden in the rear of structures, accessible from rear alleys. A more significant open space network runs through the center of the project, incorporating existing woodlands with a network of drainage swales, streams and stormwater ponds. Streets fronting on these areas are laid out as parkways, with buildings on only one side. Continuous sidewalks link to a system of bike paths and foot trails through the open space.

Design Strategies: Old York Village incorporates Traditional Neighborhood Design principles, including small house lots, homes close to the street, and rear garages accessed by alleys or narrow driveways. Architecture spans a range of traditional house types, mostly of a victorian or vernacular farmhouse style. Most units have porches, some with extending to two stories, and most have dormers and gables to break up the roofline. The original intent of the masterplan was to have a great variety of house types; in practice, the developers involved in the project pursued their usual practice of simplifying the offerings into as small and efficient a range as possible -- with the result that areas of the project retain the monotony of the standard subdivision, albeit with a better streetscape.

Conservation Component: The township has been very successful at preserving most of its farmland, including 4,670 acres through purchase-of-development-rights programs. As part of this project, TDR has been used to preserve an additional 2,142 acres, with another 600 contracted. The project is one of the few examples with a direct link between increased density in the planned location of the village and preservation of farmland elsewhere in town.

Zoning: Pre-existing zoning in the area averaged 3.3 acre lots. A planned village zone was established for the receiving area.

Infrastructure: A critical element in the success of the project was the provision of sewer service through an agreement with the New Jersey Department of Corrections. Water supplied by the township. Stormwater is managed through a system of drainage ways, ponds and streams that winds through the property, creating an amenity for residents as well as a continuous corridor for wildlife.



Several large open parks within the development provide a contrast to more densely-settled areas.



Parks are laid out to create visual and functional focal points within each neighborhood (aerial photo courtesy Bing Maps).



Most homes have a small formal front yard facing the street and/or park, with a private terrace or deck in the rear, allowing for a choice of public or private spaces.



Drainage ponds are landscaped and incorporated into the park system.

MIDDLE GREEN VALLEY SPECIFIC PLAN

Overview: extraordinary land values in a prime area in Northern California's wine country make it difficult to buy land outright for conservation. To harness the power of the marketplace to protect the 1,900 acre Middle Green Valley, planners developed a master plan for the valley where a new village on 337 acres would absorb most of the development potential in the whole area. A Transfer of Development Rights (TDR) process would be required, which would require developers essentially to purchase development rights on designated farmland in return for the right to build corresponding number of units in the village. An detailed form-based code stipulates the location and design standards for every element -- the developer thus saves considerable time and money with a project that is essentially pre-approved and pre-designed.

Planning Context: Like rural landowners everywhere, the farmers and vineyard owners in the Solano County's Middle Green Valley want to keep the land in cultivation, but struggle to remain financially viable. Meanwhile the ever-increasing value of their land for development provides an attractive alternative. In order to resolve this conflict, in 2008 the County proposed a Specific Plan process for the Middle Green Valley as part of the updated General Plan. Under California law, a Specific Plan can regulate the precise location and density for development, going beyond the usual zoning code by deter-

Location: Solano County, California

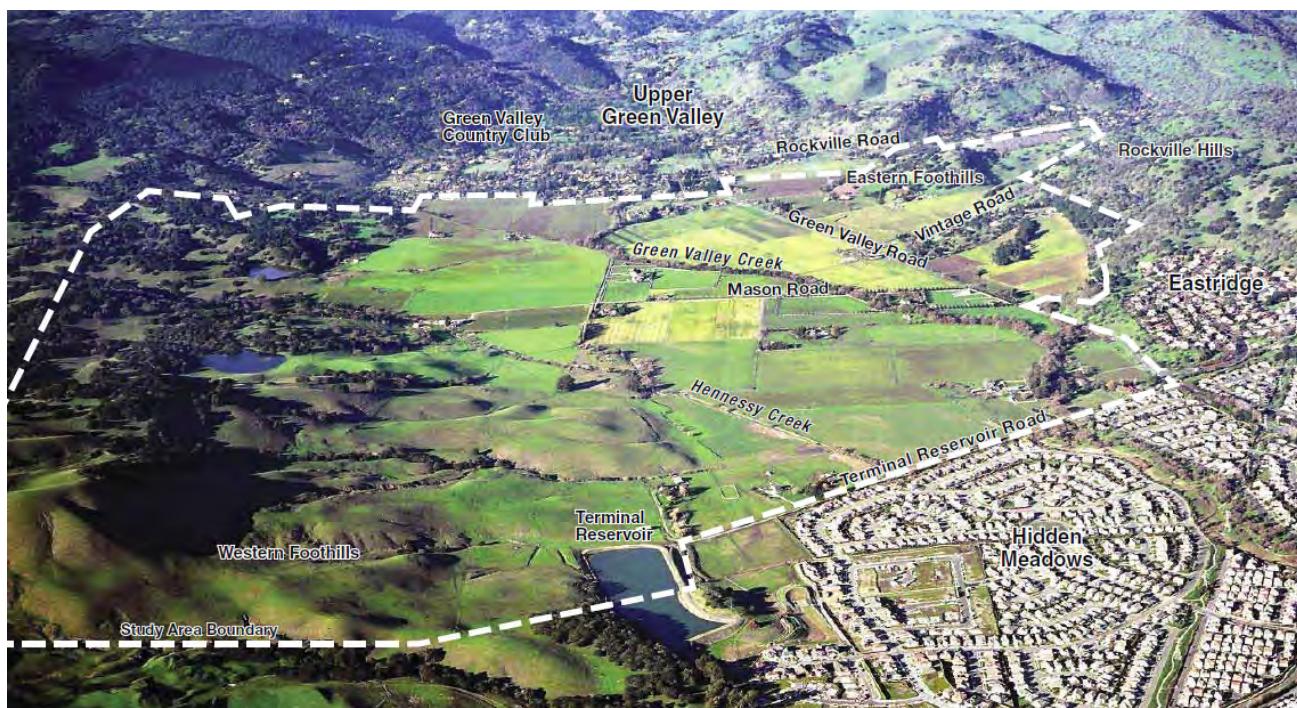
Village Type: New Village

Size and Density: The planning area totals 1,905 acres, including grazing land, vineyards, cultivated fields, drainage corridors, roads and around 50 existing rural buildings. The plan allows up to 400 primary homes and additional 100 secondary homes, on approximately 337 acres, at densities ranging from five acres/unit for outlying areas to 4-8 units/acre in the village core.

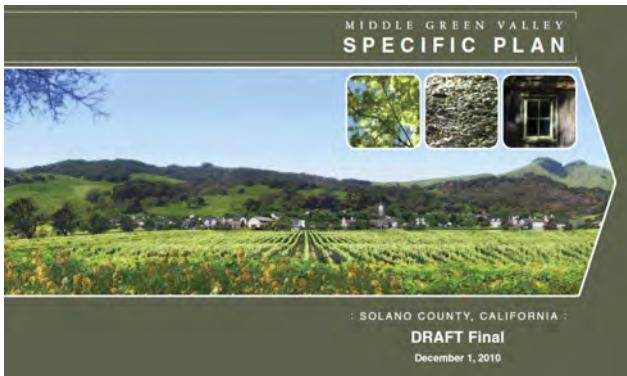
Other uses: Vineyards and other agricultural tourism facilities, local neighborhood retail and community facilities.

Project Team: The specific plan was developed for the county by a consulting team led by Hart Howerton, Planners and Architects, of San Francisco.

Timeline: The specific plan was completed in 2010. The plan has been adopted but construction is on hold pending approval of Environmental Impact Reviews, which had to be resubmitted due to a lawsuit related to water supplies.



Less than an hour from downtown San Francisco, Middle Green Valley has long been under extraordinary development pressure (all plans and photos in this section courtesy of Hart Howerton, Planners and Architects and the Solano County Planning Commission).



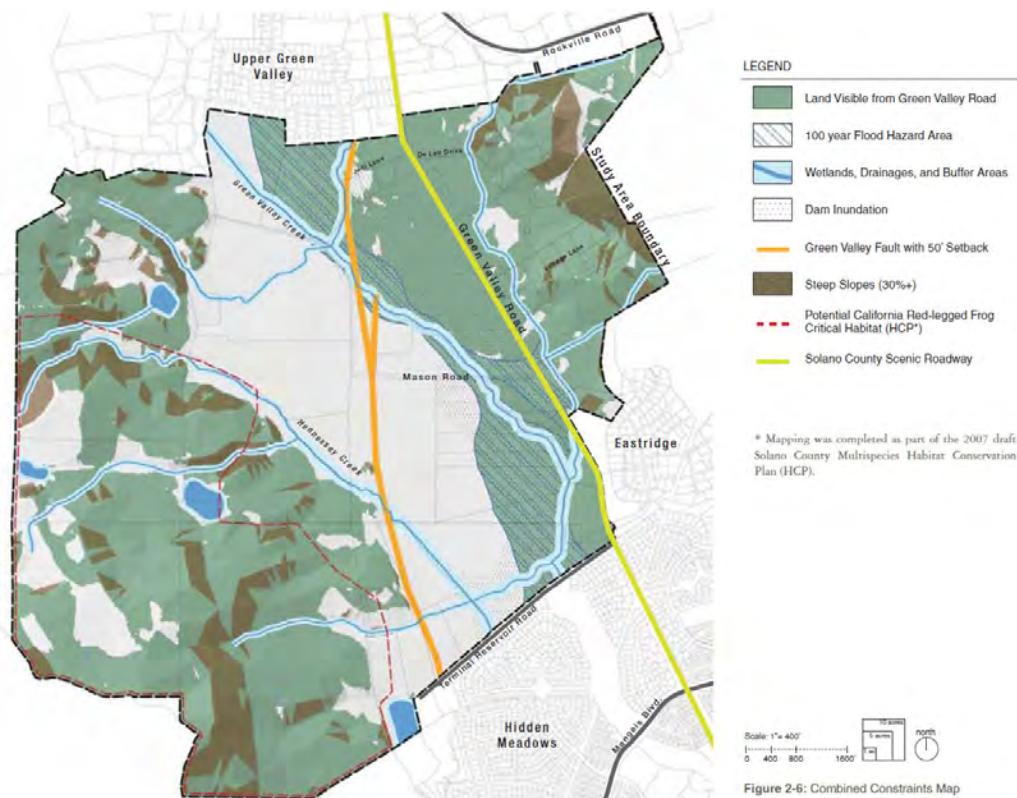
Under California land use law, the specific plan combines the specificity of a village masterplan with the regulatory authority of a zoning code.

mining the precise design and location of future roads, development areas and open space. Under the plan that resulted, 78% of the land in the valley will remain as open space, with 415 acres designated for four proposed neighborhood areas in a village configuration.

Conservation Component: 1,490 acres of agricultural land and other open space will be protected, of which 440 would be working agriculture. Transfer of Development Rights would be used to shift density from designated open space areas into the proposed village.



The illustrative master plan shows two village neighborhoods planned for the center of the area, surrounded by vineyards and arable land to the East, and grazing land to the West.



* Mapping was completed as part of the 2007 draft Solano County Multispecies Habitat Conservation Plan (HCP).

Figure 2-6: Combined Constraints Map

A map of constraints shows unbuildable floodplains, streams, wetlands, water bodies and steep slopes, as well as lands that are most visible from the primary road through the valley. The village was located in the area where they would have the least impact on these areas.

Masterplan Concept: The vision described in the plan is to allow for development of a village that is carefully integrated with the rural landscape. The driving force behind the project is to preserve the visual quality and character of that landscape while maximizing conservation of agricultural land and promoting a successful agricultural economy. The village areas are thus intended to serve the surrounding landscape rather than dominating it. Additional homes are tucked in around the edges of meadows and wooded areas, but largely out of site. Within the village there are traditional streets, parks and squares, with most of the parking behind structures and accessible from alleys.

Design Strategies: The design for both villages and estate areas is carefully worked out and incorporated into a form-based Neighborhood Design Code. The code provides design guidelines that are based on the settlement patterns of small California towns. As part of a stipulated design review process, the design guidelines provide a framework organized around the use of seven basic rural building types. These include agriculture/community buildings, courtyard homes, bungalow, farmsteads, meadow buildings, compounds, and secondary units/ancillary structures. For each building type, the design guidelines provide specific instructions for placement of the building on the lot; building form, massing and size; parking and service; allowed uses; allowed frontage types, such as yards and porches; and landscaping and fencing standards. The guidelines essentially provide a



A sketch of one of the village neighborhoods illustrates how the diverse building types are united by the public space of streets and parks.



Agricultural structures are located to create focal points in the design of the village.



Conceptual plans for each neighborhood show how the various building types are laid out to form a series of dynamic community spaces.



An elevation of a typical village street shows how buildings and vegetation combine to create a varied yet consistent edge to the public space..

design template for every part of the project, saving considerable time for the developer while ensuring a high level of design quality across the board. By investing in an extraordinary level of design development up front, the county ensures development of a village with great variety and richness, supported by plans and guidelines that provide a clear (and hopefully inviting) path forward for potential developers.

Zoning: Under California's specific plan legislation, the plan essentially serves as the zoning map, with strong development standards and design guidelines. The regulating code includes a Regulating Plan that shows specific locations for roads and building lots, and assigns the building codes various building types and standards to specific location. The regulating plan describes six transect zones: conservation, agricultural, rural, neighborhood edge, neighborhood core and neighborhood center. Each transect zone has associated standards for allowed building types, roadway design and treatment of open lands. There are also sections of the code dealing with the character and quality of the landscape within private spaces, as well as standards for signs.

Infrastructure: the plan proposes formation of a County Services Area to maintain and operate shared water, sewer and stormwater systems. The design of streets is governed by the Neighborhood Design Code, with provides standards for Right-of-way width, travel-way, on-street parking, traffic lands and maximum design speed.



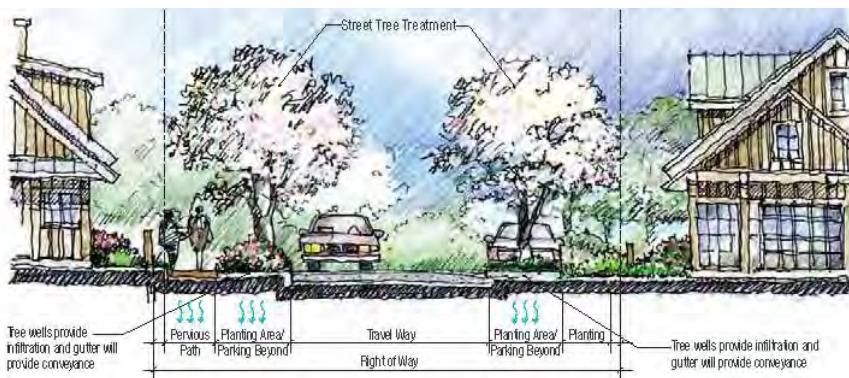
A ground-level view of a typical streetscape.



Detail showing recommendations for ancillary structures.



Elevations of the different building types illustrate the desired materials and proportions and organization of various facade elements.



Each street is customized to the location and level of use. This section also shows how pervious paving and tree wells work to provide infiltration of stormwater runoff from streets and sidewalks.

CLARKSBURG

Overview: Clarksburg is in Western Montgomery County in an area that has grown haphazardly since being designated as a growth center in the 1960s. Masterplanning in the 1990s created a more coherent planning and design framework for Clarksburg's future growth, and a strong Transfer of Development Rights (TDR) program administered by the county links growth in several designated village areas to conservation of open space in the surrounding countryside.

Planning Context: The 1994 master plan created a strong framework for future growth, but unfortunately development has been implemented as separate pods built by many different developers. Thus the area remains something of a chaotic tangle of streets and unfinished projects. There are some very well-designed village-style neighborhoods as well as some unfortunate examples of cookie-cutter development. The gradual infilling of parks, schools, and the eventual construction of a mixed-use town center, will eventually pull everything together.

Conservation Component: Montgomery County has one of the oldest and most successful TDR programs in the country. Designating a 90,000 acre sending

Location: Montgomery County, MD

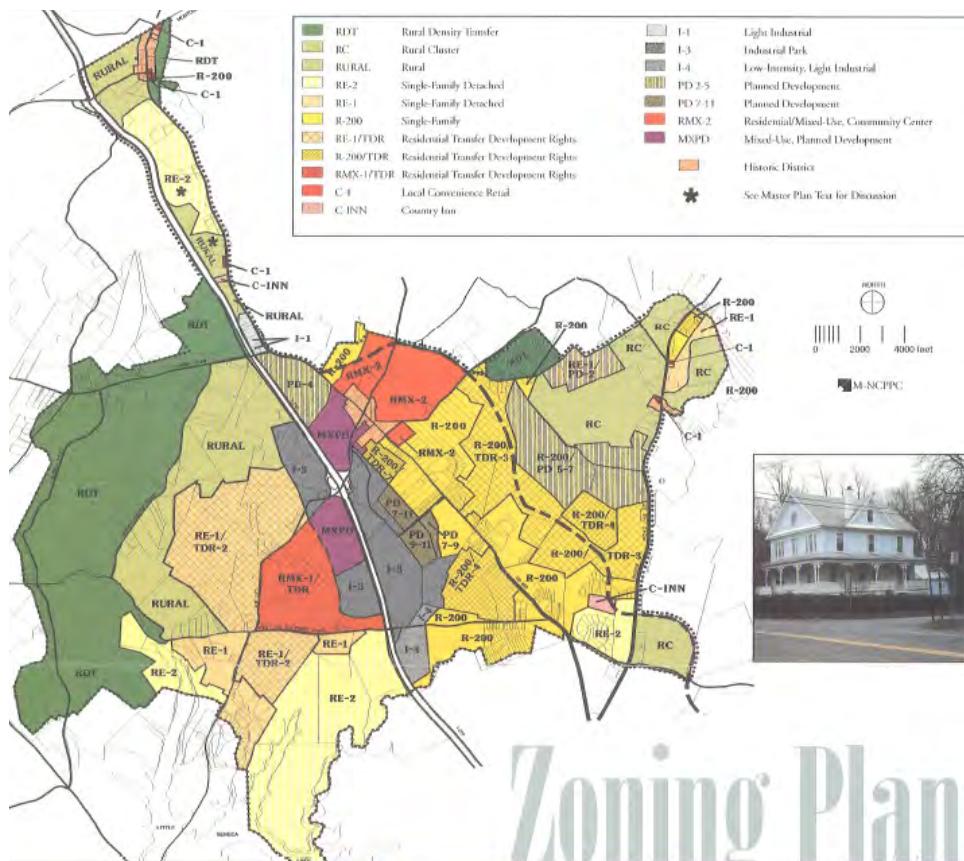
Village Type: New Village in a suburbanizing context.

Size and Density: In 2010 there were 4,352 households with 13,677 residents.

Other uses: There is a variety of rural/exurban commercial uses in the area. The historic center will someday be supplemented by a commercial village center to provide services for residents.

Project Team: County Planning Office

Timeline: Clarksburg is an unincorporated village which grew substantially after Montgomery County designated it as a growth center in the 1960s. Development within designated village areas has increased since adoption of a master plan in 1994.



The zoning map for Clarksburg codifies a plan for a new village center off the highway interchange, with mixed-use and higher density residential at the core, and lower-density residential neighborhoods in surrounding areas. Using TDR, increased density in the village center will be offset by conservation of natural areas along the river, shown in green (plan courtesy Montgomery County Planning Department).



The project has successfully preserved farmland using TDR (above) and allowed for the creation of new residential neighborhoods following a Traditional Neighborhood Design model (right). Like other suburbanizing areas, the market for commercial uses is already saturated by big box stores and strip malls near the highway. Construction of a true village center awaits a change in market demand (photos by Rick Pruetz).

area, they down-zoned to 1 unit per 25 acres, but allow landowners to sell development rights at the original density of 1 unit per 5 acres. Receiving areas, most of them adjacent to existing towns or villages, are designated on the county plan. 52,052 acres have thus been preserved without tax dollars. The master plan and zoning for Clarksburg includes sending and receiving areas. If needed, developers can also purchase TDRs from the Montgomery County land bank, which represent conservation of farmland elsewhere in the county.

Zoning: A detailed zoning map establishes a range of uses and densities for Clarksburg. Densities within TDR receiving zones can only be increased through the purchase of TDR credits.

Infrastructure: There is a community water and sewer system to service the entire area proposed for development.



In 2006, design studies recommended that uses be focused around a plaza which will serve as the town center (Image courtesy Torti Gallas & Partners)

VI. Regulatory Guidance for Village Development

HIGHLIGHTS OF THIS CHAPTER

All village projects are subject to local zoning ordinances and development regulations. This chapter describes the common regulatory issues that hinder village development and describes some of the indispensable tools for promoting villages:

- Village Districts and Overlay Zones
- Regulating Design for Village Development
- Form-based Approaches
- Compact Housing Techniques
- Transfer of Development Rights

COMMON REGULATORY ISSUES THAT HINDER VILLAGE DEVELOPMENT

In Rhode Island and the rest of the Northeast region, the desire to return to or preserve village development typically requires local governments to address a series of regulatory issues. A variety of local regulations will directly affect development or activities associated with a village setting, but the most influential codes are the Zoning Ordinance and the Subdivision/Land Develop-

ment Regulations. Some common problems associated with these regulatory documents include:

1. Inability to mix uses: Zoning ordinances evolved quickly over the early to mid 20th century with a focus on separating different categories of use. This began, in part, with a well-intentioned desire to protect residents from potentially harmful uses. In other words, dirty factories were placed at a safe distance from residential neighborhoods. However, as the automobile and road-



Ordinances must be clear about the ability to mix residential and non-residential uses on a single lot and within a single structure (photo courtesy Horsley Witten Group).

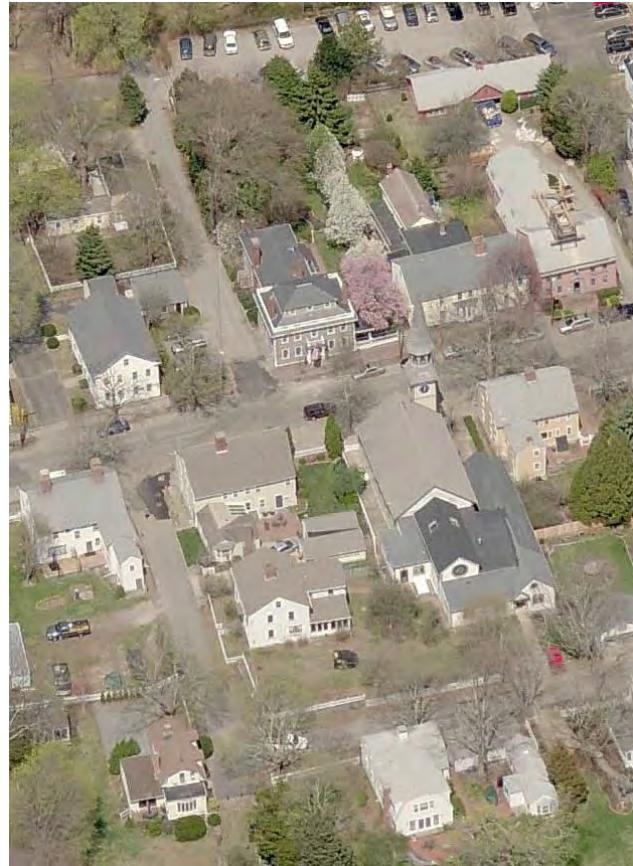
way infrastructure became more advanced, this principle of separating uses spread to many uses that were previously deemed compatible. Residents found themselves farther and farther from the local barber shop, grocery store, appliance shop, and accountant as zoning ordinances forced new commercial uses and residential areas apart.

This pattern of "Euclidean" zoning remains embedded in many ordinances today. Not only are Neighborhood Commercial districts too far to walk to from most neighborhoods, in many cases there simply are no legal opportunities to mix residential and commercial uses in a single district anywhere in the ordinance.

2. Inability to achieve development density: Traditional village settings, even small rural villages, usually contained much higher densities of residential housing than other areas of the community. The convenience of being able to walk to meet everyday needs was (and still is) complementary to the need for small businesses to have high levels of foot traffic. The higher the levels of residential use within the village, the greater the consumer activity on a day to day basis.

As communities continue to mature outside our cities, residents begin to identify with the "bedroom community" identity characterized by mid to low density housing development. Zoning ordinances often reflect this preference with very limited to no opportunity for higher densities of housing. Residents and officials that grow accustomed to two-, three-, or five-acre lots sizes often have difficulty imagining attractive housing opportunities that reach densities of between eight and 30 units per acre. This can be a significant barrier to amending regulations for village scale development.

3. Rigid dimensional requirements: Zoning ordinances regulate dimensional requirements that can "make or break" any attempt to create high quality village development. Beginning with minimum lot size, it is not uncommon for ordinance language to completely ignore how lots have been carved out over the previous 100 to 200 years. Many communities, at some point in time, set minimum lot sizes larger than a significant portion of the lots already on the ground. Not only does this limit the potential to subdivide new lots for compact development, but it can also make many very attractive sites "non-conforming" in the eyes of zoning. While these businesses or homes are allowed to continue in their current state, significant alteration or expansion becomes legally challenging and can serve as a roadblock to village revitalization.



Historic villages such as Wickford were laid out with a mix of uses and narrow lots that are often illegal under current regulations. Ironically, the livability and charm of these compact villages often results in high real estate values (aerial photos courtesy Bing Maps).



Lot-by-lot on-site parking requirements have created unnecessarily large parking areas in many areas, typified by the suburban shopping center.

Other dimensional standards that often cause problems for village development are those for setbacks. Typical zoning language uses a “one size fits all” approach to any particular zoning district, giving every lot a minimum number of feet for the building to be set away from the property line. Again, this approach reflects a very old set of intentions focused on protecting residents from over-crowding and providing access to sunlight and fresh air circulation. While these intentions are well-placed, they have often eroded the character of existing village environments by pulling buildings away from the street and from each other. The days of front doors opening on to sidewalks and alleyways connecting properties gradually gave way to parked cars by the front door and oversized, paved fire lanes between buildings.

4. Lot-by-lot on-site parking requirements: Parking requirements began to take hold in local zoning by the mid 20th century. These requirements were generally based on the idea that, because each individual use generates parking demand, every individual use should satisfy that parking demand on-site. While this approach does sound logical, the effects of these parking requirements on villages or other walkable environments has often been disastrous. The need to create large volumes of parking for each individual use in village areas makes parking a valuable commodity, often valuable enough to tear down older buildings and convert those spaces into surface parking lots. In areas of new development, excessive on-site parking requirements create parking areas that consume well over half of the lot. These large expanses of asphalt, required by local law, are one of the most significant impediments to village development.

The parking requirements that dominated zoning from the mid 20th century to only recently overlook several important aspects of the “parking experience”. First, while it can be argued that each individual use generates some demand for parking, it is also important to consider when that demand occurs and the pattern of the demand. For example, some demand is focused on days or evenings, some on weekdays and weekends, and some for long periods versus short periods of time. Second, it is well documented that motorists are generally willing and able to park within walking distance of their destination on different sites. These basic observations have given rise to a suite of new practices in zoning that can be applied to both new and redevelopment opportunities in village settings.

5. Lack of design guidance: Many village settings exist in Rhode Island today that were developed well before zoning was adopted in the host community. Because walking represented such a large portion of

the transportation system when many of these “Main Streets” were constructed, it was simply good business practice to develop in a way that enhanced the pedestrian experience. Buildings were developed close to the street, front windows and entrances were carefully designed to invite pedestrians to window shop, and clear pathways or walks connected properties to each other. Today, because automobile-oriented design has become accepted as common practice—and is institutionalized through many zoning ordinances—it can be difficult for communities to bring former village development practices back through regulation. Regulating design can take many forms and is discussed in more detail later in this document.

6. Allowing village development by-right: Another critical piece that is directly tied to each of the preceding challenges is the need to provide a by-right path to permit approval. Communities that work to develop a vision for a particular area of the town and then implement that vision through a detailed set of design standards should feel comfortable allowing the resulting development to occur by-right. If the vision is in place, and the standards are clear, special use permits or other additional layers of permitting should not be required.

VILLAGE DISTRICTS AND OVERLAY ZONES

To address the typical regulatory issues faced by suburban and rural communities looking to pursue village-style development, many communities have started to integrate village district tools into their local codes. Early attempts at these types of ordinances were seen in the 1980’s with tools like “Planned Development” or “Planned Unit Development”. These large master planned communities attempted to create compact developments that incorporated innovative pedestrian-oriented design techniques. While some of these developments were successful and still thrive today, they generally were built on green-field sites and were dominated by single-family housing. The more vibrant environment associated with mixed-use villages simply could not be achieved through this regulatory model.

Village ordinances have developed throughout New England over the past several decades, often in response to local communities trying to preserve existing treasures. Beautiful stretches of “Main Street” that were built over 100 years ago, or mill villages that retained the core mill structures and some of the surrounding mill housing inspired many planners and citizens to revisit their zoning standards. Gradually, a series of best practices emerged that includes everything from very simple ret-

rofits of existing standards to very sophisticated "New Urbanist" or "form-based" code applications.

Regardless of the specific design tools or incentives that may be implemented for village development, one of the basic questions that should be answered early in the process is how the new standards will be "packaged". In other words, will the community require a brand new zoning district? Or will an overlay district, or a series of overlay districts be used? The answers to these questions depend on a variety of factors that are specific to local conditions. Some of the key conditions include:

1. The "Resolve" of the Community: Prior sections of this guidebook discuss the advantages of performing a robust visioning/planning effort when preparing a community for village development. While these processes can be lengthy and often require significant resources, the end result can be a community that shares a clear and strong vision for a particular area of town. This shared resolve can be the primary factor for overcoming political uncertainty when it comes time to adopt new zoning. Where a community has documented a clear vision in which numerous stakeholders can see the benefit of village development, completely replacing the old zoning with a new district is a viable option. In these instances, the property owners who will be directly affected have had ample opportunity to discuss their concerns and, hopefully, have come to understand the positive opportunities that will result from a new zoning district.

Of course, planning for village development may not always include a robust visioning/planning process and, even if it does, there may not be consensus among stakeholders at the end of the process regarding the value of a new approach to development. Where strong consensus does not exist, communities may feel that it is more acceptable to use an overlay approach to village development. A completely new approach to development may not be a requirement, but rather a choice that property owners might pursue if it is deemed advantageous. In these regulatory structures, existing property owners are at a lower risk of becoming "non-conforming" and may also feel more comfortable with the thought that they have a variety of options open to them for future development.

2. The Role of Incentives: Incentives are another important factor that play into whether a new district is established or whether an overlay district is applied. Many communities will approach village development initiatives with the idea that their town has significant market demand for development and overall high desirability for developers. In these communities, it is unlikely

that significant incentives will be offered for village development since the market will drive developers in that direction on its own. Other communities may see their situation differently. If there are gaps in infrastructure capacity and lower levels of market demand, development incentives may be required to "tip the scales" and draw investment. Incentives may also be required where sites have a unique challenge, such as the redevelopment of an historic mill structure.

Development incentives can come in many forms: tax incentives, density bonuses, increased public investment, and many others. But what is common to all of these incentives is that they imply the existence of a simpler, by-right path for lower levels of development. This scenario can be referred to as the "baseline development scenario". In some cases, the village development scenario is so much more difficult to implement than the baseline development scenario that it is completely dependent on using one or more aggressive incentives. With all of the uncertainty associated with these ambitious initiatives, maintaining the baseline development option by using an overlay district may be viewed as the safer, more practical regulatory approach.

SHANNOCK HISTORIC MILL VILLAGE



Photo: Aerial circa 1942 (The Hartford Courant, 1984)

DESIGN GUIDELINES FOR BUILDING IN THE VILLAGE

OCTOBER 30, 2010

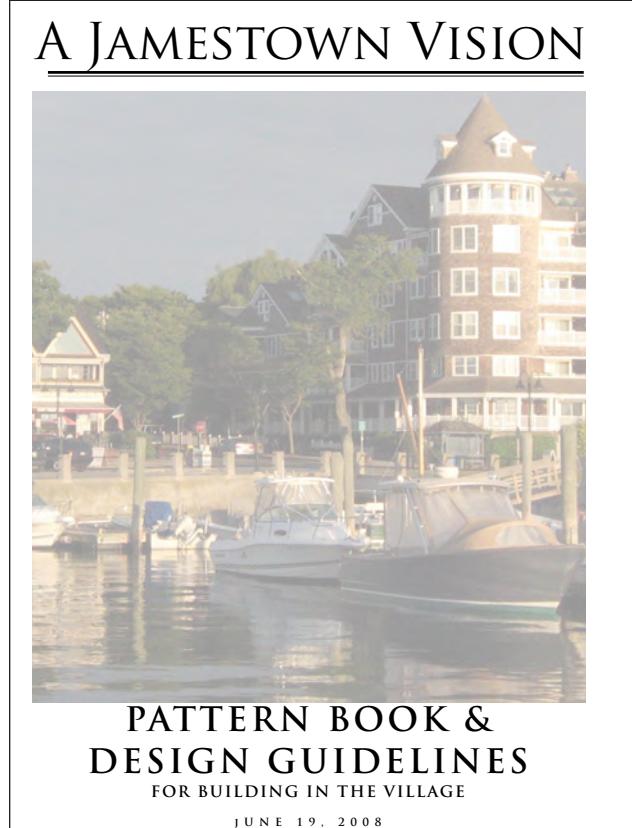
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REGULATING DESIGN FOR VILLAGE DEVELOPMENT

When considering village development in any community, there are two basic regulatory issues that need to be addressed: density and design. Previous discussions in this document speak to the issue of density and how even the most rural areas need to consider housing and commercial density at levels with which many people within their community are uncomfortable. The discussion of design is equally important to regulating village development and can help mitigate fears about density for many stakeholders. Higher levels of density can become acceptable to people if they understand the individual elements of good design and feel assured that design controls will be in place to ensure high quality development.

Design Guidelines: Across New England and in Rhode Island, regulating the design of village development takes many forms. Some communities choose to use design guidelines that have little to no regulatory “teeth” but do provide a narrative and/or illustrated guide to the desired outcome. An example of this type of approach can be found in Jamestown, RI where an intensive charrette process led to the development of *A Jamestown Vision: Pattern Book & Design Guidelines for Building*



in the Village. This resource book is heavily illustrated with diagrams and pictures of what is desirable as well as what is not desirable for the historic center in Jamestown. While the actual guidebook has no regulatory power, it does provide a tremendously valuable reference for regulators and developers to use as a platform for discussing applications. The presumption with this approach is that developers will have a desire to build something that is consistent with the fabric of what is on the ground today. The guidelines simply provide a very clear picture of what that fabric is.

The Jamestown model is an example of how a community can use existing character as context for discussing current applications. In these instances, Jamestown (and Shannock Village in Richmond/Charlestown) foregoes rigid regulation in favor of a more informal approach with developers. However, many communities in Rhode Island may be looking to encourage village development where there is little or no immediate context. For example, in North Kingstown, village development on the Post Road will occur in the context of commercial strip malls. In Exeter, village development could occur at a rural cross-roads where there is little more than a couple of small commercial operations and a tiny Post Office. In other cases, based on more recent development patterns, communities may not be comfortable with a “soft” approach to regulating design. Villages like Branch Village, Hamilton, Allenton and Knightsville have lost much of their original character over time as typical strip mall development has eroded the classic village streetscape. These types of redevelopment situations may require a stronger regulatory approach to design to ensure high quality development.

Design Standards: While many communities in Rhode Island might be comfortable with the Jamestown approach to design guidance, others may wish to adopt standards that provide a more legally binding framework. In these cases, many of the elements of village development covered in “softer” guidance books will still be addressed. The difference between the soft approach of design guidelines and the binding approach of design standards is primarily in small but critical changes in word choice. For example, where a design guideline manual may “encourage” a certain approach to a general design approach, design standards in the zoning ordinance would “require” a specific approach to address the same issue. The difference between language for guidance and standards is provided below using landscaping as an example¹:

¹ The language provided here is for illustrative purposes only and not as suggested language for adoption at the local level.

■ **Language for a guidance document:**

"Applicants are strongly encouraged to select native species of plants that are resistant to drought, salt and other stressors associated with climate, pests or site maintenance."

■ **Language for a zoning document:**

"Applicants shall demonstrate, through the submittal of a Landscaping Plan in accordance with Checklist G, that plants are selected specifically for their resistance to drought, pests and site maintenance related to snow removal and other maintenance activities. Where landscaped features are part of on-site stormwater management practices, plant species shall be selected in accordance with Appendix B of the Rhode Island Stormwater Design and Installations Manual. Under no circumstances shall any plant be selected that appears on the most recent listing of invasive species as published by the Rhode Island Invasive Species Council."

Many communities in Rhode Island regulate design either through the Zoning Ordinance or through the Subdivision and Land Development Regulations including, but not limited to, Burrillville, Charlestown, Exeter, North Kingstown, and Pawtucket. Importantly, the difference in the regulatory approach and the level of detail associated with the design standards in each of these communities can vary significantly. Each has a range of different site and building elements included within the regulations and communities looking to adopt their own village design standards will need to carefully consider which elements are important to regulate. Common site and building elements that can be addressed through zoning standards include the following list. (See Chapter 4 for illustrated examples of typical standards for architecture, landscaping, signage and lighting.)

Connectivity and Circulation

- Connecting sites with off-street circulation for cars;
- Connecting sites with pedestrian features along the frontage;
- Use of alternative paving surfaces for pedestrian features like crosswalks; and
- Limitation on the number of curb cuts.

Building and Parking Area Placement

- Setting minimum and maximum setbacks for buildings; and

- Requirements to place parking behind buildings or to the side.

Landscaping

- Landscaped island frequency and design for parking areas;
- Frequency and coverage of trees;
- Species selection for all plants (grasses, shrubs, trees);
- Buffers and edge features for parking areas;
- Fence and wall design (height and materials); and
- Screening (trash areas, etc.).

Lighting

- Height of free-standing lights;
- Style of free-standing lights ("period lighting" versus "industrial" fixtures);
- Lumen intensity (strength of light); and
- Shielding and trespass onto other properties.

Exterior Building Elements

- Transparency of ground floor retail façade;
- Location of entrance;
- Roof types; and
- Articulation lines between stories.

Signage

- Number of signs allowed;
- Sign types (free-standing, wall-mounted, directory, accessory, protruding, marquee, etc.);
- Sign area and height (square footage for all types, maximum height for free-standing);
- Allowances for temporary signs; and
- Lighting for signs (interior, backlighting, front lighting, etc.).

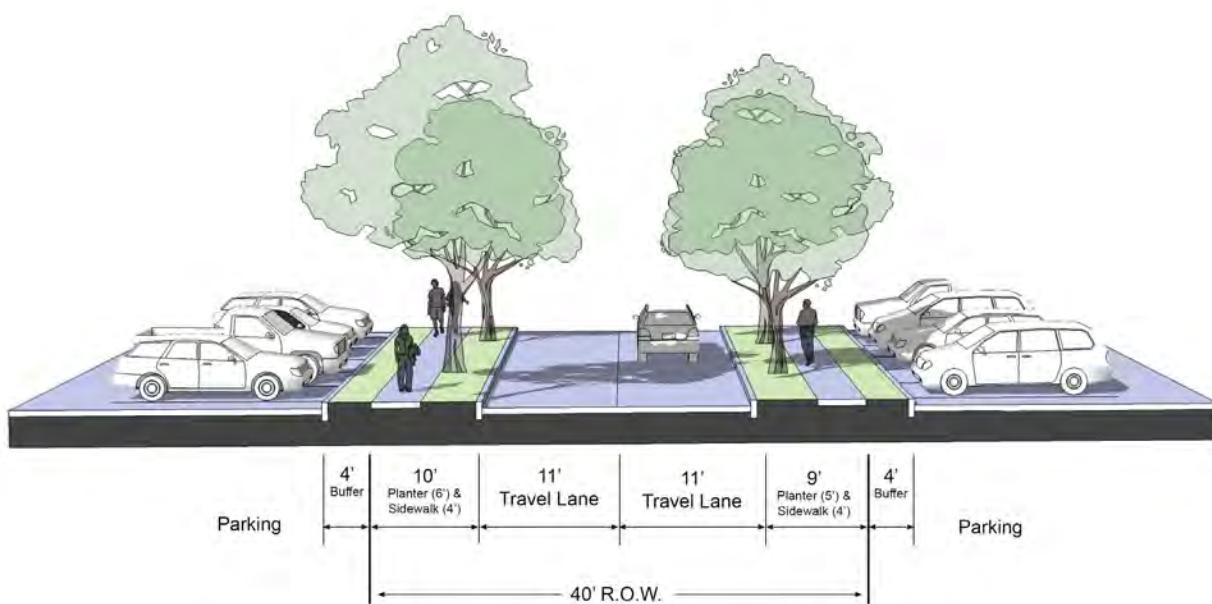
FORM-BASED APPROACHES

Form-based codes tackle the issue of design from a different perspective when compared with most conventional zoning ordinances. In the traditional model, the focus is exclusively on the privately owned property, usually just one property or site. A lengthy list of specific allowable uses can be considered by an applicant for the site, then a rigid set of dimensional controls and parking regulations are applied. In form-based codes, the primary focus is the public realm, generally the street or perhaps an entire block. The codes first consider what the pedestrian experience should be from those public spaces, and then regulate the form of buildings in accordance with that experience. For example, if a particular street is designated to be a vibrant commercial area with high levels of retail shopping, a form based code would regulate the width of the sidewalks, the location of buildings, facades, signage and other features accordingly. These different streets or blocks are often mapped as a color-coded "regulating plan" to show the different types of experiences that residents, workers and/or visitors will have in those areas.

Form-based codes were viewed skeptically by New Englanders in their early renditions because the best examples of these codes were for new developments or massive redevelopments where designers had the opportunity to design entire communities. With limited land area in New England, those opportunities are few and far between and many doubted that form-based codes could be applied to older city and town centers with quirky street networks and scattered patterns of property ownership. However, as the use of form-based



A typical form-based code provides detailed standards for the placement of buildings, parking, landscaping and other site features, along with instructions for building massing, rooflines and other architectural elements.



Form-based codes typically describe the dimensions and layout of streets, sidewalks, tree plantings and other elements of the "public realm," as well as requirements for private building lots.

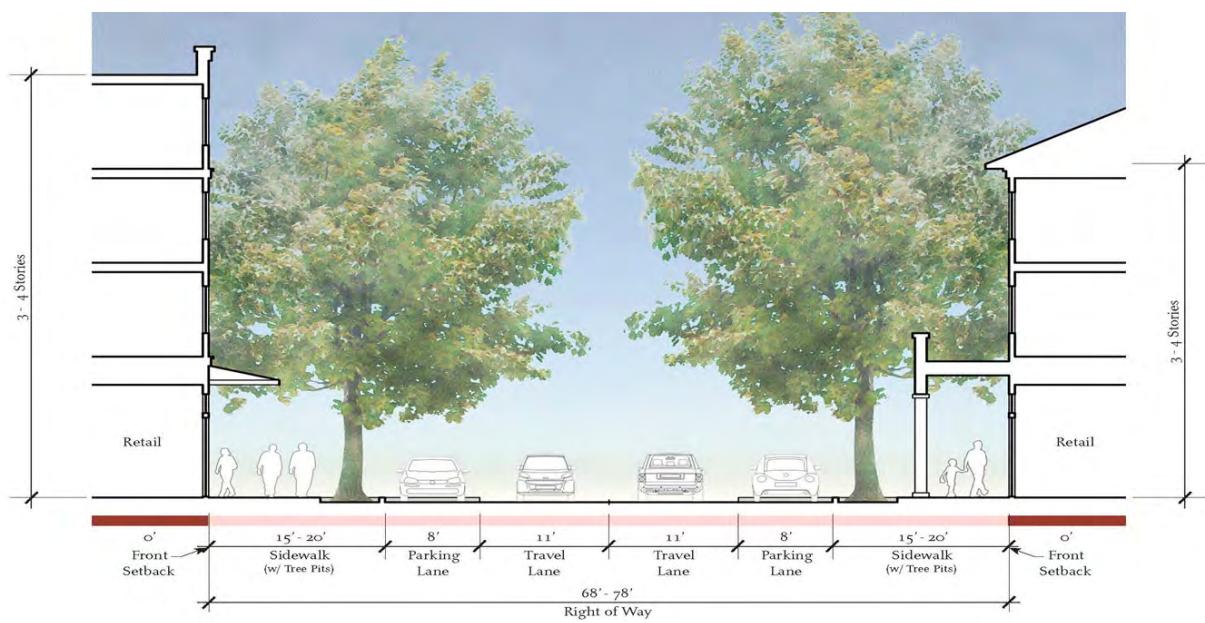
codes continued, applications became more adaptable to previously developed areas and some communities applied individual elements of what is considered a complete form-based code. Where any Rhode Island community is looking to create village zoning on the scale of a "Main Street" or a new zoning district, these codes can be applied in a more targeted manner.

Form-based codes work best when the community has a clear idea of what they want for the district covered by the code, supported by plans showing the location of roads, buildings, parking, sidewalks, parks, and so on. Typically the code will include detailed drawings for a range of acceptable building types, along with guidelines for how to design parking lots, sidewalks, landscaped areas and other features. What this means essentially is that a lot of the design work that is usually left to the developer is done by the town up-front. The benefit for everyone is the certainty that results. The developer knows exactly what the town wants, and the town has very clear standards against which to judge any application. The principal drawback is the cost to the town of developing the code.

Several of the case studies in Chapter Five describe village plans that were implemented through the use of a form-based code. The Middle Green Valley Specific Plan, in Solano County, Colorado, has been worked out in extraordinary depth and detail. Documentation for the project, including the code, can be downloaded at: http://www.solanocounty.com/depts/rm/documents/eir/middle_green_valley_specific_plan.asp



A key element of a form-based code is a Regulating Plan that separates the village into "street types." Each street type has its own dimensional standards for the width of the street and adjoining sidewalks, parking spaces, tree planting and other elements. The plan also stipulates specific building heights, density and mix of uses for each street type.



Form-based codes are rooted in an urban design tradition that recognizes that private buildings and the public streetscape are part of a single design composition (image courtesy Horsley Witten Group).

DO



Encouraged

Mixed use buildings should share the same architectural character and scale as the surrounding neighborhood.

AVOID



Discouraged

Structures that are taller than 2-1/2 stories should be avoided except in key locations.



A complex of smaller scale buildings is preferable to a single large structure because the varied massing provides visual interest and human scale.

Form-based codes provide detailed architectural standards, customized to the specific area and design intent.



Pedestrian-scaled signs of quality materials can provide the required marketing and contribute to the village character.

AVOID



Large marquis, oversized signs and signs above the first story are distracting and oriented to fast-moving traffic.

Key Points

- Retail signage may include a sign band, blade sign, awning lettering and window lettering.
- Signage should be scaled and oriented to the pedestrian. Generally, all signage should occur below the second floor.
- Sign materials should reflect the character of the village. Wood and metal signs are encouraged. Avoid using plastic, vinyl and other synthetic materials that are not traditional in character.

The code can include standards for signage and other design elements typically included in design guidelines (images courtesy Union Studio).

In New England, many towns have experimented with zoning that includes design guidelines and other elements, and there is a growing list of communities that have adopted a form-based code. Several good examples include:

- **Simsbury, CT:** <http://www.code-studio.com/blogs/simsbury/SimsburyCenter-ADOPTED-April15.pdf>
- **Windsor, CT:** <http://greatpondinwindsor.com/form-based-code.pdf>
- **Standish, ME:** http://www.standish.org/public/documents/StandishME_WebDocs/Standish%20Corner%20District%20Code%20FINAL%20DRAFT%20Mar%202017%202011%20.pdf
- **Newport, VT:** <http://www.kevaco.com/NEWPORT-VERMONT/PDFzoning/up/Bylaw2010.pdf>

COMPACT HOUSING TECHNIQUES FOR VILLAGE AREAS

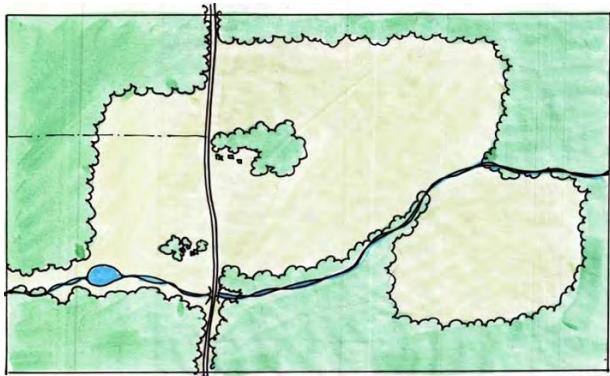
The regulatory techniques described in previous sections focus on, for the most part, with what is considered the “village core”. This is the area where development is most dense and where residential and commercial uses are mixed. It is important to remember, however, that the areas surrounding the village mixed use core can be just as important to the overall village setting. In rural areas, commercial use may be very limited due to limited market absorption capacity, and therefore the majority of the village setting will be residential use. In more densely developed villages, residential development can be used for buffering outlying lower density residential

neighborhoods and transitioning into more rural landscapes. In general, these transitional areas are developed exclusively as residential use and can utilize clustering or similar techniques to provide slightly denser detached buildings that also preserve some open space as part of the development area. The most common technique for clustering residential development in Rhode Island is often referred to as “Conservation Design” or “Conservation Subdivision Design”. This technique is reviewed in detail and sample regulatory language is provided in the RIDEM publication, Rhode Island Conservation Development Guidance Manual (2003). Other techniques that create more compact housing techniques have been applied in New England with varying forms of success.

Cottage housing (sometimes referred to as Cottage Community Housing or Compact Cottage Development) has recently been applied both in Rhode Island and Massachusetts with very successful developments. As the name suggests, cottage housing development creates a collection of small, detached housing units usually with a footprint of between 900 and 1,500 square feet each. Unlike Conservation Design, where open space is established to protect natural or agricultural areas, the smaller amounts of open space incorporated into cottage developments are designed as a central “green” or common area. Architectural treatments are particularly important



Cottage communities typically balance small individual homes with attractive shared spaces and small private gardens (shown above, Danielson Grove in Kirkland, WA, photos courtesy The Cottage Company). Parking is usually off to one side, as shown by the site plan for The Cottages on Greene in East Greenwich, RI (left, courtesy Union Studio).



Existing Site



Conventional Buildout (Approx. 100 Lots)



Conservation Subdivision Design: Clusters the units to protect natural features.



Transfer of Development Rights: Transfers additional units from offsite.

in these developments and successful models are generally characterized by well-balanced variation in rooflines, decorative porches, and ornamental treatment along the frames and edges of each unit.

Zoning for cottage developments is a unique undertaking and is generally addressed through a separate section of an ordinance. The density of housing and the wide array of design considerations are, in many ways, different from anything else in a Zoning Ordinance. Several examples of cottage community zoning exist throughout the country and can be easily gathered through Internet research. A preliminary draft of a cottage development ordinance was provided to the Town of North Kingstown as part of their recent Village Identification and TDR Study (Horsley Witten, 2011), but the Town has not yet acted on this particular ordinance. Regulatory guidance for cottage zoning is provided in Section X of the report.

A third model for more compact residential development design is one that functions similar to Transfer of Development Rights (TDR) in residential districts. Unlike most TDR programs, which transfer housing units from rural settings into dense mix used centers, this approach simply moves housing from one residentially zoned parcel to another and then uses design controls to ensure that the increased density is developed in an attractive manner. In this approach, the technique is similar to Conservation Subdivision Design; however, the end result is more densely developed housing than what would be achieved just with Conservation Subdivision Design along with much higher levels of open space protection. This technique could be applied in a simple fashion, especially when all of the parcels in question are under common ownership. Where parcels are outside of common ownership, mechanisms similar to those used in TDR would apply.¹ North Kingstown has developed a draft of this approach that would be an expansion of the Town's existing Conservation Development ordinance. Regulatory guidance for this technique is provided in the *Rhode Island Transfer of Development Rights Manual*.

¹ While this technique was not common in our literature research, the Town of Plymouth, MA does have this option as part of its Zoning Bylaw. Reportedly this option has not been widely applied; however, it is important to note that Massachusetts requires a discretionary Special Permit for TDR. This serves as a significant disincentive for use by developers.

TRANSFER OF DEVELOPMENT RIGHTS

Transfer of Development Rights (TDR) is a market-based tool to direct growth away from lands that should be preserved to locations well-suited to higher density development. There are over 200 TDR programs in place across the country today.

The use of TDR begins with planning processes that identify specific preservation areas as "sending areas" and specific development districts as "receiving areas". Once these areas are identified, Zoning Ordinance amendments can be adopted which authorize landowners in the sending areas to sell their development rights to landowners in the receiving areas. The amount of money required to purchase these development rights is influenced by the ordinance provisions, but is generally negotiated between the landowners. This approach allows market forces to enter into the transaction and requires land owners to negotiate the final value of development rights. In other models, as discussed below, the local government can set a fixed value for density bonuses and have developers contribute to an open space fund in exchange for density bonuses.

In return for the purchase, landowners in the sending area place a restriction on their property, which is generally recorded as a conservation easement. This easement can be determined through explicit zoning provisions or can be negotiated as part of the permitting process. Restrictions can limit the level of potential development, the type of development, or some combination of both.

USING TDR TO SUPPORT VILLAGES

Two Rhode Island Communities have adopted TDR to stimulate village development in areas where they want to encourage density and to permanently protect important natural areas for future generations. In Exeter, the Village Overlay District allows for increased density in appropriate locations, but only with the use of TDR to preserve farmland and other open space elsewhere in the community. With a by-right density limited in many cases to 4-5 acres per unit, there is a strong incentive for developers to purchase development rights, which they can use to increase density to up to eight units per acre - comparable to a traditional village such as Wickford. The ordinance requires extensive planning to make sure that the village will not harm the environment and establishes strict design controls to ensure that it is attractive, pedestrian friendly, and economically successful. North Kingstown has also adopted TDR to promote more growth along the Post Road corridor and into a transit-

Because TDR is such a large and complex topic, a separate Rhode Island Transfer of Development Rights Manual, complete with case studies, model ordinance language and next steps for implementing TDR, was prepared as part of this project. Please look for it at:

- Rhode Island Department of Environmental Management, Planning and Development Office
- Rhode Island Division of Planning: www.planning.ri.gov/
- Narragansett Bay National Estuarine Research Reserve: www.bnerr.org/



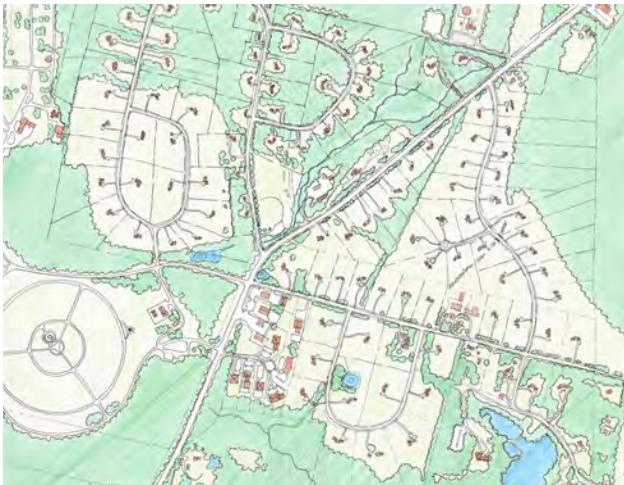
Transfer of Development Rights programs use market forces to balance growth with conservation of natural resources.

oriented development at Wickford Junction. For more information regarding these local TDR programs refer to the *Rhode Island Transfer of Development Rights Manual*.

As described in several of the case studies found in Chapter 5, TDR is a component of village planning and zoning efforts across the country. One of the best examples is Chesterfield Township, NJ, which established a TDR program with a masterplanned village as the designated receiving area. Designed according to traditional village planning principles, the community caters to pedestrians and bicyclists with a network of parks, playgrounds and greenways that lead to a new elementary school. A mix of housing types , dominated by single-family units, provides for a broad range of the market, allowing for people at every stage of life to live in the same community. The project has been successful in the marketplace, but just as successful for the town, which has used TDR to retire development rights on more than 75% of the agricultural land that was previously threatened by development.



Exeter: existing conditions plan showing a mix of scattered development, farmland and forest.



Exeter: conventional development plan showing how current large lot zoning will result in loss of much of the existing farm and forest land.



Exeter: recommended new village concept, with surrounding farmland preserved through TDR.

MARKET CONDITIONS AND FISCAL ADVANTAGES SUPPORT TDR IN RHODE ISLAND

The existing soft market for new single family homes on large lots coupled with a strong demand for apartments and multi-family units provides favorable market conditions for TDR in Rhode Island. Moreover, recent fiscal analyses done in Exeter and North Kingstown show that apartments and multi-family housing can be more positive for a community's tax base than single family homes on large lots. Therefore there is currently a demand for bonus density in villages where developers perceive a positive market for higher density. Communities are also discovering the fiscal advantages of village housing.

In the past, market conditions that favored single family homes on large lots, coupled with the perception by communities that all residential units were costly to the local tax base, inhibited the success of TDR in New England. However, in coming years housing demand will be driven by young working people and empty-nesters, driving an increasing market for apartments, townhouses, cottages and other smaller units that fit very well into the village approach. For more information regarding market trends and fiscal impacts refer to Chapter Three: Village Planning.

Many towns are reluctant to change zoning to allow for increased density. Residents fear losing the rural character and small-town quality of life that attracted them to the community in the first place, even if current residents have to leave town to find a place that fits their lifestyle. TDR can be part of the solution, ensuring that increasing density to build a village is balanced with conservation of farmland and other open space. While the location of growth may shift, the overall amount of growth remains about the same.



In Clarksburg, Maryland, TDR is used to increase density in a planned village area. A mix of smaller attached and detached housing units sells well in today's real estate market compared to traditional suburban housing (photo by Rick Pruetz).

KEY ELEMENTS FOR A SUCCESSFUL TDR PROGRAM

1. Demand for Bonus Development: The amount of density a developer can receive using TDR must be an attractive alternative to the density they can achieve by right. If the by-right density produces a product just as profitable as one with TDR, and it fits within the existing market demand, developers will have little incentive to pursue any transfers. However, if the allowable density bonus will increase developer profit, the TDR program has a good chance of being viable.

2. Customized Receiving Areas: The area designated as a receiving area has to offer clear advantages over other available locations:

- **A location** where there is a market for the proposed uses and increased density.
- **Infrastructure** that can support additional development (water supply, roads, wastewater disposal, etc.)
- **Political support**, as reflected in designation within the Comprehensive Plan and zoning map.



A successful TDR program must be based on strong public support for the linked goals of conservation and compact village development. Exeter spent four years on visioning and analysis before adopting a village ordinance with a TDR requirement.

3. Strict Sending Area Development Regulations: Landowners and developers may be more apt to participate in a TDR program if the sending area is constrained by environmental factors such as wetlands or steep slope, or lack of infrastructure. Towns that reflect these constraints in large-lot zoning – with densities no greater than one unit per five acres – have been more successful in encouraging the use of TDR.

Factors that Make TDR Successful

As part of the Village Project, Rick Pruetz, perhaps the nation's foremost expert in the use of TDR, evaluated the potential for TDR in Rhode Island and determined that it can work here. As is the case across the country, however, he found that there are ten factors that will determine whether TDR is ultimately successful here. The first two are considered as essential, the next three important, and the remaining are considered helpful.

4. Few Alternatives to TDR: The most effective TDR programs offer developers few alternatives to utilizing TDR to achieve a desired level of density. If the town offers additional density in return for clustering, streetscape improvements, on-site open space or other features, there will be reduced incentive to use TDR. Of particular concern in Rhode Island is the availability of the Comprehensive Permit, which allows developers to side-step current zoning entirely and build at higher density in return for providing a percentage of affordable housing.

5. Market Incentives - Transfer Ratios and Conversion Factors: Many communities may try to use a one-to-one ratio, meaning that each unit from a sending area is equal to one bonus unit in the receiving area. However, it is likely that the profit yielded to the developer in the receiving area for one extra unit may not equal the profit reduction caused by preserving a large amount of land in the sending area. As a result, it is critical for any TDR program to identify a viable transfer ratio between development rights in the sending area and bonuses in the receiving area. A conversion factor sets the value at the point where the developer can still make a profit on the bonus units.

6. Certainty of TDR Use: Communities will improve their chances of implementing successful TDR programs if they can assure developers that they will be granted bonus density. This can be achieved through zoning of the receiving area that eliminates or minimizes discretionary approvals, which can cause developer delays, unanticipated costs, and uncertainty if their project will be approved.

7. Strong Public Preservation Support: TDR programs are successful if there is strong public support for land conservation. This is often reflected in local programs to purchase land outright or through a purchase of development rights (PDR) program.

8. Simplicity: TDR, when compared with other growth management tools, is inherently more complicated than most others. Crafting even a simple local program creates procedures and requires analyses that are new to most communities. To the greatest extent possible, keeping a TDR program's objectives and regulations clear and simple will help with its success.

9. Promotion and Facilitation: Keeping a TDR program visible and at the forefront of local land use discussions will help it succeed. Developers and landowners need to know it exists, how it works, and how it can help them. The public as well as local elected officials who make policy decisions need to understand its objectives to preserve land and other benefits. Promoting the program through a website or regular media coverage keeps the program in front of the public and maintains their continued support.

10. TDR Bank: The final success factor is the establishment of a TDR bank, a mechanism used by a government entity to buy, hold and sell TDRs. The bank acts as a middleman, purchasing development rights when a seller is

ready to make a deal and selling them to a developer at the appropriate time. This simplifies the exchange and establishes a market for the value of the development rights.

While local and state government may not have the staff or desire to establish an official TDR bank, towns can get the benefits of a bank with the use of **density transfer credits**. Developers simply purchase the credits in order to gain density in a designated receiving area; the money goes into a town fund that is used for the purchase of development rights. This provides the developer more certainty relative to the cost of the bonus density to make a more informed business decision early in the development process. It gives the town a source of funds that can be leveraged with federal or state money to purchase their priority open space. For more information regarding density transfer credits and model ordinance language refer to the *Rhode Island Transfer of Development Rights Manual*.



North Kingstown has identified several areas where increased density is desirable. Several have been designated as receiving districts, including a future transit oriented development site at the new Wickford Junction commuter rail station (above).

REGULATORY GUIDANCE FOR A VILLAGE DEVELOPMENT DISTRICT

The following text is provided as an example of how village scale development could be incorporated into a local Zoning Ordinance. It is important to note that Rhode Island law allows for zoning tools like village development to be adopted in many different forms. The use of overlay districts, retrofits to existing districts, form-based codes, optional styles of development, and other approaches could all be applied in local ordinances. For the purposes of this document, a simple village district is presented in order to illustrate one of the more straightforward approaches a community could apply. This approach simply uses a base zoning district as the framework for the ordinance and lists all of the key elements that should be considered. For many communities, it may not be practical to present the ordinance in this fashion and other sections would need to be amended such as the "Dimensional Table", "Parking Requirements", etc. Many existing ordinances in Rhode Island were used to inform the development of this regulatory guidance and, in some cases, language was adapted directly from those documents. Readers are encouraged to review the ordinances of Burrillville, Charlestown, Exeter, Jamestown, North Kingstown, South Kingstown, and others to see the different techniques these communities have used to integrate village development into their zoning.

The following guidance is not intended to provide legal advice and represents examples of how the research and discussion that occurred as part of this project could be organized into a community ordinance and associated regulations. As with any sample language provided for a project of this nature, ***this document cannot be simply copied into an existing Zoning Ordinance in its current form. Local officials will need to tailor the language to their own definitions and processes, and there are several "policy decisions" noted for consideration. Local officials are encouraged to review the language within this guidance, and any adjustments that may be developed locally, with their legal counsel.***

Potential Definitions

- Mixed use residential – a land use that incorporates both commercial and residential use into the same structure(s) and where a minimum of one entire building story is dedicated to residential use.
- Potential Zoning Ordinance Language to Implement a Village District

ARTICLE 11 – VILLAGE DISTRICT

Commentary: "Article 11" is used simply to help organize the document below and represents an arbitrary number. Local communities will need to identify the best location(s) in their ordinance to implement a Village District.

Sec. 11.1 Purposes

The purposes of this Article include:

- A. To incorporate residential, nonresidential and public uses in a compact, walkable environment;
- B. To provide for the development of housing suitable for the Town's workforce, senior citizens who wish to age in place, low or moderate-income households, and first-time homebuyers;
- X. To create new development and redevelopment that is designed to follow traditional New England village development in terms of its physical design, scale, mix of uses, and visual character;
- Δ. To support the Town's pursuit of more environmentally sustainable development practices by providing for pedestrian access and circulation, compact design, and open space preservation through transfer of

development rights; and

- E. To promote new development and redevelopment that is consistent with the Future Land Use Map and goals of the Comprehensive Plan.

Commentary: Communities should try to clearly articulate why village zoning is being adopted and tie these purposes to the Comprehensive Plan.

Sec. 11.2 Establishment

- A. Pursuant to the goals of the Town of [INSERT NAME] Comprehensive Plan, the Village District is herein established and shown on the official Town of [INSERT NAME] Zoning Map dated [INSERT DATE] and kept on file with the Town Clerk.

Commentary: This is typical language establishing a zoning district. Communities should also have language about any disputes of the boundary, where the Building Official or other municipal authority will have the final say on where the boundary lies. This language is usually part of an early section of the Zoning Ordinance where all districts are established.

- B. *Where a lot is split by the Village District boundary, the provision of this section of the Zoning Ordinance shall apply only to the portion of the lot that is contained within the Village District.*

Sec. 11.3 Permit Procedures

Applicants for development in the Village District shall submit applications in accordance with the requirements in [CITE PERMIT REVIEW SECTION].

Commentary: This section simply refers to the blanket provisions for sending applications through different processes. This is a very important overarching policy issue for any community considering village development. Because any Village District will be accompanied by Design Guidelines/Standards, communities should try to make the permitting process as simple as possible. This is the tradeoff that typically includes successful village development: the municipality applies prescriptive design standards, and the developer may get a simpler review process. Communities are therefore encouraged to apply Development Plan Review to the greatest extent possible.

Sec. 11.4 Allowable uses

Uses allowed in the Village District are listed in the Use Table in [CITE USE TABLE SECTION].

Commentary: Allowable uses will obviously be an important consideration for any community considering Village Development. Some important questions to ask include:

1. Does the Use Table allow for “mixed use”?

Many communities will want to allow for a mix of commercial and residential uses in the same buildings...generally in the form of “top of the shop” housing. Many communities will not have this type of mixed use defined in their ordinance and might try to regulate it by combining two separate line items from their use table (e.g.; “multi-family residential” and “retail”, etc.) When implementing village zoning, communities should clearly define what they want as “mixed use” and include this as an allowable use.

2. Does the Use Table work well with village zoning?

Many communities can easily agree on many of the uses that would be appropriate to a village district. One thing to consider is that the lengthy Use Table in a typical ordinance may be too specific, and therefore might unintentionally leave out opportunities for good uses. For example, if a Zoning Ordinance lists very specific offices like architects, financial services, lawyers, etc., then other similar uses that are NOT listed might be seen as "prohibited" by the zoning enforcement officer. This could have unintended negative consequences and should be carefully reviewed by local communities.

3. What's in the district area today?

Many communities in Rhode Island will want to implement village zoning in areas that are already developed. These could include existing villages that are inappropriately zoned, existing shopping plazas, mill areas, strip mall, or other similar places. In all cases, it is likely that these will be existing uses that do not fit within "traditional" village profiles. Communities will want to carefully consider how the new zoning may affect an existing property owner and be very intentional in their approach. For example, if there is an existing gasoline/auto service station, whether this use continues as "allowed" or "prohibited but grandfathered" should be discussed. With design standards in place, and especially with form-based approaches, it may be possible to allow for a broader array of uses while being confident that outcome will be visually consistent with the goals of village development. The existing auto dealership in the heart of Wakefield is an interesting example of a use that might normally never be considered appropriate to a village setting. However, the careful attention to scale and design associated with the dealership in Wakefield demonstrates that it may be possible to integrate typically "incompatible uses" into village settings.

4. Will desired uses have unique requirements elsewhere in the ordinance?

As discussed in other areas of this guidance, making changes to implement village zoning will have direct relationship with other areas of the ordinance. With regard to allowable uses, communities will want to think about the tools necessary to accommodate larger volumes of development or unique uses.

Sec. 11.5 Dimensional Requirements

The following dimensional standards shall apply to development in the Village District:

- A. The maximum height of any building shall be two stories unless transfer of development rights is used. Where transfer of development rights is approved as part of any application, the maximum building height shall be four stories.

Commentary: Any increases in density allowed through TDR may require an increase in building height. This sample language allows for building height to increase from two stories to four stories. Local communities will need to determine what level of bonus is appropriate to their individual village districts.

- B. Setbacks from any side yard or rear yard abutting a residential district shall be a minimum of forty (40) feet. Where the height of a proposed building may exceed this through the use of transfer of development rights, the minimum setback from a residential district shall be equivalent to the height of the building. Protuberances in the form of stairways, window bays, fire escapes, utilities or signs may extend into these setback areas up to four (4) feet.

Commentary: Strict setbacks in village districts should be avoided to allow for flexibility in site design. The language above shows how setbacks around the edge of the district can be addressed in a manner that potentially addresses concerns from residential abutters.

- C. *Buildings along any public right of way shall be set back no more than twenty (20) feet. The final building setback shall be determined through the application process and shall meet the following criteria:*
 1. The front of the building should maintain a contiguous edge along the private way when compared

- with adjacent buildings that comply with this subsection.
2. The building should be placed in a manner that allows for a contiguous sidewalk across the front-age of the property line of at least ten (10) feet in width measured from the building edge to the edge of pavement.
 - D. Minimum setbacks between buildings that are interior to the lot or for buildings that abut other lots within the Village District shall be zero (0) feet. These setbacks shall be determined as part of the application process and shall be designed to facilitate efficient and safe circulation of pedestrians, bicycle and automobiles. Additional guidance on appropriate circulation patterns within the Village District are included in the Planning Board's *Village District Design Standards and Guidelines as part of the Subdivision and Land Development Regulations*.

Commentary: The sample language above shows how design guidelines can be folded into the Planning Board regulations and referenced in the Zoning Ordinance. Using design guidelines or standards in the regulations provides an easier platform for amending those regulations and for providing waivers during the permit review process where appropriate. Because design guidelines can vary significantly from one community to another, new sample language was not provided as part of this project. Examples of different approaches to design guideline language can be found in Jamestown, Charlestown (Shannock Village), North Kingstown (Post Road), and Exeter (Vision for Exeter).

- E. For redevelopment of existing buildings, features that must be installed in order to comply with the Americans with Disabilities Act shall be exempt from setback requirements.

Sec. 11.6 Residential Density

- A. Allowable residential density in the Village District shall be ten (10) units per buildable acre.
- B. Where transfer of development rights is approved by the Planning Board, allowable residential density shall be twenty (20) units per buildable acre.

Commentary: The density of ten units per acre is typical of a village that has between two and three story buildings. Twenty units per acre is an appropriate density for a village that can have buildings up to four stories.

Commentary: At the time this report was issued, local governments could define what is meant by the term "buildable". Current efforts at the state level may standardize how this term is used across all municipalities and communities are encouraged to monitor this discussion as it continues to evolve.

Sec. 11.7 Parking

- A. There shall be no minimum parking requirements in the Village District except that at least one parking space shall be provided for every residential unit. Parking in the Village District shall not be provided in amounts that exceed the following:

Use	Maximum allowable Number of Parking Spaces
Retail and Office	One space per 250 square feet of gross floor area
Restaurant	One space per four seats
Others as necessary...	

Commentary: Many communities across the country have recognized the problem with using typical minimum parking requirements while trying to design walkable, village-style communities. In many cases, communities are, instead, applying maximum parking allowances to limit the amount of area dedicated to parking. The table above shows how this would be structured within an ordinance. The table above only addresses three of the more common uses found in a village setting and would need to be completed to suit the needs of an individual municipality. Each community would need to carefully look at each allowable use to determine what the appropriate maximum parking limit would be.

- B. Required parking for residential use may be provided off-site under the following conditions:
 1. A covenant or easement between property owners shall be presented in advance of final approval or may be required as part of a conditional approval before any certificate of occupancy is issued.
 2. Off-site parking shall be within 1,000 feet of the front entrance of the use it is proposed to serve as measured along an easily accessible and well-lit pedestrian pathway.
- X. Parking areas shall be designed in accordance with the Planning Board's *Village District Design Standards and Guidelines as part of the Subdivision and Land Development Regulations*.

Sec.11.8 Transfer of Development Rights in the Village District

Transfer of development rights can be used to increase building height and/or residential density in the Village District. The following standards and procedures shall apply:

- A. Any development rights used in the Village District shall be transferred from the Sending Area Overlay District and shall be certified in accordance with [CITE CERTIFICATION SECTION OF TDR].

Commentary: In the regulatory guidance for local TDR programs developed as part of this larger report, the section referenced above would be Section 8.4.

- B. *The number of development rights required for proposed village development shall be determined first by subtracting the number of units allowed at the base density (eight units per acre) from the actual proposed number.*

Hypothetical Calculation:

1. *The site has three buildable acres, so the residential yield using eight units per acre is 24 units.*
2. *Based on existing site conditions, an applicant proposes 42 units.*
3. *The number of units proposed exceeds the base residential yield by 18 units.*
4. *As part of the overall development, 10% is provided as affordable. This is four units of housing, which do not require transfer of development rights.*
5. *The applicant must therefore purchase enough development rights to cover the 14 units beyond the existing site yield, after the affordable units are subtracted.*
- X. *The number of development rights needed to increase the density from the base residential density to the proposed residential density shall then be determined using the applicable transferable development rights schedules in accordance with [CITE TDR TRANSFER DEVELOPMENT RIGHTS SCHEDULE].*

Commentary: In the regulatory guidance for local TDR programs developed as part of this larger report, the section referenced above would be Section 8.7.B.

REGULATORY GUIDANCE FOR A COTTAGE DEVELOPMENT ORDINANCE

SECTION 1. ARTICLE I. PURPOSES & ADMINISTRATION, Section 21-22 of the Code of Ordinances, Town of North Kings-town, entitled, "Definitions" is hereby amended by adding or amending the following:

Compact Cottage Development (CCD) means a residential development that is authorized pursuant to Section 21-191 of this ordinance and complies with all of the design standards therein.

Habitable Floor Area means the accessible floor area measured from the interior walls of a dwelling unit excluding the following:

- unheated storage space located under the main floor of the dwelling unit;
- architectural projections, such as bay windows, fireplaces or utility closets no greater than eighteen (18) inches in depth or six (6) feet in width;
- attached porches (unenclosed);
- detached garages or carports; and
- spaces with ceiling height of six (6) feet or less measured to the exterior walls.

Commentary: The definition of habitable floor area above comes from review of other ordinances. This should be checked with the local building official.

Potential Zoning Ordinance Language to Implement Cottage Development

ARTICLE 12 – COMPACT COTTAGE DEVELOPMENT (CCD)

Commentary: "Article 12" is used simply to help organize the document below and represents an arbitrary number. Local communities will need to identify the best location(s) in their ordinance to implement Cottage Development.

Sec. 12.1 Purposes

The purposes of this section include:

- A. To provide housing types that are responsive to changing household demographics (e.g., retirees, small families, single parent households, single person households, dual owner households);
- B. To provide opportunities for low to moderate income housing within single-family neighborhoods;
- X. To encourage creation of functional usable open space in residential communities;
- Δ. To promote neighborhood interaction and safety through design;
- E. To provide an opportunity for the implementation of transfer of development rights to direct growth to appropriate places in the community consistent with the Comprehensive Plan; and
- Φ. To ensure compatibility with neighboring uses.
- Γ. To promote housing that is consistent with the goals of the Land Use, Economic Development, and Housing elements of the Comprehensive Plan.

Commentary: Cottage development can be used for many different purposes including transition development between urban and rural areas, strategic infill, housing choice, aging in place, meeting emerging market demands and others. Communities should try to clearly articulate why cottage zoning is being adopted and tie these purposes to the Comprehensive Plan.

Sec. 12.2 Eligibility

- A. CCD is allowed in the following zoning districts:
 1. R-40;
 2. Neighborhood Commercial; and
 3. Village Mixed Use.

Commentary: The zoning districts provided above represent “typical” names of districts where cottage community development may be appropriate.

- B. *Where a lot is split by any of the zones or delineations described above, only the portion of the lot that is fully eligible may be proposed as part of a CCD.*

Sec. 12.3 Application

Applications for CCD approval shall be made in accordance with the following:

- A. CCD is allowable only through Major Land Development application to the Planning Board.
- B. Plan requirements for CCD applications are provided in Land Development [Checklist G].

Commentary: “Checklist G” is provided as a hypothetical example. The point of this provision is to stress the linkage between the zoning requirements and the procedural elements of the Subdivision and Land Development Regulations. Because of the unique design requirements of cottage community development, it is recommended that communities consider a separate checklist for permit review.

Sec. 12.4 Inclusionary Zoning

All housing which is included in the CCD shall have a minimum of [10 percent] of all units deemed affordable as defined in Section [CITE INCLUSIONARY ZONING SECTION].

Commentary: For those communities that use inclusionary zoning, it will be important to cite the applicable section.

Sec. 12.5 Density Limitations

Where a CCD is proposed the following limitations shall apply:

- A. *The maximum density shall be twenty (20) cottage units per acre of buildable land.*

Commentary: Most cottage communities fall in the range of 12-20 units per acre. “Cottages on Green” in East Greenwich is reported to be 18 units per acre. Communities that do not have access to centralized water supply and/or sewerage disposal may have difficulties achieving these density levels.

- B. An individual cottage development shall contain a minimum of six (6) dwelling units and may contain a maximum of thirty (30) dwelling units.

Commentary: A maximum number of dwelling units can be required in order to ensure that a small, human-scale design is maintained in the community. Municipalities may choose not to limit the maximum number of units and, instead, regulate this issue through design standards. For example, several small cottage clusters could be developed as part of a single application or within a neighborhood. In these instances, requiring clusters of units to be gathered around individual shared greens with clear connections between clusters would be important.

- C. The development of a cottage development shall require the use of transfer of development rights as described in Section 12.6 and in accordance with the procedures and requirements in [CITE LOCAL TDR ORDINANCE].

Commentary: TDR would be best applied for whatever units are required beyond a "base yield". The base yield would differ from one district to another, directly tied back to Section 12.2.A above. For example, in a R-40 district, yield could be determined through a simple yield formula. The regulatory guidance for TDR provided as part of this study gives an example of this formula. In a Neighborhood Commercial or Village Mixed Use district, it would be easiest if those districts provided a base allowable density in the existing provisions. For example, if the existing Neighborhood Commercial allows for eight units of residential per acre, TDR would be required for units proposed beyond that density. A cottage development that proposes 20 units per acre, would purchase development rights for the 12 units per acre beyond the base yield. A hypothetical calculation is built into the text of the ordinance language below.

Another important consideration is related to inclusionary zoning. Communities may wish to consider exempting any units that are restricted as "affordable" from the TDR requirement.

Sec. 12.6 Transfer of Development Rights for Cottage Communities

Pursuant to Section 12.5.C, transfer of development rights is required to develop a cottage development where the proposed residential density exceeds the allowable residential density in the existing district. The following standards and procedures shall apply:

- A. Any development rights used to create a cottage development shall be transferred from the Sending Area Overlay District and shall be certified in accordance with [CITE CERTIFICATION SECTION OF TDR].

Commentary: In the regulatory guidance for local TDR programs developed as part of this larger report, the section referenced above would be Section 8.4.

- B. The number of development rights required for the proposed cottage development shall be determined first by subtracting the base residential yield of the property in the zoning district by the number of proposed cottages. Base residential yield for the underlying zoning shall be determined using the following formula:

For the R-40 District:

$$BY = (A - C) \div L$$

For the Neighborhood Commercial or Village Mixed Use Districts:

$$BY = (A - C) * D$$

Where

"BY" is base yield, or the number of units allowed under the base zoning

- "A" is the total area of the parcel(s)
- "C" is constraints to development which include wetlands and areas reserved for infrastructure such as roadways. For the purposes of this calculation, the amount of land reserved for infrastructure shall be 10% of the upland area
- "L" is the minimum lot size allowed in the base zoning district
- "D" is the maximum allowable residential density

Commentary: There are many ways to estimate base yield for a given property. Using yield formulas like those provided here are the most straight forward and least onerous to both the town and the applicant. If a stricter approach is preferred, requiring the development of a conceptual development plan can be used.

Hypothetical Calculation:

1. *The residential yield formula for a property in the R-40 District shows that four homes could be developed on a six acre site.*
 2. *Based on existing site conditions, an applicant proposes 24 cottage units.*
 3. *The number of units proposed exceeds the base yield by 20 units.*
 4. *As part of the overall development, 10% is provided as affordable. This is two units of housing which do not require TDR.*
 5. *The applicant must therefore purchase enough development rights to cover the 18 units beyond the existing site yield, after the affordable units are subtracted.*
- X. *The number of development rights needed to increase the density from conventional to cottage development shall then be determined using the applicable transferable development rights schedules in accordance with [CITE TDR TRANSFER DEVELOPMENT RIGHTS SCHEDULE].*

Commentary: In the regulatory guidance for local TDR programs developed as part of this larger report, the section referenced above would be Section 8.7.B.

Sec. 12.7 Dimensional Requirements

- A. *A CCD may be developed with dwelling units on separate lots, a single lot, or a combination thereof. There is no minimum overall lot size for individual house lots provided the other dimensional requirements herein are satisfied.*
- B. *No detached accessory buildings shall be allowed except as development facilities such as storage sheds, garages, utility structures, or similar common facilities.*
- C. *Dwelling units shall be separated by a minimum of ten (10) feet from the side edge of one building to another. Where attached architectural features such as eaves, window bays, bulkheads, etc. project into the space between residences, the ten (10)-foot separation shall be measured from the outside edge of these features.*
- D. *Dwelling units not abutting or oriented towards a right-of-way shall have a front yard oriented towards the common open space.*
- E. *The total habitable floor area of each cottage unit shall not exceed 1,200 square feet. No building footprint, excluding any enclosed porch area, shall exceed 900 square feet. Habitable floor area in a two-story cottage*

for the second floor shall not exceed 350 square feet.

- F. *The distance between the front building edge and the right of way or the edge of the common space shall be at least fifteen (15) feet.*
- G. *The building height for all structures shall not exceed eighteen (18) feet.*
- H. *Where a cottage community is proposed adjacent to any residential district, the nearest building in the cottage community shall not be closer than 50 feet from that residential district boundary.*
- I. *Accessory dwelling units are not allowed within a CCD.*
- J. *Dwelling units shall have no more than two (2) bedrooms per unit.*

Sec. 12.8 Common Open Space

- A. A minimum of 250 square feet of common open space shall be provided per dwelling. However, not less than 3,000 square feet of common area shall be provided regardless of number of dwelling units.
- B. No dimension of a common open space area used to satisfy the minimum square footage requirement shall be less than 20 feet, unless part of a pathway or trail.
- C. Required common open space shall be divided into no more than two separate areas per cluster of dwelling units.
- D. Common open spaces shall have dwelling units that face each other across the common open space.
- E. Common open space shall be designed for passive or active recreational use. Examples may include but are not limited to courtyards, orchards, landscaped picnic areas, or gardens. Common open space shall include amenities such as seating, landscaping, trails, gazebos, outdoor cooking facilities, covered shelters, or ornamental water features.
- F. Stormwater management facilities shall not be located in a common open space area.
- G. All dwelling units shall have dedicated access ways to the common open spaces.

Sec. 12.9 Cottage Building Design Standards

In addition to the dimension requirements in Section 12.7, the following building design standards shall apply:

- A. Variety in Building Design.

The same combination of building elements, features and treatments shall not be repeated on individual dwelling units for more than twenty (20) percent of the total dwelling units in a cottage housing development. Dwelling units with the same combination of features and treatments shall not be located adjacent to each other. A minimum of five (5) of the following building elements, features, and treatments shall be provided in a manner that creates visual variety between adjacent structures and within clusters of cottage units:

1. Variation in general architectural elevation and size;
2. Variation in roof or building colors and materials, such as brick, stone or other masonry as accents (vinyl or cementitious materials are prohibited);
3. Varying roof shapes or gables between adjacent structures;
4. Windows with visible trim and mullions;

5. Roof brackets;
6. Dormers;
7. Fascia boards;
8. Bay windows;
9. Entry enhancement such as a well detailed door (multi-panel or glass insert), window adjacent to front door, or roof extension;
10. Trellis;
11. Modulation;
12. Chimney (shown on the exterior of the house);
13. Other building elements, treatments, features, or site designs approved by the code administrator that provide variety and visual interest; and
14. Additional porches and patios (required porch not included).

Commentary: Communities will want to consider how strict and/or detailed they will want to be with this requirement. The importance of this subsection is to ensure that identical, or near-identical, cottage models are not constructed next to each other. The unique qualities of each individual unit balance the feeling of living in a small individual cluster with shared space, parking, etc. Communities may feel comfortable not providing text beyond the first two sentences of 12.9.A and simply discussing the need for variety through the application review process.

B. Porches

1. Cottage housing units shall have a covered porch over the primary entrance at least sixty (60) square feet in size with a minimum dimension of six (6) feet on any side.
 2. Cottage housing units shall have the covered porches of the main entry oriented to the common open space or the public street right of way as applicable.
- X. All fences interior to the development shall be no more than thirty-six (36) inches in height and shall be made of natural materials.

Sec. 12.10 Parking

- A. A minimum of 1.5 spaces per dwelling unit shall be provided for the entire cottage community. Parking spaces located within garages and driveways may count towards this requirement.
- B. Parking for individual dwelling units shall be combined into an individual facility or into parking clusters in order to facilitate housing clusters that are oriented to common open space areas.
- C. Garage doors shall not be oriented towards a public right-of-way with the exception of an alley or walkway.
- D. Garages and carports shall not be located between the common open space and the dwelling units.
- E. Surface parking lots shall be broken into sub-lots of no more than fifteen (15) parking spaces.
- F. Parking in the form of garages, carports, or surface lots may occupy no more than 40 percent of site frontage on a public right-of-way, except in the case of an alley, in which case no restriction applies.

- G. Surface parking lots shall be set back a minimum of fifty (50) feet from the outside perimeter of the cottage community.
- H. Parking shall be set back a minimum of twenty (20) feet from a public street.
- I. Surface parking lots of more than four (4) spaces, which are visible from a public right-of-way (not including alleys) or adjacent single-family uses or zones shall be screened by landscaping and/or architectural features.
- J. A pitched roof design is required for any enclosed parking structures.

Sec. 12.11 Common Area Maintenance

- A. Cottage developments shall be required to implement a mechanism that ensures the continued care and maintenance of common areas. All common areas shall be protected against further development and unauthorized alteration in perpetuity by appropriate deed restrictions. The Planning Board shall approve the form and content of all deed restrictions at the time of final approval of the subdivision. Every deed restriction providing a maintenance guarantee shall contain the following provision:

"If the owners, or their successors or assigns fail to maintain the common area, the [INSERT TOWN NAME] may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."
- B. Ownership of the common area shall be conveyed to a corporation or trust owned or to be owned by the owners of lots or units within the cottage development or owners of shares within a cooperative development. If such a corporation or trust is used, ownership shall pass with conveyances of the lots or units. A typical example would be creation of a homeowner's association or condominium association with authority and funding necessary to maintain the common areas.

VII. Overcoming Barriers to Village Development in Rhode Island

HIGHLIGHTS OF THIS CHAPTER

Most towns talk about villages or other areas of increased density, but often struggle to make them happen. Planners interviewed during the project identified barriers that fall into four categories:

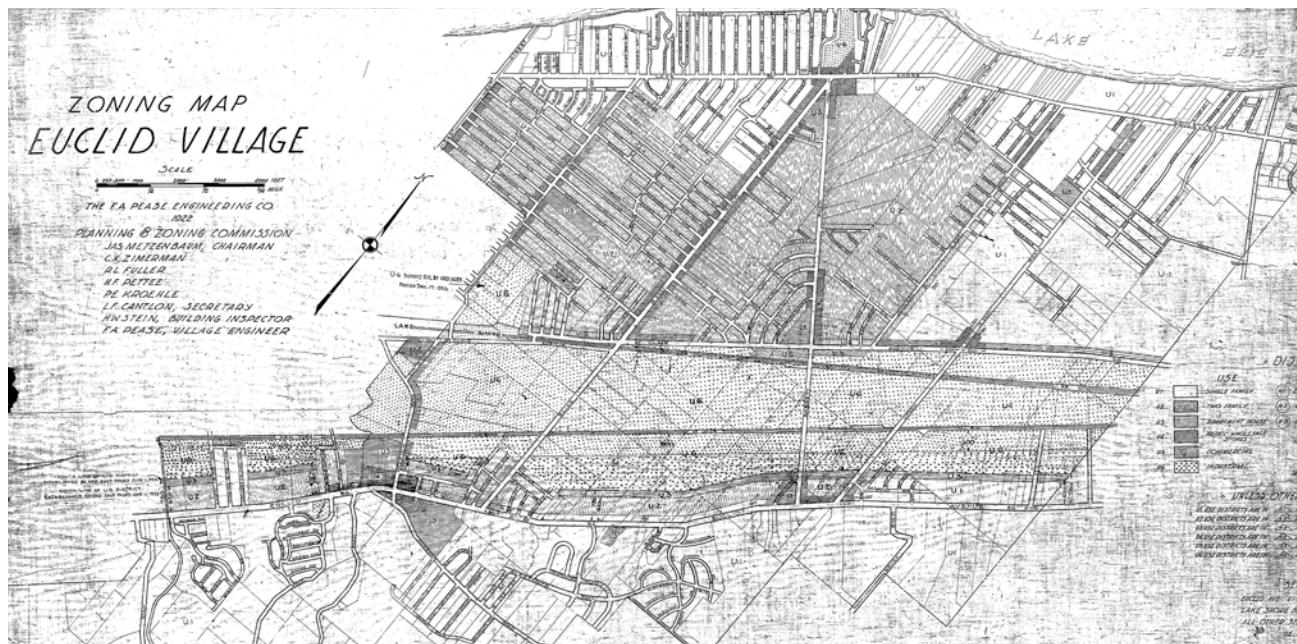
- Physical Constraints
- Policies and regulations
- Economic challenges
- Social and political issues

In addition to removing barriers, successful village development will in the short term likely require state and local incentives that help to change the economic equation and make village development at least as profitable as more traditional projects. Important elements are tax policies that subsidize projects indirectly, as well as direct support for roads, sewers and other infrastructure.

INTRODUCTION

For centuries, the development of villages, main streets and downtowns in Rhode Island required no zoning, state legislation or grants – it was simply the most logical way to accommodate growth. At every scale, from rural hamlets to urban mill centers, the development process was both driven and limited by the need to harness available resources and accommodate the movement of people and materials in the most efficient way possible. In the pre-oil economy this resulted in communities that grew from the center out, with economic activity focused

on the resource at hand, whether water power, farm and forest land, ports and railroads, and so on. During the 20th Century, especially after World War II, this traditional growth pattern was subsumed within a national shift to the suburbs, literally driven by the automobile. Transforming both landscapes and lifestyles, suburbanization went hand-in-hand with the growth of national retail chains and the corporate development industry – both of which were able to take advantage of cheap land, cheap energy and economies of scale to offer an unprecedented lifestyle upgrade to a growing middle class.



The first zoning was designed to deal with conflicts by separating uses. It also paved the way for suburbanization, newly possible because of the streetcar and the automobile (image courtesy The Codes Project, Arizona State University).

The unintended consequences of the great 20th Century shift to the suburbs are well-documented by the Smart Growth movement. As land, oil and capital all become more expensive, people from all sides of the political spectrum are beginning to understand that we need to do things differently. At the local level the benefits of the village development approach, which revolves around a network of compact, mixed-use development centers surrounded by open space, seem obvious, especially when compared to a more conventional model of suburban-style development. Yet when towns try to establish new villages, redevelop older commercial centers, or enhance historic areas, they run up against a host of obstacles.

At the beginning of the Village Guidance project 25 Rhode Island Planners participated in extensive telephone interviews with the project team. They identified road blocks to village development that run the gamut from lack of infrastructure to neighborhood resistance. They fall into four general categories:

- Physical Constraints, such as poor soils or lack of access.
- Policies and Regulations, from local zoning to state and federal tax policies.
- Economic Challenges, ranging from inflexible real estate development practices to existing patterns of suburban development.
- Social and Political Issues, from NIMBYism and fear of change to class tension and environmental justice concerns.

While these issues are often interrelated and will require coordinated solutions, for the sake of this discussion they are presented as separate elements. For each challenge or barrier to village development, recommended solutions are provided. Some of these, such as solving wastewater problems or transit access, only lack for the necessary financial resources; others are more intractable – but by teasing out each strand from the larger tangle of land use challenges, we can more readily follow the threads to an understanding of potential solutions.

Removing barriers will not by itself jump start a movement back to villages and other mixed-use centers. Broad segments of the economy have grown up in service to the suburban growth model. In many cities and towns, the shopping malls and commercial strips are the economic engines that drive local business. To overcome the inertia of these existing suburban models, we will

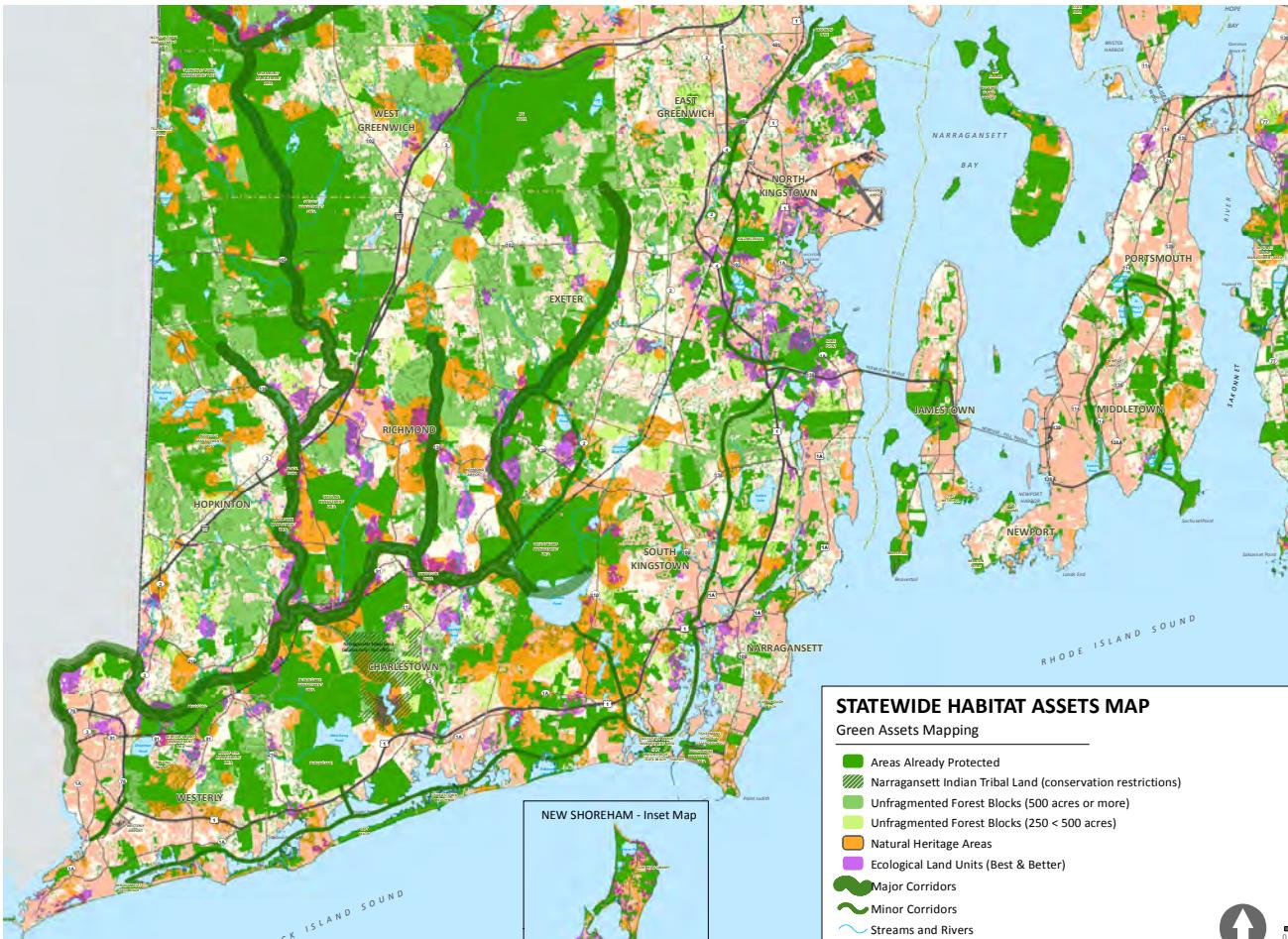
need to provide incentives that will make it economically and politically feasible for developers, business owners, residents and government officials to move in a new direction. As outlined at the end of this section, potential incentives range from outright grants for public roads and infrastructure to tax policies – most of which are not new, but need to be applied in new and targeted ways if village development is to compete on a level playing field with the conventional suburban model.

PHYSICAL CONSTRAINTS TO DEVELOPMENT

Development Suitability: Compact, mixed-use development requires sites with good road access, suitable soils and the absence of wetlands and floodplains. In theory, cities and towns can analyze all of the undeveloped land in the community and create a rational plan for future development – identifying the best growth areas and setting aside farmland, wildlife habitat and other resources as conservation land. In practice, the development process often occurs haphazardly, driven by the ability of developers to secure large parcels of land, on which they then seek to draw up a profitable development scheme. The best areas for construction are often those that are also the most productive for agriculture, forestry, or water supply – creating an instant conflict between the landowner and/or developer, abutting residents and the rest of the town.

Solution: The growing scope and accuracy of public GIS data makes it possible for detailed assessments of development suitability and conservation priorities to be incorporated into the comprehensive planning process to an extent that was impossible just a few years ago. Cities and towns can use this analysis to develop pro-active plans for growth and conservation that clearly identify local goals for the location and extent of development areas, shaped by a network of permanent open space.

While these plans are often driven by conservation interests, successful village planning requires towns to incorporate an assessment of where the best lands are for redeveloping and expanding existing centers as well as creating new ones. This allows towns to work proactively with the landowners and the development community to plan for future growth.



Cities and towns can use public GIS data to better define physical constraints to development and encourage growth in areas to which it is best suited. Shown above is a portion of a statewide habitat assets map prepared in 2014.

Fragmented Ownership Patterns: In many towns the most suitable sites have already been developed, either as low-density frontage lots or subdivisions, in a way that limits further change. Many of the remaining large, undeveloped parcels in Rhode Island are undeveloped for a reason: they may be too far from major roads, too wet or rocky to build on, or simply not in the right place to serve the market for new homes and businesses. More likely than not, the best village locations may be cut up into small parcels and dissected by roads, with empty lots interspersed with structures. If it's a logical village location, chances are it's already developed to some extent, and now redevelopment is complicated by a patchwork of different uses. While developers sometimes succeed in assembling large sites in such a context, more often they look elsewhere.

Solution: While finding the perfect undeveloped village site is rare, a rational planning process can reveal those with the fewest constraints and the largest available area.

Towns can look carefully at unrestricted municipal lands, some of which might be combined with neighboring private parcels to create larger sites. They can acquire land by tax title, or buy it outright as opportunities arise. This can be coordinated with setting land aside for municipal facilities such as libraries, schools, town halls and public safety complexes – these buildings belong in village centers, and can serve as the core around which the rest of the village grows. Finally, the town could establish a Redevelopment Agency which has the power under state statutes to assemble parcels, develop specific plans and issue bonds for implementation.

An example of this is the East Providence Waterfront Commission, established in 2003 to manage planning and implementation of the 500-acre East Providence Waterfront Special Development District (see: http://www.eastprovidencewaterfront.com/files/special_enabling_legislation.pdf). Comprised of nineteen volunteer commissions, the Commission is charged with

implementing plans for a system of connected public spaces designed to create a framework for high-quality private development (www.eastprovidencewaterfront.com). Key to this effort was a two-year planning and visioning process that included participation from many state and local stakeholders.

Another example is the Burrillville Redevelopment Agency, which is managing redevelopment in the town's historic villages, as well as along Route 102. Established in 2001, their first priority was the designation of the Stillwater Mill in Harrisville as a Redevelopment District. Successful implementation of plans for the district is well under way, with construction of the Stillwater Heights apartments, opening of the Jesse M. Smith Library, and ongoing renovations to the Stillwater Mill itself, which will feature 47 moderately-priced apartments.

Providing Infrastructure: Unlike conventional frontage lots and residential subdivisions, villages often can't be built with individual wells and septic systems. Rather than selling the lots and letting the homeowner or builder install this needed infrastructure, developers must therefore invest in shared water and wastewater systems up front, making projects that much harder to implement. Even though these shared systems may work better than a collection of individual systems, they also become a lightning rod for opposition from neighbors worried about competition for finite water supplies, or contamination of groundwater by wastewater treatment effluent.

Solution: In communities with town water and/or sewer infrastructure, the ability to hook up to town systems can offer powerful leverage to shape and encourage development. Towns should shepherd available capacity carefully to ensure that it is used to support development in the locations and densities that help meet the community's larger goals. In the absence of town water and sewer, Towns can help by partnering with the development community to develop systems that may extend beyond the immediate project to serve existing homes and businesses in the project area.

Shared wells and water systems are generally limited only by the availability of groundwater sources and the financial feasibility of establishing the system. Wastewater treatment is dependent on local soil conditions, but can often be done more efficiently as a shared system that with individual systems for each home. Creative approaches to dealing with wastewater can be applied to potential villages of all sizes. As described in a series of publications about on-site wastewater treatment published by URI Cooperative Extension in 2005, these



In rural areas the lack of sewer systems can make it difficult to build a village, but advances in small shared wastewater systems provide a solution. At the Donovan's Farm project in Norwell, MA, a compact treatment system housed at one end of the village treats wastewater from 40 homes and recharges the resulting effluent beneath the village green.

can range from individual drain fields laid out around the periphery of the village to shared systems and small treatment plants. (see: <http://www.uri.edu/ce/wq/NEMO/Publications/PDFs/WW.Creative%20Combination.pdf>).

POLICIES AND REGULATIONS THAT IMPEDE VILLAGE DEVELOPMENT

Permitting Process for Mixed-Use Projects: In most Rhode Island communities, getting permits within single-use zones is much easier than for mixed-use projects. Everyone involved, from local planning departments, boards and commissions to the development community and the general public, understands generally what is allowed and what it will look like. While this is a natural consequence of the simplicity of planning a subdivision of 2-acre house lots, or splitting off a frontage lot in a commercial strip, it serves to make these traditional suburban archetypes easier to build than the compact, mixed-use, pedestrian-friendly centers that many towns would prefer. Developers who might like to do something more creative can be put off by the uncertainty of not knowing if the local boards or the public will support a different approach.

Solution: While the complexity of compact, mixed-use projects will always require greater attention to detail, there are ways communities can work to put them on an even playing field with more traditional suburban-style development. One way is to prepare master plans



The development of masterplans like this one for Exeter, RI, (above) allows local stakeholders to seek agreement on the size, layout, and design of projects before developers get involved, allowing for a streamlined permitting process. Exeter's Village Design Manual (right) provides clear standards for the design of proposed villages that show developers what to expect during the review process.

for important areas as part of the local planning process, working with landowners, residents and other stakeholders to seek agreement on the size, layout and design of projects before the developers get involved. The results can be incorporated into zoning changes that require or encourage village-style development. These can range from simple overlay districts to form-based codes that stipulate every detail of the design. Another way to support mixed-use projects is to streamline permitting, with a particular emphasis on creating a transparent and predictable process with clear standards for submittals and a rigorous timetable for review by local boards. The City of Providence streamlined its approval process as part of revising their downtown zoning in 2012. North Kingstown streamlined permitting procedures by adopting an on-line permit application process with complaint reporting and status tracking. The system allows town staff access to approval and investigation information, and allows them to track trends over time. The town continues to explore ways to simplify its permitting process.

Across town at the Quonset Business Park, the Quonset Development Corporation has adopted a site-readiness program to streamline permitting. Preliminary studies and review have been completed on 35 sites, with permits already secured from Rhode Island DEM, the Coastal Resources Management council, the local building inspector and the Office of the State Fire Marshall. The program is designed to enable developers to begin construction of a project within 90 days of submitting a plan.

VILLAGE DESIGN MANUAL

Guidelines for Planned Village Development



Exeter, Rhode Island
January, 2012

In Massachusetts, the Association of Regional Planning Agencies (MARPA) published A Best Practices Model for Streamlined Local Permitting (2007) that is an excellent resource for improving the process, largely through better administrative practices. Their recommendations fall into three critical categories: improving communications with permit applicants and between town staff; standardizing the permitting process, including fees, review criteria and timelines for review; and providing the necessary staff, software and office procedures to help move the process through town offices. Massachusetts has also

supported streamlined permitting through passage of state legislation, Chapter 43D, that allows for cities and towns to designate “priority development sites” where permitting decisions are guaranteed within 180 days of an application. The state supports the program with grants up to \$100,000 for planning and zoning work on designated sites.

Local Zoning Ordinances: Local Zoning Ordinances play a crucial role in allowing cities and towns to shape growth in a way that protects public health, safety and welfare, but they are often based on suburban growth standards that make it impossible to create compact, mixed-use centers. While the local comprehensive plan invariably focusses on the importance of protecting rural character and revitalizing historic centers, zoning too often requires a density and distribution of land uses that does neither. Too many areas are still designated for an automobile-dependent monoculture of residential house lots and scattered commercial strips. The result is that many communities are trapped in an inefficient 20th Century growth pattern that results in overpriced homes, mediocre design quality and dilution of commercial vitality to the point of stagnation.

Solution: Zoning in many towns provides for higher densities and a mix of commercial and residential uses in historic villages, downtowns and other centers. However most of these areas are surrounded with residential zones at typical suburban densities, while commercial growth is sent to segregated strip commercial zones.. Towns can modify zoning in ways that give developers the flexibility to build compact, mixed-use centers. Conservation Development, for example, allows developers to cluster homes while preserving open space within individual parcels. While this can enable the creation of small villages or hamlets, it is not an easy way to coordinate village development across multiple parcels. This is more easily done by changing zoning across all parcels in a designated village district, or keeping the existing zoning but adopting a village overlay zone. Village zoning will also typically allow different uses such as retail, office and residential in the same building. Chapter VI provides guidance on specific ordinances that can be used.

While the logical companion to increasing densities in village sites is reduction of density in rural areas, landowners in the countryside will invariably object to a loss in development potential. A Transfer of Development Rights (TDR) ordinance allows landowners to be compensated through the purchase of development rights, which are then used to increase allowable densities in designated village zones.

Traditional villages and other compact, mixed-use centers work because increased density reduces costs and allows for people to get around without a car. But to be successful there needs to be increased attention to the design of buildings, yards, streets and public spaces. This often starts with simple design guidelines that specify the location of buildings and parking, and basic standards for architecture and landscaping. At the other end of the spectrum are Form-Based Codes, which can specify in exhaustive detail the size, shape, location and dimensions of streets, sidewalks, structures, parking and other elements. This is incorporated in written and illustrated standards and mapped out by a regulating plan that specifies the location of each element. While this costs more in time and money up front, the expense can be shared with developers, who benefit from having projects that are essentially pre-permitted. The community also benefits from what is typically a much higher level of design quality, as well as by allowing residents to see beforehand exactly what is going to be built.

Under state law zoning must be consistent with the local comprehensive plan, which traditionally focusses on identifying the location and density of future growth, but often offers little in the way of detail. It cannot be overstated, however, that changing zoning to encourage villages requires a level of preliminary planning and design that may be new to many communities. This usually involves community visioning exercises and work with stakeholders to hash out the details of design and density, following by a process of public review and revision.. Communities such as Burrillville, Exeter and North Kingstown have successfully used this process to encourage villages.



Exeter stakeholders participate in a visioning workshop, part of a long-term process that laid the groundwork for strong support for the village concept.. This work ultimately resulted in the adoption of a Planned Village Overlay District in September 2012.

In Exeter, a grant from the Orton Family Foundation, followed up by a Planning Challenge Grant from the State Division of Planning, supported a five-year, stakeholder-driven visioning, planning and implementation process that resulted in the adoption of a Planned Village Overlay District ordinance in September, 2012. In North Kingstown, the planning department has taken advantage of state grants, along with a considerable investment of town funds, to develop plans and/or zoning ordinances for each of the town's historic villages, as well as the Post Road Corridor, the Rt. 2/102 area, and Wickford Junction.

The Property Tax Levy Cap that went into effect in 2008 restricts cities and towns to a 4% annual growth in the total tax levy. Any increase in the overall tax levy that exceeds the cap must be returned to the tax payers. This has had the unintended consequence of removing any incentive towns have to support new construction, especially since many communities are regularly near the levy cap even without major development projects. When towns factor in a potentially costly increase in demand for local services resulting from new construction, they worry that new construction could create a negative fiscal impact to their bottom line revenues. This creates a powerful disincentive for towns considering new or revitalized village centers.

Solution: Amend RIGL 44-5-2, "Levy and Assessment of Local Taxes," to allow municipalities to exempt from the levy cap calculation the incremental increase in property tax revenue generated within designated villages and other growth centers. Under a proposal developed by Grow Smart Rhode Island, revenues would have to be reinvested back into the growth center through a "municipal economic development trust account." Expenditures from the account could only be used for infrastructure construction or repair; planning, design and engineering studies, land acquisition, development of public amenities, and/or debt service for any of these activities. To provide for reasonable limits on the use of the provision, the exemption from the levy cap would max out at 2% of the total municipal levy. (See Grow Smart Rhode Island's analysis at: [http://www.growsmartri.com/pdfs/Municipal%20incentives%20for%20economic%20development%20\(S-3050%20exemption\)03%2016%2011.pdf](http://www.growsmartri.com/pdfs/Municipal%20incentives%20for%20economic%20development%20(S-3050%20exemption)03%2016%2011.pdf).)

The Low- and Moderate-Income Housing Act, enacted in 1991, gave non-profit developers of affordable for-sale and rental projects, as well as for-profit developers of affordable rental projects, the ability to seek a Comprehensive Permit. The statute was revised in 2002 to allow for-profit developers to use the process for for-sale projects, which unleashed a torrent of applications, resulting

in considerable backlash from local governments and a state-wide moratorium in 2004. Further changes that went into effect in 2005 placed some additional controls on developers but also required local governments to plan for and accommodate affordable housing. Towns with less than 10% of their housing meeting standards for affordability have to work toward that goal. The statute provides relief from the provisions of local zoning for developers who ensure that at least 25% of the units will remain as low and moderate income housing. As a practical matter, however, comp. permits often result in increased density in areas that are not suited for it, rather than in existing or proposed villages where growth is encouraged by local plans. Another consequence is a disincentive for developers to pursue Transfer of Development Rights: by allowing an increase in density at no extra cost, the Comprehensive Permit provisions effectively negate any incentive to pursue TDR.

Solution: modify the low and moderate income housing act to require that developers seeking a Comprehensive Permit work with towns to implement approved plans for villages and other growth centers. Communities that plan and zone for affordable housing within growth



While historic brick main street buildings were built to last, they often don't meet today's code requirements. Potential uses often don't generate enough income to justify necessary upgrades.

centers could restrict comprehensive permits to those locations and stipulate density limits and design requirements.

ECONOMIC CHALLENGES FOR VILLAGE DEVELOPMENT

Expense of Redeveloping Old Buildings and Neighborhood: The complexity of mixed-use development is often enough to discourage developers who might otherwise support the village approach. Adapting buildings to new uses, dealing with limitations on access and parking, and trying to find tenants interested in alternative space all complicate redevelopment efforts. While the old brick mill buildings and historic neighborhoods were built to last, they often don't meet today's code requirements, and can require expensive remediation of hazardous materials even before rebuilding can begin. As a result, the square-foot cost of renovating existing structures can outstrip the price of new construction.

Solution: Revive the State Historic Tax Credit Program and Revise Fire and Building Codes for Historic Buildings.

From 2001 to 2008, the state Historic Preservation Investment Tax Credit program provided a tax credit amounting to 30% of the expense of rehabilitating an eligible historic property. The program was very successful – with 252 complete projects that used \$316 million in credits and returned \$1.4 billion into the state's economy (RI Historical Preservation & Heritage Commission). Largely eliminated by the legislature in 2008 because of concerns about revenue at the height of the recession, the Historic Tax Credit was reinstated with limited funding in 2014, but was not included in the 2015 budget. Bringing back the credit could reignite a proven incentive for restoration and reuse projects that otherwise would not be feasible. If the credits were restricted to villages and other mixed-use centers, overall cost to the state could be limited while spurring private investment in these key areas.

In addition to supporting renovation through tax programs, the state can spur redevelopment of existing buildings by revising fire and building codes. New Jersey implemented "rehabilitation codes" in 1997 that are credited with enabling many projects that would not be economically viable under the standard codes, which were written primarily with new construction in mind. Under the rehabilitation code, the goal is to ensure that newly renovated properties meet an acceptable threshold of safety without requiring unnecessary additional measures. On average, the code reportedly saves ten percent

of rehabilitation costs (source: Center for State Innovation). Using the New Jersey code as a model, HUD published a Guide to Building Rehabilitation Codes which is available at: <http://www.huduser.org/Publications/pdf/smartsCodes.pdf>

Legislation introduced in 2013 supports revival of the tax credit, with somewhat different approaches featured in the Governor's Budget Article 23 (identical to Senate Bill 733) and House Bill 6060, submitted by Representative Jay O'Grady.

Unfunded Municipal Planning and Zoning Expense: Making plans and changing zoning in support of village development can be expensive for towns. The Comprehensive Plan may need to be revised through an extensive public process before voters will agree on the size and location of the village. Design and engineering studies must be drawn up to establish the form and extent of the development and deal with questions of water supply and wastewater treatment. There may need to be revisions to zoning and development regulations, with associated consulting fees, hearings and paperwork. Even a simple thing like the expense of abutter notification can act as a strong disincentive for towns considering a zone change.

Solution: Provide grants and technical support for planning and zoning

The state's Planning Challenge Grant Program most recently provided \$1 million to support 15 projects (including this one), adding to more than \$2.6 million that the program has distributed since 2006. Required local matching funds and in-kind contributions raise the total. Unfortunately the future of the program is unlikely to change under new direction from the federal government.

The Rhode Island Foundation also supports some planning initiatives through grants to non-profit organizations for projects in the six key sectors of arts and culture, community development, education, environment, and health and human services – amounting to more than \$30 million in 2012. While these and other grant programs provide irreplaceable funding for specific projects, they aren't as useful in helping towns with the incremental costs of planning and engineering, legal review and abutter notification. What is needed is a modest but dedicated pool of funds that towns can draw on as these incidental expenses come up. One way to reduce these expenses, especially the cost of abutter notification, would be to amend the state statutes to allow for more

up-to-date methods of reaching out to abutters, such as using on-line systems, that could replace the traditional registered mail requirements.

Another efficient way to help towns do village planning would be to provide low or no-cost technical support through Statewide Planning staff or one of the colleges or universities. A related possibility would be peer-to-peer consulting, where planners who have dealt with a particular issue in one town act as consultants to other towns. A no-cost program would have hours volunteered by an individual (or supported by that person's town) banked into a common pool and used to "hire" a consulting planner from another town as needed. This would require a central coordinator and record-keeper such as Statewide planning or the Rhode Island chapter of the American Planning Association. Another approach would be to provide mini-grants to peer consultants through a program run at the state agency level. The Massachusetts Department of Housing and Community Development, for example, runs a peer-to-peer technical assistance program that provides \$1,000 grants to pay for up to 30 hours of Peer Consulting, with up to an additional \$100 for expenses. Typical projects include setting up CDBG grant-writing processes, developing guidelines for rehabilitation programs, expanding downtown revitalization, assessing needs for GIS and other technologies, etc.

The Connecticut Commission on Culture and Tourism runs a Peer Advisor Network that pays two-thirds of a modest stipend to peer consultants (\$100/day) who work for up to two days with towns, non-profits or associations involved in the arts, heritage, tourism and culture.

Understanding Mixed-use Markets: Uncertain real estate markets can increase resistance to compact mixed-use zoning from landowners and developers, and leave local planners with little room for argument. Local developers may be used to building strip malls and subdivisions and unfamiliar with projects that must be sold or leased to different segments of the market. They have to understand how these markets are changing, and be able to predict the proper mix of uses to meet uncertain demand some years down the line when the project is finished. They also can run into problems when they go to the bank for financing, which is often predicated on a developer having potential tenants in place before construction begins.

From a city or town's perspective, the lack of market analysis is equally challenging. What is the likely density and range of tenants? What are the likely impacts on roads, water supply, public safety, schools and other town ser-

vices? Will the assessed value and resulting tax revenue cover these costs? Is the project likely to be competitive in the local and regional marketplace? Will it help or hurt existing town businesses?

Solution: Provide and maintain real estate market data and guidance for planners.

Market analyses tend to be isolated exercises assessing a particular plan or project. These can be useful as case studies, but tend to be driven by the perspective of whoever is paying the bill. Town planners and board members need access to the kind of market data and tools that the development corporations use to identify project sites. They need to be able to calculate, as part of the comprehensive planning process, the scope and mix of uses that could be supported at a potential village site, including the implications of existing commercial and mixed use-development projects in the region. They also need to know what kind of retail, commercial, office and other uses can be supported by the current population of the area, and how that will likely change as new residents arrive. With this information in hand, towns are empowered to work with the local business community to provide opportunities for economic development that fits into the town's other needs. Knowing what the market will support allows towns to more effectively recruit new businesses, perhaps focusing especially on existing businesses in the region that are a good fit for the community.

Finally, towns need good data and reliable analysis techniques for estimating the fiscal impacts of new development (whether under current zoning or some future alternative). This is another area where analysis techniques vary as much as data sources, and local planning departments are typically forced to rely on either the developer's pro forma (if they can get it) or out-of-town consultants. In either case no matter how accurate the results there is likely to be continued skepticism among key stakeholders. A shared, transparent methodology and access to a common pool of data could create a baseline of understanding within individual towns, and would allow towns within each region to better understand the impact of large projects.



Villages were the original mixed-use centers, and remain the most logical locations for combining commercial, residential and civic uses. In Burrillville, the town formed a redevelopment agency to manage redevelopment of the Stillwater Mill (right) and construction of a new public library, riverwalk park and farmers market. Obvious returns on both public and private investment have resulted in strong support for the project.

SOCIAL AND POLITICAL BARRIERS

Building Support for Change: Even a modest increase in density seems to be a universal cause for alarm for existing residents, whether in a suburban setting with two-acre lots or an existing village with eight or ten units per acre. The root of this anxiety, perhaps, is a certain level of fear and uncertainty about any change to one's home, and a legitimate concern about the practical impact of such change on one's property value and quality of life. In rural towns, there is a perception that village-style development is somehow inconsistent with rural character – even if current zoning requires two-acre suburban house lots. Residents abutting a proposed village site may balk at the idea of new homes, cars, traffic and people next door, even if there are demonstrable benefits to the town as a whole. In historic villages, even where a proposed infill project seeks only to match existing densities, resistance often revolves around quality of life issues. Understandably, the life of a typical village resident is not going to be improved by having a new house built on the empty lot next door, or losing the open space at the end of the street for even the most nicely-designed cottage neighborhood. In all cases, there is also uncertainty about who will lose and who will gain.

Solution: As one planner interviewed for this project told us, a big part of the answer is education, education, education. Fear and uncertainty will only end if people have the information they need to understand the impacts of future change on their lifestyles and pocketbooks. Information by itself is not enough – it has

to come from a trusted source, and is often best developed as part of a "shared fact-finding" process, where the people most affected by potential change play an active role in research and analysis. This process should extend to community visioning and planning exercises that empower local residents to identify how best to improve their neighborhood. In the end, this may narrow the pool of available village sites, but it will also identify opportunities where development can enhance, rather than harm, existing neighborhoods. Finally, protecting existing residents' quality of life may require more than good planning: increases in density can, if unmitigated by other improvements, degrade that quality of life. To balance these impacts village projects should include a provision for improvements and amenities that improve the lives of everyone: sidewalks, parks and playgrounds, community facilities like libraries and recreation centers, new trees and landscaping, etc. The recent work in Harrisville is a great case in point, where the Burrillville Redevelopment Agency has shepherded the renovation of the Stillwater Mill, but also brought in additional housing at Stillwater Heights, a new public library, and a landscaped river walk.

Ensuring Equitable Development: For good or bad, zoning in most towns has been established for many years. People may not like it for various reasons, but they understand it. There is a feeling that changing zoning in one area will benefit one group of people at the expense of another. Low density sprawl seems on its face to be a fair approach, since it distributes the benefits as well as the impacts of development evenly across the com-

munity. However, low density zoning leads inevitably to higher prices for land and housing, reducing affordability and making it harder for disadvantaged populations to stay in the community. Most cities and towns work hard to counter this trend, working with developers to build affordable housing, and perhaps having their own housing authority to build and maintain affordable units. Villages, whether existing or new, offer a natural opportunity to increase a community's stock of affordable housing, which is seen as a welcome prospect by some and by others a perilous threat. They lend themselves to smaller single-family and attached homes; they are more readily served by public transit, and they offer a range of housing options to people at every stage of life.

Solution: Again, education and broad-based participation in the planning process are the keys to dealing with public anxiety and ensuring a more equitable approach to development. Especially in rural and suburban communities, residents need to be brought up to speed on the demographic and economic changes that have already created fundamental changes in the market demand for housing and other forms of development. They need to recognize that there is a crucial need for small single-family and multi-family housing for households that across the US average just 2.54 people per house. The percentage of single person households rose from 17% to 27.4 % between 1970 and 2012, while the share of households made up of married couples with children declined from 40% to 20% during the same time period (US Census Bureau).

Local residents need to be involved in a shared process of weighing various alternatives and seeing that villages can and should accommodate disadvantaged populations, but are just as important for the way they can serve young and old, rich and poor, from all walks of life, as Rhode Island's villages and urban neighborhoods have done for centuries.

INCENTIVES FOR VILLAGE DEVELOPMENT IN RHODE ISLAND

While long-term demographic and market forces support village development, it will be important in the short term to provide appropriate incentives to towns, residents, and the development community. Potential incentives fall into three main categories: planning and public outreach; local policies and regulations; and statewide policies and regulations.

PLANNING AND PUBLIC OUTREACH

Map Out Conservation and Growth Center Priorities

While many towns' comprehensive plans talk about protecting some areas and encouraging development in others, relatively few clearly identify these areas at the level of individual neighborhood and parcels. Statewide planning efforts incorporate a detailed mapping process that identifies both natural areas that are sensitive to development and areas that are suitable to support density. The state's Growth Centers concept, described in the 2006 State Guide Plan, provides a framework for more detailed local planning but does not require towns to establish growth centers. If towns want village development they need to make it clear where in the community it will be allowed and zone the area accordingly.

Grants and Technical Support for Planning and Zoning

Continue to provide funding for planning and zoning through the Planning Challenge Grant Program and Rhode Island Foundation Grants. Pursue mini-grant program to small towns to support expenses associated with implementation of zoning changes such as legal review and abutter notification. This should include investigating the need to amend the state statute requiring expensive abutter mailings.

Explore creation of state technical assistance program through statewide planning or creation of a Peer-to-Peer consulting program. This could leverage training and support activities sponsored by Grow Smart Rhode Island and the American Planning Association, requiring relatively modest support by administrative staff or small technical assistance grants. Technical assistance is particularly needed for more complex redevelopment initiatives involving Tax Increment Financing (TIF) districts, brownfield remediation or other factors, especially in cities and towns with limited staff resources.

Provide Statewide Real Estate Market Analysis and Fiscal Impact Methodology

Create a common methodology for real estate market analysis that can be used by local planners in development review and comprehensive planning projects. Collect and distribute appropriate regional data, and work with cities and towns to compile and analyze local data. Develop shared methodologies and data support that will allow towns to work effectively with the development community to identify appropriate sites and create zoning and regulatory standards that support compact, mixed-use development.

Similarly, develop a shared methodology and supporting data to help towns estimate the true fiscal impacts of future growth scenarios. By comparing the potential impacts of growth under their current zoning to what is likely under a village planning approach, towns can get a clearer idea of whether the village approach is more fiscally sustainable.

Education and Training

Since one of the major stumbling blocks to village development is a lack of familiarity among both developers and the general public, education and training can be a powerful incentive – especially as part of a public planning and visioning process. This can include information about planning and design ideas, real estate market analysis and assessment of fiscal impacts on towns, as well as case studies focusing on examples of village development in the region. Another area of interest to both developers and planners is technical and legal guidance for zoning and development review issues. Provide educational materials and training to increase public awareness and support for compact, mixed-use development. Provide training to local staff and board members on consensus-building, visioning, design charrettes and other techniques for public engagement.

This should include training and state leadership in marketing villages both to potential developers and the general public. By working together to promote compact, mixed-use centers and providing a clearinghouse of information, planners at all levels can leverage the growing number of successful examples to provide guidance and encouragement to towns that are just beginning to consider a village approach.

LOCAL POLICIES AND REGULATIONS

Local Incentives

The Rhode Island statutes authorize cities and towns to use development incentives for several purposes. These can provide increases in permitted uses or density or relief from dimensional requirements in exchange for increased open space, increased housing choices, traffic and pedestrian improvements, public and/or private facilities, or other amenities (R.I. Gen. Laws Sec. 45-24-33 (B) (1) 1999). This can also include a reduction in permitting fees or a property tax abatement for specified number of years.

Create a Local Redevelopment Agency

The complications of acquiring land in existing village, assembling parcels, dealing with brownfield contamination, and working with neighbors can all be disincentives for developers to work in historic villages and other complicated sites. By establishing a local Redevelopment Agency, a town can assemble parcels, develop specific plans and issue bonds for implementation. The agency can deal with many of these headaches, start the permitting process, and issue rfp's for potential development partners. Successful examples in Burrillville, leading to the redevelopment of Harrisville, and the East Providence Waterfront Commission's work on their Waterfront Special Development District demonstrate the particular value of local redevelopment agencies in managing complex projects over an extended period. What results are essentially pad-ready sites that the private development community can utilize when the time is right.

Update Local Zoning Ordinances

Revise local zoning ordinances to provide a range of options that support village development, which can include new mixed-use districts and village overlays, as well as Conservation Development and Transfer of Development Rights ordinances that help to shift growth into villages from the surrounding countryside. Since local residents are often unfamiliar with the higher densities, mixed uses and other elements that may be included in a village zone, new ordinances must be supported with a robust public planning process.

Provide for Streamlined Permitting

The complexity of mixed-use projects is often reflected in a more drawn-out permitting and review process, with local boards often getting the blame. In addition to removing inefficiencies from the process and setting

clear review procedures, streamlining the process begins by doing more work before the developers get involved. This can include creating detailed village master plans as part of the comprehensive planning process, and incorporating specific plans and clear design criteria into zoning documents. Simplifying applications and providing for on-line application and review can also speed the permitting process.

Tax Increment Financing

Enabled by State legislation passed in 1984, Tax Increment Financing (TIF) allows cities and towns to designate a specific geographic area within which public investments are funded by the increase in taxes generated by those investments over time. Typically the community sells bonds to finance improvements to roads, infrastructure, parks, etc., and the debt-service is paid by the incremental difference between the taxes currently paid, and the increase in tax revenue that is realized as a result of that public investment and the private investment that follows. In East Providence, the city offers TIF to developers in the Waterfront District.

Reduced or Flexible Parking Requirements

Reducing minimum parking requirements makes sense in areas with mixed uses, especially those served by public transit. This creates an incentive to developers by reducing the cost of construction per unit of housing or per square foot of commercial space. This is in addition to the savings on roads and utilities that flow from compact development. Flexible parking standards are also used as an incentive for compact growth, including allowing shared parking and off-site parking. Developers used to working in suburban commercial strips may initially balk at reducing the amount of parking, which they see as increasing value for their tenants. Along with setting a reasonable maximum ratio of parking spaces to building floor area, towns can work with developers to build parking in phases, with unpaved reserve areas providing for increased demand if and when it appears.

One unusual wrinkle in these calculations is that minimum parking requirements often serve as the limiting factor in determining the total buildout of commercial development on a typical site. Since lowering parking requirements may allow for larger buildings, towns need to look carefully at what the desired buildout for a particular area is and set limits through percent building coverage or floor area ratios?

For more information about planning for parking in mixed use areas, EPA's 2006 publication *Parking Spaces/*

Community Places provides a good introduction: <http://www.epa.gov/smartgrowth/pdf/EPAParkingSpaces06.pdf>. For more detail and data, the Institute of Traffic Engineer's (ITE) *Parking Generation Manual*, 4th addition, addresses mixed-use parking demand. A methodology for calculating shared parking demand has also been developed by the Urban Land Institute. See *Shared Parking*, by Mary Smith.

STATEWIDE POLICIES AND REGULATIONS

Pursue Targeted Infrastructure Investment

Focus state discretionary funding on designated villages and other growth centers. This could include streetscape improvements, sewer, water, housing, roads, bridges, railroads and transit hubs, as well as funding for economic development, tourism, arts and culture. In addition to funding for new infrastructure, many states take a "fix it first" approach, where funding is prioritized for maintenance of existing sewer, water and transit infrastructure rather than extending these systems into new areas. In Massachusetts, the former Commonwealth Capital Program, which ran for several years, used a point system to prioritize state investments in local projects that supported statewide goals.

"Fix it first" tends to be the default setting on the local level, where decisions about capital spending often focus on supporting existing homes and businesses, while utility extensions and road improvements are left to developers. Another way local governments can channel public investment into villages is by prioritizing these locations for public facilities such as schools, libraries and fire stations.

One advantage of a village-oriented approach to accommodating growth is it makes it easier to coordinate infrastructure investments across town boundaries. Villages and other centers concentrate activity in areas that can be more easily linked with public transit, and reduce the regional cost of water, sewer, electricity, fiber optic and other systems. Coordinated planning and prioritized state investment can encourage growth in areas that best balance local needs with creation of efficient statewide infrastructure networks.

Amend the Property Tax Levy Cap

Amend RIGL 44-5-2, "Levy and Assessment of Local Taxes," to allow municipalities to exempt from the levy cap calculation the incremental increase in property tax revenue generated within designated villages and other

growth centers. Under a proposal developed by Grow Smart Rhode Island, revenues would have to be reinvested back into the growth center through a “municipal economic development trust account.” Expenditures from the account could only be used for infrastructure construction or repair; planning, design and engineering studies, land acquisition, development of public amenities, and/or debt service for any of these activities. To provide for reasonable limits on the use of the provision, the exemption from the levy cap would max out at 2% of the total municipal levy.

Modify Comprehensive Permit Statute

Modify the Low- and Moderate-Income Housing Act to require that developers seeking a Comprehensive Permit work with towns to implement approved plans for villages and other growth centers. Allow communities that plan and zone for affordable housing within growth centers to restrict comprehensive permits to those locations, if appropriate, and stipulate density limits and design requirements. Coordinate provision of increased density available through the Comprehensive Permit process with approved growth centers.

Target Application of the State Historic Tax Credit

From 2001 to 2008, the state Historic Preservation Investment Tax Credit program provided a tax credit amounting to 30% of the expense of rehabilitating an eligible historic property. The program was very successful – with 252 complete projects that used \$316 million in credits and returned \$1.4 billion into the state’s economy. The Historic Tax Credit was renewed on a limited basis by legislation passed in 2013. As potential loss of revenue remains a concern, consider prioritizing projects to designated villages and other growth centers.

Ensure Equitable Development

Provide methodologies and data and to help cities and towns assess equity issues and their implications for local land use decisions. Provide training to help local staff, boards and elected officials understand equity issues and incorporate best practices into planning and policy-making activities. Since villages and other mixed-use centers tend to be inherently more equitable (incorporating a range of housing types, for example, and reducing dependence on the automobile) consider targeted investment in housing, transit, parks, playgrounds and other shared amenities that increase opportunities for all residents.

New Market Tax Credits

The New Market Tax Credit (NMTC) is a federal tax credit program designed to encourage private investment in economically distressed areas. They can be used for a range of economic development activities, including commercial real estate, community facilities, industrial development or business financing. While rental housing is excluded, mixed-use projects are permissible if less than 80% of the gross is from the housing side. The Local Initiative Support Corporation (LISC) has managed several NMTC projects in Rhode Island: including conversion of American Locomotive in Providence into 200,000 square feet of commercial space; “The Plant,” a mill conversion also in Providence; and the renovation of the Hope Street School in Woonsocket as a child care center. While the state is not involved in administering this program, they can help by including it as part of the planning process for urban revitalization.

Location Efficient Mortgages

A Location Efficient Mortgage (LEM) rewards households with lower transportation expenses (within walking distance of commuter rail, for example) by allowing them to qualify for larger loan amounts. The concept was developed by the Center for Neighborhood Technology and the Natural Resources Defense Council and is backed by Fannie Mae. While this hasn’t been used in Rhode Island, it could be considered as part of transit-oriented design projects and other planning efforts. Rhode Island Housing could partner with the General Treasurer’s Office to explore the value of working with local banks to establish and test LEM products.

Revolving Loan Programs

Provide limited, typically short-term loans for renovations or business development, which are particularly useful for start-up businesses that otherwise fail to qualify for traditional loans. A revolving loan fund is usually designed to serve as a lender of last resort in high-risk transactions, and is often initially capitalized out of the municipal budget or state grant. Fund administrators use the fund to provide financing to targeted community members at below-market interest rates and with tailored underwriting. The returns generated by payments plus interest on the initial loans ‘revolve’ back into the lending pool for subsequent loans.

They can be limited to businesses of a certain size or require the creation of jobs for local people. They are also often employed to support building code upgrades or façade improvements in areas targeted for revitalization.

Targeted Rental or Homeownership Subsidy

Provide direct subsidies for rental or homeownership units in a village or other center. Since most tax incentives, especially the mortgage tax credit, favor homeowners rather than renters, consider subsidizing rents in designated villages. Maryland's "Live Near Your Work" program, for example, provides direct financial assistance for employees who buy a home near their work.

THE RHODE ISLAND GROWTH CENTERS PROGRAM

Rhode Island has a long-standing Growth Centers policy that supports designation of suitable existing and potential new villages as Growth Centers. Designed "to encourage growth and investment in economically and environmentally sound locations," the Growth Centers program was described in a report of the Governor's Growth Planning Council in 2002. The group recognized that successful implementation of growth centers at the municipal level would require integrated support across a range of program areas, including environmental, cultural, educational, recreational, economic, transportation, infrastructure and social services. Many state departments and program control grants, capital improvements, permitting and technical assistance resources which can be prioritized toward growth centers. While the Growth Centers program has been largely dormant in recent years, several communities have designated Growth Centers and the state is currently evaluating how the program will evolve over the next several years.

From the program's inception, it was assumed that Growth Centers would be recognized as priorities for coordinated investment in infrastructure and other improvements. This could be enhanced with prioritization for the other forms of incentives described above. At the town level, designating an existing or potential village site as a Growth Center could also be supported with municipal investment in infrastructure, as well as being a priority location for libraries, schools, fire stations and other public facilities.

Other states, including Maryland and Vermont, have long-standing Growth Centers programs that demonstrate the effectiveness of various incentive programs. In Vermont, designated

Growth Centers receive unique benefits, including eligibility to create tax increment financing (TIF) districts for infrastructure improvements. Vermont Economic

Development Authority (VEDA) incentives allow growth centers to qualify for state facility investments, including wastewater facilities, brownfield remediation, CDBG implementation grants and other benefits. Projects within designated growth centers also receive priority for downtown transportation funds, transportation enhancement improvements and grants for housing renovation and affordable housing construction. They are priority sites for lease or construction of state offices.

Private investment in Vermont's Growth Centers is encouraged with The Downtown and Village Tax Credit, which provides state tax credits for commercial buildings (including residential rental properties) located within designated downtown or village centers. The credits are designed to support general rehabilitation, code compliance and exterior improvements and may be combined with federal credits (in those areas that are listed or eligible for listing on the National Register of Historic Places.) Vermont's historic tax credit program is one of the primary benefits of Downtown and Village Center designation. In fiscal year 2013, \$1.8 million in tax credits was awarded, which helped to fund 30 projects in 17 communities. That state investment was calculated to leverage \$26 million in building improvements. The program has supported 99 projects over the past five years, and has been particularly valuable in enabling state-mandated code upgrades such as elevators and sprinkler systems that tend to be cost prohibitive to many building owners.

Vermont's designated downtowns qualify for a range of incentives:

- 10% Historic Tax Credits, available in addition to any federal historic tax credits.
- 25% Façade Improvement Tax Credits, for work up to \$25,000.
- 50% Code Improvement Tax Credits, available for up to \$50,000 each for elevators and sprinkler systems, and ADA modifications, electrical or plumbing up to \$25,000.
- Downtown Transportation Fund, with loans or grants up to \$100,000.
- Traffic Calming Options, granting authority to reduce speed limits to 25 mph.
- New Signage Options, for informational and wayfinding signage.
- Priority for HUD, CDBG, and municipal planning

grants.

- Priority sites for lease or construction of state buildings
- Special Assessment Districts, to raise funds for operating costs and capital expenses for downtown projects.

Like Rhode Island, growth and development in Vermont has traditionally been slow and steady, with minimal population growth. Sprawling growth in the suburbs and rural countryside tends to draw from the same market that would otherwise support redevelopment of traditional villages and town centers. While most town plans favor growth in compact, mixed-use centers, even modest barriers represented by physical, social, economic and regulatory factors can drive development to green field sites. The Growth Centers approach is an important tool for leveling the playing field and removing barriers to growth in areas that otherwise make the most sense.



The Vermont Growth Center's program provides infrastructure grants and tax credits for designated downtowns and village centers. The project has supported redevelopment of White River Junction, a historic village in the town of Hartford, VT.



Rhode Island Transfer of Development Rights Manual

February, 2015

Rhode Island

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Summary

Transfer of Development Rights (TDR) is a land use technique that can help to preserve meaningful open space as land is developed and has been successfully used in approximately 200 programs nationwide. This report examines the key factors that need to be in place to have a successful TDR program in Rhode Island. It also describes how recent changes to Rhode Island market conditions, favorable fiscal analyses as well a simpler approach eliminate past obstacles to implementing TDR. The report also contains regulatory guidance to assist communities to adopt a successful TDR ordinance.

KEY FINDINGS:

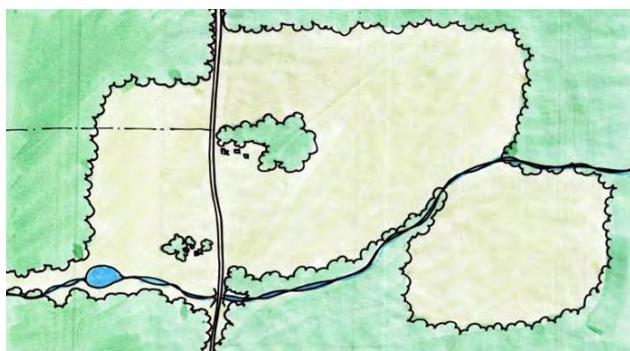
- 1. Market conditions and fiscal advantages support TDR in Rhode Island.** The soft market for new single family homes on large lots coupled with a strong demand for apartments and multi-family units provides favorable market conditions for TDR. Moreover, recent fiscal analyses show that apartments and multi-family units can be very positive for a community's tax base. There is currently a demand for bonus density in receiving areas where developers perceive a market for higher density, which are the two most important elements for a successful TDR program.
- 2. The simplicity and certainty of TDR has been improved by allowing developers to purchase density bonuses directly from the town** with funds being restricted to community land acquisition programs. In the past developers needed to negotiate with private land owners to purchase their development rights to transfer them to gain bonus density in another location. This was a very time consuming and uncertain process that discouraged TDR use.
- 3. Small scale TDR is a viable option** which can be similar to a mixed use conservation development that can involve one or more parcels. This option can work well in towns without a receiving area that can support large scale density.
- 4. There are three ways to implement TDR in Rhode Island: local, interlocal and a statewide program.** The local program is structured to transfer development rights within an individual community. The interlocal can involve two or more communities, while the statewide TDR program can transfer development rights from any communities identified as sending areas into designated growth centers. The local is the easiest to administer while the interlocal and statewide programs present more administrative challenges but greater potential to implement more transfers of development.
- 5. State enabling legislation should be revised** to make it clear all Rhode Island communities have the authority to establish a TDR program; to enable the developers to purchase density bonuses from the community; and to allow interlocal and statewide TDR programs

I. Transfer of Development Rights

Transfer of Development Rights (TDR) represents an innovative way to direct growth away from lands that should be preserved to locations well suited to higher density development. There are over 200 TDR programs in place across the country today. While most of these are geared to the preservation of open space or farmland, many communities are now considering the role of this tool in addressing impacts from climate change and hazard mitigation. Areas that may be appropriate

for preservation through TDR are properties experiencing chronic or severe flooding, or those that could otherwise play an important role for flood mitigation on a watershed scale.

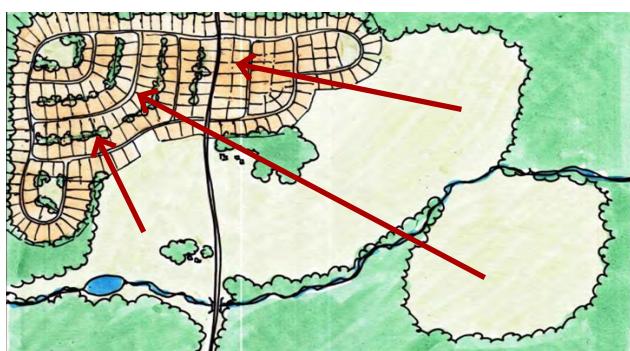
The use of TDR begins with planning processes that identify specific preservation areas as "sending areas" and specific development districts as "receiving areas". Once these areas are identified, Zoning Ordinance amendments can be adopted which authorize landowners in the sending areas to sell their development rights to landowners in the receiving areas. The amount of money required to purchase these development rights is influenced by the ordinance provisions, but is generally negotiated between the landowners. This approach allows market forces to enter into the transaction and requires land owners to negotiate the final value of development rights. In other models, as discussed below, the local government can set a fixed value for density bonuses and have developers contribute to an open space fund in exchange for density bonuses.



Existing site before development



Site developed under conventional large-lot zoning.



Site developed using TDR to transfer density from "sending areas" to a village "receiving area." Increasing density in one location helps fund conservation of farmland and other open space adjacent to the site or across town.

In return for the purchase, landowners in the sending area place a restriction on their property, which is generally recorded as a conservation easement. This easement can be determined through explicit zoning provisions or can be negotiated as part of the permitting process. Restrictions can limit the level of potential development, the type of development, or some combination of both.

Definitions, mechanics, procedures, and elements of TDR have been exhaustively researched (Pruetz, 2003) and there are many different types of programs across the country. GrowSmart RI provided a useful research document with their 2007 white paper "Transfer of Development Rights: A Study of Its Use in Other States and the Potential for Use in Rhode Island" (Sheehan, 2007). In this paper, TDR is defined as follows:

"TDR is a voluntary and market-based land use tool used by communities to direct development away from rural, open space, and farm lands and towards areas most appropriate for growth. The goal of the program is to help to implement community land-use goals by having an exchange take place: the permanent preservation of lands that a community wants to save is exchanged for extra development in areas a community has designated for growth."

While the full breadth of TDR programs is more complex than the GrowSmart definition, the definition does

accurately describe the vast majority of models in the country today. This research paper provides an excellent summary of the key elements of TDR programs as well as guidance on how to navigate the complex path to implementation at the local level. Rather than restating all the fundamental aspects of TDR which are well-organized in the GrowSmart publication, readers not familiar with the basic components of TDR are encouraged to read this document before delving further into this manual: <http://www.growsmartri.com/pdfs/FINAL%20TDR%20whitepaper.pdf>.

KEY ELEMENTS FOR A SUCCESSFUL TDR PROGRAM

TDR programs can have many moving parts and, for those just beginning to consider implementation, it can be difficult to determine what elements are necessary or important for success. The Journal of the American Planning Association published a short research article in the Winter 2009 issue entitled *What Makes Transfer of Development Rights Work?* (Pruetz and Standridge, 2009). This research piece examined the 20 most successful TDR programs in the nation at that time to see which elements were consistent over multiple programs. The results are summarized below. It should be noted that the first two elements are considered by Pruetz and other national experts as “essential” to the success of any program. The next three are considered “important”, and the remaining are considered “helpful.” Readers are encouraged to access the original article to learn more about the study methodology and findings.

1. Demand for Bonus Development: The amount of density a developer can receive using TDR must be an attractive alternative to the density they can achieve by right. If the by-right density produces a product just as profitable as one with TDR, and it fits within the existing market demand, developers will have little incentive to pursue any transfers. However, if the allowable density bonus will increase developer profit and is a better fit for pent up market demand, the TDR program has a good chance of being viable. Although bonus density is the most common motivation for developers to buy TDRs, many jurisdictions offer other incentives including additional lot coverage (Warwick Township, Lancaster County, PA), floor area ratio (San Francisco, CA), floor area within an individual dwelling unit (Pitkin County, Colorado), and expedited issuance of building permits (Tahoe Regional Planning Agency, CA/NV).

2. Customized Receiving Areas: The following five receiving area attributes are important to encourage TDR:

Factors that Make TDR Successful

As part of the Village Project, Rick Pruetz, perhaps the nation's foremost expert in the use of TDR, and Bill Fulton of Smart Growth America, headlined a two-day conference on the potential for TDR in Rhode Island. They presented ten factors that will determine whether TDR is ultimately successful here. The first two are considered as essential, the next three important, and the remaining are considered helpful.

- Supporting infrastructure to support the additional development (water supply, roads, wastewater disposal, etc.)
- Political acceptability
- Clear designation of receiving area
- Consistency with the community comprehensive plan
- Location where developers perceive a market demand for higher density

There are many possible receiving area options for jurisdictions to consider. Some communities succeed at locating receiving areas for TDRs from rural sending areas at infill sites within previously-developed urban areas including downtowns (South Lake Tahoe, CA). More commonly, receiving areas are found at the urban fringe where adopted plans may already call for continued growth since the new development would be close to existing jobs, schools and shopping as well as infrastructure (Montgomery County, MD). Some communities have overcome the potential for resident opposition to development by locating receiving areas in new towns or new villages that are not contiguous with existing development (Collier County, FL). Other communities have found that low density receiving areas are best for them where developers can use TDR to achieve densities that fit the community.

3. Strict Sending Area Development Regulations: Landowners may be more apt to participate in a TDR program if development in the sending area is constrained by environmental factors such as wetlands or steep slope, or lack of infrastructure. However, Pruetz and Standridge found that most TDR studies emphasize the importance of sending area zoning that is strict or at least demonstrates that the community is serious about implementing its stated goals for preserving sending areas. In their

research, "strict regulations" were those that prohibited densities greater than one unit per five acres. However, some TDR programs had densities that were greater than one unit per five acres.

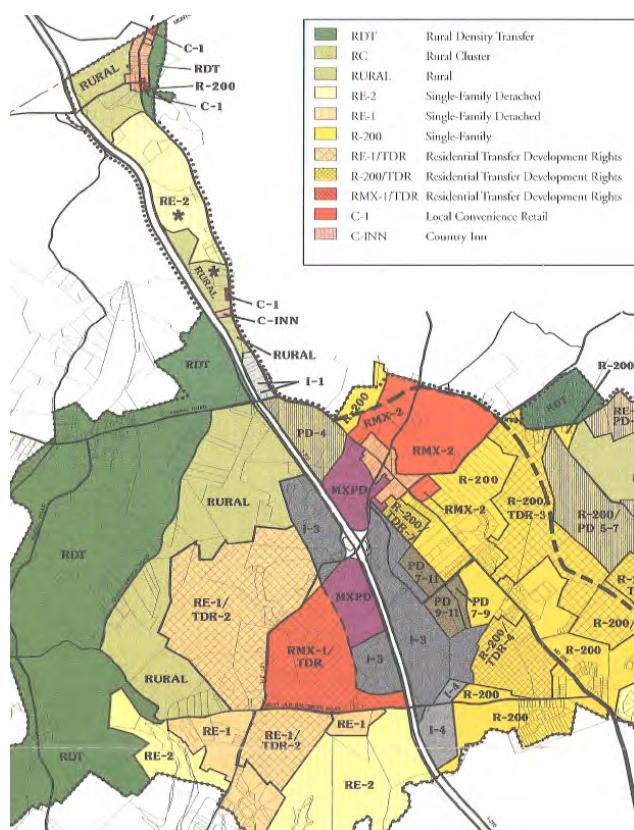
Some communities have permissive zoning in their sending areas, and may find it necessary to down-zone to implement a TDR program as well as create consistency between zoning regulations and planning goals. This has its risks, and Pruetz and Standridge rightly caution communities to consider the implications of down-zoning, particularly as it relates to accusations that the new zoning takes private property for public use without just compensation, which is in violation of the Fifth Amendment of the U.S. Constitution. Whether or not a regulation will be found to be a taking depends on specific circumstances, but the most commonly cited rule comes from a 1992 U.S. Supreme Court decision: a regulation that eliminates all economic use of a property is a taking *per se* unless the use would have been prohibited by the state's underlying property and nuisance law. Jurisdictions are advised not to rely on the availability of TDR as their only legal defense against a regulatory taking claim because the U.S. Supreme

Court has not yet resolved the role of TDR compensation in these cases.

4. Few Alternatives to TDR: The most effective TDR programs offered developers few alternatives to utilizing TDR. Pruetz and Standridge noted that many communities may be inclined to offer a menu of incentives for development in desired growth areas. These could include density incentives for clustering, on-site open space dedication, streetscape improvements, design features, and other amenities. While these incentives may yield increased investment or public improvements, they will likely compete with TDR as an incentive vehicle and provide what developers perceive to be a simpler path to increased density.

5. Market Incentives, Transfer Ratios and Conversion Factors:

TDR program transfer ratios determine the value of transferring one dwelling unit from a sending area to a receiving area. Many communities may try to use a one-to-one ratio, meaning that each unit from a sending area is equal to one bonus unit in the receiving area. However, it is likely that the profit yielded to the developer in the receiving area for one extra unit may



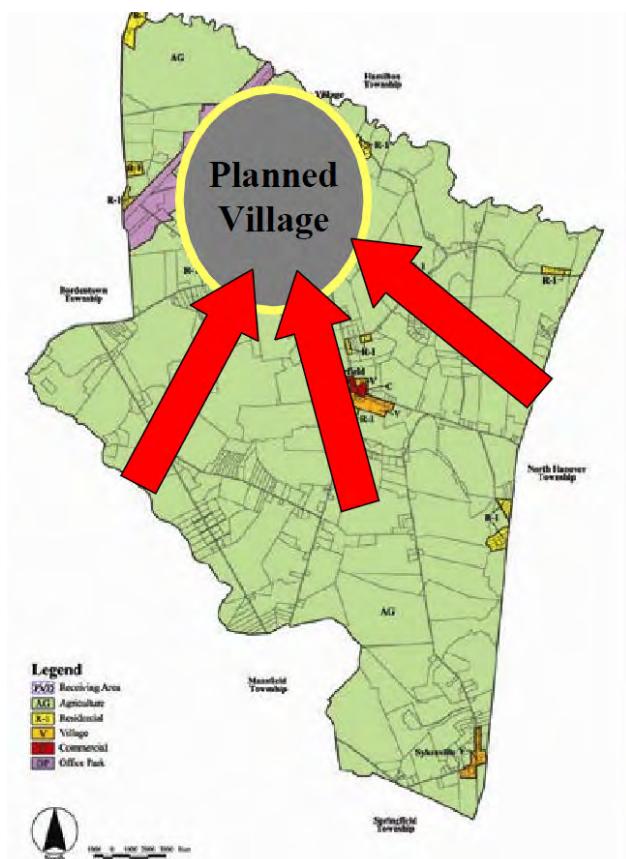
In Clarksburg in Montgomery County, MD, (above) the zoning map designates sensitive areas (green) as sending zones and establishes receiving areas nearer to existing jobs, schools and shopping as well as infrastructure. The use of TDR supports creation of a mixed use village center that will provide a focus within an area that was becoming a shapeless suburb. For more information see the Village Guidance Manual. (Map courtesy Montgomery Co. Planning Dept., Photos by Rick Pruetz)



not equal the profit reduction caused by preserving a large amount of land in the sending area. As a result, it is critical for any TDR program to identify a viable ratio between development rights in the sending area and bonuses in the receiving area.

In an effort to create market incentives, viable TDR programs offer an "enhanced transfer ratio," where more than one additional dwelling unit is allowed in the receiving area for each unit transfer from the sending area. Some communities also implement conversion factors, in which a TDR dwelling unit from a sending site can be converted to an increase in some other development potential at a receiving site, such as commercial floor area, building height or lot coverage.

6. Certainty of TDR Use: Communities will improve their chances of implementing successful TDR programs if they can demonstrate to developers that there is assurance that they will receive bonus density if they comply with all receiving area regulations including, of course, transferring the required number of TDRs. This



In 2002, Chesterfield Township, NJ adopted a master plan that established a planned village where increased density would be implemented by transferring development rights from surrounding farmland. The successful village that resulted has already absorbed more than 75% of the township's total potential development, preserving thousands of acres. For more information see the Village Guidance Manual. (Map courtesy Chesterfield Township, NJ.)

can be achieved through zoning of the receiving area that eliminates or minimizes discretionary approvals, which can cause developer delays, unanticipated costs, and uncertainty if their project will be approved. Providing clarity in TDR regulations about what is required and what will be granted will also gain support of the development community in adopting a TDR program as demonstrated in Chesterfield Township, Burlington County, NJ.

7. Strong Public Preservation Support: TDR programs are successful if there is strong public support of overall preservation efforts. This is typically demonstrated by complementary preservation programs such as:

- Local funding of a purchase of development rights (PDR) program;
- Other conservation funding programs; or
- A TDR bank, in which a government entity purchases TDRs and holds them for resale to a developer: This



The village is designed according to traditional town planning principles, with walkable streets, rear garages, and a network of parks and greenways (photo courtesy bing.com).



type of support can help communities overcome controversies that may arise over TDR components, such as locations of sending and/or receiving areas, which may be politically motivated. TDR programs last for decades, and elected officials will change over time. Ongoing public support is important to ensure that requests for exemptions to the TDR program do not erode its effectiveness.

8. Simplicity: TDR, when compared with other growth management tools, is inherently more complicated than most others. Crafting even a simple local program creates procedures and requires analyses that are new to most communities. To the greatest extent possible, keeping a TDR program's objectives and regulations clear and simple will help with its success. Simplicity leads to understanding and garners support from diverse groups, including elected officials, preservationists, developers, landowners, and the general public. A simpler program will also be easier to administer at the outset of implementation for everyone involved. The success of the TDR program in Montgomery County, MD can be partly credited to its simplicity.

9. Promotion and Facilitation: Keeping a TDR program visible and at the forefront of local land use discussions will help it succeed. Developers and landowners need to know it exists, how it works, and how it can help them. The public as well as local elected officials who make policy decisions need to understand its objectives to preserve land and other benefits. Promoting the program through a website or regular media coverage keeps the program in front of the public and maintains their continued support. Some jurisdictions, including the New Jersey Pinelands Commission, continually maintain ongoing public support for preservation by organizing educational and recreational programs in and about their sending areas.

10. TDR Bank: The final successful factor identified by Pruetz and Standbridge is the establishment of a TDR bank. A TDR bank is a mechanism used by a government entity to buy, hold and sell TDRs. While not critical to a successful program, TDR banks are helpful and can enhance a program by allowing the program to:

- Acquire TDRs from sending area landowners who cannot find private buyers;
- Establish and stabilize TDR prices;
- Facilitate transactions;
- Market the TDR program; and

- Create an ongoing preservation revolving fund by selling TDRs and using the proceeds to buy more TDRs.

Although the leading success factors for TDR were discussed individually, they are interdependent components that work together. For example strong demand for bonus development (factor 1) is most likely to result when the receiving area is customized to fit local circumstances as described in factor 2.

MARKET AND FISCAL TRENDS THAT SUPPORT TDR

Recent market studies and fiscal impact analyses indicate there is a strong demand for smaller housing units close to jobs, entertainment and other amenities associated with compact mixed use villages. Moreover the fiscal impacts of smaller dwelling units within a village setting provide positive fiscal impacts to a community. A 2013 market analysis done for North Kingstown determined that within a 20 minute drive of Wickford Junction there is a demand for approximately 9800 housing units by 2017 and nearly 17,000 units by 2027 with the strongest demand for smaller 1-2 bedroom units. A fiscal analysis done in Exeter in 2011 determined that a single family home on a large lot costs the town \$1025 per year. However the average village residential unit could generate an annual surplus of \$1649 or a net difference of \$2,647 per unit. For more information about these studies refer to the Rhode Island Village Guidance Manual village economics chapter.

DESCRIPTION OF TDR PROGRAMS

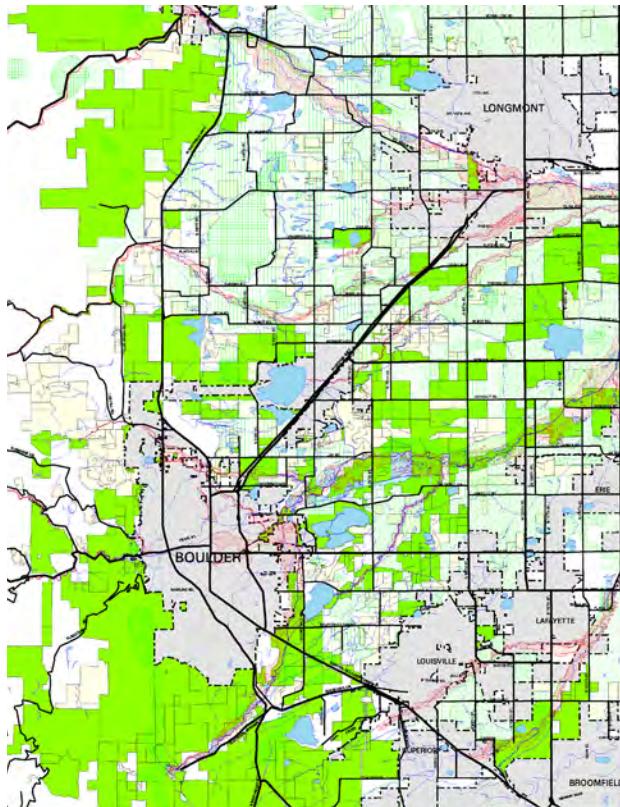
In the research and discussions that occurred for the RIDEM Villages/TDR project, the TDR programs considered by the Steering Committee vary widely in terms of scope and administration. A useful way to broadly categorize the different programs relates to the geographic scope of where sending areas are identified and where development rights are being received. In general, three different categories are considered in this report:

Local Programs: These TDR programs are structured to transfer development rights within an individual city or town. All administrative resources and permitting are handled within a single municipality. Local program incentives are generally limited to density bonuses in the receiving areas.

Interlocal Programs: Research across the country shows

that the term “interlocal TDR” is understood to mean any program where development rights are transferred from one jurisdiction to another. For example, transfers from county level government to individual cities are included in this category. For the purposes of this project, based on governmental structures in Rhode Island, interlocal will be used to describe a TDR program where one municipality can transfer development rights to another municipality through an inter-municipal agreement. These programs are administered exclusively by the two municipalities involved and a specific interlocal agreement is used to establish the parameters of the program such as location of sending and receiving areas and TDR transfer ratios. In addition to density bonuses, these interlocal programs may also include mitigation funds for the receiving community, which are calculated on a case-by-case basis.

Statewide Program: The project Steering Committee reviewed programs in other areas of the country where larger government entities (i.e., counties and regional agencies) administer programs that could disperse



Map of Boulder County, CO, sending areas. Boulder County is an example in which development rights from rural lands can be transferred to more urban cores by a county or regional agency. (Plan courtesy Boulder County Planning Dept.)

development rights to various cities. For example, King County, WA and Boulder County, CO administer TDR programs where development rights from rural lands can be transferred to their more urban core areas. In these cases, the county acts as an intermediary and can hold development rights in a TDR Bank. Transfers often require the development of a site-specific “interlocal agreement” that spells out the specific terms of the transfer. In these agreements, when considering a Rhode Island state-level program, density bonuses could be coupled with state-level incentives to further encourage receiving municipalities to accept development rights from other jurisdictions.

RELATIVE ADVANTAGES OF DIFFERENT TDR PROGRAMS

The most basic form of TDR programs across the country are local programs, those where a municipality or a county transfers development rights within its own borders and through the same administrative bodies. These programs are the most common for a variety of reasons and have the following advantages compared with interlocal or, as conceived in Rhode Island, a statewide program. However, there are some considerations for both preservation and economic growth that may be better addressed at a regional level and, therefore, an interlocal or statewide program may prove to be more effective at achieving those goals. This section looks at some of the challenges local, regional and state level planners should consider when weighing local, interlocal, or state level implementation of TDR.

Planning for TDR: TDR includes both a strong preservation component as well as a growth component that allows for the use of density bonuses. Both of these initiatives generally require considerable planning for the purposes of resource allocation (to preserve land), infrastructure provision (to ensure development capacity) and public acceptance (to increase density). Where TDR programs are implemented within a single community, these programs will have the support of existing Comprehensive Plans and other planning initiatives that may have examined specific issues related to sending and receiving areas. For example, neighborhood or district plans may provide a strong foundation for considering higher levels of density in targeted growth areas as demonstrated by the development of the plan for the new village of Old York in Chesterfield Township, Burlington County, NJ and its implementation through TDR.

For an interlocal program, it will be necessary to ensure that each municipality involved shares similar preserva-

tion goals and acknowledges the desire to participate in a more regional approach to preservation and/or economic development. Incorporating these points into two separate Comprehensive Plans requires increased awareness of how regional assets can provide significant benefits, even if these assets lie outside of a particular municipality. For example, natural features like watersheds or aquifer formations often cross municipal boundaries and it may be in the interest of one community to accept development rights for the purposes of preserving land that lies within a shared resource. Fostering this type of regional awareness in the arena of local politics can be very challenging and may require several years of education, as demonstrated in King County, WA.

Summary: *It is generally easier to plan for and demonstrate the benefits of TDR within a single community. TDR programs that operate across political boundaries require consistency between different local Comprehensive Plans and, to a degree, Zoning Ordinances.*

Simplicity: As a regulatory tool for growth management, TDR is more complex than other tools related individually to either growth incentives or preservation. Not only does TDR combine both preservation and growth incentives into a single mechanism, but the tool must also adapt to local market conditions that change regularly based on factors outside of a municipality's control. Because of these inherent complexities, implementing TDR as a local program does have advantages from an administrative perspective. Keeping TDR within a single jurisdiction allows a local government to control the entirety of the process: identifying sending areas; establishing TDR ratios; tracking development rights; planning infrastructure; and reviewing receiving area development applications.

As TDR programs evolve to become interlocal, or where a statewide TDR program is considered, these programs become more complex. For each party that is involved (e.g., another municipality and/or the state), additional administrative procedures and resources must be added to the program. Developers, land owners, and officials in multiple government bodies are required to develop a shared understanding of a process that has many steps and one that will change from one proposal to another. For any multi-jurisdictional program, interlocal agreements are developed on a case-by-case basis, and these can include market and real estate value analyses more complex than those required for a local TDR Program. While there are many successful case studies around the country of interlocal programs, many of these programs required several years to mature. However, this time-consuming approach can yield success as shown by the

progression of the original TDR program in King County, WA from intra-jurisdictional to inter-jurisdictional and now to regional scope in a span of 18 years.

Summary: *Local TDR programs have the advantage of being simpler than interlocal programs or a statewide program because they deal with smaller areas of land and fewer government agencies.*

Public Perception: Local TDR programs are advantageous with regard to public perception for several reasons. First, related to the idea of simplicity, TDR implementation generally requires considerable public education. Programs that remain within a single jurisdiction will be easier to explain to stakeholders and political officials and, therefore, will be easier to adopt. Further, where interlocal TDR is proposed, stakeholders and political officials may question why development rights from one town should be transferred to their own. The perception of the receiving community is often that added density is increasing the burden for municipal services while not providing the offset of added open space. Land trusts and other non-governmental organizations can work with jurisdictions to remind receiving area residents and officials of the benefits of watershed conservation, environmental protection, outdoor recreation and other green infrastructure that lie outside their cities limits, as illustrated by the work of Forterra in the Puget Sound Region.

Summary: *Local TDR programs have an advantage over interlocal and a possible statewide TDR program because it is easier for the public to understand the benefits of saving local land to promote local growth.*

Sending Area and Receiving Area Capacity: An important long-term consideration for any local TDR program is the supply of development rights available in the sending area compared with the capacity of designated receiving areas to absorb development rights. For example, in more rural communities, it is likely that the supply of development rights that could be preserved is far greater than that which could be absorbed by a small village scale growth center. While modest demand for bonus development does not preclude a TDR program from being viable, a strictly local program functioning under these conditions will require a long time to produce a meaningful amount of preservation.

The issues of imbalanced "supply and demand" for development rights is one that can be more effectively addressed with interlocal programs, or even more so with a statewide program. Broadly speaking, a regional or statewide approach in Rhode Island will help to match

the high volume of farm and forest land development rights in the western area of the state with the capacity to absorb development rights in the eastern urban centers.

Summary: *Interlocal or statewide programs can more effectively match the capacity of receiving areas to absorb large volumes of development rights because of their regional focus.*

Regional Preservation and Economic Development: Another important issue to consider with TDR is the potential for this tool to assist with preservation of regional resources or to facilitate the development of regional economic centers. From the perspective of regional resources, large tracts of forest, green belts, aquifer formations, or farms that may straddle municipal boundaries are all examples of resources common to Rhode Island that could benefit from either interlocal programs or a statewide approach. The ability to apply TDR in this broader regional context would be more effective over time in preserving those resources that do not sit discreetly within a single municipality.

From an economic perspective, there are geographic areas in Rhode Island that serve (or will serve in the future) as regional economic hubs. These economic centers may include transit hubs, industrial parks, mill villages in outlying rural areas, or other similar assets. Because of their ability to provide housing or business development that would serve regionally, a TDR program that operates regionally would potentially be more effective in responding to market absorption capacity in

either a specific sector (e.g., manufacturing) or across a larger market capture area.

Summary: *Interlocal or statewide TDR programs can answer to regional planning objectives in a way that is not possible with local programs.*

THE MECHANICS OF IMPLEMENTING LOCAL TDR PROGRAMS IN RHODE ISLAND

The key elements (“top 10 elements”) of a successful TDR program provided on pages 2-5 of this report discuss the programmatic, market, and political conditions that are either necessary or helpful to success. Some of those elements are discussed here again in the context of local implementation. Once a community (or more than one community) decides to actually implement TDR—to put it “on the books”—the mechanics of the program must be addressed at a more detailed level. The points listed below provide the framework for a technical work plan at the local level.

1. Strong Comprehensive Plan Language

Every community in Rhode Island is required by law to adopt and maintain a Comprehensive Plan, which will serve as a guide to all policies related to land use over a specific time period. Once the plan is adopted, local ordinances and regulations must be consistent with the plan. This framework is the platform for implementing any innovative regulatory tool such as TDR. Therefore, it

Local TDR Program Component	Exeter	North Kingstown
Strong Comprehensive Plan Language	😊	😊
Strong Growth Management Framework	😊	😐
Clear Sending and Receiving Areas	😐	😊
Design Standards for Receiving Areas	😊	😊
Market-Based TDR Ratios	🙁	😐
Density Transfer Credit Mechanism	😐	🙁
TDR Bank	🙁	🙁

Table 1. Summary of TDR program mechanics and the degree to which these are addressed in Rhode Island programs.

is critical for any community considering the use of TDR to first examine the tool through the local comprehensive planning process. Beginning with a policy-based discussion, as opposed to tackling the ordinance first, will help to develop consensus on key questions related to TDR such as:

- What parts of the community will serve as sending and receiving areas?
- Are certain types of sending areas more important to the community (e.g., forest lands, aquifer protection districts, agricultural lands, etc.)?
- How much density is a community willing to accept in the receiving area?
- Should strict design standards be developed for the receiving area?
- What types of restrictions should be placed on sending area lands once the development rights are purchased?

2. Clear Sending and Receiving Areas

TDR programs across the country vary as to how clearly sending and receiving areas are defined. In some cases, such as Chesterfield Township, New Jersey, jurisdictions are able to make the transfer process administrative by not only designating specific sending and receiving sites but also adopting non-discretionary receiving site zoning that incorporates all the development regulations including the TDR requirements. Developers are logically inclined to use programs of this nature because they do not have to endure the time, cost and uncertainty of a rezoning or other discretionary approval processes. However, in many other jurisdictions, including San Luis Obispo County, CA, sending and receiving sites can be proposed by applicants and approved according to how well the proposed sites meet predetermined criteria. San Luis Obispo County preferred this approach at least in part because of the size and diversity of the county. Each jurisdiction has to choose a path that fits local circumstances. These strategic decisions are less complicated within a jurisdiction than they are when two or more jurisdictions must coordinate and sign interlocal agreements. With local programs, because a single municipal entity can plan the full scope of TDR transactions, there is an opportunity to be very clear from the outset where development rights can come from, and where they can be used to yield density bonuses. In Rhode Island, the identification of these areas can occur in the Comprehensive Plan, in the body of the Zoning Ordinance, and on the Zoning Map.

3. Design Standards for Receiving Areas

One of the primary functions of TDR is to increase density in a designated receiving area. Presumably, this density will take place in the form of larger buildings that can often incorporate mixed use, multi-family housing in communities that have not previously allowed high density development. Many communities looking to grant these higher levels of density may want some assurance that the development will incorporate a high quality of design. Many TDR programs apply design guidelines or design standards to their receiving areas as part of the program's regulatory component to provide these assurances. This approach is not only truly protective of community character, but can also be very effective in overcoming public fear of higher levels of development density.

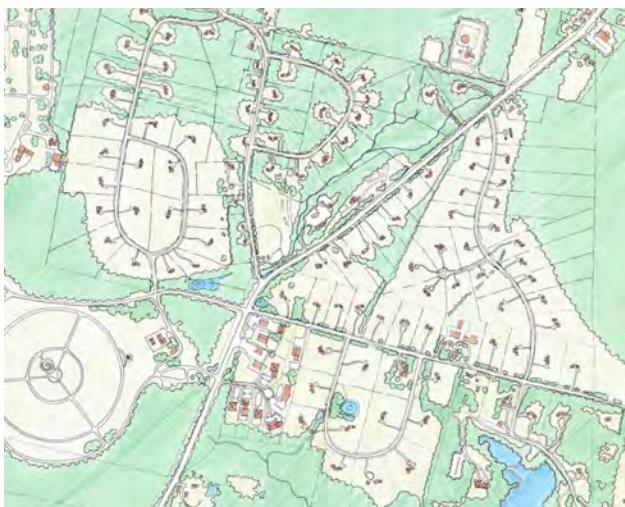
When considering the use of design guidelines or standards (especially if they are discretionary), it is important to remember that TDR programs create a development process that is inherently more complex than a standard by-right approach. The imposition of design standards can add another layer of complexity to the development process and, if too onerous or complicated, can create a significant disincentive for developers to pursue TDR. Communities must carefully consider how strict and/or detailed design standards can be in order to balance the need for high quality design with the need to remain attractive to the development community. However, specific development regulations and design requirements can be imposed using by-right zoning. While this non-discretionary approach may not fully dispel all concerns, it can strike a balance between motivating developers to use TDR and creating reasonable assurance that the receiving area developments will be a credit to the TDR program.



Workshop from the four year Vision for Exeter Project, which laid the foundation for the Town's TDR program.



Exeter: existing conditions plan.



Exeter: conventional development plan.



Exeter: recommended village with surrounding farmland preserved through TDR.

4. Market-Based TDR Ratios

In order for TDR to succeed, developers must want the bonus development that they can only get via TDR. If market demands are strong, developers are more likely to consider a more complex path to permit approval. Further, TDR is not a “break even” proposition for developers. The act of purchasing development rights will need to increase a developer’s profits beyond what would be realized without the use of TDR. To build this into the regulatory structure, TDR programs must identify a viable “TDR ratio.” A TDR ratio identifies the number of receiving area bonuses a developer receives for every development right (s)he purchases. For example, a TDR program might assign a single development right for every single family home that could be built in the sending area. For every one of these development rights that is extinguished through a developer’s purchase, the developer will then be able to build four additional multi-family units. In this simple example, the TDR ratio is “one to four”. Other programs across the country develop more innovative ratios to provide bonuses for building height, commercial floor area, floor-to-area ratio (FAR), and other similar items.

In order for a TDR program to be successful, the TDR ratio must be attractive enough to a developer from the perspective of his or her bottom line. Communities looking to TDR should consider specific market and/or real estate analyses that will identify a viable TDR ratio. The analysis that is most commonly used to identify this ratio is called a “residual land value” analysis. This analysis actually develops a basic development pro forma to identify how much developers should reasonably be able and willing to pay for a TDR. These analyses can also be used to identify the appropriate value of development rights for a particular receiving area. (For more information see the 2014 *North Kingstown Community Market Study*: http://www.northkingstown.org/sites/northkingstown.org/files/pdf-attachments/North%20Kingstown%20Market%20Study_Full%20Report.pdf.)

5. Density Transfer Credit Mechanism

Developers can be reluctant to participate in TDR programs because of the perceived difficulty of negotiating the purchase of development rights from landowners in “sending areas.” While governments are familiar with the process of purchase of development rights, it is not normally part of what developers do, and can add time and uncertainty to the process.

More recently, some TDR programs have used Density Transfer Credits as a way to simplify the mechanics of

transferring development rights. Instead of actually extinguishing development rights in the sending area as part of the permitting process, developers can simply purchase an appropriate number of Density Transfer Credits. The payment is held in an account dedicated to the preservation of open space. This account can be administered by the city or town, or by a newly appointed entity that is dedicated to purchasing development rights.

The use of Density Transfer Credits (sometimes also known as a fee-in-lieu option) makes the TDR process more predictable for the developer and gives the community the flexibility to purchase their top priority open space. The developer knows early in the process what they will have to pay for bonus development, allowing for a more informed business decision. The price of the credits can be modified by the town to adjust to changing markets and encourage the use of TDR. Finally, the community can pool payments from multiple projects and use the money as it sees fit, including as a way to leverage other sources of funding, such as state dollars, to purchase open space.

6. TDR within Conservation Development

Many Rhode Island towns already have Conservation Development ordinances which allow for the transfer of development from one part of a property to another. A simple way to adopt TDR is to allow for an increase in the Basic Maximum Number of dwelling

units in a proposed Conservation Subdivision *in return for preservation of land on a separate parcel*. See Section II, page 32 for example language.

THE MECHANICS OF EXISTING LOCAL TDR PROGRAMS IN RHODE ISLAND

As discussed earlier in this report, there are currently two local TDR programs in Rhode Island: Exeter and North Kingstown. Brief summaries of the mechanics of these programs are provided below.

Exeter Program: In Exeter, the TDR program was adopted as one of the final stages of the four-year Vision for Exeter project. The program includes significant revisions to the Comprehensive Plan that strengthen what was already a strong culture of growth control and preservation in the community. Consistent with this Comprehensive Plan language, a comprehensive zoning package was adopted with Planning Board regulations. The regulatory package includes clear incentives for TDR in the form of residential density bonuses that can result in density bonuses far greater than any Exeter has ever entertained. The “planned village development” that would result requires adherence to clear design guidelines, which are accompanied by a wealth of illustrated material.

The Exeter program identifies two potential receiving areas in the community and very broadly defines send-



Work that began in 2010 on village-scale planning in North Kingstown identified several areas for concentrated growth to serve as receiving districts. These include a future transit oriented development site at the new Wickford Junction commuter rail station.

ing areas as four of the residential districts. Importantly, the receiving areas are not delineated as clear districts on a Zoning Map, but rather as general locations on the Future Land Use Map in the Comprehensive Plan. While the community was able to agree on general receiving area locations, the exact location and physical extent of receiving areas is to be defined through a negotiated process with a developer, and finalized as a zoning change. With regard to the sending area, while this area is clearly defined on the map, it is quite large and the potential supply of development rights is significantly larger than the capacity of receiving areas to absorb those development rights.

Another challenge with the Exeter program is the fact that detailed real estate analyses, such as residual land value analyses, have not yet been performed. So while the program does include a fee-in-lieu option for developers, a clear value for that fee was not set as part of the first regulatory package. Instead, the regulations provide a methodology for determining the fee value that is less precise than a residual land value analysis.

With regard to a TDR bank, Exeter did not choose to establish one. However, the certification process for sending area development rights does allow for rights to be certified and available in advance of a potential buyer coming to the table. The lack of a TDR bank is not seen to be a barrier to success in Exeter.

North Kingstown: In North Kingstown, the TDR program was originally established as one component of the broader Post Road revitalization effort. Like Exeter, the planning and zoning effort targeted at the Post Road corridor began approximately ten years ago, including an independent element in the Comprehensive Plan and a stand-alone Post Road Corridor Plan. Implementation of this plan began in earnest in 2006 and has included:

- A sweeping zoning reform package that addressed basic barriers to redevelopment including allowable uses, dimensional standards, and parking reform;
- The approval of local bond funding to install a sewer collection system along the Post Road corridor;
- Illustrated design standards for redevelopment;
- A TDR program that can increase residential density to 30 units per acre; and
- Analyses performed as part of the implementation process included an assessment of real estate values between sending and receiving areas.

The sending areas identified by North Kingstown are clearly marked as an overlay district on the local Zoning Map, and their first receiving area was also clearly marked as the recently established Post Road District. Work that began in 2010 on village-scale planning in North Kingstown also identified areas for concentrated growth in the community. These include a series of smaller “village scale” areas as well as a future transit oriented development site at the new Wickford Junction commuter rail station. North Kingstown has included these new village areas as receiving districts with varying capacities to absorb density.

North Kingstown’s program contains many of the important components discussed in this section; however, there are several that were not yet addressed at the time this report was written. While North Kingstown continues to work toward establishing a more sustainable growth pattern in the community, there are still many developable areas that offer alternatives to TDR-based development and the Town continues to consider up-zoning and growth opportunities without the use of TDR. Given the economic conditions that prevailed at the time this report was written, it is not difficult to see why a community like North Kingstown would be welcoming of any economic activity. However, if it is easy for developers to find pathways to increased density without TDR, the program will likely not be used.

Other components to the local program that were not addressed through the original regulatory package included a fee-in-lieu mechanism, residual land value analysis, and the establishment of a TDR bank. With regard to the TDR Bank, like Exeter, North Kingstown uses a certification process to ensure that development rights can be available for purchase long before a buyer might be identified. To address the density transfer credit and residual land value analysis, North Kingstown recently received funding to have those components integrated into the program.

NEXT STEPS FOR IMPLEMENTING LOCAL TDR PROGRAMS IN RHODE ISLAND

The two communities that have tackled TDR on the local level in Rhode Island implemented many of the “best practices” observed by experts on a national level. The 2014 *North Kingstown Community Market Study*, for example, successfully addressed the key question of how to use residual land value analysis to designate appropriate values for Density Transfer Credits. In some of the areas where these programs might be improved, efforts

are underway to do so. Based on the experience of these communities to date, there are a few important recommendations specific to implementing local programs.

1. Revise State Enabling Legislation

Local TDR programs are enabled through Rhode Island General Laws in §45-24-46.2 and §45-24-46.3 for the Towns of North Kingstown and Exeter, respectively. Based on the findings in this report, specifically for local TDR programs, the statutes should be revised with the following objectives:

- As a matter of general housekeeping, the statute(s) should be revised to make it clear that all municipalities have the power to establish a TDR program.
- The legislation should provide for a broad interpretation of what could be preserved in a sending area. TDR programs across the country certainly preserve farm and forest land; however, some programs also preserve historic structures, air rights, and other important resources.
- The use of Density Transfer Credits should be specifically enabled.

2. Develop Educational Training for Local Commissions

As part of the recent Washington County TDR project (Horsley Witten Group, 2012), several introductory presentations were performed across Washington County as an educational component of the project. While these presentations were useful for introducing TDR to new audiences, including Town Council members across the county, more work is required to create a shared understanding of TDR's potential in communities across the state.

The trainings previously offered as part of the Washington County project were very introductory in nature, and the recent training provided as part of the TDR Summit was very intensive and advanced. Because TDR will be planned and debated first by local Planning Boards, a training session and/or materials should be developed specifically for these officials. This level of TDR training would need to be more detailed than those provided in the Washington County project in the sense that a clear "step by step" work plan should be provided showing all the essential policy questions and planning exercises required for a successful program. It is also important, however, that the training be packaged in a way that it can be performed during regularly scheduled Planning

A National Perspective on TDR

As part of the Village Project, Rick Puetz, perhaps the nation's foremost expert in the use of TDR, and Bill Fulton of Smart Growth America, headlined a two-day conference on the potential for TDR in Rhode Island. This training was extremely useful for exploring a wide variety of case studies across the country, the essential aspects of successful programs, and eventually drilling down into some detailed discussions of implementing a statewide TDR program in Rhode Island.

Board sessions. A TDR training suitable for local officials was developed as part of this project. Contact Jen West from the Narragansett Bay Research Reserve for further information about this training program.

3. Develop Analyses for TDR Ratios and Density Transfer Credit Mechanisms

The descriptions of local TDR programs provided earlier in this report point out that Exeter had not developed any detailed real estate analyses as part of setting TDR ratios. Further, Exeter did not set a dollar value for their density transfer credits, but rather prescribed a methodology for the developer to follow for the purposes of determining that value. In North Kingstown, limited real estate analysis was performed as part of setting ratios for their initial TDR project for the Post Road Corridor. However, these ratios were not set using residual land value analysis and, further, the analyses that were performed occurred during the peak of the housing bubble.

Recognizing the value of these analyses, and equipped with state funding, North Kingstown recently completed a residual land value analyses for the potential expansion of their TDR program into Wickford Junction. The results of these analyses can serve as a starting point for other communities.

4. Consider Incentives to support TDR

Successful implementation of TDR requires that developers be willing to invest in a designated receiving area in return for higher density. Any incentives the town, state or other entity can provide to reduce the risk of such investment will encourage participation by the private sector in the program. As described in the chapter on "overcoming barriers" in the Village Guidance Manual, there are many possible incentives, but

the most effective are those that reduce development costs and/or increase the value of the designated development area:

- Grants for planning and pre-development work.
- Streamlined permitting process.
- Supportive zoning ordinances.
- Capital improvements to roads, sewers and other infrastructure.
- Tax incentives.

THE MECHANICS OF IMPLEMENTING INTERLOCAL AND STATEWIDE TDR IN RHODE ISLAND

TDR programs that move beyond a single jurisdiction can evolve into interlocal programs (transferring rights from one municipality to another) or might even operate as a statewide program. These programs carry many of the same features found in a local program: sending and receiving areas must be identified, TDR ratios must be set, and language within enabling legislation, Comprehensive Plans and local Zoning Ordinances must allow for the transactions to occur. Using such an approach, the towns of Exeter and North Kingstown established an intermunicipal TDR program that provides for transfer of development rights from a key property on the Exeter side of the towns' shared border to North Kingstown's Post Road Corridor. A model for an Intermunicipal TDR agreement may be found in Chapter 2 of this report.

Interlocal Agreements

TDR occurring across municipal boundaries creates the challenge of transferring development rights between two different regulatory, financial, and administrative structures. The communities involved must grapple with the fiscal implications of these transfers and ensure that there are reasonable incentives for one community to receive development rights from another. In a local program, it is fairly easy to demonstrate the benefits of preserving open space while revitalizing another area of the community. Balancing growth at the local level in this manner provides clear fiscal, economic, and environmental benefits that are easily documented and communicated to officials, stakeholders, and the general public. With an interlocal program, as discussed above, the benefits of TDR need to be seen on a regional level and the significance of this approach may be hard to commu-

nicate to officials who must view every local regulatory change through the lens of balancing the local budget. For those with preservation interests in the receiving community, an interlocal approach will not target preservation of local lands and may raise objections regarding the benefits to local resources.

If a more regional mindset is successfully established, and interlocal TDR is viewed as a viable tool, communities will be required to go beyond basic regulatory changes and must craft legally binding interlocal agreements to ensure a successful transaction. While the local Comprehensive Plans and Zoning Ordinances will enable interlocal TDR and provide for some of the basic procedures, an interlocal agreement is needed to spell out the details of how many development rights will be transferred, what the TDR ratios will be, and any other specific terms. The following checklist for interlocal agreements is adapted directly from a document published by the Washington State Department of Commerce and the TDR Regional Alliance ("Sample TDR Interlocal Agreement Checklist"). Alterations to the checklist were made to create consistency with Rhode Island's governmental structure (i.e., no county government, removing reference to Washington statutes, etc.)

Recitals or Findings

1. TDR is a tool to encourage preservation of farm and forest land while promoting higher density development in cities consistent with Rhode Island General Laws (RIGL)
2. TDR is a land use and growth management tool that is consistent with the state's Land Use 2025 plan
3. TDR is a tool consistent with the [INSERT CITY/TOWN NAME] Comprehensive Plan and Zoning Ordinance [INSERT SECTION CITATIONS]
4. Communities are entitled to develop interlocal agreements pursuant to RIGL 45-40.1-4

Agreement Provisions

- City/Town Council supports TDR in accordance with [INSERT STATE AND LOCAL CITATIONS]
- Identify TDR sending site areas specific to the agreement
- Identify TDR transfer ratios in receiving areas that are specific to the agreement
- Notification process regarding the use of TDR credits

During a recent planning workshop, participants used stickers to map existing and potential downtowns, main streets and village centers that serve as the focus for economic activity across South County. TDR is one of the tools towns can use to save open space and implement an economic development strategy. Regional TDR agreements could help to revitalize regional centers while helping to preserve regional assets such as farmland and water supplies.



in permit applications for both municipalities

- Terms of conservation easements in TDR sending site areas
- Agreement for ongoing cooperative work between the municipalities to improve the program as appropriate
- Duration of the agreement
- Terms for termination of the agreement
- Terms for extension of the agreement
- Provisions to evaluate and monitor the TDR program
- Indemnification of the parties
- Administration of the agreement and the program
- Severability clause
- No waiver clause
- No third party beneficiary clause
- State Support for Receiving Areas

Perhaps the most common question asked by potential receiving area communities in interlocal programs is "If we're going to accept greater density, what else do we get

out of the deal?" While the economic benefits to increased density may be clear, receiving area communities are justifiably concerned about increased needs for public improvements and services associated with higher levels of density. Do the roadways in the receiving area require improvements to accommodate larger scales of development? Is the school system at capacity or can we absorb an increase in school aged children based on projections associated with the development? Is sewer and water service adequate? Do we have the technical expertise to draft and administer the TDR program?

All of these questions and many others are typical concerns of receiving area communities in interlocal programs and point to the fact that the community may require incentives or access to tools that will answer to these concerns. In other programs across the country, incentives may come in the form of giving receiving areas priority in existing programs like funding for public improvements. Other programs establish new funding or technical assistance mechanisms associated with the TDR program that may be used both to facilitate the transactions and provide monetary assistance for things like public improvements.

In Rhode Island, the most likely source of assistance for any receiving area community would be state-level programs. Within state-level policy, the most logical platform to think about increased incentives for receiving area communities would be the "growth centers" program. Growth centers are identified in the state guide plan *Land Use 2025* as a preferred approach to growth

control, concentrating growth in areas with increased levels of infrastructure, higher market opportunities, and in settings where residents would enjoy a high quality of life.

At the time this report was written, this program did not provide much detail regarding how growth centers would be identified, what they might look like, and whether they would receive any incentives with regard to state-level funding. Recently, however, there has been renewed interest in further developing the state's Growth Centers program. One of the key elements of the project is identifying incentives that can be attached to designated growth centers and, potentially, to those that specifically accept development rights on a regional scale.

In a previous TDR study performed by the Washington County Regional Planning Council (WCRPC), several municipal planners were interviewed from ten communities that could be candidates for receiving communities in an interlocal or statewide TDR program. As part of those interviews, attendees were asked what types of incentives from the state would help to create a successful growth centers program. The following answers are taken directly from that report:

- Monetary assistance or seed money to invest in revolving loan programs that can be put toward commercial building façade improvements or other building maintenance issues;
- Technical and monetary assistance to municipalities for infrastructure improvements, including upgrades and extensions of water, sewer, and fiber optic systems;
- Streamlined state-level permitting;
- The revitalization of programs like the Enterprise Zone, the Historic Tax Credit, and any other vehicles that allow for the award of tax credits;
- Design and construction assistance to municipalities for streetscape improvements;
- State-led promotion of growth centers as areas for economic development through effective "clearing-house" style information sharing and other marketing techniques;
- Strong regional transportation planning and implementation to link growth centers with ongoing efforts associated with the MBTA, T.F. Green Airport,

and Rhode Island Public Transit Authority (RIPTA);

- Technical assistance to municipalities for more complex redevelopment initiatives such as those associated with creating TIF Districts or coordinating and financing environmental clean-up (brownfields); and
- Overall technical assistance to municipalities on development/redevelopment projects in the anticipation that staffing will be cut due to local budget constraints.

NEXT STEPS FOR IMPLEMENTING INTERLOCAL TDR PROGRAMS IN RHODE ISLAND

Revise State Enabling Legislation: Similar to the discussion of local TDR programs, developing a viable framework for interlocal agreements would include revisions to state enabling legislation. It is important to note that, on a limited level, interlocal programs are legal in Rhode Island with Exeter and North Kingstown having already established such programs. However, similar to concerns related to local TDR programs, the legislation in effect at the time this report was written can be interpreted narrowly and should be revised to clarify that interlocal agreements are available to all communities.

If the state were to pursue a state-level TDR program, significant revision to the enabling statutes would be required. Revisions would include enabling the state to establish a TDR program and identifying a governing agency or group to administer the program.

Enhance Growth Center Focus in Land Use 2025

As discussed earlier in the report, the existing growth center policies with the state are not fully developed within the current guide plan *Land Use 2025*. A renewed *Growth Centers program* would address the following:

- 1.** How to identify the potential location of future growth centers looking at environmental constraints, economic opportunity, and existing infrastructure;
- 2.** How to achieve local and state-level designation as a growth center;
- 3.** What the significance is of designating a growth center as related to state policy;
- 4.** Different illustrated typologies for urban, suburban and rural growth centers with discussion of planning,

zoning and design techniques that are applicable to each; and

5. The way in which incentives could be applied at both the local and state level to encourage public and private investment in growth centers.

Assess Existing Funding/Assistance Mechanisms: An important and technically challenging exercise required to assess the potential applicability of various incentives will include an inventory and audit of any state-level incentive that could be applied to growth centers. Tax credits for housing, transportation improvements, state revolving funds, historic tax credits (pending), and other programs that could be applied will need to be reviewed to answer the following questions:

■ **Does the granting agency have any discretion regarding where these funds can be applied or the order in which it can award project requests?**

For some projects, the answer to this question may be "no" based on selection criteria embedded in the program or other restrictions imposed by the federal government, etc. Where the answer is "yes" there may be opportunity to use the designation of "growth center" as part of the prioritization for funding.

■ **How difficult would it be from a political or administrative perspective to use growth centers as a prioritization factor?** Funding mechanisms that have been in place for many years may have certain expectations regarding how the money is allocated. Introducing new preferences or selection criteria may receive political resistance. Assessing the political or administrative difficulties with introducing a growth center funding priority could be started through interviews with program administrators.

■ **How much strength would growth center designation have in the selection process?** Careful consideration of a particular agency's goals will need to be examined to determine how much weight would be placed on growth center designation as a selection criterion. Some agencies may find that growth center designation is complementary to their goals, but less important than other factors. Other agencies may find that growth centers capture many of their goals and package them in a way that allows for considerable weight to be placed on this designation.

■ **How would TDR fit into the incentive scheme for existing programs?** If an agency finds that prioritization of growth centers for its assistance programs is appropriate, the agency may also wish to consider

whether to prioritize those growth centers that are built through TDR. This adds another layer to this assessment of existing programs and would likely require considerable education of existing program administration to gage how important the use of TDR is to them.

Assess the Potential for New Incentives and Finalize a State-Level Incentive Package: With the audit of existing funding programs complete, it may be necessary to identify potential new funding/incentive mechanisms that could be applied to growth centers that participate in a state-level TDR program. For example, a new Growth Center tax credit program could be created or some similar mechanism that has yet to be considered. Once the final list of existing and new program incentives are in place, amendments to state legislation and program guidelines will need to be drafted, presented as a package, and adopted.

OTHER POTENTIAL APPROACHES TO TDR AT THE STATE LEVEL

As discussed earlier, a fully functioning state level TDR program in Rhode Island would look, in many ways, like the county level program now working in King County, WA. The program would be complex, with case-by-case interlocal agreements being facilitated through a state level TDR bank. While this model has been successful in King County, it is important to note that the program evolved over time and had more local TDR implementation in place before it moved to the interlocal and county level. When compared to the timeline of many long-standing programs across the country, Rhode Island is just beginning to step seriously into implementation. North Kingstown and Exeter represent the first Rhode Island communities to adopt TDR as part of a broader, community-wide growth control effort. As the national economy continues to emerge from recession, continued monitoring of development activity and discussions with developers will reveal whether these programs require adjustments in order to be successful in Rhode Island. Once these programs, or other local programs, demonstrate success, the state may be ready to tackle the challenge of establishing a statewide TDR program as described above.

As an interim step to a more fully developed state-level program, one approach to involving the state would be to enhance the existing state Purchase of Development Rights (PDR) programs and allow them to accept payments for density transfer credits in specific growth centers. These payments would be added to the existing

funds dedicated to open space and/or farmland preservation at the state level. The state could then use these funds under the same guidelines it has today. In order to have this state level mechanism work, two of the same basic technical questions that were examined earlier in the report would need to be answered:

1. How would preservation and growth areas qualify for the program?

With regard to identifying viable preservation areas, the advantage of using the established state level programs is that they already have criteria and procedures for selecting sites. The question of growth area selection would be potentially more challenging. One aspect of this selection process that is clear from the outset is that the growth area community would need to agree to allow for a portion of the payment from the developer to go into the state-level PDR fund. Inclusion of a growth center in the program would therefore be through an application by the host community to the state, and would require some additional analyses and planning beyond a typical growth center designation. As an example, the value of density bonuses would need to be calculated, which is discussed under the second question below.

In order for a local government to see the value in letting funds go to the state for preservation in another community, officials would have to understand this money as an investment that will yield greater returns than just keeping the funds in a local TDR model. This “return on investment” would likely come in the form of state-level incentives, which would be identified through the same state-level incentive assessment described earlier in the report. State agencies would need to agree to a specified level of investment over a pre-determined period of time to make this type of deal worthwhile to a community.

As a hypothetical example, a municipality allows for limited residential development in a downtown district today. As part of a growth center designation process, the community agrees to potentially increase development significantly as part of a voluntary, fee-based program. Under the terms of the program, a developer decides to pay \$200,000 for the ability to build 40 units of housing beyond what is already allowed. Of that density bonus fee, based on previous agreements with the state, \$100,000 goes into the state-level PDR fund and \$100,000 stays in local funds. This allocation of funds between state and local control can vary and would be determined through the program design process.

With regard to the funds that go to the state, a coordinated state agency effort would be required to ensure an attractive return on investment. For example, based on the terms of a formal agreement, the state might make provisions to invest \$300,000 into that growth center over a five-year period.¹ Of the \$100,000 that remains local, careful consideration when crafting the program would be needed to determine how this money might be spent. If the Density Transfer Credit model is followed, then it would be incumbent on the community to spend the money on open space preservation. However, if the opportunities could be expanded, following more of an “impact fee” model, this money could be used to re-invest in the growth center either in direct costs or as matching funds for larger infrastructure investment. The legal nuances of these options have yet to be explored in Rhode Island.

2. How would the value of density bonuses be determined?

In order to send money into a state-level PDR fund, the fair value of density bonuses needs to be determined. In the hypothetical example above, the developer paid \$5,000 for each additional unit of housing beyond the base zoning allowance. This number is usually determined through market/real estate analyses and, where TDR operates across large regions, these values are often set on a case-by-case basis. Ideally, for the purposes of this proposal, the State of Rhode Island would be able to set a single equitable price to create an easily administered and predictable program. Unfortunately, because receiving area economies will be different from one city to another, and because the purchase of development rights could include a wide array of land at different values—a standardized approach would be very challenging to develop.

One way to determine this value would be as part of the application process for growth center designation. During this process, the state would work with the proposed receiving area community to perform the residual land value analyses needed to set a fair price. On the receiving area side, the location of the growth center would be used to determine the appropriate market conditions, costs associated with construction, cost of land, and other factors that drive a developer’s pro forma. Once the initial fee value is established, it can be pegged to an annually reported value so that it automatically adjusts (perhaps once a year) to fluctuations in the local real estate market.

1 The monetary values and investment time horizon provided here are done purely for illustrative purposes.

II. Regulatory Guidance for Transfer of Development Rights

DRAFT ENABLING LEGISLATION FOR TRANSFER OF DEVELOPMENT RIGHTS (TDR).

The following text is provided as a working draft for new state enabling legislation in Rhode Island specifically for Transfer of Development Rights (TDR). In researching other state legislation, Horsley Witten Group (HW) found that most states applied a “minimalist” approach to their TDR legislation. State law routinely provided a *framework in which local governments could implement the tool, but left the details associated with different aspects of the program to the local governing bodies to craft. This approach is particularly important for TDR as the manner in which the program could be applied to Rhode Island communities is quite diverse. While some communities would choose to protect farms and open space, other communities may choose to trade individual building stories in an urban environment, and still others may choose to protect historic structures. In summary, it is not possible to anticipate all of the combinations of resource protection priorities and growth incentive bonuses that could be paired in local TDR program. State legislation that is more “enabling” than “prescriptive” is therefore the preferred approach.*

The language provided below would replace the existing §45-24-46.2 and §45-24-46.3 and includes provisions for:

- Basic TDR transactions;
- Definitions for important terms;
- Certifying development rights;
- The potential use of Density Transfer Credits; and
- The potential for inter-municipal TDR.

§ 45-24-46.2 Special provisions – Transfer of development rights (TDR)

(a) *In addition to other powers granted to towns and cities by this chapter to establish and administer transfer of development rights programs, a town or city council may provide by ordinance for the TDR, as a program available to developers and property owners, in the manner set forth in this section.*

(By putting voluntary in the legislation it could be misinterpreted by the courts that TDR is not mandatory to gain density in a receiving area. I don't think it's needed.)

(b) *Terms defined for this chapter.*

- (1) *“Certification of development rights” means the process by which the number of development rights associated with a particular tract of land is approved by a municipal government and thereby made available for transfer.*
- (2) *“Density Transfer Credit” means the payment of money to a dedicated land preservation account in exchange for the ability to develop more intensely in a receiving area pursuant to a transfer of development rights ordinance and any associated regulations.*

Commentary: *The framework for the Density Transfer Credit option is provided below in subsection e.*

- (3) *“Receiving area” means an area of a municipality that is established as part of a transfer of development rights ordinance for the purposes of increasing the density of development on the parcel(s) of land to specified levels that would otherwise not be allowed. A receiving area may be established as an added component to an existing district or as an overlay district that is superimposed upon one or more existing zoning districts.*

- (4) "Sending area" means an area of a municipality that is established as part of a transfer of development rights ordinance for the purposes of preserving valued resources on a parcel(s) of land by transferring development rights associated with those resources to a receiving area. A sending area may be established as an added component to an existing district or as an overlay district that is superimposed upon one or more existing zoning districts.
- (5) "TDR resource" means any land or structure that is targeted for preservation in the Comprehensive Plan through inclusion in a sending area as part of a transfer of development rights ordinance. These resources may include, but shall not be limited to, scenic landscapes, open space, forest, wildlife habitat, farmland, drinking water protection areas, historic land or structures, or areas with lower levels of infrastructure.

Commentary: This definition was provided as an important way to encapsulate the wide variety of landscapes, activities or structures that could be preserved through TDR into a single term that will make the legislation easier to read. In rural areas, valued resources might likely be open space and farmland. In urban areas, valued resources may be more focused on parks or historic building sites.

- (c) The establishment of a system for TDR within or between municipalities shall be for the purpose of:
 - (1) Providing developers and property owners the ability to establish, certify, purchase, sell, convey, extinguish and/or hold land development rights;
 - (2) Limiting or extinguishing development rights on parcels where preservation of land or of existing activities are valued by the municipality as identified in the Comprehensive Plan;
 - (3) Directing development away from valued resources to places better suited to increased levels of development such as established or proposed mixed use, commercial, industrial, village, or residential centers;
 - (4) Directing development to areas served by existing infrastructure such as established roadways, public water supply systems, centralized sewer collection systems, public transit and other utilities; or
 - (5) Shaping and balancing urban and rural development.
- (d) As part of an ordinance for TDR, a city or town may allow property owners to have the number of development rights certified by the city or town prior to any TDR transaction. Said certification may occur through an application to the Administrative Officer or the Planning Board as deemed appropriate by the city or town and as identified in the Zoning Ordinance. Certification shall only provide a means to quantify transferable development rights and, unless specifically stated by the municipality, shall not be interpreted to be the actual amount of development that could be achieved in accordance with other permitting mechanisms.
- (e) As part of an ordinance for TDR, a city or town may allow for intensification of development in a receiving area to occur through the purchase of Density Transfer Credits. Any municipality that provides for a Density Transfer Credit option shall have identified the targeted TDR resource(s) within its Comprehensive Plan as eligible for a Density Transfer Credit transaction and shall provide:

Commentary: The use of Density Transfer Credits (sometimes known as a fee-in-lieu approach) is gaining interest across the country and has been implemented in Rhode Island by Exeter and North Kingstown. See Washington County Transfer of Development Rights Study: Final Report (October, 2012) for a discussion of this approach.

- (1) A formula and/or procedure by which a credit amount for development rights is determined using acceptable real estate valuation processes and which demonstrates that the credit amount is reasonably related to the monetary value of the TDR resource;
- (2) A schedule by which the municipality shall revisit any data collection, analyses or other components of the formula and/or procedure used to determine the credit amount;

-
- (3) *Identification of the approval mechanism required to use the Density Transfer Credit option;*
 - (4) *Identification of an account that shall be used to hold the funds and the party that shall administer the account;*
 - (5) *Requirements that the purpose of the funds in the account shall be for preserving or facilitating the preservation of TDR resources within in the sending area;*
 - (6) *Identification of the authority that shall approve use of the funds for purchasing development rights and the process by which those approvals are made.*
-

Commentary: The six elements above provide the framework within which a Density Transfer Credit program would operate. Importantly, the framework **DOES NOT** prescribe a specific approach to identifying the monetary value of valued resources. Because of the diverse types of landscapes or structures that could be identified, it is essential that state legislation allows calculations to be tailored to specific local programs.

Also note that funds in the account may be used for “facilitating the preservation of TDR Resources within the sending area.” Research of best practices across the country show that these funds are sometimes used to pay for services associated with a lawyer, real estate professional or other professional that can help finalize a deal related to TDR.

- (f) As part of an ordinance for TDR, a municipality may enter into an agreement with another municipality to transfer development rights from one municipality to another. Any transfer of development rights from one municipality to another shall require the following at a minimum:
 - (1) Approved language within each municipality’s Comprehensive Plan calling for the potential use of inter-municipal transfer of development rights;
 - (2) A zoning ordinance in each municipality allowing for said transfer;
 - (3) The establishment of sending areas and receiving areas in a zoning ordinance as applicable and reflected in the applicable municipal Comprehensive Plans;
 - (4) In the municipality that will receive development rights, a development review process that requires at least one public hearing in advance of final approval.
-

Commentary: Any community choosing to accept development rights from another community will clearly need an incentive to do so. However, this draft legislation does not presume to know what that incentive will be and how it may be calculated. The recommendation is to have local Planning Board and Council develop a process that meets their needs. This may include fiscal or other impact analyses that demonstrate a net benefit to the receiving community. But, again, this should be decided at the local level.

LOCAL TRANSFER OF DEVELOPMENT RIGHTS (TDR) REGULATORY GUIDANCE

The following guidance is not intended to provide legal advice and represents examples of how the research and discussion that occurred as part of this project could be organized into a community ordinance and associated regulations. As with any sample language provided for a project of this nature, this document cannot be simply copied into an existing Zoning Ordinance in its current form. Local officials will need to tailor the language to their own definitions and processes, and there are several “policy decisions” noted for consideration. Local officials are encouraged to review the language within this guidance, and any adjustments that may be developed locally, with their legal counsel.

Potential New Definitions

- **Agricultural Lands, TDR:** Those lands preserved for agricultural use as part of a TDR transaction. The development rights associated with those lands shall be recorded in TDR Certificates and are potentially transferable to Receiving Areas.
- **TDR Certificate:** Document issued and maintained by the [Administrative Officer] that serves as the official record for quantification, ownership, sale or extinguishing of transferable development rights associated with land in designated Sending Areas.
- **Conservation Lands, TDR:** Those lands preserved in a natural state and/or for those uses allowable by the Planning Board as part of a TDR transaction. The development rights associated with those lands shall be recorded in TDR Certificates and are potentially transferable to Receiving Areas.
- **Development Rights, TDR:** The number of detached single family dwelling units that can reasonably be permitted on a designated Sending Area parcel using the calculations specific to developing a TDR Certificate.
- **Receiving Area:** Any area identified by the [INSERT CITY/TOWN NAME] in the Zoning Ordinance as land eligible to receive development rights through a Major Land Development project review. These areas may also be identified on a Zoning Map on file with the Town Clerk.
- **Sending Area:** Any area identified by the [INSERT CITY/TOWN NAME] in the Zoning Ordinance as land eligible for establishing development rights that may eventually be transferred to a Receiving Area. These areas may also be identified on a Zoning Map on file with the Town Clerk.
- **Transfer of Development Rights:** The process by which a developer or property owner may apply development rights previously established in designated Sending Areas to parcel(s) in designated Receiving Areas for the purposes of increasing density as may be allowed in the Zoning Ordinance or Land Development and Subdivision Rules and Regulations. This process involves an application for a Major Subdivision or Land Development project as applicable to the Planning Board.
- **Transferable Development Rights:** Development rights for a parcel(s) of land in designated Sending Areas that have been recorded on a TDR Certificate and may only be developed, per Planning Board approval, once they are successfully landed in a Receiving Area.

Potential Zoning Ordinance Language to Implement TDR

ARTICLE 8 – TRANSFER OF DEVELOPMENT RIGHTS (TDR)

Commentary: “Article 8” is used simply to help organize the document below and represents an arbitrary number. Local communities will need to identify the best location(s) in their ordinance to implement TDR.

Sec. 8.1. Purposes

The purposes of this Article are as follows:

- A. To provide TDR as an optional incentive for more sustainable land development practices in the [Town/City] of [INSERT NAME];
- B. To preserve and protect agricultural lands and open space;
- C. To direct development away from sensitive resource areas to places better suited to higher densities of development;
- D. To preserve sensitive resource areas in the community such as groundwater reserves, wildlife habitat, and public access to surface waters;
- E. To provide developers and property owners the ability to establish, certify, purchase, sell and land development rights;
- F. To help implement the Future Land Use Map and Land Use Element of the Comprehensive Plan

Commentary: A well-crafted “Purposes” section will be necessary if a local community chooses to approach this as a stand-alone section of the Zoning Ordinance. These purposes establish that TDR is optional and that it is used both for intensifying development and protecting open space. It also establishes a direct tie to the Comprehensive Plan. The language above cites the Future Land Use Map and the Land Use Element of the Comprehensive Plan. TDR may be included in other areas of the Comprehensive Plan as well.

Sec. 8.2. Applicability

- A. Areas of [INSERT NAME OF CITY/TOWN] that qualify as potential Sending Areas include developable areas within the Sending Area Overlay District as depicted on the Town’s official Zoning Map on file with the [Office of the Clerk].

Commentary: Sending areas can be identified in a variety of ways. The approach provided above uses an overlay district approach, which may be more fitting for municipalities that want to target specific parcels or tracts of land. Other municipalities may wish to identify entire districts as receiving areas such as a “rural residential” district. In this case, an overlay would not be necessary and the ordinance would simply identify the entire district as a sending area.

- B. Areas of [INSERT NAME OF CITY/TOWN] that qualify as potential Receiving Areas include those depicted on the Town’s official Zoning Map on file with the [Office of the Clerk].

Commentary: Similar to the sending areas, receiving areas can be identified in a variety of ways. The approach provided above uses an overlay district approach, which may be more fitting for municipalities that may have multiple receiving areas. Other municipalities may wish to identify entire districts as receiving areas such as a “Village Mixed Use” or “Transit Oriented Development” district. In this case, an overlay would not be necessary and the ordinance would simply identify the entire district as a receiving area.

- C. Where a lot is partially contained within either a Sending Area or a Receiving Area, only the portion of the lot contained in such area may be used for the purposes of establishing or landing development rights respectively.

Sec. 8.3. Authority

The certification of development rights may only be approved through application to the [Administrative Officer] according to the procedures and standards provided in this Article. The actual transfer and landing of development rights may only occur through application to the Planning Board for a Major Land Development Project in accordance with the provisions in the Zoning Ordinance and the Land Development and Subdivision Regulations.

Sec. 8.4. Determining and Certifying Development Rights

- A. Property owners seeking to certify development rights for the purposes of TDR shall apply to the [Administrative Officer] for a TDR Certificate in accordance with the procedures and plan requirements listed in the Land Development and Subdivision Regulations.
- B. The number of development rights that may be certified for a particular piece of land within the Sending Area shall be determined using the following formula:

$$DR = (A - C) \div L$$

Where

- "DR" is Development Rights
- "A" is the total area of the parcel(s)
- "C" is constraints to development which include wetlands and areas reserved for infrastructure such as roadways. For the purposes of this calculation, the amount of land reserved for infrastructure shall be 10% of the upland area.
- "L" is the minimum lot size allowed in the base zoning district.

- C. As part of an application for a TDR Certificate, the submission shall establish whether property would be preserved as conservation land or as agricultural land within the terms of any future easement.
- D. Applicants for a TDR Certificate shall perform the required calculation for the entirety of all parcels associated with the application. Determining development rights for a portion of any associated parcel is not allowed.
- E. Upon the approval of the TDR Certificate Application, the [Administrative Officer] shall authorize the issuance of a TDR Certificate unless the application is challenged and placed before the Planning Board.
- F. Any party that has received Master, Preliminary or Final Plan approval for a parcel in a designated Sending Area and has not commenced construction may still apply to the Planning Board for a TDR Certificate provided the property is eligible as a Sending Area in accordance with Sec. 8.2 of the Zoning Ordinance.

Sec. 8.5. Partial Transfer of Development Rights

- A. Establishment. Property owners with a TDR Certificate may choose to transfer all or a portion of their development rights as part of any TDR transaction. Where only a portion of the rights are transferred, these rights shall be extinguished as part of a deed restriction and the transaction shall be recorded in accordance with the procedures in the Land Development and Subdivision Regulations.
- B. Partial Property Development. Where a property owner has transferred/extinguished a portion of the certi-

fied development rights, said property owner may apply to develop the remaining rights on the sending area parcel(s). To do so, the property must set aside a portion of the property for agriculture or open space in accordance with the following provisions:

1. The minimum percentage of restricted conservation land or agricultural land required for the developed area shall be equal to the percentage of development rights that are extinguished. For example, if 25% of the development rights have been extinguished, 25% of the land area must be preserved as part of any development proposal.
2. Where the preserved area will be held under an agricultural easement, the preserved area may only contain wetlands if all of the land designated for agricultural activity is preserved.
3. Where the preserved area will be held as conservation land, the preserved area may contain the same percentage of wetland as the entire parcel area. For example, if 30% of the entire parcel(s) is covered by wetlands, up to 30% of the conservation land may be covered by wetlands.
4. Subdivision applications for the remaining development rights shall follow the Conservation Subdivision design process described in [INSERT SECTION] of the Zoning Ordinance.

Commentary: Provisions 1-3 above provide one way to answer the policy question "Should wetlands be allowed in preserved areas and, if so, how much?" Communities have typically grappled with this question when adopting Conservation Subdivision Design or a similar tool that integrates the protection of open space with the design/development process. One of the objectives is to gain as much open space as possible that can actually add value to the residents living in close proximity. If the open space was all wetland, this defeats the purpose. On the other hand, requiring all of the open space to be upland area can make it mathematically impossible for a developer to use these tools on sites with a significant portion of wetlands to begin with.

In the above approach, agricultural easements assume that the priority is preserving land that can be placed in active agricultural use. Therefore, no wetlands are allowed in the preserved area. For conservation areas—areas in a natural state—a more flexible approach is provided that allows the property owner to realize the full potential of the developable land, while providing some valuable upland open space.

Provision 4 above provides a process by which any retained development rights can be developed. Using the Conservation Design approach, communities have a strong "fall back" to ensure that the development respects the resource opportunities that have not been preserved as part of TDR. Where communities do not have this design tool available, a more prescriptive process will be required. North Kingstown's TDR ordinance contains a process that can be considered.

- C. Deed Restrictions. Certification of any development rights shall be conditioned on the placements of a deed restriction on the associated parcels. The failure of an applicant to record this deed restriction shall render the certificate null and void if any transfer of development rights is subsequently attempted. This restriction shall include the following provisions at a minimum:
 1. The number of transferable development rights associated with the parcel shall be clearly stated.
 2. As development rights may be purchased and subsequently extinguished, this reduction in the number of development rights shall be amended on the deed.
- D. Conservation Easements. Conservation easements shall be applied to the sending area parcels in accordance with Section 8.6 once all development rights have been extinguished or once some development rights have been purchased and the remaining land area is approved for development.

Sec. 8.6. Conservation Easements on Sending Area Lands.

- A. Existing Agricultural Lands. Lands identified for preservation in the Sending Area that are in agricultural production or are otherwise identified for agricultural activities by the applicant when development

rights are purchased should be preserved for agricultural activities.

- B. Existing Natural Lands. Lands identified for preservation in the Sending Area that are not in agricultural production or otherwise identified for agricultural activities by the applicant when development rights are purchased shall be preserved as conservation areas.
- C. Restrictions on Sending Area Parcels. Restrictions on Sending Area parcels shall be recorded as conservation easement restrictions on the title of the parcel to be preserved upon approval of a TDR Sending Area Land Development application. These restrictions shall include a management plan, to be approved by the Planning Board, which will specify how the open space will be used in the future. The guidance provided in the Rhode Island Conservation Easement Guidance Manual (RIDEM 2009, or as amended) shall be used to prepare a conservation easement and management plan. Conservation or agricultural lands preserved through TDR shall either:
 - 1. Be conveyed to and accepted by the Town for park, open space, agricultural or other permitted use or uses;
 - 2. Be conveyed to a nonprofit organization, the principal purpose of which is the conservation of open space or resource protection; or
 - 3. Be conveyed to a corporation or trust whose principal purpose is the stewardship of said land for uses approved by the Planning Board.
 - 4. Remain in private (non-common) ownership if the use is limited to those approved by the Planning Board through a binding conservation easement restriction that runs with the land. With agreement of the property owner through the land development or subdivision process, the Planning Board may limit the amount of space that remains in private ownership to ensure the protection of natural resources or the maintenance of an established greenway.
- D. Easements for Conservation Lands. All non-agricultural land preserved through the TDR permit process shall be protected in perpetuity against further development and unauthorized alteration by appropriate conservation easement restrictions, and by the grant of a conservation or preservation restriction to the Town, pursuant to R.I.G.L. 34-39, as amended. In addition, the perpetual maintenance of open space and any authorized uses shall be guaranteed by appropriate conservation easement restrictions and by grant of a conservation or preservation restriction to the Town, pursuant to R.I.G.L. 34-39, as amended. Every conservation easement restriction shall require approval by the Planning Board before any development rights are sold, landed or otherwise extinguished. Every conservation easement restriction shall contain the following provision:

"If the owners, or their successors or assigns fail to maintain conservation lands in accordance with those restrictions placed upon the property, the Town may perform any necessary maintenance and enforce the payment for such costs, including reasonable attorneys' fees, by an action at law or in equity against the owners or their successors or assigns."

- E. Easements for Agricultural Lands. All land designated for conservation as agricultural land shall be protected in perpetuity against non-agricultural development and shall allow agricultural use in accordance with this ordinance by appropriate conservation easements and management plans. Said restrictions shall be imposed via restrictions for farming and agricultural uses (pursuant to Title 34, Chapter 39 of the Rhode Island General Laws as amended). The [CITY/TOWN] shall serve as the principal steward and enforcer of these restrictions for any period of time. The Rhode Island Agricultural Land Preservation Commission with the Division of Agriculture Chief acting as advisor (pursuant to the Farmland Preservation Act, Title 42, chapter 82 of the Rhode Island General Laws as amended) shall serve as the secondary steward and enforcer. Notwithstanding the foregoing, if the [CITY/TOWN] and/or the Agricultural Land Preservation Commission do not agree or fail to serve as steward and enforcer, the Planning Board may allow, for such period of time, other non-profit entities to hold various stewardship and enforcement rights to supplement those rights held by the those parties. These non-profit entities shall have missions dedicated to agricultural preservation and a commitment to continuing allowable agriculture use. Any rules or enforcement enacted by said entity shall be consistent

with any applicable rules of the Department of Environmental Management, Division of Agriculture. No restrictions shall be placed upon the property that would preclude agricultural lands that have been left fallow to be cleared, re-cultivated and returned to an active agricultural operation subject to applicable state laws.

- F. Allowable Uses on Conservation Lands. Uses allowable in conservation lands shall be devoted to conservation purposes or for park, recreation, or forest management purposes. Vegetated stormwater drainage areas may also be allowed if permitted by the Planning Board in accordance with [REFERENCE STORMWATER SECTION OF REGULATIONS].
- G. Allowable Uses on Agricultural Lands. Consistent with any applicable local, state or federal regulations, the Planning Board shall allow agricultural lands preserved through TDR to be used as prescribed during the development right certification process and as recorded by the Administrative Officer.

Sec 8.7. TDR Density Bonuses and Transfer Ratios

- A. Description of Bonuses. The transfer of development rights into the Receiving Area Overlay District will be used to create multi-family housing or town-house style development, and will allow developers to increase residential density beyond what is allowed in the base zoning. In the [General Commercial District], allowable residential density may increase to a maximum of [20 units per buildable acre]. In the [Neighborhood Commercial District], allowable residential density may increase to [10 units per buildable acre].

Commentary: This section presents a very simple way of presenting what can quickly become a complicated discussion at the local level: the discussion of density limits. Assuming the use of an overlay district, this language demonstrates how the underlying zoning can be used to tailor density allowances.

The language here limits the TDR transactions as “residential to residential.” In other words, development rights from residential areas are not being transformed into commercial space or some other use. While those more complicated transfers do occur elsewhere in the country and are certainly feasible, the types of real estate analyses required to make them work are more challenging. When rolling out a TDR program for the first time, communities will want to keep the program as simple as possible while still meeting their goals for growth.

Another important point is that the language above stipulates that the product of the transfer is limited to two types of housing. Communities will want to decide which types of housing represent a desirable outcome as part of density increases.

- B. TDR Transfer Ratio. For every development right certified in a Sending Area, the Planning Board may allow housing units to be developed in the Receiving Area at the following ratios. Fractions of units shall be rounded down to the nearest whole number when calculating potential density bonuses.

Town-house	Multi-Family
[2.5 units] for every development right	[4.0 units] for every development right

Commentary: This section assumes, again, that development rights will be used solely to produce either town-house and/or multi-family units. The numbers within the table are known as the “TDR Transfer Ratio” and demonstrate that multiple units of housing will likely be required for each preserved development right in order for the venture to make financial sense to a developer. The numbers provided in the table are somewhat arbitrary and are meant to illustrate the scale of bonuses that may be required for a TDR program to work depending on local real estate conditions.

It is recommended that a local community solicit the services of a real estate professional who can de-

termine the TDR transfer ratio required to entice this level of investment. An analysis known as a "residual land value" calculation is recognized as one of the more effective tools to determine this ratio. This analysis can also be used to identify a reasonable density transfer credit value (see section 8.9).

It should also be noted that the language provided here assumes that all development rights are valued equally within the community. So the ratios shown above will be the same for land on a farm that may be small, with limited production as compared with a large farm that has high production level and more perceived value to a community. Local TDR programs can set up a ranking system that provides a higher ratio when more valuable lands are targeted. North Kingstown and Exeter both employ this approach and readers are encouraged to review those ordinances to learn more about how this is implemented. Using a ranking system will require more analyses and permitting during the development right certification process and can serve as a disincentive for land owners to go through the process. Communities will need to weigh the importance of ranking different sending area lands against the added complexity of using this approach.

Sec 8.8 Procedures for Transferring Development Rights to the Receiving Area Overlay District.

- A. General. All applications for transferring development rights to a Receiving Area shall come before the Planning Board as a Major Land Development or Major Subdivision as applicable. At the outset of the permit review process, applicants must demonstrate to the Planning Board that the bearer of the TDR Certificate is in agreement with the terms of the proposed application and understands the number of development rights that will be extinguished after the landing process is complete. Documentation of this assurance shall be provided in a letter signed by the bearer of the TDR Certificate or his/her representative at the time of the application to land the development rights.
 2. The applicant shall then determine the number of proposed residential units, subtracting the number of units that will be deed restricted as affordable in accordance with [REFERENCE SECTION ON INCLUSIVE ZONING]
 3. The difference between the proposed number of units and the base number of units shall then be divided by the transfer ratio listed in Section 8.7.B.

Hypothetical calculation:

Step 1. Number of units allowed in underlying district: 14

Step 2. Number of proposed units: 60 [30 town-house; 30 multi-family]

Number of affordable units: 10 [5 town-house; 5 multi-family]

Number of units requiring TDR: $60 - 10 = 36$ [half for town-house; half for multi-family]

Step 3. Town-house requirement: $18 \div 2.5 = 7.2$ development rights

Multi-family requirement: $18 \div 4 = 4.5$ development rights

Total requirement: $7.2 + 4.5 = 11.7$ or 12 development rights

Commentary: Note that all units restricted as affordable, even those as part of the base allowable number, are removed from the TDR calculation. This provides increased incentive to participate.

- B. Materials. In addition to the materials customarily required as part of an application for a Major Land Development or Major Subdivision, an applicant proposing to land development rights shall submit the appropriate number of copies of his/her TDR Certificate to the Planning Board. The validity of these development rights shall be verified by the [Administrative Officer] or his/her designee during the Pre-Application Review.
- C. Transferral. A person or party purchasing certified development rights without landing said rights in the Receiving Area shall record the purchase with the [Administrative Officer] and receive an updated TDR Certifi-

cate reflecting the change in ownership. Parties may purchase all or a portion of the development rights vested in a TDR Certificate.

- D. Final Approval. The Planning Board shall not issue final approval of any transfer of development rights until all necessary conservation easement restrictions are recorded in the Land Evidence Records and said development rights are formally extinguished by the Town Planner through the issuance of a revised TDR Certificate.

Sec 8.9. Density Transfer Credit Option for Density Transfer.

- A. Establishment. As an alternative to transferring development rights in order to achieve higher densities than what would be allowed by the underlying zoning within the Receiving Area Overlay District, applicants for eligible development proposals may petition the Planning Board for a Density Transfer Credit option.
- B. Density Transfer Credit Program Requirements. The [INSERT CITY/TOWN NAME] Density Transfer Credit TDR option is allowed in accordance with the following provisions:
 - 1. Any funds collected as part of this transaction shall be deposited into an account dedicated to the preservation of open space.
 - 2. The account for these funds shall be administered by an entity designated by Town Council, identified as part of a public hearing, and approved through a majority vote.
 - 3. Funds within the account shall be used to facilitate the preservation of lands in the Sending Area Overlay District.
 - 4. Funds may be used to:
 - a. Purchase land as a fee simple acquisition. The fund may be used in a transaction where the Town is the sole purchaser, is in a partnership, or has a contributing interest.
 - b. Purchase development rights or apply easements. The fund may be used in a transaction where the Town is the sole purchaser, is in a partnership, or has a contributing interest.
 - c. Provide legal or other technical assistance for the development of site plans, the performance of field investigations, the recording of deeds, or other tasks required as part of the TDR Certificate process. Such assistance shall only be provided where the [City or Town] finds that preservation would not likely occur without said assistance.
 - d. Solicit the services of a qualified real estate professional to revisit the value associated with a Density Transfer Credit transaction.

Commentary: Note that TDR funds provided through purchase of Density Transfer Credits can be used not only to purchase land, but also to facilitate the purchase of land by providing supportive services. These supportive services are not necessary, but are considered best practices based on research into TDR banks across the country. Expanding the capacity of the Town to pay for these services gives the Town more of a partnership role.

5. The value for a single development right shall be determined, at a minimum, on an annual basis by a qualified real estate professional using acceptable industry practice.

Potential Regulations Language to Implement TDR

SECTION 12 – APPLICATION FOR TDR CERTIFICATE

Commentary: "Section 12" is used simply to help organize the document below and represents an arbitrary number. Local communities will need to identify the best location(s) in their regulations to implement TDR.

- A. Property owners seeking to certify development rights for the purposes of TDR shall apply to the [Administrative Officer] for a TDR Certificate as enabled by the Zoning Ordinance and in accordance with the procedures and plan requirements listed herein.
- B. Submittal Requirements.

An applicant for approval of a TDR Certificate shall submit a plan labeled "TDR Certificate Application", drawn to a scale of not less than 1 inch to 100 feet showing all of the items listed in the TDR Certificate Application Checklist.

- C. Review Procedure.

Commentary: The application procedure provided below is modeled after the process for an administrative subdivision. Because of the simplicity of the TDR Certificate plan materials, it is appropriate to keep the review process at an administrative level. Communities may impose a more rigorous review procedure with the Planning Board if that is deemed appropriate.

1. Certificate of Completeness.

Within fifteen (15) days of receipt of an application for a TDR Certificate, the [Administrative Officer] shall either issue or deny a certificate of completeness for the application materials submitted. Such certificate shall only be issued if all requirements of the administrative checklist are complete and submitted with the application. The [Administrative Officer] shall notify the applicant of the issuance or denial of the certificate in writing by regular mail.

2. Decision Required.

Within fifteen (15) days after the issuance of a certificate of completeness, the [Administrative Officer] shall review the application and approve, approve with conditions, deny or refer it to the Planning Board with recommendations. The [Administrative Officer] shall report all actions on administrative subdivisions to the Planning Board at its regularly scheduled monthly meetings. If the Administrative Officer fails to take any action after the fifteen days following the issuance of a certificate of completeness, the application shall be placed on the next available agenda of a regularly scheduled meeting of the Planning Board.

3. Approval and Recording.

If the [Administrative Officer] approves the application, the TDR Certificate shall be issued within ten (10) days of approval. The certificate shall be signed by the owner of the development rights and the [Administrative Officer] and stamped by the [Town/City] Clerk. Copies of the original certificate shall be kept on file with the [Administrative Officer] and the [Town/City] Clerk.

4. Denial.

Denial of the application by the [Administrative Officer] shall require the application to be referred to the Planning Commission for further review.

5. Planning Board Referral.

When a TDR Certificate application is referred to the Planning Board, the Planning Board shall consider the application and the recommendations of the Administrative Officer. The Planning Board shall approve, approve with conditions, or deny the application within sixty-five (65) days of the issuance of the Certificate of Completeness. Failure of the Commission to act within the required time shall constitute

approval of the TDR Certificate. The Administrative Officer shall verify as to the failure of the Planning Board to act within the required time and the resulting approval upon written request from the applicant.

6. Changes to the TDR Certificate.

The sale, transfer, conveyance or extinguishing of development rights shall be recorded with the [Administrative Officer]. Revised certificates shall be issued upon change of ownership or upon the reduction of development rights vested in a certificate.

Potential Checklist for TDR Certificate

Administrative Subdivision Checklist

A. Required Information. The following information, where applicable, shall be submitted as part of an application for a TDR Certificate.

- 1. Property owner name and address.
- 2. Date of plan/materials preparation and any revision dates.
- 3. Assessor's Plat and Lot Number(s).
- 4. Graphic scale.
- 5. True north arrow.
- 6. Zoning Districts and/or overlay designation(s). (e.g. Official Zoning Map).
- 7. Names, addresses, and telephone numbers of the person or firm preparing application materials.
- 8. Professional stamps, with signatures, for surveyors, or other design professionals that prepared the plan.
- 9. Class IV survey of property boundary.
- 10. Approximate location, description and dimensions of existing structures and uses on the property.
- 11. Approximate location of any gravesites, cemeteries, or stone walls.
- 12. Floodways, V and A zones from current FEMA maps.
- 13. Location of wetlands, calculation of wetland area and percentage of site covered with wetlands.
- 14. Calculations for proposed number of development rights.

Commentary: Locating wetlands is an integral part of the TDR Certificate process. However, communities will want to carefully consider the information required to develop these plans. Survey of wetland boundaries can be costly and might serve as a disincentive for property owners to certify rights. On the other hand, using a readily available source of information like GIS data layers may not provide the level of detail local governments need to be comfortable with the submission.

It should be noted that a TDR Certificate DOES NOT vest rights as developable units of housing or commercial space. Therefore, issuing a certificate that may have slightly higher levels of development than what could really be achieved through a development application does not represent a risk to the community.

REGULATORY GUIDANCE FOR TDR IN A CONSERVATION DEVELOPMENT ORDINANCE

The following is provided for communities that may wish to add language to an existing Conservation Development Ordinance that allows for the use of TDR. This guidance assumes that a municipality already has a Conservation Development ordinance in the Zoning Ordinance and that supplemental language could be added to further increase both density and the overall open space preserved as part of a new subdivision.

The following guidance represents examples of how the research and discussion that occurred as part of this project could be organized into a community ordinance and associated regulations. As with any sample language provided for a project of this nature, this document cannot be simply copied into an existing Zoning Ordinance in its current form. Local officials will need to tailor the language to their own definitions and processes, and there are several “policy decisions” noted for consideration. Local officials are encouraged to review the language within this guidance, and any adjustments that may be developed locally, with their legal counsel.

Potential Zoning Ordinance Language to Implement TDR in a Conservation Development Ordinance

- A. The Planning Board may allow an increase to the number of dwelling units in a conservation development beyond the basic maximum number through the use of transfer of development rights in accordance with the following conditions and requirements.
 1. The preservation of land in the sending parcel is consistent with the purposes of this ordinance.
 2. The increase in development shall not go beyond double the basic yield as approved by the Planning Board.
 3. Where transfer of development rights is used to increase the basic yield beyond 25%, there shall be no minimum lot size. All front yard, side yard and rear yard setback requirements shall be maintained.

Commentary: Communities must carefully consider how dimensional requirements will be addressed when an applicant might double the density of residential development through the use of TDR. For example, if the existing ordinance has very little “wiggle room” to increase density, then the use of TDR may not work. If a community allows for a minimum lot size of 5,000 square feet and requires 75% open space, it may be very challenging to increase the development density.

The language provided above might work for a community where the minimum lot size in a Conservation Development is 12,000 square feet and the minimum open space requirement is 50%. In this example, there is the possibility of reducing lot sizes and increasing density.

4. The development rights used to increase density shall be transferred from a residential district with the same or a larger minimum lot size.
5. The number of development rights on the sending parcel shall be approved by the Planning Board.
6. The development rights being transferred are extinguished prior to final approval of the conservation development through an easement as described in [CITE SECTION FOR CONSERVATION EASEMENTS];
7. Where only a portion of the development rights are extinguished from the sending parcel, the owner of said parcel agrees that any future development of retained development rights will use the conservation development process as applicable in that zoning district. This condition shall be recorded as a deed restriction on the sending parcel.

Commentary: Densities that would result from this type of development would likely require either centralized water supply or wastewater disposal. Municipalities that want to pursue this land use tool will need to remove any barriers to developing this infrastructure. For example, when considering allowable uses of open space, including the possibility of establishing drinking water wells and/or wastewater disposal fields would be important.

REGULATORY GUIDANCE FOR INTER-MUNICIPAL TDR PROGRAM AGREEMENT

The following text is provided for communities that may wish to enter into an inter-municipal TDR program. Where possible, this language is adapted from the existing agreement developed by the Towns of Exeter (the “sending town”) and North Kingstown (the “receiving town”) because that language was reviewed by Rhode Island municipal solicitors prior to adoption. Other primary sources include interlocal agreements from King County, WA.

It is essential that any communities considering such an agreement will vet this sample regulatory language with a qualified attorney.

MEMORANDUM OF AGREEMENT

THIS AGREEMENT is between [INSERT SENDING CITY/TOWN] a municipal corporation of the State of Rhode Island, and [INSERT RECEIVING CITY/TOWN], also a municipal corporation of the State of Rhode Island (together to be referred to as “the Towns”). The agreement is made by and through the “Towns” respective Town Councils.

RESOLUTION

WHEREAS the State of Rhode Island, through State Guide Plan Element 121 *Land Use 2025*, encourages the use of innovative land use tools for the purposes directing growth toward areas where infrastructure can support such growth; and

WHEREAS the two participating Towns have adopted language within their Comprehensive Plans that call for the use of inter-municipal TDR; and

WHEREAS it is the goal of [SENDING TOWN] to preserve its rural character and preserve much of its developable agricultural and forest land; and

WHEREAS [SENDING TOWN] has identified lands eligible for participation in a TDR program through its Comprehensive Plan; and

WHEREAS it is the goal of [RECEIVING TOWN] to allow for increases in development density in designated Receiving Areas as identified in its Comprehensive Plan; and

WHEREAS the Towns recognize the economic, social and environmental benefits that will result from this agreement on a regional scale.

Commentary: Note that the language above assumes that some revision to the Comprehensive Plans has occurred prior to crafting this agreement.

AGREEMENTS

NOW THEREFORE be it resolved that the Towns will work together in accordance with the following:

A. Purpose

The two Towns agree to implement a program (hereafter the “Program”) to allow development rights to be transferred from [SENDING TOWN] to [RECEIVING TOWN] in accordance with this agreement and applicable standards and procedures in local laws and regulations.

B. Responsibilities of the Towns

1. The [SENDING TOWN] shall adopt an overlay to the zoning map that shows the land available a sending area for TDR through an overlay district.
2. The [SENDING TOWN] shall adopt an ordinance that will enable and facilitate the transfer of development rights of the sending area parcels.

3. The [RECEIVING TOWN] shall identify areas on its zoning map that may serve as receiving areas for the sending area lands identified by [SENDING TOWN].
4. The [RECEIVING TOWN] shall adopt an ordinance will enable and facilitate the transfer of development rights to the receiving area parcels.
5. The ordinances developed by these Towns shall be developed in a manner that allows for each party to have access to draft materials and provide comment. At a minimum, said ordinances shall address the following and shall be addressed separately or by each town as appropriate:
 - a. Calculating the number of development rights associated with land in the sending area.
 - b. Certifying or approving the number development rights.
 - c. Calculation of transfer ratios.
 - d. Permit application procedures.
 - e. Terms for conservation restrictions.
 - f. Allowable development levels in the receiving area.
 - g. Development standards associated with the receiving area.
6. The Towns shall establish a process for reviewing the effectiveness of the program and reporting any findings to each other on an annual basis.

C. Duration

This Agreement shall become effective on the date it has been approved by the legislative authorities of both Towns and shall continue until terminated as provided in Section D.

Commentary: This language very simply states that both Towns shall continue as long as the Program is working and each Town is satisfied. Other ways to set a duration period can include setting a cap on the number of development rights transferred, the number of bonus units developed, etc.

D. Termination

The Town's may terminate the agreement through mutual consent as documented in a hearing with both Town Councils. Either party may individually terminate this Agreement upon 180 days' written notice to the other if:

1. Either Town's zoning ordinance or land development regulations pertaining to the Program are held invalid by any court of competent jurisdiction in a final judgment that is no longer subject to appeal; or
2. One of the Town's materially defaults in performing of its obligations under this Agreement and does not commence to cure the default within thirty (30) days after receiving written notice of the default and does not proceed to fully cure the default.

E. Indemnification

Each Town shall indemnify and hold harmless the other Town and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent action or omission of either Town, its officers, agents, and employees, or any of them, in performing obligations pursuant to this Agreement.

F. Concurrent Negligence

Each Town acknowledges and agrees that if any claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of their agents, employees, and/or officers, this section shall be valid and enforceable only to the extent of the negligence of each party, its

agents, employees and/or officers.

G. General Terms

1. *Administration.* This Agreement shall be administered jointly by the [Planning Directors] for each Town.

Commentary: Each community will need to decide on the appropriate administrative staff for these programs.

2. *Severability.* If any provision of this Agreement shall be held invalid, the remainder of the Agreement shall not be affected.
3. *No Waiver.* Waiver of any breach of any provision of this Agreement shall not be deemed to be a waiver of any prior or subsequent breach, and shall not be construed to be a modification of this Agreement.
4. *No Third Party Beneficiary.* This Agreement is made and entered into for the sole protection and benefit of the parties hereto. No other person or entity shall have any right of action or interest in this Agreement based upon any provision set forth herein.

IN WITNESS WHEREOF, the towns have caused this Agreement to be executed on the ____ day of

_____.

In the Presence of:

[RECEIVING TOWN]

Authorized Signature

[SENDING TOWN]

Authorized Signature

III. Appendix: Notes from RI TDR Conference

Discussion Notes: RI Transfer of Development Rights Conference, March, 27-28, 2013

The following are key questions from the conference participants with answers from Bill Fulton and Rick Pruetz, national TDR experts who spoke at this conference.

1. Has TDR worked for small rural towns? If yes, were there any modifications needed to encourage TDRs? (Examples of towns like those in Rhode Island -- where each town is independent and there is no county government or regional taxation other than state sales taxes -- would be particularly helpful.)

Rick: Yes. 31 TDR programs at the township level in PA alone. There are pros and cons of working at this scale; you can get more buy-in from the community when they're familiar with the sending area; some are slow-growing- helps to have strong zoning to protect assets while TDR programs grow; need to find the demand

Bill: Yes. People often buy into high density in villages when: 1) they believe there's good design and 2) they're preserving something that's important to them (they have an attachment to the sending area); need to build support at the state level to protect areas in the western part of RI while increasing density in the eastern part

2. Is there a rule of thumb for the size of the area (land or population) that is needed to encourage TDR?

Bill: It's not so much about the number of people or acres but about the sending and receiving areas and people agreeing to participate (which will depend on the market); fewer restrictions on moving things back and forth results in more market activity; receiving area has to be big enough to generate market activity

3. What are the key elements or common attributes of communities/areas where TDR has been effective?

Rick: Absolutely critical to success are 1) demand for bonus development and 2) customized receiving areas (from "Top 10 Success Factors"; factors 3-5 are important, 5-10 helpful); the fewer the alternatives the better it's going to work; some towns with TDR continue to grant up-zoning on request (if they give bonus development for free, no one is going to end up using TDR).

4. Has inter-municipal TDR worked in towns without a county government? If yes what were the incentives that encouraged towns to receive TDRs?

Bill: yes

Rick: yes; e.g., TDR in Warwick, NY occurs without county government

5. Should RI consider a statewide TDR program? If yes what would be the key issues to consider?

Bill: Yes. Because it's small and there's no county government; the state can set up the basic rules (enabling legislation; fund the TDR bank if possible and turn it into a revolving fund; align other state incentives to back it up; think about how aggressively the state can do this)

Rick: if there's time and money, treat it like you would treat any TDR program- look at the supply/demand of various sending and receiving areas; concerns from local governments will arise; think about how well the sending and receiving areas line up (state market vs. sub-state market)

Bill: good TDR programs have good markets; the state could probably do some prototypical market analysis to collect baseline info to help in generating options for a state framework

6. How have transfer ratios been determined to go from residential in a sending area to commercial in a receiving area? How have they been determined from low density housing to multi-family housing? Do you have documentation of the real estate/market analyses that have been performed to determine these ratios?

Bill: Yes- moving development value around; some questions/concerns: are you shrinking the statewide housing supply?; residential to commercial is very common (good exs: Chesterfield, NJ and King County, WA towns)

Rick: economic analysis can point you toward the correct ratio (or if you want to amend a current ratio)

7. Following on #6 above, are there real estate/market analyses that have addressed how a “fee-in-lieu” (density transfer credit) value for TDR would be calculated?

Bill: Yes. Not useful to pull a fee out of thin air; analogy: affordable housing vs. fee, parking vs. fee; can make the fee the same or less

Rick: some communities don't want to get in the way of the private market; some set the fee low because they would rather have the cash (could be the match dollars for grants, etc)

8. Are there examples of a PDR and TDR combination that might be appropriate for RI?

Bill: conceptually there's no reason you can't combine them; it doesn't matter where the money comes from; in a practical sense, TDR programs are approached differently by different players (e.g., state government vs. land trust)- may have more flexibility in their easements (and vice versa); public money and TDRs work together to protect land

Rick: ex: King County, WA has dedicated taxes to create a revolving fund (vs. a single expenditure); Palm County, FL- open space bonds resulted in voter fatigue- they severed TDR from properties and bought and resold them (recoups the cost and puts it back into the reserve system); NJ Pinelands- not looking to sell; not involved with the private market

Bill: TDR banks can often 1) provide comps and 2) sell or hold rights to manage the market

9. What are some incentives that could make TDR work in RI? Does TDR often require tax incentives or other layers of incentives to be successful?

Bill: There are a variety of players and they all have to have motivation to be active in the market; if ratios are set up correctly a market should be able to be created (might take a while to get going, but TDR banks will speed it up); something to consider—the increased infrastructure burden in receiving area vs. the loss of value in the sending area (King County ex.); less significant if they occur in the same jurisdiction

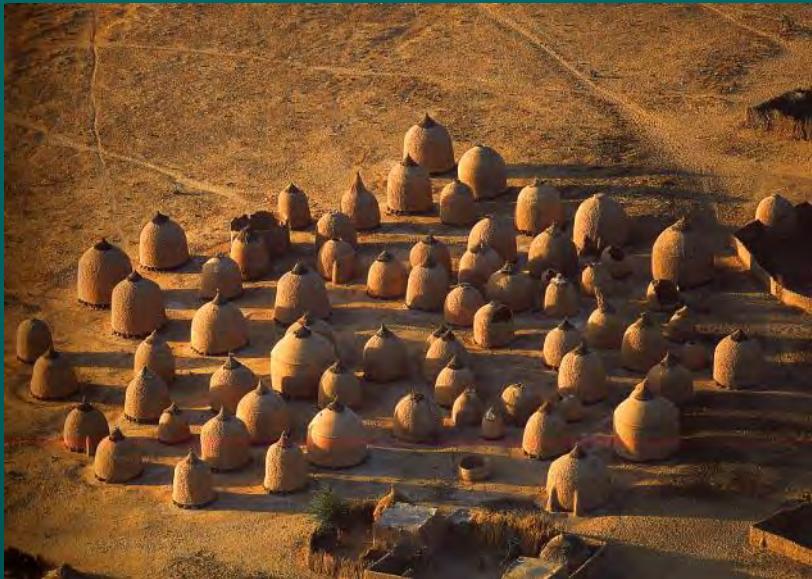
10. Are there different ways to set up TDR banks? Where has this been successful and what are the best mechanisms for replenishing the funds?

Bill: Not a good idea for a regulatory agency to be the TDR bank; if a municipality is approving projects, they're manipulating the currency (e.g., a bank run out of a Natural Resources Department); however the state is likely to run a bank in RI b/c it's such a small state

Why Villages? The Need for Villages in the 21st Century



The Village in History: Form Follows Function



Gathering together of Families and Clans

Aderawa Village, Niger (Photo by Yahn Arthus-Bertrand)



A Fence to Control Access

Himbas Village, Namibia (Photo by Yahn Arthus-Bertrand)



Formation of Streets and Districts

Village in Madagascar (Photo by Yahn Arthus-Bertrand)





Image courtesy of USGS. © 2011 Microsoft Corporation
Pictometry Bird's Eye © 2010 MDA Geospatial Services Inc.
Pictometry Bird's Eye © 2010 Pictometry International Corp.

Little Compton, Rhode Island



Little Compton, England





The Five Senses: home, government, religion, education and commerce.
Benton MacKaye (1879-1975)



Rhode Island Towns & Villages

Village Development along Waterways,
Roadways and Railroads

Prepared by Dodson & Flinker
Jan 02, 2013

LEGEND

- Railroad
- Major Roads
- State Boundary
- Major Rivers
- Lakes & Ponds
- Villages



0 3 6 12 Miles

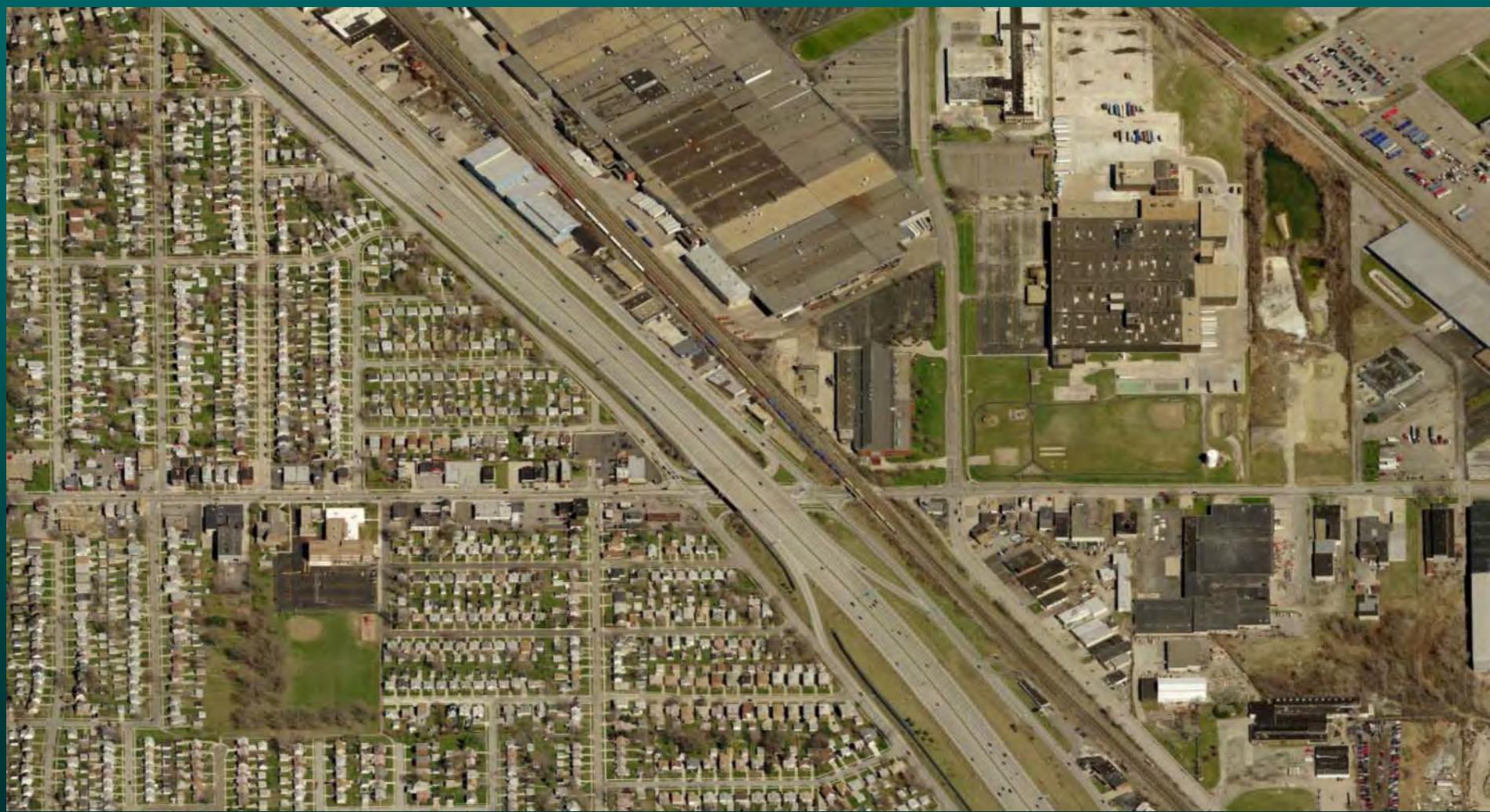
SUPPLEMENT TO THE PROVIDENCE SUNDAY JOURNAL, FEB. 3, 1895.

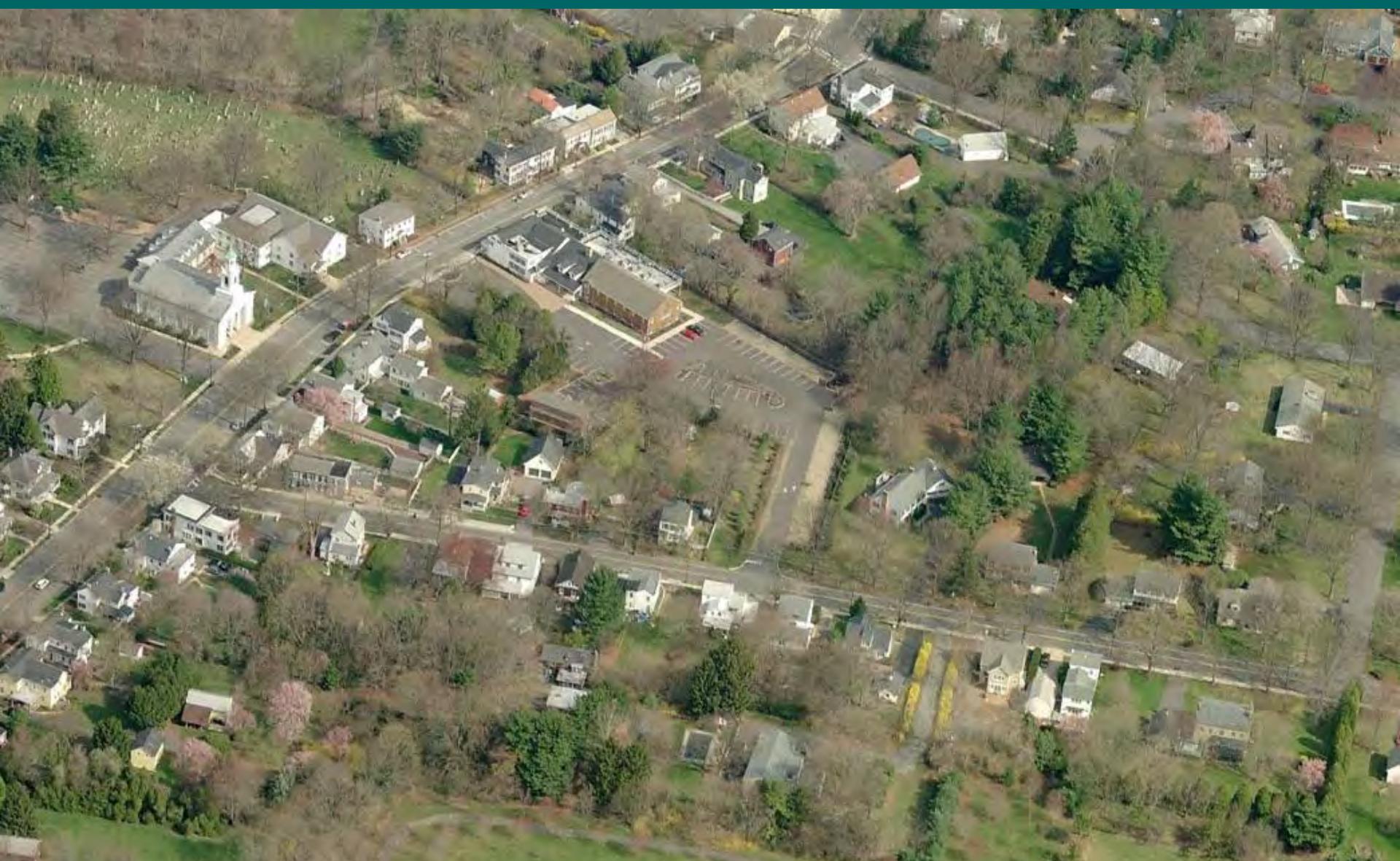


A BIRD'S-EYE VIEW OF PROVIDENCE
SHOWING THE NEW RAILROAD STATION AND STATE HOUSE.

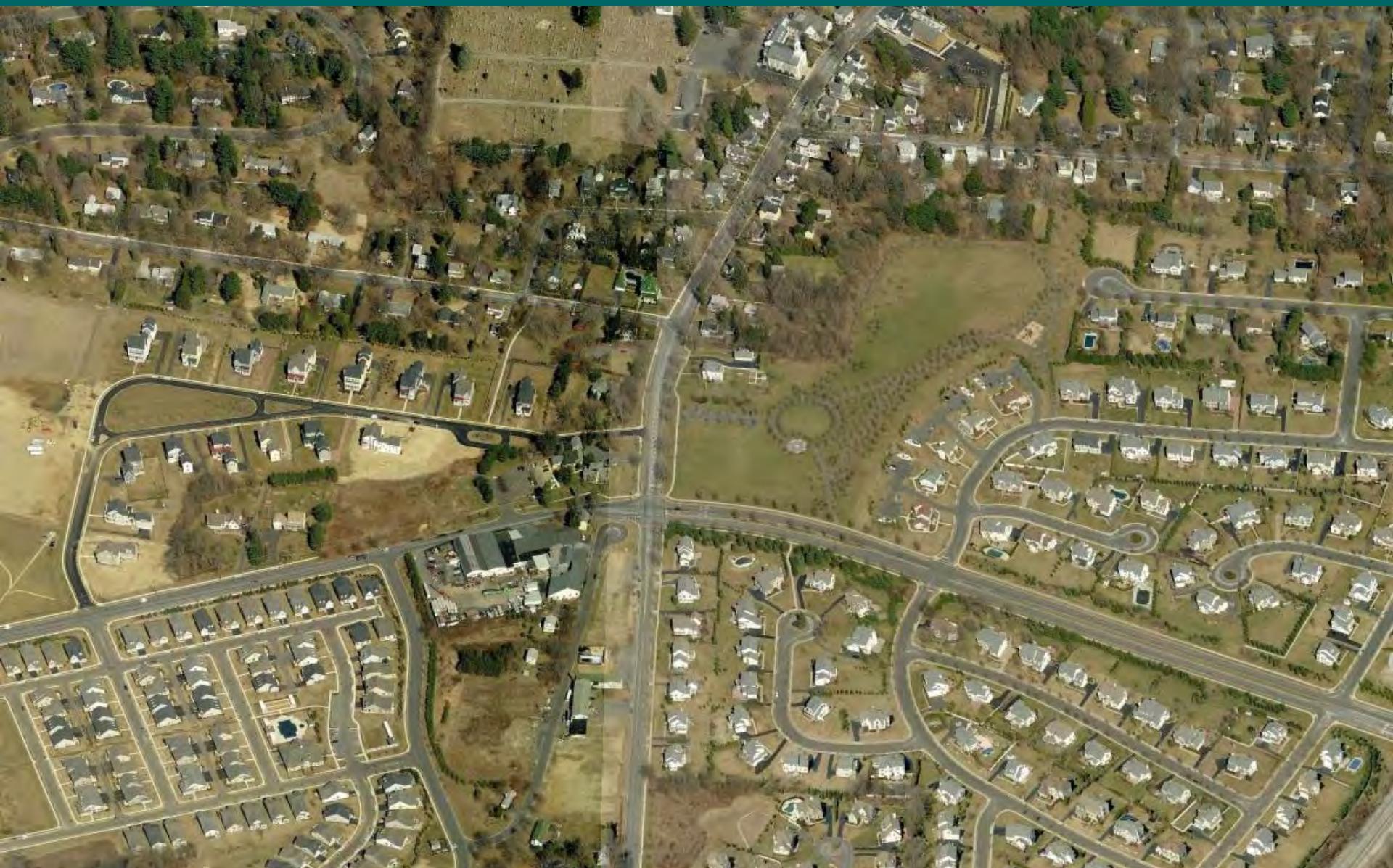




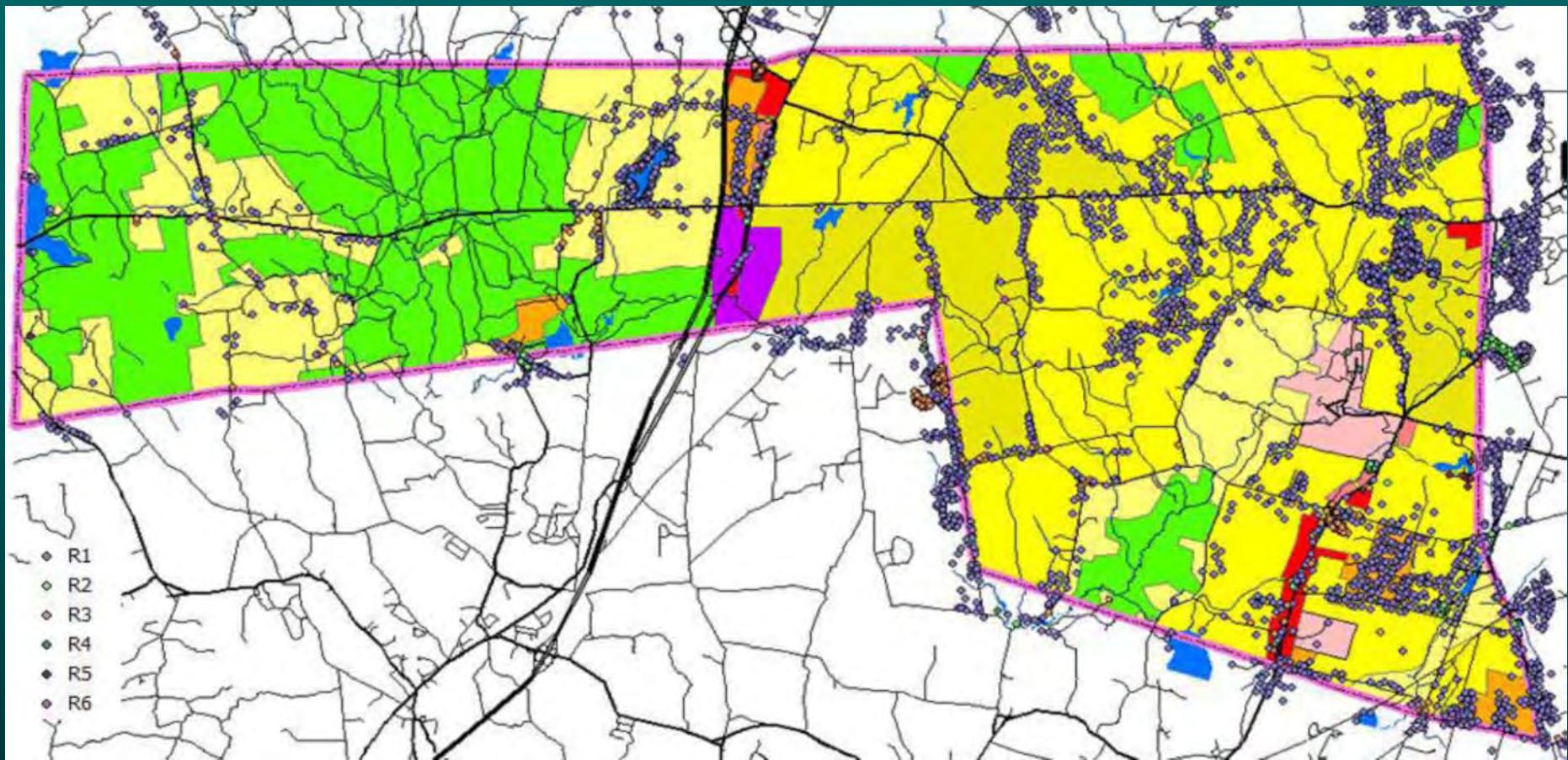




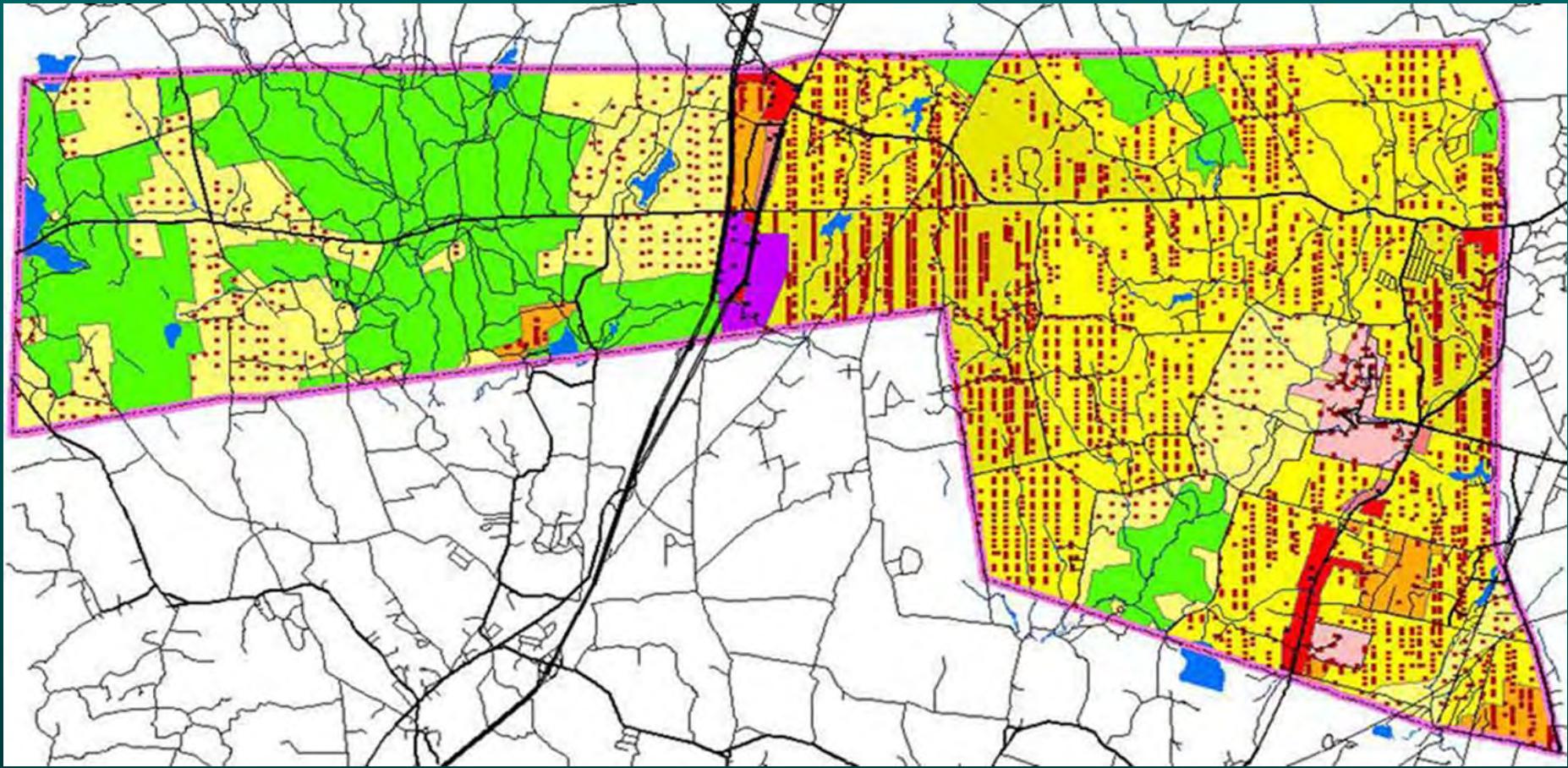
Historic Village of Cranbury, New Jersey



Cranbury, New Jersey – Present Day



Exeter, RI: Existing Zoning and Development Pattern



Exeter, RI: Potential Future Growth



Sprawl's Unintended Consequences

Environmental:

- Decline in water quality.
- Loss and fragmentation of habitat.
- Loss of working farm and forest lands

Economic

- Expense of maintaining roads and other infrastructure.
- Expense of providing police, fire and other public services.
- Lack of access to local jobs.
- Lack of opportunities for young people.
- Financial pressure on both young and old residents.

Social

- Dependence on the automobile for many daily needs.
- Fewer opportunities for community life.
- Stratification and separation of social groups.
- Isolation of older residents.



What were we thinking?



Study this efficient floor plan carefully. Note that every inch of space is used to full advantage. This one and a half story home has a large living room with a natural fireplace . . . convenient dining room, kitchen and a first floor powder room which is accessible from either the kitchen or living room. The two large bedrooms have cross ventilation. In addition to ample closet facilities a large storage area is available under the roof.

Cranberry

DATA: Living Area, 1,064 Sq. Ft., Porch Area, 90 Sq. Ft. Cubage-House, 14,480 Cu. Ft., Porch, 495 Cu. Ft., Ceiling Heights, 1st and 2nd Floors, 7½ Ft.; Basement Height, 7 Ft.



Second Floor Plan



A Kitchen and Utility Room Combined Is the Acme of Convenience

An Inviting Dining Space Encourages Work-saving Informality



Facing Demographic Reality



It was fun
while it
lasted!

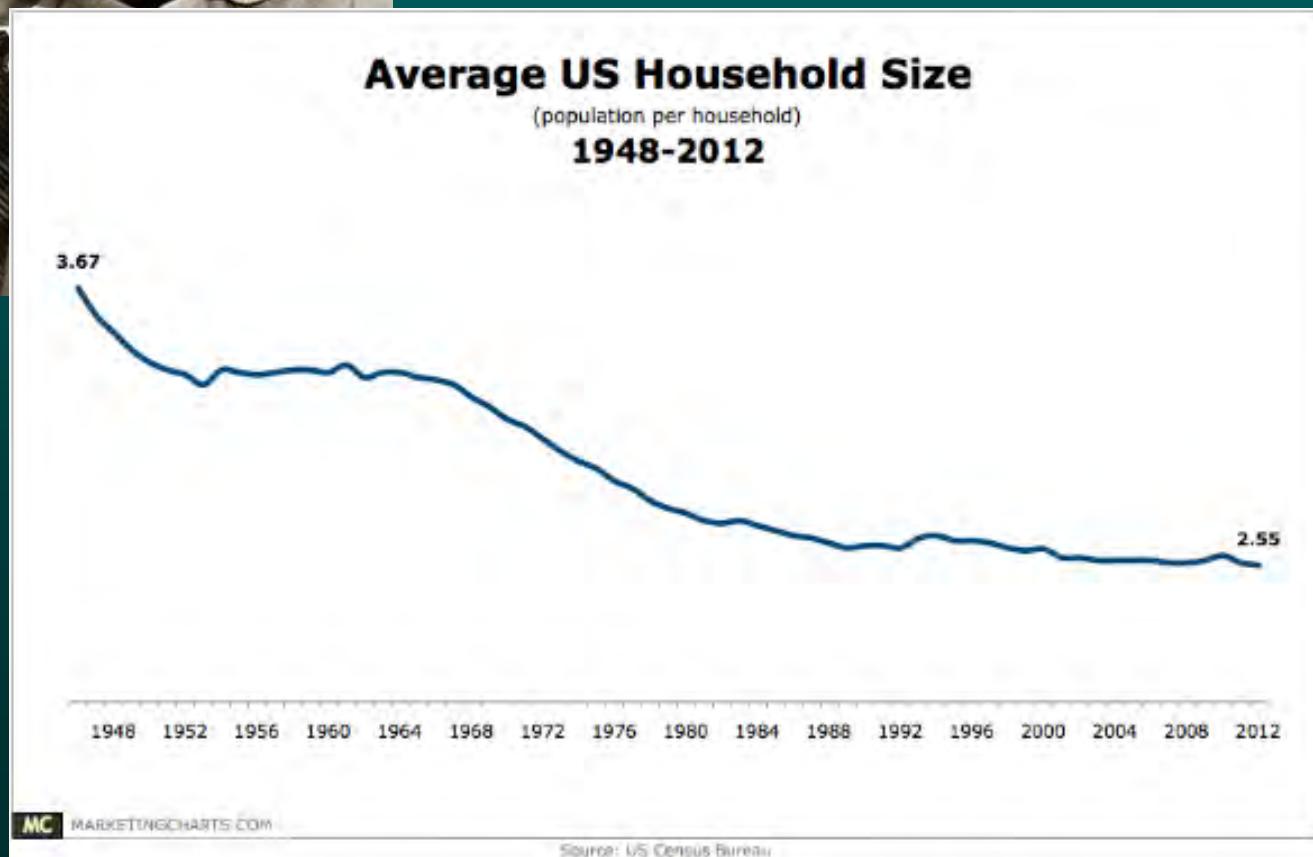
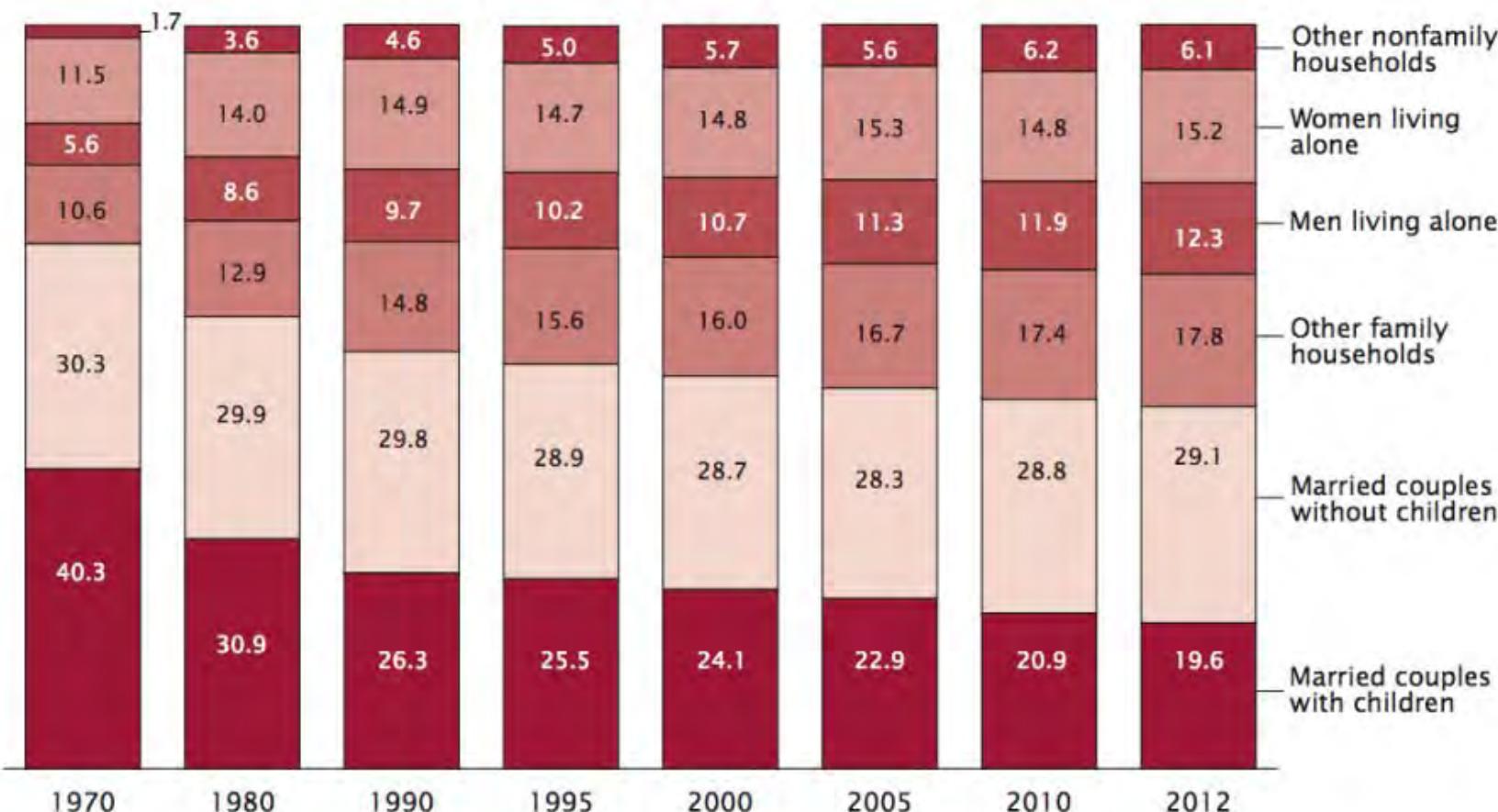


Figure 1.
Households by Type, 1970 to 2012: CPS

(In percent)



Source: U.S. Census Bureau, Current Population Survey, Annual Social and Economic Supplement, selected years, 1970 to 2012.

What is the 21st century village, and why do we need it?

- Allows for a mix of uses: “the five senses”
- Designed with a compact, efficient form
- Designed for driving, walking, biking, transit.
- Provides diverse housing choices.
- Flexible space for evolving business.
- Connected to the surrounding landscape



A village can help protect farmland and the natural environment: Existing Conditions



Conventional Development



Saratoga County, New York

© 2011 Microsoft
Pictometry Bird's Eye © 2010 MDA Geospatial
Pictometry Bird's Eye © 2010 Pictometry Inter



Sustainable Growth

A Village can support economic growth and increase the tax base: Baxter, North Carolina





South County Commons



A village can provide homes for people at all stages of their lives.



A village can provide amenities that increase our quality of life.



A village helps create community.



Village projects in Rhode Island that are leading the way.



Harrisville Redevelopment, Burrillville

Harrisville/Stillwater Mill (Burrillville, RI)





Wickford Junction, North Kingstown

Wickford Junction - Proposed Redevelopment Plan

North Kingstown, Rhode Island

Prepared by: Dodson Associates, Ltd. March, 2012





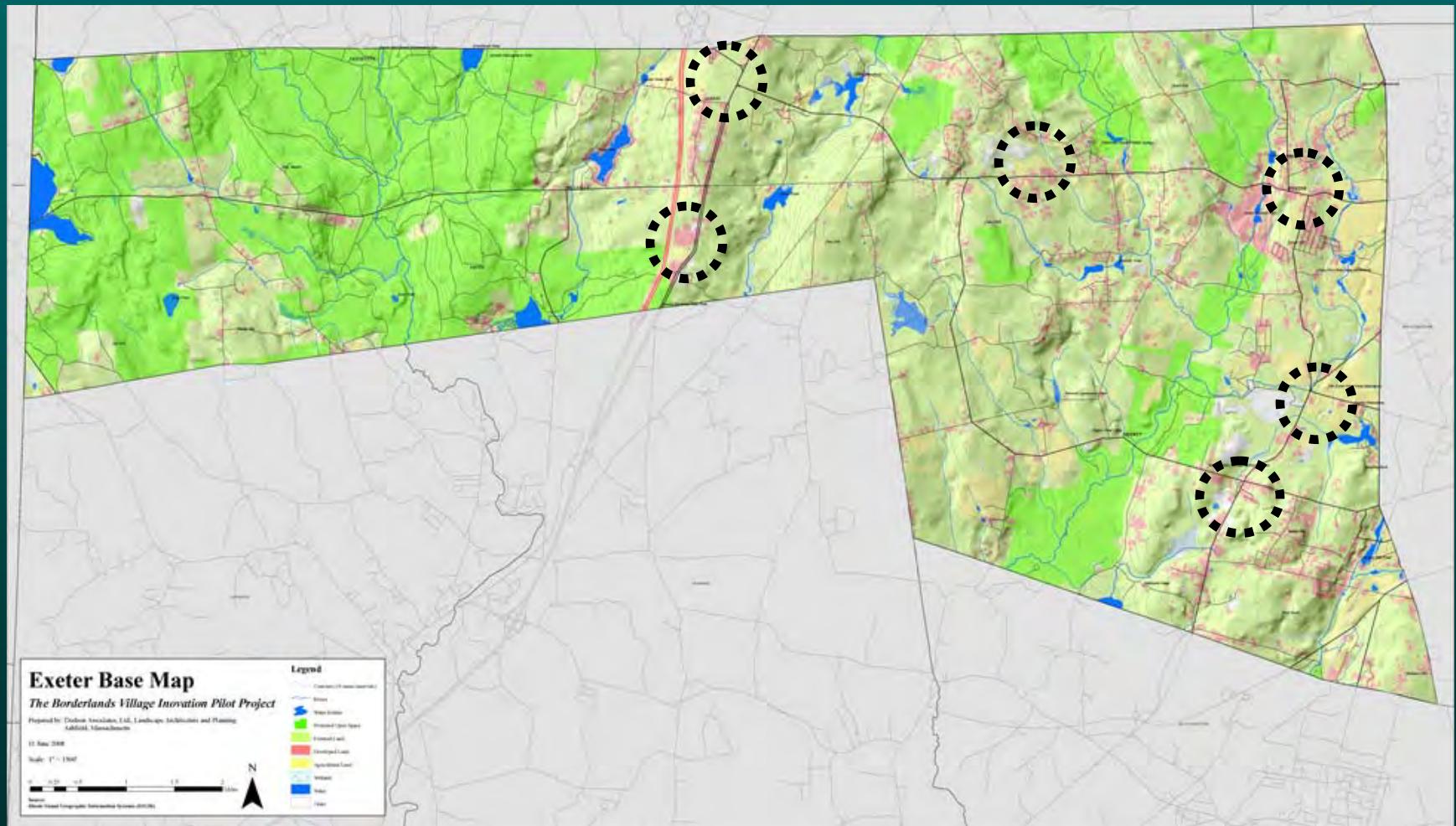


A Vision for Exeter

A Game Plan for Our Future



Development Suitability Analysis for Potential Village Sites



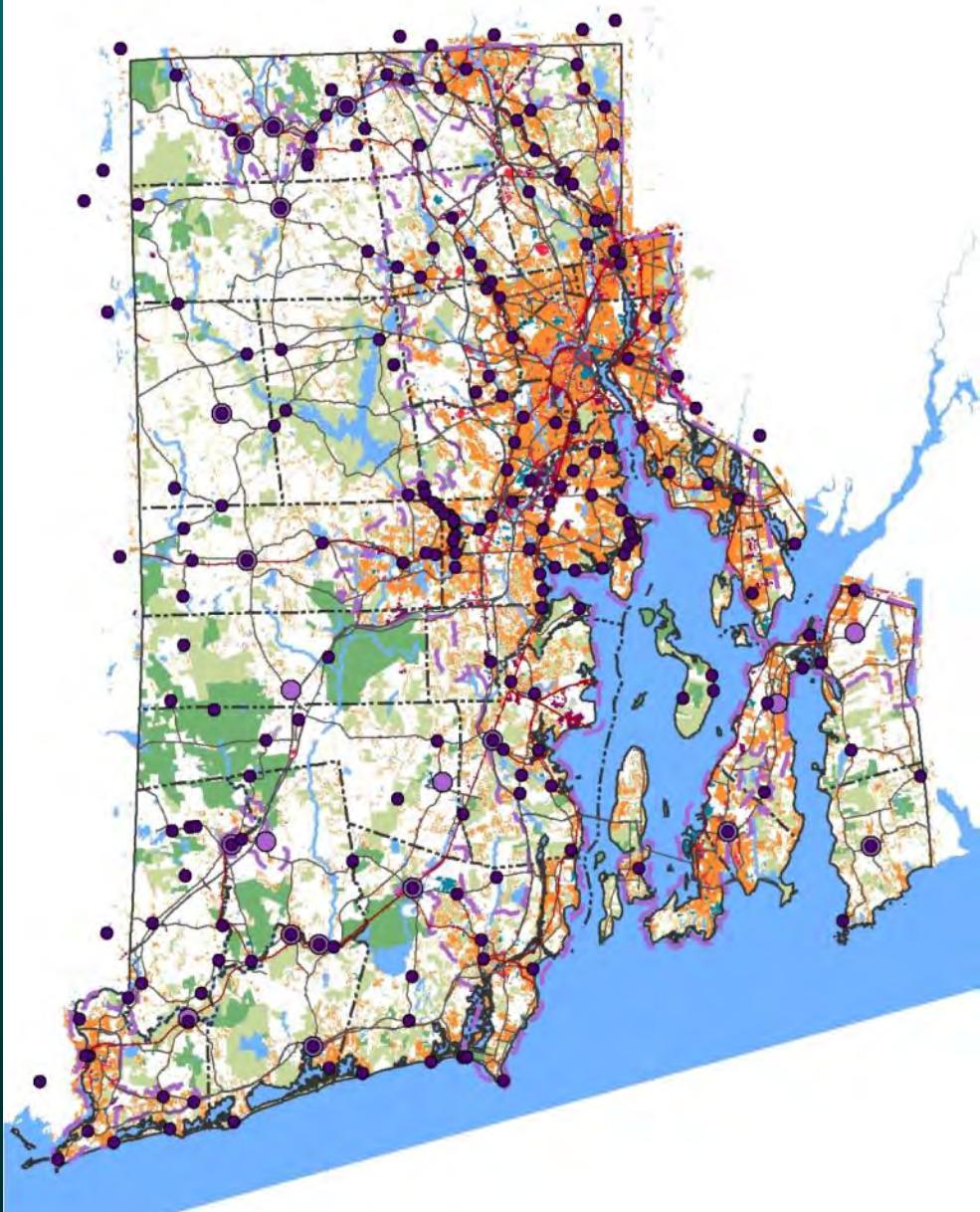








What's the potential for village development in Rhode Island?



Rhode Island Towns & Villages

Land Use and Villages

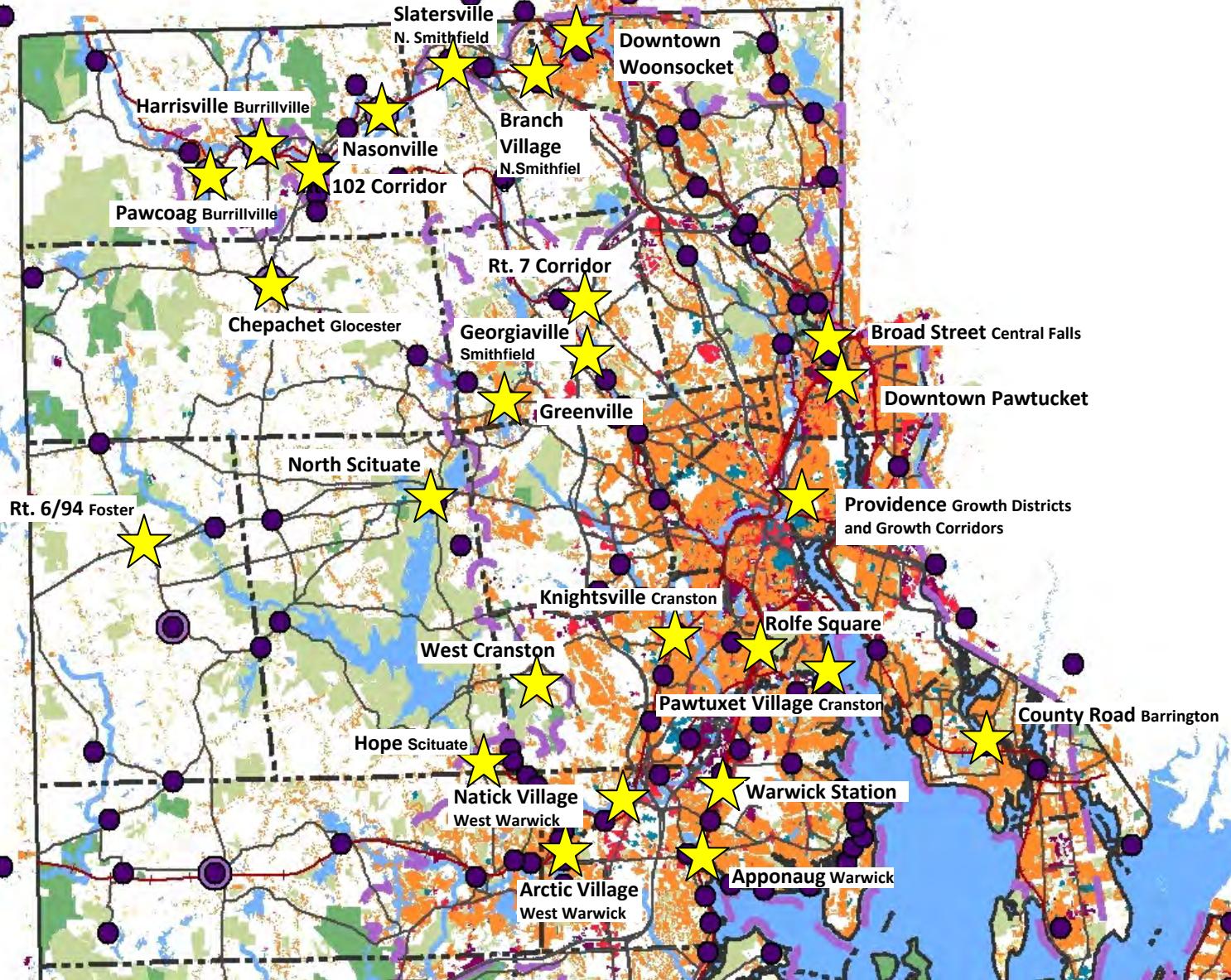
Prepared by Dodson & Flinker
Jan 02, 2013

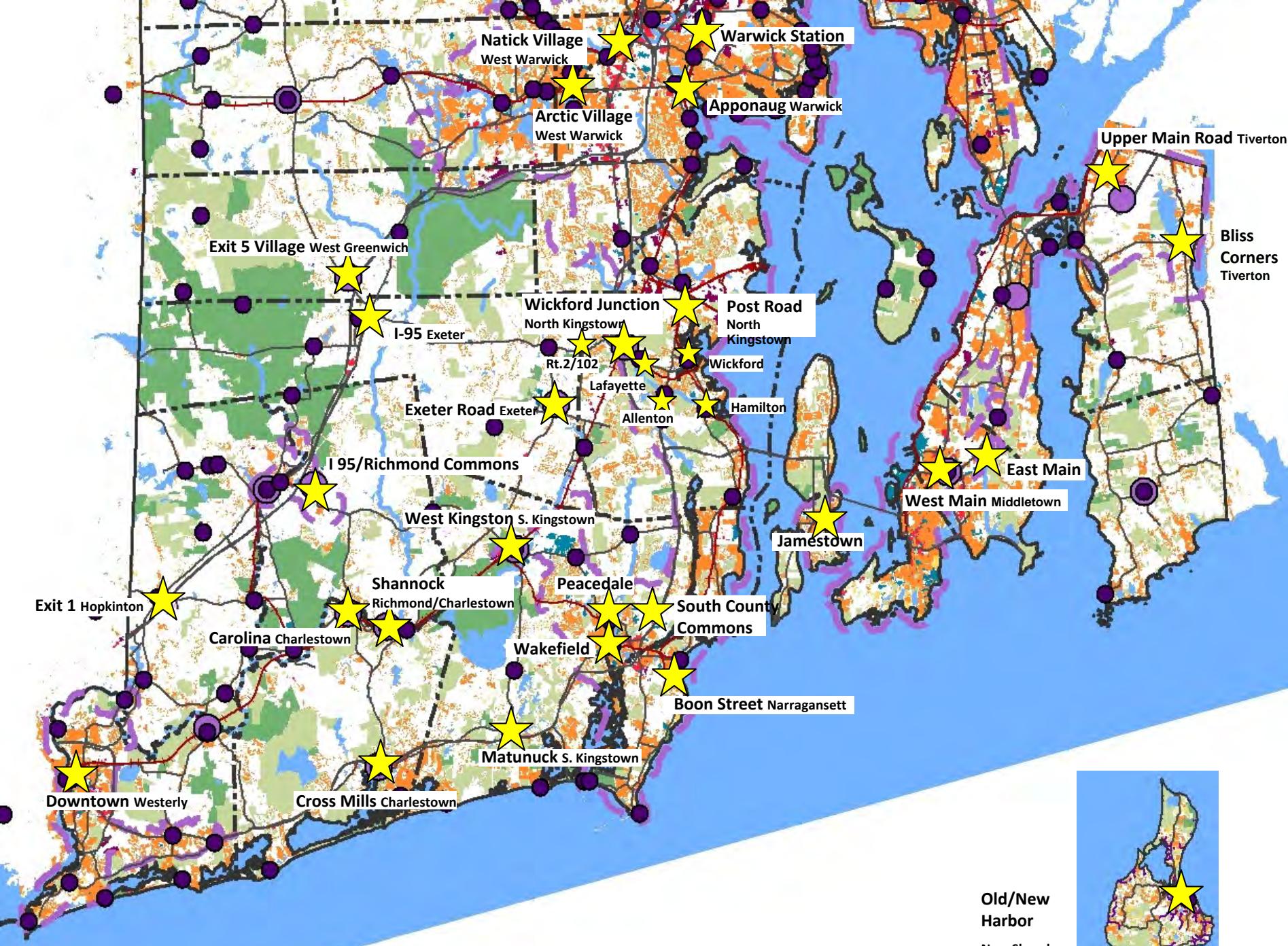
LEGEND

Villages	Land Use Types
Growth Centers	
Urban Service Boundary	Commercial and Mixed Use
Railroad	Industrial (manufacturing, design, assembly, etc.)
Major Roads	Institutional (schools, hospitals, churches, etc.)
State Boundary	Low Density Residential (>2 acre lots)
Town Boundary	Medium to High Density Residential (<2 acre lots)
Major Rivers	
Lakes & Ponds	
Local Conservation Areas	
State Conservation Areas	



0 3 6 12 Miles





Historic Villages

- Harrisville, Nasonville and Pascoag – Burrillville
- Carolina – Charlestown
- Cross Mills – Charlestown
- Chepachet - Glocester
- Knightsville, Pawtuxet Village and Rolfe Square - Cranston
- Jamestown
- New/Old Harbor – New Shoreham
- Allenton, Hamilton, Lafayette and Wickford - North Kingstown
- Branch Village and Slatersville – North Smithfield
- Georgiaville and Greenville - Smithfield
- Matunuck, Peacedale, Wakefield and West Kingston – South Kingstown
- Shannock – Richmond/Charlestown
- North Scituate and Hope Village - Scituate
- Apponaug - Warwick
- Natick and Arctic – West Warwick

Main Streets

- County Road – Barrington
- West Main Street – Middletown
- Boon Street – Narragansett
- Providence Growth Corridors
- Upper Main Road - Tiverton

Downtowns

- Broad Street - Central Falls
- Pawtucket
- Providence Growth Centers
- Westerly
- Woonsocket

Commercial Strips

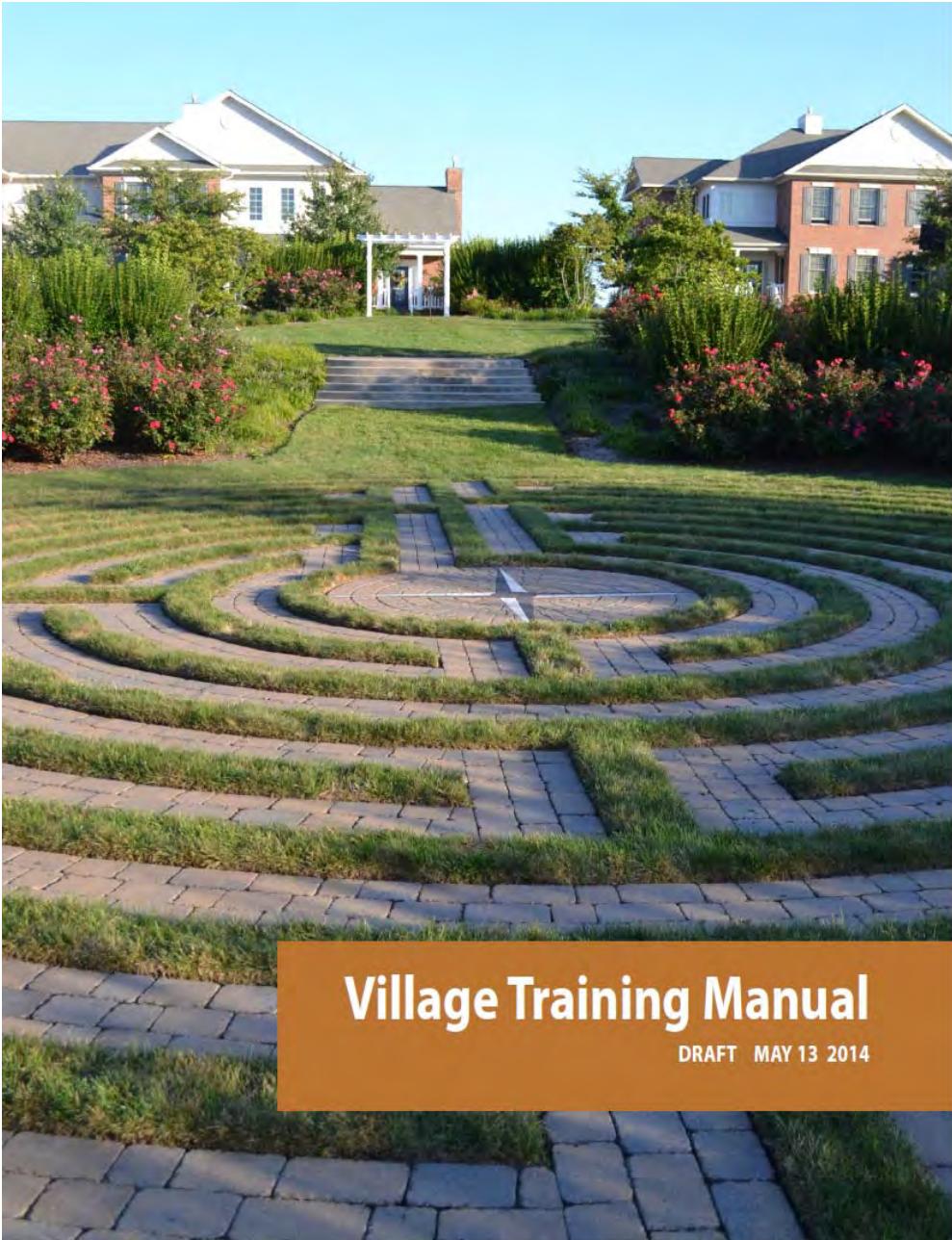
- Rt. 102 Corridor – Burrillville
- Rt 6/94 - Foster
- Bliss Corners -Tiverton
- Post Road – North Kingstown
- Wickford Junction - North Kingstown
- I-95/Richmond Commons – Richmond
- Rt. 7 Corridor – Smithfield
- Warwick Station - Warwick

New Villages

- West Cranston Village – Cranston
- I-95 Interchange – Exeter
- Exeter Road – Exeter
- Exit 1 - Hopkinton
- East Main Street - Middletown
- Rt. 2/102 - North Kingstown
- Exit 5 Village – West Greenwich

Conclusion: Why build a village?

- Mitigate effects of 20th Century suburban sprawl.
- Leverage social, economic and environmental benefits for current and future generations.
- Provide for growth while reducing fiscal burden on towns.
- Build resilience in the face of an uncertain future.



Overview of the Village Toolkit

- Planning Strategies
- Design Approaches
- Case Studies

Public Participation and Consensus Building

Why is Public Participation Important?



Traditional process governed by Robert's Rules of Order often creates winners and losers.



Because planning and zoning decisions directly affect people's property values and quality of life, **losers get mad, then get even.**

Why is public participation in village planning so important?

1. Village planning is personal – changes can have a direct effect on property values, neighborhood character, and quality of life.
2. Existing residents and businesses unwilling to risk what they have – even if the alternative is demonstrably better.
3. People worry that increased density will create problems:
 - increased traffic and parking shortages.
 - Loss of open space and impacts to natural resources
 - Increased noise, light pollution, etc.
 - Loss of neighborliness
 - Influx of strangers from different social, racial or economic groups.
4. Where to live or locate a business is one of the most important economic decisions most people have to make.
5. Bottom line: it's hard for anyone involved to stay objective.

Getting Started with Public Participation



- Identifying and reaching out to stakeholders and decision makers.
- Mapping out problems and opportunities and identifying potential conflicts.
- Describing community values and vision.
- Shared fact-finding
- Exploring alternatives
- Choosing a preferred alternative

For each step there are simple things that can be accomplished with minimal expense:



Identifying and reaching out to stakeholders and decision makers:

- Make a list of everyone responsible for making decisions about the project as well as those affected by those decisions.
- Talk to people one-on-one about their issues and concerns.
- Host informational table or display at public events
- Ask to make brief presentation at a neighborhood cocktail party or barbecue.
- Make a brief presentation to town council.
- Visit local political committees

Mapping out problems and opportunities and identifying potential conflicts



Issues and Opportunities Workshop,
Exeter, RI

- Take a map of the town or project site and circle problem areas and opportunities for revitalization or development.
- Note potential conflicts between uses, people, or things.
- Identify the key naysayers and explore why they might be against it.



A visual preference survey doesn't need to be anything more fancy than a series of photos. People can vote with dots to indicate which they like or dislike.

Describing community values and vision:

- Ask people to identify by name or on a map places they care about that should be protected or enhanced.
- Ask people to identify places or things they'd like to change or replace.
- Ask people what they'd like to see for this place in the future.
- Use visual preference surveys to gauge opinions on the relative importance of things to be protected, or the character of potential new development.
- Ask people to send in photographs of features they like or dislike.
- Develop a draft vision statement, map or diagram quickly so people have something to react to.

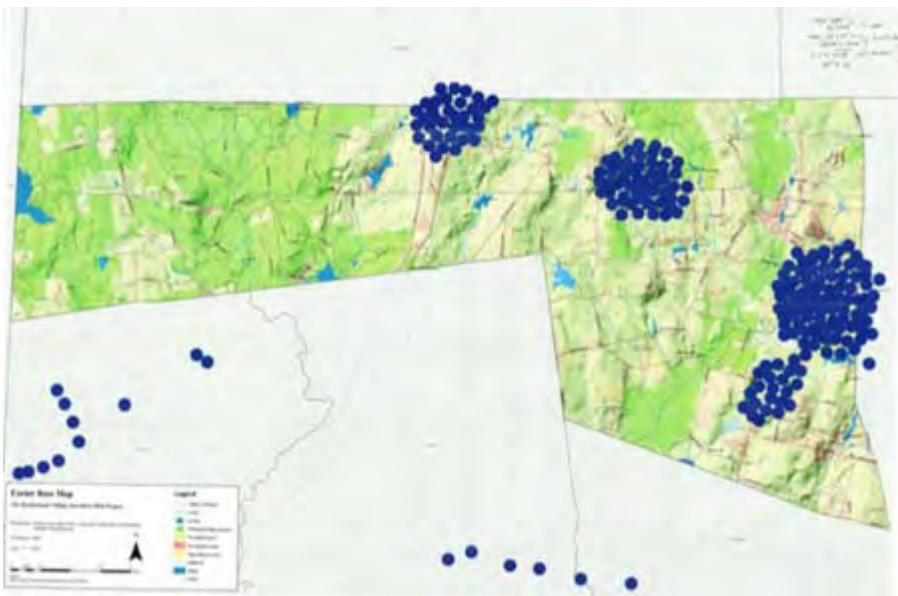
Shared fact-finding:

- Develop an on-line database of all previous reports, maps and other documents related to the project.
- Identify which facts are accepted and trusted, and which need more work.
- Seek agreement on which facts are most important for making good decisions.
- Involve the public in collecting additional information.
- Use free mapping tools from Google and Bing.



Google Maps “Street View”
Little Compton, RI

Exploring alternatives:



Workshop participants used dots to vote on preferred village sites in Exeter.

- Ask simple questions: What are possible solutions to specific needs or problems? Where should future development go? Are there many possible locations or just a few?
- Sketch out ideas on maps with markers, or have people use dots to identify preferred locations.
- Show photographs of similar projects.

Choosing a preferred alternative:



- Explore the feasibility, costs and benefits of different scenarios and share with participants.
- Evaluate which alternative best supports the values expressed by residents.
- Have people vote on their preferences with keypads or dot-polling at a public meeting, or on-line polling from home.
- Include key decision makers and stakeholders in the discussion.

Public Participation Tools

- Listening Workshop
- Visioning Workshop
- Design Charrette
- Game-Playing Exercises
- Visual Preference Survey
- Keypad Polling
- On-line Polling

Visioning Workshop



Design Charrette



Game-Playing Exercises

- Games are user-friendly.
- Games help people think outside the box.
- Games are less threatening.



Case Study: Exeter Growth Challenge Game



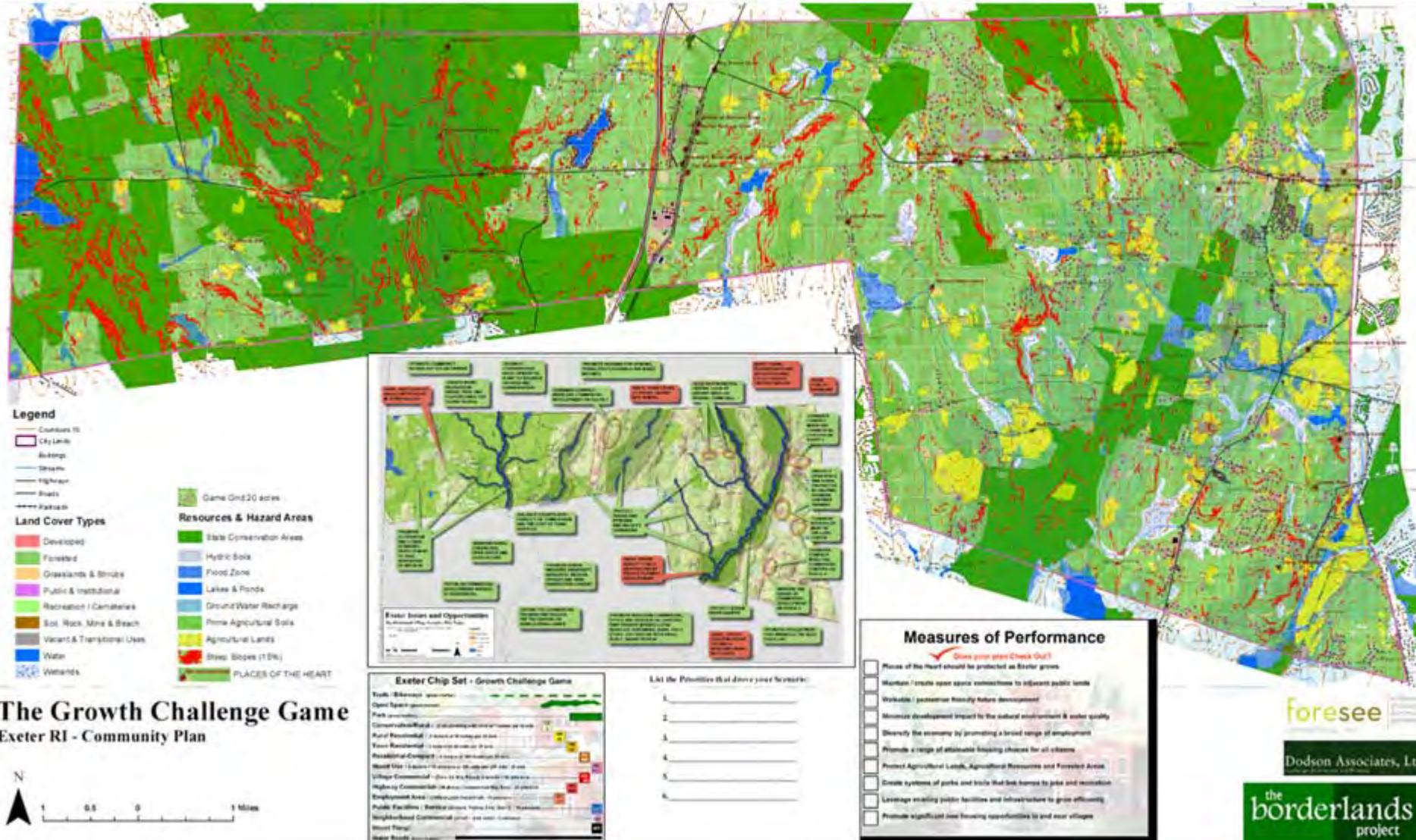
Playing with the question: “how could the growth we’re going to get anyway be reorganized to allow for development while protecting our rural character and natural resources?”

A Vision for Exeter

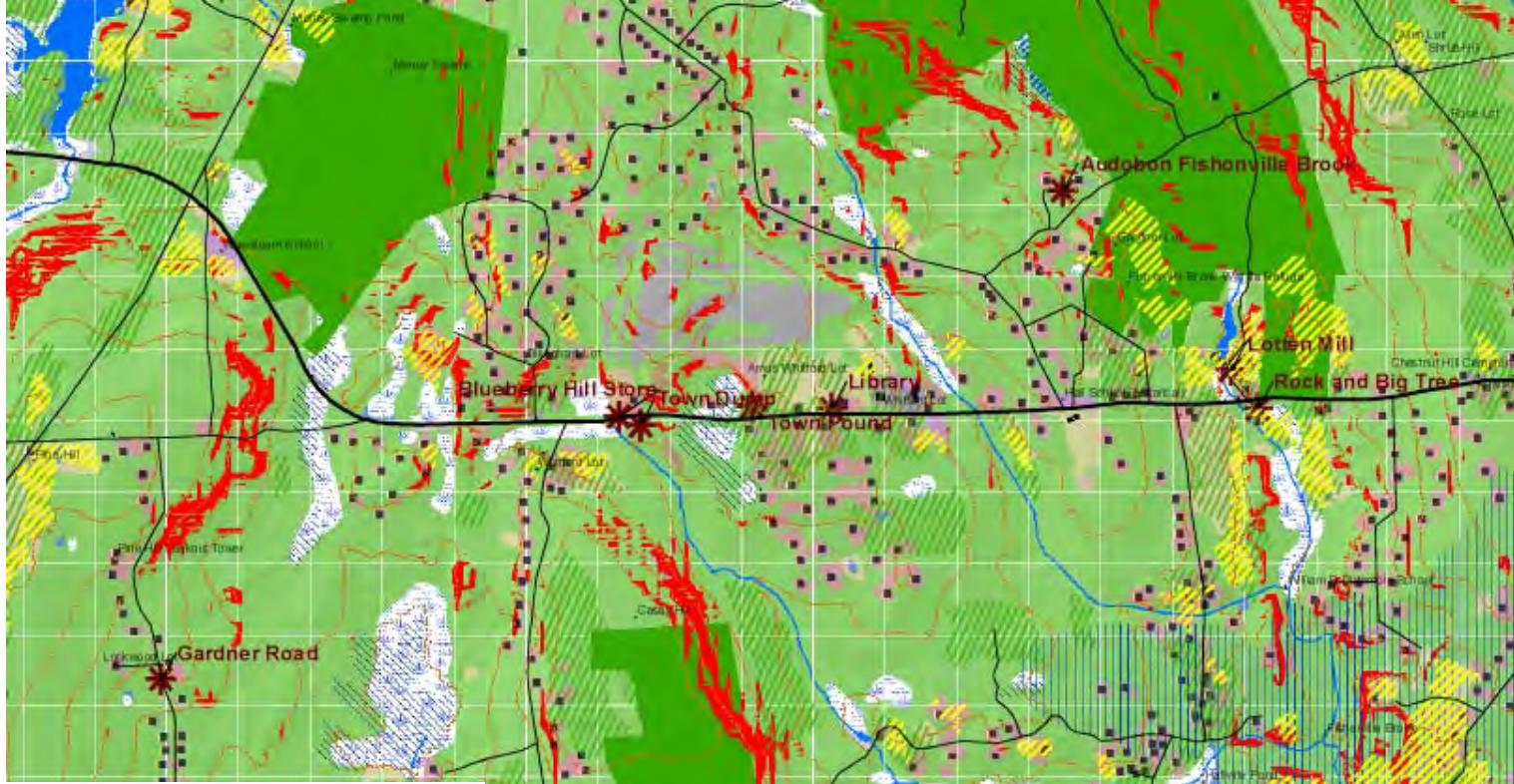


Do we need a village? Where is the best location?

Using GIS, the map of the town was transformed into a game board.





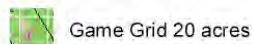


Legend

- Contours 10m
- City Limits
- Buildings
- Streams
- Highways
- Roads
- Railroads

Land Cover Types

- Developed
- Forested
- Grasslands & Shrubs
- Public & Institutional
- Recreation / Cemeteries
- Soil, Rock, Mine & Beach
- Vacant & Transitional Uses
- Water
- Wetlands

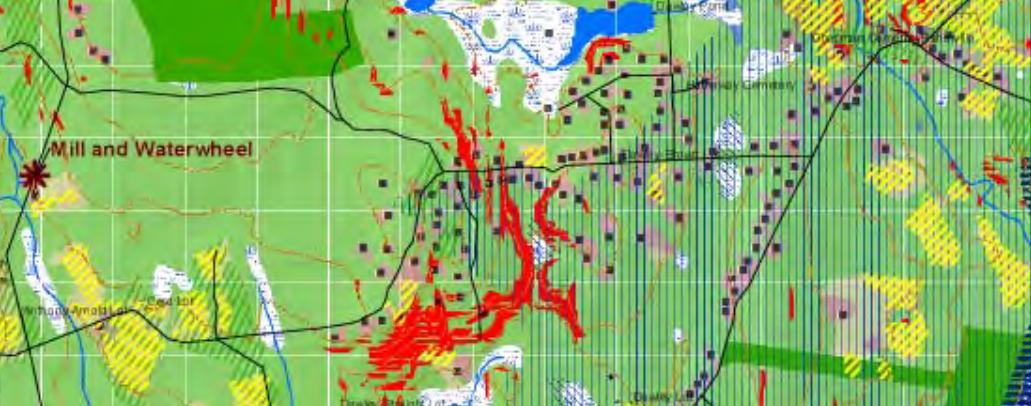


Game Grid 20 acres

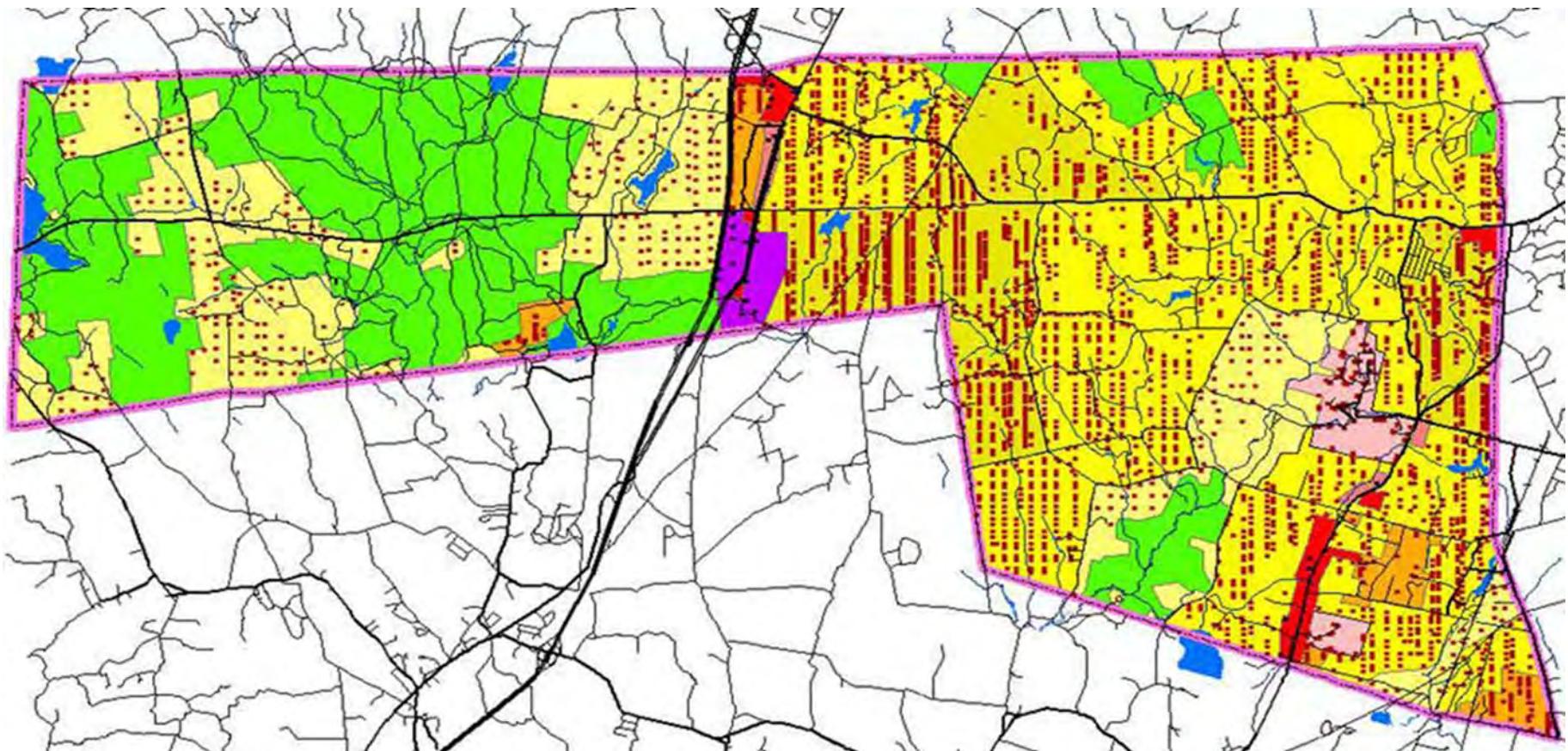
- State Conservation Areas / Open Space
- Hydric Soils
- Flood Zone
- Lakes & Ponds
- Ground Water Aquifer
- Ground Water Recharge Areas
- Prime Agricultural Soils
- Agricultural Lands
- Steep Slopes (15%)



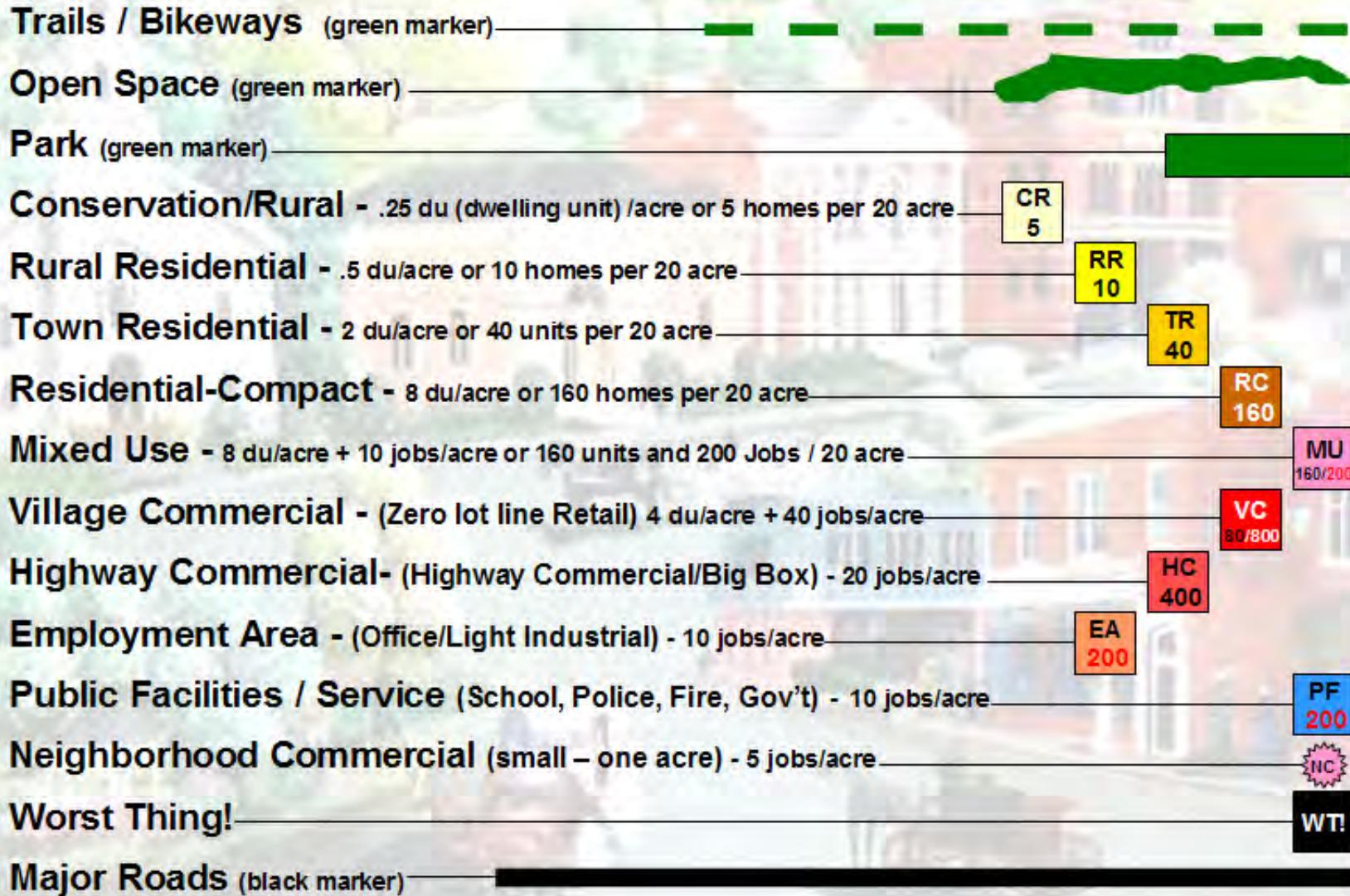
PLACES OF THE HEART

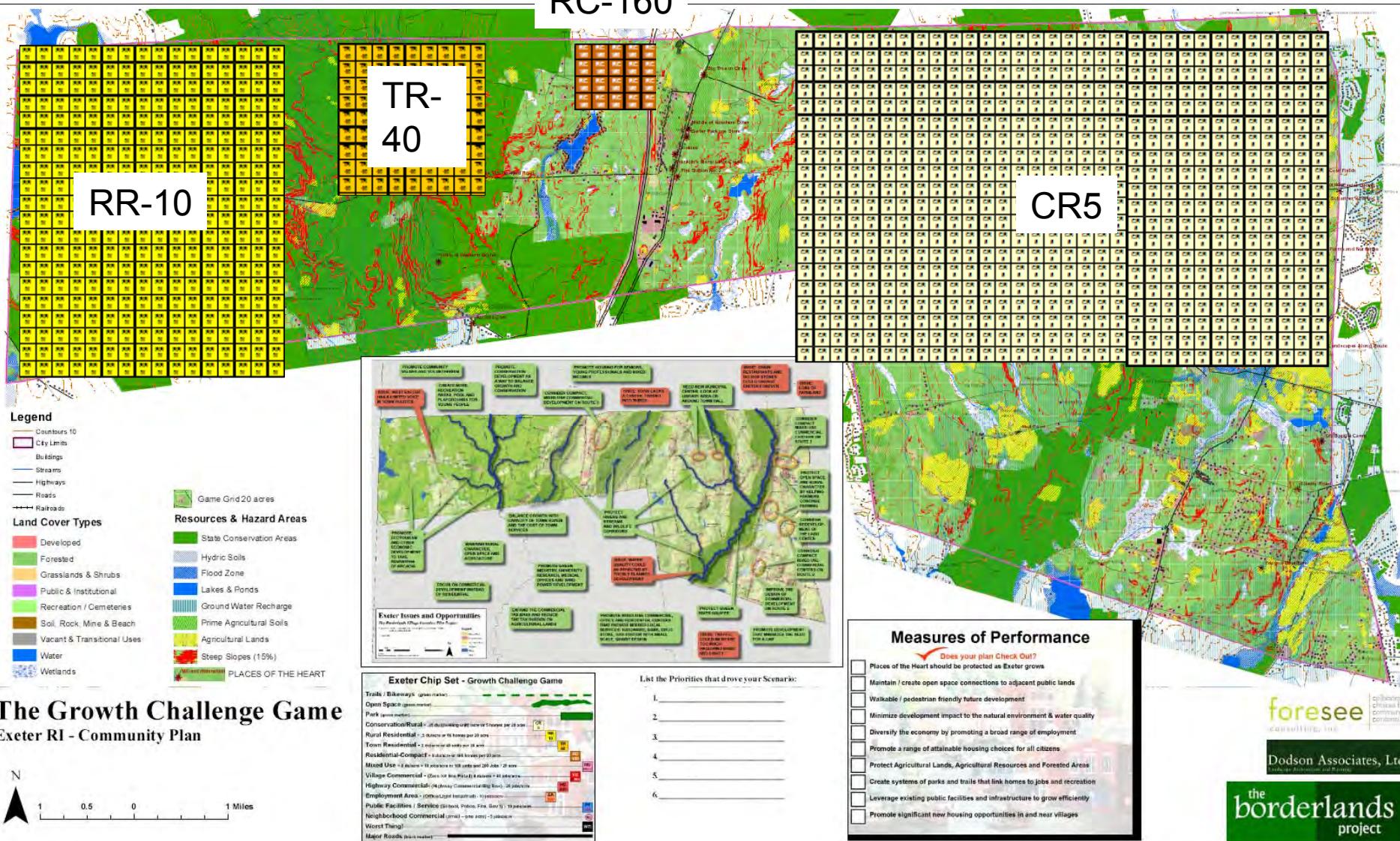


**Buildout Analysis predicts more than
3000 new homes, more than doubling
existing population.**

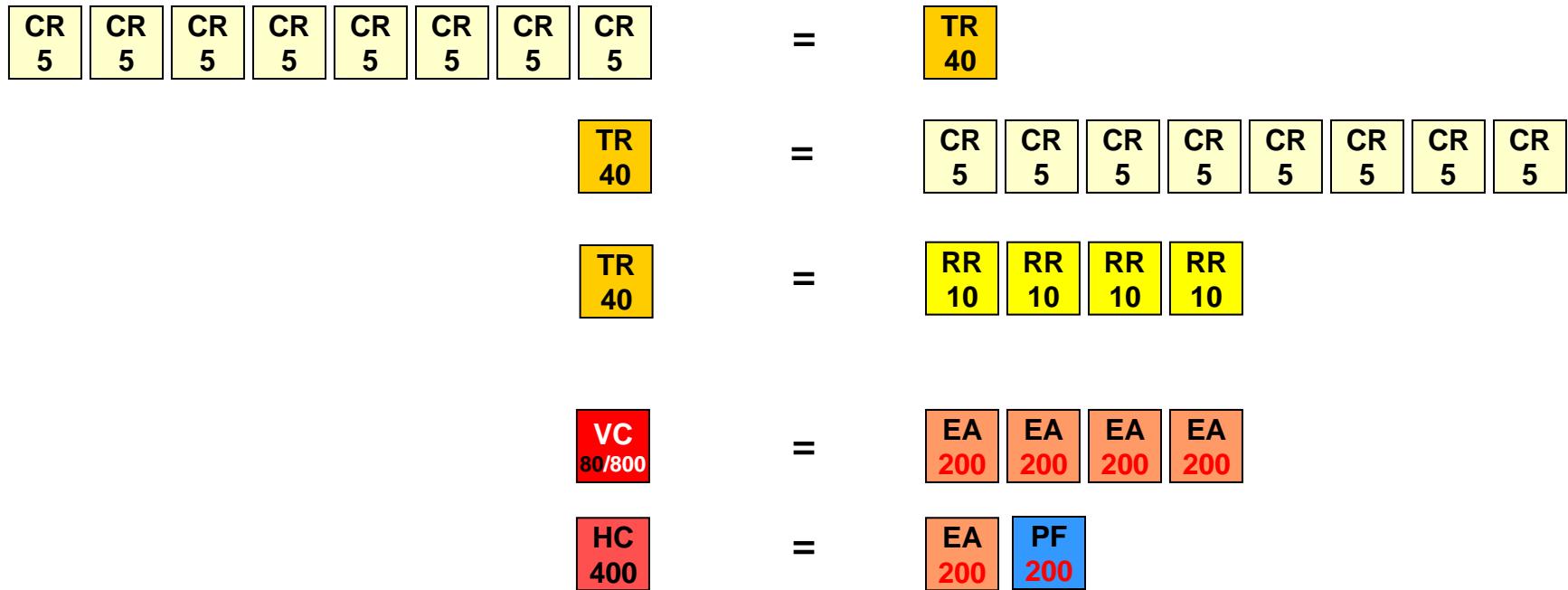


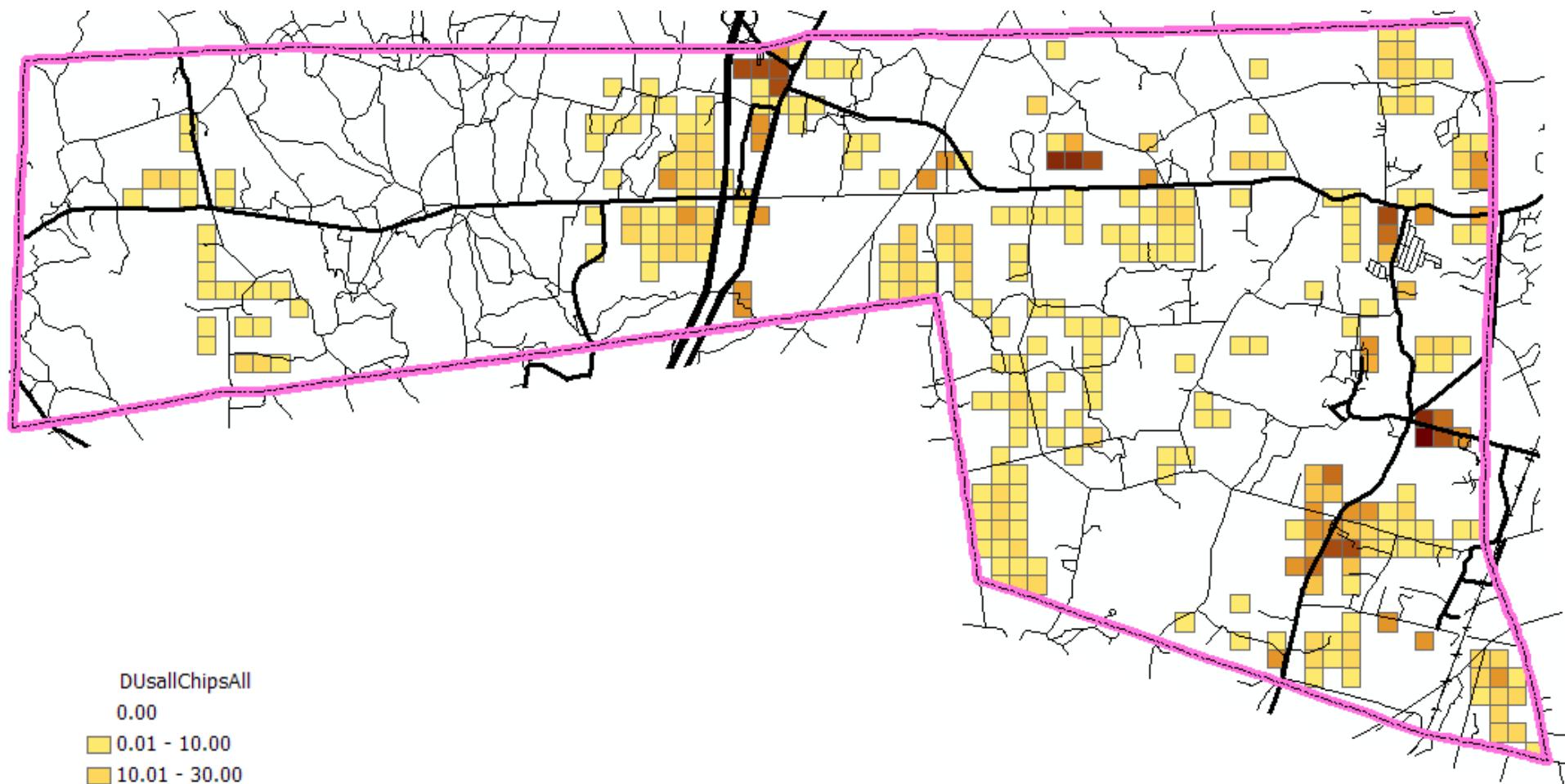
Exeter Chip Set - Growth Challenge Game





Swapping is Simple...



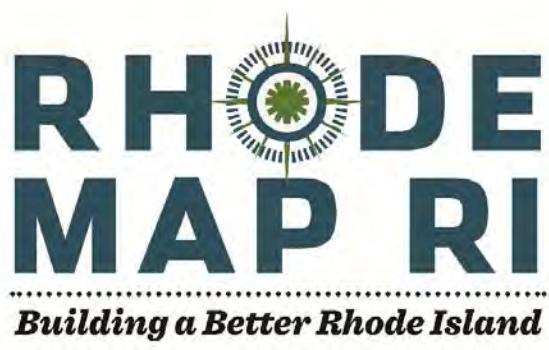


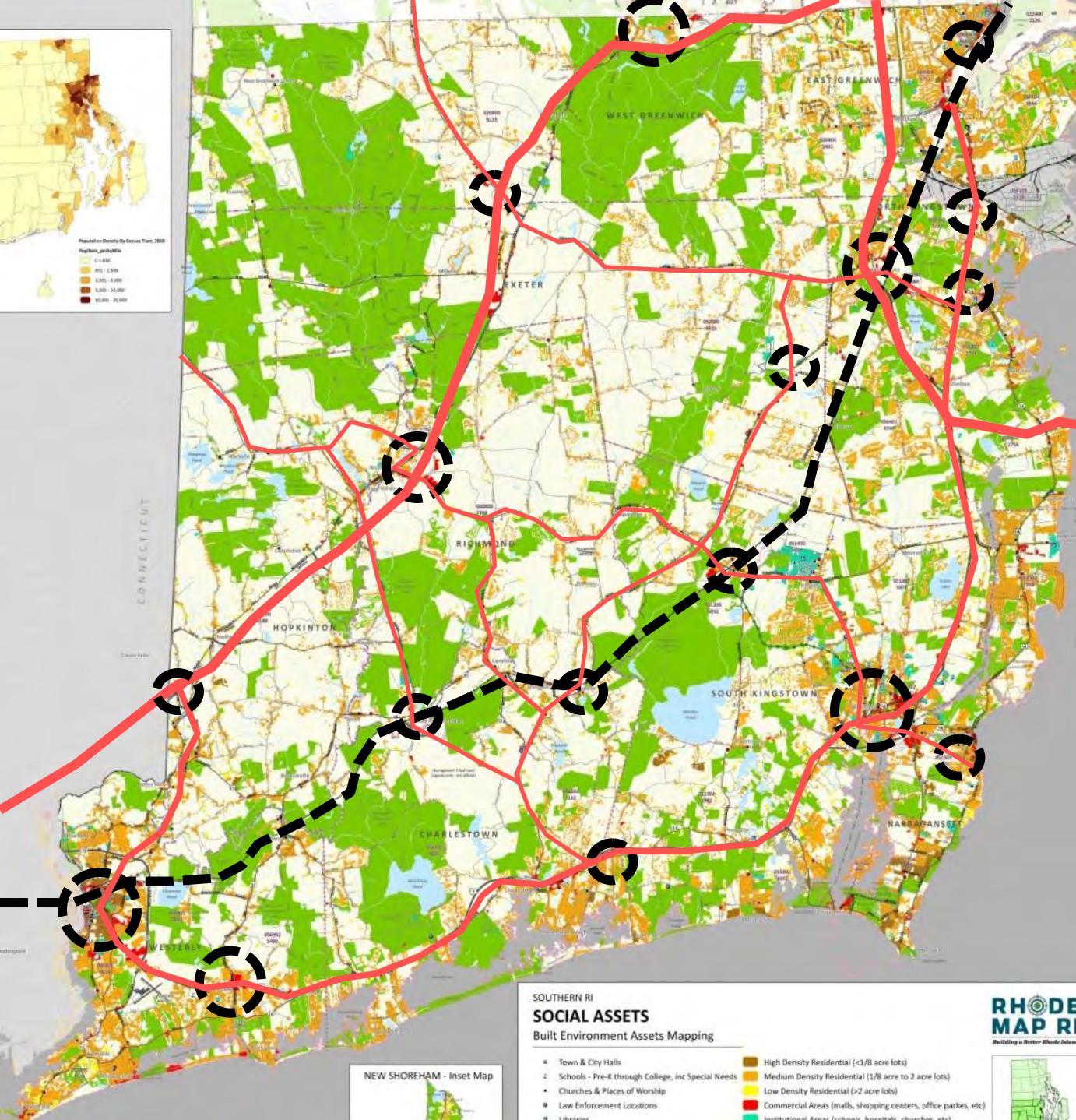
“Housing Hot Spots” identified by
compiling the results of all game boards

Preferred locations for future village development



GROWTH CENTERS GAME





Downtowns:
Regional
Services

Regional
Commercial
Districts

Regional
Road System

Local Road
System

Local Centers

DOWNTOWN



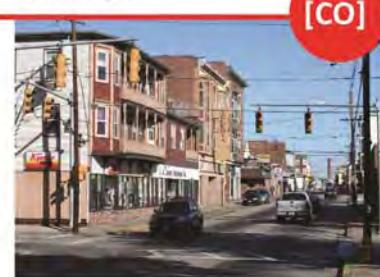
[DT]

NEIGHBORHOOD



[NE]

CORRIDOR



[CO]

MAIN STREET



[MS]

TRANSIT STATION DEVELOPMENT



[TS]

COMMERCIAL/MIXED-USE



[MU]

TRADITIONAL VILLAGE



[TV]

NEW VILLAGE



[NV]

Traditional villages are self-contained centers with a mix of residential, commercial and civic uses. Often laid out before the arrival of the automobile, they typically have small lots and buildings close to the street, connected by a network of shady sidewalks, parks and other community amenities.

HAMLET



[HA]

The hamlet is a cluster of homes, businesses or community uses surrounded by open space. They are often located at crossroads of local roads and serve the surrounding rural neighborhood or town.

SPECIAL ECONOMIC DISTRICT



[SD]

Special economic districts include ports and harbor facilities, college campuses, casinos and other uses. They typically are located to take advantage of a unique location on the waterfront, at a junction of regional highways or in an isolated campus setting.

OFFICE/INDUSTRIAL PARK

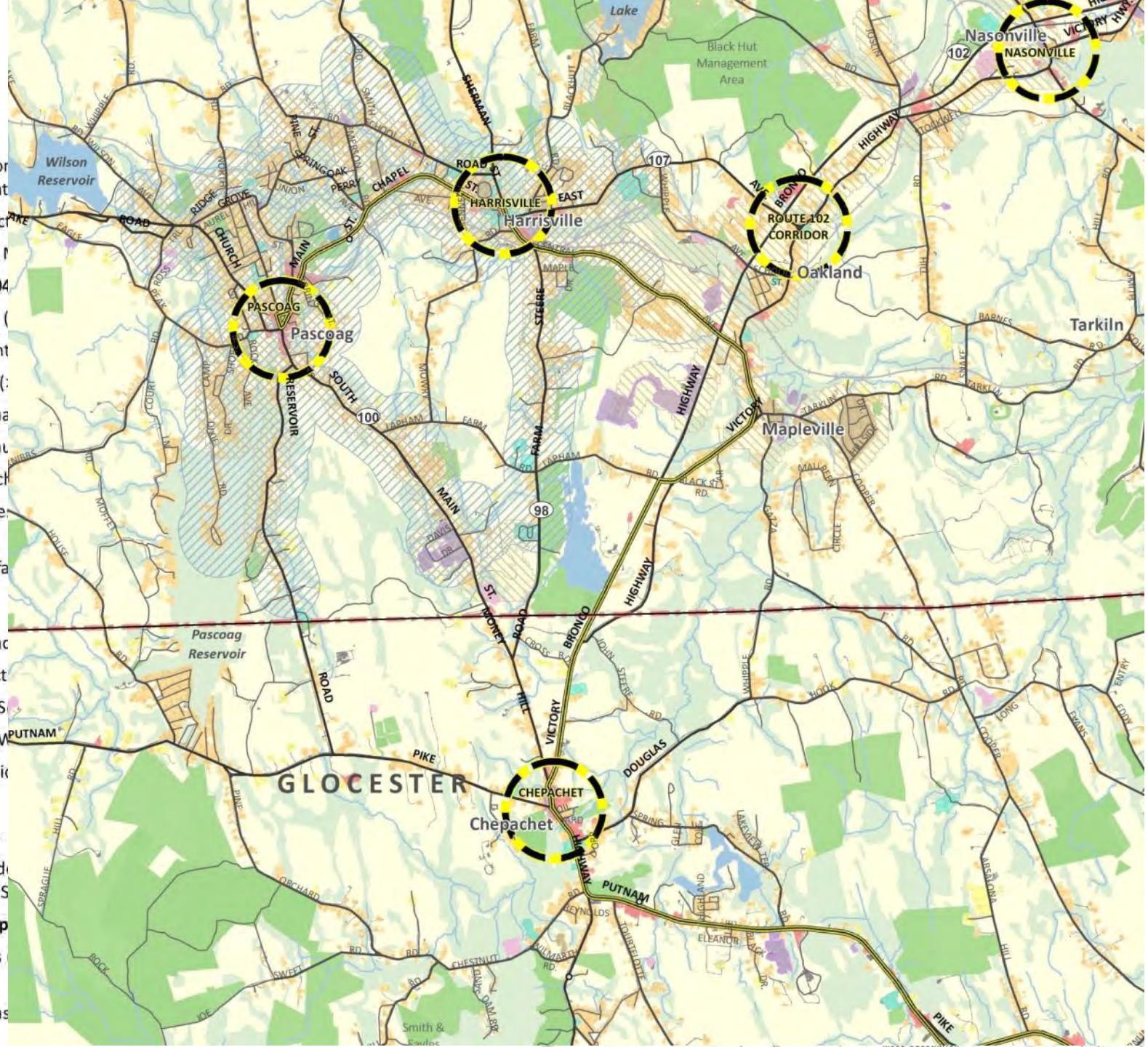


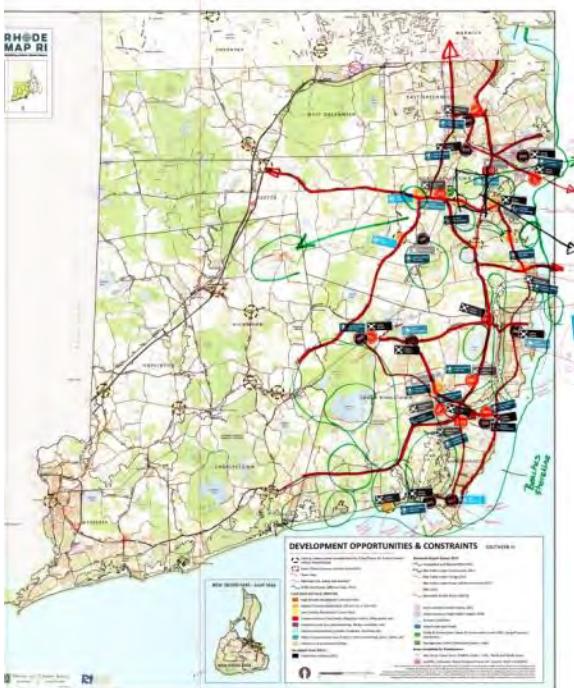
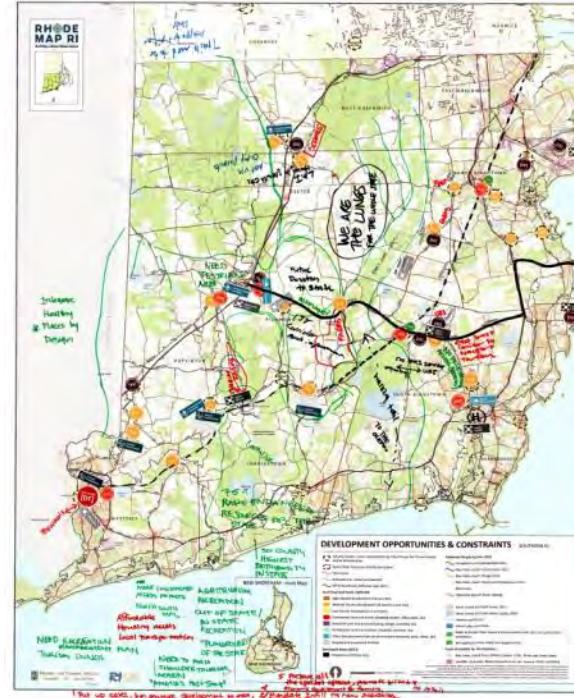
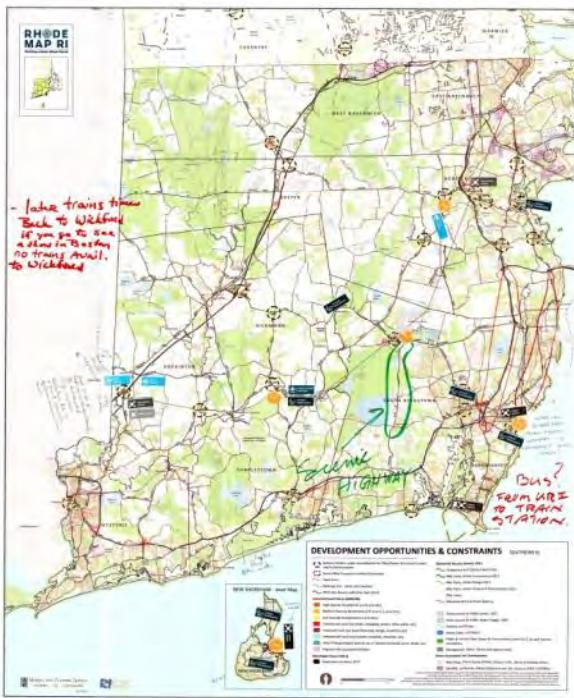
[OI]

The office or industrial park provides for business uses that do not easily fit into a village, town or city center. Typically this includes a need for large structures, parking lots and storage areas, as well as good access to regional highways.

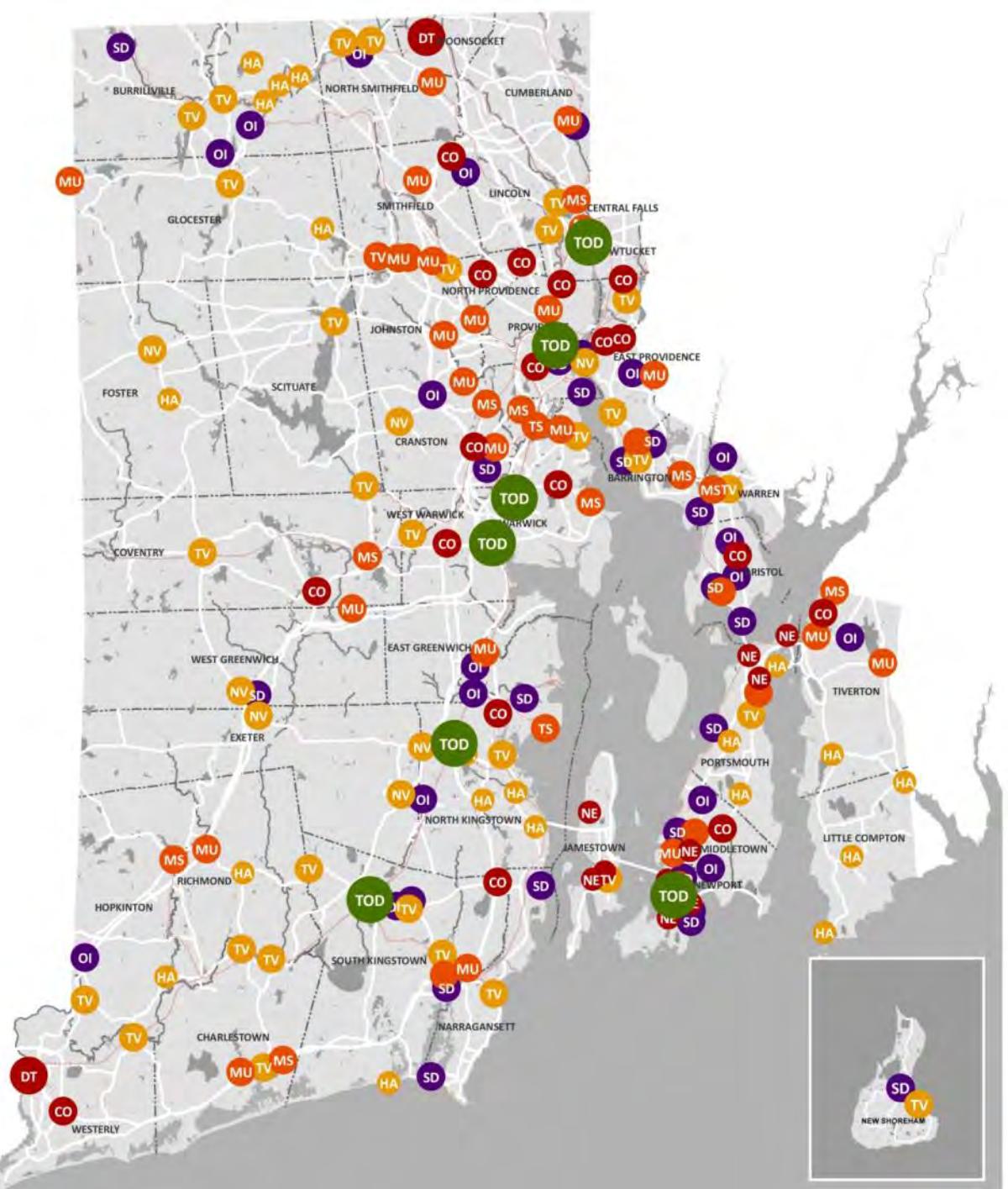


The Game Board









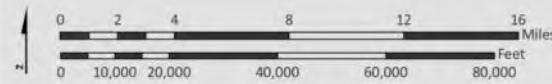
GROWTH CENTERS GAME

State of Rhode Island

Prepared by Dodson & Flinker
December 6, 2013

CENTER TYPES + TOD

- TOD: Transit Oriented Development**
 - Railroad
 - Major Roads
 - Lakes & Pond
 - Town Boundary
 - Major Rivers
 - DT: Downtown**
 - NE: Neighborhood**
 - CO: Corridor**
 - MS: Main Street**
 - MU: Mixed Use**
 - TS: Transit Station**
 - HA: Hamlet**
 - NV: New Village**
 - TV: Traditional Village**
 - OI: Office/Industrial Park**
 - SD: Special Economic District**



Planning for villages starts with planning for conservation



Existing Conditions

Rivers and Streams

Core Natural Systems

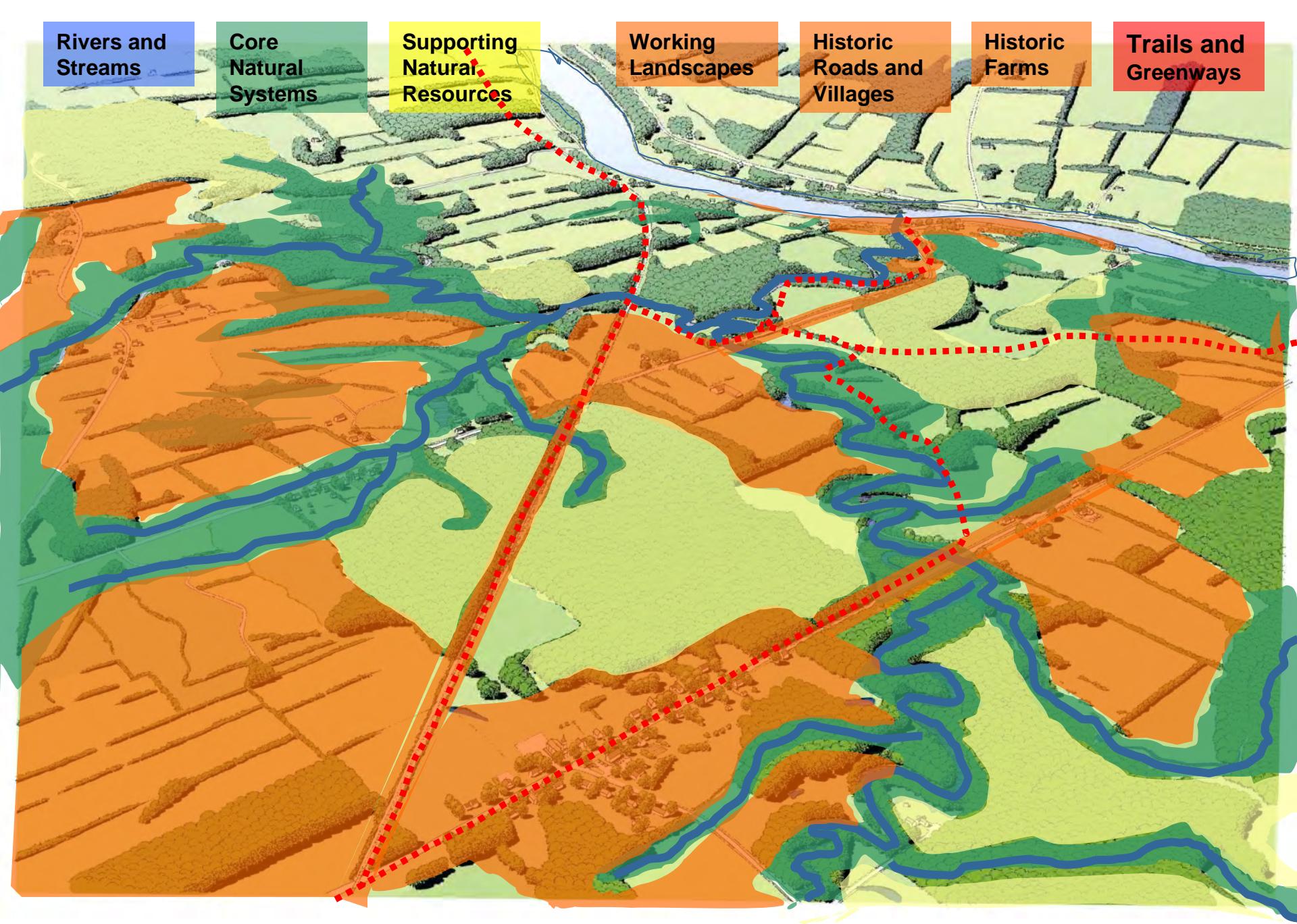
Supporting Natural Resources

Working Landscapes

Historic Roads and Villages

Historic Farms

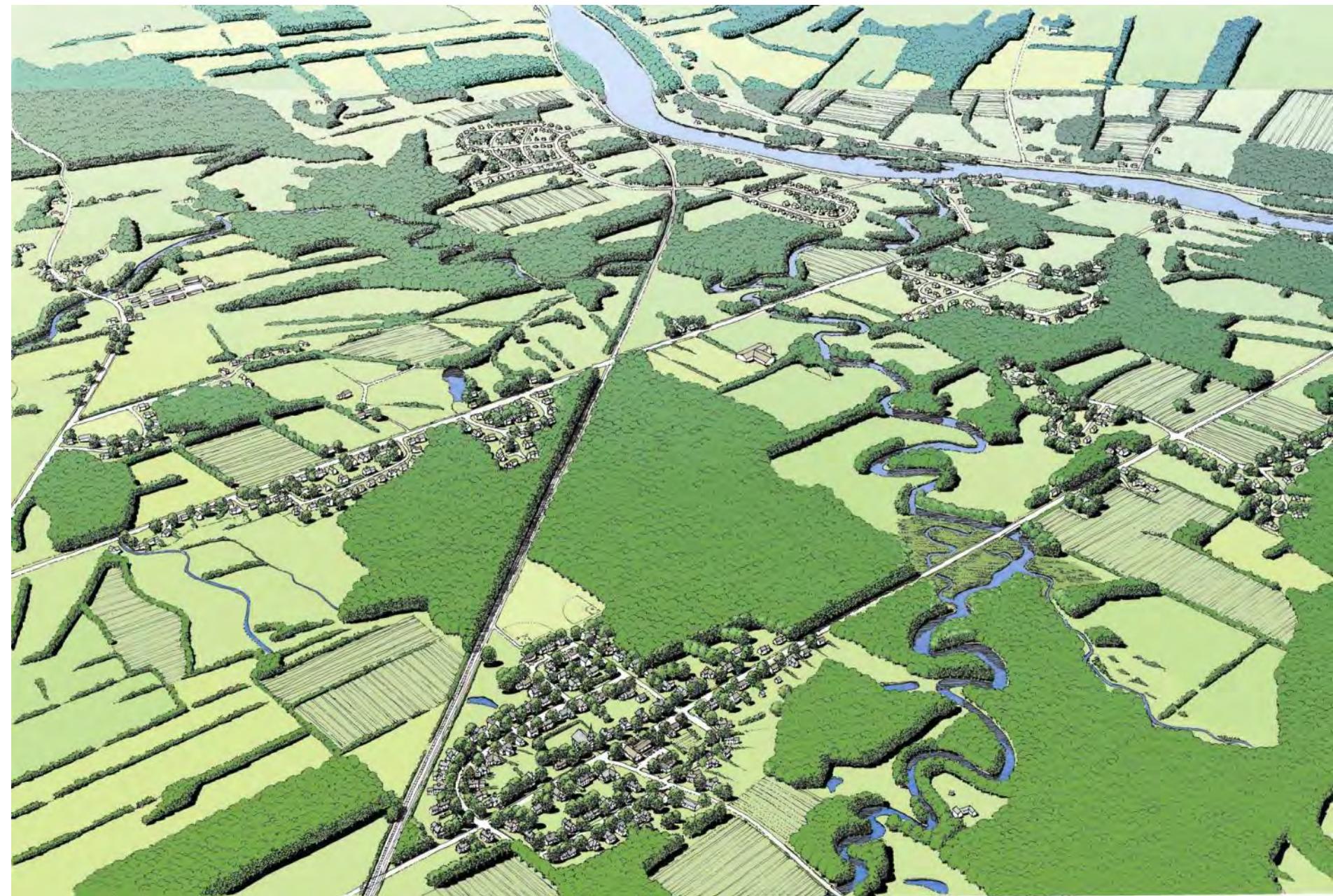
Trails and Greenways



Natural and Cultural Ecosystems



Conventional Large-Lot Development



Conservation Development

Rivers and Streams

Core Natural Systems

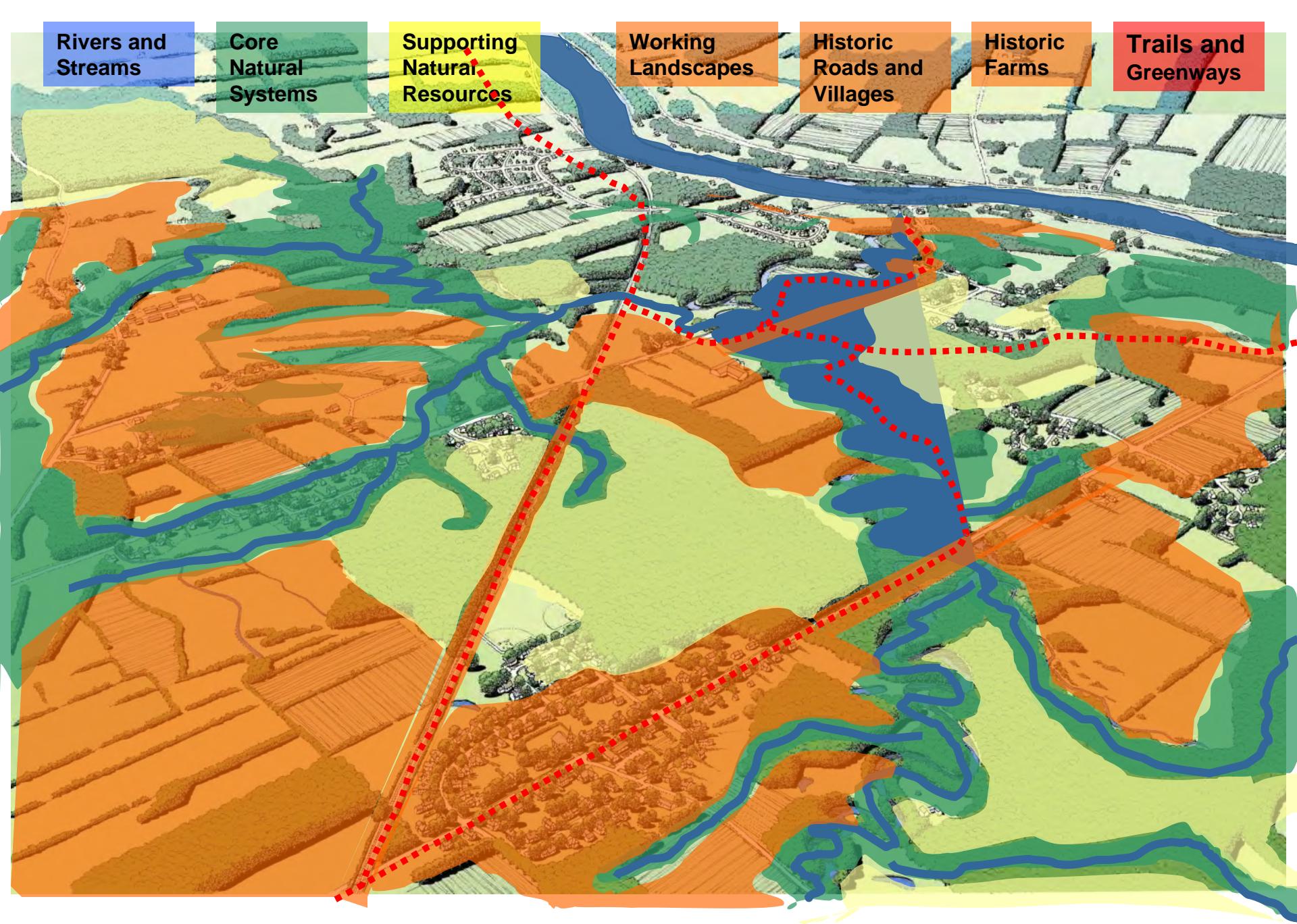
Supporting Natural Resources

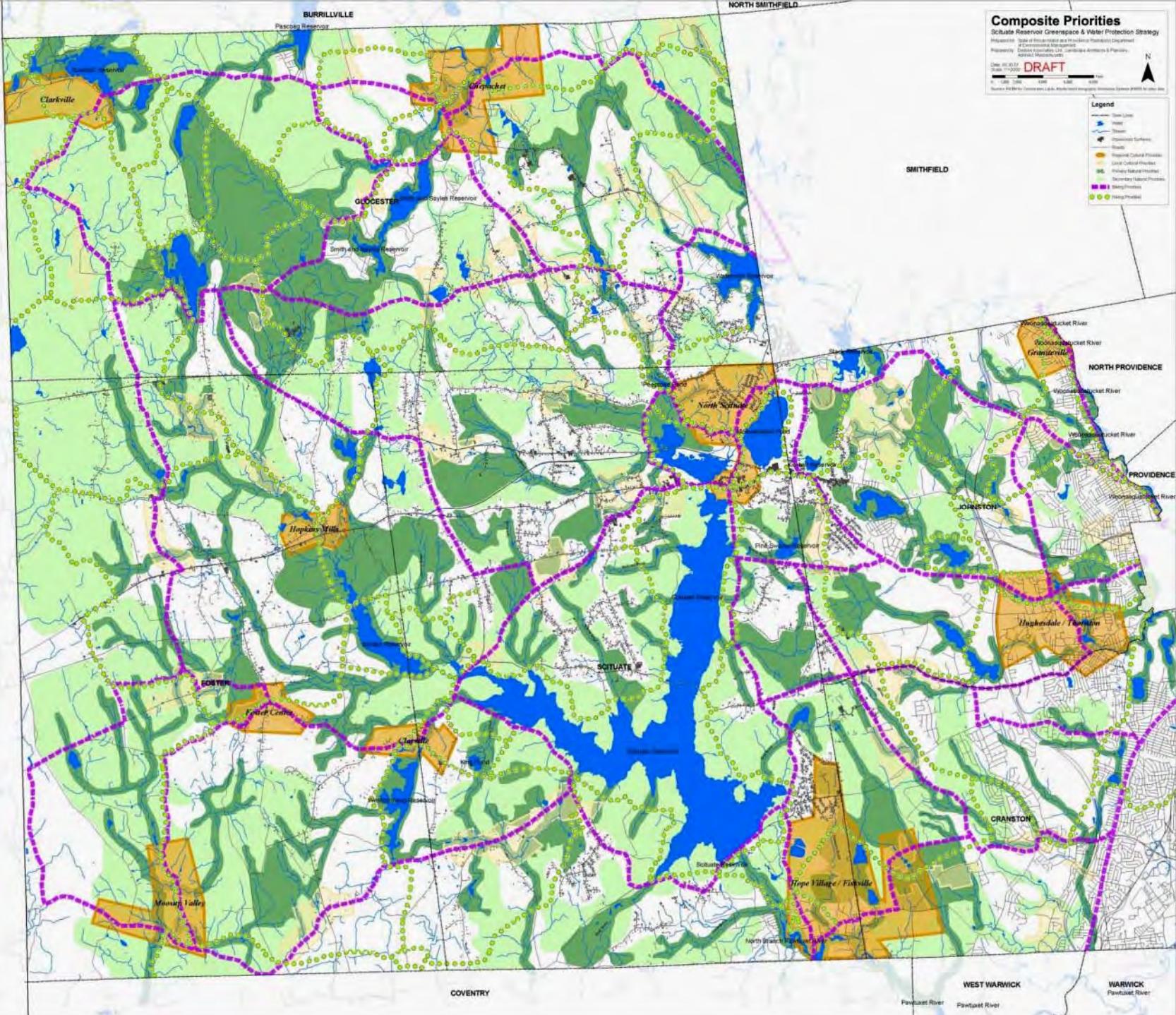
Working Landscapes

Historic Roads and Villages

Historic Farms

Trails and Greenways





Designing the Village



Design Principles:

Create a consistent overall theme or character





Great places balance a diversity of forms, uses and experiences within a unified composition.





Microsoft
Virtual Earth™

Microsoft Corporation © 2007
CARTOGRAPHY © 2007 Microsoft Corporation



Baxter Village

NEIGHBORHOODS

Baxter neighborhoods are designed in the tradition of Upcountry towns and villages. Each street has a variety of house types including attached houses, small cottages and larger single family houses. Parking is on-street and sidewalks lead to the trail systems and neighborhood parks.



A VIEW OF BAXTER SQUARE



TYPICAL BAXTER NEIGHBORHOOD STREETS





Masterplans, Design Guidelines and Form-based Codes can help .

Simsbury Center Code Simsbury Connecticut



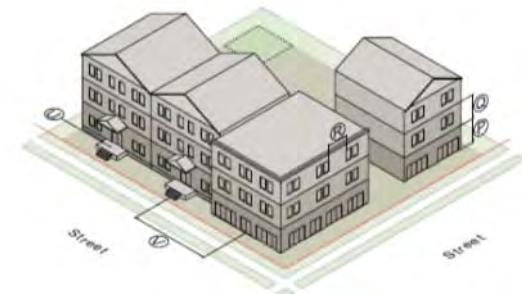
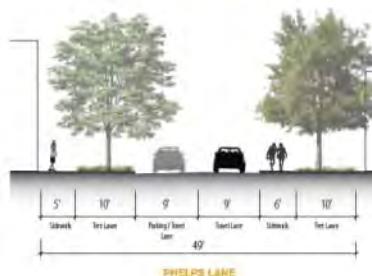
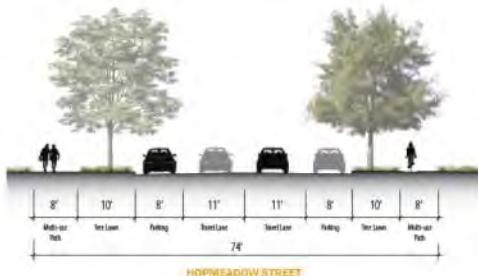
SEC. 5.2 EXISTING STREETS

5.2.1 Applicability

- A. Guidelines for the reconfiguration of existing street are included in this Code and are critical to enhanced pedestrian and bike circulation throughout the Simsbury Center.
- B. At the time of development approval, the Zoning Commission may require compliance with the applicable street specifications.
- C. Sidewalks and planting areas may be constructed on private property, provided that an easement guaranteeing the right of public passage is dedicated to the Town, as determined by the Zoning Commission.

5.2.2 Existing Street Configuration Guidelines

- A. The following specifications illustrate possible configurations for the reconstruction of existing streets.
- B. The configurations serve as guide, the Town Engineer or ConnDOT, as applicable, will adjust the dimensional components as necessary at the time of development approval.



2.6.4 Street Activation

Transparency

(P) Ground story (min/max)	20% / 70%
Residential	40%
Commercial	90%
(Q) Upper story (min/max)	20% / 70%

Blank wall area (max)

30'

Facade Articulation

(S) Front wall length without offset (max)	n/a
(T) Front wall offset length & depth (min)	n/a

Building Entrances

(U) Street facing entrance	Required
(V) Entrance spacing (max)	75'

Allowed Building Element Summary*

Public	Gallery, awning
Semi-Public	Porch, stoop, balcony

*See Sec. 2.11 for specific building element requirements

Build the design around the shared space of the public realm.



Design to fit the context and make a connection to the landscape



Agricultural Village: Little Compton



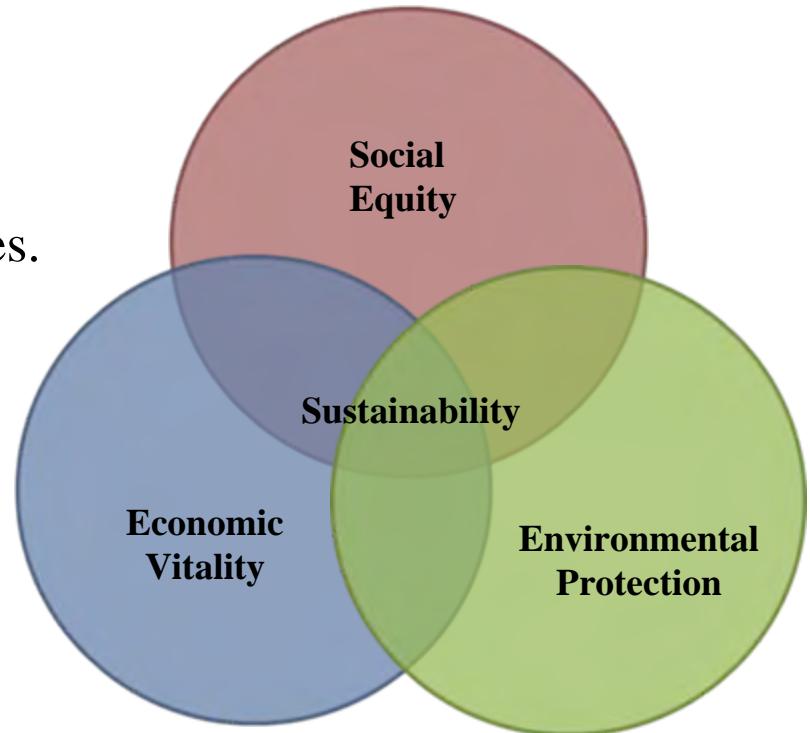
Mill Village: Peacedale



Harbor Village: Wickford

Promote Sustainability

- Site suitability: avoid sensitive resources, constraints and hazards.
- Mix of commercial, residential and civic uses.
- Diverse Transportation Choices
- Diverse Housing Choices to meet range of needs over time.
- Energy efficient design
- Energy-efficient materials and techniques
- Environmental Performance Standards : LEED-ND



Design of Streets

Circulation and Parking

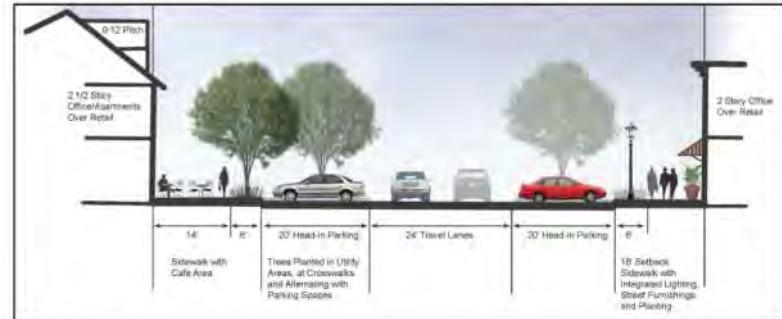
Streets, driveways, alleys, and other rights of way (ROWS) shall be designed to accommodate the proposed uses and density, provide efficient circulation of automobiles, and provide for safe and continuous access for pedestrians and bicyclists. Cul-de-sacs and dead end streets shall be avoided to the maximum extent practicable in favor of streets that have multiple connection points to other streets, providing multiple access and egress points.

The proposed circulation plan for the village should be developed as a functional system with a hierarchy of street types appropriate to each area. Streets in the commercial core should be designed to accommodate planned levels of traffic, and will have parking on both sides serving street-front businesses as well as providing visitor parking for nearby apartments. Secondary streets will have a narrower paved width, with parking on one side. Alleys will be just 16 feet wide to provide access to garages at the rear of lots. In the diagram shown below, each street in the model village is color coded to indicate its designated street type.



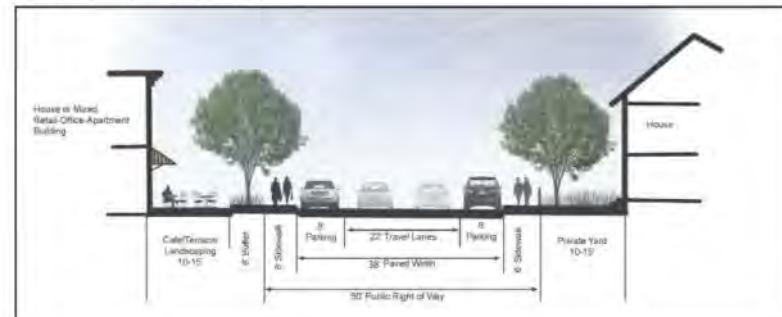
Proposed Circulation Diagram

- Commercial Street
- Primary Village Street
- Secondary Village Street
- Alley



Commercial Street

The Commercial Street should provide for a balance of vehicular and pedestrian uses designed to create a functional and attractive streetscape. Diagonal head-in parking provides for convenient short-term parking in front of shops and restaurants, while slowing down traffic. It also creates a 20' buffer between the travel lanes and the sidewalk, making the sidewalk quieter and more comfortable. Broad sidewalks and plaza areas provide room for comfortable walking and outdoor sitting areas. A six foot wide landscape strip provides for pedestrian access from parked cars to the sidewalk, interrupted as appropriate by street trees, light posts and accent landscaping. At cross walks parking spaces are replaced by landscaped bump-outs, providing for additional tree plantings that reduce the visual impact of the parked cars.



Primary Village Street

The commercial street fits vehicular lanes, parallel parking and sidewalks into a 50-foot right-of-way. If needed, parking can be limited to one side and replaced with two 4-foot bike lanes. Yard spaces can serve as needed for the adjacent uses; set off with fences or hedges to create a private yard for a residence, or paved to create access to a store front or cafe terrace. In any case a tree strip should be maintained between the sidewalk and private yard spaces.

A street hierarchy provides for access and parking while keeping the village pedestrian-friendly.



Complete Street in Hamburg, NY (Dan Burden)



Existing Conditions



Proposed



Proposed



Existing Street



Complete Street – with Turning Lane

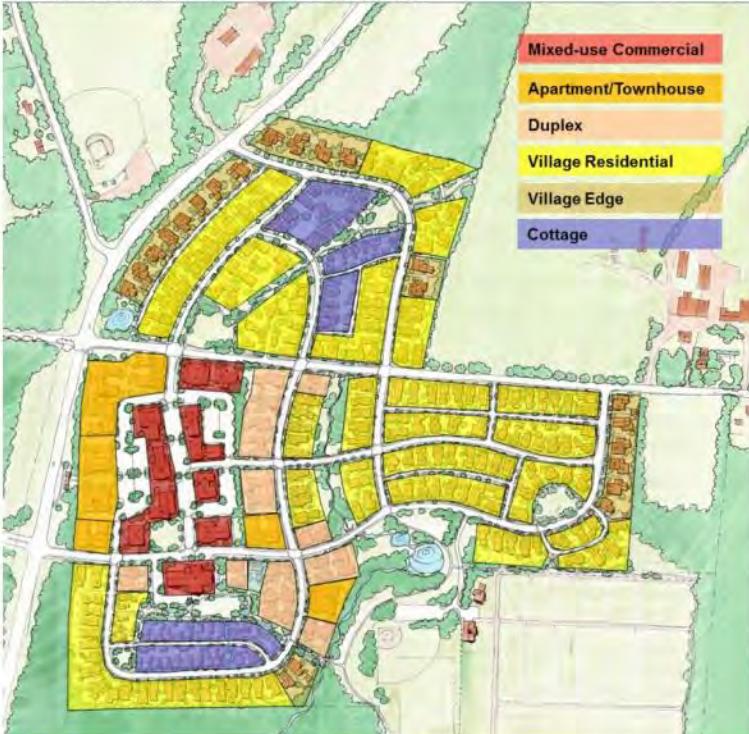


Complete Street – with Bike Lane

Documenting the Village Plan

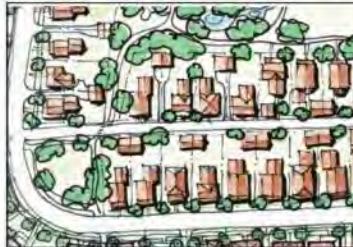
Village Lot and Building Types

Plan of Lot Types. While the detailed design of buildings can vary within the parameters shown on the following pages, each building type should be limited to a standard building lot. The dimensions and setbacks determined for each lot type should be designed to balance the efficient use of land while providing enough room on a lot to support good design for the type of homes planned for that lot type. Careful distribution and arrangement of different lot types throughout the village also ensures that a minimal level of social, economic and architectural diversity is maintained. For higher density uses such as cottages, multi-family and mixed-use commercial, lots may be consolidated to provide for condominium ownership.



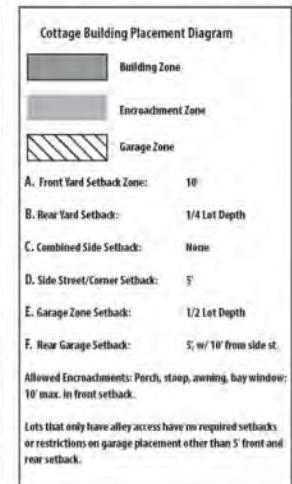
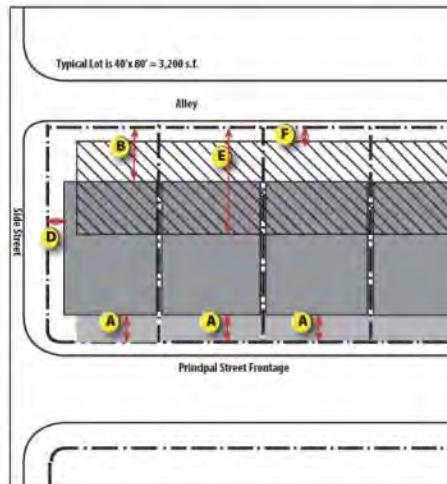
Cottage: Lot and Building Types.

Cottage lots are designed to foster construction of small houses in compact neighborhoods that rival the densities achieved by more conventional townhouses or apartment buildings. House sizes might range from 750 s.f. to 1,500 s.f..



Cottage Conceptual Plan

The cottages make up distinct neighborhoods within the overall village masterplan. They can repeat the pattern of small lots with rear alley access (left) or be arranged as pedestrian-only clusters where all the parking is gathered into a single parking lot (right). In the latter case, the land would likely be held in common ownership, while the houses would be owned as individual condominiums. Each unit can be entirely free-standing, or can share a wall with one or two other units. The result is that most of the land can be given over to shared park spaces, landscaped paths, and small private gardens. To provide additional flexibility in lot layout, lots can take their principal frontage from an alley, with the principal facade flipped to face an interior park or other open space. In that case garages may be placed in the 'front yard.'



Village Residential: Lot Types.

Village Residential lots average 50 feet by 100 feet, or about 1/8 acre, providing enough room for a large single-family house within an efficient footprint. They are the most common type of lot outside of the village center. To make the most of the depth of the lot, garages are kept in the rear and accesses either from a shared driveway or rear alley.

Village Residential Conceptual Plan

Homes in the Village Residential Zone have a formal relationship to the principal street frontage, which has continuous sidewalks and street tree plantings. The appearance of front yards, as well as pedestrian safety, is enhanced by limiting curb cuts through the use of alleys and shared driveways. This also allows the houses to be wider while maintaining some planted buffers between them.



Village Residential: Building Types.

Appropriate building types for the Village Residential Zone make the most of the relatively narrow lots with a principal wing facing the street and a series of secondary masses projecting to the rear. Most will be 1-1/2 to 2-1/2 stories, with details and rooflines appropriate to a range of traditional New England styles.



South Village, South Burlington, VT



Warwick Grove, NY



Reagan Purcell Architects



Olde Village Square, Medfield, Mass.



Donovan's Farm, Norwell, Mass.



Baxter Village, SC



Warwick Grove, NY



Reagan Purcell Architects



Warwick Grove, NY



Baxter Village, SC

Case Studies from Outside the Region

Revitalization of Existing Villages



Weatherstone,
Chester County,
PA



Cherry Hill,
Canton, MI



White River
Junction, VT

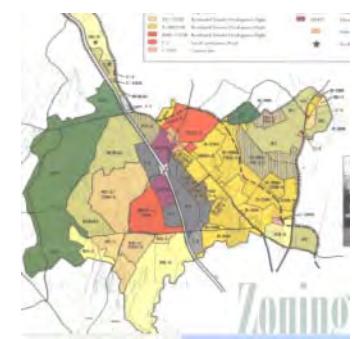
Development of New Villages



Old York Village
Chesterfield Twp,
NJ



Middle Green Valley
Specific Plan,
Solano County, CA



Clarksburg,
Montgomery County, MD

Weatherstone, Ludwigs Corner Chester County, PA

Location: Ludwigs Corner, West Vincent Township, Chester County, PA.

Area of Project Site: 300 Acres, including 195 acres in permanent conservation.

Village Type: Expansion of existing crossroads hamlet.

Residential units: 197 single family homes and 76 townhouses.

Other uses: 240,000 square feet of commercial is permitted but not yet built. A new county branch library has been completed at the entrance to the project.

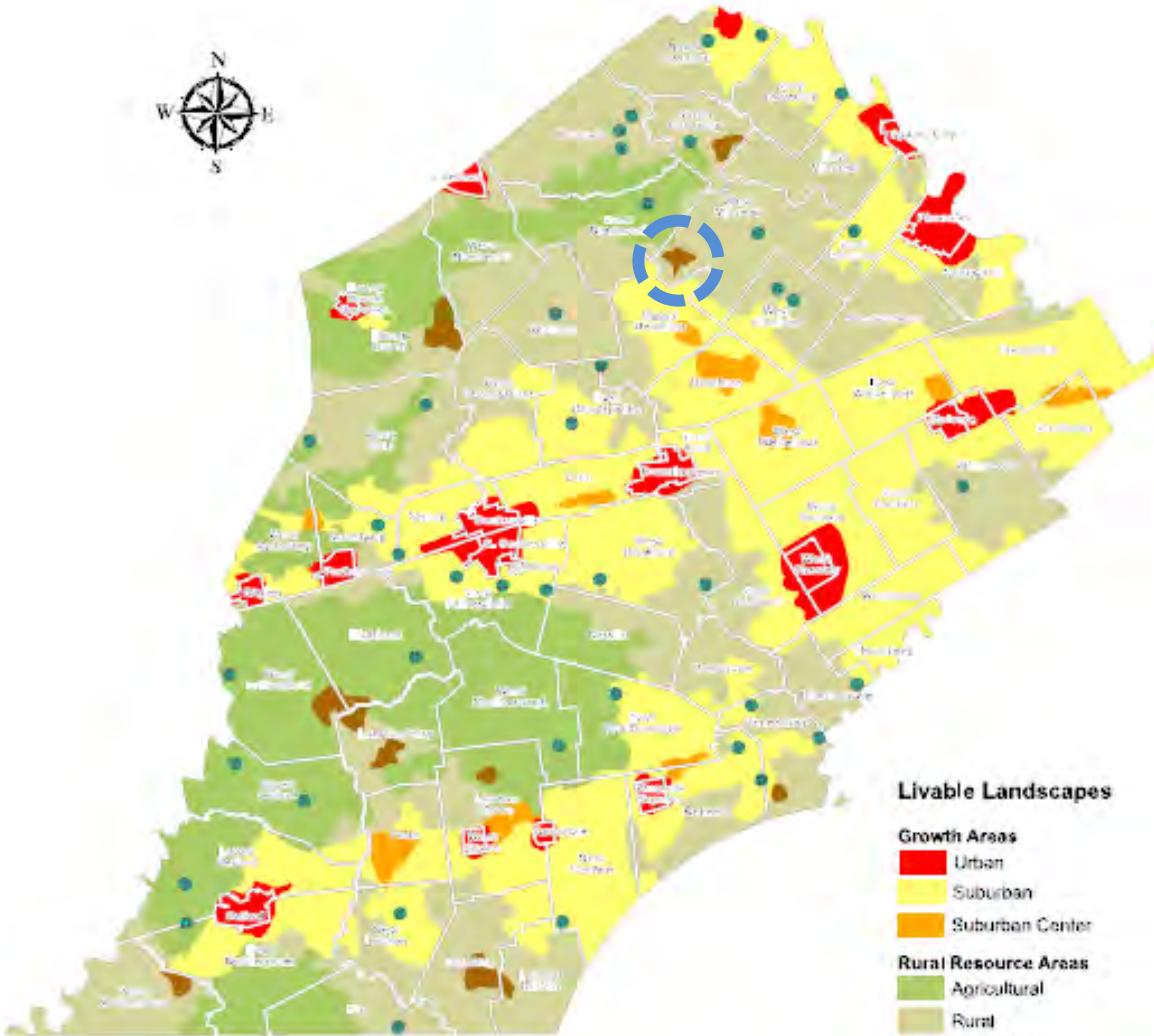
Project Team: The Hankin Group, Exton, PA

Timeline: 2000 - Present





Livable Landscapes



Landscapes2

Our Growth & Preservation Plan
CHESTER COUNTY | PENNSYLVANIA



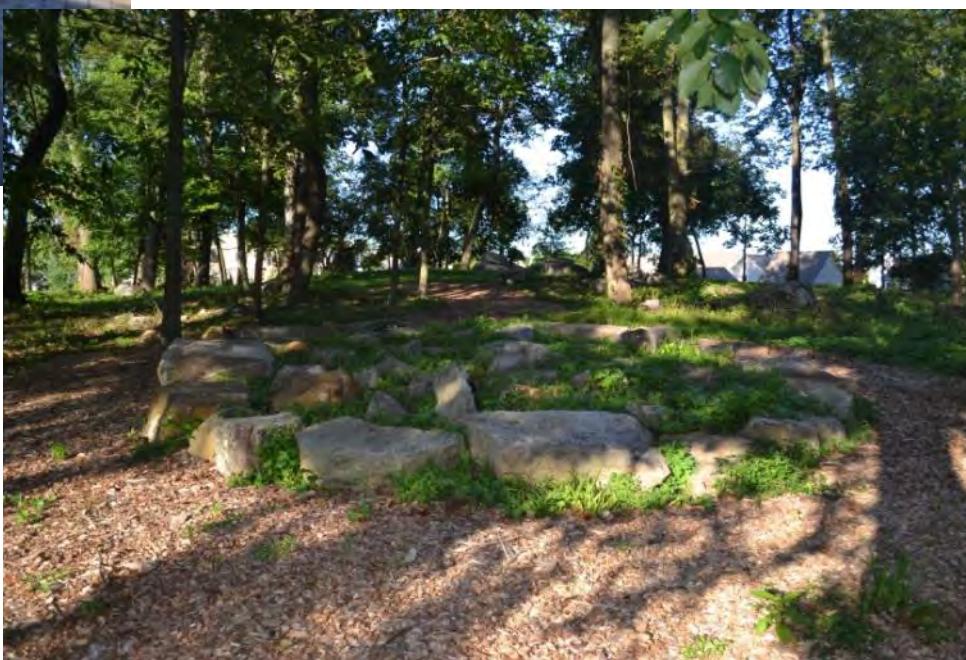




Existing Conditions Conservation Assessment



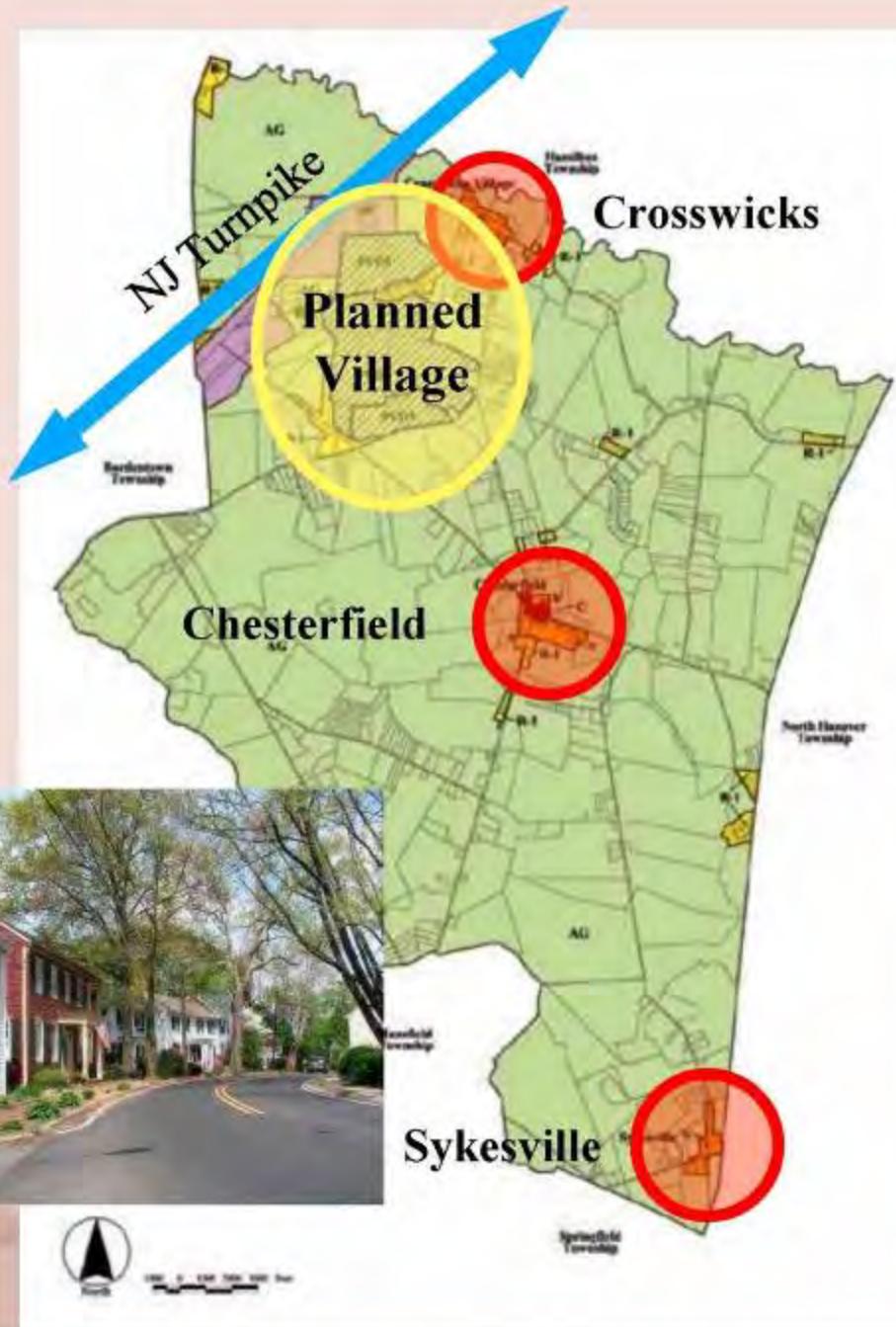
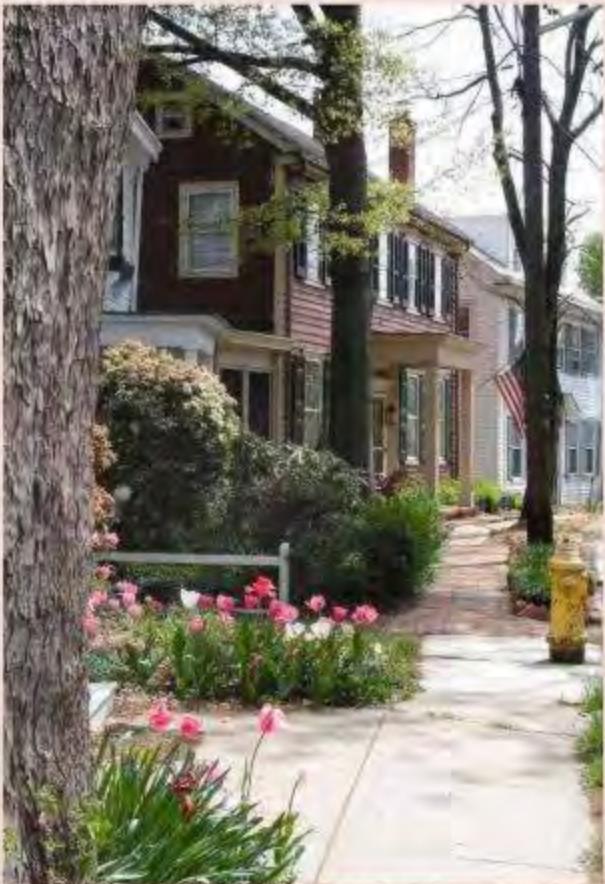
Development Plan







Old York Village, Chesterfield Township, NJ



Preserved Lands

PDR Preserved: 4,670 acres

TDR Preserved: 2,142 acres

TDR Contracts: ~ 600 acres

TOTAL to date: 7,412 acres

755.75 credits enrolled or under contract (53.7% of allocated credits)



Transfer of Development Rights

Current Status

Chesterfield Township
Burlington County, NJ



Village Plan for Receiving Area



Single-Family



Three-Family



Mixed-Use



Civic / Institutional



Recreation



Open Space





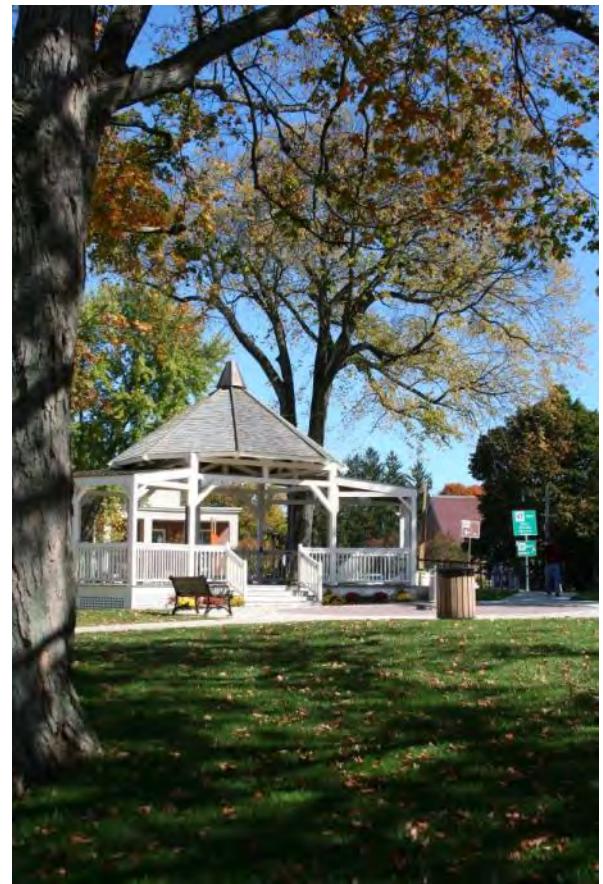












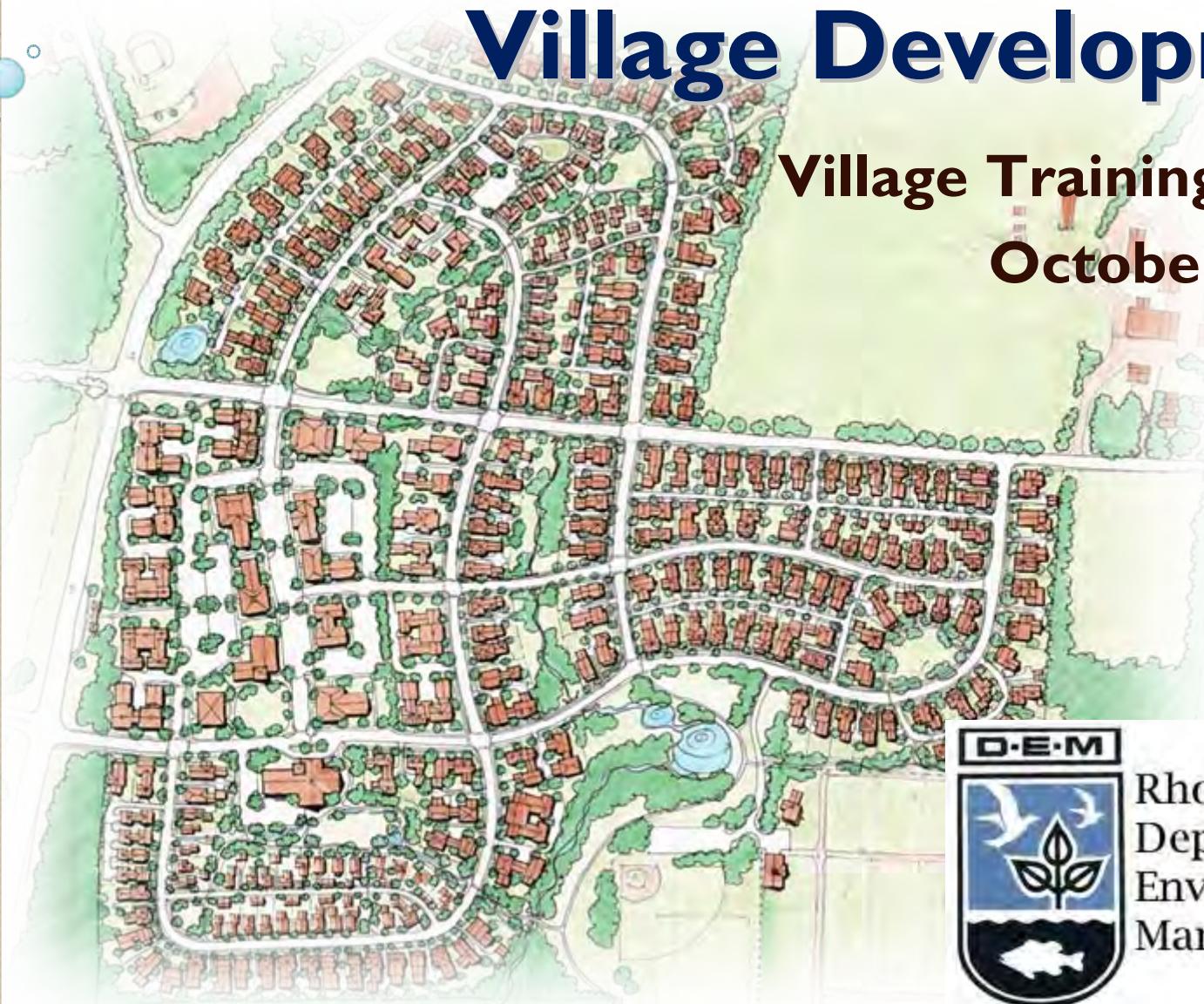






Regulatory Guidance for Village Development

Village Training Manual
October 2, 2014



Rhode Island
Department of
Environmental
Management



Basic Village Regulatory Guidance



Common Regulatory Issues for Villages

- 1) Inability to Mix Uses
- 2) Inability to Achieve Density
- 3) Rigid Dimensional Standards
- 4) Lot-by-Lot Parking Requirements
- 5) Lack of Design Guidelines
- 6) By-Right Development

Village density at a glance...



3-5 units per acre
West Kingston



8 -10 units per acre
Peace Dale



12 - 20 units per acre
Wakefield



15 - 25 units per acre
Westerly

Wickford Village

- Dimensional variety



Peace Dale

- Off-site Parking



North Kingstown

- Early Design Guidance

Source: North Kingstown Zoning Ordinance



Getting Started with Reform

- Use the Comprehensive Plan as a Platform



Getting Started with Reform

Key questions...

1. Where will guidelines or standards be applied?
2. New district or overlay district?
3. Which permit process(es) may be applied?
4. What is the role (if any) of the Land Development Regulations?
5. How strict should the standards be?
6. How much is too much?



STRONG CONTEXT: SHANNOCK VILLAGE



NO CONTEXT: POST ROAD



SIMPLICITY OF MASSING



5.1 Traditional architecture utilizes simple primary volumes.



Discussion

- Traditional New England residential architecture is characterized by simple building shapes. Simple, reserved, and well-proportioned houses predominate.
- Historically, people have relied on tried and true building forms that most efficiently utilize space, shed water and allow for ample sunlight into the interior.
- Smaller homes may be one single clear form - larger homes may incorporate a second or a third volume.
- Simple ornament and proper detailing can make even a simple form elegant.
- Many contemporary residential examples stray from the beauty of simplicity and use overly complicated roof and massing forms.



5.2 Clear building forms reflect historic deference to necessity, economy and simplicity.

AVOID



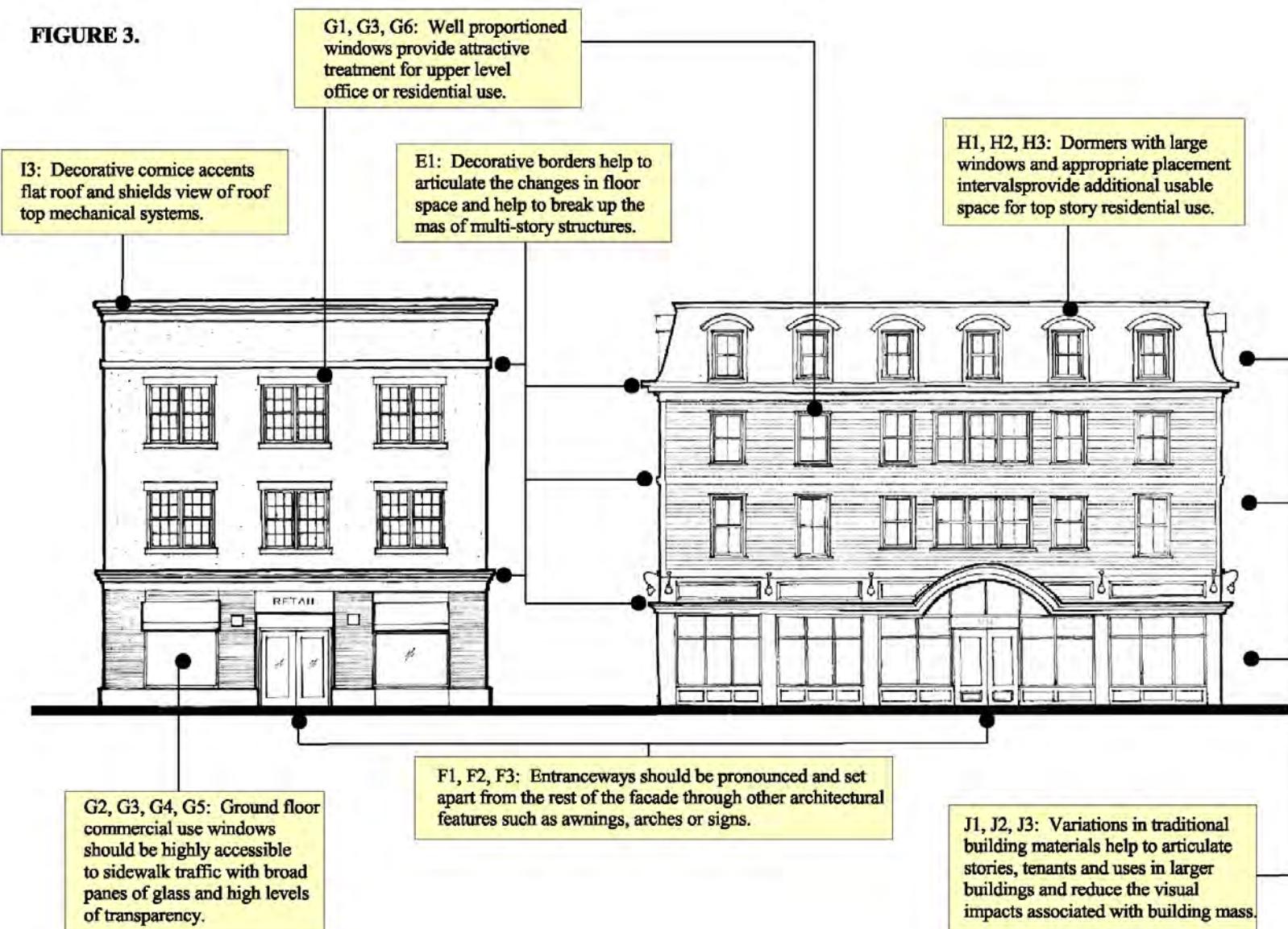
5.3 Contemporary residential structures have lost the grace of simple massing. With so many competing volumes, it is difficult to decipher the primary forms in the houses above.

Jamestown Guidelines:

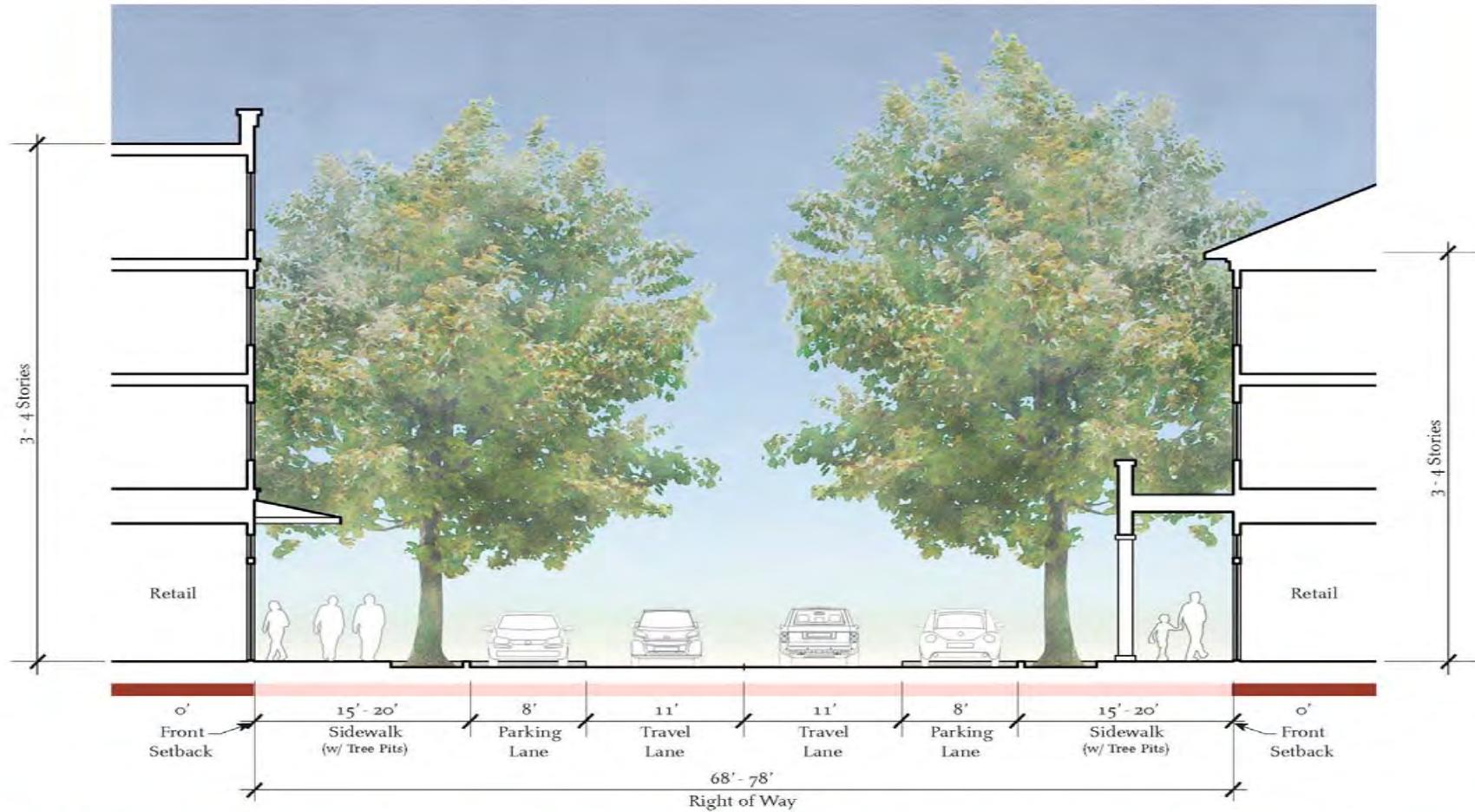
Highly visual approach with comfortable narrative.

Design Standard Case Studies: Exeter, North Kingstown

FIGURE 3.



Form-Based Approaches...



Street Type	Travel Lanes	On-Street Parking	Bike Routes	Curb Required	Sidewalk Width*	Tree Spacing	Stormwater	Frontage Type**	Front Setback
Main Street	Two Way	Both Sides	Shared	Curbs	15-20'	30' o.c.	tree filters, bio bumpouts, chambers	New Development	0'

Building Form and Scale...



A complex of smaller scale buildings is preferable to a single large structure because the varied massing provides visual interest and human scale.

DO



Encouraged

Mixed use buildings should share the same architectural character and scale as the surrounding neighborhood.

AVOID



Discouraged

Structures that are taller than 2-1/2 stories should be avoided except in key locations.

Innovative Housing Options



Cottage Zoning: What does it look like?

Basic characteristics – SITE DESIGN

Basic characteristics – ARCHITECTURAL DESIGN

GREENE STREET



Image Source: Union Studio Architects



Image Source: Union Studio Architects



Transfer of Development Rights (separate manual)

Top Ten TDR Success Factors

- 1. Demand for Bonus Development**
- 2. Customized Receiving Areas**
- 3. Strict Sending Area Regulations**
- 4. Few Alternatives to TDR**
- 5. Market Incentives**

- 6. Certainty of TDR Use**
- 7. Strong Public Preservation Support**
- 8. Simplicity**
- 9. Promotion & Facilitation**
- 10. TDR Bank**

Important Elements to Consider

- Strong Growth Management Framework
- Strong Comprehensive Plan Language
- Clear Sending and Receiving Areas
- Design Standards for Receiving Areas
- Market Based TDR Ratios
- Fee-in-Lieu (“Density Transfer Credit”) Option



Ensure your community has a shared understanding of “density”.

- On a very basic level, do residents understand the value of compact development?

- Fiscal
- Environmental
- Social
- Environmental
- Aesthetic

Provide examples that are visual. Use case studies to test ideas!



Develop consensus on what areas could be preserved through TDR.

Test typical categories and criteria. ..

- Farmland
- Forest/habitat
- Green belts
- Scenic vistas and view sheds
- Aquifer protection
- Historic sites and buildings
- Large tracts of contiguous land
- Riparian buffers

What does the Comprehensive Plan already say?



Set appropriate expectations

- Developing a vision for a receiving area will take at least a year, maybe several.
- Crafting and adopting a TDR ordinance will take at least a year, probably two.
- Most TDR programs don't "get off the ground" for at least a couple of years.
- Most TDR programs require revision before someone actually uses them.

Ordinances



Sample language...

- Village District
- Cottage Zoning
- TDR Conservation Subdivision
- TDR
- Inter-municipal TDR Agreement
- TDR state legislation

Discussion

Overcoming Fear of Density

Three Phase Process

- Phase I
 - Community Visioning to Build Consensus
- Phase II
 - Assessed Village Development for Exeter
- Phase III
 - Ordinance Preparation

Interviewed 60 Community
Stakeholders

Survey Results

- Exeter defined by rural character
- Growth is inevitable
- Manage growth to preserve rural character
- Expand tax base
- Commercial development must fit Exeter

How important is this place to the “Heart & Soul” of Exeter?



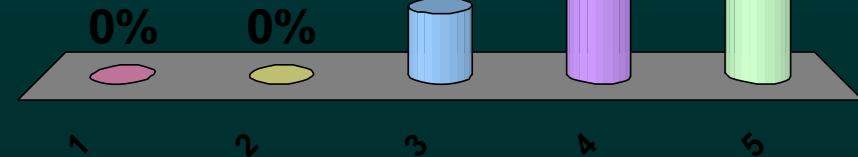
How important is this place to the “Heart & Soul” of Exeter?



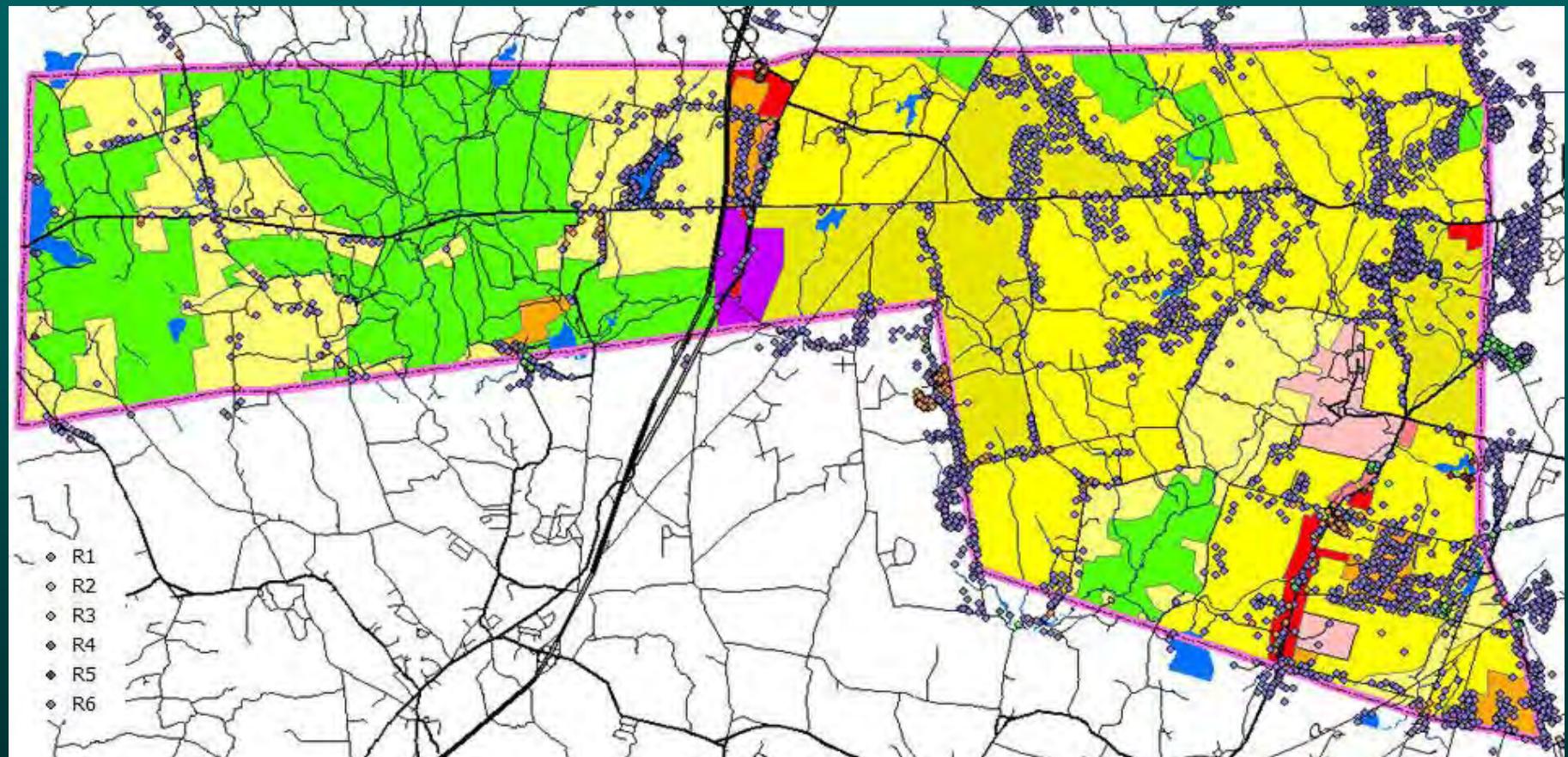
How appropriate is this for Exeter?



Not Appropriate		Very Appropriate		
<input type="radio"/> 1	<input type="radio"/> 2	<input type="radio"/> 3	<input type="radio"/> 4	<input type="radio"/> 5

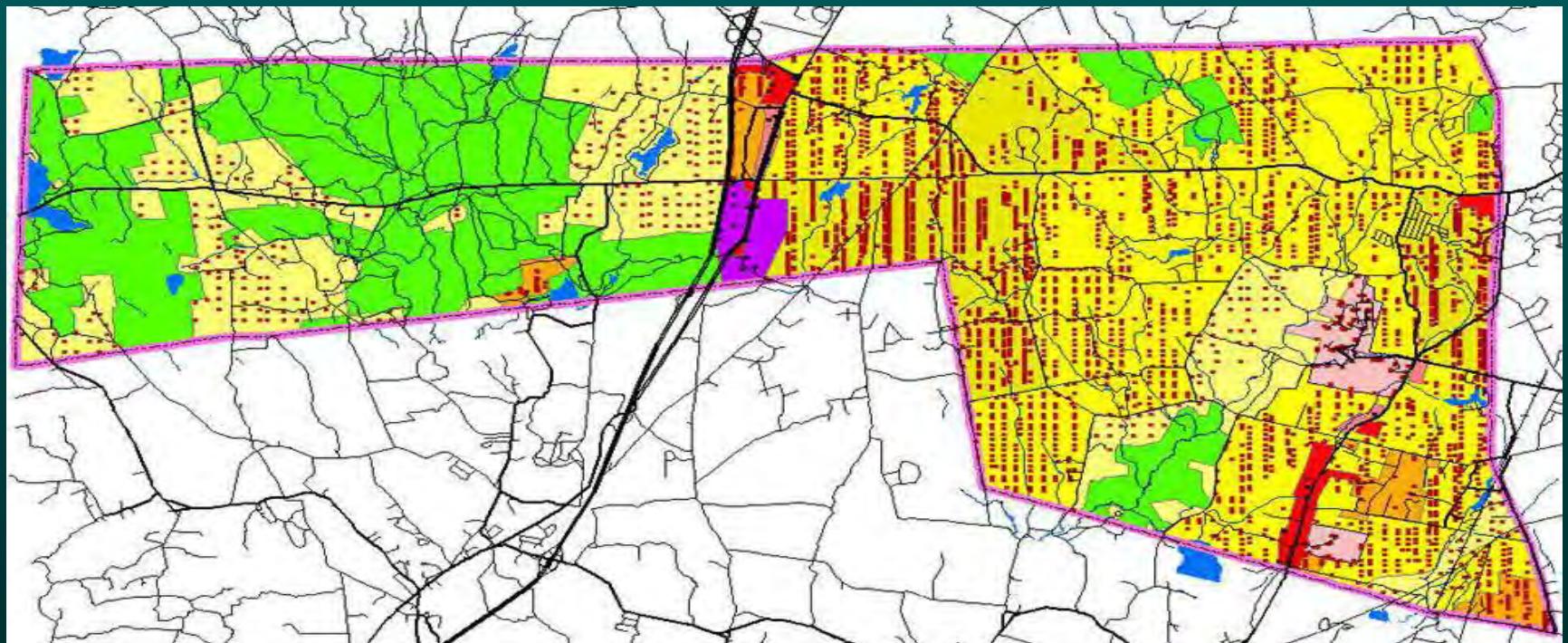


Existing Development



Future Growth

Doubles at Build-out





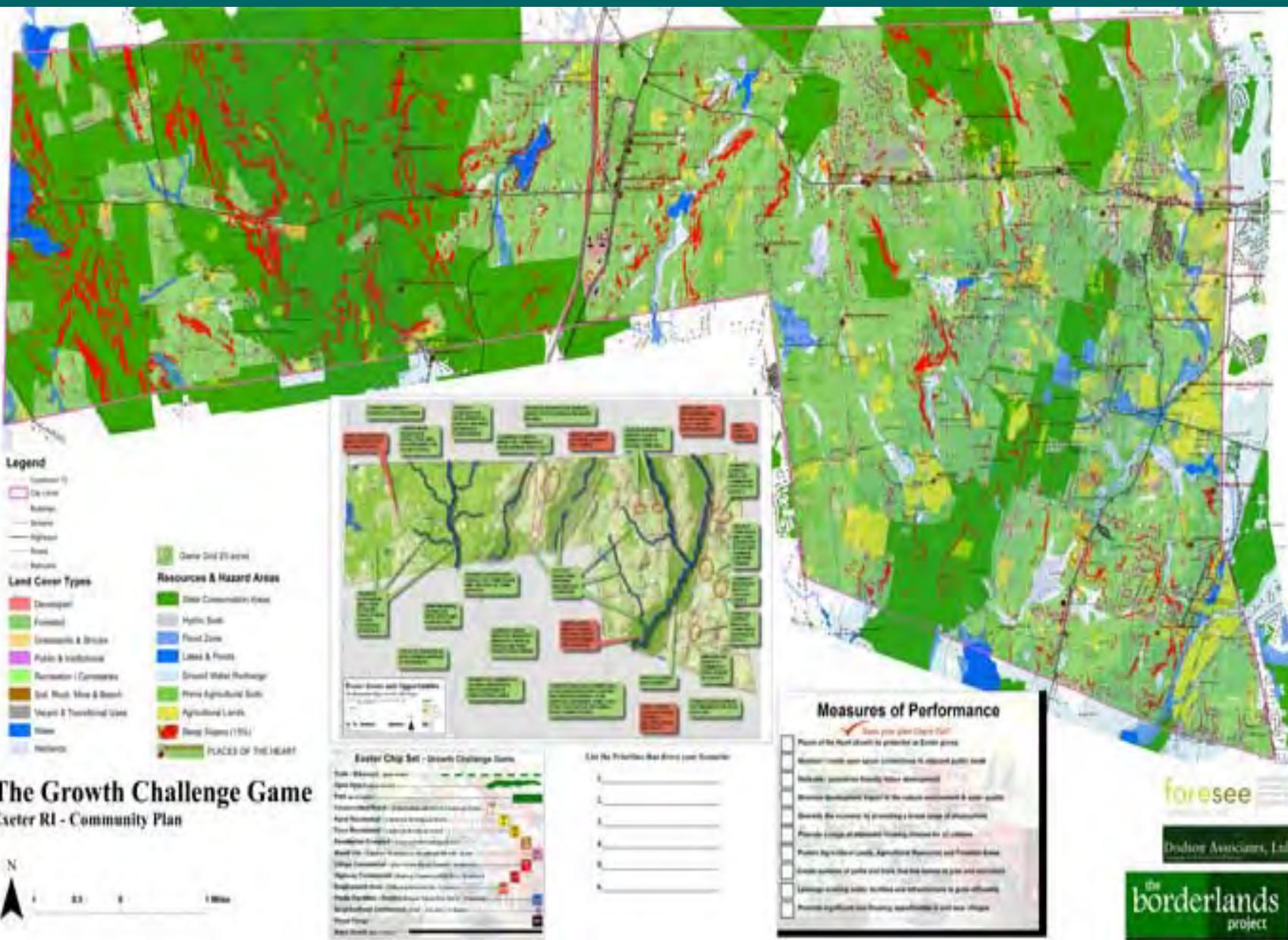




The Map & Chip Game

(Where might we put the inevitable growth?)





Potential Village Sites

(Based on Map & Chip Game Feedback)



Phase I Conclusions

91% believe that allowing full build out to continue will inevitably result in ...

Phase I Conclusions

(continued)

- Loss of Exeter's rural character
- Destruction of our natural areas
- Creation of significant traffic problems
 - and
- Increased demand for more town services
 - resulting in
- Considerably higher taxes

Phase I Conclusions

(continued)

*“IF you could change one thing about
Exeter what would it be?”*

Phase I Conclusions

(continued)

- Develop a game plan for growth
- Create a village with business, residential and recreational uses

Vision for Exeter

- Natural areas will be protected
- Our working farms and forests will be maintained for the future
- Environmentally appropriate and sustainable economic growth
- Individual property rights will be respected
- The rural character and quality of life will be preserved
- Rural design and architectural guidelines will be used for growth
- The negative impacts of increased traffic will be minimized
- Property taxes will be as low as possible
- Balanced housing needs will be achieved
- There will be an efficient delivery of town services

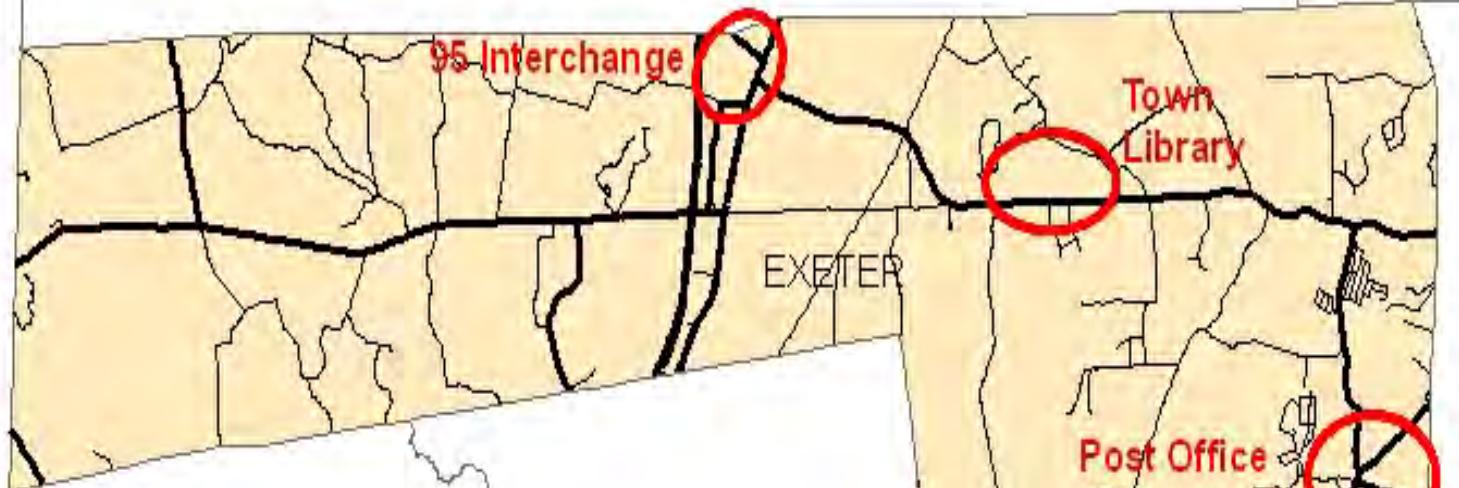
Village Style development patterns will be encouraged

Phase II

- Advantages/disadvantages of villages
- Assess potential village areas
- Define village development in Exeter
- Techniques to prevent sprawl

WEST GREENWICH

EAST
GREENWICH



HOPKINTON

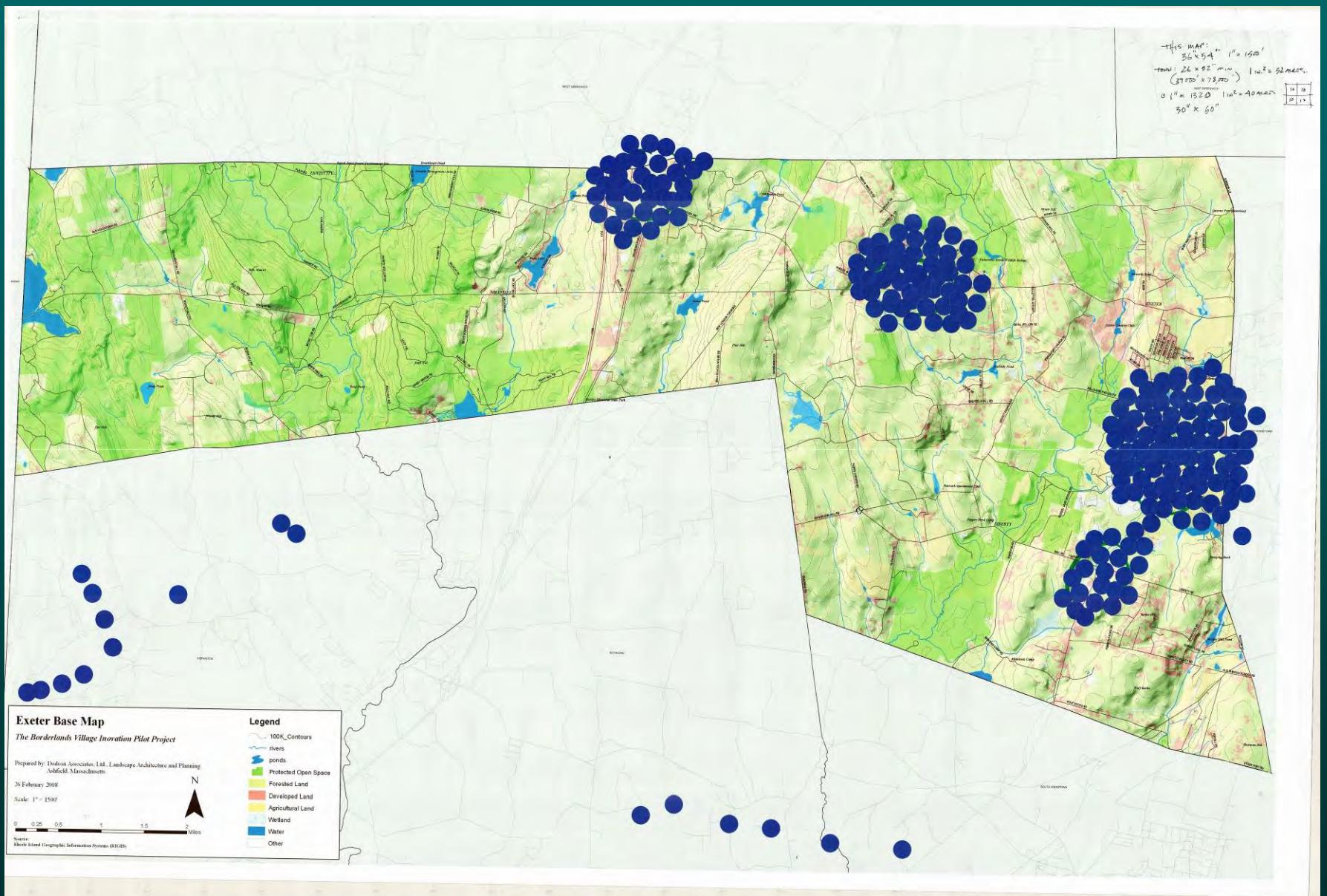
RICHMOND

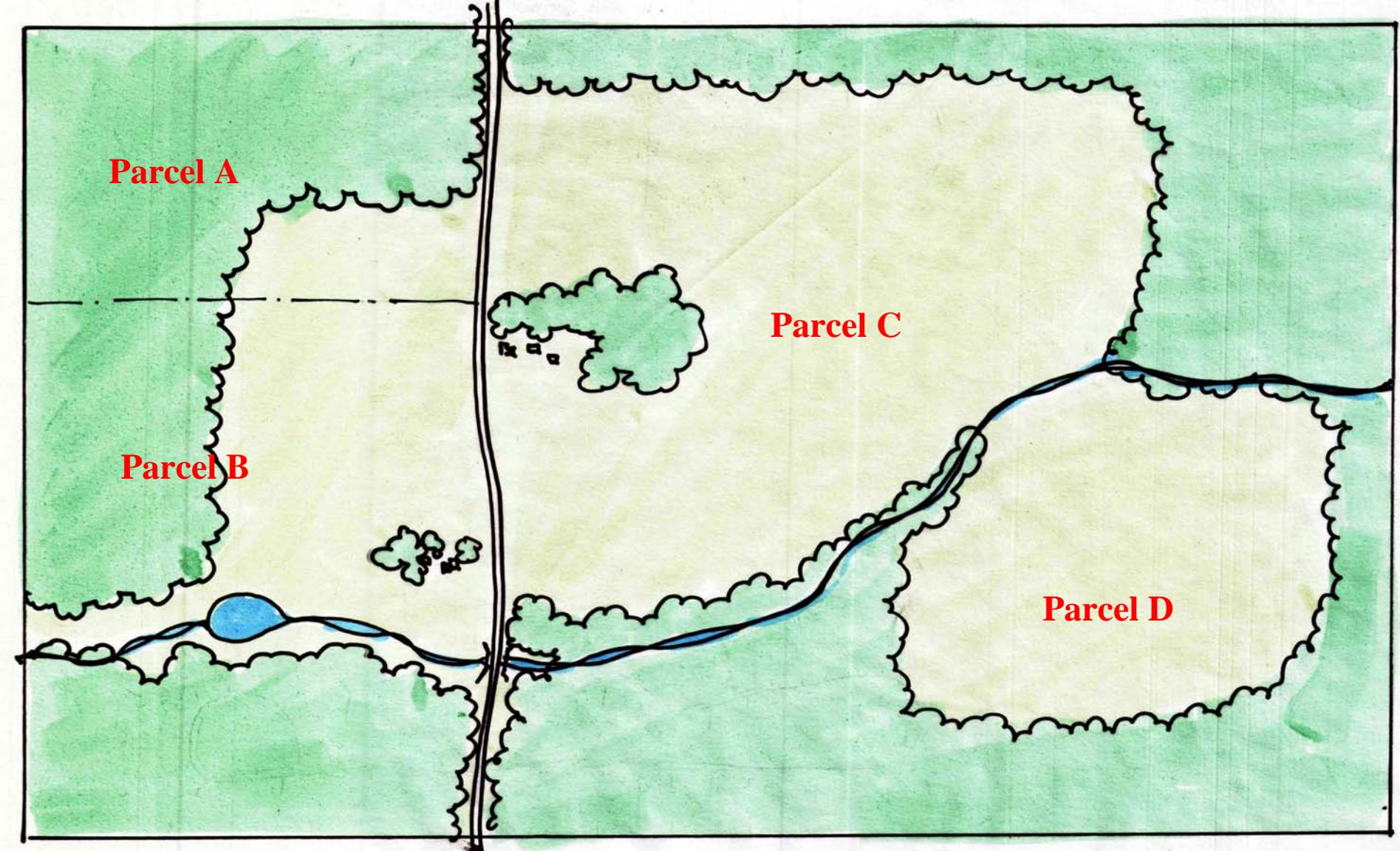
SOUTH KINGSTOWN

Split Rock
Trailer Park

Town
Library

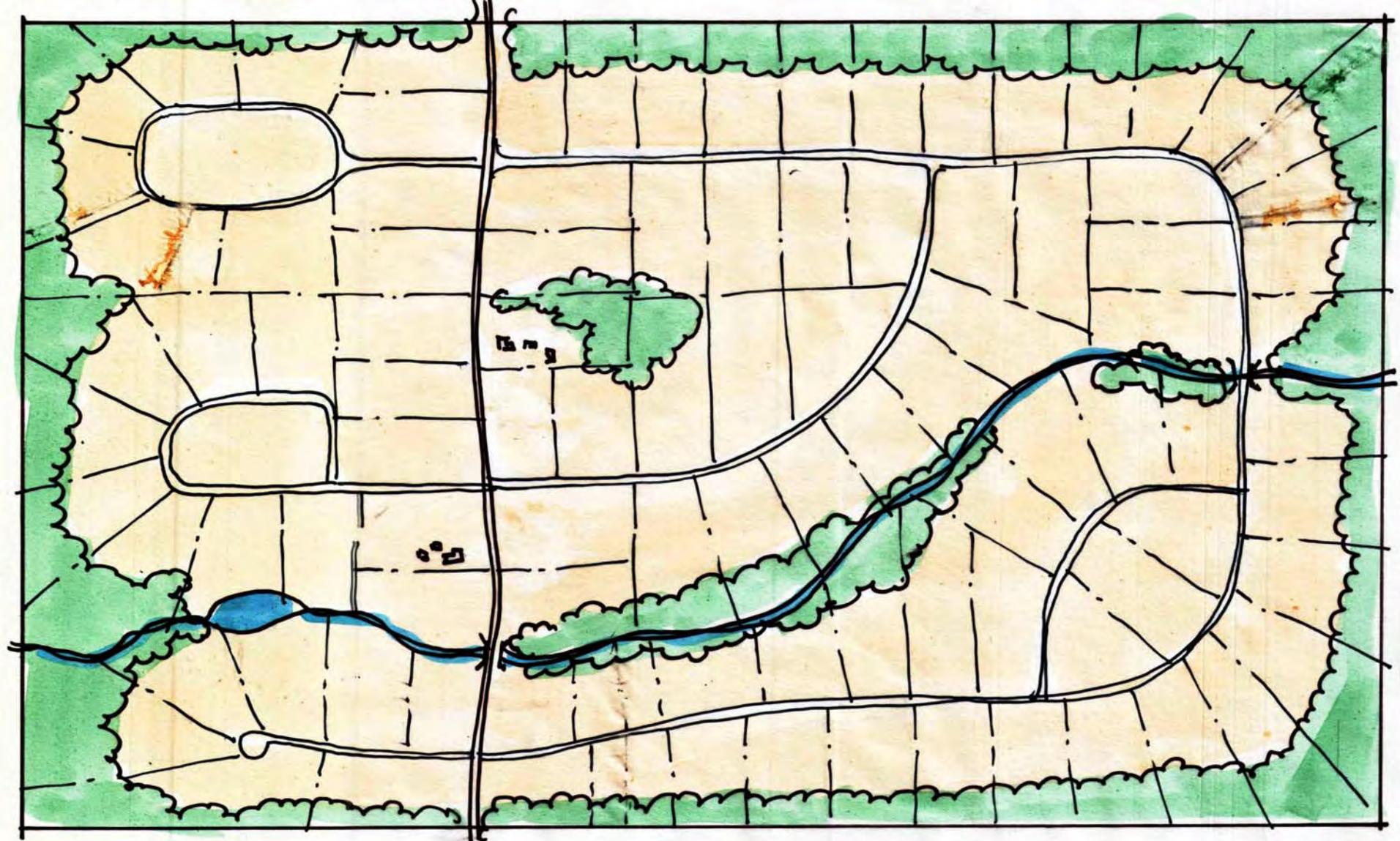
95 Interchange





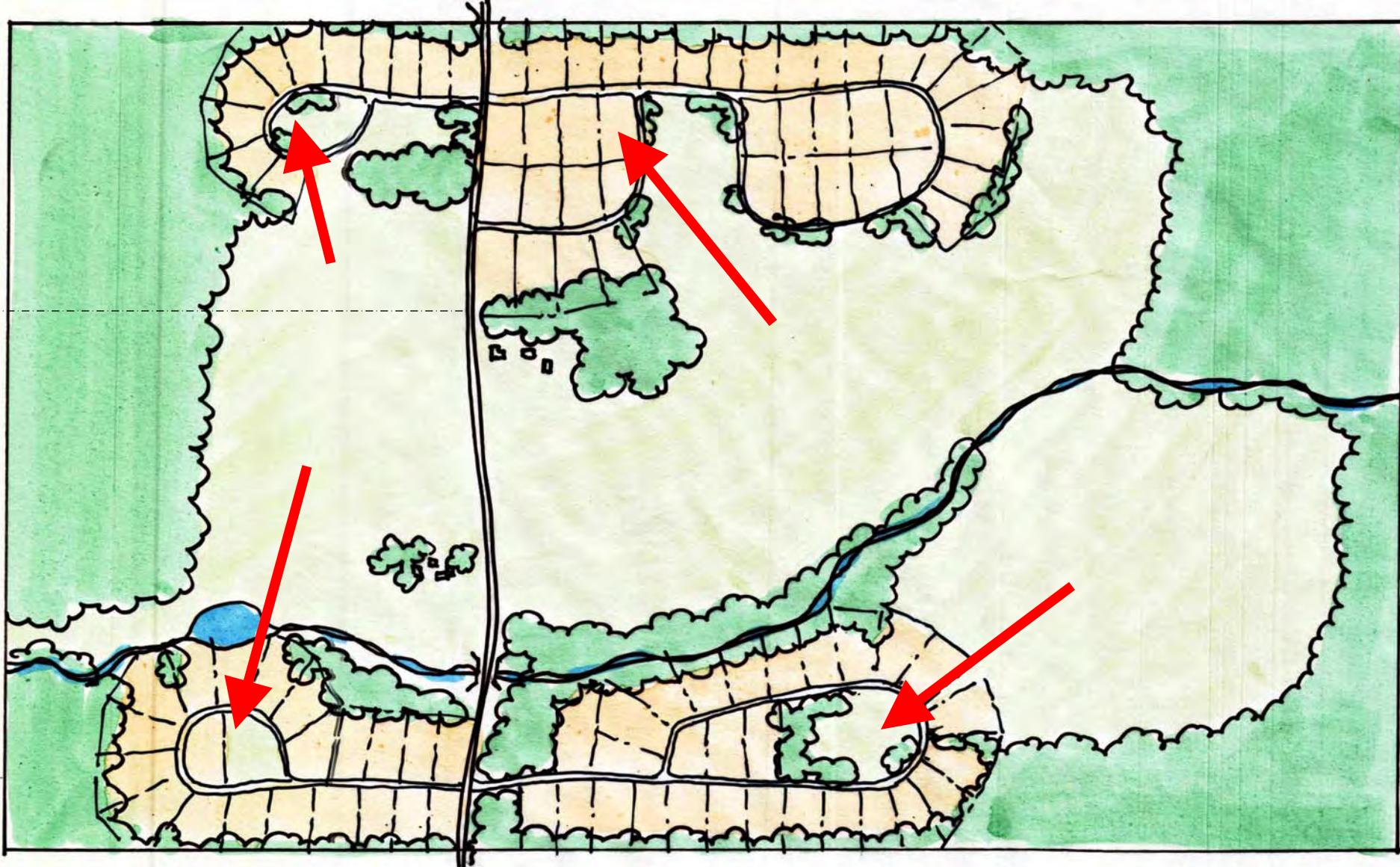
Existing Site

500 Acres; Four Owners



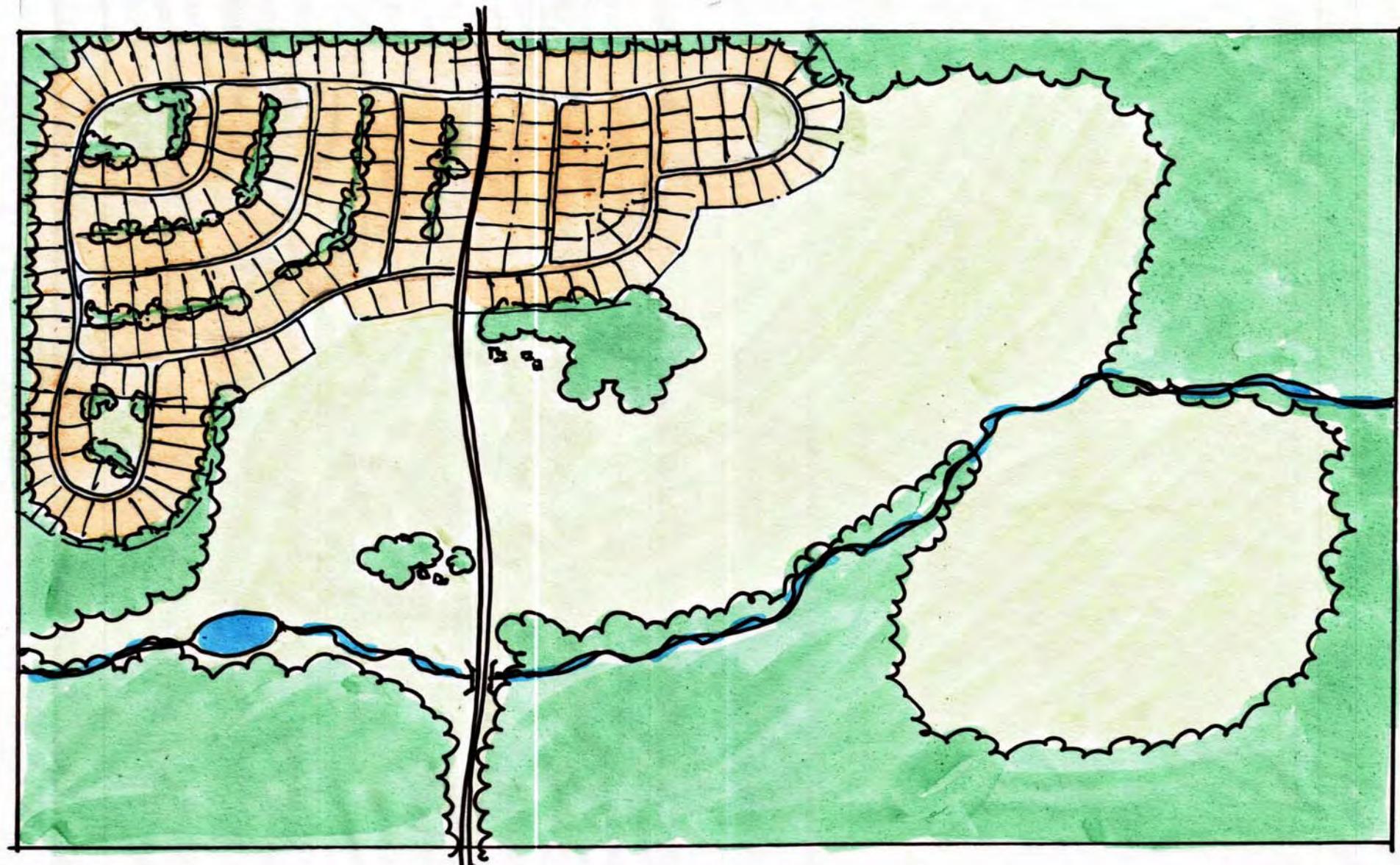
Conventional Development

100 Four-Acre (minimum) Lots; No Open Space



Conservation Development

100 One-Acre Lots; 400 Acres Permanent Open Space

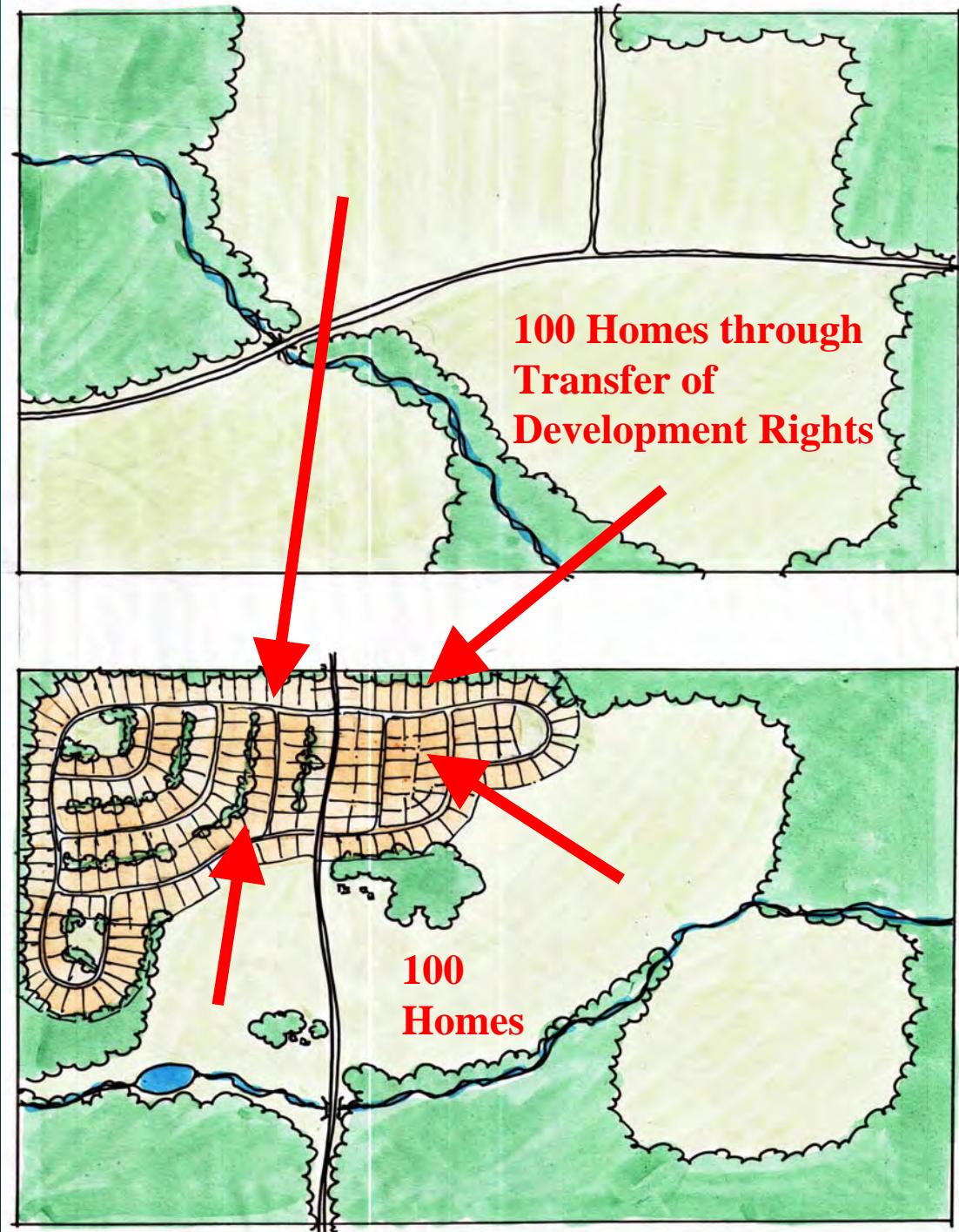


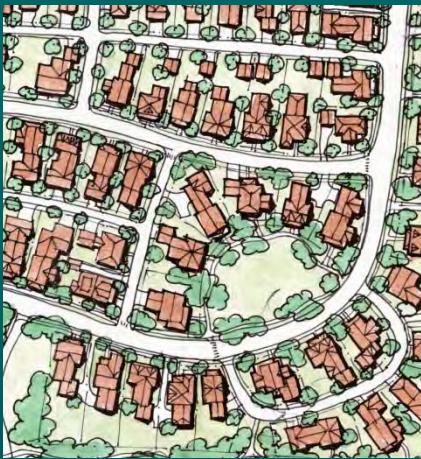
Village Development with Transfer of Development Rights (TDR)
200 Half-Acre Lots; 900 Acres Permanent Open Space: How?

Village Development with Transfer of Development Rights (TDR)

100 Acre Village Footprint;

900 Acres Permanently Preserved Open Space





Village Core 8du/Acre

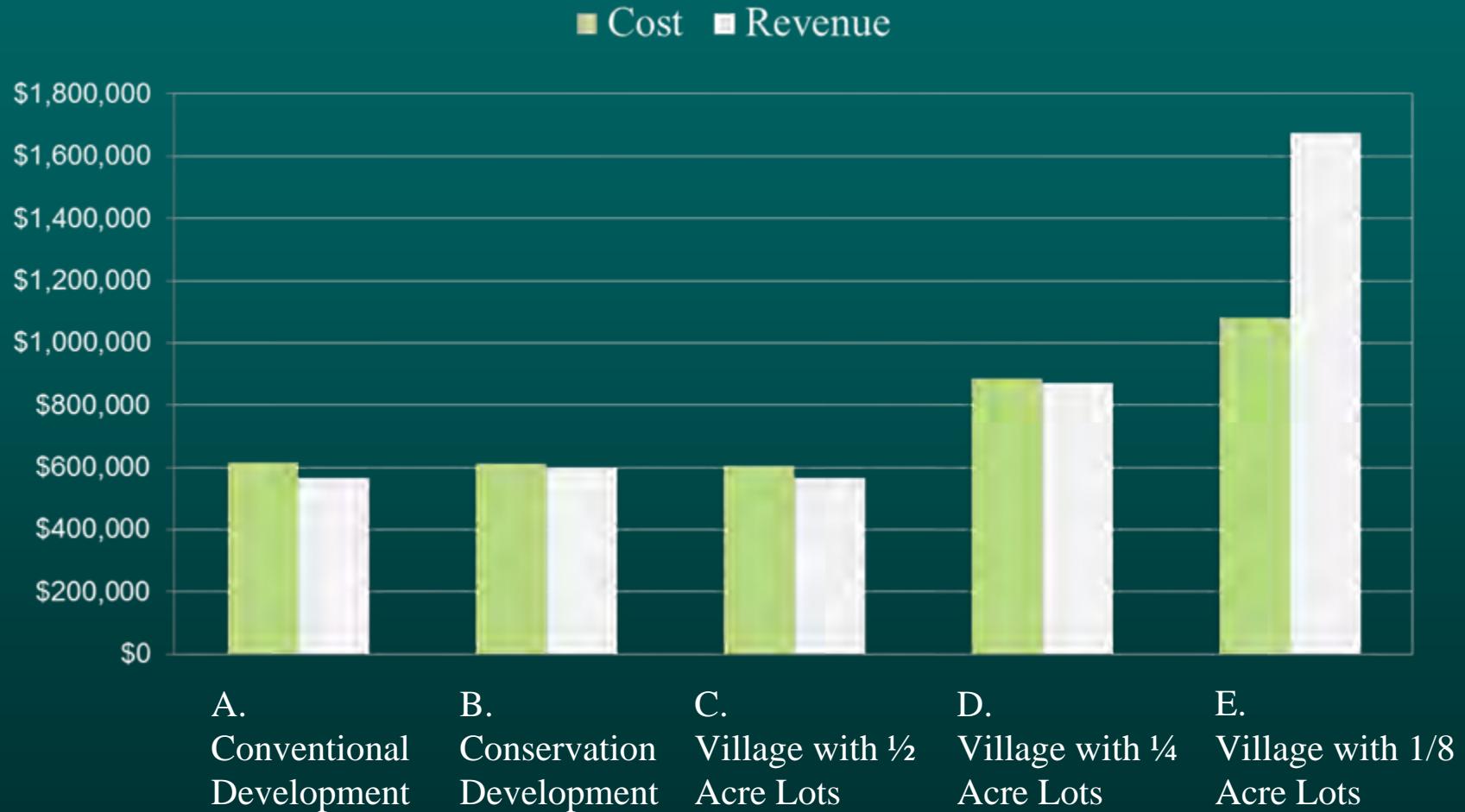


Cottage 12du/acre



Village Edge 4du/acre

Projected Annual Revenue and Municipal Expenses for Residential Development Scenarios



Which development option do you
think is best to achieve Exeter's
Vision?

84% Village Growth

Do you think the town should use
Transfer of Development Rights to
shift development from farms and
forest to Village sites?

Yes 78%

Questions?

Village Planning in North Kingstown

Jonathan J. Reiner, AICP

October 2, 2014

First there was Wickford...



6640

**GABLE
HOUSE**

FURNITURE
YEAR END
CLEARANCE SALE

**Gable House
FURNITURE**

FURNITURE

**GABLE HOUSE
FURNITURE**
6640 POST ROAD, GATESVILLE,
PA 17028
884-3172
LANE SUPPLY



South Corridor



Typical business site configuration



Oakdale Road intersection



Landscaped edge along public right-of-way



Undeveloped lots along the road

Town of North Kingstown
Comprehensive Plan 2008
5 - Year Update

The Planning Framework



NORTH KINGSTOWN POST ROAD CORRIDOR PLAN



Healthy Places by Design, North Kingstown, Rhode Island

Town of North Kingstown and West Bay Family YMCA

Villages

Guiding Principles

In order to realize their full potential for quality of life, North Kingstown neighborhoods should be a collection of unique community assets that exemplify the following qualities:

- Safe for all residents,
- Offers economic diversity and opportunity,
- Supports social interaction and civic involvement,
- Provides recreation and education opportunities,
- Accessible by a network of varied multi-modal transportation alternatives, and
- Families are strengthened and youth are supported.





Post Road and Stony Lane



Post Road and Quonset Gateway



Post Road and Stony Lane

Transfer of Developments Rights

The Concept

Owner of “sending” parcel sells development rights in exchange for permanent conservation easement.

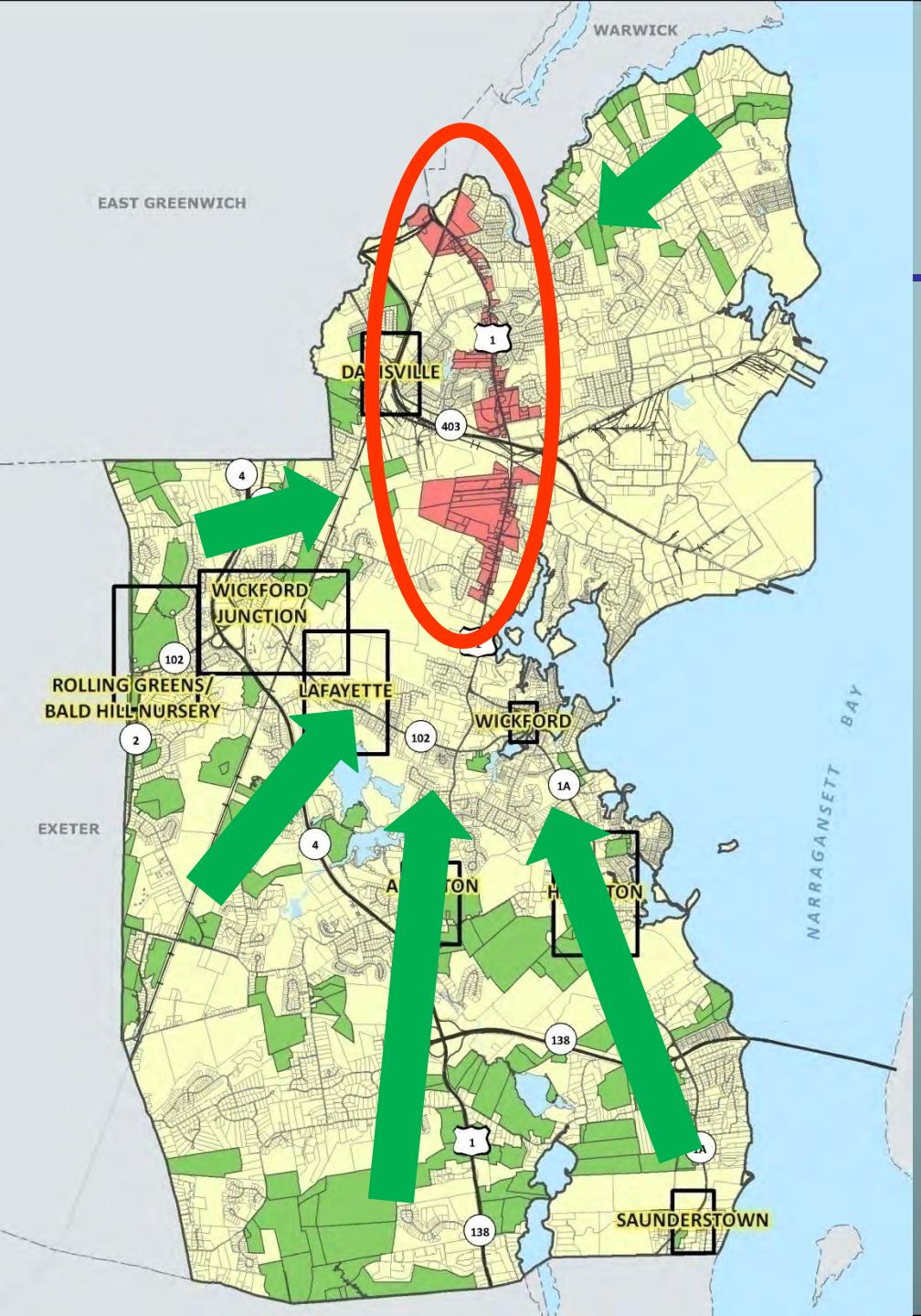
preservation area

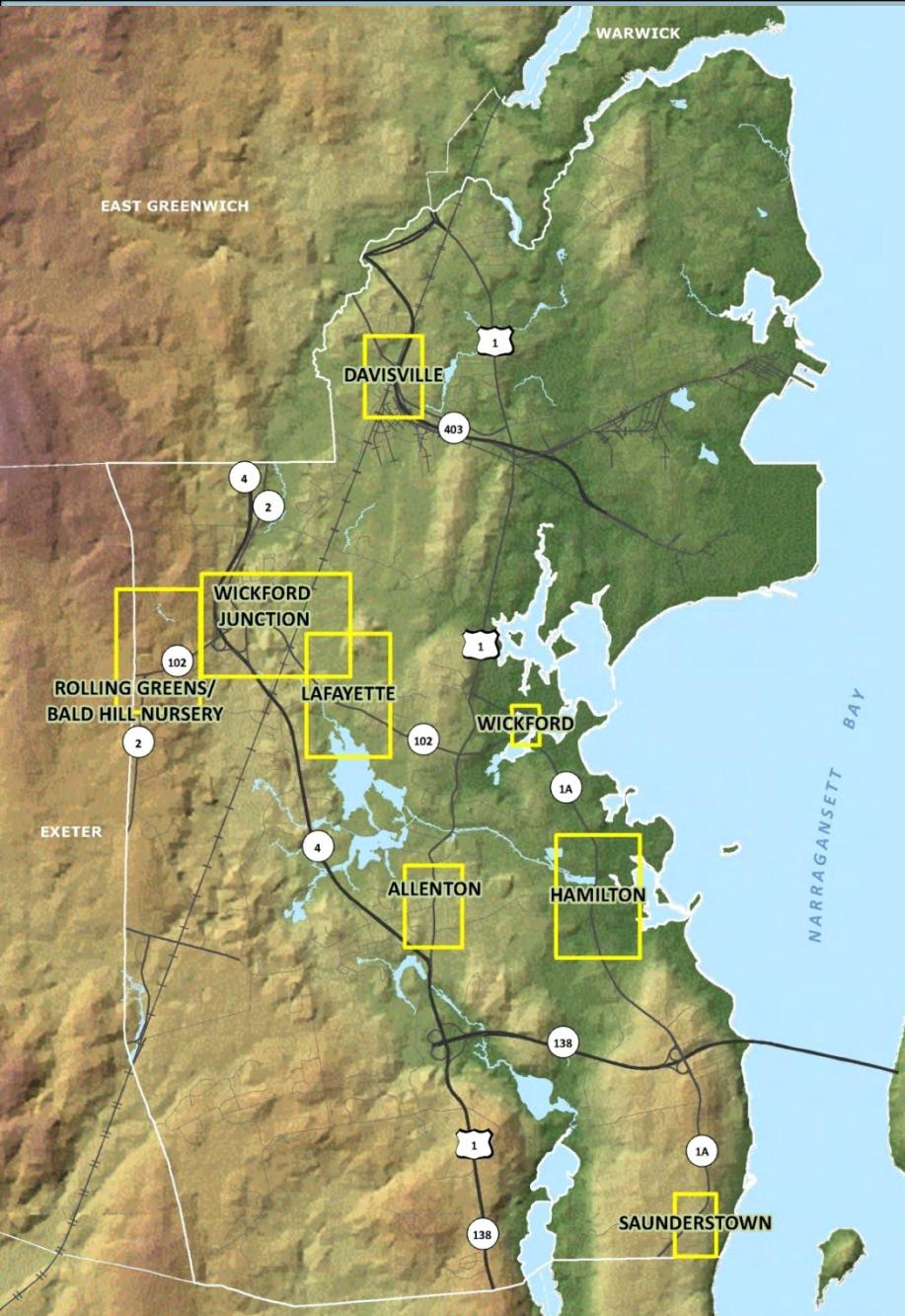


Owner of “receiving” parcel buys development rights to build at densities higher than allowed under base zoning.

Where can this happen today?

- **Sending Area:
Sending Area Overlay District**
- **Receiving Area:
Post Road District
Wickford Junction
Compact Village District**





Redirecting Growth and Development

- Historic Villages
- Emerging Villages
- Compact Development patterns
- Transfer of Development Rights
- Incentives and Policies

Villages and Neighborhoods



TDR, Villages, New Applications

Allenton



Hamilton



Lafayette



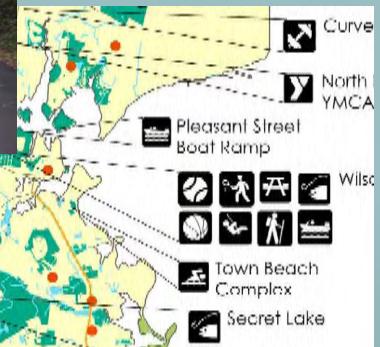
Wickford Junction

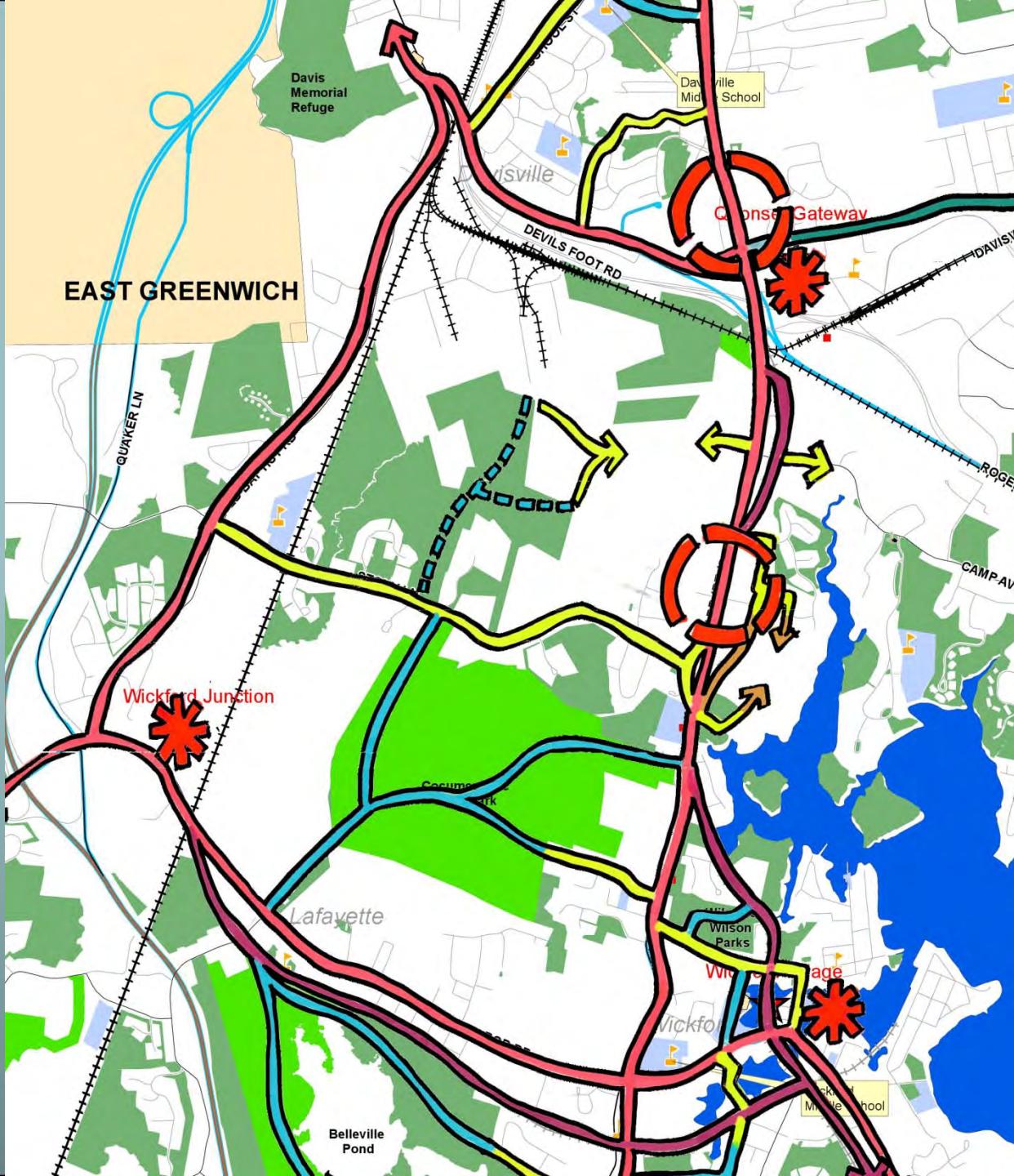


Healthy Places By Design

Project Recommendations

- **Walking and Biking**
- **Access to Recreation**
- **Access to Healthy Food**
- **Villages and Neighborhoods**









Build out



LAND IN CONFLICT

Managing and Resolving Land Use Disputes

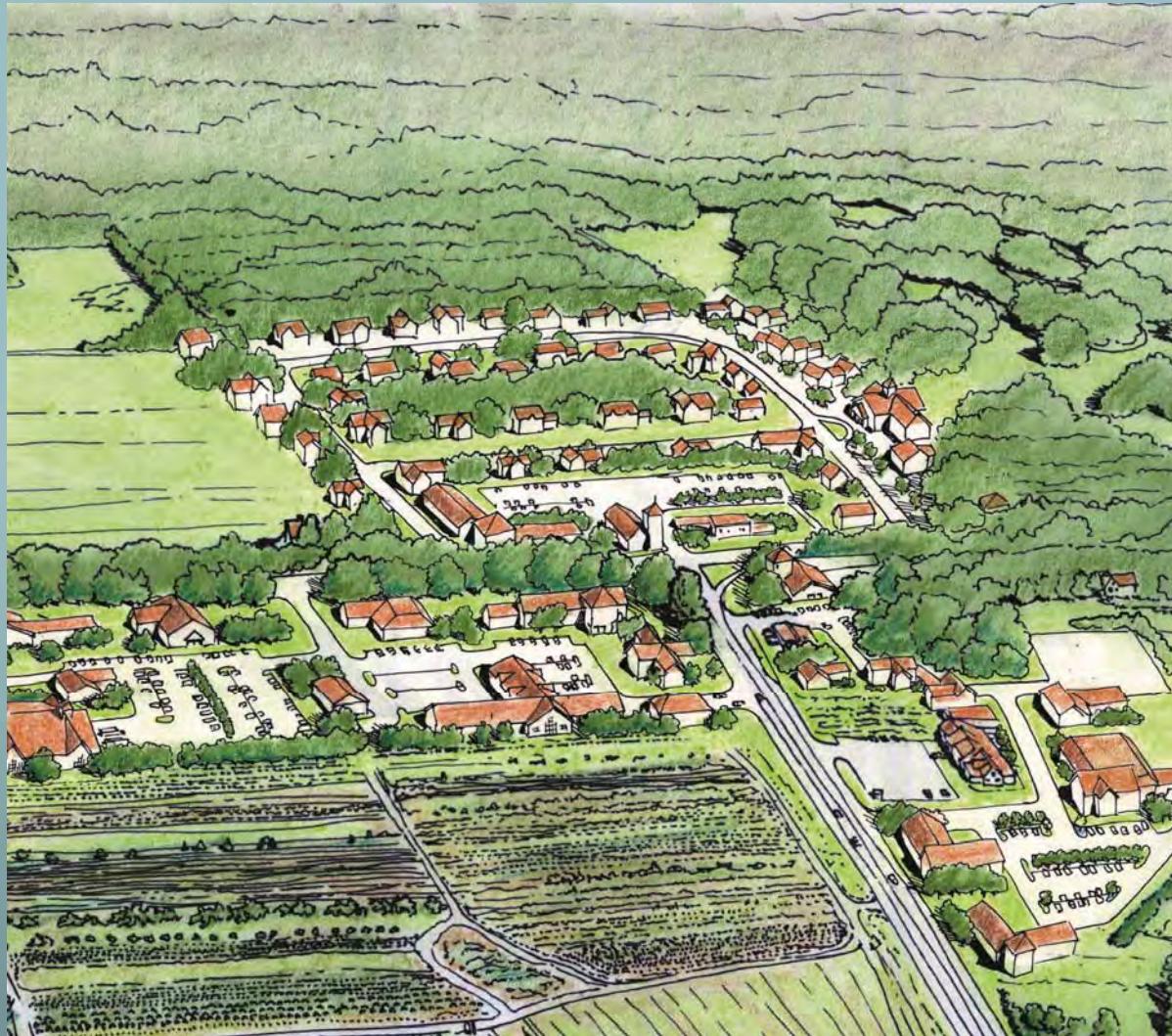
SEAN NOLON, ONA FERGUSON, AND PAT FIELD

With a foreword by Bruce Babbitt



Village

Rolling Greens/Bald Hill Nursery



Emerging Growth
Center

Recommendation
from South County
Design Manual
RIDEM, 2001

Wickford Junction Train Station



Visualizations for Wickford Junction

Figure 9. Wickford Junction – Design Guidelines

North Kingstown, RI

Prepared by Dodson Associates



Wickford Junction - Site Planning Principles

North Kingstown, Rhode Island

Prepared by: Dodson Associates, Ltd.

April, 2012

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Commercial infill helps to create a node of activity at the entrance to the area. Buildings are brought closer to Ten Rod Road to create a sense of arrival.

Building on the owner's current plans for the site, new mixed-use structures enclose a pedestrian-friendly streetscape.

To take advantage of the growing village, Walmart tears down their old building and rebuilds closer to the village core.

The existing entry road to the Meadows Office Park is extended up and around the Hill to Roberts way, creating an internal street connection that links commercial, residential and office uses.

A new residential neighborhood takes advantage of a partially-developed hilltop site within walking distance of the new commuter rail station.

The new parking garage and commuter rail station provide a natural anchor for the village

Fiscal Impacts from TOD development

Summary of Net Fiscal Impact Findings

Net Fiscal Impacts	\$1,230,914
Projected Service Costs	\$283,066
Public Schools	\$26,902
Town Services	\$256,165
Projected Capital Costs	\$0
Schools	\$0
Wastewater	\$0
Roads	\$0
Projected New Revenues	\$1,513,980
Real Estate Property Tax Revenues	\$1,453,786
Town	\$1,453,786
School	\$0
Motor Vehicle Tax Revenue	\$60,195

Lafayette





Lafayette



Lessons Learned

- Do your homework
- Discuss density and design very early
- Reach consensus on your vision
- Trust and buy in – people should trust, or we need to get public to trust us, planners and consultants;
- As soon as the abutters/stakeholders feel invalidated, they may try to undermine the process!
- Market and tax implications
- Red Herrings
- One success can lead to another - Wickford sewers
- Process is about getting to solutions, not making everyone happy;
- Patience, it takes a long time!!!!

Questions?

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But if you are looking for North Kingstown info....

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