

Planning & Zoning

Smart Growth Tools

for

Main Street



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Introduction

Would anyone be so foolish as to try to fill a swimming pool with a garden hose if the pool had a big hole in the bottom? Of course not. But this, in effect, is what Main Street improvement advocates do when they ignore local planning and zoning laws or stand removed from town planning processes.

Land-use plans, zoning ordinances, capital-improvement programs and other mechanisms for attracting or controlling new growth and development affect Main Streets in powerful ways. They can set the stage for the hollowing out of the downtown. They can create incentives for property owners to close downtown stores and move to outlying commercial strips. They can unleash private investment decisions, economic pressures, tax policies, political positions, and even property owners' dreams of getting rich. These forces, in turn, can make it prohibitively expensive and politically difficult to protect a Main Street from such ills as:

- overbuilding of retail space on prime farmland in outlying areas;
- displacement of locally owned small businesses;
- traffic patterns that destroy a Main Street's pedestrian friendliness; and
- highway bypasses that lure economic activity away from the downtown, leaving its merchants with fewer customers.

At the same time, local plans and zoning laws can exert positive forces. They can create incentives for existing businesses to remain downtown – and for new businesses to locate there. They can help to protect a downtown merchant's investments instead of undermining them. They can help to inoculate the local government against future lawsuits that could weaken downtown improvement efforts. Finally, these laws can provide certainty for potential investors in the downtown.

For these and other reasons, it behooves Main Street organizations to pay close attention to the policies in their community's local comprehensive land-use plan and zoning ordinance.

Comprehensive Plans and Zoning Ordinances: What Are They?

A local comprehensive land-use plan is a roadmap for a community's future growth, development and, ideally, its preservation. The plan explains the community's overall policies and sets forth a positive vision for how the community should grow. It explains where new homes, businesses, roads, and other community elements should go – and equally important – *not go*. It identifies the kinds of community assets – downtowns and Main Streets, for example – that should be preserved.

Comprehensive plans are written in narrative form and often illustrated with pictures and charts. They often include specific sections for discrete topics – e.g. – land-use, economic development, transportation, housing, historic preservation, the environment, community facilities, and so on. It’s a mistake to assume that *only* the economic development (or downtown) section of the plan affects Main Street. Other plan elements, especially the transportation element, often affect Main Street in important ways.

Zoning codes establish the rules that (ideally) advance and implement the policies set forth in the comprehensive plan. They are more technical than plans and deal with such matters as allowable building heights, locations, building setbacks, and land uses. Zoning has existed in the U.S. since 1916, when New York City adopted the country’s first zoning ordinance to protect the health, safety, and welfare of residents. Zoning was explicitly sanctioned by the U.S. Supreme Court in 1926.

It is as important for a Main Street organization to know the local zoning rules as to understand policies in the town’s general plan. Main Street leaders should consider such questions as these:

- Does the zoning allow for mixed land uses? For example, can housing units exist atop street-level shops? Or does the zoning rigidly separate housing, retail, office, and other land uses?
- Does the zoning allow creative solutions to parking challenges? Or does it require excessive amounts of parking, thus pressuring property owners to demolish important Main Street buildings to meet parking standards?
- Does the zoning allow new buildings to be built in a way that’s compatible with older buildings in the area? Or does it require building setbacks more appropriate for auto-oriented suburbs than pedestrian-oriented downtowns?
- Does the zoning permit out-of-scale, poorly designed development? Development in the wrong places? Too much development – i.e., more commercial or retail space than the local economy can absorb without inordinate displacement of existing businesses?
- Is new construction required to fit in harmoniously with what’s around it? Or can anything, no matter how jarring and incompatible, be built?
- Does the zoning permit drive-through fast-food outlets? Stores surrounded on all sides by asphalt for parking? Or does the zoning require landscaping, with trees and bushes, to soften the harsh effects of parking lots?

These are just a few of the questions a Main Street organization should consider.

Planning, Zoning, and Main Street Interests

A local Main Street program should assign someone – either a paid staff member or a volunteer – to familiarize himself with the town’s planning and zoning laws and to monitor changes to them. If the town has no such laws, the Main Street program may

want to advocate their adoption, for the absence of good planning policies may well put the town at the mercy of outside forces.

One often hears people boast of having no zoning laws, no regulations, no building design guidelines, no interference by government with local freedoms. This attitude is a bit naïve, for as often as not, a town's failure to enact strong growth management laws simply creates a void filled by outside (and not always friendly) forces. Instead of getting rules written by people who live in the town and who have a stake in its long-term future, the community is shaped by outsiders with little, if any, interest in the town's long-term health.

Communities whose laws are silent on such important matters as the location and size of retail stores, the design of new construction, the preservation of landmarks, the retention of street trees, etc., may simply be designed by out-of-town traffic engineers, out-of-state corporations, national franchises or other entities. Communities that boast of maximizing their "freedom" by not enacting good growth management laws often have little, if any, bargaining power over outside forces. They are typically powerless to withhold approval of harmful developments that could literally destroy a downtown's most important physical and economic assets.

Zoning laws, design standards, and other growth management tools give citizens (and property owners) some recourse when irresponsible landowners run roughshod over community values and assets.

In a nutshell, planning, zoning and other growth management laws are important to Main Street. They can either undermine or support the downtown revitalization goals of a local Main Street organization. Main Street advocates ignore these laws at their peril.

Resources

- *Save Our Land, Save Our Towns*, by Thomas Hylton. (RB Books, 1995). Go to www.celebratepa.com. For a video of the same name based on this book, go to www.bullfrogfilms.com
- *Preparing a Historic Preservation Plan*, by Bradford J. White and Richard J. Roddewig. National Trust for Historic Preservation/American Planning Association. Planning Advisory Service Report No. 450. 1994.
- *Planning Commissioners Journal*, published by Champlain Planning Press, Inc, and edited by Wayne M. Senville. Tel: 802/864-9083; e-mail: pcj@together.net or go to www.plannersweb.com
- *Better Models for Development in Virginia*, by Edward T. McMahon with Sara Hollberg and Shelley Mastran. Go to www.conservationfund.org or call 703/525-6300.

- *Useful Web Sites on Smart Growth:* www.1kfriends.org;
www.shsw.wisc.edu/histbuild/smartgrowth/; www.smartgrowthamerica.org

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