STRIP CORRIDOR REDEVELOPMENT
A Guidance Document

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INTRODUCTION

Many communities throughout Georgia have aging strip retail corridors. These corridors are often economically unviable, or underdeveloped. They are also unattractive, and contribute to the problem of undesirable, sprawling development. In many cases national “big box” chains have abandoned large retail centers, creating substantial vacant holes along the corridor. This can have a negative effect on surrounding retailers and the neighboring community. Also, as many communities face the ill effects of previous development patterns, they realize that these strip corridors were designed primarily for auto traffic. Traditional strip centers are not pedestrian friendly, nor are they close to residential and office/commercial areas from which their customers could walk.

This guidance document has been created to address these problems. It contains advice on many aspects of strip revitalization, including site development, signage, parking, transportation and transit, and financing of revitalization efforts. This document is not meant to be an exhaustive guide to strip revitalization, but to get communities started on the road to better development along corridors. It can also help provide a framework for addressing corridor issues, identifying elements of a redevelopment work program, and helping communities identify which solutions are the best fit for their situation.

If any of the following issues is happening in a community, then it is likely time to investigate the problems and potential solutions.

- The corridor has become cluttered and unsightly.
- There is traffic congestion due to concentrated commercial activities.
- There is declining commercial activity and/or the strip is losing customers to other commercial areas.
- The current land uses fail to meet the needs of surrounding neighborhood.
- New transit investment is needed in an existing auto-oriented corridor.
- There are pedestrian and automobile safety concerns.
- There are negative environmental impacts from current development patterns.

HOW TO USE THIS DOCUMENT

Each section contains an overview of the current best-thinking of strip corridor redevelopment and revitalization. These sections often refer the reader to documents that treat each of the subjects in more depth. Referencing this document allows citizens, planners, and elected officials to educate themselves on the myriad possibilities of strip corridor redevelopment. This document can also help create a process by which a community determines its goals and tools for improving corridor commercial development.

The first sections talk about goal-setting and community involvement, because these elements are integral in identifying problems and issues, and also can provide a glimpse of what outcomes are desired and possible. The next section, the largest, talks about specific tools and alternatives for improved design and regulation of strip corridors. Some tools can stand alone, while others are best in tandem with other tools described. The last few sections discuss how to fund strip corridor revitalization, and list examples

of communities who are well on their way to creating better corridor development.

COMMUNITY GOALS/COMMUNITY INVOLVEMENT

Public involvement is critical to creating a new vision for a corridor. It may be accepted in the community that a corridor is in need of better planning and management for a variety of reasons, but it is still vital to engage the community early in the process in order to identify what issues should be given highest priority and what solutions are appropriate. Some potential elements of a successful public outreach campaign are described below.

Public Outreach Components

Creating a Vision for the Corridor

As in any community planning initiative, developing a community-wide vision is critical. Corridor issues can be addressed generally in a larger visioning process, such as for an update of a local comprehensive plan, but could also be specifically addressed by focus groups. Focus groups should be a representative group of individuals from the community gathered to specifically discuss a particular corridor, or all of the community's corridors in general. Any plans, policies, or regulations resulting from focus groups should go through a larger public input and comment process.

Questions that could be asked of a focus group should include:

- What is the role of the corridor in the community?
- Are the transportation needs of the community currently being served? Will they continue to be served by the corridor in the future given current trends?
- Are existing land uses consistent with the needs of the community? In addition to retail, are there other uses, such as residential and office, for the corridor?
- Is safety an issue in the corridor?
- Are all transportation modes adequately served?
- Are there any natural areas or environmental concerns that need particular attention?
- Is there a desire to protect undeveloped land?
- Should multiple jurisdictions be involved in addressing corridor issues?
- What is the need for action?

Collaborative Planning Process

After creating a working vision for the strip corridor, there should be a planning process where more specific issues and technical recommendations can be considered. The process should be inclusive and involve a wide-range of participants. An open public meeting for all citizens can be included, but a core group of stakeholders should be identified to guide the process. This group should include:

- Citizens
- Developers/development community
- Local architects/planners
- Local government (elected officials and staff)

- Regional planning agencies
- Civic groups

Design Workshops

A design workshop is a short, intense, collaborative process that can be used to build consensus about the future design of the corridor. Typical workshops should include design professionals leading citizens in an informal setting to produce the final product. The final products may include illustrations as well as written recommendations. These products should be used to create the final ordinance. If a community has engaged in an inclusive participatory process that recommended corridor revitalization the design workshop can include only design professionals for simplicity.

Visual Preference Survey (VPS)

VPS is a participation tool developed by Anton Nelesson that is widely used to gauge preferences for development types. Nelesson's patented technique uses pairs of images that are ranked by survey participants. Other approaches that use the basic approach can also be developed and provide equally significant public input. During the course of the meeting or workshop, the results should be tabulated and presented to give participants an idea of what the preferred characteristics for development should be. Ultimately, there should be a consensus as to the type and quality of development that should occur in the future. This information can be used to develop a regulatory framework that supports the results of the survey.

Guided Tours

A guided tour of the strip corridor and its surrounding area may be of great interest and value to those participating in the planning process. Tours should be done as groups, and should be lead by persons who are well informed about the issues facing the corridor and the community as a whole. Tours can involve citizens and stakeholders that are part of the planning process and/or professionals that are working with the local community.

Goals & Potential Solutions

It is critical to identify what characteristics the corridor should have in the future relative to the current problems associated with corridor. Future goals could include:

- Improved traffic flow
- A more pleasant pedestrian and bicycle-friendly environment
- A unique community identity within the corridor
- Improved landscaping
- Improved overall safety
- Greater diversity of uses, including retail, office, and residential

Once goals are identified for the corridor, a comprehensive set of strategies to reach these goals can be identified and included in an overlay ordinance. The diagram below

shows the tools described in this document (to the right), and matches those tools with common challenges associated with corridor redevelopment. A public involvement process should identify which issues are locally important, and begin discussions of which tools are appropriate. The expertise of planning, design, and engineering consultants may be required to develop some tools.

Corridor Redevelopment Challenges	Potential Tools
Aesthetics ❑ Corridor has become cluttered, unsightly, and/or blighted	Site Design Requirements Building Design Guidelines Regulating Big Box Development Landscaping ordinances
Parking/Transportation ❑ Congestion ❑ Oversupply of parking ❑ Safety ❑ Lack of non-automotive travel options	Identifying Parking Demand Inter-parcel Access/Alleys Alternative Parking Arrangements Street Design/Access Management Multi-modal investments
Rolling Strip ❑ Commercial areas difficult to serve with infrastructure ❑ Loss of open space ❑ Need for reinvestment in existing commercial areas	Property Acquisition Conservation Easements Open space zoning Transferable Development Rights Strategic Investments Floor Area Ratio Redevelopment Triggers
Financing Redevelopment ❑ Public expense of financing commercial redevelopment efforts ❑ Role and responsibilities of private property owners	Retroactivity Public Financing Options Grants Government Limitations

Corridor Revitalization and Economic Development

Revitalizing a strip commercial corridor should be considered an economic development initiative, especially if the area is experiencing economic decline. Even strip corridors that are strong economically may still require new design investments to remain so due to new competition or concerns about congestion. As part of a revitalization/stabilization effort in a particular corridor, it may be necessary to do a market study. A market study can provide valuable information during the planning process, and can also be used to promote the corridor in the future. Experienced economic development professionals should develop the market study. The study could include the following:

- Demographics (age, education, income, etc)
- Survey of customers/neighbors
- Survey of merchants
- Existing rents per square foot
- Existing sales per square foot
- Local demand for retail space (over/under-supplied)
- Regional demand for retail space (over/under-supplied)
- Current uses
- Traffic count information
- Spending in trade area
- Inventory of vacant/under-utilized property
- Unique characteristics of community

In addition to developing detailed market information for the corridor, the study should include strategic actions and outcomes for the future. Some examples are:

- Attain desired tenant mix
- Attain desired uses (retail, office, residential)
- Encourage the collection/gathering of uses to create a destination
- Develop store hours that maximize attractions to the area
- Identify and develop projects that catalyze redevelopment
- Identify new market niches
- Develop list of public investments
- Identify open space/civic space opportunities
- Develop tool-kit to market economic potential of infill sites

Even economically viable strip corridors could benefit from a market study as part of a comprehensive approach to addressing issues through a corridor overlay. A commercial center is expected to reach its peak value often in less than ten years. Extending the expected financial viability of commercial centers could be a worthy community objective. Commercial areas that are pedestrian oriented, have a mix of uses, and are well-connected with residential areas may actually increase in value over time and frequently serve as community gathering places.

STRIP SOLUTIONS

Regulation for Strip Revitalization

One crucial decision a community must make in the strip corridor revitalization process is what regulatory tools to use. An option is to rework the community zoning ordinance's requirements for commercial properties. This is a good approach for a jurisdiction that wants to overhaul regulation of all the community's strip corridors at once. It may also be preferable if the community wants to move from "single use" to "mixed use" zoning in commercial areas, to allow mixing of commercial with office and residential uses, if the required changes are extensive. However, many of the purposes of strip corridor revitalization may also be achieved with overlay districts.

Overlay Districts

Overlay districts are special zones placed "on top" of existing zoning and planning regulations. The overlay district contains requirements that either supplement or replace the underlying regulations. This approach allows local governments to maintain current codes while addressing the special needs of particularly sensitive areas. This is an attractive option for communities wishing to revitalize a particular strip corridor without more extensive amendments to the jurisdiction's underlying zoning ordinance.

The mapped boundaries of the overlay district do not necessarily have to coincide with other zoning district boundaries, and may not follow parcel boundaries. Instead, natural features, roads, etc. often define the perimeter of the overlay district. The overlay district is a tool that is widely used by local jurisdictions in Georgia. No additional statutory authority beyond state-granted zoning and planning powers is required.[1] A sample overlay ordinance is attached. It contains provisions for a basic strip corridor overlay, but does not contain provisions relating to every tool discussed in this document.

When enacting an overlay district, it is important to consider the language of the jurisdiction's comprehensive plan. Well-written comprehensive plans should provide goals, objectives, and policies to substantiate the need for, and public purpose of, overlay districts. It may even be advisable to amend the comprehensive plan to further reflect the desire to revitalize strip corridors.

Redevelopment Triggers

When designing any ordinance regulating redevelopment, it is important to consider redevelopment triggers. Redevelopment triggers require that regulatory requirements be met once a certain level of change is being made on-site. This is usually a percentage requirement. For example, in many ordinances, when the value of renovations reaches either 25% or 40% of the property's most recent tax assessment, all site improvements must come into compliance with regulatory standards. Some property owners attempt to circumvent the overlay's requirements by renovating in smaller stages. Therefore, it is wise to aggregate improvements over time – a common period is seven years – in which improvements totaling the given percentage would still trigger the

[1] However, creation of an overlay ordinance is a zoning action, and the appropriate state and local notice and hearing requirements should be followed. See, e.g. Zoning Procedures Law, O.C.G.A. 36-66-1 *et seq*.

standards. As an alternative, the ordinance can trigger only the landscaping requirements with a 25% provision, leaving the higher triggers for changes in the entire site design and other more stringent requirements.

Retroactivity/Non-Conforming Uses

Another regulatory issue to consider is retroactivity – whether the regulatory requirements could be made to apply to existing development along the corridor, even if that existing development is not being renovated or redeveloped. Generally, the U.S. and Georgia Constitutions prohibit passage of retroactive laws, and taking of a property right without compensation. These provisions make it unwise to simply require that all sites along a corridor immediately comply with regulatory standards because this would require removal of existing buildings and re-working of entire sites. Therefore, as with many other types of land use regulation, it is wise to designate all existing uses and structures as non-conforming uses that can be continued except under certain circumstances.

Amortization is another possible way to terminate nonconformities.[2] Amortization is a useful tool mainly for terminating non-conforming uses and minor structures associated with those uses, rather than significant non-conforming buildings. Local governments in other states use amortization as a tool to terminate non-conforming uses, even on purely aesthetic grounds. For example, Prince Georges' County, Maryland recently passed an ordinance providing for the amortization of used car lots of less than 25,000 square feet within three years. However, Georgia case law lends only indirect support to amortization of non-conforming uses. Also, in 1990, the Georgia Supreme Court categorically rejected amortization for the removal of non-conforming signs.[3] If a jurisdiction wishes to draft an appropriate, defensible amortization provision, it would be wise to engage expert guidance and legal counsel.[4]

Providing for Open Space

One of the most important aspects of any successful planning scheme is open space. Public open spaces, such as parks, trails, and greenways, provide extensive benefits to any community. In addition to their scenic attributes, public open spaces serve as anchor points. They are aesthetically pleasing, invite social activity, and provide places for people to interact, creating an overall sense of community.

Public open spaces also offer some additional, more tangible benefits. Close

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[2] The concept of amortization of non-conforming uses and structures comes from the accounting term, used to describe the process of depreciating an asset over a set period of time. In zoning law it has come to mean a set period in which the owner recoups the value of the asset, after which the non-conforming use or building is terminated.

[3] Lamar Advertising of South Georgia v. City of Albany, 389 S.E.2d 216 (Ga. 1990). However, it is important to note that the case was governed by *State Highway Department v. Branch*.[3] That case held the state billboard statute, which governed the regulations challenged in *Lamar*, was an unconstitutional taking and violation of due process. Therefore, this case can be factually distinguished and narrowly read as a limitation on amortization of billboards only.

[4] Also, a useful scholarly resource on the issue is Margaret Collins, *Methods of Determining Amortization Periods for Non-Conforming Uses*, 3 WASH. U. J. L. & POL'Y 215, 217 (2000). This is the best single resource regarding actual amortization provisions and courts' analyses of these provisions.

proximity to parks and other public spaces has been shown to substantially increase property values and improve the overall quality of life in an area, which can attract new businesses and increase the tax base for the local government.[5] In certain contexts open spaces may protect the environment by providing buffers around water bodies. Interconnecting open spaces with commercial and residential areas can promote alternative transportation, such as walking and biking, which can alleviate traffic congestion.

Open space may take many different forms, such as:

- Recreational parks
- Undeveloped land with natural or scenic values
- Watershed buffers
- Commercial property buffers
- Greenways
- Bike trails and pedestrian paths

Sites for open space should be selected early after community input and should become a foundation for development plans. Open space should be appropriately located and suitable for their desired purpose. Open space that is not interconnected with other points of interest by sidewalks, paths, trails, or bikeways will discourage pedestrian activity and diminish the space's value as an attraction.[6] Parks and bike trails placed too far away to be conveniently accessed will go unused and become wasted assets.

Acquisition of Property for Open Space

Perhaps the simplest method for creating open space is for the local government to purchase the parcels at market value and hold them for use as public open space. This method has been used by Fulton County and the City of Atlanta in their attempts to revitalize aging and blighted commercial districts.[7] In areas that are already developed and have passed their prime as retail property, there may be many parcels with absentee or tax delinquent landowners willing to sell their property for low prices. These properties may be acquired by the local government and transformed into open space.

However, owners of land parcels that are needed for open space may not be

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[5] See generally Steve Lerner and William Poole, , The Economic Benefits of Parks and Open Space, The Trust for Public Land (Susan Ives, ed., 1999), *available at* www.tpl.org. On the other hand, large parks used mainly for sporting events and large social gatherings can actually reduce the value of immediately adjacent residential property due to the fact that they also tend to attract nuisances such as crowds, noise, excessive lighting, and traffic. For more information, see John Crompton, The Impact of Parks and Open Space on Property Values and the Property Tax Base, *available at* http://rptsweb.tamu.edu/faculty/PropertyValue.pdf.

[6] See infra "Transportation" section.

[7] Information on the Sandy Springs redevelopment effort is available on the City of Sandy Springs website at http://www.sandysprings.org. Information on the Donald L. Hollowell Parkway redevelopment is available online at the City of Atlanta website at http://apps.atlantaga.gov/citydir/DPCD/Bureau_of_Planning/BOP/Plan_Study/Hollowell/Hollowell_Draft.pdf.

willing to sell their property or may try to hold out in hopes of obtaining an above market price. In such cases, the local government may need to condemn and acquire the land by compensating the owner for the fair market value. The Georgia Constitution delegates the power of eminent domain (condemnation) to every county and municipal government, provided that the condemnation power is wielded only when the property is to be used to serve a valid public purpose.[8] Georgia courts have generally held that parks and other open space properties that allow public access are for valid public purposes.[9] In order to condemn a piece of land, the government or development authority must follow the set of administrative procedures set forth in Georgia law.[10]

Acquisition of property and condemnation of open space may be an expensive option. There are many other options available for local governments to raise acquisition funds, some of which require the passage of additional legislation.[11] Condemnation, due to its administrative burden and potential for litigation, is generally used sparingly by local jurisdictions.

Conservation Easements

Another tool that can be used to preserve open space is the conservation easement. The General Assembly authorized the creation of conservation easements for use in preserving the natural, scenic, or open space values of land. [12] A conservation easement is a voluntary agreement between the property owner and the easement holder in which the property owner agrees to forgo certain uses of the property (such as developing, subdividing, or clear-cutting timber) which might damage the conservation value of the property. The property owner retains title to the land. Public access is not required to be one of the rights granted to the easement holder.

Though this process is voluntary in nature, conservation easements do provide some incentives, in the form of income, property, and estate tax benefits, for property owners to convey conservation easements in their land.[13] Conservation easements have the advantage over land acquisition in that open space is maintained with minimal cost to the governing body. Conservation easements tend to work best in areas where public support for conservation of green space is high and ownership of the desired land lies in the hands of one or a few owners.

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[8] Ga. Const. art. IX, § II, para. V.

[9] *Earth Management v. Heard County*, 283 S.E.2d 455, 459 (Ga. 1981); *Dougherty County v. Burt*, 308 S.E.2d 395, 398 (Ga. 1983).

[10] O.C.G.A. § 22-2-1 *et seq.*

[11] Some of these options include TADs (refer to "Government Role and Limitations" section of this document), bond issues under the Urban Redevelopment Law (O.C.G.A. § 36-61-1 *et. seq.*), and, until recently, funding from the Georgia Greenspace Trust Fund (O.C.G.A. § 36-22-1 *et. seq.*).

[12] Uniform Conservation Easement Act, O.C.G.A. § 44-10-1 *et. seq.*

[13] See the Georgia Environmental Policy Institute website at http://www.gepinstitute.com/consease.htm#TAX for helpful information on conservation easements and their tax implications.

Zoning Requirements

Another way in which local governments can plan for open space is to incorporate open space requirements into their zoning. Two main ways that open space can be created in strip corridors are by making minimum open space allowances part of the zoning requirements and by conditioning rezoning permits on the dedication of open space for public use, known as conditional zoning. Many jurisdictions, such as DeKalb County, the City of Atlanta, and the City of Roswell have used these tools to require developers to provide public open spaces within their developments.[14]

DeKalb County employs mixed-use zoning in its Stonecrest Area Overlay District. The mixed-use zones require a minimum of 20% of the property's area be reserved and maintained as interconnected public open space. [15] Furthermore, the zoning allows for density bonuses to be awarded to developers whose plans provide for more than the minimum amount of interconnected public space.[16]

In its Live-Work Zoning Guidelines, the City of Atlanta provides for open space in a variety of ways.[17] First, minimum open space requirements are mandated for all developments, varying by lot size and use. Second, up to 50 percent of the required open space for a development can be "traded" to adjoining parcels under the same ownership. This gives developers added flexibility in their designs while providing incentives to dedicate additional open space.

The City of Roswell, in its Parkway Village Overlay District, uses a multifaceted approach in order to preserve open space in a semi-rural area that was facing development pressure.[18] First, commercial or mixed-use development is allowed along the corridor. However such development is restricted to lots of at least seven acres. Next, building permit approvals are conditioned upon developers complying with a series of buffer and setback requirements. Additionally, density bonuses are available to developers who exceed certain specifications; for example, dedicating more than 50 percent above the minimum required buffers and setbacks. This preserves the existing greenspace of the area and prevents commercial development from spoiling the scenery and crowding residential development.

Open space can be an important and necessary component of a strip corridor redevelopment plan. Open space provides monetary, aesthetic, and environmental

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[14] City of Atlanta and DeKalb County ordinances available online at http://www.municode.com; City of Roswell ordinances available at http://www.roswellgov.com.

[15] DeKalb County Code of Ordinances chap. 27, art. III, div. 5, § 27-719.5 (2002).

[16] Density bonuses allow developers to build structures with greater density (more square footage of floor space per acre or other similar measure) than would normally be allowed under the zoning ordinance.

[17] City of Atlanta Code of Ordinances § 16-33.006(3)(c) (2002).

[18] This ordinance can be viewed at http://www.atlantaregional.com/qualitygrowth/OVERLAY_%20DISTRICTS_%20MODEL_%20ORDINANCES.doc

benefits and is instrumental in attracting people and businesses to an area. Providing adequate open space can be a key goal of any strip corridor revitalization effort, and acquisition, conservation easements, and zoning are helpful in meeting that goal.

Site Requirements

One of the most effective ways to make both small and large changes in the appearance, use, and flow of a strip corridor is through site requirements. As discussed below, these mandates affect placement of the building on the site and the construction and appearance of the buildings. This can encourage practices that make the corridor more aesthetically pleasing, the buildings more accessible, and even help protect the environment.

Better Site Design

Urban environments, including strip corridors, usually have large percentages of paved, or "impervious," cover. This is because strip corridors have many parking lots, streets, and buildings, and less land is devoted to woodlands, parks, gardens, and greens. This land use pattern increases stormwater runoff and water pollution, resulting in the destruction of stream habitat and water resources. It also destroys aesthetic values and recreational opportunities and can increase the cost of treatment of the community's water supply.

Therefore, it is in the best interests of all local stakeholders, including developers, local government, and community residents to design redevelopment sites in a way that will reduce impervious cover and increase vegetated areas. Use of better site design standards in environments such as strip corridors is an extremely effective and efficient way to help accomplish this goal.

Better site design is a fundamentally different approach to development. It employs a variety of design techniques to reduce the amount of impervious cover, increase the amount of natural, vegetated lands set aside for conservation, and use "pervious areas"[19] for more effective stormwater treatment. Streets, parking spaces, setbacks, lot sizes, driveways, and sidewalks are all reduced in scale to reduce paving and increase green areas. At the same time, better site design includes use of creative grading and drainage techniques that will reduce stormwater runoff and encourage more infiltration.

While use of better site design practices have a hugely beneficial impact on communities, they are often hard to implement because existing zoning ordinances, subdivision regulations, street and parking standards and drainage regulations hinder rather than help the implementation of better site design. Furthermore, developers are often not willing to change old practices because doing so may risk delay or rejection of site plans that are expensive and time consuming to create.[20] However, many resources

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[19] Pervious areas are streets or parking lots paved with pervious materials that permit water to enter the ground by virtue of their porous nature or by large spaces in the material. See City of Austin's Green Building Program, Sustainable Building Sourcebook, available at http://www.greenbuilder.com/sourcebook/PerviousMaterials.html.

[20] Center for Watershed Protection, An Introduction to Better Site Design 1 (2003) available at www.cwp.org/Downloads/ELC_PWP45.pdf.

exist to help change that regulatory picture. For example, in 2001, the Center for Watershed Protection published *Smart Site Practices for Redevelopment and Infill Projects*,[21] containing specific practices and programs that local governments, developers, and communities can implement.

The *Smart Site Practices* document makes several broad recommendations that will help communities both preserve greenspace and decrease impervious cover. First, at the planning stage, governments should require an environmental site assessment, which will help identify opportunities for natural resource restoration, reclamation and preservation. Also, the developer's site plan and design should preserve naturally vegetated areas, and when feasible include plans for re-vegetation, soil restoration, and use of native or non-invasive plants. Developers should also utilize existing impervious cover as efficiently as possible and minimize the size of parking lots and streetscapes.

The *Smart Site Practices* document also includes many recommendations for improving stormwater management and encouraging public transit and other non-automotive transportation forms. Parking lots should be designed to reduce, store and treat stormwater runoff using techniques such as functional landscaping and incremental minimization of lot size. Streets should minimize, capture, and reuse stormwater runoff. Governments can accomplish this by mandating narrower streets, incorporating landscaped areas and/or trees into the street front, and including tree pits. Also, source control of pollutants is a simple and cost-effective way to reduce stormwater pollution at many commercial sites, and techniques include designing better loading docks, covering potentially polluting materials stored outdoors, and containing dumpsters and fueling areas. Finally, local governments can encourage alternative transportation forms by increasing non-automotive connections to adjacent land uses, providing links to mass transit, and using alternatives to traditional sidewalks.

Setbacks and Building Entrances

One of the easiest ways to produce more pedestrian-friendly, usable, and aesthetically pleasing developments is to reduce the visual impacts of parking. The optimal method to accomplish this goal may is to bring buildings closer to the street. The primary regulatory method to achieve this transformation would be requiring *maximum* setbacks rather than *minimum* setbacks. Building setbacks are typically the minimum distance between any structure and a specified line such as street center-line, parcel line, curb, right-of-way, etc. Conventional zoning in auto-oriented commercial corridors often establishes minimum building setbacks, limiting what can be built between the building and the street. Such setbacks may result in development that emphasizes parking lots rather than buildings or the creation of a public realm. These parking areas may also be particularly difficult to navigate for pedestrians. Parking between a building and a public street may give the impression that automobile passengers are given priority over pedestrians or bicyclists in accessing the building or service.

If the community desires a more pedestrian oriented corridor the maximum setback should be relatively shallow with limited or no parking allowed between the

[21] The full text can be found at http://www.cwp.org/smartsites.pdf.

primary building entrance and the street. A maximum setback of 15’ to 25’ would likely allow for only a pedestrian zone (with street furniture) and landscaped area.

Next, buildings should be designed to feature primary entrances at both the front (pedestrian oriented) and rear (parking oriented) of the structure. A corner entrance to serve both pedestrians and side yard parking may also be desirable. In addition to ensuring the buildings comply with community aesthetic desires, attention should be given to landscaping and pedestrian facility requirements in order to create a safe and desirable pedestrian area.

Buildings should also be required to be oriented toward the street to allow pedestrian access and so that passers-by need not look at a blank wall or the back end of the building. Additionally, a minimum percent of site width to be covered by the building should also be specified – 50% is typical – so that a building covers the majority of street frontage. This requirement prevents developments with only side yard parking, which may result in the same visual impacts of exclusive front yard parking. Added flexibility for smaller parcels can be addressed by reducing the percentage of lot width requirement. When measuring site width, only buildable portions of a parcel should be included.

Design Guidelines

Design guidelines should be developed to serve as a reference to assist project designers and planners with understanding local goals and objectives for high quality commercial development. The guidelines can prescribe certain architectural details, but this may be inappropriate along a commercial corridor where a diversity of architectural elements may be desired. General parameters as to the desired qualities of future development are preferable to overly prescriptive architectural requirements. More specific architectural elements could be specified in historic downtowns or at significant commercial nodes.

Design elements that could be considered desirable:

- Variety/Richness of surface and texture
- Screening of roof mounted mechanical equipment
- Visual impact/360 degree review
- Multi-planed pitched roofs
- Roof overhangs/arcades
- Fenestration/placement of entrances and windows
- Creation of open/civic space
- Significant landscaping/hardscaping elements
- Architectural detailing at ground level
- Landscaped and screened parking
- Signage requirements
- Clearly defined customer entrances

Design guidelines should reference desirable design elements and be objective to allow for predictable, consistent, and fair reviews by a design review board or other reviewing authority. The guidelines should establish clear expectations for applicants, and the review process should be predictable and fair. The guidelines should be administered by a board of well-qualified individuals and given adequate resources.

Design review staff must be able to interpret the guidelines as well as to provide substantive advice to applicants. Visual aids, guidebook, and other reference materials should also be used to better communicate the guidelines. Efficient administrative procedures, including notice and comment, must also be developed. In addition to referencing desirable design features, a list of undesirable features may be helpful in communicating expectations for new development.

Problems with Big Boxes

Large retail and warehouse stores such as Wal-Mart, Home Depot, Target, and Sam's Club have become increasingly common among commercial developments. Sometimes referred to as big box stores, these types of businesses are often thought to be beneficial to communities seeking lower priced goods, job growth, and increased tax revenue. While the existence or magnitude of such benefits remains debatable,[22] it has become clear that large retail stores present unique problems to the communities in which they are located. Those problems include increased motor vehicle traffic in the immediate area, poor pedestrian infrastructure, reduced aesthetic value, and the blight that accompanies empty big box buildings. Therefore, it is important that communities try to mitigate the costs associated with big box development. The following are suggested policies particular to big box and other large scale development.

Pedestrian Amenities

In the case of big box sites, additional pedestrian amenities to sidewalks and landscaping might be required to reduce the impacts of these large scale buildings. For example, Hernando County, Florida requires that large retail projects contain pedestrian amenity areas near high pedestrian traffic. These amenities include sitting areas that are landscaped, covered, or shaded.[23] Below is an illustration of how such a pedestrian amenity area might appear.[24]

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[22] It has been argued that big box stores draw sales from local businesses rather than increase the total sales in a community. Also, the infrastructure costs to a community may exceed the tax revenue gained from a big box store. For more information on the economic impact of large retail stores on small businesses, see the August 10, 1994 testimony of Thomas Muller before the House of Representatives Committee on Small Business, which is available at 1994 WL 417197.

[23] Hernando County Code of Ordinances, Appendix A, Article 3, Section (3)(J)(2)(F)(2).

[24] Tampa Central Business District Urban Design Guidelines: Pathways and Connections, available at http://www.tampagov.net/dept_Planning/_private/Archive/UDG_2000413/pathways_and_connections_20000413.asp.

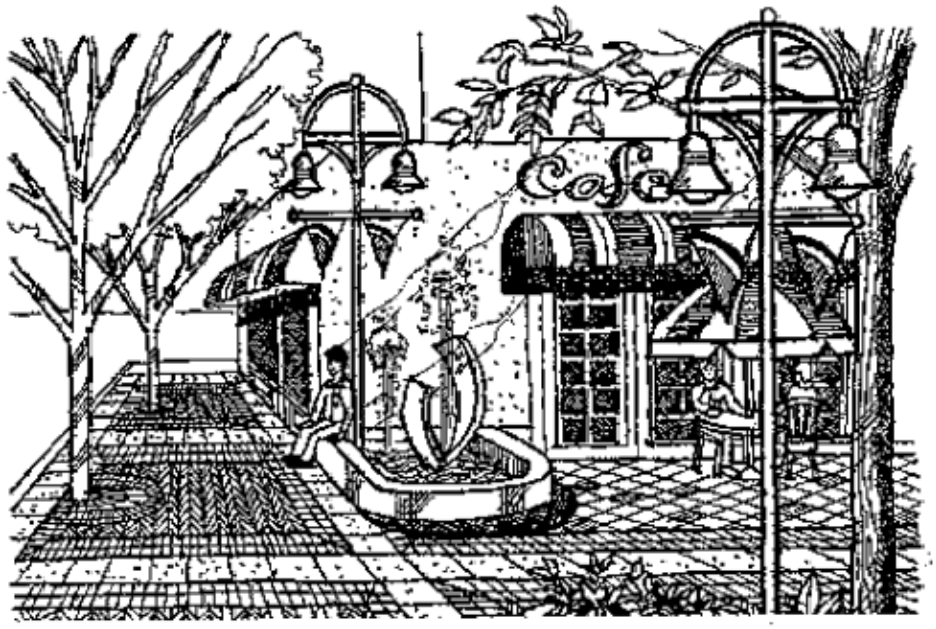

Figure 1: Pedestrian Amenities.

Aesthetics

Many successful big box ordinances address the architectural style that gave rise to the "big box" moniker. For example, a proposed Madison, Wisconsin ordinance would prohibit the flat, plain walls common to such stores.[25] This ordinance requires that façades greater than 100 feet in length incorporate wall plane projections or recesses extending at least 20% of the length of the façade. Also, no uninterrupted length of any façade can exceed 100 horizontal feet.[26]

Additionally, ground floor façades that face public streets would have arcades, display windows, entry areas, awnings, arcades, or similar features along at least 60% of the horizontal length.[27] The façade must also feature elements, including varying colors, changes in texture, or use pilasters or columns.[28] Also, the Madison proposal would control the roof lines of large retail establishments by mandating a change in height every 100 feet and requiring design features such as parapets to hide flat roofs and rooftop equipment.[29] Third, buildings would have a "clearly defined" and "highly visible" customer entrance with three of the following features: canopies or porticos, overhangs, recesses or projections, arcades, raised corniced parapets over the door, display windows, peaked roof forms, arches, outdoor patios, architectural details such as tie work or moldings, and integral planters or wing walls that incorporate landscape areas and/or

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[25] As of February 10, 2004, this ordinance was still pending. Also, an additional proposal in Madison would limit big box stores to 75,000 square feet. Judith Davidoff, I Don't Want to Zone Ugliness, Madison Council Member Seeks Big Box Limits, Capital Times, February 10, 2004, at 2C.
[26] Madison Code of Ordinances, Section 33.02(4)(f)(2)(a) (presented March 4, 2003).
[27] Madison Code of Ordinances, Section 33.02(4)(f)(2)(b) (presented March 4, 2003).
[28] Madison Code of Ordinances, Section 33.02(4)(f)(2)(c) (presented March 4, 2003).
[29] Madison Code of Ordinances, Section 33.02(4)(f)(3) (presented March 4, 2003).

places for sitting.[30] The drawing below is an example of how a building that conforms to the Madison design standards would appear.[31]

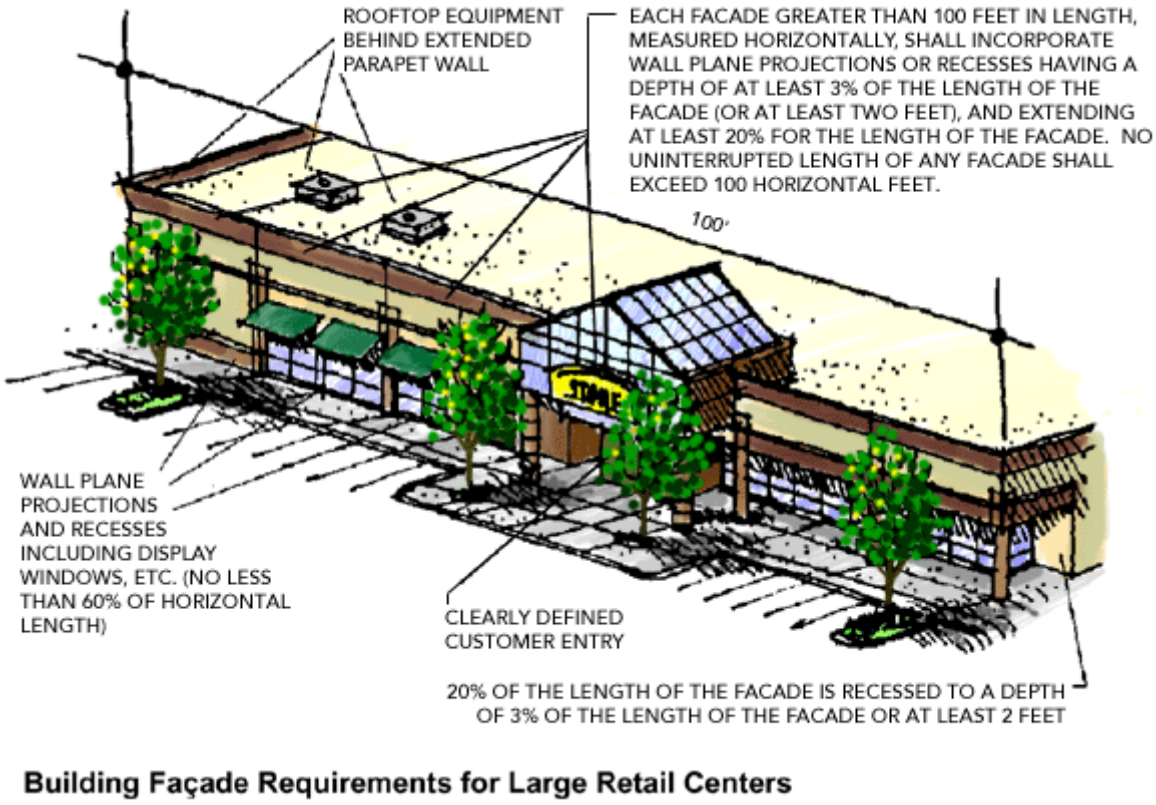

Figure 2: Madison's Big Box Requirements.

Other local governments have imposed design requirements on large retailers. For example, Hernando County, Florida prohibits uninterrupted façades of over 100 feet and requires design elements to conceal flat roof lines.[32] The ordinance states that "[i]nterruptions of such continuous lengths of the façade shall include wall plane projections and/or recesses of not less than five (5) feet in off-set, and twenty (20) feet in length, and one or more of the following: architectural features such as pilasters, columns, canopies/porticos, arcades, colonnades, and/or parapets."[33] For retail businesses exceeding 10,000 square feet in Peachtree City, Georgia, "[a]ll exterior building elevations that face public streets and/or customer parking areas shall be designed so that there are no large expanses of blank walls."[34]

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[30] Madison Code of Ordinances, Section 33.02(4)(f)(5)(a) (presented March 4, 2003).
[31] This image is from Section 6.9.5 of Arvada, Colorado's Arvada Land Development Code (available at <http://www.ci.arvada.co.us/LDC/ARVADA_LDC/5a8d341.htm>), which has many provisions that are similar to those within Madison's proposed ordinance.
[32] Hernando County Code of Ordinances, Appendix A, Article 3, Section (3)(J)(2)(A) and Appendix A, Article 3, Section (3)(J)(2)(E).
[33] Id.
[34] Peachtree City Code of Ordinances, § 1006.3(a)(5).

Empty Stores

Empty big box stores exist in many communities. As of May 2004, Wal-Mart alone owns or leases approximately 35 empty or partially empty buildings in the State of Georgia.[35] Many communities welcome large retail stores into their community, only to see that building abandoned a few years later in favor of a larger and newer building. Often, the former tenant prevents possible competitors from occupying the space, which severely limits the possible uses for large retailer's former site. The result is "ghostboxes," unattractive blights on the commercial district that waste land, hurt nearby businesses, and sometimes act as a haven for criminal activity.[36]

In an effort to prevent empty big boxes, Peachtree City, Georgia has enacted an ordinance that, among other things, requires that a former tenant allow another tenant to lease the premises the former tenant once occupied.[37] Any tenant that occupies more than 10,000 square feet is required to provide the city attorney with a copy of the rental agreement between the tenant and its landlord which contains a contract provision prohibiting the tenant from vacating the premises or ceasing operation while simultaneously preventing the landlord, by continuing to pay rent or otherwise, from leasing the premises to another person or company who will operate a permitted business on the premises. The landlord must be free to market and lease the premises to another person or company, except to a direct competitor of the tenant, regardless of any contractual right the tenant may have with the landlord.[38]

Initially, this ordinance seems to raise issues with the U.S. Constitution's contract clause because of the city's interference in the contracting process between lessor and lessee.[39] However, the Contract Clause issue may be avoided if the ordinance is drafted prospectively. As long as the ordinance only affects future contracts, there would appear to be no contract clause claim, because "the settled doctrine is that the contract clause applies only to legislation subsequent in time to the contract alleged to have been impaired."[40]

There are other options for a local government seeking to prevent large retail stores from becoming empty buildings. One such option is to require that the developer of a big box place funds in an escrow account for demolition of the building if it remains

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[35] Wal-Mart Realty (http://wal-martrealty.com/Buildings/Territory/southeast/southeast.html). Wal-Mart lists its vacant properties on this website as available for lease.

[36] For more information on ghostboxes, see Let's Talk Business, Issue 81 (May 2003) (available at < http://www.uwex.edu/ces/cced/lets/0503ltb.pdf>).

[37] Peachtree City's ordinance was challenged by the Target Corporation. The litigation was not based on the contract requirement, but jurisdictions wishing to adopt provisions similar to those of the Peachtree Ordinance, which also limits the size of big box stores, should review the court's files in this case. The case is Peachtree City Holdings v. Peachtree City, Civil Action File No. 2003V-1218(CE) in the Superior Court of Fayette County, and copies of the litigation documents can be made in the Clerk's office.

[38] Peachtree City Code of Ordinances, § 1006.3(a)(6).

[39] U.S. Const., art. I, § 10, c. 1: "no state shall pass any... Law impairing the Obligation of Contracts..."

[40] Munday v. Wisconsin Trust Co., 252 U.S. 499, 503 (1920).

vacant for more than a year.[41] Another alternative is to request a relocating retailer's assistance in finding a new tenant for the abandoned building.[42]

Tree Ordinance

Revitalizing a commercial corridor involves updating the corridor's appearance as well as bolstering the community's use of the area. Encouraging tree planting can help a community accomplish both goals. Tree lined streets within the corridor will add character to the often monotonous appearance of strip corridors. Trees along sidewalks, bike baths, and bus stops provide much needed shade. Making the commercial corridor more pleasant will increase the frequency and duration of its use.

A tree ordinance is desirable for the following reasons:

- Trees provide instant character to a commercial corridor.
- Trees make the corridor a better place to shop and live.
- Trees make the corridor inviting to pedestrians and cyclists.
- Trees reduce the ecological impact of development.
- Trees can improve the health of the community.
- Trees can reduce the demand for expensive infrastructure.

Benefits of a Tree Ordinance

Trees bring strong aesthetic value to an area. People are drawn to the classic cityscape of tree-lined streets and inviting sidewalks. The shade provided by trees creates an inviting atmosphere that encourages pedestrians to walk further and shop for longer periods of time. An upfront investment in tree and plant design can be a factor in whether the revitalization of a commercial corridor is a success or failure.

The economic benefits of a well-planned and extensively planted strip corridor are spread throughout the community. The benefits can be both direct and indirect. For example, building owners receive the most direct return from their investment in trees and other plantings, because their energy costs can be reduced through the proper placement of trees. The shade from these trees will reduce the cost of cooling the building in the summer, which is especially valuable in warm climates like Georgia. Also, as trees mature and become a part of the corridor's character, the property values of landscaped buildings may increase. Another direct benefit to shop owners is the curb- side appeal of trees and plants to pedestrians, community members, and other potential consumers. A recent survey by the University of Washington indicates that shoppers are willing to pay as much as 10% more for certain goods and services if the shops are located in districts with street trees and other plantings.[43]

Stormwater management is another area in which trees can minimize environmental impact. Strip corridors often have many impervious surfaces. Through increased planting and proper placement, trees can reduce both the amount and

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[41] Buckingham Township Ordinance, 98-02, § 5 (1998).
[42] News Release, American Planning Association (August 14, 2001) (available at http://www.planning.org/newsreleases/2001/ftp081501.htm).
[43] Georgia Forestry Commission, Georgia Model Urban Forest Book, available at http://www.gfc.state.ga.us/Services/UCF/GeorgiaModalUrbanForestProject.cfm

temperature of stormwater run-off. Traditional engineering methods for reducing the amount and temperature of stormwater run-off are more expensive than using trees.[44] For example, trees save the city of Washington, D.C. an estimated $4.7 billion annually in storm water management costs.[45]

There are also health and public safety benefits that result from an increase in tree canopy. Trees can reduce the amounts of harmful pollutants in the air.[46] Trees provide air quality benefits by: 1) absorbing gaseous pollutants (ozone, nitrogen oxides) through leaf surfaces, 2) intercepting particulate matter (e.g., dust, ash, pollen, smoke), 3) releasing oxygen through photosynthesis, and 4) and transpiring water and shading surfaces, which lowers local air temperatures, thereby reducing ozone levels.[47]

Important Elements of a Tree Ordinance

Street-Side Planting Areas

In order to create an appealing and pedestrian friendly atmosphere, it is important to require planting areas along the street. Many tree ordinances require only that a development include a certain number of trees, usually calculated based upon the total acreage. This type of ordinance is not sufficient to develop and maintain the tree-lined streetscape, valued by the public. Therefore, within the overlay district the tree requirements should call for street-side planting strips. These planting strips should be along the right of way, whenever possible,[48] while allowing for reasonable entry and exit to properties along the corridor. Whenever possible, existing mature trees should be preserved and included in the landscape plan for the property.

Size and Quantity of Plantings

When developing guidelines for tree planting, it is helpful to take a long term perspective. It is recommended that tree placement and design should be determined by the prospective ten-year growth of the tree species being planted. Planting trees without adequate space may result in added future cost, as the trees will need to be pruned more frequently or possibly replaced. The size of the tree may vary depending on the type of native species. The goal should be to maximize canopy coverage without endangering the health of the trees. Also, it is important that the tree ordinance allow for flexibility for cases where buildings or above ground utilities must be accommodated in the landscape

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[44] Georgia Model Urban Forest Book, supra note 43, at 9.

[45] American Forests. 2002. Urban Ecosystem Analysis for the Washington D.C. Metropolitan Area—An Assessment of Existing Conditions and a Resource for Local Action, available at http://www.americanforests.org/downloads/rea/AF_WashingtonDC2.pdf

[46] Exposure to air pollutants causes an estimated 50,000 to 120,000 premature deaths each year. Georgia Model Urban Forest Book, supra at note 433, at 12.

[47] McPherson, E.G., Simpson, J.R., Peper, P. & Xiao, Q. 1999. "Benefit-Cost Analysis of Modesto's Municipal Urban Forest." Journal of Arboriculture, 25(5):235-248.

[48] It is important to note that, along state highways, Georgia Department of Transportation (DOT) regulations ban the planting of "unbreakable" trees within the right-of-way. "Breakable" trees such as crape myrtle are allowed. However, it may be appropriate to negotiate with DOT regarding this issue, as they have recently indicated more openness to communities revitalizing strip corridors on issues such as these. Kaplan, Paul, *Run-Ins Over Roads*, Atlanta Journal-Constitution**,** February 16, 2004, at E1.

plan. By using various sizes of trees and requiring shrub planting, the goal of continuous street-side vegetation can be accomplished.

Canopy Trees

Large, street-side canopy trees are the most appealing aesthetically and environmentally. They provide large amounts of shade to people and buildings, while helping reduce the environmental impact of development. A canopy tree is one with a height of forty feet (40') and a crown of thirty feet (30') at maturity.[49] For canopy trees within the street-side planting strip, it is recommended that a planting density be set, and the number of trees determined by the street frontage of each lot. For example, an ordinance might say, "street-side planting areas shall include two (2) canopy trees in the first forty feet(40') and one (1) canopy tree per forty feet(40') thereafter or fraction thereof, if the remaining distance is twenty feet (20') or more." Best practices require a width of at least 8 feet for the planting strip, with an optimum width of 12 feet.[50] A canopy tree should never be planted in a strip with less than 4 feet of separation from an impervious service, because this could prevent the root system from having adequate access to soil and water. Also, it would increase the likelihood of root systems damaging the sidewalk or roadway.

A "water wise"[51] canopy tree should be a minimum of two inch (2") caliper, measured six inches (6") above grade, when planted. All other canopy trees should be a minimum of three inch (3") caliper, measured six inches (6") above grade. The difference encourages property owners to plant water wise species.[52]

Under-story Trees

When a building or utilities come into conflict with larger trees, smaller under-story trees should be substituted. When mature, an under-story tree should be 25 to 40 feet high.[53] Under-story trees may be used in areas where overhanging utility lines make the planting of canopy trees impracticable. For every one canopy tree required, two under-story trees should be substituted.[54] A water wise under-story tree should be a minimum of 1 inch in caliper, measured 6 inches above grade, when planted. Other under-story trees should be a minimum of 2 inches in caliper, measured 6 inches above grade, at time of installation.

Shrubs

The species of shrubs recommended should be of a locally adapted nature so as to limit maintenance costs and avoid the introduction of invasive and/or foreign species. To minimize the need for watering, an arborist should develop a recommended list of water saving species. Shrubs can help large trees around them by lowering the amount of evaporation from the soil. Also, shrubs can provide an eye-pleasing buffer along the side of the roadway. A recommended density for street-side planting strips is 17 shrubs per

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[49] Greensboro, N.C. Tree Ordinance, § 30-5-4.9 (2003).
[50] Georgia Forestry Commission, supra note 1, at 54.
[51] "Water wise" tree species are those that require minimal watering for healthy growth.
[52] Greensboro, N.C. Tree Ordinance, § 30-5-4.9 (2003).
[53] Id.
[54] Id.

one hundred feet of frontage, because maintaining street level vegetation is important to create the desired aesthetic effect.

Utility Conflicts: Above Ground and Underground

Above Ground Utilities

Planting tall growing trees under and near overhead lines will ultimately require the utility company to prune the tree in order to maintain safe clearance from the wires. Frequent pruning may give the tree an unnatural appearance and shorten its life span, as frequently pruned trees are more susceptible to insects and disease.[55] To avoid these hazards, the size of the tree at maturity should be considered. Proper selection and placement of trees in and around overhead utilities can eliminate potential public safety hazards, reduce expenses for utilities and their rate payers, and improve the appearance of landscapes.

Underground Utilities

It is increasingly common for utility lines to be buried underground. The large underground root systems of street-side trees will rarely interfere with utility lines. Most commonly, conflict between trees and underground utilities occurs at the time of planting. This can be avoided through proper planning and use of reasonable care. When making repairs to underground utilities, it will be important for local utilities to be cautious so as to not damage the root systems of street-side trees.

Benefits of Trees in Parking Lots

Requiring shade trees to be planted in and around parking areas has aesthetic and environmental benefits. Un-shaded parking lots retain a large amount of heat in warmer climates. This contributes to both the urban "heat island" effect[56] and increased air pollution.[57] Also, a vehicle parked in shade requires less air conditioning and is less susceptible to gasoline evaporation. Finally, providing shade over parking areas will provide a more pleasant and environmentally friendly atmosphere along the strip corridor.

For maximum environmental benefit, property owners should be required to maintain a tree canopy that will provide 50% shade coverage over the parking surface. The amount of shade coverage provided should be calculated based upon the predicted size of the tree crown fifteen years after installation.[58] It is important that shade falling outside of the parking area not be counted. Also, within the parking area, overlapping shade should only be counted once towards total coverage.

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[55] More information from the International Society of Arboriculture (ISA) about managing tree growth amongst utilities can be found at http://www.treesaregood.com/treecare/avoiding_conflicts.asp.

[56] On warm days, a city can be 6-8°F hotter than surrounding areas. These cities are called "urban heat islands." The cause is believed to be the large amount of impervious cover in certain areas, which absorbs large amounts of heat from sunlight.

[57] Scott, K.I., Simpson, J.R., and E.G. McPherson. 1999. Effects of tree cover on parking lot microclimate and vehicle emissions. Journal of Arboriculture 25(3): 129-142. Online at http://wcufre.ucdavis.edu/effects_of_tree_cover_on_parking.htm.

[58] Interesting Study: London Plane trees in California, achieved 50% coverage with only 7-10% of parking space required. Assuming adequate design and maintenance.

Maintenance and Public Awareness

Property owners should be responsible for maintaining healthy trees and shrubs, since few local governments have the budget to fund an extensive tree maintenance program. Maintenance may include periodic pruning, replacement of mulching, or even replanting dead trees and shrubs. It is important that property owners are educated on how to properly care for the trees on their lots. An arborist should develop proper care guidelines and recommend preventative maintenance measures. Without adequate guidance, property owners may end up incidentally harming trees in efforts to maintain them. This is especially true when it comes to pruning a maturing tree. To counter this problem, some local governments have adopted provisions that allow for the government to perform tree maintenance, funded by the property owner. The size of the jurisdiction may determine whether these steps are economically feasible.

Every effort should be made to make the public aware of the benefits that trees provide and encourage citizen participation in monitoring the condition of existing trees. This can be accomplished through the establishment of a voluntary local tree board. The tree board serves as an advisory committee on the needs of improving and maintaining the urban forest. Other responsibilities may include assisting the local arborist in selecting proper species for the area. Some jurisdictions ask the tree board for advice when determining budget issues for parks and other tree related services. Whether or not a municipality decides to grant the tree board any authority, it will be beneficial to have an organized body devoted to monitoring the status of the trees in the district.

Compliance

To achieve compliance, it is important to clearly delegate the authority to enforce the provisions of the tree and plant ordinance. In smaller jurisdictions, this duty may fall upon the planning department when reviewing the site plan or issuing permits. Approval of landscape plans might be required when issuing building or occupancy permits.

Another problem is that many times the trees and plants reflected in the plan are never planted or are removed by property owners after receiving the necessary permits. How the jurisdiction wishes to penalize the landowner for future violations will be a matter of preference and largely dependent upon budgeting for compliance measures. Penalty provisions in tree ordinances range from nominal dollar fines to complete revocation of building or occupancy permits when a violation is discovered. Whatever method is chosen, it is important that compliance measures provide adequate deterrence from violating the planting provisions.

Signage

Placement, size, and height of signs are often critical parts of creating a aesthetically pleasing commercial corridors. Fortunately, the American Planning Association has created a very comprehensive web document on signage. “Context-Sensitive Signage Design” is an excellent resource on all aspects of sign regulation, including community involvement, the history of sign regulation, the economic value of

signs, and legal issues and is the best possible source to consult in these matters. To gain access, visit the American Planning Association Planning Advisory Service – www.planning.org/signs/Login.asp - and provide your name and company information to log in.

Parking

In most Georgia communities, the primary mode of transportation is the automobile, so each new development or redevelopment project should have adequate parking. Many times, however, local zoning ordinances and other development practices result in an oversupply of parking spaces. When too many parking spaces are provided for in a project, resources that could be spent elsewhere are wasted, valuable land is not put to its highest and best use, and the environment is degraded through stormwater runoff and accumulation of oil and other pollutants. Georgia communities should work toward providing, as closely as possible, the optimal amount of parking along their strip corridors. When there is a glut of free or cheap parking, travelers will drive to their destinations rather than using transit, walking, bicycling, or using carpools. Additional driving increases pollution, congestion and creates pressure to build more roads.

Also, although most parking along strip corridors is "free" to the consumer, free parking is a myth. While the driver may not need to pay to park, someone pays for each parking space. Parking has up-front construction, maintenance, and operating costs, which must be funded by merchants seeking to increase business, employers seeking to retain workers, local governments providing a service, or a combination thereof. For Georgia communities working to implement long-term growth plans, one issue is how to distribute the costs of parking to the community at large. Local jurisdictions should be proactive in their approach to parking. The following are suggestions for achieving the optimal level of parking along a strip corridor and in a community.

Identify Parking Demand

In setting parking requirements, local governments often rely on policy documents from the Urban Land Institute (ULI), American Planning Association (APA), or National Parking Association (NPA). However, these standards often do not address the specific needs of various communities. For example, the typical 4 parking spaces to every 1,000 square feet ratio (for on-site parking) has "taken on mythical qualities" for communities and local developers.[59] This standard is easy to administer, so many jurisdictions use this ratio rather than determining actual parking needs. Further, most shopping centers and retail facilities build parking lots to accommodate the 20th busiest hour of use. Using the "20th busiest hour" standard often results in at least the 4:1,000 ratio. However, in some cases the number is even higher. This standard leaves at least half of the parking spaces vacant for at least 40% of the time. Although predetermined parking formulas are easier to implement, they do not allow for much flexibility in determining the optimal amount of parking.

[59] From Don't Even Think of Parking Here, APA, June 1997, by Lisa Wormser, at http:www.planning.org/planningpractice/1997/june97.html?project.

Therefore, the APA has begun recommending more flexibility in parking ordinances. Some provisions that allow more flexibility include off-site parking, and requiring a parking study that evaluates site-specific circumstances and demand. These and other options are discussed in more detail in the APA's report *Flexible Parking Requirements*.[60] Because parking demand varies widely between communities and within each community, communities should generate their own estimates of parking demand using the tools set forth below.

Estimating Parking Demand

The best way to determine parking demand is through periodic surveys of current and planned land uses, local travel patterns, and parking problems at different locations in the community. This type of community-specific data collection allows adjustment of requirements over time to achieve an optimal amount of parking. Parking demand should be related to a single variable, such as gross leasable area (GLA) or number of employees.[61] GLA is best used when determining parking demand for mixed-use projects or where multiple uses are contained in one building. For example, an office building may accommodate offices, as well as restaurants or retail stores. Second, analysis of site specific elements helps determine why the parking demand may vary among similar land uses in the same area. The elements to be considered include: the ability to observe total parking demand,[62] proximity and quality of transit, parking costs, socio-economic characteristics of the neighborhood,[63] and the number of multiple-use trips.[64]

Once demand has been accurately assessed, there are many options to consider with regard to parking requirements. The following are some of those options.

Parking Plans

One way to ensure that parking issues have been fully considered for a particular development is to require a parking plan be submitted with development permit applications. A parking plan incorporates site-specific data and explains how the development plan meets existing parking regulations. Developers could also be asked to submit plans that vary from existing parking requirements to reduce the amount of on-site parking. The plan could be subject to approval by the Board of Zoning Appeals or another government agency and could facilitate the achievement of optimal parking levels.

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[60] *See* T.P. Smith, Flexible Parking Requirements, Planning Advisory Service Report No. 377, American Planning Association (1983).

[61] The total useable floor area designed for the occupancy and exclusive use of tenants, including basements and mezzanines, and excluding exits, corridors, and open space. The Dimensions of Parking, 4th Ed., ULI 2000.

[62] Total parking demand describes the maximum number of parking spaces needed to accommodate the needs of the community.

[63] As income increases, so does automobile ownership. Todd Litman, Pavement Busters Guide, Victoria Transportation Policy Institute, January 2000.

[64] Identifying and Estimating Parking Demand: from ULI/ICSC Shared Parking Study. http://experts.uli.org/Content/ ResFellows/Dunphy/Survey_SharePark/Survey_Main.htm

Off-site Parking

Some new plans include on-street parking as a traffic-calming device and as a buffer for pedestrians on sidewalks. For new developments and redevelopment projects, on-street parking should be considered part of a lot's minimum parking requirement. For example, if a lot has enough frontage with on-street parking to accommodate eight parking spaces, those eight spaces could be deducted from the amount of spaces required to be provided on the lot itself.

When the required off-street parking cannot reasonably be provided on the same lot on which the principal use is located, a local zoning ordinance may allow off-street parking on another property, within a specific distance from the principle use. Some ordinances allow parking in lots within 500 feet of a development. It may be advantageous to increase this distance requirement to 1000 feet for large developments or for an intermodal transportation station, to allow projects a greater measure of flexibility in meeting parking requirements.

Shared Parking

Shared parking is most practical when neighboring land uses have different parking demand patterns and are able to use the same parking areas at different times. For example, parking demand at office buildings peaks during the workday, while restaurants or recreation centers have evening and weekend peaks. Shared parking areas might be on or off-site, but should be close enough to the differing uses so that visitors to both areas would likely use the same parking lot.[65]

Factors to consider when creating shared parking should include operating hours, seasonal/weekly/daily peaks in demand, site orientation,[66] location of access driveways,[67] transit service, accessibility to other parking areas, pedestrian connections, distance to parking area, availability of parking spaces, and cooperation of adjacent owners.[68] Common problems associated with shared parking plans include: retailer disputes over the right to use the spaces, allocation of the maintenance costs, and how changes in ownership, land use, or operating hours may change the design. Contracts outlining the sharing of spaces and costs, as well as mechanisms for amending the agreement can help prevent these problems.

Parking Structures

When land is at a premium or walking distances from parking spaces are too great (generally more than 1,000 feet), on-site parking structures should be considered. Although parking structures are more expensive than surface parking (sometimes more than five times as much per space), parking structures can add aesthetic, environmental, and overall cost-saving features if placed in an ideal location along a strip corridor, or

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[65] Barton-Aschman Associates, Shared Parking, ULI, 1982.

[66] The businesses sharing parking should be adjacent to each other and the shared parking area. The closer the businesses are to each other, the more likely the plan is to work.

[67] Traffic access into and out of the shared parking areas is important because if the parking area has only one entrance, or it is inconveniently located, fewer people will know about the shared parking scheme.

[68] Stein Engineering for Portland Metro, Shared Parking Handbook, Model Shared Parking Ordinance, 1997, available at http://www.crcog.org/Publications/TCSP/Ch08_Technical_Part2_Parking.pdf

near a potential multimodal transportation hub. In addition, depending on the site and purpose of the parking structure, the structure may house many uses. For example, a large shopping center could include a parking structure with small shops on the ground floor and parking on the upper levels.

Inter-parcel Access

Traffic congestion is a concern along major corridors. In many places customers must exit each commercial parcel, merge onto the main roadway, and then turn into the next driveway to shop in a commercial center next door to the first property. Access to these commercial properties from only one street leads to traffic congestion and can lead to accidents at the intersections of the strip corridor and entrances into commercial complexes.

It is possible to lessen traffic congestion by requiring inter-parcel access in the corridor redevelopment district. Inter-parcel access provides alternative points of access to and between adjacent commercial properties. By offering other ways to move between commercial areas, traffic congestion on the main corridor is lessened.

Alleys

An alternative to inter-parcel access driveways is construction and maintenance of an alley system behind commercial properties, parallel to the major access road. An alley system provides consistent alternative access to commercial properties. Alleys also avoid potential conflicts between adjacent property owners over the sites of inter-parcel access driveways.

A local jurisdiction could require property owners to provide alleys. However, this could cause a timing problem in creating the entire alley system, since properties will be redeveloped at different rates. Use of tax allocation district (TAD) or other public funds to create the alley system would help avoid the timing issue.

Transportation

One of the key components to revitalizing strip corridors is transportation. How a locality deals with this issue may determine the long run success of a corridor's redevelopment efforts. If done correctly, local governments may find a proactive transportation policy to be a stimulus for development along the corridor. If they act decisively and thoughtfully, local governments can reinvent the configuration of their corridor and reap the benefits of proper transportation planning.

Linking the development of transportation along the strip corridor to the local government's land use regulations, comprehensive plan, and capital improvement plan is a good idea. This will assure that the comprehensive plan and local land use regulations are not impediments to innovative transportation strategies, or vice versa. In addition, any decisions regarding transportation should made with consideration of environmental issues, including stormwater run-off, clean water, and clean air. By recognizing these linkages, the transportation policy of a community will help achieve the community's long-term goals along the corridor.

This section offers ideas for the development of street design, pedestrian access, bike paths, and transit options along the corridor. Those are the foundation pieces for a

coherent corridor redevelopment transportation plan. They must be brought together to make the transportation plan along the corridor function successfully.

Street Design

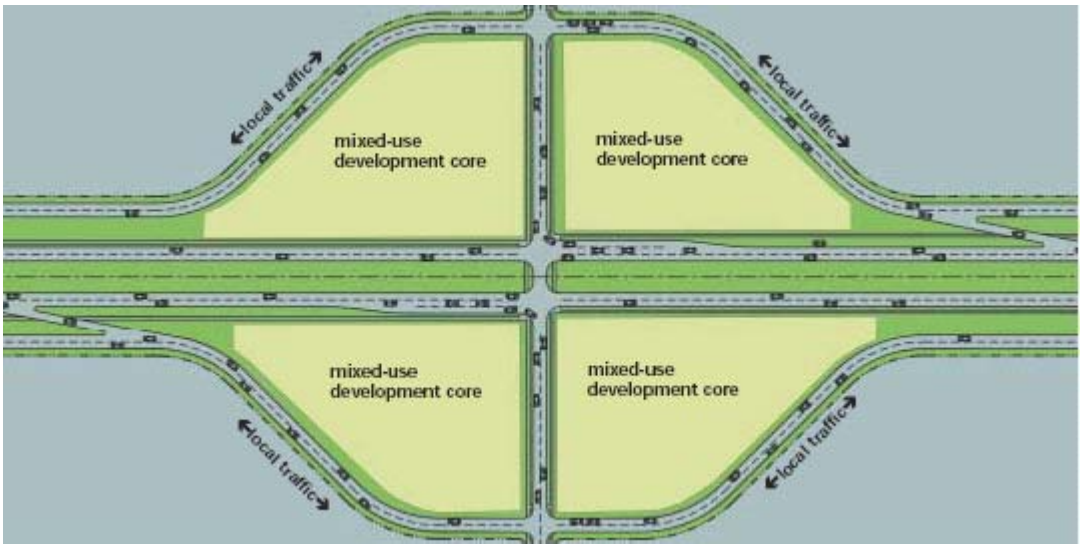
The location and quality of the road system of the corridor will greatly impact where future growth will occur. Street appearance, conditions, and locations will also impact the decisions the corridor's businesses and industries make about where to locate and open.[69] Street design will occur within the corridor and establish links with the road network that exists around the corridor. The design of a street must account for many components simultaneously: vehicle traffic, transit, pedestrian traffic, bicycle use, and on street parking.

Example of town retail center. Urban Land Institute, Ten Principles for Reinventing America's Suburban Strips 13 (2001).

When discussing street design some core concepts are important. Street design must be oriented:

[69] Thomas L. Daniels, John W. Keller & Mark B. Lapping, The Smalltown Planning Handbook 84-85 (American Planning Association 1988).

- To move people and goods with minimum interference;
- To develop a street system that leads effectively into the regional highway system;
- To develop a street system that will encourage the separation of local and through traffic;
- To develop a local street system to provide internal circulation;
- To enable residents to move safely and easily from one part of the community to the other;
- To minimize pedestrian-vehicular traffic conflict points; and
- To improve existing street deficiencies. [70]



Example of one means of separating local traffic and "through traffic." Urban Land Institute, Ten Principles for Reinventing America's Suburban Strips 14 (2001).

The focus on corridor redevelopment presents a valuable opportunity for retrofitting the corridor's streets, and correcting errors in past street design that created the traffic congestion. Clustering commercial activities provides a central location and improved access without establishing an unnecessary and circuitous road network. [71]

Street design should allow for pedestrian access and movement while preserving scenic and environmental integrity. One method of achieving this goal is "context sensitive" street design, which is a collaborative, interdisciplinary approach that involves all stakeholders to develop streets that fit their physical setting while maintaining safety

[70] Id. at 86-87.

[71] Id. at 46.

and mobility.[72] Context sensitive street design also deals with roadway planning, design, and street operation while meeting transportation goals, enhancing neighborhoods, and considering adjacent uses of land. Context sensitive street design moves away from bland, impersonal street planning by accounting for the special character and environmental features of a particular place and avoids the "one size fits all" design of traditional street planning.[73] With its attention to the community and surroundings, context sensitive street design may be a valuable tool to employ in corridor redevelopment.

Interconnectivity among different areas and parts of the corridor is also important. Coordinating the use of local streets and parking structures can improve in local access to the corridor, redistribute traffic, and ease congestion.[74] One of the primary issues to decide is whether the corridor's arterial road or roads will form a "seam" or "edge." If the arterial roads form the seam, they will go through the heart of the corridor. If they form the edge, the arterial street will feed into the corridor. Using a single road to be the only access to the corridor is likely to cause traffic congestion. A secondary road network tied to the main arterial road is crucial and can lead to shorter trip distances and faster trips for the corridor's users, especially if the corridor consists of smaller blocks. Better connection can also facilitate transit, walkways, and bike paths.

Access management provides access to the corridor while preserving traffic flow on roadways by properly designing driveways, median openings, and street connections to a roadway. [75] The reasons to provide attention to access management include improved safety of vehicular, and pedestrian travel, less congestion, and enhanced community character. The location of access points into the corridor will determine how conveniently and quickly corridor users move in and out of the corridor. Access points will also make pedestrian usage more or less convenient because the length of the crosswalks contributes to pedestrian usage.

There are several techniques for access management, which will help meet the corridor's land use and transportation goals. Key components of successful access management include driveway spacing, corner clearance, and sight distance. Driveway location is an important component of street design for a variety of reasons. Properly placed driveways into and out of the corridor allow exiting vehicles to see oncoming traffic, and give oncoming traffic adequate time to stop. Also, the width of the driveway should allow vehicles maneuver quickly and comfortably on and off the roadway. However, having too wide a turn can pose safety hazards for pedestrians, bicyclists and

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[72] Federal Highway Administration, Context Sensitive Design/Thinking Beyond Pavement, at http://www.fhwa.dot.gov/csd (2001).

[73] Atlanta Regional Commission, Context Sensitive Street Design 1 (2001), at http://atlantaregional.com/qualitygrowth/Context_Sensitive_TOOL.PDF.

[74] Urban Land Institute, Transforming Suburban Business Districts 48 (2001).

[75] Kristine M. William & Margaret A Marshall, Managing Corridor Development: A Municipal Handbook 38 (Center for Urban Transportation Research 1996).

other vehicles. A driveway should also be long enough so vehicles do not have to wait in through lanes to enter the site.[76]

Additionally, successful management involves the use of auxiliary lanes, such as turn lanes and bypass lanes that would remove turning vehicles from through traffic.[77] Other related components are regulation of minimum lot frontage and setback requirements, restricting the number of driveways per existing parcel and consolidating them wherever possible, promoting internal connections between adjacent land uses, and encouraging unified circulation. Additionally, it is important to discourage the location of driveways along acceleration or deceleration lanes or interchanges.[78]

Street without dedicated turn lanes and medians. Federal Highway Administration, Flexibility in Highway Design chap. 6 (1999).

Street with dedicated turn lanes, turn lanes, median, and sidewalk buffer. Federal Highway Administration, Flexibility in Highway Design chap. 6 (1999).

Redesigning streets is also a way achieve increased safety and reduce traffic speeds along the corridor. Reducing traffic speeds will help emergency responders, other drivers, pedestrians, and bicyclists. Proper design of the street can reduce on "cut through traffic"[79] and excess vehicular speed through streets. Some of the ways to reduce these

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[76] Managing Corridor Development: A Municipal Handbook, supra note 7, at 38.

[77] Id. at 37.

[78] Id. at 38-39.

[79] "Cut through traffic" occurs when a vehicle's final destination is not a location in the corridor; rather, the vehicle uses the roads and streets comprising the corridor to reach a destination not along the corridor.

unacceptable traffic patterns to include landscaped medians, limited driveway connections, speed bumps, and shared parking. These elements can work together to provide an attractive environment for corridor users, including pedestrians.[80]

Street redesign options can also help the corridor's transportation system. Traditionally, medians have been a popular way to separate opposing lanes of traffic and restrict turning and crossing movements. Medians serve as havens for pedestrians crossing the street and serve the landscaping needs of a revitalized and beautified corridor. Some crucial issues regarding medians include: maintaining adequate sight distance for drivers and pedestrians, and proper spacing and design of median openings.

Median with plants and trees. Federal Highway Administration, Flexibility in Highway Design chap. 2 (1999).

Median with plants and trees. Atlanta Regional Commission, Context Sensitive Street Design 17 (2001), at http://atlantaregional.com/ qualitygrowth/ Context_Sensitive_TOOL.PDF.

[80] Smart Growth Network, Getting to Smart Growth II 36 (2004).

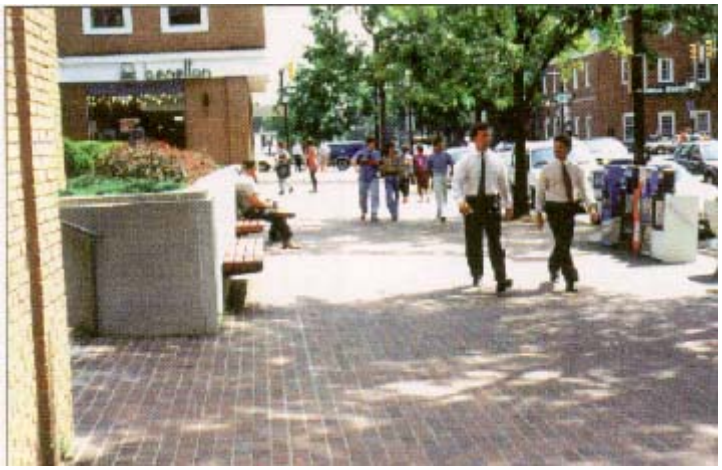
Round-abouts or traffic circles, improved roadway lighting, and traffic signal timing are examples of more street design options to consider in the corridor redevelopment.

Round about. Federal Highway Administration, Flexibility in Highway Design chap. 2 (1999).

Ways to turn also affect traffic and pedestrian flow. For instance, restricted left-turn or right-turn movements at some intersections and restricted right on red turns at signalized intersections could be useful.

Example of dedicated turn lanes with separate lanes for "through traffic." Federal Highway Administration, Flexibility in Highway Design chap. 6 (1999).

Additional street design possibilities include locating businesses and offices near the roadway to minimize the distance people have to walk from transit, sidewalks and bikepaths. It may also be helpful to locate shops along the roadway to attract people to the corridor. Once buildings are oriented towards the street, transit offers another way to make them more accessible and attractive.



Example of sidewalk design incorporating shop and office frontage. Federal Highway Administration, Flexibility in Highway Design 9 (1999)

Pedestrian Access

Traditionally, strip corridors have not been friendly to pedestrians and pedestrian traffic. Providing safe, convenient, comfortable, and attractive connections to the primary centers of activity on the corridor will increase pedestrian traffic. A proper pedestrian environment is also necessary if the community wants to add a transit connection to its strip corridor. For those reasons, pedestrian walkways and sidewalks are a key element in the strip corridor redevelopment.

Pedestrian walkways are important for other reasons. Walking has become a popular recreational activity. As the population ages and seeks to remain healthy, more of the elderly seek opportunities to walk in convenient and safe locations. Parents and children are also likely to use corridor walkways and bike paths. Pedestrian walkways in strip corridors may be able to fill these needs.

To maximize the effectiveness of pedestrian walkways and sidewalks, the corridor should include a network of pathways linking the commercial developments with each other and surrounding uses.[81] For example, a well-organized walkway network should link nearby shopping and employment centers, residential areas, transit stops, schools, parks, and other public resources.[82]

Sidewalks should also provide incentives for use. For example, locating shops and restaurants along the walkways creates a pedestrian-friendly environment. Providing sidewalk seating for cafes and restaurants is an opportune sidewalk use. Orienting building facades toward sidewalks also encourages more sidewalk use. Once buildings are oriented towards the street, sidewalks become more accessible, attractive, and usable. In addition, having street level display windows and reducing blank walls along

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[81] American Planning Association, *Creating Transit-Supportive Land-Use Regulations* 6 (Marya Morris ed., 1996).

[82] Id.

sidewalks provide a more pleasant walking environment.[83] Moreover, locating businesses and offices near the roadway minimizes the distance people have to walk from transit, sidewalks, and bike paths to do business, work, or shop.

Café located along sidewalk. National Association of Local Government Environmental Professional & Smart Growth Leadership Institute, Smart Growth is Smart Business 18 (2004).

Pedestrian walkways must include some specific elements in order for the public to use them. In order to succeed, walkways need to be inviting places to walk and have interesting destinations.[84] Other attractive elements include: benches, trees, shading, coordinated street signals, proper lighting, crosswalks at grade, shorter distances between crosswalks, and properly maintained and clean walkways.

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[83] The Center for Livable Communities, *Building Livable Communities: A Policymaker's Guide to Transit-Oriented Development* 18 (1996) [hereinafter Building Livable Communities].

[84] Randall Arendt, *Growing Greener* 84 (Island Press 1999).

Pedestrian walkway with shop frontage and street furniture. Atlanta Regional Commission, Context Sensitive Street Design 1 (2001), at http://atlantaregional. com/qualitygrowth/ Context_Sensitive_TOOL.PDF.

One of the primary concerns a sidewalk must meet is safety. Separating sidewalks from traffic and parking by trees and landscaping make sidewalks feel safer and more likely to be used.[85] Also, proper lighting should be integrated into the architectural character of the corridor redevelopment.[86] More and shorter lights may be preferable to fewer, taller, high-intensity lights.[87] There might also be need for more illumination around building entrances and transit stops, where there is likely to be a greater volume of traffic. Decorative pavements at the entry points of corridors, intersections and crosswalks (cobblestone, brick) increases driver awareness of pedestrian activity and encourage drivers to slow down.[88]

Long strip corridor blocks present challenges for pedestrians because they make them walk a greater distance to reach a destination on the other side of the block. The solution may be through-block connections, a short-cut route through long blocks. This will be more convenient to the pedestrian.[89]

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[85] Transforming Suburban Business Districts, supra note 6, at 48.

[86] See American Planning Association, Creating Transit-Supportive Land-Use Regulations 8 (Marya Morris ed., 1996) (citing a Clark, County, Washington ordinance regarding lighting); id. at 6 (providing model language for a sight lighting ordinance).

[87] New Urbanism: Comprehensive Report & Best Practices Guide 8-13 (Robert Stuetville ed., 2001) [hereinafter New Urbanism].

[88] Atlanta Regional Commission, Retrofitting Corridors Smart Growth Tool 1 (2003).

[89] Id.

Ideally, there should be walkways on both sides of a corridor that are five or more feet in width.[90] This enables two pedestrians to walk side by side comfortably.[91] Convenient street crossings are important for pedestrians and must be carefully designed, accounting for the expected vehicular traffic and the percentage of turns those vehicles will make. With proper pedestrian access and walkways, the redeveloped corridor will provide increased comfort, convenience, and practical applications, and will benefit from having a functional pedestrian component.

Example of pedestrian walkway, bike path, path buffer, and street. Federal Highway Administration, Flexibility in Highway Design Appendix (1999).

Bicycles

As mentioned, bicycle usage can be incorporated into a corridor's transportation plan. Communities must make a choice between having a bike route designated by signs, a bike lane, or a bikepath.[92] The best option for bicyclists may be the bikepath because it offers a safer and more pleasing environment, providing more opportunities to be linked to offices, residences, pedestrian walks, and commercial areas.[93] Depending on the volume of automobile traffic on a street, bikes may be a part of the vehicle traffic or they may need to be accommodated with bike lanes.[94] Bike lanes might be less necessary if there are traffic calming devices being used on the corridor roadway.[95] Another important

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[90] Institute of Transport Engineers, Traditional Neighborhood Development Street Design Guidelines 7 (1997) [hereinafter Traditional Neighborhood Development].

[91] Id. at 28.

[92] Id. at 15.

[93] Id.

[94] New Urbanism, supra note 20, at 8-12.

[95] Traditional Neighborhood Development, supra note 23, at 6.

element in successful bicycle routes is proper signage giving directions and distances.[96] In some situations these signs form a bike route without a dedicated bike path or bike lane. Planning for bikeways as roads are being built or redesigned is important, because once construction is complete it becomes more difficult to add bikeways.[97]

The bikeway must be comfortable, convenient, and navigable. Linking bikeways to residential areas, employment centers, transit facilities, and community areas can increase bicycle usage in the same way as a network of pedestrian walkways. Bicycle use would be enhanced if it were integrated with other modes of transportation, such as connecting recreational pedestrian trails to bicycle trails.

Many barriers exist in maximizing bicycle usage, including uncontrolled driveway cuts, inconsistent sidewalk placement, and inconsistent street lighting. Whether the corridor is located on different grades may also determine whether bike paths or bike lanes are feasible.[98] Additionally, there is often competition between bicyclists on trails and roadways, and pedestrian and vehicular traffic.[99] Locating bicycle parking sites properly can sometimes be a problem. To achieve a successful bicycle program, a locality should address these issues.

Transit

Transit is an important aspect of a successful corridor redevelopment plan. Transit provides crucial services to people who do not have automobiles, including the elderly, the disabled, and new immigrant populations. In order for the community to accept and use transit, transit must be convenient, reliable, attractive, and available. Location, safety, affordability, and the ability to meet the changing needs of the consumer are other aspects of a successful transit system. Moreover, transit must be maintained and modernized in a timely manner.

To achieve success, it is important to surround transit with mixed land uses, such as commercial, residential, and recreational. Mixed uses lend more safety by making it safe and easy to walk at different parts of the day. Successful transit also requires the right level of density surrounding it. Having the proper density will assure transit ridership. Also, transit must include the provision of pedestrian access to existing and identified future transit routes so that the transit system can sustain itself.

While rail-based transit is expensive and may be more effectively implemented at the regional level, bus service is an option for individual strip corridors, especially within a local network of bus transit. Bus service uses current roads, is flexible, and can change as travel patterns change. However, the capital costs to purchase buses and hire drivers may be too high for some communities. Smaller communities with strip corridor redevelopment plans may want to establish a lower level of bus service. These

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[96] Temple Jarrell, Bikeways: Design-Construction-Programs 15 (National Recreation & Park Association, 1974) [hereinafter Bikeways].

[97] Id. at 16.

[98] Bikeways, supra note 29, at 49.

[99] Atlanta Regional Commission, Retrofitting Corridors Smart Growth Tool 1 (2003).

communities may prefer jitney-type busses, accommodating 15-25 people. Another option is a bus rapid transit (BRT) system, which is a roadway based transit system designed to offer light rail-like transit services on dedicated street lanes using vehicles that look like traditional buses but closer to the ground. This system offers flexibility in routing, is cost effective, and has a positive public image.[100]

Example of Bus Rapid Transit at http://www.gobrt.org/whatis.html.

These transit types offer a range of options. The community must choose which transit option is the most cost-effective while suiting its ridership needs best. The best transit choice is one that is flexible to meet corridor user demands while being integrated with the other modes of transportation along the corridor.

Transit Oriented Developments

Transit oriented developments (TODs) are high-density mixed-use projects around transit stations and bus stops. A TOD includes retail, housing, and office projects. A useful analogy for TODs is highway exits; in the 1960s, "if you knew where the highway exit was going to be, you bought and built [there]."[101] According to the Atlanta Regional Commission, TODs result in mixed-use neighborhoods that support and benefit from their proximity to public transit. A TOD can be a magnet for economic development and sustainable growth. TODs also provide a mix of residential, retail, and office uses along

[100] Id. at 99.

[101] Transforming Suburban Business Districts, supra note 6, at 54.

with a supporting network of roads, bikepaths, and pedestrian walkways focused on a major transit stop designed to support a high level of transit use.

Many ingredients are required for a TOD to be successful. First, the TOD must have sufficient density to encourage the use of public transit. Second, residences, offices, and retail destinations need to be located close to public transit facilities, sidewalks, and bike paths. In addition, the TOD blueprint does not have to be a vast area, often a radius of a quarter mile up to a half mile will do. Also, there may be opportunities for commercial activities beyond the core area close to the transit station.

For more information on developing TODs, consult http://www.todadvocate. com/; http://www.reconnectingamerica.org/html/TOD/; http://www.transitvillages.org/ pages/448644/index.htm.

Funding of Transportation Planning

When local governments conduct transportation planning, they deal with entities at the local, state, and federal levels. There are numerous steps that must be taken before a transportation project becomes a reality. Since most strip corridors are located on a major arterial roadway, often a state highway, state and federal entities will play a major role in developing all of the corridor's transportation issues. The following is designed to provide localities with a synopsis of the transportation process and the varied roles different entities play in establishing transportation policy. More specifically, the Georgia Department of Transportation (GDOT), the Georgia Department of Community Affairs' Regional Development Centers (RDCs) and Metropolitan Planning Organizations (MPOs)[102] coordinate transportation projects and chart the transportation needs of communities. Once it chooses its transportation plan along the corridor, a locality needs to have the ability to communicate its goals effectively in order to receive the required approval from state and federal officials.

First, the size of a locality, above or below 50,000 in population, determines whether public transportation funds will go through the MPO or the rural process. If it is above 50,000 in population, it will go through the MPO process and if below 50,000 in population, it will go through the rural process. The MPO process involves formulating a long-range Regional Transportation Plan, and evaluating and ranking the locality's highest priority projects. The highest-ranking projects will be included in the Transportation Improvement Program (TIP), which state and federal authorities must approve. If approved, the TIP's projects are included in the State Transportation Improvement Plan (STIP), a six-year construction plan with an annual update, and eligible to receive transportation funding.[103] For the rural transportation project process, covering places with under 50,000 population, the GDOT meets annually with local

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[102] A MPO is established by an agreement between the governor and at least 75 percent of the local governments in the area covered, and approved by the U.S. Secretary of Transportation. The MPO has the responsibility for meeting the transportation and planning requirements of the federal transportation law. National Academy of Transportation, *Rural Transportation Consultation Processes* 1 (National Academy of Public Administration 2001). The Department of Community Affairs establishes Regional Development Centers.

[103] Georgia, at http://www.nado.org/rtoc/library/ga.html.

officials to review their transportation needs, which are then prioritized and submitted for inclusion in the STIP.[104] The locality's transportation program must be aligned with the long range strategy in the Statewide Transportation Plan (SWTP), which is updated every five years.[105]

Aligning the corridor's transportation plan with the SWTP and inserting it into the STIP at the appropriate time will be essential. The nature of transportation planning makes it take years to formulate. For the corridor's transportation system to be functioning and usable, it must go through this process in order to meet the corridor's needs in a timely manner.

Most funding for state road and bridge projects comes from the state motor fuel tax. The Georgia State Legislature apportions this money to the GDOT. The Georgia Constitution authorizes the Legislature to expend state motor fuel taxes for "all activities incident to providing and maintaining an adequate system of public roads and bridges in this state."[106] This limitation on the expenditure of motor fuel tax funds means it is debatable whether these funds may be used for bikepaths, transit, or other similar expenses. This limitation should be noted when local governments are planning their strip corridor revitalization projects because motor fuel tax funds may not be eligible to be spent on things other than public roads and bridges. Consequently, it may not be worthwhile to rely on motor fuel tax funding to finance all the different transportation components of a strip corridor redevelopment.

Properly navigating the transportation maze and knowing the right players reduces the likelihood that the maze will impede the local government's corridor redevelopment efforts because transportation can enhance the corridor or become an obstacle. The process is complicated and the timing is crucial. In moving through the transportation process, a local government may do well to hire a transportation planner or consultant.

STOPPING THE "ROLLING STRIP"

The "rolling strip" is a development pattern in which businesses in an older shopping center will readily move onto a newer center further down the road, leaving behind a vacant or underutilized center. This complicates redevelopment efforts by weakening the market for commercial space in older parts of the strip. As long as businesses can keep moving to new space further down the road, they have little incentive to stick around as participants in revitalization of the older strip. As described below, solutions include: rezoning excess commercial property, strategic placement of infrastructure, density requirements, and Transfer of Development Rights.[107]

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[104] Id.

[105] Id.

[106] Ga. Const., art. III, sec. IX, para. VI(b) (1983).

[107] Sometimes also referred to as "Transferable Development Rights."

Rezoning

One solution to the problem of a rolling strip is to reduce the amount of commercially zoned undeveloped property along the corridor. If the commercial zoning of undeveloped land away from existing commercial areas is changed to a more restrictive classification, then commercial growth along the corridor can be contained. The main problem with rezoning is the potential for takings claims by unhappy property owners who were expecting to develop their land as commercially zoned. Though rezoning is rarely found to be a taking as long as it does not cause a "substantial detriment" to the property owner[108], if done with a Transfer of Development Rights (TDR) program (discussed below) the new zoning could create a beneficial effect for property owners.

Generally, Georgia courts give deference to a local government's zoning decisions, giving them the presumption of validity that must be overcome with a showing of significant detriment on the part of the land owner and a showing that the new zoning is not substantially related to the public health, safety, morality, and welfare.[109] However, in pursuing a rezoning strategy, it is wise to take some precautionary steps. First, include language in the zoning amendment that demonstrates the rezoning of the property is sufficiently related to the public health, safety, morals, and welfare. The preservation of open space falls within the public welfare.[110] Declaring this in the amendment strengthens the presumption of validity afforded to any zoning action.[111]

Second, be sure there are no vested rights issues with property being rezoned. If the property owners have already sought assurances from the local government concerning the right to use the property for commercial purposes, either through applying for a building permit or through some other form of official written assurance, then their right to develop the property may be vested.[112] This means that they must be allowed to build or be compensated for the loss of their vested right.

Third, provide proper notice of the change to the property owners to avoid due process problems. Adherence to the Zoning Procedures Law and the jurisdiction's own notice and public hearing procedures in adopting the zoning amendment should satisfy the due process requirements.[113]

Strategic Placement of Infrastructure

Another rolling strip solution is to place infrastructure only in those areas where growth is desired. Often, a developer will choose to build on a greenfield site rather than renovate or make use of existing strip developments within the corridor. Local governments often subsidize greenfield development by allowing infrastructure expansion into undeveloped areas. Public funds are spent to upgrade roads and extend sewer and water service in order to meet the demands of the new development.

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[108] [Need case cite here.]
[109] Gradous v. Board of Commrs., 349 S.E. 2d 707, at 709 (Ga. 1986).
[110] Parking Assoc. of Ga., Inc. v. City of Atlanta, 450 S.E. 2d 200, at 202 (Ga. 1986).
[111] Gradous, *supra* note 1
[112] Barker v. Forsyth Co., 281 S.E. 2d 549, at 552 (Ga. 1981).
[113] O.C.G.A. § 36-66-4.

Meanwhile, existing strip developments within the corridor are underutilized and often fall into a state of disrepair. By strategically limiting the placement of new infrastructure, a local government can limit sprawling development and promote the use of existing strip developments within the corridor. Also, the use of exiting infrastructure through compact development patterns can save municipalities significant amounts of taxpayer money.

Roads

By promoting higher density development within existing commercial corridors, local governments can reduce the amount of public funds spent on roads. One study estimated that a 20 percent increase in density could save state and local governments around $110 billion (around twelve percent) in road costs over the next twenty five years.[114] Preventing the strip corridor from sprawling on for miles will help preserve the character of the revitalized corridor as well as its commercial viability.

Sewer

By limiting the placement of sewer and other utilities, a city can encourage development within the existing strip corridor and save public funds.[115] New commercial development usually requires new sewer service. Despite directly benefiting the developers, these sewer expansion projects are typically financed through public funds. This dramatically lowers the cost to developers of building in greenfield areas. Proper planning on when and where to expand infrastructure will allow for growth at a reasonable pace and encourage long term investment in existing corridors.

One method to stop proliferation of sewer lines is to develop a sewer ordinance.[116] The creation of a sewer ordinance has the benefit of allowing the city and county more control over where to direct future growth. This solution is best implemented on both a city and county wide scale. In developing such an ordinance the local government first needs to determine a sewer service area. The service area should allow for a realistic expectation of future growth in the city, so as not to undermine the purpose of the ordinance in directing growth, by causing developers to move into other jurisdictions.[117]

The location of the service area can depend on any number of factors including, "existing development patterns, natural features which help define the developed and rural parts of town, locations which are appropriate for sewer from an engineering standpoint, and areas where the town wants to encourage future growth."[118] Using this

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[114] Buchell, Robert, Cost of Sprawl 2000, National Academy Press (2002).

[115] It is estimated that a twenty percent increase in density could result in 6.6% savings in sewer expenditures. Id.

[116] Sewer moratoria, a more limited solution in terms of time and scope, may be allowed in Georgia with a showing of reasonable necessity. A showing of reasonable necessity would require that the sewer system was at or over capacity and that allowing more connections would be dangerous to the public health. See, Dekalb County v. Townsend Associates, Inc., 243 Ga. 80, at 82, 252 S.E.2d 498 (Ga. 1979)

[117] Lampton Kate, Developing a Sewer Ordinance: One Town's Experience. Planning Commissioners Journal. p. 2, Vol. 44, Fall 2001.

[118] Id.

framework, municipalities could direct growth in way that protects the character of the strip corridor. The sewer ordinance can also control the pace at which sewer capacity should expand and the percentage of sewer capacity dedicated to different types of uses.[119]

Increased Density on Currently Developed Sites

In anticipation of growth and demand for future commercial development, allowing higher density in currently developed areas should be considered. Increasing height and/or Floor Area Ratio allowances along the corridor encourages businesses to build upwards in sites currently containing one story buildings. Also, as discussed in other sections of this document, allowing a mix of retail, residential, office, and institutional uses on at least some sites along the corridor is an excellent way to achieve higher density on sites, while maintaining pedestrian-friendliness and creating aesthetically pleasing sites, sometimes called "live-work" areas.

Transfer of Development Rights (TDR)

TDR is a related option available to preserve currently undeveloped greenfield sites. Under a TDR program, development rights are transferred from "sending zones," which are designated for protection, to "receiving zones" which are designated for future growth.[120] A TDR program benefits landowners, developers, and the local government. The zoning of the sending area is usually changed to a lower density level than was previously allowed. In exchange for giving up the right to develop at the higher density, the property owners are allowed to sell those development rights to developers in the receiving district, or to the development rights "bank" set up by the community. Property owners in the receiving district who purchase the development rights may increase the density on their lands.[121] TDR programs have been successfully implemented around the country, and are becoming popular in Georgia.[122] Each community considering TDRs must assess the concept within larger development goals.[123]

Development Pulsing

Strip corridor development, if not managed properly, can have many adverse effects. Traditional unrestrained strip corridor development spreads commercial uses down roadways in widely spaced, disconnected parcels, rendering them accessible only by automobile. Consumers moving from establishment to establishment along the strip create traffic congestion and dangerous pedestrian environments. As newer developments

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[119] Id. at 3.

[120] Tools for Quality Growth, Transferable Development Rights, UGA Institute of Ecology, available at http://outreach.ecology.uga.edu/tools/tdr/tdr.pdf. This site contains a comprehensive set of materials on the use of TDRs in Georgia and around the country.

[121] Id.

[122] See, e.g., http://www.chatthillcountry.org/hot-topics/tdr.htm, describing the TDR program developed for Chattahoochee Hill Country in South Fulton County.

[123] An excellent resource for communities considering a TDR program is Beyond Takings and Givings: Saving Natural Areas, Farmland, and Historic Landmarks with Transfer of Development Rights and Density Transfer Charges, by Rick Pruetz, AICP (Arje Press, 2003). Pruetz is a nationally-recognized TDR expert who has reviewed or helped create almost every TDR program in the country, and his book is the most comprehensive and helpful resource available.

spread further down the corridor, the older commercial properties become less attractive to investment. Such properties may eventually become vacant eyesores that attract crime and drain community funds without giving any return in property taxes. These effects of traditional strip corridor development can be avoided by utilizing development pulsing.

"Development pulsing" or "nodal development" are two names for a planning concept designed to prevent uncontrolled strip corridor growth. The idea centers on confining growth to dense, interconnected clusters or nodes, with open space or residential areas in between.[124] Development pulsing channels commercial development into these nodes or "pulse points." By concentrating a wide mix of commercial and residential uses at the nodes, consumers are placed within walking distance of offices, stores, and transit stops. The design combined with excellent inter-parcel access through sidewalks makes for a more pedestrian friendly environment. A grid-style street system within the nodes allows traveling consumers to exit main thoroughfares, park, and walk to their desired locations instead of driving from store to store. This not only cuts down on vehicular traffic congestion and pollution, but can also allow local governments to improve the appearance of commercial districts, incorporating the nodes into villages or neighborhoods with aesthetically pleasing designs which will attract consumers, new businesses, and increased sales and property tax dollars.

If a municipality decides that they want to employ development pulsing, they must first decide what locations they wish to designate as their pulse points. Pulse points should be suitable for dense development, have good access to mass transit, and have population densities and compositions sufficient to support commercial enterprises located there. Marketing and demographic studies may be helpful in finding proper locations for pulse points. Community input should be encouraged when making these decisions. Mass transit stops and the intersections of main thoroughfares are two common choices for pulse points.

The City of Atlanta employed development pulsing in its Donald L. Hollowell/Bankhead Highway Redevelopment Plan.[125] For this strip corridor redevelopment project, eight pulse points were chosen to serve as commercial and mixed use centers along the corridor. The pulse points chosen for that project depended on population density and demographics, proximity to MARTA stations, and ability to handle traffic, as well as input from the community expressed at public meetings.

After planning the pulse points, the area must be properly zoned. An overlay district with restrictions on the size, appearance, and spacing of commercial development, and zoning for high-density commercial or mixed uses in the areas immediately surrounding the nodes, as well as the finer grid-style streets to relieve traffic congestion, may be necessary to make the nodes effective as commercial centers. Zoning the land

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[124] For more information on development pulsing, please see the Urban Land Institute's "Ten Principles for Reinventing America's Suburban Strips" by Michael D. Beyard and Michael Pawlukiewicz. This article is available online at www.uli.org.

[125] Information on the Donald L. Hollowell Redevelopment Project can be found online at http://apps.atlantaga.gov/citydir/DPCD/Bureau_of_Planning/BOP/Plan_Study/Hollowell/Hollowell_Draft.pdf

between pulse points for low density residential or open space can create or conserve green space in the areas between pulse points.

Possible barriers to the use of development pulsing include extensive rezoning that may be necessary to create the nodes, expenditures for marketing and demographic studies to determine feasibility of node locations, and public investment in transportation centers and street improvements. It may be necessary for the local government to acquire vacant properties to assemble them into larger, more marketable parcels. Funding these activities may put a strain on public revenues. If local government budgets are tight, spending general funding dollars on development pulsing may be difficult to justify. Therefore, as with any strip corridor redevelopment effort, alternative funding sources should be sought and efforts should be made to inform the public of the benefits of development pulsing.

GOVERNMENT ROLE AND LIMITATIONS

Redevelopment Powers Law and Tax Allocation Districts

The Redevelopment Powers Law[126] was adopted for the purpose of giving county and municipal governments additional powers to overcome the economic limitations that have impeded redevelopment of economically and socially depressed areas in the past. The Redevelopment Powers Law makes certain tools available to local governments to finance improvements needed to revitalize these areas. Tax Allocation Districts, known as TADs, are authorized by the Redevelopment Powers Law to aid local governments in their efforts in revitalizing aging or underachieving commercial areas, including strip corridors. TADs are geographic areas created by resolution of the local legislative body for the purpose of utilizing Tax Increment Financing (TIF). In very basic terms, TIF is created by setting the current property tax amount collected within the TAD as a base point and allowing the redevelopment authority to use the tax revenues generated in the future above that base point amount to finance improvements within the TAD.[127] Redevelopment agencies can use this as a ready source of available funding. Any improvements made to the TAD area, such as cosmetic changes, improved street layout and public transportation, and assembling of larger, more commercially viable parcels, that attract new investment and result in additional tax revenues will provide funding for redevelopment costs without having to allocate the general funds of local government for this purpose.

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[126] O.C.G.A. §36-44-1 *et. seq.*

[127] This base point is known as the "tax allocation increment base" (O.C.G.A. § 36-44-3(15)).

TADs are being utilized by several municipal governments in Georgia, notably Sandy Springs and the City of Atlanta.[128] Both Sandy Springs and Atlanta (in its Westside TAD) had aging commercial strip areas that suffered from lack of private investment. These areas had several common characteristics that made them suitable for TADs. Some of these characteristics included:

- Large numbers of vacant or abandoned properties
- Large numbers of aging (40 years and older), obsolete, and substandard structures
- Faulty lot design with inadequate accessibility and too little area to be commercially viable
- Diversity of ownership among commercial properties, making assembly of large parcels difficult
- Lack of investment in residential development

Although these characteristics made Sandy Springs and Westside prime candidates for TAD use, the Redevelopment Powers Law gives local governments broad discretion in deciding whether or not an area is qualified for TAD use.[129] Essentially any area that has already been developed and the current condition of the area is less desirable than if it were redeveloped may be designated a redevelopment area for purposes of implementing a TAD.[130]

A local government, in order to take advantage of the tools available under the Redevelopment Powers Law, must follow the procedures set forth in the statute. The procedures may be summarized as follows:

1) The local government must pass a local law via special election requiring the vote of the majority of qualified voters affected, such law authorizing the local government to use the redevelopment powers.[131]

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[128] Additional information on the Sandy Springs TAD can be found online at http://www.sandysprings.org/ssri/TAD/plan.pdf. Information on the Atlanta area TADs can be found online at http://www.atlantada.com.

[129] This is, of course, subject to the limitation in O.C.G.A. § 36-44-17 that the combined taxable value of property for all TADs within the local government's area of operation may not exceed 10 percent of the total property tax base of the area of operation.

[130] O.C.G.A. § 36-44-3(7).

[131] O.C.G.A. § 36-44-22.

2) The local government must create a redevelopment agency by resolution in accordance with O.C.G.A. § 36-44-4. The resolution must delineate the membership, terms of office, powers and duties, and other such material aspects of the redevelopment agency. An existing agency, such as a Downtown Redevelopment Authority or an Urban Redevelopment Authority, may serve as a redevelopment agency, or a new agency may be created.

3) The local government must delegate powers to the redevelopment agency by resolution. All of the powers listed in O.C.G.A. § 36-44-5(a) may be delegated to the redevelopment authority, subject to the restrictions placed on these delegations by O.C.G.A. §36-44-6. Those restrictions prevent the redevelopment agency from exercising eminent domain (unless it is a Downtown Development Authority) or acting without the approval of the local government.

4) The redevelopment agency must create a redevelopment plan pursuant to the procedures outlined in O.C.G.A. § 36-44-7. The substance of the plan must comply with the requirements of O.C.G.A. § 36-44-3(9) and be submitted to the local government for public comment and approval by resolution. Once adopted, the plans may only be amended in the same manner.

5) To create a TAD, the redevelopment agency must submit a redevelopment plan containing the TAD to each political body (such as boards of education) that levies taxes in the TAD for the political body's consent to having their taxes included in the tax allocation increment base or general funds pledged as payment of tax allocation bonds.[132] This consent must be granted by resolution of the political body. The plan must then be submitted to the local legislative body for approval by resolution. The resolution must give the boundaries and name of the TAD, specify the taxes to be used in computing tax allocation increments, estimate the tax allocation increment base, and otherwise comply with the requirements of O.C.G.A. § 36-44-8(3).

6) The redevelopment agency must then certify the tax allocation increment base, have the properties included in the TAD identified on the appropriate tax digests, and provide for annual notice to the appropriate tax official of both the taxable value of property within the TAD and the tax allocation increment base, per O.C.G.A. § 36-44-10. From this information, the tax official calculates the tax allocation increment.[133] Any positive tax allocation

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[132] See O.C.G.A. § 36-44-9 for specifications on how taxes may be applied to a TAD in computing the tax allocation increment base and O.C.G.A. § 36-44-15 for information on taxable property values and millage rates within the TAD.

[133] The formula for computing tax allocation increment can be found in O.C.G.A. § 36-44-3(14).

> increments (amounts collected above the tax allocation increment base) and general funds pledged by local legislative bodies must be allocated to the redevelopment agency by the tax official of the local government from the time the TAD was created until the time that all redevelopment costs associated with the TAD have been paid. Also, the tax allocation increment base of the TAD may not increase until this time.

Positive tax increments form the basis of TIF. These may be used to raise money for redevelopment projects within the TAD. There are several methods of financing outlined in O.C.G.A. § 36-44-13, including issuing tax allocation bonds, loans, and other debt.[134] Debt obligations assumed by the redevelopment agency must be paid off through tax allocation increment funds collected. The guidelines and rules for issuing debt obligations is covered by O.C.G.A. § 36-44-14. Tax increment funds, or any general funds pledged by a local government, may also be used to pay redevelopment cost directly. According to O.C.G.A. § 36-44-3(8), TIF funds may be used to pay for "any expenditure made or estimated to be made or monetary obligations incurred or estimated to be incurred to achieve the redevelopment of a redevelopment area" which can include capital projects, purchasing and assembling properties for resale, and payment of professional services costs. This broad range of authorized expenditures combined with the array of financing tools available under the Redevelopment Powers Law make it worth investigating for any local government that has aspirations for redeveloping a strip corridor.

FINANCING OF REDEVELOPMENT

Financing is a critical component of redevelopment along corridors. Often, the public and private will have to work together in the redevelopment efforts. Federal, local and state financing can play a role by infusing needed funding into the corridor redevelopment process. The following is basic information about some of the financing and funding options available for redevelopment.

SPLOST

The State of Georgia allows counties and cities to institute a special purpose local option sales tax (SPLOST).135 SPLOST revenues may be used for roads, streets sidewalks, bikepaths, and "capital outlay projects," which include transportation projects.136 The statute authorizing the SPLOST provides a specific list of requirements for local governments to meet before imposing a SPLOST. Prior to a municipality receiving any revenues from a SPLOST for a municipally-initiated project, there must be an intergovernmental agreement between the issuing county and the municipality, listing

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[134] The Redevelopment Powers law provides specific statutory guidelines governing the use of tax allocation bonds (O.C.G.A. § 36-44-14) and redevelopment loans (O.C.G.A. § 36-44-16).

[135] O.C.G.A. § 48-1-111 *et seq*.

[136] O.C.G.A. § 48-1-111(a)(1)(A) & (B) (2003).

the project to be funded by the SPLOST.137 Also, the county must adopt a resolution or ordinance approving the imposition of a SPLOST. Then, there must be a countywide referendum on the SPLOST specifying the duration of the tax, the maximum amount of sales tax that can be raised, the projects on which SPLOST revenue will be expended, and the amount of any general obligation debt issued in conjunction with the SPLOST.

General Obligation Bonds

The most common type of municipal bond is a general obligation bond, which provides a quick infusion of capital for localities to use on a variety of public projects. [138] In the context of corridor redevelopment the bonds may issued to "build and maintain a system of county roads."[139] There are limitations on issuing these bonds. First, the Georgia Constitution does not allow the total debt load of a locality to exceed ten percent of the assessed value of all taxable property in the locality.[140] The bonds also cannot have a maturity of more than thirty years. General obligation bonds can only be issued after a majority of voters of the locality approve the issuance of debt. To issue the bonds, there are pre-election requirements, post-election procedural requirements, and post issuance procedural requirements. General obligation bonds are tied to taxes because the locality typically uses revenue from local taxes to finance the debt on the bond.

Revenue Bonds

Revenue bonds are different from general obligation bonds because they are payable solely from a specified source. Unlike general obligation bonds, taxes cannot be used to finance revenue bonds. Localities may issue these bonds through development authorities and downtown development authorities, among others.[141] These bonds may be used to finance projects, such as transportation facilities, transportation systems, public and parking areas along the corridor.[142] Revenue bonds have a procedure for authorization.[143]

Community Improvement District

A community improvement district (CID) is a district where all commercial property owners have agreed to a self-imposed ad valorem real estate tax in order to finance specific service, infrastructure, and facility improvements to the district.[144] CIDs are similar to a Tax Assessment Districts (TADs), which are mentioned in an earlier

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[137] This intergovernmental agreement is not binding. Thus, a county may later choose not to fund the projects listed in its intergovernmental agreement.

[138] See generally Amitabha Bose & Joseph Blake Evans, *Gaining* Ground on Infrastructure in Georgia's Cities, (Georgia Municipal Association 2003). Copies can be obtained by calling the G.M.A. at (404) 688-0472.

[139] O.C.G.A. § 48-5-220 (2003).

[140] Ga. Const. art. IX, sec. V, para. I (1983).

[141] Ga. Const. art. IX, sec. VI, para. I (1983).

[142] O.C.G.A. § 36-82-61 (2003).

[143] O.C.G.A. § 36-82-63 *et seq.* (2003).

[144] Ga. Const. art. IX, sec. VII, para. I *et seq*. (2003).

section of this document. CID funds may be used for road maintenance, curbs, sidewalks, street lights, and street signals along the corridor.[145] A board of directors elected by the property owners of the district distributes the ad valorem real estate taxes the local authority collects. The ad valorem real estate taxes a CID receives may not be more than 2.5 percent of the property's assessed value. Examples of CIDs include: Buckhead, Midtown Atlanta, Perimeter Center, Cumberland in Cobb County, and Highway 78 in Gwinnett. Some of the projects in these CIDs include easing traffic flow, improving streetscapes, and increasing pedestrian flow that might be useful along the corridor.

Public Funds

One Georgia Authority

The One Georgia Authority, created by the Governor and the General Assembly, utilizes one-third of the State's tobacco settlement to assist the state's most economically challenged areas. One of its funding sources is the Equity Fund, the purpose of which is to provide a program of financial assistance that includes grants, loans, and other forms of assistance to finance activities that will assist applicants in promoting the health, welfare, safety, and economic security of the citizens of the state through the development and retention of employment opportunities in areas of greater need. If a strip corridor is located in a One Georgia Authority designated area of greater need, it may be eligible to receive funding from this source for a variety of corridor activities, including road building, if the local government can demonstrate that the corridor redevelopment is tied to the retention of employment. Additional information on the One Georgia Authority Program is available at http://www.onegeorgia.org/index.html.

Georgia Department of Transportation

The Georgia Department of Transportation (GDOT) has funding available for local governments' strip corridor revitalization efforts. These funds can go toward sidewalks, bike paths, street design, and transit needs. Different types of GDOT programs fund different types of transportation. This section reiterates some of the information contained in the document's "Funding of Transportation Planning" section.

GDOT's main funding programs are the Local Assistance Road Program (LARP), the Governor's Road Improvement Program (GRIP), city-county contracts, and public transit assistance. GDOT also distributes the funding from federal transportation programs, including the Congestion Mitigation and Air Quality Program (CMAQ),[146] Transportation Enhancement Program,[147] Community and System Preservation Grants,[148] Access to Jobs grants, and Federal Transit Administration funding. These

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[145] Ga. Const. art. IX, sec. VII, para. I (2003).

[146] CMAQ projects include sidewalks, bicycling courses, and pedestrian walks. Surface Transportation Policy Project, TEA-21 Works for Georgia, at http://www.transact.org/library/ reports_pdfs/ funded_projects/georgia.pdf.

[147] Transportation Enhancement Program projects include: the acquisition of the historic terminal station in Macon, the Hawkinsville bicycle and pedestrian corridor, and Roswell Road transit-oriented streetscape. Id.

[148] Transportation and Community and System Preservation Program funding went for a Athens to Atlanta transportation corridor study. Id.

programs can provide funding for many of the corridor's transportation projects, such as road reconfiguration, road construction, street design, pedestrian walkways, and bike paths. The state motor fuel tax funds the LARP, which is a resurfacing program designed to assist local governments in maintaining and preserving their paved road systems. GDOT chooses which projects will receive funding after receiving submissions from each local government. GRIP provides funding to eighteen legislatively designated highways across the state. The city-county contract program is another program providing state assistance for road improvements. Compared to LARP funding, city-county contract funding can also be disbursed for construction, paving, and road widening projects on a matching basis with local governments. Funding from these sources can be used to reconfigure the corridor's roads streets, add pedestrian walkways, and build bikepaths.

GDOT also has some transit funding programs, totaling a little over $8 million. These transit funding sources often support or supplement federal funding. These funding sources include: the Enhancement Budget, the Urban Capital Program, the Rural Capital Program, Planning Support and the Inner City Bus program. While the state does not provide any transit operating support, these state transit funding programs may be used to start transit services to the corridor.

Although the Transportation Enhancement Program is a federal program, the State of Georgia has a Transportation Enhancement Advisory Panel that ranks submitted projects, focusing on historical, natural, and scenic areas, and determines which ones will be funded. Community and System Preservation Grants are competitive grants given after a community submits a project to the U.S. Department of Transportation. The Job Access Reverse Commute Program provides funding for local governments distributed by GDOT to help citizens travel to and from work. The corridor's businesses may utilize this program to provide commuting options to their employees who may not own cars. More information on transportation funding is available at http://www.dot.state.ga.us/dot/communications/publications/index.html.

Grants

There are also grant funding opportunities for local governments. Grants can be used to provide assistance in a variety of projects including: transportation, streetscaping, bikepaths, and sidewalk design. Since grants are awarded on a competitive basis, there is a limit on the grants available but they may be a means to supplement other sources of funding used in strip corridor revitalization. The Georgia Municipal Association has a April 2003 research report that provides a useful guide explaining the basics of the grant application process, *Obtaining Grants: A Local Official's Guide*, which may be obtained by calling the G.M.A. at (404) 688-6211.

Community Development Block Grant (CDBG) Program, Department of Housing & Urban Development

The CDBG program provides funding for numerous activities, including capital improvements. The main requirement is that the projects substantially benefit low and moderate-income persons. A local government may be required to provide a ten percent match to receive a grant. In terms of the corridor redevelopment, CDBG funding could go to fund road improvements, pedestrian access, and bikepaths. For more information about

this program, please visit http://www.dca.state.ga.us/grants/ grantprogram.html and http://www.dca.state.ga.us/ economic/ecopack.pdf.

CDBG - Section 108 Loan Guarantee Program, Department of Housing & Urban Development

The Section 108 Loan Guarantee Program helps local governments with economic development projects that cannot proceed without a loan guarantee. The maximum loan guarantee is $5 million. In order to be eligible the project must all meet CDBG requirements and result in significant employment and/or benefit low and moderate-income persons. Projects eligible for financing under existing public funding program will likely not qualify for loan guarantee assistance unless those programs fail fully to meet a project's needs. Some activities that are eligible for funding are: acquisition, construction, reconstruction, rehabilitation, or installation of public facilities, public streets, sidewalks, and other site improvements. Some of the projects tied to corridor redevelopment, such as improved pedestrian access, bike paths, and road construction, might all be eligible to receive Section 108 loan guarantees if they are packaged as a part of a redevelopment project, which the corridor redevelopment project could be. More information is available at: http://www.dca.state.ga.us/economic/section108.html.

Economic Development Administration (U.S. Department of Commerce)

The EDA provides funding to local governments in areas of economic decline to expand and upgrade their infrastructure. Local governments submit proposals to EDA on a continuous basis. EDA provides an average of $1.24 million in funding for a project. Funding typically supports investments in essential public infrastructure necessary to generate private sector jobs and investments. EDA funding might be used for rebuilding roads and sidewalks, and relocating utilities along the corridor. The EDA provides more information at http://12.39.209.165/xp/EDAPublic/ InvestmentsGrants/Pgmeguide.xml.

These competitive programs offer possible funding sources. For a corridor redevelopment project to receive funding from these sources, the locality must create a corridor redevelopment package that specifies its numerous elements and how the funding it seeks can help those corridor redevelopment efforts. It would also be helpful to include other sources of funding or private-public partnerships that might already exist in the corridor redevelopment project to create a stronger application for funding.

COMMUNITIES IN GEORGIA

The following are some of the communities in Georgia that have addressed corridor redevelopment using tools described previously. City, county, and private initiatives are described. More information is available on the listed websites.

Buckhead CID

http://www.buckheadcid.org/ipas.htm

The Buckhead Community Improvement District is working with its partners to improve traffic flow, pedestrian environments, and access to existing transit service.

Current projects include the transformation of the Peachtree Street corridor, intersection improvements, and a recently completed inter-parcel access study.

Inter-parcel access in the corridor will compliment larger efforts to transform Peachtree Street into a signature boulevard for Atlanta and the region. Currently, a lack of connections between commercial properties and the use of four primary roadways in the intensely developed area results in significant congestion on Peachtree Street and other roadways. Additional automotive and pedestrian connections will not only address congestion issues but also enhance access to commercial establishments. The inter-parcel access study reviewed all possible connections. These were subsequently reviewed by the local steering committee and a transportation planning consulting firm. Each connection was reviewed as to the likely impact and benefit of the new connection. The most promising connections were identified and more detailed analysis performed. Six new connections will serve a variety of transportation modes, including pedestrians and transit.

Rockdale County

http://www.rockdalecounty.org/

The County has invested significant time and resources in planning for major corridors in the county in terms roadway elements and identifying desirable land uses along roadway facilities. The County has worked with an urban planning consulting firm to identify planning and regulatory options for rapidly developing arterial corridors. The planning process for these studies have included significant public input. Citizens involved in the process expressed a desire that the County focus on "place-making"[149] rather than thinking about land use and transportation separately, as is often the case. The new strategy of the County is to think more comprehensively about transportation infrastructure investments, so that development in the county creates more coherent and attractive developments. The County recently passed a corridor overlay district that includes a more extensive review process to assure that future development compliments the future vision of the corridor.

Rockdale County has also partnered with the City of Conyers to develop a vision and strategic actions for an existing commercial corridor facing severe congestion issues, as well as retail areas that are becoming less competitive. (Multi-jurisdictional partnerships may be necessary to best manage corridors traversing city and/or county lines.) Recommendations included significant reinvestment in developed commercial areas, exploration of public-private partnerships to foster redevelopment, new connections within the existing commercial area to alleviate congestion and to create new opportunities for smaller scale commercial development. A citizens committee was formed to assist with implementation of the vision and specific investments, as well as to promote the area for redevelopment.

Gwinnett County Revitalization Task Force

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[149] "Place-making" means taking every opportunity to look at streets, parks, buildings, transportation, and public markets with an eye toward promoting public life and pedestrian activity. Jay Walljasper, Pedestrian Power, Utne, May/June, 2004.

http://www.co.gwinnett.ga.us/departments/planning/pdf/rtf_final_report.pdf

Gwinnett County identified redevelopment of existing developed areas as a primary need in order to remain economically competitive and to retain a high quality of life. The Gwinnett County Revitalization Task Force was convened for a year to explore the myriad of issues facing the developed portions of the county that were maturing and facing the possibility of disinvestments and decline. Some major findings of the Task Force included the following:

- Changing demographics are creating greater demand for new housing, retail, and recreation choices;
- Existing financial and business practices in tandem with local regulations make redevelopment more difficult than greenfield development;
- Aging retail, office, and housing stock requires rehabilitation, or risks rapid decline;
- Solutions are not likely to be realized overnight, and require significant commitment from the community and elected officials.

The Task Force ultimately developed a countywide strategy to address these issues. Tools identified by the Task Force were mixed-use overlay zones, improved code enforcement, density bonuses, regulations that encourage housing choice and diversity, targeted public facility investments, and increased coordination by community planning partners (Cities, County, School Board, Chamber of Commerce, etc.).

Sandy Springs

http://www.sandysprings.org/

Unincorporated Sandy Springs in Fulton County has had a corridor overlay district in place since 1998. A recent update was completed in 2002. The updated ordinance encourages developers to place buildings closer to the street at the village center, updates parking requirements, and prescribes desired design elements for parking garages and civic spaces.

In November 2003 the Fulton County Board of Commissioners unanimously approved the creation of Tax Allocation District (TAD) in the Sandy Springs area. The goals of the TAD are to alleviate congestion and attract more quality businesses to the Roswell Road business corridor. The TAD will allow the County to issue bonds against future tax revenues that will result from corridor improvements. Not only can bonds be used to implement projects, but they can also be used to attract federal funds. Several project types have been identified as potential recipients of the revenue generated by the TAD, including land assemblage, creating public spaces, and improvements to the transportation system.

The TAD was proposed by Sandy Springs Revitalization, Inc. (SSRI). SSRI is a non-profit, tax-exempt, urban planning and community development organization that has been integral in the completion of numerous community improvement projects in the Sandy Springs community. Such an organization may be critical to the success of any redevelopment effort because the organization can focus its full attention and resources

on the area, which is not possible when relying heavily on local governments to implement redevelopment plans and projects.

City of Roswell

http://www.ci.roswell.ga.us/

The City of Roswell has established overlay districts to address development issues along major corridors. The City has created ordinances to address issues in both developed and developing commercial corridors.

The Midtown Roswell Overlay District governs an area in need of revitalizing to remain competitive in the regional retail market. Current land uses in the area are single story commercial buildings typical of suburban commercial corridor development. The ordinance seeks to encourage the redevelopment of these properties in order to create a mixed-use and pedestrian friendly corridor. Incentives to property owners that elect to redevelop their properties include the opportunity to build residential uses, greater floor-areas and lot coverages than allowed under existing zoning, and fee waivers.

The City adopted the Parkway Village Design District Overlay in 1992. The purpose of the district was to preserve the rural landscape and building traditions in a rapidly changing area. The development standards in the ordinance create a uniform design theme throughout the corridor while promoting economic, cultural, and open space features. The ordinance includes requirements for features such as streetscaping, utility location, access requirements, parking, architecture and building materials, and buffers. The ordinance also includes development bonuses for increased density and height, and varied setback and parking requirements. Criteria for qualifying for bonuses include preserving scenic vistas, developing internal roadways, consolidating small lots, reducing impervious surface, and energy and water conservation measures. Benefits of the ordinance are better design quality, limited number of new curb cuts, better landscaping and screening, and reduced traffic.