

Glossary

Source: HRG Consultants

Affordable Housing – Housing developed through some combination of zoning incentives, cost-effective construction techniques, and governmental subsidies that can be rented or purchased by households who cannot afford market rate housing in the community. *(Definition from New York Municipal Insurance Reciprocal)*

Agricultural Land Protection – Any law, regulation, board, or process that has as its objective the preservation of farming on land dedicated to agricultural use. Examples include agricultural zoning, farmland preservation boards, and property tax relief for farmers, and anti-nuisance laws. *(Definition from New York Municipal Insurance Reciprocal)*

Agri-Tourism – The act of visiting a working farm or any agricultural, horticultural or agri-business operation for the purpose of enjoyment, education or active involvement in the activities of the farm or operation. *(Definition from West Kentucky Corporation)*

Agri-Business – Encompasses the sum of all activities that occur in farm production, farm resource supply, manufacturing and processing, storage, distribution, wholesale and retail sales of plant and animal food, natural fiber, medicinal plants and animals, forestry, horticulture and aqua-cultural products. *(Definition from Virtual farmers Market)*

Buffer – A buffer is an area of land that is used to protect something from encroaching development. An example is a stream that is protected from the impacts of development by a buffer of undeveloped land.

Brownfield – A former industrial or commercial site where redevelopment is complicated by real or perceived environmental contamination that can add cost, time or uncertainty to a redevelopment project.

Clearcutting – The harvesting and regeneration of trees, regardless of size, in one area of operation. This practice produces an even-aged forest stand. Clear-cutting is most often used with species like aspen or black cherry, which require full sunlight to reproduce and grow well, or to create specific habitat for certain wildlife species. *(Definition from New York State Envirothon)*

Cluster Subdivision/Development – A cluster subdivision places buildings on large lots near each other. The location of these buildings allows the preservation of the natural and scenic quality of the remainder of the land.

Comprehensive plan – A comprehensive plan is a written document that identifies the goals, objectives, principles, guidelines, policies, standards, and strategies based on a vision for the growth and development of the community.

“A Comprehensive Plan sets forth policies for the future of a community that serves as a guide for many public decisions, especially land-use changes and preparation of capital improvement programs, and the enactment of zoning and legislation. It is the result of public input as part of the analysis of existing physical, economic, and social conditions, and projection of goals and strategies for future development.” *(Sullivan 2020)*

Conservation Easement – A conservation easement is a voluntary agreement between a private landowner and

a municipal agency or qualified not-for-profit organization that permanently restricts the use of land to protect its conservation value. For example, a conservation easement might allow a farmer to subdivide his property into three lots for his family while restricting development on the remaining portion of the farm.

Critical Environmental Area (CEA) – A specific geographic area designated by a state or local agency as having exceptional or unique environmental characteristics.

Density – Density is the amount of development per acre permitted according to the zoning law. For residential development, density is usually expressed as the number of housing units per acre. For non-residential development, density is usually expressed in terms of the Floor Area Ratio (see definition below). For example, a residential density might be four dwelling units per acre, whereas a commercial density might be described as 4 Floor Area Ratio.

District – A district is an area designated on a zoning map such as a historic district or central business district.

Diversity – Residents representing a variety of ethnicities, income levels, ages and familial status; housing comprising a variety of types and sizes such as single and multi-family; and businesses comprising a variety of uses.

Eco-Tourism – Environmentally responsible travel to natural areas, in order to enjoy and appreciate the nature and culture of the area, in a manner that promotes conservation, has a low visitor impact, and provides for the socio-economic involvement of local peoples. (*Definition from the Nature Conservancy*)

Eminent Domain – The government's right to take title to private property for a public use upon the payment of just compensation to the landowner. (*Definition from New York Municipal Insurance Reciprocal*)

Grandfathering (vesting) – To continue with something that was permissible under previous law although under current law, it is not. For example to continue with a non-conforming use in an area after the passage of a zoning plan.

Green Development – Development that uses environmentally friendly building practices and energy efficiency. (There are a number of public and private incentives for green development, and increasingly, nonprofit developers use green construction as a way of increasing the expendable resources of lower income persons.) (*Definition from LISC Organization, New York*)

Greenfield – A parcel of land not previously developed beyond that of agriculture or forestry use; virgin land. (*Definition from the search tool for the Location / Site Selection Network and the Economic Development Contacts Network*)

Growth Management/Managed Growth – A vision or idea that establishes the way a community grows, with special focus on sustainability.

Floor Area Ratio (FAR) – The ratio of building square footage to lot size. For example, an FAR of 1 is a single story building that covers the entire lot or a two-story building that covers half the lot. An FAR of 2 might be a two-story building that covers the entire lot or a four-story building that covers half the lot.

Hamlet – A compact urban settlement within the countryside, with the essential characteristics of a complete neighborhood, but with few, if any, commercial services. Typically, a hamlet is a cluster of housing surrounded

by countryside, prairie, forest or active agriculture and sometimes located around an identifiable multiple-use or open space center. *(Definition from the American Planning Association).*

Haphazard Development – Development that causes fragmentation of fertile farm, ranch, and forestlands jeopardizing farm support enterprises, rural economic vitality and the environment.

Home Rule Authority – Gives local governments the power to adopt laws relating to their local property, affairs, and government, in addition to the powers specifically delegated to them by the legislature. The Municipal Home Rule Law gives a municipality the authority to regulate for the "protection and enhancement of its physical and visual environment" as well as for the "government, protection, order, conduct, safety, health, and well being of persons or property therein." Zoning laws may also be adopted under Home Rule Authority. *(Definition from New York Municipal Insurance Reciprocal)*

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

Infill Development -- The practice of building on vacant or undeveloped parcels in dense areas, especially urban and inner suburban neighborhoods which in turn allows undeveloped land to remain open and green. *(Definition from LISC Organization, New York)*

Infrastructure – The physical facilities that move people, goods, commodities, water, waste, energy and information to support human activities including roads, water, sewer, emergency services, parks, etc.

Land Use – The use to which a property may be put, e.g. residential, industrial, commercial, open space, etc.

Land Use Law – The full range of laws and regulations that influence or affect the development and conservation of the land. This law is intensely intergovernmental and interdisciplinary - that includes countless intersections among federal, state, regional, and local statutes as well as environmental, administrative, and municipal law.

Main Street – An area or district that serves as a principal thoroughfare for traffic and typically is the location of the historic commercial area in a town.

Mitigating Conditions – Conditions imposed by a reviewing body on a proposed development project or other action to mitigate its adverse impact on the environment. *(Definition from New York Municipal Insurance Reciprocal)*

Mixed Use Development – Projects that combine different types of uses such as residential, commercial, office, industrial and institutional into one project.

Neo-traditional Planning – The use of traditional urban development patterns, such as a grid of streets and a mix of uses, with the requirements of the modern community.

Node – The concentration of urban development near a transit stop or major intersection.

Open space – Undeveloped land (or a water body) that is publicly or privately owned and includes agricultural and forest land, shorelines, public parks, preserves, lakes and bays.

Overlay District – An area in a municipality to which a specific zoning code has been designated and whose code has been established as an adjustment to the underlying zoning. Parcel – A separately assessed lot, parcel, piece or portion of real property, except publicly owned bridges and land used for street, road, highway or parkway purposes. A parcel shall not cross over a municipal boundary line except in the situation when a special assessing unit may be bisected by a school district or village boundary line.

Planned Unit Development ("PUD") – A planned unit development is an overlay-zoning district (see Overlay District above) that permits developments on several parcels to be planned as single units and contain both residential and commercial uses.

Preservation – Reservation, protection and conservation of our cultural, natural and historic resources to keep them safe from injury, harm or destruction or to keep them alive and intact in a sound state for future generations.

Purchase of Development Rights – A program whereby a qualified government agency or private land conservation organization pays a landowner for their rights to develop the property and places a conservation easement (see Conservation Easement above) on the property with the effect that future development of the parcel will be limited.

Quality Communities – A healthy community with a safe family environment and a strong rapport with local officials that is characterized by growth in accordance with local plans and policies, concern for the environment, and protection of the character of the community.

Redevelopment – The redesign, re-use, or rehabilitation of existing properties or neighborhoods for similar or new uses.

Right-of-way – The easement dedicated to a municipality or other government entity for transportation purposes including the road, transit line and public land on either side of street.

Setback – The minimum distance allowed between a building and the front, side, or rear property line.

Sending District – "A district or area of land where development rights are not used but are designated for use in another area. Regions that allow for the transfer of development rights must designate an area where development should not occur (the sending district) and an area where it should occur (the receiving district).

Site Plan - A drawing indicating the dimensions of an area, the buildings existing in it, and those elements to be built or installed upon it.

Smart Growth – Planning that targets new development while protecting the cultural, natural and historic environment. It is based on a community vision, respects pedestrians, preserves historic neighborhoods, protects open space, and promotes sensible land use.

Sprawl – Uncontrolled, scattered suburban development that increases traffic, drains local resources and reduces the amount of open space. Sprawl-related development spreads rapidly on the fringes of existing

communities and leads to a greater dependence on the automobile, increased infrastructure costs and pollution. In its wake, sprawl creates urban decline and increases social isolation.

Subdivision – The subdivision of land involves the legal division of a parcel into a number of lots for the purpose of development and sale. The subdivision and development of individual parcels must conform to the provisions of local zoning, which contain use and dimensional which contain use and dimensional requirements for land development. *(Definition from New York Municipal Insurance Reciprocal)*

Sustainability – Development, which meets the needs of the present without compromising the ability of future generations to meet their own. *(Definition from the World Commission on Environment and Development)*

Transfer of Development Rights – The conveyance of development rights by deed, easement, or other legal instrument authorized by local law to another parcel of land. The parcel of land, which will not be developed, is called the “sending district” and the parcel of land, which will be developed, is called the “receiving district”.

Transit Oriented Development – High-density, mixed-use development located near a transit station or node that encourages people to decrease their dependence on driving.

Value-added – The added value that is the result of a product, place or resource during each stage of its development.

Viewshed – The area within view from a defined observation point. *(Definition fro Washington State University)*

Watershed – The region draining into a water-body such as a lake, reservoir, river, or stream.

Zoning – A legal form of land-use control and building regulation typically exercised by a municipal authority; usually involves the setting aside of distinct land areas for specific purposes, such as commercial, educational or residential development. *(Definition from American Society of Landscape Architects)*

Zoning Ordinance – A municipally adopted law that delineates zoning districts and establishes regulations governing the use, placement, spacing, and size of land and buildings, and a list of allowable uses within each district. A zoning ordinance must serve to protect the public health, safety, and welfare. *(Definition from City of San Jose, California)*

Techniques for Working with Developers

Source: Pace University Land Use Center

METHODS OF WORKING WITH SPECIFIC DEVELOPERS

- Developer Agreements
- Urban Renewal & Urban Renewal Plans
- Community Development Corporations
- Empire State Development Corp. Subsidiaries
- Eminent Domain
- Local Laws that Vest Rights in Existing Rules and/or Approvals

FINANCIAL INCENTIVES FOR THE PRIVATE SECTOR

- Tax Increment Financing
- Special Benefit Assessments Districts
- Business Improvement Districts
- Enterprise Zones
- Empowerment Zones
- Property Tax Reductions to Limited Profit Development Companies
- Negotiations with, or grant applications to, Government and Quasi-governmental organizations for financial incentives: transportation, open space, sewers, etc.

REGULATORY MEANS OF ASSISTING THE DEVELOPMENT PROCESS

- Regulatory Plans
- Growth District Components of Comprehensive Plans
- Waterfront Redevelopment (LWRP)
- Planned Unit Development Districts
- Incentive Zoning
- Zoning for Affordable Housing
- Traditional Neighborhood Development District Zoning
- Streamlining the Development Process (Generic Environmental Impact Statements)
- Transfer of Development Rights (successful models)

OTHER METHODS

- Brownfields Redevelopment
- Large Tract Identification: Institutional Properties, Large Building Adaptive Reuse
- Creation of Sewer & Water Districts/ Infrastructure Financing

Evaluating Existing Zoning

Source: James A. Coon Local Government Technical Series
NYS Department of State

Questions for the Analysis and Evaluation of Existing Zoning Regulations

This short list of questions was adapted from the James A. Coon Local Government Technical Series. The entire document is listed in the resource section or may be found online at www.dos.state.ny.us. It is intended to assist you in determining whether your existing zoning regulations are out of date or otherwise inadequate to meet the demands of present conditions in your community. Your answers will help you find inadequacies or omissions in your regulations, and assist you in identifying the problems which must be faced in revising them. The list is by no means comprehensive, nor need every feature on the list be included in your zoning regulations. Adjustment should be made to meet local conditions, both physical and administrative.

GENERAL PROVISIONS

- Do the regulations have the customary introductory phrase stating that it is “an ordinance/local law to regulate the use of land and structures, etc., for the protection of the health, safety, welfare, and morals of the community” or otherwise refer to the statutory source of power?
- Do the regulations contain the customary “saving clause” stating that if any portion of the ordinance or local law is declared unconstitutional or illegal, the provisions of the rest of the ordinance or local law shall be deemed to be separately adopted and are still in force?
- Is the official zoning map made a part of the regulations by a specific statement to that effect?
- Do the regulations contain a section listing all districts for which regulations are established in the body of the regulations?
- Do the regulations state the manner in which the boundary lines of zoning districts will be established with reference to existing street lines, property lines, plats of record or existing natural features?
- Do the regulations state that the regulations and requirements are in addition to, and not in place of, any other restrictions controlling the use of land which may be found in other regulations such as the subdivision regulations, site plan review regulations or health regulations?
- Would the objectives and requirements of the zoning regulations be clarified by the inclusion of small illustrative maps or diagrams as part of the printed regulations?
- Do the regulations establish the methods and conditions for granting occupancy permits?

DEFINITIONS

- Are definitions of terms which are generally applicable to the entire zoning regulations scattered throughout the body of the regulations instead of grouped together to form one section for easy reference?
- Are there too many definition of terms which are commonly accepted definitions, which follow the dictionary or popular understanding of their meaning and whose elimination would result in a desirable reduction in the bulk of the regulations?
- Do the definitions vary so much from the commonly accepted or dictionary meaning of the terms defined, that confusion is generated in the mind of the average citizen in attempting to understand the zoning regulation?
- Are the definitions so vague and general, that the Zoning Board of Appeals is too frequently required to interpret their meaning?
- Are the definitions overly restrictive, making it impossible for the code enforcement officer or the Zoning Board of Appeals to act in circumstances which have not been foreseen and provided for by the regulations?
- Are there conflicts in the definitions where the same conditions have been described in different terms by the two or more definitions?
- Are the means for determining the reference points or lines from which measurements are to be taken (for set back, side or rear yard lines, etc.) included in the definitions?
- Are the definitions limited to words which simply describe a term, or do they include regulatory provisions which should instead appear in the body of the zoning regulations?
- Would the definitions be clarified by the inclusion of diagrams or pictures?

THE ZONING MAP

- Is adequate provision made for the changing and the recording of changes upon the zoning map?
- Are the custody and care of the zoning map specifically delegated to the proper official or department?
- Are the procedures to be followed in making future changes in the map and in the regulations clearly established?
- Has the zoning map been subjected to many changes since its original adoption?
- Do the type, location, and number of these changes indicate that a complete revision of the zoning map should be made?
- Are there areas which provide for much more development in the less restricted use areas than can be reasonably anticipated in the development of the municipality in the next five to ten years?
- Are there any areas in the municipality (such as those occupied or previously occupied by public buildings) which are not in any zone at all?
- Are the existing zones in conformity with a sound and comprehensive plan for the development of the municipality?
- Is the map characterized by many small zone areas (comprising from a half dozen to a dozen lots) which form small spots of less restrictive zones in areas predominantly devoted to a more restricted type of land use? (For example, commercial pockets within residential areas.)
- Has the zoning map been kept up to date by the person in whose custody it is kept?
- Are copies of the map available for general distribution to the public on request?
- Do the drafting techniques used in the map clearly indicate all zone boundaries?
- Can the map be reduced in size and printed inexpensively for general distribution?
- Is it desirable to prepare a series of zoning maps for the entire municipality indicating respectively, permitted used by zones, permitted lot sizes and family units per lot, and permitted structure heights?

ZONING DISTRICTS

- Are the number and extent of residential, commercial, agricultural, and industrial zones adequate?
- Are there an excessive number of types of zones?
- Are the distinctions between some zones so trivial that the consolidation of these zones is desirable?
- Are the classifications of permitted uses in some zones so broad that it is impossible to determine in which zone certain land uses are to be permitted?
- Is there a statement that any use not listed as permitted is prohibited?
- Is there sufficient control over residential uses in industrial and commercial areas?
- Where the districts allow a mix of uses, are there special use permit conditions that would reduce or eliminate potential conflicts?
- Do the existing zoning classifications reflect the mix of uses which are now needed or desirable in certain areas?
- Were the zoning classifications copied from the zoning classification of another municipality where the pattern of land use and where local customs and conditions differ considerably from existing local conditions?
- Do the location, shape, and size of the existing zones conform to the present and future needs of the municipality for sound development in land use in conformity with modern methods of transportation, provision of public facilities, and with modern progress in knowledge regarding the design and location of structures and land uses?
- Has special attention been given to taking the fullest advantage of natural features, scenic attractions, and topography in the establishment of the various types of zones and in designating their boundaries?
- Are the types and locations of the zones such that adequate provision is made for transitions from one zone to another so that detriment to property values, loss of utility or amenity is minimized along the boundaries of a zone where it borders upon a more restricted zone?
- Are certain business or professional uses permitted in residential zones which act as a “foot in the door” for more extensive business or professional activities which will eventually result in the deterioration of residential values in that zone?
- Are the businesses or professional uses permitted as home occupations adequately defined or regulated?
- Have the old patterns of strip zoning all major highways and of zoning the four corners of important intersecting streets resulted in excessive traffic congestion at these points?
- Are the standards for the development of land reflective of the desired community character, or are property

developers exceeding the existing standards due to current levels of business competition?

SET BACK LINES

- Are the set back requirements best handled by establishing a general minimum distance for set backs which will apply to all structures within a given zone?
- Are there areas in the community where a maximum setback would also be desirable in order to promote a more uniform appearance of in-fill development?
- Do special conditions in the municipality indicate that it would be better to establish a series of set back distances for varying conditions and types of streets rather than to attempt to establish such set back requirements by one set of overall provisions?
- Is the method for measuring distances clear in the regulations?
- Are the existing set back lines in the present regulations inadequate to ensure privacy, quiet, sufficient areas for future street widening, or to provide for street parking area?
- Do the regulations make adequate provision for the future widening of the main thoroughfare in the municipality?
- Do conditions exist in the municipality which would make desirable the establishment of special set back lines off drainage ways, areas subject to flooding, public parks or properties?
- Are special set back requirements desirable to apply to public or quasi-public institutional buildings or structures for the protection of the surrounding neighborhood or for the provision of additional light, air or privacy to the public structures?
- Are there provisions in the law which govern the orientation of the building itself, such as requiring it to locate its entrance or to face in a certain direction or upon a public street or thoroughfare?

NON-CONFORMING USES, STRUCTURES AND LOTS

- Has the number of non-conforming uses decreased appreciably since the enactment of the zoning regulations?
- Do the regulations provide for adequate control over the continuance or expansion of nonconforming uses to insure their eventual elimination?
- Do the regulations provide for control over the extension, expansion, or addition to non-conforming structures which violate the provisions establishing set back, side or rear yards?
- Do the regulations contain the customary phrase forbidding the reestablishment of a non-conforming use if it has ceased to operate for a specified period of time?
- Is it desirable to amend the existing regulations by adding a section which would provide for the elimination of non-conforming open land uses (such as parking lots) or non-conforming uses which have a small capital investment in structures (such as signs or used car lots) by establishing an amortization period for the operation of these uses at the termination of which the use itself shall cease?
- Do the regulations provide for the substitution of a less intensive use for a more intensive and detrimental non-conforming use under specified standards administered by the Zoning Board of Appeals?
- Do the regulations address the development of a non-conforming lot, perhaps by exempting the lot owner from the need to obtain certain area variances?
- Do the regulations provide for the merger of contiguous non-conforming lots under the same ownership?

SPECIAL PROBLEMS

- Are special problems presented by the existence of agricultural uses within predominantly urban areas for which the customary urban type of zoning regulations is inappropriate?
- Does the existing type of manufactured home park development require special provisions in zoning to control their location and the extent of their operation?
- Is special treatment required to regulate the location, height or size of public and institutional buildings where such regulation is within the community's purview?
- Are special provisions required to govern the location of public and private airports, air fields, or air landing strips?
- Should special control be exercised over land uses and structure heights in areas immediately surrounding all airports facilities in addition to the normal control exercised by the general provisions of the zoning regulations?
- Are the regulations overly restrictive or obsolete in the control exercised over certain types of garden apartment development or private group-housing projects?

- Do the regulations provide for any of the range of specialized housing types for senior citizens?
- Are special provisions required to control the installation and maintenance of decorative hedges, trees and shrubbery?
- Are special provisions required to control the location, height, and character of walls and fences?
- Are the required number off-street loading and parking spaces provided by property owners insufficient or excessive in the downtown area, in local shopping centers, or in association with certain types of buildings, such as theaters, churches, schools, hospitals, stadiums or large department stores?
- Do local conditions suggest a need to require regulations which would control the design, general layout, height, and bulk of structures in certain types of business areas by the adoption of specific designs for business development in such areas?
- Is adequate control exercised by the regulations over advertising sign boards?
- Are changes desirable in the existing business and commercial zones in order to permit the introduction of certain small light industrial activities (such as self-storage facilities) in these business zones?
- Are special regulations desirable to control the conversion of older homes into rooming houses, boarding houses, or bed and breakfasts by the adoption of regulations limiting the number of occupants, the minimum floor area per family unit, the construction of additions to the structure, the use of accessory buildings, the parking of vehicles or the display of advertising?
- Are special provisions desirable to schools, clinics and nursing homes in residential areas or in commercial areas?
- Do the regulations set up minimum floor areas per family in certain districts?

ZONING BOARD OF APPEALS

- Do the regulations specify in the clearest possible terms the exact power to be exercised by the Zoning Board of Appeals?
- Are the powers so specified consistent with the state statutes?
- Do the regulations assign certain non-appellate functions to the Zoning Board of Appeals, such as issuance of special use permits or granting of site plan applications?
- Do the regulations establish any training or attendance standards for members of the Zoning Board of Appeals?
- Has the Zoning Board of Appeals been burdened with an excessive amount of cases?
- Have the recent decisions of the Zoning Board of Appeals been consistent with its powers as specified in the statutes and zoning law or ordinance?
- Have the type, character, and number of its recent decisions been such as to result in excessive difficulties in their enforcement by the building inspector?
- Does the Zoning Board of Appeals follow a well-defined procedure in conducting its meetings?
- Does the Zoning Board of Appeals use well-designed appeal forms which clearly indicate the basis upon which its action is requested?
- Are standard forms used and standard procedures followed in hearing appeals?

ENFORCEMENT

- Are adequate powers granted to the building inspector or zoning enforcement officer?
- Is the responsibility for the enforcement of the law clearly established?
- Are the individuals charged with the enforcement of the law adequately trained, efficient, and conscientious, and familiar with its provisions and with their powers?
- Are constant surveys and inspections made to discover violations of the law?
- Are all violations so discovered followed by remedial action or action in the court?
- Have the courts consistently sustained decisions of the building inspector and the Zoning Board of Appeals?
- Has an adequate system been developed for checking on the termination date of temporary permits upon the expiration of which conformity to the zoning regulations is required?
- Can improvement be made in the system of record keeping by cooperation with the agencies (if any) issuing business licenses, making assessments, collecting water bills or sewer charges, or making health, sanitary or fire inspections?
- Do the regulations establish the fines and penalties to be imposed upon those convicted of its violation?

Cost of Community Services Studies

Source: American Farmland Trust
Farmland Information Center

DESCRIPTION

Cost of Community Services (COCS) studies are a case study approach used to determine the average fiscal contribution of existing local land uses. A subset of the much larger field of fiscal analysis, COCS studies have emerged as an inexpensive and reliable tool to measure direct fiscal relationships. Their particular niche is to evaluate working and open lands on equal ground with residential, commercial and industrial land uses.

COCS studies are a snapshot in time of costs versus revenues for each type of land use. They do not predict future costs or revenues or the impact of future growth. They do provide a baseline of current information to help local officials and citizens make informed land use and policy decisions.

METHODOLOGY

In a COCS study, researchers organize financial records to assign the cost of municipal services to working and open lands, as well as to residential, commercial and industrial development. Researchers meet with local sponsors to define the scope of the project and identify land use categories to study. For example, working lands may include farm, forest and/or ranch lands. Residential development includes all housing, including rentals, but if there is a migrant agricultural work force, temporary housing for these workers would be considered part of agricultural land use. Often in rural communities, commercial and industrial land uses are combined. COCS studies' findings are displayed as a set of ratios that compare annual revenues to annual expenditures for a community's unique mix of land uses.

COCS studies involve three basic steps:

1. Collect data on local revenues and expenditures.
2. Group revenues and expenditures and allocate them to the community's major land use categories.
3. Analyze the data and calculate revenue-to expenditure ratios for each land use category.

The process is straightforward, but ensuring reliable figures requires local oversight. The most complicated task is interpreting existing records to reflect COCS land use categories. Allocating revenues and expenses requires a significant amount of research, including extensive interviews with financial officers and public administrators.

HISTORY

Communities often evaluate the impact of growth on local budgets by conducting or commissioning fiscal impact analyses. Fiscal impact analyses project public costs and revenues from different land development patterns. They generally show that residential development is a net fiscal loss for communities and recommend commercial and industrial development as a strategy to balance local budgets.

Rural towns and counties that would benefit from fiscal impact analyses rarely have the expertise or resources to conduct them, as studies tend to be expensive. Also, fiscal impact analyses rarely consider the contribution of working and other open lands uses, which are very important to rural economies.

Agricultural land is converted to development more commonly than any other land use. American Farmland Trust (AFT) developed COCS studies in the mid-1980s to provide communities with a straightforward and inexpensive way to measure the contribution of agricultural lands to the local tax base. Since then, COCS studies have been conducted in at least 95 communities in the United States.

FUNCTIONS & PURPOSES

Communities pay a high price for unplanned growth. Scattered development frequently causes traffic congestion, air and water pollution, loss of open space and increased demand for costly public services. This is why it is important for citizens and local leaders to understand the relationships between residential and commercial growth, agricultural land use, conservation and their community's bottom line.

COCS studies help address three claims that are commonly made in rural or suburban communities facing growth pressures:

1. Open lands—including productive farms and forests—are an interim land use that should be developed to their “highest and best use.”
2. Agricultural land gets an unfair tax break when it is assessed at its current use value for farming or ranching instead of at its potential use value for residential or commercial development.
3. Residential development will lower property taxes by increasing the tax base.

While it is true that an acre of land with a new house generates more total revenue than an acre of hay or corn, this tells us little about a community's bottom line. In areas where agriculture or forestry are major industries, it is especially important to consider the real property tax contribution of privately owned working lands. Working and other open lands may generate less revenue than residential, commercial or industrial properties, but they require little public infrastructure and few services.

COCS studies conducted over the last 15 years show working lands generate more public revenues than they receive back in public services. Their impact on community coffers is similar to that of other commercial and industrial land uses. On average, because residential land uses do not cover their costs, they must be subsidized

by other community land uses. Converting agricultural land to residential land use should not be seen as a way to balance local budgets.

The findings of COCS studies are consistent with those of conventional fiscal impact analyses, which document the high cost of residential development and recommend commercial and industrial development to help balance local budgets. What is unique about COCS studies is that they show that agricultural land is similar to other commercial and industrial land uses. In every community studied, farmland has generated a fiscal surplus to help offset the shortfall created by residential demand for public services. This is true even when the land is assessed at its current, agricultural use.

Communities need reliable information to help them see the full picture of their land uses. COCS studies are an inexpensive way to evaluate the net contribution of working and open lands. They can help local leaders discard the notion that natural resources must be converted to other uses to ensure fiscal stability. They also dispel the myths that residential development leads to lower taxes, that differential assessment programs give landowners an “unfair” tax break, and that farmland is an interim land use just waiting around for development.

One type of land use is not intrinsically better than another, and COCS studies are not meant to judge the overall public good or long-term merit of any land use or taxing structure. It is up to communities to balance goals such as maintaining affordable housing, creating jobs and conserving land. With good planning, these goals can complement rather than compete with each other. COCS studies give communities another tool to make decisions about their futures.

For additional information on COCS studies and farmland protection contact AFT's Farmland Information Center (FIC.) The FIC offers reports, an online library and technical assistance. Call us at (800) 370-4879 or visit us on

What is an Overlay District?

Source: Atlanta Regional Commission
Community Choices Quality Growth Toolkit

WHAT IS AN OVERLAY DISTRICT?

Overlay zoning facilitates an array of development options and goals, including cluster developments, Traditional Neighborhood Development, Transit-Oriented Development, watershed protection and historic preservation, to name just a few. Overlay zoning creates a second, mapped zone superimposed over existing, conventional zoning districts. As such, overlay zoning may permit special regulations to exist within parts or all of a zoning district. Conversely, regulations may also be less restrictive, such as fewer parking spaces in a downtown transit station area.

The overlay district, like a conventional zoning district, consists of districts with mapped boundaries and written text. The mapped boundaries of the overlay district do not necessarily coincide with other zoning district boundaries, and may not follow parcel boundaries. Often, natural features define the spatial limits of the overlay district.

Some types of overlay districts include:

- **Natural Resources** – Examples include hillside development, watershed protection and stream corridors.
- **Historic Preservation** – Examples include historic district design standards.
- **Design Review** – Examples include highway corridors, central business districts and arts and entertainment districts.
- **Safety** – Examples include airport hazard zones, fire safety zones, flood hazard areas and geologic hazard zones.
- **Social** – Examples include affordable housing and alcohol license restrictions.

HOW DO OVERLAY DISTRICTS HELP ACHIEVE QUALITY GROWTH?

The overlay district provides a popular and flexible vehicle to applying quality growth principles in local governments that use zoning. The overlay district is popular because it allows a higher level of protection or quality within a specific, defined district. It also allows flexibility in the application of standards that are spatially limited. It provides more discretion than outright rezoning in situations that are politically sensitive. Some of the more common uses for such zones coincide with environmental protection and other quality growth goals. Floodplain zones and watershed protection zones are good examples. Other uses are to maintain the integrity of historic areas, to preserve view, to restrict public uses, and to limit building heights in certain parts of a city.

Implementation Guidelines

Some overlay district implementation guidelines include:

- **Purpose Statement** - Tie the overlay to the goals and objectives of your community's comprehensive plan, cite the public necessity behind the intent and make a direct connection to protecting the public health, safety, morals, general welfare and aesthetics.
- **Spatial Definition** - The boundaries should be as simple and understandable as possible.
- **Procedures for Application** - Additional information will be needed in the application to demonstrate compliance with the factors addressed in the overlay regulations.
- **Review Board** - A Review Board can provide more opportunity for public input, more political "cover" and a broader perspective than reviews by staff.
- **Resolution of Conflicting Provisions** - If the overlay intends to add new provisions above those existing in the underlying zoning districts, then it will be necessary to prescribe which set of standards takes precedence in case of a conflict.

Check out the entire Community Choices toolkit at <http://www.atlantaregional.com/communitybuilding>.

