



SMART GROWTH, SMART CHOICES SERIES:

**MIXED-USE DEVELOPMENT**

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## **Introduction**

Since the first American cities were founded in the 17<sup>th</sup> century, mixed-use development has always been part of the American urban landscape. It was not until after World War II that a movement toward complete segregation of land uses dominated the new American urban landscape. This movement, which actually began in the 1920's reached its zenith in the 1950s and 1960s. During the 1980s, the New Urbanist architectural movement, along with urban revitalization, renewed interest in mixed-use development in certain areas of the country. As the principles spawned by this development trend has slowly gained acceptance, mixed-use development is being constructed in numerous cities throughout the country. Some architects and planners see it as a panacea for all urban problems; other critics see it as a passing fad that provides housing only for higher-income professionals. This paper attempts to review the history and trends associated with the re-emergence of mixed-use development and postulate that the answer, like with all things, lies somewhere in the middle.

## **Defining the Terminology**

There are a large number of terms used when discussing any type of non-conventional residential development. Mixed-Use is more a reference to a *zoning district* that allows for a variety of uses within one district. Typically, Neo-Traditional Development is a *design* concept that also goes by several terms, including, Traditional Neighborhood Design (TND) and New Urbanism. TNDs typically have a mixed-use element as part of their design concept. Infill development is more a reference to *location*, meaning new development constructed in developed areas, typically surrounded on all sides by existing development. Transit Oriented Development (TOD) is typically a reference to access to *public transportation*, and will be defined further in this paper. The common thread is that all these “kinds” of development better meet the goals of “smart growth” and sustainable development than conventional residential development.

## **Recent History of Mixed-Use Development**

Prior to World War II, much of town planning and development, including housing construction, incorporated a mix of uses in relatively close proximity to one another. Examples include the “apartment above the store” still found in older inner cities, and the “streetcar suburb”, where single family and multi-family housing was typically located within walking distance to retail, services and public transportation. Due to the much lower rate of automobile ownership at this time, it was necessary to build housing accessible to alternative forms of transportation.

After World War II, automobile ownership increased dramatically and a mass exodus from central cities began. Land use planning and zoning regulations followed suit by requiring greater and greater distances between housing and non-residential uses, and even between differing types of residential units, thus increasing dependency on the automobile. This pattern of development has created various challenges, however, and

current trends are revisiting how to mix or better integrate these uses to meet these challenges.

### **Mixed-Use as Smart Growth Development**

As a greater percentage of developable land is consumed within urban areas, land costs have spiraled. Concerns regarding the escalating cost of automobile commuting compound the expendable income of American families. “Smart Growth” initiatives attempt to address these cost issues to provide for greater housing affordability, among other issues. Municipal codes and ordinances that incorporate “Smart Growth” principles within their goals and through their regulations also seek to “achieve a variety of dwelling types so that younger and older people, singles and families of varying income levels may find places to live”, as is stated in the Dane County, Wisconsin Mixed-Use Ordinance. The following language is from the Smart Growth.com website and perhaps best summarizes the relationship between smart growth initiatives, mixed-use land use policies and housing affordability:

“Smart Growth supports the integration of mixed land uses into communities as a critical component of achieving better places to live. By putting uses in close proximity to one another, alternatives to driving, such as walking or biking, once again become viable. Mixed land uses also provides a more diverse and sizable population and commercial base for supporting viable public transportation. It can enhance the vitality and perceived security of an area by increasing the number and attitude of the people on the street. It helps streets, public spaces and pedestrian oriented retail again become places where people meet, attracting pedestrians back onto the street and helping to revitalize community life.

Mixed land uses can convey substantial fiscal and economic benefits. Commercial uses in close proximity to residential areas are often reflected in higher property values, and therefore help raise local tax receipts. Businesses recognize the benefits associated with areas able to attract more people, as there is increased economic activity when there are more people in an area to shop. In today’s service economy, communities find that by mixing land uses, they make their neighborhoods attractive to workers who increasingly balance quality of life criteria with salary to determine where they will settle. Smart growth provides a means for communities to alter the planning context which currently renders mixed land uses illegal in most of the country.”

One of the attractive aspects of Mixed-Use Development, regardless of urban or suburban settings, is that most of its qualities, in some way, contribute to the “smart growth” vision, which many communities now seek to regulate towards. Understanding this vision and knowing how to talk the same “lingo” as planners and local officials when going through the approval process can be of great assistance in getting a project approved quickly. Any of the following should be considered “amenities” and are

typically seen as promoting the concepts of “smart growth” and sustainable communities.

*Civic Sites* – Clearly identified and at a prominent location should attract residents to that location where they can meet neighbors or have scheduled community events. They also lead to a “sense of place”, which increases pride in one’s community.

*Walkability* – A modified grid design, with sidewalks, mixed with linear parks and parkways, encourages residents to move around other than in automobiles. This is particularly important for children and the elderly and reduces the burden on “chaffeur moms” as well as reduces fuel consumption on unnecessary vehicle trips.

*Connectivity* – plentiful connections between different communities within a development reduces traffic on “connector” routes, by allowing for traffic to flow on a greater number of local streets.

*Mix of Land Uses* – Uses in addition to residential within a development, properly designed, can provide a sense of place. Access to mixed-use centers should be encouraged by both cars and non-vehicular means through multiple connections, sidewalks, etc. Mixed-use centers may provide housing and non-housing within the same district, or may provide only non-residential uses, if well connected to adjacent residential uses. Also, retail within mixed use must have good visibility from high volume thoroughfares as well as plentiful parking in order to be financially successful. Good design can accommodate both these needs into a mixed-use design.

➤ Live-Work Concept

One of the recent pioneering trends of the mixed-use concept is the “Live-Work” concept. This trend started in the 1970s and 1980s, when many urban factories and warehouses in central city locations were converted into residential lofts, with zoning that allowed for the operation of a business as well. This trend has gained momentum outside of the major industrial cities and is now emerging in newer sunbelt cities with the construction of new warehouse style structures, or the conversion of older structures in downtown locations. However, their locations are still generally limited to Central Business District locations, as more liberal zoning in those locations has been enacted to spur re-development. It is rare to see this type of development outside of central business districts or other central city locations, and there are a few signs that this type of development will expand into suburban locations in the near future, especially older suburbs.

*Diverse Housing Types* - Single family, townhouses and multi-family apartments and condos can be integrated into one development, as long as the scale and design of adjacent uses is compatible with each other. A mix of housing types ensures that people of various socio-economic classes may live in proximity to one another and share a common pride in one’s community.

➤ The Accessory Dwelling Unit

Also known as the “Mother In-Law Suite” or “Carriage House”, these dwelling units typically exist on the same fee-simple lot with a larger single-family or attached single-family housing unit. Most conventional zoning only allows for these units in neighborhoods that were developed in the 19<sup>th</sup> and early 20<sup>th</sup> century, when many houses were constructed with a detached garage or carriage house, which can be easily converted. Generally, this practice ceased after World War II, with the advent of the attached garage and the desire of homebuyers to have greater privacy and more space. The added benefit of this use is clear, it provides rental income to the property owner, and it provides for reasonably priced housing for certain income and familial groups. Although planning professionals have recently advocated the reinstatement of accessory dwelling units in new single family neighborhoods, the market is often resistant to the idea due to concerns of overcrowding and introducing a rental population into a predominantly single-family homeowner environment. One city that has been successful in re-zoning existing areas to allow for accessory unit is Portland, OR.

Although accessory dwelling units should not be considered a one-to-one replacement for single-family dwelling units, there is a potential opportunity for the homebuilding industry to develop this use, either through conversion of ancillary structures in existing neighborhoods, or through new construction in tandem with the larger house, and should not be overlooked.

*High Quality Architecture and Urban Design* – Should reflect classic elements, including vernacular, or local, styles. However, overly prescriptive architectural standards raise the cost of housing construction and should be argued against in the name of workforce housing. Homebuilders know what kind of design elements to incorporate into housing to attract buyers. This should not be the realm of local government zoning codes.

*Increased Density* – more units on smaller lots allows for preservation of open space, reduces infrastructure and maintenance costs, and allows for a more diverse mix of housing stock, which opens communities up to many socio-economic groups. However, increased density should not be perceived as a panacea to “urban sprawl” as many in planning circles tend to do. Market trends and population sentiment still show a strong negative reaction to higher densities and have accepted its use only grudgingly. The most common is a perception of increased traffic and crime associated with higher density development, regardless of its intended population characteristics. Projects with higher densities are most likely to meet with some NIMBY resistance from area residents during the approval process, which is discussed further in this paper.

*Environmental Sensitivity* – If possible, preservation of natural areas such as wetlands and woodlands should be utilized and used a community amenity and as buffers. These open space areas should also be counted toward, not in addition to, other open space

requirements, such as setbacks, park dedication and water bodies. This mainly applies to suburban locations that have existing natural features on site, but there are opportunities even in more urban settings, particularly for restoration of natural features.

*Public Transportation* – The structure of these communities (good connectivity, walkability, and higher density) makes existing and potential public transportation service more accessible and feasible than conventional subdivisions.



**High-density residential housing at Addison Circle in Dallas, TX incorporates a rapid-transit stop and civic open space, two key components of “smart-growth”.**

➤ Transit Oriented Developments

Transit Oriented Developments (or TODs) provide the best opportunity to better serve future residential areas with efficient public transportation. A TOD is typically as a master planned development that has as a focus a rapid transit station that provides service to other major employment, shopping, and entertainment centers. Ideally, this rapid transit station should be no greater than a 10-minute walk, or one-quarter mile, from all residential housing units. This close proximity necessitates higher residential density.

Transit Oriented Developments have enjoyed some limited success in recent years, particularly in metropolitan areas with existing rapid transit service such as Arlington, VA. Also, a few cities with new rapid transit service have also seen a notable increase in Transit Oriented Developments, most notably the Addison Circle development in Dallas, the Kendall District in Miami, and the Rivermark Development in San Jose. As more cities open new rapid transit systems (such as Denver, Houston, Salt Lake City and Minneapolis), additional opportunities for Transit Oriented Development will arise. Although thousands of dwelling units can be expected to be built in TODs in the near future, it is still a very small fraction of overall residential development in the country, and new residential construction will still overwhelmingly be automobile-oriented. Nevertheless, due to potential growth, this new opportunity should not be ignored by the homebuilding industry.



**High density mixed-use provides for residential opportunities on underutilized infill sites, also a key smart growth concept. Above -The Market Commons at Clarendon in Arlington, VA.**

### **Recent Market Trends for Mixed-Use Residential Development**

Financing also has begun to increase from private sector lenders, as the market had begun to embrace the Mixed-Use concept. Several completed mixed-use developments are included later in this report, as part of the appendix. Many times, mixed-use developments can only move forward as part of a private-public partnership. Often time, public private financial partnerships may include government paying for infrastructure, such as streets, sidewalks, plazas and parking garages, or providing for land and then leasing it back to the developer. Due to the relative newness of the concept and unconventional areas of development, often within existing neighborhoods and in inner-city areas, public partnership provides an additional level of security to lending institutions which still consider many mixed-use projects high risk ventures.



**Mixed-Use in the Kentlands Development, Gaithersburg, MD**

These recent mixed-use development have also acted as a laboratory for the behaviors of the home buying American public concerning what they preferred about mixed-use and what they did not. These pioneering communities told us that buyers generally did not mind the higher densities and smaller lots, as critics had said they would, and they

especially loved the classic architecture and neighborly feel of front porches, tree lined streets, lampposts, and common green spaces found in many TND styled mixed-use communities. They did not however, appreciate any design mechanism that restricted the primacy of the automobile, such as alleyways, lack of parking at retail, or lack of access to retail.



**Marketing “community” a key marketing tool for mixed-use development in suburban developments, Tradition, Port St. Lucie, FL, courtesy Core Communities**

One point made is that a majority of these projects are occurring in suburban areas and cater to suburban middle class residents. Although the original concept may have catered to the idea of self-sustainable villages and inner city revitalization, most proponents of mixed-use and TND are embracing the concept of the suburban mixed-use project as a viable and acceptable trend. For example, In its last annual survey, the New Urban News, trumpeted that 648 neighborhood-scale new urban communities, most of which were in suburban locations, had been either completed or initiated - an increase of 176 from the year before. With 97 new projects identified in the previous survey, the pace is picking up considerably. (The survey identified 369 of the 648 projects as built or under construction, with the remainder in planning and development stages.)



**Model Homes at Tallgrass Village, a small mixed-use development in suburban Brandon, SD.**

## Recent Trends in Regulating Mixed-Use and Current Trends

Beginning in the late 1960s, a movement to create more diverse housing types initiated the PUD movement, which allowed for municipalities to adopt development ordinances that did not comply with Euclidean zoning standards. Initially, PUDs were perceived as beneficial to developers and homebuilders because they allowed them the flexibility to not have to follow all the standards within the strict interpretation of Euclidean zoning codes. Over time, PUDs gained popularity nationwide as a means of providing for a greater variety of development. The caveat however, was that municipalities were granted the power to require additional improvements not required by the zoning code or comprehensive plan adopted by the community.

Another problem that has developed, is that municipal officials, particularly ones that now *require* PUDs for new development, have essentially eliminated any vested right to develop a parcel of land as specified by the community's comprehensive land-use plan or zoning ordinance. PUDs essentially force developments into a case-by-case review, in which public officials can request additional requirements not found within the zoning code, as well as multiple public hearings. The cost to the developer or homebuilder is then inexorably higher than in a "straight" or Euclidean zoning scenario as a result. Given that the PUD concept is nearly 40 years old, it is no longer seen as an innovative tool, and is in fact utilized by many communities as a slow-growth measure that gives municipalities a legal means to tie-up development reviews for years.

Communities interested in greater diversity in urban planning should now forgo the PUD overlay or conditional use process and amend the Euclidean zoning code to allow for a diverse type of development as a zoning district *by-right*. A good example would be a "mixed-use zoning district", a "traditional-neighborhood zoning district", or a "cluster-housing zoning district" that explicitly allows for communities that contain a mixture of land-uses, higher densities, and development standards not otherwise permitted through Euclidean zoning. Owners of land zoned "mixed-use" then have a right by law to create this type of development without lengthy public hearing processes or additional and sometimes capricious requirements and delays. The result is a process that makes all the difference between implementing smart growth and just talking about it. In addition, it lowers the cost to the developer in terms of the planning and construction schedule, which is then passed on to the resident or citizens through more affordable housing, lower commercial rents, and lower cost of goods and services, and to the community in terms of more desirable development.

Mixed-use concepts are rapidly becoming mainstream as more of these projects are constructed nationwide. Municipalities should no longer expect developers and homebuilders to accept lengthy "special review procedures" such as PUD ordinances if they truly seek to encourage these types of developments. By amending comprehensive plans and zoning codes to allow for these uses *by-right*, the public hearing is reduced to a one-time event, instead of being held on each case-by-case review period. Citizen involvement is assured and the development costs are reduced dramatically, benefiting all in the community.

➤ Form-Based Zoning Codes: Moving Away from Use

One possible solution to building predictability into the land development approval process is Form-based codes. This is a new concept in planning circles that may provide for a workable and comprehensive replacement to conventional zoning law. If implemented correctly, the land development permitting process may be greatly simplified and would be a much better fit for the development of TND and Mixed-Use projects than inflexible conventional zoning or the capricious PUDs.

Simply put, form-based codes place form as the top priority in zoning law, as opposed to land use. Theoretically, form-based code dictates a few basic requirements for structure types, such as setback, lot coverage and height. A structure type could then be permitted anywhere, as long as it is compatible with the surrounding structures. Additional “dress code” requirements, such as door and window placement, exterior material, and roofing can be added to the structure requirements, although proponents of form-based codes emphasize against writing too many design requirements into the code. The intent of form-based codes is to encourage diversity among structures as long as they are compatible.

Form-based codes may be easier to implement in infill areas because they allow for the development of structures similar to their surrounding structures. Theoretically, they are intended to be more concise and easier to understand than conventional zoning codes, although this is always prone to abuse (in terms of becoming more complex and burdensome) over time.

Form-based codes may also offer a better solution to NIMBY related development issues in that the codes themselves are more akin to “visual-preference” surveys, which have become an increasingly popular tool in providing resident input on how a new project may fit into a new community. Form-based codes, associated with new technology, will allow residents to view future development in three dimensions instead of two. This may significantly relieve fears of density and massing often faced by builders and developers.

Form-based codes could be a regulatory boon to builders if they can be implemented as simply as the proponents say it can. That is a big if. This is a nascent regulatory approach, and only California has adopted state enabling legislation. It has been implemented in a few areas, although so recently that there has not been enough time to make an analysis of the results. The Kendall district of Miami, FL, Louisville, KY and Arlington, VA, have recently adopted, some version of form based-codes.



**Mixed-use development focuses more on regulating form and design and less on regulating uses. Form Based Codes may provide for a more predictable and efficient approval of mixed-use. A scene from City Place, West Palm Beach, FL, meant to reflect the form of an Italian village.**

Local jurisdictions throughout the country have begun to adopt legislation and ordinances allowing a mix of uses, with housing and non-residential uses in close proximity to one another. These ordinances provide for mixed-use in a variety of locations, including inner cities and fast growing suburban areas, within the existing urban fabric of older communities and within the context of undeveloped land in newly developed suburbs. What follows is a sample of ordinances and projects from a variety of communities across the country that reflects the diversity of mixed-use projects currently being regulated, proposed and developed.

Huntersville, NC – A rather simple Mixed Use ordinance that allows for higher densities near highways and a proposed rail corridor to Charlotte. Allows up to 30% of housing units to be apartments and attached housing within major subdivisions, and requires that projects have a conceived public realm of streets, plazas and parks.

Miami-Dade County, FL – Pioneered one of the earliest mixed-use ordinances in 1993. Although the ordinance has been criticized as a whole for being overly prescriptive, there are many elements of the ordinance (including the definitions section) that provide good criteria that may be used in a more simplified code.

Port Royal, SC – Highly illustrative, yet flexible TND zoning code. This code places emphasis on form and design before the separation of uses.

Mansfield Township, NJ – Overly prescriptive code in terms of uses and minimum lot sizes and square footage. It also contains a cumbersome PUD overlay/waiver procedure that should be avoided. However, the code offers some excellent illustrations on different types of urban form within a TND that is worth noting.

Davidson, NC – This TND code deserves notice due to its sheer comprehensive nature, allowing for TND to be built by right in several undeveloped areas within the town's zoning jurisdiction. The residential units allowed are specified in flexible "form-based" contexts defined as "apartment houses", "attached house", and "detached house", instead of land use districts.

Prince George's County, MD – 1999 Transit Oriented Development Code. This code has been instrumental in the construction of the Largo Town Center in Prince George's County, which is focused around the extension of the Washington, DC, Metro Blue Line.

Charlotte, NC – Mixed-Use Development District (MUDD) - The MUDD provides for periodic review of the parking situation to insure that parking is not over or under-supplied. It has a very low basic parking standards and generous options for additional reductions. Only one space is required for each dwelling unit, and only one space per 6000 square feet of non-residential use. Changes in building uses will not increase parking requirements.

McKinney, TX – Housing diversity and affordability is better guaranteed by a requirement that at least four housing types from a list of eight (including large and small lot houses, live/work row houses and multifamily apartments and apartments over commercial) must each have a minimum of 5% of the units in each neighborhood. The units are all provided at market rate. This form of zoning provides a reasonable alternative to “inclusionary” requirements for below market rate housing

### **Overcoming NIMBY Sentiment**

Builders and developers may face initial opposition from adjacent residents to mixed-use, most commonly a negative reaction to “higher density” or land uses not appropriate for residential areas. What some developers or “new-urbanists” perceive as creating convivial civic spaces or uses such as coffee bars, neighbors will perceive as a nuisance, degradation of quality of life and loss of property value.

Of course, many local lawmakers' objections to new uses or untested kinds of developments derive from neighborhood resistance, not from fiscal or policy concerns. Therefore, by addressing the NIMBY concerns of neighbors, builders and developers may make it much easier to win the necessary approval from local lawmakers. Generally, people will be opposed to mixed-use because of close proximity of non-residential uses to residential uses, close proximity of rental homes, noise, traffic congestion, insufficient parking, higher density and too much height and massing.

One of the leading experts in dealing with NIMBY sentiment is Debra Stein with GCA Strategies in San Francisco, CA.. In her article “A Strategic Plan To Avoid NIMBY Problems”, Affordable Housing Finance Magazine, she contends that overcoming NIMBY sentiments can best be achieved through negotiation and persuasion.

The key to persuading neighbors that a mixed-use project may not result in a negative situation is to convince them that they will gain a positive interest that they do not currently enjoy, which may include higher home values, a new community center, new features, traffic calming measures or clean-up of contaminated sites. Here is a real-world example. A developer in Florida interested in constructing a mixed-use project on a long vacant parcel of land encountered strong objections from an adjacent single-family home community. After meeting with the neighbors several times, the developer vetted the negative effect the neighbors feared most, increased traffic through their

neighborhood. To mitigate this influence, the developer offered to construct substantial entry features and traffic calming devices along two residential streets at the point where the two developments would meet. This offered the residents something they did not have before a pleasing entry feature into their community and traffic calming while also indicating a strong demarcation that this was a private community, to discourage pass through traffic. The neighbors accepted the offer by the developer and did not object to the approval of the project.

According to Debra Stein, along with persuasion, negotiation with objecting neighbors is almost inevitable. Negotiation is best approached with the use of the 3 'Ms': modification, mitigation, and magnanimity. Project modifications are often necessary in order to mollify resident concerns and flexibility for such modifications should be built into the design phase of the project. Common modifications may include physical changes to a project involving density, height, acreage, and use. Mitigation may also be necessary in this process. A common mitigation technique is to provide attractive landscaping and berming to soften exterior views of a project. Being magnanimous during the process is also vital. Be generous and open to giving the surrounding community amenities to help compensate for the new development's impact on the surrounding neighborhood. The developer in Florida mentioned previously is a good example.

Finally, while dealing with NIMBY objections, emotions typically overwhelm logical analysis and reasonable facts. A developer trying to reason with objecting neighbors using facts, data and logical arguments may be easily frustrated by this behavior. Emotional attacks can often become personal, or utilize the most innocent residents, such as children and elderly as potential victims. Also, the unsubstantiated statement of plummeting property values is commonly invoked. It is best for developers to be aware of these common, unreasonable arguments and not become embroiled unless it is reasonably the case, which it most often is not.

## **Conclusions**

Although residential Mixed-Use Development has increased dramatically in the last 10 years, it still makes up a fraction of the total amount of new residential development constructed each year. There is no reason to believe that single use residential markets will not dominate the development sector for many years to come as well. However, homebuilders and land developers should not underestimate the growing opportunities within the mixed-use sector, not just in large metropolitan areas, but also in smaller communities as well. Many of these communities have no mixed-use development whatsoever, so lack of competing projects may prove to be financially lucrative.

Of course, the viability of constructing housing in mixed-use developments relies, in large part, on how communities regulate such uses and how existing residents will respond to it. Communities must take action to minimize regulatory barriers as well as minimize the ability of NIMBY sentiments to discourage or delay developers, so that these projects can become more viable to construct. It appears that the trend is slowly moving towards easing the burden of constructing these communities as residents

become more familiar with the growing number of mixed-use developments across the country. As stated in this paper, residential components of mixed-use development, as part of a larger, diverse housing stock, can help achieve many of the goals espoused by the smart growth philosophy. If communities speak of smart growth as something they strive for, than they must take the actions necessary to allow it to happen.

## Major Resources

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## APPENDIX

### **Developed Mixed-Use Projects**

#### Mixed-Use in Infill locations

Orlando, FL – Baldwin Park  
Denver, CO - Stapleton  
West Palm Beach, FL -City Place  
San Jose, CA - Santana Row  
Arlington, VA - Clarendon Market Common

#### Workforce Housing

Pittsburgh, PA – Frick Park, Crawford Commons

#### Greenfield Locations

Jupiter, FL – Abacoa  
Osceola Co, FL - Celebration  
Gaithersburg, MD - Kentlands

#### Mixed-Use Development in Suburban Locations

Port St. Lucie, FL – Tradition  
Sioux Falls, SD - Tallgrass Village  
Burlington, VT - South Village  
Franklin, TN – Westhaven  
Athens, GA – Oak Grove  
Calabash, NC - Devaun Park  
Longmont, CO – Prospect New Town

#### Transit-Oriented Development

Addison, TX – Addison Circle  
Santa Clara, CA – Rivermark