

# 1.6 Infill Development

## BACKGROUND AND PURPOSE

Infill development in its simplest form is the development or redevelopment of land that has been bypassed, remained vacant, and or is underutilized as a result of the continuing development process. Infill development can occur anywhere that a parcel of land is underutilized or misused compared to the surrounding land use activities, such as large urban areas, village settings, town centers, or areas with large lot development that the master plan designates for higher densities. It is often a component of mixed-use development and is a technique that is frequently used in housing strategies to provide affordable housing or to fulfill the need for various types of housing. In addition to its role in housing strategies, infill development plays a critical role in the conservation of land, the creation of community centers, and provides an alternative to sprawl.

The purpose of this chapter is to explore the issues associated with the promotion and implementation of infill development and to highlight its relationship to other planning tools.

## APPROPRIATE CIRCUMSTANCES AND CONTEXT FOR USE

There is no single technique to implement infill development. There are however, two common approaches that are often used to promote infill development. The first involves the development of a special district within a particular zone. This approach identifies the specific areas within a municipality that are subject to the infill development ordinance. The second method involves identifying areas of infill development by definition. In this instance, the zoning ordinance applies to those areas of a community that meet a set of defined criteria for an infill development project. This type of ordinance may be assigned to a specific zone or may be applied community-wide. Often this type of ordinance is tied to “adaptive reuse” or “redevelopment” of a community. In both instances, a community may also choose to further enhance a zoning ordinance by identifying design guidelines within the Site Plan Review Regulations.

The key to the successful implementation of infill development is flexibility, both in zoning and in the design standards for existing and proposed infrastructure, such as buildings, roadways and parking.

### RELATED TOOLS:

- Density Transfer Credit
- Conservation Subdivision
- Inclusionary Housing
- Pedestrian-oriented Development

Closely related to infill development is the concept of adaptive reuse or revitalization. While infill development focuses on the development of underutilized land or parcels, revitalization more often addresses the issues of building design and building use. Implementation of both infill development and revitalization can strengthen community function through the efficient use of existing infrastructure and buildings.

While not an exhaustive list, the questions below can help determine if infill development is appropriate for an identified parcel or area of a community.

1. Will the project improve the appearance of the immediate area and contribute to the economic vitality and/or redevelopment of the area and local economy?
2. Will the project make use of underutilized infrastructure or make better use of existing infrastructure, including, but not limited to: the transportation system (public transportation, sidewalks, and roads); sewer, water, and other utilities; and proximity to other buildings and uses that can increase visitation or usage (library, museums, cultural centers and etc)?
3. Will the project make the area more pedestrian friendly and a more livable community?
4. Will the project create jobs, improve the housing supply, provide open space and/or contribute to the improvement of the area in any other way?
5. Will the project provide tax revenue directly or indirectly as a result of new investment in this area?
6. Will the project provide or encourage better utilization of other land in the community such as reducing sprawl and preserving land for farms and other open spaces?
7. Will the project fill an apparent visual void that currently exists within the existing infrastructure?
8. Will redevelopment of the land assist in cleanup of the site?

Understanding the benefits and potential barriers to implementing infill development can help a municipality develop an ordinance and/or design standards that meet the needs of the community while allowing for successful infill development to occur.

The following is a list of some of the benefits of infill development.

1. Benefits for Housing:
  - Expands the range of housing choices to meet the needs of the state's changing demographic trends, i.e., smaller household, elderly, 55+ housing options, single, and empty nesters.
  - May result in lower initial costs as project sites may be in areas already served by infrastructure as opposed to housing developed on raw land outside of the municipal service area.
  - May result in lower housing costs as smaller units require less maintenance.
  - Strengthens existing neighborhoods.
2. Benefits for Transportation:
  - Increased density results in less auto-dependency and create more walkable communities.
  - Uses existing infrastructure capacity rather than necessitating new public investment costs to develop in the suburbs and rural areas.

### 3. Benefits for Growth Management:

- Reduces demand to develop farmland and open space by providing a constructive and positive alternative to scattered or strip development.
- Improves tax base of older areas of a municipality.
- Encourages community revitalization.

The challenge to implementing infill development is overcoming the initial barriers. Overcoming the community's existing regulatory structure will likely prove the most difficult. Setbacks, minimum lot size, minimum frontage, maximum lot coverage, parking ratios, and other zoning requirements impact the ability to implement an infill development project. Crafting an ordinance that is sufficiently flexible to make the project fit into the surrounding neighborhood and that also provides adequate economic incentives is necessary for successful implementation.

Factors to consider when developing infill development standards include:

- Establish a minimum lot size, such as 8-10 permitted units per acre or lots 2,000-4,000 square feet in size. Consider also establishing a maximum lot size for areas serviced by municipal water and or sewer.
- Require minimum density requirements as opposed to maximum density requirements.
- Increase height limitations of buildings to increase density.
- Encourage use of rooftops for open space (gardens), particularly roofs of accessory buildings, such as garages.
- Permit an increase in lot coverage, especially if common public areas are in close proximity.
- Reduce front setbacks to conform to existing building lines or add a maximum requirement to prevent new construction from being set back "too far" from the street.
- Reduce side setbacks, including the use of zero lot line development.
- Reduce lot width requirements.
- Encourage mixed use buildings, combining housing and commercial, particularly in village and downtown areas.
- Develop mixed land use zoning districts.
- Reduce parking requirements and allow shared parking, consider maximum rather than minimum parking standards to prevent too much land being used for parking.
- Require parking in the rear of buildings.
- Require sidewalks that connect to established pedestrian systems, street trees, benches, mini-parks to create attractive livable walkable communities.
- Develop architectural design guidelines for streetscapes and building facades.
- Amend sign regulations to encourage creative and appropriately sized signage.

## LEGAL BASIS AND CONSIDERATION FOR NEW HAMPSHIRE

Infill development incorporates a variety of planning techniques including but not limited to: increased density, density bonuses, zero lot line developments, transfer of development rights, mixed use zoning, flag lots, development on non-conforming lots, use of accessory dwellings for in-law apartments or elderly housing, cluster developments, reducing setbacks, and village alternative development. Several of the innovative land use controls allowed per RSA 674:21 are often techniques used in infill development proposals, such as transfer of density and development rights, performance standards, flexible zoning, accessory dwelling unit standards, and village plan alternative concepts. Furthermore, RSA 674:17 states that the overall intent of a zoning ordinance serves to promote many of the practices utilized to implement infill development projects.

## EXAMPLES AND OUTCOMES

Infill development affords a community an opportunity to use an array of techniques to redevelop a parcel or building. There are many success stories in New Hampshire including but not limited to, the following.

### Portsmouth

Portsmouth's Downtown Overlay District promotes the economic vitality of the downtown business district by ensuring continuity of pedestrian-oriented business uses along streets. The ordinance prohibits large surface parking lots and restricts accessory parking to the rear of buildings.

### Concord

Concord established an Opportunity Corridor Performance District for the economic redevelopment of under utilized urban properties located between the downtown business district and Interstate 93, as well as in other former brownfield locations in the City. A hotel and conference center, as well as several office buildings, have been built since the creation of the district.

# Model Language and Guidance for Implementation

## MODEL INFILL DEVELOPMENT ORDINANCE

### I. PURPOSE AND INTENT

The purpose of this district is to provide for [*neighborhoods/town centers/main streets/employment centers/mixed use districts, etc.*] with efficient land use and cost-effective delivery of urban services. The provisions of this district recognize the design challenges inherent to developing infill properties, and ensure that new development is consistent in character and scale with existing development. The intent of this district is to:

- A. Accommodate growth in \_\_\_\_\_ [*name of local jurisdiction*] by encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities, while addressing the needs of \_\_\_\_\_ [*name of local jurisdiction*] residents.
- B. Encourage efficient use of land and public services in the context of existing communities.
- C. Stimulate economic investment and development in established neighborhoods.
- D. Provide developers and property owners flexibility so that they can achieve high quality design and develop infill projects that strengthen existing communities.
- E. Create a high quality community environment that is enhanced by a balanced compact mix of residential, commercial, recreational, open space, employment and institutional uses and building types.
- F. Implement the goals, objectives, and policies of the comprehensive plan, or the small area plan.
- G. Provide clear standards for infill development.
- H. Encourage compact development that is pedestrian-scaled and, if applicable, transit-oriented.

### II. APPLICABILITY

The Infill Development Overlay applies to the areas shown on the zoning map. The requirements of the overlay zone are in addition to the requirements of the underlying zone. Where the requirements of the Infill Development Overlay conflict with the underlying zone, the requirements of the Infill Development Overlay shall apply.

The intent of the district will vary by municipality, so it is important to clearly identify the intent in this section and develop an ordinance specific to those needs.

Alternatively, the Infill Development Ordinance can be adopted as a flexible zone, allowing developers to use the ordinance provision when certain conditions are met, such as development of vacant lots in developed areas, redevelopment of sub-standard buildings, or to take advantage of the opportunity for increased density offered by water and sewer extensions.

### III. GENERAL REQUIREMENTS

The site plan shall incorporate the following elements to enhance compatibility with the surrounding community:

- A. Sidewalks that connect to the adjacent sidewalk system.
- B. Public streets that connect to the adjacent street pattern and that are designed to discourage speeds and volumes that impede pedestrian activity and safety.
- C. Preservation of architecturally significant structures whenever feasible.
- D. Street furniture, lighting and landscaping that is primarily oriented to pedestrian use.
- E. Setbacks, building envelopes, use and parking compatible with surrounding community.
- F. All new buildings (except accessory structures) shall have the primary entrance oriented to the street or public walkway, with direct, barrier-free and convenient pedestrian connections.

### IV. PERMITTED USES

In addition to uses permitted in the underlying zone, the following uses are permitted in the Infill Overlay District:

- A. Home occupations.
- B. Accessory dwelling units.
- C. Residential units on the upper floors of commercial buildings.

This list is intended as an example. This section should be adapted to a community's needs.

This section should be specific to a community's needs and will need to be adapted as such. Development standards will vary significantly for infill development in urban and village settings compared to suburban settings.

### V. DEVELOPMENT STANDARDS

- A. **Lot size:** Lots shall be no greater than 5,000 square feet in village or urban zones, unless required to accommodate mixed use development. In rural zones, lot size may be reduced to the smallest size needed to accommodate on-site water supply and wastewater disposal.
- B. **Setbacks:** Setbacks shall conform to the surrounding properties, and may be reduced to zero where appropriate and with adequate fireproofing. In no case shall the setbacks be substantially greater than surrounding properties.
- C. **Density:** Density shall be controlled by the allowable building height, required setbacks, building code requirements, and the availability of water and sewer service.
- D. **Bulk and Scale:** Building size, scale, and architecture shall be consistent with neighboring buildings, unless the planning board determines that significant differences from neighboring buildings are in the best interests of the town.

The intent of the **Lot Size** requirement is to avoid low density site development in urban and village areas that can accommodate greater density. The 5,000 square foot maximum lot size is intended to encourage high density. Mixed use development, such as first floor retail space with residential or office units in upper floors may require larger lots.

- E. **Building Orientation:** Primary facades and entries shall face the adjacent street with a connecting walkway that does not require pedestrians to walk through parking lots or across driveways.
- F. **Accessory Dwellings:** In single-family residential areas, one accessory dwelling unit per lot shall be allowed in addition to the principal dwelling unit.
- G. **Privacy:** Optimize privacy of residents and minimize infringement on the privacy of adjoining land uses through the placement of windows and door entrances. Create opportunities for interactions among neighbors in common pedestrian circulation areas of the project.
- H. **Parking:** Parking requirements may be waived if there is suitable and available public parking in close proximity. Parking shall be provided in the rear of buildings.
- I. **Pedestrian Access and Circulation:** Continuous sidewalks shall be provided between primary entrances to buildings, parking areas, pedestrian facilities on adjacent properties, and existing public sidewalks along perimeter streets.

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