

Performance zoning helps key city's comeback

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Havana, Fla., was once a thriving tobacco town. Twelve miles north of Tallahassee, the town sat at the junction of the Georgia, Florida and Alabama Railroads and was a center for the production of shade tobacco, which is used to wrap cigars.

But when the railroad branch that joined Havana to the main line was abandoned and the labor-intensive tobacco industry fell prey to foreign competition, the town began a quick decline.

Now, thanks to antiques stores and a new zoning ordinance, Havana is back. It all started in the mid-1980's, when a couple of entrepreneurs opened an antiques shop in an old brick building in downtown Havana. Business built slowly, and they began to encourage others to open shops. A few years later, art galleries began to open.

Today, Havana is home to 40 antiques stores and specialty shops, two art galleries and an art education center. Additionally, National Research & Technology (NRT) has relocated to the town from Tallahassee, bringing with it 130 jobs. What was once a decaying downtown is now a vibrant and optimistic place that is becoming known as "The Antiques Capital of the Southeast."

Part of the credit for the turnaround can be traced to the adoption in 1990 of a performance-based zoning ordinance that has directed development in the town.

State legislation mandated that the town adopt land use controls, and the town chose to go with performance-based zoning for several reasons; it offered greater flexibility and did not require the rezoning and public hearings necessary with traditional zoning.

Lane Kendig, known as the "Father of Performance Zoning," explains that the concept was developed to address areas of regulation where conventional zoning had failed. "Unlike the traditional approach," he wrote, "[performance zoning] does not organize uses into a hierarchy which is then used to protect 'higher' uses from 'lower' ones. Rather, it imposes minimum levels of performance by setting standards that must be met by each land use."

The firm of Barr, Dunlop and Associates (now part of Tallahassee-based Kimley-Horn and Associates) prepared the town's comprehensive plan. According to the plan, Havana has four zoning districts, two of which – neighborhood conservation and industrial – severely restrict the land uses allowed. The neighborhood conservation district, for instance, allows only single family dwellings built on minimum lot sizes.

The industrial district recognizes that some land uses must be segregated from others due to noise, glare and other factors that cannot be mitigated by buffering from adjacent land uses.

The two other districts, the urban core and development districts, allow a wide range of land uses (except heavy industrial) provided they meet performance standards governing such things as drainage controls, density, floor area ratios and buffer yards between uses.

The numerical standards are greatly influenced by the type of adjacent development. For example, an intense use next to a much less intense use requires substantially more buffer yard than would adjacent developments of equal intensity. The number of dwelling units or the floor area ratio of commercial structures that may be placed on a site is determined using a series of simple calculations. A developer can know what may be placed on any site with a minimum of cost or time by “running the numbers.” Consequently, uncertainty over the politics of a project is not a factor.

Because of the inherent flexibility of performance zoning and rationally derived density/intensity allowed on any site, variances or changes in zoning districts are seldom justified, so the governing body does not have to get involved in typical day-to-day zoning or land development issues.

Seven years after its adoption, the ordinance appears to be working well. Seventy-one applications have been processed thus far, and only one has been denied for failing to meet all the required performance criteria.

Advantages of performance zoning include:

- * time savings. It takes three days to obtain a development order, as opposed to as many as 90 days with traditional zoning;

- * lack of political input. No town council time must be devoted to dealing with specific development permits;

- * increased economic development. Developers can find out with certainty what they can do with a parcel within a few hours and with the expenditure of little more than the cost of a survey and a few hours of a planner’s time. NRT’s president noted that the firm’s decision to relocate was strongly influenced by the ease of dealing with development regulations and the rapidity with which approvals were obtained; and

- * few citizen complaints. The ordinance includes vegetation planting requirements to maintain the town’s attractiveness.

This article was written by Havana Town Manager Susan Freiden and Richard Winters, a Tallahassee-based planning consultant.