

Growth Management for Barrier Island Communities: A Comparative Evaluation

In the last fifteen to twenty years the people of the United States have been attracted to the nation's ocean beaches in greatly increasing numbers. The areas of heaviest use have been wherever good roads lead from the growing coastal plain urban centers to "unspoiled" shores. For many years, the chain of barrier islands along the country's southeastern margins were exempted from this cavalcade of beach-goers, largely due to a general lack of good automobile access. With an ever-increasing demand for more beaches, however, came a public demand for improved accessibility to the barrier islands. The response of state governments was the establishment of ferries or the construction of bridges and causeways.

Improved access, in turn, caused a rapid influx of visitors and tourists to the barrier islands. Among these visitors were permanent and second home seekers and resort developers. Soon after the resultant rise in ocean-oriented development came the realization that the old bridges and infrequent ferry services would no longer be adequate. Old bridges were enlarged or new bridges were built, and more ferries with greater capacities ran more often. This vicious circle between accessibility and development grew, picking up speed and momentum, consuming more barrier island land at faster rates. There seemed few deterrents to the cycle as long as the demand continued and there were land owners willing to sell.

Toward the end of the 1960s, however, many of the good building sites, those on relatively high land and in protected locations, were taken. A new breed of coastal dwellers was buying the remaining lots by the early 1970s. Farmers from the Midwest, businessmen from the Northeast, and the retired built or bought homes on land raised from the "leftover" marshes. A little ingenuity and a greater use of the new dredge-fill and bulldozing "technology" provided the means.

The effects of rapid, unplanned development on extensive filled land and other poor sites soon became evident. Dying shellfish beds, eroding beaches, and salt-water intrusion in ground waters were a few of the indications. It was not long, however, before these

changes struck home—in property owners' bank accounts. *Ad valorem* taxes began to reflect the costs of new or expanded sewage treatment facilities, municipal water supply systems, and shore erosion protection projects. Under these mounting tax pressures island residents began to question what the future course of ocean-oriented development should be.

This article examines two barrier island communities of the southeastern United States experiencing similar development pressures but employing contrasting local management strategies for controlling growth. The formulation of the ecologically supported carrying capacity plan of the city of Sanibel, Florida, is compared to the more traditional land use plan development approach taken by the town of Wrightsville Beach, North Carolina. Each municipality's plan implementation and regulatory mechanisms are then evaluated on their ability to translate the objectives set forth in their land use plans into reality on the ground. In doing so, consideration is given to the manpower and funding levels of each community's technical consultants, the local political climate within which each plan was developed, and the arena of state enabling legislation within which each plan performs.

Overview of the Two Programs

Wrightsville Beach, North Carolina has accumulated a development control "system" over the years in piecemeal fashion, having adopted one ordinance and then another as necessary, without the general guidance of a comprehensive plan. In 1976, the town adopted its first land use plan to meet requirements of the state's Coastal Area Management Act of 1974. The

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document, however, has had only limited impact on the content and functioning of the town's development controls. These mechanisms continue to operate independently of the land use plan. Even so, Wrightsville Beach has had a tradition of keeping one step ahead of most ocean-oriented communities in North Carolina, and is considered to possess one of the better local systems on the coast for regulating development.¹ The Beach's planning effort is an example of how a loosely organized set of development ordinances and an "after the fact" land use plan can work their way into the local political framework and be effective, given the right local administrative and political leadership. However, given the wrong leadership—leadership less familiar with the development system or with the political fabric—the same regulatory structure may collapse entirely.

Sanibel Island, Florida, incorporated as a city in 1974 to rid itself of the large future population levels allocated to it by county zoning. In 1976, a carrying capacity-based *Comprehensive Land Use Plan* was adopted as a city ordinance with all development regulations, performance standards, and administrative procedures firmly attached—physically and functionally. Sanibel's aggressive growth management program, which reduced the allowable number of dwellings on the island from 30,000 to 7,800 (Clark 1976, pp. 86, 90), has received considerable attention from planners and the lawyers of developers alike. The city's pioneering strides in planning development according to the carrying capacity of natural systems opens new roads for the planning efforts of other communities with fragile ecosystems.

Sanibel Island Development History

The earlier general discussion, in many respects, closely parallels the historical pattern of development on Sanibel Island, Florida (Clark 1976, pp. 6-7, 12-15). The barrier island supported a small farming population until a severe hurricane struck the island in 1926, causing salt-water inundation and ruining the agricultural industry. Residents who remained after the flood turned to serving the modest winter visitor population. The number of seasonal visitors increased very little from 1927 to the mid 1940s while the year round population held steady at about one hundred. The 1950s witnessed a gradual rise in the island's tourist trade and an accompanying increase in residential development.

The construction of a causeway to the mainland in 1963, however, resulted in an unprecedented surge in the growth rate. A ten-year development boom followed, placing dwellings in parts of the island that had been considered unsuitable for development in previous years. Septic systems became widespread, seriously degrading surface waters. Increasing demands on the island ground water supply made salt-water intrusion of the freshwater aquifer a major concern. By the 1974 peak tourist season, the island had grown to 12,000 residents and over 4,000 housing units.

Additionally, there appeared to be little relief in sight. Lee County zoning, under whose jurisdiction Sanibel Island fell, authorized permits for a potential additional growth of 26,000 dwelling units. As long as the island remained unincorporated, the residents had no real powers to combat the island's unattractive development



The strains from development on Wrightsville Beach's water and sewage system prompted a down-zoning of the community.

Photo by Glenn Harbeck

future. In view of this, the people of Sanibel Island in 1974 stated:

[We, in] desiring to have the rights of self determination, to the fullest extent allowed by law, in the planning for the orderly future development of an island community known far and wide for its unique atmosphere and unusual natural environment, and to insure compliance with such planning so that these unique and natural characteristics of the island shall be preserved, do seek the benefits conferred on municipal corporations by the Constitution and the laws of the State of Florida. (City of Sanibel 1974)

Within one month's time after incorporation, a city council and mayor were elected by Sanibel voters, and a moratorium on all new building permits was instituted. Work began on the selection of a planning consultant suitable to the island's needs. In April 1975, the firm of Wallace, McHarg, Roberts, and Todd (WMRT) was contracted and the community set about preparing its first comprehensive land use plan.

Formulation of the Plan

When examining a local planning effort for evaluation or comparison with other local efforts, it is only logical that consideration be given to any operational factors that may contribute substantially to the success or failure of the process. In the case of Sanibel Island, three such factors are involved: (1) the manpower and technical expertise of the planning consultant, (2) the level of funding available to the consultant for primary and supporting studies, and (3) the prevailing attitude of island residents about the need for planning.

It is customary and often anticipated that a small community will select a planning consultant from among those operating in the general region within which the town is located. Sanibel Island, however, selected the Philadelphia-based, nationally known firm of Wallace, McHarg, Roberts, and Todd as planning consultants. WMRT, in turn, subcontracted legal, utility, and traffic technical assistance from other consultants (Clark 1976, p. 85). Additionally, WMRT was aided by the scientific expertise of the Sanibel-Captiva Conservation Foundation. A staff of eighteen Conservation Foundation scientists, assisted by a panel of special technical advisors, conducted natural system studies of the island (Clark 1976, p. 19). The results were then used to formulate and substantiate the development control policies and growth limitations of the land use plan.

The foundation provided its services at no cost to the city, having secured funding through private and charitable donations (Clark 1976, p. 15). In general, the predominantly affluent island community had relatively few difficulties financing the planning process.

The whole question of incorporation for Sanibel centered around the issue of whether planning guidance and development regulation should remain the responsibility of the county or be given to a local authority. The 1974 island decision in favor of incorporation was essentially a vote for the latter. The idea of local planning

for Sanibel Island was a local initiative. It was not mandated by any federal, state, or regional authority.² To some extent, therefore, the planning program had the support of the local constituency from the start. The establishment of citizen task forces and the procurement of public input to the planning process were made that much easier.

Wallace, McHarg, Roberts, and Todd were aware they were selected as planning consultants to achieve one overall objective: to devise a land use plan and supporting regulations that would substantially curb growth on Sanibel Island. To reach this end, a number of questions needed answers. First and foremost, what means and avenues legally justify the denial of future growth? More specifically, in terms of the island's natural carrying capacity—what criteria determine threshold population levels for the island? Finally, how can growth limitations be related to the health, safety, and welfare of island residents?

Finding the answers to these questions required three major phases of development. First, the planners needed to define the ecosystem of Sanibel Island with all its biological and physical intricacies and apply these concepts to appropriate geographic portions of the island. Second, the ecological carrying capacity of each geographic zone had to be defined according to the relative tolerance of the area to various residential and commercial development densities. The derivation of these limits was bound firmly to the natural studies of phase one. Total growth levels were then modified by the city's estimated fiscal ability and legally justified by public health, safety, and welfare factors (hurricane evacuation, fire protection, etc.). Third, and finally, the plan would require performance standards, development regulations, and administrative procedures to insure that the growth limitations would not be exceeded.

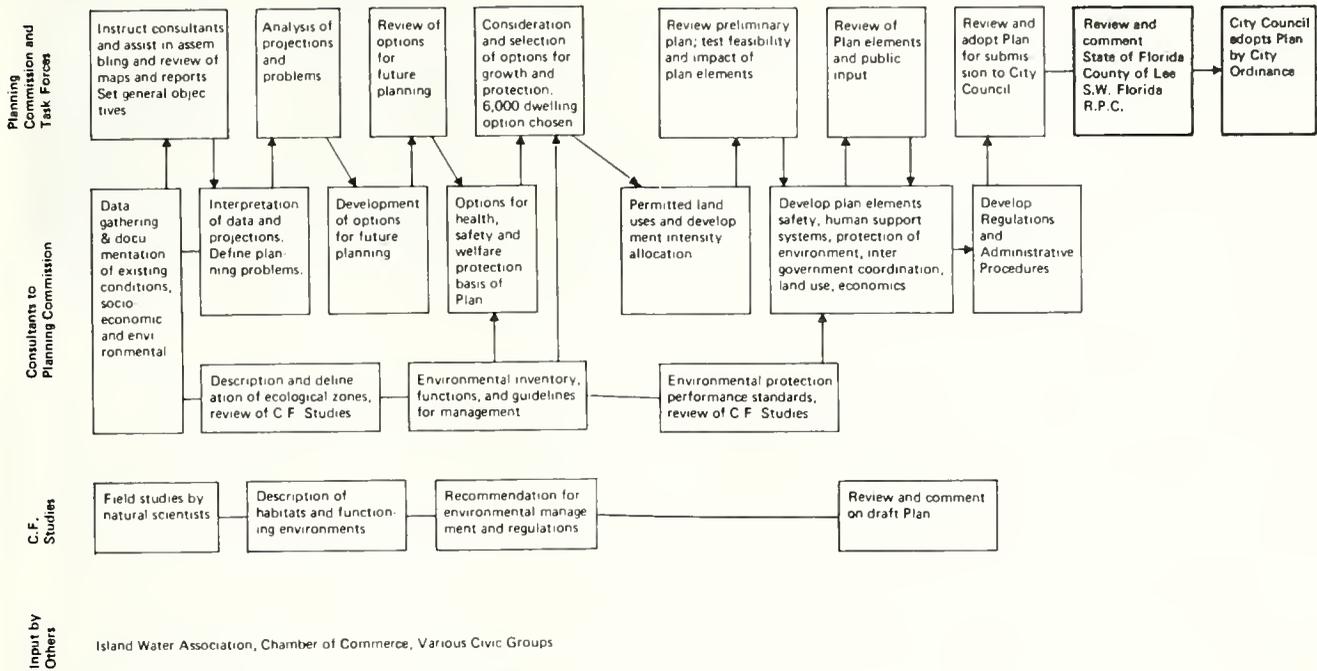
“ . . . the people of the town were not behind the planning process and its purpose as much as the CAMA's authors originally intended.”

This had to be done in a manner that would not blatantly overstep its constitutional powers, thus encouraging a number of potential lawsuits from land owners and developers.

For the first phase, WMRT relied on the Conservation Foundation to identify natural systems and ecological zones of the island. The natural studies information was then considered in conjunction with traditional socio-economic and population studies. Various alternative population ceilings were formulated and presented to the planning commission, citizen task forces, and island residents for a weighting against the city's ability to provide services, and to maintain the island's lifestyle. The alternative eventually selected by the commission projected a city population growth limit of 6,000 dwelling units. This number was only 2,000 units more than 1975 existing figures of 4,000 (Clark 1976, pp. 86-90).

Figure 1

The Sanibel Planning Process



Source: The Conservation Foundation

These 2,000 additional future units were then distributed among the ecological zones according to the relative tolerance of each zone to development. Also given weight were practical considerations such as proximity of the site to sewers and the status of improvements to the land.

Public hearings were held, compromises made, and public support gained. Performance standards were developed for each ecological zone and administrative procedures were drafted for a development permit process and for amendments to the plan. Before the final version was prepared and adopted, state, regional, and local authorities received copies of the preliminary plan for review and comment. Figure 1 describes the entire plan formulation process.

Sanibel Plan Implementation

In general, plan implementation requires the selection of a particular combination of administrative tools to guide development so that what evolves on the ground follows plan objectives as closely as possible. Some commonly recognized actions available for implementation include: budgeting and investment for capital improvements, the planned provision of public services, the adoption of regulatory ordinances and codes, the use of coordinated administrative procedures, and education of the public as to the purpose and objectives of the plan.

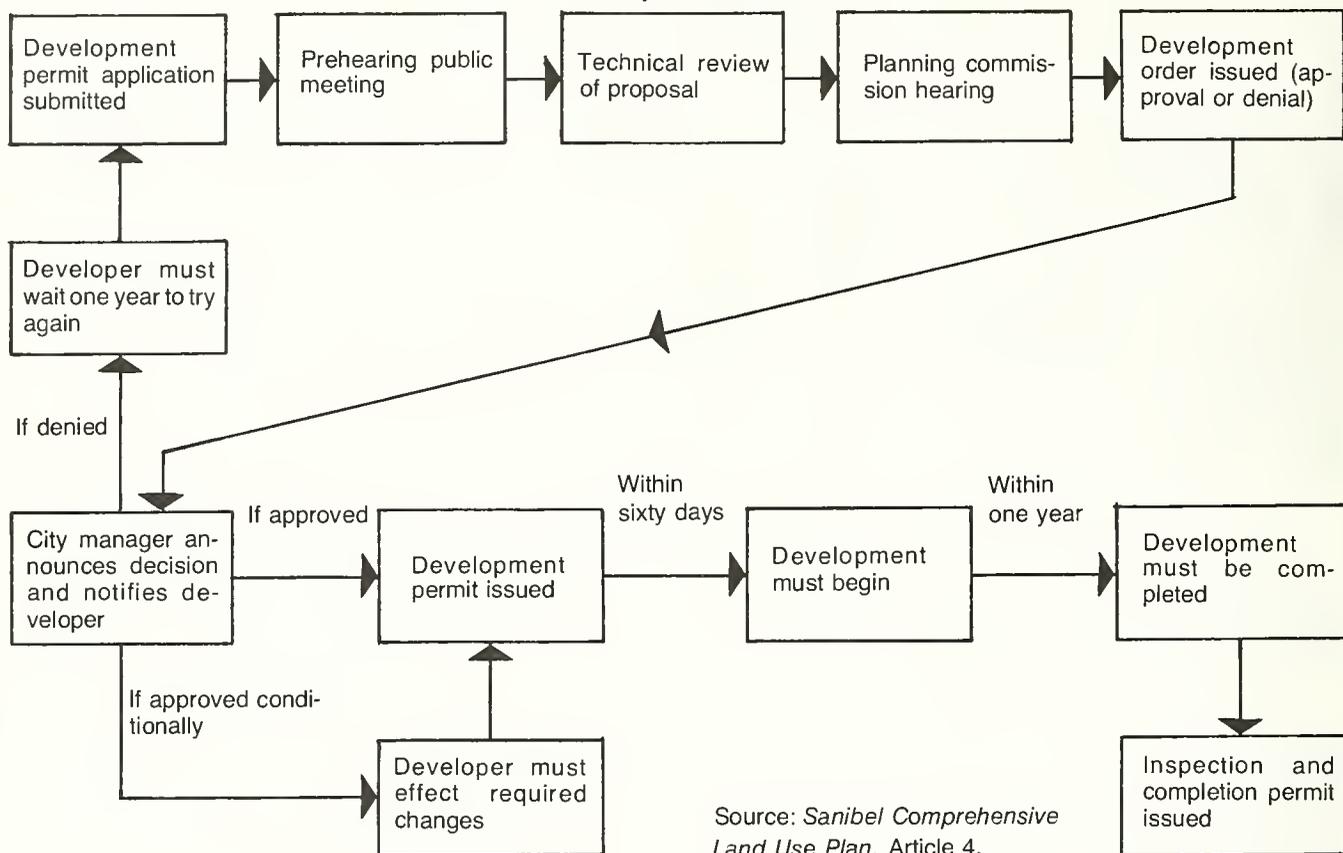
For the majority of towns and counties, regulatory

aspects of plan implementation have been drawn up, adopted, maintained, and enforced in documents separate from the land use plan. In many cases, as will be discussed in the Wrightsville Beach example, these tools for implementation have actually been instituted prior to the writing of the land use plan. In essence, they have together constituted town development policies.

The authors of the Sanibel plan, however, made use of provisions in Florida's Local Government Comprehensive Planning Act of 1975. The act changed the role of a land use plan from primarily advisory in nature to a document with legal status (City of Sanibel 1976). For example, Sanibel plan regulations that normally would have appeared as individual city codes or ordinances such as zoning and subdivision regulations, are compiled into a single development regulations section within the plan. Also, particular regulations are referenced to the human support systems, land use, or other sections of the plan for documentation and clarification. Such references strengthen the bond between the plan and its implementation measures.

In the area of capital improvements and municipal services provision, investments are geared to the growth ceiling imposed by the plan. Equally important is that the plan proposes only those investments that are within a financially feasible range for the city. Following each discussion of an existing or proposed community facility or service, necessary improvements and associated costs are itemized. Using this format, a citizen reading the plan clearly sees: (1) the existing situation,

Figure 2
Sanibel Development Permit Process



Source: *Sanibel Comprehensive Land Use Plan*, Article 4.

(2) deficiencies in facilities and services, (3) the actions needed to correct the deficiencies, and (4) the specific costs involved. Also, because the plan will be updated every five years, capital improvements and services provisions will be revised to reflect changes in the land use plan and its policies.

The last general implementation mechanism, the administrative coordination function, is addressed under the administrative regulations section of the plan. This section recognizes that regulations are of little value unless new development proposals are reviewed on a consistent, methodical, clearly articulated basis. The Sanibel plan's development permit process provides such a basis. The process is summarized in Figure 2.

There are several characteristics of the process that warrant mention. First, the procedure is one-directional and is composed of a series of well defined steps. The developer can find exactly what he or she faces in the permitting process and can prepare the development proposal accordingly. Second, since time limitations are specified for each step of the process, the decision maker, developer, citizen, or other interested party has a clear picture of the time frame involved. Third, there are two regularly scheduled opportunities for public participation in the early going, the first being the prehearing public meeting and the second being the mandatory hearing before the planning commission. This is important in keeping the public abreast of the planning pro-

cess and of development trends in the community. Fourth, under the Sanibel permit process, the city council is not directly involved in the decision making. City council members may voice opinions at either of the two public meetings in the same manner as any other citizen. It is the planning commission that has the authority to approve or deny the development application. This is a clear separation of powers and responsibilities between the two decision-making bodies and is intended to make the permit process more streamlined.

Wrightsville Beach Development History

In 1974, while Sanibel Island was undergoing incorporation procedures, Wrightsville Beach, North Carolina was having development problems of its own. Before discussing the near-crisis situation that the town faced in that year, the historical pattern of development that led to the community's difficulties is examined (Town of Wrightsville Beach 1970, pp. 3-4).

Wrightsville Beach is a relatively old resort town on the North Carolina coast, having incorporated in 1899. The community was attracting visitors long before the beach boom of the 1960s and 70s. In the early 1900s, for example, trolleys ran regularly from the nearby city of Wilmington and in the 1930s, dancing at the Lumina Pavilion was the beach's calling card.

Development progressed at a steady but unimpressive rate until the mid-1950s when several hurricanes struck the town in close succession, causing severe



Sanibel, Florida has adopted a plan which is based on the carrying capacity of the island. Photo by John Clark, The Conservation Foundation

damage to beach properties and discouraging reconstruction efforts. The relatively storm-free period of the 1960s, accompanied by increased ocean-front development pressures and spillover from the expanding Wilmington urban area, gave new impetus to growth at Wrightsville Beach.

In response to the immediate and potential effects of this development trend, the town adopted a zoning ordinance, and later, subdivision regulations were passed. Development pressures peaked during a construction boom from 1970 to 1973. The town board of aldermen became particularly critical of the intensity of land use brought about by several high-rise developments. More and more people were becoming concentrated on the two small islands that make up Wrightsville Beach. Additionally, there was much concern about whether the town's ground water supplies could keep up with the heavy usage demands of peak summer weekends. Though not considered dangerous to health, the sulfur content of the community's well water system was becoming noticeably high during the latter summer months. The capacity and capability of the town's sewage treatment plant also became questionable. At least one resident, claiming that the sewage treatment facility was inadequate, took the town to court over the issue.

The board was ultimately forced into making a politically delicate move. In 1974, after several heated, highly controversial public hearings, the board of aldermen authorized a down-zoning of the entire community. This meant, for instance, that wherever duplexes had been permitted under previous zoning, now only single family residences would be allowed. Also, no new commercial zones were to be created. After the decision, the town committed itself to a policy of constantly reducing its development density—or as more properly stated in the town's land use plan: "To maintain and enhance Wrightsville Beach as a predominantly low to moderate density single family residential community" (Town of Wrightsville Beach 1976, p. 22).

One of the results of this policy is that whenever a zoning change is requested that would effect a down-zoning of the property involved, an approval is likely. Conversely, rezoning requests that would increase the allowable intensity of use are viewed very critically by

the town board. Additionally, town officials attempt to discourage this rezoning by pointing out the substantially higher sewage treatment and fire protection building costs incurred by the prospective rebuilder contemplating higher intensity development. Finally, at a time when the typical North Carolina ocean-front lot has a fifty foot frontage and a 5,000 square foot area, Wrightsville Beach zoning stipulates that any new development must have a minimum seventy foot frontage and at least 8,000 square feet of area.

All the above were done without the general guidance of a comprehensive plan. The next section will examine how the town's 1976 plan has affected the content and operation of local regulatory tools.

Formulation of the Plan

In 1974, the North Carolina General Assembly passed the controversial, heavily amended Coastal Area Management Act (CAMA). CAMA mandated that all local governments within the state's twenty county coastal area prepare (or have prepared for them) land use plans. The act stated that each plan shall "consist of statements of objectives, policies and standards to be followed in the public and private use of the land" (N.C. CAMA 1974). Wrightsville Beach was one of the fifty-three cities and counties that fell under the provisions of CAMA. Unlike many other municipalities on the coast at that time, Wrightsville Beach had already adopted and was enforcing its own set of development regulations.

The immediate reaction of the town to CAMA was that the land use plan requirement was both unnecessary and an infringement of home rule powers. As it was later revealed, much of this attitude was due to a general misunderstanding of what CAMA was actually going to do. When local officials realized that CAMA would not fundamentally change their existing development

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policies and procedures, they essentially said: "Fine, let's fulfill the requirements and be done with it." Additionally, town decision-makers recognized that by doing so, extra money would be brought to the community for plan implementation and enforcement machinery that was already in operation. Thus, from the start, Wrightsville Beach did not visualize the land use plan as a tool for growth management but rather as an unavoidable duty.

The technical consultant for the plan was the North Carolina State Department of Natural and Economic Resources, Local Planning and Management Services Section of Wilmington field office. The project staff consisted of one planner and two planning technicians. While funding provisions were sufficient for all phases of the planning process as prescribed by CAMA

guidelines, they did not allow for any special frills (scientific studies, special consultants, etc. as in Sanibel).³

Indicative of the problems the planners faced was the local response to the call for public participation. An important aspect of CAMA was its emphasis on and requirement for public participation in plan development. At Wrightsville Beach, much of this citizen input had to be sought after from citizen groups and service clubs. The people of the town were not behind the planning process and its purpose as much as CAMA's authors originally intended.

At this time state water quality officials were criticizing the town's municipal sewage treatment plant, a plant that Wrightsville Beach had built with local money in the 1940s. Other communities on the coast in the 1940s were fortunate if they had homes with properly functioning septic systems. This only served to further aggravate resentment of state interference in "local" matters.

In view of the considerations just described, the nature and purpose of CAMA, and the mature stage of development at the beach, the state planning consultant saw the purpose of the land use planning process lying in three areas (Hooton 1977):

- (1) To provide a good planning data base for more informed local decision-making
- (2) To resolve conflicts that had developed between the planning board and the board of aldermen and to rejuvenate the stagnating planning process
- (3) To solve the central issue of public access to "private" beach areas. (The increasing occurrence of "outsiders, tourists, hippies and beach bums" walking across private properties had angered many residents.)

Before the actual plan formulation could begin, the state consultant had to gain the confidence of the planning board and town aldermen while promoting a cooperative spirit between the two bodies. Three

months of groundwork was necessary. The planner attempted to disassociate himself from other state agencies that were viewed negatively by town decision-makers. Any qualms that the decision makers may have had about the impact of CAMA on the town's existing operations and physical development policies were played down by the planner.

During this time the consultant also began collecting data sources and started identifying what he thought were the town's general problems and issues. After grasping a preliminary sense for concerns that town residents might have, the planner distributed a survey which asked for comments on the problems he had identified. Simultaneous meetings with community groups served a similar function. Results of the survey were given to the planning board members who were asked to assign relative priorities to these town concerns.

From the survey community meetings, and the planning board priority assignments, the planning consultant was able to formulate general objectives and policies. Little emphasis, however, was placed on standards. Rather, they were adopted by reference to other town ordinances and regulatory mechanisms. This was due in part to the then unidentified areas of environmental concern (AECs) within the town. Had AECs been designated at that time, new CAMA standards would have been applicable.

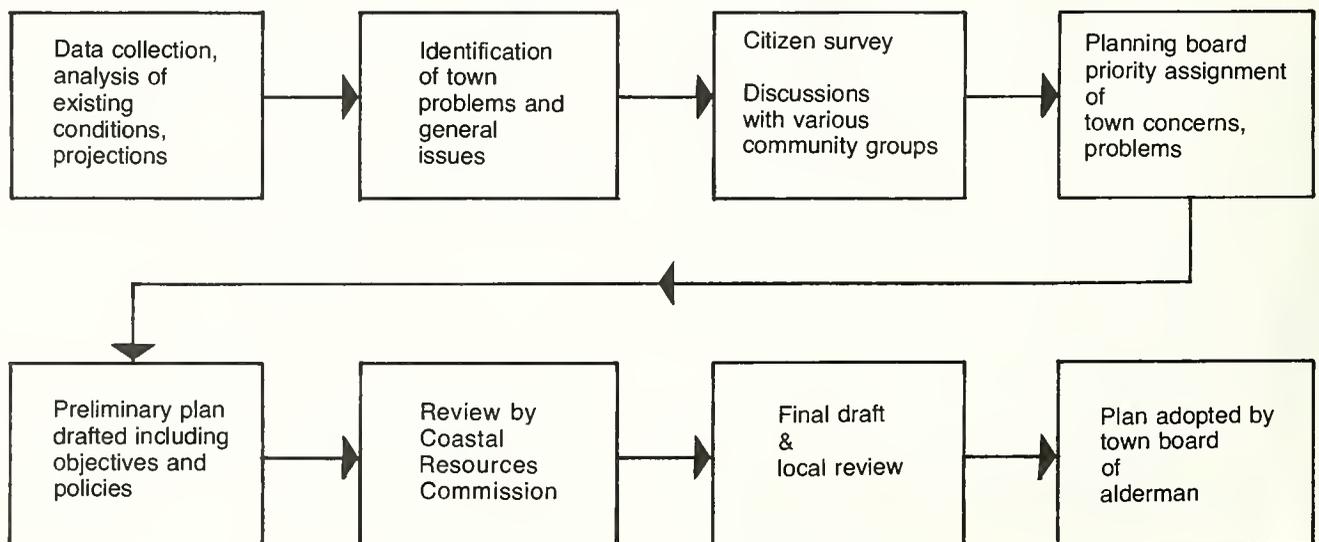
A completed preliminary plan was sent to the state's Coastal Resources Commission for review and comment for consistency with CAMA guidelines. The last version of the plan was then prepared for final review and adoption by the town board. The entire plan formulation process is summarized in Figure 3.

Wrightsville Beach Plan Implementation

In examining Wrightsville Beach's plan implementation provisions, the following avenues for public action

Figure 3

Wrightsville Beach Plan Formulation



are reconsidered: the planned provision of capital improvements and public services, the adoption of regulatory ordinances and codes, the use of coordinated administrative procedures, and education of the public as to the purpose and objectives of the plan.

Wrightsville Beach has traditionally geared its public services and capital improvements to meeting rather than controlling development pressures. The general policy has been that municipal facilities are planned and built to accommodate population increases rather than as tools to influence development. For example, the land use plan states: "The major facilities that are presently reaching capacity are water, sewer, and solid waste and each is being planned for modification or expansion as future demands require" (Town of Wrightsville Beach 1976, p. 36). Any notion of permanently denying development on a feasibly buildable tract of land within the town would not generally be entertained by local decision-makers.

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After adoption of the land use plan, CAMA required local governments to review zoning, subdivision, and other regulatory standards for consistency with the plan. CAMA guidelines, and consequently the local land use plan, offer no specific mechanisms or procedures for reviewing and, if necessary, revising ordinances and codes.⁴ Once the plan is adopted and turned over to the town for implementation, the planner has little say over the way in which it is used (or not used). Thus the plan may be considered only slightly better than advisory in nature rather than authoritative.

Since town policies over the years have been embodied in the town's ordinances, and since the same policies are restated (though more concisely) in the land use plan, it became apparent that little change in the town ordinances would be necessary following plan adoption. This is exactly what occurred. The various parts of the town code were examined for consistency in more or less obligatory fashion with the result that no changes were recommended by CRC (Nesbitt 1977).

A final reason for the limited review is that Wrightsville Beach ordinances tend to be more stringent and more strongly enforced than their CAMA counterparts. One possible explanation of this is that most of the CAMA requirements were written to insure that many coastal communities without any existing regulations or controls would have at least basic tools available.

In terms of educating the public as to the purpose and objectives of the plan, there appears to be no continuing mechanism operating for this purpose at Wrightsville Beach. An important requirement of CAMA, however, was the writing of a synopsis of the local land use plan for distribution to town residents. Unfortunately, public

response to the synopses has been much less than hoped for.

If the town has managed for so long without the guidance of a comprehensive plan and since these mechanisms continue to operate independently of the land use plan, what then is the town's central guidance system? The answer lies in the final implementation consideration, that of administrative coordination. Through the use of a flexible permitting procedure and development review process, the town has been able to control development with some success. This process is illustrated in Figure 4.

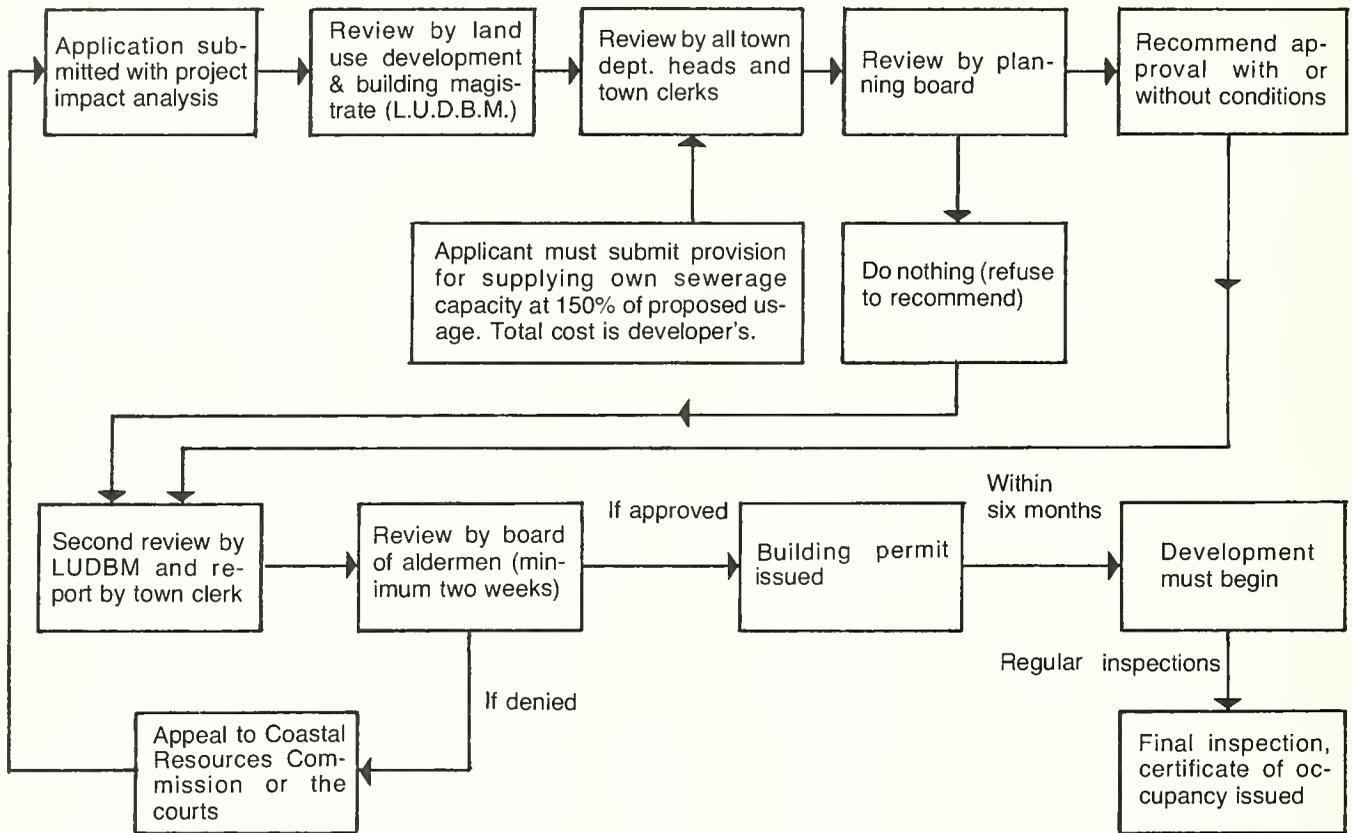
At first glance, the town's permit system appears to be as complete and clearly articulated as the Sanibel process. There is, however, a significant difference in the sources of information used for the construction of these diagrams. The Sanibel permit process flow chart, as illustrated earlier in this article, was constructed directly from written provisions in the Sanibel Plan. The Wrightsville Beach process, as formulated here, is found in no single public document and was derived for the most part from a lengthy interview with the Wrightsville Beach Land Use, Development, and Building Director (hereafter called the director) (Nesbitt 1977). While the Sanibel process is spelled out for the developer, decision-maker, or interested citizen, the Wrightsville Beach procedure is known only to those town officials who have dealt with it over some period of time.

When a developer wishes to engage in construction of any kind within Wrightsville Beach, he must first notify the director. The director is both the initial and continuing contact for the developer. Thus, much discretion in the guidance of the town's development policies is left to the director. Someday, a new director will replace the present one. To insure similar enforcement of the town's regulations, the new director will need clear directives, standards, and policy statements on which to base his or her decisions.

In recent years, the less than well understood permit process may have worked to the advantage of the town. The existing process's screen of unclarity may have served to disguise the town's possible motives behind additional delays imposed on the developer. It has also allowed the director to interpret ordinances in the manner that he feels is most advantageous to the town's growth policy. The planning board and town aldermen (who also serve as the board of adjustment) could conveniently support his decisions. In this manner, the town could be playing a sensitive game with some developers—a game in which the town's strategy is to keep one step away from potential lawsuits. Clearly, if Wrightsville Beach were less built up, if the development pattern were less clearly defined, and if more vacant land were available, court challenges could be expected under the existing framework.

One way in which Wrightsville Beach has tried to insure that any new development will not significantly impair the town's facilities and services is through a requirement for a project impact analysis. This questionnaire-type form must be completed by any "developer who proposes to construct a building or housing

Figure 4
Wrightsville Beach Permit Process



group containing more than two (2) dwelling units, or a commercial establishment requiring a water tap greater than 2 inches or where parking shall exceed 20 cars" (Town of Wrightsville Beach 1974). As shown in Figure 4, this is generally submitted with the building permit application. The form is useful because it places the initial task of information gathering for impact analysis on the developer rather than on the municipality. The developer must provide specified information about the impact of the proposal on all of the town's facilities and services (including estimated sewage flows, water requirements, solid waste loads, etc.) and provide calculations.

After consultation with all town department heads, the town clerk assesses the potential impacts of the project on each of the community's resources. The evaluation concludes with the estimated annual income to the town from the project and estimated annual costs. The results of the analysis, along with any additional comments by department heads, are then submitted to the board of aldermen for their review and approval or denial of the project.

An apparent fault of the impact analysis format (as outlined on the first page of the questionnaire) is that it makes no allowance for review and comment by the town's planning board. This may be merely an oversight by the author(s) or it may be an intentional slighting of the planning board. In either case it seems that, although the planning board has no powers for project

denial, its comments should be officially requested in the form.

State Enabling Legislation

Evaluation of the Sanibel and Wrightsville Beach growth management programs thus far has been based on the individual and isolated efforts of each community. It is important to examine the state enabling legislation under which each plan and plan implementation provisions were developed.

The comprehensive plan of the city of Sanibel was formulated according to guidelines put forth in Florida's Local Government Planning Act of 1975. Commenting on the act, Alexander *et al.* at the University of Florida have noted:

The fundamental change that the [Local Government Planning] Act produces is that the comprehensive plan becomes a binding legal document (Section 12, Subsection 1). For the first time on a statewide basis throughout Florida, once a plan has been adopted, all actions taken in regard to regulation of land development by local governments must be consistent with the adopted plan. The day is gone when conceptual plans sit on the shelf as land development occurs in its own haphazard, piecemeal fashion. (1975, p. 21)

Alexander *et al.* also observe: "Any new public or private development must be in conformity with the

adopted comprehensive plan or the plan must be amended to accommodate such development" (emphasis added) (1975, p. 8).

Florida's coastal management program, as well as the coastal programs of several other states, was developed using the 1975 *Model Land Development Code* by the American Law Institute as a basis. The code describes how a well-equipped local growth management tool box should be stocked and how these tools might be used best.

“...given the status of North Carolina's enabling legislation, and the degree of development pressure on Wrightsville Beach, the town's regulatory controls are commendable.”

North Carolina's statutes addressing development regulations and planning for municipalities and counties are based on planning techniques that were in accepted use in the 1930s, and are now becoming antiquated. Wrightsville Beach's system of development controls has evolved following the pattern of the old state-promulgated concepts. Under North Carolina law, implementation of the land use plan is left entirely in the hands of local government:

It is imperative for each involved agency of local government to devise the most practical and applicable methods for insuring that the (land use plan) will be implemented and not shelved.

(Coastal Resources Commission 1975, p. 23)

It is probably appropriate to state that, given the status of North Carolina's enabling legislation, and the degree of development pressure on Wrightsville Beach, the town's regulatory controls are commendable. Despite strong pressures for commercial development and more intensive land uses, Wrightsville Beach residents have managed to maintain their community as a predominantly single family, resort town. In view of the heavily amended, watered-down version of the original CAMA legislation, and the late, frequently unclear guidelines of the act, the Beach's land use plan is probably as well formulated as any on the North Carolina coast.

If the burden for better growth management is to be placed on any government body, it is the North Carolina General Assembly (See the recent N.C. House Joint Resolution DRHJR1079 which proposes a study of the possibility of state adoption of the ALI Code.). Since CAMA has resulted in so many new land use plans for coastal cities and counties, many of which had had no previous planning experience, it is unfortunate that they were not given the option of following the ALI model.

Conclusions

Until such a time as the North Carolina legislators decide that the state's planning and development regulation statutes need updating, the town of Wrightsville

Beach could improve its overall growth management effort by adopting the following recommendations:

(1) A clear linkage (in writing) should be established between zoning, subdivision regulations, other applicable parts of the town code, and the 1976 land use plan. While these regulations have been reviewed for consistency with the plan, they make no reference to it and should do so. For the present time, an introductory clause at the beginning of each ordinance drawing attention to the broader town policies and objectives of the land use plan would be satisfactory.

(2) A list of development ordinances, permits, and fees which the town enforces should be compiled in a single document. For development types where state or federal permits are also typically required, appropriate notation might be included.

(3) A checklist of general requirements with which developers must comply should be devised. The same checklist may serve as evaluation criteria for review of development proposals by town decision-makers. The checklist should relate directly to the objectives and policies set forth in the land use plan.

(4) Where there are currently no time limitations for actions by town decision-makers on development proposals, limits should be established and officially adopted. This would let decision makers know specifically when their opinions are due and would also let the developer know what time frame to be thinking of when contemplating new construction. For similar reasons, a



Increasing sewage outflows from Wrightsville Beach have had adverse effects on nearby fishing areas.

Photo by Glenn Harbeck

time limit should be imposed on construction completion following issuance of the building permit.

(5) The permit process diagrammed in this article should be adopted and made public by the town board. The process should be described in written as well as graphic form.

(6) More of the policies of the director of the Land Use, Development, and Building Department need to be documented or referenced by subject index to the town's present permit filing system. This would shift more responsibility for ordinance enforcement from the director's shoulders to town records.

“. . .if the burden for better growth management is to be placed on any government body, it is the North Carolina General Assembly.”

The staff and budgeting levels of the Sanibel plan far outdistance the financial capabilities of most small towns. While such towns may not be able to conduct the extensive research and scientific studies that form the carrying capacity basis for the Sanibel plan's performance standards and development regulations, they can benefit from the plan as a model which has put many of the ALI recommendations to actual use. The plan will be particularly valuable to barrier island or seaside communities yet to experience severe development pressures.

Notes

1. Known from various interviews and conversations with local planners, appraisals at Coastal Resources Commission meetings, etc.
2. Florida's Local Government Comprehensive Planning Act of 1975 requires that each local government in the state must prepare and adopt a comprehensive plan by July 1979. Sanibel Island's incorporation referendum of November 1974 came well before the June 29, 1975 effective date of the state act.
3. For a thorough discussion of these scientific studies and the important role they played in the development of the Sanibel Plan, see Clark 1976; Part 2, "The Natural Systems Study," pp. 17-82.
4. The N.C. Coastal Resources Commission's *Criteria for Local Implementation and Enforcement Plans* states: "The plan for local implementation and enforcement program shall include . . . a copy of all existing or proposed local ordinances relating to zoning and land use in Areas of Environmental Concern . . . in order that the Commission may determine: Whether any local ordinances are inconsistent with the approved land use plan. No plan shall be approved . . . (if) the local government unit has an ordinance inconsistent with its land use plan." (N.C. Admin. Code, Ch. 7 Subchapter 7E Section .0200 Subsection .021). Questions remain, however concerning (1) the lack of CRC review of local ordinances not affecting AEC's and (2) what constitutes an "inconsistent" ordinance.
5. Godschalk *et al.* (1976) have done this to some extent through the use of hypothetical growth management scenarios presented in *Defining the Constitutional Issues of Growth Management*, Center for Urban and Regional Studies, UNC, Chapel Hill.

While some municipalities may not choose or be able to use natural science statistics as their basis for development controls formulation, they will nonetheless find the types of studies valuable for decisions about capital improvements and public services investments and their environmental impacts. Communities may find university level classes willing to conduct the needed environmental investigations at no cost to the town. Another alternative might be the use of student internships for academic credit. Many states, including North Carolina, have unpaid academic internship programs already in operation.

The Sanibel plan, considered the most comprehensive of any plan completed under the Florida Act (as of February, 1977) (O'Connell 1977), is currently facing and will continue to face lawsuits from land owners and developers. This is not uncommon when new controversial land use controls are instituted. It will be useful if these challenges and court rulings become documented and published for examination by other communities with similar problems.⁵

The Sanibel *Comprehensive Land Use Plan* provides one answer to the following request:

Both the planners and the electorate are pleading, in effect for an overall development policy which will, once and for all, determine the character of a community. In other words, they are asking for a "comprehensive plan" that has teeth. Where it has teeth, the plan itself rather than simply the implementing regulations that affect a given parcel should pass judicial scrutiny. (Franklin 1975)

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