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## New Ruralism

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# New Ruralism

Emily M. Stratton  
Fall 2009

**Land Use Clinic**



**university of georgia**  
School of Law and School of Ecology



The **UGA Land Use Clinic** provides innovative legal tools and strategies to help preserve land, water and scenic beauty while promoting creation of communities responsive to human and environmental needs. The clinic helps local governments, state agencies, landowners, and non-profit organizations to develop quality land use and growth management policies and practices. The clinic also gives UGA law students an opportunity to develop practical skills and provides them with knowledge of land use law and policy.

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# **New Ruralism**

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**Fall 2009**

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# New Ruralism

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## I. Introduction

Since the Congress for the New Urbanism was founded in 1993,<sup>1</sup> the move to reawaken traditional neighborhood development through a reconfiguration of the suburban sprawl model<sup>2</sup> and planned conservation of the natural environment has become a nationwide phenomenon. In fact, almost every state in the U.S.<sup>3</sup> now claims a community that has been built or revitalized with New Urbanist principles. The movement has not only grown over the years, it has recently begun to morph into a new progeny: an extension of New Urbanism into areas that are not urban. Communities on the edge of metropolitan areas are most at risk for ruin by uncontrolled sprawl. The latest solution to this problem is New Ruralism,<sup>4</sup>

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1 Congress For the New Urbanism, *CNU History*, <http://www.cnu.org/history> (last visited Nov. 15, 2009).

2 Suburban sprawl took hold of the US after World War II and is characterized by five separate components that lack connectivity: housing subdivisions, shopping centers or strip malls, business parks, civic institutions and paved roadways. Andres Duany, Elizabeth Plater-Zyberk and Jeff Speck, *Suburban Nation: The Rise of Sprawl and the Decline of the American Dream* 4-7 (2000).

3 The exceptions include Alaska, Hawaii, Maine, Montana, New Hampshire, North Dakota, South Dakota, West Virginia and Wyoming. The Town Paper, *TND Neighborhoods*, <http://www.tndtownpaper.com/neighborhoods.htm> (last visited Nov. 15, 2009). This list does not include older cities such as Concord, New Hampshire, that were originally built on the traditional neighborhood model.

4 The general concept defined loosely as balancing growth by minimizing development and maximizing land available for sustainable agriculture and green space has been variously called New Ruralism, Agricultural Urbanism and Green Urbanism. This paper will use the term "New Ruralism" for clarity's sake.

a philosophy known by different labels but with the core idea of re-connecting with the land while encouraging smart growth. This paper explores how New Ruralism expounds upon the principles behind New Urbanism, showcases examples of local communities experimenting with the novel idea, and addresses the potential of the movement to be a nationwide occurrence.

## II. Discussion

### A. New Urbanism

To understand New Ruralism, one must first be familiar with the principles of New Urbanism. In essence, New Urbanism focuses on promoting walkable, neighborhood-based development as an alternative to sprawl.<sup>5</sup> This is achieved by having zoning laws that allow for mixed used development and high density, with an assortment of private, public, and commercial buildings within walking distance.<sup>6</sup> Eliminating the separation of land uses also eradicates the need for miles of pavement, decreases the amount of time spent isolated in an automobile, and reinforces the connectivity lost to sprawl. Traditionally-built cities such as Charleston and Savannah show that this concept is neither impracticable nor new-fangled; instead, this is the way towns and cities have been built for hundreds of years.<sup>7</sup> New Urbanism just seeks to bring the traditional neighborhood back.

However, New Urbanism is about more than redesigning conventional subdivisions into small, integrated towns. It encompasses a comprehensive design strategy that works for the full continuum of development, from rural wilderness to dense downtown.<sup>8</sup> Many New Urbanists follow the SmartCode, an integrated land development ordinance

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5 Congress for the New Urbanism, *Who We Are*, [http://www.cnu.org/who\\_we\\_are](http://www.cnu.org/who_we_are) (last visited Nov. 15, 2009).

6 The Town Paper, *Welcome to the New Urbanism*, [http://www.tndtownpaper.com/welcome\\_to\\_nu.htm](http://www.tndtownpaper.com/welcome_to_nu.htm) (last visited Nov. 15, 2009).

7 Duany et al. *supra* note 2.

8 Andres Duany, *A New Theory of Urbanism*, 283 *Sci. Am.* 8 (2000) available at <http://www.dpz.com/transsect.aspx>.

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that combines zoning regulations, urban design, public works standards, and architecture controls into one document.<sup>9</sup> The SmartCode codifies the principles of New Urbanism: promoting walkable, mixed-use neighborhoods; transportation options; and conservation of open lands, while discouraging typical suburban sprawl, loss of open land and deserted downtowns.<sup>10</sup> SmartCode is based on the transect, a geographical slice of land through a sequence of environments, from wetland to upland or countryside to city.<sup>11</sup> Density increases by increment, with each increment having its own set of design principles.<sup>12</sup> The SmartCode is meant to be adopted by municipalities or regions, and then individually tailored to meet the specific needs of each community.<sup>13</sup> Since the adoption of SmartCode by Petaluma, California, in 2003, over 20 other communities have followed suit and adopted some or all of the Code.<sup>14</sup>

New Urbanism is not without its critics. A major contention of opponents is that New Urbanist developments are only for the wealthy.<sup>15</sup> This criticism has validity – particularly when applied to Seaside, a luxury beachside resort in Florida that has become the quintessential example of New Urbanism.<sup>16</sup> However, true New Urbanism provides for variety and

integration of housing types and income.<sup>17</sup> There is a huge potential for income diversity in a community where lofts and apartments can be in the same neighborhood as an upper-income home, much more so than in a conventional subdivision in which houses are identical.<sup>18</sup> Now that traditional neighborhood developments are popping up across the country, the availability and increased supply has led to a decrease in the cost of such real estate.<sup>19</sup>

Other critics of New Urbanism contend that communities are artificial reproductions of small-town nostalgia, and that many of these developments are largely isolated from the surrounding area.<sup>20</sup> The latter may have occurred in some places,<sup>21</sup> but the tenets of New Urbanism favor concentrating development in transit-served areas and revitalizing downtowns, not segregating communities.<sup>22</sup> As for the issue of artificiality, such disapproval is often mentioned in conjunction with Seaside, a vacation beach resort, and Celebration, Florida, a town built by Disney.<sup>23</sup> These are not typical examples of the New Urbanist communities across the country, which are more concerned with local community values than attracting tourists.<sup>24</sup>

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9 SmartCode Central, *About the Code*, <http://smartcodecentral.com/about2.html> (last visited Nov. 15, 2009).

10 SmartCode Central, *supra* note 9.

11 Duany, *supra* note 8.

12 The transect is based on the idea that survival hinges on habitat; on the planning side, this means that people have differing preferences for the environment in which they choose to live and work. SmartCode includes six habitats in its design, called T-zones. From least to most dense, they are: Natural (T-1), Rural (T-2), Sub-Urban (T-3), General Urban (T-4), Urban Center (T-5), and Urban Zone (T-6). SmartCode Central, *The Transect*, <http://smartcodecentral.com/transect.html> (last visited Nov. 15, 2009).

13 SmartCode Complete, *Learn All About the Code*, <http://www.smartcodecomplete.com/learn/facts.html> (last visited Nov. 15, 2009).

14 For an exhaustive list, see SmartCode Complete, *Links and Resources*, <http://www.smartcodecomplete.com/learn/links.html> (last visited Nov. 15, 2009).

15 Sandy Sorlein, *Don't Think of Seaside!*, *Period Homes Magazine* (May 2006) available at <http://www.period-homes.com/article/seaside.htm>.

16 Seaside, *Community History*, <http://seasidefl.com/communityHistory3.asp> (last visited Dec. 3, 2009).

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17 Duany et al., *Suburban Nation*, *supra* note 2 at 43-57.

18 Sorlein, *supra* note 15.

19 For an extensive list of New Urbanist developments that show a diversity of real estate prices see The Town Paper, *TND Neighborhoods*, <http://www.tndtownpaper.com/neighborhoods.htm> (last visited Dec. 4, 2009).

20 PBS Online NewsHour, *New Urbanism Under Fire*, <http://www.pbs.org/newshour/newurbanism/criticism.html> (last visited Dec. 3, 2009).

21 For example, the New Urbanist town of Celebration, Fla, is a 5,000 acre compound built far from the hustle of Orlando. *Id.*

22 Congress For the New Urbanism, *Learn About New Urbanism*, [http://www.cnu.org/Intro\\_to\\_new\\_urbanism](http://www.cnu.org/Intro_to_new_urbanism) (last visited Nov. 15, 2009).

23 See Celebration Town Center, <http://celebrationtowncenter.com/> (last visited Dec. 3, 2009).

24 The Town Paper *supra* note 3.

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## B. New Ruralism

For a New Urbanist community to succeed, there is the prerequisite of having an urban setting with the population necessary to accommodate high-density development.<sup>25</sup> Rural communities may have difficulty integrating New Urbanist concepts in a low-density environment. New Ruralism is a response for those rural areas on the urban edge that are most at risk for the encroachment of suburbanization, environmental degradation, and industrialization.<sup>26</sup> New Ruralism combines two current trends: smart growth (organizing cities around compact neighborhoods) and sustainable agriculture (cultivating food in a way that promotes environmental health and socio-economic equality).<sup>27</sup> New Ruralism is the preservation and enhancement of rural areas as places that are indispensable to the economic, environmental, and cultural vitality of cities and metropolitan regions.<sup>28</sup> Whereas New Urbanism seeks to bring back the traditional neighborhood feel, New Ruralists hope to re-connect with the land itself. This idea has been traced to an 1898 book by Ebenezer Howard, *To-Morrow: A Peaceful Path to Real Reform*,<sup>29</sup> in which the author called for a merging of urban and rural environments into a third alternative called the Garden City – a combination of town and country life.<sup>30</sup> Over a century has passed and the need for such integration is just as pressing as it was in over-populated 19<sup>th</sup> century England. Though we don't face over-population and squalor in the same way that Howard did, there is a fear that the lost connection with nature and our food sources will create troubling consequences such as widespread obesity and disease outbreaks from mass-produced foods.<sup>31</sup>

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25 Congress For the New Urbanism *supra* note 22.

26 Sibella Kraus, *A Call For New Ruralism*, Frameworks (Spring 2006) available at <http://www.farmlandinfo.org/documents/37270/new-ruralism.pdf>.

27 Rick Wartzman, *Can the City Save the Farm?*, California (May/June 2007) available at [http://www.newamerica.net/publications/articles/2007/can\\_city\\_save\\_farm\\_5422](http://www.newamerica.net/publications/articles/2007/can_city_save_farm_5422).

28 Kraus, *supra* note 26.

29 Republished in 1902 as *Garden Cities of To-Morrow* by Ebenezer Howard. An online copy is available at <http://www.library.cornell.edu/Reps/DOCS/howard.htm> (last visited Nov. 18, 2009).

30 Wartzman, *supra* note 27.

31 *Id.* For example, the recent E. coli outbreaks. *Id.*

There are some basic principles that characterize New Ruralism. First, the rural area needs an identity rooted in the agricultural, ecological, geographical, or cultural attributes to be preserved.<sup>32</sup> This could be the tradition of raising cattle or growing a certain crop, or the presence of an ecologically-sensitive marshland in the area. Second, the primary use of the land dedicated to farming should be small to medium-scale agriculture integrated with areas for wildlife and habitat management.<sup>33</sup> Keeping farms from becoming industrialized should be a recognizable goal; industrialized agriculture is just as dangerous as sprawl in its lack of regard for nature and disrupting the connection between food source and the consumer.<sup>34</sup> The land that is not marked for livestock or crops should be kept in as natural a state as possible; for instance, native plants should prevail over “novelty” landscaping. As an example, in the community of Serenbe,<sup>35</sup> 20 miles south of Atlanta, there are no green, manicured lawns in front of residences. Instead, the front yards are covered with natural foliage.<sup>36</sup> Lawns require both chemicals and excessive watering to survive, two things that do not coincide with quality growth.

The purpose of the preserved land can be conservation or sustainability, or a combination of both. The New Ruralism framework outlined by Sustainable Agriculture Education (SAGE) of the UC Berkeley College of Environmental Design focuses heavily on the sustainability aspect.<sup>37</sup> The goal is to eventually establish permanent agriculture preserves as sources of fresh food for urban regions.<sup>38</sup> Other communities focus on a more local market – organic community gardens supply restaurants and farmer's markets within the community.<sup>39</sup>

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32 Kraus, *supra* note 26.

33 Kraus, *supra* note 26.

34 David Moffat, *New Ruralism: Agriculture at the Metropolitan Edge, Places* (December 2006) available at <http://escholarship.org/uc/item/43b9c9xw>.

35 Serenbe, *Sustainability*, <http://www.serenbecommunity.com/sustain.html> (last visited Nov. 15, 2009).

36 *Id.*

37 Moffat, *supra* note 34.

38 *Id.*

39 The Hil, a restaurant in Serenbe, draws 95% of its produce from nearby Serenbe Farm during peak growing season.



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The third principle of New Ruralism is maintaining a public environment that is accessible to residents and visitors alike from all segments of society.<sup>40</sup> This puts an emphasis on the public value of the land rather than the worth it may have for private landowners who want to build secluded mansions as their country estates. There is the threat, as in the early New Urbanist developments, that the residences will be available only for wealthy weekenders and not those with big dreams and modest incomes.<sup>41</sup> As proof of this, one Florida development touting itself as “New Ruralist” is little more than a conventional subdivision with houses set on large lots surrounded by pine trees.<sup>42</sup> By providing for a diversity of housing types, and maintaining the inherent focus on land as a valuable commodity, this problem can be avoided through careful planning.<sup>43</sup>

The final principle, and perhaps the most important instrument for creating a successful New Ruralist development, is high-density mixed land use in the areas where development occurs.<sup>44</sup> Homes are arranged closely together on relatively small lots while the majority of the land is left for agriculture, creating a sense of community that leads to increased neighborhood interaction.<sup>45</sup> Restaurants, shops, and

office buildings are within walking-distance of the residences or, in the town center, directly below lofts and apartments in live/work zoned areas. Generally, there is a minimization of the land used for building and a maximization of land kept agricultural or rural. For example, Serenbe, consisting of 900 acres in total, has planned to maintain 70% of the land as green space.<sup>46</sup> This preserved land can be left in its natural state, developed into a communal garden, preserved as agricultural fields, or maintained as equestrian pastures.<sup>47</sup> In New England, a series of communities collectively known as Qroe Farms has conserved 780 acres of farmland and 2,530 acres of open space out of a total 3,320 acres of property.<sup>48</sup>

In contrast to other types of preservation-minded neighborhoods such as cluster developments and conservation subdivisions, which both propose that a percentage of green space be kept safe from development,<sup>49</sup> New Ruralism approaches the problem on a larger scale. Instead of having one very dense town center, with less dense areas radiating outward, New Ruralist developments are instead marked by a collection of small villages or hamlets.<sup>50</sup> These hamlets are each surrounded by land and are connected with trails and paths to promote pedestrian traffic. Think of driving through the English countryside; miles of pristine fields are occasionally interrupted by a small, compact village, but are quickly followed by more fields and breath-taking landscapes.<sup>51</sup> Ideally, the hamlets should be built into the land, and not in spite of it, so that the arrangement of the community should

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Carolanna Griffith Roberts, *Serenbe's Local Hero*, *Southern Living Magazine* (October 2009).

40 Kraus, *supra* note 26.

41 Kraus, *supra* note 26.

42 The St. Joe Company is developing some of its 800,000 acres in the interior Panhandle into communities with high-priced residences that are disconnected from each other and the land. In reworking the land for the development plan, the company thinned the forests, burned underbrush, and converted former watermelon and peanut fields into home sites. Abby Goodnough, *In Florida, A Big Developer Is Counting on Rural Chic*, *The New York Times* (Aug. 22, 2005) available at <http://www.nytimes.com/2005/08/22/national/22land.html>. In the RiverCamps development, lots begin at \$100,000 and available homes are listed at half a million dollars. RiverCamps at Crooked Creek, *Community*, <http://www.joe.com/RiverCamps-community> (last visited Dec. 3, 2009).

43 Interview with Tom Reed, President, Chattahoochee Civic Hills Association, in Chattahoochee Hills, Ga. (Oct. 24, 2009).

44 GreenYour: Your Guide to Green Living, *Home Buying*, <http://www.greenyour.com/lifestyle/finance-politics/home-buying/tips/buy-a-home-in-a-mixed-use-neighborhood> (last viewed Dec. 3, 2009).

45 Brent Beecham, *New Ruralism – A Return to Our*

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*American Roots*, *Ezine Articles.com* (August 23, 2009) <http://ezinearticles.com/?New-Ruralism---A-Return-to-Our-American-Roots&id=2808824>.

46 Serenbe, *Neighborhood Plan Overview*, <http://www.serenbecommunity.com/neighborhoodintro.html> (last visited Nov. 15, 2009).

47 Beecham, *supra* note 45.

48 Markley Bavinger, *Qroe Farms – Combining Open Space, Farm and Residence*, <http://www.qroefarm.com/downloads/community/mbavinger.pdf> (last visited Dec. 3, 2009).

49 DCA, *Planning & Quality Growth, Cluster Development*, <http://www.dca.ga.gov/toolkit/ToolDetail.asp?GetTool=58> (last visited Dec. 3, 2009).

50 Duany Plater-Zyberk & Company, *Projects – Sky*, <http://www.dpz.com/projects.aspx> (last visited Nov. 15, 2009). See also Serenbe, *Neighborhood Overview*, *supra* note 38.

51 Interview with Tom Reed *supra* note 43.

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require minimal land grading and land disturbances.<sup>52</sup> The hamlet is in keeping with SmartCode, the transect-based planning mentioned above. As one moves from the edge to the center of a hamlet, the houses get closer to the road and to each other.<sup>53</sup>

### C. Case Studies

Despite the relative newness of the New Ruralism movement, there are already two examples in Georgia: Monteluca, in Dahlonega, and Serenbe, mentioned several times above, in South Fulton County. Monteluca, an hour north of Atlanta, is a 300-acre winery estate in the foothills of the Blue Ridge Mountains.<sup>54</sup> The development plan provides for the preservation of at least 60% of the land as either open green space or agricultural.<sup>55</sup> The residences will include a collection of Tuscan-style cottages, villas, and estate homes, and there will eventually be an area dedicated to recreation with tennis courts, picnicking facilities, and hiking trails.<sup>56</sup> At the center of the development is the winery, with a restaurant and weekly farmer's market in the vicinity.<sup>57</sup> However, although the vineyard is a key feature of the community, Monteluca does not fulfill all the requirements of a true New Ruralist development.<sup>58</sup> Most notably absent is the compact density mentioned above, with buildings clustered together in hamlets and land lying untouched and pure. At Monteluca, houses sit on lots that range between one and three acres,<sup>59</sup> hardly in keeping with the principles that seek to increase connectivity with one's neighbors

by decreasing isolation. In addition, there are no planned retail or commercial buildings sited for the development;<sup>60</sup> residents will still have to get into their cars to go anywhere. Still, the general theory behind Monteluca is conducive with New Ruralism: a deliberate preservation of the land and its integration into the values of the community. Despite its faults, Monteluca is at its foundation a winery, and there is a solid plan to permanently keep 60% of the land free from development.

In contrast, Serenbe, in south Fulton County, Georgia, is the paradigm of what New Ruralism can be when done correctly. The core principle is growth that allows for land preservation.<sup>61</sup> The 900-acre development consists of three distinctive hamlets,<sup>62</sup> with restaurants and retail shops, an organic farm, a wastewater treatment plant, and enough walkways that strolling becomes more efficient than driving.<sup>63</sup> The entire plan was designed to flow with the natural terrain of the land, which is marked by rolling hills and dense forests.<sup>64</sup> Serenbe is an innovative community with a fresh outlook on the solution to suburban sprawl. The preserved land includes forest, pasture, farm, and even a wildflower meadow.<sup>65</sup> Edible landscaping makes up many of the plantings within the community, with blueberry bushes, fig bushes, and peach and apple trees on street corners.<sup>66</sup>

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52 Serenbe, *Neighborhood Overview*, *supra* note 46.

53 Jason Miller, *Life in Balance: Serenbe, The Town Paper: New Towns* (2008) [http://www.tndownpaper.com/Volume10/life\\_in\\_balance.htm](http://www.tndownpaper.com/Volume10/life_in_balance.htm).

54 Beecham, *supra* note 45.

55 *Id.*

56 Monteluca, *Real Estate Site Plan*, <http://www.montaluca.com/siteplan.html> (last visited Nov. 16, 2009).

57 *Id.*

58 The developer has called the community as "New Ruralism" but its lack of qualifications call into question that label. Beecham *supra* note 45. For example, there is a dearth of affordable housing: lots alone are priced as high as \$725,000 and estate homes are well over a million dollars. Monteluca, *supra* note 56.

59 Monteluca, *supra* note 56.

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60 *Id.*

61 Logan Ward, *Top 10 Cottage Neighborhoods, Cottage Living* (August 2008) available at <http://www.serenbecommunity.com/docs/serenbe-cottageliving.pdf>.

62 The three hamlets, two of which are complete, have distinctive themes. Selborne is the center for the arts (performing, visual and culinary), the Grange is the farm hamlet, and Mado (from a Creek Indian word meaning "things in balance") will be the health and healing center once it is constructed. Serenbe, *Neighborhood Overview*, *supra* note 46. As with Monteluca, there is currently a lack of what affordable housing. However, as with New Urbanism, once supply meets demand the real estate prices will decline.

63 Interview with Tom Reed, *supra* note 43.

64 Serenbe, *Neighborhood Overview*, *supra* note 46.

65 Alec Appelbaum, *Growing With the Crops, Nearby Property Values, The New York Times Business* (July 1, 2009) available at [http://www.serenbecommunity.com/docs/serenbenewyorktimes2009.pdf?\\_r=1&src=tw&tw=nytimes](http://www.serenbecommunity.com/docs/serenbenewyorktimes2009.pdf?_r=1&src=tw&tw=nytimes).

66 *Id.*

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Serenbe works for many reasons: the land is owned by like-minded founders who are not typical developers,<sup>67</sup> there is a clear commitment from all residents towards the vision of sustainability, and, most importantly, the surrounding area is dedicated to preservation.<sup>68</sup> Serenbe is a small plot in 40,000 acres known as Chattahoochee Hill Country, incorporated as the city of Chattahoochee Hills.<sup>69</sup> Chattahoochee Hills has a master plan that includes villages designated for mixed-use development, hamlets that provide small local services, and agricultural developments designated to preserve the existing rural character and natural features of the area.<sup>70</sup> The plan calls for the permanent protection of 80% of the land as green space.<sup>71</sup> In the wake of unprecedented growth in the area, Fulton County's 20-year Comprehensive Plan recognizes the need for preserving the land and calls for protective measures<sup>72</sup> to accomplish its goals. In light of this, the county has also adopted Chattahoochee Hills' Land Use Plan and promotes villages and hamlets as a way to encourage compact development and provide for the preservation of open space through a transfer of development rights program.<sup>73</sup> Serenbe is the first development to have been approved since the adoption of the land use plan by Fulton County and the hope is that there will soon be followers.<sup>74</sup>

## D. How Communities Can Become New Ruralist

Chattahoochee Hills, twenty miles from the busiest airport in the world, is an example of a community that has joined together to stop suburban sprawl from choking its corridors. The proximity to the ever-expanding metropolis of Atlanta, in addition to the relaxing, pastoral setting, have put the area dangerously at risk for an influx of inhabitants that leads to conventional subdivisions, strip malls, and crowded highways.<sup>75</sup> Through support of the community as a whole, particularly the out-spoken cooperation of landowners, there is now a clear mission to protect the rural heritage of the area.<sup>76</sup>

The first step, therefore, is organizing the community around a vision to support the conservation of existing green space, promote land values, and encourage sustainable development.<sup>77</sup> It is crucial to get the landowners and major stakeholders on board to achieve success. Otherwise, farmers may see a developer's check as their retirement fund.<sup>78</sup> Next, the community should develop a master land use plan, delineating areas of development from those left for conservation. This is best accomplished by the adoption of an official comprehensive plan that integrates a wide array of goals for conservation, economic development, housing, agricultural development, and public health.<sup>79</sup> Zoning ordinances should be updated to allow for mixed land uses and to create legitimate ways to advance walkability over driving. For instance, Chattahoochee Hills' zoning ordinance has a mixed-use district that mandates a residential component with at least two of the following: retail, service commercial, office, or institutional use.<sup>80</sup> Developments should create

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67 Serenbe, *Founders*, <http://www.serenbecommunity.com/founders.html> (last visited Nov. 18, 2009).

68 Chattahoochee Hills Civic Association, "About Us," *Civic History*, <http://www.chatthills.org/civic-history.htm> (last visited Nov. 15, 2009).

69 Chattahoochee Hills Civi Association, *supra* note 68.

70 *Id.*

71 Serenbe, *Sustainability*, *supra* note 35.

72 These measures include designating ecologically-sensitive areas as open space, providing for live/work areas and directing development toward them, and supporting innovative land-use techniques that provide for pedestrian-oriented, mixed-use community environments. *Fulton County Comprehensive Plan, Land Use Element*, 6-27 (2005).

73 *Id.* at 6-26.

74 Serenbe, *Neighborhood Overview*, *supra* note 46.

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75 Duany et al., *Suburban Nation*, *supra* note 2. Though the author doesn't mention the city specifically, Atlanta is the perfect example of suburban sprawl.

76 Chattahoochee Hill Country Association, *supra* note 68.

77 *Id.*

78 Moffat, *supra* note 34.

79 Kraus, *supra* note 26.

80 Known as MIX districts, the non-residential components can include churches, hotels, research laboratories and stadiums. *City of Chattahoochee Hills, Ga., Zoning Ordinance*, Art. 8.2 (2009)

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a cluster effect to achieve a town center or village result, and a single development cannot have more than four large-scale retail establishments.<sup>81</sup>

The most important key to creating New Ruralist development, however, is establishing an apparatus to conserve the land in perpetuity. It is relatively easy for a 900-acre community such as Serenbe to keep its promise to maintain 70% of the land as green space or agricultural land. It is quite another story for a 40,000-acre community like Chattahoochee Hills to implement a comprehensive conservation plan in which most of the land will never be developed. The solution, at least in Fulton County, is through a transfer of development rights ordinance.<sup>82</sup> The ordinance designates areas meant for conservation, such as natural, agricultural, environmental, historical, and cultural resources, while encouraging smart growth in appropriate areas like mixed-use developments.<sup>83</sup> TDRs are a practical, though complex, mechanism to permanently protect a rural environment from the danger of development. Another way this can be achieved is through conservation easements, whereby private landowners donate their development rights to a conservation organization or governmental agency, usually leading to a tax break for the easement donor.<sup>84</sup> The land protected by the easement can never be developed.<sup>85</sup>

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81 Large scale retail establishments are 75,000 square feet or larger. *City of Chattahoochee Hills, Ga., Zoning Ordinance*, Art. 4.4.2 (2009).

82 The transfer of development rights (TDR) is a market based implementation tool that encourages voluntary redirection of growth from places that a community wants to save (sending areas) to places that a community wants to grow (receiving areas). Rick Pruetz, *Beyond Takings and Givings: Saving Natural Areas, Farmlands and Historic Landmarks with Transfer of Development Rights and Density Transfer Charges* 26 (2003).

83 *Code of Laws of Fulton County, Ga.*, Art. IV §§ 58-240 to 58-255 (2007).

84 DCA, *Planning & Quality Growth, Conservation Easements*, <http://www.dca.state.ga.us/toolkit/ToolDetail.asp?GetTool=35> (last visited Dec. 3, 2009).

85 *Id.*

### III. Conclusion

The future of New Ruralism is still quite bright; the movement is relatively new, and, capitalizing on the success of New Urbanism, it is expanding across the country. New Ruralist developments are popping up in California, Maryland, the New England states, and Georgia. One of the founders of the Congress for the New Urbanism, Andres Duany, has recently begun construction on his own ecologically-sensitive project in Florida with his world-renowned planning and design company.<sup>86</sup> However, there is no comprehensive plan that rivals what is being done locally in Chattahoochee Hills. A deliberate and detailed vision to preserve a 40,000-acre region that abuts a city infamous for congestion and sprawl is no small feat. However it does fulfill the most crucial aspect of New Ruralism: a true valuation of the land in its most natural state. Serenbe is a good example of how a community can enmesh itself with nature, but it would ultimately be a failure if there were neon-signed shopping plazas and a plethora of cookie-cutter subdivisions nearby.<sup>87</sup>

Communities must create a cohesive, permanent conservation plan that has an active impact on the way development occurs. There is a growing awareness across the country of the problems that sprawl causes – the isolation from neighbors, the headache of traffic jams, and the utter disconnection from the land.<sup>88</sup> Communities seeking to preserve their natural resources and cultural heritage connected with the land are not alone. There is a vaccine against sprawl, a way to ward off the encroachment of those who see the land as an accessory and not a commodity, and it is New Ruralism.

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86 Called simply “Sky,” the new luxury development will have a focus on agriculture and living in connection with nature. This includes solar-powered homes, an environmentally-friendly water treatment system, and gardens for every residence. Of the 573 acres, 259 are planned for preserved conservation, agriculture, and open space – the rest will be filled with homes, live/work buildings, retail, hospitality and restaurants. Sky, *Sky Life*, [http://www.skyflorida.net/01\\_sky-life\\_index.htm](http://www.skyflorida.net/01_sky-life_index.htm) (last visited Nov. 16, 2009).

87 Interview with Steve Nygren, Founder, Serenbe Community in Serenbe, Ga. (Oct. 24, 2009).

88 Duany et al., *Suburban Nation supra* note 2.