

# OKLAHOMA PLANNING COMMISSIONERS HANDBOOK



Oklahoma Chapter  
American Planning Association  
April 2007



# Oklahoma Planning Commissioners

## Handbook

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# CHAPTER 1

## THE PURPOSES OF LAND USE PLANNING



## **Establishing a Path Towards the Future in the Interest of the Entire Community**

It is common knowledge that “if you don’t know where you are going you will probably end up where you don’t want to be.” This is particularly true when considering the future of an entire community. Modern Planning had its origins in the reform movement of the early 20<sup>th</sup> century when city planning and city management ideals of effective and efficient governance were established to supplant corrupt machine politics and decision making based on special interests, bribery and fraud. Instead, government actions based on the concept of the “public interest” were established where decisions were to be based on what is best for the community as a whole, both now and in the future, with key decisions made in public, based on objective factual and auditable criteria, following clear legal procedures. The local community planning process is founded on this concept and practice of achieving good government in the public interest, founded on a general consensus of what the community should be like in the future. This consensus is defined in the local comprehensive plan and development regulations.

Planning commissions are advocates of the general public interest. Their decisions should reflect the highest public good for the entire community and not for one individual business or corporation. A good plan forms the basis of a community's vision of the future. Planning also helps keep taxes low by allowing the community to efficiently direct and accommodate growth by placing infrastructure in place ahead of time. Poor planning reduces local government efficiency, equity, and quality of life in the community. Without planning, communities cannot get out in front of potential problems and prepare for growth.

## **Development Guidance**

Deciding how land will be used and for what purpose is a key aspect of planning. Most communities grow by relatively small increments. New subdivisions, road extensions, retail and employment areas, and public facilities such as parks and schools are major financial investments in the future of the community. Their location, character, and design will influence the future quality of life for decades. While each individual development decision is important, the cumulative impacts of many developments must also be evaluated and fed back into land use decisions. Comprehensive plans, zoning ordinances, subdivision regulations, and capital improvement programs are key development guidance tools.

Development that is not guided by a good comprehensive plan or not conducted in the public interest will lead to many land use conflicts, declining property values, expensive public services, poor quality design, and the inability of the community to respond creatively to future development opportunities.

## **Community Redevelopment**

Sometimes, neighborhoods, downtown areas, and entire rural communities suffer from physical deterioration, social disorganization, and general neglect. The regional or metropolitan economy has left these areas behind. Little, if any, new investment has taken place for many years, and as property values decline, crime and cost of government services for remaining residents increase. Community redevelopment seeks to reverse these negative trends by renewing the physical, social, and economic quality of communities in need. Local government planning processes and plans are key tools in the fight to revitalize

downtowns, rural areas, and other needy areas. The goals of these plans are to coordinate public services, rehabilitate housing, improve community services,

increase local employment, and improve public safety. Without such plans, most communities cannot prioritize issues, focus resources, or access federal and state community renewal grant and incentive programs.

### **Economic Development**

Creation of new jobs, and the related renewal of the economy of a community, is also a prime purpose for local government planning. The creation of quality jobs in tune with the qualifications and needs of the local labor force is the foundation of a community's wealth and prosperity. In addition to a good labor force, a strong local economy requires sufficient land zoned for employment uses and supportive utilities, roads, and other public improvements. Equally important are "quality-of-life" factors, such as good schools, beautiful parks, engaged religious institutions, and plentiful recreational services. Unless local planning documents, land use decisions, zoning and subdivision regulations, and capital investment plans are coordinated with and designed to sustain economic development plans, the local economy will not reach its potential for wealth creation and growth.

Existing businesses will leave for other cities and towns, and new business will have few incentives to relocate to your community.

### **Environmental and Historic Conservation**

Community growth and economic development must also be sustainable. Growth needs to occur in a way that will not destroy the cultural and environmental quality of the community and precludes its enjoyment for future residents. Local land use plans and development regulations can be written that foster growth, while conserving valued cultural, and environmental assets, such as wet lands, tree lines, stream valleys, flood plains, steep slopes, views, and historic sites.



An effective comprehensive plan program will strive to balance growth and conservation values in its policies and action programs.

**CHAPTER 2**  
**ROLES AND RELATIONSHIPS OF THE**  
**PLANNING COMMISSION**



## **The Origin Of The Planning Commission**

The idea of the planning commission originated in the Standard Planning and Zoning Enabling Acts developed under Herbert Hoover in the 1920's. These model ordinances were drafted in order to standardize land use planning procedures across the US. Almost all states adopted the standard acts, which authorized cities, towns and counties to establish planning commissions and adopt zoning and subdivision regulations. These acts defined and established the essential duties of planning commissions, boards of zoning appeals or adjustment, and legislative bodies as they address planning and development issues. Oklahoma was one of the states that adopted the "Standard Enabling Act," which is the basis for our zoning and planning legislation and practice.

## **Key Roles of the Planning Commission**

In Oklahoma, as well as other states, the Planning commission has several Key Roles. These include:

- Making recommendations to the legislative body on community development issues, including the zoning ordinance and zoning map amendments, preliminary and final subdivision plats, special permits, land use plans, and capital improvement plans (CIPs)
- Holding formal public hearings to gain public information and advice from professional staff, citizen groups, property owners, and development applicants on planning issues
- Developing and updating the community Comprehensive Plan
- Providing a training ground for future legislative office holders and civic leaders

- Providing an opportunity for long-term, in-depth study of major issues and a forum for consensus building
- Providing an opportunity to promote intergovernmental cooperation with school districts, utilities, and neighboring jurisdictions

### **Planning Commission Relationship to Staff and Legislative Bodies**

In order to be effective, planning commissions must be able to establish good relationships with other participants in the development and planning process.

Examples include:

- Making recommendations to the legislative body that are clear, well thought out, and objective
- Stating the relevant facts and reasons for the commission's recommendations to the legislative body
- Informing and educating the public about the purposes of planning and how specific problems of public concern are being addressed
- Establishing a collaborative relationship with staff members as staff's professional client, not supervisor
- Providing review and comment on staff planning work, programs, and budgets, not detailed direction
- Referring legal and procedural issues to the commission's legal counsel
- Providing the commission's chairperson with the authority to speak for the commission about its views and decisions, with clear access to the media
- Providing at least two commissioners to be a part of special "ad hoc" or "blue ribbon" committees appointed to help the legislative body, staff, or administration develop special projects like the comprehensive plan, strategic plans, new ordinances, and public policy on development issues
- Establishing good public meeting practices to fairly and efficiently manage the development review process

## **Planning Commission's Public Hearing Process**

The planning commission's public hearing process is the central action where legal notice and public input, and information come together. Public hearings should be carefully managed and should provide the following:

- A clear purpose for the meeting - for example, zoning application public hearings or planning document review and comment
- A legal public notice complying with Oklahoma statutes
- A comfortable place and convenient time for the meeting
- A clearly written agenda that specifies what is going to be discussed
- A strong chairperson who can guide the public hearings
- Adequate time allocated to members of the public who want to make their opinions known
- Written staff reports available to the applicants, public, and other interested parties several days before the hearing
- A clear summary of actions and outcomes available within a reasonable time after the meeting
- A clear, permanent public record of deliberations and actions taken at the meeting

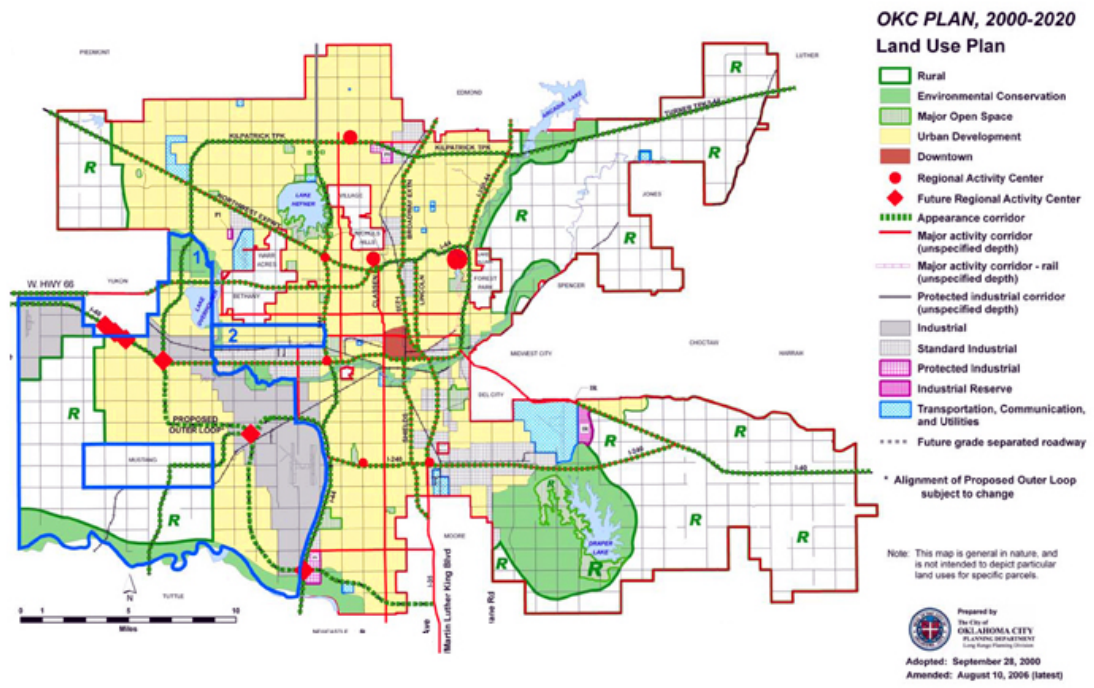
## **Different Roles of the Governing Body and Planning Commission**

A misunderstanding of roles is the most frequent barrier to a positive relationship between city councils/county commissions and planning commissions. It is the legislative body's job to appoint a capable planning commission with a balance of experience and expertise. However, the legislative body then needs to let the commission to do its job.

The two groups have distinctly difference jobs. Legislators are policy makers. They are elected by and are responsive to the public whom they represent in all its various constituencies. The commission members, on the other hand, are not policy makers. They are appointed to work within the ordinances adopted by the legislative body. They work within already established policy and do not change policy based on public comment. Even if the room is packed with citizens arguing that a use be denied, it is not the planning commission's role to change what is or is not permitted by the zoning ordinance. It is their role to apply the current ordinance. If the public does not like what the ordinance permits, then the legislative body is the place to get it changed. Similarly, if the planning commission is concerned about the impacts of applying a given ordinance, their option is to recommend changes to the legislative body.

The planning commission should function like a technical consultant to the legislative body, recommending effective ways to accomplish the general community goals adopted by the city council or county commission. It is the legislative body that makes the final decisions with whatever political considerations it deems appropriate. Each role is vital to a smoothly functioning community, but they are separate. (Adapted from Planning Commissioner's Journal #9).

# CHAPTER 3 COMPREHENSIVE AND STRATEGIC PLANNING



## Planning In Oklahoma

Most people and organizations plan. Businesses plan to increase profits or to minimize losses; the military plans both strategically (to win wars) and tactically (to win battles); people daily make planning decisions about personal finances, families, and careers; and communities plan to accommodate growth and change. Although the general concept of planning may be common, the actual practice of community and regional planning is complex and often mysterious to citizen planners. The purpose of this chapter is to remove some of the mystery surrounding comprehensive planning, strategic planning, and future search planning.

Unfortunately, most planning commissions spend only a small percentage of their time actually planning. The bulk of it is spent with zoning issues and subdivisions, the tools used to implement plans. The role of the planning commission in advising elected officials on long range planning issues (in addition to site-specific zoning and development cases) is, however, very important. The plan is the foundation upon which many decisions regarding expenditure of public funds, zoning cases, development approvals, and the future character of the community are built. It should be constantly used and, when necessary, revised.

In Oklahoma, there are no statewide mandates to plan such as the states of Florida and Georgia have. The Oklahoma Legislature enacted legislation in 1923, which established the scope, procedures, and limitations for planning for the cities and towns in the state. This grant of authority is set forth in **Section 401 - 425 of Title 11 of the Oklahoma Statutes.** This legislation authorized the establishment of a city planning commission and a zoning commission, but provided that when a city planning commission existed, it should also act as the



zoning commission. The planning commission was granted authority to hire staff and conduct planning work within the municipality (**Section 865.51 of Title 19 of the Oklahoma Statutes** similarly authorizes county planning commissions and boards of adjustment).

The planning commission was thus authorized to assist the city council or county commissions in determining the long-range needs of the community, to prepare plans for development, to coordinate departmental programs for capital improvements, and to recommend appropriate action for carrying out various projects. It was not intended that the planning commission usurp the authority of legislative body members. This appointed citizen body was expected to expand the effectiveness of policy-making.

### The Historical Context

Planning is a dynamic discipline, and there have been many changes within the discipline over the past 90 years. Names of products change, movements come and go, but sometimes there is a common thread to these changes. Figure 1. below portrays a time-line of different movements and philosophies of planning:

**Figure 1. Changing Planning Aspects and Applications**

Time Period	1900- Present	1950- Present	1960- Present	1970-Present	1970s- 80s	1980-Present	1990- Present
Products	Master or General Plan	Comprehensive Plan	Community Action	Inventory, Site Plan, and Development Plan	Policy Plan	Vision, Mission Statement, and Action Plan	Regulations and Development Plans
Movement	City Beautiful and City Planning	Urban and Regional Planning	Advocacy Planning	Environmental Planning	Open-ended Planning	Community-based Planning Open-ended Planning	New Urbanism or Nontraditional Planning
Planning Theory	Physical Planning	Comprehensive Planning	Social Planning	Ecological Planning	Public Policy Planning	Strategic and Transitive Planning	Physical Planning
Roots	<i>Landscape Architecture • Architecture • Sociology • Law • Geography • Engineering • Economics</i>						

This chapter briefly describes three major types of planning:

**Comprehensive Planning** - The preparation of a plan with a broad scope, involving a range of subjects from land use to infrastructure to housing, for a target time frame, usually 15-20 years or so.

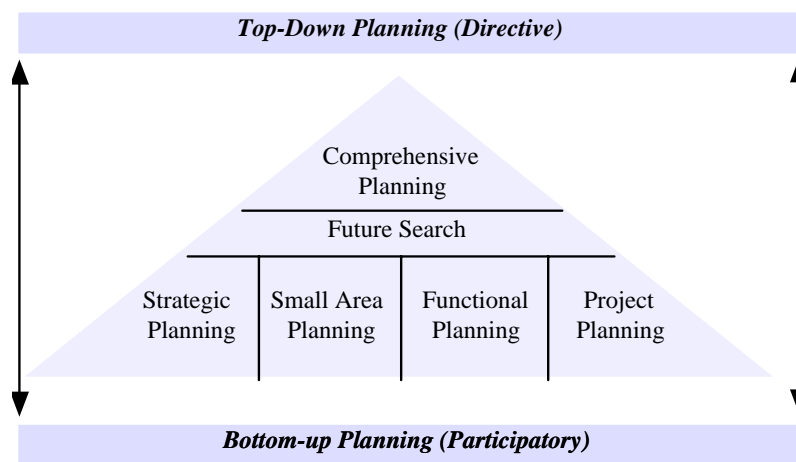
**Strategic Planning** - A shorter-term look into the future, where priorities are established and a specific action plan is prepared to address these priorities.

**Future Search Planning** - Tapping the power of group dynamics to create a vision of the future and an action plan in a single intensive conference.

The following is based on a report by Carry Cooper, AICP, Department of Geography and Planning, Appalachian State University, Boone, NC.

**The Choices** - There are two fundamental planning choices that people and communities make must. The first choice is to engage in either top-down or bottom-up planning, and the second choice is to determine which type of planning is most appropriate for the task at hand (Figure 2).

**Figure 2. Different Types of Planning and Ways People Plan**



Top-down and bottom-up planning reflect differences in management style and also what people within communities want or will accept. Whereas top-down (directive) planning was acceptable in the 1950-70s, most people today prefer bottom-up (participatory) planning.

Bottom-up planning requires that professional planners and citizen planners alike approach planning tasks as facilitators and actively engage community members in collaborative problem solving activities involving broad constituencies. This, in turn, requires development and utilization of extensive interpersonal communication and listening skills that are not as common with top-down planning applications.

Determining the type of planning that is most appropriate for the task at hand is not an easy choice. Two possible choices involve defined processes (i.e., comprehensive planning and strategic planning). Future search planning is a hybrid choice involving aspects of both comprehensive planning and strategic planning. Small area planning, functional planning (i.e., transportation, housing, economic development, etc.), and project planning are more narrow in scope and closely parallel incremental planning (i.e., doing a little bit at a time).

### **Comprehensive Planning**

Comprehensive planning is the dominant way that communities plan in the United States. This section of the handbook defines what comprehensive planning is, when it is the best choice, some disadvantages to this choice, and the technical components of comprehensive planning.

**What is comprehensive planning?** The terms "master plan", "general plan", and "comprehensive plan" are synonymous terms. The first application of comprehensive planning in the United States was in 1925 in Cincinnati, Ohio.

However, after seven decades of planning applications, the concept of comprehensive planning still remains abstract to many people.

**When is comprehensive planning the best choice?** Comprehensive planning is the best choice when one wants to bring together all planning functions (e.g., housing, land use, transportation, physical environment, energy, community facilities, etc.), the entire geographical and political jurisdiction, and a long-range time perspective (e.g., 15-20 years into the future). No other choice will do all these things. In addition, one can argue that at some point in time, it is essential that a community look at the broad, or big picture, spanning several decades.

**What are the disadvantages to the comprehensive planning choice?**

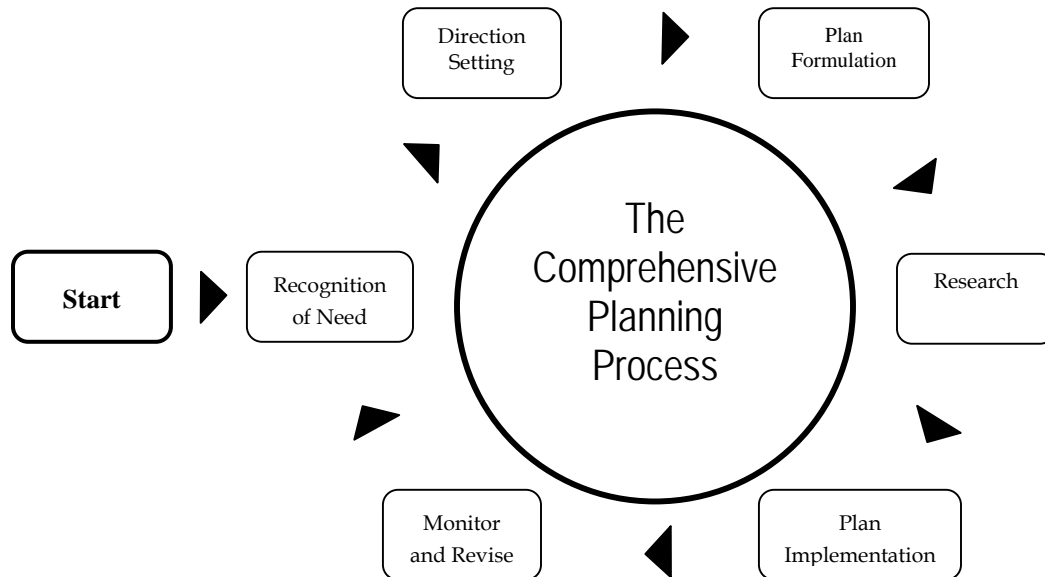
There are three disadvantages to comprehensive planning:

- The nature of the comprehensive planning process is difficult for the general citizenry to understand because it is abstract in both concept and application
- The long-term outlook that makes comprehensive planning unique does not fit well with the short-term realities of the political process (i.e., the time commitment of most politicians is much less than 20 years into the future, and worldly conditions are often too dynamic to predict over a 20 year time period)
- The means and ends of comprehensive planning are separate; the plan is an end (i.e., a blueprint of where a community wants to be), but the means to achieve the blueprint requires a series of disconnected programming actions over the time period of the plan

**Technical components of comprehensive planning** - an easy and simple way to describe comprehensive planning is by planning process steps. Figure 3 portrays comprehensive planning as a six-step process. Each step in the

planning process involves a variety of different technical planning applications. The entire process takes approximately 12-18 months to complete.

**Figure 3. The Comprehensive Planning Process**



**Step 1: Recognition of Need**

The two most common methods of conducting a needs assessment are:

- A public opinion survey
- A town or community meeting

It may be desirable to do both, using the results obtained from one method to validate or confirm the results from the other method. The supporting activities section of this manual contains more detailed information about both of these methods

## **Step 2: Direction-Setting**

Direction setting often begins with a vision and proceeds to development of a hierarchy of ends. The hierarchy includes:

- **Goals** that further define the broad statements or desires expressed in the vision
- **Objectives** that are more specified initiatives in support of the goals
- **Policies** that are actions, statements, or courses of action adopted to achieve the objectives
- **Principles** and standards that are quantified requirements in support of policies
- **Targets** that specify where and when details about planning policies

## **Step 3: Research**

The purpose of planning research is to better understand a place. It involves an inventory and analysis of existing conditions and anticipation of certain future conditions such as trends and forecasts.

**This is a very complex, technical, and time-intensive part of the planning process.**

It likely will involve computer GIS (geographic information systems) applications, and it may involve satellite remote imagery.

One can approach planning research in a holistic manner, or one can focus on key research factors only. The key factor approach is the choice most communities make. Although there is no recipe identifying which key factors one should include, the most common key factors are:

- Needs assessment
- Physical environment
- History
- Demographics
- Economy
- Housing
- Land use
- Transportation
- Community facilities

#### **Step 4: Plan Formulation**

This step in the planning process is where the community needs assessment and planning research come together, like eyes in sight. There is, however, seldom only one plan option for a community; most communities must choose from among two or more alternatives. The final result is a plan document that contains maps, narrative descriptions, and policy statements.

Although each plan document will vary significantly in content, the plan framework (or plan components) is more consistent. Typical plan components are:

- An introduction of the plan document and purpose
- A listing of community goals, objectives, and policies
- A description of the place (or setting)
- Existing and future land use locations (i.e., living, working, and leisure-time areas)
- Circulation and transportation
- Open space and conservation
- Infrastructure (i.e., facilities, services, and utilities)

- Noise and safety
- Special provisions (e.g., civic design, historic preservation, energy, hazardous materials, etc.)
- Conclusions about the community and the plan

### **Step 5: Plan Implementation**

The spectrum of plan implementation includes three broad categories:

- Land use controls
- Public capital investment
- The tax and fee system

Each of these categories may involve various planning tools to accomplish plan implementation.

The three most frequently used land use controls include:

- Zoning ordinances
- Subdivision ordinances
- Nuisance ordinances

Other land use controls include:

- Annexation
- Historic preservation ordinances
- Planned unit development (generally integrated with zoning and subdivision)
- Official mapping

FOR MORE INFORMATION ON REGULATORY IMPLEMENTATION CONTROLS, SEE CHAPTERS FOUR AND FIVE ON ZONING AND SUBDIVISION REGULATIONS



**Public capital investment** becomes much more routine when a community has a capital improvement program (CIP). A CIP is a multi-year scheduling tool that includes both a budget year and out-years (typically 3-5 years). Even without a CIP, communities can influence plan implementation through categorical programs and the extension of roads and services.

**The tax and fee systems** are two distinct mechanisms. The tax system includes preferential taxation and special assessments, and the fee system includes permits, exactions, and impact fees.

### **Step 6: Monitor, Review, and Revise**

Conditions will change over time. Therefore, it is important to periodically review the plan, possibly having a formal review every two years, to determine how well the plan is working. As necessary, a community can revise the plan to accommodate changing needs, values, and conditions.

## **Strategic Planning**

Strategic planning, like comprehensive planning, is a systematic way of managing change. This section of the Handbook identifies what strategic planning is, when it is the best choice, some disadvantages to this choice, different types of strategic planning, and the technical components of each type.

**What is strategic planning?** The terms strategic planning and community-based planning are synonymous. Although businesses and industries have routinely used strategic planning for many decades, it has only been since the 1980s that public sector applications have become common. This is a growing movement in the United States, and it is conceivable that in the future strategic planning will become a serious competitor to comprehensive planning.

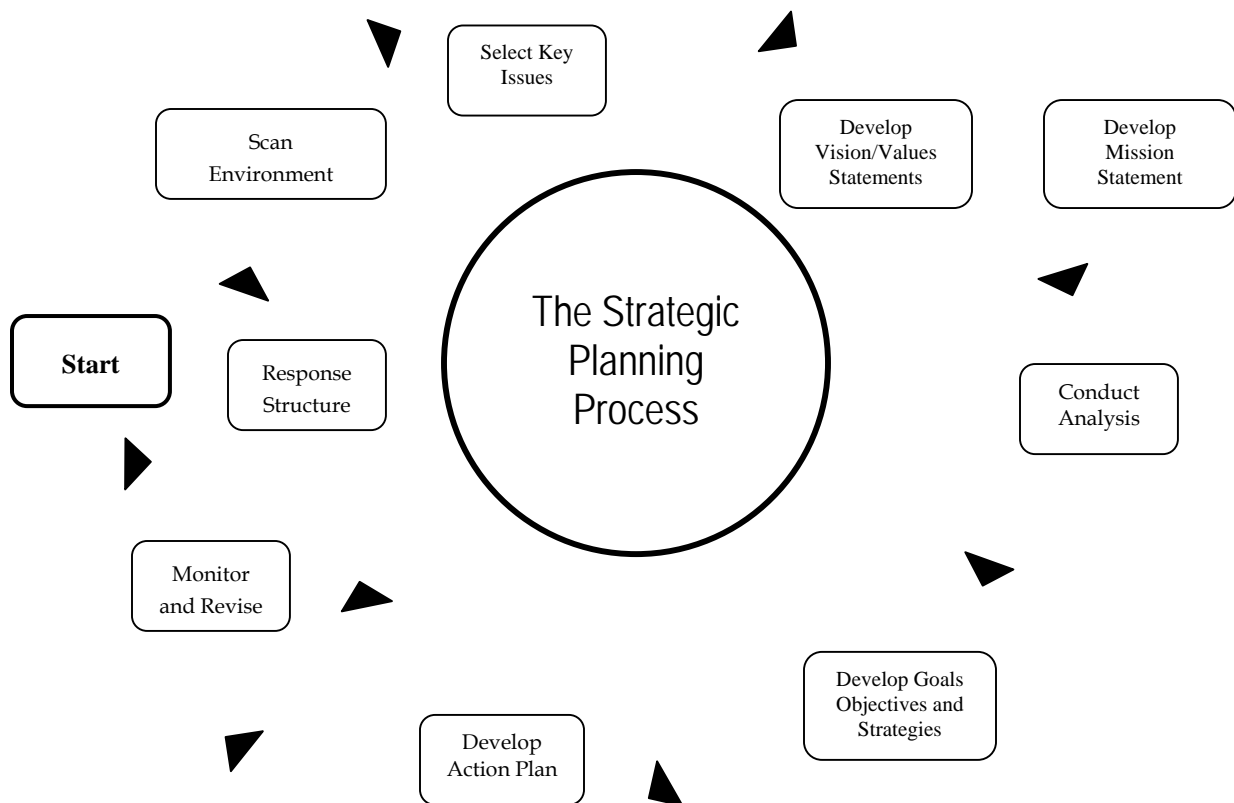
**When is strategic planning the best choice?** Strategic planning is the best choice when

- The focus is on only **select issues**
- The plan involves **limited geographical and political jurisdictions**, and/or maintains a **short-range time perspective of 4-10 years** into the future

Strategic planning is the best choice when dealing with dynamic and changing conditions over the short-term and requires less time to complete and costs less than comprehensive planning. Communities can use strategic planning either in lieu of comprehensive planning or to implement select aspects of comprehensive planning initiatives. Lastly, strategic planning effectively combines the means (i.e., implementation mechanisms) with the ends (i.e., blueprint for change) as part of the planning process; this increases the likelihood of plan implementation success.

**What are the disadvantages to the strategic planning choice?** The disadvantages to strategic planning are the advantages of comprehensive planning. Strategic planning is not complete or comprehensive in data acquisition, function, or geographical area. In addition, strategic planning does not provide for the long haul.

**Figure 4. The Traditional Strategic Planning Process**



**Step 1: Establish the Response Structure**

The response structure typically consists of three groups:

- A planning team
- A steering committee
- An implementation committee

Each group has different functions. The planning team is a small group of three to five persons who coordinate the process and perform administrative requirements relating to the process. The steering committee consists of 8-15 persons who provide process oversight (i.e., leadership and direction), leverage public involvement, review, and provide comments on all technical planning

products relating to the process. The implementation committee is a dynamic group whose membership may change depending on the specific strategies identified in the plan.

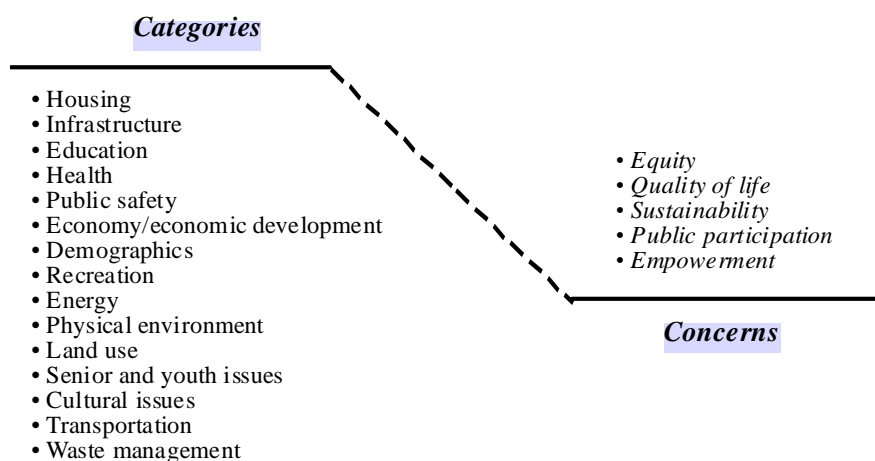
### **Step 2: Scan the Environment**

The environmental scan is not comprehensive. It focuses on specific trends and information that are both internal and external to the community. External factors may be regional, state, national, or international in scope, and the community generally has little or no control over these. Internal factors, however, are things over which the community can generally exercise some degree of control.

### **Step 3: Select Key Issues**

Having a community meeting is a good way to identify key issues. Figure 5 is a listing of typical issue categories and concerns relating to these issues. Although the issue categories are similar to the elements of a comprehensive plan, strategic planning will focus only on key (i.e., not all) categories.

**Figure 5. Typical Issue Categories and Concerns**



#### **Step 4: Develop Vision/Value Statements**

The vision/value statements should relate directly to each key issue identified in Step 3. Vision statements should identify where one wants to be in 10-15 years, and value statements are more qualitative expressions relating to this desired end. The supporting activities section of this manual contains more detailed information about the visioning method.

Communities will sometimes want to develop a **mission statement**. Most mission statements should have four vision/value-related components:

- Essential elements that describe both the community and governmental operations
- Identification of the various community customers, their needs, and how the community helps to satisfy these needs
- Special and unique aspects about the community
- The community image in broad or general terms

#### **Step 5: Conduct Analysis**

The analysis step synthesizes Steps 1-4. It attempts to bring together where a community is at present, where it wants to be in the future, and what factors influence its ability to realize identified visions and values. Inherent in this step is identification of community problems and barriers to their solution.

#### **Step 6: Develop Goals, Objectives, and Strategies**

Brainstorming activities that result in a hierarchy of ends, similar to the one described as part of comprehensive planning process, are an excellent way to develop goals, objectives, and strategies for strategic planning. The strategic

planning hierarchy is more limited than that of comprehensive planning, however. The strategic planning hierarchy consists only of goals that relate to the vision/value statements; objectives that are only specified initiatives that support the goals; and strategies that specifically identify what to do, how to do it, and who should do it.

### **Step 7: Develop Action Plan**

The action plan is a narrative summary of Steps 1 through 6. In addition, it includes two things that a comprehensive plan does not have:

- A work program (e.g., a composite execution schedule of all strategies identified in the plan)
- Detailed information about the establishment of an implementation committee and how it will operate

If a strategy does not have the resources required to implement it, by this step, it does not belong in the action plan.

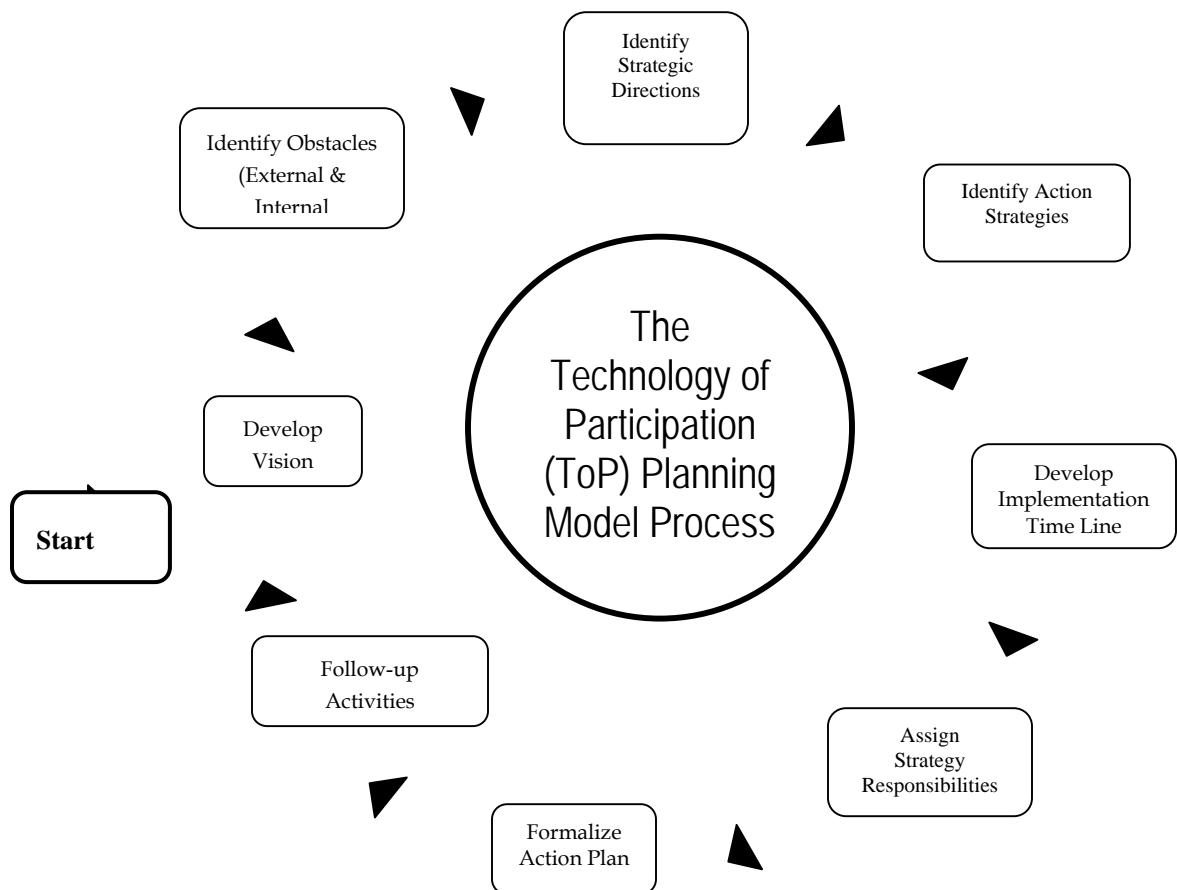
### **Step 8: Monitor and Revise**

Although the traditional strategic planning process has a short-term time frame, conditions can change over even the short-term. Therefore, it is important to annually review the work program. A community should revise its strategies, the work programs, and plan to accommodate changing needs, values, and conditions.

## ToP Strategic Planning Model

The ToP strategic planning model is one of several variations of the traditional strategic planning process. It consists of 5 simplified steps, and each step makes use of both workshops and focused conversation techniques to identify insights and build consensus among participants. Figure 6 is a description of the ToP strategic planning model.

**Figure 6. ToP Strategic Planning Process**  
**(adapted from Spencer, 1989)**



### **Step 1: Develop A Vision**

During this step participants search for common images and visions of where they want to be, as a community, in 10-15 years. This may be a holistic vision (the entire community), a series of functional visions, (land use, transportation, housing, education, etc.), or a combination of both. At the end of this step, participants should express their vision in a narrative form that will help to focus the remaining steps.

### **Step 2: Identify Internal And External Obstacles To Realizing The Vision**

There will always be obstacles to realizing a community vision, and this step identifies both internal and external obstacles. This is an analysis step. The external obstacles are those things that a community cannot easily influence (ex. national economic trends, etc.); it is important to at least identify these obstacles for the purpose of awareness. The internal obstacles are those things over which a community can exert varying degrees of influence (existing projects, programs, and policies, etc.).

### **Step 3: Identify The Strategic Directions That Will Address The Obstacles**

Step 3 builds on step 2 by identifying, in a broad context, what can or should be done. This may involve changes or modifications to existing projects, programs, and policies; or it may involve new projects, programs, and policies. In all cases, the strategic directions will address the obstacles (versus focusing on the vision). The end result is creation of a road map for the future journey.



#### **Step 4: Identify Specific Action Strategies That Can Impact The Strategic Directions**

This step involves identification of specific actions needed to implement the strategic directions. It is common to identify linkages among strategies and potential catalytic action strategies, and to prioritize these strategies.

#### **Step 5: Develop An Implementation Time-Line And Action Responsibilities For Each Strategy**

The implementation requirements parallel the strategy framework identified in Figure 6. Step 5 should include the specifics of the following: what will be done, how it will be done, where it will be done, when it will be done and whom it will be done by. Step 5 should also include leadership assignments, cost and funding factors, detailed scheduling, and periodic follow-up review sessions.

### **Future Search Planning**

Although future search planning has more in common with strategic planning than comprehensive planning, it contains elements of both theories. This section of the training manual describes what future search planning is, how it differs from traditional strategic planning, and the advantages and details of future search planning.

**What is future search planning?** To undertake future search planning, a community needs to assemble the right people, and to utilize a conference design that allows participants to explore the past, present, future at both personal and community levels. It should also allow participants to self-manage their own time, search for common ground (versus problem-solving), and commit to action planning. The maximum size for a future search conference is

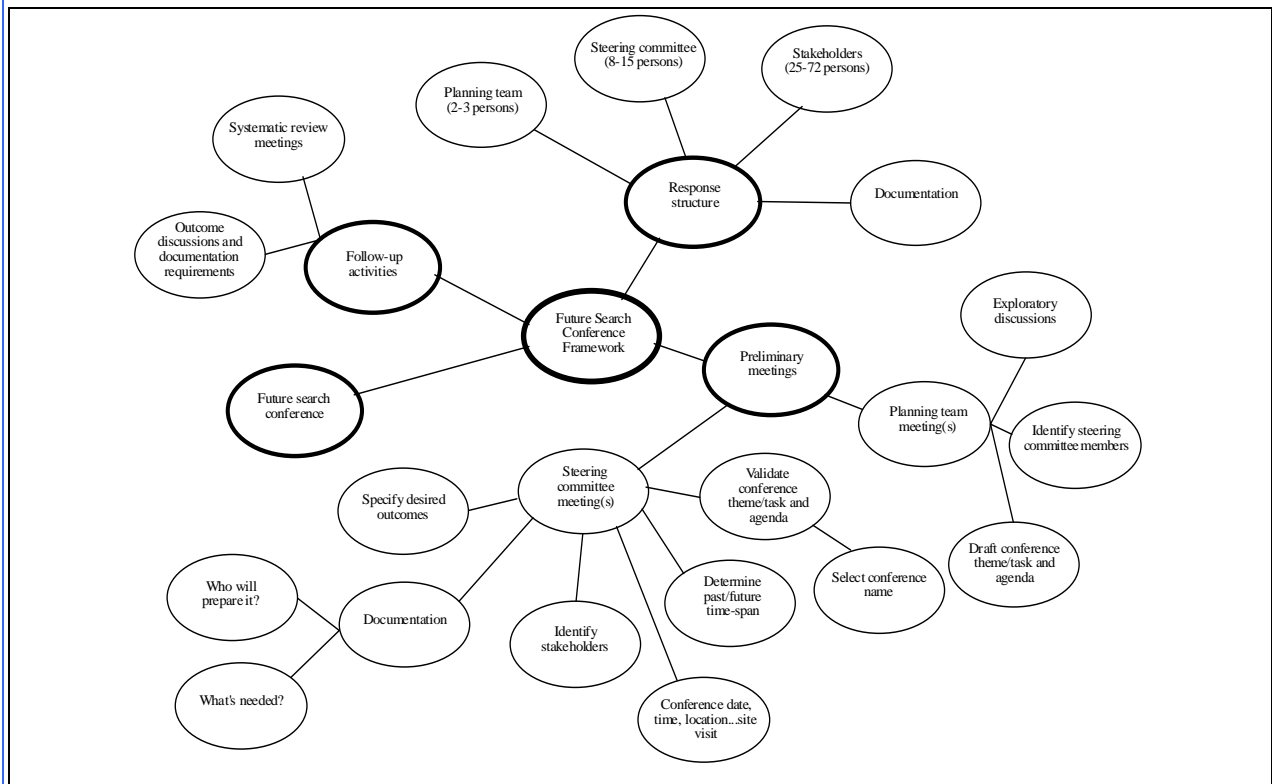
72 persons; the minimum size is 25 persons, and the optimum size is 64 persons.

**How does future search planning differ from traditional strategic planning and comprehensive planning?** A future search conference attempts to bring together, in the same room, all community stakeholders *at one time*. A future search conference results in stand-alone documentation that tells the story about the process and action planning initiatives. This type of planning can either replace or complement both comprehensive and strategic planning.

**What are the advantages of future search planning?** Although traditional strategic planning and future search planning are both participative, future search planning is superior in tapping the power of group dynamics that can lead to meaningful change within a community. Future search planning helps to build consensus by promoting dialogue that can result in effective planning, increased cooperation, and improved decision-making. A future search conference requires a trained facilitator. The role of the facilitator is to manage time and to help participants reach common ground first and then to engage in action planning.

**Future search planning elements.** Future search planning involves four major elements: establishing a response structure, holding preliminary meetings, conducting the actual conference, and initiate follow-up activities. **Figure 7** shows graphically what the future search-planning framework looks like.

**Figure 7. The Future Search Planning Framework**



Although the design of a future search conference includes all participants working together, most work is done in small groups. Participants start out together in a large room and quickly begin to work in small groups. The small groups frequently come together to share and discuss results from their small group work sessions. This mix of people working together creates a dynamic sense of ownership and interpersonal bonding that is unique to the future search-planning model.

The typical schedule for a future search conference is three days (See **Figure 8** for a description of the details for designing such a conference). Although three consecutive days is the best alternative, three one-day sessions is an option. The logistics of getting 64 people to commit their time for a three-day period can be difficult. However, if one can achieve this, the potential outcomes frequently

border on the spectacular. In addition, this model is clearly the most time-efficient when compared to either the comprehensive planning model or one of the strategic planning models.

### **Figure 8. Design Details for a Future Search Conference**

Focus	session	Scope	Comments
• Introduction	Everyone together	Process overview	
• Past	Mixed small groups and everyone together	World, national, local, and personal levels	- Who we are, and where we've been - What happens at one level will often have linkages with other levels
• Present	Stakeholder small groups and everyone together	External and internal conditions	- How we view world trends - People who have a shared investment in both communities and organizations, but have different perspectives
• Future	Mixed small groups and everyone together	Imagining and describing the ideal	- What we want for the future - Note: one can add <i>prompts</i> at client request without detriment to the process (e.g., visioning, mission statement, potential product line, etc.)
• Common ground	Mixed small groups and everyone together	Discover and confirm	- Things people agree about - Entire conference helps to achieve this
• Action planning	Voluntary, task force, or project groups		- How to get there

#### **Deciding which model to choose...**

Success is not found in any particular model, but in the people who participate in the process and make a commitment to action planning. Most successful plans are made or broken in the pre-planning phase, and the secret of success in the pre-planning phase is getting the right people for the tasks. In addition, the outcome of all planning models is not predictable, and there is no guarantee of a predetermined result.

One can make a strong argument that only comprehensive planning focuses on the entire geographic or jurisdictional area and all functions within a community; in addition, comprehensive planning offers a long-term perspective that the other models do not have. One can also make a strong argument that strategic planning and future search planning better support political realities and better focus on specific issues within a community and are more participatory.

Each model is different in terms of time and cost. Comprehensive planning requires the most time and is the most expensive of the three models. Using comprehensive planning as the benchmark, **Figure 9** provides approximate time and cost comparisons among the three models.

If a strong tradition of planning already exists, then comprehensive planning is more likely to succeed; otherwise, strategic or future search planning are better choices. If the need is for short-term and more immediate outcomes, strategic or future search planning are the better choices. If one wants a large number of participants to feel good about the entire process, strategic planning or future search planning are the better choices. There will likely, however, be a point in time when a community determines that it is necessary to plan holistically, and for this, comprehensive planning is the best choice.

**Figure 9. Time and Cost Comparison**

<b>Model</b>	<b>Time</b>	<b>Cost</b>
Comprehensive planning	1	1
Traditional strategic planning	.4	.5
ToP strategic planning	.3	.4
Future search planning	.3	.4

## **Public Participation**

There are always a few members of the community who will actively participate in planning activities. While these "planning activists" are a great resource and a constant source of energy, the plan cannot be the "brain child" of a small committee of people. Citizens must be brought into the debate in as many ways as possible. Here are a few supporting activities that can help involve the public as a community plans for its future:

**Meetings** - Plan preparation will always require meetings. Many of these meetings will involve working in small groups, and it is here that meeting guidelines are especially appropriate. The formalization of meeting guidelines reduces friction and promotes efficiency.

It is prudent to introduce meeting guidelines at the first meeting of each work group. All group members should have the opportunity to accept or modify the guidelines.

**Public opinion surveying** serves several purposes. It is a way to ascertain conditions or perceptions, to facilitate policy development, and evaluate plans, programs, and action alternatives.

There are seven steps in conducting a public opinion survey, of which several steps are technical:

**Step 1: Identify The Survey Purpose.** Include who wants the information and how it will be used.

**Step 2: Decide On The Survey Method** (person-to-person, mailed questionnaire, or telephone).

**Step 3: Decide On The Survey Structure** (open-ended questions, closed-ended questions, and allowing comments).

**Step 4: Decide On The Survey Design** (cross-sectional or longitudinal).

**Step 5: Determine Sample Size.** One can use statistics or judgment. Statistics are necessary with stratified populations. In addition, one must decide on variables such as confidence level, sampling error, and proportion of incidence.

**Step 6: Conduct Pretest And Trial Run.**

**Step 7: Execute** and evaluate both response rate and the findings. When the response rate is low, follow-up is necessary.

**Town meetings** - Town, neighborhood, or community meetings are one of the best ways to conduct a need or issue assessment. It is essential, however, that the meetings have a structure that promotes listening versus debating or complaining.

A simple but effective format for town meetings is to have participants focus on three categories of ideas and concerns:

- Things being done well - continue
- Things not being done well - stop, modify, or change
- Things not being done - start

The preferred way of getting participants to identify ideas and concerns within these three categories is to use the nominal-group process (see resources). Two hours is the approximate time needed to conduct one of these meetings.

**Visioning** - Visioning is a technique whereby community members determine what they want their community to become, and how to achieve it. Visioning is a citizen-driven method that brings people together. The visioning group should reflect cross-sectional values of the community in a way that will later make it easier to implement plans.

There are five questions that visioning seeks to answer:

- Where is the community now (existing conditions)?
- Where is it going (trends)?
- Where does it want to go (alternative or preferred scenarios)?
- How can it get there (broad strategies)?
- What is the next step (selecting a planning process or model)?

If one uses the ToP action-planning model to do visioning, there are six steps to follow:

- Step 1: Develop a scenario
- Step 2: Brainstorm ideas and concerns
- Step 3: Order ideas and concerns
- Step 4: Name idea/concern categories
- Step 5: Evaluate the results
- Step 6: Document the results

Visioning is a very effective consensus-building tool. Although it has the potential to involve a large number of people, when there are more than 30 participants, it is necessary to use focus groups. The keys to successful visioning



are facilitative leadership, trust among participants, and the identification of tangible, transforming visions within the community.

**Media Releases** - Planning and planners are always in need of good publicity. The best way to get the word out is to prepare media releases for all significant planning activities. This is a time-consuming task, but it makes it easier for the media to provide the needed coverage, and there will be fewer mistakes.

**Image Analysis** - Whereas visioning has its roots in the future, the roots of image analysis are in the present. It is a physical planning tool that focuses on the mental images we all form. Some of these mental images are in the resident's domain, some in the visitor's domain. When sufficient persons have the same or similar mental images, the images then become *public* images. The identification and creation of public mental images is a way to create or enhance a sense of place within a community.

Kevin Lynch in his book The Image of the City identifies five aspects of mental images: paths, edges, districts, nodes, and landmarks. An image analysis of a community using the Lynch technique may be undertaken. Although it is a technical procedure, lay people can master it with just a little practice.

**Publication of Community Indicators** - Community indicators are a way of measuring change. The grouping of community indicators is generally by sustainability or quality of life. In both cases, it is necessary to develop *benchmarks* for the purpose of a meaningful comparison. However, it is also possible to monitor changes in indicators over time (up, down, constant).

Generally, 30-35 indicators are the most that a community can monitor at one time.

Indicators must relate in some way to the categories in Figure 5. Community members must determine what they want to measure about the information, how to obtain the data, and how to maintain records over time. An example of a community indicator is a health issue, such as the number or percentage of youth who stop/start smoking each year.

**Changing technology and citizen participation** - The expanding world of electronic communication is opening new doors to interactive participation in community decision-making by individuals in their own homes. This kind of communication opens the planning process to a large group of participants who otherwise might be inclined to be less involved in meetings or committees, but who may have something important to say. Explore the use of cable television, e-mail, the Internet, and fax-back services to bring the planning process to the people.

### **The Care And Feeding Of Your Plan**

**Adopt the plan formally** - Regardless of which planning model one chooses, it is important that the governing body adopts or endorses the plan formally. Make a big deal out of it. Ensure that the media covers the event. The adoption or endorsement by the governing body is what makes the plan an effective policy instrument. This allows elected officials, appointed officials, and technical planners to use the plan document as a decision-making guide: Future decisions will be made in accordance with the plan.

**Planning is a verb** - As soon as you are done, it's time to begin again. If the plan is seen as an end only, you have failed. If planning becomes embedded in all governmental decision-making, and your day-to-day decisions being based on the concepts and goals of your plan, or if you find your plan being adjusted as

the realities of day-to-day business evolve, then you have succeeded. Your plan will evolve with your community, and citizens will find their future the better for it.

## **Summary Of This Chapter**

### **Four Things To Remember About Comprehensive And Strategic Planning:**

- (1) Good plans, created in an atmosphere of public involvement, help reduce the cost of providing public services and establish a clear framework for making regulatory decisions. Resources available to your community from other levels of government are often tied to good planning practices to ensure the most efficient use of public resources.
- (2) Comprehensive Planning provides a long-term and more "comprehensive" look into the future. Strategic Planning and Future Search Planning have a shorter time frame and are more narrowly focused on specific goals, objectives, and strategies. When a strong tradition of planning exists in a community, comprehensive planning may be the best choice. If the need is for short-term and more immediate outcomes, strategic or future search planning are the better choices. A future search conference can create a usable product in three days, and can capture the creative power of group dynamics better than the other, longer processes.
- (3) Involvement by as many as possible in the process of exploring alternate futures and creating a strategy for achieving goals is critical to the success of a planning process. The technology of participation is ever changing. Be creative about involving citizens in the debate over the future of the community. Make issues concrete and easily understood. Avoid abstract concepts that are hard for the average citizen to comprehend.

(4) The "process" of creating and updating a plan is as important as the "product". Planning is a verb, and the updating of a plan by constantly re-thinking it is as important as the initial effort to put it in place.

**Other Related Subjects:**

Ask your professional staff to provide you with more training on these issues:

- Visioning, and Other Techniques to Understand "The Public Interest"
- Public Participation in Decision-Making...How Much is Too Much?
- Planning for Small Towns and Rural Areas
- Using Community Indicators
- Neighborhood and Small Area Planning
- Downtown Area Plans
- Transportation Corridor Planning

## Resources

### **Supplementary Materials are available for this Handbook.**

Those who are interested in obtaining additional materials supporting the information presented in this Chapter should contact Dr. Garry Cooper at the Department of Geography and Planning, P. O Box 32066, Appalachian State University, Boone NC 28608, email [coopergv@appstate.edu](mailto:coopergv@appstate.edu)

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**CHAPTER 4**  
**ZONING**





In the early 1900's, civic leaders began to explore ways to manage land-use conflicts in a way that respected both the rights of individual property owners and the rights of others in the community. Zoning has become common throughout this country as a means of balancing these sometimes conflicting interests. Simply separating land uses into compatible groups and establishing physical areas of a community for these uses reduced the conflicts inherent in land use decision-making. Contemporary communities use a more sophisticated and complex application of zoning as a means to ensure that a high quality of life is maintained for their citizens.

### **Purposes of Zoning**

- Implement community goals as described in the Comprehensive Plan
- Protect property rights against negative spin-offs of neighboring land use.
- Make land use patterns predictable
- Ensure cost-effective public services to citizens and minimize public expenditures
- Establish economic development areas for job growth
- Protect against negative environmental impacts
- Set minimum aesthetic and functional standards for development

In an attempt to protect against the negative effects of uses of property, it is easy to use zoning too aggressively in establishing such strict separation of uses that creative development of the community is discouraged. Used too strictly, zoning will cause the community to become bland and tedious. However, if used too loosely, a community will tend toward the chaotic and disorganized. Always keep in mind that the underlying purpose of zoning is to follow the community's land use or comprehensive plan.

## **Legal Basis**

There are Constitutional limits to zoning authority. Failure to observe these limits can lead to invalidation of the ordinance and monetary damages to those harmed. There are several specific provisions critical for land use regulation:

- Due process - requires legitimate objectives, appropriate means, and fair procedures
- Equal protection - distinctions are permissible, but you must treat similarly situated persons and situations similarly
- Takings - land use approvals do not have to allow the most profitable use, but you must leave some practical use/reasonable value
- Others - freedom of speech, religion, assembly, association, movement, privacy can all come into play in certain circumstances, and cannot be unduly restricted by zoning ordinances

## **Structure of Zoning Ordinances**

### **Text and Map**

#### **Text**

- Defines the various zoning districts
- Describes the rules that apply to development
- Establishes the administrative structure for implementing zoning and amending the map

#### **Map**

- Applies the districts to the zoned area. The map is a part of the ordinance and is physically specific.

#### **Districts**

A key aspect of zoning is that different rules for development apply to different zoning districts. There are no state standards on the number or type of zoning

districts allowed. Each local government can craft a unique set of districts tailored to their local needs. Because each community tends to do this in a different way, with different descriptive terms (R-30 in one jurisdiction may mean 30,000 square foot-lot minimums, while R-30 in another jurisdiction may mean 30 units per acre are allowed), no unified standard for zoning districts across multiple jurisdictions is likely to occur. However, within each district, there must be uniformity of application (all development is treated alike). If this does not occur, the zoning ordinance may be challenged in court as arbitrary.

### **Use Regulation**

Most ordinances concentrate heavily on defining the land uses that are allowed (permitted uses) and not allowed (prohibited uses) in each district. This is usually done in a text format, but more ordinances are experimenting with charts and schedules that allow a user of the ordinance to more easily understand what is permitted or prohibited in each zoning district.

### **Design Standards**

In addition to regulating the use of land, zoning ordinances often contain the following:

- Allowable residential densities
- Setbacks for buildings
- Maximum building sizes
- Landscaping standards
- Buffering rules between incompatible land uses
- Off-street parking requirements
- On-premise sign standards

- Standards for “special” uses such as apartment complexes and shopping centers

### **Various Zoning Approaches**

**Cumulative Districts** - This is an approach where the zoning of more intensive districts also allows all of the uses permitted in less intensive districts. An example would be a business district that automatically allows all uses permitted in a residential district.

**Special Purpose Districts** - This is an approach where only a narrow range of permitted uses is allowed, such as zoning an industrial park area so that only specific types of industries are allowed.

**Performance Standards** - With performance standards, zoning sets standards rather than focusing on uses, such as a provision that allows any commercial or industrial use of a parcel so long as it does not generate more than a specified amount of traffic or noise.

**Overlay and Floating Districts** - Overlay zones are special districts that create special requirements that are in addition to the underlying zoning requirements, such as a highway corridor overlay district that imposes special landscaping requirements along a major entryway to town; floating districts are those that are defined in the ordinance but not applied to property unless the owner requests it, such as a manufactured home park district.

**Planned Unit Development (PUD's)** - These are special districts according to an overall plan that can be applied to a parcel of land, usually with a mix of land uses. An example would be a site with some office uses, a shopping area, some

multi-family housing, and some single family housing, all developed under a pre-approved overall development scheme.

### **Types of Zoning Decisions**

There are four types of planning decisions that are used to apply or enforce zoning regulations, each with a different process and set of rules. It is critical that a planning commission member know at all times which type of decision he/she is making so you will know which rules apply. The four types of decisions are:

**Legislative** - These include final, binding decisions on general policies that apply throughout a community. Examples include adoption, amendment, or repeal of land use regulations, adoption of the budget, and amendments to the zoning regulations or zoning district map. These are almost always assigned to the governing body.

**Advisory** - These include recommendations on plans, policies, ordinance changes, and the like. A key difference between these and legislative decisions is that these are not final decisions, but are recommendations only. They are often handled less formally and have fewer state rules about how they are made. Many planning commission actions are advisory in nature.

**Quasi-judicial** - These are formal decisions that determine the rights of individuals affected by government policies. They include variances, special exceptions, and appeals of administrative decisions. They do not involve setting new policies but the application of previously adopted policies to the parties involved. These involve fact-finding and the application of some discretion. The zoning board of adjustment makes most of these decisions, but planning

commission and governing bodies may also be assigned quasi-judicial decisions, particularly in the case of design review and historic preservation.

**Administrative** - These are the routine, day-to-day decisions, such as making individual permit and enforcement decisions. They are usually handled by the professional staff.

**Figure 10. Some Key Differences Between Legislative And Quasi-Judicial Zoning Decisions**

	<b><u>Legislative</u></b>	<b><u>Quasi-judicial</u></b>
<b>Decision-maker</b>	Only governing body can decide - except if state laws specifically gives approval authority to the planning commission.	Can be board of adjustment, planning commission, or governing body
<b>Notice of hearing</b>	Newspaper and mailed notice to owners and neighbors required	Only notice to parties involved required unless ordinance mandates otherwise
<b>Type of hearing</b>	Legislative	Evidentiary
<b>Speakers at hearings</b>	The chairperson can reasonably limit number of speakers, time for speakers	The Chairperson can limit witnesses to relevant evidence that is not repetitious
<b>Evidence</b>	None required; members free to discuss issue outside of hearing	Must have substantial, competent, material evidence in record. No one may discuss the topics of the hearing items before the hearing
<b>Findings</b>	None required	None required
<b>Voting</b>	Simple majority, (but 3/4 required if protest petition filed by more than 50% of noticed residents on rezoning)	A simple majority required
<b>Standard for decision</b>	Creates policy	Case by case
<b>Conditions</b>	Not allowed	Allowed if based on standard in ordinance
<b>Time to initiate judicial review</b>	No time limit	10 days to file challenge
<b>Conflict of interest</b>	Requires direct or indirect financial interest to disqualify	Any financial interest or personal bias disqualifies
<b>Creation of vested right</b>	Vested right created when substantial expenditures made	Vested right created when substantial expenditures made

## Legislative Zoning Decisions

### **Zoning Ordinance Amendments**

**Who can initiate?** Any property owner can request that his/her property be rezoned. Rezoning can also be initiated by the legislative body or planning commission.

**Process for consideration** - State law requires counties and municipalities to submit amendments to the planning commission for review and public hearing, and requires the governing body to hold another public hearing before acting.

**Limits on reconsideration** - Many local ordinances provide that once a decision is made on a rezoning proposal, no other zoning petitions affecting that property can be considered for a specified time (often six months or a year).

**Public notice** - State law mandates specific notice of the public hearing:

- Newspaper - An advertisement for the hearing must be published once, at least 15 days prior to the hearing
- Mail - First class mailed notice must also be sent to the properties within a 300-foot radius of the subject property 20 days prior to the hearing
- Hearing - The hearing on rezonings is legislative. Speakers need not be under oath and they can express opinions about the wisdom of the proposed action

**Protest Petitions** - State law authorizes these for cities. A qualified petition triggers a requirement that any rezoning be adopted by a 3/4 vote of the governing board.

- Form and timing of petition - The ordinance can require the petition be on a special form. The petition must be turned in two working days prior to the hearing
- Qualifying area - The petition must be signed by the owners of 20% of the land being rezoned or 50% of property owners in a 300-foot radius of the subject property

**Findings** - No written findings of fact are required for zoning ordinance amendments.

## **Quasi-Judicial Zoning Decisions**

### **Rules for Quasi-Judicial Decisions**

**Special Rules** - The Constitution and state statutes mandate special procedures be followed for all decisions where there is fact-finding and the application of discretionary standards. This includes appeals, variances, and special exceptions. These decisions are made by boards of adjustment.

**Quorum and Voting** - The statutes set a special *quorum* for boards of adjustment. A concurring vote of at least three members is required to decide any case where there is a board of five members.

**Hearings** - An *evidentiary hearing* is required for each decision. The purpose of the hearing is to establish the facts, not to gather opinions



about the desirability or popularity of the project. Board members are not allowed to gather evidence outside of the hearing.

**Notice of Hearings** - A local government must give due *notice* of its hearings to all parties to the case. Individual mail notice and publication are the usual methods of doing this. Notice is mandatory. The open meetings law also has requirements for meeting notices that apply to boards making these decisions.

**Witnesses** - Persons presenting testimony to the Board are not under oath and no cross-examination is allowed. All comments and questions are directed to the Board.

**Evidence** - Quality evidence must be in the hearing record to support all of a Board's key conclusions. The legal standard is that *substantial, competent, material evidence* is required to be in the record for each key fact. Strict legal rules of evidence do not apply. Hearsay and non-expert opinion should be avoided. Determining how much *weight* should be given to the evidence that is offered is a key job of the Board. How persuasive and how reliable is the evidence offered? No *ex parte* communication should be allowed. Only evidence in the record at the hearing may be considered. Site visits prior to the hearing are permissible but care should be taken to avoid conversation with applicant/neighbors and any critical information obtained on site must be disclosed at the hearing. Persons have the right to present and inspect documents and records. Copies of all exhibits must be kept.

**Findings** - *Written findings of fact* are not required.

## **Special Exceptions**

**Standards** - A board of adjustment must apply the standards that are already in the zoning ordinance. The Board does not have unlimited discretion. These cases are not the appropriate place to make policy; rather the board is applying previously set policies to an individual case. The standards can be general (i.e., the activity does not have a significant adverse effect on neighboring property values and the activity be compatible with the surrounding neighborhood), or specific (i.e., the use is located on a lot of at least 40,000 sq. ft.), or a combination of general and specific standards.

**Burden of Proof** - The burden of proof in these cases is allocated as follows: The applicant must present evidence that the standards in the ordinance are met. It is not the staff's responsibility to produce this basic information. Often application forms are required that will elicit most of this information. If the applicant presents sufficient evidence that the standards are met, the applicant is legally entitled to a permit. If contradictory evidence is presented, the board must make findings and then apply the standards.

**Conditions** - Individual conditions may be applied to quasi-judicial zoning decisions (but not to legislative zoning) like rezoning except PUD's decisions. These conditions are fully enforceable. A board may only impose conditions related to the standards that are already in the ordinance.

**Appeals of Quasi-judicial Decisions** - Quasi-judicial zoning decisions can only be appealed to district court (not to the governing body). Court review is *de novo* or from the beginning, essentially, the case is reheard.

## **Other Zoning Issues**

**Conflicts of Interest** - Planning commission and governing bodies must avoid conflicts of interest. A direct or indirect financial impact disqualifies a member from participating. In addition to financial impact, bias (defined as a predetermined opinion that is not susceptible to change) and close family or business ties also disqualify members from participating. Non-participation includes abstention from discussion as well as voting.

**Open Meetings Law** - All of the government commission and boards involved with planning and land use regulations are subject to the state open meetings law **25 Okla. Statutes, Sec. 301**. All meetings of a majority of the commission, boards, or any of the committees of the board for the purpose of conducting business must be open to the public. Closed sessions may be held only for seven narrow purposes set forth by statute (for example, receiving legal advice regarding pending litigation). A board may not retire to a private session to deliberate a case. Public notice must be provided for all meetings. Regular scheduled meetings must be filed with the City or County Clerk. Notice of special meetings must be posted and mailed to media.

**Vested Rights** - This is the legal right to continue or complete a use even if the regulations have changed. To qualify, the use must have been legal when started. There are three ways vested rights can be established:

- Reliance on Common law. The owner must have made substantial expenditures in good faith reliance on a valid specific approval and suffer some harm if required to comply with the current standards.

- Valid building permit. The owner has a vested right only as long as the building permit remains valid and only for the work approved by the building permit. Building permits expire in six months if work is not commenced. They also expire if work is stopped for a 24-month period after it has started.
- Site-specific development plans. This is a special provision mandated by state law that allows plans defined by each local ordinance to receive a two-year vested right. The local government must have approved the plan after a public hearing. Local governments have an option of allowing up to a five-year vested right for more general phased development plans.

**Amortization** - Refers to phasing out of a legal non-conforming use over a period of time. It allows the property owner to recapture his investment before discontinuance of the land use. This would avoid a possible "taking" of property.

**Spot Zoning** - Zoning a relatively small area different from the surrounding area is illegal unless the government establishes a reasonable basis for the spot zone. Factors for determining reasonableness include

- Size of area - and its particular characteristics
- Relation to comprehensive plan
- Degree of change in uses allowed
- Relative harm and benefit - to owner, neighbors, and community

**Contract Zoning** - If there are mutual promises between the city and the applicant or if the governing board does not consider all permissible uses, this is illegal. Individual conditions on rezoning are unenforceable.

**Planned Unit District Zoning** - In many communities, planned unit districts are popular as a tool to tailor a zoning case to the specifics of a proposed use. Each request to apply such a zone must be accompanied by a conceptual plan. The planning commission may recommend additional conditions on such a request. The advantage of PUD zoning is that it allows an applicant to specifically address concerns that may arise in the consideration of the case and to tailor the allowed uses, development standards, and any design considerations to the particular property in question.

**Aesthetic Standards/Signs/Historic Preservation** - The U.S. Supreme Court has upheld the use of zoning to ensure that a community is beautiful, as well as safe and efficient. Communities use zoning to set standards for landscaping, regulation of signs and billboards, and to limit the removal of existing vegetation in special areas. Special districts (historic districts are one example) may be set up to preserve or enhance the character of a portion of a community. It is important in a special district that clearly defined and well-researched standards are published to allow appointed design review boards to fairly manage the permitting process. Signs can be regulated either through zoning or with a separate sign ordinance. Zoning can have reasonable regulations on the time, place, and manner of speech (i.e., no billboards in residential areas) but great care is needed to avoid regulating the “content” of speech. Federal highway law limits the ability to remove billboards on federally funded highways.

**Nonconformities** - These are land uses, lots, or structures that were legal when started but which no longer conform to current ordinance requirements. Immediate compliance with new rules can be required if

necessary to protect public health or safety. Most zoning ordinances allow them to be continued, but they are subject to restrictions set by the ordinance. The most common restrictions are that the nonconformity should not be expanded or enlarged, it should not be changed to another use, nor should it be reestablished if abandoned or discontinued.

**Family and Group Care Homes** - If they have five or fewer handicapped persons, they must be treated the same as a single-family residence. Also, the Americans with Disabilities Act prohibits discrimination against the handicapped and requires reasonable accommodation.

**Manufactured Housing** - Zoning can regulate the location, dimensions, and appearance of manufactured housing communities but cannot completely prohibit them from a jurisdiction. Many ordinances define "manufactured housing" as factory-built housing using the national HUD building code.

**Alcohol Sale** - Oklahoma ABC law is implemented through local zoning ordinances. Properties may be rezoned to one of three ABC categories: ABC-1, which allows beer and wine sales with total sales less than 50% of food sales; ABC-2, which allows sale of mixed beverages that total less than 50% of food sales, or ABC-3, which allows mixed beverages, beer, and wine as the primary sale, with food sales accessory.

**Sexually-Oriented Businesses** - A local government cannot totally prohibit a business that offers non-obscene but sexually explicit books, films, or dance. Obscenity can be prohibited. Regulations to prevent adverse secondary impacts are permitted. This can include minimum separation requirements, limits on advertising and noise, operational

requirements (e.g., open booths, dancers separated from patrons, etc.), and licensing requirements for owners and employees.

### **Four Things To Remember About Zoning Purpose And Structure:**

- (1) Zoning is intended to protect property values, not limit them. Its original intent was to protect property owners from the negative land use decisions made by their neighbors and to make the land use pattern of a community predictable. Zoning power is limited by the Constitution to protect the individual property owner from the tyranny of the majority.
- (2) Zoning is a means to an end. Zoning, when used too strictly, can make a community bland and sterile. When it is used too loosely, it can also lead to incompatible development and eroding land values. Zoning should always be related to the community goals stated in a comprehensive plan.
- (3) Zoning ordinances are made up of text and maps. They also define districts within which rules are applied evenly for all properties in the district.
- (4) There are many different zoning approaches. Performance standards, special use districts, overlay zones, planned unit developments, etc. are all useful tools to tailor a zoning ordinance to specific community goals.

### **Four Things To Remember About Public Decision-Making And Other Zoning Issues:**

- (1) **There are four types of public decisions.** Advisory decisions are made in support of a legislative function and also allow consideration of a broad range of data from many sources

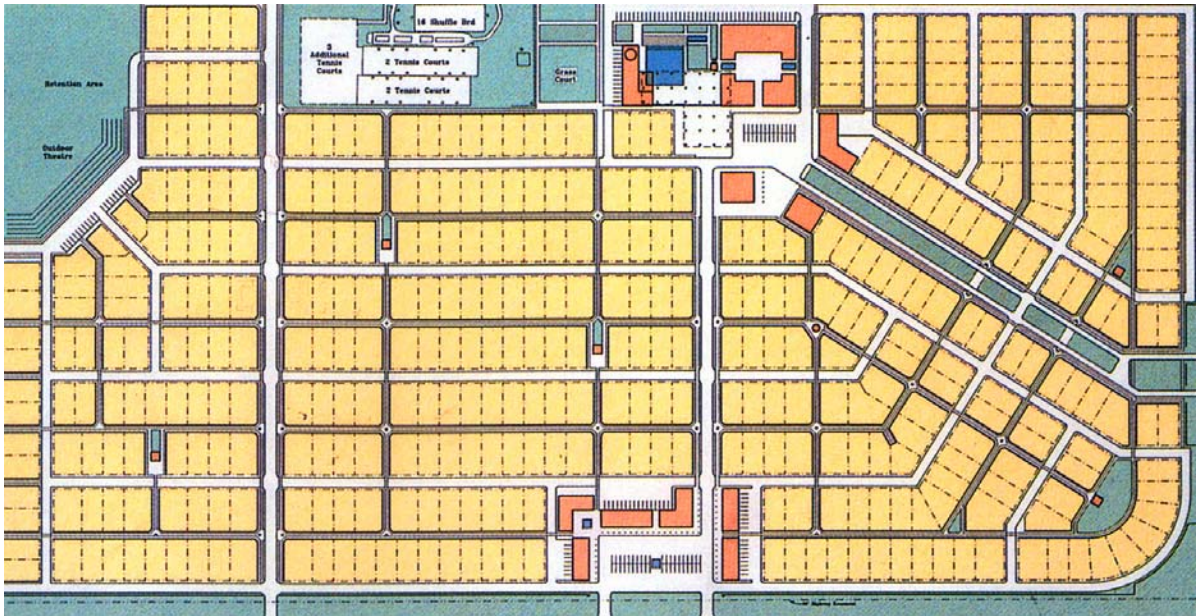
relatively informally. Administrative decisions are generally handled by a professional staff and involve measuring a proposal against an objective standard. Legislative decisions (ex. re-zoning requests) are more discretionary in nature but must be made by the governing body. Quasi-judicial decisions are formal proceedings involving the facts and require that decisions be based on specific criteria and evidence.

- (2) **Applicants are entitled to an impartial decision-maker.** Meetings must be open to the public with reasonable notice. Conflicts of interest should be stated up front and decision-makers excused if the conflict calls into question the impartiality of the board member.
- (3) **Spot zoning and contract zoning require special attention.** Spot zoning is illegal unless the government establishes that it is reasonable. Determining what is a "spot zone" is not easy, but the determination should be guided by the size of the area, the relationship of the case to the general plan, the magnitude of the change and the relative harm or benefit to be derived by the applicant, neighbors, and/or community from the case. No zoning decision can be based on mutual promises between the property owner and representatives of the community. However, planned unit district zoning is legal where a developer-offered set of development standards is proposed to be applied to a land use.
- (4) **Non-conforming uses may be allowed to remain, or may be required to be phased out.** Generally, non-conformities when created by a change in zoning law are allowed to remain with some restrictions on their ability to expand. Occasionally, it is in a community's best interest to phase out all non-



conformities over a period of time. This is called "amortization" and has been declared legal by the Supreme Court, as long as a reasonable time period is allowed. However, this does not apply to billboards in Oklahoma.

# CHAPTER 5 LAND SUBDIVISION CONTROL



## **Purposes Of Land Subdivision Regulation**

**Land subdivision regulation is intended to achieve several purposes.**

The way land is subdivided, streets are laid out, and lots are developed sets the pattern of community development for years to come. Once land is divided, lots are only rarely consolidated, and sites are only occasionally redeveloped. Subdivision regulations provide a community with a special opportunity to ensure that new neighborhoods are properly designed and that new subdivisions are integrated into the community.

**Ensure that the subdivision improvements are adequate.** Subdivision review ensures that a new subdivision will be properly equipped and that improvements will be maintained in the future. If the local government expects to take over a street, drainage facilities, or a utility line, it has an obvious interest in ensuring that the improvement is properly constructed or installed. Even if a city or county is not expected to assume maintenance responsibility, it still has an interest in ensuring that improvements are maintained for the benefit of lot purchasers.

Subdivision regulations often determine what portion of the capital improvement costs of serving new development are paid by the community as a whole, and what portion are paid by the developer and lot purchasers. Subdivision improvements are provided more easily and cheaply and easements are more easily arranged while the developer still controls the land. If improvements and easements are not provided until after the lots are sold, costs to the taxpayer will typically be greater than they would have been had the developer provided the improvements and passed on the cost to the lot purchaser in the price of the finished lot. Also, costs that are passed on to the purchaser can often be financed over the term of a home-mortgage loan.

**Establish good land records.** By requiring the platting (mapping) of newly created lots, streets, easements, and open areas, subdivision requirements help to ensure the creation and preservation of adequate land records. Land titles can be determined much more easily if the “metes and bounds” (bearings and distances) descriptions of a property found in deeds are supplemented by, and refer to, a surveyed and recorded plat. Plats and related construction plans are of particular value to tax assessors and are used to prepare land use, road, and street maps and the data for geographic information systems.

**Protect the interest of the lot purchaser.** Lot purchasers rarely know what water line size or system pumping capacity will ensure adequate water pressure for their future homes. Nor are they likely to evaluate the base and paving materials used to construct the street or road that serves their houses. Establishing minimum standards for subdivision improvements and design is the traditional way to protect purchasers, who generally lack the specialized knowledge to evaluate improvements and design.

**Much of this chapter is based on a training manual written by Richard Ducker of the Institute of Government at the University of North Carolina at Chapel Hill, in 1998.**

## **Legal Authority**

**Local Government Authority to Regulate Land Subdivision** - Oklahoma cities and counties derive their power to regulate subdivisions from the land subdivision control enabling legislation found in the **Oklahoma Statutes Titles 11 and 19.**

Oklahoma counties and cities enjoy much the same authority to regulate land subdivisions. The scope of coverage of a local subdivision ordinance is

established by state statute (or a local act) in the form of the definition for the term "subdivision."

An ordinance may include provisions to ensure:

- That a plat is prepared, approved, and recorded whenever any subdivision of land takes place.
- That public dedication or reservation of rights-of-way or easements for street and utility purposes is obtained.
- That street and other public facilities within a proposed subdivision are coordinated with existing or planned streets or other public facilities located outside the subdivision.
- That bond or any other method of surety be posted to guarantee compliance with the requirements of the ordinance.
- That final approval of each individual subdivision plat is to be given by either the governing body (city council or county board of commissioners) or a planning commission in cities over 400,000 population.

The approval of a final plat does *not* constitute the *acceptance* by the approving local government of the dedication of any street, utility line, or park shown on the plat. Some other action must be taken to accept such a dedication by the governing body.

If an ordinance applies to the land, the county registrar of deeds is prohibited from recording a subdivision plat that has not been approved.

Violation of a subdivision ordinance is a criminal misdemeanor, which may also be enforced by civil remedies, such as a court order or civil penalties.

## **Role Of The Planning Commission**

As a member of an Oklahoma planning commission your role in land subdivision regulation is twofold:

**Review Site-Specific Subdivision Plats.** Much of the planning commission's involvement in land subdivision regulation comes from its review of individual subdivision plats. Plats may come in the form of preliminary plats and final plats. Your ordinance will determine which governmental body has been granted plat-approval authority for each type of plat. Some cities and counties delegate the power to approve preliminary and final subdivision plats to the planning commission. The governing body may play no significant role in reviewing plats. In other local governments the governing body approves all subdivision plats. The planning commission simply provides recommendations to the governing body for each plat. In still other jurisdictions, the planning commission may be authorized to approve a plat, but the decision may be appealed to the governing body. In any case, the planning commission or its designated approval body will be expected to fulfill the administrative function of determining whether a particular plat meets pre-set criteria and standards for approval.

**Offer Advice Concerning Ordinance Changes and Development Policy.** A planning commission can play an important role in making recommendations to elected officials about the contents of the subdivision ordinance. Because property owners and developers do not routinely propose amendments to the subdivision ordinance, the planning commission may wish to monitor how the ordinance is working, what type of development results, and whether growth is consistent with those plans that the local governmental unit has adopted. The planning commission may also be in a position to offer useful advice to the city council or board of county commissioners regarding such matters as water and sewer extension policy, thoroughfare planning, and growth management issues.

In these instances, the planning commission plays an important advisory role in providing guidance to the governing board when it exercises its legislative role.

### The Subdivision Review Process

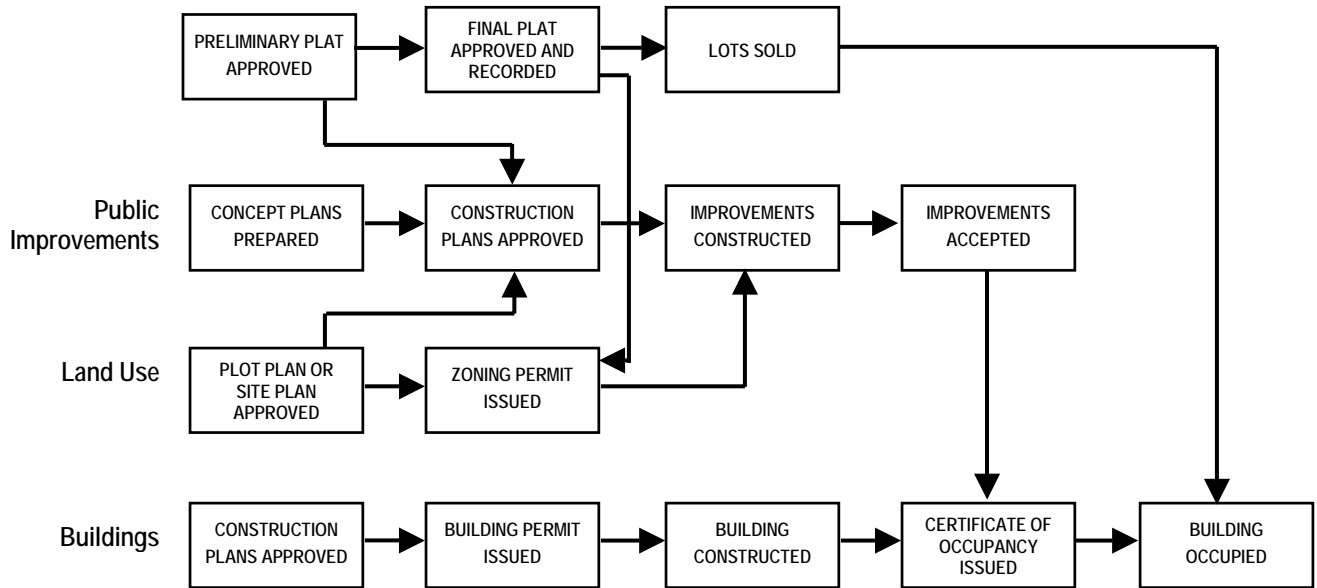


Figure 11

**Pre-Application Procedures.** Many local governments encourage or require subdividers first to submit a sketch plan or design plan to the planning staff or plat-approval agency. The purpose is to bring representatives of local government and the subdivider together so that the local government can learn what is proposed and the subdivider can better understand the community's development requirements. The community is primarily concerned with the location of the proposed subdivision, the general pattern of streets and lots, and the proximity of community or public facilities.

**Preliminary Plat Review.** Normally, the next important step (or the first step) in the review process is the submission and approval of a preliminary plat of the proposed subdivision. To call a subdivision map submitted at this stage "preliminary" may be misleading, since the plat will, in large measure,

establish character, design, and scope of the subdivision process to follow. The purpose of this review is to objectively measure the plan against the standards of the ordinance.

**Advice and Consent.** One important aspect of preliminary plat review is the comments and recommendations obtained from various city and county departments and agencies outside local government before formal action is taken on the plat. In some cases, the reviewing department or outside agency will simply offer recommendations to the plat-approval agency concerning the subdivision's design. For example, the district soil conservationist may suggest that the soil or topography of some portions of the site is more suitable for development than others. In other cases, the reviewing agency may have to certify that the construction plans accompanying the plat meet that agency's standards for the particular improvement being constructed. For example, the Oklahoma Department of Transportation must approve preliminary construction plans for all subdivision roads proposed for acceptance into the State Highway System.

**Technical Review Committee.** The review procedure works best when the various departments and agencies collaborate. Some communities establish a technical committee to:

- (1) Receive copies of the subdivision plats and accompanying documentation well before their comment is expected.
- (2) Make their recommendations and comments in writing.
- (3) Present their comments at a subdivision review meeting at which representatives from all of the reviewing departments and agencies are present.
- (4) Make a joint recommendation that can be carried to the governing board or planning commission when it formally considers the plat.



**Planning Commission Actions.** The customary practice is for a commission to approve a plat, deny approval of a plat, or to approve the plat with conditions. If a preliminary plat, as submitted, presents problems, several alternatives are available. One option is for the commission to require the applicant to withdraw the plat in order to redesign the proposal to incorporate required changes. After the changes have been added, the applicant resubmits the revised plat. A second option is for the board to approve the preliminary plat, subject to the condition that the required changes be incorporated into the final plat. Requiring the redesign and resubmission of the preliminary plat will cost the applicant time and money, but permitting the applicant to “work out” the required changes in the final plat without resubmitting the preliminary versions may produce a final plat that does not meet the commission’s expectations. The choice depends on the extent of the required changes. A solution might be for the board to delegate to staff the authority to approve redesigned preliminary plats prior to the submission of final plats.

**Approval Expiration.** Many ordinances provide that preliminary plat approval expires within a certain period (often a year or two) after the preliminary plat is approved. However, in large multi-phased developments, the final plats for some of the latter phases of the development may be submitted some years after the approval of the preliminary plat or master plan. An alternative is to approve a flexible staging plan when the preliminary plan is approved that allows final plats to be submitted over a much longer period of time. Approval of a staging plan can link the recording of final plats to the installation of the improvements necessary to serve the various development phases.

**Variations, Modifications, or Waivers.** Commissions occasionally approve features of plats and plans that do not comply with the apparent terms of the

subdivision regulations. "Variances", "modifications", and "waivers" are some of the terms used to describe these kinds of permissions. The commission granting such permission should make sure to document the reasons justifying the decision.

**Decision-Making.** Normally, subdivision approval may not be withheld simply because owners of adjacent property object to the subdivision or because the new lots may not be as large as the lots in the immediate vicinity. As a rule, the plat-approval agency must approve a subdivision plat if it meets the standards and requirements of the ordinance. Any condition or specific requirement imposed on the approval must be based on authority granted to it in the ordinance. The agency must be able to point to a particular ordinance provision to justify requiring, for example, that the subdivider extend streets to the subdivision boundary or that the subdivider construct a detention pond on the site if drainage problems warrant it.

**Final Plat Review.** Final plat review ensures that the recordable plat is in substantial accordance with the preliminary plans approved earlier. It also ensures that either subdivision improvements have been satisfactorily constructed according to approved plans or that they will be constructed after the plat is recorded. It also provides an opportunity to review operation and maintenance of proposed private facilities and improvements.

The final plat is the subdivision map prepared for recording in the registrar of deeds office and is sometimes known as the record plat. Engineering information (i.e., the location and type of utilities and drainage facilities) is generally not included on the final plat. Once the final plat has been approved, it must be recorded in the office of the county registrar of deeds. After the final plat is recorded, the sale of lots can commence. Sale of the lots is necessary before building permits for the lots can be issued.

## **Guaranteeing Developer Performance**

A subdivision ordinance generally provides various means of ensuring that a subdivider provides subdivision improvements in a timely manner. The means available include:

- Requiring improvements to be completed before final plat approval
- Requiring certain improvements to be installed before final plat approval and allowing other improvements to be postponed if financial performance guarantee is provided
- Withholding final plat approval until improvements for preceding stage of phased development are completed

Allowing a developer to post financial performance guarantee, such as:

- Irrevocable letter of credit from lender
- Performance bond from surety company
- Security (cash or other property) placed in escrow
- Withholding certificates of occupancy for new buildings on subdivided lots until the improvements associated with those lots are completed

## **Subdivision Design And Improvement Issues**

**Subdivision boundaries and edges.** Regulations may require buffers, planting strips, walls, berms, building setbacks, or other design features to shield subdivision residents from effects of adjacent land uses. Check to see whether maintenance responsibility lies with the subdivider or lot purchaser and how buffers and setbacks are measured.

**Natural hazard and critical environmental areas.** Areas within flood hazard zones; critical areas of environmental importance, and key natural resources should be identified on subdivision plans. If hazard areas or critical

environmental areas are included in areas to be subdivided, enough land exclusive of hazard or natural resource areas should be provided for each lot to accommodate a building site. Clustering development is an excellent way to avoid hazardous areas and to protect environmental and natural resources.

**When it rains** - Stormwater plans are ideally based on the drainage characteristics of the entire watershed. Storm sewer and related systems are most appropriate in conventional small-lot subdivision where connection to a large, geographically comprehensive system is available or steep terrain makes natural drainage methods unfeasible. Natural methods are intended to limit peak runoff from site, using the natural infiltration capacity of land. They tend to be less expensive and more appropriate for large parcels of undivided land. The quality of water retained on-site is often better than that carried off-site. However, stormwater detention facilities may be necessary in certain circumstances. They require special maintenance arrangements and can pose safety and liability threats.

**To curb or not to curb** - Engineers tend to emphasize the advantages of streets with curbs and gutters. Landscape architects and land planners prefer streets with shoulders and swales and more natural methods of handling stormwater. Curbs tend to stabilize the edges of a road and are useful where on-street parking is likely, particularly in steep terrain. Curbs also tend to channel stormwater and dispose of it quickly, a feature which can result in downstream erosion and flooding. Nonetheless, curbs and gutters may be the best option for urban subdivisions with significant impervious surface. In contrast, a system of roads with shoulders and drainage swales may work well in large-lot and more rural subdivisions. They work best where on-street parking is unlikely and where streets have narrower pavement and right-of-way widths. However, a swale requires careful design and regular maintenance to

avoid degenerating into a ditch. Also, a system of swales can be compromised by the heavy use of culverts under driveways.

### **Public or private streets**

**Public** - If a subdivision is located inside municipal limits (or annexation is imminent), a municipality may require the subdivider to build subdivision streets to municipal standards and dedicate them to the municipality. If a subdivision is located outside municipal limits, a municipality with extraterritorial planning jurisdiction or a county may require a subdivider to build subdivision roads to state standards and dedicate them to the public.

**Private** - A municipality or county may allow a subdivider to establish a private street or road (i.e., a joint driveway). Subdivision ordinances may provide that private streets or roads are allowed:

- If the streets cannot be directly connected to the public street or road network
- In rural subdivisions in unincorporated areas
- In cluster developments or planned unit developments where the developer or property owners' association is prepared to maintain the streets
- In special situations to serve a limited number of lots

Private streets can cause problems for local government because they can result in gated communities that can impede emergency service access. They can also foster a disconnected and inefficient residential street network that is expensive to serve with urban services such as garbage collection and police protection. The property owners' association may petition the community government to take over maintenance of the private streets if the association is not adequately financed or if the property owners themselves rebel against paying a surcharge to maintain their streets.

**The Power of the Pipe** - An important means of development control enjoyed by an Oklahoma local government with its own utility system is the power to determine where it will extend water and sewer lines and when capacity will be added to its water purification and distribution system and its wastewater collection and treatment systems. Planning commissions have an interest in ensuring that a city or county's utility extension policy and the cost-sharing and reimbursement arrangements for doing so are in writing and have been adopted by the governing board. A city may extend utility lines to areas outside municipal limits and determine the conditions under which it will do so. Cities may, and sometimes do, require developers to petition for annexation as a condition of line extension and service. However, a municipality may not compel a subdivider to connect to a municipal line in an unincorporated area.

**Septic Tanks and Subdivision Review** - In a rural or fringe suburban area the lots in a proposed subdivision can be served by a septic tank or other on-site sewage disposal system. Since the size and configuration of the each lot is important in determining whether it is suitable for such a system, the suitability of each lot for this purpose should be evaluated before lots are subdivided. Preliminary site evaluation should occur before the final plat is reviewed and recorded. However, planning commission members should understand that some county sanitarians are understandably reluctant to certify the suitability of lots for septic tanks directly on the face of the plat. Health departments cannot guarantee that a lot is suitable for a septic tank until a permit application is filed for a particular lot that indicates the location, nature, and size of the building and drain field and other pertinent features as they exist at the time of construction. Nonetheless, planning commissions and health departments should not miss the opportunity to screen lots for possible septic-tank use when subdivisions are reviewed.

**Stub-outs, Turn-arounds, and Cul-de-sacs** - An important issue in subdivision review concerns when it is wise to connect new subdivision streets with existing or proposed streets in areas outside the subdivision. If street connection is desirable but the street outside the subdivision has not yet been built, then the subdivider can be expected to extend the street to the subdivision property line (to "stub-out" the street), perhaps with a temporary turn-around at the property line. An alternative is to provide privacy for lot owners by terminating many residential streets with cul-de-sacs. It is often desirable to build and connect a new single-family residential subdivision street:

- With an existing exterior street that already extends to the subdivision boundary
- With a proposed exterior street proposed on a thoroughfare or connector street plan, if the subdivision's traffic is sufficient
- To the property line of an undeveloped adjacent tract to establish an overall residential street system with easy access to trash collection, school buses, and emergency services
- With an exterior street proposed for a subsequent phase of the same development

**Cul-de-sacs are appropriate if:**

- No exterior connecting street currently exists and none is planned
- A sensitive natural area must be crossed in a way that has marginal public benefit and great environmental cost
- The adjacent property is already developed and no "stubbed" street is extended from the adjacent development
- The exterior area is likely to be developed for other than single-family residential use

**Flags, panhandles, pipestems, and spaghetti** - Flag lots may be desirable to the extent that:

- They limit the length of subdivision cul-de-sacs, reduce improvement costs and provide design variety
- They allow good design in hilly terrain where a lot designer wants to take advantage of a limited number of hillside building sites, but where rectangular lot configuration may be too confining
- They allow the creation of lots fronting on a lake or another scenic attraction located some distance from a road where rectangular lot configuration may be too confining

Flag lots are undesirable to the extent that:

- The front of one house may face the rear of the house next door, since houses on flag lots fronting the same road are often staggered at varying distances from the road
- Lots with complex sides may offer less usable area for building sites and open space than their area may suggest
- Lateral utility lines may require longer extensions if the pole or stem of the lot abuts the street and the bulk of the lot is in the rear
- The number and separation of driveways along the road may impede traffic if the ends of the poles or stems of a number of flag lots are clustered along a road

**Subdivision Hardware** - Ensuring that arrangements have been made for physical improvements at the time land is subdivided is central to many of the purposes of subdivision regulation. The types of improvements typically required of developers are fairly standard, at least in municipal jurisdictions, and include:

- Paved streets (including curbs and gutters where appropriate)
- Surface and subsurface stormwater facilities
- Sidewalks in some instances



- Water and sewer lines where central service is available
- Fire hydrants

More demanding municipalities may require:

- Street signs
- Streetlights
- Subdivision entrance signs
- Perimeter fences or walls
- Solid waste receptacles
- Bus shelters

### **Special Types of Subdivisions**

**Cluster residential subdivisions** - In a cluster development dwelling units are grouped on certain portions of a site, and other areas in common ownership remain open and free from development. Lots in a cluster subdivision are generally smaller than those in a conventional subdivision, but the lots and units are clustered on those portions of the site best suited for development. Cluster development allows development in the most appropriate areas and prevents development in inappropriate areas such as flood-prone areas, and areas of steep terrain or unstable soils. Cluster Residential Subdivisions:

- Allow use of natural methods for handling storm water
- Preserve open space
- Reduce infrastructure costs
- Typically require a property owners' association to be established to take on responsibility for maintaining open space

Most cities and counties allow cluster subdivisions but do not compel subdivisions to be clusters. As an incentive, most ordinances provide some

sort of bonus so that the number of lots allowed exceeds the number that would be allowed if the site were to be subdivided conventionally. Cluster design lends itself to both single-family detached and single-family attached housing, including townhouse developments and zero-lot-line housing.

**Manufactured Home Subdivisions** - Standards for a single-family development of manufactured homes need not be any different from those of a subdivision with lots of the same size devoted to site-built housing. However, there may be reasons for allowing manufactured home rental communities (mobile home parks) to be developed at a higher density than a subdivision. The owner of a mobile home park generally retains title to the land; spaces are not permanently platted; and the owner may convert the park to another use if conditions warrant.

**Neo-traditional Subdivisions** - Neo-traditional development refers to subdivisions designed like communities of the nineteenth and early twentieth century to create more livable neighborhoods. Features include interconnected streets, a mix of uses and housing types, pedestrian-friendly streetscapes, and traditional architectural motifs.

“New Urbanism” and neo-traditional development challenge conventional development assumptions that residential and nonresidential uses must be separated, that streets must be wide and curvilinear, and the densities must be low. The “New Urbanism” entails the mixing of uses, the use of a street-grid pattern with pedestrian amenities, and the reintroduction of architectural elements such as front porches and parking in the rear.

Neo-traditional subdivision proposals may require the variance of a number of subdivision ordinance standards, such as:

- Street right-of-way and road widths

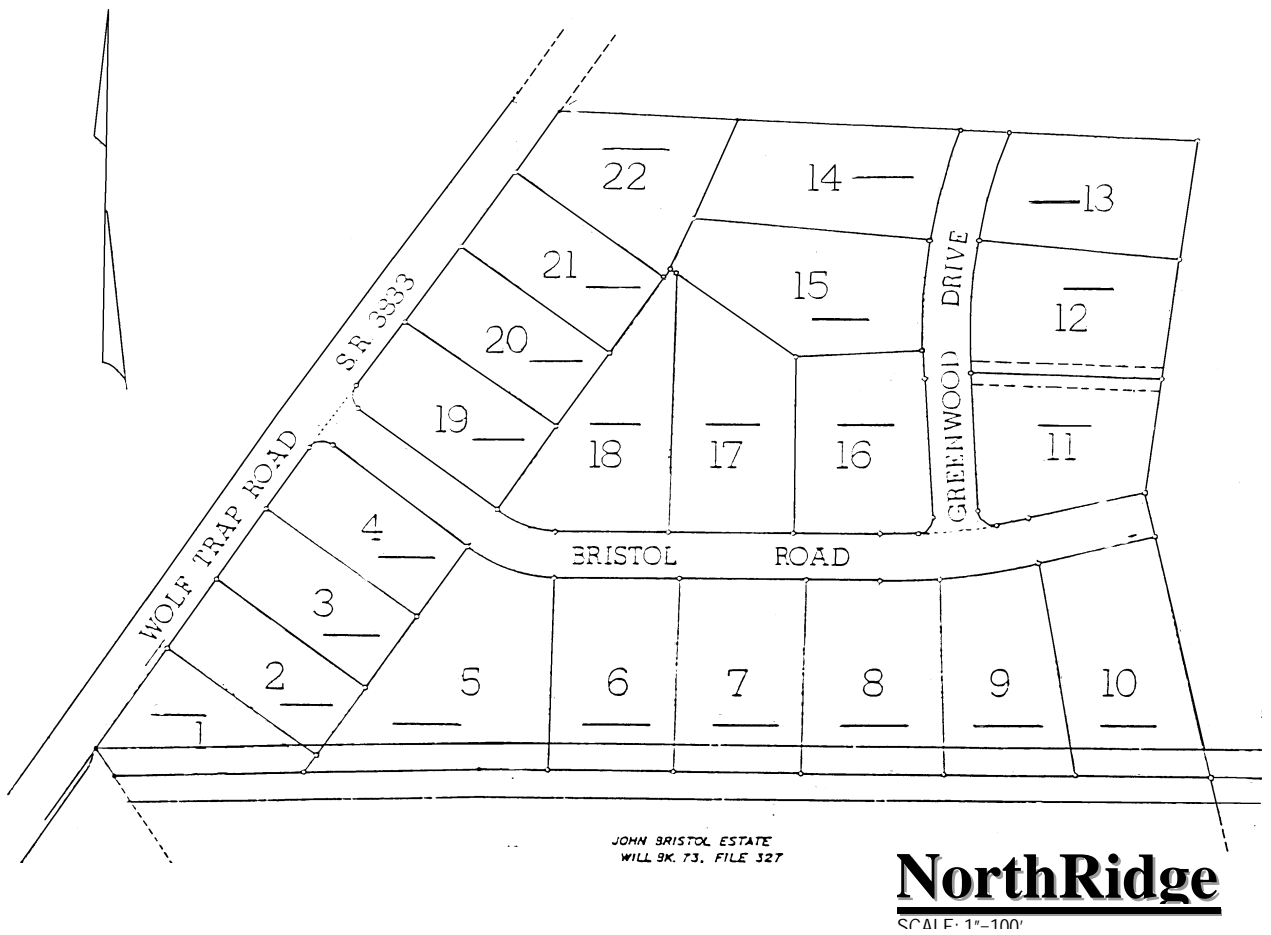
- Functional classification of streets
- Design and improvement of alleys
- Location and extent of sidewalks and other pedestrian ways
- Use of vertical street curbs (lack of driveway cuts)
- Block length and lot dimensional standards
- Park and open-space standards as applied to town square and other open areas
- Zero-lot-line and "build to" standards
- Design and location of transit stops and bus shelters
- Buffers, entrances, and treatment of "edges" of development

### **Four Things To Remember About Subdivision Management:**

- (1) The purpose of subdivision management programs is to promote good development and design practice, to ensure that the subdivision improvements are adequate, to establish good land records, and to protect the interest of the lot purchaser.
- (2) Communities have the legal right to expect subdividers to construct needed public improvements at no cost to the public if those improvements are necessary to serve the development. There are constitutional limits to this power, and a proportional relationship between the impact of the development and the magnitude of the improvements required must be maintained.
- (3) The Planning commission's role in the subdivision management process may vary in each community. In general, however, the regulation of subdivisions is an administrative process where the proposal is measured against a well-defined set of objective criteria.

- (4) There are a variety of special types of subdivisions that may be useful in special circumstances. Cluster developments, PUD's, neo-traditional developments, and manufactured housing developments offer creative solutions to designing neighborhoods.

**FIGURE 12. EXAMPLE OF A SUBDIVISION PRELIMINARY PLAT**



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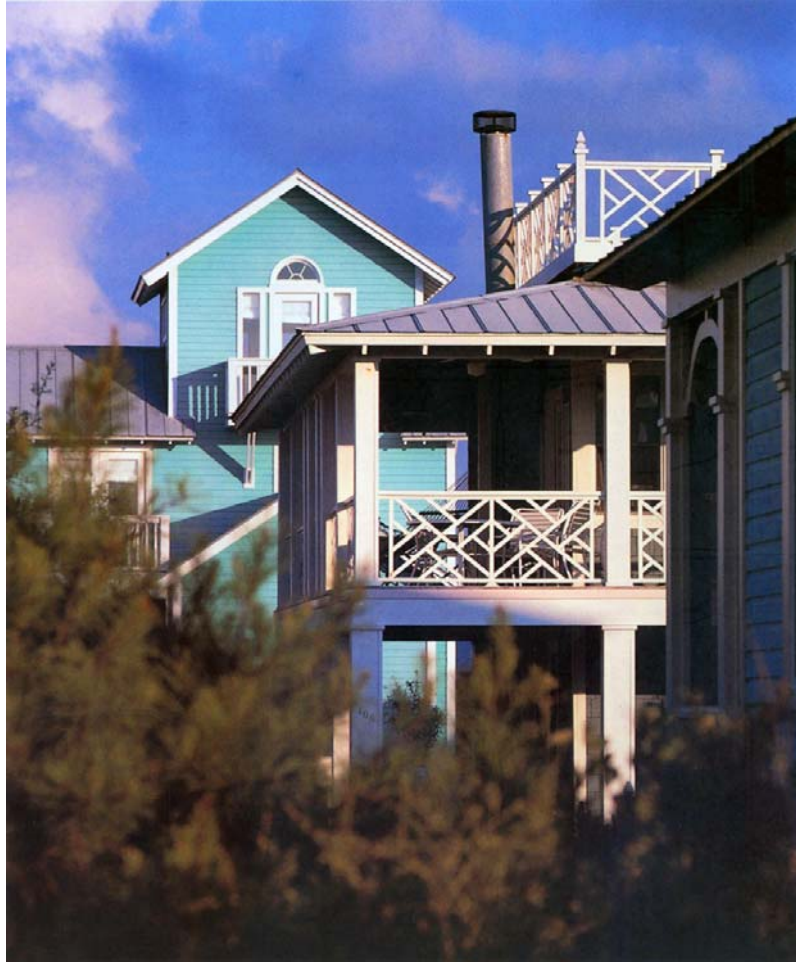
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**CHAPTER 6**  
**BEST PRACTICES AND CURRENT ISSUES**  
**IN LAND USE PLANNING**



Community land use planning is a continuously changing and evolving body of knowledge and practice that keeps responding to new community planning and development challenges and needs. This Chapter describes some of the recent planning concepts and practices that have been adopted by many communities to deal with their development and conservation issues and opportunities.

## **Smart Growth**

In communities across the nation, there is a growing concern that current development patterns, dominated by what some call “sprawl”, are no longer in the long-term interest of our cities, suburbs, small towns, rural communities, or wilderness areas. Spurring the smart growth movement are demographic shifts, a strong environmental ethic, and increased fiscal concerns about the cost of unplanned growth. The following is a summary of the key smart growth principles, as published by the national Smart Growth Network.

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

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

**Compact Building Design** - Smart growth provides a means for communities to incorporate more compact building design as an alternative to conventional, land consumptive development. Compact building design suggests that communities be designed in ways that permit the preservation of more open space, with building construction that inspires efficient use of land and resources. For example, by constructing buildings to grow vertically rather than horizontally, and by incorporating structured rather than surface parking, communities can reduce the footprint of new construction and preserve more green space. This green space can then absorb and filter rain water, reducing flooding and stormwater drainage needs and lowering the amount of pollution washing into our streams, rivers, and lakes.

Compact building design is necessary to support wider transportation choices and provide cost savings for localities. Communities seeking to encourage transit use to reduce air pollution and congestion recognize that minimum levels of density are required to make public transit networks viable. Local governments find that on a per-unit basis, it is also less expensive to provide and maintain



services like water, sewer, electricity, phone service, and other utilities in more compact neighborhoods than in dispersed communities.

**A Range Of Housing Choices** - Providing quality housing for people of all income levels is an integral component in any smart growth strategy. Housing is a critical part of the way communities grow, as it constitutes a significant share of new construction and development. More importantly, however, housing choice is also a key factor in determining a household's access to transportation, commuting patterns, access to services and education, and consumption of energy and other natural resources. By using smart growth approaches to create a wider range of housing choices, communities can mitigate the environmental costs of auto-dependent development, use their infrastructure resources more efficiently, ensure a better jobs-housing balance, and generate a strong foundation of support for neighborhood transit stops, commercial centers, and other services.

No single type of housing can serve the varied needs of today's diverse households. Smart growth represents an opportunity for local communities to increase housing choice not only by modifying their land use patterns on newly-developed land but also by increasing housing supply in existing neighborhoods and on land served by existing infrastructure. Integrating single- and multi-family structures in new housing developments can support a more diverse population and allow more equitable distribution of households of all income levels across the region. The addition of units to existing neighborhoods, through attached housing, accessory units, or conversion to multi-family dwellings creates opportunities for communities to slowly increase density without radically changing the landscape. New housing construction can be an economic stimulus for existing commercial centers that are currently vibrant during the workday but

suffer from a lack of foot traffic and consumers in evenings or weekends. Most importantly, providing a range of housing choices allows all households to find their niche in a smart growth community – whether it is a garden apartment, a row house, or a traditional suburban home – and accommodate growth at the same time.

**Walkable Neighborhoods** - Walkable communities are desirable places to live, work, learn, worship and play; they are therefore a key component of smart growth. Their desirability comes from two factors. First, walkable communities locate housing, offices, retail, transportation, schools, and libraries that a community resident or employee needs on a regular basis within an easy walking distance of one another. Second, by definition, walkable communities make pedestrian activity possible, thus expanding transportation options and creating a streetscape that better serves a range of users -- pedestrians, bicyclists, transit riders, and automobiles. To foster walkability, communities must mix land uses, build compactly, and ensure safe and inviting pedestrian corridors.

Walkable communities are nothing new. With the exception of the last half-century, communities worldwide have created neighborhoods, communities, towns and cities premised on pedestrian access. Within the last fifty years, public and private actions have often created obstacles to walkable communities. Conventional land use regulation often prohibits the mixing of land uses, thus lengthening trips and making walking a less viable alternative to other forms of travel. This regulatory bias against mixed-use development is reinforced by private financing policies that view mixed-use development as riskier than single-use development. Many communities, particularly those that are dispersed and largely auto-dependent, employ street and development design practices that reduce pedestrian activity.

### **Distinctive, Attractive Communities with a Strong Sense of Place -**

Smart growth encourages communities to craft a vision and set standards for development and construction which respond to community values of architectural beauty and distinctiveness, as well as expanded choices in housing and transportation. It seeks to create interesting, unique communities which reflect the values and cultures of the people who reside there and fosters the types of physical environments that support a more cohesive community fabric. Smart growth promotes development that uses natural and man-made boundaries and landmarks to create a sense of defined neighborhoods, towns, and regions. It encourages the construction and preservation of buildings that prove to be assets to a community over time not only because of the services provided within but also because of the unique contribution they make on the outside to the look and feel of a city.

Guided by a vision of how and where to grow, communities are able to identify and utilize opportunities to make new development conform to their standards of distinctiveness and beauty. Contrary to the current mode of development, smart growth ensures that the value of infill and greenfield development is determined as much by their accessibility (by car or other means) as their physical orientation to and relationship with other buildings and open space. By creating high-quality communities with architectural and natural elements that reflect the interests of all residents, there is a greater likelihood that buildings (and therefore entire neighborhoods) will retain their economic vitality and value over time. In so doing, the infrastructure and natural resources used to create these areas will provide residents with a distinctive and beautiful place that they can call "home" for generations to come.

**Preservation of Open Space, Farmland, Natural Beauty and Critical Environmental Areas** - Smart growth uses the term "open space" broadly to

mean natural areas both in and surrounding localities that provide important community space, habitat for plants and animals, recreational opportunities, farm and ranch land (working lands), places of natural beauty, and critical environmental areas (e.g. wetlands). Open space preservation supports smart growth goals by bolstering local economies, preserving critical environmental areas, improving our communities' quality of life, and guiding new growth into existing communities.

There is growing political will to save the "open spaces" that Americans treasure. Voters in 2000 overwhelmingly approved ballot measures to fund open space protection efforts. The reasons for such support are varied and attributable to the benefits associated with open space protection. Protection of open space provides many fiscal benefits, including increasing local property value (thereby increasing property tax bases), providing tourism dollars, and decreasing local tax increases (by reducing the need for construction of new infrastructure). Management of the quality and supply of open space also ensures that prime farm and ranch lands are available. It also helps prevent flood damage and promotes the provision of clean drinking water.

The availability of open space also provides significant environmental quality and health benefits. Open space protects animal and plant habitat, places of natural beauty, and working lands by removing development pressure and redirecting new growth to existing communities. Additionally, preservation of open space benefits the environment by combating air pollution, lessening noise, controlling wind, providing erosion control, and moderating temperatures. Open space also

protects surface and ground water resources by filtering trash, debris, and chemical pollutants before they enter a water system.

**Infill Development** - Smart growth directs development towards existing communities already served by infrastructure seeking to utilize the resources that existing neighborhoods offer and conserve open space and irreplaceable natural resources on the urban fringe. Development in existing neighborhoods also represents an approach to growth that can be more cost-effective while improving the quality of life for its residents. By encouraging development in existing communities, communities benefit from a stronger tax base, closer proximity of a range of jobs and services, increased efficiency of already developed land and infrastructure, reduced development pressure in edge areas thereby preserving more open space, and, in some cases, strengthening rural communities.

The ease of greenfield development remains an obstacle to encouraging more development in existing neighborhoods. Development on the fringe remains attractive to developers for its ease of access and construction, lower land costs, and potential for developers to assemble larger parcels. Typical zoning requirements in fringe areas are often easier to comply with, as there are often few existing building types that new construction must complement and a relative absence of residents who may object to the inconvenience or disruption caused by new construction.

Nevertheless, developers and communities are recognizing the opportunities presented by infill development as suggested not only by demographic shifts but also in response to a growing awareness of the fiscal, environmental, and social costs of development focused disproportionately on the urban fringe. Journals

that track real estate trends routinely cite the investment appeal of the “24-hour city” for empty nesters, young professionals, and others, and developers are beginning to respond. A 2001 report by Urban Land Institute on urban infill housing states that, “in 1999, the increase in housing permit activity in cities relative to average annual figures from the preceding decade exceeded that of the suburbs”, indicating that infill development is possible and profitable.

**Transportation Choices** - Providing people with more choices in housing, shopping, communities, and transportation is a key aim of smart growth. Communities are increasingly seeking better alternatives, particularly a wider range of transportation options, in an effort to improve beleaguered transportation systems. Traffic congestion is worsening across the country. Whereas in 1982 65 percent of travel occurred in uncongested conditions, by 1997 only 36 percent of peak travel did so. In fact, according to the Texas Transportation Institute, congestion over the last several years has worsened in nearly every major metropolitan area in the United States.

In response, communities are beginning to implement new approaches to transportation planning, such as better coordination of land use and transportation; increasing the availability of high-quality transit service; creating redundancy, resiliency and connectivity within road networks; and ensuring connectivity between pedestrian, bike, transit, and road facilities. In short, they are coupling a multi-modal approach to transportation with supportive development patterns, to create a variety of transportation options.

**Predictable, Fair, and Cost Effective Development Decisions** - For a community to be successful in implementing smart growth, smart growth must be embraced by the private sector. Only private capital markets can supply the

large amounts of money needed to meet the growing demand for smart growth developments. If investors, bankers, developers, builders and others do not earn a profit, few smart growth projects will be built. Fortunately, government can help make smart growth profitable to private investors and developers. Since the development industry is highly regulated, the value of property and the desirability of a place is largely affected by government investment in infrastructure and government regulation. Governments that make the right infrastructure and regulatory decisions will create fair, predictable and cost-effective smart growth.

Despite regulatory and financial barriers, developers have been successful in creating examples of smart growth. The process to do so, however, requires them to get variances to the codes – often a time-consuming, and therefore costly, requirement. Expediting the approval process is of particular importance for developers. The longer it takes to get approval for a building, the longer the developer's capital remains tied up in the land and not earning income. For smart growth to flourish, state and local governments must make an effort to make development decisions about smart growth more timely, cost-effective, and predictable for developers. By creating a fertile environment for innovative, pedestrian-oriented, mixed-use projects, government can provide leadership for smart growth that the private sector is sure to support.

**Community and Stakeholder Collaboration** - Growth can create great places to live, work, and play -- if it responds to a community's own sense of how and where it wants to grow. Communities have different needs and will emphasize some smart growth principles over others: those with robust economic growth may need to improve housing choices; others that have suffered from disinvestment may emphasize infill development; newer

communities with separated uses may be looking for the sense of place provided by mixed-use town centers; and still others with poor air quality may seek relief by offering transportation choices. Whatever the needs of a community, the programs to address them are best defined by the people who live and work there.

Citizen participation can be time-consuming, frustrating, and expensive, but encouraging community and stakeholder collaboration can lead to creative, speedy resolution of development issues and greater community understanding of the importance of good planning and investment. Smart growth plans and policies developed without strong citizen involvement will not have staying power; at worst, they will be used to create unhealthy, undesirable communities. When people feel left out of important decisions, they will be less likely to become engaged when tough decisions need to be made. Involving the community early and often in the planning process vastly improves public support for smart growth and often leads to innovative strategies that fit the unique needs of each community.



## **New Urbanism**

NEW URBANISM promotes the creation and restoration of diverse, walkable, compact, vibrant, mixed-use communities composed of the same components as conventional development but assembled in a more integrated fashion, in the form of complete communities. These complete communities contain housing, work places, shops, entertainment, schools, parks, and civic facilities essential to the daily lives of the residents, all within easy walking distance of each other. New Urbanism is the revival of our lost art of place making, and is essentially a re-ordering of the built environment into the form of complete cities, towns, villages, and neighborhoods - the way communities have been built for centuries around the world. New Urbanism involves fixing and infilling cities, as well as the creation of compact new towns and villages.

**The Principles Of New Urbanism** - The principles of New Urbanism can be applied increasingly to projects at the full range of scales from a single building to an entire community.

### **Walkability**

- Streets are designed to be pedestrian-friendly (buildings close to street; porches, windows & doors; tree-lined streets; on-street parking; hidden parking lots; garages in rear lane; narrow, low speed streets)
- Pedestrian streets are free of cars in special cases

### **Connectivity**

- An interconnected street grid network disperses traffic & eases walking
- There is a hierarchy of narrow streets, boulevards, and alleys

- A high-quality pedestrian network and public realm makes walking pleasurable

### **Mixed-Use & Diversity**

- There is a mix of shops, offices, apartments, and homes on site within neighborhoods, blocks, and within buildings
- Communities are characteristically a diversity of people - of ages, income levels, cultures, and races

### **Mixed Housing**

- Individual neighborhoods offer a variety of housing types, sizes and prices

### **Quality Architecture & Urban Design**

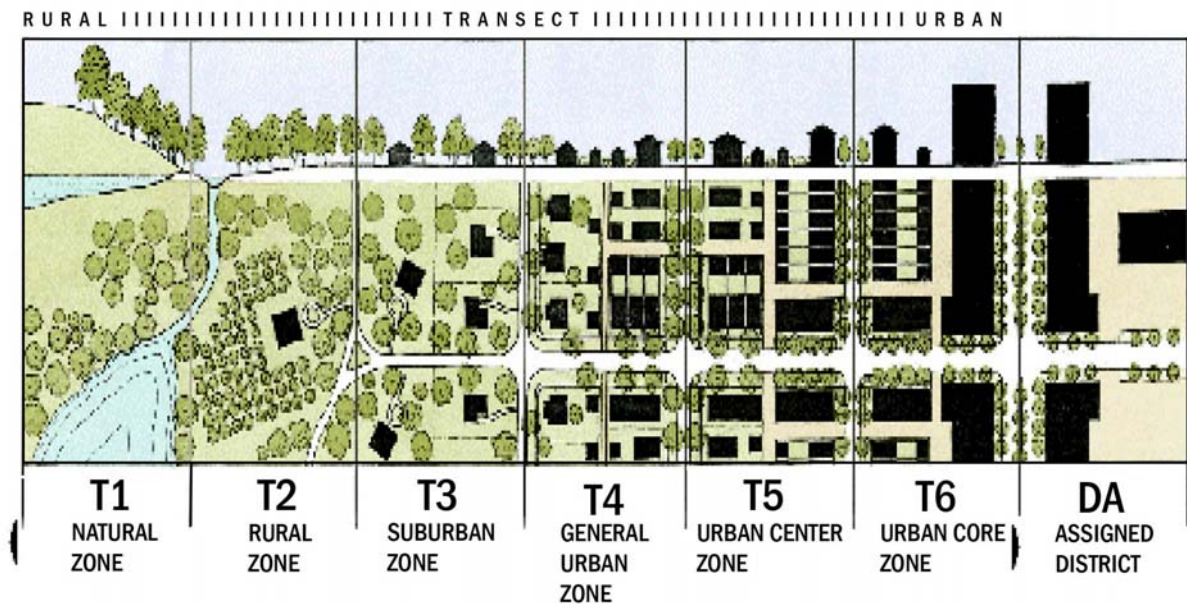
- There is an emphasis on beauty, aesthetics, human comfort, and creating a sense of place
- Civic uses are sited in special places within the community
- Human-scale architecture and beautiful surroundings nourish the human spirit

### **Traditional Neighborhood Structure:**

- A discernable center and edge
- A public space at center
- Public open space designed as civic art
- A range of uses and densities within a 10-minute walk
- Transect planning: Highest densities occur at town center; progressively decreasing density towards the edge of the city. *The transect* is an

analytical system, creating a series of specific natural habitats and/or urban lifestyle settings. The Transect integrates environmental methodology for habitat assessment with zoning methodology for community design. The professional boundary between the natural and man-made disappears, enabling environmentalists to assess the design of the human habitat and the urbanists to support the viability of nature. This urban-to-rural transect hierarchy has appropriate building and street types for each area along the continuum.

### The Transect



### Increased Density

- Residences, shops, and services are located closer together for ease of walking, to enable a more efficient use of services and resources, and to create a more convenient, enjoyable place to live
- New Urbanism design principles are applied at the full range of densities from small towns, to large cities

### **Smart Transportation**

- There is a network of high-quality trains connecting cities, towns, and neighborhoods together
- There is a pedestrian-friendly design that encourages a greater use of bicycles, rollerblades, scooters, and walking as daily transportation

### **Sustainability**

- New development minimizes environmental impact
- Development has respect for ecology and the value of natural systems
- Development is energy efficient, uses less fossil fuel and encourages walking

### **Quality of Life**

- Taken together, these new urban principles add up to a higher quality of life well worth living, and create places that enrich, uplift, and inspire the human spirit

## **Urban Design**

Sometimes referred to as the "art of place making", urban design involves numerous professions including architects, planners, landscape architects, and civil engineers. It is as concerned with public spaces and the relationships between buildings, as well as the architecture of individual buildings themselves.

One of the main tasks of urban design is master planning - an overview of the physical characteristics of large sites earmarked for future development or regeneration. Master plans show how proposed new development fit together with existing buildings and provide a framework for the design of new buildings in the area.

## **Site Planning**

Site planning is the process of arranging buildings and uses on a parcel of land and designing the spaces between them. Site plans can address projects ranging in scale from a single family home or small business to multi-acre shopping centers and high-density, mixed-use development. The goal of site planning is to enhance both the design quality and functional efficiency of new structures and their related parking, drainage, access, and landscape elements.

## **Sustainable Development**

**Sustainable development** is a strategy by which communities seek economic development approaches that also benefit the local environment and quality of life. It has become an important guide to many communities that have discovered that traditional approaches to planning and development are creating, rather than solving, societal and environmental problems. Where traditional approaches can lead to congestion, sprawl, pollution and resource over consumption, sustainable development offers real, lasting solutions that will strengthen our future.

Sustainable development meets the needs of the present without compromising the ability of future generations to meet their own needs.

## **Form-Based Codes**

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the segregation of land-use types, permissible property uses, and the control of development intensity through simple numerical regulations, such as, dwellings per acre, height limits, setbacks, and parking ratios. Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory.

Form-based codes are drafted to achieve a community vision based on time-tested forms of urbanism. Ultimately, a form-based code is a tool; the quality of development outcomes is dependent on the quality and objectives of the community plan that a code implements.

Form-based codes commonly include the following elements:

- Regulating Plan. A plan or map of the regulated area designating the locations where different building form standards apply based on clear community intentions regarding the physical character of the area being coded
- Building Form Standards. Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm

- Public Space/Street Standards. Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, street trees, street furniture, etc.)
- Administration. A clearly defined application and project review process
- Definitions. A glossary to ensure the precise use of technical terms

## **CHAPTER 7** **PLANNING TERMS**

<b>Action Plan:</b>	A land use plan that prioritizes specific tasks and projects and identifies organizations responsible to achieve them within a certain time.
<b>Administrative:</b>	A regulatory action undertaken by the appointed staff
<b>Advisory Decision:</b>	A recommendation, usually by a planning commission, that is not binding on the legislative body
<b>Amendment:</b>	A formal change to a development regulation or a zoning map
<b>Annexation:</b>	The expansion of a jurisdiction's legal boundary to include more land area
<b>Appeal:</b>	A formal process of seeking a new evaluation of a zoning amendment or subdivision design by another regulatory body, either a zoning appeals board, legislative body, or district court
<b>Arbitrary:</b>	A decision made without reference to public policy, objective facts, or other established criteria
<b>Berm:</b>	An earthen mound placed between conflicting land uses or activities to reduce their impacts
<b>Benchmark:</b>	A standard used to establish criteria for evaluation or decision
<b>Board of Adjustment:</b>	Board of Appeals, a formally established appellate body responsible for making decisions on zoning ordinance variances, appeals, and designated permits
<b>Bond:</b>	A financial security used to guarantee the completion of public improvements
<b>Buffer:</b>	A physical barrier or less intensive use placed between conflicting land uses to reduce impacts and smooth transitions between the conflicting uses
<b>Capital</b>	



<b>Improvement Program (CIP):</b>	A government's official program for developing public infrastructure for roads, utilities, public buildings, and other major physical expenditures
<b>Case:</b>	An application for a rezoning, special permit, variance, appeal, or subdivision approval, usually requiring a public notice and public hearing
<b>Community Based Planning:</b>	A planning technique that prioritizes involvement of a wide range of citizens and local interest groups
<b>Community Indicators:</b>	Statistical measures of a community's demographic, economic, and land use characteristics
<b>Comprehensive Plan:</b>	The formal long-range (15-30 year) policy document of a jurisdiction that states community goals, objectives, policies, development and conservation priorities and implementation programs. It is a primary guide for all local public and private land use decisions
<b>Comprehensive Planning:</b>	A planning process designed to address all of community's long-range land use and community improvement opportunities and needs
<b>Conflict of Interest:</b>	This occurs, when a public official will gain a private benefit, usually financial, from his public action, i.e. a vote on a land use case
<b>Contract Zoning:</b>	Approval of local zoning district map amendments in exchange for contributions or conditions by the case applicant. Illegal in Oklahoma and most states
<b>Controls:</b>	Land development regulations

<b>Creation of Vested Rights:</b>	Action of a public body that authorizes development approvals and/or permits that cannot be withdrawn at a later time without the agreement of the property owner who has obtained the development rights
<b>Cumulative Districts:</b>	Zoning districts that include all the land uses authorized in more restrictive districts. e.g. an industrial district would include all the uses allowed in commercial districts
<b>Critical Environmental Area:</b>	Land that includes some key environmental quality, such as wetlands and endangered species habitats, which are essential for the continued health of the local ecosystem
<b>Design Standards:</b>	Adopted criteria used to evaluate an architectural design, site development plan, or subdivision plan
<b>Density:</b>	The intensity of development on a property. Usually defined in housing units per acre of land
<b>Development Review Process:</b>	The procedures established by a jurisdiction to manage the rezoning and subdivision of land
<b>Due Process:</b>	Constitutional rights concerning the public use and regulation of private property. Usually requires notification of property owners about proposed changes to the use of their property and opportunity to be heard concerning changes at a public meeting before development decisions are made
<b>Easement:</b>	Land reserved in a subdivision plat or along a public right of way for utility or access purposes
<b>Economic Development:</b>	Development and investment actions resulting in the creation of new jobs in a community
<b>Evidentiary Hearing:</b>	A judicial action designed to define the facts relevant to a legal decision

**Environmental  
Scan:**

A formal written definition and analysis of the physical, social, economic, and cultural characteristics of a community. It is used as a basis for subsequent planning studies and plans

**Exaction:**

A condition of land use approval required of an applicant designed to mitigate or reduce the impact of the proposed development and to implement the plans of the community

**Final  
Subdivision  
Plat:**

A formal document, approved by the Planning commission and other public officials, that lays out specific streets and lots on a particular property. The final plat includes the dimensions of all streets and lots, and lists all public and private restrictions. When recorded in the county registrar's office, the lots can be legally sold

**Findings:**

Objective facts derived from a formal public hearing in a zoning appeals or variance case

**Floating District:**

A zoning district established by the zoning ordinance but not placed on the official zoning map except by application, and approval of the Planning commission and legislative bodies

**Form-based  
Code:**

A zoning district that regulates the exterior dimensions and design character of a structure, instead of the uses within the structure

**Functional  
Planning:**

Planning for urban systems, such as, transportation, utility, open space, and environmental plans

**General Plan:**

Another name for the Comprehensive Plan

**Geographic  
Information  
Systems (GIS):**

A computer-based digital database of land-based records, including land use, zoning, streets, parks, and utilities

**Goal:**

A valued outcome or purpose of a comprehensive plan, to be achieved through implementing the plans various policies and programs

<b>Governing Board:</b>	Legislative body, a city council or county commission with the legal authority to approve public ordinances
<b>Greenfield Development:</b>	Development occurring on the periphery of a town or city, or rural area of a county
<b>Hearing:</b>	A formally noticed meeting, following state statutes establishing procedures that permit the public to comment on a proposed land use change, such as rezoning or variance
<b>Growth Management:</b>	Local ordinances designed to influence the rate, quality, quantity, and location of new development
<b>Hearing Record:</b>	The minutes of a public hearing, in either written or recorded format
<b>Highway Corridor:</b>	The land along both sides of a highway for a specified distance
<b>Impact Fees:</b>	Funds required to be paid to a jurisdiction at the time of building permit approval to reduce the costs the development has on the jurisdiction's operations or capital programs; fees are commonly levied for sewer and water mains, parks, and road improvements
<b>Incremental Planning:</b>	Planning that has a very short time frame and narrower scope than comprehensive planning
<b>Individual Mail Notice:</b>	A written, mailed notice of a public hearing sent to every property owner within a given distance of a property applying for a land use change
<b>Infrastructure:</b>	The constructed physical elements of a community, including streets, sidewalks, drainage ways, water and sewer mains, electrical and cable lines, and related pumping and transformer stations
<b>Judicial Review:</b>	A suit or order brought before a court
<b>Jurisdiction:</b>	A city, town, or county

<b>Landmark:</b>	A public monument, structure, or property that has particular historic significance to a community, and that has been designated by the community according to local or federal landmark designation criteria
<b>Land Use Regulations:</b>	A community's zoning ordinance and subdivision regulations
<b>Legal Public Notice:</b>	A notice concerning a land use change that meets all the local and state criteria and standards for public notice
<b>Legislative Decision:</b>	An action by the local legislative body (city council, council commission, city commission), or a recommendation from a planning commission on a rezoning or subdivision plat
<b>Long-Range Planning:</b>	Planning that usually has a time frame extending beyond 10 years
<b>Mandatory:</b>	A requirement or an ordinance or regulation that cannot be ignored
<b>Manufactured Home:</b>	Factory-built or prefabricated housing
<b>Master Plan:</b>	A land use plan that includes detailed use and design criteria for a portion of a city or county
<b>Multimodal:</b>	Referring to different transportation options, such as, bus, train, bicycle, as well as automobiles
<b>Nonconforming Use:</b>	An existing land use that is not permitted within the zoning district where the use is located
<b>Objective:</b>	A usually quantifiable action or outcome of a plan or program
<b>Open meeting:</b>	A public meeting that meets the requirements of the state Open Meetings legislation. It usually requires a public notice or posting of the meeting several days before it is to be held stating time, place, and agenda

<b>Ordinance:</b>	An official action or policy of a legislative body. Zoning amendments are ordinances. The ordinances are the laws of the community
<b>Overlay District:</b>	A zoning district that modifies but does not delete the district it covers. An overlay district can change the development regulations of the underlying districts, but does not cancel them
<b>Performance Standards:</b>	Development regulations that specify detailed operational or design criteria that have to be met in order to obtain development approvals
<b>Permit:</b>	Local approval to commence development activity
<b>Permitted Uses:</b>	In a zoning ordinance, the types of activities authorized by the zoning ordinance and a specified zoning district
<b>Planned Unit Development (PUD):</b>	A type of zoning district that authorizes the approval of development regulations tailored to a specific property. PUD ordinances may either be overlay districts or separate districts, and may include special development standards and use combinations generally not allowed by other standard zoning districts
<b>Plat:</b>	A document illustrating a subdivision of land. A record plat is a subdivision plat that has been recorded in a county registrar's office
<b>Policy:</b>	In a Comprehensive Plan, statements of public intent and direction adopted by the Planning commission and Legislative Body, intended to give direction to the planning program
<b>Preliminary Subdivision Plat:</b>	Initial concept design plan for a multi-lot land subdivision
<b>Private Street:</b>	A street that is not accessible to the public, for example, a gated street
<b>Prohibited Uses:</b>	Land uses not allowed within a specified zoning district
<b>Protest Petition:</b>	Letter in opposition to approval of a rezoning or subdivision application

<b>Public Hearing:</b>	A formal opportunity for members of the public to state their preferences and concerns about a development application or ordinance amendment. Public hearings required by zoning and subdivision regulations must follow specific public notice requirements
<b>Public Notice:</b>	A formal communication to persons who own property within a specified distance of a proposed rezoning amendment or subdivision application. The notice must specify the type of development action proposed its location; the date, time, and location of the public hearing; and where information about the zoning amendment or subdivision can be obtained
<b>Quasi-Judicial Decision:</b>	A land use decision that usually requires specific evidence and findings of fact. These types of decisions are usually made by Boards of Zoning Adjustment or Appeals and design review committees and historic preservation commissions. Zoning amendment and subdivision plat approvals are not quasi-judicial decisions
<b>Quorum:</b>	Number of legislative body or commission members required to conduct business and hold public hearings. It is usually a majority of the members of the legislative body or commission
<b>Record:</b>	The formal minutes or recording of a public meeting and related hearings
<b>Regional Planning:</b>	Land use planning that addresses multiple jurisdictions and relatively large land areas
<b>Rezoning:</b>	Another term for the zoning map amendment redistricting or amendment process
<b>Setback:</b>	The distance between a structure and the edge of a lot as specified in a zoning district regulation. It may refer to front, rear, or side yard setbacks
<b>Site Plan:</b>	Development plan for a particular property, showing building location, road access, sidewalks, building setbacks, parking areas, easements, landscaping, and lighting

<b>Special Exceptions:</b>	Land uses that may be authorized after a public hearing by a Board of Zoning Adjustment
<b>Special Uses:</b>	Land uses that may be authorized after a public hearing by a legislative body upon recommendation by the planning commission
<b>Stakeholder:</b>	A person who has a direct interest in the outcome of a planning process or ordinance, who can either benefit from the plan or keep the plan from being adopted or realized
<b>Strategic Planning:</b>	Short term, limited focus planning process based on an assessment of local strengths, weaknesses, opportunities and threats. Designed to focus local resources on key strategic issues and opportunities
<b>Variance:</b>	A property-specific adjustment to the zoning district regulations designed to address a unique property-based hardship. Authorized by a Zoning Board of Adjustment
<b>Zoning Regulations:</b>	An ordinance dividing the jurisdiction into multiple districts, each with specific land development regulations and criteria, addressing land use, parcel size, building heights and setbacks, parking requirements, signage, and other development standards