Plan Making and Implementation

AICP EXAM REVIEW

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Plan Making and Implementation

A. Visioning and goal setting
B. Quantitative and qualitative research methods
C. Collecting, organizing, analyzing & reporting data and information
D. Demographics and economics
E. Natural and built environment
F. Land use and development regulations
G. Application of legal principles
H. Environmental analysis
I. Growth management techniques
Plan Making and Implementation  2

J. Budgets and financing options
K. GIS/spatial analysis and information systems
L. Policy analysis and decision making
M. Development plan and project review
N. Program evaluation
O. Communications techniques
P. Intergovernmental relationships
Q. Stakeholder relationships
R. Project and program management

See http://www.planning.org/certification/examprep/
Purpose of the Comprehensive Plan

Provide a guide for individual decisions
Assure the efficient provision of public services
Protect common property resources
Limit “spillover” effects (externalities)
Facilitate cooperation among competing interests
Comply with state mandates
Steps in Plan Making Process

- Assess Community Conditions
- Develop Goals and Objectives
- Develop Alternatives
- Evaluate Alternatives
- Implement Plan
- Monitor Plan Progress
- Evaluate
Order of Allocation

1. Open Space/Conservation
2. Urban Transition
3. Regional Activity Centers (within urban)
   Employment
   Regional Commercial
   Recreation/Education/Culture
   Regional Transportation
4. Residential Communities
   Housing
   Local Serving
       Local Shopping
   Schools
   Parks
   Circulation
5. Specific Area Design

Adapted from Kaiser et al., 1998
Typical Plan Elements

Land Use
Circulation
Housing
Conservation
Open Space
Infrastructure/Community Facilities
Economic Development
Hazards/Safety
Historic Preservation
Plan Making Process

Work with Stakeholders to define Goals and Objectives

Prepare Alternatives that emphasize different Goals and Objectives

Get representative Stakeholder input on different Alternatives
Implementing the Plan

Comprehensive Plan → Implementation Techniques
Implementation Techniques

- Regulation
- Acquisition
- Taxation
- Expenditure
Regulation

Zoning
Subdivision
Environmental Impact Analysis
Housing Ordinances
Sign Ordinances
Tree Ordinances
Grading Ordinances
Building Codes
Zoning

Regulatory process that controls the location and intensity of specific land uses

It is based on the POLICE POWER

POLICE POWER is the authority of government to regulate private actions to promote health, safety and welfare
Zoning

**Factors Regulated**

Type of Land Use
Lot Size (Density)
Lot Coverage (Floor Area Ratio)
Setbacks
Building Height
Parking Requirements
Zoning

**Key Concepts**

Conditional Use Permit
Variance
Board of Zoning Appeals
Exclusionary Zoning
Subdivision

Regulatory process that controls the creation of new land parcels

Based on the administrative authority to record property plats and deeds
Subdivision

Factors Regulated
Lot Layout and Configuration
Street and Intersection Design
Utility Easements
Infrastructure Construction
Infrastructure Finance
HAPPY MEADOWS SUBDIVISION

Zoning R-1
Min. Lot Size 5000 sq. ft.
Side Setback 30 ft.
Acquisition

Fee Simple Purchase
Dedications
Exactions
Conservation Easements
Eminent Domain
Acquisition

In Kelo vs. City of New London (2005) U.S. Supreme Court held that the city could use its power of eminent domain for any legitimate public purpose, including taking land for redevelopment.
Taxation

Property Tax
Sales Tax
Tax Abatement
Community Improvement Districts
Tax Increment Financing (TAD in GA)
Taxation

What is the largest source of revenue for most local governments?

Property Tax
Taxation

Is an Impact Fee a tax?

No, it is a form of user fee. Projects are asked to pay for the capital facilities needed to serve them.
Expenditure

Capital Improvements
   Roads, Water, Sewer
   Storm Sewer, Schools
   Police Stations, Fire Stations, Libraries

Operating Expenditures
   Labor
   Consumable Materials
Expenditure

Capital Improvements Program

Typically a rolling five or six year list of planned capital improvement projects.

Current year moves into the annual budget and new projects are added in the out year.
Expenditure

**Bonds**

General Obligation
Revenue
Industrial Development
Budgeting

Describes Revenues and Expenditures

Operating vs. Capital Budgeting

Planning Programming and Budgeting Systems (PPBS)

Zero Based Budgeting (ZBB)

Management by Objectives (Peter Drucker)
Local Revenue Sources

- Property Tax
- Sales Tax
- Transient Occupancy Tax
- Licenses
- User Fees
- Intergovernmental Transfers
Innovative Techniques

Assessment
Allocation
Regulatory
Flexibility
Compensatory
Assessment Techniques

Fair Share Housing
Fiscal Impact Analysis
Environmental Impact Assessment
Developments of Regional Impact (DRI)
Allocation Techniques

Concurrency/Adequate Public Facilities
Urban Growth Boundary
Permit Allocation
Development Moratorium
Impact Fees
Regulatory Techniques

- Floating Zones
- Overlay Districts
- Accessory Dwelling Units
- Traditional Neighborhood Districts (TND)
- Form-Based Codes
- Large Lot Zoning
Flexibility Techniques

Planned Unit Development (PUD)
Performance Zoning
Mixed Use Districts
Conservation Subdivision
Compensatory Techniques

Transfer of Development Rights (TDR)
Conservation Easements
Density Bonus
Conservation Use Taxation
Tax Allocation Districts
Municipal Utility Districts
Form-Based Codes

A form-based code is a land development regulatory tool that places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of place.

from Siltokski and Ohn, 2006
Form-Based Codes

Five components included in most Form Based Codes:

1. **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.

2. **Public Space Standards**: Specifications for the elements within the public realm (e.g. sidewalks, travel lanes, on-street parking, street trees, street furniture, etc.).

3. **Building Form Standards**: Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.

4. **Administration**: A clearly defined application and project review process.

5. **Definitions**: A glossary to ensure the precise use of technical terms.

from The Form Based Code Institute
Conservation Subdivision

A conservation subdivision creates open space within a development by allowing lots that are smaller than the minimum allowed under the applicable zoning, so that the remainder of the land within the subdivision can be preserved as open space.

Typically the number of lots is equal to the number that would have been allowed under the original zoning, although some ordinances provide a bonus.

The land that is preserved can be dedicated to a homeowners association, to the county government or to an independent land trust.
Conservation Subdivision

An approach to laying out subdivisions so that a significant percentage of land is permanently protected as open space.

Often "density-neutral"—so that the overall number of dwellings built is the same as allowed in a conventional development.
Transfer of Development Rights

A TDR program allows development rights to be transferred from a designated “sending” area to a designated “receiving” area.

Development rights are severed from the land, much like water rights or mineral rights, so they can be bought and sold separately.

By purchasing additional development rights developers are allowed to place additional development in a receiving area.

Land in the sending area that has transferred its development rights can still be used for agriculture, forestry or open space, but it cannot be developed.
Conservation Use Taxation

Landowners execute a legal agreement not to develop their property for a period of ten years.

In return, the property owner receives a reduced property tax assessment. The property is assessed to reflect its value in agriculture or forestry, rather than its full market value. This lower assessment results in significantly lower property taxes.

Typically the ten-year agreement is renewable annually, so that development is always precluded for a period of ten years.
Implementing Your Plan

Let comprehensive plan guide decisions
Consider the impacts of development
Use the full range of tools
Look for tools that reinforce each other
DO NOT rely solely on regulation