Plan Implementation

AICP Exam Review
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Outline of AICP Exam Content

• Visioning and goal setting
• Quantitative and qualitative research methods
• Collecting, analyzing, and reporting data and information
• Demographics and economics
• Natural and built environment
• Land use and development regulations
• Application of legal principles
• Environmental analysis
• Growth management techniques

• Budgets and financing options
• GIS/ spatial analysis and Information systems
• Policy analysis and decision making
• Development plan and project review
• Program evaluation
• Communication techniques
• Intergovernmental relationships
• Stakeholder relationships
• Project and program management
Traditional Approach to Community Goals

- **Consumer/Residents**: A Profitable Project
- **Producer/Builder**: No New Taxes!
- **Government/Community**: Less time in the car!
- **Other/Special Interests**: Clean Water, Healthy Air!
Collaboration

- Flexible Zoning
- Mixed-Use Community
- Focus on Activity Centers
- Walkable Community
- Consumer/Residents
- Other/Special Interests
- Producer/Builder
- Government/Community
What is Visioning?

APA Says

Vision is the overall image in words that describes what the local government wants to be and how it wants to look at some point in the future, and that has been formulated with the involvement of citizens.

A Vision

Describes shared desires
Reflects highest standards
Includes multiple perspectives
Emphasizes community uniqueness
Depends on commitment of many to achieve
Provides a springboard for action

From The Civic Index, National Civic League, 1999, pp. 33-34
Visioning should reflect...

Clear sense of past
Positive thinking
Big picture
Community values
Points of pride
Visual descriptions (layman’s language)
Long time frame
Aspirations

Based in part on The Community Visioning & Strategic Planning Handbook, NCL, 2000, pp. 37-38
Visioning Initiates the Planning Process

**Visioning**

**Comprehensive Plan = Overall Framework**
- Inventory and Assessment of Existing Conditions
- Goals, Objectives, and Policies
- Land Use Plan
- Implementation Strategies
- Short-Term Work Program

**Functional Plans**
- Transportation
- Water Supply
- Wastewater Treatment
- Solid Waste Management
- Stormwater Management
- Parks And Recreation
- Public Safety

**Implementing Ordinances**
- Zoning Ordinances
- Development Regulations
- Adequate Public Facilities
- Building Codes
- Fees

**Capital Improvements Program**
- Financial Capacity Analysis
- Capital Budget

**Administration**
- Plan Reviews
- Permits
- Building Codes

**Plan Consistency**

**Public Involvement**
Role of Comprehensive Plan

• Provides a framework for
  ➢ Specific plans
  ➢ Natural resource protection
  ➢ Public improvement plans
  ➢ Private investment decisions

• Manages spillover impacts
  ➢ Public improvements
  ➢ Natural resource mgmt.
  ➢ Property Values

• Provides predictability

• Provides a basis for coordination/cooperation
Public Involvement Tools

Sunshine laws and public records. Public access to Public Information, Notices, Agendas, Minutes, Opinion Surveys
Citizen Advisory Committees
Steering Committees
Public Meetings/ Speakers’ Bureau
Newsletters, Public TV channels, Video Email, websites, Face Book, blogsites
- Visual Preference/ Multi-voting
- 3-D Visualization
Implementing Your Plan

Types of Implementation Strategies:
Are you Rich, Strong or Beautiful?

Capital Expenditures

Regulation

Luck?
Implementing Your Plan

Growth management through Expenditures

• Capital Improvements:
  – Transportation
  – Water, Sewer
  – Public Safety, Libraries,
  – Schools
  – Parks, Hospitals
  – Stormwater Management

• Financial Capacity
Capital Improvements Program

• Rolling 5 year list of capital improvement projects
• Current year moves into the annual budget and new projects are added in the out year
• Annual program of projects and revenues:
  ➢ Project list
  ➢ Responsible department
  ➢ Priority/ project ranking criteria
  ➢ Cost of land, engineering, construction
  ➢ Multi-year phasing, funds allocation
  ➢ Sources of capital funds
Implementing Your Plan

Capital Finance Tools
Pay as you go vs. Capital debt
• General Obligation Bonds
• Revenue Bonds

Taxation
• Property Tax
• Sales Tax
• Tax Abatement
• Special Tax Districts

Fees
• Impact Fees
• Tolls/ User charges

Federal and State Grants
Special Tax Districts and Tax Increment Finance
Budgets and Financing Strategies

- Level of service (LOS) standards.
- Concurrency – enforces (LOS) standards
- Life – cycle costing (capital, operating, maintenance)
- Zero based budgeting (ZBB) – from the ground up each year.
- Generally accepted accounting principles (GAAP)
- Cutback management (across the board or triage)
Comprehensive Planning Process

SUSTAINABILITY MASTER PLAN

Environment

Economy

Social Equity
Comprehensive Planning Process

Hazard Mitigation / Climate Action Plans

South Florida Shoreline Change after a 1-Meter Rise in Sea Level
Growth Management

WHAT IS GROWTH MANAGEMENT?

A system of studies, policies, programs and regulations that guide the type, intensity, location, and timing of growth consistent with a Comprehensive Plan Growth Limits or Growth Stimulus?
Growth Management

WHAT IS THE RATIONALE FOR GROWTH MANAGEMENT?

Smarter, more efficient growth

Community revitalization to optimize use of existing infrastructure

Can avoid major cost

Growth in planned areas vs. Leapfrog
Growth Management

WHAT IS THE RATIONALE FOR GROWTH MANAGEMENT?

Allocation of scarce resources
- Land supply
- Water supply
- Air quality

Growth areas can be sized to conform to limits of water supply or wastewater treatment

Land forms to avoid (e.g. steep unstable slopes or carbonate geology sinkholes)
Growth Management

WHAT IS THE RATIONALE FOR GROWTH MANAGEMENT?

Comprehensive planning to delineate Growth Areas

Jobs/Housing Balance

Proactive zoning to permit higher intensity uses in the right places and attract new jobs

Economic Development
Growth Management

WHAT IS THE RATIONALE FOR GROWTH MANAGEMENT?

Protection of natural resources
- Coast
- Mountains & Scenic Resources
- Habitat – streams and rivers
- Natural and Wild Areas

Protection of designated historic and cultural resources
- National or State Historic Sites and Landmarks
- Locally-designated Historic Districts
Growth Management

WHAT IS THE RATIONALE FOR GROWTH MANAGEMENT?

Hazard management
- Flood damage
- Hurricane damage and evacuation capacity
- Earthquake damage
- Fire risk reduction
- Erosion/avalanche avoidance
Growth Management

WHAT IS THE RATIONALE FOR GROWTH MANAGEMENT?

Agricultural production
Historic preservation
Infrastructure capacity limitations
Fiscal Impacts
Growth Management

TOOLS AND TECHNIQUES

Growth boundaries and urban service areas

Strategic Capital Improvements Program designed to enhance Growth Area capacity
Growth Management

TOOLS AND TECHNIQUES

Permit caps
Timed Growth Ordinance, Ramapo, NY
Growth Management

TOOLS AND TECHNIQUES

Impact Fees

Manheim Township, Lancaster County, PA example
Off-site public infrastructure improvements cost-sharing
Growth Management

TOOLS AND TECHNIQUES

Fair-share Housing - Mt. Laurel court case.
Growth Management

TOOLS AND TECHNIQUES

Jobs/ Housing
Linkage
Growth Management

CONCERNS ABOUT GROWTH MANAGEMENT

Equity/ social justice
Impact on housing prices
Economic decline
Legal challenges
Administrative cost

Regional Impacts
Cumulative Impacts
Cost-sharing for all development vs. charges based on only major developments
Zoning & Land Development Regulations

The DNA of your Community
**Origins of Zoning**

19th Century - Nuisance laws
1916 - First Zoning Ordinance (NYC)
1924 - Standard Zoning Enabling Act
1926 - Supreme Court: Euclid v. Ambler
Zoning & Land Development Regulations

Consistency with Goals of Comprehensive Plan

1. Mix and arrangement of Land Uses
2. Density of Development
3. Redevelopment vs. New Development
Zoning & Land Development Regulations

Consistency with Goals of Comprehensive Plan

3. Location of Development
   - Comprehensive Plan
     Future Land Use Map
   - Natural Resource Protection
   - Coordination of Land Use and Public Facilities
Zoning & Land Development Regulations

Consistency with Goals of Comprehensive Plan

4. Quality of New Development

5. Timing of Development

6. Fiscal Considerations for a Healthy Tax Base
Zoning & Land Development Regulations

Legal Issues

State/ Federal Constitution and Statutory Authority
  – State Enabling Act
  – Dillon Rule/ Home Rule

Police Powers

Takings
  – Balancing Test

Equal Protection

Due Process
  – Zoning Procedures Act

Comprehensive Plan Consistency
Zoning & Land Development Regulations

Environmental Issues

- Declining air and water quality
- Loss of farmland and green space
- Increasing risks from natural hazards
- Overburdened natural resources
- Equity- Environmental Justice
- Sustainability – Climate Change
Natural Resource Protection

State and Federal Regulations

Clean Water Act
Clean Air Act
Endangered Species Act
NEPA and little NEPAs
RCRA
Coastal Zone Management
Flood Insurance (FIRM)

Environmental Permits

- Federal Wetlands
- NPDES (Point/ Non-Point/TMDL)
- Soil Erosion and Sedimentation Controls
- Stream buffers
Environmental Impact Assessment

- NEPA - National Environmental Policy Act applies to federal projects
- Analytic process that determines the impact that a project or action will have on various environmental systems (Alternatives)
- May or may not require that those impacts be mitigated
- FONSI – Finding of No Significant Impact - shorter process - NEPA process satisfied
- CATEX – Categorical Exclusion – small project – no impact study warranted
Zoning & Land Development Regulations

Financial Implications

Land Use Controls Affect the Cost of Development and the Value of Land

• to the City
• to property developer
• to future consumers
• to Taxpayers

[Bar chart showing % Change in Population and % Change in City Budget]
Zoning & Land Development Regulations

Political Issues

The Actors

– City Council
– Planning Commission
– Board of Appeals
– Property Owners
– Developers and Attorneys
– Neighbors and Neighborhoods
Zoning & Land Development Regulations

Role of Planning Commission
• Appointed by City Council or County BOC
• Recommending Body
• Public Hearings and fact-finding
  – Comprehensive Plan
  – Zoning text and map amendments
  – Conditional Use Permits
Zoning & Land Development Regulations

Role of Board of Appeals

- Appointed by City Council or BOC
  Quasi-Judicial Body
- Public Hearings and fact-finding
  - Appeals of Administrative Decisions
  - Variances and hardships
  - Special exceptions
Zoning & Land Development Regulations

Zoning Basics – What’s in a Zoning Ordinance?

1. Zoning Map
2. Zoning Districts
   - Uses
   - Density/ lot area
   - Lot dimensions
   - Setbacks and open space
   - Lot coverage and impervious surface
   - Building height limits
   - House size

CITY OF TOCCOA
1998 ZONING MAP

Zoning Categories

- A-1 Airport District
- B-C Neighborhood Shopping District
- B-D Commercial District
- B-E General Business District
- B-F Wholesale Business District
- H-1 Residential/Industrial District
- H-2 Heavy Industrial District
- S-1A Single-family Residential District Low Density
- S-1B Single-family Residential District
- S-2 Two-family Residential District
- S-3 Multi-family Residential District
- F-1 Vehicular Traffic Residential District

City Limits
Land Development Regulations

Zoning Basics – What’s in a Zoning Ordinance?

3. Standards for Special Uses
4. Buffers
5. Parking
6. Sign Controls
7. Design Guidelines
8. Administrative procedures
Zoning & Land Development Regulations

Development Process
1. Comprehensive Plan Consistency
2. Zoning Conformance or Rezoning
3. Subdivision / Plat Review
4. Recording / Lot Sale
5. Site Engineering / Land Development Review / Permitting
6. Installation / Approval of Public Improvements / Inspections
7. Building Codes / Plan Review
8. Building Permits / Inspection
9. Certificate of Occupancy
Zoning & Land Development Regulations

Role of Development (Subdivision) Regulations

1. Lot Design Standards
2. Public Improvements Standards
3. Environmental Standards
4. Permits and Inspections
5. Administrative Procedures
Development Plan & Project Review

Development processes/ Terminology

Rezoning, Special Use Permits, Subdivision, Variances, Boards of Adjustment, Special Use/Special Exception, Conditional Approvals, Appeals, Design Review, Site plan review, Development Review, Historic Preservation review.

Discretionary (legislative) vs. ministerial actions

Site plan review process

- Consistency with zoning, special use/ conditions of zoning, lot size, frontage, setbacks, parking, signs
- Consistency with development requirements- subdivision, public facilities and dedication, drainage, tree protection, ROW, grading, engineering, architectural standards
- Development terms: PUDs, development agreements, subdivision plats (preliminary, final); performance bonds, maintenance bonds
Euclidean Zoning: Problem Statement

Traditional zoning with use-separated districts:

- Emphasizes use separation
- Encourages auto-oriented development
- Is not pedestrian-oriented
- Does not allow mixed-use development
- Forces homogeneous development
- In-flexible prescriptive standards
- Weak tools for quality of design
Innovative Land Use Controls

Planned Unit Development

Open Space Conservation Subdivisions

Smart Growth Toolkit: www.atlantaregional.com
Mixed-Use Development
What is Mixed-Use Development?

Combination of Complementary uses
Horizontal or Vertically Integrated
Significant proportions of each use
Internally-connected Externally-connected
Benefits of Mixed Use Development

✓ Increases convenience
✓ Provides alternatives to car trips
✓ More efficient use of land (no buffers)
✓ More efficient use of public infrastructure
✓ Reduced traffic demand
✓ Shared parking
Form-Based and “Smart” Codes

The Transect
Transferable Development Rights

Development rights are separated from one parcel & sold for use on another parcel.

Landowner enters into conservation easement permanently restricting development on original parcel.

Property is a Bundle of Rights that May be sold separately.
Transferable Development Rights

Sending Area
(Farmland, natural area, historic site)

Development Rights

Receiving Area
Transferable Development Rights

WHY USE TRANSFERABLE DEVELOPMENT RIGHTS?

- Protects resources such as:
  - Agricultural land
  - Wetlands
  - Woodlands and greenspace
  - Endangered species habitat
  - Areas of historical & cultural significance

- Directs growth to areas where infrastructure exists
- Saves $$ on cost of servicing the preserved land
Questions? Comments?