



American Planning Association
Georgia Chapter

Making Great Communities Happen

Plan Making and Implementation

AICP EXAM REVIEW

February 11-12, 2011
Georgia Tech Student Center

Subject Matter in Plan Making and Implementation (30%)

- A. Visioning and goal setting
- B. Quantitative and qualitative research methods
- C. Collecting, organizing, analyzing, and 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
- 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

<https://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

Implementing the Plan

Comprehensive Plan → Implementation Techniques

Long Range Goals → Mid-Range Objectives → Management Actions

Development Management

Program designed to influence the amount, type, location, design, rate and/or cost of private and public development to achieve public interest goals.

Godschalk, 2000

Development Management

Should include

Type, mix and density of land uses

Location of uses

Timing of development

Cost of public facilities

Design standards and review
processes

Management tools and regulations

Implementation responsibility

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

Planned Unit Development (PUD)

Floating Zone

Performance Zoning

Exclusionary Zoning

Zoning

Legal Background

Euclid vs. Ambler Realty (1926)

Petaluma (1975)

Nollan vs. Cal. Coastal Commission (1987)

First English Evangelical Lutheran Church (1987)

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

20

40

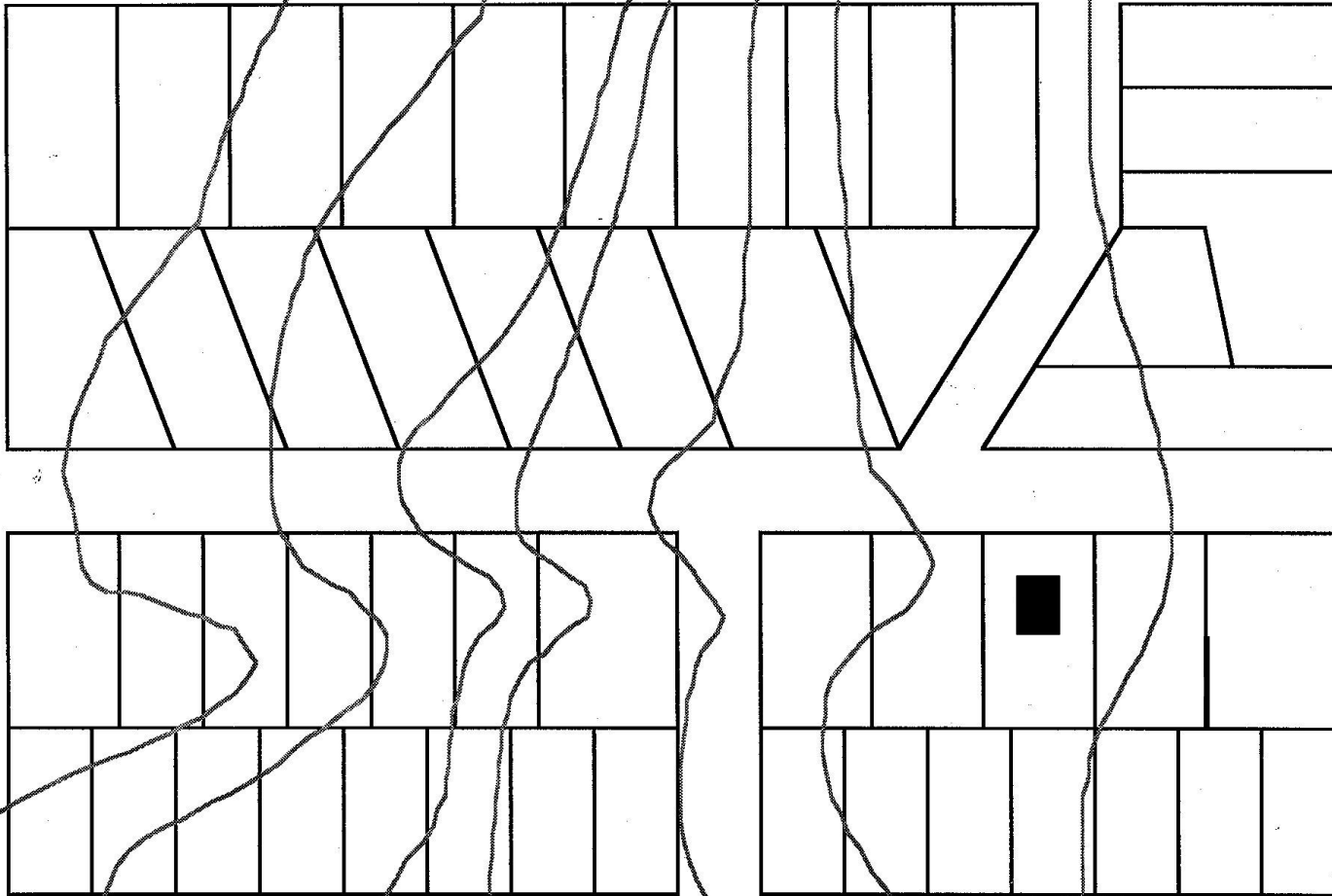
60

80

100

120

140



Scale 1" = 100'

1 inch

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

Determines Revenues and Expenditures

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 Siltowski and Ohn, 2006

Form-Based Codes

Form-based codes place a primary emphasis on building type, dimensions, parking location and façade features, and less emphasis on uses. They stress the appearance of the streetscape, or public realm, over long lists of different use types. These codes have the following characteristics:

- **Zoning Districts** – Form-based codes are defined around districts, neighborhoods and corridors where conventional zoning districts may bear no relationship to the transportation framework or the larger area.
- **Regulatory Focus** – Form-based codes de-emphasize density and use regulation in favor of rules for building form. They recognize that uses may change over time, but the building will endure.
- **Uses** – Form-based codes emphasize mixed use and a mix of housing types to bring destinations into close proximity to housing and provide housing choices to meet many individuals' needs at different times in their lives.
- **Design** – Greater attention is given to streetscape and the design of the public realm, and the role of individual buildings in shaping the public realm. Form-based codes recognize how critical these public spaces are to defining and creating a "place."
- **Public Participation** – A design-focused public participation process is essential to assure thorough discussion of land use issues as the code is created. This helps reduce conflict, misunderstanding and the need for hearings as individual projects are reviewed.

Modified from definition by Paul Crawford, AICP

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.

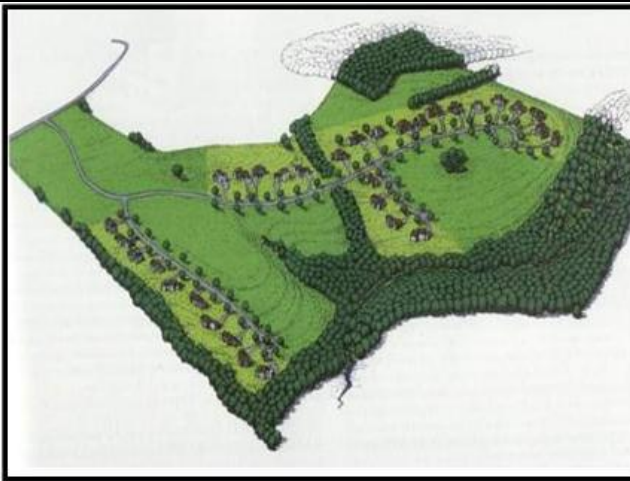
Conservation Subdivision

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



Conventional Subdivision



Conservation Subdivision



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

Georgia law authorizes counties to implement a conservation use taxation program (OCGA 48-5-7.4).

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.

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

Plan Implementation

QUESTIONS?