

Planning Terms & Theories Overview: Part 1

Planning Overview

- Planning is a thousand-year-old practice that is still vital to the success of communities today
- Planners seek to balance the conflicting demands of economic growth, population change, environmental sensitivity, evolving social differences, and aesthetics
- The US is celebrating 100 years of planning as a scholarly discipline
 - The first program was established at Harvard in 1924

What We Do

- Regulate land use
- Land use refers to the relationship between people and land –how the physical world is adapted, modified, or put to use for human purposes
- Zoning is the first step to regulating land use to balance those competing interests
- Processes for development are codified in the LDC for transparency and clear guidance
Approval is done in 1 of 3 methods:
 1. Administrative
 2. Legislative
 3. Quasi-judicial

Administrative

- Everyday decisions to enforce the development ordinances
- Based on clear, objective criteria
 - Little room for judgement and discretion
- There is no need or requirement for notice to the neighbors nor a hearing open to the public
 - Considering the opinions of the public when approving or denying these types of applications or processes would be unethical
- Most administrative decisions are made by staff, but some can be made by appointed boards

Quasi-Judicial

- Requires an evidentiary hearing to decide:
 - Variances -need for some adjustment to the rules
 - Appeals -resolutions of a dispute in interpretation
 - SUP or Certificate of Appropriateness -specialized permit
- The decision must be based on competent, material, and substantial evidence in the record
- Only recognized “parties” are allowed to give comment that is considered in the decision-making process
- Board is required to make all deliberations in public. No conversations concerning an application can be discussed outside the meeting

Legislative

- Political decisions by the governing board made with broad discretion
 - Rezoning (including conditional)

- Adoption of plans
- Amending the code
- Public comment is encouraged and should be considered when making a decision
 - This type of process allows for the community to be part of the decision-making process, which creates trust and pride in their community
 - Although decisions are meant to be based on what's best for the community at-large, a potential pitfall is when the voices of nearby neighbors or the most vocal constituents may hold more sway - "The squeaky wheel gets the grease"
- A legislative decision is not bound to a factual record in the way that a quasi-judicial decision is. But to be clear, governing boards do not have complete discretion in legislative decision-making.
 - Such land use decisions must be reasonable, grounded in land use considerations, and in keeping with the statutory purposes of development regulations.
 - Land use decisions may not be arbitrary and capricious, may not go beyond the statutory authority of development regulations, and may not be determined based on traits of the involved parties (race, religion, ethnicity, etc.).

The DL on the Lingo

Aging in Place: The ability to live in one's own home and community safely, independently, and comfortably, regardless of age, income, or ability level.

Amortization (sunset clause): The process by which nonconforming uses and structures must be discontinued or made to conform to requirements of the current zoning ordinance at the end of a specified time period.

Clustered Development: Development in which a number of dwelling units are placed closer together than usual, or are attached, with the **purpose of retaining an open space area.**

Down-Zoning: A change in the zoning classifications of land to a classification permitting development that is less intensive, dense or valuable. For example, from multifamily residential to single-family residential or from commercial to residential. A change of zoning in the opposite direction is referred to as up-zoning.

Floodplain (100 & 500 year): The land area adjacent to a waterway regularly subject to flooding. That part of the floodplain subject to a one percent chance of flooding in any given year is designated as an "area of special flood hazard" by the Federal Insurance Administration.

Floodway: The channel of a river or other watercourse and the adjacent land areas reserved to discharge the "base flood" without cumulatively increasing the water surface elevation more than a designated height. Used to contain chance flood area. No development is allowed in floodways.

Food Desert: Areas characterized by poor access to healthy and affordable food that may contribute to social and spatial disparities in diet and diet-related health outcomes.

Railbanking: Part of the National Trails System Act, is a voluntary agreement between a railroad company and a trail sponsor to use an out-of-service rail corridor as a trail until a railroad might need the

corridor again for rail service. This interim trail use of railbanked corridors has preserved thousands of miles of rail corridors that would otherwise have been abandoned.

Regulatory Taking: A regulatory taking occurs when a regulation becomes so onerous that it has the practical effect of a physical seizure of land. An extreme example would be zoning private land as a public park. Such a regulation does two things: 1) it prevents the owner from putting the land to any economic use, and 2) it prevents the owner from exercising one of the most fundamental characteristics of property ownership: the right to exclude others. Thus, the regulation would have a similar effect as if the public agency had condemned the land and built a park.

Spot Zoning: A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called “spot zoning.”

Sprawl, Urban/Suburban: The spreading of a city and its suburbs over rural land at the fringe of an urban area. Characteristics of sprawl include single-use zoning that often separates housing from jobs and commercial centers; low-density land use focused on single-family homes; and automobile-dependent communities with extensive land devoted to parking that often require residents to commute and conduct errands by car.

Urban and Suburban Sprawl

- The most frequently cited feature of sprawl is the abundance of large-lot (usually 1-5 acres depending on the development context), residential housing developments that consume large amounts of previously vacant or productive land.
- “Farmland is at severe risk in the South, where agricultural land is being suburbanized and converted to low-density residential land use at a rapid pace.” – American Farmland Trust
- Low density residential (LDR) pushes the available land further and further away from goods and services, driving up infrastructure costs and often bringing development of those resources over time.
- Agricultural land in LDR areas was 23 times more likely to be converted to urban sprawl than other agricultural land.
 - “In other words, once land has been converted to low-density residential land use, new development rapidly occurs on the remaining farmland and ranchland in the area.” – American Farmland trust