

CHAPTER 9 – THE TOOLS OF LAND USE PLANNING

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Public Capital Investment

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- Comprehensive plan as described in the chapters before, pertains to the pattern of land use.
- Public Capital Investment is the most powerful shaper of the pattern of development.
- Public capital investment unlike land-use controls remain for many decades.

Public Capital Investment conti...

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- The public expenditures on roads and highways have a powerful effect on the pattern of land development.
- The building of a parking structure in a congested area would mean a powerful effect on land values.
- Public investment in water, sewer lines, schools, and universities also decide the land-use pattern.

Financing Capital Expenditures

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- Capital Expenditures are usually quite large and the benefits come after many years.
- Tax payers have to be asked for taxes on items for which the benefits are expected after some years.
- For these reasons, capital expenditures are paid in the presence of bonds.

Financing Capital Expenditures conti...

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- Many local governments in a state maintain a separate budget or a Capital Improvement Plan (CIP)
- Planning agency should have a hand in the preparation of Capital Improvement Plan.
- General obligation bond (GO) is the kind of bond issued to the municipal governments.
- In Virginia, for municipalities general obligation debt can't exceed 10% of its real property tax base.

Financing Capital Expenditures conti...

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- The other type of bond issued to municipalities is the Revenue Bond.
- Airports, stadiums, parking structures, toll roads, water and sewage treatment plants are usually financed upon revenue bonds.
- Mostly governments prefer revenue bonds and bonds may be paid off for a specified period of time.
- Each year a certain percentage of the bond is repaid.

Land-Use Controls: Sub-Division Regulations

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- Subdivision regulations control the manner in which blocks of land get converted to building lots.
- The building lots can be sold only after the municipality prepares a map of the area.
- The subdivision regulations are similar to zoning laws which means that a certain space be provided for schools and communities' facilities.
- Moderately priced housing gets affected as the owners would want expensive houses and therefore more taxes.

Zoning Ordinances

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- The best-known form of land-use control is the zoning ordinance.
- The zoning ordinances are prepared by the community's planners or planning consultants and consists of mainly two parts:
First is the creation of a map and second is the text which specifies the type of construction in that zone.
- The items mostly described in the zoning ordinances are:
 1. Site layout requirements

Zoning Ordinances conti...

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2. Requirements for structure characteristics
 3. Uses to which structures may be put
 4. Procedural matters
- The Popularity of Zoning: Zoning gives considerable favor to the communities' goals and hence gained popularity.
 - The contracts between governments and property owners affect land use.

The Effectiveness of Zoning

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- Effectiveness of zoning changes from one community to the other.
- Zoning is most commonly seen in urban and suburban areas where development is always very well anticipated.
- Public capital investment and land-use control must always go hand in hand for a proper development of the zone.
- Economic forces do exist in every zone and affect zoning.

The Limitations of Zoning

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- Zoning is limited by economic and legal forces.
- If the value of land in a use is forbidden through zoning, but if a market for that land exists, then the property owners try to change the zoning by putting up more funds.
- The municipalities which carry the communities' interests try to avoid the changes in zoning ordinances.
- But the developer fights in the court as he knows the zoning ordinance can be changed with more benefits.

The Limitations of Zoning conti...

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- The developer makes such plans where even with some objections from the community compromises can be easily made.
- The developer by rezoning a land might make considerable profits and this leads to bribery and corruption in issue related to rezoning.
- The town named Harrison in New York used the method of rezoning to a good extent (in the late 1970's).
- Therefore power of rezoning makes the economic development realistic for the developers.

Zoning and the Courts

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- The zoning ordinances and the land-use controls are abridged by the courts and it may vary from court to court and place to place.
- Sometimes courts adjudicate between the rights of a property owner and the nearby property owners and of the community
- A new third party element has been introduced quite recently bearing in mind the national concern with the civil rights and that third party is one of the outside communities.

Zoning and the Courts conti...

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- Numerous suits have been brought against suburban communities where zoning has led to racial discrimination, with no low income houses (mostly taken by blacks) being built.
- In 1975 and 1983 Mount Laurel cases showered importance to low-income houses so that the full community benefits from zoning ordinances.
- The government took concrete steps from there on to increase low cost/affordable housing in all the zones.

Zoning and the Courts conti...

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- One aspect of that ordinance was the economic and social integration of the communities.
- In 1985, Mt. Laurel III case came forward and again the New Jersey legislature prevailed and low cost housing was implemented.
- One such agreement was the Regional Contribution Agreement (RCA), been initiated only for the low cost housing and as of mid 1998, 178 units were built in Mt. Laurel.
- The Mt. Laurel case extended for 20 years and indicates the importance of zoning and courts for economical and social unity.

Recent Developments in Zoning

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- Zoning does not permit full development of the area as that would lead to traffic congestions and highly populated zones.
- Zoning gets a lot of criticism due to the development patterns it follows.
- In 1960's Jane Jacobs objected the zoning methods by speaking about Manhattan's Greenwich Village.
- Zoning laws were then modified and planners were made to rethink about the laws. The urbanization we see in the 20th century is the result of those changes.

Recent Developments in Zoning conti...

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- Making Zoning Flexible: Zoning if made flexible benefits a zone or community by increasing the extent of allowable development.
- One such flexible method is the 'Bonus or Incentive Zoning' where the low cost housing is included in the pattern of development.
- The other technique is the 'Transfer of Development Rights' in which development rights get transferred to areas of low development.

Recent Developments in Zoning conti...

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- Inclusionary Zoning: It involves the inclusion of low and moderate income households. A certain percentage of such housing is given priority besides other developments.
- Planned Unit Development: The planned unit development helps in having a development plan for a particular lot but doesn't depend on the zoning ordinance.
- It worked well for some years but after some objections the idea reduced considerably as each plot owner had his/her own design and lost uniformity.

Recent Developments in Zoning conti...

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- Cluster Zoning: Cluster zoning is very famous as it saves a lot of land development costs.
- Out of ¼ th acre plot some land is kept for communities purposes while the remaining is fully occupied with small adjacent houses.
- With the accumulation of favorable experience and passage of time, community resistance to clustering is slowly diminishing.

Recent Developments in Zoning conti...

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- Performance Zoning: Performance zoning is one of the recently used methods of zoning which gives an idea of the performance that can be expected out of the zoning.
- In Largo, Florida, 20 zoning districts were transformed to performance zoning system.
- The floor area ratio (FAR) was used to classify the zones and the amount of development, but by 1997, the administration went back to conventional zoning stating performance zoning was too cumbersome.

Recent Developments in Zoning conti...

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- Development Agreements: The development agreements are made between the municipalities and the developers to match their own benefits.

- Like for example in Colorado, the developer used the freedom to go beyond 45 foot height limit and provided certain units of low cost housing to the municipality.

- Development agreements thus are made for the development of the zone and thereby the community.

Recent Developments in Zoning conti...

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- Exactions: Exactions are the costs charged for the additional developments in a zone.

- The development of a new road for increased traffic mainly caused by the additional zonal developments is one such case where exactions are charged.

- In San Francisco, exactions were imposed for the developments in the city and around \$4 per square foot of floor space was charged as exaction.

Other Types of Local Land-Use Controls

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- In addition to sub-division and zoning regulations, there are other types of land-use controls which are not widely used.

- Few among them are:
 1. Site Plan Review:- It is basically applied to review the site plan of commercial and residential developments.
 2. Architectural Review:- In architectural review the aesthetics are analyzed and the architectural interests are kept alive.
 3. Historic Preservation: It deals with preserving the historical buildings in a zone and controlling development.

Combining Capital Investment and Land-Use Controls

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- Capital investments and Land-use controls have to go hand in hand for a zone to develop completely.

- In Westchester county, New York, the combination worked really well and the capital investments were efficiently used with good land-use control.

- The land-use control was so imposed in the zone which allowed developments on large plots with less scattering.

Forces Beyond Local Control

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- There are many forces beyond the municipal control and for example, decisions are made by state highway departments for highway developments since they create strong economic forces.

- Other instances are with the Virginia Department of Transportation (VDOT) deciding which routing to chose for the interstate highways with less control lying with the municipality.

- The state or federal facilities have powerful effects on the municipal land-use pattern.

Higher Levels of Land-Use Control

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- The higher levels of Land-use control came into existence with the state and federal governments blocking the path which was before done through local governments.

- It means the state and federal governments will interfere and the developer has to get permission from them.

- Much of the force for that came from the 'Environmental Concern' and after that the land-use control improved.

Why Is Higher Level Control Necessary?

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- Higher level control is necessary for a couple of reasons.
- The community or zone will not make considerations for the entire state if only local governments are given the authority.

- This will effect the entire state negatively and the other reason is the issue over controlling environmental degradation.

- The local governments may be ill-equipped with the expertise of data gathering and analysis and therefore the state governments can help them in that regard.

- Other state-level controls on development are mentioned in the chapters 14 and 15.

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THANK YOU