

City and Regional Planning: A Primer for Public Health Officials

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GLOSSARY

Asterisks indicate tools used in plan implementation.

Capital Improvement Program (CIP) A long-term program that provides financing for the construction and maintenance of the public facilities and infrastructure of the jurisdiction. The CIP is usually financed with general obligation bonds which are repaid from local tax revenues (p. 232).¹

Carrying Capacity Level and intensity of land use that can be sustained without harming the environment (p. 168)²

Comprehensive Plan A document that guides the future development of a county or city based upon the long-term goals and policies of the community. It results from citizen involvement, technical analysis of socio-economic, environmental and physical factors, and the judgment of local decision-makers. The plan serves as the basis for the adoption of regulations, designating land uses and developing infrastructure.³

***Conditional Use** Allows use of a property that the zoning for the area does not include. Adds flexibility to zoning ordinances by allowing local decision-makers to tailor zoning to be compatible with the evolving character and location of an area. An example would be a convenience retail center operating in an area zoned for residential use (# 49, p. 169).

Council of Governments (COG) A regional organization of local governments that band together to work cooperatively on common planning problems and regional issues (# 48, p.233). The National Association of Regional Councils in Washington, D.C. provides extensive information on COG activities.

Density The number of units or square footage per acre developed on the entire parcel is the gross density of the project. Net density is the units or square footage per acre on the developed portion of the parcel, excluding rights of way, where the rest of the land remains in open space.

Eminent Domain (condemnation) The legal right of a government to take private property for public use after compensating the owner for its fair market value (# 49, p. 168).

Environmental Impact Statement (EIS) A technical document prepared to analyze the various impacts on the environment of a proposed project or action which is released to the public for comment and review required under the National Environmental Policy Act (# 49, p. 172).

Floor-Area Ratio The ratio of the gross building area to the parcel's land area. One-story buildings have FARs less than one assuming that setbacks, buffers or parking areas are required in the district.

***Growth Management** Combination of techniques used to determine the amount, type and especially the rate of growth, to be directed to designated areas. Common techniques may include adequate public facilities ordinances, capital improvement programs, and urban growth boundaries (# 49, p. 174). The former requires the availability of adequate public facilities and services as a condition of development approval, therefore ensuring that necessary infrastructure will be available to support new development (#25, p. 31).

***Impact Fee** A one-time charge for new development to pay the cost of growth imposed on the local jurisdiction often used to pay for schools, parks, roads, and other public facilities.

Impact Studies The development impacts usually considered include adverse impacts on neighboring property values, necessary public facilities and services including emergency services, fiscal impacts (government revenues generated versus costs imposed), employment impacts, traffic impacts, noise impacts, and natural environmental impacts—wetlands, air pollution, solid waste management, and others.

***Infill Development** A redevelopment technique that builds in existing developed areas on vacant lots and underutilized parcels. It is an important strategy for creating more efficient urban land use, and preserving open space and surrounding farmland (# 25, p. 87).

NIMBY Acronym for “Not In My Backyard”. A term for an objection to a planning proposal or development project, from local residents in the affected vicinity. The opposition generally perceives the project as undesirable in their area, but not in someone else's.

***Nuisance** A legal term that refers to anything originating on one parcel that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses of residents in the surrounding area may be considered a nuisance (# 49, p. 179).

***Official Map** A legal document that delineates zones, existing and future streets, and public facilities such as parks and drainage systems within the jurisdiction. It allows land to be reserved for a certain period of time, giving the community an opportunity to acquire the land before it becomes developed. Once a site is officially reserved, it cannot be used for any other purpose without administrative consent (# 49, p. 179).

***Planned-Unit Development (PUD)** A pre-planned development with the subdivision and zoning applied to the project as a whole rather than to individual lots or areas. Most commonly used for large-scale residential development, the technique is also used for other forms of development such as shopping centers and industrial parks. PUDs allow for greater flexibility and creative design of land developments by allowing deviations from the typical standards required by zoning. PUDs are a way to amend a zoning ordinance to encourage more cohesive, coordinated development.⁴

Planning Commission A group of citizens appointed by the mayor or county commissioners that functions as a fact-finding and advisory board to elected officials. The commission's main function is to recommend a comprehensive plan and implementation measures to be adopted by a city council (# 49, p. 181).

Plat A map representing land subdivided into lots, blocks and streets (# 49, p. 181).

Police Power The state's power or right to restrict and regulate private property rights in the interest of the public good. Such action must be reasonable but does not require that the owner of the land be compensated (# 49, p. 181).

***Rezoning** Legislation that changes the designation or boundaries of the zoning ordinance enacted by a governing body (# 49, p. 182).

***Site plan** A two-dimensional drawing to scale that shows proposed uses for a parcel of land reflecting the development program and applicable regulations. It includes the two-dimensional footprint of the construction, location and dimensions of parking areas, buffers, lighting, pedestrian circulation, storm water management, utilities, ingress/egress, internal roadways, other impervious surfaces, other areas of human disturbance, major landscape features, and lot lines. A site plan provides much more detail than a plat (# 49, p. 183).

***Special Use Permit** An exemption from the zoning ordinance granted after sufficient public review. Similar to a conditional-use permit in that an excluded use or activity becomes permitted in a specific zone. Special use permits are less popular with jurisdictions than conditional-use permits because no conditions or standards are placed on the approved activity (# 49, p. 184).

***Subdivision Regulations** Local ordinances that outline specific requirements for the conversion of undivided land into building lots for residential or other purposes. The requirements include minimum design standards for streets and utilities, lot size, dedication of easements, drainage and erosion control, and park dedication (# 49, p. 185).

***Transfer of Development Rights (TDR)** A method for concentrating development and protecting open space by transferring the "rights to develop" from landowners in 'sending' areas and to those in 'receiving' areas. By voluntarily selling the development rights, landowners in sending areas can achieve a reasonable economic return on their

property while maintaining it in farming, forestry, habitat, or parks and open space in perpetuity. Receiving sites are parcels of land located where the existing services and infrastructure can accommodate additional growth.⁵

Variance Allows an exception to certain zoning or development standards such as setbacks, building height, lot dimensions and other zoning code requirements, in order to avoid unnecessary hardships on the landowner.⁶

***Zoning Ordinance** A local law that defines and implements land use and design standards such as permitted uses, lot sizes, and setbacks. Zoning ordinances usually consist of a text that specifies regulations for each district, and a zoning district map that divides the jurisdiction into zones for different types of development.⁷

***Zoning** The legal regulation of the allowable use of property and the physical configuration of development on tracts of land. Zoning is an exercise of police power and must be enacted for the protection of public health, safety and welfare (# 49, p. 187).

Cluster Zoning Refers to a development pattern for various land uses in which buildings are grouped rather than evenly spread throughout a parcel. The undeveloped land can be preserved as open space for the community (# 49, p. 168).

Contract Zoning The local government and the landowner enter into a written agreement that if the government rezones the property to a specified new zoning district, the owner will carry out a particular use and accept specified limits or conditions on that use. Contract zoning is objectionable primarily because it represents an abandonment on the part of the zoning authority of its duty to exercise independent judgment in making zoning decisions.⁸

Euclidean Zoning Derived from the *Euclid (Ohio) v. Ambler Realty Company* 1926 Supreme Court decision that established the constitutionality of zoning. Traditional zoning is characterized by dividing a municipality into uniform districts that regulate density, bulk, and use in a consistent manner in each district (# 49, p. 172).

Exclusionary Zoning A zoning practice that limits residential development over large areas, and even entire cities or towns, to single-family housing on large lots. Exclusionary zoning limits where racial minorities and poor people can afford to live. It is considered one of the most effective and pervasive tools used by suburbs to maintain their homogenous character (# 49, p. 172).

Floating zones A zoning district that is not associated with a specific location on the official map. When a sizable project within restricted areas complies with certain standards, the floating zone is dropped or mapped on the designated area. More flexible than Euclidean Zoning. Commonly used for large-scale developments such as shopping centers and industrial parks.⁹

Form Based Zoning (Performance) Criteria for establishing districts and regulating land uses based on performance rather than on prohibitions or use specifications. A zone is defined by a list of permitted impacts as opposed to a list of permitted uses. Building types and design features are prominent.¹⁰

Incentive Zoning Allows for greater flexibility in the zoning process by awarding developers “bonuses” (more units or square footage) in exchange for adding “amenities” a community may need such as public space, transit facilities, or road capacity (# 49, p. 176).

Inclusionary Zoning Zoning that requires that some portion of every new housing development beyond a given threshold size (e.g., 50 units) is offered at a price that will be affordable to low and moderate income residents.¹¹

Nonconforming Use A land use that is prohibited or does not conform to existing zoning but was legal under prior zoning. The use is allowed to continue under certain circumstances (# 49, p. 178).

Overlay Zones A mapped area with restrictions in addition to those of the underlying zoning district. Uses in this area must conform to the requirements of both the overlay zone and the district zoning (# 49, p. 179).

Spot Zoning The zoning of a parcel of land for a use that is inconsistent with the comprehensive zoning plan, especially if an area is rezoned in a way that does not conform to the surrounding neighborhood. Spot zoning is often deemed illegal if the permitted use is harmful or incompatible with the surrounding area, or it can be shown that the municipality has favored a particular landowner.^{12 13}

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