

Planning & Zoning From 30K Feet

What Everyone Should Know

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P&Z Isn't Just For the Few

- Everyone is affected – not just planners
- Public agencies are subject to planning and zoning – even those with authority
- State agencies are subject to P&Z
- Individuals are subject to P&Z – don't embarrass yourself and employer by violation
- Federal government is not directly subject to P&Z, but many acts call for consultation

Basic Structure

- Comprehensive Plan – similar to Constitution
 - Sets broad policy
 - Determines priorities
 - Doesn't regulate
 - No penalties – only invalidation of actions
- Zoning ordinance – equivalent to other statutes – separates uses by zones – permitted/prohibited
- Subdivision ordinance – establishes development requirements
- Standards – adopt improvement minimums

Organizational Requirements

- Planning and zoning commission – optional for governing board as advisory board
- Governing board – board of county commissioners or city council
- P&Z can serve to recommend or can take “final” action on matters if governing board approves
- Cannot act if ordinance is needed – governing board must consider subdivision

Primary Purposes of P&Z

- Shape land use patterns for two primary purposes
 - Separate incompatible uses
 - Coordinate land uses and availability of public services
- Allow public to comment on patterns of land use – many procedural requirements
- All P&Z authority is local
- Court review is largely procedural

Public Agencies – Subject to P&Z

- Even cities and counties are subject to their own P&Z requirements
- Special purpose districts are also subject to P&Z standards
- Be careful to avoid having to ask yourself (city or county) for a discretionary permit
- Even if you have P&Z authority you may be subject to other agency zoning jurisdiction – courthouse in city or water system outside city

If You Apply P&Z Requirements ... (City or County)

- Establish priorities that matter to your community
- Be certain that your standards for permits or approval are clearly stated in your ordinances
- Don't overreach – Keep ordinances simple and within the limits of your ability to enforce
- Attend to the most important basics – protect water, minimize use conflicts, support infrastructure and community well-being

If P&Z Applies to You ...

- Be aware of the rules that apply to your agency
- Cooperate with planning and zoning officials
- Look forward and coordinate with others