

CITY OF LAKEWOOD CITIZENS' PLANNING ACADEMY
Zoning and Subdivision
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1. Euclidean Zoning (and Comprehensive Plans)
 - The historical underpinnings of zoning
 - City and town layout and planning, historically
 - ancient
 - medieval
 - Washington, Paris
 - Industrialization, squalor of the NE cities and city beautiful movement
 - Muckrakers
 - Frederick Law Olmstead
 - Daniel Burnham: "make no little plans"
 - concern for light, air and greenery
 - New York ordinance
 - Euclid and the Standard Zoning Enabling Act
 - Workings of a typical Euclidean zoning ordinance
 - Derivation of zones and regulations from a comprehensive plan
 - basic notion: zoning ordinance is instrument of implementation while the plan is the "guiding vision"
 - legal status of plans generally, and in Colorado
 - how plans have been done:
 - ▶ planning staffs
 - ▶ consultants
 - ▶ citizens committees

- ▶ combinations
- types of plans
 - ▶ physical plan
 - ▶ policy plan
 - ▶ mixed
- actual effect of plans
 - ▶ shelved and forgotten
 - ▶ given "lip service" as part of rezonings, other land use actions
 - ▶ accorded actual respect as a guiding principle
 - ▶ given real and substantial impact in land use control and, specifically, growth management
- Districts and zoning maps
- Two things that traditional zoning regulates in a district:
 - permissible use
 - certain aspects of the physical embodiment of that/those uses(s)
- Uses
 - by right
 - ▶ inclusive vs. exclusive
 - accessory
 - temporary
 - by special review
 - interpretation
- Physical parameters
 - The importance of a reference area for measurement

- lot size
- set backs
- heights
- bulk
- coverage
- density
 - ▶ DU's/acre
 - ▶ F.A.R.
- orientation
- access
- parking
- loading
- Accommodating change: amendments; “Tom Town”
 - types: map change vs. language change
 - basis for map change:
 - ▶ change in conditions
 - ▶ accord with Comp. Plan
 - ▶ compatibility
- Accommodating the non-standard #1: exceptions
 - necessity for
 - "OK" exceptions
 - ▶ variances
 - * standards: hardship vs. practical difficulties
 - * jurisdiction: usually vested in a special board
 - ▶ "bad" exceptions: "spot zoning"; contract zoning

- Building in some permissible flexibility: the PUD
 - What are they: customized zones for an individual property where the land use regulations are developed through a process of negotiation
 - Why?
 - ▶ inflexibility led to perversion of amendment and exceptions processes
 - ▶ frontal assault on benefits of homogeneity
 - * Jane Jacobs: Death and Life...
 - ▶ perceived opportunity to trade for public benefits
 - * (query: is this land use policy prostitution?)
 - Workings:
 - ▶ the "complete" PUD vs. the overlay: how "use" is treated
 - ▶ negotiation of parameters
 - Processing
 - ▶ staff
 - ▶ preliminary plan
 - ▶ final plan

2. Subdivision

- What is "subdivision?"
 - Division of tract into pieces
- History
 - Initially, both a short hand system of property legal description and way to lay out new places and sell property within them
 - town/city maps/plats
 - Widespread abuses of land division

- ▶ physical condition of land (dry, flat and buildable?)
 - ▶ access
 - ▶ utilities and services
 - examples
 - ▶ prominence of retirement and recreational subdivisions
 - societal
 - ▶ impacts on built infrastructure and natural resources
 - ▶ aesthetics
 - Response: comprehensive subdivision control regulations
 - example: S.B. 35 in 1972
- How do subdivision regulations work?
 - Jurisdiction: define "subdivision" for purposes of application
 - ▶ variation in approach (e.g. Denver vs. S.B. 35)
 - Quality control mechanisms: standards, checks, and review processes
 - Standards: site planning and engineering minima
 - Checks: the "referral" system
 - ▶ designed to surface and address both individual buildability concerns and societal impact issues
 - ▶ review processes
 - ▶ impose layers of policy review
- Blending and intertwining of zoning and subdivision
 - Frequent confusion and mixing
 - Logical relationship

- Joint processing

3. Players and their roles

- Typical three step process for most land use approvals
- Staff
 - Planning vs. zoning
 - Prof. advice
 - Review and processing
- Planning board
 - Focused policy role
 - Advisory vs. determinative capacity
- Legislature
 - Representational, law making
 - Broader policy role
- Examples of zoning and subdivision processing