

“Planning 101” Short Course

Presented By:

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Origins of Planning

- *Urban Overcrowding Resulting From Industrial Revolution – Mid 1800s*



Origins of Planning

“City Beautiful” Movement – Parks and Open Spaces



Legal Basis for Planning

- ***Standard City Planning Enabling Act – 1928,***
By U.S. Department of Commerce (Herbert Hoover, Secretary; MT and Many States Utilized...)
- ***Protection of Public Health, Safety, and Welfare (i.e., “Police Power”)*** – Enacted to Provide “Adequate Light and Air”, Protection “From Fire and Overcrowding”, etc.

An Ohio Historical Marker sign for the Euclid V. Ambler Realty Site. The sign is dark brown with gold lettering and a gold border. At the top, it features a gold outline of the state of Ohio with the words "OHIO HISTORICAL MARKER" in gold. The outline is decorated with green leaves and gold acorns. The main title "EUCLID V. AMBLER REALTY SITE" is in large, gold, serif capital letters. Below the title is a paragraph of gold text. At the bottom, it says "CITY OF EUCLID THE OHIO HISTORY CONNECTION" and "124-18". The sign is mounted on a dark brown post with a decorative cap. The background shows bare tree branches and a wooden fence.

OHIO
HISTORICAL
MARKER

*EUCLID V. AMBLER REALTY
SITE*

By 1922, the Ambler Realty Company of Cleveland owned this site along with 68 acres of land between Euclid Avenue and the Nickel Plate rail line. Upon learning of the company's plans for industrial development, the Euclid Village Council enacted a zoning code based on New York City's building restrictions. Represented by Newton D. Baker, former Cleveland mayor and U.S. Secretary of War under Woodrow Wilson, Ambler sued the village claiming a loss of property value. In 1926, the U.S. Supreme Court ruled in favor of Euclid and upheld the constitutionality of zoning and land-use regulations by local governments. The federal government eventually acquired the Ambler site during World War II to build a factory to make aircraft engines and landing gear. From 1948 to 1992, the site was used as a production facility by the Fisher Body Division of General Motors.

2015

CITY OF EUCLID
THE OHIO HISTORY CONNECTION

124-18

Legal Fundamentals of Community Planning:

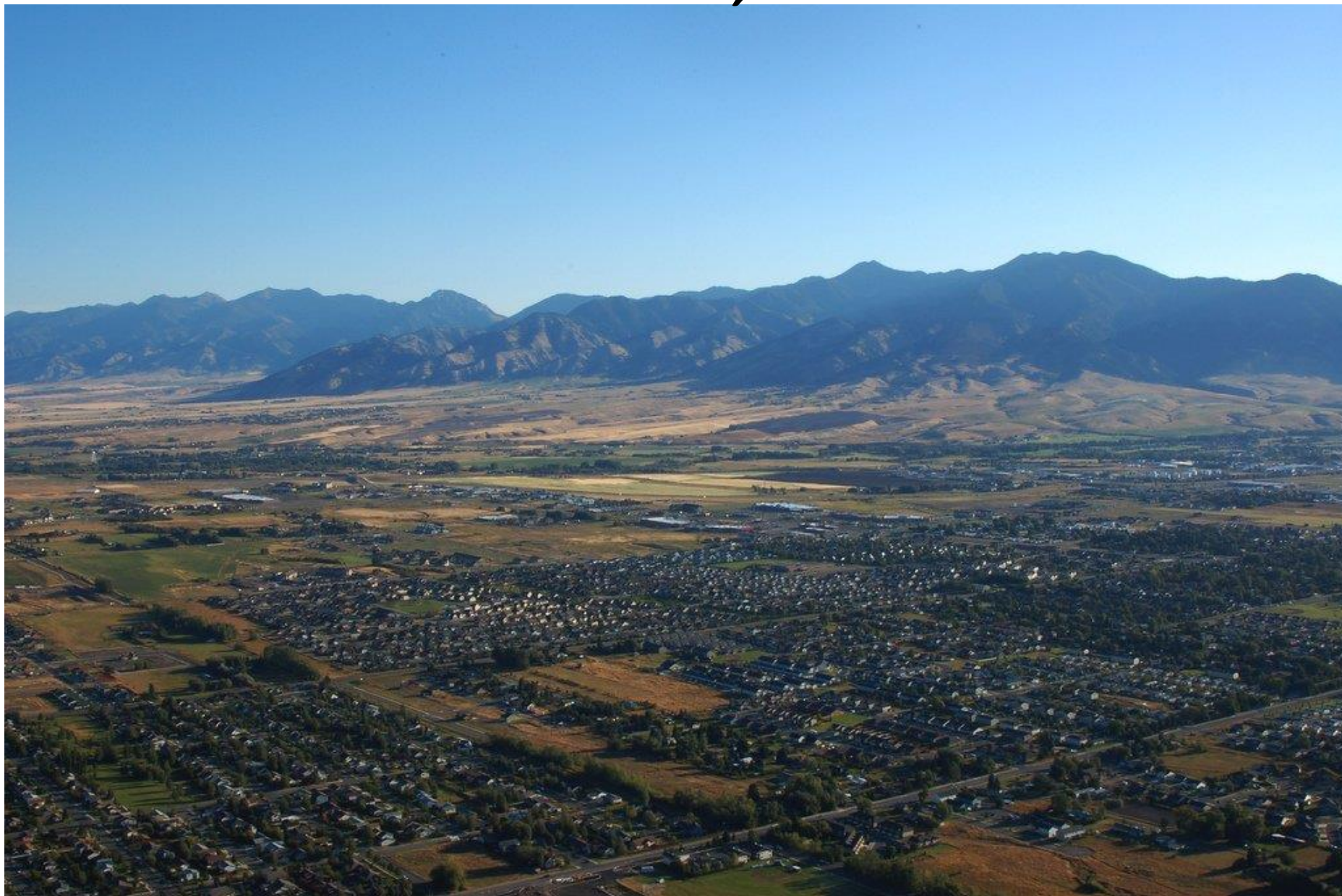
1. *Equal Protection Under the Law – 14th Amendment (1868): "nor shall any State... deny to any person within its jurisdiction the equal protection of the laws".*
2. *Due Process – 14th Amendment: "No person shall be deprived of life, liberty, or property without due process of law"*
3. *"Taking" Clause – 5th Amendment: "...nor shall private property be taken for public use, without just compensation."*

Comprehensive Community Planning

Purpose and Role of a Comprehensive Plan

- *Vision (20-30 years out)*
- *Coordination (especially of Facility Plans)*
- *Basis for Adoption of Regulatory Strategies*

Bozeman, MT



Peet's Hill, Bozeman (Urban Open Space)



The Comprehensive Plan

- **Consists of Goals, Objectives, and Action Items**
- **Provides a basis for setting budgets and developing work programs**
- **Land Use Plan (Map) Element, too**

The Comprehensive Plan

- **Developed by citizen Planning Board, with assistance from staff and/or consultants, subject to a great deal of public input**
- **Adopted by resolution of elected body (not by ordinance...)**
- **Used as a “Guide” to Manage Growth**
- **Establishes basis for developing regulatory tools for implementation**

Implementing the Growth Policy

- ***Subdivision Regulations***
- ***Zoning Regulations***
- ***Annexation Policy***
- ***Capital Improvement Plans***

Annexation and New Subdivisions



Zoning Basics

- *Zoning Codes adopted by Ordinance, so have “force of law”*
- *Must be in “substantial compliance” with adopted Growth Policy (Little v. Flathead County)*
- *Two Parts:*
 - *Narrative regulations*
 - *Map*

Zoning Basics

- *Three Types of Uses*
 - *Principal (more or less allowed by “right”*
 - *Conditional (may be allowed under certain “conditions” – Conditional Use Permit required...)*
 - *Accessory (incidental to the main use of property)*

Zoning Basics

- *Area, setback, and height restrictions – Why?*
 - *To prevent “overcrowding of land”*
 - *To allow for “adequate light and air”*
 - *To facilitate provision of emergency services (access to rear of property...)*
 - *To not exceed reach of fire truck extension ladders (o.k., “old school” reason; now more for maintaining character of neighborhood...)*
 - *To allow for future right-of-way expansion*

Zoning Basics

- ***Non-Conforming (“Grandfathered”) Uses***
 - *May be permitted to continue, but must be brought into compliance when significantly altered or use changes*
- ***Variances***
 - *May be granted based on “Undue Hardship” caused by lot shape, topography, etc.*
 - *May not be granted based on “financial hardship” or to allow a non permitted use...*

Planning and Zoning Can Promote Historic Preservation



Zoning Basics

- *“Zoning for Aesthetics” -- if crafted carefully, falls under the umbrella of “protecting public, health, safety, and welfare”. Examples:*
 - *Historic preservation*
 - *Design guidelines*
 - *Regulation of signage*

Planned Unit Developments (PUDs)

- *Special Tool used to “customize” development standards for a particular area*
- *To create an exceptionally well-built environment*
- *Typically requires a Conditional Use Permit*
- *May allow for an expanded list of permitted uses and / or a relaxation of certain design standards if the proposal can demonstrate unique community benefits.*

Planned Unit Development



New Urbanism / Sustainable Design



“Mixed Use” and “Flexible Zoning”

- *Focus on moving away from rigid Euclidian zoning through:*
 - *Allowing for a reasonable mix of uses (low, medium, and higher densities, with perhaps light commercial / office space);*
 - *Integration of architectural and landscape design elements to maximize compatibility;*
 - *Focus on walkability, “transit oriented design”, energy efficiency – Sustainability!*

New Urbanism / Sustainable Design

*Focus on Walkability,
Engaging Public Spaces*



New Urbanism / Sustainable Design

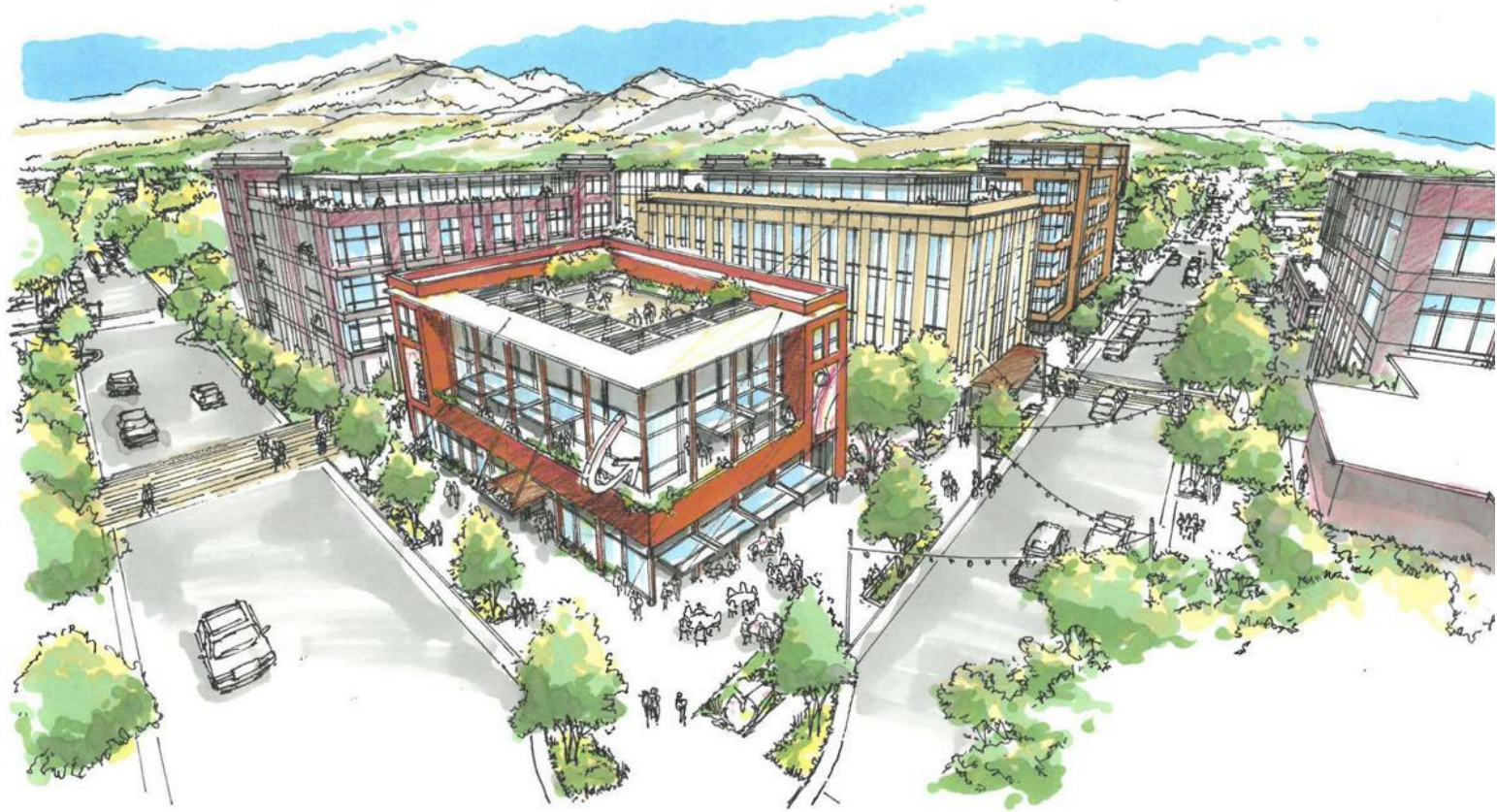


Higher Densities

New Subdivision Design Standards



“New Urbanism” in Bozeman



“New Urbanism” in Bozeman



“New Urbanism” in Bozeman



“New Urbanism” in Bozeman

