
Local Government Planning and Zoning

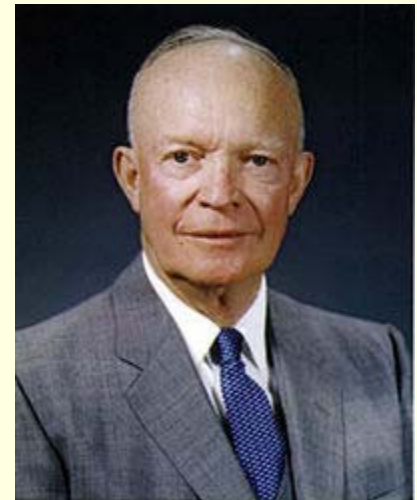
Planning In Practice
Steven Pelissier, AICP
Appalachian Council of Governments

Why Plan?

- “If you don’t know where you’re going ... you might not get there.”
Yogi Berra



- “In preparing for battle, I have always found that plans are useless but planning is indispensable.”
Dwight D. Eisenhower



Benefits of Planning

- Builds Support for Doing Things
- Guides Resource Allocation
- Aides Community Problem Solving
- Supports economic development



Keys to Effective Planning - Relationships

Players

- Public
- Council
- Planning Commission
- Board of Zoning Appeals
- Board of Architectural Review
- Staff



Keys to Effective Planning – Roles and Relationships

Public

- Who we work for
- Collection of individual interests
- Shape values, character, goals
- Accepts government if sees a nexus



Keys to Effective Planning – Roles and Relationships

Planning Commission

- Legislative - advisory to Council, except for Land Development Regulations oversight
- Tough balance – Same general values and goals as Council, but not “Yes People”
- Communicate – Joint sessions, reports at Council meetings, Council liaison
- Train
- Acknowledge

Keys to Effective Planning – Roles and Relationships

Board of Zoning Appeals

- Judicial - makes final decision – **not** advisory to Council
- Appeals – Variances – and Use by Special Exception
- Appeals – Uphold, modify or overturn order of the zoning administrator – **must find error**
- Variances – Significant hardship - uniqueness – must not usurp the ordinance – minimum necessary - must not impact neighboring properties

Keys to Effective Planning – Roles and Relationships

Board of Zoning Appeals Continued

- Use by Special Exception – As specified in the ordinance – must include review criteria
- Train
- Accurate minutes – Further review is based on the record

Keys to Effective Planning – Roles and Relationships

Board of Architectural Review

- Policy Development - Advisory to Planning Commission and Council
- Review – Makes final decisions – not advisory
- Review related to specified criteria
- Train
- Accurate minutes



Keys to Effective Planning – Roles and Relationships

Staff

- Support to Council, committees – Facilitates policy development, does the leg work
- Implements and administers
- Serves the public – User friendly

Keys to Effective Planning – Roles and Relationships

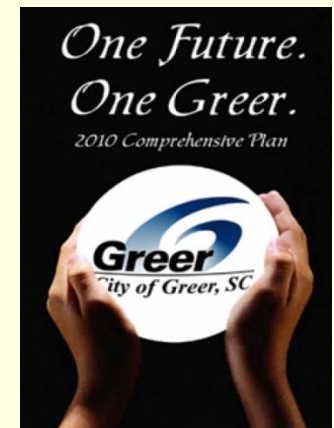
Other Entities

- Schools
- Transportation planning entities
- Utilities
- Public service providers



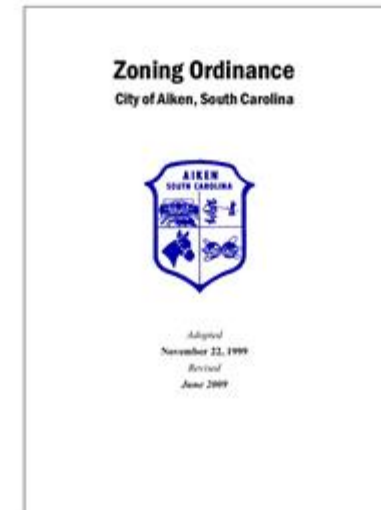
Keys to Effective Planning – The Comprehensive Plan

- Like planning a trip – Where are we? Where are we going?
How do we get there?
- Many shapes and sizes
- Make it useful
- Seek involvement
- Establish a nexus
- Conduct intermediate, small scale updates



Keys to Effective Planning – The Zoning Ordinance

- Fit to your community – Level of regulation, complexity of administration
- Many shapes and sizes
- Make it useful
- Seek involvement
- Establish a nexus



Keys to Effective Planning – The Zoning Ordinance

Components

- Districts - Map
- Standard regulations
- Flexible regulations – Conditional Uses, Uses by Special Exception, Architectural/Historic Review, Overlays, Floating Zones
- Administration
- Amendment Process

Keys to Effective Planning – Zoning Decisions

- Base on the Comprehensive Plan
- Think about precedent
- Look at surrounding uses
- Balance the individual verses the larger community
- Not a popularity contest or referendum



Keys to Effective Planning – Planning Process

- Open and inclusive
- Understandable
- User friendly
- Consistent
- Be willing to change

Keys to Effective Planning – Legal Notes

- Presumption of Validity – Courts reluctant to question wisdom of Council, challenges more likely based on process
- Doctrine of Exhaustion of Remedies – One must exhaust remedies in the ordinance prior to challenging in court
- SC Freedom of Information Act – Open meetings
- SC Ethics Act

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