

Planning Matters

Volume 7, Issue 3

Summer 2011

The Comprehensive Plan & Land Development Regulations: Putting Words Into Action

by Wendy Grey, AICP. Reprinted with permission from Planning Commissioners Journal, Spring 2011 (www.plannersweb.com)

In this article, we'll explore the relationship between the comprehensive plan and its implementing regulations and some strategies for improving how these documents work together. We'll also discuss the local planning process as a "feedback loop" - that is, the need for the plan and regulations to be refined and improved on a regular basis as a result of practical experience and ongoing evaluation.

The Comprehensive Plan

1. Sections of the Plan

As its name implies, the comprehensive plan is the broadest document guiding development. The plan typically contains sections (sometimes called "elements") that address the major subjects influencing the community's development. The sections will generally include land use, transportation, environmental resource protection, infrastructure, housing, and economic development. Other sections may include sustainability, historic

preservation, community character, and public safety (e.g., disaster preparedness).

Taken together, the sections of the plan should provide a picture of what the community will look like at the end of the selected planning horizon. (The planning horizon used in comprehensive plans can range anywhere from 10 to 50 years).

Some plans contain a vision statement or pictures that provide a succinct summary of what the comprehensive plan is intended to accomplish. The benefit of such an overview is that it shows how the key objectives within each section fit together to achieve the community vision.

2. "Mini" Comprehensive Plans

While the comprehensive plan addresses the community as a whole, some planning departments also prepare plans that apply only to a specific geographic area. These "mini" comprehensive plans (often called "special area" plans) are usually prepared in response to a condition or

need within an area that is not adequately addressed by the comprehensive plan.

Consider a city that has recently annexed a large amount of vacant land under single ownership. The city wants to encourage the use of innovative planning techniques such as transit-oriented development, but there are policies throughout the comprehensive plan that impede this. The city does not want to make wholesale changes to the plan since current policies work well for the rest of the city, which is largely built out. In this situation, a more focused mini plan that applies only to the newly annexed area would likely be a good solution.

Similar to special area plans are neighborhood and district plans. A neighborhood plan addresses the needs of a particular neighborhood and typically is adopted either to protect its existing character or promote sensitive revitalization. A district plan usually addresses a commercial area or several neighborhood

continued on page 2

Four Bardstown Properties Nominated to National Register of Historic Places

Staff Report

Four Bardstown properties have been nominated for listing on the National Register of Historic Places.

- Old Kentucky Home Motel (1955), 414 West Stephen Foster Avenue (US 62)
- Baldwin's Tourist Court (1938), 321 West Stephen Foster Avenue (US 62)
- Wilson Motel (1926, 1934), 530 North Third Street (US 31E)
- Kurtz's Restaurant (1937) and Bardstown-Parkview Motel (1959, 1960), 418 East Stephen Foster Avenue.

These properties were built as tourist courts, motels, and family restaurants in response to the demand by tourists for modern lodging and dining as they visited My Old Kentucky Home, St. Joseph Cathedral, and other historic sites in



Bardstown. These sites are examples of roadside architecture along significant transportation routes.

The National Register nomination process consists of reviews at the local, state, and federal levels. As a Certified Local Government (CLG), the nominations must be submitted for review by the Historical Review Board and Bardstown

continued on page 3

In this issue . . .

| | Page(s) |
|---|---------|
| Comprehensive Plan & Land Development Regulations | 1 - 4 |
| National Register Nominations | 2-3 |
| 2007-2011 1st Quarter Comparison . . | 2 |
| 2011 1st Quarter Permit Report | 5 |
| Board / Staff News | 6 |

Comp Plan & Land Development Regulations *(continued from page 1)*

and has the same purpose as a neighborhood plan. Since the conditions that the plan addresses are unique to the area in question, it is appropriate to have a set of policies that apply only to it.

3. *Providing a Vision for the Community's Future*

The comprehensive plan is the overarching policy document for the community. It should establish a long-term vision, set priorities, and provide direction for how the vision will be achieved. While the plan should be specific enough to accomplish these objectives, it should not be so detailed that it needs frequent amending. If the plan is constantly being revised, it can devalue the perception of the plan as the guide to the community's long-term development.

Let's take some examples. A city has a long-term goal of promoting residential development while preserving the historic character of its downtown. There are several ways this goal can be expressed in the comprehensive plan. One approach is to be very prescriptive – that is, for the plan to mandate development standards. The plan might have language such as this:

Goal 1: The City shall promote redevelopment within the Downtown Future Land Use District.

Objective 1.1: Ensure the creation of new residential development.

Policy 1.1.1: All new development in excess of 5,000 square feet must include at least one residential dwelling unit.

Objective 2.1: Development and redevelopment in the Downtown Future Land Use District shall comply with the following standards:

Policy 1.2.1: No development may exceed 30 feet in height.

Policy 1.2.1: No on-site parking is allowed in the Downtown Future Land Use Category.

Policy 1.2.3: At least 70 percent of ground floor building facades must be windows.

Alternatively, the plan can state the city's intent and provide guidance for implementation. In this case, the plan includes an explanation of what the city is trying to achieve and why. This intent language forms the basis for the scope and standards to be included in the implementing regulations.

This approach also provides for some flexibility in the regulations to allow for unique or unanticipated circumstances. For example, the code may limit building heights in general, but allow for taller structures under specific circumstance (e.g., as part of an incentive program, or at gateways into the downtown). Using this approach, the plan may have language somewhat like the following:

Goal 1: The City shall increase the economic vitality of the Downtown Future Land Use District.

Objective 1.1: Support local businesses by creating a 24-hour downtown.

Policy 1.1.1: The City shall adopt land development regulations that provide incentives for the development of housing in the Downtown Future Land Use District. These incentives may include, but are not limited to, height bonuses and fee waivers.

Objective 1.2: Enhance Downtown's role as a popular tourist destination.

Policy 1.2.1: The City shall adopt design standards to maintain vernacular architecture. These standards shall address,

but are not limited to: building height, building setbacks, ground floor fenestration, parking standards and the location of parking, balconies, overhangs and awnings, and building material.

Policy 1.2.2: The City shall provide incentives for maintaining and rehabilitating historic structures. These incentives may include, but are not be limited to, expedited permitting and reduced parking standards.

Policy 1.2.3: Through the capital budget process, the City shall fund streetscape improvements in the Downtown to improve pedestrian safety and comfort.

This second example provides more flexibility for the standards in the land development regulations. Sometimes, a value is so strong that the community wants a clear mandate in the plan: "No buildings in the Downtown shall be taller than the Capitol building." So, a plan can provide flexibility in some cases while being prescriptive in others. The main point here is these should be conscious policy decisions.

Translating the Comprehensive Plan into Implementing Regulations

1. The Plan as a Policy Document

In some states, comprehensive plans are binding and land development regulations *must* be consistent with the plan.

In other states, the plan is an advisory document. Your planning staff can explain the legal status of your plan.

Regardless of whether the comprehensive plan is binding or advisory, it should be considered the key policy document

continued on page 3

New Construction 1st Quarter Permit Comparison January—June 2007—2011

| Permit Type | 2007 | | 2008 | | 2009 | | 2010 | | 2011 | |
|-------------------------|-------------------|---------------------|-------------------|--------------------|-------------------|--------------------|-------------------|--------------------|-------------------|---------------------|
| | # Permits (Units) | Est. \$ | # Permits (Units) | Est. \$ | # Permits (Units) | Est. \$ | # Permits (Units) | Est. \$ | # Permits (Units) | Est. \$ |
| Multi-Family Structures | 2 (5) | \$110,000 | 0 (0) | \$0 | 0 (0) | \$0 | 0 (0) | \$0 | 2 (19) | \$270,000 |
| Townhouses/Condos | 1 (16) | \$480,000 | 1 (3) | \$160,000 | 1 (2) | \$120,000 | 1 (2) | \$180,000 | 3 (7) | \$503,000 |
| Single-Family Dwellings | 55 (55) | \$7,271,914 | 33 (33) | \$3,669,344 | 29 (29) | \$3,330,000 | 40 (40) | \$5,086,850 | 57 (57) | \$7,424,917 |
| Commercial Structures | 5 | \$846,000 | 5 | \$641,200 | 3 | \$322,000 | 1 | \$240,000 | 5 | \$1,650,000 |
| Industrial Structures | 1 | \$42,750 | 1 | \$65,000 | 3 | \$270,000 | 0 | \$0 | 4 | \$108,000 |
| Public Structures | 1 | \$250,000 | 0 | \$0 | 0 | \$0 | 0 | \$0 | 2 | \$1,170,458 |
| Total Permits | 209 | \$11,171,611 | 155 | \$7,041,559 | 141 | \$5,980,884 | 155 | \$8,774,655 | 302 | \$15,008,311 |

National Register Nominations (continued from page 1)

City Council. If approved, then the nomination is submitted for consideration by and recommendation of the Kentucky Architectural Review Board, a part of the State Historic Preservation Office (SHPO) - Kentucky Heritage Council. If recommended by the KARB, the nomination is submitted for final consideration by the National Park Service.

The Bardstown Historical Review Board held a public hearing and made a recommendation to approve the nominations on August 8, 2011. The Bardstown City Council will review the nominations on

August 23. The state Architectural Review Board will consider the nomination at its meeting in Harrodsburg on September 6, 2011.

The National Register is the official list of the Nation's places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is a part of the national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archaeological resources. National

Register listing places no obligations on private property owners. There are no restriction on the use, treatment, transfer, or disposition of private property. National Register listing does not lead to public acquisition or require public access. National Register listing does not automatically invoke local historic zoning or local landmark designation. National Register listing does provide opportunities for specific preservation incentives, such as federal and state investment tax credits for substantial rehabilitation and International Building Code fire and life safety code alternatives. ♦

Comp Plan & Land Development Regulations (continued from page 2)

that guides: local land development regulations; the approval of development permits/orders; and the municipal budget to achieve the vision set forth in the plan.

The Capital Plan.

Where the plan is prescriptive, it is a fairly straightforward exercise to incorporate the plan policies into land development regulations. I have seen plans where the regulations are virtually a "copy and paste" of the comprehensive plan. Where the plan provides intent, the development of the regulations is generally more challenging.

Regardless of the degree of specificity in the plan, implementation occurs through a variety of local ordinances:

- Zoning codes address uses, building setbacks and heights, density and intensity, parking standards, and loading zone requirements. Some other standards, such as site planning, historic preservation, or signage, may be included in the zoning code or in separate ordinances.
- Subdivision ordinances regulate the subdivision of land.
- Landscaping and/or environmental ordinances address protection of natural resources, mitigation for impacted resources, and landscaping requirements.
- Adequate public facility ordinances ensure the availability of facilities needed to accommodate new development. These may include roads, potable water, sewer, schools, libraries, and emergency services.

Often, all these ordinances are located in one section of the community's code of



The Capital Plan

Planning commissions do not always review the capital budget or capital plan. It should be remembered, however, that the capital plan and budget can and should be important tools for implementing the comprehensive plan. For example, if the comprehensive plan emphasizes walking and biking as alternatives to the car, the capital budget should reflect this by providing adequate funds for sidewalk and bike lane improvements. The capital plan (usually a five year plan) should also reflect the need for infrastructure to meet the needs of the current and future population.

ordinances and are referred to as the land development code or the land development regulations.

The standards in each of these ordinances should reflect the direction established in the comprehensive plan. With so many implementing regulations, and with a variety of departments responsible for some aspect of the regulations, it can be very difficult to ensure that the plan's vision is properly incorporated. Section 3 below describes some ways to achieve this integration. First, however, let's discuss the relationship between the plan and the implementing regulations in a bit more detail.

2. Consistency Between the Plan and Its Implementing Regulations

The term for the evaluation of the relationship between the plan and its implementing regulations is usually referred to as a "finding of consistency." In other words, is the proposed land development regulation consistent with the comprehensive plan? The following criteria provide guidance for making such a finding:

- Do the land development regulations address all the relevant policies in the plan? All policies requiring implementation through the land development regulations should be included.
- Are there any conflicts between the comprehensive plan and the land development regulations? For example, if the comprehensive plan establishes a low-density residential future land use category with a maximum density of three units per acre, the zoning districts that implement that category should not allow densities higher than three units per acre.
- Do the land development regulations further the implementation of the comprehensive plan? This criterion has a more qualitative aspect. It is an evaluation of how well the regulations will help realize the plan's goals.

Let's say the plan requires that new development be compatible with adjoining existing residential development and the regulations include standards for assessing compatibility. To determine whether the regulations further the intent of the plan, one would assess whether the standards can be expected to result in compatibility. To make this assessment, one would consider what aspects of development have been included in the compatibility standards (height, density, buffering) and whether the standards are sufficient (e.g., will the size of the buffer adequately mitigate visual impact.)

3. Going Beyond the Planning Department

A key strategy for promoting consistency

continued on page 4

Comp Plan & Land Development Regulations (continued from page 3)

is for planning staff to work with staff from all departments responsible for the implementing regulations (as I earlier noted, comprehensive plans typically call for a variety of implementation measures, not just zoning or subdivision regulations). For example, if public works, engineering, housing, or environmental staff are involved in the development (or evaluation) of the comprehensive plan itself, they can provide input into how plan policies can best be implemented by their departments.

This is beneficial for a number of reasons. First, the plan may call for a substantially new pattern of development. (Consider, for example, the special area plan for the newly annexed area discussed earlier.) This means that staff needs to develop new regulations, work through the implementation of these regulations, and educate the development community. This kind of change is usually difficult and can meet resistance. However, if the staff responsible for the new standards is involved in policy development, there is likely to be less resistance. This observation holds true for the public too. Having key stakeholders meaningfully involved in developing and implementing policy lays the groundwork for success.

Another reason to have broad staff involvement is that by working collaboratively under the general guidance of the comprehensive plan, staff can identify and attempt to minimize the inconsistencies that sometimes appear in the comprehensive plan and development regulations.

Take, for example, a comprehensive plan that calls for more pedestrian and transit-oriented development. Planners may want to limit on-site parking for new development, especially in more mixed-use areas, seeing it as an impediment to pedestrian-friendly design. But staff from the public works or transportation department may have concerns that limiting on-site parking will increase the likelihood of illegal parking on city streets. By working together, planners and engineers can try to come up with regulations or other solutions that meet the intent of the comprehensive plan and are workable.

4. Keeping the Plan's Overall Objectives in Mind

As a planning commissioner, you have a major responsibility to reinforce the

consistency between the comprehensive plan and its implementing regulations. Once staff have drafted regulations to implement the plan, the commission will review them for consistency. A finding of "consistency" is not always straightforward. Some inconsistencies between the plan and land development regulations may remain unresolved.

Often at a public hearing you will hear opponents and proponents of a regulation citing individual plan policies to support their point of view. Here is when you will need to rely on your knowledge of the plan. Going back to the definition of consistency presented earlier, remember that it is helpful to keep in mind the overall objectives of the plan and not just one or two specific policies.



The Feedback Loop

At the beginning of this article, I described the relationship between the comprehensive plan and land development regulations as a "feedback loop." We've looked at the importance of making sure that the intent of the plan informs the development of the regulations and the value of having the people who are responsible for implementing the regulations involved in developing policy. Another key piece of the feedback loop is evaluating the effectiveness of the plan and land development regulations on a scheduled basis.

1. What Does the Data Show?

It is important to measure the success your community is having in achieving its goals and to understand the reasons for success (or lack thereof). With this information, your community can have a discussion about what needs to be improved.

If the plan, for example, promotes the use of transit as a form of mobility, data should be collected that shows the trend of transit use. If transit ridership is not going up, the next question is "Why not?" If the comprehensive plan's policies or the implementing regulations are found to be contributing to the problem, the next question is "What needs to change in the comprehensive plan and land development regulations?" Should the plan be amended to include a new higher density mixed-use land use category along

transit lines? Should the regulations incorporate more pedestrian-friendly standards for development along these routes?

2. Evaluating Approved Projects

Another source of information is a review of site plans and subdivisions that have been approved under the current plan and regulations.

- How well is development matching the community's long-term goals?
- Is the landscaping adequate to provide a comfortable and attractive environment?
- Are there too many curb cuts and driveways serving commercial development, creating congestion and unsafe conditions?

If you see these trends, the best solution is to change your regulations or policies, rather than try to fix the problem through negotiations on a case-by-case basis.

3. Looking at Your Development Review Process

A third area of evaluation is how well the development review process is working to further community goals.

- Are items on the planning commission agenda frequently delayed? If so, is it because of inter-agency conflicts regarding rules?
- Is the public works staff at odds with the environmental review staff over how to apply the regulations? If so, explore what changes need to be made to reduce internal inconsistency or conflict.

Once you have identified areas for improvement, forward your recommendations on how to improve the plan or regulations to the elected officials.

Summing Up:

Having a clear understanding of the relationship between your comprehensive plan and land development regulations will give you a good framework for improving the effectiveness of these documents.

Remember that neither the plan nor the regulations are static. They need to be evaluated independently and in relation to each other to be good tools for guiding community development. ♦

**Zoning Compliance Permit Report
January — June 2011**

| | City of Bardstown | | Nelson County | | Total | |
|--|-------------------|--------------------|---------------|---------------------|------------|---------------------|
| | Permits | Est. Cost (\$) | Permits | Est. Cost (\$) | Permits | Est. Cost (\$) |
| Agricultural Additions | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Agricultural Demolitions | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Agricultural Structures | 0 | \$0 | 17 | \$125,764 | 17 | \$125,764 |
| Agricultural Subtotal | 0 | \$0 | 17 | \$125,764 | 17 | \$125,764 |
| Accessory Structure Additions | 0 | \$0 | 2 | \$1,200 | 2 | \$1,200 |
| Accessory Structure Alteration | 1 | \$20,000 | 0 | \$0 | 1 | \$20,000 |
| Accessory Structure Demolitions | 0 | \$0 | 1 | \$0 | 1 | \$0 |
| Accessory Structures | 28 | \$152,892 | 77 | \$622,677 | 105 | \$775,569 |
| Manufactured Homes, double-wide | 0 | \$0 | 8 | \$358,097 | 8 | \$358,097 |
| Manufactured Homes, single-wide | 0 | \$0 | 7 | \$84,991 | 7 | \$84,991 |
| Manufactured Home, single-wide (MHP) | 1 | \$12,000 | 0 | \$0 | 1 | \$12,000 |
| Manufactured Home Additions | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Modular Homes | 0 | \$0 | 1 | \$101,400 | 1 | \$101,400 |
| Multi-Family Additions | 1 | \$5,000 | 0 | \$0 | 1 | \$5,000 |
| Multi-Family Structures (2+ units)(19 units) | 2 | \$470,000 | 0 | \$0 | 2 | \$270,000 |
| Single-Family Additions | 8 | \$108,200 | 28 | \$276,099 | 36 | \$384,299 |
| Single-Family Demolitions | 2 | \$0 | 2 | \$0 | 4 | \$0 |
| Single-Family Dwellings | 11 | \$1,193,217 | 46 | \$6,231,700 | 57 | \$7,424,917 |
| Single-Family Alteration/Remodeling | 7 | \$116,816 | 9 | \$301,250 | 16 | \$418,066 |
| Townhouses/Condominiums (7 units) | 3 | \$503,000 | 0 | \$0 | 3 | \$503,000 |
| Residential Subtotal | 64 | \$2,581,125 | 181 | \$7,977,414 | 245 | \$10,558,539 |
| Commercial Accessory Structures | 1 | \$300 | 1 | \$10,000 | 2 | \$10,300 |
| Commercial Additions | 0 | \$0 | 1 | \$5,000 | 1 | \$5,000 |
| Commercial Alterations/Remodels | 7 | \$65,650 | 3 | \$95,000 | 10 | \$160,650 |
| Commercial Demolitions | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Commercial Structures | 3 | \$838,000 | 2 | \$812,000 | 5 | \$1,650,000 |
| Commercial Tenant Fit-Ups | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Commercial Subtotal | 11 | \$903,950 | 7 | \$922,000 | 18 | \$1,825,950 |
| Industrial Accessory Structures | 1 | \$20,000 | 1 | \$40,000 | 2 | \$60,000 |
| Industrial Additions | 3 | \$86,000 | 3 | \$376,800 | 6 | \$462,800 |
| Industrial Alterations/Remodels | 2 | \$112,000 | 3 | \$347,800 | 5 | \$459,800 |
| Industrial Demolitions | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Industrial Structures | 1 | \$50,000 | 3 | \$58,000 | 4 | \$108,000 |
| Industrial Tenant Fit-Ups | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Industrial Subtotal | 7 | \$268,000 | 10 | \$822,600 | 17 | \$1,090,600 |
| Public Structures | 0 | \$0 | 2 | \$1,170,458 | 2 | \$1,170,458 |
| Public Structure Additions | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Public Structure Alterations | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Public Accessory Structures | 0 | \$0 | 0 | \$0 | 0 | \$0 |
| Telecommunications Facility | 0 | \$0 | 1 | \$217,000 | 1 | \$217,000 |
| Telecommunication Acc. Structures | 2 | \$20,000 | 0 | \$0 | 2 | \$20,000 |
| Public Subtotal | 2 | \$20,000 | 3 | \$1,387,458 | 5 | \$1,407,458 |
| Total Permits Issued | 84 | \$3,773,075 | 218 | \$11,235,236 | 302 | \$15,008,311 |

Joint City-County Planning Commission of Nelson County

One Court Square
Old Courthouse Building, 2nd Floor
P.O. Box 402
Bardstown, Kentucky 40004

Telephone: (502) 348-1805
Fax: (502) 348-1818
Email: ncpz@bardstowncable.net
Website: www.ncpz.com

**Serving the
Cities of Bardstown,
Bloomfield, Fairfield,
& New Haven
&
Nelson County**

Planning Commission

Crystal Brady, City of Bardstown
Kenneth Brown, City of Bloomfield
Theresa Cammack, Nelson County (#3)
Charles Howard, Nelson County (#5)
Andy Hall, City of New Haven
Todd Johnson (Chair), City of Bardstown
Mary Ellen Marquess (Vice-Chair), City of Fairfield
Mark Mathis (Secretary/Treasurer), Bardstown
Carolyn Welch, Nelson County (#4)
Linda Wells, Nelson County (#2)
Mike Zoeller, Nelson County (#1)

denotes Magisterial District

Planning Commission Staff

Janet Johnston, AICP, Director
Cindy Pile, Administrative Assistant
Phyllis Horne, Receptionist/Clerk
Jack Waff, Enforcement Officer
Pen Bogert, Preservation Administrator
Mike Coen, Legal Counsel
Alicia Brown, Court Reporter

Board / Staff News

- Ann Hite resigned from the Development Review Board. The Development Review Board is a 5-member board established by the City of Bardstown and Nelson County Fiscal Court to review new establishments for consistency with the Commercial Establishments Design Standards Ordinance. The DRB has 2 City appointments, 2 County appointments, and 1 joint City/County appointment. The DRB meets 2nd Tuesday at 11:00 a.m. in the Fiscal Court to review and make recommendation.
- The Planning Commission has implemented a 4-day workweek for the Director and Administrative Assistant. The Director's typical 4-day schedule will be Monday, Tuesdays, Thursdays, and Fridays. The Administrative Assistant will have a floating day off. The office is open 5 days per week a.m. from 8:30 to 4:30 p.m.