

Appendix 3

1981 Comprehensive Plan Implementation Tools

Introduction

In general, the community planning process is made up of three stages. First, base information and community goals are combined to attempt to answer the questions of what is the community? And what direction does the community want to do in the future? Jamestown's comprehensive plan can be used to define and direct the future of the community. The plan offers guidance to local officials when they face community issues. The comprehensive plan policies also encourage governmental action which is coordinated with the community's interests.

Jamestown should choose those regulations which it will be able to administer relatively inexpensively and efficiently. Moreover, the implementation tools should work for the town by protecting Jamestown's small mountain-town character and by providing a way to handle new growth within the community.

Ordinances and Regulations

The second stage implementation of the plan is concerned with how best to achieve the comprehensive plan policies. Municipalities have statutory powers which enable them to place restrictions on private actions to protect the public good and welfare. Jamestown can use its powers to develop ordinances and regulations which will enforce the comprehensive plan policies.

Jamestown should choose those ordinances which are best suited to the town's particular needs. The building regulation or code, zoning ordinance, and subdivision ordinance are considered to be the basic implementation tools of planning. Jamestown has already established a building code. However, the town still needs to develop some type of zoning and subdivision ordinances. In addition, a capital improvements program should be developed which clearly defines the town's ability to provide services and maintain facilities. The community is then able to balance its revenues with future residents' demands. The following list explains briefly the traditional planning regulations as well as some alternative regulations to use for the implementation of the comprehensive plan.

Subdivision Regulation

Definition: These are locally adopted laws which regulate the process of converting new land into development. Specific criteria are set which must be met before development can take place.

Purpose: Used to ensure that minimum standards considered vital for livable development are met by new developments and that the necessary services are provided.

Potential Problems: This type of land use regulation tends to allow single family detached residential development only. It is fairly rigid and inflexible in the type of design. It tends to not

promote the best use of a parcel, but merely the meeting of the universally applied minimum standard.

Annexation

Definition: This is a power authorized by the State for local municipalities to add unincorporated contiguous territory to the municipality. As a land use regulation, it is used as a method of directing and timing development.

Purpose: This is used to allow new development to coincide with established areas, and to allow expansion of towns. It gives more local control over unincorporated land.

Potential Problems: Any given municipality needs goals and policies to determine if, when and under what circumstances the town is capable of absorbing annexation, both in the long and short term.

Capital Improvements Program

Definition: This technique examines the current and future capacity of the town's utility systems and sets a schedule for their improvements and/or expansion. This schedule is used to determine where and how much and when new development can take place.

Purpose: This is used to stimulate or curb growth according to a timetable for development based on the expansion and capacity of public services, utilities and facilities. It is also used to ensure that adequate services are provided to new developments as well as to older areas of the town.

Potential Problems: There may be problems with actually following the established timetable. By holding up development in one area due to the lack of utility capacity, the overall cost may increase due to inflation and time delay. In Colorado, land use decisions made on this basis are authorized under H.B. 1034.

Other Land Use Controls

Zoning

Definition: The division of a town or county into districts and the regulations within each district of building use, land use, density, coverage of lots, bulk of structures, etc. Traditionally, zoning has focused on different types of land use and their location in relation to one another to provide a balanced community which serves the needs of all its current and potential future residents.

Purpose: Has been used to protect and preserve the single family house neighborhood. Used as a means to maximize property values and preserve the status quo. It originated as a control over land uses considered to be nuisances or health hazards to residences and to ensure that adequate housing is provided in a community. Zoning sets standards of acceptable uses for different areas in the community.

Potential Problems: It is considered rigid and inflexible and inappropriate to promote new growth or just to control new growth. It does not allow flexibility in design of development or natural mixture of land uses and building types. It assumes that all similar development has a similar impact on the community and allows or prohibits development without an analysis of the

actual impacts of the development. It can be difficult to administer because it does not and may not be able to address the problems and needs of the community and does not allow for changes in technology, community conditions, public attitudes, all of which affect development.

Aesthetic Zoning

Definition: Aesthetics are considered in establishing lot size, building height, setbacks, density controls, etc. It is now used as part of historic preservation and specific architectural controls. This involves the creation of a zone district based on beauty or aesthetics of the structure within the district.

Purpose: This technique is used to maintain a type of design (i.e. old west facades) to prevent incompatible design of new structures or preserve and maintain historic area.

Potential Problems: To date, there have been challenges to the legal basis for establishing aesthetic zones. Due process and the taking issue are both challenges to aesthetic zone districts. Georgetown's historic district preservation ordinance has been successfully challenged.

Interim Controls

Definition: These are controls of regulations enacted to prevent or restrict development until the planning process for a town has completed a land use or comprehensive plan, and permanent regulations designed to implement what plans have been developed.

Purpose: This allows a "moratorium" on development during the planning process. Interim controls are intended to preserve that status quo so that any new development proposed will be in accordance with the plan being developed. They are used mainly to ensure that development proposals which may not coincide with a proposed master plan are not authorized under the soon-to-be obsolete system of land use control. Thus, a new development is reviewed so that it will comply with the goals of the community as stated in the master plan.

Potential Problems: The major problem is in determining what type of development / redevelopment may be authorized and prohibited during the planning period. New development proposals may be rushed into the Planning and Zoning Commission for consideration before the interim controls are adapted. Opposition to any change in the current system of land use regulation may be quite strong.

Natural Hazards

Definition: Natural features and hazards of the area are identified and zone districts established for these areas specifying land use restrictions for each district. Conservation zones might be agricultural districts; hazard zones include the floodplain, avalanche areas, etc.

Purpose: This is an attempt to apply traditional zoning to the environment. It is a means of conserving resources while providing recreational opportunities.

Potential Problems: Usually no other land uses are allowed in these districts. These zones have not been effective in areas with high growth pressures, mainly due to land speculation and the availability of rezoning. It does not have a good track record in preserving the areas designated for preservation.

Performance Standards

Definition: The identification and listing of acceptable levels of nuisance or impacts of development (as opposed to specifying acceptable terms of uses). Establishes limits on the external effects of a development, development standards, which must be met by any development before it will be approved.

Purpose: Designed to address the problems faced in rural areas experiencing rapid growth. It essentially creates a working relationship between the community and the developer. The problems faced by the town are identified and solutions stated in the performance standards. The developer, by complying with the performance standards, helps the community to mitigate its problem or achieve a stated objective.

Potential Problems: The cost to the developer in meeting design standards may increase the cost of development in the area. It can be difficult to apply and enforce these to environmental hazards. Administration may be difficult or confusing. There is basic background information needed to establish the performance standards, which is an additional cost to the community.

Performance Zoning

Definition: A town is divided into zone districts and environmental features are identified as hazardous or in need of protection. On this basis any proposed development with an identified hazard on the site is allowed to build at the authorized district density, but only on that portion of the site considered to be developable.

Purpose: This technique is used to protect natural resources, prevent development in environmentally hazardous areas, and to promote flexibility in site design.

Potential Problems: Administration may be a problem, depending on the staff available to review proposed developments. The relative newness of the technique makes it difficult to predict its effectiveness. The community has the responsibility of providing detailed overall base information while the developer needs only to provide information about the development itself.

Phased Development

Definition: Controlled timing and location of development by establishing what land is most desirable or most necessary for development. This allows growth which will coincide with improvements and/or expansion of community facilities and services.

Purpose: This method recognizes that growth and change are inevitable and sets a process for the community to absorb change. It sets a timeframe on which new growth can be based, controls how much and where new growth occurs, ensures the provision of adequate services.

Potential Problems: This method is sometimes challenged, but it is becoming generally accepted as a legitimate means of controlling development. Once a timetable is set, it may be difficult to alter it as needs and desires of the community change. The coordination of phased development is very difficult.