



# Basics of Planning and Development Review

A Historical Perspective on planning and development regulation

2016 Central Texas Elected & Appointed Officials Planning Workshop

Sponsored By  
Texas Chapter of American Planning Association

Speaker:  
Dave Gattis, FAICP  
Benbrook Deputy City Manager  
[dgattis@cityofbenbrook.com](mailto:dgattis@cityofbenbrook.com)

Based on A Guide to Urban Planning in Texas Communities of the Texas Chapter of American Planning Association.

## Why Planning is Important

National Survey (APA, 2000)

Likely voters want:

- Professional planners in their community (81%)
- Adequate schools and educational facilities (76%)
- Availability of public services (74%)
- Create and protect parks and recreation areas (67%)
- Preserve farmland and open space (67%)
- Protect wetlands and other natural areas (65%)
- Create affordable housing options (64%)

Statewide Survey (TXAPA, 2002)

Likely voters want:

- Important to have community planner (85%)
- Protect open spaces, coastal areas and parkland (88%)
- Provide incentives for affordable housing (85%)
- Create transportation options like light rail, bus transit and bicycle trails (81%)
- Support right of local communities to make decisions for private property (81%)

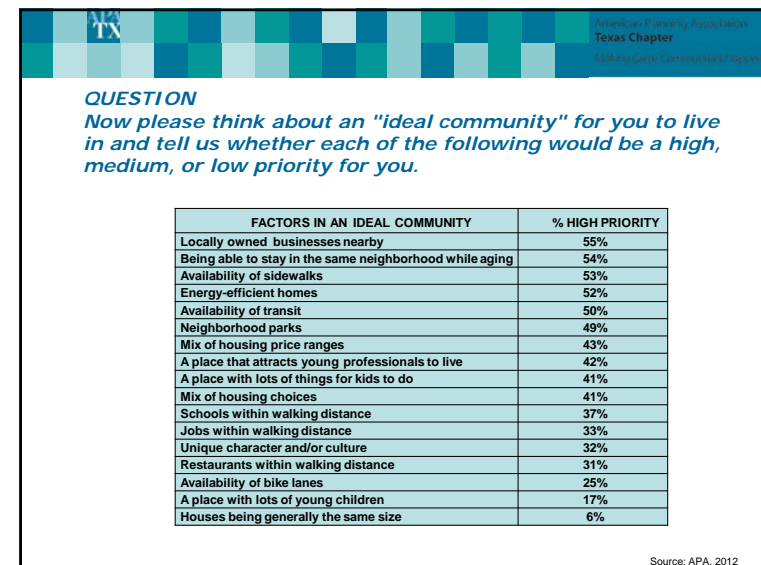
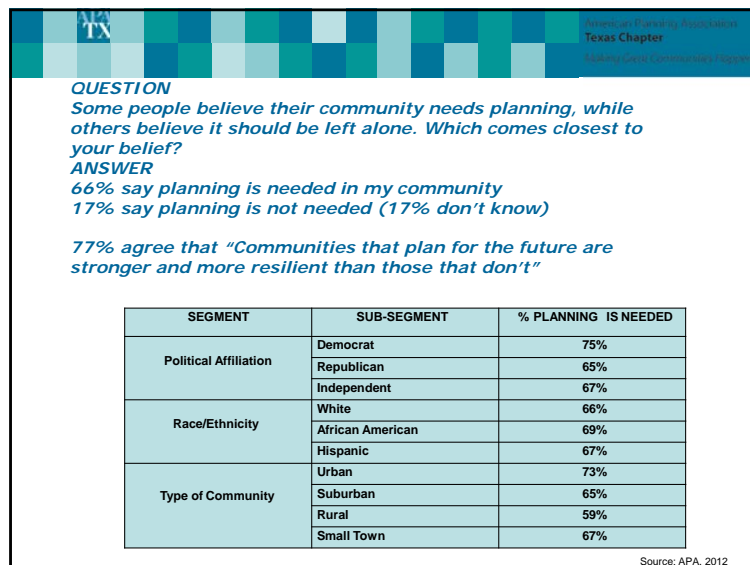
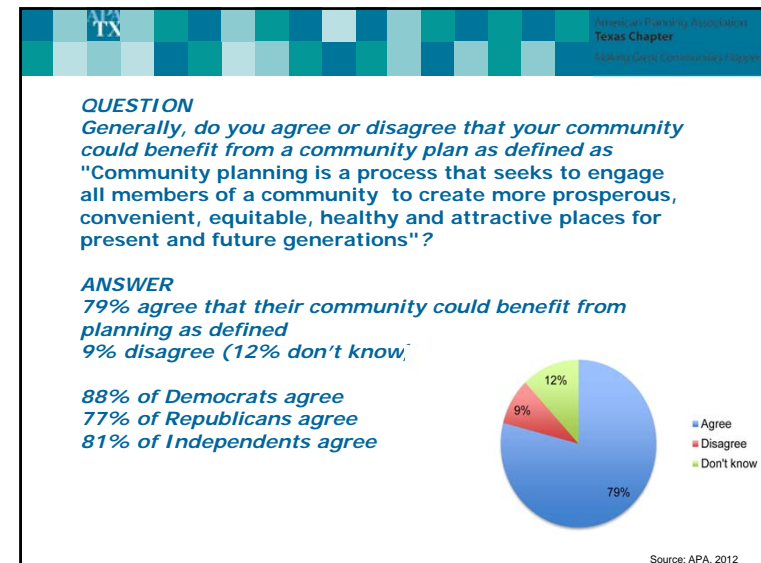
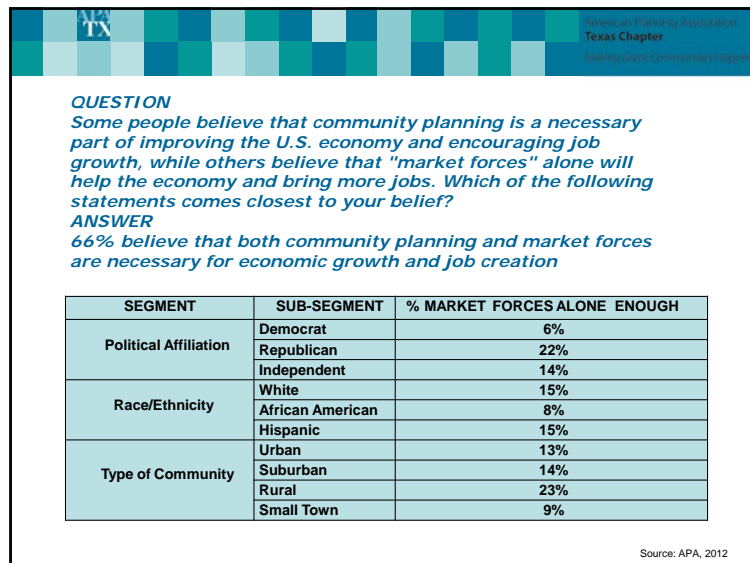
These are all planning issues!

## Planning in America: Perceptions and Priorities, June 2012

1300 respondents nationwide interviewed by Harris for American Planning Association and Collective Strength

Prepared to update 2000 survey, to measure support for planning, and determine strength of attacks on planning, such as Agenda 21

Summary report available at  
<http://www.planning.org/policy/economicrecovery/>



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## Recent Attacks on Planning

Private Property Rights  
Fifth and 14<sup>th</sup> amendments to US Constitution  
Texas Private Real Property Protection Act  
Agenda 21

- Report from 1992 UN Conference on Environment and Development. No legally-binding requirements. Not a UN conspiracy.
- All planning is not related to Agenda 21. Comprehensive planning, sustainable development, smart growth, growth management, and pedestrian-oriented development are not code words for Agenda 21.
- Planning as a result of Agenda 21 does not prohibit single family homes, car ownership, family farms, or private property rights

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## QUESTION

Do you support or oppose United Nations Agenda 21?

■ Support  
■ Oppose  
■ I don't know enough about United Nations Agenda 21 to answer

Table 10: Support for United Nations Agenda 21 (by sub-segment)

SEGMENT	SUB-SEGMENT	% SUPPORT	% OPPOSE
Political Affiliation	Democrat	8%	2%
	Republican	3%	14%
	Independent	3%	11%
Race/Ethnicity	White	3%	11%
	African American	9%	7%
	Hispanic	14%	7%
Type of Community	Urban	11%	9%
	Suburban	5%	10%
	Rural	3%	11%
	Small Town	3%	7%

Source: APA, 2012

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"If you don't have a plan for where you are going, you might end up somewhere else"  
--attributed to Casey Stengel

"If you want to predict the future, create it."  
-- Peter Drucker

"The will to win is nothing without the will to prepare."  
-- Runners World, April, 1991

"A vision without a plan, is a hallucination."  
-- Dallas Mayor Ron Kirk, November, 2000

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## What is Planning?

Planning as a design activity (maps etc.)

Planning as a decision-making process (selection from alternatives)

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## Development of City Planning as a Profession

- Pre-1900s
- Modern Physical Planning Period (1893-1945)
- Rational Comprehensive Planning Period (1945-1960s)
- Post-Modern Planning Period (1960s to present)

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## Brief History of Planning in America

1573 – First Law of the Indies for Spanish settlements  
1785 – Northwest Ordinance of 1787 (establishes one-mile grid and sections)  
19<sup>th</sup> Century – Railroad town sites

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## Pre-20<sup>th</sup> Century American Planning

Figure 10. Plan of the Pueblo of San Antonio de Bexar (San Antonio, TX) ca. 1777

San Antonio 1777

Figure 11. 1791 Plan of the City of Washington, D.C.

Washington DC, 1791

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## Brief History of Planning



1857 – Frederick Law Olmstead and Calvert Vaux plan for Central Park, NY  
1868 – Olmstead and Vaux plan for Riverside, Illinois

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## Brief History of Planning

1893 – World's Columbian Exposition promotes Modern Physical Planning and City Beautiful Movement (Daniel Burnham)







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## Modern Physical Planning

Process of graphically designing the future development of the City. Modernism espoused that social ills could be mitigated through proper design.





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## Modern Physical Planning Period

1901 New York Tenement House Law  
1902 – Garden Cities of Tomorrow  

- Ebenezer Howard, Letchworth, England




1907 - Hartford Commission  
1909 - Burnham Plan of Chicago  
1909 – 1<sup>st</sup> National Conference on City Planning

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## Modern Physical Planning Period

1911 – Kessler Plan for Dallas  
1911 – Frederick Taylor's Principles of Scientific Management, City Efficient Movement



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## Modern Physical Planning

1919 – Transcontinental convoy  
1956 – Interstate Highway System

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## Modern Physical Planning Period

1916 - New York City Zoning Code  
1917 – American City Planning Institute  
1922 – Standard Zoning Enabling Act  
1924 – Sunnyside Gardens  
    ▪ Clarence Stein and Henry Wright  
1926 – Ambler Realty v. Euclid

Fig. 3—The first unit of Sunnyside, built in 1924

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## What is Zoning?

Zoning regulations govern the use of land, and the location, size and height of buildings. Zoning divides a jurisdiction into multiple districts, with each district containing a distinct set of regulations that are uniformly applied to all property within the district. Zoning ordinances consist of a text specifying the regulations and a map defining the location of the districts.

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## Zoning

History of Zoning Authority in U.S

- New York City zoning ordinance (1916)
- Standard Zoning Enabling Act (1922)
- City of Euclid v. Ambler Realty (1926)
  - Police power under Constitution

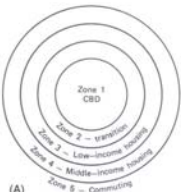

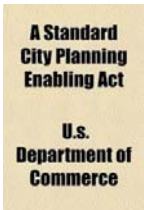
Limitations on Zoning

- Federal (5<sup>th</sup> and 14<sup>th</sup> Amendments)
  - Procedural due process
  - Substantive due process (regulatory takings)
- State
  - Taking statute (applies to State and County, not City)
  - Vesting Statute (LGC 245)
  - Zoning Compensation bills

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## Modern Physical Planning Period

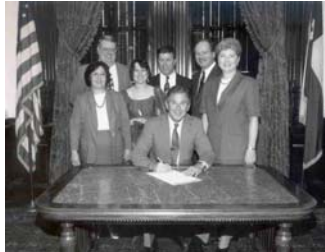
1925 – Concentric Zone Theory - Burgess  
1925 – Cincinnati Comprehensive Plan  
1928 – Standard Planning Enabling Act

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## Comprehensive Planning

1925 – Cincinnati Comprehensive Plan  
1928 – Standard City Planning Enabling Act  
1954 – General Plans funded under Sec. 701 of Housing Act  
1999 – George W. Bush signs Texas comprehensive planning statute



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## Comprehensive Planning Statute

Chapter 213 of Local Government Code  
Purposes

- Promote sound development
- Promote public health, safety and welfare

Adoption by ordinance

- After review by Planning Commission
- After public hearing

Conformity Requirements

Zoning disclaimer "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries"

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## Comprehensive Planning

Comprehensive Planning looks at more than just the physical design of the community, but also looks the inter-relationship of land use, infrastructure, community facilities, and other community programs.



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## Reviewing Comprehensive Plan Amendments

Administrative review

- Have they given you everything that you require to make decision?

Planning Review

- Look at the big picture
- Does the proposed change meet your planning goals?



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## Land Use Plan Amendments

Is this the best ultimate land use for this area, rather than the existing Land Use Plan designation?

- Be careful not to react to cyclical market demands. Change when change is the right thing to do in the long term.

Are there any environmental constraints? (e.g. floodplains, noise, landfill issues)

Does the proposed land use make sense for that location? (land use conflicts, relationship to other uses, access, utility service, etc.)



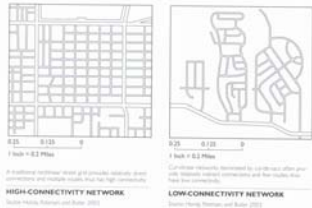
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## Thoroughfare Plan Amendments

Most requests will be to delete, relocate, or reduce size of streets

Is circulation maintained?

- Street connectivity



Will a change in Thoroughfare Plan and/or Land Use Plan affect traffic volumes?

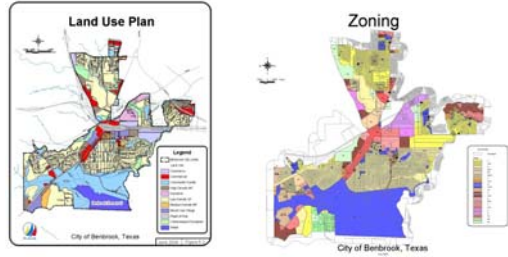
Be careful to avoid choosing short-term gains over long-term benefits.

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## Zoning

Relationship to Comprehensive Plan:

- Which comes first, planning or zoning?



Relationship to Subdivision Regulation


- Zoning regulates use, lot size, setbacks and heights
- Plats regulate street and lot layout, infrastructure, etc.



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## Subdivision Regulations

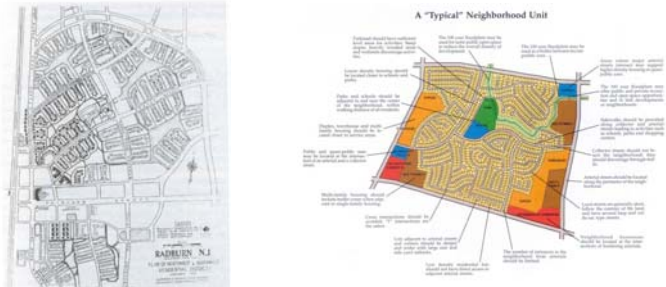
Subdivision regulations govern the division of land into two or more parts. The regulations specify the standards for drawing and recording a plat, and requirements for public improvements necessary to make the property suitable for development.



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## Modern Physical Planning Period

1928-30 - Radburn, New Jersey  
1929 - Regional Plan for New York John Nolen  
1929 - Neighborhood Unit Concept Clarence Perry



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## Modern Physical Planning Period


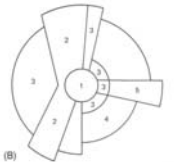
1934 - Housing Act of 1934  

- Federal Housing Administration

1935 - Resettlement Administration  

- Greenbelt cities

1939 - Sector Theory - Homer Hoyt  
1941 - Local Planning Administration, by Ladislav Segoe, 1<sup>st</sup> Green Book

(C)

1. CBD
2. Wholesale, light manufacturing
3. Low-cost residential
4. Middle-class residential
5. High-class residential
6. Heavy manufacturing
7. Outlying business district
8. Residential suburbs
9. Industrial suburbs
10. Commuter zone

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## The Rational Planning Process 1940s


The Rational Planning Process is a decision-making process of evaluating alternatives.



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## Rational Comprehensive Planning Period

1947 – Levittown  
1949 - Housing Act of 1949  
▪ Urban renewal  
1954 - Housing Act of 1954  
▪ Section 701 planning funds  
1956 – Federal Aid Highway Act



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## Rational Comprehensive Planning Period

1957 – Gruen Plan for Fort Worth  
1961 – Statewide Zoning, Hawaii  
1964 – Columbia, Maryland  
1965 - Reston, Virginia



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## Strategic Planning – 1960s

More focused short-term planning effort that identifies:  
Mission of organization  
Internal strengths and weaknesses  
External opportunities and threats  
Future possible scenarios over next three to five years  
Specific goals and objectives to achieve mission.  
Objectives should be “SMART”

- Specific
- Measurable
- Attainable
- Results-based
- Time bound

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<u>Comprehensive Planning</u>	versus	<u>Strategic Planning</u>
<ul style="list-style-type: none"> <li>▪ Long range, 10-20 years</li> <li>▪ Comprehensive (geographical)</li> <li>▪ Comprehensive (physical, economic, social)</li> <li>▪ Value oriented</li> <li>▪ A policy guide</li> <li>▪ Designates future land use</li> <li>▪ Implementation tools (regulations, funding)</li> <li>▪ Continuous</li> </ul>		<ul style="list-style-type: none"> <li>▪ Mission directed</li> <li>▪ Short range, 1- 5 years</li> <li>▪ Realistically targeted</li> <li>▪ Market oriented</li> <li>▪ Action oriented</li> <li>▪ Identifies strengths, weaknesses, opportunities, and threats</li> </ul>

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## Post-Modernism Period

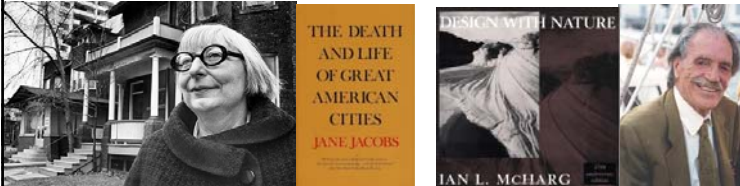
1960s – social and environmental movements

1960 – *Image of the City*, Kevin Lynch

1961 – *Death and Life of Great American Cities*, Jane Jacobs

1962 – Advocacy Planning, Paul Davidoff

1969 – *Design with Nature*, Ian McHarg



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## Post-Modernism Period

1969 – National Environmental Policy Act

1972 – Oscar Newman's *Defensible Space*

1974 Housing and Community Development Act, CDBG

1984 – Seaside, Florida, New Urbanism, Andres Duany and Elizabeth Plater-Zyberk




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## Crime Prevention Through Environmental Design (CPTED)

Design can affect behavior

Jane Jacobs, "The Death and Life of Great American Cities" 1961

Oscar Newman, "Defensible Space: Crime Prevention Through Urban Design" 1972



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## Crime Prevention Through Environmental Design (CPTED)

**Natural surveillance**

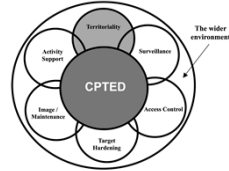
- Eyes on the street
- Avoid blind spots

**Natural access control**


- Delineate public and private space
- Clearly defined entrances

**Territorial behavior**

- Sense of ownership



**Crime Triangle**



All three variables must be present. Eliminate at least one and the crime can be prevented.

Source: Adapted from Miller (1985, p. 25)

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## New Urbanism

Congress for the New Urbanism  
 Ahwahnee Principles (1991)  
 Charter for the New Urbanism

- Design based on scale
  - Metropolitan, City and Town goals
  - Block, street and Building goals

AKA Traditional Neighborhood Design

- New urbanism at neighborhood scale

Reject Euclidean Zoning in favor of Form-based Design Codes

- Mixed uses
- Regulate form rather than use
- Human-scale design

Respect street grid, connectivity

Source: DPZ and Associates

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## Form-based Codes -The Transect

## Form-Based Regulating Plans

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## Human-Scale Streets

**Figure 4.2** Illustration of height to width ratios that create a scale on thoroughfares that is comfortable to people and encourage walking (human scale). Human scale ratios fall between 1:3 and 1:2 as measured from the building fronts. Source: Community Design + Architecture

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## Technology

### Geographic Information Systems – 1990s

- Intelligent maps (location and tabular)
- ArcGIS (ESRI), MapInfo, others

## Visioning Software

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## Recent Trends in Planning

1980s - Growth Management  
Hawaii, Oregon, Florida, Georgia

1990s - Smart Growth, Sustainable Development

2000 - Disaster Mitigation Act

2000s – Traffic Calming, Context-sensitive Solutions

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## Smart Growth

Term attributed to Maryland Governor Parris Glendening  
Scale: Regional vs. Local  
Features of Smart Growth:

- Compact development
- Mixed uses
- Mobility choice (pedestrian orientation)
- Open space preservation
- Infill development




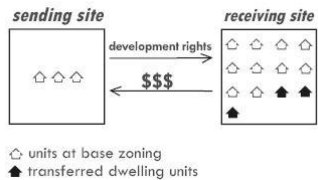
The Domain, Austin

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## Regional vs. Local Scale Smart Growth

Regional Programs include growth management that directs the timing and location of development

- Urban growth boundaries
- Adequate public facilities ordinances
- Cluster or conservation developments
- Transfer of development rights

sending site      development rights      receiving site  
 \$\$\$  
 ◻ units at base zoning  
 ★ transferred dwelling units

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## Regional vs. Local Scale Smart Growth

Local Programs are projects that incorporate principles of smart growth

- Mixed uses
- Pedestrian orientation
- Transportation alternatives
- Preservation of public open space
- Compact development

Maximum density vs. minimum density

Set-back lines vs. build-to lines





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## Smart Growth Programs in Texas

Austin

- Smart Growth Matrix
- Envision Central Texas

Flower Mound

- Adequate Public Facilities Ordinance

North Central Texas Council of Governments

- Center for Development Excellence
- Vision North Texas



## Smart Growth Projects Examples

Addison Circle  
Southlake Town Center  
Plano Transit Village  
The Domain - Austin




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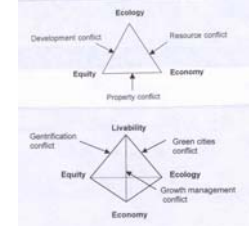
## Sustainable Development

Intergenerational and intragenerational equity  
Protecting and living within the natural carrying capacity of the natural environment  
Minimization of natural resource use  
Satisfaction of basic human needs

Sustainable Development versus Consumptive Development

Three "E"s of sustainability

- Economy
- Environment
- Equity

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## Sustainable Development – Better Site Planning



**RESIDENTIAL SUBDIVISION #1 – CONVENTIONAL DESIGN**

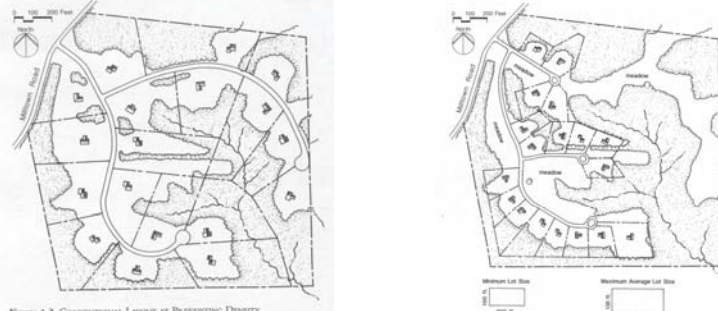
- Site is Mass Graded
- Natural Drainage Patterns Destroyed
- Existing Tree Cover Removed
- Character of Site is Destroyed
- Extensive Storm Drain System Required
- Assembly Center is Only Open Space

**RESIDENTIAL SUBDIVISION #1 – BETTER SITE DESIGN**

- Natural Drainage Patterns Guide Layout
- Only Building Footprints are Graded
- Character of Site is Preserved
- No Storm Drain System Required
- Impervious Cover Reduced
- Provides Open Space for Community

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## Cluster Development



**Figure 4-2. CONVENTIONAL LAYOUT AT PREEXISTING DENSITY.**

Minimum lot size:	80,000 square feet
Overall density:	One dwelling per 80,000 square feet adjusted tract acreage
Lot yield:	18 lots
Conservation land:	None
Lot size range:	80,000 square feet (1.8 acres)
Minimum:	80,000 square feet (1.8 acres)
Typical:	80,000 square feet (1.8 acres)
Maximum:	None

**Figure 4-3. OPTION 1: NEUTRAL DENSITY AND BASIC CONSERVATION.**

Maximum density:	One dwelling per 80,000 square feet adjusted tract acreage
Lot yield:	18 lots (maximum)
Conservation land:	50 percent (minimum) of adjusted tract acreage
Lot size range:	20,000 square feet (0.46 acres)
Minimum:	20,000 square feet (0.46 acres)
Typical:	30,000 square feet (0.68 acres)
Maximum:	40,000 square feet (0.91 acres), on average

## Sustainable Development – Green Building

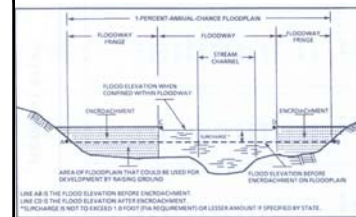
LEED-Leadership in Energy & Environmental Design  
U.S. Green Building Council  
Rating System based on

- Sustainable sites
- Water Efficiency
- Energy and Atmosphere
- Materials & Resources
- Indoor Environmental Quality
- Innovation & Design Process

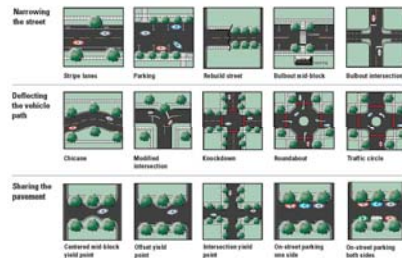
LEED-ND



## Disaster Mitigation Planning



## Traffic Calming



## Context-Sensitive Design


## Capital Improvements Planning

CIP is a plan for the investment of public funds in public infrastructure. It identifies construction projects (typically streets, drainage, water, sewer, parks, and public buildings) that will be built over the next one year, five years, 10 years and beyond. It also guides the budgeting of funds for capital expenses, debt service, and bonding capacity.





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# Questions?


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## Important Acronyms

AICP – Any Idiot Can Plan  
 B4 – Big Bland Beige Box  
 BANANA – Build Absolutely Nothing Anywhere Near Anything  
 CAVE People – Citizens Against Virtually Anything  
 DBTD – Death By a Thousand Days  
 DUDE – Developer Under Delusions of Entitlement  
 LULU – Locally Unwanted Land Use  
 NIMBY – Not In My Back Yard  
 NIMFYE – Not In My Front Yard Either  
 NOTE – Not Over There Either  
 NIMTOO – Not In My Term Of Office  
 NITL – Not In This Lifetime  
 NOT – None Of That  
 TOAD – Temporary Obsolete Abandoned or Derelict  
 WIIFM – What's In It For Me?


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## Important Terms

Bungalow Bill – tract house architect  
 Comprehensive Flan – bland, custard-like filling in many comprehensive plans  
 Custard Development – bland clustered development  
 Dejavenue – impression of having seen the same street before  
 Disneyfication – architectural fad on a community scale  
 Generica- stores and strip malls you can see in any town in America  
 Landscraeper – landscape architect (also Blandscape Architect – a minimalist landscape architect)  
 Litter on a Stick - billboard  
 McPlace – standardized sense of place  
 Pacebo – a place that has the appearance, but none of the value of a real place  
 Privatopia – gated community run by homeowners association  
 Ranchburger – one-story, generic southwestern tract house


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## Important Terms cont.

Scents of place – odors, smells, aromas and fragrances associated with a place  
 Sense of Immunity – mistaken belief that a regulation doesn't apply  
 Snout House – home dominated by garage door



Starter Castle – also known as a McMansion, Big Hair House and Tract Mansion  
 Powerpoint Poisoning – nauseous state of mind and body induced by presentations