

**CITY OF LAKEWOOD CITIZENS' PLANNING ACADEMY**  
**Zoning and Subdivision**  
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1. Euclidean Zoning (and Comprehensive Plans)

- The historical underpinnings of zoning
  - City and town layout and planning, historically
    - ancient
    - medieval
    - Washington, Paris
  - Industrialization, squalor of the NE cities and city beautiful movement
    - Muckrakers
    - Frederick Law Olmstead
    - Daniel Burnham: "make no little plans"
    - concern for light, air and greenery
  - New York ordinance
  - Euclid and the Standard Zoning Enabling Act
- Workings of a typical Euclidean zoning ordinance
  - Derivation of zones and regulations from a comprehensive plan
    - basic notion: zoning ordinance is instrument of implementation while the plan is the "guiding vision"
    - legal status of plans generally, and in Colorado
    - how plans have been done:
      - ▶ planning staffs
      - ▶ consultants
      - ▶ citizens committees

- ▶ combinations
- types of plans
  - ▶ physical plan
  - ▶ policy plan
  - ▶ mixed
- actual effect of plans
  - ▶ shelved and forgotten
  - ▶ given "lip service" as part of rezonings, other land use actions
  - ▶ accorded actual respect as a guiding principle
  - ▶ given real and substantial impact in land use control and, specifically, growth management
- Districts and zoning maps
- Two things that traditional zoning regulates in a district:
  - permissible use
  - certain aspects of the physical embodiment of that/those uses(s)
- Uses
  - by right
    - ▶ inclusive vs. exclusive
  - accessory
  - temporary
  - by special review
  - interpretation
- Physical parameters
  - The importance of a reference area for measurement

- lot size
- set backs
- heights
- bulk
- coverage
- density
  - ▶ DU's/acre
  - ▶ F.A.R.
- orientation
- access
- parking
- loading
- Accommodating change: amendments; "Tom Town"
  - types: map change vs. language change
  - basis for map change:
    - ▶ change in conditions
    - ▶ accord with Comp. Plan
    - ▶ compatibility
- Accommodating the non-standard #1: exceptions
  - necessity for
  - "OK" exceptions
    - ▶ variances
      - \* standards: hardship vs. practical difficulties
      - \* jurisdiction: usually vested in a special board
    - ▶ "bad" exceptions: "spot zoning"; contract zoning

- Building in some permissible flexibility: the PUD
  - What are they: customized zones for an individual property where the land use regulations are developed through a process of negotiation
  - Why?
    - ▶ inflexibility led to perversion of amendment and exceptions processes
    - ▶ frontal assault on benefits of homogeneity
      - \* Jane Jacobs: Death and Life...
    - ▶ perceived opportunity to trade for public benefits
      - \* (query: is this land use policy prostitution?)
  - Workings:
    - ▶ the "complete" PUD vs. the overlay: how "use" is treated
    - ▶ negotiation of parameters
  - Processing
    - ▶ staff
    - ▶ preliminary plan
    - ▶ final plan

## 2. Subdivision

- What is "subdivision?"
- Division of tract into pieces
- History
  - Initially, both a short hand system of property legal description and way to lay out new places and sell property within them
    - town/city maps/plats
  - Widespread abuses of land division

- difference between a "lot" and a truly buildable site:
  - ▶ physical condition of land (dry, flat and buildable?)
  - ▶ access
  - ▶ utilities and services
- examples
  - ▶ prominence of retirement and recreational subdivisions
- societal
  - ▶ impacts on built infrastructure and natural resources
  - ▶ aesthetics
- Response: comprehensive subdivision control regulations
  - example: S.B. 35 in 1972
- How do subdivision regulations work?
  - Jurisdiction: define "subdivision" for purposes of application
    - ▶ variation in approach (e.g. Denver vs. S.B. 35)
  - Quality control mechanisms: standards, checks, and review processes
  - Standards: site planning and engineering minima
  - Checks: the "referral" system
    - ▶ designed to surface and address both individual buildability concerns and societal impact issues
    - ▶ review processes
    - ▶ impose layers of policy review
- Blending and intertwining of zoning and subdivision
  - Frequent confusion and mixing
  - Logical relationship

- Joint processing
- 3. Players and their roles
  - Typical three step process for most land use approvals
  - Staff
    - Planning vs. zoning
    - Prof. advice
    - Review and processing
  - Planning board
    - Focused policy role
    - Advisory vs. determinative capacity
  - Legislature
    - Representational, law making
    - Broader policy role
  - Examples of zoning and subdivision processing