

LAND USE TERMS

This fact sheet contains a summary of around 90 terms and phrases relating to land use and planning matters.

It covers a variety of issues ranging from new development to conservation and environmental protection.

Accessory Use

An activity or structure that is incidental to the main use of a site.

Action plan

That part of a comprehensive or general plan that spells out in some detail how the plan's vision or goals are to be achieved. This includes a description of the responsible party, the specific actions to be taken and the time frame for completing the action. The time frame of the plan is usually between one and five years.

Benchmark

A performance monitoring standard that allows a community to periodically measure the extent to which the goals and policies of its comprehensive or general plan are met.

Boundary changes

Changes in the legal status and area of jurisdiction of a local community. This may be accomplished through annexation of all or a portion of a township, consolidation of two adjacent municipalities or detachment of part of a community and annexation by another community. Proposals for boundary changes are governed by state law.

Brownfield

An abandoned, idled or under-used industrial or commercial facility where expansion or redevelopment is complicated by real or perceived environmental contamination.

Building Envelope

The space remaining on a site for structures after all building setback, height limit, and bulk requirements have been met.

Capital Improvement Program

A timetable for the installation of permanent public structures, facilities, roads, and other improvements based upon budget projections.



CEQA

The California Environmental Quality Act (see Public Resources Code section 21000). CEQA requires that private and public projects' potential adverse effects upon the environment be reviewed by decision-makers.

Charter City

A city which has been incorporated under its own charter rather than under the general laws of the state. Charter cities have broader powers than do general law cities.

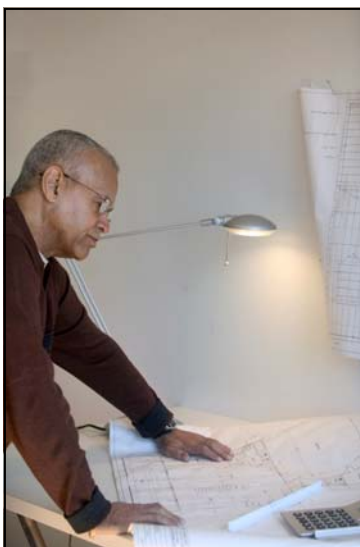
Cluster Development

Development which is bunched together in a portion of a site, leaving the remainder in open space. The amount of development allowed equals the amount that would have otherwise been allowed on the entire site.

COG

Council of Governments. California's 25 COGs are regional planning agencies concerned primarily with transportation planning and housing; they do not directly regulate land use. Elected officials from each of the cities and counties belonging to the COG make up its governing board.





The zoning ordinance should be consistent with the comprehensive or general plan.

Community Plan

A portion of the local general plan that focuses on a particular area or community within the city or county. Community plans supplement the contents of the general plan.

Compact Development

Refers to high-density communities designed so to be more livable and sustainable. This concept emphasizes neighborhoods, town centers, a mix of land uses, public transit, and pedestrian and bicycle accessibility. Sometimes referred to as "New Urbanism" or "Transit-Oriented Development" (TOD).

Comprehensive plan

See **General Plan**.

Conditional Use Permit (CUP)

A permit authorizing a use not routinely allowed on a particular site, subject to a public hearing. If approval is granted, the landowner must meet certain conditions to harmonize the project with its surroundings.

Consistency Requirement

The concept that the zoning ordinance should be consistent with the comprehensive or general plan. This conforms to established planning theory and practice that official controls, such as zoning ordinances and subdivision regulations, are the tools to implement the comprehensive or general plan. Most important, courts are tending to hold zoning

ordinances that are inconsistent with an adopted comprehensive or general plan to be invalid.

Dedication

A grant of private land to a public agency for public use. Dedications are often used to obtain roads and parkland needed to serve a project.

Density Bonus

An increase in the allowable number of residences granted by the city or county in return for the project's

providing low- or moderate-income housing. (see Government Code section 65915)

Design Review Board

A group appointed by the city council or Board of Supervisors to consider the design and aesthetics of development within all or a portion of the community.

Design standards

A set of guidelines on the appearance and aesthetics of buildings or improvements that governs construction, alteration, demolition or relocation of a building or improvement, including land improvements.



Development Agreement

A binding contract between a developer and a city or county establishing the conditions under which a particular development may occur. The local government "freezes" the regulations applicable to the site for an agreed upon period of time. (see Government Code section 65864)

Development Fees

Fees charged as a precondition to construction or development approval. The most common are: (1) impact fees (such as parkland acquisition fees, school facilities fees, or street construction fees) related to funding public improvements necessitated in part or in whole by the development; (2) connection fees (such as water fees) to cover the cost of installing public services to the development; (3) permit fees (such as building permits or grading permits) for the administrative costs of processing development plans; and, (4) application fees (rezoning, variance,



etc.) for the administrative costs of reviewing and hearing development proposals.

Downzone

A change of zoning to a more restrictive zone (for example, from multi-family residential to single-family residential).

Ecological Impact

A change in the natural environment that could disrupt wildlife habitat or vegetation, or that could cause air, water, noise, or soil pollution.

Environmental Corridors

Linear areas of natural resources that are critical to maintaining water quality and quantity and to providing habitat linkages that maintain biological diversity. Environmental corridors are often associated with rivers and streams.

EIR

See *Environmental Impact Report*.

Easement

The right to use property owned by another for a specific purpose. Power line easements are a common example.

Eminent Domain

The right of government to take private property for public use upon the payment of just compensation to the owner. This is also called condemnation (condemnation can also mean the closing of an unsafe structure by a public agency to protect the community safety).

Environmental Impact Report (EIR)

A document required by CEQA when an agency determines that a project may have a significant effect on the environment. An EIR evaluates a proposed project's impacts on the environment, and recommends mitigation measures to reduce or eliminate those impacts. Decision-makers use information in an EIR to help determine whether or not to approve a project.

Exaction

A fee or dedication required as a condition of development permit approval.

Exurban

Refers to a prosperous residential area outside a city, beyond the suburbs, generally consisting of lots five to forty acres in size.

Final Map Subdivision

Land divisions which create five or more lots. They must be consistent with the general plan and are generally subject to stricter requirements than parcel maps. Such requirements may include installing road improvements, the construction of drainage and sewer facilities, parkland dedications, and more. The final map must be filed before the tentative map expires. Approval of the final map is ministerial if all of the conditions of approval attached to the tentative map have been met.

Findings

The legal "footprints" which an agency must leave to bridge the analytical gap between the raw data considered by the agency and its ultimate decision. They expose its mode of analysis of facts, regulations, and policies.

Floor Area Ratio (FAR)

A measure of development intensity. FAR is the ratio of the floor area of a building to the area of its site. For instance, both a two-story building that covers an entire lot and a four-story building that covers 1/2 of a lot have FARs of 2.

General Law City

A city incorporated under and subject to the general laws of the state.

General Plan

The official public document adopted by a community as the policy guide for decisions about its future development and redevelopment. It consists of a vision





for the community, background data, goals, policy statements, standards and programs for guiding the physical, social and economic development of a community. A general plan usually includes, but is not limited to, a land use plan, transportation plan, public facilities plan, housing plan, parks and open space plan, environmental protection plan and implementation strategies. The time frame for a plan typically ranges from 15 to 25 years (see Government Code section 65300). Also known as a **Comprehensive Plan**.



General Plan Amendment

A general plan must be updated over time to maintain relevancy. The general plan can be amended through a comprehensive overhaul or through incremental change. Under state law, amendments of mandatory elements are allowed up to four times per year. An amendment can include any number of individual changes

grouped together into a formal amendment. Most often these interim amendments are made to accommodate the needs of a specific development proposal or to fine-tune the plan in a specific way.

"Granny" Housing

An accessory dwelling for one or more elderly persons that is attached to or separate from a main residence.

Government Code section 65852.1 allows cities and counties to approve such units in single-family neighborhoods.

Greenfield

Farmland and open areas where there has been no residential, commercial or industrial activity.

management strategies vary, but they can include capping the annual number of building permits, relating allowable development intensity to certain levels of infrastructure service or limiting the location of new development.

Impact Fees

See **Development Fees**.

Infill

Construction of new facilities such as housing and/or commercial centers within existing urban or suburban areas. Infill development may range from development on vacant lots the reuse of underutilized sites, such as older strip malls.

Infrastructure

Public facilities and services needed to support and sustain industry, residence, commerce and all other land use activities. It includes transportation, water and sewer, energy, telecommunications, recycling and solid waste disposal, parks and other public spaces, schools, police and fire protection, and health and welfare services.

Initial Study

An analysis of a project's potential environmental effects and their relative significance. An initial study is preliminary to deciding whether to prepare a negative declaration (a document describing why a project has no significant impact on the environment) or an Environmental Impact Report.

Initiative

A ballot measure which has qualified for election as a result of voter petition. At the local level, initiatives usually focus on changes or additions to the general plan and zoning ordinance. The initiative power is reserved for the public by the California Constitution.

Inverse Condemnation

The illegal removal of property value through excessive government regulation. Legal advice should be sought before proceeding in cases of potential inverse condemnation.

***A General Plan
...consists of a
vision for the
community....***



Growth Management

A local program limiting the rate of community growth. Growth

Local Agency Formation Commission (LAFCo)

A LAFCo is made up of elected officials from the county, cities, and, in some cases, special districts charged with administering the state law governing city incorporation and annexation proposals. The Cortese/Knox Act (see Government Code section 56000) establishes a Local Agency Formation Commission in each county.

Land use plan

A basic element of a comprehensive or general plan that designates the present and future location, form, class and extent (size) within a planning jurisdiction for residential, commercial, industrial and institutional (public areas and buildings) use or reuse. The land use plan includes a map and a written description of the different land use areas or districts. The land use plan serves as the guide for official land use decisions.

Level of Service (LOS)

A measurement of the quantity and quality of public facilities.

Mitigation Measure

The California Environmental Quality Act requires that when an environmental impact or potential impact will occur, measures must be proposed that will eliminate, avoid, rectify, compensate for or reduce that effect. It is the responsibility of the public agency approving the project to monitor these measures.



Mixed Use

The practice of allowing more than one type of use in a building or set of buildings. In planning terms, this can mean some combination of residential, commercial, industrial, office, institutional, or other land uses.

Moratorium

A halt to new development or the issuance of permits. Moratoria are often imposed while a new general plan or zoning ordinance is written or when sewer or water facilities are inadequate to serve additional development. (See Government Code section 65858)

Negative Declaration

A negative declaration is written when a project is subject to CEQA, but will not have a significant effect upon the environment. The negative declaration describes why the project will not have a significant effect and may propose measures that avoid all possible effects.

Nonconforming Use

A land use which does not meet current zoning requirements.

Overlay Zone

A zone which is superimposed upon other zoning. Overlay zones are used in areas which need special protection (as in a historic preservation district) or have special problems (such as steep slopes or flooding). Development of land subject to an overlay must comply with the regulations of both zones.

Open space

Land set aside and permanently restricted for conservation, agriculture or recreation purposes by a municipality, nonprofit conservation organization or land trust, homeowners association, or person. Open Space may include woodlands, pasture, landscaped yards, gardens or play areas, golf courses, walking and riding trails, and similar areas as appropriate to the site, but shall not include structures such as tennis courts, buildings, swimming pools or other impervious areas. Open Space may be open for public use or access to such areas may be restricted.

Ordinance

A term for a law or regulation officially adopted by a lesser unit of government such as a county board, township board or city council.



Open space is land set aside and permanently restricted for conservation, agriculture or recreation purposes.



Parcel Map

A minor subdivision resulting in fewer than five lots.

Planned Unit Development (PUD)

Land use zoning which allows the adoption of a set of development standards that are specific to a particular project. PUD zones usually do not contain detailed development standards; those are established during the process of considering proposals and adopted by ordinance upon project approval.

Planning commission

An appointed body that is the legal entity through which planning is carried

out. It is advisory to the city council, town board or county board. Their duties and authority vary and are governed by the ordinance that established them.

Plat

A plan or map of a specific land area. A subdivision plat may be filed to show detailed size and boundaries of each lot, easements, location of utilities, and streets and to state the restrictive covenants.

Police powers

Ability to regulate private behavior to protect the public health, safety, or welfare.

Redevelopment

Any proposed replacement of existing development.

Referendum

A voter challenge to legislative action taken by a city council or county board of supervisors. If enough voters' signatures are filed before the legislative action becomes final, the council or board must either rescind its decision or call an election on the issue.

The California Constitution guarantees the public's power of referendum.

Regional Plan

A plan that covers multiple jurisdictions, often within the administrative area of a regional planning commission, and that can be prepared jointly by cooperating municipalities, regional planning commissions, state agencies, or other entities.

School Impact Fees

Fees imposed on new developments to offset their impacts on area schools.

Setback

The minimum distance required by zoning to be maintained between two structures or between a structure and a property line.

Site Plan/Building Permit Authorization

All commercial, industrial, institutional, and multiple residential buildings must be reviewed and approved by both the Planning Commission and City Council or Board of Supervisors. The review is to assure that the site plan meets proper zoning performance standards (setbacks, height, landscaping, parking stalls, etc.) and that the appearance of the building meets community standards.

Smart Growth

An approach to land-use planning and growth management that recognizes connections between development and quality of life. The features that distinguish smart growth approaches vary. In general, smart growth invests time, attention, and resources in restoring community and vitality to city centers and older suburbs. In developing areas, the approach is more town-centered, is transit and pedestrian oriented, and has a greater mix of housing, commercial, and retail uses. Smart-growth approaches preserve open space and other environmental amenities.

Specific Plan

A plan addressing land use distribution, open space availability, infrastructure, and infrastructure financing for a portion of the community. Specific plans put the provisions of the local general plan into action (see Gov't. Code section 65450).



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Sphere of Influence

A plan for the "probable physical boundary and service area of a local agency" as approved by the LAFCO. It identifies the area available to a city for future annexation. However, unless another arrangement has been made, the city has no actual authority over land outside its city limits.

Spot Zoning

The zoning of an isolated parcel in a manner which is inconsistent or incompatible with surrounding zoning or land uses, particularly if done to favor a particular landowner. A conditional use permit is not a spot zone.

Stakeholder

Any organization, governmental entity or individual that has a stake in or may be affected by a given approach to environmental regulation, pollution prevention or energy conservation.

Strategic planning

A disciplined effort to produce fundamental decisions and actions that shape and guide what an organization is, what it does and why it does it. A strategic plan usually includes a vision statement, assessment of both the organization's external and internal environment, identification of the strategic, long-term issues facing an organization or community and development of strategies and implementation programs in the form of an action plan to deal with the strategic issues. The distinguishing features of a strategic plan are that it is focused, long-range and action-oriented.

Strip Development

Commercial and high-density residential development located adjacent to major streets. This type of development is characterized by its shallow depth, street-oriented layout, lack of unified design theme, and numerous points of street access. It impedes smooth traffic flow.

Subdivision

A housing development that is created by dividing a tract of land into two or more lots for sale or lease.

Subdivision regulations

Regulations and standards enacted by a community to control the proposed subdivision of land into lots or parcels. The standards may include procedures for subdivision review and approval (preliminary and final **plats**), design standards, improvements required (streets, sanitary and storm sewers, water supply, etc.) and dedication of land for parks and open space, streets, and so on. Like the zoning ordinance, it is a major device for implementing a comprehensive plan.

Suburban

Referring to a residential district located on the outskirts of a city.

Sustainable development

Development that maintains or enhances economic opportunity and community well-being while protecting and restoring the natural environment upon which people and economies depend. It is development that meets the needs of the present without compromising the ability of future generations to meet their own needs

Tax increment financing

A public financing tool whereby revenue bonds are issued to pay for the improvement of, or provision of, new public infrastructure in a defined area necessary to support and encourage its development. The community assumes the debt obligation. The assessed value of property in the defined area is frozen for a specific period for the general revenue purposes of the community, and the additional taxes generated by the increased valuations in the district created by the development are used to amortize the bonding.

Tentative Subdivision Map or Tentative Map

The map or drawing illustrating a subdivision proposal. The city or county will conditionally approve or deny the proposed subdivision based





upon the design depicted on the tentative map. A subdivision is not complete until the conditions of approval imposed upon the tentative map have been satisfied and a final map has been certified by the city or county and recorded with the county recorder.

Tract

An indefinite stretch or bounded piece of land; in subdivisions, a tract is often divided into individual lots.

Tract Map

See *final map subdivision*.

Traditional neighborhood design

Community design typical of communities built in the first part of the 20th Century and considered to be more "people-oriented" and "human" in scale. Characteristics may include narrow streets oriented to pedestrian and bicycle use, compact development patterns and mixed land uses, and the use of front porches and other features to encourage the interaction of residents.

Transit-Oriented Development (TOD)

A mixed-use community within an average one-fourth mile walking distance of a transit stop and commercial core area. The design, configuration, and mix of uses emphasize a pedestrian-oriented environment and reinforce the use of public transportation. TODs mix of residential, retail, office, open space, and public uses within comfortable walking distance, makes it convenient for residents and employees to travel by transit, bicycle or foot, as well as by car.

Transportation Systems Management (TSM)

A program coordinating many forms of transportation (car, bus, carpool, rapid transit, bicycle, etc.) in order to distribute the traffic impacts of new development. Instead of emphasizing road expansion or construction, TSM examines methods of increasing road efficiency.

Urban

Relating to or concerned with a city or densely populated area.

Urban Growth Boundary

The local government enacts an ordinance that defines on a map where growth will occur in the future and where basic services, such as schools, sewers, water facilities, and police and fire protection, can be provided economically.

Urban Sprawl

Low-density, automobile-dependent, and land-consumptive outward growth of a city; the spread of urban congestion and development into suburban and rural areas adjoining urban areas.

Variance

A limited waiver from the requirements of the zoning ordinance. Variance requests are subject to public hearing and may only be granted under special circumstances.

Vision

A description of a realistic and credible desired future for a community or organization. A vision is a key part of a strategic planning process.

Watershed

The physical land area that naturally drains into a lake, river or stream.

Zoning

Local codes regulating the use and development of property. The zoning ordinance divides the city or county into land use districts or "zones", illustrated on zoning maps, and specifies the allowable uses within each such zone. It establishes development standards such as minimum lot size, maximum structure height, building setbacks, and yard size.

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