



Why Planning and Zoning?

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Many of our public decisions have been made without adequate planning. Too often they are in response to pressure groups with little thought given to priorities for bettering community welfare in general. Public planning is often slow, but it does assist in careful decision making in which there is an attempt to anticipate problems and to decide on the best alternative in solving a particular problem.

Land use planning lies at the very heart of resource development. Sustained growth and development depends on deliberate and effective planning. Engaging in planning indicates we are willing to make changes for the future to achieve a better use of human and natural resources. Effective planning must be forward looking. It involves more than a survey and analysis of developments accomplished at a point in time. It involves conscious efforts to guide the course of future events to help achieve desired objectives. It involves purposeful action by governments as well as an enlightened and dedicated citizenry.

Why Plan?

Oklahoma's towns and countryside are changing. Some communities are gaining population, while others are losing population. Commerce and industry are on the increase. The availability of water and electricity in our rural areas coupled with modern transportation is changing our residence patterns. Farming systems are also changing. In certain rural areas change is required if those areas are to stay competitive with urban areas. This brings on both problems and opportunities. It intensifies the need for intelligent, thoughtful planning that can guide change in ways people feel are desirable.

Individuals plan for the following reasons:

1. To meet events we expect to happen.
2. To accomplish things we want to happen.
3. To avoid or prevent things we do not want to happen.

Cities, towns, and rural communities must plan for the same reasons. No one can predict the future with accuracy. However, the community which makes long-range planning a part of its daily operation is in a far better position to take advantage of opportunities as they arise.

A specific judgment made today may have long-range consequences for matters seemingly unrelated. For instance, a public decision to construct a sewer line, a street,

or highway may commit to industrial or commercial land-use a particular tract of land for years into the future, and make a nearby residential development uninhabitable. A decision (or the failure to make one) concerning disposition of sewage may result in polluted streams that endanger human health and the existence of wildlife. The failure to plan for adequate recreation, education, open space, or general physical and cultural harmony may frustrate community progress. What we—as public and private agents—do and do not do today clearly shapes and limits available alternatives tomorrow.

What is Planning Designed to Do?

Public planning is a process for making rational decisions about future actions aimed at the attainment of community goals. Goals may vary with each community. It can usually be assumed that most communities are interested in providing a healthful, efficient, convenient, and attractive environment in which their people may live, work, and play.

With a system of democratic government, the people's wishes are manifested through their elected representatives. Planning is merely a tool in the hands of these community leaders. It can effectively be used for the area's best interests. The amount of land occupied by new developments is not nearly so important as the changes in location patterns. We need and want new homes, schools, improved highways, and other facilities. There is a choice in where and how these facilities are located to take advantage of all resources and to avoid waste. Many of these choices will be made by group decision. Leadership is often stifled by such things as vested interest groups, fear, and ignorance. On many occasions, planning commissions approve and recommend excellent land use only to have it changed by special interest groups.

Pros and Cons of Comprehensive Planning

Advantages

1. Helps local government insure adequate services and facilities for its citizens.
2. Contributes to stability of areas so that the individual can plan for the future with respect to his residence or business.

3. Established acceptable land and water use patterns for agriculture, agricultural related businesses, industries, recreation, communities, and highways.
4. Assists developers and investors in knowing the standards they must meet as well as what standards they can expect from the rest of the community.
5. Assists in preventing premature urbanization of rural areas, which would result in increased demands for urban services and facilities and the need for higher taxes to support these facilities and services.

Disadvantages

1. Comprehensive planning must involve people—a written plan without people involvement is of little value.
2. People and committee involvement are always time consuming.
3. Public facility programs are usually cost-sharing but of little value without an adequate budget.
4. Zoning restrictions are required to result in effective planning.
5. Some people feel that zoning regulations take away individual rights.

What is Zoning?

Zoning ordinances are local laws that are adopted by the local people themselves, either directly at special zoning elections or by the legislative body of the community. A community's zoning powers have been likened to a kit of mechanic's tools or a shed full of farm machinery. The kit or shed contains tools for doing a variety of jobs. The job which can be done with mechanic's tools or farm tools are limited by the purposes for which each tool was designed. Zoning tools may only be used in the interest of public health, safety, morals, or the general welfare. Zoning regulations, many of which are included in zoning ordinances, must promote one or more of these public ends. The plan and the related zoning regulations, for example, should be designed to accomplish one or more community objectives or goals such as to:

1. Lessen traffic congestion.
2. Provide safety from fire, panic, or other dangers.
3. Promote community health standards.
4. Provide adequate lighting.
5. Prevent pollution of streams, lakes, and air.
6. Prevent unregulated land fills or other disposal activities.
7. Facilitate adequate provision for transportation, water, sewage, schools, parks, and other public services.

Zoning Regulations are designed to

1. Specify height, size, and situation of buildings on lots with reference to streets and property boundaries.
2. Regulate the percentage of a lot that may be occupied by a building.
3. Specify the size of yards, courts, and other open spaces.
4. Control the density of population by residency use in relation to lot size.

5. Regulate location and use of buildings, structures and land for trade, industry, residence, or other purposes.
6. Divide municipalities into districts of such number, shape, and area as may best be suited to carry out the purposes of land-use planning.

Subdivision control, like zoning, serves as a preventative measure guarding against improper lot layout and inadequate subdivision preparation. Such ordinances can be especially useful in areas experiencing rapid growth. In the long run, the community, the future homeowner, and the developer all benefit from a well administered, well-planned subdivision control program. A well-planned subdivision usually means a better place to live for homeowners, lower public service costs, and added profits for developers. Everyone gains from good design.

Codes are also necessary for effective administration of a comprehensive plan. These codes establish certain minimum requirements with which builders and owners must comply. Experience has shown that a properly constructed building will last longer, be safer, be of greater use to its occupants, and contribute to a more beautiful and valuable community. These minimum specifications deal with such features as building size, setback requirements, safety factors, plumbing, and electrical installation. Zoning may be used without building codes or building codes may be enacted without zoning.

How Zoning Works in Rural Areas

The usual purpose of zoning is to prevent one landowner from using his land in a way that will harm his neighbors. Farmers and other rural property owners need to realize that absence of zoning in rural areas gives them no protection. Instead, it permits their neighborhoods to become a dumping ground for undesirable commercial and industrial activities excluded elsewhere. It also permits a widespread scattering of non-farm residences and subdivisions over the countryside. This frequently brings objections about farm odors, flies, and dust from farming operations; tractor noise at early hours; and crop spraying and dusting. There are also increased trespass hazards, particularly at harvest time. Each farming area has its own unique problems. Therefore, several farm zoning districts could be used within one county.

Should Your County Zone?

The people of each county decide whether or not they want a zoning ordinance. The nature of the resources and the needs of the population influence this decision. Counties located close to expanding metropolitan areas and those counties that expect to grow in the future certainly need zoning.

Zoning has generally been instituted by rapidly growing communities. It is closely associated with the progress of an area. Change from agricultural to residential, industrial, and commercial uses increases the need for land use regulation. Zoning provides the needed control.

Counties that want to develop recreational facilities or to control pollution of air and water supplies need zoning. In fact, zoning is so closely associated with growth that it can be ignored only by those areas that expect to remain undeveloped or by areas inhabited by unconcerned people.

Some Reasons for Zoning

1. The people in each area of the county can determine the uses they want to make of their land, the facilities they need, such as type of roads and water supply, and can cooperate in the orderly development of the area.
2. Objectionable uses can be excluded from further development in areas that are set aside for specific types of activity.
3. Buildings in residential areas can be made more uniform as to type, size, height, and style of architecture for the protection of property values.
4. Trash and garbage disposal places can be designated and solid waste disposal areas (i.e. abandoned strip mining pits or stone quarries) can be used for these purposes.
5. Residential and industrial areas can be segregated to reduce traffic hazards and to control water and air pollution.
6. The builder of a residence knows that the area is set aside for that use, so his property value will not deteriorate due to some nonconforming use later on.
7. Factory owners and merchants know that they are located in areas suitable for business purposes.
8. Areas of natural beauty can be preserved and their recreational potential enhanced.
9. Farmers are protected by land use planning and zoning regulations. Regulations do not apply to structures associated with operating the farm business. They can grow the crops they want and put up any size, or type of structure they need for the operation of the farm business. At the same time, a farmer who has a neat, well-kept farmstead can be assured that a tavern or tar-paper shack will not be built next door.

Arguments against Zoning

1. A landowner may be forbidden the right to establish a specific type of business on his land if it does not conform with the zoning regulations.
2. Permits are required for construction of nonfarm buildings.
3. Changes in the zoning ordinance may be made too frequently.
4. The provisions of the zoning ordinance may not be enforced properly.

5. Public hearings are necessary, but are sometimes without proper publicity and meetings are not well attended.
6. It is necessary to hire a zoning officer, which is an expense to the tax payers or patrons of the district.

Citizens Enforcement Committee

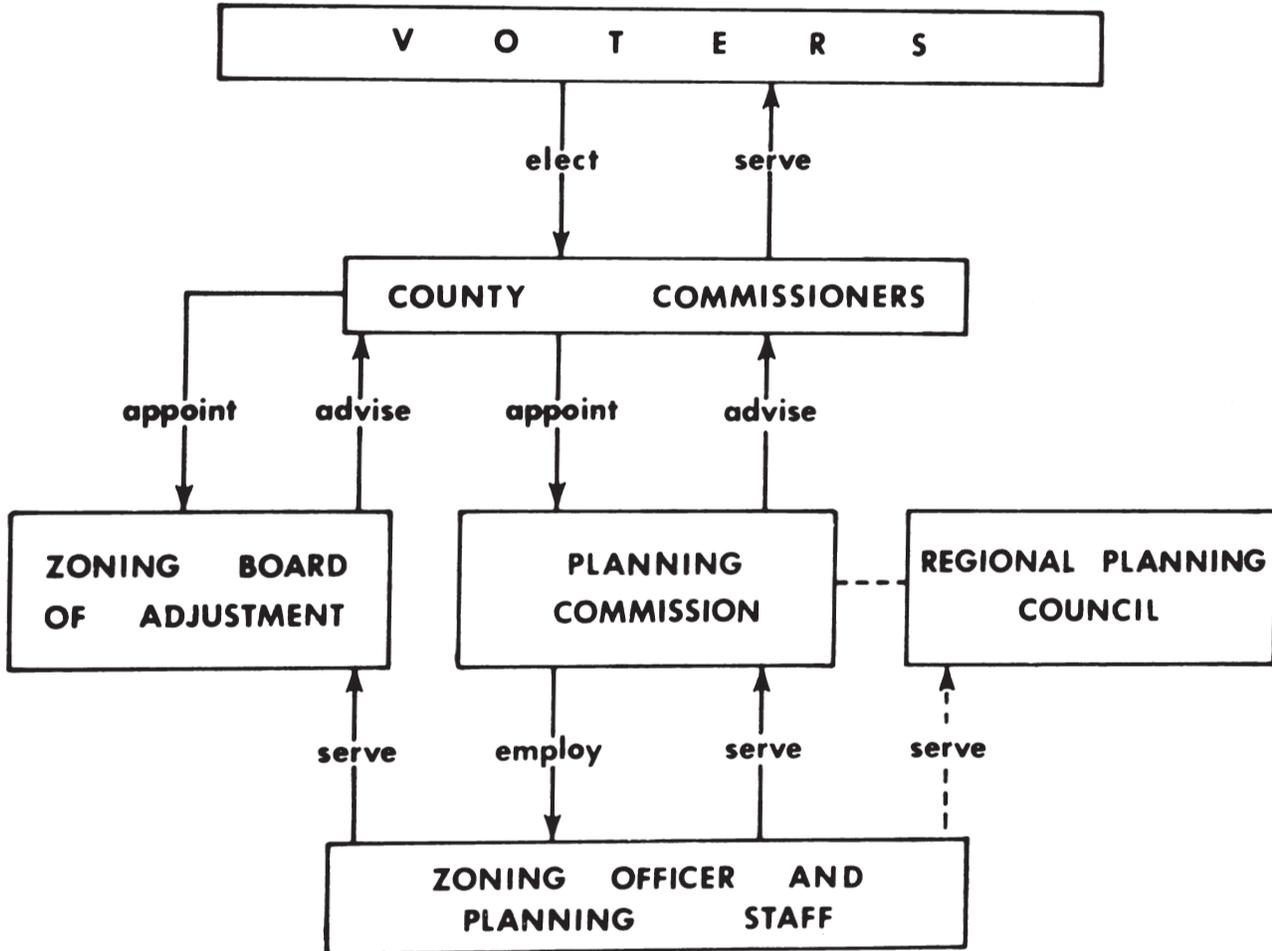
Some of the objections to zoning may be eliminated by using a citizens enforcement committee that serves as a watch dog over the administration of the rules and regulations. This committee could also get participation from concerned individuals in public hearings.

The Oklahoma laws relating to County Planning and Zoning were amended in 1970. The 1970 laws as amended allows any county that desires to set up a County Planning Commission and a County Board of Adjustment. This law therefore sets forth the permissive legislation that allows any county to enact county-wide zoning. A section of the law is quoted.

Oklahoma Co. Planning and Zoning Law, 1970

Section 865.51 County Planning Commission and County Board of Adjustment Authorized. For the purpose of cooperating with the State of Oklahoma in conserving the natural resources of the state, and in promoting health, safety, peace, and general welfare of the people of the state, there may be provided in any county of the State of Oklahoma county planning in the manner herein provided, and for that purpose there is hereby authorized to be created in each of such counties a county planning commission and a county board of adjustment with the respective powers and duties as set out in this act. In no county shall there be at the same time a county planning commission established pursuant to this section and a metropolitan area planning commission established pursuant to Section 966.1 of Title 19 and Section S63.2 of Title 19 of the Oklahoma Statutes. Provided that county commissioners may by proper resolution confer authority to any metropolitan area planning for unincorporated areas existing in the county. Provided further that any county planning commission created under the provisions of this act shall have no jurisdiction on over the area covered by any Lake Area Planning and Zoning Commission in any county created pursuant to Section 866.36 of Title 19 of the Oklahoma Statutes.

Organization for Planning and Zoning



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