International Municipal Lawyers Association

Advancing Excellence in the practice of Local Government Law

Institute for Local Government Lawyers

Wednesday, September 25, 2024
9:55 – 10:55 am Orlando



Land Use Law 101

Susan L. Trevarthen, FAICP, BCS

Weiss Serota Helfman Cole & Bierman, PL

Thanks to Dwight Merriam and David Warner for use of images and content from past ILGL presentations

Outline

- What is Property in the US System?
- Private Regulation and Other Powerful Controls of Property
- Public Regulation of Property: Planning, Zoning and Subdivision/Platting
- Specific Constitutional Protections Against Regulation

What is Property?

John Locke:
Laws of nature

Thomas Hobbes:
Laws of politics

- **Thomas Jefferson: "…endowed by their Creator with certain unalienable rights, that among these are Life, Liberty and the pursuit of Happiness."**
- **James Madison: "government is instituted no less for protection of the property than of the persons"**

Real Property Rights?

Owners of real property generally have the following rights, subject to law:

- Right of **enjoyment** - to use the property
- Right of **exclusion** - to control who can access the property
- Right of **possession** - to live on the property
- Right of **disposition** - to transfer ownership
- Right of **control** - to modify, destroy, or rent the property, and the right to make legal decisions over the property

A LAND USE LAWYER'S APPROACH

Property owners begin with the unencumbered right to the use and quiet enjoyment of their property

The government has the right to regulate that property, and even take it:

- **If there is a law or regulation that provides such authority**
- **And constitutional rights are not violated**



Property in the Constitution

- **5th Amendment: "No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation"**
- **14th Amendment: "No state shall … deprive any person of life, liberty, or property… without due process of law…"**
- ***Chicago, Burlington & Quincy Railroad Co. v. City of Chicago*, 166 U.S. 226 (1897): "The legislature may prescribe a form of procedure to be observed in the taking of private property for public use, but it is not due process of law if provision be not made for compensation."**
- **State Constitutions**

"Take"?

- *Pumpelly v. Green Bay & Mississippi Canal Co.*, 80 U.S. 166 (1871): Government cannot flood your property, and claim that it did not "take" it.
- *Pennsylvania Coal Co v. Mahon*, 216 U.S. 393, 415 (1922): "The general rule, at least, is that, while property may be regulated to a certain extent, if regulation goes too far, it will be recognized as a taking."

Private Regulation of Property

- Covenants and easements
- Common interest communities
- “The right to dry” issue
- Dog amortization



GAC 20020166645 24 pgs

016-71-1566

DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR
THE LAKE AT SAN JOAQUIN, SECTION ONE

THIS DECLARATION made as of the date hereinafter set forth by D. R. HORTON-TEXAS, LTD., a Texas Limited Partnership (hereinafter referred to as "Declarant"):

WITNESSETH:

Other Powerful Controls

- The market
- Infrastructure
- Taxes
- Government spending









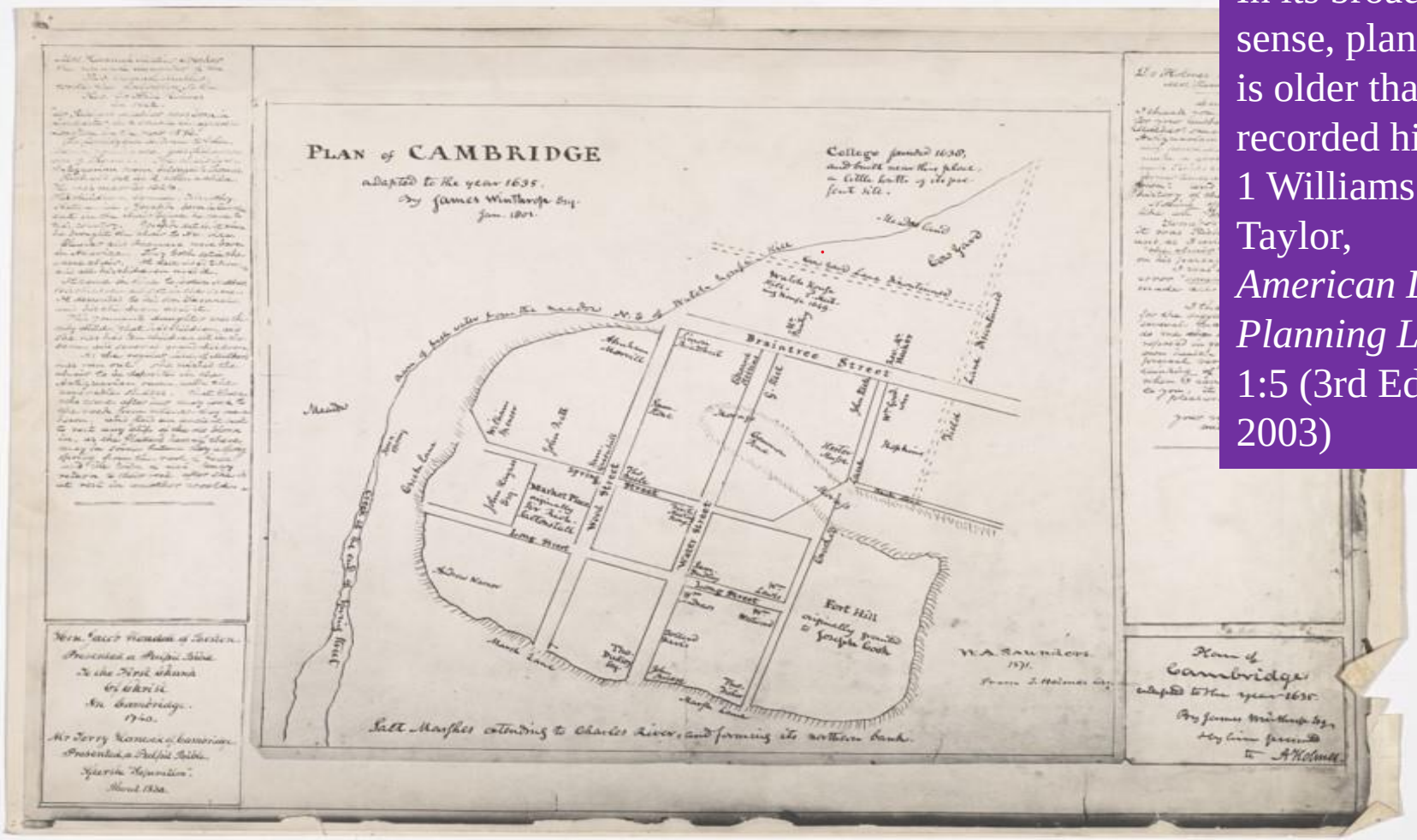
Public Regulation of Property

- Planning
- Zoning
- Subdivision/Platting

PLANNING – AS OLD AS DIRT

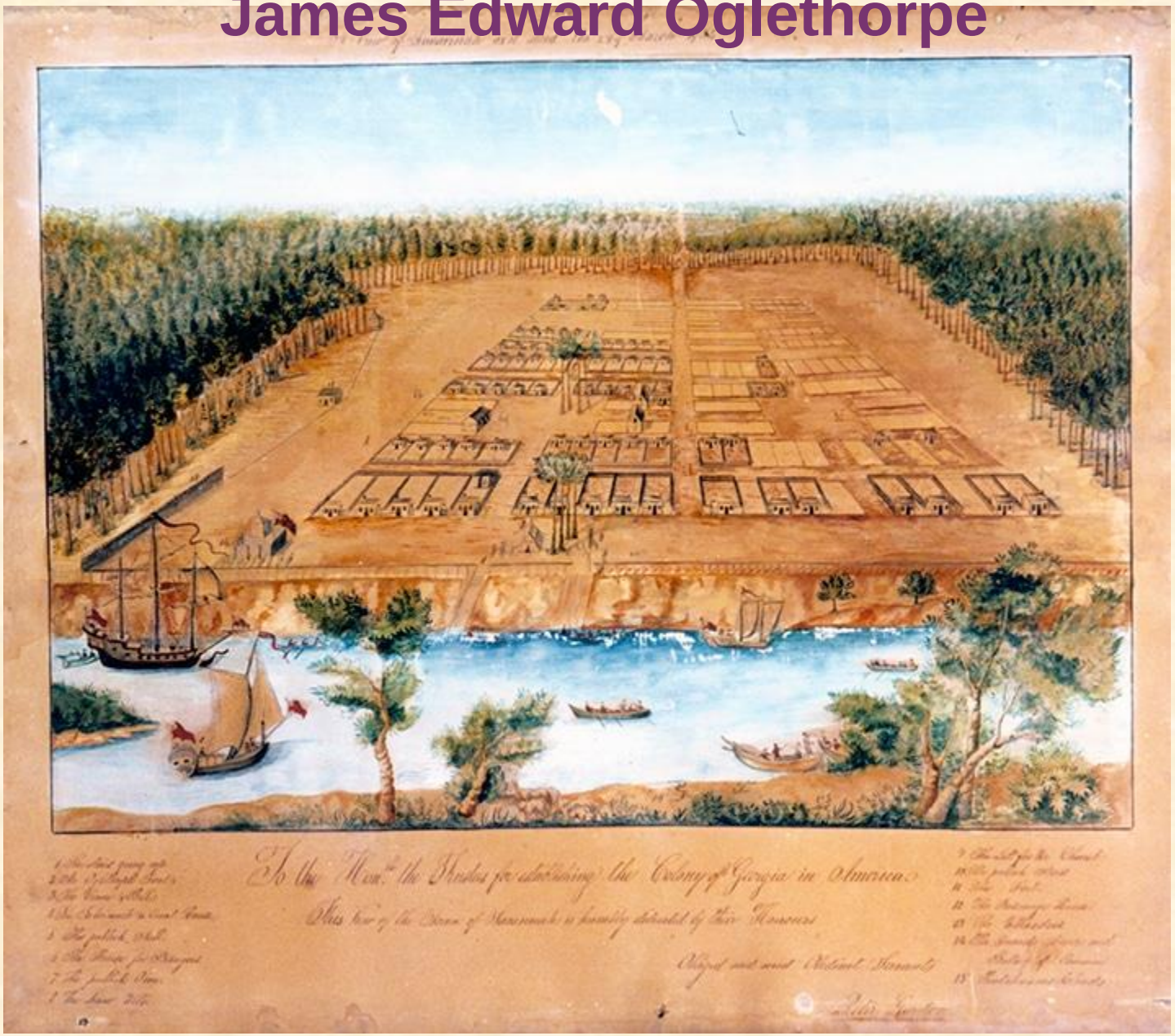
James Winthrop

Plan for Cambridge MA - 1635

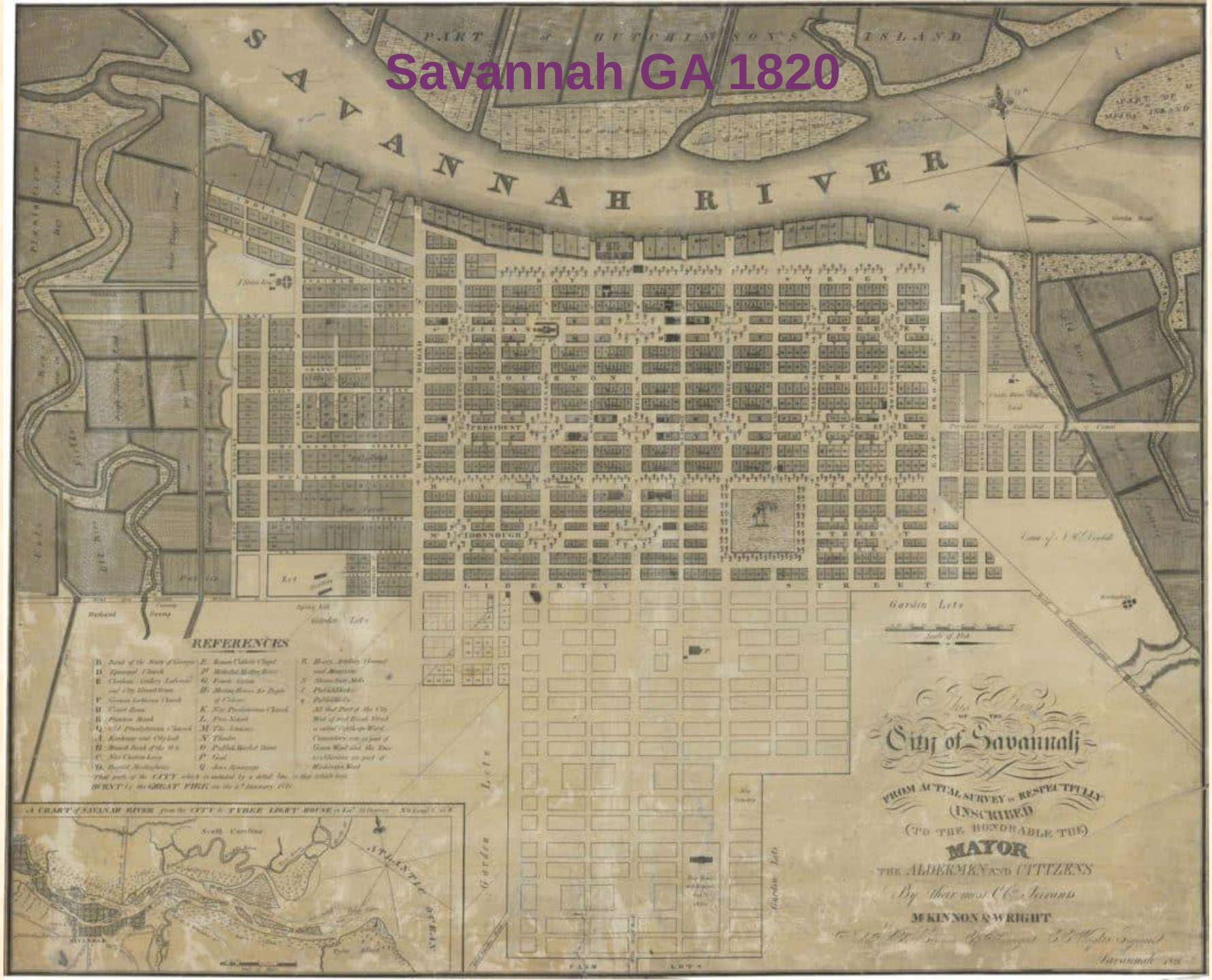


In its broadest sense, planning is older than recorded history. 1 Williams & Taylor, *American Land Planning Law* § 1:5 (3rd Ed. 2003)

Savannah GA 1734
James Edward Oglethorpe



Savannah GA 1820



ADDRESSING LAND USE CONFLICTS

Early water rights disputes

Urbanization accelerates competing interests

My right to use my property vs. your right to quiet enjoyment

- **Often settled through the courts**
- **Private/Public Nuisances**

There has to be a better way?



Urbanization required better planning

- Public health and social welfare origins - Sanitation Systems introduced
- “City Beautiful Movement” – Make cities more orderly and livable, inspire good citizenship, and clear slums. Aesthetics over people?

Daniel Burnham: “Make no little plans. They have no magic to stir men's blood and probably will not themselves be realized. Make big plans, aim high in hope and work, remembering that a noble, logical diagram once recorded will never die, but long after we are gone will be a living thing, asserting itself with ever growing insistency. Remember that our sons and grandsons are going to do things that would stagger us.”

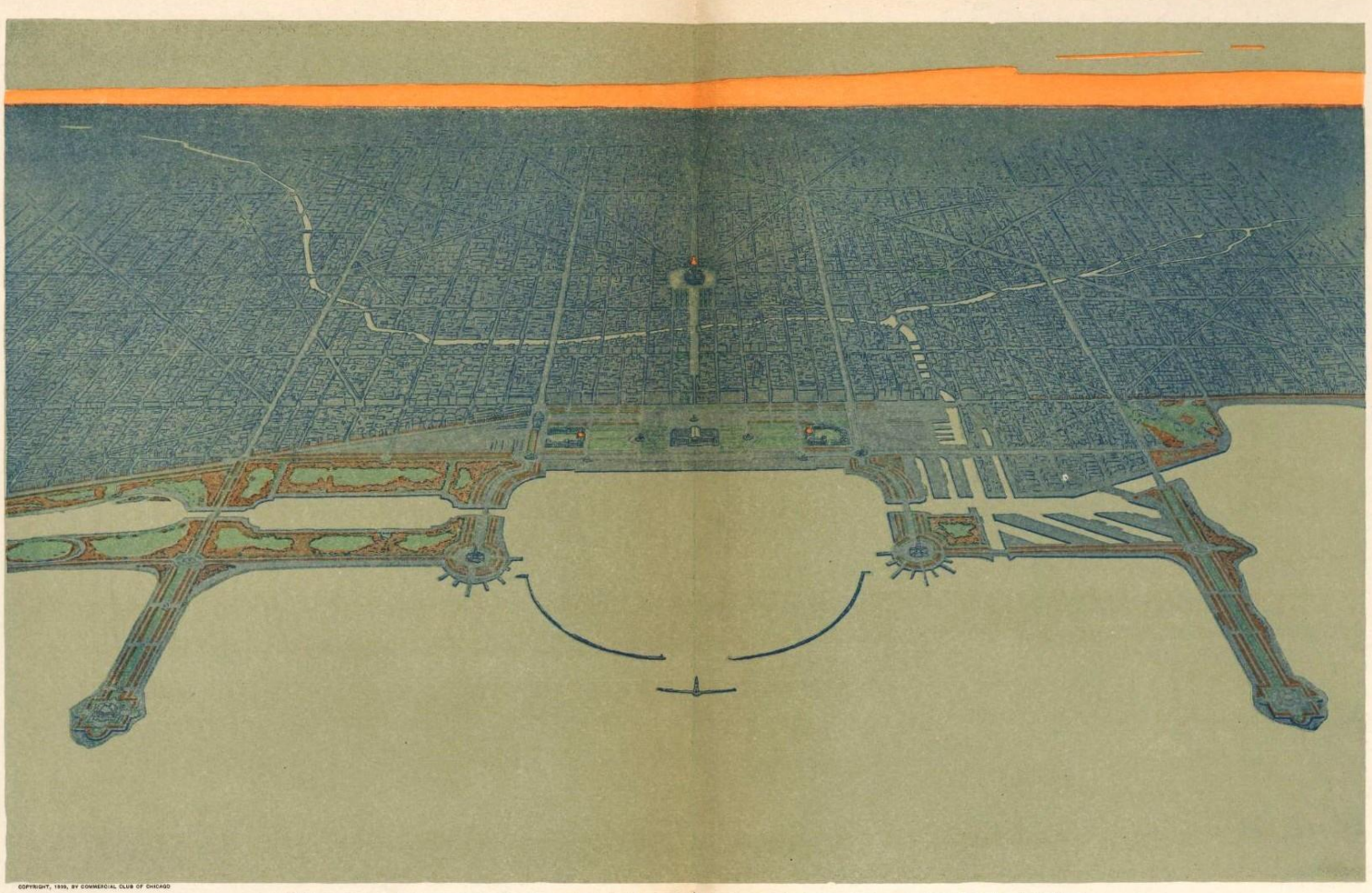
Burnham 1909 Plan of Chicago



COPYRIGHT, 1909, BY COMMERCIAL CLUB OF CHICAGO

CXXXII. CHICAGO. VIEW, LOOKING WEST, OF THE PROPOSED CIVIC CENTER PLAZA AND BUILDINGS, SHOWING IT AS THE CENTER OF THE SYSTEM OF ARTERIES OF CIRCULATION AND OF THE SURROUNDING COUNTRY.
Painted for the Commercial Club by Jules Guerin.

Burnham 1909 Plan of Chicago



COPYRIGHT, 1909, BY COMMERCIAL CLUB OF CHICAGO

LXXXVII. CHICAGO. VIEW LOOKING WEST OVER THE CITY, SHOWING THE PROPOSED CIVIC CENTER, THE GRAND AXIS, GRANT PARK, AND THE HARBOR
Painted for the Commercial Club by Jules Guerin.

Urbanization required better planning

- City Practical Movement – practicality/efficiency/economy.
- Zoning: LA in 1904, NYC 1916. 10 states authorized by 1919. By mid-20s, 400+ zoning ordinances.
- Federal model codes in 1920s under Hoover: “proper zoning can be undertaken without injustice…[or] violating property rights”.
- New Deal expansion - 35 states had zoning acts by 1930.

Urbanization required better planning

- Standard State Zoning Enabling Act
  - Based on analysis of nuisance and property caselaw. Included grant of power, ability to divide territory into districts, statement of purpose for zoning, and process to establish/amend regulations.
  - Required to establish a temporary zoning commission to advise on initial development of regulations.
  - City could amend regulations following notice and a public hearing.
  - Established zoning board of adjustment as quasi-judicial body for variances and special exceptions.
  - Authorized enforcement mechanisms.

Urbanization required better planning

- Standard City Planning Enabling Act:
  - City to create planning commission to prepare/adopt a "master plan" for physical development, with defined content, and to approve all public improvements
  - City to create a master street plan and control development in relation to the streets
  - Control private subdivision of land – lots/streets/open space
  - Establish regional planning commission/ regional plan that cities could choose to adopt.

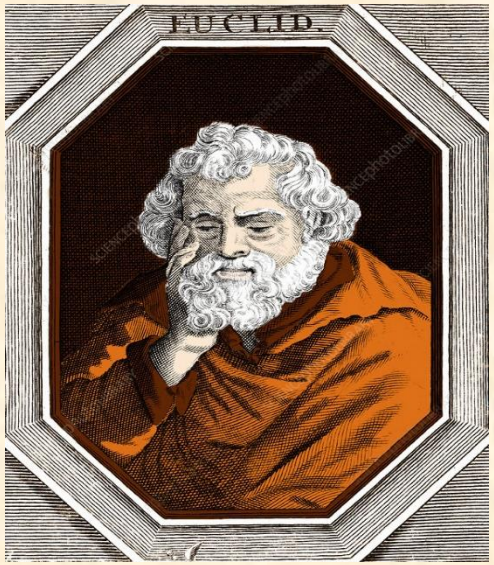
The Power to Zone

Village of Euclid v. Ambler Realty Co., 272 U.S. 365 (1926).

- 10th Amendment: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."
- Police Power: State's authority to pass laws to protect the public's health, safety, and welfare
- Zoning is constitutional
- Can separate multifamily from single family



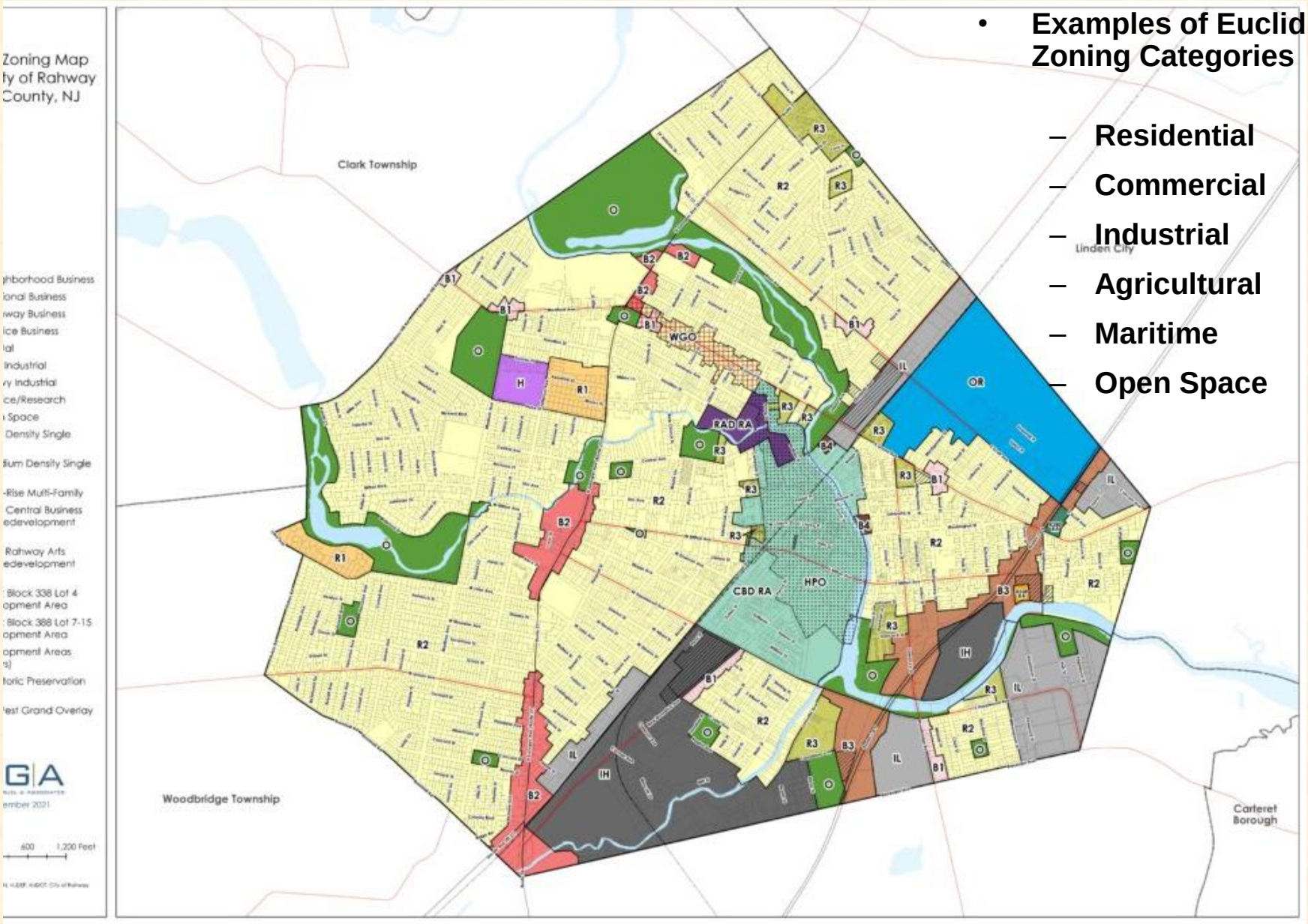
Euclidian Zoning



- **“Generally, by means of Euclidean zoning, a municipality divides an area geographically into particular use districts, specifying certain uses for each district.**
- **Each district or zone is dedicated to a particular purpose, either residential, commercial, or industrial, and the zones appear on the municipality's official zoning map.**
- **Euclidian zoning is designed to achieve stability in land use planning and zoning and to be a comparatively inflexible, self-executing mechanism which, once in place, allows for little modification beyond self-contained procedures for predetermined exceptions or variances.”**

***People's Counsel for Baltimore Cty. v. Loyola Coll. in Maryland*, 406 Md. 54, 70, 956 A.2d 166, 176 (2008)**

(Not named for the famous Greek mathematician)



- **Examples of Euclidian Zoning Categories**
  - **Residential**
  - **Commercial**
  - **Industrial**
  - **Agricultural**
  - **Maritime**
  - **Open Space**

Residential Zones

- **Rural Residential**
- **Residential Estate**
- **Residential Single-Family Detached**
- **Residential Single-Family Attached**
- **Residential Multi-Family**



Commercial Zones

- **Commercial Shopping Center**
- **Commercial Office**
- **Commercial Neighborhood**
- **Commercial Service**



Industrial Zones

- **Industrial Employment**
- **Industrial Warehouse**
- **Industrial**
- **Light**
- **Industrial Heavy**



Mixed-Use Zones



- Town Activity Center
- Local Transit-Oriented
- Downtown
- Regional Transit-Oriented

The Modern Planning Process

1. Where are we now?

2. Where are we going?

3. Where do we want to be?

4. How do we get there?

5. How are we doing?

Community Profile



Descriptive Information

Community Values

Trend Analysis



Trend Data

Identify issues

Probable Scenarios

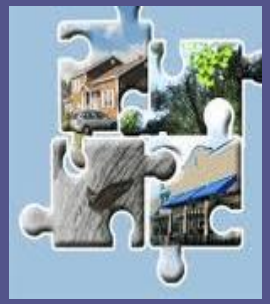
Community Vision



Vision Statement

Preferred Scenario

Comprehensive Plan



Goals, Objectives and Policies

Map Series

Plan Implementation



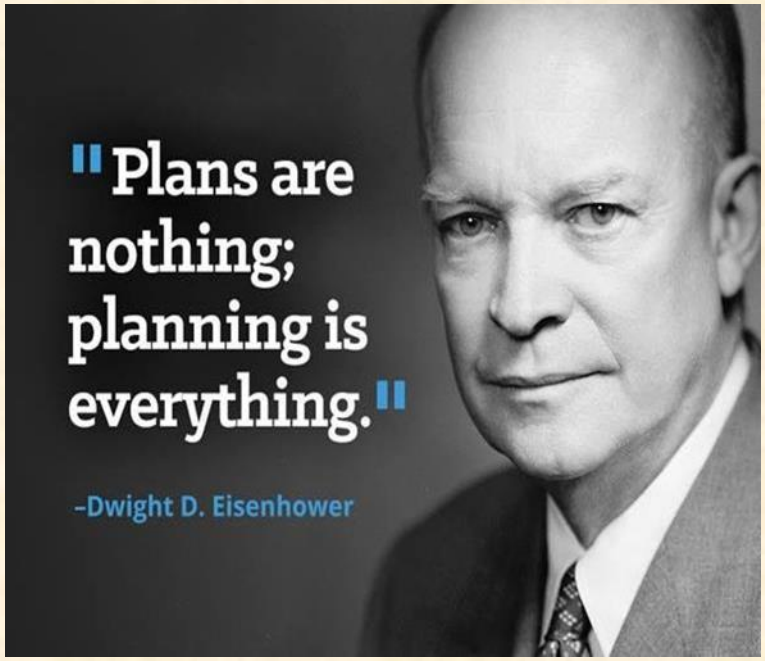
Amendments

Land Development Regulations

Evaluation & Appraisal

Why Plan?

- 'Plans are developed to **guide the implementation** of land use controls and zoning in a **rational** way that is **beneficial to the public**." Juergensmeyer & Roberts, *Land Use Planning and Development Regulation Law* § 2:9 (3d Ed. 2013)
- "Planning concerns the **development of a community**, not just its uses, but also its civic beauty and other matters affecting the public." Yoakley, *Zoning Law and Practice*, § 1-2 (4th Ed. 1978)



Benefits of Planning

- Develop a clear **vision** stated and shared by all.
- Assessment of **community needs.**
- Identify **factors** that shape and influence the community's future.
- Identify areas of agreement, competing interest and **difficult trade-offs**.
- Identify **community values**, aspirations, goals, and objectives.
- Instill community **confidence** in the future.
- Provide a public guide to **community decision making**.
- **Blueprint** for a community's physical development.
- **Greater certainty** about where, how and when development will occur

Benefits of Planning

- Identify **land use conflicts & impacts** and how to mitigate them.
- Protect **private property rights.**
- Protect and enhance **community assets** and **natural resources.**
- Maintain and improve **quality of life**.
- **Economic development** is encouraged and supported.
- Help to ensure a future that is **fiscally sustainable and resilient.**
- Plan for **infrastructure** based on current needs and projected demand.
- Identify hazards and plan for **mitigation** and **resiliency.**
- **Continuously updated** as conditions change.

What Happens without Planning?

- Sprawl
- Congestion
- No sense of place
- Incompatible land uses / conflicts
- Disconnected development patterns
- Degradation or loss of natural resources
- Infrastructure and service deficiencies.
- Lost economic development opportunities.
- Property values increase at lower rates.

IF YOU WANT A GREAT COMMUNITY,
YOU MUST PLAN FOR IT.

Define Goals and Objectives

Define Problem, System (Constraints, Inputs, Outputs, Functions, Values, Evaluation Criteria)

Generate Solutions

Analyze Solutions

Evaluate Alternatives

Select Alternative

Implement



Principles for Effective Planning

1. Begin with the public.
2. Develop a clear community vision.
3. Proactive not reactive.
4. Be thorough and consistent.
5. Make it easy to do the right thing.

LEGAL STATUS OF PLANS

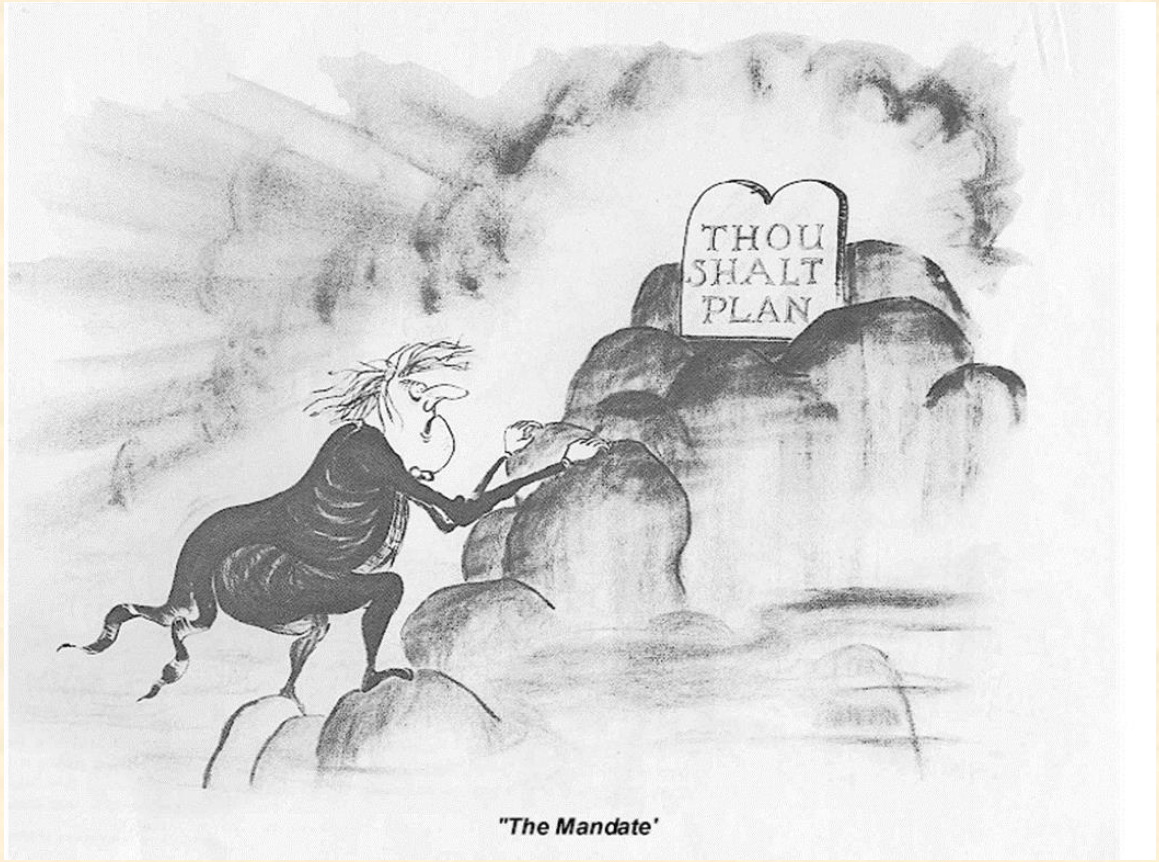
Edward J. Sullivan, Jennifer M. Bragar, *Recent Developments in Comprehensive Planning Law*, 46 Urb.Law 685 (Summer 2014)

Plans come in many forms (General, Comprehensive, Master, Sector, Special, Functional, etc.)

- **Unitary View**
  - "Planning is neither essential nor possibly even relevant to zoning and land use regulation. The local zoning ordinance is dispositive."
- **Planning Factor View**
  - "[A] plan is relevant, but not necessarily dispositive of the validity of a land use regulation."
- **Planning Mandate View**
  - "Planning is essential to land use regulation"

Legal Status of Plans: Florida

- Mandatory planning doctrine
- Consistency doctrine



"The Mandate'

Legal Status of Plans: Florida

- "It is the intent of this act that… no public or private development shall be permitted except **in conformity with** comprehensive plans, or elements or portions thereof, prepared and adopted in conformity with this act. F.S. § 163.3161(6)
- "…[A]ll development undertaken by, and all actions taken in regard to development orders by, governmental agencies in regard to land covered by such plan or element shall be **consistent** with such plan or element as adopted." F.S. § 163.3194(1)(a)
- "A development order or land development regulation shall be consistent with the comprehensive plan if the land uses, densities or intensities, and other aspects of development permitted by such order or regulation are **compatible with and further** the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government." F.S. § 163.3194(3)(a). See also *Machado v. Musgrove*, 519 So. 2d 629 (Fla. 3d DCA 1987) (consistency is judged using strict scrutiny)

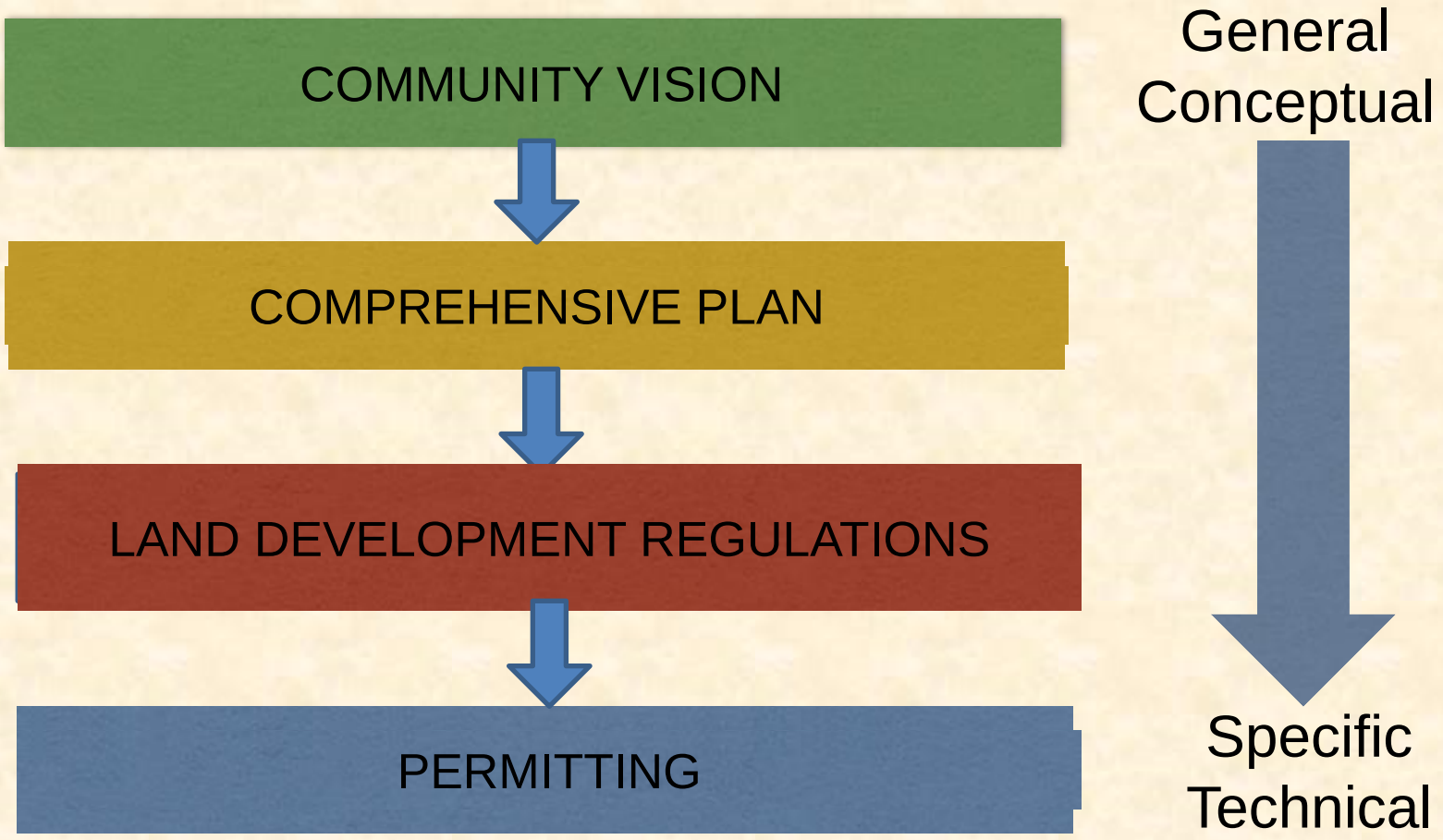
Legal Status of Plans: Cal.

"A zoning ordinance shall be consistent with a city or county general plan only if both of the following conditions are met:

(1) The city or county has officially adopted such a plan.

(2) The various land uses authorized by the ordinance are compatible with the objectives, policies, general land uses, and programs specified in the plan." Cal. Gov. Code § 65860

Layered Planning System



Florida Example: Integrated Planning System



Plan Implementation Policy Issues

- Balance of competing interests / Difficult trade-offs
- Urban sprawl / urban infill
- Predictability versus flexibility
- Level of review
- Public involvement

Modern Subdivision Regulation

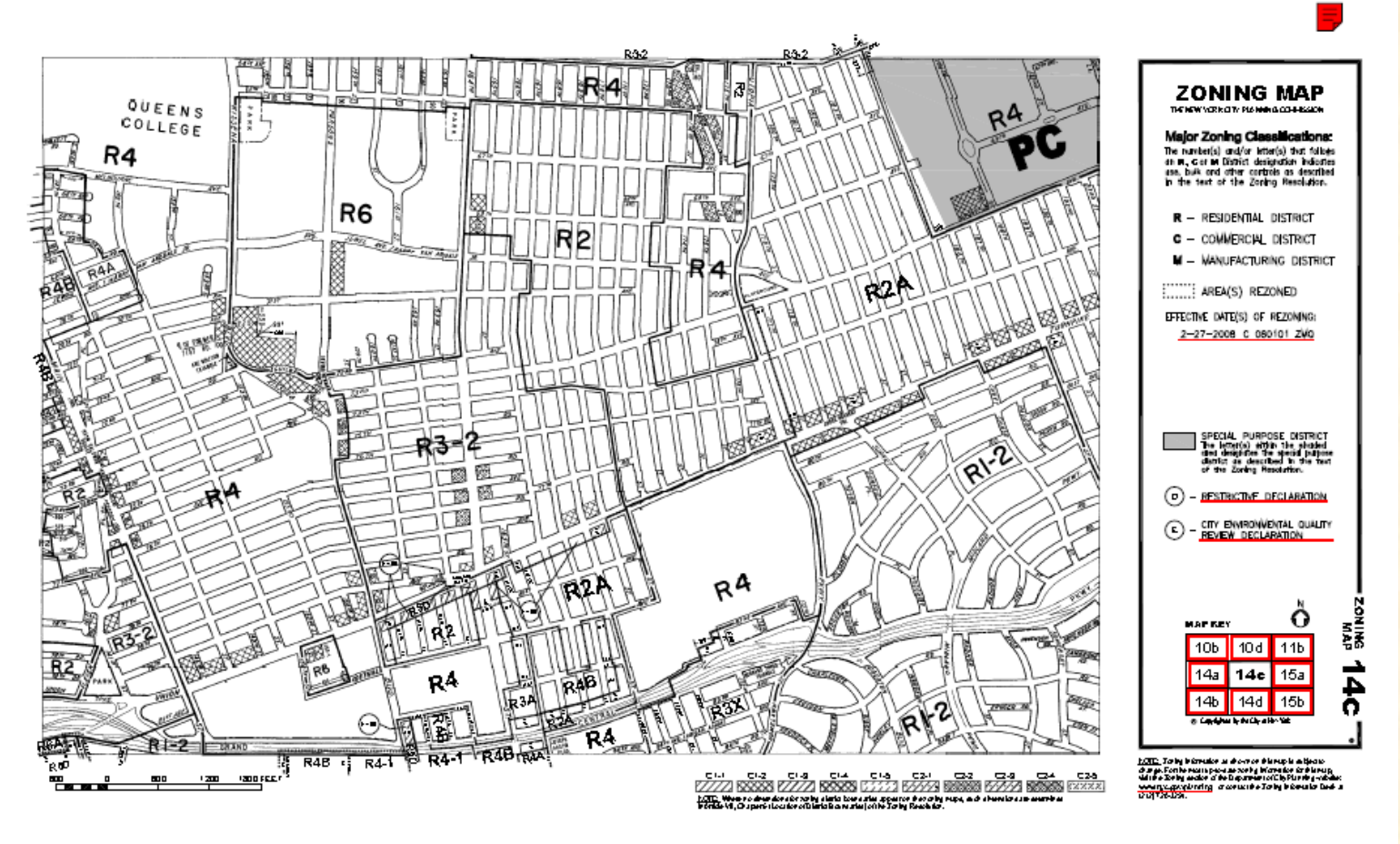
To make orderly land sales and descriptions

Assure adequate infrastructure facilities and services

Provide for parcels suitable to range of uses



The Modern Zoning Process



The Power to Zone

- Standard Zoning Enabling Act
- Inherent and implied powers
- Charter
- Home rule
  - Initiative and referendum
  - Extraterritorial zoning
  - Annexation and prezoning


AN ACT

TO INCORPORATE THE CITY OF SACRAMENTO.





Purposes of Zoning

- Preserve property value
- Preserve character
- Traffic safety
- Regulation of competition
- Fiscal zoning
- Growth management
  - Rate and sequence





Toolbox of Techniques



- The basics
  - Legislative: making law
  - Administrative
  - Quasi-judicial: applying law
- Increasing due process



Zoning

- Use
- Bulk, density, dimension
- Cumulative v. exclusive use



Rezoning

- **Original Zoning**
- **Comprehensive Zoning**
- **Piecemeal Rezoning/Zoning Map Amendment**
- **Text Amendments**

"Local zoning authorities implement their delegated zoning authority through establishment of **original** zoning through adoption of a zoning map, **comprehensive** rezoning of substantial areas of the jurisdiction through a **legislative**-type process initiated by the local government, and **piecemeal** rezoning of individual properties (by application of the owner or contract purchaser) through a **quasi-judicial** process."

Ctny. Council of Prince George's Cty. v. Zimmer Dev. Co., 444 Md. 490, 508, 120 A.3d 677, 687 (2015)

Because Florida has mandatory comprehensive planning, and mandatory zoning to implement the plan, most zoning decisions are **quasi-judicial** decisions applying the policy established in the plan, subject to strict scrutiny.

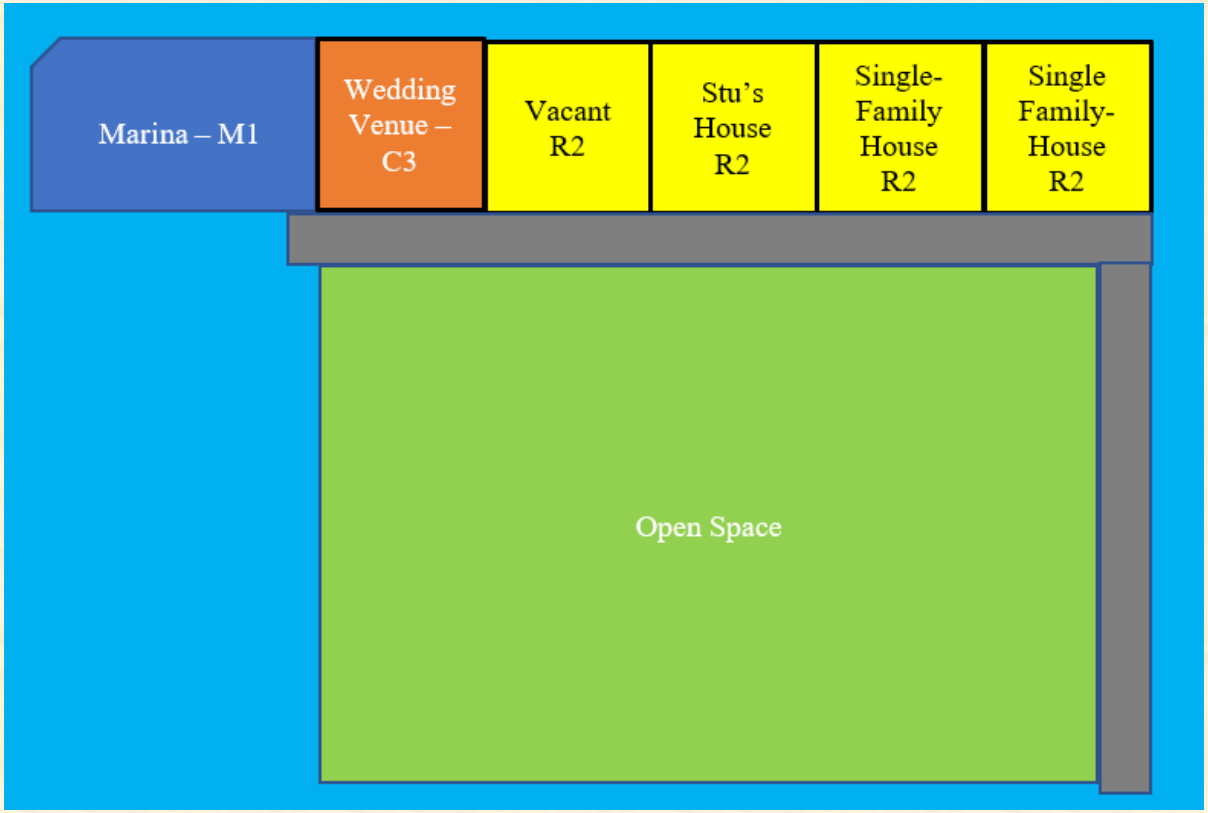
Bd. of Cty. Com'rs of Brevard v. Snyder, 627 So. 2d 469, 476 (Fla. 1993)

Comprehensive Zoning

- "Comprehensive zoning is **fundamentally legislative** and no significant quasi-judicial function is involved. As comprehensive zoning encompasses a large geographical area, the process is initiated generally by a local government, rather than by a property owner or owners. When local zoning authorities devise comprehensive zoning ordinances, the "focus is not on a single piece of property, but rather on a considerable number of properties as they relate to each other and to the surrounding area. These are not adjudicative determinations affecting one property owned by one person, but instead are classically legislative determinations designed to affect local and regional needs and all property owners within the planning area." *Anne Arundel Cty. v. Bell*, 442 Md. 539, 553, 113 A.3d 639, 647–48 (2015)

- ". . . it is evident that comprehensive rezonings affecting a large portion of the public are **legislative** in nature."

  Bd. of Cty. Com'rs of Brevard v. Snyder, 627 So. 2d 469, 476 (Fla. 1993)



Piecemeal Rezoning

Zoning Map Amendment

Piecemeal Rezoning/ Zoning Map Amendment

- Change/Mistake Rule—"While, in recent years, we have had occasion to enunciate a number of important principles applicable to the law of zoning, perhaps none is more rudimentary than the strong **presumption of the correctness** of original zoning and of comprehensive rezoning. To sustain a piecemeal change in circumstances such as those present here, **strong evidence of mistake** in the original zoning or comprehensive rezoning or evidence of substantial change in the character of the neighborhood must be produced."
  Stratakis v. Beauchamp, 268 Md. 643, 652–53 (1973).
- "[A] landowner seeking to rezone property has the burden of proving that the proposal is **consistent** with the comprehensive plan and **complies** with all procedural requirements of the zoning ordinance. At this point, the burden shifts to the governmental board to demonstrate that **maintaining the existing zoning classification** with respect to the property **accomplishes a legitimate public purpose**. . . [and] is **not arbitrary, discriminatory, or unreasonable**."

  Bd. of Cty. Com'rs of Brevard v. Snyder, 627 So. 2d 469, 476 (Fla. 1993)

Common Use Issues in Zoning

- Accessory uses
- Home occupations
- Definition of family
- Group homes
- Agricultural uses









And Not-So-Common Use Issues in Zoning

- Medical and recreational cannabis
- Nudist camps
- Gun clubs
- Doggy day care











Table of Uses

Permitted and Special Exception Uses	Residential Agriculture	Residential Low Density	R1	R5
Single-family detached	P	P	P	P
Single-family attached				P
Golf Course	P	P	P	P
Kennels, Commercial	SE	SE		
Rifle, pistol, skeet	SE	SE		
Solar energy generating facility	P	SE		

Table of Uses – Like the "Sorting Hat"

"The local legislature, when it determines to adopt or amend the text of a zoning ordinance with regard to designating various uses as allowed only by **special exception** in various zones, considers in a generic sense that certain **adverse effects**, at least in type, **potentially associated with** (inherent to, if you will) these uses are likely to occur wherever in the particular zone they may be located. In that sense, the local legislature puts on its "Sorting Hat"[33] and separates permitted uses, special exceptions, and all other uses. That is why the uses are designated special exception uses, not permitted uses." *People's Counsel for Baltimore Cty. v. Loyola Coll. in Maryland*, 406 Md. 54, 106 (2008).

[33] In the Harry Potter series of books, the "Sorting Hat" is a magical artifact that is used to determine in which house (Gryffindor, Hufflepuff, Ravenclaw or Slytherin) first-year students at Hogwarts School of Wizardry and Witchcraft are to be assigned. After being placed on a student's head, the Sorting Hat measures the inherent qualities of the student and assigns him or her to the appropriate house. Id. at 106 n.33 (citing J.K. Rowling, *Harry Potter and the Sorcerer's Stone* (1998)).

Text Amendment for Uses

Uses	Commercial, Light	Industrial, Light
Used auto sales		P
Storage for online used auto sales	~~P~~ SE	

Nonconforming Uses

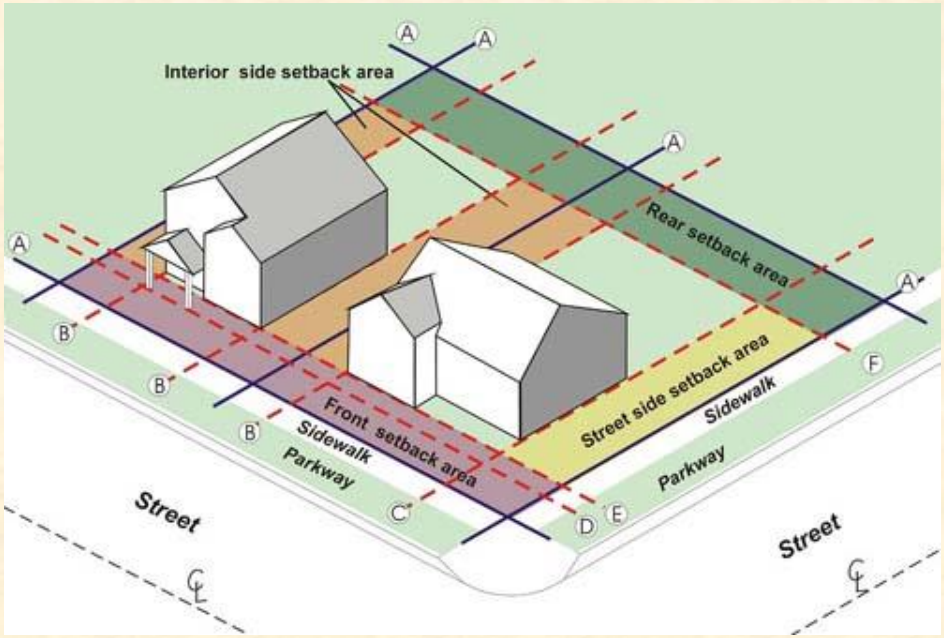
- A lawfully existing use of a structure or of land that does not conform to the use regulations applicable to the district in which it is located. Baltimore City Zoning Code, § 18-201(d).
- The goal is to eliminate the use's ability to intensify, while allowing repair and maintenance and reconstruction due to calamity.

To avoid a taking of an existing use that may substantially diminish property value, zoning ordinances usually **grandfather** existing nonconforming uses. "The general rule is that nonconforming uses may be eliminated by attrition (amortization), abandonment, and acts of God as speedily as is consistent with proper safeguards and the rights of those persons affected." **Attrition/amortization** occurs when the code specifies a specific timeframe for removal. **Abandonment** must be intentional and voluntary.

Lewis v. City of Atlantic Beach, 467 So. 2d 751 (Fla. 1st DCA 1985)

Height, Bulk, Setback Controls

- Setbacks, sideyards
- Frontage
- Height
- Lot coverage
- Floor area ratios
- Open space ratios



Bulk Regulations

SUBTITLE 5. R1 – RESIDENTIAL DISTRICTS

§ 18-4-501. Bulk regulations.

Except as provided otherwise in this article, the following bulk regulations are applicable in an R1 District:

Minimum lot size	40,000 square feet
Maximum coverage by structures	25% of gross area
Minimum width at front building restriction line; for waterfront lots the building restriction line is measured from the rear lot line	125 feet
Minimum setbacks for principal structures:	
Front lot line	40 feet
Rear lot line	35 feet
Side lot line	15 feet
Combined side lot lines	40 feet
Corner side lot line	40 feet

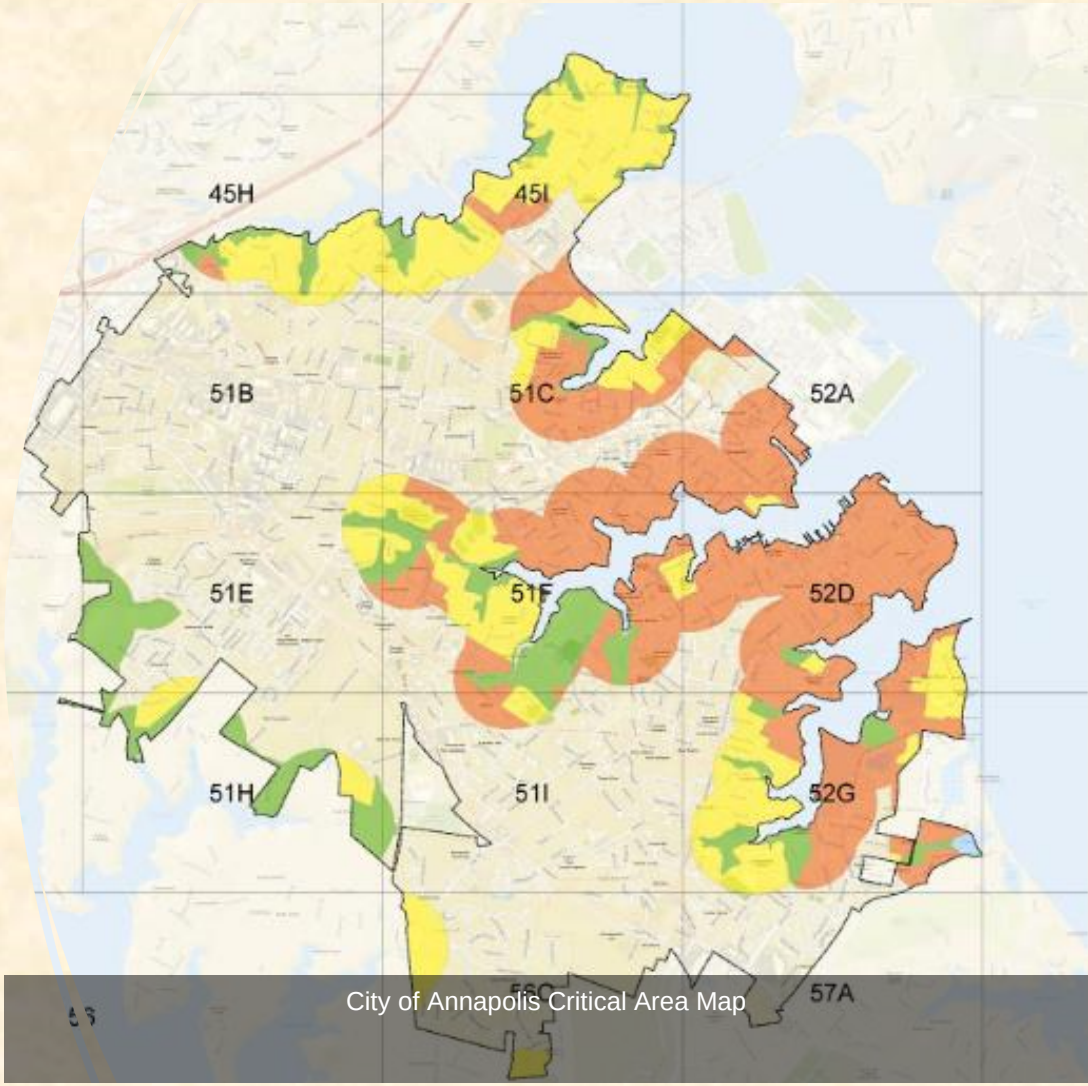
Increasing Flexibility

- As-of-right
- Site plan
- Conditional use
- Overlay zone
- Floating zone
- Planned Unit Development
- Special Development District



Overlay Zones

- Transit-Oriented Overlay
- Development-District Overlay
- Historic Conservation Overlay
- Aviation Policy Area



City of Annapolis Critical Area Map

Floating Zones

- Legislative response to rigidity of Euclidean zones
- Used to allow the development of specialized or mixed uses (e.g., golf course or resort community, town center, planned unit development)
- Two-step process
  - Legislature assigns specific purpose or class of purposes for the zone
  - Property owner initiates rezoning process (change/mistake not required)
- Planning considerations are normally accorded greater weight in assessing rezonings for floating zones than Euclidean zones.

  Cnty. Council of Prince George's Cty. v. Zimmer Dev. Co., 444 Md. 490, 515–17 (2015).

A "floating zone" is an ordinance creating a zoning classification authorized for future use but not placed on the zoning map until its use at a particular location is approved. See *Fasano v. Board of County Commissioners*, 264 Or. 574, 507 P.2d 23 (Ore. 1973).

…and more…

- Incentive zoning
- Performance zoning
- Interim and holding zones







…and more…

- Moratoria
- Affordability
- New urbanism
- Traditional neighborhood design
- Transit oriented development
- Form-based codes



Variance vs. Conditional Use (Special Exception)

- Quasi-judicial
- A variance is something the Zoning Ordinance says is not okay but may make an exception to protect property rights.
- A conditional use is something the Zoning Ordinance says is okay, but only under certain conditions.

"The variance and exception are designed to meet two entirely different needs. The variance contemplates a departure from the terms of the ordinance in order to preclude confiscation of property, while the exception contemplates a permitted use once the prescribed conditions therefor are met." *Cromwell v. Ward*, 102 Md. App. 691, 699–700, 651 A.2d 424, 428 (1995)

Variance

"Variance" means a modification only of density, bulk, dimensional, or area requirements in the zoning law that is not contrary to the public interest, and where, owing to conditions **peculiar to the property** and not because of any action taken by the applicant, a literal enforcement of the zoning law would result in unnecessary hardship or practical difficulty, as specified in the zoning law. Md. Code Ann., Land Use Article § 1-101(s).

Conditional Use/ Special Exception

A use which has been legislatively predetermined to be **conditionally compatible** with the uses permitted as of right in a particular zone, the condition being that a zoning body must, in each case, decide under specified statutory standards whether the presumptive compatibility in fact exists. *Creswell v. Baltimore Aviation Serv., Inc.*, 257 Md. 712, 719, 264 A.2d 838, 842 (1970)

- **General Standards**—Cannot be detrimental to public health, safety, or welfare; the location, nature, and height of each building will be compatible with the orderly development of the district; must be consistent with the jurisdiction's comprehensive plan.
- **Specific Standards**—Commercial Kennel must be on a property with at least 5 acres, enclosed structure must be 100 feet from any residence

Permitting

- The application of regulations which set forth minimum requirements for the use of land and construction, including site design & layout, subdivision of land, access & roads, buildings, surface water management, flood control, etc.

Constitutional Issues: State and Federal

- Procedural due process
- Substantive due process
- Equal protection
- First Amendment
  - Signs, religion, adult
- Fifth Amendment
  - Takings



Constitutional and Statutory Requirements to Adopt Adequate Procedures for Zoning and Land Use Hearings

Subject Property	Owner of the property
	Those with a contractual interest in the property
	Adjacent and nearby property owners
	Attorneys
	Community organizations
	Elected and appointed officials
	Staff
Hearing Procedures	Right to speak; time limits
	Right to cross examine
	Right to submit written testimony; record of the case
	APA; Open meeting laws

Sample Order of Hearing

The Order of Presentation shall be as follows:

A. Chair briefly describes the agenda item and opens the public hearing

B. Chair considers any preliminary matters or motions

C. Staff presentation

D. Applicant presentation

E. Opponent presentation

F. Public testimony by others

G. Rebuttal by Applicant

H. Surrebuttal by Opponent

I. Summation by Opponent

J. Summation by Applicant

K. Chair closes the hearing

L. Planning Board deliberation

M. Decision

Caselaw: Exactions

Nollan v. California Coastal Comm'n

(US Supreme Court – 1987)

Coastal easement

Rational Nexus





Dolan v. City of Tigard, Ore.

(US Supreme Court – 1994)

Bike path easement

Rough Proportionality

Caselaw: Exactions

Koontz v. St. Johns River Water Management District (US 2013) (wetland mitigation): *Nollan/Dolan* applies to **denials** and to **monetary conditions**



Sheetz v. County of El Dorado (US 2024)

*(*Legislatively adopted conditions and fees)

Takings clause does not distinguish between **legislative and administrative land-use permit conditions**. Remand for California courts to assess individualized determination.

What are impact fees?



Company X is turning a vacant lot into a restaurant.



Developer Y is developing a new subdivision.

One-Time Impact Fees:
Company X & Developer Y pay one-time impact fees that cover their fair share to maintain the same quality of services and facilities for all Lubbock citizens. This will allow the city to meet the increased demand from residents, customers, and businesses.





Adds To Local Funds:
Impact fees supplement local funds, and the City completes the needed improvements to facilities.





Increased Demands:
These changes increase demand on services and facilities the City provides, such as water and sewer, roads, and other public infrastructure and facilities.

www.mylubbock.us/engineering

City of Lubbock TEXAS

Fundamental Questions

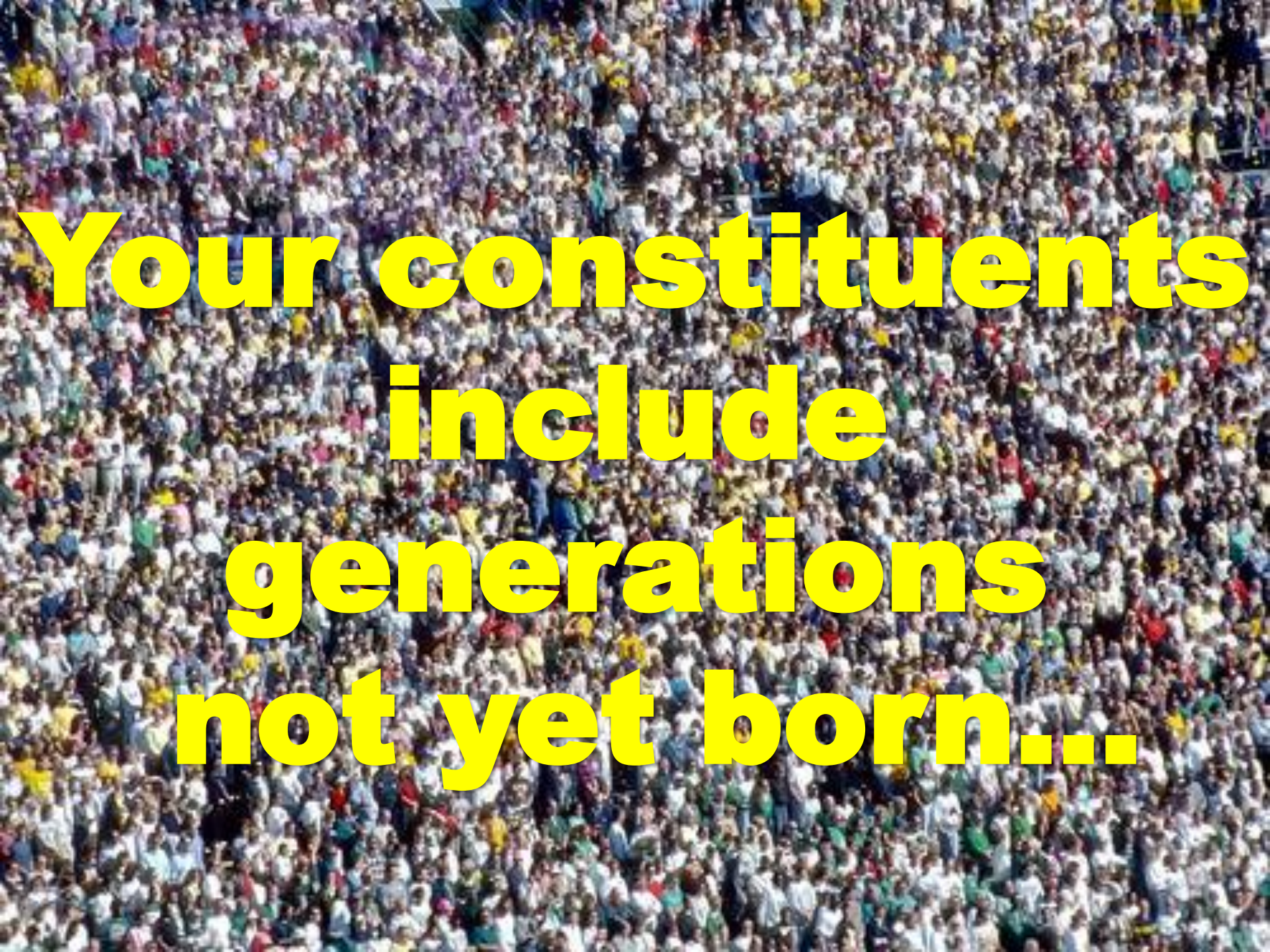
Is the government forcing some people alone to bear the public burdens which should be shared by everyone?

- Is the government taking title to the property?
- Does the government action entitle someone else to take title to the property?
- Does the government's regulation entitle someone else to occupy the property?
- Does the government regulation deprive the property owner of all economically viable use of tis property?
- Is the government exacting money in lieu of requiring dedication?

Federal Statutory Overlay



- Clean Water Act
- Fair Housing Act
- Religious Land Use and Institutionalized Persons Act (RLUIPA)
- Endangered Species Act
- National Environmental Policy Act (NEPA)
- Americans with Disabilities Act


Your constituents
include
generations
not yet born...