**Glossary of Commonly Used Planning Terms**

**\*Please note these are not Utah Statutory Terms and are provided for reference only. Utah Statutory defined terms can be found at http://le.utah.gov/xcode/Title10/Chapter9A/10-9a-S103**

Aesthetic Zoning: The regulation of building design and site developments in the interest of appearance.

Air Rights: The right to use the air space over the property of someone else, typically, but not always, over railways and highways.

Appeal: When a person believes a decision was made in error, an appeal may be filed so that a higher decision-making body can review the case.

Board of Adjustment: A local body, created by ordinance, and appointed by the mayor with the advice and consent of the council, whose responsibilities include the granting of variances, appeals of administrative decisions, and special exceptions. They also hear requests for conditional uses unless otherwise directed by the legislative body.

Building Area: The total square footage of a lot covered by a building measured on a horizontal plane at mean grade level exclusive of uncovered porches, terraces, and steps.

Building Code: Regulations governing building design, construction, and maintenance. In Utah, all construction is covered under the Uniform Building Code.

Building Official: The person responsible for the administration and enforcement of the building, housing, plumbing, electrical, and related codes. All such officials in Utah need to be certified by the State of Utah.

Capital Improvement: A government acquisition of real property, major construction project, or long lasting, expensive equipment.

Capital Improvements Program: A proposed timetable or schedule of all future capital improvements to be carried out during a specific period and listed in order of priority, together with cost estimates and the anticipated means of financing each project.

Cluster Development: A type of development that allows the reduction of lot sizes below the zoning ordinance’s minimum requirements if the land thereby gained is preserved as permanent open space for the community.

Conditional Use: A use that may locate in certain zoning districts provided it will not be detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zoned district. The applied for use must be stated in the zoning ordinance with or without stated conditions. The deciding body either approves subject to condition or denies such uses. Each application is considered on its individual merits.

Conservation Easement: A tool for acquiring open space with less than full-fee purchase; the public agency buys only certain specific rights from the owner.

Density: The number of families, individuals, dwelling units or housing structures per unit of land; usually that unit is expressed as an acre. The control of density is one of the basic purposes of zoning. Gross density includes land for streets, schools and parks. Net density does not include area for public spaces.

Density, Control of: A limitation on the occupancy of land. Density can be controlled through zoning by one or a combination of the following methods: use restriction (single or multiple dwellings), minimum lot size requirements; floor area ratios; setback and yard requirements; minimum house-size requirements; establishing ratios between lot and house size; limitations on units per acres; and other means.

Design Permit Review: Review of commercial, industrial, residential structures and some signs to ensure project design and design consistency with structures and the general environment of the surrounding area.

Development Fees: A fee or charge imposed on developers to pay for the actual costs of a new development. Fees pay for the on-sight improvements that are directly related to the development. Examples would be streets, sidewalks, water, sewer, etc. They do not include the costs of offsite impacts. (See impact fees)

Development Rights: One of many rights that a property owner may expect to have on a given piece of property. It is not a guaranteed right assumed by ownership but one predicated on many other issues and rights. It is possible to sell or acquire development rights without selling or acquiring the property.

Eminent Domain: The authority of a government to take, or to authorize the taking of, private property for public use. The Fifth Amendment requires just compensation for any taking and implicitly prohibits the taking of private property for private use unless declared blighted.

Exclusionary Zoning: Zoning which has the effect of keeping certain types of people out of a community or a neighborhood. There are a number of zoning techniques that can and are often employed such as large-lot zoning, minimum floor space, building requirement controls, etc. There have been a number of recent court cases challenging this type of zoning.

Final Subdivision Map: A map of an approved subdivision map filed in the county recorder's office. It usually shows surveyed lot lines, street right-of-ways, easement monuments, and distances, angles, and bearings, pertaining to the exact dimensions of all parcels, street lines and so forth.

General Plan: A legal document in the form of a map and accompanying text adopted by the local legislative body. The plan is a compendium of its policies regarding the long-term development of its jurisdiction. It is sometimes called a comprehensive or master plan.

Incentive Zoning: The granting by the local authority of additional development capacity in exchange for the developer's provision of a public benefit or amenity. The local ordinance would have to clearly spell out the incentives that could be considered.

Inclusionary Zoning: Regulations which increase housing choice by providing the opportunity to construct more affordable, diverse, and economical housing to meet the needs of low and moderate income families.

Infrastructure: Facilities and services needed to sustain industry, residential and commercial activities. It includes water and sewer lines, streets and roads, communications, and public facilities such as fire houses, parks, etc.

Home Owner's Association: A non-profit organization operating under recorded legal agreements running with the land. Generally, each lot owner in a condominium or similar planned development becomes a member upon purchase and each lot is subject to a charge for a proportionate share of the expenses for the organization's activities such as maintaining common areas, e.g. landscaping, recreation facilities, and parking areas.

Impact Analysis: A study to determine the effects of a proposed development on activities, utilities, circulation, surrounding land uses, community facilities, environment and other factors directly, indirectly or potentially affected. In Utah an impact analysis must be completed before impact fees can be charged.

Lot: The basic development unit- an area with fixed boundaries, used or intended to be used by one building and its accessory buildings. Characteristics of lots for zoning purposes include: buildable area, lot coverage, lot depth, and lot width. A buildable lot must meet the requirements of the zoning district in which it is located and must front on a public street or an approved private street.

Metes and Bounds: A system of describing and identifying land by measures (metes) and direction (bounds) from a point of reference. (In Utah law its use is often to suggest an alternative to a formal surveyors plat. See Minor Subdivision)

Minor Subdivision: A subdivision of fewer than ten lots. A minor subdivision may be sold by metes and bounds if it meets all other procedural and actual requirements of a subdivision. (10-9-806)

Moratorium: (Temporary Zoning Ordinance TZO) In planning, a freeze on all or specific types of new development pending the completion and adoption of certain planning and/or zoning ordinance requirements, e.g. General Plan, zoning ordinance amendment, sewer line installations, or growth management programs. Moratoriums may last up to six months. Consideration of a moratorium must be on a council's agenda but no public hearing is required.

Nonconforming Use: A Use or activity which was lawful prior to the adoption, revision or amendment of a zoning ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning ordinance.

Nuisance: Anything that interferes with the use or enjoyment of property, endangers personal health or safety or is offensive to the senses.

Occupancy Permit: A permit needed for a new tenant to move into a new structure. This is considered part of the building permit process.

Off-site Improvements: Conditions that can be required of a project that involves the installation of streets, curbs, gutters, sidewalks, street trees, etc. that are located adjacent to the project on city owned property.

Overlay Zones: a set of zoning requirements in addition to those of the underlying district. Developments within the overlay zone must conform to the requirements of both zones or the more restrictive of the two. Such zones are usually employed to deal with special physical characteristics such as flood plains, historical areas, soils, or hillsides.

Parcel: A lot or contiguous group of lots in single ownership or under single control, and usually considered a unit for purposes of development.

Permitted Use: A use by right which is specifically authorized in a particular zoning district. It is contrasted with conditional uses which are authorized only if certain requirements are met and after review and approval by a designated body.

Phased Development: A term referring to programs or techniques to guide the timing and sequence of development. If such zones are used as a growth management tool and must be part of the General Plan of the municipality.

Planned Unit Development (PUD): A self-contained development, often with a mixture of land uses and densities, in which a subdivision and zoning controls are applied to the project as a whole rather than to individual lots. They are supposedly used to benefit both the developer, often by allowing for greater density, and the municipality, by preserving more open space or safeguarding sensitive areas. A community should make sure that they are receiving adequate benefit before agreeing to the use of this tool.

Planning Commission: The administrative body charged with the development of the General Plan, formulation and administration of the Zoning Map and Ordinance and the review of any other land use matters designated by the mayor and council. They are an advisory board. For more information see 10-9-201 Utah Code.

Planning Director: The chief administrator in the planning department. Usually works as staff and professional advisor to the Planning Commission and Board of Adjustment. The Zoning Ordinance can give certain powers and responsibilities to the Director.

Police Power: The inherent right of a government to restrict an individual’s conduct or use of property in order to protect the health, safety, welfare, and morals of the community.

Policy: A statement of a public body that forms the basis for enacting legislative making decisions. The policies under which zoning ordinances are enacted and administered should be found in a community's General Plan.

Public Hearing: A properly announced meeting of an official or official body where the public is allowed to give opinions concerning the issue being considered.

Revenue/Cost Impact Analysis: A technique used to assess the revenue and impact of a proposed project on a community. If costs exceed the revenue, the project should be modified, denied, or have special development charges attached in order to sufficiently offset costs.

Right-of-Way: The right of passage over the land of another. Once a right-of-way is granted is becomes a “legal” right that can only be removed via purchase, relinquishment or court action.

Setback Requirements: The requirements that a building be set back a certain distance from the street or lot line. They are specified in a zoning ordinance or a site development plan.

Site Plan: A plan, to scale, showing uses and structures proposed for a parcel of land. It includes lot lines, streets, building sites, public open space, buildings, major landscape features -both natural and man-made- and, depending on requirements, the locations of proposed utility lines.

Site Plan Review: The process whereby local officials, usually the planning commission and staff, review the site plans of a developer to assure that the plans meet the purposes and standards of the zone, provide for necessary public facilities such as streets, parks and schools, and protect adjacent properties through appropriate sitting of structures and landscaping.

Special District: A district established to accommodate a special set of uses or for special purposes. The term can signify any district beyond the conventional residential, commercial, industrial, and agricultural districts. Examples include PUD and historic preservation districts.

Strip Zoning: A zone normally consisting of a ribbon of uses fronting both sides of a major street and extending inward for approximately half a block. Strip commercial development is the most common form. It usually is characterized by an assortment of gas stations, drive-in and fast-food restaurants, motels, tourist shops, and automobile sales and service operations.

Subdivision: The process and the result of dividing a parcel of raw land into smaller buildable sites. Complete plans will eventually include streets, blocks, open space, public areas, and other improvements. A subdivision may be established any time a new boundary line is drawn. For information on subdivision procedures see 10-9-801 of the Utah code. (Also see Minor Subdivisions.)

Taking: This concept is difficult to define because the courts keep changing the rules surrounding it. Currently (fall 2002) it seems to be government action that deprives the land owner of 100% of the value of his/her property. It does not, to date, mean the partial loss of value that would occur with downzoning. If you have questions, confer with a smart lawyer.

Transfer of Development Rights (TDR): The removal of the right to develop or build, expressed in dwelling units per acre, from land in one zoning district to land in another district where greater density is preferred. TDR is often used as a tool for the preservation of agricultural land, open space or historical preservation.

Variance: A devise which grants a property owner relief from certain provisions of a zoning ordinance, when, because of particular physical surrounding, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make more money. The petitioner must prove that a physical hardship exists, and that the request would not be alien to the design or intent of the area. Only the Board of Adjustment is vested with the authority to grant variances. Any appeal of the Board decision must be made to the district courts. There is no legal way to grant a variance that would change the use of a piece of property.

Vested Right: This is another concept that the courts continue to modify. Generally a developer is “vested” when reasonable plans have been submitted and accepted by the municipality. It is not vested with the zoning at the time of purchase or with the expression of an intended use by the developer. If no plans have been submitted and formally accepted, the use of the property is not vested.

Zero Lot Line Development: A development approach in which a building is sited on one or more lot lines with no yard. Conceivably, three of the four sides of the building could be, on lot lines. The intent is to allow more flexibility in site design, and to increase the amount of usable open space on the lot.

Zoning: A police power measure, enacted primarily by units of local government, in which the community is divided into districts or zones within which permitted and special uses are established as are regulation governing lot size, building bulk, placement, and other development standards. Requirements vary form district to district but they must be uniform within districts. The zoning ordinance consists of two parts: the text and a map.