

IMPLEMENTING, AMENDING AND UPDATING THE COMPREHENSIVE PLAN

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B. Overview and Purpose

The Comprehensive Plan is a policy document that describes the preferred future for the Region. Other regulatory documents provide more specific development standards, other actions can be used by the City and County to implement the goals / vision of the Plan.

The primary purpose of this Chapter is to provide information about some of the ways that a Comprehensive Plan can be implemented. To do that the Chapter describes and gives an overview of the regulatory documents and governmental actions that work together to implement the Comprehensive Plan.

Those documents are:

- The Zoning Ordinance
- The Zoning Map
- The Subdivision Regulations

See Section E.1

Governmental actions include:

- Code Enforcement
- Annexation
- Continued Planning Efforts
- A Capital Improvement Program, Municipal and County Budgets

See Section E.2

This Chapter also discusses reasons for amendments and recommends timing for amendments and updates to the range of documents.

See Section E.3

C. Using this Appendix

This Appendix gives basic descriptions of the purposes for / use of documents and actions that implement the Comprehensive Plan. When development proposals are being reviewed this Chapter should be used to more clearly understand the powers and purpose of each. For example, the description of the Comprehensive Plan / Zoning Ordinance provides a short list of the actions that the Commission should take as it compares proposed land use and intensity to zoning categories.

The Appendix should also be consulted when discussing the ways that actions like annexation, code enforcement or adoption of a Capital Improvements budget could implement a portion of the Plan. It should be consulted in combination with Appendix C which provides long term measures to implement the Plan. Some examples included Zoning Ordinance Revisions and Code Enforcement of existing Ordinances for items such as yard maintenance.

The need for potential amendments to the Comprehensive Plan will become evident as the Plan is put into use. Use of the Plan will also identify areas where the Zoning Ordinance, Subdivision Regulations or Capital Improvements budget should be revised. It can also help to identify areas that should be annexed into the City. This Chapter gives guidance regarding amendments to those documents and provides a short list of items that should be considered during annexation.

D. Implementation

The Comprehensive Plan is implemented when three primary decision making bodies make new decisions. They are:

- The City of Claremore-Rogers County Metropolitan Area Planning Commission
- The Claremore City Council
- The Board of Commissioners of Rogers County.

The Planning Commission makes decisions that are usually a recommendation to the City Council and / or the County Commissioners, depending on the location of the project.

The majority of these decisions will be in response to new development proposals that have been submitted by private organizations and individuals. Other decisions will be made as the Planning Commission makes recommendations and as the City Council and County Commissioners set policies as they search for appropriate ways to guide and encourage the direction and speed of physical growth.

When a decision is about to be made, the Comprehensive Plan should be used as a guide. While a decision is being made, the Comprehensive Plan should be reviewed to determine if the decision makes an amendment to the Plan appropriate.

The Comprehensive Plan gives direction and provides a framework for decision making. However, it is a policy document and does not have the power to dictate decisions that is given to a regulatory document that is adopted by Ordinance. The three primary regulatory documents that are used by the Planning Commission are the Zoning Ordinance, the Zoning Map and the Subdivision Regulations.

When a change in land use is being contemplated the three decision making bodies use the Zoning Ordinance and the Zoning Map.

When a parcel of land is to be subdivided the decision makers use the Subdivision Regulations. The regulations "put the legs" on the policy directions defined in The Comprehensive Plan. *See Section 1 Page B.10.* Other tools that can be used to implement the Comprehensive Plan include:

- The City Code
- Building and Fire Codes
- Capital Improvement Plans
- The General Budget

The Codes are regulatory documents that have legal power to direct actions. Direction for code enforcement and building inspection is found there.

The Capital Improvement Plan and the General Budget are fiscal documents that provide a picture of the amount of funding that is available for infrastructure maintenance and improvement. The Budget is the document that identifies the funds that are available in particular fiscal year for the range of government efforts.

The Capital Improvement Plan (CIP) is a planning tool that identifies the amounts of funding that should be made available in future years to accomplish specific infrastructure goals. The CIP has no funds of its own. The Budget and the CIP are tools that should be used by the Planning Commission as they review development proposals and prepare recommendations. The two documents help to assess the potential for infrastructure to be available to serve a proposed project.

1. Regulatory Documents

Regulatory documents are those that are adopted by Ordinance. Where the Comprehensive Plan sets a general direction, these documents provide specific criteria for accomplishing specific actions. The Planning Commission has the latitude to approve a project that may not completely conform with the Comprehensive Plan or that requires an amendment to the Comprehensive Plan.

The Commission has far less latitude with the Zoning Ordinance or Subdivision Regulations and must approve or deny projects based on the specific standards included in them.

This Section provides an overview of four regulatory documents, the Zoning Code, the Zoning Map, the Subdivision Regulations and the City Code, specifically as that Code applies to Code Enforcement.

ZONING ORDINANCE

Background:

A Zoning Ordinance (with Map) was adopted by the City of Claremore and Rogers County in 1971. It has authority in the Area that is under the jurisdiction of the Planning Commission. It was first revised in 1978 with several additional amendments have been made since that time. The most recent was begun in 1998. This significant revision was adopted by the Rogers County Board of Commissioners and the City of Claremore Mayor and City Council on August 1, 2000 and September 6, 2000 respectively. The Planning Commission has again directed Staff to revise the Zoning Code, this revision will use the model used by many communities in the Tulsa Metropolitan Area.

Overview:

The Zoning Ordinance defines specific development standards for a range of specific land use types. It addresses items such as:

- Setbacks
- Height limits
- Parking and circulation requirements
- Lot size and open space requirements
- Maximum floor area / lot coverage
- Signage
- Standards for ways that differing uses will relate to each other

The Ordinance organizes these standards by type of use. It also provides standards for Planned Developments and will include standards for Special Districts and for landscaping. Standards that direct design review to implement the intent and direction of the Comprehensive Plan will be added to the Zoning Ordinance or to a separate Design Guidelines document.

Use of the Comprehensive Plan / Zoning Ordinance:

When the Planning Commission receives an application for change in land use type it should:

- Review the application as outlined in Chapters 4 and 5 of the Comprehensive Plan to determine if the request is consistent with the goals and policies for the region
- Compare the request to the Future Land Use Map. See *Exhibit 4-3 and 4.7*
- Review the textual description of the appropriate Special Districts and / or Planning Area in Chapter 4.
- Compare the application to the use and intensity matrices located at the end of Chapter 4.
- Identify the zoning category proposed by the application
- Refer to the Zoning Ordinance to determine the potential impacts, the type and intensity of the requested zoning category at the subject site. Can the lot accommodate the parking, access setback and other requirements?
- Refer to the Zoning Map to review the zoning categories of adjacent parcels and the zoning patterns in the surrounding area.
- Determine the appropriateness of the requested zoning category and identify an alternative if needed.

The Planning Commission makes a decision and then recommends an action to the City Council or the County Commissioners. A zoning designation may not be changed without an official action by the Council or the County Commission.

ZONING MAP

Overview:

While the Zoning Ordinance provides standards for development by type, the Zoning Map is the document that graphically represents the approved zoning type on a parcel. Different uses are represented by different colors. The Map indicates approved zoning in the City and County. Parcels that have not been previously zoned carry an agricultural (AG) designation.

The City and the County are empowered by State Statute to initiate a change in zoning on a particular parcel with proper notice. However, it is not common practice in Oklahoma to change a zoning category when the change is not initiated by the owner.

Use:

The Zoning Map is the official document that records the approved zoning category on a particular lot. As such it should be amended with each approved change in zoning. See *Exhibit 4.2 and 4.6*.

When a request for change in land use is received the Map should be consulted. Some examples of the basic questions that the Commission should ask as it reviews the Map are:

- What is the current zoning on the particular parcel what use or uses does that zoning allow?
- What is the current zoning on adjacent / surrounding parcels and what uses do those zoning categories allow?
- How does the Zoning Map compare to the recommended Land Use map in Chapter 4?
- Are any patterns or trends apparent in the area? Do recent approvals work with or against those trends? How does the growth pattern compare to available infrastructure? See *Exhibits D6 and D8, Existing Sewer and Water*.
- Given the trends or patterns, does the request comply with the Comprehensive Plan policies such as :
 - Compatible adjacent land uses
 - Adequate infrastructure (street, sewer, water, storm drain) prior to new construction
 - Compact and efficient infrastructure expansion
 - Adequate provision for health and safety
 - Density and Intensity highest near communities and their core, lessening as it moves away from the core

SUBDIVISION REGULATIONS – Subdividing Real Property

Overview:

Subdivision Regulations were first adopted for the City of Claremore-Rogers County Metropolitan Area in 1971. In 1978, the original Subdivision Regulations were updated.

The Subdivision Regulations were most recently revised and adopted by the Rogers County Board of Commissioners and City of Claremore Mayor and City Council on August 1, 2000 and September 6, 2000 respectively.

The Subdivision Regulations provide standards that guide the subdivision of land and the provision of infrastructure to put a land use in the ground. They include:

- The process for mapping and subdividing land
- The standards for accuracy of the maps
- Design requirements for streets and alleys, lots and blocks, easements, flood plain areas, storm water detention, sanitary sewer disposal and water supply.
- The requirements for improvements and bonding
 - Definition of the financial responsibility of the applicant and of the City / County to provide the infrastructure, services and amenities that will be required to service the new development.

Some of the standards are tied to particular districts of the Zoning Ordinance. For example, street widths and the use of Country Living standards for subdivision in the County are specifically related to specific zoning districts. *See pages 4-6 and 4-8 of the Subdivision Regulations.*

Use:

Requests for a change in land use / zoning category are of two types; those on an existing legal lot of record and those that require subdivision of land to create a legal lot or lots.

If the request is on an existing legal lot the lot should be reviewed per the standards of the Zoning Ordinance to ensure that the use can be accommodated there. Then, the standards of the Subdivision Regulations should be reviewed to ensure that the lot is served or can be served by appropriate utilities and infrastructure.

If the request has been to change the use and category on a parcel that must be subdivided, the Subdivision Regulations should be reviewed to ensure that the underlying parcel can be subdivided in such a way as to accommodate the requested use. This is particularly true of land use / zoning changes to create new residential additions.

Some examples of the types of basic questions that the Commission should ask as it reviews the Subdivision Regulations are:

- Do the regulations have standards that are tied to this particular zoning district. For example, the Regulations prohibit the approval of a rural or country living subdivisions in areas that are not abutting an existing street of record.
- Is there currently sufficient access and infrastructure? Can the lot or lots be served if there is not? Should street dedications be required?
- Can the site support the required street widths and sanitary sewer requirements? Is septic a viable alternative at this location? Do the requested lot sizes require sanitary sewer?
- Is the site within a Master Wastewater Plan Area requiring the addition to be connected to sanitary sewer when it is available?
- Are there flooding conditions in the area? Is the land use appropriate near floodplain? Can required detention be adequately addressed?
- Who is the water purveyor? Can that purveyor provide a distribution system and amounts of water sufficient for adequate fire protection, day to day activities and yard maintenance?

CODE ENFORCEMENT

Overview:

Code Enforcement authority can be found in the zoning code, the building code and the city code. Enforcement is administered separately by the City and County within their respective jurisdictions. Code Enforcement implements the Comprehensive Plan by ensuring beauty and safety. See *Chapter 5, Goal Group 1 – Community Beautification*.

It also ensures that construction complies with standards (producing predictable impacts) expected by the Commission when a land use / zoning approval was granted.

Enforcement should work together with neighborhood improvement programs, and city and county beautification efforts to maintain local streets, utilities and infrastructure. Some of the common maintenance violations that have been identified through the Comprehensive Planning process include:

- **Maintenance of yards, lots and streetscapes:** Includes mowing and trimming vegetation to reduce fire hazards, preventing obstructions at street corners and drives and, reducing hazards to pedestrians, motorists, and adjacent properties.
- **Removal of trash and debris from yards and porches:** Includes items such as auto parts, appliances, building materials, and tree and shrubbery trimmings.

- Illegal storage of inoperable vehicles in yards
- Illegal parking of vehicles in yards: Includes parking on unpaved surfaces.
- Outdoor equipment storage: Includes storage of unused appliances and furnishings.
- Vacant and/or unsecured structures: Including unsafe and unsightly structures which function as an attractive nuisance or place and invite illegal activity.
- Illegal home businesses or home occupations.
- Illegal parking of commercial equipment: Includes heavy trucks, tractors, and utility trailers, or recreational vehicles in residential areas.
- Illegal fencing of residential yards: Includes use of opaque materials in excess of the permitted height.
- Illegal, unpermitted or oversized signage: Particularly in **arterial** street corridors such as Hwy 66.

2 Annexation, Continued Planning Efforts, Fiscal Planning

ANNEXATION PROGRAM

Annexation expands City boundaries and extends City services into the Region. The phased services program and the Capital Improvement Program should work together to identify areas that will be funded for infrastructure improvements. A phased infrastructure extension and maintenance program creates buildable area and is therefore an important tool in achieving and refining the vision of the Comprehensive Plan.

A small portion of the Region is presently incorporated. A little less than 13 square miles lies within the boundaries of the City of Claremore. The City and County should work together and the Planning Commission should take a lead role to study growth forces and the corresponding capital outlay requirements in the City and the Region.

The study should be a model for the communities in the Region and should:

- Provide information that guides the creation and implementation of a phased plan for annexing the area that is currently inside Claremore's fence line.
- Define the City's need(s) for annexation and the benefits of annexation. Prioritize the physical areas that address those needs
- Define the impacts and benefits to individual landowners and to residents of the City as a whole

- Provide policies for providing service, infrastructure and maintenance and for coordinating with existing providers
- Provide policies for communication with landowners within and adjacent to areas that are to be annexed
- Identify areas where the fence line might be extended, in anticipation of growth in adjacent areas.

CONTINUED PLANNING EFFORTS

The City and County employ planning staff and contract planning support to make recommendations to the Planning Commission. Staff also maintains current planning functions, reviews development applications and prepares and administers the Comprehensive Plan. The Planning Commission and its staff will:

- Use the Comprehensive Plan to review development proposals
- Test the Comprehensive Plan to determine its accuracy as new development is proposed
- Lead amendments to the Plan as needed.
- Use the Plan to initiate future efforts that guide the physical direction, volume, type and quality of growth.

A primary purpose of the Plan is to provide an accurate and clear picture of the preferred future for the Region. The goals of this clear picture are to create consistency in development review, minimize personal bias, reduce risk and time delays in development and reduce controversy.

It is critically important that day-to-day current and long range planning functions be tested against the future that is identified in the Plan. Ongoing planning efforts will be to:

- Study the makeup and trends of the community (such as income education, employment types, revenue sources and amounts, housing needs)
- Study the performance of the Plan as a development review guide and definer of growth policy
- Build links between approved capital funding plans and new growth
- Track development approvals and assess their potential impacts
- Define appropriate ways to guide structure and site design
- Fine tune the Zoning Code and Subdivision Regulations to work together to more completely complement the Comprehensive Plan

FISCAL PLANNING:

Two fiscal planning measures are keys to implementing the Comprehensive Plan. These are the Capital Improvement Program and the Municipal Budget.

Capital Improvement Program

A Capital Improvement Program is a Plan or target budget for capital expenditures over specified time frames. Typically the Plan will include one, three, five and ten year goal categories. Plans may be broken into yearly goals over a ten year time period.

Some of the primary items addressed by the Plan are infrastructure (water, sewer, streets, storm drain) and emergency equipment (fire, police, ambulance).

The City of Claremore adopted its first Capital Improvement Program (CIP) in 1971. This Plan recognized the Planning Commission as the review authority for all major capital improvements, in conformance with Oklahoma State Statutes. Capital projects are required to be in accordance with the Comprehensive Plan and to be approved by the Commission prior to implementation.

A major CIP update occurred in 1997. It adopted a comprehensive CIP based on the outline and format required by the Oklahoma Department of Commerce (ODOC). According to the guidelines of the ODOC, the CIP must receive a major update within three (3) years of its adoption. The first major update of the 1997 CIP was begun in 2004. The Claremore CIP projects 5 years into the future. It should be updated yearly and be part of the yearly budgeting cycle.

Use:

The CIP can be used to:

- Attract growth by providing new infrastructure for employers and housing
- Guide growth by focusing resources in particular areas of the Region at particular times
- Retain growth (and quality) by providing regularly scheduled maintenance

The City has maintained a program of rehabilitating and rebuilding its capital infrastructure, particularly water and sewer. Several key capital and infrastructure improvement programs have been identified during the Comprehensive Plan planning period with a goal to support existing development and encourage new development in the future. A \$25 million bond issue was passed in early 2004 to provide additional sewer capacity. This issue provides funds to construct a new facility that will be of sufficient size to serve as regional facility as identified in the 2003 study, if needed. The plant will be located on the Verdigris River, approximately 5 miles downstream of the existing facility.

Municipal and County Budgets

Where the Capital Improvements Program provides a plan for growth and maintenance, the Municipal and / or County Budget provides the funding. Therefore, it is a primary tool to implement the Comprehensive Plan and it can be directly impacted by the growth patterns that are recommended by the Comprehensive Plan.

Some of the ways that a Comprehensive Plan can impact a City or County budget are described as follows:

- Commercial growth creates sales tax which is the primary source of revenue for most jurisdictions.
- Industrial growth may generate sales tax and may generate revenue by water use. It also brings employees to the community who purchase goods and services
- Industrial and Commercial growth do not require schools or significant increases in emergency response personnel, they may require significant infrastructure upgrades.
- Residential growth is typically a break-even growth type at best. It requires large investments in infrastructure, schools, public facilities and service personnel. It does not on its own generate significant levels of sales tax. The majority of property or ad valorem tax is typically distributed between schools and County uses.
- Residential growth is important because it is a prerequisite for commercial development.

The City and County budget cycles run July 1 to June 30. Budgets are typically introduced by Staff in the spring with Council and County Commission approval being required by June 15.

3. Amendments

The needs and personality of a community and / or Region change over time. Policy and Regulatory documents should include standards that enable decision making bodies to make determinations that accurately reflect the character and will of the residents.

Amendments to the Comprehensive Plan should be part of an ongoing natural process of growth and change. Amendments to the Comprehensive Plan can be initiated by the Commission, its Staff, and individuals or by the City Council or County Commission.

Amendments are typically a relatively minor "mid-course correction". They ensure that the Comprehensive Plan and the Zoning Ordinance, Zoning Map, Subdivision Regulations and Capital Improvement Program stay in alignment.

When a Regulatory document is revised it should be reviewed to determine potential impact to the Comprehensive Plan. The Plan and the Ordinance should be revised to reflect the change. Similarly, any revisions or amendments to the Comprehensive Plan should be reflected in the above-mentioned regulatory documents, where appropriate.

Changes to the Zoning Ordinance or Zoning Map will almost always impact the Comprehensive Plan. The Plan and the Code should be revised together
Amendments to an adopted Plan, Map or Regulation should be reviewed and acted upon by the Planning Commission in a public forum.

WHEN SHOULD AMENDMENTS OCCUR:

Comprehensive Plans

A Comprehensive Plan Amendment is a possibility each time that a land use decision is made, particularly in the short term as the updated Comprehensive Plan is tested.

The Comprehensive Plan is a policy document. When the Planning Commission is making a decision regarding a request for a change in land use / zoning it can make one of four determinations:

1. Find the request in conformance with the Comprehensive Plan and approve it.
2. Find the request in potential conformance with the Comprehensive Plan and approve it.
3. Find the request not to be in conformance with the Comprehensive Plan but approve it.
4. Find the request not to be in conformance with the Comprehensive Plan and deny it.

If the Commission finds 2 or 3 to be correct the Plan should be amended. Typically, the Commission's action would be to approve a zoning category that did not fit with the use and intensity matrix and land use map of Chapter 4. The goal is for the Comprehensive Plan and the Zoning Map to remain in conformance.

The Commission might also approve a zone change that did not fit in use or intensity with the textual description for the subject area. In most cases, these findings would be made either because the Comprehensive Plan did not accurately express the goals or vision for the subject area or because the goals and vision had changed.

There is no one right schedule for amending the Comprehensive Plan. However, the Plan should be amended often to remain active and relevant. Two purposes for amendment and two amendment schedules are common. The purposes for amendment are:

- Amend the Plan to address discrepancies between it and the Zoning Map
- Amend the Plan to revise Special Districts or other areas that are experiencing changes in growth pressure

Common schedules for amending the Plan are:

- Quarterly
- Upon reaching a specified number of discrepancies or a maximum period of time between changes

Zoning Ordinance

Typically, a Zoning Ordinance is not amended often. However, a particular element or elements of the Ordinance should be amended when it or they are identified periodically as being "out of step" with what is acceptable and appropriate in the community.

When an element or elements have been identified for amendment, it or they should be placed on a list for future updates. Changes to the Zoning Ordinance typically occur by topic or chapter in an update.

Zoning Map

The Zoning Map is a constantly changing document. It should be amended to reflect each new zoning action. The Zoning Map should be as current as possible. A common amendment technique is to make temporary changes to a copy of the Map. The official map is revised once or twice per calendar year. If the Map is computerized and staffing allows, it is recommended that the Map be revised monthly.

Subdivision Regulations

Subdivision Regulations, like the Zoning Ordinance are not amended often. When an element or element is periodically questioned or challenged it should be reviewed through a pre-determined process for appropriateness.

Capital Improvement Plan

The Capital Improvement Plan should be amended when:

- The amount of funding for a line item does not match the amount budgeted
- Costs of maintenance or improvements for an item do not match the amount of funding
- Maintenance or improvement of an item should be put off or accelerated

The Capital Improvement Plan should be amended as needed during the year to utilize yearly funding allocations as efficiently as possible. It should also be amended prior to the budget cycle to ensure that it accurately reflects need.

4. Updates

Updates are significant changes to a policy or regulatory document, to a Map or Plan. Amendments are relatively minor "mid-course corrections". An Update is a significant change that is brought about by tracking and analysis of a number of Amendments.

Updates signify that a major change is needed. Changes of this magnitude typically fall into three categories:

- There has been a significant change in the Region's attitude. Its Goals and Vision for its future have changed.
- There has been a significant change in growth rate or pattern.
- The Plan did not accurately represent the Goals of and Vision for the Region.

To ensure that the Vision for the Region is achieved and that the Goals, Objectives and Policies of the Comprehensive Plan are implemented this Plan recommends that the Planning Commission:

- Prepare a report and recommendation on each zoning amendment, subdivision plat, or similar land use and planning related matter to the City Council, which includes a determination of whether the proposal conforms to the Comprehensive Plan.
- Review local development regulations, the Zoning Ordinance, and Subdivision Regulations on a regular basis and make recommendations to the City Council for any necessary changes.
- Prepare an annual report summarizing public planning actions taken during the previous year and make recommendations to the City Council for updating the Comprehensive Plan.
- Review the Comprehensive Plan annually and undergo major updates every three (3) to five (5) years giving consideration to development trends and accomplishments of the adopted Plan.
- Annually review, and undergo a major update of the CIP every three (3) years, to ensure it is implementing the policies and objectives outlined in the Comprehensive Plan.
- Encourage citizen involvement throughout the comprehensive planning process, especially during the maintenance and implementation phase of the Comprehensive Plan.

