

Land-Use Policies and Housing:
A National Survey on Local Residential Development Regulation

This survey is part of a research project to identify local land-use and housing programs and policies in the 50 largest metropolitan areas in the United States. Please answer all the questions to the best of your ability. While accuracy is important to us, your time is also important, so please **provide your best estimates for any information that is not readily available**. If you wish to comment on any questions or qualify your answers, feel free to use the space in the margins; there is also space for comments on the back of the survey form. Your comments will be read and taken into account.

When you complete the form, you may

- e-mail it, if you have an electronic version, to rolf.pendall@cornell.edu
- fax it at no cost to Rolf Pendall at 888-362-0639
- mail it to

Rolf Pendall
1824 Hearst Ave.
Berkeley, CA 94703

Thank you very much for your help.

Name of respondent: _____
Title: _____
Name of Community: _____
City: _____ State: _____ Zip: _____
Telephone number: () _____ - _____ Fax: () _____ - _____
E-mail: _____ Date of Response: _____

A. Planning and Zoning

The first two questions concern overall regulations, including comprehensive planning and zoning that are currently in force in your jurisdiction.

1. Does your jurisdiction have a comprehensive (master, general) plan?
____ No.
____ Yes.
If you answered "yes," what year was the Land Use element of the plan last updated?
_____ (year)
2. Does your jurisdiction have a zoning ordinance?
____ No.
____ Yes.
If you answered "yes," what year was the ordinance last updated? _____ (year)

If you answered "no" to questions 1 and 2, please skip to Section C.

B. Zoning for Housing

Please answer questions 4-8 only for the areas to which the jurisdiction zoning ordinance applies and not for townships or cities that have their own zoning ordinances.

3. What is the theoretical maximum number of dwelling units that may be constructed per net acre in areas to which your jurisdiction zoning ordinance applies, in areas zoned in the **highest residential density category**?
____ Fewer than 4
____ 4-7
____ 8-15
____ 16-30
____ more than 30
4. How has the maximum permitted density **changed since 1994**?
____ Stayed approximately the same (within 10%)
____ Reduced more than 10%.
____ Increased more than 10%.
____ Don't know.
5. Does your jurisdiction permit the placement of new **mobile homes**, either on a single lot or in a mobile home park?
____ No.
____ Yes; double-wide only.
____ Yes; double- or single-wide.

6. Assume your jurisdiction has a vacant 5-acre parcel. If a developer wanted to build 40 units of 2-story apartments and was flexible with planning, landscaping and building configuration, would there be an existing zoning category that would allow such development?

- No.
- Yes; by right.
- Yes; by special permit, PUD, or other special procedure.

7. Does your jurisdiction require a **popular vote of the jurisdiction's residents as a precondition to rezoning?**

- No.
- Yes, in open town meeting.
 - Applies to all rezonings
 - Applies only to selected rezonings (describe below)
- Yes, ballot measure.
 - Applies to all rezonings
 - Applies only to selected rezonings (describe below)

C. Jurisdiction Expansion Potential

These questions will help us understand whether development in your jurisdiction can expand into unincorporated and undeveloped areas.

8. Is a popular vote required as a precondition to annexation in your jurisdiction? (Please answer "no" if the only vote required is that of landowners or residents in **the area to be annexed.**)

- No.
- Yes, a binding referendum has been required since _____ (year).
- Yes, an advisory referendum has been required since _____ (year).

9. Does your jurisdiction currently have any of the following?: (Please check "yes" or "no")

- | | | |
|-----------------------------|------------------------------|---|
| <input type="checkbox"/> No | <input type="checkbox"/> Yes | Urban service area/urban service boundary in place since _____ (year) |
| <input type="checkbox"/> No | <input type="checkbox"/> Yes | Urban growth boundary in place since _____ (year) |
| <input type="checkbox"/> No | <input type="checkbox"/> Yes | Greenbelt in place since _____ (year) |
| <input type="checkbox"/> No | <input type="checkbox"/> Yes | Urban limit line in place since _____ (year) |
| <input type="checkbox"/> No | <input type="checkbox"/> Yes | Other tool to control spread of development in place since _____ (year) |

D. Other Regulations Pertaining to Housing

The next few questions concern other local regulations that your jurisdiction uses for the management of residential growth, including growth (rate) controls, moratoria, and adequate public facilities ordinances.

10. Does your jurisdiction currently have a measure that explicitly restricts the pace of residential growth?

- No.
- Yes; population growth limited to _____ percent per year; adopted _____ (year).
- Yes; residential building permit issuance limited to _____ (number) per year; adopted _____ (year).

11. Does your jurisdiction currently have a moratorium on issuance of new residential building permits or the processing of subdivision plats covering all or part of the jurisdiction’s unincorporated geographic area? (Please include moratoria imposed by either your jurisdiction or another unit of government or utility district.)

- No.
- Yes; **a jurisdiction-wide moratorium.**
- Yes; **a moratorium covering part of the jurisdiction** (specific zoning districts, geographic areas, environmental zones, etc.) that affects
 - less than half** of the jurisdiction’s undeveloped land area.
 - more than half** of the jurisdiction’s undeveloped land area.

Moratorium in force since _____ (year);
 Moratorium will expire _____ (year).
 Moratorium does not have a definite expiration date.

If you answered “no” to both question 10 and question 11, please skip the next question and go to question 13.

12. **Does your current residential growth control or moratorium offer exemptions or incentives for affordable housing?**

- No.
- Yes; projects that consist mostly (more than 50%) of affordable housing are exempt from the control.
- Yes; the permit allocation system gives preference to affordable housing.

13. **Apart from any residential-growth limiting measures currently in force, has your jurisdiction had growth-limiting measures that lasted more than a year since 1980?**

- No.
- Don’t know.
- Yes; growth rate or building permit cap from _____ (year) to _____ (year)
- Yes; permit or subdivision moratoria (including moratoria imposed by either your jurisdiction or another unit of government or utility district)
- Yes; jurisdiction-wide moratorium from _____ (year) to _____ (year)
- Yes; moratorium on part of the jurisdiction from _____ (year) to _____ (year)

14. Does your jurisdiction charge **impact fees**?

- No.
- Yes; we impose fees based on a case by case review of project off-site impacts.
- Yes; (we review projects) and fees are imposed at a flat rate of
 - \$ _____ / square foot.
 - \$ _____ / single-family unit.
 - \$ _____ / multi-family unit.

If so, **fees apply to:** (please check all that apply)

- Schools
- Stormwater
- Transportation facilities (roads, highways, transit)
- Public safety facilities (police, fire stations)
- Water supply and/or wastewater treatment, supply, delivery, and/or storage facilities
- Parks, recreation and/or open space facilities
- Water supply
- Waste water treatment
- Other: _____

15. Does your jurisdiction have an adequate public facilities ordinance that makes development permission contingent on the levels of **off-site** public services?

- No.
- No, but we case review projects' off-site impacts on a case-by-case basis to estimate and mitigate impacts.
- Yes, an adequate public facilities ordinance was adopted in ____ (year) and applies to
 - Schools
 - Stormwater
 - Transportation facilities (roads, highways, transit)
 - Public safety facilities (police, fire stations)
 - Water supply and/or wastewater treatment, supply, delivery, and/or storage facilities
 - Parks, recreation and/or open space facilities
 - Other: _____

If your jurisdiction has an adequate public facilities ordinance, does it apply

- in unincorporated areas only
- in both unincorporated and incorporated areas

E. Affordable Housing

The final questions are on affordable housing in your jurisdiction. (We define affordable housing as units guaranteed to remain affordable for at least five years to households earning less than 120 percent of area median income.)

16. Does your jurisdiction use any incentives or requirements to encourage **private-sector builders to develop affordable housing?** (Please check all that apply.)

- No.
- Yes; residential density bonus (to developers of market-rate housing who agree to provide affordable housing units).
- Yes; inclusionary zoning (developers of market-rate housing are required to include affordable housing units in their developments, at least _____ percent of the units must be affordable).
- Yes; developers may satisfy this requirement by paying a fee instead of building housing on site.
- Yes, we provide “fast-tracking” (expedited permitting) for builders who agree to provide some affordable housing.
- Yes; we require linkage fees (monies collected to help support or develop affordable housing) from non-residential builders.
- Yes; other:

17. What **other programs** does your jurisdiction use to encourage affordable housing construction and substantial rehabilitation? (Please check all that apply.)

- We use public funds or provide staff to support local non-profits.
- We work with the local public housing authority to build new affordable housing and/or substantially rehabilitate existing uninhabitable units.
- We arrange for purchase of existing private-sector units for conversion to long-term affordability.
- We have adopted an ordinance providing for waivers of planning or development impact fees on affordable housing projects.
- Other programs in place (please list programs):

18. Approximately how many affordable housing units (see definition above), assisted by either the public or private sector, are there in the unincorporated areas of the jurisdiction? If you cannot answer this question, please indicate in the space provided below the name and telephone number of someone who can.

- There is no government-assisted affordable housing in the jurisdiction's townships.
- # of units built or substantially rehabilitated by the public housing agency or a non-profit with federal, state, or local subsidies (including existing private-sector units bought and made affordable).
- # of units built or substantially rehabilitated by private-sector developers as a result of a local government regulatory incentive or requirement (condition of approval).
- # of units built or substantially rehabilitated by private-sector developers with federal housing programs (eg. LIHTC, HOPE VI, Section 235/236, etc.).
- # of units total.
- Number of these housing units built between 1990 and 2002 (inclusive)
- Please call _____ at (____)_____ to obtain this information.

19. Does your jurisdiction have a local affordable housing funding mechanism (e.g., housing trust fund)?

- No.
- Yes; this fund is dedicated solely for affordable housing.
- Yes; this fund may also be used for projects other than affordable housing.

20. **Compared to your jurisdiction's current level of regulation** on land use and residential development, how would you describe your jurisdiction in: (please check)

	more regulated	about the same	less regulated	no regulation
1970	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1980	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1990	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Thank you for your assistance. Please feel free to write additional comments or questions about the survey on the remainder of this page.

Is there anything else we should know about planning and zoning for residential development in your community? If so, please use this space for that purpose.

We very much appreciate your contribution to this effort. If you would like a summary of our results, please print your name and address on the **back of the return envelope**. We will see that you get a summary.