

## HOW TO USE THIS PLAN

### OVERVIEW

As noted in the Introduction, a Comprehensive Plan serves as a policy guide for the physical and economic development of the community. It is to be used in making decisions regarding rezonings, zoning variances, special exceptions, and site plan review. It may also be used to aid in locating business, industries, and public facilities. Finally, it forms the basis of a Capital Improvements Program, which schedules capital improvements by priority and funding source into a five or six-year program.

**Comprehensive planning does not attempt to replace market forces of supply, demand, and price but serves to shape and channel market forces by establishing certain rules for development and conservation.** A Comprehensive Plan should foster growth that enhances the county. For example, haphazard growth is unsightly and wasteful of space and public facilities, which results in higher public costs and property tax increases.

According to Mississippi law, zoning and other land use regulations must be based upon a Comprehensive Plan. *The implication is that Comprehensive Plans must precede land use regulations in preparation and adoption.* Regulations that are consistent with, or conform to a Comprehensive Plan must be consistent with a plan's policies, goals and objectives as well as the land use plan map and the other plan elements. Even though there is generally not an exact identity between the land use map and zoning map, the two should mirror each other as closely as possible.

The reason for such consistency or compatibility is that the courts are likely to uphold land use decisions when these decisions are based on plans. For example, when challenged on taking grounds, land use decisions requiring a more intensive zoning (zoning to a more intensive use) or a "downzoning" (zoning to a less intensive use), are likely to be upheld by the courts when based upon an adopted Comprehensive Plan.

**The Comprehensive Plan is a set of written, consistent policies about how the community should develop. The plan enables the legislative body to make decisions when development matters that arise, by using a unified set of general, long-range policies. The plan is supposed to serve as a practical working guide to the governing body in making decisions.**

The Board of Supervisors intends to use the Comprehensive Plan to take action on two types of physical development matters: (1) measures which are specifically designed to implement the Comprehensive Plan (zoning ordinance, subdivision regulations, capital improvements program and budget, and development plans), and (2) other measures that routinely require legislative approval (rezoning cases, special exceptions/conditional use permits, variance applications, subdivision plats, and public works projects). For both types, the Plan should at least be consulted to see if the Plan speaks specifically to the matter or provides any guidance as to how the matter should be handled. It should be remembered that the plan may not indicate what action to take, nor will it answer all the questions that come before the Board of Supervisors. It

is not supposed to; its purpose is to serve as a generalized guide, which has the force of law in many communities.

### **USE OF THE PLAN**

The proponent or applicant for a zoning change must show that the proposed change is in conformance with the Comprehensive Plan. The applicant must also show that there is a public need for the kind of change in question, and that the need will be best served by changing the zoning classification of the property in question.

Usually, a rezoning's conformance or nonconformance can be quickly established by looking at the Land Use Plan map. The colored designations of land use categories on the map should follow specific boundaries to be useful as a decision-making guide. *Arbitrarily drawn land use boundaries can make it difficult to determine into which map section a particular piece of property falls.* If an applicant's property falls on or near the boundary between a conforming and a nonconforming land use category on the Land Use Plan map, the applicant should make a case that his particular proposal is consistent with the Plan to the nearest natural topographical boundary, or to the nearest street or property line. The applicant should also establish conformance with both the map and the text, if possible, and it is important that both the Plan and the facts showing conformance be placed into the record of the hearing.

### **NONCONFORMANCE OF THE PLAN AND PLAN AMENDMENTS**

If a proposed change does not conform to the Plan, *the Plan must be amended before the requested change in zoning classification can be approved.* For all practicable purposes, if an applicant submits a plan amendment application to change the designation of a parcel of land, he should also submit a rezoning application. The application should explain exactly why a plan amendment and a zoning map amendment (rezoning) are needed. The reason for this is that the Planning Commission should be informed as to the intent or the end result of the plan amendment so that they can make an informed decision. Most proposed plan amendments are in pursuit of rezonings.

All development proposals as well as proposed rezonings should be reviewed both in the light of the standards set forth in the Zoning Ordinance and in accordance with each element of the Plan. The goals, objectives, and policies should be checked against the proposal to determine if there is any conflict. The Land Use Plan must be checked to see if the proposed re-zoning is in line with the designated land use category. For example, if a proposed rezoning to a multi-family district is indicated, then the Land Use Plan must show a high-density classification for the site. The proposed rezoning must not be in conflict with the Transportation Plan's recommendations, nor with those of the Community Facilities Plan, both of which relate to capital improvements.

## **IMPLEMENTATION DEVICES**

Once the Plan has been adopted, it needs to be implemented. There are three primary means or devices commonly used to implement comprehensive plans: zoning ordinances, subdivision regulations, and capital improvements programs.

Comprehensive plans should be reviewed at least every three years to determine if they need to be revised or amended. Plans should be completely revised/rewritten every five years to take advantage of changes that have occurred and to use current information.

It should be emphasized this Comprehensive Plan is not "cast in concrete", but can be amended as needed. However, justification should be clearly shown before any plan amendment is approved by the Board of Supervisors.