

MARK WHITE, AICP, ESQ. (PARTNER - KANSAS CITY)

Background

S. Mark White is a planner and attorney recognized as an expert in zoning and subdivision law, form-based zoning and New Urbanism, land use and takings litigation, housing, development of comprehensive growth management plans, and implementation systems. He has over 22 years of experience representing clients at every level from city, state and local governments, as well as major private developers, many of whom are involved in environmental permitting proceedings and takings litigation.

Mr. White is a former partner of Freilich, Leitner & Carlisle. He received his Bachelor of Arts degree, magna cum laude, in History and Political Science from Bethany College in Lindsborg, Kansas, and holds a Juris Doctor and Master of Regional Planning from the University of North Carolina at Chapel Hill. While in law school, Mr. White was a Research Editor for the North Carolina Journal of International Law and Commercial Regulation, and worked at the Department of City and Regional Planning as a Research Assistant in the Center of Urban and Regional Studies. He is a former President of the board of directors of the nonprofit community development group Westside Housing Organization, and is a member of the North Carolina and Missouri Bars, the American Institute of Certified Planners, and the American Planning Association. Recently, Mr. White was a member of the leadership team for the City of Lee's Summit, Missouri's Livable Streets Committee. This resulted in adoption of the Kansas City region's first Complete Streets resolution.

Mr. White's articles have appeared in a variety of notable publications, including the American Planning Association's *Planning Advisory Service*, the American Bar Association's *Urban Lawyer*, the International Municipal Attorneys Association's *Municipal Lawyer*, and the United Kingdom's *Transport Policy*.

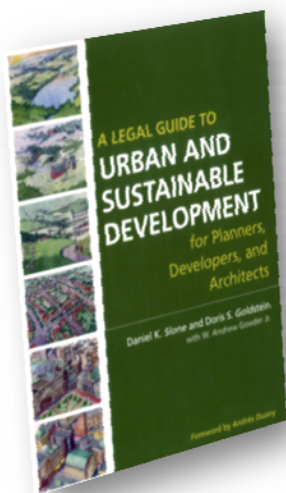
Mr. White is a frequent speaker at the national meetings of the American Planning Association, the American Center for National and International Law, the Congress for the New Urbanism, the University of Wisconsin, and various other professional organizations.



Education

Bachelor of Arts, magna cum laude, History/Political Science (Bethany College, Lindsborg, Kansas)

Juris Doctor/Master of Regional Planning (University of North Carolina at Chapel Hill)



Mr. White is co-author and contributor to several recent national publications on new urbanism, sustainability, and zoning and development codes.

Selected Honors, Awards and Publications

"Bringing Codes into the 21st Century," *The Commissioner* (2011)

Co-Author, *A 21st Century Land Development Code* (American Planning Association, 2008).

Contributor, *A Legal Guide to Urban and Sustainable Development for Planners, Developers and Architects* (Wiley, 2008).

Reviewer and Contributor, *Planning and Urban Design Standards* (American Planning Association, 2006).

"Writing Defensible Codes," *The Commissioner* (Winter 2006).

"Unified Land Management Codes," *Municipal Lawyer* (Aug. 2006).

"Development Codes for Built Out Communities," *Zoning Practice* (Aug. 2006).

"Classifying and Defining Uses and Building Forms: Land-Use Coding for Zoning Regulations," *Zoning Practice* (September 2005).

Contributor, *Codifying the New Urbanism* (American Planning Association, Planning Advisory Service Report No. 526, 2004).

Contributor, *Planning for Street Connectivity* (American Planning Association, Planning Advisory Service Report No. 515, 2003).

"Regulation of Concentrated Animal Feeding Operations: The Legal Context," *Land Use Law & Zoning Digest* (February 2000).

The Zoning and Real Estate Implications of Transit-Oriented Development, Transit Cooperative Research Program (TCRP) Legal Research Digest, No. 12 (January 1999).

"Neotraditional Development: A Legal Analysis," 49 *Land Use Law & Zoning Digest*, No. 8 at 3 (August 1997).

Adequate Public Facilities Ordinances and Transportation Management (American Planning Association, Planning Advisory Service Report No. 465, August 1996).

State and Regional Roles in Transportation and Land Use (with Freilich), American Planning Association, Planning Advisory Service Report no. 462/463, March 1996).

"State and Federal Planning Legislation and Manufactured Housing: New Opportunities for Affordable, Single-Family Shelter," 28 *The Urban Lawyer* 263 (Spring 1996).

Contributing Researcher and Writer, *Model Subdivision Regulations*, by Freilich & Schultz (American Planning Association, 1995).

Co-Author, "The Interaction of Land Use Planning and Transportation Management: Lessons from the American Experience," *Transport Policy* (U.K.) (March 1994).

Affordable Housing: Decent Shelter Is a Fundamental Right (with Jim Hecimovich), in *Planning and Community Equity* (APA's Planners Press October 1994).

"The Use of Zoning and Other Local Controls for Siting Solid and Hazardous Waste Facilities," *Natural Resources and Environment*, 7:3-45 (with Shortlidge, N.R.).

Co-Author, "Transportation Congestion and Growth Management: Comprehensive Approaches to Resolving America's Major Quality of Life Crisis," *24 Loyola Of Los Angeles Law Review* 915 (June 1991).

Conference Presentations

"Fun With Form-Based Codes," International Municipal Lawyers Association Teleconference (July 12, 2011)

"How to Write a Zoning Ordinance" (American Planning Association, National Conference, "How to Write a Zoning Ordinance" (American Planning Association, National Conference, 2003-2009, 2011, 2012)

"Enabling Regional Plan Implementation" (American Planning Association, National Conference, April 10, 2011)

"Improving Community Design without Form Based Codes" (American Planning Association, National Conference, April 11, 2011)

"Application of the Land-based Classification System as a Planning Support System Tool: Lessons from the Field" (American Planning Association, National Conference, April 12, 2011)

"Stay on Top of Environmental Considerations" (National Business Institute Land Use Law Seminar, April 4, 2011)

"Updating and Monitoring Zoning and Development Regulations" (National Business Institute Land Use Law Seminar, April 4, 2011)

"Infill Development Strategies for the 21st Century" (University of Texas School of Law, 2011 Land Use Conference, April 1, 2011)

"Two New Zoning Resources" (American Planning Association, National Conference, April 26, 2009)

"Updating Your Development Codes for the 21st Century" (2008 Bi-State Planning Conference, Kansas and Missouri APA Chapters, October 23, 2008)

"Practical Approaches to Vested Rights" (University of Texas School of Law, 2009 Land Use Conference, March 26, 2009)

"Planning for Affordable Housing" (North Carolina Chapter, American Planning Association, September 22, 2008)

"Practical Guide to Zoning and Land Use Law" (National Business Institute, September 11, 2007)

"Advanced Zoning and Land Use" (Lorman, Kansas City, Missouri, April 15, 2007)

"Navigating the Maze of Land Use Regulations" (Lorman, Springfield, Missouri, July 20, 2007)

"Writing Legally Defensible Form Based Codes" (New Partners for Smart Growth, Los Angeles, California, February 9, 2007)

"Incorporating Principles of New Urbanism into Zoning Codes" (University of Wisconsin Planning and Zoning Seminars, May 2 and July 20, 2006)

"Land-Based Classification Standards and Zoning" (American Planning Association National Conference, April 2006)

"Integrating New Urbanism into Your Development Code" (American Planning Association National Conference, April 2006)

"Growth Management for Schools" (American Planning Association National Conference, April 2006)

"Design Graphics for Planning" (American Planning Association audio conference April 12, 2006)

"Zoning for Transit-Oriented Development" (American Planning Association audio conference, November 2, 2005)

"Residential Design" (South Carolina Chapter, American Planning Association, October 28, 2005)

"Infrastructure Capacity and Connectivity" (Kansas Conference of Mayors, August 13, 2005)

"Planning, Environmental and Land Use Law" (participant) (American Planning Association audio conference, June 29, 2005)

"Smart Growth" (National Business Institute, Kansas City, Missouri, June 13, 2005)

"Development Codes for Built-Out Communities" (American Planning Association National Conference, March 21, 2005)

"Zoning on Trial" (American Planning Association National Conference, March 21, 2005)(debate over form-based zoning and modern unified development codes)

"Zoning for Transit-Oriented Development" (American Planning Association National Conference, March 21, 2005)

"Cracking the Codes: Codifying Transit-Oriented Development" (Rail-Volution, September 2004)

"Linking Smart Growth Codes with Vision Driven Plans" (Virginia Citizens Planners Association, October 11, 2004)

"Traditional Neighborhood Developments and Ordinances" (University of Wisconsin Planning and Zoning Seminars, Madison, WI and Boulder, CO, 2004)

Greening the Heartland 2004: Beyond Sustainability, "Growing Greener Codes" (Columbia, MO: March 11, 2004)

"Zoning and Land Use Controls," National Business Institute (November, 2003)

"Legal Issues Involving Missouri Local Governments," National Business Institute (November, 2003)

Participant, "Partnerships for Prosperity: A Framework for Progress," Missouri Commission on Intergovernmental Cooperation (discussion of county zoning enabling legislation) (September, 2003)

"Restructuring the Commercial Corridor," Congress for the new Urbanism (June, 2003)

"Unraveling the Mysteries of Development Codes," American Planning Association National Conference (Denver: May, 2003; Washington, DC: 2004; San Francisco, CA: 2005 pending)

"Successful New Urbanism," American Planning Association National Conference (Denver: 2003)

"Successful New Urbanism," American Planning Association, Florida Chapter Conference (September, 2003)

"Adequate Public Facilities Ordinances," Natural Resources Journal Symposium, hosted by University of New Mexico School of Law (Albuquerque: April 2003)

"Implementing New Urbanism," Florida Chapter of American Planning Association, Key West: September 2002

"Too Smart for Its Own Good? A Critical Assessment of New Urbanism," Florida Chapter, American Planning Association (St. Petersburg, FL: February 19, 2002).

"Development Regulations: Creating Effective Zoning Regulations," University of Wisconsin, Planning and Zoning for Community Land-Use Management (March 18-20, 2002, May 6-8, 2002, June 17-19, 2002)

"Streets That Create Context," American Planning Association National Conference (Chicago, IL: April, 2002).

"Negotiating the Maze of Land Division Regulations: A Brief Synopsis of Missouri and Kansas Subdivision Law," National Business Institute (May 22, 2002).

"Implementing New Urbanism," Florida Chapter, American Planning Association (Key West, FL: September 2002).

Panelist, Congress for the New Urbanism, Special Session on Codes (2002 Santa Fe Council).

"Successful New Urbanism," "Selling New Urbanism Without Selling Your Soul," "Implementing New Urbanism," Seaside Institute (November 2001)

"Moratoria and Interim Development Controls," American Planning Association National Conference (New Orleans: 2001)

"Interim Development Ordinances and Moratoria," Bettman Symposium, American Planning Association National Conference (New Orleans, LA: March 11, 2001).

"Major Land Use Laws in Kansas: A Brief Synopsis of The Planning Process," National Business Institute (November 14, 2001).

"Selling New Urbanist Codes Without Selling Your Soul," Seaside Institute (November 8-10, 2001).

Moderator, "Humanizing Streets," American Planning Association National Conference (New York, NY: 2000)

"Recent Developments: Concentrated Animal Feeding Operations," Rocky Mountain Land Use Institute (March 10, 2000)

"Development Regulations: Creating Effective Zoning Regulations" and "Transportation and Land Use," University of Wisconsin, Planning and Zoning for Community Land-Use Management (March 27-29, 2000, May 1-3, 2000, June 12-14, 2000).

"Subdivision Regulation" and "Land Use Ethics," National Business Institute (October 22, 1999)

"Regulating Concentrated Animal Feeding Operations," American Planning Association National Conference (Seattle, 1999)

Moderator, "Neotraditional Development and New Urbanism," *American Planning Association National Conference* (Boston: 1998)

"Regulating Concentrated Animal Feeding Operations," National Association of Counties (Portland, Oregon, July 20, 1998).

"Traffic Calming-Legal Issues," Institute of Transportation Engineers (Toronto, ON, August 11, 1998)

"Implementing Transfer of Development Rights," American Planning Association National Conference (San Diego, CA: April 7, 1997).

"Update on Land Use and Environmental Case Law," American Planning Association National Conference (San Diego, CA: April 7, 1997).

"State and Local Planning Frameworks for Manufactured Housing," National Partners in Homeownership (Washington, DC: October 20, 1997).

"Legalizing Smart Growth & Transit Oriented Development," Rail-Volution Conference (St. Louis, MO: October 28, 1997).

"Removing Barriers to Affordable Housing Production," United States Department of Housing and Urban Development, Great Plains Regional Homeownership Summit (August 14, 1996)(speaker and moderator).

"Affordable Housing Leaders Conference," Albuquerque, New Mexico (December 12-13, 1996).

"State and Provincial Strategies for Affordable Housing," American Planning Association/Canadian Institute of Planners National Conference (Toronto, ON: April 12, 1995).

"Land Use/Transportation Relationships," Kansas Department of Transportation, Kansas MPO Conference (Kansas City, MO: June 2, 1995).

"Identifying and Resolving Land Use Concerns," Clearwater Information Systems Paralegal Practice Series, Kansas/Missouri Real Estate Practice for Paralegals (Kansas City, MO: July 20, 1995).

"Land Use Law Update in Kansas," National Business Institute (Overland Park, KS: November 16, 1994).

"Affordable Housing and Regulatory Barriers," American Planning Association National Conference (May 2, 1993).

"Transportation and Growth Management," American Planning Association National Conference (May 3, 1993) (speaker and moderator).

"Affordable Housing - Proactive and Reactive Planning Strategies," Georgia Planning Association Conference (Columbus, GA: October 14, 1993).

"Affordable Housing," American Planning Association, Zoning Institute (October 23, 1992)(coordinator and speaker).

"Basics of Comprehensive Planning," Westside Planning Council (November 18, 1992).

"Planning in the Wake of *Lucas v. South Carolina Coastal Council*," Florida Association of Counties (December 3, 1992).

"The National Affordable Housing Act and Comprehensive Planning: An Overview and Analysis," Institute on Planning, Zoning, and Eminent Domain, Southwestern Legal Foundation and Texas Chapter of the American Planning Association (November 20, 1991).

Selected Citations

Court decisions, books, agency publications, and other important resources that have cited publications authored by Mr. White include:

Town of Rhine v. Bizzell, 311 Wis.2d 1, 751 N.W.2d 780 (2008)

Bahl v. City of Asbury, 656 N.W.2d 336 (Ia. 2002)

Danielle Arigoni. *Affordable Housing and Smart Growth: Making the Connection*. National Neighborhood Coalition, 2001. http://www.smartgrowthamerica.org/affordable_housing.pdf.

Tim Iglesias & Rochelle E. Lent. *The Legal Guide to Affordable Housing Development*. American Bar Association, 2006.

S. Mark White's Selected Experience

Client	Project	Year(s)
Albuquerque, New Mexico	Planned Growth Strategy - study and planning policies designed to encourage Smart Growth at a regional scale Mixed Use Zones	1998-2002
	Mixed Use Zones – Form Based Code; Growth Management and Adequate Public Facilities Standards	2005-2007
	Volcano Heights Charrette and Planning Study	2004-2005
Aquila, Inc.	Expert witness testimony - siting of peaking and transmission facilities and testimony before Missouri Public Utility Commission	2006
Arlington, Texas	Zoning and Subdivision Regulations update (with Clarion Associates)	2008-present
Aspen, Colorado	Land Use Code amendments	2006-2008
Atlanta Regional Commission	Plan 2040 Implementation Study	2010
Boulder, Colorado	Housing excise tax	1989
Cabarrus County, North Carolina	Adequate Public Facilities Ordinance	2005-2007

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Carbondale / Roaring Fork Valley community coalition	Regional housing Mitigation study, with linkage and inclusionary zoning regulations.	1999
Catawba County, North Carolina	Unified Development Ordinance	2004-2006
Centennial, Colorado	Land Development Code rewrite (with Kendig Keast Collaborative)	2008-2009
Chapel Hill, North Carolina	Land Management Ordinance	2000-2002
	Inclusionary Zoning Ordinance	2007
Charlotte, North Carolina	Smart Growth audit	1999-2000
Charleston County, South Carolina	Land Development Code update	2004-2006
	Greenways Master Plan	2005-2006
Cincinnati, Ohio	Land Development Code	2011-present
Cole County, Missouri	Zoning Regulations	2011-present
Collier County, Florida	Impact fee deferral program for affordable housing	2005
	Land Development Regulations update	2007-present
	Master Mobility Plan	Started 2011
Concord / Cabarrus County, North Carolina	Unified Development Ordinance	1996– 1999
Cumberland Region Tomorrow (Nashville, Tennessee)	Regional Plan Implementation Toolbox including economic development, affordable housing, environmental protection, transportation/land use, and rebuilding urban core with model codes	2005-2006
Davidson, North Carolina	Adequate Public Facilities Ordinance designed for Smart Growth regulations	1998-2000
Douglas County, Colorado	Concurrency Management Regulations	1995
Dunedin, Florida	Land Development Regulations analysis (with HDR, Inc.)	2006-2007
Enid, Oklahoma	Comprehensive Plan and Zoning Ordinance updates	2003-2004

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Frederick, Maryland	Carroll Creek Overlay District (form-based code for a riverwalk district) Land Management Code	2004-2005
Gainesville, Florida	Update of the Comprehensive Plan and Land Development Code for mixed use and community design. Study of regulatory options for homeless shelters and social services, and Religious Land Use and Institutionalized Persons Act (RLUIPA) compliance.	2009-2010 2010
Galveston, Texas	Land Development Regulations (Subconsultant to Kendig-Keast Collaborative)	2011-present
Gwinnett County, Georgia	Comprehensive Plan update, subconsultant to PB Americas	2007-2008
Hillsborough County (Tampa), Florida	Community Design Regulations including Traditional Neighborhood Development, Pedestrian and Transit-Oriented Development	1999-2002
Harford County, Maryland	Zoning Ordinance Update	2005-2006
Hilton Head, South Carolina	Wetlands Protection, Non-Residential Growth Management and Traffic Congestion Management Ordinances	1992
Huntersville, North Carolina	Adequate public facilities ordinance	2006-2007
Jacksonville, North Carolina	Growth Plan and plan implementation	2005-2007
Irving, Texas	Development Ordinances rewrite (with Clarion Associates)	2008-present
Kansas City, Missouri	Study of development processes	2010
Lake Lotawana, Missouri	General Counsel, land use issues	2005-present
Lebanon, Tennessee	Zoning Ordinance update (with Parsons Brinkerhoff)	2007-present
Lee's Summit, Missouri	Sign Regulations	Started 2011
Linn County, Missouri	Health Ordinance for Concentrated Animal Feeding Operations and successfully legal defense in Missouri Western District Court of Appeals	1994-1995
Lincoln County, Nevada	Development agreement review and assistance with zoning regulations.	2008-2010

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Livingston County, Missouri	Special counsel for land use issues, including various zoning updates, zoning ordinance rewrite, subdivision regulations, and legal defense	1993-present
Madison, Wisconsin	Zoning Regulations update (subconsultant to Cunningham Architects)	2008-2009
Marion County (Missouri) Health Department	Health ordinance regulating concentrated animal feeding operations (CAFOs)	2006-2007
Memphis, Tennessee	Downtown Memphis Sign Code and Design Guidelines (Subconsultant to Winter & Company)	2011-present
Missouri Advisory Commission on Regulatory Barriers to Affordable Housing	General counsel to state agency on issues dealing with zoning and land development regulations and their effect on affordable housing.	1996
Monroe County, Florida	Concurrency Management Ordinance	1992
Nashua, New Hampshire	Land Development Code	2002 - 2003
New Castle County, Delaware	Sewer impact fees	2005
Nodaway County (Missouri) Health Department	Health ordinance regulating concentrated animal feeding operations (CAFOs)	2006
North Augusta, South Carolina	Development Code and transportation corridor regulations	2001-2005
Nye County, Nevada	Impact fee ordinance and development agreement negotiations	2005-present
	Unified Development Ordinance	2008-present
Olathe, Kansas	Unified Development Ordinance	2011-present
Osage Beach, Missouri	Entertainment and Tavern Zoning Regulations	1995
Panama City Beach, Florida	Form Based Code study (with Planning Works, LLC)	2008-2010
	Sign Regulations	
Pickerington, Ohio	Impact fee regulations	2005-2006
Pierce County, Washington	Countywide Planning Policies and Urban Growth Areas	1991-1993

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Platte County, Missouri	Health ordinance regulating concentrated animal feeding operations (CAFOs)	1998-2001
Ponce Inlet, Florida	Land Development Regulations update, including coastal waterfront urban design regulations.	2010-present
Prince Georges County, Maryland	Zoning and Subdivision Regulations Comprehensive Amendment	2009-2010
	Zoning Ordinance Study including: Master plan amendment procedures	2004-2005
	Rural Tier study and implementing regulations including transfer of development rights, conservation subdivisions, and right to farm ordinance	
	Permit streamlining study	2006-2007
Pulaski County (Little Rock), Arkansas	Watershed zoning regulations	2009-present
Queen Creek, Arizona	Zoning Ordinance, Adequate Public Facilities Ordinance, and Impact Fee Ordinance / Manual	1998-2000
Raleigh, North Carolina	Comprehensive Plan Update (subconsultant to HNTB Corporation)	2007-2009
Roanoke, Virginia	Zoning Ordinance with urban design standards	2002-2004
San Antonio, Texas	Unified Development Code including Smart Growth principles, Use Patterns, infill development incentives, maximum parking ratios, transfer of development rights, and liveable street design	1999-2001 (<i>winner of Texas American Planning Association award</i>)
	Expert witness testimony, Borden Park v. City of San Antonio (sign regulations)	2005
San Diego, California	General Plan Guidelines for Future Development and Growth Management Implementation	1990
St. Petersburg, Florida	Land Development Regulations	2002 - 2004
Spokane Regional Transportation Commission	Regional concurrency study	2006-2007
Suffolk, Virginia	Smart Growth Management/ Unified Development Ordinance	1998-1999

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Summit County, Utah	Snyderville Basin Development Code Ordinance, Zoning Ordinance, and Administrative Regulations Housing Element to General Plan	1992-1994
Sunnyvale, Texas	Assistance with expert witness testimony in Fair Housing Act litigation	1993-1998
Topeka, Kansas	Unified Development Code	2006-2009
Unified Government of Kansas City-Wyandotte County, Kansas	Narrow lot zoning regulations and traditional neighborhood development update (subconsultant to 180° Urban Design + Architecture)	2007
Union County, North Carolina	Adequate public facilities ordinance Litigation defense	2006-2010
Washington, DC	Zoning Regulations Reengineering Study (Office of Zoning) Zoning Best Practices Study (Office of Planning)	2007-2008
Winchester, VA	Form-Based Code (subconsultant to PB PlaceMaking)	2011