

ZONING EXPLAINED



ZONING, PLANNING AND PLATTING ARE INTERRELATED



Planning



Zoning



Platting

Land Use and Development, Social and Economic Issues



WHAT IS ZONING?

- The delineation of geographic areas within a city for which specific standards (along with building codes and other codes) are applied to govern land use, site size, structure size and placement
- Determining what kinds of land uses are compatible near each other



WHAT IS THE HISTORY OF ZONING?

- 1500s—Spain issues the Laws of the Indies regulating how settlements in the New World are to be developed
- 1867-San Francisco passes first ordinance regulating location of Chinese laundries
- 1916- first comprehensive zoning ordinance adopted by New York City
- 1924-U.S. Department of Commerce Standard State Zoning Enabling Act adopted
- 1926—Village of Euclid (OH) v. Ambler Realty Company—U.S. Supreme Court rules that zoning is legal



WHY DO WE HAVE ZONING?

- Protection of property values
- Control of nuisances
- Provide information to investors as to what can be built on a particular piece of property, near their property and the standards by which the development can occur
- Health, safety and aesthetics
 - Population density
 - Setback requirements to assist in firefighting and public safety
 - Provide/protect a quality of life
- Zoning provides the regulations for what a person can do with property (which is different from many ordinances that state what a person cannot do)



WHO IS INVOLVED IN THE ZONING PROCESS?

- Planning and Zoning Commission
- City Council
- Applicants—may or may not be local residents
- City Staff
- Public
 - Property owners—may or may not be local residents
 - Media
 - Special interests



WHEN DOES ZONING OCCUR?

- When the City (City Council, Planning and Zoning Commission or City staff) determines that a change to the zoning ordinance or zoning of a parcel of property is desired
- When a property owner desires to use land that is not compatible with the zoning ordinance and requests that the zoning for the property be changed



WHERE DOES ZONING OCCUR?

- Zoning applies to any property within the city limits
- When a property is annexed to the City, then a zoning district is assigned
- Zoning does not apply to property in the City's extraterritorial jurisdiction



HOW DOES ZONING OR RE-ZONING OCCUR?

- Adoption or amendment of a Zoning ordinance including:
 - Zoning map
 - Zoning districts
 - Land use matrix
 - Regulations applicable to some districts or all districts
- Requires posting notice of a public hearing at least 15 days in advance of the public hearing in a newspaper of general circulation
- If re-zoning property, requires notification of property owners within 300 feet of the subject property.
- If Planning and Zoning Commission recommends denial of a re-zoning request, requires 75% of the Council to approve a re-zoning request



CHANGING THE ZONING ON A PARCEL OF LAND—OPTION 1

- Changing the zoning district for a parcel of land
 - If not City initiated, requires an application to the Planning and Zoning Commission
 - Requires a public hearing to allow people to comment on the proposed zoning change
 - Requires publishing the notice of the public hearing at least 15 days before the meeting
 - Requires letters be sent to property owners within 300 feet of the subject property within 10 days of the meeting date
 - P&Z makes a recommendation to Council and if Council approves, adopts an ordinance changing the zoning district for that parcel of land
 - Spot zoning—changing the zoning to only benefit one property owner that is not compatible with surrounding land uses



CHANGING THE ZONING FOR A PARCEL OF PROPERTY—OPTION 2

- Change the zoning ordinance itself
 - Requires a public hearing to allow people to comment on the proposed ordinance change
 - Requires publishing notice of the public hearing at least 15 days before the meeting
 - Affects all properties within that zoning district. If the zoning district is in more than one area of the city, it affects all the properties within that zoning district.
 - If the Land Use Matrix is changed, then affects all uses within that Standard Industrial Classification Code
 - Planning and Zoning Commission makes a recommendation and if Council approves, adopts an ordinance amending the zoning district regulation



HOW MUCH DOES IT COST TO RE-ZONE PROPERTY?

- Re-zoning requires a \$300 fee when submitting an application
- The City's cost includes publishing the notice of the public hearing in the newspaper, mailing letters to property owners within 300 feet of the subject property and staff time to research and analyze the application.

WHAT ARE THE SECTIONS OF THE ZONING ORDINANCE?

Article 12.100
Introduction

Article 12.200
Official Zoning
Map

Article 12.300
Administration

Article 12.400
Amending the
Zoning
Ordinance or
Zoning Map,
Variances,
Special
Exceptions and
Appeals

Article 12.500
Definitions

Article 12.600
Zoning District
and Other
Regulations

Article 12.700
Enforcement of
Violations to the
Zoning
Ordinance

Article 12.800
Bed and
Breakfast
Regulations

Article 12.900
Communication
Towers

Article 12.1000
Sign Regulations

Article 12.2000
Recreational
Vehicle Parks

Article 12.3000
Electric Vehicle
Charging
Stations

Article 12.4000
Massage
Establishments



REGULATIONS APPLICABLE TO SOME DISTRICTS OR ALL DISTRICTS

- Lot sizes
- Building setback lines
- Height
- Density
- Open Space
- Signs
- Site design
- Landscaping
- Flood hazard
- Fencing
- Home occupations
- Recreational vehicles
- Temporary outdoor sales
- Sexually oriented businesses
- Commercial vehicle storage
- Storage of unlicensed vehicles
- Child care facilities
- Family day care homes
- Group homes
- Prohibited accessory storage buildings
- Searchlights or beacons
- Bed & Breakfast
- Cell towers
- RV Parks

WHAT ARE THE ZONING DISTRICTS?

Residential

- R-1 Low Density (6000 sq. ft. lots)
- R-2 Medium Density (5000 sq. ft. lots)
- R-3 High Density (apartments)
- R-4 Manufactured housing

Commercial

- C-1 Light Commercial
- C-2 Commercial
- C-S Commercial Special
- C-S Cove Commercial Special-Cove
- OTC Old Town Center/Waterfront
- IDC Interstate Development Corridor

Industrial

Mixed Use Zoning District

Historical Overlay District



WHAT IS THE LAND USE MATRIX?

- Lists uses permitted in each zoning district
- Lists uses not permitted in each zoning district
- Lists uses permitted only by Special Exception (must be approved by the Board of Adjustment) in each zoning district
- Uses the Standard Industrial Classification Code to describe uses

WHAT ISSUES ARISE IN ZONING?

- How much regulation is enough or too much
- Timing of regulations/evolving trends
- Balancing of interests—the property owner's interests, the surrounding property owners interests and community interests
- Evolving trends
- P&Z and Council have a lot of discretion in making zoning decisions but there are restrictions:
 - Case laws
 - Takings—if a regulation goes too far, it can be considered a taking
 - Protected classes & group living quarters
 - Churches—Religious Land Use and Institutionalized Persons Act
- Something can be ugly and still be legal

A FINAL WORD ON PLANNING, PLATTING, AND ZONING

Planning, Platting,
and Zoning are a
balancing of interests:

