

# **INTRODUCTION TO ZONING**

# Definition

“...the division of a jurisdiction into districts (zones) within which permissible uses are prescribed and restrictions on building height, bulk, layout and other requirements are defined.”

# History Of Zoning

- UNITED STATES
  - New York City (1916)
    - Standards of light and air at street level
    - Separation of incompatible land uses
  - Standard State Zoning Enabling Act (1922)
  - Ambler Realty vs. Village of Euclid

# History Of Zoning

- STATE OF TEXAS
  - Adopted its version of Standard Zoning Enabling Act in 1927.
  - Gave zoning power to cities but not counties.
  - Required that zoning be done in accordance with a comprehensive plan.
  - Zoning must be for the protection of health, safety and general welfare of the public.

# Stated Purpose Of Zoning

To regulate land uses in order to:

- Prevent incompatible adjacent land uses, undue density and traffic congestion;
- Restrict height and size / bulk of buildings; and,
- Provide setbacks to lesson fire hazard and promote aesthetic value.

# Components of Zoning

- Zoning Text
- Zoning Map

# Zoning Text

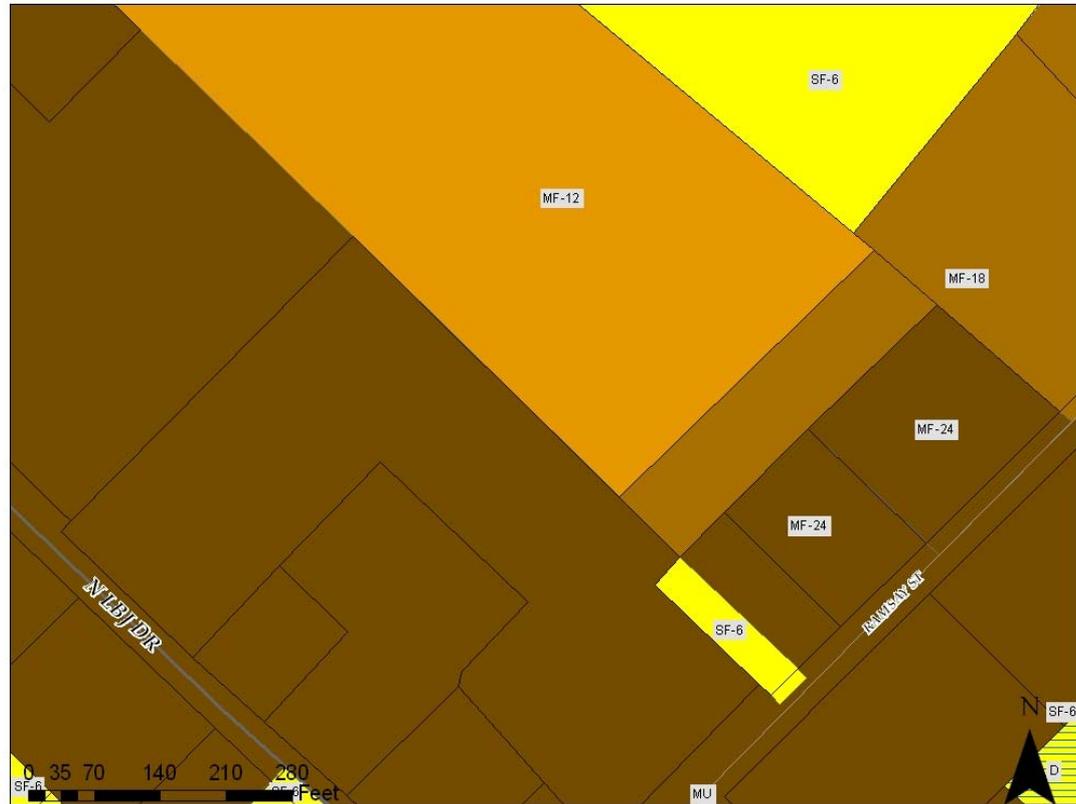
- Document adopted as ordinance by local governing body.
- Lays out exact regulations zoning created to implement.
- Should be written in language easy to understand by average citizen.
- Document should be well organized and concise.

# Zoning Map

- Set of maps that show zoning district boundaries for the entire city.
- Usually a detailed city map overlaid with patterns, colors, district classification codes, or other type of district boundary designation to depict various zones which indicate what land uses are allowed where.

# Zoning map

## Introduction to Zoning



# **Elements Of Basic Zoning Ordinance**

1. Definitions
2. Use Chart
3. Off Street Parking Requirements
4. Zoning District Requirements
5. Procedure for Amending the Zoning Ordinance
6. Nonconforming Uses/Structures
7. Zoning Board of Adjustment

# Use Chart

- Can be done as a matrix that shows whether use is allowed by right, by conditional permit or not at all within a particular zoning district.
- Some ordinances list permitted uses within each zoning district chapter along with development regulations.

# Use Chart

## Section 4.3.1.2 Land Use Matrix

<b>LEGEND</b>
<b>P</b> – The land use is <u>permitted</u> by right in the zoning district indicated.
– The land use is <u>prohibited</u> in the zoning district indicated (Blank).
<b>C</b> – The land use <u>may be approved</u> as a Conditional Use Permit (CUP) in the zoning district indicated.

Types of Land Uses	Residential Zoning Districts											Non-Residential Districts														
	FD	AR	SF-R	SF-11	SF-6	SF-4.5	D	DR	TH	PH-ZL	MF-12	MF-18	MF-24	MR	MH	MU	P	NC	OP	CC	GC	HC	CBA	LI	HI	
<b>Agricultural Uses</b>																										
Barns and Farm Equipment Storage	P	P	C																							
Bulk Grain and/or Feed Storage/Processing	P	P	C																							
Farmers Market	P																P	C			C		C			
Farms, General (Crops)	P	P	P																							
Farms, General (Livestock/Ranch)	P	P	P																							
Hay, Grain, and/or Feed Sales (Wholesale)	P	C																								
Livestock Sales/Auction	C	C																								
Orchard/Crop Propagation	P	P	P																							
Plant Nursery (growing for commercial purposes but no retail sales on site)	P	P																								
Stables (As A Business)	P	P																								
Stables (Private Accessory Use)	P	P	P	C																						

# Zoning District Requirements

- Establishes different zones applicable in the community.
- Establishes development standards for setbacks, lot coverage, height limitations, lot size and others.

# **Procedure for Amending Zoning Ordinance**

- Clearly define procedure to amend the zoning ordinance, including both zoning changes and text amendments.
- Also define requirements for hearings, appeals, notice and fees.

# Nonconforming Uses / Structures

- Defines what constitutes nonconforming status.
- Requirements for the termination of nonconforming uses/structures, and limitations on enlarging, expanding or changing nonconforming uses/structures.

# Special Zoning Tools

- Conditional Use Permits
- **Overlay Districts**
- Planned Unit Developments
- Inclusionary Zoning (can't be mandated in Texas)
- Others (Transfer of Development Rights, Performance zoning)

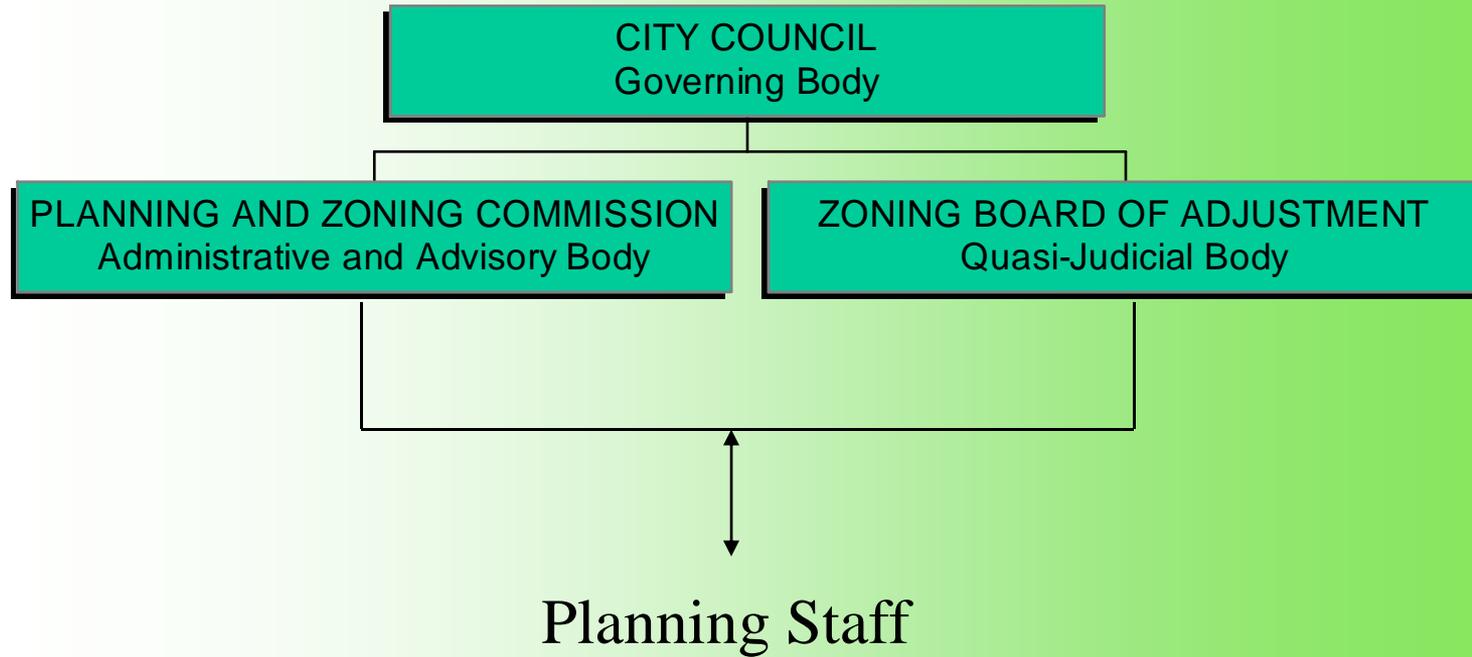
# Overlay District

- Set of additional restrictions placed on top of an existing zone.
- Examples include historic preservation districts, airport overlay districts, flood hazard areas, special corridor development regulations.
- Method to protect an area with unique characteristics, needs or special challenges.

# **Planned Development District (PDD)**

- A unique zoning tool that offers an alternative to the more rigid regulations of the standard zoning ordinance.
- Promotes flexibility in design.
- Allows diversification of uses, structures and open space.
- Allows room for negotiation during review process that traditional zoning does not.

# Participants in the Zoning Process



# Factors To Consider In Making Zoning Decisions

- Compliance with the Comprehensive Plan
- Surrounding Zoning and Land Use
- Infrastructure Impacts
- Size and Location of Parcel
- Reasonable Use of the Property

# Zoning Issues (cont)

- Drawbacks to Euclidean zoning
  - Separation of all uses
  - Quality mixed-use projects difficult to do
  - Political process
- Use based (Euclidean) vs. form based

# Downtown Master Plan Goals

- Downtown - residential, learning, social, and employment destination.
- Public experience at the vehicular and the pedestrian scale.
- Facilitate growth while enhancing Downtown character.



# Problems with Zoning

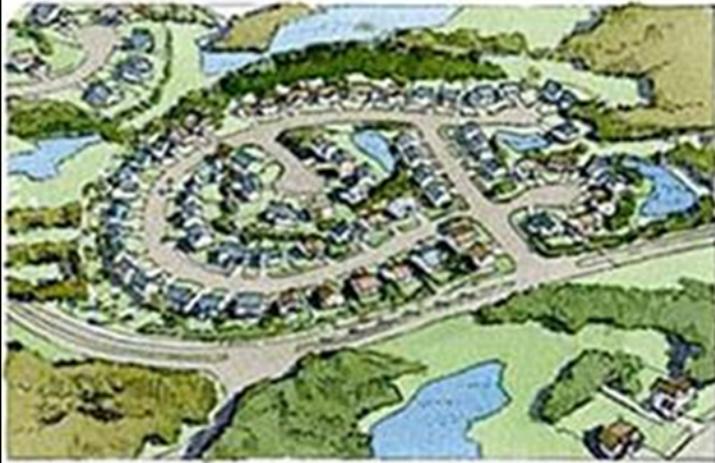
## Downtown

- Parking required but location not regulated
- Existing historic buildings are often illegal
- Suburban standards
- Unpredictable, regulations
- Little attention to form

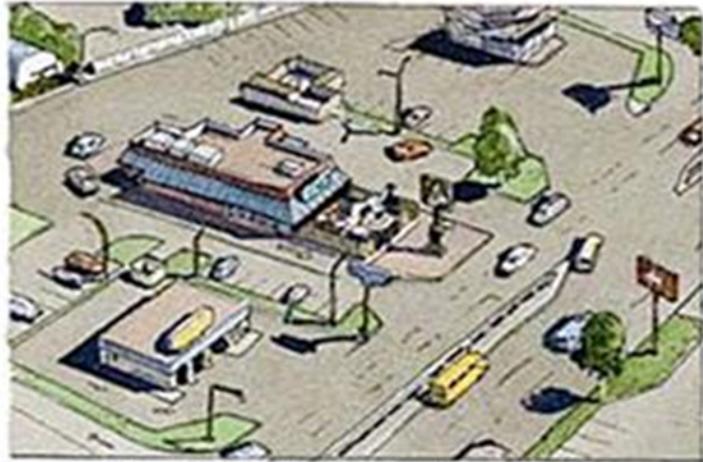




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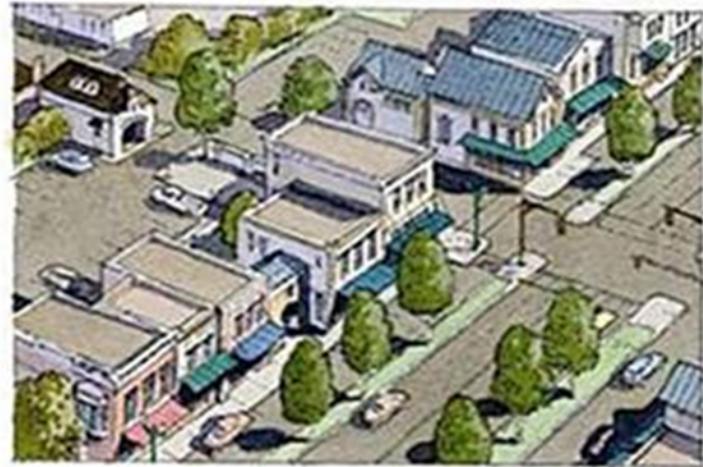
Conventional Suburban Development



Conventional Suburban Development



SmartCode



SmartCode

# What Zoning Can Do...

- Determine appropriate use of land.
- Set the development intensity.
- Create area regulations:
  - Height
  - Lot size and dimensions
  - Lot coverage
  - Setbacks
  - Landscaping

# ... And Can't Do

- Provide a vision for the future
- Determine the color of paint.
- Determine the race or income of residents.