



PLANNING & ZONING BASICS

CRP 2110 Creating Innovative Cities and Regions
2/7/2017

Land-Use Controls

- Subdivision Regulations
- Zoning Ordinances
- Other Types of Controls



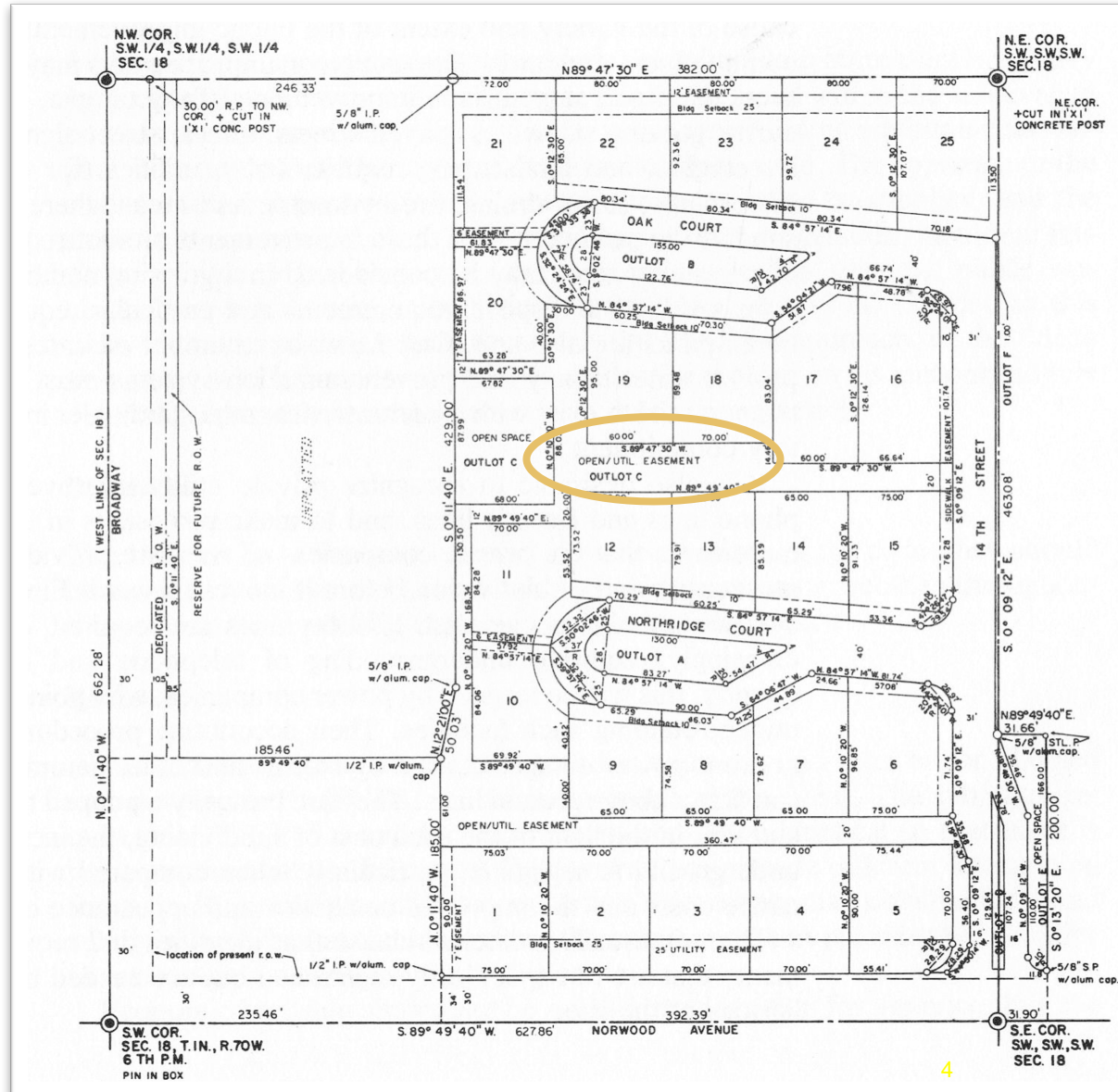
Subdivision

- The act of splitting a tract of land into smaller building lots
- Transfer of land ownership; land development
- In the form of a plat



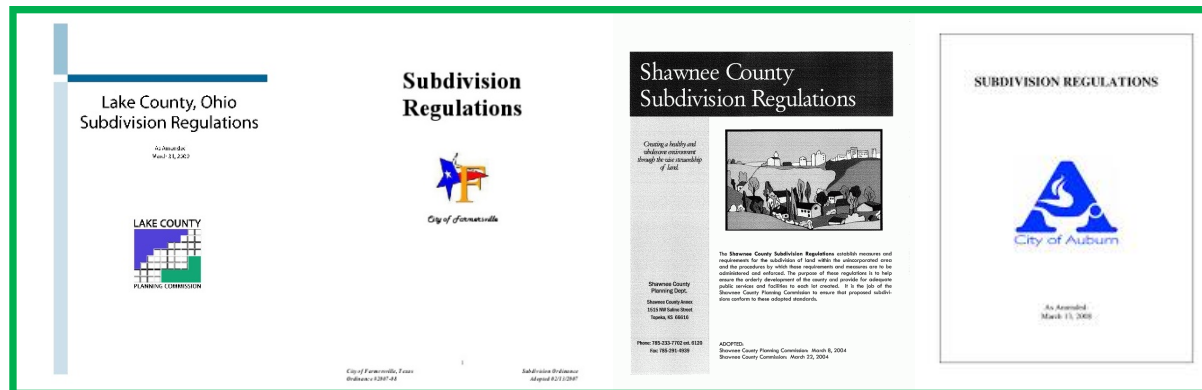
A Plat (Map)

- Streets
- Lot lines
- Easements for utilities

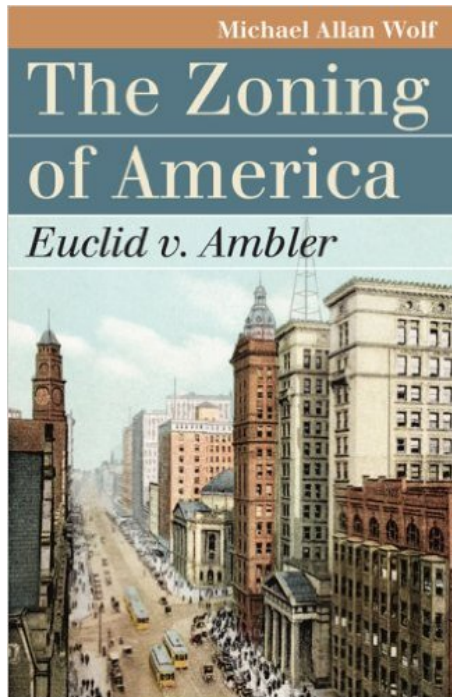


Subdivision Regulations

- Require the subdivision to be **consistent with a comprehensive plan** for the area
- Compel the developer to **provide sewer, water, and drainage facilities (on site facilities)**
- Stipulate that **land dedications** (or cash payment) be made for schools, recreation, parkland, or community facilities (off site facilities)



History of Zoning



1916

- 1st zoning ordinance enacted in NYC

1924

- The Standard State Zoning Enabling Act (SSZEA)

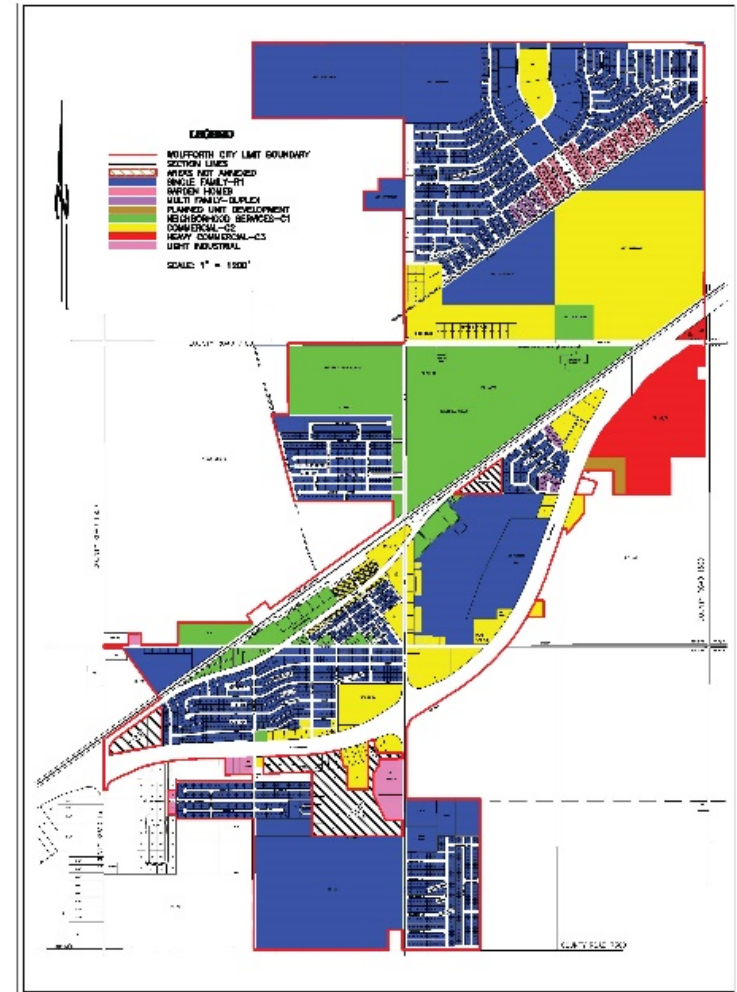
1926

- The Village of Euclid v. Ambler Realty Co.






Zoning Ordinances

- Definition
 - *A tool of land use control used by local governments that designates permitted uses for land based on a map where one set of land uses is separated from another*
- Two Parts:
 - **Map:** divide the community into zones
 - **Text:** specify what may be constructed in each zone and to what uses structures may be put
 - **Example:** Columbus, OH-online zoning map

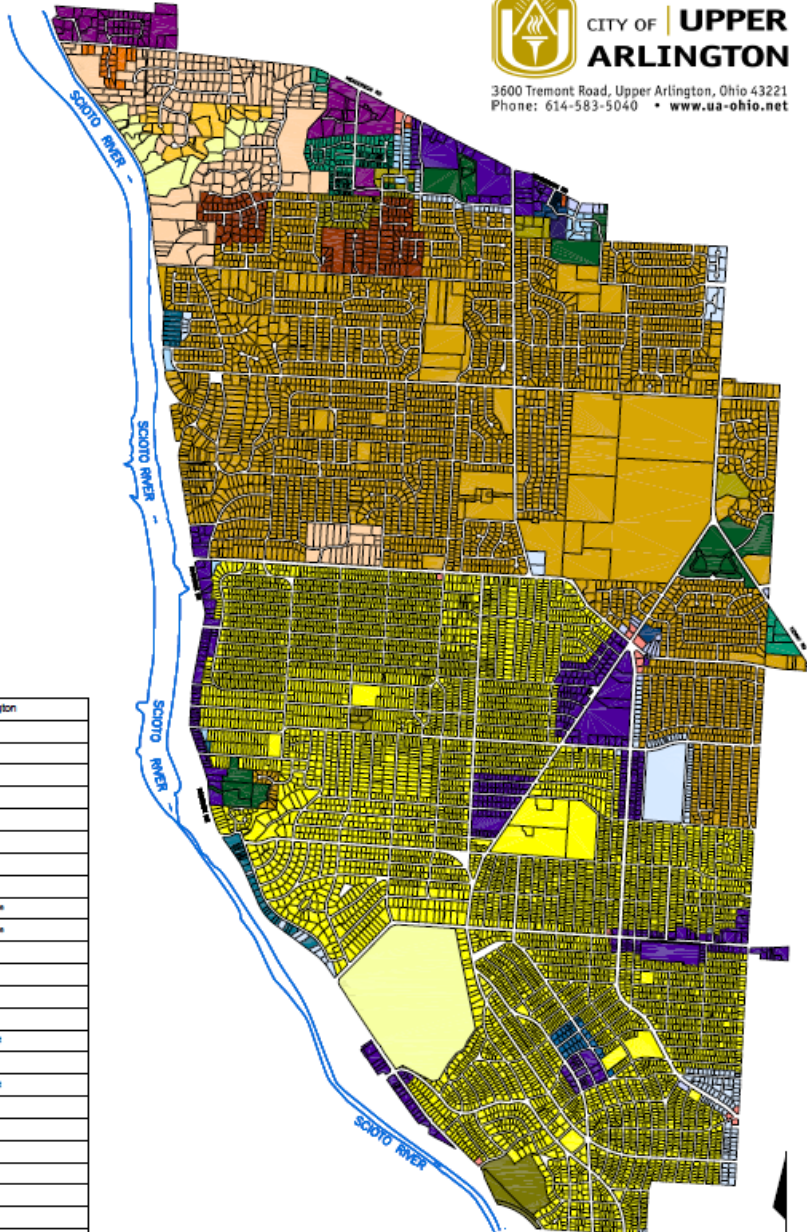
<http://citygis.columbus.gov/oss/>



Zoning Ordinances: Map

-  Yellow - Residential
-  Red - Retail and commercial activities
-  Green - Open spaces and parks
-  Blue - Institutional uses
-  Gray - Industrial uses

Zoning Map



City of Upper Arlington	
Zoning Legend	
	R-SA One-family residence
	R-SB One-family residence
	R-SC One-family residence
	R-SD One-family residence
	R-1A One-family residence
	R-1B One-family residence
	R-1C One-family residence
	R-2A One-to-Four-family residence
	R-2B One-to-Four-family residence
	R-3A Multi-family residence
	R-3B Multi-family residence
	R-4 Multi-family residence
	RCD Community Development
	RCD-2A Community Development
	RCD-3 Community Development
	RCD-3A Community Development
	RCD-4 Community Development
	B-1 Neighborhood Business
	B-2 Community Business
	O Office
	OC Office Conditional
	ORC Office and Research
	PMUD Planned Mixed Use

Zoning Ordinances: Text

- The text that specifies in detail what can be built in which zone and for what use.

- Site layout requirements*
- Requirements for structure characteristics*
- Uses for which structures may be put*
- Procedural matters*

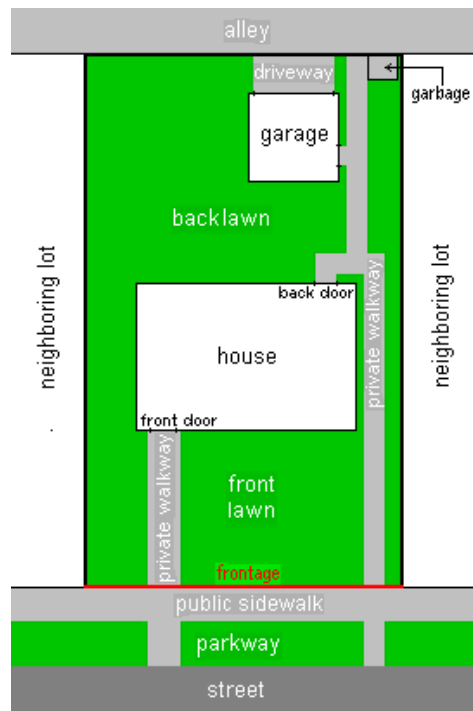
- Example:

<http://www.fairfaxcounty.gov/dpz/zoningordinance/>

Zoning Ordinances

Site Layout:

- Minimum lot size
- Frontage and depth
- Building setbacks from lot lines or streets
- Maximum building coverage
- Driveways or curb cuts, parking, etc.

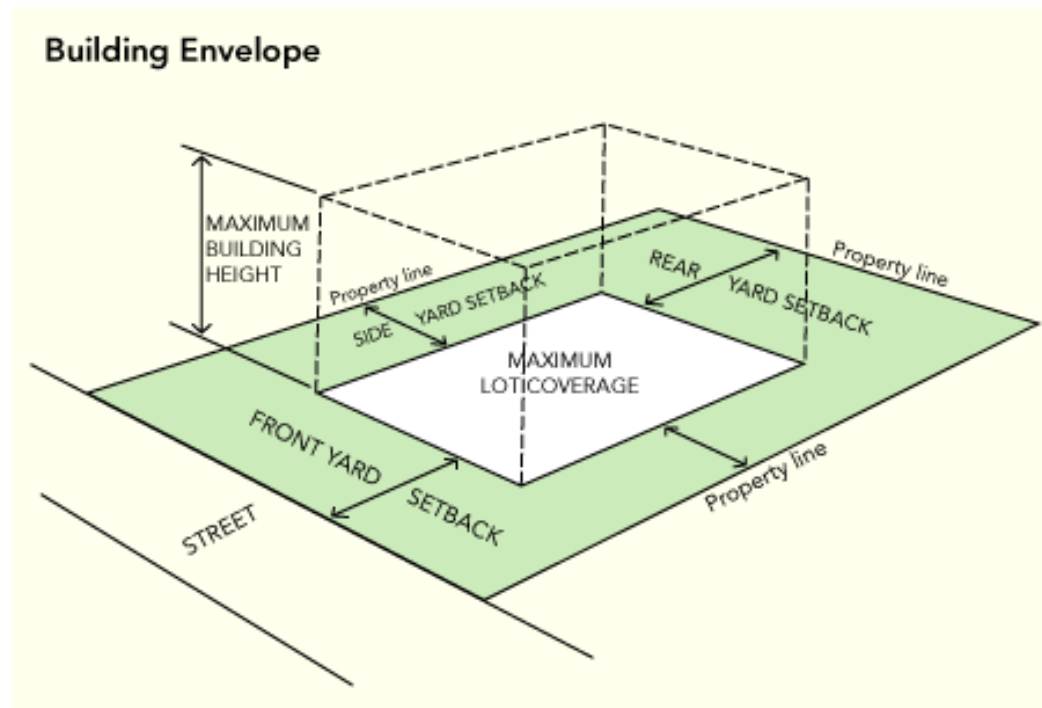


	SR-1 Suburban SF Residential	SR-2 Suburban SF Residential	ER-3 Eclectic SF Residential	ER-4 Eclectic SF Residential	MR-5 Mature SF Residential
(1) Lot Requirements					
(a) Minimum lot size unless specified below or in §150.500, Conditional Use and Specific Use Regulations	7,000 square feet	5,500 square feet	4,500 square feet	3,500 square feet	3,000 square feet
(i) Single-family dwelling, detached					
(ii) Single-family dwelling, detached cluster	1	2			
(iii) Single-family dwelling, attached					
(iv) Two-family dwelling					
(v) Multi-family dwelling					3
(b) Minimum lot width	70 feet	60 feet	50 feet	40 feet	30 feet
(c) Maximum lot coverage	40%	40%	50%	50%	65%
(2) Minimum Setback					
(a) Front Setback	25 feet	25 feet	See Sections 150.305.3 (C)	See Sections 150.305.3 (C)	See Sections 150.305.3 (C)
(b) Side Setback (each side) ⁴	5 feet	5 feet	4 feet	3 feet	3 feet
(c) Rear Setback	30 feet	30 feet	30 feet	30 feet	30 feet

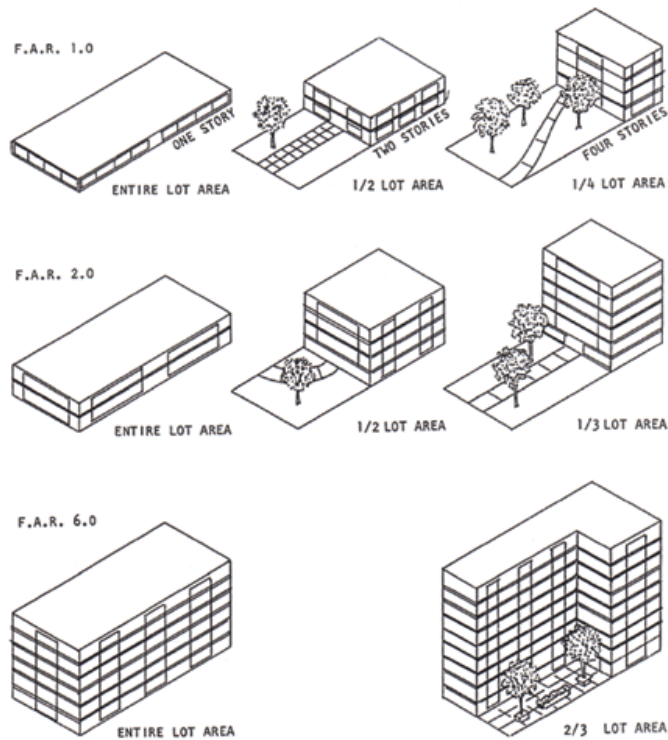
Zoning Ordinances

■ Structure characteristics

- Height of structure
- Maximum stories
- Floor area ratio (FAR)



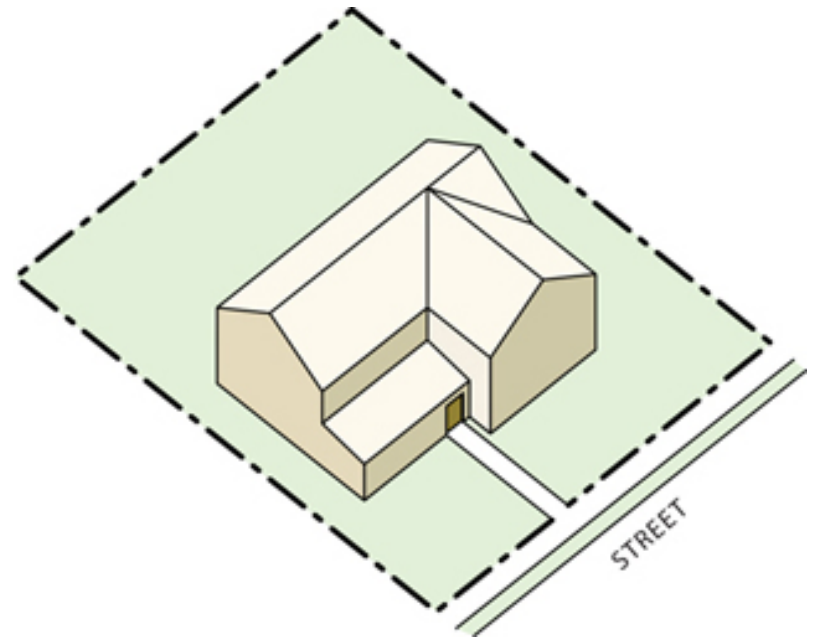
FAR Illustration



- Floor Area Ratio = $\frac{\text{Total Floor Area}}{\text{Total Lot Area}}$
- FAR in single-family residential district: 0.3-0.6

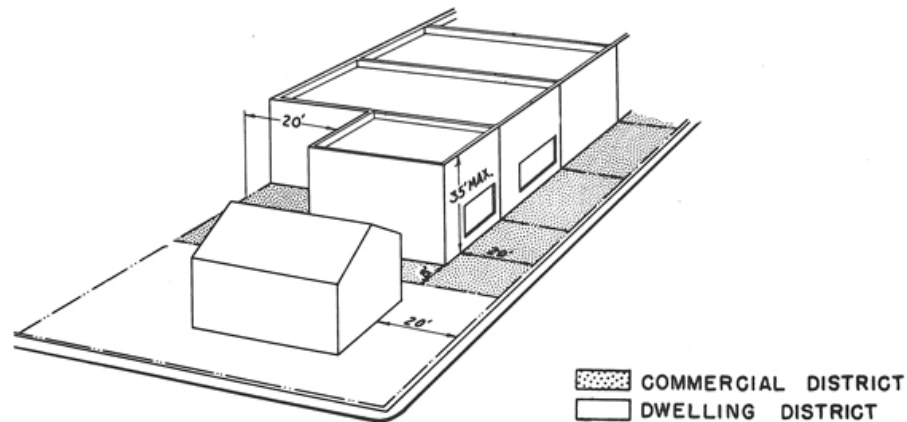
Example: Single-Family Detached houses

- A minimum lot width of 100 feet
- A building setback of 40 feet
- A rear yard of 50 feet
- Two side yards with an individual width of at least 15 feet



Zoning Ordinances (cont.)

- Uses of structures
 - *Residential, commercial, industrial, agricultural....*
- Procedures
 - *Appeal procedure by which to apply for relief*



Zoning Districts in Columbus

DISTRICT	USE	NET	DENSITY	NOTES
R	Rural	Single Family	5 Acre Minimum	
LRR	Limited Rural Residential	Single Family	1 Acre Minimum	100' minimum lot width
RRR	Restricted Rural Residential	Single Family	20,000 sq.ft.	100' minimum lot width
RR	Rural Residential	Single Family	10,000 sq. ft.	80' minimum lot width
SR	Suburban Residential	Single Family	7,200 sq. ft.	60' minimum lot width
R1	Residential	Single Family	7,200 sq. ft.	50' minimum lot width
R2	Residential	Single Family	5,000 sq. f.	50' minimum lot width
R3	Residential	Single Family	5,000 sq. ft.	50' minimum lot width
R2F	Residential	1-2 Family	12-14.5 d.u./acre	3,000 sq. ft. lot area unit 2-story 3,600 sq. ft. lot area unit 1-story
R4	Residential	1-4 Family	17.4 d.u./acre	4 units/bldg. max.
AR12	Apartment Residential	Apartments	12 units/acre	
ARLD	Apartment Residential-Low Density	Apartments	17.4 units/acre	
AR1	Apartment Residential	Apartments	36.2 units/acre	
AR2	Apartment Residential	Apartments	54.6 units/acre	
AR3	Apartment Residential	Apartments and Institutions	Unlimited	
AR4	Apartment Residential	Apartments and Group Quarters	36.2 d.u./acre	Fraternities, Dormitories & Rooming Houses
ARO	Apartment Office	Apartments and Offices	Unlimited	
MHD	Manufactured Home Development	Single Family	7,200 sq. ft.	Specific Design Standards
MHP	Manufactured Home Park	Manufactured Home	6/acre gross area	10-100 acres/park
PC	Planned Community	Mixed	14 units/gross acre	200 acre min. size Registered Site Plan
PUD	Planned Unit Development	Single and Multi-Family	2-8 d.u./acre	Registered Site Plan

Index of zoning district:

<https://www.columbus.gov/WorkArea/DownloadAsset.aspx?id=45545>

Table 5-A: Residential Uses

Article 1.	Use Residential District								
	R-S	R-1	R-2	R-3	RO-3	R-4	RCD-2	RCD-3	RCD-4
Adult Group Homes (six to 16 adults)	Pr	Pr	Pr	Pr	Pr	Pr	P	P	P
Adult Family Home (three to five adults)	P	P	P	P	P	P	P	P	P
Agricultural Uses	P ²	Pr	Pr	Pr	Pr	Pr	Pr	Pr	Pr
Antenna and Antenna Towers	a	a	a	a	a	a	a	a	a
Apartment Hotels	Pr	Pr	Pr	Pr	Pr	P	Pr	Pr	P
Bed & Breakfast Homestay	C	C	C	C	C	C	C	C	C
Cemeteries	C	C	C	C	C	C	C	C	C
Clubs/Organizations	Pr	Pr	C	C	C	C	C	C	C
Country Club, Private	P	P	P	P	P	P	P	P	P
Day Care Facility	Pr	C	C	C	C	C	C	C	C
Decks	a	a	a	a	a	a	a	a	a
Dish-Type Antennas	a	a	a	a	a	a	a	a	a
Dish-Type Satellite Antennas	a	a	a	a	a	a	a	a	a
Dwelling, Four-Family	Pr	Pr	P	P	P	P	P	P	P
Dwelling, Multi-Family	Pr	Pr	Pr	P	P	P	Pr	P	P
Dwelling, Single-Family	P	P	P	Pr	Pr	Pr	P	Pr	Pr
Dwelling, Three-Family	Pr	Pr	P	P	P	P	P	P	P
Dwelling, Two-Family	Pr	C	P	P	P	P	P	P	P
Elderly Housing	Pr	Pr	Pr	C	C	C	Pr	C	P
Essential Services	P	P	P	P	P	P	P	P	P
Funeral Homes	Pr	Pr	Pr	Pr	Pr	P	Pr	Pr	P
Home, Type A Day Care	P	Pr	Pr	P	P	P	P	P	P
Home, Type B Day Care	P	P	P	P	P	P	P	P	P
Utility Structures	C	C	C	C	C	C	C	C	C

P=Permitted Use, C=Conditional Use, Pr=Prohibited Use, A= Major Accessory Use and Structure, a= Minor Accessory Use and Structure

¹ See Home Occupation Table 5B

² Provided that any lot or tract in such use shall not be less than five acres in size

Conditional Use Permit



CONDITIONAL USE PERMIT APPLICATION

11955 Champlin Drive / Champlin, MN 55316 / Phone: 763-923-7102 / Fax: 763-421-5256 / www.ci.champlin.mn.us

CONDITIONAL USE PERMIT APPLICATION PROCEDURE

1. Obtain application form and general information from City Planner.
2. The complete submittal, as specified on the checklist, must be received by 4:30 p.m. of the specified deadline day.
3. A conditional use permit requires a public hearing. The applicant or agent must attend the Planning Commission meeting and the City Council meeting.
4. If the application is approved, a certified copy of the resolution approving the conditional use permit shall be submitted to Hennepin County for recording (Conditional use permits run with the property).

BRIEF DESCRIPTION OF CONDITIONAL USE PERMIT PROCESS

After receipt, your application for a conditional use permit will be evaluated by the City Planner. The criteria for the evaluation shall be the degree of compliance between the proposal and the Zoning Ordinance, which specifies the grounds for granting a conditional use permit. The City Planner will review the documents you submit and will prepare comments and recommendations regarding the application.

Information regarding your request will be sent to property owners within 500 feet of the project area prior to the public hearing at the Planning Commission meeting. You and the members of the Planning Commission will receive a copy of the City Planner's report prior to the meeting.

At the public hearing, the City Planner will present the report. You will be given an opportunity to address the Commission for additional comments at your discretion. Also, anyone who wishes to speak or comment on the proposal will be allowed to do so. After questions or comments by the Planning Commission members, the Commission will make a recommendation on the request. The City Council will make the final determination on the request.

CONDITIONAL USE PERMIT APPLICATION CHECKLIST

1. Completed application form with a statement regarding the request.
2. Application fee.
3. Complete set of plans and supportive data.

- Uses that are permitted but require **review** to ensure that they do not have an undesirable impact on an area



Nonconforming Uses

- A property use that existed prior to the regulations for the district being adopted
- Allowed to continue under the **"grandfather clause"**
 - *New rules only apply to new situations*
 - *Subsequent property use or significant alteration - must be in conformance with the current zoning ordinance*



Key Terms in zoning

- Up-zoning and down-zoning
 - *Higher density VS Lower density*
- Spot zoning
 - *Singling out a property to receive preferential treatment*

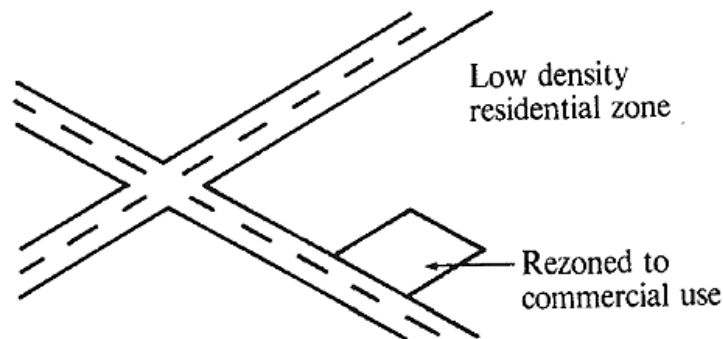


FIG. 181. SPOT ZONING

ZONING APPLICATION

What can zoning do?

Residential



Commercial



Industrial



What can zoning do?

Single-family detached



Duplex



High-rise apartment



What can zoning do?

- How can we control density?
 - *Lot size*
 - *Lot coverage*
 - *Setback requirements*
 - *Building height*
 - *Number of stories*
 - *FAR*
 - *.....*

Schedule 150.305.3
Lot and Setback Requirements in Single-Family Residential Districts

	SR-1	SR-2	ER-3	ER-4	MR-5
	Suburban SF Residential	Suburban SF Residential	Eclectic SF Residential	Eclectic SF Residential	Mature SF Residential
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Notes to Schedule 150.305.3:

¹ Density shall not exceed 4.5 dwelling units per acre.

² Density shall not exceed 5.5 dwellings units per acre.

³ The minimum square footage per unit shall be 600 sq. ft.

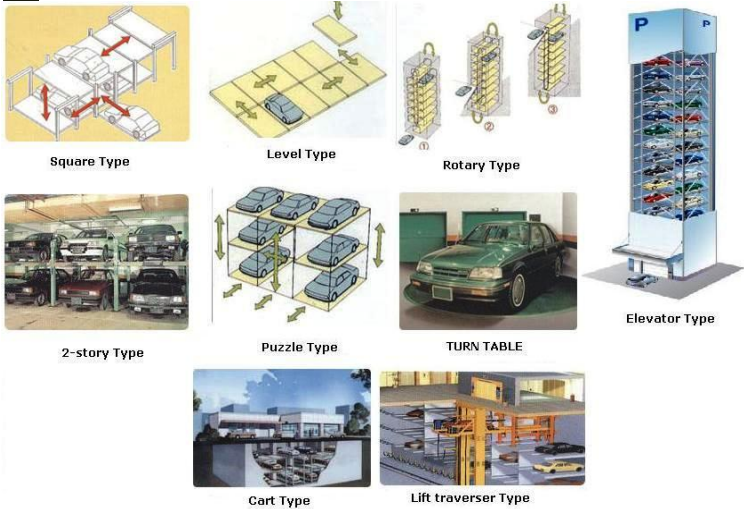
⁴ As further regulated by sub-section 150.305.3 (C)(4), Corner Side Setback.

What can zoning do?

■ Parking



Double row	∠	Single row
	30°	
	45°	
	60°	
	90°	



What can zoning do?

- Landscaping



What can zoning do?

■ Sign control

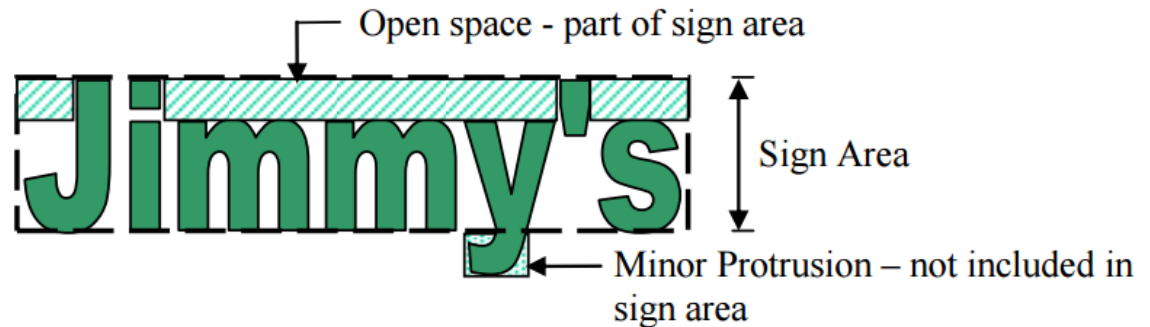
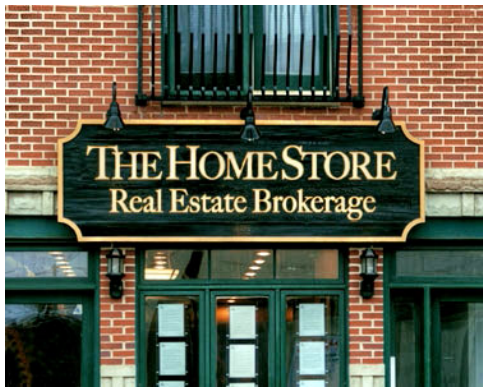


Figure 1. Calculation of open space area & area of minor protrusion.

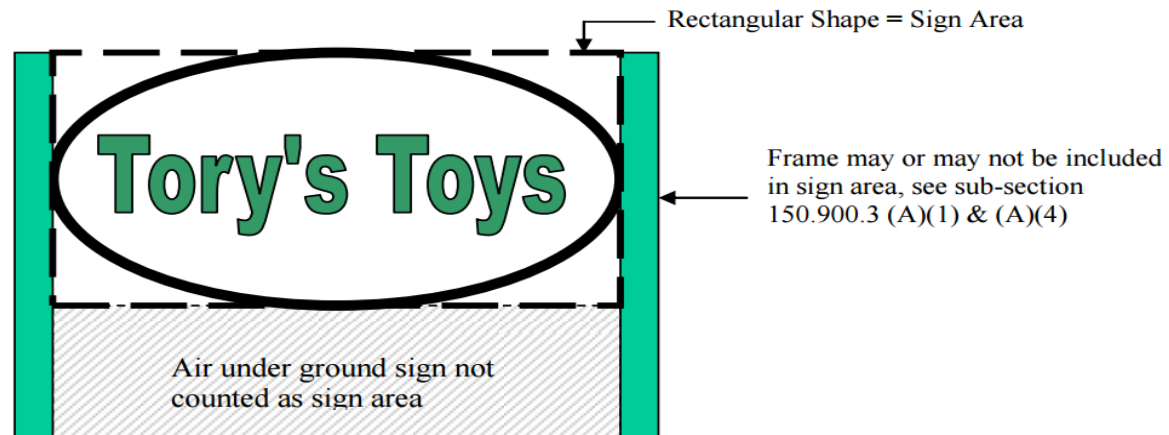


Figure 2. Calculation of sign area

What can zoning do?

- Pet



Why Do We Zone?

- To encourage or discourage certain **types of land uses**
- To manage **density and traffic**
- To protect and maintain **property values**
- To promote **public health and safety**
- To attract **business and industry**
- To protect the **environment**
- To **stabilize neighborhood**
- To **preserve** the character of neighborhood
- To manage the physical **compatibility** in neighborhood
- To encourage **variety of housing types**
- To create an **attractive** community (aesthetic)

Is Zoning Effective?

- It is **effective in rapidly growing areas** where there is still a lot of land to be developed
- It is much **less effective in older urban areas** where growth is low and where the land use pattern is already established
- Key to effective zoning is **synchronization between land-use controls and public capital investment**

FLEXIBLE ZONING

Conventional Zoning?

Financial stakes

- Commercial influences
- Corruption

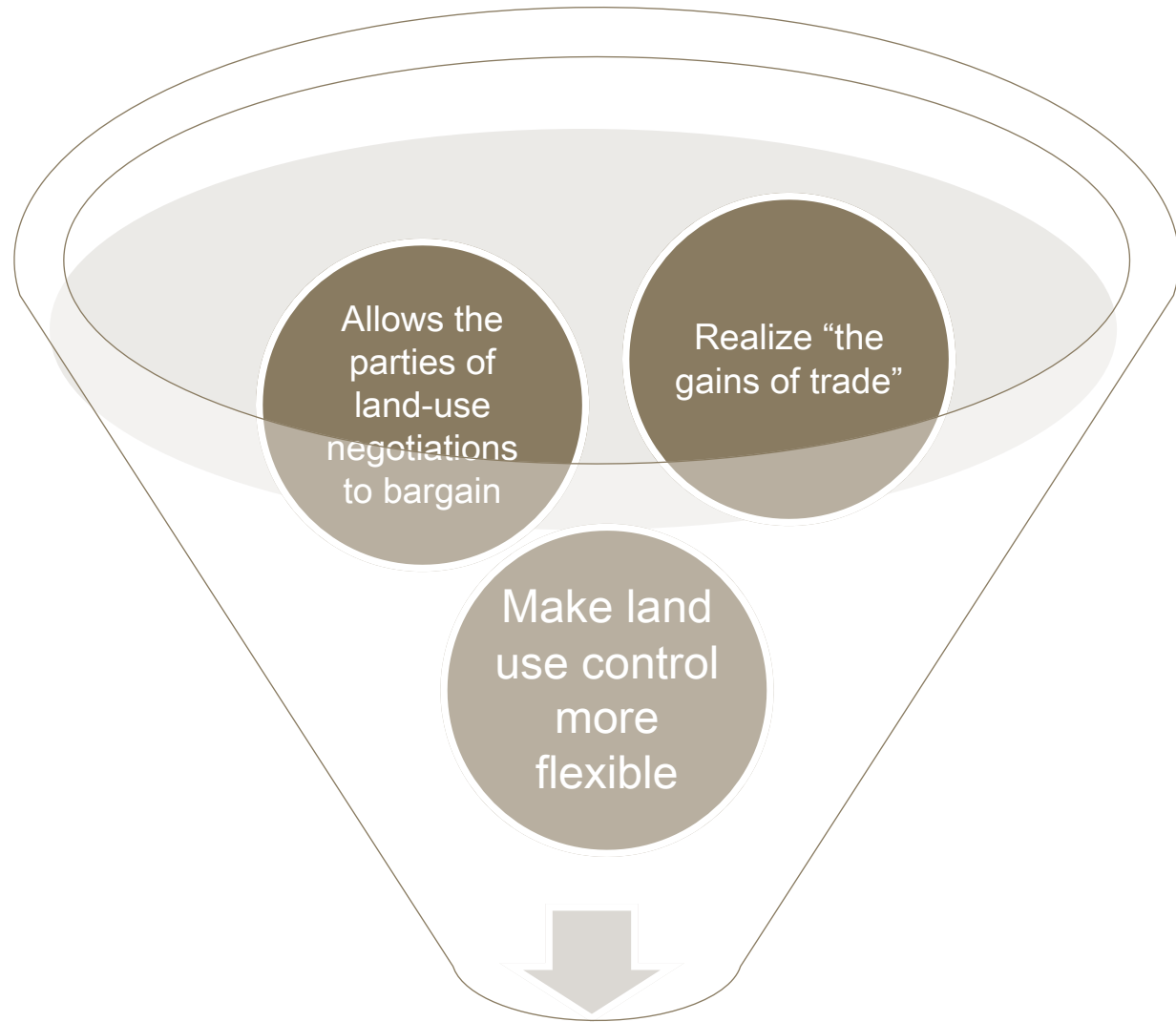
Fiscal implications

- Property tax = tax base * tax rate
- Exclusionary zoning

Too rigid

- Sterile environment
- Restricted creativity of designers
-

Solution



Make Zoning Flexible!!!

Flexibility in Zoning

- Bonus or incentive zoning
- Cluster zoning
- Inclusionary zoning
- Planned Unit Development (PUD)
- Performance zoning
- Transfer of development rights (TDR)
-

Flexible Zonings

❑ Bonus (“incentive”) Zoning

- *Exceptions or bonus provided if the developer is willing to do something for the public*
- *Permit additional height or stories if the developer provides certain amenities*

❖ Washington mutual tower

- ✓ 27 stories as originally designed
- ✓ 28 additional stories gained
- ✓ 13 of them for 2.5m housing donation
- ✓ 2 stories for a public plaza
- ✓ 1 for daycare center
- ✓ Etc..



Flexible Zonings

❑ Cluster Zoning

➤ *Involves the clustering of development on one part of a site*

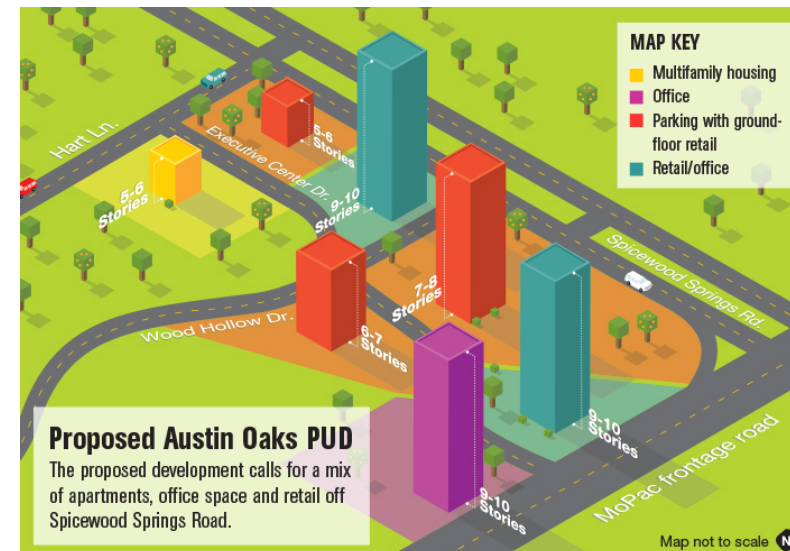


- ✓ Reduced cost of paving and of supplying utilities
- ✓ Attractive landscape features protected
- ✓ Open space provided for recreation
- ✓ Freedom to design developments
- ✓

Flexible Zonings

❑ Planned Unit Development (PUD)

- *A large block of land as a complete neighborhood unit*
- *Mix of uses*
- *A tiny city*
- *Flexibility in designing and placing buildings*
- *Hard to make a unified plan for the whole area*



Flexible Zonings

❑ Inclusionary Zoning

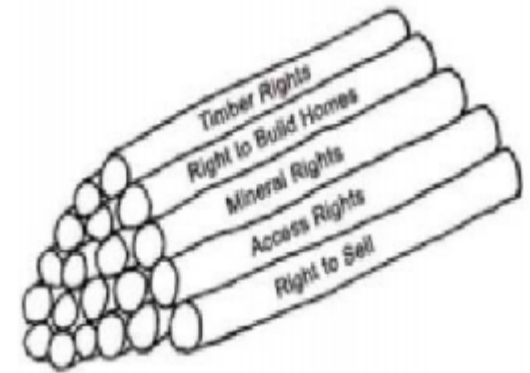
- *Developers building more than a given number of units must have a certain % of low-income housing or whatever else is being sought*



Flexible Zonings

❑ Transfer of Development Rights (TDR)

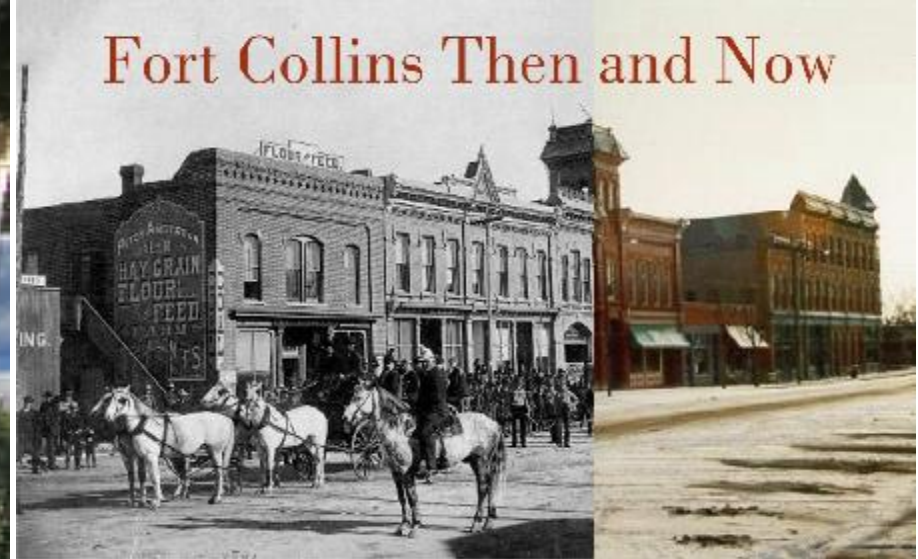
- *To concentrate development in areas (“receiving areas”) where it is wanted and to restrict it in areas (“sending areas”) where it is not*
- *Property owners in the sending areas may sell their unused rights to property owners in the receiving areas*
- *Costless*
- *Hard to assign (swamp, rocky mountains)*



Flexible Zonings

❑ Performance zoning

- *Manage the land development in terms of end results instead of detailed regulations*
- *Allow more flexibility while achieving the same end results*



Flexible Zonings

❑ Development Agreements

- *The contract between developer and the municipality*
- *Specifies what the developer may do and also what he or she is required to do within the project area*
- *The developer benefits by being permitted to do things not permitted under the existing zoning*



Colorado Place, Santa Monica

Flexible Zonings

❑ Exactions

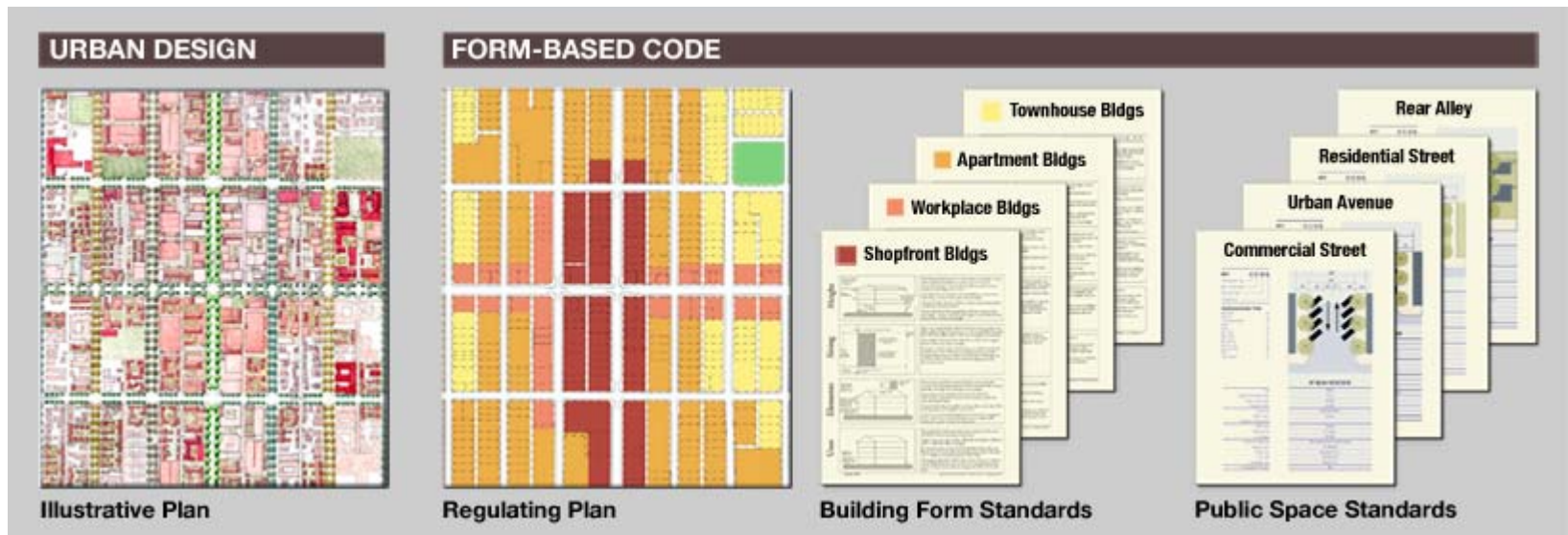
- *Numerous communities has resorted to exactions for permission to development*
- *The exaction is charged to pay the costs that the development is presumed to impose on the community*
- *new commercial development → additional traffic → Road construction*
- *New residential development → school or park*



Form-based zoning

□ Form-Based Zoning

- *More flexible than traditional zoning*
- *Emphasizes on physical form of the development*



Other Types of Land Use Controls



Site Plan Review



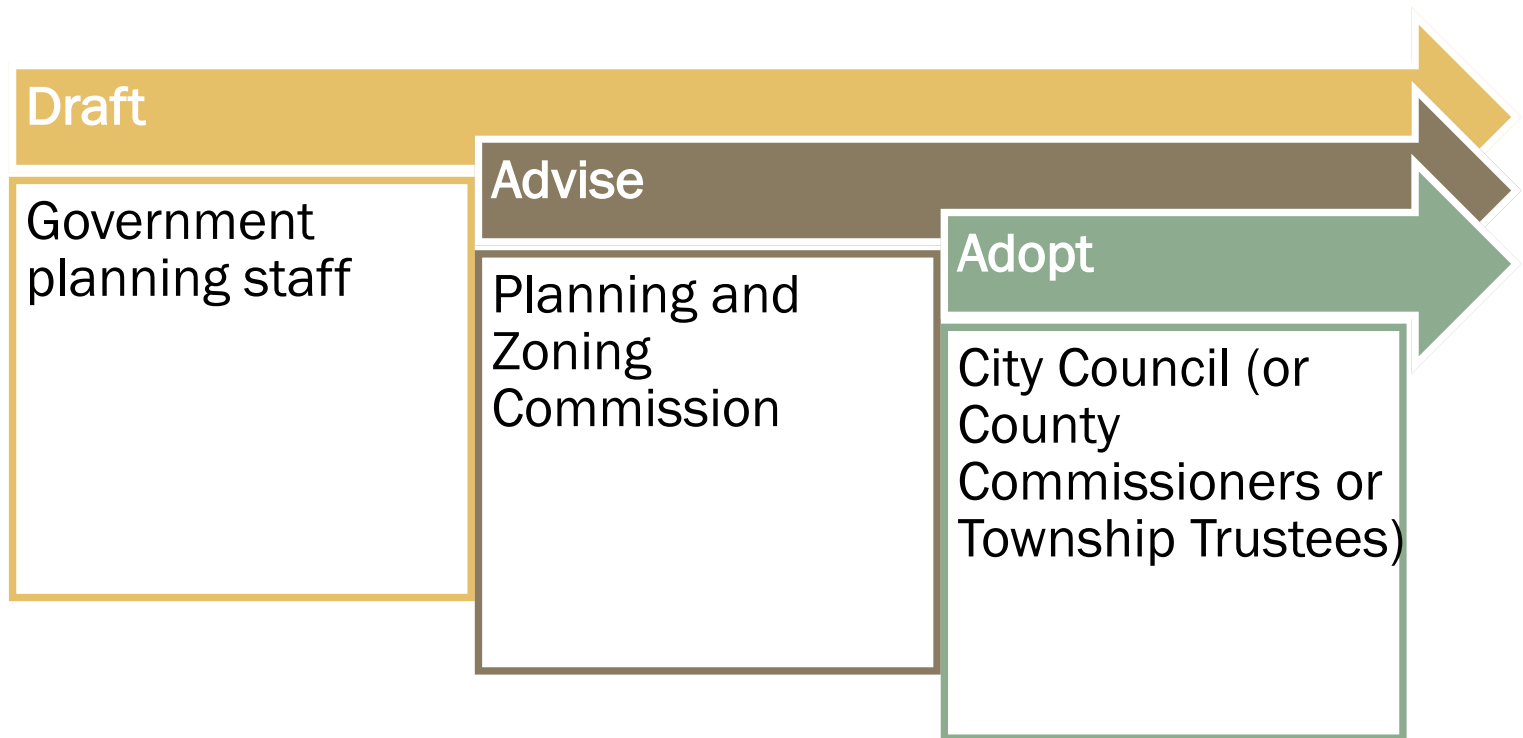
Architectural Review



Historic Preservation



Who Makes Decisions on Zoning?



Who Makes Decisions on Zoning?

- *Board of Zoning Appeals (BZA)*
- Hear appeals from individuals who are requesting exceptions or variations
- A hardship test is conducted
- No significant negative impacts will be produced
- Must conform to comprehensive plan
- Operate like a court



**THE CITY OF COLUMBIA
BOARD OF ZONING APPEALS**

**BOARD OF
ZONING
APPEALS**

WILL HOLD A PUBLIC HEARING ON TUESDAY
AT 10 O'CLOCK A.M., ON THE THIRD FLOOR OF CITY HALL LOCATED AT
1737 MAIN STREET, FOR THE PROPERTY LOCATED AT:

TRNS _____ BLOCK _____ LOT _____

ZONING CLASSIFICATION _____
CONCERNING A PROPOSED _____

VARIANCE IN _____

SPECIAL EXEMPTION TO ALLOW _____

ADMINISTRATIVE APPEALS CONCERNING _____

ZONING ADMINISTRATOR

FOR INFORMATION CALL **545-3333**
PENALTY FOR NONPAY OF THIS NOTICE