

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 4

Date of Request: July 23, 2007

Date Request Received: July 25, 2007

Board Meeting Date Requested: August 6, 2007

Board Meeting Date Assigned: August 6, 2007

Short Title: Presentation By Planning Department Staff Regarding Zoning Overlay Districts.

Request Status:

- Request is proceeding to Board of Commissioners
- More information is needed – see attached
- Request on hold – no further information needed
- Other:

Background: In an effort to disseminate accurate information regarding the concept of zoning overlay districts, planning staff will conduct a brief educational presentation describing the purpose and limitations of zoning overlay districts.

Specific Action Requested: No formal action requested.

(Administrative Use Only)

Requested by: Joey Raczkowski
Department: Planning Department
Title: Planning Director
Contact Phone: 910-259-1529
Contact Fax: 910-259-3735

CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- County as Grantor
 - County Funds
 - Other Funds:
- Revision
- For Equipment

PURCHASING

Budgeted Item: Yes No
Date Rec'd: Reviewed and Approved
 Comments on Reverse

Date Sent:

Signed:

ATTORNEY

Date Rec'd: Reviewed and Approved
 Legal Problem(s)
 Comments on Reverse

Date Sent:

Signed:

FINANCE

Sufficient Funds: Available Not Available
Date Rec'd: Budget Amendment Necessary
 Budgeted Amendment is Attached
 Comments on Reverse

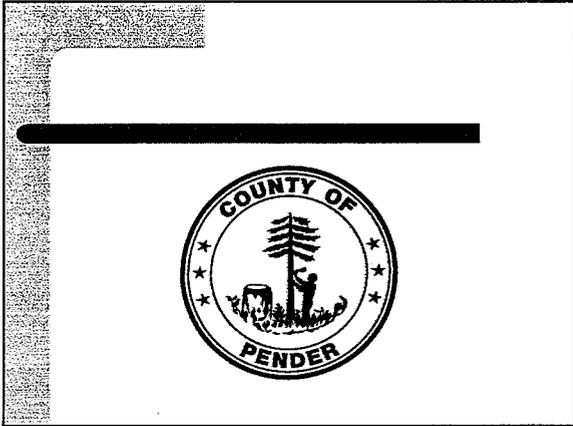
Date Sent:

Signed:

CLERK

Signature(s) Required:
 Board Chairman/County Manager
 Other:

Date Rec'd Approved by Board: Yes No
At meeting on



Why do we plan?

Among material resources, the greatest, unquestionably, is the land. Study how a society uses its land, and you can come to pretty reliable conclusions as what its future will be.

E. F. Schumacher

What is Planning?

system for achieving objective: a method of doing something that is worked out in advance

Planning for Communities

LAND USE PLANNING is the term used for a branch of *public policy* which encompasses various disciplines which seek to order and regulate the *use of land* in an efficient and ethical way.

Ethics and Planning

Ethical planning isn't always easy

The planning process must continuously pursue and faithfully serve the public interest.

1. Recognize the rights of citizens to participate in planning decisions;
2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Why is planning beneficial to communities ?

- Preserves quality of life
- Protects our private property
- There is a clear vision for the future and bonds the community together with common goals
- Supports and encourages economic development
- Offers certainty about the future

The ART and SCIENCE of Planning

Planning is a SCIENCE

- Planning is a science, we must rely on scientific facts from all fields (ie. geology geography). Even demographics involving traffic and infrastructure

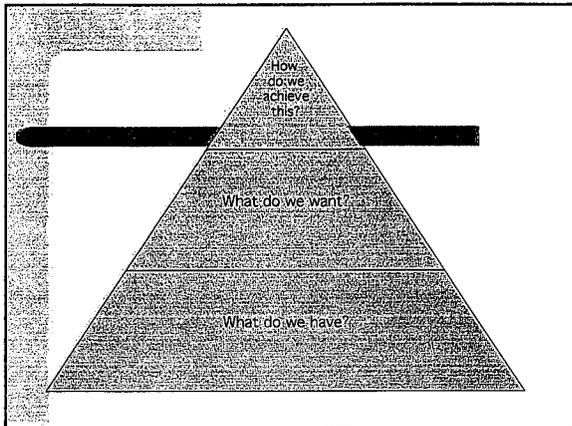
Planning is an ART

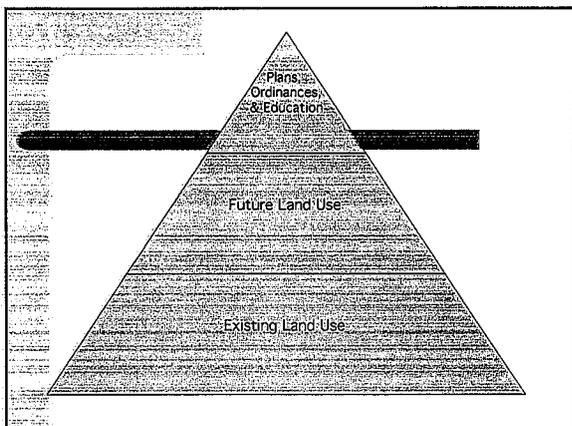
- Planning is an art, we must focus on the design of a community. Use the community vision in the construction of the buildings, roads and parks.

As community leaders we must represent the **BALANCE** between the science and art.

We must find a way to represent what the citizens envision for the future

- To complete this monumental task, organization of the system must be the first step
- Involve the citizens of the community, not just elected or appointed officials
- Planning represents the **VISION** of the community as a whole





What resources do we currently have?

- Zoning Ordinance
- Subdivision Ordinance
- CAMA Land Use Plan
- Flood Damage Prevention Ordinance
- MPO Collector Street Plan
- Tele-Communications Tower Ordinance
- Mobile Home and Travel Trailer Ordinance
- 2002 Stormwater Plan
- 2020 Long Range Strategic Plan

What is Zoning ?

- Separate area with particular function: an area regarded as separate or kept separate, especially one with a particular use or function
- The classification of allowable land use by a government

Zoning ...

is the primary tool that guides land use

Zoning

- The authority of governments to enforce zoning regulations was upheld by the Supreme Court in 1926 in the landmark case of *Village of Euclid, Ohio v. Ambler Realty*
- State of North Carolina on September 1, 2005 adopted Senate Bill 814, an act to modernize and simplify city and county planning and land-use management statutes

Current land-use and zoning classification must be taken into account, before a rezoning issued.

What does Zoning do?

- Zoning regulates land use, including the size, shape and permitted uses of lots and structures
- Zoning dictates where people live and where they work.
- It controls the size of our houses and the location of stores

There are several different types of zoning

- Euclidean Zoning (named after the Village of Euclid, Ohio)
- Performance Zoning

These are the 2 most common types of zoning

Euclidean Zoning

This is more conventional, the government creates zoning districts defined by the land uses and densities that are allowed within each.

Performance Zoning

The government sets "performance standards" for each district and allows developers wide latitude in how their buildings will be designed and used. The standards usually affect traffic flow, density, noise and access to light and air.

Overlay Zoning

These are special requirements that are placed on certain areas above and beyond the typical restrictions found within the underlying zoning district.

Overlay Zoning

- An overlay district is created by the local legislature by identifying a special resource or development area and adopting new provisions that apply in that area in addition to the provisions of the zoning ordinance.
- An overlay district is a district superimposed upon another district which supersedes, modifies or supplements the underlying regulations.

Overlay District:

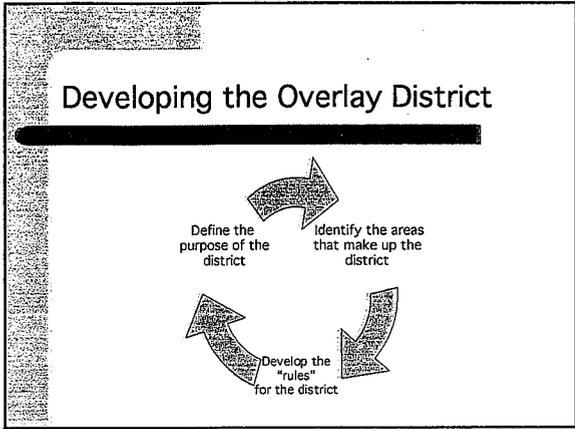
- An area where additional regulations are applied to the underlying zoning regulations in order to protect certain features or to encourage a particular type of development. (Imagine a blanket covering a couch. The couch is still there but you also have the blanket too.) Overlay districts may cover all or part of one or several traditional zones.
- Districts are designated on a zoning map.
- Where there is a conflict between overlay and underlying zoning standards, the overlay standards will apply because they are stricter.

Zoning versus Overlays

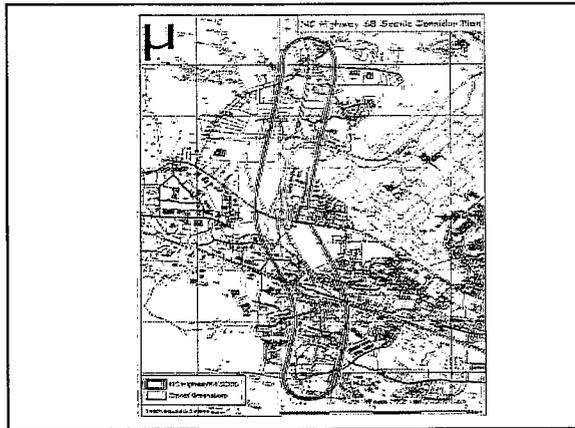
- Overlays are an extension of zoning classifications
- Overlay districts or overlay zoning add stricter guidelines to areas that can either share the same zone or even cross over separate districts

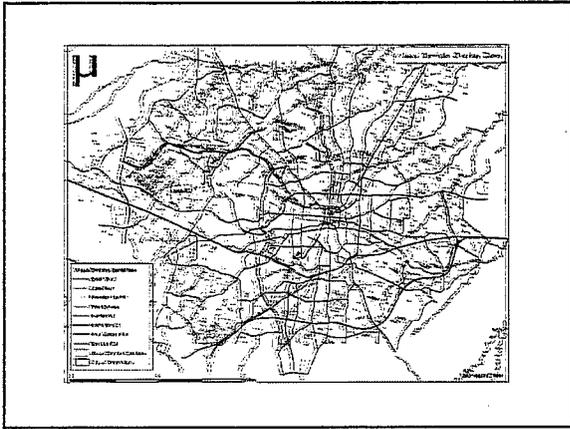
What Overlay Districts do...

- They help neighborhoods, roadways, and specific areas of the community tailor the existing Zoning Ordinance to reflect the special qualities and characteristics of a place.
- The provisions of an overlay district can be more restrictive or more expansive than those contained in the zoning district.



- ### Examples of committees that would need to be formed to help create/enforce guidelines
- Architectural Review
 - Landscape Review
 - Lighting
 - Signs
 - Parking
 - Site Plan Review
- These committees would follow the guidelines established by the community information meetings.





Overlays are **PROACTIVE** for Future Development

Overlays DO NOT have the authority to have existing structures retrofit to meet the guidelines

Where can Overlay districts go?

- In a specific intersection
- Along a highway corridor
- Part of or an entire neighborhood
- Can even cross zoning classification lines
- Anywhere that needs additional regulations and protected over and beyond the zoning classification.

What is the difference ?

Overlay districts do not replace zoning classifications, but rather place additional requirements on uses within these districts in order to protect the public interest.

The downside to overlay districts or to restrictive zoning

- can lead to many problems, from enforcement problems to a stagnant development climate and economic decline
- can reinforce racial and economic segregation by making housing more expensive

Overlay Zoning and Restrictive Zoning

- The Supreme Court ruled in *NAACP vs. Township of Mt. Laurel* and in subsequent cases that a city cannot adopt a zoning code that has the effect of preventing an entire economic class of people from moving into that city
- a court can throw out any zoning law that it finds "arbitrary and unreasonable," since such laws violate Americans' constitutional rights to due process and equal protection under the law.
- some courts have found cities' attempts to regulate architecture "arbitrary and unreasonable" exercises of municipal power.

Rocky Point Overlay (example)

- Has 3 tiers over enforcement
- Commercial
- Community Commercial
- Transitional Commercial

Commercial

- Must provide a landscape buffer between uses
- Rear building parking

Community Commercial

- Meet the same guidelines as Commercial
- Use "low country" design with signs (small wooded signs with low level lighting) Lights on a timer
- More landscaping in the street front preserving significant trees

Transitional Commercial

Transitioning from commercial to residential

- Meet the guidelines for Commercial and Community Commercial
- Building must meet Architectural guidelines
- Hours of operations will be limited 7-6

