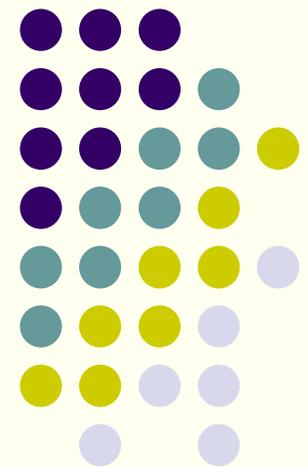


# Local Land Use Regulation

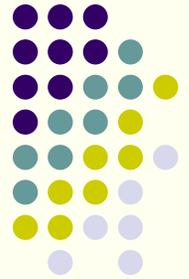
Purpose of Zoning  
Types of Zoning  
Permitted & Conditional Uses  
Evaluating Your Ordinance



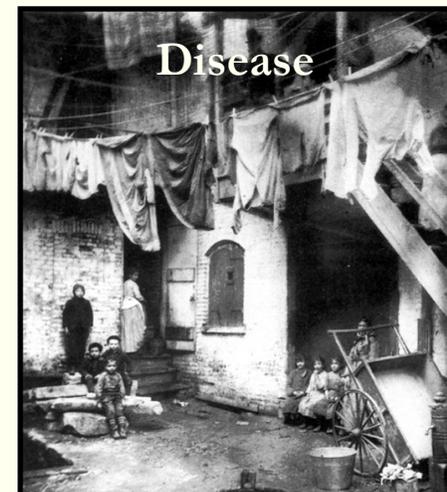
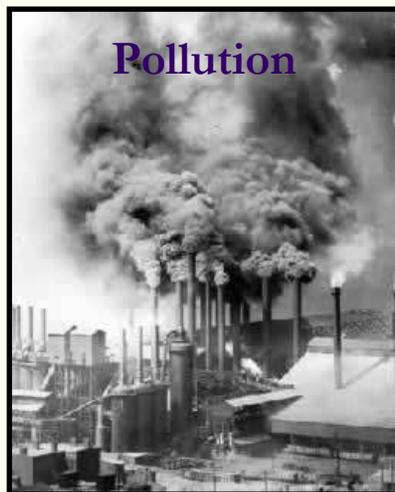
*I know of no safe depository of the ultimate powers of society but the people themselves; and if we think them not enlightened enough to exercise their control with a wholesome discretion, the remedy is not to take it from them but to inform their discretion by education.*

- Thomas Jefferson

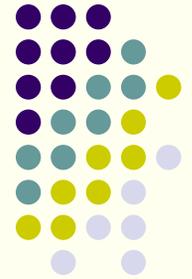
# United States Zoning History



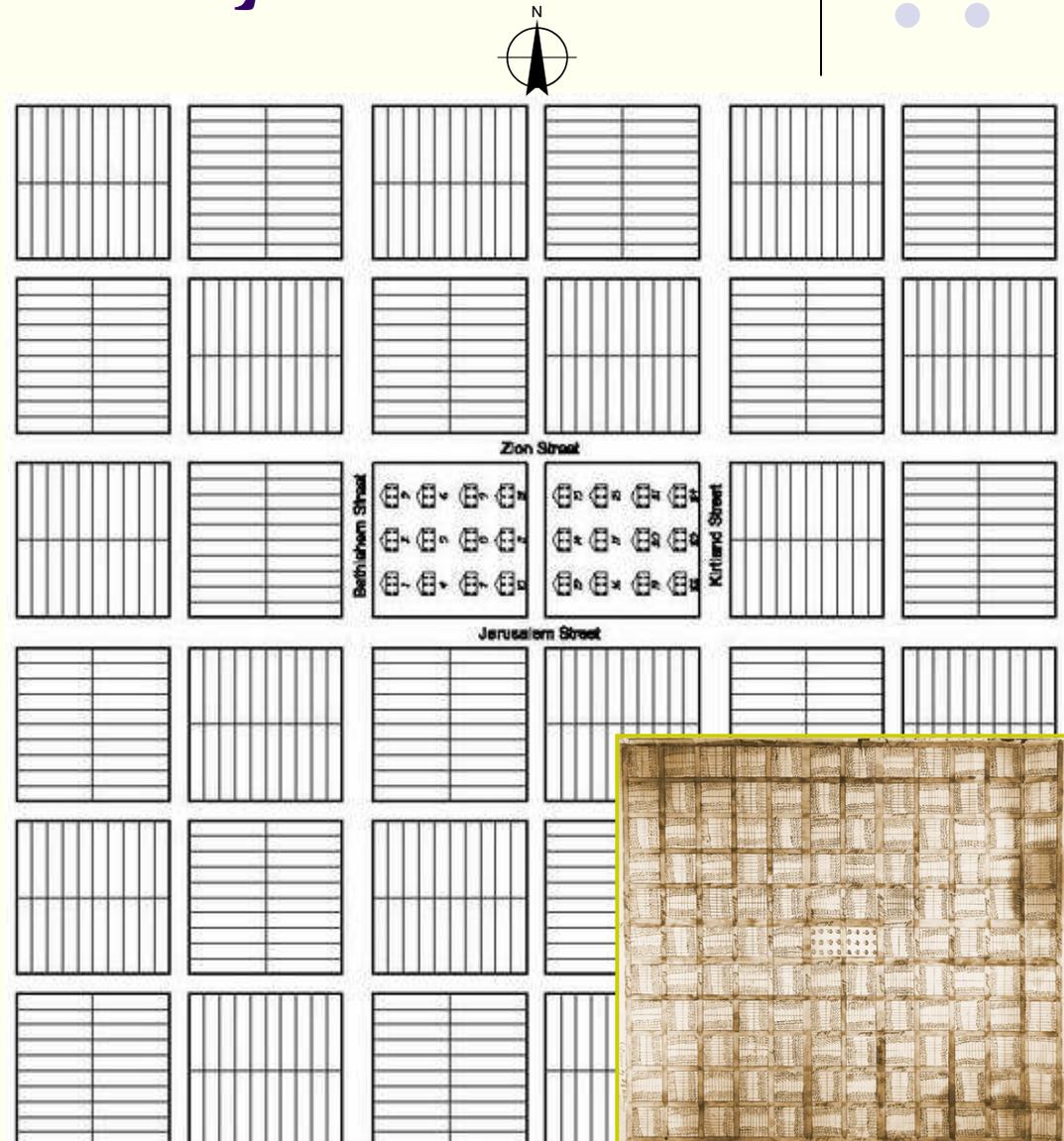
- Cambridge, Massachusetts 1632
  - Height restrictions, roofing material, fill vacant spaces in town first, mayor approves all buildings
- New York 1916 “districting” ordinance
  - Divided into districts to regulate use, density, height, & bulk of structures
- Euclid, Ohio vs. Ambler Realty 1926
  - U.S. Supreme Court rules that zoning to protect health, safety, morals, and general welfare is constitutional



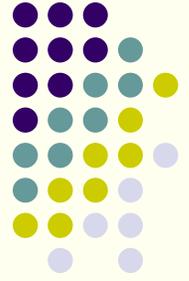
# Utah Zoning History



- Plat for the City of Zion
- Originated from Joseph Smith and continued by Brigham Young
- Some details
  - 660' blocks all on a grid
  - No houses face each other
  - All lots are 1/2 acre
  - Blocks on the middle of town for public buildings
  - Barns and stables were located outside of town
  - One house per lot
  - Front setbacks
  - Only brick or stone houses

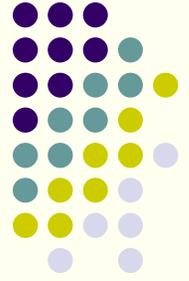


# Purpose of Land Use Regulation (from State Code)



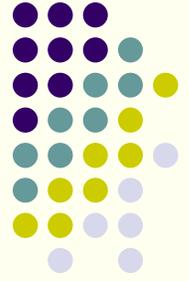
- To provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of each municipality and its present and future inhabitants and businesses
- to protect the tax base
- to secure economy in governmental expenditures
- to foster the state's agricultural and other industries
- to protect both urban and nonurban development
- to protect and ensure access to sunlight for solar energy devices
- to provide fundamental fairness in land use regulation
- to protect property values.

# Purpose of Land Use Regulation



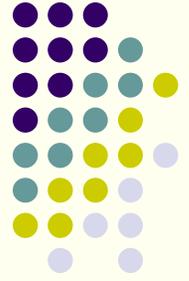
- A Zoning Ordinance Should:
  - Be a key implementation tool of the General Plan
  - Conserve the value & integrity of neighborhoods
  - Encourage attractive, functional commercial centers
  - Assure orderly growth
  - Protect people and property from natural hazards
  - Assure efficient and safe traffic movement
  - Augment or stabilize the local tax base
  - Preserve culturally and historically significant areas
  - Encourage good visual quality and high aesthetic standards

# Purpose of Land Use Regulation



- A Zoning Ordinance should NOT:
  - Promote economic, social, or racial segregation through exclusionary regulations
  - Establish zoning districts prematurely

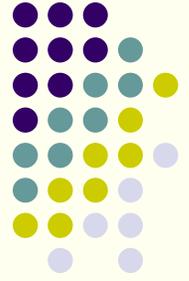




# Types of Zoning

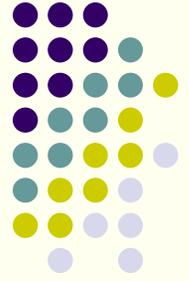
- Form Based/Transect
  - Becoming more common
  - Emphasis on physical form of buildings and communities
  - Encourages mixing of uses
  - Graduated Density
- Go to:  
<http://www.smartcodecentral.org/>  
for a model form based code

SMARTCODE		TABLE 1. TRANSECT ZONE DESCRIPTIONS	
<i>First Falls, Idaho</i>			
TABLE 1: Transect Zone Descriptions. The following are general descriptions of the character of each Transect Zone. They may be interpreted as a constitutive part of the intent of this Code.			
	<b>T1 NATURAL</b> General Character: Building Placement: Frontage Type: Typical Building Height: Type of Civic Space:	Minimal coverage with some agriculture use. No agriculture. No agriculture. No agriculture. Parks, treeways.	
	<b>T2 RURAL</b> General Character: Building Placement: Frontage Type: Typical Building Height: Type of Civic Space:	Primarily agriculture with scattered small scale buildings. Scattered buildings. No agriculture. 1- to 2-story. Parks, treeways.	
	<b>T3 SUB-URBAN</b> General Character: Building Placement: Frontage Type: Typical Building Height: Type of Civic Space:	Large and medium scale buildings and some single-family houses, sometimes occasionally. Large and medium scale and side yard setbacks. Porches, terraces, walkways, tree planting. 1- to 2-story with some 3-story. Parks, treeways.	
	<b>T4 GENERAL URBAN</b> General Character: Building Placement: Frontage Type: Typical Building Height: Type of Civic Space:	Mix of houses, townhouses, and small apartment buildings, with scattered commercial activity, some medium scale buildings, greenways or pedestrian. Shops in medium form and side yard setbacks. Porches, terraces, walkways. 2- to 3-story with a few taller mixed use buildings. A 4 story structure may be permitted by special. Squares, plazas.	
	<b>T5 URBAN CENTER</b> General Character: Building Placement: Frontage Type: Typical Building Height: Type of Civic Space:	Shops, restaurants, townhouses, large apartment houses, offices, workplaces, and civic buildings, predominantly attached buildings, trees within the public right-of-way, pedestrian pedestrian activity. Shops, restaurants, offices, buildings oriented to street, walking a street wall. Shops, restaurants, offices. 2- to 4-story with some variation. Parks, plazas and squares, median landscaping.	
	<b>T6 URBAN CORE</b> General Character: Building Placement: Frontage Type: Typical Building Height: Type of Civic Space:	Medium to high density mixed use buildings, entertainment, civic and cultural uses. Attached buildings or mixed use buildings, trees within the public right-of-way, high pedestrian and transit activity. Shops, restaurants, offices, buildings oriented to street, walking a street wall. Shops, restaurants, offices, shops, offices, and offices. 2- to 4-story with a few taller buildings. Parks, plazas and squares, median landscaping.	



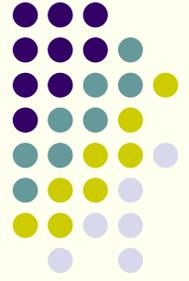
# Permitted Uses

- These uses are allowed by right
- Still require approval from the Land Use Authority
- Permitted if the basic standards of the zoning regulations are met
  - Setbacks
  - Height Limitations
  - Access
  - Etc.



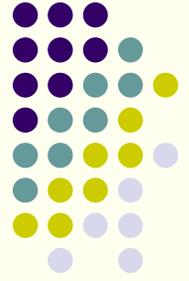
# Conditional Uses

- A use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.



## Conditional Uses cont.

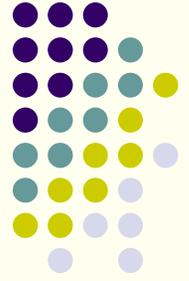
- A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
- **What does all that mean?**



# Conditional Uses cont.

- Reasonable conditions: Must truly mitigate the impact and be somewhat proportional to the use
- Imposed/in accordance with reasonable standards: Conditions must be based on standards contained in your local ordinance or from accurate public record
- Anticipated detrimental effects: Based on current conditions and future land use plans

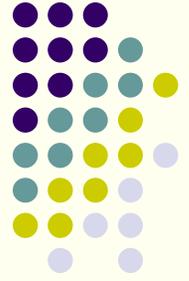
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## Conditional Uses cont.

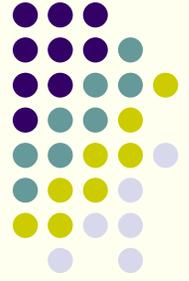
- What if you can't mitigate the impacts with reasonable conditions?
- If the reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated by the proposal or imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

# Evaluating your Ordinance



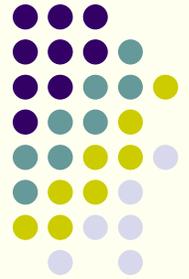
- What to look for when evaluating an ordinance.
  - 1) Does it comply with State and Federal Laws?
  - 2) Does it contradict itself in any way?
  - 3) Is it easily understood?
  - 4) Are the definitions clear and concise?
  - 5) Is the overall writing clear?

# Evaluating your Ordinance



- What to look for when evaluating an ordinance. (part 2)
  - 1) Is it producing the type of community/projects put forth by the citizens and in the general plan?
  - 2) Look at specific projects.
    - a. Are the good results because of your ordinance?
    - b. Were there procedural or design issues that are a result of your ordinance?
  - 3) Is there a large number of variance requests related to a particular provision?

# Evaluating your Ordinance



- How to evaluate an ordinance that you are drafting
  - 1) Base it on an ordinance that has produced desirable results.
  - 2) Test it with hypothetical worst case scenarios.
- Plan and perform periodic evaluations of the ordinance.