

The Zoning Ordinance

The zoning ordinance is the primary mechanism for implementing the policies of the comprehensive plan. The zoning ordinance assigns compatible land uses to defined districts throughout the community. In addition to regulating uses, zoning controls the placement, height, bulk and coverage of buildings and other structures.

The zoning ordinance is comprised of a map and text. It is common for people to talk about the “zoning ordinance” when simply referring to the text, but because the same process must be followed for adopting and amending both the text and the map, both documents together technically constitute the ordinance. One cannot operate without the other, and both must be kept current at all times. The zoning map needs to be changed every time a rezoning request on a parcel of property is granted. Likewise, every time the elected body decides to change the regulations the text must be updated. Few things will bring a community more trouble than out-of-date zoning documents.

Zoning Map

The zoning map shows the boundaries and labels of the zones into which the community has been divided. Every parcel of land is identified as being in one zoning district. Local government staff and officials, landowners, residents, and developers can all refer to the map to determine how a particular parcel of land is zoned. If the zoning ordinance utilizes overlay districts (special supplemental regulations that apply across more than one district, such as floodplain or wellhead protection areas), some properties may lie in two or more districts. To maintain an accurate map despite frequent changes, many communities now use geographic information systems (GIS) or other computer technology to prepare the map in a form that can be cheaply and easily updated.

Zoning Text

The zoning text is the local law containing the regulations of the jurisdiction. The text may be organized in a variety of different ways; however, the same basic provisions appear somewhere in the body of every zoning text.

Statement of Purpose. The statement of purpose sets forth the public interest in zoning. It may establish, for example, that zoning is adopted “to promote the health, safety and general welfare of the citizens of X.” It may also contain statements that mirror the goals identified in the comprehensive plan, such as the desire “to preserve prime agricultural land from development and protect agricultural operations from encroaching incompatible uses.”

General Provisions. General provisions are the overriding rules that apply to all land uses and all parcels throughout the community, regardless of zoning district classification. Usually the general provisions include guidance as to the interpretation of the ordinance and its relationship to other laws.

Definitions. This section defines the regulatory terms used throughout the rest of the ordinance. Since zoning is a regulatory device, it is important that citizens understand what those regulations mean and how they apply. Precise definitions are very important to understanding the application of zoning regulations.

District Regulations. The district regulations are the heart of the zoning text. The fundamental purpose of the zoning ordinance is to establish districts where similar land uses are grouped together and governed by a common set of standards, such as lot sizes, setbacks, height requirements and design standards. Each district lists the uses that are permitted “by right” (without special conditions) and those that are allowed as special exceptions so long as the board of adjustment finds that certain criteria are met. There is an underlying belief that the uses “by right” are similar in type and range of impact, and that the special exceptions would be welcome additions to the district if additional standards could prevent them from undermining neighboring property

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values or the purpose and intent of the district. The common district classifications are agricultural, residential, commercial and industrial; however, most communities subdivide these classifications (e.g. single-family residential and multi-family residential) to further group similar types of land uses together while at the same time continuing to keep them separate from other incompatible uses.

Regulations Applying to All Districts. Many ordinances include a separate section or sections setting out a variety of “impact” regulations or standards. This section of the ordinance contains the types of provisions that apply to land uses in all districts, but may vary by district. For example, signs are regulated in all districts, but they are regulated differently depending on the district. The size, location and type of sign appropriate for a commercial district will often be inappropriate for a residential neighborhood. Parking standards, landscaping requirements, urban design criteria, historic preservation standards and various environmental protection controls are examples of regulations that may be found in this section.

Nonconforming Uses. When a new zoning ordinance is adopted there will be lots, structures and uses that do not meet the new ordinance standards. This section of the text generally describes how the land use decision makers will treat these nonconforming uses under the new code.

Administration. This section sets forth the processes of zoning by (1) describing the roles of each of the bodies involved in land use decision making; (2) outlining the exact procedural steps that must be taken to process the various types of requests and applications related to zoning; and (3) setting forth the criteria that the decision makers must use in deciding on these requests and applications.

Enforcement. This section explains the processes to use, and the penalties to assess, when a landowner is found to be in violation of the ordinance.