

# ZONING BASICS



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# What is Zoning?

- Zoning is the division of land within a jurisdiction into separate districts.
- Zoning establishes permitted uses.
- Zoning establishes site development regulations.
- Zoning is a police power.
- Applies only in full and limited purpose City limits.

# History

- 1916 First zoning Ordinance in New York City
- 1922 U.S. Department of Commerce creates Standard Zoning Enabling Act
- 1926 Village of Euclid v. Amber Realty (Euclid, OH) establishes zoning as a constitutional exercise of the local government's police power
- 1927 Texas adopts its version of the Standard Zoning Enabling Act
- 1931 Austin adopts its first Zoning Ordinance

# Authority & Purpose

- Section 211 -Texas Local Government Code:
  - Public Health
  - Safety
  - Morals
  - General Welfare
  - Historic Preservation

# Development Process

1. Zoning
2. Subdivision
3. Site plan
4. Building permit and inspection
- 5.** Enforcement by Austin Code Dept.

# Use Types

- Residential: Single family, multifamily, etc.
- Commercial: Office, retail, restaurants, etc.
- Industrial: Manufacturing, warehousing, etc.
- Civic: Schools, day cares, etc.
- Agricultural: Crop production, etc.

# Zoning District Types

- Base Districts: Means a zoning district that prescribes basic regulations governing use and site development.
- Overlay Districts: Are districts that establish specific use or site development standards for a particular area within the City.
- Combining Districts: These districts may be applied to a site in combination with regulations applicable to a base district.

# When is a use allowed?

- Permitted use: A use permitted by right within a district.
- Prohibited use: A use not permitted within a district or not recognized under the City Code.
- Conditional Use: A use that is allowed on a discretionary basis. Requires PC approval
- Non-conforming use: A use lawfully established prior to annexation or enactment of the current City Code.



# Site Development Regulations

- Different heights, impervious cover, setbacks etc. are allowed based on zoning district.
- Compatibility, Commercial Design Standards & McMansion Regulations
- Council may further restrict with a conditional overlay
- The Board of Adjustment may grant a variance from site development regulations.

# Types of Zoning Ordinances

- Cumulative (Austin, pre-1986)
  - allows uses permitted in district and all lower districts
- Non-cumulative (Austin, post-1986)
  - allows only uses permitted in the district

# Zoning Participants

- Property Owner/Applicant
- Staff (Review & Code Enforcement)
- Historic Landmark Commission
- Planning Commission
- Zoning & Platting Commission
- City Council
- Board of Adjustment
- Public (neighbor, neighborhood organization or other interested party)

# Zoning Process

- Staff review & recommendation/public notice & input
- Public hearing at Zoning & Platting or Planning Commission & recommendation
- Public hearing at City Council. Approval on 3 readings

# Right of Protest

- Under our City Code, a property owner or interested party has the right of protest against a zoning change.
- If a valid petition is filed in opposition to a rezoning request by an affected property owner or by a certain percentage of property owners within 200 feet of the request, then a super majority ( 9 of 11) vote of the City Council would be required to rezone the property.

Questions?