

ZONING PRACTICE

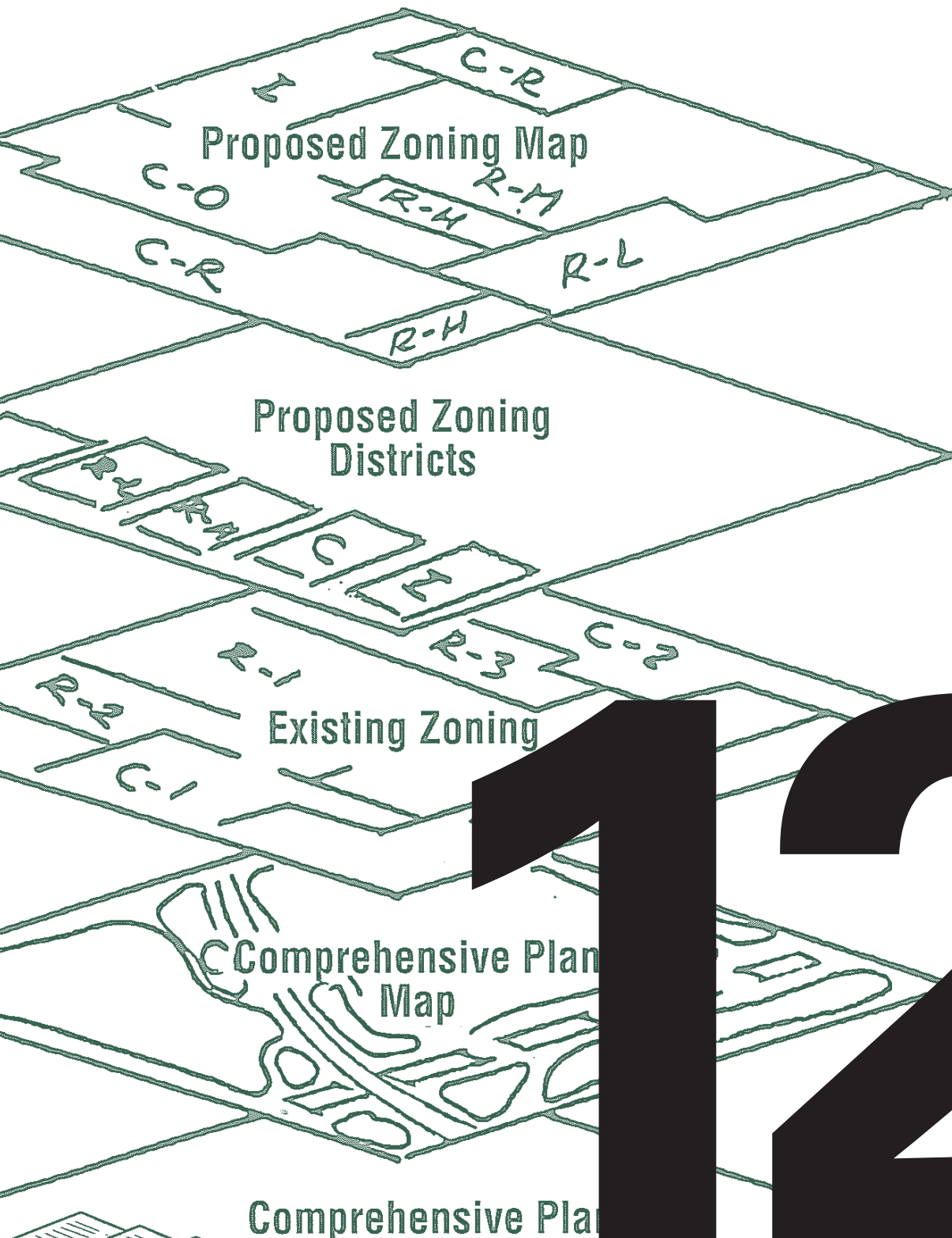
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PRACTICE REMAPPING



Mapping Principles for Rezonings

By Arista Strungys, AICP

When a municipality takes on comprehensive zoning reform, rewriting the text is only half the story.

In order to implement redevelopment goals—particularly those identified in a comprehensive plan—and ensure that the new zoning matches the reality of the existing physical environment, a revision of the zoning map is also needed. This task can be daunting, as zoning map revisions typically pique the interest of various property owners, including those that may not have been involved with the text revision process. To make this process more manageable, the following mapping principles can serve as both a guide for planners to make the process less intimidating and as a way to explain the rationale behind map changes to the larger constituency.

WHY DOES THE ZONING TEXT COME FIRST?

It is typical in a zoning ordinance update to make revisions to the text before undertaking any remapping. The purpose of this is to make necessary changes to the procedures and content of regulations so that it reflects current policy, especially as articulated in recently adopted plans. Key changes include adjustments to existing or drafting of new zoning districts. Once district regulations are drafted, tested, and approved—and principles for mapping are in place—the remapping process can begin.

MAPPING PRINCIPLES

In order to identify where to map the districts proposed by the new zoning ordinance, the municipality must first agree on principles for mapping decisions. These principles need to reflect existing development realities, applicable land-use policies, and tenets of good urban planning. When evaluation of the zoning map begins,



Jeanne Nathan

➤ Public forums provide an opportunity for citizens to review proposed zoning maps and ask questions to gain a better understanding of the changes.



ASK THE AUTHOR JOIN US ONLINE!

Go online during the month of December to participate in our “Ask the Author” forum, an interactive feature of Zoning Practice. Arista Strungys, AICP, will be available to answer questions about this article. Go to the APA website at www.planning.org and follow the links to the Ask the Author section. From there, just submit your questions about the article using the e-mail link. The author will reply, and Zoning Practice will post the answers cumulatively on the website for the benefit of all subscribers. This feature will be available for selected issues of Zoning Practice at announced times. After each online discussion is closed, the answers will be saved in an online archive available through the APA Zoning Practice web pages.

About the Author

Arista Strungys, AICP, is a principal consultant at Camiros, Ltd. Her area of expertise is zoning and development regulations, and she has worked with communities across the country in drafting development regulations. She is experienced in all types of regulatory techniques, including traditional controls, hybrid and form-based coding, design guidelines, and sustainable development.

the following suggested principles are intended help decision makers evaluate potential zoning changes. Typically, much of the current zoning map will not change drastically during remapping. Many of the current zoning districts will be retained, with only minor modifications to bulk, setback, and design standards, to better address existing development patterns and conditions.

Maintain current zoning districts in their present locations where controls are appropriate for current development patterns and there is no desire for change. Many of the current zoning districts likely provide the desired level of control regarding the type of development, form, and design character of the area, as well as the uses desired. While there may be some text adjustments to fine-tune the district, the current mapped location of these districts serves the development goals of the long-term future and, therefore, should not be adjusted.

Often, as part of the fine-tuning process, district names are changed to reflect modern zoning conventions. For example, older ordinances may have named districts sequentially by letter (A, B, C, etc.). An ordinance revision will usually rename these new districts by major land-use category, such as R1 for residential districts, C1 for commercial districts, and so forth. In this case, the remapping should present these renamed districts as “equivalenced” districts to ease concerns over changes. In equivalencing, the new zoning districts are equated to the old districts (e.g., A District

= R1 District). The map should be redrawn to illustrate the equivalenced districts, including a legend that shows these equivalences. This will illustrate the areas where zoning will not change in content, only name, and will put many community members’ minds at ease.

dential areas, but development proceeded in accordance with the density established by the lots of record. Thus, many properties in these areas are nonconforming in regard to lot area, lot width, or some other

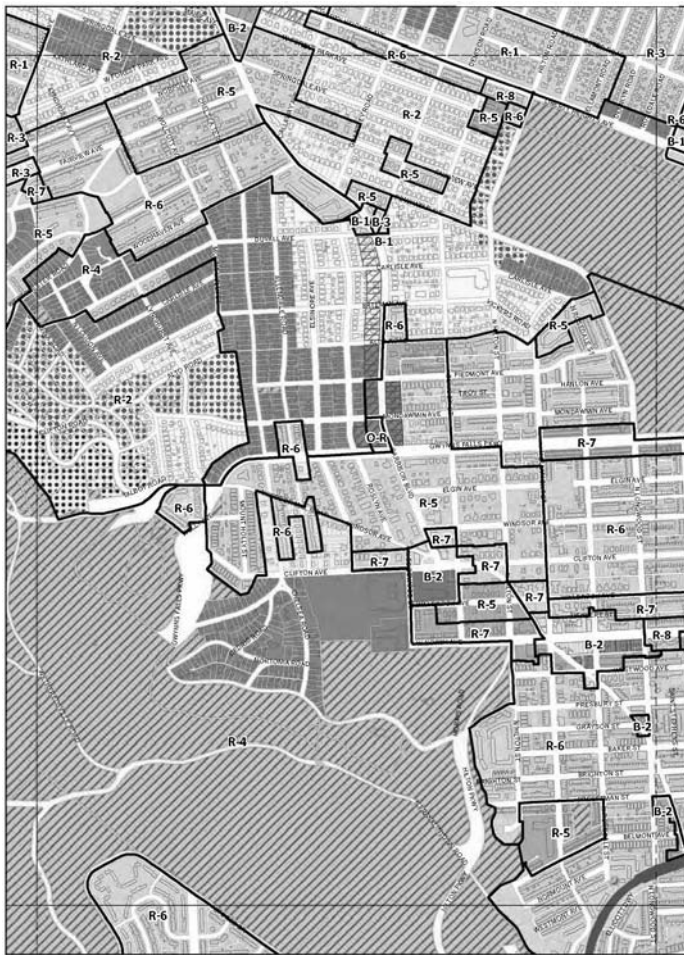
Newer mapping and data-gathering techniques such as GIS make it possible to remap areas to bring them into conformity, either by amending criteria to make them more responsive to existing conditions, mapping to a different district, or by creating a new district.

Remap areas of the municipality to reduce nonconformities.

Certain areas of a municipality may have been inappropriately mapped or developed differently over time than currently zoned, creating nonconformities. One of the goals of a comprehensive zoning revision, for both text and map, is to reduce nonconformities, which confirms the integrity of the zoning ordinance and map, creates predictability and consistency in the application of the ordinance, and reduces the need for variances.

Certain areas may have been mapped so that they do not actually reflect the details of development in that area. In some communities, an older land-use policy may have tried to reduce the density of resi-

factor affecting density. Newer mapping and data-gathering techniques such as GIS have allowed for a more rigorous and cost-effective assessment of these types of conditions. This makes it possible to remap areas to bring them into conformity, either by amending the criteria within existing zoning districts to make them more responsive to existing conditions, mapping to a different district, or by creating a new district that reflects such conditions. This can also be the case with nonconforming uses. An established commercial area may be zoned residential, making the commercial uses nonconforming. A rezoning to the appropriate commercial district would allow these areas to continue as a business district.



➡ Highlighting the areas of change and graying out areas where no rezonings are proposed (as shown here) can clearly communicate where district changes are planned.

Remap applicable portions of the municipality to implement development policies.

A comprehensive plan often contains numerous land-use policies that describe how areas should redevelop. In areas where policies describe a plan for redevelopment that differs from what is permitted now, new districts may be appropriate. The following mapping principles will assist in identifying how these zoning map changes should occur.

1. The process should begin by identifying key areas where change is desired, noting the relationship of current zoning to the proposed land-use or redevelopment policy. If the current zoning is able to accommodate such redevelopment, then there is no need for the zoning map to change. If the plan does not contain specific land-use recommendations, or if the recommendations

are too vague to be mapped, additional area-based planning may be necessary. It is essential to understand the type of use and form desired in order to identify appropriate zoning.

2. Where current zoning districts do not achieve or accommodate the desired change, the most appropriate new districts for such land-use or redevelopment policy should be identified. In some cases, remapping may be a mix of zoning districts.

3. To start the mapping process, the general location of new districts should be placed on the zoning map. While a plan may provide some general guidance regarding location, eventually the zoning map will need to be refined to specifically identify the parcels to which these districts will be applied. Comparison of the existing land-use pattern with the land-use directions provided or implied by the plan will help to define and

refine the boundaries of the re-map area. Studies of aerial photography or site inspection should also be conducted.

4. Finally, two key implications of remapping should be considered. The first is the creation of nonconformities. The second is the timing related to achieving the redevelopment potential. Not all zoning map changes should occur immediately upon the adoption of new zoning text. In some cases, where there is a policy or desire to have an area redevelop differently over time, it may not be appropriate to change the zoning immediately because the market and other development conditions may not be in place to bring about that change. Remapping is based on redevelopment potential, including factors outside of the zoning ordinance. If current or anticipated market conditions are not yet in place, remapping could lead to extensive nonconformities and discourage reinvestment and maintenance, thus creating more, rather than less, blight conditions. In this case a zoning change is better reserved for a later time when that redevelopment potential begins to be demonstrated by requests for rezoning.

Apply policy-specific districts when remapping to resolve specific conditions or achieve specific purposes.

There may be a need to draft new districts to achieve specific purposes; consequently, these require special considerations in their mapping. Examples of some of these types of districts include transit-oriented development, mixed use, campus districts, and overlay districts.

Transit-Oriented Development Districts:

Transit-oriented development is a specific type of mixed use development that increases density and allows for a mix of pedestrian-oriented commercial and residential uses around transit stops in order to encourage the use of transit and reduce reliance on the automobile. Generally, the accepted planning principle for TOD is to consider the area within a quarter-mile radius around the transit stop as the geography for a TOD district. However, when applied to the zoning map, a TOD district cannot be applied as that circle. Instead, mapping should use the quarter-mile rule as a reference point to assess the character of existing development in that area.

A TOD district should be mapped in those areas that can accommodate higher density and a mix of uses. In more urban areas, where a natural mix of commercial

and residential uses may exist, it is generally easier to apply the TOD district within a general quarter-mile radius. In more suburban areas, mapping of the district will need to take into account the existing conditions. For example, where stable residential neighborhoods abut the transit stop, the district should “jog” along the boundaries of these existing neighborhoods. In these cases, it may be mapped only along corridors adjacent to the transit station.

Mixed Use Districts: Many land-use plans acknowledge the benefits of mixed use development and contain numerous policies that encourage such redevelopment. These can also range from districts that mix residential and commercial uses to an industrial and commercial mix. In response, a zoning ordinance will need the proper districts to foster this type of development. Because mixed use development allows for a variety of uses, the creation of nonconformities is less of an issue during remapping.

First, existing mixed use areas should be identified. Remapping these areas to a mixed use district will encourage continued investment by allowing such development by-right. Areas where abutting districts have begun to blend together should also be considered for mixed use zoning. This

frequently occurs, for example, when a commercial district abuts a light industrial district and the two types of uses coexist peacefully. In these cases, mixed use development often serves as a good transition between districts.

Also, mixed use development does not have to be encouraged only by remapping to one specific district. In some cases, a mixed use environment is created by careful mapping of different residential and nonresidential districts. For example, in certain areas there may be neighborhoods of residential development that directly abut a small-scale, local commercial corridor, creating a mixed use environment where residents walk to the local grocery store. In these instances, the mixed use environment is created by mapping the commercial corridor as a local commercial district and the residential area as residential.

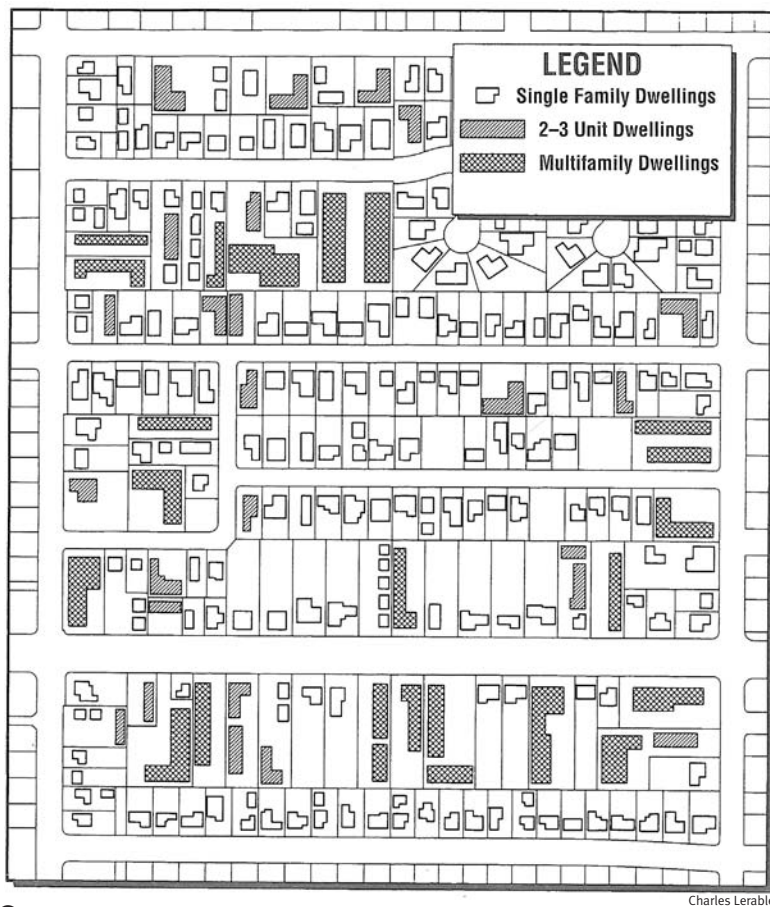
Campus Districts: When a community has significant institutional uses, such as a university or major medical center, a common zoning technique is to create a campus district for the use. Because of the numerous activities and uses that take place within such a large institution, a special zoning district can make regulation easier for both the institution and the municipality. This approach gives the institution more

flexibility in development and frees the municipality from having to process special uses or variances for simple changes to the campus. Rezoning to these districts should be coterminous with the boundaries of the campus and only permitted for properties owned by the institution. If additional property is purchased after the district is mapped, the map will need to be amended to incorporate that area.

Overlay Districts: In older ordinances overlay districts have frequently functioned as a way to address immediate concerns in specific geographic areas. In many ways, they are a fast-and-dirty solution to a hot-button issue. However, as part of a comprehensive zoning update, overlay districts should be carefully evaluated for their usefulness. While the intent of an overlay district is important to a neighborhood this can get lost in the myriad regulations that now apply to a zoning lot once overlay districts are in place. This makes the ordinance difficult to use and interpret. The first step is to see if the regulations within the overlay district can be consolidated into one or more base districts or perhaps made into a new base district. Then the area should be rezoned to the appropriate base district, whether a revised district or a newly drafted one.

➡ Showing the equivalences on zoning maps helps the public understand that district renamings do not necessarily affect district regulations.





➔ Mapping new district boundaries can be especially challenging in areas with existing development of different use types or densities.

On the other hand, a true overlay district is one that regulates certain specific elements common to a geographic area and responds to the uniqueness of that area, which is appropriately zoned with a number of different districts. Environmental issues are one type of condition that are often best addressed through an overlay district, as the overlay districts impose restrictions that promote environmental sensitivity but allow the area to develop as the appropriate mix of districts and intensities. While overlay districts are a useful zoning tool, their application should be limited so that they specifically address a particular issue that applies over a larger geography. From a mapping perspective, the specific elements that the overlay district is trying to regulate should guide the location of the district's boundaries.

Remap existing planned unit developments and other large-scale developments.

Many municipalities have used planned unit developments as a way to accommodate new development within the framework

of an outdated ordinance. The goal of a comprehensive zoning update is to create a development environment where modern development types can take place by-right, without having to go through a series of approvals. Once a new ordinance is adopted, older adopted planned unit developments will remain in place, so it is good policy to try to integrate the requirements of planned unit developments into the zoning ordinance. This will allow each PUD to be evaluated against the underlying zoning, and remapping can occur where new districts better align with the intent of the land-use and design requirements contained within the planned unit development ordinance. This can encourage the repeal of PUDs, where appropriate, as the approved conditions contained within these regulations can be continued under zoning.

As a general rule, if the owner of a planned unit development is in compliance with all requirements and conditions, the PUD cannot be repealed by the municipality because it is a special approval granted to

the property owner. Therefore, these approvals will remain in place unless a change is requested by the owner. For planned unit developments, typically three options are available to the owner:

1. If the new districts and regulations match the PUD regulations, making the PUD unnecessary, that planned unit development can be repealed at the owner's request. This offers a benefit to the property owner, because any changes to the development that comply with the zoning ordinance can occur without special approvals.
2. If the owner would like to retain the PUD but link to the new zoning ordinance, the planned unit development can be repealed and replaced with a new PUD that links to the new zoning ordinance.
3. Finally, the PUD can be maintained as is, in which case the municipality must keep the original zoning ordinance on file as a reference point for the planned unit development regulations, since it is tied to zoning regulations in place at the time of approval.

Ensure consistency with the future land-use plan.

Some municipalities are required to maintain consistency with an future adopted land-use plan. Even when consistency is not required, general alignment with the future land-use plan is recommended so that land-use policies reinforce zoning regulations. The following principles are useful for ensuring consistency:

1. Consistency requires synchronization between land-use categories and zoning districts. It is important to understand that land-use categories are, by nature, more general than zoning districts. An apt analogy is that any land-use category is generally a basket that holds a variety of zoning districts. For example, a future land-use map will identify areas as single-family residential; however, those areas may contain a number of single-family districts of different densities. It will be important, once an area is identified as single-family, to determine exactly which single-family district is appropriate.
2. Properties should be assigned a zoning district that best fits the current use of the property unless the future land-use plan indicates an alternative land use. In this case, the municipality may choose to either rezone the lot now or wait until a rezoning is more appropriate. In some cases, because a comprehensive rezoning looks at a municipality on a parcel level, this more specific

analysis may reveal that changes to the future land-use map, rather than the zoning map, are needed to create consistency between land use and zoning.

3. If a lot is vacant, the lot should be assigned a zoning district similar to adjacent lots unless the future land-use plan states that an alternative land use is more appropriate.

4. While the chosen zoning district should be consistent with the future land-use map, it is important to catalog nonconforming uses during the zoning revision process. Documenting these uses may reveal a common development pattern not recognized in the current zoning ordinance and not accounted for in the more general land-use categories of the plan. For example, in many older cities residential neighborhoods routinely contained corner stores. However, ordinances adopted 20 or 30 years ago often made these uses nonconforming with the goal of preserving residential character. Now that a growing number of municipalities recognize the value of mixed use development at a variety of scales, corner stores are often seen as a valuable component of predominantly residential neighborhoods. If, during the mapping process, it is discovered that certain areas have a significant number of nonconforming corner stores, it is a signal that the zoning text should be reevaluated to allow them as special uses or that a special district may need to be drafted to address them.

It is important to keep in mind that zoning occurs in the realm of current development realities and property rights. While a future land-use plan typically projects a vision forward 20 years, zoning has to deal with current conditions on the ground. Therefore, unless consistency is required by city charter or state statute, most zoning maps are not carbon copies of a future land-use map, and zoning changes to align with such plan are undertaken incrementally.

WHERE DO YOU DRAW THE LINES?

As a municipality undertakes a rezoning, it is important to keep in mind where district boundaries are drawn. As a basic rule, district boundary lines should be drawn along existing streets and lot lines. This prevents split-lot zoning, where one lot is given two zoning designations.

However, even with a future land-use plan as a guide, drawing the boundaries between districts can be complicated. For example, a future land-use plan will designate a corridor as commercial but typically

does not make this designation on a parcel-by-parcel basis but rather as a broad stroke of red along a commercial street. Pedestrian-oriented commercial corridors often abut lower-density residential districts. If a municipality is lucky enough to have alleys, these are natural boundary lines between districts. However, many municipalities have not developed with alleys, so drawing the boundary becomes trickier. In this example, there are two concerns that must be balanced. First, sufficient land area must be remapped to encourage commercial development. Typically, for commercial development, some zoning in depth is required, which may require rezoning residential lots located behind the commercial lots that front the corridor. Therefore, a prime consideration in mapping is determining if and where commercial zoning should intrude upon established residential zoning patterns.

This brings up the second concern: if the reduction of residential zoning may result in nonconformities when existing residential areas are placed within a commercial district. Specific site analysis will need to be undertaken to determine which replacement zone works best for areas that are currently zoned residential but need to change to accommodate the implementation of this land-use policy. The result may be a new district that allows both commercial and residential uses.

Similarly, with many municipalities becoming more comfortable with form-based code techniques, regulating plans have become a common part of ordinances. Often, these regulating plans designate various controls, such as height or use, by street frontage. These designations should cover the entire lot, especially on corner lots. Again, this is to prevent layering contradictory controls on the same lot.

I THOUGHT THE TEXT WAS DONE?

Going back and revising text once mapping has started is not uncommon. The mapping process is just another way to test the drafted districts and often you will find that the text needs further tweaking to make the districts work realistically. Other times, you may discover that some of the districts that have been retained are no longer needed. Because of this, there are often numerous iterations of both the zoning map and text. It is important to remember to continue to show the public the reasoning behind the changes between the drafts of the text and map so that they can follow the logic behind the revisions.

THE END RESULT

A comprehensive zoning map revision is no easy task. It requires balancing a number of factors that include addressing current development patterns, implementing goals for future redevelopment, and maintaining sensitivity to the concerns of property owners. However, by moving forward in a transparent fashion that lays out the reasons for changes, remains consistent in the application of guiding principles, and is flexible enough to accommodate new findings during analysis, this balance can be achieved. In the end, striking this balance will result in a new zoning ordinance and map that create a predictable development environment for property owners across the city.

Communities must consider a host of factors when remapping, including existing land uses, approved development, comprehensive plan policies, the future land-use map, existing zoning districts, and proposed new districts. Jo Evans; cover design by Lisa Barton.

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HOW DOES YOUR COMMUNITY
PUT ZONING ON THE MAP?

12

