

The background is a solid blue color with several realistic water droplets of various sizes scattered across the surface. The droplets have highlights and shadows, giving them a three-dimensional appearance. They are concentrated more towards the top and bottom edges, with a few smaller ones in the center.

ZONING CHALLENGES

(aka: FUN WITH ZONING)

ROCKY MOUNTAIN LAND USE INSTITUTE 2020

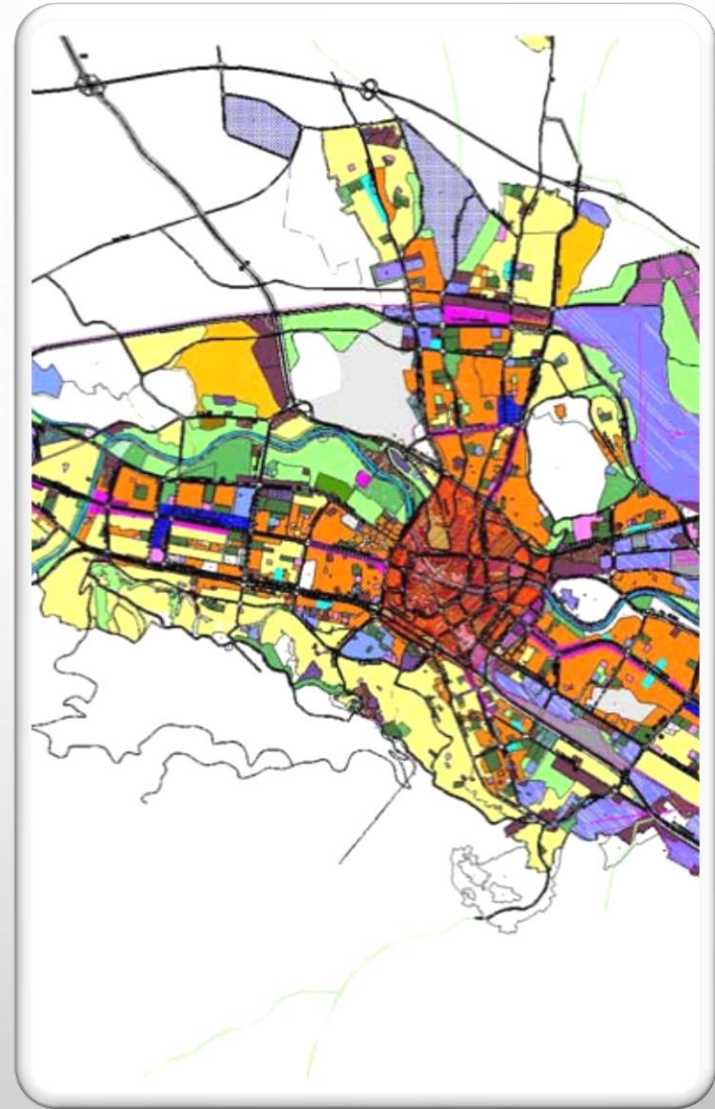
WHAT IS ZONING ?

The classification of land according to restrictions placed on its use and development.

Zoning is the process of dividing land in a certain jurisdiction into zones (e.g. residential, industrial) in which certain land uses are permitted or prohibited. In addition, the sizes, bulk, and placement of buildings may be regulated.

The type of zone determines whether planning permission for a given development is granted.

Zoning may specify a variety of outright and conditional uses of land.



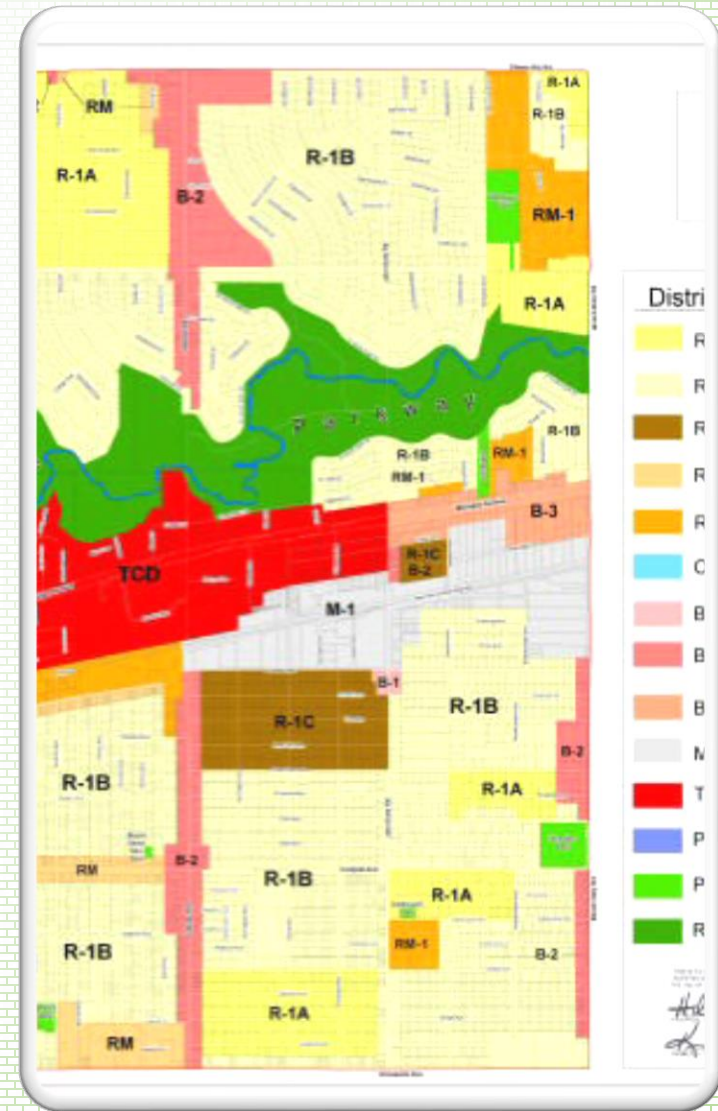
WHY ZONING ?

Zoning laws help local agencies plan the physical development and use of real property in the entire jurisdiction. Zoning preserves property values and makes areas better places to live.

Localities typically divide their jurisdictions into segments called “zones” on which particular types of use are permitted (ie: residential, commercial and industrial).

Without zoning laws, a business might be able to purchase a parcel next to a home and build an incompatible structure which the owner operates at all hours of the day and night.

Zoning laws also regulate the density allowed on a property, the intensity of use, number of parking spaces, fencing, setback requirements, signage, landscaping ... etc.



HOW TO CHANGE ZONING

A property owner may request a change in the zoning of the real property by submitting an application with the local zoning board.

A variance request to deviate from the current zoning would allow the property owner to use the land in a manner ordinarily not permitted by the current zoning ordinance.

A variance is not a change of the property's zoning, but it is a waiver of a certain zoning requirement.

Notice to nearby property owners for the change and/or public hearings may be required to obtain feedback from the community.



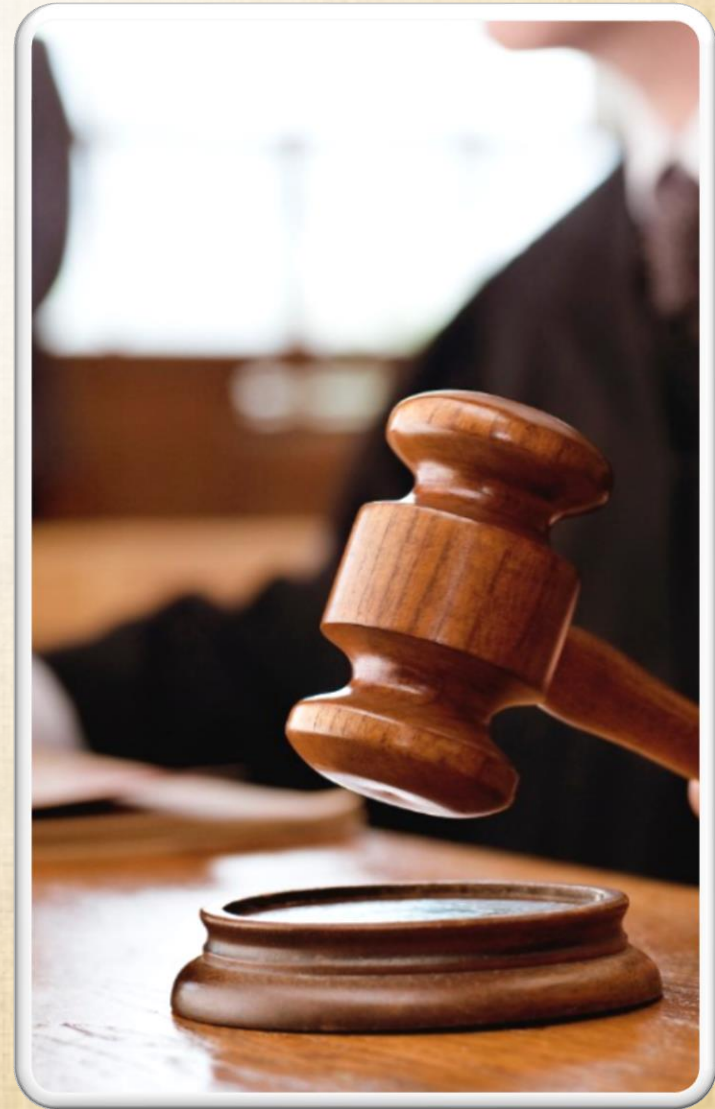
CONSEQUENCES OF ZONING VIOLATIONS

Violating zoning laws can result in civil penalties and may require the removal of the illegal structure or addition at a significant cost.

A criminal proceeding may impose fines or even imprisonment.

The local zoning agency may refuse to issue future permits to the offender.

The owner may be forced to sell the property for less than its fair market value or it may not sell at all if a possible buyer is not assured the property will conform to existing zoning laws.



THE SUBDIVISION PROCESS

A subdivision is a parcel of land divided from a larger area.

Its purpose is to split a large tract of land into smaller ones that are easier to develop and can be developed independently of one another to increase growth and maximize the use of space.

This tool also speeds up the zoning process and selling off of the land, resulting in a fully completed area, though one that is divided into various smaller areas.



INCLUSIONARY ZONING

Inclusionary zoning (IZ), also known as inclusionary housing refers to municipal and county planning ordinances that require a given share of new construction to be affordable to people with low to moderate incomes.

These ordinances seek to counter exclusionary zoning practices, which aim to exclude low-cost housing from a jurisdiction through the zoning code.

Can be voluntary, but most are mandatory and require developers to include a certain number of affordable units in their developments.

Can impose set-aside requirements, affordability levels and period of control.

Developers are awarded with incentives for engaging in these programs, such as density bonus, expedited approval and fee waivers.



ZONING LETTERS

Required by funders of a housing project in order to close funding.

States the zoning designation (ie: mixed use, residential, multi-family).

Describes the permitted use, requirements for density, number of units, parking spaces, setback ... etc.

States if the use conforms to the jurisdiction requirements, any zoning violations, any non-conforming uses of the property, any build-back restrictions.



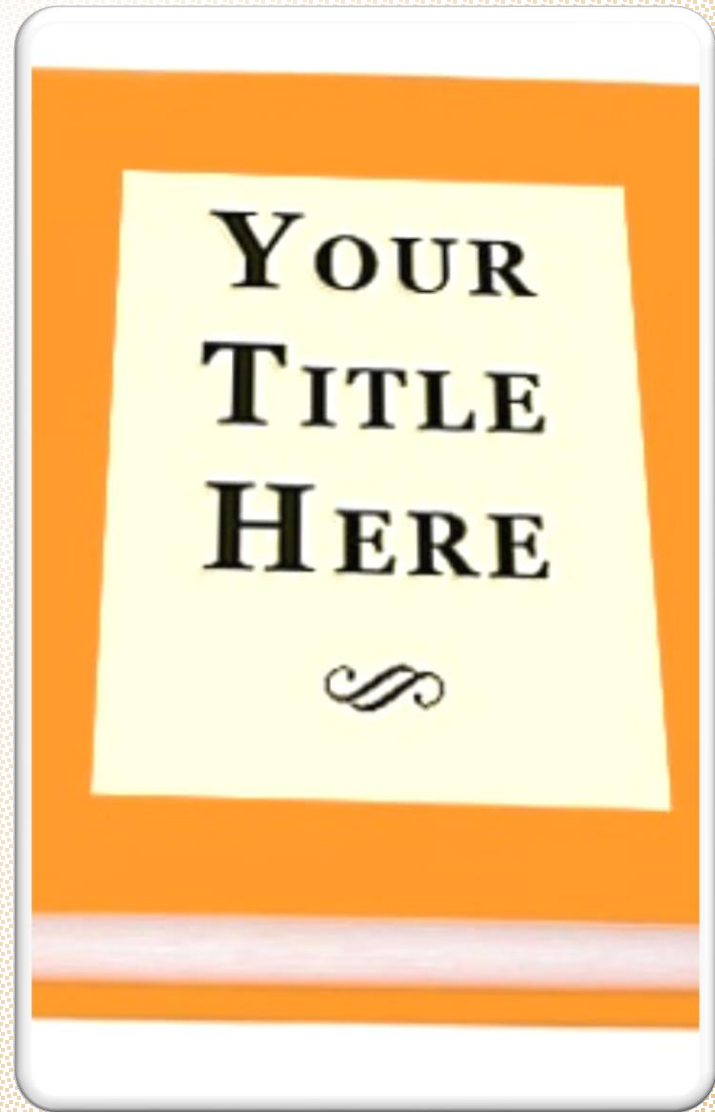
ZONING ENDORSEMENTS

Funders require title companies to provide title endorsements to the title policy prior to closing.

Used primarily for vacant land before construction commences.

Informs the insured of the zoning classification applicable to the land and the uses permitted by that zoning classification.

Insures against loss or damage that may be sustained by reason of inaccuracy in the information supplied or by reason of a final judicial determination invalidating the zoning ordinance.



ZONING CHALLENGES

War Stories





QUESTIONS ????????

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