



# **Let's Make A Deal Zoning**

Friday, March 4, 2011 2:30-3:45 pm

# *The Old Guys' Diner*



# *Your diner guys*



Orlando **“Meatloaf and Potatoes”** Delogu

Ed **“Chicken Fried Steak”** Ziegler

Dwight **“Side of Fries with Gravy”** Merriam

**Is it right and good to turn zoning  
into a deal-making process?**

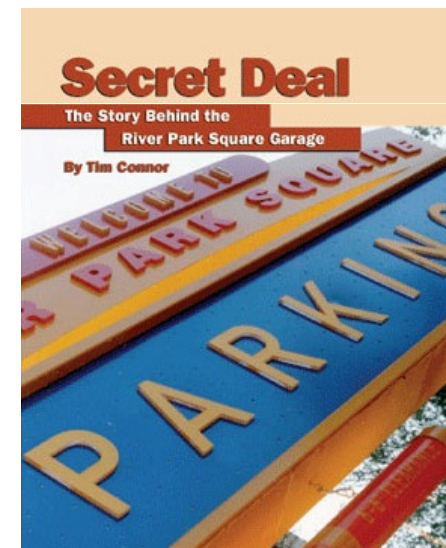
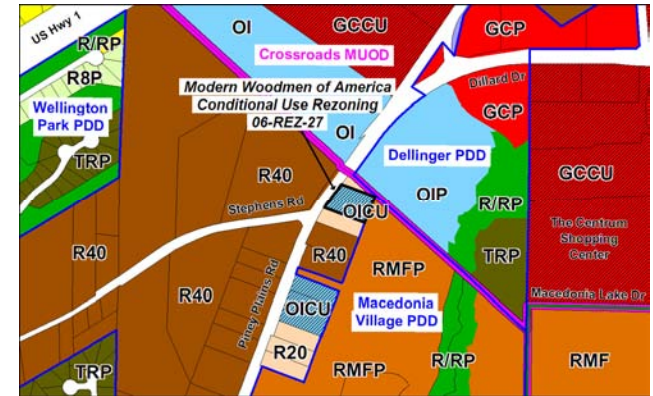


# Ed “Chicken Fried Steak” Ziegler



**An Overview:  
Zoning Discretion, Conditions  
and Negotiated Decisions**

1. Zoning approval with conditions
2. Rezoning with conditions
3. Conditional rezoning
4. Illegal contract zoning
5. City/developer agreements
6. Developer/private party agreements
7. Developer/public agency agreements
8. Annexation agreements





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**Delogu**



**Contract Zoning Case Law**

# ***Church v. Town of Islip*** **(N.Y. 1960)**





# ***Sylvania Electric Products Inc. v. City of Newton, (Mass. 1962)***



# ***Chrismon v. Guilford County,*** **(NC 1988)**







Are there— should there be, any articulated state or local legislative policies, general rules as to when, where, under what circumstances contract zoning may be used?





**Yes.**

What is the appropriate role of the municipal legislative body vis-a-vis the planning board in dealing with a contract zoning proposal?



**It depends.**

Can should elected city officials,  
a planning board, negotiate with  
developers as to the scope  
of, and/or the conditions that  
might attach to, a contract zoning  
proposal?





**Yes, with care.**

Are there, should there be  
some meaningful standards that  
alert a reasonably intelligent  
developer to the criteria by which  
his contract zoning proposal  
will be judged?



**Yes and no.**

Is there any way to insure that contract zoning proposals will be dealt with in a fair, an even handed way?





**No.**

# Some final notes...



**Dwight**  
**“Side of Fries with Gravy”**  
**Merriam**



**Where does this leave us?**



# *The Old Guys' Diner*

...is open for your comments,  
questions and comfort food for  
thought...