

GLASGOW ZONING PROJECT WORKING GROUP AGENDA

TOWN OF GLASGOW

August 25, 2023

7:00 p.m.

Introductions and Welcome - Those in attendance included Tracy Dillon, Barbara Hughes, Cheryl Thomas, Jay Ward, Marty Blankenship, John Alderson, Mike Szerokman and Susan Ward. Amanda Holmes was absent.

Presentation of Handout on Zoning Concepts - The group discussed the details related to what zoning actually is and how it works. (See attached handout.) The group also discussed the creation of a zoning map and the writing of the ordinance.

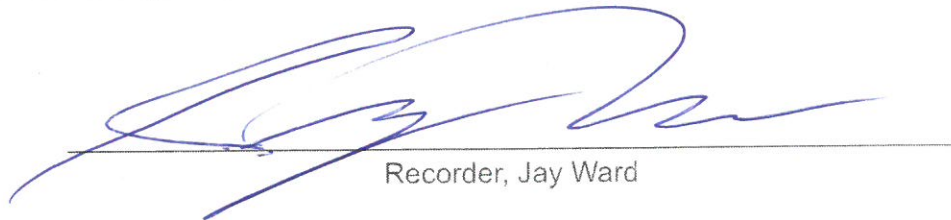
Project Timeline - The group reviewed the following project timeline:

Phase 1 - Data collection

Phase 2 - Draft ordinance

Phase 3 - Final ordinance map

Discussion About Phase 1/Data Collection - The first 30 day phase will be used to gather data to create a framework for the zoning ordinance. Sources such as maps and deeds may be gathered from Glasgow Town Hall or from the state archives.



Recorder, Jay Ward

What is Zoning?

Zoning, in the simplest of terms, is the regulation of the *usage of land*. Zoning ordinances set forth regulations about *where* different types of land development can take place and *how* that usage is conducted with secondary regulations. Zoning regulations reduce the impact of land use that may not be in the best interests of the people, generally including such things as: protecting the value and enjoyment of properties by separating incompatible land uses and minimizing their potentially dangerous impacts upon each other and protecting the value and enjoyment of properties by allowing a property the most appropriate land use given its location and surrounding usages. The ordinance will help a community to ensure that land development takes place in a manner that helps to boost the town's vision for residential and commercial development and growth without sacrificing a community's standard of living, safety, welfare or the character of the community. A simple example would be: A developer wishes to construct a 24-hour convenience store with gas pumps on an undeveloped lot within a residential neighborhood. This would be a prohibited use within an area zoned residential. Light, noise and traffic would disrupt households, affect parking and roadways and present a hazardous materials danger to residential homes. This type of usage would be better suited to an area which is predominantly commercial and/or industrial and has access from a main roadway where emergency responders as well as customers, could easily access the business.

How Zoning Works:

To accomplish this compatibility of uses, zoning regulations divides the town into different districts, citing allowed uses in each and creates laws regulating these uses. Because in general laws recognize that life is not black and white, zoning laws also provide flexibility for inevitable changes and also for inevitable special circumstances.

A zoning ordinance consists of two parts: a map (or series of maps) and text. The zoning map shows how the community is divided into different use districts or zones. Zoning districts common to most ordinances include residential, commercial or business and industrial. The zoning map must show precise boundaries for each district. Consequently, most zoning maps rely on street, alleyway or property lines as district boundaries.

The zoning text serves two important functions. First, it explains the zoning rules that apply in each zoning district. These rules typically establish a list of land uses permitted in each district plus a series of specific standards governing lot size, building height, and required yard and setback provisions. Second, the text sets forth a series of procedures for administering and applying the zoning ordinance. In most cases, the text is divided according to "sections" (or "articles") for ease of reference. Most zoning ordinances include the following:

1. Title, Authority and Purpose. This section identifies the specific state enabling provision which empowers the locality to adopt zoning. It also spells out, in a "statement of purposes," the community's reasons for adopting the ordinance. The statement of purposes links the rules and regulations listed in the ordinance to the community's values and goals. Some examples of purposes most commonly cited in zoning ordinances are orderly development, prevention of urban sprawl, and protection of the health, safety and welfare of the community through land regulation.

2. General Provisions. Topics covered in this section usually include definitions of terms used in the ordinance, and a description of the geographic or jurisdictional reach of the zoning ordinance.

Definitions are especially important because the general public, as well as the courts, must be able to attach specific meaning to the words and concepts appearing in the ordinance. With respect to jurisdictional reach, zoning ordinances will typically apply to the territory contained within the political subdivision; meaning the city, county, town, township, or village.

3. Zoning Districts and Regulations. This section of the ordinance is arguably the most important since it lists and defines each zoning district - the concept of districts stands at the core of zoning. Most zoning ordinances will include - at a minimum - residential, commercial/business and industrial districts.

Residential districts, in turn, are often broken down further into zones for single-family and multi-family dwellings of varying density. Similar distinctions, based on intensity of use, are also often found in business and industrial districts (e.g., light industry versus heavy industry). A number of factors are used to determine the best uses of land within a particular zone besides density, such as: utility infrastructure, availability of parking, lot or parcel sizes, roadway types and existing preponderance of current usage. Public safety is another factor taken into consideration. Side setback requirements, for example, often take into account fire safety. Having minimum side setback requirements reducing exposure to neighboring dwellings when there is a fire and ensures there is room for firefighting personnel and equipment to operate between structures. Set backs also help ensure green space to soak up ground water or run-off from roofs and allow access for utility infrastructure.

Other common types of zoning districts are agricultural, conservation, and institutional. Many communities have also crafted a wide variety of "mixed use" districts, allowing blends of uses in some parts of the community. Many zoning ordinances include one or more special purpose zones addressing flood hazard areas, historic properties, and other specialized uses. These special zones are often applied as "overlays" -that is, those geographic areas subject to overlay zones are also within an "underlying" zoning district. For example, a property within a residential zone might also be located within a flood hazard zone. This property would be subject to the regulation of both the underlying zone (in this case, residential) and the overlay zone (flood hazard).

In addition to listing and defining zoning districts, this section of the zoning ordinance sets out rules for the use of land in each district. Most basic is the list of permitted versus special or conditional uses. If a use is deemed permitted (commonly referred to as a "by-right" or "matter-of-right" use), it need only meet the ordinance's dimensional requirements (as described below) and any other "impact standards" (such as parking, landscaping, and signage standards) to secure a zoning permit. An example of this type of special or conditional use would be a home occupation business, in a residential zone, where the homeowner conducts professional consultations via internet and phone.

Other uses may be allowed within a district provided they are granted a special or conditional use permit. The terms special exception, special use, and conditional use permit generally have the same meaning. The zoning ordinance will set out the standards which must be met for granting such a permit. Finally, this section of the zoning ordinance includes, for each zoning district, basic development requirements. These primarily involve dimensional standards for setbacks and side yards, minimum lot sizes and building heights. For example, in a single-family dwelling zone, a 5-story apartment building would not be a permitted use; it would be incongruent with the surrounding development, create a substantial increase in traffic or cause great impact to on street parking.

4. **Nonconforming Uses, Structures, and Parcels.** When a zoning ordinance is adopted some existing uses, structures, and parcels may not comply with the regulations of the zoning district in which they are located. These uses, structures, or parcels are then classified as "nonconforming." While they are typically permitted to continue, their future expansion, reconstruction, or conversion is regulated by provisions set out in this section of the zoning ordinance. Adopting a zoning ordinance does not mean that it will be applied retroactively and that all current properties and their current usage will be required to conform upon adoption of the ordinance.

5. **Impact Regulations.** Many zoning ordinances include a separate section (or sections) setting out a variety of "impact" regulations or standards. These might include, for example, parking standards, sign regulations, landscape requirements, urban design criteria, historic preservation standards, and various environmental criteria (such as requirements for tree plantings in new developments).

6. **Administration and Enforcement.** This section of the zoning ordinance spells out the duties of those involved in administering the ordinance; the zoning administrator, the governing body, the planning commission, and the board of zoning appeals or board of adjustment. Procedures to be followed when amending the zoning ordinance, as well as standards for assessing penalties and fines for zoning violators, are also included in this section. A Planning Commission is a regulatory body which conducts studies, sometimes holds public hearings and then reports findings or makes recommendations to a governing body who will then take final action. A Board of Zoning Adjustment is a quasi-judicial body, which allows land owners to present a case for a final decision when they feel that the zoning code has been incorrectly interpreted and applied to a project on their property.

7. **Zoning Ordinance and Building Code.** These two codes often work in tandem with each other, but do not regulate the same activities. If a new structure is going to be built on undeveloped land, that project must first be examined to determine if it meets the requirements for land zone in that zone, as well as any supplemental regulations (like parking). The Building Code concerns itself with the *actual construction* of the dwelling or structure. If your community has both types of ordinances, it is important that your zoning officer and code official work together and have a process to review and approve projects.

PHASE I

DATA COLLECTION

In the first 30 day phase, data will be collected from various sources. This data will be used to create a framework for the zoning ordinance. This will allow our team to create a land-use study which will identify the community's strengths, weaknesses, opportunities and unique characteristics regarding current land use, future land use and best practices for development and growth. The data, documents, maps and records to be collected will include, but not be limited to:

- Assessors' Tax Maps: These will be used to help identify the corporate boundaries, roadways, rights-of-way and common parcel sizes.
- Identify common set-backs.
- FIRM maps: These will be used to identify floodplain areas, floodways and tributaries.
- Census & EDA data: To identify population demographics, housing, commercial and economic data.
- Identify areas or structures of historical significance, archaeological significance and wetlands (if any).
- Identify government/public structures and land.
- Identify any brownfield sites or EPA superfund sites.
- Various other Town records, as listed in a separate document (if available)

Using the collected data and the resulting study, construct a basic framework of zoning areas on a map. Construct a basic written framework in outline style, for a zoning code. This map and outline would include any special or overlay districts, set back requirements, supplemental regulations such as signage, parking requirements as well as accessory structures. At the end of the first 30-day phase, meet with the contact group and present this information for discussion.

PHASE II

DRAFT ORDINANCE

After meeting with the contact group and presenting findings and suggested outline for the construction of the ordinance, begin construction of a draft ordinance. This draft outline will include the normal sections of code necessary, such as: administration, creation of planning commission, illustrations, etc. A draft zoning map should be presented.

At the end of the second 30-day phase, meet with the contact group to present the draft ordinance. Make any adjustments or changes as suggested by the City.

PHASE III

FINAL ORDINANCE AND MAP

Complete a final ordinance to be printed. Include finalized drawings/illustrations and zoning map.

At the end of the third 30-day phase, present the final product for the adoption process. Copies for all government officials and council members to review will be provided.