

# Zoning 101

Presented by: The Peaks Island Council

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## Historical View of Zoning

Originally used as a permitting system to prevent new development from harming existing residents or businesses or to segregate uses that were thought to be incompatible. It has evolved into more of encouraging goals such as transit oriented development, pedestrian-friendly commercial corridors and preservation of the historic fabric of neighborhoods.

What it includes:

- acceptable activities
- acceptable densities of these activities
  - low density such as single family homes
  - high density such as high rise apartment buildings
- the height of buildings
- the amount of space structures may occupy
- The location of a structure on the lot – setbacks
- proportions of type of space (landscaped versus paved)
- how much parking must be provided

## Types of Zoning

Euclidean Zoning (named after the town of Euclid, Ohio where it was adopted)

- by far the most prevalent form of zoning in use today
- known as the “Building Block” zoning
- characterized by the segregation of land uses into specified geographical districts stipulating limitations on allowed development activity within the districts
  - favored due to its effectiveness, ease of use, long-established legal precedent and familiar to planners and design professionals
  - criticized for its lack of flexibility and institutionalization of perceived outdated planning theory

Performance Zoning –also known as “Effects-based planning”

- uses performance-based or goal-oriented criteria to establish review parameters for proposed development projects in any area of a municipality.
- appeal lies in its high level of flexibility, rationality, transparency and accountability. Can avoid the arbitrary nature of the Euclidian approach and better accommodate market principals and private property rights with environmental practice

-can be very difficult to implement and requires a high level of discretionary activity on the part of the supervising authority

### Incentive Zoning

-intended to provide a reward based system to encourage development that meets established urban development goals

-a base level of limitations on development would be outlined and a lengthy list of incentive criteria would be established for developers to follow or not based on an incentive points type system

-allows for a high degree of flexibility but can be very complex to administer

### Form-based Zoning

-relies on rules applied to development sites according to both proscribed form and potentially discretionary criteria such as lot size, location, proximity and other various site and use-specific characteristics.

-Louisville, KY adopted this form in 2003 with each form district intending to recognize that some areas of the city are more suburban in nature while others are more urban. Setbacks, heights and design features vary according to the form district.

### Overall Goal of any Zoning Type

-bring order out of potential chaos

-allow strategic community planning for development to occur in an orderly manner

### Three Major Zones of Peaks Island

-I-B Island Business Zone

-IR-1 Island Residential Zone

-IR-2 Island Residential Zone

### Purposes of each Major Zone

-I-B Island Business Zone: Purpose is to provide limited areas on the islands for retail and service establishments that serve primarily the needs of the local island market area.

-IR-1 Island Residential Zone: Purpose is to provide for low intensity residential, recreational and rural uses in the less developed areas of the island in order to preserve the rustic character of the island, to protect

groundwater resources and natural and scenic areas, and to permit only appropriate low intensity development in areas lacking adequate public facilities and services. In short, low density, low intensity zone for the undeveloped portion of the island.

-IR-2 Island Residential Zone: Purpose is to protect the character of existing developed residential neighborhoods on the islands and to allow infill where there are adequate public services available (such as water and sewer). In short, moderate density, low intensity zone for the existing developed portion of the island.

### What Permitted Uses are allowed in each major Zone?

-I-B Island Business Zone permits single-family detached dwellings, retail or service establishments (excluding service stations and inns), marinas and yacht clubs, lodging houses with more than 2 but not more than 9 lodging rooms, wharves, piers, docks or landing ramps, off-street parking, handicapped family units for handicapped persons plus staff, bed and breakfast subject to a site plan and studios for artists and craftspeople up to 1,000 square feet.

-IR-1 Island Residential Zone permits single-family detached dwellings, planned residential unit development on 5 acres of contiguous land not to exceed one dwelling unit per 40,000 square feet (one acre) subject to review and approval by the Planning Board, agriculture, boat houses and store houses for fishing equipment, parking and storage of equipment for agriculture or commercial fishing and handicapped family units for handicapped persons plus staff

-IR-2 Island Residential Zone permits single-family detached dwellings, planned residential unit development on 5 acres of contiguous land not to exceed one dwelling unit per 20,000 square feet (one-half acre) subject to review and approval by the Planning Board, boat houses and store houses for fishing equipment, parking and storage of equipment for commercial fishing and handicapped family units for handicapped persons plus staff.

## What are the Minimum lot sizes in each Zone?

### -I-B Island Business Zone

- 20,000 square feet for residential lots
- 20,000 square feet for retail or service establishments unless served by public water and sewer where no minimum lot size is required
- 20,000 square feet for restaurants and drinking establishments and 10,000 square feet if served by public water and sewer
- 20,000 square feet for schools, churches and private clubs
- 30,000 square feet for lodging houses with 3 rooms plus 10,000 square feet for each additional room unless served by public water and sewer ( then, 5,000 square feet for 3 rooms plus 5,000 square feet for each additional room)
- 10,000 square feet for each room in an inn or bed and breakfast unless served by public water and sewer (then, 5,000 square feet for 3 guest rooms plus 5,000 square feet for each additional room)
- 20,000 square feet for municipal uses
- 20,000 square feet for automobile service stations

### -IR-1 Island Residential Zone

- 40,000 square feet for lots with public water and 60,000 square feet for lots without public water for residential
- 40,000 square feet for schools, churches, private clubs, fraternal organizations
- 10 acres for seasonal camps and campgrounds
- 3 acres for animal raising

### -IR-2 Island Residential Zone

- 20,000 square feet for residential
- 20,000 square feet for schools, churches, private clubs, fraternal organizations
- 30,000 square feet for 3 lodging rooms plus 10,000 square feet for each additional lodging room

## What are the minimum dimensions in each Zone?

### -I-B Island Business Zone

- Minimum street frontage is 40 feet
- Front yard setback is 20 feet
- Rear yard setback is 10 feet
- Side yard setback is 10 feet
- Structure can cover no more than 50% of the lot area
- Minimum lot width is 40 feet
- Maximum height of the structure is 35 feet

### -IR-1 Island Residential Zone

- Generally, minimum street frontage is 100 feet
- Front yard setback is 30 feet
- Rear yard setback is 30 feet
- Side yard setback is 20 feet
- Structure can cover no more than 20% of the lot area
- Minimum lot width is 100 feet
- Maximum height of the structure is 35 feet

### -IR-2 Island Residential Zone

- Generally, minimum street frontage is 70 feet
- Front yard setback is generally 25 feet
- Rear yard setback is 25 feet
- Side yard setback is 20 feet
- Structure can cover no more than 20% of the lot area
- Minimum lot width is 80 feet
- Maximum height of the structure is 35 feet

### Current actions in Portland with Small Lot and Infill Zoning Amendments

-Beginning in 2006, the Housing Committee recommended amending the R-5 zone to encourage infill development on small lots on neighborhoods not on the peninsula. This included East Deering, Libbytown, Oakdale, Deering Center and Rosemont. The proposed changes rose from the Housing Section of the 2002 Comprehensive Plan

#### -Proposed amendments:

-maintain the compact development pattern of established neighborhoods by encouraging single family home development on small vacant lots in the R-5 zone (reduce lot size requirement from 6,000 to 4,000 square feet) Potentially could add 1,206 new homes to the neighborhoods

-reduce the parking requirement from 2 spaces to 1 space per dwelling

-promote the character of established neighborhoods by requiring quality residential design (new homes subject to site plan review)

-encourage accessory units in existing homes on small lots and carriage houses.

-encourage multiplex housing at higher densities (reduce the land area required per unit from 6,000 square feet to 3,000 square feet)

-Public Input at four meetings to date from 3/31/08 through 5/27/08

-In general, a high degree of concern and opposition was reflected in the majority of comments on the following areas:

-Increasing density in general

-Proposed change to the parking standard to allow less parking

-Increase in the multiplex density in particular

-Accessory units, carriage houses and requests for third dwelling units

-Compatibility with the neighborhood and design standards

-Why this initiative is coming forward, at whose request, and to further what policies of the comprehensive plan

#### What's next with these proposed changes?

-Possible refinement by the Housing Committee and eventually a recommendation for action by the City Council to implement or not

Sources of Information contained in this presentation

Wikipedia.Com for general zoning information

Portland's Land Use Code (Zoning Code) can be found at:

<http://www.portlandmaine.gov/chator014.pdf>

Island Business Zone I-B is from page 255 to 263

Island Residential Zone IR-1 is from page 154 to 165

Island Residential Zone IR-2 is from page 165 to 177

Portland's Housing Study of 11/18/02: Sustaining Portland's Future can be found at: <http://www.ci.portland.me.us/planning/housingplan.pdf>

A full copy of this material is on the Peaks Island Council's website at:

[http://www.peakislandcouncil.info/Local\\_News/Local\\_News.html](http://www.peakislandcouncil.info/Local_News/Local_News.html)