

Overlay Zones and When To Use Them



A Planning Implementation Tool


Overlay Zoning

- Overlay zoning is a regulatory tool that is used to create a special zoning “layer”, which is placed over an existing base zoning district. This layer identifies special provisions in addition to those in the underlying base zone.
- Overlay zoning may cover one, or more, zoning districts.
- Overlay zoning may provide additional regulations or incentives within a zoning district to protect resources or guide development within a special area.

Overlay Zoning

- Does not require the “rewriting” of your municipal code.
- Any governmental subdivision with the power to create zoning districts can create an overlay district.

Overlay Zoning

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- Three basic steps to creating an overlay district:
 1. Define the purpose
 2. Identify the area(s)
 3. Develop specific rules

Overlay Zoning

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Types of Overlay Zones

- Typically 3 categories:
 - Transportation
 - Environmentally-sensitive areas
 - Special development areas


Transportation Overlay Zoning

- Access management
- Development or redevelopment corridor
- Rail heritage corridor
- Airport/ aircraft landing area
- Light rail transit corridor
- Main Street corridor


Environmentally Sensitive Areas (“E Zones”)

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- Historic preservation—site, area, downtown
 - Scenic corridors--Vistas
 - Floodplains—Wetlands--Biological areas
 - Erosion areas
 - Woodlands
 - Natural/cultural area
 - Steep slopes/mountain ridges/hillside development

Environmentally Sensitive Areas (Continued)

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- Waterfronts/beach areas
 - Aquifer recharge areas, watersheds, source water areas
 - Agricultural areas
 - Fire zones
 - Small farms
 - Parks/recreation area
 - Greenways—Rivers--Streams

Special Development Areas

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- Commercial corridor redevelopment
 - Industrial area redevelopment
 - Transition area (between key land use areas)
 - Buffer areas
 - Conversion of SF homes to MF homes
 - Building reuse area


Special Development Areas (Continued)

- Urban village--mixed use area
- Planned Unit Development (PUD)
- Unique neighborhoods
- Traditional Neighborhood Development (TND) area
- Downtown residential enclaves
- Areas encouraging higher or lower housing densities
- "Modern" neighborhood

Special Development Areas (Continued)

- Alternative design areas focusing on in-fill development
- Design review area
- Interim study area
- Special incentive areas
- Adult facilities area
- Temporary vending areas
(for festivals, carnivals, fairs, etc.)
- Master sign program area

Purpose – Intent – Common Requirements

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- Provide a simple zoning text and map mechanism for consistent and coordinated treatment of land uses in a specific area or along a specific corridor.
 - Implement a specific vision or plan for an area.
 - Develop and enforce specific requirements to achieve the vision or plan.

Purpose – Intent – Common Requirements

- Preserve and revitalize existing and/or historic neighborhoods
- Promote adaptive re-use of historic structures
- Protect areas from adverse impact
- Maintain compatibility
- Control or encourage demolition
- Require a minimum number of acres in a development

Purpose – Intent – Common Requirements

- Develop/enforce design standards to address:
 - Color, roof types, building materials & orientation, rooflines, building heights, finished grade lines, ornamentation, a specific architectural theme
 - Underground wiring
 - Certain lighting standards
 - Scale of the built environment
 - Design and location of fences
 - Signage

Purpose – Intent – Common Requirements

- Control setbacks, lot widths, area, building heights
- Require buffers/ open space and specify plant materials
- Control outside storage building design and screening of objectionable areas
- Require maintenance standards
- Promote or require membership in an association

Purpose – Intent – Common Requirements

- Address number of stories in buildings
- Encourage use of first floors as retail in downtowns
- Encourage appropriate façade designs
- Discourage long, flat storefronts
- Regulate overhead door locations
- Encourage pedestrian connections between buildings

Purpose – Intent – Common Requirements

- Implement a major planning initiative
- Encourage development as a single project
- Promote innovative site design, such as:
clustering, zero lot lines, mixed uses, green design
- Institute performance standards
- Facilitate rezoning and guide redevelopment

Purpose – Intent – Common Requirements

- Work with comprehensive or master plan
- Streamline development review/ Add site plan review
- Provide flexibility for development and/or housing types
- Promote increased or decreased densities

Purpose – Intent – Common Requirements

- Preserve continuous corridor for transit, trails, green space, vistas, etc.
- Encourage pedestrian environment and circulation
- Promote interconnected streets and small urban blocks
- Encourage shared parking
- Promote use of public transit and alternative modes of transportation
- Control off-street loading

Purpose – Intent – Common Requirements

Implement access management strategies to:

- Improve traffic flow & reduce accidents
- Reduce congestion and delays
- Maintain highway capacity
- Require access/service roads, medians
- Create gateways

Purpose – Intent – Common Requirements

- Require a Traffic Impact Study
- Require landscaping islands & landscaping in parking lots
- Control parking in front yards
- Control access to properties and driveway spacing
- Encourage pedestrian connectors, paved walkways, bikepaths
- Encourage entranceway design

Purpose – Intent – Common Requirements

- Improve water quality by protecting wellheads, streams
- Control storm water/ require retention /control impervious surfaces
- Protect vistas for the general public
- Control use of septic tanks
- Regulate noise
- Regulate areas for hazardous/toxic storage

Purpose – Intent – Common Requirements

- An alternative to rewriting the entire zoning code
- Maintain property values
- Modify/Change permitted and conditional land uses (may not be applicable to townships)
- Identify specific land uses to be excluded

Popular Examples of Excluded Uses

- Sexually-oriented businesses
- Massage parlors that are not properly licensed

Popular Examples of Excluded Uses

- Auto / tire repair garages
- Auto wrecking yards
- Used car sales (when not with new car sales)
- Truck terminals

Popular Examples of Excluded Uses

- Self-service, boat and other outside storage
- Mobile home park, sales
- Recreational vehicle sales
- Farm equipment sales

Popular Examples of Excluded Uses

- Nuisance businesses
- Kennels
- Landfills
- Contractor yards
- Electric/telecommunication facilities

Popular Examples of Excluded Uses

- Auction and flea markets
- Billiard parlors
- Drive-in theaters
- Pawn shops
- Check cashing/short-term loan companies

Popular Examples of Excluded Uses

- Amusement parks/ fairgrounds
- Pole signs/ roof signs, off-premise signs
- Billboards
- Motels with outside entrances
- Certain types of (or all) residential uses

The Process:

- Zoning permit initiates process
- Architectural Review Committee for design standards
- Pre-application conference
- Concept Plan (maps and narrative)
- Development plan (within 1 year)
- Approval of development plan
- Building permits

Alternatives to Overlay Zones:

- Enhance/update existing zoning regulations
- Rezone to a more suitable zoning district
- Create a new zoning district
- Provide flexibility thru a PUD

2010 NE Ohio Planning & Zoning Workshop

Overlay Zoning

Montville Township, Medina County – Controlled Density Development
1992



R-1 Base Zoning
2-Acre Lots, 2.0AC/DU
No open Space Req'd.
563 AC = 281 Lots
CDD = 0.8 AC/DU
563 AC = 451 DU's
35% Open Space Req'd.

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Overlay Zoning

Riparian Corridor & Slope Setback Overlay

