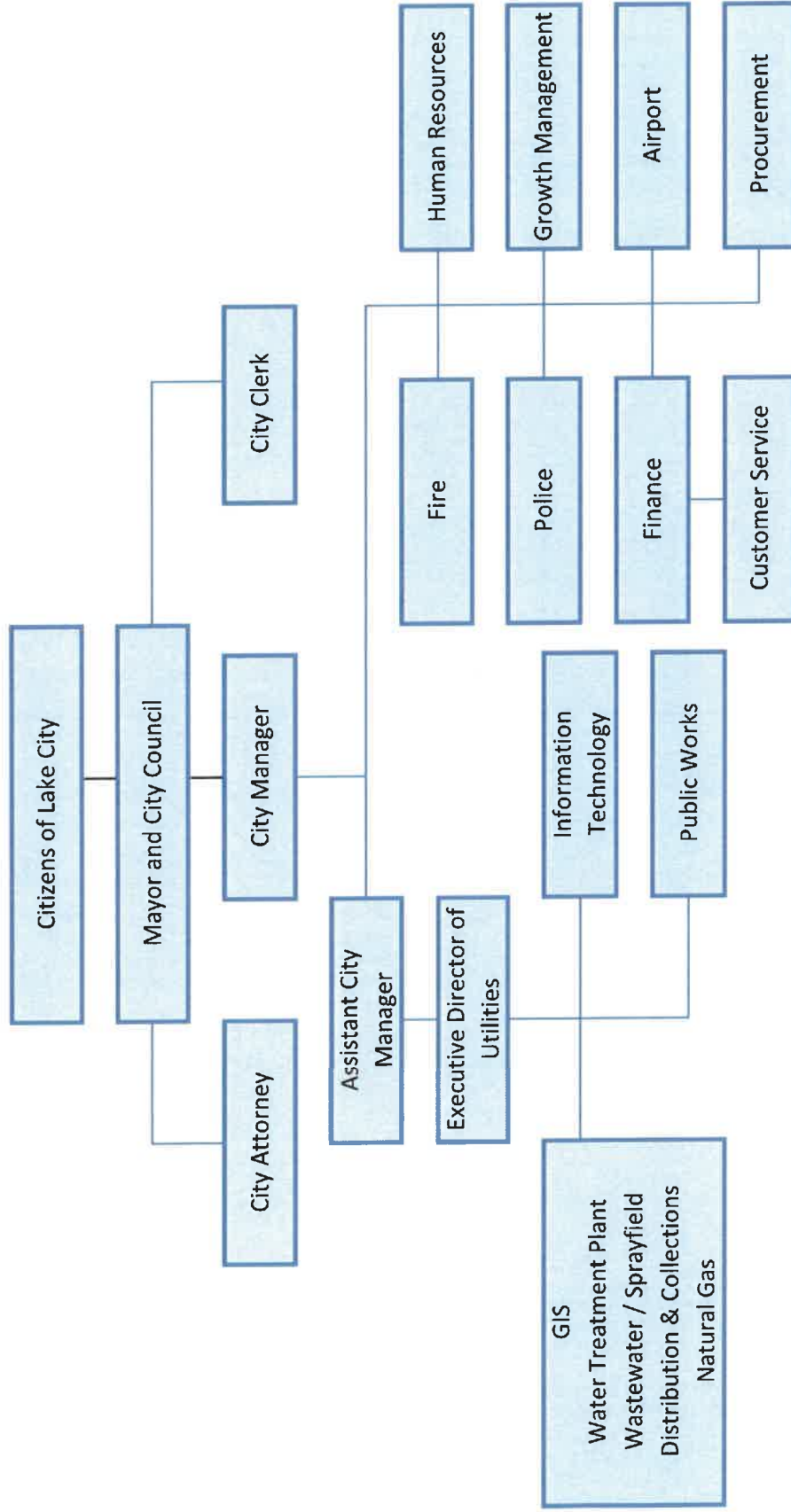


City of Lake City Fiscal Year 2022 Organizational Chart



A Practical Guide to Understanding Zoning Laws

Why is zoning important? Zoning laws determine what kind of structures can be built, whether or not an existing property can be re-purposed, and even whether or not an existing structure can be replaced with something new at all. Of course, even if these aren't changes you are currently considering, you might have a neighbor trying to make one of these changes... to the detriment of your own property.

Understanding zoning is important because it will in large part determine whether or not you get the change you want, and also whether or not you can prevent or modify the change you don't want. In this article we'll give you a practical guide to how zoning works, step by step.

I. The Purpose of Zoning

First of all, let's start with the big picture. What exactly is zoning and what is its purpose? **Zoning** is the legislative process for dividing land into zones for different uses. **Zoning laws** are the laws that regulate the use of land and structures built upon it.

If you've ever dealt with a city, then you've probably heard some variation of the phrase "For the health, safety and general welfare of the public." It means that every act of governance should (ideally) be made in the best interests of the people. Accordingly, zoning laws are created for the simple purpose of protecting the health, safety and general welfare of the people as relates to land use.

To achieve this purpose, zoning laws regulate the impacts 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 negative impacts upon each other
- Protecting the value and enjoyment of properties by allowing a property its most appropriate land use given its location and surrounding uses
- Providing for the orderly development of a city, including making provisions for land uses in the best interests of its citizens, and
- Providing adequate public infrastructure, e.g., roads, water and sewers

Cities want industrial uses for economic growth, but cities also want single-family residential areas for people to live. But will either the industrial users or residential users be happy if the two uses sit side-by-side? Not likely. When are neighboring uses happy? When they are compatible. This compatibility of the whole is the task of zoning; a sort of government-imposed "love thy neighbor as yourself."

To accomplish this compatibility of uses, zoning gives the community a road map and a set of rules for driving. It considers how the city would like to grow. It then divides the city into different districts, limiting the uses allowed in each. It then creates laws regulating:

- How each district can be used (e.g., commercial, residential, agricultural),
- What types of buildings and other structures can be constructed within each district (e.g., size, number of stories, configuration)?
- Where those structures can be located (e.g., setbacks, green space), and
- What measures the landowner must take to further compatibility with neighboring uses (e.g., buffers, flood control).

And then because the law recognizes life is not black and white, zoning laws provide flexibility for inevitable changes (who knew the state would construct that overpass, and make west-side ideal for retail instead of a quarry?) and also for inevitable special circumstances.

Let's take a closer look at how zoning works.

II. The First Step: The Comprehensive Plan

How do you get from Boston to Los Angeles? Do you start driving in any direction and hope you'll get there? Sure it might work, and sure a million monkeys banging on a million typewriters will eventually reproduce the entire works of Shakespeare. But you might have better chance of finding L.A. if you have a road map. A **comprehensive plan** (or "master plan") is the road map a city creates to arrive at its desired social, economic, and physical development. Of course, because the growth of a city takes a little longer than a road trip across the U.S., comprehensive plans look long-term. Like five to 20 years long-term.

To create such plans a city considers what it wants regarding land use (including public infrastructure to support those uses), and how it will achieve it. For example, if a city decides it's in the best interests of its population to be a hub for high-tech industry, it will designate areas within its boundaries for such industries.

The plan also acts as a guide for the creation of regulations that define what uses are permitted, what structures are permitted, their design, and where (both within a district and in relation to other districts) these uses and structures may be placed. The plan itself is not legally binding, but it's the foundation for legally binding instruments like the zoning ordinance.

II.A. Creation of a Comprehensive Plan

A plan is created through a collaborative effort of planning professionals, the public, city staff, the city's planning and zoning committee and the city's governing body (and sometimes even neighboring communities).

The process is not universal, but creation generally begins by soliciting input from citizens and interested parties regarding how the city should evolve. If there is a developer who has, or wants to be, a part of the city's growth, it makes sense to give them a place at the table. The city staff can then use this input to assemble, on its own or in concert with a planning consultant, a draft plan. The draft is given to the city's planning and zoning committee, who reviews it with staff advice. If the committee finds the plan satisfactory, it is forwarded to the city council with a recommendation for approval (if the plan wasn't ideal, the committee can put it back in staff's hands for changes).

The council is the final decision-maker. Because the plan is supposed to be the vision and desire of the public, and serve their general welfare (and not the desires of a few commissioners or councilpersons), the council may seek further public testimony before it approves, approves with modification, or denies the plan.

II.B. What's In a Comprehensive Plan?

Pictures and words, maps and text. Where streets, sewers and other infrastructure should go. Where different land uses should go. What are limitations on these uses and the structures supporting them? Again, the plan's recommendations aren't an instruction for the city to run out and grow, but rather a road map for getting across the country.... over five to 20 years.

You may be wondering why should you care about the plan? Well, if you're a landowner who may develop your property, or sell it to another to do so, you might want to let your voice be heard in the creation of a plan. Or if you are a resident who lives next to undeveloped land (or land ripe for redevelopment), or who believes the city should grow in a certain way, attract certain uses (remember that idea to become a hub for high-tech industry?), again you'll want to make your voice heard.

What if a plan already exists? Then you better make sure you know what it says about the property you own, the property next to you, and the property across the city. The plan could play a large part in the value of your ground and the type of community you are (or might be) living in, building in, or running a business in.

Often a city will maintain a copy of its plan on the city's official website. If it can't be found there, a call to City Hall (and likely a couple of transfers to get you to the Growth Management department) will unearth the plan.

III. The Second Step: The Zoning Ordinance

You have the road map for crossing the country. Now what? How about you learn which roads have the highest speed limits, or are the most direct route, or which allow your type of vehicle? In zoning, the how-to details of the comprehensive plan are established in a city's zoning ordinance. This ordinance is the City's set of regulations governing land uses and structures within the local government's boundaries.

III.A. Creation of a Zoning Ordinance

How is the ordinance created? See above. Seriously. The creation of the ordinance is similar to the comprehensive plan's creation and approval: staff and planning consultants (often lawyers) create a draft ordinance; a public hearing is held (or multiple hearings) for public input; the draft is modified by staff and consultants; eventually a draft ordinance is given to the planning and zoning committee for review; more public input; committee makes a recommendation to the council; more public input; approval, approval with modifications, or send it back to the committee. Rinse and repeat.

Unlike the plan, because the ordinance is a legally binding instrument, and provides the rules dictating how and where land can be used, its creation must clear certain legal hurdles. One of the principal hurdles is ensuring the ordinance complies with the law.

Why should you care? Well, unless you're the city who will have to defend challenges to the ordinance, you shouldn't, or at least won't, until you believe you've been treated unfairly. Below are some of the laws to be considered:

- Federal and state common law (court decisions; check out *Village of Euclid, Ohio v. Ambler Realty Co.*, 272 U.S. 365 (1926) and *Penn Central Transportation Co. v. New York City*, 438 U.S. 104 (1978) if you want to impress your friends and know the stories behind two of zoning's landmark cases)
- State and federal statutes, codes and regulations
- The Religious Land Use and Institutionalized Persons Act of 2000 ("RLUIPA" protects individuals, houses of worship, and other religious institutions from discrimination in zoning)
- Federal Fair Housing Act (Title VIII of the Civil Rights Act of 1968)
- Sections 332(c)(7) and 1455(a) of the Communications Act (which imposes limitations on state and local land use authority to make zoning decisions over certain wireless facilities), and
- Endangered Species Act of 1973 (ESA; 16 U.S.C. § 1531 *et seq.*)

It should be noted that the ordinance, like all laws, is not set in stone. It can be amended, and generally mirrors the creation process.

One interesting issue that can occur in the amendment arena is when (1) a city wants to make a change to the ordinance, (2) hasn't determined yet what that change should be, but (3) wants to temporarily halt development that, while lawful under the current ordinance, would be prohibited under the likely change, until (4) the city has had time to make well-reasoned analysis and planning decision. Such a temporary stop is referred to as a **moratorium**. While lawful, the moratorium must be reasonable because landowners seeking to develop their properties will be delayed (or prevented from developing if the ultimate change prohibits the use they intended).

Courts will consider whether the moratorium advances a legitimate governmental interest, is being made in good faith, and doesn't deprive the landowner of all reasonable use for too long. If it fails these criteria, it may be characterized as a regulatory taking (we'll talk about takings in a little bit). Again, if you want to impress your friends with your knowledge of landmark zoning cases, the Super Bowl of moratorium decisions is *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002).

III.B. What's in a Zoning Ordinance?

Zoning ordinances generally cover three areas: (1) a zoning district section defining different types of use districts (e.g., commercial district, residential district) and the regulation of these uses; (2) a performance standards section defining regulations that apply uniformly to all districts (e.g., parking, noise, fencing and signage standards); and (3) an administrative section outlining procedures for requests under the ordinance (e.g., notices are required for a conditional use permit ("CUP"), the number of days a person has to approve a denial of rezoning).

As with a comprehensive plan, a city's zoning ordinance is often found on the city's official website (hint: click until you find the city code or the Growth Management department's page). If not, a quick call to City Hall should point you in the right direction.

III.B.1. The Zoning District Section

III.B.1(i). District Types and Uses

If the goal of land use-compatibility to serve the health, safety and welfare of the public can be met, the first step is defining land uses. The broad use categories are commercial, residential, industrial and agricultural. Of course, just as all ice cream does not come in the same flavor, all commercial uses are not the same, all industrial uses are not the same, etc. Accordingly, cities break down these broad categories into as many sub-categories and districts as needed. For example, the residential category may be divided into RSF-1, 2 or 3 for single-family on a certain minimum size lot, RSF/MH-1, 2, and 3 for single-family on a certain minimum size lot, RMF-1 for multi-family with a density of a certain number of units per acre, RMF2 for multi-family with certain number of units per acre, *ad infinitum*.

Ordinances may include other types of districts for special circumstances, such as floating districts, mixed-use districts, or planned use districts (“PUDs”). **Floating districts** are those districts permitted under the ordinance, but haven’t yet been placed on the zoning map. They’re often employed for unique land uses (*e.g.*, major entertainment centers, intense industrial uses) that are anticipated in the future, but for which no specific location has yet been identified, or districts to afford special protection when needed, such as historic or floodplain districts. Essentially the zone floats over the community until a use meeting its criteria materializes and a site is identified. At this point the zone floats earth.

Mixed-use districts allow for a combination of broader use categories (*e.g.*, both commercial and residential), and are often used in downtown areas.

A **PUD (Planned Use District)** is a type of mixed-use development (often residential, retail and office) with a cohesive design plan. To encourage the feasibility of such developments, a city may waive or modify regulations that would otherwise be required of the individual uses. This is done to allow flexibility in the development’s design.

Historic districts are created to preserve structures that are significant historically, architecturally or culturally. Regulations in these districts limit the structures’ demolition or modification, or, if new construction is proposed, require that it conform to certain requirements (*e.g.*, built in the same type of architecture).

Once district categories are established, the ordinance then spells out the uses permitted within each. Typical use types include:

- **Permitted Uses:** Permits for these expressly listed uses are issued as a matter of right.
- **Conditional Uses:** CUPs are given at the discretion of a city, on a permanent basis, so long as the attendant conditions are met. CUPs are needed where the use could negatively impact properties unless it operates under certain conditions.

- **Accessory Uses:** These uses are, in addition to the parcel's principal use, customary, appropriate, subordinate, incidental to, and serve the principal use. For example, typical accessory structures in residential districts include garages, decks, swimming pools and storage sheds.

One quick aside: **annexation**. Cities may be able to expand their boundaries through annexation of neighboring unincorporated land. The ordinance may include rules dictating how annexed property will be zoned when brought within city limits.

One more quick aside: **legal non-conforming uses ("LNCU")**. A non-conforming use is any use, structure or building that doesn't comply with the zoning ordinance. Where the use was originally in compliance, but the regulations changed to make it non-compliant, the use became an LNCU. As the name suggests, these uses are lawful, and may continue, but under the ordinance they'll face certain restrictions. Common restrictions are:

- The use must be made compliant within a certain period of time (an "amortization period")
- The use cannot be expanded
- If the LNCU is changed, it may not return to the prior use, and
- Where the property is damaged beyond a certain point, it may not be repaired

III.B.1(ii). Regulation of Districts

Once you know your use is permitted, to determine what you can build you'll have to check the regulations, *i.e.*, ordinance's details. The devil is in the details.

As a general caution, while a city has the right to regulate uses, if such regulation effectively deprives a landowner of all economically reasonable use or value of their property, it can be considered a **regulatory taking**. A taking in the real property arena refers to the government exercising its power of eminent domain to acquire ownership of private property for a public use or benefit. While a government has this right, if they use it they must compensate the landowner for the loss of his land.

In the case of a regulatory taking, the government hasn't taken title to the property, but because its regulations rendered the land essentially worthless, the regulation is viewed as a taking. Time for the city to get out its checkbook.

With that said, regulations most commonly dictate the size, density and location of structures within a parcel, as well as parking and green space requirements. Size can relate to the footprint, height, number of stories, *etc.* Density refers to the amount of development allowed per acre, calculated either by the number of dwelling units per

acre (for residential) or floor area ratio (for commercial). Location is governed in part by setbacks, the distance between structures and property lines.

The zoning ordinance may potentially regulate how property looks through “aesthetic” regulations. These are used to maintain aesthetic features within a district by permitting only uses, designs and structures that conform to or complement the area’s existing structures. Examples include limitations on parking, setbacks, the colors and architecture of structures, and types of landscaping, roofs and building materials.

The ordinance may also impose regulations to protect natural resources such as: (1) prohibiting building within floodplains, or requiring remediation if floodplains are eliminated; and (2) mitigating the impact of shoreline development by, for example, requiring larger setbacks from a shoreline.

Additionally, some ordinances will highly regulate uses the city wishes to minimize, such as the sale of alcohol, adult uses, and the operation of pay-day loan businesses. Such regulations often stipulate these uses must be a certain minimum distance from schools or churches, though other conditions appear. The zoning regulation of adult uses is especially complex as Constitutional issues of free speech are involved.

Lastly, as described below, the ordinance will allow for a “variance” from some of these regulations where circumstances merit.

III.B.2. Administrative Section

This section describes how actions under the ordinance are reviewed, approved, denied and appealed. It typically details:

- Who is in charge of each action (e.g., city staff, planning and zoning committee, city council, or board of adjustment (“BOA”; sometimes called a board of zoning appeals))
- What form the applications must take
- What steps are involved (e.g., public notice, hearings, adoption, etc.), and
- Deadlines for each step

As these items vary among jurisdictions, it’s only appropriate to note here the two most important procedural directions: (1) follow the ordinance’s procedures, and (2) do it in a timely manner. Cities and courts generally strictly interpret these provisions. If the ordinance states appeal of denials must be made within 30 days of the council’s decision, and you file on the 31st day, well, there are smarter things you could do.

III.C. What Actions Are Considered Under the Ordinance?

Zoning ordinances will typically govern applications for rezoning, conditional use permits, and variances.

III.C.1. Rezoning

In order to change a property's zoning district, application must be made for a rezoning. Because this act is an amendment to the ordinance's district map, the procedure for rezoning is the same as for an amendment to the ordinance. A rezoning application may be judged not only on its compliance with the ordinance, but in some cases its compliance with the comprehensive plan.

One situation that will fail this consideration is "spot-zoning." **Spot zoning** occurs when a parcel is zoned differently than its surrounding uses for the sole benefit of the landowner. While property may lawfully be zoned differently than its surrounding uses, such varying uses are typically permitted because they serve a public benefit or a useful purpose to the other properties. For example, sound-planning policies would permit a school to be located in the center of a residential neighborhood. Locating an adult bookstore in the same neighborhood would not.

III.C.2. Conditional Uses

As noted above, conditional uses for each district are set forth in the ordinance, and are uses which need "special attention." They may not be the primary intended use in a district, and may have some negative attributes, but if they comply with certain conditions, they can be beneficial. A common example is allowing a convenience store or gas station in a residential area. If the negative aspects of the use can be minimized through conditions, the use will be valuable to the area. If the use requested in a CUP application is one of the conditional uses specified in the ordinance, and if the conditions are accepted, the permit must be granted as a matter right.

III.C.3. Variance

Variances may be granted, at the city's discretion, to relieve a party from strict compliance with zoning regulations where such compliance would result in a practical

difficulty or unnecessary hardship for the landowner. Variances typically are only available for exceptions to physical regulations (e.g., setback requirements) and not to uses, but some jurisdictions allow for variances from the permitted uses.

IV. Who Makes the Zoning Decisions?

You've hit the road, road map in hand, a binder of all the details that impact your progress to cross the country., and then you see the toll booth ahead. And the flashing blue lights of the police car behind. And the tow truck driver pulling a car that had gotten lost on his journey. The help and approval of all these people will determine if your drive is a success. In zoning, these gatekeepers are the city's zoning staff, the Planning and Zoning Committee, the Board of Adjustment (BOA) , and the city council.

IV.A. City Staff

An old adage for people who regularly work with public bodies is that elected officials change every couple of years, but staff is there forever. Accordingly, if you work well with staff, they can make the process easier and (providing your request is reasonable) become an unofficial advocate for project after project.

Staff are the first folks to touch a zoning request. They review the application and work with the applicant to ensure it's compliant with the zoning ordinance. They then make a recommendation on the application, as well as advice to, the planning commission, city council or BOA depending on the request. Although staff has no authority to approve or deny applications, the other bodies often value their expertise and guidance, and may defer to their opinions.

IV.B. Planning and Zoning Committee

The city has a planning and zoning Committee, comprised of residents appointed by the city council (Committee members may, but are not required to have real estate, legal, engineering or other backgrounds valuable to land use decisions), who act in an advisory capacity to the city council. Depending on local and state law, planning committees are often the first body to consider CUPs, rezoning's, PUDs, and the creation of and amendments to the comprehensive plan and zoning ordinance.

Some planning and zoning committees will consider applications for variances, though this responsibility can also fall to the BOA. The board conducts public hearings, takes evidence, creates a record of the proceedings, and then makes a recommendation of approval, approval with modifications, or denial of the application to the city council.

IV.C. Governing Body

The city council is the final decision-maker on all zoning applications, though in some jurisdictions it may delegate its authority to another body (e.g., the Planning and Zoning Committee). The council however cannot delegate its authority over rezoning decisions, as they are most often considered a legislative act, and only the governing body has legislative authority. In those jurisdictions that characterize rezoning as administrative rather than legislative, the council can delegate the decision-making authority to non-legislative bodies.

IV.D. Board of Adjustment (or Appeals)

The BOA is to (1) hear and act upon variance applications, and (2) hear appeals to rezoning denials where the basis for appeal is an alleged irregularity in the council's application of the ordinance. In some cases, the BOA will act like the planning and zoning board, and make only recommendations to the council. BOA decisions may, depending on the zoning ordinance, be subject to appeal directly to the courts or to the council.

V. Conclusion

Now you understand the basics of the purpose of zoning, the creation of its guiding documents, its zoning ordinance, how zoning applications are made and appealed, and who makes these determinations. You have the road map and maybe even a GPS to get you across the country...

Robert's Rules Quick Reference Guide

prepared for WOU Faculty Senate

Vocabulary

Abstention: An abstention is a decision NOT to vote, and is not counted as a vote. When calculating whether a motion passes or fails, the number of “yeas” are compared to the number of “nays” – abstentions are not included.

Motion: A formal proposal by any member of the faculty subject to action by the Faculty Senate. Most motions are one of two types:

- **Main Motions:** Any business brought before the faculty for action. Typically, they concern academic policies or curricular decisions, but are not limited to these topics.
- **Subsidiary Motions:** Motions that address or modify the main motion. Such motions include motions to amend the main motion, table or postpone the main motion, vote on the motion, or refer the main motion to a committee.

There are other types of motions (privileged, incidental, and bring-back) but they are rarely used.

Postpone: This is a motion that ends debate on a main motion, delaying it to a specific time in the future (other than the next meeting). This can be used to delay something beyond the next meeting if there is a particular reason to do so (i.e. the passage of the motion is dependent upon some other future, known event) or to delay it briefly (i.e. a 15-minute delay so that information can be obtained). It requires a second, and then a majority vote to pass.

Postpone Indefinitely (or “kill”): This motion should only be used to permanently disregard something. It is a way of dismissing business inappropriate to the mission or scope of the Faculty Senate. It is not a way of saying “no” to something – that would be accomplished by voting negatively on the main motion in question.

Quorum: The percentage of faculty senators needed to officially vote on business. Technically, no business can happen without a quorum present. Our By-Laws define quorum as the majority of the total number of senators (i.e. greater than 50%).

Table: This is a motion that ends debate on a main motion, delaying it until the next meeting, at which point it will appear on the agenda in Old Business. It requires a second, and then a majority vote to pass.

Sources/Want to Learn More?

All of the information above can be found in Robert's Rules of Order, Newly Revised, 2011 Edition, which is available on permanent reserve in the library. The Faculty Senate By-Laws state that we use a slightly modified version, so you will find some differences between the book's procedures and ours.

In addition, you may find some online sources helpful. The website rulesonline.com has a digital copy of a slightly older edition of Robert's Rules, and robertsrules.org has several easily-readable charts of motions and meeting order.

Prepared by Leanne Merrill, Summer 2018.

Robert's Rules Quick Reference Guide

prepared for WOU Faculty Senate

Why Robert's Rules?

Correct use of Robert's Rules allows large groups to make decisions based on the opinion of the majority. Robert's Rules are designed to give due regard to all members' opinions in an efficient way. When using Robert's Rules, follow these best practices:

- Critique ideas, not people
- Assume positive intent
- Listen for understanding
- Keep comments focused on the current issue
- Speak only when you have the floor

How do they work?

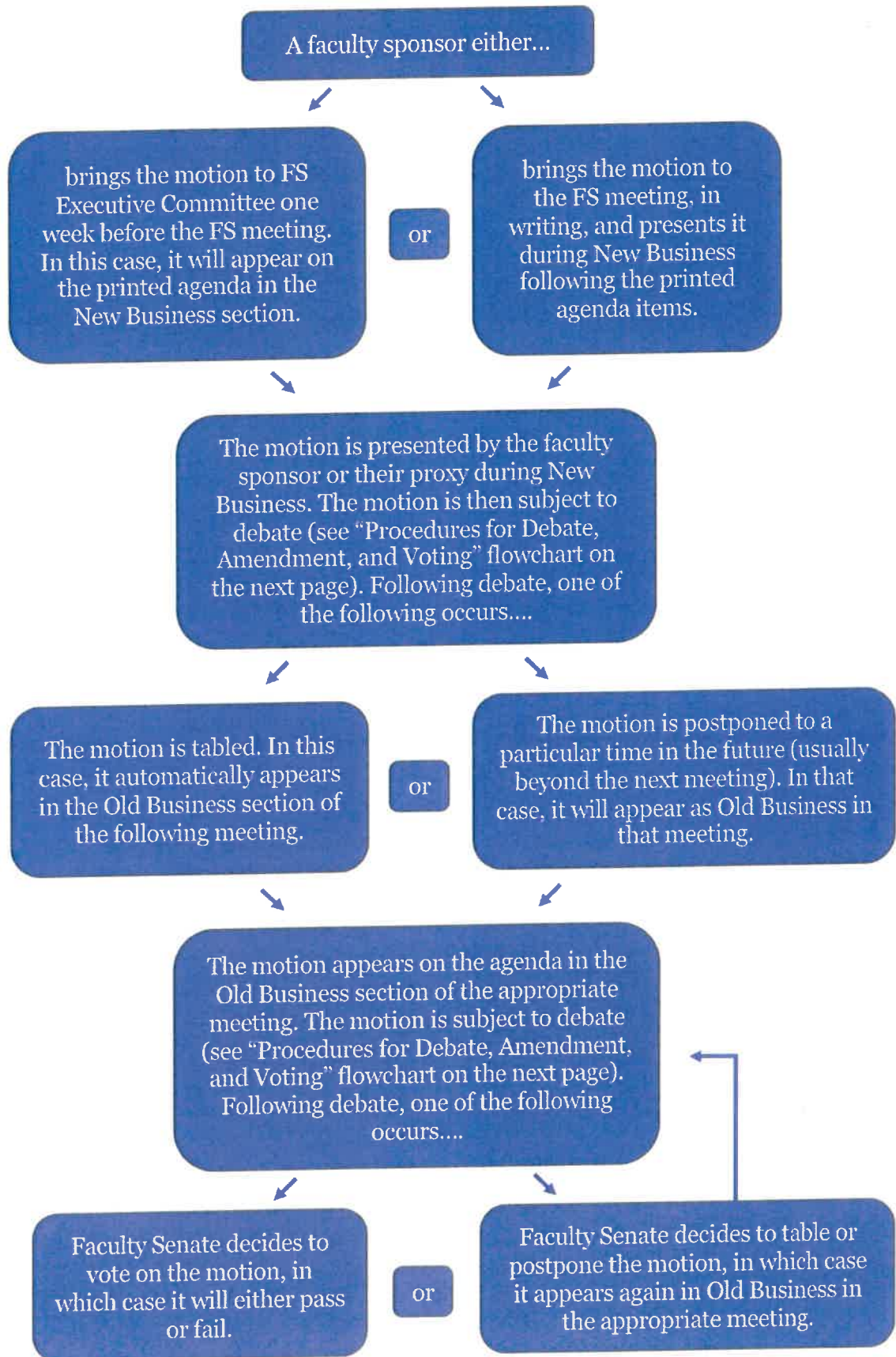
Any faculty member may bring a proposal, called a *main motion*, to Faculty Senate. It is then subject to debate, amendment, and voting by the Faculty Senate. Robert's Rules govern how these procedures take place. See the next two pages for flowcharts that outline the typical procedures that will be followed.

In addition to these procedures, there are some special types of actions that a faculty senator can make. These, along with the verbiage for more typical actions, is summarized in the table below. You can also find this table on the back of your name tag.

Common Motions During Debate

Motion	You say:	Debatable?	Amendable?	Vote Needed
Amend Item X	"I move to amend item X to read...."	Yes	Yes	Majority
Table (next mtg.)	"I move to table item X"	No	No	Majority
Postpone (other length of time)	"I move to postpone item X until (insert time/date)"	Yes	Yes	Majority
End debate & vote	"I move the previous question"	No	No	2/3
Kill Item X	"I move to postpone item X indefinitely"	Yes	No	Majority
Reconsider an action	"I move to reconsider our vote on (insert issue)"	Yes	No	Majority
Refer to a Committee	"I move to refer the motion to X committee"	Yes	Yes	Majority
Ask for information	"Point of information" followed by question	n/a	n/a	n/a
Ask about procedure	"Point of Parliamentary Inquiry" followed by question	n/a	n/a	n/a
Remark on noise, etc.	"Point of Privilege" followed by remark	n/a	n/a	Chair decides
Recess Briefly	"I move to recess for (insert amount of time)"	No	Yes	Majority
Adjourn	"I move to adjourn."	No	No	Majority

How do main motions proceed through Faculty Senate?



Procedures for Debate, Amendment, and Voting

Step 1: Main motion is brought to the floor



Step 2: Sponsor of the main motion makes their presentation (this can be skipped if the item is in Old Business)



Step 3: Members of the Senate debate the motion. Remember that each senator may only speak twice on each motion, and may only use their second opportunity after everyone who wishes to has spoken once. To speak, you must secure recognition from the Senate President.

During this step, you may want to amend the motion. The same motion can be amended several times, and each amendment must be considered separately.



Step 4: After debate on the main motion and any amendments has concluded, senators either.....

Vote to table or postpone, if the motion is in New Business

or

Vote on the motion itself, or to table or postpone, if the motion is in Old Business

Amendment Loop (optional):

Step 3a: If a senator would like to change the motion, they say "I move to amend the motion to read...." followed by their proposed change. Another senator must second the amendment to continue.



Step 3b: The senators now debate *the amendment*. During this time, no other amendments to the original motion can be proposed, but senators can make "friendly amendments" to the amendment currently on the floor. (For example, a wording clarification or other small change.)



Step 3c: After debate on the amendment is concluded, senators vote on the amendment. Passing the amendment is not the same as passing the main motion.

Who decides *when* to vote?

There are two ways a vote can be initiated:

- If debate is clearly over, the President may say, "we will now vote on the previous question."
- Alternatively, any senator may use their time on the floor to say, "I move the previous question." This is a *motion to vote*. It must be seconded and receive a 2/3 vote to pass. If it passes, a vote occurs.

This applies to voting on all debatable motions.

Zoning Ordinance Introduction

- HOME**
- about
RCS&A**
- our
experience**
- list of
services**
- send us
your RFP's**
- planning
links**
- jobs and
careers**

PROS	CONS
<ul style="list-style-type: none"> ● Zoning can protect and enhance property values. ● Zoning can help to implement the community goals and objectives of a comprehensive plan. ● Zoning can conserve existing neighborhoods. ● Zoning can preserve existing structures. ● Zoning can prevent the mixing of incompatible land uses (such as erotic dance clubs and schools). ● Zoning can allow potential nuisance uses to be located away from residential neighborhoods or other sensitive areas. ● Zoning can provide for better lot arrangement. Zoning can protect recreational areas and open space. ● Zoning can conserve environmentally sensitive areas. ● Zoning can insure the availability of an adequate number of parking spaces. ● Zoning can guarantee adequate light, air, and privacy to new homes. ● Most importantly, zoning gives the community some control over its land uses, appearance, and quality of life in the future. 	<ul style="list-style-type: none"> ● Zoning requires that all involved property owners relinquish some of their individual property freedoms for the common good. ● Zoning can discourage some development in some locations. ● Zoning can increase the cost of building new structures. ● Zoning can work against historic mixed use neighborhoods in older communities. ● To a certain extent, zoning limits the development potential of previously existing land uses and structures that do not conform with the zoning's standards. ● Properly enforcing a zoning ordinance involves a long-term commitment to a certain level of community spending.

clients
planning
← ordinances
zoning list
• pros and cons
need zoning?
grants
mapping
references
<p>Need more information about zoning or feel that your community could benefit from our assistance. Contact us.</p> <p>We will be glad to answer any questions you may have and visit your community.</p>

Planning and Zoning Flow Charts

- ▶ Certificate of Appropriateness
- ▶ Comprehensive Plan Amendment and/or Re-Zoning
- ▶ Planned Residential Development
- ▶ Plat or Re-Plat
- ▶ Site Plan
- ▶ Special Exception
- ▶ Variance

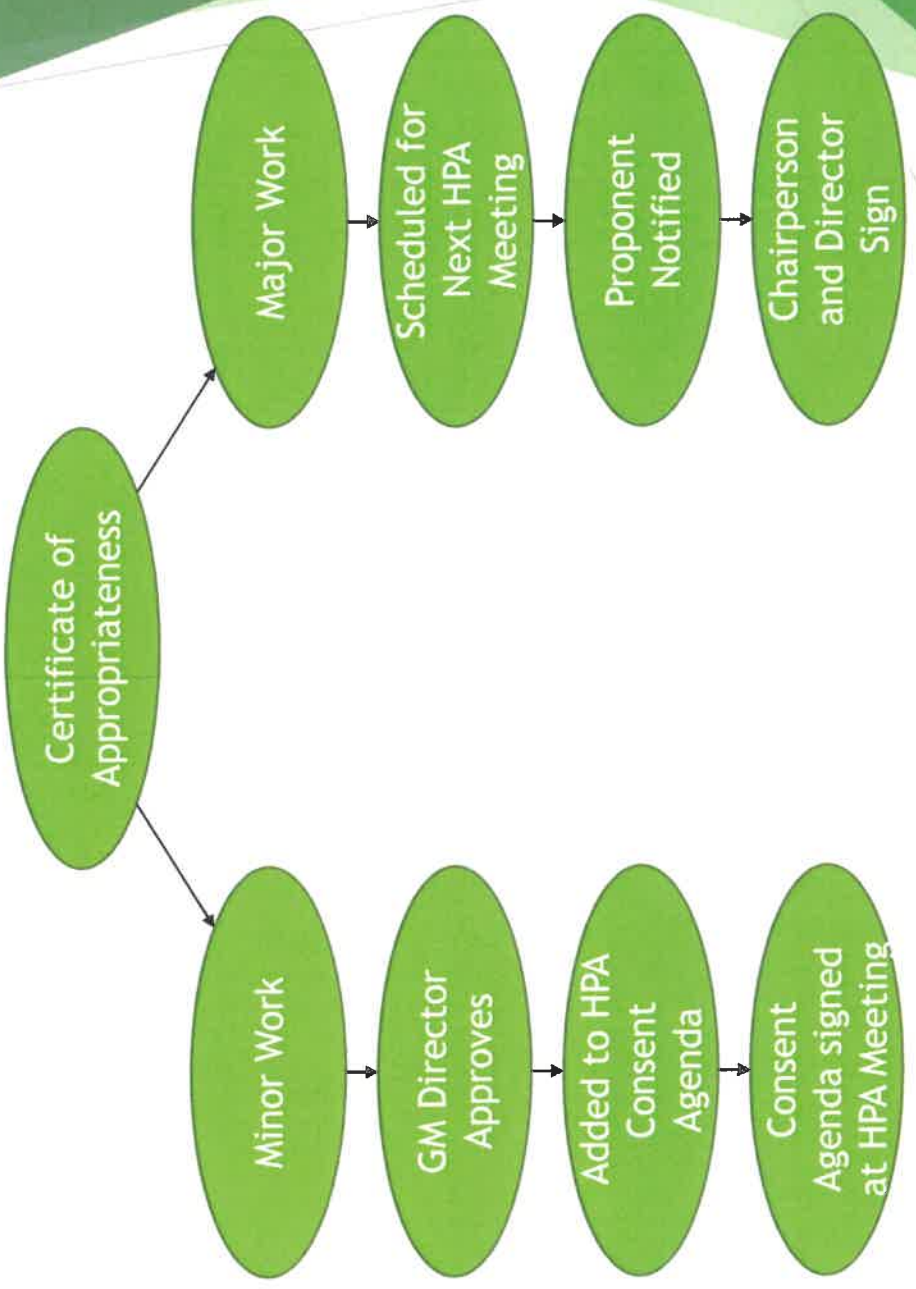
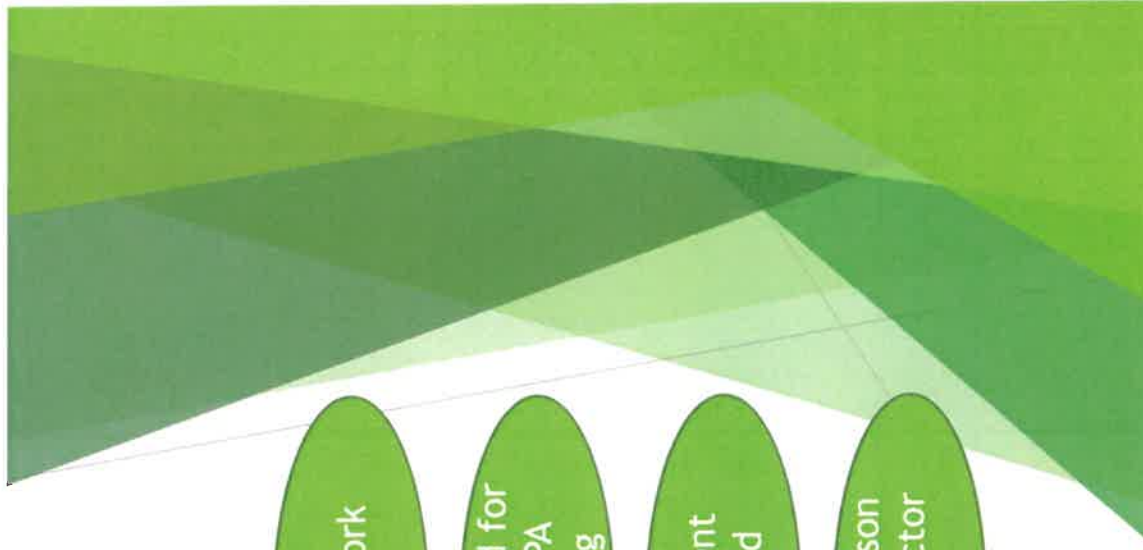




Certificate of Appropriateness

- Determine Minor or Not
- Growth Management Schedules HPA Meeting
- Proponent Notified
- Chairperson and Growth Management sign COA

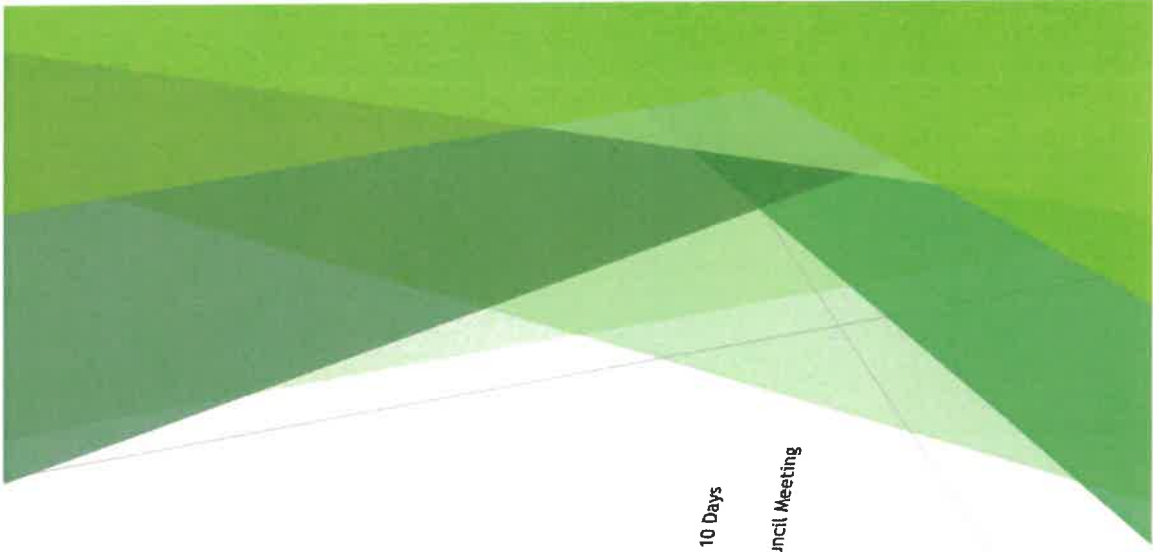


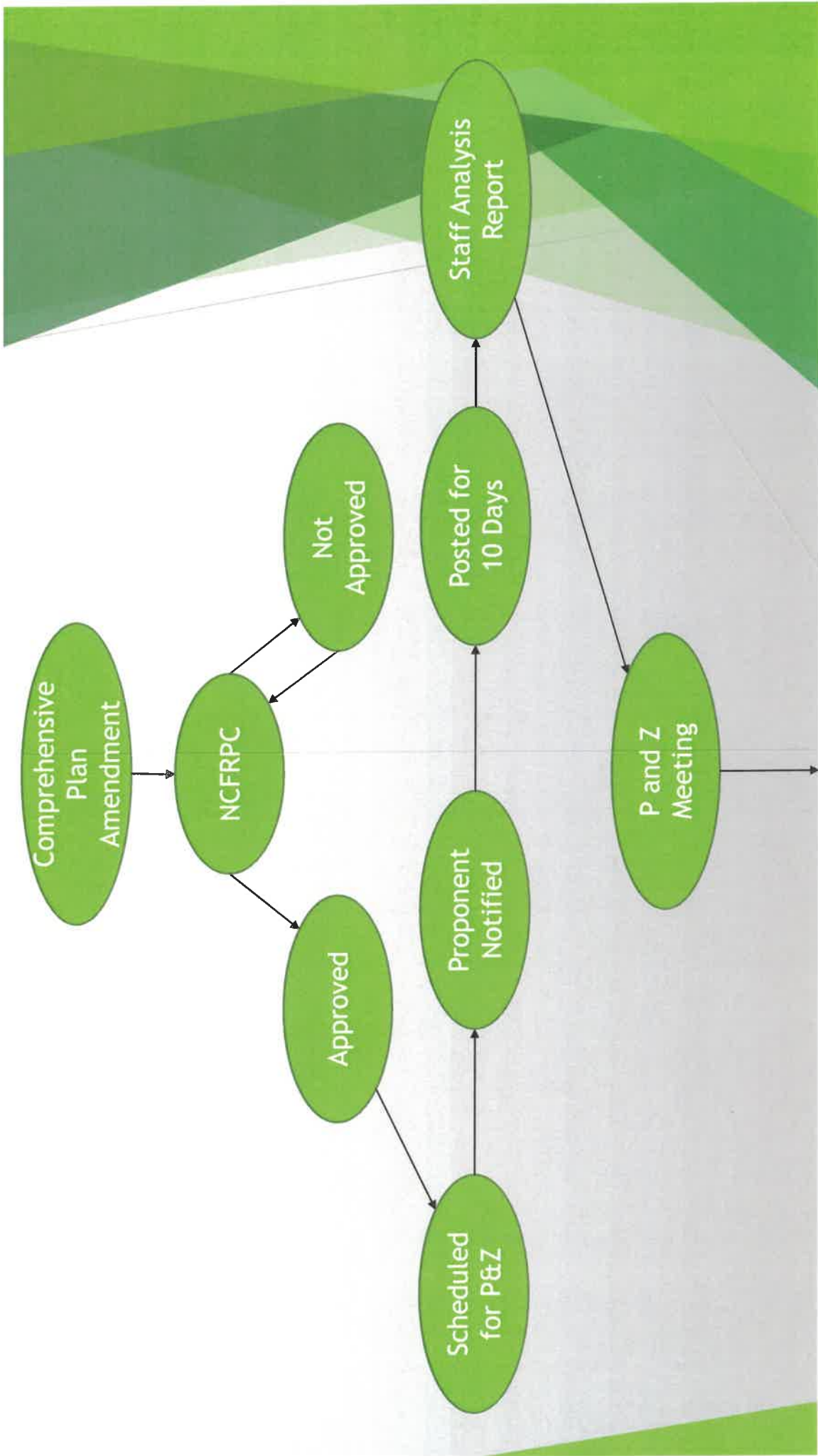


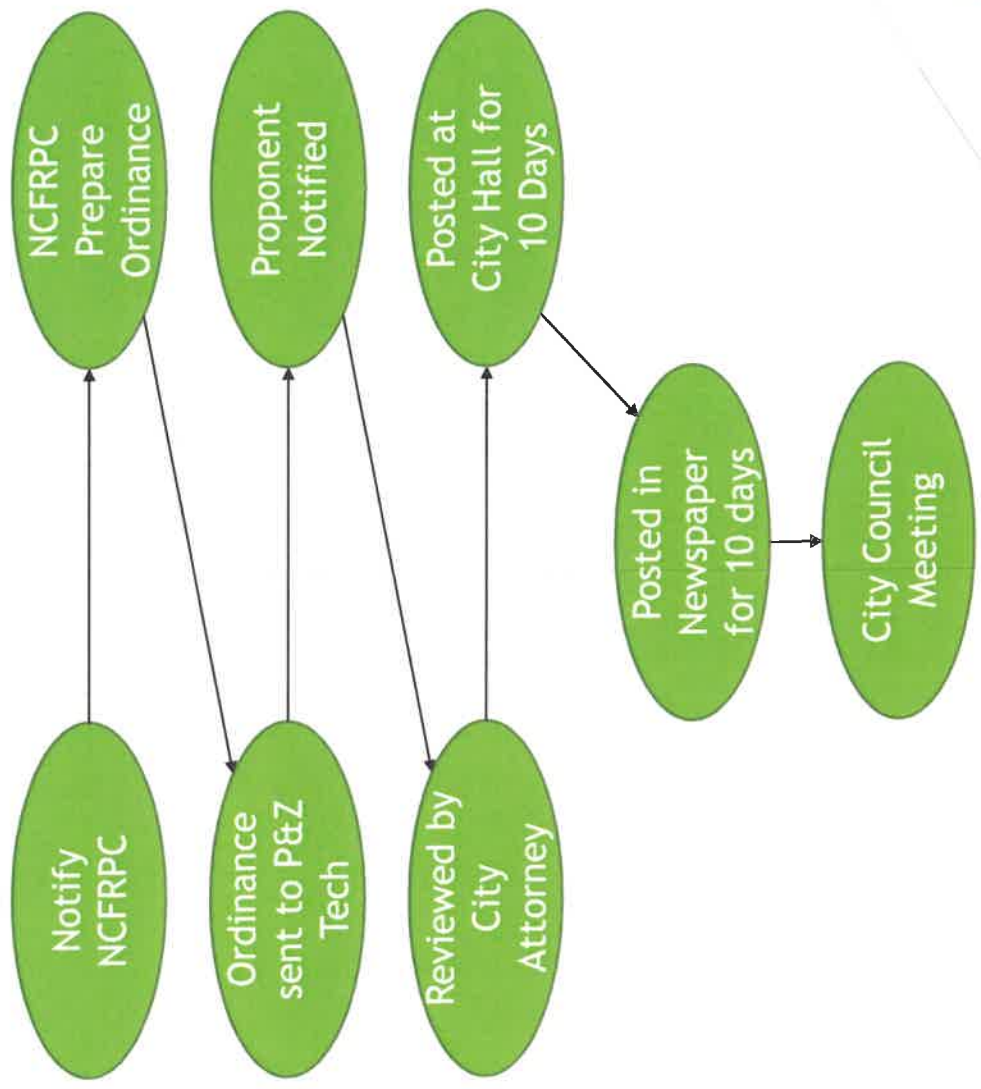


Comprehensive Plan Amendment and/or Re-Zoning

- NCFRPC
- Scheduled
- Posted 10 Days
- Staff Analysis
- P and Z Meeting
- Report Signed
- Notify NCFRPC
- NCFRPC Prepare Ordinance
- Posted in Newspaper and Property for 10 Days
- Proponent Notified of Meeting
- Reviewed by City Attorney
- Ordinance Scheduled for next City Council Meeting



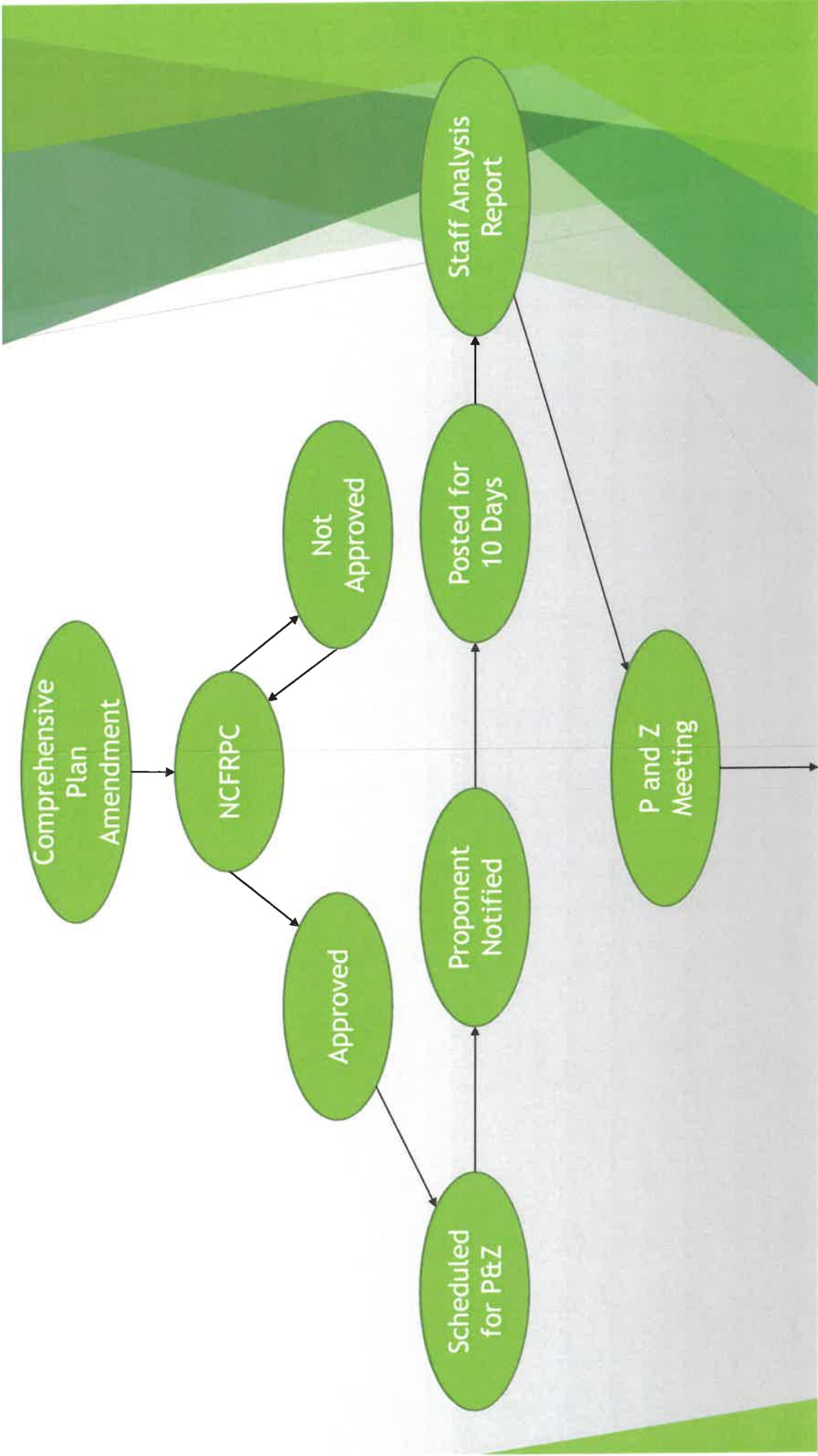


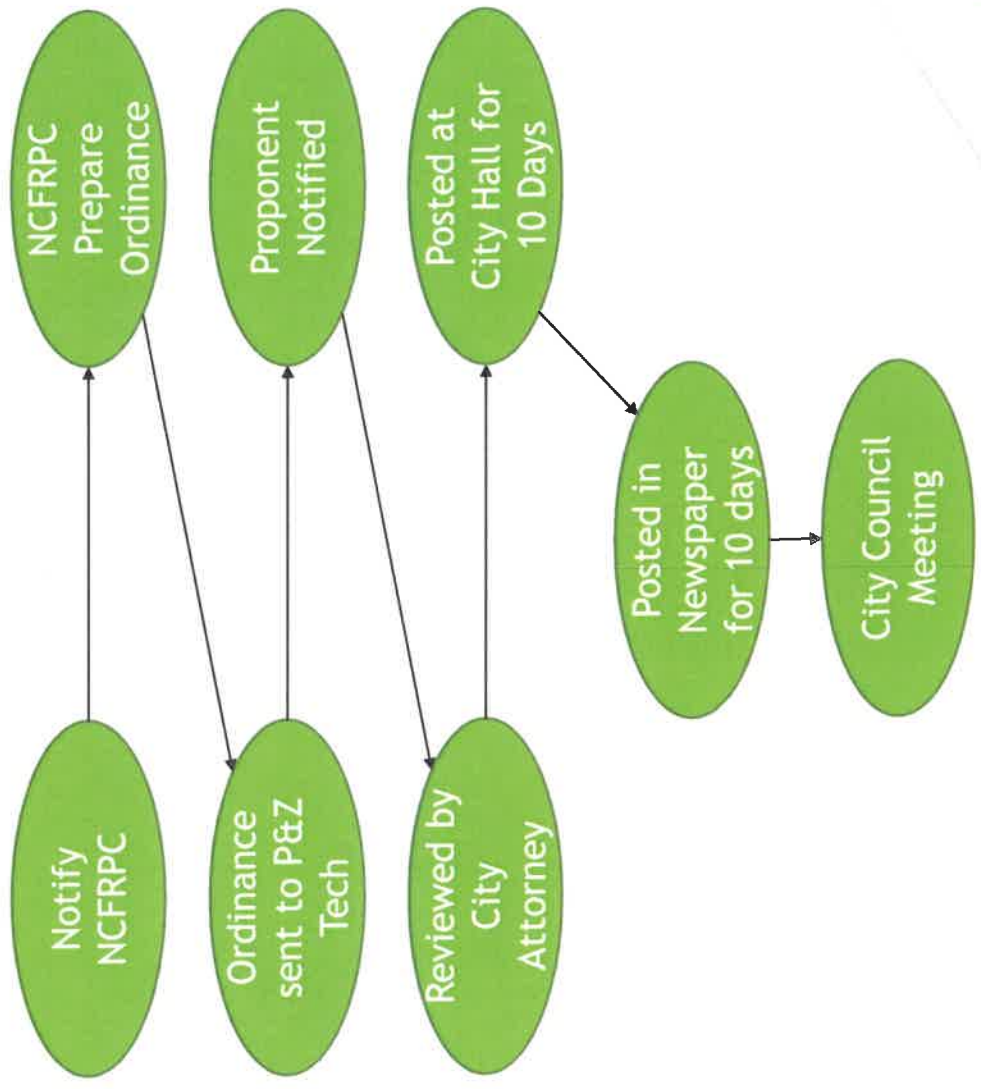


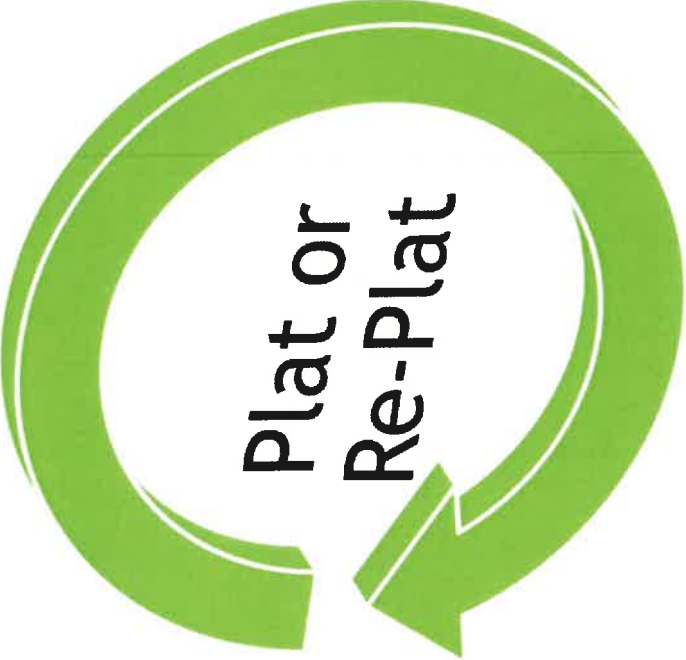


Planned Residential Development

- NCFRPC
- Scheduled
- Posted 10 Days
- Staff Analysis
- P and Z Meeting
- Report Signed
- Notify NCFRPC
- NCFRPC Prepare Ordinance
- Posted in Newspaper and Property for 10 Days
- Proponent Notified of Meeting
- Reviewed by City Attorney
- Ordinance Scheduled for next City Council Meeting

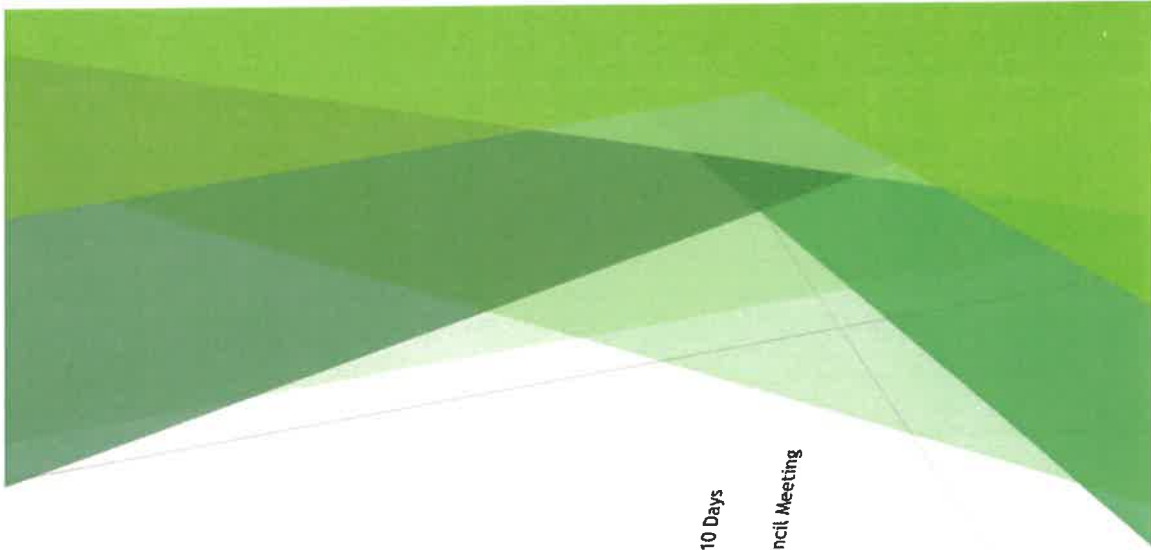


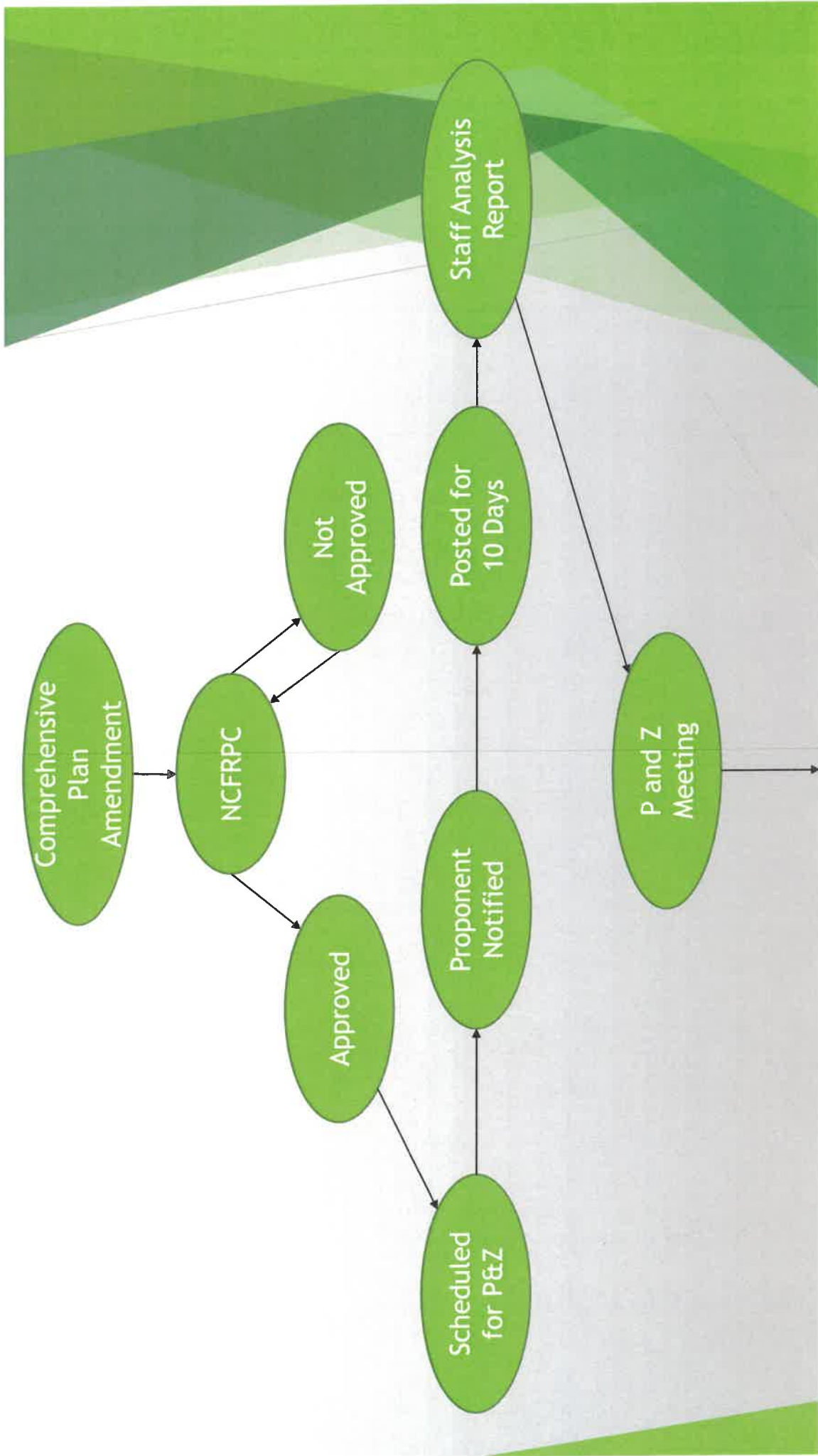


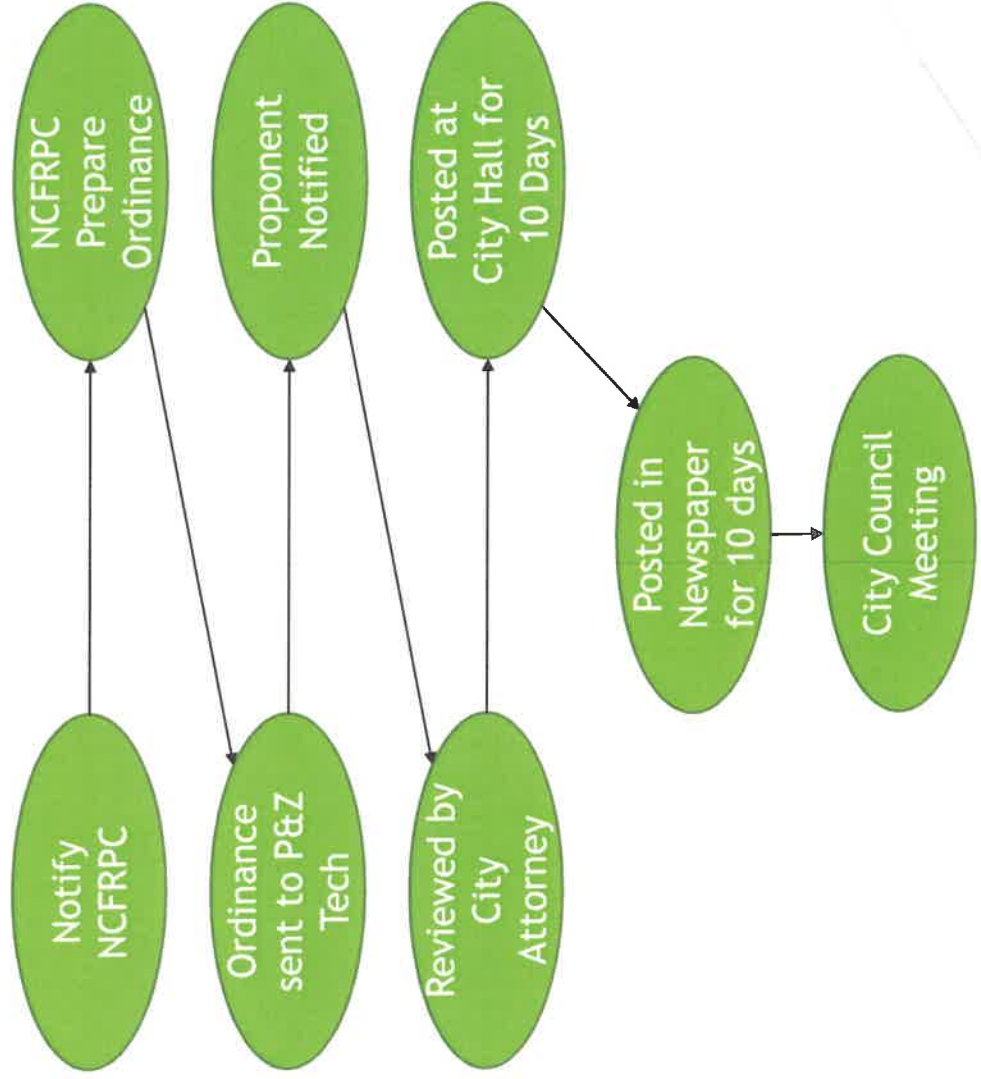


Plat or Re-Plat

- NCFRPC
- Scheduled
- Posted 10 Days
- Staff Analysis
- P and Z Meeting
- Report Signed
- Notify NCFRPC
- NCFRPC Prepare Ordinance
- Posted in Newspaper and Property for 10 Days
- Proponent Notified of Meeting
- Reviewed by City Attorney
- Ordinance Scheduled for next City Council Meeting





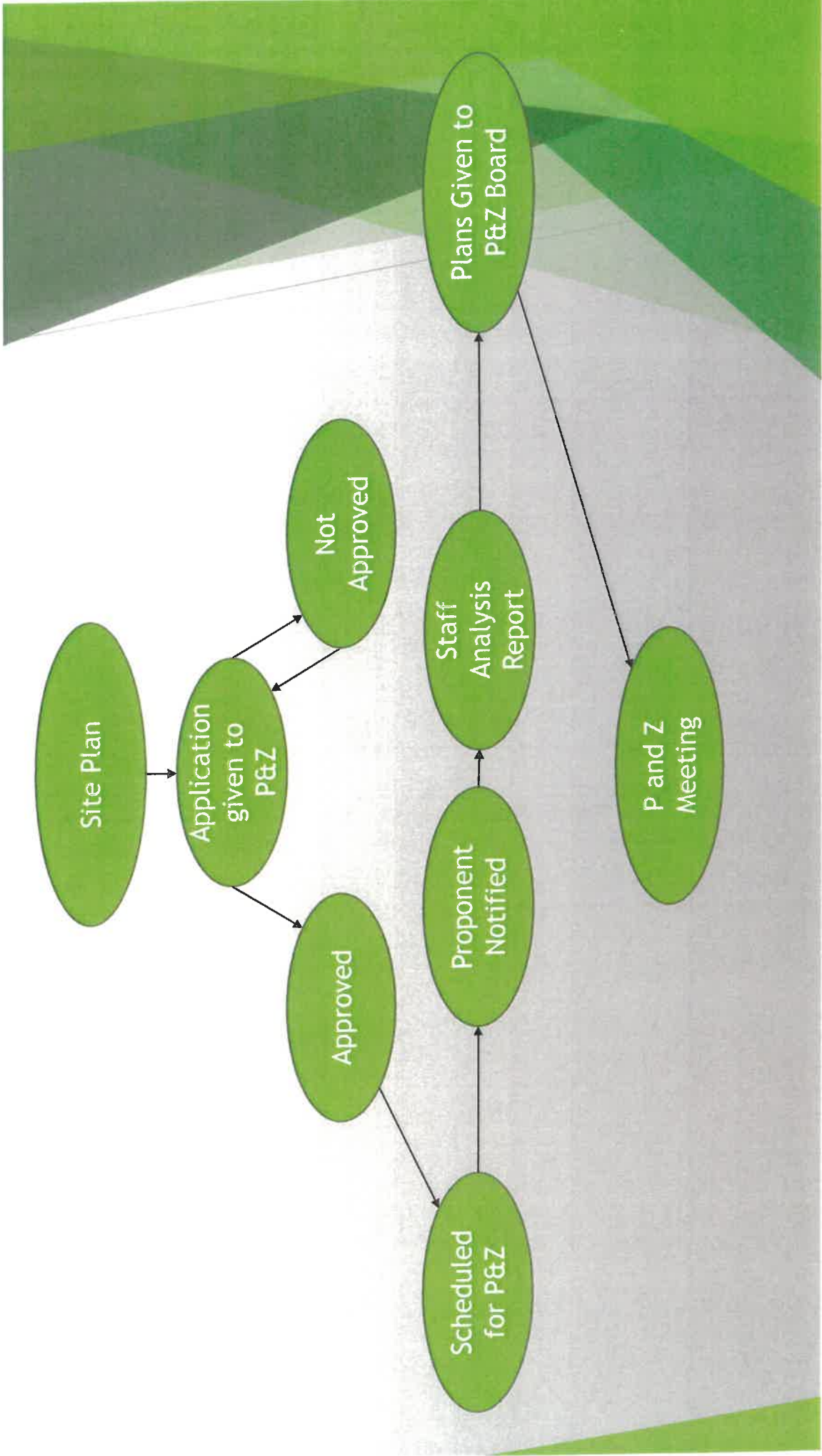




Site Plan

- Application submitted to P&Z
- P&Z reviews to make sure everything is complete
- Plans given to P&Z Board
- Scheduled for next P&Z meeting
- Proponent is notified
- Meeting is held 1st Tuesday of the month

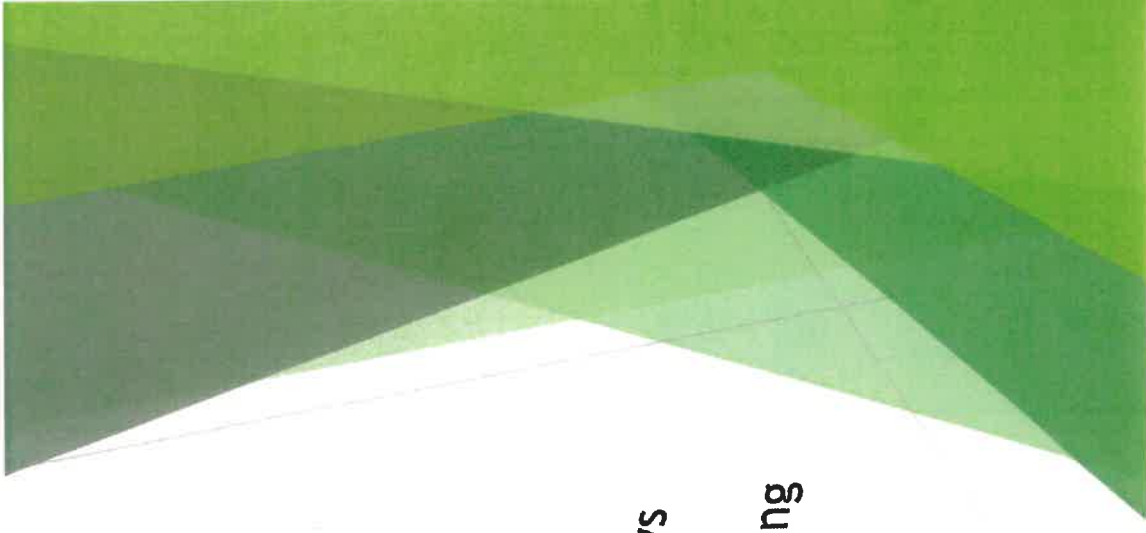


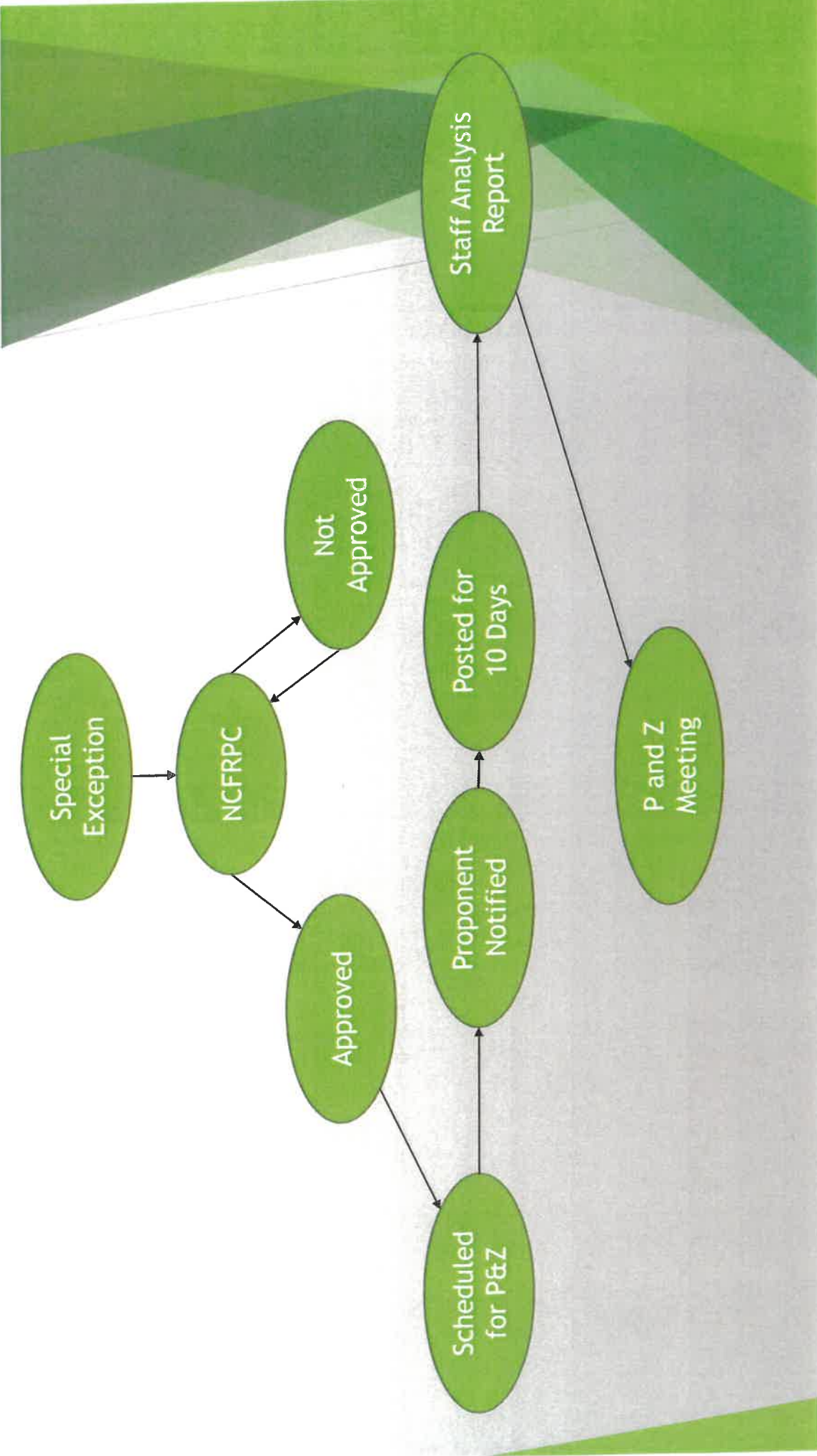




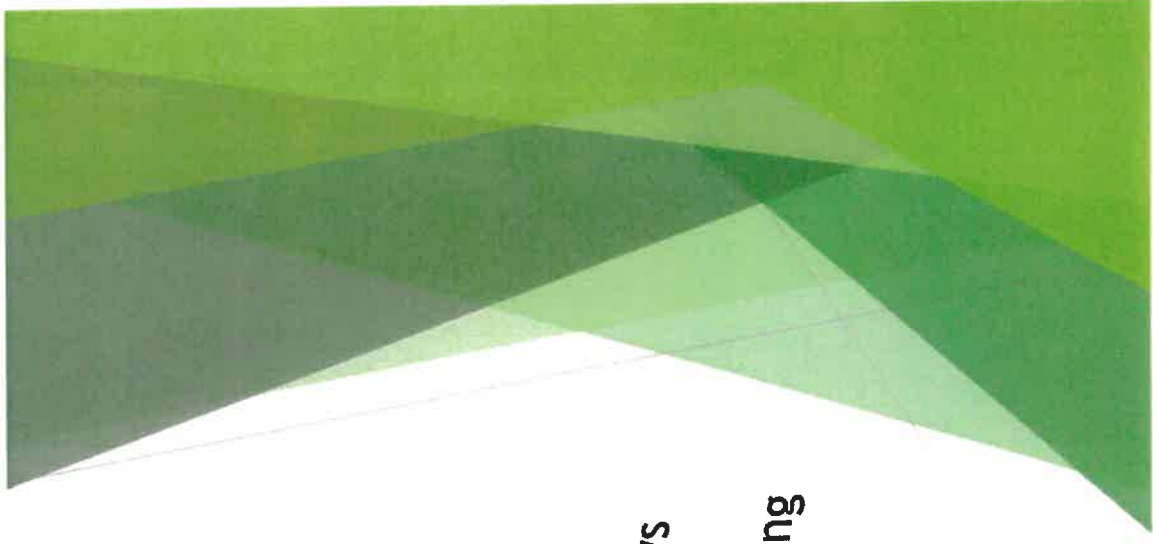
Special Exception

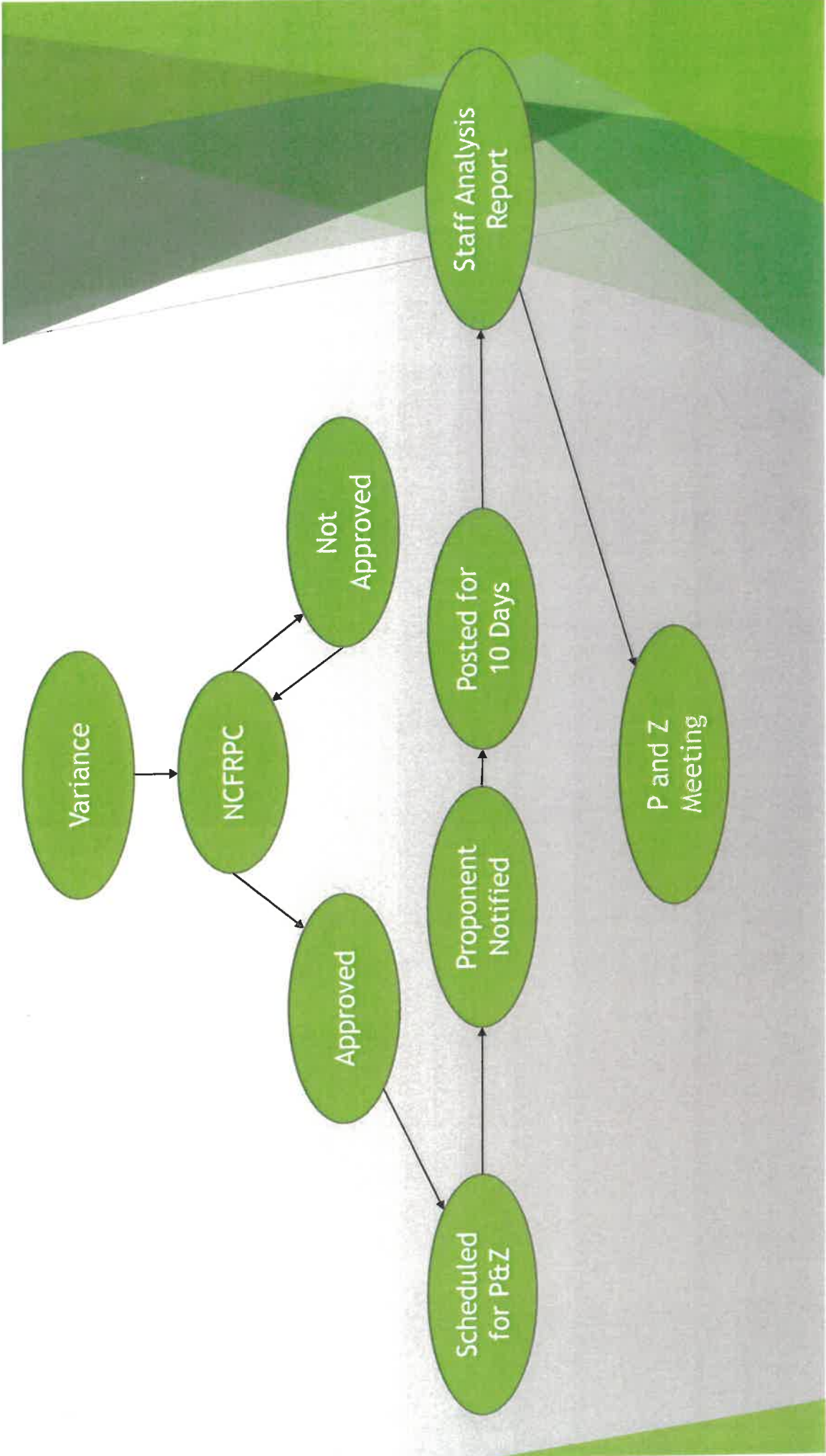
- NCFRPC
- Scheduled
- Posted 10 Days
- Staff Analysis
- P and Z Meeting





- NCFRPC
- Scheduled
- Posted 10 Days
- Staff Analysis
- P and Z Meeting





Cities 101

Glossary of Key Terms

Advisory Board: appointed by a city to advise a council on certain matters; usually comprised of volunteer citizens.

Ad Valorem (tax): Latin phrase meaning “to the value of” and used inter-changeably with the term property tax; the largest tax source for city and county government in Florida.

Annexation: How a municipality expands its physical boundaries, and how a property owner in the unincorporated area becomes part of an incorporated area; covered by Ch. 171, Florida Statute

Assessment: a fee placed upon property owners for an improvement specific to that property or area; can be paid with annual property tax bill or separately. Used for a variety of improvements.

Block Grant: a federal or state designation of funds that are awarded through competition or various qualifications. The funding may be used for an area (block) of programs

Charter: the broad governing document for municipal governments (cities, towns, villages and charter counties); adopted by the people and amended by the people through referendum. It is derived from the French word for “contract.” Every city in FL has a charter; only a few of the counties have charters.

Charter Officer: a position created and defined through a charter. Has legal standing because of placement in charter. (Example: the Council or Commission of a city are charter officers.)

City: municipal government; general-purposed local government created by the people to self-govern. Created through Ch. 165, F.S. (From the Greek, *civitas*, for citizen)

Code: the body of ordinances for a city or county; often codified regularly to make sure all ordinances are non-conflicting with one another.

Commission: elected body of a county or municipal government; also used to refer to the elected School Board members.

Conversion: a new process wherein an existing special district can convert to a municipality, per Chapter 165, F.S.

Comp. Plan (Comprehensive Plan) – required of the state, counties and municipalities in Florida; includes plans for development, land use, transportation and other factors to help plan for a twenty-year cycle, and to manage growth. Process extensively amended in 2011.

Concurrency: state law requiring that infrastructure be in place before development occurs; features prominently in city and county comprehensive plans. Amended in 2011 to be a guideline for local governments, and no longer a law.

Constitution (both federal and state): the broad governing documents for both entities; adopted by the people and amended by the people through referendum. The precepts of a constitution are then enacted through law.

Constitutional Officer: a position created and defined in a constitution; has legal standing through such creation. (Example: Sheriff is a constitutional officer of a county.)

Council: the elected body of a city government (in Florida, there is occasional use of Councilor, Supervisor, Trustee and Alderman; but less commonly than Council or Commission).

County: sub state; arm of state. A unit of general-purpose local government created by the state to deliver state services.

Ethics Law: as established by FL Legislature to enact Article II of Florida Constitution, this set of laws outlines many prohibitions, restrictions and reporting requirements for officials elected to state, county, municipal and special districts. Detailed in Chapter 112, F.S.

Fee: a charge for service issued by a local government; adopted through an ordinance. It is voluntary in purpose and proceeds must go to the service provided. Also called charge for service; user fee.

Growth Management: In Florida, a set of laws and policies in the 1970s to 2011 covering acceptable land use, conservation, development, zoning and other governmental regulation of growth. The 2011 law changes return most of this power and process to the city or county.

Home Rule: The Florida Constitution grants (1968), and the Florida Legislature upheld (1973), this power for city and county governments. It provides authority to adopt ordinances and enact programs without permission from the state, provided such ordinances do not conflict with state or federal law.

Impact Fees: Imposed by cities and counties to ensure that infrastructure and services related to growth are paid for by the growth area or entity. Must be spent on the specific service (fire service, for example) and are time-limited for collection and expenditure.

Incorporation: in government, used to describe creation of a municipality. The act of creating a city, town or village through referendum. Outlined in Ch. 165, F.S.

Infrastructure: the physical, man-made structures that support a service; i.e., pipes for water and sewer; water and wastewater treatment plants; paved roads; buildings and supportive systems for buildings; stormwater systems; parks.

Initiative: an effort placed before voters to amend a charter, ordinance or other legal action. Often defined in Charter, or law, as to procedure; often requires gathering a set number of signatures to gain ballot access.

Intergovernmental: affecting one or more governments; overlapping goals of more than one government; coordinated activities of more than one government; shared sources of revenues among governments.

Interlocal – refers to action between two governments, usually as an agreement for service, an exchange of funding, or other legally binding agreement.

Law: an enforceable action taken by government to restrict actions or set standards for compliance.

Ordinance: a legal action taken by a city/county government; often used to distinguish between state and federal laws.

Mandate: a legal action by a government requiring another level of government to do something; usually does not include funding (un-funded mandate).

Mayor: term used in municipal charters for the person on the Council or Commission who leads it; in certain charters, refers to a separate position not on the Council or Commission who is the city's administrator. Usually refers to the elected leader of a municipal government.

Millage Rate: the tax levy enacted by a government, usually for the property tax. It is from the Latin for 1,000 (mill) and is multiplied by the appraised value of a property to create a taxable amount.

Municipal: (Municipality) refers to city government; from the Latin “municipus” – many over the people. Used when you don't want to distinguish between city, town or village; also used legislatively to separate cities from counties.

Mutual Aid Agreement: inter-local agreement between and among governments to render assistance in disaster response and recovery

Place Name: used by planners to distinguish unincorporated areas known by local names (examples in Florida: Two Egg; Christmas); sometimes these are also called communities.

Public Hearing: a noticed meeting (per statute and/or ordinance) relating to legal action by a government; usually requires that the public must be heard before action is taken.

Referendum (a): a vote held on a government action; usually set in state or city/county law.

Resolution: when adopted by a city or county, this commemorative or expressive document has standing, but is usually not legally binding in the manner of an ordinance, unless that city's charter provides for such powers.

Save Our Homes: Constitutional amendment that limits the valuation of property; applies to local governments as a limit in the amount per year that a property may grow in value.

Save Our Seniors: Constitutional amendment, with local enactment, that permits a county or municipality to add to the homestead exemption for qualifying elderly persons.

School District: In Florida, this special-purpose district is created by the state to provide K-12 public education. School districts are funded through state and a required local effort (RLE), which is a levy of property tax set by the State and levied by the school district board of commissioners. In Florida, this district shares the same physical boundaries as a county.

Special District: created by the Legislature (independent) or a city or county (independent) to provide a single purpose in a specified area. Known as special-purpose local governments. (Examples: Independent Fire District; Dependent Downtown Improvement Authority)

Sunshine: Short-hand for Florida's Open Meetings/Open Records Law; in Florida Constitution and Chs. 119, 186 F.S. Applies to state in limited capacity, and to local governments in a very extensive capacity. ("All meetings are held in the Sunshine.")

Tax: a mandatory payment from a citizen to a government; levied through the authority of a government. Rates are established by the government through either the state constitution or by government law.

Town: a municipal government; also used to describe unincorporated areas. (From the Old English – "lives within the walls")

Unincorporated: land in a county that is not within the boundaries of a municipality. Often called by a locally known name, but without a government.

Village: a municipal government; also used to describe unincorporated areas. (From the Latin, "*villa, villagio*" – place to dwell)

Workshop: for local governments, a meeting at which issues are discussed without a vote. Under Florida's Sunshine Laws, this is one of the most effective means of publicly discussing public business without taking action, so that all members of the governing body know where one another stands on an issue.

Zoning: set of laws creating categories of land use within a city or county; used to separate areas by activity or use of property. (Example: commercial zoning; residential zoning; industrial zoning)

ACRONYMS and ABBREVIATIONS USED WITHIN FLORIDA GOVERNMENTS

ADA – Americans with Disabilities Act; federal law.
AGO – Attorney General Opinions (state level; legal advice compiled on the AG web site)
BEBR – Bureau of Economic and Business Research (at UF; calculates populations)
BOCC – Board of County Commissioners
CDBG – Community Development Block Grant (Federal and State)
CDD – Community Development District – independent special district (F.S. Ch. 190) created for development; has substantial fiscal authority
CFLGE – Center for Florida Local Government Excellence – created to support Florida’s local governments through training, research and convening entities for discussions
CFO – Chief Financial Officer – added to FL Cabinet to replace other offices in 2003; position combines former duties of comptroller, chief fire marshal and insurance commissioner
CIE – Capital Improvement Element: planning document for infrastructure maintenance and improvements
CIP – Capital Improvement Plan – local government document outlining several years of long-term planning, usually related to infrastructure
CRA – Community Redevelopment Agency (also called DIA) – created by city or county, this governing body has special taxing authority for redevelopment and improvements to a blighted area. CRA’s are dependent special districts
DEM – Division of Emergency Management – governor’s office division that oversees all emergency operations for state and local governments (man-made and natural)
DEO – Department of Economic Opportunity – state agency responsible for many growth management reports from cities and counties; also provides housing assistance, grants and technical assistance in public and affordable housing
DIA – Downtown Improvement Area (also called CRA) – see definition above
DSCP – Division of State and Community Partnerships (State)
DEP – Department of Environmental Protection (State)
DOR – Department of Revenue (State)
DOT – Department of Transportation; used with U.S. or F in front of it
EAR – Evaluation Appraisal Report – part of county and city comprehensive plans
EDR – Committee on Economic and Demographic Research – committee of the Legislature which houses the state economist and most state and local fiscal data
EOC – Emergency Operations Center – one statewide office and 67 county-based offices provide a centralized command center for disaster response and recovery
EPA – Environmental Protection Administration (Federal)
FAC – Florida Association of Counties
FACC – Florida Association of City Clerks
FCCA - Florida Clerks of the Court Association
FASD – Florida Association of Special Districts
FCCMA – Florida City and County Management Association
FEMA – Federal Emergency Management Agency
FGFOA – Florida Government Finance Officers’ Association
FLGISA – Florida Local Government Information Services Association
FLM – Florida League of Mayors
FLSA – Fair Labor Standards Act (Federal)

FMAA – Florida Municipal Attorneys Association
 FMASH – Florida Municipal Association for Safety and Health
 FRA – Florida Redevelopment Association
 FRCA – Florida Regional Councils Associations (all of the RPCs)
 FRDAP – Florida Recreation Development and Parks – grant program through the DEP
 F.S. – Florida Statute – the statutory provisions of Florida law, separated into chapters
 FSBA – Florida School Boards Association
 GFOA – national Government Finance Officers’ Association
 HUD – Housing and Urban Development (federal department)
 ICMA – International City/County Management Association – professional organization for local public managers
 IOG – Institute of Government (state); nickname for John Scott Dailey Florida Institute of Government, located at several universities and used by counties and cities
 JPA – Joint Planning Agreement; used by counties and cities to set boundaries for service delivery and/or utility services
 LPA – Local Planning Agency (local governments create them or councils/commissions act as them)
 MPO – Metropolitan Planning Organization – a federal designation of a state-coordinated advisory board that works with federal and state transportation planning (roads, airports, bridges, ports); applies to areas that reach MSA level (see next term)
 MSA – Metropolitan Statistical Area – federal designation for areas of 50,000 population or greater; can extend beyond a city’s boundaries. Used in allocation of various resources/programs
 MSBU – Municipal Services Benefit Unit – created by counties, these districts provide services through fee or assessment under FL law; can include municipal areas.
 MSTU – Municipal Services Taxing Unit – created by counties, these districts provide services through the property tax under FL law; can include municipal areas.
 NACo – National Association of Counties
 NPDES – National Pollutant Discharge Elimination Systems – collective term for all EPA storm-water regulations and requirements
 OSHA – Occupational Safety & Health Administration (Federal)
 P&Z – Planning and Zoning (usually refers to a committee or board for a city or county)
 PSC – Public Service Commission – Florida’s regulatory body for utilities
 RPC – Regional Planning Councils (established regions in Florida for planning; there are 10 and cover all of the state). Advisory in nature, but opinion is highly valued by DCA.
 SBA – State Board of Administration – state agency; responsible for investment pool used by local governments called the SBA Local Government Fund
 TDC – Tourist Development Council – legislatively created districts that determine spending plans for tourist tax usage and advise counties and cities on tourism matters
 TMDL - Total Maximum Daily Load – used to describe the limits in water and wastewater systems
 TRIM – Truth in Millage; a FL law requiring the publication of property tax information
 WMD – Water Management District – state-created boards that issue consumptive use permits for water (agriculture, industrial, commercial, governmental)

Florida Legislative Terms:

HB – House Bill; always an odd number

SB – Senate Bill; always an even number

CB – Committee Bill; filed by the committee as a whole, not an individual member

CS – Committee substitute; language is substituted for an existing bill

TP- Temporarily Pass – when a bill appears to be failing, the sponsor can TP the bill to bring it back at a future date for consideration

Fun Acronyms:

BANANA – Build Absolutely Nothing Anywhere Near Anyone

CAVE – Citizens Against Virtually Everything

NIMBY – Not in My Back Yard

NIMTO – Not in My Term of Office

NIMLT – Not in My Life Time

NOPE – Not on Planet Earth