Application of Overlay Zoning Districts

VALUE ADDED

Overlay zones help communities achieve specific policy goals in unique, sub-areas of the community. Typically, they provide for a higher level of regulations in certain areas but may also be used to permit exceptions or less restrictive standards (for example, fewer parking places in a downtown or transit station area or more density in an economic development area).

An overlay zoning district is a second, mapped zone that is superimposed over the conventional, base zoning districts. The overlay zoning district permits special regulations to exist within parts or all of a zoning district or across a broad area containing several underlying zoning districts by supplementing the base zoning district regulations. **Table 1** lists common applications of overlay zoning districts.

The Crabapple Crossroads overlay district managed by the City of Milton helps ensure that development is consistent with the area's master plan and historic character.

Table 1: Types of Overlay Zoning Districts

Type	Examples
Natural Resources	Hillside development; watershed protection; stream corridors; extractive resource areas
Historic Preservation	Historic District design standards
Design Review	Highway corridors; central business districts; arts and entertainment districts
Economic Development	Enterprise zones, downtown districts
Specific Plans	Master plans; area plans; village plans; resort plans
Social	Affordable housing; alcohol license restrictions
Recreation	Equestrian; shoreline
Transit	Transit Oriented Development standards
Safety	Airport hazard zones; fire safety zones; flood hazard areas; geologic hazard zones

Lerable. Charles. 1995. *Preparing a Conventional Zoning Ordinance.* PAS Report, American Planning Association.

An overlay zoning district, like a conventional base zoning district, consists of mapped boundaries and written text.

The boundaries of an overlay zoning district do not have to coincide with other zoning district boundaries or even follow parcel boundaries. Often the spatial limits of an overlay district are defined by natural or man-made features. Examples include a Flood Hazard Overlay defined by floodplain boundaries or an Airport Hazard Overlay defined by noise contours. In other cases, the overlay district may be established as a floating zone based on a rule of eligibility. In this case, the boundary is not pre-determined but is established when an eligible property owner applies for it in a rezoning process or through a development application. For example, an overlay zone might give incentives for affordable housing, but the incentives are only granted if the owner applies for the overlay district and meets requirements that were identified in the Comprehensive Plan or other technical study.

The text of the overlay district imposes a set of requirements that are either added to, or in lieu of, those of the underlying use zone.

A good overlay zoning district ordinance should provide all of the following components:

1. Purpose Statement
2. Spatial Definition
3. Procedures for Application
4. Special Development Standards
5. Standards for Review and Approval
6. Plan Approval and Appeals Process

Overlay zoning may also provide incentives to further facilitate the goals of the area. For example, a redevelopment focused overlay may provide expedited plan review and reduced fees for development review.

Examples of Common Overlay Standards

- Reduced parking requirements
- Refined access management standards
- Improved pedestrian requirements
- Increased residential affordability options
- Refined list of permitted uses
- Additional landscaping requirements
- Transit-Oriented Development practices

Coordination of Underlying District & Overlay

Typically, when an overlay results in a dual set of regulations, the overlay standard governs. Some overlay ordinances stipulate that "in case of

conflicting standards, the more restrictive standard governs". This standard should not apply within the overlay district. Communities should not allow multiple overlay districts to overlap or write overlay districts that conflict with so many provisions of base district regulations that it causes confusion.

Types of Overlay Zoning Districts

- Mandatory, pre-mapped – The boundaries are pre-established by a map or legal description. All development within the district is required to conform to the requirements of the Overlay District.
- Mandatory, located by rule – This overlay zone may not have pre-determined boundaries, but applies automatically to all properties that meet the decision rule such as sites containing buildings that are more than 50 years old.
- Optional, pre-mapped – This overlay zoning district is mapped, but individual properties have the option to employ its provisions or to develop under the standard provisions of the underlying zoning.
- Optional, located by rule – This type of overlay zoning district is sometimes known as a "floating zone" because it is not mapped in advance but may appear automatically following the application of the owner of property that qualifies by the rule established in the ordinance.

Advantages

- Greater protection or quality – For example, limiting impervious surface in a stream corridor to improve water quality or restricting building materials in a historic district to protect character provides greater quality or protection, respectively, compared to what is granted in the base district.
- Allows flexible application of standards that are spatially limited to encourage redevelopment.
- Provides more discretion than outright rezoning in situations that are politically sensitive.
- Can help facilitate achievement of community goals within specified areas.

Disadvantages

- Administrative complexity – Overlay zoning can increase the complexity of zoning administration for staff, property owners, and developers.
- Unanticipated application – In other cases, application by rule rather than by map may surprise property owners when they discover the rule makes the overlay requirements applicable to their properties. Consequently, the boundary rule should to be tested before it is enacted to see where the overlay might be applied.

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Gwinnett County Unified Development Ordinance