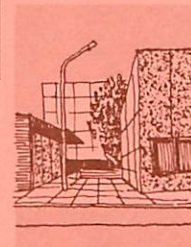


Colorado Planning Notebook

ZONING / an introductory guide



P.6

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INTRODUCING: ZONING

Zoning in the United States is not new. As long ago as 1692, the State of Massachusetts granted cities the right to prohibit certain offensive industries within their borders, or to require that they be so located that the rest of the city could be protected from their deleterious external effects. Since that time, the process of zoning has evolved in cities, villages, counties and now in Colorado, in districts within counties, to where many hundreds of Zoning Ordinances are in effect. Tested many times in the courts, the principle of zoning has withstood a number of assaults, and has come out victorious as the most logical method to protect the health, safety and welfare of the community by the protection of each individual and of his property.

Zoning, as the name implies, is the division of a city, town, county, or part of a county into a number of use-districts or zones. These zones are primarily for the grouping of various uses of land and buildings that are harmonious one with another, within each group. Zones are labeled with names such as "residential," "business" or "industrial", and in further abbreviation are reduced to such terms as "R", "B" or "I". The simplest type of zoning would provide for only three districts, while a large, complicated city such as Denver might have between 15 and 20 different districts.

WHAT ZONING DOES

As mentioned above, the principal purpose of zoning is to protect persons and property from any misuse that would cause bodily harm, damage to the value or to the use of adjoining property, and in turn to the entire community. Thus, the first accomplishment of a zoning ordinance is to group together those uses that would not be likely to harm adjacent uses. For example, residences, schools, parks, churches and community centers are usually grouped together in one group or "zone", while stores, filling stations, offices, banks and hotels represent uses that are included in another group or "zone".

But zoning does more to assure harmonious development than just controlling land use. A minimum size for building lots is required by zoning - especially in residential areas. Where no water or sewer services are available, larger lots are needed for the proper functioning of individual wells and septic systems. In rural areas, where the keeping of poultry and farm animals is common, larger lots for these uses are a necessity for the protection of adjacent residences. And conversely, where water and sewer facilities are available and adequate, space between residences is not as necessary, so that much smaller lots can be platted. But where smaller lots are permitted, it

is important to provide an adequate width of lot to assure enough building space per dwelling.

The third use of zoning is to provide adequate space in an around buildings, not only to guarantee adequate light and air for dwellings, but to also assure light and air for neighboring buildings. This means limiting the height of buildings, so that light and air are not blocked from adjacent properties. By the same token, buildings are set back from the sides of lots to assure a minimum distance between two buildings on adjoining lots. Most ordinances also require setbacks from the front of lots, as well as from the rear.

A fourth and newer zoning device is called "bulk control". In simple terms, this means limiting the total floor area of a building to a certain percentage of total lot area. Along with this method of assuring that too large a building is not constructed on too small a lot, the bulk control is accompanied by the requirement that a certain percentage of the lot area be left open and unobstructed. In residence areas, this assures a certain amount of land for recreation, gardening, etc., in each living unit.

Other zoning devices now commonly used to assure the greatest benefits for the most people are: the requirement that space off the street be provided for parking and loading cars and trucks; the over-all control of spacing of housing by requiring a certain amount of land for each dwelling unit; the assurance that the area around each window in a building is unobstructed for proper light and air by requiring an open space within a certain distance of each window; and the limitation of the number of signs on a property, thus preventing "sign jungles" which so often reduce land values by unsightliness and neglect.

The over-all benefits of zoning can thus be summarized by the objectives here listed. A good zoning plan:

1. Protects compatible land uses from the injurious effects of objectional adjacent uses.
2. Assures that the most appropriate use is made of land in accord with an over-all land-use plan.
3. Conserves and promotes the development of natural resources inherent in the land, such as agriculture, waterways, mining areas, etc.
4. Prevents blight and property depreciation.
5. Lessens street congestion and accidents.
6. Assures proper safety devices against fire and other dangers.
7. Promotes general health and welfare.
8. Provides adequate light and air.

9. Prevents land overcrowding.
10. Helps provide a guide for planning such public facilities as transportation, water, sewerage, schools, parks, and similar needs.
11. Conserves the beauty of scenic roadside areas.
12. Secures safety from flood by assuring adequate drainage ways.
13. Reduces taxes and insurance rates.

WHAT ZONING DOES NOT DO

Wherever zoning is initiated, there are those who will object. Experience has shown that many who originally object to zoning are its most ardent supporters after they understand, experience and trust it. The initial fear of zoning is usually based on unfounded ideas that it will confiscate property, regulate crops, require that a person tear down what he already has built, and bring on all sorts of other imagined woes. But zoning does none of these things.

Zoning does not usually effect what has been built in the past. Uses already existing, land, buildings and structures, become what is known as "non-conforming" when they are not a permitted use in the district in which they are located. In most ordinances these uses may continue to operate indefinitely. Only when they have been damaged by more than half of their value by fire, flood, tornado, etc.,--or have been abandoned for a certain length of time--must they be rebuilt or used for a conforming use. The only uses excepted from this usual provision for continuance of non-conforming use are signs, billboards and junkyards, which are often allowed to continue for only a few years if they are non-conforming.

Many times in rural areas a farmer may confuse zoning with crop control. Zoning has absolutely nothing to do with regulations on crops, nor does zoning tell a farmer how many chickens, pigs, horses or cows he may have. While some ordinances do limit the number of animals that can be harbored, this is only in areas where the dwelling density is so high as to make them a health menace. The only controls that rural zoning imposes on the farmer are those which prevent him from locating buildings too close to the highway or to his neighbor's property.

In a survey of zoning in many areas around the country, the editor of a magazine devoted to rural problems found that enormous gains had been made in the use of zoning--especially in rural areas. Enthusiasm for the results was nationwide. Several remarks made to the editor are typical: "We didn't like the idea (of zoning). . . but when we understood it, we were strong boosters, and have been ever since." "It helps farmers. . . keeps us from being swallowed up by taxes." "Farmers here are finding zoning an answer to some of their biggest problems."

THE NEED FOR PUBLICITY

The need to prepare for zoning for some time before the actual ordinance and map are introduced, is something that many areas, unfortunately, discover too late. A small amount of education before a public hearing can alleviate a lot of distrust, misunderstanding and hot tempers on the part of those who feel zoning is unnecessary.

METHODS OF PROCEDURE

The next few pages will be devoted to procedures for initiating zoning in such a way that the benefits derived will be appreciated, that it will be in accordance with State legislation, and that the best and most up-to-date ordinance will be evolved to fit the particular community or area where it is to be applied. The importance of laying a realistic and effective groundwork for zoning cannot be overemphasized.

Too many zoning ordinances have been evolved in the following manner:

1. The governing body of a community, county or district decides it wants to have zoning.
2. Some local official is delegated to draw up an ordinance.
3. A nice looking ordinance from some other state or from some other area of similar size is chosen and copied.
4. Another official is delegated to draw a map showing the various districts, and where he thinks they should be located.
5. After everyone has made sure that his particular lot is zoned the way he wants it, the ordinance and map are made official.
6. The ordinance and map are placed on file and forgotten.

This procedure is neither proper nor legal--and does more harm than good, in that disrespect for zoning is engendered. Often, too, the board of zoning adjustment becomes meaningless by having the power to approve non-conforming uses. Mistakes in the method outlined above may be avoided if we remember that:

1. The majority of people in the area must be aware of, and sold on, the merits of zoning, in order for it to be effective;
2. Technical assistance of some sort should be obtained from someone familiar with all of the aspects and details of zoning. The local attorney must be kept informed so that compliance with all local ordinances will be assured;

3. The zoning should be tailored to the particular area, and not copied in toto from some other ordinance. Because Colorado's enabling legislation is different from that of other states, ordinances used in other states should not be copied;
4. The zoning map should be based upon a plan for the future growth of the area, and be made or supervised by a competent planning advisor;
5. Zoning patterns should be general, and not based upon individual lots. If one or two lots were zoned differently from their neighbors, they would be called "spot zones", and may be declared invalid by the courts;
6. An ordinance and map should be continually consulted and kept up-to-date, if they are to achieve the desired results of a coherent, planned entity.

In order to avoid the preceding pitfalls, then, certain procedures should be followed, which are here outlined and which will be covered in detail in the sections immediately following:

1. Contact the Planning and Development Section of the Colorado Division of Commerce and Development and/or a professional planning consultant for advice, procedures and a personal visit to discuss the needs, how they are to be met, and the cost of a planning and zoning program.
2. Appoint a Planning and/or Zoning Commission in accordance with State Statutes.
3. Set up a program of procedure, detailing each component and scheduling committees or individuals to do the actual work.
4. Prepare (or have prepared) a land-use map of existing uses and conditions of land and buildings.
5. If the zoning is not being done as a part of a comprehensive development plan for the area, some sort of generalized future land-use plan should be evolved from the existing plan as a legal basis for zoning.
6. The land-use plan should be officially adopted and certified.
7. The zoning text prepared by the consultant, or the model ordinance selected by the commission should be carefully reviewed and tailored to the community or zoning area. This should include a review by the local attorney for conformity to State and local laws. In the case of counties, State law also requires that the zoning resolution and map be submitted to the State Division of Commerce and Development for review.
8. The zoning map should be minutely worked out with all three documents close at hand: the text, the existing land-use map, and the future land-use map. If no consultant is used, then committees of representative citizens should aid the Planning or Zoning Commission.
9. Advertise the proposed zoning and hearings. Supplementary newspaper articles should be used to educate and explain to the people any portion of the ordinance or map that might meet with misunderstanding or opposition.

10. After the zoning is official, a Board of Zoning Adjustment should be appointed and care seen that the zoning is enforced by the enforcement officer.

GETTING OUTSIDE HELP

Too many zoning ordinances have been worked out on a do-it-yourself basis. Without benefit of some expert advice, many such ordinances are ineffective, and costly and have no real justification for their existence. Money supposedly saved by not getting outside help, may have to be used later to re-enact, patch up or completely revise such an ordinance, especially if it has been invalidated by the courts.

The first and most readily accessible source of help before starting zoning procedure is the Planning and Development Section of the Colorado Division of Commerce and Development. This Section was created to help any municipality, county, region or district within the state by offering technical assistance and advice in matters of planning, zoning, Federal aid and surveys, and by furnishing such data as is available on the state level to any area asking for it. Often the first move on the part of an area is to have someone from the state staff visit the community for the purpose of answering questions and giving advice as to proper procedure. The staff, though limited in number, is always available for this important function.

The second source of help, and the most important for larger areas, is the private planning consultant. Just as a doctor is called to diagnose and prescribe remedies for the ailments of the human body, the planner should be consulted to analyze and make plans for the physical progress of a community, a county, or even a district. The consultant is trained for this purpose. Some communities would insist on saving money involved in hiring him, yet in the long run he might have saved the area many hundreds of dollars. These same persons would never question the cost of paying a doctor in time of illness, and yet the comparatively small cost of adequate planning for efficient future growth is felt to be extravagant.

Since planning should be a community project, the planner can often use the services of members of the community--including civic clubs, school students and scouts--as well as officials from within the governmental framework, such as the city or county engineer, city clerk, assessor or others. Such help should be kept in mind when talking to the planner about his costs. It should be pointed out, also, that it usually costs nothing to get an estimate from a planner. Most planners will make at least one trip free of charge to a community to discuss costs and the details of his services. A list of qualified planners in the state of Colorado is available either from the Colorado Division of Commerce and Development or from the Colorado Chapter of the American Institute of Planners.

Several publications would be helpful to any area interested in planning and zoning, although books and pamphlets written especially for the layman are hard to find. Especially recommended are:

ACTION FOR CITIES. A Guide for Community Planning . . . \$1
Public Administration Service, 1313 East 60th Street, Chicago 37, Illinois

THE WHY AND HOW OF RURAL ZONING. . . . Erling Solbert. 40¢
U. S. Government Printing Office, Washington 25, D. C.

THE INS AND OUTS OF PLANNING 50¢
Planning Section, New Jersey Department of Conservation and Economic
Development, 520 East State Street, Trenton, New Jersey

MR. PLANNING COMMISSIONER Harold Miller \$1
Public Administration Service, 1313 East 60th Street, Chicago 37, Illinois

A MAYOR HAS HIS TROUBLES Walter Blucher 25¢
A.S.P.O., 1313 East 60th Street, Chicago 37, Illinois

THE SMALL COMMUNITY LOOKS AHEAD \$3
Wayland Hayes - Harcourt, Brace & Company

ZONING YOUR COMMUNITY Institute of Community Development
University of Oklahoma, Norman, Oklahoma

PUBLICATIONS OF THE COLORADO DIVISION OF COMMERCE AND DEVELOPMENT:

Guide for Organizing a Planning Commission	Bulletin P.1
The Preliminary Reconnaissance	Bulletin P.2
Elements in the Community General Plan	Bulletin P.3
Basic Data for Planning	Bulletin P.4
Making a Land-Use Survey	Bulletin P.5
Zoning. An Introductory Guide	Bulletin P.6
The Board of Zoning Adjustment	Bulletin P.7
The 701 Program	Bulletin F.1
Cities and Towns/ Colorado Planning Statutes	Bulletin L.5

A word should be said here about the Federal Aid Program to help smaller cities and towns do a comprehensive planning job, including zoning. A separate publication of the Colorado Division of Commerce and Development explains this program. Briefly, it provides for federal funds meeting two-thirds of the cost of doing a comprehensive planning program. The planning itself is done by a planning consultant, and the Division of Commerce and Development handles the administration and supervision of the program.

SETTING UP THE ZONING AND PLANNING COMMISSIONS

There is a great deal of confusion as to the difference between a planning director, a planning consultant, a planning commission, and a zoning commission. The planning consultant is a trained planner, whose services are rendered to various municipalities for a fee. Professionally he is much like an architect, a doctor or a lawyer. The planning director is also a professional planner, but his services are used exclusively by a town, city, county, metropolitan area, or even a state. He is on the payroll of the government jurisdiction he serves, and his capacity is as an advisor to the planning commission. The planning commission is also an advisory group, to the legislative body of the town, city or county which they serve. These men and women are not professional planners, but are citizens appointed from all walks of life. They do, however, make decisions concerning planning, and during their term on the Planning Commission learn a lot about the mechanics of planning, especially what is

behind the land-use and comprehensive development plan that they are instrumental in preparing.

The number of members, terms of office and methods of appointment vary according to the type of jurisdiction. The following chart shows briefly what these are. A more detailed description can be found in published form and copied directly from the State Statutes. (Article 2, Ch. 106 CRS, 1953, amended in 1959, and Articles 59 and 60, Ch. 139 CRS, 1953, as amended.)

TYPE OF COMMISSION	NO. OF MEMBERS	TERMS OF OFFICE	MEMBER QUALIFICATION	METHOD OF APPOINTMENT
Home Rule City	5 or 7 unless indicated differently in Charter	6 years	Residents; holding no other office. Mayor (ex-officio); Appointee of mayor (ex-officio).	Appointed by mayor, or such means as stated by Charter
City or Town	5 or 7	6 years	Same as above, except when 7 members; 3 ex-officio including administrative officer, member of town or city council, and mayor.	"
County over 15,000 Population	5	4 years	Chairman and County Commissioners plus 4 resident property owners.	By county Commission
County under 15,000 population		(County commissioners may serve as planning commission or may be appointed as above in counties over 15,000)		
Districts (By petition)	3	3 years	Resident property owners in district	By county commissioner.
Regions	Unlimited	As agreed upon	As determined by members	Appointment by member governing bodies

The zoning commission is set up for the purpose of initiating zoning in a city or town. Its function ceases as soon as the zoning is put into effect. However, if a planning commission is already in existence it usually acts as a

zoning commission. Once zoning is established, it is almost necessary to have a planning commission in order to oversee the proper functioning of the zoning ordinance. Thus it would seem advisable to appoint a planning commission at the beginning, and to allow them to function as a zoning commission until such time as the zoning is effective.

A necessary factor in the appointment of a planning and/or zoning commission is that the persons appointed have a genuine interest in the development of the area. The members of the commission should be men and women of varied interests and professions, and should not be persons who would be able to profit financially by the zoning in any way, be being able to influence the formation of the ordinance or map, nor by having advance knowledge of zoning changes. Member qualifications should be checked against State Statutes as to residence requirements, required ex-officio members in cities and towns, etc.

DEVELOPING A PROGRAM OF PROCEDURE

Before proceeding with details of a program, it is important to delegate responsibility for various aspects of the program to members of the planning or zoning commission. The chairman of the commission will, of course, oversee the entire project, while each member of the commission should be put in charge of the details. For example, during the land-use survey, if it is to be done by the townspeople, the area should be divided into sections with each commissioner in charge of the work in one particular section. Later, when the written ordinance is up for study, each commissioner would be in charge of one aspect of the ordinance or resolution, and would carry through the study of that section for later presentation to the entire commission. Of course, in larger areas, the commissioners cannot carry all of this work themselves. It is highly desirable that each commissioner have a committee of citizens representative of the community as a whole to work with him and to spread a better understanding of the entire procedure throughout the whole community, neighborhood or county area. These citizens would be as familiar with their particular section of the land-use study or of their portion of the written zoning regulations as would the commissioner who would head the committee.

It is also important to set up a timing schedule for each aspect of the project, and every effort should be made to meet the schedule. After the first item on the schedule is completed, it will be easier to see how long the entire project will take, and at that time it may be necessary to reset the schedule dates. Unless dates are set and a brisk pace for completing each part is maintained, the project will often bog down and may never come to fruition.

THE LAND USE INVENTORY

The first basic material that will be required to work out zoning regulations and to develop a zoning map is an inventory of land use as it now exists. This entails some careful work, and while it may be advantageous to have many persons working on the zoning as a whole, a few persons will be able to cover the area in a short period of time. It is necessary that each person taking part have a thorough knowledge of the procedure, however.

Help is available as to the methods of making a land use survey from several sources. The best handbook for this type of mapping is a booklet entitled **MAPPING FOR PLANNING**, which is a publication of the Public Administration Service, 1313 East 60th Street, Chicago 37, Illinois, and is available at a cost of \$1.50. The Planning and Development Section of the Colorado State Planning Division has worked out a very simple land-use mapping procedure, which would be applicable to counties, zoning districts or smaller towns and is available free of charge from this office.

The basic requirements for the land use survey is a good lot-by-lot base map of the community or area to be zoned. This map should also include enough overlap into adjoining governmental jurisdictions to show the general pattern of land use within an area of several thousand feet of any incorporated area and within one-half mile of county boundary areas. Colored pencils are the quickest and easiest method for checking the land use, especially when it is done from a moving automobile. A list of appropriate colors will be found in the previously mentioned booklet, as well as in the State Planning material. A large book, board or background of some kind will be needed by the persons making the survey to put beneath the map to make marking easier.

The best method, in our opinion, for making the land-use study is by automobile. By slowly driving throughout the area in a systematic way the work can be done very quickly. It will be necessary, however, to cover certain areas twice, as invariably some building, lot or use is discovered after the work has been taken to the office for completion that was overlooked the first time around.

The last aspect of the land use survey is to put all of the material on a single map. If possible a recent aerial photograph of the area will prove of tremendous help when blocking in the various types of use, especially when determining where one property ends and another begins and what portions of a certain property are being used. This map, when completed, will be very colorful and should be put on display in the area for a short period, asking the citizens to examine it and to correct any errors.

PLANNING FUTURE LAND USE

Before making a future land-use plan for any area, it is necessary to know approximately how much land to devote to the various use classifications. Without the use of a technical planner the guess that must be made must have as much factual background as possible. This may be done by tabulating the various classes of land use that have already developed in the area by adding together the acreages that are shown on the land-use inventory map. Percentages of the existing land use in each category can be calculated and then projected as an estimate of the future needs.

Some of the classifications that it will be necessary to project can be selected from the following list which will vary according to the physical make-up of each area:

- Single-family or low density residences
- Two-family or medium density residences
- Apartment or high density dwellings
- Retail sales business
- Office business

- Commercial or wholesale business
- Light industry
- Heavy industry
- Public parks and recreation areas
- School and school recreation areas
- Public buildings
- Street rights-of-way
- Railroad rights-of-way and yards
- Agricultural uses
- Vacant useable land
- Vacant unuseable land (floodable, rivers and streams, ponds or lakes, water storage reservoirs)

A decision must be made as to what uses will likely be expanding greatly in the future, what uses are likely to decrease, and what uses will probably continue to grow at the same rate that they have in the past. From these calculations an estimate of acreages which should be allotted for future use will be forthcoming.

Another item that will need planning before the allocation of land-use can be made is the future location of major streets, so as to allow for the efficient circulation of traffic in, around and through the area. In residential districts it is advantageous to keep the major thoroughfares at least a mile apart and to design the interior streets so that they are most conducive to residential development, i.e., no through traffic would be encouraged, streets would be curved according to the land contours, and park and school sites could be located away from the major traffic routes. This framework of major streets will often be found to be a good line on which to end one zone and begin another.

When the areas required for land-use are estimated, then comes the decision as to where it would be best to project these various uses upon the ground. It must be remembered that this is not a map which will determine the zoning exactly, but will serve merely as a generalized pattern. It may be decided that additional industrial development is desired, or it may be decided that the existing business area is not large enough, or that it has already spread out too far to meet even the future needs and should be tailored into a more compact area. Land now devoted to agriculture will often be found to be ideally suited for residential development, while some residentially developed area would be more suitable as open area for parks, flood control plains, or for forest preserves. The determination of these points is an important function for the various committees and should be a decision requiring the greatest amount of prudence and good judgment that can be mustered; hence, the importance of selecting the right committee members.

It is now necessary to draw up--or to have drawn up--the land use guide map. A local artist, draftsman or architect should be used for this job, if a professional planner has not been hired. This map will be on display and it is important that it be as legible, colorful and attractive as possible in order that it may be understood and read by the residents who will, in turn, be approving what has been done.

MAKING THE PLAN OFFICIAL

The land-use guide is now put on public display and provision made for criticisms, corrections or additions, and it is important that the greatest publicity be given to the display map and that newspaper articles be written to explain it. It should be emphasized that this is not a zoning proposal, but a future land-use proposal toward which the zoning will help guide the development.

When the map has been on display for a time and it is felt that enough people are familiar with it, the planning and/or zoning commission should then reconvene, discuss any criticisms or suggested changes, have the map corrected, and then make an official move to adopt the plan. The plan, as adopted, should be placed in a permanent display location and a duplicate officially filed. The map should bear the signatures and certification of the County Commissioners or of the City Council or Town Board.

DEVELOPING THE ZONING TEXT

Before starting to work out the zoning map, it is necessary to work up the written part of the zoning legislation which is known as the ordinance or resolution (depending on whether the zoning is for a city or a county). Where a planning consultant has been hired, he will develop the text in accordance with his opinions as to the requirements of the area. However, in areas where the textual part is being drawn up by the local attorney with the help of the planning or zoning commission, it will be necessary to use zoning legislation from another area of the same size and type, as a model, or to use a set of model regulations that has been worked up by some competent organization. The State Division of Commerce and Development has a model set of regulations for various types of planning areas or can recommend existing texts that are up-to-date and are felt to be good models to use. The important thing to consider is that the model text has been written with the Colorado enabling legislation as a basis, or else has been altered to conform to Colorado legislation.

Now the use of committees becomes especially important, since each section of the proposed zoning must be examined and altered to fit the local situation. The various committees might be divided according to the various zone districts that it is proposed to set up. Other committees might examine the sections on enforcement, amendment procedure, definitions, or such other sections as the proposed zoning might use.

When altering an ordinance to fit a certain area, some of the considerations to take into account would be:

1. Which of the uses found in the model are also applicable to the area to which they are being adapted?
2. What additional uses are found in the area which are not listed in the model?
3. What peculiarities in space requirements, such as lot width, yard setbacks, building heights, parking requirements, or in sign and billboard regulation, should be incorporated into the zoning text?

4. Are the word definitions used in the model all found in the text and are there additional words used in the text that should be added to the definitions list?

Many other considerations will be found in the process of examining the text that should be discussed and agreed upon by the committees before the final draft of the zoning text is submitted to the planning or zoning commission.

It is now that the commission will meet with the committees, one by one, working out final refinements to the text. Then they will meet again by themselves to review and refine the entire written text. It should simultaneously be reviewed by the town, city or county attorney for a check to see that legal requirements have been met.

DEVELOPING THE MAP

Once the text is fairly well set, it will be necessary for the committees to familiarize themselves with it, especially as to the general use districts and space requirements that each district will impose. Thus, when they are working on the map they will be able to visualize each district and know better where to apply each district to the map.

This time the committees may be each assigned a certain part of the area in which to work. It may be advisable not to assign members to areas in which they themselves live - in order to give them a fresh and unprejudiced view of the area to which they have been assigned. Sometimes it might be more advantageous to assign the committees by use districts, but in general this would make uneven work loads for the committees and might cause some overlapping in opinions and use boundary decisions.

Aside from the need to familiarize each committee with the area in which they are working, it will also be necessary to have at hand both the existing land use map and the proposed land use guide. Certain rules should be worked out in evaluating the districts and uses. Some of these are:

1. Except where wide thoroughfares make good boundary lines, it is better to have both sides of a street zoned alike and to make boundary lines along the rear of properties or on alleys.
2. A minimum size for districts should be part of the zoning text and this minimum size carefully followed when assigning districts on the map.
3. Definite percentages of an area should be already developed in a certain use before the area is changed or an existing zone retained. For example, if an area has previously been zoned for business and only 25% of the area has been developed as business, then the area should be changed to conform with whatever use actually developed.
4. Where the guide plan indicates an eventual change in land-use, it is often better to keep the zoning in agricultural or residential use until such time as it is ready to develop with the new use. This is so that certain requirements as to street widths, curb cuts, building layout, etc. can be assured at the time the zoning is changed. This is especially true of business zones.

Again after the committees have made their decisions, a review by the planning and zoning commission is in order and should be done in the same manner as was the text.

PUBLICIZING THE ZONING

It will now be necessary to begin a series of steps to put the zoning into law. These steps differ in the different types of jurisdiction, whether it be city, town, county or district. Usually the first step is to publish both the map and text in a newspaper having general circulation in the area and within a certain length of time a public hearing must be held. Again publicity explaining and favoring the passage of zoning should be sought. Oftentimes, where possible, a colored zoning map and resume of the text can be printed either by the community or as a public service of the local bank, Chamber of Commerce, or some large business, industry, or other group. Where any opposition is expected, this method of "selling" zoning is very effective. Larger areas may require more than one hearing covering various segments of the area and held in local schools or other neighborhood places. This method often clears the air and provides for the settling of any locally disputed areas before the final hearing.

It is now time for the final passage of the zoning text and map which, of course, it is necessary to do in a manner definitely prescribed by law. Oftentimes in court, zoning resolutions are bodily invalidated because of some slip-up in the method of passage.

MAKING IT WORK

Too many zoning resolutions and ordinances are filed and forgotten. It is thus necessary from the outset to follow a definite procedure for amendment, review and enforcement. Of particular importance is the selection of the enforcement officer and of the machinery which he will need to do the enforcement. This enablement should be incorporated into the zoning as an integral part of the text. The backing and support that the enforcement officer receives will do much to encourage him to conscientiously perform his duties.

Also necessary for the proper functioning of the zoning is a good Board of Zoning Adjustment. This board should be appointed from persons in various walks of life as well as different age groups who have no special personal interests in either the enforcement or amendment of the zoning. It will often be necessary for the members of the Board of Adjustment to deny requests for variances that are unreasonable, but which may be made by friends or by influential members of the community. Unless the members have the courage to stick by their convictions, honesty, reasonableness, and the goals for which the area plans have been made, they will be doing a disservice to the area as a whole and defeat the purpose of zoning by serving on the board.

The same qualities must be sought in the enforcement officer. He may often be maligned by individuals, perhaps by the press or by community organizations, and he must not be afraid of criticism or be hurt by those who would like special privileges that are contrary to the zoning regulations.

The planning program for the area should be a continuous one, and if the planning commission is alert, it will be continuously making studies of various aspects of community growth and will amend the growth guide as changing conditions call for them. This may also require changes in the zoning text and map, which the planning commission can initiate.

The zoning ordinance and map that are never changed are most certainly not being used. Too many changes, however, may indicate a weakness in the original zoning or may indicate poor enforcement, a weak Board of Adjustment or the lack of strength of the planning commission. Zoning that has too few changes is not necessarily perfect and may also be an indication of a lack of either enforcement or of an active planning commission.

ADDITIONAL REQUIREMENTS FOR COUNTIES AND DISTRICTS

Zoning regulations prepared by a county or district planning commission must be referred to the Division of Commerce and Development before the regulations are certified to the county commissioners. The Division of Commerce and Development has 30 days in which to comment and offer advice to the local planning commission. Although this requirement is not mandatory for cities and towns, the Division of Commerce and Development will review any municipal zoning regulations submitted. Where a regional planning commission exists, all business or industrial zoning changes of 20 acres or more and residential zoning changes of 40 acres or more, must be referred to the regional commission for review and comment.

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