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OVERLAY ZONING DISTRICTS

Description:

According to the University of Wisconsin's Land Use Education Center,¹ overlay zoning is a regulatory tool that creates a special zoning district that identifies distinctive development provisions in addition to those in the underlying base zone. The overlay zone can be placed over an existing base zone; it can share common boundaries with the base zone; or it cut across base zone boundaries. The allowable provisions apply to all developers who wish to develop a project or area that lies within the overlay district; this contrasts with a Planned Unit Development, which is usually planned and negotiated between the municipality and a single developer.

Incentives (by the state or the municipality) or regulations are attached to an overlay district to help a municipality achieve specific aims; that is, allow developers the option to pursue alternatives to conventional zoning in a specific area, protect an identified resource, or guide development within a special area. For example, overlay zoning has been successfully used to manage development in or near environmentally sensitive areas, protect historical areas, encourage higher-density and smaller-lot development, promote economic development, allow various senior housing alternatives, encourage narrower streets, re-develop a municipal center, preserve farmlands, cluster housing around a transit site, and other purposes.

Reference:

¹ Douglas Miskowiak and Linda Stoll (2006), *Planning Implementation Tools: Overlay Zoning*. Stevens Point, WI: Center for Land Use Education, University of Wisconsin—Stevens Point.
<ftp://ftp.wi.gov/DOA/public/comprehensiveplans/ImplementationToolkit/Documents/OverlayZoning.pdf>.

Benefits:

For residents:

- Offering the option of overlay zoning avoids the need for developers to seek costly and time-consuming variances and re-zonings for innovative or successful projects that have not been addressed in a municipality's existing zoning ordinances, but which serve various constituencies, such as older adults, young singles, individuals with disabilities, workers, and others.

For communities:

- The option of overlay zoning can offer the land-use flexibility a municipality may need to achieve its aims to create a livable community.

Impediments or barriers to development or implementation:

- Overlay zoning is usually voluntary; therefore, complementary incentives or public investments are often necessary to make these projects feasible.

Resource—examples and ordinances:

- Kristen Forsyth (September, 2001), *Smart Neighborhoods: Managing Maryland's Growth*. Baltimore, MD: Maryland Department of Planning. Includes Maryland's Smart Neighborhoods Model Ordinance:
<http://planning.maryland.gov/pdf/ourproducts/publications/modelsguidelines/smartneighborhoods.pdf>.
- Pace University Land Use Law Center, White Plains, NY:
<http://www.pace.edu/school-of-law/centers-and-special-programs/centers/land-use-law-center-0>. Type "Documents" into the Pace web site's search tool; at the documents screen, type "overlay districts" into the search tool for links to examples of overlay districts established to promote specific land use goals. Notable examples include:
 - Senior citizens and housing overlay/floating zoning:
[http://www.google.com/search?q=documents](http://www.google.com/search?q=documents&hl=en&ie=ISO-8859-1&q=senior+housing+overlay+zoning+district&btnG=Search): type "senior housing overlay zoning district" into the Documents search tool for several examples (in New York State and other states) of senior housing overlay/floating zones.
 - City of Vancouver, WA: Transit Overlay District:
<http://www.landuse.law.pace.edu/landuse/documents/laws/reg10/VancouverWATOD.doc>.
or: <http://www.google.com/search?q=&hl=en&ie=ISO-8859-1&q=City+of+Vancouver+overlay+district&btnG=Search>: see first item in list for link to Vancouver example.
 - Town of Malta, NY: Central Business District Overlay District:
<http://www.google.com/search?q=&hl=en&ie=ISO-8859-1&q=Town+of+Malta+overlay+district&btnG=Search>: see first item in list ("Town of Malta NY Downtown Overlay District") for link to Malta example.
 - Charlotte, NC: Pedestrian Overlay District:
<http://www.google.com/search?q=&hl=en&ie=ISO-8859-1&q=Charlotte%2C+NC%2C+overlay+district&btnG=Search>: see first item in list for link to Charlotte example.
- Larry Duket (March, 1995), "Overlay Zones," *Managing Maryland's Growth—Models and Guidelines: Flexible and Innovative Zoning Series*. Publication #95-03. Baltimore, MD: Maryland Office of Planning.
<http://www.mdp.state.md.us/PDF/OurProducts/Publications/ModelsGuidelines/mg10.pdf>.