

Zoning Code Update

A Presentation to the Mendocino County Planning Commission

December 2, 2021

Today's Meeting

- A few minutes on "Zoning 101"
- Overview of the Zoning Code Update

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Zoning 101

A Brief History and Introduction

1926: Euclid v
Ambler



Supreme Court Upholds Zoning in the United States



The Case

The Ambler Realty Company owned 68 acres of land in the village of Euclid, Ohio, a suburb of Cleveland. On November 13, 1922, the village council passed a zoning ordinance dividing the village into several districts. The ordinance defined the use and size of buildings permissible in each district. Ambler Realty's land spanned multiple districts, and the company was therefore significantly restricted in the types of buildings it could construct on the land.

Ambler Realty filed suit against the village, claiming the ordinance violated the Fourteenth Amendment's protections of liberty and property described in the Due Process and Equal Protection Clauses. A federal district court agreed and issued an injunction against enforcement of the ordinance.

The Supreme Court

Question: Did the village of Euclid's zoning ordinance violate Ambler Realty's rights to liberty and property under the Due Process and Equal Protection Clauses of the Fourteenth Amendment?

The Court Decides

In a 6-3 opinion authored by Justice George Sutherland, the Court concluded that the speculative damages claimed by Ambler Realty were insufficient to invalidate an otherwise valid exercise of the village's police power. ... The Court rejected its arguments on the constitutionality of the zoning ordinance, which it found neither arbitrary nor unreasonable. The Court held the ordinance did not exceed the local government's police power. Zoning regulations will generally be upheld as long as there is some connection to **the public welfare.**

The “Pig in the Parlor” Decision



“Thus, the question whether the power exists to forbid the erection of a building of a particular kind or for a particular use, like the question whether a particular thing is a nuisance, is to be determined not by an abstract consideration of the building or of the thing considered apart, but by considering it in connection with the circumstances and the locality. ... A nuisance may be merely a right thing in the wrong place -- like a pig in the parlor instead of the barnyard.”

Zoning and the “Police Power”

- The ability to use zoning derives the “Police Power” of local government to protect the public *health, safety, and welfare*
- Everything in the Zoning Code connects in some way to the Police Power of the County

Zoning Today

- Divides a jurisdiction into “zoning districts” via a Zoning Map
- Regulates the development of structures, based on the zone in which the land is located
- Regulates the use of structure, based on the zone in which the land is located

Types of Zoning

Some common types of Zoning:

- **Traditional or “Euclidean”**
- **Form-Based**
- **Hybrid**

Zoning and State Law

- **The State of California has a great interest in planning and how it is conducted at the local level (Governor's Office of Planning and Research funded in 1970 under Governor Ronald Reagan)**
- **California planning is generally more regulated and complex than in other states (e.g. Texas)**
- **The state has adopted a variety of laws aimed at increasing the construction of housing (ADUs, "SB-9," etc.)**

Zoning and the General Plan

- In California, each County and City is required by state law to adopt a General Plan that meets certain requirements
- The General Plan is the agency's primary policy document, and includes Land Use policy (the "Land Use Map")
- The Zoning Code provides the specific regulations that implement the policies in the General Plan
- Zoning must be consistent with the General Plan

The Zoning Code

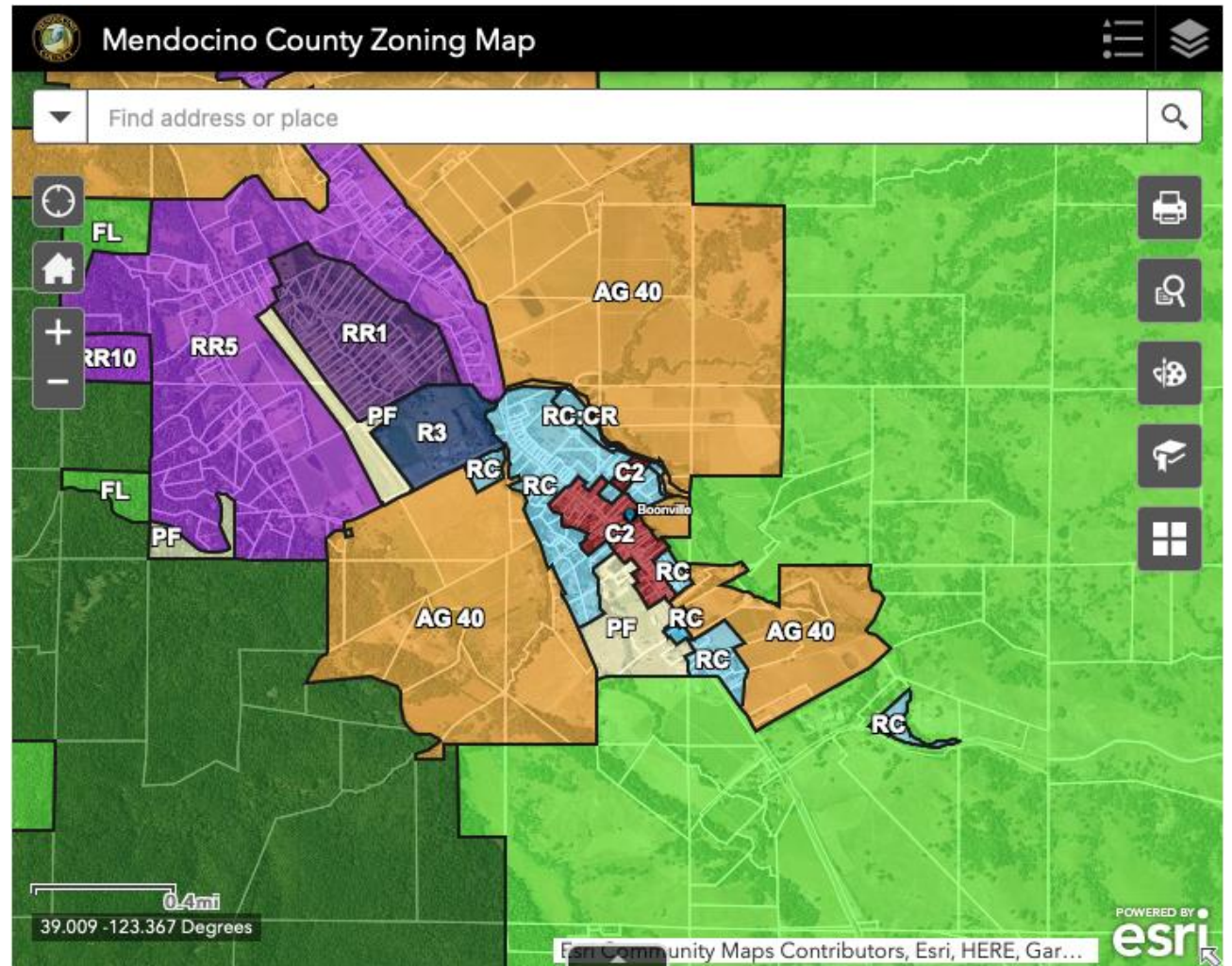


(Usually maintained by the Planning Department)

Typical Zoning Code

- Administration
- Zoning Districts (“base” and “overlay”)
- Defines allowed uses by district
- Development standards (setbacks, height limits, parking spaces)
- Performance standards
- Definitions

Mendocino County Zoning Map



Mendocino County Zoning Code

CHAPTER 20.044 - "S-R" SUBURBAN RESIDENTIAL DISTRICT

Sec. 20.044.005 - Intent.

This district is intended to create and enhance neighborhoods where a mixture of residential, public and commercial uses are to be subordinate to the dominant residential character of the district. (Ord. No. 3639 (part), adopted 1987)

Sec. 20.044.010 - Permitted Uses.

The following use types are permitted in the S-R District:

(A) Residential Use Types (See Chapter 20.016).

Family residential-single-family.

(B) Civic Use Types (See Chapter 20.020).

Administrative services, government;

Cemetery;

Clinic services;

Community recreation;

Cultural exhibits and library services;

Essential services;

Fire and police protection services;

Lodge, fraternal and civic assembly;

Minor impact utilities;

Religious assembly.

(C) Agricultural Use Types (See Chapter 20.032).

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Three Codes for the County

- **Mendocino County Zoning Code**
- **Mendocino County Coastal Zoning Code**
- **Mendocino Town Zoning Code**

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Updating the Zoning Code

Why Update the Zoning Code?

- **The General Plan was updated in 2009**
- **Most of the Zoning Code dates to 1987**
- **Changes in State Law that need to be addressed in the Zoning Code**
- **Time for a general "Spring Cleaning"**
- **Modernize the Code's content and language**
- **Combine the Zoning and Subdivision regulations into one Code**

Known Issues

- Poorly organized and not user-friendly
- Doesn't reflect the 2009 General Plan or the 2019 Housing Element
- Not up to date with State law: Wireless communication facilities, Adult businesses, Alcohol sales
- Out-of-Date development standards: ADA, Landscaping, Lighting, Signage, State Density Bonus Law, etc.

How We'll Update the Code

- Talk with stakeholders and those who use the Zoning Code, including the Planning Commission
- Thoroughly review the existing Code
- Review changes in state and federal law
- Create a revised outline and format
- Reorganize and streamline
- Add new content as needed
- **ILLUSTRATIONS!**
- Public hearings at the Planning Commission and Board of Supervisors
- Zoning Map is NOT being changed

Schedule

Project Schedule

Milestones

Timeframe

Project Initiation

October 2021

Review of Existing Planning Documents and Zoning Code

October-December 2021

Administrative Draft Zoning Code

January 2022 -April 2022

Public Review Draft Zoning Code

April-August 2022

Environmental Document

August-September 2022

Planning Commission Meetings

September-October 2022

Board of Supervisors Meeting

November-December
2022

Final Zoning Code Document

January 2023

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Zoning Code Team

- **Eric Norris:**
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Zoning Code Update Resources

- **Zoning Code Update on the County's Web Site:**
<https://www.mendocinocounty.org>
- **Current Zoning Code**
- **General Plan**



Questions?