

ZONING FACTS AND MISCONCEPTIONS

1. ZONING REDUCES PROPERTY VALUES.

False. Zoning tends to stabilize land uses and property values generally increase over time.

2. EXISTING HOMES AND BUSINESSES WILL BE REQUIRED TO CONFORM TO NEW STANDARDS PRESCRIBED FOR THE ZONING DISTRICT IN WHICH THEY ARE LOCATED.

False. Existing structures and uses are “grandfathered” in that they are allowed to remain in the same location and size (i.e., land area), and they are not required to conform to the new standards unless they are significantly altered. New structures and uses will be required to meet the development standards of the zoning district in which they are located.

3. ZONING IS GRANTED TO A SPECIFIC PERSON OR A BUSINESS ENTITY.

False. Zoning is applied to the property, and it stays with the property until a zoning change is made by the City by official legislative action. Zoning cannot be transferred from one person (or business entity) to another. A piece of property can be conveyed (e.g., sold) to another person regardless of the zoning placed on that property, and the zoning “runs with the land” until such a time that it is changed.

4. ONLY THE CITY COUNCIL CAN DECIDE TO CHANGE THE ZONING ON A PIECE OF PROPERTY.

True. An application for a change in zoning can be submitted by any interested party (i.e., any person or entity that owns the property or who has been given the authority to act on behalf of the land owner), but only City Council can officially authorize a change in zoning (as the legislative body of the community). A zoning change is formally accomplished when the City Council adopts an ordinance after a public hearing at a City Council meeting.

5. MOST CITIES IN TEXAS HAVE ZONING.

True. The majority of Texas cities have adopted zoning. The City of Houston does not have zoning but has special authority to enforce deed restrictions.

6. ZONING CAN REQUIRE ADDITIONAL GOVERNMENT “RED TAPE”.

True. Zoning requires proper administrative procedures, just like any other ordinance, and sometimes additional personnel are necessary. Often, however, zoning can be administered by a community’s existing staff.

7. WITHOUT ZONING, VIRTUALLY ANY LAND USE CAN LOCATE NEXT TO A SINGLE-FAMILY HOUSE.

True. Without zoning, the proper placement of land uses is difficult, if not impossible, to achieve. Zoning may place certain restrictions upon how an individual may use his/her property, but it also provides important protection against how his/her neighbor may elect to use the property next door.

8. THE CITY WILL NOT HAVE SUFFICIENT GUIDANCE ON WHERE TO LOCATE VARIOUS TYPES OF LAND USES.

False. The City will adopt a Comprehensive Land Use Plan, which is intended to assist in making land uses and zoning decisions.

9. ONLY AN ATTORNEY CAN PREPARE A ZONING CHANGE APPLICATION.

False. In most cities which have zoning, attorneys generally do not prepare the applications for a change in zoning on a property. However, some land owners do elect to retain the services of an attorney in matters concerning the development of their land, including zoning actions.

10. ZONING A PIECE OF VACANT (e.g., agricultural) PROPERTY WILL AUTOMATICALLY INCREASE THE AD VALOREM PROPERTY TAXES ON THAT PROPERTY.

False. Typically, zoning alone would not increase the ad valorem tax on the property, nor would it eliminate the agricultural exemption on the property. Changes in property taxation are generally driven by a change in the use of the property and/or development of the property.