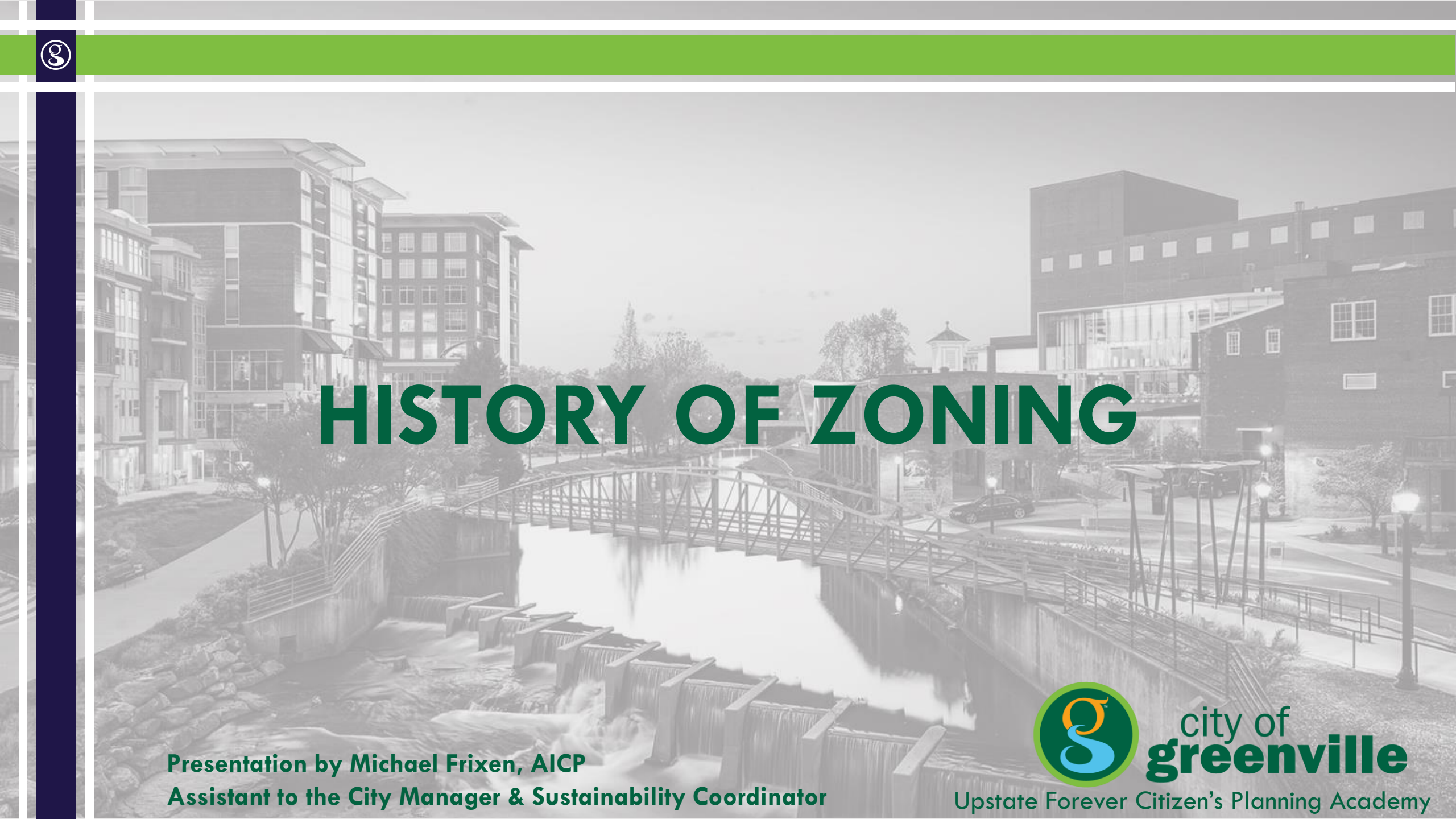

HISTORY OF ZONING

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city of greenville

Upstate Forever Citizen's Planning Academy

Definition

Merriam-Webster

zoning noun

zon·ing | \ ˈzō-niŋ \

Definition of *zoning*

: the act or process of partitioning a city, town, or borough into zones reserved for different purposes (such as residence or business)

also : the set of ordinances by which such zones are established and regulated

// voted to change the town's zoning

// zoning laws

Why Zoning? Historical Forces

Industrialization

Urbanization

Population Increase

Public Health

Urban Planning

Automobile

Aldred's Case (1611)

- Historical nuisance case
- "No right to maintain a structure upon his own land, which, by reason of disgusting smells, loud or unusual noises, thick smoke, noxious vapors, the jarring of machinery, or the unwarrantable collection of flies, renders the occupancy of adjoining property dangerous, intolerable, or even uncomfortable to its tenants..."

https://imgflip.com/memetemplate/114061905/Pig-sty

Zoning in the United States

- Police powers of state and local governments
  - "health, safety, and public welfare"
- First zoning ordinances in U.S.
  - Los Angeles, CA (1908)
  - New York City (1916)
- Standard State Zoning Enabling Act (1924)

Source: The New York Times

Legal Challenges

- **Hadacheck v. Sebastian (1915)** – upheld LA zoning laws restricting industrial uses in residential areas
- **Euclid v. Ambler Realty (1926)** – upheld constitutionality of zoning ordinances; necessary instrument for municipal planning
- **Warth v. Seldin (1975)** – court dismissed a lawsuit by housing activists alleging zoning was making housing unaffordable
- **Renton v. Playtime Theatres, Inc. (1986)** – local governments can regulate adult businesses, including time, manner, and place
- **Reed v. Town of Gilbert (2015)** – restricted the ability of local governments to regulate signs based on content

Zoning in South Carolina

- General Assembly authorized municipal planning and zoning in 1924; county zoning in 1942
- Today, all comprehensive plans, zoning regulations, and land development plans must comply with the **Local Government Comprehensive Planning Enabling Act of 1994**

Zoning in South Carolina

SECTION 6-29-710. Zoning ordinances; purposes.

(A) Zoning ordinances must be for the general purposes of guiding development in accordance with existing and future needs and promoting the public health, safety, morals, convenience, order, appearance, prosperity, and general welfare. To these ends, zoning ordinances must be made with reasonable consideration of the following purposes, where applicable:

(1) to provide for adequate light, air, and open space;
(2) to prevent the overcrowding of land, to avoid undue concentration of population, and to lessen congestion in the streets;
(3) to facilitate the creation of a convenient, attractive, and harmonious community;
(4) to protect and preserve scenic, historic, or ecologically sensitive areas;

Zoning in South Carolina

(5) to regulate the density and distribution of populations and the uses of buildings, structures and land for trade, industry, residence, recreation, agriculture, forestry, conservation, airports and approaches thereto, water supply, sanitation, protection against floods, public activities, and other purposes;

(6) to facilitate the adequate provision or availability of transportation, police and fire protection, water, sewage, schools, parks, and other recreational facilities, affordable housing, disaster evacuation, and other public services and requirements. "Other public requirements" which the local governing body intends to address by a particular ordinance or action must be specified in the preamble or some other part of the ordinance or action;

(7) to secure safety from fire, flood, and other dangers; and

(8) to further the public welfare in any other regard specified by a local governing body.

Questions & Discussion