

Let's Talk About...

ZONING & THE COMPREHENSIVE PLAN

Title 7, Section 211.004 of the Texas Local Government Code states that zoning regulations “must be adopted in accordance with a Comprehensive Plan”.

A Comprehensive Plan lays out the physical, social, economic and environmental direction for a city over a period of time. It is developed by identifying the major problems in the city, establishing goals and objectives, collecting and analyzing information, identifying alternatives, and selecting the best alternatives to create a dynamic plan with an implementation agenda.

The City of Hamilton adopted a Comprehensive Plan and its first Zoning Ordinances in 2008. This plan was subsequently updated in 2018 using a \$50,000 Texas Community Development Block Grant from the U.S. Department of Housing and Urban Development. The 2018 plan was prepared by GrantWorks, Texas' leading grant management firm. It contains a wealth of information about our community, including a population analysis, housing study, land use study, and studies about our water supply and distribution system, our wastewater collection and treatment system, our storm drainage system, and our street system. In short, while it will never be made into a Brad Pitt movie, our Comprehensive Plan, with its myriad charts, graphs and figures, is a fascinating document that details a great deal about our city and proposed plans for its improvement from 2018 – 2028.

Why is zoning tied, by law, to the city's Comprehensive Plan?

Because zoning ordinances are different. Zoning ordinances have lasting economic, social and physical impacts. Like the Comprehensive Plan, zoning ordinances require a long-term perspective.

By virtue of having long-lasting impact, zoning ordinances are designed to remain consistent. No one would buy or build a home in a residential neighborhood if, the following year, the vacant lot next door could be rezoned as commercial and a business opened there. The threat to their investment would be too great to risk. However, zoning ordinances cannot anticipate every development (for example, tiny homes, shipping containers and barn-dominiums) so there must be some flexibility.

This is the major difference between zoning and other city ordinances. Zoning ordinance changes are initiated not through the City Council, but instead via submission to the Planning & Zoning Commission. The Planning & Zoning Commission is a board of five to seven members, nominated by the mayor and approved by the City Council, who volunteer to serve two-year terms. P&Z is tasked with (1) making recommendations for improvement of the city with a view for future development and (2) ensuring that all changes conform to the overall city plan. P&Z conducts studies, performs research, holds public hearings, and ultimately recommends to the City Council that a zoning change be approved or denied.

Another difference between zoning and other ordinances is the severity of the penalty for a violation. Zoning ordinances are generally concerned with structures and their use. These have a greater long-term economic impact on a neighborhood than tall grass or junk vehicles, which can be remedied quickly and easily. Therefore, while zoning violations have a longer timeframe for abatement (i.e. correction), they also carry higher penalties for violations.

From last week's article, recall the definition of zoning: "Zoning is a system for the public control of land use for the community good." For the community good...this is the yardstick the Planning & Zoning Commission must utilize. Not for the benefit of one individual in a neighborhood, but for the good of all the residents, not just in that neighborhood, but throughout the city.

All of the zoning ordinances are available on the city website at www.HamiltonTexas.com in Appendix B of the Code of Ordinances. The city's color-coded Zoning Map will also be available online soon.

Sidenote: We have already received a report of lowered insurance premiums due to the city's improved ISO rating. When you renew your insurance, please be sure to ask your carrier if any discounts are available considering our new ISO rating.