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Commercial Zoning

Local governments use zoning to protect the health and safety of a community and to regulate growth. Zoning laws -- also referred to as zoning ordinances and land use regulations -- control the use of property. Commercial zoning laws control the type of activity a business may conduct in a particular area and the category of business that can occupy the zoned area. Zoning laws often regulate the features of a building as well, such as height and the required setback from the street.

Types of Zoning

Commercial zoning affects where businesses can carry out business activities. Typically, local governments categorize zoning within a city, municipality, or a county as:

- **Residential:** Usually divided into single-family or multifamily use
- **Commercial:** An area allowed for commercial activities like retail stores and offices
- **Industrial:** Property used for manufacturing purposes
- **Agricultural:** An area set aside for farming activities
- **Recreational:** Land used for recreational activities

The division of land into categorized zones determines how the occupant can use the land in the district. Zoning ordinances can regulate districts into single use zones or into multiple use zones. For instance, a district can be zoned for both commercial and residential use.

What Do Zoning Laws Regulate

Zoning laws also regulate certain activities. For instance, zoning controls activities like noise level, waste management, appearance of a building (eg., height, size, and proximity to each other), parking, and air quality. In a commercial zone, for instance, ordinances often require a specific number of parking spaces and may regulate the number of stories a building can have, the size of signs, and the number of similar businesses in the same district.

Avoid Commercial Zoning Trouble

It is important to check zoning ordinances to determine the type of activity permitted. Do not assume that because the previous occupant used the property for a specific activity that a new occupant can use the property for the same purpose. Consider the following when selecting commercial property:

- **Be Aware of a Previous Non-Conforming Use:** In general, when non-conformance results from the implementation of a new zoning law, the current occupant can continue its previous use. However, once that occupant vacates the premises, the new occupant may not continue the non-conformance.
- **Research Whether the Previous Tenant Had a Variance:** A variance is a special permit that allows the occupant to use the property in a way that is contrary to zoning. A variance only applies to the specific business granted the exception.
- **Does Approval Depend on a Conditional Use:** Even if a zoning ordinance permits a specific use, it may condition the use on the fulfillment of a requirement, such as providing a certain number of off street parking spaces.
- **Be Cautious When Signing a Lease:** Investigate zoning laws before signing a lease or make sure to incorporate a contingency clause that only makes the lease binding upon the approval of zoning.
- **Is Parking Required:** In most localities, it is necessary to establish that the business can provide parking. If limited parking exists, the business may have to submit a parking plan.

- **Are There Sign Limitations:** Many zoning laws regulate business signs. Laws often control sign size, placement, appearance, and the use of foreign languages.

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