

OVERLAY ZONING

TAILORED SOLUTIONS FOR SMART ZONING



Harrisburg, PA

WHAT IS OVERLAY ZONING?

Overlay zoning is a technique that allows a municipality to tailor zoning regulations to address specific land use issues by creating a special zoning district which is placed over and applies in addition to underlying base zoning districts. Overlay regulations can address uses, design, density, and protections to guide and enhance development within a special area.

HOW DOES OVERLAY ZONING WORK?

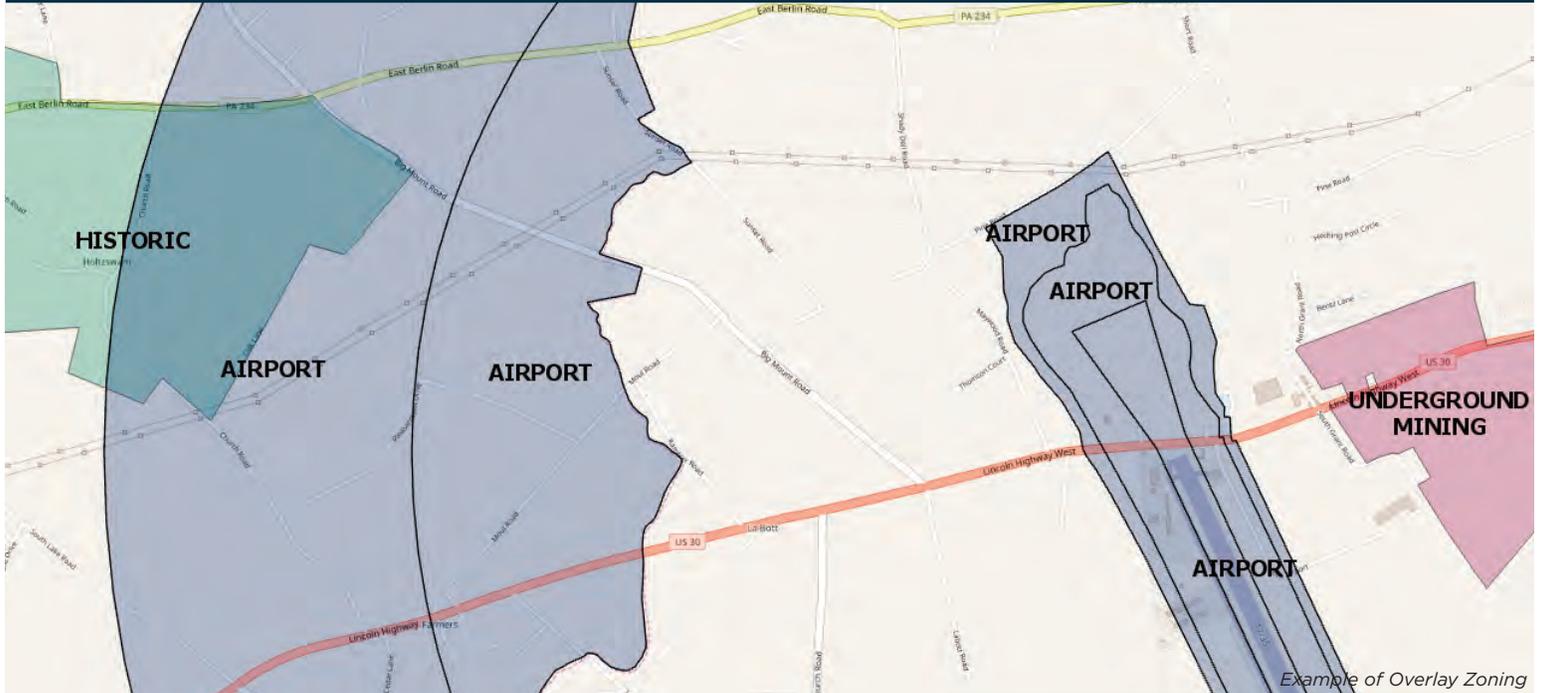
Overlay zones can be included among the various districts created in a zoning ordinance; the distinction is that an overlay zoning district is mapped over an underlying base zoning district. The overlay district contains regulations that apply in addition to the regulations of the underlying base district. An overlay district can be placed over part of one base zoning district or across multiple base zoning districts. It's important to remember that overlays:

- supplement underlying zoning, not supplant it
- address specific issues and objectives, and are not simply another layer of general regulations

WHAT ARE STEPS TO CREATE AN OVERLAY ZONE?

1. **Define the purpose.** What are the specific issues and needs the overlay will address?
2. **Identify the area.** What are the boundaries of the special area — highway corridor, historic district, or sensitive natural area, for instance — that the overlay will address?
3. **Develop the regulations.** What are specific rules needed to supplement the underlying district(s) and accomplish the overlay's special purpose?

OVERLAY ZONING



LEGAL AUTHORITY

The Pennsylvania Municipalities Planning Code (MPC), like most state zoning enabling laws, does not mention overlay zoning. Municipalities have turned to MPC Section 605 for language authorizing overlays. It says zoning ordinances may make “additional classifications” to regulate major thoroughfares, transit terminals, natural features, public grounds, historic places, and other places having a special character. Pennsylvania courts have historically recognized overlay zoning districts. A municipality should seek and rely on the legal advice of its solicitor if considering zoning overlay districts.

CONTACT

The Governor’s Center for Local Government Services provides technical assistance on a variety of planning, land use, and development matters to planning commissions, zoning officers, zoning hearing boards, and other local government officials. For more information visit dced.pa.gov/planning.

HOW IS OVERLAY ZONING USED?

Overlay zoning allows a municipality to address unique needs and development objectives in special areas of the municipality, such as:

- ✓ **Highway corridor overlays.**
prescribing access management, compatible uses and signs, and design controls.
- ✓ **Special development overlays.**
prescribing target densities, uses, and design to encourage mixed-use, transit-oriented, or traditional neighborhood development.
- ✓ **Historic preservation overlays.**
prescribing façade requirements, building form and character standards, and compatible uses.
- ✓ **Natural resource protection overlays.**
prescribing setbacks from sensitive areas, vegetation requirements, and various conservation provisions.