

Zoning Considerations for Your Business

Once you find a desirable location for your new business, you need to make sure the type of business you're planning matches the area's zoning requirements. If there are zoning compliance problems, don't immediately give up on the location. Keep in mind that municipal administrators often have some degree of discretion for bending or amending the rules, especially if your business brings benefits to the community.

When faced with zoning obstacles, here are some points to consider:

- Will you be employing local workers and adding jobs to the community? This could be a persuasive argument in today's economy. If you will be creating jobs, be sure to contact the local chamber of commerce and any departments dedicated to business development in the region, either at the municipal or county level. Solicit support from established local businesses, as well as trade associations that could profit from your business, such as retail stores or restaurants that may benefit from increased foot traffic in the area.
- Local developers and lawyers are likely to be very familiar with the area's real estate zoning rules and local administrators. These experts can often provide practical tips on how the system works in the real world, along with insights into the personalities involved.
- A first ruling is not the same as a final one. Find out if there is an appeals process and use it. If the Zoning Board turns down your request, then seek support from another municipal board, such as business development or a planning commission. It may be possible to get a variance if you can prove that strict interpretation of the zoning law imposes real hardship, such as excessive costs to rehabilitate the property.
- If you choose to appeal a negative decision, be sure to seek support from neighboring businesses and residents. Circulate a petition to gain signatures that shows there is demand for the business you are proposing in the community. Ask supporters to attend any administrative appeal meeting and voice their favorable opinions about your business.
- If all else fails, legal action may be necessary. However, this may prove to be expensive and time consuming. Before taking this route, conduct a thorough evaluation of the projected worth of your proposed business for this location. If the expected profits are valuable enough to pursue legal action, then there are ways to hasten the legal process. Choose an attorney experienced in zoning appeals and inquire about petitioning the court for a "mandamus" order if there is evidence that a local administrator is not following the law. For instance, if you can prove that your proposed establishment meets all building and safety codes, yet a building safety official is demanding you add improvements

beyond what is stipulated by law, then you have a reasonable case to make to the court to overturn the decision.

Zoning ordinances and requirements may seem like an unnecessary burden on your business, but these development standards are set in place to ensure that land is used for the common good of the community. Before buying property or making

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