

## Jackson County Zoning, Planning & POWTS Department

# WHAT IS ZONING?



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### Jackson County Zoning, Planning & POWTS Department

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IT IS TO BE STRESSED THAT LOCAL CONTROL IS MAINTAINED FOR ALL ZONING MAP CHANGE REQUESTS. THE LOCAL TOWN BOARD HAS STATUTE AUTHORITY TO ALLOW OR DISALLOW A PROPOSED ZONE CHANGE. ALTHOUGH THE SAME STATUE DOES NOT APPLY FOR CONDITIONAL USE REQUESTS, THE TOWN BOARD POSITION IS STILL REQUESTED AND VALUED BY THE ZONING COMMITTEE WHEN MAKING A DECISION.

ZONING IS THE TOOL THAT ALLOWS FOR LOCAL, CONSISTENT CONTROL OF LAND DEVELOPMENT.

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ZONING IS DEFINED AS THE DIVISION OF A JURISDICTION INTO DISTRICTS TO ENABLE THE REGULATION OF LAND ACCORDING TO THE NATURE AND USE OF THE LAND IN ORDER TO



PROMOTE THE ORDERLY DEVELOPMENT OF THE AREA, AND THE PROTECTION OF PUBLIC HEALTH, SAFETY AND GENERAL WELFARE.

ZONING IS LAND USE PLANNING USED BY LOCAL GOVERNMENTS IN ORDER TO DESIGNATE PERMITTED USES OF LAND BASED ON MAPPED ZONES THAT SEPARATE ONE SET OF LAND USES FROM ANOTHER. THE PRIMARY PURPOSE OF ZONING IS TO SEGREGATE USES THAT ARE CONSIDERED INCOMPATIBLE. ZONING IS USED TO PREVENT NEW DEVELOPMENT FROM INTERFERING WITH RESIDENTS AND BUSINESS TO PRESERVE THE ESTABLISHED CHARACTER OF AN AREA.

ZONING IS THE MOST COMMON TOOL OR TECHNIQUE THAT LOCAL GOVERNMENTS

USE TO INFLUENCE THE LOCATION AND DENSITY OF DEVELOPMENT. A ZONING ORDINANCE CONSISTS OF A TEXT AND MAP. THE TEXT DESCRIBES THE DIFFERENT LAND USES, DENSITY STANDARDS, ALLOWABLE AND NON-ALLOWABLE USES, DEVELOPMENT STANDARDS AND THE ADMINISTRATION PROCESS. THE MAP SHOWS THE LOCATIONS OF THE VARIOUS ZONE DISTRICTS. TEXT AND MAP AMENDMENTS CAN BE MADE BY FOLLOWING THE PUBLIC HEARING PROCESS. THERE IS ALSO AN ESTABLISHED METHOD FOR GRANTING EXCEPTIONS OR VARIANCES TO AN ORDINANCE BUT SPECIFIC REQUIREMENTS MUST BE MET.

#### **Advantages—Pros:**

1. The intent of zoning is to balance individual property rights with the rights of the general public for a healthy, safe and orderly living environment.
2. Zoning excludes incompatible uses from residential areas. Many argue that because of this property values are protected.
3. Zoning puts land to use for which it is best suited.
4. Zoning enhances more orderly development



by creating regulations pertaining to lot size, setbacks, building heights. Because of this, residents can be assured that poor development would not occur.

5. Zoning can be important for attracting business and industry to an area because sufficient land can be zoned for such use.
6. Zoning allows for local control through the local town board and citizens.
7. Zone changes must go through the public hearing process allowing for transparent government.
8. Zoning is a tool that can be used to insure consistency with an adopted comprehensive land use plan.
9. Zoning allows for uniform enforcement and consistency with other ordinances that already are in effect in unincorporated areas.

#### **Disadvantages—Cons:**

1. Additional fees for permits and public hearings. This only affects individuals who are building or developing land.
2. Argument that it takes away private property rights. “It is my land and I pay taxes, therefore I can do whatever I want.”
3. Possible delays in building projects due to scheduling of public hearings, onsite and permit issuance.