

What is Zoning?

Zoning is a common method of land use control used by local governments to:

- prevent or reduce land use conflicts; separate incompatible uses
- protect resources and promote cost-efficiency
- provide a formal mechanism for public comment
- promote consistency and fairness in decision-making
- implement their comprehensive plan and achieve community goals
- protect health, safety, and general welfare

Basic Zoning Ordinance Components

Each zoning ordinance has two legally adopted components:

1. Zoning Map

- divides the community into land use districts or “zones”
- map should be based on factors such as avoiding use conflicts, efficient provision of services, and protecting resources

2. Zoning Text

- defines each zone and the rules and standards for each zone
- uses in each zone are typically separated into permitted and conditional uses
- provides any additional regulations which can apply to specific or all zones (e.g., signs, lighting, landscaping)
- describes administration and enforcement policies and procedures
- the ordinance may be simple or complex at the discretion of the community

Some Key Definitions

Permitted Use: Allowed in the district, typically without special zoning approvals or conditions.

Conditional Use: Allowable, but requires special approval typically with certain design or performance conditions.

Non-Conforming Use: Existed lawfully at the time the ordinance was adopted, but does not comply with the ordinance. Limits may be placed on the expansion of these uses.

Variance: Exceptions to rules due to economic hardship.

Re-zoning: A change in use which requires a zoning map amendment.

Zoning may include regulations on:

- the density of development
- the sizes and shapes of lots
- the height, shape, or placement of structures
- other impacts, such as parking, landscaping, signage, historic preservation, or the environment
- the grouping of varied, but compatible land uses as a single development

Zoning Districts

The number and types of zoning districts are at the discretion of the municipality.

Basic districts found in most zoning ordinances include a mix of the following:

- Agricultural
- Residential
- Commercial
- Industrial
- Conservation

Example Agri. District

A town may have an agricultural district in which:

- Single-family homes and certain home-based businesses are permitted uses.
- Conditional uses may include clustered housing and more intensive commercial uses

Comparison of Town Zoning, County Zoning, and Nuisance/Licensing Ordinances

Zoning Alternative	Town Zoning	County Zoning
Description	<ul style="list-style-type: none"> regulates uses, location, and impacts developed, administered, and enforced by the Town 	<ul style="list-style-type: none"> regulates uses, location, and impacts developed, administered, and enforced by the County
Town Role	<ul style="list-style-type: none"> fully controlled by the Town, except for County Board approval of the ordinance and amendments Town zoning actions must be consistent with the Town Comprehensive Plan 	<ul style="list-style-type: none"> Town has “veto” power over re-zonings and may petition for amendments see adoption process below
Strengths (from Town perspective)	<ul style="list-style-type: none"> Town may customize the ordinance to meet specific community goals (e.g., types/numbers of districts and which uses are permitted vs. conditional) Town has full control over administration and enforcement Decisions are made at the Town Hall, which is more convenient for residents 	<ul style="list-style-type: none"> County has professional staff and existing “infrastructure” for administration County is responsible for costs and “politics” related to administration and enforcement County may request advisory input from the Town Board
Weaknesses (from Town perspective)	<ul style="list-style-type: none"> Town will incur costs to develop the ordinance and any related forms typically takes more time to develop and adopt than the County option all administrative and legal costs are incurred by the Town County Board must approve the Town zoning ordinance and any amendments (rezoning) 	<ul style="list-style-type: none"> the County Zoning Ordinance must treat all participating towns similarly Town does not have authority to require or approve certain conditions (e.g., non-metallic mining is a conditional use in the County agricultural district) may only withdraw from County zoning once every 5 years or following a comprehensive ordinance “rewrite”
Adoption Process	<ul style="list-style-type: none"> Zoning authority must be approved by Electors at a Town meeting or by referendum vote Plan Commission develops proposed map and text, then holds public hearing(s) before recommendation Town Board conducts 2nd public hearing, then may take action County Board approval of the ordinance 	<ul style="list-style-type: none"> Town Board may petition the County to join County Zoning by resolution Town should work with County to prepare the zoning map, which may include public meeting(s) in the Town, and is adopted by the County following a County public hearing