

Introduction to Zoning and Development Regulation

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David W. Owens



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GOVERNMENT

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Introduction

Land use and development decisions generate tremendous public interest, making zoning one of the most visible and important functions of local governments. Indeed, few local government issues will pack a hearing room more quickly than a controversial zoning case:

- Should multifamily or commercial development be allowed on this site?
- Will this rezoning increase traffic congestion or lead to overcrowded schools?
- Is there any way we can protect this historic neighborhood or these natural resources if this development is approved?
- Will this zoning decision stifle economic development?
- What will this do to my property values?

The issues involved affect the public directly and substantially. It is not surprising that citizens are intensely interested and pressure local governments to “get it right” when making zoning decisions, especially when the issue at hand affects their property or neighborhood.

Many critical zoning decisions are made by citizens serving on government panels rather than by professionally trained local government staff. City council members and county commissioners, for example, decide whether to rezone a parcel of land. Board of adjustment members decide whether to grant a variance to zoning regulations. Planning board members advise on rezonings and may make final decisions on special approvals

required for some developments. These decisions can have a tremendous impact on landowners, their neighbors, and the future quality of the entire community. Both the citizen board members making these decisions and the citizens attempting to influence the choices must fully understand the legal requirements for zoning in order to do their jobs fairly and effectively.

This book is intended to provide a clear, understandable explanation of zoning for citizen board members and the public. It is not a detailed legal treatise on zoning law; rather, it is an introduction for citizens new to these issues or a refresher for those who have been at the zoning business for some time. Those who need more detailed information may check the notes cited at the end of many chapters or the more detailed books and reports listed in the Appendix.

Each chapter of this book deals with a distinct aspect of zoning and development regulation. The book can be read in its entirety, or the reader can turn to a question of particular interest. The table of contents or the index will give the reader quick directions to topics of interest. In addition, a glossary of zoning terms is included at the end of the book.

This book also contains occasional brief sections that examine landmark North Carolina zoning cases and the human dimension of zoning in more detail. These sections are shaded in order to distinguish them from the regular text.

Many aspects of law and practice are similar throughout the country. However, each state's law has its nuances and peculiarities. This book is based on zoning and development regulation by North Carolina cities and counties. Readers in other states are cautioned not to assume that everything addressed here is directly applicable elsewhere—much of it is, but there are often subtle yet important differences from state to state.