

Misunderstood

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When I was a water operator, I thought the following problem was strictly a local one, but since becoming the Source Water Protection Specialist, I have determined that it is more widespread than I thought. What is the problem: Zoning. Whether it is on a local level or a county level, there are always problems when the word “zoning” is mentioned. I believe the reason for the division that occurs in communities or counties is due to a misunderstanding of what the zoning process is and what the results will be. The process of zoning begins with a comprehensive plan, and then moves on to the completion of a zoning map and the zoning ordinance.

The completion of a comprehensive plan for a community or a county is the first step in determining what the future of that area should be. Governmental personnel, business owners and interested citizens are all encouraged to be an active part of this planning. Determining whether the area wants to encourage industry, residential growth, commercial businesses, recreation or other interests are determined in this process. Being active in the early stages of this planning can prevent difficulties in the future. It is my opinion that those who take no interest in the planning process forfeit their right to complain about the results.

Once a community has determined the general direction they want to move towards in the future, a map needs to be drawn up showing what types of activities will be permitted in what specific locations throughout the area. No one wants a nuisance industry right next door to their residence, so much thought must go into determining where industry will be located, commercial properties, residential areas, parks, etc. Needed and existing infrastructure also need to be considered. If there is a railroad or a highway in the area, industrial uses will likely need to be located with access to these for transportation of the industrial product. There are some areas looking into certain industries, ethanol plants, for example, and they need to realize the demand for water, corn and other materials that are needed for these plants to operate. Commercial businesses may be limited to the downtown area, or provisions can be made for locating some businesses to outlying areas or even within residential area in larger communities. It is best to look at the area as a whole rather than zone small plots of land for one use while large tracts of land zoned for another use surround them.

After the general layout of the area has been determined, it is time to actually pass a zoning ordinance that sets down the specific rules to be followed in each zone. This is the process that needs the most involvement from the community so that the resulting ordinance will be something everyone can live with. It is common to have permitted uses for each zone that require no further investigation prior to being built. Single-family dwellings in a residential district are a good example of this. Other than meeting the required set-back distances, and any other restrictions, such as sidewalks, height restrictions or lot coverage, for instance, no special permission needs to be granted other

than a simple building permit. Then there are usually other uses that are considered conditional for that particular zone. A home-based business, such as a sales representative from a catalog company that has parties and sells material from their home. In order to run this type of business from a home, a person would need to get a conditional permit. This process allows the neighbors to comment on this type of use, thus enabling them to take part in protecting their property values as they see it. It also allows the person requesting the permit the opportunity to explain in detail the plans they have and why this use will not harm area property values. Still other uses may be prohibited in this particular zone. An example of this might be the placement of a chemical plant in a residential zone.

Generally, other requirements are also included in the zoning regulations. These might include minimum lot size, lot coverage limitations, height restrictions, fence limitations, signage, etc. These regulations need to be well thought out prior to passage, as they will be applicable to everyone in the particular zone. Variances and exemptions to the regulations may be allowed under special circumstances, and the method of acquiring these should be spelled out. An example might be a variance from the minimum lot size requirement for a pre-existing lot that does not meet the requirement.

In conclusion, if those persons who are afraid of zoning regulations will take the time to be an active participant in the process, the results of a well thought out comprehensive plan and zoning ordinance can be a better environment to live and grow, knowing the future growth and direction of the area have been well planned for. The zoning process can also allow for overlay zones for wellhead protection. These zones would guarantee the owner of a public water supply well the encroachment protection required by the state. It could also require best management practices or certain construction standards be met for uses that pose a potential problem to the system's water supply.