



## Planning/Zoning and Code Enforcement Department

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### **BASICS ON PLANNING AND ZONING**

- ▶ Basis of land use law: **“No one has an absolute right to use his or her land in a way that may harm the public health or welfare, or that damages the quality of life of neighboring landowners, or of the community as a whole.”**
- ▶ Zoning is the basic means of land use management used by local governments in the United States and has been around since 1916 when New York City enacted the nation’s first comprehensive zoning ordinance **to protect the health, safety, and welfare of residents packed into crowded urban tenements.**
- ▶ Zoning provides property owners and commercial investors with predictability of what can go where AND protect natural as well as manmade resources.
- ▶ Planning and zoning gives the opportunity to define an area’s future image and gives methods to help **deter** future negative impacts, rather than **reacting** to them once they have occurred. Planning and zoning can also:
  - Assist economic growth by identifying areas for appropriate land uses (residential, commercial, industrial, agricultural, and open space).
  - Protect property from incompatible or harmful uses.
  - Help keep areas from becoming dumping grounds for un-wanted uses.
  - Make a community more attractive by preserving of natural resources.
  - Protect present/future industry from harassment by residential neighbors by informing residents where industry is allowed to develop.
  - Protect local natural resources from harmful uses that can have negative impacts on community health and welfare.
- ▶ When developing or locating a business, planning and zoning can identify if the use is allowed, not allowed, or allowed under certain conditions:
  - Permitted by right (allowed)
  - Non-conforming use (already existed before zoning/land use regulations enacted and can continue to operate though not expand operations).
  - Conditional use (allowed with certain conditions in place)
  - Variance may be required if the proposed physical structure would not meet the local regulations, but a minor change could allow its development.
- ▶ Boards, agencies and local staff involved in the process: Planning Staff, Planning Board, Board of Adjustment (variance and conditional use applications in zoned areas), Board of Commissioners, Dept. of Environmental Health (septic systems, wells/water testing, and restaurant certification), Public Utilities Dept. (if public water and sewer are available), and State Agencies.