

County Zoning

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Advantages of County Zoning

The struggle for land is intense in the urban-rural fringe that surrounds many of our cities and villages. In this fringe a variety of land uses develops because often neither the city or village nor the county can exercise adequate control. As a result the areas usually show no apparent order and no indication of previous planning. To aggravate the problem, city zoning has forced some nuisances out into the rural areas where they are free of regulation.

As people, business, and industry press into a community, the entire community is affected, and every resident in the county needs to be concerned. Zoning is the only way in which rural people can express their opinion about what kind of place they want to live in and, more important, plan for and direct changes that are sure to come. Farm people in many parts of the United States have recognized this duty to protect and guide growth. Nearly 200 counties in the United States have zoning.

In Illinois, 13 counties have adopted county zoning, and not one has revoked its zoning ordinance, even though it could easily be done by a majority vote of the county board of supervisors. These counties have reported the following benefits from their zoning programs.

1. Protection of real estate values. Unnecessary and speculative land subdivision and its harmful effects can be cut down by zoning. Also, by regulating elements which are likely to lower real estate values, zoning prevents weakening the tax base. In most cases, the stabilizing effects of zoning will increase property values.

2. Conservation. Zoning can assist in conserving water resources and in preventing lake and stream pollution. Adequate spaces for parks and recreation areas are set aside and protected from unwanted commercial development.

3. Control. Since cities usually have zoning regulations, the undesirable developments which

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are not allowed inside of the city limits spread into the unzoned rural areas. County zoning can control such development on the outskirts of cities and villages. It can also control unsightly roadside developments or ones that may be dangerously distracting or hazardous because they block visibility.

4. Future planning. An important purpose of zoning is to plan for the future growth of the community. Through intelligent planning, the problems of tomorrow may be anticipated and, to a degree, solved today. Future highway and transportation facilities, parks and recreational areas, suitable space and protection for business and industrial areas are laid out in a master plan. And the best agricultural lands can be protected for farming purposes.

5. Reducing costs. Well-planned zoning prevents the costly inefficiency of sprawling, unguided growth. The installation costs of utilities and other public works can be reduced through planning for their development and expansion before the actual need arises.

Shortcomings

Some complaints have arisen in counties where zoning ordinances have been poorly administered. A zoning ordinance should be directed by a person of wisdom and integrity who is devoted to carrying out the considered plans of the county board. The board of appeals and the county board must rule and plan with fairness and vision. To the extent that the county board fails to follow these principles, to that same degree will county zoning falter.

Restrictions and requirements through zoning may have the effect of increasing the costs of subdividers. Minimum lot sizes, requirements of space set aside for parks and schools, and designs for streets and sewage lines in new residential areas usually are more strict with zoning. Increased costs of the subdivider mean higher lot prices. Thus the home-owner's initial investment is larger.

One must remember, however, that improvements made piecemeal may be more expensive than if they are made at the time of subdividing.

Other disadvantages are few. They generally relate to individual problems. They can, in most cases, be remedied by good common sense mixed with a few grains of diplomacy on the part of the zoning officer. Those who complain are usually the ones who would use property for their own selfish ends and to the detriment of the county.

Organization

The first step in county zoning is the appointment of a zoning commission by the county board of supervisors.

This means the board must be motivated to act either from its own knowledge of conditions making zoning desirable or by outside forces such as farmers or farm organizations that petition or otherwise ask the board to take action on zoning.

The zoning commission contains three to nine members. Its responsibility is to prepare the tentative ordinance for all the unincorporated area of the county. The makeup of the commission is a matter of local feeling but it would appear reasonable to select persons who represent as many as possible of the business and residential interests that would be subject to the zoning ordinance.

In most counties that have zoning, a commercial firm assisted in preparing the ordinance and advised the zoning commission. In a typical ordinance, the districts of the county might be as follows: agriculture, country homes, residential, local business, commercial, light industry, and heavy industry. These areas are laid out according to land use, roads, geographic conditions, health, safety, and other considerations.¹

¹ The only restrictions that may be imposed in an agricultural district are set-back lines which may be included at the discretion of the county board. A set-back line is the minimum distance between a roadway and buildings. For example, an ordinance might require that no building be constructed closer than 30 feet to the road.

After the commission has completed the ordinance, it then holds hearings in each township. Hearings give residents of a township an opportunity to point out local problems to the commission that an over-all study may not reveal. Notice of township hearings is given at least fifteen days before the hearing, stating the place where interested persons can inspect the ordinance and voice any objections.

Within 30 days after the last township hearing, the commission must submit a proposed ordinance to the county board. The board may adopt the ordinance as it stands, adopt it after making changes, or send it back to the commission for further study. After the county board adopts the ordinance, the services of the zoning commission are ended. It generally takes at least one year to draft the ordinance and hold the hearings.

Operation

After the ordinance has been accepted, the administrative machinery consists of a county zoning officer and a board of appeals. Both are appointed by the county board.

The zoning officer is often a county official who is familiar with the county. However, the law does not direct who is to be the zoning officer. In larger counties a full-time professional person may be needed.

The board of appeals has five members. Members must be from different townships and are appointed for staggered five-year terms.

Provisions of the ordinance are interpreted and enforced by the zoning officer. A decision of the zoning officer may be appealed to the board of appeals. It is then the duty of the board to hold a hearing and render a decision within a reasonable period of time.

Unusual topographical conditions, lot shapes, or adjacent land uses may make minor departures from the zoning ordinance necessary to avoid particular hardships. (Example: Permission to build

closer to a road than set-back lines permit.) Power over such cases may be given to the Board of Appeals or reserved to the County Board of Supervisors. Granting a variation does not change the ordinance but allows a nonconforming use to exist without penalty.

Changes involving different land uses require amendments to the ordinance which can be made only after public hearings. The procedure is similar to that for adopting the original ordinance except that hearings may be held at the courthouse. Anyone may initiate an amendment by appearing before the Board of Appeals and requesting the change. The Board conducts the hearing and makes its recommendation to the County Board of Supervisors.

A common method of zoning enforcement is to require a written permit for the following:

1. To establish any new use of property.
2. To excavate or build any foundation.
3. To erect, construct, reconstruct, enlarge, or move any building or structure.
4. To change the use of any building, structure, or land from one classification to another.
5. In the case of a non-conforming use to change from one use to another.

Generally a small fee is charged for each permit. The fees collected from the issuance of permits usually are sufficient to cover, or nearly cover the cost of administration. No permits are necessary and no fees may be charged for agricultural buildings.

To put teeth in the ordinance, it is provided by law that a fine of \$200 or six months in jail or both may be levied on offenders. The action can be brought by the appropriate county officer or any person whose property is affected by a violation of the ordinance. Also, the zoning officer can ask the county court for an injunction to prevent further violation.

A Typical Growing County

Perhaps the easiest way to see zoning problems is to look at a typical growing county. Let us call it Expando county.

In Expando county new buildings and industries are going up everywhere. The three largest cities in the county are experiencing a building boom. Additions are popping up on the edges of smaller towns as well.

Expando county has a diversified problem. In one part of the county a government installation draws thousands of people. Schools are expanding, more housing is needed, shopping centers are developing, and new roads connecting subdivisions push town boundaries into the countryside.

Some of the smaller, unincorporated villages near the government property have doubled in population without any thought of planning. The result has been unsightly shacks clustered along the roadside.

The county seat of Expando county is Suncenter, a thriving metropolis of 50,000. Latest reports indicate that communities of this size will experience more growth in the next few years than communities of any other size in the U.S.

There is only one place where new homes and industries can locate — on farmland. If an industry or business moves into the country, the residents are powerless to police any disagreeable activities that may arise. Four new industries are about to locate in Expando county.

The area surrounding Suncenter is dotted with mistakes that will be costly to correct, if corrected at all. For example, in one residential area, a 50-foot wide street funnels into a 30-foot street, and no provision was made for sewage disposal. Outside privies are now in use. The absence of planning allowed this area to become a hodge podge of one-room shacks which in turn has caused the surrounding area to feel the gradual decay that accompanies such developments.

The Expando county recreation area containing a beautiful lake is another district where some guidance is needed. County residents are proud of the area. It furnishes relaxation and enjoyment for many. Roadside stands are moving in, and if control is not exercised soon, the natural beauty will be hidden by the glow of neon signs.

These are some of the problems of Expando county. There are others, such as light industry interspersed among new subdivisions and junk yards that offend the aesthetic values of every citizen of the county when driving into and out of Suncenter.

It is true that these conditions would continue for some time even under zoning. Zoning is a guide to future development and not a restriction on present uses. But can any of us be so naive as to believe the future in Expando county will be static — that growth and new problems will stop?

Comment

It is the choice of the residents and their representatives on the county board either to make plans now for the pleasant living of the next generation, or to allow the present shotgun development to grow with more shacks, more junk yards, more misplaced highways, more ribbon building along rural roads, and more taxes due to lack of planning.

Problems of community growth are respectors of no boundary line. A community does not exist in an envelope, untouched by what happens around it. In many rural areas the land-use headaches of tomorrow are now in formation.

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