



Zoning: Basic Questions

Why do we need a master plan?

There are several reasons why master plans are reviewed. More often than not, simply the age and obsolescence of an existing plan may spur an update. But there are other reasons as well. A new or revised zoning ordinance may prompt the need to create or examine the master plan. The zoning acts require that a zoning ordinance be based on a plan to help guide zoning decisions. Ideally, the plan should be written or updated before a zoning ordinance is revised, but an outdated ordinance may not always allow this to happen.

What is the role of the planning commission?

The planning commission is given the responsibility for writing and adopting the master plan for the community. It is also the first author of the zoning ordinance and any amendments.

What is the role of the zoning board of appeals?

The zoning board of appeals (ZBA) hears and decides questions arising under a zoning ordinance. The ZBA may hear special land use and planned unit development issues only if authorized in the zoning ordinance. The ZBA does not have authority or an advisory role in determining planning policies or zoning regulations. Accordingly, it is not the function of the ZBA to attempt to change regulations or policies through its actions.

What is a special land use?

The City and Village Zoning Act permits consideration of special land uses. Special land uses are uses listed in a zoning district which are generally compatible with the purpose and intent of the district but, due to their individual or unique characteristics and potential impact, warrant a more in-depth analysis prior to approval.

What is a variance?

A variance is the permission granted to deviate from the requirements of the zoning ordinance. There are two types of variances – use variances and non-use variances. Non-use variances are often referred to as dimensional variances. The authority to grant variances rests with the zoning board of appeals.

What is a nonconforming building or use?

A nonconforming building or use is one that, when created, met the requirements of the zoning ordinance in effect at that time, but, as a result of a situation beyond the control of the owner, does not comply with the current ordinance. The basic rule regarding nonconformities is that if the building or use was legal when constructed, it must be allowed to continue to exist.

If we grant a variance and the person to whom we granted the variance sells the property, is the variance still in force?

Zoning runs with the land – not the person! Like any zoning decision, the variance granted is, generally permanent and stays with the property – not with the property owner.

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