

KEY POINT REVIEW

Land use is controlled and regulated through **public restrictions**, such as planning, zoning, building codes, and subdivision plans; **private restrictions** imposed by deed; and direct ownership of land by federal, state, and local governments.

The **police power** of the state is its authority to create regulations to protect the public health, safety, and welfare. State enabling acts allow the state's police power to be passed down to municipalities and other local governing authorities. A **comprehensive plan (master plan)** created by a local government usually covers land use, housing needs, movement of people and goods, community facilities and utilities, and energy conservation.

Zoning ordinances are local laws implementing the land uses designated in the comprehensive plan and typically cover items such as **permitted uses**, lot sizes, types of structures, building heights, setbacks, style and appearance of structures, density, and protection of natural resources.

Zoning classifies property by uses and types, such as **commercial, industrial, residential, agricultural, and planned unit developments (PUDs)**.

Other ways in which zoning is used include **buffer zones** separating residential from nonresidential areas, **bulk zoning** to control density, **aesthetic zoning** to specify certain types of architecture for new buildings, and **incentive zoning** to require certain uses in developments.

Zoning is enforced through the use of **permits**. An individual case may be considered by a **zoning hearing board (or zoning board of appeals)**, which may decide to allow a **nonconforming use** to continue, grant a **variance** from a zoning ordinance to permit a prohibited land use to avoid undue hardship, or grant a **conditional-use permit (special-use permit)**.

Building codes require permits for new construction and remodeling of or additions to existing construction. State and federal regulations may add additional requirements.

A **certificate of occupancy** is issued upon satisfactory completion of work for which a **building permit** was issued.

Subdivision and land development ordinances may be created by the state or may be made part of a local government's comprehensive plan. A **subdivider** buys undeveloped acreage and divides it into smaller lots for sale to individuals or developers. A **developer** improves land and constructs homes or other buildings that are then sold.

A **plat map (subdivision map)** shows geographic boundaries of separate land parcels, usually by showing **blocks** of land divided into individual **lots**. A **subdivision plan** describes subdivision features, including utility easements, in compliance with zoning and other laws.

Private land-use controls include **deed restrictions** that are placed in a deed and the **covenants, conditions, and restrictions (CC&Rs)** placed or referenced in deeds to all property owners in a subdivision.

The **federal Interstate Land Sales Full Disclosure Act (ILSA)** regulates the interstate sale of unimproved lots in subdivisions of 25 or more lots of less than 20 acres each. The law does not apply to subdivisions sold solely to developers. **State subdivision laws** may also apply to sales within the state of subdivisions located either inside or outside the state.