Chapter 25

SUBDIVISIONS AND ZONING ORDINANCES

Subdivision is the division of land into two or more parcels or lots for the purpose of sale, lease, or other conveyance, or for development; whether immediate or in the future. A subdivision of land can be one piece divided into two or two divided into 20 or any number into any number; if the land is divided into more than one parcel (or plat), it is a subdivision. Every municipality has authority to approve or disapprove subdivision of land within its boundaries and within an area outside its boundaries, based on the municipality's population (§3-19-5) provided a subdivision regulation has been adopted (3-19-6). A subdivision regulation may set parameters, guidelines, and restrictions for many different types of development within a municipality.

Zoning is a method of restricting the way landowners can use their property. Zoning is a tool used to control where commercial areas, manufacturing areas, and residential areas should be located for the benefit of the general public. All municipalities may exercise zoning authority within municipal boundaries. All municipalities over 1,500 population have extraterritorial zoning authority in cooperation with the county, with the size of the area determined by the municipality's population size (§§ 3-21-2 through 4).

Subdivision approval authority and zoning authority are mixed together in the statutes without much separation. Subdivision statutes are found in §§ 3-19-5 and 6 and §§ 3-20-1 through 3-20-16. Zoning statutes are found in §§ 3-20-1 through 3-20-5, §§ 3-20-7 through 3-20-12, §§ 3-21-1 through 3-21-11, §§ 3-22-1 through 3-22-5 (historic districts and landmarks), and §§ 3-21A-1 through 3-21A-8 (manufactured housing).

Your municipal ordinances on subdivision and zoning should follow the guidelines of these statutes. Follow your ordinances also.

One of the most important things to consider in processing subdivision or zoning changes is public notice. Proper notification to the public of changes to parcel sizes and land uses can keep your municipality out of court. Nothing angers the public more than to find out there is an automobile junkyard moving next door to their $200,000 house and the governing body didn't notify them of the public hearing on the change.