In the past, there were no controls over how a property owner could use his or her land. But as the population grew and cities became more crowded, the number of controls on land use became more and more extensive. Today, almost every city and town has some type of land use plan. A property owner has many land ownership rights, but these rights are also restricted by controls from the local, state and federal governments. In any real estate transaction, it is important to understand exactly what regulations apply to certain properties and to the rights of the property owners.

Zoning

Zoning regulations are a particular type of land use control. Their purpose is to control and regulate development and growth of a community in a way that is best for the general public as determined by local government. This is accomplished by dividing a community into areas (zones) that can be used only for certain purposes.

Zones generally fall into four basic categories: residential, commercial, industrial and agricultural. Most cities or counties further divide property into much more intricate specifications, such as a zone for single-family houses within a residential area, or areas zoned for light-industrial and heavy-industrial operations.

It is important to find out exactly how a property is zoned, for this could have serious consequences on how the property can be used both at the present time and in the future. Zoning ordinances are changed through amendments. Such changes can be sought by an individual property owner or by local governments. The changes must be determined to be in the best interest of the community, and the opinions of persons affected must be sought through public hearings after notice in compliance with the law.

For an investor interested in vacation rental property, it is critical to find out if the property is zoned for short-term or long-term rental. This will affect the amount of return on investment you can expect. Be sure to check the zoning of any property you are interested in from the relevant local authorities, (i.e. county or city government)

Another way to seek relief from zoning laws is through a special use permit. Such permits make exceptions for uses of property that are not otherwise allowed under the zoning laws. Other ways around zoning laws include spot zoning, which rezones a small area or even one plot of land. Again, this is only allowed if it benefits the community.

Land Use Law

In addition to zoning laws, there are other laws that may impose specific standards regarding how property can be used, such as how a building can be built, how big or small it can be, and where it may be placed on the property. These specifications may be laid out in local regulations or in building codes. Building codes are developed to protect public health and safety. To ensure compliance with building codes, many municipalities require that property owners obtain building permits before they begin any type of construction or development.
On shorelines, the state adds other rules regarding the size and shape of buildings as well as their locations on lots to these local regulations. The additional regulations are intended to avoid adverse environmental consequences resulting from building construction.

Other kinds of land-use regulations serve to protect the environment. Any development that may have an effect on the environment must conform to local, state and federal regulations. For example, the National Environmental Policy Act is a federal law that requires federal agencies to create environmental impact statements and give permission to developers planning projects that could adversely affect the environment. Such statements detail the effects of projects on areas such as air and water quality, safety and wildlife.

**Water Law**

With the purchase or sale of real estate comes certain air rights, mineral rights and water rights. Water rights include the use of underground water as well as water that touches the owner's property. Landowners whose property touches flowing water are riparian owners, which means they have the right to use the bordering water for reasonable and beneficial use, such as boating, swimming and other recreational purposes. Riparian owners do not, however, have any actual ownership of the water itself, and may not legally divert the water to land that does not adjoin the stream or lake. An owner may not use the adjoining water in a way that affects the quality or availability of the water further upstream, downstream or down the coast, by polluting the water or changing its flow.