

County Authority for Zoning and Assessing Impact Fees in Selected States

	Zoning	Assessing Impact Fees
Texas	Counties do not have authority to enact zoning regulations. Tex. Local Gov't Code § 232.101 (2007).	A political subdivision may not impose an impact fee unless specifically authorized by state law. Impact fees may be imposed only to pay for capital improvements or facility expansions. Counties are not included in the definition of "political subdivision." § 395.012.
Arizona	Counties have the authority to enact zoning regulations as part of a comprehensive plan. Ariz. Rev. Stat. § 11-802 (2007).	Counties have authority to assess impact fees for water, sewer, streets, parks, and public safety facilities attributable to new development. Must also be reflected in the comprehensive plan Ariz. Rev. Stat. § 11-1102 <i>et seq.</i> (2007).
California	Counties and cities are responsible for adopting and administering zoning laws and regulations. Ca. Gov't Code § 65800 (2007).	Counties may impose mitigation fees for new development, to defray the costs of "public improvements, public services, and community amenities." Ca. Gov't Code § 66001 (2007).
Colorado	Counties have the authority to enact planning and zoning regulations applicable to all unincorporated territories within such county. Colo. Rev. Stat. § 30-28-111 (2007).	Local governments, including counties may assess impact fees for broad development impacts, including environmental effects. Colo. Rev. Stat. § 29-20-103 <i>et seq.</i>
Florida	Counties have the authority to establish and enforce zoning regulations as part of a comprehensive plan. Fla. Stat. § 125.01 (2007).	Counties and municipalities have the authority to assess impact fees for new development pursuant to the Florida Impact Fee Act. Fla. Stat. § 163.31801 (2007).
Georgia	Authority to regulate land use is part of counties' Home Rule. GA CONST. art. IX §2 par. IV. Further provisions under the state's Zoning Procedures Law articulate guidelines for zoning. GA. CODE ANN. § 36-66-2.	Counties have authority to assess impact fees under the state's Development Impact Fee Act, GA. CODE ANN. § 36-71-1. This includes fees for typical capital improvements, and for other amenities such as libraries, parks, and recreation areas.
Idaho	The Local Land Use Planning Act authorizes cities and counties to plan and zone to protect the health, safety, and welfare of citizens, and also environment and economic interests. ID. CODE ANN. § 67-6502.	Counties may impose impact fees for a number of kinds of infrastructure, as well as parks, open spaces. ID. CODE ANN. §67-8202
Kansas	Kansas counties have general zoning authority for the protection of the public health, safety, and welfare, but may not zone the use of land for agricultural purposes. KAN. STAT. ANN. § 12-741.	No explicit authority for counties to impose impact fees
Kentucky	Kentucky counties must establish a planning commission that creates a comprehensive plan. The commission further has broad zoning authority to enact land use regulations. KY. REV.	No explicit authority to impose impact fees

	STAT. ANN. §§ 100.111-100.991.	
Louisiana	Louisiana parishes and local governments may adopt regulations for land use, zoning, and historic preservation. LA. CONST. art. VI, § 17. May regulate such aspect of land use as height, number of stories, density, and open spaces. LA. REV. STAT. ANN. § 33:4780.40 (West 2008).	No explicit authority to impose impact fees.
Michigan	Michigan Zoning Enabling Act of 2006 authorizes counties to regulate land use and to zone for a broad range of purposes. MCLS CONST. Art VII, §1.	No explicit authority to impose impact fees.
Minnesota	Counties may carry on planning and zoning. Encouraged, but not required, to adopt a comprehensive plan, and if done the plan must be the basis of any zoning regulations. MINN. STAT. §394.21 (2007).	Impact fees not explicitly authorized by statute.
Mississippi	Counties may regulate land use through dimension and density, as well as zoning. MISS. CODE ANN. § 17-1-3 at par. (1).	No explicit statutory authority to impose impact fees.
Montana	Zoning authority authorized for the purpose of protecting health, safety, morals and general welfare. Mont. Code Ann., §76-2-201 (2007).	Cities, towns, counties, and consolidated governments have authority to impose impact fees for typical infrastructure improvements, as well as any other facility if approved by unanimous vote of the board of county commissioners. MONT. CODE ANN., § 7-6-1601
New Mexico	A county may engage in county planning and zoning within its jurisdiction. N.M. Stat. Ann. § 4-57-2 (2007).	Counties and municipalities may impose impact fees only when specifically authorized by the Development Fees Act. The DFA allows impact fees to be charged for funding the costs of capital improvements attributable to new development. N.M. Stat. Ann. § 5-8-2 (2007); § 5-8-3.
Ohio	Counties may regulate land use in accordance with a comprehensive plan, in the interest of public health and safety. Counties may regulate land use, landscaping and architectural standards, in accordance with a comprehensive plan, in the interest of the public convenience, comfort, prosperity, or general welfare. Ohio Revised Code §303.02 – County Commissioners may regulate building and land use in unincorporated territory	No enabling act, but <i>Home Builders Assoc. of Dayton v. Beavercreek</i> , 89 Ohio St. 3d 121 (Ohio 2000), paved the way for at least cities to impose them
Oklahoma	Counties permitted to regulate in unincorporated areas, for the purpose of public health, safety, peace, morals, comfort, convenience, prosperity, order, quality of life, and general welfare. OKLA. STAT. ANN. tit. 19, § 863.13.	No explicit statutory authority to impose impact fees
Oregon	Counties must adopt a comprehensive plan, and they may enact zoning regulations to implement its goals. Or. Rev. Stat. § 215.050.	The county may prescribe fees as necessary or convenient to carrying out the goals of its comprehensive plan. Or. Rev. Stat. § 215.110.

Tennessee	Broad authority to regulate location, height, size of structures, density, and open spaces, as well as actual zoning of land use.	Counties in Tennessee are statutorily prohibited from imposing impact fees. TENN. CODE ANN. § 67-4-2913.
Washington	Counties have the authority to engage in planning programs which may include enacting zoning regulations and other land use controls. Wash. Rev. Code Ann. § 36.70.030 (2007).	Pursuant to a comprehensive land use plan, counties have authority to assess impact fees for new development to pay a proportionate share of the cost of new facilities needed. § 82.02.050.