

Washington County Plan Commission
Training Session
January 29, 2011

Why should a community plan?

To get ready for the future -- to plan is to be proactive

Planning's Fundamental Goal is: to improve the community

Why do I plan? Activity -- Reasons for Planning:

Pass shopping bag around and let them take out items and guess what it symbolizes

Vitamins = healthy community, flower = nature, apple = farming, thread = infill development, bird = wildlife, tape measure = growth, bike = transportation choices, \$1 bill = good fiscal sense, picture of my kids = the future, ball = recreation, antique bank = historic preservation, castle = housing, umbrella = good drainage/flood relief, badge = public safety, fish = clean water, school bus = schools, watercolors = the arts, battery = utilities/power, sesame seeds = preserve cultural identity, stain remover = land use problem, witch = keep bad things out, band-aid = healing of community

*Have them write in their reason(s) here
-- Everyone will be different and that is okay...*

Why do you PLAN?

Your Planning Process Responsibilities:

As a planning official, what is my general role?

- 1) To represent the rest of the community. How do they give you direction?
 - A) Come to mtg or send written comments
 - B) Through their comp plan input
- 2) To educate yourself and others on the issue(s).
- 3) To support the process and recognize the roles of the other participants

Who does what?

Plan Commission -- the land use people (the big picture). Legal Responsibilities:

- Prepares Comp Plan (IC 36-7-4-501) and updates
- Prepares zoning ordinance (IC 36-7-4-602(a)) and amendments
- Prepares subdivision ordinances (IC 36-7-4-701 (b)) and amendments

Note: PC doesn't have to actually prepare the above documents. Indiana Code allows PC to delegate entire project or get assistance from staff, consultants and/or citizen advisory committees)

- Provide recommendation on rezonings to Commissioners
- Provide recommendations on zoning ordinance amendments to Commissioners
- Provide recommendations on subdivision ordinance amendments to Commissioners
- Provide recommendation on comprehensive plan amendments to Commissioners
- Final approval on subdivision plats
- Final approval on site/development plans
- Appoints BZA member from commission

Other plan commission responsibilities:

Assign addresses; adopt rules of procedure; keep records; point out ordinance problems; be champions of the comprehensive plan; answer requests for advice from other groups (may delegate to staff)

County Commissioners -- as elected officials, they have a responsibility to balance all things (the bigger, wider picture). Legal Responsibilities:

- Adopts comp plan by resolution (IC 36-7-4-509), including amendments
- Adopts zoning regulations, including amendments
- Adopts subdivision regulations, including amendments
- Decides rezonings
- Appoints members of plan com (3), BZA (1, who can't be on council), redevelopment com (2)

Other Legislative Body Responsibilities:

Set policy; develop rules of procedure; create committees to carry out their work; may hire an attorney; may terminate twshp joinder agreement; communicate regularly with other planning groups; listen to recommendations from PC; listen to voters; keep ear to ground; fix broken laws; act for "public good"

County Commissioners have a direct, interactive relationship with plan commission.

Note that the planning process wouldn't be successful without the other groups involved. The plan commission can't do everything themselves, legally or realistically. Most plan commissions recognize this and have planning staff.

Who will act as Washington County's planning staff?

Planning Staff -- the specialists on land use and the planning process. Legal Responsibilities:

- Administers zoning and subdivision regulations
- Prepares staff reports
- Updates zoning map
- Keeps written plan commission & BZA records

Other Planning Staff responsibilities:

Accept applications; Make recommendations, decipher zoning and subdivision regulations for applicants; educate citizen planners, continuing ed for themselves; Support BZA, PC, council; provide detailed research; be responsive; take care of all PC assignments delegated to them

Planning staff has a direct, interactive relationship with plan commission.

Technical Advisory Committee -- the technical resources on issues related to development. Legal Responsibilities:

- State law considers them a subcommittee of the plan commission
- Reviews plan commission cases (PUDs, development plans, plats)
- May review some BZA cases

Other Technical Advisory Committee responsibilities:

In addition to plan staff fire and public works, committee also includes non-county employees (utilities, co auditor (2nd plats only), co surveyor, co engineer, co health dept, co plan com, INDOT, school corp

Technical Advisory Committee has an indirect relationship with plan commission.

Board of Zoning Appeals __ -- the seekers of land use justice (the relief valve). Legal Responsibilities:

- Hears appeals of administrative decisions
- Hears variance requests
- Hears special exception/conditional use requests

Other Board of Zoning Appeals responsibilities:

Point out parts of zoning ord that need "fixed" (i.e., variances granted regularly)

BZA has an indirect relationship with plan commission.

Applicants/Developers -- their business is development. Legal Responsibilities:

- Follow local laws, including zoning and subdivision regulations

Other Applicant/Developer responsibilities: submit complete application; make their own case

Applicants have a direct, interactive relationship with plan commission.

The Public __ -- everybody else...

Legal Responsibilities:

- Pay taxes

Other Citizen responsibilities:

Vote; get involved in comp plan process and the community (be a citizen)

The Public has an indirect relationship with plan commission

Good planning now is key to realizing the future you identified in your comprehensive plan. To make that happen, you must bring more than good intentions to the planning process. Remind yourself often why you are here and what your responsibilities are.

Top 10 reasons to be on the Washington County plan commission or BZA:

- 10) There is no initiation fee for this club
- 9) Don't have to wear a fez at the planning conventions
- 8) You can take home free scrap paper after every meeting
- 7) There weren't any openings on any of Florida's warm weather plan commissions or BZAs
- 6) The secret handshake
- 5) You feel good knowing your meetings will help support local lawyers
- 4) Your family told you to find a hobby and you've never been good at wood-working
- 3) You thought you were auditioning for one of those Reality TV shows instead
- 2) Secretly hoping they'll name a zoning district after you
- 1) The huge paycheck and all the other perks

After the plan: what happens next?

The 4 tools (documents) every plan commission needs:

There is much groundwork a plan commission can do to avoid problems during the public meeting or hearing. The [State](#) gives the County much freedom to create custom standards and ordinances to guide development in Washington County, so take advantage of that and work with staff and County commissioners to put together the best set of core documents possible:

1. [a comprehensive plan](#)
2. [zoning ordinance](#)
3. [subdivision control ordinance](#)
4. [rules of procedure for the plan commission](#)

It is the plan commission's role to review those core documents, which can be prepared by staff, volunteers and/or consultants, and to provide recommendations for action to the Commissioners on all except the rules.

It is crucial that the plan commission adhere to these core documents. The Courts will not listen to excuses from the plan commission for not following them, since state law has already given the community so much freedom to create custom content.

Using the Comprehensive Plan in Decision-Making

Yes, you have a comp plan, but what do you do with it?

There are two ways that the community lets the plan commission know how they expect them to act on a development request:

1. [By speaking at or sending written comments to a public hearing in order to comment on a specific request.](#)
2. [By participating in the development of the community's comprehensive plan.](#)

Plan Commission must legally consider the comprehensive plan as part of the following planning-related decisions (**True or False**):

True Rezoning Request (IC 36-7-4-603 says the plan commission and the legislative body shall pay reasonable regard to the comprehensive plan)

False Subdivision Request (If a proposed subdivision plat meets all the ordinance standards, the plat must be given primary approval -- see IC 36-7-4-700 series)

BZA must legally consider the comprehensive plan as part of the following planning-related decisions (**True or False**):

Maybe Special Exception/Conditional Use (IC lets communities set own standards for approval, which might include compatibility with the comprehensive plan)

True Variance of Use (IC 36-7-4-918.4 stipulates that the board must find that the approval doesn't interfere substantially with the plan)

False Variance from Developmental Standards

If the comprehensive plan is not a direct legal consideration for approval of all planning related requests, then what do we rely on?

Developing Ordinances -

Linking the Comprehensive Plan to Ordinances

The **Zoning** Ordinance and the **Subdivision Control** Ordinance are the two biggest implementation tools for a comprehensive plan. In fact, the reason most plans fail is because the ordinances are never updated to reflect the direction of the plan.

IC 36-7-4-601 says that no zoning ordinance may be adopted until a comprehensive plan has been approved for the jurisdiction.

Zoning

The Zoning Ordinance:

- one of the 2 major implementation tools for your comprehensive plan
 - What is the other one? **Subdivision**
- the basic way that your community can control how land is developed

So what is zoning? -- The "Z" Word

The division of a municipality or county into districts for the purpose of regulating the use of **land**.

Zoning is an expression of _____ power.

a) fire

- b) police
- c) super

This means that **zoning has the power to regulate activity** by private persons **for the health, safety, morals and general welfare of the public**. That power is delegated to state legislatures by our federal system, and local governments only have that power when it is delegated to them by the state ("enabling legislation"). The U.S. Supreme Court has upheld zoning as a valid use of that power.

Zones or districts are shown on a map, and then the text of the zoning ordinance specifies the permitted uses and developmental standards (building size regulations, setbacks, parking standards, etc.)

Indiana Code's enabling legislation says that when a legislative body adopts a zoning ordinance, it shall act for the purposes of:

- (1) securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- (2) lessening or avoiding congestion in public ways;
- (3) **promoting the public health, safety, comfort, morals, convenience, and general welfare**; and
- (4) otherwise accomplishing the purposes of this chapter.

Zoning Ordinance Content

Indiana Code says that local zoning ordinances may:

- (1) **Establish districts**, which may include geographic areas that are not contiguous. A geographic area may be subject to more than one (1) district (i.e., an overlay district).
- (2) **Regulate how real property in the districts is developed**, maintained (the developmental standards), and used, including:
 - regulating front, rear, and side yards, open spaces, and total lot area;
 - regulating site conditions, signs, and nonstructural improvements, such as parking lots, ponds, fills, landscaping, and utilities;

- providing for the treatment of uses, structures, or conditions that are in existence when the zoning ordinance takes effect (non-conforming uses);
- development restrictions in areas prone to flooding;
- protections for the historic and architectural heritage of the community;
- requirements for structures, such as location, height, area, bulk, and floor space;
- restrictions on the kind and intensity of uses;
- performance standards for the emission of noises, gases, heat, vibration, or particulate matter into the air or ground or across lot lines;
- standards for population density and traffic circulation; and
- *any other provisions that are necessary to implement the purposes of the zoning ordinance.*

Notice that state law does not dictate how restrictive a zoning ordinance is - it is totally up to the local community to create their own standards!

Zoning Ordinance Process

The zoning ordinance may be developed by volunteers, consultants and/or staff. Often there is a citizens advisory committee, composed of a cross-section of community (farmers, realtors, businessmen, neighborhood leaders, etc.).

Step 1: Determine what zoning districts you want to have

Basic Zoning Districts:

- Agricultural
- Residential
- Commercial
- Industrial

Generally the larger the community, the more zoning districts there are. For example, there might be several types of residential districts (based on density) and several types of agricultural districts (based on intensity of use).

"Common zones within a planning department include demilitarized (DMZ), erogenous, and twilight." -- From the Plannerese Dictionary by Ric Stephens

Indiana Code says that local zoning ordinances may also provide for planned unit development (PUD) districts. PUDs are essentially a "write your own" zoning district. The developer proposes the use and the developmental standards for the property.

Step 2: Determine what uses are allowed in each zoning

districts. Some uses may be allowed by right, while you may want some to be allowed only by special approval (where you want to review a site plan as part of it)

- If the BZA does the extra review, it is called a "special exception" or "conditional use" and requires a public hearing with notice to surrounding property owners
- If the plan commission does the extra review, it is called a "development plan" and does not require a public hearing

Uses may be listed or can be presented in a "use chart":

	ZONING DISTRICT				
USE	Agricultural	Residential	Commercial	Institutional	Industrial
Single-family home		X			
School				SE	
Factory					X
Restaurant			X		
Hog Farm	X				

Step 3: Determine what the standards are for development in each zoning district. Examples include:

- Maximum height
- Minimum setback for structures on all sides
- Minimum lot size
- Minimum lot width/frontage

Step 4: Determine what development requirements might apply to multiple zoning districts. These may include:

- Sign standards
- Parking standards
- Landscaping standards

Step 5: Determine where those zoning districts go on a map

Zoning Maps -- Indiana law requires a zoning ordinance to be accompanied by a map, showing the districts into which the jurisdictional area is divided.

Step 6: Add the rest of the framework for the zoning ordinance A typical Zoning Ordinance table of contents:

ARTICLE I - GENERAL PROVISIONS

DIVISION 10: GENERAL PROVISIONS

- a. Short Title
- b. General Purposes
- c. Authorizations
- d. Compliance with Zoning Code
- e. Applicability to Private Property
- f. Components of Zoning Code
- g. Roles & Authority\
- h. Applicability to public property
- i. Minimum requirements
- j. Rules for interpretation
- k. Abbreviations
- l. Applicability to prior and pending permits
- m. Conflict with other regulations
- n. Relation to private agreements
- o. Application of regulations during local emergency
- p. Severability

ARTICLE II - BASE DISTRICT REGULATIONS

DIVISION 21: AGRICULTURAL DISTRICT REGULATIONS

- a. Specific purposes
- b. Use classifications
- c. Property development regulations

DIVISION 22: RESIDENTIAL DISTRICT REGULATIONS

- a. Specific purposes
- b. Use classifications
- c. Property development regulations

DIVISION 23: COMMERCIAL DISTRICT REGULATIONS

- a. Specific purposes
- b. Use classifications
- c. Property development regulations

DIVISION 24: INDUSTRIAL DISTRICT REGULATIONS

- a. Specific purposes
- b. Use classifications
- c. Property development regulations

DIVISION 25: INSTITUTIONAL DISTRICT REGULATIONS

- a. Specific purposes
- b. Use classifications
- c. Property development regulations

ARTICLE III - FLOODPLAIN REGULATIONS

ARTICLE IV - REGULATIONS APPLYING TO ALL DISTRICTS

DIVISION 40: SPECIAL PROVISIONS

- a. Accessory structures & uses
- b. Landscaping
- c. Lighting
- d. Performance standards
- e. Temporary uses
- f. Underground utilities

DIVISION 41: OFF-STREET PARKING & LOADING REGULATIONS

DIVISION 42: SIGNS

DIVISION 43: NON-CONFORMING USES AND STRUCTURES

ARTICLE V - ADMINISTRATION

DIVISION 50: ZONING CERTIFICATION

DIVISION 51: VARIANCES & CONDITIONAL USE PERMITS

DIVISION 52: REZONINGS & DEVELOPMENT PLAN REVIEWS

DIVISION 53: SITE PLAN PERMITS

DIVISION 54: TEMPORARY USE OF LAND PERMITS

DIVISION 55: AMENDMENTS

DIVISION 56: DEFINITIONS

ARTICLE VI - ENFORCEMENT AND PENALTIES

Every community has different zoning districts and regulations. No 2 are the same

Who does what with Zoning?

Plan commission's _____ role:

- Develop initial zoning ordinance
- recommend zoning ordinance amendments to legislative body
- "exclusive control" over approval or denial of development plans
 - What is a development plan?
- hold public hearing on rezonings and make recommendations to legislative body

Staff's _____ role:

- technical review of all applications
- updating zoning maps and zoning ordinance

Board of Zoning Appeals _____ role:

- grant variances to zoning ordinance standards, when justified
- recommend amendments to the zoning ordinance

Board of Zoning Appeals _____ role:

- adopt the initial zoning ordinance, zoning map and amendments
- final action on rezoning requests

Citizen's _____ role:

- Bring relevant zoning issues to attention of plan commission

Subdivision Ordinance Process

The subdivision ordinance may be developed by volunteers, consultants and/or staff. Often there is an advisory committee, composed of technical experts (engineers, surveyors, etc.).

The Subdivision Control Ordinance:

- one of the 2 major implementation tools for your comprehensive plan
 - What is the other one? Zoning Ordinance
- a basic way that your community can control how (and where) development occurs

I want Washington County to develop in a _____ manner.

- a) orderly
- b) chaotic

Subdivision regulations have the most impact in areas that are undeveloped.

Subdivision Ordinance Content

IC 36-7-4-702 says the subdivision control ordinance must specify the standards by which you determine whether a plat qualifies for primary approval. The state law says specifically that the ordinance must include standards for:

- (1) minimum width, depth, and area of lots in the subdivision
- (2) public way widths, grades, curves, and the coordination of subdivision public ways with current and planned public ways; and
- (3) the extension of water, sewer, and other municipal services.

State law says the subdivision control ordinance may also include standards for the allocation of areas to be used as public ways, parks, schools, public and semipublic buildings, homes, businesses, and utilities, and any other standards related to the purposes of this chapter.

The state law does not dictate how restrictive a subdivision ordinance is - it is totally up to the local community to create their own standards!

Subdivision Ordinance Process

Step 1: Determine if all lot splits must be platted - use this to define what a subdivision is and what a plat is

What is a subdivision?

Example from a City Subdivision Control Ordinance:

Subdivision means the division of land by deed or other recorded instrument. A subdivision shall be deemed to have occurred on any land, vacant or improved, which is divided into two or more lots, parcels, sites, units, plots or interests for the purpose of offer, sale, lease, mortgage or development, either on the installment plan or upon any and all other plans, terms and conditions, including resubdivision and the granting of access easements. However, this regulation shall not apply to the following:

1. An allocation of land by a court decree for the distribution of property;
2. The unwilling sale of land as a result of legal condemnations as defined and allowed in the Indiana State Law.

Example from a County Subdivision Control Ordinance:

The division of a parcel of land into two or more lots, parcels, sites, units, plats, or interests for the purpose of offer, sale, lease, or development. It also includes resubdivision and the grant of an easement which is needed to provide legal access to any property under the terms of this Article.

What is a plat?

Example from a City Subdivision Control Ordinance:

Plat means a map indicating the subdivision or resubdivision of land, and intended to be recorded in the Bartholomew County Recorder's plat books.

Example from a County Subdivision Control Ordinance:

The map, drawing, or plan described in this Article of a subdivision and any accompanying material submitted to the Commission or Department for approval, and which, if signed by the designated official(s) may be submitted to the County Recorder for recording.

A plat is always a subdivision, but a subdivision isn't always a plat!

Step 2: Determine what types of subdivision plats you want to offer

Most ordinances include Major and Minor Subdivision Plats

- Major subdivision plats generally are set for a lot number threshold (i.e., 3 lots or more) or include public improvements (like new roads)
- Minor subdivision plats don't include any public improvements and contain fewer lots than a major

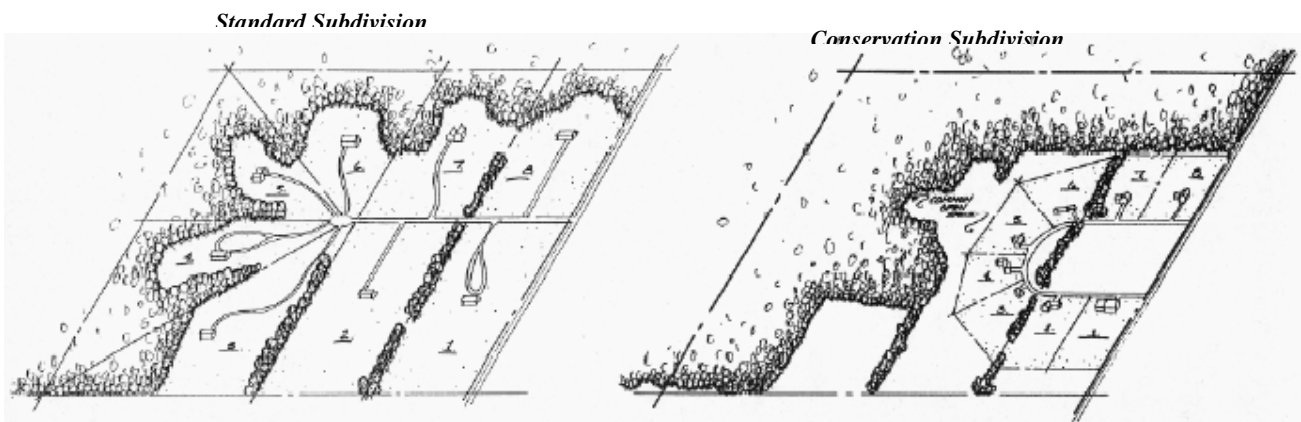
Some ordinances are now including Conservation (Cluster) Subdivision Plats - what are they?

A cluster or conservation subdivision generally sites single-family homes on smaller parcels of land, while the additional land that would have been allocated to individual lots is converted to common open space for the subdivision residents. Typically development standards, including road frontage, lot size, setbacks, etc. are changed to allow the developer to better preserve the desirable open space.

Where have Conservation or Cluster Subdivisions been built and are they successful?

Cluster or conservation subdivisions have been very popular in rural areas in the eastern United States. Surveys show that residents generally rate them very highly as places to live, and they have maintained their property values. In Indiana, Michigan City's *Tryon Farm* is a well-known example that preserves 120 of the property's 170-acres.

What does a Cluster or Conservation Subdivision look like?



What are the advantages ____ of a Conservation or Cluster Subdivision?

- Maintaining rural character of the area
- Open space for residents
- Preserving critical land
- Cheaper infrastructure costs, leaving developers more money for amenities
- Meeting a market need for low-maintenance housing
- Reducing the impacts of development on watersheds
- Can provide a buffer between residential lots and agricultural

What are the disadvantages of a Conservation or Cluster Subdivision?

- Current zoning and subdivision regulations don't support this type of development
- Takes extra effort for developer if regulations aren't already in place (variances, etc.)

- Maintenance of common open space requires creation of homeowners' association
- Homeowners have extra cost for maintenance fees (taxes, insurance, and general upkeep) not typically incurred in a conventional subdivision
- Smaller-sized lots result in close proximity to neighbors' homes

How does sewage disposal work in a Conservation or Cluster Subdivision?

In areas where public sewers are not available, advances in technology allow creation of small community systems where wastewater is transported and treated in a safe, economically feasible, and aesthetically pleasing manner.

Where can I find out more about Conservation or Cluster Subdivisions?

Arendt, Randall. 1994. *Designing Open Space Subdivisions: A Practical Step-by-Step Approach*. *Open Space Zoning: What It Is & Why It Works*, Randall Arendt: <http://www.plannersweb.com/articles/are015.html>

Step 3: Determine what the review process will be

Major subdivision plats should get a more thorough review, so the process for majors and minors may differ.

- Form a **technical review committee** committee to help. This needs to be addressed in the ordinance. A technical review committee can include more than county staff and officials.

Typical members include: County Surveyor, County Highway Engineer, County Health Department Representative, SWCD, Utility Representatives, etc.

Typical Major _____ Subdivision Process:

- a) Applicant prepares concept plan for review and discussion
- b) Applicant submits complete and appropriate subdivision proposal
- c) Staff reviews proposal
- d) Interested parties notified
- e) Public hearing
- f) Primary approval granted or denied by plan commission
- g) If denied, appeal is to courts
- h) If granted, submit final plat after conditions satisfied, along with improvement plans
- i) Construct improvements and have them formally accepted by local government or post financial guarantees for improvements
- j) If posting financial guarantees, local government accepts right-of-way dedication
- k) Staff grants secondary approval and seals subdivision plat
- l) Applicant records final plat

Typical Minor _____ Subdivision Process:

- a) Applicant submits complete and appropriate subdivision proposal
- b) Staff reviews proposal
- c) Plat Committee considers staff review and grants primary approval or denies
- d) Interested parties notified of approval and right to appeal within 10 days
- e) If denied, appeal is to plan commission
- f) If approved, staff grants secondary approval and seals subdivision plat after conditions satisfied
- g) Applicant records final plat

The Secondary (Final) Subdivision Process:

- a) Applicant submits complete and appropriate subdivision proposal
- b) Staff reviews proposal and grants approval or forwards to plan commission for consideration if uncertain of compliance with regulations
- c) If staff approves, plan director or assistant director sign the drawing
- d) Applicant records final plat at County Records Office

Step 4: Determine what the standards will be

This includes everything from pavement thickness on roads to sidewalk requirements, to maximum driveway slopes and septic requirements. It is up to you to develop all of those standards. It will be much easier on everyone involved in the process if you are very specific.

Example Subdivision Control Ordinance Table of Contents:

ARTICLE I. GENERAL PROVISIONS

A. Title 1

B. Authority..... 1

C. Policy 1

D. General Purpose 1

E. Applicability and Jurisdiction..... 2

F. Conflict or Consistency with Other Laws, Covenants, or Deed Restrictions..... 2

G. Compliance 2

H. Severability 3

I. Effective Date and Transitional Provisions 3

J. Preparation by Surveyor

K. Minimum Standards

L. Compliance required for Permit issuance

ARTICLE II. ADMINISTRATION

A. Administrative and Decision-Making Bodies 5

B. Amendments 7

C. Modifications 7

D. Exempt Subdivisions 8

E. Minor Subdivisions 8

F. Major Subdivisions 9

G. Validity of Approval 10

H. Improvements and Financial Guarantees 10

ARTICLE III. DEVELOPMENT AND DESIGN STANDARDS

A. Minor Subdivisions 13

- 1. General
- 2. Primary Approval
- 3. Secondary approval
- 4. Minor Subdivision Approval Process
- 5. Amendment
- 6. Appeal
- 7. Recording

B. Major Subdivisions 15

- 8. General
- 9. Concept Plan
- 10. Primary Approval
- 11. Secondary approval
- 12. Major Subdivision Approval Process
- 13. Phases
- 14. Recording

ARTICLE IV. CONSERVATION SUBDIVISIONS

A. Purpose and Intent 31

B. General Provisions 31

C. Criteria 31

D. Other Bonuses 33

ARTICLE V. ENFORCEMENT AND PENALTIES

A. Plat Validity

B. Complaint 35

C. Civil Subdivision Control Violation 35
D. Citation for Civil Subdivision Control Violations 35
D. Trial for Civil Subdivision Violations..... 35
E. Other Remedies 35

ARTICLE VI. DEFINITIONS AND INTERPRETATION

APPENDICES

APPENDIX A - CERTIFICATES AND NOTATIONS 45

- (1) Surveyor certificate
- (2) Primary Approval Certificate
- (3) Secondary Approval Certificate
- (4) Plat Committee Minor Plat approval
- (5) Improvement Plans certificate
- (6) Dedication Certificate
- (7) Tax certificate
- (8) Flood Hazard Notation
- (9) Private Access easement Notation
- (10) Recording Notations
- (11) Replat Notation
- (12) Sewage System Covenant

APPENDIX B - TYPICAL SECTIONS 51

Who does what with Subdivision Plats?

Plan Commission _____ :

- Develop initial subdivision ordinance
- recommend subdivision control ordinance and amendments to legislative body
- "exclusive control" over approval or denial of subdivision plats
- grant modifications to ordinance standards
- delegation of authority to plat committee and staff
- appeals of staff or plat committee decisions

Technical Review Committee/Staff _____ :

- technical review of all applications and recommendations to plan commission

Staff _____ :

- final approval of administrative records
- secondary approval of major plats (if delegated by plan commission)

Staff _____ :

- final approval of minor plats (if delegated by plan commission)

County Commissioners _____ :

- adopt the subdivision control ordinance and amendments
- accept right-of-way dedication

Citizens _____ :

- Bring relevant issues to attention of plan commission

Ordinance Adoption Considerations

How do you decide which ordinance to do first?

You can actually combine both ordinances into a unified development code and do it at the same time. Bloomington has a recently adopted UDC. What would be the advantages of having a UDC? 1-stop shopping and less potential conflicts (Shared definitions, enforcement, etc.); Economy of Scale (time and \$)

If you must do them separately because of time or available funds...

- Which ordinance requires the most technical knowledge? Subdivision ordinance
- Which will the public be most interested in commenting on? Zoning Ordinance
 - Based on the first 2 questions, which ordinance will be most controversial? Zoning Ordinance
 - Do you want to do the most controversial ordinance first or last? Last
- Which will take longest to write? Do you want to develop that one first or last? Zoning Ordinance; Last

Rules of Procedure

- Indiana law requires _____ every plan commission and BZA adopt rules of procedure.

What is typically covered in rules?

- Meeting times and Duties of officers and staff
- Establishment of committees
- Order of business
- Definition of interested parties
- Notice requirements
- Hearing procedures
- Time limits on testimony
- Application procedures (deadlines, fees, etc.)
- Continuances
- Conflicts of interest
- Decisions
- Commitments and conditions
- Amendments
- Suspension of rules
- Communications outside of meetings

Develop good rules and regulations, and then follow them!

If you end up in court, a judge will look first at procedural issues: Did you do what you were supposed to do?

What are the 4 basic documents all plan commissioners should have?

1. Comprehensive Plan
2. Zoning Ordinance
3. Subdivision Ordinance
4. Rules of Procedure

Keep those 4 tools/documents tuned up:

- Do an annual review of your Comprehensive Plan. Is it working the way it should?
- Use variances as indicators
- Stay apprised of new State and Federal requirements
- Stay apprised of new trends and technologies

How do you do this? Who should be responsible?

Plan Commission is ultimately responsible

- Do an annual review of your Comprehensive Plan. Is it working the way it should? PC Retreat
- Use variances as indicators BZA Annual report
- Stay apprised of new State and Federal requirements Planning literature and conferences
- Stay apprised of new trends and technologies Planning literature and conferences

How to handle the tough stuff

- Stay focused and keep the **public** _____ focused.

What are relevant issues in a REZONING hearing?

What the comprehensive plan recommends, existing uses and conditions in the neighborhood, service demands (traffic, sewer service, schools, fire protection, etc.), drainage or flooding problems, how this will impact property values....

What isn't appropriate in a REZONING hearing?

Sentiment (I like the view of the woods I have now), emotions (don't like the applicant), rehashing the past, subjectivity

What are relevant issues in a SUBDIVISION hearing?

Previous and future uses, street standards, street patterns, traffic, sidewalks, drainage, flooding, soil conditions, topography, lighting, provision of services, lot layout, street names, easements, utilities....

What isn't appropriate in a SUBDIVISION hearing?

Sentiment (children playing ball on it now), emotions (don't like the applicant), rehashing the past, subjectivity

- Concentrate on what you are supposed to consider and make sure the public knows what that is.

For rezonings, IC 36-7-4-603 says the plan commission and the legislative body shall pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

What do you think it means to "pay reasonable regard"?

When can you **deny** _____ a rezoning?

When it doesn't meet the State Law standards

Can a rezoning be conditionally approved?

a) Yes

b) No

Written commitments formalize the conditions attached to a rezoning and must be enabled in your Zoning Ordinance.

Can you conditionally approve a subdivision?

c) Yes

d) No

When can you **deny** _____ a subdivision?

Only when it does not meet the standards of your Subdivision Control Ordinance.

Note: if acceptable method for solving issue is proposed, then is it still a problem?

If a proposed subdivision plat meets all the ordinance standards, the plat must be given primary approval.

Your planning decisions will outlive you -- make sure it is a good legacy.

Dealing with Pressures in a Small Community

Peer Pressure --

- Do not want to offend colleagues or appear to be unconventional or uncooperative.

PC represents a variety of views, so there is no reason why decisions should always be unanimous

Public Pressure --

- Difficult to make unpopular decision, especially in small towns.

Proposed land use changes generate emotional responses. Audience isn't always right; doesn't represent whole community.

Developer & Business Pressure

- Represents one view, aimed at reducing costs and increasing profits.

Don't accept inappropriate development to provide profits

Political Pressure --

- Occasionally elected officials lobby for certain votes.

Plan commissions intended to be independent bodies. You are obligated to vote for good planning.

Compromise --

Want to find a middle position between developers and opponents.

- *Can leave everyone unhappy when neither side gets what it wants.*
- *Developers quickly learn the compromise game, asking for more than they need, in order to end up with the project they initially desired.*
- *Compromise works if commission can broker a win-win solution, but regular compromise won't result in good development.*

Outside influences --

Members interact with people in their daily lives who wish to influence their opinion or vote

- *Good practice to refrain from discussions, because interferes with due process and inconsistent with the goals of the open meeting law - cover in your Rules. BZA is prohibited by law from this contact,*
- *If contact can't be avoided, explain that it will be reported at the public meeting.*

Remember to always look at the long-term "big picture" and communicate_____!

Questions and Answers....
