WHY PLAN?
PLANNING & ZONING 101
Purdue Video
Land Use Update

K.K. Gerhart-Fritz, AICP
Indiana Chapter of APA
The Planning Workshop, Inc.
317-501-1988
KK@theplanningworkshop.com

Welcome to the Plan Commission support group!

Our program for tonight... some basic training

So, what is the job of the Planning Commissioner?
- General things:
  - Acting as a cheerleader/missionary for planning
  - Educating the Public
  - Communicating with elected officials and others
  - Keeping yourself educated/informed

Typically Not Required, but Good Idea
- Loading up on sugar and caffeine before the meeting
- Turning off your cell phone during the meeting
- Reading all staff reports
- Visiting the site in person
- Not snoring in the wee hours if still in session
- Preparing annual report

Why Plan?-- Agenda
- History & Philosophy
- Legal Framework
- Legal reasons
- Practical reasons
- Questions & discussion
When did planning start?

- Cities have been "planned" almost as long as cities have been built

"Something’s just not right—our air is clean, our water is pure, we all get plenty of exercise, everything we eat is organic and free-range, and yet nobody lives past thirty."

Reasons why Communities happened

- Emotional need to live in a society
- Dictates of rulers
- Protection
- Availability of resources
- Culture
- Education
- Commerce & trade

Why did location matter?

- Topography
- Climate
- Tactical advantages
- Water

Milestones that Impacted City Form

- Rectilinear city plan (grid) developed by Hippodamus in 5th Century BC
- Gunpowder makes walled cities obsolete, allowing sprawl of cities beginning in 14th Century

Milestones that Impacted City Form

- Colonialism, which drove formation of new settlements driven by trade
- Western expansion
- 1893 World’s Exposition in Chicago – City Beautiful
- Industrial revolution with technological developments
- Rise of the automobile
- English Garden Cities movement led to more green space
Early US Plans
- Williamsburg – 1633
- Philadelphia – 1682
- Savannah – 1733
- Washington DC – 1791
- Jeffersonville, IN – 1802
  - Original layout suggested by Thomas Jefferson featured a grid of undeveloped squares alternating with squares full of lots to develop. Plan was revised in 1817 to develop all squares...
- Indianapolis – 1821

Early 1900’s
- 1889 – Indiana adopts statute granting control of platting to local governments
- Cities use “police power” to regulate land use (primarily restrictions against nuisances)
- 1905 – Indianapolis Common Council regulates factories in residential areas
  - “Planning” starting to be seen as function of government – an overview of where they were and where they were going...
- 1st Plan Commissions: Hartford, CT – 1907, Milwaukee, WI – 1908, Chicago – 1909

Early US Planning Efforts
- National Conference on City Planning – 1909
- Fort Wayne prepares planning report in 1910 proposing prohibition of manufacturing in residential areas and restricting building heights in business districts – Efficient City Movement
- Wisconsin passes state enabling act, allowing cities to establish plan commissions
- Massachusetts requires plan commissions – 1913

Enforcing Plans
- Early efforts at land use regulation: NYC’s Zoning Ordinance of 1916
  - First attempt to combine regs such as use, height etc. in “police power” document
- Indianapolis passes city’s 1st zoning ordinance – 1922
  - Had 5 zoning use districts
  - Regulated height & density

Zoning
- “Standard State Planning Enabling Act” came later – 1928

Zoning Upheld
- US Supreme Court upholds Zoning as Constitutional – 1926
Where does Zoning Come From?...

- 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 the state by the federal system, and local governments only have that power when it is delegated by the state ("enabling legislation").
- The U.S. Supreme Court has upheld zoning as a valid use of police power.

Early Indiana Efforts

- State zoning enabling law passed in 1921
  - Authorized City Councils to establish BZAs
  - Authorized them to ask Plan Commission for zoning boundaries and regulations
- Indiana’s 1921 City Planning Act authorized City Councils to establish plan commissions to:
  - Study & prepare plans for recommended locations of public infrastructure, buildings
  - Prepare and submit zoning ordinance to council
  - Review & approve subdivision plats within 5 miles of city

Early Indiana Efforts

- 1921 – Indianapolis creates Plan Commission
- 1923 – Anderson Plan Commission founded
- 1927 – Indiana Towns granted power to plan
- 1935 – Indiana amends City Planning Act; authorizes City Councils to establish plan commissions
- 1935 – Indiana Counties granted power to plan and named County Ag Agents to commissions
- 1937 – Indiana Towns granted zoning

Indiana State Planning Board

- Using model acts, states adopted planning legislation while economy was slow in Depression
- By 1936 most states had planning boards
- Future of our cities and our environment became accepted as a public responsibility
- Created in 1935
  - Focused on adopting a master plan for physical and economic development of state

After WW II

- Population boom, rise of automobile and easy mortgage $ = sprawl in undeveloped areas
- Planning can’t keep up with establishing new commissions, plans and regulations
- Indiana adopts new enabling act replacing prior planning and zoning enabling acts -- 1947

Federal Housing Act 1954 – 701 Program

- Requires comprehensive plan for community to get urban renewal $  
- Feds provide funding for municipal, county, regional and eventually state planning
- Created a local planning consciousness
Indiana Planning in 1950’s
- 1955 – State passed Metropolitan Planning Law allowing planning and zoning functions to be consolidated in one agency in Marion County
- 1957 – Area Planning Agencies authorized for other counties

Indiana Planning in 1960’s
- 1965 – Division of Planning added to IN Dept of Commerce
  - Assist IN communities with planning & zoning
  - Prepare State Comprehensive Plan
  - Administer Sec 701 planning $s

Indiana Planning in 1970’s
- 1974 – Division of Planning replaced with State Planning Services Agency under Governor
- Indiana communities allow increased citizen involvement
- Indiana merges advisory, area and metro acts into same chapter of IN Code

Indiana Planning in 1980’s
- State Planning Services Agency abolished 1981
- Indiana Planning Association established
- Indiana legislature grants first exclusions of use from zoning regulation for Manufactured Homes
- 1985 Act clarifies that zoning is not planning, and that a comprehensive plan was required before zoning was allowed

Indiana Planning in 1990’s
- State excludes more uses from zoning: group homes, in-home daycare, satellite antennas and protects existing AG activity
- More interest in rural planning and farmland preservation
- Indiana legislature establishes the Indiana Land Resources Council to provide info, advice and educational and technical assistance on land use

Indiana Planning – 21st Century
- Indiana fails to embrace “Smart Growth” like other states
- 2007 – IURC releases model AG Zoning
- 2011 – Major clean-up to State’s planning law
No Planning => No Zoning

- Indiana Planning Law prohibits communities from regulating development with zoning if they have not first engaged in comprehensive planning.

Top 10 reasons to be a Planning Official:

10) There is no initiation fee for this club

Top 10 reasons to be a Planning Official:

9) Don’t have to wear a funny hat at planning conventions

Top 10 reasons to be a Citizen Planner:

7) You want to prove you are smarter than those elected officials

Top 10 reasons to be a Citizen Planner:

6) The secret handshake
Top 10 reasons to be a Citizen Planner:

1) Secretly hoping they’ll name a zoning district after you

2) You're so powerful, you're a MVP on your local softball team

3) You're thought you were auditioning for one of those Reality TV Shows instead

4) Your family told you to find a hobby and you've never been good at fishing.

5) You help economy by keeping lawyers working

Zoning has power to regulate activity by private persons for health, safety, morals, general welfare of public.
- Power delegated to state by feds
- Local governments only have power when delegated by state ("enabling legislation").
Philosophy of Planning

- Based on a concept of the public interest or “public good”

Decision-Making Concerns

- How do you decide which “good” is the best?

Public Pressure vs Public Good

- Difficult to make a decision unpopular with a room full of people, especially in small towns.
- Audience isn’t always right; it doesn’t represent the community as a whole.
- Your job to sort through evidence and testimony and make reasoned decisions.

Business Success vs Public Good

- They represent a particular view, aimed at reducing their costs and increasing their profits.
- Community does not have to accept bad development in order to provide profits
- Review proposals on their merits.
Politicians and the Public Good
- Occasionally, elected officials lobby for votes.
- Members may feel obligated to vote as these officials request.
- You are intended to be independent; as a matter of ethics and conscience, cast votes that promote good planning.

Compromise = the Public Good “It’s not so Bad”
- Compromise can leave everyone unhappy -- neither side gets what it wants.
- Developers quickly learn compromise “game”
- Not bad if can broker a win-win solution, but regular compromise won’t result in good development.

Why Plan?
- It’s about being PROACTIVE, instead of REACTIVE!

Why Plan?
- Different people may have different reasons for planning -- that’s okay!

Why Plan?
- The bottom line: fundamental goal is to Improve your Community.
Why Plan – When to Plan

- Good Times
  - Manage growth
  - Plan for prosperity, more growth
  - Make sure there are adequate resources

- Bad Times
  - Use scarce resources wisely
  - Can’t afford not to

Planning Policymakers

- As public officials, you are trustees of the future, and have a responsibility to help prevent growth patterns that result in wasteful and inefficient use of public resources.
- When communities plan, they establish and implement a public policy for the community. They create a guideline for decisions on development.

The Basic Planning Process

1. Evaluate existing conditions (strengths & weaknesses, demographics, natural features, etc.)
2. Establish a vision, goals and objectives
3. Identify alternatives for achieving that future
4. Select the most desirable alternative
5. Devise and adopt tools to implement the plan (zoning, subdivision control, capital improvement programming, etc.)
6. Evaluate the success of the plan
7. Revise the plan

Planning Rules

- Inclusive - invite everyone to the table
- Engaging – get people into the process
- Democratic – everyone is represented or at least has a voice
- Steward Resources – don’t waste time or money – educate citizens on issues

Can You Control People’s Land?

- True or False: “You can’t tell me what I can and can’t do with my land!”
- If so, can it be for any reason? or just for “public good” reasons?
- If so, what are you required to follow?
How Has It Been Working?
- Let’s review history of planning/zoning
- Has regulation solved problems?
- Has regulation created other problems?
- Has the pendulum swung too far?
- Where are we now?

What You Can Do
http://www.epa.gov/piedpage/scorecards/index.htm
- Be an advocate for good planning in your community
- Educate your peers, officials, developers and citizens
- Do a more detailed “Smart Growth” audit of your community

How do we Get Good Planning?
- Be proactive -- no one will do it for you
- Where should you start?

Good Planning -- The Comprehensive Plan
- Central core document for planning in your community
- If your plan isn’t smart, then nothing else you do will truly be smart...

Do you need a new Comprehensive Plan?
- Is there still support plan?
- Are you following it?
- Is it doing what it is supposed to?
- Have conditions changed since plan was done?
- Have plans in adjacent jurisdictions changed?
- Have other plans changed (INDOT, utilities, etc.)
- Are there new uses to address?

Do you need a new Comprehensive Plan?
- Sensible Growth Check-up from Sensible Tools Handbook for Indiana, NIRPC, 2007
Implement your Plan

- Zoning ordinance and subdivision ordinance are biggest implementation tools
- Need to be in sync with comp plan
- Always do update after new plan

Update your Zoning Ordinance


- See EPA's new "Essential Smart Growth Fixes For Urban And Suburban Zoning Codes"

Getting To Good Planning

Working with Elected Officials

- Remember the local government framework!
- Elected officials MUST be on board for success
  - If they serve on your Commission, it helps
  - Report to them on your work, including success
  - Pursue enforcement on community concerns
  - Be efficient – spend little and maximize fees
  - Can elected officials explain benefits of P & Z to voters?
- Meetings
  - Be sure meetings give a positive impression

Getting To Good Planning

Working with Other Officials

- Cooperation with other officials is important
- Some elected officials are great partners
  - Health Department
  - Sheriff’s Department
  - Highway Department

Getting To Good Planning

Meetings

- Be sure meetings are user friendly
- Remember people may come to only one of your meetings their entire life – don’t make it difficult
- Get a quorum of members to show up!

Getting To Good Planning

Media Relations

- Work with media to show benefits of P & Z
- Make meetings easy to understand and report on
- Give press any positive stories you can
- Use press for public education
Getting To Good Planning Public Education

- To gain and maintain public support, benefits of planning and zoning must be visible
- React quickly when public nuisance type complaints are received
- If the public perception is that you can't do anything to solve problems, will be tough

Getting To Good Planning Approval Process

- Processes should be clear and understandable to petitioners and public
- Petitioners should know what to expect
- Timely handling of processes

Public Good Considerations

- Does regulation advance the public good?
- Is the regulation a reasonable way to accomplish that public good?
- Does the regulation allow a reasonable economic use of property?
- Are regulations fairly applied?

Where to Get Help

- Planning Staff
- Your group’s attorney
- Your State Chapter – www.indianaplanning.org
  - Citizen Planning Handbook
  - Conferences
  - Your state code
  - Planning Publications
  - Other citizen planners

Questions & Answers

K.K. Gerhart-Fritz, AICP

The Planning Workshop
Communication + Education = Effective Planning

7829 Wawasee Court
Indianapolis, IN 46250
KK@theplanningworkshop.com 317-501-1988