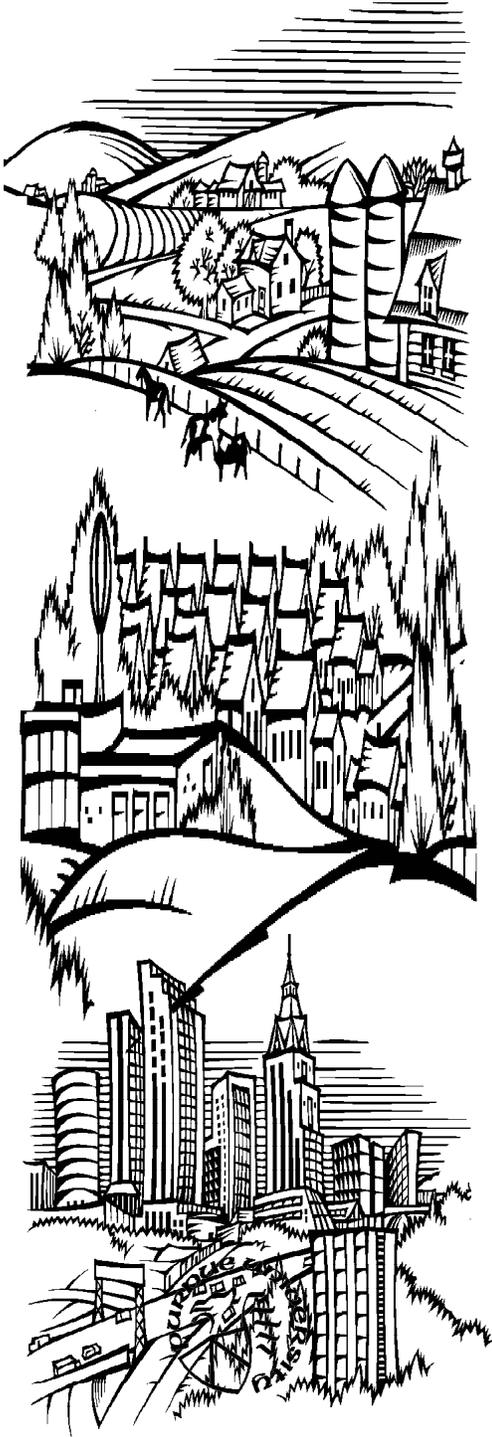


Zoning— What Does It Mean to Your Community?

Val Slack, Ag & Natural
Resources Educator



Introduction

Indiana law does not require cities, towns, and counties to have a comprehensive plan or zoning. However, Indiana Code 36-7-4-600 series authorizes communities to institute zoning once a comprehensive plan has been approved and when they believe it is in the communities' best interest.

Zoning puts a community's comprehensive plan to work. A zoning ordinance has the force of the law, while a comprehensive plan does not. A zoning ordinance contains regulations to implement the comprehensive plan and includes rules on setbacks, signs, parking, landscaping, environmental restrictions, density, site plans, and more. Also included is a set of local regulations that spell out what a landowner can and cannot do with land and buildings. Land use regulations in a zoning ordinance encourage growth in some places and limit growth in other parts of a community.

What Is Zoning?

Zoning is the most common technique local governments use to influence the location and density of development. A zoning ordinance has two parts: a text and a map. The text describes the different land use zones, density standards, allowable and non-allowable uses, development standards, and the administration of the process. The map shows the location of the various zoning districts.

The ordinance is normally drafted by a community's planning commission or planning department. Once the draft is ready, a public hearing is held. Finally, the plan commission recommends it to the legislative body, which may reject, amend, or approve the ordinance.

Some communities have drafted or amended their zoning ordinances

without referring to the comprehensive plan. Ignoring the comprehensive plan can render the zoning provisions invalid if they are challenged in court. The comprehensive plan, the zoning ordinance, and other land-use regulations must work together to achieve orderly growth.

What Kinds of Zoning Districts Are There?

There are four major types of zoning districts: agricultural, residential, business, and industrial. The types included in an area depend on the complexity of the township's or county's development.

Agricultural districts can be designated by the comprehensive plan or by the individual landowner. They allow agricultural activity as the principal use of the land. While agricultural production does not prohibit other uses, agricultural districts protect production agriculture from nuisance complaints and assessments for public use. Some ordinances require the land to meet minimum criteria to be eligible. Eligibility tests can include minimum production capabilities, minimum time to be designated in the district, and a minimum tract size requirement.

Residential districts may be established in several categories, depending on the type of development already established or anticipated. Factors that must be considered are density of population, existing and proposed streets and utilities, variety of housing types, and variety of housing-price groupings. Cluster development or planned unit development and conditional uses are some methods that provide flexibility in zoning regulations. Use distinctions often vary depending on desired density and code requirements.

Business districts include land zoned for commercial use. They should be

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based on need and not just on proximity to major thoroughfares. Zoning excessively large road frontages for commercial use permits strip development. Service streets, performance standards, and conditional uses are part of the development planning that can benefit business districts.

Industrial districts may or may not be needed, depending upon the location of the area to be zoned and its present mix of land uses. Having areas properly zoned for industry is an additional incentive for industrial expansions and new industry. By using the industrial zone, the community indicates that it wants to protect its industry from possible nuisance suits and is providing "protected" land for future growth. Communities can build flexibility into this type of zoning district by using performance standards for compatibility with non-industrial neighboring areas.

What Zoning Can & Can't Do in a Community

Zoning Can:

- assist economic growth by helping reserve adequate and desirable sites for industrial and commercial users.
- protect property from inconsistent or harmful use.
- protect individual property owners from harmful or undesirable uses of adjacent property.
- provide orderly and systematic transition in land use that benefit all land uses through public hearings and local decisions.
- help prevent objections to normal and necessary farming operations.
- make the community more attractive by assisting the preservation of open space, unique natural resources, and natural terrain features.
- inform residents where industry will be allowed to develop in an orderly fashion.
- protect a community's historic and architectural heritage.

- provide standards for population density and traffic circulation.

Zoning Cannot:

- change or correct land uses already in existence.
- prohibit farm buildings or interfere in farming decisions, such as crop or livestock selection.
- establish higher development standards than the community desires.
- guarantee that industrial, commercial, or tourism development will take place.
- assure that land uses will be permanently retained as assigned under the zoning resolution. (Rezoning is possible in response to changing conditions and unanticipated opportunities.)
- replace a building code.
- assure the proper administration of the zoning ordinance.

Conclusion

How well a zoning ordinance works depends upon beneficial public discussion and the decisions the planning commission, the zoning administrator, and the elected legislative officials make in responding to development proposals and proposed changes to the zoning text and map. These everyday decisions have far-reaching effects that can be felt for many years. Planners and plan commission members must work wisely to best meet future needs of residents.

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