

Planning and Land Use Subcommittee Report - 12/12/07

Members:

Charles Anderson Citizen

Bob Bostwick Zionsville School Corp.

Jay Parks

Kevin Schiferl

Jim Longest

Union

Eagle

Zionsville

Scope of the Subcommittee:

Investigate concept of regional land use planning and enforcement

Benefits

Financial impact

Recommend implementation strategy

Organization: representation, voting, quorum, etc.

Relationship to/with legislative approval body(s)

Relationship to existing plans and ordinances

Exclusion: changes to land use categories currently in force

Recommendation: establish a regional planning and land use development and control process

Geographic area: same as that governed by regional council/commission

Planning authority:

1. *Regional Planning Commission (RPC):*

a. Apportion membership based on geography, not current population, with equal representation from Eagle/Zionsville and from Union; the Zionsville School Corporation would appoint one member

1) Provides strong input from areas inviting future development

2) Provides counterweight to population-apportioned regional council

3) Representation by school corporation assures input into decisions affecting school building and staffing plans particularly because of residential development

b. Optimum 9 members – quorum 5

1) 4 from Eagle/Zionsville, 4 from Union; 1 from school corp.

2) If must reduce membership, keep the equal distribution of members between Eagle/Zionsville and Union, while keeping school representative

c. Nomination and appointment

1) Zionsville School Corporation Board would appoint one member

2) For town/township members:

a) Nominations from regional council members representing local areas

b) Appointment by regional council as a whole

3) Four year terms, staggered to assure continuity

2. *Regional Board of Zoning Appeals (RBZA): 5 members*

a. Apportion membership based on geography, not current population, with equal representation from Eagle/Zionsville and from Union

b. Optimum 5 members – quorum 3

1) 2 from Eagle/Zionsville, 2 from Union; one at large

2) Nominations and appointments

a) Nominations from regional council members representing local areas

b) Appointment by regional council as a whole

3) Four year terms, staggered to assure continuity

Benefits:

1. Assures that development of alternate land uses will be overseen by those most impacted
2. Builds community in the area served by the Zionsville School Corporation

Financial implications: Through various permits and fees, the regional planning office would generate the revenue to cover all expenses of its operation, including compensating individuals to serve on the various approval boards. Fee structure should reflect anticipated level and quality of service.

Implementation Strategy for Regional Planning Commission:

1. Adopt rules and procedures governing all actions (models include current ones used by the Zionsville Plan Commission and by the Boone County Area Plan Commission)
2. Adopt the Comprehensive Plan for Eagle and Union Townships that are being incorporated into the Boone County Comprehensive Plan
3. Adopt for each of the current areas the corresponding zoning and subdivision control ordinances that govern land use control, planning, and development and construction and environmental standards. Thus those areas currently protected by the Boone County Zoning and Subdivision Control Ordinances would continue to be governed by those laws; likewise the town of Zionsville would continue to be governed by its current ordinances.
4. Merge the ordinances into one set of comprehensive documents keeping the uniqueness of each area – town, rural residential and agricultural – protected in the combined rules.

Zoning Classification Differences between Town and Rural Areas

1. Protection of Agricultural Uses a critical priority.
 - a. Zionsville permits agricultural uses in its “Open Land” (O-1) category, but limits residential use to a single farmstead dwelling
 - b. Boone County has three zones – these MUST be retained
 - 1) Conservation – established to emphasize the conservation of existing natural resources
 - 2) Agricultural Preservation – established to restrict non-agriculturally related land uses. Residential development may occur at a substantially decreased rate than other districts.
 - 3) General Agriculture – allows the opportunity for further, but limited, residential development. Among the options is the ability to subdivide for up to four additional homes, in order to facilitate housing for children
 - c. “Right to Farm” All residential development in the agricultural areas, especially contiguous, must respect the right to farm by neighbors. This precludes complaints from residential subdivisions about noxious noises, lights, and/or smells emanating from nearby agricultural operations.
2. Residential Zones (single family and multi-family)
 - a. All Boone County residential zoning classifications require lower density than those in Zionsville, as well they should since most are further from infrastructure.
 - b. The various single family residential zones can easily be accommodated in a merged set of classifications.
3. Commercial and Industrial Districts
 - a. Zionsville has two districts whose addition would benefit Boone County
 - 1) Office Business (B-O)
 - 2) Office/Research/Technology (ORT)
 - b. The other districts are easily merged or compliment each other.
4. Special Use (Special Exception)
 - a. Zionsville has a “Special Use” zoning district for such uses as churches, schools, non-profit organizations, government buildings, etc.

- b. Boone County does not change the underlying zoning classifications but allows these uses under "special exceptions," which require significant planning documentation under a process called a "development plan." That plan requires a complete study of the impact of the project including but not limited to traffic, drainage, and signage, similar to the requirements for a large residential subdivision.
 - c. Though not a problem initially, this may be the greatest change for one of the groups as the combined ordinances are composed.
5. Access to public utilities
- a. Both Zionsville and Boone County prohibit the construction and operation of small, stand-alone sanitary waste water treatment facilities.
 - b. It is strongly recommended that new sanitary waste water treatment facilities must be approved and operated under contracts negotiated by the regional legislative body.

Functions of a Regional Office of Planning and Land Use

1. Comprehensive Land Use Plan – preparation, updates and maintenance; overseen by the RPC, with final approval by the legislative body (the regional council/commission)
2. Zoning and Land Use Ordinance – administration and enforcement
 - a. Maintain zoning maps
 - b. Review and staff recommendation to the RPC, who in turn recommends action to the legislative body (the regional council/commission)
 - 1) Changes in zoning classifications
 - 2) Changes in uses within a zoning classification
 - c. Delegated approval authority
 - 1) New street names
 - 2) Addresses for new homes and businesses
 - 3) Assist county in maintaining census data on population and housing
3. Building Standards and Control Ordinance – administration and enforcement
 - a. Review and staff recommendation to the RPC
 - 1) Plat proposals for construction projects
 - b. Review and recommendation to the RBZA
 - 1) Requests for variances from construction standards
 - c. Delegated approval authority
 - 1) Building permits for residential, commercial and industrial structures
 - 2) Building permits for renovations and remodeling of current structures
 - 3) Inspections at various stages of construction and authorizations to continue
 - d. Enforcement
 - 1) Zoning or use violations
 - 2) Stop work orders – violations of building regulations or standards
4. Nuisance ordinances – administration and enforcement
 - a. Initiate action to enforce compliance (legal action approved by RPC)
 - b. Examples: noise, traffic impediments, dog control, gun usage, junk buildup
5. General administration – focal point for responses
 - a.) Parks and recreation
 - b.) Roads and streets

Organization of a Regional Planning Office

	Current Zionsville	Proposed Regional Office
Director of Planning	Director of Planning	Director of Planning
Planning Professional	N/A	Planning Professional
Administrative Assistant	Administrative Ass't	Administrative Ass't
Inspectors	2 Inspectors	>2 Inspectors