

# Washington County Comprehensive Plan Steering Committee #3 Meeting Notes

**Date / Time:** Monday, May 3, 2010 @ 7:00 p.m.

**Location:** Salem City Hall

**Attendees:** **Did anybody accidentally take the sign-in sheet?**

**Planning Consultants:** Scott Burgins, Brian O'Neill, Michael Krosschell

## Projects Completed since Steering Committee #2

Scott began the meeting with a review of what has happened since the last meeting. This included holding focus groups for Community Leaders, the Agricultural Community and Residents of Unincorporated Communities.

## Model Ordinances for Agricultural Zoning

Sarah Ash Simpson, director of regulatory affairs for the Indiana State Department of Agriculture, gave examples of how other Indiana counties have implemented zoning for agricultural areas.

Examples from Rush County and Jennings County can be found at the project website: [www.sdg.us/washington\\_county](http://www.sdg.us/washington_county). The Indiana Land Resources Council has more information at [www.in.gov/isda/2545.htm](http://www.in.gov/isda/2545.htm).

The steering committee was urged to study these examples for regulations that might work in Washington County.

## The Tools of Planning and Zoning

The ongoing comprehensive plan process is not the same as instituting planning and zoning. Those regulations are decided in a separate process. For that reason, most comp plans focus on more general community goals and priorities.

However, because the county is considering implementing planning and zoning for the first time, and because most of the newly formed plan commission has no experience in the tools of planning, this steering committee is familiarizing itself with things like zoning maps and subdivision codes.

Discussing these issues this early in the planning process also gives the public more opportunities to understand what the county is considering.

At the meeting, the steering committee was divided into three groups, which took turns circulating through small discussion groups on these topics:

- Zoning Ordinances
- Zoning Maps
- Subdivision Ordinance

The material that they discussed is included in these meeting notes. For each topic, the material includes background information and highlights decisions that community leaders must make when implementing planning and zoning.

### **Notes from Zoning Ordinances Discussion**

SDG explained the relationship between a zoning map and zoning code. Possible areas for regulation include watershed protection, mobile homes, confined animal feeding operations and of agricultural land protection.

During discussions, committee members seemed comfortable with creating a broad agricultural district, perhaps with mandatory clustering of any subdivision within the district. Members did not want good farmland eaten up by small subdivisions, but were unsure of practices such as controlling lot size.

Any ag district should allow farm-related businesses, such as equipment sale and repair.

They seemed to agree with “right to farm” deed restrictions for new subdivisions. New homeowners would sign these forms acknowledging the right of farmers to spray crops, use slow-moving vehicles and use other agricultural practices.

They were generally supportive of watershed protection, perhaps even using slope restrictions to lessen development pressure.

There was support for drainage and erosion control (for example, detention levels to keep runoff at pre-development control for 100-year floods). People are now building below the dams in flood plains, members said.

There was not much interest in regulations for new housing, because the demand is “non-existent,” one member said.

For economic development, the community must zone for basic employment or it will be taken up by a smattering of small business, which do not give the same return for investment, members said. But they didn’t know how much land is needed.

“We are not likely to have rampant development, but death by inches,” one member said, “a house here and a house there that ends in a checkerboard development.”

### **Subdivision Ordinance**

The group discussed the text and focused on areas such as septic tank regulations, road cuts and road standards for subdivisions.

There was agreement to control future subdivisions to avoid what has happened in the south part of the county, with a mix of homes and trailers on long, narrow lots. Harrison County used to have the same type of development until they instituted regulations, a member said.

There was also some agreement about requiring new subdivisions to build better quality roads. However, there was a warning that the county looked into this previously but could not agree on a set of rules.

### **Next Steps**

It is important to understand that this text is being considered for inclusion in the county's new comprehensive plan, and the steering committee and public is urged to review it in detail and ask any questions they might have.

### **Incorporated Communities**

Washington County has seven incorporated communities. They are Campbellsburg, Fredericksburg, Hardinsburg, Little York, Livonia, New Pekin, Pekin, Salem and Saltillo.

For a community to be incorporated, they must have their own town council or mayor/council government. If they are not actually incorporated, they would be under the county's jurisdiction.

Incorporated communities do not automatically adopt any new land use regulations that Washington County implements; they make their own decisions on whether to have planning and zoning. If they want it, they can either create their own advisory plan commission (and ordinances) or join with the county to become an area plan commission.

If an incorporated area does not have planning, they do not have control over their extraterritorial jurisdiction (commonly called the two-mile fringe). In other words, the town only controls the land within its formal boundaries.

Washington County leaders must now gauge the incorporated communities' interest in adopting its land use plans or forming an area plan commission.

### **Public Meetings**

The steering committee discussed the best method to reach the public about the planning process.

Holding public meetings in the larger communities such as Pekin wouldn't be effective, because they would likely attract people who *would not* be affected by the comp plan (for the reasons given above).

The steering committee is considering either a public meeting or getting a booth at the county fair. There might also be a short survey for the public to complete.

### **Next Meeting**

The committee is going to skip the June meeting while the consultants prepare draft chapters for the final report.

The next meeting is **Tuesday, July 6<sup>th</sup> at 7 p.m.** at Salem City Hall.

### **Contact Information**

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## **DRAFT: Washington County Implementation Plan**

It is very important to note the distinction between a comprehensive plan and a zoning ordinance. Comprehensive plans are merely guiding documents for future development that establish a community's vision, goals, and objectives. The zoning ordinance is the legally binding regulatory tool that helps to make the comprehensive plan a reality.

Implementing the Washington County Comprehensive Plan will occur through the development of several tools: the zoning map and ordinance, subdivision ordinance and capital improvement planning. The newly formed Washington County Plan Commission will need to recognize the importance of having a reasonable code that encourages development, but balances the needs of property owners in the process. Successful zoning codes consider industry standards, balance property needs, and hopefully spur growth and development.

By initiating the comprehensive plan process and creating a Plan Commission, Washington County has charted their course to develop zoning regulations in the near future. While zoning can provide a multitude of benefits to the community, it does not resolve all existing land use and development conflicts. To be clear, zoning cannot:

- change or correct past land uses;
- prohibit farm buildings or farming decisions, such as crop or livestock selection;
- establish higher development standards than the community desires, such as a guarantee that its adoption will be followed by industrial, commercial, or tourism development;
- assure proper administration of the resolution, no matter how good it may be;
- assure that land uses will be permanently retained as assigned under the zoning resolution;
- guarantee the structural soundness of buildings constructed in zoned districts;
- serve as a building code.

It is important to remember that zoning ordinances are also not the final word for land use. Through processes such as variances, parcels of land may be rezoned or allowed to be developed with exceptions to the zoning code. Whenever these situations may arise, it is still important to reference the community's comprehensive plan to ensure that the development is occurring in the right quality, quantity, and location. Variations should be critically reviewed and approved only in justified situations, such as when the subject site has unique physical features that prevent the petitioner from otherwise meeting the code. Rezoning is possible in response to changing conditions and unanticipated opportunities.

A summary of each implementation tool is described in the following section.

## ZONING ORDINANCE

Zoning is the most common technique local governments use to influence the location and density of development. Zoning can promote economic development by designating adequate sites for business uses; it can protect individual property owners from undesirable adjacent land uses and it can give Washington County protection from becoming a “dumping ground” for development that is prohibited in other communities with existing zoning codes.

Euclidean Zoning, where communities divide their land up into districts with distinct bulk regulations and uses, has been the standard form for zoning codes. Over the past decade, newer forms of zoning codes have been created. Form based zoning; incentive zoning and performance zoning are examples of these new code types and are currently used in large cities such as Chicago. Washington County would be best served using a traditional Euclidean zoning code, since most of the county is rural and current development pressures are minimal.

A standard zoning ordinance has two parts: a text and a map. The text describes the different land use zones or districts, bulk standards, allowable and non-allowable uses, development standards, and the administration of the process. The zoning map shows the location of the various zoning districts.

Within the Indiana State Statues, zoning ordinances have the following purposes:

- Securing adequate light, air, convenience of access and safety from fire, flood and other danger;
- Lessening or avoiding congestion in public ways;
- Promoting the public health, safety, comfort, morals, convenience, and general welfare;
- Otherwise accomplishing the purpose of Chapter 4 of the Indiana Code, Local Planning and Zoning.

The Indiana State Statutes go on to list many elements that a local zoning code may include; however, Washington County must recognize the goals and objectives that are important to the community and what regulations will get the community to where they want to be over the next twenty years.

Because zoning ordinances are locally devised regulations, they differ dramatically across the spectrum of communities. Some ordinances regulate very little other than the location of heavy industrial and commercial uses, while others regulate as much as they can, up to the sheen and color of paint allowed on the exterior of a home.

What may be beneficial and warranted in Clark County zoning regulations may not work in Washington County. Development pressures, natural land features and community values that shaped the goals of the comprehensive plan will also form the basis for the county’s zoning ordinance.

**Basic Zoning Ordinance Elements**

Ideally, the Washington County Zoning Ordinance would contain all of the basic elements listed in the following chart. The chart was created to highlight the basic framework for a functional, while not necessary personalized, zoning ordinance. Additional topics specific to Washington County that could also be included in a future zoning ordinance are listed further in this section.

The chart below lists ordinance categories in addition to examples or reasoning for the inclusion of such topic:

<b>BASIC ZONING ORDINANCE ELEMENTS</b>	
<b>CATEGORY</b>	<b>EXAMPLE OR SUGGESTED PROCEDURE</b>
<b>Purpose Statement</b>	<ul style="list-style-type: none"> <li>• Should reference the state statute <b>IC 36-7-4-600</b></li> <li>• Should reference the Comprehensive Plan Goals and Objectives</li> <li>• Each District category may contain its own purpose statement</li> </ul>
<b>Administrative Procedures</b>	<ul style="list-style-type: none"> <li>• Procedures for Map Amendments (rezoning)</li> <li>• Procedures for Text Amendments</li> <li>• Process for unlisted uses</li> <li>• Appeals</li> <li>• Penalties, etc.</li> </ul>
<b>Definitions</b>	<ul style="list-style-type: none"> <li>• Definitions must be clear and concise</li> <li>• Zoning code terms and concepts can be very subjective – the Plan Commission should collectively agree and record their interpretation in the definitions</li> <li>• Example: Lot coverage can include primary and accessory structures on a lot. Will the definition also include uncovered front porches or decks?</li> </ul>

## BASIC ZONING ORDINANCE ELEMENTS

CATEGORY	EXAMPLE OR SUGGESTED PROCEDURE
<p><b>Zoning District Regulations</b></p>	<ul style="list-style-type: none"> <li>• Establishment of Districts that regulates the uses of land throughout the county</li> <li>• Each District describes the purpose of the land</li> <li>• Each District defines uses permitted, prohibited or allowed by special or conditional use</li> <li>• There are four major types of zoning Districts, all listed below. The types included in an area depend on the complexity of the county's development, and can include additional districts to more accurately define the land uses in the county:               <ul style="list-style-type: none"> <li>○ <i>Agricultural Districts</i></li> <li>○ <i>Residential Districts</i></li> <li>○ <i>Business Districts</i></li> <li>○ <i>Industrial Districts</i></li> </ul> </li> </ul> <p style="text-align: center;"><i>(Additional and more in-depth descriptions of all zoning classifications can be found in Chapter 8 of the Indiana Citizen Planner's Guide</i>  <a href="http://www.indianaplanning.org/associations/9760/files/8_ZoningOrdinance_2005.pdf">http://www.indianaplanning.org/associations/9760/files/8_ZoningOrdinance_2005.pdf</a>.)</p>
<p><i>Agricultural Districts</i></p>	<p>Agricultural districts 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.</p>
<p><i>Residential Districts</i></p>	<p>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.</p>

## BASIC ZONING ORDINANCE ELEMENTS

CATEGORY	EXAMPLE OR SUGGESTED PROCEDURE
<i>Business Districts</i>	Business districts include land zoned for commercial use. They should be 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.
<i>Industrial Districts</i>	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.
<i>Other Possible Districts</i>	<ul style="list-style-type: none"> <li>• Open Space / Recreational – districts comprised of parks, state forests or similar – where land uses are generally owned by a public entity and perpetually used for recreation</li> <li>• Institutional / Civic Uses – zone for hospitals, schools and similar</li> </ul>
<b>Development Standards</b>	<ul style="list-style-type: none"> <li>• Development standards are the <i>measurable</i> rules contained in zoning ordinances that tell people how high, wide, and deep everything can be</li> <li>• Development standards generally include yards, setbacks, bulk, density, coverage, height, accessory structure regulations, etc.</li> <li>• Examples of development standards can include, but are not limited to, the following examples below:</li> </ul>
<i>Minimum Lot Size</i>	<ul style="list-style-type: none"> <li>• Residential lot sizes in areas without sewers are larger than those areas that can connect to municipal sewers i.e. – 20,000 sq. ft lot minimum for no sewer, 8,000 sq. ft. for lots that connect to sewer</li> </ul>
<i>Minimum Lot Width</i>	<ul style="list-style-type: none"> <li>• Generally only in Residential or Agricultural zones</li> </ul>

## BASIC ZONING ORDINANCE ELEMENTS

CATEGORY	EXAMPLE OR SUGGESTED PROCEDURE
<i>Minimum Yard Requirements and Setbacks</i>	<ul style="list-style-type: none"> <li>• Front yard setbacks can vary depending on what type of street the lot is located: from 30' on a residential feeder to 75' off of a major arterial</li> <li>• Side yards can be dependent on the width of the lot, with a set minimum and maximum depth, i.e. – in an R1 district, 10% of the lot width, not less than 5' and not greater than 15'</li> <li>• Define corner lot side yards and their minimum setback – same as adjoining lots on same ROW?</li> <li>• Rear Yards are generally a set distance, like 25'</li> <li>• Accessory structure setbacks must be defined</li> <li>• Define distances between structures, similar to a fire code perhaps? i.e.: 10' must be maintained between primary and accessory structures</li> <li>• Define setbacks from high water lines, streams or drainage ditches</li> </ul>
<i>Height Limitations</i>	<ul style="list-style-type: none"> <li>• Remember to define <i>how</i> to measure bldg heights (average grade of lot to peak of roof?, etc.)</li> <li>• R1 maximums are typically around 35'</li> </ul>
<i>Lot Coverage</i>	<ul style="list-style-type: none"> <li>• Generally 30% in residential districts</li> </ul>
<b>Other Development Standards</b>	<ul style="list-style-type: none"> <li>• These standards apply to other aspects of land development, those items beyond buildings</li> <li>• Examples of categories include, but are not limited to, the following examples below</li> </ul>
<i>Parking Requirements</i>	<ul style="list-style-type: none"> <li>• Typically 2 per dwelling unit, not including garage or covered parking spaces</li> <li>• Commercial uses can have 4 spaces per 1000 sq. ft. of floor area</li> <li>• Industrial uses can be based on total number of employees and / or sq. footage of certain uses</li> <li>• Some communities are using parking maximums, to steer away from large seas of pavement that are rarely used to their capacity</li> </ul>
<i>Landscaping</i>	<ul style="list-style-type: none"> <li>• Consider CP goals here – does the community just want commercial or industrial regulations? Large scale residential?</li> <li>• Ensure capacity to implement and enforce landscaping regulations</li> </ul>
<i>Signs</i>	<ul style="list-style-type: none"> <li>• Signs can be highly charged issues – proceed with caution</li> </ul>

## BASIC ZONING ORDINANCE ELEMENTS

CATEGORY	EXAMPLE OR SUGGESTED PROCEDURE
<b>Nonconformities</b>	<ul style="list-style-type: none"> <li>• With the creation of the new zoning ordinance, certain existing uses will inevitably be either in the wrong use district or do not meet the development standards of the new ordinance</li> <li>• Provisions should be made for things that are built, or uses that are ongoing, that do not conform to the new “zoning”—the non-conformities</li> <li>• Typically, a zoning ordinance will allow continuance of a non-conforming use, but will prohibit extension, expansion, or change unless to a conforming use</li> </ul>
<b>Severability Clause</b>	<ul style="list-style-type: none"> <li>• In the event that a judge finds an ordinance provision invalid, it is important that the ordinance has a severability clause stating that if one provision is invalid, the rest of the ordinance remains in effect</li> </ul>

Above and beyond the “basic” elements of a standard zoning ordinance, Washington County should incorporate regulations specific to the needs of the community.

Throughout the comprehensive planning process, topics such as mobile homes, water quality and CAFO’s have been brought up as subjects in need of attention and regulation. Below is a summary of topics that the Washington County Plan Commission may want to address in the new zoning ordinance.

### **Karst**

Karst is a distinctive type of landscape or topography. Karst landscapes usually occur where carbonate rocks (limestone and dolostone) underlie the surface. Freely circulating slightly acidic rainwater and the water in the soil slowly dissolve the fractures in the limestone and create sinkholes, caves, and other features that characterize karst landscapes.

The western portion of Washington County is identified as karst landscape. A karst landscape is sensitive to contamination because most of the area surface water flows directly into them and is not filtered by soil and bedrock.

Washington County could enact regulations that limit uses in and around karst landscapes, in addition to development standards. For example, the zoning ordinance could restrict development by establishing a fixed radius or delineated area around the feature. This strategy helps both to reduce non-point source pollution by maintaining vegetation and tree cover.

## **Watershed Protection (Lake John Hay)**

Zoning and subdivision controls that limit the amount of impervious surface, encourage open space, and promote compact development in a watershed will provide some level of protection for Lake John Hay and other watersheds within Washington County.

Within these broad tools, a number of specific techniques are available, including:

- Restricting the density of residential development in sensitive areas
- Requiring special use permits for development within particularly sensitive areas
- Utilizing an overlay zone to establish additional specialized land use regulations (further described in the overlay zone tool in this section)
- Requiring cluster subdivisions or planned unit developments that cluster residential lots outside areas of concern
- Require or encourage vegetated filter strips or buffers between a pollutant source and wetlands or surface water bodies to provide runoff treatment and prevent soil erosion (subdivision code)
- Require erosion control measures during and following construction (subdivision code)

Washington County should map their watersheds, especially the Lake John Hay watershed, and incorporate the footprints into their zoning map.

## **Home Occupations**

Home occupations or home businesses ideally operate in such a manner that the surrounding neighbors are barely aware of its existence, and the business is compatible with the property surroundings. Home occupations can become problematic when neighbors or adjacent landowners have to deal with the sight of outdoor storage or increased traffic from deliveries and/or customers.

Home-based businesses have become quite common, especially with the downturn of the economy. When starting a new business venture, many people incubate the business at home which eliminates the rent or purchase price of operating space. Daycares, landscape businesses, auto repair and contractors are just few examples of businesses that people run out of their home.

Washington County should develop regulations that address the mostly rural nature of the community. For example, agricultural equipment repair could be allowed in a rural zone on lots over two acres, provided that all of the work is contained in a primary or accessory building.

Alternatively, if home occupations are perceived to be a problem or have historically presented unique difficulties for the community, new home occupations could be

required as a special use in agricultural or residential districts. This would ensure an additional level of review by the Plan Commission and County Commissioners.

### **Mobile Homes**

Mobile homes have long been perceived as the solution for affordable housing in rural Indiana. They are relatively inexpensive to purchase and may be transportable at any time; therefore, mobile homes frequently dot the rural landscape where other affordable housing options such as multifamily units do not exist.

Washington County should develop regulations that allow the construction of new mobile homes in specific areas. Regulations could also be created for new mobile home parks or subdivisions. For example, a new mobile could be allowed in specific rural or residential districts by special use or in existing mobile home parks as a permitted use.

### **Overlay Zones / Districts**

An Overlay Zone or District serves as an additional layer of regulation in areas that are particularly sensitive. The underlying zoning district does not change, there are generally more requirements pertaining to the overlay. In some cases the overlay district may reduce the requirements for setbacks, landscaping, or parking to preserve a specific character (such as in a downtown area). An overlay district in some instances will modify the permitted uses of the district in order to preserve or promote the character of the district.

A common overlay district in many Indiana communities is a wellhead protection district. The purpose is to protect the community's wellhead or water source. Developments within a wellhead protection district may be required to submit documentation to the local water utility company before development and then periodically to be sure that the community's water source is not contaminated.

Other areas that could be regulated with overlay zones include: flood hazard areas, watersheds, historic areas, airport zones and natural resource areas.

### **Planned Unit Development (PUD)**

Planned unit development (PUD) provisions promote flexibility in land use while offering more certainty and better protection for neighboring property owners when new developments are proposed. A PUD may include varied and compatible land uses, such as housing, recreation, and commercial centers within one defined development or subdivision. In Indiana, the base requirements and process for a PUD are generally established in the zoning ordinance.

In Indiana, planned unit developments are approved by ordinance. Typically the ordinance would include a description of the uses permitted and a specific plan for the development of the property. Some PUD ordinances require a high level of detail: design, colors and materials to be used for buildings and signs, landscaping plans with the location and species of each plant, parking and circulation details. While a high level of detail is reassuring to neighbors, it can be costly and limiting for developers.

Washington County will need to determine the level of regulation that works best for the local community. The ordinance should contain provisions for amendment or modification of approved PUDs as well as provisions for dealing with abandoned plans or projects.

### **Concentrated Animal Feeding Operation (CAFO)**

Concentrated animal feeding operations (CAFOs) are livestock operations that confine a large number of animals to a small area, usually in buildings. The Indiana Department of Environmental Management (IDEM) regulates these operations, as well as smaller operations which have violated water pollution rules or laws.

Public concerns associated with CAFO's include:

- Manure can leak or spill from storage pits, lagoons or tanks, potentially contaminating water resources
- Improper application of manure to the land can impair surface or ground water quality
- Long-term health effects on nearby residents from emissions and dust from the manure lagoons and animal confinement buildings of CAFOs

When a new CAFO is proposed to be built, IDEM must perform the process that state law and regulations have provided. Approval from IDEM does not relieve the farm from complying with any local zoning requirements.

In order to ensure that CAFO's are placed where the community would prefer them, Washington County should enact regulations regarding the placement of new facilities, in addition to regulations for existing operations.

At a minimum, CAFO regulations should focus on what districts are appropriate for such uses in addition to lot sizes and setbacks from nearby towns, residences, water features and other sensitive land uses such as daycares. Additional design requirements could be incorporated to address local concerns such as: covering solid manure storage structures to reduce air emissions or requiring synthetic liners for waste lagoons to prevent release of contaminants into the environment.

Other regulatory possibilities include making CAFO's special uses in specific agricultural or rural zones so that they require additional layers of review by the Planning Commission and County Commissioners.

## ZONING MAPS

The Zoning Map is important because it establishes the zoning classification for each property. Developing a zoning map largely depends on the existing land use patterns in the community. The zoning maps should be as clear as possible, so that staff and citizens can easily determine the zoning classification for a particular piece of property.

Not every parcel of land, or every party of the county, is required to be zoned. For example, the county could chose to zone only for commercial property.

Some communities draw the official zoning map on auditor's plat maps, so that each property is easily identified. Other communities utilize Geographic Information Systems (GIS) to prepare, maintain, view, and print maps. GIS allows communities to print at various scales, and maps of specific selected areas can be printed. Washington County has previously worked with consultants to develop GIS-based maps, and should pursue this technology to develop the Washington County Zoning Map.

Zoning maps generally show each zoning district as a different color or hatched pattern. If color is used, the following color scheme is generally used and accepted by planners.

- Yellow to orange should be used for residential districts. The least dense residential should be the lightest yellow, and the densest should approach orange.
- Commercial districts are generally a variety of reds. The most intense commercial district should be the darkest red.
- Industrial districts are generally purple or grey.
- Recreational and agricultural districts are typically shades of green.

Zoning all of the property in Washington County will take considerable effort. A combination of windshield surveys, property record research and mapping or aerial photo referencing may be used to provide an accurate zoning map. Inevitably, the zoning map will label some properties inconsistent with the current land use.

It is important to note that creating a zoning district cannot be used to take away a property owner's right to continue to use their land or building for any legal existing use. For example, if a person operates a retail store and the zoning is changed to residential, he or she can continue to operate the store until they either voluntarily change the use or abandon the use. This situation is referred to as a Non-Conforming Use, also noted in the Basic Zoning Ordinance Elements chart.

## SUBDIVISION ORDINANCE

Subdivision regulations control how land is subdivided and developed. A subdivision occurs whenever any parcel of land is made into two or more individual parcels. This could include a tract of land that is 100 acres split into two 50 acre parcels, four 25 acre parcels, or 100 one acre parcels. The review of a subdivision of land is an additional process - aside from zoning - that will allow Washington County to influence the character of land development.

Subdivision ordinances serve a wide range of functions. They help create adequate land records and simple legal descriptions and they ensure adequate public facilities and infrastructure to handle the development of the lots created by the subdivision. This includes accessibility through streets, street capacity, pedestrian ways, and/or alleys. It can also include water service (for homes and emergency service), sewer service, treatment capacity, electricity, natural gas, drainage, and other utilities.

The subdivision ordinance should also be connected (at least by reference) to the zoning ordinance development standards. For example, if a subdivision is created in a residential zone, each lot should conform to that zoning district's minimum bulk requirements of lot area, minimum lot width and length.

An official subdivision of land also includes a plan for long-term maintenance of infrastructure. It is common for the local government to take over the maintenance of the infrastructure - like streets and utilities. Washington County must clearly define their standards for street and utility construction to ensure adequate capacity to serve not only the subdivision request at hand, but those future subdivisions that will connect to the same infrastructure at a later date.

Sometimes the subdivision process includes the creation of a homeowners' association to maintain infrastructure like drainage swales, detention ponds, and/or common areas. The subdivision process generally serves as assurance to a potential lot purchaser that infrastructure is provided and perpetual maintenance is accounted for. If the county will not be taking over the long-term maintenance of any feature in proposed subdivisions, the plan commission needs to ensure that maintenance of the same is addressed for the duration of the subdivision's lifetime.

According to the Indiana State Code, the subdivision control ordinance must specify the standards by which the commission determines whether a plat qualifies for primary approval. Indiana Code requires a subdivision control ordinance to include standards for minimum lot width, depth, and area; public way width, grade, curves and

coordination with existing and planned public ways; and the extension of water, sewer, and other services.

Indiana Code goes further to state that a plan commission may also include provisions for the allocation of area to be used as public ways; parks; schools; public/semi-public buildings; utilities; and “anything else related to the purpose” of the subdivision of land.

The **general regulations** included in most subdivision control ordinances include:

- Lot area, width, and length to depth ratio
- Block length
- Street width, alley width, cul-de-sacs length, turning radii
- Provisions to include utilities and appropriate easements for utilities
- Provisions for pedestrian access
- Monumentation and markers
- Subdivision name
- Street names
- Lot addresses

Today, many communities are taking subdivision control even further to include “real community character issues.” These regulations can include for the provision of amenities such as parks and other recreational facilities, requiring conservation of naturally-sensitive lands, aesthetic regulations, and landscaping.

The subdivision control ordinance not only specifies how the land can be subdivided, but also the process that developers and land owners must follow to apply for approval of their proposed actions. At a minimum, the ordinance should include a list of required documents for plat approval, such as plan drawings, application forms, proof or intention to purchase land, homeowners association plans, etc.

In Indiana, if a subdivision proposal meets all requirements and standards of the subdivision control ordinance, the plan commission must approve the submittal. Once the plan commission makes their written findings with a signed decision, the applicant may begin construction on agreed upon infrastructure improvements. When completed, the developer turns the infrastructure over to the local government.

## **SOURCES**

- Purdue University Cooperative Extension Service – Zoning—What does it mean to your community?
- Indiana Chapter of the American Planning Association, Citizen Planner Training Manual
- Indiana Geological Survey @ <http://igs.indiana.edu/geology/karst/karstInIndiana>

- I69 Planning Toolbox @ [www.in.gov/indot/div/projects/i69planningtoolbox](http://www.in.gov/indot/div/projects/i69planningtoolbox)
- The Effect of Rural Zoning on the Allocation of Land Use in Ohio by Wen-hua Hsie, Elena G. Irwin and Lawrence W. Libby; August 2001
- Planning with Power: Protecting Our Water and Environmental Resources: @ [www.planningwithpower.org](http://www.planningwithpower.org)
- Indiana Department of Environmental Management- Confined Feeding Operations @ [www.in.gov/idem](http://www.in.gov/idem)
- St. Joseph County, Indiana; Concentrated Animal Feeding Operations Permitting and Inspection Program @ [www.stjosephcountyindiana.com](http://www.stjosephcountyindiana.com)