

CENTRAL INDIANA

UNDERSTANDING THE REGION AND IDENTIFYING CHOICES

CENTER FOR URBAN POLICY AND THE ENVIRONMENT

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Central Indiana Counties Rely on Conventional Development Controls

Indiana residents have identified a number of land use issues that are engendering concern across the country, including rising traffic congestion, disappearing farmland, open space, and natural resources, and a general sense that these and other issues are incrementally eroding quality of life. There is increasing discussion around the state about various tools associated with growth management, smart growth, sustainable development, and new urbanism as potential solutions to the changing environment.

As part of its ongoing project, *Central Indiana's Future: Understanding the Region and Identifying Choices*, the Center for Urban Policy and the Environment (center) recently reviewed 32 county zoning ordinances and subdivision regulations in Central Indiana. Researchers checked ordinances for a number of items, including planned unit developments and other mechanisms of providing flexibility, incentives, innovative development and infrastructure standards, farmland protection, environmental protection and conservation, traditional neighborhood design, and subdivision review. Among the center's findings:

- Almost two-thirds of counties have adopted or amended zoning ordinances since 1996; approximately half of counties have adopted or amended subdivision regulations.
- Although the vast majority of counties with planning have agricultural use zones and all allow agricultural uses, none has a zone designated as farmland protection. In addition, specific provisions within these agriculture use zones are likely to limit the effectiveness of farmland preservation efforts.
- Most counties have provisions for floodplain protection and stormwater mitigation.
- A majority of counties have zones for planned unit developments, but most do not establish development standards or guidelines for development in this zone.
- Fewer than half of counties prohibit the subdivisions of lots without plan commission approval regardless of size of parcel or number of lots.
- None of the counties in Central Indiana has adopted more than one-third of 75 development controls in the analysis.



Ordinances Reviewed for 75 Provisions

Zoning ordinances and subdivision regulations are two planning tools commonly used to implement comprehensive plans. The center analyzed land use regulations in 32 of the 44¹ counties within the Central Indiana BEA region for provisions associated with smart growth, sustainability, and current planning practice. Zoning ordinances and subdivision regulations were collected between April and July 2000. The review was guided by a template developed for a similar analysis at the University of Illinois. Researchers developed specific review criteria iteratively among staff and in conjunction with a diverse set of stakeholders, including the Indiana Farm Bureau, the Metropolitan Indianapolis Board of Realtors, the Association of Indiana Realtors, the Builders Association of Greater Indianapolis, the Indiana Builders Association, and the Purdue Land Use Team. The analysis, completed in late 2000, addresses the age of these tools, as well as 75 specific provisions in eight categories. For reference, a selected glossary is provided at the end of this document.

Most Zoning Ordinances and Subdivision Regulations Updated Since 1996

Effective planning requires revision of development regulations in response to a number of conditions, including changes in types of land use, consumer preferences, planning practice, statutory requirements, and development patterns. Many counties have adopted or amended zoning ordinances and subdivision regulations since 1996 (66 percent and 48 percent, respectively).² Only 4 counties (12 percent) have not adopted or amended zoning ordinances since 1991. Seven counties (22 percent) have not adopted or amended subdivision regulations since 1991. Interestingly, a greater proportion of counties have adopted or amended development regulations since 1991 than have adopted

¹ Twelve counties within the Central Indiana region were not included in this analysis. Nine counties do no formal planning. Indianapolis/Marion County was excluded because of the county's unusual governmental structure. Benton and Brown counties were excluded because their ordinances were not available and were being updated, respectively. Decatur County does not administer subdivision regulations; the review, as such, only included analysis of the zoning ordinance.

² This analysis includes only the dates of adoption or most recent revision for zoning ordinances and subdivision regulations. No attempt has been made to assess the extensiveness or significance of the most recent amendments. As such, the analysis may overestimate the significance of recent amendments.

Table 1: Location and Age of Development Controls (as of July 2000)¹

County	Type of Plan Commission	Zoning Ordinance: Date of Adoption or Last Amendment	Subdivision Regulations: Date of Adoption or Last Amendment
Bartholomew	Advisory	1994	1994
Benton	Advisory	-	-
Boone	Area	2000	2000
Brown	Area	-	-
Carroll	Area	1993	1992
Cass	Advisory	1997	1988
Clay	None	-	-
Clinton	Area	1993	1993
Decatur	Area	1996	-
Delaware	Metro	1999	2000
Fayette	Area	1993	1993
Fountain	None	-	-
Greene	None	-	-
Hamilton	Advisory	1990	1990
Hancock	Area	1999	1994
Hendricks	Area	1998	1997
Henry	Advisory	1978	1978
Howard	Advisory	1998	1995
Jackson	Advisory	1997	1997
Jennings	Area	1999	1967
Johnson	Advisory	1994	1995
Lawrence	None	-	-
Madison	Advisory	1994	1994
Marion	Metro	-	-
Miami	Advisory	1998	2000
Monroe	Advisory	1999	1998
Montgomery	None	-	-
Morgan	None	-	-
Orange	None	-	-
Owen	None	-	-
Parke	Advisory	2000	2000
Putnam	Advisory	1999	1996
Randolph	Area	1999	1999
Rush	Area	1998	1998
Shelby	Advisory	1999	1999
Sullivan	None	-	-
Tippecanoe	Area	1998	2000
Tipton	Advisory	1980	1999
Union	Area	1970	1997
Vermillion	Area	1998	1970
Vigo	Area	1999	1989
Warren	Area	1998	1980
Wayne	Advisory	1997	1993
White	Area	1995	1997



or amended comprehensive plans during the same period (72 percent).³ This could be, in part, because development regulations are used as the principle basis for decision-making. Comprehensive plans often are perceived strictly as the legal basis for planning and zoning, rather than as a general guide for ongoing decision-making about development.

Few Counties Use Flexible Tools

Zoning and subdivision tools, such as planned unit developments (PUDs), cluster subdivisions, performance standards, and flexible zoning provide flexibility for development in accomplishing public goals. These tools are intended to increase density, encourage mixed uses, and preserve open space and other natural resources. They allow developers and communities to adapt development to changing markets.

Among this category of tools PUDs are used most frequently by Central Indiana counties (84 percent, 27 of 32 counties). Few counties use the other tools available to provide flexibility. Only five counties allow the clustering of lots in subdivisions. One county uses performance standards and no counties allow phasing for multi-parcel development or flexible zoning.

In the debate that has emerged over planning in Indiana communities, one criticism, particular to the use of PUDs, is that they are too open-ended and lack specific guidelines. Developers argue that without clearer rules of the game, they must endure a high level of uncertainty, risk, and cost. These factors make it less likely that developers will be willing to propose innovative developments. Fewer than half of the communities with PUD zones have established standards for development within PUDs (37 percent, 10 of 27 counties). Standards are minimal where they exist. Few counties establish whether PUDs allow primarily a mix of residential or business and commercial uses. No counties provide an expedited review process for these developments.

Few Counties Provide Incentives for Desirable Development

State-level discussions on land use frequently focus on the protection of private property rights as an important principle as well as preferences for voluntary programs and incentives over

strictly regulatory approaches. Terms such as incentive-based and market-driven are used to describe the qualitative nature of preferred tools.

Incentive zoning and transfer of development rights programs are among incentive-based programs associated directly with development regulations. Tools such as these encourage desirable development by allowing additional development capacity in exchange for a public benefit or amenity.

Only 6 of 32 counties provide incentives to encourage desirable development. All six reward provision of open space and protection of natural resources. Only one county each provides incentives for mixed income housing or location of housing in designated zones. No counties allow the transfer of development rights because Indiana lacks the appropriate enabling legislation.

Few Counties Adopt Innovative Development Standards

Development standards guide the size of lots and the size and placement of structures on lots by regulating size, bulk, and siting conditions. Traditional development standards often prohibit compact development and higher densities.

Few counties have adopted innovative development standards, perhaps because they represent a departure from traditional approaches to rural development. Only two counties (6 percent) allow setbacks of only 15 feet in any of the residential districts. Only one county each allows for minimum single-family lots of 5,000 square feet or less, zero lot lines (no sideyard setbacks), or three (rather than four) parking spaces per 1,000 square feet for supermarkets in commercial zones. No counties have minimum allowable densities, maximum lot sizes, allow duplex units on the same lot size as single-family homes, or permit attached units in the most restrictive residential zones.

Counties Embrace Some Innovative Infrastructure Standards

Infrastructure standards guide the design of local infrastructure. Outdated design standards can increase the costs and adverse effects associated with development. The use of innovative infrastructure standards is mixed. Twenty-four counties (75 percent) allow residential street widths of 18 to 26 feet rather than 30 feet or wider. Twenty-two counties (69 percent) provide

³ *Traditional Planning Prevails in Central Indiana County Plans*, Center for Urban Policy and the Environment, 2001.



for pedestrian easements through blocks and 18 counties (56 percent) minimize arterial curb cuts and access. However, only two counties allow for bike lanes and only one county has level of service (LOS) standards for streets and roads. No counties decrease LOS standards to encourage infill development, encourage street grids to maximize ingress and egress, limit the use of cul-de-sacs, establish maximum widths for pavement, set maximum block length less than 500 feet, or link development capacity with infrastructure capacity.

Agricultural Zoning Is Not Used as a Tool for Farmland Protection

Proponents of farmland protection seek to maintain the viability of farming, conserve prime and other working agricultural land, and to maintain rural character. Agricultural zoning can be used to maintain agricultural uses by restricting development within designated areas and minimizing the conflict with adjacent land uses.

All counties allow agricultural uses, and most counties (94 percent, 30 out of 32) have single agricultural zones. In many cases, liberal definitions of allowed uses within these zones limit their effectiveness as tools for farmland preservation; a large majority of counties (87 percent) allow for residential development and other non-agricultural uses within these zones.

Counties also do not include other available techniques for farmland protection. Only one county ties residential development to the area of an agricultural parcel. None of the counties regulates percentage on agricultural areas that can be developed, establishes maximum lot sizes, has site-specific design guidelines, or requires deed restrictions related to noise or odor. Seventeen counties (57 percent) require large setbacks to separate incompatible uses. Only three counties (10 percent) require reciprocal setbacks to reduce the conflict between them.

Most Counties Use Some Environmental Regulation

Environmental protection and conservation seeks to preserve sensitive environmental areas and to protect environmental systems. Conservation and management of wetlands, floodplains, areas with steep slopes, and valued natural and scenic areas provides important habitat for native flora and fauna, reduction in stormwater runoff and flooding, as well as aesthetics and beauty.

In some cases, these natural areas also are used for recreation. To these ends, development regulations may contain overlay zones, floodplain zones or restrictions, and requirements for stormwater management facilities.

Twenty-eight counties (90 percent) require stormwater management facilities for newly developed projects, and 27 counties (87 percent) have floodplain zones. Eighteen counties (58 percent) establish mechanisms for long-term maintenance of common areas, typically by establishing a homeowners' association.

Seven counties have established conservation zones. Four counties have environmental overlays for wellhead protection or purposes other than floodplains, and three counties have scenic preservation zones. None of the counties uses environmental factors to determine development capacity or regulates the location of development based on proximity to natural areas.

Counties Do Not Regulate the Location of Development Based on Proximity to Existing Development or Infrastructure

Requiring the location of new development to be in proximity to existing development and adequate community infrastructure is one method used to encourage contiguous development as well as the provision of adequate infrastructure. Only Boone County regulates the subdivision of land based on proximity to adequate road infrastructure. None of the counties has implemented a growth boundary or regulates location of development based on proximity to existing development, water or wastewater facilities, or public transit.

Few Counties Incorporate the Concepts of Traditional Neighborhood Design

Traditional neighborhood design is gaining popularity across the country. This approach to development typically establishes an alternative set of standards for the subdivision and development of property that promotes mixed land use and traditional, pedestrian-oriented building and infrastructure design. Typical provisions include narrow street widths, reduced setbacks for dwellings or commercial buildings, alleys and rear parking, and accessory living units such as granny flats.

Eleven counties (34 percent) allow for zero setbacks in commercial zones. Only six counties allow accessory units like



granny flats, five counties allow alleys, and one county allows parking behind commercial uses. No counties encourage infill by reducing setbacks in infill areas, or provide expedited review for infill projects.

Most Counties Allow Some Subdivision of Land Without Review

Some stakeholders in the state have expressed concern about the subdivision of residential land without adequate infrastructure or review by local governments. This type of unplanned development removes agricultural land from production, conflicts with surrounding agricultural uses, and at times creates increased pressure on local officials to provide public services at a higher level than is typically provided to rural residents.

Counties historically have used minimum lot sizes to discourage single-home development within rural areas. These regulations were adopted at a time when purchasing agricultural land was relatively expensive. Changes in the relative value of agricultural land over time have rendered these regulations ineffective. It is no longer onerous to buy the 5 to 10 acres

typically required to exempt land from subdivision regulations. With no effective prohibition, it has become increasingly popular to buy single home lots in predominantly agricultural areas.

These exemptions also are sometimes used to circumvent subdivision infrastructure requirements and plan commission review. It is not uncommon for portions of agricultural land to be subdivided into a series of large consecutive lots that front rural roads. The lack of infrastructure appropriate to the effective density of development areas can create public health and safety issues.

A majority of counties (18) do not prohibit the division of lots without plan commission approval regardless of lot size or number of lots. In some cases lots of a certain size are exempted. Similarly, many county subdivision regulations allow for staff review of small subdivisions (four lots or less) in which no infrastructure is required, typically because they will be served by private septic systems and wells and the lots front a county road.





Traditional Development Regulation Still Used in Central Indiana Counties

While most Central Indiana counties updated their zoning ordinances and subdivision regulations in the last 10 years, this review reveals that they generally have not yet embraced innovative regulatory provisions being utilized in other parts of the country to address growing concerns about the quantity, location, and quality of development. On average, counties adopted only 16 percent of the 75 development controls analyzed; 22 percent of counties (7) have adopted 20 percent or more. In several cases where counties have adopted tools, specific provisions limit effectiveness. For instance, most counties have adopted planned unit development (PUD) zones, but they have not adopted general standards to guide these developments. Developers and builders complain that without guidelines, these review and approval processes engender too much risk. Another example is that a majority of counties have designated agricultural use zones, but allow other uses within them, particularly residential. These and other specific provisions limit the effectiveness of these zones for farmland protection.

The effectiveness of planning hinges on the tools used to guide development processes and the way in which those processes are implemented. Zoning ordinances and subdivision

regulations, while important, are only two of the tools available to communities to manage land use. Planning infrastructure investment also is an important tool available to communities. Because development tends to follow infrastructure investment, it is important to plan for and implement public infrastructure investments that are consistent with goals established for the nature and location of future development. Unfortunately, the center's previous inventory indicates that very few counties have prepared capital or transportation improvement plans to guide decision-making about these investments.⁴

Comprehensive plans, zoning ordinances, and subdivision regulations provide a framework and the basic rules for development regulation. Despite communities' best efforts, these tools cannot foresee every circumstance that can arise. Effective implementation requires ongoing decision-making by local legislative bodies, plan commissions, boards of zoning appeals, and planning staff that is consistent with community goals and the rules established within local regulations.

⁴ *Inventory Shows County and Municipal Cooperation in Local Planning*, Center for Urban Policy and the Environment, 2000.





Selected Glossary of Planning Tools*

Agricultural Protection Zone (APZ): use zones within a local planning ordinance established to protect prime agricultural soils and to minimize use conflicts that arise from mixing residential and other incompatible development with agricultural areas. These zones prohibit uses incompatible with agriculture and place stringent limits on the amount of development allowed on land included in the zone.

Cluster Subdivision: design technique that concentrates buildings in portions of a site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive areas, like wetlands and steep slopes. Reduced infrastructure within these developments mitigates stormwater runoff and often reduces engineering and construction costs.

Comprehensive Plan: *Also called Master Plan.* A comprehensive, long-range plan intended to guide the growth and development of a community that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation and open space, transportation, community facilities, and land use, all related to the community's goals and objectives for these elements. The legal parameters for comprehensive plans in Indiana are established under the IC 36-7-4-500 through 512 (500 SERIES – COMPREHENSIVE PLAN).

Incentive Zoning: the granting by the approving authority of additional development capacity in exchange for the developer's provision of a public benefit or amenity. Developers may be granted waivers of impact fees or additional density, height, or floor space, in exchange for providing infill development, mixed-income housing, open space or the protection of natural resources, development within desirable areas, improvements in quality of development, or location near public transportation.

Overlay Zone: a zoning district that encompasses one or more underlying zones and that imposes additional requirements above those required by the underlying zoning.

Planned Unit Development (PUD): *Also called Planned Development.* Areas of property that are planned, developed, operated, and maintained as a single entity and contain a mixture of residential uses, a mixture of commercial and industrial uses, or residential uses along with public, commercial, or industrial uses.

Subdivision Regulations: *Also called Subdivision Control Ordinance.* A law or regulation adopted by local government that provides standards and sets procedures for dividing land into separate parcels. These ordinances often provide standards governing the provision and design of local infrastructure and the shapes and sizes of lots. The legal parameters for subdivision regulations are established under IC 36-7-4-700 through 713 (700 SERIES – SUBDIVISION CONTROL).

Transfer of Development Rights (TDRs): the transfer of the right to develop or build, expressed in units per acre or floor area, from land in one zoning district to another district. This tool has been used to preserve historic buildings, open space, and farmland.

Zoning Ordinance: A law or regulation adopted by local government that delineates districts and establishes regulations governing the use, placement, spacing, and size of land and buildings. The legal parameters for zoning ordinances in Indiana are established under IC 36-7-4-600 through 616 (600 SERIES – ZONING ORDINANCE).

*These definitions were taken from *The New Illustrated Book of Development Definitions* written by Harvey S. Moskowitz and Carl G. Lindholm and *Zoning for Farming*, a publication of the Center for Rural Pennsylvania. In some cases, they have been modified slightly to apply to this analysis.



CENTER FOR URBAN POLICY AND THE ENVIRONMENT

Central Indiana's Future: Understanding the Region and Identifying Choices

The Center for Urban Policy and the Environment has launched a research project—Central Indiana's Future: Understanding the Region and Identifying Choices—funded by an award of general support from the Lilly Endowment. The aim of the project is to increase understanding of the region and to inform decision-makers about the array of options for improving the quality of life for Central Indiana residents. Researchers from several universities are working to understand how the broad range of investments made by households, governments, businesses, and nonprofit organizations within the Central Indiana Region contribute to quality of life. The geographic scope of the project includes 44 counties in an integrated economic region identified by the U.S. Bureau of Economic Analysis.



Central Indiana Region

One research effort involves analyses of comprehensive plans, subdivision regulations, and zoning ordinances—all tools local governments use to plan for growth. These analyses involve an assessment of the policies and principles communities have adopted to guide land use decisions and to protect resources and quality of life. This inventory of county zoning ordinances and subdivision regulations is the third installment in a series of analyses of local planning initiatives.

The Center for Urban Policy and the Environment is part of the School of Public and Environmental Affairs at Indiana University—Purdue University Indianapolis. For more information about the Central Indiana Project or the research reported here, contact the center at 317-261-3000 or visit the center's Web site at www.urbancenter.iupui.edu.

Authors

Rochelle Owen, graduate research assistant; **Kelly Dickson**, graduate research assistant; **Jamie Palmer**, planner/research associate; and **Greg Lindsey**, associate director; Center for Urban Policy and the Environment



CENTER FOR URBAN POLICY
AND THE ENVIRONMENT

342 North Senate Avenue
Indianapolis, IN 46204-1708
www.urbancenter.iupui.edu

INDIANA UNIVERSITY SCHOOL OF PUBLIC AND ENVIRONMENTAL AFFAIRS

INDIANA UNIVERSITY—PURDUE UNIVERSITY INDIANAPOLIS