

Knowing the ABCs of your PC and BZA

Roles and Responsibilities of the PC and BZA

Prepared for Clayton, IN

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GRW

- Engineering, Architecture, and Geospatial

GRW's Senior Planner

- Write UDOs and amendments
- Serve as Staff for Planning & Building Departments
- Comprehensive Plans
- On-call services

Planning Experience

- Avon
- Jamestown
- Bartersville
- Whitestown



engineering | architecture | geospatial

Who determines the Responsibilities?

Indiana State Statute outlines the PC's and BZA's Roles and Responsibilities for...

- Establishment
- Membership
- Organization
- Duties (the must dos)
- Powers (the may dos)



Establishment



Plan Commission

- IC 36-7-4-200
- Exercise planning and zoning powers and issue permits
- For the purpose of
 - Planning for roadways
 - Quality of life
 - Needs of agriculture, industry, and business
 - Efficient use of public funds

Board of Zoning Appeals

- IC 36-7-4-900
- Has jurisdiction over all land covered by the Zoning Ordinance
- For the purpose of
 - Considering variances from the standards
 - Considering use variances
 - Considering special exception uses
 - Appeals of staff decisions

Membership - Plan Commission



Plan Commission

- IC 36-7-4-207(b)
- 7 Members
 - 3 Town Officials of Employees appointed by Town Council
 - 4 Town Citizens appointed by the Town Council President (or a resident of the county who owns property in town)

Board of Zoning Appeals

- IC 36-7-4-902(a)
- 5 members
 - 3 appointed by the Town Council President (one is a PC member and two are not)
 - 1 appointed by the Town Council who is not a PC member
 - 1 appointed by the PC from its citizen membership

Organization



Plan Commission

- IC 36-7-4-300 series
- Quorum
- Official Action
- Leadership
- Secretary
- Meetings and Minutes
- Employees

Board of Zoning Appeals

- IC 36-7-4-900 series
- Quorum
- Official Action
- Leadership
- Secretary
- Meetings and Minutes

Plan Commission Duties (the must dos)



- IC 36-7-4-400 series
- Adopt Rules and Procedures
- Approve Comprehensive Plan
- Consider Development Plans
- Consider Primary Plats for Subdivisions
- Zone Map Change Recommendations
- Zoning/Subdivision Ordinance Recommendations
- PUD Recommendations
- Assign Street Names and Addresses

BZA Duties (the must dos)



- IC 36-7-4-900 series
- Adopt Rules and Procedures
- Consider Variances from Standards
- Consider Variances of Use
- Consider Special Exceptions
- Consider Appeals from Staff Decisions

BZA Duties - Findings for Variances



- As specified in IC 36-7-4-918.5, **all must be met**
 1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 2. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 3. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.

BZA Duties - Findings for Use Variances



- As specified in IC 36-7-4-918.4, **all must be met**
 1. The variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 3. The need for the variance arises from some condition peculiar to the property involved.
 4. The strict application of the terms of the ordinance will constitute an unnecessary hardship.
 5. The approval does not interfere substantially with the Comprehensive Plan.

BZA Duties - Findings for Special Exceptions



- Specified in IC 36-7-4-918.2 - your UDO sets the standards

- **All must be met**

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;
2. Will not be hazardous or disturbing to existing neighboring uses;
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
4. Will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;
5. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
6. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
7. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Powers(the may dos)



Plan Commission

- IC 36-7-4-400 series
- Establish an executive committee from its membership to act on its behalf
- Draft and recommend a fee schedule for PC and BZA petitions, permits, and operations
- Appoint a hearing officer for certain BZA petitions

Board of Zoning Appeals

- None -

Role of Staff



Administrative Role

- Official Files
- Ordinances and Maps
- Public Access
- Meeting Minutes
- Decisions

Advisory Role

- Provide Expertise
- Staff Reports
- Changes in State Statute
- Case law
- Best Practices

What the PC can **NOT** do...



- Deny a subdivision or development plan that meets the standards of the Ordinances
- Whether a particular use or service is needed
- Price points for homes/businesses
- Drainage
- Grant a variance to a standard in the Zoning Ordinance
- Apply unrelated conditions to its approvals
- Initiate a subdivision
- Take action on a petition without a majority of its full membership (not just a majority those in attendance)

What the **BZA** can **NOT** do...



- Approve a petition that does not meet **ALL** of the criteria
- Decide whether a particular use or service is needed
- Simply approve things because it looks good
- Approve something just because you've done it before
- Grant a variance to a standard of the Subdivision Control Ordinance
- Require unreasonable conditions or commitments
- Hear appeals from PC or Town Council decisions

What the Town Council can **NOT** do...



- Can not do anything that the BZA does
- Can not do anything that the PC does
 - Approve or deny subdivisions
 - Approve or deny development plans
 - Issue building permits
- Can not tell the BZA what to do
- Can not tell the PC what to do, except
 - Initiate zone map changes
 - initiate ordinance/plan updates and

Little known abilities...



- The PC can attach conditions to any of their zone map recommendations to the Town Council - even if it's not a favorable recommendation.
- The Town Council cannot remove/diminish any of the PC's recommendations without PC reconsideration.
- The Town Council and the PC can initiate a zone map change with or without permission of the property owner.
- The Town Council can direct the PC to update the Comprehensive Plan and the Zoning/Subdivision Ordinances.

Resources



- The Indiana Chapter of the American Planning Association APA-IN
- Citizen Planners Guide

- PC/BZA Basics
- Rules and Procedures
- Ethics
- Comprehensive Plans
- Zoning and Subdivision Ordinances
- Development Plan Review
- Economic Development
- Planning for Public Health

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