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IMPLICATIONS OF PLANNING AND ZONING AS THEY RELATE TO HOUSING

R. L. Schanding and R. E. Seifert*

Planning can help provide for orderly growth and development of a community. Through proper land use regulations, it can indicate the general location and amounts of land to be allotted for recreational, residential, commercial, industrial, public transportation and agricultural purposes. Zoning, building codes and related types of regulations are means of encouraging growth and development.

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There are several specific steps involved in obtaining community planning:

1. A legislative body creates a plan commission, by ordinance, in conformity with state legislation.

2. The plan commission develops a comprehensive plan, working with citizens and advisory groups.

3. After the plan is developed, an official public hearing is held.
4. The possibly revised plan is then sent to the legislative body that has the authority to adopt or reject it.

5. The plan commission's next job may be to develop land use regulations, i.e. zoning and building codes.

The objectives of planning and zoning as they relate to housing are: to coordinate construction with the overall county highway, utility, and development plans; to promote and secure the health, safety, and general welfare of present and future citizens; to fix rules for location and width of streets, building lines, road right-of-way, utility easements, and access for fire fighting equipment; to avoid congestion and assure sufficient recreational facilities; to provide the manner in which streets are to be developed; how water, sewers and other utility services are to be provided.

Planning is the legal process for rational decision-making about the future development of a community. Through planning, citizens of a town, city or county decide the physical uses to be made of the land -- which land is to be used for residences, which for industry and business, and which for farming. Building codes provide standards for construction that are in harmony with the plan. At the same time, public improvements such as school buildings, roads and parks are coordinated with the development plan.

Zoning is one of several legal tools by which a plan is implemented. Its purpose is to establish standards and to regulate the use of land and buildings. Zoning ordinances typically designate land use classes, minimum lot sizes, yard requirements, freight limitations, off-street parking, and sometimes sign restrictions. Where streets and roads are to be turned over to the city or county, the plan can give standards for curbs, gutters, sidewalks, and how streets and roads are to be maintained. Provisions for public utilities are a part of the planning process that will enhance public health and safety.

Zoning regulations apply to future changes in land use in a community. Where such changes are occurring or are likely to occur, people usually become interested in planning and zoning, such as in the many areas of Indiana that are experiencing rapid development. Without guidance from proper planning, inefficiencies and public hazards can result. Roads, streets, and sewage facilities may be inadequately designed or may not tie in with existing facilities. This could result in health and safety hazards and is likely to cause tax problems if the county or city must take over maintenance of inadequate roads and streets. Without effective zoning, industries interested in locating in an area may discover that the best industrial sites are already occupied by residences. Conversely, good sites for future residential development may be ruined by the presence of junk yards or factories built on neighboring lands.

Planning and zoning obviously limit individual freedom. Such limitation must be justified on two counts. Planning and zoning should serve the public interest. Secondly, responsible planning occurs within a definite legal framework encouraging full participation of the individuals involved.

Sometimes zoning ordinances in a community become obsolete or are inequitable. In an individual situation, the offended party has three recourses:

1. He can seek to have the ordinance amended by petitioning the plan commission.

2. He can appeal to a board of zoning appeals, created by the same legislation which devised the plan commission. This board functions to interpret the zoning ordinance in cases of disagreement between an applicant and the plan commission. It may permit exceptions in special cases.

3. If all else fails, the offended party can take his case to the courts.
Building codes are a further method of establishing housing development standards. These codes regulate building materials and structural conditions. They protect the purchaser against inferior materials, workmanship, and construction, but they need to be designed for the area in which they apply. The BOCA Building Code and the National Building Code have been widely used. In Indiana, the Administrative Building Council has prepared uniform building codes for the state, and they should be administered by highly trained individuals.

Mobile homes often gain special attention from the plan commission. Planners at Extension's Mobile Home Conference suggested the following considerations in zoning:

1. Space for mobile units should be similar in aesthetic characteristics to that zoned for conventional residential areas. This discourages development of "instant slums" or blighted areas.

2. Zoning ordinances should distinguish among mobile home subdivisions, mobile home parks, and space for trailers or recreational units.

3. Density of housing should be no more than 8 units per acre.

4. Building and housing codes should parallel other types of housing.

5. Health regulations should similarly follow those for other types of housing.

6. Details on lots and open space should be based on maximum lot coverage because of the tendency toward larger units.

Bibliography


