

The Comprehensive Plan

The enactment of zoning laws in the United States is actually relatively new practice beginning in the early 1900's. The legal ability of states to allow zoning and for municipalities to limit potential uses and regulate key features of buildings to be erected in each zone has been sustained in the Courts as justifiable on reasons of a greater public good. Land use that fulfills the greater public good is expressed by the creation of a Comprehensive Plan by the municipality.

In Indiana, the state statutes (IC 37-7-4-500 series) require planning commissions to create a Comprehensive Plan and delineates in some detail the components and purposes of the Plans. It requires consultation with the Comprehensive Plan before deciding a goodly number of issues, including approval or denial of rezoning petitions.

State statute further requires that a municipality adopt a Comprehensive Plan prior to the adoption of any zoning laws.

In formulating a decision in any particular zoning case, the planning commission, by State statute, must "pay reasonable regard to:

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth."

In Indianapolis, Marion County, the Comprehensive Plan includes maps of districts of specific land uses and intensities of those uses, corridor plans, neighborhood plans, parks plans, historic area preservation plans, and the Thoroughfare Plan, among others. There is also a policy statement for land development in Marion County, as is required by State law.

The current Comprehensive Plan for Marion County states, "The Comprehensive Plan is meant to be implemented. As a policy document adopted by the Metropolitan Development Commission, the Plan is intended to guide future growth and development patterns. The Metropolitan Development Commission has primary responsibility for implementing the Plan as they make zoning, development, and redevelopment decisions."

The Comprehensive Plan for much of the County has been undergoing a public process of revision since 1998. Dubbed 'Indianapolis Insight', thousands of people have participated and hundreds of thousands of hours of effort have gone into the update so far. One recurring theme has been the concern that the current Comprehensive Plan is being ignored. This concern was voiced so frequently that the Community Values Component of the Comprehensive Plan includes 3 chapters covering 75 pages, devoted to ways to improve compliance with the new Comprehensive Plan. These pages contain 283 suggested changes to City policies and ordinances, which the Indianapolis Insight Implementation Committee is currently prioritizing for implementation.

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Overall Outcomes of Zoning Decisions in 2004

The zoning decisions for petitions that passed through the MDC in 2004 are shown in Figure 2. These do not include the 16 petitions that were withdrawn at some point after being scheduled for initial hearing.

The percentage of approved and denied petitions is shown, as is the total number of petitions represented by each graph. Of 198 rezoning petitions decided during our study time frame, only 5% were denied. Dissecting the exact use requested and its compliance with the Marion County Comprehensive Plan, we found that 3% of special use requests, 4% of petitions that fit the Plan, and 6% of petitions that did not fit the Plan were denied. Nine petitions overall were denied; 1 a special use request, 3 that fit the Comprehensive Plan and 5 that did not.

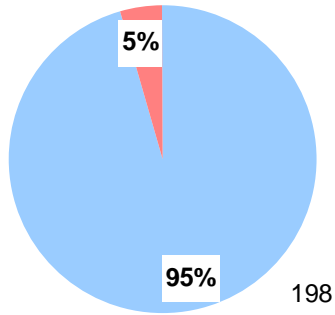
It should be noted that nearly equal numbers of petitions fit the Plan as did not fit the Plan.

These results strongly suggest that the Comprehensive Plan is not being followed, and is not even being used as a guide along with other criteria. If it were being strictly followed as the sole determining factor, the results would show 100% approval of petitions that fit the Comprehensive Plan and 100% denial of petitions that do not fit the Plan. If the Comprehensive Plan were being used as a guide along with other criteria, then the results would show some fraction of denials of special use requests (representing the other criteria), and the percentage of approval of petitions that fit the Comprehensive Plan somewhat greater than the percentage of denial of petitions that do not fit the Comprehensive Plan (again representing the other criteria).

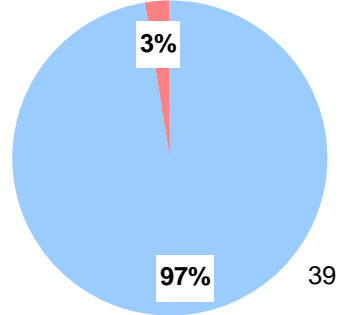
The overall outcome is disappointing, given the amount of time and effort the City and the Public have put into our Comprehensive Plan. And it is curious, given the legal connection between the creation of a Comprehensive Plan and the ability of a municipality to do any zoning at all.

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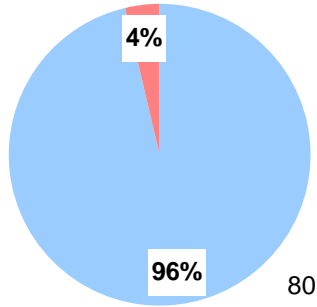
Disposition of Petitions Decided Through MDC Process in 2004



All Petitions

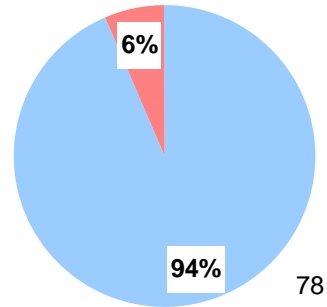


Special Use Petitions



Fit the Comp Plan

approve
deny



Did Not Fit the Comp Plan

FIGURE 2: Final disposition of petitions that went through the MDC step of the zoning process, both heard and expedited, in 2004. The type of petition referred to by each graph is shown beneath the graph. The percentage of each outcome is shown as is the total number of petitions described.

Outcomes Since 1998

The data shown in Figure 2 might well represent an aberration of normal functioning of the zoning process. We were presented with a means to test that possibility when City Councilor Isaac Randolph shared with McANA data he had obtained from Mike Peoni, Administrator, Division of Planning, City of Indianapolis. These numbers represented the rezoning petitions filed since 1998. The final outcomes of these petitions were indicated. McANA sorted the data by the year the petitions were filed. For each year, the petitions with a final outcome of either 'approve' or 'deny' were enumerated and the percentage of these petitions that were denied was calculated. The resulting data are shown in Table 1.

	1998	1999	2000	2001	2002	2003	2004*
# petitions decided	278	247	207	194	180	196	139
% denied	3.6 %	2.8 %	3.4 %	4.6 %	3.3 %	5.6 %	5.0 %

TABLE 1: The number of petitions decided through the MDC stage of the zoning process over several years and the percentage of those petitions that were denied. These data were provided to Councilor Isaac Randolph by Mike Peoni. The year shown is the year the petition was filed, not the year it was decided. The numbers reported for petitions filed in 2004 do not represent petitions decided in 2005.

The '% deny' rate for petitions filed in each year was compared with the '% deny' rate for petitions decided in 2004 to see if there was a statistically significant difference. The overall outcome for any of these years since 1998 was not statistically different from the results we are reporting here. From these data it is clear that the final outcome of zoning petitions decided in 2004 do represent the normal functioning of the zoning process in Indianapolis in recent years.

Overall Outcomes by Township

Before examining the data at a more detailed level we looked at the overall outcomes on a Township-by-Township basis. Figure 3 shows the final disposition of petitions by Township and Figure 4 shows the petitions' compliance with the Comprehensive Plan by Township. In each Figure, the raw data are shown in the upper graph and the percentage data are shown in the lower.

Surprisingly enough, even though Center Township is the most extensively developed, it was the location of the most rezoning petitions in our study time frame. No Township fared particularly well in % denied petitions. Three Townships, Decatur, Pike, and Wayne, had a no denied rezoning petitions.

Table 2 shows the level of Public opposition by Township. These numbers reflect only those cases where we could demonstrate remonstrance by the Public. A comparison of the % remonstrance with the % denied shows no correlation, suggesting little impact by the Public on the final disposition of rezoning petitions.

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	Center	Decatur	Franklin	Lawrence	Perry	Pike	Warren	Washington	Wayne
# petitions decided	47	13	8	20	29	12	18	29	23
# with remonstrance	7	2	2	5	8	4	4	12	5
# denied	1	0	1	2	2	0	1	2	0
% remonstrance	14.9	15.4	25.0	25.0	27.6	33.3	22.2	41.4	21.7
% denied	2.1	0.0	12.5	10.0	6.9	0.0	5.6	6.9	0.0
TABLE 2: The effect of remonstrance on final outcome of zoning cases by Township.									

Petitions that fit the Comprehensive Plan (Figure 4) outnumbered those that did not in 3 Townships, were of equal number in 3 Townships, and were fewer in 3 Townships.

All of this demonstrates that the Townships may have had a different number of rezoning petitions considered in our study's time frame, but the compliance with the Comprehensive Plan and the final outcomes as a percentage of petitions were very similar. No Township was treated differently than another. In addition, these data suggest little impact of Public remonstrance on the final decision on rezoning petitions in their Townships.

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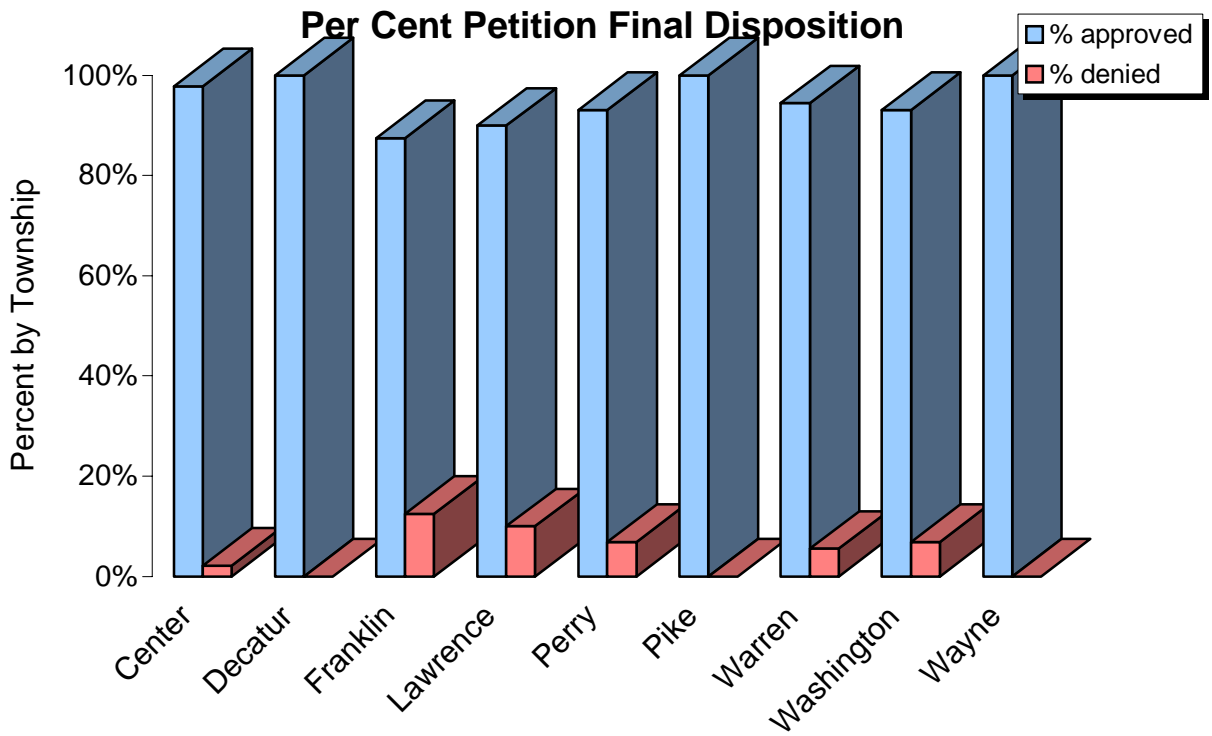
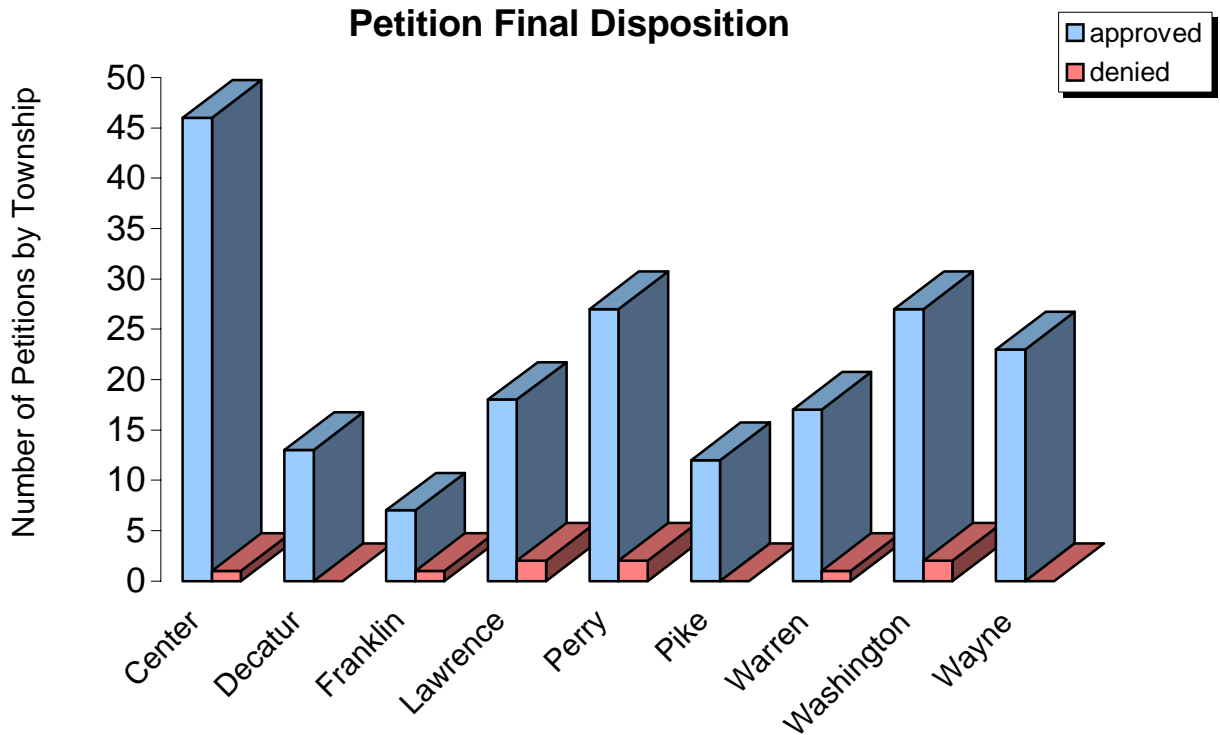


FIGURE 3: Final Disposition of Petitions sorted by Township

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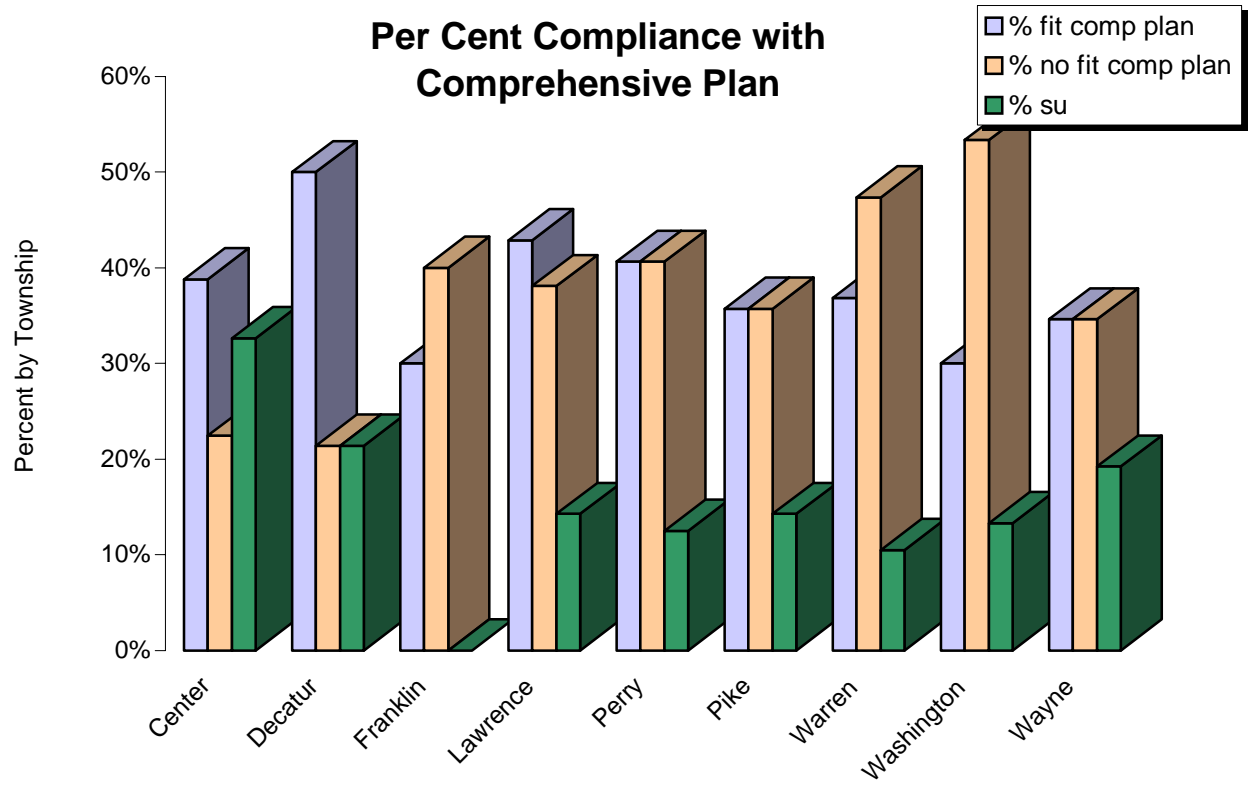
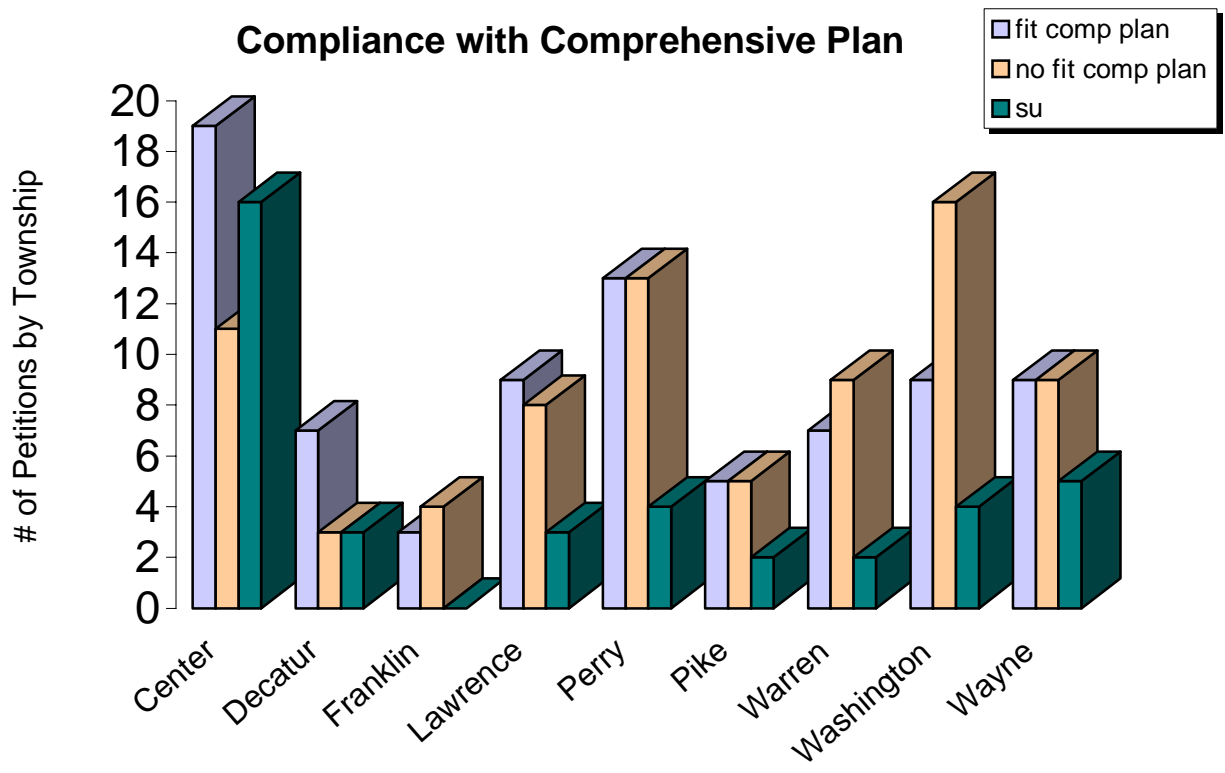


FIGURE 4: Petition compliance with the Comprehensive Plan, sorted by Township

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