Focus on the Basics of P&Z
Basics Truly Matter

- Identifying the need to get the basics right
- Tempting to be fascinated by the newest trend
- Procedure is critical – courts will examine procedures followed – not merits of decision choices
- Educate all involved – decision-makers, applicants and nearby residents
- Explore new trends to assure that they don’t compromise the basics
- Right-size your procedures; if you are going to borrow - match size and state
What is a Comprehensive Plan?

- What purpose does it serve? – Set policy
- How is it adopted? By resolution
- How amended? By resolution
- What are you trying to achieve?
  - Comply with law – specific categories
  - Establish a consistent policy base
  - Look to the future of your jurisdiction
  - Identify the public interest
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Comp Plan and Zoning

- Zoning – “in accordance with the policies set forth in the adopted comprehensive plan.”
- How do you determine accord with policies?
  - Essay question
  - Weighing of factors – WHY?
- Status of other permits – governed by ordinances
  - Special use permits – how you implement a use
  - Subdivisions – compliance with ordinance requirements
  - Planned unit developments – ordinance standards
Notice of Hearings

- Legal requirements (publication in legal ads) are usually least effective.
- Also required on website or social media.
- Failure of notice means no legal authority.
- Go beyond legal requirements.
  - Focus on decision criteria in your ordinance – must be clear and objective.
  - Check ordinances for clarity.
Hearing Procedures Resolution

- Required by I.C. §67-6534 (sample available from AIC)
- Everyone should know what to expect – from the time of first notice to conclusion
- Should reference in every notice
- Should be available at meetings – great to have it online for ready reference
- Should be a reference point for all you do
Key Components of Hearings

- Public Notice
- Rules for Testimony
- Establishment of order of hearing procedures
- Standards for written testimony
- Exhibits
- Record-keeping
- Legislative hearings
Educating the Applicant/Public

- Burden of persuasion lies with applicant
- Avoid picking favorites
- Work to explain the process in a way that makes sense
- Stay on track – remind participants about the goals to be achieved
- Maintain order through strong meeting chairman – legal support needed
Developing a Written Decision

- Beware of (Robert’s) rules of order – discussion should precede motion
- Motion should include reasons
- Motion should be followed by written decision
- Get help from staff and legal
- Don’t just accept a draft provided for you – discuss the pro’s and con’s
- Don’t have staff? – charge fees – get help
Documentation Maintained

- Ultimate responsibility rests with City Clerk – formal record-keepers – some records are forever
- Recording secretary should be designated
- Minutes deserve thoughtful scrutiny – too detailed or too sketchy?
- Not a transcript
- Possible appeal – must produce entire record – including transcribable record
Conflict of Interest Issues

- LLUPA – “shall not participate” if have economic interests (I.C. §67-6506)
- Exception allowed if you disqualify yourself
- Ethics in Government Act – Declare interests
- Criminal statutes – don’t use your public position for personal gain
- CYA – Consult your public agency attorney
Social Media and Decisions

- Must be careful not to wander into Facebook decision-making or opinion-gathering
- Rely on evidence within the record
- Same applies to letters to the editor
- What if you learn of opinions that aren’t true?
- Do you correct them?
- Be cautious about *ex parte* contact by email
P-Z and Economic Development

• “Cheering” for uses that you are supposed to regulate
• How maintain objectivity when officials are pursuing new business development?
• What is proper role of comprehensive plan and zoning in economic development matters?
• Policy should be consistent with practice
What’s Up in Your World?

- Challenges you are facing in P-Z?
- Controversies?
- State of the development economy in your jurisdiction
- Do you have adequate resources to do your job? Fees can be an answer.
- Intergovernmental issues – Area of City Impact