



Plan Commission Rezoning (Map Amendment) Application Policy and Procedure

General Information

The Lizton Plan Commission meets on the 4th Monday of every Month. The meetings start at 7:00 PM in the Town Hall, 106 Lebanon Street Lizton, IN 46149.

Applications **MUST BE FILED** with the Zoning Administrator according to the "Calendar of Filing and Meeting Dates". Petitions are heard in the order in which they are filed.

THE FOLLOWING INFORMATION, DOCUMENTS AND FEES ARE REQUIRED WHEN FILLING A PETITION FOR REZONING (MAP AMENDMENTS) TO BE HEARD BY THE LIZTON PLAN COMMISSION:

1. Completed Application: Original and 7 copies
2. Application Fee: See Official Schedule of Fees. (NON-REFUNDABLE fee must be paid when the petition is filed)
3. Property Owners Consent: Original and 7 copies

Assistance can be sought in preparation of the application from the Zoning Administrator; however, the major execution rests with the applicant. Applicants may choose to have an attorney, or their consultant prepare the application and represent them at the hearing, though this is not a requirement.

A. Authority

The text of this Ordinance and the Zoning Map may be amended from time to time by the passage of an Ordinance duly adopted by the Town Council in accordance with the procedures set forth in this Section.

B. Parties Entitled to Initiate Amendments

(1) Amendment to Text

Amendments to this Ordinance may be initiated by recommendation of a motion of the Plan Commission and by adoption of a resolution by Town Council.

(2) Amendment to Zoning Map

Amendments to this Ordinance may be initiated by recommendation of a motion of the Plan Commission; and adoption of a resolution by Town Council; or by the filing of a petition by at least fifty percent (50%) of the owners of property within the area proposed to be changed or affected by said amendment.

C. Standards for Amendments

The wisdom of amending the text of the Ordinance or the Zoning Map is a matter committed to the sound legislative discretion of the Town Council and is not controlled by any one standard. In making their determination, however, the Town Council should, in determining whether to adopt or deny, or to adopt some modification of the Plan Commission's recommendation, consider, among other factors, the following:

- (1) Whether the proposed amendment is consistent with the goals, objectives, and policies of the Comprehensive Plan, as adopted and amended from time to time by the Town Council;
- (2) Whether the proposed amendment is compatible with current conditions and the overall character of existing development in the immediate vicinity of the subject property;

- (3) Whether the proposed amendment is the most desirable use for which the land in the subject property is adapted;
- (4) Whether the proposed amendment will have an adverse effect on the value of properties throughout the jurisdiction; and
- (5) Whether the proposed amendment reflects responsible standards for development and growth.

D. Application Initiation

Proposals for zoning map amendments may be initiated by either the Plan Commission, the Town Council, or through an application signed by property owners of at least 50% of the land involved.

(1) Town Council Initiation

The Plan Commission shall prepare the application for zoning map amendment if either the Commission or Town Council has initiated the application. The Zoning Administrator shall serve as the representative of the applicant for such proposals.

(2) Property Owner Initiation

Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

E. Application

The applicant shall submit a rezoning application, affidavit and consent of property owner(s) (if the owner is someone other than the applicant), to the Plan Commission and/or the Town Council, a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to the following:

(1) Site Plan

A conceptual site plan showing all features relevant to the application.

(2) Vicinity Map

A vicinity map showing the use and zoning of all properties within 600 feet of the property subject to the rezoning request.

(3) Letter of Intent

A letter of intent to the Plan Commission stating the reasons for the rezoning, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments in recordable form being made by the applicant.

(4) Fiscal Impact Study

A Fiscal Impact Study (FIS) may be required in accordance with this Ordinance.

F. Plan Commission Public Hearing

The Plan Commission will then, in a public hearing scheduled consistent with the adopted Calendar of Filing and Meeting Dates (but no later than 60 days following the receipt of a complete application per IC 36-7-4-608 and all required materials), review the rezoning application and required supportive information.

(1) Notification

Notification for the scheduled Plan Commission public hearing regarding the rezoning request shall be completed consistent with the requirements of this Ordinance and the Rules and Procedures of the Plan Commission.

(2) Representation

The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any questions the Plan Commission might have.

(3) Testimony

The Commission shall consider a report from the Zoning Administrator and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.

(4) Procedures

The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the Rules and Procedures of the Plan Commission.

(5) Possible Action

The Plan Commission shall either forward the application to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.

a) Favorable Recommendation

The application shall be forwarded with a favorable recommendation if, by a majority vote of the Plan Commission, it is found to be consistent with the decision criteria listed in this Section. The recommendation may include commitments requested by the Plan Commission.

b) Unfavorable Recommendation

The application shall be forwarded with an unfavorable recommendation if, by a majority vote of the Plan Commission, it is determined by the Plan Commission to be inconsistent with the decision criteria listed in this Section.

c) No Recommendation

The application may be forwarded with no recommendation if, by a majority vote of the Plan Commission, it is determined that the application includes aspects that the Plan Commission is not able to evaluate.

d) Continued

The application may be continued by the Plan Commission based on a request by the Zoning Administrator or applicant; an indecisive vote wherein the item is essentially tabled, or a determination by the Plan Commission that additional information is required prior to action being taken on the request.

1. Additional legal notice shall not be required unless specified by the Plan Commission.
2. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Plan Commission.

(6) Certification

The Plan Commission shall certify its recommendation by letter to the Town Council within 10 business days of its determination (per IC 36-7-4-608). The Plan Commission staff shall forward to the Town Council appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the application, and an ordinance for the Town Council's consideration.

G. Town Council Action

The Town Council will review the rezoning application and the materials forwarded from the Plan Commission. The Town Council may then take action on the application.

(1) Notification

The Town Council shall provide notification of action on the ordinance consistent with Indiana State Code.

(2) Possible Action

The Town Council may either approve or deny the ordinance or return the petition to the Plan Commission. If the Town Council fails to act within the 90 days of the ordinance's certification to the Town Council, the ordinance shall become effective or be defeated with the provisions of IC 36-7-4-608. The Town Council may also seek modifications or additions to any written commitments in recordable form as described in this Section.

H. Decision Criteria

In reviewing the rezoning application, the Plan Commission and Town Council shall consider the following:

(1) Comprehensive Plan

The Comprehensive Plan and any other applicable, adopted planning studies or reports.

(2) Current Conditions

The current conditions and the character of current structures and uses in each district.

(3) Desired Use

The highest and best use for which the land in each district is adapted.

(4) Property Values

The conservation of property values throughout the Town's planning jurisdiction.

(5) Responsible Growth

Responsible growth and development.

I. Written Commitments

The applicant in any rezoning application may make written commitments in recordable form regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on, the subject property consistent with IC 36-7-4-615.

(1) Origin of Commitments

Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, or in response to any modifications requested by the Plan Commission or Town Council.

(2) Consideration of Commitments

All commitments shall be considered by the Plan Commission and the Town Council in the review of the application.

- a) Commitments shall be included as an element of the rezoning ordinance prepared by the Plan Commission following action taken at the public hearing.
- b) Any deletion, addition, or alteration of the written commitments proposed by the Town Council shall be referred back to the Plan Commission for consideration and included in a revised or affirmed recommendation regarding the application or may amend the written commitments and incorporate said written commitments in recordable form within the rezoning ordinance.
- c) Any rezoning application shall include a commitment to properly control weeds until the site is completely developed.

(3) Documenting Commitments

Following final action being taken on the rezoning application, the rezoning ordinance, with any written commitments included, shall be recorded in the office of the Hendricks County Recorder by the applicant and shall not be considered effective until so recorded. A copy of any recorded commitments shall be provided to the Zoning Administrator at the time of application for any Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application that does not comply with the written commitments.

(4) Enforcement of Commitments

The written commitments shall be considered part of the rezoning ordinance binding on the subject property and in recordable form.

- a) The written commitments shall be binding on the owner(s) of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or portion thereof.
- b) The written commitments shall be enforceable by the Plan Commission, Board of Zoning Appeals, or Town Council consistent with the adopted provisions for the enforcement of any other aspect of this Ordinance, as described in *Section 11, Enforcement and Penalties*.
- c) The written commitments may be modified only through the Zoning Map Amendment process described by this Ordinance.