

AN ORDINANCE AMENDING CHAPTER 9 OF
ORDINANCE NO. 65-200 BEING THE UNIFIED
ZONING ORDINANCE OF TIPPECANOE COUNTY, INDIANA

WHEREAS, Indiana Code 18-7-4-53, Section 3(e) permits the participating legislative bodies to establish procedures for the consideration and amendment of a zoning ordinance; and

WHEREAS, the participating legislative bodies desire to adopt a uniform procedure for all legislative bodies within Tippecanoe County, Indiana, and desire by this Ordinance to do so.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF

COMMISSIONERS OF THE COUNTY OF TIPPECANOE

that Chapter 9 of Ordinance No. 65-200 be hereby amended to read as follows:

Section 1. That Chapter 9 of Ordinance No. 65-200 read as follows:

Section 9.1. PROCEDURE FOR AMENDMENTS TO THE ZONING ORDINANCE NOT INVOLVING CHANGE OF A ZONING DISTRICT. Amendments of the Zoning Ordinance of a substantive nature and not involving a change of a zoning district shall be made as follows:

Section 9.1.1. Such amendments may be proposed by:

(1) A Member of a participating legislative body to that body, and upon adoption of a resolution by that body to the Area Plan Commission;

(2) The Area Plan Commission to a participating legislative body in the county.

Section 9.1.2. Any such proposed ordinance for the amendment, supplement, change or repeal shall be referred to the Area Plan Commission for public hearing, consideration and report before any final action is taken by a legislative body.

Section 9.1.3. Prior to the hearing, consideration and report by the Area Plan Commission, the Area Plan Commission shall give ten (10) days notice of the time and place of such hearing by publication in a newspaper of general circulation within the county

which notice shall also generally advise the nature of the proposed amendment, supplement, change or repeal.

Section 9.1.4. Such public hearing by the Area Plan Commission shall be held at the offices of the Commission or within the city in which its offices are located.

Section 9.1.5. Upon hearing as herein provided, by motion, the Area Plan Commission shall recommend the adoption or rejection of such amending ordinance. Such recommendation together with a copy of such ordinance shall within five (5) days of the adoption of such recommendation be certified by the Area Plan Commission and delivered to the proper official of each participating legislative body. The ordinance and recommendation shall be presented to the legislative body at its first meeting after its delivery by the Area Plan Commission.

Section 9.1.6. Ninety (90) days after the first meeting of the legislative body following delivery of the ordinance and recommendation to the legislative body as provided in Section 9.1.5, the ordinance shall have the same force and effect as all other ordinances unless the legislative body has within said period of time finally acted upon it other than favorable.

Section 9.1.7. If the legislative body acts other than favorable by amending or rejecting the ordinance as presented and recommended, the legislative body shall return to the Area Plan Commission within ten (10) days of such action for its consideration, the ordinance with any amendments, together with a written statement of the reasons for its rejection or amendments.

Section 9.1.8. Upon receipt of such ordinance amendment, rejection and the reasons therefore, by the Area Plan Commission, the Area Plan Commission shall within forty-five (45) days consider the rejection or amendment and shall by vote approve or disapprove such amendment or rejection. If the Area Plan Commission approves such amendment or rejection, the legislative body shall be so notified by the Area Plan Commission, and the action of the legislative body shall stand as passed as of the date of notification of the

Area Plan Commission to the legislative body. If the Area Plan Commission disapproves the amendment or rejection, notification thereof shall be given to the legislative body by the Area Plan Commission within seven (7) days, and the action of the legislative body in amending or rejection of the original ordinance shall stand only if confirmed by a two-third majority vote of the town board, city council or the board of commissioners. If the legislative body fails to so confirm its original action, within thirty (30) days of such notification by the Area Plan Commission, the ordinance as originally delivered by the Area Plan Commission shall be deemed to have passed and have the same force and effect as any other ordinance.

Section 9.2. PROCEDURE FOR AMENDMENTS TO THE ZONING ORDINANCE INVOLVING CHANGE OF A ZONING DISTRICT. Amendments of the Zoning Ordinance involving a change of a zoning district except change of zoning districts under Chapter 5, Planned Development Districts shall be made as follows:

Section 9.2.1. Amendments to the zoning ordinance which change the zoning district of an area or particular tract or real estate may be proposed by:

- (1) A member of a participating legislative body to that body, and from such body by resolution to the Area Plan Commission;
- (2) An Area Plan Commission to a participating legislative body; or
- (3) By petition of the owners of property of fifty percent (50%) or more of the area involved in the petition to the Area Plan Commission.

Section 9.2.2. Any such request or petition shall be accompanied by a proposed amendatory ordinance in conformance to such request or petition for rezoning.

Section 9.2.3. Any such proposed amendatory ordinance shall be referred to the Area Plan Commission for public hearing, consideration and report before any final action is taken by a legislative body.

Section 9.2.4. Prior to the hearing, consideration and report by the Area Plan Commission, the Area Plan Commission shall

cause to be given:

(1) Ten (10) days notice of the time and place of such hearing by publication in a newspaper of general circulation within the county, which notice shall indicate by legal description and common address the location of the property to be rezoned and state the present zoning and the requested zoning. Said notice to be proved by publisher's affidavit before the time of said hearing;

(2) A sign shall be posted in a conspicuous place on the lot or parcel of real estate not more than twenty-five feet from the front property line, and on lots or parcels adjoining more than one street a separate sign as herein required shall be erected so as to face each street adjoining said lot or parcel, which sign shall conform to the following specifications:

(a) Said sign shall be of material to resist the weather for the period herein required and have overall measurements of not less than two feet by four feet;

(b) The words, NOTICE OF REQUEST FOR REZONING shall be painted on the sign in bold face letters at least four inches in height, followed by letters at least one inch in height, indicating that a request for rezoning is pending, the present zoning and the requested zoning, that a public hearing on the request will be had before the commission and stating the date, time and place of such meeting. Said sign shall further state in letters at least one inch in height, that said request will thereafter be referred to the appropriate legislative body, naming same, for final action and stating the dates, time and place of the meetings said legislative body will consider the request. Any change in dates of hearing shall be so changed on the sign.

Said sign shall be erected at least ten (10) days before the public hearing before the commission and shall remain on said property until final action has been taken by the appropriate legislative body. Said posting shall be proved by affidavit filed with the commission before any action is taken on said request before the commission. Removal of the sign by weather or person other than the owner shall not be interpreted as interruption of the time

so long as said sign is replaced upon knowledge of removal by the petitioner;

(c) If the property does not front on any street, or the petition involves multiple ownership, the Area Plan Commission shall determine the number and location of the signs herein provided for;

(d) The costs and obligation of giving notice and proof thereof may be placed by the Area Plan Commission upon the petitioner.

Section 9.2.5. Such public hearing by the Area Plan Commission shall be held at the offices of the Commission or within the city in which its offices are located.

Section 9.2.6. Upon hearing as herein provided, by motion, the Area Plan Commission shall recommend the adoption or rejection of such amending ordinance. Such recommendation together with a copy of such ordinance shall within five (5) days of the adoption of such recommendation be certified by the Area Plan Commission and delivered to the proper official of the appropriate legislative body. The ordinance and recommendation shall be presented to the legislative body at its first meeting after its delivery by the Area Plan Commission.

Section 9.2.7. Ninety (90) days after the first meeting of the legislative body following delivery of the ordinance and recommendation to the legislative body as provided in Section 9.2.6, the ordinance shall be finally adopted, rejected, or amended to a more restrictive zoning classification or reduction in area than requested by the petitioner.

Section 9.2.8. Within five (5) days of such final action of the legislative body, the proper official of the legislative body shall notify the Area Plan Commission of the nature of the final action, and/or certify a copy of such ordinance as provided in Section 2.2(a).

Section 9.2.9. The procedures established herein shall not effect, change, amend or repeal the procedures under Chapter 5, Planned Development District where a request for rezoning is to a Planned Development Zoning Classification.

Section 9.3. If a part of this ordinance is invalid, all valid parts that are severable from the invalid part remain in effect.

If a part of this ordinance is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 9.4. This ordinance takes effect upon its passage and approval.

Section 9.5. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 2. This Ordinance shall be in full force and effect from and after its passage.

BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE

BY:

Robert F. Fields
Robert F. Fields, President

Bruce V. Osborn
Bruce V. Osborn

William G. Vanderveen
William G. Vanderveen

ATTEST:

Michael E. Smith
Michael E. Smith, Auditor