

COUNCIL STAFF REPORT

APPLICATION NO:	TEXT-01-2023	
HEARING DATE:	May 15, 2023	NEXT HEARING DATE: June 5, 2023
NEWSPAPER NOTICE PUBLISHED ON:	March 23, 2023	NOTICES MAILED ON: N/A
SUBJECT:	Official Zoning Map adoption in a Map Format	
LOCATION:	Thorntown Planning Jurisdiction	
PETITIONER(S):	Plan Commission	
SUMMARY:	Council to consider a text amendment to the Thorntown Zoning Ordinance to adopt an Official Zoning Map, amend the text that used to describe the zoning district boundaries, and to add some new language about interpretations of the map's boundaries.	
WAIVERS REQUESTED:	N/A	
RECOMMENDATION:	Approval	
PREPARED BY:	Oksana Polhuy, Planning Administrator	
EXHIBITS:	Exhibit 1. Proposed Text Amendments Exhibit 2. Proposed Official Zoning Map Exhibit 3. Certificate of Plan Commission's Recommendation	

PROCEDURE

The request to amend the ordinance came from the Plan Commission. The public hearing of the proposed text amendments was scheduled for the April 10th Plan Commission meeting. There was no quorum at that meeting, so the public hearing was moved to the May 8, 2023 meeting. Prior to the public hearing before the Plan Commission, a published legal notice was advertised in the newspaper per the IC 36-7-4-604 and IC 5-3-1 requirements.

The Plan Commission heard the evidence presented by Staff and any individuals in the audience wishing to speak for or against the proposed text amendment. The Plan Commission then made a favorable recommendation to the Town Council (see Exhibit 3).

The Town Council then hears the proposed text amendments, including the Plan Commission's recommendation at the first Council meeting. At the final Council meeting, the proposal is presented in an Ordinance format to be either adopted, denied, or modified by the Council. If the Council rejects or amends the proposal, it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Commission has forty-five (45) days in which to consider the rejection or amendment and report to the legislative body.

Standards for Amendments per Thorntown Zoning Ordinance §152.11.D:

The wisdom of amending the text of this 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, pay reasonable regard to 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.

ABOUT PROJECT

This amendment does NOT change the map; it uses the existing legal descriptions of the zoning district boundaries from the current Thorntown Zoning Ordinance and presents them in a map format.

Exhibit 1 shows what text amendments are proposed to subchapters 152.07, 152.22, and 152.23 to add the Official Zoning Map, delete legal description text and add some regulations about how the boundaries are to be interpreted.

Exhibit 2 shows the proposed Official Zoning Map.

ANALYSIS

The Indiana state statute is written in a way that assumes that zoning of the jurisdiction is drawn on a map. It differentiates two processes for amending text of the zoning ordinance and the map. Thorntown's Zoning Ordinance has a legal description of the Business zoning district and states that the Residential zoning district is the area that is not a "Business" zoning district. This way of recording zoning is cumbersome and doesn't work well with the typical way of displaying zoning districts. Thus, staff strongly advises to adopt a map.

CORRESPONDENCE

As of this writing, staff has not received written or verbal statements regarding this project from residents.

RECOMMENDATIONS

Staff recommends approval of application TEXT-01-2023 because:

1. It makes the Zoning Ordinance more up-to-date.
2. It makes it easier to amend the Zoning Map.
3. It makes following the state statute requirements for zoning map changes easier.

MOTION OPTIONS

1. Motion to *approve* adoption of the text amendments proposed in TEXT-01-2023 application.
2. Motion to *deny* adoption of the text amendments proposed in TEXT-01-2023 application. (List reasons)
3. Motion to *continue* the review of the application TEXT-01-2023 until the next regular meeting on June 5, 2023.

Next Council meeting date(s): June 5, 2023.

EXHIBIT 1

PROPOSED AMENDMENTS

152.07 OFFICIAL ZONING MAP

Repeal:

~~The legal descriptions of the zoning districts stated in this Ordinance serve as the Official Zoning Map of the Town in subchapters 152.22 and 152.23.~~

Replace with:

A. Establishment of the Official Zoning Map

The boundaries of the zoning districts are hereby established on a map entitled, “Town of Thorntown Official Zoning Map”, which is hereby incorporated into and made part of this Zoning Ordinance. Notations, references, indications, and other matters shown on the Official Zoning Map are as much a part of this Zoning Ordinance as if they were fully described herein. The Official Zoning Map shall be formally known as the “Official Zoning Map” and it may be cited and referred to as the “Thorntown Zoning Map” or the “Zoning Map.”

B. Official Zoning Map Location

The Official Zoning Map is located in the office of the Planning Commission and may be maintained as an electronic zoning map.

C. Interpretation of Map Boundaries

The zoning district boundaries shall be shown on the Official Zoning Map. If any uncertainty exists with respect to the intended boundaries as shown on the Official Zoning Map, the Planning Administrator is authorized to interpret the boundaries.

District boundaries on the Official Zoning Map shall be interpreted as follows:

1. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.
2. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way at the boundaries of the planning jurisdiction shall be deemed to include the full width of such roads, easements, and transportation rights-of-way.
3. Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, platted lot lines, or Town corporation lines shall be construed as following or paralleling such lines.
4. Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines as they may naturally shift over time.
5. Zoning district boundaries indicated as approximately following the parcel lines as established by the Boone County Surveyors Office shall be construed to follow such parcel lines.
6. The vacation of streets shall not affect the location of zoning district boundaries. Such boundaries must be reviewed, and, if necessary, a formal amendment shall be made to the Official Zoning Map.

7. When the Planning Administrator cannot determine the location of a zoning district boundary, the BZA shall determine the location of the zoning district boundary.
8. The Overlay District boundaries on the Official Zoning Map shall be interpreted as follows:
 - a. An overlay district shall be depicted on the Official Zoning Map with a hatch or textured pattern and be identified as such on the map legend.
 - b. A lot that is fully covered (bounded) by an overlay district shall be entirely subject to the overlay district standards found in subchapter 152.27.
 - c. A lot that is partially covered (transected) by an overlay district shall be subject to the overlay district to the extent that the lot area is covered by the overlay district.

152.22 RESIDENTIAL DISTRICT

Repeal:

B. Applicability

~~The part of the town within its corporate limits and outside of the Business District shall constitute the Residence District of the town.~~

Replace with:

B. Applicability

The boundaries of the Residential District are as displayed on the Official Zoning Map.

152.23 BUSINESS DISTRICT

Repeal:

B. Applicability

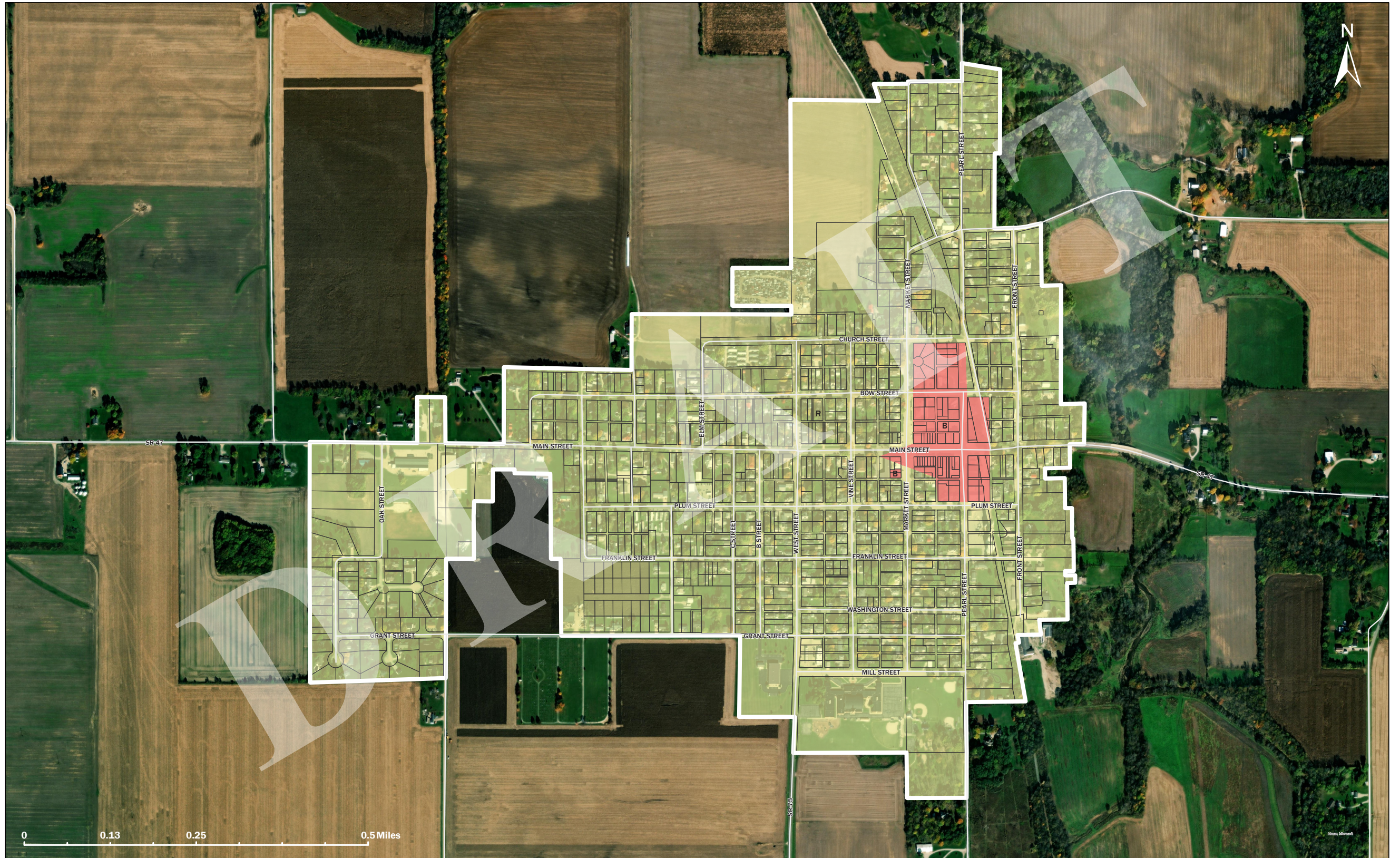
~~The part of the town included in the territory's boundaries is described as follows, to wit: beginning at the southwest corner of the public square in the original plat of the town, and run thence west to the northwest corner of Lot No. 26 in such original plat; thence east to the southwest corner of Lot No. 22 in such original plat; thence south to Plum Street; thence east to the southwest corner of Lot No. 15 in such original plat; thence north to Bow Street; thence west to Pearl Street; thence north to Church Street; thence west to the northwest corner of Lot No. 86 in such original plat; thence south to the northwest corner of such public square, which is the place of beginning, is hereby designated, and shall be and constitute the Business District of the town. Also, the following real estate shall be included into the Business zoning district: beginning at the southwest corner of Lot No. 25 of the original plat of the town; thence run North sixty-five and one-half feet (65.5); thence East 35 feet; thence North 5 feet; thence East to the West line of Market Street; thence South seventy and one-half feet (70.5); thence West to the place of beginning.~~

Replace with:

B. Applicability

The boundaries of the Business District are as displayed on the Official Zoning Map.

EXHIBIT 2 TOWN OF THORNTOWN OFFICIAL ZONING MAP



- LEGEND**
- Town Corporate Limits
 - Parcels
 - Streets
 - R - Residential Zoning District
 - B - Business Zoning District

This map was prepared by the Planning Administrator of the Town of Thorntown.

Last updated: _____

DISCLAIMER: This map was prepared using various data sources. Areas depicted by this map are approximate, and are not necessarily accurate mapping, surveying, or engineering standards. While every effort has been made to ensure the accuracy, correctness and timeliness of the information presented, the Town of Thorntown assumes no liability for any claims arising directly or indirectly as a result of using this map, or as result of incomplete, incorrect or omitted information.

Annexations (ordinance #s):

Updates to the Zoning Map (ordinance #s):

EXHIBIT 3

TOWN OF THORNTOWN PLANNING ADVISORY COMMISSION

Town Hall, 101 W. Main St., Thorntown, IN 46071

PLANNING COMMISSION CERTIFICATION TO TOWN COUNCIL

APPLICATION NO: TEXT-01-2023

We, the Town of Thorntown Advisory Plan Commission, held a public hearing on May 8, 2023, to consider a Text Amendment application TEXT-01-2023 initiated by the Plan Commission requesting to amend Subchapters 152.07, 152.22.B, and 152.23.B of the Town of Thorntown Code of Ordinances regarding adoption of an Official Zoning Map and regarding some text amendments related to the adoption of this map. The proposed amendments are attached in Exhibit 1 and the Official Zoning Map is displayed in Exhibit 2.

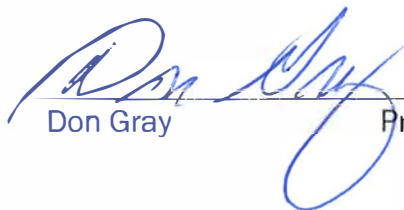
Notice was shown to have been published in a newspaper of general circulation in Boone County, Indiana on March 23, 2023.

The Plan Commission discussed and answered any and all questions presented during the public hearing about this application and voted 4 Aye(s), 0 Nay(s), and 0 Abstain to forward to the Thorntown Town Council favorable / unfavorable / no recommendation pursuant to IC 36-7-4-605.

In considering the amendment to the Zoning Ordinance, we paid reasonable regard to the following, pursuant to IC 36-7-4-603: the comprehensive plan, current conditions and the character of current structures and uses in each district, the most desirable use for which the land in each district is adapted, the conservation of property values throughout the jurisdiction, and responsible development and growth.

Please be advised that pursuant to IC 36-7-4-607(d), the Town Council has ninety (90) days to vote on this petition after the Plan Commission certifies this proposal.

Certification Date: 05/08/2023



Don Gray President



Oksana Polhuy Secretary