

## **ARTICLE 5 ZONING MAP AND TEXT AMENDMENTS**

### **ARTICLE 500 MAP AMENDMENTS**

- a. This Ordinance may be amended by action of the St. Leon Town Board provided, however, that any proposed amendment shall be considered by the Plan Commission, and a recommendation made thereon, before any final action is taken by the Town Board.
- b. Map amendments to this Ordinance may be initiated by a request from the Town Board to the Plan Commission, as a petition by the Plan Commission, or by petition by the affected property owners of fifty percent (50%) or more of the area involved in the petition. Petitions shall be filed with the Plan Commission on forms prescribed by the Plan Commission.
- c. The Plan Commission shall hold a public hearing within sixty (60) days of submission of the petition before final recommendation to the Town Board.
- d. Notice Requirements
  - i. At least ten (10) days prior to the date set for such hearing, public notice advising the location and nature of the subject petitioned, time, date and place thereof, shall be given by publication in a newspaper of general, daily circulation in Dearborn County. Notice must also be given as set forth in the "Rules of Procedure" of the Plan Commission. The applicant shall be responsible for preparing a legal notice of the public hearing on a form provided by the Commission and shall assume the cost of said notice and submit proof of its publication at the hearing. Said legal notice shall specifically refer to the commonly known street address of the parcel, if previously assigned.
  - ii. The applicant shall also serve notice to property owners within six hundred (600) feet of the affected area, or two (2) property owners, whichever is greater, by certificate of mailing, in a form prescribed by the Board, not less than ten (10) days prior to the date set for such meeting, advising the location and nature of the subject appealed or petitioned, and the date, place and time of the hearing, or have notice served as specified in its "Rules of Procedure." The applicant shall provide the Commission with a complete list of the above mentioned owners, together with their last known addresses, from the County Auditor's office, along with proof of notice served, and shall assume the cost of said notice. The applicant shall certify, by notary public, that notification of surrounding property owners has been accomplished as required.

- iii. The applicant shall also post, in a conspicuous place on the subject property, a notice prescribed by the Board explaining the action being sought.
- e. During the public hearing, the Plan Commission may require or allow a written commitment for a petition submitted under IC 36-7-4-608 (zoning map change), to the extent allowed by applicable law. When rezoning commitments are accepted, those commitments shall be incorporated into the Plan Commission recommendation and forwarded to the Town Board in the form accepted.
- f. Following the public hearing, the Plan Commission shall make its recommendation which shall be certified within ten (10) business days by the secretary and presented by the secretary or a member of the Plan Commission at a meeting of the Town Board after the Plan Commission has made its recommendation. The Plan Commission may make a favorable, unfavorable, or no recommendation.
- g. During Town Board review, it shall be within the discretion of the Board to approve a petitioner's request to amend a petition, or alter commitments, in a manner which either increases or decreases the density or intensity of use. If amended, the Board shall require the revised petition to be re-heard by the Plan Commission. In such case, there shall be a requirement for the same notification and advertisement as for the original Plan Commission public hearing, with costs for said notification and advertisement to be paid by the petitioner.
- h. Any petitioner for rezoning shall be required to notify interested parties of the date of the Town Boards' review of the rezoning petition, whether or not commitments are offered with the petition. If there is a proposed change in the petitioner's commitments as forwarded from the Plan Commission to the Town Board, the petitioner shall notify, by Certificate of Mailing, all persons required to be notified of the prior Plan Commission hearing. If the petition does not include offered commitments, or if there is no change in the petitioner's commitments as forwarded from the Plan Commission to the Town Board, the petitioner shall notify, by Certificate of Mailing, only those persons registered as speaking at the prior Plan Commission hearing.
- i. The Town Board shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal. The Board may adopt or reject the proposal by a majority vote of the full membership of the Board.
  - i. If the Town Board adopts the proposal, it takes effect as other ordinances of the Town Board.
  - ii. If the Town Board rejects the proposal, it is defeated.
- j. If the Town Board fails to act on the proposal within ninety (90) days after certification of a favorable recommendation, the ordinance takes effect as if it has been adopted ninety (90) days after certification.

- k. If the Town Board fails to act on the proposal within ninety (90) days after certification of an unfavorable recommendation, it is defeated.
- l. The Plan Commission shall not reconsider a defeated proposal until the expiration of one hundred eighty (180) days after its defeat.
- m. A commitment accepted by the Town Board shall be recorded in the Office of the County Recorder and takes effect upon the latter of the adoption of the rezoning ordinance or the recording of the commitment. Unless a commitment is modified or terminated in accordance with this ordinance, a commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and a person who acquires an interest in the parcel. An unrecorded commitment is binding on the owner of the parcel. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or person acquiring the interest has actual notice of the commitment.
- n. Written commitments approved by the Town Board may be enforced jointly and severally by the Town Board, Plan Commission, and the owners of all parcels of land to which required notice of the Plan Commission public hearing was mailed.
- o. Approved commitments shall not affect the validity of any covenant, easement, equitable servitude, or other land use restriction created in accordance with law.
- p. A written commitment that is permitted or required by the Plan Commission, and approved by the Town Board, may be modified or terminated only after a public hearing before the Plan Commission and forwarding of a recommendation to the Town Board for decision. Notice for the Plan Commission public hearing shall follow notice and advertisement requirements as for any other hearing before the Commission. The request for modification or termination may be initiated by the property owner or by the Plan Commission.
- q. A commitment made and approved by procedures contained in this ordinance automatically terminates if, after approval of the rezoning, the zoning of the parcel is further changed after another rezoning hearing.
- r. In conflicts between this Section and IC 36-7-4-600 series, the Indiana Code shall govern.

**SECTION 510      TEXT AMENDMENTS**

- a. This Ordinance may be amended by action of the Town Board provided, however, that any proposed amendment shall be considered by the Plan Commission and a recommendation made thereon before any final action is taken by the Town Board.

- b. Text amendments to this Zoning Ordinance may be initiated by a request from the Town Board to the Plan Commission, or by a request from the Plan Commission, the Board Designee, or any owner of property (or their representative) in the jurisdiction of the St. Leon Plan Commission.
- c. The Plan Commission shall hold a public hearing within sixty (60) days of receiving or initiating the proposal before making a recommendation to the Town Board. At least ten (10) days prior to the date set for such hearing, public notice of a summary of the subject matter contained in the proposal, along with time, date, and place of the hearing, shall be given by publication in a newspaper of general circulation in Dearborn County.
- d. Following the public hearing, the Plan Commission shall make its recommendation, which shall be certified by the secretary or member of the Plan Commission, at a meeting of the Town Board after the Plan Commission has made its recommendation. The Plan Commission may make a favorable, unfavorable or no recommendation.
- e. The Town Board shall vote on the proposal within ninety (90) days after the Plan Commission certifies the proposal.
- f. If the proposal receives a favorable recommendation from the Plan Commission:
  - i. At the first regular meeting of the Town Board after the proposal is certified, the Town Board may adopt, reject, or amend the proposal by a majority vote of the full membership of the Board. The Board shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.
    - (A). If the Town Board adopts the proposal, it takes effect as other ordinances of the St. Leon Town Board.
    - (B). If the Town Board fails to act on the proposal within ninety (90) days after certification, it takes effect as if it had been adopted ninety (90) days after certification.
    - (C). If the Town Board 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 Plan Commission has forty-five (45) days in which to consider the rejection or amendment and report to the Town Board as follows:
      - (1). If the Plan Commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the Town Board as of the date of the filing of the Commission's report of approval with the Town Board or the end of the forty-five (45) day period.

- (2). If the Plan Commission disapproves the rejection or amendments, the action of the Town Board on the original rejection or amendment stands only if confirmed by another majority vote of the Town Board within forty-five (45) days after the Plan Commission certifies its disapproval. If the Town Board fails to confirm its action under this clause, the ordinance takes effect in the manner provided in subparagraph (B).
- g. If the proposal receives an unfavorable or no recommendation from the Plan Commission:
- i. At a regular meeting of the Town Board after the proposal is certified, the Town Board may adopt, reject, or amend the proposal by a majority vote of the full membership of the St. Leon Town Board. The Board shall give notice under IC 5-14-1.5-5 of its intention to consider the proposal at that meeting.
    - (A). If the Town Board adopts the proposal, it takes effect as other ordinances of the St. Leon Town Board.
    - (B). If the Town Board rejects the proposal or fails to act on it within ninety (90) days after the certification, it is defeated. Failure of the Board to pass such proposed amendment after its rejection by the Commission shall constitute rejection of the proposed amendment and it shall not be reconsidered by the Commission or Town Board until the expiration of one (1) year after the date of original rejection.
    - (C). If the Town Board amends the proposal, it shall be returned to the Plan Commission for its consideration with a written statement of the reasons for the amendment. The Plan Commission has forty-five (45) days in which to consider the amendment and report to the Town Board as follows:
      - (1). If the Plan Commission approves the amendment or fails to act within the forty-five (45) day period, the ordinance stands as passed by the Town Board as of the date of filing of the Commission's report of approval with the Town Board or at the end of the forty-five (45) day period.
      - (2). If the Plan Commission disapproves the amendment, the action of the Town Board on the original amendment stands only if confirmed by another majority vote of the St. Leon Town Board within forty-five (45) days after the Plan Commission certifies its disapproval. If the Town Board fails to confirm its action under this clause, the ordinance is defeated as provided in subparagraph (B).

**SECTION 520 ESTABLISHMENT OF ZONING DISTRICTS**

The Town is divided into the districts stated in this Ordinance as shown by district boundaries on the zoning maps. The districts are:

- A-1, Agricultural District
- R-1, Single-Family Residential District
- R-2, Multi-Family Residential District
- R-3, Mobile Home District
- B-1, Neighborhood Business District
- B-2, Community Business District
- I-1, Light Industrial District
- I-2, Heavy Industrial District
- H-1 Highway Interchange District

**SECTION 530 ZONING MAP**

- a. A zoning map of St. Leon is hereby adopted as part of this Ordinance. Zoning maps shall be kept on file and available for examination at the St. Leon Town Offices.

**SECTION 540 ZONING DISTRICT BOUNDARIES**

When uncertainty exists with respect to the boundaries of various districts as shown on the zoning map, the following rules shall apply:

- a. District boundaries shown within lines of streets, streams or shorelines, transportation rights-of-way, lot lines, or municipal corporation lines, shall be deemed to follow their centerlines. The vacation of streets shall not affect the location of such district boundaries.
- b. Whenever a single lot two acres or less in size is located within two or more different zoning districts, the district regulations applicable to the district within which the larger portion of the lot lies shall apply to the entire lot. Whenever a single lot greater than two acres in size is located within two or more different zoning districts, each portion of that lot shall be subject to all the regulations applicable to the district in which it is located. Where a zoning district boundary line divides a lot and where distances from the boundary line to property lines are not specifically indicated on the zoning map, the exact boundary line location shall be determined by measurement, using the scale of the zoning map.

- c. When the Designated Official cannot ascertain the location of a district boundary by centerlines, by the scale or dimensions of the zoning map, or by other methods, he shall refuse action, and upon appeal, the Board of Zoning Appeals shall interpret the location of the district boundary with reference to the scale of the zoning map and the purposes set forth in all relevant provisions of this Ordinance.