ORDINANCE NO. 2026-09
TOWN OF THORNTOWN, INDIANA

AN ORDINANCE TO CHANGE THE
COMPOSITION OF THE AREA PLAN COMMISSION

WHEREAS, the Board of Commissioners of Boone County, Indiana ("County") adopted the Boone County Zoning Ordinance ("Zoning Ordinance") pursuant to I.C. § 36-7-4-202, which provides for the administration of zoning regulations within the County and includes the Boone County Area Plan Commission ("APC"), the Boone County Area Board of Zoning Appeals ("BZA"), and an executive director and staff;

WHEREAS, on February 7, 2011, the County amended Ordinance 99-1, pursuant to I.C. § 36-7-4-204, when the Town of Advance adopted an ordinance adopting the County's area planning law and providing for the appointment of its representative to the APC. Ordinance 99-1 changed the composition of the APC and BZA to include a representative approved by the Town of Advance;

WHEREAS, on or around May 8, 2026, the Town of Thorntown, by and through its Town Council, approved an ordinance also adopting area planning law and requesting to join the County APC as a participating unit and to add an appointed member to the APC and BZA;

WHEREAS, I.C. § 36-7-4-211 states that the composition of an Area Plan Commission may be changed by a similar ordinance adopted by each participating unit;

WHEREAS, the Area Plan Commission published notice of a public hearing, in accordance with I.C. § 5-3-1, on the aforementioned amendment, and subsequently held a public hearing on July 1, 2026, August 5, 2026, and September 2, 2026;

WHEREAS, during the public hearing, the Area Plan Commission issued a FAVORABLE RECOMMENDATION WITH CONDITIONS on the petition, by a vote of 6 in favor, 0 opposed, and 1 absent, and certified its recommendation to the legislative body, the Board of Commissioners of Boone County, on September 8, 2026;

WHEREAS, the Town of Thorntown Town Council believes it is in the best interests of the citizens of the Town of Thorntown to change the representation of the APC pursuant to the above-referenced provisions of Indiana law; and

WHEREAS, the Town of Thorntown Town Council hereby finds that it will serve to protect the public health, safety, comfort, morals, convenience and general welfare of the citizens of Boone County to provide for an equitable representation formula for the membership on said APC.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Thorntown, Indiana, that, pursuant to I.C. § 36-7-4-211, it hereby approves the amendment of Chapter 31.02 of the Boone County Code of Ordinances as follows:

§ 31.02 PLAN COMMISSION.

(A) *Purpose.*

(1) The County hereby adopts the provisions of I.C. § 36-7-4 and establishes the Boone County Area Plan Commission ("APC"), the Boone County Area Board of Zoning Appeals ("BZA"), and an executive director and staff.

(2) An Area Plan Department is created effective January 1, 1999.

(B) *Membership.*

(1) The representation, both as to the number of members and the qualification of members of the Area Plan Commission of Boone County, shall be pursuant to I.C. § 36-7-4-207, I.C. § 36-7-4-208, and I.C. § 36-7-4-211. Each incorporated unit participating in the Area Plan Commission of Boone County shall receive one (1) representative on the APC.

(2) If after the effective date of this ordinance any additional town council(s) (other than the Towns of Thorntown and Advance) in the County passes an ordinance adopting the area planning law and agreeing to the representation set forth in this section, then the membership of the APC shall be changed pursuant to I.C. § 36-7-4-211.

(3) Each citizen member appointed under this division (B) must have the qualifications set forth in I.C. § 36-7-4-216, as the same may be amended from time to time, and must maintain the qualifications throughout their term of office or a vacancy shall be deemed to have occurred per division (D)(1) below.

(C) *Term of citizen members.*

(1) This section does not affect the term of service of any current member of the APC. All terms of service for any new appointments by participating units shall be for a period of four years.

(2) When the current term of office of a citizen member expires, each subsequent appointment of a citizen member shall be for a term of four years. Except as otherwise herein provided, all citizen member appointments shall be for a four-year term.

(D) *Vacancies; alternate members.*

(1) If a vacancy occurs among the APC members who are appointed, then the appointing authority shall appoint a member for the unexpired term of the vacating member.

(2) The appointing authority may appoint an alternate member to participate on the APC in a hearing or decision if any regular member that it has appointed is unavailable. An alternate member must satisfy the same qualifications as required of the regular member and shall have all of the powers and duties of a regular member while participating on the APC.

(E) *Application to Board of Zoning Appeals.* This section does not affect the membership of the Boone County Area Board of Zoning Appeals under I.C. § 36-7-4-902.

(F) *Effective date.* This section takes effect immediately upon its adoption by the legislative bodies of all units that are participating in the Area Plan Department, as described in I.C. § 36-7-4-211, or October 1, 2026, whichever is later.

All of which is ORDAINED by the Town Council of the Town of Thorntown, Indiana this _____ day of _____, 2026.

_____
President, Thorntown Town Council

_____
Member

_____
Member

_____
Member

_____
Member

ATTEST:

_____
Aly Hickman, Clerk/Treasurer