

TOWN OF THORNTOWN PLANNING ADVISORY COMMISSION

Monday, October 10, 2022 at 06:00 PM

101 W. Main St., Thorntown, IN 46071

STAFF REPORT

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| ITEM NO: | 1 | | |
| APPLICATION NO: | TEXT-02-2022 | | |
| HEARING DATE: | October 10, 2022 | NEXT HEARING DATE: | November 14, 2022 |
| NEWSPAPER NOTICE PUBLISHED ON: | September 29, 2022 | NOTICES MAILED ON: | N/A |
| SUBJECT: | Zoning Text Amendment | | |
| LOCATION: | All Town of Thorntown | | |
| PETITIONER(S): | Plan Commission | | |
| SUMMARY: | Commission to consider a Text Amendment to the Thorntown Code of Ordinance application to add zoning regulations. | | |
| WAIVERS REQUESTED: | N/A | | |
| RECOMMENDATION: | Recommend Approval to the Council | | |
| PREPARED BY | Oksana Polhuy, Planner, planner@thorntown.in.gov | | |
| EXHIBITS | 1. Proposed amendments to 152 Planning and Development; Zoning, subchapters 152.15 Development Plan and 152.16 Improvement Location Permit. | | |

PROCEDURE

The request to amend the ordinance came from the discussions among the Staff, Plan Commission and Council on August 1 and August 8, 2022. The public hearing of the proposed text amendments was scheduled for the October 10, 2022 Plan Commission meeting.

The Plan Commission hears the evidence presented by Staff, petitioner, and any individuals in the audience wishing to speak for or against the proposed text amendment or to just ask questions. The Plan Commission then makes a recommendation to the Town Council to either approve proposed text amendments, deny them, or amend them. The Plan Commission has the authority to modify the proposal.

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. Prior to the public hearing before the Plan Commission, a published legal notice is advertised in the newspapers per the IC 36-7-4-604 and IC 5-3-1 requirements.

USEFUL TERMS AND DEFINITIONS

REZONING, TEXT AMENDMENT. An amendment to the Ordinance that creates a new zoning districts, adds to and/or changes the requirements of an existing zoning district, or changes general ordinance standards.

APPLICATION. The completed form or forms, together with any other materials, exhibits, and fees as required of an applicant pursuant to this Ordinance.

APPLICANT. The owner, owners, or legal representative of land who makes application to the Town of Thorntown. Written consent shall be required from the legal owner of the premises.

COMMITMENT. A covenant concerning the use or development of a parcel of real property made in writing by the owner of that parcel, either voluntarily or by an order or request of the Plan Commission, the Board of Zoning Appeals, or the Town Council, pursuant to IC 36-7-4-1015.

CONSTRUCTION PLAN. The maps or drawings showing the specific location and design of improvements to be installed.

DEVELOPMENT PLAN. A scale drawing, including a legal or site description, of the real estate involved which shows the location and size of the following, both existing and proposed: all buildings, structures, and yards; topographic map; location and dimension of building lines and easements; widths and lengths of all entrances and exits to and from said real estate; location of all adjacent or adjoining streets, service facilities; and other improvements such as planting areas.

IMPROVEMENT LOCATION PERMIT (ILP). A permit issued by the Department permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure as a part of a building permit and/or the alteration of the condition of land, change of use or occupancy, or any change that is subject to the provisions of this Ordinance not governed by other requirements.

MINOR CHANGE (as applies to Planned Unit Developments) - An amendment that does not alter the intent, objectives, conditions, stipulations, waivers, or findings of the approved plan and does not significantly differ from the plan/Ordinance adopted. Minor amendments may include (1) alteration of plant materials or type; (2) locations and/or specifications of lighting; (3) additions of emergency generators that have limited impact both visually and acoustically to the surrounding properties; (4) addition of electric vehicle charging stations or bike-share facilities; (5) modifications to the appearance of entrance/subdivisions signs; (6) changes to lot arrangement but not lot size; (7) reduction of parking spaces by less than 5% of what is required by the Ordinance provided it does not increase intensity or fall below the minimum parking requirements of the Ordinance; (8) minor modifications to drainage management structures; (9) modifications in access to the development site where such change is a reduction in intensity in the traffic patterns of the roadway; (10) addition of or modifications to fencing; and/or (11) modification of trails/sidewalks but not the elimination of such and any modification that is determined by the Planning Administrator meeting this definition.

SITE PLAN. A drawing of the site, drawn accurately to an engineering scale, showing existing and proposed features of the site including but not limited to buildings and other structures both existing and proposed; setbacks from all buildings/structures to the property lines; location and dimensions of all building lines and easements; widths and lengths of all entrances and exits to and from said property (driveways); location of all adjacent and adjoining streets, service facilities, manholes, ponds, drainage swales, grading and all other improvements sufficient for the review as required by this Ordinance. The lot number and subdivision and/or legal description, address of site, property owner's name and contact information, and contractor's name and contact information shall be included.

ABOUT PROJECT

The proposed text amendments to Thorntown Code of Ordinance, Chapter XV. Land Usage are meant to add procedures for the applications for Development Plans (§152.15) and Improvement Location Permits (§152.16). These amendments finalize the procedures that allow a development to go from an idea stage to a review, permitting and construction.

Location

The text zoning amendment is going to be applicable to all properties located within the planning jurisdiction of Town of Thorntown.

ANALYSIS

Reasons for Amendment

In order to review development proposals and properly permit them, procedures should be established for their review, approval or denial. The proposed procedures are added under the subchapters §152.15 Development Plans and §152.16 Improvement Location Permit (see Exhibit 1 with the proposed text amendments).

Development Plan

What is it? Development Plan is a collection of plans that show various aspects of a development: existing and proposed streets and driveways, location of buildings and structures and their architectural drawings, on- and off-street parking facilities, utilities, landscaping, signage and lighting. Here is [an example](#) of a plan that includes some parts that would be reviewed during Development Plan stage, other – during the ILP stage. The goal of such plan is to envision all improvements to the site, coordinate them so that the resulting development meets all zoning development standards and has adequate utilities and facilities to operate safely.

When is it required? In the proposed draft, the development plan is required for multi-family developments, subdivisions, and non-residential developments (commercial, industrial, institutional, mixed use).

How is it reviewed? Such developments would require a review by the Plan Commission at a public hearing. The Administrator and TAC would perform the majority of technical review and provide their analysis and comments to the Plan Commission. The only time when the Administrator is given the authority to review Development Plans without the public hearing is when the Administrator reviews MINOR amendments to the Development Plans. An example of a minor amendment is a change in species of trees (not reduction of trees), slight changes to a layout of a trail/sidewalk, slight change in layout of a few parking spaces, etc.

What does DP permit? The Development Plan does not permit construction: the Improvement Location Permit does.

Once the goal of coordinating all improvements is reached, then the developer can go to the next stage: permitting.

Improvement Location Permit

What is it? The Improvement Location Permit (ILP) is a permit that permits construction on the property. Typically, all types of reviews have to happen before an ILP can be issued: building structural review, infrastructure review, any state/county permits, etc. All of these reviews look at the specifications of the improvements proposed in the Development Plan. For example, if the development plan looks at the width of the streets, driveways, sidewalks, the ILP looks at what materials these roads, driveways, sidewalks would be made of, their slopes, how they handle drainage, and so on. If the building's location on site, its height, and architecture is reviewed during the development plan review, the structural components of the building (sizes and materials of foundation, studs, rafters, joists, and so on) are reviewed at the ILP/Building Permit stage.

When is ILP required? The proposed amendment states that the ILP is required for the following developments:

- One-family and Two-family NEW house construction. The ILP permit review is needed to make sure that the site has all infrastructure to service the house and that all zoning regulations are met. A building permit would still be required to review the structural details of the house.
- Multi-family and Non-residential construction and site work.
- Subdivision construction.

How is it reviewed? ILPs are reviewed and approved/denied by staff (Planning Administrator, On-call Engineer, and Building Inspector). If TAC review is necessary, then the Administrator or Plan Commission may request it.

CORRESPONDENCE

As of this writing, staff has not received written or verbal opinion from residents.

RECOMMENDATIONS

Staff recommends approval of application TEXT-02-2022 because:

1. It adds the procedures vital to review, approval and permitting development proposals in the Town of Thorntown.

2. These procedures ensure that the development is consistent with town's plans and regulations and other applicable regulations and standards.
3. The ILP procedure ensures that the development happens in a manner that provides for the improvement of health, safety, convenience, and welfare of Thorntown citizens.

MOTION OPTIONS

1. Motion to forward a *favorable* recommendation to the Council for the Text Amendment application 2022-TEXT-01 (with amendments/conditions indicated, if desired).
2. Motion to deny the requested application No. 2022-TEXT-01 for a Text Amendment and forward an *unfavorable* recommendation (*Do Not Adopt*) to the Council. (**List reasons**)
3. Motion to continue application 2022-TEXT-01 until _____(date).

Next Plan Commission meeting date(s): November 14, 2022.