



ZONING CODE TEXT AMENDMENT APPLICATION

Filed:

Phone: _____ Fax: _____

Amend §158. _____ of the City of Huntington, Indiana Zoning Code to read as follows:

[illegible]

Date _____

☐ Denied

ZONING CODE TEXT AMENDMENT INFORMATION

What is a Text Amendment?

A change in the written provisions of the Zoning Code. From time to time, even the most carefully crafted Zoning Code may need to be updated in order to better serve the needs of the community. Typically, amendments are in the form of additions, deletions, and/or revisions to particular subsections.

General Information

The applicant is encouraged to review IC 36-7-4-600 series regarding Text Amendments; the Zoning Code, the Rules of Procedure adopted by the Plan Commission and the following:

1. The Plan Commission shall make recommendations to the legislative body concerning text amendments.
2. All actions of the Plan Commission are governed by IC 36-7-4-400 series and the Zoning Code.
3. The Rules of Procedure of the Plan Commission govern the actions of the Commission, including how notice is provided to interested parties and how the public hearing is conducted.
4. In the presentation of a case, the burden shall be upon the petitioner to supply all information. The Plan Commission may continue the hearing or deny the petition when, in its judgment, the petitioner has not provided sufficient information or evidence to make a determination.
5. If the petitioner or the authorized agent for the petitioner fails to appear at the hearing to present and represent the application, the Plan Commission may continue or withdraw the application.
6. In accordance with IC-36-7-4-1016, approval or denial of this type of petition is considered a legislative act and is not subject to judicial review.

Approval Process

1. An application for Text Amendment is submitted to the Department and a public hearing is scheduled.
2. The Subdivision Plat Committee reviews the application and makes a recommendation to the Plan Commission.
3. The Department issues legal notice of the public hearing in accordance with the Rules of Procedure.
4. The Plan Commission holds a public hearing within sixty (60) days and issues a recommendation to the legislative body.
5. Within ten (10) days after the Plan Commission issues a recommendation, that recommendation is certified to the legislative body under IC 36-7-4-605.
6. The Department prepares an ordinance and that ordinance is voted on by the legislative body within ninety (90) days after the certification is issued.

The following additional steps are followed depending upon the Plan Commission Recommendation:

- A. If the Plan Commission gives the Text Amendment a favorable recommendation:
 1. The legislative body may adopt, amend or reject the Text Amendment proposal.
 2. If the legislative body adopts (as certified) the proposal, it takes effect.
 3. If the legislative body rejects or amends the proposal, it is returned to the Plan Commission with a written statement of reasoning for consideration. The Plan Commission has forty-five (45) days to consider the rejection or amendment and report as follows:
 - a. If the Plan Commission approves the amendment or fails to act, the ordinance stands.
 - b. If the Plan Commission disapproves, the ordinance stands if confirmed by another vote of the legislative body.
 4. If the legislative body fails to act upon the proposal with ninety (90) days, the ordinance takes effect.
- B. If the Plan Commission gives the Text Amendment an unfavorable or no recommendation:
 1. The legislative body may adopt, amend or reject the Text Amendment proposal.
 2. If the legislative body adopts (as certified) the proposal, it takes effect.
 3. If the legislative body rejects the proposal or fails to act within ninety (90) days, it is defeated.
 4. If the legislative body amends the proposal, it is returned to the Plan Commission with a written statement for consideration. The Plan Commission has forty-five (45) days to consider the amendment and report as follows:
 - a. If the Plan Commission approves the amendment or fails to act, the ordinance stands.
 - b. If the Plan Commission disapproves, the ordinance stands if confirmed by another vote of the legislative body.