

ORDINANCE NO. 2009 –
OF THE TOWN OF ZIONSVILLE

WHEREAS, pursuant to Paragraphs 11 and 12 of Ordinance No. 2008-12, the Transition Committee is to draft and submit a proposed ordinance dealing with membership of the Plan Commission and the Board of Zoning Appeals; and,

WHEREAS, the Transition Committee has considered the issues of Planning and Zoning together with the provision of Indiana Code and the fact that the General Assembly did not adopt legislation in the 2009 Session comparable to Senate Bill 297 (2008), and made its recommendations accordingly;

NOW THEREFORE, BE IT RESOLVED by the Town Council of the Town of Zionsville that:

1. Plan Commission Representation (a) The Plan Commission shall consist of seven (7) members, each of whom shall reside in the New Town of Zionsville.
(b) Effective January 2, 2010, or as soon thereafter as is reasonably practical, the Town Council shall appoint three (3) members to the Plan Commission.
(c) Effective January 2, 2010 or as soon thereafter as is reasonably practical, the Town Council President shall appoint four (4) citizen members to the Plan Commission.
(d) The Town Council and the Town Council President shall determine the proportionate land areas of the Town District, the Rural District. In making the initial appointments, the Town Council and the Town Council President shall consult with one another so that the number of the initial seven (7) appointed members residing in each of the two (2) Districts is, to the greatest extent feasible, proportionate land area of those two (2) Districts. As appointments are made in future years, the Town Council and the Town Council President shall continue to attempt to make appointments based on

residency that reflects the then proportionate land areas of the two (2) Districts.

(e) Any appointed member who moves from the jurisdiction from which the member was appointed shall be treated as if the member had resigned and the Town Council or the Town Council President shall appoint a replacement consistent with these requirements. If the jurisdiction of the residence of an appointed member changes due to reclassification of the District in which the appointed member resides, then the member shall not be deemed to have resigned and the appointed member may serve the remainder of his/her term.

(f) Effective January 2, 2010 or as soon thereafter as is practical, and upon the Town Council satisfying itself that it has the authority to expand the membership of the Plan Commission, the Town Council President shall appoint an additional two (2) citizen members to the Plan Commission. At such time as the Town Council President appoints the two (2) additional members, the residence of those members shall be based, to the greatest extent feasible so that the number of the nine (9) appointed members residing in each of the two (2) Districts is proportionate to the land area of those Districts.

2. Board of Zoning Appeals Representation. (a) The Board of Zoning Appeals shall consist of one (1) division comprised of five (5) members.

(b) Effective January 2, 2010 or as soon thereafter as is practical, the members of the Board of Zoning Appeals shall be appointed as follows:

(i) Three (3) citizen members shall be appointed by the Town Council President, of whom one (1) must be a member of the Plan Commission and two (2) must not be members of the Plan Commission.

(ii) One (1) citizen member shall be appointed by the Town Council,

who must not be a member of the plan commission.

(iii) One (1) member shall be appointed by the Plan Commission from the Plan Commission's membership, who must be a citizen member of the Plan Commission other than the member appointed under subdivision (i).

(c) In making the initial appointments, the Town Council, the Town Council President, and the Plan Commission shall consult with one another so that the number of the initial five (5) appointed members residing respectively in the Town District and the Rural District is, to the greatest extent feasible, proportionate land area of those two (2) Districts. As appointments are made in future years, the Town Council, the Town Council President and the Plan Commission, shall continue to attempt to make appointments based on residency of the appointed members that reflects the then proportionate land areas of the two (2) Districts.

(d) Any appointed member who moves from the jurisdiction from which the member was appointed shall be treated as if the member had resigned and the appointing authority that appointed that member shall appoint a replacement consistent with these requirements. If the jurisdiction of the residence of an appointed member changes due to reclassification of the District in which the appointed member resides, then the member shall not be deemed to have resigned and the appointed member may serve the remainder of his/her term.