

§ 152.137 PLAN COMMISSION.

(A) *General.* The City Plan Commission shall be the City of Austin Plan Commission, created under the provisions of I.C. 36-7-4. It is not intended by this chapter to abrogate, annul, or dismiss the Commission, but the same shall continue as currently organized and appointed by the City Council.

(B) *Zoning amendments.* From time to time and as conditions change, the provisions of this chapter may be amended, supplemented, or changed. Application for changes in zone may be initiated by the Commission, or by owners of 50% or more of the area involved in a petition, or by the City Council. Any proposed ordinance for amendment not originating from action of the Commission shall be referred to it for consideration and report before final action is taken by the City Council.

(C) *Filing.* Any persons seeking a change in zone shall make application for such change with the Plan Commission in forms prepared for the purpose. The Commission may set the number of copies to be submitted and shall adjust each and every application to its regular schedule. The Commission shall hold a public hearing on the proposed change in zone or amendment, giving public notice two times in at least one newspaper of general circulation in Scott County. The notice shall state the date and time of the hearing; the description of the change; and the exact location of the property involved. The first notice shall appear in the newspaper at least ten days prior to the date of the public hearing. The proponent of a zone change shall cause the notice of public hearing to be published in the newspaper and shall bear the expense involved in so doing. He or she shall also submit a complete list of all surrounding property owners within a 250-foot radius of the property with the necessary postage to cause the mailing of notices to such owners except where a 250-foot radius would include only the immediately abutting properties, irrespective of public ways, the owners of the property adjoining the immediately abutting properties, in an east, west, north, and south direction, shall also be notified.

(D) *Public hearing.* The proponent of a zone change may appear in person, by agent, or by attorney. He or she shall be given proper consideration. All public hearings and all meetings of the Commission shall be open to the general public. Opponents to a proposed change in zone shall be given adequate time to voice their opinions. The proponent failing to appear at the time of said hearing may have the application ruled upon in his or her absence.

(E) *Disposition.* The final disposition of a proposed change in zone shall be in the form of a motion, duly adopted, favorably or unfavorably recommending the change; or specifically setting forth modifications, variations, or conditions. The Commission's action shall be forwarded to the City Council for final action.

(F) *Basis for the decision.* In making a decision on a proposed change in zone or amendment, the Commission shall substantially determine the following:

- (1) That the change in zone will not adversely affect the values of surrounding property;
- (2) That the proposed use is the best and most adequate use of the property;
- (3) That the proposed change in zone does not constitute spot zoning; that the owner of the property in question is not being favored over surrounding property owners;
- (4) That the owner can comply with all the requirements of this chapter;
- (5) That traffic congestion will not be unnecessarily increased;
- (6) That the owner is not speculating on land values; and
- (7) That the proposed change is in line with good zoning practice.

(Ord. 1991-07, passed 1-7-1991)

CITY OF AUSTIN

ADVISORY PLAN COMMISSION

Austin City Hall, 82 W Main St, Austin, IN 47102
812-794-6646 Option 2

REZONING PROCESS

- ☐ Complete an application for zoning change at Austin City Hall and pay an application fee of \$100.00. **Include the following documents with application:**
 - Copy of recorded deed and/or any contract for purchase
 - Detailed statement of your rezone request and owner permission as applicable
 - Completed future site plan
- ☐ Send out certified mailings at post office to property owners within 250 feet of said property, publish legal notice(s) in the **Crothersville Times twice** and have affidavits of application and mailings notarized. **It is the applicant's responsibility to ensure the certified mailings are sent and the notarized affidavit of mailings returned to the Mayor's office.** The legal notice(s) will be emailed to the newspaper by office staff with your personal contact information so that the newspaper can bill you directly for publication costs.
- ☐ Once all documents have been submitted with the required application fee(s), the Mayor's office staff will review the application and verify that all required items in the checklist have been submitted with the application or request will be considered incomplete. If determined to be incomplete the applicant will be notified of such. If determined to be complete the applicant will be notified of the public hearing meeting date.
- ☐ If rezoning request is approved the applicant will pay a zoning map change fee of \$300.00.

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Austin City Hall, 80 W Main St, Austin, IN 47102
812-794-6646 or 812-794-2877

REZONING CRITERIA

The APC shall hold a public hearing on the rezoning request and forward a favorable recommendation, favorable recommendation with condition(s), unfavorable recommendation, or no recommendation to the Austin City Council regarding your rezoning request. The hearing shall be conducted in accordance with IC 36-7-4 and with the APC rules of procedure.

The applicant must appear in person at the public hearing, by agent or attorney, and present any supporting witnesses, evidence, statements, and arguments in favor of the request.

The applicant must attend an Austin City Council meeting which is scheduled the second Tuesday of each month at 5:00 p.m. The Austin City Council will have the last vote on all rezonings.

- *Any permits needed should be obtained from the Austin City Building Commissioner, Tyler Petersen, prior to beginning construction. Tyler's contact number is 812-820-9363. You may also be required to do a Development Plan or Variance for your project.*

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REZONING CHECKLIST

- ☐ **Mail Envelopes** (*Certified Mail Only, NO Green Confirmation Card*)
Austin Post Office

**Bring green & white receipts to the Austin Mayor's Office*

- ☐ **Publish the Legal Notice of Public Hearing Twice**
Crothersville Times (Mayor's Office will complete this)

- ☐ **Have Affidavit Notarized** (*Requires Applicant's Signature*)

**This will not be completed until application has been completed and paid for
and publication dates have been set*