



ADVISORY PLAN COMMISSION STAFF REPORT

Application No:	2024-APC-011
Meeting Date:	February 27, 2024
Subject:	Process and Procedures Amendment
Action Requested:	The Plan Commission wishes to amend the Town of Pittsboro Unified Development Ordinance to make changes to the UDO to update the Modification of Site Plans to include minor amendments.
Petitioner:	Town of Pittsboro Advisory Plan Commission
Location:	Not Applicable
Parcel Size:	Not Applicable
Existing Zoning:	Not Applicable
Recommendation:	Approve
Prepared By:	Cynthia Bowen, FAICP cbowen@reasite.com 317-263-0127

Procedure

Proposed zoning text amendments (rezones) are considered by the Plan Commission and ultimately approved or rejected by the Town Council. Before making a recommendation to the Town Council, the Plan Commission must hold a publicly advertised hearing. The public hearing is advertised in The Republican one time, at least 10 days before the hearing. After the Plan Commission conducts the hearing and makes a recommendation, the proposed zoning text amendment is certified to the Town Council. The Town Council has 90 days to hear the text amendment. If the Town Council approves the proposal, it immediately becomes effective. If the Town Council fails to act on the proposal within 90 days after certification, the text amendment takes effect as if it has been adopted ninety days after certification. If the Town Council rejects the proposal or makes an amendment to the proposal, then it shall be returned to the Plan Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Plan Commission has 45 days to approve the amendment or reject the amendment. If the Plan Commission approve the amendment it becomes law. If the Plan Commission fails to act within 45 days, the ordinance stands as passed by the Town Council. If the Plan Commission disproves the rejection or amendments by the Town Council, the action of the Town Council on the original rejection or amendment stands only if confirmed by another vote of the Town Council within 45 days after the Plan Commission certifies its disapproval.

Background

The Town Planner drafted amendments to the UDO per direction of the Plan Commission from their January 23, 2024 Plan Commission Meeting. The Plan Commission held a workshop on February 8, 2024 to discuss each amendment and provide further direction to the Town Planner. Drafts of the amendments were published for review on February 20, 2024.

Correspondence

As of the writing of this staff report, staff hasn't received any comments from the public.

Summary

Technical Advisory Committee: Not Applicable

Waivers: None.

Secondary Plat Standards: Not Applicable.

Zoning District Standards: Not Applicable.

Attachments

1. Draft Amendments

Recommendation

Staff recommends that the Plan Commission forward a favorable recommendation to the Town Council to amend the Town of Pittsboro Unified Development Ordinance to make changes to the UDO to update the Modification of Site Plans to include minor amendments.

Motions

1. Motion to forward a favorable recommendation to the Pittsboro Town Council to amend the Town of Pittsboro Unified Development Ordinance to make changes to the UDO to update the Modification of Site Plans to include minor amendments.
2. Motion to forward an unfavorable recommendation to the Pittsboro Town Council to amend the Town of Pittsboro Unified Development Ordinance to make changes to the UDO to update the Modification of Site Plans to include minor amendments.
3. Motion to continue UDO Amendments to the to the March 26, 2024 Advisory Plan Commission Meeting.

RESOLUTION No. _____
RESOLUTION OF THE PITTSBORO
ADVISORY PLAN COMMISSION

A Resolution Recommending and Certifying to the Pittsboro Town Council
Amendment to the Town of Pittsboro Unified Development Code.

BE IT RESOLVED the Town of Pittsboro, Indiana Advisory Plan Commission, having reviewed, considered, and received public comment, both written and verbal, after notice and public hearing held on February 27, 2024, at the Town Administrative Building, 33 E Main Street, Pittsboro, Indiana, 46167 on the proposed amendments the Town of Pittsboro Unified Development Ordinance establishing Section 11.8 Modifications, which is attached hereto and incorporated by reference, now hereby certifies and recommends, and directs the Secretary of the Advisory Plan Commission to certify a copy of said amendments, to the Town Council for approval at it next regularly scheduled meeting.

Approved this 27th day of February, 2024, by a vote of _____ yeas and _____ nays.

ADVISORY PLAN COMMISSION OF PITTSBORO,
INDIANA

By: _____
Steve Maple
President, Plan Commission

By: _____
Breana Love
Secretary, Plan Commission

Attested By:

Printed Name:

PREPARED BY:
Cynthia Bowen, FAICP, LEED AP
Staff Planner

11.8 MODIFICATIONS

A. Modifications of Site Plans

1. Applicability

A site plan which has already been approved as part of a site plan procedure under this Chapter, may be modified in accordance with the following provisions.

2. Authority

The Zoning Administrator shall have the authority to approve minor modifications to non-residential site plans. Minor modifications to a residential site plan may not be made by the Zoning Administrator. If the modification is determined to be a major modification, the body that originally approved the plan.

3. Initiation

A proposal for modification of a site plan may be initiated by the property owner or authorized agent.

4. Authorized Minor Modifications

Changes to the following constitute authorized minor modifications:

Standard	Residential	Non-residential
Lot Area		
Lot width		
Lot coverage		
Setbacks		
Principal building height		
Primary structure floor area	5%	10%
Parking standards		

Access standards		
Landscape standards		

5. Criteria for Approval

The Zoning Administrator may or may not determine a plan qualifies for a minor modification if the following conditions apply:

- (a) There is no increase in height, area, bulk, of land use intensity which exceeds what is allowed within the district or that would adversely impact the purpose or intent of the overall development;
- (b) There is no reduction in setbacks or parking below what is required by the UDO;
- (c) There is no designation of additional land uses not previously approved.
- (d) There are no infrastructure changes to the lot; and
- (e) There are no additional driveways or access points to the lot.

6. Procedure

- (a) A petition for Modification of Site Plan shall be filed with the Office of the Zoning Administrator.
- (b) The staff shall have the authority to distribute copies of the plans to the Technical Advisory Committee for review.
- (c) The staff shall have 15 business days to review the proposed modification.
- (d) If it is determined additional information is needed from the applicant, the staff shall request the information ~~shall be requested~~ within 15 business days. The staff shall have 15 additional business days to review the information once received.
- (e) Once it is determined the modifications meet the intent and purpose of the development, the staff shall certify the revised site plan and issue written findings of fact.

- (f) If it is determined that the modification does not qualify as a minor modification under the UDO, the property owner may appeal pursuant to Section 11.B(A)(B).

7. Expiration

Site plans shall have no expiration date unless or until such time as the lot is rezoned.

8. Appeals

The decision or determination by the Zoning Administrator regarding modification to a site plan may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by the decision. Appeals shall be filed within 30 days of the determination.

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A. Modifications of Site Plans

1. Applicability

A site plan which has already been approved as part of a site plan procedure under this Chapter, may be modified in accordance with the following provisions.

2. Authority

The Zoning Administrator shall have the authority to approve minor modifications to non-residential site plans. ~~Residential does not have this option for a minor modification.~~ Minor modifications to a residential site plan may not be made by the Zoning Administrator. If the modification is determined to be a major modification, ~~approval shall be granted by the~~ body that originally approved the plan.

3. Initiation

A proposal for modification of a site plan may be initiated by the property owner, or authorized agent.

4. Authorized Minor Modifications

Changes to T: The following ~~minor modifications constitute are~~ authorized minor modifications:

~~(a) Lot area~~

~~(b) Lot width~~

~~(c) Lot coverage~~

~~(d) Setbacks~~

~~(e) Principal building height~~

~~(f) Primary structure floor area~~

~~(g) Parking standards~~

~~(h) Access standards~~

~~(i) Landscape standards~~

<u>Standard</u>	<u>Residential</u>	<u>Non-residential</u>
<u>Lot Area</u>		
<u>Lot width</u>		
<u>Lot coverage</u>		
<u>Setbacks</u>		
<u>Principal building height</u>		
<u>Primary structure floor area</u>	<u>5%</u>	<u>10%</u>
<u>Parking standards</u>		
<u>Access standards</u>		
<u>Landscape standards</u>		

~~(a) Parking standards~~

~~(b) Access standards~~

~~(c) Landscape standards~~

5. Criteria for Approval

The Zoning Administrator may or may not determine a plan ~~qualified~~ qualifies for a minor modification if the following conditions apply:

- (a) There is no increase in height, area, bulk, ~~or intensity~~ of land use intensity which exceeds what is allowed within the district or that would adversely impact the purpose or intent of the overall development;
- (b) There is no reduction in setbacks or parking below what is required by the UDO;
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- (d) If it is determined additional information is needed from the applicant, the staff shall request the information ~~shall be requested~~ within 15 business days. The staff shall have 15 additional business days to review the information once received.
- (e) Once it is determined the modifications meet the intent and purpose of the development, the staff shall certify the revised site plan and issue written findings of fact.
- (f) If it is determined that the modification does not qualify as a minor modification under the UDO, the property owner may ~~submit the proposed modifications to either the Plan Commission or Board of Zoning Appeals.~~ Appeal pursuant to Section 11.B(A)(B).

7. Expiration

Site plans shall have no expiration date unless or until such time as the lot is rezoned.

8. Appeals

The decision or determination by the Zoning Administrator regarding modification to a site plan may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by the decision. Appeals shall be filed within 30 days of the determination.