



MEMORANDUM

November 21, 2022, Town Council Meeting

TO: Town of Zionsville Town Council
FROM: Mike Dale Director of Community and Economic Development
RE: Plan Commission Docket # 2022-45-OA and 2022-46-OA
Ordinance Amendment request related to the Board of Zoning Appeals and Plan Commission Rules of Procedure

The Board of Zoning Appeals and Plan Commission Rules of Procedure are currently incorporated into the Zionsville Zoning Ordinance. The Rules are intended to be a stand-alone document that is *not* incorporated into the Zoning Ordinance but rather adopted, managed, and amended by the Board and Commission alone. When the Rules were incorporated into the Zoning Ordinance, it transitioned from "rule" to "law." That is not the intent of the Indiana Code statutes.

Board of Zoning Appeals: This proposed Zoning Ordinance Amendment is for the purpose of removing the Rules from the Zoning Ordinance. The Board's Rules are found in Zoning Ordinance Sections 190.01, 190.02, 190.03, 190.04, 190.05, 190.06, 190.07, 190.08, and 190.09 and are attached for your convenience and reference. The Rules as a stand-alone document will simultaneously be considered and adopted by the Board with an effective date that coincides with the effective date of this Zoning Ordinance Amendment.

Plan Commission: This proposed Zoning Ordinance amendment is for the purpose of removing the Rules from the Zoning Ordinance. The Plan Commissions Rules are found in Zoning Ordinance Sections 190.20, 190.21, 190.22, 190.23, 190.24, 190.25, 190.26, 190.27, and 190.28, 190.29 and are attached for your convenience and reference. The Rules as a stand-alone document will simultaneously be considered and adopted by the Plan Commission with an effective date that coincides with the effective date of this Zoning Ordinance Amendment.

Please note that no text changes to the Rules are being proposed at this time or through this process. This first step is to simply remove the Rules from the zoning ordinance and establish them as a stand-alone document. Changes to the Rules thereafter may be considered and adopted by the Board/Commission.

With approval from the Town Council the Rules of Procedure will be re-adopted by the Board of Zoning Appeals and Plan Commission at their next regularly scheduled meeting

Respectfully Submitted:

Mike Dale, AICP
Director of Community and Economic Development

ORDINANCE NO. 2022-25
OF THE TOWN OF
ZIONSVILLE, INDIANA

AN ORDINANCE TO AMEND THE
TOWN OF ZIONSVILLE
ZONING ORDINANCE FOR
THE
TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA

AND FIXING A TIME WHEN THE SAME SHALL TAKE
EFFECT

Plan Commission Petition No.
2022-45-OA

WHEREAS, I.C. § 36-7-4, et seq., empowers the Town of Zionsville Advisory Plan Commission, Boone County, Indiana, to hold public hearings and make recommendations to the Town Council of the Town of Zionsville, Boone County, Indiana, concerning ordinances for the zoning and districting of all lands within the incorporated areas of the Town of Zionsville, Boone County, Indiana: and;

WHEREAS, in accordance with I.C. 36-7-4-600 et seq., the Town of Zionsville Advisory Plan Commission, Boone County, Indiana conducted a public hearing on October 17, 2022, to consider a proposal to amend the Town of Zionsville Zoning Ordinance for the Town of Zionsville, Boone County, Indiana, (the "Ordinance"); filed as petition 2022-45-OA; and,

WHEREAS, the Town of Zionsville Advisory Plan Commission certified the proposal to amend the Ordinance to the Town Council of the Town of Zionsville, Boone County, Indiana, with a favorable recommendation on October 17, 2022 (Exhibit A); and,

WHEREAS, the Town Council of the Town of Zionsville, Boone County, Indiana, considered the Proposal to amend the Ordinance at its regular meeting on November 21, 2022.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA, IN ACCORDANCE WITH I.C. 36-7-4-600 et seq., AND ALL ACTS AMENDATORY AND SUPPLEMENTAL THERETO, AS FOLLOWS:

Section 1. Amend the Town of Zionsville Zoning Ordinance to remove the RULES OF PROCEDURE for the Board of Zoning Appeals from the Zoning Ordinance inclusive of Sections 190.01, 190.02, 190.03, 190.04, 190.05, 190.06, 190.07, 190.08, and 190.09; to provide for a stand-alone document.

Section 2. Savings Clause: If any title, section, subsection, phrase, clause, sentence, or word of this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and effect.

Section 3. Construction of Clause Headings: The clause headings appearing herein have been provided for convenience and reference and do not purport and shall not be deemed to define, limit or extend the scope or intent of the clause to which they appertain.

Section 4. Repeal of Conflicting Ordinances: The provisions of all other Town ordinances in conflict with the provisions hereof, if any, are of no further force or effect and are hereby repealed.

Section 5. Severability: If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 6. Duration and Effective Date: The provisions of this Ordinance shall become and remain in full force and effect upon adoption and publication on January 1, 2023, according to Indiana Law and until its repeal by ordinance.

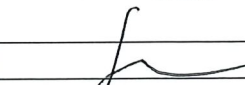
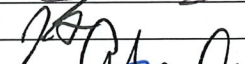
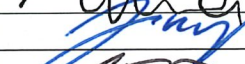
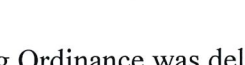
Introduced and filed on the 17th day of October, 2022. A motion to consider on First Reading was sustained by a vote of 9 in favor and 0 opposed, pursuant to Indiana Code 36-5-2-9.8.

DULY PASSED AND ADOPTED this 21st day of November 2022, by the Town Council of the Town of Zionsville, Boone County, Indiana, having been passed by a vote of 7 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

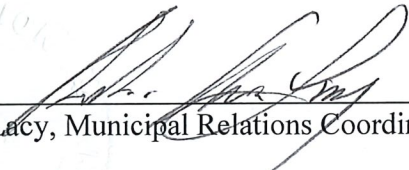
YEA

NAY

Jason Plunkett, President		
Brad Burk, Vice-President		
Josh Garrett		
Alex Choi		
Joe Culp		
Craig Melton		
Bryan Traylor		

I hereby certify that the foregoing Ordinance was delivered to the Town of Zionsville mayor Emily Styron on the 25th day of November, 2022 at 11:30 A.M./P.M.

ATTEST:


Amy Lacy, Municipal Relations Coordinator

**MAYOR'S
APPROVAL**


Emily Styron, Mayor

11/21/2022
DATE

**MAYOR'S
VETO**

Emily Styron, Mayor

DATE

EXHIBIT A

Plan Commission Certification

[attached]



Town of Zionsville 1100 West Oak Street Zionsville, Indiana 46077 www.zionsville-in.gov

**CERTIFICATION TO THE TOWN COUNCIL
OF THE TOWN OF ZIONSVILLE, BOONE COUNTY, INDIANA**

October 17, 2022

To the Town Council of the Town of Zionsville, Indiana:

Be it advised that, pursuant to Indiana Code 36-7-4, on October 17, 2022, the Town of Zionsville Advisory Plan Commission (the "Commission"), by a vote of 5 in favor and 0 opposed, gave a Favorable Recommendation to proposal 2022-45-OA to amend the text of the Town of Zionsville Zoning Ordinance, applicable to all real property located in the Town of Zionsville, Boone County Indiana.

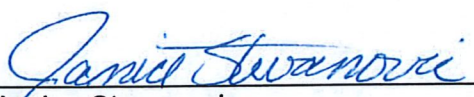
The proposal amends various Articles within the Town of Zionsville Zoning Ordinance related to the Board of Zoning Appeals Rules of Procedure for the purpose of removing the Rules of Procedure out of the Zoning Ordinance allowing for a stand-alone document.

The Town of Zionsville Advisory Plan Commission hereby certifies proposal #2022-45-OA to amend the Town of Zoning Ordinance (a copy of which is attached to the Certification and incorporated here by this reference) to the Town Council of Zionsville Indiana, with a Favorable Recommendation.

TOWN OF ZIONSVILLE ADVISORY PLAN COMMISSION



David L. Franz, President



Janice Stevanovic
Secretary, Town of Zionsville Advisory Plan Commission

BOARD OF ZONING APPEALS; RULES OF PROCEDURE

§ 190.01 MEETINGS.

(A) *Regular meetings.* The Board shall hold its regular monthly meeting on the second Tuesday of the month at 6:30 p.m. in the Zionsville Town Hall (1100 West Oak Street, Zionsville, Indiana). If the second Tuesday of the month is a holiday as recognized by the town, or if it is impossible to conduct the meeting at that time or place, the regular monthly meeting shall be scheduled for the first Wednesday following the second Tuesday of the month.

(B) *Special meetings.*

(1) Special meetings of the Board may be called by the Chairperson or by two members of the Board upon written request to the Secretary. The Secretary shall send to all members, at least three days before the special meeting, a written notice fixing the time and place of the meeting.

(2) Written notice of a special meeting shall not be required if:

- (a) The date, time and place of a special meeting is fixed at a regular meeting; and
- (b) All members of the Board are present at the regular meeting.

(C) *Executive session.* The Board may meet in executive session pursuant to I.C. 5-14-1.5-6.1.

(D) *Public meetings.* All meetings of the Board, except legally constituted executive sessions, shall be open to the public who shall have the right to give testimony during the public hearing portion of the meeting, in accordance with these rules of procedure.

(E) *Minutes.* The Board shall maintain minutes of all meetings, including the record of the vote on all actions taken.

(Ord. passed 1-8-2013)

§ 190.02 FILING PETITIONS; ADMINISTRATIVE APPEAL, VARIANCE OF USE, VARIANCE OF DEVELOPMENT STANDARDS OR SPECIAL EXCEPTION.

(A) *Who may file.*

(1) Petitions for an administrative appeal, variance of use, variance of development standards or special exception may be initiated by a petition signed by all of the owners of the land involved in the petition.

(2) An owner may be represented by an authorized agent. An authorized agent shall file a written statement with the Department, signed by the owner on a form acceptable to the Department, at the time of filing a petition.

(B) *Filing deadline.* Petitions for public hearing before the Board shall be filed with the Secretary no later than 3:00 p.m. on a date which is at least 30 days prior to the initial hearing before the Board at which the petition is to be considered.

(C) *Form of filing.* All petitions to the Board shall be on forms provided by the Board. In addition, site plans, surveys, legal descriptions, building elevations, sign details, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality.

(D) *Findings of fact.* The Board shall, in all cases heard by the Board, make written findings of fact in support of the Board's decision. The petitioner shall, at the time of filing of the petition, file proposed detailed written findings of fact.

(E) *Specifying of request.* All petitions shall specify the appeals, variances or exceptions requested. Any items, even if indicated on the proposed plans, shall not be considered a part of the request presented to the Board for its consideration unless such items are specified in the petition.

(Ord. passed 1-8-2013)

§ 190.03 DOCKETING PETITIONS; ORDER OF HEARINGS; INVESTIGATION OF PETITIONS.

(A) *Docketing by Secretary.* Each petition filed in proper form pursuant to the guidelines established by the Board shall, within ten days of filing, be numbered and docketed by the Secretary for an initial hearing by the Board. Such petitions shall be numbered consecutively in the order of their filing according to the type of petition.

(B) *Order of hearings.*

(1) On the date of the public hearing, the Board shall hear petitions in the order of their numbers as follows:

(a) *Continued petitions.*

1. Special exceptions;
2. Variance of development standards;
3. Variance of use; and
4. Administrative appeals.

(b) *Initial hearing petitions.*

1. Special exceptions;
2. Variance of development standards;
3. Variance of use; and
4. Administrative appeals.

(2) The Board may, in its discretion and at a public hearing, change the order in which petitions shall be heard at the public hearing.

(Ord. passed 1-8-2013)

§ 190.04 NOTICE REQUIREMENTS FOR PETITIONS; ADMINISTRATIVE APPEAL, VARIANCE OF USE, VARIANCE OF DEVELOPMENT STANDARDS OR SPECIAL EXCEPTION.

Notice of all petitions for administrative appeal, variance of use, variance of development standards or special exception for public hearing before the Board, or before any hearing officer, shall be given to all interested parties or property owners in the following manner.

(A) *Notice by publication.* Notice, in a form approved by the Secretary, shall be published by the petitioner in accordance with I.C. 5-3-1 at least ten days prior to the date of the public hearing.

(B) *Notice by mailing.*

(1) Notice, in a form approved by the Secretary, shall be mailed to each interested party.

(2) Notice by mailing shall be given by certified mail, return receipt requested, at least ten days prior to the date of the hearing.

(C) *Interested parties.*

(1) (a) Interested parties for a petition for administrative appeal, variance of use, variance of development standards or special exception shall include:

1. All owners of property within the area included in the petition who are not petitioners; and
2. All owners of adjoining parcels to a depth of one ownership surrounding the perimeter of the area included in the petition.

(b) In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), designated common areas shall be deemed one ownership and notice to the co-owners of such common area may be given to the association of co-owners.

(c) For the purpose of notice requirements contained in this division (C)(1), where any immediately adjoining parcel owned by the petitioner, subject property of the petition shall be deemed to include the immediately adjoining parcel owned by the petitioner.

(d) For the purpose of notice requirements contained in this division (C)(1), where any immediately adjoining parcel is a dedicated right-of-way, railroad right-of-way or private alley or street, the subject property of the petitioner shall be deemed to include the portion of the right-of-way or private street that is contiguous and adjacent to the parcel owned by the petitioner.

(2) In determining the name and address of legal title owners, the records of the County Auditor, or the appropriate office designated in an adjoining county, at a point in time within 14 days of the date of filing, shall be deemed to be the true names and addresses of all persons entitled to receive notice.

(D) *Affidavit of notice.* The petitioner shall file an affidavit of notice with the Secretary, in a form as specified by the Board, indicating compliance with all notice requirements of these rules, prior to the public hearing. Copies of all "receipt for certified mail" (white slips) shall be filed with the affidavit of notice. The originals of the "domestic return receipts" (green cards) shall be filed with the Secretary upon the later of:

- (1) The public hearing; or
- (2) Receipt by the petitioner.

(E) *Defective notice.* If proper notice has not been given, a petition may be continued until a later date to allow time for un-notified persons to prepare for the public hearing. Personal appearance shall waive any defect in notice unless the defect in notice is timely raised at the beginning of the public hearing on the petitioner's petition.

(Ord. passed 1-8-2013)

§ 190.05 CONDUCT OF PUBLIC HEARINGS.

(A) *Time allowed and procedure for hearing of petitions.*

(1) In order to provide all interested parties with a fair hearing, petitioners and remonstrators shall be afforded a reasonable amount of time for the presentation of evidence, statements and argument at the public hearing of every petition before the Board. The order of the presentation of evidence, statements and arguments shall be as follows.

(a) Petitioners and persons appearing in support of a petition shall be allotted a total of 15 minutes to present evidence, statements and arguments in support of the matter being considered.

(b) Remonstrators and persons appearing in opposition to a petition shall then be allotted a total of 15 minutes to present evidence, statements and arguments in opposition to the matter being considered.

(c) The petitioner shall then have a total of five minutes for rebuttal, which shall include only evidence, statements and argument in rebuttal of remonstrators' evidence and a brief closing statement.

(d) Remonstrators shall then have a total of five minutes for rebuttal, which shall include only evidence, statements and argument in response to the petitioner's rebuttal of remonstrators' evidence and a brief closing statement.

(2) At the conclusion of remarks by any party, the Board shall have the right to ask questions pertaining to the evidence, statements and argument presented. Time involved in responding to questions by the Board by either the petitioners or remonstrators shall not be considered for purposes of calculating equal time for presentation.

(3) The presiding officer shall have authority to cut off repetitious and irrelevant testimony and to extend the time allotted to petitioners and remonstrators, but shall make reasonable efforts to allow equal time for petitioners and remonstrators.

(B) *Testimony.* All persons giving testimony to the Board regarding any pending petition shall be deemed to have been given under oath. A person giving testimony shall state his or her name and address for the record prior to beginning testimony.

(C) *Orderly conduct.* All persons appearing at a public hearing shall act in an orderly and courteous manner. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the Board and shall be dealt with by the presiding officer as is deemed fair and proper.

(D) *Continuances.*

(1) Requests for continuances by petitioners or remonstrators shall be considered at the beginning of each public hearing agenda prior to calling the first petition for public hearing listed on the agenda.

(2) A continuance request may be made in person or in writing and shall:

(a) Specify the date to which the continuance is requested; and

(b) Indicate whether it is the first request made by the party for a continuance of the hearing on the subject petition.

(3) If a first request for a continuance is requested in writing and filed with the Secretary, at least one week prior to the date of the public hearing, with a copy of the request being sent to the petitioner (in the case of a remonstrator's request) or to all those entitled to receive notice (in the case of a petitioner's request), the petition shall be considered continued to the next regularly scheduled meeting of the Board. Such written request shall include the date of the next regularly scheduled meeting of the Board.

(4) Continuances may be granted by motion of the Board at the hearing upon a showing of good cause (e.g., the need for additional time for negotiation between petitioners and remonstrators which will reasonably increase the likelihood of agreement between the parties; the unforeseeable need for additional information; or the unforeseeable absence of a key witness); and, provided that, the non-requesting party does not suffer a significant hardship because of the grant of a continuance (e.g., presence of remonstrators at the hearing who would be inconvenienced by having to reappear; or additional expense incurred by petitioner as a result of time delay).

(5) The Board may, at any time, in its discretion, continue the hearing of any petition.

(6) On its own motion, Board may determine re-notification of interested property owners shall be required for any continued hearing.

(7) Neither petitioners, nor remonstrators, shall be granted more than two requests for continuance of a petition unless, in the determination of the Board of Zoning Appeals, a significant hardship can be demonstrated by the requesting party. If a significant hardship cannot be demonstrated, the petition shall be heard as scheduled.

(E) *No hearing after 10:00 p.m.*

(1) The Board may elect to not begin the hearing on any matter after 10:00 p.m., local time. If a hearing on a petition has not been called for by the presiding officer prior to 10:00 p.m., local time, such petition may be continued until the next regularly scheduled meeting of the Board.

(2) Any hearing which has been called for by the presiding officer prior to 10:00 p.m., local time, may be completed.

(F) *Contacting Board members regarding pending petition prohibited.*

(1) No person shall contact any member of the Board in advance of a public hearing on any pending petition with intent to influence the Board member's action on such petition.

(2) A written request for continuance as provided for by these rules shall not be construed to be a prohibited contact of a Board member.

(3) A contact with a Board member who is also a member of the Town Council shall not be construed to be a prohibited contact; provided that:

(a) All contact is limited to that member's official duties as a Town Council member; and

(b) The Board member who is also a member of the Town Council reports on the substance of such contacts to the other members of the Board during the public hearing.

(G) *Points of order.* The presiding officer of the Board shall, subject to these rules of procedure, decide all points of order or procedure, unless otherwise directed by a majority of the members of the Board present.

(H) *Secretary's written report.* Nothing in these rules of procedure shall be deemed to prohibit the Secretary from submitting a written report, stating any facts concerning the physical characteristics of the area involved in the petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. A copy of such statement shall be made available to the petitioner and all remonstrators of record, if any.

(I) *Disqualification of Board member in case of personal or financial interest.*

(1) A member of the Board who has some personal, direct or indirect financial interest in any petition presented shall: disqualify himself or herself insofar as the particular petition is concerned; not sit as a member of the Board during the hearing of the particular petition; and not participate as a member in the Board's hearing or decision in such petition.

(2) In the case of a conflict of interest, the Board shall enter into its records the fact that a regular member has such a disqualification and the name of the alternate member, if any, who participates in the decision or hearing in place of the regular member.

(J) *Amendments.*

(1) Requests to amend any petition may be filed in writing prior to, or at the beginning of, any hearing or may be made orally at the hearing. Any remonstrators present shall have the right to be heard on any objections they may have to such proposed amendment and may request a continuance of the hearing to allow time to study the proposed amendments.

(2) It shall be within the discretion of the Board to grant or deny requests for such continuances and to require re-notification.

(3) In making this determination, consideration shall be given to whether or not the remonstrators have had sufficient time to adequately review these new amendments or supporting documents; provided, however, any proposed amendment to change the use or to include more development standards variances shall be redocketed and readvertised.

(Ord. passed 1-8-2013)

§ 190.06 FINAL DISPOSITION OF PETITIONS.

(A) Quorum and official vote.

(1) A majority of the entire membership of the Board constitutes a quorum.

(2) Action of the Board is not official unless it is authorized at a regular or properly called special meeting by a majority of the entire membership of the Board.

(B) Indecisive vote. When a vote of the Board does not result in an official action of the Board as set forth in division (A) above, the petition shall be automatically redocketed and heard at the next regularly scheduled meeting of the Board.

(C) Compliance with Indiana Code. In the event that divisions (A) and (B) above are in contravention with I.C. 36-7-4-910 and I.C. 36-7-4-911, the Indiana Code provisions, as amended from time to time, shall prevail.

(D) Dismissal of petitions.

(1) The Board may dismiss a petition for lack of prosecution when the petitioner has failed to appear at two meetings. The Board may dismiss a petition for lack of jurisdiction.

(2) Any petition which has been dismissed by the Board for lack of prosecution shall not again be filed for consideration within a period of three months from the date of the dismissal, except upon motion to permit re-filing adopted by a majority vote of all members of the Board at a regular or special meeting, for good cause shown.

(E) Withdrawal of petitions. Prior to the issuance or publication of notice for any public hearing to be conducted by the Board, a petition may be withdrawn by the petitioner upon request made in writing. If the request for the withdrawal is received prior to the issuance or publication of notice, the staff shall not place the item on the agenda for the public hearing at which it was to be considered.

(1) If a petitioner wishes to withdraw a petition after notice of the public hearing has been published, the petitioner shall submit a written request to the Board or its staff prior to the public hearing, or at the public hearing prior to the receipt of evidence or testimony on the petition. The decision to accept the withdrawal shall be made at the public hearing when the petition was to be considered and shall be at the discretion of the Board. If the withdrawal of the petition is approved by the Board, the petitioner shall not re-file a substantially similar request within a period of six months from the date of said withdrawal.

(2) No petition may be withdrawn by the petitioner after the Board has received any evidence or testimony regarding the petition at the public hearing scheduled on the petition.

(F) Re-filing following adverse decision.

(1) No parcel of ground, or part of a parcel, which has been the subject of an adverse decision of a petition for variance of use, variance of development standards, special exception by the Board, zone map change by the Town Council, or development plan approval by the Plan Commission, shall again be included in a petition for either a variance of use, variance of development standards or special exception for a substantially similar request, absent a substantial change in circumstances involving the development, within one year from the date of the adverse decision, unless the body

making the adverse decision, by an official vote at a public hearing, decides for good cause shown, to allow the re-filing.

(2) Written notice of a special request to include a parcel subject to an adverse decision in another petition, as noted above, shall be provided to:

(a) Adjoining property owners; and

(b) The applicable of either the Secretary of the Board or the Plan Commission at least ten days prior to the date of consideration of the special request by the Town Council, Plan Commission or the Board.

(G) *Findings of fact.*

(1) The Board is required to enter written findings of fact in support of its determinations.

(2) Such findings of fact may be entered at the initial public hearing or, at the Board's discretion, the hearing on the petition may be continued until the next regularly scheduled meeting of the Board for the adoption of the findings of fact.

(3) If a petition is continued for the adoption of findings of fact, no further testimony need be taken by the Board prior to adoption of the findings of fact.

(H) *Notification of grant or denial.*

(1) Following final action on a petition by the Board, the Secretary, within 30 days after such action, shall notify the petitioner of the final decision by sending the petitioner:

(a) A letter of grant or denial; and

(b) A copy of the approved findings of fact.

(2) If the petition was granted, the letter shall include all commitments or conditions imposed and shall incorporate the approved findings of fact into the grant.

(Ord. passed 1-8-2013)

§ 190.07 WAIVER OF RULES.

The Board shall have the right to waive any portion of these rules of procedure upon its own motion, or upon request of any interested party, for good cause shown; provided, however, the Board may not waive any portion of these rules beyond the minimum requirements established by statute.

(Ord. passed 1-8-2013)

§ 190.08 AMENDMENTS.

Amendments to these rules of procedure may be made by the Board upon the affirmative vote of a majority of the members of the Board.

(Ord. passed 1-8-2013)

§ 190.09 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORIZED AGENT. Any party duly authorized in writing by the owner of a subject parcel to act on the owner's behalf with respect to a petition for administrative appeal, variance of use, variance of development standards or special exception.

BOARD. The Town of Zionsville Board of Zoning Appeals established pursuant to the Advisory Planning Law of the state.

BUSINESS DAY. A day when the offices of the town are open to the public for the transaction of business for the entire period of its normal operating hours.

FINDINGS OF FACT. A written statement, based upon the evidence presented at a public hearing and the requirements of I.C. 36-7-4-900 et seq., Ch. 194 of this code of ordinances or these rules of procedure, in support of a decision made by the Board.

PETITION. An application for administrative appeal, variance of use, variance of development standards or special exception filed with the for public hearing before the Board in compliance with all applicable state laws, local ordinances and rules of procedure.

PETITIONER. The owner of a parcel or the owner's duly authorized agent, attorney or representative who makes an application for an administrative appeal, variance of use, variance of development standards or special exception filed for public hearing before the Board.

PLAN COMMISSION. The Town of Zionsville Plan Commission established pursuant to the Advisory Planning Law of the state.

SECRETARY. The Secretary of the Board as duly appointed by the Board is accordance with I.C. 36-7-4-913.

(Ord. passed 1-8-2013)