

ORDINANCE NO. 2023-7

**AN ORDINANCE AMENDING CHAPTER 86 ZONING BY THE ADDITION OF A
NEW SECTION 86-301 WRITTEN COMMITMENTS**

WHEREAS IC 36-1-3-2 confers upon all local units the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, THE Town Council of the Town of Griffith, Lake County, Indiana, sees fit to update and revise its Zoning Ordinance pursuant to the recommendation by the Griffith Plan Commission submitted to the Town Council following a public hearing that was held to allow the citizens to hear and comment on the recommended zoning amendment.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Griffith, Lake County Indiana, that its Zoning Ordinance is hereby amended by the addition of a new Section 86-301 WRITTEN COMMITMENTS which shall hereinafter read as follows:

SECTION 86-301 WRITTEN COMMITMENTS.

General. The Commission and Town Council may allow or require a written commitment from the owner, petitioner, or developer for a proposal to change the Zone Map filed by a property owner or developer when, in the opinion of the Commission and Town Council, certain commitments should be made for the protection of the public interest and for the public health, safety and general welfare of the town. A written commitment may establish the zoning district or use or a range of uses permitted in the territory being considered by the proposal. Such commitments may also stipulate general or detailed conditions, restrictions or requirements upon the establishment, location, design, layout, construction, maintenance, beautification, aesthetics, operation, or other elements of the proposed development prompting the Zone Map amendment proposal.

(a) *Time.* A written commitment shall be agreed to or imposed upon a petition at the time the Zone Map amendment is made, and ordinance adopted by the Town Council.

(b) *Recordation and binding effect.* The ordinance amending the Zone Map shall include the commitments established hereunder and said amending ordinance shall be recorded in the public records of the Recorder of Lake County, Indiana. A written commitment is binding upon the owner of the parcel affected; a subsequent owner of the parcel; and a person who acquires an interest in the parcel. In the event a written commitment is not recorded, the commitment shall be binding on the owner of the parcel. An unrecorded written commitment shall be binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.

(c) *Amendment of the commitment.* A written commitment may be modified or terminated only upon the action of the Commission and Town Council after first conducting a

public hearing and following the same procedure set forth in this subchapter.


(d) *Enforcement.* A written commitment shall be enforced by the town. Any violation of a commitment shall be deemed a violation of the Zoning Code and the person or corporation who violates any provision of a written commitment shall be subject to all penalties and fines set forth in the Zoning Code. In addition, the written commitments may authorize and grant standing to certain specially affected persons, corporations, property owners or classes of specially affected persons, corporations or property owners to seek civil injunctive relief from any court of competent jurisdiction to enforce any or all commitments.

(e) *No effect on private rights.* No written commitment shall affect the validity of any covenant, easement, equitable servitude, or other land use restriction in accordance with law.

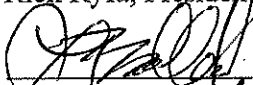
NOW, THEREFORE, BE IT FURTHER ORDAINED BY THE TOWN OF GRIFFITH, LAKE COUNTY, INDIANA, that this Ordinance shall be in full force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED by the Town Council of the Town of Griffith, Lake County, Indiana, this 7th day of March, 2023.

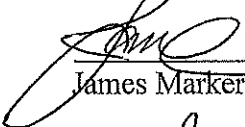
COUNCIL MEMBERS OF THE TOWN OF
GRIFFITH, LAKE COUNTY, INDIANA



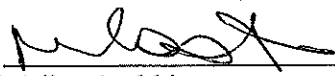
Rick Ryfa, President



Larry Ballah, Vice-President



James Marker




Melissa Robbins



Tony Hobson

Attest:



Gina Smith
Clerk-Treasurer