

RULES AND PROCEDURES

Lapel Advisory Plan Commission

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ARTICLE I. General Provisions

- 1) These *Rules and Procedures* (“Rules”) are established in conformity with *Indiana Code 36-7-4 et seq.*, and all acts amendatory thereof, and in accordance with the provisions of the *Unified Development Ordinance* (“UDO”) of the Town of Lapel, Indiana.
- 2) These *Rules and Procedures* are supplementary to the provisions of the UDO as they relate to procedures of the Plan Commission (“PC”).
- 3) Nothing herein shall be construed to give or grant to the Commission the power of authority to alter or change the requirements of the Unified Development Ordinance or Indiana Code.
- 4) **Office.** The Office of the Commission shall be located in the Lapel Town Hall, 825 Main Street, Lapel, IN, 46051.
- 5) **Severability.** If any article, section, clause, provision, or portion of these Rules shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other article, section, clause, provision, or portion of these Rules.
- 6) **Rules Suspension.** The suspension of any rule or procedure may be ordered at any meeting of the PC by a majority vote of the quorum present. However, no rule which is required to comply with federal, state, or local law may be suspended.
- 7) **Rules Amendment**
 - a) Amendment to these Rules may be made by the PC only upon the affirmative vote of a majority of the full membership of the PC.
 - b) Any amendment to these Rules must be presented in writing at a regular or special meeting preceding the meeting at which the vote is taken.
 - c) The record of the amendments to these Rules shall be kept in the Appendix A in these Rules and include the following details:
 - (i) Citation of the amended Article (e.g., ARTICLE I. General Provisions)
 - (ii) Description of the amendment (e.g., “Deleted paragraph “x”; inserted instead “...”)
 - (iii) Date of the amendment (e.g., 05/31/2023)
- 8) **Conflict of Interest.** Any member of the Plan Commission who has conflict of interest as defined in Paragraph 3 of Article VII in a matter before the Commission shall not be qualified to hear or vote upon a petition or appeal before the Commission and shall comply with those provisions in Paragraph 3 of Article VII.

ARTICLE II. Plan Commission Membership

- 1) **Composition.** The PC shall consist of seven (7) members as prescribed by [IC 36-7-4-207](#).
- 2) **Appointing authority**
 - a) Town Council shall appoint three (3) persons, which must be town officials or town employees ([IC 36-7-4-207](#)).
 - b) Town Council President shall appoint four (4) citizen members ([IC 36-7-4-207](#)).
- 3) **Term of service.** The PC members shall serve the terms as described herein:
 - a) Town officials or employees may serve the term coextensive with the term of their office or employment.
 - b) Citizen members shall be appointed for a term of four (4) years. Each member's term expires on the first Monday of January of fourth year after the year of the member's appointment. A member serves until the member's successor is appointed and qualified. A member is eligible for reappointment ([IC 36-7-4-218](#)).
- 4) **Qualifications for Citizen Members.** The qualifications for citizen members shall be as prescribed by [IC 36-7-4-216](#), which includes the residency requirement.
- 5) **Certification.** The Clerk of the Town shall certify members appointed by their respective bodies, and the Town Council President shall certify their appointments. The certificates shall be sent to and made a part of the records of the PC ([IC 36-7-4-212](#)).
- 6) **Removal of Members.**
 - a) Members serve at the pleasure of the member's appointing authority provided ([IC 36-7-4-218](#)):
 - (i) the officeholder who appointed the individual continues to hold the office; or
 - (ii) the board, committee, or body that appointed the individual retains all of the same members who served on the board, committee, or body when the individual was appointed.
 - (iii) If subdivision (i) or (ii) does not apply, the individual may only be removed for cause.
 - b) Members may be removed from the PC by the respective appointing authority prior to the end of their term for failure to appear at three (3) consecutive, regularly scheduled PC meetings and for any other reason authorized by law. The PC President shall inform the appropriate appointing official as promptly as possible when a member fails to attend three consecutive meetings ([IC 36-7-4-220](#)).
- 7) **Vacancies.** If a vacancy occurs among the PC members, the appointing authority shall fill the position within ninety (90) days ([IC 36-7-4-220](#)).

ARTICLE III. Officers and Staff, Duties and Powers

- 1) **Plan Commission Authority.** The authority to review, approve, and grant the petitions outlined in the Town of Lapel UDO shall rest with the Town of Lapel PC. Where permitted, the PC may, at its discretion, delegate such authority to the Administrator as defined in the Town of Lapel UDO.

- 2) **Establishment of Officers.** The officers shall be a President, Vice President, and Secretary.
- 3) **Election of Officers**
 - a) **President and Vice President.** At its first regular meeting in each year, the Plan Commission shall elect a President and Vice President from its members ([IC 36-7-4-303](#)).
 - b) **Secretary**
 - (i) **Appointment.** PC may appoint by a majority vote of the full membership a Secretary who may be an Administrator as defined by the UDO, town's staff, or a member of the PC.
 - (ii) **Term.** The Secretary shall serve the PC until dismissed.
 - (iii) **Recording Secretary.** A Recording Secretary may be used for keeping and transcribing minutes of regular or special meetings of the PC.
- 4) **Presiding Officer.** The President shall be the Presiding Officer. The Presiding Officer shall decide all points of order of procedure in accordance with these Rules, unless otherwise directed by a majority of the quorum present.
- 5) **Absence of President.** Vice President may act as President of the Plan Commission during the absence or disability of the President ([IC 36-7-4-303](#)).
- 6) **Absence of President and VP.** In the absence of both the President and Vice-President, a chairperson shall be selected from the legal voting quorum present at the meeting.
- 7) **Absence of Secretary.** If the Secretary is not present at the meeting, PC may appoint another Secretary who is not required to be a member of the PC.
- 8) **PC Duties.** PC duties should be interpreted as actions that are *required*, and include the duties listed in the UDO, V1.7.3.
- 9) **PC Powers.** PC powers should be interpreted as actions that are *optional and may be initiated* by the PC, and include the powers listed in the UDO, V1.7.3.
- 10) **Secretary Duties**
 - a) **Agenda Preparation and Distribution.** The Secretary shall be responsible for the preparation and distribution of an agenda for each meeting of the PC.
 - (i) Agendas with the petitions, supporting materials, and other relevant records shall be distributed to the PC members and legal counsel at least three (3) days prior to the meeting.
 - (ii) Agendas shall be posted on the town's website (if available) prior to the meeting.
 - (iii) Other interested or affected parties may request agendas.
 - b) **Minutes.** The Secretary (or the Recording Secretary if appointed) shall cause the minutes to be recorded, showing the vote of each member upon every question, or if absent or failing to vote; keep records of its examinations and other official actions; summarize accurately the testimony of those appearing before the PC, or keep a transcript of all hearings; record the names and addresses of all persons appearing before the PC; file said minutes and records in the Office of the PC and be the custodian of the files of the PC and keep all records.

- c) **Notice.** The Secretary shall cause the Notice of Public Hearings to be served as prescribed in Article VI of these Rules.
 - d) **Other duties.** The Secretary shall perform other duties as fixed in these Rules in other Articles.
- 11) **Staff.** Pursuant to the UDO, planning staff is generally called “the Administrator” who may be a Planning Director, Zoning Administrator, Building Inspector or other town staff serving in the capacity similar to the Administrator. The Administrator, or other employees of the PC, shall serve as PC staff, and shall provide technical and analytical assistance to the Commission.

ARTICLE IV. Meetings

1) Meeting Time and Place

- a) **Annual Establishment of the Regular Meetings.** The Regular Meetings of the Commission shall be held monthly at a standard meeting date, time, and place established at the regular November meeting for the following year. The Commission will designate the standard meeting dates and times from January to the following January.
- b) **Legal holidays clause.** If said day shall fall on a legal holiday, the PC may by unanimous consent of the members, fix an alternative day, time and place for the holding of a regular meeting without requiring an amendment to these Rules.
- c) **Cancelation.** Regular meetings of the PC may be canceled by the President, Secretary or Administrator when there are no cases pending. Notification about the cancelation must be given to the members not less than twenty-four (24) hours prior to the time set for such meeting.

2) Meetings Schedule

- a) **Calendar of Meetings and Filing Dates.** The Administrator shall develop and maintain an annual application schedule, which is a *Calendar of Meetings and Filing Dates* for the Plan Commission and any of its other Committees. The existence of this calendar shall not be interpreted as prohibiting special meetings of the PC or its Committees.
- b) **Coordination of Calendars.** The calendars of the PC and its other Committees shall be coordinated by the Administrator to ensure the efficient processing of applications.
- c) **Compliance with Indiana Code (state statute).** All meeting and filing dates shall be based on the requirements of these Rules, the Town of Lapel UDO and the laws of the State of Indiana.
- d) **Approval of Dates.** The Calendar of Meetings and Filing Dates shall be prepared by the Administrator and approved by the PC.
- e) **Maintenance.** The Calendar of Meetings and Filing Dates shall be reviewed and updated annually by the Administrator and posted in the Town of Lapel Town Hall and on the town’s website.

3) Special Meetings

- a) Pursuant to *IC 36-7-4-307*, the President or two (2) members of the PC may call for a special meeting in writing to the Secretary. The Secretary shall send a written notice of

- the special meeting date, time, and place at least three (3) days before the special meeting.
- b) Pursuant to *IC 36-7-4-307*, if the date, time, and place for the special meeting was fixed at the regular meeting with all PC members present, then the written notice to the PC members is not required.
 - c) **Special Meetings and Public Hearings.** If an item that requires a public hearing is placed onto the Special Meeting agenda, then the notice requirements for the public hearing shall still be followed as prescribed in these Rules.

4) Meeting Conduct. General Rules.

- a) **Open to the Public.** All meetings shall be open to the public.
- b) **Open Door Law.** All PC meetings shall be conducted in accordance with IC 5-14-1.5, the Indiana Open Door Law, and any amendments thereto.
- c) **Orderly Conduct.** Every person appearing before the PC shall abide by the order and direction of the President. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges and shall be dealt with as the President deems fair and proper.
- d) **Attendance.** PC members are expected to attend all meetings of the PC. To ensure a quorum, members shall notify the Secretary at their earliest convenience if they are not able to attend a scheduled meeting either entirely or in part. Members who fail to appear at meetings may be subject to removal from the PC.

5) Order of Business. The PC shall follow the following order of business:

- a) Call to Order
- b) Roll Call and declaration of a quorum by the Secretary
- c) Adoption of Minutes
- d) Agenda Considerations (including consideration of requested continuances)
- e) Old Business
 - (i) Public hearings on petitions
 - (ii) Other petitions for consideration
 - (iii) Other business
- f) New Business
 - (i) Public hearings on petitions
 - (ii) Other petitions for consideration
 - (iii) Other business
- g) Public Comment for Items Not on the Agenda
- h) Announcements / Plan Commission Discussion / Information Session
- i) Adjournment

- 6) **Procedure for Public Comment for items not on the agenda.** The PC shall allot a total of ten (10) minutes for public comment for items not on the agenda. Each individual wishing to speak shall be allowed three (3) minutes.
- 7) **Meeting Limitations.** No petition shall be introduced for consideration after 9:00pm. Agenda items remaining on the agenda shall be automatically placed on the agenda of the next regularly scheduled meeting of the PC under “Old Business.”
- 8) **Information Session.** An information session may be called; and while this session is open to the public, no arguments will be heard by the PC including the applicants and remonstrators.

ARTICLE V. Filing and Docketing Petitions, Agendas

1) Filing Required Prior to Hearing

- a) **Petitions for Consideration.** All applications for consideration or recommendation shall be filed in accordance with the proper forms adopted by the PC, in the required numbers, in the required format, and in accordance with the adopted Calendar of Meetings and Filing Dates.
- b) **Incomplete Applications.** If the Administrator finds that the application or submittal is insufficient, not in accordance with the proper forms, or not in compliance with the adopted ordinances, said petition shall be considered “incomplete” and shall not be accepted until such time as it becomes complete.

2) Docketing and Placing Cases on Agenda

- a) **Petitions for Change of Zoning, Text Amendment, PUD, Amendment to the PUD or Commitments.** Within sixty (60) days of receipt of the complete application packet and filing fees, the Administrator shall assign a case number to the application and place it on the Agenda of the PC meeting for public hearing.
 - b) **Petitions for Preliminary Plat, Replat, some Plat Vacations.** Within thirty (30) days of receipt of the complete application packet and filing fees, the Administrator shall assign a case number to the application and place it on the Agenda of the PC meeting for public hearing.
- 3) **Attendance at Hearing Required.** All applicants, petitioners, or designated representatives, shall attend the public hearing in person to present the application or petition, to answer questions from the PC, and to make rebuttal or answer questions to remonstrators. Failure to meet this requirement may result in the dismissal of the petition.
 - 4) **Filing on PC Forms.** Any communication purporting to be an application not on forms furnished by the PC (or Administrator) or not containing the information called for on said forms, shall be regarded as a mere notice of intention to file and shall be of no force or effect until it is made on and in the form required. All application forms, including the instructions therewith, are hereby declared to be a part of these written Rules and Procedures.
 - 5) **Filing Fee.** The petitioner shall pay the appropriate filing fee at the time of filing their petition to cover expenses of processing the petition. The amount of fees shall be in accordance with the fee schedule as adopted by the Town Council.

- 6) **Limitation on Additional Evidence Submittal.** No documents or evidence shall be submitted within ten (10) days of a PC meeting to the Staff / Administrator / Secretary, other than enlarged charts, maps, or renderings, which are identical to and included in the packets for the PC. Any new documents or evidence submitted after the ten days prior to the meeting date, may cause the pending application to be continued to the following meeting.
- 7) **Resubmittal.** Any application that has been withdrawn, dismissed, or denied shall be resubmitted including a new application form, required drawings and other documentation, and filing fees as if it is an initial application for public hearing.

ARTICLE VI. Public Notice

- 1) **Notice Requirements.** Notice of petitions or cases to be heard by the PC shall be given to all interested parties or property owners in the following manner:
 - a) **Notification by Newspaper**
 - (i) The notice of public hearing shall be published at least ten (10) days before the public hearing. The Secretary shall prepare and send the notice for publishing to the newspaper(s) listed in the notice requirements of the application packet. Proof of publication affidavit from the publisher shall be placed in the file at least three (3) days prior to the hearing. The cost of publication shall be borne by the applicant.
 - b) **Notification by Mail**
 - (i) **Petitions for Change of Zoning, Text Amendment, PUD, Amendment to the PUD or Commitments.** The petitioner shall provide written notice to the interested parties at least ten (10) days prior to the scheduled hearing on the PC's prescribed form, by certificate of mailing, or certified mail. Notice shall be post marked not more than thirty (30) days and not less than ten (10) days prior to the hearing date (in calculating days, the day of the public meeting should be excluded). A copy of the Certificate(s) of Mailing (or certified mail receipts) and the Affidavit of Mailing shall be submitted to the Administrator at least three (3) days prior to the hearing.
 - (ii) **Petitions for Preliminary Plat, Replat, some Plat Vacations.** The petitioner shall provide written notice to the interested parties at least ten (10) days prior to the scheduled hearing on the PC's prescribed form by *certified mail*. Notice shall be post marked not more than thirty (30) days and not less than ten (10) days prior to the hearing date (in calculating days, the day of the public meeting should be excluded). A copy of Certified Mail Receipts and the Affidavit of Mailing shall be submitted to the Administrator at least three (3) days prior to the hearing.
 - (iii) **Re-notice.** If, for any reason, the petition is not heard within seventy (70) days of the date of the published hearing date, a new or updated list of adjacent property owners from the applicable Transfer and Mapping Office must be obtained, and a revised notice stating the new public hearing date shall be sent at least ten (10) calendar days (not counting the day of the hearing) before the hearing to any new or revised adjacent property owners.

c) **Interested Parties**

- (i) **Petitions for Change of Zoning, Text Amendment, PUD, Amendment to the PUD or Commitments.** For the purpose of mailing a written notice, “interested parties” shall be defined as property owners within six hundred sixty (660) feet or at least two (2) parcels deep, whichever is less, in all directions from the property that is the subject of the petition. Additionally, written notice shall be sent to owners of the properties that are the subject of the petition, unless said owners are the petitioner or have granted written consent for the petitioner in the PC’s prescribed form.
- (ii) **Petitions for Preliminary Plat, Replat, some Plat Vacations.** For the purpose of mailing a written notice, “interested parties” shall be defined as property owners within five hundred (500) feet or at least two (2) parcels deep, whichever is greater, in all directions from the property that is the subject of the petition. Additionally, written notice shall be sent to owners of the properties that are the subject of the petition, unless said owners are the petitioner or have granted written consent for the petitioner in the PC’s prescribed form.

2) **Addresses for Mailing Notice**

- a) The owners and their mailing addresses shall be identified and provided by Madison or Hamilton County Auditor’s Office Divisions, so that the addresses are from the authentic tax records of the said Counties.
- b) Notice addressed to any one of two or more partners, to any one of two or more joint tenants, tenants in common, or tenants by the entireties shall be sufficient.

- 3) **Notice Sign at the Subject Site.** A standard sign furnished by the Administrator may be installed by the Administrator on the subject property ten (10) days prior to the public hearing date. The sign shall remain on the property until the final decision on the request is made by the Plan Commission, pursuant to the UDO.

ARTICLE VII. Public Hearing of Petitions Procedure

- 1) **Contacting Members.** No person (including applicants, remonstrators, and others) may communicate with any member of the PC before a hearing with the intent to influence the member’s action on a matter pending before the PC. Information may be submitted directly to the Administrator for placement in the public file and distribution to the PC members prior to the subject hearing.
- 2) **Site Visit.** PC members shall have the right to inspect land involved in any petition to be heard by the PC either individually or jointly.
- 3) **Conflict of Interest**
 - a) During presentation and discussion of the subject petition, a member who has a conflict of interest shall not sit as a member of the PC, nor vote on the particular petition; however they may participate in the discussion as a member of the public. In accordance with *IC 36-7-4-223* and these Rules, a member of the PC shall have a conflict of interest with regard to a petition if:

- (i) the member has a direct or indirect financial interest in a subject property or petition;
or
 - (ii) the member (individually or jointly) owns property close enough to a subject petition to receive written notice; or
 - (iii) the member is biased or prejudiced or otherwise unable to be impartial.
- b) Commission members are required to fully disclose any conflict of interest as defined herein on any matter appearing on the Commission's agenda during the public meeting.
 - c) The Secretary shall note in the Minutes that a member has been disqualified for a conflict of interest.
- 4) **Procedure for Petition Consideration.** Hearing of an item shall follow the following order. The President (or presiding member) shall have the authority to extend the time periods specified below where appropriate, unless otherwise directed by a majority of the quorum present.
- a) **Introduction.** The President shall introduce the petition.
 - b) **Petitioner's Presentation.** The petitioner shall present their petition and shall be allotted a total of fifteen (15) minutes for the presentation.
 - c) **Questions to Petitioner.** The PC may ask questions of the Petitioner at this time regarding the evidence or clarification of statements.
 - d) **Staff and Public Official's Report.** The Administrator shall present the staff and public official's report for the petition.
 - e) **Questions to Staff.** The PC may ask questions of the Administrator at this time regarding the evidence or clarification of statements.
 - f) **Public Hearing**
 - (i) **Opening.** The President shall open the floor for the Public Hearing.
 - (ii) **Public Comment.** Persons in support, neutral, or in opposition may present evidence, comments, and questions relevant to the matter being considered. Every person shall be allotted a total of two (2) minutes for their presentation.
 - (iii) **Closing.** The President shall close the floor for the Public Hearing.
 - g) **Closing Remarks by the Petitioner.** Petitioner may respond to the evidence, comments, and questions raised during the Public Hearing and shall be allotted up to five (5) minutes to do it.
 - h) **Discussion of PC.** The President shall call for questions and comments from the members of the PC. The PC members may direct questions to the Petitioner. The PC members may ask for any staff comments or recommendations. The PC shall conduct all of its deliberation on the petitions in the public meeting using the evidence presented at the said public meeting.
 - i) **Call for Vote**
 - (i) The President shall call for a motion and a second on the case being heard.
 - (ii) The President shall call for discussion.

- (iii) The President shall do a role call for a vote on the motion.
 - j) **Findings of Fact.** The motion should include findings of fact and state the reasons for the findings by the PC.
 - k) **Conditions, Commitments, Waivers.** If conditions, commitments, stipulations, and/or waivers are imposed in the granting of approval of said applications, such conditions, commitments, stipulations, and/or waivers shall be included in the motion.
- 5) **Basis for Decisions.** Actions of the PC shall be based upon:
- a) Information made part of the permanent record;
 - b) The information submitted at the meeting and made part of the permanent record;
 - c) The testimony received at the meeting and made part of the permanent record;
 - d) The applicable ordinances that are in effect and relevant to the petition (i.e. Zoning Ordinance).
- 6) **Evidence.** The PC shall not be bound by strict rules of evidence and may exclude irrelevant, immaterial, incompetent, or repetitious testimony. The President may rule on all questions relating to the admissibility of evidence, which may be overruled by the majority of the PC.

ARTICLE VIII. Actions and Decisions

- 1) **Quorum.** A quorum is a majority of the full membership of the PC ([IC 36-7-4-301](#)).
- 2) **Official Action.** Action of the PC is official when concurred by a majority of the full membership ([IC 36-7-4-302](#)).
- 3) **Roll Call/Voice Vote.** All decisions of the PC shall be made at a public meeting by a motion made, seconded, and determined by a roll call vote by the Secretary. *Exception:* approval of minutes, adjournment, and other procedural items may be made by a voice vote.
- 4) **Tie Votes.** When a vote of the PC results in a tie, the matter may be resolved by:
 - a) A different motion to reconsider the matter and followed by a re-vote; or
 - b) Re-docketing the matter for the next regularly scheduled meeting of the PC.
- 5) **Indecisive Vote.** In any case where a vote of the PC does not result in official action, the matter may be resolved by:
 - a) A different motion to reconsider the matter and followed by a re-vote; or
 - b) Re-docketing the matter for the next regularly scheduled meeting of the PC.
- 6) **Continuance.** A continuance may be requested for sufficient cause by the petitioner, by an interested party, or a member of the PC. It shall be within the discretion of the PC to grant or deny any request for continuance. Re-notification shall not be required if a petition is continued at a properly noticed public hearing/meeting to a specified future hearing/meeting date of the PC.

- a) **Continuance Request by the Petitioner.** A request for continuance by the petitioner may be filed in writing prior to the PC’s hearing/meeting or made orally at the beginning of the PC meeting when the agenda is considered. However, the petitioner shall be prepared to move forward with their petition until the continuance request is granted by the PC.
- b) **Continuance Request by an Interested Party.** A request for continuance by an interested party may be filed in writing prior to the PC’s hearing/meeting or made orally at the beginning of the PC meeting when the agenda is considered. The interested party shall be prepared for the petition to move forward until the continuance request is granted by the PC. For purposes of a public hearing, an “interested party” is any individual whose right to use, acquire, or enjoy property is or may be affected by action taken by the PC.
- c) **Continuance Request by a Member of the PC.** A member of the PC may make a motion of continuance for consideration by the PC.
- d) **Meeting Limitations.** An automatic continuance that occurs because of meeting time limitations does not count as a requested continuance described in this section.

7) **Withdrawal of Petitions**

- a) No petition may be withdrawn by the petitioner after a vote has been ordered by the President or chairperson presiding at the meeting.
- b) A petition which has been withdrawn by the petitioner shall not again be placed on the docket for consideration by the PC within a period of ninety (90) days from the date of withdrawal, except upon a motion by a PC member to permit re-docketing and approved by the unanimous vote of the quorum present.

8) **Dismissal.** The PC may dismiss a case for want of prosecution or for lack of jurisdiction.

9) **Agency Roles.** Table 1 summarizes the roles of Staff, Administrator, Plan Commission, and Town Council in reviewing petitions as prescribed by the UDO.

Table 1. Agency Role in Petition Consideration

Application Type	Staff	PC	Town Council
<i>Zoning Map Amendment Zoning Text Amendment PUD Preliminary Plan (rezone + ordinance)</i>	Provides review	Makes recommendation to Town Council	Final decision
<i>Preliminary Plat, Re-plat, Plat Vacation</i>	Provides review	Final decision	-
<i>Construction Plan Final Plat Final Detailed Plan (PUD)</i>	Final decision-making authority granted by PC to the Administrator	-	-

10) **Petition Decisions.** Table 2 summarizes options for decisions that the government agencies have regarding the petitions as prescribed by the UDO and state statute (IC).

Table 2. Petition Decision Options by Agency

Application Type	Staff	PC	Town Council
<i>Zoning Map Amendment UDO Text Amendment PUD Preliminary Plan (rezone + ordinance)</i>	Review and make recommendations (with assistance from the TAC/TRC* if created/enabled)	<ul style="list-style-type: none"> • Favorable Recommendation (with or without conditions) • Unfavorable Recommendation (with or without conditions) • No Recommendation (with or without conditions) 	<ul style="list-style-type: none"> • Approve (with or without conditions) • Disapprove
<i>Preliminary Plat, Re-plat, Plat Vacation</i>	Review and make recommendations (with assistance from the TAC/TRC* if created/enabled)	<ul style="list-style-type: none"> • Approve (with or without conditions) • Disapprove 	-
<i>Construction Plan Final Plat Final Detailed Plan (PUD)</i>	<ul style="list-style-type: none"> • Approve (with or without conditions) • Disapprove (with assistance from the TAC/TRC* if created/enabled) 	-	-

*TAC – Technical Advisory Committee
*TRC – Technical Review Committee

11) **Certification**

- a) **Recommendations.** For the types of petitions that permit the PC to only make a recommendation to the Town Council, the PC shall certify its recommendation to the Town Council pursuant to the UDO requirements.
- b) **Approvals/Denials.** For the types of petitions that permit the PC to make a final decision, the approval/denial of a petition shall be certified by the President and Secretary with their signatures on the form relevant to the type of the petition pursuant to the UDO requirements.

12) **Denied Petitions.** Once a petition has been denied by the PC, it shall not be placed back on the agenda until a certain period elapses, based on the type of the petition, from the date of the denial; except upon a motion of a member, and adopted by unanimous vote of all members present at a regular or special meeting. The elapsed time periods for different petitions are prescribed by the UDO.

13) **Record of Hearing.** The Secretary shall manage files and maintain a record of all petitions, hearings, and meetings of the PC. Copies of such record of any hearing may be ordered by any party, and cost thereof shall be paid by the party ordering such copy or copies in accordance with the adopted fees.

ARTICLE XI. Certificate of Adoption


- 1) The official record of these Rules and Procedures for the PC shall be kept on file at the PC Office.
- 2) Adopted: (date) 7/13/2023

Attest:

PC President (printed name)

Matthew Wood

(signature)



(date)

7/13/23

Secretary: (printed name)

TERESA BETHERFORD

(signature)



(date)

7/13/23

Appendix A. Amendments to the Rules and Procedures

1. **Article II. Plan Commission Membership** – Inserted 6)a) “Members serve at the pleasure of the member’s appointing authority provided (IC 36-7-4-218): (i) the officeholder who appointed the individual continues to hold the office; or (ii) the board, committee, or body that appointed the individual retains all of the same members who served on the board, committee, or body when the individual was appointed. (iii) If subdivision (i) or (ii) does not apply, the individual may only be removed for cause.” and made the previous 6)a) now 6)b). **Amended by Resolution 1-2026; June 15, 2026.**
2. **Article VII. Public Hearing of Petitions Procedure** – Changed the order of items in the list moving 4)d) and 4)e) to 4)b) and 4)c) and 4)b) and 4)c) to 4)d) and 4)e). **Amended by Resolution 1-2026; June 15, 2026.**