



Plan Commission Rules

WHEREAS, The Town of Pendleton Plan Commission is required by IC 36-7-4-401 (a) to supervise and make rules for the administration of the affairs of the Commission; prescribe uniform rules pertaining to the investigation and hearings; keep a complete record of all the departmental proceedings; record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission; prepare, publish and distribute reports, ordinances, and other material relating to its activities; adopt a seal; and certify to all official acts; and

WHEREAS, the Commission is required by IC 36-7-3-11 (c) IC 36-7-4-604 (c) and (d) to adopt rules to determine who are interested parties for purposes of conducting a public hearing on the certification of a zoning ordinance under IC 36-7-4-605, how notice is to be given to these persons, who is required to give that notice, and to govern the conduct of the public hearing; and

WHEREAS, the Commission is required by IC 36-7-4-705 and IC 36-7-4-706 to adopt rules prescribing the procedures for setting hearing dates for the primary approval of subdivision plats and for the conduct of those hearings; to determine who are interested parties, how notice is to be given to them, and who is required to give that notice; and

WHEREAS, the Commission is required by IC 36-7-4-709 to adopt rules prescribing the procedure for determining whether all improvements and installations in a subdivision plat eligible for secondary approval under IC 36-7-4-710 have been constructed and completed as required by the Subdivision Control Ordinance and who is responsible for making that determination; and

WHEREAS, The Commission determines that its rules should be organized and stated in a coherent fashion and is made readily available to those persons appearing before it,

Now, **THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION, PENDLETON, INDIANA, THAT THE FOLLOWING RULES ARE ADOPTED:**

Rule 1: Definitions and Citation Form

1.1 DEFINITIONS:

These definitions apply to each provision of the rules.

1.2 COMMISSION - DEFINED

Commission means Pendleton Plan Commission.

1.3 DIRECTOR - DEFINED

Director means the Planning Director of the Town of Pendleton as set forth in Section 153.05 of the Town of Pendleton Zoning Ordinance.

1.4 PRESIDENT - DEFINED

President means the President of the Town of Pendleton Plan Commission

1.5 SECRETARY - DEFINED

Secretary means the Secretary of the Town of Pendleton Plan Commission.

1.6 VICE-PRESIDENT - DEFINED

Vice-President means the Vice-President of the Town of Pendleton Plan Commission.

1.7 PLANNING DEPARTMENT - DEFINED

The staff members who perform duties designated by the Planning Director.

1.8 CITATION - DEFINED

These rules shall be cited as 'The Town of Pendleton Plan Commission Rule(s).'

Rule 2: Officers and Staff

2.1 ELECTION OF OFFICERS

- A. The officers of the Commission are the President and the Vice-President.
- B. The officers of the Commission shall be elected at the first regular meeting of the Commission in each year.
- C. The person serving as presiding officer of the last meeting of the preceding year shall entertain nominations for each office chosen under these rules.
- D. Whenever a candidate receives a majority vote of the entire membership of the Commission, that person shall be declared elected.
- E. Each officer elected under these rules shall enter into office immediately upon being declared elected and shall serve until his successor is declared elected at the first meeting of the following year, or until the officer is no longer a member of the Commission.
- F. Whenever any office becomes vacant, the Commission shall elect a successor at its next regular meeting to complete the remainder of the

unexpired term.

2.2 PRESIDENT

- G. The President shall preside over all regular and special meetings of the Commission. The President shall perform the duties normally performed by a presiding officer, including the appointment of committees and ruling on all points of procedure.
- H. The President may participate in the discussion of all matters before the Commission and vote on any question before the Commission.
- I. The President shall sign all official documents on behalf of the Commission.

2.3 VICE PRESIDENT AND PRESIDENT PRO TEMPORE

- A. The Vice-President shall act as President during the absence or disability of that officer.
- B. The Commission shall elect a President Pro Tempore from among its members if both the President and Vice-President are absent or disabled.

2.4 SECRETARY

- A. The Plan Commission may assign the duties of Secretary to the Planning Director and Planning Department Staff.
- B. The Town Council shall fix the compensation of the appointed Secretary.
- C. The Planning Department Staff (or Secretary) shall perform the following tasks:
 - 1. Keep a complete and accurate record of all proceedings and votes of the Commission;
 - 2. Prepare the agenda of all regular and special meetings;
 - 3. Provide notice of meeting to the Commission members;
 - 4. Arrange for all required legal notice for hearings of the Commission;
 - 5. Attend to the correspondence of the Commission;
 - 6. Record and file all bonds and contracts and assume all responsibility for custody and preservation of all papers and documents of the Commission;
 - 7. Prepare, publish and distribute reports, ordinances and other material relating to Commission activities; and
 - 8. Perform all other duties normally carried out by the Secretary.

2.5 SEAL

- A. The Commission adopts a seal with the caption "Town of Pendleton Plan Commission".
- B. The Planning Department shall employ the seal to certify to all official acts of the Commission.

2.6 PLANNING DIRECTOR

- A. The Planning Director shall supervise the Commission staff, administer the daily affairs of the Commission, and conduct all investigations required to administer the 2021 Unified Development Ordinance.

- B. The Director shall establish personnel policies and office procedures.

2.7 EMPLOYEES

- A. The Commission may employ all employees necessary to discharge the duties and responsibilities of the Commission, subject to the approval of the Town Council.

2.8 COMMITTEES

- A. The President may establish the following standing committees and appoint their members.
 - 1. Comprehensive Plan Committee.
 - 2. Unified Development Ordinance Committee.
- B. Each standing committee shall consist of at least three (3) members. The term of each member shall expire one (1) year after appointment. The President shall fill any vacancy immediately and announce the appointment at the following meeting of the Commission.
- C. The President may appoint special committees for any purpose and for any term subject to the approval of the Commission.

2.9 HOUSE NUMBERS

- A. The Planning Director shall, under IC 36-7-4-405, assign street numbers to lots and structures, subject to the approval of the Commission.

Rule 3: Meeting and Public Hearing

3.1 APPLICATION

- A. This rule applies to all public hearings required by the State Law or by the Town of Pendleton and Subdivision Control Ordinances, and to all regular and special meetings of the Commission.

3.2 GENERAL RULES

- A. All public meetings at which official action is taken shall be open to the general public.
- B. No action taken by the Commission is official unless authorized by a majority of the membership of the Commission at a regular or properly called special meeting.
- C. The agenda may be sent via U.S. mail to all members of the Commission OR may be placed in the members mailbox located at the Pendleton Town Hall OR the Towns electronic file share system and shall be available for public inspection at the Commission office no later than two (2) days before any regular meeting.
- D. The agenda shall list all items to be considered by the Commission at the regular or special meeting. The items shall be listed on the agenda in the

order in which the petition or other document was filed with the Planning Department. The Commission shall consider no item unless it appears on the agenda. Any petitioner may withdraw any petition prior to the meeting at which it was to be considered.

3.3 QUORUM AND VOTING

- A. A majority of the entire membership of the Commission constitutes a quorum.
- B. Voting shall be by voice vote, with any Plan Commission member entitled to request a roll call vote.
- C. A record of the roll call shall be kept in the minutes.

3.4 REGULAR MEETINGS

- A. The Commission shall conduct its regular meetings monthly on the 1st Wednesday of each month, at 7:00 PM at the Pendleton Town Hall in Pendleton, Indiana.
- 8. If the date of the regular meeting falls on a legal holiday recognized by the Town of Pendleton or if it is impossible to conduct the meeting at that time or place, the President may set an alternative date, time or place for the regular meeting or may cancel the meeting with the unanimous consent of the members of the Commission, so long as the President complies with the requirements of the State Open Door Law (IC 5-14-1.5).
- C. The order of business at any regular meeting shall be:
 - 1. Call to order;
 - 2. Roll Call;
 - 3. Determination of quorum;
 - 4. Consideration of minutes;
 - 5. Old business (continued or old business);
 - 6. New business;
 - 7. Reports of officers and committees;
 - 8. Communications and bills;
 - 9. Adjournment.

3.5 SPECIAL MEETINGS

- A. Special meetings may be called by the President or by any two (2) members of the Commission upon written request to the Planning Director.
- 8. The notice for the meeting shall specify its purpose. No other business may be considered at that meeting except by unanimous consent of the Commission.
- C. The Secretary shall notify all members of the Commission in writing not less than two (2) days in advance of any special meeting and shall arrange for all notice required under the State Open Door Law (IC-5-14-1.5).
- D. The order of business for special meetings shall be:
 - 1. Call to order;
 - 2. Roll Call;

3. The business for which the special meeting was called;
4. Adjournment.

3.6 PUBLIC HEARINGS

- A. The Commission may conduct a public hearing as a part of any regular or special meeting or at any place or time if the notice required by State Law is given.
8. In addition to those required by law, the Commission may, at its discretion, hold public hearings when it decides that hearings will be in the public interest.
- C. Notice of all hearings shall be published in the newspaper employed for legal notices by the Plan Commission at least ten days before the hearing.

3.7 PROCEDURE FOR DEBATE AND PRESENTATIONS

- A. The President may impose reasonable limits upon the time for consideration of any item upon the Commission agenda or upon the presentation by any individual so that adequate time is afforded to opponents and proponents of any petition or other item before the Commission
- B. The President shall preserve order and may warn any member or person present that particular conduct is a breach of courtesy. If any member persists in this conduct following the warning the Commission may vote to censure the offending member. If any other person present persists in this conduct following the warning, the President may order that person to be expelled from the meeting.
- C. The petitioner, the property owner, or agent for the petitioner or property owner, must appear in person or via teleconference (when available) before the Commission for the case to be considered.
- D. The Commission staff must be informed prior to the meeting if the petitioner or property owner desires an extension of time. The Commission staff shall determine whether the petitioner's request should be granted. If a petitioner or property owner fails to appear without sufficient reason, the petition may be dismissed.
- E. Any person may appear in person, by counsel, or via teleconference (when available) to participate in a discussion of an item before the Commission or to present a petition or remonstrance to the Commission
- F. Any person wishing to speak for or against an application must state their name and address, before addressing the Commission.
- G. The President shall determine the admissibility of any evidence before the Commission.
- H. The hearing on each item shall be conducted in the following order:
 1. The Planning Director summarizes the application and locates the area affected on the Town of Pendleton map.
 2. The Planning Staff presents the staff analysis and recommendation

options.

3. The petitioner presents facts relating to case. The presentation is limited to twenty minutes.
4. The Commission members direct questions to the petitioner. There is no time limit on this phase of the hearing.
5. The President recognizes those attendees wishing to speak against the proposal. The rebuttal is limited to five minutes.
6. The petitioner may rebut the testimony of those against the proposal. The rebuttal is limited to five minutes.
7. The President shall conclude the public hearing and call for a motion on the item before the Commission.

3.8 CONTINUANCES

- A. The Commission may continue any items from one meeting to another. No notice shall be required for the continued consideration of any item except that required by State Law.

3.9 PROCEDURAL RULES

- A. All public meetings shall be governed, generally, by the common provisions of the Robert's Rules of order, except to the extent that it conflicts with Pendleton Town Law or these Rules.

3.10 UNIFIED DEVELOPMENT ORDINANCE REPLACEMENT NOTICE

- A. For purposes of a replacement Unified Development Ordinance under IC 36-7-4-604, all citizens of the Town of Pendleton are interested parties.
- B. The Planning Department is required to give due notice under IC 36-7-4-604 by procuring the publication of the notices required by IC 36-7-4-604 and by posting copies of the notice in the public places deemed necessary by the Planning Department at least ten days before the hearing is conducted on the replacement ordinance.

Rule 4: Rezoning, Primary Platting, Amendments of both – Notice and Procedure

4.1 APPLICATION

- A. Every petitioner for a Rezoning, Primary Plat, or Amendment of either shall complete an application supplied by the Town's online application platform. Paper copies are available via the Planning Department offices at Town Hall.
- B. The Planning Department may require the petitioner to submit any additional information the Planning Department deems relevant for consideration by the Commission, including but not limited to written proof that the petitioner is the agent of the owner or owners of the property if the petitioner is not the sole property owner.

4.2 FILING REQUIREMENTS

- A. Every petition to rezone a property or petition for a Primary Plat must be filed with the Planning Department no later than thirty (30) days prior to its consideration by the Commission.

4.3 NOTICE REQUIREMENTS

- A. When the owner of a parcel(s) of property petitions the Plan Commission for a Rezone or a Primary Plat, all persons with a legal interest in the property to be Rezoned or Primary platted and all owners of real estate within a 300 foot perimeter of the property seeking a Zoning change or Primary Plat are interested parties.
 - 1. Adequate notice is provided under these rules if:
 - a. Petitioner obtains a list of all owners of real estate within the 300 foot perimeter along with their (property owner) addresses via the Planning Department, which are obtained from the Madison County Auditor's office.
 - b. At least ten (10) days prior to the meeting date but no more than thirty (30) days, send each of the above listed property owners, by certified mail or certificate of mailing, the notice of public hearing supplied by the Planning Department. The stamped white receipt(s) (if certified mail) or the postmarked mailing receipt(s) (if certificate of mailing) from the US Postal service, a list of property owner's names and addresses, and a signed affidavit must be filed with the Planning Department. (Res 22-01 updated 3-3-2022) The failure of delivery of such notice, however, shall not invalidate an amendment.
 - c. The Plan Commission publishes a notice of the public hearing as required by IC 5-3-1-2. This notice must state the date, time, and place of the hearing, the name of the petitioner, and a brief description of the property to be Rezoned or Primary Platted stating its location deemed adequate by the Director.
- B. When a Zoning amendment is initiated by the Plan Commission or the Town Council, and such Zoning amendment affects multiple parcels resulting in greater than thirty (30) property owners within a three hundred (300) foot perimeter of the parcel(s), all property owners within the entire planning jurisdiction are interested parties.
 - 1. Adequate notice is provided under these rules if:
 - e. The Plan Commission publishes a notice of the public hearing in two or more newspapers of general circulation in the Pendleton jurisdictional area. The notice shall be published twice at least seven days apart the last of which is published at least seven days prior to the meeting. This notice must state the date, time, and

place of the hearing, the name of the petitioner, and a brief description of the property to be rezoned stating its location deemed adequate by the Director.

- f. Also, a public notice in the form of a press release describing the nature of the amendment shall be delivered at least 14 days prior to the hearing to all news media which have requested such notice according to the requirements of IC 5-14-1.5-5(b)(2).

4.4 REPORT OF DETERMINATION

- A. The Commission, following the conclusion of the public hearing required by State Law, shall state its recommendation concerning the proposed Rezoning ordinance by adopting a report indicating either that it favors the proposal or is adverse to it. See IC 36-7-4-609 (a). Any report adverse to a proposed rezoning ordinance shall contain a concise statement indicating the reasons for the determination of the Commission.

4.5 RECONSIDERATION

- A. The Commission may not further consider any Rezoning petition described in IC 36-7-4-608 (H) for one (1) year after it is defeated.

4.6 DEFINITION OF "INTERESTED PARTIES" FOR PURPOSES OF THE TOWN OF PENDLETON 2021 UNIFIED DEVELOPMENT ORDINANCE

- A. When the owner of a parcel(s) of property petitions the Plan Commission for an amendment, the "interested parties" for purposes of section The Town of Pendleton 2021 Unified Development Ordinance shall be deemed to be all owners of property within 300 feet of, contiguous to and directly across a public street or alley from the area proposed to be rezoned whose addresses appear on the current tax assessment list as provided by the applicant. Notice shall be given to such interested parties by certified mail or certificate of mailing at least ten (10) days prior to the date of the public hearing. In addition, if the area proposed to be rezoned abuts or includes a county line, then notices shall be by certified mail or certificate of mailing at least ten (10) days prior to the date of the public hearing to all owners of property to a depth of two property ownerships or one-eighth of a mile into the adjacent county, whichever is less. The failure of delivery of such notice, however, shall not invalidate any such amendment. When the amendment is initiated by the Plan Commission or the Legislative body and such amendment effects multiple parcels resulting in greater than thirty property owners within a 300 foot radius of the parcels, "interested parties" shall be defined as the entire planning jurisdiction. In this case, notice shall be published in one or more newspapers of general circulation in the Pendleton

jurisdictional area. The notice shall be published twice at least seven days apart the last of which is published at least seven days prior to the meeting. Also, a public notice shall be delivered at least 14 days prior to the hearing to all news media which have requested such notice according the requirements of IC 5-14-1.5-S(b)(2).

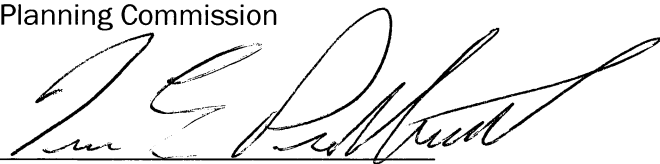
Rule 5: Town Plans and Amendments to Town Plans

5.1 When an Amendment to any existing Town Plans is initiated by the Plan Commission, Town Council, or other relevant Town Board/Commission and such Plan or amendment to existing Plan affects multiple parcels resulting in greater than thirty (30) property owners within a three hundred (300) foot perimeter of the parcels, all property owners within the entire planning jurisdiction are interested parties.

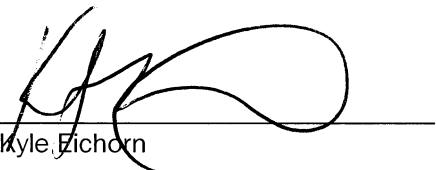
1. Adequate notice is provided under these rules if:
 - a. The Plan Commission publishes a notice of the public hearing in two or more newspapers of general circulation in the Pendleton jurisdictional area. The notice shall be published twice at least seven days apart the last of which is published at least seven days prior to the meeting. This notice must state the date, time, and place of the hearing, the name of the petitioner, and a brief description of the property to be rezoned stating its location deemed adequate by the Director.
 - b. Also, a public notice in the form of a press release describing the nature of the amendment shall be delivered at least 14 days prior to the hearing to all news media which have requested such notice according the requirements of IC 5-14- 1.5-5(b)(2).

The foregoing Rules of the Pendleton Plan Commission were adopted by the affirmative vote of the undersigned members of the Commission on the 1st day of February, 2023, with an effective date of the 1st day of February, 2023.

Town of Pendleton
Planning Commission



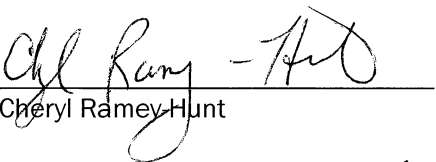
Tim Pritchard



Kyle Eichorn



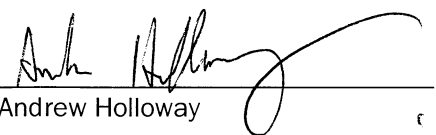
Carol Hanna



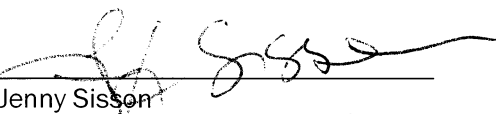
Cheryl Ramey-Hunt



Brad Ballentine



Andrew Holloway



Jenny Sisson

ATTEST:

