

153. ADMINISTRATIVE BODIES AND OFFICIALS

153.01. SUMMARY OF AUTHORITY

The Town decision-making bodies and officials described in this Section 153 have responsibility for implementing and administering this Unified Development Code in the manner described herein.

153.02. TOWN COUNCIL”

The Town Council hereby reserves to itself the following powers and duties in connection with the implementation of this Code:

- A.** To initiate amendments to the text of this Code and to the Zoning Map pursuant to the procedures and standards for amendments set forth in Section 154.10; and
- B.** To take such other actions not delegated to other bodies which may be desirable and necessary to implement the provisions of this Code.

153.03. BOARD OF ZONING APPEALS”

153.03.01 Jurisdiction and Authority

The Board of Zoning Appeals is hereby invested with the following powers and duties in connection with the implementation of this Code:

- A.** To approve, approve with modifications, or deny any application for a variance from the terms of this Code pursuant to the procedures and standards for variances set forth in Section 154.08, except those variances requested from the subdivision control requirements set forth in Section 157 of this Code, which are the responsibility of the Plan Commission;
- B.** To approve, approve with modifications, or deny any application for a use variance pursuant to the procedures and standards for variances set forth in Section 154.08;
- C.** To grant, grant with modifications, or deny any application for a conditional use pursuant to the procedures and standards for conditional uses set forth in Section 154.07; and
- D.** To hear and decide any appeal from any order or final decision made by the Planning Director or other administrative body or official in the administration or enforcement of this Code, pursuant to procedures and standards for appeals of administrative decisions set forth in Section 154.12.

153.03.02 Conflicts

No members of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has any conflict of interest prohibited by state law.

153.03.03 Independent Investigation

No members of the Board of Zoning Appeals may participate in the hearing or disposition of any matter in which that member has conducted an independent investigation into the facts of the matter pending before the Board.

153.03.04 Undue Influence

A person may not communicate with any member of the Board of Zoning Appeals before a hearing with the intent to influence the member’s action on a matter pending before the Board.

153.03.05 Election Of Officers

At the first meeting of each year, the Zoning Board shall elect a Chairperson and a vice Chairperson from among its members, and the Town Council may appoint and fix the

compensation of a Secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the Town Board of Trustees.

153.03.06 Adoption Of Rules And Regulations

The Zoning Board may adopt rules and regulations as it may deem necessary to enforce these zoning regulations.

153.03.07 Meetings, Minutes And Records

All meetings of the Zoning Board shall be open to the public. The Zoning Board shall keep minutes of its proceedings and records of its examinations and other official actions; prepare findings; and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Zoning Board and shall be a public record.

153.03.08 Decisions Subject To Review

Every decision of the Zoning Board shall be subject to review by certiorari within 30 days of Zoning Board action, as set forth in IC 36-7-4-1003.

153.04. PLAN COMMISSION”

153.04.01 Jurisdiction and Authority

The Plan Commission is hereby invested with the following powers and duties in connection with the implementation of this Code:

- A. To initiate amendments to the text of this Code and to the Zoning Map pursuant to the procedures and standards for amendments set forth in Section 154.10;
- B. To review all proposed amendments to this Code and make recommendations to the Town Council pursuant to the procedures and standards for amendments set forth in Section 154.10;
- C. To review, approve, approve with modifications, or deny all subdivision applications pursuant to the procedures and standards for subdivision approval set forth in Section 154.06;
- D. To approve, approve with modifications, or deny all applications for variances from subdivision control pursuant to the procedures and standards for plat approval set forth in Section 154.06; and
- E. To approve, approve with modifications, or deny all applications for a Certificate of Appropriateness for development, redevelopment, or alterations in the Historic Overlay District, pursuant to the procedures and standards for Certificates of Appropriateness set forth in Section 154.11.

153.04.02 Election Of Officers

At the first meeting of each year, the Plan Commission shall elect a Chairperson and a vice Chairperson from among its members, and the Town Council may appoint and fix the compensation of a Secretary and such employees as are necessary for the discharge of its duties, all in conformity to and compliance with salaries and compensation theretofore fixed by the Town Council.

153.04.03 Adoption Of Rules And Regulations

The Plan Commission may adopt rules and regulations as it may deem necessary to enforce these zoning regulations.

153.04.04 Meetings, Minutes And Records

All meetings of the Plan Commission shall be open to the public. The Plan Commission shall keep minutes of its proceedings and records of its examinations and other official actions;

prepare findings; and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Plan Commission and shall be a public record.

153.05. PLANNING DIRECTOR”

The Town Manager is hereby designated as the Planning Director. The Planning Director or his designated representative is hereby assigned to administer and enforce the provisions of this Code and is invested with the following powers and duties in connection with the implementation of this Code:

- A. To interpret provisions of this Code pursuant to the procedures and standards for interpretation set forth in Section 154.09;
- B. To ensure compliance with or prevent violation of provisions of this Code pursuant to the procedures and standards for Enforcement set forth in Section 154.13;
- C. To inspect buildings, structures, and use of land to determine compliance with this Code pursuant to the procedures and standards for Enforcement set forth in Section 154.13;
- D. To review all development permit applications to determine that the application meets the requirements of this Code and to determine that all necessary permits have been obtained from Federal, State and Local government agencies which prior approval is required;
- E. To review all site plans and either deny, approve, or approve with modifications or make recommendations to the Plan Commission or Board of Zoning Appeals, pursuant to the procedures and standards for Site Plan Review set forth in Section 154.03;
- F. To issue all necessary permits and certificates and maintain records thereof in the name of the Plan Commission and Board of Zoning Appeals pursuant to the procedures and standards for administrative procedures set forth in Section 154;
- G. To maintain permanent and current records relative to the administration of this Code on file in accordance with the Indiana Revised Code, including but not limited to all maps, Improvement Location Permits, Certificates of Occupancy, Subdivisions, Conditional Uses, Variances, Interpretations, Amendments, and Appeals; disapproved applications, and record of hearings;
- H. To provide technical and clerical assistance to the Plan Commission, Board of Zoning Appeals, and Design Review Committee;
- I. To provide and maintain a public information service relative to all matters arising out of this Code;
- J. To conduct all research and collect and analyze all data pertaining to the growth and development of the Town and its environs, as delegated by the Town Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this Code;
- K. To coordinate and conduct all development activities and programs for the Town and its environs, as delegated by the Town Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this Code;
- L. To maintain, utilize, and interpret the most current information available regarding potential flood hazards, including base flood elevation data, alteration of watercourses, and the location of special flood hazards; and to inform the Town Council, Board of Zoning Appeals, and Plan Commission of same;
- M. To delegate such responsibilities as necessary for the efficient administration of this Code, when authorized by the Town Council; and

- N. To take such other actions as delegated by the Town Council, Plan Commission, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this Code.

153.06. DESIGN REVIEW COMMITTEE”

153.06.01 Jurisdiction and Authority

The Design Review Committee is hereby established and invested with the following powers and duties in connection with the implementation of this Code:

- A. To initiate an Historic Overlay district by recommendation to the Town Council, pursuant to the procedures and standards for Historic Overlay Districts set forth in Section 154.11;
- B. To review all applications for Certificates of Appropriateness for any development, redevelopment, or alterations to buildings and structures within the Historic Overlay district; and make recommendations to the Planning Director pursuant to the procedures and standards for Certificates of Appropriateness set forth in Section 154.11;
- C. To take such other actions as delegated by the Town Council, Planning Department, Board of Zoning Appeals, or other bodies which may be desirable and necessary to implement the provisions of this Code.

153.06.02 Membership

The Design Review Committee shall consist of seven (7) voting members, who shall be appointed by the Town Council President of Pendleton, subject to the approval of the Town Council of the Town of Pendleton. Additional “non-voting” advisory members may be appointed to the Review Committee by President of the Pendleton Town Council and approved by the Pendleton Town Council, as deemed necessary.

153.06.03 Qualifications of Members

Members of the Design Review Committee shall be those with an interest in preserving and promoting the quality and character of historic Pendleton. To the extent available in the community, the committee shall include professional members from the disciplines of architecture, planning, landscape architecture, and/or historic preservation; and/or members of state or national organizations devoted to preservation and related issues. Due consideration shall also be given to candidates who are property owners within any Historic Overlay District hereafter created. One (1) shall be a member of Historic Fall Creek Pendleton Settlement when possible.

153.06.04 Term of Office

A. Voting Members

Each voting member shall be appointed for a term of three (3) years, except that terms of the original voting members are to be staggered as follows:

- 1. One (1) member for a term of one (1) year;
- 2. Three (3) members for a term of two (2) years;
- 4. Three (3) members for a term of three (3) years.

The term of each of the original voting members is to be set forth in the Notice of Appointment. After the initial appointments to the Review Committee are made, all terms shall commence on January 1st and expire on December 31st.

B. Non-Voting Advisory Members

The term of each non-voting advisory member is for a period of one (1) year.

153.06.05 Vacancies

In the event any vacancy occurs, the vacancy shall be filled for the duration of the term.

153.06.06 Compensation

Members of the Review Committee shall serve without compensation.

153.06.07 Election Of Officers

At the first meeting of each year, the Design Review Committee shall elect a Chairperson and a vice Chairperson from among its members.

153.06.08 Staff Assistance

The Planning Director shall serve as ex-officio administrator of the Review Committee, provide assistance to that Committee as necessary, and communicate the recommendations of the Committee to the Plan Commission or Board of Zoning Appeals, as applicable.

153.06.09 Adoption Of Rules And Regulations

The Design Review Committee may adopt rules and regulations as it may deem necessary.

153.06.10 Meetings, Minutes And Records

The Review Committee shall hold regular meetings at least monthly except when it has no business pending. All meetings of the Design Review Committee shall be open to the public. The Committee shall keep minutes of its proceedings and records of its examinations and other official actions; prepare findings; and record the vote of each member voting upon each question. All minutes and records shall be filed in the office of the Committee and shall be a public record.

153.06.11 Quorum and Action

A quorum which consists of 50% or more of the voting members of the Review Committee must be present at a meeting for the Review Committee to take action. Any action of the Review Committee taken at a meeting at which a quorum is present shall be determined by a majority of all members of the Design Review Committee.

153.07. Pendleton Redevelopment Commission**153.07.01 Jurisdiction and Authority**

The Pendleton Redevelopment Commission is hereby invested with the following powers and duties in connection with the implementation of this code:

- A. To clear, replan and redevelop for the public good areas located within the Town of Pendleton that are experiencing blight and/or cessation of growth. The Redevelopment Commission's involvement is due in large part by the private sector's inability to surmount the considerable costs associated with the redevelopment of these areas and to enforce the necessary land use that would best serve the interest of the Town and its inhabitants.
- B. To encourage partnerships with the private sector, to the extent possible in keeping with the public good, and to afford it the maximum opportunity to develop/redevelop said blighted areas.

153.07.02 Membership

- A. **Appointments** - The Commission shall be made up of five (5) members, appointed by the municipal's legislative body (the Town Council).
- B. **Tenure** - All commission members and officers shall serve from the date of their election until their successors have been elected and qualified.

- C. **Vacancies** - Upon vacancy of a Commission seat, another qualified individual shall be appointed by the appointing body and shall serve the remainder of the vacated term.
- D. **Removal from Office** - The appointing body may summarily dismiss or remove its appointed Commissioner(s) from office at any time upon written notice.
- E. **Qualifications** - Commission members must be over the age of 18 and be a resident of the Town of Pendleton, Indiana.

153.07.03 Officers

- A. **Officers** - The officers of the Commission shall be a President, a Vice President and a Secretary.
- B. **Election** - The Commissioners shall hold a meeting for the purpose of organization not later than thirty (30) days after they are appointed and, after that, each year on the first day in January that is not a Saturday or Sunday or legal holiday.
- C. **Duties** - The President shall preside at all meetings of the Commission. The President shall perform all duties commonly incident to his/her office and shall perform such other duties as the Commission may designate.

The Vice President shall assume the duties of the President in his/her absence and such other duties as the Commission shall designate.

The Secretary shall be responsible for the minutes of each meeting and such other duties as the Commission shall designate

153.07.04 Meetings

- A. **Regular Meetings** - A regular meeting of the Commission shall be held on the __ day of each month in the Town Hall of Pendleton, Indiana.
- B. **Special Meetings** - Special meetings of the Commission may be held whenever called by the President or the Vice President of the Commission. At least a twenty-four (24) hour notice of such meeting specifying the time, place and purpose thereof shall be given to each Commissioner either personally, by written notice deposited in the United States mail, or by telephone. Notice of the time, place and purpose of the Special Meeting may be waived in writing by any Commissioner if the waiver sets forth in reasonable detail the purpose or purposes for which the meeting is called and the time and place thereof. Attendance at any meeting in person by any Commissioner shall constitute a waiver of the notice of such meeting.
- C. **Executive Sessions** - Executive Sessions may only be called to discuss certain topics as specifically referred to in the Indiana Code 5-15-1.5-6.1, but historically have been used to discuss litigation, pending litigation or written threatened litigation. Executive sessions shall be closed to the public.
- D. **Public Access** - All regular and special meetings and such of the Commission's records, files, and accounts as may legally be disclosed shall be open to the public.
- E. **Quorum** - Three (3) members shall constitute a quorum for transacting business and taking official action; provided, however, that no action of this Commission at a regular or properly called special meeting shall be binding unless authorized by a majority of all the members of the Commission.
- F. **Agenda** - The President shall prepare an agenda for each regular meeting. Any matter not listed on the agenda may be introduced by any member of the Commission after the matters listed on the agenda have been considered. A preliminary agenda shall be mailed or delivered to members of the Commission before a regular meeting.
- G. **Voting** - Voting shall be by voice and shall not be recorded by yeas and nays unless such a recording is requested at the time the vote is taken by a member of the Commission

- H. **Conflict of Interest** - No member shall vote, or participate in discussion on any issue in which he has a “pecuniary” (monetary) interest and he/she shall declare such interest as soon as it is known to him/her.
- I. **Parliamentary Procedure** - All meetings of this Commission shall be governed by Roberts Rules of Order except when such Rules of Order are in conflict with these By-Laws.

153.07.05 Committees

- A. **Committee Membership, Appointment and Reassignment** - The President of the Commission, with approval of the Commission, may appoint such committees as he/she deems necessary. The President shall appoint all committee members and shall designate one (1) member of each committee as its chair. The President may, at his/her discretion, reassign committee members and redesignate committee chairs.
- B. **Committee Meetings** - Any Committee shall meet at the call of its chair. On request by committee chairs, the Executive Director shall issue notice of meetings.

153.07.06 Executive Director

- A. **Appointment** - The Executive Director shall be appointed by this Commission and serve at its pleasure. He/she shall be responsible for recommending plans, policies, and programs concerning urban renewal to the Commission, and shall be responsible for carrying out plans, policies, and programs adopted by the Commission. Expenditures of Commission fund by the Executive Director shall be made in accordance with the financial policy of this Commission as duly adopted. The Commission may impose a residency requirement on the individual filling the position of Executive Director.
- B. **Representation** - The Executive Director shall, unless otherwise directed by the Commission, represent it before any public agency or public officer. Toward this end, he/she shall make official recommendations in accordance with action by the Commission, on matters that are referred to the Commission for its advice, provided that when there is an obvious conflict of interest, public controversy, or uncertainty as to the approved plans, policies or procedures, presentation of the matters shall be made at a meeting of the Commission. The Executive Director shall have the authority, within the limits of policy as formulated, to execute documents in the name of the Commission. In the absence of an Executive Director, the President of the Commission will perform these duties.

153.07.07 Suspension and Amendment

- A. **Suspension of By-Laws** - The Commission may suspend any of these By-Laws by unanimous vote of the members present, constituting a quorum.
- B. **Amendment** - These By-Laws may be amended at any Regular or Special meeting by an affirmative vote of a majority of the Commission.