

154.01.01 Applications

Applications submitted pursuant to this Code shall be handled in accordance with the procedures set forth below:

A. Place of Filing

Applications shall be filed with the Planning Director or with such other official or body as the Planning Director may designate.

B. Form, Number, and Scale

Applications shall be on forms supplied by the Planning Director and shall be filed in such number of duplicate copies as the Planning Director may designate. All plans filed as part of any application shall be at a scale sufficient to permit a clear and precise understanding of the contents of said plans and of the proposal being made and shall be folded to a size of eight and one-half (8-1/2) inches by eleven (11) inches.

C. Minimum Requirements

Every application submitted pursuant to this Code shall contain such minimum data and information as listed in Appendix A of this Code.

D. Filing Deadlines

1. An application requiring a public hearing or meeting will not be scheduled for such hearing or meeting unless filed, in proper form and number and containing all required information, a minimum of 30 days before the public hearing.

An application so filed will be scheduled for hearing or meeting on the requested hearing or meeting date, or on the first available date thereafter open on the relevant hearing or meeting agenda, on a first-filed-first-scheduled basis. All public hearings and meetings to consider applications filed pursuant to this Code shall, unless otherwise provided by order of the relevant body, be scheduled at the same time as the regular meetings of such body.

2. An application that does not require a public hearing shall be filed in proper form and number and containing all required information. An application so filed will be processed on a first-filed-first-processed basis.
3. Whenever supplemental data in connection with a previously filed application is required by the Town or offered by the applicant, it shall be submitted at least fifteen (15) days prior to the date on which it is to be considered at a hearing or a meeting or acted upon in connection with such application. The filing of such data shall, in the discretion of the Planning Director and of the body hearing the application, be cause to delay a requested or scheduled hearing or decision date.

E. Fees

Every application filed pursuant to the provisions of this Code shall be subject to an application and filing fee as established, from time to time, by the Town Council. The owner of the property which is the subject of the application and, if different, the applicant shall be jointly and severally liable for the payment of the fee. The failure to fully pay any such fee or required deposit when due shall be grounds for refusing to process an application and for denying or revoking any permit or approval sought or

issued with respect to the land or development to which the unpaid fee or required deposit relates.

F. Additional Information Required

In addition to the minimum data and information required pursuant to subsection C above, every applicant shall submit such other and additional data, information, or documentation as the Planning Director or any board or commission before which its application is pending may deem necessary or appropriate to achieve a full and proper consideration and disposition of the particular application.

G. Waiver of Application Requirements

Notwithstanding any other provision of this Section 154.01.01, the Planning Director shall have the authority to waive any requirement set forth in subsections A, B, or C of this Section 154.01.01 when, in his judgment, such waiver is appropriate in light of the nature and extent of the relief being sought or in light of special circumstances making compliance with those provisions either unnecessary or unduly burdensome; provided, however, that any board or commission before which such application may come shall continue to have the right to request additional information pursuant to subsection C and to delay processing of such application until such information is provided and available in accordance with the deadlines established in subsection D.

154.01.02. Successive Applications

A. Second Applications Without New Grounds Barred

Whenever any application filed pursuant to this Code has been finally denied on its merits, a second application seeking essentially the same relief, whether or not in the same form or on the same theory shall not be brought unless in the opinion of the official, board, or commission before which it is brought there is substantial new evidence available or a mistake of law or fact significantly affected the prior denial.

B. New Grounds to Be Stated

Any such second application shall include a detailed statement of the grounds justifying consideration of such application.

C. Summary Denial With or Without Hearing

Any such second application may be denied by the Planning Director summarily, and without hearing, on a finding that no grounds appear that warrant a new hearing. In any case where such application is set for hearing, the applicant shall be required to establish grounds warranting reconsideration of the merits of its application prior to being allowed to offer any evidence on the merits. Unless such grounds are established, the application may be summarily dismissed for such failure.

D. Exception

Whether or not new grounds are stated, any such second application filed more than one (1) year after the final denial of a prior application shall be heard on the merits as though no prior application had been filed. The applicant shall, however, be required to place in the record all evidence available concerning changes of conditions or new facts that have developed since the denial of the first application. In the absence of such evidence, it

shall be presumed that no new facts exist to support the new petition that did not exist at the time of the denial of the first application.

154.01.03 Public Hearings And Meetings

A. Setting Hearing or Meeting

When the provisions of this Code require a public hearing or public meeting in connection with any application filed pursuant to this Code, the official or body charged with conducting the hearing or meeting shall, upon receipt of a properly completed application, fix a reasonable time and place for such hearing or meeting.

1. Hearings for Subdivisions, Conditional Uses, Variances, Interpretations, and Appeals

The exact time for hearings or meetings held before the Board of Zoning Appeals or Plan Commission, as the case may be, shall be determined by the official filing deadline timetable adopted yearly.

2. Hearings for Amendments

The Planning Director shall fix a date for a public hearing which shall be not less than fifteen (15) nor more than forty (40) days from the date of the filing of a properly completed amendment petition.

B. Required Notice

1. Hearings on Subdivisions, Conditional Uses, Variances, Interpretations, and Appeals

a. Mailed Notice

After an application is filed for a Subdivision, Conditional Use, Interpretation, Appeal or Variance, the applicant shall furnish the Planning Director with a complete list of names and last known addresses of the owners of property within a three hundred (300) foot radius of the subject tract(s) in subdivisions and a one hundred and fifty (150) foot radius of the subject tract(s) for all other areas. The owners shall be identified as recorded in the office of the Madison County Recorder, or as it appears from the authentic tax records of this county. The applicant shall give due notice to these owners as identified herein, concerning the place, date, and time for the first public hearing of the petition utilizing the notification letter prepared by the Planning Department, mailed as a certified letter not less than ten (10) days prior to the public hearing. Receipts of mailing shall be submitted to the Planning Director prior to the public hearing. The notification letter shall also state the name and address of the applicant, and name and address of the property. A staff member of the Planning Department will post in a conspicuous place(s) on the subject property, a notice provided by the Planning Director explaining the action being sought.

b. Newspaper Notice

The Planning Department shall also arrange for the publication of a public notice to be placed in a newspaper of general circulation in the Pendleton jurisdictional area. Said notice shall include the same information as described in the notice to adjoining property owners above. The notice shall run in the

paper not less than ten (10) days before noted public hearing. The notice shall run at least one (1) time.

2. Hearings on Amendments

a. Newspaper Notice

Notice of a public hearing for an Amendment shall be given by the Plan Commission and shall appear in at least one (1) publication in one (1) or more newspapers of general circulation in the Pendleton jurisdictional area. Notice shall be published a minimum of ten (10) days prior to the hearing date. The Plan Commission may require the applicant to bear the cost of the notice.

b. Notice to “interested parties”

The plan commission shall also provide for due notice to interested parties at least ten (10) days before the date set for the hearing. The commission shall by rule determine who are interested parties, how notice is to be given to interested parties, and who is required to give that notice.

c. Posted Notice

The Plan Commission may require a sign to be posted on the area proposed to be rezoned or redistricted. The dimensions and wording, as well as the placement of the sign, shall be determined by the Planning Department.

C. Content of Notice

All notices shall include the date, time and place of such hearing or meeting, a description of the matter to be heard or considered, the address or particular location of the subject property, and, in the case of a public hearing for an Amendment, a legal description of the subject property.

D. Review

Every application for which this Code requires a hearing shall first be reviewed by the Planning Director. The Planning Director shall also refer the application to other town bodies or officials for their comments as necessary. Each body and official to which an application is referred shall review such application and submit its comments thereon to the Planning Director for transmittal to the specific body hearing the application. Such comments shall, whenever possible, be submitted at least two (2) business days prior to the date set for the hearing and shall be made available to any person on request prior to the hearing. The requirements of this subsection D also shall include Site Plan Review findings and recommendations pursuant to Section 154.03.04.

E. Conduct of Hearings

All other matters pertaining to the conduct of hearings shall be governed by the provisions of this Code pertaining to, and the rules promulgated by, the official or body conducting the hearing.

F. Examination and Copying of Application and Other Documents

At any time following the giving of notice as required in this Section 154.01.03, and upon reasonable request, any person may examine the application and, subject to the exceptions set forth in the Indiana Freedom of Information Act, all other documents on

file pertaining to the application. In addition, any person shall be entitled to copies of such application and documents upon reasonable request and payment of a fee as established from time to time by the Planning Director to cover the cost of such copies.