

Rules and Procedures

Town of Thorntown Advisory Plan Commission

Article 1. Jurisdiction and Authority

- 1) **Plan Commission Authority.** The authority to review, approve, and grant the petitions and permits outlined in the Town of Thorntown Zoning Ordinance shall rest with the Town of Thorntown Plan Commission (PC). Where permitted, the PC may, at its discretion, delegate such authority to the Administrator.
- 2) The PC shall have jurisdiction over all land within the established boundary of the Town of Thorntown as defined by description or map in the Recorder's Office of the appropriate county.
- 3) **Administrator.** The Administrator, including any staff members or other designee(s), shall have the principal responsibility for the administration and enforcement of the Zoning Ordinance. Their duties shall include, but not be limited to:
 - a) **Improvement Location Permits (building permits).** Receiving, reviewing, and approving/disapproving all ILPs and keeping permanent records of applications made and actions taken.
 - b) **Inspections.** Conducting inspections of structures and properties to determine compliance with the requirements of the ZONING ORDINANCE and all approvals granted by the PC, BZA, Town Council, Committees, or other body in the execution of its duties as established by the Zoning Ordinance and Indiana State Code.
 - c) **Record Keeping.** Maintaining permanent and current records documenting the application of the Zoning Ordinance including, but not limited to, all maps, plats, amendments, and petitions.
 - d) **PC Applications.** Receiving, processing, docketing, and referring to the PC all appropriate applications.
 - e) **Clerical & Technical Assistance.** Providing all such clerical and technical assistance as may be required by the PC, TAC (Technical Advisory Committee), any of its other Committees, the Town Council, or other body in the execution of its duties as established by the Zoning Ordinance and Indiana State Code.
 - f) **Committee Applications.** Receiving, processing, docketing, and referring all appropriate applications to the TAC and any of the PC's other Committees.
- 4) **Administrator's Right of Referral.** The Administrator may, at their discretion, refer applicants for permits and petitions to the PC for review and approval.
- 5) **Roberts Rules of Order.** Roberts Rules of Order are hereby incorporated by reference and made a part of these Rules and shall control on issues and procedures not expressly provided for herein.

Article 2. Membership

Membership of the PC

Member	Appointment	Initial Term		Qualifications	Residency
1	Town Council <i>Town official or employee</i>	Coextensive with term of office or employment, or until another member is appointed to serve.		Elected or appointed municipal official or employee of the municipal government	No residency requirement
2	Town Council <i>Town official or employee</i>				
3	Town Council <i>Town official or employee</i>				
		Initial term	2 nd and all following terms		
4	Town Council President <i>Town citizen</i>	Staggered (see 1.b in Article 2)	4 years	Citizen member who is knowledgeable and experienced in community affairs, aware of the social, economic, agricultural, and industrial problems of the area, and interested in the development and integration of the area	A resident of the PC's jurisdiction OR a resident of Boone County and owns property within the PC's jurisdiction inside the same county of residence
5	Town Council President <i>Town citizen</i>	Staggered (see 1.b in Article 2)	4 years		
6	Town Council President <i>Town citizen</i>	Staggered (see 1.b in Article 2)	4 years		
7	Town Council President <i>Town citizen</i>	Staggered (see 1.b in Article 2)	4 years		

- 1) Composition. The PC shall consist of seven (7) members as prescribed by [IC 36-7-4-207\(b\)](#). They 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) Two (2) citizen members shall initially be appointed for a term of three (3) years and two (2) shall initially be appointed for a term of four (4) years. Each member's term expires on the first Monday of January of the third or fourth year, respectively, after the year of the member's appointment. When an initial term of office of a citizen member expires, each new appointment of a citizen member is for a term of four (4) years. A member serves until the member's successor is appointed and qualified. A member is eligible for reappointment. ([IC 35-7-4-218](#)).
- 2) Qualifications for Citizen Members. The qualifications for citizen members shall be as prescribed by [IC 36-7-4-216](#).
- 3) Certification. The Clerk-Treasurer 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](#)).
- 4) Removal of Members. 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.

Article 3. Duties and Powers

- 1) The following duties should be interpreted as activities that are obligations of the PC (*IC 36-7-4-401, 402, and 405*):
 - a) Supervise and make rules for the administration of the affairs of the commission;
 - b) Prescribe uniform rules pertaining to investigations and hearings;
 - c) Keep a complete record of all proceedings;
 - d) Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission;
 - e) Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by Indiana State Code;
 - f) Adopt a seal;
 - g) Certify all official acts;
 - h) Supervise the fiscal affairs of the Commission;
 - i) Prepare and submit an annual budget in the same manner as other departments of municipal government, and be limited in all expenditures to the provisions made for the expenditures by the fiscal body of the municipality;
 - j) Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Commission, consistent with the compensation fixed by the Town Council.
 - k) Make recommendations to the Town Council or other bodies concerning:
 - (i) The adoption of the comprehensive plan and amendments to the comprehensive plan;
 - (ii) The adoption or text amendment of: an initial Zoning Ordinance, a replacement Zoning Ordinance, and a subdivision control ordinance;
 - (iii) The adoption or amendment of a PUD district ordinance (if enabled); and
 - (iv) Zone map changes.
 - l) Render decisions concerning plats, replats, and amendments to plats of subdivisions;
 - m) Assign addresses;
 - n) Render decisions and amendments concerning development plans unless otherwise delegated to the Administrator.
 - o) All additional duties as established by Indiana State Code.
- 2) Powers. The following powers should be interpreted as activities that are optional and may be initiated by the PC within their jurisdiction pursuant to Indiana State Statute (*IC 36-7-4-407, 408, 409, and 411*):
 - a) Establish committees as necessary, composed of specific members, and organized for specific purpose;
 - b) Establish an executive committee;
 - c) Seek funding assistance through grant programs and donations as necessary;
 - d) Establish a schedule of fees to be approved by the Town Council to defray the administrative costs of the official action of the Commission;
 - e) Appoint and fix the duties of the secretary;
 - f) Contract for special or temporary services and professional counsel;
 - g) All additional powers as permitted by Indiana State Code.
- 3) Commitments. Pursuant to *IC 36-7-4-1015(a)*, as a condition to the:
 - a) Adoption of a rezoning proposal;
 - b) Primary approval of a proposed subdivision plat or development plan; or
 - c) Approval of a vacation of all or part of the plat;

The PC may require or allow the owner of a parcel of real property to make a commitment to the Commission concerning the use or development of that parcel. Pursuant to *IC 36-7-4-1015(c)*, the PC

hereby declares that the criteria to be considered when an owner applies for the modification or termination of a commitment made under these Rules and Procedures are the same criteria that applied to the proposal when the Commission originally recommended adoption or granted approval, as the case may be.

Article 4. Actions and Decisions

Agency Role in Petition Consideration

Application Type	Staff	PC	Town Council
Zoning Map Amendment		Makes	
Zoning Text Amendment	Provides Review	recommendation to	Final Decision
PUD (if enabled)		Town Council	
Primary Plat	Provides Review	Makes final decision	-
Secondary Plat	Final decision-making authority granted by PC to the Administrator	-	-
Development Plan	Provides review	Makes final decision	-

Petition Decision Options by Agency

Application Type	Staff	PC	Town Council
Zoning Map Amendment	Review and make	<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
Zoning Text Amendment	recommendations		
PUD			
Primary Plat	Review and make recommendations with assistance from the TAC,	<ul style="list-style-type: none"> Approve (with or without conditions) Disapprove 	-
Development Plan	Review and make recommendations with assistance from the TAC	<ul style="list-style-type: none"> Approve (with or without conditions) Disapprove 	-
Secondary Plat	<ul style="list-style-type: none"> Approve (with or without conditions) Disapprove 	-	-

- 1) Quorum. A quorum is a majority of the full membership of the PC.
- 2) Official Action. Action of the PC is official when concurred by a majority of the full membership.
- 3) 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.
- 4) 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.
- 5) 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) Continuation 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) Continuation 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) Continuation 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.
- 6) 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.
- 7) Dismissal. The PC may dismiss a case for want of prosecution or for lack of jurisdiction.

Article 5. Meeting Schedule

- 1) Application Schedule. The Administrator shall develop and maintain an annual Application Schedule, which is a calendar of meetings and filing dates for the Plan Commission, TAC, 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.
- 2) Coordination of Calendars. The calendars of the PC, TAC, and its other Committees shall be coordinated by the Administrator to ensure the efficient processing of applications.
- 3) Compliance with Indiana State Code. All meeting and filing dates shall be based on the requirements of the ZONING ORDINANCE and the laws of the State of Indiana.
- 4) Approval of Dates. The Application Schedule shall be prepared by the Administrator and approved by the PC, wherein the PC shall be responsible for approving a coordinated calendar for the TAC and any of its other Committees.
- 5) Maintenance. The Application Schedule shall be reviewed and updated annually by the Administrator and posted in the Town of Thorntown Town Hall and/or on the town's website.

Article 6. Petition Hearing Procedures

- 1) Order of Business. The PC shall follow the following order of business:
 - a) Call to Order
 - b) Pledge of Allegiance
 - c) Agenda Consideration (and consideration of requested continuances)
 - d) Minutes
 - e) Public Comment for items not on the agenda
 - f) Old Business.
 - (i) Public hearings on petitions
 - (ii) Other petitions for consideration
 - (iii) Other business
 - g) New Business
 - (i) Public hearings on petitions
 - (ii) Other petitions for consideration
 - (iii) Other business
 - h) New Business from the Floor
 - i) Public Comment for Items Not on the Agenda
 - j) Announcements
 - k) Adjournment
- 2) 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.
- 3) Procedure for Petition Consideration. Each petition before the PC shall generally be allotted a total of twenty-five (25) minutes for the presentation of evidence, comments, and questions at the public hearing. 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 and open it for discussion.
 - b) Presentation. The petitioner shall have a total of twenty (20) minutes for the presentation of their petition.
 - c) Staff and Public Official's Report. The Administrator shall present the staff and public official's report for the petition.
 - d) Public Discussion.
 - (i) Discussion of Support. Persons in support of the petition shall have a total of ten (10) minutes to present evidence, comments, and questions relevant to the matter being considered.
 - (ii) Discussion of Neutrality. Persons neutral on the petition shall have a total of ten (10) minutes to present evidence, comments, and questions relevant to the matter being considered.
 - (iii) Discussion of Opposition. Persons in opposition of the petition shall have a total of ten (10) minutes to present evidence, comments, and questions relevant to the matter being considered. Closing Remarks by Petitioner. The petitioner shall have a total of five (5) minutes for closing remarks as well as responding to the presentation of evidence, comments, and questions raised during the public discussion.
 - e) Discussion of PC. The President shall close the public discussion portion of the hearing and call for questions and comments from members of the PC.
 - f) 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. The call for the member casting the first vote shall rotate after each petition.
- 4) Meeting Limitations. No petition shall be introduced for consideration after 10:00pm. 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."

Article 7. General Meeting Conduct and Procedures

- 1) **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.
- 2) **Appearance at Meetings.** Any party may appear in person or by representative (person, agent, attorney, etc.) at PC meetings. A representative may testify to the facts that he has particular knowledge of that relate to the issues of the petition. In so testifying, the representative shall be subject to cross-examination and questions.
- 3) **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.
- 4) **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).
- 5) **Site Visit.** Members shall have the right to inspect land involved in any petition to be heard by the PC either individually or jointly. No more than three (3) members shall inspect the subject land at any one (1) time.
- 6) **Conflict of Interest.** 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 and Procedures*, a member of the PC shall have a conflict of interest with regard to a petition if:
 - a) the member has a direct or indirect financial interest in a subject property or petition; or
 - b) the member (individually or jointly) owns property close enough to a subject petition to receive written notice.
- 7) **Record of Hearing.** The Administrator 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.
- 8) **Attendance.** PC members are expected to attend all meetings of the PC. To ensure a quorum, members shall notify the Administrator 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 (see [Article 2, Section 4: Removal of Members](#)).

Article 8. Filing of Petitions

- 1) Prerequisites.
 - a) Prior Code Violation Resolution. A petition or permit application may not be filed for a property that has a previously documented and unresolved code violation until the violation has been resolved. However, the Administrator may allow the filing of a petition application or permit application if it is shown that it will directly contribute to the resolution of the violation.
 - b) Adverse Decision. A petition that receives an adverse decision from the PC or Town Council may not be re-filed for a period of one (1) year from the date of the adverse decision. The Administrator shall determine if a new petition significantly differs from the previous petition that received the adverse decision.
- 2) 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 Meeting 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.
- 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 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.

Article 9. 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. The petitioner shall publish notice at least fifteen (15) days prior to the scheduled hearing in 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. The petitioner shall provide written notice at least fifteen (15) days prior to the scheduled hearing on the PC's prescribed form, by certificate of mailing, or certified mail. Notice shall be post marked at least fifteen (15) days prior to the hearing. Receipts and/or the Affidavit of Mailing shall be submitted at least three (3) days prior to the hearing.
 - c) Interested Parties. For the purpose of written notice by certificate of mailing, "interested parties" shall be defined as property owners within six hundred sixty (660) feet and at least two (2) parcels deep, 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.

Article 10. Docketing of Cases

- 1) Docketing of Cases. Each case shall be filed in proper form, with the required date, numbered serially, and placed on the docket by the Administrator.
- 2) Order of Hearing Cases. On the date set for hearing, cases shall come before the PC either in the regular order of their consecutive numbers, or grouped by similar petitions, as determined by the Administrator when setting the meeting agenda. Provided, however, cases re-docketed or continued from a previous meeting shall be heard at the beginning of the meeting, before newly docketed cases.
- 3) Agenda Limitations. In preparing the docket for each public hearing of the PC, the cases scheduled shall be limited to a reasonable number as determined by the Administrator.
- 4) Meeting Limitations. No petition shall be introduced for consideration after 10:00pm. Agenda items remaining on the agenda shall be automatically placed at the beginning of the agenda at the next regularly scheduled meeting of the PC.

Article 11. Officers, Plan Commission Records

- 1) Officers of the PC.
 - a) President. A President shall be elected at the first regular meeting of the PC in each calendar year. The President shall preside at all PC meetings. Meetings shall be held at the call of the President or at other times which the PC deems necessary.
 - b) Vice President. A Vice President shall be elected in the manner prescribed for the President and shall have the authority to act as President during the absence or disability of the duly elected President.
 - c) Secretary. The Administrator shall serve as the Secretary of the PC. A Secretary shall be elected in the manner prescribed for the President who shall maintain responsibility with the Administrator, for all records and correspondence for the PC. They shall cause minutes of the PC meeting to be maintained in permanent volume, notice to be served of all public hearings and notification to be served to all members of all meetings. The Secretary, subject to the direction of the President and the supervision of the Administrator or designee, shall record all important facts pertaining to each meeting and hearing, all resolutions acted upon by the PC, and all votes of members of the PC upon any resolution or upon the final determination of any questions, indicating the names of any members absent or facility to vote.
 - d) In the absence of both the President and Vice-President, a chairperson shall be selected from the legal voting quorum present at the meeting.
 - e) A Recording Secretary may be used for keeping and transcribing minutes of regular or special meetings of the PC.
- 2) 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.
- 3) Recorded Vote. In all cases heard by the PC, the vote shall be recorded in the minutes of the meeting.
- 4) Agenda Preparation and Distribution. The Administrator shall be responsible for the preparation and distribution of an agenda for each meeting of the PC. Agendas shall be distributed prior to the hearing to members of the PC, legal counsel, and the press. Other interested or affected parties may request agendas.
- 5) Open Door Law. PC shall comply with [IC 5-14-1.5, The Open Door Law](#), with respect to the use of agendas and requirements for meetings.

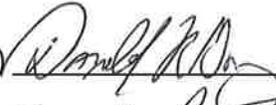
Article 12. Amendments of Rules and Procedures

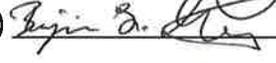
- 1) Amendment of Rules and Procedures. Amendment to these *Rules and Procedures* may be made by the PC only upon the affirmative vote of a majority of the full membership of the PC.
- 2) Proposed Amendments: Any amendment to these rules or procedures must be presented at least fourteen (14) days prior to voting on the amendment.
- 3) Suspension of Rules or Procedures. The suspension of any rule or procedure may be ordered at any meeting of the PC by a majority vote of the quorum present.

Article 13. Adoption and Amendment History or Rules and Procedures

- 1) The official record of these *Rules and Procedures* for the PC shall be kept on file at the Town of Thorntown.
- 2) Adopted: (date) 08/29/2022
- 3) Amended:
 - a) (date and nature of amendment)
 - b) (date and nature of amendment)

Attest:

PC President: (name, signature)  (date) 9/12/22

PC Vice Pres: (name, signature)  (date) 9/12/22

Secretary: (name, signature) Oksana Polhuy  (date) 09/12/22