

RULES OF THE JEFFERSON COUNTY INDIANA PLAN COMMISSION

WHEREAS, the Jefferson County Plan Commission is required by I.C. 36-7-4-401(a) to supervise and make rules for the administration of the affairs of the Commission; prescribe uniform rules pertaining to investigation and hearings; keep a complete record of all the departmental proceedings; record and file all bonds and contracts and assume all 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 determines that its rules should be organized and stated in a coherent fashion and be made readily available to those persons appearing before it,

NOW, THEREFORE, BE IT RESOVLED BY THE PLAN COMMISSION OF JEFFERSON COUNTY, INDIANA, THAT THE FOLLOWING RULES BE ADOPTED AS REQUIRED BY I.C. 36-7-4-604 AND I.C. 36-7-4-706.

RULE 1

DEFINITIONS AND CITATION FORM

1.1 *Definitions:*

These terms shall be defined as follows for the purposes of these rules:

1.2 *Commission - Defined:*

Commission means the Plan Commission of Jefferson County, Indiana.

1.3 *Director - Defined:*

Director means the County Surveyor of Jefferson County, Indiana.

1.4 President - Defined:

President means the President of the Plan Commission of Jefferson County, Indiana.

1.5 Secretary - Defined:

Secretary means the Secretary of the Plan Commission of Jefferson County, Indiana.

1.6 Vice - President - Defined:

Vice-President means the Vice-President of the Plan Commission of Jefferson County, Indiana.

1.7 Citation:

These rules shall be cited as "Jefferson County Plan Commission Rule(s) 0.0"

RULE 2

OFFICERS AND STAFF

2.1 Presiding Officer:

The President shall preside over all regular and special meetings of the Commission. The Vice-President shall act as President during the absence or disability of that officer. The Commission shall elect a President pro tempore from among its members if both the President and Vice-President are absent or disabled.

The President shall appoint committees, execute contracts and rule on all points of procedure. The President shall sign all official documents on behalf of the Commission.

2.2 Secretary:

The Commission shall appoint a Secretary. The Secretary shall keep a complete and accurate record of all proceedings and votes of the Commission, record and file all bonds and contracts and assume all responsibility for the custody and preservation of all papers and documents of the Commission, and shall prepare, publish and distribute reports, ordinances and other material relating to Commission activities.

2.3 Plan Director:

The Director shall supervise the Commission staff and administer the daily affairs of the Commission. The Director shall recommend appointments to the Commission, interview prospective staff members, establish personnel policies and office procedures.

2.4 Nondiscrimination Policy:

The staff of the Commission, the Director, and the Secretary shall be hired, retained, promoted and discharged without regard to age, ancestry, color, handicap, national origin, race, religion, or sex.

RULE 3
MEETINGS AND PUBLIC HEARINGS

3.1 Application:

This rule shall apply to all public hearings required by State law or by the Jefferson County UDO (Unified Development Ordinance) and to all regular and special meetings of the Commission.

3.2 Regular Meetings:

The Commission shall conduct regular meetings on the first Tuesday of each month at five-thirty post meridian (5:30 p.m.), local time, in the Jefferson County Surveyor's Office, Courthouse Annex Building, 315 Jefferson Street, Madison, Indiana. If the date of a regular meeting falls on a legal holiday recognized by Jefferson County, or if it is inconvenient to conduct the meeting at that time or place, the President may set an alternate date, time or place for the regular meeting or may cancel the meeting.

3.3 Public Hearings:

The Commission may conduct a public hearing as a part of any regular or special meeting or at any other place or time if the notice required by State law is given.

3.4 Appearances:

Any person may appear in person or by counsel to present a petition or remonstrance to the Commission.

3.5 Limits to Debate and Presentations:

The President may impose reasonable limits upon the time for consideration of any item upon the Commission agenda. The President shall insure that equal time is afforded to opponents and proponents of any item before the Commission.

3.6 Order and Courtesv:

The President shall preserve order and may warn any member or other 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.

3.7 Evidence:

The President shall determine the admissibility of any evidence before the Commission.

3.8 Presentations:

The President shall begin consideration of a petition by ordering its reading. The Director or the Staff shall then describe the location of the area affected by the petition. The person or persons charged with investigating the proposal shall submit their report.

The President shall recognize the proponents of any petition and shall allow those persons to present evidence to the Commission. The President shall then recognize the opponents of any petition and shall allow those persons to present evidence to the Commission. The President shall then recognize the proponents for the purpose of rebuttal and the opponents for counter-rebuttal. The President shall recognize Commission members for the purpose of questioning any proponent or opponent of the petition following any presentation. Upon the conclusion of questioning and discussion the President may entertain a motion to conclude the public hearing or conclude debate on the motion.

3.9 Continuances:

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

3.10 Order of Business:

The order of business at any regular meeting shall be:

- a) Roll call;
- b) Determination of quorum;
- c) Consideration of minutes;
- d) Reading of communications;
- e) Current business (continued or tabled items);
- f) New Business;
- g) Adjournment.

3.11 Agenda:

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 Secretary. No item shall be considered by the Commission unless it appears on the agenda. Any petitioner may withdraw any petition prior to the meeting at which it was to be considered. Applications for approval of primary or secondary plats and applications for rezoning shall be placed on the agenda for the next meeting after their receipt unless they are received too late to be advertised for the next meeting. Reconsideration of a prior decision of the plan commission other than possible amendments to the UDO or to the plan commission rules can be placed on the agendas only by an affirmative vote of the majority of the plan commission. All other items may be placed on the agenda anytime at the discretion of the President, or during a meeting at the request of a member of the plan commission, or during a meeting at the request of a member of the public if approved by a majority of plan commission members. The plan commission may not take official action other than reaching a decision to place an item on its agenda unless the proposed action has been advertised by the plan commission pursuant to Rule 4.3.

The agenda shall be sent by U. S. mail or email to all members of the Commission and shall be available for public inspection at the Commission office no later than three (3) days before any regular meeting.

RULE 4

**REZONING, AMENDMENTS AND PLAT APPROVAL –
NOTICE AND PROCEDURE**

4.1 Applications:

Every petitioner for a rezoning amendment or plat approval shall complete an application supplied by the Secretary. The application shall be as in the form attached hereto. In addition, the applicant may submit proposed findings and conclusions unless this requirement is waived by the Plan Commission.

4.2 Filing Requirements:

Every petition to rezone property or approve a plat shall be filed with the Secretary no later than thirty (30) days prior to its consideration by the Commission.

4.3 Notice Requirements -Plan Commission:

The Secretary shall cause to be published public notice of the meetings of the Plan Commission in accordance with I.C. 5-3-1-2, I. C. 5-3-1-4 and I.C. 36-7-4-604 and I.C. 36-7-4-706. Due notice to interested parties shall also be given by the applicants sending the required notice by certified mail, return receipt requested, to landowners adjoining the

land to be rezoned or to be platted at least ten (10) days before the hearing date. Land that would be contiguous to the land to be rezoned or to be replatted if there were no roadway intervening between the two tracts shall be considered to be adjoining land for the purpose of this notice requirement. Notice by certified mail shall not be required concerning applications to amend the UDO nor concerning applications to repeal the UDO and to adopt replacement ordinances.

The applicants shall present the return receipts to the Secretary and shall assume the cost of the certified mail.

4.4 Report of Determination:

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 I.C. 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 Commitments:

(a) The Plan Commission may require the owner of a parcel of property to make a written commitment concerning the use or development of that parcel.

(b) Any person claiming to be adversely affected by any commitment is entitled to enforce the commitment.

(c) A commitment shall be created by the owner of the property affixing his or her signature to a written statement of the terms of the Commitment. The signed commitments shall be attached to the petition, and entered into the minutes of the Plan Commission by the Secretary.

(d) Commitments shall be recorded in the office of the county Recorder and take effect upon the approval of the exception, use, or variance. Unless modified or terminated by the Plan Commission, a commitment is binding on:

1. The owner of the parcel.
2. A subsequent owner of the parcel.
3. A person who acquires an interest in the parcel.

A commitment is binding on the owner of the parcel even if it is unrecorded. However, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

(e) A commitment may be modified or terminated only by a decision of the Plan Commission made at a public hearing after notice is given in accordance with the requirements set forth in Plan Commission Rule 4.3.

(f) If any person fails to abide by a commitment, that person commits a violation of the zoning ordinance, and shall be enforced in accordance with the provisions of the UDO.

RULE 5
AMENDMENTS AND SUSPENSION

5.1 *Amendments:*

These rules may be amended by a two-thirds (2/3) vote of the membership of the Commission.

5.2 *Suspension:*

These Rules or any portion of them may be suspended by a two-thirds (2/3) vote of the membership of the Commission. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.

5.3 *Effective Date:*

These Rules shall enter into effect immediately upon the adoption of this Resolution.

ADOPTED THIS 6 DAY OF June, 2023

PLAN COMMISSION OF
JEFFERSON COUNTY, INDIANA

ABSENT
Warren Axuier, President

ATTEST:

Lynette M. Anderson
Lynette M. Anderson, Secretary

David Bramer
David Bramer, Vice-President

David B Ferguson
David Ferguson, Member

Jenny Beverly
Jenny Beverly, Member

Gene Riedel
Gene Riedel, Member

Lisa Hammock
Lisa Hammock, Member

ABSENT
Britt Copeland, Member

Ray Black, Jr.
Ray Black, Member

Mike Pittman
Mike Pittman, Member

PC FORM 1: APPLICATION

This application is being submitted for (check all that apply):

- Commercial Subdivision
 submitted Primary Plat submitted Secondary Plat
 Industrial Subdivision
 submitted Primary Plat submitted Secondary Plat
 Major Subdivision
 submitted Primary Plat submitted Secondary Plat
 Development Plan Zone Map Change
 PUD District

For Office Use Only	
Petition # _____	Fee _____
Filing Date _____	Hearing Date _____
<input type="checkbox"/> Staff Review <input type="checkbox"/> Checkpoint Agencies Review	
<input type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable <input type="checkbox"/> No Rec.	
<input type="checkbox"/> Approved	
<input type="checkbox"/> Approved w/Commitments/Conditions <input type="checkbox"/> Denied	

Applicant & Property Owner Information

Applicant Full Legal Name:			
Applicant Street Address:			
Applicant City, State, Zip:			
Property Owner Full Legal Name:			
Property Owner Street Address:			
Property Owner City, State, Zip:			
Primary Contact Person	Name:	Phone:	Email:

Property Information

18-digit Parcel Number:			
Property Address (if addressed):			
Subdivision Name (if applicable):		Lot Number(s) if applicable:	
Township Name:	Total Acreage:	Section:	Township: Range:
Development will be served by: Septic Sewer (specify provider: _____)			
Legal Description from property tax card or attach copy of deed:			
Current Zoning of Subject Property:		Current Use of Subject Property:	
Proposed Zoning:		Proposed Land Use:	

Detailed Description of Request (attach additional sheets if needed)

Applicant Signature: * If consent is needed, fill out PC Form 2

I (we), _____, attest that the above information and attached exhibits/forms, to my knowledge and belief, are true and correct.

Signature of Applicant: _____

Date: _____

PC MEETING DATE & TIME

TUESDAY, _____, 20__ AT 5:30 O’CLOCK P.M.

JEFFERSON COUNTY SURVEYOR/PLANNING & ZONING OFFICE, 315 JEFFERSON STREET, ANNEX BLDG.,
MADISON, IN 47250; 812-274-3928

Administrator Review:

Reviewed By: _____

Date: _____

PC Approval or Denial: To be decided @ PC Meeting

-Approved this ____ day of _____, 20__, by the Jefferson County Plan Commission.

-Approved w/ commitments/conditions this ____ day of _____, 20__, by the Jefferson County
Plan Commission.

-Denied this ____ day of _____, 20__, by the Jefferson County Plan Commission.

____ Favorable ____ Unfavorable ____ No Recommendation

Signature of PC President: _____

Date: _____

ATTEST: _____

Date: _____

PC FORM 2: CONSENT OF PROPERTY OWNER(S)

Instructions: Only complete this form if the applicant is not the property owner.

Signature / Consent of Property Owner(S): Complete if the applicant is not the property owner(s)	
I (we), _____, after being first duly sworn, depose and say that I/we are the owner(s) of the real estate located the above address; that I/we have read and examined the Application and are familiar with its contents; that I/we have no objection to and consent to such request as set forth in the application; and that such request being made by the applicant (____ is) (____ is not) a condition to the sale or lease of the above referenced property.	
Signature of <u>ALL</u> Property Owner(s):	Date:
Notary Public's Name (printed) & Signature:	State/County of Residence:
My Commission Expires:	Subscribed and sworn to before me this ____ day of _____, 20____.