

PLAN COMMISSION RULES

NOBLE COUNTY – INDIANA

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Adopted June 18, 1986, amended December 1986 and May 1987; replaced on October 16, 1996; amended November 19, 1997; March 18 1998; December 19, 2001; April 20, 2005, March 20, 2013, April 15, 2015 and August 19, 2020.

WHEREAS, the Noble County 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 36-7-4-604 (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 Unified Development 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 be made readily available to those persons appearing before it,

NOW, THEREFORE, BE IT RESOLVED BY THE PLAN COMMISSION OF NOBLE COUNTY, 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 the Noble County Plan Commission.

1.3 ZONING ADMINISTRATOR - DEFINED:

Zoning Administrator means the Z.A. of the Noble County Plan Commission.

1.4 PRESIDENT - DEFINED:

President means the President of the Noble County Plan Commission.

1.5 SECRETARY - DEFINED:

Secretary means the Secretary of the Noble County Plan Commission.

1.6 VICE-PRESIDENT - DEFINED:

Vice-President means the Vice-President of the Noble County Plan Commission.

1.7 CITATION:

These rules shall be cited as “Noble County Plan Commission Rule(s)”.

RULE 2

OFFICERS AND STAFF

2.1 ELECTION OF OFFICERS:

- (a) The officers of the Commission are the President and 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 Commission at 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:

- (a) 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.
- (b) The President may participate in the discussion of all matters before the Commission and vote on any question before the Commission.
- (c) 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 Commission shall appoint a Secretary who shall serve at its pleasure.
- (b) The Commission may fix the compensation of the Secretary.
- (c) The 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 following consultation with the President;
 - (3) Provide notice of meetings to 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 a secretary.

2.5 SEAL:

- (a) The Commission adopts a seal with the caption “The Seal of the Noble County Plan Commission.”
- (b) The Secretary shall employ the seal to certify to all official acts of the Commission.

2.6 ZONING ADMINISTRATOR:

- (a) The Zoning Administrator shall supervise the Commission staff, administer the daily affairs of the Commission, and conduct all investigations required to administer the Unified Development Ordinance.
- (b) The Zoning Administrator 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.
- (b) The Commission may make contracts for special or temporary services and any professional counsel.
- (c) All employees shall be hired following an interview with the Commission and a majority vote of the entire membership.
- (d) The staff of the Commission, the Zoning Administrator and the Secretary shall be hired, retained, promoted and discharged without regard to age ancestry, color, handicap, national origin, race, religion, or sex.

2.8 COMMITTEES:

- (a) Each standing committee shall consist of at least three (3) members. The term of each member shall expire one year after appointment. The President shall fill any vacancy immediately and announce the appointment at the following meeting of the Commission.
- (b) 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 Zoning Administrator shall, under IC 36-7-4-405, assign street numbers to lots and structures and renumber lots and structures, subject to the approval of the Commission.
- (b) The Zoning Administrator shall not assign numbers to lots and structures until the Improvement Location and Building Permits are obtained and the foundation of the home is in place. An address may be requested for structures other than a home, and may be implemented at the discretion of the Zoning Administrator and or the Commission.

RULE 3

MEETINGS AND PUBLIC HEARINGS

3.1 APPLICATION:

This rule applies to all public hearings before the Plan Commission required by State Law or by the Noble County Unified Development Ordinances and to all regular and special meetings of the Commission.

3.2 GENERAL RULES:

- (a) 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.
- (b) All meetings at which official action is taken shall be open to the general public.
- (c) 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 their petition prior to the meeting at which it was to be considered.
- (d) The agenda shall be sent by US mail and/or email to all members of the Commission and shall be available for public inspection at the Commission office no later than two days before any regular meeting.
- (e) The Plan Commission may consider input from the public in the form of written comments filed with the office. The Commission may then determine whether or not to place the item on the Agenda for further consideration.

3.3 QUORUM AND VOTING:

- (a) A majority of the entire membership of the Commission constitutes a quorum.
- (b) Voting shall be by roll call.
- (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 on the third Wednesday of each month at 7:00 p.m. in the Dekko Meeting Room at the Noble County Office Complex-South, Albion, IN.
- (b) If the date of the regular meeting falls on a legal holiday recognized by Noble County, 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) Unfinished business;
 - (6) New business;
 - (7) Reports of Members, Staff, Officers, and Committees;
 - (8) Future Agenda Items; and
 - (9) Adjournment.

3.5 SPECIAL MEETINGS:

- (a) Special meetings may be called by the President or by any two members of the Commission upon written request to the Secretary.
- (b) 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 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) Determination of quorum;
- (4) The business for which the Special Meeting was called; and
- (5) 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 other place or time if the notice required by state law is given.
- (b) 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 daily newspaper employed for legal notices by the County Commissioners at least ten days before the date of 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 petitioner or property owner must appear 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 for an extension should be granted. If a petitioner or property owners fails to appear without sufficient reason, the petition must be dismissed.
- (e) The petitioner or interested party may appear in person or by counsel to participate in 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 register with the secretary and state their name and address.

- (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 President reads the application.
 - (2) The petitioner presents facts relating to case. The presentation is limited to twenty (20) minutes.
 - (3) The Commission members direct questions to the petitioner. There is no time limit on this phase of the hearing.
 - (4) The President recognizes those who have registered to speak against the proposal. These presentations are limited to a total of twenty (20) minutes.
 - (5) The petitioner may rebut the testimony of those against the proposal. The rebuttal is limited to five (5) minutes.
 - (6) The President shall conclude the public hearing and call for a motion on the item before the Commission.

3.8 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.

3.9 PROCEDURAL RULES:

The most recent edition of Robert's Rules of Order shall govern the conduct of all meetings and public hearings except to the extent that it conflicts with Noble County law or these Rules.

3.10 REPLACEMENT ORDINANCE NOTICES:

- (a) For purposes of a replacement Unified Development Ordinance under IC 36-7-4-604 (c), all persons subject to jurisdiction of the County Unified Development Ordinance are interested parties.
- (b) The Zoning Administrator is required to give due notice under IC 36-7-4-604 (c) 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 Zoning Administrator at least ten days before the hearing is conducted on replacement ordinance.

3.11 SCOPE:

- (a) A Commission Member shall abstain from voting if the member has a conflict of interest as defined in IC 36-7-4-223 (b).

RULE 4

REZONING AMENDMENTS - NOTICE AND PROCEDURE

4.1 APPLICATIONS:

- (a) Every petitioner for a rezoning amendment shall complete an application supplied by the Secretary. The applications shall be in the form set forth in Rule 8.
- (b) Every petitioner shall submit a complete legal description with an application.
- (c) The Zoning Administrator may require the petitioner to submit any additional information the Zoning Administrator deems relevant for consideration by the Commission, including written proof that the petitioner is the agent or the owner/owners of the property if the petitioner is not himself the sole property owner.

4.2 FILING REQUIREMENTS:

- (a) Every petition to rezone property must be filed with the Secretary no later than twenty-eight (28) days prior to its consideration by the Commission.

4.3 NOTICE REQUIREMENTS:

- (a) All persons with a legal interest in the property to be rezoned and all persons with real property abutting (directly adjacent to or across the road from) the property subject to a rezoning petition are interested parties.
- (b) If the subject matter of the proposal abuts or includes a county line (or a County line street or road, or a county line body of water), then all owners of real property to a depth of two (2) ownership's or one-eighth (1/8) of a mile into the adjacent county, whichever is less are interested parties.
- (c) Adequate notice is provided under these rules if:
 - (1) The Secretary sends notice to all interested parties on a form provided by the Commission as set forth in Rule 8.
 - (A) The form must inform the interested party that a petition for a rezoning amendment has been filed with the Commission and state the time, date and place of the public hearing.
 - (B) The signature of any person on the form is not to be construed as a waiver or consent to the petition, but

simply evidence that the interested party has been informed of the hearing.

- (2) The 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 stating its mailing address and a general description of its location deemed adequate by the Zoning Administrator.

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 Findings of Fact indicating either that it favors the proposal or is averse to it. (See IC 36-7-4-609 (a)). Any Findings of Fact adverse to a proposed rezoning ordinance shall contain a concise statement indicating the reasons for the determination of the Commission.

4.5 RECONSIDERATION:

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 COMMITMENTS:

- (a) Whenever a development plan is required by the Unified Development Ordinance as a condition of development, the Commission may require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel.
- (b) The commitment must be created by the signature of the President and the property owner on a form setting forth the terms of the commitment. The form must be recorded in full in the minutes of the Commission.
- (c) The commitment may be modified or terminated by the Commission following a public hearing, after the petitioner for modification or termination complies with the notice requirements applicable to rezoning amendments.
- (d) The Zoning Administrator is the only specially affected person entitled to enforce a commitment.

RULE 5

PLAT APPROVAL AND VACATIONS - NOTICE AND PROCEDURE

5.1 APPLICATIONS:

- (a) Every petitioner for a subdivision primary plat approval or for a vacation of property shall complete an application supplied by the Secretary. The application shall be in the form set forth in Rule 8.
- (b) The Zoning Administrator may require the petitioner to submit any additional information the Zoning Administrator deems relevant for consideration by the Commission, including written proof that the petitioner is the agent of the owner/owners of the property if the petitioner is not himself the sole property owner.
- (c) **FOR MINOR PLATS:** eleven legible copies with an overall dimension of 11 x 17, may be filed with the primary plat. One 18 x 24 Mylar and eleven legible copies with an overall dimension of 11 x 17 may be filed with the final plat.
- (d) **FOR MAJOR PLATS:** seventeen legible copies with an overall dimension of 11 x 17, along with three legible copies with an overall dimension of 18 x 24 may be filed with the primary plat. One 18 x 24 mylar and eleven legible copies with an overall dimension of 11 x 17 may be filed with the final plat.
- (e) **FOR VACATION OF PLATTED LAND:** the petitioner must submit a Petition to Vacate, and a duly certified land survey by an Indiana Registered Land Surveyor describing the platted land to be vacated.

5.2 FILING REQUIREMENTS:

- (a) Every petition for primary plat approval or vacation shall be filed with the Secretary twenty eight (28) days prior to its consideration by the Commission.
- (b) The Zoning Administrator shall set a hearing date for the primary plat approval or vacation. The hearing date shall be the date of the first Commission meeting at which the primary plat approval could be considered under Rule 5.2.

5.3 NOTICE REQUIREMENTS:

- (a) Interested Parties Defined.
 - (1) For the purpose of platting real property, all persons with a legal interest in the property to be platted and all persons with real property abutting (directly adjacent to or across the road from) the property to be platted are interested parties. The President

may determine whether the interested parties have a valid interest in the petition.

- (2) If the subject matter of the proposal abuts or includes a county line (or a County Line street or road, or a county line body of water), then all owners or real property to a depth of two (2) ownership's or one-eight (1/8) of a mile into the adjacent county, whichever is less are interested parties.
 - (3) For the purpose of vacating real property, all persons required to be notified of the vacation hearing under IC 36-7-3-11 are interested parties.
- (b) Adequate notice is provided under these rules if:
- (1) The Secretary sends notice to all interested parties on a form provided by the Commission as set forth in Rule 8.
 - (A) The form must inform the interested party that a petition for a subdivision or vacation has been filed with the Commission and state the time, date, and place of the public hearing.
 - (B) The signature of any person on the form is not to be construed as a waiver or consent to the petition, but simply evidence that the interested party has been informed of the hearing.
 - (2) The Commission publishes a notice of the public hearing as required as 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 platted or vacated stating its mailing address and a general description of its location deemed adequate by the Zoning Administrator.
 - (3) **PLATTED LAND VACATIONS:** The Plan Commission Secretary shall prepare and publish all required legal notices and notify required interested parties of the public hearing.

5.4 REPORT OF DETERMINATION:

- (1) The Commission, following the conclusion of the public hearing required by state law, shall state its recommendation concerning the primary plat approval by adopting written Findings of Fact indicating either that it grants the approval or not. Any denial of primary plat approval shall contain a concise statement indicating the reasons for determination of the Commission.

- (2) The Commission, following the conclusion of the public hearing required by IC 36-7-3-11, shall approve or deny the proposed vacation of platted land and adopt written Findings of Fact. The President and Secretary shall prepare and sign an Order Granting the Vacation, in the case of an approval, and the petitioner shall record such order.
- (3) Vacated platted land shall remain in the legal property owner of records name.

5.5 PROCEDURE FOR RECORDING VACATION ORDERS:

Upon receiving approval of a vacation for platted land, the Petitioner must submit the vacation order and required survey to the clerk of the legislative body. Once entered for taxation, the petitioner shall cause the order and survey to be recorded and shall pay all recording fees.

RULE 6

AMENDMENTS AND SUSPENSION

6.1 AMENDMENT:

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

6.2 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 be continued beyond the adjournment of the meeting at which the motion to suspend was passed.

6.3 EFFECTIVE DATE:

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

RULE 7

FORMS

7.1 FORMS:

The following forms are completed by the Plan Commission Staff and made part of the petition upon signature and payment by the landowner or their authorized representative:

- (1) Public hearing notice forms to adjoining landowners;
- (2) Rezoning applications;
- (3) Plat approval application;
- (4) Vacation applications;
- (5) Commitments;
- (6) Special Exception;
- (7) Use & Development Standard Variances; and
- (8) Findings of Fact as applicable to the petition.

RULE 8

NOTICE AND PROCEDURES

8.1 APPLICATION, FILING REQUIREMENTS/NOTICE REQUIREMENTS:

- (a) Every petitioner for an Exclusion shall follow the same application, filing and notice requirements as set forth in Rule 4 - Rezoning Amendments.

8.2 REPORT OF DETERMINATION:

- (a) The Commission shall, following the conclusion of the public hearing, approve or deny the Exclusion request and adopt Findings of Fact.

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NOBLE COUNTY - INDIANA

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NOBLE COUNTY PLAN COMMISSION

President

Vice President

Member

Member

Member

Member

Member

Member

Member