

# **RULES OF PROCEDURE: TOWN OF PLAINFIELD PLAN COMMISSION**

## **I. Membership, Organization and Meetings**

### **1. Membership of the Plan Commission**

The *Plan Commission* shall be made up of seven (7) members as follows:

- a. Three (3) persons who must be elected or appointed municipal officials or employees in the municipal government appointed by the Town Council.
- b. Four (4) citizen members, of whom no more than two (2) may be of the same political party, appointed by the President of the Town Council.

### **2. Officers of the Plan Commission**

At their first regularly scheduled meeting of each calendar year, the *Plan Commission* shall select from its membership a President and Vice President.

The President shall preside at all meetings, and, in his or her absence or disability, the Vice President shall preside.

The *Plan Commission* shall elect a President Pro Tempore from among its members if both the President and Vice President are absent or disabled.

If any office becomes vacant, the *Plan Commission* shall elect a successor at its next regular meeting to complete the remainder of the unexpired term.

### **3. Points of Order**

The presiding officer of the *Plan Commission* shall, subject to these Rules of Procedure, decide all points of order or procedure, unless otherwise directed by a majority of the members of the *Plan Commission* present.

### **4. Quorum and Official Vote**

A majority of the entire membership of the *Plan Commission* constitutes a quorum. Action of the *Plan Commission* is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the *Plan Commission*.

**5. Vacancies**

If a vacancy occurs among the membership of the *Plan Commission*, the appointing authority shall appoint a member for the unexpired term of the vacating member.

**6. Secretary**

The *Plan Commission* shall appoint a *Secretary* who shall serve at the *Plan Commission's* pleasure.

The *Secretary* shall:

- a. Keep a complete and accurate record of all proceedings and votes of the *Plan Commission*;
- b. Prepare the agenda of all meetings following consultation with the President;
- c. Provide notices of meetings to the *Plan Commission* members;
- d. Arrange for all required legal notices for hearings of the *Plan Commission*;
- e. Attend to the correspondence of the *Plan Commission*;
- f. Record and file all bonds and contracts;
- g. Assume all responsibility for custody and preservation of the Seal of the *Plan Commission* and all papers and documents of the *Plan Commission*;
- h. Prepare, publish, and distribute reports, ordinances and other material relating to *Plan Commission* activities; and,
- i. Perform all other duties normally carried out by a *Secretary*.

If the *Secretary* is absent at any meeting, the President shall appoint a temporary *Secretary*.

**7. Regular Meetings**

The *Plan Commission* shall hold its regular meeting on the first Monday of each month at 7:00 p.m. in the Plainfield Municipal Building, Plainfield, Indiana. If the first Monday of the month is a holiday as recognized by the Town of Plainfield, or if it is impossible to conduct the meeting at that time or place, the regular monthly meeting shall be scheduled for the first Thursday following the first Monday of the month.

**8. Special Meetings**

Special meetings of the *Plan Commission* may be called by the President or by two (2) members of the *Plan Commission* upon written request to the *Secretary*. The *Secretary* shall send to all members, at least three (3) days before the special meeting, a written notice fixing the time and place of the meeting.

Written notice of a special meeting shall not be required if (i) the date, time and place of a special meeting is fixed at a regular meeting; and (ii) all members of the *Plan Commission* are present at the regular meeting.

**9. Executive Session**

The *Plan Commission* may meet in Executive Session pursuant to I.C. 5-14-1.5-6.1.

**10. Public Meetings**

All meetings of the *Plan Commission*, except legally constituted executive sessions, shall be open to the public who shall have the right to give testimony during the public hearing portion of the meeting, in accordance with these Rules of Procedure.

**11. Minutes**

The *Plan Commission* shall maintain minutes of all meetings. The minutes of any *Plan Commission* meeting shall be filed with the Department of Planning and Zoning and maintained as public records.

**II. Proposals to: Adopt a Replacement Town of Plainfield Zoning Ordinance or Town of Plainfield Subdivision Control Ordinance; or Amend or Partially Repeal the Text of the Town of Plainfield Zoning Ordinance or the Town of Plainfield Subdivision Control Ordinance**

**1. Who May Initiate**

A *Proposal* to adopt a replacement zoning ordinance after repealing the entire Town of Plainfield Zoning Ordinance (including amendments and zone maps) or Town of Plainfield Subdivision Control Ordinance (including amendments), or to amend or partially repeal the text of the Town of Plainfield Zoning Ordinance or the Town of Plainfield Subdivision Control Ordinance may be initiated by the *Plan Commission* or the Town Council.

**2. Preparation of a Proposal**

The *Plan Commission* shall prepare the *Proposal* consistent with the requirements of I.C. 36-7-4-601. The *Plan Commission* may engage *Staff* or other professionals to assist in the actual writing of the *Proposal* consistent with the policies and directives of the *Plan Commission* or the Town Council.

**3. Considerations**

In preparing and considering a *Proposal*, the *Plan Commission* and Town Council shall pay reasonable regard to:

- a. The Comprehensive Plan for the Town of Plainfield;
- b. Current conditions and the character of current structures and uses in each district;
- c. The most desirable use for which the land in each district is adapted;
- d. The conservation of property values throughout the Town of Plainfield; and,
- e. Responsible development and growth.

**4. Public Hearings**

The *Plan Commission* must hold at least one public hearing on a *Proposal* prior to certification of the *Proposal* to the Town Council.

**5. Notice**

The *Plan Commission* hereby declares that all property owners in the Town of Plainfield are interested parties in relation to a *Proposal* to adopt a replacement zoning ordinance after repealing the entire Town of Plainfield Zoning Ordinance (including amendments and zone maps) or Town of Plainfield Subdivision Control Ordinance (including amendments), or to amend or partially repeal the text of the Town of Plainfield Zoning Ordinance or the Town of Plainfield Subdivision Control Ordinance. The *Plan Commission* shall provide notice to all such interested parties by publication in accordance with I.C. 5-3-1 at least ten (10) days prior to the date set for a public hearing. Published notice shall comply with the provisions of I.C. 36-7-4-604. No further notice by the *Plan Commission* shall be required.

**6. Certification of Proposals**

A *Proposal* to adopt a replacement zoning ordinance after repealing the entire Town of Plainfield Zoning Ordinance (including amendments and zone maps) or Town of Plainfield Subdivision Control Ordinance (including amendments) shall only be certified by the *Plan Commission* to the Town Council if the *Proposal* receives a favorable recommendation from the *Plan Commission*.

A *Proposal* to amend or partially repeal the text of the Town of Plainfield Zoning Ordinance or the Town of Plainfield Subdivision Control Ordinance may be certified by the *Plan Commission* to the Town Council with a favorable recommendation, an unfavorable recommendation or with no recommendation from the *Plan Commission*.

**7. Publication of Notice of Adoption of Proposals**

a. After adoption of a *Proposal* to adopt a replacement zoning ordinance after repealing the entire Town of Plainfield Zoning Ordinance (including amendments and zone maps) or the entire Town of Plainfield Subdivision Control Ordinance (including amendments) the *Plan Commission* shall publish a notice of adoption in accordance with I.C. 5-3-1. Notice of adoption shall:

- (1) Summarize the subject matter of the ordinance;
- (2) Give the date of adoption;
- (3) Specify the places or area that would be directly affected by the ordinance (this does not require identification of real property by metes and bounds);

- (4) Specify the penalty or forfeiture prescribed for a violation of the ordinance; and,
  - (5) Give two (2) locations open to the public where the entire text of the ordinance is available for inspection.
- b. After adoption of a *Proposal* to amend or partially repeal the text of the Town of Plainfield Zoning Ordinance or the Town of Plainfield Subdivision Control Ordinance, the *Plan Commission* shall print the text of the ordinance in book or pamphlet form. No other printing or publication of any zoning ordinance is required.

**8. Public Inspection**

If the Town of Plainfield Zoning Ordinance or Town of Plainfield Subdivision Control Ordinance is not included in the Code of Ordinances for the Town of Plainfield, two (2) copies of the book or pamphlet (and supplement, if any) shall be filed in the Office of the Clerk and shall be kept on file in that Office for public inspection.

**9. Effective Date**

Unless the *Proposal* specifies a later effective date, the ordinance takes effect when it is adopted unless the ordinance contains a penalty or forfeiture for a violation, in which case the ordinance may not take effect until fourteen (14) days after the later of the following:

- a. The final day on which notice of its adoption is published; or
- b. The day on which the ordinance is filed with the clerk's office.

**III. Filing of Petitions for Zone Map Change, Modification of Commitments, Subdivision Plats, Development Plans, or Vacations of Land**

**1. Who May File**

- a. Zone map changes shall be initiated by the *Plan Commission* or by a *Petition* signed by property owners of at least fifty (50) percent of the land involved in the *Petition*.
- b. Modification of commitments, subdivision plats and development plans shall be initiated by a *Petition* signed by the owners of the land involved in the *Petition*.
- c. Vacations of land in a plat shall be initiated by a *Petition* signed by the owner(s) of all or part of the plat pertaining to the land owned by the *Petitioner*.
- d. An owner may be represented by an *Authorized Agent*. An *Authorized Agent* shall file a written statement with the Department, signed by the Owner on a form acceptable to the Department, at the time of filing a *Petition*.

**2. Filing Deadline**

*Petitions* for public hearing before the *Plan Commission* shall be filed with the Department of Planning and Zoning no later than 12:00 noon on the day of the Filing Deadline set forth below:

<u>Type of Petition</u>	<u>Filing Deadline*</u>
Zone Map Changes	37 days
Subdivisions	
Minor Residential	37 days
Major Residential	60 days
Non-Residential	60 days
Development Plans	37 days
Vacations of Land	37 days

\* NOTE: The Filing Deadline shall mean the number of days prior to the initial hearing before the *Plan Commission* at which the *Petition* is to be considered.

**3. Form of Filing**

All *Petitions* to the *Plan Commission* shall be on forms provided by the Department of Planning and Zoning and shall include all materials requested on said forms. In addition, site plans, surveys, legal descriptions, building elevations, sign details, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality.

Other relevant supporting documentation shall include a Traffic Impact Study or School Impact Study when a Petition meets the threshold requirements set forth below:

a. Traffic Impact Study.

A Traffic Impact Study shall be filed with each application when warrants for such study are met as described in Plainfield Ordinance No. 18-97, "Access Permit Ordinance of the Town of Plainfield".

b. School Impact Study

A School Impact Study shall be filed with each application for zone map change to a residential zoning district.

**4. Findings of Fact**

When *Findings of Fact* are required by the Town of Plainfield Zoning Ordinance, Town of Plainfield Subdivision Control Ordinance or these Rules of Procedure, the *Petitioner* shall, at the time of filing of the *Petition*, file proposed detailed written *Findings of Fact*.

**5. Specifying of Request**

All *Petitions* shall specify the approvals requested. Any items, including proposed waivers of development requirements in connection with a development plan approval or waivers of the standards set forth in the Town of Plainfield Subdivision Control Ordinance, even if indicated on the proposed plans, shall not be considered a part of the request presented to the *Plan Commission* for its consideration unless such waivers are specified in the *Petition*.

A *Petition* for the vacation of land must:

- a. State the reasons for and circumstances prompting the request;
- b. Specifically describe the property in the plat proposed to be vacated; and,
- c. Give the name and address of each owner of land in the plat.

A *Petition* for the vacation of land may include a request to vacate any recorded covenant or commitments filed as part of the plat.

**6. Primary and Secondary Plats**

The procedures related to the filing for and obtaining approval of *Primary* and *Secondary Plats* contained in these Rules of Procedure are provided for convenience purposes only. The complete outline of procedures to be followed in the filing for and obtaining approval of *Primary* and *Secondary Plats* is set forth in Article II of the Town of Plainfield Subdivision Control Ordinance. In case of conflict between any portion of these Rules of Procedure and the Town of Plainfield Subdivision Control Ordinance related to the filing for and obtaining approval of *Primary* and *Secondary Plats*, the Town of Plainfield Subdivision Control Ordinance shall control.

## **IV. Docketing of Petitions, Order of Hearings, Investigation of Petitions**

### **1. Docketing by Director**

Each *Petition* filed in proper form pursuant to the guidelines established by the Department of Planning and Zoning shall, within thirty (30) days of filing, be numbered and docketed by the *Director* for an initial hearing by the *Plan Commission*. Such *Petitions* shall be numbered consecutively in the order of their filing according to the type of *Petition*.

### **2. Order of Hearings**

On the date of the public hearing, the *Plan Commission* shall hear *Petitions* in the order of their numbers as follows:

#### **a. Continued Petitions**

- (1) Zone Map Changes
- (2) Modification of Commitments
- (3) Subdivision Plats
- (4) Development Plan Approvals
- (5) Vacation of Land

#### **B. Initial Hearing Petitions**

- (1) Zone Map Changes
- (2) Modification of Commitments
- (3) Subdivision Plats
- (4) Development Plan Approvals
- (5) Vacation of Land

The *Plan Commission* may, in its discretion and at a public hearing, change the order in which *Petitions* shall be heard at the public hearing.

### **3. Investigation of Petitions**

Upon assignment of a number and hearing date, the *Director* shall distribute a copy of the *Petition* and relevant supporting documentation to the members of the *Technical Advisory Committee* for review and comment pursuant to the Rules of Procedure for the *Technical Advisory Committee* for the Town of Plainfield.

**V. Notice Requirements for Petitions for Zone Map Change, Modification of Commitments, Subdivision Plats, Development Plans or Vacation of Land**

Notice of all *Petitions* for zone map change, modification of commitments, subdivision plats, development plans or vacation of land for public hearing before the *Plan Commission*, or before any hearing examiner or committee of the commission, shall be given to all interested parties or property owners in the following manner:

**1. Notice by Publication**

Notice shall be published by the *Plan Commission* in accordance with I.C. 5-3-1 at least ten (10) days prior to the date of the public hearing.

**2. Notice by Mailing**

Notice, in a form approved by the *Director* in accordance with the requirements of I.C. 36-7-4-604, shall be mailed to each interested party.

Notice by mailing shall be given by certified mail at least fifteen (15) days prior to the date of the hearing.

The requirements of mailing notice shall not be applicable to *Petitions* initiated by the *Plan Commission*. The *Plan Commission* shall determine the requirements, if any, for notice of such *Petitions*.

**3. Posted Notice on Subject Property**

Notice of all *Petitions* for public hearing before the *Plan Commission*, on a form prescribed by the *Plan Commission*, shall be posted at least fifteen (15) days prior to the date of the hearing in a conspicuous place on the subject property. In the case of a subject property having frontage in excess of five hundred (500) feet, one (1) notice shall be posted for each five hundred (500) feet of frontage and such notices shall be located with approximately equal in spacing along such street frontage. In the case of a subject property having more than one (1) street frontage, posted notice as described herein shall be provided along each street frontage.

The requirements of posting a notice on the subject property shall not be applicable to *Petitions* initiated by the *Plan Commission*.

**4. Interested Parties**

- a. Interested parties for a *Petition* for zone map change, modification of commitments, subdivision plat and development plan approval shall include:
  - (1) All owners of property within the area included in the *Petition* who are not *Petitioners*; and,
  - (2) All owners of adjoining parcels to a depth of two (2) ownerships or six-hundred (600) feet, whichever is less, surrounding the perimeter of the area included in the *Petition*.

In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), designated common areas shall be deemed one ownership and notice to the co-owners of such common area may be given to the association of co-owners. The second ownership shall be deemed to be only the first tier of condominium units located within the common area.

For the purpose of notice requirements contained in this subsection a., where any immediately adjoining parcel is owned by the *Petitioner*, the subject property of the *Petition* shall be deemed to include the immediately adjoining parcel owned by the *Petitioner*.

- b. Interested parties for a *Petition* for the vacation of land in a plat shall include all property owners within said plat.
- c. In determining the name and address of legal title owners, the records of the Hendricks County Auditor, or the appropriate office designated in an adjoining county, at a point in time within fourteen (14) days of the date of filing, shall be deemed to be the true names and addresses of all persons entitled to receive notice.

**5. Affidavit of Notice**

*Petitioner* shall file an Affidavit of Notice, in a form as specified by the Department of Planning and Zoning, indicating compliance with all notice requirements of these Rules, prior to the public hearing. Copies of all "Receipt for Certified Mail" (white slips) and the originals of the "Domestic Return Receipts" (green cards) shall be filed with the Affidavit of Notice.

**6. Defective Notice**

If proper notice has not been given, a *Petition* may be continued until a later date to allow time for un-notified persons to prepare for the public hearing. Personal appearance shall waive any defect in notice unless the defect in notice is timely raised at the beginning of the hearing in which the *Petition* is to be heard while the *Plan Commission* is considering requests of continuances and prior to the calling of the first *Petition* for public hearing.

## VI. Conduct of Public Hearings

### 1. Time Allowed and Procedure for Hearing of Petitions

In order to provide all interested parties with a fair hearing, *Petitioners* and remonstrators shall be afforded a reasonable amount of time for the presentation of evidence, statements and argument at the public hearing of every *Petition* before the *Plan Commission*. The order of the presentation of evidence, statements and arguments shall be as follows:

- a. *Staff* of the *Plan Commission* shall be given a reasonable time by the *Plan Commission* to introduce the matter being considered and for the presentation of evidence, statements regarding the matter being considered.
- b. *Petitioners* shall be allotted a total of fifteen (15) minutes to present evidence, statements and arguments in support of the matter being considered.
- c. Persons appearing in support of a *Petition* shall be allotted a total of fifteen (15) minutes to present evidence, statements and arguments in support of the matter being considered.
- d. Remonstrators and persons appearing in opposition to a *Petition* shall then be allotted a total of fifteen (15) minutes to present evidence, statements and arguments in opposition to the matter being considered.
- e. The *Petitioner* shall then have a total of five (5) minutes for rebuttal, which shall include only evidence, statements and argument in rebuttal of remonstrators' or the *Staff's* evidence, and a brief closing statement.

At the conclusion of remarks by any party, the *Plan Commission* shall have the right to ask questions pertaining to the evidence, statements and argument presented. Time involved in responding to questions by the *Plan Commission* by either the *Petitioners* or remonstrators shall not be considered for purposes of calculating equal time for presentation.

The presiding officer shall have authority to cut off repetitious and irrelevant testimony and shall make reasonable efforts to allow equal time for *Petitioners* and remonstrators.

**2. Testimony**

Any person giving testimony to the *Plan Commission* regarding any pending *Petition* shall be placed under oath and shall first state their name and address for the record prior to beginning testimony.

**3. Orderly Conduct**

All persons appearing at a public hearing shall act in an orderly and courteous manner. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the *Plan Commission* and shall be dealt with by the presiding officer as is deemed fair and proper.

**4. Continuances**

Requests for continuances by *Petitioners* or remonstrators shall be considered at the beginning of each public hearing agenda prior to calling the first *Petition* for public hearing listed on the agenda.

A continuance request may be made in person or in writing and shall:

- a. specify the date to which the continuance is requested; and
- b. indicate whether it is the first request made by the party for a continuance of the hearing on the subject *Petition*.

Continuances may be granted by motion of the *Plan Commission* at the hearing upon a showing of good cause (e.g., the need for additional time for negotiation between *Petitioners* and remonstrators which will reasonably increase the likelihood of agreement between the parties; the unforeseeable need for additional information; or, the unforeseeable absence of a key witness) and provided that the non-requesting party does not suffer a significant hardship because of the grant of a continuance (e.g., presence of remonstrators at the hearing who would be inconvenienced by having to reappear; or, additional expense incurred by *Petitioner* as a result of time delay).

The *Plan Commission* may, at any time, in its discretion, continue the hearing of any *Petition*.

On its own motion, *Plan Commission* may determine if re-notification of interested property owners shall be required for any continued hearing.

Continuances granted for periods of time in excess of two months shall require re-notification of interested property owners.

**5. No Hearing After 10:00 p.m.**

The *Plan Commission* may elect to not begin the hearing on any matter after 10:00 p.m., local time. If a hearing on a *Petition* has not been called for by the presiding officer prior to 10:00 p.m., local time, such *Petition* may be continued until the next regularly scheduled or special meeting of the *Plan Commission*.

Any hearing which has been called for by the presiding officer prior to 10:00 p.m., local time, may be completed.

**6. Contacting Plan Commission Members Regarding Pending Petition Prohibited**

No person shall contact any member of the *Plan Commission* in advance of a public hearing on any pending *Petition* with intent to influence the *Plan Commission* member's action on such *Petition*.

A written request for continuance as provided for by these rules shall not be construed to be a prohibited contact of a *Plan Commission* member.

A contact with a *Plan Commission* member who is also a member of the Town Council, shall not be construed to be a prohibited contact provided that: (i) all contact is limited to that member's official duties as a Town Council member; and (ii) the *Plan Commission* member who is also a member of the Town Council reports on the substance of such contacts to the other members of the *Plan Commission* during the public hearing.

**7. Secretary's or Director's Written Report**

Nothing in these Rules of Procedures shall be deemed to prohibit the *Secretary* or the *Director* from submitting a written report, stating any facts concerning the physical characteristics of the area involved in the *Petition*, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the planning staff concerning the proposal contained in the *Petition* and a report from the *Technical Advisory Committee* or Design Review Committee. A copy of such statement shall be made available to the *Petitioner* and all remonstrators of record, if any.

**8. Disqualification of Plan Commission Member in Case of Personal or Financial Interest**

A member of the *Plan Commission* who has a direct or indirect personal or financial interest in any *Petition* presented shall: disqualify himself or herself insofar as the particular *Petition* is concerned; not sit as a member of the *Plan Commission* during the hearing of the particular *Petition*; and, not participate as a member in the *Plan Commission's* hearing or decision in such *Petition*.

**9. Amendments**

Requests to amend any *Petition* may be filed in writing prior to or at the beginning of any hearing, or may be made orally at the hearing. Any remonstrators present shall have the right to be heard on any objections they may have to such proposed amendment and may request a continuance of the hearing to allow time to study the proposed amendments. It shall be within the discretion of the *Plan Commission* to grant or deny requests for such continuances and to require re-notification. In making this determination, consideration shall be given to whether or not the *Staff* and any remonstrators have had sufficient time to adequately review these new amendments or supporting documents. Provided, however, any proposed amendment to change the zoning classification to a higher or more inclusive zoning classification shall be redocketed and readvertised.

## VII. Final Disposition of Petitions

### Dismissal of Petitions

- a. The *Plan Commission* may dismiss a *Petition* for lack of prosecution when the *Petitioner* has failed to appear. The *Plan Commission* may dismiss a *Petition* for lack of jurisdiction.
- b. Any *Petition* which has been dismissed by the *Plan Commission* for lack of prosecution shall not again be filed for consideration within a period of three (3) months from the date of the dismissal, except upon motion to permit re-filing adopted by a majority vote of all members of the *Plan Commission* at a regular or special meeting, for good cause shown.

### 2. Withdrawal of Petitions

No *Petition* may be withdrawn by the *Petitioner* after a motion to take action on the *Petition* has been requested by the presiding officer. A *Petition* which has been properly withdrawn by the *Petitioner* may be heard at the next regular meeting of the *Plan Commission* upon republication of the legal notice and re-notification of interested property owners.

Any *Petition* which has been withdrawn by the *Petitioner*, and which has not been set for hearing at the next regular meeting as described above, shall not be re-filed for consideration within a period of three (3) months from the date of said withdrawal, except upon motion to permit re-filing adopted by a majority vote of all members of the *Plan Commission* at a regular or special meeting, for good cause shown.

### 3. Re-Filing Following Adverse Decision

- a. Petitions for Zone Map Change, Modification of Commitments, Subdivision Plat or Development Plan Approval.

No parcel of ground, or part of a parcel, which has been the subject of an adverse decision of: a *Petition* for zone map change by the Town Council; an adverse decision of a *Petition* for modification of commitments, subdivision plat, development plan approval for development incentives or development plan approval for architectural review by the *Plan Commission*; or, an adverse decision of a *Petition* for variance of use, variance of development standards or special exception by the Board of Zoning Appeals, shall again be included in a *Petition* for either a zone map change, modification of commitments, subdivision plat, development plan approval for development incentives, or development plan approval for

architectural review which includes any request for waivers within six (6) months from the date of the adverse decision, unless the body making the adverse decision, by an official vote at a public hearing, decides for good cause shown, to allow the re-filing. However, a parcel of ground, or part of a parcel, which has been the subject of an adverse decision as described above, may be included in another *Petition* for development plan approval for architectural review provided such *Petition* is in full compliance with the Plainfield Zoning Ordinance and does not include any requests for waivers.

Written notice of a special request to include a parcel subject to an adverse decision in another *Petition* shall be provided to adjoining property owners at least ten (10) days prior to the date of consideration of the special request by the Town Council, the *Plan Commission* or the Board of Zoning Appeals.

b. Petitions for the Vacation of Land.

After the termination of a vacation proceeding, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two (2) years.

**4. Certification of Plan Commission's Recommendation**

Within five (5) *Business Days* after making a favorable recommendation, an unfavorable recommendation, or no recommendation on a *Petition* for zone map change the *Plan Commission* shall certify such recommendation to the Town Council.

**5. Findings of Fact**

When the *Plan Commission* is required by the Town of Plainfield Zoning Ordinance, Town of Plainfield Subdivision Control Ordinance or these Rules of Procedure to enter written *Findings of Fact* in support of its determination, such *Findings of Fact* may be entered at the initial public hearing or, at the *Plan Commission's* discretion, the public hearing on the *Petition* may be continued until the next regularly scheduled meeting of the *Plan Commission* for the adoption of the *Findings of Fact*. If a *Petition* is continued for the adoption of *Findings of Fact*, no further testimony need be taken by the *Plan Commission* prior to adoption of the *Findings of Fact*.

**6. Letter of Grant or Denial**

a. Petition for Zone Map Change.

Following final action on a zone map change by the Town Council, the *Director*, within five (5) *Business Days* after of notification by the Town Council of its action, shall notify the *Petitioner* of the final decision by sending the *Petitioner* a letter of grant or denial. If the letter is a letter of grant, the letter shall include all conditions imposed.

If the *Secretary* or the *Director* is present at the hearing granting or denying a zone map change, then this appearance shall be considered notice to the Office of the *Plan Commission* of the Town Council's decision, and the *Plan Commission* need not be notified of the final action.

b. Petition for Modification of Commitments, Subdivision Plat, Development Plan Approval or Vacation of Land.

Following final action on a modification of commitments, subdivision plat, development plan approval or vacation *Petition* by the *Plan Commission*, the *Director*, within five (5) *Business Days* after the final action, shall notify the *Petitioner* of the final decision by sending the *Petitioner* a letter of grant or denial and a copy of the *Plan Commission's* written *Findings of Fact*. If the letter is a letter of grant, the letter shall include all conditions imposed.

### VIII. Procedures for Determining Completion of Subdivision Improvements

Whenever a Subdivider posts a Performance Bond or Irrevocable Letter of Credit as surety for the construction and completion of improvements, installations and lot improvements required by the Town of Plainfield Subdivision Control Ordinance, other ordinances of the Town of Plainfield and the *Plan Commission*, the following procedures shall be followed in determining whether all such improvements, installations and lot improvements have been constructed and completed:

1. No construction shall occur within a subdivision until:
  - a. The inspection fee for the proposed improvement, installation or lot improvement has been paid to the Town of Plainfield in accordance with the Schedule of Fees of the Town of Plainfield;
  - b. Construction plans have been submitted to and approved by the Town Engineer; and,
  - c. An Inspection Professional has been selected by the Subdivider from the list of approved Inspection Professionals maintained by the Town Engineer.
2. Inspections shall be accomplished by the Inspection Professional at periodic intervals and at all critical points in the construction process. It shall be the responsibility of the Subdivider to inform the Inspection Professional of the timing of all critical points in the construction process in order to provide for proper inspections.
3. Subdivider shall cause an Letter of Compliance to be submitted to the Town Engineer upon completion of construction and installation.
4. Within ten (10) *Business Days* of receipt of a Letter of Compliance, the Town Engineer shall schedule a review meeting and inspection with the Subdivider.
5. Within ten (10) *Business Days* of inspection, the Town Engineer shall either issue:
  - a. a Completion Letter for the inspected improvements, installations and lot improvements which are determined to be constructed and completed in compliance with all requirements and ordinances of the Town of Plainfield and are appropriate for acceptance for maintenance by the Town of Plainfield; or,
  - b. a letter indicating the deficiencies identified in the construction of the inspected improvements, installations and lot improvements and establishing a reasonable timetable for correction of such deficiencies.

6. In the event that the Town Engineer determines that there is a deficiency in the construction of inspected improvements, installations and lot improvements, the Subdivider shall be responsible for bringing said improvements, installations and lot improvements into compliance with all requirements and ordinances of the Town of Plainfield and submitting a new Letter of Compliance and causing the the process outlined above to be restarted.
7. If the improvements, installations and lot improvements are not brought into compliance with all requirements of the Town of Plainfield in accordance with the reasonable timetable for correction of such deficiencies as determined by the Town Engineer in the letter indicating the deficiencies, the Town of Plainfield may cause the improvements, installations and lot improvements to be brought into compliance with all requirements and ordinances of the Town of Plainfield pursuant to the terms and conditions of the Performance Bond or Irrevocable Letter of Credit.

## **IX. Waiver of Rules**

The *Plan Commission* shall have the right to waive any portion of these Rules of Procedure upon their own motion, or upon request of any interested party, for good cause shown, provided, however, the *Plan Commission* may not waive any portion of these Rules beyond the minimum requirements established by Statute.

## **X. Amendments**

Amendments to these Rules of Procedure may be made by the *Plan Commission* upon the affirmative vote of a majority of the members of the *Plan Commission*.

## **XI. Definitions**

As used in these Rules of Procedure, the following terms shall have the following meanings:

**AUTHORIZED AGENT** - Any party duly authorized in writing by the Owner of a subject parcel to act on the Owner's behalf with respect to a *Petition* for zone map change, modification of commitments, subdivision plat, development plan approval or vacation of land.

**BUSINESS DAY** - A day when the offices of the Department of Planning and Zoning of the Town of Plainfield are open to the public for the transaction of business for the entire period of its normal operating hours.

**DIRECTOR** - The Director of the Department of Planning and Zoning of the Town of Plainfield.

**FINDINGS OF FACT** - A written statement, based upon the evidence presented at a public hearing and the requirements of the Town of Plainfield Zoning Ordinance, Town of Plainfield Subdivision Control Ordinance or these Rules of Procedure, in support of a decision made by the *Plan Commission*.

**PLAN COMMISSION** - The Town of Plainfield Plan Commission established pursuant to the Advisory Planning Law of the State of Indiana.

**PETITION** - An application for zone map change, modification of commitments, subdivision plat, development plan approval or vacation of land filed with the Department of Planning and Zoning for public hearing by the *Plan Commission* in compliance with applicable state laws, local ordinances, and rules or procedure.

**PETITIONER** - The Owner of a parcel or the Owner's duly *Authorized Agent*, attorney or representative who makes application for a zone map change, modification of commitments, subdivision plat, development plan approval or vacation of land filed with the Department of Planning and Zoning for public hearing by the *Plan Commission*.

**PROPOSAL** - A draft of an ordinance to adopt a replacement zoning ordinance after repealing the entire Town of Plainfield Zoning Ordinance (including amendments and zone maps) or Town of Plainfield Subdivision Control Ordinance (including amendments), or a draft of an ordinance to amend or partially repeal the text of the Town of Plainfield Zoning Ordinance or the Town of Plainfield Subdivision Control Ordinance.

**SECRETARY** - The *Secretary* of the *Plan Commission* as duly appointed by the *Plan Commission* in accordance with I.C. 36-7-4-304.

**STAFF** - The *Secretary* of the *Plan Commission*, the *Director* of the Department of Planning and Zoning, any employee of the *Plan Commission*, or any attorney or agent of the *Secretary* of the *Plan Commission* or the *Director* of the Planning and Zoning Department.

**TECHNICAL ADVISORY COMMITTEE** - A committee of technical consultants established to provide the *Director* with technical assistance in the review of plans for compliance with the provisions of the Town of Plainfield Zoning Ordinance, the Town of Plainfield Subdivision Control Ordinance and other applicable rules and regulations of federal, state or local agencies.

**XI. Adoption**

The foregoing Rules of Procedure of the Town of Plainfield Plan Commission were adopted by the affirmative vote of the members of the *Plan Commission* on the 5th day of January, 1998, with an effective date of the 1st day of February, 2000, and amended by Resolution No. 99-002 on the 3rd day of January, 2000, Resolution No. 1-2006, on the 6<sup>th</sup> day of April, 2006 and Resolution No. 4-2006 on the 7<sup>th</sup> day of September, 2006. The effective date of these Rules of Procedure, as amended, shall be the 10<sup>th</sup> day of October, 2006.

**Town of Plainfield  
Plan Commission**

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Renea Whicker, President

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Bill Kirchoff

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Robin G. Brandgard

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Kent McPhail

\_\_\_\_\_  
Herbert Thibo

\_\_\_\_\_  
Rick Matrana

\_\_\_\_\_  
Dennis Gibbs

ATTEST: \_\_\_\_\_  
Richard A. Carlucci, Secretary  
Town of Plainfield  
Plan Commission