

RULES OF PROCEDURE  
OF THE  
HENRY COUNTY ADVISORY PLANNING COMMISSION

Article I. Authority

1. The Henry County Advisory Planning Commission, hereafter referred to as the Commission, was established by the Board of County Commissioners of Henry County, Indiana in accordance with the provisions of Chapter 174, Acts of 1947, of the General Assembly of the State of Indiana, and all amendments thereto.

Article II. Jurisdiction and Purpose

1. The Commission's jurisdiction includes the following areas:
  - a. All unincorporated land, both named and unnamed, within Henry County.
  - b. Those incorporated land areas within a city or town that have selected the Commission as the planning organization for their city or town.
  - c. The list, description and/or map identifying all those areas of jurisdiction shall be maintained in the Commission Office.
2. The Commission's purpose includes the following:
  - a. To assist the orderly and efficient development of the County.
  - b. To provide for the coordination of new thoroughfares with existing and planned thoroughfares.
  - c. To promote the health, safety, and general welfare of the residents of the County.
  - d. To ensure the coordination of the extension of community facilities and utilities.
  - e. To secure the equitable handling of all subdivision plans by providing uniform procedures and standards.
  - f. To comply with the stated purposes of the Henry County Development Code as outlined in Title 1 Section 1.3 of the Development Code.

Article III. Duties

1. The Commission shall consist of nine (9) members, as follows:
  - a. One County Commissioner chosen from its membership;
  - b. One County Council Member chosen from its membership;
  - c. The County Surveyor or his/her designated appointee;
  - d. The County Agricultural Extension Educator;
  - e. Five (5) appointees of the Board of County Commissioners, one (1) of which must be a Township Trustee, who must be a resident of an unincorporated area of the county, no more than three (3) being of the same political party, to serve four (4) year terms.
2. The Commission shall serve in an advisory capacity to the presently established Board of Commissioners of Henry County and to the Common Councils of all

participating municipalities. The Commission shall also serve as a hearing officer for the Board of Zoning Appeals as outlined in I.C. 36-7-4-923 & 924.

3. The Commission shall render interpretations of the Zoning Ordinance as may be necessary.
4. The Commission shall administer the adopted Zoning Ordinance and may initiate amendments to said ordinance as well as hearing petitions for zoning map changes as required and forward its recommendations for approval/disapproval to the Board of County Commissioners or the respective Town Council.
5. The Commission shall review and initiate revisions to the Zoning Ordinance, Subdivision regulations, and other land use regulations and keep them up to date.
6. The Commission shall hire/appoint, prescribe the duties, and fix the compensation of such employees as are necessary for the discharge of the duties and responsibilities of the Commission. All compensations shall be subject to the approval of the County Council. The Commission may make contracts for special or temporary services, professional counsel, and technical services with such compensation as approved by the County Council.
7. The Commission may approve its members or employees attendance at a state, regional, or national conference and may approve the actual expense of the attending member of employee provided the amount has been approved by the County Council in the Commission budget.
8. The Commission shall elect from its membership the representative to serve on the Board of Zoning Appeals for a (4) four year term.
9. A President shall be elected at the first regular meeting of the Commission in each calendar year. The President shall preside at all Commission meetings. Meetings shall be held at the call of the President or upon written request to the Secretary by two (2) members of the Planning Commission.
10. The President shall preserve order and may warn any person present that particular conduct is a breach of courtesy. If a Commission member persists in discourteous conduct following a warning, the Commission may vote to censure the offending member. If any other person persists in this conduct following a warning, the President may order the person expelled from the meeting.
11. The President shall determine the admissibility of any evidence, unless overruled by a majority vote of the Commission.
12. The President may cancel a scheduled meeting if no petitions are submitted within the required timeframe. In such cases, the staff of the Commission shall give notice to all members, and the news media, of the cancellation.

13. 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.
14. A Secretary shall be elected in the manner prescribed for the President and shall maintain responsibility with the Zoning Administrator, for all records and correspondence for the Commission and shall have the authority to act as President during the absence or disability of the duly elected President and Vice-President. The Secretary need not be a member of the Planning Commission.
15. In the event of the absence or disability of the President, the Vice-President and the Secretary, the presiding officer shall be a member of the Commission selected by the members present.
16. When an office becomes vacant, the Commission shall elect a successor to complete the remainder of the unexpired term at its next regular meeting.
17. Per I.C. 36-7-4-223 A member of a Plan Commission is disqualified and may not participate in a hearing of that Commission concerning a zoning decision if the member is biased or prejudiced or otherwise unable to be impartial; or the member has a direct or indirect financial interest in the outcome of the zoning decision. It shall also be the policy of the Commission that no member who has an immediate family member petitioning the Commission shall in any way act or vote upon such petition. Any member who is disqualified shall signify as such and be excused from the Commission proceedings. The minutes of the meeting shall clearly indicate the non-participation of such members and the name of an alternate member, if any, who participated in the hearing or decision.
18. Although Indiana law does not prohibit ex-parte contact for Planning Commission Members with Petitioners or their supporters and objectors, Henry County Code does prohibit any person with a pending hearing from communicating with any member of the Planning Commission before a hearing with the intent to influence the member's action on a matter pending before the Planning Commission. Therefore Henry County Planning Commission Members are discouraged from communicating with any person, outside of a public hearing, who may wish to influence the member's action on a matter pending before the Planning Commission.
19. The Zoning Administrator may refer any matter to the Commission for review and approval.
20. The Zoning Administrator may impanel a Technical Review Committee as needed to provide expertise for individual case review. The composition of the Technical Review Committee may change depending on the particulars of each case and the ultimate composition of the Committee will be at the discretion of the Zoning Administrator. A suggested list of possible committee members would include: the County Health Department, Environmental Officer; the County

Surveyor; the County Engineer; the County Extension Agent; the Soil Conservation Agent; a Planning Commission member; a Board of Zoning Appeals Member.

21. The Zoning Administrator may limit the number of petitions to be heard at a regularly scheduled meeting if adjournment at a reasonable time would not be possible otherwise. The President shall be informed when this occurs. Those petitions not scheduled will be scheduled first on the agenda of the next available meeting.

#### Article IV. Proceedings

1. The Commission shall keep and maintain all records, certificates, plans and other materials associated with any permit, ordinance amendment, variance, or other official action.
2. All meetings of the Commission shall be open to the public with the exception of Executive Sessions. Specific matters about when a public agency can hold an Executive Session can be found in the Indiana Code 5-14-1.5-6.1.
3. Meetings shall normally be devoted to the consideration of petitions to amend the zoning map or commission approved uses and shall be open to the public. Discussions of planning in general, the introduction of resolutions by the Commission, routine business and administration, and policy determination shall be considered as time permits.
4. Whenever it is determined that a quorum is not available for a regular or special meeting, the President may dispense with such meeting, and all business scheduled for such meeting will be automatically continued to the next regular or special meeting. In such cases, the staff of the Commission shall give notice to the Commission members, those having business before the Commission, and to the news media.
5. The President may dispense with a scheduled regular or special meeting in the event of a natural disaster, snow emergency, or similar causes. In such cases, the staff of the Commission shall give notice to the Commission members and to those having business before the Commission if possible, and the staff shall notify the news media of the cancellation.
6. A majority of the members, five (5), shall constitute a quorum. No action shall be official unless authorized by a majority of the Commission at a regular or properly called special meeting.
7. Unless otherwise permitted by the President, a Petitioner shall have ten minutes in total to present all evidence and testimony in support of the petition. Unless otherwise permitted by the President, public comment on the petition shall be taken for (20) twenty minutes with no single individual speaking for more than (3) three minutes. Time cannot be shared or yielded to other individuals.

Thereafter, unless otherwise permitted by the President, the Petitioner shall have five additional minutes to respond. Comments shall be directed to the Commission and not to the Petitioner or any other person. The Commission and staff may query any person speaking to clarify that person's position.

8. Unless otherwise permitted by the Zoning Administrator, a Petitioner shall have presented to the Zoning Administrator (15) fifteen days in advance of any hearing on the Petitioner's request, all documentation the Petitioner intends to present at the hearing in written, electronic, or any other format that the evidence is intended to be presented to the Commission. Said documentation shall be open to the public for inspection at the Planning Commission offices during normal business hours pursuant to the Public Access to Records Act and all acts amendatory or supplemental thereto. Failure of the Petitioner to comply with this provision may result in the continuance of the Petitioner's request until a date as may be determined by the Commission.
9. If the submission by the Petitioner to the Planning Commission is found to be not in compliance with the Henry County Development Code by the Zoning Administrator and the noted items of non-compliance are not cured by the Petitioner five (5) business days prior to the scheduled hearing date, the petition shall be continued to the second regular Planning Commission meeting after the meeting at which said petition was originally scheduled to be heard. If the submission is determined not to be in compliance with all provisions of the Henry County Development Code by the Zoning Administrator by the second scheduled hearing date, the petition is subject to dismissal upon motion made, seconded, and duly passed by the Planning Commission.
10. A Petitioner may request one continuance of a scheduled hearing before the Planning Commission as a matter of right, but any additional continuances are strongly discouraged and may be granted or denied at the sole discretion of the Planning Commission.
11. A Petitioner may not withdraw a case after a vote has been ordered by the President.
12. Any matter that does not require a public hearing may be placed on the agenda at the discretion of the Zoning Administrator. Any Commission Member can bring their own concerns, comments, or actionable items before the Commission under new business.
13. The Commission may cease hearing new cases (3) three hours from the start of the meeting. Cases not heard shall be placed at the beginning of the agenda of the next regular session of the Commission.
14. The order of business at regular monthly meetings shall be:
  - a. Roll call of members present;

- b. Approval of minutes of the previous meeting;
- c. Public hearings on petitions or other business as scheduled by the Zoning Administrator;
- d. Unfinished business;
- e. New business;
- f. Adjournment.

15. The order of business at special meeting shall be:

- a. Roll call of members present;
- b. Statement of business of special meeting by Zoning Administrator;
- c. Discussion of special business;
- d. Adjournment.

16. During each public hearing, the Commission President shall:

- a. Request the Zoning Administrator to present the petition, with brief background; a report, if any, from the Technical Review Committee, and graphic illustrations;
- b. Recognize the Petitioner and clarify the petition;
- c. Recognize those appearing on behalf of the petition;
- d. Recognize those appearing against the petition, including those persons wishing to ask questions;
- e. Questions, comments, and discussion among Commission members regarding the petition;
- f. Direct the Petitioner to respond to questions and provide rebuttal;
- g. Call for a vote on the petition and announce the decision.

#### Article V. Amendments to the Development Code and Zoning Map

- 1. Prior to a public hearing on a proposal involving an amendment or addition to the text of the zoning ordinance, the Commission shall ensure public notice is given to all persons owning property, residing in or doing business in Henry County. Such interested parties shall be notified by way of a legal notice for a public hearing to be published in a newspaper of general circulation within the county at least ten (10) days prior to the hearing. Notice will also be provided by posting the

text of the proposed amendments on the County's website no later than ten (10) days prior to the hearing and a statement will be provided to local newspapers advising of the proposed changes and the hearing no later than forty-eight (48) hours prior to the hearing.

2. Unless otherwise permitted by the Zoning Administrator, all petitions to amend the zoning map or a request for a commission approved use shall be filed with the Zoning Administrator on forms provided by the Commission at least 30 days prior to the date of the public hearing. Petitions filed too late to comply with this section shall be heard at the next regularly scheduled public hearing of the Commission.
3. A legal notice for a public hearing to consider a zoning map change or commission approved use shall be published in a newspaper of general circulation within the county by the Petitioner at least ten (10) days prior to the hearing at the expense of the Petitioner. Proof of such advertising shall be filed with the Office of the Zoning Administrator prior to the hearing. Petitions advertised too late to comply with this section shall be heard at the next regularly scheduled public hearing of the Commission.
4. The Petitioner shall provide mailed notice to interested parties in accordance with the requirements of I.C. 36-7-4-604. The Petitioner shall give notice by first class letter with Certificate of Mailing to the property owners of all adjoining parcels of land to a depth of two (2) ownerships or 660 feet, whichever is less, at least ten (10) calendar days prior to the date of the hearing. Proof of such mailings shall be given by the Petitioner to the staff and kept with the records of such public hearing. Failure to comply with the above requirements shall be grounds for continuing the petition until the next regularly scheduled public hearing of the Commission.
5. The requirements of mailing notice shall not be applicable to Petitions initiated by the Plan Commission unless it concerns a specific parcel of land.
6. All petitions not initiated by the Commission shall be accompanied by a filing fee in an amount established by the Commission to defray the administrative and investigative expenses of the Commission.
7. All petitions must include the following items:
  - a. Name, address, and telephone number of the Petitioner;
  - b. Any petition filed by any person other than the record title owner of the real estate involved shall be accompanied by a written statement, signed by the recorded title owner, consenting to the filing of such petition;
  - c. A statement indicating the present use of the property;
  - d. A statement indicating the present zoning district;

- e. A statement indicating the proposed zoning district;
- f. A vicinity map showing property lines; thoroughfares; existing and proposed zoning and such other items, as the Zoning Administrator may require;
- g. A list of all property owners and their mailing addresses for all adjoining parcels of land to a depth of two (2) ownerships or 660 feet, whichever is less, of the exterior boundaries of the area proposed to be rezoned or redistricted, as well as a list of all parcels of land that are within the area included in the petition whose owners are not Petitioners, and others that may have substantial interest in the case;

Article VI. General

- 1. Every person appearing before the Commission shall abide by the order and direction of the President. Discourteous, disorderly, disrespectful, or contemptuous conduct shall be regarded as a breach of the privilege to appear before the Board, and shall be dealt with as the President deems fair and proper.
- 2. Amendments to these Governing Rules, Policies and Procedure may be made by the Board at any regular or special meeting upon the affirmative vote of a majority of the members. Any amendment to the governing rules must be presented at least 30 days prior to voting on the amendment. The suspension of any rule or procedure may be ordered at any meeting by unanimous vote of those present.

ADOPTED:

This 20<sup>th</sup> day of February, 2020 by the Henry County Advisory Planning Commission after a motion and a second, being duly made and a vote of \_\_\_ yes \_\_\_ no \_\_\_ abstain.

ATTESTED:

President: \_\_\_\_\_

Secretary: \_\_\_\_\_