

**RULES OF PROCEDURE FOR THE
CITY OF NEW HAVEN
ADVISORY PLAN COMMISSION**

TABLE OF CONTENTS

Section 1. Definitions.....	5
1.01 <i>Board.</i>	5
1.02 <i>Commission.</i>	5
1.03 <i>Council.</i>	5
1.04 <i>Ordinance.</i>	5
1.05 <i>Planning Director.</i>	5
1.06 <i>President.</i>	5
1.07 <i>Rules.</i>	5
1.08 <i>Secretary.</i>	5
1.09 <i>Staff.</i>	5
1.010 <i>Vice-President.</i>	5
Section 2. Authority and Duties.....	5
Section 3. Officers, Members and Staff.....	6
3.01 <i>Members.</i>	6
3.02 <i>Election of Officers.</i>	6
3.03 <i>Vice President Duties.</i>	6
3.04 <i>Succession.</i>	6
3.05 <i>Vacancy.</i>	6
3.06 <i>Staff.</i>	6
Section 4. Meetings	6
4.01 <i>Regular Meetings.</i>	6
4.02 <i>Docket.</i>	6
4.03 <i>Agenda.</i>	6
4.04 <i>Mailing of Agenda.</i>	7
4.05 <i>Special Meetings.</i>	7
4.06 <i>Presiding Officer.</i>	7
4.07 <i>Addressing the Commission.</i>	7
4.08 <i>Comprehensive Plan.</i>	7
Section 5. Official Action and Conduct of Members	7
5.01 <i>Quorum.</i>	7
5.02 <i>Roll Call Vote.</i>	7
5.03 <i>Conflict of Interest.</i>	8

5.04	<i>Vote of President.</i>	8
5.05	<i>Lack of Conclusive Vote.</i>	8
5.06	<i>Contact Prohibited.</i>	8
Section 6.	Minutes and Records	8
6.01	<i>Preparation.</i>	8
6.02	<i>Filing.</i>	8
6.03	<i>Draft Minutes.</i>	8
6.04	<i>Approval.</i>	8
6.05	<i>Recommendations to Council.</i>	8
Section 7.	Filing of Petitions	9
7.01	<i>Filing Deadlines.</i>	9
7.02	<i>Complete Application.</i>	9
7.03	<i>Owner Consent.</i>	9
7.04	<i>Additional Information.</i>	9
7.05	<i>Placement on Agenda.</i>	9
7.06	<i>Notification.</i>	9
Section 8.	Fees	9
8.01	<i>Schedule of Fees.</i>	9
8.02	<i>Amendment.</i>	9
Section 9.	Notice Requirements	10
9.01	<i>Contents of Notice.</i>	10
9.02	<i>Notice Throughout Jurisdiction.</i>	10
9.03	<i>Publication of Notice.</i>	10
9.04	<i>Specific Notice.</i>	10
9.05	<i>Notice List.</i>	10
Section 10.	Conduct of Public Hearings	10
10.01	<i>Public Hearings.</i>	10
10.02	<i>Order of Public Hearing.</i>	11
10.03	<i>Closing the Public Hearing.</i>	11
10.04	<i>Rebuttal.</i>	11
10.05	<i>Burden of Proof.</i>	11
10.06	<i>Orderly Conduct.</i>	11
10.07	<i>Continuances.</i>	11

10.08	<i>Adjustments to Order of Hearing.</i>	11
Section 11.	Approval of Development Plans / Plats	11
11.01	<i>Decision on Development Plans and Plats.</i>	11
11.02	<i>Determination of Commission.</i>	12
11.03	<i>Subdivision Waivers.</i>	12
11.04	<i>Secondary Approval.</i>	12
Section 12.	Legislative Recommendations	12
12.01	<i>Amendment Proposals.</i>	12
12.02	<i>Rezoning.</i>	12
12.03	<i>Recommendation.</i>	12
12.04	<i>Report of Recommendation.</i>	13
12.05	<i>Implementation.</i>	13
Section 13.	Written Commitments and Final Disposition of Cases	13
13.01	<i>Commitments.</i>	13
13.02	<i>Subdivisions.</i>	13
13.03	<i>Dismissal.</i>	13
13.04	<i>Withdrawal.</i>	13
13.05	<i>Refiling After Withdrawal.</i>	13
Section 14.	Reconsideration	13
Section 15.	Standing, Formal, and Ad Hoc Committees	13
15.01	<i>Establishment.</i>	13
15.02	<i>Appointment.</i>	13
Section 16.	Amendments to Rules	14
Section 17.	Severability	14
Section 18.	Adoption	14

**CITY OF NEW HAVEN ADVISORY PLAN COMMISSION
RULES OF PROCEDURE
New Haven, Indiana**

Section 1. Definitions.

- 1.01 **Board.** The New Haven Board of Zoning Appeals.
- 1.02 **Commission.** The New Haven Advisory Plan Commission.
- 1.03 **Council.** The Common Council of the City of New Haven.
- 1.04 **Ordinance.** The Zoning and Subdivision Control Ordinances of New Haven, Indiana.
- 1.05 **Planning Director.** The Director of Planning and Economic Development for the City of New Haven. The term includes the roles of Zoning Enforcement Officer, Zoning Administrator, and designated enforcement official.
- 1.06 **President.** The President of the New Haven Plan Commission.
- 1.07 **Rules.** The duly adopted Rules of Procedure for the City of New Haven Advisory Plan Commission.
- 1.08 **Secretary.** The Secretary of the New Haven Plan Commission, which can be filled by a member of Staff as well as a member of the Commission.
- 1.09 **Staff.** The staff of the New Haven Planning Department, including the Planning Directory.
- 1.010 **Vice-President.** The Vice-President of the New Haven Plan Commission.

Section 2. Authority and Duties

- 2.01 The Commission exists as an advisory plan commission under the authority of IC 36-7-4-202. These rules are adopted in accordance with the requirements of IC 36-7-4-401.
- 2.02 The duties of the Commission shall be those set forth in IC 36-7-4-400 et seq., and such other responsibilities as may be required by state statute or City of New Haven ordinance.

Section 3. Officers, Members and Staff

- 3.01 **Members.** The Commission shall consist of 11 voting members, appointed in accordance with IC 36-7-4-207 and IC 36-7-4-214.
- 3.02 **Election of Officers.** At its first meeting in each calendar year, the Commission shall elect from its voting membership a President, vice president, and secretary. Each shall serve during the period of their membership on the Commission for the balance of the calendar year.
- 3.03 **Vice President Duties.** The vice president shall have authority to act as President of the Commission during the absence or disability of the President.
- 3.04 **Succession.** Upon resignation, death or removal of the President or vice president, the Commission shall elect a successor at its next meeting.
- 3.05 **Vacancy.** If a vacancy occurs among the members of the Commission, the appointing authority shall appoint a member for the unexpired term of the vacating member. The appointing authority may remove a member from the Commission for cause under IC 36-7-4-218(f).
- 3.06 **Staff.** The Commission may appoint such employees of the City of New Haven ("Staff") as are necessary to the discharge of the duties of the Commission.

Section 4. Meetings

- 4.01 **Regular Meetings.** The regular meetings of the Commission shall be at the time and place as stated on the annual public meeting calendar published by the Staff. If the date of a regular meeting falls on a legal holiday, or if it is impossible to conduct the meeting at the time or place, the President may set an alternate date, time or place for the regular meeting, or may cancel the meeting at a prior meeting with the unanimous consent of the members of the Commission who are present, provided that the notice requirements of IC 5-14-1.5 are complied with.
- 4.02 **Docket.** Each case to be publicly heard before the Commission shall be filed in proper form; shall be numbered sequentially, and placed on the docket of the Commission. The petition numbers shall begin on January 1st of each year. The clerk-treasurer shall receive the application and fee, and a docket number shall be assigned by staff.
- 4.03 **Agenda.** The President shall determine the agenda for regular meetings. The agenda shall list all items to be considered by the Commission at the meeting. The items shall be listed on the agenda in the order in which the petition or other document was filed with the city clerk. The Commission shall consider no item unless it appears on the agenda. Without exception, cases on a regular meeting agenda must have met all time, documentation and docket requirements. Any petitioner may withdraw any petition or document prior to the meeting at which it

was to be considered. The President, with the consent of the majority of the Commission present, may adjust the order of the agenda at the public hearing.

- 4.04 ***Mailing of Agenda.*** At the direction of the President, the agenda shall be sent by either email or first-class mail to all members of the Commission and its attorney, and shall be available for public inspection at the City Administration Building no less than three (3) business days prior to the scheduled meeting. The President may accept changes to the agenda not later than three (3) calendar days prior to the meeting.
- 4.05 ***Special Meetings.*** The President or two (2) members of the Commission upon written request to the secretary may call special meetings. The secretary shall send to all members and its attorney, at least three (3) calendar days before the special meeting, a written notice fixing the time, place, and purpose of the meeting. Written notice is not required if:
- a. The date, time, place, and purpose of the special meeting are fixed at a regular meeting; and
 - b. All members of the Commission are present at that regular meeting.
- 4.06 ***Presiding Officer.*** The President of the Commission shall preside over meetings, decide questions of order, and preserve decorum in the meeting room. The Commission shall use Robert's Rules of Order as a reference only in its' methods of conducting a meeting. The President shall pronounce the decisions of the Commission for purposes of recording in the minutes. If the President is absent or unable to participate in the meeting, the Vice-President shall preside. If both the President and Vice-President are absent or unable to participate, the membership of the Commission shall select a President pro-tem to preside for that particular meeting.
- 4.07 ***Addressing the Commission.*** No one who is not a member of the Commission shall be permitted to address the Commission except by request and consent of the President.
- 4.08 ***Comprehensive Plan.*** The Commission shall review and revise as needed, the City of New Haven Comprehensive Plan, with the associated public hearing, as the Commission deems necessary.

Section 5. Official Action and Conduct of Members

- 5.01 ***Quorum.*** A majority of the members of the Commission who are qualified to vote shall constitute a quorum. Action of the Commission shall not be official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Commission.
- 5.02 ***Roll Call Vote.*** Decisions of the Commission shall be by roll call vote of the members. All members present shall vote on every question unless they are

permitted to abstain by the presiding officer, or in the case of a matter requiring official action of the Commission, have disqualified themselves because of a conflict of interest as defined under Section 3 of this Section.

- 5.03 ***Conflict of Interest.*** No member of the Commission shall participate in a hearing, discussion or decision of the Commission upon any matter requiring official action of the Commission, in which the member has a conflict of interest as described in IC 36-7-4-223. An alternate member may be appointed as described in IC 36-7-4-220.
- 5.04 ***Vote of President.*** The President shall only cast a vote to break a tie or when his or her vote is necessary for the Commission to conduct business.
- 5.05 ***Lack of Conclusive Vote.*** In the event of a majority vote of the Commission cannot be achieved due to absences, permitted abstentions, or disqualifications, the matter shall be rescheduled for the next regular meeting.
- 5.06 ***Contact Prohibited.*** No person, firm, corporation, public employee, or body politic shall contact any member of the Commission, orally or in writing, in advance of the public hearing, on a case then pending for decision by the Commission, for the purpose of attempting to influence any member's decision.

Section 6. Minutes and Records

- 6.01 ***Preparation.*** The Planning Director of the New Haven Planning Department shall be responsible for the preparation and maintenance of minutes for the Commission. The minutes shall include the vote of each member on each question presented or indicate that the member is absent, abstaining with permission, or not voting because of disqualification.
- 6.02 ***Filing.*** The minutes and all records shall be filed in the office of the New Haven Planning Department and are public records, as defined by IC 5-14-3.
- 6.03 ***Draft Minutes.*** The minutes shall be available in draft form no later than fifteen (15) days after the regular Commission meeting.
- 6.04 ***Approval.*** The draft minutes shall be presented to the Commission for approval at the next succeeding regular meeting. When approved, the minutes shall be signed by the President and attested by the Secretary.
- 6.05 ***Recommendations to Council.*** Recommendations from the Commission to the New Haven Common Council (hereinafter called "Council"), which require Council action, shall be requested to be placed on the Council agenda for the first regular meeting after the Commission certifies its recommendation. Staff shall provide all relevant information concerning the recommendation, to the Council members.

Section 7. Filing of Petitions

- 7.01 **Filing Deadlines.** All applications for approval of a plat or development plan; to vacate a plat; amend a plat or development plan; amend the zoning map or other matter under the jurisdiction of the Commission shall be filed with the New Haven Planning Department, on or prior to the filing deadline established in the annual meeting calendar.
- 7.02 **Complete Application.** A complete application shall consist of the following elements:
- a. A written application for approval.
 - b. Fifteen (15) copies of all documentation, as enumerated in the Ordinances.
 - c. Draft covenants and restrictions of the petition if applicable.
 - d. A non-refundable application fee as established in Section 8 below.
 - e. Any additional information deemed necessary and relevant by the Planning Director.
- 7.03 **Owner Consent.** If the petitioner is not the owner of the property, which is the subject of the petition, he or she must submit a signed affidavit from said property owner authorizing the petitioner to file the petition on their behalf.
- 7.04 **Additional Information.** The Commission may require additional information, data, statistics or plats beyond those established by statute or ordinance, which are deemed necessary for intelligent determination by the Commission.
- 7.05 **Placement on Agenda.** If staff finds that the petition is in good order with sufficient information, it shall set a time for a public hearing on the matter and shall provide public notice in accordance with IC 5-3-1.
- 7.06 **Notification.** Staff shall notify all persons deemed by state statute and the Commission to be interested parties, pursuant to Section 9 below.

Section 8. Fees

- 8.01 **Schedule of Fees.** As set forth in I.C. 36-7-4-411 the Commission may establish a schedule of reasonable fees to defray administrative costs and costs of official actions of the Commission and the New Haven Board of Zoning Appeals. Staff shall collect a non-refundable filing fee in accordance with the schedule attached as Exhibit "A" to these Rules for petitions not initiated by the Commission itself.
- 8.02 **Amendment.** The fee schedule may be amended by the Commission in accordance with Section 16 below.

Section 9. Notice Requirements

- 9.01 ***Contents of Notice.*** A notice of a public hearing required by state statute or city ordinance shall contain as a minimum the following information:
- a. Docket number and the substance of the matter to be heard.
 - b. General location by address or other identifiable geographic characteristic of the property.
 - c. Name of the person, agency or entity initiating the matter to be heard.
 - d. Time, date, and place of the hearing.
 - e. Statement that the petition may be examined at the Office of the City Clerk.
 - f. Statement that any person may offer verbal comments at the hearing or may file written comments prior to or at the hearing.
 - g. Any other information, which may be required by law to be contained in such notice.
- 9.02 ***Notice Throughout Jurisdiction.*** For the purposes of an initial or replacement zoning ordinance and/or zoning map amendment initiated by the Commission, an initial or replacement subdivision code, amendment to the text of the zoning code, amendment to the subdivision code, or amendment to the comprehensive plan, all citizens of the City of New Haven are interested parties.
- 9.03 ***Publication of Notice.*** The Commission is required to provide for the publication of notice pursuant to IC 36-7-4-604 at least ten (10) days prior to public hearing by posting copies of the notice in at least two public places in the City of New Haven. These notices shall be placed in the New Haven Administration Building (City Hall) as well as published notice in a newspaper designated by Council.
- 9.04 ***Specific Notice.*** For the purposes of an amendment to the zoning map which is initiated by the property owner, subdivision plat, development plan, plat vacation, or other matter to be reviewed by the Commission affecting a specific property and not the jurisdiction as a whole, interested parties are determined to be all persons with a legal interest in the property and all owners of record of real property within three hundred (300) feet to the property which is the subject of the petition. Such parties are to be given written notice at least ten (10) days prior to the public hearing.
- 9.05 ***Notice List.*** The Office of the Allen County Auditor shall be the sole source for the names of property to be notified. Staff shall ascertain the names as they appear on the real estate tax assessment rolls. A copy of this list of names shall be made a part of the public record for each petition.

Section 10. Conduct of Public Hearings

- 10.01 ***Public Hearings.*** The Commission shall hold such public hearings as are required by state statute and City of New Haven ordinances. The Commission

may hold additional hearings at such times and places upon such notices as it considers necessary.

- 10.02 ***Order of Public Hearing.*** At a public hearing before the Commission, the petitioner, property owner, or agent for the petitioner or property owner shall first present the facts and arguments in support of the case. Comments and questions from the Commission members may be interjected during the presentation for clarification of the subject matter. The President shall then call for proponents of the petition followed by opponents to the petition. Each of those persons who wish to comment on the petition must address the President and be recognized before speaking. Each person must state his or her name and address. The President may limit a speaker's time to assure an opportunity for all speakers to comment.
- 10.03 ***Closing the Public Hearing.*** The President shall close the public hearing after the Commission has adequately heard from all interested persons. The President shall then ask the secretary to read all written comments on the petition received by the Commission. The President shall then ask for any staff comments recording the petition.
- 10.04 ***Rebuttal.*** The petitioner, property owner of record, or agent of the petitioner may give rebuttal, or summarize arguments and the Commission may question further. The Commission shall then consider the petition.
- 10.05 ***Burden of Proof.*** In the presentation of a case, the burden shall be upon the petitioner to supply all information, including charts, diagrams, and other exhibits necessary for a clear understanding of the problem. The Commission may continue the hearing when in its judgment the petitioner has not provided sufficient evidence on which to make a determination.
- 10.06 ***Orderly Conduct.*** Every person appearing before the Commission shall abide by the order and directions of the President. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the Commission directs.
- 10.07 ***Continuances.*** The Commission, at its direction, may continue or postpone the hearings of any case on an affirmative vote of a majority of the Commission.
- 10.08 ***Adjustments to Order of Hearing.*** The President may announce, at the beginning of the hearing on a matter, time limits for the petitioner, organized proponents, organized opponents, and individual proponents or opponents to accommodate hearings on matters generating great public interest.

Section 11. Approval of Development Plans / Plats

- 11.01 ***Decision on Development Plans and Plats.*** Plan Commission review of, and decision to approve or reject, an application for a primary development plan or

plat shall be conducted in a public hearing. Public notice shall be required in accordance with Section 7.

- 11.02 **Determination of Commission.** To grant approval of a primary development plan or plat, the Commission shall determine that the development plan or plat meets all standards prescribed by the respective subdivision code and/or zoning ordinance.
- 11.03 **Subdivision Waivers.** Pursuant to IC 36-7-4-702(c), if circumstances caused by conformance to a standard required by the respective subdivision code prove to cause unnecessary hardship, the Commission may authorize an exception from compliance with a standard defined in that ordinance.
- 11.04 **Secondary Approval.** Commission review of and decision to approve or reject an application for secondary development plan or plat approval shall be conducted in a regular monthly meeting. Though a public hearing is not necessary for secondary approval under state statute, the Commission may opt to schedule a public hearing to obtain additional information. Public notice shall be required in accordance with Section 7.

Section 12. Legislative Recommendations

- 12.01 **Amendment Proposals.** Proposals to amend or replace the zoning and/or subdivision codes may be initiated by either the Commission or any participating legislative body. The Commission shall exercise due diligence in the study and investigation of the issues and impacts of proposed amendments or replacements to the zoning and subdivision codes.
- 12.02 **Rezoning.** Proposals to amend an official zoning maps (“rezone”) may be initiated by the property owner, the Commission, or the legislative body. The Commission shall exercise due diligence in the study and investigation of the issues and impacts of the proposed rezone. In its deliberations, the Commission shall pay reasonable regard to considerations outlined in IC 36-7-4-603.
- a. The comprehensive plan.
 - b. Current conditions and character of current structures and uses in each district.
 - c. The most desirable use for which land in each district is adapted.
 - d. The conservation or property values through the jurisdiction.
 - e. Responsible growth and development.
- 12.03 **Recommendation.** After deliberations are complete, the Commission shall advise the legislative body of the action it recommends. The options are:
- a. Favorable recommendation
 - b. Unfavorable recommendation, or
 - c. No recommendation (when the Commission cannot reach a conclusion)

- 12.04 **Report of Recommendation.** The Commission, following the conclusion of the public hearing required by State law, shall state its recommendation concerning the petition by adopting a report. The report shall be certified by the planning director to the legislative body.
- 12.05 **Implementation.** Implementation of the amendment or replacement cannot begin until it has been approved by the legislative body which have jurisdiction over the area affected.

Section 13. Written Commitments and Final Disposition of Cases

- 13.01 **Commitments.** The Commission may accept or require the owner of the property which is the subject of the matter before the Commission to submit a written commitment pursuant to IC 36-7-4-1015.
- 13.02 **Subdivisions.** Except for matters under the subdivision control ordinance, the final disposition of any case shall be in the form of a recommendation setting forth findings and determinations of the Commission, together with any modification, specification or limitation, which it makes. In the case of subdivisions, the Commission shall render a decision rather than make a recommendation.
- 13.03 **Dismissal.** The Commission may dismiss a case for lack of prosecution or lack of jurisdiction. When a petitioner has failed to appear at two consecutive public meetings, the petition may be dismissed for lack of prosecution.
- 13.04 **Withdrawal.** Following any public hearing, a petitioner may not withdraw the matter to come before the public hearing without the approval of the Commission.
- 13.05 **Refiling After Withdrawal.** A case that is withdrawn by the petitioner shall not be again placed on the docket for consideration within a period of six (6) months after date of withdrawal.

Section 14. Reconsideration

The Commission may not consider for one year from the date of rejection or removal of a petition to amend the zoning map, which has been rejected by Council, or on which the Council has failed to act, and the matter has been removed from its agenda.

Section 15. Standing, Formal, and Ad Hoc Committees

- 15.01 **Establishment.** The President, with the approval of the Commission, may establish such committees as deemed to be necessary and desirable. The purposes and terms of such committees shall be specified at the time of their establishment.
- 15.02 **Appointment.** Members of committees shall be appointed by the President.

Section 16. Amendments to Rules


Amendments to these rules of procedure may be made by the Commission at any regular or special meeting upon the affirmative vote of a majority of the members of the Commission. The suspension of any rule may be ordered at any meeting by the unanimous vote of the members present.

Section 17. Severability

If any section, subsection, sentence, clause, phrase or other part of these rules of procedure is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of these rules of procedure.

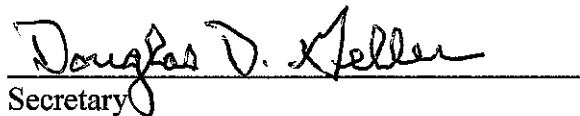
Section 18. Adoption

Rules of procedure of the City of New Haven Plan Commission of Allen County, Indiana, approved by the affirmative vote of majority of the entire membership if the Plan Commission at the regular meeting of the Commission held on the 21st day of January, 2014.



President

Attest:



Secretary

Exhibit "A" FEE SCHEDULE

Improvement Location Permit

Residential (One and Two Family)	\$100
Residential addition or accessory structure	\$50
Fence	\$25
Commercial, Industrial, Institutional, Multi-family or Mixed-Use building or addition	\$250
Commercial, Industrial, Institutional, Multi-Family or Mixed-Use building or addition when approved as part of a secondary development plan	\$100
Commercial, Industrial, Institutional, Multi-Family or Mixed-Use structures not distributed to other agencies for review	\$100
Sign (single/multiple)	\$75/\$100

Other Fees

Certificate of Occupancy (Change in Use)	\$50
Zoning Verification Letter	\$50
Rezoning Petition	\$600
Primary Plat or Development Plan	\$800
Secondary Plat or Development Plan	\$800
Amendment to Plat or Development Plan	\$600
Plat Vacation	\$600
Variance, Special Exception, Contingent Use	\$350