

Area Plan Commission staff propose a set of amendments to the Area Plan Commission Bylaws, to:

1. allow additional time for conversation, education and negotiation between petitioners, neighbors, other interested parties and staff;
2. allow for a fuller staff review and for adequate communication between petitioner and staff;
3. lessen the likelihood of late published notice;
4. provide for a more efficient public hearing; and
5. allow the President, in lieu of a full meeting of the Executive Committee, to perform certain non-contested administrative functions.

The proposed changes largely mirror changes proposed for the Area Board of Zoning Appeals Bylaws, and are presented here in redline form.

**BYLAWS OF THE TIPPECANOE COUNTY
AREA PLAN COMMISSION**

**Adopted July 1987
As Amended August 1987, December 1987, September 1988,
March 1989, February 1990, December 1990, April 1992,
January 1995, September 1995, December 1995, August 1996, January 2000,
May 2000, March 2001, November 2001, December 2002, January 2003, November
2005, September 2006, November 2006, July 2014, October 2015, December 2015,
April 2019, June 2020, January 2023**

Objectives:

The objectives of this Commission are set forth in Article I, Section I of the Area Planning Act (1957) as amended for the State of Indiana, Indiana Code Section 36-7-4.

Election of Officers: (President and Vice President):

Nomination of officers shall be made from the floor at the Commission's first regular meeting of each year. Election of officers shall follow immediately thereafter.

A candidate receiving a majority vote of the entire membership of the Commission shall be declared elected and shall serve for one year or until his successor takes office.

Officers:

Tenure - The President and Vice President shall take office immediately following their election and shall hold office for a term of one year or until their successors are selected and assume office.

Duties - The President shall preside at all meetings, appoint committees, and perform such other duties as may be ordered by the Commission. When the President and Vice President are not available to sign documents required for recordation, either of the two County Commissioners appointed to serve on the Area Plan Commission are designated as nominees authorized to perform that duty.

The Vice President shall perform the duties of the President in his absence, and in case of vacancy, shall succeed to his office for the unexpired term and the Commission shall select a successor to the office of Vice President for the unexpired term.

The Secretary of the Commission shall be the Executive Director of the Commission. Such Secretary shall perform the duties provided by the Area Planning Act I.C. 36-7-4 for the State of Indiana, and the duties provided by these bylaws.

In the absence of the Secretary, an Assistant Director of the Commission shall act in the capacity of Secretary Pro Tempore.

Membership of Commission:

The membership of the Commission and tenure shall be that set forth and permitted in Indiana Code Section 36-7-4, as amended, or ordinances adopted thereunder.

Qualification for Membership:

Indiana Code provides that: the citizen members shall be selected because of their knowledge and experience in community affairs, their awareness of the social, economic, agricultural, and industrial problems of the area, and their interest in the development and integration of the area.

A citizen member shall hold no (elective or appointive) office in either a municipal, county, or state government. A citizen member must be a resident of the jurisdictional area of the Commission.

The Secretary of the Commission shall, on December 31st and June 30th of each year, review the attendance record of all appointed members of the Commission for the six-month period immediately preceding such date. If, upon such review, the Secretary shall determine that any such appointed member has an attendance record of less than 60% of all regular and special meetings during such a six-month period, exclusive of any absence of justifiable cause, said Secretary shall certify such lack of attendance to the President who shall immediately notify the appointing official of the attendance record of such member and shall request such appointing official to request the resignation of such member and that a new member be appointed.

Vacancies:

Indiana Code Section 36-7-4 provides that if a vacancy occurs by resignation or otherwise, among the citizen members, the appointing authority shall appoint a member for the expired term within thirty days of notice of resignation.

Regular Meetings:

Regular meetings will be held on the 3rd Wednesday of each month unless specified in a previous meeting. A majority of the membership of the entire Commission shall constitute a quorum and the number of votes necessary for final action on any agenda item before the Commission shall be a majority of the membership of the entire Commission.

Notice of regular meetings shall be sent to the members of the Commission by the Executive Director at least five days prior to the time of the meeting.

Rules of Procedure:

Roberts Rules of Order will be followed for parliamentary procedure and conduct at meetings, except where specific procedures are otherwise provided by statute, ordinance or these bylaws.

Voting:

Voting on all ordinance text amendments, all applications for rezoning and approval of all subdivision applications shall be by written ballots. In all other matters, votes shall be taken

by voice or written ballot at the discretion of the President. Whether said voting is by written or voice ballot, the number of votes in favor or opposed shall be recorded and publicly announced. When voting is by written ballot, each member shall indicate his name on his ballot.

Zoning Recommendation:

Whenever the Area Plan Commission votes on a proposed text amendment under Indiana Code 36-7-4-607 or change to the zone map under Indiana Code 36-7-4-608, the motion made to consider same shall be to hear and approve said amendment. If the vote is sufficient for official action positive, a favorable recommendation will be certified to the legislative body. If the vote is sufficient for official action negative, an unfavorable recommendation will be certified to the legislative body. If the vote is insufficient for official action the hearing shall be continued to the next regular meeting or a fixed future regular meeting.

If the vote as aforesaid is taken at at least two regular meetings and shall be insufficient for official action, then immediately after the vote at said second regular meeting or at any subsequent meeting to which the matter under consideration has been continued, any member may, move the Commission certify a "NO RECOMMENDATION" vote to the appropriate legislative body. Upon second of such motion it shall have preference upon all motions then on the floor. Such motion shall not be subject to a motion to continue, and shall require a vote prior to adjournment. If the vote is sufficient for official action, positive, then the proposed amendment shall be forwarded with no recommendation from the Commission. If the vote is sufficient for official action, negative, then the amendment shall be continued to the next regular meeting. Such motion for no recommendation shall be in order at any subsequent hearing on the same zoning amendment under the procedures herein set forth.

If a no recommendation vote is certified to the legislative body(ies) it shall be accompanied by the inconclusive vote tallies from the prior meeting(s).

Members Present:

At any meeting, regular or special, if any member finds it necessary for whatever reason to abstain from voting on any particular matter on the agenda, such member shall so inform the President and absent himself from the meeting room and the Secretary of the meeting shall show in the minutes of the meeting that such member is absent and until his return, he shall not be counted in determining a majority of the votes taken on any matter. Upon his return, the Secretary shall show him present on the minutes of the meeting and he shall again be considered in determining a majority vote.

Special Meeting:

Special meetings may be called by the President or by two members of the Commission per Indiana Code Section 36-7-4-307 or by the Executive Director as set forth in these bylaws under the section: Vacation of Plats. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered at that meeting. The Secretary shall notify all members of the Commission in writing not less than three days in advance of such special meeting.

Hearings: (Notices)

- a. In addition to those required by law, the Commission may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- b. Notice of such hearings shall be published in ~~two~~ newspapers of general circulation per Indiana Code Section 5-3-1 not less than ten days before the time of the public hearings.
- c. Hearings for zoning map amendments initiated by parties other than the Commission or any participating legislative body shall not be heard unless the petitioner shall:
 - 1) produce notarized proof that there was publication of notice in ~~two~~ newspapers of general circulation of the impending hearing not less than ten days prior to the time of the public hearing;
 - 2) produce a notarized affidavit stating that signs, as provided for by law, have been properly posted on the property in question not less than twenty-one ~~ten~~ days prior to the time of the public hearing, and have remained thereon during such period. Such signs are to be obtained in the Offices of the Commission ~~at a cost of \$10.00 per sign~~; and
 - 3) produce the notarized affidavit of mailings and post office receipts to interested parties as hereinafter provided.

Notice - Interested Parties - Zoning:

Pursuant to the authority given under Indiana Code Section 36-7-4-604, interested parties, the means for notifying them and the responsibility for such notice shall be as follows:

- a. Where the proposed zoning ordinance is an initial zoning ordinance or replacement zoning ordinance after repealing the entire zoning ordinance (under what is presently Indiana Code 36-7-4-606), interested parties shall be all residents of the County of Tippecanoe, Indiana, subject to the Unified Zoning Ordinance, and notice to them shall be given by publication pursuant to Indiana Code 5-3-1, and shall be given by and at the cost of the Commission.
- b. Where the proposed zoning ordinance is an amendment to or a partial repeal of the zoning ordinance (under what is presently Indiana Code 36-7-4-607), interested parties shall be all residents of the County of Tippecanoe, Indiana, subject to the Unified Zoning Ordinance and notice to them shall be given by publication pursuant to Indiana Code 5-3-1, and shall be given by and at the cost of the Commission.
- c. Where the proposed zoning ordinance is a change in the zone maps and zoning districts (under what is presently Indiana Code 36-7-4-608), and initiated by a party other than the Commission or any participating legislative body, interested parties shall be the Executive Director of the Area Plan Commission plus the owners of all real estate that is located within two parcels, or two hundred feet, whichever is greater, adjacent and adjoining of the tract for which the zone map is to be changed. Owners shall mean those persons whose name appears on the Tippecanoe County Auditor's records. Notice shall be given by the petitioner in the form provided by the Commission to all such interested parties by certified mail at least twenty-one ~~10~~ days prior to the hearing at the address shown on the County Auditor's records. The address used for the Executive Director of the Area Plan Commission shall be Tippecanoe County Office Building, 20 N 3rd Street, Lafayette, Indiana 47901.

Proof of such mailing shall be made by affidavit in a form provided by the Commission, and the post office receipts, and filing thereof shall be a condition for such hearing. All other required notices shall be in a form provided by the Commission, but shall be the responsibility of and at the cost of the petitioner.
(Amended 11-28-01)

- d. Where such change of zone maps is proposed by the Commission, or any participating legislative body, an interested party shall be all residents of the County of Tippecanoe, Indiana subject to the Unified Zoning Ordinance, and notice to them shall be given by publication pursuant to Indiana Code 5-3-1, and shall be given by and at the cost of the Commission.

Notice - Interested Parties - Subdivision:

Pursuant to Indiana Code 7-4-706(3) interested parties for hearing on primary approval of a subdivision shall be the Executive Director of the Area Plan Commission plus all owners of adjacent and adjoining real estate required to be shown on the sketch plan. Owners shall mean those persons whose name appears on the Tippecanoe County Auditor's records. Notice shall be given by the applicant in the form provided by the Commission to all such interested parties at the address shown on the County Auditor's record by certified mail at least ~~twenty-one~~ 10-days prior to the hearing. The address used for the Executive Director of the Area Plan Commission shall be Tippecanoe County Office Building, 20 N 3rd Street, Lafayette, Indiana 47901. Such notice shall be given by the applicant and proof of such mailing shall be made by post office receipts and by affidavit in a form provided by the Commission prior to the hearing, and filing thereof shall be a condition for such hearing.
(Amended 11-28-01)

In addition to all other filing requirements, a copy of the completed Notice to Interested Parties, in the proper form for hearing either by the Area Plan Commission or its Executive Committee, shall be submitted in order for the request to be considered a complete application. (Amended 11-28-01)

Hearing: (Procedures)

- a. Prior to any matter being heard by the Commission, there shall be a motion properly made and seconded by the Commission. The staff shall then present its review of the petition together with its recommendations and conditions. Subsequent to staff's presentation, the floor shall first be made available to the petitioner or his representative, then to any proponents of the petition. The floor shall then be made available to any remonstrators wishing to speak, and provision shall be made for rebuttal by the petitioner or his representative of the remonstrators' comments. However, no allowance shall be made for rebuttal on the part of the proponents or remonstrators. The time limit for each speaker shall be 5 minutes. (Amended 2-19-14)

~~Letters and written communications mailed, hand-delivered, faxed or emailed to the Office of the Area Plan Commission~~
Letters and written communications mailed, hand-delivered or emailed to the Office of the Area Plan Commission no later than 10:00 AM on the day eight calendar days prior to the hearing date will be included in the hearing packet sent in advance to plan commission members and published on the department website. Letters received after that time and date will be included in the case file and made available to plan commission members at the hearing. -in advance of the hearing- are intended for persons unable to attend the hearing themselves. For letters to qualify to be entered into

~~the record they must be 1) signed regardless of delivery method, 2) include the signer's address, 3) received no later than noon on the day of the hearing and 4) be no longer than two letter-sized pages, 11 point font size, double spaced with 1" margins. Letters sent to the office of the Area Plan Commission that qualify to be entered in the record will be read by staff, and once received the letter shall not be withdrawn. Once a letter is read at a meeting, it is a part of the record. The writer is not permitted to speak or submit another letter even at a subsequent meeting resulting from either an inconclusive vote or a continuance, having originally chosen to submit a letter. Should the author be present at the meeting he will not be permitted to speak, having elected to present his views in writing. This rule shall apply to any written material on which four or fewer signatures appear or any petition of more than 300 words filed by the noon deadline. Any petition presented after the noon deadline or during the hearing shall not be read into the record by staff, but may be passed to the plan commission members. (Amended 2-19-14)~~

- b. A record shall be kept of those speaking before the Commission.
- c. The procedure for determining final Commission action on agenda items shall be as provided by State statute.
- d. Except for petitions submitted by a member legislative body or the Commission itself, as provided in statute, the Commission will only conduct hearings on such petition at which the applicant or his or her representative is present. Failure of such applicant or representative to be present will result in the petition being automatically dismissed by the Commission, provided, however that if prior to such hearing the applicant or representative has requested a continuance of the Secretary or the Commission, in writing, then the Commission in its discretion may grant a continuance, subject to the limitations in (e) and (f) below.
- e. A petitioner for rezoning is entitled to two continuances of no more than two (2) months each, whether requested by the petitioner or mandated by procedural failure (such as failure to post sign, or failure to provide sign posting affidavit or proofs of publication, etc.). After two such continuances, a petitioner's case shall be heard at the next regularly scheduled meeting of the full Commission, unless:
 - 1) it has already been withdrawn by the petitioner; or
 - 2) neither the petitioner nor his representative is present at the meeting, which shall result in dismissal; or
 - 3) there is a procedural failure, which shall result in dismissal as well; or
 - 4) a third continuance of no more than two (2) months is granted by the Commission upon a written request for such continuance setting forth the need for such continuance filed before 12:00pm on the day of the meeting and a finding by the Commission that the continuance is not made for the purpose of undue or unnecessary delay.

In no event shall the total time period of all continuances granted with respect to a petitioner's case exceed four (4) months. (Amended 6-18-14)

In the interest of maintaining an informed public, the Commission shall strongly urge petitioners to file continuance requests and withdrawal notifications in writing with the Commission's staff, by the end of the week prior to the scheduled hearing.

These limits to petitioner-created continuances shall not apply to Commission-created continuances, such as non-decisive votes, and motions to continue in order to gain more information or to permit a petitioner to amend a planned development rezoning proposal.

- f. A petition for primary subdivision approval is entitled to three continuances where no vote on the application is taken. Such continuance may be at the applicant's request, or required because of failure to comply with a statutory, ordinance, or commission rule, or at the request of the Commission staff. The Commission may thereafter grant two additional continuances, but only if the applicant has:
- 1) erected a new sign at a different location on the property as determined by staff,
 - 2) given new notice to interested parties as required for a new application under Sections 3.3(4)(d) and 3.4(5) of the Unified Subdivision Ordinance of Tippecanoe County and under these by-laws and
 - 3) filed proof of notice and sign posting as required in these by-laws. If the applicant fails to give such notice and/or fails to file proof thereof, then the Commission shall dismiss the application.

Except for failure to give or file notice, nothing herein shall be construed as requiring the applicant to file a new petition or publish any additional notice in a newspaper. Having once followed this procedure, the petition shall be heard at or before the sixth public hearing or the petition shall be dismissed. Any further action by the Commission shall require the filing of a new petition.

Filing Requirements:

- a. Where any act or application other than for secondary approval is required in the subdivision process by the applicant, contract buyer, agent, subdivider, subdivision agent or legal representative, proof of the authority of such applicant, agent, subdivider or subdivision agent to act for or make application for the owner of the effected real estate shall be filed therewith in the form of a duly executed power of attorney, agreement to purchase, or consent in a form suitable for recording, specifically authorizing such applicant, contract buyer, agent, subdivider or subdivision agent to act for such owner in the subdivision process. In the event of legal representation, such legal representative when executing any application in the subdivision process, shall file therewith his statement as a licensed attorney of his authority to represent the owner in such process. Owner shall mean the person(s) whose name(s) appears in the Tippecanoe County Auditor's record for the effected tract.

Where any act or application for secondary approval is required in the subdivision process, the owner(s) shall sign the application and the final plats.

- b. In addition to other filing requirements specified by ordinance and bylaws, a petition to amend the zoning maps initiated by parties other than the Commission or any participating legislative body, must be signed by the owner(s) of a majority of the acreage included in the petition, or if the owners are represented by an agent as petitioner written notarized consent must be provided, at the time the petition is filed with the Commission at least 30 days prior to the hearing date.

- c. A complete petition for amendment to the zoning ordinance or the zoning maps of the zoning ordinance must be filed with the Commission at least 30 calendar days prior to the first hearing date on or immediately after said 30 days. A complete petition shall be one in which:
- 1) there is full compliance with the form and substance required by the planning statutes of the State of Indiana,
 - 2) the unified zoning ordinance of the appropriate jurisdiction,
 - 3) these bylaws and the attachments made a part hereof, and
 - 4) all information required hereby is correct.

After the filing deadline, the Commission's staff shall determine whether the filing was complete and all information correct. If the submission is found to be incomplete or to contain incorrect information, the staff shall notify the petitioner of the deficiencies. When the petition is subsequently found not to be complete, the request shall be continued to the first hearing date after said 30 days and shall be a procedural failure and considered as one of the two continuances provided for in Hearing Procedures paragraph e. of these bylaws. (Amended 5-17-00)

- d. A petitioner for a zoning map amendment shall file only one petition at a time for a specific property, unless that petitioner is the Commission or a member legislative body. No further petition shall be filed for that property until that zoning map amendment is finally adopted or denied.
- e. If a petitioner or his representative fails to follow proper procedures in developing his petition, the Commission may by vote dismiss such petition.
- f.
- 1) The Executive Committee of the Commission on the advice of the Executive Director, may place any plat for which a request for hearing has been made on the Commission agenda, but such placement on the agenda shall be made without consideration as to whether the plat is in compliance with the Subdivision Ordinance.
 - 2) Following the initial application, when the petitioner initiates revisions, a revised minor sketch plan shall be filed with the Executive Director at least 14 calendar days prior to the date of the next regular or Executive Committee meeting. When necessary revisions have been requested by staff, a revised minor sketch plan shall be filed with the Executive Director at least 7 calendar days prior to the date set for public hearing.
 - 3) All plats submitted for approval by the Commission shall be filed with the Executive Director at least 30 calendar days prior to the date intended for public hearing. No revisions shall be permitted during those 30 days. Nothing herein shall prevent an applicant who desires to make revisions to the plat from requesting a continuance to a public hearing at a subsequent regular meeting, provided these revisions are filed no less than 30 calendar days prior to that public hearing.
 - 4) When voting on a minor sketch plan or major preliminary plat submission the Commission may vote for "approval," which shall mean the plan or plat as then submitted is in all respects ready for filing for final approval. The

Commission may vote "conditional approval," which shall unless otherwise indicated on the ballot, include specified variances and include all conditions indicated on the Commission's staff report presented to the Commission prior to the vote and such conditions which by ordinance are to be fulfilled prior to final plat approval but not incorporated into the plan or plat. The Commission may add such other conditions which are legally permissible by the Subdivision Ordinance or require compliance with provisions of the Subdivision Ordinance. The Commission may vote "disapproval," giving its reasons therefore.

- 5) All requests for variances from requirements of the Unified Zoning Ordinance, which must be acted upon by the Board of Zoning Appeals, must be granted prior to the filing of the final plat; if not they shall not be indicated on the final plat, and the Commission shall neither consider them at the time of public hearing nor consider them when voting on approval or disapproval. Requests for variances from requirements of the Subdivision Ordinance, which must be acted upon by the Commission, shall be submitted in writing to the Executive Director who will transmit such requests to the appropriate participating jurisdiction. Such filing will begin the 30 day review period provided for in Section 1.12 of the Subdivision Ordinance. Requests for variances may be filed with the application for primary plat approval. Following approval by the appropriate participating jurisdiction, variances from requirements of the Subdivision Ordinance may be granted by the Commission or its Executive Committee at any public meeting without notice. In no event may the final plat be filed prior to approval of such variances by the Commission or its Executive Committee.
 - 6) The Commission adopts the attached ballots as the official ballots for use in subdivision votes and variances from the Subdivision Ordinance.
- g. Pursuant to I.C. 36-7-4-608 (h), if a zone map amendment considered under I.C. 36-7-4-608 (b) is defeated under I.C. 36-7-4-608 (f) (3), (g) (3), or (g) (4), that proposal (zone map amendment) shall not be filed, for consideration by the Commission, for one year from the date of its defeat. (Amended 5-17-00)

Zoning Commitments:

Except as otherwise provided hereafter, a petitioner for rezoning who seeks permission from the Commission to make a commitment in connection with the rezoning shall file such proposed commitment at least thirty (30) days in advance of the Commission's vote on whether to allow the petitioner to make such commitment.

The proposed commitment shall be in writing, signed by the owners of the affected real estate, and in substantially the same form as attached to these bylaws. Six (6) copies with original signatures shall be filed.

Prior to the filing of the proposed commitment, the petitioner shall submit the proposed commitment to the appropriate administrative officer for review and comment. The petitioner shall then contemporaneously file with the proposed commitment a written acknowledgement from such administrative officer noting the date and time of the receipt of the proposed commitment. All comments subsequently received from such administrative officer shall be presented to the Commission prior to any vote by the Commission to allow the proposed

commitment.

In the event that a petitioner for rezoning requests a continuance to allow the petitioner to make a commitment or modify a previously proposed commitment and such continuance is granted by the Commission less than thirty (30) days before the next meeting of the Commission, such new or modified proposed commitment can be considered by the Commission at its next meeting if the new or modified proposed commitment is filed, together with the acknowledgement of receipt from the appropriate administrative officer, before the close of the next business day of the granting of the continuance by the Commission.

The Commission shall only allow commitments which address the following:

- a. Limitations on uses which would otherwise be allowed by the Permitted Use Table
- b. Limitations on accessory uses which would otherwise be allowed
- c. Increases in minimum lot area
- d. Increases in minimum lot width
- e. Increases in minimum vegetative cover
- f. Reductions in maximum lot building coverage
- g. Reductions in maximum building height
- h. Increases in front, rear, and side setbacks, except in CB, CBW and "U" zones
- i. Increases in minimum living area
- j. Changes to the parking standards that increase the minimum number of parking spaces
- k. Increases in minimum maneuvering aisle width
- l. Reduction in allowed number of signs
- m. Reduction in allowed signage area
- n. Limitations on permitted sign characteristics
- o. Increases in minimum bufferyard width
- p. Increases in minimum bufferyard plant units
- q. Reduction in allowable glare, vibration, and noise limits

The owner of real estate which is subject to a commitment may request a modification or termination of such commitment by filing with the Commission a petition for such modification or termination. Prior to filing with the Commission, the owner shall follow the same procedure prescribed for filing a new commitment with the Administrative Officer and obtaining a written acknowledgement. Such petition shall be in a form provided by the Commission along with the appropriate fee. A hearing in connection with the request to modify or terminate a previously recorded commitment shall be conducted in the same manner as a hearing on a rezoning request with notice given in the same manner as a rezoning request to the owners of all real estate that was subject to the original commitment and all adjoining real estate. (Amended March 20, 2013.)

Vacation of Plats - Hearing Procedure Notices:

- a. Whenever the owner(s) of land in a platted subdivision files with the Commission a petition to vacate all or part of a plat pertaining to land owned by the owner(s), the Executive Director shall set a date for hearing on such petition which date shall be at least thirty days from the time such date is set, but not more than sixty days. The owner(s) may only petition to vacate a lot or lots within the plat owned by the owner(s). No partial lot may be vacated. The hearing shall be either a regular or special meeting of the Commission, and for this purpose the Executive Director shall be authorized to call a special meeting.
- b. A petition to vacate shall include:
 - 1) An application in duplicate;

- 2) 10 copies of the previously recorded final plat indicating the area petitioned for vacation;
 - 3) 2 Notices of Public Hearing and 2 release forms;
 - 4) A filing fee (see “Schedule of filling fee charges” below);
 - 5) Consent of all effected property owners in a form suitable for recording;
 - 6) A listing signed by the checkpoint agencies indicating receipt of a copy of the application and previously recorded final plat, or certification that these have been sent; and
 - 7) All restrictive covenants petitioned for vacation.
 - 8) A copy of the completed Notice to Owners in the Subdivision of a Petition to Vacate. (Amended 11-28-01)
- c. The petitioner shall give written notice of his request to all owners in the subdivision in which petitioner is requesting any vacation of a lot and to the Executive Director of the Area Plan Commission. The notice shall further state the date and time of such hearing, the location of the hearing, that such owners will have an opportunity to state their objections at such meeting, if the petition includes vacation of covenants or commitments, a specific wording of the covenants or commitments to be vacated, and shall set forth the 3 matters to be determined by the Commission, all in the form provided by the Commission. Such notice shall be given by certified mail to the Executive Director of the Area Plan Commission at Tippecanoe County Office Building, 20 N. 3rd Street, Lafayette IN 47901 and to all other owners in the platted subdivision and addressed as shown in the Tippecanoe County Auditor's records. In addition petitioner shall give notice as required in Indiana Code 5-3-1 and post signs on all lots to be vacated in a form provided by the Commission, which sign shall be posted at least ten (10) days prior to the date of the public hearing and remain so posted until final action thereon by the Commission. When an entire plat is to be vacated, posting of signs shall be as determined by the Executive Director. Proof of notice shall be by affidavits in a form provided by the Commission and Publishers' Proofs of Publication and Post Office receipts. All notices and signs shall be at petitioner's responsibility and cost. At the hearing the normal procedure for hearing by the Commission shall be followed. (Amended 11-28-01)
- d. In a vacation of plat or part of plat proceeding, for the purpose of determining notice to owners in the subdivision and for determining under Indiana Code 36-7-3-11(3) the effect on the value of land in the plat not owned by the petitioner, the word plat or subdivision shall mean the plat or subdivision as recorded in the records of the Recorder of Tippecanoe County, unless the Executive Director makes a determination that a larger area should be included. Such larger area may only be included where the subject plat is a part of a larger area originally owned by the original subdivider, which larger area was subdivided prior or subsequent to the subject plat as part of an overall plan or scheme of development. In determining whether an overall plan or scheme was present, the Executive Director shall consider, where appropriate, the preliminary plat documents under Section 4.3 of the Subdivision Control Ordinance, and Sections 3.2(1)(b) and 6.1(4)(g) of the Unified Subdivision Ordinance as well as common name subdivisions, common

covenants, common design factors and so forth. The Executive Director shall explain his determination and the factors used in writing. If the petitioner objects to the inclusion of the larger area, petitioner may appeal such determination to the Commission, which shall make a new determination based on the same factors as set forth above to be used by the Executive Director.

- e. With a motion to "hear and vote on" the request, and second, the application shall be placed before the Commission. Commission Hearing (Procedures) (a), (b) & (c) shall apply.

Following the vote on the prepared Preliminary Finding ballots, the President and Secretary will sign the Determination and Findings document affirming the Commission's action. A Determination and Finding for approval or conditional approval, shall be filed with the County Auditor and Recorded in the Office of the County Recorder by the Executive Director or his designee no sooner than thirty (30) days after Commission action. (Amended 11-28-01)

Notice – Interested Parties – Mobile Home Park, Manufactured Home Community, Recreational Vehicle Park and Campground

Interested parties for hearing on Mobile Home Park, Manufactured Home Community, Recreational Vehicle Park and Campground shall be the Executive Director of the Area Plan Commission plus all owners of property located within two parcels, or within 200 feet, whichever is greater, of adjacent to, and directly across the street, alley or railroad right-of-way from the property described in the application. Owners shall mean those persons whose name appears on the Tippecanoe County Auditor's records. Notice shall be given by the applicant in the form provided by the Commission to all such interested parties at the address shown on the County Auditor's record by certified mail at least 10 days prior to the hearing. The address used for the Executive Director of the Area Plan Commission shall be Tippecanoe County Office Building, 20 N 3rd Street, Lafayette, Indiana 47901. Such notice shall be given by the applicant and proof of such mailing shall be made by post office receipts and by affidavit in a form provided by the Commission prior to the hearing, and filing thereof shall be a condition for such hearing.

In addition to the items required by the Unified Zoning Ordinance in 5-4-4 Filing Requirements, a copy of the completed Notice to Interested Parties for Mobile Home Park, Manufactured Home Community or Recreational Vehicle/Campground shall be submitted in order for the request to be considered a complete application. (Amended 11-28-01)

Commission Meetings Agenda Order of Business:

- a. Briefing session
- b. Approval of Minutes
- c. New Business
- d. Public Hearings
 - 1) Comprehensive Plan Amendments
 - 2) Ordinance Amendments
 - 3) Subdivisions
 - 4) Rezoning Activities
- e. Administrative Matters
- f. Approval of Agendas
- g. Determination of Variances
- h. Director's Report
- i. Citizen Comments and Grievances
- j. Adjournment

Committees:

- a. Executive Committee
- b. Budget and Personnel Committee
- c. Public Relations Committee
- d. Ordinance Committee
- e. Transportation Study Committee
- f. Citizen Participation Committee
- g. Such other committees as the Executive Director may determine

Executive Committee:

The Executive Committee shall be composed of seven members, consisting of two members from each governmental unit, to wit, county and the two cities, and one member from the small towns. Two members of this Committee must be the President and Vice President. All members of the Executive Committee shall be elected by the entire membership of the Commission. Four members of the Executive Committee shall constitute a quorum for transacting business.

Duties:

The Executive Committee shall meet not less than fourteen days before the regular Commission meeting to:

- a. Draw up an agenda
- b. Obtain and review reports of standing committee (citizen committees included)
- c. Appoint citizen committees for assigned purposes as needed
- d. Review the monthly and quarterly budget reports
- e. Approve expenditures within the budget
- f. Act on any matter permitted by these bylaws or ordinance.

On such occasions when no New Business, Public Hearings or Other Business agenda items are scheduled for a given Executive Committee meeting, the President of the Committee may act on the Committee's behalf, and in lieu of the scheduled meeting, to 1) approve Area Plan Commission and Area Board of Zoning Appeals public hearing agendas, 2) make determinations that variance requests pending hearing by the Lafayette Board of Zoning Appeals do not constitute use variances, 3) make determinations that special exceptions to be heard by the Area Board of Zoning Appeals would not substantially adversely affect the Comprehensive Plan, -and 4) approve monthly budget reports. Such action shall be communicated in writing to Executive Committee members prior to the scheduled meeting date.

Board of Zoning Appeals:

The President shall ~~nominat~~nominate, and the Commission shall appoint two citizen members of the Commission to the Tippecanoe County Area Board of Zoning Appeals, one of whom shall be a citizen appointee of the City of West Lafayette and one shall be a county representative not holding any elected office. Appointments to any divisions of the Area Board of Zoning Appeals shall be as prescribed in Chapter 8 of the Unified Zoning Ordinance.

Amendments:

These rules may be amended or added to by a two-thirds vote of the members present, or not less than nine votes, whichever number is greater. Such amendment shall be provided to the members, in writing, at least three days prior to the meeting at which it is to be considered.

Conflict:

Whenever conflicts may occur between these bylaws and any Indiana statute or applicable ordinance, then such statute or ordinance shall control. Whenever reference is made herein to a specific section of Indiana statute, such reference shall include any amendatory section thereto.

Effective Date:

These bylaws shall become effective from and after their adoption and shall apply to all matters filed with the Commission thereafter. All previously filed matters shall be controlled by the prior bylaws.

Attachments Adopted by and with these Bylaws:

Filing Fees:

SCHEDULE OF FILING FEE CHARGES
As Adopted December 16, 2013 and Amended April 17, 2019

<i>Service</i>	<i>Filing Fee</i>
Standard Rezone	\$500
PD Rezone	
Draft	\$1000
Preliminary	\$200
Final Detailed Plan (Residential)	\$600 + \$30/du
Final Detailed Plan (Mixed use)	\$600 + \$30/du + \$0.10/sf non-residential GFA
...Final Detailed Plan (Non-res.)	\$600 + \$0.10/sf non-residential GFA
PD Plat Review/Recordation	\$100
Minor Modification	\$500
Variance – S-F Residential	\$100 + \$50 for each additional request
Variance – Other	\$500 + \$50 for each additional request
Special Exception	\$500
Appeals from the Decision of the AO	\$500 (No fee if filing an appeal of a zoning ordinance violation citation notification – Res. #2019-01)
Parcelization	\$150
Dissolution of a Parcelization	\$25
Plat Vacations	\$250
Zoning Verifications	\$100 per property/lot for official written verification
Commitments	With Rezone: additional \$100 per commitment; \$100 for recorded change, modification or release
Subdivisions	
Minor Sketch	\$500
Major Sketch (Residential 1 & 2 family)	\$500 + \$30/lot for lots 1 through 200 + \$20/lot for each lot over 200
Major Sketch (multi-family)	\$500 + \$10/du
Major Sketch (Non-Res.)	\$500 + \$10/acre
Preliminary	\$500
Construction Plans	\$500
Final Plat	\$500
Belated extension requests	\$50
Extensions	\$200

- Ballots:**--Subdivision Approval
--Subdivision Variances
--Plat Vacation: Determination and Preliminary Finding
--Plat Vacation: SAMPLE "Determination and Findings"

- Forms:**
- Rezoning-Here's How (Amended November 2001)
 - Checkpoint Procedure (Amended 2007 & March 2015)
 - Waiver of Checkpoint Requirement (Amended 2007)
 - Petition to Amend Zoning Ordinance (Amended May 2000)
 - Commitment form (Amended March 2013)
 - Acknowledgement of Administrative Officer of receiving a Zoning Commitment (Amended March 2013)
 - Notice of Public Hearing on Rezoning
 - Notice of Public Hearing Release Form
 - Notice to Interested Parties (Amended February 2014)
 - Sign Posting Affidavit
 - Affidavit of Notice to Interested Parties of a Rezone Request
 - Petition for Vacation of a Plat (Amended May 2000)
 - Checkpoint Procedure when vacating a plat (Amended 2001)
 - Notice of Public Hearing on the Vacation of a Plat
 - Notice of Public Hearing Release Form
 - Notice to Owners in the Subdivision of a Petition to Vacate (Amended 2-2014)
 - Affidavit of Notice to Owners in the Subdivision for Plat Vacation Approval
 - Sign Posting Affidavit
 - Parcelization Pamphlet (Amended June 2014)
 - Notice of Public Hearing on a Major Subdivision Plat
 - Notice of Public Hearing on a Minor Subdivision Plat
 - Notice to Interested Parties on Major Subdivision (Amended January 2010)
 - Notice to Interested Parties on Minor Subdivision (Amended January 2010)
 - Notice of Public Hearing on Mobile Home Park or RV Park
 - Notice to Interested Parties on Mobile Home Park or RV Park (Am. 2-2014)