

Greenwood Advisory Plan Commission

RULES OF PROCEDURE

Amended and Adopted on November 8, 2021

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ARTICLE 1 – JURISDICTION AND AUTHORITY

1.01 – I.C. 36-7-100 et. seq. (Burns Annotated Code)

1.02 – Plan Commission Authority

The authority to review, approve and grant the petitions and permits listed in Article 9, Section 10-129, of the Greenwood Zoning Ordinance (Section 10-129 of the Greenwood Municipal Code) shall rest with the Greenwood Plan Commission. The Plan Commission may, at its discretion, delegate such authority to the Director of Planning and Zoning and/or the Building Commissioner.

1.03 – Authority Delegated to Staff

The Plan Commission hereby delegates to the Director of Planning and Zoning and/or the Building Commissioner, the authority to review and approve (or disapprove) plans and specifications and to grant improvement location permits (building permits).

Hereinafter the term “Planning Director” shall refer to the individual employed by the City of Greenwood as the Planning Director, or, in situations of a vacancy in the Planning Director position, shall refer to the employee immediately subordinate to the Planning Director as identified in the latest organizational chart of the Planning section staff.

1.04 – Staff’s Right of Referral

The Director of Planning and Zoning and/or the Building Commissioner may, at their discretion, refer applicants for improvement location permits to the full Plan Commission for review and approval.

ARTICLE 2 – PUBLIC HEARINGS

2.01 – Time and Place of Public Hearings

- A. Regular sessions designated as public hearings of the Plan Commission shall be held on the second (2nd) and fourth (4th) Mondays of each month, at 7:00 p.m. or immediately following the Board of Zoning Appeals meeting, whichever is later, in the City Building, Greenwood, Indiana. If said date falls on a City recognized holiday, then such meeting shall be held on the following Wednesday at the same time and place.
- B. At least 48 hours in advance, the Director shall send notice to all members and to all press making notification requests of a written notice of a special meeting fixing the time and place of the meeting.
- C. Written notice of a special meeting is not required if: 1) the date, time, and place of a special meeting are fixed in a regular meeting; and 2) all members of the Commission are present at that regular meeting.
- D. The Director shall cause to be published in accordance with open door law the annual meeting schedule as adopted by the Plan Commission.

2.02 – Hearings Open to Public

Exempting executive sessions as permitted by law, all regular and special meetings of the Commission shall be open to the public in compliance with the Indiana Open Door Law (I.C. 5-14-1-1.5 et. seq.)

2.03 – Quorum

- A. A majority of members of the commission shall constitute a quorum. No action of the commission is official, however, unless concurred in by a majority of the full commission.
- B. The president shall be a voting member of all matters coming before the Commission.
- C. Tie Votes – Whenever the vote of the commission results in a tie on any petition, application, or other matter the commission may resolve the tie by either (1) a motion to reconsider and re-vote; or (2) re-docket the matter for the next meeting.

2.04 – Indecisive Vote

In any case where a vote of the Commission does not result in official action of the Commission, as set forth in Section 2.03 above, the petition shall be automatically re-docketed and heard at the next regularly scheduled meeting of the Commission.

2.05 – Continuance

Requests by any interested party for continuance of any case may be filed in writing prior to, or at the beginning of, the Commission meeting or hearings, and/or made orally at the beginning of the meeting or hearing. The party requesting a continuance shall have the burden of showing good and sufficient cause therefor. It shall be within the discretion of the Commission to grant or deny requests for continuance. The Commission may, on its own motion at any time, continue the hearing or consideration of any case. No re-notification of interested property owners shall be required if a case is continued at a hearing for which proper notice was given by petitioner in compliance with the notice requirements of Article 4 hereof, to a definite, specified hearing date of the Commission.

2.06 – Time Allowed and Procedure for Hearing of Cases

Petitioners and remonstrators, respectively, shall be permitted a total of 20 minutes, as follows, for the presentation of evidence, comments, and questions at the public hearing of every case by the Commission.

- A. Petitioners and persons appearing in support of the case being heard by the Commission shall first have 15 minutes for the presentation of evidence, comments, and questions in support of the matter being considered.
- B. Remonstrators and persons appearing in opposition to the case shall then have 15 minutes for the presentation of evidence, comments, and questions in opposition to the matter being considered.
- C. Petitioners and persons appearing in support of the case being heard by the Commission shall then have 5 minutes for rebuttal of remonstrator's evidence, comments, and questions, and for closing remarks.
- D. Remonstrators and persons appearing in opposition to the case being heard by the Plan Commission shall then have 5 minutes for closing remarks.
- E. The President shall then call for questions and comments from members of the Commission.
- F. Following discussion by the Commission the President shall then call for a motion on the case being heard.

The President, and in his absence or disability, the Vice-President or other member presiding, shall, unless otherwise directed by a majority of the Commission in session at the time, have authority to extend the periods specified above, where appropriate, in the interest of affording to all interested parties a fair hearing.

2.07 – Orderly Conduct Required

Every person appearing before the Commission shall abide by the order and direction of the Commission's presiding officer. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Commission and shall be dealt with as the President deems fair and proper.

2.08 – Any Party May Appear in Person, By Agent or By Attorney

At hearings before the Commission, any party may appear in person, by agent or by attorney.

An attorney representing any party, petitioner or remonstrator may testify as to facts of which he has particular knowledge relating to the issues of the case, but in so testifying the attorney shall be subject to cross-examination, as are other witnesses.

2.09 – Contacting any Commission Member Regarding Pending Case Prohibited

No person, firm, corporation, public employee, or body politic shall contact any member of the Plan Commission, orally or in writing, in advance of public hearing, on a case then pending for decision by such Commission, for the purpose of attempting to influence any members decision.

Any such person, firm, corporation, public employee, or body politic may appear in person, by agent, or by attorney, at public hearing and submit evidence or present testimony germane to the issue in controversy where the opposing party is permitted to cross-examine and present rebuttal evidence and testimony.

2.10 – No Decision or Finding Unless based Upon Facts in Permanent Records

No decision or finding of the Commission shall be made unless it is based upon facts submitted at a hearing and made a part of the permanent record.

Provided, however, nothing herein contained shall deny the right of the commission members to inspect land involved in any petition to be heard by the Commission.

2.11 – Disqualification by Commission Members in Case of Pecuniary or Financial Interest, or for Bias or Lack of objectivity

- A. A member of the Commission who has some direct or indirect financial interest or owns property close enough to receive written notice in any case presented to the Commission shall disqualify himself insofar as the particular case is concerned, shall not sit as a member of the Commission during the hearing of the particular case, and shall not participate in the Commission's hearing, findings of fact, or decision in such case.
- B. A Commission member deemed to be biased, prejudiced, or unable to be impartial in reference to a particular case shall either recuse himself or may be disqualified by majority vote of the quorum present at the public hearing or meeting. Any such action shall be made a part of the record of the meeting.

2.12 Commission Member Participation in Meetings by Electronic Means

Commission members may participate in meetings by electronic means of communication in accordance with the following:

- A. The electronic means of communication used must allow all participating Commission members to simultaneously communicate with each other; it must also allow the public to simultaneously attend and observe the meeting, and to participate when required (with the exception of meetings held in executive session).
- B. A member planning to participate electronically shall notify the Planning Director and the Recording Secretary no later than 72 hours (excluding Saturdays, Sundays, and legal holidays) before a meeting, so that:
 - (1) Arrangements may be made for the member to participate and the public to attend and observe the meeting by electronic means; and
 - (2) The Planning Director or Recording Secretary has time to provide public notice in accordance with Ind. Code § 5-14-1.5-5(b) of the electronic means for public attendance and observation.

This subsection does not apply to any meeting called under Ind. Code § 5-14-1.5-5(d) to address an emergency, or to any meeting for which the Planning Director or Recording Secretary has provided public notice for electronic means for public attendance and observation.

- C. No more than four (4) Commission members may participate by electronic communication in any one meeting. A Commission member may not attend more than twenty-five percent (25%) of meetings in a calendar year by means of electronic communication, of which no more than two (2) may be consecutive unless the member's electronic participation for a third consecutive meeting is due to:
 - (1) Military service;
 - (2) Illness or other medical condition;
 - (3) Death of a relative; or
 - (4) An emergency involving actual or threatened injury to persons or property.
- D. No Commission member may participate in a meeting by electronic means if the Commission is attempting to take final action to:
 - (1) Adopt a budget;
 - (2) Make a reduction in personnel;
 - (3) Initiate a referendum;
 - (4) Establish or increase a fee;
 - (5) Establish or increase a penalty;
 - (6) Use the governing body's eminent domain authority; or
 - (7) Establish, raise, or renew a tax.
- E. A Commission member who participates in a meeting by electronic means is considered present for the purpose of establishing a quorum, but may only participate in any final action taken at the meeting if the member can be seen and heard.

- F. All votes taken during a meeting by which a Commission member participates by electronic means of communication must be taken by roll call vote.
- G. A technological failure in an electronic means of communication that disrupts or prevents simultaneous communication between a Commission member not physically present at the meeting and the Commission or disrupts or prevents a member of the public who is not present at the meeting from attending and observing the meeting does not prevent the Commission from conducting the meeting or affect the validity of action taken at the meeting if the sum of the Commission members physically present at the meeting and the members participating by electronic communication without technological failure satisfies the quorum and the voting requirements of the Commission.

ARTICLE 3 – FILING OF CASES

3.01 – Filing Required Prior to Hearing

All applications for approval of site development plans, primary subdivision plats, secondary subdivision plats, and mobile home park development plan, shall be filed in the required numbers, and in the required form, at least thirty-one (31) days prior to the meeting or hearing of such application.

All applications for recommendation of annexation petitions and zoning map change shall be filed in the required numbers, and in the required form, at least thirty-one (31) days prior to the hearing of such application.

All applications for adoption of ordinance or resolution text, or amendments thereto, shall be filed at least twenty-four (24) days prior to the hearing of such application.

All other applications and petitions to the Plan Commission not specifically addressed in these rules shall be filed at least fifteen (15) days prior to the meeting for which the petitioner wishes to be docketed.

3.02 – Attendance at Hearing Required

All applicants, petitioners, or designated representatives thereof, shall attend the public hearing in person to present the application or petition, to answer questions from the Commission, and to rebut testimony or answer questions of remonstrators.

3.03 – Filing on Commission Forms

Any communication purporting to be an application not on forms furnished by the Commission or not containing the information called for on said forms, shall be regarded as a mere notice of intention to file and shall be of no force or effect until it is made on and in the form required. All application forms, including the instructions therewith, are hereby declared to be a part of these written rules of procedure of the Plan Commission.

3.04 – Filing Fee

The petitioner shall pay the appropriate filing fee at the time of filing his petition to cover expenses of processing the petition. The amount of fees shall be in accordance with the “Official Fee Schedule” as adopted by the Common Council.

Petition	Filing Deadline and Public Notice Requirements			
	Filing Deadline (days prior to hearing)	Newspaper Ad	Public Notice* Postmarked Written Notice	On-Site Sign
Ordinance Text Change	24 days	15 days	N/A	N/A
Amend or Terminate Written Commitments	31 days	30 days	30 days	30 days
Annexation	31 days	15 days	15 days	15 days
Plat Vacations	31 days	15 days	15 days	15 days
Primary Plat	31 days	15 days	15 days	15 days
Secondary Plat	31 days	N/A	N/A	N/A
Site Development Plan – mobile home park	31 days	15 days	15 days	N/A
Site Development Plan – all others	31 days	N/A	N/A	N/A
Zoning Map Change	31 days	15 days	15 days	15 days

*The day of the hearing shall not be counted, nor shall the last day of the computed period be counted if it is a Saturday, Sunday, or legal holiday under an Indiana Statute, or day that the Plan Commission office is closed.

ARTICLE 4 – PUBLIC NOTICE

4.01 – Notice Requirements

Notice of petitions or cases to be heard by the Plan Commission shall be given to all interested parties or property owners in the following manner:

- A. *Newspaper Ad.* Notice by publication shall be given by the petitioner at least fifteen (15) days prior to the scheduled hearing, in the Commission's prescribed form, in two (2) newspapers published and of general circulation in Johnson County and in the City of Greenwood. The day of the hearing shall not be counted, nor shall the last day of the computed period be counted if it is a Saturday, Sunday, or legal holiday under an Indiana Statute, or day that the Plan Commission office is closed. A proof of publication affidavit from the publisher shall be submitted at least three (3) days prior to the hearing.
- B. *Certificate of Mailing.* Written notice shall be given by the petitioner, unless provided otherwise in these Rules, at least fifteen (15) days prior to the scheduled hearing in the Commission's prescribed form, by certificate of mailing post marked at least fifteen (15) days prior to the hearing. The day of the hearing shall not be counted, nor shall the last day of the computed period be counted if it is a Saturday, Sunday, or legal holiday under an Indiana Statute, or day that the Plan Commission office is closed. Receipts shall be submitted at least three (3) days prior to the hearing.
- C. *General Requirements.* Newspapers and written notice to interested parties by certificate of mailing shall be required as shown in the above table "Filing Deadline and Public Notice Requirements"
- D. *Interested Parties-Generally.* For the purpose of written notice by certificate of mailing, interested parties shall be defined as property owners within three hundred (300) feet or two (2) properties, whichever is greatest, in all directions from the property that is the subject of the petition.

Additionally, written notice shall be sent to owners of the properties that are the subject of the petition, unless said owners are the petitioner or have granted written consent for the petitioner in the Commission's prescribed form; and

Where a proposed subdivision plat seeks the vacation (either complete or partial) and/or relocation of existing platted easements on the property, then all utility providers or other parties who have a right vested in the easements shall be considered an interested party and are subject to written notice of the pending action.

Interested Parties – Adoption of Replacement Zoning Ordinance and/or Zone Map. Where a petition proposes to repeal and replace the Zoning Ordinance or repeal and replace the Zone Map, "Interested Parties" are defined as owners of the properties that are subject to the petition, and notice shall be given by publication only, in accordance with Ind. Code § 5-3-1, as amended from time to time.

- E. *On-Site Signage.* Signs prescribed by the Plan Commission shall be displayed on-site giving notice to the general public of a pending petition and the hearing date thereof. Signs shall be used for the following types of petitions: annexation, zoning map change, primary subdivision plat, variance, special use exception. One sign shall be required for each street frontage of the subject property. On-site signs shall be displayed for fifteen (15) continuous days prior to the public hearing date for which the petition is scheduled.

Petitioner shall be responsible for locating and fastening the sign in such a manner that good visibility is maintained for the motoring public to see and read the sign. Signs may be attached to a building wall or window or may be attached to poles or support structure in the yard of the property, so long as good visibility is obtained and maintained.

ARTICLE 5 – DOCKETING OF CASES

5.01 – Docketing of Cases.

Each case shall be filed in proper form, with the required date, numbered serially and placed on the docket by the Director of Planning and Zoning. The docket numbers shall begin anew on January 1st of each year, and shall be hyphenated with the number of the year and the initial indicating the character of the case.

5.02 – Order of Hearing Cases

On the date set for hearing, cases shall come before the Commission either in the regular order of their consecutive numbers, or grouped by similar petitions, as determined by the Director in setting the meeting agenda.

Provided, however, cases re-docketed following an indecisive vote of the Commission and cases continued from a previous hearing of the Commission shall be heard at the beginning of the hearing, before the regularly docketed cases.

5.03 – Cases Docketed For Each Commission Hearing to be Limited to a Reasonable Number

In preparing the docket for each public hearing of the Commission the cases scheduled shall be limited to a reasonable number as determined by the Director of Planning and Zoning.

ARTICLE 6 – DISPOSITION OF CASES

6.01 – The Plan Commission may dismiss a case for want of prosecution or for lack of jurisdiction.

6.02 – Withdrawal of Petitions

- A. No petition may be withdrawn by the petitioner after a vote has been ordered by the President or chairperson presiding at the hearing.
- B. A petition which has been withdrawn by the petitioner shall not again be placed on the docket for consideration by the Commission within a period of ninety (90) days from the date of withdrawal, except upon a motion to permit re-docketing with the Commission, adopted by the unanimous vote of all members present at a regular or special meeting of the Commission.

6.03 – Adverse Decision

A petition for zoning map change, for annexation, or to amend or abolish written commitments which has been decided against a petitioner shall not again be placed on the docket for consideration by the Commission within a period of one (1) year from the date of the decision previously rendered, except upon the motion of a member adopted by a unanimous vote of all members present at a regular or special meeting thereof.

ARTICLE 7 – OFFICERS, COMMISSION RECORDS

7.01 – Officers of the Commission

Annually, at the first regular meeting of the Commission, a President and a Vice-President shall be selected from its members. The President shall preside at all meetings, and in his absence or disability the Vice-President shall preside.

In the absence of both the President and Vice-President, a chairperson shall be selected from the legal voting quorum present at the meeting.

The Director of Planning and Zoning shall serve as the official secretary and keeper of the records of the Planning commission. A Recording Secretary may be used for keeping and transcribing minutes of regular or special meetings of the Commission.

7.02 – Presiding Officer to Decide Points of Order

The Presiding Officer, subject to these rules, shall decide all points of order of procedure, unless otherwise directed by a majority of the Commissioners in session at that time.

7.03 – Minutes, Records, Public Records

The Commission shall keep minutes of its proceedings, investigations, and other official actions and in all cases heard by it, and shall record the vote on all actions taken. All minutes and records shall be filed in the office of the Director of Planning and Zoning and shall be public records.

Minutes for meetings in which a Commission member or members participate by electronic means of communication must state the name of each member who was physically present at the meeting, the name

of each member who participated in the meeting by electronic means of communication, the name of each member who was absent; and must identify the electronic means of communication by which the members of the Commission participated in the meeting and by which the public attended and observed the meeting, if the meeting was not held in executive session.

7.04 – Recorded Vote

In all cases heard by the Commission, the Commission's vote shall be recorded in the minutes of the meeting.

7.05 – Agendas

- A. Preparation and Distribution. The Director of Planning and Zoning shall be responsible for preparation and distribution of an agenda for each meeting of the Commission. Agendas shall be distributed prior to the hearing to members of the Commission, legal counsel, and the press. Other interested or affected parties may request agendas.
- B. Open Door Law. In compliance with the Indiana Open Door Law, the Commission shall limit its official actions to those matters shown on the official agenda for any specific meeting.

Action on matters brought-up from the floor under new business or old business shall be subject to the discretion of the Commission and its legal counsel.

7.06 – Residency Requirements

Citizen members of the Plan Commission must either reside within city corporate boundaries or own property within city corporate boundaries except when appointed to represent the Area of Extended Jurisdiction. Commission members representing the outside Area of Extended Jurisdiction must live within that area. Compliance with residency/ownership requirements shall be based upon Johnson County property ownership records, as well as other verifiable records deemed appropriate by the city.

ARTICLE 8 – AMENDMENTS

8.01 – Amendment of Rules of Procedure

Amendment to these Rules of Procedure may be made by the Plan Commission only upon the affirmative vote of a majority of the full membership of the Commission.

8.02 – Suspension of Rules of Procedure

The suspension of any rule of procedure may be ordered at any meeting of the commission by unanimous vote of those members present.

ARTICLE 9 – WRITTEN COMMITMENTS

9.01 – Requirements for Written Commitments

- A. The Plan Commission may allow or require written commitments in connection with a petition for zone map change, petition for site development plan approval, primary plat, plat vacation, or PUD district approval, pursuant to I.C. 36-7-4-1015, as amended.

- B. Written commitments shall be prepared and executed in the form prescribed by the Plan Commission. When necessary, the prescribed form may be modified in order to conform to the type of commitment needed and not already provided for in the prescribed form. However, the basis of the prescribed form shall be used, with the content modified only as needed, to conform to the type of commitment permitted or required. An otherwise modified form may be rejected by majority vote of the Plan Commission.
- C. Written commitments shall be recorded in the Office of the Johnson County Recorder, and as required in Section 9.02 below

9.02 – Recording

- A. Commitments shall be recorded in the Office of the Johnson County Recorder.
- B. The Plan Commission shall require the owner of the parcel giving written commitment to either record the commitment or authorize the City of Greenwood to record the commitment at the owner's expense.
- C. Commitments in connection with development plans shall be recorded upon the granting of the approval. Commitments in connection with zone map changes or PUD district ordinances shall be recorded as soon as possible after approval by the Greenwood Common Council in the rezoning or PUD district ordinance. Such ordinance will not take effect until the commitment has been recorded.

9.03 – Binding Effect

- A. Unless modified or terminated as described below, a written commitment that is permitted or required by the Plan Commission is binding on:
 - (1) The owner of the parcel;
 - (2) A subsequent owner of the parcel; and
 - (3) A person who acquires an interest in the parcel.
- B. A written commitment that is permitted or required by the Plan Commission is binding on the owner of the parcel even if the commitment is unrecorded (see Recording); however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.

9.04 – Effective Date of Commitment

A written commitment permitted or required by the Plan Commission in connection with a development plan, primary plat, or plat vacation shall take effect upon the approval of the plat or plan, respectively.

A written commitment for a zone map change or a PUD district ordinance shall take effect upon the later of the adoption of the rezoning or PUD district ordinance or the recording of the commitment. However, the rezoning ordinance will not become effective until the commitment has been recorded and all necessary legal requirements have been met.

9.05 – Commitment Running With the Land

A written commitment that is permitted or required by the Plan Commission shall be considered to run with the land and shall bind all subsequent owners to its terms and conditions and any subsequent

modification thereto made pursuant to this instrument, statutes of the State of Indiana, or ordinance of the City of Greenwood.

9.06 – Enforcement

Written commitments permitted or required by the Plan Commission may be enforced jointly and severally by:

- A. The Greenwood Plan Commission; and
- B. Owners of all parcels of ground adjoining the real estate involved in the relevant commitment to a depth of 300 feet. The identity of such owners shall be determined from the records of the Office of the Johnson County Auditor which list the current owners of record. For purposes of this paragraph, the cutoff date for such determination shall be at twelve (12) o'clock noon on the date of filing for enforcement.

9.07 – Modification and Termination

A written commitment that is permitted or required by the Plan commission may be modified or terminated only by a decision of the Plan Commission made at a public hearing after notice as provided by Section 9.08 below. The request for modification or termination may be initiated by the property owner or by the Plan Commission. The Plan commission may approve or disapprove modification or termination to the extent allowed by applicable law.

When requesting amendment or termination of written commitments the petitioner shall have the burden to demonstrate that:

- (1) there is a legal reason why one or more of the commitments cannot be met;
- (2) there has been a change in the character or conditions of the subject property or of neighboring property; or
- (3) other reasons exist or have come about to justify the requested amendment or termination

For a commitment that is required or allowed for a rezoning or PUD district ordinance the Plan Commission shall designate whether or not the commitment terminates if the zoning for the parcel changes in the future.

9.08 – Public Notice

When the Plan Commission is going to consider modification or termination of an existing written commitment, notice of a public hearing shall be given in the following manner:

- A. Newspaper. Notice by publication shall be given by the petitioner in two (2) newspapers of general circulation in the City of Greenwood, and shall be published at least thirty (30) days prior to the public hearing. A proof of publication affidavit from each publisher shall be submitted at least three (3) days prior to the hearing.
- B. Mail. Written notice of the public hearing shall also be given by the petitioner to all interested parties or property owners by certified return receipt mail post marked at least thirty (30) days prior to the hearing. For purposes of notice given under this Section. "interested parties or

property owners” shall mean the owner(s) of the real estate giving the relevant commitment and the owners of all parcels of ground adjoining said real estate.

ARTICLE 10 – SUPPLEMENTAL RULES – SUBDIVISION PLAT APPROVALS

10.01 – Prescribed Form

Application for approval of plats and plans shall be filed in the form and numbers prescribed in the “Subdivision Application Kit” as adopted and amended by the plan Commission. The “Subdivision Application Kit” is hereby declared to be a part of these supplemental rules of procedure.

10.02 – Primary Approval

Determination of an application for primary approval of plats and plans shall be made by roll call vote at a duly advertised public hearing of the plan commission.

10.03 – Expiration of Primary Approval

Primary approval of plats and plans shall expire three (3) years from the date that the application was filed unless either:

- (1) an application for secondary approval has been properly filed with the plan commission for any portion of the approved primary plat; or
- (2) an applicant has requested and the plan commission has expressly granted an extension of primary approval not to exceed a period of two (2) years.

10.04 – Secondary Approval

Determination of an application for secondary approval of plats and plans shall be delegated to the Director.

10.05 – Expiration of Secondary Approval

- A. Secondary approval of plats and plans shall expire three (3) years from the date, that the application was filed, unless either:
 - (1) Infrastructure improvements have commenced and are being installed in a continuous and reasonable time frame; or
 - (2) the plat has been fully executed and recorded in the office of the Johnson County Recorder; or
 - (3) the applicant has requested and the Director has expressly granted an extension of secondary approval not to exceed a period of two (2) years.
- B. Secondary approval of plats and plans shall expire if all infrastructure improvements are not completed and accepted by the city within ten (10) years of the date of issuance of the Land Alteration Permit for the secondary plat and plan.

10.06 – Designated Official

- A. Primary Approval. The President (or in his absence the Vice-President) shall be the “Designated Official” authorized by the Plan Commission to sign the primary plat Notice of Determination form at such time as the Plan commission grants primary approval. The Planning Director shall attest the signature of the “Designated Official” on the primary approval form.
- B. Secondary Approval. The Greenwood Advisory Plan Commission, pursuant to I.C. 36-7-4-710, hereby delegates to the Director of Planning and Zoning the authority to grant secondary approval for subdivision plats and plans in compliance with Greenwood Subdivision Control Ordinance No. 02-12, as amended, and in compliance with Greenwood Zoning Ordinance No. 82-1, as amended. The Director shall place his/her signature on the plat as the Designated Official. The Recording Secretary for the commission shall attest the signature of the Director. In situations of an absence or vacancy in the Recording Secretary position, the Clerk of the City’s Board of Public Works and Safety shall attest the signature of the Director.

10.07 – Expiration of Approval – Site Development Plan

Approval of site development plans for commercial/industrial and multifamily housing development shall expire three (3) years from the date that the application was filed, unless the applicant has requested and the Plan Commission has expressly granted an extension of the approval not to exceed a period of two (2) years. The applicant shall have obtained the necessary Land Alteration Permit and commenced work on the site within three (3) years from the date that the application was filed.

ARTICLE 11 – SHOW MODELS AND TEMPORARY SALES OFFICES

A. Show Models – Residential

- (1) Two permits shall be required initially. A standard improvement location (building) permit shall be required in order to construct the dwelling. A conditional model home permit shall be required in order to use the dwelling as a model home/sales office. The standard improvement location permit is a one-time permit. The conditional model home/sales office permit is valid for a period of one (1) year only, but may be renewed on an annual basis.
- (2) A model home/sales office shall not be used as a real estate sales office for properties located outside the boundaries of the primary plat of the subdivision in which it is located.
- (3) Use of a dwelling as a model home/sales office shall cease at such time as ninety-five (95%) percent of the lots within the boundaries of the primary plat have had dwellings built upon them.
- (4) Prior to issuance of a permit for a model home, one of the following conditions shall be met:
 - a. Either stabilized access surface and stone base shall be in place for streets, and municipal water with fire hydrant in service shall be in place;
 - b. Or applicant shall provide the city with written verification of indemnification/hold-harmless provision provided by the applicant’s insurance coverage.
- (5) A show model shall not be occupied until the subdivision plat has been recorded.

B. Temporary Sales Offices – Residential or Non-Residential

- (1) A temporary sales office shall be transportable (and removable) structure including, but not necessarily limited to, a manufactured home or modular building.
- (2) A temporary sales office shall serve as a temporary sales office only for buildings and lots sold within the subdivision in which it is located. A temporary sales office shall not be used as a real estate sales office for properties located outside the boundaries of the primary plat of the subdivision in which it is located.
- (3) The conditional permit for a temporary sales office in a residential subdivision shall be valid for a period of one year, and may be renewed at one-year intervals but shall cease within thirty (30) days of the date the final lot within the boundaries of the primary plat has been sold.
- (4) The conditional permit for a temporary sales office in a commercial or industrial subdivision shall be valid for a period of two years, and may be renewed at one-year intervals until such time as all lots within the boundaries of the primary plat have been either sold or built upon.

C. Authority Delegated to Staff. The Plan Commission hereby delegates authority to the Building commissioner to issue permits for show models and temporary sales offices in accordance with Subdivision Control Ordinance No. 02-12, as amended, and in accordance with these written procedures.

D. Limited Number of Permits:

- (1) Within the boundaries of a primary plat of a residential subdivision there shall be a maximum of five (5) permits effective at any given time for show models and a maximum of one (1) temporary sales office.
- (2) Within the boundaries of a primary plat of a commercial or industrial subdivision there shall be a maximum of two (2) permits effective at any given time for a temporary sale office.
- (3) Developer shall approve in writing which builder or builders shall be granted show model permits.

ARTICLE 12 – ADMINISTRATIVE SITE DEVELOPMENT PLAN APPROVAL

12.01 – Delegation of Authority to Approval Site Development Plans to the Planning Director

- A.** Where a Site Development Plan meets all the requirements of the Zoning, Subdivision Control; and Stormwater, Drainage and Sediment Control Ordinances, then the Plan Commission delegates authority to approve said Site Development Plan to the Planning Director; however, this delegation shall not apply to:
- (1) Site Development Plans that require waivers, or
 - (2) Site Development Plans that are within the Interstate 65 Overlay District, unless specifically permitted by the I-65 Overlay Committee.

ARTICLE 13 – ADOPTION & AMENDMENT HISTORY

- Articles 1-9 adopted July 26, 1999
- Article 10 added by amendment August 23, 1999
- Article 12 – Delegation of Duties for Secondary Plats – added by amendment January 24, 2000
- Article 11 – Adoption – deleted by amendment July 28, 2003
- Article 11 – Model Homes/Temp Sales Offices – adopted by amendment July 28, 2003
- Article 12 – Adoption and Amendment History – deleted by amendment March 12, 2007
- Article 12 – Administrative Site Development Plan Approval – adopted by amendment March 12, 2007
- Article 13 – Adoption and Amendment History – adopted by amendment March 12, 2007
- Amendments related to: (1) computing the number of days for notification deadlines in Articles 3 and 4; (2) expiration deadlines for approval of plats and site development plans in Article 10; (3) residency requirements in Article 7; and (4) miscellaneous amendments and editing throughout the text of these rules. Adopted February 25, 2013
- Article 1 – Jurisdiction and Authority – added language pertaining to who is considered “Planning Director” in the case of a vacancy in the position.
- Article 10 – Supplemental Rules – Subdivision Plat Approvals -added language permitting clerk of the Board of Public Works and Safety to attest the signature of the planning director in absence of vacancy of recording clerk. Adopted November 13, 2019
- Article 14 – Overlay Committee – added by amendment February 10, 2020
- Article 4 – Public Notice -4.01 Notice Requirements- add Interested Parties for purposes of adopting replacement Zoning Ordinance and/or Official Zone Map-adopted by amendment July 27, 2020
- Article 10-Supplemental Rules-Subdivision Plat Approvals 10.02- Primary Approval, change the manner of determining approval to roll call vote; Article 14 Overlay Committee D. Meetings-allow Plan Commission to hear/act on Overlay Committee Petitions-adopted by amendment March 8, 2021
- Article 2-Public Hearings-added Section 2.12, Commission Member Participation by Electronic Means-adopted by amendment November 8, 2021
- Article 7, Officers, Commission Records, Section 7.03 Minutes, Records, Public records, changed to add additional paragraph requiring certain information in minutes when a Commission member participates in a meeting by electronic means of communication-adopted by amendment November 8, 2021

ARTICLE 14 – OVERLAY COMMITTEE

- A. Authority. The Overlay Committee is hereby established as a committee of the Advisory Plan Commission.
- B. Review. The Overlay Committee provides a recommendation to the plan commission regarding the site plan, architecture, lighting, and landscape plan for development petitions located within any overlay zone.
- C. Membership
 - (1) At the first regularly-scheduled meeting of the Plan Commission for a calendar year, the Plan Commission president shall appoint five members of the plan commission to the Overlay Committee.
 - (2) Should a quorum not be reached at a meeting, one (1) staff member may serve as an alternate member of the Overlay Committee with full member privileges.
- D. Meetings

- (1) Meetings of the Overlay Committee may be scheduled for the Wednesday following Plan Commission meetings. Where Plan Commission meetings are held on a Wednesday, both meetings may be held on the same Wednesday.
 - (2) Meetings will be canceled if no new business is proposed.
 - (3) Agendas will be distributed two (2) weeks before a scheduled meeting.
 - (4) Materials for meetings will be available one (1) week before a scheduled meeting.
 - (5) All meetings of the Overlay Committee are open meetings subject to open door law.
 - (6) The Plan Commission may hear and act on Overlay Committee petitions.
- E. Procedure
- (1) Overlay Committee review shall occur after a project has completed technical review through the Technical Advisory Committee.
 - (2) The Overlay Committee may grant one (1) continuance for any petition.
 - (3) No petition shall be continued more than two (2) times.
 - (4) The Overlay Committee shall be the designated development plan approval body for the Plan Commission.
- F. Appeals. Decisions of the Overlay Committee may be appealed to the full Plan Commission.