

10.1 MEMBERSHIP

- A. The Ashley Advisory Plan Commission shall consist of membership as specified in I.C. 36-7-4-207, as amended.
- B. If the Ashley Advisory Plan Commission exercises jurisdiction outside the incorporated area of the Town of Ashley as provided for in I.C. 36-7-4-205, additional members shall be appointed to the Commission in accordance with the provisions of I.C. 36-7-4-214, as amended.

10.2 TERMS OF OFFICE

- A. Members of the Ashley Advisory Plan Commission shall be appointed for terms of office as specified in I.C. 36-7-4-217 .. 220, as amended.

10.3 JURISDICTION

- A. The Ashley Advisory Plan Commission shall have territorial jurisdiction over all lands within the incorporated area of the Town, or as other agreements may allow.

10.4 RULES AND PROCEDURES

- A. The Ashley Advisory Plan Commission shall have the sole authority to adopt any and all rules for the administration of the affairs of the Commission per I.C. 36-7-4-401.

10.5 DUTIES AND POWERS

- A. The Ashley Advisory Plan Commission shall:
 - 1. Keep complete records of all Commission proceedings.
 - 2. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission.
 - 3. Prepare, publish and distribute reports, ordinances, or other materials relating to authorized activities.
 - 4. Certify to all official acts.
 - 5. Supervise the fiscal affairs of the Commission and prepare, submit, and abide by an annual budget.
 - 6. Make recommendations to the legislative body per I.C. 36-7-4-405.
 - 7. Initiate proposed amendments to this Ordinance.
 - 8. Review all proposed amendments to this Ordinance initiated by the public.
 - 9. Review all Development Plans for proposed Planned Unit Developments.
 - 10. Review all parking plans.



10.6 CONFLICT OF INTEREST

Pursuant to I.C. 36-7-4-233, a member of the Plan Commission may not:

- A. Participate as a member of the Plan Commission in a hearing or decision of that Commission concerning a zoning matter in which the member has a direct or indirect financial interest. The Commission, in such cases, shall enter in its records the fact that its member has such a disqualification.
- B. Directly or personally represent another person in a hearing before that Commission concerning a zoning matter.
- C. Receive any mileage or compensation under I.C. 36-7-4-222.5 for attendance at a meeting if the member is disqualified under Item A above during any part of the meeting.

10.7 MEETINGS AND MINUTES

- A. The Plan Commission shall fix the time for holding regular meetings.
- B. The Commission shall keep and file minutes for each meeting as a matter of public record.
- C. Special meetings of the Plan Commission may be called and held in accordance with the provisions of I.C. 36-7-4-307.

10.8 PUBLIC HEARINGS

- A. If the Plan Commission does not submit a recommendation to the Council within sixty (60) days after the petition is referred to it, the Town Council may take final action on the petition without recommendation by the Commission, unless the petitioner requests, in writing to the Council and the Commission, additional time.
- B. If the Town Council fails to act on a report of the Plan Commission recommending approval or disapproval of a petition within sixty (60) days after such submission by the Commission, such petition shall be deemed approved or disapproved by the Council as recommended by the Commission.
- C. If the report of the Plan Commission is adverse to a proposed amendment referred to it, the proposed amendment may not be passed except by an affirmative vote of at least two-thirds or sixty-six percent (66%) of the members of the Town Council.
- D. All proposed amendments disapproved by the Plan Commission and the Town Council may not be reconsidered by the Commission or Council until the expiration of one (1) year after the date of its original rejection by the Plan Commission.

10.9 AMENDMENTS

A. Referral by Plan Commission and Approval by Town Council

Any and all amendments to this Ordinance or to the Official Zoning Map must be approved by the Town Council after referral to the Plan Commission according to the procedure established in this Title.

B. Origin of Petition

Petitions, duly signed, shall be submitted to the Zoning Administrator or designated agent requesting an amendment or repeal of the Ordinance or the Official Zoning Map by the Plan Commission or by the owners of at least fifty-one percent (51%) of the area involved in the petition.

C. Application Procedures

A proposed Ordinance for amendment or repeal of the Ordinance or the Official Zoning Map that does not originate from petition of the Plan Commission must be referred to the Commission for consideration and report before any final action is taken by the Town Council. Before the submission of the petition or its report to the Town Council, the Plan Commission must give notice and hold a public hearing as required by the Public Law 178, Acts of 1979, State of Indiana.

D. Minimum Requirements of Petition

All amendment petitions, other than those originating from the Plan Commission, shall consist of at least the following:

1. Name, address, signature, and telephone number of the petitioner, owner, and any person(s) holding options on the purchase of the property for the intended use.
2. Legal description and common address of the property being considered.
3. Identification of the proposed amendment and identification of any intended use of property, with building square footage and height listed.
4. Current zoning of property being considered.
5. Required number of parking spaces for the identified use, and number of spaces to be provided.
6. A site plan drawn to scale or with sufficient dimensions labeled to determine size for all rezonings for other than single-family or two-family residences showing at least the following: property lines, surrounding streets and alleys, surrounding land uses, location of all existing and proposed buildings, location of parking and drive areas, building and parking setbacks, utilities, and any landscaped or buffer areas.

E. Miscellaneous

The Ashley Advisory Plan Commission may enact, establish, or enforce any other powers, duties, or appointments as allowed under I.C. 36-7-4-200.. 499.