

MORGAN COUNTY PLAN COMMISSION

RULES AND PROCEDURES



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Article 1. PC Authority and Powers.

1. Statutory Authority.

- a. The Morgan County Plan Commission (PC) exists as an advisory plan commission under the authority of Indiana Code (IC) 36-7-4-100 et seq. and any amendments thereto. These Rules are adopted in accordance with the requirements of IC 36-7-4-401.

2. PC Powers and Duties.

- a. The PC shall have those powers and duties as allowed by Indiana law and the Morgan County Unified Development Ordinance (UDO) with regards to, but not limited to, the Comprehensive Plan, the UDO, map amendments (rezonings), plats, waivers, and development plans.

3. Delegation of Authority.

- a. The PC shall delegate ministerial authority to the Administrator pursuant to IC 36-7-4-402, and the PC shall delegate authority to its employees to perform ministerial acts in all cases except where final action of the PC or BZA is required by law.

Article 2. PC Membership and Officers.

1. **Composition.** The PC shall consist of nine members as prescribed by IC 36-7-4-208 (b)*.
2. **Terms.** In accordance with IC 36-7-4-218, each member shall be appointed for a term of four years, expiring on the first Monday of January of the fourth year. In addition, a member of the PC shall serve until their successor is appointed.
3. **Qualifications for Citizen Members.** All citizen members appointed to the PC shall meet the qualification set forth by IC 36-7-4-216 as amended.
4. **Alternate Members.** In accordance with IC 36-7-4-220(a), the appointing authority may appoint an alternate member (who meets the same requirements as the disqualified member, including residency) to participate with the PC in any hearing or decision if the regular member has a disqualification or is otherwise unable to participate in the hearing or decision. An alternate member shall have all of the powers and duties of a regular member while participating in the hearing or decision.
5. **Removal of Members.** In accordance with IC 36-7-4-220(c), an appointed member may be removed from the PC by the respective appointing authority prior to the end of their term for failure to appear at three consecutive, regularly scheduled PC meetings.
6. **Attendance of Meetings.** PC members are expected to attend all meetings of the PC. To ensure a quorum, members shall notify the Administrator at their earliest convenience if they are not able to attend a scheduled meeting either entirely or in part. Members who fail to appear at meetings may be subject to removal from the PC (see Removal of Members).
7. **Officers.**
 - a. **Elections.** Pursuant to IC 36-7-4-303 and IC 36-7-4-304, the PC shall elect a President, Vice President, and Secretary from among its membership at its first meeting each year. Vacancies in offices shall be filled immediately by regular election procedure.
 - b. **President.** The President shall preside over PC meetings, supervise over the determination of points of order and procedure, and be responsible for the signing of all official documents. The President shall decide all points of order or procedures that are not outlined in these Rules. The President shall have the privilege of discussing all matters before the PC and of voting thereon. The President may make or second a motion before the PC.
 - c. **Vice President.** The Vice President shall have authority to act as President of the PC during the absence or disqualification of the President.
 - d. **Secretary.** The Secretary shall be responsible for attesting to all official documents. In the event that both the President and Vice President are absent or disqualified from a meeting or a public hearing, the Secretary shall serve as President for that meeting or public hearing.
 - e. **Recording Secretary.** A Recording Secretary may be used for keeping and transcribing minutes of regular or special meetings of the PC.

* Amended 8/11/2025

PC MEMBERSHIP SUMMARY

Membership Type IC 36-7-4-208(b)*	Appointing Authority	Residency and Qualifications IC 36-7-4-216	Term IC 36-7-4-218
County Commissioner Member	County Executive	• N/A	
County Council Member	County Fiscal Body	• N/A	
County Surveyor (or designee)	N/A	• Designee must be resident of the county	• Membership corresponds with term of office/position unless new appointment is made at the appointing authority's first regular meeting of the year or member is removed for cause
County Agricultural Extension Educator	County Extension Board	• Must be a resident of the county or the county extension board must select a resident of the county with an agricultural interest	• If a resident with AG interest, term can be for no more than 1 year
Citizen Member #1*	County Executive		
Citizen Member #2	County Executive		
Citizen Member #3	County Executive		
Citizen Member #4	County Executive		
Citizen Member #5	County Executive		

*Amended table 8/11/2025

Article 3. PC Staff and Duties.

- 1. Administrator.** The Administrator, including any PC staff members or others designated by the Administrator, shall have the principal responsibility for the administration and enforcement of the UDO except where final action of the PC is required by law. These duties shall include, but not be limited to:
 - a. Clerical and Technical Assistance. Providing clerical and technical assistance as may be required by the PC, Committees, County Commissioners, or other body in the execution of its duties as established by the UDO and Indiana Code.
 - b. Improvement Location Permits (ILP). Receiving, approving, or disapproving all ILPs and keeping records of applications made and actions taken.
 - c. Inspections. Conducting inspections of structures and properties to determine compliance with the requirements of the UDO and all approvals granted by the PC, County Commissioners, Committees, or other body in the execution of its duties as established by the UDO and Indiana Code.
 - d. PC Applications. Receiving, processing, docketing, and referring all appropriate applications to the PC or any PC Committees.
 - e. Record Keeping. The Administrator shall be responsible for supervising the management and maintenance of an accurate and complete record of all proceedings, petitions, hearings, and meetings of the PC, including the keeping of records and minutes, findings of fact, and preservation of all papers and documents of the PC and the maintenance of a current roster of members. Copies of such record of any hearing may be ordered by any party, and the cost thereof, shall be paid by the party ordering such copies in accordance with the adopted fees.
 - f. Referral to PC. The Administrator may refer applicants for permits and petitions to the PC for review and approval as needed.
- 2. Legal Counsel.** The PC shall contract with independent legal counsel as needed.

Article 4. PC Meetings and Hearings.

1. PC Meeting Schedule.

- a. Schedule. Regular meetings of the PC as well as filing deadlines shall be published annually, including the date, time, and location. Regular meetings shall be held on the second Monday of each month at the Morgan County Administration Building (Martinsville, IN) at 6:30 pm unless otherwise publicly announced. Regular meetings may be canceled due to lack of agenda items.
- b. Special Meetings. Special meetings of the PC may be called by the President or by a majority of the voting members of the PC upon request (written or electronic) to the Administrator.
 - i. Special Meeting Notice to PC Members. The Administrator shall send notice to all members at least three days before the special meeting fixing the time and place of the meeting. Notice of a special meeting is not required to be provided if the date, time, and place of a special meeting are fixed in a regular meeting and all members of the PC are present at that regular meeting.
 - ii. Special Meeting Public Notice. All special meetings shall be advertised in a newspaper of general circulation in Morgan County.

2. Public Records.

- a. All meetings, as set forth in IC 5-14-1.5-2, will comply with Indiana Open Door Law.
- b. All minutes of the proceedings, findings of fact, plans, maps, and all other exhibits submitted by the petitioners, remonstrators, and Administrator shall be public records and shall be filed in the Administrator's office. These materials shall become a part of the case and all such materials shall be held by the Administrator for preservation of records in accordance with the Indiana Access to Public Records Act.

3. Agenda and Minutes.

- a. The Administrator shall prepare an agenda for each meeting and may limit petitions to a reasonable number as determined by the Administrator. The Administrator shall provide (mail or electronically transmitted) the agenda, and all supporting materials, to all PC members at least three days prior to the meeting.
- b. A draft of the previous month's minutes shall be made available to each member of the PC, and public if requested, before the next regular meeting. Minutes are not official until voted upon by the PC.
- c. The PC shall keep minutes of all proceedings, which are public record, that shall be filed in the office of the PC that include:
 - i. PC members and PC staff in attendance;
 - ii. Start and end time of the meeting;
 - iii. Votes of all members (including abstentions and those absent) for each action;
 - iv. Detailed summary of discussions pertaining to an official action, public hearing, and/or petition;

4. Order of Business. The order of business at regular meetings shall be as follows. The PC may change the order in which petitions on the agenda are heard when necessary.

- a. Call to order;
- b. Approval and signing of minutes of previous meeting(s);
- c. Approval of current agenda;
- d. Old business, including continued petitions by consecutive case numbers;
- e. New business, by consecutive docket numbers;
- f. Staff reports and attorney communications; and
- g. Adjournment.

5. Meeting Conduct.

- a. Every person appearing before the PC shall abide by the order and direction of the President. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of privileges and the President (or presiding member) may remove any person from the meeting who disrupts the meeting, displays discourtesies, or displays disorderly or contemptuous conduct towards the PC members or any other person in attendance.
- b. The President (or presiding member) may terminate any repetitious or irrelevant presentation. Every person appearing before the PC shall abide by the order and directions of the President.

6. Conflict of Interest & Bias.

- a. If a PC member has a conflict of interest with a petition, he/she shall not sit as a member of the PC nor vote on the particular petition. PC members with any conflicts of interest shall not remain in the room during the disposition of the petition.
 - i. In accordance with IC 36-7-4-223, a member of the PC shall have a conflict of interest with regard to a petition if the member is biased or prejudiced or otherwise unable to be impartial; or the member has a direct or indirect financial interest in the outcome of the decision.
- b. No person (including applicants, remonstrators, or others) may communicate with members of the PC before a hearing with the intent to influence the member's action on a matter pending before the PC. All communication about a petition must go through the Administrator so that it can be made a part of the public record and be distributed to the membership.
- c. PC members are strongly discouraged from engaging in communication with petitioners, remonstrators, or others regarding a pending petition. All inquiries should be directed to PC staff and all documents or materials received by a PC member regarding a petition should be provided to the PC staff for inclusion in the petition's public file.

Article 5. PC Petitions.

7. Filing Petitions.

- a. Any person who wishes to file a petition with the PC must file it with the Administrator using the current application forms, unless the PC is the sponsor of the petition.
- b. All petitions must be received by the deadlines as outlined in the PC Application Packet. The Administrator shall review the petition for technical conformity with the UDO and state law prior to assigning a docket number and placing the petition on the agenda.
- c. Each complete petition that is filed in proper form shall be assigned a docket number and date for an initial hearing before the PC. Docket numbers shall be assigned consecutively as determined by the Administrator.
- d. Failure of the applicant to submit any information required/requested by the Administrator or the PC shall delay the petition's placement on the agenda and may be grounds for the PC to deny the petition's request.
- e. A petition application may not be filed for a property that has a previously documented and unresolved code violation until the violation has been resolved. However, the Administrator may allow the filing of a petition application if it is shown that it will directly contribute to the resolution of the violation.

8. Amended Petitions.

- a. Amendments to petitions shall be filed in a timely manner and may be continued to the next scheduled meeting date if the PC determines that there was not sufficient time for PC staff, PC members, and/or the public to adequately review the amendments.
 - b. If the amendment is requesting to change the zoning classification to a higher or more intensive classification, it shall be continued and the applicant shall be required to complete all public notices again.
- 9. Filing Fee.** The applicant shall pay the appropriate filing fee at the time of filing their petition to cover expenses of processing the petition. The amount of fees shall be in accordance with the fee schedule as adopted by the PC. An application is not considered complete until the filing fee has been paid in full.

10. Previously Denied Petitions. A petition that is denied by the PC and/or County Commissioners may not be re-filed for one year from the date of the denial decision unless the petition significantly differs. The Administrator shall determine if a new petition significantly differs from the previously denied petition.

11. Site Visits by PC Members and Staff. Members shall have the right to inspect land involved in any petition to be heard by the PC either individually or jointly. No more than three members shall inspect the subject land at any one time.

12. Applicant Attendance at Meetings.

- a. TAC, DRB, and/or PC Attendance. The applicant and/or their representative is required to attend all TAC, DRB and/or PC meeting(s) where their petition will be heard.

- b. Failure to Appear. In the absence of any appearance on behalf of the applicant, the application will be continued to the next regularly scheduled meeting for the first occurrence. For subsequent "no-shows," the application may be disposed of as determined by the PC.

13. Procedures for Hearing Petitions.

- a. The order of presentations on any petition or application heard by the PC shall be as follows:
 - i. Presentation by Petitioner;
 - ii. Questions, if any, by PC members;
 - iii. Presentation by Interested Parties/Remonstrators;
 - iv. Questions, if any, by PC members;
 - v. Rebuttal by Petitioner at discretion of President;
 - vi. Presentation of staff report, if any, by Administrator;
 - vii. Questions, if any, by PC members; and
 - viii. Official action by PC on petition.
- b. Anyone wishing to address the PC on a specific petition must sign-up ahead of time at the registration table the night of the meeting.
- c. When necessary, the President (or presiding member) may place a 3-minute time limit on each speaker/remonstrator to allow all those in attendance the opportunity to address the PC.

Article 6. PC Actions and Decisions.

1. Official Action and Quorum.

- a. A quorum is a majority of the full membership of the PC who are qualified to vote.
- b. No vote or action of the PC shall be official unless authorized by a vote of the majority of the voting membership of the PC at a regular or special meeting. All official actions shall be made in an open public hearing or meeting.

2. PC Votes.

- a. All decisions or actions shall be by voice vote unless the President deems it necessary for a roll call vote. The vote of each member of the PC shall be recorded in the minutes of the meeting.
- b. When a vote of the PC results in a tie or where a vote of the PC does not result in official action, a different motion may be made to reconsider the matter, followed by a re-vote. Lacking a different motion, the petition shall be automatically continued and heard at the next regularly scheduled meeting of the PC.

3. Written Commitments.

- a. The PC may require or permit the petitioner to make written commitments concerning the use or development of the applicant's property, pursuant to IC 36-7-4-1015(a), as a condition to the following:
 - i. Adoption of a rezoning proposal;
 - ii. Primary approval of a proposed subdivision plat or development plan; or
 - iii. Approval of a vacation of all or part of a plat;
- b. Pursuant to IC 36-7-4-1015(c), the PC hereby declares that the criteria to be considered when an owner applies for the modification or termination of a commitment made under these Rules and Procedures are the same criteria that applied to the proposal when the PC originally recommended adoption or granted approval, as the case may be.
- c. The commitments shall not be in full force until they are written in a recordable form, signed by the property owners, and recorded in the Morgan County Recorder's Office.

Application Type	Staff	TAC & DRB	PC Board Actions	County Commissioners Actions
Zoning Map Amendment	Review and Make Staff Recommendations to PC	TAC Review DRB Review	<p>Recommendation to County Commissioners:</p> <ul style="list-style-type: none"> • Favorable Recommendation (with or without conditions) • Unfavorable Recommendation (with or without conditions) • No Recommendation (with or without conditions) 	<p>Final Decision:</p> <ul style="list-style-type: none"> • Approve • Deny (must wait one year before refiling) • Modify (requires PC review)
Zoning Text Amendment	Review and Make Staff Recommendations to PC	N/A	<p>Recommendation to County Commissioners:</p> <ul style="list-style-type: none"> • Favorable Recommendation (with or without conditions) • Unfavorable Recommendation (with or without conditions) • No Recommendation (with or without conditions) 	<p>Final Decision:</p> <ul style="list-style-type: none"> • Approve • Deny
PUD	Review and Make Staff Recommendations to PC	TAC Review DRB Review	<p>Recommendation to County Commissioners:</p> <ul style="list-style-type: none"> • Favorable Recommendation (with or without conditions) • Unfavorable Recommendation (with or without conditions) • No Recommendation (with or without conditions) 	<p>Final Decision:</p> <ul style="list-style-type: none"> • Approve • Deny (must wait one year before refiling) • Modify (requires PC review)
Primary Plat and Waivers	Review and Make Staff Recommendations to PC	TAC Review DRB Review	<p>Final Decision:</p> <ul style="list-style-type: none"> • Approve (with or without conditions) • Disapprove with specified reason(s) 	N/A
Secondary Plat	Review and Final Decision: • Approve • Disapprove Administrator reports approved secondary plats to PC monthly	TAC Review DRB Review	Applicant may appeal decision of Administrator to PC	N/A
Development Plan	Review and Final Decision: • Approve • Disapprove	TAC Review DRB Review	Applicant may appeal decision of Administrator to PC	N/A
<p>* PC delegates decision-making authority for Secondary Plats and Development Plans to Administrator.</p>				

4. **Continuance/Tabling.** A continuance may be requested for sufficient cause by the petitioner, an interested party, or a member of the PC. It shall be within the discretion of the PC to grant or deny any request for continuance. Re-notification shall not be required if a petition is continued at a properly noticed public meeting to a specified future meeting date of the PC.
 - a. Continuance Request by the Petitioner. A request for continuance by the petitioner may be filed with the Administrator in writing prior to the PC's meeting or made orally at the beginning of the PC meeting when the agenda is considered. However, the petitioner shall be prepared to move forward with their petition in the event the continuance request is not granted by the PC.
 - b. Continuance Request by an Interested Party or Public. A request for continuance by an interested party or member of the public may be filed with the Administrator in writing prior to the PC's meeting or made orally at the beginning of the PC meeting when the agenda is considered. The interested party or member of the public shall be prepared for the petition to move forward in the event the continuance request is not granted by the PC.
 - c. Continuance Request by a Member of the PC. A member of the PC may make a motion of continuance for consideration by the PC.
5. **Time Periods.** The PC, by majority vote at any meeting, shall have the authority to extend the time periods specified in these Rules and Procedures.
6. **Withdrawal of Petition.**
 - a. No petition may be withdrawn by the petitioner after a vote has been ordered by the President presiding at the meeting.
 - b. Any petition withdrawn shall not be heard or considered for three months from the withdrawal date unless approved by a majority vote of the PC. The filing fee for a withdrawn petition shall not be refunded.
7. **Dismissal of Petition.** The PC may dismiss a petition for want of prosecution (failure to appear, incomplete filing, or improper public notice), for lack of jurisdiction, or if the petition has been continued more than three months by any party. Any petition dismissed by the PC shall not be heard or considered for three months from the dismissal date unless approved by a majority vote of the PC. The filing fee for a dismissed petition shall not be refunded.

Article 7. Interested Parties, Public Notice, and Public Comment.

- 1. Interested Parties.** Interested parties shall include properties within a radius of 660 feet or two properties deep in all directions of the property boundaries, whichever is less.
- 2. Public Notice by Applicant.**
 - a. Except for a petition initiated by the PC or County Commissioners to repeal, amend, or replace all or part of the UDO or zoning map, all petitioners shall serve notice to interested parties at their own expense by the following methods as outlined in the PC Application Packet and consistent with IC 5-3-1.
 - i. **Newspaper Publication by Applicant.** Publish one legal notice in a newspaper of general circulation in Morgan County at least 15 days prior to the public hearing; and
 - ii. **Mailed Notice by Applicant.** Send written notice via Certificate of Mailing to all Interested Parties and postmarked at least 15 days prior to the public hearing.
 - b. The public notice by the applicant shall contain, at a minimum, the information set forth by the Administrator.
 - c. The petitioner must submit proof of notice as outlined in the PC Application Packet.
- 3. Public Notice by PC.** The Administrator shall post on-site notification sign(s) in a conspicuous place on the subject property at least 5 days prior to the date of the public hearing. Notice shall remain on the property until resolution of the petition.
- 4. Public Comments at Hearings.**
 - a. Any person or party speaking shall state his/her name and address prior to making a presentation.
 - b. Any party may appear in person or by representative (person, agent, attorney, etc.) at PC meetings. A representative may testify to the facts that they have particular knowledge of that relate to the issues of the petition. In so testifying, the representative shall be subject to cross-examination and questions by the PC.
 - c. Copies of written comments submitted to the PC prior to a meeting or hearing shall be provided to the PC by the Administrator prior to official action.
 - d. All exhibits presented at the meeting, by an applicant or public, shall become property of the PC and part of the public file. Any party presenting an exhibit that has not been filed prior to the meeting shall provide at least ten copies.
 - e. If a member of the public wishes to address the PC regarding a matter that is not a petition or item on the agenda, he/she shall submit in writing to the Administrator a request to be placed on the next available PC agenda at least 10 regular business days prior to the meeting. The request must include a written description of the item(s) the speaker wishes to address. The requested item shall only be heard at the discretion of the PC President and limited to five minutes.

Article 8. PC Committees.

1. Technical Advisory Committee (TAC).

- a. Purpose. Pursuant to the UDO, the TAC is created as a subcommittee of the Morgan County Plan Commission. The TAC shall assist in the review of applications by providing expert advice with regard to technical specifications, adequate capacity, public health, public safety, and/or other specifications.
- b. Duties.
 - i. The TAC shall meet on an as-needed basis and has the duty to provide review and comment on primary and secondary plats; map amendments and PUD districts; development plans; and variances and special exceptions.
 - ii. The TAC meeting shall be held at least three days prior to a public hearing for the petition. A written summary of the TAC's comments will be provided to the PC in the Administrator's staff report.
- c. Membership. The TAC is overseen by the Administrator and may include a representative from the following agencies when applicable:
 - i. County Engineer / Highway Department
 - ii. County Surveyor / Stormwater Coordinator
 - iii. Health Department
 - iv. Drainage Board
 - v. Sheriff's Department
 - vi. Local Fire Department
 - vii. Public School District
 - viii. Sewer Utility
 - ix. Soil and Water Conservation Office
 - x. Water Utility
 - xi. Other agencies or utilities affected by the petition

2. Design Review Board (DRB).

- a. Purpose. Pursuant to the UDO, the DRB is created as a subcommittee of the Morgan County Plan Commission. The DRB shall assist in the review of applications within the I-69 Overlay District by providing expert advice with regard to technical specifications, adequate capacity, public safety, local conditions/context, and/or other specifications.
- b. Duties. The DRB shall meet on an as-needed basis and has the following powers and duties in connection with the implementation of the I-69 Overlay:

- i. To review and evaluate applications for changes in zoning, variances, and/or waivers and make recommendations to the staff, Board of Zoning Appeals, or Plan Commission, as appropriate depending on the type of application.
 - ii. To review and evaluate development and/or site plans and make recommendations to the staff, Board of Zoning Appeals, or Plan Commission, as appropriate depending on the type of application.
 - iii. To take other actions as delegated by the Administrator, Board of Zoning Appeals, or Plan Commission, or other bodies that may be desirable and necessary to implement the provisions of the I-69 Overlay.
- c. Membership.
- i. Members shall serve a two-year term. A member may be recalled by a supermajority vote of the confirming agency. All members must be residents of Morgan County, Indiana.
 - ii. The subcommittee membership shall consist of 7 members confirmed by the Plan Commission:
 - (1) Morgan County Plan Director.
 - (2) Six members who may include design professionals, neighborhood or community representatives, representatives of County agencies, and other agencies or consultants deemed appropriate.

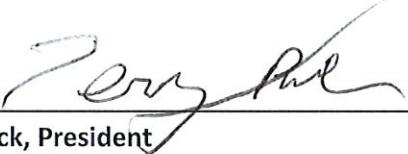
Article 9. Suspension and Amendments of Rules and Procedures.

- 1. Amendment of Rules and Procedures.** Amendment to these Rules and Procedures may be made by the PC only upon the affirmative vote of a majority of the full membership of the PC.
- 2. Proposed Amendments.** Any amendment to these Rules and Procedures must be provided to all PC members (mailed or electronically transmitted) at least 14 days prior to voting on the amendment.
- 3. Suspension of a Rule or Procedure.** The suspension of any rule or procedure may be ordered at any meeting of the PC by a 2/3 vote of the quorum present as long as such suspension is not in conflict with the minimum requirements established by state statute.
- 4. Severability.** If any article, section, subsection, sentence, clause, phrase, or portion of these Rules shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereunder.
- 5. Priority of Laws.** These Rules may be used as a guide by the PC and all interested parties. However, applicable state laws and county ordinances should be consulted if necessary. In the event that any provisions of these Rules conflict with applicable state law or county ordinance, the state law and county ordinance shall supersede these Rules. State law shall have priority, then county ordinance, and finally, these Rules.

Article 10. Certificate of Adoption.

1. The official record of these Rules and Procedures for the PC shall be kept on file at the Morgan County Planning Office.
2. The PC Application Packet, as amended, is hereby incorporated into the Rules and Procedures by reference.
3. All previous rules and procedures heretofore adopted by the Morgan County Plan Commission are hereby expressly repealed as of the effective date of these Rules.
4. **Adopted and Effective as of March 13, 2023.**
5. Amendments.
 - a. August 11, 2025
 - i. Page 4, Item 1 Composition
 - ii. Page 5, "PC Membership Summary" Table

Attest:



Terry Brock, President

8/11/25
Date



Justin Maxwell, Secretary

8/11/25
Date