

ALLEN COUNTY CODE TITLE 2 GENERAL PLANNING

ARTICLE 1 ESTABLISHING PLAN COMMISSION

2-1-1 Chapter 1: General Purpose

BE IT ORDAINED by the Board of Commissioners of the County of Allen, Indiana, that there be and there is hereby established a Plan Commission for the County of Allen, Indiana, to promote the orderly development of its governmental units and environs, for the purpose of improving the present health, safety, convenience and welfare of the citizens of Allen County, Indiana, and to plan for the future development of said County of Allen, Indiana, to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas provide healthy surroundings for family life; and that the growth of the said Allen County, Indiana, is commensurate with and promotive of the efficient and economical use of public funds. Said Plan Commission shall serve in an advisory capacity to the board of Commissioners of the County of Allen, Indiana, and to the officials of Allen County, Indiana, and shall have such regulatory powers affecting the public welfare of the citizens of Allen County, Indiana, as are not otherwise controlled, and such other powers as may from time to time be granted to carry out the purpose of this Ordinance.

2-1-2 Chapter 2: Plan Commission Members

2-1-2-1 Number of Members

Said Allen County, Indiana, Plan Commission shall consist of nine (9) members as follows:

- (a) One member selected by the Board of Commissioners of the County of Allen, Indiana, from its membership;
- (b) One member appointed by the County fiscal body by its membership;
(Amended 7-27-07 by Ordinance # 7-27-07-19)
- (c) The Allen County Surveyor, by virtue of his office;
- (d) The Allen County Agricultural Agent, by virtue of his office;

- (e) Five (5) citizen members, not more than three (3) of whom shall be members of the same political party, who shall be qualified by knowledge and experience in matters pertaining to the development of said County, and shall hold no other office in County Government, all five of which members shall be appointed by the Board of Commissioners of the County of Allen.

2-1-2-2 Qualifications Required for Citizen Members

- (a) Citizen members shall be residents of the County and shall be chosen by location of residence within the county, one each from each Commissioner District, and two (2) chose at large;
- (b) Citizen members shall reside in the area over which the Plan Commission has jurisdiction, except, however, that in case the majority of the area in any Commissioner District may lie outside the area over which the Commission has jurisdiction, the representative of that district may be appointed from any part of that Commissioner District.

2-1-2-3 Term of Office for Citizen Members

- (a) Citizen members shall be appointed for the following terms: One for a term of one year; one for a term of two years; one for a term of three years; and two for a term of four years. The term of said citizen member shall expire on the first Monday of January of the first, second, third or fourth year respectively, following their appointment. Thereafter, as the term expires, each new appointment shall be for a term of four years.

2-1-3 Chapter 3: Powers and Duties

2-1-3-1

To effectuate the purposes of this Ordinance, the Allen County Plan Commission shall have the power and duty to:

- (a) Exercise general supervision of and make regulations for the administration of the affairs of the Commission;
- (b) Prescribe uniform rules pertaining to investigations and hearings;
- (c) Supervise the fiscal affairs and responsibilities of the Commission;
- (d) Prescribe the qualifications of, appoint, remove and fix the compensation of the employees of the Commission, such compensation to be in conformity
- (e) Delegate to employees authority to perform ministerial acts in all cases, except where final action of the Commission is necessary;
- (f) Keep an accurate and complete record of all departmental proceedings; record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of the Commission;

- (g) Make recommendations and an annual report to the Board of Commissioners of the County of Allen, Indiana, and the Allen County Council concerning the operation of the Commission, and the status of planning within its jurisdiction;
- (h) Prepare, publish and distribute reports, ordinances, and other material relating to the activities authorized under this act;
- (i) Adopt a seal, and certify to all official acts;
- (j) Sue and be sued, collectively, by its legal name, styled according to the Allen County Plan Commission, service of process being had on the President of the Commission; but no costs shall be taxed against the Commission or any of its members in any action;
- (k) Invoke any legal, equitable or special remedy for the enforcement of the provisions of the Act or Ordinance or its actions taken thereunder;
- (l) Prepare and submit an annual budget in the same manner as other departments of County Government, and shall be limited in all expenditures to the provisions made therefor by the Allen County Council;
- (m) To employ necessary professional and engineering consultants to assist said Commission in carrying out their duties and functions and in making preliminary and subsequent studies in connection with the purposes of this Ordinance;
- (n) To accept gifts and donations for Plan Commission purposes;
- (o) To prepare a land use and improvement plan and to employ necessary professional consultants to assist in the preparation thereof.

2-1-3-2 The Allen County Plan Commission may formulate policies:

- (a) For the development of public ways, public places, public structures, and public and private utilities;
- (b) To issue improvement location permits on platted and unplatted land;
- (c) To layout and plan the layout and development of public ways and services platted and unplatted lands.
- (d) To do all and every act or acts necessary to carry out the intent of this Ordinance in conformance with the laws of the State of Indiana.

2-1-3-3 Vacation Hearings

- (a) When State law requires the Board of Commissioners to hold a public hearing upon a petition to vacate a public way under IC 36-7-3-12, The Allen County Plan Commission shall also hold a public hearing concurrently with the Board of Commissioners.
- (b) The Allen County Plan Commission shall be responsible to give the notice required under IC 36-7-3-12(b) and to collect any fees allowed or required under IC 36-7-3-12(c) or pursuant to Rules duly adopted by the Allen County Plan Commission.
- (c) After the Allen County Plan Commission holds such a hearing, it shall make a written recommendation to the Board of Commissioners for approval or denial of the proposed public way vacation. In making such recommendation, the Commission shall consider whether the proposed public way vacation would:

- (1) hinder the growth or orderly development of Allen County or the neighborhood in which the public way proposed to be vacated is located, or to which it is contiguous;
- (2) make access by means of a public way to lands of a person aggrieved by a proposed vacation, difficult or inconvenient;
- (3) hinder the public's access to a church, school, or other public building or place;
- (4) hinder the use of a public way by the neighborhood in which the public way proposed to be vacated is located, or to which it is contiguous; and
- (5) comply with the requirements of the Comprehensive Plan of Allen County, Indiana, codified as Allen County Code 2-3.

2-1-4 Chapter 4: Restrictions

This Ordinance shall not be deemed to restrict in any way the authority given by the laws of the State of Indiana to similar Boards formed for similar purposes.

2-1-5 Chapter 5: Effective Date

This Ordinance shall be in effect from and after its passage.

PASSED by the Board of Commissioners of the County of Allen, Indiana, this 27th day of February, 1957.