

City of Shelbyville

Plan Commission Rules and Procedures



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Section 1: Basic Provisions

- 1.1. Establishment:** The Shelbyville Plan Commission is an Advisory Plan Commission formed under the authority of IC 36-7-4-200 series and any amendments thereto.
- 1.2. Authority of Rules:** These rules are adopted in accordance with the requirements of IC 36-7-4-401.
- 1.3. Jurisdiction:** The planning jurisdiction of the Shelbyville Plan Commission is the corporate limits of the City.
- 1.4. General Description of Role:** The role of the Shelbyville Plan Commission is to maintain the City’s planning documents, regulate development and promote and encourage a well-planned community (See *Section 2: Duties and Powers* for more information).
- 1.5. General Description of Shelbyville Plan Commission Members:** The Shelbyville Plan Commission is made up of ten (10) appointed members as per IC 36-7-4-207(b) and IC 36-7-4-214 (See *Section 3: Membership* for more information).
- 1.6. Processes Under the Plan Commission’s Purview:** The following processes are the responsibility of the Plan Commission:

Processes	Role of Plan Commission	Actions the Plan Commission May Take	Notes
<ul style="list-style-type: none"> Site Development Plan Site Development Plan Amendment 	<ul style="list-style-type: none"> Hold a public hearing Render a final decision 	<ul style="list-style-type: none"> Approve with or without waivers, conditions, and/or written commitments Deny 	Decision is based on site development plan standards contained in the Shelbyville Unified Development Ordinance.
<ul style="list-style-type: none"> Subdivision (primary) Plat Amendment 	<ul style="list-style-type: none"> Hold a public hearing Render a final decision 	<ul style="list-style-type: none"> Approve with or without waivers, conditions, and/or written commitments Deny 	Approval of a subdivision is generally ministerial.
<ul style="list-style-type: none"> Zone Map Change (rezoning) 	<ul style="list-style-type: none"> Hold a public hearing Render an advisory recommendation to the Common Council 	<ul style="list-style-type: none"> Favorable recommendation with or without conditions and/or written commitments Unfavorable recommendation No recommendation 	Under all circumstances the petition for a rezoning is forwarded to the Common Council for final action. Imposition of conditions is limited to IC 36-7-4-608(f).
<ul style="list-style-type: none"> Planned Development Planned Development Amendment 	<ul style="list-style-type: none"> Hold a public hearing Negotiate content of the regulatory ordinance Render an advisory recommendation to the Common Council 	<ul style="list-style-type: none"> Favorable recommendation with or without conditions and/or written commitments Unfavorable recommendation No recommendation 	Under all circumstances the petition for a planned development is forwarded to the Common Council for final action.
<ul style="list-style-type: none"> Replacement Unified Development Ordinance (zoning or subdivision control regulations) Unified Development Ordinance Text Amendment 	<ul style="list-style-type: none"> Draft the ordinance or ordinance amendment Hold a public hearing Render an advisory recommendation to the Common Council 	<ul style="list-style-type: none"> Favorable recommendation Unfavorable recommendation No recommendation 	Under all circumstances, replacement text or a text amendment is forwarded to the Common Council for final action.
<ul style="list-style-type: none"> Initial or Replacement Comprehensive Plan Comprehensive Plan Amendment 	<ul style="list-style-type: none"> Draft the plan or plan amendment Hold a public hearing Render an advisory decision to the Common Council 	<ul style="list-style-type: none"> Recommendation of approval Recommendation of denial No recommendation 	Under all circumstances, replacement text or a text amendment is forwarded to the Common Council for final action.

Section 2: Duties and Powers

2.1. Duties: The following are duties of the Shelbyville Plan Commission and should be interpreted as obligations.

A. *Manage Documents and Materials:*

1. *Planning Documents:* Maintain the Shelbyville Comprehensive Plan, Shelbyville Unified Development Ordinance, Official Zoning Map, and other related material.
2. *Amend Planning Documents:* As necessary, initiate revisions to planning documents and then certify and submit recommendations to the Shelbyville Common Council for adoption.
3. *Materials:* Make available to the public all planning documents and other related material that are the responsibility of the Shelbyville Plan Commission.
4. *Records:* Maintain records of all meetings, hearings, correspondences, and affairs of the Shelbyville Plan Commission.

B. *Hear Petitions and Consider Waivers:*

1. *Site Development Plans:* Administer a process to approve or deny site development plans and amendments to site development plans.
2. *Subdivisions of Land:* Administer a process to approve or deny plats or replats of subdivisions.
3. *Zone Map Change:* Administer a process to review rezoning proposal resulting in a recommendation to the Shelbyville Common Council for final action.
4. *Recommendations for Planned Developments:* Administer a process to review planned development proposals resulting in a recommendation to the Shelbyville Common Council for final action.
5. *Waivers:* Administer a process to approve or deny requests for waivers to subdivision standards and planned development standards within the Shelbyville Unified Development Ordinance.

C. *Additional Duties:*

1. *Enforcement:* Enforce regulations and procedures of the Shelbyville Unified Development Ordinance to the extent allowed by local ordinances and Indiana State Law.
2. *Naming:* Approve or deny proposed subdivision names, street names and addresses in new developments.
3. *Process and Seal:* Adopt and maintain a permitting process and seal used to certify official or approved documents.
4. *Rules and Procedures:* Adopt and amend the Shelbyville Plan Commission Rules and Procedures, except for provisions that are mandated by Indiana State Law. The Shelbyville Plan Commission Rules and Procedures may be adopted or amended at any regular meeting or special meeting by a majority vote.
5. *Other:* Any other duties as required by Indiana State Law.
6. *Committees:* Establish committees as deemed necessary (see *Section 5: Committees*).
7. *Advisors and Counsel:* Contract for special advisors or legal counsel when necessary to assist in carrying out duties.

2.2. Powers: The following are powers of the Shelbyville Plan Commission and should be interpreted as optional activities as may be permitted by Indiana State Law.

A. *Establish a Hearing Officer:* Pursuant to IC 36-7-4-923, an alternate procedure for a variance can be established.

B. *Recommendations:* As an advisory plan commission, within the meaning of that term as used in IC 36-7-4, as the same shall be amended from time to time, hear and make recommendations to the Board of Public Works and Safety concerning all matters allowed or required under state law, including by way of illustration and not by limitation, amendments to this chapter and the Shelbyville Comprehensive Plan;

C. *Site Development Plans:* Hear and determine all site development plans which are required to be submitted under this chapter;

D. *Authorized Under State Law:* Be authorized and empowered to do and perform any act which is required or allowed under state law;

E. *Rules and Regulations:* Be authorized and empowered to adopt, without public notice or hearing, any rules or regulations allowed or required under IC 36-7-4, as the same may be amended from time to time, or such other rules or regulations as the Commission may deem necessary or advisable for the effective administration of its duties under state law;

- F. *Officers*: Be authorized and empowered to appoint a President, Vice-President, Secretary and such other positions as are necessary for the discharge of the duties of the Commission; and to prescribe any duties or responsibilities for such positions, subject to the requirements and limitations prescribed under this chapter and under state law.

2.3. Secretary: The Director of the Plan Commission (and/or his/her designees) shall be the Shelbyville Plan Commission's Secretary. The Secretary's duties that are delegated by the Shelbyville Plan Commission are described below.

- A. *Enforcement*: Be empowered to enforce and, if necessary, prosecute any actions for violations of the Unified Development Ordinance, in the manner and form and with the powers provided;
- B. *Permits*: Be authorized and empowered to issue to qualified applicants such permits as permitted or required;
- C. *Acts*: Be authorized and empowered to do and perform such acts as may be required or prescribed by ordinance, or by the Plan Commission under rules or regulations duly adopted, or otherwise;
- D. *Sign Permits*: Approve or deny all sign permit applications;
- E. *Attend Meetings*: Attend all meetings of the Shelbyville Plan Commission and present facts pertaining to the issues raised by the petition.
- F. *Maintain Membership Roster*: Maintain a current roster of members including the terms of service, the respective appointing body and appointment requirements for each member.
- G. *Plan Commission Files*: Maintain records of all meetings, hearings, correspondences, budgets, rules and procedures, membership, term expirations and general affairs of the Shelbyville Plan Commission.
- H. *Plan Commission Meetings*: Prepare information packets prior to each meeting, prepare agendas, conduct requested research and assure notification compliance.
- I. *Material*: Publish and make available to the public all planning documents that are the responsibility of the Shelbyville Plan Commission.
- J. *Public Interaction*: Be available during city office hours as a first point of contact for planning and zoning questions from the public.
- K. *Administrative Decisions*: Make administrative decisions based on the standards and procedures in the Shelbyville Unified Development Ordinance.
- L. *Interpretations*: Interpret the standards and procedures in the Shelbyville Unified Development Ordinance.
- M. *Receive Applications*: Receive and log applications submitted, as required by the Shelbyville Unified Development Ordinance.
- N. *Review and Process Applications*: Review applications for compliance with minimum standards and verify facts. Once determined to be a complete application according to the appropriate procedure, assign a docket number and schedule for a public hearing before the Shelbyville Plan Commission.
- O. *Compliance Inspections*: Inspect improvements to land, new or modified structures, and changes of land use to verify compliance with the Shelbyville Unified Development Ordinance and decisions made by the Shelbyville Plan Commission.
- P. *Enforcement*: Respond to reports of violations, discover violations through field observation, document violations, administer enforcement efforts and maintain enforcement records.

2.4. Enforcement Official: The Secretary and legal counsel for the City of Shelbyville shall be the primary enforcement officials. However, the Plan Commission may also appoint one (1) or more members of the Plan Commission or Board of Zoning Appeals, city staff, public volunteers, consultants, or experts in specific matters to assist in the effective enforcement of the Shelbyville Unified Development Ordinance.

Section 3: Membership

- 3.1. Number of Members:** The Shelbyville Plan Commission shall consist of nine (9) voting and one (1) non-voting member appointed per Indiana State Law:
- A. Commissioner #1 through #7 shall be appointed in accordance with IC 36-7-4-207(a), IC 36-7-4-217, and IC 36-7-4-218.
 - B. Commissioner #8 and #9 shall be appointed in accordance with and IC 36-7-4-214.
 - C. Commissioner #10 shall be appointed in accordance with IC 36-7-4-213(a).

3.2. Members by Appointment: The following table describes the appointment of each Shelbyville Plan Commission Member.

Plan Commission Member	Appointing Body	Requirement of Appointment	Notes
Commissioner #1	Common Council	Shall be a member of the Common Council	See <i>Section 3.3(A)</i> for term of appointment.
Commissioner #2	Park Board	Shall be a member of the Park Board	See <i>Section 3.3(A)</i> for term of appointment.
Commissioner #3	Board of Public Works and Safety	Shall be a member or designated representative of the Board of Public Works and Safety	See <i>Section 3.3(A)</i> for term of appointment.
Commissioner #4	City Engineer	Shall be the City Engineer or a qualified assistant appointed by the City Engineer	See <i>Section 3.3(B)</i> for term of appointment.
Commissioner #5	Mayor	Shall be a citizen member	See <i>Section 3.3(C)</i> for term of appointment. No more than three Mayoral appointments shall be from the same political party.
Commissioner #6	Mayor	Shall be a citizen member	See <i>Section 3.3(C)</i> for term of appointment. No more than three Mayoral appointments shall be from the same political party.
Commissioner #7	Mayor	Shall be a citizen member	See <i>Section 3.3(C)</i> for term of appointment. No more than three Mayoral appointments shall be from the same political party.
Commissioner #8	Mayor	Shall be a citizen member	See <i>Section 3.3(C)</i> for term of appointment. No more than three Mayoral appointments shall be from the same political party.
Commissioner #9	Mayor	Shall be a citizen member	See <i>Section 3.3(C)</i> for term of appointment. No more than three Mayoral appointments shall be from the same political party.
Commissioner #10	County Plan Commission	Shall be a member of the Shelby County Plan Commission	Has all the privileges of membership, except the right to vote.

3.3. Term of Appointment:

- A. Commissioners #1 through #3 shall be appointed for a term coextensive with the member’s term of office or employment with the city, unless that the appointing body, at its first regular meeting in any year, selects another to serve as its representative.
- B. Commissioner #4 shall serve for a term coextensive with the member’s employment with the city, unless the City Engineer, during the first month of the year, appoints a qualified assistant to serve as its representative.
- C. Commissioners #5 through #9 shall each be appointed for a term of four (4) years. These members are eligible for reappointment.
- D. Commissioner #10 shall be appointed annually by the Shelby County Plan Commission. This member is eligible for reappointment.

3.4. Member Assigned to the Shelbyville Board of Zoning Appeals: Commissioner #1 through #9 shall be appointed by the Shelbyville Plan Commission to serve on the Shelbyville Board of Zoning Appeals, but shall not be the Commissioner appointed to the Board of Zoning Appeals by the Mayor pursuant to IC 36-7-4-902(a)(3).

3.5. Member Assigned to the Shelby County Plan Commission: One member of the Shelbyville Plan Commission shall be designated by the Shelbyville Plan Commission as their representative to the Shelby County Plan Commission pursuant to IC 36-7-4-213(2).

- 3.6. Filling a Member Vacancy:** When a vacancy occurs among the members of the Shelbyville Plan Commission, the appointing body of the vacated position shall appoint a new member for the duration of the unexpired term.
- 3.7. Removal of a Member:** The appointing body may remove a member pursuant to IC 36-7-4-218(f) for cause.
- 3.8. Forfeiture of Membership:** A member who misses three (3) consecutive regular meetings, or four (4) scheduled “regular meetings” or “special meetings” in any calendar year of the plan commission may be treated as if the member had resigned, at the discretion of the appointing authority.
- 3.9. Resignation of Member:** An member of the Shelbyville Plan Commission may resign from their appointment by written notice to the Shelbyville Plan Commission or by declaration at a regular meeting or special meeting as documented by the meeting’s minutes. Upon receipt of resignation letter or declaration, the appointing body of the vacated position shall appoint a new member for the duration of the unexpired term.
- 3.10. Term of Salary:** Commissioners #1 through #9 shall receive compensation on a biannual schedule as determined within the City of Shelbyville Salary Ordinance.

Section 4: Officers

4.1. Election of Officers:

- A. *Officers:* The Shelbyville Plan Commission shall elect a President and vice President.
- B. *Timing of Elections:* The election of officers shall occur at the first scheduled regular meeting of the Shelbyville Plan Commission each calendar year.
- C. *Agenda:* The election of officers shall be the first agenda item following “Confirmation of Quorum” and the election shall be chaired and conducted by the City Attorney.
- D. *Eligible Members:* All members, except Commissioner #10, shall be eligible for an officer position.
- E. *Term of Office:* Each officer shall serve from the time of being elected through the following year’s election of officers (i.e. one year). Immediately following the successful election of a President, that person shall begin to preside over the meeting.

4.2. Role of the President: The President of the Shelbyville Plan Commission shall:

- A. *Preside Over Meetings:* Preside over all regular meetings and special meetings of the Shelbyville Plan Commission.
- B. *Maintain Order:* Maintain order in the room during meetings.
- C. *Summarize Decision:* Summarize decisions for the record after each official action.
- D. *Recognize and Permit Speakers:* Determine when persons who are not members of the Shelbyville Plan Commission may address the Shelbyville Plan Commission.
- E. *Select a Secretary Pro Tempore:* Select secretary pro tempore in the absence or disability of the Secretary.
- F. *Executive Authority:* Execute contracts and agreements on behalf of the Shelbyville Plan Commission.

4.3. Role of the Vice President: Fulfill the role of President of the Shelbyville Plan Commission in the absence or disability of the President.

4.4. Plan Commission Secretary:

- A. *Appointment:* The Plan Commission Secretary shall be the Director (or his/her designees) of the City of Shelbyville Plan Commission.
- B. *Preside Over Meeting:* Preside over the Shelbyville Plan Commission meeting in the absence or disability of both the President and vice President, however, the first and only item of business to be presented by the secretary shall be the election of a President pro tempore.
- C. *Public Notice:* Ensure necessary public notice for meetings of the Shelbyville Plan Commission.
- D. *Meeting Minutes:* Prepare minutes of the Shelbyville Plan Commission meetings.
- E. *Document Acts:* Document all official acts and votes of the Shelbyville Plan Commission.
- F. *Duties:* The Plan Commission Secretary shall manage all funds appropriated to the Commission. The Plan Commission Secretary shall sign all purchase orders and claims for the payment of money and shall see that such monies are paid out in accordance with accepted municipal procedures.

4.5. Resignation of an Officer: An officer of the Shelbyville Plan Commission may resign from their role as President or vice President by written notice to the Shelbyville Plan Commission or by declaration at a regular meeting or special meeting, as documented by the meeting’s minutes. Upon receipt of a resignation letter or declaration, the Shelbyville Plan Commission shall elect a successor at its next scheduled regular meeting or special meeting.

Section 5: Committees

5.1. Authorization: The Shelbyville Plan Commission may establish three (3) types of committees per Indiana State Law: Executive Committee, Plat Committee and Advisory Citizens' Committee.

A. Executive Committee (IC 36-7-4-408):

1. *Role:* The executive committee may act on behalf of the Shelbyville Plan Commission and conduct any public hearing required to be held by the Shelbyville Plan Commission.
2. *Establishment:* The Shelbyville Plan Commission may establish an executive committee, appoint members, and adopt rules of the executive committee by two-thirds (2/3) majority vote of the entire membership.
3. *Membership:* The executive committee may be made up of three (3) to seven (7) members of the Shelbyville Plan Commission.
4. *Term:* Each appointment is for a term of one (1) year.
5. *Removal:* The Shelbyville Plan Commission may remove a member from the executive committee by two-thirds (2/3) majority vote of the entire membership.
6. *Action:* The executive committee may only take action by a majority vote of its members.

B. Plat Committee (IC 36-7-4-701(e)):

1. *Role:* A plat committee may be authorized to conduct public hearings to consider subdivisions, subdivision amendments, replats, and plat vacations on behalf of the Shelbyville Plan Commission.
2. *Establishment:* The Shelbyville Plan Commission may establish a plat committee and appoint members by two-thirds (2/3) majority vote of the entire membership.
3. *Membership:* The plat committee may be made up of three (3) members or five (5) members, with at least one (1) of the members being a member of the Shelbyville Plan Commission.
4. *Term:* Each appointment is for a term of one (1) year.
5. *Removal:* The Shelbyville Plan Commission may remove a member from the plat committee by mailing notice of the removal and reason for removal to the member at their residence address. A plat committee member who is removed may not appeal the removal to a court or otherwise.
6. *Action:* The plat committee may only take action by a majority vote.

C. Advisory Citizens' Committee (IC 36-7-4-407):

1. *Role:* An advisory citizens' committee may study planning and zoning issues and may advise the Shelbyville Plan Commission on how these issues relate to different areas and groups in the community.
2. *Establishment:* The Shelbyville Plan Commission may pass a resolution to establish the advisory citizens' committee and specify the purpose of the advisory citizens' committee. The advisory citizens' committee may only report to the Shelbyville Plan Commission and shall make inquiries and reports only on the subjects and problems specified by the Shelbyville Plan Commission's resolution establishing the committee.
3. *Membership:* The Shelbyville Plan Commission may appoint citizen members and establish the terms of its members. The advisory citizens' committee shall have at least one Shelbyville Plan Commission member, but not more than five Shelbyville Plan Commission members.
4. *Term:* The Shelbyville Plan Commission shall establish the terms of the members at the time the committee is established.
5. *Removal:* The Shelbyville Plan Commission may remove a member from the advisory citizens' committee by mailing notice of the removal and reason for removal to the member at their residence address.
6. *Action:* The advisory citizens' committee does not take action on matters brought before it.

5.2. Committee Chairman: Each established committee shall have a chairman appointed at the time of establishment.

5.3. Term of Chairman: Each chairman shall be appointed by the Shelbyville Plan Commission for a term of one year at the first scheduled regular meeting of the Shelbyville Plan Commission of each year.

5.4. Reports: Any established committee shall provide a written or verbal report of their activities at each regular meeting of the Shelbyville Plan Commission.

Section 6: Hearing Officer

- 6.1. Establishment:** The Shelbyville Plan Commission hereby establishes a hearing officers for development standards variances.
- 6.2. Authorization:** The Shelbyville Plan Commission may authorize or deauthorize a single member of the Plan Commission staff to be a hearing officer from time-to-time. There is no obligation to maintain the hearing officer position permanently. The hearing officer position will be generally be authorized when there is a determined need, and when trained and competent staff is available to fulfill the role.
- 6.3. Hearing Officer Limitations:** The hearing officer shall be limited to development standard variances for temporary signs.
- 6.4. Process and Rules:** The process for and rules pertaining to a hearing officer shall be found in the Board of Zoning Appeals Rules and Procedures.

Section 7: General Rules for Meetings

- 7.1. Open Door Laws:** Special meetings of the Shelbyville Plan Commission shall be notified and conducted in accordance with IC 5-14-1.5 (Indiana Open Door Law) as amended.
- 7.2. Quorum:** A majority of the members of the Shelbyville Plan Commission shall constitute a quorum. Therefore, five (5) of the nine (9) voting members of the Shelbyville Plan Commission shall be considered a quorum.
- 7.3. Failure to Reach Quorum:**
- A. *Advance Notice:* If failure to meet quorum is imminent and known prior to the meeting date, the Secretary shall attempt to provide notice to public in accordance with *Section 8.8(C): Notice of Cancelled Regular Meeting*.
 - B. *Continue Official Action:* Whenever it is determined that a quorum will not be or has not been met for a regular meeting or special meeting, the President of the Shelbyville Plan Commission shall continue all official action to the next regular meeting or special meeting.
 - C. *Meeting Without a Quorum:* The scheduled regular meeting or special meeting in which a quorum was not present may still be held as long as no public hearing or official action is conducted.
- 7.4. Situations Not Considered a Regular Meeting or Special Meeting:** On-site inspections of a property involved in petitions before the Shelbyville Plan Commission shall not be considered a regular meeting or special meeting. No official action or informal votes shall take place at an on-site inspection and the Shelbyville Plan Commission members shall be limited to fact finding.
- 7.5. Exceed Meeting Room Capacity:** When attendance in the meeting space exceeds its occupancy capacity the President shall either:
- A. *Adjourn and Reconvene the Meeting:* Announce that the occupancy limit has been exceeded and that the meeting will be recessed and reconvened in thirty (30) minutes at another available facility with adequate space to accommodate the attendees. This option shall only be allowed if:
 - 1. The new location is within a five (5) minute drive or walk of the initial location; and
 - 2. A sign communicating the change is clearly posted on the door of the initial location; and
 - 3. All attendees are instructed that the meeting will move to a new location; and
 - 4. The ability to record accurate minutes is maintained; and
 - 5. The new facility has the acoustics or other ability to allow attendees to hear public comments, deliberation, and other verbal communication necessary for taking official action.
 - B. *Reschedule the Meeting:* Announce to all attendees that the petitions(s) being considered shall be postponed to a future meeting. The future meeting date, time and location shall be identified and announced to anyone in attendance or trying to gain attendance to the meeting.
 - 1. *If Rescheduled to a Regular Meeting:* No further notice by the Shelbyville Plan Commission shall be necessary.
 - 2. *If Rescheduled to a Special Meeting:* The Secretary shall provide notice to the public per *Section 9.7(A)(1): Meeting With Public Hearing*.
- 7.6. Meeting Minutes:**
- A. *Recording Official Action:* The Secretary shall prepare the minutes of the Shelbyville Plan Commission meetings. The minutes shall document the vote of each member on each motion. The minutes shall reflect each member's vote, choice to abstain, and/or recusal due to conflict of interest.
 - B. *Recording of Deliberation:* The minutes shall capture the essence of all discussions and deliberations, however the Plan Commission shall not be required to transcribe such discussions.
 - C. *Recording of Public Input:* The Secretary shall capture the essence of all public input, by speaker, including said speaker's name and address. The Secretary is not required to transcribe public input.
 - D. *Procedure:* The minutes from any regular meeting or special meeting shall be presented to the Shelbyville Plan Commission for review and approval at its next regular meeting. Members may review and approve minutes of meetings at which they were not present.
 - E. *Audio or Video Recording:* There is no mandate to record audio or video of any Shelbyville Plan Commission meeting. If such recordings are created, they are to aid in the preparation of the official minutes. It is the discretion of the Secretary to archive said material. If archived, such material shall not be required to be retained for more than one (1) year.

- F. *Official Minutes:* The only official minutes of any meeting are the written minutes as reviewed and approved by vote at a regular meeting or special meeting and signed by the Secretary of the Shelbyville Plan Commission. Audio or video tape shall not be construed as the official minutes.
- G. *Storage of Minutes:* The Secretary shall archive all written meeting minutes once they are approved. The minutes of the Shelbyville Plan Commission shall be filed in the Secretary's office and are considered public record, as defined by IC 5-14-3 (Indiana Access to Public Records Act).
- 7.7. Suspension of Rules:** Any of the rules or procedures contained in the Shelbyville Plan Commission Rules and Procedures may be suspended by unanimous vote of the quorum present, except provisions that are mandated by Indiana State Law.
- 7.8. Presence of Petitioner:** The petitioner or their representative shall be present at the meeting in order for the Shelbyville Plan Commission to hear their petition. Failure to appear will result in the tabling of the petition to the next scheduled regular meeting. Failure to appear two (2) times shall result in dismissal of the petition.
- 7.9. Public Notice Scrutiny:** A person, or their representative, appearing in person at a public hearing on a petition shall not question the adequacy of the public notice unless the issue is raised at the beginning of the public hearing.
- 7.10. Continuation:** When cause exists, any agenda item, before or during deliberation or a public hearing, may be continued by vote of the Shelbyville Plan Commission. Cause may include a legal issue or question that requires legal counsel input or an essential piece of information is not available, or an essential representative or expert is not available.

Section 8: Regular Meetings

- 8.1. Published Schedule:** The *Schedule of Meetings* shall be prepared, adopted and published by the Secretary prior to the first meeting of each year in accordance with *Section 8.8(A): Public Notice of Schedule of Meetings*. The schedule shall include the meeting dates as well as the corresponding filing deadline and public hearing notice deadline for each meeting.
- 8.2. Regular Meeting Date:** Regular meetings of the Shelbyville Plan Commission are generally on the fourth Monday of each month or alternate date if the regular meeting falls on or within two (2) days of a State or Federal holiday or otherwise is impractical to hold the regular meeting on the fourth Monday of a particular month.
- 8.3. Regular Meeting Time:** Regular meetings shall begin at 7:00 PM. Should a regular meeting last past 9:30 PM, the agenda item then being heard shall be concluded and the Shelbyville Plan Commission shall decide whether to take up additional business or to recess the meeting. A tie vote shall be considered a vote to recess the meeting until the next month's meeting.
- 8.4. Regular Meeting Location:** All regular meetings shall be held at the Shelbyville City Hall, Council Chambers, 44 W. Washington St., Shelbyville, Indiana unless otherwise published or posted according to notice requirements of *Section 8.8: Notice to Public for Regular Meetings*.
- 8.5. Modification of a Regular Meeting:** If it is determined that a regular meeting is impractical to be held after the *Schedule of Meetings* has been published, the President may set an alternate date, time and/or place for the meeting. The Secretary shall provide notice to the public per *Section 8.8(B): Notice of Modified Regular Meeting*.
- 8.6. Cancellation of a Regular Meeting:** The President of the Shelbyville Plan Commission may dispense with a regular meeting in the event of a natural disaster, snow emergency, lack of official business, lack of quorum or similar cause. In such cases, the Secretary shall attempt to provide notice to the public per *Section 8.8(C): Notice of Cancelled Regular Meeting*. In the event of cancellation, all business scheduled for the cancelled meeting will be continued to the next regular meeting or special meeting and the President may require re-notification to interested parties. If re-notification is required, the cost may be paid by the petitioner or the Shelbyville Plan Commission, as determined by the President.
- 8.7. Recessed Regular Meeting:** Prior to the conclusion of the regular meeting, the President shall set a date, time, and place for the continuation of a recessed meeting. No further notice by the Shelbyville Plan Commission shall be necessary for a recessed regular meeting.
- 8.8. Notice to Public for Regular Meetings:**
- A. *Public Notice of Schedule of Meetings:* The Secretary shall publish notice of the *Schedule of Meetings* in a daily paper of regular circulation at least thirty (30) days prior to the first meeting of each year. No further notice by the Shelbyville Plan Commission shall be necessary for regular meetings.
 - B. *Notice of Modified Regular Meeting:* In the event a regular meeting is modified, the Secretary shall notify the Shelbyville Plan Commission members, affected petitioners, and publish public notice in a daily paper of regular circulation at least ten (10) days prior to the alternate regular meeting.
 - C. *Notice of Cancelled Regular Meeting:* In the event a regular meeting is cancelled, the Secretary shall attempt to notify the Shelbyville Plan Commission members, affected petitioners and provide notice to the news media. In addition, the Secretary shall post a memo on or near the entrance to the meeting location to notify potential attendees. No further notice shall be necessary.
- 8.9. Filing Deadlines:** The deadline for submitting an application for public hearing by the Shelbyville Plan Commission shall be in accordance with the adopted *Schedule of Meetings*. The submittal deadline is generally twenty-one (21) calendar days prior to the next regular meeting of the Shelbyville Plan Commission.
- 8.10. Pre-meeting:** The Shelbyville Plan Commission may schedule a "pre-meeting" at 6:30 PM before the regular meeting. A pre-meeting shall be open to the public and shall be limited to briefing the Plan Commission members on information in their packets, orientation and context of sites for upcoming applications, training, and other information sharing. A pre-meeting shall not be used to reach consensus, to pre-decide a final action, to inquire about a member's position on a vote, or other official action.

8.11. Order of Business: The order of business at regular meetings shall be:

- A. Call to Order
- B. Roll Call
- C. Confirm Quorum
- D. Confirmation of the Previous Meeting's Minutes
- E. Approve or Modify Agenda
- F. Old Business
 - 1. *Public Meetings*
 - 2. *Public Hearings*
- G. New Business
 - 1. *Public Meetings*
 - 2. *Public Hearings*
- H. Other Business
- I. Discussion
- J. Report from Officers, Committees, Secretary, or City Attorney
- K. Adjourn

Section 9: Special Meetings

- 9.1. Calling a Special Meeting:** In accordance with IC 36-7-4-307, special meetings may be called by the President or any two (2) voting members of the Shelbyville Plan Commission upon written notice (email or hard copy) to the Secretary. The Secretary shall schedule the meeting and provide notice to the public per *Section 9.7(A): Public Notice of Special Meeting*. Notice to the public is not required if:
- A. *Fixed at a Regular Meeting:* The date, time and place of the special meeting are established and announced at a regular meeting; and
 - B. *All Members Present:* All members of the Shelbyville Plan Commission are present at that regular meeting; and
 - C. *Compliance with Notice:* The Secretary complies with the notice requirements of IC 5-14-1.5-5 (Indiana Open Door Law).
- 9.2. Special Meeting Date:** The date of the special meeting shall be established by the Secretary and shall be scheduled within two (2) weeks of the request for a special meeting.
- 9.3. Special Meeting Time:** The time of the special meeting shall be established by the Secretary.
- 9.4. Special Meeting Location:** All special meetings shall be held at the Shelbyville City Hall, Council Chambers, 44 W. Washington St., Shelbyville, Indiana unless otherwise published or posted according to notice rules.
- 9.5. Cancellation of a Special Meeting:** The President of the Shelbyville Plan Commission may dispense with a special meeting in the event of a natural disaster, snow emergency, lack of business, lack of quorum or similar causes. In such cases, the Secretary shall provide notice to the public per *Section 9.7(B): Notice of Cancelled Special Meeting*. In the event of cancellation, the President may require re-notification to interested parties. If re-notification is required, the cost may be paid by the petitioner or the Shelbyville Plan Commission, as determined by the President.
- 9.6. Recessed Special Meeting:** Prior to the conclusion of the special meeting, the President shall set a date, time, and place for the reconvening of a recessed meeting. No further notice from the Shelbyville Plan Commission shall be necessary for a recessed special meeting.
- 9.7. Notice to Public for Special Meetings:**
- A. *Public Notice of Special Meeting:*
 - 1. *Meeting With Public Hearing:* The Secretary shall notify the Shelbyville Plan Commission members, affected petitioners, and publish notice in a daily paper of regular circulation at least ten (10) days prior to the special meeting.
 - 2. *Meeting Without Public Hearing:* The Secretary shall notify the Shelbyville Plan Commission members and publish notice in a daily paper of regular circulation at least two (2) days prior to the special meeting.
 - B. *Notice of Cancelled Special Meeting:* In the event a special meeting is cancelled, the Secretary shall attempt to notify the Shelbyville Plan Commission members, affected petitioners and provide notice to the news media. In addition, the Secretary shall post a memo on or near the entrance to the meeting location to notify potential attendees. No further notice shall be necessary.
- 9.8. Order of Business:** The order of business at special meetings shall be:
- A. Call to Order
 - B. Roll Call
 - C. Determination of Quorum
 - D. Old Business
 - 1. *Public Meetings*
 - 2. *Public Hearings*
 - E. New Business
 - 1. *Public Meetings*
 - 2. *Public Hearings*
 - F. Adjournment

Section 10: Member Rules

10.1. Conflict of Interest:

- A. *Recusal*: Any member of the Shelbyville Plan Commission with a conflict of interest, as defined in *Section 21: Definitions*, shall recuse themselves and not participate as a Shelbyville Plan Commission member in any public hearing, discussion, or official action in regard to the matter.
- B. *Question of Conflict*: A member who is unsure if they have a conflict of interest shall present their situation and ask for a determination by the Shelbyville Plan Commission President and/or the Shelbyville Plan Commission attorney.
- C. *Advance Notification*: When possible, a member of the Shelbyville Plan Commission shall notify the President and Secretary of their conflict of interest and intent to recuse themselves at least two (2) days prior to the public hearing in order to determine if a quorum will be present for the matter at hand after the member's recusal.
- D. *Participation as a Citizen*: If a Shelbyville Plan Commission member has a conflict of interest and intends to recuse themselves, they may still participate as an affected property owner, as the petitioning property owner, or as a remonstrator (e.g. they are a neighbor), but shall not be given any special consideration or allotment of time during the public hearing.
- E. *Appearance of Impropriety*: Through the duration of the subject public hearing, discussion, or official action of the Shelbyville Plan Commission, the member shall not be seated with the remainder of the Shelbyville Plan Commission members. To remove any suspicion of influence or special treatment, the member should consider removing themselves from the meeting room when not participating as a citizen or petitioner.
- F. *Affect on Quorum*: If a Shelbyville Plan Commission member has to recuse themselves which results in a failure to meet quorum, the petition shall be continued to a future regular meeting or special meeting.
- G. *Reflection in the Minutes*: Any member who recuses themselves and the reason for their conflict of interest shall be noted in the meeting minutes.

Section 11: Conduct of Public Hearings

11.1. Order of Business for a Public Hearing:

- A. *Open Public Hearing:* The President shall pronounce the public hearing to be open.
- B. *Secretary Report:* The President shall ask the Secretary to give a report on the petition.
- C. *Petitioner Presentation:* The President shall ask the petitioner to make their presentation to the Shelbyville Plan Commission.
- D. *Public Input:*
 1. *Statements of Support:* The President shall ask for persons who generally support the petition to make statements. Persons who wish to submit their comments in writing may do so. The Shelbyville Plan Commission President or Secretary shall read said comments aloud if only one copy is presented and if final action is anticipated.
 2. *Statements of Remonstrance:* The President shall ask for persons who generally are against the petition to make statements of remonstrance. Persons who wish to submit their comments in writing may do so. The Shelbyville Plan Commission President or Secretary shall read said comments aloud if only one copy is presented and if final action is anticipated.
- E. *Petitioner Rebuttal:* The petitioner may make a brief, fact-based rebuttal to any public remonstrance.
- F. *Discussion:* The Shelbyville Plan Commission members may ask questions of the Secretary, the petitioner, and legal counsel; as well as ask for clarification of comments made by a person from the public.
- G. *Close or Continue Hearing:* The President may ask for a motion to close or continue, or any Shelbyville Plan Commission member may ask the President to call for a motion to close or continue the public hearing. The President will then call for a vote to close or continue the public hearing. If continued, the President shall determine the time, date and location for the public hearing to be continued. If closed, the following steps apply.
- H. *Call for Motion:* The President shall then ask for a motion and second regarding the petition to approve or deny the application, with or without amendments, conditions, or commitments; as may be allowed in the process for each type of application.
- I. *Further Discussion:* After the motion has been seconded, the President shall ask for any further discussion. Amendments to the motion may be proposed (as a motion), seconded, discussed, and voted on. Conditions or commitments may also be added as a motion, then seconded, discussed and voted on.
- J. *Call for Vote:* The President shall call for a vote with findings of fact (if applicable) on the motion.

11.2. Limits on Testimony: During the public hearing, the President may limit the length of time that all persons may speak or request that repetitious statements by different speakers be minimized in order to reasonably limit the length of the public hearing. If no limits are imposed, the format for testimony time shall generally be as follows:

- A. *Petitioner Presentation:* The petitioner may present for up to fifteen (15) minutes
- B. *Public Input:* Each person desiring to speak during the public hearing shall sign-in prior to and provide his or her name and address for the record.
 1. *Statements of Remonstrance:* In total, the time for all statements of remonstrance shall be conducted within twenty (20) minutes.
 - a. *Organized:* Statements representing three (3) or more interested parties or general remonstrators may present for up to ten (10) minutes.
 - b. *General:* Statements representing two (2) or less interested parties or general remonstrators may present for up to five (5) minutes.
 2. *Statements of Support:* In total, the time for all statements of support shall be conducted within twenty (20) minutes.
 - a. *Organized:* Statements representing three (3) or more interested parties or general supporters may present for up to ten (10) minutes.
 - b. *General:* Statements representing two (2) or less interested parties or general supporters may present for up to five (5) minutes.
- C. *Petitioner Rebuttal:* The petitioner may rebut claims against the proposal for up to five (5) minutes.
- D. *Additional Time:* The President may grant additional time at any time during the hearing; or may restrict presentations by establishing such rules at the beginning of the public hearing.

Section 12: Official Action

- 12.1. Official Action:** An action of the Shelbyville Plan Commission shall be official when:
- A. *Official Meeting:* The action is taken at a properly noticed regular meeting or special meeting.
 - B. *Quorum:* A quorum is at least five (5) members of the Shelbyville Plan Commission are in attendance at the time of the motion and vote; and
 - C. *Motion:* A motion has been made and seconded by a member of the Shelbyville Plan Commission; and
 - D. *Authorized by Vote:* An official vote is taken by verbal cue or by written ballot; and
 - E. *Majority Vote:* A majority vote is when at least five (5) of the members present vote in favor of the proposed action.
 - F. *Tie Vote:* A tie vote shall be considered a failed motion. The Plan Commission may deliberate further, then vote on a new motion, or may continue the motion until the next regular meeting.
 - G. *Multiple Tied Votes:* If an application before the Plan Commission receives three (3) tied votes, the application shall be considered denied. The Applicant may withdraw their petition prior to the third vote if they desire.
- 12.2. Present to Vote:** A Shelbyville Plan Commission member shall be present for the public hearing in order to be eligible to vote on any matter.
- 12.3. Remote Participation:** A member of the Shelbyville Plan Commission may participate in a regular meeting or special meeting via computer technology, telephone, cellular phone, video conference, or other similar means. However, said member shall not be considered present for quorum purposes and shall only participate for deliberative purposes; they shall not be able to participate in official action. Remote participation of a member shall be clearly noted in the meeting minutes.
- 12.4. Absentee or Proxy Voting:** Absentee or proxy voting shall not be permitted.
- 12.5. Call for a Vote:** All members of the Shelbyville Plan Commission in attendance and eligible to vote shall be required to vote for or against a proposed action, or shall petition to abstain. The President shall call for a second vote if one or more of the Shelbyville Plan Commission member does not respond (i.e. does not vote) after the initial call to vote. Further non-response shall be considered a vote in favor of the motion.
- 12.6. Petition to Abstain:** Any member of the Shelbyville Plan Commission may petition to abstain from voting. For the record, the petition to abstain shall include the reason for the petition. The President may reject a petition to abstain and call for a new vote at which time the member that petitioned to abstain shall be required to vote in favor of or against the motion.
- 12.7. Failure to Take Official Action:** If the Shelbyville Plan Commission fails to take an official action due to lack of quorum, permitted abstention, or recusal, the matter shall be continued to the next regular meeting.
- 12.8. Reversing an Official Action:** An official action may be reversed if:
- A. *Qualified Member:* The person calling for a reversal of an official action is made by a member of the Shelbyville Plan Commission that voted with the majority; and
 - B. *Same Meeting:* The motion to reconsider the official action is made during the same meeting as the official action in question; and
 - C. *Majority Vote:* The Shelbyville Plan Commission votes in favor of reconsidering the matter.

Section 13: Communication

- 13.1. Open Door Laws:** All communication outside of Shelbyville Plan Commission meetings shall be in accordance with IC 5-14-1.5 (Indiana Open Door Law) as amended.
- 13.2. Official Communication with Members:** Any official communication by the Secretary with members of the Shelbyville Plan Commission shall be made in writing and conveyed via US Postal Service or email, or conveyed by voice via face-to-face meeting or telephone. If official communication occurs via voice, a log of that communication shall be maintained by the Secretary.
- 13.3. Communication with Plan Commission Member Outside Meetings:** Communication with a member of the Shelbyville Plan Commission outside of a regular meeting or special meeting with regard to a petition pending before the Shelbyville Plan Commission is prohibited. This includes the petitioner, interested party, general public, and other Shelbyville Plan Commission members. Information to be shared with Shelbyville Plan Commission members shall be routed through the Secretary and documented in the file prior to or concurrent with the dissemination to other members.
- 13.4. Communication with Committee Members Outside Committee Meetings:** A member of the Shelbyville Plan Commission may not communicate with another committee member outside of a plat committee or executive committee meeting with regard to a petition pending before the plat committee, executive committee, or Shelbyville Plan Commission. Information to be shared with plat committee or executive committee members shall be routed through the Secretary and documented in the file prior to or concurrent with the dissemination to other members.
- 13.5. Meeting Packets:** The Secretary shall distribute meeting packets consisting of copies of the agenda, petitions and support material, and other necessary meeting information to the Shelbyville Plan Commission members prior to the meeting.

Section 14: General Rules for Applications

- 14.1. Application Required:** An application is required for an item to be placed on the Shelbyville Plan Commission agenda for a public hearing. Applications shall be submitted to the Secretary in the form of an application provided by the Plan Commission Secretary.
- 14.2. Deadline for Submitting:** The deadline for submitting an application for consideration by the Shelbyville Plan Commission shall be in accordance with the adopted *Schedule of Meetings*. For Special Meetings, application for public hearing shall be submitted at least fifteen (15) days prior to the meeting, or greater if determined by the Secretary to be justified and necessary.
- 14.3. Application Submittal Quantity:** The applicant shall submit eleven (11) copies of the application and all support materials, and any other information or visual aids required by the Secretary, necessary for the Plan Commission to make a final action.
- 14.4. Combining Petitions:** In order to expedite the hearing process, applications may be filed concurrently and processed concurrently at the discretion of the Secretary.
- 14.5. Filing Fee:** Each application shall be accompanied by a non-refundable filing fee as described in *Section 22: Fee Schedule*.
- 14.6. Docket Number:** Upon judgement by the Secretary that an application is “fully complete,” a unique docket number shall be assigned to the petition. Upon judgement by the Secretary that an application is “substantially complete,” a unique docket number shall be assigned to the petition. Each docket item shall be numbered consecutively per petition type and numbering shall begin anew on January 1 of each year. Agenda items shall include the assigned number, the year, and the appropriate code for each type of petition.
- 14.7. Prerequisites for a Public Hearing:** An application shall be placed on the agenda for a public hearing if:
- A. *Docket Number:* A docket number has been assigned to the application by the Secretary; and
 - B. *Determination of Complete Application:* The Secretary concurs that the application is complete; and
 - C. *Notice:* The Secretary finds that the notice to interested parties was completed in compliance with the Shelbyville Plan Commission rules.
- 14.8. Agenda:**
- A. *Order of Hearing:* All applications on the agenda for each meeting shall be under the appropriate order of business and generally placed in order of their assigned docket number. The order of applications may be modified by the Secretary in order to place simple cases first, or the order may be modified by the Shelbyville Plan Commission by vote at the beginning of the meeting.
 - B. *Limitations on New Applications:* Agendas of the Shelbyville Plan Commission are limited to six (6) new applications for consideration.
- 14.9. Hand Delivery of Notices:** If an applicant wishes to hand deliver notices to interested parties, the applicant shall get a signature from each property owner or lease holder to whom the notice is delivered. The signature shall be on a form which briefly describes the case, has a signature line, has a date line, and states “...that by signing this form I attest that I have received the legal notice...” or similar language. The form shall be signed and dated at least ten (10) days prior to the public hearing (not including the day of the hearing) to be considered a valid notice.

Section 15: Site Development Plan

- 15.1. Process:** The process for Site Development Plan shall be according to *Section 9.05: Site Development Plan* in the Shelbyville Unified Development Ordinance and according to *Section 11: Conduct of Public Hearings* in the Plan Commission Rules and Procedures.
- 15.2. Notice to Interested Parties:** The general public shall be considered an interested party and shall be notified through the newspaper according to *Section 9.13: Notice of Public Hearing* in the Shelbyville Unified Development Ordinance. Interested parties shall also be notified by letter (see *Section 9.13: Notice of Public Hearing* in the Unified Development Ordinance) or by hand delivery (see *Section 14.9: Hand Delivery of Notices* in the Plan Commission Rules and Procedures). The definition of “interested party” shall be according to *Section 21: Definitions* in the Plan Commission Rules and Procedures.

Section 16: Subdivision of Land

- 16.1. Process:** The process for Subdivision of Land shall be according to *Section 9.11: Subdivision of Land* in the Shelbyville Unified Development Ordinance and according to *Section 11: Conduct of Public Hearings* in the Plan Commission Rules and Procedures.
- 16.2. Notice to Interested Parties:** The general public shall be considered an interested party and shall be notified through the newspaper according to *Section 9.13: Notice of Public Hearing* in the Shelbyville Unified Development Ordinance. Interested parties shall also be notified by letter (see *Section 9.13: Notice of Public Hearing* in the Unified Development Ordinance) or by hand delivery (see *Section 14.9: Hand Delivery of Notices* in the Plan Commission Rules and Procedures). The definition of “interested party” shall be according to *Section 21: Definitions* in the Plan Commission Rules and Procedures.

Section 17: Zone Map Change

- 17.1. Process:** The process for a Zone Map Change shall be according to *Section 9.10: Zoning Map Amendment (Rezoning)* in the Shelbyville Unified Development Ordinance and according to *Section 11: Conduct of Public Hearings* in the Plan Commission Rules and Procedures.
- 17.2. Notice to Interested Parties:** The general public shall be considered an interested party and shall be notified through the newspaper according to *Section 9.13: Notice of Public Hearing* in the Shelbyville Unified Development Ordinance. Interested parties shall also be notified by letter (see *Section 9.13: Notice of Public Hearing* in the Unified Development Ordinance) or by hand delivery (see *Section 14.9: Hand Delivery of Notices* in the Plan Commission Rules and Procedures). The definition of “interested party” shall be according to *Section 21: Definitions* in the Plan Commission Rules and Procedures.

Section 18: Planned Development

- 18.1. Process:** The process for a Planned Development shall be according to *Section 9.06: Planned Development* in the Shelbyville Unified Development Ordinance and according to *Section 11: Conduct of Public Hearings* in the Plan Commission Rules and Procedures.
- 18.2. Notice to Interested Parties:** The general public shall be considered an interested party and shall be notified through the newspaper according to *Section 9.13: Notice of Public Hearing* in the Shelbyville Unified Development Ordinance. Interested parties shall also be notified by letter (see *Section 9.13: Notice of Public Hearing* in the Unified Development Ordinance) or by hand delivery (see *Section 14.9: Hand Delivery of Notices* in the Plan Commission Rules and Procedures). The definition of “interested party” shall be according to *Section 21: Definitions* in the Plan Commission Rules and Procedures.

Section 19: Text Amendments

19.1. Process: The process for a text amendment to the Shelbyville Unified Development Ordinance shall be according to *Section 9.12: Unified Development Ordinance Text Amendment* in the Shelbyville Unified Development Ordinance and according to *Section 11: Conduct of Public Hearings* in the Plan Commission Rules and Procedures.

19.2. Notice to Interested Parties: The general public shall be considered an interested party and shall be notified through the newspaper according to *Section 9.13: Notice of Public Hearing* in the Shelbyville Unified Development Ordinance. Individual property owners do not need to be notified unless determined by the Secretary to be directly affected by the text amendment.

19.3. Action by the Plan Commission:

- A. *Dismissal:* If the Plan Commission decides to no longer pursue a text amendment, it may dismiss the matter by majority vote.
- B. *Continuance:*
 1. *Initiated by the Plan Commission:* The Shelbyville Plan Commission may continue any petition for reasonable cause. Re-notification to interested parties shall not be required. Examples of reasonable cause include, but are not limited to:
 - Additional information is needed for the Plan Commission to render a decision,
 - Additional time is needed for interested parties to gather data and information for testimony,
 - Additional time for applicant to deliberate or negotiate with interested parties,
 - Additional notification of interested parties is determined to be necessary,
 - Additional time is necessary for Plan Commission deliberation and consideration, or
 - Additional time is necessary for items of discovery (testimony) to be presented to the Plan Commission.
 2. *By Indecisive Vote:* If the vote of the quorum does not result in official action, the Shelbyville Plan Commission shall continue any petition to the next regular meeting.
 - a. *Actions of Recommendation:* After the second indecisive vote, the action taken by the Shelbyville Plan Commission shall be an automatic recommendation of “no recommendation.”
- C. *Favorable Recommendation:* If a favorable recommendation has been made, the Secretary shall sign the certification of recommendation and forward it together with a report describing the Shelbyville Plan Commission’s recommendation to the Shelbyville Common Council for final consideration.
- D. *Unfavorable Recommendation:* If an unfavorable recommendation has been made, the Secretary shall sign the certification of recommendation and forward it together with a report describing the Shelbyville Plan Commission’s recommendation to the Shelbyville Common Council for final consideration.
- E. *No Recommendation:* If no recommendation has been made, the Secretary shall sign the certification of recommendation and forward it together with a report describing the Shelbyville Plan Commission’s recommendation to the Shelbyville Common Council for final consideration.

Section 20: Comprehensive Plan Amendments

20.1. Initiation of Text Amendment: Text amendments to the Shelbyville Comprehensive Plan shall be initiated and prepared by the Shelbyville Plan Commission in accordance with *IC 36-7-4-500 series*.

20.2. Public Notice: Public notice is required for all public hearings before the Shelbyville Plan Commission and shall be made to both the general public and interested parties as follows:

- A. *Notice to General Public:* Notice to the general public is established by Indiana State Law and shall be in compliance with IC 5-3-1 for publication of notices and IC 5-14-1.5-5 (Indiana Open Door Law) for public notice of meetings.
1. *Publication of General Circulation:* Public notice shall be published in a daily newspaper of general circulation in the City of Shelbyville, Indiana.
 2. *Rules for Newspaper Notices:*
 - a. *Review of Published Notice:* Not applicable.
 - b. *Responsibility for Notice:* The Secretary shall be responsible for coordinating publication. All costs associated with the publication shall be the responsibility of the Shelbyville Plan Commission.
 - c. *Timing of Notice:* The public notice shall be published at least ten (10) days, but no more than thirty (30) days prior to the Shelbyville Plan Commission meeting at which the petition will be heard as a public hearing. The day of the meeting shall not be counted as a day of notice.
 3. *Content of Notice:* The newspaper notice shall contain the following information:
 - a. Time and place of the hearing;
 - b. Statement that the amendment may be examined at the Plan Commission Secretary's Office.
 - c. Statement that the public may offer an oral opinion at the hearing or may file written comments concerning the matter to be heard prior to or at the hearing.
 - d. Any other information which may be required by Indiana State Law to be contained in such notice.
 4. *Proof of Publication:* The Secretary shall retain proof of publication for the record prior to the public hearing.
- B. *Notice to Interested Parties:* Not applicable.

20.3. Action by the Shelbyville Plan Commission:

- A. *Dismissal:* Not applicable.
- B. *Continuance:*
1. *Initiated by the Shelbyville Plan Commission:* The Shelbyville Plan Commission may continue any petition for reasonable cause. Re-notification shall not be required. Examples of reasonable cause include, but are not limited to:
 - Additional information is needed,
 - Provide remonstrance additional time for preparation,
 - Allow additional time for items of discovery to be gathered by the Shelbyville Plan Commission, or
 - Allow additional time for discussion and deliberation.
 2. *Indecisive Vote:* If the vote of the quorum does not result in official action, the Shelbyville Plan Commission shall continue any petition to the next regular meeting.
 - a. *Actions of Recommendation:* After the second indecisive vote, the action taken by the Shelbyville Plan Commission shall be an automatic recommendation of "no recommendation."
- C. *Favorable Recommendation:* If a favorable recommendation has been made, the Secretary shall sign the certification of recommendation and forward it together with a report describing the Shelbyville Plan Commission's recommendation to the Shelbyville Common Council for final consideration.
- D. *Unfavorable Recommendation of Approval:* If an unfavorable recommendation has been made, the Secretary shall sign the certification of recommendation and forward it together with a report describing the Shelbyville Plan Commission's recommendation to the Shelbyville Common Council for final consideration.
- E. *No Recommendation:* If no recommendation has been made, the Secretary shall sign the certification of recommendation and forward it together with a report describing the Shelbyville Plan Commission's recommendation to the Shelbyville Common Council for final consideration.

Section 21: Definitions

Administrator: See “Secretary.”

Caucus: A meeting or gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for a political campaign or related action.

Conflict of Interest: In accordance with IC 36-7-4-223, a conflict of interest is a direct or indirect financial interest of a Shelbyville Plan Commission member with regard to a zoning matter before the Shelbyville Plan Commission. A conflict of interest does not include amending the existing or the preparation of a new comprehensive plan, unified development ordinance or amendments to the official zoning map that affect broad sections of the community for the purpose of unilateral benefit.

Deliberate: A discussion which may reasonably be expected to result in official action.

Docket Number: The permit number assigned to the petition by the Shelbyville Plan Commission Secretary.

Executive Session: A meeting of the Shelbyville Plan Commission that excludes the public and that is limited to matters identified by IC 5-14-1.5-6.1 (Open Door Law) including pending or threatened litigation, prospective employees, and job performance of existing employees.

Final Action: A vote by the Shelbyville Plan Commission on any motion, proposal, rule, procedure, regulation, ordinance, or order.

Hearing: A meeting of the Shelbyville Plan Commission which:

- Has been announced by public notice;
- Is open to the public; and
- Where the public will be given the opportunity to speak.

Indecisive Vote: A vote of the Shelbyville Plan Commission quorum that did not result in a decision by a majority of the voting quorum after all possible actions have been exhausted.

Interested Party: An owner and any leaseholder of a lot or tract of land that is within 600 feet of the subject lot being considered for a Site Development Plan, Subdivision of Land, Zone Map Change, Planned Development, or Text Amendment by the Shelbyville Plan Commission. Owners shall be identified by the Plan Commission Secretary.

Meeting: A gathering of a five (5) or more of the voting members of the Shelbyville Plan Commission for the purpose of taking official action upon public business. It does not include:

- Any social or chance gathering;
- Any on-site inspection of any project, program or facilities of applicants for incentives or assistance from the governing body;
- Traveling to and attending meetings of organizations devoted to betterment of government;
- A caucus;
- A gathering to discuss an industrial or a commercial prospect that does not include a conclusion as to recommendations, policy, decisions, or final action on the terms of a request or an offer of public financial resources; or
- An orientation of members of the Shelbyville Plan Commission on their role and responsibilities as public officials, but not for any other official action.

No Official Action: See “Indecisive Vote.”

Official Action: shall include:

- Receive information;
- Deliberate;
- Establish policy;
- Make recommendations;
- Make decisions; or
- Take final action.

Petition: A formal request for the Shelbyville Plan Commission to take action on a specific request in a form as provided by the Shelbyville Plan Commission Secretary.

Public Business: Any function upon which the Shelbyville Plan Commission is empowered or authorized to take official action.

Secretary: The Director of the Shelbyville Plan Commission or their authorized representative.

Section 22: Fee Schedule

22.1. Fees: In accordance with the requirements of IC 36-7-4-411 and IC 36-7-4-704 and the Shelbyville Unified Development Ordinance, the Shelbyville Plan Commission hereby establishes a uniform schedule of fees contained in a separate City of Shelbyville ordinance that is available and on file in the office of the City of Shelbyville Clerk and the Shelbyville Plan Commission Secretary's Office. Fees apply to the following processes:

- A. Requesting a Special Meeting
- B. Site Development Plan
- C. Subdivision of Land
- D. Zone Map Change
- E. Planned Development, and
- F. Any other process or petition identified in the Shelbyville Unified Development Ordinance or the Fee Ordinance.

Section 23: Repealer

All previous Rules and Procedures published by the Shelbyville Plan Commission are hereby superseded and replaced by these Rules and Procedures as of _____ [date].

Rules and Procedures of the Shelbyville Plan Commission of the City of Shelbyville, Indiana, are effective as of _____ [date] by a vote of a majority of the Shelbyville Plan Commission Members at a [regular/special] meeting held on _____ [date].

Attest:

Dann Bird, Plan Commission Secretary

