



CITY OF RUSHVILLE ADVISORY PLAN COMMISSION RULES OF PROCEDURES

330 N MAIN STREET
RUSHVILLE, INDIANA 46173

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ARTICLE I – AUTHORITY; DUTIES

Section 1. Authority.

The City of Rushville Advisory Plan Commission (Commission) is an Advisory Plan Commission under the Advisory Planning Law as set forth in IC 36-7-4-200 – ESTABLISHMENT AND MEMBERSHIP OF COMMISSION and any amendments thereto.

These rules are adopted in accordance with the requirements set forth in IC 36-7-4-401.

Section 2. Duties.

The duties of the Commission shall be those set forth in IC 36-7-4-400, et. seq. - COMMISSION DUTIES AND POWERS (the “400 Series”), and such other responsibilities as may be assigned to it by the Common Council of the City of Rushville (hereinafter called “Legislative Body”).

Section 3. Seal.

The seal of the City of Rushville shall be the seal of the Rushville Advisory Plan Commission, with an inscription that reads "City of Rushville Advisory Plan Commission." [IC 36-7-4-401]

Section 4. Membership; Restrictions; Vacancy; Removal; Attendance.

A. Commission Members.

Commission shall consist of seven (7) voting Members, appointed in accordance with IC 36-7-4-207:

1. The municipal legislative body shall appoint three (3) persons, who must be elected or appointed municipal officials or employees in the municipal government, as Members.
2. The municipal executive shall appoint four (4) Citizen Members, of whom no more than two (2) may be of the same political party.
 - a. Citizen Member shall be appointed because of the Member's knowledge and experience in community affairs, the Member's awareness of the social, economic, agricultural, and industrial problems of the area, and the Member's interest in the development and integration of the area.

B. Certification of Commission Membership.

1. In accordance with IC 36-7-4-212, The Clerk of the City of Rushville shall certify Members appointed by their respective bodies; and,
2. The Mayor shall certify the Mayor's appointments.
3. The certificates shall be sent to and made a part of the record of the Advisory Plan Commission.

C. Alternate Commission Members.

1. The appointing authority may appoint alternate Members who meets the same requirements as the disqualified Member, including residency, to participate with the Commission in a hearing or decision if the regular Member appointed by the appointing authority has a disqualification under IC 36-7-4-223.
2. An alternate Member has all the powers and duties of a regular Member while participating in the hearing or decision.

D. Commission Members; Restrictions.

No Commission Member as set out in IC 36-7-4-216 may not hold:

1. An elected office (as defined in IC 3-5-2-17); or
2. Any other appointed office in the City, County or State Government;
3. A Citizen Member of the Commission must meet one (1) of the following requirements:
 - a. Must be a resident of the City of Rushville.
 - b. Member must be a resident of the Rush County and also an owner of real property located in whole or in part in the City of Rushville.
4. At least a majority of the total number of Citizen Members appointed to the Commission must be resident of the City of Rushville.
5. The Commission shall determine whether a Citizen Member complies with the applicable residency requirements for the appointment.

E. Commission Member Term of Appointment.

1. Legislative Body Appointment as set out in IC 36-7-4-217 as follows:

The term of office of a Member who is appointed from the Legislative Body is coextensive with the Member's term of office on the Legislative Body unless the Legislative Body at its first regular meeting in any year appoints another to serve as the representative.
2. Citizen Member term of office as set out in IC 36-7-4-218 as follows:
 - a. Term of appointment is for four (4) years.
 - b. Terms expires in January of the fourth (4th) year.
 - c. The Commission Member serves until the Member's successor is appointed and qualified.
 - d. A Member is eligible for reappointment.

F. Vacancy within Commission.

1. If vacancy occurs among the Commission Members who are appointed, the appointing authority shall appoint a Member for the unexpired term of the vacating Member who meets the same requirements as the vacating Member, including residency, as set out in IC 36-7-4-220.

G. Removal of Commission Member.

1. The appointing authority, in accordance with IC 36-7-4-218, may remove a Member from the Commission for cause.
2. The appointing authority must:
 - a. Mail a notice of removal, including written reason(s) for the Members removal.
 - b. Notice shall be delivered to the Members residence address either by United States Postal Service or in Person.
 - i. If delivered in person, the Members shall sign a statement the Notice was delivered in person and include the date of delivery.
3. A Member who is removed may, within thirty (30) days after receiving notice of removal, may appeal the removal to the circuit or superior county of the county.

ARTICLE II – OFFICERS AND STAFF.

Section 1. Commission Officers.

At the first regular meeting of the year, the Commission shall elect from its Members a President and Vice President. [IC 36-7-4-303].

Section 2. Duties of Commission Officers.

A. President.

The President shall preside over all Commission meetings and on behalf of the Commission shall exercise general supervision over the affairs of the Commission, determine all points of order and procedures and signing of all official documents.

B. Vice President.

The Vice President shall have the authority to act as President of the Commission during the absence or disability of the President.

C. Absents of President and Vice President.

In the event that both the President and Vice President are absent from the meeting, a temporary President (Pro Tempore) shall be elected from the Membership in attendance to act as President of that meeting.

D. Secretary.

1. The Commission may appoint a Secretary, who is not required to be a Member of the Commission and other such employees as are necessary for the discharge of the duties [IC 36-7-4-304].
2. The Secretary shall:
 - a. Attend all meeting of the Commission.
 - b. Certify all official acts of the Commission.
 - c. Prepare minutes; and,
 - d. Any correspondence as directed by the Commission and the President.

Section 3. Commission Staff and Planning Director.

The City of Rushville Planning and Zoning Office shall serve as the staff and primary technical advisory to the Commission.

The Planning Director shall be designated executive of the staff.

A. Planning Director.

1. The administration of the Commission Office, employment of employees, and administration of any funds allocated to the Commission.
2. The keeping of accurate records of all Commission proceedings, including maintaining all records and approved minutes, the custody and preservation of all papers and documents of the Commission.
3. Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission. Maintaining a current roster of Commission Members, including the appointing authority, date term expires, and records of attendance.
4. Prepare, publish, and distribute reports, ordinances and other materials relating to the Commission.
5. Review all applications before the Commission, for accuracy and completeness.
6. Maintain all Commission's records.
7. Responsible for all Commission correspondence.
8. Supervise all work of the Commission.

B. Staff:

1. Staff shall be delegated authority to perform ministerial acts in all cases, except where final action of the Commission is necessary.
2. Prepare Staff Report for all applications before the Commission.
3. Shall prepare an annual report of the Commission's activities.

C. Code Enforcement.

The City of Rushville Code Enforcement Department shall serve as supplementary Staff to the Commission, to provide information that may not be readily available to the City of Rushville Planning and Zoning Office.

D. Commission Legal Counsel.

The Commission Legal Counsel shall server as legal counsel to the Commission.

ARTICLE III. – FILING OF APPLICATION PROCEDURES.

Section 1. Application(s).

- A. Each Application Packet for a Change of Zoning Classification (Rezoning), New Subdivision, Subdivision Replat, Administrative Subdivision Replat, Planned Unit Development and any other applicable proceedings before the Commission, shall be on the application form prescribed by staff and shall be available from the City of Rushville's Official Website for the Rushville Planning and Zoning Office.
- B. Each Application Packet provides step-by-step instructions to complete the specific application.
- C. If the Applicant wishes to make any modifications to the specific applications or supporting documentation, the Applicant shall submit amended or modified application or supporting documentation not later than one (1) week prior to the Applicant's schedule Commission Meeting date.
- D. Failure or refusal to submit a complete application, any required information, may delay the application being docketed to the Commission's Agenda

Section 2. Eligible Applicants.

- A. If the Applicant is not the deeded owner of the subject property of an Application before the Commission, the deed owner shall consent to the filing of the Application.
- B. Consent may be evidenced by the deed owner's executing the "Owners Consent" section on the appropriate Application, or by a person having power of attorney authorizing such signature. If power of attorney is used to execute the Owner's Consent, a copy of the Power of Attorney document is required to be submitted.
- C. In the case of real property purchased under a land contract, the owner of record is deemed to be the names appearing on the recorded deed.

Section 3. Filing Deadline.

- A. Staff shall prepare a schedule of the filing deadlines for each year that coordinates with the Commission schedule of regular meetings.
- B. The filing deadline for Applications before the Commission shall provide adequate time for Staff to review the Application and offer technical advice to the Applicant and Commission.
- C. The filing deadlines shall provide adequate time for the issuance of required notices to "Interested Parties" and legal advertising.

Section 4. Application Docketed.

- A. Each complete application filed shall be given a Docket Number and placed on the Commission Agenda corresponding to the filing deadline the completed application is filed.
- B. Docket Number shall begin anew with the first meeting of the Commission held in January.
- C. Docket Numbers shall be hyphenated with the four (4) digits calendar year, the initials indicating the type of Application filed, followed by a sequential number.

The following table describes the Docket format and abbreviations in item “C” above.

TYPE OF APPLICATION FILED	DOCKET NUMBER FORMAT
Change of Zoning Classification (Rezoning)/Zoning Map Amendment	YYYY-Z-## (2022-Z-01)
Subdivision of Land	YYYY-S-## (2022-S-01)
Subdivision Replat	YYYY-RP-## (2022-RP-01)
Administrative Subdivision Replat	YYYY-ASR-## (2022-ASR-01)
Planned Unit Development	YYYY-PUD-## (2022-PUD-01)
Vacation of Platted Easement	YYYY - VE-## (2022 VE-01)
Vacation of Dedicated Public Right-of-Way	YYYY-ROW-## (2022-ROW-01)

- D. Applications shall be placed on the Commission Docket Agenda in the order in which completed Applications were filed with the Planning and Zoning Office.

Section 5. Filing Fees.

- A. Applicable filing fees and any fees that are the responsibility of the Applicant, paid by the City of Rushville shall be paid when a complete application is submitted.
- B. Fees shall be paid to the City of Rushville Clerk-Treasurer.

ARTICLE IV. – NOTICE.

Section 1. General.

- A. No notice other than the notice provided for in these rules shall be required to be given to an interested party for public hearings conducted by the Commission.
- B. An Applicant making an Application before the Commission shall assume the cost of the legal advertisement and the mailing of notices to interested parties. [IC 36-7-4-704]

Section 2. Interested Party – Defined.

An Interested Party is the legal (deeded) land owner whose property is located within one hundred (100) feet or two (2) property owner depth, whichever is greater of the property in the Application before the Commission, whether properties are separated by street(s), alley, easement, or any other public right-of-way.

Section 3. Notice Requirements.

The contents of the Legal Advertisement and Notice to Interested Party shall contain at a minimum the following information:

- A. Docket Number and the substance (description) of the matter to be heard.
- B. General location by address or other identifiable geographic characteristic of the subject property.
- C. Name of the Applicant initiating the matter to be heard.
- D. Date, time, and address of the public hearing location.
- E. Statement that the Application File and any additionally submitted documents may be examined in the Office of the Commission.

- F. Statement that interested parties may offer an oral opinion at the hearing or may file written comments concerning the Application to be heard prior to the hearing date.

Section 4. Publication – Legal Advertisement.

- A. The Commission is required by law to publish in a newspaper of general circulation in Rush County, Indiana, not less than ten (10) days before the public hearing,
- B. Staff shall cause such notice (legal advertisement) to be published not later than the date as set out in the adopted published meeting and filing deadline schedule.
- C. Notice (legal advertisement) shall be published to the newspaper's web site.
- D. Proof of publication must be made by an affidavit of the publisher attached to a copy of the notice taken from the newspaper in which the legal notice was published.
 - 1. The publisher's affidavit shall be submitted by the publisher to the Rushville Planning and Zoning Office not less than seven (7) days before the scheduled meeting of the Commission.

Section 5. Notice to Interested Parties.

- A. The Applicant is responsible for providing Interested Party information to the Rushville Planning and Zoning Office for the mailing of notices to Interested Parties.
- B. The Applicant may obtain the legal property owners name and legal mailing address from the:
 - 1. Rush County Auditor's Office; or,
 - 1. On-line public access Geographic Information System (eGIS) known as Beacon.
- C. The Interested Party Information shall be provided to the Planning and Zoning Office not less than fifteen (15) days prior to the date of the Commission's Public Hearing Date for Staff to mail the required notice.

Section 6. Website Posting.

- A. Staff shall cause the information regarding upcoming public hearings to be placed on the City of Rushville's, Planning and Zoning website before the Commission's meeting.
- B. At a minimum the information on the Planning and Zoning Office's website shall provide the type of Application, location of the subject property and a brief description of the request and that the file may be viewed at the Planning and Zoning Office.
- C. The inability of the staff to provide the information on the website due to factors such as technical problems, etc. shall not be deemed improper public notice and shall not result in any mandatory delay in the consideration of the Application by the Commission.

Section 7. Posting of Public Hearing Sign.

- A. The Applicant shall post a notice of the public hearing sign on-site at least ten (10) days before the scheduled Commission hearing meeting date.
- B. The hearing sign shall remain on-site until final action on the Application by the Commission.
- C. The sign shall be placed on the subject property no closer than five (5) feet of the public right-of-way line of the public street.
- D. If street frontage is greater than three hundred (300) feet, at least one (1) additional sign is required.
- E. If the subject property is a corner lot, there shall be one (1) sign per street frontage.
- F. Sign(s) shall not obscure vision clearance at driveways or intersections of street.
- G. Sign text shall be visible from the public street.
- H. A deposit in the amount of Fifty Dollars (\$50.00) for each sign may be required at the time the Application is filed.
 - 1. Sign(s) to be returned to the Planning and Zoning Officer within seven (7) days of the date of the Commission final action.
 - 2. Sign(s) returned in good reusable conditions, will have the deposit refunded.
 - 3. Signs returned more than seven (7) of the date of the final action of the Commission and/or are not in a good reusable condition forfeit the deposit.

ARTICLE V. – CONDUCT OF MEETINGS.

Section 1. General.

- A. All meeting of the Commission shall be conducted in accordance with IC 5-14-1.5, the Indiana Open Door Law, and all amendments thereto. All meeting shall be open to the public, except where otherwise permitted by law.
- B. Onsite inspections by individual Commission Members, of property involved in petitions before the Commission, shall not be considered meetings. Commission Members shall pay special attention to Article V, Section 8; Conflict of Interest.

Section 2. Quorum.

- A. Four (4) Members of the Commission shall constitute a quorum.
- B. No business may be transacted, and no public hearing may be opened at any meeting of the Commission unless a quorum of the Commission is in attendance. [IC 36-7-4-301 & IC 36-7-4-302]

Section 3. Regular Meeting.

- A. A schedule of all regular meetings for each calendar year shall be approved by the Commission at the first meeting of the calendar year [IC 36-7-4-306].
- B. The calendar shall indicate the time and place of the meetings and may be amended during the course of the year as necessary [IC 36-7-4-306].

Section 4. Special Meeting.

- A. Special meetings of the Commission may be called at any time by the President or by two (2) Members upon request of the Commission's Staff.
- B. Staff shall notify Commission Member of such special meeting at least ten (10) days in advance of such meeting.
- C. Written notice to Commission Member of a Special Meeting shall not be required if the Special Meeting is announced by the President at a Regular Meeting, stating the date, time and location of said Special Meeting, provided that all Commission Members are present at the Regular Meeting.
- D. Only those topics pertaining to the reason for the called Special Meeting shall be considered at the called Special Meeting. [IC 36-7-4-307]

Section 5. Cancellation.

A. Regular Meeting.

Regular Meeting may be cancelled due to lack of business for the Commission to consider.

Where a Regular meeting is cancelled, due to lack of business for the Commission of consider, Staff shall provide notice to all Commission Members, and Legal Counsel of the meetings cancellation.

B. Disaster or Weather Related.

The President of the Commission may cancel a scheduled Regular or Special Meetings in the event of a natural disaster, declared snow emergency or similar cases.

Staff shall give written notice of cancellation, via electronic mail, with read receipt or oral notification to Commission Members, Legal Counsel and to those having business before the Commission.

C. Notice to Interested Person(s).

In the event of cancellation for any reason, interested person shall be provided with renotification of the date, time, and location of the next Regular Schedule Meeting.

Section 6. Attendance of Commission Members.

A. In Person Attendance.

- 1. As set out in IC 36-7-4-220 any appointed Commission Member who misses three (3) consecutive regular meetings of the Commission may be treated as if the Member has resigned.
- 2. It is the discretion of the appointing authority to appoint a replacement Commission Member.

B. Electronic Participation.

Attendance by Electronic Participation shall apply to both Regular and Special Meetings as setout below as authorized by IC 5-14-1.5-3.5; 5-14-1.5-3.7, and all associated provision of Indiana Code

1. In the ordinary course of business, the following policy shall govern remote/electronic participation:
 - a. Subject to subsection (i), a Member of the Commission who is not physically present at a meeting of the Commission may participate in a meeting by any electronic means of communication that does the following:
 - i. Allows all participating Members of the Commission to simultaneously communicate with each other.
 - ii. Allows the public to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.
 - b. A Commission Member who participates in the meeting by an electronic means of communication shall be considered present for purposes of establishing a quorum but may participate in any final action taken at the meeting only if the Member can be seen and heard.
 - c. A technological failure in an electronic means of communication that disrupts or prevents:
 - i. the simultaneous communication between a Commission Member who is not physically present at the meeting and the remainder of the Commission; or
 - ii. a Member of the public who is not present at the meeting from attending and observing the meeting.
 - iii. does not prevent the Commission from conducting the meeting or affect the validity of an action taken by the Commission at the meeting if the sum of the Commission Members physically present at the meeting and the Commission Members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the Commission.
 - d. All requirements under Indiana state law must be followed whether or not referenced herein, but no more restrictive measures are adopted.
 - e. For any meeting conducted with electronic participation the meeting minutes shall include a statement of:
 - i. the name of each Commission Member who:
 1. was physically present at the place where the meeting was conducted.
 2. participated in the meeting by using any electronic means of communication; and
 3. was absent; and
 - ii. identify the electronic means of communication by which:
 1. Members of the Commission participated in the meeting; and
 2. the public attended and observed the meeting if the meeting was not held in executive session.
 - f. Members participating remotely shall be included in any roll call and shall announce that they are participating remotely.

- g. All votes taken during a meeting under this section must be taken by roll call vote.
 - h. At least fifty percent (50%) of the Members of the Commission must be physically present at a meeting.
 - i. A Member of the Commission may not attend more than fifty percent (50%) of the Commission's meetings in a calendar year by means of electronic communication, unless the Member's electronic participation is due to:
 - i. military service.
 - ii. illness or other medical condition.
 - iii. death of a relative; or,
 - iv. an emergency involving actual or threatened injury to persons or property.
 - j. A Commission Member may not participate in a meeting of the Commission by electronic communication if the Commission is taking action on an Administrative Appeal.
 - k. The Commission may not prohibit a Member of the Commission from attending consecutive meetings by electronic communication. A Member may attend two (2) consecutive meetings (a set of meetings) by electronic communication. A Member shall physically attend at least one (1) meeting between sets of meetings that the Member attends by electronic communication, unless the Member's absence is due to:
 - i. military service.
 - ii. illness or other medical condition.
 - iii. death of a relative; or
 - iv. an emergency involving actual or threatened injury to persons or property.
2. In an Emergency the following shall apply:
- a. This section applies only if:
 - i. the Mayor (as defined in IC 36-1-2-5) of the City of Rushville declares a local disaster emergency under IC 10-14-3-29.
 - b. Notwithstanding anything herein to the contrary, the Members of the Commission are not required to be physically present at a meeting until the disaster emergency or local disaster emergency is terminated. The Members of the Commission may meet by any means of electronic communication, if the following are satisfied:
 - i. At least a quorum of the Members of the governing body participate in the meeting by means of electronic communication or in person.
 - ii. The public is able to simultaneously attend and observe the meeting. However, this subdivision does not apply to a meeting held in executive session.
 - iii. The minutes of an emergency meeting so held must include:
 - 1. the name of each Commission Member who:

- (a) participated in the meeting by using any electronic means of communication; and
 - (b) was absent; and
- 2. identify the electronic means of communication by which:
 - (a) Members of the Commission participated in the meeting; and
 - (b) the public attended and observed the meeting if the meeting was not held in executive session.
- c. Members participating remotely shall be included in any roll call and shall announce that they are participating remotely.
- d. All votes taken during a meeting under this section must be taken by roll call vote.
- 3. Substantial compliance with the provisions shall be sufficient to establish that the provisions hereof have been met. Minor or inadvertent deviations shall not be sufficient to invalidate any action to the fullest extent allowed under Indiana law.

Section 7. Attendance of Applicant and the Public.

A. Attendance in Person.

- 1. Applicant.
 - a. The Applicant and their hired attorney, design professional, or authorized agent are to appear in person to the extent possible.
 - b. In the first instance of absence by the Applicant or their hired attorney, design professional, or authorized agent, the public hearing for said Application will be continued to the next regularly scheduled meeting of the Commission.
 - c. For subsequent absences the application may be disposed of in the manner determined by the Commission.

B. Electronic Participation by the Applicant.

- 1. Applicants wishing to participate in the Commission's Meeting electronically shall provide to Staff, said request no later than one (1) week prior to the scheduled meeting date at which their application(s) is scheduled to be considered by the Commission.
- 2. The request to participate electronically shall provide the reason for the Applicant's request to participate electronically.
- 3. The Commission Staff shall submit the Applicant's request and reason to participate electronically to the President for approval.
- 4. If approved by the President, the Applicant will be notified, and arrangements will be made to allow the Applicant to participate electronically.
- 5. If President denies the request for electronic participation, the Application(s) will be continued to the next regularly scheduled meeting.
- 6. Applicants who participate electronically shall have electronic equipment which permits the Applicant to be seen and heard by all participants.

C. Electronic Participation by the Public.

- 1. Electronic participation by the Public shall be permitted, at a minimum, at meetings where any Commission Member and/or an Applicant is participating electronically.

2. Electronic participation by the public may be limited, where Commission Staff controls the public participant's audio and/or video capabilities, to prevent disruptions or inappropriate behavior during the public hearing/meeting.
3. Members of the public participating electronically shall be permitted the ability to, during the public hearing, to make verbal comments or through written means, with any written comments read into the record during the public hearing.
4. The public participating electronically shall be provided with equal access to the meeting and the participating public's electronic equipment shall allow the Member of the public to be seen and heard.
5. Any special accommodations or access, such as the ability to be seen or share presentation materials electronically, made available to any one Member of the public shall also be made available to all others participating in the same meeting.
6. Public participating electronically shall be called upon by the President to speak after those who attending the public hearing in person.

Section 8. Conflict of Interest.

- A. Conflict of Interest does not apply to the preparation or adoption of a comprehensive plan.
- B. A Member of the Commission or a legislative body is and may not participate as a Member of the Commission or legislative body in a hearing or recommendation of the Commission or Body concerning a legislative act as described in IC 36-7-4-1016 in which the member has a direct or indirect financial interest. The Commission or body shall enter in its records the fact that its member has such a disqualification.
- C. A Commission Member is disqualified and may not participate in a hearing of that Commission concerning a zoning decision as set out in IC36-7-4-1016, if:
 1. the member is biased or prejudiced or otherwise unable to be impartial; or
 2. the member has a direct or indirect financial interest in the outcome of the zoning decision.
- D. The plan commission shall enter in the plan commission's records:
 1. the fact that a regular Commission Member has a disqualification under subsection (c); and
 2. the name of the alternate Commission Member, if any, who participates in the hearing in place of the regular Commission Member.
- E. Other such conflicts of interest may include proximity of the Commission Member's property to the subject property.
- F. Questions as to whether such conflict of interest exists, may be determined by the Commission's Legal Counsel.
- G. Members are expected to disclose any personal, non-financial interest in any matter before the Commission and may abstain from participation and voting on such matter.
- H. A Commission Member who has a conflict of interest shall leave the room and may not participate in the:
 1. Hearing
 2. Finding of Fact; or

3. Decision of said Application.
- G. Nothing in this Section shall prevent a Commission Member from presenting an Application on his own behalf.
- H. Commission Members or Legislative Body shall not appear before the Commission on behalf of others
- I. Ex-Parte Communication.
 1. A person may not communicate with any Member of the Commission before the hearing with the intent to influence the Commission Member's action on an Application pending before the Commission, with the exception of Staff, that provides a staff report setting forth any facts of the Application. Said Staff report may provide preliminary recommendations relating to the Application.
 2. Commission Members may have discussion with Staff in preparation for the hearing.
 3. If a Commission Member is contacted by anyone prior to the hearing with the intent to influence the Commission Member's actions on an Application pending before the Commission, the Commission Member shall disclose to the other Members of the Commission the content of such contact during the public hearing.

Section 9. Voting.

- A. Majority.

No action of the Commission is official unless it is authorized by a majority of the Commission Members present at a regular or special meeting. [IC 36-7-4-302].
- B. Method.

The Commission Members shall vote by a voice vote. If the outcome of the vote is unclear, the President or any Commission Member may request a roll call vote. No voting is permitted to be by secret ballot.
- C. Recorded.

All decisions of the Commission, on matters heard in the public hearing shall be a recorded vote of each Member for the permanent record.
- D. Required.

All Commission Members, weather present in person or by electronic means, shall vote on each Application for which a public hearing is held.
- E. Absentee.
 1. Absentee or proxy voting shall not be permitted. Members must be present for the public hearing, either in person or by electronic means in order to be eligible to vote on any application before the Commission.
 2. In the event of a continuance, only Members who are present in person, or by electronic means, for the entire public hearing and the Commission consideration of the Application shall be eligible to vote.
- F. Abstention.
 1. A Commission Member who abstains from voting, is formally declining to vote either for or against the motion.
 2. A Commission Member name who abstains from voting shall be recorded in the minutes followed by the statement, "Abstained from Voting".

3. A vote on the motion, shall be based on the majority number of voting Commission Members, to determine the outcome of the motion. For example, if one (1) Commission Member Abstains, the majority vote of the remaining six (6) Commission Members are required to determine the action of the Commission.

Section 10. Order of Business.

- A. The Order of Business at all regular meetings of the Commission shall be as listed below:
 1. Roll Call
 2. Approval of minutes from previous meeting.
 3. Written Finding, from previous meeting, if applicable.
 4. Administration of Oath
 5. Old Business
 6. New Business
 7. Communications, if applicable
 8. Reports:
 - a. Planning and Zoning Office.
 - b. Legal Counsel
 - c. Consultant, if applicable
 9. Adjournment
- B. The President may alter the order of the Agenda, upon a consenting vote of the majority of the Commission Members present.
- C. Request by an Applicant to alter the position of their Application(s) on the Meeting Agenda, may be made to the Commission, for just cause and only upon a consenting vote of the majority of the Members present permitting the alteration to the Meeting Agenda.

ARTICLE VI – PUBLIC HEARING.

Section 1. Procedure.

- A. Opening the Public Hearing.
 - 1. The President shall call the docket number of the first item scheduled for the public hearing, to open the public hearing.
 - 2. The President shall ask if any Commission Member has a Conflict of Interest. If any Commission Member declares a Conflict of Interest, that Commission Member shall leave the hearing room.
- B. Order of Testimony.
 - 1. Presentation of Application by staff
 - 2. Presentation of Application by Applicant. Applicant's initial presentation: Maximum 15 minutes.
 - 3. Questions and comments by the Commission Members. No time limit.
 - 4. President declares the public hearing open.
 - 5. Public testimony/comments. Maximum of twenty (20) minutes.
 - a. Individual speakers
Each individual speaker is allotted two (2) minutes.
 - b. Representing Groups
Each group shall have one (1) speaker and each group is allotted five (5) minutes
 - 6. After all public testimony/comments have been heard as set out in this Section, the President shall declare the public hearing closed.
 - a. No additional public testimony/comments shall be permitted after the public hearing is closed, unless the President specifically states the Public Testimony/Comments is re-opened to allow new testimony/comments.
 - b. The President shall close the public hearing.
 - 7. Applicant's rebuttal. Maximum five (5) minutes.
 - 8. Comments and questions by Commission Members and Staff. No time limit.
 - 9. Commission deliberation and action.
 - 10. Vote. The motion maker shall clearly state the action (approval, approval with conditions, or denial).
 - a. The Motion maker shall state the Finding for the action (approval, approval with conditions, or denial) of the Commission.
 - 11. President shall report the vote and it shall be so recorded. The vote of each Member shall become a part of the record on the Application.

Section 2. Conduct.

- A. Representation.
 - 1. The Applicant may appear in person, by an agent or legal counsel and present any supporting witnesses, evidence, statements, and arguments in favor of the Application.
 - 2. Remonstrators and persons in favor of the Application may appear in person, by agent or legal counsel and present witnesses, evidence, statements, and arguments.

3. Any person interested in any Application shall have the right but shall not be required to enter a written appearance in the hearing.
- B. Commission Participation.
 1. The Commission Members shall be provided adequate opportunity to examine witnesses and question any evidence, statements, and arguments in the interest of a fair hearing.
 2. The Commission may ask question of any presenter/speaker at any time. If the question is asked during the timed presentation, the question and response will not count against the speaker's allotted time.
- C. Identification.

All persons wishing to speak and address the Commission in the public hearing shall stand before the Commission, if physically able, and provide their name and address for the record.
- D. Testimony/Comments Addressed to Commission.
 1. All testimony/comments at the public hearing, shall be addressed to the Commission through the President.
 2. Testimony/comments shall be relevant information regarding the Application being heard by the Commission.
 3. Testimony/comments between the Applicant and opposing parties is not permitted unless the President consents.
- E. Authority of the President or Presiding Officer.

The President shall have the authority to prohibit repetitious and irrelevant testimony/comments and shall have the authority to limit the length of testimony by each speaker as deemed appropriate to a fair public hearing.
- F. Orderly Conduct.
 1. Every person appearing before the Commission shall abide by the order and direction of the President and these Rules.
 2. Discourteous, disorderly, contemptuous conduct, or personal accusation shall not be tolerated, and the President may take such action as is deemed necessary to prevent such conduct, including stopping any further testimony/comments.

Section 3. Exhibits.

- A. All exhibits, whether submitted by a petitioner or the public, shall become the property of the Commission and shall remain and become a part of the permanent record for said application before the Commission.
- B. If exhibits are presented at the public hearing by either the Applicant or the public shall provide a minimum of ten (10) copies.
- C. Exhibits presented at the meeting shall be given an exhibit number.

ARTICLE VII. – TECHNICAL REVIEW

Section 1. Technical Review Committee

- A. The Planning Director will make the determination when an Application requires review by the Technical Review Committee.
- B. The Planning Director or designee shall serve as the chairperson of the committee.
- C. The Technical Review Committee is established for the purpose for determining compliance with the City of Rushville Comprehensive Plan and the City of Rushville Subdivision Control Ordinance.
- D. In no way is the existence of the Technical Review Committee to be construed to limit the scope of discussion or findings of fact on any matter before the Commission or to prevent any member of the committee from raising additional issues which may come to light after the committee meeting.
- E. The Technical Review Committee of the Commission is hereby established and shall be composed of the following members:
 - 1. Two (2) Advisory Plan Commission members, appointed annually at the Commission meeting held in January.
 - 2. Planning and Zoning Department Director
 - 3. Code Enforcement Officer
 - 4. City Utilities (Manager/Director)
 - 5. Street Department
 - 6. Stormwater (Director/Consultant)
 - 7. Sewer/Waste Water Treatment Plant Superintendent, if not considered a part of the City Utilities Department
 - 8. Police Chief
 - 9. Fire Chief
- F. The Planning Director may include additional technical advisers to provide technical advice on other infrastructure and provide recommendation for the Commission to consider. The additional technical advisers may include or any of the successors to the following:
 - 1. Duck Energy (electrical provider)
 - 2. Rush/Shelby Energy (electrical provider, if applicable)
 - 3. Communication/Broadband/Telephone
 - 4. Vectren/Center Point Energy
 - 5. Representatives the Planning Director deems appropriate based upon the nature of the Application submitted.

Section 2. Technical Review

- A. The Technical Review Committee purpose when Applications are assigned is to encourage cooperation between the Commission, Technical Members of the Committee, and the Applicant by resolving non-compliant technical matters at the staff level where possible prior to final action of the Commission:
 - 1. Review Subdivision Preliminary Plat Subdivision Applications and Replat Application as assigned to the Committee to determine compliance with the technical

- requirements of the Subdivision Control Ordinance, Zoning Ordinance, and other applicable Ordinances of the City of Rushville.
2. Review Planned Unit Development Applications and all supporting submitted documentation as assigned to the Committee to determine compliance with technical requirements of the Comprehensive Plan, Subdivision Control Ordinance, Zoning Ordinance, and other applicable Ordinances of the City of Rushville.
 3. Review request for Zoning Map changes, as assigned to the Committee to determine if such request is in keeping with the City of Rushville adopted Comprehensive Plan and if the requested zoning map change complies with the Technical requirements of the requested zoning district.
 4. Review Vacation of Dedicated Public Right-of-way and Vacation of Easements as assigned to the Committee to determine if submitted request create an undue burden on surrounding properties and the effect the vacation of Public Right-of Way or Easement on future development.
 5. The Committee may make recommendations based upon the City of Rushville Comprehensive Plan, Subdivision Control Ordinance, Zoning Ordinance, or other applicable Ordinances of the City of Rushville.
 6. Other Technical Advisors may make recommendation to the Commission based upon the specific infrastructure providers requirements.
 7. To review requests for vacation of dedicated right-of-way, easements and other matters as determined by the Planning Director to benefit from a coordinated discussion of Applicant, Utilities, and Public Infrastructure.
- B. The Planning Director shall coordinate the scheduling of Committee meetings.
 - C. All information regarding the proposed Subdivision or Replat Application will be forwarded electronically to Committee Members, not less than five (5) days prior to the scheduled meeting date.
 - D. If the Committee requests revision(s), such revisions shall be submitted to the Planning and Zoning Office, no later than seven (7) days after the Committee meeting.
 - E. Revisions not submitted within seven (7) days of the Committee's meeting, may at the discretion of the Commission based on the nature of the requested revisions, continue the Application(s) to the next regularly scheduled hearing date, subject to the provision that said revision(s) and supporting documents, if applicable, be submitted to the Planning and Zoning Office no less than fourteen (14) calendar days prior to the announced regularly scheduled Commission meeting.

ARTICLE VIII. – ACTION AND DISPOSITION OF APPLICATIONS.

Section 1. Motions –

- A. The final disposition of an Application before the Commission shall be in the form of a motion, properly adopted, specifically setting forth such disposition.
- B. The final disposition of Primary Plat Application and Plat, the Commission determines compliance with the Subdivision Control Ordinance, the Commission shall make written finding and a decision granting primary approval to the plat.
 - 1. The decision must specify any conditions imposed or waiver granted; and
 - 2. Shall be signed by an official designed in the Subdivision Control Ordinance. [IC 36-7-4-702 & IC 36-7-4-707]
- C. If final disposition of Primary Plat Application and Plat, by the Commission is disapproval, the Commission shall make written findings that set forth the reason and decision denying primary approval.
 - 1. The Applicant shall be provided a copy of the written findings, and;
 - 2. The written findings shall be signed by the official designated in the Subdivision Control Ordinance. [IC 36-7-4-702 & IC 36-7-4-707]
- D. Approval of Secondary Plat shall be granted for a plat for a subdivision where improvements and installation have not been completed as required by the Subdivision Control Ordinance if:
 - 1. Applicant provides a Bond or other proof of financial responsibility prescribed by the legislative body outlined in the Subdivision Control Ordinance that is:
 - a. An amount determined by the Commission to be sufficient to complete the improvements and installation in compliance with the ordinance; and
 - b. Provides surety satisfactory to the Commission; or,
 - 2. With respect to installation or extension of water, sewer, or other utility service:
 - a. Applicant shows by written evidence that it has entered into a contract with the City of Rushville or the providing utility; and
 - b. The Commission determines based on written evidence that the contract provides satisfactory assurances that the service(s) will be installed or extended as set out in the Subdivision Control Ordinance. [IC 36-7-4-709]

Section 2. Continuance of Application.

A. Requested by Applicant.

- 1. The Applicant may request a continuance in writing prior to the hearing and/or orally at the beginning of the hearing.
- 2. The Applicant shall show good and sufficient cause for such continuance, and it shall be within the discretion of the Commission of grant or deny the request for continuance.
- 3. Applications continued where the continuances exceed two (2) months, the Application shall be re-noticed to Interested Parties and Legal Advertisement.

B. Motion by the Commission.

1. Commission Member may at any time make a motion to continue the hearing of any Application. Such a motion duly seconded and adopted shall continue the hearing to the time specified in the motion. Commission may include in the motion specific instruction for re-notification of the interested parties.
2. Applications continued from meeting to meeting by the Commission do not require re-notification.

C. Improper Notice.

1. If Proper notice in accordance with applicable law and these Rules has not been given, the Commission shall continue the Application to allow for proper notice to be given.

Section 3. Withdrawal of Application.

A. Withdrawal Without Prejudice.

1. Any Application may be withdrawn without prejudice provided a written request for withdrawal signed by the Applicant or an authorized representative is received by staff prior to public notice being provided for the Application.
2. The Application shall not appear on the Commission's agenda and may be resubmitted at any time.

B. Withdrawal With Prejudice.

1. An Application may be withdrawn by the Applicant at any time, after public notice has been provided, by oral request at the scheduled Commission meeting or in writing.
2. Any Application which is withdrawn after the public notice has been provided, shall not again be placed on the Commission Docketed Agenda for a hearing before the Commission, within a period of six (6) months from the date of the originally scheduled hearing.
3. An Application withdrawn with Prejudice, may be re-docketed to the Commission's Agenda, if a motion made and duly adopted by a majority of the Commission Members permitting said re-docketing to the next regularly scheduled meeting.

C. Withdrawal Not Permitted.

1. No Application may be withdrawn after a motion has been made and seconded and a vote has been ordered by the President.

Section 4. Indecisive Vote on an Application.

- A. If the Commission does not achieve the required four (4) votes to approve or deny an Application, such vote shall be declared indecisive, and the matter shall be continued to the next regular meeting of the Commission.
- B. If an Application is continued for three (3) consecutive public hearings, due to an indecisive vote, the Application shall be treated as a denial unless the Applicant elects to formally withdraw the Application.
- C. Indecisive Vote process outlined above is not applicable to an Administrative Appeal.

Section 5. Amendment.

- A. No Application may be amended which increases the intensity of use (e.g., adds additional lots or land), or a change of the zoning district after public notice has been provided.
 - 1. The Applicant may request a withdrawal of the Application for re-submittal at a later date as a new Application; or
 - 2. The Application is automatically continued for a time period not to exceed two (2) months to allow time for the Applicant to provide notification to Interested Parties and publication of Legal Notice.
- B. It shall be at the discretion of the Commission to permit a request to amend the Application after which required notices has been provided to permit the Applicant to amend the Application which decreases the intensity of the use (e.g., decreases number of lots or excludes specific land).
 - 1. Any Interested Part may be heard on the requested amendment.
 - 2. The Commission may require the amended Application to be continued and may require re notification of Interested Parties and public of required Legal Notice.

Section 6. Appeals.

- A. The Commission's final disposition of any appeal shall be in the form of an order upholding, reversing, or modifying the decision or determination which is the subject of the appeal.
- B. The Commission may dismiss an Appeal for lack of prosecution or lack of jurisdiction.
- C. When an Applicant fails to appear at the scheduled public meeting, the case may be dismissed for lack of prosecution.
- D. The vote of each member shall be a matter of permanent record

Section 7. Rehearing.

- A. A request for re-hearing shall be submitted in writing by the original Applicant.
- B. The written request shall indicate substantial changes in the circumstances affecting the property since the original decision.
- C. Written request shall be submitted to the City of Rushville's Planning and Zoning Office no later than ten (10) days after the original decision, or prior to any certification of a recommendation to the City of Rushville Legislative Body, whichever is sooner.
- D. Upon written request for a re-hearing by the original Applicant, the Commission may by unanimous vote of the members present, to reconsider the final action previously taken on the Application(s).

Section 8. Advise.

- A. The Commission will not entertain informal requests for advice from the public or an Applicant.
- B. Any advice, opinion, or information given by any Commission member, the Secretary, or any other official or employee of the City of Rushville, shall not be binding on the Commission.
- C. Commission discourages any personal interactions with Applicants, members of the public outside of the public hearing format due to implication of a possible conflict of interest.
- D. Applicants and members of the public are to be referred to the City of Rushville's Planning and Zoning Office staff.
- E. The City of Rushville's Planning and Zoning Office staff are authorized to provide professional interpretations of the Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance and to provide general assistance; however, Commission is not bound by staff advice, interpretations, or opinions.

ARTICLE IX. – ACTION AND DISPOSITION OF ZONING ORDINANCE TEXT AMENDMENT AND ZONING MAP AMENDMENT/CHANGE.

Section 1. Zoning Ordinance Amendment initiated by Commission. [IC 36-7-4-604 & IC 36-7-4-605]

- A. The Planning Director shall prepare the Zoning Ordinance Amendment for review and for action to taken by the Commission.
- B. The Commission shall give notice of a public hearing as set out in IC 36-7-4-604 and hold said public hearing.
 - 1. The notice of public hearing shall state:
 - a. The time and place of said hearing;
 - b. The Geographic area (or zoning district in a specified geographic area) of the proposed amendment
 - c. A summary of the subject mater contained in the proposal that describes any new or changed provisions
 - d. If the proposal contains or would add or amend penalty or forfeiture provision;

- e. Location where a copy of the proposal is on file for examination before the hearing
 - f. Where written objections to the proposal may be filed with the Commission's secretary before the hearing will be considered;
 - g. That oral comments concerning the proposal will be heard; and,
 - h. That the hearing may be continued from time to time.
- C. Certifying Recommendation.
- At the conclusion of the public hearing on said proposal, the Commission shall certify a recommendation as follows to the City of Rushville Legislative Body on the proposal to amend the text of the zoning ordinance:
- a. Favorable Recommendation;
 - b. Unfavorable Recommendation; or,
 - c. No Recommendation.
- E. Indecisive Vote.
- The Commission's Certify Recommendation may be continued for no more than two (2) successive regular meetings. If the Commission fails to achieve the required majority votes for the zoning ordinance text amendment recommendation; the Commission shall forward to the proposed zoning ordinance text amendment to the Legislative Body stating the Commission's inability to achieve the required majority votes and therefore forwards the proposed zoning ordinance text amendment with no recommendation as to approval or denial by the Legislative Body.

Section 2. Zoning Ordinance Amendment initiated by Legislative Body. [IC 36-7-4-607]

- A. If the Legislative Body initiates the proposal to amend the text of the Zoning Ordinance, the Legislative Body must refer the proposal to the Commission for consideration and recommendation before final action is taken by the Legislative Body.
- B. Upon receiving the initiating proposal from the Legislative Body, the Commission shall hold a public hearing within sixty (60) days as set out in Section 1. Item B above.
- C. The Commission shall vote on the proposed text amend to the zoning ordinance within sixty (60) days of the public hearing.
- D. Within ten (10) business days of the Commissions determination, the Commission's recommendation shall certify the proposed text amendment to the zoning ordinance to the Legislative Body.
- E. If the Commission fails to achieve the required majority votes within the required sixty (60) days of the public hearing, on the proposed text amendment, the Commission shall forward to the Legislative Body stating the Commission's inability to achieve the required majority votes and therefore forwards the proposed zoning ordinance text amendment with no recommendation as to approval or denial by the Legislative Body.

Section 3. Amendment/Change Zoning Map, Incorporated by Reference. [IC 36-7-4-602 & IC 36-7-4-607]

A proposal to change the zoning map, whether by incorporating an additional map or by amending an incorporated by reference zoning map into the zoning ordinance, may be initiated by:

- A. The Commission;
- B. By a petition signed by property owners who own at least fifty (50) percent of land involved; or,
- C. By the Legislative Body.

Section 4. Zoning Map Amendment/Change Initiated by Commission or Petition.

- A. Commission proposed text amendment to the Zoning Ordinance shall be prepared by the Planning and Zoning Director.
- B. The Petition shall be reviewed by the Planning and Zoning Director to determine compliance with IC 36-7-4-602.
- C. The Commission shall give notice and hold the required public hearing as sent out in Section 1 Item B above.
- D. The Commission shall certify a recommendation to the Legislative Body as set out in Section 1, Item C above.

Section 5. Zoning Map Amendment/Change Initiated by Legislative Body.

- A. If the Legislative Body initiates the proposal to amend/change the zoning map, the Legislative Body must refer the proposal to the Commission for consideration and recommendation before final action is taken by the Legislative Body.
- B. Upon receiving the initiating proposal from the Legislative Body, the Commission shall hold a public hearing within sixty (60) days as set out in Article XI, Section 1. Item B above.
- C. The Commission shall vote on the proposed map amend/change within sixty (60) days of the public hearing.
- D. Within ten (10) business days of the Commissions determination, the Commission's recommendation shall certify the proposed map amendment/change to the Legislative Body.
- E. If the Commission fails to achieve the required majority votes within the required sixty (60) days of the public hearing, on the proposed map amendment/change, the Commission shall forward to the Legislative Body stating the Commission's inability to achieve the required majority votes and therefore forwards the proposed map amendment/change with no recommendation as to approval or denial by the Legislative Body

ARTICLE X. – COMMISSION RECORDS.

Section 1. Responsibility.

- A. It shall be the duty of the Commission's Staff to maintain all Commission files and records, including the official minutes of all meetings.
- B. The Commission Docketed Agenda and minutes may be combined into one (1) hard copy file for the convenience of the public to review.

Section 2. Docket.

- A. The Commission's Staff shall maintain a Docket of all Applications Docketed the Commission Agenda.
- B. The following shall be entered in the Docket of all Application:
 - 1. Docket Number.
 - 2. Applicant Name.
 - 3. Owner's Name.
 - 4. Address of Property that is the subject of the Application.
 - 5. Brief description of the requested action to be taken by the Commission.
 - 6. Dates of Notice to Interested Parties mailed.
 - 7. Date Legal Notice (legal advertisement) appeared in the newspaper of general circulation.
 - 8. All continuances, postponements of the Application.
 - 9. Final disposition of the Application.

Section 3. Minutes.

- A. The Commission's Staff shall prepare an accurate record of all hearings and official actions of the Commission.
- B. The minutes representing such record shall be made available within a reasonable time after the Commission meeting or action to all Commission Members.
- C. Minutes shall record the Commission decision on each Application, including the vote of each Commission Member present.
- D. Commission minutes are not official minutes until said minutes are voted upon by the Commission and the vote recorded.
- E. Upon approval by the Commission, copies of such minutes shall be made available to interested parties.

Section 4. Digital, Audio, Video Recordings.

- A. Commission's staff may make recorded by digital, audio, or video recording of all Commission proceedings (Regular Meeting, Special Meetings, Training Meetings, etc.)
- B. If Commission proceedings are recorded, said recordings shall remain accessible in the Commission's Office for a period of five (5) years from the date of the Commission's proceeding.

- C. Commission's recorded proceedings shall not be removed from the Commission's Office, except as order by a court of competent jurisdiction.
- D. If a Third-Party providers makes recordings of Commission proceeding, the recording shall be available to the Commission's Staff for a period of five (5) years from the date of the recording.
- E. Interested parties may listen to the Commission's recorded proceedings in the Commission's Office, under the direct supervision of the Commission's Staff, after making an appointment to listen to said Commission's recorded proceedings.

Section 5. Commission Case Files.

- A. Case file for each docketed Application before the Commission shall be maintained in the Commission's Office.
- B. The Commission's Docketed Application file shall contain as a minimum:
 - 1. Signed and Notarized Original Application.
 - 2. Supporting Documentation/Material.
 - 3. Any Exhibits
- C. Any other materials pertinent to the decision, or conditions, related to the binding effects of the Commission's actions.

Section 6. Public Record.

- A. Records of the Commission shall be made available to the public under the Indiana Access to Public Records law, and as amended. [IC 5-14-3 & IC 36-7-4-306].
- B. Public who wish to inspect and copy public records may do so during regular business hours, except as set out in IC 5-14-3.
- C. Request to view and copy public records is to be presented in writing.
- D. When Commission Staff receives a written request to view and copy any public record, Commission's Staff shall contract the Commission Legal Counsel for assistance procedure and for guidance if any records are exempt from public access.

ARTICLE XI. VARIANCE HEARING OFFICER.

Section 1. Establishment and Appointment of Variance Hearing Officer.

- A. There is hereby established an alternate procedure whereby a Variance Hearing Officer is created by an amendment to the City of Rushville Zoning Ordinance, as set out in IC 36-7-4-923 and IC 36-7-4-924 and as either or both are amended hereafter.
- B. The Commission shall appoint the Variance Hearing Officer and any Alternate Variance Hearing Officer. [IC 36-7-4-923(a)].
- C. The Variance Hearing Officer shall be bound by the Rules and Procedures of the City of Rushville Board of Zoning Appeals.

ARTICLE XII. AMENDMENTS, AND SUSPENSIONS.

Section 1. Prior Rules

Any Rules of Procedures which may have been previously passed and approved, setting forth the procedures and duties of the City of Rushville Advisory Plan Commission are hereby repealed.

Section 2. Amendments

Amendments to these Rules of Procedures may be made by the Commission at any regular or special meeting, upon which a majority of the Commission Members are present vote in the affirmative.

Section 3. Suspension of Rules.

1. The Commission at any regular or special meeting, by a vote of the majority of the Commission Members present may vote to suspend these Rules of Procedures.
2. The suspension of the Rules of Procedures does not suspend compliance with any law, federal, state, or local.

ARTICLE XIII. SEVERABILITY.

If any section, clause, provision, or portion of these Rules shall be deemed invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these Rules.

ARTICLE XIV. CERTIFICATION OF ADOPTION.

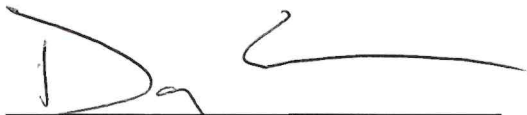
These Rules of Procedure of the City of Rushville Advisory Plan Commission are hereby approved by the affirmative vote of the majority of the Commission Members at their meeting this 16th day of November, 2022.

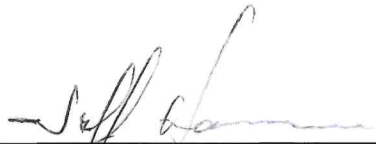
CITY OF RUSHVILLE ADVISORY COMMISSION OF PLAN COMMISSION.
RUSHVILLE, INDIANA

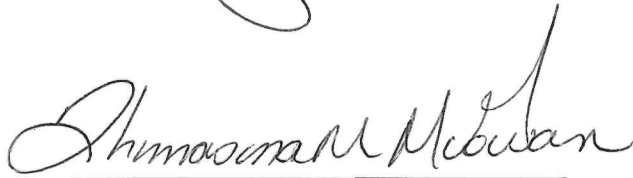
APPROVED THIS 16th DAY OF November, 2022.


Shawn Adkins, President


Bradley Berkemeier, Member


Doug Corn, Member


Jeff Houser, Member


Thomasina McGown, Member


Kim Miller-Mahan, Member


Joe Rathz, Member

ATTEST:


Charles R. Jenkins, Secretary.