



RESOLUTION 2024-01
A RESOLUTION OF THE PLAN COMMISSION FOR THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA
APPROVING AMENDMENTS TO THE RULES OF PROCEDURE OF TOWN OF
ZIONSVILLE PLAN COMMISSION

WHEREAS, the Town of Zionsville Plan Commission (Commission) has established Rules and Procedures which govern the Commission meetings; and,

WHEREAS, from time to time, the Commission may review these Rules and Procedures to ensure they allow the Commission to most effectively and efficiently conduct business and are in the best interests of the Town; and,

WHEREAS, The Commission and staff have reviewed these Rules and Procedures and determine the provisions of these Rules should hereby be amended.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission for the Town of Zionsville, Boone County, meeting in regular session, has determined the Rules and Procedures should be amended as attached in Exhibit A.

It is further resolved that this resolution shall be effective upon adoption.

It is further resolved that all previous versions of the Rules and Procedures are hereby repealed.

DULY PASSED AND ADOPTED this 18th day of November 2024, by the Plan Commission of the Town of Zionsville, Boone County, Indiana.

**PLAN COMMISSION OF THE TOWN OF ZIONSVILLE,
BOONE COUNTY, INDIANA**

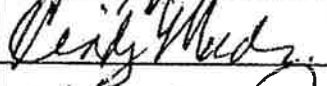
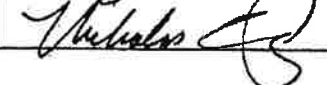
	YEA	NAY
	Signature	Signature
Dave Franz President		
Josh Fedor Vice-President		
Kendrick Davis Member		
Mary Grabianowski Member		
Jim Hurst Member		
Cindy Madrick Member		
Nick Plopper Member		

Exhibit A

[The Rules of Procedure]

RULES AND PROCEDURES

TOWN OF ZIONSVILLE

ADVISORY PLAN COMMISSION

Effective Dates:

Initial Adoption:

September 21, 1998	Amendments of -
June 19, 2000:	June 20, 2000
October 15, 2001:	October 16, 2001
October 18, 2021:	October 19, 2021
November 21, 2022:	January 1, 2023 (Re-adoption of Rules)
December 19, 2022:	January 1, 2023 (Resolution)
February 21, 2023:	February 22, 2023 (Resolution)
October 21, 2024	October 21, 2024 (Resolution)

Changes as of 8/20/24:

Delete references to committees/hearing officers from Article I page 3, Article IV page 6
Remove ex parte language from Article V page 9
Correct notice language (10 vs 14 days) from Article VIII page 10
Modified sign posting language from Article VIII page 11
Change petitioner presentation time from 15 to 10 minutes from Article IX page 12

Changes as of 9/25/24:

Added provision for president to set date or cancel meeting Article IV page 4
Added text for electronic meetings into body of Rules document in Article IV page 7-9

Changes as of 10/24/24

Modified sign-in language for public hearings Article IX page 13-14

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TOWN OF ZIONSVILLE PLAN COMMISSION RULES AND PROCEDURES

ARTICLE I. GENERAL PROVISIONS

1. These Rules and Procedures are established in conformity with Indiana Code 36-7-4 *et seq.* and all acts amendatory thereof and are supplementary to the provisions of the Town of Zionsville Plan Commission (hereafter referred to as “Plan Commission” or “Commission”).
2. In all matters not otherwise provided for by statute, ordinance, or these rules, the most recent edition of Robert’s Rules of Order, as interpreted by the Commission’s presiding officer, shall govern the conduct of the Plan Commission Meeting.
3. The Plan Commission shall keep records of its proceedings and record the vote on all actions taken. All minutes and records shall be filed in the office of the Planning and Building Department and are public record.
4. Every person appearing before the Plan Commission shall abide by the order and direction of the President. Discourtesy, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Plan Commission and shall be dealt with as the Plan Commission directs.
5. Amendments or suspension to these rules and procedures may be made by the Plan Commission at any regular or special meeting upon an affirmative vote of a majority of the membership of the Plan Commission. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.
6. All the applications and time periods set forth herein shall be completed by the Applicant in accordance with the applications and Schedule of Deadlines provided by the Planning and Building Department for the Town.
7. The seal of the Town of Zionsville Plan Commission shall be used in all matters relating to the Plan Commission’s activities.

ARTICLE II. AUTHORITY AND DUTIES OF THE PLAN COMMISSION

1. The Zionsville Advisory Plan Commission exists as an advisory plan commission under IC 36-7-4-200 Series and Section 194.201 of the Code of Zionsville, Indiana, and any amendments thereto. These Rules are adopted in accordance with the requirements of IC 36-7-4-401.
2. The duties of the Commission shall be those as set forth in IC 36-7-4-400 *et al.*, and any other responsibilities as may be required by state statute or town ordinances.

ARTICLE III. PLAN COMMISSION MEMBERS, OFFICERS, AND STAFF IC 36-7-4-200 Series

1. Members

- a. The Commission shall consist of seven (7) voting members, appointed in accordance with IC 36-7-4-20.
- b. Three (3) of the members are appointed by the Town Council. These members must be elected or appointed officials, or employees of the Town.
- c. The remaining four (4) members are citizen members and are appointed by the Mayor. The citizen members cannot be elected or appointed officials of any other governments. Not more than two (2) of these citizen members may be from the same political party. Political affiliation is determined by the voting record of the citizen in the last three (3) political primary elections.

2. Officers

- a. At its first regularly scheduled meeting in each calendar year, the Commission shall elect from its voting membership a president and a vice president.
- b. Each shall serve during the period of their membership on the Commission for the balance of the calendar year.
- c. The president shall preside over all regular and special meetings of the Commission. The president shall perform all the duties normally performed by a presiding officer, including the appointment of committees and ruling on all points of procedure. The president shall sign all official documents on behalf of the Commission.

3. Absence

- a. The vice president shall have the authority to act as president of the Commission during the absence or disability of the president.
- b. In the absence of both the president and vice president, a majority of the members present may nominate and appoint a chairperson for the meeting.
- c. A member intending to be absent from any scheduled public meeting shall notify the secretary prior to the start of the scheduled public meeting either in person, by phone, or in writing.
 - i. A member failing to provide advance notice of absence from a scheduled public meeting shall be considered unexcused.
 - ii. The secretary shall have the authority to consider an absence excused in the event of an emergency, regardless of prior notification.

4. Removal

- a. The appointing authority may remove a commission member for cause. Pursuant to IC 36-7-4-218, the appointing authority must mail notice of the removal, along with written reasons for the removal to the member at the member's residence. A member who is removed may appeal the removal to the Boone County Circuit or Superior Court within 30 after receiving the notice.
- b. In addition, pursuant to IC 36-7-4-220, a member who misses three (3) consecutive regular commission meetings may be treated as though the member

resigned, at the appointing authority's discretion.

5. Vacancy. If a vacancy occurs among the membership, the appointing authority shall appoint a member for the unexpired term of the vacating member.
6. Replacement. Upon resignation or removal of the president or vice president as a member of the commission, the commission shall elect a new president or vice president at the next regularly scheduled meeting.
7. Secretary
 - a. The Town of Zionsville Planning and Building Director, or designee, shall perform all duties of secretary of the Plan Commission
 - b. The secretary shall perform such duties as are described in statute, ordinance, and/or these Rules.
 - c. Performance of the duties of secretary shall not entitle the Director or designee to serve as a voting member of the commission in the absence of a duly appointed member.
 - d. In the event of a vacancy in the position of Director, the commission may elect a plan commission member until the Director's position is filled or may request the appointing authority to designate a Town staff member to serve as secretary until the position of Director is filled.

ARTICLE IV. MEETINGS

1. Regular Meetings
 - a. The regular meeting of the Town of Zionsville Plan Commission shall be the third Monday of each month at 6:30PM in the Zionsville Town Hall, located at 1100 W. Oak Street, Zionsville, IN 46077, unless publicly noticed otherwise.
 - b. If the third Monday of the month is a holiday as recognized by the Town of Zionsville or if it is impossible to conduct the meeting at that time or place, the regular monthly meeting shall be scheduled for the first Tuesday following the third Monday of the month.
 - c. The president may, in consultation with staff, set an alternate date for a plan commission meeting or cancel it entirely due to a lack of business or quorum.
 - d. All meetings shall adjourn by 10:30 p.m. unless the president allows a meeting to extend beyond that time to conclude business for the benefit of petitioners or other interested parties present. The commission shall not begin deliberation on any agenda item after 10:00 p.m. unless a majority of the members waives this deadline.
 - e. All meetings of the commission shall be conducted in accordance with IC 5-14-1.5 (Indiana Open Door Law) and any amendments thereto. On site inspections of properties involved in applications before the commission shall not be considered public meetings.
2. Special Meetings
 - a. Special meetings of the Plan Commission may be called by the President or by

- two (2) members of the Plan Commission upon written request to the Secretary. The Secretary shall send to all members, at least three (3) days before the special meeting, a written notice fixing the time and place of the meeting.
 - b. Written notice of a special meeting shall not be required if
 - i. the date, time and place of a special meeting is fixed at a regular meeting;
 - ii. all members of the Plan Commission are present at the regular meeting; and,
 - iii. The secretary complies with noticing requirements of IC 5-14-1.5
 - c. The meeting notice shall specify its purpose. No other business may be considered at that meeting other than by unanimous consent of the commission.
3. Executive Session. The Plan Commission may meet in Executive Session pursuant to IC 5-14-1.5-6.1
4. Order of Business. The order of business at regular meetings shall be:
- a. Call to Order/Pledge of Allegiance
 - b. Roll Call/Determination of a quorum
 - c. Election of Officers (when appropriate)
 - d. Consideration of Minutes
 - e. Agenda Modifications and Requests for Continuances
 - f. Old Business
 - g. New Business
 - h. Other Business
 - i. Adjournment
5. Agenda
- a. The agenda shall list all items to be considered by the commission at the regular or special meeting.
 - b. The order in which the application appears on the agenda may be determined by staff in conjunction with application filing.
 - c. The commission may, in its discretion and at a public meeting, change the order in which items shall be heard.
 - d. No item shall be considered by the commission unless it appears on the agenda
 - i. Any clerical item, agenda modification, waiver of procedure, or waiver of notice may be added to the agenda at the meeting, subject to a majority vote of the members present.
6. Presiding
- a. The president shall preside over meetings, decide questions of order, subject to appeal by commission members, and preserve decorum in the meeting room.
 - b. The president shall announce the decisions of the commission for purposes of recording in the minutes.
7. Addressing the Commission. No one who is not a member of the commission shall be permitted to address the commission except by request to and consent of the president.

8. Electronic Meeting Policy

Section 1.

- a. Subject to Section 2 and 4, any member of the commission may participate in a meeting by any electronic means of communication that: (i) allows all participating members of the commission to simultaneously communicate with each other; and (ii) other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting.
- b. A member who participates by an electric means of communication: (i) shall not be considered present for purposes of establishing a quorum; but (ii) may participate in final action only if the member can be seen and heard.
- c. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.

Section 2.

- a. At least the majority of the commission members must be physically present at a meeting at which any member participates by means of electronic communication. Not more than fifty percent (50%) of the members may participate by an electronic means of communication at that same meeting.
- b. A member who plans to participate by an electronic means of communication at a meeting must provide written notice of such intent to the President of the commission at least seven (7) days prior to the date of the meeting. Exceptions to this notice requirement may be granted at the discretion of the President.
- c. If more than three (3) members intend to participate by an electronic means of communication at the same meeting, the first three (3) members to provide notice of such intent may attend the meeting by an electronic means of communication (unless such members otherwise agree).
- d. A member may not attend more than fifty percent (50%) of the meetings in a calendar year by an electronic means of communication, unless the member's electronic participation is due to one of the following reasons:
 - 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
- e. A member may attend two (2) consecutive meetings (a "Set of Meetings") by electronic communication. A member must attend in person at least one (1) meeting between Sets of Meetings that the member attends by electronic communication, unless the member's absence is due to one of the following reasons:
 - i. Military service;
 - ii. Illness or other medical conditions;
 - iii. Death of a relative; or,
 - iv. An emergency involving actual or threatened injury to persons or property

Section 3.

- a. The minutes or memoranda of a meeting at which any member participates by electronic means of communication must:
 1. identify each member who:
 - a. was physically present at the meeting;
 - b. participates in the meeting by electronic means of communication; and,
 - c. was absent; and
 2. identify the electronic means of communication by which:
 - a. members participated in the meeting; and,
 - b. members of the public attended and observed the meeting if the meeting was not an executive session

Section 4. No member of the commission may participate by means of electronic communication in a meeting at which the commission is attempting to take final action to:

1. adopt a budget;
2. make a reduction in personnel;
3. initiate a referendum;
4. establish or increase a fee;
5. establish or increase a penalty;
6. exercise the commission's power of eminent domain; or
7. establish, impose, raise, or renew a tax

Section 5. A technological failure in an electronic means of communication that disrupts or prevents members not physically present or members of the public not physically present from attending and observing the meeting, does not affect the validity of an action taken by the commission at such meeting if the members physically present and the member participating by electronic communication without technological failure satisfy voting requirements of the commission (i.e., majority vote).

Section 6.

- a. If an emergency is declared by:
 - i. the governor under Ind. Code §10-14-3-12; or
 - ii. the mayor of the Town of Zionsville under Ind. Code §10-14-3-29;members are not required to be physically present for a meeting until the emergency is terminated.
- b. Members may participate in and vote at a meeting by any means of communication provided that:
 - i. At least a quorum of the members participate in the meeting by means of electronic communication or in person.
 - ii. The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
 - iii. The minutes or memoranda of the meeting must comply with Section 3 of this resolution.
- c. All votes taken during a meeting at which at least one member participates by

an electronic means of communication must be taken by roll call vote.

ARTICLE V. OFFICIAL ACTION

1. Quorum
 - a. A majority of the members of the commission who are qualified to vote shall constitute a quorum.
 - b. Action of the commission shall not be official unless it is authorized at a regular or properly called special meeting by a majority of the entire membership of the commission.
 - c. At the start of any meeting at which there are no more than four (4) commission members present, the president shall announce that any petitioner may request and receive a continuance until the next regular meeting, regardless of whether the petitioner was previously granted a continuance.
2. Voting
 - a. Voting by the commission on any petition shall be by roll call vote of the members.
 - b. All other matters may be done by a show of hands or voice vote.
3. Conflict and Abstention
 - a. No member of the commission shall participate in a hearing, discussion, or decision of the commission upon any zoning matter in which the member:
 - i. Has a known direct or indirect financial interest;
 - ii. Is biased, prejudiced, or otherwise unable to be impartial
 - b. A zoning matter does not include the preparation or adoption of a comprehensive plan
 - c. Participation in a hearing or decision of the commission in which a member has a direct or indirect financial interest or is biased, prejudiced, otherwise unable to be impartial may constitute cause for removal of the member
 - d. A member who is disqualified under this section will notify the president and secretary of this fact prior to the meeting and will leave the hearing room during the case.
 - e. The commission shall enter into the record the fact that the member has such a disqualification.
4. Incomplete Commission. In the event a majority vote of the Commission cannot be achieved due to absences, permitted abstentions, or disqualifications, the matter shall be rescheduled for the next regular meeting without penalty to the petitioner.

ARTICLE VI. MINUTES and RECORDS

1. Minutes
 - a. The Secretary of the Commission shall prepare and maintain minutes of its meetings
 - b. The minutes shall include the vote of each member on each question presented or indicate that the member is absent, abstaining, or not voting because of a

disqualification.

2. Approval

- a. The minutes shall be presented to the Commission for approval at the next succeeding regular meeting.
- b. When approved, the minutes shall be signed by the President and attested by the Secretary.

ARTICLE VII. PETITIONS FOR CONSIDERATION

1. Fees. All petitions not initiated by the Commission, the Town, or Staff, shall be accompanied by a nonrefundable filing fee in an amount established by the Town of Zionsville's fee ordinance.
2. Applications. All petitions shall be accompanied by a complete application according to these Rules, ordinance, and applicable forms established by the Town.
3. Supporting Documentation
 - a. Plan Commission staff may require additional information, data, statistics, or plats beyond those established by statute, ordinance, or these Rules whenever it deems it necessary for intelligent determination of a matter by the Commission.
 - a. The Director or designee shall inform the petitioner in writing of any additional information required within 5 days of receipt of a complete application.
 - b. The Plan Commission may also request additional information or documentation it deems necessary whether or not the Director has previously requested additional information.
 - b. All petitions without specific submittal requirements established by the Town of Zionsville Subdivision Control Ordinance or Zoning Ordinance must be accompanied by a digital copy of the application materials, including:
 - a. An aerial map of the site and adjacent parcels,
 - b. An aerial photograph showing the required setbacks and rights-of-way,
 - c. A site plan showing the requested action(s), and,
 - d. All proposed public street improvements.
 - c. For any petition that has established forms of filing in the Subdivision Control Ordinance and/or the Zoning Ordinance, submittal shall be in accordance with any applicable section.
 - a. In the event of duplicate or conflicting forms of filing, the Director shall determine, in writing, which forms shall be required.
4. Docketing
 - a. If the Plan Commission staff finds the application is complete, it shall set a time of the public hearing on the matter and shall provide public notice in accordance with IC 5-3-1
 - b. Plan commission staff shall not place any petition on an agenda if said petition does not provide the required information within two weeks of the request being made.
 - c. The Commission shall not consider new information presented for the first time

during the Commission meeting

ARTICLE VIII. NOTICE REQUIREMENTS

1. Public Notice. Public notice is required for all public hearings
 - a. For an initial or replacement zoning ordinance or subdivision control ordinance, or for an amendment to the text of these ordinances, the Commission shall be required to publish notice pursuant to IC 36-7-4-604 at least fourteen (14) calendar days prior to the hearing date by posting copies of the notice in at least two (2) public places in town.
Note: the date of the meeting does not count as one of the fourteen (14) days.
 - b. For all other public hearings, the petitioner is required to provide notice.
 - c. Prior to providing notice, the petitioner must first obtain an Authorization to Proceed from the Department of Planning and Building Staff.
2. Minimum Notice Requirements. A notice of public hearing shall contain the following information:
 - a. Docket number and the substance of the matter to be heard;
 - b. Time and place of the hearing;
 - c. General location by address, parcel number, or other identifiable geographical characteristics of the property;
 - d. Current owner of the property;
 - e. Name of the person, agency, or entity initiating the matter to be heard;
 - f. An 8 ½" x 11" map clearly identifying the subject property;
 - g. Statement that the petition may be examined at the Department of Planning and Building office;
 - h. Statement that any person may offer verbal comments at the hearing or may file written comments prior to the hearing; and,
 - i. Any other information which may be required by law to be contained in such notice.
3. Forms of Notice
 - A. Notice by Mailing to Interested Persons
 1. Notice shall be provided to all persons with a legal interest in the property affected by the application, and all persons with real property abutting the subject property, and all owners of real property to a depth of two (2) ownerships or six hundred and sixty feet (660'), whichever is less, are interested parties.
 2. If the subject property abuts or includes a county line, street, or body of water, then all owners of real property to a depth of two (2) ownerships or six hundred and sixty feet (660'), whichever is less, past the county line, street, or body of water, are interested parties.
 3. In the case of vacation of land in a recorded plat, all property owners within the plat

are interested parties.

4. If the adjoining property is also owned by the petitioner, then the next abutting property is an interested party.

5. The names of property owners to be notified shall be obtained from the most recent real estate tax assessment lists as they appear in the office of the Boone County Assessor.

6. The petitioner must notify by first class mail with a Certificate of Mailing all persons deemed by state statute and the Commission to be interested parties at least fourteen (14) calendar days prior to the public hearing date. **Note:** the date of the meeting does not count as one of the fourteen (14) days.

7. The petitioner shall file the required Affidavit and Certificate of Mailing with the Planning and Building Department at least six (6) business days prior to the public hearing.

B. Notice by Publication

1. The petitioner shall cause notice of all public hearings to be published one (1) time in the *Lebanon Reporter* or the *Indianapolis Star* at least fourteen (14) days prior to the date of the hearing. **Note:** the date of the meeting does not count as one of the ten (10) days.

2. The petitioner shall file the required Affidavit and proof of publication with the Planning and Building Department as soon as it is received from the newspaper, but in no event, later than the date of the public hearing.

C. Notice by Sign Posting

1. The petitioner shall install a sign on the subject property for a period of fourteen (14) calendar days prior to the public hearing. This sign will be provided by the Department of Planning and Building and must be posted in a prominent place on site.
2. In the event of unforeseen circumstances (e.g. weather related matters) or other property related circumstances, this requirement may be waived by the Director of the Department of Planning and Building.

D. Failure to provide Notice

1. Failure to provide notice as required in this Section VIII, shall result in the petition being continued to the next available regular meeting date.
2. Appearance in person or by representative, at any hearing on an application or proposal, shall waive any defect in notice.

ARTICLE IX. PUBLIC HEARING PRESENTATION PROCEDURES

1. Public Hearings. The Commission shall hold such public hearings as required by state statute and/or Town ordinances.
 - i. The Commission may hold additional hearings at such times and places as it considers necessary.
 - ii. These additional hearings shall be properly noticed.
2. Deliberation of a matter before the Commission
 - a. Planning and Building staff shall present the staff report and opinion and any proposed Findings of Fact (if necessary).
 - b. Commissioners may then ask questions of staff.
 - c. The petitioner or agent must appear before the Commission for the case to be considered. If no person appears on behalf of the petition, the case may be dismissed, denied, or rescheduled to the following meeting.
 - d. The petitioner may present the request and facts relating to the case. This presentation is limited to ten (10) minutes and may include exhibits, pictures, and graphics. All such materials shall be provided to staff and made part of the official record.
 - e. Commissioners may then ask questions of the petitioner. There is no time limit for these questions.
 - f. The President shall then open the public hearing, stating the time for the record
 - i. **Written comments** may be submitted to the Department of Planning and Building and will be made part of the official record. Those received by Noon on the Friday prior to the meeting will be distributed to the Commissioners in advance of the meeting for their review. Written comments received after that time will be distributed to the Commissioners at the beginning of the hearing.
 - ii. **In person public comment.** Subject to the procedures below, any person may appear or be represented by counsel to participate in discussion of an item. Such discussion must directly relate to the case at hand.
 1. Registration. Staff will provide a sign in sheet for persons wishing to speak. Prior to speaking, persons wishing to speak should sign in on the sheet provided and provide their name and address.
 2. Statements Against. The President shall invite those who are against the application to make statements and remonstrate.
 3. Total cumulative time for all statements against the petition shall be twenty (20) minutes, allocated as follows:
 - a. Individuals shall be allowed a maximum of three (3) minutes to speak
 - b. Groups. Speakers representing 3 or more individuals shall be allowed a maximum of five (5) minutes to speak.
 - c. Planning and Building staff shall be responsible for keeping time.

- d. Speakers should present new points and not be repetitive with previous speakers. The President may disallow repetitious, immaterial, and irrelevant testimony.
 - e. Commissioners may ask questions of any speaker, with no time limit.
 - 4. Statements in Support. The President shall invite those who are in support of the application to make statements.
 - 5. Total cumulative time for all statements in support of the petition shall be twenty (20) minutes, allocated as follows:
 - a. Individuals shall be allowed a maximum of three (3) minutes to speak
 - b. Groups. Speakers representing 3 or more individuals shall be allowed a maximum of five (5) minutes to speak.
 - c. Planning and Building staff shall be responsible for keeping time.
 - d. Speakers should present new points and not be repetitive with previous speakers. The President may disallow repetitious, immaterial, and irrelevant testimony.
 - e. Commissioners may ask questions of any speaker, with no time limit.
 - g. Conduct during the public hearing. The President shall preserve order and may warn any person present if conduct is a breach of courtesy. If such behavior persists, the President may order that person or persons to be expelled from the hearing.
 - h. Petitioner Rebuttal. The petitioner may make a rebuttal to any public comment, limited to five (5) minutes. Commissioners may ask questions of the petitioner with no time limit.
 - i. Commission discussion and decision. Commissioners may ask questions or seek clarification of the petitioner, staff, legal counsel, or any public speaker, with no time limit.
 - j. Upon concluding questioning and discussion, the President shall conclude debate on the petition and close the public hearing, noting the time for the record. No further testimony will be accepted after closing the public hearing
 - k. The commission shall then discuss the Findings of Fact and render a decision or recommendation for the record.
 - l. Additional Time. In extraordinary circumstances, the commission, in its sole discretion and by majority vote, may extend any time limits in the Rules.
- 3. Continuances
 - a. The Commission may continue any petition to a later hearing date and time for cause. Provided that the date, time, and location of the new hearing is announced at a public meeting, no additional notice shall be required for this continuance except that which is required by State Statute.
 - b. No petition shall be continued more than three (3) months in a single request and no more than six (6) months cumulatively.
 - c. The petitioner is allowed one (1) continuance by right without penalty or additional fee. This continuance may be requested any time prior to a vote by

the Commission on the matter.

- d. Plan Commission staff may continue a petition one (1) time by right. This shall be without penalty to the petitioner and without any additional fee.

X. FINAL DISPOSITION OF CASES

1. Unless provided for otherwise in these Rules or by statute, Plan Commission proceedings shall have one of the following outcomes:
 - a. Approval. Approval occurs when a majority of the entire commission votes to approve
 - b. Denial. Denial occurs when a majority of the entire commission votes to deny.
 - c. No Recommendation. No Recommendation occurs when the commission does not reach a majority agreement to approve or to deny.
 - d. Continuance. Continuances shall be in accordance with Article IX or as otherwise provided in the Rules.
 - e. Dismissal. The commission may dismiss a matter under the following conditions:
 - i. When the commission has a lack of jurisdiction;
 - ii. When a petitioner has failed to appear at two (2) consecutive meetings; and,
 - iii. When a petitioner has failed to provide adequate legal notice within three (3) months of the originally scheduled hearing date
 - f. Withdrawal. Any petition may be withdrawn by the petitioner or representative at any time prior to the commission calling for a vote.
 - i. A petition may be withdrawn by the petitioner or representative in writing five (5) business days prior to the scheduled meeting date. The commission shall verbally acknowledge the withdrawal at the scheduled public hearing. The official withdrawal date shall be the date of the scheduled public hearing.
 - g. Vote by less than a majority. If a motion to approve a petition fails to receive a majority vote, the petition is deemed to be denied. If the first motion to approve fails, a different motion to approve may be made. If a motion to deny a petition fails to receive a majority vote, the commission may consider a motion to approve the petition.
2. Refiling
 - a. A petition other than a rezone request which:
 - i. Has been withdrawn by the petitioner or dismissed by the commission shall not be placed on the agenda again within six (6) months of the date of withdrawal/dismissal
 - ii. Has been decided adversely to the petitioner shall not be placed on the docket again for consideration for a period of twelve (12) months following the date of the adverse decision.
 - iii. Is substantially different from the previous application shall not be

subject to the re-filing rules noted above. The determination of “substantially different” shall be made by the Director of Planning and Building. This determination may be appealed in accordance with state statute.

3. The commission may not further consider any proposal for a zoning map amendment which has been rejected by the Town Council, or upon which the council has failed to act, for six (6) months. A rezone request for the same property that is substantially different is not subject to the time limit noted here. The determination of “substantially different” shall be made by the Director of Planning and Building. This determination may be appealed in accordance with state statute

XI. COMMITTEES

This article is reserved for future use

XII. Definitions

As used in these Rules of Procedure, the following terms shall have the following meanings:

AUTHORIZED AGENT - Any party duly authorized in writing by the Owner of a subject parcel to act on the Owner’s behalf with respect to a *Petition* for zone map change, modification of commitments, subdivision plat, development plan approval or vacation of land.

BUSINESS DAY - A day when the offices of the Town of Zionsville are open to the public for the transaction of business for the entire period of its normal operating hours.

FINDINGS OF FACT - A written statement, based upon the evidence presented at a public hearing and the requirements of applicable law, the Town of Zionsville Zoning Ordinance, Town of Zionsville Subdivision Control Ordinance, or these Rules of Procedure, in support of a decision made by the *Plan Commission*.

PLAN COMMISSION - The Town of Zionsville Plan Commission established pursuant to the Advisory Planning Law of the State of Indiana.

PETITION - An application for zone map change, modification of commitments, subdivision plat, development plan approval or vacation of land filed for public hearing before the *Plan Commission* in compliance with applicable state laws, local ordinances, and rules or procedure.

PETITIONER - The Owner of a parcel or the Owner’s duly *Authorized Agent*, attorney or representative who makes application for a zone map change, modification of commitments, subdivision plat, development plan approval or vacation of land filed for public hearing before the *Plan Commission*.

PROPOSAL - A draft of an ordinance to adopt a replacement zoning ordinance after repealing the entire Town of Zionsville Zoning Ordinance (including amendments and zone maps) or Town of Zionsville Subdivision Control Ordinance (including amendments), or a draft of an ordinance to amend or partially repeal the text of the Town of Zionsville Zoning Ordinance or the Town of Zionsville Subdivision Control Ordinance.

SECRETARY - The *Secretary* of the *Plan Commission* as duly appointed by the *Plan Commission* is accordance with I.C. 36-7-4-304.

Adoption

The foregoing amendments to the Rules and Procedures of the Town of Zionsville Plan Commission, as amended, are hereby adopted by the affirmative vote of the undersigned members of the Plan Commission on this 18th day of November, 2024. All previous rules and regulations heretofore adopted by the Zionsville Plan Commission are hereby expressly repealed as of the effective date of these rules.

Town of Zionsville Plan Commission



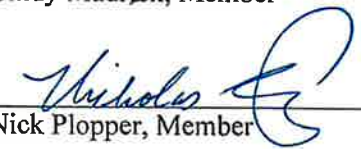
David Franz - President

Josh Fedor - Vice President

Kendrick Davis, Member

Mary Grabanoski, Member

Jim Hurst, Member

Cindy Madrick, Member

Nick Plopper, Member

ATTEST:



Mike Dale, AICP
Secretary
Town of Zionsville
Plan Commission

11-18-2024

Date