

**MONROE COUNTY PLAN COMMISSION
RULES OF PROCEDURE**

ARTICLE I
Definitions

For purposes of this rule, the following terms shall have the following definitions:

- 1) “legislative act” shall mean taking final action on a recommendation on a zoning ordinance (e.g., without limitation, a text addition or amendment, a map amendment, an impact fee, establishing a development plan district or a planned unit development outline plan) or on a comprehensive plan (see IC 36-7-4-1016(e)).
- 2) “zoning decision” shall mean final decisions on subdivisions, plans, final decisions of zoning administrator, planned unit development plans, or commitment modification or termination requests (see IC 36-7-4-1016(b));

ARTICLE II
Meetings

- 1) Regular meetings of the Monroe County Plan Commission shall be held on the first Tuesday and the third Tuesday of each month at 5:30 P.M.
 - a. Generally, the first meeting each month, designated as the administrative meeting, shall serve to preview petitions prior to their hearing and to manage administrative actions before the Plan Commission each month and to receive reports from staff.
 - b. Generally, the second meeting each month, designated as the Regular meeting, shall serve to hear petitions before the Plan Commission, receive reports from staff, and to receive public comment.
- 2) Special meetings may be called as provided by IC 36-7-4-307, which specifies that special meetings may be called by the president or by two members of the commission upon written request to the Secretary. The Secretary shall send all members a written notice, of the time, date and location of the special meeting at least three days before the meeting. This written notice is not required if all members are present at a Regular meeting when the date and time are fixed.
- 3) A majority (five) of the members of the Commission shall constitute a quorum. No action is official unless authorized by a majority of the Commission at a Regular, Administrative or properly called special meeting. A failure to receive the necessary majority shall, lacking further action at the same meeting, move the petition to the agenda item titled "Unfinished Business" at the next Regular meeting.
- 4) Decisions of the Commission shall be by roll call vote of the members. The first roll of each meeting shall be called in alphabetical order of the members' last names. Each successive roll shall be called in the same order as the immediately preceding roll except that the member who voted first in the immediately preceding roll shall vote last. For example:

Roll Call	Member
a. 1st	1,2,3,4,5,6,7,8,9
b. 2nd	2,3,4,5,6,7,8,9,1
c. 3rd	3,4,5,6,7,8,9,1,2
d. And so on, until the meeting is adjourned.	
- 5) At the discretion of the presiding officer at a meeting of the Plan Commission or its various committees, questions, other than zoning decisions, may be resolved by voice vote. However, a roll call vote shall decide the question upon request by any individual participating member.

- 6) All members, or alternate members, present and qualified shall vote on the question. However, a member may abstain from voting on the grounds that additional information is needed, but only if a motion to continue the hearing for the purpose of obtaining the information (specifically identified or described) has failed to carry.

Article III
Disqualification

- 1) A member of the Plan Commission is disqualified, and may not:
 - (a) participate as a Plan Commission member, in a Plan Commission hearing or recommendation on a legislative act, in which the member has a direct or indirect financial interest;
 - (b) participate in a hearing of the Plan Commission concerning a zoning decision if the member is biased, prejudiced, or otherwise unable to render an impartial decision, or is directly or indirectly financially interested in the outcome of the decision; or,
 - (c) directly or personally represent another person in a hearing before the Plan Commission or the County Commissioners concerning a legislative act or a zoning decision.
- 2) If, upon review of the Plan Commission meeting packet, or subsequently, it appears to a member that his or her disqualification is required by the letter or spirit of this rule, the member shall immediately inform the Director, who will notify the Plan Commission President and the appropriate alternate member, if any.
- 3) The Plan Commission shall enter in its records, the fact that the regular member is disqualified and prohibited from participation pursuant to this rule, and the name of the alternate member, if any, who participates in the hearing in place of the regular member. The disqualified member shall leave the hearing room until disposition (final or temporary) of the matter.
- 4) A Plan Commission member may not receive any mileage or compensation from the Plan Commission for attendance at a meeting during which the member is disqualified from participating in each of the scheduled hearings.
- 5) The foregoing disqualification rules apply to the participation of members of all Plan Commission committees in matters before the committees on which the members serve.

Article IV

Contact with Plan Commission Membership

In order to avoid the appearance of bias and to promote equal access to information in a zoning decision, the following guidance is provided:

Plan Commission and Subcommittee Members:

- 1) Plan Commission members are strongly discouraged from initiating communication with petitioners or remonstrators (or their agents) regarding the substance of petitions currently pending (filed and accepted for review) a decision.
- 2) Plan Commission and Subcommittee members should direct any and all substantive inquiries to the Planning Staff for response.
- 3) Plan Commission and Subcommittee members should forward materials received from a petitioner or remonstrator (or their agents) to the Planning Staff for inclusion in the petition file.

Petitioner:

No person, firm, corporation, public employee, or body politic shall contact any member of the Plan Commission or Subcommittee orally, or in writing, in advance of public hearing of a petition then pending for zoning decision in an effort to influence such member's votes, except that the Administrator, or a member of his or her staff, may submit prior to any proposed hearing, a written statement of planning facts or opinion regarding such petition.

Article V
Records

- 1) The Commission shall keep minutes of its proceedings showing:
 - (a) Members and staff in attendance;
 - (b) The begin and end time of the meeting;
 - (c) For each question presented for a roll call vote, the vote of each member or indication that the member was absent or not voting;
 - (d) For each question presented for a voice vote, the total count of yes, no and abstention votes;
 - (e) At least a brief synopsis of the discussion; and,
 - (f) Minutes pertaining to zoning decisions and legislative acts shall be verbatim transcriptions of the recorded meeting.

- 2) The Secretary (or other designated individual) of the Commission shall prepare and keep a record (“minutes”) of all zoning decision and legislative act proceedings of the Commission and its committees. The Secretary shall make a good faith effort to present the minutes to the Commission at its next meeting for approval. When approved, the minutes shall be signed by the President, attested by the Secretary, and entered into the Plan Commission Minute Book.

- 3) It shall be the policy of the Monroe County Plan Commission to conclude all petition items at or before 9:00 o'clock p.m. In the event docket items or other Plan Commission matters have not been concluded by the Plan Commission by 9:00 o'clock p.m. on any meeting day, all items or matters not introduced shall appear as unfinished business on the next Regular Plan Commission meeting agenda unless a special meeting is called in accordance with the provisions of these rules. The above notwithstanding, the Plan Commission may extend any meeting beyond the hour of 9:00 o'clock p.m. on a majority vote of members present.

- 4) Memoranda for executive sessions are subject to provisions 1 (a) and (b) above, and shall include a reference to the topics discussed by citation to the specific purpose authorized by statute in Indiana Open Door Law and a statement that discussions were limited to the authorized topics.

ARTICLE VI
Officers and Employees

- 1) The Commission shall, at its first Regular meeting in each year, elect from its members a president and vice-president. The Vice-President shall have the authority to act as President of the Commission during the absence or disqualification of the President. The above notwithstanding, the Vice President shall conduct Administrative Meetings regardless of the presence of the President.
- 2) The Commission may appoint a full time Director for the Planning Department and shall fix compensation consistent with the Monroe County Salary Ordinance.
- 3) The Commission may appoint and prescribe the duties of a Hearing Officer or Hearing Examiner from within its membership or planning department staff.
- 4) The Director of the Planning Department shall serve as the Secretary and perform the duties prescribed by the Commission. The Director may also be referred to as the Administrator or Secretary in these rules of procedure or in other county ordinances pertaining to Planning and Zoning issues.
- 5) The Director may appoint other employees necessary to the discharge of the duties of the Department and shall fix their compensation within its budget allotment in accordance with the practices and standards of the Plan Commission, County Commissioners and the County Council.
- 6) The Commission may make contracts for special or temporary services and for professional counsel, or other professional services, if provided for in the departmental budget, and subject to the approval of the Monroe County Board of Commissioners.

ARTICLE VII

Hearings

- 1) Public hearings shall be held prior to Commission action on the adoption or amendment of a Comprehensive Plan, the adoption or amendment of a Zoning Ordinance, on a preliminary approval of a subdivision plat, and on other petitions as necessary.
- 2) All administrative rules and deadlines established by the Commission for the filing and disposition of petitions shall be available for inspection in the Planning office.
- 3) Petitions requiring Public Hearings to be held during Regular or special meetings of the Plan Commission shall be scheduled for a Preliminary Hearing followed by a Final Hearing:

(a) Preliminary Hearings:

- i. The purpose of the preliminary hearing shall be the exchange of information, and to allow a thorough consideration of any concern identified by staff, petitioner or the public. All parties are encouraged to provide the Commission with written copies of their statements or position papers 10 days prior to the date of the scheduled hearing.
- ii. Any information received from the petitioner or their agents less than 10 days prior to the date of the scheduled hearing may result in a continuation of the petition to a subsequent hearing date.
- iii. Preliminary hearing petitions shall be placed on the agenda of the next Regular Plan Commission meeting for a final hearing, unless the Plan Commission votes to forward the petition to a different hearing date or to waive a final hearing. A Plan Commission vote is recommended, but not required, to forward petitions from the preliminary hearing to the next Regular Plan Commission meeting for final hearing.

(b) Final Hearings:

- i. The final hearing shall be for the purpose of final disposition and decision regarding the merits of the petition.
- ii. If the Commission feels that issues have been adequately aired and the petition has received sufficient review, the final hearing may be waived by action of the Commission and the petition may be acted upon during the preliminary hearing. No final hearing shall be waived unless both the

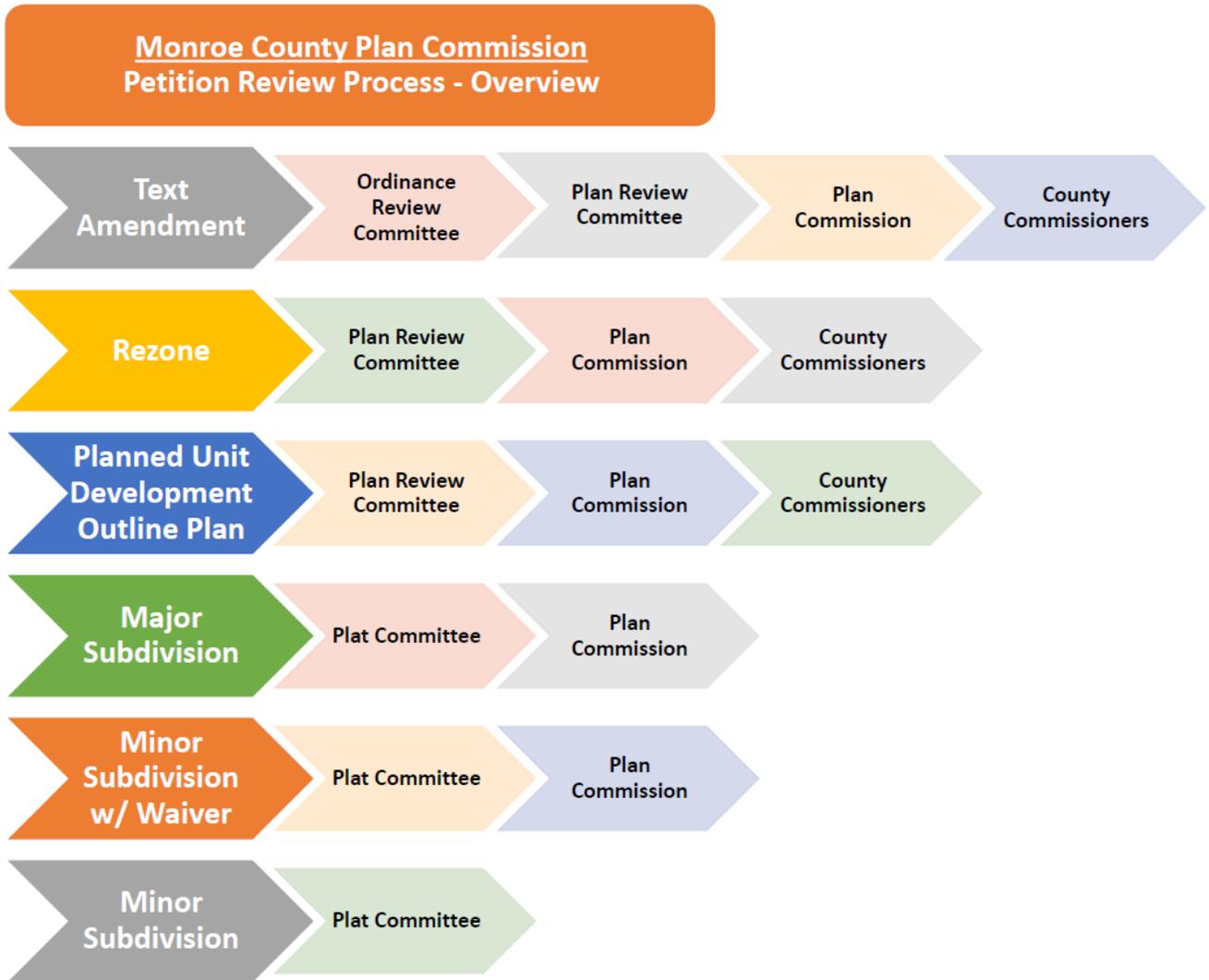
legal notice and the notices to interested parties have specified that such waiver is requested.

- (c) The following petitions may be eligible for a waiver of final hearing:
- i. Preliminary plats which are in full conformance with the Monroe County Zoning and Subdivision Control Ordinances and final plats which are in full conformance with approved preliminary plats and with the Monroe County Zoning and Subdivision Control Ordinances.
 - ii. Any preliminary or final plat referred by the planning staff or Plat Committee to the Plan Commission.
 - iii. Development Plans for planned unit developments which are in essential compliance with approved Outline and/or Development Plans and which have been filed within 6-18 months of the date of Outline Plan approval by the Board of Commissioners.
 - iv. Other requested waivers made at the time of filing and deemed worthy by the Commission.

ARTICLE VIII

Docket

- 1) Each petition for a zoning decision or legislative act to be publicly resolved before the Plan Commission that is filed with the required information shall be identified by a docket index composed of the year and month submitted, abbreviation of kind of decision requested, and sequentially numbered for that kind of decision request within the specified year.
- 2) After a docket index is assigned to a petition, the staff shall prepare the petition for the appropriate Plan Commission Committee and schedule the petition for that Committee as soon as preparation is complete. Petitions shall move through the various steps in the review process to final disposition (See Process Overview below:



ARTICLE IX
Order of Business

The order of business at Regular meetings shall be:

- (a) Call to Order
- (b) Roll Call of members
- (c) Introduction of Evidence
- (d) Approval of Agenda
- (e) Approval of Minutes of Prior Meetings
- (f) Petitions from the Public
 - i. Unfinished Business
 - ii. New Business
- (g) Petitions from County Government
 - i. Unfinished Business

- ii. New Business
- (h) Public comment (restricted to discussion not on the agenda)
- (i) Reports of Officers, Committees, and Staff
 - i. Planning Department
 - ii. Board of Zoning Appeals (petition dispositions)
 - iii. County Attorney
 - iv. County Highway
 - v. County Drainage Board
 - vi. County Health Department
 - vii. Historic Preservation Board
 - viii. Chair or Vice Chair of any committee or subcommittee desiring to report...
- (j) Upcoming standing or subcommittee meetings
- (k) Plan Commission member comment
- (l) Adjournment

Article X

Conduct of Hearings

- 1) Where the petitioner is not the Plan Commission or County Commissioners, public hearings pursuant to Article VII above, shall be conducted according to the following procedure:
 - (a) At a public hearing the Secretary or Presiding Officer shall read the petition description by title only identifying the Docket Identifier, Petitioner, Address, Request, Acres, Zone, Township, Section, Plats, and Comprehensive Plan Designation.

- (b) A Plan Commission member shall make a motion to consider the petition as recommended in the staff report and upon receiving a second the petition is placed upon the floor for consideration.
- (c) Planning, Highway, Drainage or other appropriate department shall present the petition and may be questioned by members of the Plan Commission.
- (d) After being recognized by the Presiding Officer, the petitioner, or an authorized representative, shall approach the podium, state their name and address and sign the registration sheet before proceeding to present the facts and arguments in support of the petition. The petitioner's presentation shall be limited to fifteen (15) minutes unless an extension of time is granted by a two-thirds vote of Plan Commission members present.
- (e) Comments and questions from the Commission members and staff should be held until the end of the initial presentation unless a point of clarification is requested by a Commission member or Planning staff.
- (f) Members of groups, committees, and individuals may address the Commission in support, in opposition, or generally regarding the petition upon recognition by the presiding officer of the hearing. Each person wishing to speak must sign the registration sheet and state their name and address before proceeding to speak. A speaker shall direct all inquiries. Speakers may speak for three (3) minutes each unless an extension is granted by a majority vote of the Plan Commission, but each speaker should present new points and not repeat what has been said by previous speakers.
- (g) The petitioner shall then receive five (5) minutes to address comments from those in opposition.
- (h) To maintain orderly procedure, each speaker should proceed without interruption from others present.
- (i) After all presentations are complete; the Presiding Officer shall close the public hearing phase of petition consideration.
- (j) After the public hearing is formally closed, the Commission shall consider the petition.
 - i. Plan Commission members shall discuss the merits of the petition, seeking clarification from staff, department heads, and participants as appropriate.
 - ii. Plan Commission members may seek to amend the motion on the floor:

1. A Plan Commission member may move to amend the question. In order for the amendment to be considered it must receive a second.
 2. The maker of the original motion may accept and incorporate the amendment into the original motion to avoid a vote on the amendment with concurrence of the second for the original motion.
 3. If the maker or second of the original motion does not accept the amendment as a friendly amendment, the current motion to amend shall be considered. Plan Commission members may then choose to discuss the proposed amendment among themselves or with staff.
 4. When discussion is complete, a Plan Commission member may call for a vote on the amendment.
 5. The Secretary shall conduct a roll call vote and announce the result.
 6. Step two (2) shall be repeated until no new amendment is offered.
- (k) When discussion and amendments are complete, a Plan Commission member may call for a vote on the amended petition.
- (l) The Secretary shall conduct a roll call vote and announce the result.
- 2) Where the petitioner is the Plan Commission or County Commissioners, public hearings pursuant to Article VII above, shall be conducted according to the following procedure:
- (a) At a public hearing the Secretary or Presiding Officer shall read the petition description by title only identifying the Docket Identifier, Petitioner, Address, Request, Acres, Zone, Township, Section, Plats, Comprehensive Plan Designation, and Affected Ordinance Sections or Plan, as appropriate.
 - (b) A Plan Commission member shall move to approve or deny the petition as recommended in the staff report and another Plan Commission member may second the motion placing the question on the floor for consideration.

- (c) The Planning Staff, Highway, Drainage or other appropriate county officials shall present the petition and may be questioned by members of the Plan Commission in order to provide clarification.
- (d) Comments and questions from the Commission members and staff should be held until the end of the initial presentation unless a point of clarification is requested by a Commission member or Planning staff.
- (e) Members of groups, committees, and individuals may address the Commission in support, in opposition, or generally regarding the petition upon recognition by the presiding officer of the hearing. Each person wishing to speak must sign the registration sheet and state their name and address before proceeding to speak. A speaker shall direct all inquiries to the presiding officer. Speakers may speak for three (3) minutes each unless an extension is granted by a majority vote of the Plan Commission, but each speaker should present new points and not repeat what has been said by previous speakers.
- (f) To maintain orderly procedure, each side should proceed without interruption by the other side.
- (g) After all presentations are complete; the Presiding Officer shall close the public hearing phase of petition consideration.
- (h) After the public hearing is formally closed, the Commission shall consider the petition.
 - i. Plan Commission members shall discuss the merits of the petition, seeking clarification from staff and department heads as appropriate.
 - ii. Plan Commission members may seek to amend the motion on the floor:
 - 1. A Plan Commission member may move to amend the question. In order for the amendment to be considered it must receive a second.
 - 2. The maker of the original motion may accept and incorporate the amendment into the original motion to avoid a vote on the amendment with concurrence of the second for the original motion.
 - 3. If the maker or second of the original motion does not accept the amendment as a friendly amendment, the current motion to amend shall be considered. Plan Commission members may then choose to discuss the proposed amendment among themselves or with staff.

4. When discussion is complete, a Plan Commission member may call for a vote on the amendment.
 5. The Secretary shall conduct a roll call vote and announce the result.
 6. Step two (2) shall be repeated until no new amendment is offered.
 - (i) When discussion and amendments are complete, a Plan Commission member may call for a vote on the amended motion.
 - (j) The Secretary shall conduct a roll call vote and announce the result.
- 3) In the presentation of a petition for a zoning decision, the burden shall be upon the petitioner to supply all information, including charts, diagrams and other exhibits necessary to understand the petition. Statements to the Plan Commission made by the petitioner or petitioner's representative at any publically advertised meeting regarding methods of operation or other details relevant to the decision shall be deemed amendments to the written petition before the commission and shall be considered part of the record of the petition.
- (a) Drawings, displays, or documents presented at the meeting by the Petitioner illustrating details shall be entered into the record.
 - (b) The Commission may continue the hearing when in its judgment the petitioner has not provided sufficient evidence on which to make a determination.
- 4) Every person appearing before the Commission shall be prohibited from disorderly, contemptuous or discourteous conduct and may be prohibited from further participation by the presiding officer if inappropriate conduct is manifest.
- 5) The Commission, at its discretion, may continue or postpone the hearings of any petition on an affirmative vote of a majority of the Commission.
- 6) The petitioner may request a petition be continued for not more than three continuances. Unless otherwise subject to statutory timelines the total time limit shall not exceed 12 months, after which the petition must be withdrawn unless continued or postponed by the Commission pursuant to these Rules of Procedure. In the event a petition is withdrawn pursuant to Article XII, Section 5 the petition may be resubmitted at any time upon the payment of appropriate filing fees. The deadline for submitting additional file material for any petition shall be ten (10) days prior to the Plan Commission meeting date to which the petition was continued.

ARTICLE XI
Commitments

- 1) If deemed advisable, the Commission may require or permit the petitioner to make written commitments concerning the use or development of the subject property.
- 2) The commitments shall be reduced to writing in recordable form and signed by the owner(s) of the real estate. The commitment(s) shall be in effect for such length of time as the Commission may require and the commitment(s) shall authorize their recording by the Planning Department in the Office of the Recorder of Monroe County, Indiana upon adoption of a vacation or plan petition by the Commission. Following the recording of the commitments, the Planning Department shall return the original recorded commitment to petitioner and shall retain a copy of the recorded commitments in its file.

- 3) The commitments and any modification or termination shall be substantially in the form set forth by, and consistent with, the provisions of IC 36-7-4-1015.
- 4) The Commission may require in such commitment the designation of any specially affected persons, who shall be entitled to enforcement thereof pursuant to IC 36-7-4-1015.
- 5) The commitments may be modified or terminated by a decision of the Commission, or its successor, made at a public hearing after proper notice has been given. Any modification or termination of the commitments approved by the Commission shall not be in full force and effect until reduced to writing by the present owner(s) of the real estate, approved by the Commission, and recorded in the office of the Recorder of Monroe County, Indiana.

ARTICLE XII

Final Disposition of Petitions

- 1) The disposition of petitions requiring final approval from the County Commissioners or the Board of Zoning Appeals shall be in the form of a recommendation forwarded in writing to those bodies.
- 2) The final disposition of petitions requiring only Plan Commission approval shall set forth the findings and determinations of the Commission, together with any modification, specification or limitation.
- 3) The Commission may dismiss a petition for lack of representation by the petitioner or lack of jurisdiction. When a petitioner has failed to appear at three consecutive meetings, the petition may be dismissed.

- 4) A petitioner may withdraw a petition until a final roll call vote has been taken.
- 5) A zoning decision petition which has been withdrawn by the petitioner or dismissed by the Commission shall not be placed on the docket for consideration until 12 months after the date of the withdrawal or dismissal, unless the petition has not been subject to a public hearing before the Plan Commission, whereupon a petition may be placed on the docket at any time upon payment of all appropriate fees.
- 6) A zoning decision petition which has been denied shall not be placed on the docket for consideration until 12 months after the date of the denial.
- 7) All final plats and final plat amendments not representing a material deviation (as determined by Section 854-11 of Monroe County's Subdivision Control Ordinance) from the preliminary plat shall be delegated to the Director for final review and approval unless the Plan Commission states otherwise, or if the petitioner or the Director request the plat or amendment be heard before the Plan Commission.
- 8) No plat or vacation petition that has been decided adversely against the petitioner shall again be placed on the docket for consideration by the Commission within a period of 12 months from the date of the decision, except upon motion to permit re-docketing, adopted by the affirmative vote of a majority of the members of the Commission.

ARTICLE XIII
Committees

- 1) The following standing committees shall be established by a majority vote of the Plan Commission:
 - (a) Executive Committee
 - (b) Plan Review Committee
 - (c) Ordinance Review Committee
 - (d) Plat Committee
- 2) Standing committee members shall be appointed for one (1) year terms by the Plan Commission. Standing committees shall consist of less than five (5) Commission members. Committees may be supplemented by non-member citizens. Vacancies of Plan Commission members on committees shall be filled as soon as practical by the

required vote. Vacancies on Committees of non-member citizens shall be filled as soon as practical by a two thirds (2/3) vote of the Executive Committee.

- 3) Special committees and a chair and vice chair for those committees may be appointed by a majority vote of the Plan Commission.

Article XIV

Executive Committee

- 1) The purpose of the Executive Committee shall be to meet as needed to discuss oversight of the Planning Department with the Director on administrative matters including but not limited to the following areas:
 - (a) personnel, customer service, organizational structure, job description reviews, and annual review of the Director;
 - (b) annual budget, revenues and expenditures, funding availability for training and consulting services, contracts and agreements;
 - (c) legal matters and enforcement actions; and,

- (d) general matters pertaining to the day to day operations of the Planning Department.
- 2) The Executive Committee shall have the following duties:
- (a) the Executive Committee may act in the name of the Plan Commission; and,
 - (b) the Executive Committee shall meet as necessary to accomplish its duties. All meetings of the Executive Committee shall be advertised as prescribed by IC 5-14-1.5-5, et seq.
- 3) The Plan Commission shall appoint from its membership an Executive Committee as follows:
- (a) a minimum of three (3) and a maximum of four (4) members, one of which shall represent a minority party;
 - (b) the establishment of the Executive Committee and the naming of the individual members requires a two-thirds (2/3) majority vote of the entire membership of the Plan Commission;
 - (c) members shall be appointed by the Plan Commission during its regularly scheduled January meeting or as soon as practical; and,
 - (d) the Executive Committee shall select a Chair from its members as soon as practical following the January meeting.
- 4) Official action of the Executive Committee shall be taken:
- (a) only by a majority vote of the membership Executive Committee; or,
 - (b) within twenty-four (24) hours following a vote, a member in the minority may request the matter be submitted to the entire Plan Commission in which case the vote of the Executive Committee shall be suspended pending consideration by the Plan Commission.

ARTICLE XV

Plan Review Committee (PRC)

- 1) The purpose of the Plan Review Committee shall be to review petitions and revised ordinances to provide comment on whether the proposal meets the objectives of the Comprehensive Plan and all incorporated documents.
- 2) The Plan Review Committee shall have the following duties:
 - (a) review all applications for the rezoning of land including planned unit development outline plans;
 - (b) review proposals for revised ordinances forwarded from the Ordinance Review Committee; and,

- (c) forward comments to the Plan Commission based on the Comprehensive Plan and all incorporated documents.
- 3) The Plan Commission shall appoint from its membership and the public a Plan Review Committee as follows:
- (a) the PRC shall consist of seven (7) members;
 - (b) the members shall include four (4) Commission members;
 - (c) The remaining citizen members shall include one (1) member who resides within either a designated community area outside of any corporate boundary (Smithville Sanders, Harrodsburg, Ellettsville, or Stinesville) or outside of urban areas, the remaining members shall be citizen members with knowledge and experience in community affairs; awareness of the social, economic, agricultural, and industrial issues of the area; and an interest in the development and integration of the area; and,
 - (d) the term of all members shall be one (1) year.
- 4) Official action of the Plan Review Committee shall be taken:
- (a) by a majority of the members if a quorum is present; and,
 - (b) the comments shall be recorded and presented to the Plan Commission

Article XVI

Ordinance Review Committee (ORC)

- 1) The purpose of the Ordinance Review Committee shall be to review proposed amendments to the Monroe County Zoning and Subdivision Control Ordinances.
- 2) The Ordinance Review Committee shall have the following duties:
 - (a) a review of all proposals for revisions to the Zoning and Subdivision Control Ordinances; and,
 - (b) a recommendation to the Plan Commission regarding the proposals.
- 3) The Plan Commission shall appoint an Ordinance Review Committee from its membership as follows:

- (a) appoint a minimum of three (3) and a maximum of four (4) members from the Plan Commission;
 - (b) designate the Chair of the Ordinance Review Committee from its membership who shall be appointed by a majority vote; and,
 - (c) appoint remaining members during its regularly scheduled January meeting or as soon as thereafter practical.
- 4) Official action by the Ordinance Review Committee shall be taken:
- (a) by a vote of the majority of the members if a quorum is present; and,
 - (b) the vote shall be recorded and presented to the Plan Review Committee and Plan Commission, but a negative vote shall not prevent a proposed ordinance revision from being presented.

ARTICLE XVII
Plat Committee

- 1) The purpose of the Plat Committee shall be to provide alternative approval procedures for minor and sliding scale subdivisions as specified by Sections 854-13 and 862 of the Subdivision Control Ordinance. The Plat Committee shall also provide review comments to the Plan Commission on the technical compliance of major subdivision preliminary plats or on minor and sliding scale subdivision preliminary plats involving waivers of the Subdivision Control Ordinance.
- 2) The Plat Committee shall have the following duties:
 - (a) the Plat Committee shall review applications and plats for technical compliance with Subdivision Control Ordinance and Zoning Ordinance;

- (b) the Plat Committee may approve the application, approve the application with conditions, or deny the application.
- 3) The Plan Commission shall appoint a Plat Committee from its membership and the public as follows:
- (a) the Plat Committee shall consist of a minimum three (3) and a maximum of five (5) members;
 - (b) the members shall include a minimum of two (2) and a maximum of four (4) Plan Commission members;
 - (c) the remaining members shall be citizen members that have knowledge and experience in professional land surveying and related issues; and,
 - (d) members shall be appointed by the Plan Commission during its regularly scheduled January meeting or as soon as thereafter practical.
- 4) Official action by the Plat Committee may be taken:
- (a) by a majority of the members if a quorum is present;
 - (b) if the Plat Committee determines that the application and plat comply with the regulations, it shall grant preliminary approval;
 - (c) within five (5) days of making its decision, the Plat Committee with the assistance of the Director shall prepare written findings of fact in support of its decision;
 - (d) appeals to decisions of the Plat Committee may be taken to the Planning Commission. The appeal must be filed not later than five (5) days after the date the decision is mailed to the interested party. (IC-36-7-4-708); and,
 - (e) the Plat Committee may continue its review of petitions from time to time, as it deems necessary.

Article XVIII
Notification of Interested Parties

1) INTERESTED PARTIES

The MCPC recognizes the following categories of interested parties for notification purposes:

- A. The general public
- B. The owners of the real property that surrounds the subject property (i.e., the property that would be directly affected by the requested action) to a distance encompassing two parcels or 660 feet, exclusive of public roadways, whichever standard results in the lesser distance. If surrounding real property is identified as open space for a subdivision, condominium, PUD, or similar development, and an owners' association has been established for the maintenance of the open space, the association, as the representative of the *pro tanto* share owners, is the interested party. If surrounding real property is owned by a corporation or LLC, the owner's Registered Agent is also an interested party.
- C. The applicants, and all owners of the subject property who, or that, are not applicants.
- D. The owners of real property located within 660 feet of the subject property.
- E. The owners of real property located between 661 feet and 1000 feet of the subject property.
- F. The owners of the real property subject to the commitments, the persons authorized to enforce the written commitments, and all persons who now would be entitled to receive notice of hearing on the type of approval or action for which the commitments were originally made.
- G. The Herald Times and The Journal Newspapers, and all other media outlets that have filed written requests for notice with the MCPC.
- H. MCPC members.
- I. Owners of real property that is addressed by reference to the subject road.

For categories B through F, above, the names and mailing addresses of the property owners shall be determined from the transfer books located in the Monroe County Auditor's Office (or in the Auditor's Office of an adjoining county if the application of the foregoing distance standards encompasses parcels located in an adjoining

county), no more than two business days prior to mailing the notice. The names and mailing addresses of Registered Agents shall be obtained from the Indiana Secretary of State's records. Category I property owners shall be determined from Monroe County Assessor's records.

2) HOW AND WHEN NOTICE MUST BE GIVEN

The MCPC recognizes the following methods and schedules for giving notice to interested parties:

1. Written notice posted in the MCPC Office, and at the building or location at which the meeting will be held, at least 48 hours (on business days) prior to the meeting. Written notice may consist of a yearly schedule of the MCPC meeting dates and times.
2. Written notice provided by fax, email, or First Class US Mail, at least 48 hours (on business days) prior to the meeting date.
3. Written notice sent by First Class US Mail at least 3 days prior to the meeting date, or oral or written notice given to all MCPC members during a regularly scheduled MCPC meeting.
4. Notice given at the same time and in the same manner as given to MCPC members, and written notice posted in the MCPC Office and outside of the meeting space prior to the meeting.
5. Legal notice, published at least 10 days prior to the hearing date in the Herald Times and The Journal Newspapers.
6. Written notice sent by Accountable US Mail at least 10 days prior to the hearing date.
7. Written notice sent by First Class US Mail at least 10 days prior to the hearing date.
8. Written notice sent by fax, email, or First Class US Mail, and to any non-applicant property owners by Accountable US Mail, at least 10 days prior to the hearing date.
9. Sign provided by the MCPC Staff, posted and maintained on the subject property in the locations specified by Staff, for at least 10 days prior to the hearing date.
10. Accountable US Mail within 10 days of the Plat Committee decision.

11. Published in the Herald Times and The Journal Newspapers after ordinance adoption.

12. Bulk mail.

3) WHO MUST PROVIDE NOTICE

The MCPC recognizes the following persons who are responsible for providing notice to interested parties:

- i. MCPC Staff
- ii. The Applicant

4) CONTENT OF NOTICE

Meeting notifications must state the date, time, location, and purpose of the meeting. MCPC hearing notifications must include the following information:

- a. The general location by address, or by other identifiable geographic description, of the subject property or area;
- b. A summary of the Applicant's request;
- c. The Applicant's name;
- d. The date, time, and location of the hearing;
- e. The application materials may be examined at the MCPC Office;
- f. Attendees may comment on the application during the hearing and/or by filing written comments with the MCPC prior to the hearing.
- g. The hearing may be continued from time to time.

Notification of the adoption of a replacement zoning ordinance must include a summary of the subject matter of the ordinance, the date of its adoption, specify the places or areas that are subject to the ordinance, specify the penalty or forfeiture for violating the ordinance, and identify two locations open to the public where the entire text of the ordinance is available for public inspection.

5) NOTIFICATION TABLE

Notices of MCPC meetings, hearings, and actions must be provided to interested parties in accordance with the following table. The categories of interested parties, the methods and schedules for giving notice, and the persons responsible for giving notice, identified in the table relate, respectively, to those set forth above in Sections 1 through 3.

Note: Meeting notices must be posted for all hearings (e.g., for a PUD development plan hearing, (A, 1, i) must be met in addition to (A, 5, ii), (B, 6, ii), (C, 8, i), and, (G, 8, i)).

Monroe County Plan Commission: Rules of Procedure

EVENT	(INTERESTED PARTY, HOW & WHEN GIVEN, BY WHOM GIVEN)				
MCPC Committee Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Emergency MCPC Mtg.	(A, 4, i)	(G, 4, i)	(H, 4, i)		
Executive MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Regular MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 2, i)		
Special MCPC Mtg.	(A, 1, i)	(G, 2, i)	(H, 3, i)		
Admin. Appeal (850-16)	(A, 5, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Comprehensive Plan Hrg.- (adoption or amendment)	(A, 5, i)	(G, 8, i)	(H, 8, i)		
PUD Development Plan Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Road Name Changes	(A, 5, i)	(G, 8, i)	(H, 8, i)	(I, 6, i)	
Subdivision -Prelim.Plat Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Subdivision - Final Plat	No notice or hearing required				
Subdivision - Waiver Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Subdivision- Amend. Hrg.	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Subdivision - Vacation All parcel owners agree	No notice and hearing required, MCPC mtg. may or may not be required				
Subdivision - Vacation Hrg. Not all parcel owners agree	(A, 5, ii)	(A, 9, ii)	(C, 8, ii)	(G, 8, i)	(H, 8, i)
Subdivision - Vacation Hrg. Roads and Utility Easemts.	Notice only for hearing before County Commissioners				
Written Commitments Hrg.- (amendment / termination)	(A, 5, ii)	(A, 9, ii)	(F, 6, ii)	(C, 8, i)	(G, 8, i)
Zoning Ordinance Hrg.- Adoption of new code	(A, 5, i)	(B, 12, i)	(G, 8, i)	(H, 8, i)	
Zoning Ordinance Hrg.- Map Amendment	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Zoning Ordinance Hrg. Initiated by the Monroe County Plan Commission - Map Amendment	(A, 5, i)	(B, 7, i)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Zoning Ordinance Hrg.- PUD/PCD Outline Plan	(A, 5, ii)	(A, 9, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)
Zoning Ordinance Hrg.- Text Amendment	(A, 5, ii)	(B, 6, ii)	(C, 8, i)	(G, 8, i)	(H, 8, i)
Zoning Ordinance Hrg.- WCF Overlay District	(A, 5, ii)	(A, 9, ii)	(D, 6, ii)	(E, 7, ii)	(C, 8, i)
Plat Committee Decision	(B, 10, i)				

Zoning Ordinance Adoption	(A, 11, i)
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- 6) AFFIDAVIT OF NOTICE, WAIV
- 7) ER, DEFECTIVE NOTICE

At least 5 days prior to the hearing date, the Applicant shall provide to the MCPC Staff: a copy of one of the notices mailed to interested parties; a copy of the accountable mail list certified by the USPS; a list of the interested parties notified by First Class US Mail; a signed and notarized affidavit certifying that notices were mailed to the interested parties identified, and in the manner specified, on the foregoing lists at least 10 days prior to the hearing date; and publisher’s affidavits from the Herald Times and The Journal newspapers certifying the date of publication of the hearing notice.

Interested parties may waive, at any time, notice of the hearing by filing a written, executed statement with the MCPC Staff, affirming that the interested party has or had knowledge of the date, time, location, and purpose of the hearing, and voluntarily waives the notice due the interested party under the MCPC Rules of Procedure and State law. Interested parties may also waive notice by appearing at the hearing without objection to the notification defect.

If the MCPC or the MCPC Staff determines that notice has not been given in accordance with MCPC rules, the matter shall be continued to the next regularly scheduled meeting, or to a special meeting, unless the defect is waived in accordance with this Section. All notification and re-notification costs shall be borne by the applicant.