

**THE DEKALB COUNTY PLAN COMMISSION RULES OF PROCEDURE  
DEKALB COUNTY, INDIANA**

WHEREAS, the DeKalb County Plan Commission is required by IC 36-7-4-401(a) to (1) supervise, and make rules for, the administration of the affairs of the Commission, (2) prescribe uniform rules pertaining to investigations and hearings, (3) keep a complete record of all the departmental proceedings, (4) record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the Commission, (5) prepare, publish, and distribute reports, ordinances, and other material relating to its activities, and (6) certify all official acts; and

WHEREAS, the DeKalb County Plan Commission determines that its Rules of Procedures should be printed and be made readily available to all applicants and other interested persons.

NOW, THEREFORE, BE IT RESOLVED by the DeKalb County Plan Commission that the following Rules of Procedures be adopted:

Article One: The Commission

Article Two: Membership, Officers, & Staff

Article Three: Member Decorum

Article Four: Meetings

Article Five: Petitions

Article Six: Public Hearings

Article Seven: Final Disposition of Petitions

Article Eight: Amendments and Suspensions

Article Nine: Committees

Article Ten: Livestreaming

Article Eleven: Electronic Meetings

Article Twelve: Fees

**ARTICLE ONE**

The Commission

1.1 Commission Establishment and Function

The DeKalb County Plan Commission (also referred to in these Rules of Procedures as the "Commission") shall be established and shall function consistently with all applicable provisions of Indiana law, specifically the IC 36-7-4-200, 300, and 400 series, as periodically amended.

1.2 Commission Name:

The name of the Commission shall be the "DeKalb County Plan Commission".

1.3 Commission Office and Business Days

- A. The office of the Commission shall be the DeKalb County Department of Development Services.
- B. The office shall be open to the public Monday – Friday, 8:00 a.m. – 4:00 p.m., except holidays recognized by DeKalb County Government.

1.4 Commission Jurisdiction

The jurisdiction of the Commission shall include all lands within DeKalb County which are not incorporated as a separate municipality. Further, the Commission shall not have jurisdiction to enforce any aspect of the DeKalb County Unified Development Ordinance in any unincorporated area for which jurisdiction has been established by a municipality consistent with the requirements of Indiana law (IE: Extra Territorial Jurisdictions). In no case may the Commission exercise jurisdiction over any property owned by the government of the United States of America or the State of Indiana. (in accordance with I.C. 36-1-3-8)

1.5 Electronic Mail Correspondence

The Plan Commission shall have an electronic mail (e-mail) address supplied by the DeKalb County Information Systems Department. The e-mail shall be used for the public to correspond with members of the Commission. The e-mail shall be monitored by the Director, Assistant Director and Zoning Administrator. E-mails received shall be forwarded by the staff to the Plan Commission member or members. If a member of the commission grants permission for their personal e-mail address to be published on the County website or released to the public, DeKalb County Government does not take responsibility for any problems, legal or illegal, that may arise.

**ARTICLE TWO**

Membership, Officers, and Staff

2.1 Membership

The DeKalb County Plan Commission shall consist of nine (9) voting members consistent with the provisions of IC 36-7-4-208(a), as amended.

- A. After the initial establishment of the Commission, each citizen member shall serve a four (4) year term, or as consistent with the provisions of Indiana law. All other membership is coextensive with the member’s term of office on that body, board or council unless another member is appointed to serve, or as consistent with IC 36-7-4-217. The terms for all Commission members shall expire on December 31 of the appropriate year, based on their individual date of appointment and the requirements of Indiana law.
- B. There shall be no limit to the number of terms, including consecutive terms, which members may serve.
- C. A member must be a resident of the jurisdictional area of the Commission or a resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county.

## 2.2 Election of Officers & Appointment of a Secretary and Attorney:

At its first regular meeting each year, the Plan Commission shall elect from its members a President and a Vice-President.

- A. A person who receives a majority vote of the entire membership of the Commission shall be declared elected and shall serve until a new person is declared elected at the annual election the following year. There shall be no limit to the number of terms, including consecutive terms, to which the President and Vice-President may be elected.
- B. At the same meeting, the Plan Commission shall also appoint a Secretary and Attorney, who is not required to be a member of the Commission. The Secretary and Attorney shall serve at the pleasure of the Commission and shall be appointed and dismissed by a majority vote of the entire membership of the Commission.
- C. The outgoing President shall oversee the annual process of electing officers and appointing a Secretary. Candidates for President, Vice-President, and Secretary shall be nominated by members of the Commission. Each nomination must receive a second from another Commission member in order for that candidate to be considered by the Commission. Nominations and voting for each office shall occur in the following order: President, Vice-President, then Secretary. When it appears that all nominations for each individual office are complete, the President shall oversee a roll call vote for each candidate in the order in which they were nominated. No nominations for any other office shall be considered until the previously considered office has been filled.

## 2.3 Vacancies:

Vacancies of the President, Vice President and Secretary from the Commissions meeting shall follow the following:

- A. The Commission shall elect a President pro-tempore from among its members if both the President and the Vice-President are temporarily absent or disabled.
- B. If the office of President or Vice-President becomes permanently vacant (due to death, permanent disability, resignation, or other cause) the Commission shall elect a replacement from its membership to complete the unexpired term at the next regular meeting.
- C. If a permanent vacancy occurs among the membership of the Commission, the appointing authority shall appoint a new Commission member to complete the unexpired term of the vacating member. In no instance shall the new member assume any office held by their predecessor unless they themselves are elected to such office by the Commission consistent with these Rules of Procedures.
- D. If the Secretary is a voting member of the Commission and is absent from any Commission meeting, the President shall appoint a temporary Secretary to serve at that meeting. If the Secretary is a staff member of the Department of Development Services and is absent from the Commission meeting, the Director, Assistant Director or Zoning Administrator shall serve as temporary Secretary at

that meeting. If the Secretary becomes permanently vacant the Commission shall appoint a replacement at the next regular meeting.

2.4 President:

The President shall preside over all regular and special meetings of the Plan Commission in addition to executing the following duties:

- A. The President shall rule on all points of procedure, subject to these Rules of Procedures, unless overruled by a majority vote of the Commission;
- B. The President shall sign all official documents on behalf of the Commission, or otherwise delegate this duty to the Vice-President; and
- C. The President, with the Director, Assistant Director and/or Zoning Administrator, shall be the spokesperson for all matters relevant to the Commission. All press releases and similar public statements issued by the Commission shall be provided by the President or the Director, Assistant Director and/or Zoning Administrator. The President can delegate a spokesperson for the Plan Commission from the current members of the Plan Commission.

2.5 Vice- President:

The Vice-President shall act as President during the temporary absence or disability of the elected President. The Vice-President shall perform the duties imposed on the President until the President is able to resume his/her duties, or until the Commission elects a new President. The Vice-President shall sign all official documents on behalf of the Commission, when required or otherwise delegated by the President.

2.6 Secretary

The Secretary shall oversee the keeping of a complete and accurate record of all proceedings and votes of the Commission, the preservation of all papers and documents of the Commission, and the preparation and distribution of reports, ordinances and other material related to Commission activities. The Secretary shall be responsible for transcribing the minutes from any meeting held by the Commission. The Secretary may be a member of the Commission or a member of the Commission's staff. The Secretary shall sign all official documents on behalf of the Commission, when required or otherwise delegated by the President.

2.7 Staff:

The Director, Assistant Director, Zoning Administrator and/or his/her assignee, and other employees of the Plan Commission shall serve as the Plan Commission staff, and shall provide technical and analytical assistance to the Commission.

- A. The Director, Assistant Director and/or Zoning Administrator shall conduct a complete and thorough investigation of all matters that come before the Commission and may enlist, at his/her discretion, technical and professional assistance from engineers, architects and other consultants as required.

- B. The Director/Zoning Administrator shall supervise the Commission's staff and administer the daily affairs of the Commission. Those daily affairs may include, but are not limited to:
  - a. Keeping a complete and accurate record of all proceedings and votes of the Commission;
  - b. Preparing an agenda for all Commission meetings;
  - c. Providing notice of meetings to Commission members and the public;
  - d. Arranging for all legal notices required for the business of the Commission;
  - e. Preparing, publishing, and distributing all reports, ordinances, and other material related to the activities of the Commission;
  - f. Recommending appointments to the Commission;
  - g. Interviewing and hiring prospective staff members;
  - h. Establishing personnel policies and office procedures;
  - i. Managing all funds appropriated to the Commission through signing all purchase orders and claims, and seeing that monies are paid out in accordance with the adopted procedures of DeKalb County.
- C. The staff of the Commission and the Secretary (if the Secretary is not a member of the Commission) shall be hired, appointed, retained, promoted and/or discharged without regard to age, ancestry, disability, national origin, race, religion, sex, or sexual orientation.
- D. The officers, members, and staff of the Commission shall perform such other duties and functions as may, from time to time, be required by the Commission, these Rules of Procedures, or Indiana law.

2.8 Attorney

The Commission may employ an Attorney.

**ARTICLE THREE**

Member Confidentiality

3.1 Confidentially:

Members of the Plan Commission may be subject to receiving and/or reviewing information, project applications, development plans or supporting documents, legal documents or the like from potential developers, petitioners, members of the general public or others. Each member shall agree, when they accept the appointment as a Plan Commission member, to not directly or indirectly disclose any information of potential developments they may hear about, come into contact with or review plans for. Until such time the project is docketed for a public hearing and meets the notice requirements in 5.2 of this document, each Plan Commission member shall deem the information as confidential.

## **ARTICLE FOUR**

### Meetings

#### 4.1 Regular Meetings:

The Commission shall set the schedule for the following year at the final meeting of the preceding year. Generally, the Commission will conduct regular meetings on the 3rd Wednesday of each month at 7:00 p.m., local time, in the Commissioner's Court in the DeKalb County Court House. If the date of a regular meeting falls on a legal holiday recognized by DeKalb County, or if it is impossible to conduct the regular meeting at that time or place, the regular meeting shall be scheduled for the following day. The President may cancel the meeting with the consent of a majority of the Commission members. Notice of the rescheduled, relocated, or canceled meeting shall be given as required by I.C. 36-7-4-604(b), as amended and the meeting shall be subject to the Indiana Open Door Law.

#### 4.2 Special Meetings:

Special meetings shall be called by the President, upon written request to the Director, Assistant Director or Zoning Administrator by two (2) Commission members, or as determined by a majority of the Commission members at a regular meeting.

- A. All members shall be notified in writing of the time and place of a special meeting by the Zoning Administrator a minimum of three (3) business days prior to the date of the special meeting. Written notice of a special meeting shall not be required if (1) the date, time, and place of a special meeting is fixed at a regular meeting and (2) all members of the Commission are present at the regular meeting.
- B. Only matters included in the call for a special meeting shall be considered at that meeting.
- C. Public notice of the special meeting shall be given in the same manner as required for regular meetings.

#### 4.3 Executive Sessions:

The Plan Commission may meet in executive session consistent with the provisions of IC 5-14-1.5-6.1.

#### 4.4 Open Meetings and Public Hearings:

All meetings and public hearings of the Commission, except executive sessions as described in section 4.3 above, shall be open to the public and petitioner(s), remonstrator(s) interested parties, and members of the general public desiring to witness the proceedings or be heard by the Commission in accordance with these Rules of Procedures.

#### 4.5 Quorum:

A quorum consists of a majority of the entire membership of the Plan Commission members who are qualified to vote. Action of a plan commission is not official, unless it

is authorized, at a regular or special meeting, by a majority of the entire membership of the plan commission.

- A. No action shall be taken, decision made or opinion expressed by the Commission unless a quorum of members are present at a properly scheduled and advertised regular or special meeting.
- B. Nothing in this section shall be interpreted as prohibiting members of the Commission from gathering at events, community happenings, or on other occasions for the purpose of socialization or the receipt of information not directly related to a matter of business pending before the Commission.

#### 4.6 Conflicts of Interest:

No member of the Commission may participate in a hearing or decision of the Commission if there is a conflict of interest. The member(s) with the conflict shall remove themselves from the room during that hearing.

- A. If a member is biased or prejudiced or otherwise unable to be impartial has a direct or indirect interest, direct or indirect financial interest or is biased or prejudiced or otherwise unable to be impartial (as required by I.C. 36-7-4-223). Any member with a conflict should notify the Director, Assistant Director or Zoning Administrator prior to the hearing, shall notify the members of the Commission prior to the beginning of any hearing on the matter or shall do so as soon as the conflict becomes apparent. The notification shall be entered in the Commission's records. Any member with a conflict who does not excuse him/herself may be removed from the proceeding by a 2/3 vote of the Commission.

#### 4.7 Procedural Rules:

The following procedures must be followed to ensure a fair decision of the Commission.

- A. The President calls for the Public Hearing of the petition.
- B. Any person may appear in person, by representative or by counsel to participate in a discussion of an item before the Commission or to present a petition or remonstrance to the Commission.
- C. Any person wishing to speak for or against an application must state their name and address before speaking at the microphone.
- D. The Chairman may determine the admissibility of any evidence before the Commission.
- E. The suggested order of conducting a hearing is as follows:
  - a. The President, Secretary, Director, Assistant Director or Zoning Administrator reads the application.
  - b. The Director, Assistant Director or Zoning Administrator may present the staff report upon the request of the Commission.

- c. The Commission may ask questions to the Director, Assistant Director or Zoning Administrator, if needed.
- d. The petitioner and/or representative or counsel present facts relating to the case.
- e. The Commission members direct questions to the petitioner and/or representative or counsel. These presentations or comments may have a time limit determined at the hearing.
- f. The President recognizes those who wish to speak for or against the proposal. These comments or presentations may have a time limit determined at the hearing. All questions shall be directed to the Plan Commission President.
- g. The petitioner and/or representative or counsel may rebut the testimony of those for or against the proposal. These presentations or comments may have a time limit determined at the hearing.
- h. Those for or against the proposal may rebut. These presentations or comments may have a time limit determined at the hearing.
- i. The President shall conclude the public hearing and call for a motion on the item before the Commission.

4.8 Order and Courtesy:

The President or his/her designee shall preserve order and may warn any member or other person present that particular conduct is a breach of peace. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges of the Commission. There shall not be any clapping, booing, or other actions that may deprive the Plan Commission from conducting official business. If any person persists in such conduct following the warning, the President or designee may call a recess and request the assistance of local law enforcement to restore order as allowed by law.

4.9 Order of Business:

The order of business at all regular meetings shall be:

- A. Call to Order (by the President, Vice-President or pro tempore)
- B. Pledge of Allegiance
- C. Prayer
- D. Roll Call (of the Commission members, Secretary, and staff, and determination of a quorum)
- E. Consideration of Minutes
- F. Consideration of Claims (as deemed necessary by the Director, Assistant Director or Zoning Administrator)
- G. Old Business (any tabled or continued petitions or other items of business)
- H. New Business (all new petitions and business items)



- I. Reports from Officers, Committees, Staff or Town/City Liaisons
- J. Comments from the Public in Attendance
- K. Adjournment

The order of business for special or committee meetings shall be:

- A. Call to order (by the President, Vice-President or pro tempore);
- B. Pledge of Allegiance
- C. Prayer
- D. Roll call (of the Commission members, Secretary, and staff, and determination of a quorum);
- E. Old Business
- F. New Business (for which the special meeting was called);
- G. Adjournment.

#### 4.10 Docketing and Agenda:

The Director, Assistant Director or Zoning Administrator shall docket all petitions and other matters for the consideration of the Commission consistent with the procedures outlined in the DeKalb County Unified Development Ordinance, applicable provisions of Indiana law, these Rules of Procedures, and the office policies which he/she has adopted. From that docket, the staff shall prepare an agenda for each meeting which meets the following requirements.

- A. The agenda shall list all items to be considered by the Commission at the regular or special meeting.
- B. The items shall be listed on the agenda in the order in which the petition or other matter was docketed by the Director, Assistant Director or Zoning Administrator.
- C. The agenda shall either be sent by U.S. Mail, email or be hand-delivered to all members of the Commission, each petitioner or their agent or counsel, and any person, party, or group which has filed a written request to receive the agenda for that calendar year.
- D. The agenda shall be available for public inspection at the Plan Commission Office no later than five days before any regular meeting.

The Director, Assistant Director or Zoning Administrator may exclude any petition or other matter from the agenda consistent with the provisions of section 4.5 of these Rules of Procedures.

The Commission may amend the agenda during the course of any meeting. Action of the Plan Commission is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the Plan Commission.

#### 4.11 Voting

All voting by the Commission shall be in the form of either a roll call vote, consensus or majority vote. Generally, a roll call vote shall be used in deciding all petitions. In any instances in which a voice vote is used, any member of the Commission may make a motion requesting a roll call vote. Such roll call vote shall be taken if the motion receives a second from another member of the Commission. When voting, the President shall always be the last Commission member to vote.

#### 4.12 Minutes and Record of Proceedings

The Plan Commission's staff shall maintain minutes of all Commission meetings. The minutes of each meeting shall be reviewed by the Commission at its subsequent meeting. Action of a Plan Commission is not official, unless it is authorized, at a regular or special meeting, by a majority of the entire membership of the plan commission.

- A. At a minimum, the minutes shall include the names of the Commission members in attendance, the names and addresses of the petitioners, their agents or counsel, and all other persons appearing before the Commission, the docket number of all petitions heard, a description of each location which is subject to a petition or discussion, a summary of all discussion, and a record of all votes taken. Including the names of the Commission members making and supporting all motions, the record of all roll call votes, and a listing of any conditions specified by the Commission and/or commitments made by any petitioner.
- B. The Director, Assistant Director or Zoning Administrator shall keep a file for each petition or other matter heard by the Commission. The file shall include all forms, correspondence, drawings, public notices, and other material related to the matter.
- C. All minutes and records of the proceedings of the Commission shall be kept in the Commission's office and shall be accessible to Commission members and the public during normal business hours.

### **ARTICLE FIVE**

#### Petitions

##### 5.1 Applications:

Every petitioner shall complete an application obtained from the Director, Assistant Director or Zoning Administrator. All submitted materials shall be consistent with the applicable provisions of the DeKalb County Unified Development Ordinance, Indiana law, these Rules of Procedures, and the office policies of the Director, Assistant Director or Zoning Administrator. The petitioner may be required by the Director, Assistant Director, Zoning Administrator or the Commission to submit any additional information deemed relevant for the consideration of the petition.

##### 5.2 Filing Requirements:

Every petition shall be filed with the Commission consistent with the Calendar of Meeting and Filing Deadlines.

5.3 Required Forms and Documents:

All applications, requests for plat approval, notices, affidavits, certificates, endorsements and instruments, and other documents submitted to the Commission must be consistent with the forms established and office policies adopted by the Director, Assistant Director or Zoning Administrator and the applicable requirements of the DeKalb County Unified Development Ordinance.

5.4 Fees

All applications and petitions shall be accompanied by the appropriate fees as specified on the adopted Fee Schedule in Article 10.

5.5 Docket and Agenda

No petition shall be docketed, and therefore shall not be placed on the agenda for a Commission hearing unless all fees have been paid, all required forms have been submitted, and all materials are deemed to be consistent with the applicable provisions of the DeKalb County Unified Development Ordinance, Indiana law, these Rules of Procedures, and the office policies of the Director, Assistant Director or Zoning Administrator. All petitions which are properly filed shall be docketed for the appropriate meeting of the Commission.

**ARTICLE SIX**

Public Hearings

6.1 Hearings:

The Plan Commission may conduct a public hearing as a part of any regular or special meeting if the public notice required by State law, these Rules of Procedures, and the applicable provisions of the DeKalb County Unified Development Ordinance is provided.

- A. A public hearing is any proceeding involving the recommendation of amendments to the Comprehensive Plan (including the Future Land Use Map), Unified Development Ordinance (including the Zoning Map); the consideration of a subdivision primary and/or secondary plat by the Commission; the consideration of a development plan by the Commission; or the consideration of an appeal to the Commission. It specifically does not include the Plat Committee, Ordinance Review Committee or Technical Review Committee meetings required herein.
- B. The conduct of the public hearings shall be governed by the following:
  - a. To the extent necessary for full disclosure of all relevant facts and issues, the Commission shall provide all parties and any interested persons the opportunity to present evidence and argument, respond, and submit rebuttal evidence, except as restricted by these Rules of Procedures.
  - b. The President or his/her designee may administer oaths and rule on any offer of proof or evidence.
- C. All public hearings shall be recorded at the Commission's expense. The Commission is not required, at its expense, to prepare a transcript, unless required

to do so by law. Any person, at the person's expense, may cause a reporter approved by the Commission to prepare a transcript from the Commission's record, or cause additional recordings to be made during the hearing as long as the additional recording does not cause a distraction or disruption in the opinion of the Commission President.

## 6.2 Notice Requirements:

For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section and the applicable requirements of the DeKalb County Unified Development Ordinance. Required public notice shall include the following:

- A. The Director, Assistant Director, Zoning Administrator or Secretary shall prepare and the Petitioner shall pay for a legal notice consistent with the requirements of IC 5-3-1 for publication in a qualifying newspaper of general circulation. The legal notice shall appear in the newspaper no less than one (1) time at least 10 days prior to the date of the public hearing. Legal notices shall include the following information:
  - a. The address and/or general location of the subject property and a legal description of the land which is included in the petition;
  - b. That a public hearing will be held giving the date, place, and hour of the hearing;
  - c. That the project plans are available for examination at the office of the DeKalb County Plan Commission;
  - d. That written comments on the petition will be accepted prior to the public hearing and may be submitted to the Director, Assistant Director or Zoning Administrator.
- B. The Director, Assistant Director, Zoning Administrator or Secretary shall prepare and the Petitioner shall distribute written notice of the public hearing to all property owners of the subject property.
  - a. The notice shall contain the same information as the legal notice which is published in the newspaper as outlined in section 5.2(A) above.
  - b. The distribution and cost of the notice shall be the responsibility of the petitioner.
  - c. The petitioner shall obtain the names and mailing addresses of those to be notified from the Director, Assistant Director, Zoning Administrator.
  - d. The notices shall be sent via Certificate of Mailing through the United States Postal Service to each property owner at least one time and must be postmarked a minimum of 14 days before the date of the public hearing. Standard, Regular or First-Class mail is not acceptable form of notice.

6.3 Determination of Property Owners:

- A. Property Owners shall be those owners within a 300-foot radius of the petitioned site and shall be compiled by the Director, Assistant Director or Zoning Administrator utilizing DeKalb County GIS software.
- B. In no case shall streams, rivers, roads or other built or natural features be interpreted as being boundaries for notification if they separate the subject property from the property of those owners specified in section 5.2 (B) for the receipt of notice.
- C. For the purpose of these notice requirements, where any such adjacent parcels of land are owned by the petitioner, the subject property shall be deemed to include all of the petitioner's contiguous holdings.
- D. In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), each condominium unit shall be deemed one property ownership and the common area designated in the appropriate condominium instruments shall be deemed one property ownership, and notice required to be given to the co-owners of such common area may be given to the association of co-owners set forth in condominium instruments recorded in the office of the Recorder of DeKalb County.
- E. For the purpose of determining the names and addresses of legal title owners, the records in the office of the DeKalb County Auditor which list the current owner of record at the time the notice shall be deemed to be the true names and addresses of persons entitled to notice. If notice is sent to such persons for the purposes of the public hearing before the Commission, such notice shall be deemed proper.

6.4 Proof of Notice:

A copy of the mailing receipts and materials provided to each property owner, and a signed and notarized Publisher's Affidavit certifying the publishing in the newspaper shall be provided to the Director, Assistant Director, Zoning Administrator or Secretary prior to the public hearing.

6.5 Defective Notice:

If proper notice has not been given, the Commission shall continue the petition until the next regularly scheduled meeting. Renotification is required. If the notification was done incorrectly due to an error by the Commission or staff, the renotification cost shall be borne by the Commission. If the notification was done incorrectly due to an error by the petitioner, the renotification cost shall be borne by the petitioner.

6.6 Communication with Commission Members and County Departments:

Written comments must be received by the staff no later than one business day before the hearing.

The staff shall provide each Commission member a written staff report describing the relevant facts of all matters pending before the Commission. Copies of relevant materials provided by the petitioner, remonstrators, or other interested parties shall be included in the staff report. The staff report may also include a written recommendation for

Commission action to be taken on any pending matter. Staff reports shall also be made available to the public a minimum of five (5) days prior to the hearing.

6.7 Visual Inspection:

Commission members should make a reasonable effort to visually inspect properties for which petitions have been filed.

6.8 Appearances:

Appearances by petitioners at public hearings shall be required consistent with the procedures outlined in the DeKalb County Unified Development Ordinance. The petitioner and/or their agents or counsel must appear and present each petition in order for the Commission to consider the request.

- A. If no person appears on behalf of a petition, the petition may be tabled until the following regularly scheduled meeting or be dismissed at the discretion of the Commission. Renotification is required with the cost borne by the petitioner.
- B. Interested parties may appear at the meeting and make a verbal presentation or they may submit written comments to the Director, Assistant Director or Zoning Administrator. Any written comments filed with the Director, Assistant Director or Zoning Administrator before the hearing shall be considered by the Commission, and shall be made a part of the record of the hearing without requiring the appearance of the author. All written comments must include the author's signature, printed name, address and telephone number in order to be considered by the Commission.

6.9 Continuance & Tabling of Petitions:

All continuances for public hearings on petitions shall be subject to the following:

- A. Continuances or tabling of petitions may be requested by the petitioner, a remonstrator, an interested party, the Commission, or the Commission's staff as specified below:
  - a. The Commission may, at any time and at its own discretion, continue or table the hearing of any petition at any time during a public hearing prior to a vote being taken on the matter.
    - i. If the Commission continues a petition, the Commission shall specify a date to which the matter shall be continued.
    - ii. If the Commission tables a petition, the Commission does not need to specify a date to which the matter shall be heard. Renotification is required.
  - b. The Commission's staff may request a continuance or to table the hearing of any petition at any time during the hearing of any petition, prior to a vote being taken on the matter.
    - i. If the Commission continues a petition, the Commission shall specify a date to which the matter shall be continued.

- ii. If the Commission tables a petition, the Commission does not need to specify a date to which the matter shall be heard. Renotification is required.
- c. The petitioner and/or representative or counsel or an interested party may request a continuance to the next scheduled Commission meeting or date agreed upon by the Commission and requesting party. The request shall include the reasons for the request, and shall be either presented in writing to the Director, Assistant Director or Zoning Administrator prior to the date of the hearing or verbally during the time specified for interested party comments during the hearing. By no means can the petitioner and/or representative or counsel request to table a petition.
- B. Requests for continuance shall generally be approved if good cause is demonstrated by the party requesting the continuance. If approving the continuance, the Commission shall specify a date to which the matter shall be continued.
- C. If a petition is continued to the next regular meeting and if proper notice was given by the petitioner in compliance with the applicable notice requirements, no renotification is required. However, any continuance which is granted for a time period in excess 1 regularly scheduled meeting shall require re-notification consistent with the provisions of these Rules of Procedures and the applicable requirements of the DeKalb County Unified Development Ordinance.
- D. Petitions will be dismissed if the continuance has been inactive for more than two (2) regularly scheduled meetings, unless good cause is shown.
- E. Generally, any party requesting a continuance should notify the Director, Assistant Director and/or Zoning Administrator of the request prior to the date of the public hearing on the matter. The Director, Assistant Director and/or Zoning Administrator shall inform the Commission President of all such requests prior to the start of the meeting. The President may seek the approval of the Commission to alter the agenda in order to hear all requests for continuance prior to any other business in order to expedite the meeting.

6.10 Amendments to a Petition:

Requests to amend a petition may be filed with the Director, Assistant Director and/or Zoning Administrator in writing prior to the start of any public hearing, or be made orally at the hearing during the petitioner's presentation.

- A. Any remonstrators or interested parties present shall have the right to be heard on any objections they may have to a proposed amendment.
- B. It shall be within the discretion of the Commission to grant or deny any requests for amendments and to require re-notification in compliance with these Rules of Procedures. Any proposed amendment to modify additional standards or regulations shall be required to take the form of a new petition and shall meet all of the filing, notification, and other applicable requirements of these Rules of Procedures.

6.11 Presentations:

Public Hearings before the Commission shall proceed in the following manner:

- A. To maintain proper order, each petitioner, remonstrator, and interested party shall make their presentations without interruption by any other party. All speakers shall approach the microphone when the time for their presentation is announced by the President. They shall state their name and address for the purposes of the record prior to their presentation, shall be recognized by the President prior to speaking, and shall address all comments to the Commission.
- B. All public hearings shall proceed based on the following order of events:
  - a. The President shall announce the petition as listed on the agenda and the affected area shall be located on a map of DeKalb County;
  - b. The Commission's staff shall verify for the Commission whether or not adequate public notice has been provided. Petitions for which adequate public notice has not been provided may be continued to the next Plan Commission meeting and proper notice for that meeting shall be required;
  - c. The Director, Assistant Director and/or Zoning Administrator may read the staff report into record. Included in the staff report may be a recommendation for specific action to be taken by the Commission;
  - d. The petitioner shall present facts relating to the case. The burden to supply all information necessary for a clear understanding of the case shall be upon the Petitioner;
  - e. Each remonstrating party shall have the opportunity to present facts relating to the case;
  - f. The President shall then recognize other interested parties;
  - g. The Petitioner shall then be allowed to present rebuttal;
  - h. The Commission members and Director, Assistant Director or Zoning Administrator may direct questions to any of the previous speakers, with the Commission having unlimited time to consider the facts of the matter;
  - i. The President shall call for a discussion by the Commission members; and
  - j. The President shall call for a motion. A motion shall be made and seconded, and a vote of the Commission shall occur. Any Commission member or the staff may ask for discussion to occur after the motion and before the vote for the purpose of clarifying the motion. No petitioner or other interested party may participate in this discussion.



## **ARTICLE SEVEN**

### Final Disposition of Petitions

#### 7.1 Indecisive Vote:

When a motion of the Commission fails to receive a majority vote of the commission (whether in favor or against), and therefor does not result in an official action of the Commission, the matter shall be automatically re-docketed and heard again at the next regularly scheduled meeting of the commission. If after the rehearing at the second meeting, the petitioner fails to obtain the necessary vote of the majority of the members of the Plan Commission, then the petition is deemed to fail for lack of the needed vote.

#### 7.2 Dismissal of Petitions:

The Commission may dismiss a petition for lack of action or for lack of jurisdiction. Any petition which has been dismissed by the Commission for lack of action shall not be re-filed for consideration by the Commission within a period of one (1) year from the date of the dismissal, unless a majority vote of the Commission grants a request from the petitioner to allow an earlier re-filing of the petition.

#### 7.3 Withdrawal of Petitions:

No petition may be withdrawn by the petitioner after a vote has been ordered by the President. No petition which has been withdrawn by the petitioner shall again be filed for consideration by the Commission within a period of six (6) months from the date of withdrawal. A majority vote of the Commission may grant a request from the petitioner to allow an earlier re-filing of the petition.

#### 7.4 Re-filing Following Adverse Decisions:

Any petition which was denied by the Commission shall not be reheard by the Commission for a period of one (1) year. However, the Commission may allow any such petition to be reheard before the expiration of the waiting period if both of the following conditions are met: (1) a majority of the entire membership of the Commission votes in favor of rehearing the petition at a subsequent meeting of the Commission, and (2) the petition is filed and considered pursuant to all of the other provisions of these Rules of Procedures.

#### 7.5 Certification:

Following the Commission's action on a petition the staff shall notify the petitioner of the Commission's decision in writing.

- A. For all petitions which are approved, or for which a favorable recommendation is made to the Board of County Commissioners, the letter shall include the date of approval and a listing of any conditions made or commitments accepted as part of the approval.
- B. For petitions which are denied, or for which an unfavorable recommendation is made to the Board of County Commissioners, the letter shall include the date of the denial and a listing of detailed reasons for the negative finding.

- C. For all petitions with are continued, the letter shall include the date of the meeting at which the continuance was determined, the reasons for the continuance, the date at which the petition will be heard, and whether or not re-notification is required.

## **ARTICLE EIGHT**

### Amendments and Suspensions

#### 8.1 Amendments:

These Rules of Procedures may be amended by a two-thirds (2/3) vote of the membership of the Commission

#### 8.2 Suspensions:

These Rules of Procedures or any portion of them may be suspended by a two-thirds (2/3) vote of the membership of the Commission present. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.

#### 8.3 Effective Date:

These rules shall enter into effect immediately upon the adoption of this Resolution.

#### 8.4 Federal and State Law:

Notwithstanding any other provisions of these Rules of Procedures, nothing shall require the Commission to observe any other act, or do any other thing, in contradiction of any applicable Federal or state law. These Rules of Procedures shall be construed in accordance with the laws of the State of Indiana.

#### 8.5 Severability:

Should any provision of these Rules of Procedures be void or unenforceable such provision shall be deemed omitted, and these Rules of Procedures, with such provisions omitted, shall remain in effect.

#### 8.6 Conflicts with Unified Development Ordinance:

Should any conflict with the Unified Development Ordinance arise, the regulations in the Unified Development Ordinance shall take precedence over these rules of procedure.

## **ARTICLE NINE**

### Committees

#### 9.1 In General:

The Committee may be appointed by and through its membership at the first meeting of the year in order to facilitate the work of the Commission. A Chairperson shall be appointed for each committee and reports on their assignments shall be made part of the record. The Zoning Administrator may serve as the Chairperson to a committee but cannot be a member of a committee.

#### 9.2 Plat Committee:

In accordance with IC 36-7-4-701(e) a Plat Committee shall consist of at least three or five members. At least one member of the committee shall also be a member of the

Commission. The Plat Committee shall have the authority to review and approve Primary & Secondary Minor Subdivision Plats, RePlats & Plat Vacations.

9.3 Ordinance Review Committee:

The purpose of the committee is the review proposed amendments to the DeKalb County Unified Development Ordinance and provide recommendations to the Plan Commission regarding the proposals.

9.4 Technical Review Committee:

The Technical Review Committee provides technical expertise in the review of proposed projects in detail and may make recommendations to the Plan Commission. Activities of the Technical Review Committee may be to: review and approve site plans; review and make recommendations to the Plan Commission regarding primary and secondary plats; other duties as assigned by the Plan Commission, including, but not limited to, reviewing requests for change of zoning, planned developments and improvement location permits.

The Technical Review Committee is comprised of various local county, municipal, utility, state and federal departments including: County Building Dept., Health Dept., County Highway Dept., County Soil & Water Conservation District & County Surveyor (and/or County Drainage Board). Other members of the committee may be electric or gas utilities, municipal electric, sewer, water, street, fire and police departments, county sheriff or fire departments, state or federal highway departments, and other members as deemed necessary by the Plan Commission, Director, Assistant Director or Zoning Administrator.

9.5 Appeals:

An interested person who wishes to appeal a decision made by a Committee must file the appeal no later than five (5) business days after the date the decision is made, and the Plan Commission shall then hold the prescribed hearing and render its decision.

**ARTICLE TEN**

Livestreaming

- 10.1 Beginning July 1, 2025, livestreaming of public meetings, excluding executive sessions, that are held in the same location as the executive, legislative or fiscal body (County Council and Commissioners) is required by House Bill 1167, IC 5-14-1.5-209, as amended.
- 10.2 The livestreaming platform shall be the same as the County Council and County Commissioners livestreaming.
- 10.3 The Plan Commission members shall participate in proper decorum amongst members and the public. Members are responsible for articulate and accurate information presented and ability to be heard and seen clearly.

## **ARTICLE ELEVEN**

### Electronic Meetings

- 11.1 Indiana Code 5-14-1.5-3.5 authorizes Plan Commission members to participate in a meeting by electronic means of communication.
- 11.2 The provisions of the Act, including definitions or amendments, apply to this Article and also applies to any committee appointed directly by this Commission.
- 11.3 Subject to Article 11.4 & 11.5, any member may participate in a meeting by any electronic means of communication that (i) allows all participating members of the governing body 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.

A member who participates by an electronic means of communication: (i) shall be considered present for purposes of establishing a quorum; and (ii) may participate in final action only if the member can be seen and heard.

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.

- 11.4 At least seven voting members must be physically present at a meeting at which a member will participate by means of electronic communication. Not more than two voting members may participate by an electronic means of communication at that same meeting.

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:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

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:

- (1) military service;
- (2) illness or other medical condition;
- (3) death of a relative; or
- (4) an emergency involving actual or threatened injury to persons or property.

A member shall notify the Director, Assistant Director or Zoning Administrator with adequate time before the meeting so arrangements may be made for the members' participation by electronic communication.

- 11.5 The minutes 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) participated 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.
- 11.6 No member of the Commission may participate by means of electronic communication in a meeting at which the Commission may take final action to:
- (1) adopt a budget;
  - (2) make a reduction in personnel;
  - (3) initiate a referendum;
  - (4) impose or increase a fee or
  - (5) impose or increase a penalty.
- 11.7 This Article shall only be effective when the Plan Commission is livestreaming, as specified in Article Ten.

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**ARTICLE TWELVE:**

DeKalb County Fee Schedule\*:

**Improvement Location Permits: (Shall include Certificate of Occupancy if required)**

- 1. Structures 300 square feet or less.....\$30.00  
(Including additions to existing structures)
- 2. Structures larger than 300 square feet.....\$50.00  
(Including additions to existing structures)
- 3. Commercial Structures - \$.02 per square foot..... Min.....\$ 75.00  
Max.....\$250.00
- 4. Industrial Structures - \$.02 per square foot.....Min.....\$100.00  
Max.....\$500.00
- 5. Commercial Solar Energy System.....\$50 per acre or \$5,000 max.
- 6. Commercial Solar Energy System upgrade, replace or new equipment.....\$250.00 per piece  
of equip.
- 7. Residential/Private Accessory Solar Energy System .....\$50.00
- 8. Fence/Retaining Wall Permit.....\$50.00
- 9. Ponds (Including detention/retention/recreation ponds) .....\$150.00
- 10. All other Permits (signs, in & above ground pools) .....\$ 50.00
- 11. Zoning Affidavit/Conformance Letters.....\$25.00

**Board of Zoning Appeals Public Hearing Meetings:**

- 1. Special Meeting.....\$600.00
- 2. Appeal Decision of Zoning Administrator.....\$1,000.00
- 3. Development Standards Variance Petition.....\$150.00  
Each Additional Variance Requests.....\$50.00
- 4. Special Exception Petition.....\$300.00
- 5. Use Variance Petition.....\$500.00
- 6. Amendment to BZA Petition.....\$500.00

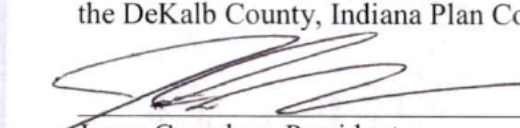
**Plan Commission/Plat Committee Public Hearing Meetings:**

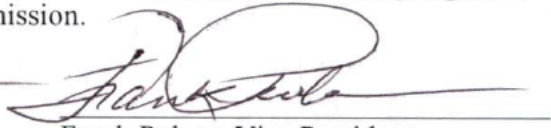
- 1. Special Meeting Requested by Petitioner.....\$1,000.00
- 2. Zone Map Amendment .....\$300.00
- 3. Plat Vacation.....\$200.00
- 4. Conservation Agricultural Subdivision .....\$300.00
- 5. Minor Division of Land.....\$300.00
- 6. Conventional Subdivision (First three (3) lots) .....\$300.00  
(Each Addition Lot) .....\$50.00
- 7. Commercial Development Plan.....\$500.00
- 8. Industrial Development Plan.....\$800.00
- 9. Commercial Solar Energy System Overlay District Request.....\$25 per acre or \$5000 max
- 10. Commercial Solar Energy System Development Plan .....\$50 per acre or \$10,000 max
- 11. Amendment to Development Plan (If not approved by Zoning Administrator) .....\$500.00

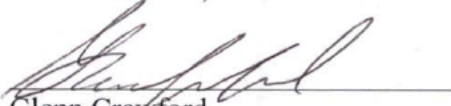
\*Building Permits & Fees are controlled by an Ordinance of the DeKalb County Commissioners

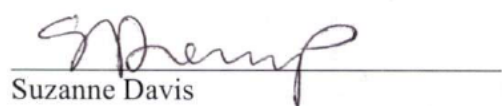
Adopted by Plan Commission on December 20, 2023

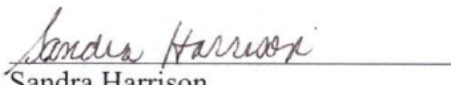
These Rules of Procedure are hereby adopted on the 21 day of JUNE 2023 by the DeKalb County, Indiana Plan Commission.


  
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Jason Carnahan, President

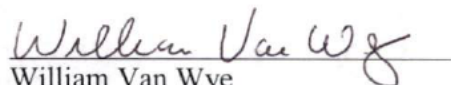
  
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Frank Pulver, Vice President

  
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Glenn Crawford

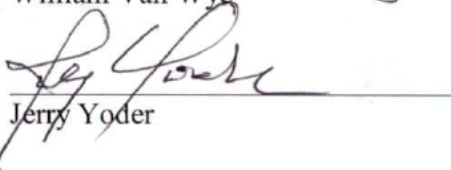
  
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Suzanne Davis

  
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Sandra Harrison

  
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Angie Holt

  
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William Van Wye

  
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Michael Watson

  
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Jerry Yoder