

Agenda
GOSHEN PLAN COMMISSION
Tuesday, October 21, 2025, 4:00 pm
Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

- I.** Roll Call
- II.** Approval of Minutes from 8/19/25
- III.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record
- IV.** Postponements/Withdrawals
- V.** Audience Items
- VI.** Staff/Board Items
 - *Plan Commission Rules of Procedure – Proposed Amendment Related to Notices & Electronic Meetings*
 - *2026 Plan Commission & BZA Schedule - Approval*
- VII.** Adjournment

Plan Commission Members

- Doug Nisley, Appointed by Council, Term is coextensive with Council term, 1/1/24 – 12/31/27
- Dustin Sailor, City Civil Engineer Statutory Appointment, ongoing term
- James Wellington, Appointed by Park Board, Term is coextensive with Park Board term, 1/1/23 – 12/31/26
- Aracelia Manriquez, Appointed by Mayor, Term 2/20/24 – 12/31/27
- Richard Worsham, Appointed by Mayor, Term 1/1/25 – 12/31/28
- Tom Holtzinger, Appointed by Mayor, Term 1/1/22 – 12/31/25
- Hesston Lauver, Appointed by Mayor, Term 1/1/22 – 12/31/25
- Rolando Ortiz, Appointed by Mayor, Term 1/1/23 – 12/31/26

Minutes - Goshen Plan Commission
Tuesday, August 19, 2025 - 4:00 pm
Council Chambers, 111 E. Jefferson Street, Goshen, Indiana

- I.** The meeting was called to order with the following members present: Richard Worsham, Tom Holtzinger, Hesston Lauver, Doug Nisley, Dustin Sailor, and Rolando Ortiz. Also present were City Planner Rhonda Yoder and Assistant City Attorney Don Shuler. Absent: Aracelia Manriquez and James Wellington
- II.** 2025 Plan Commission Appointments
- *Annual Appointment by the Board of Public Works & Safety - vacant*
- III.** Approval of Minutes from 6/17/25 – Holtzinger/Lauver 6-0
- IV.** Filing of Zoning/Subdivision Ordinances and Official Staff Reports into Record: Holtzinger/Nisley 6-0
- V.** Postponements/Withdrawals – None
- VI. Rezoning** (public hearing item)
- 25-02R** – DJSJ, LLC, Wightman, and Creative Design Solutions Inc., request a rezoning from Commercial B-1 District to Residential R-3 District for development of a two-story apartment building with 24 units. The subject property is generally located at 1423 Lincolnway East and is zoned Commercial B-1 District.

Staff Report

Ms. Yoder explained the purpose of this rezoning request is to allow for multi-unit residential development, using the existing 2-story building, for 24 studio and one-bedroom units. She pointed out that area zoning is a mix of many different zoning districts, noting that the subject property meets the R-3 district requirements for minimum lot area and all R-3 developmental requirements can be met. She explained partial landscaping is required adjacent to single unit and two-unit residential land use, and if this proceeds a detailed landscape plan will be required at the time of site plan review. Staff recommends the Plan Commission forward a favorable recommendation to the Goshen Common Council for this request.

One call was received by the Planning Office asking for additional information for this request.

Petitioner Presentation:

Terry Lang, 1402 E Mishawaka Ave, South Bend, spoke on behalf of the petitioner. He stated this is the former Commodore building and the new owner would like to remodel the interior of the existing building for residential apartments. He explained they will add all required landscaping and provide necessary drainage items as required by the Engineering department. They will also meet any other requirements that might be brought up later. He noted the existing parking lot will be utilized and updated as necessary.

Audience Comments:

Susan Smith, 1406 Ashton Court spoke to the petition. She asked how the landscaping would be addressed along the tree line, noting that historically pedestrians cross from the site through their neighborhood.

Steven Fath, 1511 Garland, also spoke to the petition. He reiterated the previous comments and asked if some sort of barrier will be in place to prevent people from entering neighboring private property.

Petitioner Rebuttal:

Mr. Lang stated he understands the residents to the south are concerned about residents tracking through their neighborhood. He stated they hope to save as many of the existing pine trees as possible that separate the properties; they will also be adding additional landscaping and install a fence if necessary. He noted they want to be a good neighbor and will try to do whatever they need to do to reduce or eliminate the foot traffic through the neighboring properties.

Susan Smith asked what type of management will be in place and if there will be someone locally they can contact.

Mr. Lang explained the property owner is a local resident and any concerns will be handled locally.

Close Public Hearing

Staff Discussion:

Mr. Nisley stated that he received calls from several neighbors with concerns about foot traffic through their neighborhood and questioned if there will be a manager on site daily or if there will only be an on-call person.

Mr. Holtzinger questioned if they should ask the petitioner to install a fence.

Ms. Yoder responded that this is a straight rezoning request, so conditions cannot be added. The petitioner stated they may consider installing a fence and have also stated they want to be a good neighbor and have agreed to do the required partial landscaping.

Mr. Nisley asked if this moves forward could the City look at it and require a fence as part of the landscaping.

Ms. Yoder replied that partial landscaping is a mix of evergreens and shrubs and does not require a fence. They could install a fence and partial landscaping, but if they wanted to install a fence only, they would need a variance.

Action:

A motion was made and seconded, Holtzinger/Sailor, to forward a favorable recommendation to the Goshen Common Council for 25-02R based on Staff analysis. The motion passed by a vote of 5-1. (Nisley voted no.)

VII. Primary Subdivision (public hearing)

25-01SUB – HHI Kercher Rd Properties 24, LLC, Lassus Bros. Oil, Inc., Jones Petrie Rafinski, and Yoder, Ainlay, Ulmer & Buckingham, LLP, request primary subdivision approval for a two-lot major industrial subdivision. The subject property is generally located at the northeast corner of Lincolnway East and Kercher Road, and on the west side of Supreme Court, containing ±8.3 acres, zoned Industrial M-1.

Staff Report

Ms. Yoder explained the subject property is two unplatted tax parcels and the proposed subdivision will create a 4.48 acre lot from the south parcel and combine the remainder with the north parcel for a second lot of 3.08 acres. She explained the existing right-of-way along Kercher Road does not meet arterial road standards and the subdivision will include dedication of right-of-way, 40' from the centerline, north along Kercher Road, to meet the requirement.

She reminded Commission members that the Plan Commission has exclusive control over primary and secondary subdivision approvals and approval must be granted if the requirements are met. She noted there are several technical corrections that need to be made, and they will be corrected as part of the secondary subdivision submittal. Staff recommends the Plan Commission grant primary approval of the two-lot major industrial subdivision and listed the basis for her recommendation, along with recommended conditions of approval.

She advised the Planning Office received one phone call requesting additional information on this request.

Petitioner Presentation:

Sam Schenkel, 1800 Magnavox Way, Fort Wayne, spoke on behalf of the petitioner. He provided background information on Lassus convenience stores, noting that they opened their first Goshen store in 2021 at 1001 Pike Street. They realized over a year ago that they would like to expand and looked for a second location on the southeast side of town. The vacant parcel they've found contains approximately 8.3 acres which would be subdivided into two lots and redeveloped. Lot 1 would contain approximately 4.48 acres, and the remaining Lot 2 will contain approximately 3.08 acres. He explained the two lots will be completely independent of each other through separate ownership and there will be no shared improvements, utilities, or drainage facilities after the subdivision process has been completed. He went on to say that Lot 1 will be purchased by Lassus and redeveloped for its new store. Ownership of Lot 2 will remain with HHI with no known plans for future use, sale, or redevelopment at this time.

Mr. Schenkel stated they have been working with Goshen staff to meet all City requirements, including the requested dedication of additional right-of-way along the north side of Kercher Road.

Mr. Holtzinger asked if they're concerned with a competitor across the road.

Mr. Schenkel stated it's not unusual to have nearby competitors.

Audience Comments:

Jamie Richardson, 861 Park Avenue, Elkhart, spoke in opposition to the request. She stated she's an attorney representing Thirty-Three Real Estate LLC, owners of the property across the street at 2429 Lincolnway East. She stated there are a lot of conditions to be met with the development of this property and this competing business is within 500' of her clients established business which is not permitted under the zoning ordinance. She went on to say there is a lot of industry and manufacturing nearby and feels this will add additional traffic to an already busy area.

Mr. Holtzinger asked if a competitor moving in across the street might force the state of Indiana to improve the intersection.

Ms. Richardson stated that could happen but questioned how and when that would occur.

Mr. Sailor advised that INDOT already has plans to make this 5-lanes along this corridor.

Mr. Holtzinger questioned if this will be adequate.

Ms. Yoder pointed out that the developer will be required to have a traffic study and must meet INDOT's requirements.

Petitioner Rebuttal:

Mr. Schenkel stated he understands the opposition to them locating across the street, but there are always threats from competition. The reality of business is that there is always competition in a free market.

Regarding the utilities, Mr. Schenkel stated that they currently run along the front and back side of the property. He anticipates they will tap into the back side of the property, along Supreme Court, which will be simpler and not require disruptions along the front. They've also had communication with INDOT, and they understand in the next two to three years INDOT hopes to begin the widening project along Lincolnway. Their traffic impact study has been submitted to INDOT and is currently under review. He went on to say the traffic won't increase because they're there; the traffic is already there and that's one of the reasons they want to locate in this area.

Audience Comments:

Allison Sisson, no address given, representing Thirty-Three Real Estate, stated that although the budget to widen the road has been approved, it doesn't mean there's an actual start date. She stated she's not concerned with the competition but is concerned about the aesthetics of the area and that the ordinance prohibits gas stations within 500' of another station.

Petitioner Rebuttal:

Mr. Schenkel stated they have no control over INDOT's timing, so they can only rely on the information INDOT has provided to them, explaining they've had several conversations. He also mentioned that all the aesthetics, including landscaping, lighting, etc., will be similar to what they have done at the Pike Street location.

Close Public Hearing

Staff Discussion:

Attorney Shuler advised Commission members that the only thing they're considering here today is the approval or disapproval of the subdivision; not deciding the eventual use of the property. This case will be heard next week at the BZA meeting regarding the eventual use.

Action:

A motion was made and seconded, Nisley/Holtzinger, to grant primary approval for 25-01SUB, based upon the Staff analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 6-0.

VIII. Primary Subdivision (public hearing)

25-02SUB – Meijer Stores Limited Partnership, First Federal Savings Bank, and Abonmarche request primary subdivision approval for a two-lot major commercial subdivision, Replat Lot 1 Meijer Subdivision. The subject property is generally located at 4522 Elkhart Road, Lot 1 of Meijer Subdivision, and is zoned Commercial B-3PUD (Planned Unit Development), part of the Meijer PUD.

Staff Report

Ms. Yoder reminded Commission members that the Plan Commission heard this case recently for a PUD major change and it was approved by the Council. This proposed subdivision is to create the outlot and establish the remainder of Lot 1. She explained some technical corrections are required as part of the primary approval and they're listed in the staff report. She recommended the Plan Commission grant primary approval of the 2-lot major commercial subdivision, based on the conditions listed in the staff report.

Petitioner Presentation:

Crystal Welsh, 303 River Race Drive, spoke on behalf of the petitioner. She stated this project will be for a new bank in the Meijer parking lot. She stated they are working with Meijer to get easements and other items sorted out so the outlot can be created and the bank can establish a new facility for their customers.

Audience Comments:

None

Close Public Hearing

Staff Discussion:

None

Action:

A motion was made and seconded, Nisley/Holtzinger, to grant primary approval for 25-02SUB, based upon the Staff analysis and with the conditions listed in the Staff Report. The motion passed unanimously by a vote of 6-0.

IX. Audience Items
None

X. Staff/Board Items
None

XI. Adjournment – 4:46 pm Nisley/Holtzinger

Respectfully Submitted:

Lori Lipscomb, Recording Secretary

Approved By:

Richard Worsham, President

Tom Holtzinger, Secretary



Rhonda L. Yoder, AICP
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MEMORANDUM

TO: Plan Commission Members
FROM: Rhonda Yoder, City Planner
DATE: October 21, 2025
RE: Proposed Amendment to Plan Commission Rules of Procedure Related to Notices & Electronic Meetings

On June 17, 2025, the Plan Commission adopted the following resolutions:

- Resolution 2025-PC01, Resolution of the Goshen Plan Commission Adopting a Policy to Provide Public Notice of Meetings
- Resolution 2025-PC02, Resolution of the Goshen Plan Commission Adopting an Electronic Meetings Policy to Allow Members of the Plan Commission to Participate in Meetings by an Electronic Means of Communication

Both resolutions impact the Plan Commission Rules of Procedure, and the proposed Rules amendment is shown below in **red** and is also provided in the attached full document, red line and clean copy.

ARTICLE VI. **Meetings**

1. Regular meetings of the Plan Commission shall be held on the 3rd Tuesday of each month and/or such other date as shall be determined by the Commission. The meeting shall normally be devoted to the consideration of the routine business of administration and public hearings. Discussions of planning in general, the introduction of resolutions by the Plan Commission and policy determination shall also be considered as time permits. IC 36-7-4-306.
2. Special meetings of the Commission may be called by the President or by two members upon written request to the Secretary. Written notice of special meetings shall be given to all Commission members at least three days in advance and shall fix the time and place. Written notice is not required if:
 - A. The date, time and place of a special meeting are fixed in a regular meeting.
 - B. All members of the Commission are present at that regular meeting. IC 36-7-4-307.
3. A majority of the members shall constitute a quorum. No action shall be official unless authorized by a majority of the Commission at a regular or a properly called special meeting. IC 36-7-4-302.
4. A member of the Commission who is not physically present at a meeting of the Commission may participate in the meeting of the Commission by any electronic means of communication following Indiana Code 5-14-1.5-3.5 and Resolution 2025-PC02 (Exhibit C, incorporated herein by reference). A member who intends to

participate by an electronic means of communication must notify Commission staff no later than one week prior to the date of the meeting and must provide the reason for participating electronically.

5. If disqualified under Indiana Code 36-7-4-223, a member of the Commission may not participate in a hearing, decision, and/or recommendation concerning a “legislative act” or “zoning decision,” as applicable, as those terms are defined in Indiana Code 36-7-4-1016. A member shall declare his/her own disqualification. Questions as to whether such disqualification is appropriate may be determined by the President of the Commission or the Commission’s attorney. The Commission shall enter in its records the fact that its member has a disqualification. Nothing in this section shall prevent a member of the Commission from presenting a petition on his/her own behalf, but members may not directly or personally represent another person in a hearing before the Commission concerning a “zoning decision” or a “legislative act” as those terms are defined in Indiana Code 36-7-4-1016.
6. Public notice of ~~the date, time and place of~~ any meeting shall be given by the Plan Commission staff following Indiana Code 5-14-1.5 and Resolution 2025-PC01 (Exhibit D, incorporated herein by reference) ~~at least forty-eight hours before the meeting.~~ Public notice shall be given by:
 - A. Posting a copy of the notice at Goshen City Hall. ~~the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held.~~
 - B. Publishing the notice on the City of Goshen’s website.
 - C. ~~Depositing in the U.S. Mail with postage prepaid or delivering~~ Transmitting the notice by electronic mail to all news media which deliver to the Commission or the Goshen Clerk-Treasurer’s Office ~~by January 1~~ an annual written request for such notices ~~not later than December 31~~ for the next succeeding calendar year. ~~to the Plan Commission. IC 5-14-1.5-5.~~

The remaining sections in Article VI are renumbered, and the full resolutions are inserted as appendices.

Related to electronic meetings:

- Advance notice is required, as a special link to the meeting will need to be emailed to the member who is participating electronically prior to the meeting, and this comes from staff outside the Planning office.
- The reason for participating electronically is required, as electronic participation is limited to two times in a calendar year unless the participation is due to:
 - military service;
 - illness or other medical condition;
 - death of a relative; or
 - an emergency involving actual or threatened injury to persons or property.
- Members may not participate electronically in a meeting at which the Plan Commission may take action to:
 - Establish or increase a fee; or
 - Establish or increase a penalty.
- During a meeting where a member is participating electronically:
 - At least 50% of members must be physically present (five members must be in person).
 - All votes taken must be by roll call vote.
 - A member may participate in final action only if the member can be seen and heard.

RULES OF THE GOSHEN CITY PLAN COMMISSION

ARTICLE I. **Membership and Officers**

The Plan Commission shall consist of nine members, four of whom are ex-officio appointed as follows: One member appointed by the City Council from its membership; one member appointed by the Park Board from its membership; one member or designated representative appointed by the Board of Works; and the City Engineer by virtue of his/her office. There shall be five citizen members appointed by the Mayor of whom no more than three may be the same political party. A citizen member must be a resident of the incorporated areas of the City or a resident of Elkhart County and also own real property in whole or in part in the incorporated areas of the City; and at least three citizen members must be residents of incorporated areas of the City. Each citizen member shall confirm that he/she meets all applicable residency requirements for appointment by executing and filing with the Commission a certification of residency in the form set forth in Exhibit A of these rules and incorporated herein by reference. Each citizen member shall be appointed because of his/her knowledge and experience in community affairs, his/her awareness of the social, economic, agricultural, and industrial problems of the area. A citizen member may not hold other elected office or appointed office in municipal, county, or state government except as permitted by IC 36-7-4-216.

1. A President shall be elected at the first regular meeting of the Commission in each calendar year. He or she shall preside at all meetings; shall have the authority to call and preside at any special meeting; and have special duties as further prescribed herein. IC 36-7-4-303.
2. A Vice-President shall be elected in the manner prescribed for the President and shall have the authority to act as President during the absence or disability of the President. IC 36-7-4-303.
3. A Secretary of the Commission shall be elected in the manner prescribed for the President who shall be responsible for all records, shall conduct all correspondence of the Commission, and shall generally supervise the clerical work of the Commission. The Secretary shall keep in a volume the minutes of every meeting of the Commission and when approved sign the same. He or she shall serve notice of all public hearings and serve notification to all members of all meetings. IC 36-7-4-304.
4. A Recording Secretary, subject to the direction of the Zoning Administrator of the Commission, shall record all important facts pertaining to each meeting and hearing, every resolution acted upon by the Commission, and all votes of members of the Commission upon any resolution or upon the final determination of any questions, indicating the names of the members absent or failing to vote. The Recording Secretary if chosen from outside the membership of the Commission shall not be eligible to vote upon any matter. IC 36-7-4-401.
5. In the event of the absence or disability of the President or Vice-President, the presiding officer shall be a member of the Commission selected by the members present.
6. The Commission delegates to the Zoning Administrator and staff the authority to review and approve plans and specifications, and to grant Improvement Location Permits (Zoning Clearances), in accordance with the City of Goshen, Indiana, Subdivision Control Ordinance; Zoning Ordinance, City of Goshen, Indiana; Goshen BZA Rules of Procedure; and these Rules.

ARTICLE II. Terms of Office; Procedures for Filling Vacancies

1. The term of office for the members chosen from the City Council, Park Board, and Board of Works is co-extensive with the member's term of office on that Body, Board, or Council, unless that Body, Board or Council appoints, at its first regular meeting in any year, another to serve as its representative. IC 36-7-4-217.
2. Citizen members shall be appointed for a term of four years. A member serves until his or her successor is appointed and qualified. A member is eligible for reappointment. IC 36-7-4-218.
3. In the case of vacancies, the appointing authority shall appoint a member for the unexpired term of the vacating member.
4. An appointed member who misses three consecutive regular meetings of the Commission may be treated as if the member had resigned, at the discretion of the respective appointing authority.
5. The respective appointing authority may appoint an alternate member to participate with the Commission in a hearing or decision if a regular member has a disqualification under IC 36-7-4-223(c); an alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

ARTICLE III. Notice - Interested Parties

1. Pursuant to the authority given under Indiana Code Section 36-7-4-604, interested parties, the means for notifying them and the responsibility for such notice shall be as follows:
 - A. Where the proposed zoning ordinance is an initial zoning ordinance or replacement zoning ordinance after repealing the entire zoning ordinance under IC 36-7-4-606, the interested parties shall be all residents of the City of Goshen, Indiana, subject to the Goshen City Zoning Ordinance, and notice to them shall be given by publication pursuant to Indiana Code 5-3-1, and shall be given by and at the cost of the Commission.
 - B. Where the proposed zoning ordinance is an amendment to or a partial repeal of the zoning ordinance under IC 36-7-4-607, interested parties shall be all residents of the City of Goshen, Indiana, subject to the Goshen City Zoning Ordinance, and notice to them shall be given by publication pursuant to IC 5-3-1 and shall be given by and at the cost of the Commission.
 - C. Where the proposed zoning ordinance is a change in the zoning maps under IC 36-7-4-608, and initiated by a party other than the Commission or participating legislative body, interested parties shall be the owners of all real estate within a 300 foot radius of the perimeter of the real estate for which the zoning map is to be changed, as determined from the records of the Elkhart County Auditor or Assessor. Notice shall be given by the Commission to all such owners by First Class Mail at least ten (10) days prior to the hearing. Proof of such mailing shall be made by affidavit in the form provided by the Commission and filing thereof shall be a condition for such hearing. Additional notice by publication pursuant to IC 5-3-1 shall be given by and at the cost of the Petitioner. Notice shall also be placed on the subject property to be rezoned by the petitioner at least ten (10) days prior to the public hearing, with signs provided by the Planning office, and with the cost of the sign(s) paid for by the petitioner along with the filing fee. Signs shall be placed on the subject property to be rezoned a minimum of one (1) sign per street frontage, with at least one (1) sign every 700' of total street frontage.

D. Where such change of zoning maps is proposed by the Commission or any participating legislative body, interested parties shall be all residents of the City of Goshen, Indiana, subject to the Goshen City Zoning Ordinance, and notice to them shall be given by publication pursuant to IC 5-3-1, and shall be given by and at the cost of the Commission. Notice shall be given to all such owners where such change is proposed by First Class Mail at least ten (10) days prior to the hearing. Proof of such mailing shall be made by affidavit in the form provided by the Commission and filing thereof shall be a condition for such hearing.

2. Notice - Interested Parties - Subdivision

Interested parties for hearing on primary approval of a subdivision shall be those persons identified as such by the Goshen City Subdivision Ordinance. Notice shall be given by the Commission in the form provided by the Commission at the address as determined from the records of the Elkhart County Auditor or Assessor by First Class Mail at least ten (10) days prior to the hearing. Such mailing shall be made by filing an affidavit in a form provided by the Commission prior to the hearing, and filing thereof shall be a condition for such hearing.

3. Notice – Interested Parties – Plat Vacation

For matters involving vacation of all or a part of a plat under IC 36-7-4-711, interested parties shall include every owner of land in the plat. Notice to them shall be given by publication pursuant to IC 5-3-1 and by the Commission in the form provided by the Commission at the address as determined from the records of the Elkhart County Auditor or Assessor by First Class Mail at least ten (10) days prior to the hearing. Such mailing shall be made by filing an affidavit in a form provided by the Commission prior to the hearing, and filing thereof shall be a condition for such hearing. The petitioner shall pay all expenses of providing the required notice.

4. Notice – Interested Parties – Minor Change PUD Final Plan

For matters involving the minor modification of an approved PUD final plan, interested parties include the applicant and all owners of land in the subject PUD. Written notice of the decision shall be mailed to the applicant and interested parties within five (5) business days of the decision of the Zoning Administrator or Plan Commission, as applicable. No prior notice is required.

ARTICLE IV. **Application Procedures**

1. All applications for zoning map changes and zoning ordinance amendments shall include:

- A. A legal description of the same by metes and bounds or subdivision name and lot number.
- B. Be accompanied by a site plan drawn to scale showing existing and planned improvements.
- C. List the names and addresses of interested persons as defined in the above rules.
- D. Be accompanied by the applicable filing fee.
- E. Be accompanied by payment for the cost of the rezoning signs to be placed by the petitioner on the subject property to be rezoned. The cost paid by the petitioner shall be the cost paid by the City for each sign.

2. All applications for major primary subdivisions shall:
 - A. Be filed in accordance with the Goshen City Subdivision Ordinance.
 - B. List the names and addresses of the interested persons as defined in the above rules.
 - C. Be accompanied by the applicable filing fee.

ARTICLE V. **Tabling Policy**

1. Tabling by Plan Commission Staff
 - A. The Staff is permitted to accept a tabling request and approve such request only once if the following criteria are met:
 1. A letter requesting the tabling is received by the Staff, the Friday before the Plan Commission's hearing. This letter must contain the following:
 - (a) The request to table until the following hearing.
 - (b) A statement that the petitioner will send out at his/her cost the new notice of hearing and time, either using the form the Plan Commission uses or a form reviewed by and approved by the Staff.
 2. Petitioner shall submit with the request for tabling a copy of the letter to be sent by the petitioner to all persons who have received notice. The letter shall contain the following information:
 - (a) All information used to describe the petition from the original notice letter.
 - (b) A statement that the petition is tabled until the next hearing.
 - (c) A statement that new notices of hearing will be sent out 10 days prior to the next hearing giving date and time as prescribed by these rules.
2. Tabling by the Plan Commission
 - A. The Plan Commission at the beginning of every meeting or at the advertised time may consider a request by a petitioner to table an item set for public hearing. The Plan Commission at its discretion may grant the request.
 - B. The Plan Commission may accept public comment for the record even if a tabling has been granted and even when Petitioner/Representation is not present.
 - C. The Plan Commission can at its discretion deny the request for tabling which will require the hearing to take place as advertised or scheduled.
3. Dismissal by the Plan Commission
 - A. If no representative is present to demonstrate reasons to table, the Plan Commission may at its discretion, dismiss with resubmission only at the discretion of the Plan Commission within six (6) months. After six (6) months from the date of dismissal, the matter may be resubmitted without the Commission's approval.
 - B. The Plan Commission can accept public comment for the record prior to the action for dismissal.
4. Withdrawal Acceptance by Plan Commission Staff
 - A. The Staff is permitted to accept withdrawal and approve the withdrawal at its discretion only if the following items are complied with:
 1. Staff receives a letter requesting the withdrawal on or before the Friday before the Plan Commission hearing.

2. The petitioner must submit with the letter for withdrawal a copy of the letter to be sent by the petitioner to all persons who have received notice. The letter shall contain the following information:
 - (a) All information used to describe the petition from the original notice letter.
 - (b) A statement that the petition is withdrawn.
3. A separate statement that the letters (item 2) have been (or will be) sent with post marks of no later than the Friday (or: six calendar days) before the hearing.

B. Withdrawal at the Public Hearing

The Plan Commission can require at its discretion for failure to show, the resubmission be permitted only after six (6) months.

ARTICLE VI. Meetings

1. Regular meetings of the Plan Commission shall be held on the 3rd Tuesday of each month and/or such other date as shall be determined by the Commission. The meeting shall normally be devoted to the consideration of the routine business of administration and public hearings. Discussions of planning in general, the introduction of resolutions by the Plan Commission and policy determination shall also be considered as time permits. IC 36-7-4-306.
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 - A. The date, time and place of a special meeting are fixed in a regular meeting.
 - B. All members of the Commission are present at that regular meeting. IC 36-7-4-307.
3. A majority of the members shall constitute a quorum. No action shall be official unless authorized by a majority of the Commission at a regular or a properly called special meeting. IC 36-7-4-302.
4. A member of the Commission who is not physically present at a meeting of the Commission may participate in the meeting of the Commission by any electronic means of communication following Indiana Code 5-14-1.5-3.5 and Resolution 2025-PC02 (Exhibit C, incorporated herein by reference). A member who intends to participate by an electronic means of communication must notify Commission staff no later than one week prior to the date of the meeting and must provide the reason for participating electronically.
5. If disqualified under Indiana Code 36-7-4-223, a member of the Commission may not participate in a hearing, decision, and/or recommendation concerning a “legislative act” or “zoning decision,” as applicable, as those terms are defined in Indiana Code 36-7-4-1016. A member shall declare his/her own disqualification. Questions as to whether such disqualification is appropriate may be determined by the President of the Commission or the Commission’s attorney. The Commission shall enter in its records the fact that its member has a disqualification. Nothing in this section shall prevent a member of the Commission from presenting a petition on his/her own behalf, but members may not directly or personally represent another person in a hearing before the Commission concerning a “zoning decision” or a “legislative act” as those terms are defined in Indiana Code 36-7-4-1016.

6. Public notice of ~~the date, time and place of~~ any meeting shall be given by the Plan Commission staff following Indiana Code 5-14-1.5 and Resolution 2025-PC01 (Exhibit D, incorporated herein by reference) ~~at least forty-eight hours before the meeting.~~ Public notice shall be given by:
 - A. Posting a copy of the notice at Goshen City Hall. ~~the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held.~~
 - B. Publishing the notice on the City of Goshen's website.
 - C. ~~Depositing in the U.S. Mail with postage prepaid or delivering~~ Transmitting the notice by electronic mail to all news media which deliver to the Commission or the Goshen Clerk-Treasurer's Office ~~by January 1~~ an annual written request for such notices ~~not later than December 31~~ for the next succeeding calendar year. ~~to the Plan Commission. IC 5-14-1.5-5.~~
7. An agenda of all regular and special meetings shall be posted at the entrance to the location of the meeting prior to its commencement. IC 5-14-1.5-4.
8. The order of business at the regular monthly meeting shall be:
 - A. Roll Call
 - B. Approval of the minutes of previous meeting
 - C. Introduction of zoning ordinance and subdivision ordinances and official staff reports as evidence.
 - D. Public hearings
 - E. Audience Items
 - F. Staff and Board items
 - G. Executive Session
 - H. Adjournment
9. The order of business at special meetings:
 - A. Roll Call
 - B. Special Business
 - C. Adjournment
10. In the conduct of public hearings the President shall:
 - A. Refuse to consider or present to the Commission for consideration any petition in support of or in opposition to any application or matter being considered by the Commission unless said petition shall conform to the following requirements:
 1. The name of the petition shall be stated therein.
 2. The petition shall state whether in favor or against the application.
 3. State the reasons therefore.
 4. It shall be signed by freeholders before a person carrying said petition who shall swear or affirm under oath before a Notary that the signature thereto was so made by the person signing.
 5. The signers shall state their address.
 - B. Require the Secretary of the Commission to read the application received.
 - C. Recognize and hear those who are appearing in behalf of the application (petitioners) and those appearing in opposition to the application (remonstrators).

- D. Allow rebuttal by petitioners.
 - E. Ask Commission members if they have any questions pertaining to the application.
11. In reaching a decision on any application for determination of a map or zoning ordinance amendment, the Commission shall recognize that zoning must first of all be based on the present and anticipated land use needs of the whole area as well as any part of it, and the relationship to the Comprehensive Plan. It shall recognize that the burden of proof for a change lies with the applicant and that such proof must be based on an analysis of facts. It is recognized that the following factors shall be given complete consideration in any action on all rezoning petitions:
- A. Location
 - B. Need
 - C. Topography
 - D. Increased demands on streets and utilities
 - E. Effect on adjacent property
 - F. Relationship to general land use pattern of neighborhood and community
 - G. Relationship to the Comprehensive Plan
 - H. Relationship to future land use plan
 - I. That generally, the test is not one of size but of demonstrated community need
 - J. That zoning is not a tool for special privilege for use of individuals, pressure groups or public officials
 - K. Precedent
12. In reaching a decision on any application for a subdivision, the Commission may waive the standards fixed in the Goshen City Subdivision Ordinance as long as the subdivision plat still meets all applicable standards of the Goshen City Zoning Ordinance (unless varied by the Goshen City Board of Zoning Appeals).
13. All members of the Commission present and not disqualified shall vote on any motions made and duly seconded on the merits of an application presented to them. In the case of a tie or indecisive vote, the petition may be continued to the next regular meeting or passed to the City Council with no recommendation.
14. If a member is not present at the hearing on a matter, and that matter is continued or tabled to a subsequent date(s), reading the minutes and reviewing the evidence presented shall entitle the member to vote on the matter at the subsequent hearing.
- 15 As a condition to the:
- A. adoption of a rezoning proposal;
 - B. primary approval of a proposed subdivision plat;
 - C. approval of a vacation of all or part of the plat; or
 - D. waiver of the standards fixed in the Goshen City Subdivision Ordinance;
- the owner of a parcel of real property may be required or allowed by the Commission to make a commitment to the Commission concerning the use or development of that parcel as permitted by Indiana Code 36-7-4-1015. This commitment document may be created by the Commission attorney/staff or by the owner and shall include the specific commitments set forth by the Commission and/or the owner in addition to the standard terms in the commitment form adopted by the Commission; the resulting commitment document shall be in

substantially the form set forth in Exhibit B of these Rules and incorporated herein by reference. The completed commitment form shall be approved by the Commission staff and then signed by the owner in front of a notary public; the completed commitment form shall be recorded in the Office of the Elkhart County Recorder by the owner with a copy of the recorded commitment delivered to the Commission staff within ten (10) days after recording for placement in the proposal or application file. No zoning clearance shall be issued until the recorded commitment has been delivered to the Commission staff. The commitment shall be effective immediately upon execution by the owner. The owner shall give notice of the commitment, whether recorded or unrecorded, to any subsequent owner and/or any person or persons acquiring an interest in any portion of the parcel of real property. The owner and any subsequent owner and/or any other person or person acquiring an interest in any portion of the parcel of real property shall be bound by the terms of the commitment. If any person fails to comply with the commitment, that person and the respective parcel of real property shall be considered to be in violation of the Goshen City Zoning Ordinance and the commitment itself, and the commitment shall be enforced in accordance with the provisions of the Goshen City Zoning Ordinance and/or IC 36-7-4-1015. The Commission and/or the Goshen City Zoning Administrator are authorized to enforce the terms of the commitment; also, any property owner adjacent to the parcel of real property or any specifically affected person listed in the commitment are entitled to enforce the terms of the commitment separately and independently from the Commission and/or Goshen City Zoning Administrator. A commitment may contain terms providing for its own expiration or terms providing for automatic termination. A commitment does not automatically terminate upon: (1) a legislative body's adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the parcel or real property, or (2) a change in the land use on the parcel of real property to which the commitment relates. Except as otherwise stated in the commitment, any commitment may be modified or terminated only by a decision of the Commission made at a public hearing after notice is given in accordance with Commission rules. Requiring or allowing a commitment to be made does not obligate the Commission to adopt, approve or favorably recommend the proposal or application to which the commitment relates.

16. After public hearing and final determination on any application, the Staff for the Plan Commission shall:
 - A. In the matters of rezoning any real estate, report and recommend or reject the same, with reference thereto the City Council in writing.
 - B. Upon adoption of any rezoning by the City Council and referral back to the Commission, the Recording Secretary shall obtain a copy of said rezoning ordinance and keep it as part of the Record of said matter.
 - C. In other matters cause a written notice of the finding of the Commission to be sent to the applicant and such other persons as the Commission sees fit.
17. When the Commission shall have made an adverse decision on any application considered by it, including but not limited to subdivision of land or for vacation of all or part of a plat, or when the City Council shall have made an adverse decision on any application referred by the Plan Commission, the Commission may not again hear or consider the same application within one year from the date of the decision rendered by the Commission or City Council except upon motion of a member of the Commission duly seconded and

approved by the unanimous vote of all members present at the regular meeting at which said motion is presented.

ARTICLE VII. Amendment

The Commission at any time, may amend, supplement or change the rules of procedure as set forth above. Such change shall be made upon motion of any member of the Commission, duly seconded and receiving a majority vote of the total membership of the Commission.

Approved on: October 21, 2025

Richard Worsham, President

Exhibit A

GOSHEN CITY ADVISORY PLAN COMMISSION
CERTIFICATION OF RESIDENCY

My residence means the place where I have my true, fixed, and permanent home and principal establishment; and to which I have, whenever absent, the intention of returning to. With this understanding, I hereby affirm, under the pains and penalties for perjury, that the following representations are true to the best of my belief and knowledge:

_____ I am a resident of the incorporated area of the City of Goshen, Elkhart County, State of Indiana;
or

_____ I am a resident of Elkhart County, State of Indiana and an owner of real property located in whole or in part in an incorporated area of the City of Goshen, Elkhart County, State of Indiana.

Dated: _____

(Signature)

(Printed Name)

EXHIBIT B**WRITTEN COMMITMENT**

Date:

Grantor:

Grantee:

Goshen City Advisory Plan Commission

The following shall be referred to as “the Real Estate”:

Common Street Address:

Current Tax Code #:

Legal Description: See Attachment A

The Grantor, jointly and severally, agree to abide by these commitments concerning the use and/or development of the Real Estate:

1. .
2. .
3. .

Further, the Grantor, jointly and severally, agree to the following concerning the procedures associated with maintenance and enforcement of this Written Commitment:

1. That this Written Commitment shall be recorded in the Elkhart County Recorder’s Office.
2. That the Grantor shall give notice of this Written Commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate.
3. That the Grantor and any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate shall be bound by the terms of this Written Commitment.
4. That the Goshen City Advisory Plan Commission and/or the Goshen City Zoning Administrator are authorized to enforce the terms of this Written Commitment.
5. That any property owner adjacent to the Real Estate or any specifically affected persons listed below are also entitled to enforce the terms of this Written Commitment separately and independently from the Goshen City Advisory Plan Commission and/or the Goshen City Zoning Administrator; specifically affected persons are: _____.
6. This Written Commitment does not automatically terminate upon a legislative body’s adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the Real Estate, or a change in the land use on the Real Estate to which this Written Commitment relates.
7. This Written Commitment may be modified or terminated only by a decision of the Goshen City Advisory Plan Commission after public hearing, except as otherwise stated herein.
8. That any and all signatories to this document as a Grantor warrant, jointly and severally, to the Goshen City Advisory Plan Commission that all persons having interest in the Real Estate have reviewed this Written Commitment and have signed this document.

- 9. This Written Commitment shall be effective immediately upon execution by the Grantor.
- 10. No zoning clearance shall be issued until the recorded Written Commitment has been delivered to the Goshen City Advisory Plan Commission staff.

Agreed this the _____ day of _____ 20__ by the following Grantor (collectively the owner(s) of the Real Estate):

_____	_____
Print Name & any title	Print Name & any title
_____	_____
Print Name & any title	Print Name & any title

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, and acknowledged the execution of the foregoing instrument this _____ day of _____, 201__.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

_____	_____, Notary Public
	Resident of Elkhart County, Indiana

I, _____, did prepare this document and do affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

EXHIBIT C

RESOLUTION 2025-PC02

**Resolution of the Goshen Plan Commission
Adopting an Electronic Meetings Policy
to Allow Members of the Plan Commission
to Participate in Meetings by an Electronic Means of Communication**

WHEREAS I.C. 5-14-1.5-3.5 allows a member of the governing body of a political subdivision who is not physically present at a meeting of the governing body to participate in a meeting by any electronic means of communication that:

- A. Allows all participating members of the governing body to simultaneously communicate with each other; and
- B. Allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session.

WHEREAS the governing body must adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication, which may include procedures that are more restrictive than the procedures established by I.C. 5-14-1.5-3.5.

WHEREAS Goshen Common Council Resolution 2024-03 adopts an Electronic Meetings Policy to allow members of the Common Council to participate in meetings by electronic means of communication. The Common Council Electronic Meetings Policy also applies to all other governing bodies of the City of Goshen, excluding the Board of Aviation Commissioners, until such time as such other governing bodies adopt a substantially similar policy.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Plan Commission adopts the following Electronic Meetings Policy:

Section 1. Attendance at Meetings of the Goshen Plan Commission by Electronic Means of Communication

- A. A member of the Plan Commission ("Commission") who is not physically present at a meeting of the Commission may participate in the meeting of the Commission by any electronic means of communication that:
 - 1. allows all participating members of the Commission to simultaneously communicate with each other; and
 - 2. allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session.
- B. The following conditions apply to a Plan Commission member not physically present at a meeting of the Commission but participating in the meeting of the Commission by an electronic means of communication:
 - 1. At least fifty percent (50%) of the Commission members must be physically present at a meeting at which a member may participate by an electronic means of communication.
 - 2. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.
 - 3. Subject to Section 2, paragraph C, a member who participates in a meeting by an electronic means of communication may participate in final action only if the member can be seen and heard.

4. Subject to Section 2, paragraph C, a member who participates by an electronic means of communication shall be considered present for purposes of establishing a quorum.

Section 2. Limitations

- A. A member of the Plan Commission may not attend more than two (2) 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.
- B. A member of the Plan Commission may attend two (2) consecutive meetings ("a Set of Meetings") by an electronic means of communication; however, a member must physically attend, in person, at least one (1) meeting between a Set of Meetings that the member attends by an electronic means of 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.
- C. A member of the Plan Commission may not participate in a meeting by an electronic means of communication at which the Commission may take final action, as applicable to the governing body, to:
 1. adopt a budget;
 2. make a reduction in personnel;
 3. initiate a referendum;
 4. establish or increase a fee;
 5. establish or increase a penalty;
 6. exercise the governing body's eminent domain authority; or
 7. establish, raise, or renew a tax.

Section 3. Technological Failure

A technological failure in an electronic means of communication that disrupts or prevents:

- A. the simultaneous communication between a member who is not physically present at the meeting and the Plan Commission; or
- B. a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the Plan Commission from conducting the meeting or affect the validity of an action taken by the Commission at the meeting if the sum of the Commission members physically present at the meeting and the

Commission members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the Plan Commission.

Section 4. Minutes or Memoranda

The minutes or memoranda of a meeting at which any member of the Plan Commission participates by an electronic means of communication must:

- A. identify each member who:
 - 1. was physically present at the meeting;
 - 2. participated in the meeting by using any electronic means of communication; and
 - 3. was absent; and
- B. identify the electronic means of communication by which:
 - 1. members participated in the meeting; and
 - 2. the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. Declared Emergencies

- A. Members are not required to be physically present for a meeting of the Plan Commission during such time when following authorities have declared a disaster emergency and the disaster emergency remains in effect:
 - 1. the governor under I.C. 10-14-3-12; or
 - 2. the mayor under I.C. 10-14-3-29,to the extent allowed by I.C. 5-14-1.5-3.7.
- B. Members may participate in a meeting during a declared disaster emergency by an electronic means of communication provided that:
 - 1. At least a quorum of the members participates in the meeting by an electronic means of communication or in person.
 - 2. The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
- C. The minutes or memoranda of the meeting must comply with requirements for meetings where members are allowed to attend by an electronic means of communication.
- D. 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.

Section 6. Definitions

The definitions found in I.C. 5-14-1.5-2, as amended, shall apply to this policy.

Section 7. Application

The policy adopted by this resolution shall be known as the "Electronic Meetings Policy" of the Goshen Plan Commission and it shall apply to meetings of the Plan Commission.

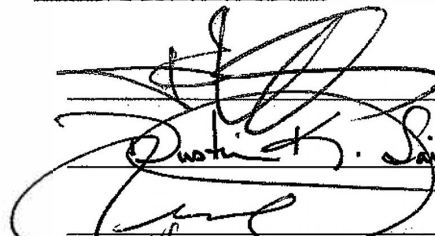
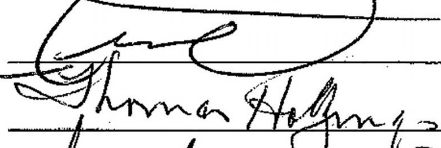
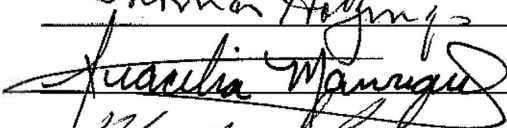
Section 8. Intent of Policy

- A. It is the intent of this policy to comply with the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time, to allow for a member of the Plan Commission who is not physically present at a meeting to participate by any electronic means of communication. In the event that I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7 are amended or repealed, then this policy shall be amended to comply with said amended statutory provisions.
- B. This resolution incorporates by reference the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time; however, the more restrictive provisions of this resolution shall govern.

Section 9. Effective Date

This resolution shall be effective from and after adoption.

PASSED and ADOPTED by the Goshen Plan Commission on June 17, 2025.


Duane H. Sailor

Thomas Holmgren

Jessica Mangus

Kristin Brown

EXHIBIT D

RESOLUTION 2025-PC01

Resolution of the Goshen Plan Commission Adopting a Policy to Provide Public Notice of Meetings

WHEREAS I.C. 5-14-1.5-5 sets forth the requirements for a governing body to provide public notice of any meetings, executive sessions or of any rescheduled or reconvened meeting.

WHEREAS I.C. 5-14-1.5-5(b)(2) provides that a governing body shall determine the method in which the governing body shall provide notice of meetings to all news media which deliver to the governing body an annual written request for notices not later than December 31 for the next succeeding calendar year.

WHEREAS I.C. 5-14-1.5-5(b)(3) provides that a governing body may adopt a policy to determine the method in which the governing body shall provide notice of meetings to any person (other than news media) who delivers to the governing body an annual written request for notices not later than December 31 for the next succeeding calendar year.

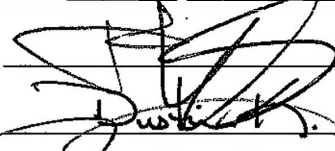
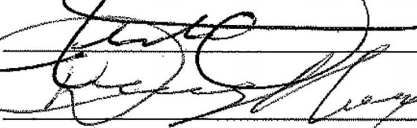
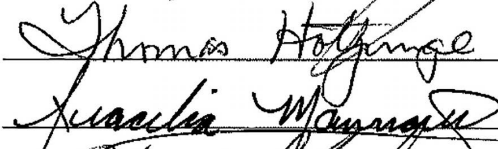
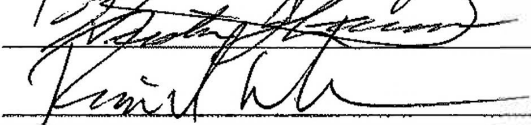
WHEREAS the purpose of this policy is to state the methods in which the Goshen Plan Commission, as a governing body of the City of Goshen, shall provide public notice of meetings in accordance with I.C. 5-14-1.5-5.

NOW, THEREFORE, BE IT RESOLVED that, in accordance with I.C. 5-14-1.5 et seq., the Goshen Plan Commission, hereinafter referred to as "governing body," shall provide public notice of meetings as follows:

- A. Public notice of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and location of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda. This requirement also does not apply to a meeting called to deal with an emergency as provided under I.C. 5-14-1.5-5(d).
- B. The public notice shall include the following information:
 - 1. Governing body name.
 - 2. Date of meeting.
 - 3. Time of meeting.
 - 4. Location of meeting.
 - 5. Website address for live transmissions and archived copies of live transmissions of meetings, excluding an executive session.
 - 6. If the meeting is an executive session, the public notice shall include the subject matter by specific reference to the enumerated instance or instances for which an executive session may be held under I.C. 5-14-1.5-6.1(b).

- C. The public notice of meetings shall be given by:
1. Posting a copy of the notice at Goshen City Hall.
 2. Publishing the notice on the City of Goshen's website at least forty-eight (48) hours in advance of the meeting shall serve as notice to any person (other than news media) who delivers to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.
 3. Transmitting the notice by electronic mail to all news media which deliver to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.
- D. Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or location of a regular meeting or meetings is changed. This does not apply to executive sessions.
- E. If an agenda is utilized for a meeting, a copy of the agenda shall be posted at the entrance to the location of the meeting prior to the meeting.
- F. This policy to provide public notice of meetings shall be effective immediately. Upon the effective date of this policy, all prior policies on providing public notice of meetings, specifically including the policy adopted February 19, 2013, shall be repealed.
- G. This policy is intended to be consistent with the Indiana Open Door Law codified at I.C. 5-14-1.5 et seq. as in effect on April 25, 2025, and is incorporated hereto by reference. In the event that I.C. 5-14-1.5 et seq. is amended in such a way to conflict with any provision in this policy, then this policy shall be amended to comply with the statutory amendment.

PASSED and ADOPTED by the Goshen Plan Commission on June 17, 2025.


Robert R. Linder

Thomas Holzinger

Jessica Wainwright

Kristin H.

RULES OF THE GOSHEN CITY PLAN COMMISSION

ARTICLE I. Membership and Officers

The Plan Commission shall consist of nine members, four of whom are ex-officio appointed as follows: One member appointed by the City Council from its membership; one member appointed by the Park Board from its membership; one member or designated representative appointed by the Board of Works; and the City Engineer by virtue of his/her office. There shall be five citizen members appointed by the Mayor of whom no more than three may be the same political party. A citizen member must be a resident of the incorporated areas of the City or a resident of Elkhart County and also own real property in whole or in part in the incorporated areas of the City; and at least three citizen members must be residents of incorporated areas of the City. Each citizen member shall confirm that he/she meets all applicable residency requirements for appointment by executing and filing with the Commission a certification of residency in the form set forth in Exhibit A of these rules and incorporated herein by reference. Each citizen member shall be appointed because of his/her knowledge and experience in community affairs, his/her awareness of the social, economic, agricultural, and industrial problems of the area. A citizen member may not hold other elected office or appointed office in municipal, county, or state government except as permitted by IC 36-7-4-216.

1. A President shall be elected at the first regular meeting of the Commission in each calendar year. He or she shall preside at all meetings; shall have the authority to call and preside at any special meeting; and have special duties as further prescribed herein. IC 36-7-4-303.
2. A Vice-President shall be elected in the manner prescribed for the President and shall have the authority to act as President during the absence or disability of the President. IC 36-7-4-303.
3. A Secretary of the Commission shall be elected in the manner prescribed for the President who shall be responsible for all records, shall conduct all correspondence of the Commission, and shall generally supervise the clerical work of the Commission. The Secretary shall keep in a volume the minutes of every meeting of the Commission and when approved sign the same. He or she shall serve notice of all public hearings and serve notification to all members of all meetings. IC 36-7-4-304.
4. A Recording Secretary, subject to the direction of the Zoning Administrator of the Commission, shall record all important facts pertaining to each meeting and hearing, every resolution acted upon by the Commission, and all votes of members of the Commission upon any resolution or upon the final determination of any questions, indicating the names of the members absent or failing to vote. The Recording Secretary if chosen from outside the membership of the Commission shall not be eligible to vote upon any matter. IC 36-7-4-401.
5. In the event of the absence or disability of the President or Vice-President, the presiding officer shall be a member of the Commission selected by the members present.
6. The Commission delegates to the Zoning Administrator and staff the authority to review and approve plans and specifications, and to grant Improvement Location Permits (Zoning Clearances), in accordance with the City of Goshen, Indiana, Subdivision Control Ordinance; Zoning Ordinance, City of Goshen, Indiana; Goshen BZA Rules of Procedure; and these Rules.

ARTICLE II. Terms of Office; Procedures for Filling Vacancies

1. The term of office for the members chosen from the City Council, Park Board, and Board of Works is co-extensive with the member's term of office on that Body, Board, or Council, unless that Body, Board or Council appoints, at its first regular meeting in any year, another to serve as its representative. IC 36-7-4-217.
2. Citizen members shall be appointed for a term of four years. A member serves until his or her successor is appointed and qualified. A member is eligible for reappointment. IC 36-7-4-218.
3. In the case of vacancies, the appointing authority shall appoint a member for the unexpired term of the vacating member.
4. An appointed member who misses three consecutive regular meetings of the Commission may be treated as if the member had resigned, at the discretion of the respective appointing authority.
5. The respective appointing authority may appoint an alternate member to participate with the Commission in a hearing or decision if a regular member has a disqualification under IC 36-7-4-223(c); an alternate member has all the powers and duties of a regular member while participating in the hearing or decision.

ARTICLE III. Notice - Interested Parties

1. Pursuant to the authority given under Indiana Code Section 36-7-4-604, interested parties, the means for notifying them and the responsibility for such notice shall be as follows:
 - A. Where the proposed zoning ordinance is an initial zoning ordinance or replacement zoning ordinance after repealing the entire zoning ordinance under IC 36-7-4-606, the interested parties shall be all residents of the City of Goshen, Indiana, subject to the Goshen City Zoning Ordinance, and notice to them shall be given by publication pursuant to Indiana Code 5-3-1, and shall be given by and at the cost of the Commission.
 - B. Where the proposed zoning ordinance is an amendment to or a partial repeal of the zoning ordinance under IC 36-7-4-607, interested parties shall be all residents of the City of Goshen, Indiana, subject to the Goshen City Zoning Ordinance, and notice to them shall be given by publication pursuant to IC 5-3-1 and shall be given by and at the cost of the Commission.
 - C. Where the proposed zoning ordinance is a change in the zoning maps under IC 36-7-4-608, and initiated by a party other than the Commission or participating legislative body, interested parties shall be the owners of all real estate within a 300 foot radius of the perimeter of the real estate for which the zoning map is to be changed, as determined from the records of the Elkhart County Auditor or Assessor. Notice shall be given by the Commission to all such owners by First Class Mail at least ten (10) days prior to the hearing. Proof of such mailing shall be made by affidavit in the form provided by the Commission and filing thereof shall be a condition for such hearing. Additional notice by publication pursuant to IC 5-3-1 shall be given by and at the cost of the Petitioner. Notice shall also be placed on the subject property to be rezoned by the petitioner at least ten (10) days prior to the public hearing, with signs provided by the Planning office, and with the cost of the sign(s) paid for by the petitioner along with the filing fee. Signs shall be placed on the subject property to be rezoned a minimum of one (1) sign per street frontage, with at least one (1) sign every 700' of total street frontage.

D. Where such change of zoning maps is proposed by the Commission or any participating legislative body, interested parties shall be all residents of the City of Goshen, Indiana, subject to the Goshen City Zoning Ordinance, and notice to them shall be given by publication pursuant to IC 5-3-1, and shall be given by and at the cost of the Commission. Notice shall be given to all such owners where such change is proposed by First Class Mail at least ten (10) days prior to the hearing. Proof of such mailing shall be made by affidavit in the form provided by the Commission and filing thereof shall be a condition for such hearing.

2. Notice - Interested Parties - Subdivision

Interested parties for hearing on primary approval of a subdivision shall be those persons identified as such by the Goshen City Subdivision Ordinance. Notice shall be given by the Commission in the form provided by the Commission at the address as determined from the records of the Elkhart County Auditor or Assessor by First Class Mail at least ten (10) days prior to the hearing. Such mailing shall be made by filing an affidavit in a form provided by the Commission prior to the hearing, and filing thereof shall be a condition for such hearing.

3. Notice – Interested Parties – Plat Vacation

For matters involving vacation of all or a part of a plat under IC 36-7-4-711, interested parties shall include every owner of land in the plat. Notice to them shall be given by publication pursuant to IC 5-3-1 and by the Commission in the form provided by the Commission at the address as determined from the records of the Elkhart County Auditor or Assessor by First Class Mail at least ten (10) days prior to the hearing. Such mailing shall be made by filing an affidavit in a form provided by the Commission prior to the hearing, and filing thereof shall be a condition for such hearing. The petitioner shall pay all expenses of providing the required notice.

4. Notice – Interested Parties – Minor Change PUD Final Plan

For matters involving the minor modification of an approved PUD final plan, interested parties include the applicant and all owners of land in the subject PUD. Written notice of the decision shall be mailed to the applicant and interested parties within five (5) business days of the decision of the Zoning Administrator or Plan Commission, as applicable. No prior notice is required.

ARTICLE IV. **Application Procedures**

1. All applications for zoning map changes and zoning ordinance amendments shall include:

- A. A legal description of the same by metes and bounds or subdivision name and lot number.
- B. Be accompanied by a site plan drawn to scale showing existing and planned improvements.
- C. List the names and addresses of interested persons as defined in the above rules.
- D. Be accompanied by the applicable filing fee.
- E. Be accompanied by payment for the cost of the rezoning signs to be placed by the petitioner on the subject property to be rezoned. The cost paid by the petitioner shall be the cost paid by the City for each sign.

2. All applications for major primary subdivisions shall:
 - A. Be filed in accordance with the Goshen City Subdivision Ordinance.
 - B. List the names and addresses of the interested persons as defined in the above rules.
 - C. Be accompanied by the applicable filing fee.

ARTICLE V. **Tabling Policy**

1. Tabling by Plan Commission Staff
 - A. The Staff is permitted to accept a tabling request and approve such request only once if the following criteria are met:
 1. A letter requesting the tabling is received by the Staff, the Friday before the Plan Commission's hearing. This letter must contain the following:
 - (a) The request to table until the following hearing.
 - (b) A statement that the petitioner will send out at his/her cost the new notice of hearing and time, either using the form the Plan Commission uses or a form reviewed by and approved by the Staff.
 2. Petitioner shall submit with the request for tabling a copy of the letter to be sent by the petitioner to all persons who have received notice. The letter shall contain the following information:
 - (a) All information used to describe the petition from the original notice letter.
 - (b) A statement that the petition is tabled until the next hearing.
 - (c) A statement that new notices of hearing will be sent out 10 days prior to the next hearing giving date and time as prescribed by these rules.
2. Tabling by the Plan Commission
 - A. The Plan Commission at the beginning of every meeting or at the advertised time may consider a request by a petitioner to table an item set for public hearing. The Plan Commission at its discretion may grant the request.
 - B. The Plan Commission may accept public comment for the record even if a tabling has been granted and even when Petitioner/Representation is not present.
 - C. The Plan Commission can at its discretion deny the request for tabling which will require the hearing to take place as advertised or scheduled.
3. Dismissal by the Plan Commission
 - A. If no representative is present to demonstrate reasons to table, the Plan Commission may at its discretion, dismiss with resubmission only at the discretion of the Plan Commission within six (6) months. After six (6) months from the date of dismissal, the matter may be resubmitted without the Commission's approval.
 - B. The Plan Commission can accept public comment for the record prior to the action for dismissal.
4. Withdrawal Acceptance by Plan Commission Staff
 - A. The Staff is permitted to accept withdrawal and approve the withdrawal at its discretion only if the following items are complied with:
 1. Staff receives a letter requesting the withdrawal on or before the Friday before the Plan Commission hearing.

2. The petitioner must submit with the letter for withdrawal a copy of the letter to be sent by the petitioner to all persons who have received notice. The letter shall contain the following information:
 - (a) All information used to describe the petition from the original notice letter.
 - (b) A statement that the petition is withdrawn.
3. A separate statement that the letters (item 2) have been (or will be) sent with post marks of no later than the Friday (or: six calendar days) before the hearing.

B. Withdrawal at the Public Hearing

The Plan Commission can require at its discretion for failure to show, the resubmission be permitted only after six (6) months.

ARTICLE VI. Meetings

1. Regular meetings of the Plan Commission shall be held on the 3rd Tuesday of each month and/or such other date as shall be determined by the Commission. The meeting shall normally be devoted to the consideration of the routine business of administration and public hearings. Discussions of planning in general, the introduction of resolutions by the Plan Commission and policy determination shall also be considered as time permits. IC 36-7-4-306.
2. Special meetings of the Commission may be called by the President or by two members upon written request to the Secretary. Written notice of special meetings shall be given to all Commission members at least three days in advance and shall fix the time and place. Written notice is not required if:
 - A. The date, time and place of a special meeting are fixed in a regular meeting.
 - B. All members of the Commission are present at that regular meeting. IC 36-7-4-307.
3. A majority of the members shall constitute a quorum. No action shall be official unless authorized by a majority of the Commission at a regular or a properly called special meeting. IC 36-7-4-302.
4. A member of the Commission who is not physically present at a meeting of the Commission may participate in the meeting of the Commission by any electronic means of communication following Indiana Code 5-14-1.5-3.5 and Resolution 2025-PC02 (Exhibit C, incorporated herein by reference). A member who intends to participate by an electronic means of communication must notify Commission staff no later than one week prior to the date of the meeting and must provide the reason for participating electronically.
5. If disqualified under Indiana Code 36-7-4-223, a member of the Commission may not participate in a hearing, decision, and/or recommendation concerning a “legislative act” or “zoning decision,” as applicable, as those terms are defined in Indiana Code 36-7-4-1016. A member shall declare his/her own disqualification. Questions as to whether such disqualification is appropriate may be determined by the President of the Commission or the Commission’s attorney. The Commission shall enter in its records the fact that its member has a disqualification. Nothing in this section shall prevent a member of the Commission from presenting a petition on his/her own behalf, but members may not directly or personally represent another person in a hearing before the Commission concerning a “zoning decision” or a “legislative act” as those terms are defined in Indiana Code 36-7-4-1016.
6. Public notice of any meeting shall be given by the Plan Commission staff following Indiana Code 5-14-1.5 and Resolution 2025-PC01 (Exhibit D, incorporated herein by reference). Public notice shall be given by:

- A. Posting a copy of the notice at Goshen City Hall.
 - B. Publishing the notice on the City of Goshen's website.
 - C. Transmitting the notice by electronic mail to all news media which deliver to the Commission or the Goshen Clerk-Treasurer's Office an annual written request for such notices not later than December 31 for the next succeeding calendar year.
7. An agenda of all regular and special meetings shall be posted at the entrance to the location of the meeting prior to its commencement. IC 5-14-1.5-4.
8. The order of business at the regular monthly meeting shall be:
- A. Roll Call
 - B. Approval of the minutes of previous meeting
 - C. Introduction of zoning ordinance and subdivision ordinances and official staff reports as evidence.
 - D. Public hearings
 - E. Audience Items
 - F. Staff and Board items
 - G. Executive Session
 - H. Adjournment
9. The order of business at special meetings:
- A. Roll Call
 - B. Special Business
 - C. Adjournment
10. In the conduct of public hearings the President shall:
- A. Refuse to consider or present to the Commission for consideration any petition in support of or in opposition to any application or matter being considered by the Commission unless said petition shall conform to the following requirements:
 - 1. The name of the petition shall be stated therein.
 - 2. The petition shall state whether in favor or against the application.
 - 3. State the reasons therefore.
 - 4. It shall be signed by freeholders before a person carrying said petition who shall swear or affirm under oath before a Notary that the signature thereto was so made by the person signing.
 - 5. The signers shall state their address.
 - B. Require the Secretary of the Commission to read the application received.
 - C. Recognize and hear those who are appearing in behalf of the application (petitioners) and those appearing in opposition to the application (remonstrators).
 - D. Allow rebuttal by petitioners.
 - E. Ask Commission members if they have any questions pertaining to the application.
11. In reaching a decision on any application for determination of a map or zoning ordinance amendment, the Commission shall recognize that zoning must first of all be based on the present and anticipated land use needs of the whole area as well as any part of it, and the relationship to the Comprehensive Plan. It shall recognize that the burden of proof for a change lies with the applicant and that such proof must be based on an

analysis of facts. It is recognized that the following factors shall be given complete consideration in any action on all rezoning petitions:

- A. Location
- B. Need
- C. Topography
- D. Increased demands on streets and utilities
- E. Effect on adjacent property
- F. Relationship to general land use pattern of neighborhood and community
- G. Relationship to the Comprehensive Plan
- H. Relationship to future land use plan
- I. That generally, the test is not one of size but of demonstrated community need
- J. That zoning is not a tool for special privilege for use of individuals, pressure groups or public officials
- K. Precedent

- 12. In reaching a decision on any application for a subdivision, the Commission may waive the standards fixed in the Goshen City Subdivision Ordinance as long as the subdivision plat still meets all applicable standards of the Goshen City Zoning Ordinance (unless varied by the Goshen City Board of Zoning Appeals).
- 13. All members of the Commission present and not disqualified shall vote on any motions made and duly seconded on the merits of an application presented to them. In the case of a tie or indecisive vote, the petition may be continued to the next regular meeting or passed to the City Council with no recommendation.
- 14. If a member is not present at the hearing on a matter, and that matter is continued or tabled to a subsequent date(s), reading the minutes and reviewing the evidence presented shall entitle the member to vote on the matter at the subsequent hearing.
- 15 As a condition to the:
 - A. adoption of a rezoning proposal;
 - B. primary approval of a proposed subdivision plat;
 - C. approval of a vacation of all or part of the plat; or
 - D. waiver of the standards fixed in the Goshen City Subdivision Ordinance;the owner of a parcel of real property may be required or allowed by the Commission to make a commitment to the Commission concerning the use or development of that parcel as permitted by Indiana Code 36-7-4-1015. This commitment document may be created by the Commission attorney/staff or by the owner and shall include the specific commitments set forth by the Commission and/or the owner in addition to the standard terms in the commitment form adopted by the Commission; the resulting commitment document shall be in substantially the form set forth in Exhibit B of these Rules and incorporated herein by reference. The completed commitment form shall be approved by the Commission staff and then signed by the owner in front of a notary public; the completed commitment form shall be recorded in the Office of the Elkhart County Recorder by the owner with a copy of the recorded commitment delivered to the Commission staff within ten (10) days after recording for placement in the proposal or application file. No zoning clearance shall be issued until the recorded commitment has been delivered to the Commission staff. The commitment shall be effective immediately upon execution by the owner. The owner shall give notice of the commitment,

whether recorded or unrecorded, to any subsequent owner and/or any person or persons acquiring an interest in any portion of the parcel of real property. The owner and any subsequent owner and/or any other person or person acquiring an interest in any portion of the parcel of real property shall be bound by the terms of the commitment. If any person fails to comply with the commitment, that person and the respective parcel of real property shall be considered to be in violation of the Goshen City Zoning Ordinance and the commitment itself, and the commitment shall be enforced in accordance with the provisions of the Goshen City Zoning Ordinance and/or IC 36-7-4-1015. The Commission and/or the Goshen City Zoning Administrator are authorized to enforce the terms of the commitment; also, any property owner adjacent to the parcel of real property or any specifically affected person listed in the commitment are entitled to enforce the terms of the commitment separately and independently from the Commission and/or Goshen City Zoning Administrator. A commitment may contain terms providing for its own expiration or terms providing for automatic termination. A commitment does not automatically terminate upon: (1) a legislative body's adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the parcel or real property, or (2) a change in the land use on the parcel of real property to which the commitment relates. Except as otherwise stated in the commitment, any commitment may be modified or terminated only by a decision of the Commission made at a public hearing after notice is given in accordance with Commission rules. Requiring or allowing a commitment to be made does not obligate the Commission to adopt, approve or favorably recommend the proposal or application to which the commitment relates.

16. After public hearing and final determination on any application, the Staff for the Plan Commission shall:
 - A. In the matters of rezoning any real estate, report and recommend or reject the same, with reference thereto the City Council in writing.
 - B. Upon adoption of any rezoning by the City Council and referral back to the Commission, the Recording Secretary shall obtain a copy of said rezoning ordinance and keep it as part of the Record of said matter.
 - C. In other matters cause a written notice of the finding of the Commission to be sent to the applicant and such other persons as the Commission sees fit.
17. When the Commission shall have made an adverse decision on any application considered by it, including but not limited to subdivision of land or for vacation of all or part of a plat, or when the City Council shall have made an adverse decision on any application referred by the Plan Commission, the Commission may not again hear or consider the same application within one year from the date of the decision rendered by the Commission or City Council except upon motion of a member of the Commission duly seconded and approved by the unanimous vote of all members present at the regular meeting at which said motion is presented.

ARTICLE VII. Amendment

The Commission at any time, may amend, supplement or change the rules of procedure as set forth above. Such change shall be made upon motion of any member of the Commission, duly seconded and receiving a majority vote of the total membership of the Commission.

Approved on: October 21, 2025

Richard Worsham, President

Exhibit A

GOSHEN CITY ADVISORY PLAN COMMISSION
CERTIFICATION OF RESIDENCY

My residence means the place where I have my true, fixed, and permanent home and principal establishment; and to which I have, whenever absent, the intention of returning to. With this understanding, I hereby affirm, under the pains and penalties for perjury, that the following representations are true to the best of my belief and knowledge:

_____ I am a resident of the incorporated area of the City of Goshen, Elkhart County, State of Indiana;
or

_____ I am a resident of Elkhart County, State of Indiana and an owner of real property located in whole or in part in an incorporated area of the City of Goshen, Elkhart County, State of Indiana.

Dated: _____

(Signature)

(Printed Name)

EXHIBIT B

WRITTEN COMMITMENT

Date:

Grantor:

Grantee:

Goshen City Advisory Plan Commission

The following shall be referred to as “the Real Estate”:

Common Street Address:

Current Tax Code #:

Legal Description: See Attachment A

The Grantor, jointly and severally, agree to abide by these commitments concerning the use and/or development of the Real Estate:

1. .
2. .
3. .

Further, the Grantor, jointly and severally, agree to the following concerning the procedures associated with maintenance and enforcement of this Written Commitment:

1. That this Written Commitment shall be recorded in the Elkhart County Recorder’s Office.
2. That the Grantor shall give notice of this Written Commitment, whether recorded or unrecorded, to any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate.
3. That the Grantor and any subsequent owner and/or any other person or persons acquiring an interest in any portion of the Real Estate shall be bound by the terms of this Written Commitment.
4. That the Goshen City Advisory Plan Commission and/or the Goshen City Zoning Administrator are authorized to enforce the terms of this Written Commitment.
5. That any property owner adjacent to the Real Estate or any specifically affected persons listed below are also entitled to enforce the terms of this Written Commitment separately and independently from the Goshen City Advisory Plan Commission and/or the Goshen City Zoning Administrator; specifically affected persons are:
_____.
6. This Written Commitment does not automatically terminate upon a legislative body’s adoption of a zoning map amendment (a.k.a. rezoning) covering all or any portion of the Real Estate, or a change in the land use on the Real Estate to which this Written Commitment relates.
7. This Written Commitment may be modified or terminated only by a decision of the Goshen City Advisory Plan Commission after public hearing, except as otherwise stated herein.
8. That any and all signatories to this document as a Grantor warrant, jointly and severally, to the Goshen City Advisory Plan Commission that all persons having interest in the Real Estate have reviewed this Written Commitment and have signed this document.

9. This Written Commitment shall be effective immediately upon execution by the Grantor.
10. No zoning clearance shall be issued until the recorded Written Commitment has been delivered to the Goshen City Advisory Plan Commission staff.

Agreed this the _____ day of _____ 20__ by the following Grantor
(collectively the owner(s) of the Real Estate):

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared _____, and acknowledged the execution of the foregoing instrument this _____ day of _____, 201__.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires:

	_____, Notary Public
	Resident of Elkhart County, Indiana

I, _____, did prepare this document and do affirm under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

EXHIBIT C

RESOLUTION 2025-PC02

**Resolution of the Goshen Plan Commission
Adopting an Electronic Meetings Policy
to Allow Members of the Plan Commission
to Participate in Meetings by an Electronic Means of Communication**

WHEREAS I.C. 5-14-1.5-3.5 allows a member of the governing body of a political subdivision who is not physically present at a meeting of the governing body to participate in a meeting by any electronic means of communication that:

- A. Allows all participating members of the governing body to simultaneously communicate with each other; and
- B. Allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session.

WHEREAS the governing body must adopt a written policy establishing the procedures that apply to a member's participation in a meeting by an electronic means of communication, which may include procedures that are more restrictive than the procedures established by I.C. 5-14-1.5-3.5.

WHEREAS Goshen Common Council Resolution 2024-03 adopts an Electronic Meetings Policy to allow members of the Common Council to participate in meetings by electronic means of communication. The Common Council Electronic Meetings Policy also applies to all other governing bodies of the City of Goshen, excluding the Board of Aviation Commissioners, until such time as such other governing bodies adopt a substantially similar policy.

NOW, THEREFORE, BE IT RESOLVED that the Goshen Plan Commission adopts the following Electronic Meetings Policy:

Section 1. Attendance at Meetings of the Goshen Plan Commission by Electronic Means of Communication

- A. A member of the Plan Commission ("Commission") who is not physically present at a meeting of the Commission may participate in the meeting of the Commission by any electronic means of communication that:
 - 1. allows all participating members of the Commission to simultaneously communicate with each other; and
 - 2. allows the public to simultaneously attend and observe the meeting, except for a meeting held in executive session.
- B. The following conditions apply to a Plan Commission member not physically present at a meeting of the Commission but participating in the meeting of the Commission by an electronic means of communication:
 - 1. At least fifty percent (50%) of the Commission members must be physically present at a meeting at which a member may participate by an electronic means of communication.
 - 2. All votes taken during a meeting at which at least one (1) member participates by an electronic means of communication must be taken by roll call vote.
 - 3. Subject to Section 2, paragraph C, a member who participates in a meeting by an electronic means of communication may participate in final action only if the member can be seen and heard.

4. Subject to Section 2, paragraph C, a member who participates by an electronic means of communication shall be considered present for purposes of establishing a quorum.

Section 2. Limitations

- A. A member of the Plan Commission may not attend more than two (2) 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.
- B. A member of the Plan Commission may attend two (2) consecutive meetings ("a Set of Meetings") by an electronic means of communication; however, a member must physically attend, in person, at least one (1) meeting between a Set of Meetings that the member attends by an electronic means of 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.
- C. A member of the Plan Commission may not participate in a meeting by an electronic means of communication at which the Commission may take final action, as applicable to the governing body, to:
 1. adopt a budget;
 2. make a reduction in personnel;
 3. initiate a referendum;
 4. establish or increase a fee;
 5. establish or increase a penalty;
 6. exercise the governing body's eminent domain authority; or
 7. establish, raise, or renew a tax.

Section 3. Technological Failure

A technological failure in an electronic means of communication that disrupts or prevents:

- A. the simultaneous communication between a member who is not physically present at the meeting and the Plan Commission; or
- B. a member of the public who is not present at the meeting from attending and observing the meeting;

does not prevent the Plan Commission from conducting the meeting or affect the validity of an action taken by the Commission at the meeting if the sum of the Commission members physically present at the meeting and the

Commission members participating by electronic communication without technological failure satisfy the quorum and (if a final action is taken) the voting requirements of the Plan Commission.

Section 4. Minutes or Memoranda

The minutes or memoranda of a meeting at which any member of the Plan Commission participates by an electronic means of communication must:

- A. identify each member who:
 - 1. was physically present at the meeting;
 - 2. participated in the meeting by using any electronic means of communication; and
 - 3. was absent; and
- B. identify the electronic means of communication by which:
 - 1. members participated in the meeting; and
 - 2. the public attended and observed the meeting, if the meeting was not an executive session.

Section 5. Declared Emergencies

- A. Members are not required to be physically present for a meeting of the Plan Commission during such time when following authorities have declared a disaster emergency and the disaster emergency remains in effect:
 - 1. the governor under I.C. 10-14-3-12; or
 - 2. the mayor under I.C. 10-14-3-29,to the extent allowed by I.C. 5-14-1.5-3.7.
- B. Members may participate in a meeting during a declared disaster emergency by an electronic means of communication provided that:
 - 1. At least a quorum of the members participates in the meeting by an electronic means of communication or in person.
 - 2. The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
- C. The minutes or memoranda of the meeting must comply with requirements for meetings where members are allowed to attend by an electronic means of communication.
- D. 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.

Section 6. Definitions

The definitions found in I.C. 5-14-1.5-2, as amended, shall apply to this policy.

Section 7. Application

The policy adopted by this resolution shall be known as the "Electronic Meetings Policy" of the Goshen Plan Commission and it shall apply to meetings of the Plan Commission.

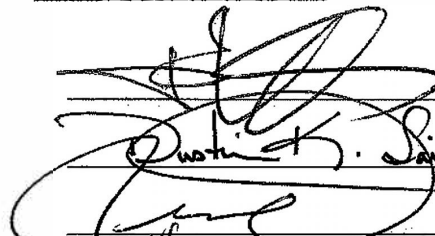
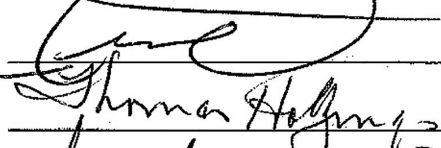
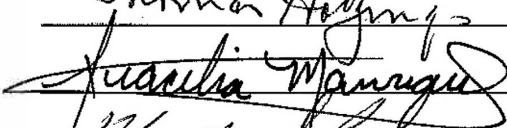
Section 8. Intent of Policy

- A. It is the intent of this policy to comply with the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time, to allow for a member of the Plan Commission who is not physically present at a meeting to participate by any electronic means of communication. In the event that I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7 are amended or repealed, then this policy shall be amended to comply with said amended statutory provisions.
- B. This resolution incorporates by reference the provisions of I.C. 5-14-1.5-3.5 and I.C. 5-14-1.5-3.7, as each may be amended from time to time; however, the more restrictive provisions of this resolution shall govern.

Section 9. Effective Date

This resolution shall be effective from and after adoption.

PASSED and ADOPTED by the Goshen Plan Commission on June 17, 2025.


Duane H. Sailor

Thomas Holdings

Jessica Mangus

Kristin

EXHIBIT D

RESOLUTION 2025-PC01

Resolution of the Goshen Plan Commission Adopting a Policy to Provide Public Notice of Meetings

WHEREAS I.C. 5-14-1.5-5 sets forth the requirements for a governing body to provide public notice of any meetings, executive sessions or of any rescheduled or reconvened meeting.

WHEREAS I.C. 5-14-1.5-5(b)(2) provides that a governing body shall determine the method in which the governing body shall provide notice of meetings to all news media which deliver to the governing body an annual written request for notices not later than December 31 for the next succeeding calendar year.

WHEREAS I.C. 5-14-1.5-5(b)(3) provides that a governing body may adopt a policy to determine the method in which the governing body shall provide notice of meetings to any person (other than news media) who delivers to the governing body an annual written request for notices not later than December 31 for the next succeeding calendar year.

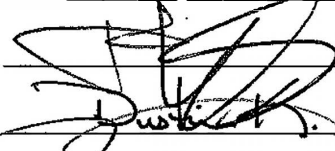
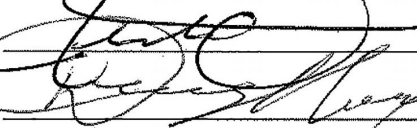
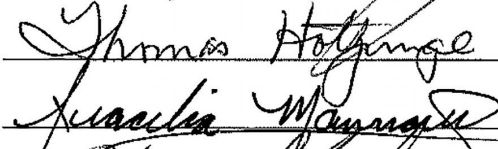
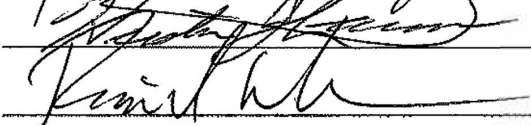
WHEREAS the purpose of this policy is to state the methods in which the Goshen Plan Commission, as a governing body of the City of Goshen, shall provide public notice of meetings in accordance with I.C. 5-14-1.5-5.

NOW, THEREFORE, BE IT RESOLVED that, in accordance with I.C. 5-14-1.5 et seq., the Goshen Plan Commission, hereinafter referred to as "governing body," shall provide public notice of meetings as follows:

- A. Public notice of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and location of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda. This requirement also does not apply to a meeting called to deal with an emergency as provided under I.C. 5-14-1.5-5(d).
- B. The public notice shall include the following information:
 - 1. Governing body name.
 - 2. Date of meeting.
 - 3. Time of meeting.
 - 4. Location of meeting.
 - 5. Website address for live transmissions and archived copies of live transmissions of meetings, excluding an executive session.
 - 6. If the meeting is an executive session, the public notice shall include the subject matter by specific reference to the enumerated instance or instances for which an executive session may be held under I.C. 5-14-1.5-6.1(b).

- C. The public notice of meetings shall be given by:
1. Posting a copy of the notice at Goshen City Hall.
 2. Publishing the notice on the City of Goshen's website at least forty-eight (48) hours in advance of the meeting shall serve as notice to any person (other than news media) who delivers to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.
 3. Transmitting the notice by electronic mail to all news media which deliver to the governing body or the Goshen Clerk-Treasurer's Office an annual written request for the notices not later than December 31 for the next succeeding calendar year.
- D. Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or location of a regular meeting or meetings is changed. This does not apply to executive sessions.
- E. If an agenda is utilized for a meeting, a copy of the agenda shall be posted at the entrance to the location of the meeting prior to the meeting.
- F. This policy to provide public notice of meetings shall be effective immediately. Upon the effective date of this policy, all prior policies on providing public notice of meetings, specifically including the policy adopted February 19, 2013, shall be repealed.
- G. This policy is intended to be consistent with the Indiana Open Door Law codified at I.C. 5-14-1.5 et seq. as in effect on April 25, 2025, and is incorporated hereto by reference. In the event that I.C. 5-14-1.5 et seq. is amended in such a way to conflict with any provision in this policy, then this policy shall be amended to comply with the statutory amendment.

PASSED and ADOPTED by the Goshen Plan Commission on June 17, 2025.


Robert R. Linder

Thomas Holzinger

Jessica Wainwright

Kristin H.

GOSHEN CITY PLAN COMMISSION 2026

MEETING DATES

JANUARY	20
FEBRUARY	17
MARCH	17
APRIL	21
MAY	19
JUNE	16
JULY	21
AUGUST	18
SEPTEMBER	15
OCTOBER	20
NOVEMBER	17
DECEMBER	15

FILING & SITE PLAN DEADLINE

DECEMBER	30, 2025
JANUARY	28
FEBRUARY	25
APRIL	01
APRIL	29
MAY	27
JULY	01
JULY	29
AUGUST	26
SEPTEMBER	30
OCTOBER	28
NOVEMBER	25

GOSHEN CITY BOARD OF ZONING APPEALS 2026

MEETING DATES

JANUARY	27
FEBRUARY	24
MARCH	24
APRIL	28
MAY	26
JUNE	23
JULY	28
AUGUST	25
SEPTEMBER	22
OCTOBER	27
NOVEMBER	24
DECEMBER	22

FILING & SITE PLAN DEADLINE

JANUARY	07
FEBRUARY	04
MARCH	04
APRIL	08
MAY	06
JUNE	03
JULY	08
AUGUST	05
SEPTEMBER	02
OCTOBER	07
NOVEMBER	04
DECEMBER	02

The Plan Commission normally meets on the third Tuesday of each month at 4:00 p.m., and the Board of Zoning Appeals normally meets the fourth Tuesday of each month at 4:00 p.m. Both meetings are held in the Council Chambers, Goshen Police and Courts Building, 111 E. Jefferson Street, Goshen, Indiana. Questions about the filing procedures should be directed to the Planning and Zoning Department at 204 E. Jefferson Street, Suite 4, Goshen, IN 46528; planning@goshencity.com; 574-534-3600.