

# AREA PLAN COMMISSION RULES AND PROCEDURES



## Boone County Area Plan Commission

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## Article 1: Jurisdiction and Authority

- 1) Area Plan Commission Authority. The authority to review, approve, and grant the petitions and permits listed in the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO) shall rest with the Boone County Area Plan Commission (APC). Where permitted, the APC may, at its discretion, delegate such authority to the Executive Director.
- 2) Jurisdiction. The APC shall have jurisdiction over all land within the established boundary of the APC as defined by description or map in the County Recorder's Office. This includes the unincorporated areas of Boone County and the Town of Advance.
- 3) Executive Director. In accordance with *IC 3-7-4-311(b)*, the APC shall appoint an Executive Director who shall have the principal responsibility for the administration and enforcement of the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO). The Executive Director may delegate responsibilities to Staff at their discretion. The duties of the Executive Director shall include, but not be limited to:
  - a) Permits. Receiving, approving, or disapproving all improvement location permits (ILPs) and building permits (BPs) and keeping permanent records of applications made and actions taken.
  - b) Inspections. Conducting inspections of structures and properties to determine compliance with the requirements of the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO) as well as all approvals granted by the APC, its Committees, Legislative Bodies, or other body in the execution of its duties as established by the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO) and Indiana State Code.
  - c) Record Keeping. Maintaining permanent and current records documenting the application of the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO) including, but not limited to, all maps, plats, amendments, and petitions.
  - d) PC Applications. Receiving, processing docketing, and referring all appropriate applications to the APC.
  - e) Clerical & Technical Assistance. Providing all such clerical and technical assistance as may be required by the APC, any of its other Committees, Technical Advisory Committee (TAC), Legislative Bodies, or other body in the execution of its duties as established by the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO) and Indiana State Code.
  - f) Committee Applications. Receiving, processing, docketing, and referring all appropriate applications to the TAC and any of the APC's other Committees.
- 4) Executive Director's Right of Referral. The Executive Director may, at their discretion, refer permits and petitions to the APC for review and approval.

## Article 2: Membership

- 1) Composition. The APC shall consist of 7 members as prescribed by *IC 36-7-4-207(c)(7)*, *IC 36-7-4-207(c)(9)*, and *IC 36-7-4-208(c)*.
  - a) One (1) of the members is appointed by the Town of Advance's Town Council as a citizen member.
  - b) One (1) of the members is appointed by the county executive from its membership.
  - c) One (1) of the members is appointed by the county fiscal body from its membership.
  - d) One (1) of the members is appointed by the school corporation superintendents.
  - e) One (1) of the members is appointed by the county executive and must be either the county agricultural extension educator or the county surveyor or the surveyor's designee.
  - f) Two (2) of the members are citizen members and either a resident of the unincorporated area or owner of real estate within the unincorporated area. One (1) citizen member is appointed by the county executive and one (1) is appointed by the county fiscal body.
- 2) Certification. The Appointing Authority shall certify (in writing) the respective member appointed. The written certifications shall be sent to and made a part of the records of the APC.
- 3) Qualifications for Citizen Members. The qualifications for citizen members shall be as prescribed by *IC 36-7-4-216*. They should be appointed because of their knowledge and experience in the community, their awareness of the social, economic, agricultural, and industrial problems of the area, and their interest in the development and integration of the area.
- 4) Term. The terms for each member shall be in accordance with *IC 36-7-4-217* and *IC 36-7-4-218*.
- 5) Alternate Member. In accordance with *IC 36-7-4-220*, the Appointing Authority may appoint an alternate member to participate with the APC in a hearing/meeting or decision if the regular member appointed by the Appointing Authority has a conflict of interest and is disqualified 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/meeting or decision.
- 6) Member Vacancy. If a vacancy occurs, the Appointing Authority shall replace the member in accordance with *IC 36-7-4-220*.
- 7) Removal of Members. The Appointing Authority may remove a member in accordance with *IC 36-7-4-218(f)*. Cause of removal may include a member's failure to appear at 3 consecutive, regularly scheduled APC hearing/meetings per *IC 36-7-4-220(c)*.

## Article 3: Duties and Powers

- 1) The following duties should be interpreted as activities that are obligations of the APC in accordance with *IC 36-7-4-401, 402, and 405*. The Executive Director or their designee oversees the Office of the Area Plan Commission and assists with these duties and powers.
  - a) Establish qualifications, appoint, remove, and fix the compensation of the employees of the APC consistent with the compensation fixed by the County Council.
  - b) Supervise and make rules for the administration of the affairs of the APC;
  - c) Prescribe uniform rules pertaining to investigations and hearings/meetings;
  - d) Keep a complete record of all meetings and proceedings;
  - e) Record and file all bonds and contracts and assume responsibility for the custody and preservation of all papers and documents of the APC;
  - f) Prepare, publish, and distribute reports, ordinances, and other materials relating to the activities authorized by Indiana State Code;
  - g) Adopt a seal of the Office of the APC;
  - h) Certify all official actions to the appropriate legislative body;
  - i) Supervise the fiscal affairs of the APC;
  - j) Prepare and submit an annual budget in the same manner as other departments of the applicable government, and be limited in all expenditures to the provisions made for the expenditures by the County Council;
  - k) Make recommendations to the appropriate legislative body concerning:
    - i) The adoption of a comprehensive plan and amendments to the comprehensive plan;
    - ii) The adoption or text amendment of the Zoning Ordinances, Subdivision Control Ordinances, and/or the Unified Development Ordinances (UDOs);
    - iii) The adoption or amendment of a PUD district ordinance (if enabled); and
    - iv) Zone map changes.
  - l) Render decisions concerning plats, replats, and amendments to plats of subdivisions;
  - m) Assign addresses;
  - n) Render decisions concerning development plans and amendments to development plans unless otherwise delegated; and
  - o) All additional duties as established by Indiana State Code.
- 2) Powers. The following powers should be interpreted as activities that are optional and may be initiated by the APC pursuant to Indiana State Statute:
  - a) Establish committees as necessary, composed of specific members, and organized for a specific purpose;
  - b) Establish an executive committee;
  - c) Seek funding assistance through grant programs and donations as necessary;
  - d) Establish a schedule of fees to be approved by the County Commissioners to defray the administrative costs of the official action of the APC;
  - e) Appoint and fix the duties of the secretary;
  - f) Contract for special or temporary services and professional counsel;
  - g) All additional powers as permitted by Indiana State Code.
- 3) Require Commitments. Pursuant to *IC 36-7-4-1015(a)*, as a condition to the:
  - a) Adoption of a rezoning proposal;
  - b) Primary approval of a proposed subdivision plat or development plan; or
  - c) approval of a vacation of all or part of the plat,the APC may require or allow the owner of a parcel of real property to make a commitment to the APC concerning the use or development of that parcel. Pursuant to *IC 36-7-4-1015(c)*, the APC hereby declares that the criteria to be considered when an owner applies for the modification or termination of a commitment made under these Rules and Procedures are the same criteria that applied to the proposal when the APC originally recommended adoption or granted approval, as the case may be.

## Article 4: Technical Advisory Committee

- 1) Purpose. The Technical Advisory Committee (TAC) reviews the technical aspects of a project before it reaches the public meeting/hearing stage of the review process. The TAC assists the Executive Director, APC, and BZA by providing expert advice with regard to proposed development within the jurisdiction.
- 2) Meetings. The TAC meeting is a working, inter-agency meeting and includes the TAC members and the subject petitioners. These meetings are therefore not open to the public. Written comments from the TAC meetings are included in petition files and shall become part of the public record.
- 3) Membership. The TAC is chaired by the Executive Director and may include the following persons (or a representative from their department/office) because of their specialized knowledge and experience in their field of expertise. Regardless of other positions held, no more than 3 APC members may attend a TAC Meeting.
  - a) County Health Department
  - b) County Highway Department
  - c) County Soil and Erosion Control
  - d) County Surveyor
  - e) Building Department
  - f) Sewer Service Providers
  - g) Water Service Providers
  - h) Safety Services (fire, police, EMS)
  - i) School Corporation Representatives
  - j) INDOT

## Article 5: Actions and Decisions

Roles in Petition Consideration			
Application Type	Staff	APC	Legislative Body
Zoning Map Amendment	Review	Recommendation to the appropriate legislative body	Final Decision
Ordinance Text Amendment	Review	Recommendation to the appropriate legislative body	
Primary Plat	Review	Final Decision	No role in consideration
Secondary Plat	Review	Final Decision However, the APC may delegate decision-making authority to the Executive Director	
Development Plan	Review and make final decision		

Actions Taken on APC Petitions			
Application Type	Staff	PC	Legislative Body
Zoning Map Amendment	Review and make recommendations with assistance from the TAC	<ul style="list-style-type: none"> <li>Favorable Recommendation (with or without conditions)</li> <li>Unfavorable Recommendation (with or without conditions)</li> <li>No Recommendation (with or without conditions)</li> </ul>	Final Decision to Approve or Disapprove (may add additional conditions or make them stricter)
Ordinance Text Amendment			
Primary Plat	Review and make recommendations with assistance from the TAC	<ul style="list-style-type: none"> <li>Approve (with or without conditions)</li> <li>Disapprove if does not comply with the ordinance</li> </ul>	No role in consideration No role in consideration
Secondary Plat			
Development Plan	Review and make recommendations with assistance from the TAC	<ul style="list-style-type: none"> <li>Approve (with or without conditions)</li> <li>Disapprove if does not comply with the ordinance</li> </ul>	

- 1) Quorum. A quorum is a majority of the full membership of the APC (at least 4 members).
- 2) Official Action. Action of the APC is official when concurred by a majority of the full membership (at least 4 members).
- 3) Indecisive Vote. In any case where a vote of the APC does not result in official action (meaning at least 4 members vote in favor of the motion), the matter may be resolved by:
  - a) A different motion to reconsider the matter and followed by a re-vote; or
  - b) Re-docketing the matter for the next regularly scheduled hearing/meeting of the APC. However, the President of the APC should see to it that ALL other options for a motion should be made, considered, and voted upon before the option for re-docketing should be considered (including making these motions their self).

- 4) Continuances. Continuances may be requested, or they may be automatic as described below.
  - a) Request for Continuance. A continuance may be requested for sufficient cause by the petitioner, by an interested party, or by a member of the APC. It shall be within the discretion of the APC to grant or deny any request for continuance. Re-notification shall not be required if a petition is continued at a properly noticed public hearing/meeting to the next regularly scheduled meeting or a specified future meeting date of the APC.
    - i) Continuance Request by the Petitioner. A request for continuance by the petitioner may be filed in writing prior to the APC's hearing/meeting or made orally at the beginning of the APC hearing/meeting when the agenda is considered. However, the petitioner shall be prepared to move forward with their petition until the request for continuance is granted by the APC.
    - ii) Continuance Request by an Interested Party. A request for continuance by an interested party may be filed in writing prior to the APC's hearing/meeting or made orally at the beginning of the APC hearing/meeting when the agenda is considered. The interested party shall be prepared for the petition to move forward until the continuance request is granted by the APC.
      - (1) For purposes of requesting a continuance, an "interested party" is any individual whose right to use, acquire, or enjoy property is or may be affected by action taken by the BZA.
    - iii) Continuance Request by a Member of the APC. Any member of the APC may make a motion of continuance for consideration by the APC.
  - b) Automatic Continuance. An automatic continuance may be granted by the Executive Director because of a lack of quorum, hearing/meeting time limitations, failure to meet newspaper notice requirements, or other reason allowed by Indiana Code. Failure of the petitioner to appear at the hearing/meeting does not constitute an automatic continuance. An automatic continuance does not count as a requested continuance described in this section. Re-notification shall not be required if a petition is continued at a properly noticed public hearing/meeting to the next regularly scheduled meeting or a specified future meeting date of the APC.
- 5) Withdrawal of Petitions.
  - a) No petition may be withdrawn by the petitioner after a vote has been ordered by the President or the chairperson presiding at the APC hearing/meeting.
  - b) A petition which has been withdrawn by the petitioner shall not again be placed on the docket for consideration by the APC within a period of 90 calendar days from the date of withdrawal, except upon a motion by an APC member to permit re-docketing and approved by the unanimous vote of the quorum present.
- 6) Dismissal. The APC may dismiss a case for want of prosecution or for lack of jurisdiction.

## Article 6: Hearing/Meeting Schedule

- 1) Application Schedule. The Executive Director shall develop and maintain an annual Application Schedule, which is a calendar of hearings/meetings and filing dates for the APC, TAC, and any of the APC's other Committees. The existence of this calendar shall not be interpreted as prohibiting special hearings/meetings of the APC or its Committees.
- 2) Coordination of Calendars. The calendars of the APC, TAC, and the APC's other Committees shall be coordinated to ensure the efficient processing of applications.
- 3) Compliance with Indiana State Code. All hearing/meeting and filing dates shall be based on the requirements of the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO) and the laws of the State of Indiana.
- 4) Maintenance. The Application Schedule shall be reviewed and updated annually by the Executive Director and posted in the APC Office and/or on the APC's website.

## Article 7: Petition Hearing/Meeting Procedures

- 1) Order of Business. The APC shall follow the following order of business:
  - a) Call to Order
  - b) Minutes
  - c) Agenda Consideration (and consideration of requested continuances)
  - d) Old Business
    - i) Public hearings on petitions
    - ii) Other petitions for consideration
    - iii) Other business
  - e) New Business
    - i) Public hearings on petitions
    - ii) Other petitions for consideration
    - iii) Other business
  - f) New Business from the Floor
  - g) Announcements
  - h) Public Comment for items not on the agenda
  - i) Adjournment
- 2) Procedure for Public Comment for Items Not on the Agenda. Each individual wishing to speak shall be allowed 3 minutes.
- 3) Procedure for Petition Consideration.
  - a) Introducing the Petition. The President shall introduce the petition. The President (or presiding member) shall have the authority to extend the time periods specified below where appropriate, unless otherwise directed by a majority of the quorum present.
    - i) Petitioner Presentation. The petitioner shall have a total of 10 minutes for the presentation of their petition.
    - ii) Staff and Public Official's Report. The Executive Director shall present the staff and public official's report for the petition.
  - b) Public Discussion.
    - i) Remonstrators and those in support of the petition shall have a total of 3 minutes per person to present evidence, comments, and questions relevant to the matter being considered. Public comments and questions shall be directed only toward the APC membership and not the petitioner.
  - c) Closing Remarks by Petitioner. The petitioner shall have a total of 5 minutes for closing remarks as well as responding to the presentation of evidence, comments, and questions raised during the public discussion.
  - d) Discussion of the APC. The President shall close the public discussion portion of the hearing/meeting and call for questions and comments from members of the APC.
  - e) Call for Vote.
    - i) The President shall call for a motion and a second on the case being heard.
    - ii) The President shall call for further discussion.
    - iii) The President shall call for a vote on the motion.
- 4) Hearing/Meeting Limitations. No petition shall be introduced for consideration after 10:00pm. Agenda items remaining on the agenda shall be automatically placed at the beginning of the agenda at the next regularly scheduled hearing/meeting of the APC under "Old Business."

## Article 8: General Hearing/Meeting Conduct and Procedures

- 1) **Orderly Conduct.** Every person appearing before the APC shall abide by the order and direction of the President. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges and shall be dealt with as the President deems fair and proper.
- 2) **Appearance at Hearings/Meetings.** Any party may appear in person or by representative (person, agent, attorney, etc.) at APC hearings/meetings. A representative may testify to the facts that he has particular knowledge of that relate to the issues of the petition. In so testifying, the representative shall be subject to cross-examination and questions.
- 3) **Contacting Members.** All communication regarding a petition shall be made through Staff, who will forward the information to the APC members and update the public file accordingly. Petitioners, remonstrators, APC members, BZA members, public officials, and others are discouraged from communicating with any member of the APC before a hearing/meeting with the intent to influence the member's action on a matter pending before the APC. At the start of a meeting/hearing, members shall disclose if persons have tried to communicate about a pending matter.
- 4) **Basis for Decisions.** Actions of the APC shall be based upon:
  - a) Information made part of the permanent record;
  - b) The information submitted at the hearing/meeting and made part of the permanent record;
  - c) The testimony received at the hearing/meeting and made part of the permanent record;
  - d) The applicable ordinances that are in effect and relevant to the petition (i.e., Zoning Ordinance, Subdivision Control Ordinance, and/or Unified Development Ordinance (UDO)).
- 5) **Site Visit.** Members shall have the right to inspect land involved in any petition to be heard by the APC either individually or jointly. No more than 3 members shall inspect the subject land at any one time.
- 6) **Conflict of Interest.** An APC member who has a conflict of interest shall not sit as a member of the APC, nor vote on the particular petition; however, they may participate in the discussion as a member of the public. If a question by anyone arises about whether or not a conflict of interest is present, the APC's attorney shall be consulted and make a determination about the matter. In accordance with IC 36-7-4-223, a member of the APC shall have a conflict of interest with regard to a petition if:
  - a) They are biased or prejudiced or otherwise unable to be impartial; or
  - b) They have a direct or indirect financial interest in the outcome of the hearing or the decision.
- 7) **Record of Hearing/Meeting.** The Executive Director shall manage files and maintain a record of all petitions, hearings, and meetings of the APC. Copies of such record of any hearing/meeting may be ordered by any party, and cost thereof shall be paid by the party ordering such copy or copies in accordance with the adopted fees.
- 8) **Attendance.** APC members are expected to attend all hearings/meetings of the APC. To ensure a quorum, members shall notify the Secretary at their earliest convenience if they are not able to attend a scheduled hearing/meeting either entirely or in part. Members who fail to appear at hearings/meetings may be subject to removal from the APC (see *Article 2, Section 7: Removal of Members*).

- 9) Electronic Participation Policy.
- a) Quorum Required in Person. In order to officially conduct a meeting, a quorum of the APC (at least 4 members) must be physically present at the meeting.
  - b) Participating Electronically. Any APC member may participate in a meeting by any electronic means of communication that allows all participating members of the APC to simultaneously communicate with each other; and other than a meeting that is an executive session, allows the public to simultaneously attend and observe the meeting
    - i) A member who participates by an electronic means of communication:
      - (1) shall notify the President and Secretary of the member's intent to participate electronically at least 72 hours (3 calendar days) before the meeting;
      - (2) shall be considered present for purposes of establishing a quorum; and
      - (3) may participate in final action only if the member can be seen and heard.
    - ii) All votes taken during a meeting at which at least 1 member participates by an electronic means of communication must be taken by roll call vote.
  - c) Limitation on Participating Electronically.
    - i) A member may not attend more than 3 meetings in a calendar year by 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.
    - ii) A quorum of the APC may vote to suspend this limitation and allow electronic participation for other reasons when necessary.
  - d) Meeting Minutes. Minutes and memoranda of a meeting at which any member participates by electronic means of communication must:
    - i) identify each member who:
      - (1) was physically present at the meeting;
      - (2) participated in the meeting by electronic means of communication; and
      - (3) was absent; and
    - ii) identify the electronic means of communication by which:
      - (1) members participated in the meeting; and
      - (2) members of the public attended and observed the meeting if the meeting was not an executive session.
  - e) Roll Call Vote. All votes taken during a meeting at which at least 1 member participates by an electronic means of communication must be taken by roll call vote.
  - f) Declaration of Emergency. If an emergency is declared by the Governor under *IC 10-14-3-12*; or the President of the County Commissioners under *IC 10-14-3-29*; members are not required to be physically present for a meeting until the emergency is terminated. Members may participate in a meeting by any means of communication provided that:
    - i) At least a quorum of the members participates in the meeting using electronic communication or in person.
    - ii) The public may simultaneously attend and observe the meeting unless the meeting is an executive session.
    - iii) The minutes or memoranda of the meeting must comply with subsection d) above.

## Article 9: Filing of Petitions

- 1) Policy for Filings.
  - a) Prior Code Violation Resolution. A petition or permit application may not be filed for a property that has a previously documented and unresolved code violation until the violation has been resolved. However, the Executive Director may allow the filing of a petition application or permit application if it is shown that it will directly contribute to the resolution of the violation.
  - b) Adverse Decision. A petition that receives an adverse decision from the APC or the Legislative Body may not be re-filed for a period of 1 year from the date of the adverse decision. The Executive Director shall determine if a new petition significantly differs from the previous petition that received the adverse decision.
- 2) Filing Required Prior to Hearing/Meeting.
  - a) Petitions for Consideration. All applications for consideration or recommendation shall be filed in accordance with the proper forms adopted by the APC, in the required numbers, and in the required form, and in accordance with the adopted Application Schedule.
  - b) Incomplete Applications. If the Executive Director finds that the application or submittal is insufficient, not in accordance with the proper forms, or not in compliance with the applicable submittal content sections of the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO), said petition shall be considered “incomplete” and shall not be accepted or placed on an APC agenda until such time as it becomes complete.
- 3) Attendance at Hearing/Meeting Required. The petitioner (or their designated representative) shall attend the public hearing/meeting in person to present the application or petition, to answer questions from the APC, and to make rebuttal or answer questions of remonstrators. Failure to meet this requirement may result in the dismissal of the petition.
- 4) Filing on APC Forms. Any communication purporting to be an application not on forms furnished by the APC or not containing the information called for on said forms, shall be regarded as a mere notice of intention to file and shall be of no force or effect until it is made on and in the form required. All application forms, including the instructions therewith, are hereby declared to be a part of these written *Rules and Procedures*.
- 5) Filing Fee. The petitioner shall pay the appropriate filing fee at the time of filing their petition to cover expenses of processing the petition. The amount of fees shall be in accordance with the fee schedule as adopted by the County Commissioners.

## Article 10: Public Notice

- 1) Notice Requirements. Notice of petitions or cases to be heard by the APC at a public hearing shall be given to all interested parties or property owners in the following manner:
  - a) Notification by Newspaper. The petitioner shall publish notice in the newspaper as designated in the APC Application Packet. Failure to meet the newspaper notification deadline will automatically result in a continuance of the petition (See *Article 5, Section 5: Continuances*). However, if the notice was published at least 10 calendar days prior to the hearing, the applicant may request that the APC suspend their rules for notification. The proof of publication affidavit from the publisher shall be submitted to the file prior to the hearing. The cost of publication shall be borne by the petitioner.
  - b) Notification by Mail. The petitioner shall provide written notice to interested parties prior to the scheduled hearing as designated in the APC Application Packet. Failure to meet the postmark notification deadline will automatically result in a continuance of the petition (See *Article 5, Section 5: Continuances*). However, if the notice was postmarked at least 10 calendar days prior to the hearing, the applicant may request that the APC suspend their rules for notification. Receipts and/or the Affidavit of Mailing shall be submitted to the file prior to the hearing. The cost of mailing shall be borne by the petitioner.
    - i) For purposes of notification by mail, an “interested party” is defined as the owners of parcels of land surrounding the subject property to a depth of 2 ownerships or 660 feet.
  - c) On-site Notification. The petitioner shall post on-site notification sign(s) on the subject site as designated in the APC Application Packet.
    - i) Sign. The required on-site notification sign(s) shall be provided by the Executive Director and is not subject to the sign regulations of the Zoning Ordinance, Subdivision Control Ordinance, and/or the Unified Development Ordinance (UDO). The cost of the on-site notification sign(s) shall be borne by the petitioner.
    - ii) Quantity. One on-site notification sign is required for each street frontage of the subject site. For example, a corner lot will require 2 signs; 1 on each street frontage.
    - iii) Placement. The on-site notification sign(s) shall be placed in a conspicuous place on the subject property. It must be visible to pedestrians and motorists and not within the right-of-way.
  - d) Additional Notification. Additional notification may be required at the discretion of the Executive Director or APC with written justification for doing so.

## Article 11: Docketing of Cases

- 1) Docketing of Cases. Each case shall be filed in proper form, with the required date, numbered serially, and placed on the docket by the Executive Director.
- 2) Order of Cases to be Considered. On the date set for hearing/meeting, cases shall come before the APC either in the regular order of their consecutive numbers, or grouped by similar petitions, as determined by the Executive Director when setting the hearing/meeting agenda. Provided, however, cases re-docketed or continued from a previous hearing/meeting shall be heard at the beginning of the hearing/meeting under "Old Business."
- 3) Hearing/Meeting Limitations. No petition shall be introduced for consideration after 10:00pm. Agenda items remaining on the agenda shall be automatically placed at the beginning of the agenda at the next regularly scheduled hearing/meeting of the APC under "Old Business."

## Article 12: Officers, Plan Commission Records

- 1) Officers of the APC.
  - a) President. A President shall be elected at the first regular hearing/meeting of the APC in each calendar year. The President shall preside at all APC hearings/meetings. Hearings/meetings shall be held at the call of the President or at other times which the APC deems necessary.
  - b) Vice President. A Vice President shall be elected in the manner prescribed for the President and shall have the authority to function as President during the absence or disability of the duly elected President.
  - c) Secretary. The Executive Director, or their designee, shall serve as the Secretary of the APC. The Secretary shall cause minutes of the APC hearing/meeting to be maintained in permanent volume, notice to be served of all public hearings, and notification to be served to all members of all hearings/meetings. The Secretary, subject to the direction of the President (or the Executive Director), shall record all important facts pertaining to each hearing/meeting, all resolutions acted upon by the APC, and all votes of members of the APC upon any resolution or upon the final determination of any questions, indicating the names of any members absent or facility to vote.
  - d) In the absence of both the President and Vice-President, a chairperson shall be selected from the legal voting quorum present at the hearing/meeting.
  - e) A Recording Secretary may be used for keeping and transcribing minutes of regular or special hearing/meetings of the APC.
- 2) Presiding Officer. The presiding officer shall decide all points of order of procedure in accordance with these rules, unless otherwise directed by a majority of the quorum present.
- 3) Recorded Vote. In all cases heard by the APC, the vote shall be recorded in the minutes of the hearing/meeting.
- 4) Agenda Preparation and Distribution. The Executive Director shall oversee the preparation and distribution of an agenda for each hearing/meeting of the APC. Agendas shall be distributed prior to the hearing/meeting to members of the APC, legal counsel, and, if requested, the press. Other interested or affected parties may request agendas from the Executive Director.
- 5) Open Door Law. The APC shall comply with *IC 5-14-1.5, the Open Door Law*, with respect to the use of agendas and requirements for hearing/meetings.

## Article 13: Amendment of Rules and Procedures

- 1) Amendment of Rules and Procedures. Amendment to these Rules and Procedures may be made by the APC only upon the affirmative vote of a majority of the full membership of the APC.
- 2) Proposed Amendments. Any amendment to these rules or procedures must be presented for discussion at a regularly scheduled meeting. Voting on the proposed amendment shall happen at a subsequent regularly scheduled meeting.
- 3) Suspension of Rules or Procedures. The suspension of any rule or procedure may be ordered at any hearing/meeting of the APC by a majority vote of the quorum present.

## Article 14: Adoption and Amendment History of Rules and Procedures

1) The official record of these Rules and Procedures for the APC shall be kept on file at the APC Office, 116 W Washington Street, Suite 101, Lebanon, IN 46052.

2) Adopted: February 4, 2026

3) Amended: \_\_\_\_\_

Attest:

President:  2-25-26  
Date

Secretary:  2-25-26  
Date