

**Pulaski County, Indiana,
Advisory Plan Commission
RULES OF PROCEDURE**

GENERAL

- A. These Rules of Procedure are established in conformance with Indiana Code 36-7-4-401, as amended regarding Duties: Advisory Planning. These rules have been adopted by the Pulaski County, Indiana Plan Commission and reflect the conduct of the Commission's business.

POWERS OF THE COMMISSION

- A. The Commission shall have the authority to review and approve the petitions in accordance with the Indiana Code (IC) 36-7-4-200, 300 and 400 series, as periodically amended, and the Pulaski County Unified Development Ordinance (from now on "PCUDO").
- B. The duties of the Plan Commission also shall include preparation, replacement, administration and amendment of the Comprehensive Plan, PCUDO, ordinance text amendments, zoning map amendments, approval of subdivision primary plats, and preliminary development plan review.
- C. The Plan Commission may establish a schedule of reasonable fees to defray administrative costs connected with processing and hearing administrative appeals and petitions for rezoning, special exceptions, special uses, conditional uses, waivers, and variances.
- D. The Commission delegates the Plan Administrator the authority to review and approve plans, petitions and permits as specified in the PCUDO, Section 2.1. The Commission may establish and delegate authority to subcommittees, such as an Administrative and Plat Committee, the authority to review and approve certain classes of cases before the Commission.
- E. The Administrator may refer any matter to the Commission for review and approval.

JURISDICTION

- A. The Commission jurisdiction consists of lands within Pulaski County, Indiana, except for the Towns of Winamac and Francesville, within the County, as well as the two-mile Extra-Territorial Jurisdiction reserved by their respective Advisory Plan Commissions.

MEMBERS AND OFFICERS

- A. Membership. The Commission shall consist of nine (9) members consistent with the provisions of IC 36-7-4-208(a) Advisory:
 - 1. One (1) member appointed by the county executive from its membership.
 - 2. One (1) member appointed by the county fiscal body from its membership.
 - 3. One (1) county surveyor or his/her designee.
 - 4. One (1) county agricultural extension educator or resident property owner with agricultural interests
 - 5. Five (5) members by IC 36-7-4-208(a)(5)(B), of whom not more than three (3) may be of the same political party. Each of the five (5) members must be:

- a. A resident of an unincorporated area of the county; or
- b. A resident of the county who is also an owner of real property located in whole or in part in an unincorporated area of the county; appointed by the county executive. However at least three (3) members must be residents of the unincorporated area of the county.

B. Officers

1. President. The President, who shall be elected by and from the membership, shall preside at all meetings and perform the duties of a presiding officer, including ruling on all points of procedure. The President shall be a voting member in all matters. The President shall sign all official documents on behalf of the Commission, or otherwise delegate this duty to the Administrator. The President shall initiate the appointment of the members of all necessary committees with advisement from other Commissioners and the Administrator. All press releases and similar public statements issued by the Commission shall be provided by either the President or Administrator. The President shall with counsel from the Plan Commission Attorney (as applicable) determine the admissibility of any new information presented at regular and special meetings.
 2. Vice-President. The Vice-President, who shall be elected by and from the membership, shall act as the President during the temporary absence or disability of the President. The Vice-President shall perform duties imposed on the President until the President is able to resume his or her duties, or until the Commission elects a new President.
 3. Executive Secretary. The Executive Secretary, who shall be elected by and from the membership, shall oversee the preparation and keeping of complete records and minutes; file and organize, or have filed and organized, all documents of the Commission; and prepare and distribute, or have prepared and distributed, reports, ordinances and other material related to Commission activities. The Secretary shall serve as President *pro-tempore* if both the President and Vice-President are temporarily absent or disabled.
 4. Administrator. The Administrator is a member of County APC staff. The Administrator shall keep and maintain the official seal and records of the Commission. The Administrator also is charged with enforcing and interpreting the PCUDO and Right to Farm Ordinance, implementing the Comprehensive Plan and any other adopted plan for policy, executing duties involving planning and growth management, and performing other activities deemed necessary by the Commission and as specified in the PCUDO, Section 2.2(E).
 5. Administrative Secretary. This person is a member of County APC staff. The administrative secretary shall be responsible for completing any and all secretarial duties as delegated by the Executive Secretary, assisting the Administrator (if not the administrator him/herself) with any and all of his/her duties, and undertaking any other projects so assigned by the APC or the Administrator.
- C. Terms. After the initial establishment of the Commission, each member shall serve a four (4) year term, consistent with the provisions of Indiana State Statute (IC 36-7-4-214). The Plan Commission shall elect a President, Vice President, and Executive Secretary of the Commission. These three officers shall comprise the executive committee of the Commission, which shall act in any way necessary compliant with and pursuant to IC 36-7-4-408. The President shall preside over the affairs of the Plan Commission and shall preside over all hearings and all persons shall abide by the orders of the President.

1. The terms for all Commission members shall expire the first Monday in January of the appropriate year, based on their individual date of appointment and the requirements of Statute.
 2. There shall be no limit to the number of terms, including consecutive terms, which members may serve.
- D. Vacancies. When an office becomes vacant, the Commission shall elect a successor to complete the remainder of the unexpired term at its next regular meeting.
1. If an office become permanently vacant (due to death, permanent disability, resignation, or other cause), the Commission shall at the next regular meeting elect a replacement from its membership to complete the unexpired term.
 2.
 - a. Pursuant to IC 36-7-4-220(c), an appointed member who misses three (3) consecutive regular meetings of the plan commission may be treated as if the member had resigned, at the discretion of the appointing authority
 - b. If a member miss more than three (3) meetings of the plan commission without excuses during a calendar year, the Commission may request that the appointing authority rescind the member's appointment at the appointing authority's discretion.
 3. If a permanent vacancy occur in the membership of the Commission, the appointing authority shall appoint a new Commission member to complete the unexpired term of the vacating member. In no instance shall the new member assume any office held by their predecessor unless elected to such office by the Commission consistent with these Rules and Procedures.
 4. If the Administrative Secretary be absent from any Commission meeting, the President shall appoint a temporary Secretary to serve at that meeting.
 5. The outgoing President shall oversee the annual process of elections of officers and appointment of Commission staff (Administrator and Attorney). Members of the Commission shall nominate officers and appointments. The President shall oversee a voice vote of either a complete slate if no offices be contested, or for any contested seat. Votes shall be given in the order of Commission member tenure.
 6. A person receiving a majority vote of the entire membership of the Commission shall be declared elected. Each elected officer shall enter into office immediately upon being declared elected at the annual election the following year, or until the officer is no longer a member of the Commission. There shall be no limit to the number of terms, including consecutive terms, to which the President and Vice President may be elected.
 7. At the same meeting, the Commission shall also appoint an Administrative Secretary and an Attorney, who are not required to be members of the Commission. Both shall serve at the appointment of the Commission and be dismissed at any time by a majority vote.
 8. The Administrator shall be staff that performs administrative duties, and assists the Secretary of the Commission.
- E. Alternate Members. Pursuant to IC 36-7-4-220(a), appointing authorities may designate alternate members to participate with the commission, with all powers and duties of a regular member when so participating, when the regular member has a disqualification pursuant to IC 36-7-4-223(c).
1. The County Commissioners shall designate two (2) alternate citizen members registered with the political party having larger representation on the

Commission and one (1) alternate registered with the minority-representation political party.

2. Other appointing members may have alternate members appointed by the appointing authorities at said authorities' discretion pursuant to this section of these Rules and the Indiana Code.

- F. Oath of Office. Every newly appointed member of the Commission shall subscribe to the following oath of office either in writing or by making a statement on record at a Commission meeting, before entering in the performance of his/her duties.

"I _____, do solemnly swear and affirm that I will act in accordance with Federal Law and Indiana State Statute, and that I will impartially and to the best of my abilities discharge my duties as a members of the Pulaski County, Indiana Advisory Plan Commission, according to applicable laws."

- G. *Ex Parte* Communication. Although not encouraged, members of the Plan Commission may have contact with the applicant, his agent or any other party regarding an application for a comprehensive plan amendment or ordinance amendment, including zone map changes, prior to a public hearing. *Ex parte* contacts are prohibited with respect to the approval or rejection of plats and replats, the approval or rejection of development plans, and decisions or discussions on legal actions.

However, each member shall report any external contacts related to matters pending or yet to be presented to the Plan Commission. Any member must disqualify himself/herself from voting in the instance that the applicant, his agent, or any other party has attempted to influence the vote of the member, other than in the public hearing. Written information transmitted to a Plan Commission member should be forwarded directly to staff for review and incorporation into its report.

- H. Conflict of Interest. Any member who has a conflict of interest, as defined in IC 36-7-4-223, shall announce the existence of the conflict three (3) days before any hearing on the matter in which there is conflict. At the Commission Hearing, the member with a conflict of interest will refrain from participating in any discussion or vote on the matter. A conflict of interest includes any direct or indirect financial interest. The notification shall be entered into the Commission's records.

I. Committees

1. Technical Review Committee. The Commission shall establish a Technical Review Committee (TRC) to act on certain cases on behalf of the Commission as specified in the PCUDO Section 2.2(C), IC 36-7-4-400 *et seq.* and IC 36-7-4-700 *et seq.*
2. Plat Committee. The Commission shall establish a Plat Committee to act on certain cases on behalf of the Commission as specified in the PCUDO Section 2.2(C), IC 36-7-4-400 *et seq.* and IC 36-7-4-700 *et seq.* The Plat Committee shall have five members, all of whom shall be members of the TRC, including the Administrator and the Commission's president or member-designee.

FILING PROCEDURES

- A. Applications: The application shall be made on forms provided at the Pulaski County Plan Commission Office. The applicant shall meet the application and procedure

requirements as specified in the PCUDO and on the official form. Staff may require additional information if the proposal warrants it.

- B. Administrative Review: The Administrator shall review the application and determine whether or not it is complete and accurate, and shall set a date for the application's hearing. If not complete and/or accurate, the Administrator may return the application to the applicant without setting a date for the application's hearing. The deadline for filing an application is 3:30 p.m. on the date established annually on the Commission's hearing schedule.
- C. Technical Review Committee: The Administrator shall coordinate filing with the Technical Review Committee and working with the applicant to ensure all information is provided in order to review a proposed action.
- D. Staff Report: The Administrator shall report whether the proposal is consistent with county documents including the UDO and the Comprehensive Plan.
- E. Fees: All application fees are due at the time of application and are not refundable once a hearing date for the application is set. All Applications shall be accompanied by the appropriate fees as specified in the Pulaski County Fee Schedule, as amended. In any instance in which a fee has been assessed unlawfully, a hearing must be delayed because of a failure on the part of the Commission or staff, or any other failure of the Commission or staff has occurred, a refund shall be issued if appropriate, the Commission shall bear the burden of additional advertising costs, or both.

PUBLIC NOTICE REQUIREMENTS

- A. Public Hearings and Notice: The Commission may conduct a public hearing as part of any meeting, or at any other place or time, if proper notice is given. The minimum requirement for a public hearing per Indiana Code 5-3-1 is at least ten (10) days before the date of the hearing or meeting. , The Commission may schedule additional public hearings, not on the calendar, when it decides that hearings will be in the public interest. Those hearings also shall comply with the minimum required notice as stated above.
- B. Publication: If the Administrator determines that the application meets all requirements for submission, a date shall be set for its public hearing. Notice by publication and additional written notice shall be made using the following requirements. The petitioner is responsible for fulfilling this requirement. For all public hearings, the petitioner shall provide notice to the public consistent with the requirements of this section, IC 5-3-1 and the applicable requirements of the PCUDO Ordinance. The applicant shall cause the Notice of Hearing to be published in the Pulaski County *Journal*, and, when deemed to be appropriate, the Francesville *Tribune* in accordance with IC 5-3-1-0.4, 0.6 and 0.7. The applicant shall cause the notice to be published at least ten (10) days, but not more than 30 days prior to the date set for the hearing and include the following information:
 - 1. Date, time, and place of the hearing.
 - 2. Name of the applicant.
 - 3. The reason for the public hearing.
 - 4. Name of Township; and Section, Township, and Range numbers.
 - 5. Key and Parcel Number.
 - 6. That the proposal is on file and available for inspection at the Plan Commission office.
 - 7. The general location of the property described in the application. This shall include the street or common address of the property.

8. That public input will be accepted at the hearing. Otherwise, comments regarding the proposal may be made in writing and filed with the Plan Commission office , but must be submitted at least two (2) business days before the Public Hearing to be considered.
- C. Additional Written Notice: The petitioner shall notify all abutting and adjoining legal land owners within 660 feet of any point on the subject property. These submittals are due to the Plan Commission office at least twenty one (21) days before the date of hearing. A copy of the public notice published in the newspaper shall be adequate for use in the personal notice mailed to abutting and adjoining landowners. The persons so notified shall be the owners of all adjoining parcels of land of the subject property in Pulaski County, except as qualified in these Rules. The owners' name(s) and mailing address(es) of such owners are determined according to the recent bound volumes of the real estate tax assessment list on file in the office of the County Assessor.
1. For purposes of giving notice as required by this section, the land described in the application shall be deemed to include any adjoining or adjacent land owned by the applicant, with the exception however, that if the applicant is a railway, or other utility, the land described in the application shall not be deemed to include the entire right-of-way, but shall be limited to the particular parcel involved.
 2. Any land separated from land described in the application by streets, alleys, easements, channel waters, or any other natural or artificial barrier, shall be deemed to be adjoining or adjacent to that described in the application.
 3. The written notice shall include; the general location of the property and general legal description of the land as stated in the application, that the proposal is on file and may be examined at the Advisory Plan Commission Office, that the addressee may file written comments concerning the proposal with the Advisory Plan Commission Office.
 4. The applicant shall furnish evidence of compliance that they have provided Additional Written Notice by filing an affidavit with the Administrator at least ten (10) days prior to the public hearing. If the tenth day should fall on a weekend or legal holiday, the affidavit may be filed the first day following which is not a weekend or legal holiday. The affidavit shall list the name(s) and mailing address of all owners of all parcels of ground within the notification boundary to whom notice was sent.
- D. Supplemental Forms of Notice: At least fifteen (15) days before the hearing, the Applicant shall also post a notice in a visible location on the subject property. Supplemental Forms of Notice are required at the discretion of the Administrator. Such notice shall contain all information required for the public notice in the newspaper. Notice is deemed necessary by the Commission to improve the dissemination of information regarding its activities.

MEETINGS

- A. Applicability: These Rules apply to all meetings (including public hearings) required by State Statute, the PCUDO, or to any other special or regular meeting of the Commission.
- B. Meetings Open to the Public: Except for executive sessions as permitted by law, all regular and special meetings of the Commission shall be open to the public, and petitioners, remonstrators and interested parties in compliance with the Indiana Open Door Law, IC 5-14-1.5-1 et seq.

C. General Rules:

1. No action is official unless authorized by a majority of the entire membership of the Commission at a properly called meeting.
2. All meetings at which official action is taken shall be open to the public.
3. An agenda shall list all items to be considered by the Commission at a regular or special meeting.
4. An agenda shall be distributed to members of the Commission in a manner acceptable to them and shall be available for public inspection at the Plan Commission office at least one week before any regular meeting.
5. Each case heard by the Commission shall have a case number assigned to it and the case number shall be in a form established by the Commission. No case number shall be assigned until the Administrator confirms all fees have been paid and all noticing, application and petition requirements have been met.
6. The Administrator may limit the number of cases to be heard at a regularly scheduled meeting if adjournment at a reasonable time would not be possible otherwise. The President shall be informed when this occurs. Those cases not scheduled may be heard at a special meeting.
7. Dismissal: The Commission may dismiss a case for lack of representation or lack of jurisdiction when an applicant fails to appear at two (2) consecutive meetings. A case so dismissed shall not be heard again until six (6) months after the date of the decision by the Commission. A proposal so dismissed may be considered for hearing before six (6) months if it is substantially changed from the original. To qualify for a hearing before six (6) months, the Administrator shall determine if a change sufficient enough to warrant a hearing before six (6) months has been made to the proposal.
8. Withdrawal: An applicant may withdraw a case by requesting it in writing no less than five (5) business days before the hearing. A withdrawal so made shall be removed from the Commission agenda by the Administrator. The President shall be notified of the withdrawal before the hearing. An applicant may appear at a hearing and request the case be withdrawn. An applicant may not withdraw a case after the President has ordered a vote. A case that is withdrawn shall not be heard again until three (3) months after the date of the decision by the Commission. A proposal that is withdrawn may be considered for hearing before three (3) months if it is substantially changed from the original. Before the withdrawn proposal can be placed again on the docket, the Administrator shall determine if a change sufficient enough to warrant a hearing before three (3) months has been made to the proposal.

D. Conduct: The President shall preserve order and may warn any person present that particular conduct is a breach of courtesy in accordance with the following requirements:

1. If a Commission member persists in this conduct following a warning, the Commission may vote to censure the offending member. If any other person persists in this behavior following a warning, the President may order the person expelled from the meeting.
2. Every person appearing before the Commission shall abide by the directions of the President.

E. Quorum: A quorum is a majority of the entire membership of the Commission, who are qualified to vote.

- F. Voting: All voting by the Commission shall be in the form of either a roll call vote or a voice vote. In any instances in which a voice vote is used, any member of the Commission may make a motion requesting a roll call vote. Such roll call vote shall be taken if the motion receives a second from another member of the Commission. When voting, the President shall always be the last Commission member to vote.
1. A record of the vote shall be kept in the minutes.
 2. A member who arrives late for a hearing shall receive approval from the presiding officer before participating in any discussion or vote on any matter on which testimony had been taken or discussion held prior to his or her arrival.
- G. Regular Meetings: The location, dates and times for regular sessions of the Commission designated as public meetings and/or public hearings shall be established by the Commission at the first meeting of each year. The President may cancel the meeting with the consent of a majority of the Commission members. If no applications are submitted within the required timeframe the Administrator will notify the President who will cancel the regular meeting. Notice of the rescheduled, relocated, or canceled meeting shall be given as required by IC 36-7-4-920(b) and the meeting shall be subject to the Indiana Open Door Law.

The order of business at a regular meeting shall be:

1. Attendance/determination of a quorum;
 2. Consideration of the prepared agenda;
 3. Consideration of the minutes of the previous meeting;
 4. Old business (any tabled or continued petitions or other items of business);
 5. New business (all new petitions and business items);
 6. Communications (presentation of information by the President, any Commission member, the Secretary, and/or the staff);
 7. Report(s) of officers, committees, and/or the staff;
 8. Public comment; and
 9. Adjournment.
- H. Special Meetings: Special meetings of the Commission may be called by the President or by two (2) members of the Commission upon written request to the Secretary. The Secretary shall send a written notice fixing the date, time, and place of the meeting to all members at least five (5) days before the meeting.
- The order of business at special meetings shall be:
1. Call to order by the President;
 2. Attendance/determination of a quorum;
 3. The business for which the special meeting was called;
 4. Public comment; and
 5. Adjournment.
- I. Presentations: To maintain proper order, each petitioner, remonstrator, and interested party shall make their presentations without interruption by any other party. All speakers shall approach the podium when the time for their presentation is announced by the President. They shall state their name and address for the record before their presentation, shall be recognized by the President before speaking, and shall address all comments to the Commission.

1. The President shall announce the petition as listed on the agenda and the affected area shall be located on a map of Pulaski County.
2. The Administrator shall present orally, or a staff report describing the facts of the petition and verify for the Commission whether or not adequate public notice has been provided.
3. The petitioner shall present facts relating to the case (and the burden to supply all information necessary for a clear understanding of the case shall be upon the Petitioner).
4. Each remonstrating party shall have the opportunity to present facts relating to the case.
5. The President shall then recognize other stakeholders and the general public, who may offer their comments.
6. The Petitioner shall then be allowed to present rebuttal; the applicant shall direct comments to the Commission and not to any person.
7. Once all testimony is taken, the public portion of the hearing shall be closed. No further testimony will be taken once the public portion of the hearing is closed.
8. The Commission members and Administrator may direct questions to any of the previous speakers, with the Commission having unlimited time to consider the facts of the matter.
9. The staff may present a recommendation for specific action to be taken by the Commission.
10. The President shall call for a discussion by the Commission members and for a motion. A motion shall be made and seconded, and a vote of the Commission shall occur. Any Commission member or the staff may ask for discussion to occur after the motion and before the vote for the purpose of clarifying the motion. No petitioner or another interested party may participate in this discussion.

J. Rules for Public Comment: Following applicant's presentation, comments from the public shall be taken in the following manner:

1. Any person may appear in person or by a representative to participate in a discussion of an item before the Commission.
2. Any person wishing to speak must register with the Secretary and state their name and address.
3. Comments shall be directed to the Commission and not to the applicant or any other person.
4. The Commission and Administrator may query any person speaking to clarify that person's position.

K. Time Limits: Discussion of any item shall be limited as follows:

1. The petitioner shall have fifteen (15) minutes to present his or her case.
2. Remonstrators and those in support shall have three (3) minutes per person for the presentation of evidence in opposition or support. However, multiple individuals may defer his or her comment time to a spokesperson who shall accrue the time of those who defer, subject to a limit of ten (10) minutes.
3. The petitioner shall then have five (5) minutes for rebuttal and to answer questions raised by the public.
4. No limit shall be placed on the amount of time the Commission takes to discuss a proposal.
5. The Commission may grant additional time for discussion if it deems it necessary to make an informed decision. The additional time should be allocated equally between the applicant and the public.

- L. Late Meeting Adjournment: The Commission may cease hearing new cases after 8:30 p.m. EST. Cases not heard shall be placed at the beginning of the agenda of the next meeting of the Commission.

CONTINUANCE

- A. The Commission may continue the hearing of any case subject to the following provisions:
 - 1. Applicant. The Applicant may request and be granted a continuance if the Commission deems it necessary to make an informed decision.
 - 2. The Commission. The Commission may, at any time and its discretion, continue the hearing of any petition at any time during a public hearing before a vote is taken on a matter. The Commission shall specify a date to which the matter shall be continued.
 - 3. Administrator. The Administrator may approve a prehearing initial continuance request. The Administrator, also may recommend the continuance of any item further to review the application, subject to Commission approval.

- B. Procedure for applicant-initiated continuances:
 - 1. Pre-hearing continuance:
 - i. A request for a pre-hearing continuance shall be filed with the Administrator of the Plan Commission no less than five (5) calendar days prior to the Commission's hearing.
 - ii. A request for a pre-hearing continuance shall be made in writing. It shall describe in adequate detail the need for the continuance.
 - iii. The Administrator shall evaluate the request and determine if it meets the requirements for granting a pre-hearing continuance, and then grant or deny it.
 - iv. The President shall be notified of any administrative continuances prior to the hearing.
 - 2. Requesting a continuance at a public hearing:
 - i. An applicant may apply for a continuance directly from the Commission at a public hearing. Unless expressly authorized otherwise by the Commission, a continuance shall be until the next regular hearing of the Commission.
 - ii. Any continuance request after the initial request shall be made by the applicant directly to the Commission at a public hearing.
 - 3. Maximum number and total time of applicant-initiated continuances:
 - i. The maximum number of applicant-initiated continuances granted any particular agenda item shall be limited to three (3).
 - ii. In no case shall a particular agenda item be continued by an applicant more than ninety (90) days total time.
 - iii. The Commission may agree to applicant-initiated continuances in excess of the maximum number permitted, or for more than the total time permitted, or both, if the Commission finds that unusual circumstances warrant it.
 - 4. Dismissal of Continued Items:
 - i. Any agenda item that is unable to proceed to hearing and which has already received the maximum number of continuances and or the

maximum number of days, and which has not received a further continuance, may have that item dismissed by an affirmative vote of the Commission.

- ii. A dismissal by the Commission does not constitute a denial of the agenda item.
 - iii. Any item dismissed under this section, shall be eligible for rehearing after a new application is submitted, all applicable fees paid and new case number assigned.
5. Withdrawal or denial of continued items: Nothing in these Rules prevents the Commission from accepting a withdrawal or denying an agenda item, if the Commission deems it appropriate under the circumstances.
- C. Re-notification: Any continuance granted for more than sixty (60) days shall require re-notification of property owners within the written notification boundary established under these Rules. For any continuance, the Commission may require re-notification of property owners within the written notification boundary.

FINAL DISPOSITION OF CASES

- A. Action by the Commission for Official Zoning Map amendments, text amendments to the PCUDO, and replacement ordinances: Action by the Commission shall be in the form of a recommendation on the proposal to the Board of Commissioners. The proposal may be voted on as submitted, or as modified by the Commission. Modifications to the proposal as submitted shall be made part of the motion. The following recommendations are possible:
- 1. Recommend adoption of the proposal.
 - 2. The proposal is not adopted.
 - 3. No recommendation.
- B. Action by the Commission for plats, development plats, vacations, appeals of decisions of the Administrator, any other action not requiring adoption by the Board of Commissioners. Action by the Commission shall be in the form of approval or denial. The proposal may be voted on as submitted or as modified by the Commission. Modifications to the proposal as submitted shall be made part of the motion.
- C. Adverse Decisions:
- 1. Commission decision. An application receiving a recommendation from the Commission not to adopt or deny shall not be heard again until six (6) months after the date of the decision by the Commission.
 - 2. Board of Commissioners decision. An application transmitted by the Commission and receiving a denial from the Board of Commissioners shall not be heard again by the Commission until six (6) months after the date of the decision by the Board of Commissioners.
 - 3. A proposal that is subject to an adverse decision may be considered for hearing before six (6) months if it is substantially changed from the original, or if the Commission votes by a majority to rehear the proposal. Before the proposal can be placed again on the docket, the Administrator shall determine if a change sufficient enough to warrant a hearing before six (6) months has been made to the proposal.

- D. When a motion of the Commission fails to receive a majority vote of the Commission (whether in favor or against) and therefore does not result in an official action of the Commission, the matter shall be automatically continued, re-docketed and heard again at the next meeting of the Commission.

FINDINGS OF FACT

- A. Findings of Fact: Where appropriate, the Commission shall set forth its determinations, recommendations, and conditions of approval in written findings of fact. A written copy of the decision shall be available in the PC office within five working days of the decision.

AMENDMENTS AND SUSPENSION TO THESE RULES

- A. Amendments to these Rules may be made by the Commission at any regular or special meeting upon the affirmative vote by a majority of the members.
- B. Suspension of any rule may be ordered at any meeting by an affirmative vote by a majority of the members. No suspension shall continue beyond the adjournment of the meeting at which the motion to suspend was passed.

REMANDING CASES

- A. Unless specified otherwise by the Commission, review and hearing authority shall be given to the Technical Review Committee and Plat Committee, where such committee has been designated.
- B. The types of cases the Technical Review Committee and Plat Committee is authorized to review and hear for the Commission shall be specified in the PCUDO.

FEDERAL AND STATE LAW

- A. Notwithstanding any other provisions of these Rules and Procedures, nothing shall require the Commission to observe any other act, or do any other thing, in contravention of any applicable Federal or state law.

SEVERABILITY

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

EFFECTIVE DATE

- A. These Rules of Procedure are hereby adopted on the twenty-eighth day of November, 2016, by the Pulaski County, Indiana Advisory Plan Commission.