

AMENDED GOVERNING RULES, POLICIES AND PROCEDURES
OF THE
HANCOCK COUNTY AREA PLAN COMMISSION
PLAT COMMITTEE

Article I. Authority.

1. The Hancock County Plat Committee, hereafter referred to as the Committee, was established by the Board of County Commissioners of Hancock County, Indiana, in accordance with the provisions of Chapter 174, Acts of 1947, of the General Assembly of the State of Indiana, and all amendments thereto. The Committee is a subcommittee of the Plan Commission as described in Chapter 155 of the Hancock County Code of Ordinances.

Article II.

1. The Committee shall have jurisdiction over all land within Hancock County except for those land areas under the jurisdiction of a city or town Plan Commission as defined by description or map in the Hancock County Recorder's office.
2. The Committee's purpose includes the following items:
 - a. Assist the orderly and efficient development of the County.
 - b. Ensure the thorough review of proposed subdivisions in Hancock County.
 - c. Ensure that consideration for county soil and water resources is addressed in the development process.
 - d. Secure the equitable handling of subdivision plats by providing uniform procedures and standards.

Article III. Duties.

1. The Committee shall serve in an advisory capacity to presently established boards and officials.
2. Review minor subdivision plats involving no new public ways for compliance with the subdivision control ordinance and zoning ordinance.
3. Hold public hearings/meetings on behalf of the Plan Commission.
4. Approve minor plats, vacate all or part of plats in accordance with I.C. 36-7-4-

710, 711 and/or 714, and approve replats of minor subdivisions on behalf of the Plan Commission.

Article IV. Proceedings.

1. At the first hearing/meeting of each year, the Committee shall elect a Chairman and a Vice-Chairman from its members.
2. In compliance with Section 156.007 of the Hancock County Code, the Committee shall consist of five (5) members with at least one (1) of the members being a member of the Plan Commission. A member may not hold elective office of any other appointed office in a municipal, county, or state government unless the member must be appointed from the membership of an elected body.
3. A Chairman shall be elected at the first regular hearing/meeting of the Committee in each calendar year. The Chairman shall preside at all Committee hearings/meetings. Hearings/meetings shall be held at the call of the Chairman or at other times which the Committee deems necessary.
4. A Vice-Chairman shall be elected in the manner prescribed for the Chairman and shall have the authority to act as Chairman during the absence or disability of the duly elected Chairman.
5. A Recording Secretary shall be appointed by the Plan Commission who shall maintain responsibility, with the Plan Director, for all records and correspondence for the Committee. The Recording Secretary shall cause minutes of Committee hearings/meetings 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.
6. In the event of the absence or disability of the Chairman and Vice-Chairman, the presiding officer shall be a member of the Committee selected by the members present.
7. All hearings/meetings of the Committee shall be open to the public.
8. Regular hearings/meetings of the Committee shall be held at the call of the Chairman and at other times which the Committee deems necessary. The hearing/meeting shall normally be devoted to the review of petitions and shall be open to the public. If the petition involves the vacation of all, or part, of a plat to which not all of the property owners within the plat have consented, every owner of land within the plat shall have an opportunity to comment upon said petition.

9. The Committee may impose reasonable conditions or require one or more commitments as a part of any approval of any petition coming before it. Requiring or allowing a condition or commitment does not obligate the Committee to approve or make a favorable recommendation with regard to the proposed application to which the condition relates. Any commitment made, if accepted, shall be submitted in recordable form using the format on file in the office of the Plan Commission Director and executed by the petitioner and the owner of the parcel, if they are different individuals. A commitment is binding on the petitioner and the owner who makes the commitment even if the commitment is not recorded. A commitment may only be modified or terminated by a decision of the Plan Commission made at a public hearing after notice of the hearing has been provided in accordance with these rules. Any condition applicable to an approved petition must be filed and permanently maintained as a public record in the office of the Plan Commission Director and such condition must have been met before any improvement location permit and/or building permit may be issued. Any commitment accepted by the Committee and the Plan Commission must be met prior to the issuance of an improvement location permit and/or building permit.
10. The Committee may take action by a majority of the members. A majority of the members shall constitute a quorum.
11. The Plan Commission may remove a member of the Committee provided that the member is notified by mail of the removal along with written reasons, if any. A member who is removed may not appeal the removal to a court or otherwise.
12. The order of business at regular hearings/meetings shall be:
 - a. Role call of members present;
 - b. Approve minutes of previous hearings/meetings;
 - c. Conduct hearings/meetings regarding petitions as scheduled by the Plan Director;
 - d. Other business;
 - e. Adjournment.
13. During each hearing/meeting, the Committee Chairman shall:
 - a. Request the Plan Director to present the petition;
 - b. Recognize the petitioner;

- c. Recognize those appearing on behalf of the petition;
 - d. Ask the Committee members if there are any questions regarding the petition;
 - e. Direct the petitioner or owner to respond to questions and provide rebuttal;
 - f. Call for a vote on the petition and announce the decision.
14. A member of the Committee is disqualified and may not participate as a member of the Committee in any hearing/meeting or recommendation of the Plat Committee concerning a petition in which the member has a direct, or indirect, financial interest or where the member is biased, or prejudiced, or otherwise unable to be impartial. The Committee Recording Secretary shall enter into the Plat Committee records and minutes the name of the member so disqualified and that said member did not participate in any manner of the proceeding. A member of the Committee may not directly, or personally, represent another person in a hearing/meeting before the Committee concerning any petition upon which they are authorized to act or make a recommendation.

Article V. General.

1. Amendments to these Governing Rules, Policies and Procedures may be made by the Plan Commission at any regular or special hearing/meeting upon the affirmative vote of a majority of the members. Any amendment to the governing rules must be presented at least 30 days prior to voting on the amendment. The suspension of any rule or procedure may be ordered at any hearing/meeting by unanimous vote of those present.
2. Every person appearing before the Committee shall abide by the order and direction of the Chairman. Discourteous, disorderly or contemptuous conduct shall be regarded as breach of the privilege of the Committee, and shall be dealt with as the Chair deems fair and proper.
3. Plats amended per Committee comments and resubmitted may be verified by the Plan Director and/or the Director's staff and forwarded on to the Plan Commission.
4. The applicant/petitioner may appeal to the Plan Commission the primary approval or disapproval of the plat, or the imposition of a condition on plat by the Plat Committee. The notice of appeal must be filed with the commission within ten days after the action of the Plat Committee. The appeal shall be heard by the Plan

Commission at its next regularly scheduled public hearing/meeting. Notice of the filing of such an appeal and the date, time and location of a hearing upon the same shall be given by the applicant/petitioner requesting the appeal to all property owners pursuant to the notice provisions set forth in the Rules of Procedure for the Hancock County Area Plan Commission, with the cost of said notice to be completely borne by the applicant/petitioner appealing the action.

Article VI. Notice.

1. Notice of an action by the Committee regarding a petition shall be placed in the newspaper and mailed to the owners of all adjoining and abiding properties to a depth of two ownerships or 600 feet of the subject property, whichever is less, within ten county business days of such action being taken. Any interested party may appeal the approval of the Plat Committee by filing a notice of appeal with the Plan Commission not more than five days after a copy of the plat committee's action is mailed to the interested party or after the notice is published in the newspaper, whichever is the latter.
2. If the petition before the Committee is for the vacation of all, or part, of a plat and the petitioner presents to the Committee a written instrument wherein all of the owners of all parcels contained within the plat agree to the proposed vacation, the instrument may be approved by the Committee without notice or hearing pursuant to Indiana Code 36-7-4-711.
3. If the petition before the Committee is for the vacation of all, or part, of a plat in which not all of the owners of the land within the plat are in agreement regarding the proposed vacation, the petitioner shall provide notification to all owners of parcels and/or lots within the affected subdivision of the date, time and location of the hearing to be held by the Committee upon said petition, which notice shall be provided by a certificate of mailing and publication in the appropriate newspaper, all costs of which shall be borne by the petitioner.