

ARTICLE NINE
ADMINISTRATIVE PROCEDURES

- 901 ZONING ADMINISTRATOR: The title of Zoning Administrator and Building Commissioner are considered interchangeable for the purposes of this Ordinance. The Zoning Administrator shall have the following duties:

901.01 to administer and enforce the provisions of this Ordinance in accordance with its literal terms and shall not have the power to permit any construction or any use or change of use which does not conform to this Ordinance;

901.02 to issue Improvement Location Permits and Certificates of Occupancy;

901.03 to maintain a permanent file of all permits and applications as public records; and

901.04 to ensure that during his review of Improvement Location Permit applications, all National Flood Insurance Program regulations, pertaining to State and Federal permits, subdivision review, utility construction, record keeping (including lowest floor elevation), and water course alteration and maintenance have been met.

- 902 IMPROVEMENT LOCATION PERMIT: The Zoning Administrator shall issue Improvement Location Permits in accordance with this section.

902.01 Except as provided below, an Improvement Location Permit shall be obtained before any person may:

- A. occupy or use any land; or
- B. construct, reconstruct, move, alter, or enlarge any structure; or
- C. construct a pond of 100 square feet or greater; or
- D. change the use of a structure or land to a different use; or
- E. change a non conforming use.

902.02 Improvement Location Permits are not required for the following:

- A. water management and use facilities except as in 902.01 C;
- B. yard improvements listed in Section 306.04 of this Ordinance;
- C. land preparation activities, as listed below:

1. normal plowing and working of the land for gardens and yards
 2. normal trimming and/or removal of trees and shrubs for maintenance or agricultural purposes;
 3. earth movements related to farming and other agricultural activity, including sod farming;
 4. public and private road construction;
 5. installation of utilities;
 6. drain tile laying and ditch cleaning;
 7. top soil removal, other than mineral excavation (as defined);
 8. forest management activities such as timber harvesting and timber stand improvement, including sawmills on property where the lumbering is being done;
- D. soft side above ground swimming pools, hot tubs, spas, and saunas as specified in Section 504.04 B of this Ordinance;
- E. storage of recreational vehicles and trucks as specified in Sections 504.05 and 504.06 of this Ordinance;
- F. fences as specified in Section 504.09 of this Ordinance; and
- G. vending machines listed in Section 504.12 of this Ordinance.
- 902.03 Applications for an Improvement Location Permit shall include the following information:
- A. Common elements to be submitted with all Improvement Location Permit applications:
1. name and address of the legal owner;
 2. a legal description of the property;
 3. name and address of the developer, if other than the legal owner;
 4. the street address, or the subdivision name and lot number, or a metes and bounds description of the property;
 5. a site plan drawn to scale which includes the following;

- a. property dimensions and lot lines;
 - b. an arrow indicating north;
 - c. all adjacent streets, alleys, and roadways, appropriately identified and including the centerline and right-of-ways, and all other right-of-ways and easements;
 - d. the location and dimensions of all existing and proposed structures, improvements, and paved areas with each appropriately labeled to indicate existing, proposed, or to be razed;
 - e. a drainage and erosion control plan, if required, as specified in Section 313 of this Ordinance;
 - f. all existing and proposed entrances and exits and parking spaces;
 - g. the distance of all proposed structures from all front, rear, and side lot lines measured from the point where the structure or its foundation is nearest the lot line;
 - h. the location and nature of all existing and proposed utilities, including any wells and/or septic systems;
 - i. the location and condition of all on-site and related off-site drainage facilities; culverts, sewers, and ditches;
 - j. the flood plain boundary and 100-year flood elevation as determined by the Zoning Administrator and the elevation of the lowest floor (including basement) of all proposed structures located in the Special Flood Hazard Area.
- 5. driveway permit from the County Highway Department, and Septic Permit from the County Health Department, if applicable.
 - 6. application fee, as established in the fee schedule.
 - 7. any other materials that the Zoning Administrator may require to ensure compliance with any other applicable regulations, ordinances, or statutes.

B. Information and materials to be submitted with Improvement Location Permit applications for all commercial, industrial, institutional, and multi-family dwelling and condominium developments, excepting accessory structures and uses (as defined):

1. all requirements as listed in 902.03 A;
2. the location and to scale horizontal dimensions of all existing and proposed canopies, overhangs, covered walkways, and related structures;
3. a lighting plan as specified in Section 314;
4. the location, number, type, species, size, height and caliper (of deciduous trees) of all existing and proposed landscaping and buffering, including open/green spaces, screening, walls, curbing, mounding and fences;
5. the location and dimensions of all existing and proposed off-street parking and loading areas and paved areas, including surface materials, dimensions of parking spaces and loading docks, driveways, and interior traffic lanes;
6. the location of all existing and proposed outside operations, storage areas, and trash receptacles, including a description of all fencing and screening of such;
7. the proposed number of employees and other information as required by Table D of the Ordinance;
8. the location, type, size, height, and spacing of all existing and proposed signs;
9. the location and dimensions of all entrances and exits, including details indicating cross-sections for new pavement, curbs, auxiliary lanes and/or tapers, and medians;
10. contour lines indicating existing and final grading elevations at one foot intervals where the average slope exceeds 10%.

902.04 Improvement Location Permits shall become null and void one year from the date of issue. If the work described in the Improvement Location Permit has not been substantially completed by the expiration of this time, no further work may proceed unless and until a new Improvement Location Permit has been obtained.

- 902.05 Within 30 days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Ordinance. If the Improvement Location Permit application is approved, the applicant may proceed to secure any other applicable permits; e.g., Building Permits. If the application is disapproved, the Zoning Administrator shall state the reasons for disapproval in writing and shall deliver such notice or refusal to the applicant.
- 903 CERTIFICATE OF OCCUPANCY: Prior to occupancy of land or structure for which an Improvement Location Permit was issued, a Certificate of Occupancy must be obtained to insure full compliance with the terms of the Improvement Location Permit.
- 904 ENFORCEMENT REMEDIES AND PENALTIES: In case any structure or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted, maintained, or used in violation of this Ordinance is hereby declared to be a common nuisance. Failure, by any person, to abide by any provision of this Ordinance shall be deemed a violation of this Ordinance and shall be guilty of a Class C Infraction. Upon conviction, a violator shall be responsible for reasonable attorney fees and fines of not less than \$250 and not more than that which is allowed as per IC 36-1-3-8 per violation, and for each day that the violation continues unabated, a separate offense shall be deemed to have been committed.
- 904.01 For and on behalf of the Commission, the Board of Zoning Appeals, the Department, or the County as their interests may appear, the Commission Attorney may institute, in a court of appropriate jurisdiction, causes of action against any person who violates any of the terms of this Ordinance. Said causes of action shall include, but not be limited to, the filing of a charge of Class C Infraction; filing suit for temporary or permanent restraining order; or filing suit against the maintenance of a common nuisance. In addition, the Department may pursue any other action, or remedy, authorized by the laws of Indiana, all of the foregoing actions shall be cumulative.
- 904.02 The Commission may, as deemed prudent or necessary under the circumstances, enter into any compromise or settlement involving a violation of this Ordinance, providing such compromise or settlement is in the best interest of the enforcement of this Ordinance.
- 904.03 Applications for improvement location permits or petitions to the Board of Zoning Appeals or Tipton County Plan Commission will not be accepted by the Administrator from any person or entity that has been notified that they are in violation of the zoning ordinance, except if it is required to effect remedial action pursuant to such violation. The ban on accepting applications from persons or entities in violation of the Ordinance extends

beyond the specific property in violation of the Ordinance and includes applications or petitions upon any property within the jurisdiction of the Ordinance.

- 905 AMENDMENTS: In preparing and considering amendments to this Ordinance and the adoption or amendment of a Planned Unit Development District Ordinance, the Plan Commission must prepare the amendment in accordance with I.C. 36-7-4-600 series and the following procedures.

905.01 Textual amendments to this Ordinance may be initiated by the Tipton County Plan Commission or the Tipton County Commissioners. Zone Map Amendments may be initiated by the Tipton County Plan Commission, by the Tipton County Commissioners, or by owners of 50% or more of the area involved in the petition. The adoption of a Planned Unit Development District Ordinance may be initiated by the single owner, or in the case of multiple owners, all owners acting jointly and united in interest, who are owners of all real property included in the legal description submitted with the application. The amendment of an established Planned Unit Development District Ordinance may be initiated by the single owner, or in the case of multiple owners, all owners acting jointly and united in interest, or a legally established owners' association acting on behalf of a majority of property owners in the PUD district as constituted in the recorded by-laws of the association.

905.02 Where a proposal is initiated by a party other than the Tipton County Plan Commission or the Tipton County Commissioners, the party shall pay a fee as prescribed in the duly adopted fee schedule.

905.03 The Plan Commission shall cause notice of public hearing to be published and notice to interested parties be given and hold public hearing in accordance with I.C. 5-3-1 and the Tipton County Plan Commission By-laws and Rules of Procedure.

905.04 The Plan Commission shall pay reasonable regard to the following matters:

- A. the Tipton County Comprehensive Plan and I.C. 36-7-4-600 series;
- B. current conditions and the character of current structures and uses in each district;
- C. the most desirable use for which the land in each district is adapted;
- D. the conservation of property values throughout the jurisdiction; and
- E. responsible development and growth.

905.05 Within ten day business days after the Plan Commission determination, the Plan Commission shall certify the amendment to the Tipton County Board of Commissioners with a favorable, unfavorable, or no recommendation. Written commitments may be permitted or required for a zone map amendment or Planned Unit Development District Ordinance as specified in I.C. 36-7-4-615 and Article Six of this Ordinance.

- A. Commitments shall be recorded in the Office of the Tipton County Recorder and take effect upon the approval of the zone map amendment or Planned Unit Development District Ordinance. Unless modified or terminated by the Tipton County Plan Commission, a commitment is binding on the owner of the property, each subsequent owner, and each other person acquiring interest in the parcel. A commitment is binding on the owner of the parcel even if it is unrecorded; however, an unrecorded commitment is binding on a subsequent owner or other person acquiring an interest in the parcel only if that subsequent owner or other person has actual notice of the commitment.
- B. By permitting or requiring a written commitment, the Plan Commission does not obligate itself to make a favorable or unfavorable recommendation.
- C. A new commitment may be made or a commitment may be modified or terminated only by a decision of the Tipton County Plan Commission made at a public meeting after proper notification has been made in accordance with the Tipton County Plan Commission By-laws and Rules of Procedure.
- D. A commitment must be in substantially the form set forth in the Tipton County Plan Commission By-laws and Rules of Procedure.
- E. The owner of the property shall be required to notify the Office of the Plan Commission of his timely compliance with such commitments by filing an affidavit to such effect. This affidavit must be submitted before any development or construction begins.
- F. Written commitments shall be enforced in accordance with Section 904 and Section 905 of this Ordinance.

905.06 Upon receipt of said certification the Tipton County Board of Commissioners shall vote on the amendment within 90 days. Final action by the Board of Commissioners shall be in accordance with I.C. 36-7-4-600 series. Final action by the Board of Commissioners on a Planned Unit Development District Ordinance shall be in accordance with I.C. 36-7-4-608 and I.C. 36-7-4-1512.

- 905.07 If the proposal is adopted, the Plan Commission shall update the Ordinance and the zoning maps accordingly. If the proposal or amendment for a Planned Unit Development District Ordinance is adopted the Plan Commission shall update the Ordinance and the zoning maps to reflect the designation and requirements of the parcel as a Planned Unit Development District.
- 906 SCHEDULE OF FEES: Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by a filing fee. Such fees and deposits shall be set by the Tipton County Commissioners, and a schedule shall be kept on file in the Office of the Zoning Administrator.
- 907 ADMINISTRATIVE DECISIONS: Whenever, in the course of administration and enforcement of this Ordinance, it is necessary to make an administrative decision which is not clearly governed by standards contained herein, such decision shall be made so that the result will not be contrary to the spirit and purpose of this Ordinance or injurious to the area affected.
- 908 RULES: The Plan Commission shall adopt rules which may not conflict with the Zoning Ordinance or the Indiana Code concerning:
- 908.01 Improvement Location Permits, Certificates of Occupancy, and site plan application and approval procedures;
- 908.02 Planned Unit Development application and approval procedures;
- 908.03 Zoning text and Zone Map Amendment application and approval procedures;
- 908.04 Enforcement procedures;
- 908.05 Hearing Officer Procedures; and
- 908.06 All other procedures necessary for the proper administration and enforcement of this Ordinance.
- 909 PLAN COMMISSION: The Tipton County Plan Commission is established in accordance with I.C. 36-7-4-200 series and shall have the duties and powers prescribed in I.C. 36-7-4-400 series and all other procedures necessary for the proper administration and enforcement of this Ordinance. The Tipton County Plan Commission shall adopt rules for the purpose of its supervision and administration and investigations and hearings which may not conflict with the Zoning Ordinance or the Indiana Code.
- 909.01 The powers and duties prescribed to the Plan Commission in regard to Article Six, Planned Unit Development shall include, but not be limited to:

- A. the application, procedures and documentation for Planned Unit Development;
- B. the authorization to hear and decide secondary plan for Planned Unit Development;
- C. the authorization to impose and enforce written commitments;
- D. the authorization to hear and decide minor modifications to Planned Unit Development;
- E. the authorization to enforce the Planned Unit Development District Ordinance and plans.

910 PLANNED UNIT DEVELOPMENT ADMINISTRATIVE OFFICER: The Planned Unit Development Administrative Officer shall be appointed by the Plan Commission. The Planned Unit Development Administrative Officer shall have the following duties:

910.01 to administer the procedures of Article Six, Planned Unit Development, of this Ordinance, in accordance with its provisions;

910.02 to hold advisory meetings in accordance with Article Six;

910.03 to conduct and grant approvals for secondary reviews in accordance with the provisions of Article Six;

910.04 to make determinations of and administer minor modifications to Planned Unit Developments as provided for in Article Six.