

Chapter Twelve

Processes, Permits and Fees

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12.1 Types of Petitions

Whitley County hereby requires that an application and filing fee be submitted for the following petitions:

1. Administrative Appeals
2. Improvement Location Permit
3. Special Exception
4. Subdivision
5. Variance
6. Zoning Map Amendments

All applications may be filed through the Zoning Administrator's Office with applicable fees being paid at the time of filing the application. A Docket Number will be assigned.

12.2 Processes per Type of Petition (See 10.11)

A. Administrative Appeal: The following procedure applies to Administrative Appeals.

1. Submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.
2. The administrative official or body from which the appeal is taken shall transmit to the Board of Zoning Appeals all documents, plans and papers constituting the record of action from which the appeal is taken.
3. Administrative appeals require public notice in the newspaper per IC 5-3-1-2 and 5-3-1-4.
4. At their next regularly scheduled public meeting, the Board shall then review:
 - a. The written statement and supportive material by the petitioner.
 - b. The record of action supplied by the administrative official or body from which the appeal is taken.
 - c. Testimony of the petitioner.
 - d. Testimony of the administrative official or body from which the appeal is taken, and
 - e. Testimony by members of the public.

B. Improvement Location Permit: The following procedure applies to Improvement Location Permit Applications.

1. Permits Required: No building, structure, or major infrastructure shall be erected, moved, added to or demolished, without an Improvement Location Permit issued by the Zoning Administrator. No Improvement Location Permit shall be issued by the Zoning Administrator unless the project is in conformity with the provisions of this Ordinance. Changes of use or expansions of use also require an Improvement Location Permit.

2. Application for an Improvement Location Permit: All applications for Improvement Location Permits shall be accompanied by:
 - a. the common address for the subject property and parcel number (if applicable),
 - b. a site location map showing the actual dimensions and shape of the lot to be built upon (Certificate of Survey is preferred),
 - c. the exact locations on the lot of all buildings, wells, and septic systems already existing, if any,
 - d. the location and dimensions of the proposed building or alteration,
 - e. building setback distances from all property lines, and from existing and proposed road right-of-ways,
 - f. location of floodplain boundaries or wetlands (if applicable), ~~and~~
 - g. drainage tile, ditches or outlets, and
 - ~~g~~. h. (For new residential dwellings only) an Agricultural Use notice signed by the property owner.

3. The application shall also include such other information as lawfully required by the Planning Commission or Zoning Administrator to determine conformance with and provide for the enforcement of this ordinance including:
 - a. elevations of the existing or proposed building or alteration,
 - b. detailed description of the existing or proposed uses of the building and land,
 - c. the number dwelling units, or rental units the building is designed to accommodate,
 - d. natural, physical or hazardous conditions existing on the lot, and
 - e. landscape plan,
 - f. lighting plan,
 - g. drainage plan.

4. The approved plans and application materials shall be retained by the Commission or Zoning Administrator.

5. Expiration of Permits:
 - a. Initiation of Work: If the work described in any Improvement Location Permit has not begun within twelve (12) months from the date of issuance, said permit shall expire, no written notice shall be given to the persons affected.
 - b. Completion of Work: If the work described in the Improvement Location Permit has not shown any meaningful or good faith progress, within a twelve (12) month period, said permit shall expire, no written notice of expiration shall be given to the persons affected. Work shall not proceed until a new Improvement Location Permit has been obtained.
 - c. Extensions of the Improvement Location Permit may be granted at the discretion of the Zoning

Administrator.

6. Construction According to Permits and Permit Application: Improvement Location Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.
7. Whitley County hereby requires that an Improvement Location Permit be obtained for the following:
 - a. all residential dwellings,
 - b. placement and replacement of manufactured or mobile homes,
 - c. accessory structures
 - d. signs,
 - e. swimming pools,
 - f. additions to all structures,
 - g. demolition,
 - h. all commercial, industrial, and institutional buildings,
 - i. structures other than buildings (including towers),
 - j. parking lot construction or alteration,
 - k. ponds or lakes
 - l. mineral extraction,
 - m. telecommunications facilities,
 - n. any exterior construction that adds to or alters the height of the existing structure, and
 - o. any change of use or expansion of use of the property.

C. Special Exceptions: The following procedure applies to Special Exception Petitions.

1. File a Special Exception application by submitting the required supportive information and paying the application fee.
2. The Board of Zoning Appeals will then review the special exception application and required supportive information, receive testimony of the petitioner and the public at their next regularly scheduled public meeting. The Board may approve, deny or table the petition. (See Section 10.09) The Board may add conditions to an approval.

D. Subdivisions: The following procedure applies to Subdivision Petitions.

1. File a Subdivision application by submitting the required supportive information and paying the application fee.
2. The Plan Commission will then review the subdivision application and required supportive information, receive testimony of the petitioner and the public at their next regularly scheduled public meeting. The Commission may approve, deny or table the petition. The Commission may add conditions to an approval.

E. Variances: The following procedure applies to Variance Petitions.

1. File a Variance application by submitting the required supportive information and paying the application fee.
2. The Board of Zoning Appeals will then review the variance application and required supportive information, receive testimony of the petitioner and the public at their next regularly scheduled public meeting. The Board may approve, deny or table the petition. The Board may add conditions

to an approval. Approvals shall only be granted upon finding of fact that there is a hardship.

3. The intensity of the variance may be reduced at the public hearing if approved by the Board.

F. Zoning Map Amendments: The following procedure applies to Zoning Map Amendment Petitions (zoning map/rezoning).

1. File a Zoning Map Amendment application by submitting the required supportive information and paying the application fee.
2. The Plan Commission will then review the application and required supportive information, receive testimony of the petitioner and the public at their next regularly scheduled public meeting. The Commission may recommend approval, recommend denial, table the petition or make no recommendation.
3. If the petition has not been continued, it will then be forwarded to County Commissioners for review. The County Commissioners will then review the application, required supportive material and Plan Commission recommendation. The Commissioners may approve, deny, or table the petition.
4. Upon reviewing a zoning map amendment the following should be considered:
 - a. The most recently adopted Comprehensive Plan.
 - b. Current conditions and character of 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.
 - e. Responsible development and growth.
 - f. The public health, safety and welfare.

12.3 Schedule of Fees

The County Commissioners shall maintain an official Fees Schedule for permits and processes outlined in this Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Ordinance are a part of this, the Zoning Ordinance. The Fees Schedule shall be available to the public in the office of the Zoning Administrator. The Fees Schedule may be amended by a recommendation submitted to the County Commissioners by the Joint Advisory Board followed by the County Commissioners approving said amendments by resolution.

Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition.

Any person or persons who shall initiate construction of a structure or change of use of a structure or property, prior to obtaining a Location Improvement Permit or any other required permit, may be subject to fines and penalties of up to \$500.00 per day.

12.4 Zoning Information Program

In order to provide accurate information for incoming residents and land owners, the Planning Office shall develop a zoning information program. The Office shall make available to local real estate agents, realtors, title companies, and others involved in the

real estate transfer process an information sheet regarding the zoning district, subdivision information, agricultural use notification, right-of-farm information, county official contact information, and the like. Such sheet will be completed with appropriate information and provided to purchasers of property within the County.