

### **SECTION 300: AUTHORITY**

The Director is hereby authorized to issue Improvement Location Permits within the jurisdiction of the Commission.

### **SECTION 301: IMPROVEMENT LOCATION PERMITS REQUIRED**

No building or structure shall be erected, moved, or increased in size without an improvement location permit (hereinafter referred to as permit) issued by the Department. Permits shall be issued only in conformity with the provisions of the Zoning Ordinance, unless the Director receives a written order from the Board of Zoning Appeals or Hearing Officer deciding an appeal, special exception, or variance, and with all other County Ordinances.

### **SECTION 302: CONTENTS OF APPLICATION FOR IMPROVEMENT LOCATION PERMIT**

- A. The application for a permit shall be completed and signed by the owner or applicant attesting to the truth and exactness of all information supplied. The following information shall be submitted to obtain a permit:
  - B. Completed application form.
  - C. A site plan of the property upon which, or to which, the building or structure shall be constructed, reconstructed, erected, moved, or altered showing all property line dimensions; streets, alleys, and other rights-of-way; recorded easements; utility and telephone lines (both overhead or underground); legal drains or open ditches; existing and proposed buildings and structures; all setback lines; and height, width, and depth of the proposed building or structure.
  - D. Legal description of the property.
  - E. Any additional information requested by the Department which relates to compliance review.

### **SECTION 303: IMPROVEMENT LOCATION PERMIT REVIEW PROCESS**

- A. In accordance with Section 305, the Director shall make a determination on whether Plat Committee approval is required prior to issuance of a permit.

- B. If approval by the Plat Committee is required, the permit application and documentation shall be submitted to the Committee for its review in accordance with the review schedule established by the Committee.
- C. When reviewing the application, the Plat Committee may consider any relevant factors, including but not limited to:
  - 1. proximity of proposed improvement to other improvements on neighboring properties.
  - 2. topography of the lot upon which the proposed improvement is to be located.
  - 3. soil classification of the lot upon which the proposed improvement is to be located.
  - 4. size of the lot as it relates to storm water runoff and watershed area.
  - 5. location of the proposed access to the improvement.
- D. Based upon the review of the application, the Plat Committee may require the submittal of a drainage plan, which shall include a proposal for the management of storm water runoff from the proposed improvements, before making a decision on the application.
- E. The Plat Committee may approve a permit for issuance only upon a determination in writing that:
  - 1. the permit is in compliance with all applicable County requirements;
  - 2. adequate water, sewage, and street access facilities can be obtained for the improvement; and
  - 3. adequate storm water management facilities are provided for the improvement.
- F. The Plat Committee may impose reasonable conditions on the issuance of the permit. Reasonable conditions include, but are not limited to:
  - 1. driveway access
  - 2. swales and detention basins to detain storm water runoff
  - 3. protection of an area on the lot from soil disturbance
  - 4. relocation of known field tiles
  - 5. providing a way for the natural flow of water to cross the lot.
- G. An applicant may appeal any decision of the Plat Committee to the Commission.

#### **SECTION 304: APPROVAL OF IMPROVEMENT LOCATION PERMIT**

- A. If the proposed project conforms to applicable law, and upon payment of permit fees as required by this Ordinance, a permit shall be issued in the name of the applicant. The applicant shall then be provided a permit card authorizing the work to commence. The permit card shall be prominently posted at the improvement location site at all times.
- B. A permit, when issued, shall be for such installation as is described in the application and no deviation shall be made from the installation so described without the approval of the Director.

**SECTION 305: APPROVAL OF SUBDIVISION PLAT COMMITTEE**

Subdivision Plat Committee approval is necessary prior to the issuance of a permit for a principal structure unless one of the following criteria are met:

- A. The lot upon which the structure is proposed was part of a subdivision plat approved by the Commission in accordance with Ordinance 1992-14 (effective date of December 7, 1992).
- B. The lot upon which the structure is proposed was approved by the Plat Committee under Ordinance 2000-01 (effective date of May 1, 2000).
- C. Development Plan approval has been granted by the Commission for the structure.

**SECTION 306: APPROVAL BY COUNTY HIGHWAY DEPARTMENT OR INDIANA DEPARTMENT OF TRANSPORTATION**

Prior to the issuance of any permit which would necessitate or require a new driveway or access road to be installed, a copy of the approved driveway approach permit shall be presented to the Department.

**SECTION 307: APPROVAL BY COUNTY HEALTH DEPARTMENT**

Prior to the issuance of any permit for an improvement that would be serviced by a septic system and/or well, a copy of the approved septic and well permits, or authorization to utilize an existing septic system shall be presented to the Department.

**SECTION 308: APPROVAL BY COUNTY SURVEYOR OFFICE**

Prior to the issuance of any permit, verification shall be obtained from the Huntington County Surveyor's Office that the proposed improvement, as shown on the submitted site plan, is to be located outside an established easement for a county drain or ditch, or approval has been granted by the Drainage Board.

**SECTION 309: APPROVAL BY TOWN**

Prior to the issuance of any permit within the jurisdictional area of the Town of Andrews, Mt. Etna, Roanoke, or Warren, a copy of the driveway permit, water tap permit, and/or sewer tap permit, if required by the Town, shall be submitted to the Department.

**SECTION 310: EXPIRATION OF THE IMPROVEMENT LOCATION PERMIT**

If the work described in the permit has not been substantially completed within two (2) years from the date of issuance, the permit shall expire. Further work shall not proceed unless a new permit is obtained.

**SECTION 320: COMPLAINTS REGARDING VIOLATIONS**

Any person may file a written complaint whenever a violation of this Ordinance occurs or is reasonably believed to have occurred. The complaint shall state reasonably fully and accurately the particulars thereof, and be filed with the Director. The Director shall investigate and may take action upon such complaint as provided in this Ordinance.

**SECTION 330: ENFORCEMENT OFFICIAL**

The Director is an enforcement official who is authorized and directed to implement the enforcement of this Ordinance.

**SECTION 340: ACCESS TO PROPERTY/INSPECTIONS**

- A. When reviewing an application for a permit, the Director, Plat Committee, Commission, and designated persons acting on their behalf, may inspect any property in the County at any reasonable time for the purposes of determining or enforcing compliance with the provisions of this Ordinance.
- B. By making application for a permit as provided in this Ordinance, an applicant certifies that the applicant is acting for her/him/itself and as an authorized agent for the property owner(s) relating to access to the property for the inspection purposes referred to herein.

**SECTION 360: SCHEDULE OF FEES, CHARGES AND EXPENSES**

- A. All applicants for improvement location permits shall, prior to the issuance of such permit, pay fees to the Department in such amounts as are specified below:

Improvement Location Permit (when a building permit is not required)	\$16.00
Improvement Location Permit (when a building permit is required)	\$0.00

- B. The filing fees for petitions required to be reviewed by the Huntington County Plan Commission or Huntington County Advisory Board of Zoning Appeals shall, prior to the filing deadline established for the subsequent meeting, pay fees to the Department in such amounts as are specified below:

Variance of Use application	\$100.00
Variance from Development Standards application	\$60.00
Variance from Development Standards application when filed by a registered livestock operator to reduce the required setback for application lands	\$0.00
Special Exception application	\$60.00, except the following which shall pay a \$200.00 filing fee: School, Planned Unit Development, Public Safety Facility, Commercial Recreation Area and Private Club
Appeal application	\$15.00
Amendment to Official Zoning Map application: a. If requesting an A, SR, R-2, or OS zoning classification	\$75.00
b.If requesting an R-4, R-8, R-20, RMH zoning classification	\$100.00
c.If requesting an LB, GB, AB, CB, M-1, M-2, M-3, or POD zoning classification	\$150.00

d. If requesting an EUD zoning classification	\$500.00
Text Amendment to Zoning Ordinance application	\$40.00
Appeal from decision of Hearing Officer	\$0.00
Request to change Condition(s) of Approval	\$30.00

C. If more than one (1) petition is filed by the applicant for the same property, and if each petition is to be reviewed by the Board of Zoning Appeals on the same hearing date, the filing fee for the second and each additional petition shall be ten dollars (\$10.00).

D. For improvements to real property for which a Development Plan is required:

Construction of a multi-family dwelling	\$10.00 per unit, minimum of \$100.00
Any other improvements:	
a. 0 – 5,000 square feet	\$100.00
b. 5,001 – 20,000 square feet	\$200.00
c. 20,001 – 50,000 square feet	\$500.00
d. 50,001+ square feet	\$800.00

For amendments to an approved Development Plan:

If the amendment constitutes a substantial deviation	\$75.00
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**SECTION 370: REVOCATION OF APPROVAL**

A. A variance of use, variance from development standard, or special exception may be revoked by the Board of Zoning Appeals under the following circumstances:

1. The property is not being used in compliance with the approval granted.
2. A condition or conditions of approval were not met, or are not continuously being met.
3. The terms of the commitment of use, if applicable, are not being met.

B. If any of the above listed circumstances are believed to exist, the following process shall be followed by the Director:

1. The Director shall send written notice to the person believed responsible for the

- violation(s), and to the property owner of the property involved if different, particularizing the nature of the violation and ordering the action necessary to correct it.
2. If the alleged violation(s) is not corrected, the Director shall schedule the matter to be reviewed by the Board of Zoning Appeals. Notice shall be provided to the person responsible for the alleged violation(s), and to the property owner of the property involved if different.
  3. If the Board of Zoning Appeals determines that one or more of the circumstances as identified in Section 370 (A) exist, the Board may:
    - a. provide additional time for the violation(s) to be corrected; or
    - b. revoke the approval of the variance or special exception.

**SECTION 380: ENFORCEMENT, VIOLATIONS, REMEDIES AND PENALTIES**

- A. It shall be the duty of the Director to enforce the provisions of this Ordinance.
- B. The following shall constitute a violation of this Ordinance and be subject to the enforcement remedies and penalties provided by this Ordinance:
  1. the construction, erection, or location of an improvement without an improvement location permit being issued;
  2. the construction, erection, or location of an improvement other than in accordance with the approved improvement location permit;
  3. the use of any lot or improvement in violation of the specific approval granted by the Board of Zoning Appeals, Hearing Officer, or any provision of this Ordinance;
  4. the construction, erection, or location of any improvement in violation of the provisions of this Ordinance;
  5. use or development of property in a manner which does not conform to the provisions of this Ordinance;
  6. failure to comply with a condition of approval imposed by the Plan Commission, Hearing Officer, or Board of Zoning Appeals;
  7. failure to comply with the terms of a Commitment of Use recorded in accordance with the provisions of this Ordinance;
  8. act contrary to the provisions and requirements of this Ordinance;
  9. altering, damaging, or removing any improvements required by the Commission as part of a development plan approval, by the Board of Zoning Appeals as part of a variance or special exception approval, or by this Ordinance; or
  10. failure to comply with a Stop Work Order issued by the Director.
- C. Any activity considered a violation of this Ordinance is declared to be a common nuisance.
- D. A person acting as owner, agent, principal, lessee, contractor, engineer, surveyor, or otherwise who, either individually or in concert with another, knowingly acts contrary to the provisions and requirements of this Ordinance, shall be liable for maintaining a common nuisance.

- E. Private covenants or agreements imposing standards different than those in this Ordinance shall not impose an enforcement obligation on the Director or Commission.
- F. The owner, tenant, or occupant of any structure or land and any architect, engineer, surveyor, contractor, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Ordinance may be held responsible for the violation and suffer the penalties and be subject to the remedies provided.
- G. The following process shall be followed by the Director when pursuing a violation of this Ordinance:
  - 1. The Director shall send written notice to the person believed responsible for the violation(s), and to the property owner of the property involved if different, indicating the nature of the alleged violation and ordering the action necessary to correct it.
  - 2. If the violation(s) is not corrected, the Director shall send a written notice identified as being the final notice, and shall state what action the Director can take if the violation is not corrected. The notice shall indicate that an appeal may be filed to the Commission and the procedure for filing an appeal.
  - 3. In all violation notices, a reasonable time period shall be expressed and allotted for compliance.
  - 4. If compliance is not achieved by the deadline specified in the final notice, the Director may impose one or more of the remedies listed in Section 380 (H).
  - 5. The Director working with the County Attorney may file a complaint against the person(s) responsible for and prosecute the alleged violation.
- H. The Director may impose any one or all of the following remedies listed below for any violation of this Ordinance:
  - 1. A STOP WORK ORDER whereby all work on the improvement authorized by the issuance of a permit on the property shall cease at the time of posting. A written STOP WORK ORDER shall be sent to the property owner, contractor, or other appropriate individual specifying what action is necessary to remove the STOP WORK ORDER. All corrective work or action necessary to release the STOP WORK ORDER shall be completed within the stated time limitation. Failure to adhere to this time limitation is a violation of this Ordinance.
  - 2. A revocation of any permit issued for work on the property.
  - 3. The Commission or Director may bring an action in the Circuit or Superior Court to invoke any legal, equitable, or special remedy for the enforcement of this Ordinance, or action taken under this Ordinance. Further, an action may also seek the imposition of a penalty under Indiana Code 36-7-4-1018 or its successor provision.
  - 4. Bring action for injunction in the Circuit or Superior Court. This action may seek to enjoin a person or entity from violating, or continuing to violate any provision of this Ordinance and/or maintaining a common nuisance. This action may also seek to revoke approval that was granted by the Board of Zoning Appeals or Hearing Officer for a variance of use, variance from development standard, or special exception. Further, it may seek the prevention, removal, or abatement of the violation.
  - 5. Any other remedy or penalty provided for herein, or by other applicable authority.



- I. Any person found to be in violation of this Ordinance in an enforcement action brought under this Ordinance shall be responsible to pay reasonable costs and expenses, including attorney fees, incurred to the Commission or Department in connection with the prosecution of such action.