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Procedures

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2.1 Summary Table of Review Procedures

- A. **Table 2.1: Summary of Development Review Procedures, identifies the review authorities responsible for making recommendations or decisions on development applications reviewed under this Ordinance.**
- B. **Additional information on each development review procedure is included in Section 2.3 Application Review Procedures.**

Table 2.1: Summary of Development Review Procedures

Procedure	Review Authorities				
	Administrator	Technical Review Committee	Plan Commission	Board of Zoning Appeals	County Commission
Map Amendment		C	R		D
Text Amendment		C	R		D
Planned Unit Development		C	R		D
Development Plan	R or D	R	D		
Primary Plat	C	R	D		
Secondary Plat	D	R			
Improvement Location Permit/ Development Permit	D				
Sign Permit	D				
Building Permit	[1]				
Certificate of Occupancy	[1]				
Development Standard Variance	R			D	
Use Variance	R			D	
Special Exception	R			D	
Administrative Appeal				D	
WECS	R	R	D		
Administrative Subdivisions	R	D			

R = Recommendation

C= Comment

D = Decision

NOTES: [1] See Pulaski County Building Ordinance for details

2.2 Administration and Authority

A. Generally.

1. The following review authorities have powers and responsibilities in administering and reviewing development applications under this Ordinance.
 - a. County Commissioners
 - b. Plan Commission
 - 1) Technical Review Committee
 - c. Board of Zoning Appeals
 - d. Administrator
2. In addition to the review authorities identified in this section, there are other county agencies, departments, or officials who may review and comment on specific application types during the review process. Information on these additional review authorities and their role in the application review process, is available from the Administrator at the time an application is submitted.

See Chapter 8
Definitions for all review
authorities.

B. County Commission.

1. Powers and Duties. The County Commission is authorized to exercise the authority granted to it by state statute. The Commissioners shall have the following powers and duties under this Ordinance:
 - a. To initiate, review, and decide applications for the following:
 - 1) Zoning Map amendments;
 - 2) Zoning Text amendments; and
 - 3) Planned Unit Developments;
 - b. To approve a schedule of fees governing applications for permits and other development approvals reviewed under this Ordinance and civil penalties for violations of this Ordinance. The Fee Schedule is regulated by separate ordinance. The fee schedule shall be made available to the public by the Administrator.
 - c. To take any other action not delegated to the Plan Commission, Board of Zoning Appeals, Technical Review Committee, or Administrator, as the County Commissioners may deem desirable and necessary to implement the provisions of this Ordinance.

C. Plan Commission.

1. The Plan Commission ("Commission") is hereby authorized to perform those duties and functions specified in IC 36-7-4-400 et seq., and other applicable sections of Indiana Code and such other responsibilities as may be assigned to it from time to time by the County Commissioners or Board of Zoning Appeals. For the purposes of this Zoning Ordinance, the duties of the Plan Commission include:
 - a. To initiate, review, and decide applications for the following:
 - 1) Primary Plats.
 - 2) WECS applications
 - b. To review and make recommendations to the County Commissioners, in accordance with IC 36-7-4-405, on the following:
 - 1) Map Amendments;
 - 2) Text Amendments; and
 - 3) Planned Unit Developments.

- c. Make Studies and Recommendations. To make studies and recommendations for the County Commissioners regarding growth, development, and redevelopment in the county.
- d. Maintain a complete record of all proceedings.
- e. Adopt a seal and certify all official acts;
- f. Prepare and submit an annual budget to the County Commissioners;
- g. Make recommendations to the participating legislative bodies concerning the adoption and amendment of the Comprehensive Plan, the Unified Development Ordinance, and Planned Unit Development ordinances;
- h. The Plan Commission shall establish advisory and review committees as necessary, including but not limited a Technical Review Committee (TRC) and Plat Committee. Five (5) members of the TRC, including the president of the Plan Commission or his/her designee and the Administrator, shall comprise the Plat Committee.
 - 1) Powers and Duties. The TRC shall have the following powers and duties:
 - a) To review and decide applications for the following in accordance with IC 36-7-4-700 series:
 - i. Development Plans
 - b) Recommendation Authority
 - i. To review and make recommendations to the Plan Commission on Primary Plats.
 - ii. WECS applications
 - c) To review and comment on the following:
 - i. Map amendments
 - ii. Text amendments
 - iii. Planned Unit Developments
 - d) The TRC shall have the following additional duties:
 - i. Participate in pre-application conferences
 - ii. Provide its expertise and technical assistance to the County's other review authorities and departments, upon request.
 - iii. Approve Administrative Subdivisions
 - 2) Membership and Appointment.
 - a) The TRC shall consist of representatives of the following county/town departments or agencies involved with development review, as designated by the head of the department or agency:
 - i. Planning/Zoning
 - ii. Building, or if positions i. and ii. are filled by the same person, a second Building/Zoning staff member
 - iii. Auditor's Office — deputy responsible for GIS and plats
 - iv. County Health Department manager
 - v. Sheriff's Department or Town Police Department
 - vi. Economic Development (Pulaski County Economic Development Director - as amended)
 - vii. County Highway Department or Town Street Department
 - viii. Town or District (Wastewater) Utility Superintendent

- ix. Consulting Engineer
 - x. Fire Department with local jurisdiction
 - xi. County Surveyor (representing the County Drainage Board)
 - xii. County EMS
 - xiii. President of the Plan Commission or his/her designee from the APC
 - xiv. County Soil and Water Conservation District coordinator
- b) The aforesaid departments/individuals shall serve as members of the TRC in any given case as needed at the Administrator's discretion, so that those members whose particular insights are not required need not attend, nor their absences count against attaining a quorum.
- c) Chair. The Administrator shall serve as Chair of the TRC and Plat Committee, and shall schedule and preside over committee meetings, coordinate the committee's activities, prepare committee reports, and serve as liaison to the departments and agencies involved for clarification of issues and resolution of conflicts.
- d) The Administrator may conclude that the TRC is not required for some reviews (e.g., a simple rezone), but the Plan Commission may overrule this decision.
- i. Other Powers and Duties. To carry out any other powers and duties delegated to it by the County Commissioners, IC 36-7-4-200 through -499, consistent with state statute.
- j. The Plan Commission may make reasonable modifications to the standards of this Ordinance in response to:
- 1) Unique site characteristics or development patterns that justify relief from the otherwise generally applicable regulations, or
 - 2) An alternative development proposal deemed by the Plan Commission to meet the intent and spirit of this Ordinance and representing a creative and desirable application of different standards.
- k. Membership, Appointment and Terms of Office. The Plan Commission shall consist of membership as set out in IC 36-7-4-208, for terms of office as set out in IC 36-7-4-217 through -220.
- l. Rules of Procedure. The Plan Commission shall establish a set of rules of procedure in accordance with IC 36-7-4-401, which shall be made available for inspection in the office of the Administrator.
- 1) Meetings.
 - a) The Plan Commission shall hold at least one regular meeting in each month, save December, unless the Chair determines that there are no agenda items for consideration.
 - b) The Plan Commission shall keep a record of its minutes, recommendations, transactions, findings, and determinations, which shall be a public record.
 - c) All meetings shall be open to the public.
 - d) Special meetings may be held in accordance with IC 36-7-4-307.
 - 2) Conflict of Interest. In the event a member of the Plan Commission has a conflict of interest, that member shall recuse themselves from voting on any matter for which a conflict of interest exists. The Plan Commission shall, in such cases, enter in its records the fact that its member has such a disqualification. As indicated in IC 36-7-4-223, any member of the Plan Commission may not:
 - a) Participate as a member of the commission in a hearing or decision in which the member has a direct or indirect financial interest;

- b) Directly or personally represent another person in a hearing before the commission;
- c) Receive any compensation under IC 36-7-4-222.5 for attendance at a meeting if the member is disqualified during any part of the meeting.

D. Board of Zoning Appeals.

1. The Board of Zoning Appeals (BZA) is hereby established in accordance with IC 36-7-4-901 and all applicable state and county statutes, and shall have the following powers and duties under this Ordinance.
 - a. Application Review and Decision. To review and decide applications for:
 - 1) Development standard variances;
 - 2) Use variances;
 - 3) Special exceptions; and
 - 4) Appeals of administrative determinations by the Administrator, Technical Review Committee, or other county staff member in accordance with IC 36-7-4-918.1.
 - b. Other Powers and Duties. The Board Zoning Appeals is authorized by this Ordinance to carry out any other powers and duties delegated to it by the County Commissioners, consistent with state statute.
 - c. Membership, Appointment, and Terms of Office. The Board of Zoning Appeals shall consist of five members, appointed in accordance with the 900 series of IC 36-7-4. Each member shall be appointed for a term of four years with staggered terms per IC 36-7-4-906, expiring on the first Monday of January following the fourth year of the term; however, members of the Board of Zoning Appeals shall serve until their successor is appointed and seated.
 - d. Rules of Procedure. The Board of Zoning Appeals shall establish a set of rules of procedure in accordance with IC 36-7-4-916, which shall be made available for inspection in the office of the Administrator.
 - 1) The Board of Zoning Appeals shall fix a reasonable time for the hearing of administrative appeals, variances, and special exceptions.
 - 2) The Board of Zoning Appeals shall keep a record of its minutes, recommendations, transactions, findings, and determinations, which shall be a public record.
 - 3) All meetings shall be open to the public.
 - 4) Special meetings may be held in accordance with IC 36-7-4-307.
 - e. Conflict of Interest. In the event a member of the Board of Zoning Appeals has a conflict of interest due to direct or indirect financial interest, that member shall recuse themselves from voting on any matter for which a conflict of interest exists. The Board of Zoning Appeals shall, in such cases, enter in its records the fact that its member has such a disqualification.
 - f. *Ex-Parte* Communication. No member of the Board of Zoning Appeals shall communicate with an applicant on a matter pending before the Board. In the event communication on a pending matter takes place prior to Board's consideration, the member involved in the communication shall declare the ex-parte communication prior to the vote deciding the matter.
2. Additional Boards of Zoning Appeals. Additional divisions of the BZA may be established per IC 36-7-4-901.f.

E. Administrator.

1. The Plan Commission shall designate an Administrator with the principal authority for implementing and enforcing this Ordinance as designated by the Plan Commission, and shall have the following powers and duties:

2. Powers and Duties. The Administrator or his/her designee shall have the following powers and duties:
 - a. Application Review and Decision. To review and decide applications for the following:
 - 1) Improvement Location Permits
 - 2) Sign Permits
 - 3) Secondary Plats
 - b. Recommendation Authority. To review and make recommendations on applications for the following:
 - 1) Development Plans
 - 2) Development standard variances
 - 3) Use variances
 - 4) Special exceptions
 - 5) WECS applications
 - 6) Administrative Subdivisions
 - c. Comment Authority. To review and comment on Primary Plats.
 - d. Other Power and Duties. The Administrator shall have the following additional powers and duties:
 - 1) Establish application content requirements and a submission schedule for review of applications and appeals;
 - 2) Conduct pre-application conferences;
 - 3) Review applications and submit staff reports to review authorities;
 - 4) Maintain the Official Zoning Map and related materials;
 - 5) Provide expertise and technical assistance to the county's other review and decision-making bodies, upon request;
 - 6) Maintain a record of all permits and approvals on file, and make copies available upon request;
 - 7) Enforce this Ordinance in accordance with Section 1.9, Enforcement; and
 - 8) Keep copies of all applications on file.
 - 9) Administrative determination and interpretation of the Ordinance.
 - 10) Chair the TRC and the Plat Committee.

2.3 Applications and Procedures

A. General.

1. This section describes the standard procedural steps and rules that are generally applicable to development applications reviewed under this Ordinance and listed below, unless otherwise expressly exempted. Procedural flow charts depict the procedural steps in a graphic manner.
 - a. Development Plan Approval
 - b. Zoning Map Amendment (Rezoning)
 - c. Text Amendment
 - d. Planned Unit Development
 - e. Primary Plat
 - f. Secondary Plat

- g. Improvement Location Permit
 - h. Sign Permit
 - i. Building Permit
 - j. Certificate of Occupancy
 - k. Variance
 - l. Special Exception
 - m. Wind Energy Conversion System (WECS)
 - n. Administrative Subdivision
2. Application Materials. All applications may be obtained from the Zoning Department. Fees shall be paid at the time all petition applications are submitted and at the time all permits are issued as specified in each individual procedure.
- a. All applications shall be made on forms provided by the Zoning Department. Copies, necessary plans, and attachments shall be submitted as required by the adopted policies of the Director and the applicable Rules of Procedure, as amended, of the Plan Commission and Board of Zoning Appeals.
 - b. Scheduling. All applications shall be assigned reference and/or docket numbers by the Administrator.
 - 1) Petition Applications. Petition applications shall be scheduled by the Administrator for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Section and the appropriate adopted Calendars of Filing and Meeting Dates for the Board and/or Plan Commission.
 - 2) Order of Action Taken. Action shall be taken on all applications in the order in which they were received.
3. Applicability. With the exception of a request to rezone, the Development Plan Review process may occur concurrently with any other Plan Commission review process. This review shall be completed within the procedures set forth in this section and all other applicable sections of this Ordinance.

B. Administrative Review and Action

- 1. Application Submittal and Acceptance
 - a. Authority to File Applications.
 - 1) The owner, contract purchaser, or other person having a recognized property interest in the land on which development is proposed; or
 - 2) A person authorized to submit the application on behalf of the parties:
 - a) Written consent of the owner is required.
 - 3) If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.
- 2. Application Content. The Administrator is authorized to establish requirements for the content and form for each type of specific development application reviewed under this Ordinance. The Administrator may amend and update these provisions as necessary to ensure effective and efficient review. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with applicable standards.
- 3. Application Fees. The County Commissioners shall establish application fees, which shall be made available in the office of the Administrator, and may amend those fees as necessary.
- 4. Submittal and Review Schedule. The Administrator is authorized to and shall establish specific rules for the submittal and review schedule (including time frames for review) for

the various types of development applications, which shall be made available to the public for review in the office of the Administrator. The Administrator may amend and update these provisions as determined necessary to ensure effective and efficient review under this Ordinance.

5. Application Submittal. Applications shall be submitted to the Administrator in the form established by the Administrator, along with the appropriate application fee.
6. Determination of Application Completeness.
 - a. Completeness Review. On receiving an application, the Administrator shall, within ten (10) business days, determine whether the application is complete or incomplete. A complete application is one that:
 - 1) Contains all information and materials established by the Administrator as required for submittal of the particular type of application;
 - 2) Is in the form established by the Administrator as required for submittal of the particular type of application;
 - 3) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate review standards of this Ordinance; and
 - 4) Is accompanied by the fee established for the particular type of application.
 - b. Application Incomplete.
 - 1) On determining that the application is incomplete, the Administrator shall notify the applicant of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for completeness determination.
 - 2) If the applicant fails to resubmit a complete application within 45 calendar days after being first notified of submittal deficiencies, the application shall be considered withdrawn.
 - 3) The Administrator shall not process an application for further review until it is determined to be complete.
 - c. Application Complete. On determining that the application is complete, the Administrator shall accept the application for review in accordance with the procedures and standards of this Ordinance.
7. Application Revision.
 - a. An applicant may revise an application prior to the preparation of a staff report, or on receiving permission from review authority after it has reviewed, but not yet taken action on the application.
 - b. Revisions may be submitted at any other time during the review procedure, but the revised application shall be submitted to the Administrator and reviewed as if it were a new application.
8. Application Withdrawal.
 - a. An applicant may withdraw a development application at any time by submitting a letter of withdrawal to the Administrator.
 - b. Applications withdrawn after required notice of any public hearing scheduled for the application shall be subject to limitations on the subsequent submittal of similar applications. See Section 2.3 (E) (5) (c) (19) Limitation on Subsequent Similar Applications.

C. Staff Review and Action

1. Staff Review.
 - a. Applications shall be reviewed in the order received when the application is determined to be complete.

- b. When an application is determined complete, it shall be distributed by the Administrator to all appropriate staff and review agencies for review and comment, and the preparation of a staff report, if appropriate.
 - c. In considering the application, the Administrator, the TRC, the Plat Committee or other county staff (as appropriate), shall review the application, relevant support material, and any comments or recommendations from other staff and review agencies to which the application was referred.
 - d. If deficiencies in complying with applicable standards of this Ordinance are identified, the Administrator shall notify the applicant of such deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Section 2.3 (D) (7) Application Revision.
2. Staff Report and Recommendation.
 - a. The Administrator may prepare a written staff report on any application subject to a public hearing. If prepared, the staff report shall conclude whether the application complies with all the County Comprehensive Plan and all applicable review standards of this Ordinance. The staff report may recommend conditions of approval addressing how compliance deficiencies might be corrected and adverse effects of the development application might be mitigated.
 - b. A staff report is not required to be prepared for an application decided by the Administrator, even though the Administrator may choose to do so.
3. Distribution and Availability of Application and Staff Report. In cases where a development application is subject to review by the Plan Commission, County Commissions, or Board of Zoning Appeals, the Administrator shall take all the following actions within a reasonable time period before the meeting or public hearing at which the application is scheduled for review:
 - a. Schedule and ensure any required notice of public hearing on the application (if appropriate) in accordance with Section 2.3 (D) Required Public Hearings;
 - b. Transmit the application, related materials, and the staff report (if prepared) to the appropriate review authority;
 - c. Transmit a copy of the staff report (if prepared) to the applicant; and
 - d. Make the application, related materials, and the staff report available for examination by the public in the office of the Administrator during normal business hours, and make copies of such materials available at a reasonable cost.
4. Applications Subject to Decision by Administrator.
 - a. Decision. If an application is subject to staff review and a secondary decision by the Administrator as appropriate, the Administrator shall approve, approve subject to conditions, or disapprove the application.
 - b. Conditions of Approval. Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.

D. Required Public Hearings.

1. Public Notification. All development applications requiring a public hearing shall comply with IC 5-3-1-2, IC 5-3-1-4, and all other applicable state statutes related to advance notice of the hearing to interested parties.
 - a. The applicant is required to assume the costs of required public notice and mailings.

- b. Following a determination of application completeness, the Administrator will provide the applicant with the names and addresses of landowners required to receive public notice.
- c. The applicant is required to provide required public notice on the forms provided by the Administrator via U.S.P.S. with certification of mailing.
- d. Proof of mailing shall be provided by the applicant to the Administrator at least ten days prior to the date of the public hearing for which public notification is required. Failure to provide public notice or proof of mailing shall result in a delay of the public hearing until after public notification requirements have been met.
- e. Nothing shall limit the Administrator from providing for additional public notification beyond that required by state statute. In cases where expanded public notification beyond state minimum requirements is specified by the Administrator, the costs associated with the expanded notification shall be borne by the county, but the applicant remains responsible for ensuring proper notification and proof of mailing to all parties identified by the Administrator.

E. Development Plan.

1. Purpose. In accordance with the 1400 series of IC 36-7-4, the purpose of Development Plan review is to ensure the layout and general design of proposed development is compatible with surrounding uses and complies with all applicable standards in this Ordinance and all other county regulations.
2. Applicability. Regardless of zoning district per IC 36-7-4-1401.5(a), the following development shall be subject to the procedures and standards of this section:
 - a. Single-family attached residential and multifamily development;
 - b. Establishment or expansion of a manufactured or mobile home park in the R-4 district;
 - c. Mixed-use development;
 - d. Planned Unit Development (PUD) that does not require a plat;
 - e. Nonresidential development (including accessory uses or structures);
 - f. Alteration of traffic flows and/or volumes because of changes in ingress or egress or changes within the site;
 - g. Addition to a structure that increases the floor area thirty-five percent (35%) or more of the existing structure; and
 - h. Any increase in parking or impervious surface of on-site parking facilities by more than thirty-five percent (35%) associated with the forms of development listed above.
3. The Administrator shall have the authority to exempt requirements for a development plan; to exempt the development plan all together; or to determine that staff approval, rather than Plan Commission approval following a public hearing, is adequate, if the proposed development will have a sufficiently minimal impact on the site and its surroundings. In such cases when it is determined that staff review is adequate, references to the Plan Commissioner hereunder in Section 2.3.(E) shall be interpreted to refer to the Administrator/staff.
4. General Standards of Review. Development plans shall be reviewed taking into account the following standards:
 - a. Compatibility with surrounding land uses.
 - b. Consistency with the Comprehensive Plan.
 - c. Compliance with all applicable requirements of this UDO.
 - d. Availability of sanitary sewer, water, storm water drainage, and any other utilities as deemed necessary.

- e. Management of traffic in a manner favorable to the health, safety, convenience, and harmonious development of the community, with emphasis on the following factors:
 - 1) The design and location of proposed street and highway access points and sidewalks to minimize safety hazards and congestion.
 - 2) The capacity of adjacent existing streets and highways and sidewalks to safely and efficiently handle traffic projected to be generated by the proposed development.
 - 3) The coordination of entrances, streets, sidewalks, and internal traffic circulation facilities in the development plan with existing and planned streets and adjacent developments.
 - f. Other factors provided for in this Ordinance.
5. Development Plan Review Procedure.
- a. Overview. The Development Plan Review Process consists of five (5) major steps in the following order:
 - 1) Preliminary meeting / pre-application conference with staff;
 - 2) Submittal of the Primary Development Plan;
 - 3) Technical Review Committee review;
 - 4) Plan Commission Approval; and
 - 5) Submission of the Secondary Development Plan which serves as the construction drawings and administrative approval.
 - b. Application and Meeting with Staff. The applicant shall first set up a meeting with staff to discuss submittal of a Preliminary and to obtain a schedule, guidance and requirements for submittal.
 - c. Primary Development Plan Application. The Primary Development Plan submittal shall include the following items:
 - 1) Application Form. This application form, when completed will contain general information including the name and location of the proposed development, as well as the identification of all the property owners, the parcel number (part of or all of the parcel), and must be signed by the property owner(s) or include written authorization for an agent.
 - 2) Application Fee. The Primary and Secondary Development Plan applications must be accompanied by the payment of a fee as established in the Schedule of Fees available in the office of the Administrator. No application will be considered complete unless accompanied by a fee payment. All fees are nonrefundable, regardless of the outcome of the application.
 - 3) Application Material Format. All drawings shall be provided in both hard copy and digital format in a manner specified on the application or by the Administrator.
 - 4) Primary Development Plan Contents. The applicant shall submit the required number of copies as specified in the application and the applicant shall follow procedures for distribution of required plans to the Technical Review Committee (TRC) members prior to the regularly scheduled meeting. The Plan shall include:
 - a) General vicinity map;
 - b) Property boundary lines including any easements and a legal description;
 - c) Existing spot elevations and contours as appropriate;
 - d) Benchmarks;
 - e) Site layout plan including adjacent streets with vehicular and pedestrian circulation;
 - f) Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses;

- g) Parking and loading plan;
 - h) Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance and the Stormwater Ordinance;
 - i) Conceptual signage;
 - j) Conceptual lighting plan;
 - k) Conceptual landscaping and screening plan;
 - l) Open space and recreation plan;
 - m) Refuse/trash storage areas;
 - n) The location of and primary points of connection to existing utilities;
 - o) The schedule of any phasing of the project;
 - p) Development summary indicating lot area, building square footage, lot coverage, building height, number and size of dwelling units/structures and the number of parking spaces provided;
- 5) Special Studies Required. In the event that the Plan Commission feels that additional information is necessary in order to make its decision, it may instruct the applicant or the Plan Commission Staff to conduct additional studies or seek expert advice. The cost of such studies shall be the responsibility of the applicant.
- a) Transportation Impact Studies. If a traffic study is necessary, it shall address the impact of the proposed development on all adjacent streets and intersections.
 - b) Fiscal Impact Analysis. New residential development of more than one hundred fifty (150) units shall be required to submit a Fiscal Impact Analysis to determine the impact of new residents on the area with regard to police protection, fire protection, utility service, educational facilities, and other applicable factors.
 - c) Any necessary approval by federal, state, or other local agencies shall be included on their official forms and signed by the proper authority. These approvals may include, but are not limited to the following:
 - i. Federal Agencies- Federal Communications Commission, Federal Aviation Administration, Federal Emergency Management Agency, Army Corps of Engineers
 - ii. State Agencies - Indiana Department of Environmental Management, Indiana Department of Natural Resources, Indiana Department of Transportation, Indiana State Department of Health
 - iii. Local Agencies - County Drainage Board, County Health Department, Utility Companies, Public or private utilities for sanitary sewer or water services
- 6) Technical Review Committee. Once the submittal for the primary development plan is deemed complete, the applicant shall appear at the regularly scheduled Technical Review Committee (TRC) to discuss the proposed project and receive comments from several County agencies and departments on the proposed project. The applicant may be required to submit a revised Development Plan prior to the preparation of packets for Plan Commission members. The TRC shall review the preliminary plan to determine:
- a) If it is consistent with the intent and purpose of this Ordinance;
 - b) Whether the proposed development advances the general welfare of the community and neighborhood; and
 - c) Whether the benefits, combination of various land uses, and the interrelationship with the land uses in the surrounding area justify the deviation from standard district regulations.

- 7) Staff Report and Recommendation.
 - a) The Administrator may prepare a written staff report to conclude whether the application complies with all applicable review standards of this Ordinance and make a recommendation.
- 8) Plan Commission Hearing. The Plan Commission Hearing shall be conducted in accordance with the Plan Commission Rules of Procedure, as amended.
 - a) Possible Action. Action by the Plan Commission shall comply with the Plan Commission Rules of Procedure, as amended. The Plan Commission shall approve, approve with modifications, deny, or continue the Development Plan application.
 - i. The Plan Commission may impose conditions on the approval of a Development Plan. Conditions of approval shall be limited to those deemed necessary to ensure compliance with the standards of this Ordinance. They shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding development. All conditions of approval shall be expressly set forth in the development permit or approval.
 - ii. Accepted conditions shall become written commitments which shall be recorded by the applicant before any construction activity commences.
 - iii. Administrative Appeal. An applicant may appeal an administrative decision in writing subject to review and decision by the Board of Zoning Appeals.
- 9) Secondary Development Plan Submittal. The Plan Commission's approval of the Primary Development Plan shall be necessary before an applicant may obtain a Secondary Development Plan approval. The Administrator and the Technical Review Committee shall be responsible for review of the Secondary Development Plan (construction drawings) submittal which shall include the following items:
 - a) General vicinity map;
 - b) Property boundary lines including any easements and a legal description;
 - c) Elevation marks and contours as appropriate;
 - d) Benchmarks;
 - e) Traffic and circulation plan;
 - f) Pedestrian circulation plan or trail plan;
 - g) Adjacent streets;
 - h) Parking and loading plan in accordance with Section 5.1 Off-Street Parking and Loading;
 - i) Utilities plan showing existing and proposed location and sizes;
 - j) Landscape plan indicating plant types, number, location, size and method of installation and in accordance with Section 5.3 Landscaping Standards;
 - k) Grading and surface drainage plan in accordance with the requirements of the Subdivision Control Ordinance and the Stormwater Ordinance;
 - l) Signage plan showing location, sign faces, representations, and size in accordance with Section 5.13 Sign Standards;
 - m) Open space and recreation plan;
 - n) Refuse/trash storage areas;
 - o) Proposed improvements showing location, dimensions and configuration of existing and proposed buildings/structures and uses;

- p) Architectural Plan. The applicant must submit one (1) copy of an architectural plan of the proposed project showing exterior elevations, floor plans and building materials used (facade and roof). If exterior elevations are not available, reasonable graphic representations may be submitted;
- q) A State Plan Release is also required for multifamily residential, and non-residential projects. In no way will a Development Plan Review be construed as a substitute or a waiver for these other required permits.
- r) Plat-like Dedication Sheet, If Necessary. The following information shall be submitted for easements and rights-of-way if deemed necessary by the Plan Commission or its authorized designee:
- i. Parcels of land proposed to be dedicated or reserved for public use, or reserved for common use of all property owners within the project, with the proposed conditions and maintenance requirements, if any, shall be designated as such and clearly labeled on the plans;
 - ii. Radii, internal angles, points of curvature; tangent bearings and lengths of all arcs, chord, and chord bearings; and
 - iii. Accurate location of all survey monuments erected, corners and other points established in the field in their proper places;
- s) The schedule of any phasing of the project; and
- t) A development summary indicating lot area, building square footage, lot coverage, building height, size of dwelling units/structures, area of hard surface provided, and the number of parking spaces required and provided.
- u) All drawings prepared for submission under this section must be prepared by a professional engineer, or licensed surveyor and must bear a professional seal from the State of Indiana. If, however, the Administrator determines that due to the simplicity of the project, a professional seal may not be required, then this requirement may be waived.
- 10) Approval and Appeal. After review of the Secondary Development Plan, the Administrator and the Technical Review Committee, shall approve or deny the Secondary Development Plan. The applicant may appeal the decision to the Board of Zoning Appeals.
- 11) Expiration. An applicant shall have 18 months from the date of approval to obtain an Improvement Location Permit/Building Permit. This permit must be obtained in accordance with Section 2.3 (K) Improvement Location Permit. Should this 18 calendar months period elapse without the applicant having obtained the appropriate permit, the Development Plan approval will become null and void. Should this become the case, the applicant may resubmit the application in conformance with the requirements of this Section.
- a) A change in ownership of the land shall not affect the established expiration time period. The filing of an appeal shall follow the established expiration period until Secondary resolution of the appeal.
- 12) Extension of Expiration Time Period. The Administrator may, on receiving a written request for extension before the expiration date and on a showing of good cause, grant one or more extensions of the expiration time period for up to a cumulative total of one year.
- a) Any further extensions shall be subject to approval by the review authority that granted the development permit or approval, on submittal of a request for extension to the Administrator before the expiry and showing good cause.
- 13) Financial Guarantees. Development that includes new infrastructure as well as modifications to public streets, utilities, sidewalks, or other public infrastructure shall comply with the requirements in Section 6.12 Financial Guarantees.

- 14) As-Built Plans. As-built plans depicting all construction and modifications to streets, sidewalks, stormwater management facilities, utilities, or other public infrastructure shall be submitted prior to issuance of a certificate of occupancy.
- 15) Amendment. Amendment of a Development Plan approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
- 16) Notification of Decision or Action. Within ten business days after a Secondary decision on a development application, the Administrator shall provide the applicant written notice of the decision or action and make a copy of the decision available to the public in the offices of the Administrator, during normal business hours.
- 17) Effect of Development Approval. Approval of any development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application. In the event that one permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a Development Plan approval) development may not take place until all required approvals are obtained. An approval of one development application does not necessarily guarantee approval of any subsequent development application.
- 18) Limitation on Subsequent Similar Applications
 - a) Application Denial. If a development application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless:
 - i. There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application;
 - ii. New or additional information is available that was not available at the time of review of the prior application;
 - iii. The new application proposed to be submitted is significantly different from the prior application.
- 19) Application Withdrawal After Required Public Notification. If a development application requiring a public hearing is withdrawn (not deferred) after required public notification of the public hearing is provided, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of withdrawal.

F. Map Amendment (Rezoning).

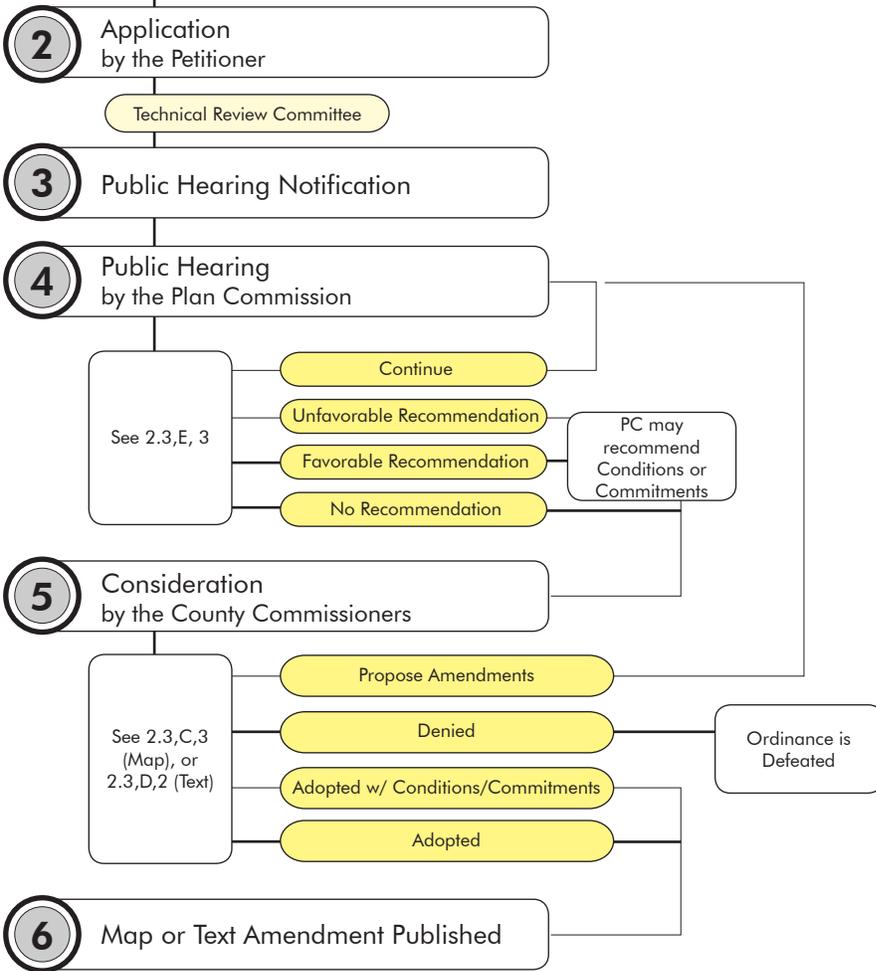
1. Purpose. The purpose of this section is to provide a uniform means for reviewing and deciding proposed amendments to the Official Zoning Map .
2. Zoning Map Amendment Procedure.
 - a. Pre-Application Conference. Applicable, when establishing a more intense zoning district designation.
 - b. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated by the Plan Commission, County Commissioners, or any person who may submit applications in accordance with Section 2.3 (B)(1)(a) Authority to File Applications.
 - 3) Supplemental application materials include a copy of the deed for the property involved; the required filing fee; a site plan signed, dated, and clearly showing the entire layout of the property and neighboring uses; and a statement of intent detailing any written commitments and addressing findings-of-fact concerns.

Figure 2.2: Procedure Flow Chart

Pre-Submittal Conference

- 1 Meet with Administrator to discuss the preparation of the proposed amendment.

Map or Text Amendment & Initial Rezoning to a PUD



- c. Staff Review.
 - 1) Applicable (see Section 2.3(C) Staff Review and Action).
 - 2) The TRC shall review the application and provide comments to the Plan Commission in accordance with Section 2.3(F)(3) Zoning Map Amendment Review Standards.
 - d. Public Notification. The Plan Commission shall give notice of a public hearing in accordance with the Plan Commission Rules of Procedure, as amended. See Section 2.3(D).
 - e. Plan Commission Review and Recommendation. Applicable (see Section 2.2(C)(1)(b)). The Plan Commission, following a public hearing, shall make a recommendation on the application to the County Commissioners.
 - f. County Commissioner Review and Decision. Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of County Commissioners in accordance with IC 36-7-4-603 may by Ordinance, after and within 90 days of receipt of recommendation from the Plan Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries of classification of property.
 - 1) The decision shall be one of the following in accordance with IC 36-7-4-608:
 - a) Adoption or rejection of the map amendment as proposed. The County Commissioners shall give notice under IC 5-1-14-1.5.-5 of its intention to consider the application at this meeting;
 - b) Send the application back to the Plan Commission for further modification;
 - c) If the Commissioners fail to act within ninety (90) days the ordinance shall be come effective, or be defeated with the provisions of IC 36-7-4-608.
 - g. Designation on Official Zoning Map. The Administrator shall make changes to the Official Zoning Map promptly after approval of a map amendment application by the County Commissioners.
3. Zoning Map Amendment Review Standards. The advisability of an amendment to the Official Zoning Map is a matter committed to the legislative discretion of the County Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed zoning map amendment, the Commission and the County Commissioners may weigh the relevance of and consider the following:
 - a. Consistency with IC 36-7-4-602;
 - b. Consistency with C 36-7-4-603.;
 - 1) Consistency with the Comprehensive Plan;
 - 2) Current conditions and the character of current structures and uses in each district;
 - 3) The most desirable use for which the land in each district is adapted;
 - 4) The conservation of property values throughout the jurisdiction;
 - a) The Commission is required to consider a property-value guarantee program.
 - 5) Responsible Development and Growth.
 4. Amendment. Amendment of an approved zoning map amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
 5. Expiration. Approval of a zoning map amendment shall not expire.
 6. Reapplication. An application receiving a denial from the Board of Commissioners shall be heard again only in accordance with the Advisory Plan Commission's Rules of Procedure.

G. Text Amendment.

1. Purpose. The purpose of this section is to provide a uniform means for amending the text of this Ordinance.
2. Text Amendment Procedure.
 - a. Pre-Application Conference. Applicable, when establishing a more intense use.
 - 1) Applicable see Section 2.3 (B) (1) Application Submittal and Acceptance.
 - 2) In accordance with IC 36-7-4-602.b applications may be initiated by the Plan Commission. Under advisory planning law, any participating legislative body may also initiate the application. However the application shall be referred to the Plan Commission for consideration and report before any Secondary action is taken by the County Commissioners.
 - b. Staff Review.
 - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
 - 2) The TRC shall review the application and provide comments to the Plan Commission in accordance with Section 2.3(B)(3).
 - c. Public Notification. Applicable (see Section 2.3(B)).
 - d. Plan Commission Review and Recommendation. Applicable. The Plan Commission, following a public hearing, shall make a recommendation on an application to the County Commissioners in accordance with Section 2.3 (G) (3) Text Amendment Review Standards.
 - e. County Commissioner Review and Decision. Applicable (see Plan Commission Rules of Procedure).
 - 1) The County Commissioners, in a public meeting upon receipt of the Plan Commission's recommendation, shall decide the application in accordance with Section 2.3 (G) (3) Text Amendment Review Standards.
 - 2) The decision shall be one of the following in accordance with IC 36-7-4-608:
 - a) Adoption or rejection of the text amendment as proposed. The County Commissioners shall give notice under IC 5-1-14-1.5.-5 of its intention to consider the application at this meeting;
 - b) Send the application back to the Plan Commission for further modification;
 - c) If the Commissioners fail to act within ninety (90) days the ordinance shall be come effective or be defeated with the provisions of IC 36-7-4-608.
3. Text Amendment Review Standards. The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the County Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the County Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:
 - a. Is consistent with the county's adopted comprehensive plan;
 - b. Is not in conflict with any provision of this Ordinance, or any other county ordinance
 - c. Is required by changed conditions;
 - d. Addresses a demonstrated community need;
 - e. Addresses an unforeseen matter now present after the Ordinance was adopted;
 - f. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
 - g. Would result in a logical and orderly development pattern;

- h. Contributes to responsible development and growth
 - i. Helps conserve property values throughout the county; and
 - j. Would not result in significantly adverse impacts on the natural environment.
4. Amendment. Amendment of a text amendment may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
 5. Expiration. Approval of a text amendment shall not expire.

H. Planned Unit Development.

1. A Planned Unit Development (PUD) is intended for a parcel of land planned as a single unit which allows for mixed uses and mixed densities under one zoning classification. This Ordinance allows any zoning district to be rezoned for the creation of a PUD District. PUD's create neighborhoods that can benefit from innovations in community development, with tailored standards that are conducive to a higher quality development, and provide greater efficiency in public utilities and services and preserve open space than could be achieved through strict application of the zoning district regulations and development standards in this Ordinance.
 - a. The purpose of this section is to provide a uniform means for amending the Official Zoning Map to establish a Planned Unit Development (PD) zoning district. This will be indicated as PD on the official zoning map.
2. Planned Unit Development Procedure.
 - a. Pre-Application Conference. Applicable
 - b. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
 - c. Application Requirements
 - 1) The application shall include a Planned Unit Development map depicting the general configuration and relationship of the principal elements of the proposed development, including uses, general building types, density/intensity, resource protection, pedestrian and vehicular circulation, open space, public facilities, and phasing.
 - 2) The application shall also include a Planned Unit Development plan document specifying the development parameters, providing for environmental mitigation, outlining how public facilities will be provided to serve the Planned Unit Development, and demonstrating how any modifications to required standards will result in a superior quality of development.
 - 3) To ensure unified control, the application shall also include a copy of the title to all land that is part of the proposed PD zoning district classification.
 - d. Staff Review.
 - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
 - 2) The Administrator /TRC shall review the application and provide comments to the Plan Commission in accordance with Section 2.3(D)(2)(c).
 - e. Public Notification. Applicable (see Section 2.3 (D) Required Public Hearings).
 - f. Plan Commission Review and Recommendation. Applicable (see Section 2.3,E Plan Commission Review and Recommendation). The Plan Commission, following a public hearing, shall make a recommendation on the application in accordance with Section 2.3 (H) (3) Planned Unit Development Review Standards.

- g. County Commissioner Review and Decision. Applicable
- 1) The County Commissioners, in a public meeting upon receipt of the Plan Commission's recommendation, shall decide the application in accordance with Section 2.3 (H) (3) Planned Unit Development Review Standards.
 - 2) The decision shall be one of the following in accordance with IC 36-7-4-608:
 - a) Adoption, or rejection of the PUD as proposed. The County Commissioners shall give notice under IC 5-1-14-1.5.-5 of its intention to consider the application at this meeting;
 - b) Send the application back to the Plan Commission for further modification;
 - c) If the Commissioners fail to act within ninety (90) days the ordinance shall be come effective, or be defeated with the provisions of IC 36-7-4-608.
 - 3) The Administrator shall make changes to the Official Zoning Map promptly after approval of a Planned Unit Development application by the County Commissioners.
3. Planned Unit Development Review Standards. The advisability of an amendment to the Official Zoning Map to establish a Planned Unit Development is a matter committed to the legislative discretion of the County Commissioners and is not controlled by any one factor. In determining whether to adopt or deny a proposed Planned Unit Development application, the County Commissioners may weigh the relevance of and consider the following:
- a. Consistency with IC 36-7-4-602.
 - b. Consistency with Adopted Plans. Whether and the extent to which the proposed zoning map amendment is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of all applicable plans.
 - c. Reasonableness/Public Interest. Whether an approval of the zoning map amendment is reasonable and in the public interest.
 - d. In accordance with IC 36-7-4-603
 - 1) Fulfills the requirements and intent of the Comprehensive Plan and any other applicable, adopted planning studies, or reports;
 - 2) The current conditions and the character of current structures and uses in each zoning district;
 - 3) The most desirable use of which the land in each district is adapted;
 - 4) The conservation of collective property values throughout Pulaski County; and
 - 5) Responsible growth, or development.
 - e. There have been changes in the type or nature of development in the area of the proposed Planned Unit Development that support the application.
 - f. The proposed Planned Unit Development results in development that promotes a logical, preferred, and orderly development pattern.
4. Effect. Lands rezoned to a Planned Unit Development district shall be subject to the approved Planned Unit Development plan map, which is binding on the land as an amendment to the Official Zoning Map. The applicant may apply for and obtain subsequent development permits and approvals necessary to implement the Planned Unit Development plan map in accordance with the appropriate procedures and standards in this Ordinance. Any permits or development approvals shall comply with the Planned Unit Development plan map and any conditions of approval.
5. Amendment.
- a. Minor Changes. Subsequent plans and permits for development within an approved Planned Unit Development may include minor changes from the Planned Unit

Development Master plan , provided such changes are limited to changes addressing technical considerations that could not reasonably be anticipated during the review and consideration of the Planned Unit Development zoning classification process, or any other change that has no material effect on the character of the approved Planned Unit Development or any of its approved terms or conditions, as long as they continue to meet the minimum requirements of this Ordinance. Minor changes may be approved by the Administrator and appealed to the Plan Commission. Such changes include:

- 1) Minor changes to the location of entrances or driveways, the rearrangement of internal streets, turn lanes, drives, or access restrictions;
 - 2) Minor changes to the configuration of parking areas;
 - 3) Minor changes to the configuration or location of open space, or placement of required amenities;
 - 4) Minor changes to the arrangement of buildings provided there is no increase in the number of buildings or size;
 - 5) Minor changes to the height of any structure to the extent additional floor space is not added;
 - 6) Minor changes to the proposed building elevation or façade, including materials, provided the change retains the same general architectural character;
 - 7) Reduction of the number of parking spaces up to ten percent or five spaces, whichever is greater; or
 - 8) Minor changes to setbacks, buffers, and landscaped areas shown on a Planned Unit Development plan .
- b. Material Changes are Amendments. Changes that materially affect the basic concept of the Planned Unit Development plan or that exceed the scope of a minor change are not considered minor changes. They shall be considered amendments. Amendments include, but are not limited to:
- 1) Changes in use designations;
 - 2) Density/intensity increases;
 - 3) Decreases in open space;
 - 4) Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected);
 - 5) Change in the location of any public easement; or
 - 6) Change in the proportion of housing types by more than 15 percent.
- c. Amendments shall be reviewed and considered in accordance with the procedures and standards established for the original approval of a Planned Unit Development application.
6. Expiration. If an application for approval of a Primary Plat or Development Plan for any part of the Planned Unit Development is not submitted within three years after approval of the Planned Unit Development application, the Plan Commission may forward a recommendation to the County Commissioners to initiate an application to rezone the land to any zoning district determined to be appropriate. Prior to making such a recommendation, the Plan Commission shall determine that the landowner(s) has been notified and given a reasonable opportunity to comment.

I. Primary Plat

1. Purpose. The purpose of this section is to provide a uniform means for the review and approval of divisions of land in accordance with Section 6 Subdivision Standards.
2. Applicability. All major divisions of land (whether improved or otherwise) shall comply with

the provisions of this section, except where exempt by definition. All minor subdivisions shall comply as well, save that Plan Commission-review and public hearing requirements are waived, and the Plat Committee and Administrator alone shall make determinations.

3. Overview. All major subdivisions of land require the review of a sketch plan by the Administrator, approval of a Primary Plat by the Plan Commission, approval of a Secondary Plat by the Administrator. Sketch Plan Review Procedure. A sketch plan for land subject to a Primary Plat shall be reviewed and approved by the Plat Committee prior to submittal of an application for a Primary Plat. Following review and approval of a sketch plan by the Plat Committee, an applicant may file an application for a Primary Plat.
 - a. Pre-Application Conference. Not applicable.
 - b. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
 - c. Sketch Plan Contents. Sketch plans shall be submitted to the Administrator, prepared in pen or pencil shall be drawn to a convenient scale of not more than one hundred feet to an inch and shall show the following information:
 - 1) Name.
 - a) Name of subdivision if property is within an existing subdivision.
 - b) Proposed name if not within a previously Platted subdivision. The proposed name shall not duplicate the name of any subdivision Plat previously recorded.
 - c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known).
 - 2) Ownership.
 - a) Name and address, including telephone number, of legal owner or agent of property, and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date, and land records reference.
 - b) Citation of any existing legal rights of way or easements affecting the property.
 - c) Existing covenants on the property, if any.
 - d) Name and address, including telephone number, of the professional person(s) responsible for subdivision design, for the design of the public improvements, and for surveys.
 - 3) Description. Location of property, name of local jurisdiction, lot, section, County range and county, graphic scale, north arrow, and date.
 - 4) Features.
 - a) Location of property lines, existing easements, burial grounds, railroad rights of way, water courses, and existing wooded areas or trees eight inches or more in diameter, measured four feet above ground level; location, width, and names of all existing or Platted streets or other public ways within or immediately adjacent to the tract, names of adjoining property owners (from the latest assessment rolls) within six hundred feet of any perimeter boundary of the subdivision.
 - b) Location, sizes, elevations, and slopes of existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto; existing permanent buildings and utility poles on or immediately adjacent to the site and utility rights of way.
 - c) Approximate topography. (Normally showing two foot contour intervals but the

- Administrator may require one foot intervals on very flat land or permit five foot intervals on very steep slopes.)
- d) The approximate location and widths of proposed streets.
 - e) Primary proposals for connection with existing water supply and sanitary sewage systems, or alternative means of providing water supply and sanitary waste treatment and disposal; Primary provisions for collecting and discharging surface water drainage.
 - f) The approximate location, dimensions, and areas of all proposed or existing lots.
 - g) The approximate location, dimensions and areas of all parcels of land proposed to be set aside for park or playground use or other public use, or for the use of property owners in the proposed subdivision.
 - h) Whenever the sketch plan covers only a part of an applicant's contiguous holdings, the applicant shall submit, at the scale of no more than two hundred feet to the inch, a sketch in pen or pencil of the proposed subdivision area, together with its proposed street system, and an indication of the probable future street and drainage system of the remaining portion of the tract.
 - i) A vicinity map showing streets and other general development of the surrounding area. The sketch plan shall show all school and improvement district lines with the zones properly designated.
- d. Other Documents. In addition to the sketch plan, the developer or subdivider shall submit:
- 1) A report from Pulaski County Soil and Water Conservation District indicating any limitations of the soils in the proposed subdivision with respect to building development, road construction, drainage, erosion control, or other information that might assist in the review of the subdivision.
 - 2) An area map showing the total drainage area.
- e. Public Notification. Not Applicable
- f. Staff Review and Comment. The Plat Committee shall review the sketch plan and provide comments to the applicant for incorporation into the associated Primary Plat.
- g. Effect. Applications for a Primary Plat may be submitted following review and comment on the sketch plan by the Plat Committee.
4. Primary Plat Review Procedure. Following review of a sketch plan by the Plat Committee, an applicant may file an application for a Primary Plat in accordance with the following procedure.
- a. Pre-Application Conference. Optional.
 - b. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
 - c. General Requirements.
 - 1) A Primary Plat shall be prepared by a registered land surveyor or licensed engineer, and shall include all required Primary Plat contents.
 - 2) The applicant shall also submit a statement of required improvements which specifies the length of streets to be constructed and the diameter and length of sanitary sewer and water lines and other required public improvements to be installed by the developer. The statement shall include all public improvements for which the developer is responsible and the date when said improvements shall be completed or subject to a financial guarantee.

- 3) If more than one sheet is used, individual sheets shall be numbered in sequence.
- d. Primary Plat Contents. A Primary Plat shall be submitted to the Administrator, prepared in pen or pencil shall be drawn to a convenient scale of not more than one hundred feet to an inch and shall show the following information:
 - 1) The location of the property with respect to surrounding property and streets, the names of all adjoining property owners of record, or the names of adjoining developments; and the names of adjoining streets.
 - 2) The location and dimensions of all boundary lines of the property to be expressed in feet and decimals of a foot.
 - 3) The location of existing streets, easements, water bodies, streams, and other pertinent features such as swamps, flood plains, railroads, buildings, parks, cemeteries, drainage ditches, and bridges.
 - 4) The location and width of all existing and proposed streets, alleys, and other public ways, and their right of ways, and of easements and building set back lines.
 - 5) The locations, dimensions, and areas of all proposed or existing lots.
 - 6) The location and dimensions of all property proposed to be set aside for park or playground use, or other public or private reservation, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation.
 - 7) The name and address of the owner or owners of land to be subdivided, the name and address of the developer or subdivider if other than the owner, and the name of the land surveyor.
 - 8) The date of the map, approximate true north point, scale, and title of the subdivision.
 - 9) Sufficient data acceptable to the County Engineer to determine readily the location, bearing, and length of all lines, and to reproduce such lines upon the ground; also the location of all proposed monuments.
 - 10) Names of the subdivision and all new streets to be approved by the County Commissioners.
 - 11) Indication of the use of any lot (single-family, two-family, multifamily, single-family attached) and all uses other than residential proposed by the developer or subdivider.
 - 12) Blocks shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively throughout the several additions.
 - 13) All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
 - 14) All information required on the sketch plan should also be shown on the Primary Plat, and the following notation shall also be shown:
 - a) Explanation of drainage easements, if any.
 - b) Explanation of site easements, if any.
 - c) Explanation of site reservations, if any.
 - 15) All subdivision Plats containing lands identified elsewhere by Ordinance as flood prone areas shall have the elevation of the 100 year flood plain.
- e. Staff Review.
 - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
 - 2) The Plat Committee shall review the application and provide a recommendation to the Plan Commission in accordance with Section 2.3 (I) (5) (h) Primary Plat Review Standards.
- f. Public Notification. Applicable (see Section 2.3 (D) Required Public Hearings).
- g. Plan Commission Review and Decision.

- 1) Applicable. The Plan Commission, at the conclusion of a public hearing, shall decide the application in accordance with 2.3 (l) (5) (h) Primary Plat Review Standards.
 - 2) The decision shall be one of the following:
 - a) Approval of the Primary Plat as proposed;
 - b) Approval of a Primary Plat with conditions (to be complied with prior to Secondary Plat Approval);
 - c) Denial of the Primary Plat application; or
 - d) Refer the Primary Plat application to the Plat Committee for further consideration.
 - 3) The Plan Commission may grant conditional approval of a Primary Plat pending additional revision by the applicant. In the case of a conditional approval, the applicant shall revise the Primary Plat to address all Plan Commission comments and re-submit the revised Plat to the Administrator, who shall convert the conditional approval to an approval upon finding the revised Primary Plat complies with all Plan Commission comments. Failure to submit a revised Primary Plat within two months of a conditional approval shall render the conditional approval null and void.
- h. Primary Plat Review Standards. An application for a Primary Plat shall be approved only upon a decision the applicant demonstrates the Primary Plat complies with:
- 1) All applicable standards in Section 6 Subdivision Standards, and other applicable standards in this Ordinance;
 - 2) The street and utility Secondary Plat standards for streets, water, sanitary sewer, and storm sewer facilities, as appropriate;
 - 3) All standards or conditions of any prior applicable permits and development approvals; and
 - 4) All other applicable requirements of this, or any other County Ordinances may apply.
- i. Effect.
- 1) Approval of a Primary Plat authorizes submittal of a Secondary Plat for the subdivision, or phase of the subdivision.
 - 2) Approved permanent runoff control structures and soil erosion and sedimentation control devices may be installed prior to any earth movement.
 - 3) In the case of a multi-phase Primary Plat, construction plans shall include all improvements lying within or adjacent to that phase necessary to serve that phase as well as all infrastructure lying outside the phase but necessary to serve development within that phase.
- j. Financial Guarantee. Construction that includes modifications to public streets, utilities, sidewalks, or other public infrastructure shall comply with the requirements in Section 6.12 Financial Guarantees.
- k. Amendment. Amendment of a Primary Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
- l. Expiration
- 1) If a Secondary Plat is not recorded within two years of the associated Primary Plat approval, the Primary Plat shall expire
 - 2) The validity of the Primary Plat may be extended by the Plan Commission for good cause.
 - 3) Requests for extensions shall be filed with the Administrator at least 30 days prior to expiration of the Primary Plat.

J. Secondary Plat

1. Secondary Plat / Construction Plan Review Procedure. Following approval of a Primary Plat by the Plan Commission, an applicant may file construction plans with the Administrator in

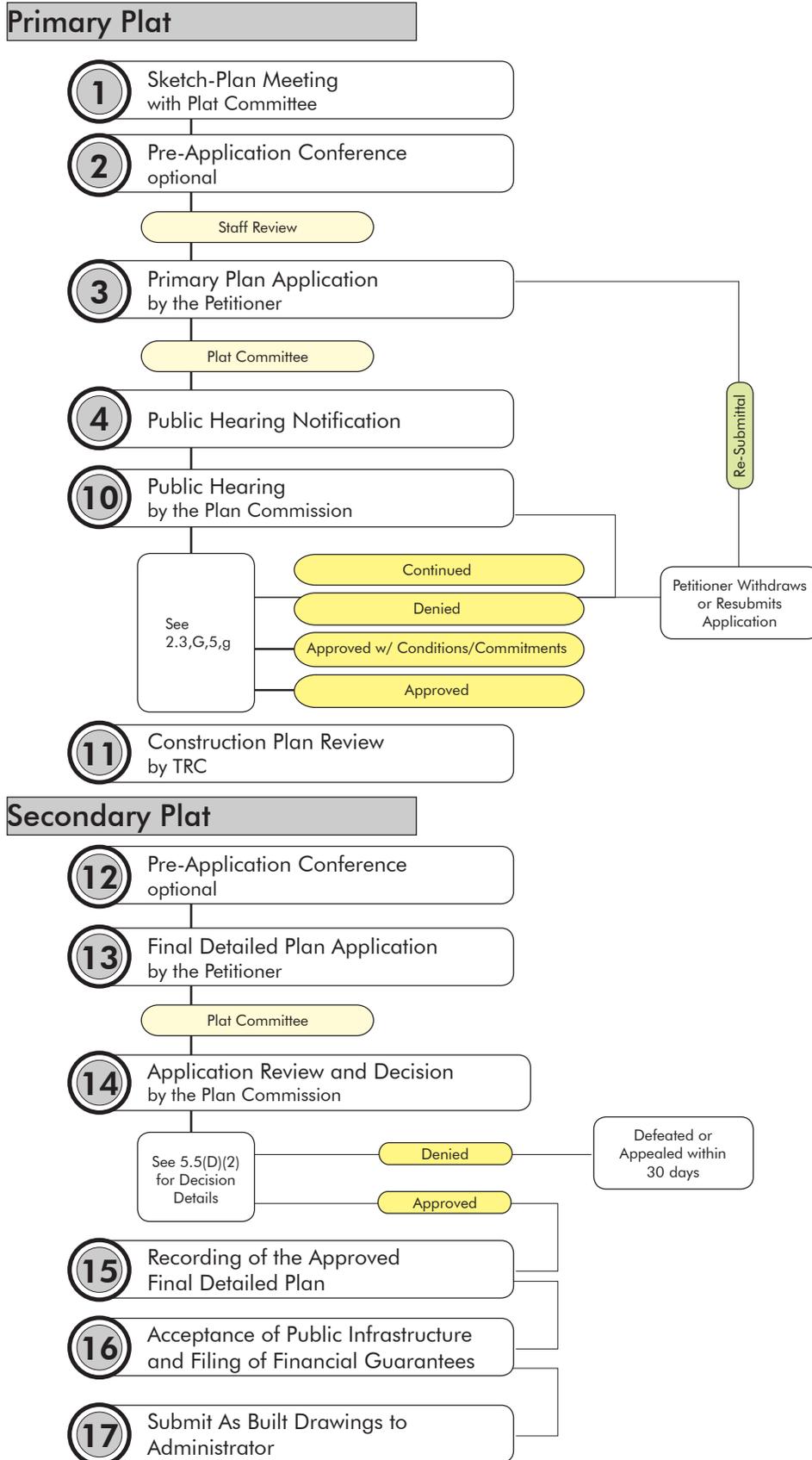
accordance with the following procedure.

- a. Pre-Application Conference. Not applicable.
- b. Application Submittal and Acceptance. Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance). Nothing shall prevent an applicant's authorized representative from filing construction plans for review by the county.
- c. General Requirements.
 - 1) Construction plans shall be prepared for all required infrastructure improvements.
 - 2) Construction plans shall be prepared by a licensed engineer or land surveyor and shall include all required construction plan contents.
 - 3) If more than one sheet is used, individual sheets shall be numbered in sequence.
- d. Secondary Plat Contents. Secondary Plats shall be submitted to the Administrator, shall be drawn to a scale of no more than one inch equals fifty feet, shall be of the same size as the Primary Plat sheets, and shall include the following:
 - 1) Profiles showing existing and proposed elevations along centerlines of all streets.
 - 2) Where a proposed street intersects an existing street or streets, the elevation along the centerline of the existing street or streets within one hundred feet of the intersection.
 - 3) Approximate radii of all curves, lengths of tangents, and central angles on all streets.
 - 4) Where steep slopes exist, that cross sections of all proposed streets at one hundred foot stations.
 - 5) The locations and typical cross section of street pavements including curbs and gutters, sidewalks, drainage easements, servitude, rights of way, manholes, and catch basins.
 - 6) The locations of street trees, street lighting standards, and street signs.
 - 7) The location, size, and invert elevations of existing and proposed sanitary sewers, storm water drains, and fire hydrants, showing connection to any existing or proposed utility systems.
 - 8) The exact location and size of all water, gas, or other underground utilities or structures.
 - 9) Location, size elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, flood plains, and other pertinent features such as swamps, railroad, buildings, features noted on the Official Zoning Map or Comprehensive Plan, at the point of connection to proposed facilities and utilities within the subdivision, and each tree with a diameter of eight inches or more, measured four feet above ground level.
 - 10) The water elevations of adjoining lakes or streams at the date of the survey, and the approximate high and low water elevations of such lakes or streams (all elevations shall be referred to the United States Coast and Geodetic Survey datum plane).
 - 11) If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than twenty feet back from the ordinary high-water mark of such waterways.
 - 12) Topography at the same scale as the sketch plan with a contour interval of two feet, referred to sea level datum (all data provided shall be latest applicable United States Coast and Geodetic Survey data and should be so noted on the plan).
 - 13) All specifications and references required by the county's construction standards and specifications, including a site grading plan for the entire subdivision.
 - 14) Title, name, address, and signature of the professional engineer and/or surveyor, and date, including revision dates.
 - 15) All subdivision Plats containing lands identified elsewhere by Ordinance, as such

- flood prone areas shall have the elevation of the 100-year flood plain.
- e. Public Notification. Not applicable.
 - f. Staff Review and Action.
 - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
 - 2) The Administrator shall review the application and provide a recommendation to the Plat Committee in accordance with Section 2.3 (J) (1) (g) Secondary Plat Review Standards.
 - 3) The Plat Committee shall review and approve, approve with conditions, or disapprove the application in accordance with Section 2.3 (J) (1) (g) Secondary Plat Review Standards.
 - 4) The Plat Committee may grant conditional approval of a Secondary Plat pending additional revision by the applicant. In the case of a conditional approval, the applicant shall revise the Secondary Plat to address all Plat Committee comments and re-submit the revised plan to the Administrator, who shall convert the conditional Secondary Plat approval to an approval, upon finding the revised Development Plan complies with all Plat Committee comments. Failure to submit a revised Secondary Plat shall render the conditional approval null and void within 30 calendar days.
 - g. Secondary Plat Review Standards. An application for a Secondary Plat shall be approved on a decision the applicant has demonstrated the proposed development complies with:
 - 1) The applicable environmental and infrastructure design standards of this Ordinance;
 - 2) The applicable standards of the Pulaski County Code of Ordinances;
 - 3) All conditions of approval of any prior applicable permits or development approvals.
 - h. Conditions of Approval. Applicable (see Section 2.3 (C) (4) (b) Conditions of Approval).
 - i. Effect.
 - 1) Approval of a Secondary Plat authorizes the construction of public infrastructure and submittal of a Secondary Plat.
 - 2) In the case of a multi-phase Development Plan, street and utility Secondary Plats shall include all improvements lying within or adjacent to a phase necessary to serve that phase as well as all infrastructure lying outside the phase but necessary to serve development within the phase.
 - j. Amendment. Amendment of a Secondary Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
 - k. Expiration. Secondary Plat approval shall expire and become null and void if an Improvement Location Permit is not obtained within 18 months of issuance of the Secondary Plat approval. This 18 month expiration period may be extended by the Administrator if practical difficulties exist.
2. Secondary Plat Review Procedure. Following approval of Secondary Plats by the Plat Committee, an applicant may file an application for a Secondary Plat in accordance with the following procedure.
 - a. Pre-Application Conference. Optional
 - b. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
 - c. General Requirements.
 - 1) The Secondary Plat shall be prepared by a licensed land surveyor.
 - 2) The Secondary Plat shall be prepared on reproducible mylar at an appropriate scale and contain the same information as shown on the Primary Plat, except for any

- changes or additions required by the conditions of primary approval.
- 3) All monuments erected, corner, and other points shall be noted at the representation thereof or by legend.
- d. Public Notification. Not applicable.
- e. Staff Review and Action.
- 1) Applicable (see Section 2.3 (C) Staff Review and Action).
 - 2) The Administrator shall review the application and provide a recommendation to the Plat Committee in accordance with Section 2.3 (J) (1) (g) Secondary Plat Review Standards.
 - 3) The Plat Committee shall review and approve, approve with conditions, or disapprove the application in accordance with Section 2.3 (J) (1) (g) Secondary Plat Review Standards.
- f. Recordation. Once a Secondary Plat is approved, a signed certification by the Administrator shall be entered on the face of the Plat. The Secondary Plat may not be recorded without this certification. Failure to record the Secondary Plat in accordance with Section 2.3 (J) (2) (l), Expiration, shall render the Plat null and void.
- g. Secondary Plat Review Standards. A Secondary Plat shall be approved only on a decision the applicant demonstrates the following:
- 1) The Secondary Plat is prepared and sealed by a professional land surveyor licensed by the state.
 - 2) The Secondary Plat is in substantial conformance with the Primary Plat, all applicable requirements in Section 6 Subdivision Standards, and all other applicable requirements in this Ordinance; and
 - 3) All required improvements depicted on the Primary Plat and Secondary Plat are installed and inspected by the county, or subject to a financial guarantee (see Section 6.12 Financial Guarantees).
- h. Effect.
- 1) General. Approval of a Secondary Plat allows the sale or conveyance of lots within the subdivision. Building permits may be issued following recordation of the Secondary Plat.
 - 2) Acceptance of Public Infrastructure.
 - a) The subdivider shall retain responsibility for public improvements until maintenance responsibility is accepted by the County or a public utility provider, as appropriate.
 - b) Approval of a Secondary Plat shall constitute acceptance by the County or other public agency of the offer of dedication of any right-of-way for all public streets, alleys, sidewalks, utility easements, parks, or other sites shown and dedicated to the public on the Plat. The county assumes no responsibility to open, operate, repair, or maintain any land or facility until it is in the public interest to do so, as determined by the county.
- i. Financial Guarantees. Development that includes new infrastructure as well as modifications to public streets, utilities, sidewalks, or other public infrastructure shall comply with the requirements in Section 6.12 Financial Guarantees.
- j. As-Built Plans. As-built plans depicting all construction and modifications to streets, sidewalks, stormwater management facilities, utilities, or other public infrastructure shall be submitted prior to issuance of the first certificate of occupancy for development located within the subdivision.
- k. Amendment. Amendment of a Secondary Plat approval may only be reviewed and considered in accordance with the procedures and standards established for its original approval and must be in substantial compliance with the Primary Plat. If not, the Primary Plat must be revised and resubmitted.

Figure 2.3: Primary Plat Procedure Flow Chart



- I. Expiration.
 - 1) A Secondary Plat shall be null and void unless it is recorded in the office of the Pulaski County Recorder within two months of approval.
 - 2) If a Secondary Plat is not recorded within two years of the associated Primary Plat approval, the Primary Plat shall expire.
 - 3) The validity of the Secondary Plat may be extended by the Plan Commission for good cause.
 - 4) Requests for extensions shall be filed with the Administrator at least 30 days prior to expiration of the Primary Plat.

K. Improvement Location Permit

1. Purpose. The purpose of an Improvement Location Permit is to ensure no development occurs until there is assurance the development complies with the requirements of this Ordinance.
2. Applicability. The following forms of development require issuance of an Improvement Location Permit.
 - a. Tier one
 - 1) All residential dwellings;
 - 2) Manufactured or mobile homes;
 - 3) Detached residential accessory buildings (with or without foundations);
 - 4) Detached and attached garages and carports;
 - 5) Any exterior construction that adds to or alters the existing host structure; and
 - 6) Swimming pools;
 - 7) All commercial, industrial, and institutional buildings;
 - b. Tier two
 - 1) Structures other than buildings (including satellite dishes, towers, antennas)
 - a) Digital-television satellite dishes, broadcast-television antennas built within 10' of a structure, and other non-building structures not generating electricity and deemed to be of a non-commercial nature by the Administrator are exempt. Large-style television satellite dishes are exempt provided they are located not fewer than 15' from any structure, but not closer than 5' to any setback and are placed in a rear yard or non-corner side yard.
 - 2) Conversions of occupancy classification (in accordance with the State Building Code);
 - 3) Parking lots;
 - 4) Awnings.
3. Improvement Location Permit Review Procedure.
 - a. Pre-Application Conference. Optional.
 - b. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
 - c. Improvement Location Permit Application Contents. A Improvement Location Permit application shall be submitted on the form provided and shall include a plan depicting the following information. Nothing shall prohibit the use of an approved Development Plan or Primary Plat to meet these requirements, provided the Development Plan or Primary Plat includes all the required information.

- 1) The actual dimensions and shape of the lot containing the development;
 - 2) All existing or proposed buildings or alterations;
 - 3) Existing or proposed uses of the building and land;
 - 4) The number of families, housekeeping units, or rental units the building is designed to accommodate;
 - 5) Conditions existing on the lot; and
 - 6) Building setback distances from property lines.
- d. Public Notification. Not applicable.
- e. Staff Review and Action.
- 1) Applicable (see Section 2.3 (C) Staff Review and Action).
 - 2) The Administrator shall review and decide the application in accordance with Section 2.3 (K) (3) (f) Improvement Location Permit Review Standards.
- f. Improvement Location Permit Review Standards. An application for a Improvement Location Permit shall be approved on a decision the applicant has demonstrated the proposed development complies with all applicable standards in this and other County Ordinances so may apply, and all conditions of approval of applicable permits or development approvals.
4. Effect. Approval of a Improvement Location Permit by the administrator authorizes an applicant to commence construction or move forward with the approved development.
 5. Amendment. Amendment of a Improvement Location Permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval by the Administrator.
 6. Expiration. Improvement Location Permit approval shall expire and become null and void if the construction of the development approved does not begin within six-months of issuance of the Improvement Location Permit.

L. Sign Permit.

1. Purpose. The purpose of this section is to provide a uniform mechanism for reviewing applications for sign permits to ensure all signs comply with the standards of Section 5.10, Signage. It shall be unlawful for any person to erect, construct, enlarge, move or convert any sign, or change the sign face on an existing sign structure without first obtaining a sign permit for each sign in accordance with these standards.
2. Applicability. All signs, unless exempted below, shall obtain a sign permit in accordance with the procedures and standards of this section before being erected, replaced, relocated, or altered. The following forms of signage are exempt from this section:
 - a. The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
 - b. (Re)painting, cleaning, or other normal maintenance and repair of a sign or removable sign face, or a change in copy (logo or verbiage on a sign) to update or modernize an existing business's sign without changing ownership or company name is permitted.
3. Sign Permit Review Procedure.
 - a. Pre-Application Conference. Optional.
 - b. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.

- c. Sign Permit Application Contents. A sign permit application shall be submitted on the form provided and shall include the following information.
- 1) Name and address of the property owner of the premises on which the sign is located or is to be located.
 - 2) Name and address of the owner of the sign.
 - 3) Clear and legible drawings with description showing the location of the sign which is the subject of the permit, and all other signs whose construction requires permits when such signs are on the same premises.
 - 4) Any individual or company seeking to erect, construct, alter, repair, improve, maintain, convert or manufacture any sign adjacent to or visible from any state or federal roadway shall register in writing, a statement that they have all necessary licenses, permits and/or approvals from the other affected governmental agencies and copies of all other licenses, permits and/or approvals.
 - 5) Consent in writing from the person in possession or ownership of shopping centers and/or industrial premises shall be supplied as part of the application documentation.
- d. Public Notification. Not applicable.
- e. Staff Review and Action.
- 1) The Administrator shall review and decide the application.
4. Sign Permit Review Standards. A sign permit shall be approved only upon finding the application complies with the standards in Section 5.13 Signage, all relevant standards of this and all other County Ordinances, regulations and standards and any other applicable conditions of approval.
5. Effect. A sign permit issued under the provisions of this section shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
6. Amendment. Amendment of a sign permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
7. Expiration. If the work authorized by a sign permit is not commenced within 180 days months from the date of issuance, the permit shall become null and void.

M. Building Permit

1. See the Pulaski County Building Ordinance, as amended, for applicable provisions.

N. Certificate of Occupancy

1. See the Pulaski County Building Ordinance, as amended, for applicable provisions.

O. Variance

1. Variances Distinguished. This section sets out the review procedures and approval criteria for development standard variances and use variances. In no case shall any variance to the terms of this Ordinance be authorized without the approval of the Board of Zoning Appeals, in accordance with the standards in this section. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA.
2. Purpose
 - a. Development Standard Variance. The purpose of this variance is to allow relief from the development standards of this Ordinance under particular circumstances.
 - b. Use Variance. The purpose for this variance is to allow a landowner to locate a particular use on a particular lot even though the desired use is otherwise prohibited in the zoning district.

3. Variance Review Procedure
 - a. Pre-Application Conference. Required.
 - b. Determination. Prior to submitting an application for a variance, and applicant shall submit a request for a determination by the Administrator that a variance is required for proposed development.
 - c. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.
 - 3) Supplemental application materials include a copy of the deed for the property involved, the required filing fee, a site plan drawn to scale that is signed and dated, and a statement of intent to the BZA describing the details of the variance being requested and stating how the request is consistent with the required findings of fact. The statement should include any written commitments being made by the applicant and address findings-of-fact concerns.
 - d. Staff Review.
 - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
 - 2) The Administrator shall review the application and provide a recommendation to the Board of Zoning Appeals in accordance with the Board of Zoning Appeals rules of procedure, as appropriate.
 - e. Public Notification. Notification for the scheduled public hearing shall be consistent with Section 2.3 (D) Required Public Hearings and the Rules and Procedures of the BZA.
 - f. Board of Zoning Appeals Review and Decision.
 - 1) The Board of Zoning Appeals, at the conclusion of a public hearing, shall decide the application in accordance with the Board of Zoning Appeals rules of procedure, as appropriate
 - 2) The action taken shall be one of the following (Per IC 36-7-4-918.4 and 918.5):
 - a) Approval of the variance as proposed;
 - b) Approval of the variance with conditions or commitments;
 - c) Denial of the variance; or
 - d) Continued based on a request by the Administrator, the applicant, remonstrator, an indecisive vote or a determination by the Board that additional information is required prior to action being taken on the request.
 - 3) An applicant who has received an adverse decision from the Board of Zoning Appeals shall only refile in accordance with the Board of Zoning Appeals' Rules of Procedure.
4. Variance Decision Criteria.
 - a. Development Standards Variance. A development standard variance shall be approved only on a finding that the applicant demonstrates all the following findings are met:
 - 1) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - 2) Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and
 - 3) Practical Difficulty. The strict application of the terms of this Ordinance will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on economic gain.
 - b. Use Variance. A use variance shall be approved only on a finding that the applicant demonstrates all the following findings are met:

- 1) General Welfare. The approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
 - 2) Adjacent Property. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner (This includes consideration by the BZA whether a property-value guarantee should be required of the project developer(s)/owner(s)/future owner(s); and
 - 3) Need. The need for the variance arises from some condition peculiar to the property involved; and
 - 4) The strict application of the terms of this Ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought. This situation shall not be self-imposed, nor be based on a perceived reduction of or restriction on economic gain; and
 - 5) The use does not interfere substantially with the intent of the Comprehensive Plan.
5. Commitments. The Board of Zoning Appeals may require the owner of a parcel of property to make written commitment concerning the use or development of that parcel in accordance with 36-7-4-1015. A copy of the recorded commitments shall be provided to the Administrator for inclusion in the petition file at the time of application for an Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application which does not comply with the recorded commitments.
 - a. The Board of Zoning Appeals is required to consider a property-value guarantee program.
 6. Conditions. The Board may impose such reasonable conditions upon the granting of the variance as it seems necessary to find that the decision criteria for approval have been met per 36-7-4-918.4, -918.5.
 7. Effect. In cases where an owner fails to comply with any condition of approval, upon the recommendation of the Administrator the Board of Zoning Appeals may authorize such action, as it may deem appropriate, to obtain compliance by the owner in the same manner as if the variance had not been granted.
 8. Amendment. Amendment of a variance may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
 9. Expiration. A variance granted by a Board shall run with the parcel until such time as the need for the variance ends.

P. Special Exception.

1. Purpose. The special exception procedure is intended to consider uses that may be appropriate in a zoning district, but because of their nature, extent, and external effects require special consideration of location, design, and methods of operation before they can be deemed appropriate and compatible. The purpose of this section is to establish a mechanism to review special exception uses to ensure they are appropriate for a particular site and its surroundings. No special exception shall be authorized without the approval of the Board of Zoning Appeals, in accordance with this section. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA.
2. Applicability. Uses identified in Table 4.1: Principal Use Table, as requiring special exception approval for establishment, shall be subject to the standards and procedures in this section.
3. Special Exception Review Procedure.
 - a. Pre-Application Conference. Applicable.
 - b. Application Submittal and Acceptance.
 - 1) Applicable (see Section 2.3 (B) (1) Application Submittal and Acceptance).
 - 2) Applications may be initiated only by persons who may submit applications in accordance with Section 2.3 (B) (1) (a) Authority to File Applications.

- 3) Supplemental application materials include a copy of the deed for the property involved, the required filing fee, a site plan signed, dated, and clearly showing the entire layout of the property and all features relevant to the special exception request.
- 4) Provide a statement of intent to the BZA describing the details of the special exception request, including but not limited to:
 - a) The ways in which the special exception shall comply with the applicable development standards of this Ordinance, be consistent with the required determination in writing in accordance with the Board of Zoning Appeals rules of procedure, as appropriate and any written commitments being made by the applicant.
 - b) Findings-of-fact questions must be addressed, as well.
- c. Staff Review.
 - 1) Applicable (see Section 2.3 (C) Staff Review and Action).
 - 2) The Administrator shall review the application and provide a recommendation to the Board of Zoning Appeals in accordance with the Board of Zoning Appeals rules of procedure, as appropriate
- d. Public Notification. Notification for the scheduled public hearing shall be consistent with Section 2.3 (D) Required Public Hearings and the Rules and Procedures of the Board of Zoning Appeals
- e. Board of Zoning Appeals Review and Decision.
 - 1) The Board of Zoning Appeals, at the conclusion of a public hearing, shall decide the application in accordance with the Board of Zoning Appeals rules of procedure, as appropriate
 - 2) The action taken shall be one of the following:
 - a) Approval of the special exception as proposed;
 - b) Approval of the special exception with conditions from the Board or commitments by the applicant;
 - c) Denial of the special exception. Applicants that are denied shall not be eligible for consideration again by the BZA for a period of 12-months from the date of denial; or
 - d) Continued consistent with the adopted Rules and Procedure of the BZA.
 - e) An applicant who has received an adverse decision from the Board of Zoning Appeals shall only refile in accordance with the Board of Zoning Appeals' Rules of Procedure.
4. Special Exception Decision Criteria
 - a. The proposed use is compatible with the current comprehensive plan for Pulaski County.
 - b. The location, nature and height of each building, wall and fence, the nature and extent of landscaping on the site and the location, size, nature, and intensity of each phase of the use and its access streets will be compatible with the appropriate and orderly development of the district in which it is located. Operations related to the use will be no more objectionable with regard to noise, fumes, vibration, or light to nearby properties than operations in permitted uses. The proposed use will not conflict with an existing or programmed public facilities, public services, schools, or roads.
 - c. The proposed use would not likely have a negative impact on property values throughout the jurisdiction.
 - 1) This includes consideration by the BZA whether a property-value guarantee should be required of the project developer(s)/owner(s)/future owner(s).
 - d. Would the intended use for the proposed special exception provide for the most desirable use for which the land in this zoning district is adapted?

5. Conditions and Commitments
 - a. The Board of Zoning Appeals may require the owner of a parcel of property to make written commitment permitted by IC 36-7-4-1015 concerning the use or development of that parcel, or may impose reasonable conditions upon the granting of the special exception per IC 36-7-4-918.2.
 - b. The Board of Zoning Appeals is required to consider a property-value guarantee program.
 - c. A copy of the recorded commitments shall be provided to the Administrator for inclusion in the petition file at the time of application for an Improvement Location Permit. No Improvement Location Permit shall be issued for a permit application which does not comply with the recorded commitments.
6. Effect.
 - a. Approval of any development application in accordance with this Ordinance authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application. In the event that one permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a Development Plan approval) development may not take place until all required approvals are obtained. An approval of one development application does not necessarily guarantee approval of any subsequent development application.
 - b. In cases where an owner fails to comply with any condition of approval, the Board of Zoning Appeals may authorize the Administrator to engage in such action as it may deem appropriate to obtain compliance by the owner in the same manner as if the special exception had not been granted.
7. Amendment. Amendment of a special exception may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
8. Expiration. Failure to establish a use authorized by a special exception within 12 months of the date of its approval, or discontinuance of a special exception use for a period of 12 months or longer shall render the special exception null and void. Special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use.

Q. Applications for Micro/Non-commercial Wind Energy Convergence Systems (WECS)

1. An application for any permitted WECS shall include the following information:
 - a. Contact information of project applicant. The name(s), address(es), and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.
 - b. Contact information of current project owner. The name(s), address(es), and phone number(s) of the owner(s), as well as a description of the owner's business structure and overall role in the proposed project, and including documentation of land ownership or legal control of the property on which the WECS is proposed to be located. The Area Plan Commission shall be informed of any changes in ownership.
 - c. Contact information of project operator. The name(s), address(es), and phone number(s) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project.
 - d. Legal description. The legal description, address, and general location of the project.
 - e. Project description. A WECS Project Description, including to the extent possible, information on each wind turbine proposed, including:
 - 1) Number of turbines;
 - 2) Type;
 - 3) Name Plate generating capacity;

- 4) Tower height;
 - 5) Rotor diameter;
 - 6) Total height;
 - 7) Anchor base;
 - 8) The means of interconnecting with the electrical grid;
 - 9) The potential equipment manufacturer(s); and
 - 10) All related accessory structures.
- f. A site layout plan. A Development Plan, drawn to scale, including distances and certified by a registered land surveyor. All drawings shall be at a scale not smaller than one inch equals fifty feet (1"=50') with a scale of one inch equals thirty feet (1"=30') being preferred. Any other scale must be approved by the Administrator. No individual sheet or drawing shall exceed twenty-four inches by thirty-six inches (24" x 36").
 - g. Engineering Certification. For all WECS, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application, that the turbine, foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the tower showing compliance with the applicable regulations and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.
 - h. Proof of correspondence and cooperation with wildlife agencies. For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that the applicant is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources. For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that the applicant is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources.
2. Applications for Non Commercial WECS. In addition to the application requirements listed in Section 2.3 (Q) (1) the following shall apply for Non Commercial WECS:
 - a. Demonstration of energy need. The primary purpose of the production of energy from a Non-Commercial WECS shall be to serve the energy needs of that tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of the WECS fulfills this need. Net-metering may be allowed, but shall not be the primary intent of the WECS.
 - b. Statement of FAA compliance. A statement of compliance with all applicable FAA rules and regulations, including any necessary approvals for installations within close proximity to an airport.
 - c. Utility Notification. No NON-COMMERCIAL WECS shall be installed until evidence has been given that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
 - d. Compliance with National Electrical Code. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
 3. Aggregated Project Applications. Aggregated projects may jointly submit a single application and be reviewed under joint proceedings, including notices, hearing, and reviews and as appropriate, approvals.
 - a. Aggregated Projects. Permits for aggregated projects will be issued by construction phases and recorded separately, as prescribed in this Ordinance.

R. Applications for All Solar Energy Systems (SES)

1. Notwithstanding any provision herein to the contrary, a permit application for any SES shall include the following information:
 - a. Contact information. The name(s), address(es), and phone number(s) of the applicant(s).
 - b. Contact information for the project developer, if different from the applicant(s).
 - c. Description of the land involved sufficient to reasonably describe the boundaries of the SES project to the satisfaction of the plan administrator. Which description shall include the estimated acreage, the legal description(s) of the included property/ies or portions thereof, the State parcel identification number or other sufficient identification to describe the land that is a part of the project.
2. Applications for Accessory Use SES. In addition to the application requirements listed in Section 2.3 R.1., any requirements pertaining to accessory uses found elsewhere in this ordinance, and any additional requirements as may be set forth by the plan administrator or Building Department, and notwithstanding any provision herein to the contrary, a permit application for an accessory-use SES shall include the following information:
 - a. Compliance with National Electrical Code. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.
 - b. A site layout plan drawn to a scale that allows the plan administrator to reasonably ascertain the size and scope of the project in relation to the surrounding area. The plan should include the following information:
 - 1) address, general location, acreage, and parcel number(s) of subject property
 - 2) name of subdivision in which property exists (if applicable)
 - 3) location/key with north arrow
 - 4) property dimensions
 - 5) existing and proposed buildings and solar panels, with required setbacks
 - 6) any existing wetlands and floodplains
 - 7) existing and proposed building setbacks and separation
 - 8) delineation of all requested variant development standards (if applicable)
 - 9) approximate locations of neighboring uses and structures
 - 10) brief description of neighboring uses and structures
 - 11) map scale
 - 12) dated signature of applicant and owner, if different
3. Applications for Commercial SES (CSES). In addition to the application requirements listed in Section 2.3.R.1, and notwithstanding any provision herein to the contrary, a permit application for a CSES shall include the following information:
 - a. A site layout plan drawn to a scale that allows the plan administrator to reasonably ascertain the size and scope of the project in relation to the surrounding area. The plan should include the following information:
 - 1) general location, acreage, and state parcel identification number(s) of the subject property/ies
 - 2) location/key with north arrow
 - 3) approximate location of any substations
 - 4) existing and proposed on-site and adjacent buildings and solar panels, with required setbacks
 - 5) adjacent roadways

- 6) any existing wetlands and floodplains
 - 7) proposed landscaping, lighting, and signage
 - 8) existing and proposed site ingress/egress
 - 9) delineation of all requested variant development standards (if applicable)
 - 10) map scale
 - 11) any other information or item reasonably requested by the plan administrator to allow sufficient understanding of the size, scope, and location of the proposed project.
 - 12) dated signatures of applicant/CSES operator and property owner(s). Property owner(s) signature(s) may be submitted in the form of a signed addendum to the application or the dated signature page of landowner contract with the applicant/CSES operator/CSES developer.
- b. Proof of a recorded memorandum of lease for each party contracted with a CSES developer to be recorded at the Pulaski County Courthouse and submitted to the plan administrator prior to application submission
 - c. Any other item reasonably requested by the Board of Zoning Appeals.
 - d. An emergency response plan for the construction and operation of the facility consistent with industry standards.
4. Aggregated Project Applications. Aggregated projects may jointly submit a single application.

S. Administrative Appeals

1. Purpose. The purpose of this section is to establish a procedure and standards for an aggrieved party, officer, department, or board of the county affected by any decision or determination by the Administrator, other Plan Commission staff members, or other administrative or board charged with enforcing and interpreting this Ordinance per IC 36-7-4-916 and IC 36-7-4-920. The decisions of the Board shall be appealed to the courts as provided by Indiana law.
2. Initiation. All questions of interpretations and enforcement shall be first presented to the Director. An appeal shall be initiated by filing a written notice of appeal with the Administrator within:
 - a. Sixty days of the date the determination or decision being appealed is filed in the Zoning Department or office of the Administrator (except where otherwise specified in this Ordinance); or
 - b. Thirty days of the date the notice of violation being appealed is issued.
3. Administrative Appeal Review Procedure.
 - a. Appeals. Appeals to the Board concerning interpretation or administration of this Ordinance may be taken by any person or government entity aggrieved or by any officer or bureau of the legislative authority of the County affected by any decision of the Director. An appeal shall be filed with the Administrator and with the Board of Zoning Appeals; such notice of appeal specifying the grounds upon which the appeal is being taken. The Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed was taken.
 - 1) The appellant shall submit an administrative appeal application within ten (10) days of the Director's decision along with the required supporting information. Supporting information shall include, but not be limited to, the following:
 - a) Original Submittals. Copies of all materials upon which the decision being appealed was based.
 - b) Written Decisions. Copies of any written decisions that are the subject of the appeal.

- c) Appeal Basis. A letter describing the reasons for the appeal noting specific sections of this Ordinance and other standards applicable in Pulaski County upon which the appeal is based.
 - 2) Stay Of Proceedings. An appeal stays all further proceedings of the action appealed, unless the Administrator from whom the appeal is taken certifies to the Board after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In this case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Administrator from whom the appeal is taken on due cause shown.
- b. Public Notification. Applicable (see Section 2.3, (D) Required Public Hearings).
- c. Board of Zoning Appeals Review and Decision.
 - 1) Applicable.
 - 2) The Board of Zoning Appeals, at the conclusion of a public hearing, shall decide the application in accordance with the Board of Zong Appeals rules of procedure, as appropriate. The decision shall be based solely on the record of the appeal, as supplemented by arguments presented at the public hearing, and the standards in Section 2.3 (R) (3) (d) Appeal Review Standards.
 - 3) The action taken shall be one of the following:
 - a) Affirmation of the decision or determination (in whole or in part);
 - b) Modification of the decision or determination (in whole or in part); or Approval of the Administrative Appeal;
 - c) Reversal of the decision or determination (in whole or in part).
- d. Appeal Review Standards. The Board of Zoning Appeals is limited to the following determinations in considering the appeal, which shall be based on clear and substantial evidence in the record:
 - 1) The decision-maker did not make an error or correctly applied the standards of this Ordinance in making the decision or interpretation;
 - 2) The decision-maker made an error in determining whether a standard was met. The record must indicate that an error in judgment occurred or facts, plans, or regulations were misread in determining whether the particular standard was or was not met;
 - 3) The decision-maker made an error because the decision was based on a standard not contained in this Ordinance or other appropriate county ordinances, regulations, or state statute, or that a standard more strict or broad than the standard established in this Ordinance was applied; or
 - 4) The decision-maker made an error in applying a standard or measuring a standard.
- e. Where conflicting evidence exists, the appeal is limited to determining what evidence or testimony bears the greatest credibility in terms of documentation and qualifications of those making the determination.
- f. The Board of Zoning Appeals shall not hear any evidence or make any decision based on hardships or special conditions. (Such matters may only be considered in the context of an application for a variance or special exception.)
- g. Effect
 - 1) An appeal stays all proceedings in furtherance of the action appealed from, unless the county official from whom the appeal is taken certifies to the Board of Zoning Appeals, after notice of appeal has been filed, that because of facts stated in the certificate a stay would, in the county official's opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of this Ordinance.

- 2) If certification by a county official is filed, administrative proceedings shall not be stayed except through issuance of a restraining order by the Board of Zoning Appeals or court of competent jurisdiction.
- 3) The filing of an appeal prevents the filing of all zoning, or land use applications, or permits for the same land subject to an appeal application, as well as the filing of a text amendment application by the same party filing the appeal until the appeal application is decided or appealed to the courts.
- h. Notification of Decision. The decision of the Board of Zoning Appeals may be delivered to the aggrieved party by registered mail, or certified mail return receipt requested.
- i. Expiration. Not applicable.
- j. Appeal. Every decision of the Board of Zoning Appeals shall be subject to judicial review in accordance with IC 36-7-4-1016 and IC 36-7-4-1600.

T. Administrative Subdivisions.

1. General. Administrative subdivisions are subject only to the agreement of the Plat Committee that such subdivision is within one of the categories included within Section 2.3 (S) (4). Replats which meet the conditions of administrative subdivisions also may be considered under the terms of this Section.
2. Filing Fees. A request for review of a subdivision shall be accompanied by the filing fee established by the Plan Commission.
3. Submission Materials . The following materials shall be submitted by an applicant for approval of an administrative subdivision:
 - a. Application signed by the owner(s) of record of all property involved in the subdivision.
 - b. A drawing drawn to a scale of fifty (50) feet to one (1) inch, or one hundred (100) feet to one (1) inch and on sheets not to exceed twenty four (24) inches by thirty-six (36) inches; however, if the resulting drawing would be over thirty-six (36) inches in the shortest dimension, then a scale as recommended by the Administrator may be used. Such drawing shall show the property involved in this subdivision, indicating the area of each lot or parcel in acres (for parcels larger than 20,000 sq.ft.) or square feet and indicating the configuration of the property and any easements.
4. Required approvals.
 - a. For removal of interior lot lines, a legal description of the property and the new lot number(s).
 - b. For removal of platted easements, signed and notarized letters of approval of the proposed action by all utilities having an interest in such easements, and in the case of drainage easements, any neighboring property owners affected by such easements. A notation shall be placed on the plat indicating that the easement has been vacated.
 - c. For changes in the notations on a previously approved plat, an explanation of the reason(s) for the changes. If the Plat Committee finds that such changes have a significant effect on the subdivision as previously approved, the Plat Committee shall require such changes to be decided by the Plan Commission.
 - d. For divisions by court decree, a copy of the decree showing by legal description how the land is to be divided.
 - e. Sale or exchange of tracts between adjoining land owners:
 - 1) For sale or exchange of adjoining land where one or more of the affected parcels is platted, a legal description and indication on the drawing of the tract to be divided and the tract to be added and certification by a registered land surveyor that monuments have been or will be set to indicate the relocated property lines. If the land involved in the subdivision has not been monumented, no monumentation is required.

- 2) For sale or exchange of adjoining unplatted land, a legal description and indication on the drawing of the tract to be divided and the tract to be added.
 - 3) For subdivision where the purpose is to resolve a boundary dispute or to establish a mutually agreed upon boundary line, an affidavit signed by all affected property owners stating the purpose of the subdivision.
 - 4) At the time that an administrative subdivision as defined in Section 8 Definitions is submitted for secondary approval, the submission shall include quitclaim or warranty deed(s) containing the legal description for each parcel of property for which ownership is transferred within and by said Administrative Subdivision.
- f. For corrections of legal descriptions, an affidavit signed by the affected owners stating that the description was in error, and a corrected legal description. Such correction shall be recorded, and an appropriate notation shall be placed upon the previously recorded plat.
 - g. For dedication of right-of-way or access easements, a legal description and a plat showing the parcels and the location of the right-of-way or easement. In addition, for right-of-way dedication, certification by a registered land surveyor that monuments will be set indicating the relocated property lines. For dedication or granting of easements for purposes other than access, a legal description. Such easements shall be recorded, and an appropriate notation shall be placed on the recorded plat.
 - h. The following divisions of land shall be exempt from subdivision review procedures under this section and Section 6.1.C.2.c.
 - 1) The division of land into cemetery plots. However, a plat of the cemetery showing the layout of the cemetery, including private drives, parking areas, and the sizes of burial lots shall be provided to the Administrator, who shall issue an Administrative Exemption and collect the fee therefor. Such plat shall comply with the requirements of Indiana Code, 23-14-8 and any amendments thereto.
 - 2) Any division of agricultural crop-production, pasture, forested, or prairie land that will result in new parcels used only for continued crop-production, pasture, forest, or prairie without the addition of any structures within a period of at least five years.
5. Review Procedures for Administrative Subdivisions.
- a. Prior to submitting any of the materials required by this section, the applicant or his/her representative is encouraged to discuss with the Administrator the nature of the land division being proposed. Based upon the information provided at this conference, the Administrator will provide the applicant with a preliminary opinion as to whether the proposed subdivision qualifies as an administrative subdivision, and if not, which application and review procedure applies to that type of subdivision. Failure to hold this conference and/or to provide complete and accurate information to the Administrator at this stage may cause delays in formal consideration of the subdivision.
 - b. An application for approval of an administrative subdivision shall be filed with the Administrator together with all required materials. The fee, as set by the Plan Commission, shall be paid at the time of filing.
 - c. The Plat Committee shall review the plat for compliance with Section 6 Subdivisions of this Ordinance. The Administrator may review the application for compliance with this section, and provide a recommendation to the Plat Committee.
 - d. The Plat Committee, Administrator and their representatives, at their discretion, may visit the site at any time during the review process.
 - e. The Plat Committee, Administrator and their representatives, shall consult with any other persons and agencies necessary to make an accurate determination of the compliance of the application with the terms of this section.
 - f. Action by the Plat Committee on an administrative subdivision shall be by a majority vote.
 - g. Approval may be granted to an administrative subdivision by the Plat Committee without public notice and hearing. Within ten (10) days after approval by the Plat Committee, the

Administrator shall provide due notice by mail to adjacent property owners and the petitioner(s). Such notice shall include a notification of the right to appeal the decision.

- h. Adjacent property owners and the petitioner(s) shall have a ten (10) day comment period from the date the notice is mailed, within which any notice of appeal must be filed with the Administrator.
6. Appeal. Appeal shall be governed in accordance with the following section:
- a. Any final decision of the Plat Committee may be appealed to the Plat Committee. The notice of final decision shall contain the date of mailing thereon. Appeal may be initiated by the applicant, or any property owner affected by such final decision. The appeal shall be directed to the Plan Commission, and shall be filed with the Administrator. If the expiration of the ten (10) day comment period occurs on a Saturday, Sunday or recognized Pulaski County holiday, then such expiration date shall be extended to include the next business day thereafter following.
 - b. Appeal of the Plat Committee's final decision shall be heard by the Plan Commission at a regularly scheduled public hearing, or in accordance with Plan Commission Rules of Procedure at a special meeting of the Plan Commission. Said hearing shall take place within forty-five (45) days after the filing of an Appeal with the Administrator, and the Plan Commission shall render its written final decision within fifteen (15) days after such hearing. With the consent of the applicant and the Plan Commission, said hearing day may be extended.
 - c. A final decision of the Plan Commission may be appealed to the Court of Pulaski County, Indiana. Said appeal shall be through a Petition for Writ of Certiorari filed with the clerk of the appropriate court within thirty (30) days after the date of such final decision. Said petition shall in all respects conform to Indiana State Statute.
7. Approval Certificate. The Administrator is authorized to sign the approved administrative plat.
8. Length Of Approval For Administrative Subdivisions.
- a. The approved administrative subdivision shall be recorded in the Pulaski County Recorder's Office within 120 days of certification by the Plat Committee. Any such subdivision and certification not recorded within that period shall become null and void.
 - b. The approved administrative subdivision and any deed as required by this Article shall be recorded concurrently in the Pulaski County Recorder's Office within 120 days of certification by the Plat Committee. Any such subdivision, deed(s) and certification not recorded within that period shall become null and void.

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