

- and required supportive information within thirty (30) days of the decision which is subject to the appeal. Supportive information shall include, but not be limited to the following:
- a. Copies of all materials submitted to the Technical Review Committee upon which the decision being appealed was based.
  - b. Copies of any written decisions or findings of fact which are the subject of the appeal.
  - c. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to Fulton County upon which the appeal is based.
7. Notification for a scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of this Ordinance.
  8. The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the appeal and supportive information.
    - a. Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Commission.
    - b. The Commission shall consider a report from the Plan Director, testimony from the entity making the appeal, and testimony from any interested parties at the public hearing.
    - c. The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Commission.
    - d. Upon hearing the appeal, the Plan Commission may approve, approve with modifications, deny, or table the Site Development Plan application consistent with the approval procedure for applications referred to the Commission by the Technical Review Committee as described in this Article.
- F. Certificate of Occupancy: The following procedures apply to Certificates of Occupancy/Compliance.
- a. It shall hereby be declared unlawful and in violation of the provisions of this ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:
    1. Legally obtaining an Location Improvement Permit,
    2. Passing a final inspection; and
    3. Receiving an Certificate of Occupancy Permit from the Plan Commission office.
  - b. The Staff shall, within fourteen (14) days of a request for Certificate of Occupancy, inspect the premises for compliance with the provisions of this Ordinance and the Location Improvement Permit.
  - c. A Temporary Certificate of Occupancy/Compliance may be issued by the Staff if the proposed Building, Structure or Use complies with the provisions of this ordinance, except that certain external site features (e.g., finish coat for asphalt Parking Areas or landscaping) have not been completed due to ground or weather conditions which are not immediately suitable for permanent installation. The duration of the Temporary Certificate of Occupancy/Compliance shall be specified on the Temporary Certificate of Occupancy/Compliance, provided, however, in no case shall a Temporary Certificate of Occupancy/Compliance exceed six (6) months in duration. In cases of extreme hardship or weather conditions, and for good cause shown, the Plan Commission may grant a one (1) time extension of not to exceed three (3) months. Where pertinent, a Certificate of Occupancy/Compliance may be issued without all the required landscaping installed if a landscape bond is provided. The landscape bond shall be one and half times (1 1/2) the cost of the planting and installation cost. In order to determine the bond amount, a quote of the actual cost will be provided by the developer's landscape contractor.
- G. Zoning Map Amendments
- The following procedure applies to Zoning Map Amendment Petitions
- a. Submit an application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Plan Commission meeting.



1. Any application requesting a zone map amendment, from any district to an IU District, must be accompanied by a Third Party Review, which could contain recommendations that are applicable to the sited operation and, any and all, land utilized within/for the operation. Any recommendations included in the Third Party Review will be taken into account and may become a condition of the approval for the Zone Map Amendment. The petitioner shall bear the burden of expense of the Third Party Review.
2. The Third Party Review shall consist of a review of the compatability of the proposed facility with the soil types existing on the proposed facility site, a review of the soil types of any land utilized within/for the proposed operation, a review of any and all setbacks dictated by a state or federal agency and their effectiveness in conjunction with any existing waterways located at the proposed site and/or on any land utilized within/for the proposed operation, and a review of any and all additional environmental concerns regarding sensitive areas contained at the proposed site and/or on any land utilized within/for the proposed operation
- b. The Plan Commission will then review the application and required supportive information. When considering an amendment to the zoning map, the Plan Commission may require or allow the petitioner to submit written commitments, as specified in IC 36-7-4-615, that restrict the use(s) of the proposed zoning district.
  1. Initial Rezoning - Written commitments may be initiated by the Plan Commission, the petitioner, or by the legislative bodies.
    - a. In approving written commitments, the legislative bodies may stipulate that the Plan Commission without the legislative bodies' consent may not modify such commitments. In making the stipulation, the legislative bodies shall be deemed to be modifying the written commitments.
    - b. If the legislative bodies wishes to initiate or modify the written commitments recommended by the Plan Commission, the legislative bodies shall refer the new commitments or modifications to the Plan Commission for consideration. The legislative bodies or the Plan Commission may require notice and a public hearing if either body regards such notice and hearing to be needed to afford adequate opportunity for public input.
    - c. After considering the new or modified conditions, the Plan Commission must agree or disagree with the legislative bodies' action.
    - d. If the Plan Commission agrees with the new or modified commitments, they take effect immediately.
    - e. If the Plan Commission disagrees with the new or modified commitments, the Plan Commission shall forward them to the legislative bodies with the reasons for disagreement. The commitments shall take effect only if the legislative bodies again vote to require said modified commitments.
  2. Modifications or termination of commitments after initial zoning - The Plan Commission may modify or terminate written commitments after notice is provided in accordance with the legislative bodies' rules of procedure. The modification may be initiated by the owner of the property, by the Plan Commission, or by the legislative bodies. The commitments to be modified are subject to the legislative bodies' stipulation included in Section 5.3 (E)(a) (1). In such a case such modification must be certified to the legislative bodies for review and approval. The Plan Commission per year can approve only one modification to the written commitments.
  3. Modifications or termination of commitments involving permitted uses may be allowed only through the same procedure as the initial rezoning.
  4. The written commitments shall be recorded in accordance with the I.C. 36-7-4-615. Record-



ed commitments are binding on the owner of the parcel, a subsequent owner of a parcel, and any person who acquires an interest in the parcel. An ordinance amending the zoning map, which includes written commitments, shall not be effective until the commitments are recorded. After the ordinance is adopted and the commitments are recorded, the zoning map shall be amended to indicate the new district designation with the letter “C” appended to indicate that commitments accompany the district designation. The commitments must be recorded within 90 days after the legislative body adopts the amendment, unless the Plan Commission grants an extension. In the event the commitments are not recorded within the specified time, the ordinance shall not take effect and shall be considered null and void.

5. A zoning compliance certificate shall not be issued for any property subject to written commitments unless the use and/or development on the property complies with the recorded written commitments.
6. Any violations associated with written commitments are subject to the standards of Article 7, Enforcement and Penalties, within the Fulton County Zoning Ordinance.
- c. If the petition has not been tabled, it will then be forwarded to the legislative bodies for review. The legislative bodies will then review the application, required supportive material and Plan Commission recommendation. The legislative bodies may approve the recommendation as given by the Plan Commission, approve with additional/revised commitments, deny, table, or render no decision on the petition. (*I.C. 36-7-4-606*)
  1. The petitioner may be required to bear a certain percentage of the financial responsibility, as set by the legislative bodies, for the cost of any materials to upgrade infrastructure associated with a proposed operation.
- d. Upon reviewing a zoning map amendment the following should be considered:
  1. The most recently adopted Comprehensive Plan.
  2. Current conditions and character of 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.
  5. Responsible development and growth.
  6. The public health, safety and welfare.
- F. Administrative Appeal: The following procedure applies to Administrative Appeals.
  - a. Submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.
  - b. The administrative official or body from which the appeal is taken, shall transmit to the Board all documents, plans and papers constituting the record of action.
  - c. Administrative appeals require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4.
  - d. At their next regularly scheduled public meeting, the BZA shall then review:
    1. The written statement and supportive material by the petitioner,
    2. The record of action supplied by the administrative official or body from which the appeal is taken.
    3. Testimony of the petitioner, and
    4. Testimony of the administrative official or body from the which appeal is taken.
    5. Testimony by members of the public.
- G. Sign Permit Review for Permanent Signs: The following procedure applies to Permanent Sign Permit Review.
  - a. Application: Application for a permit shall be filed with the Plan Commission office and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the Fulton County Zoning Ordinance, including:
    1. Name and address of the property owner of the premises on which the sign is located or is to

