

## Article

## ADMINISTRATION and ENFORCEMENT

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### Section 16.01

#### Purpose

The intent of this section is to outline the jurisdiction and duties of the County staff and administrative bodies involved in development review, appeal procedures, and enforcement of this ordinance.

### Section 16.02

#### County Board

##### A. Jurisdiction:

The County Board shall retain the following duties and responsibilities under this ordinance:

1. Take final action on applications for amendments to the Zoning Ordinance or map,
2. Take final action on requests of variances and appeals.
3. Take final action on applications for special uses and planned unit developments.

##### B. Final Action:

1. The County Board may take final action by ordinance or resolution on matters related to this ordinance, upon the report of the Board of Appeals without further public hearing. Any proposed matter that has been referred to the Board that fails to receive approval by the Board of Appeals or the Planning Commission shall not be passed except by favorable vote by four (4) of the five (5) members of the County Board.
2. All decisions and findings of the County Board related to the Zoning Ordinance shall, in all instances, be the final administrative decisions and shall be subject to the judicial review as may be provided by law. For actions of the County Board related to the Zoning Ordinance that require approval by ordinance; the enactment of the approving or granting ordinance shall be the final administrative decision and shall be subject to judicial review as may be provided by law.

## Section 16.03      Zoning Office

- A. Creation and appointment: The zoning office is hereby created and, under the direction of Zoning Enforcement Officer, shall have the responsibility of administering and enforcing the provisions of this chapter. The Zoning Enforcement Officer shall be appointed by the chairman of the county board.
- B. Powers and duties: The Zoning Enforcement Officer shall enforce the provisions of this ordinance, and in addition thereto and furtherance of such authority shall:
1. Examine and approve any application pertaining to the use of land, buildings, or structures to determine if the application conforms with the provisions of this ordinance.
  2. Conduct such inspections of buildings, structures and uses of land as are necessary to determine compliance with the terms of this chapter.
  3. Receive, file and process for action all applications for appeals, variations, special uses, PUDs, and amendments to this ordinance which are filed in the zoning office.
  4. Initiate, direct and review, from time to time, a study of the provisions of this ordinance, and make reports of his recommendations to the County Board.
  5. Maintain permanent and current records of this ordinance, including all maps, amendments, special uses, and variations.
  6. Provide and maintain public information relative to all matters arising out of this ordinance.

## Section 16.04      Planning Commission

- A. Creation and membership: A Planning Commission, hereinafter referred to by the term "Planning Commission" is hereby authorized to be established. Such Planning Commission shall consist of seven (7) members appointed by the Chairman and confirmed by the members of the County Board. The seven (7) members of the first Commission appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years respectively. Thereafter, as terms expire, each appointment shall be for five years, vacancies shall be filled by the Chairman of the County Board for the unexpired terms only, subject to confirmation by the County Board at its next meeting. The County Board shall have the power to remove any member of the Planning Commission, for cause, after a public hearing upon giving fifteen (15) days' notice thereof. At the time of appointment to the Planning Commission, not more than three (3) of the members shall be a resident within the limits of any one (1) township and each township must be represented by at least one (1) board member. The Chairman of the County Board shall



name one of the members of the Planning Commission as Chairman upon his appointment, and in case of vacancy shall name the Chairmen

#### B. Jurisdiction and Authority

1. To prepare and recommend to the County Board a comprehensive plan for the present or future or redevelopment of the County.
2. To recommend changes from time to time, in the official comprehensive plan;
3. To prepare and recommend to the County Board, from time to time, plans for specific improvements in pursuance of the official Comprehensive plan;
4. To aid the County Board in furthering the interpretation of the Plan.
5. To review plats of subdivision or re-subdivisions and planned land developments and report findings and recommendations to the County Board.
6. To hear and submit findings and recommendations to the county board on proposed special uses in the manner prescribed herein.
7. To hear and submit findings and recommendations to the county board on proposed map amendments in the manner prescribed herein.
8. To advise the County Board on all matters referred to it or upon which it is required under this Ordinance.

#### C Planning Commission Meetings

1. Regular meetings of the Planning Commission shall be held at such times and place within the county as the Commission may determine. Special meetings may be held at the call of the chairman, or as determined by the Commission. Such Chairman, or in his absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Commission shall be open to the public.
2. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. All findings, recommendations, or determinations of the Planning Commission shall immediately be filed in the office of the County Board and shall be a public record.
3. Four (4) members of the Planning Commission shall constitute a quorum and the concurring vote of four (4) members of the Commission shall be required to submit findings and recommendations to the County Board. In the performance

of its duties the Commission may incur such expenditures as shall be authorized by the County Board.

#### D, Notice of Hearing

Where a public hearing before the Planning Commission is required by this Ordinance or other resolution, notice of each hearing shall be published at least fifteen (15) days in advance thereof in a newspaper of general circulation published in the county.



A. Creation and membership: A Board of Appeals, hereinafter referred to by the term "Board of Appeals" is hereby authorized to be established. Such Board of Appeals shall consist of five members appointed by the Chairman and confirmed by the members of the County Board. The five members of the first Board appointed shall serve terms of one (1), two (2), three (3), four (4), and five (5) years respectively. Thereafter, as terms expire, each appointment shall be for five years, vacancies shall be filled by the Chairman of the County Board for the unexpired terms only, subject to confirmation by the County Board at its next meeting. The County Board shall have the power to remove any member of the Board of Appeals, for cause, after a public hearing upon giving fifteen (15) days' notice thereof. At the time of appointment to the Board of Appeals, not more than two (2) of the members shall be resident within the limits of any one (1) township and each township must be represented by at least one (1) board member. The Chairman of the County Board shall name one of the members of the Board of Appeals as Chairman upon his appointment, and in case vacancy shall name the Chairman.

B. Jurisdiction and Authority:

1. To hear and decide appeals from any order, requirement, decision, or determination made by the Zoning Enforcement Officer under this ordinance.
2. To hear and submit findings and recommendations to the County Board on applications for variations from the terms provided in this ordinance in the manner prescribed by, and subject to, the standards established herein.
3. To hear or submit findings and recommendations to the County Board on a proposed amendment in the manner prescribed herein.
4. To hear and submit findings and recommendations to the County Board on proposed special uses in the manner prescribed herein.
5. To hear and submit findings and recommendations to the County Board on proposed planned unit development in the manner prescribed herein.
6. To hear and submit findings and recommendations on the extension of a zoning district where the boundary line of a district divides a lot or parcel held in single ownership at the time of passage of this ordinance.
7. To hear and decide all matters referred to it or upon which it is required to pass under this ordinance; and
8. To recommend to the County Board that a use variance be granted after it has found that an amendment to this title, based on the required findings of fact, would not serve the public interest and would not be appropriate, and that all the

required standards for variations have been met.

### C. Board of Appeals Meetings

1. Regular meetings of the Board of Appeals shall be held at such times and place within the county as the Board may determine. Special meetings may be held at the call of the chairman, or as determined by the Board. Such Chairman, or in his/her absence, the acting Chairman, may administer oaths and compel attendance of witnesses. All meetings of the Board shall be open to the public,
2. The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such facts, and shall also keep records of its examinations and other official actions. Every rule, regulation, every amendment, or appeal hereof, and every order, requirement, decision, or determination of the Board of appeals shall immediately be filed in the office of the Board and shall be a public record.
3. Three (3) members of the Board of Appeals shall constitute a quorum and the concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Zoning Enforcement Officer in any matter upon which is required to pass under this ordinance, or to effect any variation in this ordinance, or to recommend any variation or modification in such ordinance to the County Board. In the performance of its duties the Board may incur such expenditures as shall be authorized by the County Board.

### D. Notice of Hearing

Where a public hearing before the Board of Appeals is required by this ordinance or other resolution, notice of each hearing shall be published at least fifteen (15) days in advance thereof in a newspaper of general circulation published in the county and having circulation where such property is located. The notice of hearing shall contain the address or location of the property for which the ruling by the Board of Appeals is sought, as well as a brief description of the nature of the case on which the Board of Appeals will rule on.

### Section 16006 Appeals: How Taken

- A. Any person aggrieved or any officer, department, or board, of bureau of the county may appeal to the Board of Appeals to review any order, requirement, decision, or determination made by the Zoning Enforcement Officer.
- B, Such appeal shall be made by filing with the Zoning Enforcement Officer and the Board of Appeals, a notice of appeal specifying the grounds thereof. The Zoning Enforcement Officer shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.



- C. An appeal stays all proceedings in furtherance of the action appealed from, tulates the Zoning Enforcement Officer certifies to the Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such a case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board, or by a court of record on application, on notice to the Zoning Enforcement Officer, and on due cause shown.
- D. The Board of Appeals shall fix a reasonable time for hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon hearing, any party may appear in person, by agent, or by attorney,

## Section 16.07      Enforcement

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- A, This ordinance shall be administered and enforced by the County Zoning Enforcement Officer
- B. In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained or any building, structure or land is used in violation of this ordinance the proper authorities of the county, or any person the value or use of whose property is or may be affected by such violation, in addition to other remedies, may institute any appropriate action or proceedings in the circuit court to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of said building, structure or land or to prevent any illegal act, conduct, business, or use in or about such premises.
- C. Any persons, firms or corporations, or agents, employees, or contractors or such, who violate, disobey, omit, neglect, or refuse to comply with, or who resist enforcement of any of the provisions of this ordinance shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for not more than six months, or both, for each offense, and each day a violation continues shall constitute a separate offense.





## Article XVII. AMENDMENTS

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### Section 17.01      **Authority and Purpose**

The Putnam County Board is hereby authorized to amend the text of these regulations or the Zoning District Map in light of changing conditions and/or changes to the Comprehensive Plan of Putnam County. No such amendment shall be made without a public hearing before the Zoning Board of Appeals. The provisions of this article are not intended to relieve particular hardships or to confer special privileges.

### Section 17.02      **Initiation of Amendments**

Amendments may be proposed by the County Board, or any member thereof, the Zoning Board of Appeals, the Planning Commission, the Zoning Enforcement Officer or any person or persons with a sufficient interest in the matter.

### Section 17.03      **Application Requirements**

An application for a text amendment or map amendment shall be filed with the Zoning Enforcement Officer, upon such form and accompanied, at a minimum, by such information identified below.

- A. An application for a map amendment shall at a minimum provide: the legal description, parcel identification number (PIN), and address of the parcel(s) that are subject of the request, the current and proposed zoning classifications, the current and proposed use of the parcel(s) that are subject of the request, the zoning classifications of the surrounding parcels, and the name and address of the property owner(s) of the parcel(s) that are the subject of the request.
- B. A map amendment application shall be accompanied by a certified plat of survey.
- C. An application for a text amendment shall at a minimum provide: the sections of the Zoning Ordinance to be amended, the proposed language to the text amendment and a brief description of the proposed amendment.

### Section 17.04      **Initial Application Review**

The Zoning Enforcement Officer shall review the application for completeness and forward a copy of the application to the Planning Commission and the Board of Appeals within thirty (30) days. In the case of a map amendment, the Zoning Enforcement Officer shall also send a copy of the

application to the appropriate road official, the Marshall-Putnam Soil and Water Conservation District, and to the Bureau & Putnam County Health Department for comment.

**Section 17.05            Action of the Zoning Board of Appeals**

- A. A public hearing shall be held by the Zoning Board of Appeals to consider any amendment. A public notice shall have been placed in a newspaper of general circulation within the County not less than fifteen (15) days before the hearing.
- B. Notice shall be given by mail to all owners of land immediately touching, or immediately across a street, alley, or public right-of-way from the subject property. A sworn certification by the Zoning Enforcement Officer that the notices were mailed shall be acceptable in lieu of certified mail.
- C. The Board shall review the proposed amendment, and the testimony at the public hearing, and shall send its findings of fact and recommendation to the County Board recommending approval or denial of the amendment. The recommendations shall set forth whether the amendment application should be granted or denied, shall suggest a zoning district classification, if any, and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the County, the standards in this Article, and any officially adopted County Comprehensive Plan.
- D. If the Zoning Board of Appeals neither approves nor disapproves the amendment within sixty (60) days after the same has been submitted, it shall be considered approved by the Zoning Board of Appeals.

**Section 17.06            Action of the Planning Commission**

- A. The Commission shall review the proposed amendment and shall send its findings of fact and recommendation to the County Board recommending approval or denial of the amendment. The recommendations shall set forth whether the amendment application should be granted or denied, shall suggest a zoning district classification, if any, and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the County, the standards in this Article, and any officially adopted Putnam County Comprehensive Plan.
- B. If the Planning Commission neither approves nor disapproves the amendment within sixty (60) days after the same has been submitted, it shall be considered approved by the Planning Commission.

**Section 17.07            Action of the County Board**

The County Board shall review the proposed amendment and the findings and recommendations of the Planning Commission and the Zoning Board of Appeals. The County Board shall grant or



deny the text or map amendment by a majority vote of the members of the County Board, except a favorable vote of three-fourths (3/4) of all the members of the of the County Board is required for approval of an amendment in the following cases:

- A. In case of a written protest against any proposed map amendment, signed and acknowledged by the owners of twenty (20) percent of the land to be rezoned; or signed by all owners of land immediately touching, or immediately across a street, alley, or public right-of-way from the at least twenty (20) percent of the perimeter of the land to be rezoned.
- B. In case of a written protest against any proposed text amendment, signed and acknowledged by at least five (5) percent of County landowners; or
- C. When a land affected by a proposed amendment lies within one and one-half miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the City Council or President and Board of trustees of that zoned municipality, and filed with the County Clerk; or
- D. When either the **Planning Commission or Zoning Board of Appeals** recommends denial of the amendment.

#### **Section 17.08      Approval Standards**

In evaluating a proposed amendment, the following factors shall be considered, not one of which shall be controlling.

- A. The compatibility with existing uses and zoning of nearby property.
- B. The extent to which property values are diminished by the particular zoning restriction;
- C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.
- D. The extent to which the zoning classification would increase the level of congestion on public rights of way.
- E. The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- F. The suitability of the subject property for the zoned purposes.
- G. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the subject property.
- H. The county need for the proposed use; and

10. Whether the proposed change would correspond with any officially adopted Comprehensive Plan of the County.

- A. In case of a written protest against any proposed map amendment signed and acknowledged by the owner of twenty (20) percent of the land to be rezoned or signed by all owners of land immediately touching or immediately across a street, alley, or public right-of-way from the at least twenty (20) percent of the perimeter of the land to be rezoned;
- B. In case of a written protest against any proposed text amendment signed and acknowledged by at least five (5) percent of County landowners;
- C. When a land affected by a proposed amendment has within one year the half value of the units of a ranch municipality, and a written protest against the proposed amendment is passed by the City Council or the Board of Trustees of the ranch municipality, and filed with the County Clerk;
- D. When either the Planning Commission or the Board of Appeals receives a written protest against the amendment.

Section 17.08 Approval Standards

In evaluating a proposed amendment, the following factors shall be considered, not any of which shall be controlling:

- A. The compatibility with existing uses and zoning of nearby property;
- B. The extent to which property values are diminished by the particular zoning classification;
- C. The extent to which the destruction or removal of the applicant increases the health, safety, morals, or general welfare of the public;
- D. The extent to which the zoning classification would increase the level of congestion on public rights of way;
- E. The relative gain to the public as compared to the hardship imposed upon the individual property owner;
- F. The suitability of the subject property for the stated purposes;
- G. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the subject property;
- H. The county need for the proposed use; and



## Section 17.09    Re-Filing

If an application for amendment has been denied by the County Board, no new or further application seeking the same or substantially the same amendment for the same lot, tract or parcel of land shall again be submitted to the County Board until at least one (1) year following the date of the County Board vote denying said application.

## Article XVIL AMENDMENTS

### Section 17.01      Authority and Purpose

The Putnam County Board is hereby authorized to amend the text of these regulations or the Zoning District Map in light of changing conditions and/or changes to the Comprehensive Plan of Putnam County. No such amendment shall be made without a public hearing before the Zoning Board of Appeals. The provisions of this article are not intended to relieve particular hardships or to confer special privileges.

### Section 17.02      Initiation of Amendments

Amendments may be proposed by the County Board, or any member thereof, the Zoning Board of Appeals, **the Planning Commission, the Zoning Enforcement Officer** or any person or persons with a sufficient interest in the matter.

### Section 17.03      Application Requirements

An application for a text amendment or map amendment shall be filed with the Zoning Enforcement Officer, upon such form and accompanied, at a minimum, by such information identified below.

- A. An application for a map amendment shall at a minimum provide: the legal description, parcel identification number (PIN), and address of the parcel(s) that are subject of the request, the current and proposed zoning classifications, the current and proposed use of the parcel(s) that are subject of the request, the zoning classifications of the surrounding parcels, and the name and address of the property owner(s) of the parcel(s) that are the subject of the request.
- B. A map amendment application shall be accompanied by a certified plat of survey.
- C. An application for a text amendment shall at a minimum provide: the sections of the Zoning Ordinance to be amended, the proposed language to the text amendment and a brief description of the proposed amendment.

### Section 17.04      Initial Application Review

The Zoning Enforcement Officer shall review the application for completeness and forward a copy of the application to **the Planning Commission and the Board of Appeals within thirty (30) days.** In the case of a map amendment, the Zoning Enforcement Officer shall also send a copy of the application to the appropriate road official, the Marshall-Putnam Soil and Water Conservation District, and to the Bureau & Putnam County Health Department for comments.



## Section 17005      Action of the Zoning Board of Appeals

- A. A public hearing shall be held by the Zoning Board of Appeals to consider any amendment. A public notice shall have been placed in a newspaper of general circulation within the County not less than fifteen (15) days before the hearing.
- B. Notice shall be given by mail to all owners of land immediately touching, or immediately across a street, alley, or public right-of-way from the subject property. A sworn certification by the Zoning Enforcement Officer that the notices were mailed shall be acceptable in lieu of certified mail.
- C. The Board shall review the proposed amendment, and the testimony at the public hearing, and shall send its findings of fact and recommendations to the County Board recommending approval or denial of the amendment. The recommendations shall set forth whether the amendment application should be granted or denied, shall suggest a zoning district classification, if any, and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the County, the standards in this Article, and any officially adopted County Comprehensive Plan.
- D. If the Zoning Board of Appeals neither approves nor disapproves the amendment within sixty (60) days after the same has been submitted, it shall be considered approved by the Zoning Board of Appeals.

## Section 17006      Action of the Planning Commission

- A. The Commission shall review the proposed amendment and shall send its findings of fact and recommendation to the County Board recommending approval or denial of the amendment. The recommendations shall set forth whether the amendment application should be granted or denied, shall suggest a zoning district classification, if any, and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the County, the standards in this Article, and any officially adopted Putnam County Comprehensive Plan.
- B. If the Planning Commission neither approves nor disapproves the amendment within sixty (60) days after the same has been submitted, it shall be considered approved by the Planning Commission.

## Section 17.07      Action of the County Board

The County Board shall review the proposed amendment and the findings and recommendations of the Planning Commission and the Zoning Board of Appeals. The County Board shall grant or deny the text or map amendment by a majority vote of the members of the County Board, except a favorable vote of three-fourths (3/4) of all the members of the County Board is required for approval of an amendment in the following cases:

- A. In case of a written protest against any proposed map amendment, signed and acknowledged by the owners of twenty (20) percent of the land to be rezoned; or signed by all owners of

land immediately touching, or immediately across a street, alley, or public right-of-way from the at least twenty (20) percent of the perimeter of the land to be rezoned.

- B. In case of a written protest against any proposed text amendment, signed and acknowledged by at least five (5) percent of County landowners; or
- C. When a land affected by a proposed amendment lies within one and one-half miles of the limits of a zoned municipality and a written protest against the proposed amendment is passed by the City Council or President and Board of trustees of that zoned municipality, and filed with the County Clerk; or
- D. When either the Planning Commission or Zoning Board of Appeals recommends denial of the amendment.

## Section 17008 Approval Standards

In evaluating a proposed amendment, the following factors shall be considered, not one of which shall be controlling.

- A. The compatibility with existing uses and zoning of nearby property.
- B. The extent to which property values are diminished by particular zoning restrictions.
- C. The extent to which the destruction of property values of the applicant promotes the health, safety, morals, or general welfare of the public.
- D. The extent to which the zoning classification would increase the level of congestion on public rights of way;
- E. The relative gain to the public as compared to the hardship imposed upon the individual property owner.
- F. The suitability of the subject property for the zoned purposes.
- G. The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the subject property;
- H. The county need for the proposed use; and
- I. Whether the proposed change would correspond with any officially adopted Comprehensive Plan of the County.

## Section 17.09 Re-Filing

If an application for amendment has been denied by the County Board, no new or further application seeking the same or substantially the same amendment for the same lot, tract or parcel of land shall again be submitted to the County Board until at least one (1) year following the date of the County Board vote denying said application.



# Article SPECIAL USES

## Section 18.01      Purpose

The purpose of special use permit is to enable the county to approve those uses which are generally compatible with other land uses permitted in a zoning district, but which require individual review of their location, design, and configuration and which may require the imposition of conditions in order to ensure the appropriateness of the use at a particular location.

## Section 18.02      Initiation of Special Use

Any person having a freehold interest in land, or a possessory interest entitled to exclusive possession, or a contractual interest which may become a freehold interest, or an exclusive possessory interest which is specifically enforceable, may file an application to use such land for one or more of the special uses provided for in this ordinance in the zoning district in which the land is located.

18.02.01      The County Board, by special permit after public hearing by the Board of Appeals and subject to such protective restrictions as the County Board deems necessary, may authorize the location, extension, or structural alterations of any of the buildings or uses enumerated in Section 9.020

18.02.02      Before issuance of permit for any special use, the County Board shall refer the proposed application to the Planning Commission and the Marshall-Putnam Soil and Water Conservation district, which shall both be given 30 days in which to make an advisory report regarding the effect of such proposed building or use upon coordinated and practical community development and growth while ensuring adequate safeguards for the environment, the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the public safety, health, morals, and general welfare. No action shall be taken upon any application for a proposed building or use above referred to until or unless the report of the Planning Commission has been filed, provided, however, that if no report is received from the Commission within 30 days, it shall be assumed that approval of the application has been given by the Commission.

## Section 18.03      Application Requirements

An application for a special use shall be filed with the Zoning Enforcement Officer, upon such form and accompanied, at a minimum, by such information identified below:

AO The legal description, parcel identification number (PIN), and address (if available) of parcel(s) that are the subject of the request;

B. A written description of the proposed use that includes information concerning proposed hours of operation, expected traffic impacts, and any other pertinent details concerning the proposed use;

C. The present and proposed land use;

D. The surrounding zoning classifications;

E. An explanation of the need for the special use at the petitioned site;

F. The names and addresses of owners of petitioned property;

G. A site plan which contains, at a minimum, the following:

1. A layout map of all existing and proposed buildings and structures on the site;
2. Property lines and easements;
3. The traffic circulation pattern;
4. The parking and loading areas and individual berths;
5. The proposed sewerage and water systems;
6. The placement of exterior lighting;
7. Landscaping; and
8. A copy of such site plan at a reproducible size not to exceed 11" x 17".

H. Certified plat of survey.

#### **Section 18.04      Initial Application Review**

The Zoning Enforcement Officer shall review the application for completeness and forward a copy of the application to the Planning Commission and the Zoning Board of Appeals within thirty (30) days.

#### **Section 18.05      Action of the Zoning Board of Appeals**

A. Public Hearing: A public hearing shall be held by the Zoning Board of Appeals to consider any special use. A public notice shall have been placed in a newspaper of general circulation within the County not less than fifteen (15) days before the hearing.

B. Notice shall be given by mail to all owners of land immediately touching, or immediately across a street, alley, or public right-of-way from the subject property. A sworn certification by the Zoning Enforcement Officer that the notices were mailed shall be acceptable in lieu of certified mail.



- C. The Board shall review the proposed special use, and the testimony at the public hearing, and shall send its findings of fact and recommendation to the County Board recommending approval or denial of the special use, and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the County, the standards in this Article, and any officially adopted County Comprehensive Plan.
- D. If the Zoning Board of Appeals neither approves nor disapproves the special use within sixty (60) days after the same has been submitted, it shall be considered approved by the Zoning Board of Appeals.

#### **Section 18.06      Action of the Planning Commission**

- A. The Commission shall review the proposed amendment and shall send its findings of fact and recommendation to the County Board recommending approval or denial of the proposed special use and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the County, the standards in this Article, and any officially adopted Putnam County Comprehensive Plan.
- B. If the Planning Commission neither approves nor disapproves the proposed special use within sixty (60) days after the same has been submitted, it shall be considered approved by the Planning Commission.

#### **Section 18.07      Action of the County Board**

The County Board shall review the proposed special use and the findings and recommendations of the Planning Commission and the Zoning Board of Appeals, The County Board shall grant or deny the proposed special use by a majority vote of the members of the County Board, except a favorable vote of three-fourths (3/4) of all the members of the of the County Board is required for approval of the proposed special use in the following cases:

- A. In the case of a written protest against the proposed special use, signed and acknowledged by twenty percent (20%) or more of all owners of land immediately touching, or immediately across a street, alley, or public right-of-way from the subject property.
- B. When a land affected by a proposed special use lies within one and one-half (1 h) miles of the limits of a zoned municipality and a written protest against the proposed special use is passed by the City Council or President and Board of Trustees of that zoned municipality, and filed the County Clerk; or
- C When either the Planning Commission or Zoning Board of Appeals recommends denial of the proposed special use.

## Section 18.08      Approval Standards

In evaluating a proposed special use, the following factors shall be considered, not one of which shall be controlling.

- A. That the establishment, maintenance, or operation of the special use will not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
- B. That the special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
- C. That the establishment of the special use will not substantially impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district;
- D. That adequate utilities, access roads, drainage, or necessary facilities have been or will be provided;
- E. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets; and
- F. That the special use will, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the board.

## Section 18.09      Re-filing

If an application for a special use that has been denied by the County Board, no new or further application seeking the same or substantially the same special use for the same lot, tract or parcel of land shall again be submitted to the County Board until at least one (1) year following the date of the County Board vote denying said application.

## Section 18.10      Revocation

Except for a special use authorization for a public utility service, where a special use has not been physically undertaken within one (1) year after the date of granting thereof, then the authorization granting such special use shall be null and void, unless the grant is extended by the County Board after petition therefor. Where a special use permit is granted for a determinate period of time, the special use permit shall be null and void at the end of such period, unless such permit is extended for a like period of time by the County Board.



A special use shall run with the land unless otherwise indicated. All special uses granted by the County Board shall run with the parcel which is the subject of the special use unless the conditions attached to the special use by the County Board are violated or restricted to a particular person(s) or period of time, in which case the special use shall terminate as provided in said conditions.

## Article                      VARIANCES

### Section 19.01                      Purpose

This article allows for the orderly consideration of variations in the application of this ordinance, in harmony with its general purpose and intent, but where there are practical difficulties or particular hardships in the way of carrying out the strict letter of the regulations established by this ordinance.

### Section 19.02                      Initiation of Variance

- A. An application for a variance may be filed by any interested property owner or contract purchaser or their agent. In cases where a contract purchaser is the petitioner, the contract purchaser shall provide a letter from the owner which states that the owner is aware of the application and the request(s) contained therein, that the petitioner is indeed a contract purchaser, and that the owner approves the action.
- B. A use variance may only be filed if

10 A petition for amendment is recommended for denial by the Zoning Board of Appeals; or

2. A petition for an amendment is denied by the County Board,

### Section 19.03                      Application Requirements

An application for a variance shall be filed with the Zoning Enforcement Officer, upon such form and accompanied, at a minimum, by such information identified below:

- A. The legal description, parcel identification number (PIN), and address (if available) of parcel(s) that are the subject of the request;
- B. An explanation of the need for the variance at the petitioned site;
- C The names and addresses of owners of petitioned property;
- D. A site plan which contains, at a minimum, the following:
  - 1 e A layout map of all existing and proposed buildings and structures on the site;
  - 2. Property lines and easements;



3. The parking and loading areas and individual berths;
4. The proposed sewerage and water systems; and
5. A copy of such site plan at a reproducible size not to exceed 11" x 17".

- E. Use variance applications shall also include a written description of the proposed use that includes information concerning proposed hours of operation, expected traffic impacts, and any other pertinent details concerning the proposed use.
- F. Certified plat of survey,

#### **Section 19.04 Initial Application Review**

The Zoning Enforcement Officer shall review the application for completeness and forward a copy of the application to the Zoning Board of Appeals within (30) days,

#### **Section 19.05 Action of the Zoning Board of Appeals**

- A. Public Hearing A public hearing shall be held by the Zoning Board of Appeals to consider any variance, with the exception of administrative variances. A public notice shall have been placed in a newspaper of general circulation within the County not less than fifteen (15) days before the hearing.
- B. Notice shall be given by mail to all owners of land immediately touching, or immediately across a street, alley, or public right-of-way from the subject property. A sworn certification by the Zoning Enforcement Officer that the notices were mailed shall be acceptable in lieu of certified mail.
- C. The Board shall review the proposed variance, and the testimony at the public hearing, and shall send its findings of fact and recommendation to the County Board recommending approval or denial of the variance, and shall state the grounds for any such recommendations as they relate to the standards and the purposes of the zoning district classifications of the County, the standards in this Article, and any officially adopted County Comprehensive Plan.
- D. If the Zoning Board of Appeals neither approves nor disapproves the variance within sixty (60) days after the same has been submitted, it shall be considered approved by the Zoning Board of Appeals.

## Section 19.06

### Action of the County Board

The County Board shall review the proposed special use and the findings and recommendations of the Zoning Board of Appeals. The County Board shall grant or deny the proposed variance by a majority vote of the members of the County Board, except a favorable vote of three-fourths (3/4) of all the members of the of the County Board is required for approval of the proposed variance in the following cases:

- A. In case of a written protest against the proposed variance, signed and acknowledged by twenty percent (20%) or more of all owners of land immediately touching, or immediately across a street, alley, or public right-of-way from the subject property,
- B. When a land affected by a proposed variance lies within one and one-half (1 1/2) miles of the limits of a zoned municipality and a written protest against the proposed variance is passed by the City Council or President and Board of trustees of that zoned municipality, and filed with the County Clerk; or
- C. When the Zoning Board of Appeals recommends denial of the proposed variance.

## Section 19.07 Approval Standards

In evaluating a proposed variance, the following factors shall be considered, not one of which shall be controlling.

### A. Standards to be considered for an area variance request are:

- 1. That the property in question cannot be economically used or cannot yield a reasonable return, if permitted to be used only for the conditions allowed by the regulations.
- 2. That the plight of the owner is due to circumstances unique to the property and not generally applicable to other property in the area; and
- 3. That the variation, if granted, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

### B. Standards to be considered for a use variance request are:

- 1. That the variance is justified by a showing of special circumstances demonstrating practical difficulties or particular hardship in the way of carrying out the strict letter of the Zoning Regulations.
- 2. That the variance is compatible with the trend of development in the area;



3. That the variance will benefit the community and be in harmony with the general purpose and intent of the Zoning Regulations; and
4. That the variance will not create a negative impact on the area, will not alter the essential character of the locality, impair an adequate supply of light and air to adjacent property, increase the congestion of traffic, or diminish or impair property values in the locality.

C. In making a decision and findings, the Zoning Board of Appeals shall take into consideration the following factors:

1. Variations should not be used to make major changes in the permitted uses in a zoning district. If a use is not permitted in the zoning district for the property, a variation for an unpermitted use should be the exception, for such a variation will permit a use that will be incompatible with the legitimate uses in the district, and may create a bad precedent.
2. Variations should not impact upon the character of the surrounding neighborhood in a detrimental manner.
3. Variations should be evaluated by comparing the relative gain to the property that seeks the variance against the gain to the public and surrounding neighborhood if the variance is not granted.
4. Variances are less likely to be justified if the "hardship" or "practical difficulty" has been created by the petitioner.
5. Variances are less likely to be justified if the property has been economically and/or successfully used in the past without the need for a variation.
6. Variation decisions should be based upon the characteristics of the property as opposed to the person who is presenting the petition.
7. Variation decisions should consider previous precedents established for the neighborhood and the County.
8. Variation decisions should consider whether they will create bad or good precedent for the future.

#### Section 19.08      Re-filing

If an application for variance has been denied by the County Board, no new or further application seeking the same or substantially the same variance for the same lot, tract or parcel of land shall

again be submitted to the County Board until at least one (1) year following the date of the County Board vote denying said application.