

**RULES OF PROCEDURE:  
RIPLEY COUNTY AREA PLAN COMMISSION**

**I. Name Purpose**

- A. The name shall be the Ripley County Area Plan Commission, hereafter known as the "Commission".
- B. These Rules of Procedure, hereafter known as the "Rules", are adopted by the Commission to facilitate the performance of its duties.

**II. Membership**

- A. The membership of the Commission shall be constituted as comprised in IC-36-7-4-207(c) & 208(c). Eleven members comprise the Plan Commission:
  - 1. One appointment by the County Commissioners
  - 2. One appointment by the County Council
  - 3. One appointment by the School Superintendents
  - 4. The Ripley County Surveyor
  - 5. The Ripley County ANR Educator
  - 6. One appointment from each of the incorporated towns in the county  
Presently being:
    - a. The Town of Osgood
    - b. The Town of Versailles
    - c. The Town of Napoleon
    - d. The Town of Sunman
    - e. The Town of Holton
    - f. The Town of Milan

**B. Terms**

The terms of each appointed member shall be four years, each beginning in January, with the exception of the Town of Versailles and the Town of Milan, which are 3-year terms.

**C. Authority, Duties, and Oaths**

- 1. The Ripley County Area Plan Commission exists as an area plan commission under authority of Indiana Code 36-7-4-202 and any amendments thereto. These rules are adopted in accordance with the requirements of IC 36-7-4-401.
- 2. The duties of the Ripley County Area Plan Commission shall be those set forth in IC 36-7-4-400.
- 3. During the first regularly scheduled meeting night of each year, each member will be required to sign an Oath of Affirmation and Conflict of Interest Statement.

**D. Seal**

The Commission hereby adopts an official seal, described as follows: A circular seal composed of two concentric rings, the words AREA PLAN COMMISSION is inscribed in an arc between the rings and an outline of Ripley County’s Borders with the words RIPLEY COUNTY, IND inscribed in the center of the seal.

**E. Priority of interest** shall be as follows:

- 1. **First priority:** each member shall represent and advocate what is best for the county as a whole, putting aside local or special interests.
- 2. **Second priority,** each member shall represent his or her own specific interest areas, as appointed.

**F. Attendance:** If any member of the commission is absent from three consecutive regularly scheduled meetings and/or is absent for more than four meetings throughout the calendar year, then that member shall be considered delinquent. Delinquency may be grounds for the removal of such member for non-performance of duty. The secretary shall keep attendance records and shall notify the Plan Commission, and address with the appointing body whenever any member would be considered delinquent. In addition, the secretary shall present each member with a written report of their own attendance record for the calendar year.

**G. Training:**

- 1. **New appointees** shall meet for training with the President of the Plan Commission, the Ripley County Surveyor, the Ripley County Agricultural Educator, and the Executive Director of the Ripley County Plan Commission OR they can attend one session with the Technical Review Committee.
- 2. **To be eligible for reappointment** a member shall make an effort to attend those planning commission meetings that include a training session.

**H. Violations:** If any member of the plan commission is found to be in violation of the Ripley County Zoning or Subdivision Code Book, it will be brought to the attention of the Technical Review Committee of the Area Plan Commission and it will be the responsibility of the Technical Review Committee to notify the member of such violation. Any action taken against such member will be to the discretion of the Commission.

### III. Officers

#### A. Commission Officers

At its first regular meeting each year, the Commission shall elect from its Members: a president, and vice president.

#### B. Duties of Commission Officers

##### 1. President:

The president shall preside over commission meetings and on behalf of the Commission shall exercise general supervision over the affairs of the Commission, cooperate and work with the County Commissioners and or County Council in the adoption of, or the execution of documents deemed necessary by the Commission, the appointment of committees and representatives (except as otherwise provided by statute, ordinance, or these rules), the determination of points of order and procedure, and the signing of all documents under the jurisdiction of the Plan Commission (Example: Survey Plats, Subdivisions and Unit Development Plans.).

##### 2. Vice President:

The vice president shall have authority to act as president of the Commission during the absence or disability of the president.

##### 3. Secretary:

The Executive Director shall serve as secretary and shall certify all official acts of the Commission, including the written votes of the Commission on any and all matters for which such vote is required. In the event of the absence or disability of both the president and the vice president, the secretary shall preside, provided, however, the first and only item of business to be presented by such presiding officer shall be the election of a president *pro tempore*. In the event of the absence or disability of the secretary, the president of the Commission shall select a secretary *pro tempore*.

### IV. Committees

A. **Authority:** The presiding officer is hereby authorized to appoint permanent and temporary committees to facilitate the work of or advise the Commission. Such committees may comprise of Commission members only, or they may include other Interested Parties. A chairman shall be appointed for each committee, and reports on their assignments shall be made a part of the record. The president shall be an *ex officio* member of any committee so appointed.

B. **Standing Committees:** The following shall be standing committees:

1. **Executive Committee:** An executive committee consisting of the officers of the Commission and its immediate past president (if still a commission member). It shall be a permanent committee, which shall be authorized to act on behalf of the Commission on all matters except those where final action of the Commission is required. The president shall be chairman of said committee.
2. **Nominating Committee:** A nominating committee consisting of at least three Commission members shall be appointed not later than the December meeting each year to provide candidates for Commission offices.
3. **Plat Committee:** The plat committee will be composed of three (3) members: a representative from the Ripley County Surveyor's office, President of the Plan Commission or his/her designee and the Executive Director of the Ripley County Plan Commission. Any two (2) of the members shall review all surveys under provisions of the Subdivision Control Ordinance. The President or his/her designee shall resolve any concerns and or discrepancies of the plat committee findings. In the absence of the Executive Director, the President or the Office Manager of the Commission shall be assigned as the official to sign all surveys and plats.
4. **Technical Review Committee:** A committee of persons designated to review application and subdivision plats consisting of the following members:
  - a. Plan Commission President or designee
  - b. Ripley County Surveyor
  - c. Ripley County ANR Educator
  - d. Plan Commission Attorney
  - e. BZA Representative
  - f. Executive Director
5. **Staff Support of Committees:**
  - a. The staff shall assist any and all committees established under this section in scheduling the times and places for meetings. Dates will be established as deadlines for petitioners to apply for hearings with the Board of Zoning Appeals and the Plan Commission. Deadline and Meeting dates will be posted in accordance with the Indiana Open Door Law.
  - b. In the case of the Technical Review Committee, the staff shall prepare, no later than the first day of December each year, a schedule of the meetings for the ensuing year and shall make such schedule available to committee members and interested parties.

## **V. Plan Commission Meetings**

### **A. Regular Meetings**

The Plan Commission shall hold its regular meeting on the first Tuesday of each month at 7:00 p.m. in the Courthouse Annex, P.O. Box 151, 102 West First North Street, Versailles, Indiana, 47042. If the first Tuesday of the month is a holiday or an election day as recognized by Ripley County, or if it is impossible to conduct the meeting at that time or place, the regular monthly meeting shall be scheduled for the first Wednesday following the first Tuesday of the month.

### **B. Special Meetings**

Special meetings of the Plan Commission may be called by the President or by two members of the Plan Commission upon written request to the Secretary. The Secretary shall send to all members, at least three days before the special meeting, a written notice fixing the time and place of the meeting. Written notice of a special meeting shall not be required if

- (1) the date, time, and place of a special meeting is fixed at a regular meeting
- (2) all members of the Plan Commission are present at the regular meeting.

**C. Executive Session:** The Plan Commission may meet in Executive Session pursuant to I.C. 5-14-1.5-6.1

### **D. Public Meetings**

All meetings of the Plan Commission, except legally constituted executive sessions, shall be open to the public who shall have the right to give testimony during the public hearing portion of the meeting, in accordance with IC 5-14-1.5, the Indiana Open Door Law, and any amendments thereto. On-site inspections of property involved in petitions before the Commission shall not be considered meetings. Training sessions or work sessions are not considered meetings and may not include decisions concerning cases before the Commission.

### **E. Cancellation:**

Whenever there is a lack of business for Commission consideration, the president may dispense with a regular meeting. In such cases, the staff of the Commission shall give written notice to all members, and the news media shall be notified of such cancellation. Whenever it is determined that a quorum is not available for a regular or special meeting, the President, or the Executive Director may dispense with such meeting, and all business scheduled for such meeting will be automatically continued to the

next regular or special meeting. In such cases, the staff of the Commission shall give written or oral notice to the Commission members, those having business before the Commission, and to the news media. The President, or the Executive Director may dispense with a scheduled regular or special meeting in the event of a natural disaster, snow emergency, or similar causes. In such cases, the staff of the Commission shall give written or oral notice to the Commission members and to those having business before the Commission if possible, and the staff shall notify the news media of the cancellation.

## **VI. Commission Records and Minutes**

- A. **Responsibility:** It shall be the duty of the staff of the Commission to maintain all Commission files and records, including the official minutes of all meeting.
- B. **Minutes:** The staff shall prepare an accurate record of all public hearing and official action of the Commission, and the minutes representing such record shall be made available within a reasonable time after such public hearing or action to all members of the Commission. After approval by the Commission, such minutes shall be made publicly available.
- C. **Tape Recordings:** The secretary will make taped or other mechanical recordings of the Commission's proceedings to aid in preparation of typed minutes. Such recording products shall remain on file in the Commission's office. They shall not be removed from the Commission's office other than by the Commission or pursuant to an order of a court of competent jurisdiction. Interested parties may listen to such recordings in the Commission's office and may copy such recordings, under the supervision of the Commission's staff.
- D. **Commission Case File:**
  - 1. The staff shall maintain a file for each petition placed on the docket of the Commission. Such files shall contain, as a minimum, the application form and supporting materials and any exhibits pertinent to the decision, conditions or other material related to the binding effects of the Commission's action.
  - 2. Any case that has conditions or other binding considerations included shall be considered "open". It is the responsibility of the director to make all necessary inspections and gather all necessary information on the progress of such conditions and report this information to the Technical Committee by the appropriate time set by the Plan

Commission or according to the Ripley County Zoning and Subdivision Code Book.

- E. **Public Records:** The records and files of the Commission shall be made available to the public under the provisions of IC 5-14-3, the Indiana Access to Public Records Law, and any amendments thereto. The planning director is hereby designated as the officer responsible for determining which documents of the staff and Commission are public records. Any person may file a written objection to a decision of the director under this section. Upon receipt of such objection, the director shall consult the Commission president and Commission attorney who shall decide whether a requested document is a public record.

**VII. Filing of Petitions for Zone Map Change, Modification of Commitments, Subdivision Plats, Development Plans or Vacations of Land.**

**A. Who May File:**

1. **Zone Maps Changes:** shall be initiated by the Plan Commission or by a Petition signed by property owners of at least fifty percent of the land involved in the Petition.
2. **Modification of Commitments, Subdivision Plats, and Development Plans:** shall be initiated by a Petition signed by all of the owners of the land involved in the Petition.
3. **Vacation of Land in a Plat:** shall be initiated by a Petition signed by the owner(s) of all or part of the plat pertaining to the land contained in the Petition.
4. **Authorized Agent:** may represent an owner and shall file a written statement with the Plan Commission, signed by the Owner on a form acceptable to the Plan Commission at the time of filing a Petition.

- B. **Filing Deadline:** Petitions for public hearing before the Plan Commission shall be filed with the Plan Commission no later than 3:00 P.M. on a date which is at least 15 business days prior to the initial hearing before the Plan Commission at which the Petition is to be considered.

- C. **Form of Filing:** All Petitions to the Plan Commission shall be on forms provided by the Plan Commission and shall include all materials requested on said forms. In Addition, site plans, surveys, legal descriptions, building elevations, sign details, proposed commitments and any other relevant supporting documentation shall be of a usable scale and quality.

- D. **Findings of Fact:** When Findings of Fact are required by applicable law, the Ripley County Area Zoning Ordinance, the Ripley County Area Subdivision Control

Ordinance or these Rules of Procedure, the Petitioner shall, at the time of filing of the Petition, file proposed detailed written Findings of Fact.

E. **Specifying of Request:** All Petitions shall specify the approvals requested. Any items, including proposed waivers of development requirements in connection with a development plan approval or waivers of the standards set forth in the Ripley County Area Subdivision Control Ordinance, even if indicated on the proposed, shall not be considered a part of the request presented to the Plan Commission for its consideration unless such waivers are specified in the Petition.

1. **A Petition for the vacation of land must:**

- a. State the reasons for and circumstances prompting the request;
- b. Specifically describe the property in the plat proposed to be vacated;
- c. Give the name and address of each owner of land in the plat

2. **A Petition for the vacation of land** may include a request to vacate any recorded covenant or commitments filed as part of the plat.

F. **Primary and Secondary Plats:** The procedures related to the filing for and obtaining approval of Primary and Secondary Plats contained in these Rules of Procedure are provided for convenience purposes only. The complete outline of procedures to be followed in the filing for and obtaining approval of Primary and Secondary Plats is set forth in the Ripley County Area Subdivision Control Ordinance. In case of conflict between any portion of these Rules of Procedure and the Ripley County Area Subdivision Control Ordinance related to the filing for and obtaining approval of Primary and Secondary Plats, the Ripley County Area Subdivision Control Ordinance shall control.

**VIII. Public Hearings: Docketing of Petitions, Order of Hearings, Investigation of Petitions**

A. **Docketing by Secretary:** Each Petition filed in proper form pursuant to the guidelines established by the Plan Commission shall, within ten (10) days of submitting a complete filing, be numbered and docketed by the Secretary for an initial hearing by the Plan Commission. Such Petitions shall be numbered consecutively in the order of their filing according to the type of Petition.



**B. Order of Hearings:** On the date of the public hearing, the Plan Commission shall hear Petitions in the order of their numbers as follows:

**1. Continued Petitions**

- a. Zone Map Changes
- b. Modification of Commitments
- c. Subdivision Plats
- d. Development Plan Approvals
- e. Vacation of Land

**2. Initial Hearing Petitions**

- a. Zone Map Changes
- b. Modification of Commitments
- c. Subdivision Plats
- d. Development Plan Approvals
- e. Vacation of Land

**C. Order May Be Changed:** The Plan Commission may, in its discretion and at a public hearing, change the order in which Petitions shall be heard at the public hearing.

**IX. Notice Requirements for Petitions: Zone Map Change, Modification of Commitments, Subdivision Plats, Development Plans or Vacation of Land**

**A. Contents:** Any notice of public hearing required by state, or local law shall contain the information required by applicable law.

**B. Notice:** Notice of all Petitions for zone map changes, modification of commitments, subdivision plats, development plans, or vacation of land for public hearing before the Plan commission shall be given to all interested parties or property owners in the following manner.

**1. Notice by Publication:**

- a. When an application is required by law to be published in a newspaper of general circulation a notice prior to any public hearing of the Commission, the applicant shall cause such notice to be published in accordance with I.C. 5-3-1 at least ten (10) days prior to the date of the public hearing.
- b. Proof of such publication shall be provided to the staff by the applicant and kept with the records of such public hearing.

## **2. Notice by Mail**

- a. The applicant shall provide mailed notice to interested parties in accordance with the requirements of I.C. 36-7-4-604.
- b. The applicant shall give notice by certified mail, return receipt requested, at least ten (10) calendar days prior to the date of the hearing.
- c. Proof of such mailings shall be given by the applicant to the staff and kept with the records of such public hearing.
- d. The requirements of mailing notice shall not be applicable to Petitions initiated by the Plan Commission unless it concerns a specific parcel of land.

## **C. Interested Parties**

### **1. Interested parties for a Petition for zone map change, modification of commitments, subdivision plat and development plan approval shall include:**

- a. In towns: all owners of adjoining parcels to a depth of (1) ownership surrounding the perimeter of the area included in the Petition.
- b. In unincorporated areas: all property owners that adjoin the petitioner's property lines, shall be notified.

### **2. Interested parties for a Petition for the vacation of land in a plat shall include all property owners within said plat.**

## **D. Subject Property**

1. Subject Property is defined as the entire lot or parcel involved in the request.
2. For the purpose of notice requirements, the parent tract of the property involved will be defined by the deed description. If an adjoining tract is owned by the Petitioner, said tract should be construed to be a separate parcel and notification will not be required.

## **E. Adjoining Property**

1. All property that has any contiguous boundary with the subject property.
2. Streets shall be ignored when determining adjoining parcels.
3. For the purpose of notice requirements, where any immediately adjoining parcel is a dedicated right-of-way, railroad right-of-way or

private alley or street, the subject property of the Petitioner shall be deemed to include the portion of the right-of-way or private street that is contiguous and adjacent to the parcel owned by the Petitioner.

4. If the property is close to an adjacent county boundary, the notification area will include property owners in the adjacent county. See Section IC 36-7-4-604- (c)(two (2) ownerships or 1/8 mile into the adjacent County.) For Zone & Zone Map Amendments only.

#### **F. Property Owners**

1. In determining the name and address of legal title owners, the records of the Ripley County Auditor, or the appropriate office designated in an adjoining county, at a point in time within fourteen (14) days of the date of filing, shall be deemed to be the true names and addresses of all persons entitled to receive notice.
2. In the case of property which has been submitted to the Horizontal Property Law (I.C. 36-1-6), notice shall be given only to the association of co-owners.

#### **G. Staff Responsibilities**

1. The staff will be responsible for the keeping and maintaining records of such notifications to interested parties.
2. The staff will be responsible for the notification to the Commission of each petition that has been filed and a list of all docketed petitions in the form of an agenda. The agenda should be sent to each member at least one (1) week prior to the hearing. Along with the agenda each member will be sent:
  - a. an 8 ½”x 11” copy of each proposed subdivision plats
  - b. if a variance is needed for such approval, a statement of what variance is needed and cite where such requirement is found in the zoning code.
  - c. a location map showing where a zoning map change is proposed.

**H. Evidence of Notice:** A certificate of mailing issued by the U.S. Postal Service shall be considered evidence that notice has been given. These include: Copies of all “Receipt for Certified Mail” (white slips) and the originals of the “Domestic Return Receipts” (green cards). A copy of the notice from the newspaper published must also be evident. Personal appearance at the public hearing also shall constitute evidence of notice.

## **X. Conduct of Meetings**

### **A. Order of Events** shall be as follows:

1. Opening of public hearing
2. Presentation of request by petitioner
3. Discussion and questions by commission members
4. Comments and questions by members of the audience
5. Closing of public hearing
6. Discussion and questions by commission members
7. Motion
8. Vote

B. When situations occur which are not explicitly covered by these Rules and cannot be resolved through reasonable inference from or interpretation of these Rules, **Roberts Rules of Order** shall be followed.

C. **Limitation on Comments:** Public comment will be limited by the Chairman to what is reasonable and germane to the case being heard. After all public comments have been heard under the rules of this section the presiding officer shall declare the public hearing closed. Additional public comment shall not be permitted after the close of the public hearing. Any motion that has been made and seconded is open for discussion by the Commission members, but such a motion is closed to discussion by the public unless the presiding officer specifically allows such discussion. Commission members may ask question of the petitioner and/or of members of the audience during this discussion period. The presiding officer shall have the authority to limit discussion by the public or the Commission members.

D. **Testimony:** All persons giving testimony to the Plan Commission regarding any pending Petition shall be deemed to have been given under oath. A person giving testimony shall state their name and address for the record prior to beginning testimony.

E. **Orderly Conduct:** All persons appearing at a public hearing shall act in an orderly and courteous manner. Discourteous, disorderly or contemptuous conduct shall be regarded as a breach of the privileges extended by the Plan Commission and shall be dealt with by the presiding officer as is deemed fair and proper.

F. **Time Limitation of Meeting:** The Plan Commission may elect to not begin the hearing on any matter after 10:00 p.m., local time. If a hearing on a Petition has not been called for by the presiding officer prior to 10:00 p.m., local time, such Petition may be continued until the next regularly scheduled or

special meeting of the Plan Commission. Any hearing which has been called for by the presiding officer prior to 10:00 p.m., local time, may be completed.

**G. Contacts with Plan Commission Members Regarding Pending Petition Prohibited**

1. No member of the Area Plan Commission will be at liberty to discuss with the general public any pending petition. No attempts should be made to influence a Plan Commission member's action on such Petition.
2. A written request for continuance as provided for by these rules shall not be construed to be a prohibited contact of a Plan Commission member.

**H. Secretary's Written Report:** Nothing in these Rules of Procedures shall be deemed to prohibit the Secretary from submitting a written report, stating any facts concerning the physical characteristics of the area involved in the Petition, together with a recital of surrounding land use and public facilities available to service the area, or other pertinent facts. A copy of such statement shall be made available to the Petitioner and all remonstrators of record, if any.

**XI. Final Disposition of Petitions**

- A. **Quorum:** A majority of the entire membership of the Plan Commission constitutes a quorum.
- B. **Order of Business:** The order of business for regular meetings of the Commission shall be as set forth below, except that the President of the Commission, after consultation with the staff and/or other members of the Commission, may alter the order of business for regular meetings if such alteration is construed to promote efficiency and convenience for the Commission, petitioners, and the public. The order of business for a regular or special meeting may be otherwise altered and changed after the President has announced the agenda only upon a consenting vote of a majority of the commissioners present.
  1. Adoption of Minutes
  2. Introduction and Explanation of Procedures

3. Docket
4. Old Business
5. New Business
6. Executive Session (If required)
7. Adjournment

C. **Full Disclosure:** All presentation of information on a petition pending before the Commission should take place in an open, public meeting, not in private, unofficially, or with any Interested Parties, as defined in these rules of procedure excluded. While it is recognized that it is not possible to eliminate all such communication, Commission members are discouraged from initiating *ex parte* communication. When such communication occurs unavoidably, Commission members are expected to invite the parties to share their information with the Commission. If the parties choose not to share their information with the Commission and the member considers the information to be relevant, the member will disclose the communication and make the information received part of the public record.

#### D. Voting

1. **Majority:** Action of the Plan Commission is not official unless it is authorized at a regular or properly called special meeting by a majority of the entire membership of the Plan Commission.
2. **Method:** All votes of the Commission on matters requiring a public hearing shall be by roll call vote. Items of business not requiring a public hearing may be decided by voice vote. If the outcome of a particular vote is unclear, the President or any member may request a roll call vote.
3. **Findings of Fact:** If a variance is included as part of a petitioner's subdivision or development plan, the President shall read each statement that is required to be passed according to the Ripley County Zoning and Subdivision Code Book. After all possible findings are held, the Executive Director will read the concluded "findings of facts" to the board before the vote is taken.

E. **Conflict of Interest:** In accordance with IC 36-7-4-223:

1. A Commission member may not participate in a hearing or decision concerning a matter in which he/she has a direct or indirect financial interest. For the purposes of these rules, a direct or indirect financial interest shall mean any economic interest.

2. A member may not participate if he/she has a disqualifying non-economic conflict of interest. A disqualifying non-economic conflict of interest is any interest in the property or relationship with the parties involved in the matter that would prevent the member from participating in the hearing or decision in a fair and impartial manner.
3. A member shall declare his/her potential conflict of interest, whether or not economic in nature. Such member may disqualify himself/herself or may be disqualified by a majority vote of the remaining Commissioners. A Commission member who is an interested party shall be declared to have a conflict of interest on that matter. The Commission shall enter in its records the name of a member who has a disqualification.
4. A member who determines that he/she has or is determined by the Commission to have a conflict of interest shall remove himself/herself from the Commission proceedings and leave the chamber during the deliberation of the subject of such conflict. Such abstention shall not be considered a negative vote.
5. Nothing in this section shall prevent a member of the Commission from presenting a petition on his/her own behalf, but members shall not appear before the Commission on behalf of others. It shall be asked, however, that such member presenting a petition on his/her own behalf remove himself/herself from the Chamber at the time that the Commission would be anticipating a motion from the board.

F. **Abstention:** Except as provided in Section E above, all Commission members present shall vote on each matter for which a public hearing is held. An abstention for any other reason shall have the same effect as a negative vote.

G. **Absentee:** Absentee or proxy voting shall not be permitted. Members must be present for the public hearing to be eligible to vote on any matter. In the event that a member is absent for part of a public hearing, such member's eligibility to vote on the matter shall be at the discretion of the presiding officer. A member is eligible to vote on a continued matter provided the member listens to the tape recording or reads a transcript of the proceedings before the vote is taken.

H. **Indecisive Vote:** When a vote of the Plan Commission does not result in an official action of the Plan Commission as set forth in Section C1, above, the petition shall be automatically re-docketed and heard at the next regularly scheduled meeting of the Plan Commission.

- I. Compliance with Indiana Code:** In the event that Rule (Quorum) and Rule (Indecisive Vote) noted above are in contravention with IC 36-7-4-201 and IC 36-7-4-302, the Indiana Code provisions, as amended, shall prevail.
- J. Improper Notice:** If proper notice has not been given, a Petition may be continued until a later date to allow for un-notified persons to prepare for the public hearing. Personal appearance shall waive any defect in notice unless the defect in notice is timely raised at the beginning of the public hearing on the Petitioner's Petition.
- K. Violation of Ripley County Zoning and Subdivision Code Book:** If at the discretion of the Ripley County Plan Commission any Petitioner is found to be in violation of the Ripley County Zoning and Subdivision Code Book, the Petition can be refused a hearing until such violation has been corrected, unless the hearing is an attempt to correct such violation.

**L. Dismissal of Petitions**

1. The Plan Commission may dismiss a Petition for lack of prosecution when the petitioner has failed to appear at two (2) meetings. The Plan Commission may dismiss a Petition for lack of jurisdiction.
2. Any Petition which has been dismissed by the Plan Commission for lack of prosecution shall not again be filed for consideration within a period of three (3) months from the date of the dismissal, except upon motion to permit re-filing adopted by a majority vote of all members of the Plan Commission at a regular or special meeting, for good cause shown.

**M. Withdrawal of Petitions:**

1. **Prior to the issuance or publication** of notice for any public hearing to be conducted by the Plan Commission, a Petition may be withdrawn by the Petitioner upon request made in writing. If the request for the withdrawal is received prior to the issuance or publication of notice, the staff shall not place the item on the agenda for the public hearing at which it was to be considered.
2. **If a Petitioner wishes to withdraw a Petition after notice** of the public hearing has been published, the Petitioner shall submit a written request to the Plan Commission or its staff prior to the public hearing, or at the public hearing prior to the receipt of evidence or testimony on the Petition. The decision to accept the withdrawal shall be made at the



public hearing when the Petition was to be considered, and shall be at the discretion of the Plan Commission. If the withdrawal of the Petition is approved by the Plan Commission, the Petitioner shall not re-file a substantially similar request within a period of six (6) months from the date of said withdrawal.

**3. No petition may be withdrawn by the Petitioner after the Plan Commission has received any evidence or testimony regarding the Petition at the public hearing scheduled on the Petition.**

**N. Continuances:**

1. Requests for continuances by Petitioners or remonstrators shall be considered at the beginning of each public hearing agenda prior to calling the first Petition for public hearing listed on the agenda.
2. A continuance request may be made in person or in writing and shall:
  - a. specify the date to which the continuance is requested; and
  - b. indicate whether it is the first request made by the party for a continuance of the hearing on the subject Petition.
3. If a first request for a continuance is requested in writing and filed with the Secretary, at least one week prior to the date of the public hearing, with a copy of the request being sent to the Petitioner (in the case of a Remonstrator's request) or to all those entitled to receive notice (in the case of a Petitioner's request), the Petition shall be considered continued to the next regularly scheduled meeting of the Plan Commission. Such written request shall include the date of the next regularly scheduled meeting of the Plan Commission.
4. However, the matter shall not be considered continued if it is a Petition for Zone Map Change and the Plan Commission is required to conduct a public hearing within sixty (60) days of its submission according to IC 36-7-4-608(b). Once a public hearing on a rezoning is held, it may be continued from time to time as may be found necessary by the Plan Commission pursuant to IC 36-7-4-604(b)(8).
5. Continuances may be granted by motion of the Plan Commission at the hearing upon a showing of good cause (e.g., the need for additional time for negotiation between Petitioners and remonstrators which will reasonably increase the likelihood of agreement between the parties; the unforeseeable need for additional information; or, the unforeseeable

absence of a key witness) and provided that the non-requesting party does not suffer a significant hardship because of the grant of a continuance (e.g., presence of remonstrators at the hearing who would be inconvenienced by having to reappear; or, additional expense incurred by Petitioner as a result of time delay).

6. The Plan Commission may, at any time, in its discretion, continue the hearing of any petition.
  7. This discretion shall include the ability to continue a hearing if additional documentation, amendments, or revisions to a Petition were not received by 4:00 p.m. on the Monday prior to the scheduled hearing of a Petition, and the late receipt of such items did not allow for adequate review by the Plan Commission, Secretary, or Staff.
  8. On its own motion, the Plan Commission may determine if re-notification of interested property owners shall be required for any continued hearing.
  9. Neither Petitioners nor remonstrators shall be granted more than two (2) requests for continuance of a Petition unless, in the determination of the Plan Commission, a significant hardship can be demonstrated by the requesting party. If a significant hardship cannot be demonstrated, the Petition shall be heard as scheduled.
- O. Amendments:** Requests to amend any Petition may be filed in writing prior to or at the beginning of any hearing, or may be made orally at the hearing. Any remonstrators present shall have the right to be heard on any objections they may have to such proposed amendment and may request a continuance of the hearing to allow time to study the proposed amendments. It shall be within the discretion of the Plan Commission to grant or deny requests for such continuances and to require re-notification. In making this determination, consideration shall be given to whether or not the Plan Commission, Secretary, Petitioner, or any remonstrators have had sufficient time to adequately review these new amendments or supporting documents. Provided, however, any proposed amendment to change the zoning classification to a higher or more inclusive zoning classification shall be re-docketed and re-advertised.

**P. Approval or Denial: Development Plans and Subdivisions**

1. **The Commission has the authority** to approve subdivisions of land under the terms of the Subdivision Control Ordinance. It also has the authority to approve Development Plans under the terms of the Zoning Ordinance. Such approval may be conditional or unconditional. Note: Development plans are required for Business and Industrial projects, and Planned Unit Developments.
  
2. **Conditional Approval:** A motion to approve a petition may be conditional upon a petitioner's compliance with a requirement or requirements imposed by the Commission. Such condition(s) of approval shall be specifically stated and recited to the petitioner. The Commission may impose a time limit upon the fulfillment of any such requirements(s). In the event any condition of the decision has not been fulfilled or the time for compliance has expired, the staff shall issue a request to the petitioner to show cause why the decision should not be revoked and rescinded. The Commission may investigate the matter and take such remedy as it deems appropriate.
  
3. **Unconditional Approval:** If there are no conditions imposed upon the approval of a petition, the president and secretary shall sign the permanent drawing and shall direct the staff to affix the Commission's seal thereon.
  
4. **Denial:** If the Commission finds that a petition does not meet the criteria established by ordinances for approval, it shall deny the request and shall make written findings as to the reason for the denial.

**Q. Findings of Facts:** When the Plan Commission is required by applicable law, the Ripley County Area Zoning Ordinance, the Ripley County Subdivision Control Ordinance, or these Rules of Procedure to enter written Findings of Fact in support of its determination, such Finding of Facts may be entered at the initial public hearing, or continued until the next regularly scheduled meeting of the Plan Commission for the adoption of the Findings of Fact. If a Petition is continued for the adoption of Findings of Fact, no further testimony need be taken by the Plan Commission prior to adoption of the Findings of Fact.

**R. Zoning Ordinance Amendments;**

1. As provided in the Zoning Ordinance, the Commission may recommend favorable or unfavorable upon a proposed amendment, or it may recommend approval subject to written commitments.
2. **Favorable:** If the Commission recommends favorably upon a petition for amendment to the zoning Ordinance, the Secretary shall sign the resolution recommending such amendment. Within ten (10) days after the Commission's action, the Secretary shall certify the recommendation and direct the staff to forward it together with a report describing the Commission's action to the County Commissions or Town Council.
3. **Unfavorable:** If the Commission disapproves of a Zoning Ordinance amendment which has been referred to the Commission for recommendation, the secretary shall within ten (10) days after the Commissions' action certifies the recommendation and direct the staff to forward it together with a report describing the Commission's action to the County Commissioners or Town Council.
4. **No-Recommendation:** In accordance with IC 36-7-4-608, the Commission may elect to forward a petition for a zone map amendment to the County Commissioners or Town Council with no recommendation.

**S. Notification of Grant or Denial:** Petition for Modification of Commitments, Subdivision Plat, Development Plan Approval or Vacation of Land.

1. Following final action on a modification of commitments, subdivision plat, development plan approval, or vacation Petition by the Plan Commission, the Secretary, within thirty (30) days after the final action, shall notify the Petitioner of the final decision by sending the Petitioner:
  - a. a letter of grant or denial
  - b. a copy of the Plan Commission's written Findings of Fact, which shall be incorporated into the letter of grant or denial.
2. If the Petition was granted, the letter shall include all commitments or conditions imposed, and shall incorporate the approved Finding of Fact into the grant.

## **T. Re-Filing Following Adverse Decision**

1. No Petition for Zone Map Change, Modification of Commitments, Subdivision Plat or Development Plan Approval, which has been denied by the Commission, County Commissioners, or Town Council shall again be placed on the docket for public hearing within a period of six (6) months from the date of such disapproval, unless the Commission finds that there is a substantial change in the petition or circumstances affecting the petition. In which case, the matter may again be placed on the Docket only if a motion to permit re-docketing is duly adopted by the Commission.
2. Petitions for the Vacation of Land: After the termination of a vacation proceeding, a subsequent vacation proceeding affecting the same property and asking for the same relief may not be initiated for two(2) years. The Plan Commission only has jurisdiction regarding the vacation of a plat per IC 36-7-3-10 and 11. A vacation of any public way is strictly the function of the appropriate Legislative Body, per IC 36-7-3-12. Platted easements are considered public ways, and therefore may only be vacated by the appropriate Legislative Body, per IC 36-7-3-16(a).

## **XII. Commission Staff**

- A. **Authorization:** The Commission staff may consist of a Planning Director and such other personnel as may be authorized by the Plan Commission after the budget for the same is approved by the Ripley County Council.
- B. **Appointment:** The Executive Director shall be appointed by the Ripley County Area Plan Commission as provided in IC 36-7-4-311. To be qualified for the position, the executive director must have training and experience in the field of planning and zoning. The commission may not give any consideration to political affiliation in the appointment of the Executive Director.
- C. **Duties:**
  1. The Ripley County Area Planning Commission office staff shall serve as staff to the Commission, and the executive director shall be the designated executive of the staff.
  2. All Commission requests for information or technical advice shall be made to the director who will be responsible for assigning staff members

to gather such information or provide such advice and for conveying such information or advice to the Commission.

3. The director shall be responsible for the administration of the Commission's office, the duties and compensation of employees, and administration of any fund allocated to the Commission by Ripley County with the approval of the Plan Commission.
4. The director shall be delegated authority to perform administrative acts in all cases except where final action of the commission is necessary.
5. The director shall be responsible for the keeping of an accurate record of all Commission proceedings, including the keeping of records and minutes, the custody and preservation of all papers and documents of the commission, the maintenance of a current roster and qualification of members, records of attendance.
6. The Commission shall establish with consultation with the Planning Director updated job descriptions for each staff position in the Planning Department annually.
7. The Executive Director shall be expected to use the most updated form or technology available for the execution of his/her duties.
8. Any policies or assignments to the staff not covered by these regulations shall be by resolution of the Commission.

**D. Reports:**

1. The staff shall prepare monthly reports of the Commission's activities, that shall include, but not be limited to:
  - a. the number of permits issued;
  - b. the number of people and the amounts of refunds that are due to them;
  - c. the number of known violations and the actions that have been taken;
  - d. an account of the budget; (semi-annual)
  - e. ideas or concerns regarding policy or ordinances.
2. The executive director shall prepare an annual budget for the Commission and Department to submit to the Plan Commission, before it is to be presented to the Ripley County Council. With the Commission's

approval, the director shall present such budget to the Council.

3. The executive director shall prepare an annual Work Plan, organized into quarters to be presented to the Plan Commission, which should include but be not limited to:
  - a. educational ideas;
  - b. web site ideas;
  - c. improvements to office;
  - d. plan commission meeting procedures;
  - e. office organization plans;
  - f. intentions for work strategy.
  
4. The executive director shall prepare an annual Work Evaluation Report for the staff, to be presented the commission annually which should include but be not limited to defining and categorizing work done and performance evaluation.
  
5. The executive director shall present annually an Education Plan, which should consists of at least four (4) sessions a year, lasting no more than thirty (30) minutes to be presented prior to a regularly scheduled meeting to the Plan Commission.

**E. Public Relations:**

1. The Executive Director 's work shall be carried out with the widest degree of professional responsibility.
  
2. Any conversation with a citizen that requires information or discusses a plan, until he officially makes a petition, should be kept confidential unless the citizen discloses unlawful activity. This statement is adhering to ethical and professional work standards.
  
3. The executive director and staff shall present themselves in dress with the most professional demeanor as the situation deems appropriate.
  
4. The executive director shall officially present the Commission's recommendations in person to the County Commissioners, and in writing to the Towns.
  
5. The executive director shall represent the Commission at planning conferences, interdepartmental meetings within Ripley County, and serve generally, as a liaison between the Commission and the public.

6. The Executive Director and staff shall encourage private development or investment in accord with the Comprehensive Plan.
7. The Executive Director shall cooperate with public and private agencies and with individuals for the development, acceptance and effectuation of plans.
8. The Executive Director shall supply information for and encourage interested public agencies and citizen organizations in programs to promote public understanding and government cooperation for planning.

**F. Enforcement of Ripley County Zoning and Subdivision Code Book:**

All complaints concerning violations of our code will be handled in a confidential manner and shall abide by the following procedures and guidelines:

1. After a complaint has been brought to the attention of the Executive Director, the director has ten (10) business days to investigate the situation.
2. All complaints and investigation reports will be reviewed by the Technical Committee.
3. If the Committee finds that the complaint is valid, the Director shall notify the appropriate person with a “friendly” letter informing him/ her of the suspected violation, with a request that such person calls or comes to the Plan Commission Office. The focus of this consultation should be on correcting the violation.
4. If the person in violation does not respond within one month of the first letter, a more direct letter should be issued. This letter shall state an investigation has occurred and there is a known violation. Directions to correct the violation shall be included in the letter, with an allotted time set for this correction. A warning if such violation is not corrected within the allotted time that the case shall be given to the Ripley County Plan Commission Attorney and an injunction will follow should be included.
5. If after the allotted time no action has occurred, the case shall be given to the attorney for further action.



6. All violations shall be reviewed monthly by the Technical Review Committee and the Plan Commission.

**G. Enforcement of the Ripley County Unsafe Building Law**  
Ordinance No. 2004-31

1. After a written complaint has been brought to the attention of the Executive Director, the Building Inspector has ten (10) business days to complete an investigation which will include:
  - a. Pictures that best illustrates the unsafe nature of the structure.
  - b. An inspection report from the Ripley County Building Inspector.
2. The investigation report will be reviewed by the Technical Review Committee, before any notification to the owner will occur.
3. If the Technical Committee finds the complaint is valid, the Building Inspector shall notify the appropriate person with a “friendly” letter informing him/her of the violation of the Unsafe Building Law.
4. If the person in violation does not respond within one month of the letter, or does not want to cooperate with the Building Inspector, the report will be reviewed by the Ripley County Commissioners for further action.

**H. Advocacy:**

1. The Commission staff shall not attempt to represent the views or comments of a member of the public at a public hearing or Commission meeting. Staff shall indicate to a member of the public, wishing to make their views known; they should do so directly to the Commission in person or in writing.
2. Staff should avoid situations of appearing to advocate for an individual or group.
3. Nothing herein is intended to prevent staff from helping an individual or group be better informed to present their own views.

**I. Incompatibility of Office**

1. All members of the Commission’s staff shall avoid situations, which are conflicts of interest, and/or incompatibility of office. As used here, a conflict of interest shall at a minimum include, but not necessarily be limited to, the following:
  - a. Reviewing a case concerning him/herself.

- b. Reviewing a case concerning work on land owned by him/herself.
- c. Reviewing a case involving a corporation, company, partnership, or any other entity in which he/she is a part owner or any other relationship where he/she may stand to have a financial gain or loss.
- d. Reviewing a case that is an action which results in a pecuniary benefit to him/herself.
- e. Reviewing a case concerning his/her spouse, children, step-child, grandchildren, parents, brother, sister, grandparents, parents in-law, grandparents in-law, or members of his/her household.

- 2. When a conflict of interest does exist, staff shall do all of the following immediately, upon first review of the case:
  - a. Declare that a conflict exists.
  - b. Cease to process the case any further
  - c. Forward the case, and all pertinent records to the Technical Review Committee.

- 3. Other than as work for the Commission, staff shall not:
  - a. provide private consultation services, advise on similar related services for clients.
  - b. provide work in professions or services which could be regulated by the Commission, such as, but not limited to; real estate, land development, land surveying, architecture, professional engineering, public administration within the boundaries of Ripley County.

- 4. Nothing in these Rules of Procedure is intended to prevent a staff person from assisting residents, municipalities or others seeking help from the commission which are normally part of Plan Commissions duties.

I. **Order of Dismissal:** The Ripley County Plan Commission shall handle any mis-conduct by the Executive Director or staff in an order that has been set by the Ripley County Employee Policy Handbook according to the described offenses.

**XIII. Waiver of Rules:** The Plan Commission shall have the right to waive any portion of these Rules of Procedure upon their own motion, or upon request of any

interested party, for good cause shown, provided, however, the Plan Commission may not waive any portion of these Rules beyond the minimum requirements established by Statute.

#### **XIV. Amendments, Suspension, Severability**

- A. **Amendments** to these Rules of Procedure may be made by the Plan Commission upon the affirmative vote of a majority of the members of the Plan Commission.
- B. **Suspension of Rules:** The suspension of any rule of procedure herein may be authorized by the Commission at any regular or special meeting upon the unanimous vote of those present, provided, however, that no rule which is required to comply with state, or local law may be so suspended.
- C. **Severability:** If any section, clause, provision, or portion of these rules shall be held invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of any other section, clause, provision, or portion of these rules.

#### **XV. Fees**

- A. **Schedule of Fees:** The Commission shall, in accordance with the requirements of IC 36-7-4-411 and IC 36-7-4-704, establish a uniform schedule of fees to defray the administrative costs connected with processing and hearing petitions for rezoning, subdivision and development plans, for the checking and verifying of proposed subdivision plats, and for other official acts taken under provisions of the 400 series. Such fees shall not exceed the actual costs of providing such services. Fees established shall include fees for copying documents under the provisions of IC 5-14-3-8(d).
- B. **Payment Required:** In no case shall the Commission take action on any petition for which applicable fees have not been paid in full. No part of any fee paid shall be returned to the petitioner, unless the staff determines that the fee was charged in error. In such case, a petitioner must file a claim under the supervision of the executive director.
- C. **Waivers:** Nothing herein shall be construed to require a fee for actions initiated in the public interest by the Commission. Filing fees shall be waived for petitions filed by and any local taxing authority.

**XVI. Definitions**

As used in these Rules of Procedure, the following terms shall have the following meanings:

**Authorized Agent:** Any party duly authorized in writing by the Owner of a subject parcel to act on the behalf with respect to a Petition for zone map change, modification of commitments, subdivision plat, development plan, or approval or vacation of land.

**Business Day:** A day when the offices of Ripley County are open to the public for the transaction of business for the entire period of its normal operating hours.

**Findings of Fact:** A written statement, based upon the evidence presented at a public hearing and the requirements of applicable law, the Ripley County Area Zoning Ordinance, Ripley County Area Subdivision Control Ordinance, or these Rules of Procedure, in support of a decision made by the Plan Commission.

**Plan Commission:** The Ripley County Area Plan Commission established pursuant to the Area Planning Law of the State of Indiana.

**Petition:** An application for Zone map change, modification of commitments, subdivision plat, development plan approval or vacation of land filed for public hearing before the Plan Commission in compliance with applicable state laws, local ordinances, and rules of procedure.

**Petitioner:** The Owner of a parcel or the Owner’s duly Authorized Agent, attorney, or representative who makes an application for a zone map change, modification of commitments, subdivision plat, development plan approval or vacation of land filed for public hearing before the Plan Commission.

**Proposal:** A draft of an ordinance to amend or partially repeal the text of the Ripley county Area Zoning Ordinance or the Ripley County Area Subdivision Control Ordinance.

**Secretary:** The Secretary of the Plan Commission as duly appointed by the Plan Commission in accordance with IC 36-7-4-306. The Secretary of the Plan Commission is the Executive Director of the Plan Commission appointed by the Plan Commission in accordance with IC 36-7-4-311(b).

**XVII. Certification of Adoption**

The foregoing Rules of Procedure of the Ripley County Area Plan Commission are hereby adopted by an affirmative vote of the members of the Plan Commission of this \_\_\_\_\_ day of \_\_\_\_\_, 2024

Ripley County Area Plan Commission

\_\_\_\_\_  
President

Attest: \_\_\_\_\_ /s/ \_\_\_\_\_  
Executive Secretary

Ripley County Area Plan Commission

The foregoing Rules of Procedure of the Ripley County Area Plan Commission are hereby adopted by an affirmative vote of the members of the Ripley County Board of Zoning Appeals with the understanding that the Board will adapt and use these rules whenever they apply.

Voted on this \_\_\_\_\_ Day of \_\_\_\_\_, 2024.

Ripley County Board of Zoning Appeals

\_\_\_\_\_  
Chairman

Attest: \_\_\_\_\_ /s/ \_\_\_\_\_

Executive Secretary

Ripley County Board of Zoning Appeals

**VIII Appendix A: Applications**

A. Ripley County Area Planning Commission  
P.O. Box 151  
Versailles, IN 47042

**Application for Rezone**

This Application Re-zone Package consists of three parts: 1) the application form, 2) a set of instructions, and 3) an example site plan. This form needs to be completed by printing clearly or by typing. It should be completed in English only.

I. Application Form

A. Personal Information:

- 1. Name \_\_\_\_\_
- 2. Address \_\_\_\_\_  
\_\_\_\_\_
- 3. Phone Numbers: home \_\_\_\_\_  
                            business \_\_\_\_\_  
                            cell \_\_\_\_\_

B. Re-zone Property Information

- 4. Location of re-zone Property: Sec \_\_\_\_\_ Twp \_\_\_\_\_ Rng \_\_\_\_\_  
or Name of Incorporated Town \_\_\_\_\_
- 5. Tax Parcel Number: \_\_\_\_\_
- 6. Proof of ownership by deed recorded \_\_\_\_\_
- 7. Is a survey available for this property? \_\_\_\_\_  
Located at the recorder's office in \_\_\_\_\_

C. Re-zone Information

- 8. Asking to re-zone property from a \_\_\_\_\_ zone to a \_\_\_\_\_ zone
- 9. Are you re-zoning to a Roadside Business (RB) zone? \_\_\_\_\_
- 10. Acres to be re-zoned \_\_\_\_\_
- 11. Purpose for the re-zoning \_\_\_\_\_  
\_\_\_\_\_
- 12. Does the re-zone conform to the future land use map? \_\_\_\_\_  
If not, how does it fit? \_\_\_\_\_

D. Utilities & Infrastructure Information

- 13. Name of City Water Provider \_\_\_\_\_
- 14. Name of Electric Provider \_\_\_\_\_
- 15. Name of Sewer Provider \_\_\_\_\_  
or has septic been permitted \_\_\_\_\_
- 16. Number and Width of access drive(s) \_\_\_\_\_
- 17. Name of nearest major road \_\_\_\_\_
- 18. Distance to nearest major road \_\_\_\_\_
- 19. The number of parking spaces to be provided? \_\_\_\_\_
- 20. Number of structures that need to be built? \_\_\_\_\_

E. Check List of Required Information Prior to Hearing:

- 21. Has a site plan been provided? \_\_\_\_\_
- 22. Has a list of interested parties  
with their addresses been provided? \_\_\_\_\_
- 23. Have six (6) aerals been provided? \_\_\_\_\_
- 24. Has a Development Plan been provided for a RB zone request? \_\_\_\_\_
- 25. Has a description of re-zone property been provided? \_\_\_\_\_
- 26. Has a fee of \$100 been paid? \_\_\_\_\_
- 27. Has proof of publication (newspaper) been provided? \_\_\_\_\_
- 28. Has proof of notification by certified mailing been provided? \_\_\_\_\_

I understand that this application is being submitted in accordance with the Ripley County Zoning Ordinances, and that I am responsible for the accuracy and completeness of the application. I understand that incomplete or inaccurate information may result in delay or denial of the request.

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Date)

## **II Instructions**

### **A. Personal Information**

1. Name: Indiana Law requires that a petition for a re-zone be made by an owner of at least 50% of the property.
2. Address: The current mailing address of the applicant.
3. Phone Numbers: These are necessary for communications between the Executive Director and the applicant during the re-zoning process.

### **B. Re-zone Property Information**

4. The Section, Township, and Range can be found at the beginning of your legal description on your deed or at the Ripley County Surveyor's Office.
5. The Tax Parcel Number can be found on your tax statement, from the Auditor's Office, or the Surveyor's Office. The Executive Director may be able to furnish this information. If a new lot has been created, the new survey and deed will need to be recorded in the Recorder's Office, before the Auditor will issue a new Tax Parcel Number.
6. Proof of ownership can be a deed or a land contract. If it is an unrecorded land contract, a copy of the contract will be necessary. The location of your deed or land contract is sometimes marked in the right hand corner of the first page. If not, the information can be obtained in the Recorder's Office.
7. A survey is not necessary for a re-zone. If one can be found in the recorder's office, the location of the survey is being requested. A copy of the survey (recorded or not) could be helpful at the hearing and for drawing the site plan.

### **C. Rezone Information**

8. The current zone of the petitioner's property is noted on the Ripley County Zone Maps. Ask the Executive Director or the Ripley County Surveyor's Office for assistance. The permitted uses for each zone can be found in the Ripley County Area Zone Code. The zone being requested must match the intended use of the petitioner's property.
9. All business uses in the Roadside Business Zone require approval of the Board of Zoning Appeals in accordance with the Special Exception procedure set forth in Sec 80.24 of Ripley County Area Zone Code. Meeting the requirements of the Special Exception before the Plan Commission hearing will helpful in gaining the re-zone.
10. The acres to be re-zoned do not have to be the entire tract of land owned by the petitioner. The petitioner may want to re-zone only a part of the parent tract. Only the acres asking to be re-zoned should be cited.



11. The petitioner does not have to disclose the purpose for the re-zone, but it could be helpful in gaining the approval of the Board. The Board does have the obligation to look at the most intense use that is permitted for the zone being requested and judge whether it is appropriate for the area.
12. The future land use map is found in the Ripley County Comprehensive Plan. The Board will be using this as a guide for making a decision on the petitioner's request. The Executive Director and the Ripley County Surveyor's Office has a copy of this plan. If the petitioner's request does not fit with the Comprehensive Plan, he or she should be prepared to explain how granting the request would benefit Ripley County.

#### D. Utilities & Infrastructure Information

13. A letter from the appropriate water company stating their permission for service could be requested. If the site will be furnished water by well or cistern, a letter from the Health Department may be needed.
14. A letter from the appropriate electric company stating their permission for service may be requested.
15. City sewer may not be necessary for the intended use under your requested re-zone. If it is and it is not currently being provided, a letter from the appropriate sewer company stating their permission for service will be requested. If a septic tank is currently being used, or is intended to provide the sewer system, a letter from the Health Department stating the tank's current capabilities or stating the Department's approval for a septic tank will be necessary.
16. Name the number of entries to the proposed re-zone area and the width in feet of the driveways.
17. Traffic flow may be an issue with the new intended use. The name of the nearest road will help the Plan Commission and the Governing Body determine if any increased traffic will become a problem.
18. The proposed re-zone area may or may not be on a major road. The distance to a major road may help the Plan Commission and the Governing Body determine if congestion will become a problem.
19. The new intended use may require parking space. The number of spaces available would be helpful in determining whether there will be adequate parking.
20. The new intended use may require new structures. Adequate space for the structure and setback lines will be reviewed.

E. Attached Information Provided Check List

21. Site Plan: (Ripley County Ordinance Section 80:39 & Ordinance Number 2004-32. Section 1. Amendments ( K & L)

- a. A site plan does not have to be drawn by a professional engineer, surveyor, or architect, but it does have to be complete and neatly drawn.
- b. It will be drawn on an 8” x 11” clean white paper in ink.
- c. It does require the use of a straight edge and should be properly dimensioned and drawn to scale.
- d. It must be labeled “Site Plan”.
- e. It shall have the Tax Parcel Number listed along with the name and address of the petitioner.
- f. It shall have a description of the area being re-zoned. If the entire tract of land is to be re-zoned, the legal description can be found on the deed or survey, which can be found at the Recorder’s Office. If only part of the tract is to be re-zoned, a new survey of only the re-zone area does not have to be performed for the site plan. But if the re-zoned area is separated, a survey with a legal description would have to be obtained. Examples of non-surveyed land would be: “2 acres out of the northwest corner of the following legal description”, “ The South 200’ of the following legal description”, or “ About a 300’ x 600’ area of land out of the east side of the following legal description”. The Surveyor’s Office or the Executive Director can help with the description to be used.
- g. Show the actual shape and dimension of the re-zoned area, include the acreage and/or lot number.
- i. Show the location and size of all building, existing and proposed.
- j. Show the location of all entrances to the re-zoned area, along with all adjoining roads or streets and their names.
- k. Primary and Secondary septic sites will be shown.
- l. A location map included would be helpful.

22. Interested Parties are (according to the Rules of Procedure):

- a. All owners of the property within the area included in the Petition who are not the Petitioners.
- b. For unincorporated areas: All property owners whose land touch the petitioner’s property lines, even if connected by only a single point.
- c. For incorporated areas: all land owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the petitioner’s property lines.

Interested parties and their addresses may be obtained from the Assessor’s or Surveyor’s Office.

23. Six copies of an aerial view may be obtained from the Surveyor's Office.
  24. If the re-zone is a request for a RB Zone, a special exception will also be required. Special exceptions will require the applicant to provide a development plan. All Development Plans are required to be drawn by a professional engineer, surveyor, or architect.
  25. See the 'Site Plan' explanation above on re-zone description (#21- f).
  26. A fee of \$100 is charged for a re-zone hearing (Ripley County Area Planning & Zoning Book, Section 80:44). This must be paid at the time of application or the petition will not be placed on the agenda. This fee is not refundable.
  27. The Executive Director will give the applicant a form letter to be published.
    - a. The applicant is responsible for giving a copy of the completed letter to at least one local newspaper (The Osgood Journal, The Versailles Republican, or The Herald Tribune) for publication. This notice must be published at least ten (10) days prior to the date of the public hearing.
    - b. Proof of such publication will be given to the applicant by the newspaper office. The applicant is responsible for giving this proof to the Executive Director at least five (5) days prior to the public hearing.
  28. Copies of the same completed form letter described in #27 shall be sent to every interested party as listed according to #22.
    - a. The applicant is responsible for sending these notices by "Certified Mail" at least ten (10) days prior to the public hearing.
    - b. Proof of such mailing (the "white cards") shall be given to the Executive Director at least five (5) days prior to the public hearing.
    - c. All "green cards" from such mailing are to be given to the Executive Director prior to the meeting night.
- \* Proof of mailings and publication will not be accepted the night of the hearing.\*

#### Meeting Information

1. A re-zone will be heard by the Ripley County Area Plan Commission. Their meetings are held the first Tuesday of every month. They will only give a recommendation to the Governing Body.
2. The Governing Body for each town is the Town Council. The Governing Body for the County is the County Commissioners. They will grant the re-zone and a separate hearing will be conducted.
  - a. County Commissioners meet every other Mondays.  
They hear re-zones at 8:00 AM.  
Contact the Auditor's Office to be placed on their agenda.
  - b. Contact the appropriate town offices for a hearing with any Town Council.
3. The Deadline for filing for a re-zone is no later than 3:00 P.M. on a date, which is at least 15 business days prior to the initial hearing before the Plan Commission Meeting at which the Petition is to be considered.

4. No petitioner is to contact any member of the Ripley County Area Plan Commission in advance of a public hearing with the intent to influence the Plan Commission member's action on such petition. If there are any questions regarding the proposed re-zone, please contact the Executive Director.
5. It is the responsibility of the petitioner to "state his case" and convince the Plan Commission and the Governing Bodies that the re-zone should be granted. Any other type of relevant information should be brought to the meeting. Be prepared.



B. Ripley County Area Planning Commission  
P.O. Box 151  
Versailles, In 47042

## Application for Improvement Location Permit

This Application for Improvement Location Permit Package consists of three parts: 1) the application form, 2) a set of instructions, and 3) an example site plan. This form shall be entirely completed by printing clearly or by typing, or the application will not be accepted. It should be completed in English only.

### I. Application Form

#### A. Personal Information:

1. Name \_\_\_\_\_

2. Address \_\_\_\_\_  
\_\_\_\_\_

3. Phone Numbers: home \_\_\_\_\_  
business \_\_\_\_\_  
cell \_\_\_\_\_

4. Contractor \_\_\_\_\_

Phone Numbers: home \_\_\_\_\_  
business \_\_\_\_\_  
cell \_\_\_\_\_

#### B. Property Information

5. Location of Property: Sec \_\_\_\_\_ Twp \_\_\_\_\_ Rng \_\_\_\_\_  
Township \_\_\_\_\_

or Name of Incorporated Town \_\_\_\_\_

6. Tax Parcel Number: \_\_\_\_\_

7. Proof of ownership by deed recorded \_\_\_\_\_

8. Acres involved \_\_\_\_\_

9. Is a survey available for this property? \_\_\_\_\_

Located at the recorder's office in \_\_\_\_\_

10. Current Zone of Property \_\_\_\_\_

11.(If Applicable) Septic Permit Number \_\_\_\_\_

Or receipt of tap fee from Sewer Provider \_\_\_\_\_

C. Site Plan: (See attached example) \_\_\_\_\_

I understand that this application is being submitted in accordance with the Ripley County Zoning Ordinances, and that I am responsible for the accuracy and completeness of the application. I acknowledge and understand that the property may be subject to easements, right-of-ways and restrictive covenants that may limit certain types of improvements. I understand that incomplete or inaccurate information may result in delay or denial of the request.

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Date)

## II Instructions

### A. Personal Information

1. Name: The name or names of the owner of the property.
2. Address: The current mailing address of the applicant.
3. Phone Numbers: These are necessary for communications between the Executive Director and the applicant.

### B. Property Information

4. The Section, Township, and Range can be found at the beginning of your legal description on your deed or at the Ripley County Surveyor's Office.
5. The Tax Parcel Number can be found on your tax statement, from the Auditor's Office, or the Surveyor's Office. The Executive Director may be able to furnish this information. If a new lot has been created, the new survey and deed will need to be recorded in the Recorder's Office, before the Auditor will issue a new Tax Parcel Number.
6. Proof of ownership can be a deed or a land contract. If it is an unrecorded land contract, a copy of the contract will be necessary. The location of your deed or land contract is sometimes marked in the right hand corner of the first page. If not, the information can be obtained in the Recorder's Office.
7. A survey is not necessary for an Improvement Location Permit. If one can be found in the recorder's office, the location of the survey is being requested. A copy of the survey (recorded or not) could be helpful for drawing the site plan.

### C. Utilities & Infrastructure Information

8. A letter from the appropriate water company stating their permission for service may be requested. If water will be furnished by well or cistern, a letter from the Ripley County Health Department may be necessary.
9. A letter from the appropriate electric company stating their permission for service may be requested.
10. A letter from the appropriate sewer company stating their permission for service may be requested. If a septic tank is currently being used, or is intended to provide the sewer system, a letter from the Health Department stating the tank's current capabilities or stating the Department's approval for a septic tank may be necessary.

### D. Site Plan Information: (Ripley County Ordinance Section 80:39 & Ordinance Number

2004-32. Section 1. Amendments ( K & L)

1. A site plan does not have to be drawn by a professional engineer, surveyor, or architect, but it does have to be complete and neatly drawn.
2. It shall be drawn on an 8" x 11" clean white paper in ink.
3. It does require the use of a straight edge and should be properly dimensioned and drawn to scale.

4. It shall be labeled "Site Plan".
5. It shall have the Tax Parcel Number listed along with the name and address of the petitioner.
6. The address or location of the property by Section, Township and Range shall be shown on the site plan. Section, Township, and Range can be located at the beginning of the deed description, on a survey, or on the property tax bill. The Assessor's or Surveyor's Office can also help the petitioner locate these numbers.
7. Label the current Zone of the property. The Executive Director will have this information.
8. It shall show the actual shape and dimension of the lot to be built upon, include acreage and/or lot number.
9. It will show the location and size of all buildings, existing and proposed, with the distance measured to the street or road and the property lines. This distance is called the setback line. There are minimum distance allowed in Ripley County. Ask the Executive Director what the minimum setback lines are appropriate for the zone in which this property is located.
9. It will show the location of all entrances to the property. If a new entry is to be made, a culvert permit shall be required from the Ripley County Highway Department.
10. Show all adjoining roads or streets, their names, and their proposed right-of-way according to Ripley County Comprehensive Plan Amendment Resolution No 2004-34
11. Primary and Secondary septic sites will be shown.

E. All fees must be paid at the time of application. Fees are non-refundable.



**NOTICE OF AGRICULTURAL ACTIVITY**

TO: ALL APPLICANTS FOR IMPROVEMENT LOCATION PERMITS FOR HOMES IN AGRICULTURAL ZONED DISTRICTS IN RIPLEY COUNTY, INDIANA.

This notice is given to you because of your application for a Improvement Location permit to build or move a home into an area of Ripley County that is zoned for Agriculture.

The purpose of this notice is to assure you are aware that all agricultural operations are allowed in this area.

Agricultural activity may include, but is not limited to, grazing of livestock, confined feeding of livestock, application of animal manure to land, application of pesticides and fertilizer to fields and growing of crops, creation of dust from field operations and noise from livestock and machinery operations at all hours.

Single-family dwellings are permitted uses of land in an Agricultural Zone, and this is not restricted to farm families. However, people who choose to live in these areas must understand that agricultural operations may be occurring nearby.

Indiana has a "RIGHT TO FARM" law that protects farm operations from unwarranted nuisance suits by neighbors who move next to an existing farm operation. Farm operations do not constitute a nuisance so long as they are not negligently maintained, do not endanger human health and do not cause bodily injury to third parties.

By signing this notice form you verify that you have received it, read it and understand it. You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by other residents of the area.

MY SIGNATURE CERTIFIES THAT I HAVE READ THIS NOTICE AND I UNDERSTAND IT.

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

\_\_\_\_\_  
Date

\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Permit Number

C. Ripley County Area Planning Commission  
P.O. Box 151  
Versailles, IN 47042

## Application for Variance

This Application for Variance Package consists of three parts: 1) the application form, 2) a set of instructions, and 3) an example site plan. This form needs to be completed by printing clearly or by typing. It should be completed in English only.

### I. Application Form

#### A. Personal Information:

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_

#### 3. Phone Numbers:

- Home \_\_\_\_\_  
Business \_\_\_\_\_  
Cell \_\_\_\_\_

#### B. Property Information:

4. Location of property:  
Section \_\_\_\_\_ Twp. \_\_\_\_\_ N. Rng. \_\_\_\_\_ E  
Township \_\_\_\_\_
5. Tax Parcel Number \_\_\_\_\_
6. Proof of Ownership by recorded deed:  
\_\_\_\_\_

7. Acres involved \_\_\_\_\_
8. Current Zone of Property \_\_\_\_\_
9. Is a survey available for this property? \_\_\_\_\_  
Located at the Recorder's office in \_\_\_\_\_

#### C. Variance Information

10. Type of variance \_\_\_\_\_
11. Section of zone code requiring variance \_\_\_\_\_
12. Variance from: \_\_\_\_\_  
to: \_\_\_\_\_

#### D. Checklist for required information:

13. Site Plan \_\_\_\_\_
14. List of interested parties with address \_\_\_\_\_
15. Two (2) aerial photographs \_\_\_\_\_
16. Proof of publication (newspaper) \_\_\_\_\_
17. Proof of notification by certified mail \_\_\_\_\_

The following criteria must be answered before the Board of Zoning Appeals will hear the application.

C. Criteria for granting Variance:

1. How will the approval of this variance not be injurious to the public health, safety, morals, and general welfare of the community?

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2. How will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

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3. Will the strict application of the terms of the zoning code result in practical difficulties in the use of the property?

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4. Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district?

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5. Is such variance necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question?

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6. Will the granting of such variance not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets?

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As applicant, I understand that this application is being submitted in accordance with the Ripley County Area zone code, and that I am responsible for the accuracy and completeness of the application. I acknowledge and understand that the property may be subject to easements, rights-of-way and restrictive covenants that may limit certain types of improvements. I understand that incomplete or inaccurate information may result in delay or denial of the request.

---

Applicant

---

Date

## II Instructions

### A. Personal Information

1. Name: Anyone can apply for a variance. It does not have to be the owner of the property.
2. Address: The current mailing address of the applicant.

### B. Variance Information

3. The Executive Director shall help distinguish the type of variance needed to be requested.
4. The Executive Director can help locate the ordinance determining a need for a variance.
5. The Executive Director can help determine the extent of the variance.
6. The number of acres that are currently owned or are described in the legal description found on your current deed.

### C. Criteria for granting Variance

The definition of a Variance is: A modification of the specific requirements of the Code (Ripley County Area Zoning Codes) granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Variations are adjustments to the code. The petitioner needs to prove that there are conditions or reasons that the applicant cannot adhere to the code or laws set forth by the County Commissioners. The Ripley County Zoning Ordinances cannot fit every situation so adjustments are allowed, but only if there is something unique or unusual about the property in question. Financial gain or just for convenience are not good reasons for an adjustment to the code.

The answers to these questions are the criteria upon which the Board of Zoning Appeals must base their decisions. Below each question is slightly re-written to help the applicant understand the nature of the question. Along with the answer, try to state the reasoning behind the answers. The answers that the applicant gives at the hearing will be considered the “finding of facts” and will be the testimony of the applicant. Consider each question carefully.

1. The variance cannot hurt or be dangerous to anyone or their property.
2. A variance cannot affect the neighbor’s property or their use of it in any negative way.
3. The situation or condition is such, that it does not make sense to obey the ordinance. It is not practical.

4. There is a condition or situation for the petitioner's property that is different from the neighbor's property that keeps the petitioner from being allowed to use his/her property in the same manner as his/her neighbor.
5. A variance is the only way that the petitioner can be allowed to use his property in the same manner as his/her neighbor's.
6. The granting of this variance will not change the look or feel of the community. No one will notice the difference.

D. Attached Information Provided Check List:

7. A site plan should be included with Application for Improvement Location Permit.
8. Interested Parties are (according to the Rules of Procedure):
  - a. All owners of the property within the area included in the Petition who are not the Petitioners.
  - b. For unincorporated areas: All property owners whose land touch the petitioner's property lines, even if connected by only a single point.
  - c. For incorporated areas: all land owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the petitioner's property lines.

Interested parties and their addresses may be obtained from the Assessor's or Surveyor's Office.
9. Two copies of an aerial view may be obtained from the Surveyor's Office.
10. A description of the property in question should be found on the Applicant's deed or survey. The Surveyor's Office may help the applicant determine which description to use, if there are multiple descriptions on the deed.
11. A fee of \$250 is charged for a variance hearing (Ripley County Area Planning & Zoning Book, Section 80:44). This must be paid at the time of application or the petition will not be placed on the agenda. This fee is not refundable.
12. The Executive Director will give the applicant a form letter to be published.
  - a. The applicant is responsible for giving a copy of the completed letter to at least one local newspaper (The Osgood Journal, The Versailles Republican, or The Herald Tribune) for publication. This notice must be published at least ten (10) days prior to the date of the public hearing.
  - b. Proof of such publication will be given to the applicant by the newspaper office. The applicant is responsible for giving this proof to the Executive Director at least five (5) days prior to the public hearing.
13. Copies of the same completed form letter described in #12 shall be sent to every interested party as listed according to #8.
  - a. The applicant is responsible for sending these notices by "Certified Mail" at least ten (10) days prior to the public hearing.
  - b. Proof of such mailing (the "white cards") shall be given to the

Executive Director at least five (5) days prior to the public hearing.  
c. All “green cards” from such mailing are to be given to the Executive Director prior to the meeting night.

\* Proof of mailings and publication will not be accepted the night of the hearing.\*

#### E. Meeting Information

1. All variances will be heard by the Ripley County Board of Zoning Appeals  
Their meetings are held the last Tuesday of every month.
2. The Deadline for filing for a petition for variance is no later than 3:00 P.M. on a date, which is at least 15 business days prior to the initial hearing before the Board of Zoning Appeals Meeting at which the Petition is to be considered.
3. No petitioner is to contact any member of the Board of Zoning Appeals in advance of a public hearing with the intent to influence the member’s action on such petition. If there are any questions regarding the proposed variance, please contact the Executive Director.
4. It is the responsibility of the petitioner to “state his case” and convince the Board of Zoning Appeals that the variance is necessary and should be granted. Any other type of relevant information should be brought to the meeting. Be ready to answer all questions, especially as they relate to the criteria contained in the questions asked in Letter C above. Be prepared.

D. Ripley County Area Planning Commission  
P.O. Box 151  
Versailles, IN 47042

## Application for Special Exception

This Application Special Exception Package consists of three parts: 1) the application form, 2) a set of instructions, and 3) an example site plan. This form needs to be completed by printing clearly or by typing. It should be completed in English only.

### I. Application Form

#### A. Personal Information:

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_  
\_\_\_\_\_
3. Phone Numbers: home \_\_\_\_\_  
business \_\_\_\_\_  
cell \_\_\_\_\_

#### B. Property Information

4. Location of Property:  
Section \_\_\_\_\_ Twp \_\_\_\_\_ N., Rng. \_\_\_\_\_ E  
Township \_\_\_\_\_  
or Name of Incorporated Town \_\_\_\_\_
5. Tax Parcel Number: \_\_\_\_\_
6. Name of ownership by deed recorded \_\_\_\_\_
7. Acres involved \_\_\_\_\_
8. Is a survey available for this property? \_\_\_\_\_  
Located at the recorder's office in \_\_\_\_\_
9. Acres involved with this petition: \_\_\_\_\_
10. Current Zone of Property \_\_\_\_\_

#### C. Special Exception Information

11. Intended use of this property: \_\_\_\_\_  
\_\_\_\_\_
12. Section of Zone Code requiring Special Exception \_\_\_\_\_
13. Are there any State Regulations regarding the intended use? \_\_\_\_\_  
If there are, has the applicant received the proper paper work? \_\_\_\_\_

#### D. Checklist for required information:

14. Site Plan \_\_\_\_\_
15. List of interested parties with addresses \_\_\_\_\_
16. Two (2) aerial photographs \_\_\_\_\_
17. Proof of publication (newspaper) \_\_\_\_\_
18. Proof of notification by certified mailing \_\_\_\_\_
19. Number of structures to be built \_\_\_\_\_
20. Number of parking spaces provided \_\_\_\_\_
21. Distance to nearest major road \_\_\_\_\_
22. Septic or sewer approval if applicable \_\_\_\_\_

The following criteria must be answered before the Board of Zoning Appeals will hear the application.

E. Criteria for Granting Special Exception

The answers to these questions are the criteria upon which the Board of Zoning Appeals must base their decisions. Consider the questions carefully.

1. Will the establishment, maintenance, or operation of the special exception be detrimental to or endanger the public health, safety, or general welfare of the community? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Will the special exception be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Will the establishment of the special exception impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Are there or will there be adequate utilities, access roads, drainage and other necessary facilities provided? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Have adequate measures been taken or will be taken to provide ingress and/or egress so designated as to minimize traffic congestion in the public streets?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As applicant, I understand that this application is being submitted in accordance with the Ripley County Area Zone Code requirements, and that I am responsible for the accuracy and completeness of the application. I acknowledge and understand that the property may be subject to easements, rights-of-way and restrictive covenants that may limit certain types of improvements. I understand that incomplete or inaccurate information may result in delay or denial of the request.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date



Special Exceptions are uses publicly or municipally operated and those uses traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

The use approved shall be subject to any regulations or requirements imposed as a part of the special exception, in addition or in place of the other regulations or requirements of the Ripley County Zoning Codes.

The provisions of a special exception shall replace and supersede the provisions of the base zone, effective upon either construction of any facilities approved as a part of the special exception or upon beginning of operation of the use or uses specified, whichever occurs first.

The provisions shall remain in effect until such time as the special exception use ceases to operate. Immediately prior to reuse of the structures or facilities used for the special exception, the provisions of the special exception shall become invalid and the regulations and requirements of the base zone shall again be in effect.

Any significant changes in the use of a special exception or any construction of new facilities or structures, or major additions to existing facilities or structures shall be subject to approval by the Board of Zoning Appeals, using the same process as was used for the original approval.

## **II Instructions**

### **A. Personal Information**

1. Name: Anyone can apply for a special exception. It does not have to be the owner of the property.
2. Address: The current mailing address of the applicant.
3. Phone Numbers: These are necessary for communications between the Executive Director and the applicant during the hearing process.

### **B. Property Information**

4. The Section, Township, and Range can be found at the beginning of your legal description on your deed or at the Ripley County Surveyor's Office.
5. The Tax Parcel Number can be found on your tax statement, from the Auditor's Office, or the Surveyor's Office. The Executive Director may be able to furnish this information. If a new lot has been created, the new survey and deed will need to be recorded in the Recorder's Office, before the Auditor will issue a new Tax Parcel Number.
6. Proof of ownership can be a deed or a land contract. If it is an unrecorded land contract, a copy of the contract will be necessary. The location of your deed or land contract is sometimes marked in the right hand corner of the first page. If not, the information can be obtained in the Recorder's Office.
7. A survey is not necessary for a special exception. If one can be found in the

recorder's office, the location of the survey is being requested. A copy of the survey (recorded or not) could be helpful at the hearing and for drawing the site plan.

8. The acres for your property should also be shown on your deed. If the exact acreage is not mentioned, an approximation will suffice.
9. The current zone of your property can be found on the Ripley County Zoning Map or ask the Executive Director.

#### C. Special Exception Information

10. A short explanation of what type of business or enterprise the applicant has planned and the reason for the special exception.
11. Ask the Executive Director for the Ordinance Number that requires this special exception.
12. Some public facilities require a State Permit. If at all possible, have these completed and a copy of the paperwork before the hearing.
13. Each business or enterprise has specific requirements unique to the business, the Executive Director should give you a copy of these requirements.

#### D. Utilities & Infrastructure Information

14. A letter from the appropriate water company stating their permission for service could be requested. If the site will be furnished water by well or cistern, a letter from the Health Department may be needed.
15. A letter from the appropriate electric company stating their permission for service may be requested.
16. City sewer may not be necessary for the intended use under your requested special exception. If it is and it is not currently being provided, a letter from the appropriate sewer company stating their permission for service will be requested. If a septic tank is currently being used, or is intended to provide the sewer system, a letter from the Health Department stating the tank's current capabilities or stating the Department's approval for a septic tank will be necessary.
17. Name the number of entries to the property and the width in feet of the driveways.
18. Traffic flow may be an issue with the new intended use. The name of the nearest road will help the Plan Commission and the Governing Body determine if any increased traffic will become a problem.
19. The property may or may not be on a major road. The distance to a major road may help the Plan Commission and the Governing Body determine if congestion will become a problem.
20. The new intended use may require parking space. The number of spaces available would be helpful in determining whether there will be adequate parking.
21. The new intended use may require new structures. Adequate space for the structure and setback lines will be reviewed.

#### E. Criteria for Granting Special Exception:

The answers to these questions are the criteria upon which the Board of Zoning Appeals must base their decisions. Below each question is slightly re-written to help the applicant

understand the nature of the question. Along with the answer, try to state the reasoning behind the answers. The answers that the applicant gives at the hearing will be considered the “finding of facts” and will be the testimony of the applicant. Consider each question carefully.

1. The proposed new establishment cannot be hurtful or dangerous to the community, the neighbors, or to the neighbor’s property.
2. The proposed new establishment cannot interrupt the neighbor’s ability to use and enjoy their own property. Nor may the new establishment substantially hurt the property values within the neighborhood.
3. The proposed new establishment should “fit” the area. It should not change the characteristics of the normal growth and development of the immediate community.
4. The infrastructures (utilities and roads) need to be provided for the new establishment. It should not impede the natural drainage or cause any undue stress for Ripley County.
5. The normal flow of traffic should not be interrupted. The establishment of the new use may not cause traffic congestion, or cause any future problems for Ripley County’s road system.

#### F. Attached Information Provided Check List

22. A site plan should be included with the Application for Improvement Location Permit.
23. Interested Parties are (according to the Rules of Procedure):
  - a. All owners of the property within the area included in the Petition who are not the Petitioners.
  - b. For unincorporated areas: All property owners whose land touch the petitioner’s property lines, even if connected by only a single point.
  - c. For incorporated areas: all land owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the petitioner’s property lines.Interested parties and their addresses may be obtained from the Assessor’s or Surveyor’s Office.
24. Two copies of an aerial view may be obtained from the Surveyor’s Office.
25. A description of the property in question should be found on the Applicant’s deed or survey. The Surveyor’s Office may help the applicant determine which description to use, if there are multiple descriptions on the deed.
26. Some public establishments require “State Permits”. A copy of any required “State” permit needs to be given to the Executive Director. The Executive Director and the Building Inspector will help the applicant to distinguish if this is necessary for the applicant.
27. A copy of the “Specific Requirements” demanded by the Ripley County Zoning Code should be given to the applicant by the Executive Director. Five copies will be necessary for the hearing.
28. A fee of \$250 is charged for a Special Exception hearing (Ripley County Area Planning & Zoning Book, Section 80:44). This must be paid at the time of application or the petition will not be placed on the agenda. This fee is not refundable.

29. The Executive Director will give the applicant a form letter to be published.
    - a. The applicant is responsible for giving a copy of the completed letter to at least one local newspaper (The Osgood Journal, The Versailles Republican, or The Herald Tribune) for publication. This notice must be published at least ten (10) days prior to the date of the public hearing.
    - b. Proof of such publication will be given to the applicant by the newspaper office. The applicant is responsible for giving this proof to the Executive Director at least five (5) days prior to the public hearing.
  30. Copies of the same completed form letter described in #29 shall be sent to every interested party as listed according to #23.
    - a. The applicant is responsible for sending these notices by “Certified Mail” at least ten (10) days prior to the public hearing.
    - b. Proof of such mailing (the “white cards”) shall be given to the Executive Director at least five (5) days prior to the public hearing.
    - c. All “green cards” from such mailing are to be given to the Executive Director prior to the meeting night.
- \* Proof of mailings and publication will not be accepted the night of the hearing. \*

#### G. Meeting Information

1. All Special Exception requests will be heard by the Ripley County Board of Zoning Appeals. Their meetings are held the last Tuesday of every month.
2. The Deadline for filing for a petition is no later than 3:00 P.M. on a date, which is at least 15 business days prior to the initial hearing before the Board of Zoning Appeals Meeting at which the Petition is to be considered.
3. No petitioner is to contact any member of the Board of Zoning Appeals in advance of a public hearing with the intent to influence the member’s action on such petition. If there are any questions regarding the proposed special exception, please contact the Executive Director.
4. It is the responsibility of the petitioner to “state his case” and convince the Board of Zoning Appeals that the new intended use will not create a burden the neighbors or the community, nor will it impact the neighbor’s property or the neighborhood adversely. Any other type of relevant information should be brought to the meeting. Be ready to answer all questions, especially as they relate to the criteria contained in the questions asked in Letter C above. Be prepared.

E. Ripley County Area Planning Commission  
P.O. Box 151  
Versailles, IN 47042

## **Application for Temporary Permit**

Temporary uses are permitted in applicable districts by the grant of a Temporary Improvement Location Permit. It requires a hearing by the Board of Zoning Appeals. This form needs to be completed by printing clearly or by typing. It should be completed in English only.

### **I. Application Form**

(from Section 80:34 of the Ripley County Area Zoning Code)

**A. Personal Information:**

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_
3. Phone Numbers: home \_\_\_\_\_  
                            business \_\_\_\_\_  
                            cell \_\_\_\_\_

**B. Property Information**

4. Location of the Property: Sec \_\_\_\_\_ Twp \_\_\_\_\_ Rng \_\_\_\_\_  
    or Name of Incorporated Town \_\_\_\_\_
5. Tax Parcel Number: \_\_\_\_\_
6. Proof of ownership by deed recorded \_\_\_\_\_
7. Is a survey available for this property? \_\_\_\_\_  
    Located at the recorder's office in \_\_\_\_\_

**C. Nature of the Temporary Use (check all that applies)**

- \_\_\_\_\_ a. Temporary office (Maximum time permitted is 18 months)
- \_\_\_\_\_ b. Non-commercial concrete batching plant (Maximum time permitted is 18 months)
- \_\_\_\_\_ c. Temporary building or yard for construction materials & equipment
- \_\_\_\_\_ d. Parking lot for a special event (Maximum time permitted is 30 days)
- \_\_\_\_\_ e. Announcement signs (Maximum time permitted is 18 months)
- \_\_\_\_\_ f. Bazaars, carnivals, etc. (Maximum time permitted is 10 days)
- \_\_\_\_\_ g. Sale of Christmas trees or sale of seasonal fruits (Maximum time permitted is 60 days)
- \_\_\_\_\_ h. Parking of recreational vehicles for visitation (Maximum time permitted is 7 days)
- \_\_\_\_\_ i. Temporary mobile home on same lot as principal building used for residential purposes when situation necessitates special health care for blood relative (Maximum time permitted is 2 years)

- \_\_\_\_\_ i. Mobile home as a temporary office during the period of construction and development (Maximum time permitted is 18 months)
- \_\_\_\_\_ j. Mobile home as a temporary living place or dwelling for security purposes (Maximum time permitted is 18 months)
- \_\_\_\_\_ k. Subdivision or development signs (Maximum time permitted is 18 months)
- \_\_\_\_\_ l. Portable signs in LB or GB district (see restrictions) (Maximum time permitted is 2 months consecutively during a 4 month period)
- \_\_\_\_\_ m. Portable signs in residential district (see restrictions) (Maximum time permitted is 10 days)
- \_\_\_\_\_ n. Temporary sign in connection with a special event (political or community events do not require a permit. (Maximum time permitted is 10 days)
- \_\_\_\_\_ o. Home Occupation Use (see Section 80:35) (Maximum time permitted is 2 years)
- \_\_\_\_\_ p. Display of pennants and other similar attracting devices in connection with a special promotional program for an open-air business (restrictions apply, see Sections 80:34 and 80:32)
- \_\_\_\_\_ q. Other similar uses deemed temporary by the Board and attached with such time period, conditions and safeguards.

D. Standards for the Permit

- \_\_\_\_\_ 1. Is there adequate access and off-street parking that shall not interfere with the traffic movement on adjacent streets?
- \_\_\_\_\_ 2. Is there a planned public address systems or other noise-producing device to be used in a residential district for this event? (not allowed)
- \_\_\_\_\_ 3. Are all flood lights or other lighting to be directed upon the premises?
- \_\_\_\_\_ 4. Will any lighting be detrimental to adjacent properties?
- \_\_\_\_\_ 5. Are banners, pennants, or any other unnecessary signs planned to be used in a residential district for this event?
- \_\_\_\_\_ 6. Will the lot be put in clean condition devoid of temporary use remnants upon termination of the temporary period?

E. Check List for Completion of Application

- \_\_\_\_\_ 1. Have copies of all necessary documents showing proof of the situation been given to the Executive Director? (Doctor's recommendations, Certification of Community Event, etc.)
- \_\_\_\_\_ 2. Has a list of interested parties with their addresses been provided?  
Interested Parties are (according to the Rules of Procedure):
  - a. All owners of the property within the area included in the Petition who are not the Petitioners.
  - b. For unincorporated areas: All property owners whose land touch the petitioner's property lines, even if connected by only a single point.
  - c. For incorporated areas: all land owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the

petitioner's property lines.

Interested parties and their addresses may be obtained from the Assessor's or Surveyor's Office.

\_\_\_\_\_ 3. Has proof of publication been provided?

The Executive Director will give the applicant a form letter to be published.

- a. The applicant is responsible for giving a copy of the completed letter to at least one local newspaper (The Osgood Journal, The Versailles Republican, or The Herald Tribune) for publication. This notice must be published at least ten (10) days prior to the date of the public hearing.
- b. Proof of such publication will be given to the applicant by the newspaper office. The applicant is responsible for giving this proof to the Executive Director at least five (5) days prior to the public hearing.

\_\_\_\_\_ 4. Has proof of notification by mailing been provided?

Copies of the same completed form letter described above shall be sent to every interested party as described.

- a. The applicant is responsible for sending these notices by "Certified Mail" at least ten (10) days prior to the public hearing.
- b. Proof of such mailing (the "white cards") shall be given to the Executive Director at least five (5) days prior to the public hearing.
- c. All "green cards" from such mailing are to be given to the Executive Director prior to the meeting night.

\* Proof of mailings and publication will not be accepted the night of the hearing.\*

\_\_\_\_\_ 5. Has a fee of \$25.00 been paid?

F. Meeting Information

- 1. All temporary permits will be heard by the Ripley County Board of Zoning Appeals. Their meetings are held the last Tuesday of every month.
- 2. The Deadline for filing is no later than 3:00 P.M. on a date, which is at least 15 business days prior to the initial hearing before the Board of Zoning Appeals Meeting at which the Petition is to be considered.
- 3. No petitioner is to contact any member of the Board of Zoning Appeals in advance of a public hearing with the intent to influence the member's action on such petition. If there are any questions regarding the proposed variance, please contact the Executive Director.
- 4. It is the responsibility of the petitioner to "state his case" and convince the Board of Zoning Appeals that the permit is necessary and should be granted. Any other type of relevant information should be brought to the meeting. Be prepared.

I understand that this application is being submitted in accordance with the Ripley County Zoning Ordinances, and that I am responsible for the accuracy and completeness of the application. I understand that incomplete or inaccurate information may result in delay or denial of the request.

Further, I acknowledge and understand that the property may be subject to easements,

right-of-ways and restrictive covenants that may place certain limitation on or exclusions of certain types of improvements, buildings, structures, or installation so any temporary or permanent structures.

I further acknowledge and understand that I am responsible for researching and/ or knowing such limitations and should verify or confirm the status of such easements, right-of- ways or restrictive covenants from information found in legal records, recorded instruments, and/or surveys of public record located in the Ripley County Recorder’s Office, Surveyor’s Office, and/or the Clerk of Ripley County.

\_\_\_\_\_

(Applicant’s Signature)

\_\_\_\_\_

(Date)



F. Ripley County Area Planning Commission  
P.O. Box 151  
Versailles, IN 47041

## Application for Subdivision Plats

This Application Subdivision Package consists of three parts: 1) the application form, 2) a set of instructions, and 3) an example subdivision plat. This form needs to be completed by printing clearly or by typing. It should be completed in English only.

### I. Application Form

#### A. Personal Information:

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_  
\_\_\_\_\_
3. Phone Numbers: home: \_\_\_\_\_  
business: \_\_\_\_\_  
cell: \_\_\_\_\_

#### B. Property Information

4. Location of Property: Sec \_\_\_\_\_ Twp \_\_\_\_\_ Rng \_\_\_\_\_
5. Tax ID Number: \_\_\_\_\_
6. Proof of ownership by deed recorded: \_\_\_\_\_
7. Acres involved with this petition: \_\_\_\_\_
8. Current Zone of Property: \_\_\_\_\_

#### C. Subdivision Information

9. Name of Subdivision \_\_\_\_\_
10. Type of Subdivision \_\_\_\_\_
11. Number of Lots \_\_\_\_\_
12. Are there Variances from the code included in this subdivision? \_\_\_\_\_
  - a. type(s) of variance(s) \_\_\_\_\_
  - b. number of variances \_\_\_\_\_
  - c. reason(s) variance(s) is/are necessary \_\_\_\_\_

#### D. List of Necessary Items to be included with this application:

- \_\_\_\_\_ 13. Copies of Subdivision
  - a. One (1) reproducible copy (18" x 24")
  - b. Six (6) paper copies (18" x 24")
  - c. 1 Legal size copy ( 8 1/2" x 11")
- \_\_\_\_\_ 14. List of Interested Parties, with their address
- \_\_\_\_\_ 15. Proof of Closure for perimeter of Subdivision
- \_\_\_\_\_ 16. Letter of Approval from the Soil & Water Conservation District if applicable
- \_\_\_\_\_ 17. Soil Erosion Plan, if subdivision disturbs more than 1 acre of land
- \_\_\_\_\_ 18. Topographical Map
- \_\_\_\_\_ 19. Location Map
- \_\_\_\_\_ 20. Letter from Municipal Sewer Company or from the Ripley County Health Dept. stating that septic has been approved
- \_\_\_\_\_ 21. Letter of Adequate Water Supply

- \_\_\_\_\_ 22. Letters from the Electric and/or Gas companies
- \_\_\_\_\_ 23. Letter from County or State Hwy. Department
- \_\_\_\_\_ 24. Statement of the proposed use of lots
- \_\_\_\_\_ 25. Has application fees been paid?
- \_\_\_\_\_ 26. Has proof of publication been provided?
- \_\_\_\_\_ 27. Has proof of notification by mailing been provided?

E. Statements regarding Subdivision

- \_\_\_\_\_ 28. The survey plat complies with the Ripley County Zoning Ordinances.
- \_\_\_\_\_ 29. The Subdivision complies with the Area Subdivision Control Code.
- \_\_\_\_\_ 30. If there are variances involved, the following questions need to be answered. These are the criteria that all variances must meet before the Planning Commission will approve the subdivision.

1. How will the approval of this variance not be injurious to the public health, safety, morals, and general welfare of the community?

\_\_\_\_\_

2. How will the use and value of the area adjacent to the property included in the variance not be affected in a substantially adverse manner?

\_\_\_\_\_

3. Will the strict application of the terms of the zoning code result in practical difficulties in the use of the property?

\_\_\_\_\_

4. Are there exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district?

\_\_\_\_\_

5. Is such variance necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question?

\_\_\_\_\_

6. Will the granting of such variance not alter the land use characteristics of the vicinity and district, or increase the congestion in the streets?

\_\_\_\_\_

As applicant, I understand that this application is being submitted in accordance with the Ripley County Subdivision Control Code, and that I am responsible for the accuracy and completeness of the application.

I understand that incomplete or inaccurate information may result in delay or denial of the request.

\_\_\_\_\_  
(Applicant's Signature)

\_\_\_\_\_  
(Date)

## II Instructions

### A. Personal Information

1. Name: Indiana Law requires that a petition for a subdivision be made by an owner of at least 50% of the property.
2. Address: The current mailing address of the applicant.
3. Phone Numbers: These are necessary for communications between the Executive Director and the applicant during the hearing process.

### B. Property Information

4. The Section, Township, and Range can be found at the beginning of your legal description on your deed or at the Ripley County Surveyor's Office.
5. This would be the tax parcel number of the parent parcel tract. It should be on the survey of the subdivision, but it can also be found on your tax statement, from the Auditor's Office, or the Surveyor's Office
6. Proof of ownership can be a deed or a land contract. If it is an unrecorded land contract, a copy of the contract will be necessary. The location of your deed or land contract is sometimes marked in the right hand corner of the first page. If not, the information can be obtained in the Recorder's Office.
7. The total number of acres involved in the subdivision should be listed under the legal description shown on the subdivision plat.
8. The current zone of the property involved should be listed on the subdivision plat.

### C. Subdivision Information

9. The applicant should check with the Plan Commission Office or the Surveyor's Office to make sure that the desired name of the proposed subdivision does not represent an existing subdivision.
10. The type of subdivision proposed can refer to the use of the lots, the size of the subdivision, or the condense nature of the lots. The Executive Director may be able to help you better describe the nature of the proposed subdivision.
11. This simply wants to know how many proposed lots will be created within the proposed subdivision.
12. Is there anything contained within the proposed subdivision that does not meet Ripley County Zoning Codes?
  - a. How does it vary from the code?
  - b. How many times does it vary from the code?
  - c. Why did the applicant feel that to vary from the code was necessary in order to develop a more suitable subdivision?

### D. List of Necessary Items to be included with this application

13. The copies requested are for the hearing.
14. Interested Parties are (according to the Rules of Procedure):

- a. All owners of the property within the area included in the Petition who are not the Petitioners.
  - b. For unincorporated areas: All property owners whose land touch the petitioner's property lines, even if connected by only a single point.
  - c. For incorporated areas: all land owners of adjoining parcels to a depth of one (1) ownership surrounding the perimeter of the petitioner's property lines.
- Interested parties and their addresses may be obtained from the Assessor's or Surveyor's Office.
15. Proof of closure can be obtained by the surveyor of the proposed subdivision.
  16. The Soil & Water Conservation District has meetings when they approve all Soil Erosion plans. It is better to contact them early, so that the letter can be obtained in a timely manner.
  17. Only one copy needs to be on file in the Executive Director's Office
  18. A topographical map needs to be included with the Subdivision Plat, preferably on a separate sheet of paper.
  19. A location map is needed that will include:
    - a. the location of the thoroughfares as they are related to the subdivision.
    - b. the nearest existing school(s).
    - c. the nearest parks and/or playgrounds.
    - d. the location of Corporation lines.
  20. If the building lots within the subdivision will be using a Municipal Sewer Company, a letter from the appropriate company stating that sewer service will be provided is required. A statement on the Subdivision Plat indicating sewer service will be provided will also be necessary. If the building lots within the subdivision will be using septic systems, two septic sites for each lot need to be shown on the subdivision plat and a letter from the Ripley County Health Department stating septic approval for each lot involved is required.
  21. A letter from the appropriate water company stating that adequate water supply will be available for the subdivision is required. If the water supply will be furnished water by well or cistern, a letter from the Health Department is requested.
  22. A letter from the appropriate electric company stating that electric service will be provided is required. If gas is to be furnished, a letter from the gas company will be requested also.
  23. A statement of the intended use of all proposed lots are requested to be on the plat.
  24. The fee for subdivisions are as follows:
    - a. Subdivisions \$125.00 + \$25.00 per lot.
    - b. High Density Subdivision \$500.00 + \$25.00 per lot
    - c. Unit Development \$300.00 + \$5.00 per acre + \$100.00 per phase.

All fees must be paid at the time of application or the petition will not be place on the agenda. They are not refundable.
  25. The Executive Director will give the applicant a form letter to be published.
    - a. The applicant is responsible for giving a copy of the completed letter to at least one local newspaper (The Osgood Journal, The Versailles Republican, or The Herald Tribune) for publication. This notice must be published at least ten (10) days prior to the date of the public hearing.

- b. Proof of such publication will be given to the applicant by the newspaper office. The applicant is responsible for giving this proof to the Executive Director at least five (5) days prior to the public hearing.
26. Copies of the same completed form letter described in #27 shall be sent to every interested party as listed according to #22.
- a. The applicant is responsible for sending these notices by “Certified Mail” at least ten (10) days prior to the public hearing.
  - b. Proof of such mailing (the “white cards”) shall be given to the Executive Director at least five (5) days prior to the public hearing.
  - c. All “green cards” from such mailing are to be given to the Executive Director prior to the meeting night.

\* Proof of mailings and publication will not be accepted the night of the hearing.\*

E. Statements regarding Subdivision

- 27. It is the responsibility of the applicant and/or the surveyor involved to understand and know the Ripley County Ordinances.
- 28. It is the responsibility of the applicant and/or surveyor involved to understand and know the Ripley County Area Subdivision Control Code.
- 29. If there are variances involved it is important to understand the following statements:

The definition of a Variance is: A modification of the specific requirements of the Code (Ripley County Area Zoning Codes) granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

Variances are adjustments to the code. The petitioner needs to prove that there are conditions or reasons that the applicant cannot adhere to the code or laws set forth by the County Commissioners. The Ripley County Zoning Ordinances cannot fit every situation so adjustments are allowed, but only if there is something unique or unusual about the property in question. Financial gain or just for convenience sake are not good reasons for an adjustment to the code.

The answers to these questions are the criteria upon which the Board must base their decisions. Below each question is slightly re-written to help the applicant understand the nature of the question. Along with the answer, try to state the reasoning behind the answers. The answers that the applicant gives at the hearing will be considered the “finding of facts” and will be the testimony of the applicant. Consider each question carefully.

- 1. The variance cannot hurt or be dangerous to anyone or their property.
- 2. A variance cannot affect the neighbor’s property or their use of it in any negative way.
- 3. The situation or condition is such, that it does not make sense to obey the ordinance. It is not practical.

4. There is a condition or situation for the petitioner's property that is different from the neighbor's property that keeps the petitioner from being allowed to use his/her property in the same manner as his/her neighbor.
5. A variance is the only way that the petitioner can be allowed to use his property in the same manner as his/her neighbor's.
6. The granting of this variance will not change the look or feel of the community. No one will notice the difference.

#### Meeting Information

1. A subdivision will be heard by the Ripley County Area Plan Commission. Their meetings are held the first Tuesday of every month. They will either deny or approve the proposed subdivision at the first hearing.
2. If the proposed subdivision is approved, it will only be primary approval. The applicant must wait at least 30 days in order to gain secondary approval. If all conditions set forth by the Plan Commission has been met and no remonstrance has been filed, secondary approval will automatically be given.
3. At the end of the required waiting time, the applicant must pick up the signed approved plat and record them at the Recorder's Office and the Auditor's Office within six (6) months. If after 6 months of the date that the Subdivision has been signed and certified by the President of the Commission it has not been recorded, the subdivision may not be recorded and the plat becomes null and void.
4. The Deadline for filing for a subdivision is no later than 3:00 P.M. on a date, which is at least 15 business days prior to the initial hearing before the Plan Commission Meeting at which the Petition is to be considered.
5. No petitioner is to contact any member of the Ripley County Area Plan Commission in advance of a public hearing with the intent to influence the Plan Commission member's action on such petition. If there are any questions regarding the proposed subdivision, please contact the Executive Director.
6. It is the responsibility of the petitioner to "state his case" and convince the Plan Commission that the subdivision should be granted. Any other type of relevant information should be brought to the meeting. Be prepared.

G. Ripley County Area Planning Commission  
P.O. Box 151  
Versailles, IN 47042

## Application for Unit Development

This application is for a re-zone to the Unit Development (UD) Zone. It is intended to provide more development flexibility than is possible through the application of customary zoning regulations. Even if the re-zone is approved, because of the nature of this zone, if no improvements have been made pursuant to the Approved Detailed Unit Development Plan for twenty-four (24) consecutive months, or if at least fifty percent (50%) is not completed within five (5) years from the approval by the Commission of a Detailed Unit Development Plan, the Commission shall initiate an amendment to the zoning Code so that the land will be zoned or reclassified into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which is deemed appropriate.

Approval of a detailed site plan shall be obtained within one (1) year after adoption by the Board of County Commissioners, or respective town council, unless an extension of time has been granted.

### A. Personal Information:

1. Name \_\_\_\_\_
2. Address \_\_\_\_\_
3. Phone Numbers: home: \_\_\_\_\_  
business: \_\_\_\_\_  
cell: \_\_\_\_\_

### B. Property Information

4. Location of Property: Sec \_\_\_\_\_ Twp \_\_\_\_\_ Rng \_\_\_\_\_
5. Tax Parcel Number: \_\_\_\_\_
6. Proof of ownership by deed recorded: \_\_\_\_\_
7. Acres involved with this petition: \_\_\_\_\_
8. Current Zone of Property: \_\_\_\_\_

### C. Unit Development Information

9. Name of Development \_\_\_\_\_
10. Number of phases \_\_\_\_\_

Anticipated use of each phase: Phase 1 \_\_\_\_\_  
Phase 2 \_\_\_\_\_  
Phase 3 \_\_\_\_\_  
Phase 4 \_\_\_\_\_  
Phase 5 \_\_\_\_\_

11.

### D. (#12) Statement of Purpose (check all that apply)

\_\_\_\_\_ (1) This Unit Development is a more creative approach in land and building site planning than other zones would allow.

- \_\_\_\_\_ (2) This Unit Development creates a more efficient, aesthetic, and desirable use of open space than would be allowed by a Subdivision.
- \_\_\_\_\_ (3) This Unit Development promotes variety in the physical development pattern of the community.
- \_\_\_\_\_ (4) This Unit Development produces a wider range of choices for residential development.
- \_\_\_\_\_ (5) This Unit Development will renew an older area where new development and restoration are needed to revitalize the community.
- \_\_\_\_\_ (6) This Unit Development gives the development special consideration of this property that has unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.
- \_\_\_\_\_ (7) This Unit Development recaptures by-passed land that has been poorly planned and developed that it has been seen as a liability.
- \_\_\_\_\_ (8) This Unit Development will help simplify the process of development proposals by providing for concurrent review of land use, subdivision, public improvements, and citing considerations.

E. Applicability

- \_\_\_\_\_ 13. The land uses intended for this Unit Development concurs with the limited uses described in Section 80.22 of the Ripley County Area Zoning Code.
- \_\_\_\_\_ 14. This Unit Development is designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design and is equal to the requirements of the Ripley County Area Zoning Code.
- \_\_\_\_\_ 15. This Unit Development is consistent with the Ripley County Comprehensive Development Plan of current adoption and is in the best interest of the County and the incorporated town.

F. List of Items to be included with this application

- \_\_\_\_\_ 16. Six (6) copies of the preliminary plan
- \_\_\_\_\_ 17. List of Interested Parties, with their addresses
- \_\_\_\_\_ 18. A statement expressing the order and estimated time of development.
- \_\_\_\_\_ 19. Has application fees been paid?
- \_\_\_\_\_ 20. Have the mailing and publication fees been paid?
- \_\_\_\_\_ 21. Has the applicant received a copy of Section 80:22 from the Ripley



County Area Zoning Code entitled “UD Unit Development Plan District”?

\_\_\_\_\_ 22. Does the applicant understand the intention, terms, and conditions of the re-zone called Unit Development?

As applicant, I understand that this application is being submitted in accordance with the Ripley County Area Zoning Code, and that I am responsible for the accuracy and completeness of the application.

I understand that incomplete or inaccurate information may result in delay or denial of the request.

\_\_\_\_\_  
(Applicant’s Signature)

\_\_\_\_\_  
(Date)

**A.**

**CHECK LIST FOR SURVEY PLAT  
REQUIREMENTS FOR RIPLEY COUNTY**

(From Sections 81.06 ½ and Sec 81.04 of the Ripley Area County Zoning Code)

Name \_\_\_\_\_ Plat Number # \_\_\_\_\_  
Phone Number of Contact Person \_\_\_\_\_  
Sec \_\_\_\_\_ Twp \_\_\_\_\_ Range \_\_\_\_\_ Twp. \_\_\_\_\_ Ac. \_\_\_\_\_ Zone \_\_\_\_\_

**I. PLAT REQUIREMENTS FOR SURVEYS**

- \_\_\_\_\_ 1. Reproducible material with original signatures
- \_\_\_\_\_ 2. Certification of Surveyor
- \_\_\_\_\_ 3. Names & Addresses of:
  - a. Owner and/or sub-divider
  - b. Surveyor or surveying company
- \_\_\_\_\_ 4. Physical location address  
or a statement indicating that one has not been issued
- \_\_\_\_\_ 5. Zone classification per County's zone maps
- \_\_\_\_\_ 6. Auditor's Tax Parcel number (*number of parent tract*)
- \_\_\_\_\_ 7. Recorded streets & roads of each, intersecting the tract:
  - a. Names
  - b. Locations
- \_\_\_\_\_ 8. Legend
  - a. North point
  - b. Scale
  - c. Date (*not over 90 days*)
- \_\_\_\_\_ 9. Location of survey:
  - a. Bearings & distances to Two (2) section corners minimum.  
(*For each section line that borders the surveyed tract, two section corners are required.*)
  - b. 1. adjoining parcels by title & record reference (Rule 12)
- \_\_\_\_\_ 2. Date of Transfer

**II. SURVEY REQUIREMENTS**

- \_\_\_\_\_ 10. Point of beginning
  - a. Shown on plat
  - b. Called out in the description
- \_\_\_\_\_ 11. Source of Bearing
  - a. Stated (*assumed, magnetic, astronomic*) by the bearing on the face of the plat.
  - b. If bearing is based upon a previous survey, reference to its location in the recorder's office must be given.

- 
12. Monumentation
- a. Location
  - b. Type
  - c. Material
  - d. Size
  - e. Notation as to whether found or set
  - f. Condition
- 
13. Accurate boundary lines:
- a. With dimensions and angles
  - b. Closure error – not more than 1 part in 5,000
- 
14. Area of Tract – calculated area of the tract in square feet or acres  
*(Note: This is the legal description acreage)*
- a. In the description
  - b. On the plat
  - c. Stated for each section
- 
- 15 Gaps & overlaps clearly shown
- 
16. Accurate direction and length:
- a. Length in feet and hundredths of feet of each line  
*(If not measured: sufficient notations shall be used to identify their source, such as (A) recorded measurement (rec); and (B) calculated from record values (Calc. Rec.) – Rule 12*
  - b. Curve data includes:
    1. Delta angle
    2. Radius
    3. Chord distance
    4. Chord bearing
    5. Arc length
    6. Tangent length
  - c. Lines required to be shown
    1. Plat boundary – in heavy solid line
    2. Right-a-way of streets and alley – a solid line
    3. Easements – a dashed line
    4. Lot line (no part should include a street) – a solid line
    5. Lines indicating easement or lot line to be vacated by the plat – dashed or dotted line
- 
17. Street or road lines:
- a. Dimensions in feet and hundredths of feet
  - b. Angles to other streets, alleys and lot lines
  - c. R/W – according to Thorough Fare Plan
- 
18. List of buildings
- a. Shown on plat
  - b. Notation that no improvement is located on the tract.

**III OPTIONAL**

- \_\_\_\_\_ 19. Accurate dimension for dedicated land
- \_\_\_\_\_ 20. Restrictions or covenants that will run with the land and will be included in the deed must be shown on the plat

**IV. ZONING REQUIREMENTS:**

- \_\_\_\_\_ 21. Is this an *Exempted Subdivision*?:
  - a. a division of land that creates 2 tracts or more, all of which are at least 10 acres or more: if yes, must still meet #23, #24 & #26 requirements + Certificates requirements
  - b. a division of land that is for additional acreage and that does not create a new building site: if yes, must #28 requirements + Certificates requirements
  - c. a division of land decreed by the court; if yes, the plat is exempted from further zoning requirements. Continue to Certificate Section.
  - d. a division of land for government to acquire street right-of-way; if yes, the plat is exempted from further zoning requirements. Continue to Certificate Section.
  - e. a division of land into cemetery lots; if yes, the plat is exempted from further zoning requirements. Continue to Certificate Section.
- \_\_\_\_\_ 22. Acreage (*required acreage cannot be included within a R/W*)
  - a. Are there at least 2 acres for the A or FR zones
  - b. Is there at least .333 acres for the R or LB zones
- \_\_\_\_\_ 23. Road Frontage:
  - a. Is there at least 200' for A or FR zones?
  - b. Is there at least 80' for R or LB zones?
- \_\_\_\_\_ 24. Lot width:
 

*To be measured between side lot lines on the building line, with at Minimum of 50% of lot width abutting a street or road*
- \_\_\_\_\_ 25. Width to Depth Ratio:
 

*Depth to be measured at the mean distance between the front lot line and the rear lot line of a lot in the general direction of the side lot lines.*

  - a. Lot depth shall not exceed four (4) times the Lot Frontage.
- \_\_\_\_\_ 26. Layout of lot (none of which can include any part of a street or road) (*A lot is any division that is less than 10 acres*)
  - a. shows dimensions
  - b. total area in square feet or acres
  - c. acreage inside proposed R/W

- \_\_\_\_\_ 27. Septic System:
- a. One (1) potential site must be shown on all lots having less than 5 ac
    - 1. All parts of system shall be on the lot – no easements accepted
    - 2. Site shall be a minimum of Ten (10) feet from any structure
    - 3. No site can be located within areas covered by existing easements
  - b. Lots containing more than five (5) acres, but less than ten (10) acres shall either:
    - 1. Show septic site
    - 2. Certificate stating that the lot has not been tested for septic
  - c. Lots of 10 acres or more are not required to be tested for septic
- \_\_\_\_\_ 28. Additional acreage is a non-conforming, non-build able lot and must meet the following requirements:
- a. “Non-Conforming Lot” or “Non-Build able Lot” shall be shown on the drawing of the plat.
  - b. The statement shall be included in the legal description of the tract. “This tract does not conform to Ripley County Zoning Laws, it is not an independent legal building site, and must be conveyed to the owner of an adjacent tract.”

**V CERTIFICATES (Sec 81.08)**

- \_\_\_\_\_ 29. Owners
- \_\_\_\_\_ 30. Surveyor’s
- \_\_\_\_\_ 31. Plan Commission
- \_\_\_\_\_ 32. Notary
- \_\_\_\_\_ 33. Surveyor’s Report
- \_\_\_\_\_ 34. Legal Description
- \_\_\_\_\_ 35 Agricultural Restriction Covenant (*If in the Agricultural Zones*)
- \_\_\_\_\_ 36. Septic (*If required*)
- \_\_\_\_\_ 37. Road (*If required*)

This Plat Review was performed on: \_\_\_\_\_  
(Date)

by: \_\_\_\_\_  
(Executive Director)

\_\_\_\_\_  
(Ripley Co. APC. President/Designee)

\_\_\_\_\_  
(Ripley Co. Surveyor’s Office Rep.)

B.

**CHECK LIST FOR SUBDIVISION PLAT  
REQUIREMENTS FOR RIPLEY COUNTY**  
(From Section 81 of the Ripley County Area Zoning Code)

Name \_\_\_\_\_ Surveyor \_\_\_\_\_  
Phone Number of Contact Person \_\_\_\_\_  
Sec \_\_\_\_\_ Twp \_\_\_\_\_ Range \_\_\_\_\_ Acreage \_\_\_\_\_ Zone \_\_\_\_\_  
Township \_\_\_\_\_ Incorporated Town \_\_\_\_\_  
Type of Subdivision \_\_\_\_\_  
Subdivision Name \_\_\_\_\_

**I. PRELIMINARY CHECK LIST COMPLETED**

- \_\_\_\_\_ 1. Has the Application for Subdivision Plats been satisfactorily completed?
- \_\_\_\_\_ 2. Has the Check List for Survey Plat been completed and approved by Plat Review Committee?
- \_\_\_\_\_ 3. Has notice been given by publication?
- \_\_\_\_\_ 4. Has notice been given to interested parties at least ten (10) days before the date set for the hearing.
- \_\_\_\_\_ 5. Has notice been given to the applicant in writing of the set date for the hearing?
- \_\_\_\_\_ 6. Has the closure error of the perimeter of the subdivision been checked by the Executive Director?

**II. TECHNICAL CHECK LIST COMPLETED**

A. Application Appropriate

- \_\_\_\_\_ 7. Does the Applicant own at least 50% of the divided property?
- \_\_\_\_\_ 8. Is the subdivision name original?
- \_\_\_\_\_ 9. Are all adjoining subdivisions with lot designations and title of the plat with recorded location information shown?
- \_\_\_\_\_ 10. Is there a statement of the proposed use of lots, giving
  - \_\_\_\_\_ a. the number of proposed buildings dwellings units and
  - \_\_\_\_\_ b. the type of business or industry?

B. Location Map

- \_\_\_\_\_ 11. Does the location map clearly show the location of the proposed subdivision?
- \_\_\_\_\_ 12. Does the location map show the thoroughfares as they are related to the subdivision?
- \_\_\_\_\_ 13. Does the location map show the nearest existing school(s)?
- \_\_\_\_\_ 14. Does the location map show the nearest parks and/or playgrounds?
- \_\_\_\_\_ 15. Does the location map show the location of Corporation lines?

C. Lot Requirements

- \_\_\_\_\_ 16. Do the lots meet zoning requirements in acreage?
- \_\_\_\_\_ 17. Do the lots meet zoning requirements in lot width and road frontage?  
Do the lots have approval from the County or State Hwy. Department?
- \_\_\_\_\_ 18. Does each lot show dimension and angles?
- \_\_\_\_\_ 19. Does each lot show total area in square feet or acres?
- \_\_\_\_\_ 20. Does each lot show the appropriate set back lines and dimensions?
- \_\_\_\_\_ 21. Are any detention ponds located on any building lot? (Not allowed)

D. Street Requirements

- \_\_\_\_\_ 22. Are all new road or street names original?
- \_\_\_\_\_ 23. Do new streets or roads meet the minimum width requirements?
- \_\_\_\_\_ 24. Are the right-of-way for all existing roads correct according to the thoroughfare plan?
- \_\_\_\_\_ 25. Does the subdivision dedicate land according to the thoroughfare plan?
- \_\_\_\_\_ 26. Are there accurate dimensions for any property to be dedicated or reserved for public, semi-public or community use?
- \_\_\_\_\_ 27. Do the plans show that any new street or road be surfaced to a minimum width of twenty (20) feet?
- \_\_\_\_\_ 28. Do the plans show that new streets or roads match the type of surface of the connecting or intersecting public street?
- \_\_\_\_\_ 29. Do any new Cul-de-sacs exceed 2640'?

E. Utilities

- \_\_\_\_\_ 30. Is there a letter from each available utility that will be utilized or applicable as proposed by the developer in the proposed development or subdivision, indicating that such utility can and will serve the proposed development or subdivision?
- \_\_\_\_\_ 31. Is there evidence of an adequate source of water supply?
- \_\_\_\_\_ 32. Are the locations and size of storm and sanitary sewers and water distribution systems shown if they apply?
- \_\_\_\_\_ 33. Are accurate locations and dimensions for easements for utilities and CATV given ?
- \_\_\_\_\_ 34. Are widths shown and purpose of easements named?
- \_\_\_\_\_ 35. Are any limitation on utilities and CATV easements given?

F. Septic Approval (if applies)

- \_\_\_\_\_ 36. Is One (1) septic site shown for each lot for each lot having less than 5 acres or a statement given for each lot over 5 acres and under 10 acres?
- \_\_\_\_\_ 37. Is there a letter from the health department as to whether private septic systems can be used on this property?
- \_\_\_\_\_ 38. Are any easements involved for septic site? (not permitted)

G. Topographical Map?

- \_\_\_\_\_ 39. Does it show Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is ten percent (10%) or greater?
- \_\_\_\_\_ 40. Is there a soil survey map showing the soil limitations based upon the intended usage for the development land?
- \_\_\_\_\_ 41. Is there a statement concerning the method of controlling erosion before, during, and following construction, i.e., temporary seeding, siltation basins, mechanical erosion devices, and other similar means, that meet the respective County Soil and Water Conservation guidelines for urban development?
- \_\_\_\_\_ 42. If 50% or more of the subdivision has a slope of generally less than two percent (2%), is a hydrologist report on file?

H. Flood Plain Information

- \_\_\_\_\_ 43. If a flood plain is involved, is there a statement from the Indian Dept of Natural Resources, Division of Water, concerning construction in floodway, including flood plain high-water marks, etc.?
- \_\_\_\_\_ 44. If it is in a flood hazard area, does the plat show the 100-year flood elevation on the plat?
- \_\_\_\_\_ 45. If it is in Flood Plain District, is there an evacuation plan approved by the appropriate community emergency management authorities for the proposed lots?
- \_\_\_\_\_ 46. If any part of the Subdivision is in the flood plain, is the flood line accurately shown on the plat?

I. Miscellaneous Information

- \_\_\_\_\_ 47. Does it show any other features or conditions, which would affect the subdivision favorably or adversely?
- \_\_\_\_\_ 48. Does the subdivision lie between or adjacent to other subdivisions which have been provided with curb and gutter, making the proposed subdivision required to have curb and gutter?
- \_\_\_\_\_ 49. Is this subdivision near a school or other public buildings that would make the subdivision required to have sidewalks?
- \_\_\_\_\_ 50. Does this subdivision require a maintenance bond or letter of credit?

**III ENGINEER PLANS**

- \_\_\_\_\_ 51. Are profiles, typical cross-sections and specification for proposed street improvements shown?
- \_\_\_\_\_ 52. Are profiles and locations and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution systems given?



- \_\_\_\_\_ 53. Is there a description of the portion of the overall plat of the subdivision intended to be filed for record, including a program for the progressive development of the entire area contained in the overall plat?
- \_\_\_\_\_ 54. Is there a statement of the estimated amount of money sufficient to complete the improvements and installation by the sub-divider and attested to by a registered land surveyor or a registered profession engineer given?
- \_\_\_\_\_ 55. Are the plans provided by an engineer, certified by that engineer?

**IV. ONLY FOR SUBDIVISIONS THAT GROSS MORE THAN TWO (2) LOTS PER ACRE**

- \_\_\_\_\_ 56. Is there a detailed storm sewer/drain and sanitary sewer plans given?
- \_\_\_\_\_ 57. Is there a fence to be installed at a minimum height of six (6) feet and slatted for opacity? Or a letter stating how the property would be affected adversely if this rule was to be applied?
- \_\_\_\_\_ 58. Is there a covenant addressing the maintenance of such fence as required?
- \_\_\_\_\_ 59. Are the curbs and gutters approved by the prospective Town Council or by the Ripley County Highway Supervisor?
- \_\_\_\_\_ 60. Are there plans for sidewalks?

**V. ONLY FOR RURAL SUBDIVISION**

- \_\_\_\_\_ 61. Is the ground unsuitable for farming?
- \_\_\_\_\_ 62. Does it adjoin another subdivision?
- \_\_\_\_\_ 63. Are there no more than 3 lots accessing the drive and 2 lots fronting on a street?
- \_\_\_\_\_ 64. Does each lot meet the width to depth standard?
- \_\_\_\_\_ 65. Does each lot have at least 3 acres per lot, not including access drive?
- \_\_\_\_\_ 66. Are there no more than 3 lots using the access drive?
- \_\_\_\_\_ 67. Is the shared interest for the access drive equal to the lots using said drive?
- \_\_\_\_\_ 68. Is the access drive at least 50' in width? Does the access drive have approval from the County or State Hwy. Department?
- \_\_\_\_\_ 69. Is there a Maintenance Agreement for shared access drive included with the plat?

**VI. CERTIFICATES REQUIRED**

- \_\_\_\_\_ 70. Is there a certificate for primary approval by the Commission
- \_\_\_\_\_ 71. Is there a certificate secondary approval by the Commission?
- \_\_\_\_\_ 72. Is there a signature for the Ripley County Soil and Water Conservation District?
- \_\_\_\_\_ 73. Is there dedication for streets and other public property?
- \_\_\_\_\_ 74. Is an Agriculture Covenant Required?
- \_\_\_\_\_ 75. Are all other covenants that will be included in the deed, attached to the plat?
- \_\_\_\_\_ 76. Are all covenants written clearly and within the laws of the State /County?

**VII. CONCERNS RECOMMENDED FOR THE PLANNING COMMISSION**

1. Will the proposed subdivision have a negative effect on the traffic flow?
2. Will the proposed subdivision be a fire hazard for the community?
3. Will the proposed subdivision be a congestion of population for the community?
4. Will the waver(s) requested be detrimental to the subdivision or the community?

5. \_\_\_\_\_

\_\_\_\_\_

6. \_\_\_\_\_

\_\_\_\_\_

7. \_\_\_\_\_

\_\_\_\_\_

8. \_\_\_\_\_

\_\_\_\_\_

**VIII. THE FOLLOWING MEMBERS WERE PRESENT AT THE REVIEW COMMITTEE:**

1. \_\_\_\_\_

2. \_\_\_\_\_

3. \_\_\_\_\_

4. \_\_\_\_\_

5. \_\_\_\_\_

\_\_\_\_\_  
(Plan Commission President)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Executive Director)

\_\_\_\_\_  
(Date)

**IX. BEFORE SECONDARY APPROVAL CAN BE GIVEN THE FOLLOWING CHECK LIST MUST BE COMPLETED:**

- \_\_\_\_\_ 1. A remonstrance has not been filed.
- \_\_\_\_\_ 2. All bonds have been paid.
- \_\_\_\_\_ 3. Any conditionals placed upon the subdivision have been applied.

**X. FOLLOW UP:**

- \_\_\_\_\_ 1. Upon completion of the streets, a minimum of two (2) sets of as-built plans and profiles have been filed with the commission.
- \_\_\_\_\_ 2. As-built inspection has occurred.
- \_\_\_\_\_ 3. It has the approval of the Executive Director as being built as planned.

**C. CHECK LIST FOR UNIT DEVELOPMENT RE-ZONE**  
**REQUIREMENTS FOR RIPLEY COUNTY**  
(from Section 80:22 of the Ripley County Area Zoning Code)

Name \_\_\_\_\_ Plat Number # \_\_\_\_\_  
Phone Number of Contact Person \_\_\_\_\_  
Sec \_\_\_\_\_ Twp \_\_\_\_\_ Range \_\_\_\_\_ Acreage \_\_\_\_\_ Zone \_\_\_\_\_  
Type of Subdivision \_\_\_\_\_

Unit Development Name: \_\_\_\_\_

**PART ONE**

**I. PRELIMINARY CHECK LIST COMPLETED**

- \_\_\_\_\_ 1. Has the Application for Unit Development been completed satisfactorily?
- \_\_\_\_\_ 2. Has notice been given by publication?
- \_\_\_\_\_ 3. Has notice been given to interested parties at least ten (10) days before the date set for the hearing?
- \_\_\_\_\_ 4. Has notice been given to the applicant in writing of the set date for the hearing?
- \_\_\_\_\_ 5. Does the proposed Unit Development meet the intended use of the Unit Development's "Statement of Purpose" as cited in Section 80:22 of the Area Zoning Code.

**II. APPLICABILITY**

- \_\_\_\_\_ 6. Does the tract of that involved contain at least five (5) acres?
- \_\_\_\_\_ 7. Does any part of this development include areas that are already platted subdivisions or other Unit Development Plans, which is now fully or partially developed? (not allowed)
- \_\_\_\_\_ 8. Is the primary use or entire use business or enclosed industrial use?  
OR  
Does this Unit Development have uses not permitted in residential unit development plans?
- \_\_\_\_\_ 9. Are the dwelling units in detached, semi-detached, attached, or multi-storied structures?
- \_\_\_\_\_ 10. Are the non-residential uses of a religious, cultural, recreational, and business, or enclosed industrial character planned and gauged primarily for the service and convenience of the anticipated population of the unit development?

- \_\_\_\_\_ 11. Are there business uses planned to be built prior to the residential buildings it is intending to serve? (not allowed)
- \_\_\_\_\_ 12. Is the Unit Development designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design and equal to the requirements of this code?
- \_\_\_\_\_ 13. Is the intended intensity of the use of the proposed land consistent with the Comprehensive Development Plan of current adoption and the best interest of the County and the incorporated towns?

### **III. PROCEDURE**

- \_\_\_\_\_ 14. Does the petitioner own at least 50% of the area involved in the petition?
- \_\_\_\_\_ 15. Is the proposed layout to scale, not to exceed 100' = 1" of any streets, building, open space, property divisions and other elements basic to the proposed uses within the area proposed to be developed?
- \_\_\_\_\_ 16. Does the preliminary plan show the proposed locations, amounts, and types of non-residential uses within the area proposed to be developed?
- \_\_\_\_\_ 17. Does the preliminary plan show the proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent features?
- \_\_\_\_\_ 18. Does the preliminary plan include any graphic mediums, which explains the features to be contained within the development of engineering feasibility?
- \_\_\_\_\_ 19. If any of the area within the proposed development have land that will be vacating an original plat or subdivision, is that area clearly shown by a dotted line in relationship to the lines of the new plan, being shown in solid lines?
- \_\_\_\_\_ 20. Does the land show the boundary lines of adjacent subdivided and un-subdivided land?
- \_\_\_\_\_ 21. Does the plan show the existing zone of the area?
- \_\_\_\_\_ 22. Does the plan show the existing zone of the area surrounding the proposed development?
- \_\_\_\_\_ 23. Does the plan show the entire parcel of ground owned by the petitioners?
- \_\_\_\_\_ 24. Does the plan contain the covenants, in general terms, proposed to be made as part of the unit development plan?
- \_\_\_\_\_ 25. Is there a statement expressing the order and estimated time of development?

### **IV. COVENANTS AND MAINTAINANCE**

- \_\_\_\_\_ 26. Does the plan contain the required covenants for the ownership and maintenance of all facilities held in common and does it includes remedies for the respective town or County to take in the event that the facilities held in common are permitted to deteriorate?

- \_\_\_\_\_ 27. Does the Commission want to require the recording of covenants for any reasonable public or semi-public purpose that provide that if a governmental unit or agency thereof does not proceed with the acquisition of the allocated land within a specified period of time, the covenants shall automatically terminate and the petitioner shall then have to submit for approval by the Commission a modified detailed site plan for such lands consistent with the Approved Preliminary Unit Development Plan? (Such modified detailed site plans, shall be treated in the same manner as approved detailed site plans for an entire Unit Development Plan.)
- \_\_\_\_\_ 28. Does the Commission want to require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Unit Development Plan?
- \_\_\_\_\_ 29. Does the petitioner provide financial assurance for the satisfactory installation of all public facilities in the form of bonds, or other such assurances?
- \_\_\_\_\_ 30. Is there a provision made for a private organization with direct responsibility to, and controlled by, the property owners involved to provide for the operation and maintenance of all common facilities and is there legal assurance which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes?
- \_\_\_\_\_ 31. Are common facilities, which are not dedicated to the public, assured to be continuously and adequately maintained at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof?
- \_\_\_\_\_ 32. Is there assurance that common facilities not dedicated to the public will be operated at no cost to any government unit?
- \_\_\_\_\_ 33. Do all private streets to be maintained by the aforesaid private organization, operate in such a manner that adequate access is to be provided at all time to vehicular traffic to assure that fire, police, health, sanitation, and public utility vehicles can serve the properties contiguously?
- \_\_\_\_\_ 34. Do all private streets have an adequate turning area for all vehicular traffic to assure that fire, police, health, sanitation, and public utility vehicles can serve the properties?

\_\_\_\_\_  
(Plan Commission President)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Executive Director)

\_\_\_\_\_  
(Date)

**V. THE HEARING**

- \_\_\_\_\_ Is the Preliminary Plan approved?
- \_\_\_\_\_ Is the Preliminary Plan denied?
- \_\_\_\_\_ Is the Preliminary Plan amended?

**PART TWO**

**Before development takes place, a Detailed Site Plan must be approved by the Commission.**

**VI. DETAILED SITE PLAN**

1. Does it show the exact location, composition, and general engineering features of:
- \_\_\_\_\_ a. all lots?
  - \_\_\_\_\_ b. drainage?
  - \_\_\_\_\_ c. sewage?
  - \_\_\_\_\_ d. water supply?
  - \_\_\_\_\_ e. facilities?
  - \_\_\_\_\_ f. recreational facilities?
  - \_\_\_\_\_ g. site perimeter features?
  - \_\_\_\_\_ h. other pertinent site development features?
  - \_\_\_\_\_ i. general location

- \_\_\_\_\_ 2. Is the detailed site plan consistent with the approved Preliminary Unit Development Plan?

\_\_\_\_\_  
(Plan Commission President)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Executive Director)

\_\_\_\_\_  
(Date)

**VII. DETAILED SITE PLAN HEARING**

- \_\_\_\_\_ Is the detailed site plan approved?
- \_\_\_\_\_ Is the detailed site plan refused? Note: refusal does not operate as a limitation on the right of the petitioner to seek approval!

**PART THREE**

**VIII. LIMITATIONS OF UNIT DEVELOPMENT**

\_\_\_\_\_ 1. Has the petitioner gained approval of a Detailed Site Plan within one (1) year after the approval of the Preliminary Unit Development Plan or gained approval for an extension of time?

*Failure to do so should result in the Commission initiating an amendment of the zoning code so that the land will be zoned into the category or categories, it held before being reclassified as a UD.*

\_\_\_\_\_ 2. Has construction or installation work been done on any public improvements before satisfactory plans and specification have been submitted to the Commission.

*The petitioner has to notify the Executive Director at least twenty-four hours in advance of his intention to begin work.*

\_\_\_\_\_ 3. If modification of the Approved Detailed Unit Development Plan is necessary, has it been modified in a manner consistent with the Approved Preliminary Unit Development Plan.

*The Commission may modify the Approved Detailed Unit Development Plan to allow for changed circumstances and conditions unforeseen at the time of its original approval.*

\_\_\_\_\_ 4. Has all development been in conformity with the Approved Detailed Unit Development Plan?

*The Commission shall take cognizance of any material deviations and take appropriate enforcement actions.*

\_\_\_\_\_ 5. Does the petitioner want to develop the property involved in phases?

*The Commission must approve of such development, but each phase must have a Detailed Site Plan approved.*

\_\_\_\_\_ 6. Has development begun within twenty-four (24) consecutive months after the approval of the Detailed Unit Development Plan?

*After the abandonment date the Commission shall initiate an amendment to the Zoning Code so that the land will be zoned into a category or categories which most nearly approximates its then existing use.*

\_\_\_\_\_ 7. Is at least fifty percent (50%) of the development completed within a period of five (5) years of the approval of a Detailed Unit Development Plan or any extension that has been granted.

*After the expiration date the Commission shall initiate an amendment to the Zoning Code so that the land will be zoned into a category or categories which most nearly approximates its then existing use.*

\_\_\_\_\_ 8. Has the Approved Detailed Development Plan been recorded in the Ripley County Recorder's Office within two (2) years after the approval by the Commission.

*No Improvement Location Permits may be issued unless all recording required.*

\_\_\_\_\_  
(Executive Director)

\_\_\_\_\_  
(Date)







