

Chapter Eleven

Administration

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11.1 Administrative Officer

The Zoning Administrator in Whitley County, Indiana will have the principal responsibility for administration and enforcing or coordinating the enforcement of this Ordinance within the Plan Commission's planning jurisdiction.

11.2 Effect on Vacation of Zoning

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the Zoning District adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended Zoning Districts. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, shall be extended automatically to include all of the vacated area. Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. Appeals of the Zoning Administrator's determination may be brought before the Board of Zoning Appeals.

11.3 Summary of Powers and Duties of the County Commissioners

The powers and duties of the County Commissioners are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. County Commissioners' Duties:

1. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that have been certified and submitted by the Plan Commission.
2. Adopt, reject or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that has been certified and submitted by the Plan Commission.
3. Adopt, reject or amend proposals for a Official Zoning Map that has been certified and submitted by the Plan Commission.
4. Adopt, reject or amend proposals for a Planned Development District that have been certified and submitted by the Plan Commission.
5. Adopt, reject or amend proposals to adopt or amend a Fee Schedule that have been certified and submitted by the Plan Commission.
6. All duties as permitted by Indiana State Code.

B. County Commissioners' Powers:

1. Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance.
2. Initiate amendments to the Official Zoning Map.
3. All powers as permitted by Indiana State Code.

11.4 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Plan Commission Duties:

1. Adopt and maintain a County Commissioners approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law.
2. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administrating and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance.
3. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
4. Record and file bonds and contracts for development and land use functions.
5. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
6. Adopt and maintain a permitted process and seal used to certify official or approved documents.
7. Certify and submit recommendations to the County Commissioners including new versions of and revisions to the Comprehensive plan, Zoning Ordinance, Subdivision Control Ordinance, and Official Zoning Map.
8. Certify and submit recommendations to the County Commissioners for adopting a Planned Development District.
9. Maintain monetary and fiscal records of the Plan Commission.
10. Prepare and submit an annual budget to the County Council.
11. Approve or deny plats or replats of Subdivisions.
12. Approve or deny development plans and amendments to development plans.
13. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments.
14. Establish and maintain a County Commissioner approved Fee Schedule that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.
15. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent of the local Resolutions, Ordinances, and State of Indiana Law.
16. All duties as permitted by Indiana State Code.

B. Plan Commission Powers:

1. Delegate to a committee or person the role as Zoning Administrator.
2. Review job descriptions for support staff to the Plan Commission.

3. Recommend the compensation for the Plan Commission members as provided within the annual budget of the Plan Commission.
4. Establish advisory committees as necessary made up of County officials and the general public.
5. Establish an executive committee.
6. Seek funding assistance through grant programs as necessary.
7. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community.
8. All powers as permitted by Indiana State Code.

11.5 Summary of Powers and Duties of the Board of Zoning Appeals

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

A. Board of Zoning Appeals Duties:

1. Review and hear appeals of decisions made under this Ordinance by the Zoning Administrator, Plan Commission Staff, Building Commissioner, Committees or Administrative Boards or other body except Plan Commission.
2. Review and hear appeals of decisions in relation to the enforcement of this Ordinance by an Administrative Board or other body except Plan Commission.
3. Review, hear, and approve or deny all petitions for special exceptions based on the provisions of this ordinance and Indiana State Code.
4. Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area) of this Ordinance.
5. Review, hear, and approve or deny all petitions for variances of use regulations in this Ordinance.
6. All duties as permitted by Indiana State Code.

B. Board of Zoning Appeals Powers:

1. Review job descriptions for support staff (as necessary).
2. Recommend the compensation for BZA members as provided within the annual budget of the Board of Zoning Appeals.
3. All powers as permitted by Indiana State Code.