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**Department of
Development Services**

**IMPROVEMENT
LOCATION PERMIT**

Advisory Plan Commission
Application Packet

ADVISORY PLAN COMMISSION

IMPROVEMENT LOCATION PERMIT



61 N. Green Street | Brownsburg, IN 46112
Phone 317-852-1128 | Fax 317-852-1134
www.brownsburg.org

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DEFINITION:

A permit issued under the Zoning Ordinance prior to receiving a Building Permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, repair, move, occupy, use, improve, remove, convert, or demolish any building or structure within its jurisdiction, or permitting a person to change the condition of the land.

SEC. 7.02 Improvement Location Permit

- A. **Applicability:** An Improvement Location Permit shall be required prior to permanent construction, installation, addition, alteration, or relocation of a structure; prior to permanent alteration to the land; and prior to establishment of a new land use or change of an existing land use, except when the language in the ordinance clearly exempts the improvement.
- B. **Exemptions from Improvement Location Permit:** This exemption is only from having to obtain an Improvement Location Permit. It is not an exemption from having to meet all other applicable regulations in the Zoning Ordinance. Any project exempt from having to acquire an Improvement Location Permit that is in violation of the Zoning Ordinance is subject to *Article 8: Enforcement*. The following projects are exempt from having to obtain an Improvement Location Permit.
1. ***Projects that Require a Temporary Improvement Location Permit:*** A project that requires a Temporary Improvement Location Permit shall be exempt from obtaining an Improvement Location Permit.
 2. ***Small Structures:*** An accessory structure that is ninety (90) square feet or less in area is exempt from obtaining an Improvement Location Permit
 3. ***Softscaping and Hardscaping:*** Installing trees, shrubs, plants, and flowers; applying mulch or soil enhancers; raising of planting beds around foundations; and installing accent hardscaping (e.g. stone steps, stone edging, and small retaining walls) is exempt from obtaining an Improvement Location Permit as long as there is no adverse affect to drainage.
 4. ***Deck or Patio:*** A deck or patio installed individually or cumulatively that is ninety (90) square feet or less in area over the entire lot is exempt from obtaining an Improvement Location Permit.
 5. ***Sign Content Change:*** Sign content, including changing a sign face with the same material, may be changed without having to receive an Improvement Location Permit.
 6. ***Flag Pole:*** Flag poles may be installed without obtaining an Improvement Location Permit.
 7. ***Play Set:*** Play sets may be installed without obtaining an Improvement Location Permit.
 8. ***Type 1 Home Business:*** Type 1 home businesses may commence without obtaining an Improvement Location Permit.
 9. ***Property Maintenance:*** Maintenance and repairs to the existing structure or site features may commence without obtaining an Improvement Location Permit.
 10. ***Replacing Light Fixtures:*** Existing light fixtures and bulbs may be replaced without obtaining an Improvement Location Permit. However, replacement lighting fixtures shall not violate Section 5.41: Lighting Standards, commitments, or conditions of the development's approval, or any other standards within the Zoning Ordinance.

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C. Cross Reference:

1. *Building Permit:* An Improvement Location Permit does not authorize compliance with building codes. Concurrent to having a project reviewed for compliance with the Zoning Ordinance most projects with any type of building will also have to be reviewed for compliance with the Building Code. The review for compliance with the Building Code is conducted by the Building Commissioner and is a separate process from the Improvement Location Permit.
2. *Stormwater Permit:* An Improvement Location Permit does not authorize compliance with the Brownsburg Stormwater Management Ordinance. See *Section 151: Stormwater Management Ordinance* for the specific process and applicable regulations.
3. *Other Permits:* An Improvement Location Permit does not authorize compliance with any county, state or federal Permits. It is the responsibility of the property owner to acquire any other required permits prior to making any improvement.

D. Filing Requirements:

1. *Application:* Application for an Improvement Location Permit shall be made on a form provided by the Zoning Administrator and shall be submitted to the Zoning Administrator during normal business hours. The applicant shall submit multiple copies of the application and materials if requested by the Zoning Administrator. Plans or illustrations filed as part of an application shall be drawn to a scale sufficient to permit a clear and precise understanding of the contents of the plans and of the proposal being made.

E. Permit Procedure:

1. *Substantially Complete Application:* An application for an Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator must first verify that the application form and any required supplemental information has been submitted correctly, and the applicable application fee has been paid.
2. *Review the Project's Compliance:* After the application has been verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Zoning Ordinance. The Zoning Administrator may consult with other Brownsburg staff, or any other person, department, or group to determine if the project complies with all of the provisions of the Zoning Ordinance. During the review process, the Zoning Administrator may:
 - a. *Request Additional Information:* During the process of rendering a decision, the Zoning Administrator may request additional information deemed necessary to determine whether the project complies with the Zoning Ordinance.
 - b. *Exercise Discretion:* Some provisions within the Zoning Ordinance allow the Zoning Administrator to apply discretion to a decision. If such discretion is exercised, the Zoning Administrator shall describe the decision and cite the authority for that discretion.
 - c. *Interpret the Zoning Ordinance:* Because the Zoning Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Zoning Ordinance when a situation is not specifically addressed.
3. *Render a Decision:* The Zoning Administrator shall render a "decision to deny" or "decision to approve" based on the information submitted, project review, discretion exercised, and interpretations made.
4. *Issuing an Improvement Location Permit:* If the proposed project complies with the Zoning Ordinance, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue an Improvement Location Permit. The Zoning Administrator shall also issue a placard to the applicant. The placard is to be posted in a conspicuous place on the subject property for the duration of the project.
5. *Decision to Deny an Improvement Location Permit:* If the proposed project does not comply with the Zoning Ordinance, the Zoning Administrator shall not issue an Improvement Location Permit. The Zoning Administrator shall document the reasons for not issuing an Improvement Location Permit and send that information to the applicant by email or US Mail, or by telephone. If an email is used to communicate denial, documentation that the email was received shall be included in the file. Similarly, if a phone call is used to communicate denial, documentation of the phone call shall be included in the file. If the Zoning Administrator renders a decision to deny an Improvement Location Permit the applicant may promptly revise the application, or may promptly pursue relief from the Zoning Ordinance.
6. *Allowance for Revision Prior to a Decision:* At the discretion of the Zoning Administrator, the applicant may be permitted to modify the site plan, application form, or attachments prior to a decision by the Zoning Administrator.

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7. *Allowance for Revision After a Decision:* After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Zoning Ordinance without terminating the process. The petitioner may submit revisions up to two times within thirty (30) days from the decision to deny, after said limitation, a full reapplication.
8. *Pursuit of Relief:* After a decision to deny, the applicant may promptly pursue an administrative appeal, Variance from Development Standards, Special Exception, or Variance of Use. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.

F. Duration:

1. *Procedural Expiration:* An application for an Improvement Location Permit shall expire and be void after the applicant is notified of a decision to deny unless the applicant makes revisions to the application or pursues relief through the Board of Zoning Appeals within thirty (30) days from notification.
2. *Commencement:* After an Improvement Location Permit is issued, the project shall commence within twelve (12) months of the issuance date or shall the Improvement Location Permit become null and void.
3. *Expiration:* After an Improvement Location Permit is issued, the project shall be completed within two (2) years of the issuance date or the Improvement Location Permit shall become null and void.
4. *Extensions:* Upon request by the applicant, an Improvement Location Permit may be extended one (1) time for up to twelve (12) months. The Zoning Administrator may grant the requested extension. Both the request for the extension and the Zoning Administrator's decision concerning the extension shall be made part of the Improvement Location Permit file.

G. Modification After Issuance of an Improvement Location Permit: At the discretion of the Zoning Administrator, an Improvement Location Permit may be modified if:

1. *Warranted:* Warranted due to discoveries during construction or other significant finding, and
2. *Requested Prior to Initiation:* Requested prior to construction, installation, addition, alteration, or relocation of a structure; prior to alteration to the land; and prior to establishment of a new land or change an existing land use.

or if:

3. *Warranted:* Warranted due to discoveries during construction or other significant finding,
4. *Component is Not Completed:* Requested prior to the applicable component of the project being completed, and
5. *Not Correcting a Violation:* The modification is not an attempt to correct a violation.

H. Modifications: If a modification is allowed, the Zoning Administrator shall request any necessary information, shall review the modification for its compliance to the Zoning Ordinance, and then render a decision. If the proposed modification meets the provisions of the Zoning Ordinance the Improvement Location Permit may be amended and filed. If the modification is denied for non-compliance with the Zoning Ordinance, the modification shall be disallowed.

I. Record of Improvement Location Permit: Records of Improvement Location Permits that were approved or denied pursuant to this section shall be kept on file in the Town Hall for the period as specified by the Indiana State Code and shall be available as public record.

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Application Submittal Requirements:

**The following information, documents and fees are required when filing an application for
IMPROVEMENT LOCATION PERMIT to be heard by the Brownsburg Advisory Plan Commission:**

A. Pre-Filing Meeting

- Applicant is required to attend a Pre-filing meeting with the Department of Development Services (Contact: developmentsservices@brownsburg.org)

B. Application and required submittals

- Completed application with notarized signatures
- Application Fee (Non-refundable fee must be paid when application is filed)
 - a. Improvement Location Permit Fee: \$400 + \$25.00 per acre
- Affidavit and Consent of property owner
- Area Map and legal description of subject property.
- Submit plans: ten (10) sets of development plans on 24"x36"; one (1) set of plans on 11"x17"; and one (1) digital copy of all plans and documents supplied in PDF format.

C. Preliminary Approvals

- Provide utilities letter of Intent to Serve.
- Preliminary approval from the Hendricks County Drainage Board (if project is within a watershed of a legal drain.)
- Preliminary approval from the Indiana Department of Transportation—INDOT (if the project proposes an impact on a thoroughfare under their jurisdiction); final INDOT approval must be filed with the Department of Development Services prior to the release of Development Plan for construction.

Assistance can be sought in preparation of the application from the Department of Development Services; however, the major execution rests with the Applicant. Applicants may choose to have an attorney or their consultant prepare the application and represent them at the hearing, though this is not a requirement.

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CONTACTS

INDIANA DEPARTMENT OF TRANSPORTATION

LETHA COFFING
INDOT, CRAWFORDSVILLE DISTRICT
41 W. 300 N.
P.O. BOX 667
CRAWFORDSVILLE, IN 47933
765.361.5252

HENDRICKS COUNTY DRAINAGE BOARD

HENDRICKS COUNTY SURVEYOR'S OFFICE
355 S. WASHINGTON STREET #214
DANVILLE, IN 46122
317.745.9237

WESSLER ENGINEERING (STORMWATER/EROSION CONTROL AND POST CONSTRUCTION)

6219 SOUTH EAST STREET STE. A
INDIANAPOLIS, IN 46227
317.788.4551

VS ENGINEERING (TRAFFIC IMPACT STUDIES)

4275 NORTH HIGH SCHOOL ROAD
INDIANAPOLIS, IN 46254
317.293.3542

WATER UTILITIES

TOWN OF BROWNSBURG WATER DEPARTMENT
61 NORTH GREEN STREET
BROWNSBURG, IN 46112
317.852.1138

CITIZENS ENERGY GROUP
2020 NORTH MERIDIAN STREET
INDIANAPOLIS, IN 46202
317.924.3311

SEWER UTILITIES

TOWN OF BROWNSBURG WASTEWATER DEPARTMENT
61 NORTH GREEN STREET
BROWNSBURG, IN 46112
317.852.1114

WEST CENTRAL CONSERVANCY DISTRICT
243 SOUTH COUNTY ROAD 625 EAST
AVON, IN 46123
317.272.2980

AQUA INDIANA (HENDRICKS REGIONAL SEWER DISTRICT)
317.745.4928

STORMWATER

TOWN OF BROWNSBURG STORMWATER DEPARTMENT
61 NORTH GREEN STREET
BROWNSBURG, IN 46112
317.852.1128

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IMPROVEMENT LOCATION PERMIT APPLICATION

PROJECT NAME:		RECEIVED STAMP
ENERGOV #:	APC DOCKET #:	
APPLICATION FEE:	RECEIPT #:	

COMPLETE THE FOLLOWING:

Applicant:	Company:			
	Name:		Email:	
	Address:		City, State:	Zip code:
	Phone #:	Cell #:	Fax #:	
Applicant is (Check one):	<input type="checkbox"/> Sole Owner <input type="checkbox"/> Joint Owner <input type="checkbox"/> Tenant <input type="checkbox"/> Agent <input type="checkbox"/> Other (Specify): _____			

Owner:	Company:			
	Name:		Email:	
	Address:		City, State:	Zip code:
	Phone #:	Cell #:	Fax #:	

Project Contact:	Company:			
	Name:		Email:	
	Address:		City, State:	Zip code:
	Phone #:	Cell #:	Fax #:	

Project Information:	Property Address/General Location:	
	Subdivision Name:	
	Property Type:	<input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential
	Parcel Numbers:	

ADVISORY PLAN COMMISSION

AFFIDAVIT & CONSENT OF

PROPERTY OWNER

IMPROVEMENT LOCATION PERMIT

That I/we _____ after first being duly sworn, depose and say:

That I am/we are the owner(s) of the Real Estate located at: (Legal and/or common address)

Parcel Number(s): _____

That I/we have read and examined the application for Improvement Location Permit, and I/we are familiar with its contents.

That I/we have no objections to, and consent to such request as set forth in the application.

Signature of Affiant

Print Name

STATE OF _____)

) SS:

COUNTY OF _____)

BEFORE ME, the undersigned, a Notary Public in and for said County and State, personally appeared _____, who acknowledged the execution of the above and foregoing instrument to its voluntary act and deed on the ____ day of _____, 20____.

Commission Expiration Date

Notary

County of Residence

Printed Name