

# Article 23

## Improvement Location Permits, Site Plans, Building Permits and Certificates of Occupancy

### Section 23.01 General Requirements

No permit pertaining to the use of land or permits as required by building codes for the erection, enlargement, or structural alteration of a building or structure shall be issued by an officer, department, or employee of the county or city unless the applications for the permits have been examined by the enforcement official, indicating that the applications comply with the provisions of this chapter. Any certificate or occupancy certificate issued for applications that are in conflict with the provisions of this chapter shall be null and void.

### Section 23.02 Improvement Location Permits

- (a) An improvement location permit shall be obtained for any of the following actions. This provision is applicable to any structure, including accessory structures, whose ground floor area exceeds 144 square feet, or any additions to existing structures where the change will enlarge the ground floor area of the structure, regardless of the size of the addition. However, it does not apply to any interior alterations, other than a change of use, or any exterior change which does not alter the ground floor area of a structure.

Activity/Use	Improvement Location Permit
Agricultural buildings or structures	Sketch plan
Single family detached and two family dwellings	Sketch plan
Multiple family dwellings	Site plan
Non residential building	Site plan
Establishment of a new special exception use (see Article 17)	Site plan
Planned Unit Development (see Article 25)	Site plan
Private road	Site plan
Construction solely on the building interior that does not increase usable floor area	Exempt
Cosmetic (non-structural) changes to any structure including the replacement of windows in existing openings, re-roofing, the installation of siding material, and repainting	Exempt
Wireless communication facility	Site plan
Change in use to an existing building to a similar or less intensive use, as determined by the enforcement official based upon the classification of uses in the district	Exempt
Change in use to an existing building to a more intensive use, as determined by the enforcement official	Sketch plan
Temporary uses, buildings, structures, and seasonal events	Sketch plan
Temporary storage/accessory structures	Sketch plan
Accessory commercial or industrial outdoor storage	Site plan
New parking lot/loading area or change in driveway access for a non-residential use	Site plan
Expanding an existing parking lot or paving an existing gravel parking lot	Site plan
Resurfacing of existing parking lot without increasing number of spaces	Exempt
Residential driveways and sidewalks that are located entirely on private property	Sketch plan
Construction, relocation or erection of signs, retaining walls, fences, walls, waste receptacle, sidewalks, antennas, lights, poles, cooling/heating or other mechanical equipment for any nonresidential use	Sketch plan
All fences (landscaping, privacy or security) and all retaining walls except on farms and lots in the Agricultural District	Sketch plan
Residential TV towers, satellite dishes, and other similar structures	Exempt

Modifications to comply with accessibility requirements	Exempt
Mineral extraction	Site plan
Alteration of the existing grade in excess of two (2) feet relative to the grade at the property lines of adjoining property owners in Subdivisions, and/or in R-1, R-2, R-3, LR, MH Zoning Districts	Sketch plan
Private ponds	Sketch plan
All uses on the La Porte and Michigan City airport properties	Exempt See article 11

- (b) Major activities such as commercial or industrial uses require a full engineered site plan. Minor activities such as single family residential dwellings may provide a less detailed sketch plan, provided the level of detail is sufficient to demonstrate compliance with this ordinance.
- (c) All construction activity shall be subject to the building permit and inspection requirements of the Building Code, in addition to the improvement location permit requirements of this ordinance. Construction activity that is exempt from the improvement location permit requirements of this ordinance shall still be subject to the building permit and inspection requirements of the Building Code.

**Section 23.03 Site Plan/Sketch Plan Requirements**

The application for an improvement location permit shall be accompanied by the following:

- (a) A description of the proposed development and legal description of the property site.
- (b) A dimensioned site plan or sketch plan, drawn to scale showing existing and proposed structure locations and existing and proposed land grades. Engineered site plans must include all of the information listed below. Sketch plans shall include the information noted with an “x;” provided the level of detail is sufficient to demonstrate compliance with this ordinance.

Site Plan/Sketch Plan Information	Sketch Plan	Site Plan
Name, address and seal of professional engineer or land surveyor who prepared the site plan. Each page of the site plan shall be signed and sealed.	X	X
The address of the parcel	X	X
Photograph of existing site conditions	X	X
Property survey showing topography, existing structures, utilities and floodplain elevation	X	X
Property boundaries, including dimensions	X	X
Net lot area (exclusive of any road right-of-way, or submerged land)	X	X
Drawing scale and a north arrow	X	X
Site location map showing the subject property, adjacent streets, and the nearest intersection	--	X
Zoning of site and adjacent land	X	X
Rights-of-way (with street name and classification labeled) and easements	X	X
Drainage courses, floodplains, lakes, streams and wetlands	X	X
Required setbacks and yard areas	X	X
Adjacent buildings, structures or pavement within 100 feet of site, including buildings and decks on adjacent waterfront lots	X	X
All existing and proposed structures or other site improvement with the dimensions of such improvements	X	X
Height of all structures	X	X
Distances from all proposed structures to the property lines	X	X
Location of any existing or proposed septic field or other onsite wastewater treatment system	X	X
Well sites	X	X
Utility information including water mains, water service leads, fire hydrants and sewer lines	--	X
Location of any existing or proposed driveway and/or parking areas	X	X

Parking space dimensions, number of required and provided parking spaces, driving aisle widths, pavement materials, curb locations	--	X
Driveway widths, intersection radii, pavement materials, curb locations, deceleration tapers, and distances to the nearest drives on the same and opposite side of the street	--	X
Location of any drive-through facilities, including vehicle stacking spaces and point of service	--	X
Location of any loading areas	--	X
Sidewalks (public and private) including construction details and accessible ramp details;	--	X
Landscaping, with plant materials labeled according to size at planting and species	--	X
Permanent or occasional outdoor storage, sales, and/or display	X	X
Fences or walls	X	X
Photometric plan and detailed specifications for all exterior lighting fixtures	--	X
Waste containers and a detail demonstrating how they are to be enclosed	X	X
Location, type, and dimensions of any storm water structures, stormwater landscaping, conduits, or detention/retention ponds that are located on, cross, or adjoin the subject property	--	X
General grades on-site sufficient to determine positive drainage	X	X
Flood hazard areas, including the finished floor elevation, base flood elevation, and flood protection grade for all structures;	X	X

- (c) All plans shall be based on an accurate survey prepared by a licensed land surveyor. The requirement for a survey may be waived on agricultural parcels greater than two (2) acres where all buildings will be setback from all lot lines at least five (5) feet more than the minimum required setback.
- (d) A driveway permit from the applicable state, county or city highway engineer.
- (e) A well and septic permit or letter of non-objection from the county health department.
- (f) A letter of approval from the county surveyor relative to drainage plan and setbacks from legal drains.
- (g) A letter of air space approval, if so applicable.

**Section 23.04 Improvement Location Permits Review**

- (a) Upon receipt of an application for an improvement location permit and site plan/sketch plan, it shall be reviewed by all applicable departments, including planning, engineering, fire, water and sewer, as applicable or site plan review committee. The departments shall provide their recommendations to the enforcement official as to whether the application complies with this ordinance, other ordinances and other applicable building, and engineering standards. Based upon department reviews and the enforcement official shall determine if the site plan/sketch plan complies with the requirements of this ordinance.
- (b) If the application for an improvement location permit is approved, the applicant shall post the permit in a conspicuous location on the site of a new, or altered building or structure, or an addition, or a building or structure moved from another location.
- (c) All necessary building permits required by the Building Code shall be obtained prior to commencing construction.
- (d) All improvement location permits shall be valid for 24 months from the date of issuance, and any structure or change in the use of land must be completed prior to the expiration of the permit.
- (e) Buildings shall be completed for issuance of an occupancy certificate within one (1) year from the initiation of construction, or a building permit extension must be obtained.

**Section 23.05 Occupancy Certificate**

- (a) Any land, vacant on the effective date of this chapter, and any building, structure, or addition or major alteration thereto, constructed after the effective date of this chapter shall not be used or occupied until an occupancy certificate has been issued by the building administrator and enforcement official. No new use shall be made of any land, building, or structure until an occupancy certificate has been issued.
- (b) Every application for a building permit shall be deemed to be an application for an occupancy certificate. Every application for an occupancy certificate for a new use of land or existing building or structure where no building permit is required shall be made to the enforcement official.
- (c) Time of issuance.
  - (1) An occupancy certificate shall be issued only after the enforcement official has inspected the premises and finds:
    - a. The premises to be in compliance with all applicable regulations of the zoning district in which it is located; and
    - b. That the use or building or structure is in conformance with the plans and specifications for which the building permit was issued.
  - (2) The enforcement official may issue only one temporary occupancy certificate for each application for a building permit as follows:
    - a. For a period not to exceed six (6) months from the date of its issuance, and with provisions, if required, for an extension of not more than a total of three additional months;
    - b. That the portion of the land, building, or structure for which the temporary occupancy certificate is issued has been completed and meets the requirements as set forth above, and the remaining portion of the land, building, or structure is in the process of completion.
  - (3) Every occupancy certificate shall be dated, shall state that the use or occupancy complies with the provisions of this chapter and shall be signed by the enforcement official.
  - (4) The occupancy certificate shall be issued, or written notice shall be given to the applicant specifying the reasons why a temporary or permanent certificate cannot be issued, not later than 14 days after the enforcement official is notified in writing that the building or premises are ready for occupancy.

**Section 23.06 Records**

A record of each improvement location permit and each occupancy certificate shall be kept by the enforcement official. Upon request, a copy shall be furnished to any person having proprietary or possessory interest in the premises concerned.

**Section 23.07 Performance Guarantees**

- (a) Where required by this ordinance or as a condition of approval for a permit under this ordinance, a guarantee in a form acceptable to the county or city, such as a bond, cash deposit, certified check or irrevocable bank letter of credit shall be provided.
- (b) In instances where all required improvements are not completed, and a temporary certificate of occupancy is requested, the estimated cost of completing the improvements shall be provided in the

form of a guarantee acceptable to the county or city, such as a bond, cash deposit, certified check or irrevocable bank letter of credit.

- (c) The guarantee shall include a schedule of costs assigned to the different improvements. Monies may be released to the applicant in proportion to work completed on the different elements after inspection of work and approval of the enforcement official. Any partial release of funds shall not reduce the amount of the remaining guarantee to less than ten percent (10%) of the original amount, which shall be retained by the county or city until all work has been completed and subsequently inspected and approved by the enforcement official.