

Richland UDO

Chapter 5: Zoning Administration & Procedures

A) UDO Administration

1. The provisions of this UDO shall be administered and enforced by the Administrator of the PC. The Administrator may be assisted by the staff of the PC or others when needed. The Administrator shall have final authority on all matters of administration and enforcement subject to the guidance of the PC and BZA. Appeal from the decisions of the Administrator may be made to the BZA. Recourse from the decision of the BZA shall be to the courts through procedures provided by law.

B) The Plan Commission

1. Establishment.
 - a. The PC is established, with membership as provided by *IC 36-7-4-200 Series*.
2. Organization.
 - a. At the first meeting of the calendar year, the PC shall elect from among its members a President and a Vice-president as per established Rules and Procedures. Consistent with State law, it may appoint and fix the compensation of a secretary and such employees, as it considers necessary to discharge its duties.
3. Rules and Procedures.
 - a. The PC shall supervise and make rules for the administration of the affairs of the PC and prescribe uniform rules pertaining to investigations and hearings.
4. Meetings and Records.
 - a. The PC, or Plat Committee as appropriate, shall hold a public hearing after the receipt of an application for a Change of Zoning, Minor Plat, Primary Plat, or a Secondary Plat from the applicant or their agent in accordance with the adopted Rules and Procedures. The PC shall hold a public meeting after the receipt of an application for a Development Plan from the applicant or their agent in accordance with the established Rules and Procedures. Meetings and hearings of the PC shall be open to the public. Before holding the required public hearing or meeting, the application must be in compliance with the established Rules and Procedures.
5. Powers and Duties.
 - a. Subdivisions. The PC, and Plat Committee as appropriate, shall render decisions regarding subdivisions in accordance with the UDO and Rules and Procedures.
 - b. Development Plans. The PC shall render decisions regarding Development Plans in accordance with Chapter 5, Section D Development Plans.
 - c. Proposals to Change the Zone Maps Incorporated into the UDO. The following procedure applies to a proposal to change the zone maps (whether by incorporating an additional map or by amending or deleting a map) incorporated by reference into this UDO consistent with applicable state law.
 - i. In considering the proposal, both the PC and the Town Council shall pay reasonable regard to:

1. the Comprehensive Plan; current conditions and the character of current structures and uses in each district;
 2. the most desirable use for which the land in each district is adapted;
 3. the conservation of property values throughout the Jurisdictional Area; and
 4. responsible development and growth.
- ii. The PC shall give notice and hold a public hearing on the proposal in accordance with its Rules and Procedures.
 - iii. Whenever the PC deems it advisable they may permit or require the owner of a parcel of real property to make a commitment subject to the rules prescribed for commitments in this section. By permitting or requiring a commitment, the PC does not become obligated to recommend or not recommend the adoption of the proposal.
 - iv. Within ten (10) business days after the PC determines its recommendation, the PC shall certify the proposal to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation from the PC.
 - v. The Town Council shall vote on the proposal within ninety (90) days after the PC certifies the proposal. The Town Council's consideration of the proposal is governed by *IC 36-7-4-608*.
 - vi. During the time when the proposal is being considered by the town council, the owner of a parcel of land may make a new commitment or modify the terms of a commitment made when the proposal was before the PC. No further action of the PC is required for a new commitment to be effective. If a commitment made when the proposal was before the PC is modified and the effect of the modification is to make the Commitment more stringent, no further action of the PC is required for the modified commitment to be effective. However, if the effect of such a modification is to make the commitment less stringent, then the modified commitment must be ratified by the PC to be effective. A commitment made or modified under this provision is subject to the rules prescribed for commitment in this section.
 - vii. If the proposal is adopted, the PC shall update the zone maps that it keeps available with the UDO and the town's Code of Ordinances.
 - viii. Unless the proposal provides for a later effective date, the updated zone maps contained in the proposal take effect when the proposal is duly adopted.
- d. Proposals to Amend or Partially Repeal the Text of the UDO. The following procedure applies to a proposal to amend or partially repeal the text (not zone maps) of this UDO.
 - i. In considering the proposal, both the PC and the Town Council shall pay reasonable regard to:
 1. the Comprehensive Plan;
 2. current conditions and the character of current structures and uses in each district;
 3. the most desirable use for which the land in each district is adapted;
 4. the conservation of property values throughout the Jurisdictional area; and
 5. responsible development and growth.

- ii. The PC shall give notice and hold a public hearing on the proposal in accordance with its Rules and Procedures. The PC, in its discretion, may also give notice and hold hearings at other places within the town's jurisdiction where the distribution of the population or diversity of interests of the people indicate that such hearings would be desirable.
 - iii. Within ten (10) business days after the PC determines its recommendation, the PC shall certify the proposal to the Town Council with a favorable recommendation, an unfavorable recommendation, or no recommendation from the PC.
 - iv. The Town Council shall vote on the proposal within ninety (90) days after the PC certifies the proposal. The Town Council's consideration of the proposal is governed by *IC 36-7-607*.
 - v. If the proposal is adopted, the PC shall publish the amendments to the UDO in book or pamphlet form.
 - vi. Unless the proposal provides for a later effective date, the amendments contained in the proposal take effect when the proposal is duly adopted, except for any provision prescribing a penalty or forfeiture for a violation, which may not take effect until the PC complies with the applicable notice and filing requirements described in *IC 36-7-4-610*.
 - vii. Verification of Petition. The Administrator shall verify the completeness of the application and the date of verification shall be noted on the application.
- e. Adoption or Amendment of the Comprehensive Plan.
- i. Adoption or amendment of the Comprehensive Plan shall be in accordance with Indiana Planning Law and established Rules and Procedures.
 - ii. The PC shall give notice and hold public hearings in accordance with State Law. At least ten (10) days prior to the date set for the first hearing, the PC shall publish a schedule of all such meetings in accordance with its Rules and Procedures.
- f. Rules Governing Commitments.
- i. Form. A Commitment must be substantiated by the form set forth in the PC's Rules and Procedures, and must identify any specially affected persons or class of specially affected persons who may enforce the Commitment. A commitment must authorize its recording by the Administrator in the Spencer County Recorder's Office.
 - ii. Recording: Copies. A commitment shall be recorded in the Spencer County Recorder's Office and takes effect upon the adoption of the proposal to which it relates. Following the recording of a commitment, the Applicant shall return a copy of the original recorded commitment to the Administrator for PC's file.
 - iii. Persons Bound. Unless it is modified or terminated by the PC in accordance with this section, a recorded commitment is binding on the owner of the parcel, a subsequent owner of the parcel, and any other person who acquires interest in the parcel. An unrecorded commitment is binding on the owner of the parcel who makes the commitment. An unrecorded commitment is binding on a subsequent owner of the parcel or a person acquiring an interest in the parcel only if the subsequent owner or the person acquiring the interest has actual notice of the commitment.
- g. Modification or Termination by PC. Except for a commitment modified or automatically terminated in accordance with this section, a commitment may be modified or terminated

only by a decision of the PC made at a public hearing after notice of the hearing has been given under the PC's Rules and Procedures.

- h. Reconsideration of Proposals. The PC may adopt a rule to limit further consideration, for up to one (1) year after its defeat, of any proposal that is defeated under *IC 36-7-4-608* or *IC 36-7-4-1512*. The PC may also adopt a rule to limit consideration, for up to six (6) months after the withdrawal or defeat of any proposal, of any other proposal involving the same property that was the subject of the withdrawn or defeated proposal.

C) The Board of Zoning Appeals

1. Establishment.
 - a. The Area BZA is established, with membership as provided by *IC 36-7-4-902(d)*.
2. Organization.
 - a. At the first meeting of the calendar year, the BZA shall elect from among its members a Chairman and a Vice-chairman as per the established Rules and Procedures. Consistent with Indiana Planning Law, it may appoint and fix the compensation of a secretary and such employees, as it considers necessary to discharge its duties.
3. Rules and Procedures.
 - a. The BZA shall supervise and make rules for the administration of the affairs of the BZA and prescribe uniform rules pertaining to investigations and hearings.
4. Meetings and Records.
 - a. The BZA shall hold a public hearing after the receipt of an application for a Variance, Special Exception, Variance of Use, Use not Listed, or Appeal from an applicant or their agent in accordance with the established Rules and Procedures. Before holding the required public hearing, applicant must act in accordance with the established Rules and Procedures. Meetings of the BZA shall be open to the public. Minutes and records shall be filed in the office of the BZA and made available to the public upon request. A majority of the members of the BZA shall constitute a quorum. No action of the BZA is official unless concurred by a majority of the membership of the BZA.
5. Powers and Duties.
 - a. Variance. The BZA shall authorize in specific cases such variances from the terms of this UDO as will not be contrary to the public interest, where owing to special conditions fully demonstrated on the facts presented, a literal enforcement of this UDO will result in an unnecessary hardship, and so that the spirit of this UDO shall be observed and substantial justice done. The BZA may grant a Variance with respect to specific property if, after a hearing, the BZA finds that such variance is warranted per Indiana Planning Law.
 - i. The BZA shall not grant a Variance from a use district or classification.
 - ii. When in the public interest, the Administrator may consider and render decisions on applications involving minor deviations from the provisions of the UDO, limited to the following:
 - (a) Lot area requirements may be reduced by not more than ten percent (10%) of that required in the district.

- (b) Yard requirements may be reduced by permitting portions of a building or structure to extend into and occupy not more than ten percent (10%) of the area of a required yard.
 - (c) Maximum building heights may be increased by not more than ten percent (10%).
- iii. The following standards shall apply for evaluating Variances as established by *IC 36-7-4-918.5*:
 - (a) The variance will not be injurious to the public health, safety, morals, and general welfare of the community.
 - (b) The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - (c) The strict application of the terms of the UDO will continue the unusual and unnecessary hardship as applied to the property for which the variance is sought because.
- b. Special Exception. The BZA shall hear and determine Special Exceptions to the terms of this UDO upon which the BZA is required to act. The BZA may require that impact studies be performed at the expense of the applicant prior to deciding upon said Special Exception.
 - i. The Special Exceptions listed in the districts, and their accessory buildings and uses may be permitted by the BZA in the respective districts indicated therein, in accordance with the procedures set forth in this section. Uses listed as Special Exceptions in the Conservation district must be approved by the Indiana Department of Natural Resources (IDNR) prior to application for Special Exception by the BZA.
 - ii. Upon receipt of an application for a Special Exception the Administrator within the time period, or, if no report is requested by the Administrator, then the BZA shall proceed to process the application. The BZA shall then proceed with a hearing on the application in the manner prescribed in this UDO. Following the hearing, and upon an affirmative finding by the BZA that the applicant meets the requirements and criteria established by Indiana Planning Law and this UDO, the applicant may apply for an ILP. At the time and application is received, the Administrator may, for any identified reason choose refer the application to the PC for investigation as to the manner in which the proposed location and character of the Special Exception will affect the Comprehensive Plan. The PC shall report the results of its study to the BZA within ninety (90) days following receipt of the application. If no such report is filed with the BZA within the time period, or, if no report is requested by the Administrator, then the Administrator shall proceed to process the application as usual.
 - iii. An existing use which is listed herein as a Special Exception, and which is located in a district in which such Special Exception may be permitted, is a conforming use. Any expansion of the Special Exception involving the enlargement of the buildings, structures, or land area devoted to such use shall be subject to the procedures described in this section.
 - iv. The following standards shall apply for evaluating Special Exceptions as established by *IC 36-7-4-918.2*:

- (a) The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.
 - (b) The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.
 - (c) The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.
 - (d) Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.
 - (e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.
 - (f) The Special Exception will be located in a district where such use is permitted and all other requirements set forth in the UDO that are applicable to such use will be met.
- c. Variances of Use. The BZA shall hear and determine Variances of Use to the terms of this UDO upon which the BZA is required to act.
- i. The following standards shall apply for evaluating Variances of Use as established by *IC 36-7-4-918.4*:
 - (a) the approval will not be injurious to the public health, safety, morals, and general welfare of the community;
 - (b) the use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner;
 - (c) the need for the variance arises from some condition peculiar to the property involved;
 - (d) the strict application of the terms of the UDO will constitute an unnecessary hardship if applied to the property for which the variance is sought; and
 - (e) the approval does not interfere substantially with the comprehensive plan adopted under the *IC 36-7-4-500 series*.
- d. Uses Not Listed. It is recognized that in the development of a UDO, not all uses of land can be listed, nor can all future uses be anticipated. A use may have been omitted from the list of those specified as permissible in the various districts established by this ordinance UDO, or questions may arise concerning words that are synonymous. The applicant shall file a request for a decision by the BZA. The BZA may also initiate an application. The BZA shall render a decision after such application is made, and shall notify the applicant and any person requesting such notice of such decision. In such instances the following procedures shall apply:
- i. Existing Conditions. In classifying a use, the BZA shall first make a finding that all of the following conditions exist:
 - 1. That investigations have disclosed that the subject use and its operations are compatible with the uses permitted in the district wherein it is proposed to be located;
 - 2. That the subject use is similar to one (1) or more uses permitted in the district within which it is proposed to be located;

3. That the subject use will not cause substantial injury to the values of property in the neighborhood or district within which it is proposed to be located; and
 4. That the subject use will be so designed, located, and operated that the public health, safety, and general welfare will be protected.
- ii. Classification. The BZA shall classify such use as to permitting such use by right, or permitting such use subject to Special Exception.
1. When classification of use is appealed or referred to the BZA, it shall be the duty of the BZA to ascertain all pertinent facts concerning said use and set forth in writing its findings and the reasons for designating a specific classification for such use.
 2. Limitations in Power to Classify. In no instance shall the BZA determine that a use be permitted in a district when such use is specifically listed as first permissible in a less restricted district.
 3. Effect of Determination. Uses classified pursuant to this section shall be regarded as listed uses. The Administrator shall maintain in the office of the PC an up-to-date list of all such classifications that have been made.
 4. Should the BZA determine that a use cannot be classified, then the use shall be considered appropriate only with an approved Variance of Use.
- e. Appeals. The BZA shall hear and determine appeals from and review any order, requirement, decision or determination made by the Administrator in the enforcement of this UDO. In exercising its powers the BZA may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and to that end shall have all of the powers of the Administrator from whom the appeal is taken. The BZA shall fix a reasonable time for the hearing of an appeal. Public notice shall be given of the hearing and due notice shall be given additionally to the affected parties as determined by the BZA. The BZA must require the party taking the appeal to assume the cost of public notice and due notice to interested parties.
- i. When an appeal from the decision of any official or board has been filed with the BZA, all proceedings, operation, and work on the premises concerned shall be stayed, unless the official or board from whom the appeal was taken shall certify to the BZA that, by reason of facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings or work shall not be stayed except by a restraining order, which may be granted by a circuit or superior court of the county in which the premises affected are situated, on notice to the office or board from whom the appeal is taken and the owner of the premises affected, and on due cause shown.
 - ii. Every decision of the BZA shall be subject to review by certiorari. Any person aggrieved by a decision of the BZA, may present to the circuit or superior court of the county in which the premises affected are located, a petition duly verified, setting forth that such decision is illegal in whole or in part, and specifying the grounds of the illegality. The petition shall be presented to the court within thirty (30) days after the entry of the decision or order of the BZA complained of. No change of venue from the county in

which the premises affected are located shall be had in any cause arising under the provisions of this section.

D) Development Plans

1. Development Plan Review Required. With the exception of single-family residential development (including two-family residential), any new development or an addition to an existing structure requires Development Plan review.
 - a. Development Plan Review by the PC. At a public meeting, the PC shall review Development Plans for:
 - i. new development; and
 - ii. additions to existing primary structures that increase the total square footage by thirty percent (30%) or more.
 - b. Administrative Development Plan Review by Staff. Staff shall administratively review Development Plans for:
 - i. additions to existing primary structures that increase the total square footage by less than thirty percent (30%); and
 - ii. accessory structures.
2. Approval Process.
 - a. Development Plan Application. The applicant shall complete and submit a Development Plan application for review and consideration by the PC in accordance with the appropriate application form adopted by the PC as part of its Rules and Procedures.
 - i. The PC, acting as a committee of the whole, shall hold a public meeting relating to the application in accordance with its Rules and Procedures.
 - ii. At the public meeting, the PC shall review the particular circumstances and facts applicable to the proposed project in terms of the standards and requirements as detailed of the UDO and shall make a determination as to whether the proposed project meets the standards set forth below:
 1. Compatibility of the development with surrounding land uses.
 2. If the application is consistent with the comprehensive plan.
 3. Availability and coordination of water, sanitary sewers, storm water drainage, and other utilities.
 4. Management of traffic in a manner that promotes conditions favorable to health, safety, convenience, and the harmonious development of the community. This development requirement shall ensure that the:
 - (i) Design and location of the proposed street and highway access points minimize safety hazards and congestion.
 - (ii) Capacity of adjacent streets and highways is sufficient to safely and efficiently accept traffic that will be generated by the new development.
 - (iii) Entrances, streets, and internal traffic circulation facilities in the Development Plan are compatible with existing and planned streets and adjacent developments.
 - (iv) The safety and convenience of both vehicular and pedestrian circulation on-site, with appropriate tie-ins to adjacent public circulation systems.

- (v) Adequate accessibility for emergency vehicles.
 - 5. Specific development requirements and technical design standards set forth in this UDO.
 - 6. The location and design of driveways providing vehicular ingress to and egress from the site, in relation to streets giving access to the site, and in relation to pedestrian traffic.
 - 7. The arrangement of uses on the site in relation to functional, efficient, and compatible arrangements with the site and also to adjacent uses.
 - 8. The PC may further require landscaping, fences, and walls in pursuance of these objectives and they shall be provided and maintained as a condition of the establishment and continued maintenance of any use to which they are appurtenant.
 - 9. The cost estimates as required in this section may be reviewed by the appropriate County officials, Town officials and/or consultants. These reviews and recommendations shall be forwarded to the PC for the inclusion in any approved Development Plan.
 - 10. The PC may waive Development Plan information for topography, vegetation, problem soils, landscaping, employment data, environmental considerations, etc., when such concerns are obviously not pertinent to the proposed development.
 - 11. The PC may seek and consider the input from any public officials, public bodies, and/or outside consultants as part of the Development Plan review process, prior to approving, disapproving, or approving with conditions, the Development Plan.
- iii. Consideration. If after the public meeting and subsequent review of this project, the PC, acting as a committee of the whole, finds that the proposed development meets the standards set forth in this UDO necessary for approval, the PC shall grant the applicant Development Plan approval. The Development Plan(s), all supplementary data, together with minutes of any meetings and/or hearings related to the applications shall become part of the official Development Plan file.
 - iv. Direct Appeal to the Full Commission. If the applicant or any other interested person is aggrieved or adversely affected by a non-final zoning decision made by the Committee of the Whole as described above, then the applicant or interested person may appeal the non-final decision directly to the PC. An applicant or interested person who wishes to appeal a non-final zoning decision must file the appeal not later than five (5) days after the date the decision is made, and the PC shall then hold a public hearing and render a final decision on the application in accordance with its Rules and Procedures. If no appeal of a non-final decision is filed within five (5) days after the date the decision is made, then that decision shall be considered as duly approved by the full PC and treated as a final zoning decision, upon the later of either:
 - 1. ten (10) days after the date the non-final decision was made; or

2. compliance by the applicant with any requirements imposed pursuant to *Chapter 7, Section F Performance and Maintenance Surities.*
3. Performance Guarantees. To ensure compliance with all Development Plan standards and any conditions imposed thereunder, the PC may require that a cash certified check, irrevocable bank letter of credit, or surety bond acceptable to the town, equaling one hundred ten percent (110%) of the PC's estimated cost of improvements associated with a project for which Development Plan approval is sought, be deposited with the Town to ensure faithful completion of the improvements and also be subject to the following:
 - a. The performance guarantee shall be deposited prior to the onset of any construction, clearing of land or earth moving related to the Development Plan. The Town may establish procedures whereby a rebate of any cash deposits in reasonable proportion to the ration of work completed on the required improvements will be make as work progresses. Any partial release of funds shall be less than ten percent (10%), which shall be retained by the Town until all work has been completed and subsequently inspected and approved by the Town or its agents. This does not relieve the applicant from satisfying all applicable maintenance warranties and/or guarantees necessary to ensure proper functioning of said public improvements.
 - b. As used in this section, "improvements" mean those features and actions associated with a project, which are considered necessary by the PC, to protect natural resources, or the health, safety, and welfare of the residents of the Town and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, landscaping, and surface drainage, Improvements do not include the entire project, which is the subject of Development Plan approval.

E) Improvement Location Permits

1. Applicability.
 - a. The Administrator, or their agent, shall be responsible for the issuance of all ILP's for any alteration to the condition of land, or structures thereon, with the jurisdictional area of the PC. Any persons making said alterations must obtain an ILP for said alterations from the Administrator prior to the start of any construction
 - b. The filing fee for an ILP is shown on the Fee Schedule.
 - c. Fences under six (6) feet high shall not require an ILP.
2. Permit Application. The necessary information for an ILP shall be submitted on the appropriate application form adopted by the PC.
 - a. As a condition of issuing an ILP, the Administrator or their agent, may require the relocation of any structure or any entrance or exit, or the inclusion of an entrance or exit not shown on the plan, if the requirement is necessary in the interest of public welfare.
 - b. An ILP for a Special Exception may not be issued until the Special Exception has been approved by the BZA.
 - c. Any application that requires physical encroachment upon another's property to meet drainage requirements shall provide a notarized letter of agreement to allow encroachment from those owners upon whose property encroachment must occur.

- d. If an application for an ILP relates to a light or general industrial use, it must be accompanied by a Certificate of Compliance, subscribed by a Registered Professional Engineer of the State of Indiana, stating that the use will meet the performance standards established by this UDO.
- 3. Certificate of Occupancy.
 - a. No land shall be occupied or used and no building hereafter erected, altered, or reconstructed shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy has been issued by the Administrator, or their agent, stating that the use complies with all of the provisions of this UDO.
 - b. The Certificate of Occupancy shall be issued within five (5) days of the completion of the improvements authorized by the ILP, provided said improvements are in compliance with all provisions of this UDO and all re-inspection fees and fines have been paid.
- 4. Expiration and Extension of an Improvement Location Permit.
 - a. If a person to whom an ILP has been issued fails to complete construction within twenty-four (24) months after the ILP is issued (or less as described elsewhere), or fails to comply with the approved plan upon which the ILP was issued, said ILP shall be null and void.
 - b. Extension. The Administrator may grant one twelve (12) month extension for any ILP at the written request of the applicant stating the need for such extension.

F) Complaints, Violations, and Remedies

- 1. Complaints. Whenever a violation of this UDO occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Administrator. The Administrator, or their agent, shall investigate the complaint, take immediate action and may refer the matter to the PC, BZA, or their attorney for review. The Administrator or other member of the PC staff shall have authority to enter upon property at any time to investigate a written complaint.
- 2. Violations.
 - a. Improvement Location Permit Violations.
 - i. Any persons or corporation who shall initiate construction prior to obtaining an ILP, or Certificate of Occupancy or any other permit or authorization required herein, shall pay the fine as set forth in the Fee Schedule.
 - ii. The owner or tenant of any building, structure or premises and any other person who participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties prescribed by this section.
 - b. Zoning Violations. Any person or corporation who shall violate any of the provisions of this UDO or fail to fully comply therewith or with any of the requirements thereof (including violations of conditions established in connection with grants of Variance or Special Exceptions) or who shall build, reconstruct or structurally alter any building in violation of the approved plot plan or building plans shall be subject to civil penalties of not more than three hundred dollars (\$300) per day of violation.
 - c. Subdivision Violations.

- i. It shall be the duty of the Administrator to periodically research the County Auditor's records and perform the other necessary investigation to detect any violations of these regulations.
 - ii. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat of such subdivision has been approved by the PC in accordance with the provisions of these regulations and filed with the Spencer County Recorder's Office.
 - iii. No public board, agency, commission, official or other authority shall proceed with the construction of or authorize the construction of any of the public improvements required by these regulations until the proposed subdivision has been approved by the PC in accordance with these regulations and filed with the Spencer County Recorder's Office.
 - iv. No ILP shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.
 - v. The Administrator shall enforce these regulations and bring to the attention of the PC attorney any violations or lack of compliance herewith. The PC attorney shall take steps necessary under the Indiana Code to civilly enforce any violation of these regulations.
3. Remedies. The PC, BZA or any designated enforcement official, may institute a suit for injunctive relief in the circuit court, or any court in the county having jurisdiction to entertain said matters, to restrain an individual person or a governmental unit from violating the provisions of the UDO enacted pursuant to its terms or the UDO. The PC or the BZA may also institute a suit for mandatory injunction, directing an individual person or a governmental unit to remove a structure erected in violation of the provisions of this UDO, enacted pursuant to its terms. In the event that the PC or BZA deems it necessary to invoke one (1) or more remedies under this section, then, and in that event, they shall be entitled, if found to be the prevailing party, to an award of attorney's fees and costs of this action.

G) Fee Schedule

1. Collection of Fees. Applications and petitions filed pursuant to the provisions of this UDO shall be accompanied by the fees specified in the Fee Schedule, and shall be paid to the Town of Richland and collected by the PC.
2. Annual Review of Fees Assessed. On or before December 31st of each year, the Administrator shall determine if there has been an increase in the Consumer Price Index (United States city average) prepared by the United States Department of Labor, by comparing the arithmetic mean of the Index for July, August, and September of the current year with the same three (3) month period of the preceding year. If there has been an increase, the increase shall be stated as a percentage of the arithmetic mean for the three (3) month period of the year preceding the current year (the Adjustment Percentage). The Adjustment Percentage shall be rounded to the nearest one-tenth of one percent (0.1%) and may not exceed four percent (4%), unless otherwise provided by this UDO. Whenever the Administrator determines that there has been an increase, the Administrator may make a corresponding adjustment to the Fee Schedule (including late fees) that are assessed under this section, in order to recoup increases in personnel and administrative costs for the PC. However the adjustment may not be greater than

the Adjustment Percentage determined under this paragraph. The adjusted fees as determined by the Administrator under this paragraph take effect on January 1st of the succeeding year.

3. Calculation of Fees. Fees will be calculated when the permit is being reviewed. Required inspections and estimated inspection time will be itemized and incorporated into the fees.
4. Fines and Re-inspection Fees. Fines shall be paid before a permit is issued. Re-inspection fees shall be paid before the final inspection and/or the Certificate of Occupancy is issued (where applicable).