

# CHAPTER 155: PUBLIC DEVELOPMENT PLAN

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### 155.01 DESIGNATION

This chapter shall be known as the public development plan for the city. (Ord. 2282-1967)

### 155.02 MASTER PLAN

The term "public development plan" shall be considered synonymous with the term "master plan" wherever the latter appears directly or by reference in I.C. 18-7-4-101 et seq. (Ord. 2282-1967; Ord. 34-1978; Ord. 80-1978)

### 155.03 MAP OF PUBLIC DEVELOPMENT PLAN

The public development plan consists of a map entitled Public Development Plan for Richmond, Indiana. The map shows the locations of existing and proposed streets and thoroughfares, schools, recreational facilities, and certain other city facilities. The map and all ordinances amendatory thereof shall be on file for public display and examination during regular office hours of the Planning Department and shall be under the control and responsibility of the Director and Staff of the Planning Department. (Ord. 2282-1967)

### 155.04 AUTHORITY OF PUBLIC DEVELOPMENT PLAN

- (a) The City Council or other governing body within the corporate limits of the city shall be guided by and give consideration to the general policy and pattern of development set out in the public development plan in the authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities and the authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities.
- (b) Pursuant to Indiana Code, I.C. 36-7-3-12, the Common Council shall consider any petitions for vacating or abandonment of public ways or platted lots. No public way or platted lot shall be abandoned or vacated until the City Plan Commission has given notice and held a public hearing on vacation or abandonment of the public ways or platted lots to determine if the abandonment or vacation is in conformity with the public development plan. The Plan Commission shall forward its recommendations to Common Council wherein the proceeding is pending. The Common Council shall not override the recommendation of the Plan commission unless done so by a two-thirds vote of the entire Council, which shall then constitute an amendment of the public development plan.

- (c) The Board of Public Works and Safety or other party who proposes dedication or modification of a street or thoroughfare and is not subject to Chapter 153, shall submit proposals for determining the lines for new, extended, widened, or narrowed streets or thoroughfares within the city to the Plan Commission. The Plan Commission shall determine if the new or modified streets or thoroughfares are in conformity with the public development plan. The Plan Commission shall forward its recommendation to the Board of Public Works and Safety or other party. The Board or other party shall not over-ride the recommendation of the Plan Commission unless done so by a three-fourths vote of the City Council, which shall then constitute an amendment of the public development plan. The Board or other person proposing the dedication or modification shall be responsible for initiating a review of the Plan Commission's adverse recommendation by the City Council by petition to that body.
  
- (d) Within the city, a structure shall not be located and an improvement location permit for a structure on platted or unplatted lands shall not be issued unless the structure and its location conform to the public development plan and this chapter. The improvement location permit shall be issued by the Planning Director after the public body board or other public entity proposing to build the structure has submitted its proposed location for the structure to the Plan Commission and the Plan Commission has determined that the proposed location of the structure is in conformity with the public development plan. (Ord. 2282-1967; Ord. 18-1984)

#### 155.05 REPORT

A report entitled "Comprehensive Master Plan Richmond, Indiana 1966" which sets forth information, policies, recommendations, and source material utilized in promulgating the public development plan shall be considered advisory only and not a part of the public development plan to be enforced pursuant to the provisions of this chapter. (Ord. 2282-1967)

#### 155.06 AMENDMENTS

The public development plan and this chapter shall be amended in accordance with the procedure set forth in I.C. 18-7-4-101 et seq.; however, if the City Council desires an amendment, it may direct the Plan Commission to prepare an amendment and submit it to public hearing within 60 days after formal written notice by the City Council. (Ord. 2282-1967)

#### 155.07 ENFORCEMENT

The Plan Commission or Planning Director may institute a suit for injunction in the Wayne Circuit or Superior Court to restrain any individual, governmental unit, public body, public board, or other public entity from violating the provisions of this chapter. The Plan Commission or Planning Director may also institute a suit for a mandatory injunction directing an individual, governmental unit, public body, public board, or other public entity to remove a structure erected in violation of the provisions of this chapter. (Ord. 2282-1967)

#### 155.08 COURT REVIEW

- (a) Every decision of the City Plan Commission made in the administration of this chapter may be subject to court review. Any public body within the corporate limits of the city which is aggrieved by any decision of the Plan Commission in the administration of this chapter may present to the Circuit or Superior Court of Wayne County a duly-verified petition, setting forth that the decision was erroneous in whole or in part, and specifying

the grounds of the error. The petition shall be presented to the court within 30 days after the date of the decision of the Plan Commission. No change of venue from Wayne County shall be had in any cause arising under the provisions of this section.

- (b) The court may decide and determine the sufficiency of the statements of error contained in the petition without further pleadings and may make its determination and render its judgment with reference to the error in the decision of the Plan Commission on the facts set out in the petition and from Plan Commission records. If it appears to the court that testimony is necessary for the proper disposition of the matter, it may take evidence to supplement the evidence and facts submitted; the review may be by trial de novo. In passing upon the decision of the Plan Commission, the court may reverse or affirm, wholly or in part, or may modify the decision of the Plan Commission brought before the court for review.
- (c) An appeal may be taken to the appellate court of the state from the final judgment of the court reversing, affirming, or modifying the decision of the Plan Commission in the same manner, and upon the same terms, conditions, and limitations as appeals in other civil actions. (Ord. 2282-1967)