

# Basic Provisions

## 1.01 Title

This ordinance shall be formally known as the “*City of Richmond Unified Development Ordinance*,” and may be cited and referred to as “*Chapter 154 Unified Development Ordinance*,” “*Zoning Ordinance*,” “*Subdivision Control Ordinance*,” or “*Unified Development Ordinance*.”

## 1.02 Unified Development Ordinance

The City of Richmond's Zoning Ordinance and Subdivision Control Ordinance have been combined into one ordinance for the purpose of maintaining consistency, shortening the overall length of the document, and to improve user-friendliness for the end users. Article 1, 7, 8, 9, 10, and 11 are shared by both the Zoning Ordinance and Subdivision Control Ordinance. Articles 2, 3, 4, and 5 are exclusively Zoning Ordinance components. Article 6 is exclusively a Subdivision Control Ordinance component.

## 1.03 Defined Words

Words used in a special sense in this Unified Development Ordinance are defined in *Article 11: Definitions*.

## 1.04 Authority

This Unified Development Ordinance is adopted by the City pursuant to its authority under the laws of the State of Indiana, *IC 36-7-4 et seq.*

## 1.05 Purpose

This Unified Development Ordinance is intended to guide the growth and development of the City in accordance with the *City of Richmond Comprehensive Plan* for the following purposes:

- A. **Basic Rights:** To secure adequate light, air, convenience of access and safety from fire, flood and other dangers, which may include providing adequate open spaces for light, air, and outdoor uses.
- B. **General Welfare:** To promote the public health, safety, morals, comfort, convenience, and general welfare.
- C. **Development and Growth:** To promote the orderly, responsible, and beneficial development and growth of the areas within the planning jurisdiction in accordance with the City of Richmond's land use policy.
- D. **Character:** To protect the character and stability of agricultural, residential, institutional, commercial, industrial, and natural areas.
- E. **Circulation:** To minimize or avoid congestion on public streets and to ensure safe, convenient, and efficient traffic circulation.
- F. **Environmental Integrity:** To preserve and enhance the scenic beauty, aesthetics, and environmental integrity of the planning jurisdiction.
- G. **Compatibility:** To bring about compatibility between different land uses and to protect the scale and character of existing development from the encroachment of incompatible uses.
- H. **Intensity:** To regulate and restrict the use of buildings, structures, and land for business, industry, residence and other uses.
- I. **Public Service:** To define the powers and duties of administrative officers and bodies, and to establish procedures for the implementation and enforcement of this Unified Development Ordinance.
- J. **Compliance:** To require ongoing compliance with the regulations and punitive recourse for noncompliance regarding the provisions of this Unified Development Ordinance.

## 1.06 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, enlarged, or used, nor shall any piece of land be used, nor shall any existing use be expanded except when in full compliance with all provisions of this Unified Development Ordinance and the permits and certificates required by this Unified Development Ordinance have lawfully been issued. For information regarding nonconforming structures, see *Article 8: Nonconformances*.

## 1.07 Severability

If any provision or the application of any provision of this Unified Development Ordinance is held unconstitutional or invalid by the courts, the remainder of the Unified Development Ordinance or the application of such provision to other circumstances shall not be affected.

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## 1.08 Interpretation

- A. **Minimum Requirements:** The provisions of this Unified Development Ordinance are the minimum requirements necessary for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large.
- B. **Conflict or Inconsistency:**
1. **Internal:** Unless otherwise specifically stated within this Unified Development Ordinance, if two or more provisions of this ordinance are in conflict or are inconsistent with one another, then the more restrictive provision shall apply.
  2. **Federal, State, and Local:**
    - a. Whenever a provision of the Unified Development Ordinance imposes a greater restriction or a higher standard than is required by any State or federal code or regulation or other City ordinance or regulation, the provision of the Unified Development Ordinance shall apply.
    - b. Whenever a provision of any State or federal code or regulation or other City ordinance or regulation imposes a greater restriction or a higher standard than is required by the Unified Development Ordinance, the provision of the State or federal code or regulation or other City ordinance or regulation shall apply.
  3. **Other:** Whenever a private covenant, contract, commitment, agreement or other similar private land use regulation imposes a greater restriction or a higher standard than is required by a provision of the Unified Development Ordinance, the City is not obligated to enforce the provisions of such private covenants, contracts, commitments, agreements or other similar regulations.
- C. **Text:** If differences are found between the meaning or implication of any drawing, table, figure, title, or section heading, the text of this Unified Development Ordinance shall apply.
- D. **Time Frames:** Unless specifically noted otherwise, time frames stated within this Unified Development Ordinance shall be calculated to include weekdays, weekends, and holidays. If a time frame ends on a Saturday, Sunday, or holiday that the City offices are closed, the time frame will be extended to the end of the next business day.
- E. **Delegation of Authority:** If a provision in this Unified Development Ordinance requires the Zoning Administrator or other City officer to perform an act or duty, that provision shall also include any person working under the authority and supervision of the Zoning Administrator unless specified otherwise.
- F. **Mandatory and Permissive Terms:** The words “shall” or “must” are always mandatory. The words “may” or “should” are always permissive.
- G. **Words Used:** If words used in this Unified Development Ordinance are not defined in *Article 11: Definitions*, they shall be construed to be the common usage of the language. Any legal or technical words not defined in this Unified Development Ordinance shall be construed to be as defined by appropriate lexicon or current and common dictionary.
- H. **Tense:** If words are used in a specific tense (past, future, or present) it shall be construed to include all tenses, unless the context clearly indicates a single tense.
- I. **Singular/Plural Form:** If words are used in singular form, the plural form shall apply and vice versa, unless the context clearly indicates the contrary.
- J. **Gender:** If a feminine term is used, the masculine shall also apply and vice versa.
- K. **Conjunctions:** The word “and” shall be construed to include all connected items in a series, conditions and provisions. The word “or” shall be construed to include one or more of the items in a series, conditions and provisions, unless the context clearly suggests the contrary.
- L. **Rounding:** If a formula is used within this Unified Development Ordinance and results in a non-whole number of an indivisible object or feature, the non-whole number shall be rounded to the next highest whole number.

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## 1.09 Ordinance Jurisdictional Area

This Unified Development Ordinance applies to all land within the corporate limits of Richmond, Indiana.

## 1.10 Repealer

The following Richmond ordinances are hereby repealed and are replaced by the *City of Richmond Unified Development Ordinance* and Official Zoning Map:

- A. Zoning Ordinance: Chapter 154: Zoning Code as amended, and its associated Zoning Map.
- B. Subdivision Control: Chapter 153: Subdivision Control as amended.

## 1.11 Transition Rules

- A. Plan Commission: Any application (e.g. Development Plan Review, or Primary Plat) filed with the Plan Commission or its designees that is full and complete prior to the effective date of this Unified Development Ordinance shall be regulated by the terms and conditions of the Zoning Ordinance and/or Subdivision Control Ordinance that were in place at the time of filing. However, all administrative procedures and fees shall follow those established in this Unified Development Ordinance.
- B. Rezoning: Any application for a Zone Map Amendment (Rezoning) filed with the Plan Commission or its designees, that is full and complete prior to the effective date of this Unified Development Ordinance shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing. However, if there is a specific use for which the rezone was proposed, and that use would no longer be permitted in the proposed zoning district, or if the proposed zoning district no longer exists under the Unified Development Ordinance, the Zoning Administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Board of Zoning Appeals: Any application (e.g. Development Standards Variance, or Administrative Appeal) filed with the Board of Zoning Appeals that is full and complete prior to the effective date of this Unified Development Ordinance shall continue the process pursuant to the terms and conditions of the Zoning Ordinance that were in place at the time of filing, provided that:
  1. *Required*: The application is still required by the terms of this Unified Development Ordinance; or
  2. *Additional Approvals*: If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Unified Development Ordinance that were not required under the previous ordinances, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.
- D. Planned Development:
  1. *Detailed Development Plan*: A Detailed Development Plan for a Planned Development District filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development District Ordinance and/or Concept Plan in place prior to the amendment.
  2. *Final Development Plan*: A Final Development Plan for a Planned Development District filed with the Plan Commission or its designees that is full and complete prior to the adoption of an amendment to the Planned Development District Ordinance and/or Concept Plan shall continue the process pursuant to the terms and conditions of the Planned Development District Ordinance and/or Concept Plan in place prior to the amendment. If the Final Development Plan is compliant with a Detailed Development Plan that was approved prior to the adoption of such amendment to the Planned Development District Ordinance and/or Concept Plan, then the Final Development Plan may be considered for approval utilizing the same standards that applied to the Detailed Development Plan.

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- E. **Building Sites:** All new building sites shall meet the requirements of the Unified Development Ordinance unless:
1. *Building Permit:* A complete Building Permit application was filed and is still valid; or
  2. *Improvement Location Permit:* A complete Improvement Location Permit application was filed and is still valid; or
  3. *Buildable Lot:* A parcel was approved as a buildable lot by the Plan Commission (valid Primary or Secondary Plat) or the Board of Zoning Appeals (valid Development Standards Variance) prior to the effective date of this Unified Development Ordinance; or
  4. *Primary Plat:* A complete and valid Primary Plat application has been filed with the Planning Department prior to the effective date of this Unified Development Ordinance.
- F. **Recorded Commitments:** Any recorded commitments for a lot as a part of rezoning, established prior to the Unified Development Ordinance's effective date, shall remain in effect and in force regardless of allowances provided in the Unified Development Ordinance. Recorded commitments for a lot as part of a rezoning may petition for those commitments to be removed or modified through the Zoning Map Amendment (i.e. Rezoning) process.

## 1.12 Administrative Officer

The Zoning Administrator shall have the primary responsibility for administration of the Unified Development Ordinance within the City's planning jurisdiction.

## 1.13 Enforcement Official

The Enforcement Officer shall have the primary responsibility for enforcement of the Unified Development Ordinance within the City's planning jurisdiction.

## 1.14 Saving Provision

This Unified Development Ordinance shall not be construed as eliminating or reducing any action now pending under, or by virtue of, an existing law or previous Zoning Ordinance, Subdivision Control Ordinance, or related ordinance. This Unified Development Ordinance shall not be construed as discontinuing, reducing, modifying, or altering any penalty accruing or about to accrue.

## 1.15 Effect of Annexation or Vacation on Zoning

The Plan Commission shall be guided by the principles and directives of the *City of Richmond Comprehensive Plan* and this Unified Development Ordinance in making recommendations to the Common Council regarding zoning district classifications for newly annexed areas.

## 1.16 Statutory Changes

Whenever Indiana Code cited in this Unified Development Ordinance has been amended or superseded, this Unified Development Ordinance shall be deemed amended in reference to the new or revised code.

## 1.17 References

Whenever any agency, department, position, document, map, or publication referenced in the Unified Development Ordinance changes, the new or substitute agency, department, position, document, map, or publication shall be deemed incorporated into the Unified Development Ordinance.