

Article

9

Processes

City of Richmond Unified Development Ordinance

Introduction to Processes

9.01 Improvement Location Permit Processes Applicable to a Parcel

This process section applies to the following zoning districts:



- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure: A project that involves constructing, installing, adding onto, altering, or relocating a building or structure for a permanent duration shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- B. Permanent Alteration to the Land: A project that involves permanently altering the topography, drainage, floodplain, or significant environmental features shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.06: Temporary Improvement Location Permit* for details about this process.
- D. Establish a New Land Use or Change an Existing Land Use: A project that involves establishing a new land use on a parcel or in a structure, or changing an existing land use, shall have the project reviewed for compliance with the Unified Development Ordinance. Projects determined to be in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- E. Special Exception: An Application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 2: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.13: Special Exception* for details about this process.
- F. Change to a Different Zoning District: An Application for a Rezoning may be filed for a parcel to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the Common Council for final action. Approval or denial is the full discretion of the Common Council. See *Section 9.20: Zoning Map Amendment* for details about this process.

Introduction to Processes

9.02 Development Plan Approval Processes Applicable to a Parcel

This process section applies to the following zoning districts:

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- A. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure: A project that involves constructing, installing, adding onto, altering, or relocating a structure (e.g. building) for a permanent duration shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.08: Development Plan* for details about this process.
- B. Permanent Alteration to the Land: A project that involves permanently altering the topography, drainage, floodplain, or significant environmental features shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations shall be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.08: Development Plan* for details about this process.
- C. Temporary Use of Land or Structure: A project that involves establishing a temporary use or installing a temporary structure shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations will be issued a Temporary Improvement Location Permit authorizing the project to begin. See *Section 9.06: Temporary Improvement Location Permit* for details about this process.
- D. Establish a New Land Use or Change an Existing Land Use: A project that involves establishing a new land use on a parcel or in a structure, or changing an existing land use, shall be reviewed as a Development Plan by the Plan Commission. Projects determined to meet the Plan Commission's expectations and that are in full compliance with the applicable regulations will be issued an Improvement Location Permit authorizing the project to begin. See *Section 9.05: Improvement Location Permit* for details about this process.
- E. Special Exception: An Application for a Special Exception may be filed for a land use classified as a Special Exception in *Article 2: Zoning Districts* for the subject zoning district. The Board of Zoning Appeals shall utilize a specific public hearing and procedural findings to determine whether the land use is appropriate for the specific parcel named in the petition. See *Section 9.13: Special Exception* for details about this process.
- F. Change to a Different Zoning District: An Application for a Rezoning may be filed for a parcel to be changed from its existing zoning district to a different zoning district. The Plan Commission shall utilize a specific public hearing to review the proposed change in zoning. The Plan Commission shall then forward a recommendation to the Common Council for final action. Approval or denial is the full discretion of the Common Council. See *Section 9.20: Zoning Map Amendment* for details about this process.

Introduction to Processes

9.03 Processes Applicable to Developments

This process section applies to the following zoning districts:



- A. **Planned Development:** An elective approval process for developments that involve mixed-use, for significantly unique development designs, and for land that has significantly unique geologic features. This process allows the developer to write a unique ordinance that partially replaces the Unified Development Ordinance to allow greater design flexibility. Applications for Planned Development are reviewed and approved by a combination of the Plan Commission and Common Council, and approval or denial is the full discretion of the Plan Commission and Common Council. See *Section 9.09: Planned Development* for details about this process.
- B. **Subdivision of Land:** An Application for Primary Plat resulting in a parcel of land to be divided to create buildable lots shall be required to be reviewed and approved by the Plan Commission. This process also applies to any two (2) or more buildable lots being combined into a single buildable lot. Divisions of land recorded at the Office of the Wayne County Recorder without being approved by the Plan Commission shall not result in buildable lots. See *Section 9.14: Subdivision of Land* for details.

9.04 Processes for Relief from Regulations

This process section applies to the following zoning districts:



- A. **Administrative Appeal:** An Application for Appeal for a decision, interpretation, order determination, or action of the Zoning Administrator to be overturned or corrected shall be reviewed by the Board of Zoning Appeals. The Board of Zoning Appeals may allow the Zoning Administrator's interpretation to stand or may overturn or correct any Zoning Administrator's decision, interpretation, order determination or action. See *Section 9.07: Administrative Appeal* for details about this process.
- B. **Variance from Development Standards:** An Application for a Variance may be filed so that an petition for an applicable development standard may be partially or fully waived by the Board of Zoning Appeals, or a use that is not permitted may be permitted. The Board of Zoning Appeals may grant a Variance of Development Standard or a Variance of Use upon making specific findings of fact, with or with conditions or commitments. See *Section 9.18: Variance* for details about this process.

Improvement Location Permit

9.05 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 or change an existing land use. The following are examples of projects necessitating an Improvement Location Permit process:
- Constructing a dwelling unit
 - Constructing a detached garage
 - Constructing or modifying off-street parking
 - Room addition on a house
 - Installing a new driveway
 - Installation of a dwelling unit, manufactured
 - Installing a swimming pool
 - Construction a pool house
 - Constructing a carport
 - Constructing a deck or patio over 400 square feet
 - Installing a permanent free standing or wall mounted sign
 - Modifying a structure's height
 - Constructing a recreation pond
 - Adding impervious surface
 - Installation of a accessory structure over 200 square feet in area
- B. **Exemption 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 applicable regulations in the Unified Development Ordinance. Any project exempt from having to acquire an Improvement Location Permit that is in violation of the Unified Development Ordinance is subject to *Article 10: Enforcement and Penalties*. The following projects are exempt from having to obtain an Improvement Location Permit.
1. *Agriculture:* An agriculture related accessory structure is exempt from obtaining an Improvement Location Permit.
 2. *Small Structures:* An accessory structure that is not on a permanent foundation and is less than 200 square feet 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 less than 400 square feet in area over the entire lot is exempt from obtaining an Improvement Location Permit.
 5. *Sign Content Change:* Sign content 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 Based 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, but shall follow all building regulations found in *Chapter 150 in the City of Richmond Code of Ordinances*.
 10. *Adding or Changing Light Fixtures:* Light fixtures may be added or changed without obtaining an Improvement Location Permit.
 11. *Fences:* Fences may be installed or changed without obtaining an Improvement Location Permit.

Improvement Location Permit

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 Unified Development 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 Official. See the *Title XV: Chapter 150: Building Code of City of Richmond Code of Ordinances* for information regarding Building Permits and Certificates of Occupancy.
2. *Site Improvement Permit:* An Improvement Location Permit does not authorize compliance with the City's Stormwater Management Ordinances. Concurrent to having a project reviewed for compliance with the Unified Development Ordinance most projects will also have to be reviewed for compliance with the Stormwater Management Ordinance. The review for compliance with the Stormwater Management Ordinance is conducted by the MS4 Coordinator. See *Title V: Chapter 54 Stormwater Management of the City of Richmond Code of Ordinances* for information regarding the Site Improvement Permit.
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. The following information shall be provided on the application form.
 - a. Property owner's name, mailing address, phone number and/or email address.
 - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
 - c. Written detailed description of the proposed project.
 - d. Date submitted and signed.
 - e. Signature of the applicant, testifying that they are authorized to represent the property.
 - f. Any other information requested on the application form.
2. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
 - a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
 - i. A scaled drawing of the parcel with dimensions.
 - ii. The building envelope (i.e. the resulting developable area after applying setbacks).
 - iii. The location of existing structures (e.g. home, garage, sidewalk, or driveway).
 - iv. The location of the proposed structure.
 - v. A calculation of the existing lot coverage, expressed in a percentage.
 - vi. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
 - vii. An affidavit stating the proposed project is not located within a floodplain or easement.
 - b. Projects involving non-inhabitable structures mounted on a permanent foundation.
 - i. All requirements of *Section 9.05(D)(2)(a)*.
 - ii. A scale drawing of the parcel with dimensions.
 - iii. Existing adjacent right-of-ways, street easements or alley easements, and the name of the street or alley if applicable.
 - iv. Easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.
 - v. Denotation of any existing structure on adjacent parcels if within twenty (20) feet of the subject parcel's property line.

Improvement Location Permit

- c. Projects involving inhabitable buildings.
 - i. All requirements of *Section 9.05(D)(2)(b)*.
 - ii. Denotation of the location of mature trees, greater than nine (9) inches in caliper.
 - iii. Elevation above sea level at the location of the project prior to alteration of land.
 - iv. When reasonable evidence exists that the proposed structure is within thirty (30) feet of a floodplain or wetland the Planning Director may require a certification by a licensed engineer or surveyor that the proposed project is not on or within thirty (30) feet of a floodplain or wetland.
 - v. Denotation of adjacent zoning districts if different than the subject parcel.
 - vi. Location of existing or proposed drainage tile.
 - vii. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
 - viii. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
 - ix. Denotation of any existing structure on adjacent parcels if within fifty (50) feet of the subject parcel's property line.
 - d. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a complex or unique project complies with the provisions of the Unified Development Ordinance. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
3. *For Permanent Alteration to the Land*: The following supporting information, as applicable, shall be provided on a site plan, application form, or as an attachment.
 - a. Signed Approval: A signed approval indicating the improvement meets all standards in *Title V: Chapter 56 Erosion and Sediment Control of the City of Richmond Code of Ordinances*.

Improvement Location Permit

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 required supplemental information has been submitted correctly, and the applicable application fee is paid.
2. *Review the Project's Compliance:* After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the City Engineer, Building Commissioner, Park Superintendent, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development 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 to be added to the site plan, application form, or attachments.
 - b. *Exercise Discretion:* Some provisions within the Unified Development 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 Unified Development Ordinance:* Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when 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 Unified Development 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.
5. *Decision to Deny:* If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue an Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing an Improvement Location Permit and send that information to the applicant by email or U.S. 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 a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revised the application, or may promptly pursue relief from the Unified Development 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.
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 Unified Development Ordinance without terminating the process.
8. *Pursuit of Relief:* After a decision to deny, the applicant may promptly pursue an administrative appeal, variance from development standards, 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.

Improvement Location Permit

F. Duration:

1. *Procedural Expiration:* An application 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 from 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 six (6) months of the issuance date or shall become null and void.
3. *Expiration:* After an Improvement Location Permit is issued, the project shall be completed within thirty-six (36) months of the issuance date or 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 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 or change an existing land use.

or if:

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

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

Temporary Improvement Location Permit

9.06 Temporary Improvement Location Permit

- A. Applicability: A Temporary Improvement Location Permit shall be required prior to establishment of a temporary use of land or structure. The following are examples of projects necessitating a Temporary Improvement Location Permit process:
- Temporary sign
 - Tent sale
 - Construction trailer
 - Model home
- B. Filing Requirements:
1. *Application*: Application for a Temporary Improvement Location Permit shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per all applicable requirements described below.
 2. *Establishment of a Temporary Use of Land or Structure*: The following application and supporting information, when applicable, shall be provided on a site plan, application form, or as an attachment.
 - a. Property owner's name, mailing address, phone number and/or email address.
 - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
 - c. Written detailed description of the proposed project.
 - d. Date submitted and signed.
 - e. Signature of the applicant, testifying that they are authorized to represent the property.
 - f. Any other information requested on the application form.
 - g. A drawing of the parcel with dimensions.
 - h. The location of existing structures (e.g. building, parking lot, sidewalk, or driveway).
 - i. The location of the proposed temporary structure
 - j. The applicable setbacks shown on the parcel drawing.
 - k. Description of the proposed temporary land use.
 - l. Description of the desired duration of the temporary structure and/or land use.
 - m. An affidavit stating the proposed temporary structure does not impede drainage, sight visibility, vehicular circulation, pedestrian circulation, or emergency exit.
 3. *Deadline*: Applications for a Temporary Improvement Location Permit may be filed any time.
 4. *Fees*: The applicable fee shall be paid at the time the application for a Temporary Improvement Location Permit is filed.
- C. Permit Procedure:
1. *Substantially Complete Application*: An application for a Temporary Improvement Location Permit shall not be reviewed for approval until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall first verify that the application form and required supplemental information has been submitted correctly, and the applicable application fee is paid.
 2. *Review the Project's Compliance*: After the application is verified as being substantially complete, the Zoning Administrator shall review the project to determine whether it complies with the Unified Development Ordinance. The Zoning Administrator may consult with the City Engineer, Building Commissioner, Park Superintendent, or any other person, department, or group to determine if the project complies with all of the provisions of the Unified Development 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 to be added to the site plan, application form, or attachments.
 - b. *Exercise Discretion*: Some provisions within the Unified Development 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 Unified Development Ordinance*: Because the Unified Development Ordinance cannot address every possible unique situation, project features, or land use, the Zoning Administrator shall interpret the intent of the Unified Development Ordinance when not specifically addressed.

Temporary Improvement Location Permit

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 a Temporary Improvement Location Permit:* If the proposed project complies with the Unified Development Ordinance and, the Zoning Administrator shall render a decision to approve, document the terms of the approval on the permit, and then issue a Temporary Improvement Location Permit.
 5. *Decision to Deny:* If the proposed project does not comply with the Unified Development Ordinance, the Zoning Administrator shall not issue a Temporary Improvement Location Permit. The Zoning Administrator shall internally document the reasons for not issuing a Temporary Improvement Location Permit and send that information to the applicant by email or U.S. 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 a proposed project does not comply with the Unified Development Ordinance, the applicant may promptly revised the application, or may promptly pursue relief from the Unified Development Ordinance.
 6. *Allowance for Revision Prior to a Decision:* Not applicable.
 7. *Allowance for Revision After a Decision to Deny:* After a decision to deny, the applicant may promptly revise the site plan, application form, or attachment in order to comply with the Unified Development Ordinance without terminating the process.
 8. *Pursuit of Relief:* After a decision to deny, the applicant may promptly pursue an administrative appeal or variance from development standards. During an appeal for relief, the application for Improvement Location Permit shall be suspended until the Board of Zoning Appeals rules on the matter.
- D. Duration:
1. *Procedural Expiration:* An application 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 from the Board of Zoning Appeals within 30 days from notification.
 2. *Commencement:* After a Temporary Improvement Location Permit is issued, the permit shall expire after the last approved date for the temporary use and/or structure.
 3. *Permit Expiration:* A Temporary Improvement Location Permit shall be issued for the dates requested by the applicant and within the ordinance limits as described in *Temporary Use and Structure Standards in Article 5*. The permitted dates shall be displayed on the Temporary Improvement Location Permit.
 4. *Extensions:* Not applicable.
- E. Modification After Issuance of a Temporary Improvement Location Permit: Not applicable.

Administrative Appeal

9.07 Administrative Appeal

- A. **Applicability:** An Administrative Appeal applies to an applicant or interested party that wants a decision, interpretation, order determination, or action of the Zoning Administrator and/or enforcement officer to be overturned or corrected by the Board of Zoning Appeals. Any decision, interpretation, order determination, or action of the Plan Commission shall not be the subject of an Administrative Appeal.
- B. **Filing Requirements:**
1. *Petition:* Petition for Administrative Appeal shall be made on a form provided by the Zoning Administrator. Supporting information shall be submitted as per the requirements described below.
 2. *Information to be Submitted:* The following information shall be provided on the petition form.
 - a. Petitioner's name, mailing address, phone number, and/or email address.
 - b. Petitioner's standing (i.e. legal right to initiate a petition).
 - c. The Zoning Administrator or Enforcement Official that rendered the decision, interpretation, order determination, or action.
 - d. Written statement describing the administrative decision, interpretation, order determination, or action; and the reason and facts supporting action by the Board of Zoning Appeals.
 - e. Date submitted and signed.
 - f. Signature of the applicant.
 - g. Any other information requested on the application form.
 3. *Deadline:* A petition for an Administrative Appeal shall be filed with the Board of Zoning Appeals within thirty (30) days of the decision, interpretation, order determination, or action that is the subject of the appeal.
 4. *Suspension of Work:* Work related to the decision, interpretation, order determination, or action being appealed shall be suspended until the Administrative Appeal is complete, or until the Board of Zoning Appeals authorizes full or partial work to resume prior to a Board of Zoning Appeals decision.
 5. *Fees:* The applicable fee shall be paid at the time the petition for Administrative Appeal is filed.
- C. **Appeal Procedure:**
1. *Substantially Complete Petition:* A petition for an Administrative Appeal shall not be issued a docket number or be scheduled for hearing by the Board of Zoning Appeals until it is determined to be substantially complete by the Zoning Administrator. The Zoning Administrator shall verify that the petition form and required supplemental information has been submitted correctly, and the applicable petition fee is paid.
 2. *Assignment:* Once a petition for an Administrative Appeal has been determined substantially complete, the Zoning Administrator shall assign a case number and place the appeal on the agenda of the Board of Zoning Appeals. The Zoning Administrator shall inform the petitioner, in writing, of the date and time of the Board of Zoning Appeals meeting at which the appeal is to be heard.
 3. *Public and Interested Party Notice:* The petitioner shall be responsible for providing public notice in accordance with the Board of Zoning Appeals Rules of Procedure. The applicant shall also be responsible for returning proof of public notice to the Zoning Administrator at least three (3) business days before the meeting at which the appeal is to be heard. Failure to submit proof of notice may result in the Administrative Appeal being continued to the following month's Board of Zoning Appeals meeting.
 4. *Transfer of Information:*
 - a. The Zoning Administrator shall provide the petitioner for an Administrative Appeal any additional information which is being conveyed to the Board of Zoning Appeals in preparation for the meeting.
 - b. The Zoning Administrator or Enforcement Official that is the subject of the appeal shall transmit the documents, plans, and papers constituting the record regarding the case to the Board of Zoning Appeals.
 - c. The Zoning Administrator or the Enforcement Official that is the subject of the appeal may provide a written report explaining the final decision or action on the case.
 5. *Review:* The Board of Zoning Appeals shall hear the Administrative Appeal at a regularly scheduled public meeting according to their Rules of Procedure. The Board of Zoning Appeals may consider information conveyed to them in writing and testimony during the hearing in making a decision.

Administrative Appeal

6. *Decision:* Following the hearing and review, the Board of Zoning Appeals may reverse, affirm, or modify the decision, interpretation, order determination, or action from which the appeal stems. The Board of Zoning Appeals may also add conditions to its decision when warranted.
7. *Appeal:* Any person aggrieved by the decision of the Board of Zoning Appeals may appeal such decision to the Circuit or Superior Court of Wayne County.

Development Plan

9.08 Development Plan

This process applies to the following zoning districts:

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A. Prerequisite.

1. *Development Plan Approval shall be required prior to an Improvement Location Permit being issued for:*
 - a. Permanent Construction, Installation, Addition, Alteration, or Relocation of a New Structure, and
 - b. Permanent Alteration to the Land.
2. *Subdivisions:* For residential subdivisions, Development Plan Approval shall be reviewed concurrently with the secondary plat.

B. Exemptions from Development Plan:

1. *Single-family detached residential:* Any lot being developed for a single-family detached residence or its accessory structures shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.
2. *Agriculture Sites and Buildings:* Any lot being solely used for agricultural purposes shall be exempt from Development Plan Approval. Only the Temporary Improvement Location Permit process shall apply.
3. *Temporary Use of Land or Structure:* Any temporary use of land or structure shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.
4. *Establish a New Land Use or Change an Existing Land Use:* Establishing a new land use or changing an existing land use shall be exempt from Development Plan Approval. Only the Improvement Location Permit process shall apply.

C. Filing Requirements:

1. *Application:* Application for Development Plan Approval shall be made on a form provided by the Zoning Administrator. The following information shall be provided on the application form.
 - a. Property owner's name, mailing address, phone number and/or email address.
 - b. Applicant's name, mailing address, phone number, and/or email address, if different than owner.
 - c. Written detailed description of the proposed project.
 - d. Date submitted and signed.
 - e. Signature of the applicant, testifying that they are authorized to represent the property.
 - f. Any other information requested on the application form.
2. *Interested Parties:* A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
3. *For Permanent Construction, Installation, Addition, Alteration, or Relocation of a Structure:* The following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.
 - a. Projects involving non-inhabitable structures not mounted on a permanent foundation.
 - i. A drawing of the parcel with dimensions.
 - ii. The building envelope (i.e. the resulting developable area after applying setbacks).
 - iii. The location of existing structures (e.g. home, garage, sidewalk, or driveway).
 - iv. The location of the proposed structure.
 - v. A calculation of the existing lot coverage, expressed in a percentage.
 - vi. A calculation of the lot coverage as it would be upon completing the project, expressed in a percentage.
 - vii. An affidavit stating the proposed project is not located within a floodplain or easement.

- b. Projects involving non-inhabitable structures mounted on a permanent foundation.
 - i. All requirements of *Section 9.08(C)(3)(a)*.
 - ii. A scale drawing of the parcel with dimensions.
 - iii. Existing adjacent right-of-ways, street easements or alley easements, and the name of the street or alley if applicable.
 - iv. Easements on the parcel or adjacent to the parcel, including the name of the easement holder and a description of the terms of the easement.
 - v. Denotation of any existing structure on adjacent parcels if within twenty (20) feet of the subject parcel's property line.
 - c. Projects involving inhabitable buildings.
 - i. All requirements of *Section 9.08(C)(3)(b)*.
 - ii. Denotation of the location of mature trees, greater than nine (9) inches in caliper.
 - iii. Elevation above sea level at the location of the project prior to alteration of land.
 - iv. Certification by a licensed engineer or surveyor that the proposed project is not on or within 30 feet of a floodplain or wetland.
 - v. Denotation of adjacent zoning districts if different than the subject parcel.
 - vi. Location of existing or proposed drainage tile.
 - vii. Denotation of where utilities lines will be run to the building and whether they are above or below grade.
 - viii. Location of a septic system, reserve area for a replacement septic system, well, geothermal loop, or other on-site utility system.
 - ix. Denotation of any existing structure on adjacent parcels if within fifty feet (50) feet of the subject parcel's property line.
 - d. Complex or Unique Projects: The Zoning Administrator may require any additional information if reasonably necessary to determine if a complex or unique project complies with the provisions of the Unified Development Ordinance. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
4. *For Permanent Alteration to the Land:* The following supporting information, as applicable, shall be provided on a site plan, application form, and/or as an attachment.
- a. Projects that involve disturbing more than five percent (5%) of a parcel's area on a parcel less than five (5) acres in area, or disturbing any portion of a site greater than five (5) acres, or that results in more than 9,000 cubic feet of soil being disturbed (cumulative amount of soil added from one area and soil removed from another, not the net of soil added and removed).
 - i. A scale drawing of the parcel with dimensions.
 - ii. The location of existing structures (e.g. building, sidewalk, or driveway).
 - iii. Denotation of existing mature trees, greater than nine (9) inches in caliper.
 - iv. Denotation of floodplains, wetlands, rock formations, karst, natural lakes, streams, regulated drains, retention ponds, detention ponds, known drainage tile, inlets, outlets, monuments or markers, and drainage swales on the parcel and within seventy-five (75) feet of the parcel's property lines.
 - v. Two-foot contour lines of the existing parcel.
 - vi. Two-foot contours showing the parcel's contours as it would be upon completing the proposed project.
 - vii. Erosion control methodology, devices, locations, and maintenance strategy.
 - viii. Drainage evaluation of the existing parcel and as it would be upon completion of the proposed project with a characterization of the change to drainage onto adjacent properties, into drainage tile, or into surface water ways.
 - ix. Design cross-section of recreational ponds.

Development Plan

5. *Deadline:* Thirteen (13) hard copies of the Application for Development Plan Approval; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for Development Plan Approval and supporting information in .pdf (portable document format); and one (1) digital copy of any drawings or plans in .dwg format shall be submitted to the Plan Commission at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Plan Commission.
6. *Fees:* Applicable fees shall be paid at the time the Application for Development Plan Approval is filed.

D. Review Procedure:

1. *Assignment:* Development Plans which are determined to be substantially complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first available Plan Commission agenda that occurs at least twenty-eight (28) days after the substantially complete application for Development Plan was submitted. The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or the Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments and other applicable agencies will be notified of the proposed Development Plan and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Development Plan and information from the Technical Review Committee and/or other agencies that have reviewed the Development Plan. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for Development Plan Approval. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Development Plan and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Development Plan.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. The Application for Development Plan Approval.
 - b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
 - c. The testimony of the applicant.
 - d. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department or agency.
 - e. Input from the public during the public hearing.
 - f. Any applicable provisions of the Unified Development Ordinance.
 - g. Any applicable requirements of the City of Richmond's Construction Standards.
 - h. Any other information as may be required by the Plan Commission to evaluate the application.

Development Plan

7. *Decision*: The Plan Commission shall make findings of fact and take final action or continue the Application for Development Plan Approval to a defined future meeting date.
 - a. *Findings of Fact*: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Unified Development Ordinance or City of Richmond's Construction Standards with which there is not compliance.
 - i. The development plan is consistent with the *City of Richmond Comprehensive Plan*.
 - ii. The development plan satisfies the development requirements of *Article 2: Zoning Districts*.
 - iii. The development plan satisfies the standards of *Article 5: Development Standards*.
 - iv. The development plan satisfies any other applicable provisions of the Unified Development Ordinance.
 - v. The development plan satisfies the construction requirements of the City of Richmond's Construction Standards.
 - b. *Final Action*: Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Application for Development Plan Approval.
 - c. The findings of fact and final action shall be signed by the President of the Plan Commission.
 - d. The Zoning Administrator shall provide the applicant a copy of the decision.
- E. *Duration*: An approved Development Plan shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension for cause. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Development Plan record. If development of the project has not begun by the end of the two-year period (or by the end of the six-month extension), the approval expires and a new Application for Development Plan Approval shall be submitted.
- F. *Modification*:
 1. *Minor Amendments*: Minor amendments to approved Development Plans which do not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
 2. *Major Amendments*: If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Application for Development Plan Approval.

Planned Development; General

9.09 Planned Development; General

A. Purpose and Intent:

1. *General:* A Planned Development zoning district may be used to provide for:
 - a. A development with complex mixes of land uses, or mixes of land uses within buildings.
 - b. A development on:
 - i. A unique geological feature,
 - ii. A site with notable quality natural features, or
 - iii. A site with notable quantity of natural features.
 - c. A development with a notably unique or innovative design.
2. *Process Outline:* The three (3) steps of the Planned Development process are listed below and explained in detail in the following Sections.
 - a. The Planned Development District Ordinance and Establishment Plan.
 - b. The Planned Development Detailed Development Plan.
 - c. The Planned Development Final Development Plan.

Planned Development; Establishment Plan

9.10 Planned Development: District Ordinance and Establishment Plan

A. Purpose and Intent:

1. *Planned Development District Ordinance:* The purpose of the Planned Development District Ordinance is to:
 - a. Designate, or rezone, a parcel of land as a Planned Development zoning district.
 - b. Specify uses or a range of uses permitted in the Planned Development zoning district.
 - c. Specify development requirements in the Planned Development zoning district.
 - d. Specify the plan documentation and supporting documentation that may be required.
 - e. Specify any limitation applicable to the Planned Development zoning district.
 - f. Meet the requirements of *IC 36-7-4-1500 et seq.*
2. *Establishment Plan:* The purpose of an Establishment Plan is to delineate basic elements such as land uses, vehicular and pedestrian traffic patterns, drainage, perimeter bufferyards, etc.

B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this Section.

C. Prerequisites:

1. *Ownership:* Planned Developments shall be initiated by the owners of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from all owners shall accompany the application.
2. *Pre-application Meeting:* Prior to submitting an Application for a Planned Development, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures and examine the proposed use and development of the property.

D. Filing Requirements:

1. *Application:* Application for a Planned Development shall be made on a form provided by the Zoning Administrator.
2. *Supporting Information:* The Application for a Planned Development shall be accompanied by the following information.
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. Survey and legal description of the proposed site of the Planned Development.
 - c. The Establishment Plan that conceptually delineates the basic physical elements of the Planned Developments including land use, circulation, and perimeter buffers.
 - d. A draft of the Planned Development District Ordinance that includes proposed development standards for all land uses within the Planned Development.
 - e. Any other information requested in writing by the Plan Commission or Zoning Administrator.
3. *Deadline:* Thirteen (13) hard copies of the Application for a Planned Development; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for a Planned Development and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. *Fees:* Applicable fees shall be paid at the time the Application for a Planned Development is filed.

Planned Development; Establishment Plan

E. Formal Procedure:

1. *Assignment:* An Application for a Planned Development, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Planned Development was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the date of the meeting.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Zoning Administrator shall review the Application for a Planned Development and all supporting information. While the Establishment Plan is conceptual, the Zoning Administrator may forward the Establishment Plan and any other relevant information to the Technical Review Committee, Plan Commission legal counsel, Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments, or other applicable agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Planned Development, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development and information from any other agencies that reviewed the Planned Development. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Planned Development. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Planned Development and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Planned Development.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. Application for a Planned Development.
 - b. Planned Development District Ordinance draft.
 - c. Establishment Plan.
 - d. The *City of Richmond Comprehensive Plan*.
 - e. Current conditions and the character of current structures and uses in the area.
 - f. The most desirable use for which the land in the area is adapted.
 - g. The conservation of property values throughout the jurisdiction.
 - h. Responsible development and growth.
 - i. The testimony of the applicant.
 - j. Relevant evidence presented by other persons.
 - k. The limitations, standards, and requirements of *Article 4: Planned Development District*.
 - l. Any applicable provisions of the Unified Development Ordinance.
 - m. The Zoning Administrator's report or any other documents provided by other departments or agencies.
 - n. Any other additional information as may be required by the Plan Commission to evaluate the application.

Planned Development; Establishment Plan

7. *Decision*: The Plan Commission shall take final action or continue the Application for a Planned Development to a defined future meeting date.
 - a. *Final Action*: The Plan Commission shall certify and forward the Application for a Planned Development to the Common Council with:
 - i. A favorable recommendation.
 - ii. A favorable recommendation and with recommendations for commitments and/or conditions.
 - iii. An unfavorable recommendation.
 - iv. No recommendation.
 - b. *Revisions*: If the certified version of the Planned Development District Ordinance or Establishment Plan was revised during the process of Plan Commission review, the Zoning Administrator shall make the revisions to the Planned Development District Ordinance and the applicant shall make the revisions to the Establishment Plan so the Common Council receives the certified versions of the Planned Development District Ordinance and Establishment Plan.
8. *Commitments and Conditions*: In conjunction with its recommendation to the Common Council, the Plan Commission may recommend written commitments and/or conditions for approval. Commitments and/or conditions shall be recorded in the Office of the Wayne County Recorder within thirty (30) days of the Common Council's approval of the Planned Development District Ordinance and Establishment Plan. The applicant shall deliver a copy of the recorded commitments and/or conditions to the Zoning Administrator before proceeding with Step 2 and filing a Planned Development Detailed Development Plan.
- F. *Duration*: If Step 2, a Planned Development Detailed Development Plan, has not been filed within one (1) year of the date the Common Council approved the Planned Development District Ordinance and the Establishment Plan, the approval expires and a new Application for a Planned Development shall be submitted.
- G. *Modification*:
 1. *Planned Development District Ordinance*: An amendment to the text of the Planned Development District Ordinance shall follow the process in *Section 9.17: Unified Development Ordinance Text Amendment*.
 2. *Establishment Plan*: Modification to an Establishment Plan shall be explained and illustrated during a Planned Development Detailed Development Plan review and approval process, unless the Zoning Administrator determines the modification is significant enough to change the character and intent of the Planned Development. In such cases, a new Application for a Planned Development shall be required.
 3. *Commitments and Conditions*: Commitments and conditions associated with a Planned Development District Ordinance and Establishment Plan shall only be modified or terminated by a decision of the Common Council made at a public hearing.

Planned Development; Detailed Development Plan

9.11 Planned Development; Detailed Development Plan

- A. Purpose and Intent: The Planned Development Detailed Development Plan shall provide the Plan Commission with the opportunity to review the details of the site plan and determine compliance with the Planned Development District Ordinance. If the Planned Development involves the subdivision of land, this step also serves as the Primary Plat.
- B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this Section.
- C. Prerequisites:
1. *Planned Development District Ordinance and Establishment Plan*: The Planned Development District Ordinance and Establishment Plan shall be approved by the Common Council prior to submitting a Planned Development Detailed Development Plan. If approval included commitments and/or conditions, those commitments and/or conditions shall be recorded in the Office of the Wayne County Recorder.
- D. Filing Requirements:
1. *Application*: Application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan.
 2. *Supporting Information*: The following information shall be submitted for the Planned Development; Detailed Development Plan review process.
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. A Site Plan, drawn to scale, that includes the following items:
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Address of the site.
 - iv. Proposed name of the development.
 - v. Area map insert showing the general location of the site referenced to major streets.
 - vi. Boundary lines of the site including all dimensions of the site.
 - vii. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
 - viii. Layout, number, dimension, and area of all lots.
 - ix. Location and dimensions of all existing and proposed structures, including paved areas, entryway features, and signs.
 - x. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - xi. Use of each structure by labeling including approximate density or size of all proposed uses and structures on the site (e.g. parking - number of parking spaces provided; office-floor area).
 - xii. Distance of all structures from front, rear, and side lot lines.
 - xiii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
 - xiv. Proposed landscaping buffers or landscaped areas.
 - xv. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
 - c. Representative building elevations for facades of residential and non-residential primary structures shall be drawn to scale and include the following items:
 - i. Proposed name of the development.
 - ii. Graphic scale.
 - iii. Specification of the type and color of building materials to be used for wall, window, roof, and other architectural features.
 - iv. Placement, size, color, and illumination details for any proposed wall sign.
 - v. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

Planned Development; Detailed Development Plan

- d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale.
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Address of site.
 - iv. Proposed name of the development.
 - v. Names, centerlines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
 - vi. Location of any proposed or existing driveways onto a street or alley and its width at the lot line.
 - vii. All improvements to the street system on-site and off-site.
 - viii. Measurement of curb radius and/or flares.
 - ix. Location of proposed and existing sidewalk or sidepath.
 - x. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- e. A Utility Plan shall be drawn to scale and shall include the following items:
 - i. Location of all existing and proposed utility easements.
 - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
 - iii. Location and illumination capacity of all lights.
 - iv. Names of legal ditches and streams in or adjacent to the site.
 - v. Contours sufficient to illustrate storm water runoff.
 - vi. Storm water drainage plan including estimated runoff.
 - vii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- f. Traffic Impact Study.
 - i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed-use development which generates 100 or more peak hour trips in the peak direction).
 - ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and City Engineer to determine an appropriate scope for the Traffic Impact Study.
- g. Statement of Development Build-Out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
 - i. The order of development of the major infrastructure elements of the project.
 - ii. Project phase boundaries, if any.
 - iii. The order and content of each phase.
 - iv. An estimate of the time frame for build-out of the project.
- h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed green space and landscaping on the site showing how the proposed landscaping meets or exceeds the standards detailed in the *Section 7.18: Perimeter Landscaping Standards* and *Landscape Standards* in *Article 5*.

Planned Development; Detailed Development Plan

- i. APO District Requirements: If the proposed development is in the APO District, the applicant shall submit the following:
 - i. A narrative description of the site including any existing uses, setbacks, available sewage disposal facilities, and a brief history of the site (including any former uses, historical environmental concerns, abandoned wells, underground storage tanks, or septic systems).
 - ii. Description of the proposed operations, including chemical/products used or generated, chemical/product storage area descriptions, waste generation quantities, equipment cleaning/maintenance procedures.
 - iii. Methods and locations of receiving, handling, storing and shipping chemicals/products and wastes.
 - iv. Spill or release response measures and reporting.
 - v. Description of slopes near containment vessels and waste storage areas.
 - vi. The following information shall also be included on the required Site Plan or an additional plan: all paved and non-paved areas; floor drain locations and outlets; chemical/product storage locations; waste storage locations; liquid transfer areas; underground storage tanks and associated piping; above ground storage tanks and associated piping; slope and contours of finished grade at two-foot intervals; and proposed containment area detail drawings, including area, heights, materials, specifications, if applicable.
3. *Deadline:* Thirteen (13) hard copies of the Application for a Planned Development; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for a Planned Development and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted twenty-eight (28) days prior to the public meeting at which it is first to be heard by the Plan Commission.
4. *Fees:* Applicable fees shall be paid at the time when the Planned Development Detailed Development Plan is filed.

E. Formal Procedure:

1. *Assignment:* A Planned Development Detailed Development Plan, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Planned Development Detailed Development Plan was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or the Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments and other applicable agencies will be notified of the proposed Planned Development Detailed Development Plan and asked to review and comment. The Zoning Administrator may request a formal meeting of the Technical Review Committee and request the applicant's presence at that meeting. Following a thorough review, the Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the Planned Development Detailed Development Plan, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Planned Development Detailed Development Plan and information from the Technical Review Committee and/or other agencies that have reviewed the Planned Development Detailed Development Plan. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to a Planned Development Detailed Development Plan. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.

Planned Development; Detailed Development Plan

4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Planned Development and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Planned Development.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. The original Application for a Planned Development.
 - b. Approved Planned Development District Ordinance.
 - c. Approved Establishment Plan.
 - d. All supporting information including the site plan, site access and circulation plan, elevations, utility plan, statement of development build-out, landscape plan, and, if applicable, traffic impact study and APO District requirements.
 - e. The testimony of the applicant.
 - f. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department or agency.
 - g. Input from the public during the public hearing.
 - h. Any applicable requirements of the City of Richmond's Construction Standards.
 - i. The limitations, standards, and requirements of *Article 4: Planned Development District*.
 - j. Any applicable provisions of the Unified Development Ordinance.
 - k. The Zoning Administrator's report or any other documents provided by other departments or agencies.
 - l. Any other additional information as may be required by the Plan Commission to evaluate the application.
7. *Decision:* The Plan Commission shall make findings of fact and take final action or continue the Planned Development Detailed Development Plan to a defined future meeting date.
 - a. *Findings of Fact:* The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the portion of the Planned Development District Ordinance, the Unified Development Ordinance, or City of Richmond's Construction Standards with which there is not compliance.
 - i. The Planned Development Detailed Development Plan is consistent with the *City of Richmond Comprehensive Plan*.
 - ii. The Planned Development Detailed Development Plan is consistent with *Article 4: Planned Development District*.
 - iii. The Planned Development Detailed Development Plan satisfies the development standards of the approved Planned Development District Ordinance.
 - iv. The Planned Development Detailed Development Plan satisfies the construction requirements of the City of Richmond's Construction Standards.
 - b. *Final Action:* Based on the findings of fact, the Plan Commission shall approve, approve with conditions, or deny the Planned Development Detailed Development Plan. If conditions are required, the conditions shall be recorded in the Office of the Wayne County Recorder within thirty (30) days of the Plan Commission's approval of the Planned Development Detailed Development Plan. The applicant shall deliver a copy of the recorded conditions to the Zoning Administrator before filing a Planned Development Final Development Plan.
 - c. The findings and final decision shall be signed by the President of the Plan Commission.
 - d. The Zoning Administrator shall provide the applicant a copy of the final decision.
- F. *Duration:* An approved Planned Development Detailed Development Plan shall be valid for two (2) years from the date the Plan Commission granted approval. The Zoning Administrator may grant one (1) six-month extension. The applicant shall submit the request for extension in writing, and the Zoning Administrator shall make a written determination regarding the decision. Both the request and the determination shall be made part of the Planned Development record. If development of the project has not commenced by the end of the two (2) year period (or by the end of the six-month extension), the approval expires and an Application for a Planned Development (District Ordinance and Establishment Plan) shall be required.

G. Modification:

1. *Minor Amendments:* A minor amendment to an approved Planned Development Detailed Development Plan which does not involve an increase in height, area, bulk or intensity of land uses; the designation of additional land uses; a reduction in yards; the addition of driveways or access points; or a reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendment does not adversely impact the purpose or intent of the overall development. Minor amendments authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
2. *Major Amendments:* If the Zoning Administrator determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Planned Development Detailed Development Plan.

Planned Development; Final Development Plan

9.12 Planned Development; Final Development Plan

- A. Purpose and Intent: The Planned Development Final Development Plan shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording. If the Planned Development involves the subdivision of land, this step also serves as the Secondary Plat Approval.
- B. Project Applicability: Proposals for new Planned Developments shall meet the standards of this Section.
- C. Prerequisites:
 1. *Planned Development Detailed Development Plan*: The Planned Development Detailed Development Plan shall be approved by the Plan Commission prior to submitting a Planned Development Final Development Plan. If Planned Development Detailed Development Plan approval included conditions, those conditions shall be recorded in the Office of the Wayne County Recorder.
 2. *Infrastructure*: A Planned Development shall have all of the infrastructure improvements proposed in the Planned Development Detailed Development Plan that are intended to be dedicated to the City installed to meet the City of Richmond's Construction Standards, or the applicant shall have financial security for the cost of the infrastructure improvements in compliance with *Section 7.32: Surety Standards*.
- D. Filing Requirements:
 1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Planned Development Final Development Plan Approval. The original Application for a Planned Development should be on file with the Zoning Administrator from the Planned Development District Ordinance and the Establishment Plan
 2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Planned Development Final Development Plan Approval
 - a. Accurate location of all monumentation, if applicable.
 - b. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system, and copies of any required inspections or certifications.
 - c. If infrastructure improvements intended to be dedicated to the City are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
 - d. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Plan Commission.
 3. *Deadline*: Planned Development Final Development Plan Approval shall be requested within two (2) years of the approval of Planned Development Detailed Development Plan by the Plan Commission.
 4. *Fees*: Applicable fees shall be paid at the time the request for Planned Development Final Development Approval is filed.

Planned Development; Final Development Plan

E. Formal Procedure:

1. *Assignment:* The Zoning Administrator shall review the letter requesting Planned Development Final Development Plan Approval and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Planned Development Final Development Plan should be presented to the Plan Commission. Should the Zoning Administrator determine Plan Commission review is necessary, the Zoning Administrator shall assign the Planned Development Final Development Plan a case number and place it on the first Plan Commission agenda that occurs twenty-eight (28) days after the request for Planned Development Final Development Plan approval was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing if Plan Commission review is necessary and the date of the meeting, if applicable.
2. *Review:* The Zoning Administrator shall provide the letter requesting Planned Development Final Development Plan approval, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the City of Richmond's Construction Standards and establish adequate connection to the existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project. If it has been determined that Plan Commission review is required, the comment sheets shall be forwarded to the Plan Commission for review at the meeting.
3. *Public Notice:* Notice and public hearing shall not be required for Planned Development Final Development Plan.
4. *Decision:* Based on comments from departments, the Zoning Administrator or the Plan Commission shall approve, approve with conditions, or deny Planned Development Final Development Plan.

- F. Duration: An approved Planned Development Final Development Plan and any conditions shall be recorded in the Office of the Wayne County Recorder within three (3) months of the date of approval or become null and void.

Special Exception

9.13 Special Exception

- A. Purpose and Intent: A special exception use is a use for which certain conditions must be met before it can be established at a specific location. The use shall be permitted by the Board of Zoning Appeals if certain conditions are met.
- B. Project Applicability: Only uses listed as "special exceptions" in the two-page layouts in *Article 2: Zoning Districts* shall be considered for approval by the Board of Zoning Appeals.
- C. Prerequisites: An Application for a Special Exception shall be filed by the owner, the owner's agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
- D. Filing Requirements:
 1. Application: An Application for a Special Exception shall be made on forms provided by the Zoning Administrator.
 2. Supporting Information: The following items shall accompany a completed Application for a Special Exception.
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. A Site Plan, drawn to scale, that includes the following information.
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Address of the site.
 - iv. Legal description of the site.
 - v. Boundary lines of the site including all dimensions.
 - vi. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
 - vii. Location and dimensions of all existing and proposed structures, including paved areas and signs
 - viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - ix. Distance of all structures from front, rear, and side lot lines.
 - x. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
 - xi. Proposed landscaping buffers or landscaped areas.
 - xii. Any other information necessary to support a thorough review of the project and as requested in writing by the Board of Zoning Appeals or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
 3. Deadline: An Application for a Special Exception shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
 4. Fees: Applicable fees shall be paid at the time the Application for a Special Exception is filed.

Special Exception

E. Formal Procedure:

1. *Assignment:* An Application for a Special Exception, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Board of Zoning Appeals agenda that occurs twenty-eight (28) days after the Application for a Special Exception was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the meeting date.
2. *Internal Review:* Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments to review and comment. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Special Exception and/or information from other departments that have reviewed the Application for a Special Exception. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Special Exception. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Board of Zoning Appeals meeting to explain the proposed Special Exception and address and discuss comments and concerns posed by the Board of Zoning Appeals. Failure to appear may result in the dismissal of the Application for a Special Exception.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Board of Zoning Appeals shall review
 - a. The Application for a Special Exception.
 - b. Supporting information.
 - c. Presentation by the applicant.
 - d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
 - e. Input from the public during the public hearing.
 - f. Applicable provisions of the Unified Development Ordinance.
 - g. The Board of Zoning Appeals may take into consideration the following items as they relate to the proposed use:
 - i. Topography and other natural site features.
 - ii. Zoning of the site and surrounding properties.
 - iii. Driveway locations, street access and vehicular and pedestrian traffic.
 - iv. Parking amount, location, design.
 - v. Landscaping, screening, buffering.
 - vi. Open space and other site amenities.
 - vii. Noise production and hours of operation.
 - viii. Design, placement, architecture, and material of the structure.
 - ix. Placement, design, intensity, height, and shielding of lights.
 - x. Traffic generation.
 - xi. General site layout as it relates to its surroundings.

Special Exception

7. *Decision*: The Board of Zoning Appeals shall make findings of fact and take final action or continue the Application for a Special Exception to a defined future meeting date.
 - a. *Findings of Fact*: The Board of Zoning Appeals shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
 - i. The proposed special exception is consistent with the purpose of the zoning district and the *City of Richmond Comprehensive Plan*.
 - ii. The proposed special exception will not be injurious to the public health, safety, morals and general welfare of the community.
 - iii. The proposed special exception is in harmony with all adjacent land uses.
 - iv. The proposed special exception will not alter the character of the district; and
 - v. The proposed special exception will not substantially impact property value in an adverse manner.
 - b. *Final Action*:
 - i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the Application for a Special Exception.
 - ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the Application for a Special Exception.
 - c. *Commitments and Conditions*:
 - i. *Commitments*: The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Wayne County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interested in the land.
 - ii. *Conditions*: The Board of Zoning Appeals may require certain conditions for approval.
- F. *Duration*: The granting of a special exception authorizes the use to run with the land unless conditions to the contrary are placed on the approval. If construction of structures or occupancy of existing structures has not commenced within two (2) years of the date the Special Exception was granted by the Board of Zoning Appeals, the approval shall be null and void.
- G. *Modification*: If the Zoning Administrator determines a proposed modification or intensification represents an alteration in the essential character of the original special exception use as approved by the Board of Zoning Appeals, a new approval of the special exception use shall be required. The operator of the special exception use shall provide the Zoning Administrator with all the necessary information to render this determination.

Subdivision of Land; Primary Plat

9.14 Subdivision of Land; Primary Plat

- A. Purpose and Intent: A Primary Plat shall provide the Plan Commission with the opportunity to review the details of a subdivision of land to determine compliance with the provisions of the Unified Development Ordinance. A Primary Plat shall also ensure the statutory requirements established in Indiana Code for the subdivision of land are met.
- B. Project Applicability: A Primary Plat shall be prepared in conjunction with any proposal to subdivide or plat property within the jurisdictional area of the Plan Commission.
1. Applicable Districts: The subdivision of land shall be permitted in all zoning districts.
 2. Replats: A replat shall consist of two processes. First, the plat or the portion of the plat shall be vacated in accordance with *IC 36-7-3-10* and *IC 36-7-3-11*. Then, the property shall be platted using the Primary Plat process in this section and the Secondary Plat process in *Section 9.15: Subdivision of Land; Secondary Plat*.
 3. Exemptions: Condominiums regulated by *IC 32-35* are exempt from this subdivision process outlined in the Unified Development Ordinance.
- C. Prerequisites:
1. Eligible Applicants: An Application for Primary Plat shall be initiated by the owner of the land involved in the development or the owner's authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner shall accompany the application.
 2. Pre-application Meeting: Prior to submitting an Application for Primary Plat, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, review regulatory ordinances and materials, review the procedures, and examine the proposed use and development of the site.
- D. Elective Concept Plan: The petitioner may elect to seek tentative review by the Plan Commission. The petitioner shall prepare a conceptual plan of the proposed development including:
1. Minimum Submittal Requirements:
 - a. Lot Layout: Generally layout of lots,
 - b. Drainage: Generally how drainage will be handled,
 - c. Product: General description of the product intended to be built on the lots,
 - d. Design Features: General description of the development's features.
 2. Plan Commission Meeting:
 - a. Submittal Deadline: The required quantities of the application and supporting information shall be submitted at least twenty-eight (28) days prior to a Plan Commission or Plat Committee to be considered for that meeting. Depending on the review time necessary, a Primary Plat application may be placed on a later Plan Commission or Plat Committee agenda.
 - b. Notice: A Concept Plan shall not require notice or a public hearing.
 - c. Plan Commission Review: The Plan Commission shall hear a presentation of the material from the petitioner, answer questions, and hear comments in regard to the Concept Plan.
 - d. Plan Commission Action: The Plan Commission shall give final feedback to the petitioner which shall not constitute a legal action.
- E. Filing Requirements:
1. Application: An Application for Primary Plat shall be made on forms provided by the Zoning Administrator.
 2. Supporting Information: The following supporting information shall accompany a completed Application for Primary Plat.
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.

Subdivision of Land; Primary Plat

- b. A Site Plan, drawn to a scale, that includes the following items:
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Proposed address for each lot.
 - iv. Proposed name of the subdivision.
 - v. Area map insert showing the general location of the site referenced to major streets.
 - vi. Legal description of the site.
 - vii. Boundary lines of the site including all dimensions of the site.
 - viii. Names, centerlines, and right-of-way widths of all streets, alleys, and easements.
 - ix. Layout, number, dimension, area, building setback lines on all lots.
 - x. Location and dimensions of any existing structures.
 - xi. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - xii. Areas reserved for park, recreation, conservation, wetland, common area, lake, trails, or other similar uses.
 - xiii. Proposed perimeter landscaping areas.
 - xiv. Proposed entryway feature signs.
 - xv. Stamp of Registered Professional Engineer or Registered Land Surveyor.
 - xvi. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
- c. Representative building elevations for each facade of primary structures including the following information may be requested by the Zoning Administrator.
 - i. Permitted building materials to be used for wall, window, roof, and other architectural features.
 - ii. Placement, size, color, and illumination details for any proposed wall sign.
 - iii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
- d. A Site Access and Circulation Plan shall be required, but may be incorporated into the required Site Plan or may be submitted as a separate plan. It shall be drawn to scale and shall include the following items:
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Proposed name of the subdivision.
 - iv. Names, centerlines, and right-of-way widths of all existing and proposed streets, alleys, and easements within 100 feet of the site.
 - v. All improvements to the street system on-site and off-site.
 - vi. Measurement of curb radius and/or flares.
 - vii. Location of proposed and existing sidewalk and sidepaths.
 - viii. Location and details of all proposed wayfinding signs and traffic signs.
 - ix. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.

Subdivision of Land; Primary Plat

- e. A Utility Plan, drawn to scale, including the following items:
 - i. Location of all existing and proposed utility easements.
 - ii. Location and size of all existing and proposed utility components including, but not limited to sanitary sewer components, water components, storm water components, electric, gas, telephone, and cable.
 - iii. Location and illumination capacity of all street lights.
 - iv. Names of legal ditches and streams in or adjacent to the site.
 - v. Contours sufficient to illustrate storm water runoff.
 - vi. Storm water drainage plan including estimated runoff.
 - vii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator.
 - f. Traffic Impact Study.
 - i. A Traffic Impact Study shall be required when a proposed development meets or exceeds the warrants of the Indiana Department of Transportation Traffic Impact Study Guidelines (150 or more dwelling units; 15,000 square feet or more of retail space; 35,000 or more square feet of office space; 70,000 square feet or more square feet of industrial space outside of the Midwest or any future city-owned industrial park; 30,000 square feet or more of educational space; 120 or more occupied rooms; 46,000 or more square feet of medical space; or any mixed-use development which generates 100 or more peak hour trips in the peak direction).
 - ii. A registered professional engineer shall prepare and certify the Traffic Impact Study. The Traffic Impact Study shall evaluate the impact of present and future traffic generated by the proposed development on the adjacent roadway system. Prior to commencement, the applicant shall meet with the Zoning Administrator and City Engineer to determine an appropriate scope for the Traffic Impact Study.
 - g. Statement of Development Build-out: The applicant shall indicate, either on the required Site Plan or in writing, a statement of:
 - i. The order of development of the major infrastructure elements of the project.
 - ii. Future section boundaries, if any.
 - iii. The order and content of each section.
 - iv. An estimate of the time frame for build-out of each section.
 - h. Landscape Plan: The applicant shall indicate, either on the required Site Plan or on a separate landscape plan, existing and proposed perimeter landscaping and other landscaping that meet or exceeds the standards detailed in *Section 7.18: Perimeter Landscaping Standards* and *Landscape Standards in Article 5*.
 - i. Restrictive Covenants: The applicant shall provide a copy of the restrictive covenants that will apply to each lot within the subdivision. Required deed restrictions, non-petition clauses, non-remonstrations clauses, conditions of approval, and/or developer commitments shall be included in the restrictive covenant or in a separate legal document which will apply to each lot and be recorded. Any required restriction, clause, condition, or commitment shall be clearly written to not be amendable by the owner or owners' association and that the only means for removing or modifying the required restriction, clause, condition, or commitment is through a plat vacation or replat process.
 - j. Requested Waivers:
 - i. Lot Establishment: Requirements within *Lot Establishment Standards* may be waived to allow for more creative design, but accessibility shall not be compromised.
 - ii. Open Space: Requirements within *Section 7.15: Open Space Standards* may be reduced by as much as fifty percent (50%).
 - iii. Perimeter Landscaping: Requirements within *Section 7.18: Perimeter Landscaping Standards* may be reduced as much as fifty percent (50%).
 - iv. Street Lighting: Requirements within the applicable *Street Lighting Standards in Article 7* may be waived if outside the corporate limits and within the two (2) mile fringe.
3. **Deadline:** The required quantities of the application and supporting information shall be submitted at least twenty-eight (28) days prior to a Plan Commission or Plat Committee to be considered for that meeting. Depending on the review time necessary, a Primary Plat application may be placed on a later Plan Commission or Plat Committee agenda.
 4. **Fees:** Applicable fees shall be paid at the time the Application for Primary Plat is filed.

Subdivision of Land; Primary Plat

F. Formal Procedure:

1. *Assignment:* An Application for Primary Plat, which is determined to be complete and in proper form by the Zoning Administrator, may be on the first Plan Commission or Plat Committee agenda that occurs twenty-eight (28) days after the Application for Primary Plat is submitted in its entirety. The application for Primary Plat may be placed on a later Plan Commission or Plat Committee agenda if the review time necessitates more time. The Zoning Administrator shall notify the applicant by telephone or in writing of the meeting date. The Zoning Administrator shall then decide to:
 - a. Assign the Primary Plat to the Plat Committee for review; or
 - b. Assign the Primary Plat to the Plan Commission for review.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Technical Review Committee and/or the Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments and other applicable agencies will be notified of the proposed subdivision of land and asked to review and comment. The Zoning Administrator may submit a written report to the Plan Commission stating any facts concerning the physical characteristics of the area involved in the subdivision of land, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the subdivision of land and information from the Technical Review Committee and/or other agencies that have reviewed the subdivision of land. A copy of such report shall be made available to the applicant and all remonstrators.

G. Plan Commission Review:

1. *Required Quantities of Application and Supporting Information:* Thirteen (13) hard copies of the Application for Primary Plat; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for Primary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted.
2. *Public Notice:* The following public notice standards apply to an Application for Primary Plat. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
3. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Primary Plat and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Primary Plat.
4. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
5. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. The Application for Primary Plat.
 - b. All supporting information including the site plan, site access and circulation plan, elevations, etc.
 - c. The testimony of the applicant.
 - d. Information presented in writing or verbally by the Zoning Administrator, the Technical Review Committee, or other applicable department.
 - e. Input from the public during the public hearing.
 - f. Any applicable provisions of the Unified Development Ordinance.
 - g. Any applicable requirements of the City of Richmond's Construction Standards.
 - h. Any other information as may be required by the Plan Commission to evaluate the application.

Subdivision of Land; Primary Plat

6. *Decision:*

- a. The Plan Commission shall make findings of fact and take final action or continue the Application for Primary Plat to a defined future meeting date.
- b. Findings of Fact: The Plan Commission shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the provision of the Unified Development Ordinance or City of Richmond's Construction Standards with which there is not compliance or the manner in which the project is not consistent with the *City of Richmond Comprehensive Plan*.
 - i. The subdivision of land is consistent with the *City of Richmond Comprehensive Plan*.
 - ii. The subdivision of land satisfies the development requirements of *Article 6: Subdivision Types*.
 - iii. The subdivision of land satisfies the standards of *Article 7: Design Standards*.
 - iv. The subdivision of land satisfies any other applicable provisions of the *City of Richmond Unified Development Ordinance*.
 - v. The subdivision of land satisfies the construction requirements of the City of Richmond's Construction Standards.
- c. Final Action
 - i. If the Plan Commission finds all of the findings of fact in the affirmative, it shall approve or approve with commitments the Application for Primary Plat.
 - ii. If the Plan Commission does not find all of the findings of fact in the affirmative, it shall deny the Application for Primary Plat.
- d. Commitments: The Plan Commission may require the applicant to make a written commitment concerning the Primary Plat. Any written commitments shall be recorded in the Office of the Wayne County Recorder within ninety (90) days of the Plan Commission's final action.
- e. The findings, final action, and any conditions shall be signed by the President of the Plan Commission.
- f. The Zoning Administrator shall provide the applicant a copy of the decision.

H. Plat Committee Review:

1. *Required Quantities of Application and Supporting Information:* Thirteen (13) hard copies of the Application for Primary Plat; thirteen (13) hard copies of all supporting information; one (1) digital copy of the Application for Primary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be submitted.
2. *Jurisdiction:* The Plat Committee may grant Primary Plat or Primary Plat Amendment approval to a subdivision of land that:
 - a. Does not involve opening more than 1,000 feet of a new public way;
 - b. Does not include a waivers application;
 - c. Complies in all other respects with the Subdivision Control Ordinance;
 - d. Complies in all other respects with the remainder of the Unified Development Ordinance; and
 - e. Does not result in more than three (3) lots.
3. *Attendance:* The applicant shall be present at the Plat Committee meeting to explain the proposed Primary Plat and address and discuss comments and concerns posed by the Plat Committee. Failure to appear may result in the dismissal of the Application for a Primary Plat.
4. *Public Hearing:* A public hearing before the Plat Committee is not required.

5. *Review:* At a regularly scheduled meeting, the Plat Committee shall review:
 - a. The written statement and supporting material submitted by the petitioner;
 - b. The Primary Plat;
 - c. Any commitments or conditions of approval attendant to prior approvals;
 - d. The testimony of the petitioner;
 - e. Relevant evidence presented by other persons;
 - f. The *City of Richmond Comprehensive Plan*;
 - g. The applicable standards of the Unified Development Ordinance;
 - h. The applicable engineering standards;
 - i. All information presented by the members of the Technical Review Committee or by City departments;
 - j. The Zoning Administrator report; and
 - k. Such other additional information as may be required by the Plat Committee to evaluate the petition.
6. *Decision:* The Plat Committee shall:
 - a. Approve the petition;
 - b. Approve the petition with conditions of approval and/or commitments;
 - c. Deny the petition;
 - d. Forward the petition to the Plan Commission for consideration; or
 - e. Continue the petition to a determined future meeting date.
7. *Findings of Fact:* The Plat Committee shall make the following findings of fact. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the provision of the Unified Development Ordinance or City of Richmond's Construction Standards with which there is not compliance or the manner in which the project is not consistent with the *City of Richmond Comprehensive Plan*.
 - i. The subdivision of land is consistent with the *City of Richmond Comprehensive Plan*.
 - ii. The subdivision of land satisfies the development requirements of *Article 6: Subdivision Types*.
 - iii. The subdivision of land satisfies the standards of *Article 7: Design Standards*.
 - iv. The subdivision of land satisfies any other applicable provisions of the *City of Richmond Unified Development Ordinance*.
 - v. The subdivision of land satisfies the construction requirements of the City of Richmond's Construction Standards.
8. *Commitments:*
 - a. *Acceptance:* In conjunction with the approval of a Primary Plat, the Plat Committee may permit or require the petitioner to make written commitments concerning the use or development of the lot. The details of these commitments shall be clearly denoted, with the intent that the petitioner will prepare them in written form for signature.
 - b. *Form:* The petitioner shall prepare the commitment instrument in a form approved by the County Attorney. Once in the proper form, the petitioner and the Chair of the Plat Committee shall sign the commitment instrument.
 - c. *Recording:* The petitioner shall record the commitment instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The petitioner shall deliver a copy of the recorded commitment instrument to the Zoning Administrator before Secondary Plat approval is granted.
 - d. *Modification or Termination:* The Plat Committee shall not modify or terminate any commitment. A commitment under this section shall be modified or terminated only by a decision of the Plan Commission made at a public hearing and after proper notice.
 - e. *Enforcement:* Any commitment shall be enforced as if it were a development standard of the Unified Development Ordinance.

Subdivision of Land; Primary Plat

9. *Conditions of Approval:* In conjunction with the approval of a Primary Plat, the Plat Committee may impose reasonable conditions of approval concerning the use or development of the lot that will, in its judgment, substantially secure the objectives of the Design Standards.
 - a. *Form:* The Zoning Administrator shall prepare the conditions of approval instrument in a form approved by the City Attorney. The Chair of the Plat Committee shall sign the conditions of approval instrument.
 - b. *Recording:* The petitioner shall record the conditions of approval instrument in the County Recorder's office within thirty (30) days of the approval of the Primary Plat. The petitioner shall deliver a copy of the recorded conditions of approval instrument to the Zoning Administrator within thirty (30) days of recording.
 - c. *Modification or Termination:* The Plat Committee shall not modify or terminate any condition of approval. A condition of approval imposed under this section shall be modified or terminated only by a decision of the Plan Commission made at a public hearing and after proper notice.
 - d. *Enforcement:* Any condition of approval shall be enforced as if it were a development standard of the Unified Development Ordinance.
 10. *Revisions:* Following Plat Committee approval, the petitioner shall submit revised copies of the plans that address the comments and concerns of the Plat Committee. The petitioner shall refer to the application packet to determine the format and number of copies of the revised plans to deliver to the Zoning Administrator.
 11. *Public Notice and Right to Appeal:* Within ten (10) days after Primary Plat approval by the Plat Committee, the Zoning Administrator shall provide for due notice to interested parties of the Plat Committee's approval and of their right to appeal to the Plan Commission. The notice shall be given in the following manner:
 - a. *Published:* The Zoning Administrator shall be responsible for publishing a legal notice.
 - b. *Mailed:* The Zoning Administrator shall be responsible for mailing notice via First Class Mail.
 12. *Notice of Appeal:* An interested party may appeal the Plat Committee approval to the Plan Commission by filing a Notice of Appeal with the Zoning Administrator not more than ten (10) days after the Zoning Administrator has mailed a copy of the Plat Committee's action to the interested party.
- I. Duration: An approved Primary Plat shall be valid for two (2) years from the date the Plan Commission or Plat Committee granted approval. The Zoning Administrator may grant one (1) six-month extension.
- J. Modification:
1. *Minor Amendments:* Minor amendment to an approved Primary Plat which does not involve an increase in the number of lots or intensity of land uses; the designation of additional land uses; the reduction in perimeter yards; changes to circulation; the addition of driveways or access points; or reduction in the amount of parking may be authorized by the Zoning Administrator without a public hearing, if the requested minor amendments do not adversely impact the purpose or intent of the overall development. An example of a minor amendment could be the relocation of an easement. A minor amendment authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
 2. *Major Amendments:* If the Zoning Administrator or City Engineer determines that the proposed modification may adversely impact the purpose or intent of the overall development; or if the proposed modification includes an increase in the number of lots, or intensity of any land use; or if the proposed modification includes the designation of an additional land use, the applicant shall be required to file a new Application for Primary Plat.
- K. Pre-Construction Meeting: The petitioner shall provide construction plans at least two (2) weeks prior to the pre-construction meeting. The petitioner shall meet with the Zoning Administrator, sanitary department, utility providers, and City Engineering representatives in a meeting to address construction coordination and anything not addressed by the Plan Commission.
- L. Construction Plan Standards: Construction plans shall be prepared for all required improvements. Plans shall be drawn at a scale of no less than (1) inch equals fifty (50) feet, and map sheets shall be of the same size as the subdivision plat. The following shall be shown:
1. *Street Elevations:* Profiles showing existing and proposed elevations along center lines of all streets. Where a proposed street intersects an existing street or streets, the elevation along the center line of the existing street or streets within 100 feet of the intersection, shall be shown. Radii of all curves, lengths of tangents, and central angles on all streets shall also be shown.

Subdivision of Land; Primary Plat

2. *Steep Slopes:* The Plan Commission or Plat Committee may require, where steep slopes exist, that cross-sections of all proposed streets shall be shown at not more than 100 foot sections at seven (7) points as follows: On a line at right angles to the center line of the street, and said elevation points shall be at the center line of the street, at each gutter line of the street, each property line, and points twenty-five (25) feet inside each property line.
 3. *Plans and Profiles:* Plans and profiles showing the locations and typical cross-section of street pavements including curbs and gutters, sidewalks, drainage easements, servitudes, rights-of-way, manholes, and catch basins; the locations of street trees and street signs; the location, size, and invert elevations of existing and proposed sanitary sewers, and storm-water drains, showing connection to any existing or proposed utility systems; and exact location and size of all water, gas, or other underground utilities or structures.
 4. *Facilities or Utilities:* Location, size, elevation, and other appropriate description of any existing facilities or utilities, including, but not limited to, existing streets, sewers, drains, water mains, easements, water bodies, streams, and other pertinent features such as swamps, railroads, buildings, features noted on the Public Development Plan, at the point of connection to proposed facilities and utilities within the subdivision. The water elevation of adjoining lakes or streams at the date of the survey, and the approximate high- and low-water elevations of such lakes or streams. All elevations shall be referred to the U.S.G.S. datum plane. If the subdivision borders a lake, river, or stream, the distances and bearings of a meander line established not less than twenty (20) feet back from the ordinary high-water mark of such waterways.
 5. *Topography:* Topography at the same scale as the subdivision plat with a contour interval of one (1) foot for areas up to a five percent (5%) grade and two (2) feet for areas over five percent (5%) grade, referred to sea level datum. All datum provided shall be the latest applicable U.S. Coast and Geodetic Survey datum and should be so noted on the plat.
 6. *Specifications and References:* All specifications and references required by the City's Construction Standards and Specifications, including a site-grading plan for the entire subdivision.
 7. *Surveyor/Engineer Contact Information:* Title, name, address and signature of professional engineer and/or surveyor, and date, including revision dates.
 8. *Certification:* Certification by the land surveyor and/or professional engineer who prepared the construction plans that all requirements of this Ordinance have been duly considered and said requirements have been fulfilled or so noted by a written notice of deviation as to the nature of the deviation along with a clear and rational explanation as to why said deviation should be granted and certification by a land surveyor and/or engineer that he will make periodic inspections of the construction of all improvements which will become a part of the public right-of-way and all improvements on easements that may be required by this ordinance to make the subdivision functionally complete.
 9. *Health Department Approval:* Written evidence of approval by the Richmond Sanitary District or Wayne County Health Department or the Indiana State Board of Health of the proposed means of sewage disposal.
 10. *Flood Hazard Areas:* All subdivision plats containing lands identified, in the Zoning Ordinance, as flood hazard areas shall have the elevation of the 100-year flood listed and shown thereon.
- M. Drainage Sign-off: Prior to building streets the drainage approval letter shall be obtained from the City Engineer.

Subdivision of Land; Secondary Plat

9.15 Subdivision of Land; Secondary Plat

- A. **Purpose and Intent:** The Secondary Plat shall clearly define all construction matters and special conditions such as construction techniques, materials and the like, as well as prepare the plans and documents for recording.
- B. **Project Applicability:** Proposals for new subdivisions of land shall meet the standards of this Section.
- C. **Prerequisites:**
1. **Primary Plat:** The Application for Primary Plat shall be approved by the Plan Commission prior to submitting a Secondary Plat. If the Primary Plat approval included commitments, those commitments shall be recorded in the Office of the Wayne County Recorder.
 2. **Infrastructure:** A subdivision that is the subject of a Secondary Plat shall have all of the infrastructure improvements proposed in the Primary Plat installed to meet the City of Richmond's Construction Standards, or the applicant shall have posted a performance bond for the cost of the infrastructure improvements that complies with *Section 7.32: Surety Standards*.
- D. **General:** The secondary plat shall be presented in india ink on tracing cloth or reproducible mylar at a scale of either one (1) inch equals fifty (50) feet or one (1) inch equals 100 feet and contain the same information, except for any changes or additions required by the Plan Commission or Plat Committee shown on the plat submitted for primary approval. The plat submitted for primary approval may be used as the secondary plat if it meets these requirements and is revised in accordance with Plan Commission or Plat Committee's requirements. All revision dates shall be shown as well as the following:
1. **Registered Land Surveyor Certificate:** Each secondary plat submitted to the Commission or Committee for approval shall carry a certificate signed by a Registered Land Surveyor in substantially the following form:
I (Name), hereby certify that I am a Professional Land Surveyor, licensed in compliance with the laws of the State of Indiana; that this plat correctly represents a survey completed by me on (Date); that all the monuments shown thereon shall be set as shown/or actually exist; and that their location, size, type and material are accurately shown.
 (SEAL)
 (Signature Line)
 2. **Deed of Dedication Certificate:** Each secondary plat submitted to the Commission or Committee for approval shall carry a deed of dedication in substantially the following form:
We, the undersigned, being all the owners and lienholders of the real estate shown and described herein, do hereby certify that we hereby lay off, plat and subdivide, said real estate in accordance with the within plat.
This subdivision shall be known and designated as (Name), (Name) , an addition to (Name). All streets and alleys shown and not heretofore dedicated, are hereby dedicated to the public free and clear of all liens and encumbrances.
Front yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.
Easements for installation and maintenance of utilities and drainage facilities are reserved as shown on the recorded plat. Within these easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the installation and maintenance of utilities or which may change the direction of flow of drainage channels in the easements or which may obstruct or retard the flow of water through drainage channels in the easements. The easement area of each lot and all improvements in it shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.
Witness our Hands and Seals this [day] of [month], 20XX.
 (Signature Line)
 State of Indiana
 County of Wayne
Before me, the undersigned Notary Public, in and for the County and State personally appeared and separately and severally acknowledge the execution of the foregoing instruments as his or her voluntary act and deed for the purpose therein expressed. Witness my hand and Notarial Seal this [day] of [month], 20XX.

3. *Covenant or Deed Restriction Binder*: The following shall be attached for covenants or deed restrictions:

The following covenants (or restrictions) are to run with the land and shall be binding on all parties and all persons claiming under them until January 1, 20XX, (minimum twenty-five-year period), at which time such covenants (or restrictions) shall be automatically extended for successive periods of ten (10) years unless by unanimous vote of the then owners of the building sites covered by these covenants, (or restrictions), it is agreed to change such covenants (or restrictions) in whole or part.

Invalidation of any one of the foregoing covenants (or restrictions) by judgment or court order shall in no wise affect any of the other covenants (or restrictions) which shall remain in full force and effect.

The right to enforce these provisions by injunction, together with the right to cause the removal by due process of law of any structure or part thereof erected or maintained in violation hereof, is hereby dedicated to the public, and reserved to the several owners of the several lots in this subdivision and to their heirs and assigns.

(Additional dedications and protective covenants, or private restrictions would be inserted here upon the subdivider's initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property and, in the case of residential use, the minimum habitable floor area.)

Witness our Hands and Seals this [day] of [month], 20XX.

(Signature Line)

State of Indiana

County of Wayne

Before me, the undersigned Notary Public, in and for the County and State personally appeared and separately and severally acknowledge the execution of the foregoing instruments as his or her voluntary act and deed for the purpose therein expressed. Witness my hand and Notarial Seal this [day] of [month], 20XX.

4. *Plan Commission (or Plat Committee) Certificate*: The following shall be attached for certification by the Plan Commission or Plat Committee:

UNDER AUTHORITY PROVIDED BY I.C. 36-7-4-700 THROUGH 36-7-4-713 ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA, AND ALL ACTS AMENDATORY THEREOF, AND AN ORDINANCE ADOPTED BY THE COMMON COUNCIL OF THE CITY OF RICHMOND, INDIANA, THIS PLAT WAS GIVEN APPROVAL BY THE RICHMOND CITY PLAN COMMISSION/OR RICHMOND PLAT COMMITTEE AS FOLLOWS:

Approved by the Richmond City Plan Commission/or Richmond City Plat Committee at a meeting held [fill in location].

President

(Signature Line)

Executive Secretary

(Signature Line)

The following shall be attached for Transfer and Recording:

TRANSFER AND RECORDING

Duly entered for taxation this [day] of [month], 20XX.

Wayne County Auditor

(Signature Line)

Recorded this [day] of [month], 20XX.

Wayne County Recorder

(Signature Line)

Subdivision of Land; Secondary Plat

5. *County Commissioner Certificate*: The following shall be attached when the proposed subdivision is located in the unincorporated territorial jurisdictional area of the City of Richmond, Indiana.

The Commissioners of Wayne County, Indiana, hereby certify that adequate surety has been presented to guarantee the construction of the roadway and that the roadway meets Wayne County standards and will be accepted into the Wayne County roadway system when completed. Certified at a meeting of the Wayne County Commissioners this [day] of [month], 20XX.

(Commissioner Signature)

(Commissioner Signature)

(Commissioner Signature)

E. Filing Requirements:

1. *Application*: The applicant shall submit a letter stating the status of infrastructure improvements and requesting Secondary Plat. The original Application for Primary Plat should be on file with the Zoning Administrator.
2. *Supporting Information*: The following information shall accompany the applicant's letter requesting Secondary Plat.
 - a. Plans showing the precise location of all installed monumentation.
 - b. Plans showing final dimensions for lots, right-of-ways, and easements.
 - c. If infrastructure improvements are complete, the supporting information shall include as-built drawings of each infrastructure system and any required inspections or certifications by engineers or surveyors.
 - d. If infrastructure improvements are not complete, the supporting information shall include detailed descriptions and locations of infrastructure to be installed, estimates from contractors for all infrastructure improvements, and a performance bond for the total amount of the infrastructure improvements.
 - e. Any other information necessary to support a thorough review of the project that is requested, in writing, by the Zoning Administrator or Plan Commission.
3. *Deadline*: Thirteen (13) hard copies of the letter requesting Secondary Plat; thirteen (13) hard copies of all supporting information; one (1) digital copy of the letter requesting Secondary Plat and all supporting information in .pdf (portable document format); and one (1) digital copy of any drawings in .dwg file format shall be filed within two (2) years of the approval of Primary Plat by the Plan Commission.
4. *Fees*: Applicable fees shall be paid at the time the request for Secondary Plat is filed.

F. Formal Procedure:

1. *Assignment*: The Zoning Administrator shall review the letter requesting Secondary Plat and all supporting information. Based on the history and the complexity of the project, the Zoning Administrator shall determine if the Secondary Plat should be presented to the Plan Commission or Plat Committee. Should the Zoning Administrator determine Plan Commission or Plat Committee review is necessary, the Zoning Administrator shall assign the Secondary Plat a case number and place it on the first Plan Commission or Plat Committee agenda that occurs twenty-eight (28) days after the Secondary Plat was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing if Plan Commission or Plat Committee review is necessary and the date of the meeting, if applicable.
2. *Review*: The Zoning Administrator shall provide the letter requesting Secondary Plat, the supporting information, and a comment sheet to all applicable departments and agencies. Each department shall determine if the infrastructure improvements installed or proposed to be installed meet the City of Richmond's Construction Standards and if the improvements include adequate connection to existing and future systems. If applicable, each department shall also review applicable cost estimates for reasonableness. Each department shall return the comment sheet with any comments or concerns concerning the infrastructure or the project to the Zoning Administrator. If it has been determined that Plan Commission review is required, the Zoning Administrator shall forward the comment sheets to the Plan Commission for review at the meeting.
3. *Public Notice*: Notice and public hearing shall not be required for Secondary Plat.
4. *Review and Decision*: The Zoning Administrator shall, based on comments from departments, approve, approve with conditions, or deny Secondary Plat. In cases where the Secondary Plat is being heard by the Plan Commission, the Plan Commission shall review the comments from departments at a regularly scheduled public meeting and approve, approve with conditions, or deny Secondary Plat.

- G. Duration: An approved Secondary Plat and any conditions shall be recorded in the Office of the Wayne County Recorder within one (1) year of the date of approval or become null and void.

Subdivision of Land; Administrative

9.16 Subdivision of Land; Administrative

- A. **Purpose and Intent:** An Administrative Subdivision provides the City of Richmond with the opportunity to expedite adjustments to property lines and mergers of existing lots into fewer lots when such adjustments are considered non-impacting to the city or surrounding properties.
- B. **Project Applicability:** An Administrative Subdivision can be used to modify the division of property within the planning jurisdiction, but only if the proposed modification meets the “Applicable Districts,” “Applicable Actions,” and “Prerequisites” standards listed below. All other divisions of land or alterations to property lines shall be processed as a primary plat.
1. **Applicable Districts:** An Administrative Subdivision of land shall be permitted in the following zoning districts:

PR
AG
RE
R1
R2
R3
TR
M1
M2
M3
MP
IS
NC
UC
C1
C2
HC
EC
I1
I2
MS
RO
HI
 2. **Applicable Actions:**
 - a. **Merging Common Ownership Lots:** The owner of two (2) to five (5) lots may merge them together as fewer buildable lots when the resulting lot(s) do(es) not create any new nonconformance or an escalation in nonconformance; and when there is no increase in public service demand, change to streets, or increase in the size or use of utilities.
 - b. **Splitting a Lot and Merging its Pieces with Two or More Adjacent Lots:** Two (2) or more owners adjacent to another lot may jointly purchase the lot, divide it, and merge the pieces with their buildable lot. If the lot is not vacant, any primary structure would have to first be demolished and/or primary use dissolved, prior to application for an Administrative Subdivision.
 - c. **Adjusting Lot Lines:** The owners of contiguous properties mutually agree to adjust a lot line separating their two (2) properties due to either a survey error or both owners mutually desiring the adjustment; as long as the adjustment does not result in any new nonconformance or an escalation in an existing nonconformance.
 - d. **Creating Non-Developable Land for Utilities and Infrastructure:** A utility or municipality may process an acquisition or donation of land for non-development purposes as an Administrative Subdivision.
- C. **Prerequisites:**
1. **Eligible Applicant:** An application for an Administrative Subdivision shall be initiated by the owner(s) of all applicable lots or the owner’s authorized agent. If an authorized agent files an application, a signed and notarized consent form from the owner(s) shall accompany the application.
 2. **Removing Unnecessary Driveway(s):** Under the actions listed in *Section: 9.16(B)(2)(a)* and *Section 9.16(B)(2)(b)*, pre-existing driveway(s) established for the dissolved lot(s) shall be vacated and removed, especially including the apron within the right-of-way.
- D. **Administrative Subdivision Filing Requirements:**
1. **Application:** An application for an Administrative Subdivision shall be made on forms provided by the Zoning Administrator.
 2. **Supporting Information:** The following supporting information shall accompany a completed application for an Administrative Subdivision. The Zoning Administrator may waive in writing the submittal of unnecessary information relative to the application.
 - a. Legal description of all lots involved, and
 - b. Address for each lot involved.
 3. **Site Plan:** A Site Plan, drawn to a scale not less than one inch equals one hundred feet (1” = 100’), that includes the following items:
 - a. Name and address of the owner(s),
 - b. North arrow and graphic scale,
 - c. Adjacent streets, sidewalks, and easements,
 - d. Boundary lines of each lot including necessary lot dimensions,
 - e. Proposed adjustments with lot dimensions, lot area, and building setback lines on the resulting lots,
 - f. Footprint and dimensions of existing structures with measurements to property lines pre and post adjustments,
 - g. Stamp of registered professional engineer or surveyor, and
 - h. Any other information necessary to support a thorough review of the project as requested on the application form or from the Zoning Administrator.
 4. **Deadline:** Not applicable.

Subdivision of Land; Administrative

5. *Submittal Material*: Two (2) hard copies of the application for an Administrative Subdivision; two (2) hard copies of all supporting information; and one (1) digital copy of the application for an Administrative Subdivision and all supporting information in .pdf (portable document format).
 6. *Fees*: The applicable fee shall be paid at the time the application for an Administrative Subdivision is filed. An application without the appropriate application fee shall not be considered substantially complete. Technical expertise necessary to review an Administrative Subdivision that the City of Richmond does not have adequate proficiency may constitute hiring a professional consultant to conduct the review or portions thereof at the expense of the applicant and as per the City of Richmond's fee schedule.
- E. Procedure and Approval:
1. *Review of Material*: An application for an Administrative Subdivision, which is determined to be complete and in proper form by the Zoning Administrator, shall be reviewed by the Zoning Administrator for compliance with applicable regulations.
 2. *Decision*: The Zoning Administrator shall make a determination as to whether the application complies with the "Applicable Districts," "Applicable Actions," and "Prerequisites" standards written in *Section 9.16(B)* and *Section 9.16(C)*. If the application is in compliance it shall be approved and signed by the Plan Commission President and attested by the Zoning Administrator.
 3. *Report to Plan Commission*: After approved, the Zoning Administrator shall report said approval at the first regularly scheduled Plan Commission meeting.
 4. *Proof of Recording*: To officially complete the process the applicant shall record the plat with the Wayne County Recorder's office and provide two (2) copies to the Zoning Administrator.
 5. *Failure to Record*: If an approved administrative subdivision is not recorded within thirty (30) days from the date of approval and signature, the application and approval shall be deemed void. The Zoning Administrator shall report any failures to record to the Plan Commission at the first regularly scheduled Plan Commission meeting after discovering default occurred; and shall notify the applicant, and shall clearly note failure to record in the town's records.
- F. Improvement Location Permits: A building permit on any lot involved shall not be issued until proof of recording has been submitted.

Unified Development Ordinance: Text Amendment

9.17 Unified Development Ordinance: Text Amendment

- A. Purpose and Intent: It may become necessary to amend the text of the Unified Development Ordinance from time to time. The Plan Commission has the authority to hear a proposal to amend the text of the Unified Development Ordinance. The Plan Commission shall make a recommendation to the Common Council concerning a proposal to amend the text of the Unified Development Ordinance. The Common Council has the power to approve or reject a proposal to amend the text of the Unified Development Ordinance.
- B. Project Applicability: Any proposal to add, remove, or alter a provision of the Unified Development Ordinance shall follow the process outlined in this Section.
- C. Prerequisites:
 1. *Eligible Applicants*: Members of the Common Council or members of the Plan Commission shall initiate a proposal to amend the text of the Unified Development Ordinance. Persons who wish to propose an amendment to the text of the Unified Development Ordinance and who are not members of the Common Council or Plan Commission shall find a sponsor among the Common Council or the Plan Commission to introduce the proposal.
- D. Filing Requirements:
 1. *Application*: A proposal for an amendment to the text of the Unified Development Ordinance shall be prepared by the Zoning Administrator upon the direction of either the Common Council or the Plan Commission.
 2. *Deadline*: A proposal for an amendment to the text of the Unified Development Ordinance may be filed any time.
- E. Formal Procedure:
 1. *Assignment*: The Zoning Administrator shall assign a case number and place the proposed amendment to the text of the Unified Development Ordinance on the first Plan Commission agenda that occurs twenty-eight (28) days after the proposal is prepared.
 2. *Internal Review*: The Zoning Administrator shall be responsible for introducing the proposed amendment to the text of the Unified Development Ordinance to the Technical Review Committee and other applicable departments and agencies that may have an interest in the proposed amendment. The Zoning Administrator shall also notify the Technical Review Committee and other applicable departments and agencies of the date of the Plan Commission meeting where the proposed amendment to the text of the Unified Development Ordinance will be heard.
 3. *Public Notice*: The following public notice standards apply for a proposal to amend the text of the Unified Development Ordinance.
 - a. The Zoning Administrator shall notify interested parties of the public hearing. Notice shall be given in a manner deemed appropriate by the Plan Commission.
 - b. The Zoning Administrator shall publish a legal notice in a newspaper of general circulation at least days (10) before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
 4. *Public Hearing*: A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
 5. *Review*: In preparing and considering proposals to amend the text of the Unified Development Ordinance, the Plan Commission and the Common Council shall pay reasonable regard to:
 - a. The *City of Richmond Comprehensive Plan*.
 - b. Current conditions and the character of current structures and uses in each district.
 - c. The most desirable use for which the land in each district is adapted.
 - d. The conservation of property values throughout the jurisdiction.
 - e. Responsible development and growth.

F. Decision:

1. *Final Action:* The Plan Commission shall certify the amendment to the text of the Unified Development Ordinance and forward the proposal to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation.
2. *Effective Date:*
 - a. Unless an amendment to the text of the Unified Development Ordinance provides for a later effective date, the amendment shall be effective when it is adopted under *IC 36-7-4-607*.
 - b. When a provision prescribing a penalty or forfeiture for a violation is approved, it may not take effect until fourteen (14) days after the final day on which notice of its adoption is published; or the day on which it is filed in the Office of the Clerk Treasurer, whichever is later.

Variance

9.18 Variance

- A. Purpose and Intent: The Board of Zoning Appeals may vary the regulations of the Unified Development Ordinance for projects that meet the findings of fact set forth in this Section. Variances may be a "development standards variance" granting relief from a development standard such as height, bulk, or area; or a "use variance" allowing a use that is not listed as a permitted or special exception use in a district.
- B. Project Applicability:
1. *Jurisdiction*: Projects within the jurisdictional area of the Plan Commission that are unable to meet the provisions of the Unified Development Ordinance may apply for a variance.
 2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an Application for a Variance that has been denied by the Board of Zoning Appeals within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an Application for a Variance containing major changes may justify re-filing within the aforementioned twelve (12) month period.
- C. Prerequisites
1. *Eligible Applicants*: An Application for a Variance may be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
 2. *Pre-application Meeting*: Prior to submitting an Application for a Variance, the applicant shall meet with the Zoning Administrator to review the zoning classification of the site, ordinance provisions, the application packet, and the procedure involved.
- D. Filing Requirements.
1. *Application*: Application for a Variance shall be made on a form provided by the Zoning Administrator.
 2. *Supporting Information*:
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. Applicable plans, drawings, and descriptions of the use and proposed site shall accompany the Application for a Variance. If the proposed project is within the APO District, the supporting information listed in *Section 9.11(D)(2)(i)* shall also be submitted. The supporting information shall accurately and completely describe the proposed project and the need for the requested variance.
 3. *Deadline*: An Application for a Variance shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Board of Zoning Appeals.
 4. *Fees*: Applicable fees shall be paid at the time the Application for a Variance is filed.
- E. Formal Procedure:
1. *Assignment*: An Application for a Variance, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Board of Zoning Appeals agenda that occurs twenty-eight (28) days after the Application for a Variance is submitted in its entirety. The Zoning Administrator shall notify the applicant, in writing, of the date of the meeting.
 2. *Internal Review*: Upon assignment of a number and hearing date, the Zoning Administrator may ask applicable departments to review and comment on the proposed project. The Zoning Administrator may submit a written report to the Board of Zoning Appeals stating any facts concerning the physical characteristics of the area involved, the surrounding land use, public facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Variance and/or information from other departments that have reviewed the Application for a Variance. A copy of such report shall be made available to the applicant and all remonstrators.

3. *Public Notice:* The following public notice standards apply to an Application for a Variance. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Board of Zoning Appeals meeting to explain the proposed Variance and address and discuss comments and concerns posed by the Board of Zoning Appeals. Failure to appear may result in the dismissal of the Application for a Variance.
5. *Public Hearing:* A public hearing shall be held in accordance with the Board of Zoning Appeals Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Board of Zoning Appeals shall review
 - a. The Application for a Variance.
 - b. Supporting information.
 - c. Presentation by the applicant.
 - d. Information presented in writing or verbally by the Zoning Administrator or other applicable department or agency.
 - e. Input from the public during the public hearing.
 - f. Applicable provisions of the Unified Development Ordinance.
 - g. Any other additional information as may be required by the Board of Zoning Appeals to evaluate the application.
7. *Decision:* The Board of Zoning Appeals shall make findings of fact and take final action or continue the Application for a Variance to a defined future meeting date.
 - a. *Development Standards Variance Findings of Fact:* The Board of Zoning Appeals shall make the following findings of fact for Development Standards Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
 - i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - iii. The strict application of the terms of the ordinance will result in practical difficulties in the use of the property.
 - b. *Use Variance Findings of Fact:* The Board of Zoning Appeals shall make the following findings of fact for Use Variances. Approval of findings may be in the form of a general statement. Disapproval of findings shall specify the reason for non-compliance.
 - i. The approval of the variance will not be injurious to the public health, safety, morals and general welfare of the community.
 - ii. The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner.
 - iii. That the need for the use variance arises from some condition peculiar to the property involved.
 - iv. The strict application of the terms of the ordinance will constitute an unnecessary hardship if applied to the property for which the variance is sought.
 - v. The approval does not interfere substantially with the *City of Richmond Comprehensive Plan*.

- c. Final Action:
 - i. If the Board of Zoning Appeals finds all of the findings of fact in the affirmative, it shall approve or approve with conditions and/or commitments the Application for a Variance.
 - ii. If the Board of Zoning Appeals does not find all of the findings of fact in the affirmative, it shall deny the Application for a Variance.
 - d. Commitments and Conditions:
 - i. Commitments: The Board of Zoning Appeals may require the owner to make a written commitment. Commitments shall be recorded in the Office of the Wayne County Recorder. A recorded commitment is binding on the owner of the land, any subsequent owner of the land, and any person who acquires interested in the land.
 - ii. Conditions: The Board of Zoning Appeals may require certain conditions for approval.
- F. Duration:
- 1. *Development Standards Variance:* A development standards variance granted by the Board of Zoning Appeals shall run with the land until such time as the property conforms with the Unified Development Ordinance.
 - 2. *Use Variance:* A use variance granted by the Board of Zoning Appeals may run with the land or applicant until such time as:
 - a. The use of the variance ends, is vacated, or unused for twelve (12) months consecutively; or
 - b. The property conforms with the Unified Development Ordinance as written.
- G. Modification: Modifications authorized by the Zoning Administrator shall be reported, in writing, to the Plan Commission at the next regular meeting of the Plan Commission.
- 1. *Development Standards Variance:* Modification of a development standards variance that makes a project more compliant with the provisions of the Unified Development Ordinance may be authorized by the Zoning Administrator. Modification of a development standards variance that makes a project less compliant with the provisions of the Unified Development Ordinance shall re-file an Application for a Variance or other appropriate application.
 - 2. *Use Variance:* Modification of use variance shall not be permitted. Any modification of an approved use variance shall meet all of the provisions of the Unified Development Ordinance or re-file an Application for a Variance or other appropriate application.

Waiver from Design Standard

9.19 Waiver from Design Standard

- A. **Purpose and Intent:** When the Plan Commission finds that an extraordinary hardship or practical difficulty would result from strict compliance with *Article 7: Design Standards* and/or a regulation clearly does not apply to a proposed development, and/or the purposes of these regulations may be served to a greater extent by an alternative proposal; then the Plan Commission may approve a Design Standard Waiver. However, the Design Standard Waiver shall not be used to subvert the intent and purpose of these regulations, or solely for the purposes of financial benefit to the developer.
- B. **Prerequisites:**
1. *Primary Plat Application:* The applicant shall only file a Design Standard Waiver application in conjunction with a Primary Plat, Secondary Plat, or Replat application.
 2. *Design Standards:* The waiver shall be in regard to a regulation in *Article 7: Design Standards*, and shall not be a request for relief from *Article 5: Development Standards*. Any relief request from *Article 5: Development Standards* shall be subject to the Variance procedure with the Board of Zoning Appeals.
- C. **Application:**
1. *Filing Deadline:* The applicant shall apply for a Design Standard Waiver in conjunction with the applicant's Primary Plat application.
 2. *Supportive Information:* The application shall include the necessary documentation as identified on the application form and/or as determined by the Zoning Administrator based on specific circumstances of the particular project. The application shall include, but not be limited to, the following documents:
 - a. The application shall identify the Design Standard provision(s) that is(are) being requested to be waived or reduced, the justification for the request, and a statement as to why the waiver will not subvert or diminish the intent and purpose of the Unified Development Ordinance, particularly the subdivision type's intent and the applicable Design Standards.
 - b. *Additional Information:* Additional information may be required by the Zoning Administrator when necessary for the Plan Commission evaluate the requested Design Standards Waiver.
- D. **Fees:** The applicant shall submit the required application fee at the time the Waiver from Design Standards application is submitted.
- E. **Zoning Administrator:**
1. *Complete Submittal:* Once the Zoning Administrator has determined that the applicant has made a complete submittal, the Zoning Administrator shall:
 - a. *Docket Number:* Assign the item a docket number;
 - b. *Agenda:* Place the item on an agenda of the Plan Commission; and
 - c. *Notification:* Inform the applicant of the time, date, and place of the meeting.
 2. *Inspection:* The Zoning Administrator may inspect at any reasonable time the site and any structure thereon if it relates to the requested Design Standard Waiver application.
 3. *Department Report:* The Zoning Administrator will prepare a staff report outlining its findings with respect to the Design Standard Waiver request.
- F. **Plan Commission:**
1. *Public Notice:*
 - a. *Responsibility:* The applicant shall be responsible for publishing and mailing the public notices.
 - b. *Proof:* The applicant shall be responsible for returning proof of publishing and mailing of notices to the Zoning Administrator. Failure to submit proof of notice prior to the Plan Commission meeting may result in the application being continued to the following month.
 2. *Attendance:* The applicant or the applicant's representative is required to be present at the Plan Commission meeting to address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in denial of the request, continuance, or other appropriate action.
 3. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure. The public hearing may be held concurrently with the public hearing for the Primary Plat or Replat.

Waiver from Design Standard

4. *Review of Application:* At their regularly scheduled meeting, the Plan Commission shall review and consider:
 - a. The application and supportive material submitted by the applicant;
 - b. The Primary Plat;
 - c. The testimony of the applicant;
 - d. Relevant evidence presented by other persons;
 - e. The Comprehensive Plan;
 - f. Any applicable provisions of the Unified Development Ordinance;
 - g. Any applicable requirements of the City of Richmond Construction Standards;
 - h. The Zoning Administrator report; and
 - i. Such other additional information as may be necessary or required by the Plan Commission to evaluate the application.
5. *Findings of Fact:*
 - a. The Plan Commission shall not approve a Design Standard Waiver unless it makes favorable findings based upon the evidence presented to it in each specific case. Specifically, the findings shall include that:
 - i. The granting of the Design Standard Waiver shall not be detrimental to the public safety, health, or welfare, or otherwise be injurious to other property; and
 - ii. The conditions upon which the request for a Design Standard Waiver is based are unique to the property for which the Design Standard Waiver is sought; and
 - iii. Because of the particular circumstances, physical surroundings, efforts to conserve natural features, or topographical conditions of the specific property involved, a particular hardship or practical difficulty to the property owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is enforced. A financial hardship or difficulty on its own shall not constitute grounds for a Design Standard Waiver.
 - iv. The Design Standard Waiver shall not in any manner subvert the provisions of *Article 5: Development Standards*, the comprehensive plan, or thoroughfare plan.
 - b. Certification:
 - i. Signed: The findings document, whether finding in the affirmative or not, shall be signed by the President of the Plan Commission and be filed and recorded with the Plat.
 - ii. Notification: The Plan Commission shall furnish the applicant with a copy of its decision.
6. *Decision:* The Plan Commission shall either:
 - a. Approve the application;
 - b. Approve the application with conditions and/or commitments;
 - c. Deny the application; or
 - d. Continue the application to a definite future meeting date.
7. *Commitments:*
 - a. Acceptance: In conjunction with the approval of a Design Standard Waiver, the Plan Commission may permit or require the applicant to make written commitments that remedy concerns.
 - b. Form: The applicant shall prepare the commitment instrument, if applicable, in a form approved by the City's attorney. The applicant and the President of the Plan Commission shall sign the commitment instrument.
 - c. Recording: The applicant shall record the commitment instrument in the County Recorder's office with the Plat. The applicant shall deliver receipt and a copy of the recorded commitment instrument to the Zoning Administrator.
 - d. Modification or Termination: A commitment made under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The applicant shall prepare and record a commitment modification instrument or commitment termination instrument in the same manner required for a commitment instrument. A modified commitment shall be enforced in the same manner as any other commitment.
 - e. Enforcement: The City may enforce any commitment the Plan Commission has accepted as if the commitment were a standard of the Unified Development Ordinance.

Waiver from Design Standard

8. *Conditions of Approval:*
 - a. **Requirement:** In conjunction with the approval of a Design Standard Waiver, the Plan Commission may impose conditions of approval concerning the use or development of the parcel that will, in its judgment, substantially secure the objectives of these regulations.
 - b. **Form:** The Zoning Administrator shall prepare the conditions of approval instrument in a form approved by the City attorney. The President of the Plan Commission shall sign the conditions of approval instrument.
 - c. **Recording:** The applicant shall record the conditions of approval instrument in the County Recorder's office with the Plat. The applicant shall deliver receipt and a copy of the recorded conditions of approval instrument to the Zoning Administrator.
 - d. **Modification or Termination:** A condition of approval imposed under this section may be modified or terminated only by a decision of the Plan Commission made at a public hearing. Public notice of the public hearing shall be provided per the Plan Commission Rules of Procedure. The applicant shall prepare and record a conditions of approval modification instrument or conditions of approval termination instrument in the same manner required for a conditions of approval instrument. A modified condition of approval shall be enforced in the same manner as any other condition of approval.
 - e. **Enforcement:** The City may enforce any condition of approval the Plan Commission has imposed as if the condition were a standard of the Unified Development Ordinance.
- G. **Appeal:** Any aggrieved party with standing may appeal a waiver decision to a court of jurisdiction within ten (10) days after the date of the Plan Commission decision.

Zoning Map Amendment (Rezoning)

9.20 Zoning Map Amendment (Rezoning)

- A. Purpose and Intent: It may become necessary to change the zoning of an area or a lot, thereby amending the Official Zoning Map. The Plan Commission has the authority to hear a proposal to amend the Official Zoning Map. This process is typically known as a "rezoning" of land. The Plan Commission shall make a recommendation to the Common Council concerning a proposal to amend the Official Zoning Map. The Common Council has the power to approve or deny a proposal to amend the Official Zoning Map.
- B. Project Applicability:
1. *Jurisdiction*: Areas or lots shall be located within the jurisdictional area of the Plan Commission.
 2. *Previously Denied Applications*: The Zoning Administrator shall refuse to accept an Application for a Rezoning that has been denied by the Common Council within the last twelve (12) months. However, the Zoning Administrator shall have the authority and discretion to determine that an Application for a Rezoning containing major changes may justify re-filing within the aforementioned twelve (12) month period.
- C. Prerequisites
1. *Eligible Applicants*:
 - a. The Plan Commission may act as an applicant and initiate a zoning map amendment.
 - b. Unless the Plan Commission has initiated a zoning map amendment, an Application for a Rezoning shall be filed by the owner, his agent, or any person having a legal or equitable interest in the subject property, but the written authorization of any owner who is not an applicant shall be required.
 2. *Pre-application Meeting*: Prior to submitting an Application for a Rezoning the applicant shall meet with the Zoning Administrator to review the current zoning district, the proposed zoning district, adjacent zoning districts and land uses, applicable ordinance provisions, the application packet, and the procedure involved.
- D. Filing Requirements.
1. *Application*: An Application for a Rezoning shall be made on a form provided by the Zoning Administrator.
 2. *Supporting Information*: An Application for a Rezoning shall be accompanied by the following supporting information:
 - a. A list of names and mailing addresses of all known adjacent property owners. The measurement shall include any adjacent property regardless if a road, river, railroad, or other physical barrier exists. This information may be obtained from the Wayne County Auditor's Office.
 - b. A Site Plan, drawn to scale, that includes the following items.
 - i. North arrow.
 - ii. Graphic scale.
 - iii. Address of the site.
 - iv. Boundary lines of the site including all dimensions of the site.
 - v. Names, centerlines, and right-of-way widths of all adjacent streets, alleys, and easements.
 - vi. Layout, number, dimension, and area of all lots.
 - vii. Location and dimensions of all existing and proposed structures.
 - viii. Location of all floodway, floodway fringe areas, and wetlands within the boundaries of the site.
 - ix. Use of each structure by labeling.
 - x. Distance of all structures from front, rear, and side lot lines.
 - xi. Proposed landscaping buffers or landscaped areas.
 - xii. Any other information necessary to support a thorough review of the project and as requested in writing by the Plan Commission or the Zoning Administrator. This may include the supporting information listed in *Section 9.11(D)(2)(i)* for projects within the APO District.
 3. *Deadline*: An Application for a Rezoning shall be filed at least twenty-eight (28) days prior to the public meeting at which it is first to be considered by the Plan Commission.
 4. *Fees*: Applicable fees shall be paid at the time the Application for a Rezoning is filed.

Zoning Map Amendment (Rezoning)

E. Formal Procedure:

1. *Assignment:* An Application for a Rezoning, which is determined to be complete and in proper form by the Zoning Administrator, shall be assigned a case number and placed on the first Plan Commission agenda that occurs twenty-eight (28) days after the Application for a Rezoning was submitted in its entirety. The Zoning Administrator shall notify the applicant in writing of the date of the meeting and provide the applicant with a legal notice.
2. *Internal Review:* Upon assignment of a case number and hearing date, the Zoning Administrator shall review the Application for a Rezoning and all supporting information. The Zoning Administrator may forward the Application for a Rezoning and any other relevant information to the Technical Review Committee, Building Department, Engineering Department, Fire Department, Police Department, Department of Public Works, Wayne County Surveyor's Office, Utility Departments, or other applicable agencies. The Zoning Administrator may submit a written report to the Plan Commission stating facts concerning the physical characteristics of the area involved in the Application for a Rezoning, adjacent zoning, the surrounding land use, facilities available to service the area, or other pertinent facts. The written report may also contain opinions of the Zoning Administrator concerning the Application for a Rezoning and information from any other agency that reviewed the Application for a Rezoning. A copy of such report shall be made available to the applicant and all remonstrators.
3. *Public Notice:* The following public notice standards apply to an Application for a Rezoning. All costs associated with providing public notice shall be borne by the applicant.
 - a. The Zoning Administrator shall notify all interested parties of the public hearing by regular US mail a minimum of ten (10) days before the public hearing.
 - b. The Zoning Administrator shall publish legal notice in a newspaper of general circulation a minimum of ten (10) days before the public hearing.
 - c. The Zoning Administrator shall be responsible for providing proof of published notice to the Plan Commission and including proof in the case file.
4. *Attendance:* The applicant shall be present at the Plan Commission meeting to explain the proposed Rezoning and address and discuss comments and concerns posed by the Plan Commission. Failure to appear may result in the dismissal of the Application for a Rezoning.
5. *Public Hearing:* A public hearing shall be held in accordance with the Plan Commission Rules of Procedure.
6. *Review:* At their regularly scheduled public meeting, the Plan Commission shall review:
 - a. The Application for Rezoning.
 - b. All supporting information.
 - c. Information presented in writing or verbally by the Zoning Administrator or other applicable department.
 - d. Input from the public during the public hearing.
 - e. Any applicable provisions of the Unified Development Ordinance.
 - f. Any other information as may be required by the Plan Commission to evaluate the application.

7. *Decision:*

- a. The Plan Commission shall take final action or continue the Application for a Rezoning to a defined future meeting date. The Plan Commission shall pay reasonable regard to the following factors before taking final action.
 - i. The *City of Richmond Comprehensive Plan*.
 - ii. Current conditions and the character of current structures and uses in each district.
 - iii. The most desirable use for which the land in each district is adapted.
 - iv. The conservation of property values throughout the jurisdiction.
 - v. Responsible development and growth.
- b. Final Action: The Plan Commission shall certify the amendment to the Official Zoning Map and forward the application to the Common Council with a favorable recommendation, an unfavorable recommendation, or no recommendation. The Plan Commission may also recommend commitments concerning the use and/or development of the land in connection with the Application for Rezoning. The Common Council makes the final determination regarding an Application for Rezoning and any recommended commitments by ordinance.

F. Duration: A rezoning shall be effective from the date of its final approval by the Common Council.

G. Modification: Modification to an approved Zoning Map Amendment shall not be permitted.

