

ORDINANCE NO. 11-04-16-A

AN ORDINANCE TO AMEND THE HAMILTON COUNTY ZONING ORDINANCE CONCERNING THE FILING FEES TO BE COLLECTED BY THE PLAN COMMISSION.

WHEREAS, the Board of Commissioners of Hamilton County, on the 14<sup>th</sup> day of May, 1990 passed Ordinance 3/19/90 providing for zoning in certain portions of Hamilton County; and,

WHEREAS, pursuant to the Advisory Planning Law of the State of Indiana (contained in IC 36-7-4), each unit of local government that wishes to adopt land use and zoning ordinances must first approve by resolution a comprehensive plan for the geographic area over which it has jurisdiction; and,

WHEREAS, the comprehensive plan envisions that the planning activities of the planning department should be substantially financed not by the taxpayers of the community but by the revenue generated by reasonable filing fees charged to landowners and developers who wish to make zoning changes and/or construct structures and/or make structural changes to existing structures on their property, and,

WHEREAS, the Hamilton County Plan Commission has taken formal action on the Hamilton County Zoning Ordinance 3/19/90, as amended, at a public hearing;

IT IS THEREBY ORDAINED by the Board of Commissioners for Hamilton County, Indiana that pursuant to IC 36-7-4-600 et. seg. and after having received a favorable recommendation from the Hamilton County Plan Commission that the following amendments to Article 19, as indicated, be included in the Hamilton County Zoning Ordinance as follows:

## Article 19 Filing Fees

Fees for applications and petitions filed pursuant to the provisions of this Ordinance shall be paid to and collected by the Hamilton County Plan Commission, and shall be deposited according to procedures established by the county auditor. No part of any fee shall be returnable to the applicant.

Any person or persons who shall initiate construction of a structure or change of use of a structure or property prior to obtaining an Improvement Location Permit/Building Permit, or any Plan Commission or BZA reviews and approvals, or any other required permits shall pay up to three times the amount of the normal permit fee. First (1<sup>st</sup>) offence - 1 ½ times the regular fee. Second (2<sup>nd</sup>) - 2 times the regular fee. Third (3<sup>rd</sup>) offence - 3 times the regular fee.

No application fee shall be required to be paid by any Hamilton County or Township governmental agency for construction or remodeling of any public building or structure.

No fee or permit shall be required for normal maintenance and repair operations, including, but not limited to, roofing, flooring repairs, plumbing and heating repairs and replacement, insulation and minor adjustments or replacements to building openings, such as doors and windows.

1. Single – family dwelling                    \$ 200.00 plus \$0.10 per total sq. ft. (including covered porches, garages, basements, attics with access and stairways.) Plus \$ 50.00 for the C/O.
2. Two-family dwellings                        250.00 plus \$0.10 per total sq. ft. plus \$ 50.00 for the C/O.
3. Multi-family dwelling                        300.00 plus \$ 0.10 per sq. ft. / plus \$ 85.00 per unit plus \$ 50.00 per unit for the C/O.
4. Dwelling additions, attached garage                        175.00 plus \$0.10 per sq. ft. plus \$ 50.00 for the C/O.
5. Dwelling remodels                            150.00 plus \$ 0.10 per sq. ft. plus \$ 50.00 for the C/O.
6. Detached garage (pole barns, hobby farm buildings, personal stables, carports, storage buildings and other accessory buildings without HVAC, interior partitions, second floor area, offices, stairs, plumbing and structures except swimming pools and spas.)                        150.00 plus \$0.10 per sq. ft. over 586 sq. ft. plus \$ 50.00 for the C/O.

- With HVAC, interior partitions, second floor area, offices, stairs, and plumbing 180.00 plus \$0.10 per sq. ft. over 586 sq. ft. plus \$ 50.00 for the C/O.
7. Agricultural buildings 120.00 without electricity  
(not hobby farm building 200.00 with electricity  
or personal stables)
8. Decks, porches, gazebo, etc. 65.00 plus \$0.03 per sq. ft. over 150 sq. ft. plus  
Mini-barns, satellite antennas \$ 25.00 for the C/O.
9. Additions to accessory structures 65.00 plus \$ 0.03 per sq. ft. over 150 sq. ft. plus  
\$ 25.00 for the C/O.
10. Temporary structures 150.00 first year and each additional year  
(construction trailers, subdivision  
sales structures.)
11. Moving a structure onto a different location on the same parcel.
- a. Residential 75.00  
b. Other 150.00
12. Specific structural modifications (replacing foundations, etc.)
- a. Residential 60.00  
b. Other 125.00
13. Electrical permits
- a. Residential 60.00  
b. Commercial, 125.00  
Institutional, other
14. Ponds
- a. Residential/farm/  
commercial, etc. 65.00
15. Signs
- a. Housing projects 250.00  
b. Home occupations/  
Boarding houses 25.00  
c. Institutional uses 75.00

- d. Commercial uses 150.00  
- ground & wall
- e. Recreational uses 40.00
- f. Commercial uses 40.00  
- window
- g. Single tenant building 40.00
- h. Real estate over 9 sq. ft. 40.00

Temporary signs

- a. Housing Project Construction 250.00
- b. Non-Residential Construction 125.00
- c. Temporary Uses 15.00
- d. Grand Openings/Closings 15.00

16. Swimming pools/spas

- a. Residential 150.00 plus \$0.06 per sq. ft. pool and deck/patio/walkway area plus \$ 25.00 for the C/O.
- b. Other 150.00 plus \$0.06 per sq. ft. pool, deck/Patio/walkway area plus \$ 50.00 For the C/O.

17. Home Occupations 65.00

18. Temporary (six month maximum) 75.00 plus \$ 25.00 for the C/O.  
Road Side Sales

- a. Business and/or building including tents

19. Demolition

- a. Residential – 1<sup>st</sup> structure 90.00 plus \$ 25.00 each additional structure
- b. Other - 1<sup>st</sup> structure 150.00 plus \$ 50.00 each additional structure

20. Commercial (including agricultural confinement feeding operations), Industrial, Institutional 350.00 plus \$0.15 per sq. ft. plus \$100.00 for the C/O.

21. Commercial, industrial or institutional 250.00 plus \$0.15 per sq. ft. plus \$100.00 for the C/O.  
- All accessory buildings

22.	Commercial, industrial or institutional	
	- All additions	250.00 plus \$0.15 per sq. ft. plus \$100.00 for the C/O.
	- Remodels	175.00 plus \$ 0.15 per sq. ft. plus \$100.00 for the C/O.
23.	Parking lots – Commercial, institutional, other	100.00
24.	Change of use	65.00
25.	Improvement location permit	100.00 plus \$ 5.00 per acre
	- Commercial, industrial, institutional, subdivisions, P.U.D., etc.	
26.	Any submitted applications that are amended or changed after a filing number of docket number has been issued.	35.00
27.	Inspections and re-inspections	
	a. Residential	60.00
	b. Re-inspections	75.00
	c. Commercial, industrial Institutional, other	125.00
	d. Re-inspections	150.00
28.	Timed inspections (in addition to other inspection fees)	60.00
29.	Permit Time Extensions	
	a. 1-3 months	40.00
	b. 4-6 months	80.00
	c. 6-9 months	120.00
	d. 10-12 months	160.00

**Section 2. Development changes.**

1.	Minor subdivision	
	a. Conceptual plan	50.00

	b. Primary plat	150.00	
	c. Construction plan	100.00	
	d. Final plat	75.00	
	e. Amendment/re-plat	100.00	
	f. Variance/waiver	50.00	per section of ordinance
2.	Major subdivision		
	a. Sketch plan	125.00	plus \$ 3.00 per lot
	b. Primary plan	225.00	plus \$ 10.00 per lot
	c. Primary plan	200.00	
	d. Secondary/final plan	150.00	
	e. Amendment/re-plat	100.00	
	f. Variance/waiver	50.00	per section of ordinance
3.	Rezoning		
	a. Zoning ordinance amendment (text or map)	350.00	
4.	Developmental standards variance	175.00	plus \$ 35.00 for each additional section of the zoning ordinance varied.
5.	Land use variance	400.00	plus \$ 35.00 per acre
6.	Renewal variance	75.00	each renewal
7.	Special uses		
	a. Residential	200.00	
	b. Other	400.00	
	c. Amendment	100.00	
8.	Development plan and P.U.D's		
	a. Original development plan	400.00	plus \$ 10.00 per acre
	b. Amendment	150.00	
9.	Appeal	50.00	
10.	Aesthetic Review Overlay District		
	a. Original plans	200.00	
	b. Amendment	100.00	

- 11. Horizontal property
  - a. Initial plans 250.00
  - b. Amendment 150.00
- 12. Mobile home parks 225.00 plus \$ 15.00 per mobile home space
  - a. Change or addition 100.00
- 13. Wind Energy Conversion System (WECS) Overlay District
  - a. Commercial WECS tower 1,000.00 each
  - b. Commercial WECS accessory structures 500.00 for each structure
  - c. Non-commercial WECS 250.00 each
  - d. Private WECS 100.00 each

**Section 3. Additional inspections.**

(Fees for initial inspections are included in the cost of the Improvement Location Permit fees.)

- 1. Footing and underslab plumbing:
  - a. Residential 60.00 per inspection
  - b. Commercial/Industrial/other 125.00 per inspection
- 2. Electrical – New meter base, meter base relocation and panel upgrades:
  - a. Residential 60.00 per inspection
  - b. Commercial/Industrial/other 125.00 per inspection
- 3. Rough-in (electrical, plumbing, heating and air conditioning):
  - a. Residential 60.00 per inspection
  - b. Commercial/Industrial/other 125.00 per inspection
- 4. Final structure:
  - a. Residential 60.00 per inspection
  - b. Commercial/Industrial/other 125.00 per inspection
- 5. Final site:
  - a. Residential 60.00 per inspection
  - b. Commercial/Industrial/other 125.00 per inspection

6. All other inspections:

- a. Residential 60.00 per inspection
- b. Commercial/Industrial/other 125.00 per inspection

**Section 4. Additional fees.**

1. Missed inspections – per each project.

- 1<sup>st</sup> 150.00
- 2<sup>nd</sup> 300.00
- 3<sup>rd</sup> or more 500.00 each

2. Same company or individual – additional projects.

- 1<sup>st</sup> 250.00
- 2<sup>nd</sup> or more 300.00 each

3. Occupying or using any structure or any part of a structure or fixture prior to a Certificate of Occupancy/Compliance being issued:

- 1<sup>st</sup> time \$ 300.00
- 2<sup>nd</sup> or more by the same company 400.00 each project

**Section 5 Fines and Penalties**

The Board of Zoning Appeals and/or Plan Commission, whichever board has jurisdiction, by mandatory injunction in the circuit and/or superior court of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition in violation of this Ordinance.

Any person who violates any provision of this ordinance or any regulation of the Plan Commission or the Board of Zoning Appeals hereunder enacted, shall be fined not less than \$10.00 and not more than \$2,500.00. Each day a violation occurs or continues constitutes a separate offense.

Payment of any violation shall be made to the Hamilton County Plan Commission who shall deposit the funds in the General Fund or Plan Commission Fund as determined by the Auditor's Office. A receipt of payment must be recorded and a receipt issued to the person making the payment.



**Section 6. Appeals or Trials**

Any person receiving a notice of violation and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals within 30 days after receiving a notice of violation then to the court of jurisdiction.

**Section 7. Permit Time Limits**

- a. Initiation of Work: If the work described in any building permit or Improvement Locations Permit has not begun within three (3) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.
  
- b. Completion of Work: If the work described in any Improvement Location Permit has not been completed within 18 months of the date of issuance thereof for primary structures and nine (9) months for an accessory structures, said permit shall expire; no written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Improvement Location Permit has been obtained and inspections completed.

Upon motion duly made and seconded, this Ordinance was fully passed by the Hamilton County Commissioners this 14 day of Nov, 2016.

Effective Date of 1 day of Jan, 2017.

Dated this 14 day of Nov, 2016.

Commissioners of Hamilton County

St. C. Dillinger  
Steven Dillinger, President

Christine Altman  
Christine Altman, Vice President

Mark Heirbrandt  
Mark Heirbrandt, Member

Attest:

Dawn Coverdale  
Dawn Coverdale, Hamilton County Auditor

11-14-16  
Date

"I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law." Charles E. Kiphart

Date: Nov. 03, 2016

prepared by: Charles E. Kiphart, Director  
Hamilton County Plan Commission,  
One Hamilton County Square  
Suite 306