

**AMENDMENT TO PLAN COMMISSION FEE SCHEDULE
ESTABLISHING REIMBURSEMENT FOR PLAN REVIEW FEES**

WHEREAS, the Plan Commission (“Plan Commission”) and Board of Zoning Appeals (“BZA”) of the Town of Whitestown, Indiana (“Town”) are responsible for processing and hearing various land use and zoning petitions, including but not limited to administrative appeals and petitions for rezoning, special exceptions, special uses, contingent uses, and variances, issuing permits, and other official actions (collectively, “Applications”); and

WHEREAS, to that end, the Town Planning Department, Town Department of Public Works and Town Engineering Department (collectively “Departments”) coordinate to review land use and development applications for projects within the Plan Commission’s and BZA’s respective jurisdictions to ensure compliance with applicable laws, regulations, ordinances, and adopted plans (hereinafter “Plan Review”); and

WHEREAS, the Plan Review includes, among other things, conducting a detailed analysis of all plans and drawings, drafting and submitting comments to any third-party agencies with land-use jurisdiction over the project, attending meetings, and conducting on-site inspections; and

WHEREAS, to complete Plan Reviews, the Departments often need the services of third-party professionals, including but not limited to engineers, architects, and land use planners (“Professional Services”); and

WHEREAS, so as not to negatively impact the taxpayers of the Town, the costs incurred by the Departments to obtain Professional Services should be reimbursed by the individuals or entities seeking approval from the Plan Commission or BZA (“Applicants”); and

WHEREAS, the Plan Commission is empowered by I.C. § 36-7-4-411 (“Statute”) to establish a schedule of reasonable fees to defray the administrative costs connected with processing Applications; and

WHEREAS, the Plan Commission believes it is in the Town’s best interests to require Applicants to reimburse the Town for the reasonable cost of Professional Services required for the Plan Review of their Application.

**NOW, THEREFORE, BE IT HEREBY ADOPTED BY THE WHITESTOWN
PLAN COMMISSION AS FOLLOWS:**

1. Rule. As a condition for the Departments to accept and review an Application, the Applicant must reimburse the Town for all Reimbursable Costs as defined below.
2. Application. This rule applies to any Applicant who submits an Application to the Plan Commission or BZA, as the case may be.
3. Reimbursable Costs.
 - a. Reimbursable Costs may include, but are not limited to Professional Services, including engineering analysis, architectural analysis, planning or zoning consulting, and any other expert services reasonably required to review the subject Application as determined by the Departments.
 - b. All Reimbursable Costs must be directly related to the Plan Review of the Applicant's submission and must be reasonable in scope and amount.
4. Reimbursement Procedure.
 - a. The Departments will furnish a written invoice to the applicant itemizing all Reimbursable Costs incurred in connection with the Plan Review of the Application ("Invoice").
 - b. The applicant shall pay the Invoice within 30 days of receipt of the Invoice, regardless of whether the project proposed in the Application moves forward.
 - c. If the applicant fails to timely pay the Invoice, the Departments may suspend their Plan Review, withhold permits, deny the Application, or pursue any other remedies available under the law to collect the outstanding costs.
5. Waiver or Reduction. The Planning Director, Town Engineer and/or the Director of Public Works, in their discretion, may waive or reduce the reimbursement requirement in whole or in part in cases of demonstrated

financial hardship, where the Plan Review costs are minimal, or where doing so would serve the public interest.

6. Effective Date. This rule shall be in full force and effect 30 days after its passage, approval, and publication according to the laws of the State of Indiana.

APPROVED on this _____ day of _____, by the Plan Commission of the Town of Whitestown, Indiana by a vote of __ in favor and __ against.

THE PLAN COMMISSION OF THE TOWN OF WHITESTOWN, INDIANA

Lauren Foley

Chris Gipson

Cheryl Hancock

Nathan Harris

Tobe Thomas

Phillip Snoeberger

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