

**Resolution No: 2022-01**

**A RESOLUTION RECOMMENDING THAT THE AVILLA TOWN COUNCIL OF THE TOWN OF AVILLA, INDIANA, APPROVE A PROPOSAL INITIATED BY THE PLAN COMMISSION TO AMEND THE TEXT OF THE ZONING ORDINANCE**

WHEREAS, The Plan Commission of the Town of Avilla did on July 6, 2022 hold a legally advertised public hearing on an amendment to the text of Section 3 of the Code of Laws of the Town of Avilla, Indiana, which is the zoning ordinance of said town until all objections and remonstrances were heard; and

WHEREAS, This amendment was initiated by the Plan Commission; and

WHEREAS, the Plan Commission proposes that the Avilla zoning ordinance be amended to include zoning regulations for Commercial and Non-Commercial Solar Energy Systems for said Zoning Ordinance; and

WHEREAS, the Plan Commission suggests the solar system zoning be added as an overlay district across all zoning classifications, included as:

**Section 3.5**

Non-Commercial Solar Energy System Overlay District

**Section 3.6**

Commercial Solar Energy System Overlay District

NOW, THEREFORE, BE IT RESOLVED, That the Plan Commission of Avilla, Indiana, certifies that said commission makes a favorable recommendation to the Town Council of Avilla, Indiana, that the attached ordinance amending the text of the zoning ordinance be adopted.

\_\_\_\_\_ Date

\_\_\_\_\_ President, Plan Commission

\_\_\_\_\_ Secretary, Plan Commission

**ORDINANCE NO. 1645-7-22**

**AN ORDINANCE AMENDING THE TEXT OF THE ZONING ORDINANCE OF THE TOWN OF AVILLA, INDIANA**

**WHEREAS**, the Town of Avilla has previously enacted a Replacement Zoning Ordinance for the Town of Avilla, Indiana: and

**WHEREAS**, the Plan Commission of the Town of Avilla Indiana has reviewed and prepared zoning regulations for Commercial and Non-Commercial Solar Energy Systems for said Zoning Ordinance; and

**WHEREAS**, the Plan Commission of the Town of Avilla Indiana has determined it is in the best interest of the citizens to amend the text of the Zoning Ordinance of the Town of Avilla to include the solar system zoning as an overlay district across all zoning classifications; and

**WHEREAS**, the Plan Commission of the Town of Avilla has conducted a Public Hearing for purposes of the citizens of the Town of Avilla and its jurisdictional area to make comment upon the proposed amendment to the text of the Avilla Zoning Ordinance.

**NOW THEREFORE BE IT ORDAINED** that the Zoning Ordinance of the Town of Avilla is hereby amended to include as:

**Section 3.5**

Non-Commercial Solar Energy System Overlay District

**Section 3.6**

Commercial Solar Energy System Overlay District

**ALL OF WHICH IS ORDAINED AND PASSED** this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

AVILLA TOWN COUNCIL

\_\_\_\_\_  
Philip Puckett, Jr., President

\_\_\_\_\_  
William Krock, Jr., Member

ATTEST:

\_\_\_\_\_  
Paul Shepherd, Member

\_\_\_\_\_  
Rita Grocock, Clerk/Treasurer

# Town of Avilla

## Commercial Solar Energy System Over Lay District (CSES-OD)

### 1. Definition: Commercial Solar Energy System:

The primary purpose of the production of energy from commercial solar systems is to generate and sell solar power.

### 2. Compliance Required

No applicant shall construct, operate, locate, or enlarge a Commercial Solar Energy System (CSES) within Town of Avilla's zoning jurisdiction without first obtaining approval and must fully comply with the provisions of this ordinance.

### 3. Prerequisites:

**A. Manufacturer Installation Specifications:** any permitted CSE system shall be installed according to manufacturer's specifications, unless in conflict with the applicable standards of the Town of Avilla Zoning Ordinance, including all Indiana State Standards. When conflicts exist, the stricter standard shall prevail. Applicants must comply with the National Electric Code.

### 6. BASE ZONING: To qualify for a CSES, the base zoning shall be in any district with the exception of residential.

#### A. Minimum Parcel Size: Five (5) acres.

Under no circumstances shall a planned development or rezoning of property change the applicability of the CSES-OD land use restrictions and additional development standards.

#### B. Process:

1) CSES Overlay Development Plan Application Submission.

2) Development Plan Review.

a. Zoning Administrator reviews plan and application.

b. Recommendation to proceed for Plan Commission review and Public Hearing.

3) Plan Commission Hearing.

a. Plan Commission may move on to the findings of fact and approve the plan.

b. Plan Commission may refer application back to Zoning Administrator for further review;  
or

c. Plan Commission may deny application.

### 7. Requirement: All applicants for CSES will be required to submit a complete Development Plan, per Section 23, to allow the Plan Commission no less than thirty (30) days prior to public hearing to review.

### 8. Height Restrictions: No part of a solar panel or other equipment associated with the CSES shall exceed fifteen (15) feet in height when oriented at maximum tilt height. The height of the transmission lines, substation or any points of interconnection shall be identified on the development plan (Section 23) and approved by the Plan Commission.

### 9. Emergency Contact Signage: CSES shall be identified with an E911 location address assigned by the Plan Commission. A standard metal sign displaying the facility name, emergency contact information and physical site address shall be posted at the entrance of the facility, substation and any other location deemed necessary by the Zoning Administrator or Plan Commission. The sign shall be posted in compliance with the current ordinance and set outside the road right-of-way.

**A.** Property owner must report to the Zoning Administrator within sixty (60) days of a change of ownership of the CSES, including contact information and signage change(s) on site.

**10. Fire Codes:** A fire safety plan shall be included in the Development Plan, Section 23.

**11. Nuisance Prevention**

**A. Noise Generating Equipment Setback:** All Equipment, including the substation, shall meet minimum setbacks. Equipment that could create objectionable sounds during normal operations shall be located as far away as possible from any non-participating property line, and be included in the Development Plan, Section 23.

Unless otherwise allowed by IC 36-7-4-1109, a project owner may not install or locate a CSES in the Town of Avilla zoning jurisdiction unless the project owner demonstrates in the Development Plan that the CSES will operate so the sound attributed with the CSES will not exceed an hourly average sound level of fifty (50) A-Weighted decibels as measured at the CSES fence.

The requirement set forth in this section may be waived with respect to any one (1) CSES, subject to written notarized consent of the owner(s) of each adjacent nonparticipating property.

**B. Illumination:** A CSES shall comply with the current ordinance Lighting Standards. However, no light shall trespass the adjacent nonparticipating property line greater than ten (10) lux.

**C. Laydown area:** Laydown and staging area must be located a minimum of five hundred (500) feet from any nonparticipating existing dwelling, subject to review and included in the Development Plan, Section 23.

**D. Employee parking and equipment trucks:** Equipment trucks shall not park alongside any county road and must be out of any right-of-way. Employee parking shall be placed away from any nonparticipating existing dwelling a minimum of five hundred (500') feet, subject to review and included in the Development Plan, Section 23.

**E. Office Site:** Developer must carefully consider location. The structure shall be located a minimum of five hundred (500') feet from any nonparticipating existing dwelling, shall meet the minimum building requirements, current ordinance development standards, subject to review and included in the Development Plan, Section 23.

**F. Dust Control:** Developer will be responsible for wetting out to lessen the amount of created dust during construction.

**G. Glare:** A CSES at no time shall create glare on any non-participating property line, structure or right-of-way. All CSES using a reflector to enhance solar production shall minimize glare from the reflector affecting adjacent or nearby properties, including any public right-of-way.

**H. Maximum Vibrations:** Equipment which could create vibrations as part of a CSES shall be located centrally within the CSES to reduce potential impacts on non-participating properties.

**I. Interference with Reception:** A CSES shall be constructed and operated so it does not interfere with television, microwave, GPS, military defense radar, navigational or radio reception to neighboring areas.

**12. Fencing Standards:** Fencing shall meet the minimum setback standards or set no closer than the minimum setback of the buffer area; whichever is greater and be included in the Development Plan, Section 23.

Fences, gates and warning signs must be at least six feet (6') tall and maintained in good condition until the CSES is dismantled and removed from site.

**13. Visual Buffer:** A berm, natural vegetation or evergreen plants to provide a reasonable visual buffer for non-participating preexisting dwelling(s) shall be constructed to cover the minimum required radius for the entire viewshed, meet the vision clearance standards, and be included in the Development Plan, Section 23.

- A. **Installation:** Buffer may include more than one buffer material with a clear intent to buffer CSES.
- B. **Requirement:** At the onset of CSES installation the project owner shall install a natural landscape buffer, subject to Section 23.
- C. **Screening:** The buffer must meet a minimum of six feet (6') in height at the time of installation, and located between the property line and CSES fence on the participating landowner property.
- D. **Natural Disaster:** In the event of a natural disaster or natural loss of the installed or pre-existing buffer, replacement of the buffer shall be completed within no more than one (1) year from the date of the event.
  - 1. A one (1) time extension may be requested. The request must be submitted in writing and received by the Zoning Administrator prior to one year (1) year post event. The additional allowance is not to exceed six (6) months, subject to approval.
  - 2. **Additional extension:** No less than fourteen (14) days prior to the next available Plan Commission meeting, a written request for an additional six (6) month extension must be received by the Zoning Administrator for Plan Commission member decision.

**14. Ground Vegetation:**

- A. CSES property owner and the project owner shall have a conservation stewardship plan for the establishment and maintenance of ground vegetation for the life of the CSES, to be included in the Development Plan, Section 23.
- B. Project owner shall provide site preparation and maintenance practices designed to control invasive species and noxious weeds to be included in the Development Plan, Section 23.

**15. Maintenance, Repair or Replacement of CSES:** CSES property owner and the project owner must maintain the facility in accordance with the site plan, permit and ordinance. Maintenance shall include, but not be limited to, painting, structural repairs and integrity of security measures, including fencing. Any retrofit, replacement or refurbishment of equipment shall adhere to all local, state and federal requirements.

**16. Waste Management:** Solid waste generated from supplies, equipment, parts, packaging, operation, or maintenance of the facility (including old parts and equipment) shall be removed from the site within six (6) months, consistent with industry standards. Hazardous waste generated by operation and maintenance of the facility, including, but not limited to, rusted equipment, lubricating materials, cleaning materials, battery materials or such shall be handled in a manner consistent with local, state, and federal rules and regulations and shall not be allowed to seep into the ground or come in contact with open water. A waste management plan shall be included in Development Plan, Section 23.

**17. Participating Land Owner Setbacks**

- A. The participating property line setback shall be at the minimum Development Standards for accessory buildings, with the exception of a notarized written agreement allowing a zero foot (0') setback from an adjacent participating landowner, to be included in the Development Plan, Section 23.
- B. Development setbacks for same ownership parcels shall meet current minimum development setbacks on a participating property line. All property lines in the Avilla zoning jurisdiction shall adhere to front yard setbacks as defined in the Avilla Zoning Ordinance. A recorded commitment to combine parcels would allow development to cross same ownership property line.
- C. All property lines adjacent to roads shall be considered front yard as defined in the Avilla Zoning Ordinance.

**18. Non-Participating Land Owner Setbacks**

- A. Development Setback non-participating land owner:** The CSES shall be at least three hundred (300') feet from a non-participating pre-existing residential dwelling, as measured at the closest point of the foundation to the CSES, including across any right-of-way, or fifty (50') feet from the property line, whichever is greater. Development setbacks shall be included in the Development Plan, Section 23.
- B. Survey:** Developer must provide Zoning Administrator an as-built survey by a licensed surveyor, within six (6) months of installation, verifying the adherence to the setbacks.
- C. Waiver from Non-Participating Landowner:** A waiver from the impact of development standards via notarized statement from the nonparticipating landowner(s), allowing a less than required development standard setback, shall be included in the Development Plan, Section 23.
- D.** All property lines adjacent to roads shall be considered front yard as defined in the Avilla Zoning Ordinance.

- 19. Electric Wires:** Except as otherwise allowed by IC 36-7-4-1109, cables located between inverter locations and project substations shall be located and maintained underground; buried at thirty-six (36") inches below grade or if necessitated by onsite conditions at a greater depth. The CSES facility must conform with local, state and federal electrical code requirements. The location of any transmission lines shall be identified in the development plan, subject to Zoning Administrator review, (Section 23) with final approval by Avilla Plan Commissioners.

If located in a public right-of-way, or county drainage easement, the CSES would require written approval by Noble County Highway and Noble County Drainage Board.

- 20. Damage:** Except as otherwise allowed by IC 36-7-4-1109, damage to waterways, drains, ditches, private field tiles, county tiles or any other item to regulate drainage caused by the construction, installation or maintenance of a CSES must be completely repaired by the project owner to the original condition so as to not impede the flow of water and must be compliant with Noble County Drainage Board.

- 21. Decommissioning:** A project owner and/or landowner may not install or locate a CSES unless the project owner and/or landowner submits a decommissioning plan and site restoration plan to include removal of all items related to the solar project to be removed at a depth of no less than four feet (4'), and posts a surety bond or equivalent means of surety acceptable to the Avilla Plan Commission and Town Council including a parent company guarantee of certification or irrevocable letter of credit, in the amount equal to 125% of the estimated cost of decommissioning the CSES, as calculated by a licensed third party or professional with suitable experience in the decommissioning of a CSES, as agreed upon by project owner and Zoning Administrator, included in the Development Plan, Section 23.

- A. Waiver:** Relief from the Removal Standard of four feet (4') may be allowed by notarized statement from the landowner(s), allowing a less than required removal standard.
- B. Bond:** A bond must be equal to 125% of the decommissioning costs. The bond requirements shall be included in the Development Plan, Section 23 and must:
  - 1)** Allow the Town the ability to use the surety and right, including entry onto the CSES site;
  - 2)** Allow the Town to recuperate from the bond costs that incur to the extent the Town takes part in the decommissioning of the CSES; and
  - 3)** Project owner must submit a report to the Zoning Administrator every five (5) years and adjust, as necessary, to ensure sufficient funds are available to decommission the project with final approval by Plan Commission.
- C.** Project owner and/or landowner must provide to the Zoning Administrator written notice of the

project owner's intent to decommission a CSES no later than sixty (60) days before discontinuation of the facility.

- 1) Structures, foundations, roads, gravel areas and cables associated with the project shall be removed to a depth of at least four feet (4') below grade.
  - 2) The ground shall be restored to a condition reasonably similar to its condition before the start of construction.
- D. The facility Owner and/or landowner shall agree to pay all attorney costs and fees in the enforcement of the terms of this ordinance, if necessary.
- E. Decommissioning must be complete within one (1) year of the start date, with the allowance of no more than a six (6)-month extension by the Zoning Administrator. If necessary, the Zoning Administrator may engage qualified contractors to:
- 1) Enter the site;
  - 2) Remove CSES project assets;
  - 3) Sell assets removed;
  - 4) Remediate the site; or
  - 5) Initiate proceedings to recover costs of decommissioning.
- F. Bond may be released upon receipt of certificate of inspection by the Building Inspector, County Surveyor and Zoning Administrator and any other department necessary, indicating that decommissioning is complete with no unresolved issues related to the CSES Development.
- 22. Abandonment - Natural Disaster:** A CSES is considered abandoned three hundred and sixty-five (365) days after the date on which the CSES last generated electricity. In the event of a natural disaster, flood, tornado or any other natural disaster including an act of God, war, civil strife, a terrorist attack or similar unforeseen event under which the project owner has no control:
- A. Project owner must submit a letter of intent for decommission in writing to the Zoning Administrator sixty (60) days prior to deconstruction.
  - B. All assets must be removed within one (1) year.
  - C. The Avilla Plan Commission has the ability to use the surety and right of entry to perform the decommissioning of the CSES if the facility is considered abandoned.
  - D. The facility Owner shall agree to pay all attorney costs and fees in the enforcement of the terms of this ordinance, if necessary.
- 23. Development Plan:** The Development Plan shall be reviewed by the following: Town of Avilla Zoning Administrator, Noble County Highway Department, INDOT (if applicable), Noble County Surveyor, Floodplain Administrator, GIS, and Local Fire Department. The following items, referred to as the Development Plan, must be reviewed by the Plan Commission:
- A. Owner name, address, contact information;
  - B. Road Usage-Repair agreement;
  - C. Decommissioning agreement;
  - D. Traffic Management Plan;
  - E. Storm Water Erosion Control Ordinance;
  - F. Economic Development Agreement (if applicable);
  - G. Visual Buffer & Vegetative ground cover;
  - H. Site Plan;
  - I. Proof of Liability Insurance;

- J. Fire Safety Plan;
- K. Recycle Plan;
- L. Waste management plan;
- M. CSES Contact Information; and
- N. No later than the time of application, the CSES developer must submit a copy of the Interested Party Notice list to include names and addresses of interested parties.
  - 1) Town of Avilla Plan Commission may retain the services of a professional engineer, licensed in Indiana, with expertise in Commercial Solar Energy Systems at the cost of the developer to review any proposed development plan.
  - 2) At the Plan Commission hearing, Developer must show proof the Interested Party Notification was sent fifteen (15) days prior to the first public hearing. Notice shall include proof of mailing (including USPS Tracking numbers and certified mailing list).
  - 3) Notification shall apply to all property owners within three-hundred feet (300') of the proposed CSES, submitted no later than fifteen (15) days prior to the first public hearing.

**PENALTY.**

- (A) A violation of any provision of this chapter shall constitute a violation of the Avilla Town Code. Any person, firm or corporation who violates any of the provisions of this chapter will be subject to fines outlined in § 150.99 PENALTY.
- (B) Each day of the existence of any violation of this chapter shall be a separate offense.
- (C) The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter and unlawful. The Town may institute a suit for injunction in the Circuit Court or Superior Court of Noble County to restrain any person or government unit from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of this chapter.
- (D) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.
- (E) Any person or party aggrieved by a decision or action taken by the Plan Commission shall be entitled to a judicial review hereof in accordance with IC 4-22-1



**Definitions:**

**A-Weighted Decibels:** Expression of the relative loudness of sounds in air as perceived by the human ear (abbreviated as dBA).

**Commercial Solar Energy System (CSES):** A solar energy system for the purpose of generating and selling solar power, includes all components associated with the generation and transmission of electricity.

**Interested Party:** Adjacent landowner within three-hundred feet (300') of the property line of the participating landowner.

**Kilowatt (kw):** A unit of electrical power. 1 Kw is equal to 1,000 watts.

**Laydown Area:** The area used for the receipt, temporary storage, and sometimes for the assembly of construction equipment and supplies.

**Liability Insurance:** To protect the Town from any landowner property damage, injury, site contamination or any other issues that may be caused by the CSES, developer and/or site owner. Policy shall also include a fixed site pollution policy. Policy/policies shall be reviewed every five (5) years for the lifetime of the development to verify adequacy of coverage, to be reviewed by the Plan Commission, with final approval of all insurance coverage by Plan Commissioners. Failure to show proof of insurance, at anytime, shall result in loss of the improvement location permit and be subject fine(s).

- a) All contractor(s) must show proof of liability insurance and include the Town of Avilla as an additionally insured.
- b) Property-owner, CSES owner and/or developer must have proof of insurance throughout the lifetime of the project which ends at certification of completion of decommission.
- c) Proof of insurance shall be submitted annually to the Zoning Administrator and Town of Avilla Commissioners. Submission shall include all carrier certificate(s), the amount of coverage, and acknowledge the Town of Avilla as an additional insured party.

**Megawatt (MW):** A unit of electrical power 1,000 KW = 1 MW; 1 MW = 1,000,000 watts

**Non-Participating Property:** A property in which land is not participating in a current CSES.

**Overlay District (OD):** Will not replace the base zoning district regulations in the areas where the overlay zoning is applied. An overlay zoning district may add restrictions on the use of the property in the underlying zoning district. In the event of an inconsistency between the overlay zoning district regulations and the base zoning district regulations, the more restrictive shall apply.

**Participating Property:** Property of land that is owned or leased (by a signed & recorded document between the property owner and the CSES owner) in order to facilitate CSES development.

**Radius:** A direct line extending from the foundation at the closest point of an existing primary structure to CSES, excluding obstructed view by existing structure(s) and/or terrain.

**Site Plan:**

A Site Plan, drawn to scale, by a licensed surveyor to include the following items:

- i. North arrow;
- ii. Graphic scale;
- iii. Site Address;
- iv. Boundary lines of the site including all dimensions;

- v. All tax parcel numbers in the project;
- vi. Names, centerlines, and right-of-way widths of adjacent streets, alleys, and easements; including environmental, utility and private easement or private drive;
- vii. Layout, number, dimension, and area of all lots;
- viii. Location and dimensions of all existing and proposed additions including, noise generating equipment, structures, panel placement, number of panels, batteries, inverters, and substation(s);
- ix. Location of Special Flood Hazard Area, floodway, floodway fringe areas, and wetlands within the boundaries of the site;
- x. Labeled use of each structure;
- xi. Distance of all structures from front, rear, and side lot lines;
- xii. Proposed landscaping buffers or landscaped areas;
- xiii. Compliance with the Town of Avilla Comprehensive Plan and the Town of Avilla Zoning Ordinance; and
- xiv. Any other information necessary to support a thorough review of the project, as requested, on the application form or from the Plan Commission or Zoning Administrator.

**Staging Area:** A smaller laydown area between material and construction point on a specific tract.

**Stewardship Plan:** Evaluation of the proposed habitat within the CSES site in order to assess the projects conservation. The plan must include a native species list and an assessment similar to a planning score card, such as the Indiana Solar Site Pollinator Habitat Planning Score Card or something similar.

**Viewshed:** Surrounding points in line-of-sight from existing primary structure; excludes points obstructed by terrain or other features such as buildings or trees.

**Waste Management Plan:** Consistent with local, state, and federal rules and regulations. No harmful waste shall be allowed to seep into the ground or come in contact with open water.

### **Findings of Fact CSES-OD**

**The Plan Commission shall consider the following findings of fact:**

- (1) The development plan complies with applicable standards of the underlying district in which the lot is located;
- (2) The development plan complies with applicable provisions of the overlay district;
- (3) The proposed development is compatible to the site and its surroundings;
- (4) The development plan complies with applicable provisions of the Avilla Zoning Ordinance; and
- (5) The proposed development is consistent with the Town of Avilla Comprehensive Plan.

# Town of Avilla

## Non-Commercial Solar Energy Over Lay District

### **Definition: Non-Commercial Solar Energy System:**

The primary purpose of the production of energy from a non-commercial solar system shall be to serve the energy needs of the tract or parcel of real property upon which the non-commercial solar system is to be located, regardless of whether it is for commercial or residential use, or the property zoning. The applicant(s) shall demonstrate how much energy is needed and how the proposed size will fulfill this need. Net Metering is not allowed.

### **SOLAR PANELS**

Non-commercial solar panels may be permitted in any zoning districts within the corporate limits of the Town with the following restrictions:

1. A roof mounted or wall mounted non-commercial solar system may be located on a principal or accessory building.
2. Solar panels in residential zoning shall only be roof-mounted; residential ground-mounted units may be approved by variance through the BZA and must follow all setback restrictions for accessory structures per Avilla Zoning Ordinance.
3. Solar panels shall project no more than a maximum of 18 inches above the sloped roof plane.
4. Roof-mounted solar panels installed on a building or structure with a sloped roof shall not project vertically more than the height requirements for the district in which they are located and shall not project horizontally beyond the roofline.
5. Wall mounted non-commercial solar panels shall comply with the setbacks for principal and accessory structures in the underlying zoning districts. Solar panels shall be designed and installed to allow proper access to and around the roof structure for emergency personnel.
6. Solar panels are subject to private restrictions (e.g., HOA covenants); however, the Town's permit process will not include such reviews. Any enforcement of private restrictions shall be the responsibility of the applicable private parties.

### **PENALTY.**

(A) Any person, firm or corporation who violates any of the provisions of this chapter will be subject to fines outlined in § 150.99 PENALTY.

(B) Each day of the existence of any violation of this chapter shall be a separate offense.

(C) The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provisions of this chapter is hereby declared to be a nuisance and in violation of this chapter and unlawful. The Town may institute a suit for injunction in the Circuit Court or Superior Court of Noble County to restrain any person or government unit from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who is adversely affected by the violation of any provision of this chapter.

(D) The remedies provided for in this section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

(E) Any person or party aggrieved by a decision or action taken by the Plan Commission shall be entitled to a judicial review hereof in accordance with IC 4-22-1