

## **TITLE XV: LAND USAGE**

### **Chapter**

- 150. BUILDING REGULATIONS**
- 151. SUBDIVISION CODE**
- 152. FLOOD DAMAGE PREVENTION**
- 153. ZONING CODE**



## **CHAPTER 150: BUILDING REGULATIONS**

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### **§ 150.01 TITLE.**

This chapter and all ordinances supplemental or amendatory hereto, shall be known as the "Building Code of the city," may be cited as such, and will be referred to herein as "this code."  
( '76 Code, § 4-26, Sec. 1) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

### **§ 150.02 PURPOSE.**

The purpose of this code is to provide minimum standards for the protection of life, health, environment, public safety and general welfare, and for the conservation of energy in the design and construction of buildings and structures.  
( '76 Code, § 4-26, Sec. 2) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.03 AUTHORITY.**

The Building Commissioner is authorized and directed to administer and enforce all of the provisions of this code. Whenever in this code, it is provided that anything must be done to the approval of or subject to the direction of the Building Commissioner or any other officer of the city, this shall be construed to give such officer only the discretion of determining whether this code has been complied with; and no such provision shall be construed as giving any officer discretionary powers as to what this code shall be, or power to require conditions not prescribed by ordinances or to enforce this code in an arbitrary or discretionary manner. Any variance from adopted building rules are subject to approval under IC 22-13-2-7 (b).

('76 Code, § 4-26, Sec. 3) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.04 SCOPE.**

The provisions of this code apply to the construction, alteration, repair, use, occupancy, and addition to all buildings and structures, other than industrialized building systems or mobile structures certified under IC 22-15-4, in the city.

('76 Code, § 4-26, Sec. 4) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.05 ADOPTION OF RULES BY REFERENCE.**

(A) Building rules of the Indiana Fire and Prevention and Building Safety Commission as set out in the following articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include later amendments to those articles as the same are published in the Indiana Register or Indiana Administrative Code with effective dates as fixed therein:

(1) Article 13 — Building Codes:

- (a) Fire and Building Safety Standards.
- (b) Indiana Building Code.
- (c) Indiana Building Code Standards.

(2) Article 14 — One- and Two-Family Dwelling Codes:

- (a) Council of American Building Officials One- and Two-Family Dwelling Code.
- (b) CABO One- and Two-Family Dwelling Code; Amendments.
- (c) Standard for Permanent Installation of Manufactured Homes.

(3) Article 16 — Plumbing Codes: Indiana Plumbing Code.

(4) Article 17 — Electrical Codes:

(a) Indiana Electrical Code.

(b) Safety Code for Health Care Facilities.

(5) Article 18 — Mechanical Codes: Indiana Mechanical Code.

(6) Article 19 — Energy Conservation Code.

(a) Indiana Energy Conservation Code.

(b) Modifications to the Model Energy Code.

(7) Article 20 — Swimming Pool Codes: Indiana Swimming Pool Code.

(B) Copies of adopted building rules, codes and standards are on file in the office of the Building Commissioner, 125 N. Wayne Street, Alexandria, Indiana 46001.  
(’76 Code, § 4-26, Sec. 5) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.06 APPLICATION FOR PERMITS.**

No building permit shall be issued for the foregoing purposes, unless the application for a permit is accompanied by a plat or sketch of the proposed location showing lot boundaries, and by plans and specifications showing the work to be done. In addition, a copy of a Design Release, issued by the State Building Commissioner and the State Fire Marshal pursuant to IC 22-15-3-1, shall be provided to the Building Commissioner before issuance of a permit for construction covered by such Design Release.  
(’76 Code, § 4-26, Sec. 6) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.07 PERMIT REQUIRED.**

(A) A permit shall be obtained before beginning construction, alteration, repair or demolition of any building or structure, the cost of which exceeds \$1,000, using forms furnished by the Building Commissioner, and all fees required by this code shall be paid to the city. A permit for demolition shall expire 30 days from date of issuance; all other permits issued under this section shall expire within one year from date of issuance.

(B) All permits for beginning construction, alteration, repair or demolition of any building or structure issued prior to the enactment of Ord. No. 1366, i.e., November 18, 1996, shall expire one year from the date of publication of this chapter.  
(’76 Code, § 4-26, Sec. 7) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88; Am. Ord. 1366, passed 11-18-96; Am. Ord. 1376, passed 6-2-97) Penalty, see § 150.99

**§ 150.08 OTHER ORDINANCES.**

All work done under any permit shall be in full compliance with all ordinances pertaining thereto, and in addition to the fees for permits, there shall be paid the fees prescribed in such ordinances. ('76 Code, § 4-26, Sec. 8) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88) Penalty, see § 150.99

**§ 150.09 FEES.**

Fees shall be in the amounts established by ordinance of the Common Council from time to time.

**§ 150.10 REVIEW OF APPLICATION.**

Prior to the issuance of any building permit, the Building Commissioner shall:

(A) Review all building permit applications to determine full compliance with the provisions of this code.

(B) Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding.

(C) Review building permit applications for major repairs within the flood plain area having special flood hazards to determine if the proposed repair uses construction materials and utility equipment that are resistant to flood damage, and is designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, flood damage; and uses construction methods and practices that will minimize flood damage.

('76 Code, § 4-26, Sec. 10) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

***Cross-reference:***

*Flood damage prevention, see Ch. 152*

**§ 150.11 INSPECTIONS.**

After the issuance of any building permit, the Building Commissioner shall make, or shall cause to be made, inspections of the work being done as are necessary to insure full compliance with the provisions of this code and the terms of the permit. Reinspections of work found to be incomplete or not ready for inspection are subject to assessment of reinspection fees as prescribed in this code.

('76 Code, § 4-26, Sec. 11) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88) Penalty, see § 150.99

**§ 150.12 INSPECTION ASSISTANCE.**

The Chief of the Fire Department, or his designated representative, shall assist the Building Commissioner in the inspection of fire suppression, detection and alarm systems and shall provide reports of such inspection to the Building Commissioner.  
(‘76 Code, § 4-26, Sec. 12) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.13 ENTRY.**

Upon presentation of proper credentials, the Building Commissioner or his duly authorized representatives may enter at reasonable times any building, structure, or premises in the city to perform any duty imposed upon him by this code. (‘76 Code, § 4-26, Sec. 13) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88) Penalty, see § 150.99

**§ 150.14 STOP ORDER.**

Whenever any work is being done contrary to the provisions of this code, the Building Commissioner may order the work stopped by notice in writing served on any such persons engaged in the doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Commissioner to proceed with the work.  
(‘76 Code, § 4-26, Sec. 14) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88) Penalty, see § 150.99

**§ 150.15 CERTIFICATE OF OCCUPANCY.**

No certificate of occupancy for any building or structure constructed after the adoption of this code shall be issued unless such building or structure was in compliance with the provisions of this code. It shall be unlawful to occupy any such building or structure unless a full, partial, or temporary certificate of occupancy has been issued by the Building Commissioner.  
(‘76 Code, § 4-26, Sec. 15) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.16 WORKMANSHIP.**

All work on the construction, alteration and repair of buildings and other structures shall be performed in a good and workmanlike manner according to accepted standards and practices in the trade.  
(‘76 Code, § 4-26, Sec. 16) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88) Penalty, see § 150.99

**§ 150.17 VIOLATIONS.**

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure, other than fences, in the city or cause or permit the same to be done, contrary to or in violation of the provisions of this code.

('76 Code, § 4-26, Sec. 17) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88) Penalty, see § 150.99

**§ 150.18 RIGHT OF APPEAL.**

All persons shall have the right to appeal any order of the Building Commissioner first through the Board of Zoning Appeals of the city and then to the Fire Prevention and Building Safety Commission of Indiana in accordance with the provisions of IC 22-13-2-7 and IC 4-21.5-3-7.

('76 Code, § 4-26, Sec. 18) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.19 REMEDIES.**

The Building Commissioner shall in the name of the city bring actions in the Circuit or Superior Courts of the county, for mandatory and injunctive relief in the enforcement of and to secure compliance with any order or orders made by the Building Commissioner, and any such action for mandatory or injunctive relief may be joined with an action to recover the penalties provided for in this code.

('76 Code, § 4-26, Sec. 19) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)

**§ 150.20 STATUTES ADOPTED BY REFERENCE.**

(A) IC 36-7-9 et seq. and all amendatory provisions thereto, are hereby adopted hereunder and deemed to be a part of the building regulations of the city.

(B) The definition of **SUBSTANTIAL PROPERTY INTERESTS** as defined under IC 36-7-9-2 as related to the property interests affected by this section is incorporated herein by reference.

(C) The Plan Commission and the Building Commissioner are hereby designated and appointed to administer this section and the provisions of IC 36-7-9 et seq.

(Ord. 1406, passed 2-1-99)

**§ 150.99 PENALTY.**

If any person, firm or corporation shall violate any of the provisions of this code, or shall do any act prohibited herein, or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Commissioner, or shall fail, neglect or refuse to obey any lawful order given by the Building



Commissioner in connection with the provisions of this code for each such violation, failure, or refusal, such person, firm or corporation shall be fined in any sum not less than \$2500. Each day of such unlawful activity as is prohibited by the first sentence of this section shall constitute a separate offense. ('76 Code, § 4-26, Sec. 20) (Ord. 1151, passed 7-18-83; Am. Ord. 1185, passed 2-18-85; Am. Ord. 1212, passed 7-20-87; Am. Ord. 1229, passed 8-15-88)



## **CHAPTER 151: SUBDIVISION CODE**

### **Section**

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### **§ 151.01 SHORT TITLE.**

This Chapter shall be known and may be cited as the Subdivision Control Code of the city.  
(’76 Code, App. A, § 101) (Ord. 908, passed 9-15-69)

### **§ 151.02 PURPOSE.**

This chapter is adopted in accordance with the Alexandria Comprehensive Plan for the following purposes:

(A) Assist the orderly and efficient development of the city.

(B) Promote the health, safety, morals and general welfare of the residents of the city.

(C) Secure equitable handling of all subdivision plans by providing uniform procedures and standards.

(’76 Code, App. A, § 102) (Ord. 908, passed 9-15-69)

**§ 151.03 COMPLIANCE.**

No lot in a subdivision shall be sold, no permit to erect, alter or repair any building upon land in a subdivision shall be issued, and no building shall be erected in a subdivision, unless and until a subdivision plan has been approved and, where required, recorded, and until the improvements required by the Plan Commission in connection therewith have either been constructed or guaranteed, as herein provided.

('76 Code, App. A, § 103) (Ord. 908, passed 9-15-69) Penalty, see § 151.99

**§ 151.04 HARDSHIP.**

Where, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, the Plan Commission may make such reasonable exception thereto as will not be contrary to the public interest, and may permit the sale of a lot, issuance of a permit, and erection of a building, subject to conditions necessary to assure adequate streets and other public improvements.

('76 Code, App. A, § 104) (Ord. 908, passed 9-15-69)

**§ 151.05 CONFLICT.**

Whenever there is a difference between minimum standards or dimensions specified herein and those contained in other regulations, resolutions or ordinances of the city, county or state, the highest standards shall govern.

('76 Code, App. A, § 105) (Ord. 908, passed 9-15-69)

**§ 151.06 JURISDICTIONAL AREA.**

This chapter shall apply to all incorporated land within the city and the contiguous unincorporated land within the jurisdictional area of the city as shown on the Jurisdictional Area Map on file with the Clerk-Treasurer and with the County Recorder.

('76 Code, App. A, § 106) (Ord. 908, passed 9-15-69)

**§ 151.07 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALLEY.** A permanent service way providing secondary means of access to abutting lands.

**BLOCK.** Property abutting on one side of a street, and lying between the two nearest intersections or intercepting streets and railroad rights-of-way, waterways, unsubdivided areas or other definite barrier.

**BUILDING.** Any structure, or part thereof, affixed to the land.

**BUILDING SETBACK LINE.** A line extending across a lot establishing the minimum open space to be provided between the front line of buildings and the front lot line.

**CLEAR SIGHT TRIANGLE.** An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of street lines.

**COMMISSION or PLAN COMMISSION.** The Plan Commission of the city.

**COMPREHENSIVE PLAN.** The Comprehensive Plan of the city, on file with the Clerk-Treasurer, indicating the general locations recommended for circulation facilities, community improvements and land uses.

**CROSSWALK.** A public right-of-way which crosses a block to furnish access for pedestrians to adjacent streets or properties.

**CUL-DE-SAC.** A short street having one end open to traffic and being permanently terminated by a vehicle turn-around.

**ENGINEER.** The designated Engineer or Engineering Consultant of the city.

**HALF STREET.** One side of a street divided longitudinally by a property line.

**HEALTH BOARD.** The State Board of Health.

**INSPECTOR.** An authorized representative of the city or county assigned to make any or all necessary inspections of the work performed and materials furnished by the developer.

**LOT.** A portion of a subdivision, or other parcel of land intended as a unit for transfer of ownership or for development. In determining the size of a lot, no part of a street right-of-way or cross walk may be included.

**LOT DEPTH.** The mean horizontal distance between the front and rear lines of a lot.

**LOT, DOUBLE FRONTAGE.** A lot, the generally opposite ends of which both abut on streets.

**LOT WIDTH.** The mean horizontal distance between side property lines of a lot.

**PLAT.** A map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

**STREET.** A right-of-way which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, drive or other appropriate name. A street may also be identified according to type of use as follows:

(1) **ARTERIAL STREETS.** Streets providing for traffic movements between traffic generation areas.

(2) **COLLECTOR STREETS.** Streets providing connection primarily between arterial streets or arterial and local streets.

(3) **LOCAL STREETS.** Streets serving primarily as access to abutting properties not intended as major arteries carrying through traffic.

**SUBDIVIDER.** Any person who undertakes the subdivision of land as defined herein. The subdivider may be the owner or the authorized agent of the owner of the land to be subdivided.

**SUBDIVISION.** The division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts or parcels of land for the purpose, whether immediate or future, of transfer of ownership for residential, commercial or industrial purposes; or the division of a single lot, tract or parcel of land, or a part thereof, into two or more lots, tracts, or parcels by means of buildings, building groups, streets, alleys, parking areas, or leaseholds, for the purpose, whether immediate or future, of building development for residential, commercial or industrial purposes; provided, however, that divisions of land for agricultural purposes only, not involving any new street or easement of access, shall not be included.

**WATERCOURSE.** Includes channel, creek, ditch, drain, river and stream.  
(’76 Code, App. A, § 202) (Ord. 908, passed 9-15-69)

#### **§ 151.08 PROCEDURE FOR SUBMISSION OF PLATS.**

(A) No person proposing a subdivision shall proceed with any grading and improvements for streets or installation of public utilities until the preliminary plat of the proposed subdivision is approved by the Plan Commission.

(B) No person proposing a subdivision shall sell, agree to sell, transfer, lease or otherwise convey any lot, parcel or tract in a subdivision, or construct or commence the construction of any building in a subdivision until the final plat of the proposed subdivision is approved by the Commission and recorded in accordance with the provisions hereof.  
(’76 Code, App. A, § 301)

(C) *Advisory meeting.* A person desiring approval of a plat of a subdivision may appear before the Plan Commission to discuss his proposal before filing an application for preliminary plat approval. No fee or formal application is required for this meeting. Its purpose is to save the subdivider time and money. The subdivider should be prepared to discuss the details of his proposed subdivision, including such items as the proposed use, existing features of the area, existing covenants, land characteristics, availability of community facilities and utilities, size of development, play areas or public areas proposed protective covenants, proposed utilities and street improvements. The subdivider may submit a sketch plan as outlined in § 151.09(B). (’76 Code, App. A, § 302)

(D) *Preliminary plat.* After the advisory meeting, the subdivider shall submit an application for approval of a preliminary plat to the Plan Commission.

(1) The application shall be accompanied by the following:

(a) Four copies of all maps and data as set forth in § 151.09(C).

(b) A certified check or money order, in the amount of \$10 plus \$.25 for each lot in the subdivision with a minimum total charge of \$15 to cover the cost of checking and verifying the proposed plat.

(2) The Plan Commission shall review the application and give it tentative approval or return the application to the subdivider with reasons for disapproval. If tentatively approved, the Commission shall send one copy of each of the maps and data sheets submitted with the application to the Engineer.

(3) Upon receipt of recommendations from the Engineer, if the same has been received within a period of 30 days of such transmittal or such reasonable further time as may be requested by the Engineer, the Commission shall set a date for a hearing, notify the applicant in writing, and notify by general publication or otherwise any person or governmental unit having a probable interest in the proposed plat.

(4) After the hearing, the Commission shall approve the plat proposed in application subject to receipt of an acceptable final plat as set forth in § 151.09(D), or shall conditionally approve or disapprove the plat, setting forth their reasons and providing the subdivider with a copy. If the plat is disapproved, the subdivider shall submit a new preliminary plat.  
(’76 Code, App. A, § 303)

(E) *Final plat.* After preliminary plat approval is obtained, the subdivider shall submit a final plat to the Plan Commission as set forth in § 151.09(D).

(1) The final plat shall be accompanied by:

(a) Three black or blue line prints and one reproducible print of the plat.

(b) A certificate that all improvements required by this chapter and all other applicable city and county codes and ordinances, have been installed in strict accordance with the Standards of Construction of the city and county, or a guarantee that the improvements will subsequently be installed by the owner, in the form of a bond or deposit of funds or securities in escrow that will cover the cost of the improvements as estimated by the Engineer and approved by the Commission.

(2) If the Plan Commission finds that the final plat is in accordance with the requirements of this Chapter, they shall affix the Commission’s seal upon the plat and the President and Secretary, or other authorized members, shall endorse the plat and return it to the subdivider. If disapproved, the President shall attach to the original tracing of the final plan a statement of the reasons for such action and return it to the subdivider.

(’76 Code, App. A, § 304)

(F) *Recording.* The subdivider shall present a copy of the approved final plat to the County Recorder. Unless the plat is duly recorded within 90 days from the date of final plat approval, the Commission approval of the plat shall expire and shall be of no effect until subsequently reinstated. (’76 Code, App. A, § 305)

(Ord. 908, passed 9-15-69)

## **§ 151.09 PLAT SPECIFICATIONS.**

(A) In a subdivision for residential use of less than five lots and where the lots abut existing public roads and utilities, the Commission may waive data requirements such as topographic, street and utility information, where the Commission deems such information is unnecessary. (’76 Code, App. A, § 401)

(B) *Sketch plan.* The subdivider may prepare a sketch plan to present to the Plan Commission at the advisory meeting this plan may be drawn as a freehand pencil sketch and does not require precise dimensions or any special sheet size. This sketch plan may be used to show the Plan Commission the location, proposed street and lot layout and any other significant features of the proposed subdivision.  
(’76 Code, App. A, § 402)

(C) *Preliminary plat.* The following maps and data shall be submitted with the application for preliminary plat approval. These maps and data may be on separate sheets or combined on one sheet, depending on the size and complexity of the proposed subdivision.

(1) A location map of the proposed subdivision showing:

- (a) A location within the City jurisdiction area.
- (b) Zoning of the tract and adjacent properties.
- (c) Existing related streets including the distances therefrom.

(2) A site map of the proposed subdivision and all lands within at least 100 feet of its boundaries showing:

- (a) Contours of the site at vertical intervals of two feet if the general slope is less than 10%, and at intervals of five feet if the general slope is greater than 10%;
- (b) Character and location of natural or artificial features existing on the land which would affect the design of the subdivision, such as wooded areas, streams, direction and gradient of ground slope, embankments, retaining walls, buildings, or nonresidential usage of land;
- (c) Names of owners or properties adjacent to the subdivision;
- (d) Existing and proposed streets and rights-of-way, including dedicated widths, roadway widths, approximate gradients; types and widths of pavements, curbs and sidewalks;
- (e) Existing and proposed easements, including widths and purposes;
- (f) Utilities, including the size, capacity, and location of sanitary sewers, storm sewers, drainage facilities, water lines, gas mains, and power lines;
- (g) Areas subject to periodic overflow of flood or stormwaters;
- (h) Subsurface conditions, including information about groundwater levels and stability of subsoils;
- (i) Tract boundary lines by calculated distances and bearings; and
- (j) Title, graphic scale, north point and date.

(3) A subdivision plat of the proposed subdivision drawn at a scale no smaller than 100 feet to one inch showing:

- (a) Subdivision name;
- (b) Names and addresses of owner, subdivider, and person who prepared the plan;
- (c) Street pattern, including the names (which shall not duplicate existing streets in the city unless it is an extension of an existing street), widths of rights-of-way of streets, widths of easements for



alleys, approximate grades of streets, widths of easements for alleys, approximate grades of streets where they exceed 8%.

(d) Layout of lots, including dimensions, numbers, building setback lines or front yard lines;

(e) Parcels of land to dedicated or reserved for schools, parks, playgrounds or other public or community use;

(f) Key plan, legend, notes, graphic scale, north point and date.

(4) Engineering plans for the proposed subdivision showing:

(a) Profiles, cross-sections and specifications for proposed street improvements;

(b) Profiles and other explanatory data concerning installation of water distribution systems, storm sewers, and sanitary sewers;

(c) A report on the feasibility of connection to an existing sewerage system, including distances to the nearest public sewer, service load of the subdivision, and capacity of the treatment plant;

(d) If connection to a public sewerage system is not feasible, a report on the feasibility of a separate sewerage system and treatment works for the subdivision, including the design population, type and location of the treatment plant and the receiving stream;

(e) If connection to a public or a private sewerage system is not feasible, a report on the feasibility of on-lot sewerage disposal, including a detailed map of the physical conditions of the site, contours, finished grades, watercourses, groundwater table elevations, and the results of soil percolation tests for each individual lot conducted in accordance with the recommended practices of the State Board of Health.

(5) Restrictions. A draft of the protective covenants or private restrictions to be adopted in the final subdivision plat.

('76 Code, App. A, § 403)

(D) *Final plat.* The final plat shall be drawn at a scale no smaller than 100 feet to one inch. The final plat shall show:

(1) Subdivision names, names and addresses of owner and subdivider, source of title of land as shown by the books of the County Recorder, graphic scale, north point, date, certificate of approval of Plan Commission.

(2) Survey data with certification by a registered professional engineer or land surveyor, showing:

(a) Calculated distances and bearings of the subdivision boundaries, lots, utility easements, streets, alleys, building setback lines, and parcels of reserved or dedicated land for community purposes;

(b) Location and distances to the nearest established street corners or official monuments, and of the streets intersecting the boundaries of the subdivision;

- (c) Location, type, material and size of monuments;
- (d) Complete curve data;
- (e) Lot numbers and street names.

(3) Notations as to whether improvements are dedicated or not.  
( '76 Code, App. A, § 404) (Ord. 908, passed 9-15-69)

#### **§ 181.10 DESIGN STANDARDS.**

(A) The Commission shall not approve any plat unless the land whereon buildings are to be constructed shall be of such character that it can be used for building purposes without danger to health or peril from fire, flood or other hazard. ( '76 Code, App. A, § 501)

(B) *Natural features.* Existing natural features which would add value to the subdivision and the city, such as trees, valleys, watercourses, historic spots and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision. ( '76 Code, App. A, § 502)

(C) *Streets.* The Commission shall not approve any plat unless all streets shown thereon shall be of sufficient width and proper grade, and shall be so located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of firefighting equipment to buildings, and provide a coordinated system of streets conforming to the city's Thoroughfare Plan.

(1) Local streets shall be so planned as to discourage through traffic.

(2) Wherever there exists a dedicated or platted portion of a street or alley along a boundary of the tract being subdivided, the remainder of said street or alley, to the prescribed width, shall be platted within the proposed subdivision.

(3) Half streets shall not be provided, except where it is essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations, or where it becomes necessary to acquire the remaining half by condemnation so it may be approved in the public interest.

(4) Cul-de-sacs shall normally not be longer than 500 feet, including a turnaround which shall be provided at the closed end with an outside curb radius of at least 40 feet and a right-of-way radius of not less than 50 feet. The maximum grade of the turnaround portion of the cul-de-sac shall be 5%.

(5) Alleys shall not be provided in residential districts, but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.

(6) The minimum distance between center line of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be 125 feet.

(7) Intersections of more than two streets at one point shall be avoided.

(8) Dead-end streets shall be prohibited unless provided with a turnaround or cul-de-sac arrangement.

(9) Right-of-way requirements may be increased where anticipated traffic flow warrants it, or if drainage easements should reasonably parallel such thoroughfares. Such increased width will be established by the Commission with the advice of the Engineer.

(10) Minimum right-of-way widths, paving widths, angle of intersection, curb radius, distance along sides of sight triangles, horizontal alignments, vertical alignments, as well as maximum grades shall be in accordance with the following table:

	<i>Arterial Streets</i>	<i>Collector Streets</i>	<i>Local Streets</i>	<i>Cul-de- Sacs</i>	<i>Crosswalks</i>	<i>Alley</i>
Right-of-way Width	70'	60'	50'	40'	12'	33'
Paving Width	40'	26'	24'	24'	10'	20'
Maximum Grade	7.5%	12%	14%	14%	—	14%
Minimum Angle for Intersection	90°	80°	70°	70°	—	70°
Minimum Curb Radius	35'	25'	15'	15'	—	5'
Grades for 25 Feet Before Intersection	3%	3%	3%	3%	—	3%
Site Triangles (Distance along sides of) Through St./Stop Street	500'/30'	500'/30'	250'/25'	250'/25'	—	50'/20'
Horizontal Alignment (Minimum Radii of Center Line)	600'	400'	200'	100'	—	100'
Vertical Curves (Minimum Sight Distance)	500'	350'	200'	100'	—	100'

('76 Code, App. A, § 503)

(D) *Blocks.* Blocks shall ordinarily not exceed 1,000 feet in length. Where it is necessary for blocks to exceed this length, pedestrian ways and/or easements may be required near the center of the block. ('76 Code, App. A, § 504)

(E) *Lots.* The lot and yard sizes shall conform with the requirements of the Zoning Code and the lots shall be designed in accord with the following design standards:

(1) Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private purposes and shall be served by a public or private street system, improved in accordance with this chapter and connected to the general street system.

(2) Sidelines of lots shall be approximately right angles to straight streets and on radial lines on curved streets wherever feasible. Pointed or very irregular lots shall be avoided unless such variations shall improve the overall neighborhood design.

(3) Double-frontage lots shall be avoided.

(4) When a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing with provision for adequate utility connections for each subdivision.

('76 Code, App. A, § 505)

(F) *Easements.* Easements for utilities and drainage shall have a minimum width of ten feet with access available to all portions of the easement. Where a subdivision is traversed by a watercourse, there shall be provided a stormwater easement or drainage right-of-way of width sufficient for the purpose. ('76 Code, App. A, § 506)

(G) *Water and Sewer systems.* The water supply and sewage disposal systems for the subdivision shall meet the design standards and requirements of the State Board of Health and the City Water and Sewer Departments. ('76 Code, App. A, § 507)

(H) *Planned unit development.* The design standards of this chapter may be modified by the Commission in the case of a plan utilizing an unusual concept of development which meets the requirements of this section. The planned unit development provision is intended to encourage original and imaginative subdivision design which preserves the natural amenities of the site and provides for the general welfare of the city.

(1) The unit plan shall be consistent with the spirit and intent of this chapter.

(2) The unit plan shall conform to the "Planned Unit Residential, Business, and Industrial Projects" requirements of the Zoning Code.

(3) The area of land to be developed shall not be less than five acres.

(4) Properties adjacent to the unit plan shall not be adversely affected.

('76 Code, App. A, § 508)

(Ord. 908, passed 9-15-69)

**Cross-reference:**

*Flood damage prevention, see Ch. 152*

*Planned unit developments, see § 153.33*

*Public utilities, see Title V*

**§ 151.11 IMPROVEMENTS.**

(A) All of the required improvements specified in this chapter shall be constructed in accordance with the Chapter 150 and all other applicable city, county and state regulations. ('76 Code, App. A, § 601)

(B) *Monuments and markers.* Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines; at all points where lot lines intersect curves, either front or rear; at all angles in property lines of lots and at all other lot corners. ('76 Code, App. A, § 602)

(C) *Streets.* The streets shall be graded to the grades and dimensions shown on plans and profiles and approved by the Commission and shall include the following improvements.

(1) Suitable drainage structures, culverts, storm sewers, ditches and related installations shall be provided to insure adequate drainage of all points along the streets.

(2) Curbs of concrete shall be required on all streets.

(3) Pavement shall be required on all streets and shall be of a material and thickness approved by the City Engineer in accordance with the latest Standard Specifications for Road and Bridge Construction and Maintenance of the State Highway Commission.

(4) Street shoulders shall be constructed which are uniformly and thoroughly compacted by rolling and level with the tops of curbs.  
('76 Code, App. A, § 603)

(D) *Storm drainage.* The construction of a storm drainage system shall conform to the following requirements:

(1) Drainage ditches or channels shall have a minimum gradient of 1%.

(2) Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.

(3) When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose materials, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulation on street surfaces.  
('76 Code, App. A, § 604)

(E) *Water supply.* Where public water supply is available, as determined by the Commission, the subdivider shall connect to such public water supply and construct a system of water mains with a connection for each lot.

(1) Where public water is not available, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs from said test wells which are obtained shall include the name and address of the well driller and shall be submitted with the plan to the Commission.

(2) If a private water supply is permitted, individual private wells shall be located at least 25 feet from property lines; 50 feet from all septic tanks; approximately 100 feet from all tile disposal fields and other sewage disposal facilities; 10 feet from all cast iron sewer lines; 30 feet from any vitrified sewer tile lines; and shall not be located within any floor plan.  
(‘76 Code, App. A, § 605)

(F) *Sewers.* Where the municipal sewer system is reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the municipal sanitary system. Where the municipal sewer system is not reasonably accessible to the subdivision, and in the judgement of the Commission, extension of the municipal sewage system to the subdivision will not take place in the foreseeable future, an approved package plant sewage disposal system serving the entire subdivision may be permitted or, if the soils and land area permit, private sewage disposal systems on individual lots consisting of septic tanks and tile absorption fields may be permitted. (‘76 Code, App. A, § 606)

(G) *Utilities.* Every lot in a subdivision shall be capable of being served by utilities, and the necessary easements shall be provided. Electric, gas and other utility distribution lines shall be installed within public rights-of-way or within properly designated easements. To the fullest extent possible, underground utility lines located in street rights-of-way shall not be installed beneath existing or proposed paved areas and in any case shall be installed prior to the placement of any paving. (‘76 Code, App. A, § 607)

(H) *Trees.* Trees may be planted along the streets and throughout the subdivision. The location and types of trees must meet the approval of the Commission. (‘76 Code, App. A, § 608)

(I) *Street signs.* Street name signs of a type adopted or approved by the Commission shall be installed at each street intersection by the subdivider, on a location specified by the Commission. (‘76 Code, App. A, § 609)

(Ord. 908, passed 9-15-69)

***Cross-reference:***

*Building Code, see Ch. 150*

*Height of trees, § 95.82*

*Planting of trees, see § 95.01*

*Public utilities, see Title V*

*Streets and sidewalks, see Ch. 95*

## **§ 151.12 INSPECTION.**

When the plans of streets and other improvements have been approved as provided in this chapter, the subdivider shall first notify the City or County Inspector of his intention to proceed with the construction or installation of the streets and improvements; notification shall be made at least 24 hours before any such construction or installation shall commence so as to give the Inspector an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of the streets and improvements during the course of work being performed. In order to defray a part of the costs incurred by the city or county in inspecting the installation of the improvements required by this chapter, the subdivider shall, before he proceeds with any construction or installation present a certified check or money order made payable to the city or county in an amount equal to 1½ percent of the Engineer's estimate of the cost of the improvements.

(‘76 Code, App. A, § 701) (Ord. 908, passed 9-15-69)

**§ 151.13 MAINTENANCE.**

Prior to any street, or other improvement being accepted by the city or county as hereinafter provided, the subdivider shall post a Maintenance Bond and/or other security naming the city or county as obligee in an amount deemed adequate by the city or county to insure maintenance of the improvements for a period of at least 12 months from the date of acceptance by the city or county. ('76 Code, App. A, § 702) (Ord. 908, passed 9-15-69)

**§ 151.14 ACCEPTANCE.**

After streets and improvements have been installed and constructed pursuant to the requirements contained in this chapter, and in the event that the subdivider desires to have the city or county accept the streets or improvements, the subdivider shall notify the proper city or county officials that the construction or installation has been completed, and shall supply the city or county with a minimum of four copies of the as-built plan on which the street or improvement in question has been constructed or installed. The four copies of the plan shall show thereon the signatures of all agencies and individuals who have approved the plan and contain a notice thereon as to where and when the plan was recorded in the Office of the County Recorder. The portion of street or improvement which the subdivider desires to have the city or county accept shall be shaded or colored on each of the four copies. The plan shall also clearly designate the number of lineal feet of the street or improvement which the subdivider desires to be accepted by the city or county.

('76 Code, App. A, § 703) (Ord. 908, passed 9-15-69)

**§ 151.15 APPEALS.**

Any decision or requirement of the Plan Commission made under the authority of this chapter is subject to the right of appeal and review by certiorari.

('76 Code, App. A, § 704) (Ord. 908, passed 9-15-69)

**§ 151.99 PENALTY.**

Any person who violates any provision of this chapter shall be guilty of an infraction and, upon conviction, shall be fined not more than \$2500. Each day the violation continues shall constitute a separate offense.

('76 Code, App. A, § 706) (Ord. 908, passed 9-15-69)





## **CHAPTER 152: FLOOD DAMAGE PREVENTION**

### **Section**

- 152.01 Statutory authorization
- 152.02 Purpose
- 152.03 Definitions
- 152.04 Duties of the administrator
- 152.05 Regulatory flood elevation
- 152.06 Improvement location permit
- 152.07 Preventing increased damages
- 152.08 Protecting buildings
- 152.09 Other development requirements
- 152.10 Variances
- 152.11 Abrogation and greater restrictions
  
- 152.99 Penalty

### **§ 152.01 STATUTORY AUTHORIZATION.**

The Indiana Legislature granted the power to local units of government (IC 36-7-4) to control land use within their jurisdictions in order to accomplish the following.  
(Ord. 1298, passed 10-19-92; Am. Ord. 1320, passed 11-1-93; Am. Ord. 1421, passed 10-4-99)

### **§ 152.02 PURPOSE.**

(A) The purpose of this chapter is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief.

(B) The authority is granted to local units of government to control land use within their jurisdiction, which includes the following floodplain management regulations in order to accomplish the following:

- (1) To prevent unwise developments from increasing flood or drainage hazards to others;
- (2) To protect new buildings and major improvements to buildings from flood damage;
- (3) To protect human life and health from the hazards of flooding;
- (4) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- (5) To maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and,

(6) To make federally subsidized flood insurance available for structures and their contents in the city by fulfilling the requirements of the National Flood Insurance Program.  
(Ord. 1298, passed 10-19-92)

### § 152.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BUILDING.** See **STRUCTURE**.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate.

(1) **DEVELOPMENT** includes but is not limited to:

- (a) Construction, reconstruction, or placement of a building or any addition to a building;
- (b) Installing a manufactured home on a site or preparing a site for a manufactured home;
- (c) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (d) Construction of flood control structures such as levees, dikes, dams, channel improvements, and the like;
- (e) Mining, dredging, filling, grading, excavation, or drilling operations;
- (f) Construction and/or reconstruction of bridges or culverts;
- (g) Storage of materials; or
- (h) Any other activity that might change the direction, height, or velocity of flood or surface waters.

(2) **DEVELOPMENT** does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing, resurfacing roads, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** Means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** Means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

**FBFM.** Flood Boundary and Floodway Map.

**FEMA.** Federal Emergency Management Agency.

**FHBM.** Flood Hazard Boundary Map.

**FIRM.** Flood Insurance Rate Map.

**FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**FLOODPLAIN.** The channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.

**FLOOD PROTECTION GRADE (FPG).** The elevation of the regulatory flood plus two feet at any given location in the SFHA.

**FLOODWAY.** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.

**FLOODWAY FRINGE.** Those portions of the floodplain lying outside the floodway.

**LETTER OF MAP AMENDMENT (LOMA).** An amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.

**LETTER OF MAP REVISION (LOMR).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**LOWEST FLOOR.** Means the lowest of the following:

- (1) The top of the basement floor;
- (2) The top of the garage floor, if the garage is the lowest level of the building;
- (3) The top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
- (4) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
  - (a) The walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade.

(b) Such enclosed space shall be usable for the parking of vehicles and building access.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

**RECREATIONAL VEHICLE.** A vehicle which is built on a single chassis; horizontal projections; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling, but as temporary living quarter.

**REGULATORY FLOOD.** The flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in § 152.05. The "Regulatory Flood" is also known by the term "Base Flood."

**SPECIAL FLOOD HAZARD AREA (SFHA).** Those lands within the jurisdiction of the city that are subject to inundation by the regulatory flood. The SFHA's of the city are generally identified as such on the Flood Insurance Rate Map of the city prepared by the Federal Emergency Management Agency and dated July 2, 1981. The SFHA's of those parts of unincorporated Madison County that are within the extraterritorial jurisdiction of the city or that may be annexed into the city are generally identified as such on the Flood Insurance Rate Map for Madison County prepared by the Federal Emergency Management Agency and dated February 1, 1994.

**STRUCTURE.** A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building.

**SUBSTANTIAL IMPROVEMENT.** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."  
(Ord. 1298, passed 10-19-92; Am. Ord. 1320, passed 11-1-93; Am. Ord. 1421, passed 10-4-99)

#### **§ 152.04 DUTIES OF THE ADMINISTRATOR.**

(A) The Building Inspector shall implement this chapter and hereafter be referred to as the Zoning Administrator.

(B) The Zoning Administrator for the city is appointed to review all development and subdivision proposals to insure compliance with this chapter, including but not limited to the following duties:

- (1) Ensure that all development activities within the SFHA's of the jurisdiction of the city meet the requirements of this chapter.
- (2) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- (3) Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to § 152.07, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).
- (4) Maintain a record of the "as-built" elevation of the top of the lowest floor (including basement) of all new and/or substantially improved buildings constructed in the SFHA. Inspect before, during and after construction.
- (5) Maintain a record of the engineer's certificate and the "as built" floodproofed elevation of all buildings subject to § 152.08.
- (6) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this chapter. Submit reports as required for the National Flood Insurance Program.
- (7) Maintain the public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as built" elevation and floodproofing data for all building constructed subject to this chapter.
- (8) Notify adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse and submit copies of such notifications to FEMA.  
(Ord. 1298, passed 10-19-92; Am. Ord. 1421, passed 10-4-99)

#### **§ 152.05 REGULATORY FLOOD ELEVATION.**

This chapter's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

(A) The regulatory flood elevation and floodway limits for the SFHA's of Pipe Creek and Alexandria Creek shall be a delineated on the 100-year flood profiles in the Flood Insurance Study of the city dated January 2, 1981 and the corresponding FIRM dated July 2, 1981, prepared by the Federal Emergency management Agency.

(B) The regulatory flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the city.

(C) The regulatory flood elevation for each of the remaining SFHA's delineated as a "A Zone" on the Flood Insurance Rate Map of the city shall be according to the best data available as provided by the Department of Natural Resources.

(D) The regulatory flood elevation and floodway limits for the SFHA's of those parts of unincorporated Madison County that are within the extraterritorial jurisdiction of the city or that may

be annexed into the city and are delineated as Zone A on the Flood Insurance Rate Map for the county dated February 1, 1994, to the best data available as provided by the Department of Natural Resources.

(E) If the SFHA is delineated as "AH Zone or AO Zone," the elevation (or depth) will be delineated on the County Flood Insurance Rate Map. If the SFHA is delineated as "Zone A" on the County Flood Insurance rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources.

(Ord. 1298, passed 10-19-92; Am. Ord. 1320, passed 11-1-93; Am. Ord. 1421, passed 10-4-99)

#### **§ 152.06 IMPROVEMENT LOCATION PERMIT.**

(A) No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining a building permit from the Building Inspector. The Building Inspector shall not issue a permit if the proposed "development" does not meet the requirements of this chapter.

(B) The application for a building permit shall be accompanied by the following:

(1) A description of the proposed development;

(2) Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;

(3) A legal description of the property site;

(4) A site development plan showing existing and proposed development locations and existing and proposed land grades;

(5) Elevation of the top of the lowest floor (including basement) of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.

(C) Upon receipt of an application for a building permit, the Building Commissioner shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.

(1) If the site is in an identified floodway, the Building Commissioner shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving and the like, undertaken before the actual start of construction of the building. No action shall be taken by the Building Inspector until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Building Official may issue the local building permit, provided the provisions contained in §§ 152.07 and 152.08 have been met. The permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

(2) If the site is located in an identified floodway fringe, then the Building Commissioner may issue the local Improvement Location Permit provided the provisions contained in §§ 152.07 and 152.08 have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).

(3) If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment. No action shall be taken by the Building Commissioner until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources. Once the Building Commissioner has received the proper permit or letter of recommendation approving the proposed development, an Improvement Location Permit may be issued provided the conditions of the permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in §§ 152.07 and 152.08 have been met.  
(Ord. 1298, passed 10-19-92) Penalty, see § 152.99

#### **§ 152.07 PREVENTING INCREASED DAMAGES.**

No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

(A) Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:

(1) No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and

(2) For all projects involving channel modifications or fill (including levees) the city shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data;

(B) Within all SFHA's identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply: The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth of one foot and will not increase flood damages or potential flood damages.

(C) Public Health Standards in all SFHA's.

(1) No development in the SFHA shall include locating or storing chemicals, explosives, flammable liquids, or other hazardous materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of § 152.08.

(2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight.

(Ord. 1298, passed 10-19-92; Am. Ord. 1320, passed 11-1-93) Penalty, see § 152.99

**§ 152.08 PROTECTING BUILDINGS.**

In addition to the damage prevention requirements of § 152.07, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

(A) This building protection requirement applies to the following situation:

- (1) Construction or placement of any new building;
- (2) Structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land);
- (3) Any subsequent alterations;
- (4) Reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage incurred;
- (5) Installing a manufactured home on a new site or a new manufactured home on an existing site. This chapter does not apply to returning the existing manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage;

(B) This building protection requirement may be met by one of the following methods. The Building Commissioner shall maintain a record of compliance with these building protection standards as required in § 152.04.

(1) A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:

(a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the standard Proctor Test method.

(b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.

(d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

(e) The top of the lowest floor including basements, (see definition of lowest floor in § 152.03. Definitions) shall be at or above the FPG.

(2) A residential or nonresidential building may be elevated in accordance with the following:

(a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:



1. Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one foot above grade.

2. Any enclosure below the elevated floor is used for storage of vehicles and building access.

(b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice, and floating debris.

(c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(3) Manufactured homes to be installed must meet one of the following anchoring requirements:

(a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;

1. Outside a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on which a manufactured home has "substantial damage" as a result of a flood.

(b) This requirement applies to all manufactured homes to be placed on site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood. The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(4) A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:

(a) A Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.

(b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

(Ord. 1298, passed 10-19-92) Penalty, see § 152.99

#### **§ 152.09 OTHER DEVELOPMENT REQUIREMENTS.**

(A) The Building Commissioner shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by chapter. If the Building Commissioner finds the subdivision to be so located, the Building Commissioner shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Building Commissioner shall require appropriate changes and modifications in order to assure that:

(1) It is consistent with the need to minimize flood damages;

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize and eliminate flood damage;

(3) Onsite waste disposal system will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.

(B) Developers shall record the 100 year flood elevation on all subdivision plats containing lands (identified elsewhere by this ordinance) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.

(C) All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filled with and approved by the appropriate community emergency management authorities.

(Ord. 1298, passed 10-19-92; Am. Ord. 1320, passed 11-1-93)

#### **§ 152.10 VARIANCES.**

(A) The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this chapter provided the applicant demonstrates that:

(1) There exists a good and sufficient cause for the requested variance;

(2) The strict application of the terms of this chapter will constitute an exceptional hardship to the applicant, and

(3) The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.

(B) The Board of Zoning Appeals may issue a variance to the terms and provisions of this division subject to the following standards and conditions:

(1) No variance or exception for a residential use within a floodway subject to § 152.07 (A) or (B) of this chapter may be granted.

(2) Any variance or exception granted, in a floodway subject to § 152.07 (A) or (B) of this chapter will require a permit from Natural Resources.

(3) Variances or exceptions to the Building Protection Standards of § 152.08 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.

(4) Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;

(5) All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and

(6) The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this chapter does not create any liability on the part of the community, Natural Resources, or the State of Indiana for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder.  
(Ord. 1298, passed 10-19-92)

#### **§ 152.11 ABROGATION AND GREATER RESTRICTIONS.**

This chapter repeals and replaces other ordinances adopted by the city to fulfill the requirements of the National Flood Insurance Program. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. In addition, the city shall assure that all National Flood Insurance Program regulations and laws (310 IAC 6-1-1, IC 14-28-1, and IC 14-28-3) are met.

(Ord. 1298, passed 10-19-92; Am. Ord. 1421, passed 10-4-99)

#### **§ 152.99 PENALTY.**

(A) Failure to obtain a Building Permit in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this chapter. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the zoning code for the city. All violations shall be punishable by a fine not exceeding \$2,500.

(B) A separate offense shall be deemed to occur for each day the violation continues to exist.

(C) The City Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance Policy to be suspended.

(D) Nothing herein shall prevent the city from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. 1298, passed 10-19-92)

## **CHAPTER 153: ZONING CODE**

### **Section**

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***GENERAL PROVISIONS*****§ 153.01 PURPOSE.**

(A) This chapter:

- (1) Regulates the location and use of structures and land for residences, business, industry and other purposes;
- (2) Regulates the location and height of structures, the size of yards and other open space, automobile parking and the density of population;
- (3) Provides a method of administration by establishing a Board of Zoning Appeals and prescribing duties and powers of officials;
- (4) Prescribes penalties for violations.

(B) This chapter is in accordance with a Comprehensive Plan and is adopted so that:

- (1) Adequate light, air, convenience of access and safety from fire, flood, and other danger may be secured;
- (2) Congestion in public streets may be lessened or avoided; and
- (3) The public health, safety, comfort, morals, convenience and general public welfare may be promoted.

(C) This chapter is made with reasonable regard to existing conditions, the character of buildings erected in each district, the most desirable use for which the land in each district may be adopted and the conservation of property values throughout the territory under the jurisdiction of the City Plan Commission.

('76 Code, App. 3) (Ord. 907, passed 9-15-69; Am. Ord. 1162, passed 11-7-83)

**§ 153.02 TITLE.**

The official title of this chapter is the Zoning Code of the city.  
(‘76 Code, App. B, § 101) (Ord. 907, passed 9-15-69)

**§ 153.03 STATUTORY AUTHORIZATION.**

This chapter is adopted pursuant to Chapter 174 of the Acts of the General Assembly of Indiana, 1947, and all acts supplemental and amendatory thereto.  
(‘76 Code, App. B, § 102) (Ord. 907, passed 9-15-69)

**§ 153.04 COMPLIANCE.**

No structure shall be located, erected, constructed, reconstructed, moved, converted, or enlarged; nor shall any structure or land be used or be designed to be used, except in full compliance with all the provisions of this chapter and after the lawful issuances of permits required by this chapter.  
(‘76 Code, App. B, § 103)

**§ 153.05 SEVERABILITY.**

If any provision of this chapter or the application of any provision to particular circumstances is held invalid, the remainder of the chapter or the application of such provision to other circumstances shall not be affected.  
(‘76 Code, App. B, § 104)

**§ 153.06 JURISDICTIONAL AREA.**

This chapter shall apply to all incorporated land within the city and the contiguous unincorporated land within the jurisdictional area as shown on the Jurisdictional Area Zone Map on file with the City Clerk-Treasurer and with the County Recorder.  
(‘76 Code, App. B, § 105)

**§ 153.07 APPLICATION.**

It is not intended by this chapter to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this chapter to repeal, abrogate, annul or in any way interfere with any existing provisions of laws or ordinances, or any rules, regulations or permit previously adopted or issued pursuant to law relating to the use of buildings or premises provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this chapter shall control; but where such private covenants, permits, agreements, rules, or regulations impose a greater restriction than is imposed by this Chapter, the greater restrictions shall control.  
(‘76 Code, App. B, § 106) (Ord. 907, passed 9-15-69)

**§ 153.08 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY USE.** A use customarily incidental and subordinate to the principal use and located on the same lot as the principal use.

**AGRICULTURE.** Any use of land or structures for farming, dairying, pasturage, agriculture, horticulture, floriculture, arboriculture, or animal or poultry husbandry. Accessory uses permitted in conjunction with an agricultural use may include barns, stables, corn cribs, silos, and any other use or structure that is clearly a part of an agricultural operation.

**AREA.** Area of a lot or site shall be calculated from dimensions derived by horizontal projection of the site.

**BASEMENT.** A story having more than 50% of its clear height below finished grade.

**BOARD.** The Board of Zoning Appeals established by this chapter.

**CLINIC.** Any establishment where human patients are examined and treated by doctors or dentists but not hospitalized overnight.

**CLUB.** An establishment operated for social, recreational, or educational purposes but open only to members and not the general public.

**COVERAGE.** The percentage of the lot area covered by principal and accessory use structures.

**DWELLING UNIT.** Any structure or part of a structure designed or used as the living quarters for one family.

**ESSENTIAL SERVICES.** The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**FAMILY.** One or more persons occupying a premises and living as a single housekeeping unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

**HOME OCCUPATION.** An occupation carried on in a dwelling unit which is clearly incidental and secondary to the use of the building for dwelling purposes, and which does not change the character thereof.

**JUNK YARDS or SALVAGE YARDS.** The same shall include any automobile wrecking yard and shall be a lot or portion thereof used for the storage, keeping, or abandonment of junk, which shall include



scrap metal and/or metal parts or vehicle parts, machinery, and/or parts thereof; and any other items of salvage which are stored or maintained as part of an on-going or existing business or occupation of real estate.

**LIGHT INDUSTRIAL.** The processing and fabrication of certain materials and products where no process involved will produce noise, vibration, air pollution, fire hazard, or noxious emission which will disturb or endanger neighboring properties.

**LOT.** A parcel of land occupied or capable of being occupied by one or more structures.

**LOT OF RECORD.** Any lot which individually, or as a part of a subdivision, has been recorded in the office of Recorder of Deeds of the County.

**LOT, DEPTH OF.** A mean horizontal distance between the front and rear lot lines.

**LOT, MINIMUM AREA OF.** The horizontally projected area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

**LOT, WIDTH OF.** The mean width measured at right angles to its depth.

**MOBILE HOME.** Any mobile vehicle used or designed to be used for living purposes, whether the wheels be attached or not. A travel trailer, as defined herein, shall be considered a mobile home if occupied.

**NONCONFORMING STRUCTURE.** A structure designed, converted, or adapted for a use prior to the adoption of provisions prohibiting such use in this location.

**NONCONFORMING USE.** Any use or arrangement of land or structures legally existing at the time of the enactment of this Code or any of its amendments, which does not conform to the provisions of this Code.

**STRUCTURE.** Anything constructed or erected, the use of which requires a fixed location on the ground, including, in addition to buildings, billboards, carports, porches, and other building features, but not including sidewalks, drives, fences, and patios

**SUPPLY YARDS.** A commercial establishment storing or offering for sale building supplies, coal, heavy equipment, feed and grain, and similar goods. Supply yards do not include the wrecking, salvaging, dismantling, or storage of automobiles and similar vehicles.

**TRAVEL TRAILER.** A mobile vehicle, with wheels designed for overnight living or camping purposes, capable of being towed by a passenger automobile and having an over-all length of less than 25 feet and an over-all width of less than eight feet.

('76 Code, App. B, § 701) (Ord. 907, passed 9-15-69; Am. Ord. 1213, passed 8-3-87)

**DISTRICT REGULATIONS****§ 153.20 ZONE MAPS.**

Two copies of the map captioned "City of Alexandria Zone Map 1983" are hereby adopted and incorporated by reference into this Code. These maps are on file and available for public inspection in the office of the Clerk-Treasurer.

('76 Code, App. B, § 201) (Ord. 907, passed 9-15-69; Am. Ord. 1162, passed 11-7-83)

**§ 153.21 ZONING DISTRICTS.**

The city and its unincorporated jurisdictional area are divided into the districts stated in this chapter as shown by the district boundaries on the zone maps. The districts are:

(A) C-1 Conservation.

(B) A-1 Agriculture-Residential.

(C) R-1 Residential.

(D) R-2 Residential.

(E) B-1 Business.

(F) B-2 Business.

(G) I-1 Industrial.

('76 Code, App. B, § 202) (Ord. 907, passed 9-15-69)

**§ 153.22 DISTRICT BOUNDARIES.**

District boundaries shown within the lines of streets, streams, and transportation rights-of-way shall be deemed to follow the center lines. The vacation of streets shall not affect the location of such district boundaries. When the Building Commissioner cannot definitely determine the location of a district boundary by such center lines, by the scale or dimensions stated on the Zone Map, or by the fact that it clearly coincides with a property line, he shall refuse action, and the Board of Zoning Appeals, upon appeal, shall interpret the location of the district boundary with reference to the scale of the Zone Map and the purposes set forth in all relevant provisions of this chapter.

('76 Code, App. B, § 203) (Ord. 907, passed 9-15-69)

**§ 153.23 SUMMARIZATION OF DISTRICTS.**

(A) *Conservation District.* The district designated for Conservation, C-1, is limited to agricultural, recreational and certain other open land uses. Residential and related uses are permitted if approved

by the Board of Zoning Appeals. The purpose of this district is to prevent intensive development of land that is unsuitable for development because of topography, soil conditions or periodic flooding. ('76 Code, App. B, § 204)

(B) *Agriculture-Residential District.* The district designated for agriculture-residential use, A-1, is intended to preserve and protect agricultural land from undesirable urban growth while permitting limited residential development on large-size lots which provide adequate space for private water and sewerage facilities. Planned residential subdivisions with smaller-size lots may be approved by the Board of Zoning Appeals if the development provides for common utilities systems and meets the requirements of § 153.33. ('76 Code, App. B, § 205)

(C) *Residential districts.* Districts designated for residential use, R-1 and R-2, are limited to dwellings and public or semi-public uses which are normally associated with residential neighborhoods. The only uses permitted in the residential districts are those which would not detract from the residential character of the neighborhood. The purpose of these two districts is to create an attractive, stable, and orderly residential environment. However, the families per dwelling and the lot and yard requirements are different in the two districts to provide for the various housing needs and desires of the citizens. ('76 Code, App. B, § 206)

(D) *Business districts.* The districts designated for business, B-1 and B-2, are limited to business, public and certain residential uses. By establishing compact districts for such uses, more efficient traffic movement, parking facilities, fire protection and police protection may be provided. Industrial uses are excluded in order to reduce the hazards caused by extensive truck and rail movements normally associated with such uses. The purpose of these districts is to provide unified shopping districts conveniently located. ('76 Code, App. B, § 207)

(E) *Industrial District.* The district designated for industry, I-1, provides suitable space for existing industries and their expansion as well as for future industrial development. Performance standards, parking specifications, and yard regulations are set forth in this chapter in order to insure safe industrial development that is compatible with adjacent uses. The locations of the districts are near railroads or highways in order to meet the transportation needs of industry. ('76 Code, App. B, § 208)  
(Ord. 907, passed 9-15-69)

#### **§ 153.24 PERMITTED USES.**

The permitted uses and special exceptions for each district are shown on the following table (which begins on the next page). Uses given in the following categories shall be according to the common meaning of the term or according to definitions given in § 153.06. Uses not specifically listed or defined to be included in the categories under this section shall not be permitted:

**Alexandria - Land Usage**

<b><i>Permitted Uses</i></b>	<b><i>Special Exceptions (\$ 153.62)</i></b>
<b><i>C-1 Conservation District</i></b>	
<ol style="list-style-type: none"> <li>1. Agriculture</li> <li>2. Public parks and playgrounds</li> <li>3. Game preserves</li> <li>4. Essential services</li> <li>5. Accessory uses</li> </ol>	<ol style="list-style-type: none"> <li>1. Single-family dwellings</li> <li>2. Riding Stables</li> <li>3. Churches</li> <li>4. Swimming pools</li> <li>5. Cemeteries</li> <li>6. Golf courses</li> <li>7. Water and sewage treatment plants</li> </ol>
<b><i>A-1 Agriculture-Residential District</i></b>	
<ol style="list-style-type: none"> <li>1. Agriculture</li> <li>2. Single-family dwellings</li> <li>3. Public and parochial schools</li> <li>4. Public parks and playgrounds</li> <li>5. Churches</li> <li>6. Essential services</li> <li>7. Accessory uses</li> </ol>	<ol style="list-style-type: none"> <li>1. Noncommercial recreational uses</li> <li>2. Nursery schools</li> <li>3. Hospitals and clinics</li> <li>4. Public utility buildings</li> <li>5. Swimming pools</li> <li>6. Fire stations</li> <li>7. Municipal buildings and libraries</li> <li>8. Planned unit residential projects</li> <li>9. Cemeteries</li> <li>10. Rest Homes</li> <li>11. Mobile home parks</li> <li>12. Parking lots</li> <li>13. Golf courses</li> <li>14. Private clubs</li> <li>15. Home occupations</li> <li>16. Greenhouse</li> <li>17. Water and sewerage treatment plant</li> </ol>

<b><i>Permitted Uses</i></b>	<b><i>Special Exceptions (\$ 153.62)</i></b>
<b><i>R-1 Residential District</i></b>	
<ol style="list-style-type: none"> <li>1. Single-family dwellings</li> <li>2. Public and parochial schools</li> <li>3. Public parks and playgrounds</li> <li>4. Churches</li> <li>5. Essential services</li> <li>6. Accessory uses</li> </ol>	<ol style="list-style-type: none"> <li>1. Nursery schools</li> <li>2. Hospitals and clinics</li> <li>3. Public utility buildings</li> <li>4. Swimming pools</li> <li>5. Fire stations</li> <li>6. Municipal buildings and libraries</li> <li>7. Planned unit residential projects</li> <li>8. Private clubs</li> <li>9. Parking lots</li> <li>10. Agriculture</li> <li>11. Home occupations</li> <li>12. Cemeteries</li> </ol>
<b><i>R-2 Residential District</i></b>	
<ol style="list-style-type: none"> <li>1. Single-family dwellings</li> <li>2. Two-family dwellings</li> <li>3. Public and parochial schools</li> <li>4. Churches</li> <li>5. Public parks and playgrounds</li> <li>6. Essential services</li> <li>7. Accessory uses</li> </ol>	<ol style="list-style-type: none"> <li>1. Nursery schools</li> <li>2. Hospitals and clinics</li> <li>3. Public utility buildings</li> <li>4. Swimming pools</li> <li>5. Fire stations</li> <li>6. Municipal buildings and libraries</li> <li>7. Planned unit residential projects</li> <li>8. Multiple-family dwellings</li> <li>9. Rest homes</li> <li>10. Private clubs</li> <li>11. Parking lots</li> <li>12. Home occupations</li> <li>13. Funeral homes</li> </ol>

## Alexandria - Land Usage

<i>Permitted Uses</i>	<i>Special Exceptions (\$ 153.62)</i>
<b><i>B-1 Business District</i></b>	
<ol style="list-style-type: none"> <li>1. Retail businesses</li> <li>2. Eating and drinking establishments</li> <li>3. Offices and banks</li> <li>4. Personal and professional services</li> <li>5. Fire stations and municipal buildings</li> <li>6. Public parks</li> <li>7. Parking lots</li> <li>8. Essential services</li> <li>9. Accessory uses</li> </ol>	<ol style="list-style-type: none"> <li>1. Research laboratories</li> <li>2. Theaters</li> <li>3. Planned unit business projects</li> <li>4. Multiple-family dwellings</li> <li>5. Single-family dwellings</li> <li>6. Automobile sales, service and repair</li> <li>7. Wholesale business</li> <li>8. Hotels and motels</li> <li>9. Commercial schools</li> <li>10. Commercial recreation</li> <li>11. Public utility buildings</li> <li>12. Printing shops</li> <li>13. Churches</li> <li>14. Schools, public and parochial</li> <li>15. Cleaners and laundries</li> <li>16. Light glass manufacturing</li> <li>17. Private clubs</li> </ol>
<b><i>B-2 Business District</i></b>	
<ol style="list-style-type: none"> <li>1. Retail business</li> <li>2. Eating and drinking establishments</li> <li>3. Offices and banks</li> <li>4. Personal and professional services</li> <li>5. Fire stations and municipal buildings</li> <li>6. Public utility buildings</li> <li>7. Parking lots</li> </ol>	<ol style="list-style-type: none"> <li>1. Theaters</li> <li>2. Supply yards</li> <li>3. Commercial recreation</li> <li>4. Planned unit business projects</li> <li>5. Dairies</li> <li>6. Single-family dwellings</li> <li>7. Multiple-family dwellings</li> </ol>

<i>Permitted Uses</i>	<i>Special Exceptions (\$ 153.62)</i>
<b><i>B-2 Business District (Cont'd)</i></b>	
8. Public parks 9. Accessory uses 10. Essential services 11. Automobile sales, service and repair 12. Hotels and motels 13. Cleaners and laundries 14. Mobile home sales	8. Wholesale businesses 9. Printing shops 10. Warehouses 11. Commercial schools 12. Churches 13. Schools, public and parochial 14. Hospitals and clinics 15. Funeral homes 16. Farm implement sales, service and repair 17. Mobile home parks 18. Junk or salvage yard 19. Light glass manufacturing 20. Private clubs
<b><i>I-1 Industrial District</i></b>	
1. Research and testing laboratories 2. Offices 3. Warehouses 4. Parking lots 5. Light industrial 6. Essential services 7. Accessory uses 8. Wholesale businesses	1. Motels 2. Planned unit industrial projects 3. Restaurants 4. Truck and railroad terminals 5. Supply yards 6. Agriculture 7. Fire stations and municipal buildings 8. Water-sewage treatment plants 9. Grain elevators 10. Junk or salvage yard

('76 Code, App. B, § 209) (Ord. 907, passed 9-15-69; Am. Ord. 1213, passed 8-3-87; Am. Ord. 1312, passed 5-3-93; Am. Ord. 1332, passed 8-22-94)

**§ 153.25 LOT AND YARD REQUIREMENTS.**

(A) The minimum lot area, minimum width of lot, minimum depth of front yard, minimum width of each side yard, and minimum depth of rear yard for each district shall be as shown on the following table:

<i>District</i>	<i>Minimum Lot Area (Sq. Ft.)</i>	<i>Minimum Lot Area Per Family (Sq. Ft.)</i>	<i>Minimum Lot Width (Feet)</i>	<i>Minimum Depth Front Yard (Feet)</i>	<i>* Minimum Width Side Yard (Feet)</i>	<i>* Minimum Depth Rear Yard (Feet)</i>
C-1	40,000	40,000	150	40	20	20
A-1	40,000	40,000	150	40	20	20
R-1	10,000	10,000	70	35	10	10
R-2	7,000	3,500	45	30	8	10
B-1	3,000 for comm. use 4,000 for res. use	4,000	30	0	0	0
B-2	5,000	5,000	50	20	10	5
I-1	20,000	N/A	100	30	20	10
* Principal structure.						

(B) Lots which abut on more than one street shall provide the required front yards along every street.

(C) No portion of a principal structure, whether open or enclosed, including garages, porches, carports, balconies, roofs, or platforms above normal grade level, shall project into any minimum front, side or rear yard. Accessory structures may be located within five feet of the side and rear property lines.

(D) Any lot of record existing at the effective date of this chapter and then held in separate ownership different from the adjoining lots may be used for the erection a structure conforming to the use or regulations of the district in which it is located, even though its area and width are less than the minimum requirements of this chapter.

(E) In any residential district where at least 25% of the lots in a block are occupied by existing residential structures, the minimum depth of a front yard may be the average of the depths of the front yards of the existing residential structures.

(G) (1) In any business or industrial district hereafter or in any district area where there exists a junk yard, salvage yard, or automobile wrecking yard, at the time of adopting this section [August 3, 1987], the junk yard, salvage yard, or auto wrecking yard must be completely surrounded by a suitable solid fence or wall at least eight feet in height, which shall be continuously maintained by the owner and/or operator.



(2) Any and all automobile wrecking yard, junkyard or salvage yard which are not enclosed and are in existence at the time of the passing of this section [August 3, 1987] shall be surrounded by solid fencing or walls within 180 days of the passage of this section, the fencing or wall to comply with the requirements set forth herein or, in the alternative, said junk, salvage or auto wrecking yard shall be cleared and all such items of junk or salvage removed within the 180 day period. Each day that a condition of noncompliance exists hereunder shall constitute a violation under § 153.98.

(3) Prior to the erection of any fence or wall to be built to comply herewith the responsible party building said wall or fence shall submit the specifications of type of fence or wall and materials to be utilized in the erection thereof to the City Building Commissioner for a certificate of appropriateness prior to proceeding with the construction thereof.

('76 Code, App. B, § 210) (Ord. 907, passed 9-15-69; Am. Ord. 1213, passed 8-3-87)

#### **§ 153.26 HEIGHT REGULATIONS.**

No principal structure shall exceed 35 feet in height above average ground level and no accessory building shall exceed 16 feet in height above ground level unless approved by the Board of Zoning Appeals. The Board may authorize a variance to this height regulation in any district if:

(A) All front and side yard depths are increased one foot for each additional foot of height; or

(B) The structure is any of the following and does not constitute a hazard to an established airport: television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers and scenery lots, cooling towers, ornamental towers and spires, chimneys, silos, elevator bulkheads, smokestacks, conveyors, and flagpoles.

('76 Code, App. B, § 211) (Ord. 907, passed 9-15-69)

#### **§ 153.27 FLOOR AREA.**

No residential structure shall be erected or altered so that its floor area is less than 750 square feet, exclusive of porches, terraces, garages, and exterior stairs. Mobile homes shall have a floor area of at least 500 square feet.

('76 Code, App. B, § 212) (Ord. 907, passed 9-15-69)

#### **§ 153.28 NONCONFORMING USES.**

The following provisions shall apply to all nonconforming uses:

(A) A nonconforming use may be continued but may not be extended, expanded, or changed unless to a conforming use, except as permitted by the Board of Zoning Appeals in accordance with the provisions of this chapter.

(B) Any nonconforming structure damaged by fire, flood, explosion, or other casualty may be reconstructed and used as before if such reconstruction is performed within 12 months of such casualty, and if the restored structure has no greater coverage and contains no greater cubic content than before such casualty.

(C) In the event that any nonconforming use, conducted in a structure or otherwise, ceases, for whatever reason, for any period of one year, or is abandoned for any period, such nonconforming use shall not be resumed.

('76 Code, App. B, § 301) (Ord. 907, passed 9-15-69)

#### **§ 153.29 ACCESSORY USES.**

Accessory uses and structures such as private garages, tool sheds, fences, retaining walls, and landscaping are permitted in all districts in conjunction with a primary use or structure provided the accessory use does not change the character of the district in which it is located.

(A) A private swimming pool may be permitted as an accessory use if it is surrounded by a wall or fence at least five feet high so as to prevent uncontrolled access by children.

(B) A mobile home may be permitted as an accessory use in the A-1 district if it is in conjunction with an existing permanent dwelling unit situated on at least one acre of land and if the mobile home is occupied by a relative or employee of the family resident in the permanent dwelling unit.

('76 Code, App. B, § 302) (Ord. 907, passed 9-15-69)

#### **§ 153.30 OFF-STREET PARKING.**

(A) Off-street parking spaces shall be provided in accordance with the specifications in this section in all districts, except the B-1 Business District, whenever any new use is established or existing use is enlarged.

<i>Use</i>	<i>Parking Spaces Required</i>
Residential	2 per dwelling unit
Church and school	1 per 6 seats in principal assembly room
Hotels and motels	1 for each living or sleeping unit
Private club or lodge	1 per 4 members
Theater	1 per 4 seats
Hospitals and rest homes	1 per 3 beds and 1 for each 2 employees on the maximum shift
Professional offices, wholesale houses, and medical clinics	1 for every 250 sq. ft. of floor space
Retail businesses, eating and drinking places, and personal service establishments	1 for every 100 sq. ft. of floor space

<i>Use</i>	<i>Parking Spaces Required</i>
Bowling alleys	5 for each alley
Recreational or assembly places; e.g., dance halls, night clubs; funeral homes	1 for every 100 sq. ft. of floor space
Industrial	1 for each two employees on the maximum working shift

(B) Parking spaces may be located on a lot other than that containing the principal use with the approval of the Board of Zoning Appeals.

(C) Any off-street parking lot for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

(D) Any lighting used to illuminate any off-street parking lot shall be so arranged as to reflect the light away from adjoining premises in any R District.  
(‘76 Code, App. B, § 303) (Ord. 907, passed 9-15-69)

### **§ 153.31 MOBILE HOME PARKS.**

Mobile home parks, where permitted, shall be in accordance with the Mobile Home Parks Act of 1955, as amended; the Indiana State Board of Health Regulations, as amended; and the requirements of this section.

(A) The minimum area of a mobile home park shall be five acres.

(B) Each mobile home site within the mobile home park shall have a minimum area of 3,600 square feet.

(C) Each mobile home site shall have a minimum width of 40 feet.

(D) Not less than 10% of the gross area of the mobile home park shall be improved for recreational activities for the residents of the park.

(E) The mobile home park shall be appropriately landscaped and screened from adjacent properties.

(F) The mobile home park shall meet all applicable requirements of the Subdivision Control Code in Chapter 151.

(G) Coin-operated laundries, laundry and dry-cleaning pick-up stations and other commercial convenience establishments may be permitted in mobile home parks provided:

(1) They are subordinate to the residential character of the park;

(2) They are located, designed and intended to serve only the needs of persons living in the park;

(3) The establishments and the parking areas related to their use shall not occupy more than 10% of the total area of the park; and

(4) The establishments shall present no visible evidence of their commercial nature to areas outside the park.

(H) Each mobile home site shall be provided with a stand consisting of either a solid concrete slab or two concrete ribbons of a thickness and size adequate to support the maximum anticipated loads during all seasons. When concrete ribbons are used, the area between the ribbons shall be filled with a layer of crushed rock.

('76 Code, App. B, § 304) (Ord. 907, passed 9-15-69)

### § 153.32 MANUFACTURED HOUSING.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**MANUFACTURED HOME.** A dwelling unit fabricated on or after June 15, 1976, in an off-site manufacturing facility for installation or assembly at the building site, bearing a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code or IC 22-11-1-1 as promulgated by the State Administrative Building Council (now repealed and superseded by IC 22-12-2).

**MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CODE.** Title IV of the 1974 Housing and Community Development Act 42 U.S.C. 5401 et seq., as amended (previously known as the Federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder, which include the U.S. Department of Housing and Urban Development approved information supplied by the home manufacturer, and regulations and interpretations of said code by the State Administrative Building Council.

**ONE- AND TWO-FAMILY DWELLING CODE, STATE.** The mandatory statewide building code adopted by the State Administrative Building Council for one- and two-family residential dwellings.

**SECTION.** A unit of manufactured home at least 14 feet width and 30 body feet in length.

**SPECIAL EXCEPTION PERMIT.** A device for permitting a use within a district other than a principally permitted one.

(B) *Compatibility Standards for Manufactured Housing.*

(1) The main body of the house shall be a rectangle.

(2) The main roof shall be pitched, rather than flat.

(3) The house shall face the street, and ordinarily the long axis shall be parallel to the street.

(4) The exterior walls shall look like wood or masonry, regardless of their actual composition.

(5) The main roof shall be shingled.

(6) The foundation shall form a complete enclosure under exterior walls.

(7) Apparent bulk shall be about the same throughout the neighborhood. An occasional larger house shall be permitted, but none shall be permitted that look substantially smaller than the general run.

(C) *Permitted Placement.* The establishment, location, and use of manufactured homes as scattered-site residences shall be permitted in any zone permitting installation of a dwelling unit subject to requirements and limitations applying generally to residential uses in the district and provided those homes shall meet the following requirements and limitations:

(1) The home shall meet all requirements applicable to single-family dwellings and possess all necessary improvements, building and occupancy permits and other certification required by the code.

(2) The home shall be of double sections construction and meet the minimum square footage requirements for the appropriate zone.

(3) The home shall be attached and anchored to a permanent foundation in conformance with the regulations in the State One- and Two-Family Dwelling Code and with the manufacturer's installation specifications.

(4) The home shall be covered with an exterior material customarily used on site-built residential dwellings. The material shall extend over the top of the foundation or meet the city's site-built residential dwelling home standards.

(5) The home shall have a roof composed of a material customarily used on site-built residential dwellings, such as asbestos, fiberglass, shake, asphalt or tile, which shall be installed onto a surface appropriately pitched for the materials used.

(D) *Placement with Permit.* Any person placing manufactured housing in Residential Zone 1 (R-1) and Residential Zone 2 (R-2) districts shall obtain a Special Exception permit from the Board of Zoning Appeals.

(E) *Removal.* Any home sited upon property in violation of this section shall be subject to removal from such property. However, the home owner, shall be given a reasonable opportunity to bring the property into compliance with this section before the home is removed. If the home is removed all expenses incurred shall constitute a lien against the property.

(F) *Removal Method.* The Commission or its designated administrator may institute a suit in an appropriate court for injunctive relief to cause any violation to be prevented, abated or removed. ('76 Code, App. B, § 304.5) (Ord. 907, passed 9-15-69) Penalty, see § 153.99

### **§ 153.33 PLANNED UNIT RESIDENTIAL, BUSINESS AND INDUSTRIAL PROJECTS.**

The District Regulations of this chapter may be modified by the Board of Zoning Appeals in the case of a plan utilizing an unusual concept of development which meets the requirements of this section. The planned unit projects provision is intended to encourage original and imaginative development and

subdivision design which preserves the natural amenities of the site and provides for the general welfare of the city. After the unit plan is approved, all development, construction, and use shall be in accordance with that plan unless a new planned unit project plan is submitted to and approved by the Board of Zoning Appeals as required by this chapter. Any development contrary to the approved unit plan shall constitute a violation of this chapter.

(A) The area of land to be developed shall not be less than five acres.

(B) Properties adjacent to the unit plan shall not be adversely affected.

(C) In planned unit residential projects, the minimum lot and yard requirements may be reduced; however, the average density of dwelling units in the total unit plan shall not be higher than that permitted in the district in which the plan is located.

(D) In planned unit business and industrial projects, the minimum lot and yard requirements may be reduced; however, the total land area of the unit plan shall equal the accumulative lot area requirements of each use or structure contained within the unit plan.

(E) The unit plan shall permanently reserve land suitable for the common use of the public or the owners in a particular development. This may be accomplished by dedication, covenant or easement. This land may be for future public facilities, for recreational or scenic open space, or for a landscaped buffer zone as approved by the Plan Commission. Provisions for permanent control and maintenance of this land shall be outlined in a form acceptable to the Plan Commission, Board, and City Attorney.

(F) The use of the land shall not differ substantially from the uses permitted in the district in which the plan is located, except that limited business facilities, intended to serve only the planned unit residential project area and fully integrated into the design of the project, may be considered and multiple family dwellings may be considered in single-family residential districts if they are so designed and sited that they do not detract from the character of the neighborhood in which they occur.

(G) The unit plan shall be consistent with the purpose of this chapter.

(H) The unit plan shall be reviewed, and recommendations made, by the City Plan Commission to determine if the proposed project is consistent with the Alexandria Comprehensive Plan and in the best interests of the city.

('76 Code, App. B, § 305) (Ord. 907, passed 9-15-69)

#### **§ 153.34 TEMPORARY STRUCTURES.**

Temporary structures used in conjunction with construction work, seasonal sales or emergencies may be permitted by the Board of Zoning Appeals if the proposed site is acceptable and neighboring uses are not adversely affected. They shall be removed promptly when their function has been fulfilled. Permits for temporary structures may be issued for a period not to exceed six months. Residing in basement or foundation structures shall not be permitted.

('76 Code, App. B, § 306)

**§ 153.35 SIGNS.**

No sign, billboard, or exterior graphic display shall be permitted in any district except as herein provided.

(A) In any district a sign not exceeding two square feet in surface size is permitted which announces the name, address, or professional activity of the occupant of the premises on which said sign is located.

(B) A bulletin board not exceeding 24 square feet is permitted in connection with any church, school or similar public building.

(C) A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased or developed. Such sign shall be removed promptly when it has fulfilled its function.

(D) Business signs shall be permitted in connection with any legal business or industry when located on the same premises, and if they meet the following requirements:

(1) Signs shall not contain information or advertising for any product not sold or produced on the premises.

(2) Signs shall not have an aggregate surface size greater than five square feet for each foot of width of the principal structure on the premises.

(3) Signs shall not project over public rights-of-way.

(4) Signs shall not be illuminated in any manner which causes undue distraction, confusion or hazard to vehicular traffic.

(E) The fees for displaying permanent signs are listed in the table below:

<i>Size of sign</i>	<i>Fee</i>
0 sq. ft. to 10 sq. ft.	\$35.00
11 sq. ft. to 25 sq. ft.	\$50.00
26 sq. ft. to 50 sq. ft.	\$75.00
51 sq. ft. to 75 sq. ft.	\$100.00
76 sq. ft. to 100 sq. ft.	\$125.00
Over 100 sq. ft.	\$175.00

('76 Code, App. B, § 307) (Ord. 907, passed 9-15-69; Am. Ord. 1256, passed 3-5-90; Am. Ord. 1367, passed 11-18-96)

**§ 153.36 HOME OCCUPATIONS.**

A home occupation may be permitted as a special exception if it complies with the requirements of this section.

(A) The home occupation shall be carried on by a member of the family residing in the dwelling unit with not more than one employee who is not part of the family.

(B) The home occupation shall be carried on wholly within the principal or accessory structures.

(C) Exterior displays or signs other than those permitted under § 153.35(A), exterior storage of materials, and exterior indication of the home occupation or variation from the residential character of the principal structure shall not be permitted.

(D) Objectionable noise, vibration, smoke, dust, electrical disturbance, odors, heat, or glare shall not be produced.

(E) The home occupation shall not create any traffic or parking problems.  
('76 Code, App. B, § 308) (Ord. 907, passed 9-15-69)

**§ 153.37 OFF-STREET LOADING.**

Every building which requires the receipt of distribution by vehicles of material or merchandise shall provide off-street loading berths of a size and arrangement appropriate for the types of vehicles utilizing this space. In no case will loading or unloading be permitted within the public rights-of-way.  
('76 Code, App. B, § 309) (Ord. 907, passed 9-15-69)

***ADMINISTRATION AND ENFORCEMENT*****§ 153.50 BUILDING COMMISSIONER.**

The Building Commissioner shall:

(A) Administer and enforce the provisions of this chapter;

(B) Issue Improvement Location Permits;

(C) Maintain a permanent file of all Improvement Location Permits and applications as public records; and

(D) Inspect all city owned buildings at six month intervals and make recommendations to the Mayor concerning any needed maintenance or repair.

('76 Code, App. B, § 401) (Ord. 907, passed 9-15-69; Am. Ord. 1156, passed 8-1-83)



**§ 153.51 IMPROVEMENT LOCATION PERMITS.**

(A) An Improvement Location Permit shall be obtained before any person (contractors and builders as well as owners) may:

- (1) Occupy or use any vacant land;
- (2) Occupy or use any structure hereafter constructed, reconstructed, moved, or enlarged;
- (3) Change the use of a structure or land to a different use;
- (4) Change a nonconforming use; or

(5) (a) Beginning to remodel, alter, repair, replace or enlarge the interior structure or finish an existing building.

(b) Beginning to alter, replace, or relocate, or add to a plumbing, heating, or electrical system.

(c) Before beginning demolition of any structure.

(B) An application for an Improvement Location Permit shall be accompanied by a plot plan showing clearly and completely the location, dimensions and nature of any structure involved and such other information as the Building Commissioner may require for administration of this chapter, together with filing fees as follows:

<i>Permit Use</i>	<i>Filing Fee</i>
One-family dwellings	\$ 75
Two-family dwellings	100
Alteration (remodel) or change of use	50
Accessory buildings under 144 square feet	40
Accessory buildings over 144 square feet	50
Mobile home	60
Swimming pool	50
Multiple dwelling units (plus \$15 per unit)	75
Electrical system	45
Plumbing system	45
Heating, ventilating and air conditioning	45
Minimum plus \$1 over \$1000 additional for estimated cost over \$25,000 for commercial, industrial, and other public buildings	75
Demolition	50

(C) The following exceptions apply to division (B):

(1) The city will not be required to purchase a permit to construct a new building or remodel an existing one.

(2) The Common Council may instruct the Building Commissioner to waive the Improvement Location Permit fee if in their judgment the benefit to the city in creation of jobs or tax base would justify the action.

('76 Code, App. B, § 402) (Ord. 907, passed 9-15-69; Am. Ord. 1156, passed 8-1-83; Am. Ord. 1256, passed 3-5-90; Am. Ord. 1367, passed 11-18-96)

### § 153.52 METHOD OF APPEAL.

Any person aggrieved or affected by any provision of this chapter or by any decision of the Building Commissioner may appeal to the Board of Zoning Appeals within a reasonable time, as provided by the rules of the Board, by filing a notice of appeal specifying the grounds thereof. Every decision of the Board shall be subject to review by *certiorari*.

('76 Code, App. B, § 404) (Ord. 907, passed 9-15-69)

### § 153.53 ZONING PETITION AND CERTIFICATE FEES.

(A) Fees for the filing of zoning petitions and certificates are set forth in the table below:

<i>Type of Petition or Certificate</i>	<i>Fee</i>
Petition for rezoning	\$50.00
Petition for variance	\$50.00
Petition for exception	\$50.00
Petition for appeal	\$10.00
Petition for minor land subdivision plat	\$50.00
Petition for preliminary major subdivision plat	\$50.00
Petition for final major land subdivision plat	\$50.00
Petition for final major land subdivision plat plus per lot	\$1.50
Certificate of occupancy	\$20.00

(B) No part of any filing fee for rezonings, special exceptions or variances shall be returnable to the applicant. All monies shall be payable to Clerk/Treasurer, and shall be deposited according to procedures established by the Clerk/Treasurer.

(Ord. 1257, passed 3-5-90)

**BOARD OF ZONING APPEALS****§ 153.60 BOARD OF ZONING APPEALS.**

(A) In accordance with State law, the Mayor shall appoint and organize a Board of Zoning Appeals, which Board shall adopt rules to govern its procedure. The Board shall hold meetings, keep minutes and, pursuant to notice, shall conduct hearings, compel the attendance of witnesses, take testimony, and render decisions in writing, all as required by law. A fee shall be charged for any appeal or proceeding filed with the Board in accordance with a schedule of fees established by the Board. ('76 Code, App. B, § 501)

(B) *Appeals.* The Board shall have the power to hear and decide appeals from any order, requirement, decision, grant or refusal made by the Building Commissioner in the administration of this chapter. ('76 Code, App. B, § 502)  
(Ord. 907, passed 9-15-69)

**§ 153.61 VARIANCES.**

The Board, upon appeal, shall have the power to authorize variances from the requirements of this chapter, and to attach such conditions to the variances as it deems necessary to assure compliance with the purpose of this chapter. A variance may be permitted if all the following requirements are met:

(A) Literal enforcement of the chapter would result in an unnecessary hardship with respect to the property;

(B) Such unnecessary hardship results because of unique characteristics of the property;

(C) The variance observes the spirit of this chapter, produces substantial justice, and is not contrary to the public interest.

('76 Code, App. B, § 503) (Ord. 907, passed 9-15-69)

**§ 153.62 SPECIAL EXCEPTIONS.**

The Board shall have the power to authorize special exceptions if the following requirements are met:

(A) The special exception shall be listed as such, in § 153.24 for the district requested.

(B) The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the performance standards of § 153.63.

(C) The special exception shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

(D) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

(E) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

(F) The special exception shall preserve the purpose of this chapter.  
('76 Code, App. B, § 504) (Ord. 907, passed 9-15-69)

### **§ 153.63 PERFORMANCE STANDARDS.**

All special exceptions shall comply with the requirements of this section. In order to determine whether a proposed use will conform to the requirements of this chapter, the Board may also obtain a qualified consultant to testify, whose cost for services shall be borne by the applicant.

(A) *Fire protection.* Fire prevention and fighting equipment acceptable to the Fire Department of the city shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.

(B) *Electrical disturbance.* No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.

(C) *Noise.* Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled, except fire sirens and related apparatus used solely for public purposes shall be exempt from this requirement.

(D) *Vibrations.* Vibrations detectable without instruments on neighboring property in any district shall be prohibited.

(E) *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

(F) *Air pollution.* No pollution of air by fly ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or property.

(G) *Glare.* Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.

(H) *Erosion.* No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.

(I) *Water pollution.* Water pollution shall be subject to the standards established by the State Stream Pollution Control Board.  
('76 Code, App. B, § 505) (Ord. 907, passed 9-15-69)

**§ 183.64 NONCONFORMING USES.**

The Board shall have the power to authorize changes of lawful nonconforming uses as follows:

(A) A nonconforming use which occupies a portion of a structure or premises may be extended within such structure or premises as they existed when the prohibitory provision took effect, but not in violation of the area and yard requirements of the district in which such structures or premises are located. No change of a nonconforming use shall entail structural alterations or any additions other than those required by law for the purpose of safety and health.

(B) The Board may impose such conditions as it deems necessary for the protection of adjacent property and the public interest.

('76 Code, App. B, § 506) (Ord. 907, passed 9-15-69)

**§ 183.65 AMENDMENTS.**

(A) The Council may introduce and consider amendments to this chapter and to the Zone Maps, as proposed by council, by the Plan Commission or by a petition by the owners of 50% or more of the area involved in the petition. ('76 Code, App. B, § 601)

(B) *Petitions.* Petitions for amendment shall be filed with the City Clerk-Treasurer, and the petitioner, upon such filing, shall, whether or not the proposed amendment is enacted, pay all costs and expenses connected with the petition including the drafting, advertising and recording of the Code. ('76 Code, App. B, § 602)

(C) *Referral.* Any proposed amendment not originating from the Plan Commission shall be referred to the Plan Commission for consideration and report before any final action is taken by Council. The Plan Commission shall hold a public hearing as prescribed by law, and report its findings and recommendations in writing to the Council within such reasonable time after the public hearing as the Council may specify in the referring action. ('76 Code, App. B, § 603)

(D) *Action.* After receiving the Plan Commission's report, City Council may proceed to take action on the proposed amendment. In the event the report of the Plan Commission is adverse to the proposed amendment, the amendment ordinance shall not be passed except by an affirmative vote of at least 75% of the members of Council. Failure of Council to pass such proposed amendment ordinance by said affirmative vote within 90 days after its rejection by the Plan Commission shall constitute rejection of the proposed amendments and it shall not be reconsidered by the Plan Commission or Council until the expiration of one year after the date of its original rejection by the Plan Commission. ('76 Code, App. B, § 604)

**§ 183.98 VIOLATIONS.**

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any structure or land in violation of this chapter or any regulation enacted hereunder by the Plan Commission. The Plan Commission or Board of Zoning appeals may institute a suit for a mandatory injunction directing the removal of a structure erected in violation of this chapter or the removal of other materials existing in violation of this chapter including junk or salvage. Any structure or use that violates

this chapter shall be deemed to be a common nuisance and the owner, or any person with an ownership interest in said property, including a lessor as well as the operator of any business upon such real estate in violation of this chapter shall be liable for maintaining a common nuisance.

('76 Code, App. B, § 403) (Ord. 907, passed 9-15-69; Am. Ord. 1213, passed 8-1-87) Penalty, see § 153.99

#### **§ 153.99 PENALTY.**

(A) Any person, whether owner, individual with an ownership interest, lessor, or operator of a business who violates any provision of this chapter for which no other penalty is set forth shall be guilty of an infraction and upon conviction or judgment shall be fined by a fine not less than \$25 and not to exceed \$2,500. Each day the violation continues shall constitute a separate and distinct offense and violation for which assessment of penalty may accrue. ('76 Code, App. B, § 403)

(B) Each day a violation of the provisions of § 153.32 continues constitutes a separate and distinct code violation. A fine of not less than \$10 nor more than \$300 may be assessed for violation of said section. ('76 Code, App. B, § 304.5)

(Ord. 907, passed 9-15-69; Am. Ord. 1213, passed 8-1-87)