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Zoning Districts and Maps

2.01 Establishment of Districts

The following *Districts* are hereby established for the corporate limits of the *Town*, and land within said areas shall be designated on the Official Zone Map by the following symbols:

General Use Districts	Symbol
Single Family Residential	R1
Multi-Family Residential	R2
Office Buffer	OB
Town Center	TC
Commercial	C
General Industrial	GI
RESERVED	

2.02 Order of Districts

The *districts* listed in Section 2.01 Establishment of Districts, above, are ranked in the order from the "least intense" *district* on the top, through each successively "more intense" *district* as the list progresses to the bottom, except for the *Planned Unit Development district* which shall not be considered part of such progression. PUD's, when applicable, shall be ranked individually based upon the *permitted uses* authorized in each PUD and the *district* in which such *permitted uses* would otherwise be allowed as a matter of right.

2.03 Official Zone Map

In order to carry out the purpose of this Ordinance and to allow a variety of *uses* in different *districts* which are appropriate in location, arrangement, and density to the character of the individual *districts* and the establishment of a well-considered pattern of development for the *Town*, all real property located within the corporate boundaries of the *Town* are hereby divided into *districts* as shown on the Official Zone Map which, together with all explanatory matter, is incorporated by reference and declared to be a part of this Ordinance.

2.04 Identification of the Official Zone Map

- (A) An Official Zone Map for the *Town* shall be maintained in the office of the Area Plan Commission.
- (B) The *Executive Director* shall be the custodian of the electronic format Official Zoning Map. The *Executive Director* may depict the Official Zone Map, in total or in part, in various formats and scales as appropriate to the need.



2.05 Official Zone Map Changes

- (A) If, after adoption of the Official Zone Map, the *Council*, in accordance with the provisions of this Ordinance and Indiana Code 36-7-4-600 *et seq.*, changes to any of the *district* boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered by the *Executive Director* to the electronic format Official Zone Map.
- (B) In the event that the Official Zone Map becomes damaged, destroyed, lost or difficult to interpret, staff shall on an as needed basis, prepare a revised Official Zone Map for review and recommendation by the *Area Plan Commission* to the *Council* at a public hearing for which proper notice has been provided. A revised Official Zone Map shall incorporate all official actions of the *Council* related to matters depicted on the Official Zone Map since the adoption of the prior Official Zone Map. A revised Official Zone Map may also include revisions to correct drafting errors and changes in the base information related to subdivision plats or *streets*.
- (C) The *Area Plan Commission* shall certify its recommendation of such revised Official Zone Map to the *Town Council* for official adoption by the *Council*.
- (D) No change of any nature shall be made in the Official Zone Map, or matter shown thereon, except in conformity with the amendment procedures set forth in this Ordinance.

2.06 Retention and Preservation of Record

Unless the prior Official Zone Map has been lost or completely destroyed, the prior Official Zone Map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved in the office of the *Area Plan Commission*.

2.07 Interpretation of the Official Zone Map

Where uncertainty exists with respect to the boundaries of *districts* shown on the Official Zone Map, the following rules shall apply to the interpretation of those boundaries:

- (A) Boundaries indicated as approximately following the center lines of thoroughfares, highways, *streets* or *alleys* shall be construed to follow the center lines.
- (B) Boundaries indicated as approximately following platted lot lines shall be construed to follow the platted lot lines.
- (C) Boundaries indicated as approximately following the corporate boundary of the *Town* shall be construed as following such corporate boundary of the *Town*.

- (D) Boundaries indicated as approximately following railroad lines shall be construed to be midway between the main tracks.
- (E) Boundaries indicated as approximately following the along a *public right-of-way* which is subsequently vacated shall be construed to follow the center line of the vacated *public right-of-way*.
- (F) Boundaries indicated as approximately following the center lines of streams, rivers, lakes or other bodies of water shall be construed as following the center lines of such bodies of water.
- (G) Boundaries indicated as approximately following floodplain lines shall be construed to follow the floodplain lines. If the floodplain lines are changed, either naturally or as permitted by law, and such floodplain line changes are documented and concurred with by the *Town Engineer*, such boundary shall be construed as moving with such change.
- (H) Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices.
- (I) Boundaries indicated as parallel to or extensions of features indicated in the subsections above shall be so controlled.
- (J) Distances not specifically indicated on the Official Zone Map shall be determined by the scale of the map.
- (K) Where a discrepancy exists between the depictions on the Official Zone Map and the text of a legal description accompanying an ordinance for zone map change duly adopted by the *Council*, the text of the legal description shall control.

2.08 Zoning of Newly Annexed Land to the Town

- (A) All real property annexed into the *Town* after the effective date of this Ordinance shall be considered zoned to the R1 Single Family District of this Ordinance.
- (B) In those instances in which the owner of real property proposed for annexation into the *Town* desires annexation only if the zoning of the real property is zoned to a *district* other than R1 Single Family, such owner may file a petition for zone map change which shall identify the real property and the requested district. Said petition shall be filed in compliance with the provisions of this Ordinance and any applicable procedures adopted by the *Area Plan Commission*. The *Area Plan Commission* shall consider the petition for zone map change and certify the petition for zone map change to the *Council*. The *Town Council* shall consider the request for annexation and zone map change at a combined hearing and shall determine the annexation question and zone map change under a single combined vote. The *Area Plan Commission* and *Council* shall have all powers delegated to them by Indiana Code 36-7-4-600 *et seq.*, and this Ordinance in determining the zone map change.



- (C) The *Area Plan Commission* shall not be obligated to recommend approval, nor shall the *Council* be obligated to approve a request for zone map change which, in the sole discretion of the *Area Plan Commission* or *Council*, is not consistent with the *Comprehensive Plan*, the purpose and intent of this Ordinance, or the requirements for the approval of a zone map change contained in this Ordinance and state law.

2.09 Zoning Violations in All Zoning Districts

The following shall be considered as zoning violations in all *districts*:

- (A) *Use*. The conduct of any activity in any zoning *district* that is not specifically enumerated as a permitted *use*, accessory *use*, or temporary *use* in that *district*, and which activity has not been legally established by a currently valid *variance*, *special exception use* or other approval grant;
- (B) *Development Standards*. Failure to comply with district development standards, including but not limited to landscaping, paving of parking areas, lighting, trash dumpster enclosure, fencing or screening requirements, signs; and
- (C) *Approvals*. The failure to comply with the terms, provisions or conditions of: a grant of *variance* or *special exception use*; an approval of a development plan; or, other approval grant authorized by this Ordinance.