

CHAPTER 151: REVISED COMPREHENSIVE PLAN AND RESOLUTION

AREA COMPREHENSIVE PLAN CODE
OF
SWITZERLAND COUNTY, AND THE TOWN OF VEVAY, AND
THE TOWN OF PATRIOT, INDIANA, 1996

CHAPTER 151: AREA COMPREHENSIVE
PLAN CODE

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AREA COMPREHENSIVE PLAN RESOLUTION
OF
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PATRIOT, INDIANA, 1996

Section 151.01: SHORT TITLE

This Revised Area Comprehensive Plan and Resolution, as amended, comprising Chapter 151 of the "Code of Ordinances of Switzerland County, Indiana," and the "Code of Ordinances of the Town of Vevay, Indiana," and the "Code of Ordinances of the Town of Patriot, Indiana," shall hereafter be referred to as the "Area Comprehensive Plan Code of Switzerland County, and the Town of Vevay, and the Town of Patriot, Indiana - 1996," or "Area Comprehensive Plan Code."

Section 151.02: COMPREHENSIVE PLAN
POLICIES

In accordance with the Indiana Area Planning

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Statute, a comprehensive plan shall be approved by resolution in accordance with the 500 series [36-7-4-500 - 36-7-4-511] for the promotion of public health, safety, morals, convenience, order, or the general welfare, and for the sake of efficiency and economy in the process of development within the jurisdiction of the Switzerland County Area Plan Commission. The Area Comprehensive Plan Code includes policies for:

(A) Development of Public Ways.

The development of public ways, public places, public structures, and public and private utilities; and

(B) Improvement Location Permits.

The issuance of Improvement Location Permits on platted and unplatted lands; (See Sec. 153.43 of the Area Zoning Code for requirements) and

(C) Subdivision Control.

The laying out and development of public ways and services to platted and unplatted lands. (See Chapter 152. Area Subdivision Control Code for requirements.)

Section 151.03: EFFECT OF THE COMPREHENSIVE PLAN CODE

(A) Consideration by Legislative Bodies.

Within the jurisdiction of the Switzerland County Area Plan Commission, the Switzerland County Board of Commissioners, and the Town Council of the Town of Vevay, and the Town Council of the Town of Patriot, Indiana, shall be guided by and give consideration to the general policy and pattern of development set out in the Comprehensive Plan in the:

(1) authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and

(2) authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities; further, a public way or platted lot may not be abandoned or vacated until the Switzerland County Area Plan Commission has first given notice and held a public hearing on the abandonment or vacation of the public way or

platted lot. The Commission shall forward its recommendation of abandonment or vacation of the public way to the Switzerland County Board of Commissioners if it is located in the unincorporated territory and to the Town Council of the Town of Vevay, or the Town Council of the Town of Patriot, Indiana, if it is located in the respective Town.

(B) When Official.

(1) the Comprehensive Plan is not effective until it has been approved by a resolution of its legislative body. After approval by resolution of the particular legislative body, it is official for that part of the territory within the jurisdiction of the Switzerland County Area Plan Commission. Upon approval of the Comprehensive Plan by the County Commissioners, the County Auditor shall place one (1) copy of the comprehensive plan on file in the office of the county recorder, and upon approval by each respective Town Council, one (1) copy shall be placed on file with the respective Clerk-Treasurer.

(2) the Comprehensive Plan stands as evidence of the facts and conclusions set forth until it is amended by the respective legislative body. Any action inconsistent with the evidence set forth in the comprehensive plan is presumed to be not in the public interest.

Section 151.04: DEFINITIONS

(1) **AGRICULTURE:** The art or science of cultivating the ground and raising and harvesting crops, often including feeding, breeding, and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for man's use, and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, dairying, sugar making, etc.

(2) **BOARD OF COMMISSIONERS:** The Board of Commissioners of the County of Switzerland.

(3) **CERTIFICATE OF OCCUPANCY:** A certificate signed by the Building Commissioner if building construction is involved and the Executive Director if an application therefore has been granted for an improvement location permit, stating that the occupancy and use of land or a building or

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structure referred to therein complies with the provisions of the Area Zoning Code.

(4) COMMISSION OR PLAN COMMISSION, or AREA PLAN COMMISSION: Switzerland County Area Plan Commission.

(5) COMPREHENSIVE PLAN, REVISED COMPREHENSIVE PLAN AND RESOLUTION, or AREA COMPREHENSIVE PLAN: A composite of all plans of land use, of thoroughfares, of sanitation, of recreation, and of other related matters. It includes a master plan adopted under any prior law.

(6) COUNTY: Switzerland County, Indiana.

(7) DEVELOPMENT PLAN: Specific plans for the residential, commercial, or industrial development of property setting forth certain information and data required by the Plan Commission. This information and data may include:

(a) the proposed name of the development;

(b) the name and address of developers;

(c) the location by public way, township, and section;

(d) the legal description;

(e) a map including date, scale and point north, location, size, capacity, and use of all buildings and structures existing or to be placed in the development;

(f) the nature and intensity of the operations involved in or conducted in connection with the development;

(g) the site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading and unloading;

(h) the name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces;

(i) the layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;

(j) a description of the use of adjacent property and an identification of that property;

(k) the location, size and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;

(l) the proposals for sewer, water, gas, electricity, and storm drainage;

(m) the contours with spot elevations of the finished grade and the directions of storm runoff;

(n) the layout of proposed lots with their numbers and dimensions; and

(o) the land density factors.

(8) EXECUTIVE DIRECTOR: The official employed by the Switzerland Board of County Commissioners and authorized to enforce the Planning and Zoning Codes of Switzerland County and the Towns of Vevay and Patriot, Indiana. (The Building Commissioner may and be the Executive Director.)

(9) IMPROVEMENT LOCATION PERMIT: A permit signed by the Executive Director stating that a proposed improvement or use complies with the provisions of the Area Zoning Code. A TEMPORARY IMPROVEMENT LOCATION PERMIT is an IMPROVEMENT LOCATION PERMIT authorized by the Switzerland County Area Board of Zoning Appeals with a definite time limit attached thereto.

(10) JURISDICTION OF THE COMMISSION: The jurisdiction of the Switzerland County Area Plan Commission, which includes all of the area over which this Chapter of the Code is effective; specifically, the Town of Vevay, and the Town of Patriot, and all of the unincorporated territory in Switzerland County, Indiana.

(11) PUBLIC FACILITIES PLAN: The part of the Comprehensive Plan, now or hereafter adopted, which includes a Public Facilities Plan and sets forth the policy for and shows the location of existing and/or proposed school and park or recreational sites and public places within the Jurisdiction of the Commission.

(12) PUBLIC PLACE: Any tract owned by the State of Indiana or a political subdivision.

(13) PUBLIC UTILITY INSTALLATIONS: The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health

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or safety or general welfare.

(14) **PUBLIC WAY:** Includes highway, street, avenue, boulevard, road, lane or alley.

(15) **STREET:** A right-of-way, other than an alley, dedicated or otherwise legally established to the public use, usually affording the principal means of access to abutting property, thoroughfare, parkway, boulevard, road, avenue, lane, drive or other appropriate name.

(16) **STREET, ARTERIAL:** A street (or road) designated for large volumes of traffic movement. Certain arterial streets may be classed as Limited Access Highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties. Also **MAJOR STREET.**

(17) **STREET, FEEDER:** A street (or road) planned to facilitate the collection of traffic from residential streets and to provide circulation within neighborhood areas and convenient ways for traffic to reach arterial streets.

(18) **STREET, RESIDENTIAL:** A street designated primarily to provide access to abutting properties, usually residential. Certain residential streets may be marginal access streets parallel to arterial streets, which provide access to abutting property and ways for traffic to reach access points on arterial streets. Also **LOCAL STREET.**

(19) **THOROUGHFARE PLAN or AREA THOROUGHFARE PLAN:** The part of the Area Comprehensive Plan, now or hereafter adopted, which includes a Thoroughfare Plan and sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets; highways and other thoroughfares.

(20) **TOWN:** The Town of Vevay, or Patriot, Indiana.

(21) **TOWN COUNCIL:** The Town Council of the Town of Vevay, or Patriot, Indiana.

Section 151.05: IMPROVEMENT LOCATION PERMIT

Within the jurisdiction of the Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure,

improvement, or use, and its location, conform with the Area Zoning Code and an Improvement Location Permit for such structure, improvement, or use has been issued. The Executive Director shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the requirements of the Area Zoning Code.

Section 151.06: ADMINISTRATION OF COMPREHENSIVE PLAN

The Executive Director is hereby designated and authorized to enforce the Comprehensive Plan in the same manner as is set out for Administration of the Zoning Ordinance in Section 153.43.

Section 151.07: COMPREHENSIVE PLAN

The Comprehensive Plan of Switzerland County consists of a Map entitled: **COMPREHENSIVE PLAN MAP, SWITZERLAND COUNTY AND VEVAY, AND PATRIOT, INDIANA - 1996.** This map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the various land use areas, and public ways and public places. Notations, references, indications and other matters shown on the Comprehensive Plan Map are as much a part of this Code as if they were fully described herein.

The Comprehensive Plan of Switzerland County also consists of a report, entitled: The Revised Comprehensive Plan for Switzerland County, Indiana, dated February, 1996, is on file in the office of the County Auditor and in the Switzerland County Area Plan Commission Office. A Report, entitled: "Switzerland County Plan Report and Zoning Study 1992," by William Miller is also on file with the County Auditor. The said reports are incorporated into this Code by reference.

Section 151.08: THOROUGHFARE PLAN

The Thoroughfare Plan of Switzerland County, and the Town of Vevay, and the Town of Patriot, Indiana, is shown on the Comprehensive Plan Map of Switzerland County and the Town of Vevay and the Town of Patriot, Indiana - 1996, and shows the locations of existing and proposed thoroughfares within the jurisdiction of the Commission; and a drawing entitled, "Typical Thoroughfare Cross-Sections, Switzerland County, Indiana," dated 1996, shows recommended cross-sections for the proposed

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thoroughfares. The Thoroughfare Plan is hereby declared to be a part of this Code, and notations, references, indications and other details shown therein are as much a part of this Code as if they were fully described in the text of this Code.

Section 151.09: DESIGNATION OF THOROUGHFARES

The major streets and highways comprising the Thoroughfare Plan, are hereby classified on the basis of width and type, in accordance with their proposed function, as arterial, feeder, and residential streets, as shown in the Thoroughfare Plan.

Section 151.10: OPENING OR WIDENING OF STREETS

Whenever a street classified in the Thoroughfare Plan is to be platted as a part of a subdivision, the required right-of-way width for such street shall be as specified in the Thoroughfare Plan, provided that where a street borders a tract of land to be subdivided, the owner of such land shall be required to plat only one-half (1/2) of the right-of-way width designated for such street, measured at ninety (90) degrees to the center line thereof.

Section 151.11: LOCATION OF STREETS

(A) Location and Alignment of Thoroughfares.

Whenever the location of a street is indicated in the Thoroughfare Plan as following an existing road or street, or a section or half-section or other established property line, the location of the street shall conform to such location; however, a street lying wholly within a subdivision, and not designated as following an existing road or established property line, may be varied in its alignment when such variance promotes the plan of a neighborhood development unit in accordance with good site planning principals, and if such alignment provided for the continuity of traffic movement.

(B) Establishment of Feeder Streets.

It is the intent of the Thoroughfare Plan and this Resolution that feeder streets, as defined in the Plan, shall be established within each section of land on or approximately on the north-south and east-west half section lines of such sections. Where such feeder streets are not specifically shown on the

Thoroughfare Plan, they shall be of the residential street classification (unless they are otherwise indicated as arterial).

(C) Alignment May Be Varied.

Wherever the location of a street is indicated in the Thoroughfare Plan as following an irregular alignment or a revised alignment, or is not referenced to an established line, it shall follow the alignment shown in the Thoroughfare Plan. Such alignment shall be subject to a detailed survey which may be made by the Commission or other public agency, or by the owners of land to be subdivided if required by the Commission. The survey for such street shall be subject to the approval of the Commission prior to the dedication of the street.

Section 151.12: PUBLIC FACILITIES PLAN

The Public Facilities Plan of Switzerland County, Indiana, is shown in the Revised Switzerland County Comprehensive Plan Report - 1996, and shows the locations of existing and/or proposed school and park or recreational sites and public places within the Jurisdiction of the Commission.

The Public Facilities Plan is hereby declared to be a part of this Code, and notations, references, indications and other details shown therein are as much a part of this Code as if they were fully described in the text of this Code.

Section 151.13: POLICY FOR PUBLIC FACILITIES

(A) Planned Public Sites. Whenever sites for schools, parks or other recreational areas, and public places shown on the Public Facilities Plan are located within an area proposed to be subdivided in accordance with the requirements of the Area Subdivision Control Code, Chapter 152, the Commission may request their dedication for such purposes, or their reservation for a period of one (1) year following the date of Secondary Approval of the Plat of the Subdivision; in order to carry out the policies exhibited in the Public Facilities Plan. In the event a governmental agency concerned passes a resolution expressing its intent to acquire the land so reserved, the reservation period shall be extended for an additional six (6) months.

(B) Unusable Areas. Whenever a proposed subdivision contains an area, or areas, which cannot

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be developed into useable building sites, and when such area, or areas, are not suitable for inclusion in a lot in the subdivision, they shall be offered for dedication as public use areas. When such area or areas are accepted by the County or the Towns, provision shall be made, and included in the plat and deed of dedication, for permanent easement of access to such areas.

Section 151.14: ISSUANCE OF PERMITS

Any permits authorized by the County, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Commission, shall be issued only if, in addition to satisfying the requirements of the Area Zoning Code of Switzerland County - 1996, the proposed street right-of-way as set forth in the Thoroughfare Plan will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street, subject to Section 153.29 of the Area Zoning Code.

Section 151.15: FILING FEES AND FORMS

Filing fees and forms are set forth in Section 153.48 of the Area Zoning Code and Section 152.05 of the Area Subdivision Control Code, respectively. (The fees for Construction and Inspection are set forth in Section 150.05 of the Building Code.)

Section 151.16: AMENDMENTS

After the adoption of a Comprehensive Plan, and ordinance, each amendment to it must be approved according to the procedure set forth in the 500 series of the Area Planning Law, I.C. 36-7-4.

If a Legislative Body wants an amendment, they may direct the Plan Commission to prepare the amendment and submit it in the same manner as any other amendment to the Comprehensive Plan of Switzerland County. The Plan Commission shall prepare and submit the amendment within sixty (60) days after formal written request by the Legislative Body. However, the Legislative Body may grant an extension of time, of specified duration, in which to prepare and submit the amendment.

Section 151.99: REMEDIES AND PENALTIES OF ZONING AND SUBDIVISION CONTROL CODES

(A) Remedies and Enforcement. Remedies and enforcement of the provisions of the Area Zoning Code and the Area Subdivision Control Code are set forth in I.C. 36-7-4-1000, "1000 SERIES-REMEDIES AND ENFORCEMENT," as follows:

(B) Violations As Common Nuisance. Any structure erected, raised, or converted, or land or premises used, in violation of this chapter of the code, is a common nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining a common nuisance.

(C) Penalty. Any person or corporation in violation of the Area Zoning Code, or the Area Subdivision Control Code, may be punished subject to the provisions of I.C. 36-1-3-8, specifically: a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for an ordinance violation.

(D) Additional Flood Penalty. Failure to obtain an Improvement Location 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 the Code. The 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.
