

## CHAPTER 10

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## CHAPTER 10

### ZONING

#### Article 1. Zoning Ordinance<sup>1</sup>

##### Division I. General Provisions

###### Sec. 10-1-1 Title.

This ordinance shall be known and may be cited as the "Zoning Ordinance of the Town of Orland, Indiana and Recorded Jurisdictional Area." (Ord. No. \_\_, §10, 4-28-80)

###### Sec. 10-1-2 Jurisdiction.

The jurisdiction of this ordinance shall include all lands within the corporate limits of Orland and all recorded jurisdictional area. (Ord. No. \_\_, §11, 4-28-80)

###### Sec. 10-1-3 Purpose.

To promote and protect the public health, safety, morals, comforts and general welfare of the people:

Zoning is essentially a means of insuring that land uses of the community are properly situated in relation to one another; that adequate space is available for each type of development; that density of development in each area is held at a level which can be properly serviced by such governmental facilities as the street, school, recreation, and utilities systems; that the taxable value of buildings and land is conserved; to prohibit uses and structures incompatible with the character of development or intended uses within specified zoning districts; to provide for the elimination of non-conforming uses of land and buildings which are adversely affecting the character and value of desirable development. (Ord. No. \_\_, §12, 4-28-80)

###### Sec. 10-1-4 Definitions.

For the purpose of this ordinance certain terms or words used herein shall be interpreted as follows:

1. All words used in the present tense include the past and future tense. All words used in the singular include plural. The word "shall" is mandatory, and the word "may" is permissive. The words "used" or "occupied" include the words "intended, arranged or designed to be used or occupied."

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<sup>1</sup>I.C., 36-7-4-100 et seq., address Local Planning and Zoning.

2. Accessory Use or Accessory Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
3. Agriculture: The use of land for farming, dairying, pasturage, agricultural, animal and poultry husbandry and the necessary accessory uses for treating and storing the produce.
4. Alteration: Any change, addition or modification in construction, or any change in the structural members of a building, such as bearing walls, columns, beams, or girders.
5. Building: Any structure intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.
6. Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental to that of the principal building or use.
7. Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.
8. Density: A unit of measurement: the number of dwelling units per acre of land.
9. Driveway: A private road which provides access to a lot, or to a use located on such lot, from a public way.
10. Dwelling Unit: A room or group of rooms designed and equipped exclusively for use as living quarters for only one family and its household employees, including provisions for living, sleeping, cooking and eating. The term shall include mobile homes but shall not include house trailers or recreational vehicles.
11. Farm: An area of uniform ownership of which the principal use is agriculture.
12. Farmstead: A farm dwelling unit.
13. Flood Hazard Area: A floodplain, or portion thereof, which is subject to flooding as classified by the Housing and Urban Development Federal Insurance Administration.
14. Floor Area Ratio: The floor area of a building divided by the area of the lots on which such building is located.
15. Home Occupation: An occupation conducted in a dwelling unit, provided that:
  1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;

2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation;

3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;

4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard;

5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

16. Junk Building, Junk Shops, Junk Yards: Any land, property, structure, building, or combination of the same, on which junk is stored or processed. Junk shall include wrecked automobiles, scrap iron and other metals, paper, rags, rubber tires and bottles, etc.

17. Lot: For the purposes of this ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street.

18. Lot Area: The area of any lot shall be determined exclusive of street, highway, alley, road, or other rights-of-way.

19. Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

20. Lot, Corner: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if tangent projections of the front lot lines drawn perpendicular at the side lot lines meet at an interior angle of less than 135 degrees in front of the lot.

21. Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character, require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond

the district boundary.

22. Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and not nuisances.

23. Mobile Home:

1. A factory-constructed, transportable structure designed for permanent residential use when placed upon a foundation and connected to utilities.

2. Provided, however, a mobile home which:

- ( 14 x 70 )  
( 14 x 66 )
- i) was manufactured less than 10 years from the date it was installed upon the premises;
  - ii) has a siding material consistent with the provisions for dwelling units other than mobile homes; and
  - iii) has a roofing material and slope consistent with the provisions for dwelling units other than mobile homes;
  - iv) having a minimum square footage of at least 950 square feet and meets the definition of a "manufactured home" as defined in I.C., 36-7-4.

is to be defined as a manufactured home for purposes of this ordinance. (Ord. No. 30, Amending Art. I, §13, Sub § 13.23, 9-22-83)

24. Mobile Home Park: An area of land upon which five (5) or more mobile homes are harbored for the purpose of being occupied as principal residences and includes all real and personal property used in the operation of the mobile home park. An area of land that is subdivided and contains individual lots which are leased or otherwise contracted for is a mobile home park if five (5) or more mobile homes are harbored there for the purpose of being occupied as principal residences.

25. Non-Conforming Use: A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district in which it is situated.

26. Planned Unit Development: An area of land in which a variety of residential, commercial and industrial uses are planned and developed as a whole according to comprehensive and detailed plans with more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations.

27. Principal Use: The primary use to which the premises are devoted, and the main purpose for which the premises exist.

28. Sign: An identification description, illustration or device which is affixed to or represented directly or indirectly upon a building, structure or land, and which directs attention to a product, place activity, service, person, institution or business.

29. Special Exception: A use or structure that may be permitted in a given zoning district, but which requires approval by the Board of Zoning Appeals because of its variable nature.

30. Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences and signs.

31. Use: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

32. Variance: A modification of the strict terms of the relevant regulations of this ordinance where such modification will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this ordinance would result in unnecessary and undue hardship.

33. Yard: An open space other than a court on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this ordinance.

1. Yard, Front: A yard across the full width of the lot extending from the front lot line of the principal building to the front of the lot. On corner lots, the front yard shall face the shortest street dimension of the lot, except that if the lot is square or almost square, then the front yard may face either street.

2. Yard, Rear: A yard extending the full width of the lot between a principal building and the rear lot line or lines.

3. Yard, Side: A yard between the principal building and side lot line, and extending from the front yard line to the rear yard line.

34. Zoning: The division of an area into districts and the public regulation of the character and intensity of the use of the land, and of the buildings and structures which may be located therein, in accordance with the comprehensive plan.

35. Zoning Permit: A document issued by the zoning inspector authorizing the use of lots, structures, use of land and buildings, and the characteristics of the uses. (Ord. No. \_\_, §13, 4-28-80)

Sec. 10-1-5 through 10-1-8      Reserved for Future Use



## Division II. Administration

### Sec. 10-2-1 Zoning Inspector.

This ordinance shall be administered and enforced by the Zoning Inspector who shall be appointed by the Town Board. (Ord. No. \_\_, §20, 4-28-80)

### Sec. 10-2-2 Improvement Location Permits.

(a) It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings and outdoor advertising structures, or to commence the moving or alteration of any building, including accessory buildings and outdoor advertising structures, until the Zoning Inspector has issued an improvement location permit for such work.

(b) In applying to the Zoning Inspector for an improvement location permit, the applicant shall submit a scaled plot plan illustrating the location of existing uses and proposed improvements. He shall also state the intended use of the building. If the proposed activity is in conformance with the Orland Zoning Ordinance and other applicable ordinances, the Zoning Inspector shall issue an improvement location permit. If the permit is refused the Zoning Inspector shall state in writing the reason for such permit refusal. The Zoning Inspector shall grant or deny the permit within 10 days from the date the application was submitted.

(c) An improvement location permit shall become void 180 days after the permit issuance (except for industrial facilities which shall be 270 days, unless extended. An extension permit may be issued for up to one (1) year as to the extension so long as significant progress has been made. (Ord. No. 56, §21.3, 4-2-85)

### Sec. 10-2-3 Fees.

Fees pertaining to petitions for zoning amendments, permits, variances and appeals to the Board of Zoning Appeals may be set by the Town Board. Such fees shall be collected by the Zoning Inspector and will help to defray the cost of zoning administration. (Ord. No. \_\_, §22, 4-28-80)

### Sec. 10-2-4 Remedies and Penalties.

(a) The Plan Commission, the Board of Zoning Appeals, the Zoning Inspector, or any designated enforcement official, or any person or persons, firm or corporation jointly or severally aggrieved, may institute a suit for injunction in the Circuit Court of Steuben County, Indiana to restrain an individual or a government unit from violating the provisions of this Ordinance. The Plan Commission or the Board of Zoning Appeals may also institute suit for mandatory injunction directing an individual, a corporation, or a governmental unit to remove a structure erected in



violation of any provision of this ordinance or the requirements thereof is declared to be a common nuisance and as such may be abated under existing law.

(b) Any person, firm, or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than three hundred dollars (\$300.00) for each offense. Each day a violation exists or continues shall constitute a separate offense. (Ord. No. \_\_, §23, 4-28-80)

#### Sec. 10-2-5 Appeals.

Unless another time period is prescribed by State statute, or written rule or regulation of the Board of Zoning Appeals, an aggrieved party to any action of the Plan commission, Board of Zoning Appeals or Board of Trustees must commence appropriate appeals with the appropriate administrative body or Court within ten (10) days of the date upon which such action was taken by any such body. (Ord. No. 56, §24, §4-2-85)

Sec. 10-2-6 through 10-2-10 Reserved for Future use

### Division III. General Regulations

#### Sec. 10-3-1 Signs.

Signs, billboards and exterior graphic displays shall only be permitted subject to the following restrictions:

1. No sign shall be erected until an improvement location permit has been issued. (Exception: Sec. 10-3-1, 6.)

2. Flashing signs shall be prohibited in all zoning districts.

3. Signs shall not contain information or advertising for any product not sold or produced on the premises, nor for a business that is not located on the premises.

4. Signs shall not project over public right-of-ways.

Exception: Signs in B-1 districts may project over sidewalks provided they are at least 10 feet above the sidewalk.

5. Each business and industry shall be limited to a maximum of 2 signs.

1. The total sign area for each business establishment in the B-1 district shall not exceed 50 square feet.
2. The total sign area for each industrial establishment in the I-1 district shall not exceed 75 square feet.
3. The total sign area for each establishment in the Agricultural, Conservance and Residential Districts and non-conforming uses in B-1 and I-1 Districts shall not exceed 25 square feet.

6. A temporary real estate or construction sign of reasonable size is permitted on the property being sold, leased or developed, without an improvement location permit. Such sign shall be promptly removed when it has fulfilled its function.

7. Signs used or erected by government agencies shall be exempt from the requirements of this ordinance. (Ord. No. \_\_, §30, 4-28-80)

#### Sec. 10-3-2 Off-Street Parking.

All new uses or enlarged existing uses must conform to the off-street parking requirements established below:

1. Parking spaces may be located on a lot within 300 feet of the lot containing the principal use.
2. All off-street parking shall be hard surfaced and adequately drained.
3. Each parking space shall be no less than 180 square feet, excluding the space required for ingress and egress.
4. Schedule of Off-Street Parking

Use	Parking Spaces Required
Residential	2 per dwelling unit
Church and School	1 per 6 seats in principal assembly room
Private Club or Lodge	1 per 4 members
Theatre	1 per 4 seats
Hospitals and Rest Homes	1 per 3 beds and 1 for each 2 employees on the maximum working shift
Professional offices, wholesale houses and medical clinics	1 for every 250 sq. ft. of floor space
Retail businesses,	1 for every 100 sq. ft. of

eating & drinking  
places, & personal  
service establishments

floor space

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

Hotels and Motels

1 for each living or sleeping  
unit

5. For uses not listed in the schedule of parking requirements, parking spaces shall be provided on the same basis as required for the most similar use listed.

6. Commercial and institutional establishments occupying existing buildings in the Central Business District are exempt from the parking requirements outlined in Sub-sections 1 through 5 of this Section. (Ord. No. \_\_, §31, 4-28-80)

#### Sec. 10-3-3 Off-Street Loading.

Every building which requires the receipt or distribution by vehicles of material or merchandise shall provide off-street loading berths of size and arrangement appropriate for the type of vehicles utilizing this space. In no case will loading or unloading be permitted within public right-of-ways. This provision will not be construed in such a manner to adversely affect businesses in the central business district. (Ord. No. \_\_, §32, 4-28-80)

#### Sec. 10-3-4 Non-Conforming Uses and Structures.

Any lawful use of land or structure existing or under construction and progressing diligently at the time of adoption of this ordinance, which does not conform to the specifications of this ordinance, may be continued subject to the following limitations:

##### (a) Non-conforming Structures

###### 1. Repairs

A nonconforming structure may be repaired or altered provided no structural change is made.

###### 2. Maintenance Permitted

A nonconforming structure lawful existing upon the effective date of the Ordinance may be maintained, subject to provisions otherwise imposed by this Section of the Ordinance.

3. Additions, Changes or Moving

A nonconforming structure as to use, height, yard requirements, or lot area, shall not be structurally altered or enlarged in any manner unless the existing structure and said change shall cause the structure to conform to all the requirements of the district in which it is located.

(b) Non-conforming Uses

1. A non-conforming use may be changed only to a conforming use.

2. A non-conforming use operating on a portion of a lot shall not be expanded on to any other portion of that lot.

(c) Amortization

1. When a non-conforming use has been discontinued for a period of 12 months, such use shall not be established and any use thereafter of that property shall be in conformance with the provisions of this ordinance.

(2) No building damaged by fire or other causes to the extent of 50% of its cash value immediately prior to such damage, shall be rebuilt or repaired except in full conformance to the provisions of this ordinance. (Ord. No. \_\_, §33, 4-28-80)

Sec. 10-3-5 General Regulations.

(a) Principal Building

Only one (1) principal building or structure shall be permitted on any lot.

(b) Residential Corner Lots

No fence, wall, hedge or other structure or plant that would obstruct vision will be permitted within the triangle formed by the lot lines nearest the intersection and a line extending between the points on the lot lines 25 feet from the corner.

(c) Unclassified Uses

If the Zoning Inspector is unable to determine whether a proposed use is permitted, he shall apply to the Board of Zoning Appeals for an interpretation.

(d) Substandard Lot of Record

When an undeveloped lot is an official lot of record at the time of adoption of this ordinance and does not comply with the requirements of this ordinance, an application for a variance shall be submitted in conformance with the terms of this ordinance, if the lot owner intends on utilizing it for building purposes. (Ord. No. \_\_, §34, 4-28-80)

(e) General Fence Provisions

The Zoning Inspector is to approve all fences. All fences are to have a two foot setback from property line unless property owners mutually agree, otherwise in writing and record said agreement with the Steuben County Recorder. No fence is to be erected closer than two feet from any sidewalk, or public property or right of way. No fence shall be erected or situated in such a manner as to obscure vision of drivers on public streets or highways, or lake views in lake residential areas. (Ord. No. 28, §34.5.1, 7-12-83)

The approval of the Zoning Inspector and the two (2) foot setback requirement from property lines does not apply to farm boundary line fences and livestock fences in an Agriculture District. (Ord. No. 30, Amending Art. III, §34.5.1, 9-22-83)

(f) Residential Fence Restrictions.

In the R-1, R-2, or r-3 Districts the following additional restrictions are to apply:

a) Security fences (chain link or wooden) not exceeding six (6) feet in height may be placed as follows:

(i) Rear yard to within setback requirement in Sub-Section (e) of this Section.

(ii) Side yard to within setback requirement in Sub-section (e) of this Section, of property line, but not nearer the front yard than the front of the house.

(iii) For purposes of this section the side of a house facing a public street on a corner lot is to also be considered the front of the house and the side yard facing the street to also be considered a front yard.

b) Decorative fences including but not limited to split rail, post and chain, pickets, etc. may be placed in the front, rear or side yards provided the same are not used as an enclosure, are aesthetically complimentary to the neighborhood, and do not exceed four feet in height. (Ord. No. 28, §34.5.2, 7-12-83)

(g) Special Fences<sup>2</sup>

a) Temporary snow fences are permitted from October first to April first considering acts of God without prior approval.

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<sup>2</sup>The Indiana Swimming Pool Rules may be found in the 1983 Edition.

b) Swimming pools to be fenced upon completion or within seven (7) days after being filled with water whichever occurs first (existing pools are given six months to comply). The Town or its agents, commissions or boards are not to be held responsible for the adequacy of such fence or the noncompliance of any landowner. The fence to be a security type fence not less than four feet in height which completely encloses the pool area. (Ord. No. 28, §34, 5.3, 7-12-83)

#### Sec. 10-3-6 Roofing Materials, Roof Slope and Siding Materials.

(a) A dwelling unit other than a mobile home is to have one of the following types of roofing materials: asbestos, fiberglass, shake, or asphalt shingles, or tile or slate materials, or traditional residential standing seam metal.

(b) A dwelling unit other than a mobile home is to have a pitched roof having a slope of not less than the design requirements of the roofing material used.

(c) A dwelling unit other than a mobile home is to have one of the following types of exterior siding: residential horizontal aluminum or vinyl siding, wood grain weather resistant press board siding, stucco siding, or brick or stone siding. (Ord. No. 30, Amending Art. III, §35, Sub §35, 9-22-83)

Sec. 10-3-7 through 10-3-8 Reserved for Future Use

### Division IV. Zoning Districts

#### Sec. 10-4-1 Establishment of Districts.

For the purposes of this ordinance the Town of Orland and its recorded jurisdictional area are divided into the following zoning districts:

- A - Agriculture District
  - R-1 - Single Family Residential District
  - R-2 - Lake Residential District
  - R-3 - Mobile Home Park District
  - B-1 - General Business District
  - I-1 - Light Industrial District
  - FH - Flood Hazard District
- (Ord. No. \_\_, §40, 4-28-80)



Sec. 10-4-2 District Boundaries.

(a) The boundaries of each zoning district are identified on the appropriate zoning map. Most boundary lines follow corporate limit lines, lot lines, property lines or extensions of those lines. Conservancy District lines are either set by the Federal Insurance Administration or based on contour lines.

(b) Where uncertainty exists as to the location of a district boundary, the following rules shall apply:

(1) Where no corporate, lot, property lines or their extension are apparent, the boundary shall be located from the scale of the zoning maps.

(2) If the boundary location is still uncertain, the Board of Zoning Appeals shall interpret the intent of the Zoning maps as to the location of the boundary in question. (Ord. No. \_\_, §41, 4-28-80)

Sec. 10-4-3 Agriculture (A) District.

The purpose of the Agriculture District is to preserve productive agricultural land and maintain a rural setting around Orland.

(a) Permitted Uses

1. Agricultural uses and commercial grain storage

(1) The raising or feeding of livestock or poultry within 400 feet of an R district or a public recreational area is prohibited.

(2) Buildings accessory to agricultural use, including single family farmsteads.

(3) Home occupations.

(4) Churches, parks, playgrounds, schools, libraries, cemeteries, public utilities or services and social organizations.

(5) Non-farm residential development

(5.1) Any non-farm residential development must meet meet all standards set in the Town of Orland Subdivision Ordinance.

(5.2) All non-farm residential must conform to the following requirements:

Yard Requirements

Front: 30 feet

Side: 15 feet

Rear: 50 feet

Bulk Requirements  
Minimum lot area: 40,000 sq. ft.  
Minimum floor area: 1,000 sq. ft.  
Minimum lot width: 100 ft.

(5.3) If the subdivision is provided with water and sewer facilities Sections 10-4-4(c) and (d) may substitute for Section 10-4-3(b)

(b) Special Exceptions

1. Sale of agricultural products produced on the premises.
2. Junkyards, provided such use is surrounded by a solid fence of at least six (6) feet in height. (Ord. No. \_\_, §42, 4-28-80)
3. A mobile home having a minimum floor area of not less than 720 square feet. (Ord. No. 30, amending Art. IV, §42, 9-22-83)

Sec. 10-4-4 Single Family Residential (R-1) District.

The purpose of the R-1 District is to isolate single family residences and closely associated public and semi-public uses from incompatible forms of development.

(a) Permitted Uses

1. Single family dwellings and their accessory buildings, including private garages and storage buildings.
2. Agricultural use, excluding farm structures and livestock or poultry raising or feeding operations.
3. Home occupations.
4. Churches, parks, playgrounds, schools, libraries, cemeteries, public utilities and services and social organizations. (Ord. No. \_\_, §43, 4-28-80)
5. A manufactured home as defined in Section 10-4-1. (Ord. No. 30, amending Art. IV, §43, 9-22-83)

(b) Special Exceptions

1. Planned unit development, provided that the floor area ratio does not exceed the maximum established for the zoning district.
2. Two or multi-family dwellings provided that the following standards are met:

Yard Requirements:



Front: 25 feet  
Side: 10% of lot width or 15 ft. minimum, whichever is less.  
Rear: the greater of 25 feet or 20% of the lot depth.  
Bulk Requirements  
Minimum lot area per unit: 4,000 sq. ft.  
Maximum floor area ratio: 30%

(c) Yard Requirements

Front: 25 feet  
Side: 10% of lot width or 15 ft. minimum, whichever is less  
Rear: 30 feet

Corner lots will provide front yard setbacks on both street sides unless the buildable area would be less than 30 feet in which case the yard requirements ends at the 30 feet buildable area line.

Accessory buildings shall be permitted within the rear yard provided they are located at least 10 feet from the lotline, do not exceed one story, and shall not exceed sixteen (16) feet in overall height. (Ord. No. 56, §43.3.2, 4-2-85)

(d) Bulk Requirements

Minimum lot area: 15,000 sq. ft.  
Minimum floor area: 1,000 sq. ft.  
Minimum lot width: 80 feet  
Maximum floor area ratio: 30%

If the residence is supplied with water and sewer facilities the following requirements may substitute for the above:

Minimum lot area: 9,000 sq. ft.  
Minimum lot width: 70 feet

(e) Off-Street Parking

See Division III, Section 10-3-1

(f) Sign Requirements

See Division III, Section 10-3-1  
(Ord. No. \_\_, §43, 4-28-80)

Sec. 10-4-5 Lake Residential (R-2) District.

The purpose of the R-2 District is to allow for a mixture of year-round and seasonal dwellings.

(a) Permitted Uses

1. Any use permitted in R-1
2. Seasonal dwelling units

(b) Special Exceptions

1. Same as R-1 District (Ord. No. \_\_, §44.2, 4-28-80)
2. Any special exception permitted in R-1. (Ord. No. 30, Amending Art. IV, §44.2.1, 9-22-83)
3. A mobile home having a minimum floor area of not less than 720 square feet and in an area in which adjoining improved parcels have mobile homes located thereon or the neighborhood is predominantly mobile homes. (Ord. No. 30, Amending Art. IV, §44.2.2, 9-22-83)

(c) Yard Requirements

Same as R-1 District

(d) Bulk Requirements

Minimum lot area: 15,000 sq. ft.  
Minimum floor area: 500 sq. ft.  
Minimum lot width: 80 sq. ft.  
Maximum floor area ration: 30%

(e) Off-Street Parking

See Division III, Section 10-3-2

(f) Sign Requirements

See Division III, Section 10-3-1  
(Ord. No. \_\_, §44, 4-28-80)

Sec. 10-4-6 Mobile Home (R-3) District.

(a) Permitted Uses

1. Any use permitted in R-1
2. Mobile home parks provided that the following requirements are met:
  - (1) The park shall have permanent accommodations (sites) for a minimum of 5 mobile homes.
  - (2) Each site must be provided with sewage and water hookups, if those utilities are available, and a concrete mounting platform
  - (3) Each site shall abut a driveway that meets all structural street requirements of the subdivision ordinance.
  - (4) No mobile home site shall have direct access to a public street. (Ord. No. \_\_, §45.1, 4-28-80)

(b) Special Exemption

1. Any special exception allowed in R-1 District.
2. A mobile home having a minimum floor area of not less than 720 square feet located upon a lot meeting the lot size requirements for an R-1 District. (Ord. No. 30, Amending Art. IV, §45.1.2.4, 9-22-83)

(c) Yard Requirements

Front: 20 ft.  
Side: 8 ft.  
Rear: 10 ft.

(d) Bulk Requirements

Minimum lot area: 8,000 sq. ft.  
Minimum floor area: 500 sq. ft.  
Minimum lot width: 80 feet  
Maximum floor area ration: 40%

(e) Off-Street Parking

See Division III, Section 10-3-2

(f) Sign Requirements

See Division III, Section 10-3-1  
(Ord. No. \_\_, §45, 4-28-80)

Sec. 10-4-7 General Business (B-1) District.

The purpose of the B-1 District is to provide groupings of business establishments in convenient locations.

(a) Permitted Uses

1. Any use permitted in the R-1 district
2. Major retail outlets: e.g. furniture, appliance, hardware, shoe stores
3. Retail food and drug: e.g. drugstores, groceries, restaurants, taverns
4. Business and professional offices
5. Retail specialty shops: e.g. gift shops, sporting goods, book stores
6. Accessory uses or buildings: e.g. parking lots, signs

(b) Special Exceptions

1. Any commercial use that requires product storage or work outside of the principal building, provided that the following yard requirements are

met beyond the lot area used for business purposes:

Front:	25 feet
Side:	10 feet
Rear:	20 feet

2. Any business that conducts production and retail sale of a good on the same premises.

(c) Yard Requirements

Front:	No requirement
Side:	No requirement, unless the lot abuts a residential district, in which case the side yard shall equal the requirement of the adjoining residential district.
Rear:	20 feet

Awnings and canopies may overhand the sidewalk provided such structures are at least seven (7) feet above the sidewalk at all points.

(d) Off-Street Parking

See Division III, Section 10-3-2

(e) Sign Requirements

See Division III, Section 10-3-1  
(Ord. No. \_\_, §46, 4-28-80)

Sec. 10-4-8 Light Industrial (I-1) District.

The purpose of the I-1 District is to limit development to manufacturing of a nature compatible with other land uses. Heavy manufacturing is permitted as a special exception, allowing control of industries that might present a public nuisance.

(a) Permitted Uses

1. Light manufacturing as defined in Division I, Section 10-1-4.
2. Warehousing and storage; enclosed storage of goods, materials and equipment, including trucks.
3. Wholesaling of products manufactured on the premises.
4. Accessory uses.

(b) Special Exceptions

1. Heavy manufacturing as defined in Division I, Section 10-1-4
2. Bulk fuel storage

(c) Yard Requirements

Front: 30 feet  
Side: 20 feet  
Rear: 25 feet

(d) Off-Street Parking

See Division III, Section 10-3-2

(e) Sign Requirements

See Division III, Section 10-3-1  
(Ord. No. \_\_, §47, 4-28-80)

Sec. 10-4-9 Flood Hazard District.

The development of flood hazard areas can result in the potential loss of life and property and lead to excessive public expenditure for flood protection and relief. Since development of these areas is not essential to the growth of the community and because these areas are suitable for open space uses that do not require structures and fill, the following restrictions apply to lands in the flood hazard district:

1. Statutory Authorization

The Indiana Legislature has by State Legislature dealing with planning and zoning granted the power to local units of government to control land use within their jurisdiction.

2. Definitions

Development - any man-made change to improved or unimproved real estate including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

Flood Plain - means any flood plain, floodway or floodway fringe district or combination thereof as illustrated on the Flood Boundary and Floodway Map as prepared by the Federal Insurance Administration.

Natural Resources - means the Indiana Natural Resources Commission.

Regulatory Flood - means that flood having a peak discharge which can be expected to be equaled or exceeded on the average of once in a one-hundred year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having the probability of occurrence of one percent in any given year.

3. Designation

Areas included in the Flood Hazard District are designated by the

Federal Insurance Administration as Flood Hazard Areas. Maps issued by the FIA detail location of these areas.

#### 4. Administration

The Zoning Administrator for the Town of Orland is designated to review all development and subdivision proposals to ensure compliance with the provisions of this district.

#### 5. Permitted Uses

1. Agricultural uses such as general farming, pasture grazing, orchards, plant nurseries, and vineyards.
2. Forestry, wildlife areas and nature preserves.
3. Parks and recreational uses, such as golf courses, driving ranges and play areas.

#### 6. Special Exceptions

All development applications located in the Flood Plain District which are not permitted by right (Section 10-4-9,5) will require the review and approval by Natural Resources prior to the issuance of a local permit. The Zoning Administration shall forward all these applications along with plans and specifications to Natural Resources for review and comment.

#### 7. Non-conforming Uses

Any building, structure or use of land in the Flood Plain District which is not in conformance with these regulations constitutes a non-conforming use. All applications to repair, extend or enlarge a non-conforming use shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit.

#### 8. Variances

Applications for variances to the provisions of this ordinance shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any local permit.

#### 9. Disclaimer

Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana for any damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder. (Ord. No. \_\_, §48, 4-28-80)

#### Sec. 10-4-10 Purpose of (R-4) District.

The purpose of the R-4 District is to provide for a variety of housing

densities and housing for a variety of income levels. (Ord. No. 56, §49, 4-2-85)

(a) Permitted Uses.

1. Any use permitted in an R-1 District.
2. Two or multi-family dwellings. (Ord. No. 56, §49.1, 5-7-85)

(b) Special Exceptions.

Planned Unit Development provided that the floor area ratio does not exceed the maximum established for the zoning district, and that it meets all standards set by the Plan Commission. (Ord. No. 56, §49.2, 4-2-85)

(c) Yard Requirements.

Front: 25 feet minimum

Side: 10% of lot width or 15 feet minimum, whichever is less

Rear: 30 feet minimum

Corner lots will provide front yard setbacks on both street sides unless the buildable area would be less than 30 feet, in which case the yard requirements end at the 30 foot buildable area line.

Accessory buildings shall be permitted within the rear yard provided they are located at least five (5) feet from the lot line. (Ord. No. 56, §49.3, 4-2-85)

(d) Bulk Requirements.

Two-Family Dwelling

Minimum lot area: 12,000 sq. ft.

Minimum floor area: 1,500 sq. ft.

Minimum lot width: 70 ft.

Maximum floor area ratio: 30%

Multi-Family Dwelling

Minimum lot area: the greater of 15,000 sq. ft. or 2,000 sq. ft. per unit

Minimum floor area: 400 sq. ft. per unit

Maximum floor area ratio: 50%

(Ord. No. 56, §49.4, 4-2-85)

(e) Off-street parking - See Division III, Sec. 10-3-1

(f) Sign Requirements - See Division III, Sec. 10-3-1

Sec. 10-4-11 through 10-4-12 Reserved for Future Use



## Division V. Board of Zoning Appeals

### Sec. 10-5-1 Authorization and Composition of the Board of Zoning Appeals.

#### (a) Authorization

A Board of Zoning Appeals is established in accordance with original Indiana Code 18-7-4-901, Acts of 1979, now found at I.C., 36-7-4-901.

#### (b) Composition

The Board shall be composed of six (6) members. Five (5) members shall be residents of Orland. None of the five shall hold other elective or appointive office, except that two (2) members will be appointed from the Plan Commission's citizen membership. All five appointments shall be made by the Town Board and shall be for a period of four (4) years. The sixth appointment shall be made for the judge of the Steuben County Circuit Court and shall also serve for a period of four (4) years. (Ord. No. , §50, 4-28-80)

### Sec. 10-5-2 Meetings and Records.

All meetings of the Board shall be open to the public. The board shall keep minutes of its proceedings, keep records of its examinations and other official actions, prepare findings, and record the vote of each member voting upon each question. All minutes and records shall be filed with the Town records as a public record. (Ord. No. \_\_, §51, 4-28-80)

### Sec. 10-5-3 Public Hearing/Legal Notices.<sup>4</sup>

A public hearing shall be held by the Board of Zoning Appeals before the approval of an action. At least fifteen (15) days prior to the hearing date, the Board shall publish in a newspaper of general circulation in the town or county a notice of the time and place of the hearing.

1. Notice to contain exact legal description or location for which the action is petitioned, as well as, brief statement describing the action.

2. Notifying property owners, groups and organizations as it deems desirable, including but not limited to, the petitioner and all owners of the property affected and property immediately adjoining.

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<sup>3</sup>I.C., 36-7-4-902 et seq. effective 1-2-84, address the composition of the Board of Zoning Appeals.

<sup>4</sup>I.C., 36-7-4-916 addresses Rule-making authority, and I.C., 36-7-4-921, addresses adoption of Rules.



Sec. 10-5-4 Powers and Duties of the Board of Zoning Appeals.<sup>5</sup>

(a) Hear and determine appeals from and review any order, requirement, decision, or determination made by an administrative official or board charged with the enforcement of a zoning ordinance.

(b) Hear and determine special exceptions to the terms of the zoning ordinance upon which the Board of Zoning Appeals is required to act under the zoning ordinance.

(c) Authorize exceptions to the district regulations only in the classes of cases or in particular situations as specified in the zoning ordinance.

(d) Authorize variances from the terms of the zoning ordinance when: the request will not be contrary to public interest; owing to special conditions a literal enforcement of the zoning ordinance will result in unnecessary hardship; the spirit of the zoning ordinance shall be observed and substantial justice done; the variance will not diminish the marketable value of adjacent land and buildings. (Ord. No. \_\_\_, §53, 4-28-80)

Sec. 10-5-5 Petition.

Any governmental body or agency, as well as, private petitioners may apply to the Board of Zoning Appeals for an appeal, special exception or variance. Such petition shall consist of the legal description or address of the property involved, description of the proposed action and reference to each finding of fact. Such petition shall be accompanied by a fee to be established by the Town Board. (Ord. No. \_\_\_, §54, 4-28-80)

Sec. 10-5-6 Stay of Proceedings on Appeal.<sup>6</sup>

When an appeal from the decision of an official or board has been filed with the Board of Zoning Appeals, proceedings and work on the premises affected shall be stayed unless the official or board certifies to the BZA that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In that case, proceedings or work may not be stayed except by a restraining order.

After applications, after notice of the officer or board and to the owner of the premises affected, and after due cause is shown, the BZA or the Circuit Court of the County in which the premises affected are located may grant the restraining order.

After the owner of, or a person in charge of the work on, the premises

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<sup>5</sup>I.C., 36-7-4-918, addresses powers and duties.

<sup>6</sup>I.C., 36-7-4-1001 and I.C., 36-7-4-1002, address stay of proceedings.

affected has received notice that an appeal has been filed with the BZA the official or board charged with the enforcement of the zoning ordinance may order the work stayed and call on the police power of the municipality or county to give effect to that order. (Ord. No. \_\_, §55, 4-28-80)

#### Sec. 10-5-6 Review of Certiorari.<sup>7</sup>

Each person aggrieved by a decision of the BZA may present to the Circuit Court of the County in which the premises affected are located, a petition, duly verified, setting forth that the decision is illegal in whole or in part and specifying the grounds of the illegality. The person shall present the petition to that decision of the BZA in accordance with the provisions of the Indiana Code 36-7-4-1003. (Ord. No. \_\_, §56, 4-28-80)

#### Sec. 10-5-7 through 10-5-10 Reserved for Future Use

### Division VI. Amendment

#### Sec. 10-6-1 Procedure to Amend.

The Town Board of Orland may amend, supplement or change the regulations and districts pursuant to this ordinance, or petitions, duly signed, may be presented to the Zoning Inspector requesting an amendment, supplement or change of the regulations of the zoning ordinance by the Plan Commission or by a private petitioner. (Ord. No. \_\_, §60, 4-28-80)

#### Sec. 10-6-2 Petition.

The Orland Board of Town Trustees, the Orland Planning Commission and other governmental bodies or agencies, as well as, any private petitioner may apply for an amendment to the Zoning Ordinance and/or Zoning Map. All petitions for amendments by a private party shall be accompanied by a fee to be established by the Town Board. (Ord. No. \_\_, §61, 4-28-80)

#### Sec. 10-6-3 Public Hearing.

A public hearing shall be held by the Plan Commission before the adoption of any proposed amendment, supplement or change. At least ten (10) days prior to the date set for the hearing, the Commission shall publish in a newspaper of general circulation in the City or County a notice of the time and place

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<sup>7</sup>I.C., 36-7-4-1005 addresses writ of certiorari.

of the hearing.

1. Notice to contain exact legal description or location for which the amendment is petitioned, as well as, brief statement describing the proposed judgment.

2. Notifying property owners, groups and organizations as it deems desirable, including but not limited to, the petitioner and all owners of the property affected and property immediately adjoining. (Ord. No. \_\_, §62, 4-28-80)

#### Sec. 10-6-4 Amending Zoning Ordinance.

Any proposed ordinance for the amendment of the zoning ordinance, not originating from the Plan Commission, shall be referred to the Plan Commission for consideration and report before any final action is taken by the Town Board. In the event the report of the Plan Commission is adverse to a proposed ordinance referred to then, the ordinance shall not be passed except by unanimous affirmative vote of the Town Board. (Ord. No. \_\_, §63, 4-28-80)

#### Sec. 10-6-5 Lack of Action on Unfavorable Report.

Failure of the Town Board to pass such proposed ordinance by said affirmative vote within ninety (90) days after its rejection by the Plan Commission shall constitute a rejection of the proposed ordinance and the petition shall not be reconsidered by the Plan Commission or Town Board until the expiration of one (1) year after the date of its original rejection by the Plan Commission. (Ord. No. \_\_, §64, 4-28-80)

#### Sec. 10-6-6 Lack of Action on Favorable Report.

A zoning ordinance amendment that has been recommended favorably by the Plan Commission, and certified to the Town Board, must receive action by the Town Board within one hundred and twenty (120) days after certification or it becomes effective as if passed by the Board. (Ord. No. \_\_, §65, 4-28-80)

#### Sec. 10-6-7 through 10-6-8 Reserved for Future Use

### Division VII. Legal Status

#### Sec. 10-7-1 Interpretation.

In interpreting and applying the provisions of this Ordinance, the requirements shall be held to be the minimum requirements for the promotion



of the public health, safety, and general welfare. In case of any conflict between this ordinance, or any part thereof, and the whole or part of any existing or future ordinance of the Town of Orland, or the whole or part of any existing or future private covenants or deeds, the most restrictive in all cases shall apply. (Ord. No. \_\_, §70, 4-28-80)

Sec. 10-7-2 Severability Clause.

If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a Court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. (Ord. No. \_\_, §71, 4-28-80)

Sec. 10-7-3 Effective Date.

This ordinance shall be in force and effect from and after the passage, approval, and publication as required by law. (Ord. No. \_\_, §72, 4-28-80)

Sec. 10-7-4 through 10-7-6 Reserved for Future Use

Article 2. Subdivision Ordinance<sup>8</sup>

Division I. General Provisions<sup>9</sup>

Sec. 10-8-1 Title.

This ordinance shall be known and may be cited as the "Subdivision Regulations of the Town of Orland, Indiana". (Ord. No. \_\_, §10, 4-28-80)

Sec. 10-8-2 Purpose.

1. Guidance of future growth and development in accordance with the comprehensive planning process.

2. Protection and conservation of the value of land, buildings, and other improvements upon the land, and to minimize the conflicts among the

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<sup>8</sup>I.C., 36-7-2-2, authorizes the platting and subdividing of real property.

<sup>9</sup>I.C., 36-7-3-1 et seq., address the platting and vacation of real property.



uses of land and buildings.

3. Guidance of public and private policy and action in order to assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities.

4. Avoidance of scattered and uncontrolled subdivision of land that would result in the unnecessary imposition of an excessive expenditure of public funds for the supply of services that are a part of community infrastructure.

5. Establishment of reasonable standards of design and minimum requirements for the creation, installation, and improvement of physical facilities which are, or will be, maintained for the benefit of general public.

6. Establishment of reasonable standards and procedures for subdivisions and resubdivisions, in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land.

7. Administration of these regulations by defining the powers and duties of approval authorities; and the manner and form of making, filing and processing of any plat. (Ord. No. \_\_\_, §11, 4-28-80)

#### Sec. 10-8-3 Jurisdiction.

These subdivision regulations shall apply to all subdivisions of land, as defined herein, located within the boundaries of Orland, Indiana, or its recorded jurisdictional area. (Ord. No. \_\_\_, §12, 4-28-80)

#### Sec. 10-8-4 General Provisions.<sup>10</sup>

When any subdivision of land shall hereafter be laid out, the subdivider thereof or his agent shall submit a preliminary and a final plat to the Plan Commission. No plat shall be filed with the Auditor or recorded by the Recorder or Steuben County until approval has been given in writing on the plat by the Plan Commission.

Until plats and plans for the subdivision are approved, properly endorse and recorded, no land shall be offered for sale and no improvements shall be permitted to said land. (Ord. No. \_\_\_, §13, 4-28-80)

#### Sec. 10-8-5 Interpretation.

(a) In their interpretation and application, the provisions of this

<sup>10</sup>I.C., 36-7-3-4, addresses the survey and plat requirements.





Ordinance shall be held to be minimum requirements.

(b) These regulations shall supplement all other regulations, and where at variance with other laws, ordinances, resolutions, rules or regulations of any kind, the more restrictive requirements shall apply. (Ord. No. \_\_, §14, 4-28-80)

#### Sec. 10-8-6 Definitions.

1. Block: A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad right-of-way, waterways or municipal boundaries.

2. Easement: A grant by the owner of the use of a strip of land by the public, a corporation, or persons, for specific uses and purposes, to be designated as a "public" or "private" easement depending on the nature of the use.

3. Improvements: Grading, street surfacing, curb and gutter, sidewalks, crosswalks, water mains and lines, sanitary sewers, storm sewers, culverts, bridges, utilities, and other additions to the natural state of land which increase its value, utility or habitability.

4. Lot: A parcel or portion of land separated from other parcels or portions by description, as in a subdivision or on record survey map or by metes and bounds, for the purpose of sale, lease, or separate use.

5. Plat: A map or chart indicating the subdivision or resubdivision of land, intended to be recorded.

(5.1) Preliminary Plat: A preliminary map and supporting data indicating the proposed layout of the subdivision in sufficient detail to provide adequate basis for review by the Commission and meeting requirements of Section 10-99 of this Ordinance.

(5.2) Final Plat: A map of all or part of a subdivision providing substantial conformance to the Preliminary Plat of the Subdivision prepared and certified by a registered land surveyor in compliance with requirements of Chapter 174, Acts of 1947, General Assembly of the State of Indiana, as amended, and suitable for recording by the County Register of Deeds.

6. Street: Any street, avenue, boulevard, road, lane, parkway, viaduct, alley, or other way which is an existing state, county, or municipal roadway; or, a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or, a street or way on a plat duly filed and recorded in the office of the County Register of Deeds. A street includes the land between the street lines whether improved or unimproved and may comprise pavement, shoulders, gutters, sidewalks, parking areas, and lawns.

(6.1) Major Thoroughfare: Any interstate, state or county



of the Plan Commission. (Ord. No. \_\_, §20, 4-28-80)

Sec. 10-9-2 Inspection at Subdivider's Expense.

All public improvements proposed to be made under the provisions of the Ordinance shall be inspected during the course of construction by the Enforcing Officer or a duly designated deputy. All fees and costs connected with on-site inspections shall be paid by the subdivider. The filing fee as outlined in Division III does not cover this expense. (Ord. No. \_\_, §21, 4-28-80)

Sec. 10-9-3 Improvement Location Permits.

No Improvement Location Permit or Building Permit shall be issued on any lot in a subdivision until the preliminary plat and the plans and specifications have been approved by the Town of Orland. In addition, the required improvements shall be installed or surety posted required improvements before building permits can be issued. (Ord. No. \_\_, §22, 4-28-80)

Sec. 10-9-4 Variations and Exceptions.

When the subdivider can show that a provision of these regulations, if strictly adhered to, would cause unnecessary hardship, and when in the opinion of the Plan Commission, because of topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, the Plan Commission may recommend a variance or modification to the Town Board. The subdivider shall apply in writing for such variance or modification of the action. Any variance or modification thus authorized, shall be attached to and made a part of the final plat. (Ord. No. \_\_, §23, 4-28-80)

Sec. 10-9-5 Resubdivision (Replat).

For any change in a map of an approved or recorded subdivision plat, if such change affects any street layout shown on such map, or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Plan Commission by the same procedure, rules and regulations as for a subdivision. (Ord. No. \_\_, §24, 4-28-80)

Sec. 10-9-6 through 10-9-10 Reserved for Future Use



highway, or any local traffic artery of considerable continuity carrying a large volume of both private and commercial vehicles; i.e., a "section line road".

(6.2) Collector Street: A street within a neighborhood used primarily to carry traffic from minor streets to major thoroughfares, including principal entrance streets to a residential development.

(6.3) Minor Streets: A street of limited continuity used primarily for access to abutting residential properties.

(6.4) Marginal Access Street: A minor street paralleling and adjacent to a major thoroughfare which provides access to abutting properties and protection from through traffic.

(6.5) Turn-Around: A short boulevard street permanently terminated by a vehicular turn-around.

(6.6) Cul-de-sac Street: A short minor street having one end permanently terminated by a vehicular turn-around.

(6.7) Alley: A minor service street used primarily to provide secondary vehicular access to the rear or side of properties otherwise abutting upon a street.

7. Subdivider: Any individual, firm, association, syndicate, co-partnership, corporation, trust, or any other legal entity commencing proceedings under this Ordinance to affect the subdivision of land for himself or for another.

8. Subdivision: A division of a lot, tract or parcel of land into two or more lots or other divisions of land for the purpose, immediate or future, of transfer of ownership, or development, including all changes in street or lot lines. The term includes resubdivision; and when appropriate to the context, shall relate to the process of subdividing or to the land subdivider. (Ord. No. \_\_, §15, 4-28-80)

Sec. 10-8-7 through 10-8-10 Reserved for Future Use

## Division II. Administration

Sec. 10-9-1 Enforcing Officer.

The provisions of this Ordinance shall be administered by the Plan Commission acting in lieu of the Town Board except as specifically provided in this Ordinance. The Enforcing Officer is hereby designated and authorized to enforce the provisions of this Ordinance under the direction



### Division III. Subdivision Platting Procedure

#### Sec. 10-10-1 Pre-Application Procedure.

(a) Prior to the preparation of a preliminary plat the subdivider may informally meet with the Plan Commission to investigate the procedures and standards of the municipality with reference to the Subdivision Control Ordinance and provisions of the comprehensive Plan. Preliminary drawings should not be submitted at this time.

(b) The subdivider should concern himself with the following factors:

1. Regulations imposed by zoning and subdivision ordinances, engineering specifications and other relevant ordinances or controls.

2. Zonings of the proposed subdivision location.

3. The adequacy of existing schools and public open spaces.

4. The Town, County and State standards for sewage disposal, water supply and drainage. (Ord. No. \_\_, §30, 4-28-80)

#### Sec. 10-10-2 Procedure for Approval of Preliminary Plat.

(a) The subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in the following sections.

(b) Three (3) copies of the preliminary plat and supplementary material specified shall be submitted to the Secretary of the Plan Commission with written application for approval.

(c) The Town Board may set fees to cover the cost of the public hearing and checking the plat proposal. Such fee shall be due at the time of filing for approval of the preliminary plat.

(d) Public Hearing - A public hearing shall be held before the Plan Commission. At least ten (10) days prior to the day set for the hearing, the Plan Commission shall notify the applicant in writing, notify the general population by publication in a newspaper of general circulation in Steuben County, Indiana, and notify any governmental unit having a probable interest in the proposed plat that a hearing will be held.

(e) After the public hearing and following review of the preliminary plat and other material submitted for conformity thereof to these regulations and negotiations with the subdivider on changes deemed advisable and the kind and extent of improvements to be made by him, the Plan Commission shall, within thirty (30) days of the public hearing, act thereon as submitted or modified, and if approved, the Plan Commission shall express its approval





and shall state the conditions of such approval, if any, or if disapproved, shall express its disapproval and its reasons therefor.

The action of the Plan Commission shall be noted one three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy forwarded with a report to the Town Board and one (1) copy retained by the Plan Commission. (Ord. No. \_\_, §31, 4-28-80)

### Sec. 10-10-3 Data for Approval of Preliminary Plat.

#### (a) Existing Conditions

(1) Boundary Lines  
Bearings and distances

(2) Easements  
Location, width and purpose

(3) Streets on and Adjacent to the Tract

Name and right-of-way width and type of surfacing; and established centerline elevations; walks, curbs, gutters, culverts, etc.

(4) Utilities on and Adjacent to Tract

Location, size and invert elevation of sanitary and storm sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone lines and street lights; if water mains and sewers are not one or adjacent to the tract, indicate the direction and distance to, and size of nearest ones showing invert elevation of sewers.

(5) Ground Elevation on the Tract, based on the Mean Sea Level Datum as Established by U.S. Coast and Geodetic Survey

For land that slopes less than one-half (1/2) percent, show not less than one (1) foot contours, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than one hundred (100) feet apart in all directions, and for land that slopes more than two (2) percent show not less than two (2) foot contours.

(6) Subsurface Conditions on the Tract, if Required by the Plan Commission

Location and results of tests made to ascertain subsurface soil, rock and ground water conditions; depth to ground water unless test pits are dry at a depth of five (5) feet; location and results of soil percolation tests if individual sewage disposal systems are proposed. In all cases where septic tanks are proposed, subsurface conditions (ground water table, percolation rate) must be analyzed.



(7) Other Conditions on the Tract

Water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one (1) foot or more in diameter, houses, barns, shacks, and other significant features.

(8) Other Conditions on Adjacent Land

Approximate direction and gradient of ground slope, including any embankments or retaining walls; and other nearby nonresidential land uses or adverse influences; owner of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name and recording date, and show approximate percent buildup and typical lot size.

(9) Zoning

One and adjacent to the tract.

(10) Proposed Public Improvements

Highways or other major improvements planned by public authorities for future construction on or near the tract.

(11) Key Plan

Sufficient information to accurately locate the plat. (Reference to existing streets, plats, etc. may be used. If there are none within a reasonable distance of the proposed subdivision, a vicinity plan on a small scale should accompany the preliminary plat.)

(12) Title and Certificates

Present tract designation according to official records in offices of the County Recorder; title under which proposed subdivision is to be recorded, with names and addresses of owners and notation stating acreage.

(b) Proposed Conditions

(1) The proposed name of the subdivision.

(2) Its location by section, township and range and as forming a part of some larger tract or parcel of land referred to in the indexes of the records of the County Recorder and/or Auditor.

(3) The description and location of all survey monuments existing in the subdivision shall be shown.

(4) The names and addresses of the persons to whom the notice of the hearing should be sent (the subdivider, the designer of the subdivision, and the owners of the land immediately adjoining the land to be platted)

(5) The names, locations, roadways widths, right-of-way widths, and



other dimensions of streets, alleys, easements, parks, and other open spaces.

(6) Sites, if any, for multifamily dwellings, shopping centers, churches, and industry.

(7) All parcels of land intended to be dedicated for public use or reserved for the use of all property owners with the purpose indicated.

(8) Location and size of utilities.

(9) Block numbers and layout, numbers, dimensions and area of lots.

(10) Building setback lines, showing dimensions.

(11) North point and scale and date of preparation.

(12) Draft of Protective Covenants - Whereby the subdivider proposes to regulate land use and otherwise protect the proposed development. (Ord. No. \_\_, §32, 4-28-80)

#### Sec. 10-10-4 Procedure for Approval of Final Plat.

(a) The final plat shall conform substantially to the preliminary plat as approved, and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however that such portion conforms to all requirements of these regulations.

(b) Prior to the time of submission of the final plat of subdivision, final plans and specifications for public improvements shall be submitted in triplicate to the Plan Commission and shall include at least the following:

(1) Detailed drawings of a grading plan, street improvements plan, sanitary improvements plan, water system improvements plan, and storm water drainage.

(2) Plans and profiles drawn at a scale not to exceed one (1) inch equals one hundred (100) feet horizontally and one (1) inch to ten (10) feet vertically indicating additional horizontal and vertical location of streets, sewers, appurtenances, and the existing grade.

(c) Upon receipt of these final plans, the Plan Commission shall refer same to the Town Engineer for his comments and corrections. The Town Engineer shall review these plans for compliance with the requirements of the town and shall return them together with his recommendations to the Plan Commission. The Town Engineer may, at his discretion, confer with the Engineer for the developer concerning correction to the final plans prior to its final approval. All final plans shall be submitted on twenty-four (24) inch by eighteen (18) inch mylar and shall bear the signature and of the Indiana Registered Professional Engineer and/or Registered Land Surveyor



under whose direction they were prepared.

(d) Three (3) copies of the final plat and other exhibits required for approval shall be prepared, and shall be submitted to the Plan Commission within twelve (12) months after approval of the preliminary plat. Should the developer require a longer period than this he must request the additional time from the Plan Commission. Failure to comply with these requirements will render the preliminary plat null and void.

(e) Within thirty (30) days after application for approval of the final plat, the Plan Commission shall approve or disapprove it. If the Plan Commission approves, it shall affix its seal upon the plat together with the certifying signatures of its Chairman and Secretary. If it disapproves, it shall set forth its reasons in its own records and provide the applicant with a copy.

(f) Filing - After approval of the final plat by the Plan Commission and the fulfillment of the requirements of these regulations, one (1) tracing of the final plat of the subdivision, drawn in ink on permanent plastic base, shall be submitted to the Town Board of Trustees.

Action must be taken by the Town Board within forty-five (45) days after the final plat has been submitted to the Town Board for approval.

Upon approval by the Town Board, the developer shall record the plat with the County Recorder within four (4) months. If not recorded within this time, the approval shall be null and void. Immediately after recording, the original or a duly certified copy of the recorded plat shall be filed with the Orland Clerk-Treasurer. (Ord. No. \_\_\_, §33, 4-28-80)

#### Sec. 10-10-5 Data for Final Plat Approval.

(a) Final Plat shall be drawn in ink on mylar that shall be eighteen (18) inches wide by twenty-four (24) inches long and shall be at a scale of one hundred (100) feet to one (1) inch. The plan commission may require a scale of fifty (50) feet to one (1) inch in appropriate cases. Where necessary, the plat may be on several sheets showing the entire subdivision. For large subdivisions, the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Plan Commission. The final plat shall show the following:

(1) Name of subdivision.

(2) Location by township, section, town, and range, or by other legal description.

(3) Scale one (1) inch to one hundred (100) feet, unless otherwise indicated.

(4) Boundary of plat, based on a closed traverse (implying all sides and interior angles being measured by proper and accepted field methods)





with a maximum error on boundary dimensions and closure of 1:5000. Closure calculations must be included and the Indiana State Plane Coordinate system shall be utilized.

(5) Exact location, width, and name of all streets within and adjoining the plat, and the exact location and widths of all cross-walkways. Streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.

(6) True angles and distances to the nearest established street lines or official monuments which shall be accurately described on the plat.

(7) Municipal, township, county or section lines accurately tied to the lines of the subdivision by distances, angles and bearings.

(8) Radii, central angles, point of curvature, tangent bearings, and lengths of all arcs of street lines.

(9) Location, dimensions and purposes for all easements.

(10) All block and lot numbers and lines, with accurate dimensions in feet and hundredths with bearings given for all lines.

(11) Location and description of permanent monuments or bench marks.

(12) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed covenant for common uses of all property owners.

(13) Building setback lines accurately shown by dimension.

(14) Protective covenants which meet with the approval of the Plan Commission shall be lettered on the final plat or attached thereto.

(15) A summary on its face of all restrictions applicable to any part of said subdivisions relating to building restrictions, use restrictions, building lines or otherwise. (Ord. No. \_\_, §34, 4-28-80)

#### Sec. 10-10-6 Accompanying Documents.

(a) A certificate of approval from the Town Board that all improvements and installations to the subdivision required for its approval have been made or installed in accordance with the local, state and federal specification; or

(1) A performance bond which shall:

(a) Run to the Orland Town Board.

(b) Be in amount determined by the Town Board to be sufficient in amount to complete the improvements and installations in compliance with



this Ordinance.

(c) Be with surety satisfactory to the Town Board.

(d) Specify the time for the completion of the improvements and installations.

(2) Any other form of surety can be substituted (letter of credit, escrow) if approved by the Town Board.

Any funds received from these bonds shall be used by the Town Board only for the completion of the improvements and installations for which they were provided; and, said Board is authorized to complete such improvements and installations on the failure of applicant to do so.

(b) Prior to the acceptance by the Town of improvements, a two (2) year maintenance bond in an amount set by the Town Board shall be posted by the applicant.

(c) After hearing an within a reasonable time after application for approval of the plat, the Commission shall approve or disapprove it. If the Commission approves, it shall affix the Commission's seal upon the plat together with the certifying signature of its president and secretary. If it disapproves, it shall set forth its reason in its own records and provide the applicant with a copy.

(d) Final Plat Certification Information Required

The following forms shall be used in final plats:

(1) Certificates of Approval

Under authority provided by Chapter 174-Acts of 1947, as enacted and amended by the General Assembly of the State of Indiana and ordinance adopted by the Town Board, Orland, Indiana, this plat was given approval.

Approval by the Orland Plan Commission at a meeting held on the \_\_\_ day of \_\_\_\_\_, 19\_\_.

President  
Secretary

(2) Surveyor's Certificate

"I, (name) \_\_\_\_\_, hereby certify that I am a Registered Land Surveyor licensed in compliance with the laws of the State of Indiana, that this plat correctly represents a survey completed by me, or under my direction on (date) \_\_\_\_\_; that all the monuments shown thereon actually exist; and that either location, size, type and material are accurately show."

(SEAL) \_\_\_\_\_ (SIGNATURE) \_\_\_\_\_



(3) Certificate of Dedication

We, the undersigned, \_\_\_\_\_ (names) \_\_\_\_\_, owners of the real estate shown and described herein, do hereby certify that we have laid off, platted and subdivide, said real estate in accordance with the within plat.

This subdivision shall be known and designated as \_\_\_\_\_ (name) \_\_\_\_\_ an addition to \_\_\_\_\_ (name) \_\_\_\_\_. All rights-of-way and easements shown and not heretofore dedicated, are hereby dedicated, to the public.

Front and side yard building setback lines are hereby established as shown on this plat, between which lines and the property lines of the street, there shall be erected or maintained no building or structure.

(4) (Additional dedications and protective covenants, or private restrictions, could be inserted upon the subdivider's initiative or the recommendation of the Commission; important provisions are those specifying the use to be made of the property, and, in the case Residential use, the minimum habitable floor area.)

(5) Certificate of Acknowledgement

State of Indiana,  
County of Steuben

Before me the undersigned Notary Public, in and for the County and State, personally appeared \_\_\_\_\_ (name) \_\_\_\_\_, \_\_\_\_\_ (name) \_\_\_\_\_, \_\_\_\_\_ (name) \_\_\_\_\_ and each separately and severally acknowledged the execution of the foregoing instrument as his or her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Notary Public

Sec. 10-10-7 through 10-10-10

Reserved for Future Use

Division IV. Design Layout Standards

Sec. 10-11-1 Streets.

Streets shall conform to at least all minimum requirements of the general specifications and typical cross-sections as set forth in this Design Layout



Standards section of this Ordinance. Whenever a tract to be subdivided embraces any part of a proposed street, such part of such proposed public way shall be platted by the Subdivider in the location and of the width proposed.

(a) Location and Arrangement

(1) The proposed subdivision shall conform to the various elements of the Master Plan and shall be considered in relation to the existing and planned major thoroughfares and collector streets, and such part shall be platted in the location and the width indicated on such plan.

(2) The street layout shall include minor streets so laid out that their use by through traffic shall be discouraged.

(3) Should a proposed subdivision border on or contain an existing or proposed major thoroughfare, the Commission may require marginal access streets, reverse frontage, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation and reduction of traffic hazards.

(4) Should a proposed subdivision border on or contain a railroad, expressway, or other limited access highway right-of-way, the Commission may require the location of a street approximately parallel to and on each side of such right-of-way at a distance suitable for the development of an appropriate use of the intervening land such as for parks in residential districts. Such distances shall be determined with due consideration of the minimum distances required for approach grades to future grade separation.

(b) Right-of-Way Widths

Street right-of-way widths shall conform to at least the following minimum requirements:

<u>STREET TYPE</u>	<u>RIGHT-OF-WAY WIDTHS</u>
Local Streets	60'
Marginal Access Streets	50'
Turn-around (Loop) Streets	110' diameter
Cul-de-sac Streets - Turn Around	100' diameter

Maximum length for residential cul-de-sac streets shall generally be 600 feet. Maximum length for industrial and other cul-de-sac streets may exceed 600 feet to the approval of the Commission.

(c) Street Grades

For adequate drainage, the minimum street grade shall not be less than 0.5%. The maximum street grade shall be 6%.





(d) Minimum Radii of Curvature on the Center Lines

Where a deflection in the alignment of a street occurs, a curve shall be introduced, providing for:

1. Major streets, a minimum radius of two hundred (200) feet, but should be much greater wherever possible.
2. Other streets, a minimum radius of one hundred (100) feet, but should be much greater wherever possible.

(e) Tangents

Between reverse curves there shall be not less than a minimum tangent for:

1. Major streets, of one hundred (100) feet.
2. Other streets, of fifty (50) feet.

(f) Intersections

1. At street intersections, property line corners and also street pavement shall be rounded by an arc at least twenty feet in radius.
2. No street shall intersect a major street at an angle or less than 70 degrees. (Ord. No. \_\_, §40, 4-28-80)

Sec. 10-11-2 Blocks.

Blocks within subdivision shall conform to the following standards:

(a) Sizes

1. Maximum length for blocks shall not exceed 660 feet in length, except where in the opinion of the Commission, conditions may justify a greater distance.
2. Widths of blocks shall be determined by the condition of the layout and shall be suited to the intended layout.

(b) Easements

1. Location of utility line easements shall be provided along the rear or side lot lines as necessary for utility lines. Easements shall give access for every lot, park or public grounds. Such easements shall be a minimum of fourteen (14) feet, and preferably twenty (20) feet. Half of the total comes from each lot line.
2. Recommendation on the proposed layout of telephone and electric company easements should be sought from all of the utility companies serving the area. It shall be the responsibility of the subdivider to submit copies of the approved preliminary plat to all appropriate public utility agencies.
3. Whenever possible, the subdivider shall be encouraged to design for



the placement of utility lines underground, following the required standards and specifications established by each utility company. (Ord. No. \_\_, §41, 4-28-80)

#### Sec. 10-11-3 Lots.

Lots with subdivisions shall conform to the following standards:

##### (a) Sizes and Shapes

1. The lot size, width, depth, and shape in any subdivision proposed for residential uses shall be appropriate for the location and the type of development contemplated.

2. Lot areas and widths shall conform to at least the minimum requirements of the Zoning Ordinance for the district in which the subdivision is proposed.

3. Building setback lines shall conform to at least the minimum requirements of the Zoning Ordinance.

4. Corner lots should be platted in such a fashion as to allow conformance with setback lines or sidelotted streets.

5. Excessive lot depth in relation to width shall be avoided. A depth-to-width ratio of 2 to 1 shall normally be considered a maximum.

6. Lots intended for purposes other than residential use shall be specifically designed for such purposes, and shall have adequate provision for off-street parking, setbacks and other requirements in accordance with the Zoning Ordinance.

7. Through lots having frontage on two (2) parallel or approximately parallel streets will be permitted only at the discretion of the Commission.

##### (b) Arrangement

1. Every lot shall front or abut on a street.

2. Side lot lines should be at right angles or radial to the street lines whenever possible.

3. Lots shall have a front to front relationship across all streets where possible. This shall be accomplished to assure that houses do not face rear or side yards of lots across streets wherever possible. (Ord. No. \_\_, §42, 4-28-80)

#### Sec. 10-11-4 Natural Features.

The natural features and character of lands must be preserved where



possible. Due regard must be shown for all natural features such as large trees, natural groves, water courses and similar community assets that will add attractiveness and value to the property, if preserved. The preservation of drainage and natural stream channels must be considered by the subdivider and the dedication and provision of adequate barriers, where appropriate, shall be required. (Ord. No. \_\_\_, §43, 4-28-80)

#### Sec. 10-11-5 Soil Limitations.

No land shall be subdivided for residential use if such land is considered by the Commission to be unsuitable for such use by reason of improper drainage or structural capability, topography or location of rock formations. (Ord. No. \_\_\_, §44, 4-28-80)

#### Sec. 10-11-6 Public Spaces.

Whenever a park, recreation area, school site or other open space shown on the Master Plan is located in whole or in part in the proposed subdivision, the Commission may require the dedication of those spaces. (Ord. No. \_\_\_, §45, 4-28-80)

#### Sec. 10-11-7 through 10-11-10 Reserved for Future Use

### Division V. Required Improvements

#### Sec. 10-12-1 General Provisions.

The improvements set forth under this section are held to be minimum acceptable standards. The subdivider shall be required to complete all improvements to the satisfaction of the Town Board and shall file a bond with the Town guaranteeing such improvements. (Ord. No. \_\_\_, §50, 4-28-80)

#### Sec. 10-12-2 Monuments and Markers.

(a) The center of all monuments shall be marked on the top by a steel dowel, set flush with the top, at least 1/2 inch in diameter and set in minimum 4" diameter concrete or equivalent. Monuments shall be set so that the top is slightly below the adjoining established grade and shall be installed at the following points:

1. At the intersection of street and alley right-of-way lines.
2. At the beginning and ending of all street curves on both



right-of-way lines.

3. At all boundary corners of the dedicated plat area and dedicated public areas.

(b) The corners of all lots not marked by monuments required above shall be marked by galvanized iron pipe or iron or steel bars at least 3 feet in length and not less than 5/8 inches in diameter, the top of the pipe or bar to be set level with the established grade adjoining it. (Ord. No. \_\_\_, §51, 4-28-80)

#### Sec. 10-12-3 Street and Alleys.

(a) Streets and alleys shall be graded to the full width of the right-of-way and brought to grades specified on plans, profiles, and cross sections approved by the Commission in the Preliminary Plat.

(b) Streets shall be paved to the following minimum widths:

Street Type	Minimum Pavement Width	
	With Curb & Gutter*	Without Curb & Gutter
Collector Street	32 feet	22 feet
Local Street	28 feet	20 feet

\*Back to back of curbs

(c) Streets and alley construction shall adhere to the design criteria of the following organizations:

1. Asphalt Pavement Association of Indiana
2. Indiana Concrete Council
3. Portland Cement Association  
(Ord. No. \_\_\_, §52, 4-28-80)

#### Sec. 10-12-4 Curbs and Gutters.

Concrete curbs and gutters shall be installed along all streets in the subdivision except where they are judged unnecessary by the Commission for adequate drainage of storm water or for factors of safety. Curbs and gutters may be rolled or vertical face design and the materials and methods of construction must conform to the minimum specifications adopted by the Town Board. (Ord. No. \_\_\_, §53, 4-28-80)

#### Sec. 10-12-5 Sidewalks.

Concrete sidewalks, at least four (4) feet wide and four (4) inches thick,





shall be installed on both sides of each street except where they are deemed unnecessary by the Commission for pedestrian safety and convenience. (Ord. No. \_\_\_, §54, 4-28-80)

#### Sec. 10-12-6 Storm Drainage.

(a) A storm water sewer system or a surface drainage system designed for not less than a five (5) year storm frequency to serve the area being subdivided shall be provided.

(b) When curbs and gutters are provided or when the Commission determines the natural surface drainage to be inadequate, the subdivider shall construct a storm water sewer system with inlets appropriately spaced in the subdivision.

(c) A natural surface drainage system shall be permitted when curbs and gutters are not provided, and the natural drainage will, in the opinion of the Commission, adequately drain the storm water from the subdivision. The drainageways shall be shallow swales sowed in grass rather than deep, open ditches. Streets not having curb and gutter shall provide the following:

1. Side ditch swales constructed at a 1' (vertical) to 3' (horizontal).

2. A swale or culvert at all driveways sized according to amount of storm water flow.

3. Culverts under the roadway, including private drives, where necessary. Size of culvert to be according to amount of storm water flow but not less than 12 inches.

4. Relief of side ditches and swales along the roadway through the use of off-street detention basins or existing drainage channels. Detention basins may be required to avoid overloading channels, ditches, etc.

(d) When topsoil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose materials, the subdivider shall utilize approved methods to prevent the wash from damaging adjacent property, accumulating on street surfaces, or blocking drainageways.

(e) In the design of a storm water sewer system for a subdivision, the present and future expected run-off from the larger drainage area shall be considered. For this reason, it may be desirable that larger sewers than those needed to service the immediate subdivision be installed. If this occurs, the Commission may recommend that the public utility join with the subdivider in the installation of the sewer system. (Ord. No. \_\_\_, §55, 4-28-80)

#### Sec. 10-12-7 Water Supply.

(a) If in the judgment of the Commission, a public water main is reasonably



accessible or within 1/4 mile, a complete water distribution system approved by the Indiana State Board of Health, including a connection for each lot and fire hydrants meeting the requirements of the Town Board and Fire Insurance Underwriters Association shall be installed.

(b) If a public water main is not reasonable accessible, each lot may be provided with an individual water supply, provided such supply is installed in accordance with the minimum requirements of the Indiana State Board of Health. (Ord. No. \_\_, §56, 4-28-80)

#### Sec. 10-12-8 Sewage Disposal.

(a) If, in the judgment of the Commission, a public sanitary sewer is reasonable accessible or within 1/2 mile, a complete sanitary sewer system approved by the Indiana State Board of Health, including a lateral connection for each lot in the subdivision, shall be installed.

(b) If, in the judgment of the Commission, a public sanitary sewer main is not reasonable accessible, sanitary wastes may be disposed of by one of the following methods:

1. The subdivision may be provided with a complete sanitary sewer system, including a lateral connection for each lot and a package treatment plant, all meeting the approval of the Indiana State Board of Health and the Indiana Stream Pollution Control Board.

2. The subdivider may provide a private sewage disposal system on individual lots consisting of a septic tank and soil absorption field or other approved sewage disposal system, provided such disposal systems are installed in accordance with the minimum standards of the Indiana State Board of Health and provided that the soil in the subdivision will properly absorb sewage effluent as determined by soil studies and by percolation tests performed in accordance with the procedure prescribed by the Indiana State Board of Health or as determined by such other comparable tests approved by the Commission. Regardless of test used, the following shall apply:

1. An adequate number of tests, as determined by the Commission, to clearly indicate the soil conditions throughout the subdivision shall be made by the subdivider.

2. The tests shall be performed by a licensed engineer, licensed surveyor or qualified sanitarian.

3. The location of each test shall be recorded on a map of the subdivision, located on a drawing made to scale.

4. The results of the tests shall be keyed to the map and certified being true, correct and performed according to the required procedure by person performing the tests.



5. No lot shall be used as a building site on which a percolation test indicates a time of 60 minutes or more for the water to fall one (1) inch.

3. If a sanitary sewer system is to be installed, it may be desirable that sewer mains of a larger size than needed to serve the immediate subdivision be installed. If this occurs, the Commission may recommend that the public utility join with the subdivider in the installation of the sewer system. (Ord. No. \_\_, §57, 4-18-80)

Sec. 10-12-9 through 10-12-12 Reserved for Future Use

#### Division VI. Amendment

Sec. 10-13-1 Amendments.

The Plan Commission may, in the interests of public health, safety, and welfare, amend the provisions of this ordinance, subject to the following restrictions:

(a) The Plan Commission shall hold a public meeting on all such proposed amendments.

1. If the proposed amendment originates from outside of the Plan Commission, the Commission must give initial approval before a public meeting is held on the proposal.

2. Public notice of the meeting shall be given at least ten (10) days before the public meeting date.

(b) Following the public meeting the proposed amendment can be adopted by approval of the Town Board and Plan Commission.

1. A negative review of the proposal or failure of the Plan Commission and/or Town Board to act on the proposal within 60 days shall indicate refusal of the proposed amendment. (Ord. No. \_\_, §60, 4-28-80)

Sec. 10-13-2 through 10-13-5 Reserved for Future Use



## Division VII. Legal Status

### Sec. 10-14-1 Certiorari Procedure.

In any decision by the Orland Plan Commission under this Ordinance any person aggrieved may petition the Circuit court of Steuben County, Indiana, for writ of certiorari as provided by law. (Ord. No. \_\_, §70, 4-28-80)

### Sec. 10-14-2 Severability.

If any section, paragraph, clause, phrase, or part of these Subdivision Regulations is for any reason held invalid by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of these Regulations; and the application of those provisions to any persons or circumstances shall not be affected thereby. (Ord. No. \_\_, §71, 4-18-80)

### Sec. 10-14-3 Repeal.

All ordinances and regulations and amendments thereto enacted and/or adopted by the Town Board of Orland inconsistent with the provisions of these Ordinances are hereby repealed, as of the effective date of this ordinance. The repeal of the above ordinance and its amendments does not affect or impair any act done, offense committed or right accruing, accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time enforced, prosecuted or inflicted. (Ord. No. \_\_, §72, 4-28-80)

### Sec. 10-14-4 Penalties.

All persons, firms, or corporations violating any of the provisions of this Ordinance shall be deemed guilty of an ordinance violation and upon conviction thereof shall be fined in an amount no less than twenty dollars (\$20.00) nor more than three hundred dollars (\$300.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

### Sec. 10-14-5 Effective Date.

This ordinance shall be in force and effect from and after the passage, approval and publication as required by law. (Ord. No. \_\_, §74, 4-28-80)

### Article 3. Land Use Goals, Objectives and Policies

#### Sec. 10-15-1 Purpose.

A statement of goals, objectives and policies forms the basis of any comprehensive plan. They are important because they indicate how policies have been developed, serve as a reference in making land use decisions and, together with the future land use plan, form the basis of Comprehensive Planning Process.

The statements are organized by the copies of individual goals. The terms used are defined as follows:

- Goals: Broad statements dealing with a desired end. Goals are long term in nature.
- Objectives: Definite statements dealing with a desired end. Objectives are more specific than goals and are means by which goals will be sought.
- Policies: Prestated procedures to be followed to achieve goals and objectives. Policies are in essence implementation strategies and for that reason implementation tools are not discussed in or by themselves.

#### Sec. 10-15-2 Industrial.

Since the adoption of the initial Comprehensive Plan, Orland had explosive industrial growth. While there has been tremendous industrial growth, the growth has not yet brought the Town up to where it should be vis a vis other similar situated Towns. Additional industrial growth is needed in order to increase the employment base and to make needed water utility improvements and sewage disposal facilities economically viable.

A goal of Orland is to increase the amount of industry within the municipality, while minimizing the adverse effects of industrial development on the surrounding land uses. Another goal is to encourage diversification of employment to prevent economic disorder accompanying the location of a large single employer in the area, or concentration in a single area of industry.

##### (a) Objective

To concentrate industrial development in the municipality in the existing and adjoining the existing industrial park and reasonably isolate the same from significant residential, recreational and environmentally sensitive areas.



### Policies

1.) The Plan Commission will allow expansion of industries presently in Orland, adjacent to their current sites.

2.) The Plan Commission will recommend that special exceptions be granted for heavy manufacturing that is relatively clean and quiet provided said facilities are to be surrounded by other industrial sites and do not abut any property which is not zoned industrial or property zoned agricultural which is expected to be eventually developed as industrial and such industries are not located adjacent to State Road 120 or 327.

3.) The Plan Commission will allow expansion of the present industrial park to the South and West and encourage the eventual creation of a by-pass route for trucks away from presently existing residential districts.

#### (b) Objective

To encourage the location of new industries in the Orland area, diversification of employment and development of tax base.

### Policies

1.) The Town Board and Plan Commission will attempt to provide the industrial park with water and sewage facilities.

2.) The Town Board and Plan Commission will continue to investigate and pursue grant monies for industrial development.

3.) The Town Board and Plan Commission will aggressively recruit and seek the location of small light industrial facilities employing from 15 to 250 employees in said Town and preferably being the home office for said companies.

4.) The Town Board and Plan Commission will review with care any proposed location of any industry proposing to employ in excess of 250 employees.

5.) The Town Board will encourage the development of a commercial infrastructure that will attract potential industrial enterprises.

6.) The Town Board and Plan Commission will resist the creation of areas to be given tax abatement.

#### Sec. 10-15-3 Transportation.

If residential development occurs beyond the levels projected or if subdivisions are developed within Orland, additional roads will be necessary.

A goal of Orland is to avoid the construction of roads where they will interfere with existing land uses.

#### Sec. 10-15-4 Residential.

A current problem in Orland is that many of the residences are located along highways and County Roads outside of Orland. It is further a goal of the Town of Orland to see residential housing for the elderly at affordable prices and low-cost, but attractive housing for low income groups.

It is a goal of Orland to promote an orderly pattern of residential development that will avoid strip development and incompatible land uses, while providing safe, attractive and economically viable housing for all segments of the population.

##### (a) Objective

To locate residential development only where it can be buffered from incompatible land uses.

##### Policy

1. The Board of Zoning Appeals will consider surrounding land uses in reviewing proposed rural subdivisions.

##### (b) Objective

To eliminate scattered rural development and create a pattern of residential development for which services can be provided economically.

##### Policies

1. The Town Board will encourage the development of vacant land in Orland.

2. The Town Board will encourage the development of subdivisions in, or immediately outside of, Orland.

##### (c) Objective

To improve the current housing stock in Orland.

##### Policy

1. The Town Board and Planning Commission will pursue funding for housing assistance or rehabilitation programs.

##### (d) Objective

To increase the number of rental properties in Orland.

### Policies

1. The Town Board and Plan Commission will investigate government assisted housing programs.

2. The Plan Commission will recommend that special exceptions be granted for multi-family residential development, provided that the proposed development does not conflict with the goals and objectives of this plan.

3. Persist in attempting to extend water services throughout Orland in order to comply with government regulations concerning subsidized housing.

4. Persist in attempting to locate light industry and IIP loans for the same in order to provide an economic base and funding source to finance necessary utility improvements.

#### (e) Objective

To prevent the uncontrolled location of mobile homes in and around Orland.

### Policies

1. The Town Board will encourage the creation of a mobile home park.

2. The Plan Commission will recommend that applications for variances of the minimum floor area in R-1 Districts be denied.

#### (f) Objective

To decrease the environmental impact of lake residential development on the lake area.

### Policy

1. The Town Board will encourage design and installation of sewage systems that can effectively and safely dispose of sewage on the site of any residence.

### Sec. 10-15-5 Commercial.

Much of the commercial activity of orland residents occurs out of Town because of the limited range of products and services that can be found in Orland. It is a goal of Orland to enlarge the range of commercial activity by creating orderly and aesthetically pleasing commercial areas that will not interfere with surrounding land uses.

(a) Objective

To channel commercial growth to areas where it will not conflict with residential land uses.

Policies

1. The Town Board will encourage development in the central business district.

2. The Town Board will encourage the relocation of non-conforming businesses to the industrial district.

(b) Objective

To develop general business area that will preserve a small town character and provide a pleasant shopping/business environment.

Policy

1. The Town Board will promote revitalization of the central business district.

(c) Objective

To ensure knowledge of future road locations.

Policies

1. The Town Board and Plan Commission will encourage the construction of roads where they have already been platted, if additional roads are necessary.

2. The Town Board and Plan Commission will encourage the platting of roads for access into developable areas before development of those areas is planned.

Sec. 10-15-6 Public Facilities.

Orland's public facilities are inadequate because of the present dependence on septic tanks and private wells, over use of the fire station and the fact that the Fawn River Fish Hatchery park is not easily accessible to most of Orland's population.

It is a goal of Orland to provide an adequate level of public facilities. It is a primary goal of the Town of Orland to extend water services throughout the Town of Orland.

(a) Objective

To ensure proper sanitary waste disposal and an adequate water supply.

#### Policies

1. The Town Board and Plan Commission will pursue grant monies for the construction of water and sanitary sewage systems.

2. The Town Board and Plan Commission will continue to pure clean and light industry in order to provide an economic base and funding for extension of these services.

3. The Town Board will continue to support the Housing Study/Plan adopted as Part III hereof.

#### (b) Objective

To provide a new facility for Town meetings, official Town functions and as a base for the police force.

#### Policy

1. The Town Board and Plan Commission will investigate and pursue grant monies for the construction of Town Hall.

#### (c) Objective

To provide recreational facilities in close proximity to every residence in Orland.

1. The Town Board will attempt to acquire land for the establishment of small parks within walking distance of every residence.

2. The Town Board will attempt to create or maintain public access to all lakes and streams.

#### Sec. 10-15-7 Environmental.

Much of the land surrounding Orland has special characteristics that make development of that land unsafe.

It is a goal of Orland to prevent development that will be threatened by, or be a threat to, the environment.

#### Objective

To prevent development of land occupied structures on environmentally sensitive land.

Policies

1. The Board of Zoning Appeals will use topography and soil characteristics as criteria in evaluating development proposals.

2. The Plan Commission will advise against development proposals in the Conservancy District. (Res. \_\_\_, 7-2-85)

\*\* Pages 137 through 142 Reserved