

TITLE XV: LAND USAGE

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§ 150.01 ADOPTION OF REGULATIONS BY REFERENCE.

(A) Pursuant to I.C. 36-7-2-9 and I.C. 22-13-2-3(b), the fire safety rules and building rules, as adopted and hereafter amended by the Fire Prevention and Building Safety Commission, are adopted by reference as the rules of the town.

(B) The Hancock County Building Inspector is authorized to enforce these fire safety and building rules within the town limits, to issue permits and to charge and collect the same fee as is charged to county residents.

(Ord. 1997-6A, passed 6-10-97; Am. Ord. 2006-3B, passed 3-28-06)

§ 150.02 UNSAFE BUILDINGS AND PREMISES.

(A) *State law incorporated by reference.* I.C. 36-7-9 is hereby adopted. (‘87 Code, § 6-54)

(B) *Administration of division.* The Department of Building Safety, as established in Ch. 32 of this code, shall be responsible for the administration of I.C. 36-7-9. (‘87 Code, § 6-55)

(C) *Substantial property interest.* All of the provisions of I.C. 36-7-9, including the definition of substantial property interest, are incorporated into this division by reference. (‘87 Code, § 6-56)

(Ord. 1984-7E, passed 7-24-84; Am. Ord. 2006-6C, passed 6-27-06)

CHAPTER 151: COMPREHENSIVE PLAN

Section

151.01 Comprehensive Plan adopted by reference

§ 151.01 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.

The Comprehensive Plan, copies of which are on file in the office of the Town Manager, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein. (Am. Ord. 2017-8A, passed 10-16-17)

CHAPTER 152: ZONING CODE

Section

152.01 Adopted by reference

§ 152.01 ADOPTED BY REFERENCE.

The Zoning Code, copies of which are on file in the office of the Town Manager, is adopted and incorporated as part of this code of ordinances as fully as if set out at length herein.
(Am. Ord. 2003-5A, passed - -02; Am. Ord. 2018-1A, passed 2-5-18)

CHAPTER 153: FLOODPLAIN MANAGEMENT REGULATIONS

Section

153.01 Adopted by reference

§ 153.01 ADOPTED BY REFERENCE.

The Floodplain Management Regulations are hereby adopted by reference as if fully set out herein.
(Ord. 2007-11A, passed 11-19-07; Am. Ord. 2014-1A, passed 1-21-14)

CHAPTER 154: RIGHT-OF-WAY DEDICATION

Section

- 154.01 Definitions
- 154.02 Intent and purpose
- 154.03 Applicability
- 154.04 Extent, conveyance and timing

§ 154.01 DEFINITIONS.

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

DEDICATION. Conveyance of land to the town by deed with map exhibit or some other instrument of conveyance including a duly filed and recorded subdivision plat.

RIGHT-OF-WAY. Refers to an area of land appropriated for public use such as a sidewalk, multi-use path, trail, driveway, alley, street, or highway or for any drainage or public utility purpose or other similar public uses or purposes.

THOROUGHFARE PLAN. Refers to the transportation plan or study included as part of the most recently adopted Comprehensive Plan.

TRANSPORTATION FACILITY. Sidewalks, multi-use paths, trails, driveways, alleys, streets, highways, or another type of facility that moves people and goods from one point to another. (Ord. 2018-2A, passed 2-20-18)

§ 154.02 INTENT AND PURPOSE.

(A) This chapter establishes guidelines for the applicability, conformance, and extent for dedication and deeding of right-of-way.

(B) The adoption of this chapter is essential to preserving transportation corridors that are expected to require improvements due to growth. Increasing residential, commercial, and industrial developments place additional strain on the transportation network. The acquisition and purchase of right-of-way

necessary to support future transportation demand is a costly and possibly damaging process for community development. This chapter establishes the method for the town to systematically preserve right-of-way to minimize the cost of future acquisition for transportation improvements.
(Ord. 2018-2A, passed 2-20-18)

§ 154.03 APPLICABILITY.

(A) Property owners shall be required to dedicate right-of-way to the town in accordance with the prescribed width per the Thoroughfare Plan for transportation purposes as a condition of approval for new development or redevelopment, when to do so is found to be reasonably necessary to mitigate an impact which is a direct result of a proposed development, for improvement, use or maintenance of the transportation system serving the development.

(B) Right-of-way dedication shall be required in the following cases:

(1) To obtain the right-of-way reasonably necessary for the construction of frontage improvements along the frontage of the development's parcel. This may include right-of-way necessary to attain sufficient intersection sight distance in accordance with the following publications and regulations:

(a) Indiana Department of Transportation (INDOT) Driveway Permit Manual, latest edition; and

(b) INDOT Design Manual.

(2) To obtain the right-of-way reasonably necessary for the construction of any other improvements, either along the frontage of the development's parcel or off-site, as may be required in the development approval process.

(3) To obtain the right-of-way reasonably necessary such that an existing offset road shall be located within right-of-way after the right-of-way dedication.

(4) To obtain the right-of-way reasonably necessary for maintenance of town transportation and/or drainage facilities.
(Ord. 2018-2A, passed 2-20-18)

§ 154.04 EXTENT, CONVEYANCE AND TIMING.

(A) All dedicated and designated rights-of-way for any particular development shall conform to the minimum dimensions identified within the Thoroughfare Plan.

(B) If determined to be necessary by the Town Manager, all dedicated and designated rights-of-way shall include minimal additional right-of-way along arterial and collector classified roadways as necessary to accommodate turn pockets and/or passing blisters.

(C) If the property owner only controls the property on one side of the transportation facility, then satisfactory right-of-way shall be dedicated in order to bring the applicable half of the right-of-way up to the dimensions required in the Thoroughfare Plan. The Town Manager shall determine the satisfactory right-of-way necessary, accounting for overall right-of-way limitations and constraints, such as, but not limited to, the impact on adjacent historic resources.

(D) When right-of-way is required to be dedicated, it shall be conveyed by warranty deed or another form of conveyance. If requested by the Town Manager or designee, all warranty deeds and other documents of conveyance or dedication of right-of-way must be accompanied by a title report effective as of the date of conveyance shown on the deed or other document of conveyance. The description on the deed or other document of conveyance must match the legal description on the title report. The warranty deed or other document of conveyance may be accepted on behalf of the town by the Town Manager.

(E) The town shall only accept rights-of-way which have clear title.

(F) Required right-of-way must be conveyed to and accepted by the town prior to issuance of any building permit. If the right-of-way dedication is in conjunction with a subdivision, the dedication process required as part of the final plat process shall be followed.

(G) When necessary, the town may begin eminent domain proceedings in accordance with I.C. 32-24, as amended. Upon completion of the eminent domain proceedings, the property owner shall reimburse the town in an amount equal to the price paid by the town for the public right-of-way and associated professional and legal expenses, anything that had to be condemned within the acquired right-of-way, and anything for which the town paid the price of relocation.

(Ord. 2018-2A, passed 2-20-18)

