

A. Title

This Ordinance shall be formally known as the “Town of Dillsboro Zoning Ordinance”, it may also be cited and referred to as the “Zoning Ordinance” or “Ordinance”.

B. Purpose

The purpose and intent of this Ordinance is to encourage and guide the growth and development of the Town and the area within its planning jurisdiction, in accordance with the goals and objectives of the Comprehensive Plan for the Town of Dillsboro, and in doing this to:

- 1) Secure adequate air, light, and convenience of access;
- 2) Provide safety from fire, flood, and other danger, which may include providing open spaces for public purposes;
- 3) Reduce or avoid congestion, and provide for the safe and efficient movement of vehicles and pedestrians along public ways;
- 4) Promote public health, safety, comfort, morals, convenience, and general welfare;
- 5) Plan for and promote orderly growth and development within the Town and the Town’s planning jurisdiction; including by means of:
 - a) Regulating both the use and the intensity of use of land for commercial, community, industrial, residential, and other purposes and activities;
 - b) Regulating the area, height, location, and size of buildings and structures;
 - c) Encouraging that various uses of land shall be situated in appropriate locations and with appropriate relationships;
 - d) Providing appropriate and sustainable opportunities for growth and development, including giving priority to development that is consistent with the Comprehensive Plan; and
 - e) Regulating the density and distribution of population.
- 6) Encourage that the Town grows with adequate education, health, recreation, utility, and other public and community facilities;
- 7) Recognize and balance the needs of business, industry, and residential uses as part of future growth and development;
- 8) Provide adequate, healthful surroundings for families in residential areas;
- 9) Protect and preserve the community’s small town rural character;
- 10) Encourage strategic, quality, compatible new development and investment near the Town, while generally supporting farmland preservation and protection for agricultural activities,

discouraging development that fragments agricultural areas, and limiting nuisance issues between agricultural activities and new growth and development;

- 11) Promote an improved community appearance;
- 12) Promote the efficient and economical use of public funds by proactive planning;
- 13) Provide consistent subdivision control standards and policies;
- 14) Promote the provision of compatible land uses, while conserving property values throughout the planning jurisdiction; and
- 15) Provide for the enforcement of this Ordinance, including recourse for violations and other noncompliance with these provisions.

C. Authority

This Ordinance is adopted by the Town of Dillsboro pursuant to its authority under the laws of the State of Indiana, including the 600 Series of Indiana Code (IC 36-7-4-600).

D. Jurisdiction

This Ordinance shall apply throughout the planning jurisdiction of Town of Dillsboro, as may be amended over time.

E. Compliance

After the effective date of this Ordinance, no building or structure shall be altered, constructed, converted, enlarged, located, moved, or reconstructed; nor shall any structure or land be divided, maintained, or used; except in accordance with the provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance, except as otherwise provided herein.

F. Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the community, and are designed to encourage the establishment and maintenance of reasonable community standards for its physical environment. In cases where the provisions of this Ordinance require interpretation, such interpretation shall be provided by the Zoning Administrator, with assistance from the Plan Commission or Board of Zoning Appeals if determined necessary by the Zoning Administrator.

G. Minimum Requirements

Unless otherwise stated, all regulations in this Ordinance are minimum standards.

H. Conflict with Other Regulations

If for any reason these provisions come in conflict with any other regulations, the more restrictive regulations shall apply.

I. Restrictive Covenants

When a structure or parcel of land is governed by this Ordinance as well as private agreements, covenants, restrictions, and other laws, the provisions of the greatest restriction shall take precedence. However, the Town shall have no obligation to enforce private covenants or restrictions.

J. Similar Uses Permitted

Similar land uses not specifically mentioned in these provisions may be permitted with the approval of the Zoning Administrator; such uses may also be permitted by the Plan Commission, if the Zoning Administrator determines that it would be appropriate for the Commission to review a specific proposed land use.

K. Severability

The sections and provisions of this Ordinance are deemed separable; should any section or provision be declared invalid as a result of a court decision, the invalidity shall not affect provisions that can be given effect without the invalid provision.

L. Exclusion

As set forth in IC 36-7-4-1104, nothing in this Ordinance or in any rules, regulations or orders issued pursuant to this Ordinance shall be deemed to authorize any unit of government, legislative body, Plan Commission or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any State agency, or the use of property owned or occupied by the State of Indiana or any State agency. As used in this section, the term "State agency" shall mean and include all agencies, boards, commissions, departments, and institutions, including educational institutions, of the State of Indiana.

M. Effect of Annexation or Vacation on Zoning**1. Annexation**

After the effective date of this Ordinance, areas annexed by the Town of Dillsboro shall be zoned in the following manner:

- a. Within sixty (60) days of the effective date of annexation, the Plan Commission shall submit to the legislative body a recommended plan for zoning districts within the area, based on existing land uses, existing zoning, and the fiscal plan for the annexation.

- b. An Improvement Location Permit shall not be issued in an annexed area until a plan for zoning for the area has been adopted by the legislative body; except that such a permit may be issued for a single-family dwelling unit on a lot of record or for accessory structures, provided that all other provisions of this Ordinance are complied with.

2. Vacation

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by the proper authority, the districts adjoining each side of the street, alley, public way, railroad right-of-way, or similar areas shall be extended automatically to the center of the vacated area, and all areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all of the vacated area.