

TITLE XV: LAND USAGE

Chapter

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CHAPTER 150: BUILDING REGULATIONS

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§ 150.01 BUILDING CODE ADOPTED BY REFERENCE.

The town adopts the Building Code of Elkhart County, Indiana as the Building Code of the town and grants all power and authority necessary to enforce that code in the town.
(‘97 Code, § 7-10)

§ 150.02 UPDATING BUILDING REGULATIONS.

The Building Code of Elkhart County shall include any and all amendments to the Building Code as they have occurred in the past and as they occur in the future.
(‘97 Code, § 7-11)

§ 150.03 LOCATION OF BUILDING CODE.

Copies of the Building Code are available for public inspection in the office of the Elkhart County Building Department - Dunlap, 4230 Elkhart Road, Goshen, Indiana 46526 and are available for public inspection during regular business hours.
(‘97 Code, § 7-12)

§ 150.04 UNIFORM ADDRESS NUMBERING SYSTEM ESTABLISHED.

A uniform permanent digit address numbering system be established for all residential, commercial and industrial units within the incorporated boundaries of the town.
(‘97 Code, § 7-20) (Ord. 10-12-78, passed 10-12-78)

§ 150.05 ROLE OF CLERK-TREASURER AND TOWN BOARD.

(A) The Clerk-Treasurer of the town shall advise the United States Postal Service of the assignment of the digit address numbers for all existing units and the United States Postal Service shall notify the unit. Thereafter, the Clerk-Treasurer of the town shall assign the digit address numbers and notify the unit. From the date of assignment and notification the numbers shall be the official address of each such unit.

(B) Until otherwise changed as provided herein, all units existing in the town requiring a post office address shall have a three- or four-digit address assigned to them. The four-digit number assigned to each will be determined and assigned by the Clerk-Treasurer of the town and notice of the assignment will be provided as described in division (A) above.

(C) This section shall become effective immediately upon passage. Address changes shall occur on or before May 15, 2003. Hereafter, any property annexed into the town which has a five- or more digit number in its address shall be reduced to a four-digit number within six (6) months after annexation.

('97 Code, § 7-21) (Ord. 1-16-03, passed 1-16-03)

CHAPTER 151: FLOOD DAMAGE PREVENTION

Section

- 151.01 Building Commissioner to review permits
- 151.02 Requirements for mobile home parks and subdivisions
- 151.03 Basis of elevators
- 151.04 Notification to DNR requested
- 151.05 Other permit required
- 151.06 Utility

§ 151.01 BUILDING COMMISSIONER TO REVIEW PERMITS.

The Building Commissioner shall review all permits for construction in flood plain areas and require:

- (A) Anchoring of buildings and mobile homes to prevent flotation and lateral movement;
- (B) Use of flood resistant materials and utility equipment; and
- (C) Construct on methods which minimize flood damage.
(‘97 Code, § 7-58) (Ord. 4-12-79(B), passed 4-12-79)

§ 151.02 REQUIREMENTS FOR MOBILE HOME PARKS AND SUBDIVISIONS.

In all flood prone areas for new or substantially improved mobile home parks or subdivisions and for placement of mobile homes on individual lots:

- (A) Stands, pads and/or foundations are elevated at least two feet above flood elevation;
- (B) Adequate access and drainage is required; and
- (C) If pilings are used that construction standards for such pilings are used.
(‘97 Code, § 7-59) (Ord. 4-12-79(B), passed 4-12-79)

§ 151.03 BASIS OF ELEVATORS.

In the absence of Federal Insurance Administration (F.I.A.) flood data, other available data approved by the Department of Natural Resources shall be used as a basis for elevating residential structures above flood levels and floodproofing or elevating nonresidential structures. ('97 Code, § 7-60) (Ord. 4-12-79(B), passed 4-12-79)

§ 151.04 NOTIFICATION TO DNR REQUESTED.

Prior to any alteration of an existing watercourse, adjacent communities and the Indiana Department of Natural Resources must be notified and evidence of such notification shall be submitted to the F.I.A. and further that the carrying capacity of any altered watercourse will be maintained. ('97 Code, § 7-61) (Ord. 4-12-79(B), passed 4-12-79)

§ 151.05 OTHER PERMIT REQUIRED.

The provisions of this chapter shall not waive the requirement for obtaining all other local, state or federal permits. ('97 Code, § 7-62) (Ord. 4-12-79(B), passed 4-12-79)

§ 151.06 UTILITY.

All new or replacement water mains, valves and other appurtenances and all new or replacement sewers, manholes and other appurtenances constructed or reconstructed in a Flood Hazard Area as defined elsewhere by ordinance shall be designed and constructed as to minimize or eliminate infiltration of floodwaters into these systems. ('97 Code, § 7-63) (Ord. 4-12-79(C), passed 4-12-79)

CHAPTER 152: SIGN AND BILLBOARD REGULATIONS

Section

General Provisions

- 152.01 Purpose
- 152.02 Definitions
- 152.03 Exemptions
- 152.04 Permit procedures
- 152.05 Outdoor sign or advertising application

Regulations

- 152.20 Location
- 152.21 Size
- 152.22 Height restrictions
- 152.23 Specifications
- 152.24 Spacing
- 152.25 Setback requirements
- 152.26 Maintenance
- 152.27 Nonconforming displays
- 152.28 Lighting
- 152.29 Permission required
- 152.30 Variance
- Appendix: Outdoor sign or advertising application and permit

GENERAL PROVISIONS

§ 152.01 PURPOSE.

Outdoor advertising displays and signs (hereinafter referred to as “displays”) are regulated in the interest of promoting traffic safety, safeguarding public health and preventing adverse community appearance and the over-crowding of land and protecting the character of the area in which they are located. The regulations are designed to permit maximum legibility and effectiveness of signs and to prevent their over-concentration, improper placement and excessive height, bulk and area. It is

recognized that, unlike on premises signs which are in actuality a part of a business, outdoor advertising can be a separate and distinct business. Both, however, can affect the character of the area where they are located and the appearance of the community and both are the subject of this chapter. In general, it is intended that displays on premises or otherwise are to be located away from residential areas, and that displays be regulated to permit standard sizes to protect the character of an area wherein displays are located and to conserve property values. Signs physically attached and supported by buildings located on business premises in areas zoned B-1, M-1 and M-2 are not intended to be regulated by this chapter.

('97 Code, § 7-38) (Ord. 1-10-91, passed 1-10-91)

§ 152.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. These definitions shall not limit the exemptions contained in the exemption section of this statute.

BUILDING INSPECTOR. The Town Maintenance Superintendent.

ON PREMISES SIGNS. Signs and outdoor advertising displays located on real estate upon which a business is located advertising the products or services sold or distributed by the business on the real estate.

SIGNS and ***OUTDOOR ADVERTISING DISPLAYS.*** Any identification, description, display or illustration which is affixed to or painted or represented directly or indirectly on an outdoor object, surface or parcel of land and which directs attention to an object, product, place, activity, business, person, service or interest.

('97 Code, § 7-53) (Ord. 1-10-91, passed 1-10-91)

§ 152.03 EXEMPTIONS.

The following displays are exempt from the requirements of this chapter:

(A) Signs not exceeding one square foot in area bearing only property numbers, address numbers, names of occupants of the premises and their business or profession;

(B) Temporary signs in connection with special events, provided temporary signs may not be used for a period to exceed 30 days in any one calendar year on any real estate;

(C) Real estate signs advertising the sale of real estate upon which they are located;

(D) Signs physically and permanently attached to and supported by a building advertising the business, products or services provided by the business contained in the building, as long as the building is located on real estate zoned B-1, M-1 or M-2 as established by the Elkhart County Board of Zoning, provided the display does not interfere or endanger pedestrian traffic.

(E) Notwithstanding the exemption provided under division (B) of this section for temporary signs, any user, displayer, organization, entity or individual intending to use or display any temporary sign shall first complete and file with the Clerk-Treasurer a "temporary sign permit form." Blank forms shall be obtained from the Clerk-Treasurer.
(‘97 Code, § 7-52) (Ord. 1-10-91, passed 1-10-91; Am. Ord. 4-20-00, passed 4-20-00)

§ 152.04 PERMIT PROCEDURES.

(A) *Permits.* After the effective date of this chapter, and except as otherwise provided, no person shall erect any display without first obtaining a permit therefor from the Clerk-Treasurer.

(B) *Fees.* Fees are set forth in § 110.003 of this code.

(C) *Written application.* Application for sign permits shall be made in writing in duplicate and shall contain the following information:

(1) Name, address and telephone number of applicant;

(2) Location of building structure or land to which the display is to be erected;

(3) A detailed drawing or blueprint showing a description of the construction details of the display and showing the lettering composing the sign; position of lighting or other extraneous devices; a location plan showing the position of the sign on any land; and its position in relation to nearby buildings or structures and to any private or public street or roadway;

(4) Written consent of the owner of the land to which or on which the display is to be erected in the event the applicant is not the owner thereof.
(‘97 Code, § 7-49) (Ord. 1-10-91, passed 1-10-91)

§ 152.05 OUTDOOR SIGN OR ADVERTISING APPLICATION.

The permit required in § 152.04 shall be issued upon the satisfactory completion of the application set forth in the Appendix to this chapter.
(‘97 Code, § 7-54(part)) (Ord. 1-10-91, passed 1-10-91)

REGULATIONS**§ 152.20 LOCATION.**

Displays which advertise products or businesses shall be permitted only on property which is zoned B-1, M-1 and M-2 as established by Elkhart County zoning ordinances. ('97 Code, § 7-39) (Ord. 1-10-91, passed 1-10-91)

§ 152.21 SIZE.

The maximum size per face of a display shall not exceed 120 square feet, excluding structural supports and trim. The faces of display structures constructed in the form of a "V" shall not exceed an angle of 45°. Displays may be placed back-to-back or in a V-type construction. Not more than one face is allowed on each side of the display. ('97 code, § 7-40) (Ord. 1-10-91, passed 1-10-91)

§ 152.22 HEIGHT RESTRICTIONS.

The maximum height of a display shall not exceed 12 feet measured from either the grade at its base or from the adjacent roadway grade, whichever is lower, to the top of the display. ('97 Code, § 7-41) (Ord. 1-10-91, passed 1-10-91)

§ 152.23 SPECIFICATIONS.

Where the structural support is visible from the road from which its in intended to be viewed, the display shall be constructed on a single steel pole. When a structure is constructed so as to have copy material facing in a single direction, the exposed rear of the display and the structural members shall be finished and maintained to a degree equal to that of the copy side of the sign. ('97 Code, § 7-42) (Ord. 1-10-91, passed 1-10-91)

§ 152.24 SPACING.

(A) *Distance between displays.* No display may be closer to any other display on the same side of the street or highway facing traffic heading in the same direction than:

- (1) One-hundred feet on any city street; and

(2) Three-hundred feet on any state highway; however, this provision does not prevent erecting back-to-back or V-type displays with a maximum of one display per facing.

(B) *On premises signs for businesses having frontage less than 300 or 100 feet.* In the event a property owner's property upon which a display needs to be erected has less than 100 feet frontage on a city street, or less than 300 feet frontage on a highway, and in the event the real property owner or his or her licensee operates a business on the premises and has no interest in adjoining real estate, he or she may erect a display on the real estate. Provided, however, the display may be no closer to other displays on the same side of the street or highway facing traffic heading in the same direction than a distance equal to one-half the measurement in feet of his or her real property frontage on the street or highway.

(C) *From residential, park or school.* The minimum distance from property zoned "R" for residential uses, a park or a school shall conform to building setback requirements, or in the absence thereof a distance of 50 feet.

(D) *Visual barriers or obstructions.* The above spacing does not apply to displays separated by buildings or other visual barriers or obstructions, natural or man-made.
(‘97 Code, § 7-43) (Ord. 1-10-91, passed 1-10-91)

§ 152.25 SETBACK REQUIREMENTS.

Each display shall be set back beyond the road or street right-of-way, measured from the closest edge of the display.
(‘97 Code, § 7-44) (Ord. 1-10-91, passed 1-10-91)

§ 152.26 MAINTENANCE.

All displays shall be maintained in a state of good repair. The backs and supporting structures of all outdoor advertising displays shall be kept painted in a neutral color to blend with the natural environment. The Building Inspector or his or her designated agent is authorized to inspect every display at least once annually to determine that it meets the requirements set forth in this section. Whenever it shall appear to the Building Inspector that any display has been constructed or is being maintained in violation of this section, the display shall be made to conform with all regulations herein or shall be removed at the expense of the owner within ten days after written notification thereof by the Building Inspector.
(‘97 Code, § 7-46) (Ord. 1-10-91, passed 1-10-91)

§ 152.27 NONCONFORMING DISPLAYS.

(A) It shall be unlawful for any person to erect or place any display which does not conform to the requirements of this chapter. However, any displays existing at the time of the enactment of this chapter

and not conforming to its provisions, but which did conform when erected shall be regarded as legal, nonconforming displays and may be continued if properly repaired and maintained in accordance with the provisions of this chapter.

(B) A nonconforming display shall not be replaced by another nonconforming display except that the substitution or interchange of poster panels, painted panels or demountable material on nonconforming displays shall be permitted.

(C) Repairs and maintenance of nonconforming displays shall be permitted. However, no changes in the size or construction of the display shall be permitted except to make the display comply with the requirements of this chapter.

('97 Code, § 7-47) (Ord. 1-10-91, passed 1-10-91)

§ 152.28 LIGHTING.

Displays may be illuminated, subject to the following conditions:

(A) Displays which contain, include or are illuminated by any flashing, intermittent or moving light or lights are prohibited;

(B) Displays which are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled ways of the public street or roadway and which are of such intensity or brilliance as to cause glare and to impair the vision of the driver of any motor vehicle or which otherwise interfere with any driver's operation of a motor vehicle are prohibited; and

(C) No display shall be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device or signal.

('97 Code, § 7-48) (Ord. 1-10-91, passed 1-10-91)

§ 152.29 PERMISSION REQUIRED.

No display shall be placed on private or public property without the written consent of the owner or agent thereof.

('97 Code, § 7-50) (Ord. 1-10-91, passed 1-10-91)

§ 152.30 VARIANCE.

A variance to these provisions may be sought according to state statute governing variances.

('97 Code, § 7-45) (Ord. 1-10-91, passed 1-10-91)

APPENDIX: OUTDOOR SIGN OR ADVERTISING APPLICATION AND PERMIT

- | | Name | Phone # | Address |
|--------|--|---------|---------|
| 1. (a) | Applicant or Sign Owner | | |
| 1. (b) | Person or Company in Charge of Sign Maintenance | | |
| 1. (c) | Building or Land Owner Where Sign to be Located | | |
| 2. (a) | Measurement (dimensions of sign face or faces if double-sided). | | |
| 2. (b) | Maximum height of sign measured from finish grade of land around sign or adjacent roadway grade, whichever is highest, to the top of the sign. | | |

Note: a drawing or blueprint showing above dimensions and location plan is required by ordinance and must be submitted with application.

- 2. (c) Distance from closest roadway measured from street right-of-way to closest edge of sign.
- 2. (d) If sign is "V" type, construction degree of angle between sign faces.
- 3. Zoning of land for building of proposed sign location.

Terms of Issuance (a) Fee shall be \$1/sq. ft. of sign face. Total fee for this application is \$
 (b) Applicant and/or property owner state that they have reviewed Bristol Town Ordinance No. 8-14-86 and any amendments thereto, and represent the sign or advertisement to be constructed will comply therewith. The issuance of this permit does not evidence approval or compliance. Responsibility for compliance with any state or federal law, or any Town Ordinance shall remain the responsibility of the sign and property owner. The permit and application are for record keeping purposes only.

(Applicant)

(Signature of Land or Building Evidencing Consent)

Owner
 Fee and Permit Issued the _____ day of _____, 20____.

 Clerk-Treasurer

('97 Code, § 7-54(part)) (Ord. 1-10-91, passed 1-10-91)

CHAPTER 153: [RESERVED]

[text continues on p. 25]

CHAPTER 154: COMPREHENSIVE PLAN

Section

- 154.01 Overall objective and policies
- 154.02 Prior plan, reports and studies

§ 154.01 OVERALL OBJECTIVES AND POLICIES.

(A) *Objectives for future development.*

(1) To encourage the development and maintenance of land use patterns which recognize the needs of farming, industry and business and which will encourage the development of healthy surroundings for family life in residential neighborhoods.

(2) To provide for the orderly and efficient growth of the community in the development of land, transportation and public and private services and facilities within the community.

(B) *Policies for land use development.*

(1) To promote, preserve and protect residential neighborhoods.

(2) To develop zoning and subdivision ordinances which provide for the orderly growth and development of the community.

(3) To ensure that adequate amounts of land will be available to meet future needs in a pattern that combines compatibility of use with logical physical design.

(4) To maintain and promote an atmosphere of continued physical and economic growth.

(C) *Policies for the development of public ways, public places, public lands, public structures and public utilities.*

(1) To provide public facilities designed and distributed to give maximum service with a reasonable capital outlay.

(2) To provide a full range of programs, recreational facilities and open spaces which service the citizens and improve the environment.

(3) To achieve a system of transportation which maximizes safe and affordable movement of goods and people.

(4) To work with public and private utilities in providing basic services to the citizens of the town.

('97 Code, § 10-5) (Res. 5-14-78(K), passed 5-14-87)

Statutory reference:

Requirements for comprehensive plan, see I.C. 36-7-4-501 et seq.

§ 154.02 PRIOR PLAN, REPORTS AND STUDIES.

In addition to the policies and objectives set forth in § 154.01, the following plans, reports and studies are included in the Bristol, Indiana, Comprehensive Plan.

(A) Elkhart County Comprehensive Plan.

- (1) Report One: Land Use Study (March 1969).
- (2) Report Two: Population Study (August 1968).
- (3) Report Three: Study of Economy (October 1968).
- (4) Report Four: Community Facilities Study (May 1969).
- (5) Report Five: Physical Study (June 1969).
- (6) Report Six: Transportation Study (March 1970).
- (7) Report Seven: Goals, Objectives & Discussion Plans (January 1970).
- (8) Report Eight: Plan Elements (April 1970).
- (9) Report Nine: Park and Recreation Plan (June 1970).
- (10) Final Report (July 1970).

(B) Technical Report Series (April 1981).

- (1) Overview.
- (2) Finance.

- (3) Natural Environment.
- (4) Culture.
- (5) Agriculture.
- (6) Mass Media.
- (7) Transportation.
- (8) Industrial Sites/Nappanee.
- (9) Energy.
- (10) Industrial Sites/Goshen.
- (11) Water and Sewer.
- (12) Labor Force.
- (13) Fire Protection.
- (14) Housing.
- (15) Health Care.

(C) The reports shall include any and all amendments as they have occurred in the past and as they occur in the future.

(D) Copies of the plans and reports are available for public inspection in the office of the Elkhart County Building Department, Dunlap, 4230 Elkhart Road, Goshen, Indiana 46536 and are available for public inspection during regular business hours.
(‘97 Code, § 10-6) (Res. 5-14-87(K), passed 5-14-87)

CHAPTER 155: SUBDIVISION AND ZONING CODE

Section

- 155.01 Authority for zoning regulations
- 155.02 Authority for subdivision regulations
- 155.03 Adoption of county ordinances
- 155.04 Designation of County Plan Commission as Municipal Plan Commission
- 155.05 Legislative functions reserved to town
- 155.06 Procedures for platting of subdivisions
- 155.07 Laying out construction, opening of streets in subdivisions

§ 155.01 AUTHORITY FOR ZONING REGULATIONS.

I.C. 36-7-4-600 series permits communities to regulate in the zoning and planning area.
(‘97 Code, § 10-1)

§ 155.02 AUTHORITY FOR SUBDIVISION REGULATIONS.

I.C. 36-7-4-700 series permits communities to regulate in the subdivision control area.
(‘97 Code, § 10-2)

§ 155.03 ADOPTION OF COUNTY ORDINANCES.

As permitted by I.C. 36-1-5-4, the Elkhart County Zoning Ordinance and the Elkhart County Subdivision Ordinance, as the ordinances were in force and effect on January 1, 1985, are adopted and incorporated by reference herein as ordinances of the town; as required by I.C. 36-1-5-4, two copies of the ordinances are now and shall remain on file in the office of the Clerk-Treasurer for public inspection at all reasonable times. All prior ordinances of the town dealing with the same subject matter or in conflict therewith in any way, including but not necessarily limited to Ord. 5-8-80, Ord. 10-1882 and Ord. 12-8-84(A), are superseded and/or repealed by this chapter.
(‘97 Code, § 10-10) (Ord. 4-11-85(B), passed 4-11-85)

§ 155.04 DESIGNATION OF COUNTY PLAN COMMISSION AS MUNICIPAL PLAN COMMISSION.

Pursuant to I.C. 36-7-4-410(a), the Elkhart County Plan Commission is designated as the Municipal Plan Commission for the town; except as otherwise hereinafter specifically provided, all procedures, programs and policies now or hereafter adopted and in force and effect by the Elkhart County Plan Commission are made binding upon the town, its citizens and all real estate situated in the town.

('97 Code, § 10-11) (Ord. 4-11-85(B), passed 4-11-85)

§ 155.05 LEGISLATIVE FUNCTIONS RESERVED TO TOWN.

The function of dividing the town into zoning districts, as contemplated by I.C. 36-7-4-601(d)(2), is reserved to and shall be carried out by the Town Council consistent with rules and regulations adopted by the Elkhart County Plan Commission; all such districts previously designated by the Town Council shall remain the same until amended or abolished by action of the Council.

('97 Code, § 10-12) (Ord. 4-11-85(B), passed 4-11-85)

§ 155.06 PROCEDURES FOR PLATTING OF SUBDIVISIONS.

The Town Council reserves the right, ability and authority to establish and promulgate rules, regulations and/or standards for the platting and/or subdividing of real estate within the town, to include rules, regulations and/or standards pertaining to streets, curbs, water, sewer and other utility and municipal services; the rules, regulations and/or standards, upon promulgation, shall be forwarded to the Elkhart County Plan Commission for incorporation with other rules, regulations and/or standards as to plats and subdivisions established by or enforced by the Commission; no plat and/or subdivision of real estate situated partly or wholly within the corporate limits of the town shall be effective until it has been approved by Town Council.

('97 Code, § 10-13) (Ord. 4-11-85(B), passed 4-11-85)

§ 155.07 LAYING OUT CONSTRUCTION, OPENING OF STREETS IN SUBDIVISIONS.

(A) In platting any new addition to the town, it shall be unlawful and in violation of the provisions of this section for the right-of-way of any street, inclusive of parking space and sidewalks, laid out in such addition or subdivision to be less than a uniform width of 60 feet; the right-of-way shall be measured from the inside edge of the sidewalks abutting the street.

(B) On any street there shall be placed 18 feet of gravel road bed, to be laid in a uniform manner, and nine feet on each side of the center line of the street.

(C) Any street hereafter laid out shall have adjacent thereto space for the parking of vehicular and sundry traffic; the space shall not be less than 11 feet on each side of the outside edge of the gravel road bed heretofore described.

(D) Persons laying out any subdivision of lots or lands within the limits of the town shall before having the plat recorded in the office of the County Recorder submit the plat to the Town Council for their approval, and they may after an examination thereof either approve or disapprove such plat if it does not conform with the provisions of this section.

('97 Code, § 10-20) (Ord. 12-1956, passed 6-13-56) Penalty, see § 10.99

