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CHAPTER 150: BUILDING REGULATIONS

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GENERAL PROVISIONS

§ 150.01 DEFINITIONS.

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

BUILDING COMMISSIONER. *BUILDING COMMISSIONER* includes individuals employed by the Building Department who are authorized to represent the Building Commissioner.

CLASS 1 STRUCTURE.

(1) Pursuant to I.C. 22-12-1-4, any part of the following:

(a) A building or structure that is intended to be or is occupied or otherwise used in any part by any of the following:

1. The public;
2. Three or more tenants; or
3. One or more persons who act as the employees of another.

(b) A site improvement affecting access by persons with physical disabilities to a building or structure described in (1)(a) above.

(c) Outdoor event equipment.

(d) Any class of buildings or structures that the Commission determines by rules to affect a building or structure described in (1)(a) above, except buildings or structures described in (3) through (5) below.

(2) Division (1)(a) of this definition includes a structure that contains three condominium units (as defined in I.C. 32-25-2-9) or other units that:

- (a) Are intended to be or are used or leased by the owner of the unit; and

(b) Are not completely separated from each other by an unimproved space.

(3) Division (1)(a) of this definition does not include a building or structure that:

(a) Is intended to be or is used only for an agricultural purpose on the land where it is located; and

(b) Is not used for retail trade or is a stand used for retail sales of farm produce for eight or less consecutive months in a calendar year.

(4) Division (1)(a) of this definition does not include a Class 2 structure.

(5) Division (1)(a) of this definition does not include a vehicular bridge.

(6) Division (1)(a) does not include a structure that is intended to be occupied solely to provide periodic maintenance or repair of:

(a) The structure; or

(b) Mechanical or electrical equipment located within and affixed to the structure.

(7) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CLASS 2 STRUCTURE.

(1) Pursuant to I.C. 22-12-1-5, any part of the following:

(a) A townhouse or a building or structure that is intended to contain or contains only one dwelling unit or two dwelling units unless any part of the building or structure is regularly used as a Class 1 structure.

(b) An outbuilding for a structure described in (1)(a) above, such as a garage, barn, or family swimming pool, unless any part of the outbuilding is regularly used as a Class 1 structure.

(2) Division (1) does not include a vehicular bridge.

(3) For purposes of division (1)(a), “townhouse” means a single-family dwelling unit constructed in a group of three or more attached units in which each unit:

(a) Extends from foundation to roof;

(b) Is not more than three stories in height;

- (c) Is separated from each adjoining unit by:
 - 1. Two one-hour fire-resistance rated walls with exposure from both sides; or
 - 2. A common two-hour fire-resistance rated wall; and
 - (d) Has open space on at least two sides.
- (4) Pursuant to I.C. 22-12-1-24, structure includes swimming pool.

CONSTRUCTION. Pursuant to I.C. 22-12-1-7, any of the following:

- (1) Fabrication of any part of an industrialized building system or mobile structure for use at another site.
- (2) Erection or assembly of any part of a Class 1 or Class 2 structure at the site where it will be used.
- (3) Installation of any part of the permanent heating, ventilating, air conditioning, electrical, plumbing, sanitary, emergency detection, emergency communication, or fire or explosion suppression systems for a Class 1 or Class 2 structure at the site where it will be used.
- (4) Work undertaken to alter, remodel, rehabilitate, or add to any part of a Class 1 or Class 2 structure.
- (5) Work undertaken to relocate any part of a Class 1 or Class 2 structure, except a mobile structure.

INDUSTRIALIZED BUILDING SYSTEM. Pursuant to I.C. 22-12-1-14, any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, **INDUSTRIALIZED BUILDING SYSTEM** does not include a mobile structure or a system that is capable of inspection at the building site.

MANUFACTURED HOME. Pursuant to I.C. 22-12-1-16, **MANUFACTURED HOME** has the meaning set forth in 42 USC 5402 as it existed on January 1, 2003: a structure, transportable in one or more sections, which, in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a

certification required by the Secretary of Housing and Urban Development and complies with the standards established under 42 USC 5401 et seq. and except that such term shall not include any self-propelled recreational vehicle.

MOBILE STRUCTURE. Pursuant to I.C. 22-12-1-17, any part of a fabricated unit that is designed to be towed on its own chassis and connected to utilities for year-round occupancy or use as a Class 1 structure, a Class 2 structure, or another structure. **MOBILE STRUCTURE** includes the following:

(1) Two or more components that can be retracted for towing purposes and subsequently expanded for additional capacity.

(2) Two or more units that are separately towable but designed to be jointed into one integral unit.

PERSON. Pursuant to I.C. 22-12-1-18, an individual, corporation, limited liability company, partnership, unincorporated association, or governmental entity.

STRUCTURE. Both Class 1 and Class 2 structures, unless specifically stated otherwise.

SUBSTANTIAL PROPERTY INTEREST. Any right in real property that may be affected in a substantial way by actions authorized, including a fee interest, a life estate, a future interest, a present possessory interest, or an equitable interest of a contract purchaser.

VEHICULAR BRIDGE. Pursuant to I.C. 22-12-1-26, any bridge that is neither:

(1) A pedestrian walkway; nor

(2) A passageway for light vehicles; suspended between two or more parts of a building or between two or more buildings.

(Ord. 25-91, passed 6-13-91; Am. Ord. 2004-6, passed 2-1-05)

§ 150.02 INSPECTIONS; FEES.

(A) Home building inspections will be in approximately four different phases.

(B) Fees for inspections of any building or premises shall be determined as follows:

<i>Building or Premises</i>	<i>Fee</i>
<i>Residential</i>	
First 1,500 square foot area	\$100
Each additional 100 square feet added	5
Detached garage	50
Room additions under 500 square feet	50
Room addition over 500 square feet (up to 1,500 square feet)	75
<i>Commercial buildings</i>	
Up to 2,000 square feet	\$150
Each additional 100 square feet over 2,000 square feet	5

(Ord. 25-91, passed 6-13-91)

§ 150.03 ADOPTION OF STANDARD CODES.

(A) The following publications are hereby adopted by reference and made a part of this code as if set forth in full herein:

- (1) Uniform Building Code.
- (2) National Electrical Code.
- (3) National Plumbing Code (with Indiana exceptions).
- (4) Indiana Handicapped Edition.

(B) One copy of each publication referenced above shall be maintained at the town hall and shall be available for review by the general public during normal business hours. One copy of each publication shall be maintained by the Commissioner of Buildings for the town.
(Ord. 25-91, passed 6-13-91)

§ 150.04 TOWN COUNCIL TO ARBITRATE DISPUTES.

The Town Council shall review and arbitrate any disputes resulting from the enforcement of this chapter.
(Ord. 25-91, passed 6-13-91)

BUILDING PERMITS; INSPECTIONS; ENFORCEMENT; CONSTRUCTION STANDARDS

§ 150.15 TITLE.

This subchapter and all material included herein by reference shall be known as the Building Code of the Town of Pittsboro.
(Ord. 2004-6, passed 2-1-05)

§ 150.16 PURPOSE.

The purpose of this subchapter is to protect the life, public safety, health and general welfare of the citizens of the Town of Pittsboro, and shall be construed in such a manner to effectuate this purpose.
(Ord. 2004-6, passed 2-1-05)

§ 150.17 SCOPE.

(A) All construction shall be accomplished in compliance with the provisions of this subchapter.

(B) Pursuant to I.C. 22-13-2-6, this subchapter shall not apply to industrialized building systems or mobile structures certified under I.C. 22-15-4; however, the provisions of this subchapter and the rules promulgated by the Fire Prevention and Building Safety Commission do apply to any construction related to an industrialized building system or mobile structure not certified under I.C. 22-15-4.

(C) Pursuant to I.C. 22-13-2-9, this subchapter is not applicable to regulated amusement devices, regulated boilers, regulated pressure vessels, or regulated lifting devices.
(Ord. 2004-6, passed 2-1-05)

§ 150.18 AUTHORITY.

The Building Commissioner is hereby authorized and directed to administer and enforce the following:

(A) All of the provisions of this subchapter;

(B) Variances granted in accordance with I.C. 22-13-2-11; and

(C) Orders issued under I.C. 22-12-7.

(Ord. 2004-6, passed 2-1-05)

§ 150.19 BUILDING PERMIT REQUIRED.

Construction is prohibited unless in conformity with a valid building permit obtained from the Building Commissioner prior to commencement of construction.

(Ord. 2004-6, passed 2-1-05)

§ 150.20 APPLICATION FOR BUILDING PERMIT.

(A) Any person required to have a building permit shall submit a complete application to the Building Commissioner.

(B) This application shall be submitted on a form prepared by the Building Commissioner, and shall contain the following:

(1) Information that the Building Commissioner determines to be necessary to locate and contact the applicant.

(2) A clear and understandable copy of detailed plans and specifications drawn to scale which indicate in a precise manner the nature and location of all work to be accomplished.

(3) A plot plan drawn to scale. This plot plan shall reflect the location of the structure in relation to existing property lines and show streets, curbs and sidewalks and proposed changes or additions to such streets, curbs and sidewalks.

(4) If required by Indiana law or any rule of the Fire Prevention and Building Safety Commission, a copy of a design release for the work to be done that has been issued by the State Building Commissioner and the State Fire Marshal pursuant to I.C. 22-15-3.

(5) Any additional information that the Building Commissioner finds to be necessary to determine that the construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

(6) The fee established by the Pittsboro Plan Commission.

(C) Application for a building permit shall be made by the person entitled to obtain the permit or by an employee or agent of that person. The Building Commissioner may require that such an employee or agent provide written authority to apply for a permit.

(Ord. 2004-6, passed 2-1-05)

§ 150.21 ISSUANCE OF BUILDING PERMIT.

The Building Commissioner shall issue a building permit to a person after the person has submitted a complete application, including any applicable fee, provided that the proposed construction will conform to all applicable building laws and will not violate any other applicable ordinances or laws.

(Ord. 2004-6, passed 2-1-05)

§ 150.22 CERTIFICATE OF OCCUPANCY.

No certificate of occupancy for any building or structure shall be issued unless the building or structure was constructed in compliance with the provisions of this subchapter. It shall be unlawful to occupy any such building or structure unless a full, partial or temporary certificate of occupancy has been issued by the Building Commissioner.

(Ord. 2004-6, passed 2-1-05)

§ 150.23 AUTHORITY TO MAKE INSPECTIONS AND INVESTIGATIONS.

(A) All construction shall be subject to periodic inspections by the Building Commissioner irrespective of whether a building permit has been or is required to be obtained.

(B) The Building Commissioner may at any reasonable time go in, upon, around or about the premises where any structure subject to the provisions of this subchapter or to the rules of the Fire

Prevention and Building Safety Commission is located for the purposes of inspection and investigation of the structure. The inspection and investigation may be made before and/or after construction on the project is completed for the purposes of determining whether the structure meets building standards and procedures, and ascertaining whether the construction and procedures have been accomplished in a manner consistent with this subchapter and the rules of the Fire Prevention and Building Safety Commission.

(Ord. 2004-6, passed 2-1-05)

§ 150.24 INSPECTIONS BY FIRE DEPARTMENT.

The Building Commissioner and the Fire Department shall work cooperatively to conduct inspections and investigations to promote compliance with fire safety laws. (The Fire Department has independent authority to conduct inspections and take enforcement actions under I.C. 36-8-17.)

(Ord. 2004-6, passed 2-1-05)

§ 150.25 WITHHOLDING ISSUANCE OF PERMIT.

(A) Whenever a person who is either an applicant for a building permit or an obtainer of a building permit owes fees (including checks returned for insufficient funds, permit fees owed pursuant to Town of Pittsboro, or inspection fees owed pursuant to Town of Pittsboro) to the Building Commissioner, the Building Commissioner may withhold the issuance of subsequently requested permits until such time that the debt is satisfied.

(B) Whenever a person applies for a building permit for a structure that is not being used or constructed in conformance with applicable provisions of an applicable zoning ordinance or other ordinance relating to land use, the Building Commissioner is authorized to withhold conformance with the applicable ordinance.

(Ord. 2004-6, passed 2-1-05)

§ 150.26 PERMIT REVOCATION.

The Building Commissioner may revoke a building permit when any of the following are applicable:

(A) The application, plans or supporting documents contain a false statement or misrepresentation as to a material fact.

(B) The application, plans or supporting documents reflect a lack of compliance with building standards and procedures.

(C) There is failure to comply with this subchapter.

(D) The structure for which the building permit has been issued is not being used or constructed in conformance with an applicable zoning ordinance or other ordinance relating to land use.
(Ord. 2004-6, passed 2-1-05)

§ 150.27 STOP-WORK ORDER.

(A) The Building Commissioner may issue an order requiring suspension of the pertinent construction (stop-work order) in accordance with this section.

(B) The stop-work order shall:

- (1) Be in writing;
- (2) State with specificity the construction to which it is applicable and the reason for its issuance;
- (3) Be posted on the property in a conspicuous place;
- (4) If practicable, be given to:
 - (a) The person doing the construction; and
 - (b) The owner of the property or the owner's agent.
- (5) The stop-work order shall state the conditions under which construction may be resumed.

(C) The Building Commissioner may issue a stop-work order if:

- (1) Construction is proceeding in an unsafe manner, including, but not limited to, in violation of any standard set forth in this subchapter or any state law pertaining to safety during construction;
- (2) Construction is occurring in violation of this subchapter or in such a manner that if construction is allowed to proceed, there is reasonable probability that it will be substantially difficult to correct the violation; or
- (3) Construction for which a building permit is required is proceeding without a building permit being in force.

(D) The issuance of a stop-work order shall in no way limit the operation of penalties provided elsewhere in this chapter.
(Ord. 2004-6, passed 2-1-05)

§ 150.28 CIVIL ACTION.

Pursuant to I.C. 36-1-6-4, the town may initiate a civil action in a court of competent jurisdiction to restrain any person from violating a provision of this subchapter.
(Ord. 2004-6, passed 2-1-05)

§ 150.29 RIGHT OF APPEAL.

Any person aggrieved by an order issued under this subchapter shall have the right to petition for review of any order of the Building Commissioner. Such a person may file a petition using either, or both, of the following procedures:

(A) Appeal to the Fire Prevention and Building Safety Commission.

(1) A person aggrieved by an order issued under this subchapter may submit a petition for review to the Fire Prevention and Building Safety Commission, in accordance with I.C. 22-13-2-7.

(2) The Commission may modify or reverse any order that covers a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety, or a building rule.

(3) The Fire Prevention and Building Safety Commission must review orders that concern a Class 2 structure if the person aggrieved by the order petitions for review under I.C. 4-21.5-3-7 within 30 days after the issuance of the order.

(4) The Fire Prevention and Building Safety Commission may review all other orders issued under this subchapter that cover a subject governed by I.C. 22-12, I.C. 22-13, I.C. 22-14, I.C. 22-15, a fire safety rule, or a building rule.

(5) The review of an order by the Fire Prevention and Building Safety Commission does not suspend the running of the time period under any statute in which a person must petition a court for judicial review of the order.

(B) Appeal to an established local administrative body or court. Pursuant to I.C. 36-7-8-9, a person aggrieved by a decision of the Building Department may appeal as in other civil actions. The appellant must, by registered mail, give the Town Manager a 15-day written notice of his or her intention to appeal. This notice must concisely state the appellant's grievance. If, pursuant to I.C. 36-1-6-9, the Town of Pittsboro has established by ordinance to hear appeals of orders issued under ordinances, then a person aggrieved by an order may petition for review with this administrative body in accordance with the ordinance. If no such administrative body exists, then the person may petition a court for judicial review of the order.

(Ord. 2004-6, passed 2-1-05)

§ 150.30 ADOPTION OF RULES BY REFERENCE.

(A) Pursuant to I.C. 22-13-2-3(b), the rules of the Indiana Fire Prevention and Building Safety Commission as set out in the following Articles of Title 675 of the Indiana Administrative Code are hereby incorporated by reference in this code and shall include any later amendments to those rules.

- (1) Article 13 - Building Codes.
 - (a) Fire and Building Safety Standards.
 - (b) Indiana Building Code.
- (2) Article 14 - Indiana Residential Code.
- (3) Article 16 - Indiana Plumbing Code.
- (4) Article 17 - Indiana Electrical Code.
- (5) Article 18 - Indiana Mechanical Code.
- (6) Article 19 - Indiana Energy Conservation Code.
- (7) Article 20 - Indiana Swimming Pool Code.
- (8) Article 22 - Indiana Fire Code.
- (9) Article 24 - Migrant Day Care Nursery Fire Safety Code.
- (10) Article 25 - Indiana Fuel Gas Code.

(B) Two copies of the above building rules incorporated by reference are on file in the office of the Clerk for the legislative body for public inspection as required by I.C. 36-1-5-4.

(C) The Building Commissioner and the Fire Prevention and Building Safety Commission may grant a variance to the fire safety laws and building laws adopted in this subchapter. Pursuant to I.C. 22-13-2-7(b), a variance granted by the Building Commissioner is not effective until it has been approved by the Fire Prevention and Building Safety Commission.

(Ord. 2004-6, passed 2-1-05)

§ 150.31 LIFTING DEVICES LOCATED WITHIN A PRIVATE RESIDENCE.

(A) Pursuant to I.C. 22-12-1-22(b)(12), lifting devices, such as elevators and wheelchair lifts, located within private residences are not regulated lifting devices. Therefore, the following standards applicable to lifting devices located within a private residence are incorporated by reference:

(1) Part 5.3, Private Residence Elevators, ANSI/ASME A 17.1-2000, *Safety Code for Elevators and Escalators* published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(2) Part 5.4, Private Residence Inclined Elevators, ANSI/ASME A 17.1-200, *Safety Code for Elevators and Escalators* published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(3) Section 5, Private Residence Vertical Platform Lifts, ASME A 18.1a, 2001 (Addenda to ASME 18.1-1999), *Safety Standard for Platform and Stairway Chair Lifts* published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(4) Section 6, Private Residence Inclined Platform Lifts, ASME A 18.1a, 2001 (Addenda to ASME 18.1-1999), *Safety Standard for Platform and Stairway Chair Lifts* published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(5) Section 7, Private Inclined Stairway Lifts, ASME A 18.1a, 2001 (Addenda to ASME 18.1-1999), *Safety Standard for Platform and Stairway Chair Lifts* published by the American Society of Mechanical Engineers, Three Park Avenue, New York, New York 10016.

(B) Two copies of the above lifting device standards incorporated by reference are on file in the office of the Clerk for the legislative body for public inspection as required by I.C. 36-1-5-4. (Ord. 2004-6, passed 2-1-05)

KEY/DATA STORAGE BOXES ON COMMERCIAL/INDUSTRIAL BUILDINGS

§ 150.50 TITLE.

This subchapter shall be known as the “Key and Data Storage Box Ordinance.” (Ord. 2000-2, passed 12-12-00)

§ 150.51 PURPOSE.

The purpose and intent of this subchapter is to prescribe requirements for the installation of key and data storage boxes. (Ord. 2002-2, passed 12-12-00)

§ 150.52 APPLICATION REQUIRED.

(A) *New construction.* The Fire Department shall review and may require a key box and/or data storage box, compatible with the system currently being utilized by the Fire Department, for all newly constructed commercial and industrial buildings.

(B) *Existing buildings.* The Fire Department shall review and may require a key box and/or storage data box, compatible with the system currently being utilized by the Fire Department, for existing commercial and industrial buildings

(1) If any of the following circumstances are met:

(a) A change of occupancy or use requiring a construction design release by the State of Indiana;

(b) Remodeling which requires the issuance of a building permit by the Town of Pittsboro;

(c) Any building where the owners, tenants, or their agents cannot be expected to be available at the building site within five minutes of any alarm sounding or emergency occurring at the building site; and

(2) If any of the following conditions exist:

(a) The building is protected with an automatic sprinkler system equipped with a local or transmitted water-flow alarm; a standpipe system; or any type of fire suppression system;

(b) The building is protected with any fire alarm system equipped with an outside audible or visual signaling device;

(c) The building is protected with any fire alarm system where the alarm is transmitted to an off-site location, or to the fire alarm center for the Fire Department;

(d) The owners or tenants of a building, or their agents, have requested the Fire Department hold keys or maintain information on the building.
(Ord. 2000-2, passed 12-12-00)

§ 150.53 KEY BOX/DATA STORAGE BOX CONTENTS.

The key boxes/data storage boxes shall contain the following:

(A) Keys to locked points of ingress/egress whether on the interior or exterior of the building;

(B) The keys to locked mechanical rooms;

(C) The keys to locked electrical rooms;

(D) Keys to elevator controls and control rooms;

(E) Keys to other areas as directed from time to time by the Pittsboro Fire Marshal or Fire Chief;
and

(F) Information data sheets, MSDS sheets or other pertinent information deemed necessary from time to time by the Pittsboro Fire Marshal or Fire Chief.

(Ord. 2000-2, passed 12-12-00)

§ 150.54 LOCATION.

The key box and/or data storage box shall be installed at a location, on the building, approved by the Fire Department.

(Ord. 2000-2, passed 12-12-00)

§ 150.55 TIMING OF APPLICATION.

Applications for key boxes and storage data boxes shall be provided by the Fire Department and submitted to the Fire Department at least 30 days prior to the issuance of a certificate of occupancy. Key boxes and data storage boxes shall be installed and operational prior to a certificate of occupancy being issued.

(Ord. 2000-2, passed 12-12-00)

§ 150.56 RESPONSIBILITY FOR KEY/DATA STORAGE BOXES.

The acquisition, installation and maintenance of key boxes and/or data storage boxes is the joint responsibility of the owners and tenants of buildings, and the failure of any owner or tenant to fulfill their responsibility does not relieve the other of responsibility. Up to two tenants of a multi-tenant building may share one owner-provided key box and the building owner shall assume the responsibility for insuring that keys and information are updated as appropriate for each tenant space. Tenant-provided boxes may not be shared by another tenant and the tenant assumes responsibility for key and information updates for the subject tenant space.

(Ord. 2000-2, passed 12-12-00)

§ 150.99 PENALTY.

Any person violating any provision of §§ 150.015 et seq. may be subject to a fine in any sum not exceeding \$2,500. The assessment of a monetary penalty shall in no way limit the operation of the penalties provided elsewhere in that subchapter.

(Ord. 2004-6, passed 2-1-05)

CHAPTER 151: PLANNING

Section

Comprehensive Plan

- 151.01 Comprehensive Plan adopted by reference
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- 151.03 Annexation Policy adopted by reference

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COMPREHENSIVE PLAN

§ 151.01 COMPREHENSIVE PLAN ADOPTED BY REFERENCE.

The Comprehensive Plan adopted by Resolution 93-1, passed 8-12-93, is hereby adopted by reference and made a part of this code as if set forth in full herein.
(Res. 93-1, passed 8-12-93)

§ 151.02 THOROUGHFARE PLAN ADOPTED BY REFERENCE.

The Thoroughfare Plan, adopted as an amendment to the Comprehensive Plan, is hereby adopted by reference and made a part of this code as if set forth in full herein.
(Res. 2005-26, passed 12-20-05)

§ 151.03 ANNEXATION POLICY ADOPTED BY REFERENCE.

The Annexation Policy is hereby adopted by reference and made a part of this code as if set forth in full herein.
(Res. 2005-25, passed 12-20-05)

ADVISORY PLAN COMMISSION**§ 151.10 ESTABLISHMENT, MEMBERS.**

(A) The Town Council hereby establishes an Advisory Plan Commission, consisting of seven members as provided by I.C. 36-7-4-207(b).

(B) The Town Council shall appoint three persons who must be elected or appointed town officers or employees in the town government as “town” members and the President of the Town Council shall appoint four “citizen” members of whom no more than two may be of the same political party.
(Ord. 28-92, passed 11-25-92)

§ 151.11 TERM OF OFFICE.

(A) The term of a “town” member shall be the same period as the term of the Town Council that appointed such member but, in any event, shall not exceed four years from the date of appointment. A member may serve until a successor is appointed and qualified. A member is eligible for reappointment.

(B) When the Plan Commission exercises jurisdiction outside the incorporated area of the town as provided by Sec. 205 of the Advisory Planning Law, the executive of the county in which the unincorporated area is located shall appoint two additional citizen members to the Plan Commission. The “additional” citizen members must reside in the unincorporated area and must not be of the same political party. Initially, one “additional” member shall be appointed for a term of one year and the other “additional” member for a term of four years. Thereafter, each appointment is for a term of four years. The additional citizen members are entitled to participate and vote in all deliberations in the Plan Commission where applicable.

(C) Upon the establishment of the Plan Commission, two “citizen” members shall initially be appointed for a term of three years and two members shall initially be appointed for a term of four years. Each member’s term expires on the first Monday of January of the second, third, or fourth year, respectively, after the year of the member’s appointment. A member may serve until a successor is appointed and qualified. A member is eligible for reappointment.

(D) The appointing officer may remove a member from the Plan Commission for cause. The appointing authority must mail notice of the removal, along with written reasons for the removal, to the member at his or her residence address. A member who is removed may, within 30 days after receiving notice of removal, appeal the removal to the Circuit or Superior Court of Hendricks County. Pending the outcome of the appeal, the Court may order the removal or stay the removal of the member.

(E) If a vacancy occurs among a Plan Commission member who is appointed then the appointing authority shall appoint a member for the unexpired term of the vacating member.

(F) An appointed member who misses three consecutive regular meetings of the Plan Commission shall be treated as if the member had resigned unless the appointing authority reaffirms the member's appointment.

(Ord. 28-92, passed 11-25-92)

§ 151.12 OFFICIAL ACTION; POWERS AND DUTIES.

(A) Action of the Plan Commission is not official unless it is authorized at a regular or special meeting by a majority of the entire membership of the Plan Commission.

(B) The Plan Commission shall sue and be sued collectively in its name, stylized according to the following: Pittsboro Plan Commission, with service of process on the Executive Director or President of the Commission. No costs may be taxed against the Commission or any of its members in any action.

(C) The Plan Commission shall:

(1) Make recommendations to the Town Council concerning the adoption of a comprehensive plan, ordinance and amendments or any other matter within the jurisdiction of the commission authorized by advisory planning law.

(2) Render decisions concerning and approving plats of subdivisions and the development of plans for residential, commercial and industrial use.

(3) Approve the assignment of street numbers and names and renaming of streets.

(4) Make such other decisions consistent with Indiana law.

(Ord. 28-92, passed 11-25-92)

§ 151.13 COMPREHENSIVE PLAN.

(A) A comprehensive plan shall be approved by resolution in accordance with and for the promotion of the general public health, safety, morals, convenience, order and the efficiency in the process of development. The Plan Commission shall prepare the Comprehensive Plan. Such plan shall contain:

(1) A statement of objectives for the future development of Pittsboro.

(2) A statement of the policy for the land use of Pittsboro.

(3) A statement of the policy for the development of public ways, places, public land, structures, and utilities.

(B) Before the approval of the Comprehensive Plan, the Plan Commission must give notice and hold one or more public hearings on the plan and publish in accordance with I.C. 5-3-1, a schedule stating the times and places of the hearings. The schedule must state the time and place of each hearing and state where the entire plan is on file and may be examined in its entirety for at least ten days before the hearing.

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

(Ord. 28-92, passed 11-25-92; Am. Ord. 98-6, passed 3-9-98)

§ 151.14 JURISDICTION.

The Town Council shall have jurisdiction over the geographic area described in the zoning ordinance and has exclusive authority to adopt a zoning ordinance. No zoning ordinance may be adopted until a comprehensive plan has been approved for the jurisdiction. In preparation and considering proposals, the Plan Commission and the Town Council shall give reasonable regard to:

(A) The comprehensive plan;

(B) The current conditions and character of structures in the town;

(C) The desirable use for the land;

(D) Conservation of property values; and

(E) Responsible development and growth.

(Ord. 28-92, passed 11-25-92)

§ 151.15 NOTICE AND HEARING BEFORE CERTIFICATION OF PROPOSED ORDINANCE.

(A) Before it certifies a proposal to the Town Council, the Plan Commission must hold a public hearing as required by statute. The Plan Commission shall give notice of the hearing by publication. The notice must state the time and place of the hearing and, in the case of a proposal, the geographic areas in which the proposal applies, or, in the case of a change in the zone map, the geographic area of the zone map.

(B) Where a copy of the proposal is on file for examination before the hearing, the written objections to the proposal that are filed with the Secretary of the Plan Commission before the hearing will be considered. Also, oral arguments concerning the proposal will be heard. The hearing may be continued from time to time as may be necessary.

(C) The Plan Commission shall also provide due notice to interested parties at least ten days before the date set for the hearing. The Commission shall, by rule, determine who are interested parties, how notices are to be given to them, and who is required to give that notice. However, if the subject matter of the proposal abuts or includes a county line, or a county line street or road, or a county line body of water, then all owners of real property to a depth of two ownerships or one-eighth of a mile into the adjacent county, whichever is less, are interested parties who must receive notice under this section.

(D) The hearing must be held by the Plan Commission at the place stated in the notice. The Commission may also give notice to hold hearings at other places. A zoning ordinance may not be held invalid on the ground that the Plan Commission failed to comply with the requirements of this section if the notice and hearing substantially comply. The files of the Plan Commission concerning proposals are public records and shall be made available for inspection by interested persons.

(Ord. 28-92, passed 11-25-92)

§ 151.16 STATE LAW TO GUIDE.

The Plan Commission shall utilize, by reference, I.C. 36-7-4, as amended, for its direction and guidance.

(Ord. 28-92, passed 11-25-92)

FEES

§ 151.30 OFFICIAL FEE SCHEDULE.

An official schedule of Plan Commission fees is hereby established as follows:

<i>Description</i>	<i>Fee</i>
<i>Annexation Petition (shall not include zoning)</i>	\$ 50.00
<i>Zoning Petitions</i>	
Change in zoning	\$250.00
Use variance	250.00
Development standard variance	100.00
Special exception	100.00
Administrative appeals	200.00

Pittsboro - Land Use

<i>Description</i>	<i>Fee</i>
<i>Subdivision Plats</i>	
Primary plat (whole subdivision)	\$300.00 plus \$5.00 per lot
Secondary plat (including development plans) (whole subdivision or sections thereof)	\$200.00 plus \$5.00 per lot
Change in previously approved final plat or major change in development plan	\$100.00
<i>Planned Development</i>	
Preliminary development plan	\$100.00
Final development plan	250.00
Detail plan approval	\$250.00 plus platting and/or site plan fees herein
<i>Site Plans for Nonsubdivided Developments</i>	
Multi-family	\$200.00 plus \$5.00 per unit
Commercial/industrial	\$200.00 plus \$25.00 per acre
Change in previously approved plans	\$100.00
<i>Street Cut</i> ^{1 and 2} (includes any driveway access, pavement cut, or trenching within the street right-of-way)	\$10.00 utilities \$25.00 all others
<p>¹ Due to the large volume (over 90% of all street cuts) of permits obtained annually, private utilities may post a \$5,000.00 bond with the town on an annual basis.</p> <p>² Other applicants shall pay the regular permit fee and post a \$2,500.00 bond (bond, cash, cashiers check) for each permit issued. Said bond shall be for a term of 12 months from the date of issuance of the permit.</p>	
<i>Residential Building Permits</i> ^{**}	
Single-family dwelling	\$200.00
Two-family dwelling	\$300.00

<i>Description</i>	<i>Fee</i>
Multi-family dwelling	\$150.00 per unit
Residential (1-2 family) addition/remodeling structural electrical plumbing mechanical (combined maximum of \$100) Only one permit shall be required for any particular remodeling project. The total fee for said permit shall be based upon how many of the four components are included in the permit application.	\$30.00 30.00 30.00 30.00
Garages and carports	\$50.00
Accessory buildings	\$30.00
Certificate of occupancy	no charge
Structures other than buildings	\$20.00
Sanitary tap fee*** residential commercial/general business laundromat/car wash industrial uses	\$400.00 per unit \$750.00 \$1,500.00 \$1,500.00
Water tap fee***	\$100.00
Gas tap fee***	100.00
Electric tap fee***	100.00
<i>Mobile Homes</i>	150.00
<i>Commercial/Industrial Permits</i>	
New building	\$.05 per square foot with \$300.00 minimum and no maximum
Structures other than building	\$50.00
Additions	\$100.00 plus \$.03 per square foot over 500 square feet
Commercially operated parking lot space	\$3.00 per parking

Pittsboro - Land Use

<i>Description</i>	<i>Fee</i>
Accessory building	\$50.00 plus \$.03 per square foot maximum \$1,000.00
Remodeling structural electrical mechanical (combined maximum of \$200)	\$60.00 60.00 60.00 60.00
Only one permit shall be required for any particular remodeling project. The total fee for said permit shall be based upon how many of the four components are included in the permit application.	
<i>Demolition Permits</i>	
First building on premises	see applicable ordinance
Additional buildings (excluding portable buildings)	see applicable ordinance
<i>Moving or Changing Building Location</i>	
Principal building	\$100.00
Accessory building	30.00
<i>Swimming Pools</i>	
Residential pools (in-ground, ground, or above-ground)	\$ 50.00
Commercial or public	200.00
<i>Sign Permits</i>	
Portable signs/temporary signs	\$5.00 per use (refundable)
Other signs	\$.20 per square foot with minimum of \$25.00 per face
<i>Tents and Awnings Permits (Commercial)</i>	
Tent and awning permits have a 60-day time limit but may be renewed at 60-day intervals so long as there are no zoning violation citation notices	
First permit issued in given calendar year	\$25.00
Renewal permits issued in a given calendar year	10.00
** Includes three inspections: foundation, rough-in and final *** All town utilities are exempt from all permit fees	

(Ord. 94-5, passed 7-14-94)

CHAPTER 152: UNIFIED DEVELOPMENT ORDINANCE

Section

152.01 Adoption of regulations by reference

§ 152.01 ADOPTION OF REGULATIONS BY REFERENCE.

The Town of Pittsboro Unified Development Ordinance is established and adopted as attached to the ordinance codified herein, and is incorporated herein by reference, the same as if set out in full. (Ord. 2015-02, passed 3-17-15; Am. Ord. 2015-03, passed 3-17-15; Am. Ord. 2015-12, passed 12-15-15; Am. Ord. 2016-14, passed 11-15-16; Am. Ord. 2017-01, passed 4-18-17; Am. Ord. 2017-09, passed 9-19-17; Am. Ord. 2017-10, passed 9-19-17; Am. Ord. 2017-11, passed 9-19-17; Am. Ord. 2017-13, passed 12-19-17; Am. Ord. 2018-03, passed 3-20-18; Am. Ord. 2018-04, passed 4-17-18; Am. Ord. 2018-07, passed 5-1-18; Am. Ord. 2018-19, passed 12-17-18)

CHAPTER 153: STORM DRAINAGE, EROSION, AND SEDIMENT CONTROL

Section

153.01 Adoption by reference

§ 153.01 ADOPTION BY REFERENCE.

The Storm Drainage, Erosion and Sediment Control Ordinance of Hendricks County (SDESCO) is hereby adopted by reference and made a part of this code as if set out in full herein. Copies are available for review by the public during normal business hours in the office of the Clerk.
(Ord. 2003-2, passed 8-12-03)

