

Chapter One

Basic Provisions

Chapter One

Basic Provisions

1.1 Title

This Ordinance shall be formally known as the "Whitley County Zoning Ordinance", and it may be cited and referred to as the "Zoning Ordinance".

1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Fourteen.

1.3 Authority

This Zoning Ordinance is adopted by the County pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

1.4 Purpose

This Ordinance is intended to guide the growth and development of the County in accordance with the Whitley County Comprehensive Plan and for the following purpose.

- A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers;
- B. To promote the public health, safety, comfort, convenience, morals and general welfare;
- C. To plan for the future development of the County to the end;
 - 1. That the community grows only with adequate public ways, utility, health, educational, and recreational facilities;
 - 2. That the needs of agriculture, industry, and business be recognized in future growth;
 - 3. That residential areas provide healthful surroundings for family life;
 - 4. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
 - 5. That the community strives for high aesthetic value, quality planning and design.

1.5 Compliance

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged, nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

1.6 Severability

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

1.7 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 people at large, and are designed to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision, which is most restrictive, shall control.

1.8 Jurisdiction Area

This Ordinance shall apply to all land within the limits of Whitley County, Indiana but not the planning jurisdictions of incorporated cities and towns.

1.9 Application

It is not intended by this Ordinance to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or premises.

Where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.

1.10 Repealer

The Zoning Ordinance of Whitley County, Indiana, Title XV, Chapter 153 adopted on May 20, 1969, and all subsequent amendments thereto, are hereby repealed effective coincident with the effective date of this Ordinance.

1.11 Amendments

In accordance with IC 36-7-4-602, the legislative body may amend or partially repeal the text of this Ordinance or they may amend the zoning maps of this Ordinance as follows:

The legislative body or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C.36-7-4-602(b) and I.C.36-7-4-607 and according to the Commission Rules and Procedures.

The legislative body, Plan Commission, or at least fifty percent (50%) of the affected property owners may initiate a petition to change the zoning maps according to the procedure of IC 36-7-4-602(c) and I.C.36-7-4-608 and according to the Commission rules.

In its review of the text and zone map amendments, the legislative body and the Plan Commission shall pay reasonable regard to:

- A. The most recently adopted Comprehensive Plan.
- B. Current conditions and the character of structures and uses in each district.
- C. The most desirable use of which the land in each district is adapted.
- D. The conservation of property values throughout the jurisdiction.
- E. Responsible development and growth.
- F. The public health, safety and welfare.

1.12 Effective Date

This Ordinance shall be in full force and effect after its adoption, subject to the procedures of approval and notice of adoption as required by law.

Certified by the Plan Commission of Whitley County, Indiana on the 15th day of February, 2006.

Mark Roach
Valynnda K. Slack
Brandon Forrester
Timothy Hearld
David Schilling
Richard Buchanan
Joel Vance
Douglas Eber

Passed and adopted by the Whitley County Board of Commissioners, Indiana on the 6th day of March, 2006.

Tom Rethlake
James Pettigrew
Douglas Eber

ATTEST:

Linda J. Gerig
Whitley County Auditor