

# ZONING

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## ZONING

### ARTICLE 1. BACKGROUND INFORMATION.

#### Sec. 10-1 Purpose of Zoning.

- a. The Town Council of Hudson, Indiana, deems it necessary, in order to conserve the value of property in the Town and to secure light, air, convenience, of access and safety from fire, flood and other dangers, to adopt a well considered plan for the use and development of all property throughout the Town.
- b. The Council further believes that such a Zoning Plan would be in the best interest of public safety, health, comfort, convenience, and the general welfare of its citizens.

#### Sec. 10-2 through Sec. 10-4 Reserved for Future Use.

### ARTICLE 2. HUDSON DEVELOPMENT ORDINANCE - ZONING, SUBDIVISION AND MANUFACTURED HOUSING REGULATIONS.

#### Division I. Title. Purpose. General Provisions and Definitions.

#### Sec. 10-5 Title.

This ordinance shall be known and referred to, as “The Hudson Development Ordinance: The Zoning, Subdivision and Manufactured Housing Regulations of the Town of Hudson, Indiana”, hereafter referred to as “this Ordinance”. Articles 1 and 2 shall also be known as “Zoning Regulations; Article 3 shall also be known as “Subdivision Regulations”.

#### Sec. 10-6 Purpose.

The purpose of this Ordinance is to implement the provisions of the Hudson Comprehensive Plan; to divide the Town of Hudson into districts according to the use of land and buildings; to control and regulate the growth of Hudson; to regulate the location and use of buildings and structures; to provide for public safety through ensuring the development of safe structures and public rights-of-way; to protect Hudson’s tax base by facilitating cost-effective development and conserving the value of property throughout Hudson; to protect landowners from any adverse conditions imposed by proposed adjoining developments; and to balance the interests of the citizens of Hudson with the interests of individual property owners.

#### Sec. 10-7 General Provisions.

For the purpose of this Chapter, certain words and phrases used herein shall be interpreted as follows:

- a. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.
- b. The masculine includes the feminine.
- c. The present tense includes the past and future tense, the singular number includes the plural.

d. The word “shall” is a mandatory requirement, the word “should” is a preferred requirement, and the word “may” is a permissive requirement.

e. The words “used” or “occupied” include the words “intended, arranged, or designed to be used or occupied.”

f. As Amended - The term ‘as amended’, as used in this Ordinance, means any amendments, changes or additions made to this Ordinance or any other relevant local, state or federal laws or regulations as context dictates.

g. Severability - Should any section, subsection, paragraph, clause, word or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the balance of these regulations.

### **Sec. 10-8 Repeal of Conflicting Ordinances**

Upon passage of this Ordinance by the Town Council of the Town of Hudson, Indiana, and publication and notice of said approval according to the requirements of the *Indiana Code*, § 36-7-4 Series, the zoning ordinance adopted by the Town of Hudson on June, 1996, and all amendments thereto, are repealed.

### **Sec. 10-9 Definitions.**

Whenever any words and phrases used within this Ordinance are not defined, but are defined in the *Indiana Code* and the *Indiana Administrative Code*, the state definitions shall apply as context dictates.

The following terms shall have the following meaning, unless a contrary meaning is required by the context dictates:

1. **Accessory Building or Use** -- A building or use subordinate to another structure or use located on the same lot, and which does not change or alter the character of the lot.

2. **Agricultural Purposes, Non-Restricted** -The land used for raising crops; farming; pasturage; agriculture; horticulture; floriculture; or viticulture where the acreage in actual production of any of the above agricultural processes exceed one (1) acre in size.

3. **Air Contaminant** - Dust, fumes, gas, mist, smoke, or vapor, either singularly or in combination.

4. **Air Pollution** - The presence in the outdoor atmosphere of one (1) or more air contaminants in sufficient quantities and of such characteristics and duration to be injurious to human, plant or animal life or property, or that unreasonably interfere with the comfortable enjoyment of life and property.

5. **Alley** - A right-of-way other than a street, road, crosswalk or easement, designed for the special accommodation of the property it reaches.

6. **Amortization** - The process of discontinuing non-conforming uses.

7. **Apartment** - A room or suite of rooms in a multi-family structure arranged, designed, used or intended to be used as a single housekeeping unit and which includes permanently installed and complete kitchen facilities.

8. **Automobile Repair, Major** - A business engaged in engine rebuilding or the major reconditioning of worn or damaged motor vehicles or travel trailers; collision service, including body, frame or fender straightening or repair and vehicle painting.

9. **Automobile Service Station** - A business establishment where gasoline, kerosene, lubrication oil or grease (for operation of automobiles), are offered for sale to the public on the premises, along with minor accessories and service for automobiles (but not including major automobile repairs), and the washing of automobiles where no chain conveyor, blower or steam cleaning device is used. If the dispensing, sale or offering for sale of motor fuel or oil is incidental to the conduct of a public garage, the establishment is a public garage.
10. **Automobile Wrecking Yard** - A business establishment where two (2) or more non-operable motor vehicles or vehicle parts are stored in the open and are not being restored to operation; or any land, building or structure used for wrecking or storing of those motor vehicles or parts. Includes the commercial salvaging of any other goods, articles or merchandise.
11. **Balcony** - An appurtenance to a structure, with cantilever supports, which is elevated at least six (6) feet off the ground and is partially enclosed by a railing or other acceptable barrier.
12. **Block** - A property having frontage on one (1) side of a street and located between the two (2) nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way, waterway or other barrier.
13. **Board** - The Board of Zoning Appeals of the Town of Hudson, Indiana.
14. **Building** - A structure having a roof supported by columns or walls designed, built or used for the enclosure, shelter or protection of persons or property.
15. **Building, Detached** - A free-standing building having no structural connection with another building.
16. **Building, Height of** - The vertical distance measured from the adjoining street centerline to the highest point of the building where the front of the building is contiguous to the street right-of-way.
17. **Building, Main** - The building which constitutes the principal use of a lot.
18. **Building, Non-Conforming** - A building which constitutes the principal use of a lot and which does not conform to the district in which it is located.
19. **Building, Setback Line** - The line, established by this Ordinance, over which a building shall not extend beyond unless such line is varied according to procedures established in this Ordinance. Also called a "building line", this line is applicable to the front, side and/or rear yards.
20. **Building, Semi-Detached** - A main building having one wall in common with an adjacent main building occupying the same or adjoining lot.
21. **Building Material Demolition** - A site designed for the purpose of disposing building materials from a demolition site or sites without creating nuisances or hazards to public health, safety, or welfare.
22. **Building Permit** - A permit issued by the Town of Hudson stating that the proposed erection, construction; enlargement or moving of a building or structure referred to therein complies with the provisions of this Ordinance and the Hudson Building Ordinance.
23. **Carpport** - A shelter for vehicles per dwelling unit which is not fully enclosed by walls.
24. **Cemetery** - Land used for the burial of the dead and dedicated for cemetery purposes, including columbaria, crematories, mausoleums and mortuaries,

25. **Charitable Institution** - A non-profit organization, with federal and state tax exempt status, supported mainly from public and private donations which are held in trust, which are to be used for the objects and purposes expressed in the institution's articles, constitution, bylaws or charter for the promotion of the welfare of others.
26. **Church** - A building where persons regularly assemble for religious worship, and which is used only for such purpose; and/or those customarily associated with religious and auxiliary religious activities.
27. **Child Care Home/Center/Day Nursery** - A facility or dwelling which is operated by a person, whether licensed or not, to provide care for four (4) or more children (other than the operator's own family and children of whom operator is legal guardian, and children of the operator's immediate relatives) during a portion of the day for two (2) or more consecutive weeks. For the purpose of this Ordinance, certified public, private or parochial schools or religious institutions shall not be considered as a child care home or center.
28. **Clinic or Medical Health Center** - An establishment where patients are admitted for special study and treatment by one (1) or more licensed physicians and their professional associates, engaged in the active practice of medicine.
29. **Club** - Any association of persons which has been organized for a common, non-commercial purpose.
30. **Commission** - The Plan Commission of the Town of Hudson, Indiana.
31. **Commission Attorney** - The licensed attorney designated by the Commission to furnish legal assistance for the administration of this Ordinance, or as provided by statute.
32. **Community Center** - A building or grounds used by a community for social and recreational activities.
33. **Conservation** - The preservation of land, water, flora, fauna and cultural artifacts in their original state.
34. **Cooperative** - A building or land in which an individual owns stock in a corporation with the right, through a proprietary lease, to occupy a portion of the land or a part of a building.
35. **County** - The County of Steuben, State of Indiana.
36. **Curb Level** - The level of the established curb in front of a building measured at the center of the front of the respective lot.
37. **Cul-de-Sac Streets** - A dead end street that terminates in a circular right-of-way and does not provide more than one (1) access point onto another street, or means of access to lots not fronting the cul-de-sac.
38. **Deck** - -A perimeter supported open wooden structure added onto a residential unit, with steps and railing or other acceptable protective barrier.
39. **District or Zone** - A section of the Town of Hudson for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land are established by this Ordinance.
40. **Drive-In Restaurant** - place or premises used for sale, dispensing or serving of food, refreshment or beverages in automobiles. Includes those establishments where customers may serve themselves and may eat or drink the food, refreshments or beverages on the premises.
41. **Dump** - Open - Any premises, in part or whole, used for the disposal or storage of garbage, sewage, trash, refuse, waste material of any kind, junk, discarded machinery, vehicles or vehicle parts, dead animals or hazardous materials by abandonment, discarding, dumping, reduction, burial, incineration, or any other means which does not conform to the requirements and specifications required by this Ordinance.

42. **Dwelling** - A fixed structure or building containing one (1) or more dwelling units suitable for occupancy.
43. **Dwelling, Multiple Family** - A building used in part or whole for occupancy by two (2) or more families living independently of each other.
44. **Dwelling, Multiple Group** - A group of two (2) or more multiple dwellings occupying a parcel of land in common ownership and having any yard, court, compound or service in common.
45. **Dwelling, Single Family** - A building used for occupancy by one (1) family, either as an owner occupied or rented unit.
46. **Dwelling, Two Family** - A building used for occupancy by two (2) families living independently of each other.
47. **Dwelling, Zero Lot Line** - A dwelling that is set on one (1) or more lot lines.
48. **Easement** - The right in which the owner of one (1) parcel of land has to use or control a part of another parcel of land under different ownership.
49. **Family** - An individual, or a group of two (2) or more, living together as a single housekeeping unit.
50. **Fence** - A structure, including entrance and exit gates, designed and constructed for enclosure, screening and decorative purposes.
51. **Floor Area, Gross** - The sum, in square feet, of the floor areas of all roofed portions of a building, as measured from the interior walls. It includes the total of all space on all floors of a building. It does not include porches, garages, or space in a basement or cellar when said basement or cellar space is used for storage or other such incidental uses. The gross floor area is generally applied in residential use. The gross floor area of an underground house applies to the primary unit and is measured from the interior walls.
52. **Foundation Skirting** - A type of skirting constructed of fire and weather resistant material such as aluminum, treated pressed wood, or other approved materials, enclosing the entire undercarriage or foundation of a manufactured housing unit.
53. **Frontage** - The side of a lot abutting a street. Ordinarily regarded as the front of a lot.
54. **Garage, Private** - A detached accessory building or a portion of a main building, used for the storage of motor vehicles
55. **Garage, Public** - Any building or structure, other than a private garage, which is used for storage, repair, rental, greasing, washing, servicing, adjusting or equipping of automobiles or other motor vehicles.
56. **General Industrial Use** - Manufacturing, processing, extraction, heavy repairing, dismantling, storage of equipment, raw materials, manufactured products or wastes, in which operations, other than transportation, may be performed in either open or closed areas.
57. **Grade** - The highest level of the finished surface of the ground adjacent to the exterior walls of the building or structure.
58. **Home Occupation** - Any commercial use conducted entirely within a dwelling and participated in solely by the occupants. Such use is clearly incidental and secondary to the use of the dwelling and does not change the character or have any extensive evidence other than a sign. The only commodities or services sold are those produced on the premises. Retail businesses or trades that are generally licensed shall not be considered home occupations.

59. **Hotel or Motel** - A structure, in part or whole, in which more than five (5) guest rooms are provided as temporary accommodations at cost to the public.
60. **Householder** - The occupant of a dwelling unit who is either its owner or lessee.
61. **Improvement Location Permit**-A permit issued by the Town of Hudson stating that the proposed erection, construction, or structure referred to therein complies with the provisions of this Ordinance and the Hudson Building Ordinance.
62. **Incinerator or Incineration Operation** - The controlled combustion of waste materials in conformance with all applicable local, state, and federal laws and regulations.
63. **Junk Yard** - Any land, business or building used for abandonment, storage, keeping, collecting, or baling of paper, rags, scrap metals, other scrap or discarded materials for abandonment, demolition, dismantling, storage or salvaging of automobiles, or other vehicles, machine parts.
64. **Kenel** - Any premises, in part or whole, on which three (3) or more animals of a household domestic species over four (4) months of age are kept, or any premises, in part or whole, on which two (2) or more animals of a household domestic species are boarded, groomed, bred or cared for at cost or are kept for sale.
65. **Laboratory, Commercial** - A facility devoted to experimental study, testing or analysis with no manufacturing, assembly or packaging of products conducted within the facility.
66. **Light Industrial Park** - A tract of land which is planned and developed as a distinctive and attractive unit, featuring landscaped open spaces of generous dimensions and well designed structures to be used for industrial research, light industrial operations, offices and similar purposes, and for uses necessary to the operation of the tenant industries.
67. **Lodging House** - A building with more than two (2), but not more than five (5), guest rooms for temporary residents.
68. **Lot** - A single parcel, separately described in a deed or plat, which is recorded in the office of the Steuben County Recorder.
69. **Lot, Corner** - A lot abutting two (2) or more streets at their intersection where the interior angle of intersection does not exceed one hundred thirty-five degrees (135°). A reversed frontage lot may also be a corner lot.
70. **Lot, Depth of** - The distance, measured in a straight line, between the front and rear lot lines.
71. **Lot, Front of Corner** - The part of a lot adjacent to and parallel with the street. The front of a corner lot shall be considered as that part of the lot having the least amount of footage adjacent one of the attendant streets. Whenever the footage is the same on both of the streets, either part of the corner lot may be considered as the front of the lot.
72. **Lot, interior** - A lot with only one (1) frontage on a street.
73. **Lot Lines** - Lines bounding a lot, as follows (see Chart 1):
74. **Lot Line, Front** - The line running along the front of the lot and separating it from the street or sidewalk if one exists. In these regulations, the front lot line is called the “front street line”. In a “through lot” both lines abutting the streets or any existing sidewalks, are deemed “front street lines”.

75. **Lot Line, Rear** - The lot line generally opposite or parallel street line, except in a “through lot”. If a rear lot line is less than ten (10) feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line at least ten (10) feet long, lying wholly within the lot, parallel to the front street line.
76. **Lot Line - Side** - Any lot line other than a front street line or a rear lot line. A side lot line separating the lot from a street is a “side street line”.
77. **Lot, Reversed Frontage** - A lot on which frontage is opposite to the general pattern in the area. A reversed frontage lot may also be a corner lot.
78. **Lot, Zoning** - A tract of land, which, at the time of filing for a Location Permit is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. A “zoning lot” may or may not coincide with a lot of record.
79. **Manufactured Home** - A single-family house constructed entirely in a controlled factory environment, built to the federal Manufactured Home Construction and Safety Standards (better known as the HUD Code). Manufactured homes may be single- or multi-section and are transported to the site and installed, and bearing a seal of compliance with federal manufactured housing construction and safety standards (42 USC 5401. *a seq.*)
- a) **Mobile Home** – A single family factory constructed house in compliance with applicable federal standards that has at least nine hundred fifty (950) square feet of occupied space, and is installed and anchored on a concrete pad or runners. Such units have a metal or composite chassis or floor plate or frame, pitched, shingled roof and aluminum, vinyl or wooden siding as customarily used on site-constructed dwellings (also known as a “double-wide”, “single wide”, “trailer”). Such units are limited to MH zoning.
- b) **Modular Home** – A single family house factory house constructed in compliance with applicable federal standards that is at least twenty-three (23) feet in width for its entire length that has at least one thousand two hundred fifty (1250) square feet of occupied space, and is installed and anchored on a permanent foundation and perimeter wall. Such units have a wooden floor plate, pitched, shingled roof and aluminum, vinyl or wooden siding as customarily used on site-constructed dwellings and may be placed in R-1 or R-2 zoned areas.
80. **Manufactured Housing Park** - Same as definition described in *Indiana Code*, § 13-1-7-2, and including land under single ownership, not less than five (5) acres in size on which three (3) or more manufactured homes are occupied as residences (also known as a “Mobile Home Park”).
81. **Marquee or Canopy** - A permanent roof-like structure that projects from the wall of a building and overhangs the public way.
82. **Medical Office** - Any building or portion of a building used or intended to be used as an office for the practice of any type of medicine including chiropractic medicine, dentistry or optometry.
83. **Motor Freight Terminal, Private** - A building to which freight is brought by motor truck, and where freight is assembled and sorted for routing for truck shipment.
84. **Non-Conforming Use** - A use of a building or of land lawfully existing at the time this Ordinance was adopted and which does not conform to the regulations of the district in which it is located.
85. **Non-Permanent Residential Structure** - Any building or structure not suitable for year-round, permanent occupancy.
86. **Odorous Matter Threshold** - The lowest concentration of odorous matter in air that will produce an olfactory response in a human being as determined in accordance with ASTM Method 1)1391-57 (Dilution Method).
87. **Open Sales Lot** - Land used or occupied for the purpose of buying, selling, storing or displaying merchandise.

88. **Owner** - Any person, firm, association, syndicate, partnership, corporation or other legal entity having title to or sufficient proprietary interest in the land intended for subdivision under this Ordinance.
89. **Parcel Delivery Station** - A building in which commodities, sold at retail within the area and packaged by the retailer, are assembled and routed for delivery to retail customer's located within the area.
90. **Parking Area, Public** - An open area, other than a street or alley, designed for use or used, for the temporary parking of more than four (4) motor vehicles (when available for public use), whether free or for compensation, or as an accommodation for clients or customers.
91. **Parking Space, One Off-Street** - A space, other than on a street or alley, designed for use, or used, for the temporary parking of a motor vehicle, no less than nine (9) feet wide and twenty (20) feet long exclusive of passageways on private residential property.
92. **Party Wall** - A wall, starting from the foundation and extending continuously through all stories to or above the roof, which separates a building unit from another and which is in joint use by each building unit,
93. **Permanent Foundation** - Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil.
94. **Permanent Perimeter Wall** - An approved non-load bearing perimeter structural system composed of a continuous solid or mortared masonry wall, having the appearance of a permanent load-bearing foundation characteristic of site-constructed homes.
95. **Pharmacy** - A retail store engaged in the sale of prescription drugs, patent medicines, surgical supplies, magazines, newspapers, books and tobacco products, household appliances, hardware, general merchandise, food or drinks.
96. **Planned Unit Development** - A platted development designed as a combination of residential and commercial uses planned for a tract of land, to be developed as a unit under single ownership or control. PUD's are developed for the purpose of selling individual lots or estates.
97. **Professional Residential Office** - An office incidental to residential occupancy, conducted in a residential district by the occupant.
98. **Public Utility** - Any person, firm or corporation duly authorized to furnish electricity, gas, steam, telephone, telegraph, water, or sewerage systems to the public under public regulation.
99. **Railroad Right-of-Way** - A strip of land with tracks and auxiliary facilities for track operation, but not including depots, loading platforms, stations, train sheds warehouses, car shops, car yards, locomotive shops or water towers. Also includes abandoned railroad rights-of-ways.
100. **Recreation Space, Developed** - Real estate devoted to recreational purposes which contains Commission approved site improvements, including but not limited to shelters, swimming pools, tennis courts, lakes, and playground fixtures among others.
101. **Recreation Space, Undeveloped** - Real estate devoted to recreational purposes which are void of buildings and/or structures and under common ownership by a government and/or private entity for the use and enjoyment of a community of individuals.
102. **Recycling Pickup Station** - An area where facilities are located for the temporary storage of recycled materials. These areas may serve as a convenient point for said materials if contained in approved containers and removed to a final destination on a regular basis.

103. **Restrictive Covenants** - A limitation, or limitations, on the use of a subdivision lot which is either proposed by the sub-divider or required by the Plan Commission, and which is recorded with the subdivision plat and runs with the land.
104. **Roadside Stand** - A temporary structure designed or used for the display or sale of agricultural and related products or novelties and other items of interest, to the motoring public.
105. **Sanitary Landfill** - A method of disposing of refuse on land without creating nuisances and hazards to public health, safety, or welfare. Such refuse is confined to the smallest practical volume, covered with a layer of suitable cover at the conclusion of each day's operation (or at more frequent intervals as necessary), and is operated in compliance with all Federal and State environmental regulations and this Ordinance,
106. **Screening** - A structure erected or vegetation planted which eventually is of sufficient height and density for concealing an area from view.
107. **Setback** - The distance between a building and the nearest street right-of-way line or properly line. A setback is measured from each side of a lot, (See Chart 2.)
108. **Sign, Private** - Any board, device, structure used for advertising, display or publicity purposes by private entities.
109. **Sign, Public** - A board, device, structure erected by the Town of Hudson, Steuben County, the State of Indiana or any other governmental entity for the purposes of traffic control, public safety or the identification of public property.
110. **Solid Waste Disposal Facility** - The meaning set forth in *Indiana Code*, §36-9-30-2, and includes a facility operated under *Indiana Code*, § 36-9-33.
111. **Special Exception** - A use that may be granted by the BZA if certain criteria are met. The BZA must approve a request for a special exception if all of the criteria are met.
112. **Stairs, Exterior** - A perimeter supported stairs, either built beside, or protruding away from, the attendant structure which extends to the second floor of the building. The stairs may lead directly to the second floor doorway, or to a landing.
113. **Story** - The portion of a building included between the surface of any floor and the surface of the above floor. If there is no floor above, then the space between any floor and the ceiling above the floor. Any portion of a building used for human occupancy between the topmost floor and the roof shall be considered a story. A basement shall not be counted as a story unless the height of the surface of the first floor above the average elevation of the finished lot grade at the front of the building exceeds four (4) feet. (See Chart 3.)
114. **Story, Half** - A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor level of such story. (See Chart 3.)
115. **Streets and Roads** - A public way established or dedicated by duly recorded plat, deed, grant, governmental authority for vehicular traffic. Streets, roads, and highways within the Town of Hudson shall be designated as follows:
- a. **Highway** - A term applied to streets and roads that are under the jurisdiction of the Indiana State Highway Commission.
  - b. **Steuben County Road** - A term applied to streets and roads that under the jurisdiction of the County Highway Commission.

- c. **Local** - A system of streets and roads which primarily provides access to residential and other abutting property.
- d. **Perimeter** - Any existing street on which the parcel of land to be subdivided abuts on only one (1) side.
- e. **Private** - A street established for either public use, or that of adjacent landowners, and not maintained by the Town of Hudson.
- f. **Through** - A street which enters, runs through, and exits the Town of Hudson.

116. **Structural Alteration** - Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or roof. A structural alteration occurs when the first alteration of any wall, ceiling, floor or other structural element of the building begins. This term does not, however, include any project for the improvement of a structure to comply with existing health, sanitary or safety code specifications or the alteration of a structure listed on the National Register of Historic Places of the Indiana State Survey of Historic. Architectural. Archeological and Cultural Sites, Structures, Districts or Objects.

117. **Structure** - Anything constructed or created requires location in or on the ground, or attachment to something having a location on or in the ground.

118. **Swimming Pool** - Any vessel containing water and used for recreational purposes, located either above or in the ground, greater than six (6) feet across at its widest point and built to maintain a water level greater than twenty-four (24) inches in depth.

119. **Tavern** - An establishment primarily engaged in the retail sale of drinks such as beer, wine and other alcoholic beverages for consumption on the premises.

120. **Town Board** - The Board of Trustees of Hudson, Indiana.

121. **Travel Trailer Park/Campground** - Any tract of ground designed for use for less than fourteen (14) days by one (1) or more trailers of the independent or dependent mobile home type defined in this Ordinance, and tent trailer and tent campers, and which is used for dwelling or sleeping purposes regardless of whether a charge is made for such accommodation.

122. **Truck Service Center** - A business or land use that provides for the servicing of trucks, with incidental operations similar to those permitted for "Automobile Service Station".

123. **Use** - The employment or occupation of a building, structure or open land for a person's service, benefit or enjoyment.

124. **Utility** - Any entity authorized to furnish electricity, gas, steam, telephone, telegraph, cable television or transportation service or water to the public.

125. **Utility Facility** - An electric or gas utility substation, public transit facility, railroad, electric substation, public utility substation for oil or gas metering, telephone exchanges or other communications equipment, structures, water or sewage pumping stations.

126. **Variance** - A deviation from the zoning district requirements of this Ordinance where such deviation will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary and undue hardship. The BZA may approve or deny all variance requests.

127. **Vision Clearance on Corner Lots** - The triangular space at the street corner or a corner lot, free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established grade of the intersecting streets, determined by a diagonal line connecting two (2) points measured fifteen (15) feet equidistant from the street corner along each property line.

128. **Water, Public** - Safely potable water for which a fee is paid, distributed to the user through a system of pipes and equipment owned privately, cooperatively, corporately or publicly.

129. **Yard** - A space on the same lot with a main building, open, unoccupied and obstructed by structures, except as otherwise provided in this Ordinance. Yards within the Town of Hudson shall be designated as follows:

a. **Front Yard** - A yard extending across the full width of the front of a lot between the front (street) right-of-way line and the front building line.

b. **Rear Yard** - A yard extending across the full width of the lot between the rear lot line and the rear building line, adjacent lot, and which is on the opposite side of the building from the side which is contiguous to the street.

c. **Side Yard** - A yard extending the full length of the lot between a side lot line and a side building line.

130. **Zoning Map** - The map or maps incorporated by reference into this Ordinance.

**Sec. 10-10 through Sec. 10-13 Reserved for Future Use.**

## **Division II. Zoning Districts and Regulations.**

### **Sec. 10-14 Zoning Districts.**

The incorporated area of the Town of Hudson, Indiana is divided into the following districts for the purpose of implementing the provisions of this Ordinance:

- a. A = Agriculture District
- b. C-1 = Central Commercial District
- c. C-2 = Neighborhood and Highway Commercial District
- d. I-1 = Light Industrial/Heavy Commercial District
- e. I-2 = Heavy Industrial District
- f. MH = Manufactured Housing District
- g. R-1 = Single Family Residential District
- h. R-2 = Multi-Family Residential District
- i. P-I = Public Land

### **Sec. 10-15 Town of Hudson, Indiana Zoning Map.**

a. The Town of Hudson, Indiana Zoning Map is adopted by the Town Council of the Town of Hudson, Indiana, and hereafter referred to as "Zoning Map".

b. If any questions arise, due to the scale or lack of detail in the Zoning Map, as to the intended location of any Zoning District boundary, the Plan Commission shall interpret the map upon the request of any person. Any person aggrieved by an interpretation may file an appeal to the Board of Zoning Appeals. The Plan Commission and the Board of Zoning Appeals shall follow the below standards when interpreting the Hudson Zoning Map:

1. Zoning District boundary lines are intended to follow lot lines, the center line of alleys or streets, the center line of water courses, contour lines, or other similar tangible geographic lines as established by the Zoning Map.
2. If a Zoning District boundary line divides a lot, the location of the line, unless indicated by dimensions shown on the Zoning Map, shall be determined by the use of the scale provided on the map.
3. If, after the application of the above rules, uncertainty still exists as to the exact location of a Zoning District boundary line, or the physical or cultural features existing on the ground are at variance with those shown on the Hudson Zoning Map, the boundary line shall be determined in a reasonable manner considering the history of uses of property and the history of zoning ordinances and amendments in the Town, as well as all other relevant facts.

c. The Town of Hudson. Indiana Zoning Map shall be located in the Hudson Town Hall and shall be available for viewing by the public during regular Town Hall hours.

#### **Sec. 10-16 Structures and Uses Affected By Zoning.**

- a. No structure shall, following the adoption of this Ordinance, be constructed. erected, placed, moved, maintained or altered; and no land use commenced or continued within the Town of Hudson, Indiana, except as specifically, or by necessary implication, authorized by this Ordinance.
- b. Any administrative decision made in the administration and enforcement of this Ordinance shall be made in the spirit and purpose of this Ordinance, shall not result in any adverse conditions being imposed upon the neighborhood in which the proposed structure or use is to be located.
- c. Conformity with Ordinance required - No building or structure shall be constructed. erected, placed or maintained, and no land use shall be commenced within the Town of Hudson except as specifically, or by necessary implication, authorized by the Ordinance.
  1. Conditional uses are allowed by variance and special exception granted by the Board of Zoning Appeals upon the BZA finding that special conditions exist.
  2. Accessory structures and uses normally associated with the principal use of a lot are authorized by this Ordinance unless specifically prohibited by this Ordinance or by the Commission by rule.

#### **Sec. 10-17 District Classification.**

The following abbreviations shall apply to these districts:

- a. R District = Residential District.
- b. C District = Commercial District (General-Neighborhood)
- c. I District = Industrial District.

#### **Sec. 10-18 Off-Street Parking**

The following off-street parking spaces shall be provided and maintained by the owner of, or persons using, property for each building which is erected, or the use of which is changed, excepting the Central Business District, after the adoption of this Ordinance; or any new use that requires a greater number of off-street parking spaces. Each automobile parking space shall not be less than one hundred eighty (180) square feet in area. Off-street parking space shall be provided for the following categories as minimum requirements:

- a. Single family or two family dwelling: At least two (2) parking spaces for each dwelling and one (1) parking space for each 2 sleeping rooms rented to persons not members of the family occupying the dwelling.
- b. Multiple Family Dwelling: At least two (2) parking spaces per dwelling. (Example: 20 units would require 40 spaces).
- c. Hotel, motel or any similar use: At least one (1) parking space per sleeping room plus whatever spaces may be required for restaurant facilities.
- d. Manufactured housing park: At least two (2) parking spaces on the same parcel of land for each individual manufactured house plus two (2) spaces for each three (3) lots located elsewhere on the park tract. Configuration and location of the lots is at the discretion of the developer subject to the approval of the Plan Commission.
- e. Auditorium, theater, gymnasium, stadium or any other place of assembly except churches: At least one (1) parking space for each six (6) seats based on maximum seating capacity, including fixed and movable seats. (Example: A maximum seating capacity of 360 would require 60 spaces.)
- f. Any place of assembly without fixed seats: At least one (1) parking space for each 6 seats based on maximum seating capacity, including fixed and movable seats.
- g. Office building, professional office, or any other similar use: At least one (1) parking space for each 400 sq. ft. of gross floor area. (Example: A 10,000 sq. ft. office building would require 25 spaces).
- h. Medical clinic or any other similar use: At least one (1) parking space per 100 sq. ft. of waiting room area and one (1) per doctor or dentist and one (1) per each full-time employee. (Example: A medical clinic with a 700 sq. ft. waiting room, two (2) doctors & five (5) full-time employees would require 14 spaces)
- i. Eating or drinking establishment or any similar use of an establishment with a dining or serving room: At least one (1) parking space for each 60 sq. ft. of dining or serving room floor area. (Example: A building where customers are served within eating area of 600 sq. ft. would require 10 spaces)
- j. Eating or drinking establishment or any similar use where customers are served outside of a building: At least one (1) parking space for each 50 sq. ft. of gross floor area. There shall not be less than six (6) parking spaces for each such establishment. (Example: A drive-in with a gross floor area of 300 sq. ft. would require 12 spaces.)
- k. Furniture, household appliance or mechanical trades display store or any other similar use: At least one (1) parking space for each 1,000 sq. ft. of gross ground floor area and one (1) space for each 1,500 sq. ft. of gross area of floor other than the ground floor used for sales, display or show purposes.
- l. Launderette, Laundromat, self- service laundry, washeteria or any similar use: At least one (1) parking space for every two (2) washing machines. (Example: A Laundromat with 40 washers would require 20 spaces.)
- m. Bowling alley: At least one (1) parking space for each bowling lane. (Example: A bowling alley w/40 lanes would require 40 spaces.)
- n. Retail or service store: At least one (1) parking space for each 400 sq. ft. of gross floor area. (Example: A store with a gross floor area of 10,000 sq. ft. would require 25 spaces.)
- o. Processing, wholesaling, ware-housing, manufacturing or any other industrial use or commercial establishment not specifically set out in this subsection: At least one (1) parking space for each 2 employees and sufficient space to park all company-owned or leased motor vehicles, semi-trailers and trailers. (Example: A factory with 150 employees would require 75 spaces.)

- p. **Mixed Uses:** In the event mixed uses are located in the same building or structure, the total number of off-street parking spaces shall be the sum of the requirements of the various uses computed according to the standards specified in this Section. Off-street parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use.
- q. **Collective Parking Facilities:** Collective parking facilities for two (2) or more buildings or uses may be allowed. However, the total number of off-street parking spaces shall not be less than the combined number of required spaces for each individual use. (Example: Two (2) businesses share a parking lot. One (1) business would require fifty (50) parking spaces if it had its own lot, the other business would require thirty (30) spaces if it had its own lot. The number of parking spaces for the combined lot therefore cannot be less than eighty (80).)
- r. **Location of Parking Spaces:** All required parking spaces shall be on the same lot with the attendant building or use. The BZA may permit the parking spaces to be on any lot within three hundred (300) feet of the building or use, provided that the requirements of this Section are observed.
- s. **Distance Measurements:** The distance to any parking space area shall be measured between the nearest point of the off-street parking facility and the nearest point of the building or use the parking facility is to serve.
- t. **Access:** All parking facilities are to be accessible to and from a public street or road.

**Sec. 10-19 Parking Area Improvements.**

The Hudson Plan Commission shall prescribe minimum specifications for paving, surfacing and drainage of all land used for off-street parking, and for drainage of all land used for off-street parking, and for drainage of all land used for off-street parking, whether required by this Ordinance or other regulations, and for all connected driveways.

- a. All land developed for off-street parking, and all connected driveways, shall be paved, surfaced and drained according to the minimum specifications required by this Ordinance and Plan Commission.
- b. A parking lot adjoining any R-District shall be screened with a solid wall, hedge, compact evergreen screen or uniformly painted board fence with a height of not less than three (3) feet, nor more than six (6) feet,
- c. A buffer strip, at least five (5) feet wide, shall be built between any land developed for off-street parking and a property line abutting a street.
- d. Site plans proposing large parking areas may be required to include catch basins, retention ponds or gravel surfaces by the Plan Commission.
- e. Any light used to illuminate land used for off-street parking, or all attendant driveways, shall be installed and maintained to reflect the light away from any adjoining R-District.

**Sec. 10-20 Off-Street Loading.**

Any use with a gross floor area of six thousand (6,000) square feet or more which requires deliveries or shipments must provide off-street loading facilities in accordance with below requirements:

<i>Gross Floor Area in Square Feet</i>	<i>Number of Berths</i>
6,000 - 24,999	1
25,000 - 79,999	2
80,000 - 127,999	3
128,000 - 198,999	4
199,000 - 255,999	5

- a. For each additional seventy-two thousand (72,000) square feet (or fraction thereof) of gross floor area, one (1) additional berth shall be provided.
- b. The minimum area for each off-street loading space, excluding area for maneuvering, shall be two hundred fifty (250) square feet.
- c. The required off-street loading space shall not be part of the area used to satisfy the off-street parking requirements of this Ordinance.
- d. If the loading area is within four hundred (400) feet of an R-District and the loading area is not obstructed from view from the R-District by a physical barrier, the area shall be screened in accordance with Section 10-44 of this Ordinance.

**Sec. 10-21 Permanency of Spaces Provided.**

Any parking or loading space, established prior to the effective date of this Ordinance, and which is used in connection with any main building, structure or use can be maintained so long as said building or structure exists.

- a. No trailer, mobile unit or other similar temporary facility shall be used as a school, church or any other non-residential use for a period longer than one (1) year unless granted an extension variance by the Board of Zoning Appeals. No such temporary facilities shall be permitted where permanent use for the purpose is not permitted or authorized. Temporary facilities used in connection with a construction project may be used in any district, where the use of the completed structure should be permitted, as long as the construction is proceeding with reasonable diligence.
- b. No trailer, independent mobile home, tent, camping travel trailer, truck camper or other similar temporary mobile facility shall be used as a permanent (over seven days) dwelling and in no case shall be connected to the sanitary sewage and water service of any residential use.
- c. No grading or construction shall be permitted in any district which will alter or change the existing drainage characteristics of the adjacent land except where the adjacent land is a publicly owned drainage easement or street.

**Sec. 10-22 Classification of Uses - Accessory Uses-**

For the purpose of this Ordinance, the various uses of building and premises shall be classified as follows:

Accessory Uses: Where a lot is devoted to a permitted use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication in this or any other Ordinance.

**Sec. 10-23 R-1 District - Single Family Residential,**

- a. Intent: To establish and preserve quiet single family home neighborhoods, free from other uses except those which are compatible with and convenient to the residents of such a district.
- b. Permitted Principal Uses: Detached single family dwellings, and accessory buildings thereto, and Type I manufactured housing.
- c. Conditional Uses: Planned, multi-family, residential developments, churches, town halls, primary or secondary schools, fire station, home occupations, accessory or storage buildings and their attendant uses. Name plates or signs, for designating residences or home businesses, shall be allowed, with only one (1) sign per street lot line or side street lot line. Lighted signs are not to exceed one (1) square foot in area; and unlighted signs are not to exceed twelve (12) square feet in area. Signs pertaining to the sale or rental of the property on which they are located are allowed, with only one (1) sign per lot. Special exception uses allowed in an R-1 District are as indicated in Chart 3.

d. Excluded Uses: Tents, cabins, truck bodies, bus bodies, vans, railroad cars, shacks, semi-trailers parked on a lot or on a street, and improvised shelters which may be moved by tractor, truck, car, horse(s) or which can be carried, transported or towed from one place to another without the use of regular-moving equipment.

**Sec. 10-24 R-2 District - Multi-Family Residential.**

a. Intent: To establish and preserve quiet neighborhoods of one (1) family, two (2) family and multi-family dwellings, free from other uses except those which are compatible with and convenient to the residents of such a district.

b. Permitted Principal Uses: Two (2) family and multi-family dwellings, including hotels, cooperatives and condominiums, tourist houses and rooming houses, and all uses allowed in an R-1 District.

c. Conditional Uses: The same conditional uses as are permitted in R-1 Districts subject to the same conditions: an office, studios, private clubs, and day nurseries upon approval of location by the BZA after a public hearing. Special exception uses allowed in an R-2 District are as indicated in Chart 3.

d. Excluded Uses: Same as R-1 Districts.

**Sec. 10-25 C-1 District - General Commercial.**

a. Intent: To establish and preserve general commercial districts which are convenient and attractive for a wide range of retail uses and business, governmental and professional offices and places of amusement; and which provide a setting conducive to and safe for pedestrian traffic. (Special exception uses allowed in a C-1 District are as indicated in Chart 3.)

b. Permitted Principal Uses:

1. Automotive Service – For example, but not limited to, the following: Repair and Body Shop, Battery Shop, Auto Sales-New and Used, Car Wash, Bicycle or Motorcycle Shop, Public Parking Garage.

2. General Retail Sales – For example, but not limited to, the following: Boat Sales, Pawn Shop, Secondhand Shop, and Grocery.

3. Dance Hall or Studio, Night Club, Skating Rink, Gym, Shooting Gallery.

4. Miscellaneous Uses – For example, but not limited to, the following: Business or Trade School, Bus or Rail Passenger Station, Repair or Service, Cabinet or Carpenter Shop, Exterminating Shop, Glass Cutting or Glazing, Sign Painting Shop, Laundry or Cleaning Plant, Plumbing, Heating, Air Conditioning or Electrical Service Shop, Sheet Metal Shop, Welding Shop, Upholstery Shop, Window Blind Sales or Repair, Rescue Mission, New Building Materials sales and Light custom assembly thereof.

**Sec. 10-26 C-2 District - Neighborhood Commercial.**

a. Intent: To establish areas within residential neighborhoods that serve the commercial needs of the surrounding neighborhood without disrupting the residential nature of the neighborhood.

b. Permitted Principal Uses: Special exception uses allowed in a C-2 District are as indicated in Chart 3. For example, but not limited to the following: Appliance Dealer, Auto Repair, Bicycle Sales and Repair, Drug Store, Convenience Store, Laundry/Dry Cleaner.

**Sec. 10-27 I-1 District - Light Industrial**

- a. Intent: To establish areas for light industrial and manufacturing uses without creating adverse effects on the surrounding land use.
- b. Permitted Principal Uses: Special exception uses allowed in an I-I District are as indicated in Chart 3.
- c. All uses permitted in a C-I District.
- d. Commercial and light industrial uses for example, but not limited to, the following: Bottling Works, but excluding breweries and distilleries, Building Material Sales Yard, Road or Building Contractor's Equipment Storage Building or Yard, Sales and Rental of Road or Building Contractor's Equipment, Public Utility Service Yard, Electrical Switching or Transforming Station, Draying, Freighting or trucking Yard or Terminal, Feed or Grain Storage, Ice Manufacture or Cold Storage, Printing Plant, Warehousing, Wholesale Merchandise, Storage (excluding auto wrecking, junk, scrap materials), Wholesale Food Market, Spur Railroad Tracks, Motor Vehicle Storage Area, Recycling Plant/Transfer Station, Metal Fabricating, Stamping, Spinning
- e. Conditional Uses – Any use permitted in an 1-2 District, provided that such use, including all accessory and incidental uses, does not occupy an area in excess of twenty-five thousand (25,000) square feet gross floor area, and also provided that the emission of smoke, particulate matter, noxious or toxic gases, excessive noise or any other effluents shall conform to the standards and regulations of state and federal agencies. Conditional Uses must have Town Council approval.

**Sec. 10-28 1-2 District - Heavy Industrial District.**

- a. Intent: To establish and preserve areas for industrial and related uses of such nature that do not create serious problems of compatibility with other land uses, and to make provisions for certain commercial uses which are most appropriately located as neighbors of industrial uses or which provide necessary services to the people in these areas.
- b. Permitted Principal Uses: All contingent uses allowed in I-1 Districts, plus: Fabricating, wholesaling, assembly manufacturing, warehousing, bulk storage and processing industries, provided the same conform to the following requirements:
  - 1. Enclosed Buildings: All operations are conducted within enclosed buildings, and all materials and products are stored within enclosed buildings or are effectively screened by a wall or screen not less than six (6) feet high.
  - 2. Minimum Distance: The minimum distance between any boundary line of an R-1, R-2 or C-2 District, and:
    - a) An 1-2 building or structure is one hundred fifty (150) feet.
    - b) An 1-2 parking area used by passenger vehicles is seventy-five (75) feet.
    - c). An 1-2 driveway, parking area or loading dock used by trucks, tractors, semi-trailers or trailers is one hundred (100) feet.
- c. Effluents: The emission of smoke, particulate matter, noxious or toxic gases or other effluents shall conform to the standards and regulations of state and federal agencies, as well as other requirements imposed by law;
- d. Dust: No dust of any kind produced by an industrial operation is permitted to escape beyond the confines of the building in which it is produced and all walks, driveways and parking areas shall be dust proofed:
- e. Odor: No noxious odor produced by an industrial operation shall be permitted to extend beyond the lot lines; tanneries, slaughterhouse, glue factories, oil refineries, soap factories, artificial gas manufacturers and similar industries shall present detailed plans for the elimination of noxious odors before a permit will be granted.

- f. Glare: No glare may be seen from any street or any R-I, R-2 or C-I District
- g. Noise: No loud, prolonged, deafening sound or combination of noises regarded as excessive
- h. Research and development activities outside of enclosed buildings are allowed provided that such activities conform to the pollution and noise requirements of this Ordinance.

**Sec. 10-29 MH District - Manufactured Housing District.**

- a. Intent: To provide sites for mobile home and/or manufactured housing communities at appropriate locations, in relationship to the existing and potential development of the surrounding area, while establishing an attractive residential environment.
- b. Submission Procedures: The submission procedures for a manufactured housing development can be found in Section 10-100 through 10-188 of this Ordinance.

**Sec. 10-30 A District - Agriculture.**

- a. Intent: To establish districts which permit a full range of activities and uses customarily conducted in agricultural areas.
- b. Permitted Principal Use: Tillage, USDA soil conservation set asides, cultivation and production of fruits and vegetables, the care and breeding of low density populations of domestic animals and limited to cattle, goats, sheep, and horses. (Low density is defined as no more than two per acre.)

**Sec. 10-31 OS District - Open Space.**

- a. Intent: To preserve space for open uses, developed and undeveloped recreational uses and public and quasi-public uses, either existing or planned.
- b. Permitted Principal Uses: Recreational, public and quasi-public uses including, but not limited to, the following: Public Parks, Public Schools, Zoological Gardens, Museums and Libraries, Cultural Buildings.
- c. Conditional Uses include Utility Complexes., Fairgrounds, and Facilities of an educational, religious, charitable or philanthropic nature..

**Sec. 10-32 P-1 - Public Land District.**

Intent: To establish space for publicly-owned areas such as parks, public buildings, public utilities, public housing and public facilities.

**Sec. 10-33 Height Requirements - All Districts.**

Except as otherwise specifically provided in the Ordinance, no building or structure shall be erected, altered, enlarged or reconstructed to exceed the height limit established for the district where such building or structure is located as follows:

<b>District</b>	<b>Maximum Height in Feet</b>
R-1	35 feet
R-2	35 feet
C-I	35 feet
I-I	40 feet
1-2	50 feet

**Sec. 10-34 Exceptions to Height Limitations.**

In the districts limiting height not to exceed thirty-five (35) feet, provided the required side yards are increased an additional foot for each three (3) feet such structure exceeds thirty-five (35) feet.

- a. On through lots one hundred fifty (150) feet or less in depth, the height of a building may be measured from the adjoining curb level on either street.
- b. On through lots more than one hundred fifty (150) feet in depth, the height regulations and basis of height measurements for the street permitting the greater height, shall apply to a depth of not more than one hundred fifty (150) feet from the street.
- c. Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, television aerials, electrical transmission and communication poles and towers, theater screens, steeples, roof signs, flagpoles, chimneys, smokestacks, wireless masts, water tanks, drain elevators, silos, gas containers, industrial installations requiring a vertical production procedure such as flour mills, steel mills and refineries, or similar structures may be erected above the height limits herein prescribed, but no such structures, or any area above the height limit, shall be allowed for the purpose of providing additional floor space for residential, business or industrial use.

**Sec. 10-35 Residential Lot and Yard Requirements.**

Except as otherwise specifically provided in this Ordinance, no residential building or structure shall be erected unless such building or structure conforms to the requirements of this Ordinance; and no residential building or structure shall be altered or reconstructed unless such alteration, enlargement or construction conforms to the area requirements of the district in which it is located.

**Sec. 10-36 Exceptions to Area and Width Requirements.**

a. Recorded Lots: Lots established by a legally recorded plat or deed prior to the adoption of this Ordinance, which have less than the minimum area or width requirements established by this Section, may nevertheless be used for any use permitted within the district in which such lot is located. In addition, lots established by a recorded plat or deed subsequent to the adoption of this Ordinance, and which met the requirements of this Ordinance, but as a result of amendments to this Ordinance, can no longer meet the minimum area or width requirements may nevertheless be used for any use permitted within the district in which it is located.

b. One (1) Main Building per Lot: Every building erected after adoption of this Ordinance shall be located on a lot as herein defined. In no case shall there be more than one (1) residential building and its accessory buildings on one (1) lot, unless provided by special exception or variance by the BZA.

**Sec. 10-37 Conformance.**

No building or structure shall be erected unless such building or structure conforms and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement or reconstruction conforms to the yard regulations of the district in which it is located, unless provided by special exception or variance by the BZA.

**Sec. 10-38 Reserved for Future Use.**

**Sec. 10-39 Front Yard Requirements.**

a. Each lot shall have a front yard with a minimum depth measured from, and parallel to, the front right-of-way line, whichever is greater. The minimum front yard depths shall be as follows:

District	Depth in Feet
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R-1/R-2	20 - 15 feet on platted corner lots existing at the adoption of this Ordinance
C-1	20 - 15 feet on platted corner lots existing at the adoption of this Ordinance
Central Business District	10
outside CBD	30
I-1 / I-2	75
MH	(see MH District requirements)

b. Front Yards on a Through Lot: At each end of a through lot, there shall be a front yard which conforms to the district requirements in which each street frontage is located. One (1) such front yard may serve as a required rear yard to permit accessory structures. (See Chart 4.)

c. Front Yard, Interior Lot: Where a lot is situated between two (2) lots, each of which has an existing main building, the front yards of which are less than the minimum required front yards established herein, the front yard requirement of such lot shall be the average of the front yards of said existing buildings.

d. Front Yard, Adjoining Building: Where a lot abuts only one (1) lot having an existing main building, the front yard of which is less than the minimum required front yard established herein, the front yard requirement of such lot shall be the average of the front yard of the existing building and the required front yard.

**Sec. 10-40 Side Yard Requirements.**

a. There shall be two (2) side yards for each lot. The minimum width for each yard, along with the aggregate width for both yards, shall be as follows:

District	Minimum Width of One Side Yard (in Feet)	Aggregate Minimum Width of Yard (in Feet)
R-1/R-2	7	14
C-1 (Non-Residential)	9	18
C-2 (Residential)	25	50
I-1 (Non-Residential)	9	10
I-1 (abutting R-1 or R-2 District)	50	100
I-2	75	150

b. Common Walls: Lots - For the purpose of side yard regulations, dwellings with common party walls shall be considered as one (1) building occupying one (1) lot.

c. Green Barriers: The owner of any I-1 zoned property which abuts R-1 or R-2 zoned property shall upon construction of an industrial building, plant or construct a solid green barrier on the side yard or rear yard abutting the R-1 or R-2 property with the green barrier to be shrubbery or other appropriate plantings of a minimum height of six feet (6') or the construction of an earthen mound sodded or appropriately planted with grass seed or other ground covering to a height of not less than six feet (6') and further that no occupancy permit for the industrial building will be granted until the green barrier as described herein is in place.

**Sec. 10-41 Rear Yard Requirements.**

a. A rear yard shall be required for each lot. The minimum depth for each rear yard shall be as follows:

District	Depth
For residential uses in all districts permitting such use	15 feet
C-1, C-2, I-1, I-1	20 feet
I-1 Abutting R-1 or R-D	50 feet

b. Rear Yard Accessory Building: An accessory building not exceeding twenty (20) feet in height may occupy not more than fifty percent (50%) of the required rear yard area. No accessory building shall be closer than five (5) feet to any lot line, unless allowed by special exception or variance by the BZA.

**Sec. 10-42 General Provisions and Exceptions to Yard Requirements - Yards Apply Only to One (1) Building.**

No required yard, or other open space, around an existing building, or which is hereafter provided around any building for the purposes of complying with the provisions of this Ordinance, shall be considered as providing a yard or open space for any other building: nor shall any yard or other required open space, on any lot, be considered as providing a yard or open space for another lot on which a building is to be erected.

**Sec. 10-43 Projections into Yards.**

a. Cornice, Sill, Chimney or Fireplace: A cornice eave belt course, sill, canopy or other similar architectural feature (not including bay windows or other vertical projection which shall be a part of the main building) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and may extend or project into a required front or rear yard not more than thirty (30) inches. Chimneys or fireplaces may project into a required front, side or rear yard not more than two (2) feet, provided the width of such side yard is not reduced to less than three (3) feet.

b. Exterior Stairway: An open or enclosed exterior stairway, providing access to an upper floor residential unit, shall be allowed provided the stairway does not protrude past the required minimum yard requirements, and does not span any utility easements.

c. Deck: A deck may not extend above the level of the first floor of the attendant building, but may extend or project into any required front, side or rear yard provided that the minimum yard requirements are maintained.

**Sec. 10-44 Fences, Walls, Hedges or Other Specified Plantings or Structures.**

a. Fences or Walls: Fences and walls may be located in the required front, side or rear yard subject to the following conditions:

1. Fences or walls shall be nearer than 2 feet from the property line on the front and side property line. Wood privacy fences must have the smooth side on the outside. No privacy fence shall be higher than six (6) feet.

2. Electrical, barbed or charged fences shall not be permitted in any yard within the Town of Hudson,

3. Fences that do not create a visual or physical barrier (i.e., split-rail fences) and whose purpose cannot serve a physical function other than for decoration or aesthetic appeal, may be constructed up to four (4) feet in height within the front and side yards of a front yard.

b. Trees, Shrubs, Flowers or Plants: Shall be permitted in any required front, side or rear yard provided they do not violate the provision for corner setbacks required in this Section.

c. Other Specified Structures - Walks, driveways, curbs, retaining walls, mailboxes, name plates, lamp posts, birdbaths, and similar structures shall be permitted in any required front, side or rear yard.

**Sec. 10-45 Corner Visibility.**

No fence, wall, hedge, planting or other obstruction to vision, extending in excess of three (3) feet, but less than twelve (12) feet, above the established street corner line grade shall be erected or maintained on that part of a corner lot that is included between the lines of intersecting streets and a line intersecting them at points twenty (20) feet

distant from the intersection of the street lines.

**Sec. 10-46 Exceptions to Yard Requirements.**

Corner Lot: On a corner lot, the required rear yard, as defined by this Ordinance, may be reduced to no less than three (3) feet subject to the following conditions:

- a. The front yard complies with the minimum setback requirements established in this Ordinance or with platted building lines,
- b. The side yard, as defined by this Ordinance, adjacent to a street shall also meet the minimum front yard requirements of this Ordinance, or the platted building lines, whichever is more restrictive.
- c. The internal side yard, as defined by this Ordinance, shall not be less than twelve (12) feet. No encroachment of this minimum requirement will be allowed except by the granting of a special exception or variance by the Board of Zoning Appeals

**Sec. 10-47 Internal Lot.**

For internal lots that do not have parallel sides or parallel front and rear lines, the required side and rear yards may be established by using an average distance between the building and non-parallel side or rear line. In no event shall any part of the lot be nearer than six (6) feet from a side line and fifteen (15) feet from a rear line unless authorized by the Board of Zoning Appeals.

**Sec. 10-48 Lot Coverage in Specified Districts.**

In the districts established in this Ordinance, residential buildings, including accessory buildings or structures, shall not be erected, enlarged or reconstructed to exceed the maximum lot area of open porches and terraces shall be excluded when computing such coverage.

<b>District</b>	<b>Lot Coverage</b>
R-1, R-2	30% on lots larger than 7,501 square feet
C-2	40 % on lots between 6,001 to 7,500 square feet 50% on lots less than 6,000 square feet
C-1	30%

**Sec. 10-49 Residential Structures - Minimum Square Footage.**

All residential buildings within the Town of Hudson constructed after the adoption of this Ordinance shall have a minimum floor area of one thousand two hundred fifty (1250) square feet, as prescribed by the Hudson Comprehensive Plan.

**Sec. 10-50 Access to Garages from Alleys - Internal Lots.**

The minimum setback from an alley for a garage located on an internal lot is eight (8) feet.

**Sec. 10-51 through Sec. 10-53 Reserved for Future Use.**

**Division III. Non-Conformities.**

**Sec. 10-54 Continuance of Non-Conforming Structures or Uses - Intent.**

Within the districts established by this Ordinance or by amendments that may later be adopted, there may exist either non-conforming structures; non-conforming uses of land; or non-conforming uses of structures, or of

structures and land in combination; which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments hereto. It is the intent of this Ordinance to permit these non-conforming uses to continue until they are removed but not to encourage their survival. It is further the intent of this Ordinance that non-conforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses which are prohibited elsewhere in the same district. (See Chart 5.)

#### **Sec. 10-55 Non-Conforming Structures.**

Where a lawful structure exists, at the effective date of adoption or amendment of this Ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful.

- a. A structure, nonconforming as to height, yard, or lot area requirements, shall not be added to or enlarged in any manner unless such addition or enlargement conforms to all the requirements of the district in which it is located.
- b. No nonconforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all requirements of the district in which it is located.
- c. A nonconforming structure lawfully existing upon the effective date of adoption or amendment of this Ordinance may be maintained, except as otherwise provided in this Section.
- d. A nonconforming structure may be repaired or altered, provided no structural change shall be made.
- e. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety upon order of such officer. If a nonconforming use becomes physically unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of the district in which it is located, the Hudson Building Ordinance and the Hudson Unsafe Building Ordinance.

#### **Sec. 10-56 Non-Conforming Uses of Land.**

Where, at the time of adoption or amendment of this Ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this Ordinance, the uses may be continued so long as they remain otherwise lawful provided:

- a. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied past the effective date of adoption or amendment of this Ordinance.
- b. If any such non-conforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located and the Hudson Unsafe Building Ordinance.
- c. No non-conforming additional structure shall be erected in connection such nonconforming uses of land.

#### **Sec. 10-57 Non-Conforming Uses of Structures, or of Structures and Land in Combination.**

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Ordinance, and would not be allowed in the district in which it is located under the terms of this Ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- a. A non-conforming use of a structure, designed for a conforming use, shall not be expanded or extended into any other portion of such conforming structure nor changed except to a conforming use.
- b. If no structural alterations are made, any non-conforming use of a structure or structure and land in combination may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate, or more appropriate, to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Ordinance.
- c. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
- d. When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations of the district in which it is located.
- e. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

**Sec. 10-58 Conforming Manufactured Housing Developments.**

Any mobile home court which existed upon the effective date of adoption of amendment of this Ordinance, and which is located in a district which permitted mobile home court either as a permitted use, or by special exemption, shall be regarded as a conforming use and may be continued except that any change in layout, expansion or extension shall be subject to all provisions of this Ordinance.

**Sec. 10-59 Non-Conforming Variance and Avoidance of Undue Hardship.**

The Board of Zoning Appeals may authorize, upon appeals in specific cases, such variance from the terms of this section as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this section will result in unnecessary hardship, and so that the spirit of this section shall be observed and substantial justice done, no action shall be taken or decisions made, except after public hearing.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or development on which actual building construction has been carried on diligently. Where demolition or removal of all existing building has been substantially begun, and/or preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried on diligently. Actual construction is defined as work done which is beyond the preparation stage, and which is into that stage where the changes or additions are made permanent.

**Sec. 10-60 through Sec. 10-63 Reserved for Future Use.**

**Division IV. Administration and Enforcement.**

**Sec. 10-64 Improvement Location Permit.**

- a. No building, structure or dwelling shall be erected, reconstructed, enlarged or moved until an Improvement Location Permit has been applied for, in writing, and subsequently issued by the Clerk-Treasurer or Town Manager.

b. No Improvement Location Permit shall be issued by the Clerk-Treasurer or Town Manager for the proposed erection, reconstruction, enlargement, or moving of a building or structure unless the same conforms to the provisions of this Ordinance and the Hudson Building Ordinance.

c. Applications for Improvement Location Permits shall be made by the owner(s) of the real estate on which the improvement is to be, or has been located, or their agent, or the superintendent or contractor in charge of the work, upon forms prescribed by the Clerk-Treasurer or Town Manager; and shall be accompanied by a site plan. The applicant must also prove compliance with all state and county health and fire regulations. If the Clerk-Treasurer or Town Manager determines that a site plan is not needed to make a determination that the proposed use is in conformance with the terms of this Ordinance, he may waive the need for such a plan.

d. The applicant shall post said permit in a prominent place on the premises prior to, and during, the period of erection, reconstruction, enlargement, or moving.

e. Any said permit may be revoked if active work is not commenced within one (1) year after the date of its issue and continued with due diligence to completion. The Clerk-Treasurer or Town Manager shall judge if due diligence is being shown and shall notify the owner or agent in case due diligence is not shown.

f. If the Clerk-Treasurer or Town Manager determines that the person to whom the permit has been issued has failed to commence, with due diligence, the improvement of the location specified in the permit, as according to the detailed statement, plans and specifications upon which such permit was issued; or is proceeding in violation of the law, it shall be his duty to give written notice thereof to the owner or agent, requiring that the violation be immediately rectified within a specified time period.

g. If the owner or his agent neglects to comply with the provisions of such notice within such time as may be specified by the Clerk-Treasurer or Town Manager, or fails to commence active work within one (1) year after the date of its issue, it shall be the further duty of the Clerk-Treasurer or Town Manager to revoke said permit, and immediately serve written notice upon the owner, agent, superintendent or contractor in charge of the work; or post said notice upon the property.

h. After such revocation of permit, any person performing any work in or about the said structure, building or premises shall be guilty of a zoning ordinance violation. See Sec. 10-70.

#### **Sec. 10-65 Certificate of Occupancy.**

a. No occupancy, use or change of use shall take place until a Certificate of Occupancy shall have been applied for in writing and issued by the Clerk-Treasurer or Town Manager, in the following cases:

1. Occupancy and use of a building or structure hereafter erected or enlarged.
2. Change in use of an existing building or structure.
3. Occupancy and use of vacant land except for the raising of crops.
4. Any change in the use to a non-conforming use.

b. If the proposed use is in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued within three (3) days after the application for the same has been made. However, no Certificate of Occupancy shall be issued in connection with the construction, alteration, enlargement, or moving of a building or structure until such construction, alteration, enlargement or moving shall have been completed. Each Certificate of Occupancy shall state that the building or proposed use of a building or land complies with all the provisions of this Ordinance.

#### **Sec. 10-66 Completion of Existing Buildings.**

a. Nothing in this Ordinance shall require any change in the plans, construction or intended use of any building or structure, the construction of which was legally authorized upon the effective date of this Ordinance, and upon which construction is being diligently prosecuted pursuant to such authority. Such entire building or structure shall be completed within two (2) years after the effective date of this Ordinance.

b. Nothing within this Ordinance shall prevent the reconstruction of a wall, or other structural part of a building which is declared to be unsafe by the proper authorities of the Town of Hudson or the State of Indiana.

#### **Sec. 10-67 Enforcement.**

a. It shall be the duty of the Clerk-Treasurer or Town Manager to enforce the provisions of this Ordinance in the manner and form and with the powers provided by this Ordinance; and as provided in the law of the State of Indiana (*Indiana Code*, § 36-7-4)

b. All departments, officials and employees of the Town of Hudson, vested with the duty or authority to issue permits or licenses, shall issue no permit or license for any use, building or purpose if the same would be in conflict with the provisions of this Ordinance. Any permit or license issued in conflict with the provisions of this Ordinance shall be null and void.

#### **Sec. 10-68 Restrictive Standards,**

a. Whenever the provisions of this Ordinance are more restrictive, or impose higher standards than are required by any statute of the State of Indiana, or any provision of any other Ordinance of this *Code*, or of any other Ordinance of the Town of Hudson, or by any restrictions or limitations as to particular property established by deed, plat or otherwise running with the land, the provisions of this Chapter shall govern.

b. Whenever the provisions of any statute of the State of Indiana, or of any other Ordinance of the Town of Hudson, or any restriction or limitation established by plat or deed or otherwise running with the land, is more restrictive, or imposes higher standards than are required by this Ordinance, the provisions of such statute, chapter, ordinance, plat, deed, restriction or limitation shall govern.

c. Private covenants, restrictions and/or agreements, whether by deed or other instrument, which impose any requirements or standards different than those established under this Ordinance, shall not be construed to modify the provisions of this Ordinance or impose any enforcement obligations upon the Clerk-Treasurer or Town Manager, the Board and/or their members, officials or employees unless the Clerk-Treasurer, Town Manager or the Board has approved or accepted the responsibility for the enforcement of the terms and conditions of any such private covenant, restriction or agreement.

#### **Sec. 10-69 Filing Fees.**

a. Applications and petitions filed pursuant to the provisions of this Ordinance shall be accompanied by the filing fees hereinafter specified:

1. Improvement Location Permit - For each application for an Improvement Location Permit, the sum of twenty-five dollars (\$25.00), to be paid at the offices of the Clerk-Treasurer.

2. Certificate of Occupancy - For each application for a Certificate of Occupancy, the sum of fifteen dollars (\$15.00), to be paid at the offices of the Clerk-Treasurer.

3. Petition for Appeal - For each petition for an appeal from the decision of the Clerk-Treasurer or Town Manager to the Board of Zoning Appeals, a fee of fifty dollars (\$50.00), at the office of the Clerk-Treasurer.

4. Petition to Rezone - For each petition to rezone, and amend this Ordinance, a fee of fifty dollars (\$50.00), to be

paid to and collected by the Town Clerk, the receipt of which shall accompany the petition.

5. No Refund - No part of any filing fee paid pursuant to this Section shall be returned to the applicant or petitioner.

b. The filing fees specified in Section 10-69 'a' shall be posted in the office of the Clerk-Treasurer and shall be altered or amended by the Town of Hudson.

**Sec. 10-70 Penalties regarding Zoning Regulations.**

a. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer or otherwise, who violates any provisions of this Ordinance shall be guilty of a zoning ordinance violation. Such person shall, upon conviction, be punished by a fine as may be established by any court within Steuben County. Each day of the existence of any violation of this Ordinance shall be a separate offense.

b. The erection, construction, enlargement, conversion, moving or maintenance of any building or structure; and the use of any land or building which is continued, operated or maintained contrary to any provision of this Ordinance is declared to be a nuisance and an unlawful violation of this Ordinance. With the approval of the Hudson Town Board, either the Clerk-Treasurer or Town Manager may institute a suit for injunction in the Circuit Court, or any Superior Court of Steuben County, to restrain any person or governmental unit from violating any provision of this Ordinance and to cause any such violation to be prevented, abated, or removed. Such action may also be instituted by a property owner who may be especially damaged by the violation of any provision of the Ordinance.

c. The remedies provided for in this Section shall be cumulative and not exclusive and shall be in addition to any other remedies provided by law.

**Sec. 10-71 through Sec. 10-73 Reserved for Future Use.**

**Division V Board of Zoning Appeals**

**Sec. 10-74 Board of Zoning Appeals.**

The Board of Zoning Appeals of the Town of Hudson, Indiana, is created and shall exist hereafter subject to, and in accordance with, the provisions of Public Law 3C~, Section 23, Acts 1981 of the General Assembly of the State of Indiana and all amendments and supplemental acts contained in *Indiana Code*. § 36-7-4.

**Sec. 10-75 Board of Zoning Appeals Meetings.**

The Board shall meet at least twice per year, in December and June; and at other times at the call of the chairman, or of not less than three (3) Board members. All meetings shall be advertised according to the requirements of *Indiana Code*, § 5-3-1. as amended.

**Sec. 10-76 Board of Zoning Appeals Procedure.**

The procedure of the Board shall be governed by the provision of Public Law 309, Section 23. Acts 1981 of the General Assembly of the State of Indiana and all amendments (*Indiana Code*, § 36-7-4-900). The Board shall adopt rules and regulations concerning the following:

- a. Filing of appeals.
- b. Giving of notice.
- c. Conduct of Board hearings.

- d. Minutes of Board proceedings.
- e. Records of its examinations and other official actions.
- f. Prepare written findings and record the vote on all actions taken. All minutes and records of the Board shall be public.
- g. The application for variances, special exceptions, special uses, contingent uses and conditional uses.
- h. The determination of whether a variance application is for a variance of use or for a variance from the development standards (such as height, bulk of area).
- i. All other operations and procedures as shall be necessary to carry out its duties in accordance with Public Law 309, Section 23, Acts 1981 of the General Assembly of the State of Indiana and amendments (*Indiana Code*, § 36-7-4-900).

**Sec. 10-77 Powers of the Board of Zoning Appeals.**

The Board of Zoning Appeals shall hear and determine appeals from and review:

- a. Any order, requirement, decision or determination made by the Hudson Building Commissioner and any other administrative official, hearing officer or staff member under the provisions of this Ordinance.
- b. Any order, requirement, decision or determination made by an administrative board or other body, except the Plan Commission, in relation to the requirements of this Ordinance.
- c. Any order, requirement, decision or determination made by the Town Council of Hudson, or any other body, except the Plan Commission, in relation to the requirements of this Ordinance regarding the procurement of an Improvement Location or Occupancy Permit.
- d. The Board of Zoning Appeals shall approve or deny all special exceptions; special uses; contingent uses and conditional uses from the terms of this Ordinance, but only in the classes of cases or in the particular situation specified in this Ordinance. The Board may impose reasonable conditions as a part of its approval.
- e. The Board of Zoning Appeals shall be empowered to adopt, without public notice or hearing, any rules or regulations, and authorized to do and perform any act or duty which is required or allowed under Public Law 309, Section 23, Acts 1981 of the General Assembly of the State of Indiana and amendments (*Indiana Code*, § 36-7-4).

**Sec. 10-78 Contingent Uses - All Districts - BZA Policy.**

The contingent uses hereinafter set forth shall be permitted by the BZA, after public hearing, in any district where such uses are essential or desirable to the public convenience or welfare. No permit for a contingent use shall be granted if the BZA Ends that such use is in conflict with any plan duly adopted by ordinance of the Hudson Town Council. In granting such permit, the BZA may impose appropriate conditions regarding the location, character and other features of the proposed building, structure or use as are reasonably required by the purposes of this Ordinance. Such permitted contingent uses include, but are not limited to, the following:

Cemetery.

Educational Institution.

Golf Course.

Governmental installation not otherwise permitted,

Hospital, nursing home, sanitarium, rest home, health maintenance organization, or small immediate care medical facility or other medical care vendor not otherwise specified in this Ordinance.

Not-for-profit neighborhood education, recreational or cultural establishment or community building, provided that the dispensing of alcoholic beverages or any business activity on said premises shall not be permitted and that no permit shall be issued for such use unless the BZA shall first find that said use is of a nature compatible with the character of the neighborhood in which it is to be located.

Planned districts, such as planned residential, commercial, industrial, and office unit developments. Such developments shall be submitted for subdivision approval by the Plan Commission of the Town of Hudson as prescribed by this Ordinance.

Private school.

Such necessary public utility facilities as electric substations and telephone exchanges where not otherwise permitted by this Chapter, petroleum and natural gas transmission lines; pumping stations and facilities, railroad lines, and other similar uses of a public utility or public service nature, including structures and appurtenances for their enclosure, maintenance and operation.

### **Sec. 10-79 Contingent Uses - Specific Districts.**

Contingent uses may be permitted by the BZA, only after public hearing in the specified districts indicated below. No permit for a special use shall be granted unless the BZA shall have first found that the public convenience and welfare will be substantially served and that the proposed use will not be unduly detrimental to the surrounding area. The BZA may, in exercising its approval, impose conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furthering the purposes of this Ordinance and other land use and building ordinances.

In C-I (Commercial), 1-1 (Light Industrial/Heavy Commercial) and 1-2 (Heavy Industrial) Districts, permitted contingent uses include, but are not limited to, the following:

Animal breeding for experimental laboratory or for production purposes, and animal kennels, as distinguished from general livestock raising.

Fairground.

Golf driving range, putting green or miniature golf course.

Gun club, skeet shoot or target range, provided that satisfactory evidence is presented to the BZA that adequate precautions will be taken to safeguard the public from the dangers of firearms used therein.

Planned industrial/office/commercial parks.

Transient amusement enterprise or circus, the chief activity of which is carried on for gain or profit.

In considering a petition for any permitted special use, the BZA shall give due regard to the following factors as they may apply to a particular proposed use. The nature, location, size and site layout of the use, the compatibility of the use with neighboring uses, the nature and integrity of the operations involved in, or connected with, the use and the relation of the use to the streets providing access to it, so that vehicular traffic to and from the use will not create undue hazards to the normal traffic of the vicinity.

The following traffic issues, among others, will be considered. Vehicular turning movement in relation to routes of traffic flow; relation to street intersection; sight distances; and pedestrian traffic.

All contingent uses existing upon the effective date of this Ordinance and which are located in a district that permits such use in accordance with the provisions of this Section, shall be regarded as conforming uses and may be continued. Such uses shall be subject to requirements of this Ordinance and other relevant local, state and federal regulations if the use is proposed to be modified or changed to another non-conforming use in any significant way.

All contingent uses hereafter authorized by the BZA to be in accordance with the provisions of this section are to be regarded as conforming uses and may be continued, except that major changes in layout, expansion or extension to such use shall be subject to BZA review and approval as required for contingent uses.

**Sec. 10-80 through Sec. 10-84 Reserved for Future Use.**

**Division VI. Hudson Plan Commission.**

**Sec. 10-85 Commission Created.**

The Plan Commission of the Town of Hudson is created and shall exist hereafter subject to, and in accordance with, the provisions of *Indiana Code*, § 36-7-4, as amended.

**Sec. 10-86 Powers of Plan Commission.**

The Commission shall:

- a. Make recommendations to the Town Council of the Town of Hudson concerning all matters allowed or required under *Indiana Code*, § 36-7-4, as amended.
- b. Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under *Indiana Code*, § 36-7-4, as amended.

**Sec. 10-87 Plan Commission Procedures.**

The procedures of the Commission, for the purposes of this Ordinance, shall be governed by the provisions of *Indiana Code*, § 36-7-4, as amended.

The Commission shall consist of eight (8) members, seven (7) voting and one (1) nonvoting, as follows:

- a. Town Government Members: The Town Council shall appoint three (3) persons in the Town Government,
- b. Citizen Members: The Town Council shall appoint four (4) citizen members, not more than two (2) of whom shall be members of the same political party. The citizen members shall be qualified by knowledge and experience in matters pertaining to the development of the Town, and shall be residents of the Town of Hudson.
- c. Advisory Member: One (1) member of the Steuben County Plan Commission shall be advisory members of the Hudson Town Plan Commission. This member shall have all the privileges of membership except the right to vote.
- d. Disqualification or Conflict of Interest: No member of the Plan Commission shall participate in the hearing or decision of such Commission upon any zoning matter, other than the preparation and enactment of a Comprehensive Plan, in which he is directly or indirectly interested in financially. In the event of such disqualification, such facts shall be entered on the records of the Commission, and the remaining members of the Commission shall choose an elector to act as a member of the Commission in the hearing and determination of the particular matter or matters for which the disqualification occurs.

**Sec. 10-88 Town Government Members.**

The term of office of a Plan Commission member, who is appointed from the Town Government, is co-extensive with the member's term of office in the Town government, unless the body of the Town government, which holds jurisdiction over such matters as allowed by *Indiana Code*, § 36-7-4, appoints, at its first regular meeting in any year, another person to serve as its representative.

**Sec. 10-89 Advisory Members.**

When an initial term of a citizen member expires, each new appointment of a citizen member is for a term of four (4) years. A member serves until his successor is appointed and qualified. A member is eligible for reappointment.

**Sec. 10-90 Regular Meetings of Plan Commission.**

The Plan Commission shall meet at least once in each calendar quarter or as necessary. The Commission shall keep minutes of its meetings. The minutes of Commission meetings and all records shall be filed in the office of the Commission and are public records.

**Sec. 10-91 Special Meetings of Plan Commission.**

Special meetings of the Commission may be called by the President, or by two (2) members of the Commission upon written request to the Secretary. The Secretary shall send to all members, at least three (3) days before the special meetings, a written notice fixing the time and place of the meeting. Written notice of a special meeting is not required if:

- a. The date, time and place of a special meeting are fixed in a regular meeting.
- b. All members of the Commission are present at that regular meeting.

**Sec. 10-92 Election of Plan Commission President and Vice President of Plan Commission.**

At its first regular meeting in each year, the Commission shall elect from its members a President and Vice-President. The Clerk-Treasurer shall act as secretary. The Vice-President may act as President of the Commission during the absence or disability of the President.

**Sec. 10-93 Plan Commission Quorum.**

A quorum consists of a majority of the entire membership of the Plan Commission who are qualified by *Indiana Code*, § 36-7-4, and all amendments thereto, to vote.

**Sec. 10-94 Salary - Appropriations of Plan Commission.**

The members of the Commission may be compensated by the Town of Hudson for their service on, as well as the expenses of the Plan Commission in accordance with the provisions of *Indiana Code*, § 36-7-4, and all amendments thereto.

**Sec. 10-95 through Sec. 10-99 Reserved for Future Use.**

**ARTICLE 3. SUBDIVISION AND MANUFACTURED HOUSING  
DEVELOPMENT REGULATIONS.**

**Division I. General Provisions.**

**Sec. 10- 100 Title/Authority.**

This Article shall be known and cited as the “Subdivision and Manufactured Housing Regulations of the Town of Hudson, Indiana”, hereafter referred to as these “Regulations”.

**Sec. 10-101 Authority.**

These regulations are authorized by Public Law 309, Section 23, Acts 1981 of the General Assembly of the State of Indiana (Indiana Code. (§ 36-7-4-700 Series-Subdivision Control) and all amendments. (§ 20-2, 3-26-90)

**Sec. 10-102 Jurisdiction.**

These regulations shall apply to all subdivisions of land, as defined herein, located within the jurisdiction of the Town of Hudson, Indiana.

**Sec. 10-103 Purpose.**

The purposes of these regulations are to protect and promote the public health, safety, general welfare, and resources, and to provide for the:

- a. Guidance of future growth and development in accordance with the Hudson Comprehensive Plan.
- b. Protection and conservation of the value of land, buildings, and other improvements upon the land, and to minimize conflicts among the uses of land and buildings.
- c. Avoidance of scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services.
- d. Establishment of reasonable standards of design, and minimum requirements for the creation, installation and improvement of physical facilities, which are, or will be, maintained for the benefit of the general public.
- e. Establishment of reasonable standards and procedures for subdivisions and re-subdivisions in order to further the orderly layout and use of land; and to assure proper legal descriptions and marking of subdivided land.
  - a. Administration of these regulations by defining the powers and duties of the designated approval authorities; and the manner and form of marking, filing and processing of any plat submitted to the Hudson Plan Commission.

**Sec. 10-104 and Sec. 10-105 Reserved for Future Use.**

**Division II. Subdivision Definitions.**

**Sec. 10-106 Application and Interpretation.**

Whenever any words and phrases used herein are not defined, but are defined in Indiana Code, (§ 36-7-4), and all amendments thereto, regarding the creation and function of Plan Commissions, and the approval of subdivision and manufactured housing developments, any such definition shall be deemed to apply to the following words and phrases used herein, except when the context requires otherwise. (§ 2 1-1, 3-26-90)

**Sec. 10-107 Definitions.**

For the purpose of these regulations, certain words and phrases shall be interpreted as follows:

- a. The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other legal entity.

- b. The masculine includes the feminine.
- c. The present tense includes the past and future tense; the singular number includes the plural.
- d. The word “shall” is a mandatory requirement; the word “may” is a permissive requirement; and the word “should” is a preferred requirement.
- e. The words “used” or “occupied” include the words “intended, arranged, or designed to be used or occupied”.
- f. The word “lot” includes the words “plot”, “parcel”, and “tract”.
- h. As used in this Ordinance, the following terms shall have the following respective meanings unless the context specifically indicates otherwise:
  - 1. Applicant: The owner of land proposed to be subdivided or his representative. Consent shall be required from the legal owner of the premises.
  - 2. Buffer Landscaping: Any trees, shrubs, walls, fences, berms or related landscaping features required by these Subdivision Regulations, on private lots and privately maintained for buffering such lots from adjacent properties or public rights-of-way for the purpose of increasing sound and/or visual privacy.
  - 3. Building Site: An area proposed or provided by grading, filling, excavating or other means for erecting pads, slabs, or foundations for buildings.
  - 4. Construction Plan(s): The required maps or drawings accompanying a subdivision plat which show the specific location and design of improvements to be installed for the subdivision.
  - 5. Dedication: The setting apart of land, or interests in land, for use by the public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.
  - 6. Drives, Private: Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way.
  - 7. Marker - A stake, pipe, rod, nail or any other object which is not intended to be a permanent point, for lot recording purposes.
  - 8. Monument - A physical structure which marks the location of a corner or other survey point, usually on the outside boundary of a subdivision tract.
  - 9. Performance Bond - An amount of money or other negotiable security paid by the sub-divider or his surety to the Hudson Clerk-Treasurer which guarantees that the sub-divider will perform all actions required by the Plan Commission regarding an approved plat, and provides that if the sub-divider defaults and fails to comply with the provisions of an approved plat the sub-divider or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approved plat.
  - 10. Plat - A drawing, map, chart, plan or re-plat indicating the subdivision or re-subdivision of land, including certificates, descriptions and approvals, intended to be filed for record.
  - 11. Plat, Primary: The preliminary drawing or drawings described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval.
  - 12. Plat, Secondary: The final and formal presentation of the map, plan or record of a subdivision and any accompanying material as described in these regulations.

13. Plat, Sketch: An informal sketch drawn prior to the preparation of the primary plat, to save time and expense in reaching general agreement with the Plan Commission as to the form of the plat and the objectives of these regulations.

14. Sale or Lease: Any immediate or future transfer of ownership, or any possessory interest in land, including contract of sale, lease, devise, intestate succession or transfer of an interest in a subdivision, or part thereof whether by metes and bounds, deed, contract, plat, map, lease, devise, intestate succession or other written instrument.

15. Subdivision: The division of a parcel of land into two (2) or more lots, parcels, sites, units, plats or interests for the purpose of offer, sale, lease, or development either on an installment plan or upon any and all other plans, terms and conditions, including re-subdivision. Subdivision includes the development of land zoned for residential and nonresidential uses, whether by metes and bounds description, devise, intestacy, lease, map, plat or other recorded instrument.

16. Subdivision, Major: All subdivision not classified as minor subdivisions, including, but not limited to, subdivisions of four (4) or more lots, or any size subdivision requiring any new street or extension of the local government facilities or the creation of any public improvements.

17. Subdivision, Minor: Any subdivision containing not more than three (3) lots fronting on an existing street, not including any new street or road, or the extension of municipal facilities, or the creation of any new public improvements, and not adversely affecting the remainder of the parcel for adjoining property, and not in conflict with any provision or portion of these Regulations. (§ 21-2, 3-26-90)

#### **Sec. 10-108 Policy Conformance to Comprehensive Plan.**

a. It is declared to be the policy of the Town of Hudson to consider the subdivision of land, and subsequent development of the subdivided plat, as subject to the control of the Town of Hudson, pursuant to the "Comprehensive Plan of the Town of Hudson, Indiana" for the orderly, planned, efficient and economical development of the Town of Hudson.

b. Any land proposed to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; and such land shall not be subdivided until proper provision has been made for drainage, water supply, sewerage, schools, recreation facilities and all other elements which enhance the quality of life in the Town of Hudson.

c. All public improvements proposed following the adoption of these Regulations shall conform to the goals, objectives and policy mandated by the Comprehensive Plan of the Town of Hudson, Indiana.

#### **Sec. 10-109 Severability.**

Should any section, subsection, paragraph, clause, word or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid. (§ 23-1, 3-26-90)

#### **Sec. 10-110 Reserved for Future Use.**

### **Division III. Plat Application and Approval Process.**

#### **Sec. 10-111 Pre-Platting Conference.**

Before preparing a subdivision primary plat, the applicant should discuss with the Plan Commission the procedure

for adoption of a subdivision plat and the requirements as to the general layout of streets; reservations of land; street improvements; drainage; sewerage; fire protection; school and recreational sites; community facilities; sanitation; water supply and drainage; relationship to other developments, existing and proposed, in the vicinity and all other relevant factors. Consideration should also be given to the relationship of the proposed subdivision with those officials whose jurisdictions may be affected. (§24-1, 3-26-90)

**Sec. 10-112 Application for Primary Approval of Plat.**

The application for primary approval of a plat shall be submitted in duplicate to the Commission on a form approved by the Commission, and shall be signed by the owner(s) of record, and shall contain a statement specifying the intentions of the owner regarding the proposed land use of the development, deed restrictions, drainage, sewage disposal, water facilities, and the intended date of the development. At the time of submission of the application, the applicant shall pay to the Commission the filing fee of fifty dollars (\$50.00). The applicant shall also pay in full the mailing costs incurred by the Commission in furnishing notice of the public hearing, as required by law and this Ordinance, prior to the date the application and plat are considered for primary approval by the Commission. (§ 24-2, 3-26-90)

**Sec. 10-113 Primary Plat.**

The tracing and twelve (12) copies of the primary plat shall be submitted to the Commission at the time the application for primary approval is filed. The proposed plat shall represent the entire tract the applicant intends to develop and over which he has an ownership or financial interest anchor control. (§ 24-3, 3-26-90)

**Sec. 10-114 General Design Specifications for Primary Plat.**

The primary plat shall be prepared by a licensed land surveyor or engineer at a scale of not more than one (1) inch per one (100) hundred feet. Standard engineering symbols provided on all submitted drawings. The plat may be prepared in pen or pencil on tracing cloth, tracing paper or reproducible Mylar and shall be of a size acceptable for filing in the Steuben County Recorder's Office. The plat shall show the following information:

- a. Name - Name of subdivision if property is within an existing subdivision, or proposed name, if not within a previously platted subdivision.
- b. Ownership - Name and address, including telephone number, of legal owner(s) or agent of property.
- c. Citation of any existing legal rights-of-way or easements affecting the property.
- d. Existing covenants on the property, if any.
- e. Name, address, telephone number, and registration number of the professional engineer or surveyor responsible for the design of the subdivision, the design of public improvements and for surveys.

**Sec. 10-115 Description.**

- a. Location of property by lot or section, township, range and county (metes and bounds).
- b. Date, scale and north point.

**Sec. 10-116 Features.**

- a. Location, widths and names of all existing or prior platted streets or other public ways, railroad and utility rights-of-way, parks and other public and private recreation areas, existing buildings and structures, and section and corporation lines within and adjacent to the tract.

- b. The location of subdivision property with respect to surrounding property and streets, including the names of all adjoining property owners of record, and the names of adjoining developments and streets.
- c. Layout of proposed streets, their names and widths, the locations of alleys, crosswalks, sidewalks and easements; and the location of any construction access roads as required by the Plan Commission or as deemed necessary by the developer.
- d. Layout of proposed lots, their dimensions and proposed street address numbers.
- e. Parcels of land intended for dedication for public use, or which are to be set aside for the use of property owners in the subdivision.
- f. Building lines, showing all dimensions.
- g. Approximate topographic contours, shown at vertical intervals of not more than five (5) feet, where the slope is greater than ten percent (10%), and not more than two (2) feet, where the slope is less than ten percent (10%). Elevations marked on such contours shall be based on a datum plane approved by the Steuben County Surveyor, or on Sea Level Datum.
- h. Location and type of easements.
- i. Information as to any agreements which have been entered into with other property owners within the neighborhood in which the proposed subdivision is located. Reference shall also be made to the Hudson Comprehensive Plan for suggestions as to the general street pattern and design of the neighborhood.
- j. Restrictions of all types which run with the land.
- k. Street width and type of surfacing material.
- l. Sanitary sewer pipe locations, manhole locations and invert elevations at point of connections with existing facilities or alternative means of disposal.
- m. Storm sewer improvement locations, including pipe, manhole and catch basin locations, detention basin location, capacity and appropriate elevations, and storm drainage flow lines.
- n. Water line and fire hydrant locations to the point of connection with existing facilities or alternative sources.
- o. Sidewalk locations, widths and materials.
- p. Street lighting fixture locations.
- q. Whenever the primary plat covers only a part of an applicant's contiguous holdings, the applicant shall submit, at a scale of no more than (1) one inch per two hundred (200) feet, a sketch of the entire holdings, including the proposed subdivision area, showing an indication of the probable future street and drainage systems for the remaining portion of the tract.
- r. A vicinity map showing streets and other general development of the surrounding area. The plat shall also show all school and improvement district lines, with the districts properly designated.
- s. Such other data as the Commission may require by rule.

**See. 10-117 Plat Review and Notice of Hearing Date.**

The Plan Commission, upon receipt of an application and plat for primary approval shall review such for technical conformity with the standards of these Subdivision Regulations. Within thirty (30) days after receipt, the Plan Commission shall announce the date for a public hearing before the Commission and provide for notice as follows:

- a. Notify the applicant in writing by means of regular United States mail, postage prepaid, addressed to the applicant at the address listed in the application for approval.
- b. Give notice of the hearing by publication in accordance with Indiana Code, (§ 5-3-1), as amended.
- c. Provide for due notice to all interested parties at least ten (10) days before the date set for the hearing. The Plan Commission shall send a copy of the plat and written notice of the date, place and time of the public hearing to all public agencies and governmental units having a probable interest in the proposed subdivision and plat, requesting their written comments on the proposed plat. The Commission shall also, by rule, determine what other interested parties exist, how notice is to be given to them, and who is required to give such notice.

**Sec. 10-118 Conduction of Public Hearing. -**

The public hearing for primary approval of the proposed plat shall be conducted in accordance with such procedures as the Commission may adopt by rule.

**Sec. 10-119 and Sec. 10-120 Reserved for Future Use.**

**Division IV. Decision of Plan Commission Regarding Primary Plat Application.**

**Sec. 10- 121 Granting of Approval.**

If, after public hearing upon the proposed plat, the Commission determines that the application and plat comply with the standards of this Ordinance, it shall make written findings and a decision granting primary approval, with or without conditions, to the plat. The decision shall be signed by the President of the Plan Commission and attested by the Secretary.

**Sec. 10-122 Denial of Approval.**

If, after public hearing upon the proposed plat, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying primary approval. This decision shall be signed by the President of the Plan Commission and attested by the Secretary.

**Sec. 10-123 Notice of Decision.**

The Commission shall give notice of its decision granting or denying primary approval to the proposed plat by furnishing a copy of its written findings and decision to the applicant, and to such remonstrators or other interested parties, if any, as the Commission may designate by rule. Such notice shall be furnished by the Commission within five (5) days of the Commission's decision.

**Sec. 10-124 Period of Valid Approval.**

Primary approval of a plat by the Commission shall be valid for one (1) year from the date of approval unless the applicant, prior to the expiration of such one (1) year period, shall have applied for and received the Commission's approval for an extension of time to obtain secondary approval, If, by the expiration of such initial one (1) year period, or during any period of extension approved by the Commission, the applicant does not obtain secondary approval of all or part of the area included in the plat for which primary approval had been granted, then the primary approval granted for the plat shall lapse and be considered null and void. In the event the Commission grants secondary approval for a portion of the plat, the applicant will not be obligated to adhere to any time

limitations for requesting secondary approval of the remainder of the plat.

**Sec. 10-125 Appeal of Primary Plat Decision.**

The primary approval or disapproval of a plat by the Plan Commission or the imposition of a condition on primary approval, is a final decision of the Plan Commission which may be appealed by *certiorari* procedure, as provided by Indiana Code, (§ 36-7-4-1016). However, such action may not be taken to court until administrative remedies are exhausted.

**Sec. 10-126 through Sec. 10-128 Reserved for Future Use.**

**Division V. Subdivision Design and Improvement Requirements for Primary Approval.**

**Sec. 10-129 Compliance Required.**

The applicant shall submit an application and subdivision plat for primary approval which complies with the requirements of this Section.

**Sec. 10-130 General Requirements.**

All subdivision plats submitted for primary approval shall comply with the following rules, laws, and regulations:

- a. All applicable statutory provisions or the Indiana Code.
- b. The Comprehensive Plan of the Town of Hudson, Indiana.
- c. The Zoning Regulations of the Town of Hudson, Indiana.
- d. The rules and regulations of the Steuben County Board of Health, the Indiana Board of Health, and all other appropriate state agencies.
- e. The rules, regulations and standards of the Indiana State Highway Commission if the subdivision, or any lot contained therein, abuts a state highway.
- f. Primary plat approval may be withheld if a subdivision is not in conformity with the above guidelines and requirements or with the purposes of these regulations, as established in Subdivision Regulations, as amended.

**Sec. 10-131 Character of the Land.**

Any land which the Commission finds unsuitable for subdivision or development because of improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements or other features which might reasonably be harmful to the safety, health and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas shall not be subdivided or developed unless adequate methods are formulated by the developer, and approved by the Commission, to solve the problems created by the unsuitable land conditions.

**Sec. 10-132 Construction Plans,**

The applicant shall submit a complete set of construction plans with the primary application and plat. Such plans

shall be prepared by an engineer and shall include profiles, cross-sections, specifications, and other supporting data for all required public streets, utilities and other facilities. (§ 25-4, 3-26-90)

#### **Sec. 10-133 Material and Construction Control.**

To assure compliance with good engineering practices, the applicant shall be required to follow the latest issue of the “Indiana State Highway - Standard Specifications” for material and construction control, except when different specifications are explicitly prescribed in these regulations or adopted and approved by rule by the Plan Commission. (§25-5, 3-26-90)

#### **Sec. 10-134 Subdivision Name.**

The proposed name of the subdivision shall not duplicate, or too closely approximate phonetically, the name of any other subdivision or Mobile Home Park within the Town of Hudson. The Commission shall reserve final authority to designate the name of the subdivision at the time of primary approval. (§ 25-6, 3-26-90)

#### **Sec. 10-135 Political and Jurisdictional Boundaries.**

To eliminate potential jurisdictional disputes, and to facilitate effective coordination and control of development, the Plan Commission shall be guided by the following policy:

- a. Whenever access to the subdivision is required across land within another local government jurisdiction, the Commission shall request assurance from the attorney for said jurisdiction that such access, if legally established, and from the designated engineer for said jurisdiction that the access road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.
- b. Lot lines shall be laid out so as not to cross boundary lines between adjacent units of local government, each of which has a separate, autonomous governing body. (§ 25-7, 3-26-90)

#### **Sec. 10-136 Boundary Line Markers/Monuments.**

- a. General - All marker/monuments will be properly set flush with the ground and approved by a registered Land Surveyor or Engineer prior to the time the Plan Commission grants primary approval to the plat. (§ 25-8-1, 3-26-90)
- b. External Boundaries - The sub-divider shall place concrete monuments four (4) inches square, or four (4) inches in diameter, and not less than thirty (30) inches in length, and marked with a cross, brass plug, iron rod or other durable material securely embedded, at each corner or angle of the ultimate outside boundary of the subdivision tract. They shall be set following grading of each phase of the subdivision. (§ 25-8-2, 3-26-90)
- c. Internal Boundaries - The sub-divider shall place pipes or steel rods three-fourths (3/4) of an inch in diameter, and at least twenty-four (24) inches in length at the corners of each lot. They shall be set prior to the issuance of any Building Permit, (§ 25-8-3, 3-26-90)

#### **Sec. 10-137 Block and Lot Requirements.**

- a. Block Arrangements - Blocks shall have sufficient depth to provide for two (2) tiers of lots of appropriate depth. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, and railroad rights-of-way and industrial commercial areas.
- b. Lots
  1. Arrangements: Lot arrangements shall be designed in such a way that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with

Section 9 of this Ordinance and other regulations; and in providing safe driveway access to buildings on such lots from an approved street.

2. Dimensions: Lot dimensions shall not be less than the minimum requirements for the zoning district in which the lot is located.
3. Side Lot Lines: Side lot lines shall be at right angles to straight street lines and radial to curved street lines. The Commission may consider variations from this rule if such variations result in a street or lot plan, which better serves the purpose of this Ordinance.
4. Building Set-Back Lines: Building set-back lines for individual lots shall follow the requirements for the zoning district in which the lot is located.
5. Off-Street Parking: Provisions shall be made for off-street parking in the subdivision design following the requirements for the zoning district in which the subdivision is located.
6. Double-Frontage Lots: Double frontage and reversed frontage lots shall be discouraged except where necessary to provide separation of residential development from arterial streets, or to overcome specific disadvantages of topography and orientation.
7. Access: All lots shall abut on a street, which is accessible to an established public street already in use.
8. Lot Drainage: Lots shall be laid out so as to provide drainage away from all buildings and individual lot drainage shall be coordinated with the general storm drainage pattern for the area.
9. Debris: No cut trees, timber, debris, earth, rocks, stones, soil, junk, rubbish, or other waste materials of any kind shall be buried in any land, or left deposited on any lot or street at the time the buildings are ready for occupancy.
10. Fencing: An applicant may be required to furnish and install fences wherever the Commission determines that a hazardous condition exists. Fencing shall be constructed according to the provisions of Section 10-36 through 10-50 of this Ordinance. No Certificate of Occupancy shall be issued until such fence improvements have been installed.

#### **Sec. 10-138 Streets.**

In order to provide subdivision streets of suitable location, width and construction; and to afford access to police, firefighting, snow removal, sanitation and road maintenance equipment; and to coordinate subdivision street development with the existing street system and the Hudson Comprehensive Plan, all subdivision streets in the primary plat submitted for approval shall be designed in accordance with the standards set forth in this Article and amendments hereto.

#### **Sec. 10-139 Principles of Design.**

The Plan Commission shall consider the following factors when considering approval of a primary plat:

- a. Safety for both vehicular and pedestrian traffic.
- b. Efficiency of service for all users.
- c. How proposed traffic circulation system affects surrounding residential areas.
- d. Economy of both construction and use of land.

#### **Sec. 10-140 Arrangement Standards.**

The layout of subdivision streets shall conform to the following:

- a. Local streets shall be so arranged as to discourage their use by through traffic.
- b. Subdivision streets should extend to the boundary lines of the subdivision tract in order to provide for their future extension into adjacent areas.
- c. Streets and access ways in business and industrial developments shall be planned in connection with the grouping of buildings, the location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, walkways, and parking areas so as to minimize conflict of movement between the various types of vehicular and pedestrian traffic.

**Sec. 10-141 Intersections.**

The following standards shall apply to all subdivision street intersections:

- a. Right-Angle Intersections - The centerlines of intersecting streets shall intersect as near as possible at right angles. Intersection angles of two (2) streets shall not be less than seventy-five degrees (75’).
- b. Prohibited Intersection - The simultaneous intersection of streets resulting in traffic from more than four (4) intersections is prohibited.
- c. Intersection Corners - The property, or right-of-way lines, of corner lots at street intersections shall be rounded at the corner with an arc of at least twenty (20) feet minimal radius, drawn tangent to each of the intersection property lines.

**Sec. 10-142 Curves.**

The following standards shall apply to all subdivision street curves:

- a. Radius of Horizontal Curvature: The minimum radius of horizontal curvature, measured on the centerline of the street, shall be:

<i>Category</i>	<i>Minimum Radius in Feet</i>
Collector/Arterial.....	300’/500’
All other streets.....	150’

- b. Tangent of Reversed Curves: The minimum tangent distance between reversed curves shall be:

<i>Category</i>	<i>Minimum Tangent Distance in Feet</i>
Collector/Arterial.....	100
All other streets.....	25

**Sec. 10-143 Topography.**

Subdivision streets shall be arranged in proper relation to the topography in a manner which results in useable lots, safe streets and acceptable gradients; and in a manner which does not cause unnecessary destruction of drainage courses, trees and other natural features of the land.

- a. Street Patterns - Rectangular, “gridiron” streets should be avoided, and the use of curvilinear streets shall be encouraged where such use will result in a more desirable layout and topographical relationship. Innovative, varying geometrical street patterns shall be encouraged where such provide a sense of order and enhance aesthetic

interest.

b. Excess Right-of-Way - Right-of-way widths in excess of the standards specified by these regulations shall be required whenever additional width is necessary, due to topographic conditions, to provide for adequate and stable earth slopes, Such slopes shall not be in excess of a three (3) to one (1) height to width ratio.

**Sec. 10-144 Alleys.**

Alleys may be allowed in all commercial and industrial districts. Alleys shall be permitted in residential districts except where justified by unusual conditions.

**Sec. 10-145 CuI-de-Sacs/Dead-End Streets.**

Cul-de-sacs shall not be permitted in any district where such are in conflict with the Hudson Comprehensive Plan. No permitted cul-de-sac shall provide principle frontage to more than twenty (20) lots. Whenever a collector Street exclusively serves an industrial or commercial area, a cul-de-sac of up to one thousand (1,000) feet in length may be allowed. This special provision shall be allowed only in areas where access is difficult or which are otherwise unsuitable for normal subdividing. A twenty-seven (27) foot pavement width shall be required in all cases under this special provision.

The minimum radii for cul-de-sacs shall be as follows:

<i>Street Category</i>	<i>Minimum Radii in Feet</i>
Right-of-way.....	100
Back-to-Back of Curb.....	77

**Sec. 10-146 Continuations of Streets, Alleys and Easements.**

Whenever a dedicated or platted portion of a street, alley or easement exists adjacent to a proposed subdivision, the continuation of the street, alley or easement right-of-way at the prescribed width shall be platted within said subdivision unless the Commission deems such continuation unnecessary. (§ 25-10-7, 3-26-90)

**Sec. 10-147 Minimum Right-of-Way and Pavement Widths.**

Subdivision streets and alleys shall be designed in accordance with the following minimum requirements for right-of-way and pavement widths:

<i>Category</i>	<i>Right-of-Way Minimum Width In Feet</i>	<i>Pavement Minimum Width In Feet Back-of-Curb To Back-of-Curb</i>
Local Street.....	50.....	25
Industrial Street.....	55.....	27
Collector and Arterial Streets (as shown in the Hudson Comprehensive Plan).....	70.....	35
Industrial/Commercial Alley.....	25.....	18

**Sec. 10-148 Construction Standards.**

All subdivision streets shall be constructed according to the following standards:

- a. Plans - Subdivision streets shall be completed to the grades specified on their respective plans, profiles and cross-sections as approved by the Commission.
- b. Sub grades and Pavements - The minimum specifications for subdivision street construction and materials shall be as set forth in the applicable sections of the “Standard Specifications of the Indiana State Highway Commission”, except where the Plan Commission has by rule adopted a different set of standards and specifications, or as required in this Chapter. Street surfaces shall be of a character suitable for expected traffic and shall be in harmony with similar improvements in the surrounding area. (§ 25-10-10-2, 3-26-90)

**Sec. 10-149 Railroads**

If a proposed subdivision plat adjoins a railroad right-of-way, the following requirements shall apply:

- a. Residential Districts - A buffer strip of at least twenty-five (25) feet in depth, in addition to the normal lot depth required for such districts by Hudson Zoning Ordinance, and amendments thereto, shall be provided adjacent to the railroad right-of-way. This strip shall be part of the platted lots and shall be designated on the submitted primary plat as follows:

**“This strip is reserved for screening. The placement of structures hereon, other than earth berms, walls, fences and other landscape screening devices approved by the Commission is prohibited”.**

- b. Parallel Streets - Streets running parallel to a railroad right-of-way shall be located at least one hundred fifty (150) feet from said right-of-way upon intersecting with a street which crosses the railroad at grade.

**Sec. 10-150 Street Names.**

Subdivision street names shall not duplicate any existing street name within the Town of Hudson except in the case of a direct extension. Street names that are spelled differently from, but sound the same as, existing streets shall not be allowed. In no instance shall any street name include the words north, south, east, or west unless it denotes a geographic location. The Plan Commission shall have final authority to name all streets, in the event of a conflict, upon granting primary plat approval.

**Sec. 10-151 Street Dedications and Reservations.**

All subdivision streets shall be dedicated to public use. The Commission may consider allowing private streets in the event of unusual physical conditions and if the applicant can provide evidence that a private street is the only feasible solution. Such private streets may be authorized provided that the standards applied in their construction comply with the minimum public standards, and that adequate covenant provisions are made for direct responsibility and control, by the property owners involved for the perpetual operation, liability and maintenance of said private streets at no expense to the Town of Hudson.

**Sec. 10-152 New Perimeter Streets.**

Subdivision street systems shall be laid out in a manner which eliminates or avoids new perimeter half-streets. When an existing half-street is adjacent to a new subdivision, the other half of the street shall be improved and dedicated by the sub-divider. The Commission may authorize a new perimeter street where the applicant improves and dedicates the entire required right-of-way width within his own subdivision’s boundaries, (§ 25-10-13-1, 3-26-90)

**Sec. 10-153 Widening and Realignment of Existing Streets.**

Whenever a proposed subdivision borders an existing street, the Commission may require the reconstruction or widening of such street as a condition of primary plat approval. Land reserved for any street purposes may not be counted in satisfying the yard or area requirements of these Subdivision Regulations. (§ 25-10-13-2, 3-26-90)

**Sec. 10-154 Traffic Control Devices.**

- a. Street Name and Regulatory Signs - The applicant shall install street name signs in accordance with the standards adopted by the Plan Commission, the Town Council, and the “Manual on Uniform Traffic Control Devices of Indiana”, as amended. One (1) sign shall be installed at each intersection indicating the name of each intersecting street. Other regulating signs are the responsibility of the Town of Hudson. (§ 25-10-14-1, 3-26-90)
- b. Warning Signs and Other Devices - The Town of Hudson shall be responsible for the installation of all warning signs and other traffic control devices, except where warranted in industrial and commercial areas. The developer may be required to pay the cost of traffic signal installation and interconnection. (§ 25-10-14-2, 3-26-90)

**Sec. 10-155 Sidewalks.**

- a. Provisions of Sidewalks - Sidewalks shall be provided by the applicant on each side of all streets within the subdivision. The Commission may waive or amend this requirement only in those subdivisions with less than two (2) lots per gross acre, and only upon the provision of evidence by the applicant that the sidewalks will serve no specific or future need.
- b. Pedestrian Access - The Commission may require perpetual, unobstructed easements, at least twenty (20) feet in width, in order to facilitate pedestrian access from the street to schools, parks, playgrounds or other nearby streets. Such easements shall be indicated on both primary and secondary plats. (§ 25-11-2, 3-26-90)
- c. Grading of Sidewalks - Grading of the entire right-of-way shall be provided for the location of sidewalks one (1) foot from the front lot lines, and a proper grade shall be provided by the applicant according to the standards shown on the plans, profiles and cross-sections approved by the Commission.
- d. Minimum Sidewalk Easements and Widths: Subdivision sidewalks shall conform to the following minimum requirements:

<i>District</i>	<i>Minimum Easement Width in Feet</i>	<i>Minimum Pavement Width in Feet</i>
Residential.....	7.....	3
Commercial/Industrial.....	10.....	4

**Sec. 10-156 Curbs and Gutters.**

- a. Installation Requirements - The applicant shall be required to install curbs and gutters on each side of any subdivision street surface, except as provided in Section 10-155 ‘b’ of this Ordinance, constructed of plain Portland concrete or other acceptable materials. Curbs may be of the vertical curb, roll curb, integral curb and gutter or separate curb and gutter type.
- b. Omission of Curbs and Gutters - Curbs and gutters may be omitted in any subdivision under the following conditions:
  1. When final topography, street longitudinal profiles, and drainage system designs are acceptable.
  2. When adequate provisions are made in the protective covenants running with the land to permit access to, and freedom from, obstruction of the drainage system.
  3. When the street is properly acceptable to the Commission as a local street.

4. When every lot fronting on a street has a minimum lot area of forty thousand (40,000) square feet and a minimum width of one hundred fifty (150) feet.

**Sec. 10-157 Drainage and Storm Sewers.**

The Plan Commission shall not approve any primary subdivision plat which does not provide for rain and snow water runoff. Drainage systems shall be separate and independent of any sanitary sewage system and shall be designed according to the methods and specifications prescribed by this Ordinance, and by the Commission by rule.

- a. Inlets: Inlets shall be provided so that surface water is not carried across or around any intersection, or for a distance of more than four hundred (400) feet in any gutter.
- b. Surface Water Drainage Patterns: Surface Water Drainage patterns shall be shown for each lot and block.

**Sec. 10-158 Requirements for Storm Sewers.**

- a. Spring/Surface Water - The applicant may be required to carry away, by pipe or open ditch, any spring or surface water that either existed previously to, or will be the result of the construction of the subdivision. Such drainage facilities shall be located in the road right-of-way, or in perpetual unobstructed easements of appropriate width. Drain facilities shall be provided under driveways so that the flow of water in ditches is not impeded.
- b. Access to Public Storm Sewers - Where a public storm sewer is accessible, the applicant shall install storm sewer facilities or, if no outlets are within a reasonable distance, provide for adequate disposal of storm waters subject to the specifications prescribed by this Ordinance and amendments hereto, or by the Plan Commission by rule.
- c. Comprehensive Plan - If the Commission determines that a connection to a public storm sewer will eventually be provided, as shown in the Hudson Comprehensive Plan, the applicant shall make arrangements for future storm water disposal in the subdivision by a public sewerage system at the time the plat receives secondary approval. Provision for such connection shall be incorporated by inclusion in the performance bond required for the subdivision plat.

**Sec. 10-159 Drainage Requirements.**

- a. Poor Drainage Areas - Whenever a primary plat is submitted for an area subject to ponding, the Plan Commission shall require the applicant to fill the affected area to a specified elevation, (§ 25-15-1, 3-26-90)
- b. Drainage Easements - Where a subdivision is traversed by a watercourse, drainage-way, channel or stream, the applicant shall provide a storm water easement or drainage right-of-way which conforms to the lines of such watercourse. The width and construction of such easement shall conform to the requirements of this Ordinance, as amended, and to the requirements adopted by the Plan Commission by rule. Such easement shall be adequately marked by monument and should be maintained by an open channel with landscaped banks whenever possible. (§ 25-15-2, 3-26-90)
- c. Drainage Provisions - In order to allow for the maintenance or construction of any legal open drain, or of any open drain intended primarily for the conveyance of natural drainage or storm drainage, open drainage easements shall be provided as follows:
  - 1. Easements shall not be less than thirty (30) feet in width beyond the top of one (1) bank of any legal open drain, and not less than five (5) feet in width beyond the top of the second bank.
  - 2. No open drainage easement shall be less than fifty (50) feet in width or shall be offset other than indicated above.

3. No trees or permanent structures above grade, including such structures for the use of any private or franchised public utility, shall be permitted in any open drainage easement, and the protective covenants running with the land shall so state.

4. Structures located below grade, which are used by franchised public utilities, may be permitted within the wider side of an open drainage easement when adjacent to the outer edge of said wider side.

#### **Sec. 10-160 Water Facilities.**

The applicant shall extend or create a water supply system capable of providing water for domestic use and fire protection. The applicant shall, where a public water main is accessible, install adequate water facilities, including fire hydrants, subject to State requirements, the requirements of this Ordinance and amendments hereto, and such requirements as the Plan Commission may adopt by rule.

#### **Sec. 10-161 Fire Hydrants.**

Fire hydrants shall be required for all subdivisions and shall be located no more than one thousand (1,000) feet apart, and within five hundred (500) feet of any structure, and shall be of a design approved by the Plan Commission and the Town of Hudson Fire Department.

#### **Sec. 10-162 Water Systems.**

The applicant shall install a subdivision water system by one (I) of the following methods:

a. **Public System** - A complete water main system connected to a public or other community water supply which is approved by the State of Indiana. The applicant shall submit construction plans showing size, location, depth, material and all connections, including fire hydrants, for the approval of the State of Indiana prior to application for primary plat approval.

b. **Quasi-Public System** - A complete water main system connected into the water main system of a utility company authorized to operate within the area where the subdivision is located and which is subject to the control of the Public Service Commission of Indiana. The applicant shall submit plans for the complete installation of the subdivision water main system showing size, location, depth, material and all connections for approval of the appropriate Board of Health prior to application for primary plat approval.

#### **Sec. 10-163 Sanitary Sewage Facilities.**

The applicant shall install sanitary sewer facilities in a manner prescribed by this Ordinance, as amended, and by requirements adopted by the Commission by rule. All attendant plans shall be designed in accordance with the rules, regulations and standards of the Steuben County Board of Health and all other appropriate County, State and Federal Agencies.

a. **Sewerage Location** - Sanitary sewers shall be located within street or alley rights-of-way unless topographic conditions require an alternative location. (§ 25-17-1, 3-26-90)

b. **Manholes** - Manholes shall be located at the end of each line, and at distances not greater than four hundred (400) feet for sewers eighteen (18) inches in diameter and larger. Manholes should be placed in public rights-of-way where a sewer line in a private easement intersects such public right-of-way. Access shall be provided for all manholes located in private property easements. (§ 25-17-2, 3-26-90)

c. **Water Supply Interconnections** - There shall be no physical connection between a public or private water supply system and a sanitary sewer system. Sanitary sewers shall also be kept removed from water supply wells and other water supply sources and structures. (§ 25-17-3, 3-26-90)

d. Relation of Sewers to Water Mains - A minimum horizontal distance of ten (10) feet shall be maintained between parallel water and sewer lines. At points where sewer lines cross water mains, the sewer lines shall be constructed of cast iron pipe, or encased in concrete, for a distance of ten (10) feet in each direction from the crossing measured perpendicular to the water line. This requirement may be waived where the water line is at least two (2) feet above the sewer line, (§ 25-17-4, 3-26-90)

#### **Sec. 10- 164 Utilities.**

a. Location - All utility lines, including, but not limited to, gas, electric power, telephone and CATV cables shall be located underground throughout the entire subdivision. Existing lines located above ground shall be removed and placed underground except when located on public roads and rights-of-way. All existing and proposed utility lines located throughout the proposed subdivision area shall be shown on the primary plat. Underground service connections to the street property line of each planned lot shall be installed at the applicant's expense. The Commission may waive such requirement in the event adjoining lots are retained under single ownership and are intended to be developed for the same primary user. (§ 25-19-1, 3-26-90)

b. Easements - Easements, centered on rear lot lines, shall be provided for public, quasi-public and private utilities. Such easements shall be at least ten (10) feet wide. The applicant shall establish all necessary coordination of proposed subdivision easement with existing adjoining easements with all applicable utility providers.

1. Where topographical or other conditions make the inclusion of utilities along rear lot lines impractical, perpetual, unobstructed easements, at least ten (10) feet in width, shall be provided along side lot lines, with satisfactory access to either the road or rear lot lines, The developer must negotiate with the Plan Commission for the placement of utility easements along front yard lot lines.

2. All easements shall be indicated on the submitted primary plat and all plats shall contain a statement to the effect that all utility easements, as dedicated on the face of the plat, shall be kept free of all permanent structures, and the removal of any obstructions shall in no way obligate the utility company in damages or to restore the obstruction to its original form.

#### **Sec. 10-165 Public Uses/Recreation Space**

The Commission shall require that land be reserved for public uses, parks, playgrounds or other recreational purposes in such locations designated by the Master Plan, or wherever the Commission deems such reservations appropriate.

a. Where the Commission determines that a proposed park, playground, school or other public use shown by the Comprehensive Plan is located in whole or part within a proposed subdivision, sufficient area for such public use shall be reserved by the applicant and noted on the submitted primary plat.

b. Areas reserved by the Commission for recreation purposes shall be marked on the primary plat as follows: "Reserved for Park and/or Recreational Purposes".

c. The Commission may refer such proposed reservations to the Town Council of the Town of Hudson for recommendation. If approved by the Town Council, the applicant shall dedicate all such recreation areas to the Town of Hudson as a condition of primary approval. (§ 25-20, 3-26-90)

#### **Sec. 10-166 Recreation Space.**

a. Commission approved recreation space shall be provided in all subdivisions where the minimum net lot area is less than twelve thousand (12,000) square feet. The purpose of providing this space shall be to meet the immediate and future recreation needs of the subdivision's residents in a neighborhood setting. Recreation space shall be provided at the rate of seven hundred fifty (750) square feet per dwelling unit.

b. Recreation space may be provided in a centrally located site; in distinctly separate sites; as connecting links between separate activity areas; or adjacent to other existing or proposed recreation spaces. The Commission shall determine if the proposed recreation space is suitable for the intended use.

c. This requirement may be waived when, in the opinion of the Commission, the applicant has satisfactorily demonstrated that he has provided alternative methods for meeting the recreational needs of his subdivision's residents or the resulting open space is less than ten thousand (10,000) square feet.

d. All subdivisions with recreation space must contain acceptable covenants which, in the opinion of the Commission, insure adequate maintenance of said recreation spaces.

#### **Sec. 10-167 Preservation of Natural Features and Amenities.**

Existing natural features, which add value to residential development and enhance the attractiveness of the community, shall be preserved in the design of the proposed subdivision primary plat.

#### **Sec. 10-168 Nonresidential Subdivisions.**

a. General - A nonresidential subdivision shall be subject to all the requirements of site plan approval set forth in this Article. Site plan approval and nonresidential subdivision primary plat approval may proceed simultaneously at the discretion of the Commission. A nonresidential subdivision shall be subject to all of the requirements of this Ordinance, as well as such additional standards required by the Commission, and shall conform to the proposed land uses and standards established in the Hudson Comprehensive Plan. (§ 25-23-1. 3-26-90)

b. If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land, shall make provisions as the Commission may require.

#### **Sec. 10-169 Standards.**

The applicant shall demonstrate that the proposed street-block-lot-parcel pattern of the nonresidential subdivision is specifically adapted to its anticipated uses, and takes into account other uses in the vicinity. The following principles and standards shall be observed:

a. Each nonresidential area or parcel shall be shown and marked on the plat as to its intended purpose. Proposals for incremental lot-by-lot subdivision shall also be noted.

b. Proposed parcels shall be suitable in area and dimensions to the types of development anticipated.

c. The Commission may impose special requirements on street, curb, driveway and sidewalk design and construction.

d. Street rights-of-way and pavement construction shall be adequate to accommodate the type and volume of anticipated traffic volume.

e. The Commission may impose special requirements on the installation of public utilities including water, sewer, storm water drainage, the preprocessing of sewage and on the storage and disposal of toxic materials.

f. The Commission may impose special requirements in order to protect adjacent residential areas from any potential nuisance caused by a nonresidential subdivision, including the provision of extra depth on parcels backing onto existing or potential residential areas, and for permanent landscape buffers when necessary.

g. Streets carrying nonresidential traffic shall not normally be extended to the boundaries of adjacent existing or potential residential areas. Truck routes shall be established as necessary to prevent industrial traffic from

encroaching into adjacent residential areas.

**Sec. 10-170 through Sec 10-173 Reserved for Future Use.**

**Division VI. Secondary Plat.**

**Sec. 10-174 Procedure.**

As specified in Division VI of this Article, the applicant has one (1) year from the date of primary plat approval to notify the Commission of his intent to seek secondary approval of either all or part of the plat~ In the event the applicant intends to seek secondary approval of only a portion of the plat, he shall specifically describe and designate such areas on the secondary plat.

**Sec. 10-175 Application.**

The applicant shall file a secondary plat with the Commission in the manner prescribed in this Section. The secondary plat shall be processed according to the requirements of Indiana Code, § 36-7-4-700 Series, and by such procedures as the Commission may adopt by rule.

**Sec. 10-176 Notice.**

The Plan Commission shall schedule a meeting for the purpose of reviewing the plat and determining whether secondary approval is to be granted, and shall provide notice to the applicant of the date and time of the meeting. No other notice of the meeting need be given, except as required by Indiana Code, § 36-7-4-700 Series. The Commission may determine what other interested parties exist and notify such parties of said meeting through designated means adopted by rule.

**Sec. 10-177 Consideration and Determination.**

At the meeting for the consideration of secondary plat approval, the Commission shall give an opportunity to any interested persons to examine or comment upon the plat and construction plans. No secondary approval shall be endorsed on the plat by the Commission until it is satisfied that all of the requirements of secondary approval have been met. After review and consideration of the secondary plat the Commission shall return one (1) copy, plus any other required copies in the event of approval, of the secondary plat to the applicant, with the date of approval, conditional approval or disapproval noted thereon, and the reasons for the Commission's decision accompanying the plat.

**Sec. 10-178 Vested Rights.**

No vested rights shall accrue to any plat by reason of primary or secondary approval until the actual signing of the plat by the President of the Plan Commission, and attest action by the Secretary.

Where the Commission has required the installation of improvements prior to the signing of the secondary plat, the Commission shall not unreasonably modify the conditions set forth in the secondary approval.

**Sec. 10-179 Signing of Plat. 2**

a. When Bond Required - The President and Secretary of the Plan Commission shall endorse approval on the plat only after a bond has been approved by the Town Council of Hudson, if such a bond is necessary to assure completion of the required improvements by the applicant.

b. When Improvements Required - When the applicant is required to install improvements within the subdivision, the President and Secretary of the Commission shall endorse approval on the secondary plat only after all conditions placed upon the primary plat have been satisfied and all improvements satisfactorily completed. There

shall be written evidence that the required public facilities have been installed in a manner satisfactory to the Town Council of Hudson in the form of a certificate signed by such qualified officials, engineers and surveyors designed by rule by the Commission.

#### **Sec. 10-180 Recording of Plat.**

The President or Secretary of the Commission shall sign the certificate, which shall be part of the tracing cloth or reproducible Mylar of the subdivision plat, plus two (2) Mylar prints of the subdivision plat. The Mylar prints shall be returned to the sub-divider and his engineer or surveyor.

It shall be the responsibility of the applicant to file the plat with the Steuben County Recorder within thirty (30) days of the date of signature. The applicant shall concurrently record the agreement of dedication together with such legal documents as shall be required to be recorded by the Plan Commission.

#### **Sec. 10-181 Sectional/Partial Development and Approval of Plats.**

Prior to granting secondary approval of a subdivision plat, the Commission may permit the plat to be divided into two (2) or more sections and may impose such conditions upon the filing of the sections as it may deem necessary to assure the orderly development of the plat. The Commission may require that the performance bond be in such amount as is commensurate with the section or sections of the plat to be filed and may defer the remaining required performance bond principal amount until the remaining sections of the plat are offered for secondary approval. The same policy shall apply to the installation of improvements.

- a. The developer may also file irrevocable offers to dedicate streets and public improvements in the sections to be filed and defer filing offers of dedications for the remaining sections until such sections, subject to any conditions imposed by the Commission, shall be granted secondary approval.
- b. Subdivision sections which have been granted secondary approval by the Commission shall be filed with the Steuben County Recorder. Such sections shall contain at least ten percent (10%) of the total number of lots contained in the entire plat.
- c. The approval of all remaining sections that have been granted secondary approval but not filed with the Steuben County Recorder shall automatically expire within two (2) years of the date of primary approval, unless an extension is granted by the Commission.

#### **Sec. 10-182 Application Process, Form Content and Conditions of Secondary Plat**

- a. Application - The application for secondary plat approval shall be:
  1. Made in duplicate forms available from the Commission.
  2. Accompanied by a minimum of twelve (12) copies of the secondary plat which shall comply substantially with the primary plat, as approved by the Commission.
  3. Accompanied by a minimum of twelve (12) copies of the complete final construction plans, in accordance with the requirements of this Ordinance, for the development of all streets, sewers, water supplies and other subdivision utilities and facilities. Should any modification of these plans be made in the actual construction of these improvements, "as built" (record) drawings shall be submitted upon completion.
  4. Accompanied by all formal, irrevocable offers of dedication to the public of all streets, utilities, parks, easements and other local governmental uses in a form approved by the Town Council Attorney. In addition, the secondary plat shall be marked with a notation indicating the formal offers of dedication as follows:

**The owner hereby irrevocably offers for dedication of the Town of Hudson**

**all the streets, local government uses, easements, parks and required utilities shown on the subdivision plat and construction plans.**

Signature \_\_\_\_\_  
Date \_\_\_\_\_

5. Accompanied by a general warranty deed to all lands offered for dedication in proper form for recording.
  6. Accompanied by restrictive covenants in a form approved by the Commission, where proposed by the applicant or required by the Commission.
  7. Accompanied by a performance bond or other required instrument, if required by the Commission, in a form satisfactory to the Town Attorney and in an amount established by the Plan Commission upon recommendation of the Town Council. Such bond or instrument shall include a provision that the principle of the bond shall comply with all the terms of the resolution of secondary subdivision plat approval, as determined by the Commission, and shall include, but not be limited to, the performance of all required subdivision and off-site improvements, and that all improvements and land included in the irrevocable offer of dedication shall be dedicated to the Town of Hudson free and clear of all liens and encumbrances on the premises.
- b. Conditions of Secondary Approval - The Commission will consider secondary approval of a plat only after being shown satisfactory evidence the applicant has accomplished the following:
1. Installed all of the improvements required by this Ordinance, or by the conditions placed upon the primary plat by the Commission, and which are in accord with said improvement construction plans on file, or, in the event any or all of such required improvements have not been installed has executed and posted a performance bond with the Commission, in accordance with the regulations specified in this section.
  2. Paid in full to the Commission all costs incurred for the furnishing of notice required under this Ordinance and/or by rule of the granting of primary approval of the plat by the Commission.
  3. Totally complied with the requirements of this Ordinance and amendments hereto, and to the terms and conditions of approval.
  4. Filed with the Commission a secondary plat in the form and with the contents prescribed in paragraph 3 following.

**Sec. 10-183 Manufactured Housing Developments.**

Manufactured housing developments are permitted in manufactured housing districts, subject to the approval process established in this Section. Application for the approval of Manufactured Housing Park development plans shall proceed as follows:

- a. An applicant for an MH District shall apply to the Commission using the prescribed forms. The application shall be filed with the Plan Commission via the Clerk-Treasurer. The application shall be accompanied by a preliminary development plan for the entire tract, as described in the petition, along with relevant supporting data.
- b. The Commission shall review the application and preliminary development plan, set a public hearing date, and give notice of the public hearing following the requirements of Indiana Code, §~ 36-7-4, 5-3-1 as amended.
- c. The Commission shall review the proposed development plan and supporting data, consider any objections, and take action on the proposal as follows:
  1. If it finds that the preliminary plan meets the requirements of these Regulations, as amended, it shall approve the application and notify the applicant. The applicant shall, within one hundred eighty (180) days, submit to the

Commission his final plan, which shall be amended, approved or disapproved by the Commission within sixty (60) days of its submission.

2. If finds that the preliminary plan needs to be amended, altered or changed by these Regulations, it shall notify the applicant, who shall prepare and file with the Commission another preliminary plan, along with supporting data which incorporates the specified amendments, alterations or changes. Upon the filing of the amended development plan, the Commission shall approve the same and notify the Town Building Commissioner.

3. If the Commission finds that the proposed development plan does not comply with the requirements of these Regulations and is not susceptible of alteration, change, or amendment to meet such requirements, the Commission shall disapprove the plan.

4. Within one hundred eighty (180) days after approval of the preliminary plan, the developer shall file a final plan, which shall be reviewed by the Commission within sixty (60) days after filing. If the developer, after approval of the preliminary plan, fails to file a final plan within one hundred eighty (180) days, the Commission shall disapprove the plan.

5. If either a preliminary or final plan is not approved within sixty (60) days after the written demand by the developer to approve or disapprove same it shall be deemed denied.

### **Sec. 10-184 Development Plan Requirements.**

In determining approval or disapproval of a proposed development plan and supporting data, the Commission shall be governed by the following requirements:

a. Lot Area and Density.

1. The tract to be developed shall contain a minimum of five (5) acres.
2. Each lot shall contain a minimum of five thousand (5,000) square feet.
3. All lots within the proposed project shall have a minimum lot width of fifty (50) feet.

b. Yard Requirements.

1. The minimum perimeter front yard depth where a property abuts a public right-of-way shall be fifty (50) feet of the right-of-way.
2. A minimum side and rear yard depth of fifteen (15) feet is required along the perimeter of an MH District.
3. Minimum interior yards for the project shall be provided in accordance with the following standards:

a) A minimum required setback of eight (8) feet from the existing right-of-way of any interior street within the project.

b) The minimum distance between units shall be twenty-five (25) feet; however, dwellings with extensions may project ten (10) feet into the side yard adjacent to the main entry or to the side lot line opposite to the main entry; provided further that in no ease shall a dwelling have less than eighteen (18) feet aggregate of side yards between homes.

c) A minimum interior side yard of six (6) feet is required.

d) A minimum interior rear yard of eight (8) feet is required,

4. Minimum street requirements shall be as follows:

a) Streets shall be surfaced and improved to the standards and specifications of the Plan Commission.

b) A typical cross-section of any and all streets must be submitted, at the time of application, to the Plan Commission for approval.

c) All driveways, access roads, streets and lanes within the mobile home park shall be identified by some means in order to avoid confusion on the part of police and emergency equipment when called to a particular location within the mobile home park.

d) In the event the developer proposes to establish driveways or streets within the mobile home park as public streets, the design shall meet the minimum standards prescribed by the Hudson Plan Commission.

e) Minimum parking requirements shall be as follows:

1) The minimum street right-of-way shall be forty (40) feet wide. The minimum paved surface width shall be twenty-four (24) feet. No on-street parking shall be allowed.

2) Parking spaces shall be provided at a rate of two (2) parking spaces per lot. Each space shall be a minimum of one hundred eighty (180) square feet in size.

f) Sidewalks shall have a minimum width of thirty-six (36) inches, with a concrete surface at least three and one-half (3 1/2) inches thick on a minimum base of two (2) inches of sand.

g) All mobile homes shall be skirted with metal or non-flammable material, entirely enclosing the bottom, within thirty (30) days after placement.

1) Any mobile home manufactured within the last four (4) years may be placed within the mobile home park. No mobile home, manufactured eight (8) or more years from date of placement, shall be placed within the mobile home park.

2) Mobile homes five to eight years old will be inspected, inside and out, for adherence to fire, safety and appearance. Application for inspection may be obtained from the Town Clerk-Treasurer. Upon successful inspection, the designated mobile may be placed within the mobile home park.

h) Each lot shall be provided with a ten (10) feet by ten (10) feet concrete slab, which will serve as a location for a Plan Commission approved storage shed.

i) A hard-surfaced walkway or patio connecting the dwelling with its off-street parking area shall be provided.

j) Each lot shall contain an area reserved for the placement of a living unit, the base construction (i.e., foundation, pads, ribbons, etc.) of which shall meet or exceed the Indiana State Board of Health and Steuben County specifications.

k) Each living unit lot shall be provided with anchors, tie downs or other devices, as per Indiana State Board of Health rules and regulations, or any other requirements imposed by law, for insuring the stability of the mobile home.

l) All sewer and water service shall be installed by the developer, and shall conform to the minimum standards of the Hudson Plan Commission and Steuben County, state and federal regulations.

m) The developer shall provide the Commission with a statement from applicable School Districts that any increased school enrollment resulting from the manufactured housing park will not cause undue hardship on the

schools required to serve the area of the proposed park.

n) At least five hundred (500) square feet per living unit shall be reserved for open or recreation space areas; this figure is in addition to any private open areas created by yard requirements.

o) At the time of approval, the developer shall show evidence that all common areas, open spaces, driveways, sidewalks, recreational facilities and spaces other than the actual trailer lots shall be maintained. This evidence can be in the form of an assessment against the lots, restrictive covenant enforcement by the Plan Commission, or other suitable means of assurance that all public properties will be maintained within the mobile home park.

p) The owner-developer shall submit a development plan providing the following information:

1) The name of the mobile home park

2) Location by township, section and range line indicating bearings, distances and angles on all property lines, easements and rights-of-way.

3) Name and address of the developer.

4) Scale

5) Date.

6) North arrow.

7) Location, width and names of all existing buildings and structures within and adjacent to the tract.

8) Adjoining boundary lines of all adjacent land uses, describing the land use or some other means of identification.

9) Layout of all proposed streets, driveways, alleys and crosswalks within the proposed mobile home park.

10) Layout of the proposed lots and their dimensions.

11) Location of parcels of land intended for public use.

12) Mobile home unit lines within each of the lots.

13) Contours, both existing and proposed, at intervals of not more than five (5) feet.

14) Location and type of all immediately adjacent utility easements.

15) Such other data as the Commission may, by rule, require.

q) Issuance of Permits: The Clerk-Treasurer or Town Manager shall issue an Improvement Location Permit, for a use contained within an MH District, only after receiving a notice from the Commission that the final development plan has been approved by the Commission. No Certificate of Occupancy shall be issued by the Town Building Commissioner until all buildings, landscaping, parking lots, driveways, sidewalks, etc., are installed in accordance with the approved plan.

r) Construction of Improvement under Permit - Revocation of Permit - Any person to whom an Improvement Location Permit is issued who fails to commence construction of the MH development within one (1) year after such permit is issued; or who fails to carry to completion seventy-five percent (75%) of the total buildings and landscaping. as authorized by said permit within two (2) years after such construction is begun, whichever is later,

shall be subject to the following penalties:

- 1) If, after public hearing and the proper notice thereof, the Commission finds that substantial work has not been commenced on said MH development in accordance with the final Commission-approved development plan, as required by the Improvement Location Permit, within six (6) months after said permit is granted the permit shall be revoked by the Commission.
- 2) If the plan is not completed as required by this Subsection, failure to complete said plan shall be considered as a breach of the zoning laws of the Town of Hudson, Indiana, and the applicant/developer shall be subject to all penalties called for in these Regulations.
- 3) The Clerk-Treasurer or Town Manager may, after investigation, seek to enjoin the operation of said MH development if substantial compliance with said plan has not been achieved in the time limit set in this Section.

s) Permits:

- 1) Amendments to Development Plan - The holder (of) a MH District Improvement Location Permit may apply to the Commission at any time for an alteration, change, amendment or extension of the development plan upon which such permit is based.
  - 2) If an application shows that additional land is to be improved or used in connection with such MH District Permit, then the Commission shall proceed as in the case of an original application for an MH District Improvement Location Permit.
  - 3) If no additional land is embraced in the application for alteration, change, amendment or extension, then the Commission shall be empowered to act on such matters without requiring a hearing for said application.
  - 4) In the event the Commission shall approve and order such development plan changed, altered, amended or extended, it shall notify the Town Building Commission, who shall issue an amended Improvement Location Permit accordingly.
- t) Requirement of Classification - Any new use of building or land not classified herein shall be classified by the Plan Commission prior to occupancy by that use.

#### **Sec. 10-185 Enforcement.**

- a. It shall be the duty of the Commission to enforce the provisions of these Regulations in the manner and form and with the powers provided by these Regulations, as now or hereafter amended, and as provided under the laws of the State of Indiana.
- b. It shall be the duty of the Commission to enforce these regulations and to bring any violations or lack of compliance to the attention of the Town Attorney.
- c. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision shall transfer or sell any such parcel before a plat or subdivision has been approved by the Commission, in accordance with the provisions of these regulations, filed with the Steuben County Recorder,
- d. The division of any lot, or any parcel of land, into a subdivision, as defined in these Regulations by the use of metes and bounds description, for the purpose of sale, transfer or lease, resulting in the creation of one (1) or more new building sites shall not be permitted. All such divisions shall be subject to all of the appropriate requirements of these Regulations.
- e. No Improvement Location Permit or Building Permit required under state, county and local regulations shall be

issued for the improvement or construction of any building or structure located on a lot or plat subdivided or sold in violation of the provisions of these regulations.

f. No public board, agency, commission, official or other authority of the Town of Hudson shall proceed with the construction of, or authorize the construction of, any of the public improvements required by these regulations until the proposed subdivision has been approved by the Plan Commission in accordance with these regulations.

g. Legal counsel shall, in addition to taking whatever criminal action deemed necessary take steps to civilly enjoin any violation of these regulations.

**Sec. 10-186 Restraining Provisions.**

a. Any land within the Town of Hudson subdivided in violation of the terms of these Regulations after the effective date hereof, is declared to be a common nuisance which may be restrained, enjoined or abated in any appropriate action or proceeding.

b. The Commission may institute an injunction suit requesting that an individual or governmental unit of the Town of Hudson be directed to remove a structure erected in violation of these Regulations or to make the same comply with its terms. If the Commission is successful in its suit, the respondent shall bear the costs of the action.

c. The Commission may institute a suit for mandatory injunction requesting that any individual or governmental unit be directed, where such individual or governmental unit has violated any provisions of these Regulations, to comply with the provisions of these Regulations. Such action may also be initiated by any property owner who may be especially damaged by any such violations of these Regulations.

**Sec. 10-187 Penalties regarding Subdivision Regulations.**

a. Any person who, either individually or in concert with another, acts contrary to any provision of these Regulations, or is liable for maintaining a common nuisance, shall be in violation of these Subdivision Regulations. Such person may be prosecuted by the Commission in the Steuben County Superior Court for such violation,

b. A person who commits a violation of these Subdivision Regulations shall be fined in an amount not more than two thousand five hundred dollars (\$2,500.00) for each offense.

c. The remedies provided in these Regulations shall be cumulative, and not exclusive, and shall be in addition to any other remedies by law.

**Sec. 10-188 through Sec. 10-199 Reserved for Future Use.**