

Received electronically 11/27/2018

**ORDINANCE NO. 2018-24**

**AN ORDINANCE TO REPEAL CHAPTER 150 ZONING ORDINANCE  
INCLUDING SECTION 150.700 FLOOD HAZARD AREAS; CHAPTER 152  
SUBDIVISION CONTROL ORDINANCE; AND CHAPTER 156  
MANUFACTURED HOUSING OF THE AUBURN CITY CODE  
AND  
REPLACE WITH A CHAPTER 150 UNIFIED DEVELOPMENT ORDINANCE  
AND**

**AN ORDINANCE TO REPEAL AND REPLACE THE CITY OF AUBURN  
OFFICIAL ZONING MAP**

**SUMMARY**

This ordinance repeals Chapter 150 Zoning Ordinance, including Section 150.700 Flood Hazard Areas; Chapter 152 Subdivision Control Ordinance; and Chapter 156 Manufactured Housing and replaces these sections with a new Chapter 150: Unified Development Ordinance. The Unified Development Ordinance is a modernization of the existing Zoning Ordinance and Subdivision Control Ordinance both in format and content. Chapter 150 - The Unified Development Ordinance includes the following Articles:

- *Article 1: Ordinance Foundation* – Includes the basic provisions of the ordinance including authority, purpose, interpretation, transition rules, establishment of zoning districts and overlay districts, incorporation of Official Zoning Map, powers and duties, and certification and adoption language.
- *Article 2: Zoning Districts* – Includes intent, permitted uses, special exception uses, and basic zoning standards for each of the City’s 18 Zoning Districts. Also references more detailed development standards in *Article 5: Development Standards*.
- *Article 3: Overlay Districts* – Includes intent, effect on uses, and effect on zoning standards for three Overlay Districts: a Wellhead Protection Overlay District, a Corridors and Gateways Overlay District, and an Airport Compatibility Overlay District.
- *Article 4: Planned Development Districts* – Includes intent, regulations, prerequisites, and provisions for the creation of planned unit developments.
- *Article 5: Development Standards* – Includes more detailed development standards applicable to Zoning Districts identified in Article 2: Zoning Districts. Detailed standards are divided into 36 categories including accessory structures, architectural, fences, height, landscaping, lighting, parking, signs, telecommunication facilities, etc.
- *Article 6: Subdivision Types* – Includes intent, prerequisites, and basic subdivision standards for new residential, commercial, and industrial subdivisions of land. References more detailed subdivision design standards in *Article 7: Design Standards*.

Tabled 12/4/2018  
 1<sup>ST</sup> READING 1/15/2019  
 2<sup>ND</sup> READING 2/5/2019

- *Article 7: Design Standards* – Includes more detailed design standards applicable to subdivisions, planned developments, and development plans. Detailed design standards are divided into 20 categories including dedication of public improvements, easements, erosion control, open space, pedestrian network, storm water, street and access, street lighting, surety, utility, etc.
- *Article 8: Nonconformances* – Includes provisions for nonconforming structures, nonconforming lots, and nonconforming uses.
- *Article 9: Processes* – Includes detailed processes and submission requirements for zoning permits and approvals.
- *Article 10: Enforcement and Penalties* – Includes enforcement provisions. Full text is included in this notice.
- *Article 11: Definitions* – Defines words used in a special sense in the Unified Development Ordinance
- *Appendix A: Land Use Matrix* – Includes a table of all uses and Zoning Districts, identifying which districts each use is permitted or permitted as a special exception.
- *Appendix B: Flood Hazard Areas* – Includes the language of the Flood Hazard Area Ordinance as required by the Indiana Department of Natural Resources and adopted by the City of Auburn earlier in 2018.
- *Appendix C: Amendment Tracking* – Includes a table for tracking future amendments to the Unified Development Ordinance.

This ordinance also repeals and replaces the City of Auburn Official Zoning Map that incorporates the newly defined zoning districts in the Unified Development Ordinance.

Recorder’s Office	Publish Public Hearing
Auditor’s Office	
Clerk’s Office	Publish O/R after adoption
Other	

Building Department  
Engineering Department  
DeKalb County Plan Commission  
Internet Code Site

Tabled 12/4/2018  
1<sup>ST</sup> READING 1/15/2019  
2<sup>ND</sup> READING 2/5/2019

**ORDINANCE NO. 2018-24**

**AN ORDINANCE TO REPEAL CHAPTER 150 ZONING ORDINANCE  
INCLUDING SECTION 150.700 FLOOD HAZARD AREAS; CHAPTER 152  
SUBDIVISION CONTROL ORDINANCE; AND CHAPTER 156  
MANUFACTURED HOUSING OF THE AUBURN CITY CODE  
AND  
REPLACE WITH A CHAPTER 150 UNIFIED DEVELOPMENT ORDINANCE  
AND**

**AN ORDINANCE TO REPEAL AND REPLACE THE CITY OF AUBURN  
OFFICIAL ZONING MAP**

**WHEREAS**, Indiana Code §36-7-4-600 et. seq provides for the adoption of a replacement zoning ordinance after repealing the entire zoning ordinance including the zoning map; and

**WHEREAS**, Indiana Code §36-7-4-700 et. seq provides for the adoption of a subdivision control ordinance; and

**WHEREAS**, the City of Auburn's Zoning Code, Subdivision Control Ordinance, and Zoning Map were adopted in 1989, and while amendments have been made

**WHEREAS**, the City of Auburn's Zoning Code, Subdivision Control Ordinance, and Zoning Map were adopted in 1989 with Ordinance 89-01, and the City of Auburn Plan Commission has determined it is in the best interest of the City of Auburn to modernize the zoning ordinance and subdivision control ordinance both in format and in content for the purposes of securing adequate light, air convenience of access and safety from fire, flood and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general welfare, and for accomplishing the purposes established in Indiana Code §36-7-4-600 et. seq.; and

**WHEREAS**, the City of Auburn Plan Commission has worked diligently on the Unified Development Ordinance and Zoning Map discussing it at nearly every Plan Commission meeting in 2018; and

**WHEREAS**, the City of Auburn Plan Commission has paid reasonable regard to the City's Comprehensive Master Plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each

Tabled 12/4/2018  
1<sup>ST</sup> READING 1/15/2019  
2<sup>ND</sup> READING \_\_\_\_\_

district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth during the development of the new Unified Development Ordinance and Zoning Map; and

**WHEREAS**, the Plan Commission gave notice and held a Public Hearing on November 13, 2018 as required by law in regards to adoption of the new Unified Development Ordinance and Zoning Map; and

**WHEREAS**, the City of Auburn Plan Commission at its November 13, 2018 meeting certified the Unified Development Ordinance and Zoning Map and forwarded a Favorable Recommendation to the Auburn Common Council by a unanimous vote concerning the adoption of the Unified Development Ordinance with proposed redlined changes and the Zoning Map.

**NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF AUBURN, INDIANA:**

**Section I: THAT**, Chapter 150 – Zoning Code, including Section 150.700; Chapter 152 – Subdivision Control; and Chapter 156 – Manufactured Housing all within Title XV Land Usage of the Auburn City Code, shall hereby be repealed and replaced with the Unified Development Ordinance attached as EXHIBIT A and codified as Chapter 150, Title XV Land Usage of the Auburn City Code; and

**Section II: THAT**, an original copy of the Unified Development Ordinance shall be kept by the City of Auburn Clerk-Treasurer; and

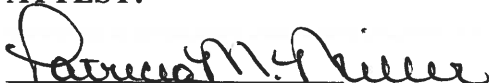
**Section III: THAT**, the Official Zoning Map shall be repealed and replaced with a new Official Zoning Map attached as EXHIBIT B that incorporates the districts within the Unified Development Ordinance; and

**Section IV: BE IT FURTHER ORDAINED THAT** this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Common Council of the City of Auburn, Indiana, and appropriate publication with a statutorily accepted newspaper with circulation in DeKalb County, Indiana.

**PASSED AND ADOPTED** by the Common Council of the City of Auburn, Indiana, this 5 day of February, 2019.

  
\_\_\_\_\_  
JAMES FINCHUM, Council Member

**ATTEST:**

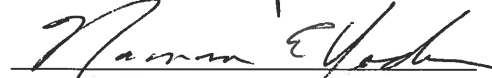
  
\_\_\_\_\_  
Patricia Miller, Clerk-Treasurer

Tabled 12/4/2018  
1<sup>ST</sup> READING 1/15/2019  
2<sup>ND</sup> READING \_\_\_\_\_

Presented by me to the Mayor of the City of Auburn, Indiana, this 5 day of February, 2019.

  
PATRICIA MILLER, Clerk-Treasurer

APPROVED AND SIGNED by me this 5 day of February, 2019.


  
NORMAN E. YODER, Mayor

VOTING:

AYE

NAY

Dennis K. Kruse II

  
James Finchum

James Finchum

Dennis Ketzenberger

Wayne Madden

Michael Walter



Michael Watson



Kevin Webb

