

ORDINANCE 2014- 5

AN ORDINANCE AMENDING THE FOWLER ZONING CODE

WHEREAS, the Fowler Plan Commission has prepared and certified a proposal to amend the Fowler Zoning Code; and

WHEREAS, the Town Council of Fowler desires to adopt the proposed amendments to the Fowler Zoning Code;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF FOWLER, INDIANA THAT CHAPTER 152 OF THE FOWLER ZONING CODE, CONCERNING ZONING, IS HEREBY AMENDED AS FOLLOWS:

1. A new section, Section 152.059, is added as follows:

152.059 Restrictions on Density, Size and Construction of Single-family Residences and Accessory Buildings.

The following restrictions shall apply to all buildings in an R-1 Zone unless a variance is obtained prior to obtaining a building permit.

- (A) Density and Orientation. ^{Not more than} Only one (1) principal building shall be located on a lot. All buildings on a lot shall be constructed within the boundaries of the lot, allowing for required setbacks. Principal buildings shall conform to the direction of, and be oriented on a lot in the same direction as, other residential properties in the vicinity.
- (B) Size. The square footage of a single-family residence must be at least seventy-five percent (75%), and not more than one hundred twenty-five percent (125%), of the average square footage of residential-use adjacent properties in all directions. "Adjacent properties" shall include residential-use properties across any street, alley, public way or private road. Proposed single-family residences which exceed one hundred twenty-five percent (125%) of the average square footage of residential-use adjacent properties in all directions will require drainage approval from the Town of Fowler as a part of any variance.
- (C) Roofs.
- (1) Pitch. Single-family residences shall have a minimum roof pitch of 4/12.
 - (2) Skylights. Metal roofs shall not have fiberglass or plastic skylight panels.
 - (3) Soffits. The roof soffit shall be no less than twelve (12) inches. This includes gables and eaves.

(D) Accessory Buildings

- (1) Attached accessory buildings shall have footers.
- (2) Detached accessory buildings shall have a maximum footprint of eight hundred sixty-four (864) square feet.
- (3) Detached accessory buildings shall have a maximum side wall height of ten (10) feet.

(E) Construction. The following metals are prohibited as facade materials:

- (1) Any metal that has not been treated with a factory applied color coating system (including but not limited to galvanized metal), and
- (2) Metal of any kind as a primary facade material (excluding aluminum lap siding) ^{on a single-family residence}. Any metal siding upon a single-family residence shall be attached horizontally, and shall have a vertical dimension no greater than twelve (12) inches.

2. The definition of "Lot" as defined in Section 152.004, is hereby changed FROM:

A. 152.004 DEFINITIONS.

LOT. Land occupied or to be occupied by a building and its accessory buildings and including, as a minimum, such open spaces as are required under this chapter, and having frontage either on a public street, an officially approved place or a private residence street of record at the time of the passage of this chapter.

TO:

LOT. Land occupied or to be occupied by a building and its accessory buildings and including, as a minimum, such open spaces as are required under this chapter, and having frontage either on a public street or a private road.

3. The definition of "Private Road" is added to Section 152.004, and defined as follows:

PRIVATE ROAD. A way or place in private ownership that is used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons, and constructed to the standards set forth in Fowler's Subdivision Control Ordinance.

4. **Supplemental District Regulations Section 152.131, Paragraphs (A) and (E), are hereby changed FROM:**

B. SUPPLEMENTAL DISTRICT REGULATIONS

152.131 LOT AREA REGULATIONS.

(A) Building to abut on street or place. Every principal building shall be located on a lot, as defined in Section 152.004, so that the building or the front yard thereof borders or abuts upon a public street, or a private residence street, or a dedicated place; and not more than one principal building shall be permitted on the same lot.

....

(E) Lot frontage. Any lot used in whole or in part for residential use shall have a width and frontage along the street in the block where such lot is situated, under the classification hereinbefore established, as follows:

<i>Classification</i>	<i>Frontage</i>
R-1 Lots	60 foot width
R-2 Lots	60 foot width

TO:

(A) Building to abut on street or private road. Every principal building shall be located on a lot, as defined in Section 152.004, so that the building or the front yard thereof borders or abuts upon a public street or a private road.

....

(E) Lot frontage. Any lot used in whole or in part for residential use shall have a width and frontage along the public street or private road in the block where such lot is situated, under the classification hereinbefore established, as follows:

<i>Classification</i>	<i>Frontage</i>
R-1 Lots	60 foot width
R-2 Lots	60 foot width

FURTHER, the Town Council finds that the Plan Commission has complied with Indiana Code 36-7-4-607 by giving notice and holding a public hearing on the proposed amendments on May 8, 2014, and certifying its proposal to the Town Council on June 2, 2014.

FURTHER, this ORDINANCE shall be effective upon legal publication. The Plan Commission is directed to prepare copies of the amended zoning code and to place copies of such at the Fowler Town Hall, 307 E. 5th Street, Fowler, Indiana and at the Benton County Public Library, 102 N. Van Buren Avenue, Fowler, Indiana.

FINALLY, the amended zoning code shall be inserted into all town code binders available, and shall be published separately and kept at the two (2) locations described above, for inspection.

ADOPTED, THIS 2nd DAY OF JUNE, 2014.


TOWN COUNCIL OF THE
TOWN OF FOWLER, INDIANA


Linda Brouillette, Council President



Fred Byers, Council Member


Kathy Schwartz, Council Member


Pat Claire, Council Member


Steve Rettig, Council Member

ATTEST:


Melissa Williams, Clerk-Treasurer