

AVON ZONING ORDINANCE

CHAPTER 1. REVISION HISTORY

CHAPTER 1. TITLE, PURPOSE, AND EFFECT

Ordinance #	Plan Commission Approval Date	Town Council Adoption Date	Description
2002-14	09-24-02	11-14-02	Adoption of Chapter 1.

AVON ZONING ORDINANCE

CHAPTER 1. TITLE, PURPOSE AND EFFECT

Section 1-1.	Title
Section 1-2.	Authority
Section 1-3.	Purposes
Section 1-4.	Scope
Section 1-5.	Provisions Declared to be Minimum Requirements
Section 1-6.	Severability
Section 1-7.	Exclusion
Section 1-8.	Saving Provision
Section 1-9.	Repeal of Prior Ordinance
Section 1-10.	Effective Date

Section 1-1. Title

This Ordinance shall be known and cited as the “Town of Avon Zoning Ordinance.”

Section 1-2. Authority

This Ordinance is adopted pursuant to the authority contained in Indiana Code 36-7-4 *et seq.* Whenever any provision of this Ordinance refers to or cites a section of the Indiana Code and that section is later amended or superseded, this Ordinance shall be deemed amended to refer to the amended section or the section that most closely corresponds to the superseded section.

Section 1-3. Purposes

The purpose of this Ordinance is to regulate the use and development of land within the Town of Avon, Indiana. The Ordinance is designed to accomplish the following:

1. promote the public health, safety, and general welfare;
2. guide the future growth and development of the Town of Avon in accordance with the Comprehensive Plan and Thoroughfare Plan;
3. secure adequate light, air, convenience of access, and safety from fire, flood, and other danger;
4. lessen or avoid congestion in public ways;
5. restrict development in areas prone to flooding;
6. protect the historic and architectural heritage of the community;
7. protect and conserve the value of land, building, and other improvements upon the land, and to minimize the conflicts among the uses of land and building;
8. guide public and private policy and action in order to assure adequate and efficient transportation, water, sewerage, schools, parks, drainage, and other public requirements and facilities;
9. avoid scattered and uncontrolled subdivision of land that would result in an excessive expenditure of public funds for the supply of community services; and
10. otherwise accomplish the purposes of Indiana Code 36-7-4 *et seq.*

Section 1-4. Scope

This Ordinance shall apply to all real property located within the corporate boundaries of the Town of Avon, Indiana and other property in Hendricks County for which the Hendricks County Board of

AVON ZONING ORDINANCE

Commissioners has relinquished zoning jurisdiction to the Town. Except as expressly provided otherwise in this Ordinance, the following rules shall apply.

1. All buildings erected hereafter, all uses of land or buildings established hereafter, all structural alteration or relocation of existing buildings occurring hereafter, and all enlargements of or additions to existing uses occurring hereafter shall be subject to all regulations of this Ordinance which are applicable to the zoning districts in which such buildings, uses or land shall be located.
2. However, where an improvement location permit has been issued in accordance with law prior to the effective date of this Ordinance and provided that construction is begun within one year of such effective date and diligently pursued to completion, said building or structure may be completed and occupied in accordance with the approved plans on the basis of which the improvement location permit has been issued, subject thereafter to the provisions of Chapter 6, (Nonconforming Lots, Uses and Structures).
3. Existing uses, buildings, and structures that do not comply with the regulations of this Ordinance shall be subject to the regulations of Chapter 6, (Nonconforming Lots, Uses and Structures).

Section 1-5. Provisions Declared To Be Minimum Requirements

The provisions of this Ordinance are declared by the Town Council of the Town of Avon, Indiana to be the minimum requirements for the promotion of the public health, safety, and general welfare.

1. Where this Ordinance imposes conditions upon the use of land or buildings or upon the bulk of buildings or structures that are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Ordinance or of any other law, ordinance, resolution, rule, or regulation of any kind, the regulations which are more restrictive (or which impose higher standards or requirements) shall govern.
2. This Ordinance is not intended to invalidate any easement, covenant or any other private agreement, provided that where the regulations of this zoning Ordinance are more restrictive (or impose higher standards or requirements) than such easements, covenants or other private agreements, the requirements of this zoning Ordinance shall govern.
3. No building, structure or use which was not lawfully existing at the time of the adoption of this Ordinance shall become or be made lawful solely by reason of the adoption of this Ordinance; and to the extent that, and in any manner that, said unlawful building, structure or use is in conflict with the requirements of this Ordinance, said building, structure or use remains unlawful hereunder.

Section 1-6. Severability

It is the declared intention of the Town Council of the Town of Avon, Indiana, that the sections, subsections, paragraphs, clauses, words, or provisions of this Ordinance are severable.

1. If any court of competent jurisdiction shall adjudge any section, subsection, paragraph, clause, word, or provision of this Ordinance to be invalid, such judgment shall not affect any other section, subsection, paragraph, clause, word, or provision of this Ordinance not specifically included in said judgment.
2. If any court of competent jurisdiction shall adjudge invalid the application of any section, subsection, paragraph, clause, word, or provision of this Ordinance to a particular property, building or other structure, such judgment shall not affect the application of said section, subsection, paragraph, clause, word, or provision to any other property, building or structure not specifically included in said judgment.

AVON ZONING ORDINANCE

Section 1-7. Exclusion

Nothing in this Ordinance or in any rules, regulations, or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, commission, or board now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any agency of the State of Indiana, or the use of property owned or occupied by the State of Indiana or any agency of the State of Indiana.

Section 1-8. Saving Provision

Except as expressly provided otherwise in this Ordinance, the adoption of this Ordinance shall not:

1. abate any action pending under, or by virtue of, any prior zoning ordinance (an action shall be considered pending only if a complete application and the required fee for such action has been received by the Town prior to the effective date of this Ordinance);
2. discontinue, abate, modify, or alter any penalty accruing or about to accrue under, or by virtue of, any prior zoning ordinance;
3. affect the liability of any person, firm, or corporation under, or by virtue of, any prior zoning ordinance;
4. waive any right of the Town of Avon under any chapter, section, or provision of any prior zoning ordinance; or
5. vacate or annul any rights obtained by any person, firm, or corporation by lawful action of the Town of Avon under, or by virtue of, any prior zoning ordinance.

Section 1-9. Repeal of Prior Ordinance

After the effective date of this Ordinance, all provisions of the Zoning Ordinance of Avon, Indiana adopted April 4, 1996 as heretofore amended, are hereby expressly repealed.

Section 1-10. Effective Date

This Ordinance was adopted on November 14, 2002 and became effective on the January 1, 2003.