

**COMMON COUNCIL ORDINANCE
CITY OF ROCKPORT, INDIANA**

ORDINANCE NO. 3

An Ordinance Adopting New Subdivision Regulations,
Replacement Zoning Regulations and Amended Zoning Maps
for the Planning and Zoning Jurisdiction of the
City of Rockport, Indiana

WHEREAS, the Plan Commission of the City of Rockport, Indiana, caused to be prepared proposed new regulations governing the subdivision of land, proposed revisions to the zoning regulations, and proposed amendments to the zoning districts map of said City; and

WHEREAS, the Plan Commission provided notice of and conducted a public hearing on said proposed regulations, revisions and amendments; and

WHEREAS, the Plan Commission did at said hearing receive and consider written and oral comments and objections to the proposed regulations, revisions and amendments and incorporated into the zoning regulations, subdivision regulations and zoning districts maps, all revisions and amendments thereto deemed to be in the best interests of public health, safety and welfare and the highest and best interests of the planning and zoning necessities of the City of Rockport; and

WHEREAS, the Plan Commission has certified to the Common Council of the City of Rockport, Indiana, a recommendation for the adoption of the new, revised and amended regulations and maps.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Rockport, Indiana, as follows:

Section 1. That the "Subdivision Control Ordinance, City of Rockport, Indiana" dated January 14, 1999, attached hereto and made a part hereof, is hereby adopted as the official subdivision control ordinance of the City of Rockport.

Section 2. That the "Zoning Ordinance, Rockport, Indiana," dated April, 1965, and all amendments thereto, is hereby repealed in its entirety and replaced by the "Zoning Ordinance, City of Rockport, Indiana" dated January 14, 1999, attached hereto and made a part hereof, and that same is hereby adopted as the official zoning control ordinance of the City of Rockport.

Section 3. That the official zoning districts map of the City of Rockport be amended as shown on the "Official Zoning Map, City of Rockport, Indiana," sheets 1-of-2 and 2-of-2, dated January 14, 1999, attached hereto and made a part hereof, and that same is hereby adopted as the official zoning districts map of the City of Rockport.

Section 4. That this Ordinance shall be in full force and effect upon and after its adoption by the Common Council, approval by the Mayor, and publication as required by law.

APPROVED AND ADOPTED by the Common Council of the City of Rockport, Indiana on the 22 day of May, 1999, by the following vote:

Members of the Council	Yes	No	Abstain	Absent
David Hart	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
Carl Jones	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
Robert Lindsey	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
Tom Martin	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
Ferman Yearby III	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>
Total:	<u>5</u>	<u>0</u>	<u>0</u>	<u>0</u>

By: _____
Presiding Officer

Attest: Shirley J. Richards
Clerk-Treasurer

Presented by me the undersigned Clerk-Treasurer of the City of Rockport to the Mayor of said City for his approval on the 22 day of May, 1999, at 9:00 o'clock A M.

By: Shirley J. Richards
Clerk-Treasurer

Approved by me, the undersigned Mayor of said City on the 22 day of May, 1999, at 9:00 o'clock A M.

By: Joe Greene
Mayor

3. Plan Commission Jurisdiction. The geographic area over which the plan commission shall have jurisdiction is the incorporated area of the City of Rockport, Indiana, and those contiguous and non-contiguous unincorporated areas which together form the planning and zoning jurisdiction of the city, as recorded in the office of the Spencer County Recorder.

4. Duties of the Zoning Administrator. The designated zoning administrator of the City of Rockport is hereby vested with the duty to administer and enforce the regulations of this Ordinance and such related regulations as are assigned under the zoning code.

5. Veto Power. Pursuant to IC 36-7-4-609, zoning ordinances adopted by the Common Council of the City of Rockport shall be subject to a veto by the Mayor of the City of Rockport.

6. Zoning Maps Incorporated by Reference. The Official Zoning Map, City of Rockport, Indiana, dated December 15, 1998, as amended, is hereby adopted by reference as the official zoning districts map for this Ordinance.

7. Appeals to a Board of Zoning Appeals. The board of zoning appeals shall have jurisdiction to hear appeals as outlined under the chapter in this Ordinance entitled "Rockport Advisory Board of Zoning Appeals Rules of Procedure."

8. Conflict with Other Statutes. Where the requirements under this Ordinance are in conflict with the requirements of any other statute or law that is effective within the city's territorial jurisdiction, the more restrictive requirement shall prevail.

9. Separability. The several provisions of this Ordinance are separable, in accordance with the following:

A. Ordinance Provisions. If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of this Ordinance not specifically included in said judgment.

B. Property Provisions. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building, or other structure, such judgment shall not affect the application of said provisions to any other property, building, or structure not specifically included in said judgment.

10. Violations and Fines. Any person, firm, or corporation violating any of the provisions of this Ordinance shall be fined fifty dollars (\$50) for each offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

11. Amendment to Ordinance. Prior to the amendment of any part of this Ordinance, the plan commission shall give notice and hold a public hearing on the proposed amendment pursuant to IC 36-7-4-602(b). Prior to repealing and replacing this Ordinance in its entirety, the plan commission shall give notice and hold a public hearing on the proposal pursuant to IC 36-7-4-602(a).