

TITLE 12

ZONING

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Chapter 12.01

Adoption of Comprehensive Plan

Sections:

12.01.010 Adoption

12.01.010 Adoption. The Town Council hereby adopts the Comprehensive Plan of the Town of West Baden Springs, Indiana. (Ord. 93-13, Nov. 2, 1993)

Chapter 12.02

Flood Hazard Areas

Sections:

12.02.010	Statutory authorization
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12.02.010 Statutory authorization. The Indiana Legislature granted the power to local units of government (I.C. 36-7-4) to control land use within their jurisdictions in order to accomplish the following. (Ord. 1993-3, S1, Mar. 16, 1993)

12.02.020 Statement of purpose. The purpose of this ordinance is to guide development in the flood hazard areas in order to reduce the potential for loss of life and property, reduce the potential for health and safety hazards, and to reduce the potential for extraordinary public expenditures for flood protection and relief. Under the authority granted to local units of government to control land use within their jurisdiction, which includes taking into account the effects of flooding, the Town Council of the Town of West Baden Springs hereby adopts the following floodplain management regulations in order to accomplish the following:

- A. to prevent unwise developments from increasing flood or drainage hazards to others;
- B. to protect new buildings and major improvements to buildings from flood damage;
- C. to protect human life and health from the hazards of flooding;
- D. to lessen the burden of the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- E. to maintain property values and a stable tax base by minimizing the potential for creating flood blighted areas; and

- F. to make federally subsidized flood insurance available for structures and their contents in the Town by fulfilling the requirements of the National Flood Insurance Program. (Ord. 1993-3, S2, Mar. 16, 1993) (Ord. 89-2, S2, Feb. 7, 1989) (Ord. 76-1, S1, Apr. 15, 1976)

12.02.030 Definitions. For the purpose of this ordinance, the following definitions are adopted:

- A. Building - see "structure."
- B. Development - any man-made change to improved or unimproved real estate including but not limited to:
1. construction, reconstruction, or placement of a building or any addition to a building valued at more than \$1,000.00;
 2. installing a manufactured home on a site, preparing a site for a manufactured home or installing a recreational vehicle on a site for more than 180 days;
 3. installing utilities, erection of walls and fences, construction of roads, or similar projects;
 4. construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;
 5. mining, dredging, filling, grading, excavation, or drilling operations.
 6. construction and/or reconstruction of bridges or culverts;
 7. storage of materials; or
 8. any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing buildings and facilities such as painting, re-roofing; resurfacing roads; or gardening, plowing, and similar agricultural practices that do not involve filling, grading, excavation, or the construction of permanent buildings.

- C. Existing manufactured home park or subdivision - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

- D. Expansion to an existing manufactured home park or subdivision - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- E. FBFM - Flood Boundary and Floodway Map.
- F. FEMA - Federal Emergency Management Agency.
- G. FHBM - Flood Hazard Boundary Map.
- H. FIRM - Flood Insurance Rate Map.
- I. Flood - a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface water from any source.
- J. Floodplain - the channel proper and the areas adjoining any wetland, lake or watercourse which have been or hereafter may be covered by the regulatory flood. The floodplain includes both the floodway and the floodway fringe districts.
- K. Flood Protection Grade or the "FPG" - means the elevation of the regulatory flood plus two feet at any given location in the SFHA.
- L. Floodway - means the channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulatory flood of any river or stream.
- M. Floodway fringe - means those portions of the floodplain outside the floodway.
- N. Letter of Map Amendment (LOMA) - an amendment to the currently effective FEMA map that establishes that a property is not located in a Special Flood Hazard Area (SFHA). A LOMA is only issued by FEMA.
- O. Letter of Map Revision (LOMR) - an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.
- P. Lowest Floor - means the lowest of the following:
 - 1. the top of the basement floor;
 - 2. the top of the garage floor, if the garage is the lowest level of the building;

3. the top of the first floor or of buildings elevated on pilings or constructed on a crawl space with permanent openings; or
 4. the top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless:
 - (a) the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of one (1) square foot for every two (2) square feet of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade.
 - (b) such enclosed space shall be usable for the parking of vehicles and building access.
- Q. Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."
- R. New manufactured home part of subdivision - means a manufactured home part or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.
- S. Recreation vehicle - means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational camping, travel, or seasonal use.
- T. Regulatory Flood - means the flood having a one percent probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Section 12.02.050 of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood."

- U. SFHA or Special Flood Hazard Area - means those lands within the jurisdiction of the Town that are subject to inundation by the regulatory flood. The SFHAs of the Town are generally identified as such on the Flood Hazard Boundary Map of the Town prepared by the Federal Emergency Management Agency and dated June 11, 1976. The SFHAs of those parts of unincorporated Orange County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town are generally identified as such on the Flood Hazard Boundary Map prepared for Orange County by the Federal Emergency Management Agency and dated May 29, 1981.
- V. Structure - means a structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles to be installed on a site for more than 180 days.
- W. Substantial Improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not include improvements of structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designations as a "historic structure." (Ord. 1993-3, S3, Mar. 16, 1993) (Ord. 89-2, Feb., 7, 1989) (Ord. 76-1, Apr. 15, 1976)

12.02.040 Duties of the administrator. Clerk-Treasurer shall implement this ordinance and hereafter be referred to as the Zoning Administrator. The Zoning Administrator for the Town is appointed to review all development and subdivision proposals to insure compliance with this ordinance, including but not limited to the following duties:

- A. Ensure that all development activities within the SFHAs of the jurisdiction of the Town meet the requirements of this ordinance.
- B. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- C. Ensure that construction authorization has been granted by the Indiana Natural Resources Commission for all development projects subject to Section 12.02.070 of this ordinance, and maintain a record of such authorization (either copy of actual permit or letter of recommendation).
- D. Maintain a record of the "as-built" elevation of the top of the lowest floor (including basement) of all new and/or substantially improved

buildings constructed in the SFHA. Inspect before, during and after construction.

- E. Maintain a record of the engineer's certificate and the "as-built" floodproofed elevation of all buildings subject to Section 12.02.080 of this ordinance.
- F. Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this ordinance. Submit reports as required for the National Flood Insurance Program.
- G. Maintain for public inspection and furnish upon request regulatory flood data, SFHA maps, Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and letters of recommendation, federal permit documents, and "as-built" elevation and floodproofing data for all building constructed subject to this ordinance. (Ord. 1993-3, S4, Mar. 16, 1993) (Ord. 89-2, Feb. 7, 1989) (Ord. 76-1, Apr. 15, 1976)

12.02.050 Regulatory Flood Elevation. This ordinance's protection standard is the regulatory flood. The best available regulatory flood data is listed below. Whenever a party disagrees with the best available data, the party submitting the detailed engineering study needs to replace existing data with better data and submit it to the Department of Natural Resources for review and approval.

- A. The regulatory Flood Elevation of the SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the Town shall be according to the best data available as provided by the Department of Natural Resources.
- B. The regulatory flood elevation and floodway limits for the SFHAs of those parts of unincorporated Orange County that are within the extraterritorial jurisdiction of the Town or that may be annexed into the Town shall be according to the best data available as provided by the Department of Natural Resources.
- C. If the SFHA is delineated as "Zone A" on the County Flood Insurance Rate Map, the regulatory flood elevation shall be according to the best data available as provided by the Department of Natural Resources. (Ord. 1993-3, S5, Mar. 16, 1993) (Ord. 89-2, Feb. 7, 1989) (Ord. 76-1, Apr. 15, 1976)

12.02.060 Improvement location permit. No person, firm, corporation, or governmental body not exempted by state law shall commence any "development" in the SFHA without first obtaining an Improvement Location Permit from the Zoning Administrator. The Zoning Administrator shall not issue an Improvement Location Permit if the proposed "development" does not meet the requirements of this ordinance.

- A. The application for an Improvement Location Permit shall be accompanied by the following:
1. A description of the proposed development.
 2. Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams.
 3. A legal description of the property site.
 4. A site development plan showing existing and proposed development locations and existing and proposed land grades.
 5. Elevation of the top of the lowest floor (including basement of all proposed development. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD) or North American Vertical Datum (NAVD). In either case the conversion formula should be included.
- B. Upon receipt of an application for an Improvement Location Permit, the Zoning Administrator shall determine if the site is located within an identified floodway, floodway fringe or within the floodplain where the limits of the floodway have not yet been determined.
1. If the site is in an identified floodway the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources and apply for a permit for construction in a floodway.

Under the provisions of I.C. 13-2-22 a permit from the Natural Resources Commission is required prior to the issuance of a local building permit for any excavation, deposit, construction or obstruction activity located in the floodway. This includes land preparation activities such as filling, grading, clearing and paving, etc. undertaken before the actual start of construction of the building.

No action shall be taken by the Zoning Administrator until a permit has been issued by the Natural Resources Commission granting approval for construction in the floodway. Once a permit has been issued by the Natural Resources Commission, the Building Official may issue the local Improvement Location Permit, provided the provisions contained in Sections 12.02.070 and 12.02.080 of this ordinance have been met. The Improvement Location Permit cannot be less restrictive than the permit issued by the Natural Resources Commission.

2. If the site is located in an identified floodway fringe, then the Zoning Administrator may issue the local Improvement Location Permit provided the provisions contained in Sections 12.02.070 and 12.02.080 of this ordinance have been met. The key provision is that the top of the lowest floor of any new or substantially improved structure shall be at or above the Flood Protection Grade (FPG).
3. If the site is in an identified floodplain where the limits of the floodway and floodway fringe have not yet been determined (shown as Zone A on the Flood Insurance Rate Map), and the drainage area upstream of the site is greater than one square mile, the Zoning Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Department of Natural Resources for review and comment.

No action shall be taken by the Zoning Administrator until either a permit for construction in the floodway or a letter of recommendation citing the 100 year flood elevation and the recommended Flood Protection Grade has been received from the Department of Natural Resources.

Once the Zoning Administrator has received the proper permit or letter of recommendation approving the proposed development, and Improvement Location Permit may be issued provided the conditions of the Improvements Location permit are not less restrictive than the conditions received from Natural Resources and the provisions contained in Sections 12.02.070 and 12.02.080 of this ordinance have been met. (Ord. 1993-3, S6, Mar. 16, 1993) (Ord. 89-2, Feb. 7, 1989) (Ord. 76-1, Apr. 15, 1976)

12.02.070 Preventing increased damages. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety.

- A. Within the floodway identified on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map, the following standards shall apply:
 1. No development shall be allowed which acting alone or in combination with existing or future development, will cause any increase in the elevation of the regulatory flood; and
 2. For all projects involving channel modifications or fill (including levees) the Town shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

- B. Within all SFHAs identified as A Zones (no 100 year flood elevation and/or floodway/floodway fringe delineation has been provided) the following standard shall apply:
 - 1. The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood elevation more than one-tenth (0.1) of one foot and will not increase flood damages or potential flood damages.
- C. Public Health Standards in all SFHAs.
 - 1. No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the Flood Protection Grade, unless such materials are stored in a floodproofed storage tank or building constructed according to the requirements of Section 12.02.080 of this ordinance.
 - 2. New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings are located above the FPG, or those which are located below the FPG are watertight. (Ord. 1993-3, S7, Mar. 16, 1993)

12.02.080 Protecting buildings. In addition to the damage prevention requirements of Section 12.02.070, all buildings to be located in the SFHA shall be protected from flood damage below the FPG.

- A. This building protection requirement applies to the following situations:
 - 1. construction or placement of any new building valued at more than \$1,000.00;
 - 2. structural alterations made to an existing building that increase the market value of the building by more than 50% (excluding the value of the land);
 - 3. any subsequent alterations;
 - 4. reconstruction or repairs made to a damaged building that are valued at or more than 50% of the market value of the building (excluding the value of the land) before damage occurred;
 - 5. installing a manufactured home on a new site or a new manufactured home on an existing site. This ordinance does not apply to returning the existing manufactured home to the

same site it lawfully occupied before it was removed to avoid flood damage; and

6. installing a travel trailer or recreational vehicle on a site for more than 180 days.

B. This building protection requirement may be met by one of the following methods. The Zoning Administrator shall maintain a record of compliance with these building protection standards as required in Section 12.02.040 of this ordinance.

1. A residential or nonresidential building may be constructed on a permanent land fill in accordance with the following:

- (a) The fill shall be placed in layers no greater than one foot deep before compacting to 95% of the maximum density obtainable with the Standard Proctor Test method.
- (b) The fill should extend at least ten feet beyond the foundation of the building before sloping below the FPG.
- (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulk heading. If vegetative cover is used, the slopes shall be no steeper than three horizontal to one vertical.
- (d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- (e) The top of the lowest floor including basements, (see definition of lowest floor in Section 12.02.030. Definitions) shall be at or above the FPG.

2. A residential or nonresidential building may be elevated in accordance with the following:

- (a) The building or improvements shall be elevated on posts, piers, columns, extended walls, or other types of similar foundation provided:

- (1) Walls of any enclosure below the elevated floor shall be designed to automatically equalize hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, through providing a minimum of two openings (in addition to doorways and windows) having a total area of one square foot for every two square feet of enclosed area subject to flooding. The bottom of all such opening shall be no higher than one foot

above grade.

- (2) Any enclosure below the elevated floor is used for storage of vehicles and building access.
 - (b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as buoyancy, current, waves, ice and floating debris.
 - (c) All areas below the FPG shall be constructed of materials resistant to flood damage. The top of the lowest floor (including basement) and all electrical, heating, ventilating, plumbing and air conditioning equipment and utility meters shall be located at or above the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.
- 3. Manufactured homes and recreational vehicles to be installed or substantially improved on a site for more than 180 days must meet one of the following anchoring requirements:
 - (a) The manufactured home shall be elevated on a permanent foundation such that the lowest floor shall be at or above the FPG and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. This requirement applies to all manufactured homes to be placed on a site;
 - (1) outside a manufactured home park or subdivision;
 - (2) in a new manufactured home park or subdivision;
 - (3) in an expansion to an existing manufactured home park or subdivision; or
 - (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
 - (b) This requirement applies to all manufactured homes to be placed on a site in an existing manufactured home park or subdivision that has not been substantially damaged by a flood.

The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elements that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

4. Recreational vehicles placed on a site shall either:
 - (a) be on the site for less than 180 consecutive days;
 - (b) be fully licensed and ready for highway use (defined as being on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions); or
 - (c) meet the requirements for "manufactured homes" in paragraph (3) of this section.
5. A non-residential building may be floodproofed to the FPG (in lieu of elevating) if done in accordance with the following:
 - (a) a Registered Professional Engineer shall certify that the building has been designed so that below the FPG, the structure and attendant utility facilities are watertight and capable of resisting the effects of the regulatory flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice.
 - (b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity. (Ord. 1993-3, S8, Mar. 16, 1993)

12.02.090 Other development requirements.

- A. The Zoning Administrator shall review all proposed subdivisions to determine whether the subdivision lies in a flood hazard area as defined elsewhere by ordinance. If the Zoning Administrator finds the subdivision to be so located, the Zoning Administrator shall forward plans and materials to the Indiana Department of Natural Resources for review and comment. The Zoning Administrator shall require appropriate changes and modifications in order to assure that:
 1. it is consistent with the need to minimize flood damages;
 2. all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or

- eliminate flood damage;
- 3. adequate drainage is provided so as to reduce exposure to flood hazards;
- 4. on site waste disposal systems, if provided, will be so located and designed to avoid impairment of them or contamination from them during the occurrence of the regulatory flood.
- B. Developers shall record the 100 year flood elevation on all subdivision plats containing lands (identified elsewhere by this ordinance) within a flood hazard area prior to submitting the plats for approval by the Plan Commission.
- C. All owners of manufactured home parks or subdivisions located within the SFHA identified as Zone A on the community's FHBM or FIRM shall develop an evacuation plan for those lots located in the SFHA and file it with the local Plan Commission and have it filed with and approved by the appropriate community emergency management authorities. (Ord. 1993-3, S9, Mar. 16, 1993)

12.02.100 Variances.

- A. The Board of Zoning Appeals may consider issuing a variance to the terms and provisions of this ordinance provided the applicant demonstrates that:
 - 1. There exists a good and sufficient cause for the requested variance;
 - 2. The strict application of the terms of this ordinance will constitute an exceptional hardship to the applicant, and
 - 3. The granting of the requested variance will not increase flood heights, create additional threats to public safety, cause additional public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- B. The Board of Zoning Appeals may issue a variance to the terms of provisions of this ordinance subject to the following standards and conditions:
 - 1. No variance or exception for a residential use within a floodway subject to section 12.02.070 (a) or (b) of this chapter may be granted.
 - 2. Any variance or exception granted in a floodway subject to section 12.02.070 (a) or (b) of this ordinance will require a permit

from Natural Resources.

3. Variances or exceptions to the Building Protection Standards of Section 12.02.080 may be granted only when a new structure is to be located on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the flood protection grade.
4. Variance or exception may be granted for the reconstruction or restoration of any structure individually listed on the Register of Historic Places or the Indiana State Survey of Historic Architectural, Archaeological and Cultural Sites, Structures, Districts, and Objects;
5. All variances shall give the minimum relief necessary and be such that the maximum practical flood protection will be given to the proposed construction; and
6. The Board of Zoning Appeals shall issue a written notice to the recipient of a variance or exception that the proposed construction will be subject to increased risks to life and property and could require payment of increased flood insurance premiums. (Ord. 1993-3, S10, Mar. 16, 1993)

12.02.110 Disclaimer of liability. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods can and will occur on rare occasions. Therefore, this ordinance does not create any liability on the part of the community, Natural Resources, or the State of Indiana, for any flood damage that results from reliance on this ordinance or any administrative decision made lawfully thereunder. (Ord. 1993-3, S11, Mar. 16, 1993)

12.02.120 Violations. Failure to obtain an Improvement Location Permit in the SFHA or fail to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this ordinance. All violations shall be considered a common nuisance and be treated as such in accordance with the provisions of the Zoning Code for the Town of West Baden Springs. All violations shall be punishable as a Class "B" Infraction.

- A. A separate offense shall be deemed to occur for each day the violation continues to exist.
- B. The West Baden Springs Planning Commission shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a Standard Flood Insurance policy to be suspended.

- C. Nothing herein shall prevent the Town of West Baden Springs from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible. (Ord. 1993-3, S12, Mar. 16, 1993)

12.02.130 Abrogation and greater restrictions. This ordinance repeals and replaces other ordinances adopted by the Town Council to fulfill the requirements of the National Flood Insurance Program. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall take precedence. In addition, the Town Council shall assure that all National Flood Insurance Program regulations and laws (310 IAC 6-1-1, I.C. 13-2-22 and I.C. 13-2-22.5) are met. (Ord. 1993-3, S13, Mar. 16, 1993)

12.02.140 Separability. The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder. (Ord. 1993-3, S14, Mar. 16, 1993)

Chapter 12.04

Placement of Mobile Homes

Sections:

12.04.010	Definitions
12.04.020	Restriction upon lots
12.04.030	Penalties upon lots
12.04.040	Restrictions along Broadway Boulevard
12.04.050	Penalties along Broadway Boulevard

12.04.010 Definitions. "Mobile Home" means any vehicle including the equipment sold as part of a vehicle, which is so constructed as to permit its being used as a conveyance upon public streets or highways by either self-propelled or not self-propelled means, which is designed constructed or reconstructed, or added to by means of an enclosed addition or room in such a manner as will permit the occupancy thereof as a dwelling for one or more persons, which is both used and occupied as a dwelling having no foundation other than wheels, jacks, skirting, or other temporary supports. (Ord. 91-2, S1, May 3, 1991) (Ord. 88-9, S1, Sept. 7, 1988) (Ord. 84-2, S2, June 7, 1984)

12.04.020 Restrictions upon lots. Within the original plat of the Town of West Baden Springs, Orange County, Indiana, as that plat was duly recorded, each lot therein described shall hereinafter contain no more than one (1) mobile home, either temporarily or permanently. This restriction only applies to mobile homes placed on lots after the effective passage date of this ordinance. This restriction does not apply to lot owners who only park a recreational vehicle on their lot and do not use the recreational vehicle as a dwelling. (Ord. 88-9, SII, Sept. 7, 1988) (Ord. 84-2, S1, June 7, 1984)

12.04.030 Penalties upon lots. Any person violating the terms of this Ordinance, shall be guilty of a violation of this Ordinance, and shall upon conviction, be punished by a fine not exceeding One Hundred and Fifty (\$150.00) Dollars for each day of the violation. (Ord. 88-9, SIII, Sept. 7, 1988) (Ord. 84-2, S3, June 7, 1984)

12.04.040 Restrictions along Broadway Boulevard. Within five hundred (500) feet of the centerline of Broadway Boulevard in the Town of West Baden Springs, Indiana, mobile homes shall not be permitted to be placed, temporarily, or permanently, used as a residence or for any commercial purposes, or offered for rental or sale. This restriction applies to mobile homes' placement after the effective date of this Ordinance. This restriction does not apply to lot owners who only park a recreational vehicle on their lot and do not use the recreational vehicle as a dwelling. (Ord. 91-2, S2, May 3, 1991)

12.04.050 Penalties along Broadway Boulevard. Any person violating the terms of this Ordinance, shall be guilty of a Class C Infraction. (Ord. 91-2, S3, May 3, 1991)

Chapter 12.08

Prohibiting the Establishment or Maintenance of a Junk Yard

Sections:

12.08.010	Title
12.08.020	Definitions
12.08.030	General Provisions
12.08.040	Penalties

12.08.010 Title. This ordinance shall be known as the "Junk Yard Ordinance of the Town of West Baden Springs, Indiana." (Ord. 69-2, S1, June 18, 1969)

12.08.020 Definitions. As used in this ordinance the following terms shall be defined as follows:

- A. "Junk" shall mean old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste, or junk, dismantled or wrecked automobiles or parts thereof, iron, steel, and other old or scrap ferrous or non-ferrous material.
- B. "Automobile Graveyard" shall mean an establishment or place of business which is intended, used, or operated for storing, keeping, buying or selling wrecked, scrapped, ruined, or dismantled motor vehicles or motor vehicle parts.
- C. "Junk Yard" shall mean an establishment or place of business which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard.
- D. "Person" shall mean any individual, firm, partnership, corporation, group or association. (Ord. 69-2, S2, June 18, 1969)

12.08.030 General Provisions That is shall hereafter be and it is hereby declared to be unlawful for any person to erect or construct, establish or maintain, alter, or cause or permit to be erected, constructed, established, maintained or altered on any premises within the corporate limits of the Town of West Baden Springs, Indiana, any building, buildings or parcel of land which shall be used for, or designed or maintained to be used for a junk yard or automobile graveyard. (Ord. 69-2, S3, June 18, 1969)

12.08.040 Penalties. Any person who constructed, erects or establishes or who begins the erection, construction, establishment or alteration or who causes the beginning of the erection, construction, establishment or alteration of any such building or parcel of land on any premises within the corporate limits of the Town of West Baden Springs, Indiana, shall be fined not less than five dollars nor more than one hundred dollars. Each day any violation of this ordinance continues shall be deemed a separate offense. (Ord. 69-2, S4, June 18, 1969)

Chapter 12.10

Restricting the Construction of Impoundments of Water

Sections:

12.10.010	Restriction
12.10.020	Violation

12.10.010 Restriction. The Board of Trustees of the Town of West Baden Springs, Indiana, restrict the construction of a temporary or permanent intentional impoundment of surface water in excess of thirty-two (32) square feet of surface area and a total volume in excess of thirty-two (32) cubic feet is prohibited. (Ord. 90-1, July 17, 1990)

12.10.020 Violation. Violation of this ordinance is a Class C Infraction. (Ord. 90-1, July 17, 1990)

Chapter 12.20

Historic Preservation Commission (See Chapters 1.26 and 12.20)

Sections:

12.20.010	Definitions
12.20.020	Commission
12.20.030	Powers and duties of the Commission
12.20.040	Approval by the Common Council required
12.20.050	Further surveying and mapping
12.20.060	Relationship to zoning districts
12.20.070	Certificate of appropriateness required
12.20.080	Application for certificate of appropriations
12.20.090	Action of applications for certificates of appropriateness
12.20.100	Development standards
12.20.110	Appeal provisions
12.20.120	Maintenance
12.20.130	Visual compatibility
12.20.140	Visual compatibility factors
12.20.150	Enforcement, penalties, and judicial review
12.20.160	Recording the fact of historic district designation
12.20.170	Severability
12.20.200	Boundary description of West Baden Springs Historic District Hotel
12.20.210	Authorization to adopt guidelines for West Baden Springs Historic District
12.20.300	Homestead Hotel Historic District established and boundary
12.20.310	Authorization to adopt guidelines for the Homestead Hotel Historic District
12.20.320	Significance of Homestead Hotel Historic District

12.20.010 Definitions.

- A. The term "alteration" means any material change in the external architectural features of any historic structure within an historic district.
- B. The term "commission" means the Historic Preservation Commission of the Town of West Baden Springs, Indiana.
- C. The term "demolition" means the substantial deterioration or complete or substantial removal or destruction of any historical structure or any structure which is located within an historic district.
- D. The term "historic district" means a concentration of buildings, structures, objects, spaces, or sites which may be limited to the

boundaries of a property containing a single building, structure, object, or site and have been so designated by ordinance by the Common Council or for which application for such listing is pending with the Commission; provided, that the Commission will determine within ninety (90) days of receipt of an application pursuant to section three of this act whether to list such property, and any property not so listed will not be considered an historic district within the terms of this act. (Ord. 91-3, S1, May 28, 1991)

12.20.020 Commission.

- A. There is hereby, established the Historic Preservation Commission of the Town of West Baden Springs, Indiana. The Commission shall consist of five (5) voting members. The voting members shall be appointed by the Common Council of the Town of West Baden Springs, Indiana. Voting members shall serve for a term of three (3) years; however, the initial terms of members shall be for one (1) year, two (2) years, and three (3) years in order for the terms to be staggered. A vacancy shall be filled within ninety (90) days for the duration of the terms of the member who is being replaced.
- B. Voting members shall be residents of the Town of West Baden Springs, Indiana, who are interested in the preservation and development of historic areas. To the extent available to the community, the Commission shall include professional members from the disciplines of architecture, historic architecture, history, preservation planning, archaeology, or other historic preservation related disciplines, such as urban planning, American studies, art history, American civilization, cultural geography, or cultural anthropology.
- C. The President of the Town of West Baden Springs, Indiana, may, with the approval of the Common Council of the Town of West Baden Springs, Indiana, appoint such advisory members as the Common Council of the Town of West Baden Springs, Indiana, considers appropriate.
- D. The Town Board President shall serve as the ex-officio administrator and a member of the Commission. The Administrator shall provide staff assistance to the Commission, act as the Commission's secretary, and issue certificates of appropriateness as directed by the Commission.
- E. Members of the Commission shall serve without compensation but may be paid for reasonable expenses incurred in the performance of their duty.
- F. The Commission shall elect from its membership a Chairperson, Vice-Chairperson, and Treasurer who shall serve for one (1) year and who may be reelected. The Commission shall adopt rules for the transaction of its business not inconsistent with this Ordinance. The

rules must include the time and place of regular meetings and a procedure for the calling of special meetings. Meetings of the Commission must be open to the public in accordance with the Open Door Law and a public record shall be kept of the Commission's resolutions, proceedings, and actions.

- G. The Commission shall hold regular meetings, at least monthly except when it has no business pending.
- H. Each official of the Town of West Baden Springs, Indiana, who has responsibility for building inspection, building permits, planning, or zoning shall provide such technical, administrative, and clerical assistance as may be requested by the Commission. (Ord. 91-3, S2, May 28, 1991)

12.20.030 Powers and duties of the Commission.

- A. The Commission shall be concerned with those elements of development, redevelopment, rehabilitation, and preservation that affect visual quality in an historic district. However, the Commission may not consider details of design, interior arrangements or building features, if those details, arrangements, or features, are not subject to public view, and may not make any requirement except for the purpose of preventing development, alteration, or demolition in the historic district obviously incongruous with the historic district.
- B. The Commission shall conduct a survey to identify historic buildings, structures, and places located within the Town of West Baden Springs, Indiana; however, neither the survey nor any other action of the Commission shall affect any property not located within the Town limits of the Town of West Baden Springs, Indiana.
- C. Based on its survey, the Commission shall submit to the Common Council of the Town of West Baden Springs, Indiana a map describing the boundaries of a property containing a single building, structure, or site. The map may divide a district into primary and secondary areas.
- D. Owners of property in fee simple wishing to establish an historic district which includes their property may petition the Commission to consider drawing and submitting a map of said property to the Common Council for its approval. The Commission may establish in its rules criteria to be met before it considers a petition.
- E. The Commission shall also classify and designate on the map all buildings and structures within each historic district described on the map. Buildings and structures shall be classified as historic or non historic, in the following manner:

1. Historic buildings and structures must possess identified historical or architectural merit of a degree warranting their preservation. They may be further classified as:
 - (a) exceptional
 - (b) excellent
 - (c) notable; or
 - (d) of value as part of the scene

In lieu of the further classifications set forth in the clauses (a) through (d), the Commission may devise its own system of further classification of historic buildings and structures.

2. Non historic. Those buildings and structures not classified on the map as historic.

- F. The Commission shall promote public interest in historic preservation by initiating and carrying on a public relation and community education program. (Ord. 91-3, S3, May 28, 1991)

12.20.040 Approval by Common Council required. The map setting forth the historic district boundaries and building classifications must be submitted to, and approved in an ordinance by, the Common Council of the Town of West Baden Springs, Indiana, before the historic district is established and the building classifications take effect. (Ord. 91-3, S4, May 28, 1991)

12.20.050 Further surveying and mapping. The Commission may conduct additional surveys, and draw and submit additional maps for approval of the Common Council of the Town of West Baden Springs, Indiana, as it considers appropriate. (Ord. 91-3, S5, May 28, 1991)

12.20.060 Relationship to zoning districts. The historic district regulation provided in this ordinance is intended to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares, and neighborhoods of the historic districts. Zoning districts, (if established by the Town), lying within the boundaries of the historic district are subject to the regulations for both the zoning district and the historic district. If there is a conflict between the requirements of the historic district, the more restrictive requirements shall apply. (Ord. 91-3, S6, May 28, 1991)

12.20.070 Certificate of appropriateness required. A certificate of appropriateness must be issued by the commission of the Town of West Baden Springs, Indiana, before a permit is issued for, or work is begun, on, any of the following:

- A. Within all areas of the historic district:

1. The demolition of any building;
2. The moving of any building;
3. A conspicuous change in the exterior appearance of existing buildings by additions, reconstruction, alteration, or maintenance involving exterior color changes; or
4. Any new construction of a principal building or accessory building or structure subject to view from a public way.
5. A change in walls and fences or construction of walls and fences, if along public ways; or
6. A conspicuous change in the exterior appearance of non historic buildings subject to view from a public way by additions, reconstruction, alteration, or maintenance involving exterior color change. (Ord. 91-3, S7, May 28, 1991)

12.20.080 Application for certificate of appropriateness. An application for certificates of appropriateness may be made in the office of the Clerk-Treasurer of the Town on forms provided by that office and shall be subject to the following requirements:

- A. The Commission may adopt, as a part of its rules, filing requirements which it finds reasonable and necessary to expedite the business of the Commission. These rules may include, but are not limited to, filing deadlines and application requirements such as sketches, drawings, photographs, descriptions, or other information which the Commission requires to make a decision.
- B. A fee of ten (10) dollars shall be charged for such application to cover the cost of processing the application.
- C. Applications are to be received two (2) weeks prior to the regularly scheduled Commission meeting. (Ord. 91-3, S8, May 28, 1991)

12.20.090 Action of applications for certificates of appropriateness.

- A. The Commission may advise and make recommendations to the applicant before acting on an application for a certificate of appropriateness.
- B. If an application for a certificate of appropriateness:
 1. is approved by the Commission, or
 2. is not acted on by the Commission

within thirty (30) days after it is filed, a certificate of appropriateness shall be issued. If the certificate is issued, the application shall be processed in the same manner as applications for building or demolition permits required by the Town of West Baden Springs, Indiana, if any, are processed. If no building or demolition permits are required by the Town of West Baden Springs, Indiana, the applicant may proceed with the work authorized by the certificate.

- C. If the Commission denies an application for a certificate of appropriateness within thirty (30) days after it is filed, the certificate may not be issued. The Commission must state its reasons for the denial in writing, and must advise the applicant. An application that has been denied may not be processed as an application for a building or demolition permit and does not authorize any work by the applicant.
- D. The Commission may grant an extension of the thirty (30) day limit prescribed by subsection (B) and (C) if the applicant agrees to it. (Ord. 91-3, S9, May 28, 1991)

12.20.100 Development standards.

- A. An historic building or structure or any part of or appurtenance to such a building or structure, including stone walls, fences, light fixtures, steps, paving, and signs may be moved, reconstructed, altered, or maintained only in a manner that will preserve the historical and architectural character of the building, structure, or appurtenance.
- B. An historic building may be relocated to another site only if it is shown that preservation on its current site is inconsistent with subsection (A). (Ord. 91-3, S10, May 28, 1991)

12.20.110 Appeal provisions.

- A. The purpose of this section is to preserve historic districts that are important to the education, culture, traditions, and economic values of the Town of West Baden Springs, Indiana, and to afford the Town of West Baden Springs, Indiana, historical organizations, and other interested persons the opportunity to acquire or to arrange for the preservation of these buildings.
- B. If the Commission denies the issuance of a certificate of appropriateness for the demolition of a building or structure, a demolition permit may be issued by other agencies and a building may be demolished, but only after establishing all of the following:

1. The property owner must demonstrate to the Commission that an historic building or structure is incapable of earning an economic return on its value, as appraised by a licensed real estate appraiser.
 2. The property owner shall file with the administrator documented evidence that a good faith effort is being made to sell or otherwise dispose of such property at fair market value to any public or private person or agency which gives a reasonable assurance of its willingness to preserve and restore such property. Such documented evidence shall be provided at the property owner's expense and shall include:
 - (a) offering price;
 - (b) date the offer of sale is to begin;
 - (c) name and address of listing real estate agent, if any;
 - (d) a copy of an advertisement to run in the same manner as the notice in Section 12.20.110 (c) which offers the property for sale; and
 - (e) an appraisal of the property's fair market value by a licensed real estate appraiser.
- C. Notice of the proposed demolition must be given for a period fixed by the Commission, based on the Commission's classification on the approved map, but not less than sixty (60) days nor more than one (1) year. Notice must be posted on the premises of the building or structure proposed for demolition in a location clearly visible from the street. In addition, notice must be published in a newspaper of general local circulation at least three (3) times before demolition, with the first publication not more than fifteen (15) days after the application for a permit to demolish is filed, and the final publication at least fifteen (15) days before the date of the permit.
- D. The Commission may approve a certificate of appropriateness at any time during the notice period under subsection (c). If the certificate is approved, a demolition permit shall be issued without further delay, and demolition may proceed. (Ord. 91-3, S11, May 28, 1991)

12.20.120 Maintenance. Historic buildings shall be maintained to meet the applicable requirements established under state and local laws for buildings generally. (Ord. 91-3, S12, May 28, 1991)

12.20.130 Visual compatibility. The construction of a new building or structure, and the moving, reconstruction, alternation, major maintenance, or repair involving a color change conspicuously affecting the external appearance of any non

historic building, structure, or appurtenance within the district must be generally of a design, for, proportion, mass, configuration, building material, texture, color, and location on a lot compatible with buildings in the historic district (particularly with buildings designated as historic) and with squares and places to which it is visually related. (Ord. 91-3, S13, May 28, 1991)

12.20.140 Visual compatibility factors. Within the area of the historic district, new buildings and structures, as well as buildings, structures, and appurtenances that are moved, reconstructed, materially altered, repaired, or changed in color, must be visually compatible with buildings, squares, and places to which they are visually related generally in terms of the following visual compatibility factors:

- A. Height. The height of proposed buildings must be visually compatible with adjacent buildings.
- B. Proportion of building's front facade. The relationship of the width of a building to the height of the front elevation must be visually compatible to buildings, squares, and places to which it is visually related.
- C. Proportion of openings within the facility. The relationship of the width of the windows to the height of windows in a building must be visually compatible with buildings, squares, and places to which it is visually related.
- D. Rhythm of solids to voids in front facades. The relationship of solids to voids in the front facade of a building must be visually compatible with buildings, squares, and places to which it is visually related.
- E. Rhythm of spacing of buildings on streets. The relationship of a building to the open space between it and adjoining buildings must be visually compatible to the buildings, squares, and places to which it is visually related.
- F. Rhythm of entrances and porch projections. The relationship of entrances and porch projections to sidewalks of a building must be visually compatible to the buildings, squares, and places to which it is visually related.
- G. Relationship of materials, texture, and color. The relationship of the materials, texture, and color of the facade of a building must be visually compatible with the predominant materials used in the buildings to which it is visually related.
- H. Roof shapes. The roof shape of a building must be visually compatible with the buildings to which it is visually related.
- I. Walls of continuity. Appurtenances of a building such as walls, wrought iron fences, evergreen landscape masses, and building facades,

must form cohesive walls of enclosure along the street, if necessary to insure visual compatibility of the building to the buildings, squares, and places to which it is visually related.

- J. Scale of a building. The size of a building, and the building mass of a building in relation to open spaces, windows, door openings, porches, and balconies must be visually compatible with the buildings, squares, and places to which it is visually related.
- K. Directional expression of front elevation. A building must be visually compatible with the buildings, squares, and places to which it is visually related in its directional character, including vertical character, horizontal character, or non directional character. (Ord. 91-3, S14, May 28, 1991)

12.20.150 Enforcement, penalties and judicial review.

- A. Any person, whether as principal, agent, owner, lessee, tenant, contractor, builder, architect, engineer, or otherwise who violates any provision of this ordinance shall be subject to a fine as follows, for each offense:
 - 1. not less than ten (10) dollars nor more than twenty-five hundred (2,500) dollars for demolition.
 - 2. not less than ten (10) dollars nor more than three hundred (300) dollars for all other offenses.
- B. The erection, construction, enlargement, alteration, repair, demolition, color change, moving, or maintenance of any building, structure, or appurtenance which is begun, continued, or maintained contrary to any provisions of this ordinance is hereby declared to be a nuisance and in violation of this ordinance and unlawful. The Town of West Baden Springs may institute a suite for injunction in the Circuit Court of the County in which the subject real estate is located to restrain any person or governmental unit from violating any provision of this chapter and to cause such violation to be prevented, abated, or removed. Such action may also be instituted by any property owner who is adversely affected by violation of any provision of this chapter.
- 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.
- D. Any person or party aggrieved by a decision or action taken by the Commission shall be entitled to a judicial review thereof in accordance with I.C. 4-22-1. (Ord. 91-3, S15, May 28, 1991)

12.20.160 Recording the fact of historic district designation. The boundaries of any historic district may be recorded in the office of the appropriate county recorder.

(Ord. 91-3, S16, May 28, 1991)

12.20.170 Severability. If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. (Ord. 91-3, S17, May 28, 1991)

12.20.200 Boundary description. Ordinance Number 91-3, as amended, which ordinance is commonly known as the Historic Preservation Commissions Ordinance of the Town of West Baden Springs, Indiana, be and the same is hereby amended in order that the zoning classification of the following described real estate in the Town of West Baden Springs, Orange County, State of Indiana.

A part of the Southeast Quarter, a part of the Northeast Quarter, and a part of the Northwest Quarter, all in Section 34, also a part of the Northeast Quarter of Section 33, also a part of the east half of Section 28, also a part of the Northwest Quarter, the Southwest Quarter, a part of the Northeast Quarter, and a part of the Southeast Quarter, all in Section 27, and all lands herein described being located in Township 2 North, Range 2 West, located in Orange County, Indiana, and more particularly described as follows:

Beginning at the Southeast corner of the Northwest Quarter of said Section 34; thence West on the south line of said Quarter Section 1876.7 feet to a stone corner; thence North 27 degrees West 687.5 feet to a stone corner; thence North 86 degrees West 2161.0 feet to a stone corner in the Northeast Quarter of said Section 33; thence North 35 degrees 30 minutes West 498.3 feet to a stone; thence North 410.0 feet to a stone; thence North 36 degrees West 347.0 feet to a stone; thence North 2106.5 feet to a stone located on the North line of the South Half of the Southeast Quarter of said Section 28; thence East on last said North line 198.0 feet to a point 688.0 feet West of a stone located at the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 28; thence North 1350.2 feet to a point on the North line of the Southeast Quarter of said Section 28, a distance of 615.8 feet East of a stone located at the center of said Section 28; thence East on the North line of last said Southeast Quarter a distance of 840.0 feet the centerline of Lost River; thence South 34 degrees 39 minutes East with said River 585.9 feet; then South 73 degrees 06 minutes East with said River 358.5 feet; thence North 48 degrees 53 minutes East with said River 158.6 feet; thence North 17 degrees 40 minutes West with said River 312.8 feet; thence North 16 degrees 40 minutes West with said River 225.2 feet into the Northeast Quarter of said Section 28; thence North 20 degrees 32 minutes West with said River 203.8 feet; thence North 16 degrees 24 minutes West with said River 272.1 feet; thence North 8 degrees 26 minutes West with said River 293.5 feet; thence North 34 degrees 32 minutes East with said River 94.9 feet; thence North 58 degrees 53 minutes East with said River 164.4 feet; thence North 85 degrees 46 minutes East with said River 1248.0 feet into the Northwest Quarter of said Section 27; thence South 80 degrees 07 minutes East with said River 1179.0 feet; thence South 76 degrees 08 minutes East with said River 224.4 feet; thence North 62 degrees 31 minutes East 114.5 feet to a point in the centerline of U.S. Road No. 150; thence deflecting 46 degrees 00 minutes right and running Easterly 28.00 feet with last said centerline to the extended centerline of the Old Grade Road; thence deflecting 24

degrees 56 minutes right and running Southeasterly with said Old Grade Road 672.0 feet to the West line of the Northeast Quarter of said Section 27; thence deflecting 49 degrees 15 minutes 30 seconds right and running Southerly on last said West line 305.0 feet; thence deflecting 52 degrees 14 minutes left and running southeasterly 190.00 feet; thence deflecting 93 degrees 55 minutes right and running Southwesterly 120.00 feet; thence deflecting 98 degrees 37 minutes left and running Southeasterly 321.25 feet; thence deflecting 34 degrees 56 minutes left and running Easterly 171.00 feet; thence deflecting 89 degrees 29 minutes left and running Northerly 60.00 feet; thence deflecting 67 degrees 22 minutes right and running Northeasterly 106.4 feet to a point 194.0 feet westerly from and measured perpendicular to the centerline of Indiana State Road No. 56; thence Southeasterly 204.00 feet to a point 194.4 feet from and measured perpendicular to the centerline of said State Road No. 56; thence deflecting 88 degrees 46 minutes left and running Northeasterly 194.7 feet to a point 15 feet Southerly from the Southeast corner of a tract heretofore conveyed to Harold L. Underwood, said point also being in the centerline of State Road No. 56; thence deflecting 88 degrees 36 minutes right and running Southeasterly with said centerline 546.80 feet; thence deflecting 1 degree 54 minutes right and running Southeasterly with said centerline 75.00 feet; thence deflecting 4 degrees 27 minutes right and running Southesaterly with said centerline 75.00 feet; thence deflecting 4 degrees 10 minutes right and running Southeasterly with said centerline 75.00 feet; thence deflecting 5 degrees 14 minutes right and running Southerly 75.00 feet with said centerline; thence deflecting 3 degrees 10 minutes right and running Southerly 75.00 feet with said centerline; thence deflecting 3 degrees 10 minutes right and running Southerly 75.00 feet with said centerline; thence deflecting 3 degrees 12 minutes right and running Southerly 250.00 feet with said centerline to a point in the middle of a concrete bridge over Lost River; thence deflecting 0 degrees 57 minutes and running Southerly 54.6 feet to a point in the centerline of said bridge and on the centerline of Lost River; thence Northeasterly with the centerline of said River 334.2 feet to the East line of the Southwest Quarter of the Southeast Quarter of said Section 27; thence South on last said East line 39.5 feet to the North right of way line of the Monon Railroad; thence Southwesterly on last said right of way line 353.2 feet to a point located at the centerline of Sate Road 56; thence continuing Southerly on said West Railroad right of way line 1278.74 feet; thence deflecting 90 degrees right and running Westerly with said right of way line 20.0 feet; thence continuing Southerly on said right of way line 1026.75 feet to the North line of a street; thence deflecting 92 degrees 05 minutes left and running Easterly 20.0 feet to a point 33 feet West of the centerline of said Railroad; thence deflecting 92 degrees 52 minutes right and running Southerly 52.9 feet; thence deflecting 87 degrees 08 minutes right and running Westerly 22.0 feet to a point 55 feet West of the centerline of said Railroad; thence continuing Southerly on said right of way line 185.00 feet; thence Easterly on said right of way line 22.3 feet; thence in a general Southwesterly direction on said right of way line 1148.18 feet to a point on the South line of the Northeast Quarter of said Section 34, a distance of 424.75 feet East of the Southwest corner thereof; thence West on last said line 20.10 feet; thence Southwesterly on said railroad right of way line into the Southeast Quarter of said Section 34, a distance of 738.,1 feet to the West line of last said Quarter Section; thence North on said West line 619 feet to the place of beginning, said description containing part or all of lots 17, 24, 25, 31, 58, 59 and 60 in the plat of the Village of New Prospect, Indiana.

EXCEPT: Part of the South East Quarter of Section 27, Township 2 North, Range 2 West, more particularly described as follows: Measure from the center of the bridge on State Road No. 56 over Lost River, North along the centerline of said State Road 56, 1246.80 feet to the point of beginning; thence North along said centerline of State Road No. 56, 215 feet to a point; thence in a Westerly direction 194 feet to a point marked by an iron pipe; thence in a Southerly direction 204 feet to a point marked by an iron pipe; thence deflecting 88 degrees 46 minutes to the left a distance of 194.7 feet to the point of beginning.

ALSO EXCEPT: Part of the South East Quarter of Section 27, Township 2 North, Range 2 West, located in Orange County, Indiana, more particularly described as follows: Beginning 496.14 feet North and 168.1 feet West of a stone at the Southwest corner of Charles Brothers Addition to the Town of West Baden Springs, Indiana, running thence North 75 degrees 15 minutes West 250.0 feet; thence deflecting to the right 60 degrees 10 minutes 278.9 feet to the beginning point of this description; thence deflecting to the right 82 degrees 32 minutes 150.0 feet; thence deflecting to the left 90 degrees 300.00 feet; thence deflecting to the left 90 degrees 150.0 feet; thence deflecting to the left 300.0 feet to the place of beginning.

ALSO EXCEPT: A part of the West Half of the Northwest Quarter in Section 34, also a part of the Northeast Quarter of Section 33, also a part of the East Half of Section 28, also a part of the West Half in Section 27, and all lands herein described being located in Township 2 North, Range 2 West, located in Orange County, Indiana, and more particularly described as follows:

Beginning at the Southeast corner of the Southwest Quarter of the Northwest Quarter of said Section 34; thence West on the South line of said Quarter Section 543.3 feet, more or less, to a stone corner marked "AA"; thence North 27 degrees West 687.5 feet to a stone corner marked "AA"; thence North 86 degrees West 2161.0 feet to a stone corner marked "AA" in the Northeast Quarter of said Section 33; thence North 35 degrees 30 minutes West 498.3 feet to a stone; thence North 410.0 feet to a stone; thence North 36 degrees West 347.0 feet to a stone; thence North 2106.5 feet to a stone located on the North line of the South half of the Southeast Quarter of said Section 28; thence East on last North line 198.0 feet to a point 688.0 feet West of a stone located at the Southeast corner of the Northwest Quarter of the Southeast Quarter of said Section 28; thence North 1350.2 feet to a point on the North line of the Southeast Quarter of said Section 28, a distance of 615.8 feet East of a stone located at the center of said Section 28; thence East on the North line of last said Southeast Quarter a distance of 840.0 feet to the centerline of Lost River; thence South 34 degrees 39 minutes East with said River 585.9 feet; thence South 73 degrees 06 minutes East with said River 358.5 feet; thence North 48 degrees 53 minutes East with said River 158.6 feet; thence North 17 degrees 40 minutes West with said River 312.8 feet; thence North 16 degrees 40 minutes West with said River 225.2 feet; into the Northeast Quarter of said Section 23; thence North 20 degrees 32 minutes West with said River 203.8 feet; thence North 16 degrees 24 minutes West with said River 272.1 feet; thence North 8 degrees 26 minutes West with said River 293.5 feet; thence North 34 degrees 32 minutes East with said River 94.9 feet; thence North 58 degrees 53 minutes East with said River 164.4 feet; thence North 85 degrees 46 minutes East with said River 1248.0 feet into the Northwest Quarter of said Section 27; thence

South 80 degrees 07 minutes East with said River 1179.0 feet; thence South 76 degrees 08 minutes East with said River 224.4 feet; (the following compiled from Air-Photo #QZ-2HH-165 and QZ-IN-98) South 3 degrees 10 minutes East 350 feet, more or less, with said River; thence South 17 degrees 17 minutes East 450 feet, more or less, with said River to the Quarter line; thence South 17 degrees 17 minutes East 160 feet, more or less, with said River; thence South 7 degrees 00 minutes East 170 feet, more or less, with said River, to a point on a line extended from a fence line to the West; thence leaving the River South 89 degrees 30 minutes West 980 feet, more or less, along said fence to the West line of the Northeast Quarter of the Southwest Quarter at a point that is 330 feet, more or less, South of the Northwest corner of said Quarter Quarter; thence South 0 degrees 45 minutes West 2290 feet, more or less, along the Quarter Quarter line to the Section line; thence South 0 degrees 45 minutes West 2640 feet, more or less, along the Quarter Quarter line to the point of beginning.

ALSO EXCEPT; Beginning at a point on the North line of West Baden Avenue, which point is North 71 degrees and 40 minutes West 217 feet from the Southwest corner of Lot No. 1 in the original Town of West Baden Springs, Indiana; thence South 84 degrees 15 minutes West along the North curb line of the walk along the North side of said West Baden Avenue, 60 feet; thence North 0 degrees 15 minutes East 100 feet; thence North 84 degrees 15 minutes East 60 feet; thence South 0 degrees 15 minutes West 100 feet to the place of beginning.

ALSO, EXCEPT: A tract deeded to the French Lick and West Baden Street Railway, a strip of ground 14 feet in width, the centerline of said strip defined as follows:

Beginning at the Southwest corner of Lot No. 1 of the Old Town Plat, of the Town of West Baden Springs, Indiana; running thence North 78 degrees 45 minutes West 138.5 feet to the center of the Chicago, Indianapolis, and Louisville Railroad crossing, with the French Lick and West Baden Street Railroad; thence South 79 degrees 45 minutes West 55.5 feet to a point in West Baden Avenue, where the West line of the Chicago, Indianapolis, and Louisville Railroad right-of-way crosses said Avenue, said point being the Place of Beginning, of this conveyance; running thence South 80 degrees 45 minutes West 128.4 feet; thence South 85 degrees 56 minutes West 719 feet.

ALSO THE FOLLOWING:

A part of the Southeast Quarter of the Northwest Quarter of Section 3, Township 1 North, Range 2 West of the Second Principal Meridian, French Lick Town, Orange County, Indiana, partially occupied by the south business room of the Dickason Building.

From an iron pin set in concrete at the southwest corner of said Southeast Quarter of the Northwest Quarter, proceed along the Quarter Section line North-89°-54'-East 424.42 feet to the west line of Maple Street and, along said west line North-0°-27'-West 24.0 feet to the north line of College Street, the point of beginning for this parcel. Thence North-0°-27'-West 21.55 feet along the west line of Maple Street to

the centerline of the wall at the north side of the City Drug Store business room, thence South-89°-44'-West 147.5 feet along the centerline of said wall, thence South-0° 27'-East 21.15 feet to the north line of College Street, thence North-89°-54'-East 147.5 feet to the point of beginning.

All that part of Lot 34 in the Town of West Baden Springs, Indiana, which lies west of Broadway.

Also Lot 75 in West Baden Springs Company's First Addition to the Town of West Baden Springs and 14 ¹/₂ feet of equal width on the south side of Lot 75 formerly an alley. A part of the west half of the Northeast Quarter of section thirty-four (34), township two (2) north, range two (2) West and described as follows, to-wit: Beginning at a point on the north line of West Baden Avenue, which point is north seventy-one (71) degrees and forty (40) minutes west two hundred seventeen (217) feet of the southwest corner of Lot Number one (1) of the Original Town of West Baden, Orange County, Indiana, thence south eighty-four (84) degrees and fifteen (15) minutes west along the north curb line of the walk along the north side of said West Baden Avenue sixty (60) feet, thence north fifteen (15) minutes east one hundred (100) feet, thence north eighty-four (84) degrees and fifteen (15) minutes east sixty (60) feet, thence south fifteen (15) minutes west one hundred (100) feet to the place of beginning.

Lot 31 and part of lots 30, 32, 33, 34 and 35 in the William A. Bowles Original Plat of the Town of French Lick, Indiana, and particularly described as follows: Beginning at a point fifty (50) feet South of the Northeast corner of Lot 32 in the Dr. William A. Bowles Plat of the Town of French Lick, and running West 123 feet; thence South 25 feet; thence West 5 feet; thence South 75 feet; thence East 128 feet; thence North 100 feet to the place of beginning.

Fifty feet off of the north side of Lots number thirty two (32) and thirty three (33) in the Town of French Lick, Indiana as platted by William A. Bowles, except that part of said Lot thirty three (33) conveyed to Ralph McCampbell by Warranty Deed dated January 9, 1930 and recorded January 15, 1930 in Deed Record 79, page 187 in the Office of the Recorder of Orange County, Indiana, and that part of said lot thirty three (33) conveyed to the Star Telephone Company by Warranty Deed dated January 9, 1930 and recorded October 30, 1931 in Deed Record 130, pages 234-235 in the Office of the Recorder of Orange County, Indiana.

A parcel of land described as follows: Part of the Southwest Quarter (SW ¹/₄) of the Southeast Quarter (SE ¹/₄) of Section Twenty-seven (27), Township Two (2) North, Range Two (2) West, more particularly described as follows: Beginning at a point which is four hundred ninety-six and fourteen hundredths (496.14) feet north of and two hundred seventy-three and sixty-four hundredths (273.64) feet west of the stone at the southwest corner of Charles Brothers Addition to the Town of West Baden Springs, said point of beginning being south fourteen (14) degrees forty-five (45) minutes west ten (10) feet and south seventy-five (75) degrees fifteen (15) minutes east ten (10) feet from the southeasterly corner of the clear well of the Company's water treatment plant; thence parallel to the easterly side of said clear well and the filtration building and ten (10) feet distant therefrom, north fourteen (14) degrees

forty-five (45) minutes east three hundred five (305) feet to a point; thence north seventy-five (75) degrees fifteen (15) minutes west two hundred fifty (250) feet to a point; thence south fourteen (14) degrees forty-five (45) minutes west one hundred thirty-five (135) feet to a point; thence south seventy-five (75) degrees fifteen (15) minutes east eighty (80) feet to a point; thence south fourteen (14) degrees forty-five (45) minutes west sixty (60) feet to a point which is north fourteen (14) degrees forty-five (45) minutes east ten (10) feet and south seventy-five (75) degrees fifteen (15) minutes east seventy (70) feet from the northwesterly corner of the sedimentation basin of said Company's water treatment plant; thence north seventy-five (75) degrees fifteen (15) minutes west eighty (80) feet to a point whose rectangular coordinates are ten (10) feet from the northerly and westerly sides of the sedimentation basin; thence south fourteen (14) degrees forty-five (45) minutes west parallel to and ten (10) feet distant from the westerly side of the sedimentation basin one hundred ten (110) feet to a point which is south fourteen (14) degrees forty-five (45) minutes west ten (10) feet and north seventy-five (75) degrees fifteen (15) minutes west ten (10) feet from the southwesterly corner of said sedimentation basin; thence south seventy-five (75) degrees fifteen (15) minutes east two hundred fifty (250) feet, more or less, to the place of beginning, except a roadway fifteen (15) feet in width which extends from the westerly boundary of this tract in an easterly direction along the north side of the filtration plant structures to the easterly boundary of this tract, whose center line is more particularly described as follows, to-wit: Beginning at a point which is north fourteen (14) degrees forty-five (45) minutes east seventeen and five tenths (17.5) feet and south seventy-five (75) degrees fifteen (15) minutes east seventy (70) feet from the northwesterly corner of the sedimentation basin; thence south eighty-three (83) degrees eighteen (18) minutes east fifty-six (56) feet to a point which is eighteen and five tenths (18.5) feet north of the sedimentation basin; thence south seventy-four (74) degrees forty-four (44) minutes east ninety-four (94) feet to a point which is twelve (12) feet north of the northeasterly corner of the filter house; thence north eighty-three (83) degrees eighteen (18) minutes east ten (10) feet, more or less, to the easterly boundary of the tract herein described; also

Part of the Southeast Quarter (SE $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section Three (3), Township One (1) North, Range Two (2) West, more particularly described as follows: To find the place of beginning for this real estate, start at the southeast corner (an iron pin now there) of Lot Thirty-one (31) of "The W.E. Ryan's Summit Street Addition to the Town of French Lick" which addition is of record in the County Recorder's Office at Paoli; thence south seventy-seven (77) feet; thence east fifty (50) feet, and which last named point is the northwest corner of the land herein meant to be described; thence measure east fifty (50) feet; thence south fifty (50) feet; thence west fifty (50) feet; thence north fifty (50) feet to the place of beginning, EXCEPT a parcel thirty-five (35) feet north and south, and fifty (50) feet east and west off of the South end of the foregoing described real estate, more particularly described as follows:

Beginning at a point on the north right-of-way line of Sky Line Drive at a distance of ninety-five and nine tenths (95.9) feet west of the southeast corner of Lot No. 1 in Earl Burton's Sky Line Park Addition to the Town of French Lick, Indiana; thence northerly, parallel with the east line of said Lot No. 1, for a distance of thirty-five

(35) feet to a point, thence westerly for a distance of fifty (50) feet to a point on the east right-of-way line of Maple Street; thence southerly along said east right-of-way line of Maple Street for a distance of thirty-five (35) feet to the point of intersection with the north right-of-way line of Sky Line Drive; thence easterly along said north right-of-way line of Sky Line Drive for a distance of approximately fifty (50) feet to the place of beginning, containing four hundredths (0.04) of an acre, more or less.

Part of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section Thirty-four (34), Township Two (2) North, Range Two (2) West, more particularly described as follows, to-wit:

Beginning at a point four hundred forty-three (443) feet south and four hundred eleven (411) feet east of the stone at the northwest corner of the aforesaid Quarter Quarter ($\frac{1}{4}$ $\frac{1}{4}$); thence south two hundred thirteen (213) feet to a point; thence east one hundred twenty (120) feet to a point; thence north two hundred thirteen (213) feet to a point; thence west one hundred twenty (120) feet to the point of beginning.

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Part of the south half of Section 3, Township 1 North, Range 2 West in Orange County, Indiana, more particularly described as follows, to-wit:

Beginning at a point in the east right-of-way line of Maple Street at a distance of forty-five and four tenths (45.4) feet south of the northwest corner of Lot No. 1, in Earl Burton's Sky Line Park Addition to the Town of French Lick, Indiana; thence easterly for a distance of fifty and no tenths (50.0) feet to a point; thence southerly, parallel with the said east right-of-way line of Maple Street, for a distance of thirty-five and no tenths (35.0) feet to a point; thence westerly for a distance of fifty and no tenths (50.0) feet to a point on the east right-of-way line of Maple Street; thence northerly along said east right-of-way line of Maple Street for a distance of thirty-five and no tenths (35.0) feet to the place of beginning, containing four hundredths (0.04) of an acre, more or less.

Be and the same is hereby established as an Historic Preservation District with such uses as permitted by Ordinance Number 91-3 of the Town of West Baden Springs, Indiana, and shall be known as the West Baden Springs Hotel Historic District. (Ord. 91-5, S1, Aug. 6, 1991)

12.20.210 Authorization to adopt guidelines. The Historic Preservation Commission of the Town of West Baden Springs, Indiana, is hereby authorized to adopt guidelines for the West Baden Springs Hotel Historic District to be utilized in the evaluation of proposed alterations within said historic district. (Ord. 91-5, S2, Aug. 6, 1991)

12.20.300 Homestead Hotel Historic District established and boundary. Ordinance Number 91-3, as amended, which ordinance is commonly known as the Historic Preservation Commission Ordinance of the Town of West Baden Springs, Indiana, be and the same is hereby amended in order that the zoning classification of the

following described real estate in the Town of West Baden Springs, Orange County, State of Indiana.

Lots 1, 2, 3, and 4 in the Original Town of West Baden Springs as recorded in Plat Book 2, pages 41 and 42 in the Office of the Recorder of Orange County.

And also, a tract of Land in the Northeast Quarter of Section 34, Township 2 North, Range 2 West, bounded on the North by the South line of Lot 1, on the South by the North line of Appleblossom Street, on the East by the West line of Main Street, and on the West by the East line of Harrison Avenue, and more particularly described as follows:

Beginning at the southwest corner of Lot 1 in the Original Town of West Baden Springs, Indiana; thence South along the East line of Harrison Avenue 212 feet to the North line of Appleblossom Street; thence Easterly along the North line of Appleblossom Street; thence Easterly along the North line of Appleblossom Street 120 feet to the West line of Main Street; thence North along the West line of Main Street 213.94 feet to the Southeast corner of Lot 1, thence West along the South line of said Lot 1, 120 feet to the place of beginning.

Subject to easements, reservations and restrictions of record.

Be and the same is hereby established as an Historic Preservation District with such uses as permitted by Ordinance Number 91-3 of the Town of West Baden Springs, Indiana, and shall be known as the Homestead Hotel Historic District. (Ord. 93-10, S1, Aug. 17, 1993) (Ord. 91-5, Aug. 6, 1991) (Ord. 91-3, May 28, 1991)

12.20.310 Authorization to adopt guidelines for the Homestead Hotel Historic District. The Historic Preservation Commission of the Town of West Baden Springs, Indiana, is hereby authorized to adopt guidelines for the Homestead Hotel Historic District, to be utilized in the evaluation of proposed alterations within said historic district. (Ord. 93-10, S2, Aug. 17, 1993) (Ord. 91-5, Aug. 6, 1991) (Ord. 91-3, May 28, 1991)

12.20.320 Significance of Homestead Hotel Historic District. The Historic Preservation Commission recognizes the outstanding architectural and historical significance of the two 1920s structures within the designated Homestead Hotel Historic District, and acknowledges the noncontributing status of the post-1950s motor lodge addition. (Ord. 93-10, S3, Aug. 17, 1993)