CHAPTER 2. PLANNING COMMISSION

2-1 Creation of a Planning Commission, Number of Members, Appointment.

The New Harmony Town Planning Commission shall consist of five (5) members, each to be appointed by the New Harmony Town Council. The New Harmony Town Council may designate, by resolution the composition of the New Harmony Town Planning Commission. It is the intent of this Ordinance that the New Harmony Town Planning not consist of members, all of whom are from the same field of expertise. The five (5) members of the New Harmony Town Planning Commission shall be residents of New Harmony Town. At least three (3) of the five (5) members shall hold no other public office or position within the Town of New Harmony. The New Harmony Town Council shall appoint a representative from among its members to act as a liaison between the New Harmony Town Council and the New Harmony Town Planning Commission. One (1) member, but not more than one (1) of the New Harmony Town Board of Adjustment shall be a member of the New Harmony Town Planning Commission.

2-2 Terms of Office.

The terms of office for the five (5) New Harmony Town Planning Commission members shall be for three (3) years. The New Harmony Town Planning Commission members terms shall be staggered so that no two (2) members terms shall expire at the same time. The term of office for the New Harmony Town Council member designated liaison for the New Harmony Town Planning Commission shall correspond to his tenure of office as the New Harmony Town Council member.

2-3 Vacancies and Removals for Cause.

Vacancies of appointed members occurring otherwise than through the expiration of terms shall be filled for the remainder of the unexpired term by appointment of the New Harmony Town Council. The New Harmony Town Council shall have the right to remove any member of the New Harmony Town Planning Commission for misconduct and may remove any member for non-performance of duty. Non-performance of duty shall include a repeated failure to attend New Harmony Town Planning Commission meetings.

2-4 Compensation.

The New Harmony Town Planning Commission shall serve with compensation, except that the New Harmony Town Council shall provide for reimbursement of the New Harmony Town Planning Commission for actual expenses incurred, upon presentation of proper receipts and vouchers.

2-5 Officers.

The New Harmony Town Planning Commission shall elect a Chairperson and Chairperson Pro Tem from among its members, whose terms shall be for one (1) year.

2-6 Meetings.
The New Harmony Town Planning Commission shall conduct regularly scheduled meetings. All meetings of the New Harmony Town Planning Commission shall be open to the public.

2-7 Rules and Regulations.

The New Harmony Town Planning Commission may adopt such rules and procedures as it may deem necessary for the proper conduct of its business. The New Harmony Town Planning Commission shall keep a record of its proceedings, such record shall be open to inspection by the public at all reasonable times. Any business that comes before the commission shall be acted upon in a timely manner and should be made final within 30 days of hearing and involved persons notified of the decision by certified mail. All requests not in compliance with Town Ordinances shall be referred to the New Harmony Board of Adjustments by the Planning Commission, or appealed to the Board of Adjustment by the applicant.

2-8 Quorum and Vote.

A quorum shall consist of two (2) members and a Chairperson or Chairperson Pro Tem. Evidence shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present.

2-9 Employees; Expenditures.

The New Harmony Town Planning Commission may, upon the approval of the New Harmony Town Council, employ experts and staff, including consultants and a secretary, and pay such expenses, exclusive of gifts, as may be reasonable and necessary for carrying out the duties defined in this Ordinance, providing that such expenditures may not exceed the amount appropriated for the operation of the New Harmony Town Planning Commission by the New Harmony Town Council.
CHAPTER 3. BOARD OF ADJUSTMENT

3-1 Board, Number of Members, Appointment, Term and Removal, Vacancies.

The New Harmony Town Board of Adjustment shall consist of five (5) members, each to be appointed by the Town Council for the term of five (5) years provided that the term of one (1) member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One (1) member, but not more than one (1) of the New Harmony Town Planning Commission shall be a member of the New Harmony Town Board of Adjustment.

3-2 Officers.

The New Harmony Town Board of Adjustment shall elect a Chairman and a Chairman Pro Tem from among its members, who shall serve for a term of one (1) year.

3-3 Duties and Powers of Board.

The New Harmony Town Board of Adjustment shall have the following powers:

(1) To hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions to the terms of this Ordinance upon which such Board is required to pass under the provisions of this Ordinance.

(3) To authorize upon appeal such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship; provided, that the spirit of this Ordinance shall be observed and substantial justice done. Before any variance may be authorized, however, it shall be shown that:

a. The variance will not substantially adversely affect the New Harmony Master Plan or Zoning Ordinance and that adherence to the strict letter of this Ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the Master Plan.

b. Special circumstances are attached to the property covered by the application which do not generally apply to other property in the same district.

c. That because of said special circumstances, property covered by application is deprived of privileges possessed by other properties in the same district; and that the granting of the variance is essential to the enjoyment of a substantial property right that is possessed by other property in the same district.

3-4 Meetings.
Meetings of the New Harmony Town Board of Adjustment shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman may administer oaths and compel the attendance of witnesses. All meetings of the New Harmony Town Board of Adjustment shall be properly advertised and shall be open to the public. Notice of Board of Adjustment meetings shall be mailed to all property owners appearing on the latest ownership plat in the Washington County Recorders Office within a 300 foot radius of any property for which an action of the Board of Adjustment is being requested. It shall be the responsibility of the applicant for such action to provide the stamped, addressed envelopes necessary to provide such notice. The notices shall be sent by the Board of Adjustments Secretary appointed by the Board. Applicants requests shall be given immediate attention (within 15 days) Final decision must be made no later than 30 days from the time of the hearing.

3-5 Minutes.

The New Harmony Town Board of Adjustment shall keep minutes of its proceedings, showing, the vote of each member on each question, or if absent or failure to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be filed with the New Harmony Town Clerk and shall be public record.

3-6 Quorum.

A quorum shall be considered three (3) members of the New Harmony Town Board of Adjustment, and no evidence shall be presented to the Board unless a quorum is present.

3-7 Action to be Taken.

Approval or disapproval, rejection, or modified approval of an application shall be based upon findings which shall be made a part of the official record. These actions must be made no later than 30 days from the time of the meeting considering the action.

3-8 Vote Necessary for Reversal.

The concurring vote of three (3) members of the New Harmony Town Board of Adjustment shall be necessary to remove any order, requirement, or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under this Ordinance or to effect any variation in the provisions of this Ordinance.

3-9 Appeals to Board-Time-Persons Entitled-Transmission of Papers.

Appeals to the New Harmony Town Board of Adjustment may be taken by any person aggrieved or by any officer, department, or board of New Harmony Town affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days as provided by the rules of the Board by filing with the officer from whom the appeal is taken and with the New Harmony Town Board of Adjustments a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the New Harmony Town Board of Adjustment all the papers constituting the record upon which the action appealed from was taken.
3-10 Stay of Proceedings Pending Appeal.

An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the New Harmony Town Board of Adjustment after the notice of appeal shall have been filed with him or her that by reason of facts stated in the certificate a stay would in his or her opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by restraining order which may be granted by the New Harmony Town Board of Adjustment or by district court on application and notice and on due cause shown.

3-11 Decision on Appeal.

In exercising the above-mentioned powers, the New Harmony Town Board of Adjustment may in conformity with the provisions of this Ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such offer, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

3-12 Rules.

The New Harmony Town Board of Adjustment shall adopt rules for the regulation of its procedure and the conduct of its duties not inconsistent with the provisions of this Ordinance or of the State law. Such rules, to become effective, shall be first approved by the Town of New Harmony.

3-13 Judicial Review of Board's Decision - Time Limitations.

The Town of New Harmony or any person aggrieved by any decision of the New Harmony Town Board of Adjustment may have and maintain a plenary action for relief therefrom in any court of competent jurisdiction; provided, petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the Board.
CHAPTER 4. HOME OCCUPATIONS

4-1 Home Occupation Registration Required.

To assure compliance with provisions of the Zoning Ordinance and to protect the character of residential neighborhoods in the Town of New Harmony, a Home Occupation must be registered with the Town of New Harmony. Upon registration, the business registering agrees to comply with the following conditions. Any Home Occupation in operation before this Zoning Ordinance was adopted and amended will be grandfathered in. Owners will be asked to voluntarily register with the Town.

4-2 Conditions.

Each and every one of the following conditions must be observed at all times by the owner of a Home Occupation:

(1) Not more than one (1) person is employed in the home occupation or office of a professional person on the premises in addition to the residing family.

(2) The home occupation shall be conducted wholly within the structures on the premises and shall not exceed twenty-five (25) percent of the total ground floor area of the home. The home occupation shall not occupy any area within said structure which is required for off-street parking by the provisions of this Chapter.

(3) Inventory and supplies for the home occupation shall not occupy more than fifty (50) percent of the permitted area, or twelve (12) percent of the ground floor area of the home.

(4) No business signs are used with the exception of one (1) unlighted sign concerned with the home occupation or office of a professional person not to exceed three (3) square feet which shall be attached to the exterior wall of the structure in a manner deemed by the Planning Commission and Town governing body not to detract from the residential character of the dwelling or the neighborhood in which the home occupation is to be located.

(5) No display of any kind shall be visible from the exterior of the premises.

(6) No mechanical or electrical apparatus, equipment, or tools shall be permitted except those items which are commonly associated with a residential use or as are customary to home crafts or home occupations.

(7) The home occupation shall not generate pedestrian or vehicular traffic in excess of that customarily associated with the zone in which the use is located.

(8) There shall be complete conformity with fire, building, plumbing, electrical and health codes and to all state and town laws and ordinances.

(9) The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

(10) The home occupation shall not alter the residential character of the premises or
unreasonably disturb the peace and quiet, including radio and television reception, or the neighborhood by reason of color, design, materials, construction, lighting, sounds, noises, vibrations, dust, odors, noxious fumes, etc.

(11) Any special condition established by the Planning Commission and made of record in the Home Occupation Permit, as it deems necessary to carry out the intent of this Chapter shall be met.

(12) Notification of any neighbors within a 300 foot radius of the Home Occupation shall be notified of any new intended Home Occupation.

(13) Retail sales on the premises shall be limited to merchandise directly related to the services offered by the home occupation; otherwise, there shall be no delivery or resale to customers of retail merchandise on the premises.

(14) Premises shall be subject to inspection by the Planning Commission, after reasonable notice is given with due cause.

4-5 Noncompliance.

Any Home Occupation shall be fined by the New Harmony Planning Commission upon violation of any requirements of this Chapter, or upon failure to comply with any of the conditions or limitations of this chapter, unless violations are corrected within ten (10) days of receipt of written notice thereof.
CHAPTER 5. SUPPLEMENTARY AND QUALIFYING REGULATIONS

5-1 Effect of Chapter.

The regulations hereinafter set forth in this Chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this Ordinance.

5-2 Substandard Lots at Time of Ordinance Passage.

Any lot legally held in separate ownership at the time of passage of this Ordinance, which lot is below the requirements for lot area or lot width for the District in which it is located may be used for a single-family dwelling if such lot is located in a district which permits single-family dwellings. These lots will be considered on a case by case basis by the New Harmony Planning Commission. Lots not complying with the ordinances of the zone where they are located and that existed prior to the enacting and amending of this ordinance will be identified. These lots will be considered on a case by case as well.

5-3 Lot Standards.

Except as provided in this Ordinance, every lot, existing or intended to be created, shall have such area, width, and depth as is required by this Ordinance for the district in which such lot is located and shall have frontage upon a dedicated or publicly-approved street or upon a private street or right-of-way approved by the New Harmony Town Planning Commission, before a building permit may be issued.

5-4 Every Dwelling to be on a Lot - Exceptions.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth, and frontage required by this Ordinance for the district in which the dwelling structure is located.

5-5 Yard Space for One (1) Building Only.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot wherein a building is to be erected or established.

5-6 Accessory and other Out Buildings. Any out building or accessory building shall allow enough room to the sides of the said building for drainage without infringing on the neighboring property.

5-7 Sale or Lease of Required Space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this Ordinance for lot or building may be sold or leased away from such lot or building.
5-8 Sale of Lots Below Minimum Space Requirements.

No parcel of land which has less than the minimum width and area requirements for the district in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

5-10 Area of Accessory Buildings.

No accessory building or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard, unless approved by the New Harmony Town Planning Commission.

5-11 Additional Height Allowed.

Public and quasi-public utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit.

5-12 Exceptions to Height Limitations.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. All height exceptions are subject to conditional use permit.

5-13 Scenic Vistas to be Unobstructed.

All height exceptions (subject to conditional use permit) shall in no way inhibit or obstruct a scenic vista of surrounding neighbors. All conditional use permits made to the New Harmony Town Planning Commission shall include the notification and signatures of potentially affected neighbors within five hundred (500) feet.

5-14 Minimum Height of Main Building.

No building, excepting farm buildings, which is accessory shall be erected to height less than one (1) story above grade. Exceptions shall be made to a bona fide earth shelter home. See 1-6(29).

5-15 Maximum Height of Accessory Buildings.

No building which is accessory to a one-family, shall be erected to a height greater than one (1) story or twenty (20) feet, without approval of the New Harmony Town Planning Commission.

5-16 Clear View of Intersecting Street.

In all districts which require a front yard, no obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile
drivers; and pedestal-type identification signs and pumps at gasoline service stations.

5-17 Fences, Walls, and Hedge

(1) Fences, walls, and hedges may be erected or allowed but must not obstruct clear view of intersecting streets or blind corners.

(2) Fences for agricultural purposes shall be allowed in all zones.

(3) Fencing and walls eight (8) feet in height, including protective gates, shall be required around swimming pools, jacuzzies, and similar structures.

5-18 Water and Sewage Requirements.

All proposed building or proposed use shall be connected to an approved water system within the town limits of New Harmony. All proposed building or proposed use within the Town of New Harmony shall be connected to an approved individual septic system or sanitary sewer system.

5-19 Beautification

Buildings, uses, and lots shall be maintained in such a manner as to enhance community pride and beautification. No junk, rubbish, weeds, or other unsightly material or conditions (including cars in an inoperable condition for 6 months) shall be permitted on any lot, right-of-way, or easement or as a part of any building or use. The outside surface of buildings, all or part of which is constructed of wood, shall, upon completion of construction, be coated with paint or other wood preservative, unless the exterior wood material is warranted by the manufacturer not to require such treatment in order to maintain an attractive appearance.
CHAPTER 6. NONCONFORMING BUILDINGS AND USES

6-1  Maintenance Permitted.

A nonconforming building or structure may be maintained.

6-2  Repairs and Alterations.

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use.

6-3  Additions, Enlargements, and Moving.

A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area, or yard requirements shall not be added to or enlarged in any manner unless such addition or enlargement conforms or is made to conform to all regulations of the zone in which it is located except as permitted by the New Harmony Town Board of Adjustment.

6-4  Alteration Where Parking Insufficient.

A building or structure lacking sufficient automobile parking space in connection therewith as required by this Ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this Ordinance for such alteration or enlargement. All parking spaces shall be on the site or adjacent to the site.

6-5  Restoration of Damaged Buildings.

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged by fire, flood, wind, earthquake or other calamity or Act of God, or the public enemy, may be restored and the occupancy or use of such building, structure, or part thereof, which existed at the time of such damage may be continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently prosecuted to completion.

6-6  Three Year Vacancy.

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the District in which it is located.

6-7  Continuation of Use.

The occupancy of a building or structure by a non-conforming use, existing at the time this Ordinance became effective, may be continued.

6-8  Occupation Within One Year.
A vacant building or structure may be occupied by a use for which the building or structure was designed or intended, if so occupied within a period of one (1) year after the use became nonconforming.

6-9 Change of Use.

The nonconforming use of a building or structure may not be changed except to a conforming use; but where such change is made, the use shall not thereafter be changed back to a nonconforming use.

6-10 Nonconforming Use of Land.

The nonconforming use of land, existing at the time this Ordinance became effective, may be continued, provided that no such nonconforming use of land shall in any way be expanded either on the same or on adjoining property, and provided that such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this Ordinance.

6-11 Exceptions.

The following nonconforming structures and uses shall be amortized in a period not exceeding that stated below, effective from the date of adoption of this Ordinance.

(1) Trash, junk, debris, or similar material shall be removed from any residential zone within two (2) years.

(2) Nonconforming signs shall be removed from any zone in which said signs are nonconforming within one (1) year.

Nonconforming structures or uses not removed within the specified time, effective of the date of adoption of this Ordinance, shall be removed by the Town of New Harmony and the costs incurred by the Town in doing so shall be billed to the owner of the property or structure.
CHAPTER 7. CONDITIONAL USES

7-1 Purpose of Conditional Use Provisions.

Certain uses which may be harmonious under special conditions and in specific locations within a district, but be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits for approval.

7-2 Permit Required.

A Conditional Use Permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. A Conditional Use Permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate. No building permit or other permit or license shall be issued for a use requiring conditional use without first being reviewed and/or approved by the New Harmony Town Planning Commission or the New Harmony Town Council.

7-3 Application.

A Conditional Use Permit application shall be made to the New Harmony Town Planning Commission as provided in this Ordinance. Applications for a Conditional Use Permit shall be accompanied by maps, drawings, statements, or other documents as required by the New Harmony Town Planning Commission.

7-4 Fee.

The application for any Conditional Use Permit shall be accompanied by the appropriate fee as determined by the New Harmony Town Council.

7-5 Development Plan.

The application for a Conditional Use Permit shall prepare a site plan with evaluations (as may be necessary) for the site being proposed for development. The plan shall be drawn to scale and show all existing and proposed buildings, roads, parking, and other information that the New Harmony Town Planning Commission may deem necessary.

7-6 Planning Commission Action.

The New Harmony Town Planning Commission may recommend approval or denial of the Conditional Use Permit. In recommending approval of any conditional use, the New Harmony Town Planning Commission shall suggest regulations and conditions which are necessary to protect the public health, safety, and welfare. In recommending approval of a Conditional Use Permit, the New Harmony Town Planning Commission shall find:

(1) That the proposed use is necessary or desirable and will contribute to the general well-being of the community.

(2) That the use will not be detrimental to the health, safety, or welfare of persons residing, or
working in the vicinity, or injurious to property or improvements in the vicinity.

(3) That the proposed use will comply with the regulations of this Ordinance.

(4) That the proposed use is in harmony with the intent and purpose of the New Harmony Town Master Plan or that the plan shall have first been amended through public hearing.

7-7 Town Council Action.

Upon denial of a Conditional Use Permit by the New Harmony Town Planning Commission, the applicant may appeal in writing within thirty (30) days to the New Harmony Town Council. The New Harmony Town Council may approve, modify and approve, or deny the conditional use application in a public meeting. In approving any conditional use, the New Harmony Town Council shall impose regulations and conditions as are necessary to protect the public health, safety, and welfare. The New Harmony Town Council shall follow the same conditions as stated in 8-6 above.

7-8 Expansion of a Conditional Use.

No structure in which a conditional use is located may expand without the approval of the New Harmony Town Planning Commission and the New Harmony Town Council. Before expanding, the applicant shall present to the New Harmony Town Planning Commission a Development Plan meeting the requirements of 8-5 above. No public hearing need be held. However, the New Harmony Town Planning Commission may deem a hearing necessary.

7-9 Inspection.

Following the issuance of a Conditional Use Permit for a use which requires a building permit, the New Harmony Town Building Inspector shall approve an application for a building permit, and shall insure that development is undertaken and completed in compliance with said conditional use and all other applicable codes and ordinances.

7-10 Time Limitation.

All Conditional Use Permits shall expire within a maximum period of one (1) year of issuance, unless there shall have been substantial performance toward the completion of the conditions set forth in the permit. The Planning Commission may recommend and the Town Council may grant a maximum extension of six (6) months under exceptional circumstances. In the event that a Conditional Use Permit is granted on a temporary basis, the Planning Commission may recommend and the Town Council may issue a permit for six (6) months, with one (1) maximum extension of six (6) months. A Conditional Use Permit shall be non-transferrable.

7-11 Revocation.

A Conditional Use Permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and the applicant shall be so notified of revocation by the Town of New Harmony. The permit may be reinstated upon determination by the New Harmony Town Council that the cause for revocation has been corrected and that the applicant intends to proceed according to the plans approved by the New Harmony Town Planning Commission at
the time the permit was originally issued, or as they might have been properly amended by the New Harmony Town Planning Commission from time to time during the period of the conditional use. Revocation or reinstatement of a Conditional Use Permit is the responsibility of the New Harmony Town Council, upon recommendation by the New Harmony Town Planning Commission.
CHAPTER 8. DESIGN REVIEW

8-1 Purpose.

The purpose and intent of design review is to secure the general purposes of this Ordinance and the New Harmony Town Master Plan and to insure that the general appearance of buildings and structures and the development of the land shall in no case be such as would impair the orderly and harmonious development of the neighborhood or impair investment in the occupation of the neighborhood.

It is the intent of this Chapter to specify minimum architectural design features in order to

8-2 Application and Review.

All applications for building permits for all buildings and structures shall be accompanied by architectural and site development plans to scale, which shall show building locations, landscaping, prominent existing trees, general treatment, fences, off-street parking and circulation, location and size of the adjacent streets, north arrow and property lines, drawings of the major exterior elevations, the building materials, proposed exterior color scheme, existing grades and proposed new grades. All such drawings and sketches shall be reviewed by the New Harmony Town Planning Commission. All of the above required architectural and site development plans shall have been reviewed and approved prior to the issuance of a building permit.

8-3 Exceptions.

For buildings and uses covered by Conditional Use Permits design review shall be incorporated within such Conditional Use Permit and need not be a separate application, provided the requirements of this Chapter are met.

8-4 Planning Commission Approval.

The New Harmony Town Planning Commission shall determine whether the proposed architectural and site development plans submitted are consistent with this Chapter and with the general objectives of this Ordinance, and shall give or withhold approval accordingly. Denial of approval by the New Harmony Town Planning Commission may be appealed to the New Harmony Town Council, as provided for in the appeals section of this Ordinance.

8-5 Consideration in Review of Applications.

The New Harmony Town Planning Commission shall consider the following matters, and others when applicable, in their review of applications:
(1) Considerations relating to traffic safety and traffic congestion.
   
a. The effect of the site development plan on traffic conditions on abutting streets.

b. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and wall ways.

c. The arrangement and adequacy of off-street parking facilities.

d. The circulation patterns within the boundaries of the development.

e. The surfacing and lighting of off-street parking facilities.

(2) Consideration relating to outdoor advertising.

   The number, location, color, size, height, lighting, and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development.

(3) Consideration relating to landscaping.

   a. The location, height, and materials of walls, fences, hedges, screen plantings to insure harmony with adjacent development, or to conceal storage areas, utility installations, or other unsightly development.

   b. The planting of ground cover or other surfacing to prevent dust and erosion.

   c. The unnecessary destruction of existing healthy trees.

(4) Considerations relating to buildings and site layout.

   a. Consideration of the general silhouette and mass, including location on the site, elevation, and relation to natural plant coverage, all in relationship to the neighborhood.

   b. Consideration of exterior design in relation to adjoining structures in height, bulk, and area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel.

8-6 Conditions.

The New Harmony Town Planning Commission shall decide all applications for design review. Design approval may include such conditions consistent with the consideration of this Chapter as the New Harmony Town Planning Commission or New Harmony Town Zoning Administrator deem reasonable and necessary under the circumstances to carry out the intent of this Chapter.

In the case of primary, single-family, mobile, manufactured, or modular home structures the Planning Commission shall impose conditions as follows:
1. The structure shall be on a permanent foundation;
2. The roof pitch of the structure shall be a minimum of 4/12;

3. The distance of the length of the structure shall be no more than twice the distance of the width of the structure;

4. All construction shall be in compliance with the uniform building code unless otherwise so designated;

5. The size of the principle structure shall be no less than 1,000 sq.ft.; and

6. The Planning Commission shall give approval for the project.

8-7 Findings and Decisions.

Upon a finding by the New Harmony Town Planning Commission that the application meets the intent of this Chapter, the design approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied.

8-8 Notification of Approval or Denial.

Upon the granting of design approval, the secretary of the New Harmony Town Planning Commission shall prepare and mail or deliver to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereof, or the fact of denial and the reasons thereof, within ten (10) working days from the date of the decision.

8-9 Time Limitations on Approval.

If construction in harmony with the permit for any development for which design approval has been granted has not been commenced within one (1) year from date of notification of approval, the approval shall be deemed automatically revoked. Upon application, an extension of time may be granted by the New Harmony Town Planning Commission.

8-10 Transfer of Approval upon Change in Use.

Design approval shall be deemed revoked if the buildings erected or the classification of their use or the classification of the use of land for which the approval was granted is changed, unless the approval is transferred by the New Harmony Town Planning Commission. If the transfer is not approved, a new application must be filed.

8-11 Conformance to Approval.

Development for which design approval has been granted shall conform to the approval and any conditions attached thereto.

8-12 Modifications.

Upon request of the applicant, modifications in the approved plan may be made by the New Harmony Town Planning Commission if it is found that the modifications will meet the requirements of this Chapter. The New Harmony Town Planning Commission may revoke or
modify a design approval which does not conform to any requirements of the approved permit.
CHAPTER 9. CONSTRUCTION SUBJECT TO GEOLOGIC, FLOOD, OR OTHER NATURAL HAZARDS

9-1 Purpose.

To protect the general public from geologic, flood, or other natural hazards that might be detrimental to the health, safety, and general welfare of the residents of the Town of New Harmony. Any application for a Conditional Use or Building Permit which has, in the opinion of the New Harmony Town Planning Commission, potential soils, earthquake, flood or other discernible hazards may be required to provide a report addressing such hazards and possible mitigation measures.

9-2 Requirements.

(1) The report shall be prepared at the applicant's expense by a registered or licensed geologist, soils engineer, or civil engineer, and shall show the suitability of the soils on the property to accommodate the proposed construction, and any discernible flood or earthquake hazards.

(2) Whenever a professional expert indicates a parcel may be subject to a potential or actual hazard, the applicant shall meet the special conditions required by the New Harmony Town Planning Commission, to reduce or eliminate such hazards.

(3) If, based on the report of the professional expert, a hazard exists which cannot be mitigated to the satisfaction of Planning Commission and which would continue to pose a threat, existing or potential, to the health, safety and welfare of present and future citizens of New Harmony, neither a conditional use permit nor a building permit will be issued by the Town of New Harmony for the proposed use.