

**CHAPTER 80: AREA ZONING CODE**

**ORDINANCE NO. 1989-2**

**FRANKLIN COUNTY, INDIANA**

AN ORDINANCE TO REPEAL AN ORDINANCE ENTITLED: "FRANKLIN COUNTY, INDIANA, UNIFIED ZONING ORDINANCE," AS AMENDED, PASSED ON THE 17TH DAY OF MAY, 1985, BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA; ON THE 5TH DAY OF JUNE, 1965, BY THE TOWN BOARD OF TRUSTEES OF LAUREL, INDIANA; ON THE 13TH DAY OF MAY, 1965 BY THE TOWN BOARD OF TRUSTEES OF CEDAR GROVE, INDIANA; ON THE 24TH DAY OF MAY, 1965, BY THE TOWN BOARD OF MOUNT CARMEL, INDIANA; ON THE 14TH DAY OF MAY, 1965, BY THE TOWN BOARD OF TRUSTEES OF OLDENBURG, INDIANA; ON THE 13TH DAY OF MAY, 1965, BY THE TOWN BOARD OF TRUSTEES OF BROOKVILLE, INDIANA; AND TO REPLACE THE SAID UNIFIED ZONING ORDINANCE WITH A NEW CODIFIED ZONING ORDINANCE AND ZONE MAP, ENTITLED: "AREA ZONING CODE OF FRANKLIN COUNTY - 1988."

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, AND BY THE BOARD OF TRUSTEES OF BROOKVILLE, LAUREL, OLDENBURG, CEDAR GROVE AND MOUNT CARMEL, INDIANA, UNDER AUTHORITY OF THE INDIANA AREA PLANNING LAW [I.C. 36-7-4], AND ALL ACTS AMENDATORY OR SUPPLEMENTAL THERETO, GENERAL ASSEMBLY OF THE STATE OF INDIANA:

**SECTION 1.**

The "Area Zoning Code of Franklin County - 1988" shall read as follows:

**OFFICE  
COPY**

**FRANKLIN COUNTY  
COMMISSIONERS**

*1010 FRANKLIN AVE*  
~~459 Main St.~~ • Brookville, IN 47012

Phone (765) 647-4985

Fax (765) 647-6926



COUNTY OF FRANKLIN

RE: Area Zoning Code

DATE: March 17, 2008

NUMBER of DOCUMENTS:

I, Thomas E. Wilson, Eric E. Roberts and Donald M. Vonder Meulen, Franklin County Board of Commissioners, hereby certify that the attached is a full, true and complete copy of the record, as requested, and as it appears in the files, 1989-2 with amendments.

*Thomas E. Wilson*  
\_\_\_\_\_  
THOMAS E. WILSON, Commissioner

*E. Roberts*  
\_\_\_\_\_  
ERIC E. ROBERTS, Commissioner

*Donald M. Vonder Meulen*  
\_\_\_\_\_  
DONALD M. VONDER MEULEN, Commissioner

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## CHAPTER 80: AREA ZONING CODE

### AREA ZONING CODE FRANKLIN COUNTY, INDIANA

Town of \_\_\_\_\_, Indiana

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## ZONING ORDINANCE

ORDINANCE NO. 1989-2

FRANKLIN COUNTY, INDIANA

(Town of \_\_\_\_\_, Indiana)  
ORDINANCE NO. \_\_\_\_\_

### Section 80.01: SHORT TITLE

The ordinance, as amended, comprising Chapter 80 of the "Code of Ordinances of Franklin County, Indiana," (or of the Town of \_\_\_\_\_, Indiana), shall hereafter be referred to as the "Area Zoning Code of Franklin County, Indiana, 1988."

### Section 80.02: ESTABLISHMENT OF DISTRICTS AND ZONE MAP

(A) Districts and Designations. For zoning purposes, the territory within the jurisdiction of the Franklin County Plan Commission is hereby classified and divided into fifteen (15) districts with the following names and designations:

<u>District Designation</u>	<u>Type of District</u>
A-1	Prime Agriculture
A-2	Secondary Agriculture
RE	Recreation
R-1	Single-family Residence
R-2	Single-family & Two-family Residence
R-3	Multi-family Residence
LB	Local Business
PB	Planned Business
GB	General Business
I-1	Enclosed Industrial
I-2	Open Industrial
UD	Unit Development Plan
FP	Flood Plain
HD	Historic
WD	Whitewater River Scenic

(B) Zone Map. The Zone Map, which accompanies and is hereby declared to be a part of this Code, shows the boundaries of the area covered by the districts. Notations, references, indications and other matters shown on the Zone Map are as much a part of this Code as if they were fully described herein.

(C) Flood Plain District. The Flood Plain District (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration on the following maps with their respective dates and community numbers: Franklin County unincorporated area, Flood Hazard Boundary Maps (FHBM), dated March 10, 1978, Community No. (180068); Brookville, Flood Insurance Rate Map (FIRM), dated November 15, 1984, Community No. 1800698; Cedar Grove, Flood Insurance Rate Map (FIRM), dated August 5, 1986, Community No. 180304B; and Laurel, Flood Hazard Boundary Map (FHBM), dated June 11, 1976; along with any subsequent revisions to the text of the federal criteria of the National Flood Insurance Program (NFIP) CFR 44, Chapter 60 3(d), are hereby adopted by reference and made a part of this Chapter as if fully described herein, and the boundaries thereof shall supersede the boundaries of any other district shown on the Zone Map. (See Sec. 80.21 and Sec. 80.49.)

### Section 80.03: INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists as to the boundaries of districts as shown on the Zone Map, the following rules shall apply:

(A) Centerlines of Streets and Boundaries. Unless otherwise indicated, the district boundary lines are the center lines of streets, parkways, alleys or railroad rights-of-way, or such lines extended.

(B) Existing Lines. Boundaries indicated as approximately following section lines, half-section and quarter-section lines, Town corporate limit lines, or platted lot lines shall be construed as following such lines.

(C) Railroad Lines. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

(D) Shore Lines and Waterways. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines shall be construed as moving with the actual shore lines. Boundaries indicated as approximately following the center lines of streams, creeks, lakes or other bodies of water shall be construed to follow such center lines.

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(E) **Use of Scale on Zone Map.** Boundaries indicated as parallel to or extensions of features indicated in subsections (A) through (D) above shall be so construed. Distances not specifically indicated on the Zone Map shall be determined by the scale of the Map.

(F) **Board May Determine.** Where physical or cultural features existing on the ground are at variance with those shown on the Zone Map, or in other circumstances not covered by subsections (A) through (E) herein, the Board of Zoning Appeals shall interpret the district boundaries.

(G) **Vacations and Relocations.** The vacation or relocation of rights-of-way and lot lines shall not affect the location of district boundaries; provided, however, whenever any right-of-way is vacated by proper authority, the districts adjoining each side of such vacation shall be extended automatically to the center of such vacation.

(H) **Lines Splitting Lots.** Where a district boundary line divides a lot which was in single ownership at the time of passage of the ordinance comprising this Chapter, the Board of Zoning Appeals, upon appeal, shall interpret the applicable regulations for either portion of the lot not to exceed fifty (50) feet beyond the district boundary line into the remaining portion of the lot.

### **Section 80.04: APPLICATION OF DISTRICT REGULATIONS**

The regulations set forth in this Chapter within each district shall be minimum regulations, and they shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

(A) **Regulations Apply.** No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

(B) **Lot Areas and Yards May Not Be Encroached Upon.** No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot area per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located, or in any other manner contrary

to the provisions of this Code.

(C) **Yards are Separate.** No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.

(D) **No Reduction in Yards.** No yard or lot existing at the time of passage of the Ordinance comprising this Chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of the said Ordinance shall meet at least the minimum requirements established by this Code.

### **Section 80.05: PROCEDURE RELATING TO AREAS WHICH MAY BECOME SUBJECT TO ZONING**

Any additional territory which becomes subject to the rules and regulations of the Franklin County Area Plan Commission shall be automatically zoned A-1 Prime Agriculture District unless otherwise changed by amendment to this Chapter; provided, that in the event of annexation of lands to a Town which is already within the jurisdiction of the commission, the zoning classification existing at the time of annexation shall remain until changed by amendment procedures.

### **Section 80.06: GENERAL PERFORMANCE STANDARDS**

All uses established or placed into operation after the effective date of the Ordinance comprising this Chapter shall comply with the following performance standards, except as otherwise set forth in this Chapter for Open and Enclosed Industrial Uses, in the interest of protecting the public health, safety and welfare, and to lesson injury to property. No use shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance as further prescribed hereinafter. No use in existence on the effective date of the said Ordinance shall be so altered or modified to conflict with these standards.

(A) **Fire Protection.** Fire-fighting equipment and prevention measures acceptable to the applicable Fire Department shall be readily available and apparent when any activity involving the handling or storage of flammable or explosive

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materials is conducted.

(B) **Electrical Disturbance.** No use shall cause electrical disturbance adversely affecting radios, televisions or other equipment in the vicinity.

(C) **Noise.** No use shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness or vibration. Said noise shall be muffled or otherwise controlled so as not to become detrimental; provided, however, public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.

(D) **Vibration.** No use shall cause vibrations or concussions detectable beyond the lot lines without the aid of instruments.

(E) **Odor.** No use shall emit across the lot lines malodorous gas or matter in such quantity as to readily be detectable at any point along the lot lines.

(F) **Air Pollution.** No use shall discharge across the lot lines fly ash, dust, smoke, vapors, noxious, toxic or corrosive matter, or other air pollutants in such concentration as to be detrimental to health, animals, vegetation or property, or conflict with public air quality standards.

(G) **Heat and Glare.** No use shall produce heat or glare in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines.

(H) **Water Pollution.** No use shall produce erosion or other pollutants in such quantity as to be detrimental to adjacent properties or conflict with public water quality standards.

(I) **Waste Matter.** No use shall amass within the lot or discharge beyond the lot lines any waste matter, whether liquid or solid, in conflict with applicable public health, safety and welfare standards and regulations.

### **Section 80.07: NONCONFORMING BUILDINGS AND USES**

The lawful use of a building or premise, existing at the time of the passage of the "Franklin County, Indiana, Unified Zoning Ordinance," or the replacement zoning ordinance comprising this Chapter, or any subsequent amendment to the

replacement zoning ordinance, may be continued although such use does not conform to all the provisions of this Code, subject to the following conditions:

(A) **May Be Extended.** A nonconforming use may be extended throughout a building provided the size of the structure is not increased.

(B) **May Be Changed.** A nonconforming use may be changed to another nonconforming use of the same or greater restrictions, provided the size of the structure is not increased.

(C) **Use Cannot Be Changed To Nonconforming Use.** Whenever a nonconforming use has been changed to a conforming use or to a use permitted in a district of greater restrictions, it shall not thereafter be changed to a nonconforming use.

(D) **No Building Erected on Non-Conforming Use Premises.** No building shall be erected upon any premises devoted to a nonconforming use, except in conformance with the provisions of this Code.

(E) **Temporary Nonconforming Use.** The Board may authorize, by written permit, in a district permitting residential use, for a period of not more than one (1) year from the date of such permit, a temporary building for business or industrial use incidental to the residential construction and development of said district.

(F) **Discontinuance of Nonconforming Use.** In the event that a nonconforming use of any building or premises is discontinued for a period of at least one (1) year, the use of the same shall hereafter conform to the uses permitted in the district in which it is located, and provided further that any nonconforming dwelling which is deficient in ground floor area, and which may be removed from a lot, shall relocate on a lot in accordance with the provisions of this Code.

(G) **Damage to Nonconforming Use.** If a building or other structure containing a nonconforming use is damaged or destroyed by any means to the extent of fifty percent (50%) or more of its replacement value at that time, the building or other structure can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of the district in which it is located. In the event the damage or destruction is less than

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fifty percent (50%) of its replacement value, based upon prevailing costs, the building may then be restored to its original condition and the occupancy or use of such building may be continued which existed at the time of such partial destruction. It shall be the decision of the Executive Director as to percentage determinations.

In either event, restoration or repair of the building or other structure must be started within a period of six (6) months from the date of damage or destruction, and diligently prosecuted to completion.

(H) Honoring Previous Permits. Nothing herein contained shall require any change in the plans for the construction or designated use of a building for which an Improvement Location Permit or a Building Permit has been heretofore issued, and the actual construction of which has been diligently prosecuted within ninety (90) days of the date of such Permit, and which entire building shall be completed according to such plans filed within three (3) years of such Permit. Actual construction is hereby defined to include the erection of construction materials in permanent position and fastened in a permanent manner.

(I) Buildings May Be Made Safe. Nothing in this Code shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe by proper authority.

(J) Nonconforming Use Resulting From Amendment. These provisions apply in the same manner to a use which may become a nonconforming use as a result of an amendment to this Code.

(K) Nonconforming Use in Flood Plain District. Any building, structure or use of land in the (FP) Flood Plain District which is not in conformance with the requirements of this Chapter constitutes a Nonconforming Use. All applications to repair, extend or enlarge a nonconforming use in the FP District shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any resulting Improvement Location Permit issued by the Executive Director (or Building Permit issued by the Building Inspector).

### Section 80.08: NONCONFORMING LOT AREAS AND WIDTHS AND PRIOR LOTS OF RECORD

A lot of record that existed prior to the passage of the Area Subdivision Control Code of Franklin County, Indiana, 1987, (Chapter 81) is a Building Lot if it is accessible from a street with an adequate undeniable easement for ingress and egress from a street, \*and was a legal building lot under the 1965 Franklin County Unified Zoning Ordinance.

\*(Am. Ord. 1992-13, passed by County Commissioners Nov 16, '92; Brookville Dec 22, '92; Oldenburg Jan 4, '93; Cedar Grove Dec 13, '92; Mt. Carmel Jan 18, '93; and Laurel Mar 6, '93.)

### Section 80.09: A-1 PRIME AGRICULTURE DISTRICT

This district covers portions of the County where the soil types are most conducive to agricultural operations and is intended to protect and encourage agricultural uses of the land by controlling indiscriminate development of urban-type uses. Residences are permitted on large lots with wide frontage, but residential subdivisions are not permitted, except for one, two, or three parcels of land set out in the Subdivision Control Code, Sec. 81.03(27)(c). All types of agricultural uses or uses akin to agricultural operations are permitted, either outright or by special exception, depending upon their impact to neighboring uses.

#### (A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special exceptions set forth in Sec. 80.25.
- (5) Contingent uses set forth in Sec. 80.24.
- (6) Accessory uses set forth in Sec. 80.34.
- (7) Temporary uses set forth in Sec. 80.35.
- (8) A Farmstead Lot of not less than one (1) acre in area with yard requirements the same as those required for a Single-family Dwelling located in the A-2 Agriculture District.

#### (B) Other Requirements for the A-1 District.

- (1) Lot area, ground floor area, lot

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width, lot coverage and front, side and rear yard requirements are set forth in **Figure 1**.

(2) See **Sec. 80.26** for front yard of setback and additional yard requirements.

(3) Height requirements are set forth in **Sec. 80.32**.

(4) Off-street parking space requirements are set forth in **Sec. 80.37** and **80.39**.

(5) See **Sec. 80.27** for fence requirements and yard exceptions.

### **(C) Method for Reclassifying an A-1 District to an A-2 District for Subdivision Purposes.**

(1) If an applicant for a residential subdivision of land, as set forth in the Subdivision Code proposed to be located in an area covered by an A-1 District (other than the type of subdivision referred to in **Sec. 80.03(27)(e)**) can demonstrate to the satisfaction of the Commission that such land is actually located in an area having primarily Group III and/or Group IV Soils in accordance with the criteria and findings in the National Cooperative Soil Survey prepared by the United States Department of Agriculture Soil Conservation Service in cooperation with the Purdue Experiment Station and the Franklin County Soil and Water Conservation District, the Plan Commission may then initiate an amendment to the Zoning Code on its own motion in order to cause the area proposed to be subdivided to be reclassified on the Zone Map to the A-2 District, provided that certain other requirements have been met by the applicant.

(a) The County road from which access is gained to the proposed subdivision is paved properly in accordance with the standards of the Franklin Highway Department, or the applicant may pave such road at his expense;

(b) The plan for off-site drainage proposed meets the approval of the Franklin County Board of Commissioners, and the expense of the drainage system will be borne by the subdivider (3 year bond); and

(c) The site is located on a hill or in a woods or in an area topographically or otherwise unfit for good agricultural operations.

(2) The general criteria of soils of Franklin County that have the best potential for homesites:

(a) Do not flood or pond.

(b) Moderately well-drained, well-drained, or excessively drained.

(c) Slopes of two percent (2%) to twelve percent (12%).

(d) Bedrock deeper than sixty (60) inches.

(e) Have a percolation rate faster than forty-five (45) minutes per inch or a permeability faster than 3.0 inches per hour.

(3) Criteria of soils included in prime farmland map units of Franklin County that do not qualify as prime farmland and that have the best potential for homesites:

(a) A soil that has an unfavorable temperature and growing season for agronomic crops.

(b) A soil that has an inadequate and/or undependable water supply in the upper forty (40) inches of the soil; or the water table is not maintained or cannot be managed so that all of the soil horizons within forty (40) inches have adequate available water for plant growth during the cropping season.

(c) Soil that has coarse or moderately coarse texture in the surface and subsoil.

### **Section 80.10: A-2 AGRICULTURE DISTRICT**

This district is located generally in areas of less suitable farmlands where residential subdivisions either have taken place or are anticipated to do so. Residential subdivision are permitted with large lots; however, all types of agriculture uses or uses akin to agricultural operations may be permitted, either outright or by special exception, depending upon the impact upon neighboring uses.

#### **(A) Permitted Uses.**

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Two-family dwelling.
- (5) Special exceptions set forth in **Sec. 80.25**.
- (6) Contingent uses set forth in **Sec. 80.24**.
- (7) Accessory uses set forth in **Sec. 80.34**.
- (8) Temporary uses set forth in **Sec. 80.35**.

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### (B) Other Requirements for the A-2 District.

(1) Lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in **Figure 1**.

(2) See **Sec. 80.26** for front yard or setback and additional yard requirements.

(3) Height requirements are set forth in **Sec. 80.32**.

(4) Off-street parking space requirements are set forth in **Sec. 80.37** and **80.39**.

(5) Sign requirements are set forth in **Sec. 80.38**.

(6) See **Sec. 80.27** for fence requirements and yard exceptions.

NOTE: See requirements for "Certified Surveys," set forth in **Sec. 81.03, Definitions(27), Subdivision (d)**.

### Section 80.11: RE RECREATION DISTRICT

This district is designed to include areas containing some tree cover, generally unsuitable for agricultural cultivation, and primarily suited for recreation oriented activities.

#### (A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Two-family dwelling.
- (5) Special Exceptions set forth in **Sec. 80.25**.
- (6) Contingent Uses set forth in **Sec. 80.24**.
- (7) Accessory Uses set forth in **Sec. 80.34**.
- (8) Temporary Uses set forth in **Sec. 80.35**.

#### (B) Other Requirements for the RE District.

(1) Lot area, ground floor area, lot width, lot coverage and front, side, and rear yard requirements are set forth in **Figure 1**.

(2) See **Sec. 80.26** for front yard or setback and additional yard requirements.

(3) Height requirements are set forth in **Sec. 80.32**.

(4) Off-street parking space requirements are set forth in **Sec. 80.37** and **80.39**.

(5) Sign requirements are set forth in **Sec. 80.38**.

(6) See **Sec. 80.27** for fence

requirements and yard exceptions.

NOTE: See requirements for "Certified Surveys," set forth in **Sec. 81.03, Definitions(27), Subdivision (d)**.

### Section 80.12: R-1 SINGLE-FAMILY RESIDENCE DISTRICT

This district, although very suitable for agricultural uses in many locations, is designed to also permit low density single-family residential development, and is adaptable to urban and suburban locations.

#### (A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Special exceptions as set forth in **Sec. 80.25**.
- (5) Contingent uses set forth in **Sec. 80.24**.
- (6) Accessory uses set forth in **Sec. 80.34**.
- (7) Temporary uses set forth in **Sec. 80.35**.

#### (B) Other Requirements for the R-1 District.

(1) Lot area, ground floor area, lot width, lot coverage, and front, side and rear yard requirements are set forth in **Figure 1**.

(2) See **Sec. 80.26** for front yard or setback and additional yard requirements.

(3) Height requirements are set forth in **Sec. 80.32**.

(4) Off-street parking space requirements are set forth in **Sec. 80.37** and **80.39**.

(5) Sign requirements are set forth in **Sec. 80.38**.

(6) See **Sec. 80.27** for fence requirements and yard exceptions.

### Section 80.13: R-2 SINGLE-FAMILY and TWO-FAMILY RESIDENCE DISTRICT

This district is designed to accommodate single-family dwellings and two-family dwellings in areas where other multi-family housing would not be desirable. This district may also be used to provide a transition area between single-family residential areas and more intensively used areas.

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Attn: Jim

(A) Permitted Uses.

- 80.25. (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Manufactured home.
- (5) Special exceptions set forth in Sec.
- 80.24. (6) Contingent uses set forth in Sec.
- 80.34. (7) Accessory uses set forth in Sec.
- 80.35. (8) Temporary uses set forth in Sec.

80.25.

(7) Contingent uses set forth in Sec.

80.24.

(8) Accessory uses set forth in Sec.

80.34.

(9) Temporary uses set forth in Sec.

80.35.

(B) Other Requirements for the R-3 District.

(1) Lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.

(2) Height requirements are set forth in Sec. 80.32.

(3) Off-street parking space requirements are set forth in Sec. 80.37 and 80.39.

(4) Sign requirements are set forth in Sec. 80.38.

(5) See Sec. 80.26 for front yard or setback and additional yard requirements.

(6) See Sec. 80.27 for fence requirements and yard requirements.

(7) Prior to the issuance of an Improvement Location Permit by the County, written approval of the building plans must have been received from the Fire Prevention and Building Safety Commission of the State of Indiana for all residential structures of three or more units.

(B) Other Requirements for the R-2 District.

(1) Lot area, ground floor area, lot width, lot coverage, and front, side, and rear yard requirements are set forth in Figure 1.

(2) See Sec. 80.26 for front yard or setback and additional yard requirements.

(3) Height requirements are set forth in Sec. 80.32.

(4) Off-street parking space requirements are set forth in Sec. 80.37 and 80.39.

(5) Sign requirements are set forth in Sec. 80.38.

(6) See Sec. 80.27 for fence requirements and yard requirements.

(7) Prior to the issuance of an Improvement Location Permit for the conversion of an existing single-family dwelling to a two-family dwelling, all provisions set forth herein for a two-family dwelling shall be met. (See Sec. 80.30.)

Section 80.14: R-3 MULTI-FAMILY RESIDENCE DISTRICT

The R-3 multi-family residence district is intended to provide for medium to high density residential areas. This district may be used as a transitional area between residential and non-residential areas while at the same time providing for multi-family housing in a predominately low density area.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Special exceptions set forth in Sec.

Section 80.15: LB LOCAL BUSINESS DISTRICT

The LB local business district is designed to meet the day-to-day convenience shopping and service needs of persons living in nearby residential areas. Uses allowed in this district will, in general, be a less intense use than those allowed in the PB or GB districts.

(A) Permitted Uses.

- (1) Agricultural use.
- (2) Single-family dwelling.
- (3) Two-family dwelling.
- (4) Multi-family dwelling.
- (5) Manufactured home.
- (6) Local business uses which are

primarily of a retail or service nature and specifically classified or implied in the following categories of uses: \*(See note below.)

(a) Automobile service - including:

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1. Public garage, but not including major repair or body work.
2. Sales room (including mobile home or trailer sales area).
3. Repair (all indoors).

(b) Business service - including:

1. Bank.
2. Office building.
3. Postal station.
4. Telegraph office.
5. Telephone exchange or public utility substation.
6. Utility company business office.

(c) Clothing service - including:

1. Laundry agency.
2. Self-service laundry and dry cleaning.
3. Dry cleaning establishment using not more than three, clothes-cleaning units, neither of which shall have a rated capacity of more than forty (40) pounds using cleaning fluid which is non-explosive and non-flammable.
4. Dressmaking.
5. Millinery.
6. Tailor and pressing shop.
7. Shoe repair shop.

(d) Equipment service -

1. Radio or television shop and sales.
2. Electric appliance shop and sales.
3. Record shop and sales.

(e) Food service - including:

1. Grocery.
2. Meat market.
3. Supermarket.
4. Restaurant.
5. Delicatessen.
6. Cold storage lockers, for individual use.

7. Bakery, provided floor area used for production shall not exceed seven hundred fifty (750) square feet.

including:

(f) Personal service -

1. Barber shop.
2. Beauty shop.
3. Physical fitness facility.
4. Photographic studio.

generally including:

(g) Retail service, retail stores,

1. Drug store.
2. Hardware or paint store.
3. Stationer.
4. Newsdealer.
5. Show room and sales area for articles to be sold at retail.
6. Apparel shop.
7. Antique shop.
8. Shoe store.
9. Variety store.
10. Toy store.
11. Jewelry store.
12. Flower or garden shop.
13. Gift shop.

including:

(h) Business recreational uses

1. Billiard room.
2. Dancing academy.
3. Tavern or night club, only in conformity with requirements of laws or ordinances governing such use.
4. Bait sales.

(i) Club or Lodge.

(j) Advertising Sign or Billboard (See Sec. 80.38 Signs)

(k) Clinic.

(l) Mortuary.

(m) Pet shop.

including:

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(n) Studio - Business (art, interior decorating, music, etc.)

(o) Accessory Building or use customarily incident to the above uses which may not have more than forty (40) percent of its floor area devoted to storage purposes, and provided that not more than five (5) persons are employed at one time or on any one shift in connection with such incidental use.

\*NOTE: Local Business uses, categories (b) through (i) inclusive, and (k) through (n) shall be conducted within buildings so constructed that no noise of any kind produced therein shall be audible beyond the confines of the building.

- 80.25. (7) Special exceptions set forth in Sec. 80.25.
- 80.24. (8) Contingent uses set forth in Sec. 80.24.
- 80.34. (9) Accessory uses set forth in Sec. 80.34.
- 80.35. (10) Temporary uses set forth in Sec. 80.35.

### (B) Other Requirements for the LB District.

(1) Lot and area requirements are set forth in Figure 1, Lot and Yard Requirements, and as follows:

(a) For residential uses, use the same requirements set forth in Sec. 80.14, R-3 Multi-family Residence District.

(b) For local business uses, each lot shall have at least fifty (50) feet of frontage on a street.

(2) Additional height requirements are set forth in Sec. 80.32.

(3) Off-street parking space and loading requirements are set forth in Sec. 80.37.

(4) See Secs. 80.26 and 80.27 for additional front yard and side yard requirements.

(5) Where the side lot line in a LB Local Business District abuts a more restrictive district, there shall be a side yard of not less than six (6) feet in total width. In all other cases, except when specified, a side yard for a business building shall not be required, but, if provided, it shall not be less than six (6) feet in width.

(6) Where the rear lot line in a LB Local Business District abuts a more restrictive district, there shall be a rear yard of not less than twenty (20) feet when a local business use building is located on the lot. In all other cases, the rear

yard shall not be less than fifteen (15) feet in depth.

(7) See Sec. 80.27 for fence requirements.

(8) Sign requirements are set forth in Sec. 80.38.

### Section 80.16: PB PLANNED BUSINESS DISTRICT

This district is designed to encourage well-planned business uses, particularly with respect to unified design, safe ingress and egress, adequate and properly located parking and service facilities and convenient and safe pedestrian accessibility.

(A) General Provisions. The uses set forth in division (B) below shall be permitted by the Executive Director without a hearing or consideration by the Board of Zoning Appeals, if he ascertains that the application for an improvement location permit for the proposed use in the PB Planned Business District meets all of the requirements herein, and the basic requirements of Sec. 80.25 (B)(1)(a), (b), (c), (d), and (e) and all other requirements set forth in this chapter pertaining to the proposed use. Provided, a public notice and notice to interested property owners of filing the improvement location permit, describing the location and nature of the proposed use, shall be published in accordance with the rules of the Board of Zoning Appeals at least ten (10) days prior to any action being taken thereon by the Executive Director. (See Sec. 80.40(C).) If the Executive Director determines that the proposed use is not in accordance with the requirements, he shall deny the application for an improvement location permit, and the applicant may make application for a Special Exception which shall be processed in accordance with the requirements set forth in Sec. 80.25 for a Planned Business Use in the PB District. All applications for any use in the PB Planned Business District shall include a development plan, and the following additional requirements shall be adhered to:

(1) A greenbelt or lawn area at least twenty (20) feet in width and abutting the property line on the lot which is proposed to be used for nonresidential purposes in the PB District shall be provided on the particular side or rear of a lot where a PB District use adjoins an A-1, A-2, RE, R-1, R-2, or GB District or land used for residential purposes. A planting screen consisting of suitable shrubbery shall be provided and maintained within the greenbelt or lawn area so as to provide a tight

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screen, effective at all times of the year. The locations and names of the shrubbery planting shall be indicated on the development plan or on a separate landscape plan which shall become a part of the application. The shrubbery may be planted informally or in a row and may include several varieties and sizes provided that the Board shall be satisfied that the shrubbery will screen any parking areas and expected ground activity from the view of the abutting property, and also that vision clearance at access points shall be provided for safety purposes.

(2) Off-street parking spaces and accessory uses such as filling station pumps and islands, signs and light standards, and access drives may be located in the required front yard, but not within twenty (20) feet of the front lot line, provided that the access drives may connect with the frontal street, and provided also that the described twenty foot strip of land shall be maintained as a lawn area with occasional tree and shrub plantings.

(3) On properties fronting on state highways or on any other "arterial streets" (see definitions of "STREET, ARTERIAL" and COMPREHENSIVE PLAN" in Sec. 81.03) as shown on the Thoroughfare Plan Map, the front yard shall have a depth of at least eighty (80) feet. Furthermore, a greenbelt or lawn area of at least twenty (20) feet in depth and abutting the front lot line of such properties shall be maintained as lawn except for prescribed accessways. (See Subsections (A)(1) and (A)(2), herein.) On through lots, building lines and greenbelts or lawn areas shall be provided as herein described. On all other types of streets the building line for uses proposed in the PB Planned Business District shall be established at least twenty-five (25) feet from the front lot line, and the side yard dimension on the side street side of a corner lot shall be at least twenty-five (25) feet measured from the side lot line which either exists or is proposed to exist as the line of a future street, provided that greenbelts or lawn areas are not required for those streets.

(4) Entrances and exits shall be located so as to minimize any adverse effect on adjacent properties. Access driveways shall not be wider than forty (40) feet at their point of intersection with a street. The requirements of Sec. 80.33 (B) apply to traffic access points and service roads.

(5) No structure or building, driveway,

or accessory use shall be located closer than ten (10) feet to any side or rear lot line.

(6) Locations of easements and proposed utility lines and structures for storm drainage, sanitary sewers, electric power, water mains, and so on, including a statement or indications concerning the approximate size or capacity and the proposed operation of utilities to be installed shall be included in the application.

(7) The minimum number of off-street parking spaces and loading berths required for planned business uses shall be determined in accordance with the requirements set forth in Sec. 80.37. The requirements for off-street parking spaces and loading berths for other types of uses shall be the same as the requirements set forth in this chapter for the particular type of use.

(8) Buildings may be erected to a height of forty-five (45) feet.

(9) Except for the sales of gasoline or oil or other related products at filling stations, displays outside of buildings shall require the approval of the Board.

(10) Outside storage, including continued storage of automobiles, trucks, or trailers for hauling purposes, is not a permitted use in the PB District.

(11) Except for Dwellings, more than one principal building and its accessory building(s) or use(s) shall be permitted on one lot in the PB District.

(12) Any other authority required when applicable, such as State Board of Health and State Highway Department, shall accompany the application for any use in the PB District.

### (B) Permitted Uses.

- (1) Local business uses.
- (2) General business uses, (A) (6) (b), (e), (f), (g), (h), (i), (j) and (k).
- (3) Single-family dwellings.
- (4) Manufactured home.
- (5) Special Exceptions set forth in Sec. 80.25.
- (6) Contingent uses set forth in Sec. 80.24.
- (7) Accessory uses set forth in Sec.

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80.34.

- (8) Temporary uses set forth in Sec.

80.35.

### (C) Other Requirements for the PB District.

(1) Lot and area requirements are set forth in Figure 1, Lot and Yard Requirements, and are as follows:

(a) For Single-family residential uses, use the same requirements set forth in Sec. 80.12, R-1 Single-Family Residence District.

(b) For business uses, each lot shall have at least one hundred (100) feet of frontage on a street.

(2) Additional height requirements are set forth in Sec. 80.32.

(3) Off-street parking space and loading requirements are set forth in Sec. 80.37.

(4) See Secs. 80.26 and 80.27 for additional front yard and side yard requirements.

(5) See Sec. 80.27 for fence requirements.

(6) Sign requirements are set forth in Sec. 80.38.

(7) See Sec. 80.33 for Supplementary Business Standards.

(8) The total floor area of the business building or buildings shall not exceed sixty (60) percent of the lot area.

### Section 80.17: GB GENERAL BUSINESS DISTRICT

This district provides sites for heavier types of business and commercial uses as well as enclosed industrial uses. The central business district is classified in the GB District.

#### (A) Permitted Uses.

- (1) Single-family dwelling.
- (2) Two-family dwelling.
- (3) Multi-family dwelling.
- (4) Manufactured home.
- (5) Local business uses.
- (6) General business uses specifically stated or implied in the following categories:

- (a) Local business uses.
- (b) Filling station.
- (c) Automobile, truck or trailer rental and sales area.

(d) Automobile and truck repair, entirely within enclosed buildings.

(e) Indoor theater.

(f) Bowling alley, roller rink, or racket sports facility, entirely within enclosed buildings.

(g) Department store

(h) Hotel or motel.

(i) Veterinary hospital for small animals.

(j) Kennel.

(k) Newspaper publishing.

(l) Motor bus or railroad passenger station.

(m) Storage warehouse.

(n) Wholesale establishment.

(o) Farm implement machinery (new or used) sales and service area or building.

(p) Any business use not specifically stated or implied elsewhere in this Chapter.

(7) Enclosed Industrial Uses.

Sec. 80.25. (8) Special exceptions set forth in

Sec. 80.24. (9) Contingent uses are set forth in

Sec. 80.34. (10) Accessory uses are set forth in

Sec. 80.35. (11) Temporary uses are set forth in

### (B) Other Requirements for the GB District.

(1) Lot and area requirements are set forth in Figure 1, Lot and Yard Requirements, and as follows:

(a) For residential uses, the same requirements as set forth in Sec. 80.14, R-3 Multi-Family Residence District.

(b) For general business uses, each lot shall have at least fifty (50) feet of frontage on a street.

(2) Additional height requirements are set forth in Sec. 80.32.

(3) Off-street parking space and loading requirements are set forth in Sec. 80.37.

(4) See Secs. 80.25 and 80.26 for additional front yard and side yard requirements.

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(5) Where the side lot line in a GB General Business District abuts a more restrictive district, other than another business district, there shall be a side yard of not less than six (6) feet in total width. In all other cases, except when specified, a side yard for a business building shall not be required, but, if provided, it shall not be less than six (6) feet in width.

(6) See Sec. 80.26 for fence requirements.

(7) Sign requirements are set forth in Sec. 80.38.

(8) See Sec. 80.33 for Supplementary Business Standards.

### Section 80.18: I-1 ENCLOSED INDUSTRIAL DISTRICT

The I-1 Enclosed Industrial District is one in which manufacturing, fabricating, processing, extraction, repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes is conducted entirely within enclosed buildings of any size, provided that such use shall conform to the performance standards set forth herein. Screening of storage, parking and loading areas is essential in this district as it is often located adjacent to residential areas and may serve as a buffer between the I-2 Open Industrial District and business and residential districts. Business uses are not permitted in this district, and provided further that material storage (open) may be permitted as a special exception.

#### (A) Permitted Uses.

- (1) Agricultural uses.
- (2) Single-family dwelling.
- (3) Manufactured home.
- (4) Enclosed industrial uses specifically stated or implied in the following categories:
  - (a) Enclosed industrial uses including processing, refining, repairing of goods, materials or products.
  - (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
  - (c) Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities;

provided, however, such uses, except rights-of-way, shall not extend within twenty (20) feet of a residential district.

- (d) Enclosed wholesaling, warehousing packaging, storage or distribution facilities (including commercial greenhouses).
- (e) General offices associated with an industrial use, including service facilities for employees or guests; provided, however, any service facilities shall be entirely enclosed within a building.
- (f) Printing, lithographing, publishing or photography establishments.
- (g) Utility installations and facilities.
- (h) Public water wells, water stations, filtration plant, reservoirs and storage tanks.

(5) Special exceptions set forth in Sec. 80.25.

(6) Contingent uses set forth in Sec. 80.24.

(7) Accessory uses set forth in Sec. 80.34.

(8) Temporary uses set forth in Sec. 80.35.

#### (B) Other Requirements for the I-1 District.

(1) For enclosed industrial uses, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet. See Sec. 80.26 for front yard or setback and additional yard requirements and planting screen requirements for interchange business uses.

(2) Height requirements are set forth in Sec. 80.32.

(3) Off-street parking space requirements are set forth in Sec. 80.37.

(4) The total floor area of the

## CHAPTER 80: AREA ZONING CODE

enclosed industrial building or buildings shall not exceed sixty percent (60%) of the lot area.

(5) Sign requirements are set forth in Sec. 80.38.

### (C) Performance Standards for Enclosed Industrial Uses.

(1) No activity involving the storage, utilization of manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Franklin County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and the particular Town Board if the activity is proposed to be located in a town. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshal. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead styphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blast explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyrides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239.

(2) The restrictions of this subsection shall not apply to: (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products; (c) conditions beyond the control of the user such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

(3) Outdoor storage. Outdoor storage which is used as an accessory use to an enclosed industrial use in the I-1 district, may be permitted by the Board of Zoning Appeals as an exception,

provided the said storage is located behind the building line and in such a manner that it cannot be seen from the frontal street or a side street. Screen planting or fence or wall not to exceed eight (8) feet in height may be employed to screen storage areas from view.

(4) Smoke. The emission of more than seventy (70) smoke unit per hour per stack and emissions in excess of Ringlemann No. 2 are prohibited, except that for one (1) hour during any twenty-four (24) hour period. This rate may be increased to eighty (80) smoke units per hour per stack up to and including Ringlemann No. 3 for the purposes of process purging, soot blowing and fire cleaning.

(5) Particulate Matter. The rate of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds effluent gas. Not more than fifty percent (50%) by weight of particles larger than 44 microns (325 mesh) shall be allowed.

(6) Odor. Any activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residence or business district boundary line.

(7) Poisonous and Injurious Fumes and Gases. The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

The emission from any source shall not cause at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of ten percent (10%) of the threshold limit set for fume or gas in question in the "Threshold Limit Values for Toxic Materials in Industry" from the American Conference of Governmental Hygienists, latest issue. (A.C.G.I.H., 6500 Glenway Ave., Bldg. D-7, Cincinnati, OH 45221, Telephone: 513-661-7881.)

(8) Glare and Heat. No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.

(9) Vibration. Any use creating intense earth-shaking vibrations such as are created by a heavy drop forge shall be set back from a residence district boundary at least two-hundred

## CHAPTER 80: AREA ZONING CODE

fifty (250) feet, or at least one hundred and fifty (150) feet from a business district boundary.

(10) Noise. At no point one hundred twenty-five (125) feet from the boundary of an I-1, I-2, or GB district, which permits an enclosed industrial use, shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the octave bands designated as follows:

### ENCLOSED INDUSTRIAL USE

* Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District Boundaries
	0 to 75	75
75 to 150	70	75
150 to 300	65	70
300 to 600	59	64
600 to 1200	53	58
1200 to 2400	48	53
2400 to 4800	48	49
Above 4800	41	46

(11) Fire Hazards. The storage, utilization or manufacture of solid materials products shall conform to the provisions of this Code.

### Section 80.19: I-2 OPEN INDUSTRIAL DISTRICT

The I-2 Open Industrial District is one which requires both buildings and open areas for manufacturing, fabricating, processing, extraction, heavy repairing, dismantling, storage or disposal of equipment, raw materials, manufactured products or wastes, and shall be used so as to comply with the performance standards set forth herein. This district is established for existing industries and the expansion of older industrial areas wherever possible. In instances of close business or residential proximity, buffer treatment is required.

#### (A) Permitted Uses.

(1) Agricultural uses.

- (2) General business uses.
- (3) Enclosed industrial uses.
- (4) Open industrial uses specifically

stated or implied in the following categories, provided that if they are located within one hundred fifty (150) feet of a residence or business district, they shall be contained wholly within the confines of a building in such area, or within an area enclosed on all sides with a compact wall, compact evergreen planting screen or uniformly painted board or metal fence not less than six (6) feet in height, except for the off-street parking and loading of delivery vehicles which are incidental thereto (unless otherwise provided herein):

- (a) Open industrial uses, including storage, processing, refining, fabricating, extraction, repairing, dismantling, assembling, cleaning, testing or repairing of goods, materials or products within buildings and/or in open areas.
- (b) Engineering or research laboratories, vocational or industrial training facilities, data processing or analysis.
- (c) Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities; provided, however, such uses, except rights-of-way, shall not extend within twenty (20) feet of a residential district.
- (d) Enclosed wholesaling, warehousing, packaging, storage or distribution facilities (including commercial greenhouse).

## CHAPTER 80: AREA ZONING CODE

- (e) General offices associated with an industrial use, including service facilities for employees or guests; provided, however, any service facilities shall be entirely enclosed within a building.
- (f) Printing, lithographing, publishing or photography establishments.
- (g) Utility installations and facilities.
- (h) Bakery, secondary food processing, milk processing, manufacture and bottling of dairy products and beverages.
- (i) Manufacture and assembly of glass, plastic and rubber products, implements.
- (j) Manufacture of colors, dye, paint and other coatings (excluding tar products).
- (k) Machine, welding, tool and die shops, electroplating operations.
- (l) Manufacture of cloth, jewelry and leather products.
- (m) Biological, medical and cosmetic manufacturing.
- (n) Manufacture and assembly of optical goods, musical and recording instruments, office machinery, electrical and mechanical.
- (o) Manufacture and assembly of marine, office, household appliances, furniture, communication and automobile equipment, air conditioning, heating and refrigeration equipment.
- (p) Can and container manufacture, processing and milling of forest products.
- (q) Dyeing and cleaning works, and services such as linen suppliers, freight movers, and communication and canteen operations.
- (r) Upholstering and leather goods manufacture.
- (s) Cannery, bottling, processing and packaging of food and beverages, granaries, grain processing and starch manufacturing.
- (t) Radio, facsimile, and television towers, including broadcasting studios and radio or television business offices.
- (u) Creosote manufacturing and treatment, and bulk storage of petroleum products.
- (v) Foundries, smelting operations, metal forging, fabricating, rolling and stamping operations.
- (w) Boiler tank manufacturing and structural steel fabricating, general manufacturing and assembly plants.
- (x) Railroad equipment manufacturing, repair and service yards.
- (y) Manufacture of detergents and soaps, pharmaceutical and paper products.

## CHAPTER 80: AREA ZONING CODE

(z) Manufacture of malt products, brewing, distillation of liquid and spirits, poultry hatchery.

(aa) Monument works and stone cutting.

(bb) Thermal, electrical and steam power plants.

(cc) Concrete mixing, production of concrete blocks and shapes, cinder blocks and other similar building materials manufacture.

(dd) Sand, gravel, or aggregate washing, screening or processing.

(ee) Bulk fuel storage or Petroleum Tank Farm (Commercial).

(ff) Slaughterhouse.

(5) Special exceptions set forth in Sec.

80.25.

(6) Contingent uses set forth in Sec.

80.24.

(7) Accessory uses set forth in Sec.

80.34.

(8) Temporary uses set forth in Sec.

80.35.

### **(B) Other Requirements for the I-2 District.**

(1) Lot and area requirements are set forth in Figure 1, Lot and Yard Requirements, provided that for open industrial use, each lot shall have at least one hundred (100) feet of frontage on a street or service road, provided that lots may be combined into a tract development with adequate access, in which case the frontage of the tract shall be at least two hundred (200) feet. See Sec. 80.26 for front yard or setback and additional yard requirements and planting screen requirements.

(2) Height requirements are set forth in Sec. 80.32.

(3) Off-street parking space requirements are set forth in Sec. 80.37.

(4) The total floor area of the building or buildings shall not exceed eighty percent (80%) of the lot area.

(5) Sign requirements set forth in Sec. 80.38.

### **(C) Performance Standards for Open Industrial Uses.**

(1) No activity involving the storage, utilization or manufacture of materials or products which decompose by detonation shall be permitted unless specifically approved by the Franklin County Board of Commissioners if the activity is proposed to be located in the unincorporated territory and the town board if the activity is proposed to be located in a town. Such activity shall be conducted in accordance with the rules promulgated by the State Fire Marshal. Such materials shall include, but are not limited to, all primary explosives such as lead azide, lead atyphnate, fulminates, and tetracene; all high explosives such as TNT, TDX, HMX, PETN and picric acid; propellants and components thereof, such as nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as magnesium powder, potassium chlorate, and potassium nitrate; blasting explosives such as dynamite and nitroglycerine; unstable organic compounds such as acetyrides, tetrazoles, and ozonides; strong oxidizing agents such as liquid oxygen, perchloric acid, perchlorates, chlorates, and hydrogen peroxide in concentrations greater than thirty-five percent (35%); and nuclear fuels, fissionable materials and products; and reactor elements such as Uranium 235 and Plutonium 239.

(2) The restrictions of this subsection shall not apply to: (a) the activities of site preparation or construction, maintenance, repair, alteration, modification or improvement of buildings, equipment or other improvements on or within the lot line; (b) the operation of motor vehicles or other facilities for the transportation of personnel, materials or products; (c) conditions beyond the control of the user, such as fire, explosion, accidents, failure or breakdown of equipment or facilities or emergencies; (d) safety or emergency warning signals or alarms necessary for the protection of life, limb or property.

## CHAPTER 80: AREA ZONING CODE

(3) **Smoke.** The emission of more than ninety (90) smoke units per hour per stack and emissions in excess of Ringlemann No. 3 are prohibited, except that for one hour period during the twenty-four (24), this rate may be increased to one hundred twenty (120) smoke units per hour per stack, still at Ringlemann No. 3, for the purposes of process purging, soot blowing and fire cleaning.

(4) **Particulate Matter.** The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.2 pounds per one thousand (1,000) pounds effluent gas. For open industrial use, not more than fifty percent (50%) by weight of particles larger than 44 microns (325 mesh) shall be allowed.

(5) **Odor.** Any activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest residence district boundary line.

(6) **Poisonous and injurious Fumes and Gases.** The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

(a) The emission from any source shall not cause at or beyond any lot line concentrations of toxic and/or injurious fumes and gases in excess of twenty-five percent (25%) of an open industrial use of the threshold limit as set for the fume and gas in question in the "Threshold Limit Values for Toxic Materials in Industry" issued by the Indiana State Board of Health, from the American Conference of Governmental Hygienists, latest issue.

(b) The emission of any gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety, comfort and welfare or shall cause injury or damage to property or business is prohibited.

(7) **Glare and Heat.** No operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond any residence or business district boundary.

(8) **Vibration.**

(a) Any use creating intense earth-shaking vibrations such as are created by a

heavy drop forge shall be set back from a residence district boundary at least two hundred fifty (250) feet, or at least one hundred fifty (150) feet from a business district boundary.

(b) Earth-shaking vibrations at the industrial property line shall not be in violation of this Code as long as the vibration is not perceptible without the aid of instruments.

(9) **Noise.** At no point one hundred twenty-five (125) feet from the boundary of a I-2 district shall the sound pressure level of any operation or plant (other than background noises produced by sources not under the control of this Code) exceed the decibel limits in the Octave Bands designated below:

### OPEN INDUSTRIAL USE

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Residence District Boundaries	Maximum Permitted Sound Level (In Decibels) 125 Feet From District Adjoining Business District Boundaries
	0 to 75	75
75 to 150	70	76
150 to 300	66	72
300 to 600	62	68
600 to 1200	57	63
1200 to 2400	53	59
2400 to 4800	49	55
Above 4800	45	51

Sound levels shall be measured with a sound level meter and associated octave band analyzer or filter, manufactured in compliance with standards prescribed by the American Standards Association.

(10) **Fire Hazards.** The storage, utilization or manufacture of solid materials products shall conform to the provisions of this Code.

### Section 80.20: FP FLOOD PLAIN DISTRICT

\*(A) **Statement of Purpose.** The purpose of this district is to guide development in the flood hazard areas in order to reduce the potential for

**FILED**

**AN ORDINANCE AMENDING THE ZONING CODE**

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ORDINANCE NO. 2005-12

AN ORDINANCE TO AMEND THE ZONING CODE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, ON THE 16<sup>TH</sup> DAY OF OCTOBER, 1995

**ORDINANCE FOR FLOOD HAZARD AREAS**

**COPY**

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# **Article 1. Statutory Authorization, Findings of Fact, Purpose, and Objectives.**

## **Section A. Statutory Authorization.**

The Indiana Legislature has in IC 36-7-4 granted the power to local government units to control land use within their jurisdictions. Therefore, the Board of Commissioners of Franklin County, Indiana does hereby adopt the following floodplain management regulations.

## **Section B. Findings of Fact.**

- (1) The flood hazard areas of Franklin County are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- (2) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.

## **Section C. Statement of Purpose.**

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- (2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) Control filling, grading, dredging, and other development which may increase erosion or flood damage;
- (5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands; and,
- (6) Make federally subsidized flood insurance available for structures and their contents in the County and Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel and Oldenburg by fulfilling the requirements of the National Flood Insurance Program.

## **Section D. Objectives.**

The objectives of this ordinance are:

- (1) To protect human life and health;
- (2) To minimize expenditure of public money for costly flood control projects;
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) To minimize prolonged business interruptions;
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in floodplains;
- (6) To help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas, and;
- (7) To ensure that potential homebuyers are notified that property is in a flood area.

## **Article 2. Definitions.**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**A zone** means portions of the SFHA in which the principal source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to buildings. These areas are labeled as Zone A, Zone AE, Zones A1-A30, Zone AO, Zone AH, Zone AR and Zone A99 on a FIRM or FHBM. The definitions are presented below:

**Zone A:** Areas subject to inundation by the one-percent annual chance flood event. Because detailed hydraulic analyses have not been performed, no base flood elevation or depths are shown. Mandatory flood insurance purchase requirements apply.

**Zone AE and A1-A30:** Areas subject to inundation by the one-percent annual chance flood event determined by detailed methods. Base flood elevations are shown within these zones. Mandatory flood insurance purchase requirements apply. (Zone AE is on new and revised maps in place of Zones A1-A30.)

**Zone AO:** Areas subject to inundation by one-percent annual chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

**Zone AH:** Areas subject to inundation by one-percent annual chance shallow flooding (usually areas of ponding) where average depths are 1-3 feet. Average flood depths derived from detailed hydraulic analyses are shown within this zone. Mandatory flood insurance purchase requirements apply.

**Zone AR:** Areas that result from the decertification of a previously accredited flood protection system that is determined to be in the process of being restored to provide base flood protection. Mandatory flood insurance purchase requirements apply.

**Zone A99:** Areas subject to inundation by the one-percent annual chance flood event, but which will ultimately be protected upon completion of an under-construction Federal flood protection system. These are areas of special flood hazard where enough progress has been made on the construction of a protection system, such as dikes, dams, and levees, to consider it complete for insurance rating purposes. Zone A99 may only be used when the flood protection system has reached specified statutory progress toward completion. No base flood elevations or depths are shown. Mandatory flood insurance purchase requirements apply.

**Accessory structure** (appurtenant structure) means a structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Accessory structures should constitute a minimal initial investment, may not be used for human habitation, and be designed to have minimal flood damage potential. Examples of accessory structures are detached garages, carports, storage sheds, pole barns, and hay sheds.

**Addition** (to an existing structure) means any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**Appeal** means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

**Area of shallow flooding** means a designated AO or AH Zone on the community's Flood Insurance Rate Map (FIRM) with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Base Flood Elevation (BFE)** means the elevation of the one-percent annual chance flood.

**Basement** means that portion of a structure having its floor sub-grade (below ground level) on all sides.

**Building** - see "Structure."

**Community** means a political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**Community Rating System (CRS)** means a program developed by the Federal Insurance Administration to provide incentives for those communities in the Regular Program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**Critical facility** means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

**Development** means any man-made change to improved or unimproved real estate including but not limited to:

- (1) construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) installing a manufactured home on a site, preparing a site for a manufactured home or installing 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 structures 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 structures.

**Elevated structure** means a non-basement structure built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, or columns (posts and piers).

**Elevation Certificate** is a certified statement that verifies a structure's elevation information.

**Emergency Program** means the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**Encroachment** means the advance or infringement of uses, fill, excavation, buildings, permanent structures or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**Existing Construction** means any structure for which the "start of construction" commenced before effective date of the community's first floodplain ordinance.

**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 the community's first floodplain ordinance.

**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).

**FEMA** means the Federal Emergency Management Agency.

**Five-hundred year flood (500-year flood)** means the flood that has a 0.2 percent chance of being equaled or exceeded in any year.

**Flood** means 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 waters from any source.

**Flood Boundary and Floodway Map (FBFM)** means an official map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and regulatory floodway.

**Flood Hazard Boundary Map (FHBM)** means an official map of a community, issued by FEMA, where the boundaries of the areas of special flood hazard have been identified as Zone A.

**Flood Insurance Rate Map (FIRM)** means an official map of a community, on which FEMA has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** is the official hydraulic and hydrologic report provided by FEMA. The report contains flood profiles, as well as the FIRM, FBFM (where applicable), and the water surface elevation of the base flood.

**Floodplain** means 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 fringe districts.

**Floodplain management** means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

**Floodplain management regulations** means this ordinance and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances, and other applications of police power which control development in flood-prone areas. This term describes federal, state, or local regulations in any combination thereof, which provide standards for preventing and reducing flood loss and damage. Floodplain management regulations are also referred to as floodplain regulations, floodplain ordinance, flood damage prevention ordinance, and floodplain management requirements.

**Flood Protection Grade (FPG)** is the elevation of the regulatory flood plus two feet at any given location in the SFHA. (see "Freeboard")

**Floodproofing (dry floodproofing)** is a method of protecting a structure that ensures that the structure, together with attendant utilities and sanitary facilities, is watertight to the floodproofed design elevation with walls that are substantially impermeable to the passage of water. All structural components of these walls are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy, and anticipated debris impact forces.

**Floodproofing certificate** is a form used to certify compliance for non-residential structures as an alternative to elevating structures to or above the FPG. This certification must be by a Registered Professional Engineer or Architect.

**Floodway** is 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.

**Freeboard** means a factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood.

**Fringe** is those portions of the floodplain lying outside the floodway.

**Functionally dependent facility** means a facility which cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**Hardship** (as related to variances of this ordinance) means the exceptional hardship that would result from a failure to grant the requested variance. The Board of Zoning Appeals requires that the variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is NOT exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**Highest adjacent grade** means the highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Historic structure** means 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.

**Increased Cost of Compliance (ICC)** means the cost to repair a substantially damaged structure that exceeds the minimal repair cost and that is required to bring a substantially damaged structure into compliance with the local flood damage prevention ordinance. Acceptable mitigation measures are elevation, relocation, demolition, or any combination thereof. All renewal and new business flood insurance policies with effective dates on or after June 1, 1997, will include ICC coverage.

**Letter of Map Amendment (LOMA)** means an amendment to the currently effective FEMA map that establishes that a property is not located in a SFHA. A LOMA is only issued by FEMA.

**Letter of Map Revision (LOMR)** means an official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**Letter of Map Revision Based on Fill (LOMR-F)** means an official revision by letter to an effective NFIP map. A LOMR-F provides FEMA's determination concerning whether a structure or parcel has been elevated on fill above the BFE and excluded from the SFHA.

**Lowest adjacent grade** means the lowest elevation, after completion of construction, of the ground, sidewalk, patio, deck support, or basement entryway immediately next to the structure.

**Lowest floor** means the lowest of the following:

- (1) the top of the lowest level of the structure;
- (2) the top of the basement floor;
- (3) the top of the garage floor, if the garage is the lowest level of the structure;
- (4) the top of the first floor of a structure elevated on pilings or pillars;
- (5) the top of the first floor of a structure constructed with a crawl space, provided that the lowest point of the interior grade is at or above the BFE and construction meets requirements of 6. a.; or
- (6) the top of the floor level of any enclosure, other than a basement, below an elevated structure 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 net area of one (1) square inch for every square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one (1) foot above grade; and,
  - b). such enclosed space shall be usable solely for the parking of vehicles and building access.

**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."

**Manufactured home park or subdivision** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**Map amendment** means a change to an effective NFIP map that results in the exclusion from the SFHA of an individual structure or a legally described parcel of land that has been inadvertently included in the SFHA (i.e., no alterations of topography have occurred since the date of the first NFIP map that showed the structure or parcel to be within the SFHA).

**Map panel number** is the four-digit number followed by a letter suffix assigned by FEMA on a flood map. The first four digits represent the map panel, and the letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA, the letter "B" is the first revision.)

**Market value** means the building value, excluding the land (as agreed to between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of building (actual cash value), or adjusted assessed values.

**Mitigation** means sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is two fold: to protect people and structures, and to minimize the cost of disaster response and recovery.

**National Flood Insurance Program (NFIP)** is the federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the Federal Government and the private insurance industry.

**National Geodetic Vertical Datum (NGVD)** as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

**New construction** means any structure for which the "start of construction" commenced after the effective date of the community's first floodplain ordinance.

**New 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 on or after the effective date of the community's first floodplain ordinance.

**Obstruction** includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, canalization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water; or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**One-hundred year flood (100-year flood)** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

**One-percent annual chance flood** is the flood that has a one percent (1%) chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the one-percent annual chance flood. See "Regulatory Flood".

**Participating community** is any community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**Physical Map Revision (PMR)** is an official republication of a community's FEMA map to effect changes to base (1-percent annual chance) flood elevations, floodplain boundary delineations, regulatory floodways, and planimetric features. These changes typically occur as a result of structural works or improvements, annexations resulting in additional flood hazard areas, or correction to base flood elevations or SFHAs.

**Post-FIRM construction** means construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**Pre-FIRM construction** means construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**Probation** is a means of formally notifying participating communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations.

**Public safety and nuisance**, anything which is injurious to the safety or health of an entire community, neighborhood or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**Recreational 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 quarters for recreational camping, travel, or seasonal use.

**Regular program** means the phase of the community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**Regulatory flood** means the flood having a one percent (1%) chance of being equaled or exceeded in any given year, as calculated by a method and procedure that is acceptable to and approved by the Indiana Department of Natural Resources and the Federal Emergency Management Agency. The regulatory flood elevation at any location is as defined in Article 3 (B) of this ordinance. The "Regulatory Flood" is also known by the term "Base Flood", "One-Percent Annual Chance Flood", and "100-Year Flood".

**Repetitive loss** means flood-related damages sustained by a structure on two separate occasions during a 10-year period ending on the date of the event for which the second claim is made, in which the cost of repairing the flood damage, on the average, equaled or exceeded 25% of the market value of the structure at the time of each such flood event.

**Section 1316** is that section of the National Flood Insurance Act of 1968, as amended, which states that no new flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**Special Flood Hazard Area (SFHA)** means those lands within the jurisdictions of the County subject to inundation by the regulatory flood. The SFHAs of Franklin County, Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg are generally identified as such on the Flood Insurance Rate Map of Franklin County and Incorporated Areas dated November 2, 1995, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date. (These areas are shown on a FIRM as Zone A, AE, A1- A30, AH, AR, A99, or AO).

**Start of construction** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit date. The actual start means the first placement or permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footing, installation of piles, construction of columns, or any work beyond the stage of excavation for placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**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.

**Substantial damage** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**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 that 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 designation as a "historic structure".

**Suspension** means the removal of a participating community from the NFIP because the community has not enacted and/or enforced the proper floodplain management regulations required for participation in the NFIP.

**Variance** is a grant of relief from the requirements of this ordinance, which permits construction in a manner otherwise prohibited by this ordinance where specific enforcement would result in unnecessary hardship.

**Violation** means the failure of a structure or other development to be fully compliant with this ordinance. A structure or other development without the elevation, other certification, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Watercourse** means a lake, river, creek, stream, wash, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

**Water surface elevation** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum where specified) of floods of various magnitudes and frequencies in the floodplains of riverine areas.

**X zone** means the area where the flood hazard is less than that in the SFHA. Shaded X zones shown on recent FIRMs (B zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2 percent chance of being equaled or exceeded (the 500-year flood). Unshaded X zones (C zones on older FIRMs) designate areas where the annual exceedance probability of flooding is less than 0.2 percent.

**Zone** means a geographical area shown on a FHBM or FIRM that reflects the severity or type of flooding in the area.

**Zone A** (see definition for A zone)

**Zone B, C, and X** means areas identified in the community as areas of moderate or minimal hazard from the principal source of flood in the area. However, buildings in these zones could be flooded by severe, concentrated rainfall coupled with inadequate local drainage systems. Flood insurance is available in participating communities but is not required by regulation in these zones. (Zone X is used on new and revised maps in place of Zones B and C.)

## **Article 3. General Provisions.**

### **Section A. Lands to Which This Ordinance Applies.**

This ordinance shall apply to all SFHAs within the jurisdiction of the Franklin County Area Plan Commission including Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg.

### **Section B. Basis for Establishing Regulatory Flood Data.**

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 Indiana Department of Natural Resources for review and approval.

- (1) The regulatory flood elevation, floodway, and fringe limits for the studied SFHAs of Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg shall be

as delineated on the 100 year flood profiles in the Flood Insurance Study of Franklin County and Incorporated Areas, dated November 2, 1995 and the corresponding FIRM dated November 2, 1995, as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date.

- (2) The regulatory flood elevation for each of the SFHAs of Franklin County, Towns of Brookville, Mt. Carmel, Cedar Grove, Oldenburg and Laurel delineated as an "AO Zone" (in fringe) shall be that elevation (or depth) delineated on the FIRM of Franklin County and Incorporated Areas dated November 2, 1995.
- (3) The regulatory flood elevation, floodway, and fringe limits for each of the unstudied SFHAs of Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg delineated as an "A Zone" on the FIRM of Franklin County and Incorporated Areas shall be according to the best data available as provided by the Indiana Department of Natural Resources.

### **Section C. Establishment of Floodplain Development Permit.**

A Floodplain Development Permit shall be required in conformance with the provisions of this ordinance prior to the commencement of any development activities in areas of special flood hazard.

### **Section D. Compliance.**

No structure shall hereafter be located, extended, converted or structurally altered within the SFHA without full compliance with the terms of this ordinance and other applicable regulations. No land or stream within the SFHA shall hereafter be altered without full compliance with the terms of this ordinance and other applicable regulations.

### **Section E. Abrogation and Greater Restrictions.**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

### **Section F. Discrepancy between Mapped Floodplain and Actual Ground Elevations.**

- (1) In cases where there is a discrepancy between the mapped floodplain (SFHA) on the FIRM and the actual ground elevations, the elevation provided on the profiles shall govern.
- (2) If the elevation of the site in question is below the base flood elevation, that site shall be included in the SFHA and regulated accordingly.
- (3) If the elevation (natural grade) of the site in question is above the base flood elevation, that site shall be considered outside the SFHA and the floodplain regulations will not be applied. The property owner should be advised to apply for a LOMA.

### **Section G. Interpretation.**

In the interpretation and application of this ordinance all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

## **Section H. Warning and 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 Franklin County, the Indiana Department of 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.

## **Section I. Penalties for Violation.**

Failure to obtain a Floodplain Development Permit in the SFHA or failure to comply with the requirements of a Floodplain Development 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 Franklin County. All violations shall be punishable by a fine not exceeding \$ 2,500.00.

- (1) A separate offense shall be deemed to occur for each day the violation continues to exist.
- (2) The Franklin County 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.
- (3) Nothing herein shall prevent the County, Towns of Cedar Grove, Brookville, Oldenburg, Mt. Carmel and Laurel from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

## **Article 4. Administration.**

### **Section A. Designation of Administrator.**

The Board of Commissioners of Franklin County hereby appoints the Executive Director of the Franklin County Area Planning & Zoning Commission to administer and implement the provisions of this ordinance and is herein referred to as the Floodplain Administrator.

### **Section B. Permit Procedures.**

Application for a Floodplain Development Permit shall be made to the Floodplain Administrator on forms furnished by him or her prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities, and the location of the foregoing. Specifically the following information is required:

- (1) Application stage.
  - a). A description of the proposed development;
  - b). Location of the proposed development sufficient to accurately locate property and structure in relation to existing roads and streams;

- c). A legal description of the property site;
  - d). A site development plan showing existing and proposed development locations and existing and proposed land grades;
  - e). Elevation of the top of the lowest floor (including basement) of all proposed buildings. Elevation should be in National Geodetic Vertical Datum of 1929 (NGVD);
  - f). Elevation (in NGVD) to which any non-residential structure will be floodproofed;
  - g). Description of the extent to which any watercourse will be altered or related as a result of proposed development, and;
- (2) Construction stage.

Upon placement of the lowest floor; or floodproofing, it shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of the NGVD elevation of the lowest floor or floodproofed elevation, as built. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by the same. When floodproofing is utilized for a particular structure said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holders' risk. (The Floodplain Administrator shall review the lowest floor and floodproofing elevation survey data submitted.) The permit holder shall correct deficiencies detected by such review before any further work is allowed to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

### **Section C. Duties and Responsibilities of the Floodplain Administrator.**

The Floodplain Administrator and/or designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The administrator is further authorized to render interpretations of this ordinance, which are consistent with its spirit and purpose.

Duties and Responsibilities of the Floodplain Administrator shall include, but not be limited to:

- (1) Review all floodplain development permits to assure that the permit requirements of this ordinance have been satisfied;
- (2) Inspect and inventory damaged structures in SFHA and complete substantial damage determinations;
- (3) Ensure that construction authorization has been granted by the Indiana Department of Natural Resources for all development projects subject to Article 5, Section D and F of this ordinance, and maintain a record of such authorization (either copy of actual permit or floodplain analysis/regulatory assessment.)
- (4) Ensure that all necessary federal or state permits have been received prior to issuance of the local floodplain development permit. Copies of such permits are to be maintained on file with the floodplain development permit;
- (5) Notify adjacent communities and the State Floodplain Coordinator prior to any alteration or relocation of a watercourse, and submit copies of such notifications to FEMA;
- (6) Maintain for public inspection and furnish upon request local permit documents, damaged structure inventories, substantial damage determinations, regulatory flood data, SFHA maps,

Letters of Map Amendment (LOMA), Letters of Map Revision (LOMR), copies of DNR permits and floodplain analysis and regulatory assessments (letters of recommendation), federal permit documents, and "as-built" elevation and floodproofing data for all buildings constructed subject to this ordinance.

- (7) Utilize and enforce all Letters of Map Revision (LOMR) or Physical Map Revisions (PMR) issued by FEMA for the currently effective SFHA maps of the community.
- (8) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;
- (9) Verify and record the actual elevation of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Article 4 Section B;
- (10) Verify and record the actual elevation to which any new or substantially improved structures have been floodproofed, in accordance with Article 4, Section B;
- (11) Review certified plans and specifications for compliance.

## **Article 5. Provisions for Flood Hazard Reduction.**

### **Section A. General Standards.**

In all SFHAs the following provisions are required:

- (1) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;
- (2) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;
- (3) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage below the FPG;
- (4) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
- (5) Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
- (6) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (7) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (8) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
- (9) Any alteration, repair, reconstruction or improvements to a structure that is in compliance with the provisions of this ordinance shall meet the requirements of "new construction" as contained in this ordinance; and,

- (10) Any alteration, repair, reconstruction or improvement to a structure that is not in compliance with the provisions of this ordinance, shall be undertaken only if said non-conformity is not further, extended, or replaced.

## Section B. Specific Standards.

In all SFHAs, the following provisions are required:

- (1) In addition to the requirements of Article 5, Section A, all structures to be located in the SFHA shall be protected from flood damage below the FPG. This building protection requirement applies to the following situations:
- a). Construction or placement of any new structure having a floor area greater than 400 square feet;
  - b). Structural alterations made to:
    - (i) an existing (previously unaltered structure), the cost of which equals or exceeds 50% of the value of the pre-altered structure (excluding the value of the land);
    - (ii) any previously altered structure
  - c). Reconstruction or repairs made to a damaged structure that are valued at more than 50% of the market value of the structure (excluding the value of the land) before damaged occurred;
  - d). Installing a travel trailer or recreational vehicle on a site for more than 180 days;
  - e). 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
- (2) **Residential Construction.** New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, at or above the FPG (two feet above the base flood elevation). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards of Article 5, Section B (4).
- (3) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential structure (or manufactured home) shall have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation). Structures located in all "A Zones" may be floodproofed in lieu of being elevated if done in accordance with the following:
- a). A Registered Professional Engineer or Architect shall certify that the structure 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 structure design shall take into account flood velocities, duration, rate of rise, hydrostatic pressures, and impacts from debris or ice. Such certification shall be provided to the official as set forth in Article 4, Section C (9).
  - b). Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
- (4) **Elevated Structures.** New construction or substantial improvements of elevated structures that include fully enclosed areas formed by foundation and other exterior walls below the base flood

elevations shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a). Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the follow minimum criteria:

(i) provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) the bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

(iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

(iv) access to the enclosed area shall be the minimum necessary to allow for parking for vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and

(v) the interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

(5) **Structures Constructed on Fill.** A residential or nonresidential structure may be constructed on a permanent land fill in accordance with the following:

a). The fill shall be placed in layers no greater than 1 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 structure before sloping below the FPG.

c). The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than 3 horizontal to 1 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 shall be at or above the FPG.

(6) **Standards for Structures Constructed with a Crawlspace.** A residential or nonresidential structure may be constructed with a crawlspace located below the flood protection grade provided that the following conditions are met:

a). The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

b). Any enclosed area below the flood protection grade shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch for every one square foot of enclosed area. The bottom of the openings shall be no more than one foot above grade; and

c). The interior grade of the crawlspace must be at or above the base flood elevation; and

- d). The interior height of the crawlspace measured from the interior grade of the crawlspace to the top of the foundation wall must not exceed four feet at any point; and
  - e). An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
  - f). Portions of the building below the flood protection grade must be constructed with materials resistant to flood damage; and
  - g). Utility systems within the crawlspace must be elevated above the flood protection grade.
- (7) **Standards for Manufactured Homes and Recreational Vehicles.** 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 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;
    - (i) outside a manufactured home park or subdivision;
    - (ii) in a new manufactured home park or subdivision;
    - (iii) in an expansion to an existing manufactured home park or subdivision; or
    - (iii) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood.
  - b). The manufactured home shall be elevated so that the lowest floor of the manufactured home chassis is supported by reinforced piers or other foundation elevations 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. 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.
  - c). Recreational vehicles placed on a site shall either:
    - (i) be on site for less than 180 days; and,
    - (ii) 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
    - (iii) meet the requirements for "manufactured homes" as stated earlier in this section.

### **Section C. Standards for Subdivision Proposals.**

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than the lesser of fifty lots or five acres.

#### **Section D. Critical Facility.**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA. Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated to or above the FPG at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the FPG shall be provided to all critical facilities to the extent possible.

#### **Section E. Standards for Identified Floodways.**

Located within SFHAs, established in Article 3, Section B, are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and has erosion potential. If the site is in an identified floodway, the Floodplain Administrator shall require the applicant to forward the application, along with all pertinent plans and specifications, to the Indiana Department of Natural Resources and apply for a permit for construction in a floodway. Under the provisions of IC 14-28-1 a permit for construction in a floodway from the Indiana Department of Natural Resources 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 structure. However, it does exclude non-substantial additions/improvements to existing (lawful) residences in a non-boundary river floodway. (IC 14-28-1-26 allows construction of non-substantial additions/ improvements to residences in a non-boundary river floodway without obtaining a permit for construction in a floodway from the Indiana Department of Natural Resources. Please note that if fill is needed to elevate an addition above the existing grade, prior approval (construction in a floodway permit) for the fill is required from the Indiana Department of Natural Resources.)

No action shall be taken by the Floodplain Administrator until a permit (when applicable) has been issued by the Indiana Department of Natural Resources granting approval for construction in a floodway. Once a permit for construction in a floodway has been issued by the Indiana Department of Natural Resources, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met. The Floodplain Development Permit cannot be less restrictive than the permit for construction in a floodway issued by the Indiana Department of Natural Resources. However, a community's more restrictive regulations (if any) shall take precedence.

No development shall be allowed which acting alone or in combination with existing or future development, will increase the regulatory flood more than 0.14 of one foot; and

For all projects involving channel modifications or fill (including levees) the County, Towns of Oldenburg, Brookville, Laurel, Mt. Carmel and Cedar Grove shall submit the data and request that the Federal Emergency Management Agency revise the regulatory flood data.

#### **Section F. Standards for Identified Fringe.**

If the site is located in an identified fringe, then the Floodplain Administrator may issue the local Floodplain Development Permit provided the provisions contained in Article 5 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 FPG.

In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this ordinance, and;

- (1) The danger of life and property due to flooding or erosion damage;
- (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
- (3) The importance of the services provided by the proposed facility to the community;
- (4) The necessity to the facility of a waterfront location, where applicable;
- (5) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- (6) The compatibility of the proposed use with existing and anticipated development;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected height, velocity, duration, rate of rise, and sediment of transport of the floodwaters at the site; and,
- (10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

#### **Section D. Conditions for Variances.**

- (1) Variances shall only be issued when there is:
  - a). A showing of good and sufficient cause;
  - b). A determination that failure to grant the variance would result in exceptional hardship; and,
  - c). A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public, or conflict with existing laws or ordinances.
- (2) No variance for a residential use within a floodway subject to Article 5, Section D or Section F of this ordinance may be granted.
- (3) Any variance granted in a floodway subject to Article 5, Section D or Section F of this ordinance will require a permit from the Indiana Department of Natural Resources.
- (4) Variances to the Provisions for Flood Hazard Reduction of Article 5, Section B, 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.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (6) Variances 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.
- (7) Any application to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the lowest floor is to be built and stating that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation (See Section E).
- (8) The Floodplain Administrator shall maintain the records of appeal actions and report any variances to the Federal Emergency Management Agency or the Indiana Department of Natural Resources upon request (See Section E).

### **Section E. Variance Notification.**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- (1) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and;
- (2) Such construction below the base flood level increases risks to life and property.

The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.

### **Section F. Historic Structure.**

Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an "historic structure" and the variance is the minimum to preserve the historic character and design of the structure.

### **Section G. Special Conditions.**

Upon the consideration of the factors listed in Article 6, and the purposes of this ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

### **Article 7. Severability.**

If any section, clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**Article 8. Effective Date.**

This ordinance shall take effect upon its passage by the **Board of County Commissioners.**

Passed and enacted by the **Board of Commissioners of Franklin County, Indiana** on the 13<sup>th</sup> day of June, 2005.

**Board of Commissioners  
Franklin County, Indiana**

Robert A. Brack  
Thomas E. Wilson

Attest:

Carol L. Duvall

AUDITOR, FRANKLIN COUNTY

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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.

(2) The Area Board of Zoning Appeals may issue a variance to the terms and provisions of this ordinance subject to the following standards and conditions:

(a) No variance or exception for a residential use within a floodway subject to subsection (F)(1) or (2) may be granted.

(b) Any variance or exception granted in a floodway subject to subsection (F)(1) or (2) will require a permit from Natural Resources.

(c) Variances or exceptions to the Building Protection Standards of Subsection (G) 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.

(d) 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;

(e) 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

(f) 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 excessive flood insurance premiums.

(J) **Disclaimer of Liability.** The degree of flood protection required by this section of the Code 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 section of the Code 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 section of the Code or any administrative decision made lawfully thereunder.

(K) **Violations.** Failure to obtain an Improvement Location Permit in the SFHA or failure 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 this Code.

(1) A separate offense shall be deemed to occur for each day the violation continues to exist.

(2) The Franklin County Area Plan 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.

(3) Nothing herein shall prevent Franklin County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

\*(Am. Ord. 1995-96, passed by County Commissioners Oct 16, '95, Brookville Oct 24, '95; Oldenburg Oct 25, '95; Cedar Grove Oct 17, '95; Mt. Carmel Oct 28, '95; and Laurel Oct 23, '95.)

### **Section 80.21: UD UNIT DEVELOPMENT PLAN DISTRICT**

This district is intended to provide more development flexibility than is possible through the application of customary zoning regulations. In recognition of both the rapid changes in design and technology in the building industry and new demands in the housing market, it is deemed necessary to meet those changes in a manner that will be consistent with the best interests of Franklin County and the incorporated towns.

#### (A) **Statement of Purpose.**

(1) To encourage a more creative approach in land and building site planning.

(2) To encourage an efficient, aesthetic and desirable use of open space.

(3) To promote variety in the physical development pattern of the community.

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(4) To achieve flexibility and incentives for residential development which will produce a wider range of choice.

(5) To encourage renewal of older areas where new development and restoration are needed to revitalize the areas.

(6) To permit special consideration of property without unique features, such as historical significance, unusual topography, landscape amenities, and size and shape.

(7) To recapture by-passed land so poorly planned and developed as to be a public liability.

(8) To simplify processing of development proposals for developers and the Commission by providing for concurrent review of land use, subdivision, public improvements and siting considerations.

### (B) Applicability.

(1) The provisions of this section shall apply to a tract of land of at least three and one-half (3 1/2) acres in area for undeveloped areas within the jurisdiction of the Commission; provided that said provisions may apply to a proposed development in which the primary or entire use is business or enclosed industrial use when such proposal is deemed to be in the best interests of Franklin County and the participating towns.

(2) The provisions of this section shall apply only to proposed new developments and shall not apply to any part of an area contained within a subdivision previously approved (and recorded) in accordance with the requirements of Chapter 81, Subdivision Control Code, prior to the time of passage of the ordinance comprising this Chapter, (Chapter 80) or any Unit Development Plan which is now fully or partially developed, nor to any such development for which a final authorization has been granted pursuant to a previous ordinance; provided, however, that a petitioner may, upon application and approval of the Commission, become subject to all the benefits and burdens of this section, subject to such rights as shall have been vested in the owners of the area affected by development under such ordinance; provided further that any plat shall first be vacated.

(3) Uses permitted in a residential unit

development plan may be included and shall be limited to:

(a) Dwelling units in detached, semi-detached, attached or multi-storied structures or any combination thereof.

(b) Non-residential uses of a religious, cultural, recreational and business or enclosed industrial character, which uses are an integral part of a residential development logically oriented to and coordinated with the total planned unit. Such uses shall be planned and gauged primarily for the service and convenience of the anticipated population of the unit development.

(c) No business use, nor any building devoted primarily to a business use or enclosed industrial use, shall be built or established prior to the residential buildings or uses it is designed or intended to serve.

(4) The basic land unit of a unit development is the block, parcel, tract, combination of lots, or acreage, and not the lot; provided, however, divisible geographic sections of the entire planned unit development may be designated.

(a) A proposed unit development plan shall be designed to produce an environment of stable and desirable character in keeping with the principles of good neighborhood design, and must provide standards of open space, efficiency in street patterns and areas for parking adequate for the occupancy proposed, or equal to the requirements of this Code.

(b) Before approval of a preliminary unit development plan, a detailed determination of land use intensity shall be declared, (See Sec. 80.47 for definition), and the Commission shall make a finding that said intensity is consistent with the Comprehensive Development Plan of current adoption and the best interest of the County and the incorporated towns.

(C) Procedure. The authorization of a unit development plan shall be subject to the procedures expressed herein.

(1) Upon a petition of the owners of property of fifty percent (50%) or more of the area involved in the petition, or upon a petition initiated by the Commission, a preliminary plan for any area proposed for development as a unit development

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plan shall be first presented to the Executive Director. At such presentation, three (3) copies of a preliminary plan of the proposed development, containing the following information, shall be submitted for advice:

(a) Proposed dimensioned layout to scale not to exceed 100' = 1" of any streets, buildings, open space, property divisions and other elements basic to the proposed use in relationship to site conditions.

(b) Proposed locations, amounts and types of non-residential uses within the area proposed to be developed.

(c) Proposed plan for handling vehicular traffic, parking, sewage disposal, drainage, water supply, site perimeter treatment and other pertinent development features.

(d) The preliminary plan may be an approximate drawing, but it shall include any other graphic mediums which will explain the features to be contained within the development of engineering feasibility.

(e) If the unit development plan is to supersede an original plat or subdivision being vacated, the original plat shall be shown by dotted lines in relationship to the lines of the new plan, the new plan being clearly shown in solid lines.

(f) The plan shall show the boundary lines of adjacent subdivided and unsubdivided land and the existing zoning of the area proposed to be developed, as well as the land adjacent thereto. In the case of a petition by owners, the plan shall also show which property within the area proposed for development is owned by such owners.

(g) An enumeration of covenants, in general terms, proposed to be made a part of the unit development plan.

(h) A statement expressing the order and estimated time of development.

(2) Within fifteen (15) days after such presentation, the Executive Director shall consult with the petitioner regarding the preliminary plan. After such consultation, the petitioner may make modifications to the petitioner which are deemed appropriate.

(3) Application for approval of the planned development shall then be submitted to the Commission with a letter of recommendation from the Executive Director, accompanied by six (6) copies of the preliminary plan (with modifications, if any) and any other desired supporting documents at a regular meeting of the Commission as a petition for amendment of the Zoning Code and subject to the procedures applicable thereto. The Commission may approve the plan submitted, amend and approve the plan as amended, or disapprove the plan. The Commission may impose any reasonable conditions upon its approval, including the recording of covenants. If approved, the preliminary plan with amendments, if any, shall be stamped "Approved Preliminary Unit Development Plan" and be signed by the president and secretary of the Commission, and one copy shall be permanently retained in the office of the Commission.

(4) The approved preliminary unit development plan shall then be certified to the Board of County Commissioners or the responsible Town Board, as the case may be, for adoption as a "UD" Unit Development Plan District pursuant to the laws governing amendment of the Zoning Code.

(5) Upon adoption by the respective authority, the planned development shall be returned to the Commission which shall thereafter exercise continuing jurisdiction. Before any development takes place, the Commission shall approve a detailed site plan specifying the exact location, composition, and general engineering features of all lots, drainage, sewage, water supply facilities, recreational facilities, site perimeter treatment and other pertinent site development features including general locations and features of proposed buildings. Such approval shall be conditional upon finding by the Commission that the detailed site plan is consistent with the approved Preliminary Unit Development Plan. The Commission may request the Plan Commission Staff (Sec Sec. 80.47 for definition), to make additional recommendations concerning any modifications of the "Approved Preliminary Unit Development Plan." The approved detailed site plan shall be stamped "Approved Detailed Unit Development Plan" and be signed by the President and Secretary of the Commission, and one (1) copy shall be permanently retained in the office of the Commission.

(a) Approval of a detailed site plan shall be obtained within one (1) year after

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adoption by the Board of County Commissioners or respective Town Board of Trustees, unless the Commission, upon proper application, for good cause shown, grants an extension of time for such period as it deems is in the public interest; provided, however, only the "Approved Detailed Unit Development Plan" shall be required within the said one (1) year period, and platting for recording purposes of all or an appropriate part of the Unit Development Plan may be undertaken in sections or phases at a later time.

(b) An "Approved Detailed Unit Development Plan" may mean and be designated the same as a Plat which has been granted Secondary Approval in accordance with the requirements of Chapter 81, Subdivision Control Code.

(c) A refusal by the Commission to approve a detailed site plan shall not be construed as a denial, and any such refusal shall not operate as a limitation on the right of the petitioner to continue to seek approval nor shall it impair the right of the petitioner to obtain an extension of time for approval.

(d) In the event that approval of a detailed site plan is not obtained within the one (1) year period or an approved extension of time, the Commission shall initiate an amendment of the Zoning Code so that the land will be zoned into the category or categories it held before being reclassified as a "UD" District.

(6) The Commission may allow the petitioner to develop the property involved in phases. If such phasing is permitted, the Commission may allow the petitioner to submit partial detailed site plans which correspond to the phases involved. Such partial detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire unit development plan.

(7) Where a platting, replatting or vacation of streets within all or a portion of the land involved is contemplated, the Commission shall handle such matters in accordance with its regular procedures in accordance with law.

(8) No construction or installation work shall be done on any public improvements until satisfactory plans and specifications therefore have been submitted to the Commission in

accordance with the provisions of Chapter 81, Subdivision Control Code, and the petitioner has, at least twenty-four (24) hours in advance, notified the Executive Director of his intention to begin such work, in order that inspections may be made as the work progresses.

(9) In the exercise of its continuing jurisdiction, the Commission may from time to time modify the "Approved Detailed Unit Development Plan" in a manner consistent with the "Approved Preliminary Unit Development Plan," to allow for changed circumstances and conditions unforeseen at the time of its original approval.

(10) All development shall be in conformity with the "Approved Detailed Unit Development Plan." In the exercise of its continuing jurisdiction, the Commission shall take cognizance of any material deviations from the "Approved Detailed Unit Development Plan" and take appropriate enforcement action.

(11) Approval by the Commission shall expire after a period of five (5) years from the approval of a Detailed Unit Development Plan, unless the development is fifty percent (50%) completed in terms of public improvements, including streets, parks, walkways and extension of time may be granted by the Commission not to exceed five (5) successive periods of two (2) years each.

(12) All proceedings brought under this section shall be subject to the Rules of Procedure of the Commission, where not inconsistent with the procedure otherwise stated herein, except that notice by publication shall be sufficient notice for proceedings related solely to approval and modification of a detailed unit development plan.

(D) Abandonment or Expiration. Under the abandonment of a development authorized under this section (abandonment shall be deemed to have occurred when no improvements have been made pursuant to the Approved Detailed Unit Development Plan for twenty-four (24) consecutive months, or under the expiration of five (5) years from the approval by the Commission of a Detailed Unit Development Plan for a development which has not been completed or the expiration of an extension granted by the Commission), the Commission shall initiate an amendment to the Zoning Code so that the land will be zoned (or

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reclassified) into a category or categories which most nearly approximate its then existing use or such other zoning category or categories which it deems appropriate.

(E) **Recording.** An Approved Detailed Unit Development Plan and modifications thereof shall be recorded in the appropriate plat books in the Office of the Franklin County Recorder within two (2) years after approval by the Commission.

(F) **Permit.** No Improvement Location Permit shall be issued for a "UD" District by the Executive Director unless all recording required by Sec. 80.22 (E) has been effected, and no Certificate of Occupancy shall be issued for a "UD" District unless the Approved Detailed Unit Development Plan, with modifications, if any, is adhered to, all in compliance with the purposes of the Zoning Code.

(G) **Covenants and Maintenance.**

(1) Covenants shall be required by the Commission as an ingredient for stability and longevity of the Unit Development Plan, and shall set forth, in detail, provisions for the ownership and maintenance of facilities held in common so as to reasonably insure their continuity and conservation. Said covenant provisions shall include special remedies in the event facilities held in common are permitted to deteriorate or are not maintained in a condition consistent with the best interests of the County or respective town, and in such event the County or respective town shall take those remedial steps provided for in such provisions.

(2) The Commission may require the recording of covenants for any reasonable public or semi-public purpose, including, but not limited to, the allocation of land by the petitioner for public thoroughfares, parks, schools, recreational facilities, and other public and semi-public purposes wherever necessary in conformity with the Comprehensive Plan of current adoption. Such covenants shall provide that if a governmental unit or agency thereof does not proceed with acquisition of allocated land within a specified period of time, the covenants shall automatically terminate. If such termination occurs, the petitioner shall then submit for approval by the Commission a modified detailed site plan for such land consistent with the Approved Preliminary Unit Development Plan. Such modified detailed site plans, when approved, shall be treated in the same manner as approved detailed site plans for an entire Unit Development Plan.

(3) The Commission may require the recording of covenants for any other reasonable purpose, including, but not limited to, imposing standards for development of property in a Unit Development Plan. Such development standards may include, but are not limited to, requirements as to the following:

- (a) Lot area.
- (b) Floor area.
- (c) Ratios of floor space to land area.
- (d) Area in which structures may be built (building area), including areas for cluster type residential development without lot lines.
- (e) Open space.
- (f) Setback lines and minimum yards.
- (g) Building separations.
- (h) Height of structures.
- (i) Signs.
- (j) Off-street parking and loading and unloading areas.
- (k) Design standards.
- (l) Phasing of development.

(4) The petitioner shall provide financial assurance for the satisfactory installation of all public facilities in the form of bonds or such other assurances as are required in the normal procedures of platting pursuant to the provisions of Chapter 81, Subdivision Control Code.

(5) Adequate provision shall be made for a private organization with direct responsibility to, and control by, the property owners involved to provide for the operation and maintenance of all common facilities including private streets jointly shared by such property owners if such facilities are a part of the Unit Development Plan, as determined by the Commission, and, in such instance, legal assurance shall be provided which shows that the private organization is self-perpetuating and adequately funded to accomplish its purposes.

(6) Common facilities which are not dedicated to the public shall be maintained to standards assuring continuous and adequate maintenance at a reasonable and non-discriminatory rate of charge to the beneficiaries thereof. Common facilities not dedicated to the public shall

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be operated and maintained at no expense to any governmental unit.

(7) All private streets shall be maintained by the aforesaid private organization in such a manner that adequate access is provided at all times to vehicular traffic, so that fire, police, health, sanitation and public utility vehicles can serve the properties contiguous or adjacent thereto, and so that said vehicles will have adequate turning area. Said private streets shall be developed in accordance with the standards set forth in Chapter 81, Subdivision Control Code.

(H) Limitation on Rezoning. The Commission shall not initiate any amendments to the Area Zoning Code concerning the property involved in the Unit Development\*Plan before completion of the development as long as development is in conformity with the Approved Detailed Unit Development Plan and proceeding in accordance with the time requirements imposed herein.

### Section 80.22: HD HISTORIC DISTRICT

This is an overlapping district designed to identify and delineate those parts of Franklin County or a participating town which have been designated as historic districts by the respective Historic Board.

#### (A) Uses Permitted.

Uses permitted in the districts underlying the "HD" Historic District are permitted, subject to the requirements and procedures of the Zoning Code for those uses in their particular district or districts.

#### (B) Certificate of Appropriateness Required.

Before an Improvement Location Permit may be issued in the "HD" Historic District, it shall be accompanied by a Certificate of Appropriateness in accordance with the requirements promulgated by the applicable Historic Preservation Board.

NOTE: See Chapter 84: Historic Preservation Code for requirements in Historical Preservation Area(s); also, see Sec. 80.35(E) for Special Events in the Metamora Preservation Area in the HD Historic District.

### Section 80.23: WD WHITEWATER RIVER SCENIC DISTRICT

The WD Whitewater River Scenic District is an overlapping district established in order to maintain the natural and scenic qualities of the West Fork and Main Stem of the Whitewater River Scenic District, and to preserve those qualities for future generations.

(A) Location and Boundaries of the WD Whitewater Scenic District are designated as follows:

The entire length of the West Fork and Main Stem of Whitewater River, in Franklin County, from the Fayette County line to the Dearborn County line, and the strip of land along each side of the river is at normal level to a line paralleling and 100 feet from the water's edge at normal water level, or within line of sight from the water's edge at normal level, between May 1 and October 15, a period of relatively full foliage, whichever is less.

#### (B) Certain Terms.

For the purpose of the WD District, the following terms shall mean:

- (1) Deposit - to fill, place, or dump.
- (2) Improvement - to use or modify a structure, or to deposit, locate or remove material.
- (3) Locate - to construct, place, insert, or excavate.
- (4) Material - any soil, sand, gravel, clay, peat, mud, debris, refuse, or other organic or inorganic substance.
- (5) Modify - to alter, repair, enlarge, or extend a structure.
- (6) Remove - to dig, dredge, bulldoze, dragline, or blast, or to cut natural vegetation.

#### (C) Advisory Board Recommendation Necessary

Before an Improvement Location Permit may be issued in the "WD" Whitewater River Scenic District, it shall be accompanied by a written recommendation from the Whitewater River Advisory Board (See Sec. 80.47 for definition), following their initial review of the application.

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**(D) Improvements Require Permit.**

All improvements within the Whitewater River Scenic District will require an Improvement Location Permit, and a Certificate of Occupancy will be required prior to use of any improvement. (See Sec. 80.40 Administration.)

**(E) Proposed Improvement Not To Be Visible From Water's Edge.**

Improvement Location Permits should be issued if a proposed improvement will not be visible within the Whitewater River Scenic District from the water's edge at normal level, between May 1 and October 15, or when the natural and scenic features of the District will not be detrimentally affected. Accordingly, any proposed improvement or change determined to be visible within the Whitewater River Scenic District from the water's edge at normal level, between May 1 and October 15, or which will detrimentally affect the natural and scenic features of the District, shall not receive an Improvement Location Permit.

**(F) Personal Camping Usage Permitted.**

Nothing in this Section shall preclude the use of a (private landowner's) property for temporary, non-commercial, personal camping usage within the Whitewater River Scenic District, as long as the private camping facility is totally removed at the end of the May 1 through October 31 season.

**(G) Business or Commercial Enterprise Limitation.**

Business or commercial enterprise are not permitted to be located within 150 feet of the water's edge at normal level, regardless of line of sight.

**(H) Harvesting Timber.**

Complete removal of natural vegetation or clear-cutting of timber is not permitted within the Whitewater River Scenic District. However, timber may be selectively harvested according to good forestry practice.

**(I) Landowners Rights.**

All landowners who own property within the Whitewater River Scenic District retain complete property rights, other than the restrictions

as set forth in this Code, and retain full rights to enforce trespass laws.

**Section 80.24: CONTINGENT USES**

A Contingent Use is one which is likely or liable, but not certain, to occur and which is not inappropriate to the principal uses of the district in which it may be located.

**(A) Contingent Uses Permitted.** Contingent uses set forth below, including accessory buildings and uses, are permitted in the districts indicated herein, subject to the provisions herein, and in this Code:

<u>TYPE OF USE</u>	<u>DISTRICTS IN WHICH USE IS PERMITTED*</u>
Boarding or Lodging House	R-3, LB, and GB
Church or Temple	All, except I-2 and FP
Educational Institution, (except college or university building)	All, except I-2 and FP
Farm House or Farm Dwelling	All, except FP
Fraternity, Sorority, and Student co-ops	R-3, LB, & GB
Farm, general (Subject to any restrictive town ordinances governing livestock.)	All
Farm seasonal worker housing, tenant	All, except FP
Municipal, County or Governmental Building	All
Plant Nurseries, Truck Gardens	All, except R-1, R-2, R-3 & RE
Public Utility installation - terminal facility	I-1, and I-2

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### TYPE OF USE                      DISTRICTS IN WHICH USE IS PERMITTED\*

Tourist Home, Bed and Breakfast                      A-2, R-3, LB, GB, HD, & RE

\*(Am. Ord. 1992-13, passed by County Commissioners Nov 16, '92; Brookville Dec 22, '92; Oldenburg Jan 4, '93; Cedar Grove Dec 13, '92; Mt. Carmel Jan 18, '93; and Laurel Mar 6, '93.)

\*Note: All uses proposed to be located in the UD Unit Development Plan Districts and the FP Flood Plain District are subject to the procedures and approvals set forth in Sec. 80.21 and Sec. 80.20, respectively.

(Am. Ord. 1989-6, passed 7 Aug, 1989)

#### **(B) Other Requirements for Contingent Uses.**

(1) The front yard setback and side and rear yard requirements for contingent uses shall be as follows:

(a) For contingent uses proposed to be located in the A-1, A-2, RE, R-1, R-2 and R-3 districts, the requirements shall be the same as those for a single-family dwelling.

(b) For contingent uses proposed to be located in the LB and GB districts, the requirements shall be the same as those for a multi-family dwelling.

(c) For contingent uses proposed to be located in the PB district, the requirements shall be the same as those for a planned business use in the PB district, provided that the special exception procedure shall not apply to a contingent use.

(d) For contingent uses proposed to be located in the I-1 and I-2 districts, the requirements shall be the same as those for an enclosed industrial use.

(e) For contingent uses property proposed to be located in the FP district, the Executive Director shall determine the adequacy of the setback distances.

(2) Height requirements are set forth in Sec. 80.32.

(3) Off-street parking space requirements are set forth in Sec. 80.37.

(4) Sign requirements are set forth in Sec. 80.38.

(5) Ground floor area for a farm house or farm dwelling shall be the same as that required for a single-family dwelling.

(6) See Sec. 80.26 for additional front yard requirements.

(7) See Sec. 80.27 for fence requirements and yard exceptions.

#### **(C) Development Disabilities Residential Facilities Permitted.**

Developmental Disabilities Residential Facilities are permitted in any district where dwellings are permitted, provided that the licensing and regulation of such facilities shall be accomplished through the Developmental Disabilities Residential Facilities Council of the State of Indiana, in accordance with the requirements of I.C. 16-10-2.1 and I.C. 16-31-1.

#### **Section 80.25: SPECIAL EXCEPTIONS**

(A) Definition and Basis of Approval. Special Exceptions are uses publicly or municipally operated and those uses traditionally affected with a public interest and those uses entirely private in character but of such an unusual nature that their operation may give rise to unique problems with respect to their impact upon neighboring property and public facilities.

(1) A special exception or any use not otherwise set forth in this Code that fits the definition set forth in subsection (A), herein, may be approved in zones as specified in this section. The use approved shall be subject to any regulations or requirements imposed as a part of the special exception, in addition or in place of the other regulations and requirements of this Code. The provisions of a special exception shall replace and supersede the provisions of the base zone or zones, effective upon either construction of any facilities approved as a part of the special exception or upon beginning of operation of the use or uses specified, whichever occurs first. The provisions shall remain in effect until such time as the special exception use ceases to operate. Immediately prior to reuse of the structures or facilities used for the special exception, the provisions of the special exception shall become invalid and the regulations and requirements of the base zone or zones shall again be in effect.

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(2) Any significant changes (as determined by the Executive Director) in the use of a special exception or any construction of new facilities or structures, or major additions to existing facilities or structures (as determined by the Executive Director) shall be subject to approval by the Board of Zoning Appeals, using the same process as was used for the original approval.

**(B) Procedure for Approval.** Upon receipt of an application for a special exception, the Executive Director shall refer the application to the Commission for public hearing. After said hearing (and any necessary deferrals), the Commission shall forward a recommendation of either approval or denial, along with all necessary stipulations, to the Board of Zoning Appeals for public hearing and final approval or denial of the petition. (See Sec. 80.44(D).)

(1) Upon such hearings, if the Commission/Board finds that:

- (a) the establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, or general welfare;
- (b) the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood;
- (c) the establishment of the special exception will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (d) adequate utilities, access roads, drainage and other necessary facilities have been or are being provided; and
- (e) adequate measures have been or will be taken to provide ingress or egress so designed as to minimize traffic congestion in the public streets;

The Board shall direct the Executive Director, to issue an Improvement Location Permit for such special exception; otherwise, the Board shall direct the Executive Director to reject the application. The findings of the Board and its order to the Executive Director shall be in writing.

(2) The Board may impose additional conditions to assure that the special exceptions will

conform to the intent of this Code. These additional conditions may include, but are not limited to, the provisions of the following:

- (a) Off-street parking and loading areas, with particular attention to the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
  - (b) Refuse and service areas.
  - (c) Special screening and buffering with reference to type, dimensions, and character.
  - (d) Signs and proposed exterior lighting with reference to glare, traffic, safety, economic effect, and compatibility and harmony with properties in the district.
  - (e) Additional setback distances, yard and other open space.
  - (f) General compatibility with adjoining properties, with reference to site development standards designed for their mutual protection and the environmental harmony of the district.
  - (g) A Development Plan in the event such a plan is not already required for a particular special exception set forth in subsection (E) herein, or for a use determined the Board to be a special exception which is not otherwise set forth in this Code. (See subsection (A)(1), herein.)
- (3) If the nature of the special exception involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the special exceptions which most closely relates to the primary use; provided that the requirements of the related uses will be met.
- (4) Any person, to whom is issued an Improvement Location Permit for a special exception, who fails to commence construction within twelve (12) months after such permit is issued, or who fails to carry to completion the total Development Plan thereof within three (3) years after such construction is begun, whichever is later, or who fails to conform to the provisions of the Development Plan and supporting data finally approved by the Board and upon the basis of which such Improvement Location Permit was issued, may be required by the Board upon its own motion, and shall be required by the Board upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such Improvement Location Permit revoked.

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(5) The holder of an Improvement Location Permit for a special exception may apply to the Board at any time for an alteration, change, amendment or extension of the application or Development Plan upon which such Permit was based.

(a) Upon receipt of such application, the Board shall proceed as in the case of original applications for an Improvement Location Permit for a special exception.

(b) In the event the Board shall approve and order such application or Development Plan changed, altered, amended or extended, it shall notify the Executive Director who shall issue an amended Improvement Location Permit accordingly.

(C) Existing Use May Be a Conforming Use. An existing use which is listed herein as a special exception, and which is located in a district in which such special exception may be permitted, is a Conforming Use, provided such use meets the minimum lot area requirements set forth herein.

Any expansion of such special exception involving the enlargement of a building, structure, and land area devoted to such use, shall be subject to the requirements and procedures described in this section.

(D) Temporary Certificates. Whenever a special exception has been approved and is of such a nature that the applicant desires to complete the structure and improvements shown in the Development Plan by stages, the applicant may make application for a Temporary Certificate of Occupancy for any portion of the plan that has been completed.

(E) Special Exceptions and Districts Where They May Be Permitted. The following uses shall require approval as special exceptions. They shall be subject to the specific conditions imposed and approved by the Board of Zoning Appeals: (Unless otherwise indicated or imposed by the Board the front, side, and rear setback lines shall be the same as those required in the district in which the use is proposed to be located.)

<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>Page No.</u>
(1)	Airport	A-1, A-2, RE, I-1 & I-2	38
(2)	Anhydrous Ammonia or similar liquified fertilizers, storage and distribution (commercial)	A-1, A-2, PB, GB, I-1 & I-2	38
(3)	Artificial Lake of three (3) or more acres	All	38
(4)	Assembly Halls and Grounds	All except A-1, R-1, R-2 & FP	38
(5)	Auction Arena or Sales Yard (excluding livestock)	PB, GB, I-1, and I-2	39
(6)	Bottled gas storage and distribution yard	A-2, I-1 and I-2	39
(7)	Building Material Supply Yard	I-1 and I-2	39
(8)	Bulk Fuel Storage or Petroleum Tank Farm (commercial)	I-1 and I-2	39
(9)	Cemetery or Crematory	All, except R-1, R-2, R-3, & FP	40
(10)	Charitable Institutions	R-3, LB, PB, GB, I-1, and I-2	40

72) (a) 1 wo (c) parking spaces provided per chair station or as to be determined by the board. The determination shall be based upon estimated client & client related services offered. Ordinance # 1996-9, passed on 18<sup>th</sup> day of November, 1996.

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<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>Page No.</u>
(11)	Clinic	R-3, LB, PB, GB & I-1	40
(12)	Commercial Canoe Rental	Any District other than R-1, R-2 or R-3 that is adjacent to the Whitewater River Corridor and any stream entering into the corridor	40
(13)	Commercial Greenhouse (Exceeding 1,000 sq. ft.)	A-1, A-2, RE, LB, GB, I-1 & I-2	41
(14)	Contractor's Storage Yard	I-1 & I-2	41
(15)	Day Care Center or Child Development Center	LB, PB, GB, I-1, & I-2	41
(16)	Class I Child Care Homes and Class II Child Care Homes *(Am. Ord. 1994-6, passed by County Commissioners May 16, '94; Brookville Aug 9, '94; Oldenburg Oct 3, '94; Cedar Grove June 15, '94; Mt. Carmel Aug 15, '94; and Laurel June 15, '94.)	change to read by adding R-3 District. Ordinance # 1997-5, passed on the 17 <sup>th</sup> day of March, 1997. R-3, LB, PB, GB, & I-1	42
(17)	Farm Implement and Supplies (Machinery) Sales and Service Area or Building (New or Used)	A-1, A-2, LB, PB, GB, I-1 and I-2	46
(17 1/2)	Flea Markets *(Am. Ord. 1993-8, passed by County Commissioners Sept 13, '93; Brookville Oct 26, '93; Oldenburg Dec 6, '93; Cedar Grove Nov 14, '93; Mt. Carmel Oct 13, '93; and Laurel Oct 13, '93.)	All, except R-1, R-2 & R-3	46
(18)	Golf Course/Country Club	All	47
(19)	Golf Driving Range	PB, GB, I-1 and I-2	47
(20)	Grain Elevators and Related Uses	A-1, A-2, RE, PB, GB, I-1, & I-2	47
(20 1/2)	Hazardous Waste or Contaminant Facility	I-2	47
(21)	Health Facility	All, except R-1, R-2, I-2, FP, & WD	47
(22)	Heliport	PB, GB, I-1 & I-2	48
(23)	Hospital	R-3, LB, PB, & I-1	48
(24)	Hotel or Motel in RE District	RE	48
(25)	Junk Yard	I-2	49
(26)	Kennel in A-1, A-2 or I-1 District	A-1, A-2, or I-1	49

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<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>Page No.</u>
(27)	Manufacturing, Storage or Use of Explosives	I-1 and I-2	49
(28)	Mini-Warehouses or Self Service Storage Facility	GB, I-1 & I-2 & FP	49
(29)	Mining Operation (i.e. sand or gravel pit, borrow pit, topsoil removal and storage areas)	A-1, A-2, RE, I-1, I-2 & FP	50
(30)	Mobile Home Park	A-2, RE, R-3, PB, GB & I-1	50
(31)	Outdoor Commercial Recreational Enterprise	A-2, RE, PB, GB, I-1 & I-2	57
(31 1/2)	Outdoor Commercial Enterprise	GB, I-1 & I-2	57
(32)	Outdoor Theater	PB, GB, I-1 and I-2	57
(33)	Penal or Correctional Institution	GB, I-1 and I-2	58
(34)	Planned Business Use in PB District. (But only when the Executive Director determines that the proposed use is not in accordance with the requirements. (See Sec. 80.16(A).)	PB	58
(35)	Private Club or Lodge which is of a non-commercial character	A-2, RE, R-3, & I-1	58
(36)	Private Recreational Development (i.e. picnic grounds, fraternal organizations, etc.)	A-2, RE, PB, GB, I-1, & I-2	58
(37)	Private School	R-3, LB, PB, GB, I-1 & I-2	59
(38)	Produce Stands, Seasonal	All, except R-1, R-2 & R-3	59
(39)	Produce Stands, Year Round	LB, PB & GB	59
(40)	Professional Office Center	R-3, LB, PB, GB, I-1 & I-2	59
(41)	Public Camp	A-2, RE, & FP	60
(42)	Public or Commercial Sanitary Fill or Garbage Disposal Plant	I-1 and I-2	60
(43)	Public Park or Public Recreational Facilities	All	60
(44)	Public or Employee Parking Area	All, except A-1, A-2, RE, R-1, and R-2	60
(45)	Public Water Wells, water stations, filtration plant, reservoirs and storage tanks	All except R-1, & R-2	61

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<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>Page No.</u>
(46)	Race Track	I-1 and I-2	61
(47)	Railroad or other mass transportation rights-of-way and trackage, including passenger stations, shelter stations, and layover areas for transit vehicles, and off-street parking facilities	All except R-1, R-2, & FP	61
(48)	Raising and Breeding of Non-Farm Fowl or Animals (commercial) (except Kennel)	I-1 and I-2	61
(49)	Recreational Vehicle Park	RE and I-2	61
(50)	Restricted Commercial Farm Enterprise	A-1, A-2, RE, & I-1	65
(51)	Riding Stable	A-1, A-2, RE, PB, GB, & I-1	66
(52)	Sales Barn for Livestock (Resale)	I-1 & I-2	67
(53)	Seasonal Hunting and Fishing Lodge	A-1, A-2, RE, & I-1	67
(54)	Sewage Treatment Facility (Primary Use)	All	67
(55)	Shooting Range	A-1, A-2, RE, & I-1	67
(56)	Shopping Center Plan	PB and GB	67
(57)	Slaughter House	GB, I-1 and I-2	69
(58)	Special School	R-3, LB, PB, I-1 and I-2	69
(59)	Stadium, Coliseum, Athletic Field	All except R-1 and R-2, & WD	69
(60)	Studio Business (Art, Interior Decorating, Music, etc.)	R-3	69
(61)	Telephone Exchange or Public Utility Substation	A-1, A-2 and I-1	70
(62)	Temporary Storage for Disabled Vehicles	GB	70
(63)	Major Transmission Lines for Gas, Oil, Electricity or Other Utilities	All	70
(64)	Transmission Tower(s) (Radio, TV, etc.) and Microwave Towers	All	70
(65)	Veterinary Hospital or Clinic for Small Animals *(Am. Ord. 1995-11, passed 17 July, 1995)	R-3, A-1, A-2, LB, PB, GB and I-1	70

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<u>NO.</u>	<u>SPECIAL EXCEPTION</u>	<u>DISTRICT(S) IN WHICH USE MAY BE PERMITTED</u>	<u>Page No.</u>
(66)	Wholesale Produce Terminal, or Truck Freight Terminal	PB, GB, I-1, and I-2	70
(67)	Welding Shop *(Am. Ord. 1995-11, passed 17 July 1995.) *(Am. Ord. 1993-2, passed by County Commissioners Mar 15, '93; Brookville Apr 13, '93; Oldenburg May 3, '93; Cedar Grove Apr 15, '93; Mt. Carmel May 17, '93; and Laurel Apr 15, '93.)	A-2, LB & GB	71

**(F) Other Requirements for Special Exceptions.** Following are specific requirements for special exceptions: (The special exceptions are referred to by name and number indicated in Subsection (E) herein.) (Sign Standards are set forth in Sec. 80.38.)

- (1) Airport.
  - (a) Fence.  
6 foot wire mesh where accessible to public.
  - (b) Minimum distance from Residential District or Use.  
100 feet.
  - (c) Screen Planting.  
Screen Planting - 6 feet height by 6 feet width where abutting residential use; tight screen, effective at all times of the year.
  - (d) Parking.  
1 per employee, plus 1 per 3 seats in waiting room.
  - (e) Development Plan.  
Development Plan shall be submitted with application.
  - (f) Signs and Lighting.  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
  - (g) Height.  
35 feet or as required by appropriate State or Federal agency.
  - (h) Prior F.A.A. and State of Indiana approval.
- (2) Anhydrous Ammonia or Similar Liquefied Fertilizers,

Storage and Distribution (Commercial).

- (a) Minimum yards in A-1 District Front - 300; Side (each) - 300; Rear - 300.
  - (b) Minimum distance of Parking Area or Loading Berth from Residential district or Use. 300 feet.
  - (c) Fence.  
6 foot wire mesh fence where accessible to public.
  - (d) Drainage.  
Drainage shall be controlled so that liquified fertilizers shall not drain off the premises.
  - (e) Development Plan.  
Development Plan to be submitted with application.
- (3) Artificial Lake of 3 or more acres.
    - (a) Fence.  
6 foot wire mesh fence where accessible to public.
    - (b) Development Plan.  
Development Plan to be submitted with application.
    - (c) State approval, as required by Department of Natural Resources.
  - (4) Assembly Halls and Grounds.

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- (a) Minimum Lot Acre 1 Acre.
  - (b) Minimum Front Yards (Standard); Side - (each) 20; Rear 15.
  - (c) Parking.  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
  - (d) Noise.  
Noise shall be confined to the premises.
  - (e) Development Plan.  
Development Plan to be submitted with application.
  - (f) Signs and Lighting.  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
  - (g) Security.  
Security (whenever necessary) shall be furnished by the applicant.
  - (h) Height.  
Maximum height of structure - 35 feet.
- (5) Auction Arena or Sales Yard (excluding livestock).
- (a) Minimum Lot Area.  
2 acres.
  - (b) Minimum Yards.  
Front - 50 feet; Side (each) - 40 feet; Rear - 40 feet.
  - (c) Parking Space.  
One per 2 employees, plus 1 per each 400 square feet of display, sales and auction area.
  - (d) Noise.  
Noise shall be confined to the premises.
  - (e) Entrance.  
Not more than one entrance from street.
  - (f) Development Plan.  
Development Plan to be submitted with application.
  - (g) Signs and Lighting.  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
- (6) Bottled Gas Storage and Distribution.
- (a) Minimum Yards. Front - 300; Side (each) - 300; Rear - 300.
  - (b) Development Plan.  
Development Plan to be submitted with application.
  - (c) Safety.  
All laws, and care shall be observed by the applicant.
- (7) Building Material Supply Yard.
- (a) Minimum Yard. Front - 300; Side (each) - 300; Rear - 300.
  - (b) Minimum Distance from Residential District or use. 300 feet.
  - (c) Entrance.  
Not more than one entrance from street.
  - (d) Development Plan.  
Development Plan to be submitted with application.
  - (e) Screening.  
Building materials and vehicles shall be screened or located in such a manner so that they will not be visible from the frontal street or adjacent residentially used or zoned property.
  - (f) Parking.  
One per two employees, plus 1 per vehicle operated by establishment, plus 1 per 800 square feet of storage area.
  - (g) Height.  
Maximum height of structure - 35 feet.

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- (8) Bulk Fuel Storage or Petroleum Tank Farm (commercial).
- (a) Minimum Yards. Front - 300; Side (each) 300; Rear - 300.
  - (b) Entrance.  
Not more than one entrance from street.
  - (c) Development Plan.  
Development Plan to be submitted with application.
  - (d) Safety.  
All laws and care shall be observed by applicant.
- (9) Cemetery or Crematory.
- (a) Minimum Area.  
10 acres.
  - (b) Minimum Yards.  
Front - standard; side (each) - 40 feet; Rear - 40 feet.
  - (c) Landscape Plan.  
Plan of landscape development to be submitted with application. (May be combined with Development Plan.)
  - (d) Screen Planting.  
Screen Planting - 6 foot height by 6 foot width - where abutting residential use. Effective at all times of year.
  - (e) Development Plan.  
Development Plan to be submitted with application.
  - (f) Signs and Lighting.  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
  - (g) Parking.  
One per each 2 employees, plus one per each 5 acres of area.
  - (h) Height.  
Maximum height of structure - 35 feet.
- (10) Charitable Institutions.
- (a) Minimum Lot Area.  
1 acre.
  - (b) Minimum Yards.  
Front - standard; Side (each) -20; Rear - 15.
  - (c) Development Plan.  
Development Plan to be submitted with application.
  - (d) Parking.  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
- (11) Clinic.
- (a) Minimum Lot Area.  
15,000 square feet.
  - (b) Minimum Yards.  
Front - standard; Side (each) -10; Rear - 30.
  - (c) Screen Planting.  
Screen planting - 6 foot height by 3 foot width where abutting residential use. EFFECTIVE AT ALL TIMES OF THE YEAR.
  - (d) Entrance.  
Not more than one entrance from street (other than an emergency entrance).
  - (e) Parking.  
1 per 2 employees, plus 3 per doctor.
- (12) Commercial Canoe Rental.
- (a) Development Plan.  
Development Plan to be submitted with application.
  - (b) Minimum Lot Area:
    - 1. Canoe Livery - Main Location. 30 acres of land with a minimum of 1,000 feet of frontage between points where property

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- lines intersect the river.
2. Put in-points or take-out points other than main location. 5 acres of land with a minimum of 600 feet of river frontage between the points where property lines intersect the river. These requirements will apply to the Whitewater River Corridor and any stream entering into the corridor.
  - 3 Storage area for canoes not fronting on Whitewater River or adjacent to Whitewater River Corridor. 10 acres.
    - (c) Minimum Yard Dimensions. Front - 100 feet; Side - 100 feet; Rear - 100 feet.
    - (d) Loading or unloading canoe points must be 100 feet from any public roadway.
    - (e) If camping areas are included with operation, all rules and regulations of County and State Board of Health pertaining to operation of a campground must be met before Improvement Location Permit is issued. This includes adequate rest room facilities as well as any other improvements needed to comply with County and State Board of Health regulations. See Special Exception Use PUBLIC CAMP, Sec. 80.25(F)(41).
- (13) Commercial Greenhouse.
    - (a) Minimum Lot Area. 25,000 square feet.
    - (b) Minimum Yard. Front - 100; Side (each) - 40; Rear - 40.
    - (c) Parking Areas and Loading Berth Minimum Distance from Residential District or Use. 50 feet.
    - (d) Entrance. Not more than one entrance from street.
  - (14) Contractor's Storage Yard or Building Material Storage Yard.
    - (a) Screening. Building materials and vehicles shall be screened or located in such a manner so that they will not be visible from the frontal street or adjacent residentially used or zoned property.
    - (b) Parking Areas and Loading Berth Minimum Distance from Residential District or Use. 300 feet.
    - (c) Entrance. Not more than one entrance from street.
    - (d) Development Plan. Development Plan to be submitted with application.
    - (e) Parking. One per two employees, plus 1 per vehicle operated by establishment, plus 1 per 800 square feet of storage area.
    - (f) Height. Maximum height of structure - 35 feet.
  - (15) Day Care Center or Child Development Center.
    - (a) Minimum Area.
      - (1) One hundred (100) square feet of play area provided on same lot as use for each child in attendance.
      - (2) Thirty-five (35) square feet of suitable indoor space per session per child shall be

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provided, also.

- (b) **Open/Recreational Space.**
  - (1) Outdoor play area shall be grassed and enclosed by a six-foot high masonry wall with fence. Any entry gate shall be securely fastened.
  - (2) Outdoor play areas shall be adequately separated from vehicular circulation and parking areas.
- (c) **General Safety.**
  - (1) No portion of a day care center site may be located within 300 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
  - (2) Garages shall not be used as designated play area.
- (d) **Parking.**

One space for each two adult attendants, and one space for each 10 children.
- (e) **General Standards.**
  - (1) No noise should be audible beyond the lot lines.
  - (2) Hours of operation may be restricted by Planning Commission.
- (f) **Traffic Safety.**
  - (1) Day care centers shall create no unsafe conditions for picking up and dropping off children.
  - (2) Loading and unloading of children from vehicles shall only be permitted on the driveway, approved parking area, or

directly in front of the facility.

- (g) **License Required.**

Applicant must obtain Day Care Center License from the Indiana Department of Public Welfare.

**\*NOTE:** The 1993 Indiana General Assembly passed a new child care licensing law, Public Law (PL) 136-1993, which was effective July 1, 1993. This law makes significant changes in the way Indiana licenses child care homes. This new law creates two types of child care homes; Class I and Class II.

### (16) Class I Child Care Homes and Class II Child Care Homes.

#### (1) Class I Child Care Homes.

- (a) A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at any time receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian;
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each of ten (10) consecutive days per year, excluding intervening Saturdays, Sundays, & holidays.

- (b) A child care home that serves any combination of full-time and part-time children, not to exceed twelve (12) children at

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any one (1) time.

A child:

1. for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and
2. who is at least seven (7) years of age; shall not be counted in determining whether the child care home is within the limit set forth above. \* (IC 12-17-2-28.6; IC 12-7-7-33.7.)

(2) Class II Child Care Homes.  
This new law creates a definition for a Class II Child Care Home which reads as follows:

(a) A residential structure in which at least six (6) children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative) at anytime receive child care from a provider:

1. While unattended by a parent, legal guardian, or custodian,
2. For regular compensation; and
3. For more than four (4) hours but less than twenty-four (24) hours in each or ten (10) consecutive days per year, excluding intervening Saturdays and Sundays, & holidays.

(b) A child care home that serves more than twelve (12) children but not more

than any combination of sixteen (16) full-time and part-time children at any one (1) time.

A child:

1. for whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and
2. who is at least seven (7) years of age; shall not be counted in determining whether the child care home is within the limit set forth above. (IC 12-7-2-28.6; IC 12-7-2-33.8.)

(c) To qualify for a Class II Child Care Home License, a perspective provider must meet the above definition and do the following:

1. Provide all child care services on the first story of the child care home unless the Class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and the building safety commission in effect at the time the Class II child care home provider applies for licensure.
2. Provide a smoke detection system that is:
  - a. hard wired to the building's electrical

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- b. wired in a manner that activates all of the detector devices in the building when one (1) detector is activated.
  3. Provide a fire extinguisher in each room that is used to provide child care services.
  4. Meet the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the Class II child care home provider applies for licensure.
  5. Provide a minimum of thirty-five (35) square feet for each child.
  6. Conduct fire drills, required under Article 37 of the Indiana fire prevention code adopted by the Fire Prevention and Building Safety Commission in effect at the time the Class II child care home provider applies for licensure.
  7. Comply with rules adopted by the Division of Family and Children (DFC) for Class II child care homes. (IC 12-17.2-5-6.5.)
- (d) The Division of Family and Children (DFC) has received the following interpretations and guidelines from the office

of the State Fire Marshal regarding the above requirements:

Requirement #1 - A Class II child care home shall provide all child care services on the first story or at grade level. If the Class II child care home meets the requirements of Sec. 802(c) of the 1993 Building Code, child care may be allowed on a floor other than grade level. Additional requirements must be met if care is provided above or below the first story in type I and type II sprinklered buildings.

Requirement #2 - Smoke detectors must be labeled as tested and approved by Underwriters Laboratory (U.L.) and be installed in accordance with the manufacturer's installation guidelines. The number of smoke detectors & placement must be in accordance with the National Fire Protection Act (NFPA) 72E standard as adopted by the Fire Prevention and Building Safety Commission. More information on this will be covered during training on the new regulations.

Requirement #3 - A 2A, 10B:C (10 LB) fire extinguisher is acceptable and must be tagged appropriately and maintained in service ready condition at all times.

Requirement #4 - Two (2) exits may be required at grade level depending upon the maximum occupancy allowed and the type of building structure. Two EXITS are required from each room where more than

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seven (7) children are cared for at any one time.

Requirement #5 - The requirement for thirty-five (35) square feet of space should not include bathrooms, hallways or the garage (unless the garage has been previously converted and approved by DFC for child care services).

Requirement #6 - Fire Drills shall be conducted monthly.

Requirement #7 - The Central Office of the Division of Family and Children will begin the formal rule making process as soon as possible. In the meantime, the existing regulations, (470 IAC 3-1.1 & 470 IAC 3-1.2) will still apply. E.G., whenever there are more than ten (10) children, two (2) adults are required for supervision of the children (470 IAC 3-1.1-36).

(e) Effective July 1, 1993, local offices of The Division of Family and Children may begin accepting applications for Class I and Class II Child Care Home license.

(3) Other Requirements.

(a) Under PL 136-1993, a child care home that is used as the primary residence of the person who operates the child care home may not be excluded from a residential area solely because the child care home is a business.

(b) Additionally, local zoning authorities may not impose requirements or restrictions

upon child care homes that vary from the requirements and restrictions imposed upon child care homes by rules adopted by the Division of Family and Children or the Fire Prevention and Building Safety Commission. Zoning authorities have until July 1, 1994 to bring local zoning standards in line with these new statutory requirements.

(4) Probationary Licenses.

Please also be advised that Central Office Division of Family and Children is using a new child care license effective July 1, 1993. With implementation of this new larger size license, Central Office will also be able to issue a Probationary license, for those homes which are temporarily unable to meet the minimum standards. In order to receive a Probationary License the licensee must file a plan of correction with the county office of the Division of Family and Children. Local DFC must approve the plan of correction and forward a copy of it to Central Office along with the Recommendation for Granting a License to Operate a Child Care Home, State Form 45289 (6-92). A Probationary license may not be issued for longer than six (6) months. An extension for an additional six (6) months may be approved by the Division of Family and Children Central Office.

(5) Provisional License.

(a) In accordance with the Indiana Code IC-12-17.5-5-13, "The Division may grant a provisional license to an applicant who is not able to demonstrate compliance with a rule because the child care home is not in full operation."

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- (b) Provisional licenses cannot be granted for more than one (1) year and are subject to review every three (3) months by the local office of DFC.
- (6) **Criminal History Affidavits.**  
Effective July 1, 1993, an applicant/licensee is no longer required to submit a Criminal History Affidavit. The Criminal History Check remains in effect.
- (7) **Attestation Statement.**  
(a) An applicant must still submit, with the application, a statement attesting that the applicant has not been convicted of a felony or a misdemeanor relating to the health and safety of children during the pendency of the application. State Form (#PENDING) HAS BEEN DEVELOPED FOR THIS PURPOSE (COPY ATTACHED : ATTACHMENT A).  
(b) This requirement is in addition to the Criminal Records check which must also be completed.
- (8) **License Fees.**  
Child Care Homes are now licensed every two years after the fee of \$25.00 has been paid. There is an annual inspection fee of \$25.00 and a \$5.00 inquiry packet fee. All licensing fees were established for the purpose of facilitating compliance with the law and to provide training to child care providers.
- (9) **Variances and Waivers.**  
Effective July 1, 1993, the Central Office of the Division of Family and Children, Bureau of Family Preservation and Protection may no longer be required to submit Variances or Waivers to the State Fire Marshal for approval of CHILD CARE HOMES. The State Fire Marshal will continue to inspect child care homes when request by the Division of Family and Children, in accordance with 470 IAC 3-1.1-46 and 470 IAC 3-1.1-48.  
(\*Am. Ord. No. 1994-6, passed by County Commissioners May 16, '94; Brookville Aug 9, '94; Oldenburg Oct 3, '94; Cedar Grove June 15, '94; Mt. Carmel Aug 15, '94' and Laurel June 15, '94.)
- (17) **Farm Implement and Supplies (Machinery) Sales and Service Area or Building (New or Used).**  
(a) **Development Plan.**  
Development Plan to be submitted with application.  
(b) **Dead Storage.**  
No dead storage, repair work or dismantling on the lot.  
(c) **Height.**  
Maximum height of structure 35 feet.  
(d) **Adequacy of Sewers.**  
Approval required.  
(e) **Special Setback Requirements.**  
Used machinery may be placed temporarily in the rear of the building line in the sales lot, provided that new machinery may be placed temporarily in front of the building line, but not closer than 20 feet to the front lot line; otherwise, setbacks are standard.  
(f) **Parking.**  
One per 2 employees, plus 1 per vehicle operated by the establishment, plus 1 per 1,000 square feet of display and sales area.

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- \*(17 1/2) Flea Markets.**
- (a) **Development Plan.**  
Development Plan to be submitted with application for approval by the Board.
  - (b) **Signs and Lighting.**  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (c) **Adequacy of Sewers.**  
Approval required.  
*\*(Am. Ord. 1993-8, passed by County Commissioners Sept. 13, '93; Brookville Oct 26, '93; Oldenburg Dec 6, '93; Cedar Grove Nov 14, '93; Mt. Carmel Oct 13, '93; and Laurel Oct 13, '93.)*
- (18) Golf Course or Country Club.**
- (a) **Minimum Yards.** Front - standard; side (each) - 40; Rear - 40.
  - (b) **Minimum Distance of Parking Area from Residential District or Use.**  
20 feet.
  - (c) **Screen Planting.** Screen Planting - 6 foot height by 6 foot width - where abutting residential use; effective at all times of the year.
  - (d) **Entrance.** Not more than one entrance from street.
  - (e) **Setback from Interior Drives.**  
40 feet.
  - (f) **Parking Spaces.**  
30
  - (g) **Development Plan.**  
Development Plan to be submitted with application.
  - (h) **Signs and Lighting.**  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
  - (i) **Adequacy of Sewers.**  
Approval required.
  - (j) **Height.**  
Maximum height of structure 35 feet.
- (19) Golf Driving Range.**  
Requirements same as (18) Golf Course or Country Club, except number of parking spaces shall be 20 and not more than one entrance from street.
- (20) Grain Elevators and Related Uses.**
- (a) **Development Plan.**  
Development Plan to be submitted with application.
  - (b) **Noise.**  
Noise shall be confined to the limits found in Sec. 80.18.
  - (c) **Height.**  
Maximum height of structure 100 feet.
- (20 1/2) Hazardous Waste or Contaminant Facility.**
- (a) **Minimum Lot Area.**
  - (b) **Minimum Yards.**  
Front - 1,000'; side - 1,000'; and rear - 1,000'.
  - (c) **Minimum Setback from Waterway.** 1,000' from any waterway, including but not limited to creeks, rivers, streams, ponds, and lakes.
  - (d) **Applicants are Limited.**  
Only persons that may apply for a Hazardous Waste or Contaminant Facility Use are those persons who had an existing business or industry dealing in hazardous waste or contaminants in Franklin County, as of the 26th day of February, 1985.
  - (e) **Development Plan.**  
Development Plan to be submitted with application.
- (21) Health Facility.**
- (a) **Minimum Lot Area.**  
40,000 square feet, but not less than 1,000 square feet per person cared-for

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- (b) occupant.  
Minimum Yards.  
In the PB District; Front - 80'; Side 40'; Rear - 40'. In other districts:  
same as requirements for single-family dwelling.
  - (c) Landscape Plan.  
Plan of landscape development to be submitted with application. (May be combined with Development Plan.)
  - (d) Screen Planting.  
Screen Planting - 6 foot height by 6 foot width where abutting residential use; tight screen, effective at all times.
  - (e) Parking Spaces.  
1 per each 5 patients or occupants, plus 1 per each staff member or supervisor, doctor, plus 1 per each 3 employees.
  - (f) Development Plan.  
Development Plan to be submitted with application.
  - (g) Height.  
Maximum height of structure - 35 feet.
  - (h) State Approval Required.  
Facility must be licensed by the State Board of Health in accordance with IC 16-10-2.
  - (i) Adequacy of Sewers.  
Approval required.
  - (j) Height.  
Maximum height of structure 45 feet.
- (22) Heliport.
- (a) Spacing. Use permitted not closer than 200 feet to a residential use.
  - (b) Fence. Four-foot wire mesh abutting residential use.
  - (c) Parking spaces. One per employee plus one per three seats in waiting room.
  - (d) Development Plan.  
Development Plan to be submitted with application.
- (e) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (f) Height. As required by appropriate state or federal agency.
- (23) Hospital.
- (a) Minimum Lot Area. 3 acres.
  - (b) Minimum Yards.  
Front - 100; Side - 30; Rear - 40 (abutting residential use).
  - (c) Minimum Distance of Parking Area from Residential District or use. 25 feet.
  - (d) Minimum Distance of Loading Berth from Residence District or Use.
  - (e) Screen Planting. Screen Planting - 6 foot height by 3 foot width where abutting residential use; effective at all times of the year.
  - (f) Parking Spaces.  
1 per 4 beds, plus 1 per doctor, plus 1 per 3 employees on largest shift.
  - (g) Development Plan.  
Development Plan to be submitted with application.
  - (h) Height.  
65 feet.
  - (i) Adequacy of Sewer.  
Approval required.
- (24) Hotel or Motel in RE District.
- (a) Minimum Lot Area - 1 acre.
  - (b) Minimum Yards. Front - standard; side (each) 25; rear - 25.
  - (c) Screen Planting. Screen Planting 6 foot height by 6 foot width where abutting residential use; tight screen effective at

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- (d) all times of the year.  
Entrance. Not more than 2 entrances from street.
  - (e) Parking. 1 per 3 employees plus 1 per 1 and 1/2 sleeping rooms.
  - (f) Development Plan. Development Plan to be submitted with application.
  - (g) Height. 35 feet.
  - (h) Adequacy of Sewers. Approval required.
- (25) Junk Yard.
- (a) Minimum Lot Area - 5 acres.
  - (b) Minimum Yards. Front - 50 feet; side - 40 feet; rear - 40 feet.
  - (c) Spacing. Use permitted not closer than 200 feet to a residential use.
  - (d) Entrance. Not more than one entrance from street.
  - (e) Fence. Solid wall or solid painted fence eight feet high except along railroad right-of-way or eight-foot wire mesh fence covered and maintained with thick ivy growth.
  - (f) Parking Spaces. One per two employees on largest shift.
  - (g) Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- (26) Kennel in the A-1, A-2 and I-1 Districts.
- (a) Minimum Lot Area. 2 acres.
  - (b) Minimum Yards. Front - 150; Side (each) - 150; Rear - 150.
  - (c) Screen Planting. Screen Planting - 6 foot height by 6 foot width - where abutting residential use; effective at all times of the year.
  - (d) Entrance. Not more than one entrance from street.
- (e) Development Plan. Development Plan to be submitted with application.
  - (f) Noise. Noise shall be confined to the premises.
  - (g) Parking. One per 2 employees, plus 1 per 500 square feet of front area used in a waiting room; plus 1 per 5 boarder animals, based upon maximum number of animals.
  - (h) Height. Maximum height of structure - 25 feet.
- (27) Manufacturing, Storage, or use of Explosives.
- (a) Development Plan. Development Plan to be submitted with application if use involves manufacturing or storage of explosives.
  - (b) Approval of Board of County Commissioners or respective Town Board required.
- (28) Mini-Warehouses or Self Service Storage Facility.
- (a) Development Plan. Development Plan to be submitted with application.
  - (b) Minimum lot area. Forty thousand (40,000) square feet.
  - (c) Minimum yard dimensions. Front yard - 25 feet; Side yard - 20 feet; Rear - 25 feet.
  - (d) Maximum height of buildings. 30 feet.
  - (e) Must provide living quarters for on-site manager.
  - (f) Internal driveways. (Minimum.) A driveway aisle for mini-warehouse or self-storage shall be a minimum width

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of 24 feet. A driveway aisle where access to storage units is only on one side of the aisle may be 20 feet in width. No off-street parking spaces are required for these facilities. Off-street parking as indicated in Sec. 80.37 shall be provided for any accessory use (i.e., office, dwelling) of the mini-warehouse or self-service storage facility.

The parking lanes may be eliminated when the driveway does not serve storage cubicles.

- (g) Minimum landscaping. Front yard - 25 feet; Side yard - 8 feet; Rear - 10 feet. All landscape setback shall be with a minimum of 50% live plant material.
- (h) Either a six-foot (6') solid fence or an appropriate landscape screen or mound may be required along boundaries of the site adjacent to residential zoning or use.
- (i) Uses Prohibited.
  1. Auctions, commercial, wholesale or retail sales, or miscellaneous or garage sales, flea markets, etc.
  2. The servicing, repair, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment.
  3. The operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment.
  4. The establishment of a transfer and storage business; and
  5. Any use that is noxious or offensive because of

odors, dust, noise, fumes, or vibrations.

- (29) Mining Operation.
  - (a) Minimum Yards. Front - 150; Side (each) - 150; Rear - 150.
  - (b) Minimum Distance from Residence District or Use. 300 feet.
  - (c) Fence. 6 foot woven wire, fence where accessible to public.
  - (d) Screen Planting. Screen Planting - 6 foot height by 3 foot width - where abutting residential use; effective at all times of the year.
  - (e) Entrance. Not more than one entrance from street.
  - (f) Development Plan. Development Plan to be submitted with application.
  - (g) Special. See IC 36-7-4-1103: Miscellaneous provisions; Certain use of mineral resources and forests not prevented. Cross-reference: IC 14-4-9-19.
- (30) Mobile Home Park.
  - (a) Development Plan. Development Plan to be submitted with application.
  - (b) Area. A mobile home park shall have an area of not less than five acres.
  - (c) Soil. The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service. (See Sec. 80.46.) The site

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- shall not be subject to unpredictable or sudden flooding, subsidence, or erosion. Exposed ground surfaces shall be paved, covered with stone screenings, or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust. Exposed ground surfaces shall be graded and equipped to drain all surface water in a safe, efficient manner.
- (d) **Smoke, Noise, and Odor.**  
The proposed site shall not be exposed to objectionable smoke, noise, odor or other adverse influences.
- (e) **Screening.**  
A dense planting screen not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along the boundary lines except at established entrances and exits serving the park. A basket weave or similar type fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- (f) **Use.**  
No part of any park shall be used for nonresidential purposes, except such uses that may be for the benefit of and well-being of park residents and for the management and maintenance of the park; provided, however, that this shall not prohibit the sale of a mobile home located on a mobile home slab on a mobile home lot and connected to the appropriate utilities; provided further, however, that a mobile home sales business may be allowed in the mobile home park upon a showing that said business, and its location, is in the best interest of the public health, safety, morals, and general welfare, as determined by the Board of Zoning Appeals.
- (g) **Side, rear, and front yards.**  
The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a minimum of 60 feet in depth.
- (h) **Separation.**  
Mobile homes shall be separated from each other and from all other buildings and structures by at least 20 feet. An accessory structure such as an awning, cabana, storage cabinets, carport, windbreak, and porch having a floor area exceeding 25 square feet and an opaque roof or top, shall be considered to be part of the mobile home.
- (i) **Mobile home lot area and width.** Each mobile home lot shall contain a minimum of 4,000 square feet in area, and shall be at least 40 feet in width.
- (j) **Parking.**  
Each mobile home lot shall contain two automobile parking areas, each of which has

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- minimum dimensions of 10 feet in width by 20 feet in length.
- (k) **Mobile home slab.**  
Each mobile home lot shall contain a mobile home slab. The area of the slab shall be improved to provide adequate support for the placement and tie-down of the mobile home so that it is secure against uplift, sliding, rotation, and overturning. The slab shall be constructed so that it will not heave, shift, or settle unevenly under the weight of the mobile home due to frost action, inadequate drainage, vibration, or other forces. The slab shall be provided with anchors and tie-downs such as cast-in place concrete "dead men," eyelets imbedded in concrete foundation or runways, screw augers, arrowhead anchors, or other devices securing the stability of the mobile home. Anchors and tie-downs shall be placed at least at each corner of the slab and each shall be able to sustain a minimum tensile strength of 2,800 pounds.
- (l) **Distance between slab and interior drive.**  
There shall be a minimum distance of 15 feet between the mobile home slab and an abutting interior park drive.
- (m) **Recreation Park.**  
Each park shall provide a recreational area or areas equal in size to at least 8 percent (8%) of the area of the park. Streets, parking areas, and park service facility areas shall not be included in the required
- (n) **recreational area. Streets and Drives.**  
A mobile home park shall be provided with safe and convenient vehicular access from abutting streets or roads to each mobile home lot. Such access shall be provided by interior private streets or driveways or other means approved by the Board. No direct access from a front or side street to a mobile home lot shall be permitted except by approved entrances and exits. The park entrance shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be allowed on the park entrance driveway for a distance of 100 feet from its point of beginning, unless the park entrance drive has a minimum width of 36 feet. Interior driveways, except minor driveways, shall have a minimum width of 28 feet, measured from back to back of curb if provided. Minor driveways shall have a minimum width of 20 feet. Minor driveways having mobile homes abutting on both sides are not acceptable unless the said minor driveways are less than 500 feet long. Minor driveways serving more than 15 mobile homes are unacceptable. Deadend driveways shall not exceed 1,000 feet in length, and shall be terminated at the closed end with a turnaround having an outside roadway diameter of at

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- least 60 feet.
- (o) Interior Driveway Construction and Design Standards.
1. Pavements. All driveways shall be provided with a smooth, hard and dense surface which shall be durable and well drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Driveway surfaces shall be maintained so as to be free of cracks, holes, and other hazards.
  2. Grades. Grades of all driveways shall be sufficient to ensure adequate surface drainage, but shall not have a grade in excess of 8 percent (8%); provided, however, that short runs having a maximum grade of 12 percent (12%) may be permitted if traffic safety is assured by appropriate paving, adequate leveling areas and avoidance of lateral curves.
  3. Intersections. Within 100 feet of an intersection, streets shall be at approximately right angles. A distance of at least 150 feet shall be maintained between center lines of offset intersection streets. Intersections of more than two (2) streets at one point shall be avoided.
- (p) Illumination. Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations such as major driveway intersections, steps, and stepped ramps will have an average level of illumination of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- (q) Walks. Mobile home parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable, convenient to maintain, between individual mobile homes, the interior driveways, and all community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Such common walks shall have a minimum width of two feet.
- (r) Services. Service buildings, recreation buildings, and other community service facilities, such as management offices, repair shops, storage areas, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the

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exclusive use of the mobile home park occupants, are permitted in the mobile home park, provided that:

1. They are subordinate to the residential character of the park; and
  2. The establishments and the parking areas related to their use shall not occupy more than 10 percent (10%) of the total area of the park.
- (s) Barbecue Pits, Fireplaces, Stoves, and Incinerators. Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
- (t) Refuse Handling. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in flytight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands

shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Officer. Refuse incinerators, if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the Health Officer or other authority having jurisdiction. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the mobile home park.

- (u) Electrical Distribution System.

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and

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maintained in accordance with applicable codes and regulations governing such systems. Main power lines not located underground shall be suspended at least 18 feet above the ground. There shall be a minimum horizontal clearance of 3 feet between overhead wiring and any mobile home, service building or other structure. All direct burial conductors or cables shall be insulated and specially designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. Each mobile home lot shall be provided with an approved disconnecting device and over-current protective equipment. The minimum service per outlet shall be 120/240 volt AC, 100 amperes. Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1, as amended. Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the mobile home is more than 100 amperes. The mobile home shall be connected to the outlet box by an approved type of flexible supply cord with a male

attachment plug or with pressure connectors. All exposed non-current carrying metal parts of mobile homes and all other equipment shall be grounded by means of an approved grounding conductor with branch circuit conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for mobile homes or other equipment.

### (v) Insect and Rodent Control.

Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building material shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks,

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chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

(w) Fuel Supply and Storage.

1. Natural Gas System.

Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

2. Liquified Petroleum Gas Systems. Liquified petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective

operating condition. All LPG piping outside of the mobile homes shall be well supported and protected against mechanical injury. Undiluted, liquified petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes. Liquified petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning. Such containers shall not be less than 12 nor more than 60 U.S. gallons gross capacity. No liquified petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home, or any other structure, unless such installations are approved by the Health Officer.

3. Fuel Oil Systems. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems. All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall be

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- located inside or beneath any mobile home or less than 5 feet from any mobile home exit. Storage tanks located in areas subject to traffic shall be protected against physical damage.
- (x) **Fire Protection.**  
Mobile home parks shall be kept free of litter, rubbish and other flammable materials. Portable fire extinguishers rated for Classes B and C fires shall be kept in service buildings and at other locations conveniently and readily accessible for use by all occupants and shall be maintained in good operating condition. Their capacity shall not be less than 2-1/2 pounds. Fires shall be made only in stoves, incinerators and other equipment intended for such purposes. Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements:
1. The water supply system shall permit the operation of a minimum of 2-1/2 inch hose streams.
  2. Each of two nozzles, held 4 feet above the ground, shall deliver at least 75 gallons of water per minute at a flowing pressure of at least 30 pounds per square inch at the highest elevation point of the park.
- Fire hydrants, if provided, shall be located within 500 feet of any mobile home, service building, or other structure in the park.
- (y) **Water and Sewage.**  
The water supply and sewage disposal shall meet the minimum requirements of the Indiana Department of Environmental Management.
- (z) **State Requirements.**  
All State requirements shall be observed. (See IC 13-1-7.)
- (31) **Outdoor Commercial Recreational Enterprise.**
- (a) **Minimum Yards.**  
Front - 50 feet; Side - 40 feet; Rear - 40 feet.
  - (b) **Landscape Plan.**  
Landscape Plan to be submitted with application. (May be combined with the Development Plan.)
  - (c) **Fence.**  
6 foot wire mesh where accessible to public.
  - (d) **Screen Planting.**  
Screen Planting - 6 foot height by 6 foot width where abutting residential use - tight screen, effective at all times.
  - (e) **Parking Spaces.**  
1 per 3 employees plus 1 per 500 square feet of use area.
  - (f) **Development Plan.**  
Development Plan to be submitted with application.
  - (g) **Signs and Lighting.**  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (h) **Height.**  
Maximum height of structure - 60 feet.
  - (i) **Adequacy of Sewers.**  
Approval required.

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- (31-1/2) Outdoor Commercial Enterprise. Requirements: Same as Outdoor Commercial Recreational Enterprise.
- (32) Outdoor Theater.
- (a) Minimum Yards.  
Front - 100 feet; side - 75 feet; rear - 40 feet; abutting residential use.
  - (b) Fence.  
4 foot wire mesh abutting residential use.
  - (c) Development Plan.  
Development Plan to be submitted with application.
  - (d) Signs and Lighting.  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
  - (e) Height.  
Maximum height of structure - 65 feet.
  - (f) Adequate Sewer.  
Approval required.
- (33) Penal or Correctional Institutions.
- (a) Minimum Lot Area.  
50 acres.
  - (b) Minimum Yards.  
Front - 100 feet; side - 100 feet; rear - 100 feet; abutting residential use.
  - (c) Minimum distance from residential use - 300 feet.
  - (d) Fence.  
8 foot wire mesh fence covered and maintained with thick ivy growth.
  - (e) Parking Spaces.  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.
  - (f) Development Plan.  
Development Plan to be submitted with application.
  - (g) Height.  
Maximum height of structure - 65 feet.
- (h) Adequacy of Sewers.  
Approval required.
- (34) Planned Business Use in PB District. But only when the Executive Director determines that the proposed use is not in accordance with the requirements. See Sec. 80.16(A).
- (a) Development Plan.  
Development Plan to be submitted with application.
  - (b) Additional requirements.  
See Sec. 80.16 for Additional Requirements.
- (35) Private Club or Lodge, which is of a non-commercial character in the A-2, RE, R-3 and I-1 Districts.
- (a) Minimum Lot Area.  
1 acre.
  - (b) Minimum Yards.  
Front - standard; side (each) 25; rear - 25.
  - (c) Parking Spaces.  
One per six active members.
  - (d) Development Plan.  
Development Plan to be submitted with application.
  - (e) Height.  
Maximum height of structure - 35 feet.
  - (f) Adequacy of Sewers.  
Approval required.
- (36) Private Recreational Development
- (a) Minimum Yards.  
Front - standard; side - 40 feet; rear - 40 feet.
  - (b) Minimum distance between parking area and residential district or use.  
25 feet.
  - (c) Entrance. Not more than one entrance from street.
  - (d) Noise. Noise shall be confined to the premises.
  - (e) Landscape Plan.  
Plan of Landscape Development to be

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- submitted with application.  
(May be combined with  
Development Plan.)
- (f) Screen Planting.  
Screen Planting - 6 foot height by 6 foot width when abutting residential use; tight screen, effective at all times.
  - (g) Parking Spaces.  
As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements.
  - (h) Development Plan.  
Development Plan to be submitted with application.
  - (i) Signs and Lighting.  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
  - (j) Height.  
Maximum height of structure - 25 feet.
- (37) Private School.
- (a) Minimum lot area - 10,000 square feet.
  - (b) Minimum yards. Front - standard; side (each) - 10 feet; rear - 10 feet.
  - (c) Gross floor area.  
Minimum gross floor area of principal building or buildings - over 1,000 feet.
  - (d) Fence. Four-foot wire mesh around play area.
  - (e) Parking Spaces. One per two employees plus one per five children to be accommodated.
  - (f) Development Plan.  
Development Plan to be submitted with application.
  - (g) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (h) Height. Maximum height of structure - 35 feet.
- (i) Adequacy of Sewers.  
Approval required.
- (38) Produce Stands, Seasonal.
- (a) Development Plan.  
Development Plan to be submitted with application.
  - (b) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
- (39) Produce Stands, Year Round.
- (a) Development Plan.  
Development Plan to be submitted with application.
  - (b) Signs and Lighting.  
Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.
  - (c) Adequacy of Sewers.  
Approval required.
- (40) Professional Office Center.
- (a) Minimum Lot Area 1/2 acre.
  - (b) Minimum Yards.
    1. Front - 25 feet; side - 10 feet; rear - 10 feet in the R-3 and LB Districts.
    2. Front - 80 feet; side - 10 feet; rear - 10 feet in the PB District.
    3. Front - 50 feet; side - 10 feet; rear - 10 feet in the I-1 District.
    4. Front - 0 feet; side - 5 feet; rear - 10 feet in the GB District.
  - (c) Gross floor area.  
Minimum gross floor area of principal building - over 1,000 sq. ft.
  - (d) Landscape Plan. Plan of landscape development to be submitted with application.
  - (e) Screen Planting. Six-foot height by six-foot width where abutting residential

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- use: tight screen, effective at all times.
- (f) **Parking Spaces.** Three per professional person plus one per each employee.
  - (g) **Development Plan.** Development Plan to be submitted with application.
  - (h) **Signs and Lighting.** Outdoor advertising signs and outdoor artificial lighting shall be approved by Board.
  - (i) **Height.** Maximum height of structure - 25 feet.
  - (j) **Adequacy of Sewers.** Approval required.
- (41) **Public Camp.**
- (a) **Minimum Lot Area.** 5 acres.
  - (b) **Minimum Yards.** Front - 100; side (each) - 40; rear - 40.
  - (c) **Minimum distance between parking area and residential district or use.** 25 feet.
  - (d) **Screen Planting.** Screen Planting - 6 foot heights by 3 foot width effective at all times of the year.
  - (e) **Entrance.** Not more than one entrance from street.
  - (f) **Parking.** One per campsite plus one per cabin.
  - (g) **Development Plan.** Development Plan to be combined with application.
  - (h) **Maximum heights of structure - 35 feet.**
  - (i) **Adequacy of Sewers.** Approval required.
- (42) **Public or Commercial Sanitary Fill or Garbage Disposal Plant.**
- (a) **Minimum Lot Area - 20 acres.**
  - (b) **Minimum Yards - Front 300; side (each) 300.**
  - (c) **Fence.** 6 foot wire mesh.
  - (d) **Season Planting.** Season planting - 6 foot height by 6 foot width abutting residential use.
  - (e) **Entrance.** Not more than
- (f) **one entrance from street.**
  - (f) **Development Plan.** Development Plan to be submitted with application.
  - (g) **State Requirements.** All state requirements for solid waste disposal shall be met.
- (43) **Public Park or Recreational Facilities.**
- (a) **Landscape Plan.** Plan of Landscape development to be submitted with application. (May be combined with Development Plan.)
  - (b) **Development Plan.** Development Plan to be submitted with application.
  - (c) **Signs and Lighting.** Outdoor signs and outdoor artificial lighting shall be approved by the Board.
  - (d) **Adequacy of Sewers.** Approval required.
- (44) **Public or Employee Parking Area.**
- (a) **Minimum Lot Area.** 1500 square feet.
  - (b) **Development Plan:** Development Plan to be submitted with application.
  - (c) **Masonry wall along front line and such other boundaries the Board considers necessary to protect residential property, except an approved entrance and exit.** Minimum 4 foot height by 6 inches thick.
  - (d) **Entrance.** Not more than one entrance from street.
  - (e) **Signs and Lighting.** Outdoor signs and outdoor artificial lighting shall be approved by the

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- Board.
- (f) Dead Storage.  
No sales, dead storage, repair work, or dismantling permitted on the lot.
  - (g) See Sec. 80.37 for specific requirements.
- (45) Public Water Wells, Water Stations, Filtration Plants, Reservoirs and Storage Tanks.
- (a) Storage Tanks. Proximity to residence or use 100 feet.
  - (b) Development Plan. Development Plan to be submitted with application.
  - (c) Health Laws. All applicable health laws and standards shall be adhered to.
- (46) Race Track.
- (a) Development Plan. Development Plan to be submitted with application.
  - (b) Parking. One parking space for each 3 seats in grandstand.
  - (c) Fence. 6-foot wire mesh fence where accessible to public.
  - (d) Adequacy of Sewers. Approval required.
  - (e) Height. Maximum height of structure - 45 feet.
- (47) Railroad or Other Mass Transportation Rights-of-Way and Trackage, including public transportation terminal, Passenger Stations, Shelter Stations, and Layover Areas for transit vehicles, and off-street parking facilities.
- (a) Entrance. Not more than one entrance from street.
  - (b) Parking for Passenger Station. One per 10 seats in waiting room plus 1 per 2 employees of connected retail use (if any).
  - (c) Development Plan. Development Plan to be submitted with application.
- (d) Adequacy of Sewers. Approval required.
- (e) Height. Maximum height of structure - 45 feet.
- (48) Raising and Breeding of Non-Farm Fowl and Animals (commercial) (except Kennel).
- (a) Development Plan. Development Plan required.
  - (b) Minimum Lot Area. 3 acres.
  - (c) Minimum Yards. Front - 100 feet; side - 100 feet; rear - 100 feet.
  - (d) Screen Planting. Screen Planting - 6 foot height by 3 foot width when abutting residential use; effective at all times of the year.
  - (e) Entrance. Not more than one entrance from street.
  - (f) Height. Maximum height of structure - 25 feet.
  - (g) Adequacy of Sewers. Approval required.
- (49) Recreation Vehicle Park or Public Camp.
- (a) Development Plan. Development Plan to be submitted with application.
  - (b) Area. A recreational vehicle park shall have an area of not less than 5 acres. A public camp shall be at least 3 acres in area.
  - (c) Density. Each recreational vehicle park lot shall contain a minimum of 1,800 square feet in area and shall be at least 30 feet in width.
  - (d) Signs and Lighting. Outdoor advertising signs and outdoor artificial lighting shall be approved by the Board.

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- (e) **Height.** Maximum height of structure - 30 feet.
- (f) **Separation.** Recreational vehicles shall be separated from each other and from all other buildings and structures by at least 10 feet. An accessory structure, such as an awning, cabana, storage cabinet and porch, shall be considered to be a portion of the recreational vehicle.
- (g) **Parking.** One automobile parking space shall be provided for each recreational vehicle. No parking shall be permitted in the front yard of the park tract of land.
- (h) **Accessory Uses.** Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
- (i) **Term of stay in park and limitation of use.** Except as otherwise provided herein, each recreational vehicle shall not be used for habitation in the same recreational vehicle park for longer than 215 days in any one calendar year, and shall not be used as a permanent residence.
- (j) **Access.** Recreational vehicle parks shall have direct access to an arterial or major thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park. Only one principal entrance from a major thoroughfare may be provided.
- (k) **Condominium Parks Permitted.** The sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed in a recreational vehicle park. Accordingly, an affirmative statement as to whether or not the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed and shall be included in the application. If the sale of individual lots to individual lot (condominium recreational vehicle park) shall be allowed, then the development plan shall additionally include the number of individual lots to be sold, and the rights and responsibilities of the individual lot owners and the park developers in the park and its management. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then a plat of the recreational vehicle park shall accompany the development plan. (Condominiums regulated by IC 32-1-6 may not be regulated by Chapter 81: Subdivision Control Code.)
- (l) **Soil and Water.** The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the

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- United States Department of Agriculture Soil Conservation Service. (See Sec. 80.46.)
- (m) **Smoke, Noise, and Odor.**  
The proposed site shall not be exposed to objectionable smoke, noise, odors or other adverse influences.
- (n) **Screening.**  
A dense planting screen not less than 6 feet high after five full growing seasons and which at maturity is not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type of fence or brick or stone wall may be permitted by the Board instead of a planting screen. The Board may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- (o) **Side, Rear, and Front Yards.**  
The tract of land for the proposed park shall have two side yards, each having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a minimum of 60 feet in depth.
- (p) **Illumination.**  
Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations, such as major driveway intersections, steps, and stepped ramps, will have an average level of illumination of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside the park.
- (q) **Barbecue Pits, Fireplaces, Stoves, and Incinerators.**  
Cooking shelters, barbecue pits, fireplaces, wood-burning stoves and incinerators shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
- (r) **Refuse Handling.**  
The storage, collection and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such

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container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the park operator shall dispose of the refuse by incineration or transporting to a disposal site approved by the Health Officer. Refuse incinerators, if provided, shall be constructed in accordance with engineering plans and specifications which shall be reviewed and approved by the Health Officer or other authority having jurisdiction. Incinerators shall be operated only when attended by some person specifically authorized by the owner or operator of the park.

(s) **Electrical Distribution System.**

Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines not located underground shall be suspended at least 18 feet above the ground.

There shall be a minimum horizontal clearance of 3 feet between overhead wiring and any mobile home, service building or other structure. All direct burial conductors or cable shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. Each mobile home lot shall be provided with an approved disconnecting device and overcurrent protective equipment. The minimum service per outlet shall be 120/240 volt AC, 100 amperes. Outlets (receptacles or pressure connectors) shall be housed in a weather-proof outlet box, and shall be located not more than 25 feet from the over-current protective device in the mobile home. A three-pole, four-wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-73.1., as amended.

Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the recreational vehicle is more than 100 amperes. The recreational vehicle shall be connected to the outlet box by an approved type of flexible cord with a male attachment plug or with pressure connectors. All exposed

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- non-current carrying metal parts of vehicles and all other equipment shall be grounded by means of an approved grounding conductors or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.
- (t) Insect and Rodent Control. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Health Officer. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe, and other building materials shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health.
- Open areas shall be maintained free of heavy undergrowth of any description.
- (u) Water and Sewage. The water supply and sewage disposal shall meet the minimum requirements of the Indiana Department of Environmental Management.
- (v) State Requirements. All State requirements shall be observed.
- (50) Restricted Commercial Farm Enterprise (Including Confined Feeding Operations).
- (a) Development Plan. Development Plan shall be submitted with application.
- (b) Air and Water Pollution Control. Air and water pollution control promulgated by IC 13-1-1 (air pollution) and IC 13-1-3 (water pollution) is required.
- (c) Dead Storage. No sales, dead storage, repair work or dismantling on the lot.
- (d) Parking Spaces. As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking load requirements.
- (e) Signs and Lighting. Signs and artificial lighting require Board approval.
- (f) Maximum Height of Structure. 35 feet.
- (g) Confined Feeding Operation - Distance Requirement. Minimum distance from

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the boundary of any pre-existing Residence or Business district (other than an A-1 district), or a residential subdivision of land, or building used for residential purposes (other than the residence of the owner, his tenant(s) or operator(s) of the operation), or school or church use - 1320 feet.

- (h) **Confined Feeding Operation - Health Approval Required.**

Approval by the Division of Water Pollution Control, Indiana State Board of Health, is required for confined feeding operations in accordance with IC 13-1-5.7.

- (i) Those noises and odors normal to the storage, feeding, handling and production of farm animals shall be deemed acceptable.

- (j) **Confined Feeding Operation - Noise and order.**

The recommended applicable guidelines promulgated by the following publications, as revised (latest issue), shall be required by the Board concerning methods of waste handling and disposal guidelines.

1. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA SWINE PROCEDURES, ID-83, 1972, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
2. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA POULTRYMEN, ID-82, 1972, by Cooperative Extension Service,

Purdue University, Lafayette, Indiana.

3. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA BEEF PRODUCERS, ID-84, 1972, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.
4. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA DAIRYMEN, ID-81, 1972, by Cooperative Extension Service, Purdue University, Lafayette, Indiana.

- (51) **Riding Stable.**

- (a) **Minimum Lot Area.**  
Two (2) acres, plus 5,000 square feet per horse over four (4) horses.
- (b) **Minimum Yards.**  
Front, each side and rear yards, 50 feet each, provided this stable shall not be closer than 100 feet to an existing residential use or Residence District.
- (c) **Screen Planting.**  
6-foot height by 6-foot width when abutting residential use.
- (d) **Parking.**  
One per two employees, plus one per two horses.
- (e) **Signs and Lighting.**  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
- (f) **Waste Disposal.**  
Disposal of wastes shall meet the approval of the State Department of Environmental Management.
- (g) **Development Plan.**  
Development Plan shall be submitted with

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- application.
- (h) Height. Maximum height of structure. 35 feet.
- (52) Sales Barn for Livestock. (Resale)
- (a) Minimum Yards. Front, each side, and rear yards; 300 feet each.
  - (b) Minimum Distance from residential district or use. 300 feet.
  - (c) Minimum distance between parking area and residential district or use.
  - (d) Entrance. Not more than one entrance from street.
  - (e) Parking. One per 2 employees, plus one per each 400 square feet of display and sales area.
  - (f) Development Plan. Development Plan to be submitted with application.
  - (g) Height. Maximum height of structure - 45 feet.
  - (h) Waste Disposal. Disposal of waste shall meet the approval of the State Board of Health.
- (53) Seasonal Hunting and Fishing Lodge.
- (a) Parking Spaces. One per member or as determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated, peak parking requirements.
  - (b) Development Plan. Development Plan to be submitted with application.
- (54) Sewage Treatment Facility (Primary Use).
- (a) Development Plan. Development Plan to be submitted with application.
  - (b) Health Approval Required.
- Approval by the Indiana Department of Environmental Management.
- (55) Shooting Range.
- (a) Minimum Yards. Front, each side, and rear yards: 300 feet each.
  - (b) Screen Planting. 6 foot height by 6 foot width.
  - (c) Entrances. Not more than one entrance from street.
  - (d) Development Plan. Development Plan to be submitted with application.
- (56) Shopping Center Plan.
- (a) Area. Not less than 4 acres, and the average length of the tract shall not be greater than 2-1/2 times the average width.
  - (b) Market Analysis.
    1. To determine the number, size and type of stores which could be expected to operate with a reasonable margin of profit in the proposed center.
    2. To evidence the advisability of locating the proposed center (where the applicant proposes to locate it) so as to serve an existing and potential customer demand.
  - (c) Financial Report. To include a statement of financial responsibility which demonstrates the ability of the developer of the center to proceed with and complete construction and development.

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- (d) **Traffic Study.**
1. To include a comparative analysis of present capacity of street(s) adjacent to the proposed center with potential capacity volumes, taking into consideration the effect the proposed center will have upon engendering additional traffic.
  2. To include a circulation plan for all streets (existing and proposed) which shows recommendations for controlling, signaling, channeling, storing and warning traffic.
- (e) **Development Plan.**  
To include the following additional requirements.
1. A plan of landscape development which shall include, among other things, an area of at least ten (10) feet in width along all streets, with the exception of approved entrances, which border the proposed shopping center, to be planted and maintained with trees and shrubbery to serve as a screen for the parking area.
  2. A planting screen, consisting of suitable shrubbery, maintained at a six (6) foot height by six (6) foot width, to be planted wherever the proposed center would abut residential use.
  3. Provision for one off-street parking space (at least 270 square feet in area) per 125 square feet of net floor area in the center.
  4. No buildings or paved areas (other than access drives) may be located closer than fifty (50) feet to any area used or zoned for residential purposes in order to create a greenbelt, and such greenbelt shall be maintained as lawn together with appropriate landscape development and screen planting hereinbefore specified.
  5. An adequate number and proper arrangement of loading and unloading berths shall be shown in the development plan and provided by the developer.
- (f) **Other Authority Approval.**  
Any other authority approval required when applicable, such as State Board of Health, State Highway Department, etc., shall accompany the application.
- (g) **Outdoor Signs and Lighting.**  
The location, effect and arrangement of all outdoor signs and outdoor artificial lighting shall be subject to the approval of the Board.
- (h) **Architectural Control.**  
Architectural plans of the building and structures proposed to be constructed shall be subject to the approval of the Board. The Board's approval shall be based on the architectural plans creating a unified design which will be in character and proper relationship to the surrounding areas.

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- (i) Adequacy of Sewers.  
Approval required.
- (57) Slaughter House.
  - (a) Minimum Lot Areas. 5 acres.
  - (b) Minimum Yards. Front, each side, and rear yards: 300 feet each.
  - (c) Minimum distance from residential district or use: 300 feet.
  - (d) Minimum distance of parking area from residential district: 50 feet.
  - (e) Fence Requirements. 6 foot solid painted fence.
  - (f) Screen Planting. 6 foot height by 6 foot width (from abutting street).
  - (g) Entrance. Not more than one entrance from street.
  - (h) Development Plan. Development Plan to be submitted with application.
  - (i) Adequacy of Sewers. Approval required.
  - (j) Adequate Disposal Methods. Dead animals and offal shall be disposed of in a manner satisfactory to the Board.
  - (k) Parking. One per two employees, plus four additional spaces.
  - (l) Height. Maximum height of structure - 35 feet.
- (58) Special School.
  - (a) Minimum Lot Area. 10,000 square feet.
  - (b) Minimum Yards. Front - 25 feet, side - 10 feet, rear - 10 feet in R-3 District; standard in other districts.
  - (c) Fence. 4 foot wire mesh around play area.
  - (d) Parking Spaces. One per 3 employees plus 1 per 6 students.
- (e) Height. Maximum height of structure - 35 feet.
- (f) Adequacy of Sewers. Approval required.
- (59) Stadium, Coliseum, Athletic Field.
  - (a) Minimum Lot Area. 5 acres.
  - (b) Minimum Yards. Front - Standard; each side 50 feet; rear 50 feet.
  - (c) Minimum Distance of parking area from residential district or use. 25 feet.
  - (d) Screen Planting. 6 foot height by 6 foot width.
  - (e) Entrances. Not more than 2 from street.
  - (f) Parking. One space for each 3 seats in the grandstand, plus 3 per 4 employees.
  - (g) Development Plan. Development Plan to be submitted with application.
  - (h) Height. Maximum height of structure - 45 feet.
  - (i) Adequacy of Sewers. Approval required.
- (60) Studio Business (Art, Interior Decorating, Music, Etc.).
  - (a) Parking Spaces. As determined by the Board. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated plan parking load requirements.
  - (b) Development Plan. Development Plan to be submitted with application.

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- (61) Telephone Exchange or Public Utility Substation in the A-1, A-2, RE, and I-1 Districts.
- (a) Screen Planting. Screen Planting - adequate for purpose as determined by Board. (Also along abutting street.)
  - (b) Entrance. Not more than one entrance from street.
  - (c) Parking Space. One per employee at or working out of site.
  - (d) Development Plan. Development Plan to be submitted with application.
  - (e) Adequacy of Sewers. Approval required.
- (62) Temporary Storage of Disabled Vehicles.
- (a) Minimum Lot Area. 3 acres.
  - (b) Minimum Yards. Front, each side, and rear yards, 100 feet where abutting residential use.
  - (c) Minimum distance of parking area from residential district or use. 25 feet.
  - (d) Fence. 6 foot solid painted fence.
  - (e) Screen Planting. 6 foot height by 3 foot width where abutting residential use.
  - (f) Entrance. Not more than one from street.
  - (g) Development Plan. Development Plan to be submitted with application.
- (63) Major Transmission Lines for Gas, Oil, Electricity or Other Utilities.
- (a) Development Plan. Development Plan to be submitted with application.
- (64) Transmission Towers (Radio, TV, etc. and Microwave Towers). (See Sec. 80.34 (C)(f) for Amateur Antennae.)
- (a) Development Plan.
- Development Plan to be submitted with application.
- (b) Signs and Lighting. Outdoor signs and outdoor artificial lighting shall be approved by the Board.
- (c) Height. As required by the appropriate State or Federal agency.
- (65) Veterinary Hospital for Small Animals.
- (a) Parking. One space per 2 employees, plus 1 per doctor, plus two per examining rooms.
  - (b) Development Plan. Development Plan to be submitted with application.
  - (c) Height. Maximum height of structure - 35 feet.
- (66) Wholesale Produce Terminal or Truck Terminal.
- (a) Minimum Lot Area. 10 acres.
  - (b) Minimum Yards. Front 100 feet; side (each) 75 feet abutting residential use, otherwise 35 feet; rear 40 feet.
  - (c) Minimum distance from residential district or use 100 feet.
  - (d) Minimum distance of parking from residential district 100 feet.
  - (e) Fence. 6 foot height wire mesh fence.
  - (f) Entrance. Not more than one entrance from street.
  - (g) Screen Planting. Screen Planting - 6 foot height by 6 foot width where abutting residential use; tight screen, effective at all times.
  - (h) Parking Spaces. One per two employees

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- (i) on largest shift.  
Development Plan.  
Development Plan to be submitted with application.
- (j) Signs and Lighting.  
Outdoor signs and outdoor artificial lighting shall be approved by the Board.
- (k) Height.  
Maximum height of structure - 45 feet.
- (l) Adequacy of Sewers.  
Approval required.
- (m) Thoroughfares.  
Thoroughfares must be adequate.
- \*(n) In A-2 District with the following stipulations:
  1. It is a family run operation.
  2. The family reside at the property.
  3. A maximum of five (5) trucks units allowed (trucks with a capacity of 1 ton or less will not be included in the maximum).

(Am. Ord. 1989-6, passed 7, Aug. 1989)

\*(Am. Ord. 1993-2, passed by County Commissioners Mar 15, '93, Brookville Apr 13, '93; Oldenburg May 3, '93; Cedar Grove Apr 15, '93; Mt. Carmel May 17, '93; and Laurel Apr 15, '93.)

- (67) Welding Shop.  
Additional specific requirements as determined by the Board.

### Section 80.26: BUILDING SETBACK LINES

Building setback lines shall be required along all public streets in accordance with the specifications in Figure 1, and as otherwise set forth and as hereinafter provided. Any yard abutting a street shall be deemed a front yard for purpose of determining front building setback lines.

#### (A) Front Yard.

- (1) For residential uses where twenty-five percent (25%) or more of the lots in the block frontage are occupied by buildings, the average setback of such buildings determines the dimension of the front yard in the block frontage, but the front yard need not exceed fifty (50) feet in any case.

(2) In business and industrial districts where twenty-five (25%) or more of the lots in a block frontage are occupied by buildings, the setback of such buildings shall determine the location of the building line, except for the PB district.

(3) Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivisions.

(4) On through lots, a front yard is required on each street.

(5) Along the fenced right-of-way of any street or arterial thoroughfare, where access rights thereto have been purchased or otherwise required and controlled by a governmental agency having jurisdiction thereof, the minimum building setback lines shall be a distance of twenty (20) feet; provided, however, said setback line shall not encroach upon any easement.

#### (B) Conflict - Setback Requirements.

In case of conflict with the front setback requirements of the Zoning Districts, Special Exceptions, Contingent Uses, or other applicable provisions of this Code, the most restrictive requirement shall govern.

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### Section 80.27: YARD EXCEPTIONS

#### (A) Application.

(1) Any yard or setback line so placed or oriented that none of the specific terms in this Code are applicable shall necessitate a determination by the Executive Director of suitable dimensions generally required for a similar situation in the zone district.

(2) Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections and temporary storage as hereinafter provided, and signs in accordance with Sec. 80.38 of this Code.

#### (B) Yard Encroachments.

No structure or part thereof shall project into a required front yard except:

(1) An eave, cornice overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that in no event shall said encroachment protrude closer than twenty (20) feet to a front lot line.

(2) The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features not exceeding two feet.

(3) Unenclosed, uncovered steps, entrance platforms, terraces or landings not over eighteen (18) inches above grade level and not to project a distance in excess of ten (10) feet.

(C) Projections. No structure or part thereof shall project into a required side or rear yard except:

(1) An eave, cornice, overhang, awning, balcony or bay window not exceeding four (4) feet; provided, however, that said encroachment shall not protrude closer than eighty (80) percent of the required distance to any side or rear lot line.

(2) The ordinary projection of belt courses, sills, lintels, chimneys and other similar ornamental and architectural features not exceeding two feet; provided, however, that said encroachment shall not protrude closer than eighty percent (80%) of the required distance to any side or rear lot line.

(3) Unenclosed, uncovered steps, entrance platforms, terraces, or landings not over eighteen (18) inches above grade level.

(4) Family swimming pools - see Sec. 80.34(C)(4).

(D) Alley Abutting Rear or Side Yard. One-half of an alley abutting the rear or side of a lot may be included in the rear yard or side yard, respectively, but such alley space shall not be included for loading and unloading berths.

(E) Side Yards. Where sixty percent (60%) or more of the lots in a block frontage are occupied by buildings which provide side yards of less than the minimum required by this Code, the average side yard of such buildings may determine the required side yard; provided, however, no side yard shall be reduced to less than three (3) feet. Where an existing building is deficient in side yards, any addition to such an existing building shall maintain the existing side yards.

(F) Tapered Yard Formula (for Accessory Building). Where an interior lot fronts on a side street in the rear of the corner lot by an alley, an accessory building located on the rear lot line of the corner lot shall set back from the side street as far as the dwelling on said interior lot. For each foot that such accessory building is placed from the rear lot line toward the front lot line of the corner lot, the accessory building may be set four (4) inches closer to the front lot line along the side street required by this Code.

#### (G) Fences.

(1) Fences used for agricultural purposes, recreation use or the public safety shall not be regulated by this Code.

(2) Fences used for residential purposes shall be allowed without the issuance of any permit, subject to the following provisions:

(a) Fences shall be allowed in side and rear yards up to a height of six (6) feet.

(b) No setback shall be required for fences in side and rear yards.

(c) Fences shall be allowed to extend along side property lines provided that from

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the building setback line to the road right-of-way line they shall be of an open or wire mesh type and shall not exceed three and one-half (3-1/2) feet in height.

(d) Fences shall not be permitted to block passage along existing sidewalks.

(e) Front yard fences within the building setback line shall not exceed six (6) feet in height.

(f) Fencing intended for decorative purposes only, and which does not include any area to be completely enclosed, may be allowed on any part of a parcel, provided that it does not exceed three (3) feet in height.

(3) Fences in business (LB, PB, GB) or industrial (I-2) districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:

(a) Fences intended for security purposes shall not exceed a maximum height of eight (8) feet, plus a maximum of three (3) strands of barbed wire, and shall be allowed within any side or rear yards; however, they shall not be allowed in any greenstrip or buffer area.

(b) Fencing intended for decorative purposes only may be allowed anywhere on a parcel, provided it does not exceed three and one-half (3-1/2) feet in height.

(4) Every outdoor swimming pool, which is more than 18 inches in depth, shall be surrounded by a fence not less than five feet in height. Such fence shall be either of chain link type and style or of a type or style offering equivalent protection. All gates or doors opening through such enclosure shall be designed to permit locking and shall be kept locked when the pool is not in actual use, or left unattended. (See Sec. 80.34 (C) (c) 2. and 3.)

### (H) Screening and Minor Accessory Uses.

(1) Accessory uses such as public utility installations, walks, drive-ways, curbs, retaining walls, mail boxes, name plates, lamp posts, bird baths and structures of a like nature are permitted in any required front, side or rear yard, without the issuance of any permit.

(2) Trees, shrubs, flowers, or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required.

### (I) Intersection Visibility.

(1) In all districts, except the PB district, a triangular space at the street corner of a corner lot shall be maintained free from any kind of obstruction to vision between the heights of three (3) and twelve (12) feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavement, and the triangular space is determined by a diagonal line connecting two points measured fifteen (15) feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended at the corner of the lot.

(2) In the case of a rounded property corner, said triangular area shall be measured from the intersection of the street right-of-way lines extended.

(3) In addition, the above vision sight lines shall apply to any lot within ten (10) feet from the intersection of a street right-of-way line with the edge of a driveway pavement or alley line. No driveway shall be located within forty (40) feet of the intersection of two street lines.

### (J) Storage.

(1) No portion of any required yard shall be used for the permanent storage of motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats, or parts thereof, rubbish, garbage, junk, tent or building materials, except during construction and in accordance with the terms of this Code. (See Sec. 80.34.)

(2) Permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of forty-eight (48) or more consecutive hours in any one week period. (See Sec. 80.34.)

### Section 80.28: ACCESS AND FRONTAGE

\*Every building hereafter erected or moved shall be located on a lot with the minimum required frontage along a public street or approved private street, with said frontage being used to provide said

Ordinance No. #2005-08, passed on 16<sup>th</sup> day of May, 2005.  
Shipping Container (freight) (cargo); .....mobile homes, trailers, airplanes, boats, shipping container (cargo)(freight), or parts thereof, rubbish.....

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lot with ingress and egress to said public or approved private street or roadway, and all buildings shall be so located on lots as to provide for safe and convenient access, fire protection, and required off street parking. No other access to the property shall be permitted that will in any way circumvent the intent of this section.

\*(Am. Ord. 1994-4, passed by County Commissioners May 16, '94; Brookville Aug 9, '94; Oldenburg Oct 3, '94; Cedar Grove June 15, '94' Mt. Carmel June 15, '94; and Laurel June 15, '94.)

### Section 80.29: ONE PRIMARY BUILDING PER LOT

Every building hereafter erected shall be located on a lot unless otherwise specified for planned developments. In no case shall there be more than one principal building used for residential purposes, and its accessory buildings, located on one lot, except as otherwise provided in this Code for a mobile home park or unit development plan.

### Section 80.30: CONVERSIONS

(A) Certain Conversions Discouraged. It is the purpose of this Code to discourage the conversion of existing dwellings originally designed for occupancy by two families or less to occupancy by more than two families when such conversions is likely to lead to overcrowding, to lack of privacy, to lack of sufficient light and air, to unsafe or unsanitary living conditions or to inadequate provisions for off-street parking and open space.

(B) Consistent With Purposes. Such conversions shall be consistent with the purposes of other applicable provision portions of the Code, including housing and building codes and fire safety and utility programs.

(C) Appearance and Repair. In connection with such conversion there shall be no evidence of change in the building to indicate the extra dwelling units, except as may be required by the aforementioned codes and programs; all fire escapes or stairways leading to a second or higher floor shall be completely enclosed within the converted building; and no dwelling shall be so converted unless in connection therewith it be placed in a reasonable state of repair.

(D) Exception. In cases of question as to the applicability of these standards, such proposed conversion shall be deemed an exception and placed

before the Board in accordance with the requirements in Sec. 80.43(B).

### Section 80.31: MANUFACTURED HOME AND MOBILE HOME PERMITTED.

(A) Manufactured Homes. Manufactured homes may be permitted in certain districts (see I.C. 36-7-4-1106), provided their use as a single-family dwelling unit incorporates a permanent foundation (see (I.C. 22-11-1-1) and a permanent perimeter wall (see Sec. 80.47 for definition), as well as the other requirements in this Code.

(B) Mobile Homes. Manufactured dwellings (see Sec. 80.47 for definition) and mobile homes (see Sec. 80.47 for definition) are permitted uses in a mobile home park. (See Sec. 80.25.)

(C) Mobile Homes Permitted According to Certain Conditions. A Mobile Home located on a lot, when an Improvement Location Permit and a Certificate of Occupancy have been issued for such use which is on file in the office of the Executive Director, is a permitted use on the lot and shall be classified by the Executive Director according to one of the six (6) Mobile Home Classifications set forth in subsection (D) below. Accordingly, the existing "classified" Mobile Home may remain on the lot upon which it was legally located at the time of passage of this chapter of the Code. The owner of the lot has the following options:

(1) The existing Mobile Home may be replaced with another Mobile Home having the same or a higher classification, provided that the existing Mobile Home would either replace another Mobile Home in Franklin County, or be removed from Franklin County before an Improvement Location Permit could be issued by the Executive Director.

(2) The existing Mobile Home may be replaced with any other use permitted in the particular District where the lot is located.

(3) If an existing or replaced Mobile Home is removed from a lot for a period of more than ninety (90) days, another Mobile Home cannot again be located on that lot.

(D) Classification of Mobile Homes. Mobile Homes are hereby divided into the following classes by the Executive Director:

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(a) Class A - Mobile Homes built on or after June 15, 1976, and manufactured dwellings built prior to January 1, 1981, or on or after June 15, 1976, certified as meeting the Mobile Home Construction and Safety Standards of the Department of Housing and Urban Development and approved as meeting "acceptable similarity" appearance standards in accordance with the Federal Sec. 504.10.

(b) Class B - Mobile Homes certified as meeting HUD Mobile Home Construction and Safety Standards, but not approved as meeting "acceptable similarity" appearance standards.

(c) Class C - Mobile Homes (built prior to June 15, 1976), certified as meeting "acceptable prior code or codes," or used mobile homes certified as meeting either HUD standards specified above or such prior code, found on inspection to be in excellent condition and safe and fit for residential occupancy.

(d) Class D - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in good condition.

(e) Class E - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in fair condition.

(f) Class F - Mobile Homes (built prior to June 15, 1976), whether or not certified as meeting HUD or prior codes, found on inspection to be in poor condition, unsafe, and/or unfit for residential occupancy.

### Section 80.32: HEIGHT

#### (A) Normal Maximum Building Heights.

(1) The normal maximum height of a dwelling is as follows in the districts indicated: 25 feet in the A-1, A-2, RE, PB and R-1 districts; 35 feet in the R-2, R-3, LB, and I-1 districts; and 60 feet in the GB, and UD districts.

(2) The normal maximum height of business uses is as follows in the districts indicated: 35 feet in the LB, and PB districts; 60 feet in the PB, UD and I-2 districts.

(3) The normal maximum height of

enclosed industrial uses is 60 feet in the GB, I-1, and I-2 districts.

(4) The normal maximum height of contingent uses is as follows in the districts indicated: 35 feet in A-1, A-2, RE, R-1, R-2, R-3, LB and PB districts; and 60 feet in the PB, I-1, I-2 and UD districts.

(5) The normal maximum height of accessory buildings is as follows in the districts indicated: 18 feet in the A-1, A-2, RE, R-1, R-2, R-3, LB, PB, and UD districts; and 24 feet in the GB and I-1 and I-2 districts; provided that an accessory building is to a farm house or farm dwelling may be erected to a normal maximum height of 35 feet.

#### (B) Height Exceptions.

(1) In the districts limiting height to 25 feet, a dwelling may be increased in height not to exceed 35 feet, provided the required side yards are increased an additional foot for each foot such structure exceeds 25 feet in height.

(2) Business and industrial buildings and structures may be erected higher than the normal maximum if they are set back from front the building setback line and rear building line, one foot for each two feet of additional height above the normal maximum height, provided that the Executive Director approves the increased height, primarily upon the availability of adequate fire protection.

(3) Chimneys, cooling towers, elevator bulkheads, fire towers, penthouses, stacks, tanks, water towers, transmission towers, or essential mechanical appurtenances, may be erected to any height not prohibited by other laws of the provisions of this Code.

### Section 80.33: SUPPLEMENTARY BUSINESS STANDARDS

In any district where applicable, the following standards shall supplement the business use requirements of the district:

#### (A) General Standards.

(1) No unusually loud amplification of radio music or other audio-advertising shall be permitted on the premises. "Too Loud" is when the sound is audible at the Lot Line.

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(2) No lights utilizing an attracting device or lights on stringers of unshielded incandescent lamps or attention attracting lighting from 76CV<.,!, of a type used by emergency vehicles shall be permitted on the premises.

(3) There shall be no exterior displays which restrict visibility in any way or which impede the movement of any vehicles. All such displays shall be maintained in an orderly manner.

(4) Adequate indoor or outdoor trash containers shall be required; provided, however, that trash containers exceeding six (6) cubic feet shall be located within a solid, decorative stall behind or beside the primary structure, away from the view of the frontal street.

(5) No vending machines related to the business use shall be permitted on the exterior of any building on the premises except where contained in a shelter, stall or other area so located as not to interfere materially with the use of adjoining property.

(6) The use of pennants and other similar attracting devices in connection with a special promotional program may be permitted by the Board upon the issuance of a temporary improvement location permit. (See Sec. 80.35.)

### (B) Traffic Congestion.

(1) The number of traffic access points for establishments with 100 feet or less of frontage on a street shall not exceed one.

(2) Whenever practicable, for establishments with frontage of more than 100 feet, a service road shall be provided, of not less than two (2) lanes in width or a combined service road and parking area, parallel with and adjacent to the street upon which the establishments front. In the event the establishments front on more than one street, such service roads may be required on more than one street frontage.

The service road or roads required by this section shall be effectively separated from the main roadway by a landscape strip or other suitable delineation, and shall be designed and arranged so as to provide the principal means of access to abutting business establishments.

In general, the use of public improved alleys,

interior access roads or any other designed means to minimize the number of traffic access points and business intersections therein are encouraged.

(C) Open-Air Business. Any establishment where the principal use is the drive-in type of business, or is generally characterized by open-air business operations, shall be subject to the following standards:

(1) A decorative fence or wall of not less than five (5) feet in height shall be constructed and maintained along the side and rear lot lines. Where such use abuts a residential use, a buffer landscape strip at least twenty (20) feet in width shall be provided and maintained along the side and rear lot lines, within which buffer, a landscape screen shall be provided not less than six (6) feet in height.

(2) Such business uses shall be limited to the characteristics customarily associated with such use and no other.

### Section 80.34: ACCESSORY USES

(A) Intent. Accessory uses shall be permitted in all zone districts in accordance with the provisions of this section. Accessory uses:

(1) Shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.

(2) Shall be operated and maintained under the same ownership and on the same lot as the principal use.

(3) Shall be clearly subordinate in height, area, bulk, extent and purpose to the principal use served.

(4) Shall not be located closer to any lot line than the minimum setback line required, unless specified otherwise in this Code.

(5) \*Shall ~~be~~ be permitted prior to the erection and operation of the principal use if the accessory use meets the following criteria:

(a) Use for storage of equipment to maintain the appearance of the land use.

(b) Use for farm animal shelters or barns.

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(c) Any use in accordance with Section 80.35 with a Temporary Improvement Location Permit.

(d) At no time shall an accessory use to be used for living, sleeping, or housekeeping purposes.

\*(Am. Ord. 1993-10, passed by County Commissioners July 19, '93, Brookville Oct 26, '93; Oldenburg Dec 6, '93; Cedar Grove Nov 14, '93; Mt. Carmel Aug 18, '93; and Laurel Aug 18, '93.)

### (B) Interpretation.

(1) Such appurtenant features as walks, drive-ways, curbs, drainage installations, retaining walls, mailboxes, lamp posts, bird baths and structures of a like nature, are allowed without permits. (See Sec. 80.27(H).)

(2) The growing of vegetation, provided it is not for profit, is allowed without a permit.

(3) The keeping of domestic pets, provided it is not for profit and not construed as a kennel, is allowed without permit.

(4) Fences, walls and structural screens are allowed without permit when they do not impede intersection visibility. (See Sec. 80.27.)

(5) Such buildings or structures as patios, outdoor fire places, doghouses, children's play equipment, and also detached storage buildings, bath houses and cabanas not exceeding 150 square feet in size are allowed without permit when the yard requirements of this Code are adhered to.

(6) Rummage or garage sales are allowed without permit in any district provided there are not more than two such sales annually of not more than 3 days duration each on the premises. Rummage or garage sales of more than 3 but not more than 10 days require a temporary Improvement Location Permit.

(7) A manufactured unit certified as a Mobile Home or any previously titled vehicle cannot be used as an Accessory Building for a residential use.

### (C) Application of Accessory Uses.

(1) Such buildings or structures as garages, carports, canopies, portecocheres, small

greenhouses, and similar accessory buildings or structures.

(2) Off-street motor vehicle parking and loading areas, as set forth in Sec. 80.37; provided, however, for residential uses, not more than one such space shall be provided for a commercial vehicle of more than three (3) tons capacity (manufacturer's rating).

(3) Signs, as set forth in Sec. 80.38.

(4) Swimming pools.

(a) No person shall construct, remodel, or alter any swimming pool until a permit to do so is obtained from the Executive Director. An application for such permit shall be filed with the Executive Director, on a form furnished by him, together with the plans and specifications for such pool. The Executive Director shall examine such plans and specifications to determine whether or not the pool will comply with the provisions of this Chapter and Chapter 90. (Building Code). If it appears that the pool will comply therewith, he shall note his approval on the plans and specifications and shall issue a permit authorizing the work to proceed.

(b) The Executive Director is authorized to enter on any premises to determine whether or not the owner has complied with the provisions of this chapter.

(c) For the purpose of this Subsection the phrase "FAMILY SWIMMING POOL" shall mean and include an artificial body of water, with a controlled water supply, designed for wading and swimming and used, or intended to be used, solely by the owner, or lessee thereof, and his family and by friends invited to use it without payment of any fee.

No family swimming pool shall be constructed except on the same lot as the owner's dwelling or on a vacant lot immediately contiguous thereto if it is under the same ownership as the dwelling. The following conditions must be met if the pool is to be located on the same building lot as the dwelling of the owner:

1. The pool must be constructed in the rear yard but not closer at any point than ten feet from the building itself;

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2. The pool must be enclosed by a fence in the manner set forth below and at no point may the fence be closer than ten feet to any property line;

3. A fence surrounding or partially surrounding a pool shall not be closer than six feet to the edge of the pool at any point; (Sec. 80.27(G)(4).

4. The surface area of the pool may not exceed 25% of the area of the rear yard.

(d) When a pool is located on a lot contiguous to the lot on which the owner's house is located and under the same ownership as the dwelling the following conditions must be met:

1. No part of the pool shall be located forward of the setback line of the owner's dwelling;

2. No part of the pool shall be closer than ten feet from the owner's dwelling and no closer than sixteen feet from any property line of any other property owner;

3. No pool shall be built across any property line regardless of the ownership thereof;

4. If the contiguous lot has frontage on a street other than on which the owner's dwelling is located, no part of the pool shall be forward of the minimum setback line.

(e) It shall be unlawful for any person to make, continue, or cause to be made or continued at any pool, any loud, unnecessary, or unusual noise or any noise which annoys, disturbs, injures, or endangers the comfort, repose, health, peace, or safety of others. In the operation of a pool, the use or permitting the use or operation of any radio, receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet, and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing of the person who is in the pool premises shall be unlawful.

(f) Lights to illuminate any pool shall be so arranged and shaded as to reflect light away from adjoining premises and streets.

(5) Amateur radio-sending and receiving antennae, provided the height thereof, including masts, shall not exceed 75 feet measured from finished lot grade; and provided further that such apparatus does not cause any interference with radio or television receivers in the vicinity.

(6) Management office in multi-family dwelling or apartment use, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, provided there is no exterior display.

(7) Fall-out Shelter.

(8) Residential occupancy by domestic employees employed on the premises.

(9) Foster family case where children unrelated to the residents by blood or adoption are cared for, provided that no sign shall be displayed.

(10) Stables and animal pens, on residential lots of at least five (5) acres; provided, however, any structures, pens or corrals housing animals shall be 200 feet from an adjoining property line, except where animals are kept in sound-proof air conditioned buildings, in which case the required setback line is 100 feet. (See Sec. 80.25 for other stables and raising and breeding non-farm fowl or animals.) (Subject also to any restrictive town ordinances governing livestock.)

(11) Storage areas, as regulated in applicable sections of this Code.

(12) Private residential garages and carports for the storage of motor vehicles, which are clearly accessory and not for commercial purposes.

(13) Storage or parking of recreational vehicles in the open subject to the following conditions:

(a) In any district the wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of said types of mobile structures.

(b) Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner

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that no part of any such vehicle shall project beyond the front or side setback lines of the lot.

(c) Not more than two recreational vehicles will be permitted to be parked or stored in the open on a residential property at any one time; provided, however, that one additional such vehicle may be permitted for visitation for not more than seven consecutive days and not to exceed fourteen days in any one year, in accordance with Sec. 80.35.

(d) At no time shall such parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as provided for visitations in (c) above.

(e) Notwithstanding the provisions of (d) above, recreational vehicles may be parked anywhere on the premises for loading or unloading purposes, for not longer than a period of forty-eight (48) consecutive hours in any one-week period. (See Sec. 80.27(J)(1).)

(14) Storage of a continually unoccupied mobile home is only permissible in a business or industrial district at a location legally qualified to render storage for said mobile home.

(15) Satellite (earth) television antennas in accordance with the following standards:

(a) There shall be one satellite television antenna permitted per residential lot.

(b) In all districts, a satellite television receiving antenna having a diameter greater than four (4) feet shall be located on the ground upon and within a poured concrete foundation to the rear of the principal building on a lot, and within the building area, and shall not exceed thirteen (13) feet in height or the height of the main structure, whichever is less.

(c) In all districts, a satellite television antenna having a diameter of four (4) feet or less may be located on the principal building or an accessory building on a lot, and shall not exceed a height of more than four (4) feet above the roof on which it is mounted, subject to the particular height requirements of the district. When an antenna having a diameter of four (4) feet or less is located on the ground, all requirements contained in paragraph (b) herein shall apply.

(d) The satellite television antenna shall be screened from view by a fence or natural plants and can be located in a side yard to the rear of the Building Setback Lines if, in the opinion of the Executive Director, the antenna can be adequately screened from view.

(e) No satellite television antenna shall be linked to a receiver which is not located on the same lot or parcel of real estate. (Am. Ord. 1989-6, passed 7, Aug. 1989)

### Section 80.35: TEMPORARY USES

(A) Intent. Temporary uses shall be permitted in applicable districts by the grant of a Temporary Improvement Location Permit issued by the Board of Zoning Appeals in accordance with the requirements of this section, except where otherwise noted.

#### (B) General Provisions.

(1) The duration of the temporary period is stated hereinafter; provided, however, renewal of such Permit may be requested.

(2) Temporary uses shall be subject to all the regulations of the applicable district.

#### (C) Uses Which May Be Permitted By the Board.

(1) Temporary office, model home or model apartment, and incidental signs thereof, both incidental and necessary for the sale, rental or lease of real property in the district. Maximum 18 months.

(2) Non-commercial concrete batching plant, both incidental and necessary to construction in the district. Maximum 18 months.

(3) Temporary building or yard for construction materials and equipment, both incidental and necessary to construction in the district. Maximum 18 months.

(4) Parking lot designated for a special event in a district. Maximum 30 days.

(5) Bazaar, carnivals, and similar temporary uses. Maximum 10 days.

(6) Sale of Christmas trees, outdoor tent theatre, sale of seasonal fruits and vegetables from roadside stands, tent sales. Maximum 60 days.

(7) Parking of recreational vehicles for visitation. Maximum 7 days.

(8) Mobile home as a temporary office

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during the period of construction and development. Maximum 18 months.

(9) Mobile home as a temporary living place or dwelling for security purposes. Maximum 18 months.

(9 1/2) Mobile home as a temporary living place or dwelling for an infirm or sickly blood relative who is unable to care for himself due to sickness, age, or disability, on the same lot as the existing dwelling; or for a family whose existing dwelling on the same lot has been severely damaged by fire or other danger and may be renewed by a Doctor Statement, accompanied with the health condition of the individuals or individual that are using this temporary use. This is to be directed to the Executive Director and Chairman of the Board of Zoning Appeals, this is to be done prior to the issue of a renewal permit of a Temporary Use. The filing fee may be waived after review of Director and Chairman Approval.

(10) Portable signs, as defined in Sec. 80.38(B)(23), in the LB or GB Districts in accordance with the basic requirements herein and the provisions and standards of this section. Maximum 10 days.

(1) Size: Shall not exceed thirty-two (32) square feet of sign area.

(2) Height: Shall not exceed six (6) feet.

(3) Location: In LB Local Business Districts and GB General Business Districts, and never closer than three (3) feet to a street right-of-way line or within vision clearance on corner lots.

(4) Other Restrictions: Notwithstanding any other provisions of this Section, a permit for a portable sign shall not be issued unless such sign has been approved by the Executive Director, and is in conformance with the provisions of Chapter 90. (Building Code). Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as "stop, slow, go, caution" or be shaped like a traffic sign. All attached to bolts embedded in ground.

(11) Portable signs as defined in Sec. 80.38(B)(23), in residence districts in accordance with the basic requirements of paragraph (10) above, other than anchoring requirements, and also in accordance with the provision and standards of this section. Maximum of 10 days.

(12) Temporary signs, which shall

in connection with a special event in a district, except temporary political signs or community activities signs in accordance with Sec. 80.38, other than construction announcement signs or Subdivision signs in accordance with Sec. 80.38. Maximum 10 days.

(13) Other similar uses deemed temporary by the Board and attached with such time period, conditions and safeguards as the Board may deem necessary.

### (D) Standards.

(1) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.

(2) No public address systems or other noise-producing devices shall be permitted in a residential district.

(3) Any flood lights or other lighting shall be directly upon the premises and shall not be detrimental to adjacent properties.

(4) No banners, pennants or unnecessary signs shall be permitted in a residential district.

(5) The lot shall be put in clean condition devoid of temporary use remnants upon termination of the temporary period.

(E) Special Events in the Metamora Historic Preservation Area in the HD Historic District.

Written permission for temporary outside booths or stands must be obtained from the Historic Board of Franklin County for special days such as "Canal Days," "Firemen's Festival," or other special events listed under the current Calendar of Special Events in the Rules of the Historic Board. (See Sec. 84.19.) Approval of the Board of Zoning Appeals or the issuance of Temporary Improvement Location Permits are not required for such uses, provided that such uses are promptly removed following the particular special event. (Am. Ord. 1989-6, passed Aug 7, 1989)

### Section 80.36: HOME OCCUPATIONS

(A) Intent. A home occupation may be permitted as a temporary use to accompany residential uses by the grant of a Temporary

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Improvement Location Permit issued by the Board of Zoning Appeals, subject to the requirements of this section and Sec. 80.35.

### (B) General Provisions.

(1) A home occupation shall be permitted when said occupation conducted on residentially used premises is considered customary and traditional, incidental to the principal use of the premises as a residence, and not construed as a business.

(2) Home occupations shall be of a personal service nature limited to domestic crafts and professional service, including but not limited to:

(a) Such domestic crafts, as dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, custom home furnishings work, carpentry work and furniture repair.

(b) Such professions or occupations as law, medicine, architecture, engineering, planning, real estate, insurance, notary public, manufacturer's agent, clergy, writing, painting, photography, and tutoring; provided, however, the service is limited to advice and consultation and the premises are not used for the general practice of the profession or occupation.

(3) For purposes of this Code, law offices, real estate and insurance offices, clinics, doctors' offices, barber shops and beauty parlors, dress shops, millinery shops, tourist homes, animal hospitals and kennels, trailer rentals, among others, shall not be deemed to be permitted home occupations unless such home occupations meet the requirements of this section.

(4) Home occupations shall be subject to all the regulations of the applicable district in which they are located.

(5) Home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.

### (C) Standards.

(1) The primary use of the structure or dwelling unit shall remain residential and the operator of the home occupation shall remain a resident in the dwelling unit

(2) The operator conducting the home occupation shall be the sole entrepreneur, and he shall not employ any other person other than a member of the immediate family residing on the premises.

(3) No structural additions, enlargements, or exterior alterations changing the residential appearances to a business appearance shall be permitted.

(4) No more than twenty-five percent (25%) of the floor area of any one story of the dwelling unit shall be devoted to such home occupation.

(5) Such home occupations shall be conducted entirely within the primary building or dwelling unit used as a residence. No home occupation shall be conducted in any accessory building.

(6) No additional and separate entrance incongruent with the residential structural design shall be constructed for the purpose of conducting the home occupation.

(7) No provision for more than one extra off-street parking or loading facility, other than the requirements and permitted facilities of the zone district, shall be permitted. No part of a minimum required setback distance shall be used for off-street parking or loading facilities and no additional drive-way to serve such home occupations shall be permitted, provided that a doctor's office (if allowed by the Board) may have additional parking facilities.

(8) No display of goods or external evidence of the home occupation shall be permitted, except for one non-animated, non-flashing announcement plate, indicating not more than the name of the occupation and name and address of the resident. Said plate shall be attached flat against the wall of the residence and shall not exceed two (2) square feet in total surface area.

(9) No stock in trade or commodities, other than those prepared, produced, or created on the premises by the operator of the home occupation, shall be kept or sold on the premises.

(10) No electrical or mechanical equipment shall interfere with local radio

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communications and television reception, or cause fluctuation in line voltage off the premises, or violate the general performance standards of Sec. 80.06.

### Section 80.37: OFF-STREET PARKING AND LOADING

#### (A) Intent.

(1) Accessory off-street parking and loading facilities shall be provided and maintained for all buildings, structures or premises used in whole or in part for purposes permitted by this Code in accordance with the provisions of this section, or as otherwise indicated in Sec. 80.25, or elsewhere.

(2) The regulations of this section are designed to alleviate or prevent congestion of the public streets by establishing minimum requirements for on-site storage of motor vehicles in accordance with the use to which the property is occupied.

#### (B) Scope.

(1) No use lawfully established prior to the effective date of the time of passage of the "Franklin County, Indiana, Unified Zoning Ordinance," or the replacement zoning ordinance comprising this Chapter, shall be required to provide and maintain the parking and loading requirements herein; provided, however, that off-street parking and loading spaces required by any previous ordinances adopted pursuant to the Indiana Planning Statutes shall be continued and maintained.

(2) For any non-conforming use which is hereafter damaged or partially destroyed, and which is lawfully reconstructed, re-established, or repaired, off-street parking and loading facilities equivalent to those maintained at the time of such damage or partial destruction shall be restored and continued in operation; provided, however, in no case shall it be necessary to restore or maintain parking or loading facilities in excess of those required by this Code for equivalent new uses.

(3) When the intensity of use of any building, structure or premises shall be increased through the addition of dwelling units, floor area, beds, seating capacity, or other unit of measurement, parking and loading facilities as required herein shall be provided for such increase

in intensity of use.

(4) Whenever the existing use of a building, structure or premises shall hereinafter be changed or converted to a new use permitted by this Code, parking and loading facilities shall be provided as required for such new use.

(5) Accessory off-street parking or loading facilities in existence at the time of passage of the "Franklin County, Indiana, Unified Zoning Ordinance," or the replacement zoning ordinance comprising this Chapter, shall not hereafter be reduced below, or if already less than, shall not be further reduced below the requirements for a similar new use under the provisions of this Code.

(6) Nothing in this Code shall be deemed to prevent the voluntary establishment of accessory off-street parking or loading facilities to serve any existing use of land or buildings, provided that all regulations herein governing the location, design, and operation of such facilities are adhered to.

(7) Accessory off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Code, and may be situated as one or more individual areas.

(8) Accessory off-street parking facilities for separate uses may be provided collectively if the total number of spaces so provided is not less than the sum of the separate requirements for each such use, and provided that all regulations governing location of accessory parking spaces in relation to the use served are adhered to. Further, no parking space or portion thereof shall serve as a required space for more than one use unless otherwise authorized by the Board of Zoning Appeals.

(9) Accessory off-street parking and loading facilities provided to comply with the provisions of this Code shall not subsequently be reduced below the requirements of this Code.

(10) Accessory off-street parking facilities required herein shall be utilized solely for the parking of passenger automobiles or light trucks of less than one (1) ton capacity, of patrons, occupants or employees of specified uses. Said parking facilities shall not be used for the storage, display, sale, repair, dismantling or wrecking of any

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vehicle, equipment or material.

(11) Required off-street loading and unloading spaces shall not be construed as being part of the required off-street parking spaces.

(12) Loading and unloading berths shall not be required for business uses and industrial uses which demonstrably do not receive or transmit goods or wares by truck delivery.

(13) Accessory off-street parking facilities are not required in a block frontage contained in a GB or I-2 district in which the ground floor area of business or industrial structures, including their accessory buildings, existing at the time of passage of the "Franklin County, Indiana, Unified Zoning Ordinance," or the replacement zoning ordinance comprising this Chapter, equaled fifty percent (50%) or more of the entire area of the block frontage.

### (C) General Provisions.

(1) Each required off-street parking space shall be at least nine (9) feet in width and at least twenty (20) feet in length, exclusive of access drives or aisles, ramps, columns, or office or work areas. Such space shall have adequate vertical clearance. For parallel parking, the length of the parking space shall be increased to twenty-four (24) feet.

(2) Each required off-street loading space shall be of a size not less than that required for an off-street parking space but scaled larger to delivery vehicles expected to be used, logically and conveniently located for bulk pickups and deliveries, and accessible to such vehicles when required off-street parking spaces are filled; provided that for industrial uses, the off-street area required for the receipt or distribution by vehicles of materials or merchandise is held to be a twelve (12) foot by forty-five (45) foot loading space with a fourteen (14) foot height clearance; provided further that if more than one (1) berth is provided, the minimum dimensions are held to be ten (10) feet by forty-five (45) feet with a fourteen (14) foot height clearance.

(3) Except on lots occupied by one, two-family and multi-family dwellings, each off-street parking space shall open directly upon an aisle or driveway at least twelve (12) feet wide or such additional width and design in accordance with the following table, so as to provide safe and

efficient means of vehicular access to such parking space. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

<u>Parking Angle</u> (in degrees)	<u>Aisle Width</u> (in feet)
45°	14'
60°	18'
90°	24'

The angle shall be measured between center line of parking space and center line of aisle.

(4) All off-street parking or loading facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement.

(5) In determining the minimum required number of off-street parking or loading spaces, the following instructions shall be applicable in such computations:

(a) If the unit of measurement is any fraction of the unit specified in relation to the number of space to be provided, said fraction shall be considered as being the next unit and shall be counted as requiring one space.

(b) In sports arenas, church and other places of assembly in which patrons occupy benches, pews or other similar seating facilities, each twenty-two (22) inches of such seating shall be counted as one (1) seat for the purpose of determining requirements hereunder.

(6) Accessory off-street parking areas may count toward the open space requirements of this Code.

(7) Accessory off-street parking and loading areas shall be provided to the rear of the required front building setback line, except as specified otherwise by this Code. When permitted within required setback distances, a landscape screen shall be provided along the property line.

(8) Adequate employee and customer off-street parking area shall be provided, including such areas incidental to display, servicing and repair. No such parking shall be permitted on driveway approaches, landscape areas, adjacent alleys or streets, on any public right-of-way, or in such a manner as to restrict motorists' visibility.

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### (D) Minimum Parking Requirements.

<u>TYPE OF USE</u>	<u>MINIMUM PARKING SPACE</u>	<u>TYPE OF USE</u>	<u>MINIMUM PARKING SPACE</u>
(1) Automobile Service Sales Room, Business Services, Clothing Services, Food Services, Personal Services, Retail Service and Retail Stores generally, and Tavern or Night Club.....	One for each 125 square feet of net floor area.	(6) Bowling Alley or Roller Rink.....	Three for each lane plus one for each 6 spectator seats.
(2) Billiard Room, Dancing Academy, Sporting Activities, Department Store and Automobile, Truck or Trailer Rental and Sales Area.....	One for each 200 square feet of net floor area.	(7) Hotel or Motel.....	One for each 3 employees plus one for each sleeping unit.
(3) Private (or Commercial) Club or Lodge.....	Space to accommodate 50 percent of the active membership at one space per each 3 members, or as determined by the Board. The determination shall be based upon the particular Lodge or Club use would require to satisfy estimated peak parking load requirements.	(8) Radio and Television Studios.....	One per employee, plus one for each 6 seats in main auditorium.
(4) Automobile and Truck Repair.....	One for each 200 square feet of net floor area.	(9) Newspaper Publishing.....	One per employee on largest shift.
(5) Indoor Theatre.....	One for each 6 seats.	(10) Motor Bus or Passenger Station.....	One for each 3 employees plus one for each ten seats in waiting room. Other retail uses in connection therewith shall provide one space for each 2 employees.
		(11) Storage Warehouse or Wholesale Establishment.....	One for each 3 employees or occupants. The maximum number of employees or occupants to be used in determining spaces.
		(12) Residential Uses..	As required in the applicable sections of this Code.
		(a) Single-family Dwelling.....	2
		(b) Manufactured Home.....	2
		(c) Farm House or Farm Dwelling.....	2
		(d) Two-family Dwelling.....	2 for each unit.

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<u>TYPE OF USE</u>	<u>MINIMUM PARKING SPACE</u>	<u>TYPE OF USE</u>	<u>MINIMUM PARKING SPACE</u>
<p>(e) Multi-family Dwelling (or apartment building).....</p>	<p>2 for each dwelling unit.</p>		<p>results in the greater number of spaces.</p>
<p>(13) Community centers, public buildings, utilities and public service uses including libraries, museums, and similar places of assembly.....</p>	<p>One parking space for each 800 square feet of gross floor area, or one space for each 2 employees per largest working shift, whichever is greater.</p>	<p>(16) Churches, theaters, auditoriums, assembly halls, undertaking establishments, and similar places of congregation.....</p>	<p>One parking space for each five seats in the main sanctuary or room, plus one space for each employee per largest working shift.</p>
<p>(14) Philanthropic and charitable institutions.....</p>	<p>One parking space for each two employees per largest working shift, plus an adequate number of spaces to serve the public.</p>	<p>(17) Boarding Schools, vocational and trade schools, colleges, and similar educational institutions.....</p>	<p>One parking space for each six students, based on the maximum number of students attending classes on the premises at any one time during a 24-hour period.</p>
<p>(15) Schools, Public and Private (Education Institution)</p> <p style="padding-left: 20px;">(a) Elementary or junior high.....</p> <p style="padding-left: 20px;">(b) High School.....</p> <p style="padding-left: 20px;">(c) Sports Area.</p>	<p>At least 3 parking spaces shall be provided for each classroom.</p> <p>At least 6 parking spaces shall be provided for each classroom.</p> <p>At least one parking space shall be provided for each five seats when the facility is of an independent nature. When such facility is utilized in conjunction with a school, either the parking requirement based on seating capacity of the largest single facility contained herein or the above requirement based on classroom number shall be applicable, whichever</p>	<p>(18) Group Housing, including rooming and boarding houses, dormitories, elderly housing, fraternities and sororities.....</p>	<p>One parking space for each two beds, or each two sleeping units, rooming units or dwelling units in the case of elderly housing, plus one space for each employee per largest working shift.</p>
		<p>(19) Drive-In establishments.....</p>	<p>Two parking spaces for each 100 square feet of gross floor area, plus one space for each employee per largest working shift.</p>

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<u><b>TYPE OF USE</b></u>	<u><b>MINIMUM PARKING SPACE</b></u>
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(20) Open-air type business uses, including auto and boat sales, kennels, plant nurseries and commercial amusement establishments.....	One parking space for each employee per largest working shift, plus two spaces for each service stall.
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(21) Commercial, manufacturing and industrial establishments not catering to the retail trade.....	One parking space for each two employees on the largest shift, plus an adequate number of spaces for visitors and company vehicles operating from the premises.
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(22) Amusement establishments, including swimming pools, golf courses, bowling alleys, skating rinks, and similar facilities.....	One parking space for each 500 square feet of gross floor area, or five parking spaces for each hole, alley, or 100 square feet of water area, whichever is greater.
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(23) For uses not specified in this subsection or in such instance when the requirement for an adequate number of spaces is unclear or not specified in another part of this Code or for special exceptions or a unit development plan, etc., the number of parking spaces shall be determined by the Executive Director or the Board of Zoning Appeals, whatever the case may be, on the basis of similar requirements, the number of persons served or employed, and the capability of adequately serving the visiting public. Such determination, if made by the Executive Director, may be appealed to the Board of Zoning Appeals.

(24) In case of conflict between the provisions of this subsection, the higher requirement shall govern.

(25) For purposes of determining off-street parking requirements under this subsection, gross floor area shall mean the total horizontal areas of the one or several floors of the building or portion thereof devoted to such use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any basement floor area devoted to retailing activities, to the production or processing of goods or to offices; provided, however, gross floor area shall not include that area devoted entirely and permanently in storage purposes, parking and loading facilities, or space used for restrooms, utilities or elevator shafts.

**(E) Off-site Parking Facilities.**

Required off-street parking facilities shall be provided hereinafter. The Board of Zoning Appeals is hereby authorized to grant an off-site parking facility as a special exception in accordance with the following conditions:

(1) A development plan for such off-site parking facility shall be filed with the Board of Zoning Appeals as a required exhibit accompanying the special exception application and shall be made part of the conditions of any approval therefore. Said development plan shall demonstrate compliance with all applicable standards of this Code, shall be amended and reapproved to indicate any change or other modification of uses served, or number of parking spaces provided therefore, and shall indicate:

- (a) Adjacent streets, alleys and lots.
- (b) All individual primary uses to be served, including the location use and number of parking spaces for each such use.
- (c) A layout drawn to scale of aisles and driveways, entrances, exits and turn-off lanes, parking spaces, setbacks, drainage facilities, and landscaping and buffer screening.
- (d) Type of lighting and pavement proposed, and identification signs including location, size and design thereof.

(2) Off-site parking facilities shall be provided with setback distances equivalent to the requirements of the district, and ingress and egress

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points shall be limited to protect the function of adjoining streets.

(3) Off-site parking facilities shall be encumbered by any instrument duly executed and acknowledged, which subject said accessory off-street parking facilities to parking use served. Said instrument shall specify and bind the time period to the anticipated life of the building or use to which the parking facilities are accessory. Said instrument shall be filed in the applicable Improvement Location Permit files of the Executive Director's Office, and placed on public record in the office of the County Recorder.

(4) Off-site parking facilities shall be developed in accordance with the provisions of Subsection (F) below. Further, said facilities shall be developed under such conditions imposed by the Board of Zoning Appeals as to protect residential districts and maintain at a minimum the disturbance to nearby residential uses.

### (F) Development Standards.

(1) All off-street parking areas for four or more automobiles shall be developed in accordance with the standards of this section, except in the case of one, two-family and multi-family dwellings, agricultural and rural uses, and storage of vehicular merchandise not counting toward the minimum requirements as set forth in this Code.

(2) Required off-street parking spaces shall be so designed, arranged and regulated, as to have individual spaces marked, be unobstructed and have access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering directly incidental to entering or leaving a parking space shall be on any public right-of-way or walkway.

(3) Off-street parking spaces may be open to the sky or enclosed in a building. In any instance when a building is constructed or used for parking facilities on the lot, said building shall be treated as any major structure and subject to all requirements thereof.

(4) No repair work, sales or service of any kind shall be permitted in association with accessory off-street parking facilities unless such facilities are enclosed in a building and otherwise permitted in the district.

(5) All open off-street parking areas shall be surfaced with an all-weather paving material capable of carrying a wheel load of 4,000 pounds, or improved with concrete or a compacted macadam base and surfaced with an asphaltic pavement, to adequately provide a durable and dust-free surface which shall be maintained in good condition and free of weeds, dirt, trash and debris, except that:

(a) A gravel surface may be used for a period of one year after the date of granting the Certificate of Occupancy where ground conditions are not immediately suitable for permanent surfacing as specified above.

(b) A gravel surface in the area of storage or handling may be used permanently in association with industries that handle liquids or chemicals which create a potential hazard if containment should be lost and where absorption into the ground through a loose surface material would eliminate or alleviate such hazard.

(6) Driveway entrances or exits shall be separated by at least 25 feet and designed in such a manner as to least interfere with traffic movement. No driveway across public property at the right-of-way line of the street shall exceed a width of 30 feet; provided, however, two driveways not exceeding 30 feet in width each may constitute a single entrance-exit divider designed driveway; provided, further, that such driveways shall conform to the requirements of the Executive Director.

(7) In any district, each use which is so located that it fronts upon and provides access to an arterial thoroughfare shall provide a frontage land paralleling and adjoining the improved part of the right-of-way at least 11 feet in width for turn traffic entering the lot. Such frontage lane shall be at least 100 feet in length, exclusive of the entrance way and taper area; provided, however, if the lot frontage is too small to meet such requirement, the frontage lane shall extend the entire width of the lot.

(8) Any lighting facilities used to illuminate off-street parking areas shall be so located, shielded and directed upon the parking area in such a manner that they do not reflect or cause glare onto adjacent properties or interfere with street traffic. In no instance shall bare unshaded bulbs be used for such illumination.

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(9) Such parking areas shall be graded and properly drained in such a manner that there will be no free flow of water onto either adjacent property or public sidewalks. Further, any additional run-off generated by such improved areas shall be disposed of in appropriate drainage facilities.

(10) Such parking areas shall be so lined or designated as to insure the most efficient use of the parking spaces, and provided with bumper guards or wheel guards so located that no part of the parked vehicle will extend beyond the boundary of the established parking area into any minimum required yard or onto adjoining property.

(11) No business signs or advertisements shall be permitted in parking areas; provided, however, directional and identification signs shall be permitted in accordance with Sec. 80.38(D)(4)(k).

(12) Parking areas located in the business and industrial districts shall be provided with a landscape screen not less than 4 feet in height whenever the parking area is located within 100 feet of adjoining residential uses or fronting upon any adjoining residential uses, except as otherwise provided in this Code.

(13) The ground area between the required off-street parking area setback and any lot line shall be landscaped with appropriate material to adequately indicate delineation.

(14) Parking areas may be provided with a one-story shelter building or guard building which shall not exceed 100 square feet of gross floor area and shall conform to all the structural requirements of the district.

**(G) Loading Requirements.**

(1) Uses and buildings with a gross floor area of 5,000 square feet or more shall provide off-street loading spaces in accordance with the following table, provided that loading spaces shall not be required for uses which do not receive or transmit goods or wares by truck delivery:

<u>Use Description</u>	<u>Floor Area in Square Feet</u>	<u>No. of Loading Spaces Required</u>
Manufacturing, distribution,	5,000-25,000	1
	25,000-60,000	2

wholesaling, storage, and similar uses.	60,001-100,000	3
	Each 50,000 above 100,000	1
Office Buildings,	5,000-60,000	1
hotels and motels,	60,000-100,000	2
retail sales, hospitals, institutions, and similar uses.	Each 100,000 above 100,000	1

(2) Off-street loading areas shall be developed in accordance with the standards in Subsection (F) above.

**Section 80.38- SIGNS 80.38**

**(A) Purpose and Intent.**

It is the intent of this Section to provide clarification regarding regulations pertaining to signs and to assist those wishing to place signs in the County and participating towns by comprehensively setting forth provisions governing the installation and construction of signs and advertising devices in one location (insofar as is possible) in this Code. In addition, it is the purpose and intent of this chapter to:

(1) Recognize the functions and importance of signs for the business sector and the County and participating towns as a whole;

(2) Preserve and enhance the character and visual appearance of the Planning Area;

(3) Recognize the integral part played by signs in the overall appearance of the Planning Area ;

(4) Provide a reasonable set of controls that will permit and encourage creative and effective signs that adequately identify a business;

(5) Provide standards, guidance and direction for sign users and sign designers as to what constitutes appropriate signage in the Planning Area.

**(B) Definitions.**

For the purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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- (1) "Advertising Sign" or "Billboard." An off-site sign which directs attention to an object as described in the definition of "SIGN" below. However, such advertising sign shall not be associated with the primary use, business, activity, or service conducted on the premises.
- (2) Apartment/Multi-Family Dwelling Identification Signs: Signs identifying a multi-family dwelling complex by name and/or address.
- (3) Banners - commercial; flags and pennants generally made of a flexible material, displayed for business promotion purposes.
- (4) Barber poles: Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.
- (5) Changeable Copy Signs: Signs designed to be used with removable graphics which will allow changing of copy.
- (6) Change of Copy: Changing of the face or letters on a sign. Change of a copy shall not constitute a change of use. Permits shall automatically be granted where not in conflict with this Code.
- (7) Community Activities Signs: Signs associated with a religious, charitable, cultural, civic or educational organization.
- (8) Construction Announcement Signs: Signs placed on property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the subcontractors, the real estate licensee, and the possible future tenants.
- (9) Directory Signs: A sign or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business center.
- (10) "Free-Standing Sign." Any sign attached to a self-supporting sign structure standing on the ground, which is essentially unattached to any other structure. Signs mounted on architecturally integrated extensions of buildings are not considered free standing.
- (11) Free Standing Business Center Identification Signs: Free standing signs which identify a business center, and not the individual businesses located therein.
- (12) Free Standing Individual Business Identification Signs: Free standing signs which identify a building, business, professional center or industry not located within a business center.
- (13) Gasoline Price Signs: On premise signs identifying the brand and/or type and price of gasoline sold.
- (14) Governmental or Other Signs Required by Law: Signs placed in any part of the Planning Area by a governmental entity or private individual or business as required by Federal, State or Local law.
- (15) Illuminated Signs: Signs or individual letters in which an artificial source of light is used in order to make the message readable. This definition shall include internally and externally lighted signs, and reflectorized, glowing, or radiating signs.
- (16) "Incidental Sign." A nameplate, temporary sign, or sign relating to the lot or use thereof and designating accessory uses, direction, identification, information, or real estate for sale, rent, or lease.
- (17) Institutional Signs: Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, rest home, or similar institutional facility.
- (18) Manager or Office of Manager Signs: Signs which identify the location of the manager or the office of the manager of property.
- (19) Off Premise Signs: Signs identifying a business activity, property or product at some location other than where the sign is displayed.
- (20) On Building Identification Signs: Permanent signs mounted on the building which identify the building and/or which identify the business or profession or industry, or combination thereof conducted on the premises.
- (21) Parking Lot Signs: Signs placed or displayed in parking lots to supply information to people using such lots, including information with respect to liability as well as entry, exit and directional information, handicapped parking requirements, and other information to facilitate the safe movement of vehicles served by the parking area.
- (22) Placed or Displayed: Means erected, constructed, posted, painted, printed, tacked, glued, carved or otherwise fastened, affixed or made visible in any manner whatsoever.
- (23) Portable Sign: Any sign that is not permanently affixed to a building, structure, or the ground, inclusive of signs on movable objects, except signs on vehicles which are moving or parked only temporarily, incidental to their principal use for transportation; a temporary sign designed to be moved from place to place.
- (24) Projecting Signs: A sign

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characterized by its attachment at an angle with the face of the building as opposed to being mounted flat on the surface of a building.

(25) **Real Estate Signs for Property of Less Than One Acre:** Signs offering developed or undeveloped real property of less than one (1) acre of land for sale, lease or rent.

(26) **Real Estate Signs for Property of One Acre or Larger:** Signs offering developed or undeveloped property of one (1) acre or more for sale, lease or rent.

(27) **Roof Line:** A horizontal plane projected parallel to the primary plane of a building floor and touching the primary roof plane on the building.

(28) **Sign:** A physical embodiment of a visual communication which is intended to be viewed from outdoor public areas. In addition, it shall include all parts, portions, units and materials composing the same, together with the illumination, frame, background, structure and support anchorage thereof. This definition shall not apply to the official flag, emblem or insignia of the government or religious group or agency.

(29) **Sign Area:** The surface area of a sign face is the entire area measured within a single continuous perimeter enclosing all elements of the sign which form an integral part of the sign and which are organized, related, and composed to form a single unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.

(30) **Sing Facing:** The surface of the sign on, against, or through which the message of the sign is exhibited.

(31) **Height:** Generally refers to free standing signs. The distance measured from the average surface grade surrounding the base of a sign or the average surface grade of the road bed nearest the base of the sign, whichever is higher, to the top of the highest element of the sign.

(32) **Sign Program:** A coordinated design plan of one or more signs for an individual business establishment or a business center.

(33) **Sign Structure:** The supports, uprights, bracing, and framework for the sign. In the case of a sign structure consisting of two or more sides (or the projection thereof) exceeds 15 degrees, each side shall be considered a separate sign structure.

(34) **Subdivision and Subdivision Model Home Signs:** Signs identifying Subdivision developments or model homes in a subdivision or

land development project.

(35) **Time and Temperature Signs:** Signs displaying the time or the temperature, or both.

(36) **Under Canopy Signs:** Signs suspended no lower than eight (8) feet above the public right-of-way or above a walkway that is used by the public, or under a canopy or awning of a building, which identifies a building, profession or industry conducted on the premises.

(37) **Window Signs:** Temporary window signs constructed of paper, cloth or similar expendable material, provided the total area of such signs is not to exceed 50% of the window area.

### (C) General Limitations.

The following general limitations shall apply:

(1) Provisions of this Section regulating the location, placement, gross surface area, projection, sign height limitation, construction, and number of signs shall be subject to further restrictions by the applicable provisions of this Code.

(2) Projects or buildings containing more than one store shall have an overall planned sign program.

(3) As a general rule, there shall be no more than three colors used on a sign and all signs advertising one business or use shall utilize the same colors. The background color, black and white are all considered colors.

(4) Low profile, ground mounted signs less than eight (8) feet high are encouraged.

(5) The name of the business shall be the dominant message on the sign.

(6) Registered or copyrighted logos or trademarks shall be allowed with a maximum of four (4) colors.

(7) The following limitations shall apply in all business and industrial zones: Not more than three (3) signs as defined herein, provided that the total sign area for all allowable signs, for each site or occupancy, shall not exceed two (2) square feet of sign area for each lineal foot of street or occupancy frontage, provided further; that in no case shall the allowable sign area for each site or occupancy exceed 300 square feet. See (8) and (9), below, for limitations on Advertising Signs or Billboards and Portable Signs.

(8) The various limitations on Advertising Signs or Billboards are set forth in Subsection (D) (4) (a).

(9) The various limitations on

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Portable Signs are set forth in subsection (D) (4) (1).

### (D) Sign Specifications:

#### (1) Signs allowed without permit in all Districts or Zones.

The following signs may be placed in all Districts or zones of the Planning Area without a permit, subject to the restrictions and limitations contained in this Section and as contained in subsection (C), herein.

#### (a) Community Activity Signs:

Community activity signs are allowed in business and industrial Districts or zones. Such signs are allowed in residential zones only if located on the site of the activity and a permit is issued. Additionally, off-premises signs of a temporary nature that are displayed out of doors require that a permit be issued, except where conforming existing sign of another type allow a community activity sign to temporarily replace their sign message. Community activity signs are generally associated with religious, charitable, cultural, civic or educational organizations.

(1) Size: Shall not exceed twelve (12) square feet of the sign area.

(2) Location: Not less than five (5) feet inside the property line in residential zones, and not less than one (1) foot inside the property line in business and industrial zones.

(3) Other Restrictions: Shall be temporary signs permitted for a period of fourteen (14) days prior to the date of the activity and five (5) days following the activity. Shall be non-illuminated signs and shall identify the organization and shall be at a level consistent with adequate identification and readability without causing excessive complaints from neighboring property owners.

#### (b) Governmental or Other Signs Required by Law:

(1) Size: As required by law.

(2) Height: As required by law and not to exceed the height of free standing sign allowance.

(3) Location: As required by law.

(4) Other Restrictions: Shall be non-illuminated unless required by law.

(c) Political Signs: Shall be permitted on each lot for a period of sixty (60) days prior to a primary or general election (including special elections), and ten (10) days following a

general or special election. Political signs shall not exceed sixteen (16) square feet in aggregate area. Political signs are prohibited on public property or public right-of-way.

(d) Real Estate Signs for Property of Less Than One Acre: Signs offering developed or undeveloped property of less than one (1) acre for sale, lease or rent.

(1) Size: Shall not exceed twelve (12) square feet in sign area. In the event that the sign refers to a single family home, then the size of the sign shall not exceed six (6) square feet in area.

(2) Height: Shall not exceed six (6) feet in height if free standing.

(3) Location: Not less than five (5) feet inside the property lines in residential zones, and not less than one (1) foot inside the property lines in business and industrial zones.

(4) Other Restrictions: Shall not be illuminated. Only one (1) such sign may be displayed on each street frontage of the property to which it refers.

(e) Owner-Occupied Sign: One residential name sign not to exceed one (1) square foot in sign area for each sign face identifying only the owner or occupant of a residential building. The maximum aggregate sign area shall be two (2) square feet.

(f) Home Occupation Sign: One (1) non-illuminated identification sign, not to exceed two (2) square feet of sign area for each sign face for the following permitted uses: offices in residences, home occupations, and board-lodging houses. The maximum aggregate sign area shall be two (2) square feet.

(g) Manager or Office of Manager Signs: Signs which identify the location of the manager or the location of the manager of the property.

(1) Location: In all zones of the City, not less than five (5) feet inside the property line in residential zones, and not less than one (1) foot inside the property lines in business and industrial zones. Four square feet in area, each side, allowed.

(h) Window Signs: Window signs with less than fifty (50) percent coverage. Signs placed or displayed on a window or window frame, covering less than fifty (50) percent of the window area announcing special sales, change of management, or similar information and designed to be viewed from adjacent streets, sidewalks, public rights-of-way, or parking lots.

(1) Height: Not

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applicable.

applicable.

(2) Location: Not

(3) Other Restrictions:

Shall be "temporary" signs. Where not temporary, then permanent window signs shall be counted as part of the total allowable sign area and total allowable number of signs.

(i) Changeable Copy Signs (Moveable): Signs of this nature are typically 22" x 28" in size with replaceable copy poster. Such signs may be displayed within four feet of the primary access door of a business. Such signs shall be pedestal mounted and shall not interfere with pedestrian traffic or cause a nuisance or hazard.

(1) Size: Signs shall be 22" x 28" plus the sign frame.

(2) Height: Sign holders or frames must be between 4'6" and 5' in height. The base of the sign shall be of the pedestal style customarily used in retail trade.

(3) Location: Limited to Business Zones.

(4) Other Restrictions: Shall be free standing and taken inside at the close of the business day. Signs may not be made of iridescent or phosphorescent colors or be illuminated. The frame shall be black, brown, gold or silver in color. One sign may be allowed per business, which sign shall not count as part of the total signage per subsection (C) (7).

### (2) Signs allowed by permit in all Zones.

The following signs may be placed in all zones by permit, subject to the restrictions and limitations specified in this subsection and subsections (C) and (E):

(a) Construction Announcement Signs: Signs placed on real property upon which construction is to take place, or is taking place, which contain information regarding the individuals and firms directly connected with the construction project, including the name of the contractor, the subcontractors, the real estate licensee, and the future tenant(s).

(1) Size: Shall not exceed twenty (20) square feet in sign area on a parcel of land less than one (1) acre. Not to exceed thirty-two (32) square feet in sign area on a parcel of land of one (1) acre or more.

(2) Height: Shall not exceed six (6) feet on a parcel of land less than one (1) acre. Shall not exceed eight (8) feet on a parcel

of land of one (1) acre or more.

(3) Location: Not less than five (5) feet inside the property line in residential zones, and not less than one (1) foot inside the property line in business and industrial zones.

(4) Other Restrictions: Shall be non-illuminated signs. Shall be removed within seven (7) days after issuance of Certificate of Occupancy. Only one (1) such sign may be displayed on each street frontage of the property to which it refers.

(b) Institutional Signs: Signs identifying the premises of, or announcing the activities conducted by a church, school, hospital, nursing home, or similar institutional facility.

(1) Size: The aggregate size of all signs pursuant to this Section shall not exceed twenty-four (24) square feet in sign area.

(2) Height: Shall not exceed five (5) feet, if free standing.

(3) Location: Not less than five (5) feet inside the property line in residential zones.

(4) Other Restrictions: Only one (1) such sign may be displayed for each street frontage.

(c) Real Estate Signs for Property of One Acre or More: Signs offering developed or undeveloped property including subdivision development signs of one (1) acre or more for sale, lease or rent.

(1) Size: Shall not exceed thirty-two (32) square feet in sign area. In the event that a sign does not exceed twelve (12) square feet in sign area, a sign permit shall not be required, and the provisions of subsection (D) (1) (d) shall be applicable.

(2) Height: Shall not exceed eight (8) feet, if free standing.

(3) Location: Not less than five feet inside the property line in residential zones, and not less than one (1) foot inside the property line in commercial and industrial areas.

(4) Other Restrictions:  
(a) Shall not be illuminated signs.

(b) Only one such sign may be displayed per street frontage of the property to which it refers.

(c) Shall be removed no later than immediately after sale or development is completed.

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### (3) Signs Allowed by Permit in All Residential Zones.

The following signs may be placed in all residential zones by permit, subject to the restrictions and limitations specified in this subsection and subsections (C) and (F):

(a) **Apartment/Multi-Family Dwelling Identification Signs:** Identifying an apartment or multi-family dwelling or an apartment or multi-family complex by name and/or address.

(1) **Size:** Shall not exceed twenty-four (24) square feet in sign area.

(2) **Height:** Shall not be more than five (5) feet in height.

(3) **Location:** Not less than five (5) feet inside the property line.

(4) **Other Restrictions:** Only one (1) such sign may be displayed on each street frontage. If illuminated, must be subdued.

(b) **Subdivision Signs:** Signs identifying a Subdivision or Unit Development Plan.

(1) **Size:** Shall not exceed fifteen (15) square feet in sign area.

(2) **Height:** Shall not exceed six (6) feet in height.

(3) **Other Restrictions:** May be displayed at street entrance to Subdivision. Not more than two (2) such non-illuminated signs may be displayed at each entrance if they are an integrated part of an entrance or boundary wall; otherwise, only one (1) such sign at each entrance.

(c) **Subdivision Model Home Signs:** Signs identifying a Model Home.

(1) **Size:** Shall not exceed six (6) square feet in sign area.

(2) **Height:** Shall not exceed six (6) feet in height.

(3) **Other Restrictions:** May be displayed only on the premises of the Model Home which it identifies. Only one (1) such sign may be displayed per Model Home.

### (4) Signs Allowed by Permit in Business and Industrial Zones:

The following signs may be placed in business and industrial zones by permit, subject to the restrictions and limitations specified in this subsection and subsections (C) and (F):

(a) **Advertising Signs or Billboards:**

(1) It is the intent of this division to establish reasonable and uniform limitations, safeguards, and controls for the operation and use of advertising signs or billboards in highway oriented business locations. Advertising

requirements are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interests of the community.

(2) For purposes of this division an advertising sign shall be construed in accordance with the definition and subject to the provisions of this section.

(3) One advertising sign shall be permitted on any lot of at least 300 feet of frontage on a street designated as a primary arterial in the "PB" and "GB" Districts, and one additional advertising sign shall be permitted for each 300 feet of additional frontage.

(4) Minimum setback lines shall be provided in accordance with the requirements of the applicable district, or 50 feet, whichever is greater.

(5) No advertising sign shall be permitted within 100 feet of a residential zone district unless the sign is provided with landscape screening.

(6) The number of traffic access points shall not exceed one for each such sign frontage.

(7) The face of an advertising sign shall not be greater than 18 feet in vertical dimension nor greater than 18 feet in vertical dimension nor greater than 55 feet in horizontal dimension, except as provided in (9) below and shall not contain more than two (2) advertising signs per facing.

(8) The full face of the sign shall be viewed along the line of travel to which it is exposed for a distance of at least 250 feet along the center line of the frontage street measured from a point opposite the center of the sign and perpendicular to the street's center line. However:

(a) In the case of a sign parallel (or within 20 degrees of parallel) to a one-way street, the required viewing distance shall be at least 400 feet;

(b) In the case of a sign which is from 3 to 20 degrees of parallel to a two-way street, the required viewing distance shall be at least 400 feet;

(c) In the case of a sign parallel (or within 3 degrees of parallel) to a two-way street, the required viewing distance shall be at least 250 feet in each direction.

(d) In the case of a sign so placed that it can be viewed from more than one street, the above viewing distance requirements shall be applicable to only one street.

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(9) The vertical dimension of the sign face may be increased to 22 feet provided the required viewing distance in (8) above is increased to 500 feet and the facing contains only one sign, and the sign is perpendicular or within 15 degrees of being perpendicular to the frontage street.

(10) The maximum height of advertising signs erected on the ground shall not exceed 40 feet above the street elevation to which the sign is oriented.

(b) Barber Poles: Rotating or stationary cylindrical poles of the traditional red, white and blue spiral striped design, identifying the premises as a barber shop.

(1) Size: Shall not exceed two and one-half (2-1/2) feet in length.

(2) Height: Not applicable.

(3) Location: In all business zones.

(4) Other Restrictions: Shall be attached by brackets to the barber shop being identified. Top of sign shall not extend above the roof line of the barber shop being identified. Such signs may move or rotate, notwithstanding the general prohibition of moving or rotating signs in subsection (E). Also, such signs if illuminated, must be subdued.

(c) Changeable Copy Signs (Permanent): Exterior signs or sections, that are fixed in place, and designated to be used with removable graphics to allow changing of copy.

Such signs shall be allowed for facilities used primarily for the presentation of theatrical, cultural or sports events and shall be computed as part of the total sign area allowed.

(1) Size, Height, Location and Other Restrictions. Applicable under the appropriate subsection, depending upon the type of sign utilized.

(d) Commercial Banners - Commercial; flags, pennants: Banners, flags and pennants generally made of flexible material, displayed for business promotion purposes.

(1) Size: Banners are not to exceed thirty (30) square feet.

(2) Height: Not to extend above the roof of the building.

(3) Location: In all business and/or industrial zones.

(4) Other Restrictions: Shall be temporary signs. Shall be non-illuminated signs. Not more than four (4) permits for signs

pursuant to this subsection shall be issued to any one (1) business entity in any one (1) calendar year. Length of time to be specified in the permit application. See Secs. 80.33(A)(6) and 80.35(D)(4) for additional restrictions and procedure for pennants and other similar attracting or advertising devices.

(e) Directory Signs: A sign, or set of similarly designed individual signs, placed or displayed in sequence, to list all or part of the businesses within a building or business complex. Directory signs may be part of a free standing sign or may be placed separately on a building. For conditions regarding free standing signs see subsection (D)(4)(f).

(1) Size: When placed on a building, signs shall not exceed six (6) square feet in sign area for any one business so identified. This section refers only to those signs that are to be placed upon an exterior wall or facade of the building. The total area of occupancy signs shall be limited to ten percent of the facade of the building and shall not exceed forty (40) square feet in area.

(2) Height: When mounted on a building, shall not extend above the roof line of the building on which the sign display is placed.

(3) Location: In all business and industrial zones.

(4) Other Restrictions: Director or occupancy signs may be combined with a free standing sign. When combined with a free standing sign, the combination shall be counted as part of the allowable sign area. For double-faced signs, that are free standing, the double-faced sign may not exceed twenty-four (24) inches in thickness. As with free standing signs, they shall be required to be placed in a landscaped area no less than seventy (70) square feet in size. They should be monument base style signs. When it is not possible or feasible to use a monument base style sign, then pole signs may be used as long as they do not exceed eight (8) feet in height. The design, materials and color of the structure supporting a free standing sign or business directory or combination thereof, shall be required to have a design, similar materials, and colors of the structure or structures being identified. Materials allowed are wood, masonry, stucco over wood or steel frame, and pre-cast concrete.

(f) Free Standing Business Center Identification Signs: Free standing signs which identify a business center. These may be a combination of business center identification sign as well as occupancy signs. These may be double-

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faced signs. They shall be maintained in a landscaped area surrounding the base of the sign not less than seventy (70) square feet in area. In the event it is not possible or feasible to provide the minimum landscaped area, then a pole sign may be used without a structural base. When a structural base is provided it shall be limited to wood, masonry, stucco over wood or steel frame, and pre-cast concrete. The design, color and materials shall be similar to the structure or structures being identified.

(1) **Size and Height:**

Height shall be limited to eight (8) feet. The total sign area may not exceed 120 square feet (including both sides of a sign). Free standing signs may be combined with directory signs.

(2) **Location:** In all business and industrial zones, not less than one (1) foot inside the property line.

(3) **Other Restrictions:**

See Directory Signs - Other Restrictions. Only one such sign may be displayed in each business center, or at each business existing on an individual legal parcel of land. In the event that a business center being identified by one (1) sign consists of three (3) or fewer individual businesses, then each business may be identified on the free standing sign. Such signs shall be encouraged as a means of reducing the need for additional signage on the face of the buildings.

(g) **Free Standing Individual**

**Business Signs:** Free standing signs which identify a building, business, profession or industry not associated with a business center.

(1) **Size and Height:** See "Free Standing Signs" above.

(2) **Location:** In all business and industrial zones, not less than one (1) foot inside the property line.

(3) **Other Restrictions:**

No more than one (1) such sign may be displayed on a legal parcel or lot. However, in the event that such parcel on which the individual business is located has two (2) or more street frontages, each of which has two hundred (200) feet or more, an additional sign shall be allowed for each such frontage. See also, "Directory Signs - Other Restrictions."

(h) **Gasoline Price Signs:** On premise signs identifying the brand and/or type and price of gasoline sold.

(1) **Size:** Governed by State law, however, the City recommends that these not exceed twelve (12) square feet in sign area unless dictated by law.

feet.

(2) **Height:** Eight (8)

(3) **Location:** In all business and industrial zones.

(4) **Other Restrictions:** Such signs shall be mounted as specified by law and shall be mounted in such a fashion that they are in a unified sign display.

(i) **Off-Premises Signs:** Signs identifying a business activity, property, or product at some location other than where the sign is displayed.

(1) **Size:** Shall not exceed twelve (12) square feet in sign area for a sign mounted flat on a building, or twenty-five (25) square feet for a free standing sign.

(2) **Height:** Shall not exceed eight (8) feet if free standing.

(3) **Location:** In all business and industrial zones.

(4) **Other Restrictions:** Such signs may only identify a building, business, profession, or industry not fronting on any road or street, but only having a vehicle access to a road or street by means of an easement. Only one such sign should be displayed for each building, business, profession or industry. See also, "Directory Signs - Other Restrictions."

(j) **On-Building Identification Signs:** Permanent signs mounted flat on a building which identify a building and/or which identify one or more businesses, professions, or industries conducted on the premises. Such signs shall be allowed as long as no more than three (3) signs for identification purposes are provided for any business, profession, or industry. For further definition, see subsection (D) (4) (e).

(1) **Size:** Shall be computed as part of the allowable one hundred twenty (120) square feet of signage.

(2) **Height:** Shall not exceed above the roof of the same building upon which the sign is placed or displayed.

(3) **Location:** In all business or industrial zones.

(4) **Other Restrictions:** Only one (1) on building identification sign shall be displayed per side of a commercial or industrial building with no more than four (4) such signs per building. In no event shall such signs face onto a residential area. The Executive Director may issue a temporary permit, not to exceed ninety (90) days, for provision of temporary signs until such time as permanent signs can be installed on buildings. Such temporary signs shall be governed by all of the rules

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and regulations specified in this Section.

(k) **Parking Lot Signs:** Signs placed or displayed in parking lots to supply information to people using such lots, including such information in respect to liability, entry, exit, and directional information, as necessary to facilitate the safe movement of vehicles served by the parking area. Handicap parking provision signs are also covered under this subsection. Such signs are not intended to be advertising signs.

(1) **Size:** Shall not exceed four (4) square feet in area.

(2) **Height:** Shall not exceed eight (8) feet, unless there are extenuating circumstances requiring identification of handicapped stall locations, as a result of changes in topography, or ground level, that do not permit handicapped persons access to visibility of such signs upon entry to parking lot areas.

(3) **Location:** In all business and industrial zones, or on public use sites located in residential zones.

(4) **Other Restrictions:** Not applicable.

(l) **Portable Signs:** A temporary sign designed to be moved from place to place - not permanently affixed to a building, structure, or the ground.

(1) **Size:** Shall not exceed thirty-two (32) square feet of sign area.

(2) **Height:** Shall not exceed six (6) feet.

(3) **Location:** In "LB" Local Business Districts and "GB" General Business Districts, and never closer than three (3) feet to a street right-of-way line.

(4) **Other Restrictions:** Notwithstanding any other provisions of this Section, a permit for a portable sign shall not be issued unless such sign has been approved by the Executive Director, and is in conformance with Chapter 90 (Building Code). Under no circumstances shall portable signs have flashing or intermittent lights, be animated, display words such as "stop, slow, go, caution" or be shaped like a traffic sign. All portable signs shall be anchored with chains, attached to bolts embedded in the ground. The time period for the sign shall not exceed thirty (30) days and the time period shall be noted on the application for the permit. (See Sec. 80.35(C)(10) for locating Portable signs in business districts and Sec. 80.35(C)(11) for locating Portable signs in residence districts.)

(m) **Projecting Signs:** A sign characterized by its attachment at an angle to the

face of the building as opposed to being mounted flat on the surface of a building.

(1) **Size:** The area of such signs shall be in accordance with subsection (D) (4) (i). Such signs shall be counted as part of the total sign allowance on a particular site. Such signs shall be discouraged where it is possible to provide adequate signage flat against a building and below the roof line of a building. In no event shall such signs extend above the roof line of a building.

(2) **Height:** Shall not exceed the height of the building as measured to the top of roof or mansard.

(3) **Location:** In all business and industrial zones.

(4) **Other Restrictions:** Notwithstanding any other provisions of this Section, a permit for a projecting sign shall not be issued unless such sign has been approved by the Building Inspector and in conformance with the Building Code.

(n) **Time and Temperature Signs:** Signs displaying the time or the temperature, or both.

(1) **Size:** Shall not exceed eight (8) square feet if free standing.

(2) **Location:** In all business and industrial zones.

(3) **Other Restrictions:** If mounted on building, the top of such sign shall not extend above the roof line of the building on which it is displayed. The sign area shall be computed as part of the total signage allowance for each business, profession, or industry being identified.

(o) **Under Canopy Signs:** Signs suspended no lower than eight (8) feet above a walkway, under a canopy of a building, which identifies a business, profession, or industry conducted on the premises. Shall be computed as part of the total allowable sign area.

(1) **Size:** Shall not exceed four (4) square feet in sign area per face.

(2) **Height:** Such sign shall extend no lower than eight (8) feet above the area over which it is suspended.

(3) **Location:** In all business and industrial zones.

(4) **Other Restrictions:** Such signs shall identify only a building, business, profession, or industry. Only one (1) such sign shall be displayed per entrance.

### (E) Signs Prohibited in all Zones.

(1) **Bus Bench Signs:** Signs located

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on benches or other similar structures provided for the use of passengers along the route of a bus are prohibited.

(2) **Flashing Signs:** Signs containing lights which flash, blink or which give the appearance of the same are prohibited, except for Time and Temperature Signs as allowed by subsection (D)(4)(n).

(3) **Moving or Rotating Signs:** Signs designed to move or rotate in whole or in part are prohibited, except for Barber Poles as allowed in Sec. (D)(4)(b).

(4) **Off Premises Advertising Signs:** Signs used to advertise the availability of goods, property or services at locations other than the premises on which the sign is located are prohibited, except for Advertising Signs or Billboards as allowed by subsection (D)(4)(a) and Subdivisional Directional Signs, and Off-Premise Signs as allowed by subsection (D)(4)(i).

(5) **Portable Signs:** Sandwich board "A" frame signs are prohibited, either on the ground or carried by a person.

(6) **Roof Signs:** Signs which project above the roof line of the building are prohibited.

(7) **Signs Interfering with Traffic Safety:** Signs adversely affecting vehicular traffic and pedestrian safety are prohibited.

(8) **Vehicle Signs:** Signs placed or displayed on vehicles parked primarily for the purpose of displaying the sign are prohibited, except for such signs as required or permitted by law.

(9) **Obsolete Signs:** Signs no longer identifying a business, profession, or industry that they were intending to identify. Such signs shall be removed within 90 days following the dissolution of a business, professional office, or industrial activity.

### (F) Permit Procedures.

All signs identified by this chapter as requiring the issuance of a permit, shall be governed by the criteria for permit applications established by the Plan Commission.

(1) **Criteria for all Signs Requiring a Permit:** A permit application for a sign otherwise in compliance with this Section shall be approved if said sign complies with the following criteria:

(a) The sign should serve primarily to identify the business, the establishment, or the type of activity conducted on the same premises, of the project, service or interest being offered for sale, lease or rent thereon, except as otherwise specifically provided above.

(b) Illumination of signs, where not specifically prohibited by this chapter, should be

at a level consistent with adequate identification and readability.

(c) Signs requiring approval of the Board of Zoning Appeals for Special Exceptions in Sec. 80.25 or Temporary Uses set forth in Subsection (C)(10)(11) and (12) of Sec. 80.35 must first receive the Board's approval.

(d) Appropriate fees have been paid.

### (2) **Permit Application Procedure:**

(a) **When a Sign Permit is Required:** Applicants are required to apply for permits prior to undertaking any construction.

(b) **Sign Program:** Only one sign permit shall be required for each sign program. Applicants shall be encouraged to provide a sign program as opposed to obtaining single permits for groups of businesses, professional offices, or industrial complexes.

(c) **Application:** Application shall be made on an application form provided by the Executive Director.

(3) **Sign Permit Application and Fees:** Before a sign permit application is approved, the applicant must submit information to the Executive Director, as specified in the permit procedures required under subsection (F) (1) and post required fees.

(4) **Duration of Permit:** All permits are good for the life of the sign except for permits for those signs which are expressly specified as temporary signs pursuant to this Section.

(5) **Nullity of Permit:** A sign permit shall become null and void if the sign or sign program for which the permit was issued has not been installed within twelve (12) months of issuance of said permit.

### (G) Revocation of Permit.

After notice and public hearing, any sign permit granted in accordance with the provisions of this Section may be revoked upon a finding by the Board of Zoning Appeals, that the sign, or sign program, for which the permit was granted advertises the availability or sale of goods, property or services no longer available, or is constructed, installed or maintained in a manner that is not in accordance with the approved application.

## Section 80.39: PARKING AND STORAGE OF CERTAIN VEHICLES

(A) **Automotive vehicles.** Automotive vehicles or trailers of any type without current license plates or in an inoperable condition so as to

## CHAPTER 80: AREA ZONING CODE

be deemed dead storage shall be prohibited in residential districts other than in completely enclosed buildings and shall not be parked or stored in any district unless specifically authorized.

(B) **Commercial vehicles.** The parking of a commercial self-propelled vehicle in residential zone districts shall be prohibited, except that one commercial vehicle of not more than three tons capacity may be parked on any lot on which there is located a principal building, provided such vehicle is parked in an enclosed garage, accessory building, or rear yard and is used by a resident of the premises. This requirement shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in any residential district.

### Sec. 80.40: ADMINISTRATION

#### (A) Enforcement Officer - Responsibility of the Executive Director.

(1) The official assigned to administer and enforce the provisions of this chapter is designated the Executive Director. He shall be appointed in accordance with the provisions of I.C. 36-7-4-311(b). The authority to perform inspections, review applications, and issue permits may be delegated to such other officials as authorized by the Executive Director. In the performance of these functions the Executive Director and such other officials shall be responsible to the Plan Commission and the Board of Zoning Appeals for matters pertaining to Planning and Zoning.

(2) If the Executive Director shall find that any of the provisions of this chapter are being violated, he shall notify in writing the person responsible for the violations, indicating the nature of the violation and ordering the action necessary to correct it. A copy of this notification shall be forthwith sent to the Plan Commission Attorney. He shall order discontinuance of illegal use of land, buildings or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by law to insure compliance with or to prevent violations of the provisions of this chapter.

(3) It is the intent of this chapter that all questions of interpretation of provisions of this chapter be first presented to the Executive Director. Recourse from the decision of the Executive Director (on matters pertaining to zoning) shall be

only to the Board of Zoning Appeals, and recourse from the decision of the Board shall be to the courts as provided by law.

(B) **Improvement Location Permits.** Within the jurisdiction of the Franklin County Area Plan Commission, no structure, improvement, or use of land may be altered, changed, placed, erected, or located on platted or unplatted lands, unless the structure, improvement, or use, and its location, conform with the Area Zoning Code of Franklin County, Indiana, 1988, as amended, and an Improvement Location Permit for such structure, improvement, or use has been obtained from the Executive Director by the owner(s) of the property or by his agent.

#### (1) Compliance.

The Executive Director shall issue an Improvement Location Permit, upon written application, when the proposed structure, improvement or use and its location conform in all respects to the Area Zoning Code of Franklin County, Indiana.

#### (2) Comprehensive Plan.

The Executive Director shall be guided by and give consideration to the policies and directives of the Area Comprehensive Plan and Thoroughfare Plan of Franklin County, Indiana, prior to the issuance of any Improvement Location Permit.

(C) **Application for Improvement Location Permit.** Any person, who shall make application for an Improvement Location Permit, shall, at the time of making such application, furnish a site plan or development plan of the real estate upon which said application for an Improvement Location Permit is made at least five (5) days prior to the issuance of said Improvement Location Permit, which five (5) days period may be waived. Said site plan shall be drawn to scale showing the following items:

(1) Legal or site description of the real estate involved including acreage.

(2) Location and size of all buildings and structures.

(3) Width and length of all entrances and exits to and from said real estate.

(4) All adjacent and adjoining roads or highways.

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(5) Lot number and area in square feet.

(6) Actual shape and dimensions of the lot to be built upon.

(7) Front, side and rear yard lines and their distance from the street or Lot Line.

(8) Number of families or housekeeping units the building is designed to accommodate and such other information in regard to the lot and neighboring lots and their use as may be necessary to determine and provide for the enforcement of the provisions of this Code.

(9) Any other items required by this Code.

Applications including site plans or development plans so furnished shall be filed and shall become a permanent record of the Plan Commission.

**(D) Relocation of Proposed Building, Structure, or Exit.** The Executive Director may require the relocation of any proposed building or structure or exit or entrance shown on the site plan or the location of new exits or entrances not shown on the site plan before issuing an Improvement Location Permit when such action is necessary to carry out the purpose and intent of the Zoning Code.

**(E) Certificate of Compliance for Industrial Uses.** Any application for an Improvement Location Permit for any use subject to the provisions of Sections 80.18 and 80.19 of this Chapter shall be accompanied by a "Certificate of Compliance" subscribed by a registered professional engineer of the State of Indiana, certifying that the use intended will satisfy the performance standards of the open industrial use or enclosed industrial use, as the case may be, and in the district in which it is to be located. The Executive Director may take ten (10) days in which to study the application, during which time he may consult with appropriate technical consultants. If, after the ten (10) day period, the Executive Director has not required any additional information or stated any objection in writing, the Executive Director shall issue the Improvement Location Permit.

**(F) Basic Duties of Executive Director.**

(1) Issue in the name of the Board of Zoning Appeals improvement location permits and certificates of occupancy and maintain records thereof.

(2) Conduct inspections of buildings, structures, and use of land to determine compliance with the terms of this chapter, and report the findings and violations to the Plan Commission and Board for the purpose of ordering compliance thereof.

(3) Provide interpretation of the Comprehensive Plan, Thoroughfare Plan, Chapter 81 Subdivision Control Plan, and the Area Zoning Code when necessary and such technical and clerical assistance as the Commission and Board may require.

(4) Provide and maintain a public information service relative to all matters arising out of the Comprehensive Plan, Thoroughfare Plan, Chapter 81 Subdivision Control Plan, and the Area Zoning Code.

(5) Maintain permanent and current records of the Comprehensive Plan, Thoroughfare Plan, Chapter 81 Subdivision Control Plan, and the Area Zoning Code, including but not limited to, all maps, amendments, improvement location permits, certificates of occupancy, variances, special exceptions, and appeals, and applications therefore, and records of hearings thereon.

(6) Review all applications for improvement location permits and subdivisions to ascertain as to whether the proposed use lies in a flood hazard area as defined in this Code. If the proposed use is found to lie in such an area, the Executive Director will enforce the requirements set forth in this Code in the event that any structures involved are not directly covered by Chapter 90 Building Code regulations.

(7) The Executive Director, during his review of improvement location permits and building permits, shall assure that all national flood insurance program regulations pertaining to state and federal permits, subdivision review, mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

(8) Upon application the Executive

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Director may issue a Temporary Improvement Location Permit for the display of pennants and other similar attracting devices in connection with a special promotional program for an open-air business. (See Sec. 80.35(D)(4) and Sec. 80.33(A)(6).)

(a) During a seven (7) consecutive day period related to a special event.

(b) For use twice during any twelve (12) month period, in conjunction with a promotional sales or service program, each period not to exceed three (3) weeks in duration, and to be separated from any other such period by not less than four (4) weeks.

(G) Site Plans Must Be Filed For Record. Site plans so furnished shall be filed and shall become a permanent public record.

(H) Special Exception. The Executive Director shall issue an Improvement Location Permit for a special exception only following receipt of notice from the Board that the application therefore has been approved by the Board.

(I) Certificate of Occupancy. No land shall be occupied or used and no building hereafter erected, reconstructed, or structurally altered shall be occupied or used, in whole or in part, for any purpose whatsoever, until a Certificate of Occupancy shall have been issued stating that the building and use comply with all of the provisions of this Code applicable to the building or premises of the use in the district in which it is to be located.

(J) Completion of Improvements. On completion of the improvement covered by the improvement location permit, the Executive Director shall cause an inspection of the premises, and, if this inspection shall reveal that the improvement has been completed in substantial conformity with the site plan or development plan, and certificate of compliance when required, submitted in the application pursuant to Subsection (C) of this Section, a Certificate of Occupancy shall then be issued, provided that compliance with all requirements of Chapter 90 (Building Code) and other applicable requirements of the Code of Ordinances of Franklin County, Indiana, and the respective participating Town have been adhered to.

(K) Temporary Certificate. A temporary Certificate of Occupancy may be issued by the Executive Director after application has been made

for completed portions of a development plan which has been approved as a special exception, provided that a Certificate of Occupancy is required upon completion of the total development plan.

(L) Change of Use. No change shall be made in the use of land (except an agricultural use) or in the use of any building or part thereof, now or hereafter erected, reconstructed or structurally altered, without a Certificate of Occupancy having been issued, and no such certificate shall be issued to make such change unless it is in conformity with the provisions of this Code.

(M) Coincidental Application. A Certificate of Occupancy shall be applied for coincidentally with the application for an Improvement Location Permit and shall be issued within ten (10) days after the lawful erection, reconstruction or structural alteration of such building or other improvement of the land shall have been completed.

(N) Certificates of Occupancy Filed for Record. A record of all Certificates of Occupancy shall be kept on file in the office of the Area Plan Commission and copies shall be furnished upon request to any person having a proprietary or tenancy interest in the building or land affected.

(O) Excavations. No Improvement Location Permit shall be issued for excavation or for the erection, reconstruction or structural alteration of any building, before application has been made for a Certificate of Occupancy.

(P) Health Requirements. An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed Use meets the minimum standards for a sewage disposal system and water supply system as required by the Health Officer. No Certificate of Occupancy shall be issued for a commercial or industrial structure or for any other applicable use until the plans for such structure shall have been approved by the Department of Fire Prevention and Building Services of the State of Indiana.

(Q) Time Limit. The work or use authorized by an Improvement Location Permit, Certificate of Occupancy or Permit for a variance, contingent use or other Permit, except for a special exception, must be commenced within six (6) months of the date of issuance of such certificate or permit; otherwise, the same shall lapse and become

The fee of a Change of Use is \$50.00.  
Amended Ordinance # 1999-18, approved on 15<sup>th</sup> day of November, 1999.

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null and void. All work so authorized shall be completed within twelve (12) months from the issuance of the certificate or permit therefore, except for a special exception and provided that for good cause shown, the Executive Director can extend the completion of time.

(R) **Soil and Drainage Conditions Met.** An application for an Improvement Location Permit for any use shall not be approved until it has been ascertained by the Executive Director that the proposed use meets the applicable criteria set forth in Sec. 80.46 for the lot or tract of land concerning types of soils involved and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage. Also, the Executive Director must be satisfied that any requirements of the County Surveyor, the Indiana Drainage Code, and the respective Town Board have been met before approving applications for Improvement Location Permits.

(S) **Temporary Improvement Location Permit.** A Temporary Location Permit may be issued by the Executive Director after application has been made for a temporary use authorized by this Code. (See Sec. 80.35 and 80.36.)

(T) **Issuance of Permits.** Any permits authorized by the Executive Director, including but not limited to Improvement Location Permits, permitting the erection, alteration or relocation of structures and other improvements within the jurisdiction of the Area Plan Commission, shall be issued only if, in addition to satisfying the requirements of the Area Zoning Code of Franklin County, Indiana, the proposed street right-of-way as set forth in the Thoroughfare Plan will be protected from encroachment. In this instance, the proposed street right-of-way lines will be considered as the front lines of lots and tracts bordering such street, subject to Building Setback Lines as set forth in Sec. 80.26.

(U) **Erroneously Issued Permits - Restrictive Covenants.** The issuance of an Improvement Location Permit and/or a Certificate of Occupancy in no way validates such a permit or certificate in the event that same is erroneously issued or does not comply with applicable laws and the Code of Ordinances of Franklin County, Indiana, or the respective participating Towns. Furthermore, the issuance of an Improvement Location Permit and/or a Certificate of Occupancy in no way permits the violation of any restrictive covenants

relative to the real estate. (See Sec. 80.45(B).)

(V) **Proper Compliance.** The Executive Director shall review all development (and subdivision) proposals to assure compliance with the flood plain district requirements of this Chapter. All development applications for uses located in the flood plain district which are not permitted by right (see Sec. 80.20) will require the review and approval by Natural Resources prior to the issuance of an Improvement Location Permit or Building Permit. The Executive Director shall forward all these specifications, along with plans and specifications, to Natural Resources for review and comment.

The Executive Director, during his review of Improvement Location Permits, shall assure that all National Flood Insurance Program regulations pertaining to State and Federal permits, (subdivision review), mobile home tie-down standards, utility construction, record keeping (including lowest floor elevations), and water course alteration and maintenance have been met.

(W) **Certain Requirements Regarding Real Estate Transfers.** All offers for the sale of real estate shall be accompanied by a description setting forth the zoning classification and permitted uses of the real estate being offered for sale, which description shall be provided by the seller or his agent.

### **Section 80.41: ESTABLISHMENT OF AREA BOARD OF ZONING APPEALS**

(A) **Establishment and membership.** A five-member Area Board of Zoning Appeals is established with membership, appointment, and terms and vacancies as provided in accordance with IC 36-7-4-901, IC 36-7-4-902, IC 36-7-4-905, IC 36-7-4-906, and IC 36-7-4-907.

(B) **Conflict of Interest.** A member of the Board may not participate in a hearing or decision of that Board concerning a zoning matter in which he has a direct or indirect financial interest. The Board shall enter in its records:

(1) The fact that a regular member has such a disqualification; and

(2) The name of the alternate member, if any, who participates in the hearing or decision in place of the regular member.

(C) **Quorum.** A quorum consists of a majority of the entire membership of the Board.

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(D) **Official action.** Action of the Board is not official, unless it is authorized by a majority of the entire membership of the Board.

### Section 80.42: ORGANIZATION AND RULES OF AREA BOARD OF ZONING APPEALS

(A) **Election of officers and employees.** At the first meeting of each year, the Board shall elect a Chairman and a Vice Chairman from among its members, and it may appoint a Secretary and such employees as are necessary for the discharge of its duties.

(B) **Meetings.** All meetings of the Board shall be open to the public.

(C) **Facilities.** The plan commission shall provide for suitable facilities for the holding of Board's hearings and for the preserving of records, documents, and accounts.

(D) **Minutes.** The board of zoning appeals shall keep minutes of its proceedings and record the vote on all actions taken. All minutes and records shall be filed in the office of the board and are public records. The board shall in all cases heard by it make written findings of fact.

#### (E) **Rules.**

(1) The Board shall adopt rules, which may not conflict with the zoning code, concerning:

- (a) The filing of appeals;
- (b) The application for variances, contingent uses, and special exceptions (conditional uses);
- (c) The giving of notice;
- (d) The conduct of hearings;

and

(e) The determination of whether a variance application is for a variance of use or for a variance from the development standards (such as height, bulk, or area).

(2) The Board may also adopt rule providing for:

- (a) The allocation of cases filed;
- (b) The fixing of dates for hearings.

(3) Rules adopted by the Board shall be printed and be made available to all applicants and other interested persons.

### Section 80.43: POWERS AND DUTIES OF AREA BOARD OF ZONING APPEALS

(A) **Appeals jurisdiction.** The Board shall hear and determine appeals from and review:

(1) Any order, requirement, decision, or determination made by an administrative official, or staff member under this Code;

(2) Any order, requirement, decision, or determination made by an administrative board or other body except a plan commission in relation to the enforcement of this Code;

(3) Any order, requirement, decision, or determination made by an administrative board or other body except the Plan Commission in relation to the enforcement of this Code requiring the procurement of an Improvement Location Permit or Certificate of Occupancy.

(B) **Exceptions and uses.** The Board shall approve or deny all special exceptions (conditional uses), contingent uses and exceptions from the terms of this Code, but only in the classes of cases of in the particular situations specified in this Code. The Board may impose reasonable conditions as a part of its approval.

### Section 80.44: VARIANCES, APPEALS TO BOARD, HEARINGS, AND FINDINGS OF FACT

(A) **Variances from use district or classification not granted.** Neither the area board of zoning appeals nor any other board of zoning appeals continued in existence under the area planning law may grant a variance from a use district or classification under the area planning law.

(B) **Variances from development standards of zoning code.** A board of zoning appeals shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning code. A variance may be approved under this section only upon a determination in writing that:

(1) The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(2) The use and value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner; and

(3) The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.

**FIGURE 1. LOT AND YARD REQUIREMENTS  
FRANKLIN COUNTY, INDIANA: AREA ZONING CODE**

LOT AREA, GROUND FLOOR AREA, LOT WIDTH, LOT COVERAGE, MINIMUM YARD REQUIREMENTS, AND OTHER DEVELOPMENT STANDARDS FOR DWELLINGS, BUSINESSES AND INDUSTRIAL USES

DISTRICT & TYPE OF DWELLING UNIT	MINIMUM LOT AREA	MINIMUM LOT AREA PER DWELLING UNIT	MINIMUM GROUND FLOOR AREA	MINIMUM LOT WIDTH	MAXIMUM LOT COVERAGE	MINIMUM DEPTH FRONT YARD	MINIMUM WIDTH SIDE YARD (ONE)	MINIMUM DEPTH REAR YARD	AGGREGATE OR BOTH SIDE YARDS AS % OF TOTAL WIDTH	NORMAL MAXIMUM BUILDING HEIGHT
	SQUARE FEET	SQUARE FEET	SQUARE FEET	FEET	% OF LOT	FEET	FEET OR %	FEET	%	FEET
<b>A-1 PRIME AGRICULTURE</b> Single-family Dwelling: Manufactured Home:	130,680 (3 acres)	130,680 (3 acres)	960 800 two-story	300	10	50	10% of Req. Lot Width	30	20% of actual Lot Width	25
<b>A-2 SECONDARY AGRICULTURE</b> Single-family Dwelling: Manufactured Home: Two-family Dwelling:	43,560 (1 acre) 15,000 if common sewer is utilized 87,120 (2 acres) 30,000 if common sewer is utilized	43,560 (1 acre) 15,000 if common sewer is utilized 43,560 (1 acre) 15,000 if common sewer is utilized	960 800 two-story 1,440 one-story 960 two-story 1,440 one-story 960 two-story	150 100 200 150	20 20 20	50 50 50	10% of Req. Lot Width 10% of Req. Lot Width	15 15	20% of actual Lot Width 20% of actual Lot Width	25 25 25
<b>RE RECREATION</b> Single-family Dwelling: Manufactured Home: Two-family Dwelling:	43,560 (1 acre) 15,000 if common sewer is utilized 87,120 (2 acres) 30,000 if common sewer is utilized	43,560 (1 acre) 15,000 if common sewer is utilized 43,560 (1 acre) 15,000 if common sewer is utilized	960 960 1,440 one-story 960 two-story 1,440 one-story 960 two-story	150 100 200 150	20 20 20	50 50 50	10% of Req. Lot Width 10% of Req. Lot Width	15 15	20% of actual Lot Width 20% of actual Lot Width	25 25 25
<b>R-1 SINGLE-FAMILY RESIDENCE</b> Single-family Dwelling: Manufactured Home:	43,560 (1 acre) 10,000 if common sewer is utilized	43,560 (1 acre) 10,000 if common sewer is utilized	* 1,450 one-story 900 two-story (Total floor area not less than 1,450)	150 100	25 25	35 35	10% of Req. Lot Width	15 15	20% of actual Lot Width	25 25
<b>R-2 SINGLE-FAMILY AND TWO-FAMILY RESIDENCE</b> Single-family Dwelling: Manufactured Home: Two-family Dwelling:	16,000 8,000 if common sewer is utilized 20,000 12,000 if common sewer is utilized	16,000 8,000 if common sewer is utilized 10,000 6,000 if common sewer is utilized	1,250 800 two-story 1,440 one-story 960 two-story 1,440 one-story 960 two-story (Total floor area not less than 1,250)	100 80 100 80	30 30 25 25	25 25 25	10% of Req. Lot Width 10% of Req. Lot Width 10% of Req. Lot Width	10-10 15 12	20% of actual Lot Width 20% of actual Lot Width 20% of actual Lot Width	25 25 25
<b>R-3 MULTI-FAMILY RESIDENCE</b> Single-family Dwelling: Manufactured Home: Two-family Dwelling: Multi-family Dwelling:	10,000 5,000 if common sewer is utilized 20,000 6,000 if common sewer is utilized 9,000 (for first three dwelling units) plus 1,500 for each additional unit-if common sewer is utilized	10,000 5,000 if common sewer is utilized 20,000 3,000 if common sewer is utilized 3,000 per unit for first three units, plus 1,500 for each additional unit. Sewer required.	960 800 two-story 1,440 one-story 960 two-story 1,440 one-story 960 two-story 1,440, plus additional 400 for each unit over first four units. Sewer required.	60 40 80 60 80	25 50 30 60 70	25 25 25	10% of Req. Lot Width 10% of Req. Lot Width 10% of Req. Lot Width 10% of Req. Lot Width	10-5 15 6 8	20% of actual Lot Width 20% of actual Lot Width 20% of actual Lot Width 20% of actual Lot Width	35 35 35 35
INFORMATION IN THESE COLUMNS REFER TO BUSINESS AND INDUSTRIAL DISTRICT REQUIREMENTS FOR VARIOUS TYPES OF USES DENOTED BY THE NAMES OF THE DISTRICTS AND THEIR YARD AND HEIGHT REQUIREMENTS.										
	DISTRICTS IN WHICH THIS TYPE OF USE IS PERMITTED	MINIMUM DEPTH FRONT YARD	MINIMUM DEPTH REAR YARD	MINIMUM LOT WIDTH	MINIMUM SIDE YARD WHERE BUSINESS OR INDUSTRIAL DISTRICT ADJOINS RESIDENCE DISTRICT WITHIN BLOCK FRONTAGE	MINIMUM SIDE YARD ALONG SIDE STREET LINE OF CORNER LOT WHERE BLOCK (OR TRACT) IS ADJOINED BY RESIDENCE DISTRICT	MINIMUM SIDE YARD IN BLOCKS NOT INCLUDING RESIDENCE DISTRICT	NORMAL MAXIMUM BUILDING HEIGHT		
<b>LB LOCAL BUSINESS DISTRICT</b> Local Business Uses: Single-family Dwelling: Two-family Dwelling: Multi-family Dwelling: Manufactured Home:	LB, PB, GB & I-2	LB: 15 PB: 80 GB: 0 I-2: 15	15	LB: 50 PB: 100 GB: 50 I-2: 50	10	LB, GB, & I-2: 5 PB: see Sec. 80.16(A)(3)	PB: 20 LB & I-2: 5 GB: 0	LB & PB: 35 GB & I-2: 60		
<b>PB PLANNED BUSINESS</b> Planned Business Uses: Single-family Dwelling: Two-family Dwelling: Multi-family Dwelling: Manufactured Home:	PB	80	25	100	20	PB: see Sec. 80.16(A)(3)	PB: 20	PB: 35		
<b>GB GENERAL BUSINESS DISTRICT</b> General Business Uses: Single-family Dwelling: Two-family Dwelling: Multi-family Dwelling: Manufactured Home:	GB & I-2 Some General Business Uses are permitted in PB District	GB: 0 I-2: 15	15	50	10	GB & I-2: 5	GB: 0 I-2: 5	GB & I-2: 60		
<b>I-1 ENCLOSED INDUSTRIAL</b> Enclosed Industrial Uses: (no business uses) Single-family Dwelling: Manufactured Home:	I-1 & I-2	50	20	I-1: 100 I-2: 100	10	I-1: 10 I-2: 5	I-1: 10 I-2: 5	I-1 & I-2: 60		
<b>I-2 OPEN INDUSTRIAL</b> Open Industrial Use: (no dwellings)	I-2	15	10	I-1: 100	10	I-2: 5	I-2: 5	I-2: 60		
<b>UD UNIT DEVELOPMENT PLAN</b>	Special provisions for dwellings and other types of Uses: See Sec. 80.21.									
<b>HD HISTORICAL DISTRICT</b>	Overlapping type of district: See Sec. 80.22.									
<b>FP FLOOD PLAIN DISTRICT</b>	Special provisions. Dwellings not permitted. See Sec. 80.20.									
<b>WD WHITEWATER RIVER SCENIC</b>	Overlapping type of district: See Sec. 80.23.									
NOTE: Business Uses in the PB District require approval of the Executive Director in accordance with special provisions; or by the Board of Zoning Appeals in certain cases.										
*County Commissioners, Ord. No. 1995-3, passed Mar. 13, '95; Brookville Mar 28, '95; Oldenburg May 1, '95; Cedar Grove Apr 2, '95; Mt. Carmel Mar 20, '95; and Laurel Apr 30, '95.										
*County Commissioners, Ord. No. 1995-18, passed Oct 23, '95.										

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### (C) Appeals to Board - Grounds - Transmission of record - Disposition.

(1) An appeal filed with the Board must specify the grounds of the appeal and must be filed within such time and in such form as may be prescribed by the Board by rule.

(2) The Executive Director, administrative board, or other body from whom the appeal is taken shall, on the request of the board of zoning appeals, transmit to it all documents, plans, and papers constituting the record of the action from which an appeal was taken.

(3) Certified copies of the documents, plans, and papers constituting the record may be transmitted for purposes of subsection (b).

(4) Upon appeal, the board may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the board has all the powers of the official, officer, board, or body from which the appeal is taken.

(5) The board shall make a decision on any matter that it is required to hear under the 900 series either:

(a) At the meeting at which that matter is first presented; or

(b) At the conclusion of the hearing on that matter, if it is continued.

(6) Within five (5) days after making any decision under the 900 series, the board of zoning appeals shall file in the office of the board a copy of its decision.

### (D) Hearing of appeals, exceptions, uses, and variances - Notice - Costs - Appearances.

(1) The Board shall fix a reasonable time for the hearing of administrative appeals, exceptions, uses, and variances.

(2) Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.

(3) The party taking the appeal, or applying for the exception, use, or variance, shall be required to assume the cost of public notice and due notice to interested parties. At the hearing, each party may appear in person, by agent, or by attorney.

(4) The board shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

(5) The Plan Commission staff (as defined in Sec. 80.47), may appear before the Board at the hearing and present evidence in support of or in opposition to the granting of a variance or the determination of any other matter.

(6) Other persons may appear and present relevant evidence.

(7) A person may not communicate with any member of the Board before the hearing with intent to influence the member's action on a matter pending before the Board. Not less than five (5) days before the hearing, however, the Plan Commission staff, may file with the board a written statement setting forth any facts or opinions relating to the matter.

(8) The Board may require any party adverse to any pending petition to enter a written appearance specifying the party's name and address. If the written appearance is entered more than four (4) days before the hearing, the Board may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.

(E) Variances in FP District. Applications for variances to the provisions of this Chapter concerning an Improvement Location Permit (or Building Permit) for a use located in the FP district shall be forwarded to Natural Resources for review and comment. All terms and conditions imposed by Natural Resources shall be incorporated into the issuance of any such Permits. 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 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 excessive flood insurance premium.

(F) Findings of Fact. Where a request for a variance from this Code is sought, not only must the written determinations be set out as required, but findings of fact which support these determinations must be set out also. The Board must specify by factual findings or by a statement of reasons the basis for denial of a variance requested by a petitioner.

### Section 80.45: GENERAL PROVISIONS

(A) Interpretation. In interpreting and applying the provisions of this Chapter, they shall be held to

## CHAPTER 80: AREA ZONING CODE

be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare. The Franklin County Area Plan Commission has given consideration to the existing and future probable use of land in the territory affected by this Chapter, and has prepared a comprehensive plan showing the future development of this area, which has served as a guide in the preparation of this Chapter.

**(B) Non-Interference With Greater Restrictions Otherwise Imposed.** It is not intended by this Chapter to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, nor any ordinances, rules, regulations or permits previously adopted or issued and which are not in conflict with any of the provisions of this Chapter, except that, where this Chapter imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces or greater lot area per family, than are required or imposed by such easements, covenants, or agreements between parties, or by such ordinance, rules, regulations or permits, the provisions of this Chapter shall control.

**(C) Use.** No building or land shall be used and shall be erected, reconstructed or structurally altered, which is arranged, intended or designed to be used for any purpose other than a use which is permitted and specified in a district in which such building or land is located.

**(D) Height.** No building shall be erected, reconstructed or structurally altered to exceed in height the limits established and specified for the use and the district in which such building is located. (See Sec. 80.32.)

**(E) Yard, Lot Area and Size of Building.** No building shall be erected, reconstructed or structurally altered in any manner which will encroach upon, or reduce in any manner, the yards, lot acre per family, ground floor area of dwellings, or lot coverage provisions established and specified for the use and the district in which such building is located.

**(F) Parking Space: Loading and Unloading Berths.** For each building hereafter erected and for certain other uses of land, parking spaces for motor vehicles and loading and unloading berths as specified for the use to which such building or land is to be devoted shall be provided, except that parking spaces may not be required for certain

business or industrial structures in accordance with the provisions of Sec. 80.37(B)(13), but it is the intent of this Code to encourage the establishment of adequate parking spaces wherever normally required by this Chapter.

**(G) Building Relocated.** No building or structure shall be moved from one lot or premises to another unless such building and lot shall thereupon conform to all the regulations of the zone district to which such building shall be moved.

**(H) Farms Exempt.** \*All farming operations, including but not limited to non-commercial grain elevators, produce stands, roadside sales structure for the sale of products raised on the farm and restricted commercial farm enterprises including (confined feeding operations) land, farm barns, farm outbuildings or other buildings, structures or erections which are adapted, by reason of nature and area, for use for agricultural purposes as a primary means of livelihood or maintenance, while so used, shall not be effected by the restrictions or regulations of this Code. This exemption for farms does not apply to farm houses or farm dwellings which include dwellings for the farm owner, operator or farm assistants.

\*(Am. Ord. 1992-13, passed by County Commissioners Nov. 16, '92; Brookville Dec 22, '92; Oldenburg Jan 4, '93; Cedar Grove Dec 13, '92; Mt. Carmel Jan 18, '93; and Laurel Mar 6, '93.)

**(I) Public Utility Installations Exempt.** Structures and land used for public utility installations so defined herein, while so used, shall not be affected by restrictions or regulations of this Code; provided, however, terminal facilities and treatment plants or processing plants in residential developments are Contingent Uses, but a sewage treatment facility (primary use) is a Special Exception and is subject to the provisions of this Code.

**(J) Invalidity of Portions.** Should any section or provisions of this Code be declared, by a court of competent jurisdiction, to be invalid, such decision shall not affect the validity of the Code as a whole, or any portion thereof, other than the portion so declared to be invalid.

**(K) Amendments.** All amendments to or repealers of the Zoning Code shall be made in accordance with the provisions of IC 36-7-4.

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### Section 80.46: SOIL SURVEY, DRAINAGE, EROSION AND SEDIMENT CONTROL

Before an Improvement Location Permit or a Certificate of Occupancy shall be issued, the Executive Director shall be satisfied that the proposed use meets the applicable criteria set forth herein for the lot or tract of land concerning types of soils involved, and the conditions which are requisite to assure proper execution of erosion and sediment control and proper drainage. The Executive Director shall be guided by the information set forth in the findings in the NATIONAL COOPERATIVE SOIL SURVEY prepared by the USDA Soil Conservation Service in cooperation with the Purdue Experiment Station and the applicable County Soil and Water Conservation District, and the specifications set forth in Subsection (E) herein. The Executive Director shall also be guided by advice from the USDA Soil Conservation Service, Franklin County Surveyor Board, Indiana Department of Natural Resources - Division of Water, and other agencies or officials offering technical assistance on the subjects of soils, drainage, erosion and sediment control. The applicant shall provide the above information, report, or plan with his application, and additional expense necessary to ensure adequate information, report, or plan shall be met by the applicant.

(A) **Definitions.** Unless otherwise expressly stated, the following words shall, for the purposes of this Section, have the meaning herein stated. Words in the singular number include the singular. Present tense includes the future. The word "building" shall be deemed to include the word "structure."

(1) **Cut:** An excavation. The difference between a point on the original ground and a designated point of lower elevation on the final grade. Also, the material removed in excavation.

(2) **Erosion:** The removal of surface materials by the action of natural elements.

(3) **Excavation:** Any act by which earth, sand, gravel, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

(4) **Fill:** Any act by which earth,

sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom. The difference in elevation between a point on the original ground and a designated point of higher elevation on the final grade. The material used to make a fill.

(5) **Flood Plain:** See Sec. 80.47 Definitions.

(6) **Qualifying Tract:** Any tract where 20 or more cubic yards of earth is removed.

(7) **Runoff:** The surface water discharge or rate of discharge of a given watershed after a fall of rain or snow that does not enter the soil but runs off the surface of the land.

(8) **Runoff from a fully developed area upstream:** The surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract, as permitted by prevailing zoning or the comprehensive plan.

(9) **Sedimentation:** The process by which mineral or organic matter is accumulated or deposited by moving, wind, water, or gravity. Once this matter is deposited (or remains suspended in water), it is usually referred to as "sediment."

(10) **Slope:** The face of an embankment or cut section; any ground whose surface makes an angle with the plane of the horizon. Slopes are usually expressed in a percentage based upon vertical difference in feet per 100 feet or horizontal distance.

(11) **Soil Stabilization:** Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

(12) **Swale:** A low-lying stretch of land which gathers or carries surface water runoff.

(13) **Top Soil:** Surface soils and subsurface soils which presumably are fertile soils and soil material, ordinarily rich in organic matter of humus debris. Top soil is usually found in the uppermost soil layer called the "A Horizon."

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(14) **Watercourse:** A permanent stream; intermittent stream; river; brook; creek; channel or ditch for water whether natural or man-made.

### (B) Plan for Minimizing Erosion and Sedimentation.

(1) No changes shall be made in the contour of the land; or grading, excavating, removal or destruction of the top soil, trees or other vegetative cover of the land shall be commenced until such time that a plan for minimizing erosion and sedimentation has been reviewed by the Executive Director and there has been a determination by the Executive Director that such plans are not necessary.

(2) No development plan shall be approved unless there has been a plan approved by the Executive Director that provides for drainage and minimizing erosion and sedimentation consistent with this Section, and an improvement bond or other acceptable securities are deposited with the Board of County Commissioners or respective participating Town Board of Trustees, in the form of an escrow guarantee satisfactory for the planning which will ensure installation and completion of the required improvements; or there has been a determination by the Executive Director that a plan for drainage and minimizing erosion and sedimentation is not necessary.

(3) Measures used to control erosion and reduce sedimentation and to provide drainage shall as a minimum meet the standards and specifications of the Franklin County Surveyor or respective participating Town Board of Trustees and the Franklin County Soil and Water Conservation District. The Executive Director shall ensure compliance with the appropriate specifications, copies of which are available from the Franklin County Soil and Water Conservation District or the Plan Commission Office.

\*(4) For ingress and egress of property. The owner or person applying for a property Improvement Location Permit must obtain a permit for a driveway entrance, which entails where a driveway entrance is to be located on the property. Recommendations can and will be made by the Highway Department, where the permit will be purchased or granted. The permit should be presented to the Executive Director upon application of Improvement Location Permit. This

permit tells the Executive Director the size and length of the culvert to be installed. Also if any grading or diverting of water is needed, it shall be done by grading or by installing a diversion ridge. The owner of the property will be in charge of installing the culvert properly, as directed by the Highway Department. The depth, length and size will be inspected by the Executive Director on, or before the final inspection is scheduled. The driveway entrance permit is to be issued prior to a building permit.

\*(Am. Ord. 1994-7, passed May 16, '94; Brookville Aug 9, '94; Oldenburg Oct 3, '94; Cedar Grove June 15, '94; Mt. Carmel Aug 15, '94; and Laurel June 15, '94.)

### (C) Measures to Minimize Erosion and Sedimentation.

The following measures are effective in minimizing erosion and sedimentation and shall be included where applicable in the control plan:

(1) Stripping of vegetation, regrading, or other development, shall be done in such a way that will minimize erosion.

(2) Development plans shall preserve salient natural features, keep cut-fill operations to a minimum, and ensure conformity with topography so as to create the least erosion potential and adequately handle the volume and velocity of surface water runoff.

(3) Whenever feasible, natural vegetation shall be retained, protected, and supplemented.

(4) The disturbed area and the duration of exposure shall be kept to a practical minimum.

(5) Disturbed soils shall be stabilized as quickly as practicable.

(6) Temporary vegetation and mulching shall be used to protect exposed critical areas during development.

(7) The permanent final vegetation and structural erosion control and drainage measures shall be installed as soon as practical in the development.

(8) Provisions shall be made to effectively accommodate the increased runoff caused

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by changed soil and surface conditions during and after development. Where necessary, the rate of surface water runoff will be structurally retarded.

(9) Sediment in the runoff water shall be trapped until the disturbed area is stabilized by the use of debris basins, sediment basins, silt traps, or similar measures.

(D) **Making Sites More Suitable.** In order to provide more suitable sites for building and other uses, improve surface drainage, and control erosion, the following requirements shall be met:

(1) The location, grading and placement of sub-grade (base) material of all driveway and parking areas shall be accomplished as the first work done on a development plan.

(2) All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of it without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Executive Director.

(3) All drainage provisions shall be of such design to adequately handle the surface runoff and carry it to the nearest suitable outlet such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface waters away from buildings, they shall be of such slope, shape and size as to conform with the requirements of the Franklin County Surveyor or respective participating Town Board of Trustees.

(4) Concentration of surface water runoff shall only be permitted in swales or watercourses.

(E) **Excavations and Fills.**

(1) Cut and fill slopes shall not be steeper than 2:1 unless stabilized by a retaining wall or cribbing except as approved by the Executive Director when handled under special conditions.

(2) Provisions shall be made to prevent surface water from damaging the cut face of excavations or the sloping surfaces of fills, by installations of temporary or permanent drainage across or above these areas.

(3) Cut and fills shall not endanger adjoining property.

(4) Fill shall be placed and compacted so as to minimize sliding or erosion of the soil.

(5) Fills shall not encroach on natural watercourses or constructed channels.

(6) Fills placed adjacent to natural watercourses or constructed channels shall have suitable protection against erosion during periods of flooding.

(7) Grading will not be done in such a way so as to divert water on to the property of another land owner without the expressed consent of the Executive Director.

(8) During grading operations, necessary measures for dust control will be exercised.

(9) Grading equipment will not be allowed to ford live streams.

(10) Provision will be made for the installation of temporary or permanent culverts or bridges.

(F) **General Provisions.**

(1) Whenever sedimentation is caused by stripping vegetation, regrading, or other development, it shall be the responsibility of the applicant, person, corporation or other entity causing such sedimentation to remove it from all adjoining surfaces, drainage systems and watercourses and to repair any damage at his expense as quickly as possible.

(2) Maintenance of all driveways, parking areas, drainage facilities and watercourses within any development plan area is the responsibility of the applicant, or owner developer.

(3) It is the responsibility of the applicant and any person, corporation, or other entity doing any act on or across a communal stream, watercourse, or swale or upon the flood plain or right-of-way during the pendency of the activity and to return it to its original or equal condition after such activity is completed.

(4) No applicant and person, corporation, or other entity shall block, impede the flow of, alter, construct any structure, or deposit any

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material or thing, or commit any act which will affect normal or flood flow in any communal stream or watercourse without having obtained prior approval from the Franklin County Surveyor or the respective participating Town Board of Trustees and the Indiana Department of Natural Resources, Division of Water, whichever is applicable.

(5) Where a development plan area is traversed by a watercourse, the total development of watercourse shall be considered. There shall be provided a drainage easement or right-of-way conforming substantially with the line of such watercourse, and of such width as will be adequate to preserve natural drainage to the satisfaction of the Executive Director.

### (G) Responsibility of Applicant.

(1) Each applicant, person, corporation, or other entity which makes any surface changes shall be required to:

(a) Collect on-site surface runoff and dispose of it to the point of discharge into an adequate outlet approved by the Executive Director.

(b) Handle existing and potential off-site runoff through its development by designing to adequately handle storm runoff from a fully developed area upstream.

(c) Pay its proportionate share of the total cost of off-site improvements to the common natural watercourse based on a fully developed drainage.

(d) Provide and install at its expense, in accordance with the Executive Director's requirements, all drainage and erosion control improvements (temporary and permanent) as required by the Erosion and Sediment Control Plan.

(2) It is the responsibility of the applicant or owner to keep all major streams, not under the jurisdiction of other official agency, open and free flowing.

(3) The applicant or owner shall assume the responsibility for maintaining an open and free-flowing condition in all minor streams, watercourse and drainage systems, constructed or improved in accordance with the criteria of the Franklin County Surveyor or the respective participating Town Board of Trustees on its property, which are necessary for proper drainage in the discretion of the Executive Director if adequate

right-of-way exists or can be acquired.

(H) Design Standards. The design, installation, and maintenance of the required drainage facilities and erosion and sediment control measures shall be in accordance with the following standards and specifications on file in the office of the County Soil and Water Conservation District and the Plan Commission Office.

### "URBAN SOIL AND WATER CONSERVATION GUIDELINES, SPECIFICATION NO. 1"

Adopted by the Franklin County Soil and Water Conservation District, Brookville, Indiana.

### (I) Plan Approval.

(1) The approval of plans and specifications for the control of erosion and sedimentation shall be concurrent with the approval of the development, and become a part thereof.

(2) Permission for clearing and grading prior to the approval of the development plan may be obtained under temporary easements or other conditions satisfactory to the Executive Director.

(3) In the event the applicant or developer proceeds to clear and grade prior to the approval of the development plan, without satisfying conditions specified under paragraph (2) above, the Board may revoke the approval of all plans.

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### Section 80.47: DEFINITIONS

For the purpose of the Zoning Code, certain terms and words used herein shall be interpreted and defined as follows: Words in the present tense include the future and vice-versa; words in the singular number include the plural number and vice-versa; the word "building" includes the word "structure" and vice-versa; the word "shall" is mandatory and not directory.

- (1) **ABUTTING.** Bordering.
- (2) **ACCESSORY BUILDING AND USE.** A building or use subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises and which is not used for human occupancy; such as public utility installations, electric distribution and secondary power lines, gas, water and sewer lines, their supports and poles, guy wires, small transformers, wire or cable, and incidental equipment, and public telephone booths.
- (3) **AGRICULTURE.** The art or science of cultivating the ground, and raising and harvesting crops, often including feeding, breeding and management of livestock; tillage; husbandry; farming; in a broader sense, the science and art of the production of plants and animals useful to man, including to a variable extent the preparation of these products for a man's use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, dairying, sugar making, etc.
- (4) **AIRPORT.** Any runway, landing area or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
- (5) **ALLEY.** A permanent public service way providing a secondary means of access to abutting lands.
- (6) **ALLEY LINE.** A lot line bordering on an alley.
- (7) **APARTMENT.** A building or portion thereof designed for or occupied by more than two (2) families. Also, a multi-family dwelling.
- (8) **AUCTION USE.** A building or any specific closed or open area where merchandise is assembled and sold by a form of sale called an Auction.
- (9) **AUTOMOBILE OR TRAILER SALES AREA.** An open area, other than a street, used for the display, sale or rental of new or used automobiles or trailers, and where no repair work is done except minor incidental repair of automobiles or trailers to be displayed, sold or rented on the premises.
- (10) **AUTOMOBILE WRECKING YARD.** Any place where two or more motor vehicles, not in running condition, lacking current license plates and state inspection stickers, including inoperable equipment and parts thereof, are stored in the open and not being restored to operating condition; and including the commercial salvaging of any other goods, articles, or merchandise. (See "Junk Yard".)
- (11) **BASEMENT.** A level of the structure, wholly or partly underground, which, unless subdivided into rooms and used for (living) purposes, shall not be included as a story for the purpose of height measurement.
- \***(11 1/2) BED AND BREAKFAST.** A building in which one (1) but not more than fourteen (14) guest rooms are used to provide sleeping accommodations and a breakfast for its guests for a fee, for no more than thirty (30) consecutive days to a particular guest.  
\*(Am. Ord. 1992-13, passed by County Commissioners Nov 16, '92; Brookville Dec 22, '92; Oldenburg Jan 4, '93; Cedar Grove Dec 13, '92; Mt. Carmel Jan 18, '93; and Laurel Mar 6, '93.)
- (12) **BLOCK.** A unit or property bounded by streets, or by streets and/or railroad rights-of-way, waterways, or other barriers.
- (13) **BLOCK FRONTAGE.** Property having frontage on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting street and railroad right-of-way, waterway, or other barrier.
- (14) **BOARD, OR BOARD OF ZONING APPEALS, OR AREA BOARD OF ZONING APPEALS.** The Franklin County Area Board of Zoning Appeals.

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- (15) **BOARD OF COUNTY COMMISSIONERS.** The Board of County Commissioner of Franklin County, Indiana.
- (16) **BOARDING HOUSE.** A building not open to transients, where lodging and/or meals are provided for three (3) or more persons, but not exceeding twelve (12), persons regularly; in contradistinction to hotels and restaurants open to transients.
- (17) **BUILDING.** A structure having a roof supported by columns or walls, for the shelter, support, enclosure or protection of persons, animals, chattels, or property. When separated by party walls, without any opening through walls, each portion of such a building shall be considered a separate structure.
- (18) **BUILDING, DETACHED.** A building having no structural connection with another building.
- (19) **BUILDING, FRONT LINE OF.** The line of the face of the building nearest the front lot line.
- (20) **BUILDING, HEIGHT OF.** The vertical distance measured from the lot ground level to the highest point of the roof for a flat roof, to the deck line of a mansard roof, and to the mean height between eaves and ridges for gable, hip and gambrel roofs.
- (21) **BUILDING, PRINCIPAL.** A building in which is conducted the main or principal use of the lot on which said building is situated. Where a part of an accessory building is attached to the principal building in a substantial manner, as by a roof, such accessory building shall be considered a part of the principal building.
- (21 1/2) **BUILDING AREA.** The maximum horizontal projected area of the principal and accessory building(s) on the lot, excluding open steps or terraces, unenclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.
- (22) **BUILDING CODE.** Chapter 90. Building Code of the Code of Ordinances of Franklin County, Indiana; the Building Code Ordinance of current adoption of Franklin County; and any Building Code Ordinance now or hereafter adopted by a participating town.
- (23) **BUILDING INSPECTOR.** The official designated by the Board of County Commissioners of Franklin County and authorized to enforce the Building Code. The Building Inspector may also be the Executive Director.
- (24) **BUILDING LINE or BUILDING SETBACK LINE.** The line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line. For the purpose of this chapter the proposed street and thoroughfare right-of-way lines according to the "Thoroughfare Plan" of current adoption will be considered as the street lines for lots bordering such streets and thoroughfares.
- (25) **BUILDING PERMIT.** A permit signed by the Building Inspector stating that a proposed improvement complies with the Building Code.
- (26) **BUSINESS OR COMMERCIAL.** The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.
- (27) **CAMP, PUBLIC.** An area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.
- (28) **CAR WASH.** A structure, or portion thereof, containing commercial facilities for washing automobiles, using production line methods with a chain conveyor, blower, steam cleaning device, or other mechanical devices. This term includes a manually operated car wash facility when the operation is equivalent in intensity to a mechanized car wash.
- (29) **CEMETERY.** Land used for the burial of the dead and dedicated for Cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of such cemetery.
- (30) **CERTIFICATE OF OCCUPANCY.** A certificate signed by the Executive Director stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of the Code of Ordinances of Franklin County, Indiana; and any respective participating town.

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(31) **CLUB.** Private buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

(32) **COMMERCIAL CANOE RENTAL.** Anyone engaged in renting canoes and/or any kind of floating water craft in Franklin County. Any privately owned land used for putting rental canoes in the river or taking rental canoes out of the river shall be considered as part of the canoe rental business and must meet all the zoning requirements. This applies whether or not there are improvements on the property.

(33) **COMMISSION or PLAN COMMISSION.** The Franklin County Area Plan Commission.

(34) **COMPREHENSIVE PLAN.** A composite of all plans of land use, of thoroughfares, of sanitation, of recreation, and other related matters according to the requirements of the 500 Series of I.C. 36-7-4.

**\*(35) CONFINED FEEDING OPERATION.** Confined feeding means confined feeding of three hundred (300) or more cattle, six hundred (600) or more swine or sheep, or thirty thousand (30,000) or more fowl (at any one time) for food, fur, or pleasure in lots, pens, sheds, or buildings where food is supplied to the animals only by means other than grazing.

(a) On one hand it is important to keep non-farm uses from encroaching on existing or approved confined feedings. Therefore, the following non-farm use setback restrictions apply:

1. No family residence except that of the confined feeding operator may be constructed within five hundred (500) feet of an existing or granted (permit or otherwise) confined feeding.
2. No church, school, business, recreational area (public or private) or public building may be constructed or operated within one thousand (1,000) feet of an existing or granted (permit or otherwise) confined

feeding.

3. No subdivision (4 or more homes) may be constructed within one thousand three hundred (1,300) feet of an existing or granted (permit or otherwise) confined feeding.

Exception to these regulations may be obtained by requesting a variance from the Board of Zoning Appeals. However, if a variance is granted, the party obtaining the variance is required to sign a deed or covenant protecting the farming enterprise being encroached upon. The covenant must be attached to the deed and recorded. An example of such a covenant is: "In accepting this deed, grantees do hereby acknowledge that the successors in interest, are precluded from complaining and/or attempting to enjoin the farm operation because of nuisance which might result from said operation.

(b) On the other hand, as more urbanites move into rural areas, the noise, dust, and odors that are a normal part of a farming operation can become a problem. Therefore, the following setback regulations for confined feeding apply:

1. All confined feeding structures and lots designed to house or contain livestock should be set back five hundred (500) feet from any existing family residence except that of the confined feeding operation.
2. All confined feeding structures and lots designed to house or contain livestock should be setback one thousand (1,000) feet from any existing church, school, business, recreational area (public or private), or any public building; and one thousand three hundred (1,300) feet from any built-up area of four (4) or more homes.
3. All confined feeding structures and lots should be set back fifty (50) feet from any road, one hundred (100) feet from any water well, and one hundred (100) feet from any stream,

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drainage ditch, or other body of water unless secondary containment is provided.

(c) If the operator of a proposed confined feeding operation feels he needs relief from certain requirements in this chapter of the Code, he may apply for a variance from the Board of Zoning Appeals.

(d) How will the ordinance be implemented? The confined feeding operator will apply to the Executive Director of the Area Plan Commission for a permit. If the operation meets the specifications set forth in this chapter of the Code, the permit is issued. there is no fee for the permit.

\*(Am. Ord. 1993-11, passed by County Commissioners Sept 20, '95; Brookville Oct 26, '93; Oldenburg Dec 6, '93; Cedar Grove Oct 30, '95; Mt. Carmel Oct 30, '95; and Laurel Oct 30, '95.)

**(35 1/2) CONTAMINANT.** Any solid, semisolid, liquid or gaseous matter, any odor, any radioactive material, any pollutant as defined in the Federal Water Pollution Control Act, any hazardous waste as defined by the Resource Conservation and Recovery Act of 1976 (P.O. 94-580), or any combination thereof, from whatever source, which is injurious to human health, plant or animal life, or to property, or which is otherwise violative of the provisions of this Code or Regulations adopted thereto.

**(36) COUNTY.** Franklin County, Indiana.

**(37) DAY CARE CENTER or CHILD DEVELOPMENT CENTER.** A building or part thereof including the lot devoted to the care and/or education and training of infants (younger than two years of age) and/or children (two to 15 years) at a location away from home for less than 24 hours per day during weekday working hours, and not including overnight accommodation or overnight sleeping. This definition encompasses facilities generally known as child care center, pre-school, kindergarten, nursery school, and similar programs and facilities for infants and children, but does not include, "Educational Institution".

**(38) DECIBEL.** A unit of measurement of the intensity of loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

**(39) DENSITY.** The number of dwelling units developed per acre of land.

**(40) DEVELOPMENT.** Any man-made change to improved or unimproved real estate, including, but not limited to, buildings and other structures, mining, dredging, filling, grading, paving, excavating or drilling operations.

**(41) DEVELOPMENT PLAN.** Specific plans for the residential, commercial, or industrial development or other development of property setting forth certain information and data required by the Plan Commission. This information and data may include:

- (a) the proposed name of the development;
- (b) the name and address of developers;
- (c) the location by public way, township, and section;
- (d) the legal description;
- (e) a map including data, scale and point north, location, size, capacity, and use of all buildings and structures existing or to be placed in the development;
- (f) the nature and intensity of the operations involved in or conducted in connection with the development;
- (g) the site layout of the development including the location, size, arrangement and capacity of area to be used for vehicular access, parking, loading, and unloading;
- (h) the name of public ways giving access to the development and location, width, and names of platted public ways, railroads, parks, utility easements, and other public open spaces;
- (i) the layout of proposed public ways, their names and widths, and the widths of alleys, walkways, paths, lanes, and easements;
- (j) a description of the use of adjacent property and an identification of that property;
- (k) the location, size, and arrangement of areas to be devoted to planting lawns, trees, and other site-screening activities;
- (l) the proposals for sewer, water, gas, electricity, and storm drainage;
- (m) the contours with spot elevations of the finished grade and the directions of storm runoff;
- (n) the layout of proposed lots with their numbers and dimensions; and
- (o) the land use density factors.

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**(42) DEVELOPMENTAL DISABILITY.** A disability of a person which:

(a) is attributable to mental retardation, cerebral palsy, epilepsy, or autism; or is attributable to any other condition found to be closely related to mental retardation because this condition results in similar impairment of general intellectual functioning or adaptive behavior, or requires similar treatment and services; or is attributable to dyslexia resulting from a disability described in this clause;

(b) originates before the person is age eighteen (18); and

(c) has continued or is expected to continue indefinitely and constitutes a substantial handicap to the person's ability to function normally in society.

**(43) DEVELOPMENTAL DISABILITIES RESIDENTIAL FACILITY.** A facility:

(a) that provides room and board services only, which are paid for exclusively out of private funds; or

(b) that provides only those services which are minimally required, based on each recipient's needs, for federal financial participation under Title XIX of the federal Social Security Act (42 U.S.C. 1396 et seq.); for at least four (4), but not more than eight (8), developmentally disabled individuals who are not related to the individual owning or leasing the facility; however, the term does not apply to a boarding house which is approved by the department of mental health under I.C. 16-14-4.

**(43 1/2) DISPOSAL.** The discharge, deposit, injection, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or constituent thereof may enter the environment or be admitted into the air or discharged into any waters, including ground waters.

**(44) DISTRICT.** A section of the territory within the jurisdiction of the Franklin County Area Plan Commission for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings are herein established.

**(45) DRIVE-IN ESTABLISHMENT.** Any place or premises used for sale, dispensing, or servicing of food, refreshments, beverages or

services in automobiles, including those establishments where customers may serve themselves and may carry out or consume the above on or off the premises.

**(46) DWELLING.** A building or portion thereof, used primarily as a place of abode for one or more human beings, but not including hotels or motels, lodging or boarding houses or tourist homes.

(a) A single-family dwelling is a detached building designed for or occupied by one family, exclusively.

(b) A two-family dwelling is a detached building designed for or occupied by two families, exclusively.

(c) A multi-family dwelling is a building designed for or occupied by three or more families, exclusively.

**(47) DWELLING UNIT.** One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

**(48) EASEMENT.** A right of the owner on one (1) parcel of land, by reason of such ownership, or a right of the public, to use the land of another for a special purpose as designated; a strip of land to be used by the general public, a corporation, a utility company, or a certain person for a specific reason, for purposes of providing services to property.

**(49) EDUCATIONAL INSTITUTION.** Public or parochial pre-primary, primary, grade, high, preparatory school or academy; junior college; college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

**(50) EXECUTIVE DIRECTOR.** The official employed by Franklin County Area Plan Commission and authorized to enforce the Planning and Zoning Codes of Franklin County, Indiana, and the participating Towns.

**(51) FAMILY.** An individual or two or more persons related by blood, marriage or adoption, including foster children and bonafide domestic

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servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five persons, provided further that the limit of five persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption, including foster children and domestic servants.

**\*NOTE: Delete Definition (52) FAMILY DAY CARE HOME.**

\*(Am. Ord. 1994-6, passed by County Commissioners May 16, '94; Brookville Aug 9, '94; Oldenburg Oct 3, '94; Cedar Grove June 15, '94; Mt. Carmel Aug 15, '94; and Laurel June 15, '94.)

**(53) FARM.** A tract of land comprising an area which is devoted to agricultural operations, such as forestry; the growing of crops, pasturage; the production of livestock and poultry; the growing of trees, shrubs and plants; and other recognized agricultural pursuits and including accessory buildings essential to the operation of the farm. Accessory buildings may include barns; equipment and animal sheds; roadside sales structure for the sale of products of the farm; and signs displaying subject matter directly related to the name or the products of the particular farm; but not including industrial or commercial operations or structures.

**(54) FARM HOUSE OR FARM DWELLING.** The principle dwelling or residence of the owner or operator of the farm.

**(55) FARMSTEAD LOT.** A tract of land located in the A-1 Prime Agriculture District, comprising a Farm House or Farm Dwelling built prior to February 1, 1989, and/or including accessory buildings essential to the operation of the Farm.

**(55 1/2) FEDERAL WATER POLLUTION CONTROL ACT.** The Federal Water Pollution Control Act, as amended and in effect on January 1, 1980, including amendments made by the Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500), and by the Clean Water Act of 1977 (P.L. 95-217).

Other terms concerning hazardous waste not defined in this ordinance shall have the meanings ascribed to them in I.C. 13-1-1, I.C. 13-1-3, I.C. 13-1-6, I.C. 13-2-7, I.C. 16-1-26, or I.C. 36-9, or if not

defined in the above cited portions of the Indiana Code, then the meanings ascribed by common usage.

**(56) FILLING STATION/SERVICE STATION.** Buildings and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, limited to the following:

- (a) Sales and servicing of spark plugs, batteries, and distributors and distributor parts;
- (b) Tire servicing and repair, but not recapping or regrooving;
- (c) Replacement of mufflers and tailpipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearings, mirrors, and the like;
- (d) Radiator cleaning and flushing;
- (e) Washing and polishing, and sale of automobile washing and polishing materials;
- (f) Greasing and lubrication;
- (g) Providing and repairing fuel pumps, oil pumps, and lines;
- (h) Minor servicing and repair of carburetors;
- (i) Adjusting and repairing brakes;
- (j) Emergency wiring repairs;
- (k) Minor motor adjustments not involving removal of the head or crankcase or racing the motor;
- (l) Sales of cold drinks, packaged foods, ice, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operation;
- (m) Rental of hauling vehicles for the moving of household goods, but not including the sale or rental of automobiles, mobile homes or recreational vehicles, as accessory and incidental to principal operation;
- (n) Provision of road maps and other informational materials to customers; provision of restroom facilities. Uses permissible at a service station do not include major mechanical and body work, straightening of frames or body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in service stations.

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(57) **FLASH POINT.** The lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

**\*(57 1/2) FLEA MARKET.** An open area, structure, other than a street, used for the display or selling of antiques, new or used articles, produce, personal items, and etc.

**\*(Am. Ord. 1993-8, passed by County Commissioners Sept. 13, '93; Brookville Oct 26, '93' Oldenburg Dec 6, '93' Cedar Grove Nov 14, '93' Mt. Carmel Oct 13, '93; and Laurel Oct 13, '93.)**

(58) **FLOOD PLAIN.** The area adjoining the river or stream which has been or may hereafter be covered by flood-waters.

(59) **FLOOR AREA, GROSS.** The total area, computed on a horizontal plane, within the outside dimensions of a building. (See Sec. 80.37 for application to off-street parking under subsection (D).)

(60) **FLOOR AREA, NET.** The total area, computed on a horizontal plane, used for a particular business category; exclusive of entrances, hallways, stairs and other accessory areas used for ingress or egress.

(61) **FREE BURNING.** A rate of combustion described by a material which burns actively and easily supports combustion.

(62) **FRONTAGE.** All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or, if the street is deadened, then all of the property abutting on one side between an intersecting street and the dead end of the street.

(63) **GARAGE, PRIVATE.** An accessory building with capacity for not more than three (3) privately owned motor vehicles, boats and trailers of the family resident upon the premises, not more than one (1) of which may be a truck of a rated capacity not exceeding three-fourths (3/4) ton on any lot. A garage designed to house two (2) motor vehicles, boats and trailers for each family housed in a two-family dwelling or a multi-family dwelling shall be classed as a private garage.

(64) **GARAGE, PUBLIC.** Any building, except those defined herein as a "Private Garage," used for storage, or care of motor vehicles, or where such

vehicles are equipped for operation, repaired, or kept for remuneration, hire or sale.

(65) **GRADE. Also, LOT GROUND LEVEL.**

(a) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

(b) For buildings having walls adjoining more than one street, the overage of the elevation of the sidewalk at the center of all walls adjoining the streets; and

(c) For buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street.

(66) **GROUND FLOOR AREA.** The square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of porches, breezeways, terraces, garages and exterior stairways or other devices. A ground floor may have split levels provided there is not more than a five-foot difference in elevations between the different levels of the floor. See "OCCUPIED SPACE" for Manufactured Dwellings.

(66 1/2) **HAZARDOUS WASTE AND HAZARDOUS WASTE FACILITY.** Hazardous Waste means a solid waste, or combination of solid wastes, which because of its quality, concentration, or physical, chemical, or infectious characteristics may:

(a) cause, or significantly contribute to, an increase in mortality or increase in serious irreversible, or incapacitating reversible illness; or

(b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed; and

Hazardous Waste Facility means a plant or site where hazardous waste is subjected to treatment, storage, disposal, or recovery.

(67) **HEALTH OFFICER.** Any officer of authority, Franklin County Health Department, and the State Board of Health. Same as "COUNTY HEALTH OFFICER," includes County Sanitarian.

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**(68) HEALTH FACILITY.** Any building, structure, institution, or other place, for the reception, accommodation, board, care or treatment extending beyond a continuous twenty-four (24) hour period in any week of more than two (2) unrelated individuals requiring, in apparent need of, or desiring such services or combination of them, by reason of age, senility, physical or mental illness, infirmity, injury, incompetency, deformity, or any physical, mental or emotional disability, or other impairment, illness or infirmity, not specifically mentioned hereinabove, including institutions or places furnishing those services usually furnished by places or institutions commonly known as nursing homes, homes for the aged, retirement homes, boarding homes for the aged, sanitariums, convalescent homes, homes for the chronically ill, homes for the indigent. The reception, accommodation, board, care or treatment in a household or family, for compensation, of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousins, shall not be deemed to constitute the premises in which the person is received, boarded, accommodated, cared for or treated, a health facility. Any state institution or any municipal corporation may specifically request such licensure and upon compliance with all sections of this chapter and upon compliance with all existing rules and regulations, the petitioning facility may then be so licensed under the provisions of I.C. 16-10-2; provided that the term HEALTH FACILITY does not include hotels, motels, or mobile homes when used as such; hospitals, mental hospitals, institutions operated by the federal government; boarding homes for children; schools for the deaf or blind; day schools for the retarded; day nurseries; children's homes; child placement agencies; offices of practitioners of the healing arts; offices of the Christian Science practitioners; industrial clinics providing only emergency medical services or first-aid for employees; a residential facility, as defined in I.C. 16-10-2.1-1; and any hospital, sanatorium, nursing home, rest home, or other institution wherein any health care services and private duty nursing services are rendered in accordance with the practice and tenets of the religious denomination known as the Church of Christ, Scientist.

**(69) HOME OCCUPATION.** A temporary use conducted entirely within a dwelling, which is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character or appearance thereof.

**(70) HOSPITAL.** An institution licensed by the State Board of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by, or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and the like.

**(71) HOTEL.** A building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

**(72) IMPROVEMENT LOCATION PERMIT.** A permit which may be combined with a BUILDING PERMIT signed by the Executive Director stating that a proposed improvement or use complies with the provisions of the Zoning Code. A TEMPORARY IMPROVEMENT LOCATION PERMIT is an IMPROVEMENT LOCATION PERMIT authorized by the Franklin County Area Board of Zoning Appeals with a definite time limit attached thereto.

**(73) INDUSTRIAL PARK.** A single or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways planned in accordance with harmonious principles of architectural and landscape architectural design, and industrial management.

**(74) INTENSE BURNING.** A rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

**(75) JUNK YARD.** Any place at which personal property is or may be salvaged for reuse, resale, or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled, or assorted, including, but not limited to, used or salvage base metal or metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property except animal matter; and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

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**(76) JURISDICTION OF THE COMMISSION.** The unincorporated territory within Franklin County, Indiana, and the territory within the Towns of Laurel, Cedar Grove, Mount Carmel, Oldenburg, and Brookville, Indiana, the boundaries of which are shown on the Zone Map, dated 1988, as amended, which includes all of the area over which this Chapter is effective.

**(77) KENNEL.** Any lot on which four (4) or more dogs, or small animals at least four (4) months of age, are kept.

**(78) LAND USE INTENSITY.** The degree to which land is used; including, "livability space" - landscaped pedestrian open space or recreation space, or minimum square footage of nonvehicular outdoor space or recreational space required for each square foot of floor area; the minimum number of parking spaces required for each living unit and the minimum number of parking spaces without parking time limits required for each living unit; and the maximum square footage and total floor area permitted for each square foot of land area.

**(79) LIVESTOCK.** Any animal which has been domestic primarily for agricultural purposes, but not including house pets such as dogs, cats, canaries, or any other similar animal or fowl usually considered a house pet.

**(80) LOADING AND UNLOADING BERTHS.** The off-street area required for the receipt or distribution by vehicles of material or merchandise.

**(81) LODGING HOUSE.** A building where lodging only is provided for compensation to three (3) or more, but not exceeding twelve (12) persons, not open to transients, in contradistinction to a hotel or lodge which is open to transients.

**(82) LOT.** A parcel, tract or area of land accessible by means of a street, and for residential uses as set forth in this Code, abutting upon a street for at least fifty percent (50%) of the lot width prescribed for the district in which the lot is located. It may be a single parcel separately described in a deed or plat which is recorded in the Office of the County Recorder of Franklin County, or it may include parts of, or a combination of such parcels when adjacent to one another and used as one, or a lot of record existing on the effective date of the Ordinance comprising this Zoning Code or any applicable subsequent amendment thereto, or in

determining lot area and boundary lines, no part thereof within the limits of a street shall be included.

**\*NOTE:** Definitions (82) Lot: delete the words "or place."

\*(Am. Ord. 1994-5, passed by the County Commissioners May 16, '94; Brookville Aug 9, '94; Oldenburg Oct 3, '94; Cedar Grove June 15, '94; Mt. Carmel Aug 15, '94; and Laurel June 15, '94.)

**(83) LOT, CORNER.** A lot at the junction of and having frontage on two or more intersecting streets.

**(84) LOT, DEPTH OF.** The mean horizontal distance between the front lot line and the rear lot line of a lot, measured in the general direction of the side lot line.

**(85) LOT, INTERIOR.** A lot other than a CORNER LOT or THROUGH LOT.

**(86) LOT, REVERSED INTERIOR.** An interior lot, the front lot line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the Interior Lot Line by an alley.

**(87) LOT, THROUGH.** A lot having frontage on two parallel, or approximately parallel streets. Also, DOUBLE FRONTAGE LOT.

**(88) LOT, WIDTH.** The dimension of a lot, measured between side lot lines on the building line.

**(89) LOT AREA.** The horizontally projected area of a lot computed exclusive of any portion of a street, existing or proposed.

**(90) LOT COVERAGE.** The total ground area of a lot usually expressed as a percentage of the lot area that is covered, occupied or enclosed by principal and accessory buildings and structures.

**(91) LOT FRONTAGE.** The linear distance of a lot measured at the front lot line where said lot abuts a street, measured between side lot lines.

**(92) LOT LINE.** The property line between two established parcels of land or one parcel and a public right-of-way or place.

**(93) LOT LINE, FRONT.** In the case of an

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interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the lot from the street, except in cases where deed restrictions in effect specify another street right-of-way line as the front lot line.

(94) **LOT LINE, REAR.** A lot line which is opposite and most distant from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten (10) feet in length within the lot, parallel to an at the maximum distance from the front lot line.

(95) **LOT LINE, SIDE.** Any lot boundary line not a front lot line or a rear lot line.

(96) **LOT OF RECORD.** A lot which is part of, a subdivision, the map of which has been recorded in the Office of the County Recorder of Franklin County, Indiana, or a parcel of land, the deed to which has been recorded in the Office of Franklin County Recorder.

(97) **MANUFACTURED DWELLING.** A dwelling unit, built in a factory bearing a seal of compliance with the federal Manufactured Housing Construction and Safety Standards Law or Indiana Public Law 360, Acts of 1971, and constructed prior to January 1, 1981, and, although it is not actually a MOBILE HOME, for the purposes of this Code, it is a MOBILE HOME.

(98) **MANUFACTURED HOME.** A dwelling unit, designed and built in a factory, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.) or Indiana Public Law 360, Acts of 1971 (I.C. 22-11-1-9), constructed after to January 1, 1981, and exceeds nine hundred and fifty (950) square feet of occupied space.

(99) **MOBILE HOME.** A transportable vehicle which is greater than eight (8) feet in body width and longer than thirty-six (36) feet in body length and designed and constructed as a detached single-family dwelling unit with all of the following characteristics: (a) Designed for long-term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems, (b) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels, (c) Arriving at

the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

(100) **MOBILE HOME PARK.** A tract of land which has been developed with all necessary facilities and services in accordance with a development plan meeting all legal requirements and which is intended for the purpose of providing a site for five (5) or more manufactured homes, manufactured dwellings and mobile homes for human habitation, either free of charge or for revenue purposes, including any building, vehicle or enclosure used or intended for use as a part of the equipment of such MOBILE HOME PARK.

(101) **MOBILE HOME LOT.** A designated site within a mobile home park or subdivision for the exclusive use of the occupants of a single mobile home, including a mobile home slab, lawn, driveway, and parking area for said occupants.

(102) **MOBILE HOME SLAB OR FOUNDATION.** The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a PERMANENT FOUNDATION.

(103) **MOBILE HOME STAND.** That part of the mobile home park which has been reserved for the placement of one (1) mobile home unit, including the mobile home slab, lawn area, driveway area and parking area for the unit.

(104) **MODERATE BURNING.** A rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

(105) **MOTEL.** A building or detached building used as dwelling units containing bedroom, bathroom and closet space, and each unit having convenient access to a parking space for the use of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients, and more than 50 percent of the lodging rooms are for rent to transient automobile tourists for a continuous period of less than 30 days.

(106) **NATURAL RESOURCES.** The Indiana Natural Resources Commission.

(107) **NONCONFORMING USE.** A building

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or premises which does not conform in its use or otherwise with all of the regulations of the district in which the building or premises is located.

**(108) NURSING HOME.** Same as HEALTH FACILITY.

**(109) NURSING HOME CONVERSIONS.** A dwelling which is converted for the use of a nursing home and licensed by the State Board of Health. See HEALTH FACILITY.

**(110) OCCUPIED SPACE.** The total area of earth horizontally covered by the structure, excluding accessory structures such as, but not limited to, garages, patios and porches.

**(111) OCTAVE BAND.** A narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave bands.

**(112) OPACITY.** A condition which renders material partially or wholly impervious to transmittance of light and causes obstruction of an observer's view. For the purposes of these regulations, the following equivalence between opacity and Ringelmann shall be employed.

<u>Opacity Percent</u>	<u>Ringelmann</u>
10	0.5
20	1
30	1.5
40	2
60	3
80	4
100	5

See Definition of RINGELMANN NUMBER.

**(113) OPEN SPACE.** The total horizontal area of a lot excluding the building area but including parking areas and recreational areas; provided, however, in residential districts, said open space may include the useable roof area within the project which has been improved for outdoor use of occupants, plus one-half of that space, such as balconies, which may be open on its sides but not open above to the sky.

**(114) OUTDOOR RECREATION.** Outdoor recreation includes one or more of the following uses: riding clubs, polo fields, horse shows, hunter trails, and other equestrian sports; conservation

clubs, Girl Scout and Boy Scout lodges or clubhouses, private parks or playgrounds, archery ranges, and other outdoor recreation uses approved by the Board of Zoning Appeals; and accessory uses, buildings, and structures such as off-street parking and loading facilities, administration, maintenance, and clubhouse building. Outdoor recreation may be private recreational developments or outdoor commercial recreational enterprises. Commercial Recreational Enterprises may be included in Outdoor Commercial Enterprises which may include certain types of business or commercial uses. (See BUSINESS or COMMERCIAL.)

**(115) PARK MANAGEMENT.** The person who owns or has charge, care or control of a mobile home park.

**(116) PARKING AREA.** An area paved with a hard surface in accordance with county specifications, other than a street or alley, designed for use or used for the temporary parking of more than four motor vehicles when available for public use, whether free or for compensation, or as an accommodation for clients or customers.

**(117) PARKING SPACE.** A space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than 9 feet wide and 20 feet long exclusive of passageways. For computing purposes, the average area of passageways shall be at least 70 square feet per space. Accordingly, the minimum total average area for a parking space is 250 square feet.

**(118) PARTICIPATING TOWN.** One or more of the Towns participating in the Franklin County Area Planning Department; specifically: Laurel, Cedar Grove, Mount Carmel, Oldenburg, and Brookville, Indiana.

**(119) PARTICULATE MATTER.** Finely divided liquid or solid material which is discharged and carried along in the air. This shall not include water droplets, commonly called steam.

**(120) PERFORMANCE STANDARD.** Criterion established to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, and glare or heat generated by or inherent in uses of land or buildings.

**(121) PERMANENT FOUNDATION.** Any structural system transposing loads from a structure to the earth at a depth below the established frost

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line without exceeding the safe bearing capacity of the supporting soil. (See I.C. 22-11-1-1.5.)

**(122) PERMANENT PERIMETER WALL.** An approved non-load-bearing perimeter structural system composed of a continuous solid or mortared masonry wall having the appearance of a permanent load-bearing foundation characteristic of site-constructed homes, designed to support the loads imposed and extending below the established frost line.

**(123) PERSON.** A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person or persons.

**\*NOTE:** Delete Definition (124) Place.

\*(Am. Ord. 1994-5, passed by County Commissioners May 16, '94; Brookville Aug 9, '94; Oldenburg Oct 3, '94; Cedar Grove June 15, '94; Mt. Carmel Aug 15, '94; Laurel June 15, '94.)

**(125) PLAN COMMISSION OR COMMISSION OR AREA PLAN COMMISSION.** The Franklin County Area Plan Commission.

**(126) PLAN COMMISSION STAFF.** The Executive Director and any other persons the Plan Commission has employed to advise them on matters pertaining to Planning and Zoning.

**(127) PLAT.** A map or chart indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.

**(128) PREMISES.** A lot, tract, or plat including buildings thereon, if any.

**(129) PRIVATE SCHOOL.** Private, primary, grade, high or preparatory school or academy.

**(130) PROFESSIONAL OFFICE.** Office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

**(131) PROFESSIONAL OFFICE CENTER.** An architectural and functional grouping of professional offices and appropriate associated and accessory uses which is the central feature of a site plan composed of building area, parking area, landscaped reservation and plantation, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods. Such center shall

conform to the standards and requirements of this chapter.

**(132) PROFESSIONAL OFFICE IN RESIDENCE.** An office in the dwelling of a member of the following recognized professions: doctor, dentist, lawyer, engineer, and certified public accountant, provided that the professional service is performed by a member or members of the family occupying such dwelling, that not more than one additional person is employed in rendering such service, that not more than 25% of the gross floor area is devoted to such use, and that there shall not be used any nameplate or sign nor any artificial lighting or any display that will indicate from the exterior that the dwelling is being utilized in part for any purpose other than that of a dwelling.

**(133) PUBLIC UTILITY INSTALLATIONS.** The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam, pipes, conduits, cables, fire alarm boxes, poles, wires, mains, drains, sewers, police call boxes, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such public utility or municipal departments or commissions or for the public health or safety or general welfare.

**(134) RECREATIONAL VEHICLE.** A portable vehicular structure designed as a temporary dwelling for travel, vacation and recreational uses which is either a structure mounted on an automobile or truck and designed to be used for human habitation, including sleeping, or identified on the unit by the manufacturer as a travel trailer or recreational vehicle, and is not more than eight (8) feet in width, and not more than thirty-six (36) feet in length.

**(135) RECREATIONAL VEHICLE PARK.** A tract of land which has been developed with all necessary facilities in accordance with a site development plan meeting all legal requirements and which is for short term occupancy by recreational vehicles only. It shall include, but not be limited to, travel trailers, pick-up coaches, motor homes, camping trailers, and tents.

**(136) REGULATORY FLOOD.** Any flood having a peak discharge which can be expected to be equalled or exceeded on the average of one in a

## CHAPTER 80:

hundred-year period as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission. This flood is equivalent to a flood having the probability of occurrence of one percent (1%) in any given year.

**(137) RESTRICTED COMMERCIAL FARM ENTERPRISE.** An operation or use which is inherent to or closely associated with a farm or agriculture, but not including industrial grain elevators, industrial mills, abattoirs, the manufacture of commercial fertilizer and similar operations which are of an industrial nature. Also, a restricted commercial farm enterprise is any similar operation which may:

- (1) Cause stream pollution by the disposal of wastes discharged into streams thus endangering water supply and health, or
- (2) Release odors to the atmosphere beyond the boundary of the property, which may be strong and beyond the normal expectancy of a farm operation, or
- (3) Create any unusual or loud noises audible beyond the normal expectancy of a farm operation, or
- (4) Emit poisonous and injurious fumes and gases beyond the boundaries of the property, or
- (5) Cause the emission of smoke or particulate matter, or cause any undue vibration or excessive glare or heat beyond the boundaries of the property, or
- (6) Because of the location of its facilities, influence adversely the uses of adjacent properties, either existing or proposed.

**(138) RINGELMANN NUMBER.** The number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines, U.S. Department of Interior, Information Circular 8333 (Revision of IC 7718) May 1, 1967, or any adaption thereof which has been approved. The Chart illustrates graduated shades of gray for use in estimating smoke density. See Definition of **OPACITY**.

**(139) SELF-SERVICE STORAGE FACILITY.** Any real property designed and used for the purpose of renting or leasing individual storage spaces to tenants who are to have access to such space for the purpose of storing and removing personal property.

**SECTION 80.47 DEFINITIONS, (140 1/2) SHIPPING CONTAINER:** a container used to move freight or cargo by ship or commercial vehicles from one location to another. A container made from one of the following materials steel, plastic or fiberglass. Passed on the 16<sup>th</sup> day of May, 2005.

**(140) SERVICE DRIVE, COMMERCIAL.** A street other than a frontage street that runs parallel or generally parallel to the frontal street and mainly located in the space to the rear of the building(s).

**(141) SHOPPING CENTER.** An architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and plantations and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods or communities and which conforms to the requirements of this Code.

**(142) SIGN.** (See Sec. 80.38(A)(28) for definition.)

**(143) S L O W B U R N I N G o r INCOMBUSTIBLE.** Materials which do not in themselves constitute an active fuel for the spread of combustion. A material which will not ignite, nor actively support, combustion during an exposure for five (5) minutes to a temperature of 1200° F.

**(144) SMOKE.** Small gas-borne particles resulting from incomplete combustion, consisting predominantly but not exclusively of carbon, ash and other combustible material, that form a visible plume in the air.

**(145) SMOKE UNIT.** The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation. Each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation periods.

**(146) SPECIAL SCHOOL.** Any school which has as its primary purpose the instruction, care, and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.

**(146 1/2) STORAGE OF HAZARDOUS WASTE.** The containment of hazardous waste, either on a temporary basis or for a period of years,

## CHAPTER 80: AREA ZONING CODE

in such a manner as not to constitute disposal of such hazardous waste.

**(147) STORY.** That portion of a building, included between the surface of any floor and surface of the floor next above it. If there is not floor above it, then the space between such floor and the ceiling next above it shall be the story.

**(148) STORY, HALF.** That portion of a building under a sloping, gable, hip, or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three (3) feet above the floor level of such half-story.

**(149) STREET.** A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established for public use, usually affording the principal means of access to abutting property.

**(150) STREET, FRONTAGE.** A street that runs parallel to the frontal street and located within the space between the building(s) and the frontal street.

**(151) STRUCTURE.** Anything constructed or erected which requires location on the ground.

**(152) STRUCTURAL ALTERATION.** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams, or girders, or any substantial change in the exterior walls or the roof.

**(153) SUBDIVISION.** The division of land parcels as defined in Chapter 81 of the Code of Ordinances of Franklin County, Indiana, and the Code of Ordinances of the participating Towns.

**(154) SWIMMING POOL, PRIVATE.** A swimming pool used only by the owner of the pool and friends as an accessory use at a private residence and not for monetary gain.

**(155) THOROUGHFARE, ARTERIAL.** A street designated for large volumes of traffic movement. Certain arterial streets may be classed as limited access highways to which entrances and exits are provided only at controlled intersections and access is denied to abutting properties.

**(156) TOURIST HOME.** A building in which one but not more than five (5) guest rooms are used to provide or offer overnight accommodations

to transients for compensation.

**(157) TOWN.** The incorporated Town of Laurel, Cedar Grove, Mount Carmel, Oldenburg, and Brookville, Indiana.

**(158) TOWNHOUSE.** A two or two and one-half story dwelling, which may include a basement, and which is normally an integral part of an apartment or multi-family use as set forth in this Code.

**(159) TRADE OR BUSINESS SCHOOL.** Secretarial or business school or college when not publicly owned or not owned or conducted by or under the sponsorship of a religious, charitable or non-profit organization; or a school conducted as a business enterprise for teaching instrumental music, dancing, barbering or hair dressing, drafting or for the teaching of industrial or technical arts.

**(159 1/2) TREATMENT OF HAZARDOUS WASTE.** Any method, technique, or process, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. This term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non-hazardous.

**(160) USE.** The employment or occupation of a building, structure or land for service, benefit or enjoyment to a person.

**(161) USE, NONCONFORMING.** See Nonconforming Use.

**(162) VARIANCE.** A modification of the specific requirements of this Code granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and district.

**(163) VIBRATION.** Oscillatory motion transmitted through the ground.

**(164) VISION CLEARANCE ON CORNER LOTS.** Also, **INTERSECTION VISIBILITY.** A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between

Section 80.47 Definition (159 3/4) Trucking Terminal: A facility used primarily by highway type for hire property-carrying vehicles in a trucking enterprise, which may include the parking, storing or maintaining of three (3) or more such vehicles. Amended Ordinance # 2001-10, passed on the 16<sup>th</sup>.

## CHAPTER 80: AREA ZONING CODE

the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting 2 points measured 15 feet equidistant from the intersection of the property lines or the property lines extended at the corner of the lot using each of the street right-of-way lines.

**(165) WHITEWATER RIVER ADVISORY BOARD.** The Whitewater River Advisory Board is composed of five (5) members appointed by the Franklin County Board of Commissioners, the majority of whom own land contiguous to the West Fork or Main Stem of Whitewater River, who shall meet on a regular basis for the function of monitoring use and/or development in the WD Whitewater River Scenic District. The Board shall function as a sub-body of the Area Plan Commission, advising the Commission on inappropriate uses in the District, and serve as a liaison between local landowners, county government, and the Indiana Department of Natural Resources.

**(166) YARD.** A space on the same lot with a building, which is open, unoccupied and unobstructed by structures, except as otherwise provided in this Code.

**(167) YARD, FRONT.** A yard extending across the full width of the lot or in the case of a corner lot extending also along the length of the lot abutting the side street, unoccupied other than by steps, walks, terraces, driveways, lamp posts, and similar appurtenances, the depth of which is the least distance between the front lot line and the building line.

**(168) YARD, REAR.** A yard extending across the full width of the lot between the rear of the principal building and the rear lot line unoccupied other than by accessory buildings which do not occupy more than thirty percent (30%) of the required space, and steps, walks, terraces, driveways, lamp posts and similar structures, the depth of which is the least distance between the rear lot line and the rear of such principal building.

**(169) YARD, SIDE.** A yard between the building and side lot line, extending from the front yard or from the front lot line where no front yard is required, to the rear yard, unoccupied other than by architectural appurtenances projecting not more

than twenty-four (24) inches from the building, or open or lattice-enclosed fire escapes or fireproof outside stairways, projecting not more than four (4) feet, and certain accessory uses in accordance with the provisions of this Chapter. The width of the required side yard is measured horizontally at 90 degrees with the side lot line from the nearest point of the building.

**(170) ZONE MAP.** A map entitled: "Zone Map, Franklin County, Indiana," dated 1988, and any amendments thereto.  
(Am. Ord. 1989-6, passed 7, Aug. 1989.)

### Section 80.48: FILING FEES AND FORMS

**(A) Application Forms.** Application and petitions shall be prepared on the forms provided by the Executive Director (and Building Inspector), and accompanied by the filing fees herein specified, to be paid to the Executive Director who shall forthwith pay over to the Auditor of Franklin County to the credit of the General Fund of Franklin County.

**(B) Improvement Location Permit Fee.** For each application for an Improvement Location Permit or for a Temporary Improvement Location Permit the sum of \$30.00 shall be paid. Ordinance #2005-20, passed on the 19<sup>th</sup> day of September, 2005. **(C) Certificate of Occupancy Fee.**

For each application for a Certificate of Occupancy, The sum of \$20.00 shall be paid. Amended on the 19<sup>th</sup> day of September, 2005, ordinance # 2005-20.

**(D) Fees for Amendments, Appeals and Requests.** Applications for petitions to amend this code, appeals from the decision of the Executive Director, requests for Variances, Special Exceptions, Temporary Uses, Exceptions and other matters upon which the Board is required to act, shall be accompanied by the following fees for each application.

Variance.....\$300.00  
Amended on the 19<sup>th</sup> day of September, 2005,  
Ordinance # 2005-20

Temporary Uses .....\$300.00  
Amended on the 19<sup>th</sup> day of September, 2005,  
Ordinance # 2005-20.

**(D) Fees for Amendments, Appeals & Requests, (7); Contingent Uses:**  
Contingent Uses .....\$ 100.00

**(D) Fees for Amendments, Appeals & Requests, (2) Amendments: Change of Zone Classification or Change of Text;**  
Change of Text .....\$ 300.00

**(D) Fees for Amendments, Appeals & Requests, ( 5) Special Exception;**

CHAPTER 80: AREA ZONING CODE

Section 80.48 Filing Fees and Forms, (D) Fees for Amendments, Appeals and Requests

- (4) Unit Development Plan
  - A. Preliminary Unit Development Plan
    - (1) Less than 20 acres ..... \$ 300.00
    - (2) 20 - 100 acres ..... \$300.00 plus \$2.00 for each acre over 19 acres.
  - B. Detailed Unit Development Plan
    - (1) Any number of acres ..... \$ 300.00 plus \$ 1.00 for each acre

Amended Ordinance on # 1999-15, passed on 18<sup>th</sup> day of

- ~~(2) Maximum Fee..... \$400.00~~
- ~~(5) Special Exception..... \$150.00~~
- ~~(6) Exceptions and Temporary Uses... \$ 50.00~~

Amended Ordinance # 1999-15, passed on 18<sup>th</sup>

\*(E) Fees and Fines must be paid. Until all applicable fees have been paid in full, no application for an Improvement Location Permit is made belatedly and after notice of noncompliance from the Executive Director, verbally or written, a late filing fee or fine shall be assessed per the following schedule; Non-Commercial Permits, (a) First Offense; \$ 100.00 (b) Second Offense; \$ 200.00, (c) Third Offense \$500.00, (d) All Succeeding Offenses \$2,500.00. Commercial Permits (a) First Offense \$100.00, (b) Second Offense \$500.00, (c) All Succeeding Offenses \$2,500.00. All fees or fines to be levied by the Executive Director at the time of the belated filing for an Improvement Location Permit.

\*(Am. Ord. 1992-13, passed by County Commissioners Nov 16, '92; Brookville Dec 22, '92; Oldenburg Jan 4, '93; Cedar Grove Dec 13, '92; Mt. Carmel Jan 18, '93; and Laurel Mar 6, '93.)

(F) Fees Not Returnable. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner.

(G) Publication Costs. In addition to the fees set forth herein, the applicant, petitioner or appellant shall meet the cost of publication notices and due notices to interested parties, when required.

(H) Coincidental Applications. An Improvement Location Permit shall be applied for coincidentally with the application for a Building Permit whenever a Building Permit is necessitated by the proposed improvements. In such cases, the Improvement Location Permit fee is charged in addition to the Building Permit fees set forth in the Building Code.

Section 80.49: SPECIFICATIONS

The following specifications are hereby declared to be a part of this Code:

(A) Figure 1, LOT AND YARD REQUIREMENTS. Figure 1, LOT AND YARD REQUIREMENTS, shows the minimum lot areas, area per unit, lot widths, front yard depths, side yard widths, rear yard depths, height limits and ground floor areas for the various districts. Figure 1 follows.

(B) Flood Insurance Criteria and Maps. The Flood Plain District (areas subject to inundation by the regulatory flood) as identified by the Federal Insurance Administration on following maps with their respective dates and community numbers: the Franklin County unincorporated area, Flood Hazard Boundary Maps (FHBM), dated March 10, 1978, Community No. 180068A; Brookville, Flood Insurance Rate Map (FIRM), dated November 15, 1984, Community No. 180069B; Cedar Grove, Flood Insurance Rate Map (FIRM), dated August 5, 1986, Community No. 180304B; and Laurel, Flood Hazard Boundary Map (FHBM), dated June 11, 1976; along with any subsequent revisions to the text of the federal criteria of the National Flood Insurance Program (NFIP) CFR 44, Chapter 60 3(d), are hereby adopted by reference and made a part of this Chapter as if fully described herein, and the boundaries thereof shall supersede the boundaries of any other district shown on the Zone Map.

Section 80.50: INDIANA DRAINAGE CODE REQUIREMENTS

(A) 75-Foot Drainage Right-of-Way. The Indiana Drainage Code Provisions that all regulated drains in the State of Indiana shall have a 75-foot right-of-way on either side of the centerline of any titled drain and from the top edge of each bank of an open ditch and from the top edge of each bank of an open ditch as determined by the County Surveyor. This right-of-way is for the use of the Franklin County Board of County Commissioners.

(B) Use of Drainage Right-of-Way. The owners of land over which the drainage right-of-way runs may use the land in any manner consistent with the Indiana Drainage Code and the proper operation of the drain. Permanent structures may not be placed upon or over the right-of-way without the written consent of the Franklin County Board of

## CHAPTER 80: AREA ZONING CODE

Commissioners. Temporary structures may be placed upon or over the right-of-way without written consent of the Board of Commissioners but shall be removed immediately by the owner when so ordered by the Board of Commissioners or an authorized representative of the Board.

### Section 80.51: COMPLAINTS

Whenever a violation of this Chapter of the Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Executive Director. Said official shall properly record such complaint and immediately investigate. If acts elicited by such investigation are sufficient to establish a reasonable belief that a violation has occurred on the part of the party investigated, said official shall file with the Plan Commissioner Attorney a complaint against such person requesting action thereon. (See Sec. 80.99 for violations and penalties.)

### Section 80.52: REPEALER

An ordinance entitled: "FRANKLIN COUNTY, INDIANA, UNIFIED ZONING ORDINANCE," AS AMENDED, PASSED ON THE 17th DAY OF MAY, 1985, BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA; ON THE 5th DAY OF JUNE, 1965, BY THE TOWN BOARD OF TRUSTEES OF LAUREL, INDIANA; ON THE 13th DAY OF MAY, 1965, BY THE TOWN BOARD OF TRUSTEES OF CEDAR GROVE, INDIANA; ON THE 24th DAY OF MAY, 1965, BY THE TOWN BOARD OF TRUSTEES OF MOUNT CARMEL, INDIANA; ON THE 14th DAY OF MAY, 1965, BY THE TOWN BOARD OF TRUSTEES OF OLDENBURG, INDIANA; ON THE 13th DAY OF MAY, 1965, BY THE TOWN BOARD OF TRUSTEES OF BROOKVILLE, INDIANA is hereby repealed.

**NOTE:** The "Area Zoning Code of Franklin County, Indiana, 1988," was passed by the Franklin County Board of Commissioners as "Ordinance No. 1989-2," on March 20, 1989, with amendments; and the effective date was April 20, 1989. Subsequently, the Board of Commissioners passed on an amending ordinance, "Ordinance No. 1989-6," on August 7, 1989.

### Section 80.99: REMEDIES AND PENALTIES

(A) **Remedies and Enforcement.** Remedies and enforcement of the provisions of the Zoning Code are set forth in I.C. 36-7-4-1000, "1000 SERIES - REMEDIES AND ENFORCEMENT."

(B) **Violations as common nuisance.** Any structure erected, raised, or converted, or land or premises used, in violation of this Chapter of the Code, is a common nuisance and the owner or possessor of the structure, land, or premises is liable for maintaining a common nuisance.

### Section 80.99 REMEDIES AND PENALTIES

(c) **Penalty.** Any person or corporation in violation of Chapter 80 may be punished subject to the provisions of I.C. 36-1-3-8, specifically: a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for an ordinance violation. Each day that the ordinance violation continues shall constitute a separate offense.

**NOTE:** The "Area Zoning Code of Franklin County, Indiana, 1988," was passed by the Mount Carmel Town Board of Trustees on February 20, 1989; amended by an ordinance effective July 24, 1989; and amended by an ordinance certified to the Town Board on August 21, 1989.

**NOTE:** The "Area Zoning Code of Franklin County, Indiana, 1988," was passed by the Brookville

**CHAPTER 80: AREA ZONING CODE**

Town Board of Trustees on March 14, 1989; amended by an ordinance effective July 24, 1989; and amended by an ordinance certified to the Town Board on August 16, 1989.

**NOTE:** The "Area Zoning Code of Franklin County, Indiana, 1988," was passed by the Oldenburg Town Board of Trustees on April 18, 1989, and amended by an ordinance passed on September 5, 1989.

**NOTE:** The "Area Zoning Code of Franklin County, Indiana, 1988," certified to the Laurel Town Board of Trustees after favorable recommendation by the Franklin County Area Plan Commission, became effective on May 13, 1989, and amended by an ordinance certified to the Town Board on August 18, 1989.

**NOTE:** The "Area Zoning Code of Franklin County, Indiana, 1988," certified to the Cedar Grove Town Board of Trustees after favorable recommendation by the Franklin County Area Plan Commission, became effective on May 13, 1989, and amended by an ordinance certified to the Town Board on August 18, 1989.

**NOTE:** The references to amending ordinances at the end of certain sections are ordinances passed by the Franklin County Board of Commissioners; however, these same sections were also amended by ordinances passed by the participating Town Boards.

This ordinance shall be in full effect from after its passage, as provided by law.

(County Approval)  
Passed by the Board of County Commissioners of the County of Franklin, Indiana, on this \_\_\_ day of \_\_\_\_\_, 19\_\_.

**BOARD OF COUNTY COMMISSIONERS  
FRANKLIN COUNTY, INDIANA**

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Auditor of Franklin County, Indiana

Effective Date: This ordinance with Amendments became effective on the \_\_\_ day of \_\_\_\_\_, 19\_\_.

(Town Approval)  
Passed by the Town Board of Trustees of the Town of \_\_\_\_\_, Indiana, on this \_\_\_ day of \_\_\_\_\_, 19\_\_.

Town Board of Trustees,

\_\_\_\_\_, Indiana

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Clerk-Treasurer of \_\_\_\_\_, Indiana

Date: \_\_\_\_\_, 19\_\_.

FILED

COPY

NOV 26 2007 AN ORDINANCE TO AMEND THE AREA ZONING CODE

*Cary M. Burch*  
Auditor Franklin County

Franklin County

Ordinance No. 2007-20

AN ORDINANCE TO AMEND THE AREA ZONING CODE OF FRANKLIN COUNTY, INDIANA, SPECIFICALLY; ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONER OF FRANKLIN COUNTY, INDIANA ON THE 16<sup>TH</sup> DAY OF OCTOBER, 1995.

**Section 80.29 Special Exceptions;**

(E) Special Exception and districts where they may be permitted.

Add: A-2 (Secondary Agriculture) districts in which use may be permitted.

<u>No.</u>	<u>Special Exception</u>	<u>District in which use may be permitted</u>	<u>Page No.</u>
(14)	Contractor's Storage Yard	A-2, I-1 and I-2	41

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 26<sup>th</sup> day of November, 2007.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

*[Signature]*

*[Signature]*

*Donald M. Wonder*

AN ORDINANCE AMENDING THE ZONING CODE

FRANKLIN COUNTY

ORDINANCE NO. 2005-20

AN ORDINANCE TO AMEND THE ZONING CODE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, ON THE 16<sup>TH</sup> DAY OF OCTOBER, 1995.

Section 80.48 Filing Fees & Forms

(B) **Improvement Location Permit;** For each application for an Improvement Location Permit or for a Temporary Improvement Location Permit the sum of \$20.00 shall be paid. Change fee to \$30.00.

(C) **Certificate of Occupancy;** For each application for a Certificate of Occupancy, the sum of \$10.00 shall be paid. Change fee of \$20.00

(D) **Fees for Amendments, Appeals & Requests (6) Temporary Uses;** Temporary Uses; \$100.00. Change fee to \$300.00.

(D) **Fees for Amendments, Appeals & Requests (1) Variance;** \$100.00. Change fee to \$300.00

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 19<sup>th</sup> day of September, 2005

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Genske  
President

Robert C. Brock

Thomas E. Wilson

ATTEST:

Cary L. M. Dwyer  
AUDITOR of Franklin County, Indiana

Date: SEP 19 2005

*Handwritten mark*

AN ORDINANCE TO AMEND THE AREA ZONING CODE

Mary Seufert  
FRANKLIN County Recorder IN  
IN 2005001882 ORDI  
05/16/2005 10:43:00 1 PGS  
Filing Fee: \$10.00

Franklin County

**COPY**

Ordinance No. 2005-08

AN ORDINANCE TO AMEND THE AREA ZONING CODE OF FRANKLIN COUNTY, INDIANA, SPECIFICALLY; ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, ON THE 16<sup>TH</sup> DAY OF OCTOBER 15<sup>TH</sup>, 1995.

Section 80.27 Yard Exceptions, (J) Storage : Insert: Shipping Container (Freight) (cargo); .....mobile homes, trailers, airplanes, boats, shipping containing (cargo) (freight), or parts thereof, rubbish.....

Section 80.47 Definitions; (140 1/2) Shipping Container; a container used to move freight or cargo by ship or commercial vehicles from one location to another. A container made from one of the following materials, steel, plastic or fiberglass.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 16<sup>th</sup> day of May, 2001.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Chris E. Dunbar  
Robert O. Brock  
Thomas E. Wilson

ATTEST;

Candace M. Dwyer  
AUDITOR of Franklin County, Indiana

Date: MAY 16 2005

**FILED**

MAY 16 2005

Christy L. Rawls  
Recorder of Deeds

Frankman  
Chris-Rep  
zoning B-1  
page 453

AN ORDINANCE TO AMEND THE AREA ZONING CODE

Franklin County

Ordinance No. 2001-10

 **COPY**

AN ORDINANCE TO AMEND THE AREA ZONING CODE OF FRANKLIN COUNTY, INDIANA, SPECIFICALLY; ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, ON THE 16<sup>TH</sup> DAY OF OCTOBER 15<sup>TH</sup>, 1995.

**Section 80.47 Definition; (159 3/4) Trucking Terminal:** A facility used primarily by highway type for hire property-carrying vehicles in a trucking enterprise, which may include the parking, storing or maintaining of three (3) or more such vehicles.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 16<sup>th</sup> day of April, 2001.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Ginkel  
Robert O. Brack  
Thomas E. Wilson

ATTEST;

Carol S. Murrell  
AUDITOR of Franklin County, Indiana

Date: 4/16/01

*Young* RECEIVED FOR RECORD  
RECORD 1 PAGE 661  
TIME 10:05 AM

#3783 APR 16 2001

Mary E. Seufert  
RECORDER FRANKLIN COUNTY,

AN ORDINANCE AMENDING THE ZONING CODE

FRANKLIN COUNTY

ORDINANCE NO. 1999-18

FILED  
NOV 15 1999  
AUDITOR FRANKLIN COUNTY

AN ORDINANCE TO AMEND THE ZONING CODE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16<sup>TH</sup> DAY OF OCTOBER, 1995.

Section 80.48 FILING FEES AND FORMS, (D) Fees for Amendments, Appeals and Requests; Change to read:

Variance .....\$100.00

Section 80.40 ADMINISTRATION, (L) Change of Use; Add:

The fee of a Change of Use is \$50.00.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 15<sup>th</sup> day of November, 1999.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

RECEIVED FOR RECORD  
RECORD 36 PAGE 619  
TIME 1:45 PM

#5428

NOV 15 1999

Louis E. Linkel  
President Louis E. Linkel

James C. Hunt  
RECORDER FRANKLIN COUNTY, IN

Robert O. Brack  
Robert O. Brack

ATTEST:

County Auditor  
County Auditor, Franklin County, Indiana

Date: Nov. 15, 1999

AN ORDINANCE AMENDING THE SUBDIVISION CONTROL CODE

FRANKLIN COUNTY

FILED

ORDINANCE NO. 1999-16

OCT 18 1999

AN ORDINANCE TO AMEND THE SUBDIVISION CONTROL CODE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, ON THE 16<sup>TH</sup> DAY OF OCTOBER, 1995.

**Section 81.04 Procedure, (B) Fee Required;**

Change to read:

...Franklin County, Indiana, in the amount of Five Hundred Dollars (\$500.00), plus Twenty Dollars (\$20.00) per lot for the first twenty (20) lots, and ten (\$10.00) per lot in excess of twenty (20) lots.

**Section 81.03 Definitions, (27) Subdivisions, (e), (4), (f);**

Change to read:

.....Filing fee for a certified survey will be sixty (\$60.00) dollars per application.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 18<sup>th</sup> day of October, 1999.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

*Louis E. Linkel*

President Louis E. Linkel

*Thomas E. Wilson*  
Thomas E. Wilson

ATTEST:

*Carol L. Monroe* Carol L. Monroe  
AUDITOR of Franklin County, Indiana

Date: 10/18/99

RECEIVED FOR RECORD  
RECORD 36 PAGE 538  
TIME 10:32 A.M.

#4903 OCT 19 1999

*Janice L. Hunt*  
RECORDER FRANKLIN COUNTY, IN

AN ORDINANCE AMENDING THE ZONING CODE

FILED

*Recorded*

FRANKLIN COUNTY

OCT 18 1999

ORDINANCE NO. 1999-15

*Cathy Davis*  
AUDITOR FRANKLIN COUNTY

AN ORDINANCE TO AMEND THE ZONING CODE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, ON THE 16<sup>TH</sup> DAY OF OCTOBER, 1995.

**Section 80.48 Filing Fees & Forms, (D) Fees for Amendments, Appeals & Requests, (6); Temporary Uses;**

Change to read; \$ 100.00.

**Section 80.48 Filing Fees & Forms, (D) Fees for Amendments, Appeals & Requests, (7) Contingent Use;**

Change to read; \$ 100.00

**Section 80.48 Filing Fees & Forms, (D) Fees for Amendments, Appeals & Requests, (2) Amendments: Change of Zone Classification or Change of Text;**

Change to read; \$ 300.00

**Section 80.48 Filing Fees & Forms, (D) Fees for Amendments, Appeals & Requests, (5) Special Exception;**

Change to read; \$300.00

**Section 80.48 Filing Fees & Forms, (E) Fees & Fines Must Be Paid, (a) First Offense;**

Change to read; \$ 100.00

**Section 80.48 Filing Fees & Forms, (E) Fees & Fines Must Be Paid, (b) Second Offense;**

Change to read; \$200.00

**Section 80.48 Filing Fees & Forms, (B) Improvement Location Permit Fee;**

Change to read; ..... application for an improvement Location Permit or a Temporary Improvement Location Permit the sum of \$20.00 shall be paid.

**Section 80.48 Filing Fees & Forms (C) Certificate of Occupancy Fee;**

Change to read; ..... application for a Certificate of Occupancy or Temporary Certificate of Occupancy, the sum of \$10.00 shall be paid.

RECEIVED FOR RECORD  
RECORD 36 PAGE 536-37  
TIME 10:31 A.M.

# 4902 OCT 19 1999

*James L. King*  
RECORDER FRANKLIN COUNTY IN

**Development, A. Preliminary Unit Development Plan**

- Change to read; (1) Less than 20 acres \$600.00  
(2) 20-100 acres \$600.00 plus \$2.00 for each acre over 19 acres

**B. Detailed Unit Development Plan**

- (1) Any number of acres.....\$300.00 plus \$1.00 for each acre

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 18<sup>th</sup>  
day of October, 1999.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Linkel  
President Louis E. Linkel

Thomas E. Wilson  
Thomas E. Wilson

ATTEST:

Carol L. Monroe Carol L. Monroe  
AUDITOR of Franklin County, Indiana

Date: 10/18/99

AN ORDINANCE AMENDING THE BUILDING CODE

FILED

FRANKLIN COUNTY

OCT 13 1999

ORDINANCE NO. 1999-14

*W. J. ...*  
AUDITOR FRANKLIN COUNTY

AN ORDINANCE TO AMEND THE BUILDING CODE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, ON THE 16<sup>TH</sup>, DAY OF OCTOBER, 1995.

**Section 90.11 Forms & Fees, (D) under Inspection Fee Rate Schedule**  
Change to read:

<u>Type of Construction</u>	<u>Inspection Fee Deposit</u>
Detached 1 or Two Family Dwelling	\$200.00 plus \$5.00 per 100 square feet over 960 square feet
Manufactured Home (double wides, modulars, etc.)	\$200.00
Accessory Buildings (in-ground pools, porches)	\$ 75.00
Residential Additions	\$100.00 plus \$1.00 per 100 square feet.
Unenclosed Lean-to, Decks, Above Ground Pools	\$45.00
All Commercial & Commercial Additions	\$ 500.00 plus \$2.00 per 100 square feet not to exceed the fee of \$6,500.00
Signs	\$ 30.00
Multi-Family Dwellings	\$ 300.00 plus \$5.00 per 100 square feet
Temporary Structures	\$ 50.00
Reinspection Fees	\$ 30.00
Meter Checks	\$ 30.00

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 18<sup>th</sup> day of October, 1999.

RECEIVED FOR RECORD  
RECORD 36 PAGE 534-35  
TIME 10:30 A.M.

BOARD OF COUNTY COMMISSIONERS

#4901  
OCT 19 1999

*James S. ...*  
RECORDER FRANKLIN COUNTY, IN

AN ORDINANCE AMENDING THE SUBDIVISION CONTROL CODE  
ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO. 1999-10

AN ORDINANCE TO AMEND THE SUBDIVISION CONTROL CODE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, ON THE 16<sup>TH</sup> DAY OF OCTOBER, 1995.

Section 81.03 Definitions, (27) Subdivision (d), page 4  
Delete the following;

The two (2) acre lot may be reduced to a one (1) acre lot size by filing for a variance and the lots in the proposed Subdivision shall have; a. Sixty (60) inches of soil without any limiting layer; and b. A soil loading rate of .30 or greater as per rule 410 IAC 6-8.1 table 5," and c. Two (2) septic and leach field sites available, one (1) for backup.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 13<sup>th</sup> day of September, 1999.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Linkel  
President

Robert O. Brack  
Thomas E. Wilson

ATTEST:

Coyd D. Duce  
Auditor of Franklin County, Indiana

Date: Sept. 13, 1999

COPY

AN ORDINANCE AMENDING THE AREA ZONING CODE

FRANKLIN COUNTY

ORDINANCE NO. 1998-21

FILED  
OCT 19 1998  
AUDITOR FRANKLIN COUNTY

AN ORDINANCE TO AMEND THE AREA ZONING CODE ORDINANCE OF FRANKLIN, COUNTY, INDIANA; SPECIFICALLY ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16<sup>TH</sup> DAY OF OCTOBER, 1995.

Specifically the proposed amendment is as follows:

Section 80.99 Remedies and Penalties; (C) Penalty:

Any person or corporation in violation of Chapter 80 may be punished subject to the provisions of I.C. 36-1-3-8, specifically; a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for an ordinance violation. Each day that the violation continued shall constitute a separate offense.

(County Approval)

Passed by the Board of County Commissioners of the County of Franklin County, Indiana, this 19<sup>th</sup> day of October, 1998.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Seibel  
President

Robert O. Brack

Thomas C. Wilson

ATTEST:

Cathy M. Duvall  
AUDITOR of Franklin County, Indiana

Date: Oct. 19<sup>th</sup>, 1998.

COPY

AN ORDINANCE AMENDING THE BUILDING CODE

FILED

FRANKLIN COUNTY

OCT 19 1998

ORDINANCE NO. 1998-20

AUDITOR FRANKLIN COUNTY

AN ORDINANCE TO AMEND THE BUILDING CODE ORDINANCE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16<sup>TH</sup>, DAY OF OCTOBER 1995.

Specifically the proposed amendment is as follows:

Section 90.99 Penalty;

If any person, firm, or corporation shall violate any of the provisions of this chapter, or shall do any act prohibited herein; or shall fail to perform any duty lawfully enjoined, within the time prescribed by the Building Inspector; or shall fail, neglect, or refuse obey any lawful order given the Building Inspector in connection with the provisions of this chapter, for each violation, failure, or refusal, the person, firm, or corporation shall be fined in any sum not more than Two Thousand Five Hundred Dollars (\$2,500.00). Each day the unlawful activity continues shall constitute a separate offense.

(County Approval)

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 19<sup>th</sup> day of October, 1998.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Jenke  
President

Robert O. Brack

Thomas E. Wilson

ATTEST:

CAROL MAWOLF  
AUDITOR of Franklin County, Indiana

Date: Oct. 19<sup>th</sup>, 1998.

COPY

AN ORDINANCE AMENDING THE SUBDIVISION CONTROL CODE

FRANKLIN COUNTY

ORDINANCE NO. 1998-19

FILED

1998

AN ORDINANCE TO AMEND THE SUBDIVISION CONTROL CODE ORDINANCE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16<sup>TH</sup>, DAY OF OCTOBER, 1995.

Specifically the proposed amendment is as follows:

Section 81.99 Penalty;

Any person in violation of Chapter 84 may be punished subject to the provisions of I.C. 36-1-3-8, specifically: a fine of not more than Two Thousand Five Hundred Dollars for an ordinance violation. Each day the ordinance violation continues shall constitute a separate offense.

(County Approval)

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 19<sup>th</sup> day of October, 1998.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Label  
President

Robert O. Frack

Thomas E. Wilson

ATTEST:

Caryl Y. McDowell  
AUDITOR of Franklin County, Indiana

Date: Oct 19<sup>th</sup>, 1998.

AN ORDINANCE AMENDING THE HISTORIC PRESERVATION CODE

FRANKLIN COUNTY

ORDINANCE NO. 1998-18

OCT 19 1998

AUDITOR OF FRANKLIN COUNTY

AN ORDINANCE TO AMEND THE HISTORIC PRESERVATION CODE ORDINANCE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO. 1995-17, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16<sup>TH</sup>, DAY OF OCTOBER 1995.

Specifically the proposed amendment is as follows:

Section 84.99 Penalty, (B) Penalty;

Any person or corporation in violation of Chapter 84 may be punished subject to the provisions of I.C. 36-1-3-8, specifically: a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00) for a violation of the Chapter of the Code. Each day the violation of this code continues shall constitute a separate offense.

(County Approval)

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 19<sup>th</sup> day of October, 1998.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Lois E. Linker  
President

Robert O. Brack

Thomas E. Wilson

ATTEST:

Candy L. Mowbray  
AUDITOR of Franklin County, Indiana

Date: Oct. 19<sup>th</sup>, 1998.

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1998-3

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA, CHAPTER 81 SUBDIVISION CONTROL CODE AS AMENDED, SPECIFICALLY, ORDINANCE NO 1995-17 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA ON THE 16TH DAY OF OCTOBER, 1995.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS;

Page 5, Subdivision Control Code, Section 81.03 Definitions; (27) Subdivision (4), (g). No Improvement Location Permit shall be issued until a deed for the parcel in question has been recorded. Also, prior to an Improvement Location Permit being issued, the Executive Director shall have a minimum of 5 days and a maximum of 10 days to review the certified survey, and surveyors report. If after reviewing the certified survey and other documents, the Executive Director is not fully satisfied he can require the surveyor to meet with him in person to provide additional information prior to issuing an Improvement Location Permit.

Page 5, Subdivision Control Code, Section 81.03, Definitions; (27) Subdivision (5), (g). Survey plat must include a location map of the area involved and topographical line, with a minimum of 10 foot intervals.

Passed by the Board of County Commissioners of the County of Franklin, Indiana this day 17th of February, 1998.

RECEIVED FOR RECORD

RECORD 1 PAGE 660  
TIME 10:06 AM

FEB 17 1998

Jessie B. King  
RECORDER FRANKLIN COUNTY, IN

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Linkel  
President

Robert C. Frack

Thomas E. Wilson

ATTEST;

Jaye Seidling  
AUDITOR of Franklin County, Indiana  
Date: February 17, 1998.

*zoning*  
*# 2388*

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1997-12

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA; CHAPTER 81, SUBDIVISION CONTROL CODE AS AMENDED, SPECIFICALLY, ORDINANCE NO 1995-17 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16TH DAY OF OCTOBER, 1995.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS;

Subdivision Control Code; Section 81.08; Plat Certificates and Deed of Dedication, (F) Deed of Dedication; paragraph #3:

The subdivision shall be known and designated as name, a subdivision of or an addition to (\_\_\_\_\_), Indiana. All streets, alleys and/or roadways shown and not heretofore dedicated, are hereby dedicated to the public, add: and there shall be no transfer of ownership of street, alleys and/or roadways until the County Commissioners ( or governing body in place) have accepted the streets, alleys and/or roadways by Resolution.

Passed by the County Commissioners of the County of Franklin, Indiana, this 14 day of July, 1997.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Gerbel  
President

Robert O. Brach

Thomas E. Wilson

ATTEST:

Faye Seidling  
AUDITOR of Franklin County, Indiana  
Date: July 14, 1997.

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1997-15

FILED  
JUL 14 1997

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA, CHAPTER 81 SUBDIVISION CONTROL CODE AS AMENDED, SPECIFICALLY, ORDINANCE NO 1995-17 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA ON THE 16TH DAY OF OCTOBER, 1995.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS;

Subdivision Control Code; Section 81.07; Standards of Improvements, (B) Streets, (2); delete existing and change to read:

Residential Streets shall be surfaced to a minimum width of thirty-six (36) feet, (unless otherwise noted) measured back to back of curb. Streets classified as "arterial" or "feeder" in the thoroughfare plan, as set forth in the Thoroughfare Plan Code, shall be surfaced to a minimum width of forty (40) feet. (Curb and gutter is added to the minimum surface, see subsection (G) herein.) The Commission may require the subdivider to provide street surfacing on streets which are proposed to be extensions of existing paved streets, and which exceed the minimum dimensions set forth above, to the full width of the existing paved street. Alley shall be surfaced to their full width. Cul-de-sac turn-arounds shall be paved to a diameter of eighty (80) feet.

Passed by the Board of County Commissioners of the County of Franklin, Indiana this 14 day of July, 1997.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Linkel  
President

Robert O. Brack

Thomas E. Wils

ATTEST;

Faye Siedling  
AUDITOR of Franklin County, Indiana  
Date: July 14, 1997.

1999-18

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1997-14

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA, CHAPTER 81, SUBDIVISION CONTROL CODE AS AMENDED, SPECIFICALLY, ORDINANCE NO 1995-17 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA ON THE 16TH DAY OF OCTOBER, 1995.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS;

Subdivision Control Code; Section 81.07; Standards of Improvements, (B) Streets, (3) Figure for pavement widths for residential streets: delete existing and change to read as follows:

Average Lot Size (Square Feet) 12,000-15,000; Indicated Pavement Width (Feet) 40 feet; Average Lot Size (Square Feet) 16,000-30,000; Indicated Pavement Width (Feet) 36 feet: Average Lot Size (Square Feet) 31,000-over; Indicated Pavement Width (Feet) 20 feet.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 14 day of July, 1997.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Linkel  
President

Robert O. Beach

Thom E. Welch

ATTEST;

Faye Seeding  
AUDITOR of Franklin County, Indiana  
Date: July 14, 1997.

FILED

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1997-13

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA, CHAPTER 81, SUBDIVISION CONTROL CODE AS AMENDED, SPECIFICALLY, ORDINANCE NO 1995-17 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16TH DAY OF OCTOBER, 1995.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS;

Subdivision Control Code; Section 81.07 Standards of Improvements, (B) Streets, (3), paragraph #3; delete twenty feet and replace with forty feet;

When Streets in hillside subdivisions are to be paved to a width less than forty feet, off street parking.....

Passed by the Board of County Commissioners of the County of Franklin County, Indiana, this 14 day of July, 1997.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Seibel  
President

Robert O. Brack

Thomas E. Wilson

ATTEST;

Faye Siedling  
AUDITOR of Franklin County, Indiana

Date: July 14, 1997.

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE

FILED

FRANKLIN COUNTY

JUL 14 1997

ORDINANCE NO 1997-12

*[Handwritten signature]*

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA; CHAPTER 81, SUBDIVISION CONTROL CODE AS AMENDED, SPECIFICALLY, ORDINANCE NO 1995-17 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16TH DAY OF OCTOBER, 1995.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS;

Subdivision Control Code; Section 81.08; Plat Certificates and Deed of Dedication, (F) Deed of Dedication; paragraph #3:

The subdivision shall be known and designated as name, a subdivision of or an addition to (\_\_\_\_\_), Indiana. All streets, alleys and/or roadways shown and not heretofore dedicated, are hereby dedicated to the public, add: and there shall be no transfer of ownership of street, alleys and/or roadways until the County Commissioners ( or governing body in place) have accepted the streets, alleys and/or roadways by Resolution.

Passed by the County Commissioners of the County of Franklin, Indiana, this 14 day of July, 1997.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Geribel  
President

Robert O. Brach

Thomas E. Wilson

ATTEST:

Faye Seedling  
AUDITOR of Franklin County, Indiana

Date: July 14, 1997.

FILED

JUL 14 1997

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE  
FRANKLIN COUNTY

ORDINANCE NO 1997-11

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA, CHAPTER 81, SUBDIVISION CONTROL CODE AS AMENDED, SPECIFICALLY, ORDINANCE NO. 1995-17 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 16TH DAY OF OCTOBER, 1995.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS;

Subdivision Control Code; Section 81.07: Standards of Improvements, (B) Streets, (2), (a) Cul-de-sacs; delete existing and change to read:

Where as if school bus use is planned by the developer or if so deemed necessary by school policy or law of distance for pickup of school students, a 110 foot diameter or 55 foot radius with a paved area of 24 feet around the outer radius of the cul-de-sac and a 70 foot right-of-way with a solid sod center with a 2 foot gravel berm around paved radius shall be required. Any unpaved portion of the cul-de-sac shall not be dedicated to the county and must be maintained by the developer or Property Owners Association. There shall be no parking of any type of motorized vehicles or non-motorized vehicles nor the placement of any object which may be an impediment to snow removal.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 14 day of July, 1997.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Liribel  
President

Robert O. Beach

Thomas C. White

ATTEST;

Faye Seedling  
AUDITOR of Franklin County, Indiana

Date: July 14, 1997.

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1997-5

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO 1989-2, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 17TH DAY OF MAY, 1989.

Section 80.25, Special Exceptions

(15) Day Care Center or Child Development Center  
Districts in which use may be permitted; change to read by adding:  
R-3 District.

Section 80.24, Contingent Uses

Tourist Home, Bed and Breakfast  
Districts in which use may be permitted; change to read by adding;  
A-1 District.

(County Approval)

Passed by the Board of County Commissioners of the County of Franklin County, Indiana, this 17 day of March, 1997.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Louis E. Linkel  
President

Robert O. Brack

Thomas E. Wilson

ATTEST:

Faye Sudbery  
AUDITOR of Franklin County, Indiana

Date: March 17, 1997.

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1996-11

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA, CHAPTER 81, SUBDIVISION CONTROL CODE AS AMENDED, SPECIFICALLY, ORDINANCE NO. 1989-2 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 17TH DAY OF MAY, 1989.

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS:

Section 81.08 (M) Covenant requirement;

Subdivisions located in the RE, R-1, R-2, R-3 and A-2 Districts shall include the following covenant on the plat of the Subdivision:

"The owner of the herein described real estate (name of subdivision), for himself, and for all future owners and occupants of said Real Estate, or any parcel or subdivision thereof, for an in consideration of the right to develop the Real Estate for other than agriculture uses, hereby;

First, acknowledges and agrees that in the (name of the subdivision) is in or adjacent to an area zoned for agriculture uses, which uses include, but are not limited to, production of crops, animal husbandry, land application of animal waste, the raising, breeding, and sale of livestock and poultry, including confinement feeding operations, use of farm machinery, and sale of farm products;

Second, waives any and all objections to any such agricultural uses on any real estate zoned for such uses within two miles of any boundary of the (name of subdivision), whether such uses currently exist, are enlarged, or changed in use in the future to another agricultural use;

Third, agrees that such agricultural uses, whether currently existing, or hereafter established, enlarged, or changed, do not constitute a nuisance so long as they are not negligently maintained, do not cause bodily injury to third parties, or directly endanger human health; and

Fourth, agree that this covenant is for the benefit of the Franklin County Plan Commission and all persons engaged in agricultural uses within two miles of any boundary of the (name of the subdivision) and is enforceable by any of the foregoing; together with such other covenants as may be required by this Chapter."

Passed by the County Commissioners of the County of Franklin, Indiana, this 18<sup>th</sup> day of November, 1996.

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1996-10

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA, CHAPTER 80 AS AMENDED, SPECIFICALLY, ORDINANCE NO. 1989-2 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA ON THE 17TH DAY OF MAY, 1989.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN:

SPECIFICALLY THE CHANGE IS AS FOLLOWS;

SECTION 80.35 TEMPORARY USES (9 1/2) shall be amended by adding the following:

... and may be renewed by a Doctor Statement, accompanied with the health condition of the individuals or individual that are using this temporary use. This is to be directed to the Executive Director and Chairman of the Board of Zoning Appeals, this is to be done prior to issue of a renewal permit of a Temporary Use. The filing fee may be waived after review of Director and Chairman Approval.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 18<sup>th</sup> day of November, 1996.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Charles K. Brown  
President

Robert O. Brack

Louis E. Linkel

ATTEST:

Faye Siedling  
AUDITOR of Franklin County, Indiana

Date: November 18, 1996.

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1996-9

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA, CHAPTER 80 AS AMENDED, SPECIFICALLY, ORDINANCE NO. 1989-2 PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 17TH DAY OF MAY, 1989.

BE IF ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN;

SPECIFICALLY THE CHANGE IS AS FOLLOWS:

SECTION 80.25 SPECIAL EXCEPTIONS

NO.	SPECIAL EXCEPTION	DISTRICTS IN WHICH MAY BE PERMITTED
(5 1/2)	Beauty Shop or Barber Shop	All except I-1, I-2, R-1 & R-2

Other requirements for Special Exceptions.

(5 1/2) Beauty Shop or Barber Shop.

(a) Parking.

Two (2) parking spaces provided per chair station or as to be determined by the board. The determination shall be based upon estimated client & client related services offered.

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 18<sup>th</sup> day of November, 1996.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

Charles K. Brown  
President

Robert O. Brach

Louis E. Senkel

ATTEST:

Laye Seidling  
AUDITOR of Franklin County, Indiana  
Date: November 18, 1996.

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1993-10

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO. 1989-2, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 17TH DAY OF MAY, 1989.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN:

Section 80.34: ACCESSORY USES, shall read as follows:

(5) Shall be permitted prior to the erection and operation of the principal use if the accessory use meets the following criteria:

- (A) Use for storage of equipment to maintain the appearance of the land use.
- (B) Use for farm animal shelters or barns.
- (C) Any use in accordance with Section 80.35 with a Temporary Improvement Location Permit.
- (D) At no time shall an accessory use to be used for living, sleeping, or housekeeping purposes.

(County Approval)

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 19 day of July, 1993.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

William J. Lockamp

President

Russell Ruff  
Charles K. Brown

ATTEST:

Catherine J. Nelson

AUDITOR of Franklin County, Indiana.

Date: July 19, 1993.

AN ORDINANCE AMENDING THE UNIFIED ZONING ORDINANCE

FRANKLIN COUNTY

ORDINANCE NO 1993-2

AN ORDINANCE TO AMEND THE UNIFIED ZONING ORDINANCE OF FRANKLIN COUNTY, INDIANA; SPECIFICALLY, ORDINANCE NO. 1989-2, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA, ON THE 17TH DAY OF MAY, 1989.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF FRANKLIN:

Section 1. Certified Surveys are to be located in A-2 and RE Zoned Areas and must meet existing setbacks in those prescribed areas.

Requirements for Certified Surveys;

Any existing tract at the effective date of these regulations may be divided no more than one time per year upon the approval of the director of the Franklin County Planning Commission.

No land division will be allowed more than once per twelve (12) month period except wherein the individual desiring to make such divisions can establish to satisfaction of the Plan Commission that further division of land is needed for the completion of a family divisions of land (for example: so that each child or heir may receive a portion or tract of their own, only one tract per family member will be allowed without fulfilling subdivision control ordinance requirements). Approval of such family division by Certified Survey shall be requested from the Plan Commission, which may require sketches or other information to be presented in connection with a request. After two (2) splits are made from any tract, any further development will require Area Plan Commission approval following the Subdivision Control Ordinance excepting family divisions.

All lots should have enough frontage on a public maintained roadway so as to construct an access of no less than twenty (20) feet wide of traveled portion of proposed access.

All requests for certified surveys shall meet the following standards, in addition to any other requirements of these regulations.

1. All lots or tracts divided by certified survey shall have a minimum of thirty (30) feet frontage on an existing public road and consist of one (1) acre excluding road right-of-way and panhandle (in panhandle lots).
2. All lots or tracts divided by certified survey shall show dedication to a public use of a one-half right-of-way along all road frontage of a width consistent with the road usage as determined by the Plan Commission.
3. The Certified Survey shall be performed and prepared by a registered surveyor in such form as approved by the Plan Commission and shall comply with these regulations.

4. If the new lot or tract is to create a building site, the capabilities of the lot to provide adequate sanitary facilities must be approved by the Franklin County Health Department.
5. The Plan Commission shall retain the original reproducible copy of all certified surveys (copy also to be recorded in Franklin County Recorder's Office).
6. All costs and fees shall be paid by the individual presenting the certified survey. Filing fee for a certified survey will be thirty (\$30.00) dollars per application.

#### Certified Survey Plat

##### Exception for creating a single new lot (Certified Survey Plat):

1. A Certified Survey Plat shall be submitted when a property owner desires to create a single new lot (provided said new lot has thirty (30) feet frontage on an existing public road) and will include no less than one (1) acre of property excluding the road right-of-way.
2. To the extent reasonably practicable, the plat shall comply with the provisions of this ordinance hereinafter stated relating to design standards and required improvements.
3. The survey shall be performed and the map prepared by a registered surveyor in such form as approved by the Plan Commission.
4. If the new lot is to create a residential building site, the capabilities of the lot to provide adequate sanitary facilities must be approved by the Franklin County Health Department.
5. The Plan Commission or its designees shall retain a reproducible copy of said survey plat (copy also to record in the Franklin County Recorder's Office).
6. Certified Survey plats are to be approved by the director of the Franklin County Area Planning Commission. The director can require additional width of the panhandles (on panhandle lots) if the terrain warrants more width. The director can require topographic contours (to meet his standards) if he suspects drainage problems within the area. If the director has any problems with the certified survey plat he can refer to the plat to the Area Planning Commission for approval or rejection.

##### Section 2. Chapter 80, Section 80.25 (E) Special Exceptions and districts where they may be permitted shall be amended as follows:

1. Item (66) wholesale produce terminal or truck freight terminal.... amended by adding A-2 to districts in which use may be permitted, with the following stipulations:
  - A. It be a family run operation.
  - B. The family reside at the property.
  - C. A maximum of five (5) trucks units allowed (trucks with a capacity of 1 ton or less will not be included in the maximum).
2. Add item 67 to read as follows... (LB) Local Business District uses. Districts in which use may be permitted A-2 - R-3. Page 7,8 & 9.

(County Approval)

Passed by the Board of County Commissioners of the County of Franklin,  
Indiana, this 15<sup>th</sup> day of March, 1993.

BOARD OF COUNTY COMMISSIONERS  
Franklin County, Indiana

William L. Schamp  
President

Russell Ruff

Charles K. Brown

ATTEST:

Catherine J. Pelso  
AUDITOR of Franklin County, Indiana.

Date: March 15, 1993.

Ordinance 1993-2

Amendments to  
Zoning Codes

**FILED**

MAR 16 1993

*Catherine J. Peters*  
AUDITOR FRANKLIN COUNTY