

**AN ORDINANCE TO AMEND THE  
FRANKLIN COUNTY CITIZENS ZONING CODE**



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Franklin County, Indiana

**Ordinance No. 2011-21**

AN ORDINANCE TO AMEND THE FRANKLIN COUNTY CITIZENS ZONING CODE OF FRANKLIN COUNTY, INDIANA, SPECIFICALLY; RESOLUTION NO. 2011-14, PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF FRANKLIN COUNTY, INDIANA ON THE 28<sup>TH</sup> DAY OF MARCH, 2011.

WHEREAS, the Franklin County Board of Commissioners enacted The Citizens Zoning Code of Franklin County on the 28<sup>th</sup> day of March, 2011, specifically; Resolution No. 2011-14 and Ordinance 2011-02.

WHEREAS, the Franklin County Board of Commissioners intend to amend Resolution No. 2011-14 when it is deemed to be in the best interests of the citizens of Franklin County.

WHEREAS, the Franklin County Board of Commissioners have already amended Resolution No 2011-14 with Ordinance No. 2011-16.

WHEREFORE, the Franklin County Board of Commissioners hereby initiates the following amendments identified in the Control Page attached to this Ordinance

Passed by the Board of County Commissioners of the County of Franklin, Indiana, this 6<sup>th</sup> day of Sept., 2011.

BOARD OF COUNTY COMMISSIONERS

\_\_\_\_\_  
Thomas Wilson, President

  
\_\_\_\_\_  
Tom Linkel

  
\_\_\_\_\_  
Scott McDonough

ATTEST:

  
\_\_\_\_\_  
Erica Hudson  
Franklin County Auditor

Date: 9-6, 2011.

**Control Page for Citizen's Zoning Code  
Of  
Franklin County, Indiana**

**Resolution No. 2011-14 and Ordinance No. 2011-02**

This Control page identifies the changes of the zoning code from its enactment on March 28, 2011 to the present.

**Amendment adopted on June 20, 2011 via Ordinance No. 2011-16:**

Section 80.09.01 General Provisions, D. Undeniable Access; add: 5. For purposes of creating a building site, the "undeniable access" requirement shall not be fulfilled by the use of unmaintained road right-of-ways, abandoned roads, unvacated, but no longer maintained "township roads", or other public ways. Note: public way may be used only if it is the sole access to a parcel created, and recorded prior to the adoption of the 1965 Zoning Code.

**Amendments proposed by the current ordinance:**

Section 80.01 (C) (2): Change entire paragraph of the Incorporated Business Exemption to now read "2. Incorporated Exemption For the protection of the individual zoning visions of the incorporated towns, the town boards may, within their respective jurisdictions, waive any portion of this ordinance or add additional zoning requirements by virtue of town ordinances. However, the enforcement of any additional zoning regulations beyond the County's Zoning Code will be the responsibility of the town which enacted the additional requirements.

Section 80.03.12 (B): Change "without unique features" to "with unique features".

Section 80.03.15: Section I. Penalties for Violation – Verify approved maximum fine at \$500.

Section 80.04.02 (F): Revise language to: "Where a zoning district boundary line divides a lot which was a single ownership at the time of passage of the ordinance comprising this chapter into two or more zoning districts, the owner of said parcel shall determine which of the intersecting district's rules they will follow."

Section 80.05.03: Delete # 4. Add new # 4 "For more pool regulations go to Indiana Swimming Pool Code, current revision."

Section 80.05.05: Change "E" by removing "Historic Board of Franklin County" and replacing with "Commissioner's Council on Historic Metamora."

Section 80.05.08: Add "f. See definition of home occupation for a home business."

Section 80.05.09: Revise A to “No sign shall block traffic, impede or impair line of sight of the road or the road signs, nor create any other hazard to the flow of automotive traffic or safety of pedestrians on our public roads in any way.”

Delete “B”.

E. 2. Add “Any sign in sight of a State or Federal Highway must meet State and/or Federal guidelines.

Section 80.05.10 “E” change “permit locking and shall be kept...” to “permit self-locking and locking gates and doors, both capable of being locked as per current State Code, current edition, shall be kept...”

Section 80.06.03: change “the Board shall direct” to “the Board of Zoning Appeals shall direct”.

Section 80.06.04: “Mining Operations” delete “f” and revise so that “g” becomes “new f”.

Section 80.06.04: Delete “small”.  
a. change “without” to “with”

Section 80.08.07: add “Continued use as Temporary use beyond 12 months after filing for improvement location permit shall be a violation of this code.”

Section 80.08.08: Delete “G”.

Section 80.08.09: A. Change to “Sewer, septic, and water regulations shall be per Franklin County Health Department, and all other current state and federal regulations.”

Section 80.09.01. A. Add “2. For purposes of this chapter, family shall be defined as, transfers made solely to any combination of a spouse or an individual in the lineal line of consanguinity of at least one (1) of the transferors.”

Section 80.09.02: B and C. In the deed disclosure language, final sentence in each B and C replace “Chapter” with “Deed”.

Section 80.10.05 Change, “The process to obtain Preliminary...” to “The process to obtain Final...”

Section 80.10.07: A. 25 change 25.a from eighty (80) to one hundred ten (110).

Combine b and c as follows: All cul-de-sacs shall terminate in a circular right of way with a minimum diameter of one hundred and ten (110) feet, or other arrangement for the turning of all vehicles conveniently within the right of way. Whereas 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 and 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 Owner’s Association. There shall be no parking of any type or motorized vehicles or not motorized vehicles nor may the placement of any object which will be an impediment to snow removal.

Section 80.10.07 B: Delete “Hillside”

Section 80.10.17 B. 1. Delete "hillside".

Section 80.11.02. 5: Change "it is encouraged..." to "it is required..."

Section 80.11.02. 8. Deleted "Map must be updated within 1 Year."

Section 80.11.03. D. Change to "Copies to Board Members. It is the responsibility of the Executive Director to provide accurate, up to date, and complete copies of this ordinance to all APC, BZA members, and to board members of participating legislative bodies, no later than one (1) week after said board member's term has commenced."

Section 80.11.09 A. 1. Change "50% of the land..." to "60% of the land..."

Section 80.12.02 : C. 2. Change "A variance granted by the BZA shall run with the land until such time as the use or the variance ends, or the property conforms with the Zoning Code, as written. Upon issuance of the certificate of variance, work must commence within six (6) months and be completed within twelve (12) months. The Director may extend with good cause shown."

Section 80.12.02 C. 3. Replace "shutting down" with "terminating".

Section 80.12.03. 2. Change "There fee.." to "A \$300 fee..."

Section 80.13 Definitions: Modular Home. Change to "a single family dwelling unit, designed and built in a factory and installed as a permanent residence."

Section 80.13 Definitions: Home Occupation. Change to: "Any activity performed for monetary gain in or directed from a dwelling unit or an accessory building by one or more residents of that dwelling unit which is located in a residential zone, provided that such activity is not in violation of the requirements set forth in Section 80.06.05."