TABLE OF CONTENTS

PAGE

80.01 TITLE 4

80.02 CITIZENS' GUIDE TO ZONING 6

80.03 ZONE DISTRICTS 8
- 80.03.01 A-1 AGRICULTURAL ZONE 9
- 80.03.02 A-2 AGRICULTURAL ZONE 10
- 80.03.03 R-E RECREATIONAL ZONE 10
- 80.03.04 R-1 RESIDENTIAL ZONE 11
- 80.03.05 R-2 RESIDENTIAL ZONE 12
- 80.03.06 R-3 RESIDENTIAL ZONE 13
- 80.03.07 G-B GENERAL BUSINESS ZONE 14
- 80.03.08 L-B LOCAL BUSINESS ZONE 15
- 80.03.09 P-B PLANNED BUSINESS ZONE 15
- TABLE 80.03-1 BUSINESS PERMITTED USES 16
- 80.03.10 I-1 INDUSTRIAL ZONE 17
- 80.03.11 I-2 INDUSTRIAL ZONE 20
- 80.03.12 H-D HISTORICAL DISTRICT 24
- 80.03.13 W-D WHITEWATER RIVER DISTRICT 24
- 80.03.14 U-D UNIT DEVELOPMENT 26
- 80.03.15 F-P FLOOD PLAIN ZONE (pickup as per State Regulations) 31

80.04 ZONE MAP (Actual Map Unchanged from the Current Ordinance) 51
- 80.04.01 ZONE MAP IS PART OF THE ZONING CODE 51
- 80.04.02 INTERPRETATION OF ZONE MAP BOUNDARIES 51
- 80.04.03 CHANGES TO THE ZONE MAP 52
- 80.04.04 FLOOD PLAIN DISTRICT AND THE ZONE MAP 52

80.05 ADDITIONAL USES (Combining Temporary and Accessory Uses of Current Code) 53
- 80.05.01 GENERAL PROVISIONS 53
- 80.05.02 BASIC HOMEOWNER USES 54
- 80.05.03 SWIMMING POOLS 55
- 80.05.04 PETS AND DOMESTICATED ANIMALS 56
- 80.05.05 EVENTS 56
- 80.05.06 CONSTRUCTION AND REAL ESTATE 57
- 80.05.07 MISCELLANEOUS 57
- 80.05.08 HOME BUSINESSES 57
- 80.05.09 SIGNS 58
- 80.05.10 FENCES 59

80.06 CONDITIONAL USES (Combining Special Exceptions & Contingent Uses from current code) 60
- 80.06.01 GENERAL PROVISIONS 60
- 80.06.02 APPROVAL PROCESS FOR CLASS 2 CONDITIONAL USE 61
- 80.06.03 APPROVAL PROCESS FOR CLASS 3 CONDITIONAL USE 61
- 80.06.04 SPECIFIC CONDITIONAL USES 63
- 80.06.05 SEXUALLY ORIENTED BUSINESSES 75

80.07 NON CONFORMING USES 81

80.08 STANDARDS AND REGULATIONS 82
80.08.01 GENERAL REGULATIONS (Nuisance Laws) 82
80.08.02 GENERAL STANDARDS 83
80.08.03 YARD AND SETBACK REQUIREMENTS 84
80.08.04 HEIGHT RESTRICTIONS 86
80.08.05 SOIL SURVEY- DRAINAGE, EROSION & SEDIMENT CONTROL 87
80.08.06 PARKING & LOADING STANDARDS 91
80.08.07 MOBILE HOMES, MANUFACTURED HOMES, & RVS 96
80.08.08 PRIVATE LANES 98
80.08.09 SEWER/SEPTIC/WATER STANDARDS 99
80.08.10 LANDSCAPING 99

80.09 DIVISION OF LAND 100
80.09.01 GENERAL PROVISIONS 100
80.09.02 DEED DISCLOSURES 101

80.10 SUBDIVISION OF LAND 103
80.10.01 DEFINITION OF A SUBDIVISION 103
80.10.02 SUBDIVISIONS MUST HAVE APPROVAL BY THE APC 103
80.10.03 PROCEDURE FOR SUBDIVISION APPROVAL 103
80.10.04 PRELIMINARY APPROVAL OF A SUBDIVISION 104
80.10.05 PROCESS FOR FINAL APPROVAL OF A SUBDIVISION 105
80.10.06 DRAFTING STANDARDS 108
80.10.07 STANDARDS OF DESIGN & IMPROVEMENTS 109
80.10.08 LOCAL LEGISLATIVE BODY MAY WAIVE REQS 118

80.11 ADMINISTRATION 119
80.11.01 DUTIES OF EXECUTIVE DIRECTOR 119
80.11.02 GOV'T RESPONSIBILITIES FOR THE ZONE MAP 120
80.11.03 GOV'T RESPONSIBILITIES FOR THE ZONING ORDINANCE 121
80.11.04 PERMITS 121
80.11.05 FILING FEES AND FORMS 125
80.11.06 COMPLAINTS 126
80.11.07 REMEDIES, PENALTIES AND FINES 126
80.11.08 PUBLIC NOTIFICATION FOR HEARINGS 128
80.11.09 REZONING OF LAND 129

80.12 BOARD OF ZONING APPEALS 130
80.12.01 GENERAL PROVISIONS 130
80.12.02 VARIANCES, ... 132
80.12.03 APPEALS OF DECISIONS 133
80.12.04 HEARINGS FOR APPEALS, VARIANCES, & COND. USES 134

80.13 DEFINITIONS 135

80.14. INDEX 153

SECTION 80.01 TITLE AND ESTABLISHMENT

A. INTENT AND PURPOSE

The purpose of this Zoning Code is to regulate the use and development of land within the jurisdiction of the Franklin County Area Plan Commission. It is intended to be held as the minimum requirements for the public health, safety and general welfare, and more specifically to:

1. Guide future growth and development in accordance with the Franklin County Comprehensive Plan, the will of the citizens of Franklin County, and the Constitution of the United States of America;

2. Secure safety on our public roads, and safety from fire, flood and other dangers;

3. Protect the historic and architectural heritage, the natural resources, and the agricultural and country lifestyle of the County;

4. Provide fair and reasonable guidelines, in plain and simple language, so that all citizens understand their rights and responsibilities in regards to the use and the ownership of land.

B. ESTABLISHMENT OF REGULATIONS

1. No land or building shall be used or shall be erected, reconstructed, structurally altered, moved, modified, or arranged, that does not comply with the provisions of this Ordinance.

2. All previously existing lawful uses, lots and structures which do not comply with the regulations in this Code and its amendments, shall be deemed legal NONCONFORMING USES, and shall be subject to the regulations of Section 80.07

C. EXEMPTIONS

1. FARM EXEMPTION
Where agriculture is pursued for commercial gain, farming operations are exempt from the restrictions and 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. Barns and other buildings are still subject to setback requirements, and still subject to building permits, fees waived in this case.

2. INCORPORATED BUSINESSES EXEMPTION (I)
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. Ordinance # 1-2012, passed on 6/26/2012. TOWN OF BROOKVILLE, OLDENBURG, MT. CARMEL AND CEDAR GROVE, DELETE THIS SECTION.

3. UTILITY EXEMPTION
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 and sewage treatment facilities (primary use) are Conditional Uses and are subject to the provisions of this Code.

D. SHORT TITLE
The ordinance, as amended, comprising Chapter 80 of the "Code of Ordinances of Franklin County, Indiana," shall be referred to as the "Area Zoning Code of Franklin County, Indiana." For purposes of this Ordinance, it may also be referred to as "the Zoning Code," "the Code," "the Ordinance," and other similar variations of these terms.

E. SEVERABILITY CLAUSE
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.

F. REPEALER
After the effective date of this Ordinance, all provisions and amendments of Ordinance 1989-2, The Area Zoning Code of Franklin County, Indiana, and all provisions and amendments of Ordinance 1987-4, The Area Subdivision Control Code of Franklin County, Indiana, are here by expressly repealed.

G. EFFECTIVE DATE
This Ordinance shall be in full effect from and after _____, 2010 as provided by law.

Section 80.02: CITIZENS' GUIDE TO ZONING

For the purpose of enabling the Citizens of Franklin County to know and understand their rights and responsibilities in regards to zoning law, the following section is included to provide a general overview of zoning, including the concepts and terms used, and the structure and procedures of the Area Plan Commission (APC) and Board of Zoning Appeals (BZA). Due to the nature of this section, provisions found within this section are not to be used for interpretation or enforcement of the law.

A. Overview. All land in Franklin County is under the control of this law, except the City of Batesville, which has its own zoning law and authority. Zoning basically covers 3 things:

1. The basic specs of your lot or building,
2. What you are allowed to do on your lot or in your building, and
3. How you can divide your lot or parcel.

Under this zoning law, 15 different zone districts have been set up (like A-1 or R-3) and only certain types of activity are allowed in each zone. Those activities are called "Uses" in this Ordinance. Basic specifications on things like the minimum size and layout of a lot and the maximum height of a building are also covered by zoning law.

B. Uses. There are 4 types of uses established in this Ordinance. They are

1. Primary Use. The primary use of a parcel, like your home, for example, or your business, or agriculture. The Zone District where a parcel is located determines its allowable uses. Zone Districts are set forth in Section 80.03.

2. Additional Uses. Additional Uses are uses permitted in addition to your primary use. Things like owning pets, or having a swimming pool. Additional Uses are set forth in Section 80.05.

3. Conditional Uses. In the old Ordinance, "Conditional Uses" were called "Special Exceptions," which caused a lot of confusion with the term "Variance". There is no relationship between the two terms. A "Variance" is a relaxing of the Zoning Ordinance for a specific situation. "Conditional Uses," on the other hand, are permitted uses, but with conditions placed on them. "Conditional Use" is a more descriptive name, and it is intended that the confusion between Conditional Uses and Variances ends with this Ordinance. Conditional Uses are set forth in Section 80.06.

4. Non-Conforming Uses. Uses that are legal because they are grandfathered in, but are not in step with current law. They are found in Section 80.07

C. Zone Districts and Map

1. Franklin County is divided into 15 Zone Districts, including Agricultural, Residential, Business, Industrial and other districts, set forth in Section 80.03. Again, the Zone District where you are located determines the permitted Primary Uses you can choose for your property.

2. The Zone Map shows the locations and boundaries of the various Zone Districts. The map is housed in the APC office in the Government Center. The Zone Map is legally a part of this Ordinance.

D. Division of Land

When parcels of land are divided, various rules apply. Some divisions of denser housing splits qualify as "Subdivisions." If and when they do, you have additional hoops you have to jump through to divide your land in such ways. For example, this Ordinance allows up to 5 homes on a private lane. Upon having 6 homes on such a lane, you have caused this area to be deemed a Subdivision, and will have to get APC approval to proceed with development. Read closely both Section 80.09, Division of Land, and Section 80.10, Subdivision of Land to learn about this topic.

E. The Area Plan Commission Administration

The Area Plan Commission consists of an Executive Director, a seven (7) member board (the APC Board), a five (5) member Board of Zoning Appeals (BZA), and other APC employees.

The APC Board and BZA meets once a month, usually on the second Wednesday, and more often if needed. Applications for Conditional Uses and Subdivisions require a hearing by the APC and/or BZA. (Ordinance # 2016-25, passed on 8/15/16)

Variances are heard by the BZA, as are appeals. Almost every decision by the APC or Executive Director can be appealed, but not all. BZA decisions are final regarding zoning; however, their decisions may be appealed through the court system.

All hearings require public notification, set out in Section 80.11.08. This Ordinance specifies that all legal notices be printed in normal newspaper type, not in very small legal type. It also provides for display advertising of APC and BZA meetings and hearings. If you are the initiating party to such an action, you will be responsible to pay for such newspaper notices, as well as Certified Letters to landowners surrounding affected parcels.

F. The Executive Director is responsible for:

1. Issuing Improvement Location Permits
2. Investigating Complaints, and taking action if there is a violation of this Ordinance
3. Maintaining records and the Zone Map,
4. Making many decisions that do not need APC Approval
5. And other administrative duties

G. Improvement Location Permits. No structure may be erected, altered or placed, or no use of land may be changed, unless an Improvement Location Permit has been obtained from the Executive Director by the owner(s) of the property or by his agent. Improvement Location Permits can be found in Section 80.11.04.

H. Frequently Asked Questions

1. How do I apply for a Conditional Use? See Section 80.06.
2. How do I apply for a Variance? See Section 80.12.02.
3. How do I apply to rezone a parcel of land? See Section 80.11.09
4. How do I divide a parcel of land? See Section 80.09
5. How do I register a complaint? See Section 80.11.06

SECTION 80.03: ZONE DISTRICTS

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:

District Designation	Type of District
A-1	Prime Agriculture
A-2	Secondary Agriculture
R-E	Recreation
R-1	Single-family Residence
R-2	Single-family & Two-family Residence
R-3	Multi-family Residence
L-B	Local Business
P-B	Planned Business
G-B	General Business
I-1	Enclosed Industrial
I-2	Open Industrial
F-P	Flood Plain Overlay
H-D	Historic District Overlay
W-D	Whitewater River Scenic District Overlay
U-D	Unit Development

Section 80.03.01: A-1 PRIME AGRICULTURE DISTRICT ----------

This district covers the rural portions of the County where agricultural operations are the dominant use. All types of agricultural uses or uses akin to agricultural operations are permitted, either outright or as a Conditional Use.

A. Permitted Uses.

1. Agricultural use
2. Single-family Dwelling
3. Manufactured or Mobile home
4. Additional Uses set forth in Section 80.05
5. Conditional Uses set forth in Section 80.06

6. 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.

B. Other Requirements for the A-1 District.

1. Minimum Lot area:
   1 acre, or larger if needed for 2 septic fields where no sewer is utilized.

2. Minimum ground floor area (sq/ft):
   Single-family homes: One story: 900 sq. ft. Ordinance # 2014-19, passed on 11/24/2014.
   Two story: 800 sq. ft. (1440 total)

3. Minimum Lot Width: 150 feet

4. Maximum Lot Coverage: 20% of lot

5. Minimum Depth of Front Yard: 50 feet

6. Minimum Width of Side Yard: 10% of minimum lot width

7. Minimum Depth of Rear Yard: 15 feet

8. Maximum Building Height: 35 feet

9. See Section 80.08 additional requirements, including yard and setback, height, parking, and fences.

NOTE: ALL REQUIREMENTS FOR A-1 PRIME AGRICULTURE, A-2 SECONDARY AGRICULTURE AND RE RECREATIONAL ARE THE SAME

SECTION 80.03.02: A-2 AGRICULTURE DISTRICT ----------

For the purpose of sound and efficient management of all agricultural land in Franklin County, all A-2 regulations, specifications, or standards covered by this Ordinance are hereby made identical to those of the A-1 district.

Wherever in this ordinance, "A-1" is mentioned, those specifications also apply to the A-2 district.

SECTION 80.03.03: R-E RECREATIONAL DISTRICT ----------

For the purpose of sound and efficient management of all agricultural land in Franklin County, all R-E regulations, specifications, or standards covered by this Ordinance are hereby made identical to those of the A-1 district, with the following exceptions:

A. Section 80.06: Conditional Uses.

Wherever in this ordinance, "A-1" is mentioned those specifications also apply to the R-E district.

Section 80.03.04: 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. Additional Uses set forth in Section 80.05
5. Conditional Uses set forth in Section 80.06

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

1. Minimum Lot area:
   Where no sewer is utilized: 1 acre, or larger if needed for 2 septic fields
   Where sewer is utilized: 10,000 sq. ft.

2. Minimum ground floor area (sq/ft): **(I)** BROOKVILLE ONE STORY 1,000 SQ. FT. FOR 1 STORY. Ordinance # 1-2012, passed on 6/26/2012.
   Single-family homes: One story: 1440 sq. ft. Two story: 800 sq. ft. (1440 total)

3. Minimum Lot Width:
   Where septic is used 150 feet
   Where common sewer is used 100 feet

4. Maximum Lot Coverage: 25% of lot

5. Required Yards:
   Minimum Depth of Front Yard: 35 feet
   Minimum Width of Side Yard: 10% of minimum lot width
   Minimum Depth of Rear Yard: 15 feet
   See Section 80.08.03 for additional yard specifications and exceptions.

6. Maximum Building Height: 35 feet

7. Parking: Minimum two (2) spaces for each family. See Section 80.08.06 for additional parking specifications.

8. See Section 80.05.10 for fence requirements.

Section 80.03.05: 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.

(A) Permitted Uses.

1. Agricultural use.
2. Single-family dwelling.
3. Two-family dwelling.
4. Manufactured home.
5. Additional Uses set forth in Section 80.05
6. Conditional Uses set forth in Section 80.06

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

1. Minimum Lot area:

   Single-Family Homes and Manufactured Homes

Where no sewer is utilized:	16,000 sq. ft., or larger if needed for 2 septic fields
Where sewer is utilized:	8,000 sq. ft.

   Two-Family Homes

Where no sewer is utilized:	20,000 sq. ft., or larger if needed for 2 septic fields
Where sewer is utilized:	12,000 sq. ft.

2. Minimum ground floor area (sq/ft):

Single-family homes:	One story: 1250 sq. ft.	Two story: 800 sq. ft. (1250 total)
Two-family homes:	One story: 1440 sq. ft.	Two story: 960 sq. ft. (1440 total)

3. Minimum Lot Width:

Where no sewer is utilized:	100 feet
Where sewer is utilized:	80 feet

4. Maximum Lot Coverage: 30% of lot

5. Required Yards:

Minimum Depth of Front Yard:	25 feet
Minimum Width of Side Yard:	10% of minimum lot width
Minimum Depth of Rear Yard:	10 feet

   See Section 80.08.03 for additional yard specifications and exceptions.

6. Maximum Building Height: 35 feet

7. Parking: Minimum two (2) spaces for each family. See Section 80.08.06 for additional parking specifications.

8. See Section 80.05.10 for fence requirements.

Section 80.03.06: R-3 MULTI-FAMILY RESIDENCE DISTRICT ----------
The R-3 multi-family residence district is intended to provide for medium to high density residential areas.

A. Permitted Uses.

1. Agricultural uses.
2. Single-family Dwellings.
3. Two-family Dwellings.
4. Multi-family Dwellings
5. Manufactured Homes.
6. Additional Uses set forth in Section 80.05
7. Conditional Uses set forth in Section 80.06

B. Other Requirements for the R-3 District. (I) Ordinance # 1-2012, passed on 6/26/2012.

1. Minimum Lot area:

   Single-Family Homes and Manufactured Homes
   Where no sewer is utilized: **(I)** 10,000 sq. ft., or larger if needed for 2 septic fields
   Where "no public sewage system is utilized"
   Where sewer is utilized: **(I)** 5,000 sq.ft.
   Where "public sewage system utilized"

   Two-Family Homes
   Where no sewer is utilized: 20,000 sq. ft., or larger if needed for 2 septic fields
   Where sewer is utilized: 6,000 sq.ft.

   Multi-Family Dwellings
   First 3 units: 9,000 sq. ft.
   (I) where no public sewage is utilized 18,000 square feet and an additional 3,000 sq. ft. for each additional units
   Additional units: 1,500 sq. ft. for each additional unit - (I); where public sewage is utilized.

2. Minimum ground floor area (sq/ft):

   Single-family Homes: One story: 900 sq. ft. Ordinance # 2014-19, passed on 11/24/2014
   Two story: 800 sq. ft. (1250 total)
   Two-family Homes: One story: 1440 sq. ft. Two story: 960 sq. ft. (1440 total)
   Multi-Family Dwellings: 1440 sq. ft., plus 400 sq. ft. for each unit over 4

3. Minimum Lot Width:

   Where no sewer is utilized: 60 feet
   Where sewer is utilized: 40 feet

4. Maximum Lot Coverage:

   Single-family Homes: 30% of lot
   Manufactured Homes 50% of lot
   Two-family Homes: 60% of lot
   Multi-Family Dwellings: 70% of lot

5. Required Yards:

   Minimum Depth of Front Yard: 25 feet
   Minimum Width of Side Yard: 10% of minimum lot width
   Minimum Depth of Rear Yard: 5 feet
   See Section 80.08.03 for additional yard specifications and exceptions.

6. Maximum Building Height: 35 feet

7. Parking: Minimum two (2) spaces for each family. See Section 80.08.06 for additional parking specifications.

8. See Section 80.05.10 for fence requirements.

SECTION 80.03.07: G-B GENERAL BUSINESS DISTRICT

This district provides sites for heavier types of business and commercial enterprise as well as enclosed industrial uses.

A. Permitted Uses – As indicated under G-B column in Table 80.03-1.

B. Other Requirements for the G-B District:

1. Minimum Lot area:	
With no sewer available:	1 acre, or larger if needed for 2 septic fields
With sewer available:	10,890 sq. ft. (1/4 acre)
2. Minimum ground floor area (sq.ft.):	
Business and Commercial Uses:	900 sq. ft. Ordinance # 2014-19, passed on 11/24/2014.
Residential Uses:	Same as R-3 District
3. Minimum Lot Width:	
Business and Commercial Uses:	50 feet
Residential Uses:	Same as R-3 District
4. Minimum Depth of Front Yard:	10 feet, or same as the average on the block.
5. Minimum Width of Side Yard:	5 feet
6. Minimum Depth of Rear Yard	15 feet
7. Maximum Building Height:	See Section 80.08.04
8. Parking:	See Section 80.08.06
9. Fences:	See Section 80.05.10

10. Trash Containers: 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.

11. Traffic Congestion:

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

b. 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.

c. 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.

d. 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.

12. 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 construct a decorative fence or wall of not less than five (5) feet in height, 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.

SECTION 80.03.08: L-B, LOCAL BUSINESS DISTRICT

This District is intended to meet day-to-day convenience shopping and service needs of nearby residential areas. In general, L-B is less intense than either P-B or G-B Districts and can be used as a buffer zone between residential and other business districts. Consequently, some more intense uses permitted in G-B are not allowed in L-B District.

A. Permitted Uses – As indicated under L-B column in Table 80.03-1.
For the purpose of the encouragement of entrepreneurial endeavor and the general health of the economy in Franklin County, except where otherwise noted, LB regulations, specifications, or standards covered by this Ordinance are hereby made identical to those of the G-B District. Whenever in this ordinance, "G-B" is mentioned, those specifications, with exceptions noted, also apply to the L-B District.

SECTION 80.03.09: P-B, PLANNED BUSINESS DISTRICT

This District is for well-planned businesses with unified design, safe access, and adequate parking, having convenient and safe pedestrian accessibility. In general, P-B is more "people-friendly" than G-B District, and because of planning in layout and design can accommodate many of the more intense businesses. In P-B District, total floor area of the building(s) shall not exceed 60% of the lot area. No outside storage is allowed.

A. Permitted Uses – As indicated under P-B column in Table 80.03-1.
For the purpose of the encouragement of entrepreneurial endeavor and the general health of the economy in Franklin County, except where otherwise noted, P-B regulations, specifications, or standards covered by this Ordinance are hereby made identical to those of the G-B District. Whenever in this ordinance, "G-B" is mentioned, those specifications, with exceptions noted, also apply to the P-B District. Because this is a planned district, all applications for any use in P-B District shall require a Development Plan and approval by the Board of Zoning Appeals.

Table 80.03-1: L-B, P-B and G-B Permitted Uses

	L-B	P-B	G-B
Agricultural Use	P	P	P
Single Family Dwelling	P	P	P
Two-Family Dwelling	P	P	P
Multi-Family Dwelling	P	P	P
Manufactured Home	P	P	P
Local Business Uses	P	P	P
Enclosed Industrial Uses	No	No	P
Business Uses, including:			
Motor vehicle sales & services			
Public Garage	P	P	P
Sales Room (including mobile home or trailer sales area)	P	P	P
Filling Station	No	P	P
Automobile, truck, or trailer rental sales area	P	P	P
Automobile and truck repair (indoor)	P	P	P
Business Services, including:			
Bank	P	P	P
Office building	P	P	P
Postal station	P	P	P
Telegraph office	P	P	P
Telephone or public utility office	P	P	P
Utility company business office	P	P	P
Clothing Services, including:			
Laundry agency	P	P	P
Self-service laundry and dry cleaning	P	P	P
Dry cleaning (not more than 3 units rated 40 pounds or less)	P	P	P
Dressmaking	P	P	P
Millinery	P	P	P
Tailor and pressing shop	P	P	P
Shoe repair shop	P	P	P
Electronic Equipment Services, including:			
Radio, TV, or computer shop and sales	P	P	P
Electric appliance shop and sales	P	P	P
Record shop and sales	P	P	P
Food Services, including:			
Grocery, meat market, supermarket	P	P	P
Restaurant	P	P	P
Delicatessen	P	P	P
Cold storage lockers, for individual use	P	P	P
Bakery (less than 750 square feet)	P	P	P
Personal Services, including:			
Barber shop, beauty shop	P	P	P
Physical fitness facility	P	P	P
Photographic studio	P	P	P
Clubs and Lodges	P	P	P
Recreational Services, including:			
Billiard room	P	P	P
Dancing academy	P	P	P
Tavern or night club (conforming to laws and ordinances)	No	P	P
Indoor theater	No	P	P
Bowling alley, roller rink, or racket sports facility (enclosed)	No	P	P
Bait Sales	P	P	P
Retail Services and Sales, including:			
Drug Store	P	P	P
Hardware or paint store	P	P	P
Gift shop or stationery	P	P	P
News dealer	P	P	P
Show room and sales area	P	P	P
Apparel or shoe store	P	P	P
Antique shop	P	P	P
Department store or variety store	No	P	P
Toy store	P	P	P
Jewelry store	P	P	P
Flower or garden shop	P	P	P
Clinics	P	P	P
Mortuaries	P	P	P
Studio businesses (art, interior decorating, music, etc.)	P	P	P
Pet shops (X kennels & veterinary hospitals)	P	P	P
Kennels and veterinary hospitals for small animals	No	P	P
Hotels, motels, and inns	No	P	P
Bed and breakfast	P	P	P
Newspaper publishing	No	P	P
Motor bus or railroad passenger station	No	P	P
Storage warehouse	No	P	P
Wholesale establishments	No	P	P
Farm machinery sales and services (new or used) or building	No	P	P
Any business not specifically stated or implied elsewhere in this Ordinance.	No	P	P
Accessory Buildings (not more than 40% storage)	P	P	P
Advertising sign or billboard, See Section 80.05.09	P	P	P
Additional Uses, Section 80.05	P	P	P
Conditional Uses, Section 80.06	P	P	P

Section 80.03.10: 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 Conditional Use.

A. Permitted Uses.

1. Agricultural uses.
2. Dwellings: Single-family and Manufactured Homes. (I) - single family and manufactured homes will be permitted if they meet the specifications for R-3 zoning requirements. Ordinance 1-2012, passed on 6/26/2012.
3. 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. Water wells, water stations, filtration plant, reservoirs and storage tanks.
4. Additional Uses set forth in Section 80.05
5. Conditional Uses set forth in Section 80.06

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 Section 80.08.03 Yard and Setback Requirements and 80.08.10 Level 2 Landscape Screening." Ordinance # 2015-1, passed on 1/5/2015.

(2) Height requirements are set forth in Sec. 80.08.04

(3) Off-street parking space requirements are set forth in Sec. 80.08.06.

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

(5) Sign requirements are set forth in Sec. 80.05.09.

(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 agency designated by current State law. 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 and 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, 1-2, 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	Maximum Permitted Sound Level (In Decibels) 125 Feet From District

	Residence District Boundaries	Adjoining Business District Boundaries
0 to 75	75	80
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 80.03.11: 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,

1a. Single Family Dwelling, Manufactured homes .Ordinance # 2014-16.NOTE: Town of Brookville Denied Ordinance # 2014-16.

2. 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).

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 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
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.
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. Additional Uses set forth in Section 80.05
6. Conditional Uses set forth in Section 80.06

B. Other Requirements for the I-2 District.

1. For open 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 Section 80.08.03 Yard and Setback Requirements and 80.08.10 Level 2 Landscape Screening." Ordinance # 2014-24, passed 12/22/2014. Ordinance # 2017-25, to repeal Ordinance # 2014-24 due to a typographical error.
2. Height requirements are set forth in Sec. 80.08.04.
3. Off-street parking space requirements are set forth in Sec. 80.08.06.
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. 80.05.09.

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 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; 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.

(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 or 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	81
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 80.03.12: 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 Commissioners' Council on Historic Metamora. Ordinance # 2014-25, passed 12/22/2014.

NOTE: Contact County Commissioners for other Ordinances which may apply. Ordinance # 2014-25, passed 12/22/14.

SECTION 80.03.13: 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. 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. 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.

1. All applications for Improvement Location Permits and Certificate of Occupancy within the WD District shall be presented at a meeting of the Whitewater River Advisory Board.

2. 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, following their initial review of the application.

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.

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 enterprises 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 Ordinance, and retain full rights to enforce trespass laws.

J. Local Control. Other governmental agencies, attempting to exercise jurisdiction over land-use control in the Whitewater Scenic River District, or in other areas in Franklin County, shall only do so working through the zoning agency in Franklin County, Indiana.

Section 80.03.14: U-D UNIT DEVELOPMENT ----------
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.

(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 with unique features, such as historical significance, unusual topography, landscape amenities, and size and shape. Ordinance # 2014-26, passed on 12/22/2014.

(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 an 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 Section 80.10, Subdivision of Land, prior to the time of passage of this ordinance, 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. 80.13 for definition), and the Commission shall make a finding that said intensity is consistent with the Comprehensive 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 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 plan 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 "U-D" 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 (See Sec. 80.13 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 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 Section 80.10, Subdivision of Land.

(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 "U-D" 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 Section 80.10, Subdivision of Land, 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 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 Point E (above) 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.
(1) 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 Section 80.10, Subdivision of Land.

(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 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 Section 80.10, Subdivision of Land.

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.

FILED

SEP 16 2013

Stephen Brock
AUDITOR, FRANKLIN COUNTY

ORDINANCE FOR FLOOD HAZARD AREAS
FOR
FRANKLIN COUNTY

Ordinance No. 2013-22

2013003231 ORDI $0.00
08/16/2013 01:35:00P 21 PGS
PAMELA K BENEKER
FRANKLIN County Recorder IN
Recorded as Presented

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

Section A. Statutory Authorization.

The Indiana Legislature has in IC 36-7-4 and IC 14-28-4 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 and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg 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.

(6) Make federally subsidized flood insurance available for structures and their contents in Franklin County and the 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.

(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 it's 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 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 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 a recreational vehicle on a site for more than 180 days;

(3) installing utilities, erection of walls and fences, construction of roads, or similar projects;

(4) construction of flood control structures such as levees, dikes, dams, channel improvements, etc.;

(5) mining, dredging, filling, grading, excavation, or drilling operations;

(6) construction and/or reconstruction of bridges or culverts;

(7) storage of materials; or

(8) any other activity that might change the direction, height, or velocity of flood or surface waters.

"Development" does not include activities such as the maintenance of existing 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, filled stem wall foundations (also called chain 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 the 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.

Flood Prone Area means any land area acknowledged by a community as being susceptible to inundation by water from any source. (See "Flood")

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

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.

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 National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

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 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) in a minimum of two exterior walls having a total net area of one (1) square inch for every one square foot of enclosed area. The bottom of all such openings shall be no higher than one (1) foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher; 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) of 1929 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.

North American Vertical Datum of 1988 (NAVD 88) as adopted in 1993 is a vertical control datum used as a reference for establishing varying elevations within the floodplain.

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 means 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 and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg are generally identified as such on the Franklin County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 16, 2014 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 FHBM or 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 either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the 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 a 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 it's 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 "repetitive loss" or "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 North American Vertical Datum of 1988 (NAVD 88) or National Geodetic Vertical Datum of 1929 (NGVD) (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. <u>General Provisions.</u>

Section A. Lands to Which This Ordinance Applies.

This ordinance shall apply to all SFHAs and known flood prone areas within the jurisdiction of the Franklin County Area Planning and Zoning 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 within the jurisdiction of Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg shall be as delineated on the one-percent annual chance flood profiles in the Flood Insurance Study of Franklin County, Indiana and Incorporated Areas and the corresponding Flood Insurance Rate Map dated January 16, 2014 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, floodway, and fringe limits for each of the SFHAs within the jurisdiction of Franklin County and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg, delineated as an "A Zone" on the Franklin County, Indiana and Incorporated Areas Flood Insurance Rate Map dated January 16, 2014 as well as any future updates, amendments, or revisions, prepared by the Federal Emergency Management Agency with the most recent date, shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

(3) In the absence of a published FEMA map, or absence of identification on a FEMA map, the regulatory flood elevation, floodway, and fringe limits of any watercourse in the community's known flood prone areas shall be according to the best data available as provided by the Indiana Department of Natural Resources; provided the upstream drainage area from the subject site is greater than one square mile.

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.

(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 and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg, 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 Area Planning and Zoning 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 and the Towns of Brookville, Cedar Grove, Laurel, Mt. Carmel, and Oldenburg from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section J. Increased Cost of Compliance (ICC).

In order for buildings to qualify for a claim payment under ICC coverage as a "repetitive loss structure", the National Reform Act of 1994 requires that the building be covered by a contract for flood insurance and incur flood-related damages on two 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 percent of the market value of the building at the time of each such flood event.

Article 4. <u>Administration.</u>

Section A. Designation of Administrator.

The Board of Commissioners of Franklin County, Indiana 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 NAVD 88 or NGVD.

f). Elevation (in NAVD 88 or NGVD) to which any non-residential structure will be floodproofed.

g). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(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 NAVD 88 or 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 the 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 E and G (1) 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.

(12) Stop Work Orders

a). Upon notice from the floodplain administrator, work on any building, structure or premises that is being done contrary to the provisions of this ordinance shall immediately cease.

b). Such notice shall be in writing and shall be given to the owner of the property, or to his agent, or to the person doing the work, and shall state the conditions under which work may be resumed.

(13) Revocation of Permits

a). The floodplain administrator may revoke a permit or approval, issued under the provisions of the ordinance, in cases where there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

b). The floodplain administrator may revoke a permit upon determination by the floodplain administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this ordinance.

(14) Inspect sites for compliance. For all new and/or substantially improved buildings constructed in the SFHA, inspect before, during and after construction. Authorized Town and County officials shall have the right to enter and inspect properties located in the SFHA.

Article 5. Provisions for Flood Hazard Reduction.

Section A. General Standards.

In all SFHAs and known flood prone areas 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, utility meters, and other service facilities shall be located at/above the FPG or designed so as to prevent water from entering or accumulating within the components below the FPG. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPG.

(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.

(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). Addition or improvement made to any existing structure:

(i) where the cost of the addition or improvement equals or exceeds 50% of the value of the existing structure (excluding the value of the land).

(ii) with a previous addition or improvement constructed since the community's first floodplain ordinance.

c). Reconstruction or repairs made to a damaged structure where the costs of restoring the structure to it's before damaged condition equals or exceeds 50% of the market value of the structure (excluding the value of the land) before damage 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.

f). Reconstruction or repairs made to a repetitive loss structure.

(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 either have the lowest floor, including basement, elevated to or above the FPG (two feet above the base flood elevation) or be floodproofed to or above the FPG. 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). 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 (10).

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 shall have the lowest floor at or above the FPG.

Elevated structures with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade 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. Designs must meet the following minimum criteria:

a). Provide a minimum of two openings located in a minimum of two exterior walls (having a total net area of not less than one square inch for every one square foot of enclosed area).

b). The bottom of all openings shall be no more than one foot above the exterior grade or the interior grade immediately beneath each opening, whichever is higher.

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

d). 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).

e). The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

f). The interior grade of such enclosed area shall be at an elevation at or higher than the exterior grade.

g). Where elevation requirements exceed 6 feet above the highest adjacent grade, a copy of the legally recorded deed restriction prohibiting the conversion of the area below the lowest floor to a use or dimension contrary to the structure's originally approved design, shall be presented as a condition of issuance of the final Certificate of Occupancy.

(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 either the Standard or Modified 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 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

(iv) 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). Manufactured homes with fully enclosed areas formed by foundation and other exterior walls below the flood protection grade 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 as required for elevated structures in Article 5, Section B. 4.

d). Flexible skirting and rigid skirting not attached to the frame or foundation of a manufactured home are not required to have openings.

e). 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.

(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.

(5) All subdivision proposals shall minimize development in the SFHA and/or limit density of development permitted in the SFHA.

(6) All subdivision proposals shall ensure safe access into/out of SFHA for pedestrians and vehicles (especially emergency responders).

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 the 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 the 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.

For all projects involving channel modifications or fill (including levees) the Franklin County Area Planning and Zoning Commission 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.

Section G. Standards for SFHAs Without Established Base Flood Elevation and/or Floodways/Fringes.

(1) Drainage area upstream of the site is greater than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined, and the drainage area upstream of the site is greater than one square mile, 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 for review and comment.

No action shall be taken by the Floodplain Administrator until either a permit for construction in a floodway or a floodplain analysis/regulatory assessment citing the one-percent annual chance flood elevation and the recommended Flood Protection Grade has been received from the Indiana Department of Natural Resources.

Once the Floodplain Administrator has received the proper permit for construction in a floodway or floodplain analysis/regulatory assessment approving the proposed development, a Floodplain Development Permit may be issued provided the conditions of the Floodplain Development Permit

are not less restrictive than the conditions received from the Indiana Department of Natural Resources and the provisions contained in Article 5 of this ordinance have been met.

(2) Drainage area upstream of the site is less than one square mile:

If the site is in an identified floodplain where the limits of the floodway and fringe have not yet been determined and the drainage area upstream of the site is less than one square mile, the Floodplain Administrator shall require the applicant to provide an engineering analysis showing the limits of the floodplain and one-percent annual chance flood elevation for the site.

Upon receipt, the Floodplain Administrator may issue the local Floodplain Development Permit, provided the provisions contained in Article 5 of this ordinance have been met.

(3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the regulatory flood more than 0.14 of one foot and will not increase flood damages or potential flood damages.

Section H. Standards for Flood Prone Areas.

All development in known flood prone areas not identified on FEMA maps, or where no FEMA published map is available, shall meet applicable standards as required per Article 5.

Article 6. Variance Procedures.

Section A. Designation of Variance and Appeals Board.

The Board of Zoning Appeals shall hear and decide appeals and requests for variances from requirements of this ordinance.

Section B. Duties of Variance and Appeals Board.

The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this ordinance. Any person aggrieved by the decision of the board may appeal such decision to the Franklin County Circuit Court.

Section C. Variance Procedures.

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.

(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.

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 E or Section G (1) of this ordinance may be granted.

(3) Any variance granted in a floodway subject to Article 5, Section E or Section G (1) 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 National Register of Historic Places or the Indiana State Register of Historic Sites and Structures.

(7) Any applicant 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 Article 6, 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 Article 6, 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. A copy of the notice shall be recorded by the Floodplain Administrator in the Office of the County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

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 Commissioners.

Passed and enacted by the Board of Commissioners of Franklin County, Indiana on the 16th day of September, 2013.

Board of Commissioners
Franklin County, Indiana

Thomas E. Wilson

Tom Linkel

Scott M. McDonough

Attest: Steve Brack
Steve Brack, Auditor

SECTION 80.04: THE ZONE MAP

The Zone Map shall be maintained by the Executive Director and the Area Plan Commission as set forth in Section 80.11.02, and subject to the provisions of this section.

80.04.01: THE ZONE MAP IS PART OF THE ZONING CODE

The Zone Map, including all notations on said map, accompanies and is hereby declared to be a part of this Code, and is as much a part of this Code as if it were fully described herein. The Zone Map's purpose is to show the geographical location of each Zone District.

80.04.02. INTERPRETATION OF ZONE MAP 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, RAILWAYS, 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. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.

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. SHORELINES 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.

D. BOARD OF ZONING APPEALS MAY INTERPRET DISTRICT BOUNDARIES
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 this section, the Board of Zoning Appeals shall interpret the district boundaries. To the extent possible, the interpretation of the boundaries shall be incorporated into the Zone Map.

E. 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.

F. DISTRICT BOUNDARIES THAT SPLIT LOTS
Where a zoning district boundary line divides a lot which was a single ownership at the time of passage of the ordinance compromising 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. Ordinance # 2011-24, passed on 10/17/2011.

80.04.03: CHANGES TO THE ZONE MAP

A. Changes to be Recorded. If, in accordance with the provisions of this Code, changes are made in district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered by the Executive Director on said map within 14 days after the amendment has been approved by the County Commissioners with an entry on the Official Zone Map as follows: "On (date) by official action of the Commission, the following changes were made in the Official Zone Map: (brief description of the nature of the changes)," Amendments to the map become effective on the day they are signed by the County Commissioners, regardless of whether they have been changed on the map.

B. Changes Require Public Notification. All changes or proposed changes to the Zone Map, including the case of a general rezone change as noted in IC 36-7-4-606 and IC 36-7-4-608, must include public notification as per Section 80.11.08 of this Code.

C. Unauthorized Changes Prohibited. No changes of any nature shall be made in the Official Zone Map or matter shown thereon except in conformity with the procedures set forth in this Code. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under "Section 80.11.07" (replace with Section "80.11.07 C 1.a."), Ordinance # 2016-18, passed on 5/23/2016.

D. May Be Initiated By A Citizen. A citizen may initiate a change to the zoning map, as per the procedure in Section 80.11.09.

80.04.04: FLOOD PLAIN DISTRICT.

The Flood Plain District, as identified by the Federal Insurance Administration on the Flood Insurance Rate Maps (FIRM), latest printing; along with any subsequent revisions to the text of the federal criteria of the National Flood Insurance Program (NFIP) CFR 44, are hereby adopted by reference and made a part of this Ordinance as if fully described herein, and the boundaries thereof shall overlay the boundaries of any other district shown on the Zone Map.

SECTION 80.05 ADDITIONAL USES

Additional Uses are permitted uses of property or structures in addition to the primary zoning uses of the lot. Additional uses must follow all restrictions of the zone district they are located in, and are also subject to the restrictions outlined in this section. Those looking for information regarding specific uses should also check Section 80.06 Conditional Uses.

80.05.01 GENERAL PROVISIONS

1. Incidental to Principal Use. Additional Uses shall be incidental and subordinate to, and commonly associated with, the operation of the principal use of the lot.

2. Same Ownership. Additional Uses shall be operated and maintained under the same ownership and on the same lot as the principal use.

3. Subordinate to Principal Use. Additional Uses shall be subordinate in height, area, bulk, extent and purpose to the principal use served.

4. Temporary Additional Uses. In cases where a time limit is included in the restrictions of the Additional Use, the lot shall be returned to its prior condition, including trash removal and other necessary tasks, in a timely manner upon termination of said use.

5. Permitted Prior to Construction. Additional Uses shall be permitted prior to the erection and operation of the principal use, if the additional 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. At no time shall an Additional Use to be used for living, sleeping, or housekeeping purposes, unless specified in this ordinance.

80.05.02 BASIC HOMEOWNER ADDITIONAL USES

A. General Uses.

1. Such features as patios, walks, drive-ways, curbs, drainage installations, retaining walls, mailboxes, lamp posts, bird baths and structures of a like nature, gardens, vegetation, decorative installations, outdoor fireplaces and non-permanent structures like storage sheds and small greenhouses and other common home uses are allowed without permit.(I) - Brookville, Oldenburg, Mt. Carmel and Cedar Grove; As such, within the designated Towns, a permit from the Town in which the installation and/or construction is to occur, shall be required before installing any driveways, patios, curbs, drainage devices, walks, retaining walls, storage sheds over 150 square feet, green houses over 150 square feet, or any other structures over 150 square feet. Ordinance # 1-2012, passed on 6/26/2012.

2. Decks, garages, carports, canopies, permanent storage buildings, breezeways, bath houses, cabanas, greenhouses and other common home uses are allowed and must be constructed in compliance with the applicable building code.

B. Fences. Fences, walls and structural screens are allowed without permit, subject to the provisions of Section 80.05.10.

C. Parking. Off-street motor vehicle parking and loading areas are allowed, as set forth in Sec. 80.08.06; but in residential zones (R-1, R-2, R-3) not more than one such space shall be provided for a commercial vehicle of more than five (5) tons capacity (manufacturer's rating).

D. Fall-out Shelters. Fall-out Shelters are allowed without permit.

E. Domestic Employees. Residential occupancy by domestic employees employed on the premises is allowed without permit.

F. Foster Family. Foster family care where children unrelated to the residents by blood or adoption, are cared for, provided that no sign shall be displayed is allowed without permit.

80.05.03: SWIMMING POOLS

Swimming pools are allowed with permit, and subject to the following provisions:

1. 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 the director, 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 Ordinance and the 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.

2. 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:
   a. The pool must be constructed in the rear yard but not closer at any point than ten feet from the building itself;
   "b. 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;" **DELETE**". Ordinance # 2016-24, passed on 5/2/2016.
   c. A fence "five" **REPLACE** with "four (4)" feet or more in height surrounding or partially surrounding a pool shall not be closer than six feet to the edge of the pool at any point; (See Sec. 80.05.10 (E)). Ordinance # 2016-24, passed on 5/2/2016.
   d. The surface area of the pool may not exceed 25% of the area of the rear yard.

3. 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:
   a. No part of the pool shall be located forward of the setback line of the owner's dwelling;
   b. 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;
   c. No pool shall be built across any property line regardless of the ownership thereof;
   d. 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.

4. For more pool regulations go to Indiana Swimming Pool code, current revision. Ordinance #2011-24, passed on 10/17/2011.

INSERT 5, 1. All above ground swimming pools with a minimum of 48 inch high or greater side walls shall be excluded from the fencing provision in paragraph c above, if it has a removable ladder which can be removed and locked or secured to prevent access by unintended intruders. The location shall meet all of the other requirements herein. These types of swimming pools shall be installed in accordance with all other state, federal laws and NFPA for electrical safety standards. Ladder must be removed or secured when not in use or left unattended. Ordinance # 2016-24, passed on 7/25/2016

80.05.04: PETS AND DOMESTICATED ANIMALS

A. Household Pets

1. Allowed Without Permit. Household pets are domestic animals, generally, dogs or cats that are kept inside the home or in the yard. It also includes rodents, reptiles, fish and fowl that are generally caged inside the home. These animals are kept for pleasure and not for profit. The keeping of household pets, provided it is not construed as a kennel, is allowed without permit.

2. Requirements for keeping of domestic pets:

a. Indoor Pets. There is no limit on the number of pets kept inside. (I) - Brookville, Cedar Grove, Mt. Carmel and Oldenburg ; Within the designated Towns, there shall be permitted no more than seven (7) indoor pets in any residence. Ordinance # 1-2012, passed on 6/26/2012.

b. Outdoor Pets. There is no limit on the number of outdoor pets in A-1, A-2 and RE Zone Districts; outdoor pets in all other Zone Districts are limited to eight (8) per acre of confinement. Pets shall not become a nuisance to neighbors as a result of roaming.

c. Noise, Odors, Waste Disposal. For indoor and outdoor pets, the requirements and standards of ("Section 80.08.01" delete), replace reference to "Ordinance 2004-10, Small Animal Control Ordinance" shall apply. Ordinance # 2016-17, passed on 5/23/2016.

d. Care. Domestic pets are to be properly nourished and cared for. Animals shall not be abandoned or released.

B. Kennels, Breeders, and Rescue Facilities. See Section 80.06, Conditional Uses, with specific provisions for Commercial Kennels, Private Kennels, and Commercial Breeders.

C. Stables and Animal Pens on Residential Lots. Use is allowed of at least two (2) acres; provided, however, any structures, pens or corrals housing animals shall be 50 feet from the lot line, except where animals are kept in sound-proof air conditioned buildings. (See Sec. 80.06 for other stables and raising and breeding non-farm fowl or animals.) (Subject also to any restrictive town ordinances governing livestock.)

80.05.05: EVENTS

A. Rummage, garage, and yard sales. Rummage, garage, and yard sales are allowed without permit in any district, provided there are not more than four (4) such sales annually of not more than four (4) days duration each on the premises. (I) - Brookville, Cedar Grove, Mt. Carmel and Oldenburg; However within the designated Towns, rummage, garage, and yard sales shall be permitted without permit provided that there are no more than two (2) such sales annually per residence or premises with each sale not lasting more than two (2) days in duration. Ordinance # 1-2012, passed on 6/26/2012.

B. Event Parking. Parking lots designated for a special event in a district is allowed for a maximum of 30 days. Longer periods of time require a permit.

C. Festivals. Festivals, carnivals, and similar temporary uses are allowed without permit for a maximum of 10 days.

D. Roadside Stands. The sale of seasonal fruits and vegetables from roadside stands, tent sales, and Christmas tree stands are allowed without permit.

E. Special Events in Metamora HD 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. Ordinance # 2011-24 passed on 10/17/11.

80.05.06: CONSTRUCTION & REAL ESTATE

A. Temporary Office. A 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 is allowed with permit, for a maximum 18 months.

B. Construction Buildings. Construction-related buildings and uses, including temporary buildings and mobile homes, the yards for said materials and equipment, concrete batching plants, and other uses incidental and necessary to construction in the district are allowed with permit, subject to a time limit of 18 months.

80.05.07: MISCELLANEOUS ----------

A. Amateur Radio. Amateur radio transmitting and receiving antennas are exempt from the provisions of this ordinance. However as stated in the Indiana code (36-7-5.2) they must comply with the ruling of the Federal Communications Commission in "Amateur Radio Preemption, 101 FCC 2d 952 (1985)" or a regulation related to the amateur radio service adopted under 47 CFR part 97.

B. Apartment House Facilities. Management offices in multi- family dwelling or apartment use, and other facilities normally associated with tenants' conveniences, such as vending machines and washing machines, are allowed without permit.

C. Mobile Homes. Mobile Homes, Manufactured Homes, and RVs are permitted as an Additional Use, subject to the provisions of Section 80.08.07. (I) - Brookville, Cedar Grove, Mt. Carmel and Oldenburg; Remove and the current 80.05.07 (D) should be renames as 80.05.07 (C). Ordinance # 1-2012, passed on 6/26/2012.

D. Other Uses. Other similar uses deemed Additional by the APC may be permitted, with safeguards as the APC may deem necessary.

80.05.08: HOME BUSINESSES ----------

For the encouragement of economic well-being, entrepreneurship, and the virtues of work in Franklin County, home occupations and home businesses are permitted in all Zone Districts, subject to the following standards: (I) - Brookville, Cedar Grove, Mt. Carmel and Oldenburg; Home Businesses shall be regulated by the language of 80.36 of the Area Zoning Code (pre-modification language) regarding Home Businesses. Ordinance # 1-2012, passed on 6/26/2012.

a. The primary use of the structure, dwelling unit, or property shall remain residential.

b. The primary appearance of the structure, dwelling unit, or property shall remain residential.

c. Home occupations shall not adversely affect the residential character of the district or interfere with the reasonable enjoyment of adjoining properties.

d. In all non-Business Zones, public parking spaces cannot be used as the primary parking for the patrons, employees, or other visitors of said occupation or business.

e. In all Business Zones, home businesses are exempt from the provisions of this section.

f. See definition of home occupation for a home business. Ordinance # 2011-24, passed on 10/17/2011.

80.05.09: SIGNS (I) - Brookville, Cedar Grove, Mt. Carmel and Oldenburg; signs shall be regulated by the language of 80.38 of the Area zoning Code (pre-modification language) regarding Signs. Ordinance # 1-2012, passed on 6/26/2012.

For the encouragement of local businesses and the area's economic health, signs are permitted, subject to the following regulations:

A. No sign shall block traffic, impede or impair line of sight of the road or of road signs, nor create any other hazard to the flow of automotive traffic or safety of pedestrians on our public roads in any way. Ordinance 2011-24, passed on 10/17/2011).

B. Permanent signs are subject to the Building Code. Delete. Ordinance # 2011-24, passed on 10/17/2011.

C. Size limits:

A-1, A-2, RE, GB, PB, I-1, I-2, Districts	900 sq. ft
LB District	96 sq. ft. (total)
R-1, R-2, R-3 Districts	16 sq. ft.

D. Frontage Requirements:

A-1, A-2, RE, I-1, & I-2 Districts	1 foot frontage per square foot of sign
GB, LB, PB Districts	None
R-1, R-2, R-3 Districts	None

E. Restrictions

1 No billboard sign, greater than 250 square feet in size is permitted closer than 250 feet to another sign larger than 250 square feet in size or an adjacent property owner's primary residence in A-1, A-2, RE, I-1 or I-2

2. Any sign greater than 600 sq. ft. in sight of a State or Federal Highway must meet State and/or Federal guidelines. Ordinance # 2011-24, passed on 10/17/2011.

3 Illuminated, moving, and/or animated signs are not allowed in Residential Districts. Temporary Holiday Signs are excepted.

F. Temporary signs, including but not limited to, festival and event signs, real estate signs, political signs, and sales signs shall:

1. Be only for temporary events.
2. Taken down promptly after event is over.

80.05.10: FENCES.

A. General Restrictions.

1. Cannot Block Traffic. No fence shall block traffic, impede or impair line of sight of the road or of road signs, nor create any other hazard to the flow of traffic or safety on our public roads in any way.

2. Cannot Block Sidewalks. No fence shall block passage along existing sidewalks

B. Agricultural Fences. Fences used for agricultural purposes, recreation use or the public safety shall not be regulated by this Ordinance.

C. Residential Fences. Fences used for residential purposes shall be allowed without the issuance of any permit, subject to the following provisions:

1. Fences shall be allowed up to a height of six (6) feet.

2. No setback shall be required for fences in side and rear yards.

3. Fences shall be allowed to extend along side property lines.

D. Business and Industrial Fences. Fences in business or industrial districts, where used for commercial or industrial uses, shall be allowed subject to the following provisions:

1. Fences intended for security purposes shall not exceed a maximum height of twelve (12) 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.

E. Swimming Pool Fences. Every outdoor swimming pool, which is more than 18 inches in depth shall be surrounded by a fence not less than "five" replace with "four (4)" 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 self-closing and locking gates and doors both capable of being locked as per current State Code, current edition and shall be kept locked when the pool is not in actual use, or left unattended. See Section 80.05.03 for all swimming pool requirements. Ordinance # 2011-2, passed on 10/17/2011. Ordinance 2016-24, passed on 7/25/2016.

INSERT - 1 For above ground pool exception see 80.05.03 5.1. Ordinance # 2016-24, passed on 7/25/2016.

SECTION 80.06 CONDITIONAL USES

Conditional Uses are uses permitted, subject to the conditions set forth in this Section

80.06.01: General Provisions

A. Definition. Conditional Uses are uses of such nature that additional conditions are required, including specifications on the parcel or use, and procedures for permits and approval. Types of conditional uses are:

1. Specific Conditional Uses as listed in Section 80.06.04

2. A use that is not specified in Section 80.06.04 that fits the definition set forth here shall be deemed a Conditional Use, and classified similar to uses that are specified.

3. Uses publicly or municipally operated; 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.

B. Classifications. A Conditional Use, or any use not otherwise set forth in this Code that fits the definition set forth in Point (A), above; shall fit in one of the following classifications:

1. Class 1: Allowed Without Permit. Such uses do not need an application, Site Plan or Development Plan, nor do they need an Improvement Location Permit, as long as they are abide by the regulations of this Ordinance.

2. Class 2: Permitted by Executive Decision. The use is allowed with an Improvement Location Permit, subject to the process set forth in Section 80.06.02. (I)- Brookville, Cedar Grove, Mt. Carmel and Oldenburg; all Specific Conditional Uses set forth under 80.06.04, shall be designated as a Class 3, requiring an Improvement Location Permit from the Town in which the Conditional Use is requested, and the approval process set forth under 80.06.03, including, but not limited to, the requirement for a public hearing. Ordinance # 1-2012, passed on 6/26/2012.

3. Class 3: Permitted by Hearing. The use is allowed with an Improvement Location Permit, subject to the process set forth in Section 80.06.03.

C. Conditional Use Specifications Supersede. The provisions for a Conditional Use shall replace and supersede the provisions for the base Zone District; shall be in effect upon the commencing of construction, or the beginning of operation, whichever occurs first; and shall remain in effect until such time as the use ceases to operate.

D. Requirements in Effect. All provisions of this Ordinance are in effect for all Conditional Uses, including but not limited to the entirety of Section 80.08, covering general standards, erosion and drainage control, and parking.

E. Changes to Conditional Use. Any significant changes in a Conditional Use, as determined by the Executive Director, including construction, shall be subject to approval, using the same process as was used for the original approval.

F. Temporary Certificates. Whenever a Conditional Use 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.

80.06.02: Approval Process for Class 2 Conditional Uses: Permit by Executive Decision

A. Submit Application. An Application submitted for a Class 2 Conditional Use shall include the following materials:

1. Site Plan, add For definition of "site plan" see 80.11.04 A.2. All items a. through j. are included in the site plan. Ordinance # 2016-16, passed on 5/23/2016
2. Description of proposed activity.

B. Executive Review. Upon receipt of an application for a Class 2 Conditional Use that meets the requirements for Permit by Executive Decision, the Executive Director:

1. Shall determine if all submittals are in order and all application requirements are met.
2. Shall review the Site Plan and the Development Plan.
3. May travel to the site to help determine the specifics of the application.
4. May ask the applicant for additional materials or testimony.
5. Shall, within 15 days of receiving the completed application, approve, deny, or postpone the decision up to 15 days only in cases where the Executive Director has requested additional materials from the applicant. The Executive Director shall inform the applicant in writing of the approval, denial, or postponement at the time the decision is made.

C. Executive Decision. If the Executive Director determines that all provisions are met, he shall issue an Improvement Location Permit for such Conditional Use; otherwise, the Executive Director shall reject the application. The findings of the Executive Director shall be in writing.

D. Resubmittal as Class 3 Conditional Use. Applicants who are denied Class 2 may request, within 60 days of the decision, to have their application submitted as a Class 3 Conditional Use. In such cases, no new application need be submitted. The Executive Director shall refer the application to the Commission for public hearing, with all provisions and regulations of said process in effect.

80.06.03: Approval Process for Class 3 Conditional Uses: Permit By Hearing

A. Submit Application. An Application for submitted for a Class 3 Conditional Use shall include the following materials:

1. Site Plan; add "For definition of site plan see 80.11.04 A. 2. All items a through j. are included in the site plan. Ordinance # 2016-16, passed on 5/23/2016.
2. Development Plan
3. Description of proposed activity, including all data that may be relevant, or as requested by the Executive Director

B. Executive Review. Upon receipt of an application for a Class 3 Conditional Use, and upon determining that all documents are satisfactory, the Executive Director shall refer the application to the Commission for public hearing.

C. Public notification, as set forth in Section 80.11.08.

D. Public Hearing. The APC shall conduct a public hearing and:

1. Shall determine if all submittals are in order and all application requirements are met.
2. Shall review the Site Plan and the Development Plan.
3. May travel to the site to help determine the specifics of the application.
4. May ask the applicant for additional materials or testimony.

5. 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.

E. APC Decision. Upon such hearings, if the APC finds that the establishment will conform with the provisions of this Ordinance, the Board of Zoning Appeals shall direct the Executive Director, to issue an Improvement Location Permit for the Conditional Use; otherwise, the APC shall direct the Executive Director to reject the application. The findings of the APC and its order to the Executive Director shall be in writing. Ordinance # 2011-24, passed on 10/17/2011.

F. APC Stipulations. The APC may impose additional stipulations and conditions to assure that the Conditional Use will conform to the intent of this Ordinance. These additional conditions may include, but are not limited to:

1. Parking and loading areas.
2. Refuse and service areas.
3. Special screening and buffering.
4. Signs and proposed exterior lighting.
5. Additional setback distances, yard and other open space.
6. General compatibility with adjoining properties.
7. A Development Plan in the event such a plan is not already required for a particular Conditional Use, or for a use determined the APC to be a Conditional Use which is not otherwise set forth in this Ordinance.

G. Multiple Conditional Uses. If the nature of the Conditional Use involves more than one of those listed, the applicant may apply for an Improvement Location Permit for the Conditional Uses which most closely relates to the primary use.

H. Time Limit. Any person, to whom is issued an Improvement Location Permit for a Conditional Use, 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, may have their Improvement Location Permit revoked.

I. Failure to Meet Conditions. Anyone who fails to conform to the provisions of this Ordinance, and to the Development Plan and stipulations approved by the APC and upon the basis of which such Improvement Location Permit was issued, may be required by the APC upon its own motion, and shall be required by the APC 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.

J. Alterations Allowed. The holder, of an Improvement Location Permit for a Conditional Use may apply at any time for an alteration, change, amendment or extension of the application or Development Plan upon which such Permit was based.

1. Upon receipt of such application, the APC shall proceed as in the case of an original application.

2. In the event the APC shall approve such an application, it shall notify the Executive Director who shall issue an amended Improvement Location Permit accordingly.

80.06.04: Specific Conditional Uses.

The following uses shall require approval as a Conditional Use. They shall be subject to the specific conditions imposed and approved by the Board of Zoning Appeals:

Airport (Commercial):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
c. Fence: 6 foot wire mesh fence where accessible to the public
d. Minimum distance from Residential District or Use: 100 feet
e. Landscape Screening: Level 1
f. Maximum structure height: 35 feet or as required by appropriate State or Federal agency.
g. Prior FAA and State of Indiana approval

Airport (Private):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
c. Prior FAA and State of Indiana approval

Anhydrous Ammonia or Similar Liquefied Fertilizers, Storage and Distribution (Commercial):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, PB, GB, I-1 & I-2
c. Minimum yards in A-1 District Front - 300; Side (each) - 300; Rear - 300
d. Minimum distance of Parking Area or Loading Berth from Residential district or Use: 300 feet
e. Fence: 6 foot wire mesh fence where accessible to public.
f. Drainage: Drainage shall be controlled so that liquefied fertilizers shall not drain off the premises

Artificial Lake of Three (3) or More Acres:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: All
c. State approval, as required by the DNR

Assembly Halls and Grounds:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, PB, GB, LB, I-1, and I-2
c. Minimum Lot Area: 1 Acre.
d. Minimum Front Yards (Standard): Side - (each) 20; Rear 15.
e. Signs and Lighting: Outdoor signs and outdoor artificial lighting shall be approved by the APC.
f. Height: Maximum height of structure – 35 feet

Auction Arena or Sales Yard (Excluding Livestock):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: PB, GB, LB, 1-1, and 1-2
c. Minimum Lot Area: 2 acres
d. Minimum Yards: Front – 50 feet; Sides – 40 feet; Rear – 40 feet
e. Signs and Lighting: Outdoor signs and outdoor artificial lighting shall be approved by the APC.
f. Height: Maximum height of structure – 35 feet

Beauty Shops and Barber Shops:

a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3- Town of Brookville, Cedar Grove, Mt. Carmel, and Oldenburg, Ordinance# 1-2012, passed on 6/26/2012.
b. Zones Permitted: A1, A2, RE, R1, R2, R3

c. Must have proper state licensing.

Boarding House, Lodging House, Tourist Home, and Bed and Breakfast of 3 or Fewer Rental Units:
a. Approval Process: Class 1, Allowed Without Permit - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012
b. Zones Permitted: A1, A2, RE, R1, R2, R3 and I-1

Boarding House, Lodging House, Tourist Home, and Bed and Breakfast of 4 to 8 Rental Units:
a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A1, A2, RE, R1, R2, R3 and I-1

Boarding House, Lodging House, ("Tourist Home" remove) , and Bed and Breakfast of 9 or Greater Rental Units:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A1, A2, RE, R1, R2, R3 and I-1
Ordinance # 2016-14, passed on 5/23/2016

Bottled Gas Storage and Distribution Yard:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, PB, I-1 and I-2
c. Minimum Yards: Front - 300; Side (each) - 300; Rear - 300

Building Material Supply or Storage Yard:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: PB, 1-1 and 1-2
c. Minimum Yards: 100 feet all sides
d. Minimum Distance from Residential Zones or Uses: 300 feet
e. Landscape Screening: Level 1
f. Maximum Height: 35 feet

Bulk Fuel Storage or Petroleum Tank Farm (Commercial):
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: 1-1 and I-2
c. Minimum Yards: 300 feet all sides
d. Landscape Screening: Level 1
e. Must abide by all State and Federal regulations

Cemetery or Crematory:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, PB, GB, LB, I-1, and I-2
c. Minimum Acreage: 1/10th acre
d. Minimum yards: 15 feet all sides
e. Maximum Height: 35 feet
f. Must abide by all State and Federal regulations

Church or Temple:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: All

Clinic (Medical):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, PB, GB & I-1
c. Minimum Lot Area: 15,000 square feet
d. Screening: Level 1

Commercial Breeders (except Kennel):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1 A-2, RE, I-1, I-2
c. Minimum Lot Area: 3 acres
d. Minimum Yards: 100 feet all sides
e. Maximum Height: 25 feet
f. Adequacy of Sewers: Approval required
g. Subject to periodic inspection by Animal Control Officer and compliance with health and sanitation standards

Commercial Canoe Rental:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, PB, GB, I-1, and I-2
c. Minimum Lot Area: Livery - 30 acres, plus 1000 feet of frontage on the river; Put-in or take-out points - 5 acres with a minimum of 600 feet of frontage on the river
d. Minimum Yards: 100 feet all sides

Commercial Greenhouse (Exceeding 1,000 sq. ft.):

a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, LB, GB, I-1, I-2 and FP
c. Minimum Lot Area: 25,000 square feet
d. Minimum Yards: Front – 100 feet; Side and rear – 40 feet

Day Care Center or Child Development Center:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, LB, PB, GB
c. Minimum Area: One hundred square feet of play area for each child; Thirty five square feet of indoor space per child
d. Outdoor play space: Grassed and enclosed by a fence; adequately separated from traffic areas
e. General Safety: No portion of a Day Care Center shall be located within 300 feet of gasoline storage or pumps, nor any other explosive materials.
f. License Required: Day Care Center License from the Indiana Department of Public Welfare

Class I Child Care Homes and Class II Child Care Homes:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: R-3, LB, PB, GB, & I-1
c. Must comply with all state and federal regulations

Development Disabilities Residential Facilities:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, PB, and GB
c. 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.

Explosives, Manufacturing, Storage or Use Of (Except Consumer Fireworks):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: I-1 and I-2
c. Approval of County Commissioners or respective Town Board required
d. Minimum Yards: 300 feet all sides
e. Fence: No less than 8 feet around entire lot, except entrances. Locking gate when not in use.
f. Landscape Screening: Level 2
g. Must comply with all State and Federal regulations

Family Wholesale Produce Terminal or Truck Freight Terminal:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, GB, LB, PB, I-1, & 1-2
c. Family-run operation and the family must reside on the premises
d. Minimum Lot Area: 1 acre
e. Number of trucks must be stated at the time of the initial Class 3 hearing and any subsequent increase requires another hearing.

Farm (Subject to any restrictive town ordinances governing livestock):

a. Approval Process: Class 1, Allowed Without Permit - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26//2012
b. Zones Permitted: All

Farm House or Farm Dwelling:

a. Approval Process: Class 1, Allowed Without Permit - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012
b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, GB, PB, I-1, I-2

Farm Seasonal Worker Housing, Tenant:

a. Approval Process: Class 1, Allowed Without Permit - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012
b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, GB, PB, I-1, I-2

Farm Implement and Supplies (Machinery) Sales and Service Area or Building (New or Used):

a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012
b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2
c. Maximum Height: 35 feet

Federally Regulated Firearm Sales: (Ordinance # 2012-20)

a. Approved Process: Class 3 permitted by hearing
b. Zones permitted without hearing GB, PB, I-1, I-2
c. Must comply with State and Federal Regulations

Firehouse:

For the storage and dispatch of Fire, EMS, and other emergency apparatus.

a. Approval process: Class 2, permit by Executive Decision.
b. Zones Permitted: All
c. Minimum lot size same as base zone
d. Minimum setbacks same as base zone

e. Tornado warning devices allowed
f. Emergency lighting allowed
Ordinance # 2016-9, passed on 5/23/16.

Flea Markets:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, GB, PB, I-1, I-2, FP

Fraternity, Sorority, and Student Co-ops:
a. Approval Process: Class 1, Allowed Without Permit - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012
b. Zones Permitted: R-3, LB, GB & PB

Garbage Disposal Plant or Public or Commercial Sanitary Fill:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: I-1 and I-2
c. Minimum Lot Area: 300 acres
d. Minimum Yards: 600 feet all sides
e. Landscape Screening: Level 2
f. Fencing: 6 foot chain link fence around the entire property
g. All State requirements for solid waste disposal must be met.

Golf Course/Country Club & Golf Driving Range:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: All
c. Maximum Height: 35 feet

Grain Elevators and Related Uses:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, PB, GB, I-1, & I-2
c. Maximum Height: 150 feet
d. Minimum Setback from Property Line: Two times the height of the highest structure, with a minimum of 50 ft
e. Must comply with all State and Federal regulations

Hazardous Waste or Contaminant Facility:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: I-2
c. Subject to all State and Federal Regulations
d. Landscape Screening: Level 2
e. Applicants are Limited: Applicants must have existing business in Franklin County in hazardous waste as of February 26, 1985.

Health Facility, Residential (Nursing Home):
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2
c. Minimum Lot Area: 12,000 square feet, and not less than 1000 sq. ft. per occupant
d. Landscape Screening: Level 1
e. Maximum Height: 45 feet
f. Adequacy of Sewers: Approval required

Heliport (Commercial):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: PB, GB, I-1 & I-2
c. Minimum Distance from Residential Zones or Uses: 200 feet
d. Landscape Screening: Level 1
e. Prior FAA and State of Indiana approval

Heliport (Private):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
c. Prior FAA and State of Indiana approval
d. Minimum Distance from Residential Zones or Uses: 100 feet

Hospital:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1
c. Minimum Lot Area: 3 acres
d. Minimum Yards: Front – 50 feet; Rear and side: 40 feet
e. Landscape Screening: Level 1
f. Maximum Height 65 feet
g. Adequacy of Sewers: Approval required
h. Entire building must be equipped with sprinkler systems and standpipes.

Hotel or Motel:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1
c. Minimum Lot Area: 1 acre
d. Minimum Yards: Front: 50 feet, Rear and Side 25 feet
e. Maximum Height: 35 feet
f. Adequacy of Sewers: Approval required

Junk Yard:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: I-2
c. Minimum Lot Area: 5 acres
d. Minimum Yards: 50 feet all sides
e. Minimum Distance from Residential Zones or Uses: 200 feet
f. Landscape Screening: Fencing, tight foliage, or landscaping no less than 8 feet of height enclosing the area used as a junk yard
g. No junk piled higher than fence or foliage height
h. No items stored closer than 12 feet from the fence
i. Must comply with all state and federal requirements

Kennel, Private:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3 & I-1
c. Minimum Lot Area: 2 acres
d. Minimum Yards: 100 feet all sides
e. Landscape Screening: Level 1
f. Maximum Height: 25 feet

Kennel, Commercial:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, LB, & I-1 (Permitted Use in GB & PB)
c. Minimum Yards: 150 feet all sides
d. Landscape Screening: Level 2
e. Maximum Height: 25 feet
f. Minimum Lot Area: 2 acres
g. Periodic inspection of animals and facility for health and sanitation by Animal Control

Mini-Warehouses or Self Service Storage Facility:

a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, GB, LB, PB, I-1, I-2
c. Minimum Lot Area: 1 acre
d. Minimum Yards: 25 feet all sides
e. Landscape Screening: Level 1

Mining Operation (i.e. Sand or Gravel Pit, Borrow Pit, Topsoil Removal and Storage Areas):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, I-1, I-2 & FP
c. Minimum Yards: 150 feet
d. Minimum Distance from Residential Use: 300 feet
e. Landscape Screening: Level 2
f. Subject to all State and Federal regulations (Ordinance # 2011-24)
g. Subject to all State and Federal regulations

Mobile Home Park:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1
c. Minimum Lot Size: 5 acres
d. Landscape Screening: Level 2
e. Minimum yards: 30 feet all sides
f. Mobile homes shall be separated by no less than 20 feet.
g. Each mobile home space shall be a minimum of 4000 sq. ft. and 40 feet in width.
h. Each space shall have an adequate concrete slab that includes anchors and tie-downs.
i. Recreational Area: No less than 8% of the total area of the park, not including streets
j. Adequacy of Sewers: Approval required

Municipal, County or Governmental Building:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-1, R-2, R-3, LB, GB, PB, I-1, I-2

Outdoor Commercial Enterprise (Including Recreational Enterprises):

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2
c. Minimum Yards: Front – 50 feet; Side and rear – 40 feet
d. Maximum height: 60 feet
e. Landscape Screening: Level 1
f. Adequacy of Sewers: Approval required

Outdoor Theater:

a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2, FP
c. Minimum Yards: Front – 100 feet; Side – 75 feet; Rear – 40 feet
d. Landscape Screening: Level 1
e. Maximum Height: 65 feet
f. Adequacy of Sewers: Approval required

Penal or Correctional Institution:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: UD
c. Minimum Lot Area: 50 acres
d. Minimum Yards: 100 feet all sides
e. Minimum Distance from Residential Zones or Uses: 300 feet
f. Maximum Height: 65 feet
g. Adequacy of Sewers: Approval required

Plant Nurseries, Truck Gardens:
a. Approval Process: Class 1 in A-1, A-2, RE; Class 3 in all others - - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2, FP
c. Minimum Lot Area: 2 acres

Private Club or Lodge of a Non-Commercial Character:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, & I-1

Private Recreational Development (i.e. Picnic Grounds, Fraternal Organizations, etc.):
a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, PB, GB, I-1, & I-2

Produce Stands, Seasonal:
a. Approval Process: Class 1, Allowed Without Permit - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2, FP

Produce Stands, Year Round:
a. Approval Process: Class 1, Allowed Without Permit in A-1, A-2, RE - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012. Class 2, Permitted by Executive Decision in LB, PB, GB
b. Zones Permitted: A-1, A-2, RE, LB, PB & GB

Professional Office Center:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: R-3, LB, PB, GB, I-1 & I-2
c. Adequacy of Sewers: Approval required
d. Maximum Height: 35 feet

Public Camp:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, & FP

c. Minimum Lot Size: 5 acres
d. Minimum Yards: Front – 100 feet; Side and rear – 40 feet
e. Landscape Screening: Level 1

Public Park or Public Recreational Facilities:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: All
c. Adequacy of Sewers: Approval required

Public or Employee Parking Area:
a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: R-3, LB, GB, PB, I-1, I-2, FP
c. Minimum Lot Area: 1500 square feet

Public Water Wells, Water Stations, Filtration Plant, Reservoirs and Storage Tanks:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2, FP
c. All applicable health laws must be adhered to.

Public Utility Installation – Terminal Facility:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: I-1, & I-2

Race Track
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: I-1, & I-2
c. Adequacy of Sewers: Approval required
d. Maximum Height: 45 feet
e. Landscape Screening: Level 2

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
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2
c. Adequacy of Sewers: Approval required
d. Landscape Screening: Level 1

Recreational Vehicle Park
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2
c. Minimum Lot Area: 5 acres
d. Each RV space shall be a minimum of 1,800 sq. ft. and 30 feet in width
e. Parking: Minimum one automobile space for each RV lot
f. Landscape Screening: Level 2
g. Minimum setback: 30 feet all sides
h. Recreational vehicles shall be separated by no less than 10 feet.
i. All applicable health laws must be adhered to.

Restricted Commercial Farm Enterprise (including CAFOs):
a. Approval Process: Class 3, Permitted by Hearing

b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
c. Air Pollution control as per IC 13-1-1 must be adhered to.
d. Water Pollution control as per IC 13-1-3 must be adhered to.
e. Approval by Water Pollution Control, Indiana State Board of Health as per IC 13-1-5.7
f. Maximum Height of Structure: 35 feet
g. Minimum Distance to Residential Uses (other than owners): As per state statute
h. Landscape Screening: Level 2
i. Waste Handling Guidelines, as per the following publications (latest issue):
   1. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA SWINE PROCEDURES, ID-83, 1972, by Cooperative Extension Service, Purdue University
   2. WASTE HANDLING AND DISPOSAL GUIDELINES FOR INDIANA POULTRYMEN, ID-83, 1972, by Cooperative Extension Service, Purdue University

Restricted Commercial Farm Enterprise (CFOs):
a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
c. All state regulations on pollution and setbacks must be followed.

Riding Stable:
a. Approval Process: Class 1, Allowed Without Permit in A-1, A-2, RE - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012. Class 3, Permitted by Hearing in I-1, I-2
b. Zones Permitted: A-1, A-2, RE, I-1 & I-2
c. Minimum Lot Area: 2 acres plus 5000 square feet per horse for each horse beyond four (4)
d. Minimum Yards: 50 feet
e. Minimum Distance to Residential Uses: 100 feet
f. Maximum Height: 35 feet
g. Landscape Screening: Level 1
h. Waste Disposal: With approval of IDEM

Sales Barn for Livestock (Resale):
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2
c. Minimum Lot Area: 2 acres
d. Minimum Yards: 50 feet
e. Minimum Distance to Residential Uses: 300 feet
f. Maximum Height: 45 feet
g. Waste Disposal: With approval of State Board of Health

Seasonal Hunting and Fishing Lodge (Commercial):
a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, & I-1

Seasonal Hunting and Fishing Lodge (Private):
a. Approval Process: Class 1, Allowed Without Permit - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, & I-1

Sewage Treatment Facility (Primary Use)
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: All
c. Health Approval Required by IDEM
d. Landscape Screening: Level 2

School, Private or Special:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2
c. Minimum Lot Area: 10,000 square feet
d. Minimum Yards: Front – 50 feet; Side and rear – 10 feet
e. Fence: 6 foot wire mesh around play area
f. Maximum Height: 35 feet
g. Adequacy of Sewers: Approval required

School, Educational Institution:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2

Shooting Range (Outdoor, Commercial):
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, I-1, I-2
c. Minimum Yards: 300 feet all sides
d. Landscape Screening: Level 2
e. Must comply with Indiana state law concerning shooting ranges.

Shopping Center:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: PB, GB, & LB
c. Minimum Distance to Residential Uses: 100 feet
d. Maximum Height: 65 feet,
e. Traffic Study and Plan
f. Landscape Screening: Level 1
g. Adequacy of Sewers: Approval required
h. Entire building must be equipped with sprinkler systems and standpipes.

Slaughter House:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2
c. Minimum Lot Size: 5 acres
d. Minimum Yards: 300 feet all sides
e. Minimum Distance to Residential Uses: 300 feet
f. Maximum Height: 35
g. Landscape Screening: Level 1
h. Dead Animal Disposal: In a manner satisfactory to the APC
j. Must comply with all state and federal requirements.

Stadium, Coliseum, Athletic Field:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2
c. Minimum Lot Size: 5 acres

d. Adequacy of Sewers: Approval required
e. Also subject to Section 80.08

Studio Business:
a. Approval Process: Class 1, Allowed Without Permit - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2

Telephone Exchange or Public Utility Substation:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, I-1, I-2
c. Landscape Screening: Level 1
d. Adequacy of Sewers: Approval required

Temporary Storage for Disabled Vehicles:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: A-1, A-2, RE, LB, GB, PB, I-1, I-2

Major Transmission Lines for Gas, Oil, Electricity or Other Utilities:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: All
c. Conditions as stipulated by the APC

Transmission Towers (Radio, TV, etc.) and Microwave Towers:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: All
c. Conditions as stipulated by the APC
d. Must comply with all state and federal requirements.

Two-Family Home in A1, A2, and RE:
a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A1, A2, and RE

Veterinary Hospital or Clinic for Small Animals:
a. Approval Process: Class 1, Allowed With Permit Ordinance # 2011-24, passed on 10/17/2011. (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, R-3, LB, I-1, I-2 (Permitted Use in GB and PB)

Wholesale Produce Terminal or Truck Freight Terminal:
a. Approval Process: Class 3, Permitted by Hearing
b. Zones Permitted: GB, LB, PB, I-1, & 1-2
c. Minimum Lot Area: 10 acres
d. Minimum Yards: Front – 100 feet; Rear and side – 35 feet
e. Minimum Distance from Residential Use: 100 feet
f. Fence: 6 foot high wire mesh
g. Landscape Screening: Level 1
h. Traffic Study and Circulation Plan

i. Adequacy of Sewers: Approval required

Welding Shop:

a. Approval Process: Class 2, Permitted by Executive Decision - (I) Class 3, Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, Ordinance # 1-2012, passed on 6/26/2012.
b. Zones Permitted: A-1, A-2, RE, R-3, LB, GB, PB, I-1, I-2
c. Visual Screening must be provided.
d. Must abide by all State and Federal regulations.

SECTION 80.06.05 – SEXUALLY ORIENTED BUSINESSES

Unique interpretations of words and phrases used in this section are found in Section 80.13 E.

A. Purpose and Intent

It is the purpose and intent of this Article to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the County and to establish reasonable and uniform regulations to allow sexually oriented businesses in locations where their presence will minimize adverse secondary effects. The provisions of this ordinance have neither the purpose nor effect of imposing a restriction on the content of any communicative materials, including sexually oriented materials; nor to restrict or deny access by adults to sexually oriented materials protected by the First Amendment; nor to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent or effect of the ordinance to condone or legitimize the distribution of obscene material.

B. Regulations for Sexually Oriented Businesses

If for any reason a court of competent jurisdiction finds any provision, or portion thereof, of these regulations to be unenforceable, the remainder shall continue in full force and effect.

1. Classification: Sexually oriented businesses include, but are not limited to, those defined and identified in Section 80.13 D, 1 through 11.

2. Business Location: The establishment of a sexually oriented business shall be permitted only as Specific Conditional Use, subject to the specific conditions imposed and approved by the Board of Zoning Appeals, only in a Planned Unit Development in District I-1 (Enclosed Industrial). A permit for a sexually oriented business shall be obtained as part of the process for licensing and shall be required and governed by the procedures and policies in this Ordinance. No person shall cause or permit the establishment of any of the sexually oriented business classifications defined in Section 80.13 D, 1 through 11:
   (a) Within the same building, or within 2000 feet, measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business of another such sexually oriented business or of a business that has a license to sell alcoholic beverages.
   (b) Within 2000 feet, measured in a straight line, from the nearest portion of the building or structure used as part of the premises where the sexually oriented business is conducted, to the nearest property line of the premises of a religious institution; public or private, nursery, kindergarten, elementary, secondary, intermediate, junior high, middle, or high schools; boys or girls clubs, or similar existing youth organizations; an entertainment business oriented primarily toward children or family, such as movie theaters, restaurants, bowling alleys, etc.; public park or public building; or within 2000 feet of any properties zoned or used for residential purposes.

3. License Requirements: It is unlawful
   (a) For any person to operate a sexually oriented business without a valid sexually oriented business license issued by the county.
   (b) For any person who operates a sexually oriented business to employ a person who is not licensed by the county as a sexually oriented business employee.
   (c) For any person to obtain employment by a sexually oriented business without first having secured a sexually oriented business employee license from the county.

4. Qualifications: All applicants must meet qualification requirements (including fingerprints) established in this section. If the person applying for the license is an individual, he or she must

sign as applicant; if other than an individual, each person who has a 20% or greater interest in the business must sign for the license as applicants and each must be qualified under the provisions herein.

5. Contents of Application for a Business License: The application for license for a sexually oriented business shall be made on a form provided by the county, shall contain the following information, shall be accompanied by documents specified herein, and shall state:
   (a) Whether the applicant is:
      - An individual – If so, the applicant must state his or her legal name and any aliases and submit proof that he or she is 21 years of age or older.
      - A partnership, general or limited – If so, the application shall show the complete name of the partnership, the names and ages of all partners, and a copy of the partnership agreement, if any.
      - A corporation - If so, the application shall show the complete name; the date of incorporation; evidence that the corporation is in good standing under the laws of the state of incorporation; the names and capacity of all officers, directors and principal stockholders; the name of the registered corporate agent; and the address of the registered office for service of process.
   (b) Whether the sexually oriented business will be operated under a name other than that of the applicant. If so, the business' fictitious name and the required registration documents must be submitted.
   (c) Whether the applicant or a person residing with the applicant has been convicted of a specified criminal activity defined in this section. If so, the date, place, and jurisdiction of each criminal activity shall be given.
   (d) Whether the applicant or any person residing with the applicant, individually, or as a partner of a partnership, or as an officer, director or principal stockholder of a corporation, has had a previous license denied, suspended, or revoked, under this section or under any other similar sexually oriented business ordinance from another city or county. If so, the name and location of that sexually oriented business; the date of denial, suspension, or revocation shall be given.
   (e) Whether the applicant or a person residing with the applicant, holds any other licenses under this section or any other similar sexually oriented business ordinance from another city or county. If so, the names and locations of any other licensed businesses shall be given.
   (f) The single sexually oriented business classification from Section 80.13 D, 1 through 11, for which a license application is filed; the proposed business location, including a legal description of the property, street address, and telephone number(s), if any; applicant's mailing address and residential address; a recent photograph of the applicant; and applicant's driver's license number, Social Security number, and/or his or her state and federally issued tax I.D. number.
   (g) A sketch or diagram showing the premises, drawn to a designated scale or with marked dimensions accurate to within ± 6 inches, including total floor space occupied by the business.
   (h) A current certificate and straight-line drawing prepared within 30 days prior to the application by a registered land surveyor showing property lines and structures within 2000 feet of the property to be certified, containing any existing sexually oriented businesses; property lines of any residences, established religious institutions, public or private schools, youth organizations, public park or recreation areas, or public buildings in existence at the time the application is submitted.

6. Issuance of a License for a Sexually Oriented Business: Within 30 days after receipt of an application for a business license for a single classification of a sexually oriented business, and upon verification that the applicant has obtained a valid Permit, the county shall either authorize the applicant to proceed or shall deny the license. If the license is granted, the face will bear the name of the person(s) to whom it is granted, the expiration date (one year), the address of the business, and the single sexually oriented business classification, from Section 80.13 D, 1 through 11, for which it is issued. It shall be posted conspicuously near the entrance of the business so it can be easily read. The license will be rejected if the preponderance of evidence shows that one or more of the following are found:
   (a) Applicant has failed to provide information reasonably necessary for issuance of a license or has falsified responses on the application.
   (b) Applicant is under 21 years of age.
   (c) Applicant or a person living with the applicant has been convicted of a specified criminal activity as defined in this section.
   (d) The Health Department, Fire Department, or building official, shall complete their inspection within 20 days of receipt of the application. The premises must be certified as being in compliance with applicable laws and ordinances for a license to be issued.
   (e) Applicant or person residing with the applicant is overdue in payment of county taxes, fines, or penalties in relation to any business, or has not paid the license fee required by this section.
   (f) Applicant is in violation of or is not in compliance with any of the provisions of this section.
   (g) Applicant or person residing with the applicant has had a sexually oriented business license denied or revoked by the county within the past 12 months.

7. Contents of Application for an Employee License: Before any applicant may be issued a sexually oriented business employee license, the applicant shall submit on a form provided by the county, the following information and shall attach required documentation:
   (a) Applicant's name, stage names or aliases used by the individual; age; date and place of birth.
   (b) Height, weight, hair and eye color.
   (c) Present residence address and telephone number; present business address and telephone number.
   (d) Date, issuing state, and number of driver's permit or other identification card information.
   (e) Social Security card and number.
   (f) Proof that individual is 21 years of age or older.
   (g) Color photograph of the applicant, at applicant's expense, clearly showing the face.
   (h) Fingerprints, at applicant's expense, on a form provided by the Police Department.
   (i) A statement describing the license history of the applicant for the 5 years immediately preceding the application. The license history shall indicate whether the applicant has previously operated or sought to operate in this, or any other county, city, state or country. Whether the applicant has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or had any professional or vocational license or permit denied, revoked, or suspended. If so, the name of the business, the name of the issuing or denying jurisdiction, and describe in full the reasons. A copy of any order of denial, revocation, or suspension shall be attached to the application.
   (j) A statement whether the applicant has been convicted of a specified criminal activity as defined in this section. If so, the specific criminal activity involved, date, place, and jurisdiction of each.

8. Issuance of License for an Employee of a Sexually Oriented Business: Upon initial examination of the application and accompanying documents for an employee of a sexually oriented business, the county shall issue a temporary license to the applicant, if, and only if the application is complete and appears to be in order. The application shall then be referred to the appropriate county agencies for investigation of the information contained therein. Within 30 days after receipt of an application for an Employee License for a sexually oriented business, the county shall either retract the temporary license or issue a permanent license. A permanent license, if issued, is subject to annual renewal upon written application by the applicant. Upon a finding by the county that the applicant has not been convicted of any specified criminal activity, as defined in this section, or committed any act during the existence of the previous license, which would be grounds to deny the initial license application, the license will be renewed. The initial employee license and each renewal are subject to the fees outlined herein. The temporary license will be declared null and void if the preponderance of evidence shows that one or more of the following are found:
   (a) Applicant has failed to provide information reasonably necessary for issuance of a license or has falsified responses on the application.
   (b) Applicant is under 21 years of age.
   (c) Applicant has been convicted of a specified criminal activity as defined in this section.
   (d) Applicant's employee license is to be used in a business prohibited by local, county, or state law, statute, rule or regulation, or prohibited by particular provision of this section.
   (e) Applicant has had a sexually oriented business employee license revoked by the county within the past 2 years.

9. Special Requirements for Sexually Oriented Businesses:
   (a) Additional Regulations Pertaining to Exhibition of Sexually Explicit Films, Videos, or Live Entertainment in Viewing Rooms – An applicant who wishes to operate a sexually oriented business, other than an adult motel, exhibiting films, videocassettes, other video reproductions, or live entertainment depicting specified sexual activities or specified anatomical areas, in a viewing room or booth of less than 150 square feet of floor space, shall comply with the following:
      - The application shall include a diagram, drawn to a designated scale and accurate to ± 6 inches, showing one or more manager's stations, overhead lighting fixture locations providing at least 5.0 foot candles at floor level in all areas where patrons are permitted, and identifying all areas in which patrons are not permitted. Viewing booth floor coverings and walls to 48 inches above the floor shall be nonporous, easily cleanable surfaces, with no rugs or carpeting.
      - Manager's stations may not exceed 32 square feet of floor area, and shall afford an unobstructed, direct line-of-sight view of every area to which any patron is permitted access, except restrooms. There shall be no video reproduction equipment in the restrooms.
      - Licensee of the premises shall ensure that at least one licensed employee is on duty in each manager's station at all times a patron is present inside the premises; that no viewing room may be occupied by more than one person at a time; and that the illumination is maintained at all times a patron is present.
      - There shall be no openings of any kind between viewing rooms or booths. The booths shall be inspected daily to verify no openings or holes exist.
   (b) Additional Regulations Concerning Public Nudity – It shall be an offense for an employee in a sexually oriented business, while in a semi-nude state:
      - To appear, unless at least 10 feet from any patron and on a stage at least 2 feet high.
      - To solicit any pay or gratuity from any patron or customer.
      - To intentionally or knowingly touch a customer or a customer's clothing.

- To be visible, even for the moment a door may be opened, from outside the premises.

(c) Hours of Operation – No sexually oriented business, except an adult motel, may remain open between 1:00 a.m. and 11:00 a.m. on weekdays and Saturdays, and 1:00 a.m. and noon on Sundays.

(d) Signage – No person shall erect, construct, or maintain any sign for a sexually oriented business other than one primary sign and one secondary sign. If the requirements set forth herein conflict with any other requirements of this Code, the more stringent shall apply.

- Primary Sign – The primary sign shall have no more than two display surfaces; shall contain NO flashing lights; shall be a flat plane, rectangular in shape; and shall not exceed 75 square feet in area. It shall contain no photographs, silhouettes, drawings or pictorial representations, and may contain only the name of the enterprise. Each letter shall be of solid color and of the same print-type, size and color. Background shall be uniform and solid in color.
- Secondary Sign – The secondary sign shall have one display surface, shall be a flat plane, rectangular in shape; shall not exceed 50 square feet in area; and shall be affixed to any exterior wall or door of the premises, or may be a canopy sign over a door or window,

(e) Exterior – No merchandise or activities of a sexually oriented business licensed under this section shall be visible from outside the establishment. There shall be no flashing lights, lettering, photographs, silhouettes, or other reproductions, except as allowed under Signage, and the exterior shall either be unpainted, or be painted in a single achromatic color.

10. Fees – Every application for a new or renewal license for a sexually oriented business license or for a sexually oriented business employee license shall be accompanied by a $1000 nonrefundable fee, payable to Franklin County and submitted to the Area Planning Commission (APC). The amount of the fee, set by the APC covers the cost of the application and investigation.

11. Inspection – The applicant or licensee or any person acting as their agent or employee, shall permit representatives of the Police Department, Health Department, Fire Department, Zoning Department, or other county departments or agencies to inspect the premises of a sexually oriented business any time it is occupied or open for business, to ensure compliance with the law. Failure to allow access to official representatives of the County for inspection, or a finding of non-compliance with any requirement of this section shall result in suspension of a license for a period not to exceed 30 days.

12. License Expiration – Each license shall expire 1 year from the date of issuance and may be renewed only by making application at least 30 days in advance.

13. License Revocation – Upon finding of any of the causes herein, the County shall revoke a license for a period of one year, unless, subsequent to revocation, the County finds that the cause has been corrected, in which case the period of license revocation may be reduced to a minimum of 90 days. During the period of revocation the licensee shall not be issued another sexually oriented business License. The county shall revoke a license if it determines that:

(a) There is a recurrence of the cause of suspension within the 12 months of the prior suspension.

(b) The licensee gave false or misleading information in the application.

(c) The licensee knowingly allowed possession, use, or sale of controlled substances on the premises.

(d) The licensee knowingly allowed prostitution on the premises.

(e) The licensee knowingly operated the sexually oriented business while the license was suspended.
(f) Except in an adult motel, the licensee knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sex act to occur in or on the licensed premises.
(g) A license is delinquent in payment to the city, county or state for any taxes or fees past due.

C. Regulations Governing Existing Sexually Oriented Businesses

Any sexually oriented businesses lawfully operating prior to the effective date of this Ordinance that is in violation of this Article shall be allowed to continue operation, but not to expand or make changes in its operation. Within 4-months of the effective date of this Ordinance, application must be submitted to the County for both Business and Employee Licenses, and all obstacles to Licensing must be cleared within the following 2-months so that the business is fully compliant within 6-months of the effective date of this Ordinance. Otherwise, the business will be deemed non-compliant and the Business License withdrawn.

D. Remedies and Enforcement

Remedies and enforcement of the provisions of the Zoning Code are set forth in I.C. 36-7-4, "1000 Series – Remedies and Enforcement". Any person, partnership, or corporation in violation of this Section may be punished subject to the provisions of I.C. 36-7-4-1018. (Ord. 13-88, passed 07-11-1988; Am. Ord. 19-88, passed 11-14-1988.) The Board of Commissioners may institute a suit for injunction in the courts of Franklin County for mandatory injunction, directing a person, firm, or corporation to correct any violation of the provisions of this ordinance, or to bring about compliance with the provisions of this ordinance. If the Board of Commissioners is successful in any such suit, the defendant, or respondent, shall bear the cost of the action, including reasonable attorney's fees.

E. Violation and Fines

See Section 80.11.07 C.

F. Complaints Regarding Violations of Sexually Oriented Businesses

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall fully, and accurately, state the causes and basis of the alleged violation, and be filed with the Planning Director or designee. The Planning Director or designee shall investigate the complaint in a timely manner and, if warranted, take action thereon as provided by this ordinance. Any person filing a written complaint shall be notified in writing by the Planning Director or designee of the action taken and/or status of the alleged violation.

SECTION 80.07 NON-CONFORMING USES

The lawful use of a building or premise, existing at the time of the passage of this Ordinance may be continued although such use does not conform to all the provisions of this Code. Such use shall be deemed a Non-Conforming Use, and subject to the following provisions:

A. May Be Extended. A Non-Conforming Use may be extended or expanded, but must follow all provisions of this code.

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

C. Discontinuance of Non-Conforming Use. In the event that a Non-Conforming 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 this Ordinance. Owner of said property may apply for, and the APC may grant any extension of the use past one year.

D. Damage to Non-Conforming Use. If a building or other structure containing a Non-Conforming Use is damaged or destroyed by any means, it may be repaired.

E. 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.

F. Non-Conforming Use Resulting From Amendment. These provisions also apply to a use which becomes a Non-Conforming Use as a result of an amendment to this Code.

G. Non-Conforming Use in Flood Plain District. All applications to repair, extend or enlarge a Non-Conforming 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).

H. Non-Conforming Lot Areas and Widths and Prior Lots Record. A lot of record that existed prior to the passage of this Ordinance 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.

SECTION 80.08 STANDARDS AND REGULATIONS

The following standards are in effect in all zone districts, except where noted in the text, for all lots and uses put into effect after the effective date of this Ordinance. More stringent regulations are in effect in the I-1 and I-2 Zone Districts, set forth in each zones' section.

80.08.01: GENERAL REGULATIONS (Nuisance Laws)

The following nuisances are hereby regulated:

A. Electrical Disturbance. No use shall cause electrical disturbance, adversely affecting conditions: radios, televisions or other equipment in the vicinity.

B. 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. Public safety sirens and related apparatus used for public purposes shall be exempt from this standard.

C. Vibration. No use shall cause vibrations or concussions humanly detectable beyond the lot lines.

D. 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.

E. 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.

F. Heat, Glare, and Light. No use shall produce heat, glare or light in such a manner as to be a nuisance or create a hazard perceptible from any point beyond the lot lines. No lights resembling those of emergency vehicles shall be in such proximity to a road that a traffic hazard is created.

G. 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.

H. Pets. The keeping of a pet that causes hardship or nuisance to neighbors, including, but not limited to, noise, odor, property damage, intimidation or other damage or distress, is not a permitted use. Additional provisions for domestic pets are in Section 80.05.04.

80.08.02: GENERAL STANDARDS

A. Access. Every building hereafter erected or moved shall be located on a lot with undeniable access to a public road. All buildings shall be so located on lots as to provide for safe and convenient access, fire protection, and required parking. Add "See Section 80.09.01, D, 5 (2011-16) Amendment". Ordinance # 2016-12, passed on 5/23/2016.

B. Fire Protection Standards. 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 materials is conducted.

C. Conversions.

1. Certain Conversions Discouraged. It is the intent 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.

2. Single-Family Dwellings Converted to Two-Family Dwellings. 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.

3. 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.

4. 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.

5. In cases of question as to the applicability of these standards, such proposed conversion shall be deemed an "exception" replace with "Variance" and placed before the BZA in accordance with the requirements in Section 80.12. Ordinance # 2016-13, passed on 5/23/2016.

D. 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 additional buildings, located on one lot, except as otherwise provided in this Code for a mobile home park or unit development plan.

80.08.03: YARD AND SETBACK REQUIREMENTS

Building setback lines shall be required along all public streets in accordance with the specifications 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.

a. Minimum Lot Size: Where no sewer is utilized in I-1 and I-2 districts, for any use except agricultural and single family dwellings or manufactured homes, the use shall be a Conditional Use (80.06.03) and satisfactory method of dealing with Sewer/Septic/Water Standards (80.08.09) must be included in the Application for Improvement Location Permit (80.11.04 A 2). Minimum lot size: 5 acres or larger if needed for two Septic Fields. Ordinance # 2014-22, passed on12/22/14.

b. Where sewer is utilized there is no minimum lot size. However Yard Sizes do apply. Ordinance # 2014-22, passed on 12/22/14.

c. Yard Sizes are as for G-B (80.03.07). Ordinance # 2014-22, passed on 12/22/14.

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, Conditional Uses, or other applicable provisions of this Ordinance, the most restrictive requirement shall govern.

C. YARD EXCEPTIONS

1. Application.

a. 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.

b. Minimum required yards or building setback distances shall be unobstructed and open to the sky, except for customary projections and usage.

2. Yard Encroachments.

a. Allowed Structures. Structures are allowed to project into a required yard including, but not limited to:

1. An eave, cornice overhang, awning, balcony or bay window.
2. The ordinary projection of belt courses, sills, lintels, chimneys, and other similar ornamental and architectural features.
3. Unenclosed, uncovered steps, entrance platforms, terraces or landings.
4. Family swimming pools. See Section 80.05.03.
5. Fences. See Section 80.05.10.

b. Limits. In no event shall said encroachment protrude closer than twenty (20) feet to a front lot line, nor closer than 80 % of the required distance to any side or rear lot line except:

1. 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.

2. 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 Ordinance, 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.

3. Tapered Yard Formula (for Additional Use Building.) Where an interior lot fronts on a side street in the rear of the corner lot by an alley, an additional 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 additional building is placed from the rear lot line toward the front lot line of the corner lot, the additional building may be set four (4) inches closer to the front lot line along the side street required by this Ordinance.

4. Screening and Minor Additional Uses.

a. Additional 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 allowed in any required front, side or rear yard, without the issuance of any permit.

b. 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.

5. Intersection Visibility.

a. 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.

b. 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.

c. 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.

6. Storage.

a. No portion of any required yard setback shall be used for the permanent storage of unlicensed and/or inoperable motor vehicles, recreational vehicles, mobile homes, trailers, airplanes, boats parts thereof, shipping containers (cargo) (freight), rubbish, garbage, junk, tent or building materials, except during construction. (I) - Town of Brookville, Cedar Grove, Mt. Carmel and Brookville; remove the words "required" and "setback". Ordinance 1-2012, passed on 6/26/2012.

b. Permanent storage for purpose of this subsection shall be construed as the presence of such storage for a period of 14 consecutive days.

80.08.04: HEIGHT RESTRICTIONS

Maximum Building Heights are as follows.

A. The normal maximum height of a dwelling is as follows in the districts indicated:
35 feet in the A-1, A-2, RE, R-1 R-2, R-3, and I-1 districts; (add, I-2)
60 feet in the G-B, L-B, P-B and U-D districts.
Ordinance # 2016-11, passed on 5/23/2016.

B. 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 GB, UD and I-2 districts (add I-1). Ordinance # 2016-11, passed on 5/23/2016.

C. The normal maximum height of enclosed industrial uses is 60 feet in the GB, 1-1 (change to I-1), and I-2 districts. Ordinance # 2016-11, passed on 5/23/2016.

D. The normal maximum height of Conditional Uses is as follows in the districts indicated unless specified elsewhere in this Ordinance:
35 feet in A-1, A-2, RE, R-1, R-2, and R-3 districts
60 feet in the GB, LB, PB, I-1, I-2 and UD districts

E. The normal maximum height of Additional Uses is as follows in the districts indicated:
25 feet in R-1, R-2, and R-3
35 feet in GB, LB, PB, I-1, I-2, UD, A-1, A-2, RE

80.08.05: 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. Plan for Minimizing Erosion and Sedimentation.

1. No changes shall be made in the contour of the land, nor shall grading, excavating, removal or destruction of the top soil, trees or other vegetative cover of the land shall commence 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 Highway Department on, or before the final inspection is scheduled. The driveway entrance permit is to be issued prior to a building permit.

B. 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 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.

C. 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.

D. 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.

E. 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 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.

F. 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.

G. 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.

H. 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. the APC may revoke the approval of all plans.

I. INDIANA DRAINAGE CODE REQUIREMENTS

1. 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.

2. 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 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 APC.

SECTION 80.08.06: PARKING AND LOADING STANDARDS ----------

To address the problem of congestion on public streets, adequate parking and loading facilities shall be provided and maintained for all buildings, structures or premises, subject to the following provisions:

A. Number of Parking Spaces. The number of parking spaces required shall be as follows:

1. Business and Industrial Uses. One space for each employee during the largest shift, plus one space for each 3 customers at peak business hours.

2. Residential Uses. Two spaces for each family, plus any more as may be required so as to not utilize public parking spaces for continual use.

B. Exemptions

1. Downtown Businesses Exempt. For the revitalization of our downtown business districts, and filling of vacant storefronts as may exist in such areas, uses and parcels in such areas shall be exempt from the provisions of this section, subject to approval by the Town Board or other executive body with jurisdictional powers over the location.

2. Block Frontage. Parking facilities are not required in a block frontage contained in a GB, LB, PB or I-2 (add I-1) district in which the ground floor area of business or industrial structures, including their accessory buildings, existing at the time of passage of this Ordinance, equals fifty percent (50%) or more of the entire area of the block frontage. Ordinance # 2016-11, adopted on 5/23/2016.

3. Prior Uses Exempt. Uses lawfully established prior to the effective date of the time of passage of this Ordinance, shall not be subject to the parking and loading provisions of this Ordinance, provided, however, that the standards of the zoning ordinance that the use was created under shall be continued and maintained.

4. Loading Requirements. 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.

C. General Provisions

1. Additional Parking Encouraged. Nothing in this Code shall be deemed to prevent the voluntary establishment of additional off-street parking or loading facilities to serve any existing use, provided that this Ordinance is adhered to.

2. Same Lot. Additional off-street parking and loading spaces shall be provided on the same lot as the use served, except as otherwise provided in this Ordinance, and may be situated as one or more individual areas.

3. Setback Requirements Apply. Parking and loading areas shall be subject to setback requirements, except as specified otherwise by this Ordinance. When permitted within required setback distances, a landscape screen shall be provided along the property line.

4. Prohibited Areas. No parking areas 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.

5. Passenger Cars and Light Trucks. 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 vehicle, equipment or material.

6. Open Space Requirements. Parking areas may count toward the open space requirements of this Ordinance.

7. Shared Parking. 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 additional 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 BZA.

8. Loading Spaces Are Not Parking Spaces. Required off-street loading spaces shall not be construed as being part of the required off-street parking spaces.

9. Changes of Use. When type of use of any building, structure or premises shall be changed, or the intensity of use is increased, parking and loading facilities as required herein shall be provided for such increase in intensity of use.

10. Unit Development Plan. For a Unit Development Plan, the number of parking spaces shall be determined by the Executive Director or the BZA, 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 BZA.

11. Conflicting Laws. In case of conflict between this Ordinance and other state, or federal laws, the state or federal law shall govern. In case of conflict between this Ordinance and other local laws, the higher requirement shall govern.

12. Non-Conforming Use Parking and Loading. For any Non-conforming Use that is repaired after damage, off-street parking and loading facilities equivalent to those existing prior to damage must be restored as well.

D. Specifications and Size.

(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 loading space shall be of a size not less than that required for a 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 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. Such aisle or driveway shall be unobstructed and allow for the passage of emergency vehicles at all times.

Parking Angle (in degrees)	Aisle Width (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 parking or loading facilities shall be designed with appropriate access to a street or alley in a manner which will least interfere with traffic movement.

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 Conditional Use in accordance with the following conditions:

1. A development plan for such off-site parking facility shall be filed with the BZA as a required exhibit accompanying the Conditional Use application and shall be made part of the conditions of any approval. Said development plan 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 points shall be limited to protect the function of adjoining streets.

3. 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 as to have individual spaces marked, and have unobstructed access to an aisle or driveway so that any automobile may be moved without moving another, and so that no maneuvering shall be on any public right-of-way.

3. 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. 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.

(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.

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.

7. Parking that 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, or as long as feasible if the lot frontage is too small to meet such requirement.

8. 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.

9. 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 adjoining residential uses, except as otherwise provided in this Code.

10. 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.

11. 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:

Use Description	Floor Area in Square Feet	Number of Loading Spaces Required
Manufacturing, Distribution, Wholesaling, Storage, and Similar uses	5,000 – 25,000	1
	25,001 – 60,000	2
	60,001 – 100,000	3
	Each 50,000 above 100,000	1
Office Buildings. Hotels and Motels, Retail Sales, Hospitals, Institutions and Similar Uses	5,000 – 60,000	1
	60,001 – 100,000	2
	Each 100,000 above 100,000	1

2. Off-street loading areas shall be developed in accordance with the standards in Subsection (F) above.

H. Parking and Storage of Certain Vehicles

1. Automotive Vehicles. Automotive vehicles or trailers of any type without current license plates or in an inoperable condition so as to 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.

2. 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, additional 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.

SECTION 80.08.07: MOBILE HOMES, MANUFACTURED HOMES, AND RVS- (I) Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg, shall be governed by the language of 80.35 under the Area Zoning Code (pre-modified language), Ordinance # 1-2012, passed on 6/26/2012.

A. MOBILE HOME PARK. A Mobile Home Park is a Conditional Use, and subject to the provisions of Section 80.06.04.

B. PERMANENT USE. Permanent uses of a mobile home or a manufactured home are subject to the following provisions:

1. Mobile Homes. Manufactured dwellings (see Sec. 80.13 for definition) and mobile homes (see Sec. 80.13 for definition) are permitted uses in a mobile home park. (See Sec. 80.06.04.)

2. 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 (4) 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:

a. 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 of equal or lesser classification, or be removed from Franklin County before an Improvement Location Permit could be issued by the Executive Director.

b. 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, unless a new Improvement Location Permit and a Certificate of Occupancy have been issued.

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

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.

4. Class F Mobile Homes Must Be Repaired. Class F Mobile Homes must be repaired, so as to meet Class E standards.

C. TEMPORARY USE

1. Temporary uses of Mobile Homes, Manufactured Homes, and Recreational Vehicles (RVs) are permitted as Additional Uses, subject to the provisions of Section 80.05: Additional Uses, and the following specific provisions:

a. Mobile homes as a temporary office during the period of construction and development are allowed with permit, subject to a time limit of 18 months.

b. Mobile homes as a temporary living place or dwelling during construction or for security purposes are allowed with permit, subject to a time limit of 18 months.

c. 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;

d. Mobile home as a temporary living place or dwelling for a family whose existing dwelling on the same lot has been severely damaged by fire or other danger is allowed without permit until completion of the rebuilt home, so long as a permit to rebuild is applied for within six (6) months.

2. Storage or parking of recreational vehicles in the open is allowed, subject to the following conditions:

a. 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 not to exceed thirty days in any one year.

b. 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.

c. Recreational vehicles may be stored or parked by the owner thereof behind or alongside the primary building in such a manner that no part of any such vehicle shall project beyond the front or side setback lines of the lot.

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 (a) above.

e. Not withstanding the provisions of Section (1) 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.

f. A manufactured unit certified as a Mobile Home or any previously titled vehicle cannot be used as an Additional Use Building for a residential use.

SECTION 80.08.08: PRIVATE LANES

For the purpose of utilizing marginal land for home sites and preserving the County's best farm ground, homes are allowed on private lanes, subject to the following standards and restrictions of this section.

A. Private Lane Defined. For purposes of this section, a private lane shall not be construed as the driveway to each home, but rather a privately maintained access road that the driveway joins at or near the lot line.

B. Undeniable Access. Each lot on a private lane must have undeniable and irrevocable access to a public road, either via direct access, or through an easement across other parcels. Deed restrictions and covenants must be recorded on each parcel to this end.

C. Undeniable Utility Access.

1. Each lot must have undeniable and irrevocable access to utilities, either via direct access, or through an easement across other parcels, subject to the following exceptions:

   a. Sewer Lines. Because of the requirement by Indiana law that parcels are forced to hook on to a sewer line if it comes within a certain distance, sewer lines shall not be permitted unless there is unanimous approval of the sewer line from every landowner of parcels served by, or providing easement for, the private lane.

2. Deed restrictions and covenants must be recorded on each parcel to this end.

D. Multiple Homes Allowed. Up to 5 (five) homes are allowed on a single private lane. Those desiring more than these limits, can either apply for a variance, or apply to be a Subdivision under Section 80.10 - (I) Town of Brookville, Cedar Grove, Mt. Carmel, Oldenburg, only one (1) home shall be permitted per private drive or lane, Ordinance 1-2012, passed on 6/26/2012.

E. Private Lane Must Be Maintained. Failure to maintain the private lane, either tangibly or financially, constitutes a violation of this Ordinance and subject to penalties as set forth in Section 80.11.07: Penalties and Fines.

F. Private Lane Deed Disclosure. Common and joint maintenance, and the utilization by all owners, present and future, of the lots served by the private drive shall be made a part of the deed to each of the lots, stipulating adequate maintenance, ensuring continuous access, and must include the entire text of Section 80.09.02 Point (C).It is the seller's responsibility to inform any and all interested potential buyers of the Private Lane Deed Disclosure in writing prior to sale.

G. Specifications for a Private Lane for Multiple Homes (deleted) Ordinance # 2011-24, passed on 10/17/2011.

H. The County shall purchase signs which will be sold to the developer of private lanes, and installed at beginning point of the private lane which read, "Private Drive – Maintained by Property Owners." Once installed by the property owner, maintenance of the signs will be the responsibility of the property owners.

80.08.09 SEWER/SEPTIC/WATER STANDARDS

A. Sewer, septic, and water regulations shall be per Franklin County Health Department, and all other current state and federal regulations. Ordinance 2011-24, passed on 10/17/2011.

B. In cases where two septic fields are required, the two existing septic sites may not be disturbed by a permanent improvement unless a third site has received approval by the F.C. Health Department.

80.08.10 LANDSCAPING STANDARDS

A. Landscape Screening:

1. Level 1. Visual screening, foliage and/or fencing not less than 3 feet in height, on a strip of landscaped ground at least 3 feet wide. Visual screening must be effective at all times of the year.

2. Level 2. Visual screening, foliage and/or fencing not less than 8 feet in height, on a strip of landscaped ground at least 5 feet wide. Visual screening must be effective at all times of the year.

SECTION 80.09 DIVISION OF LAND

The regulations on the division of land are set forth in this section. Such divisions that fit the definition of a Subdivision, Section 80.10 shall also be subject to the provisions of that section.

80.09.01 GENERAL PROVISIONS

A. Family Divisions Exempt. Divisions of land between family members are exempt from all requirements of this section, and Section 80.10: Subdivisions, subject to following provisions:

1. If the Executive Director determines that the Family Exemption clause is being used multiple times to circumvent the law for purpose of housing development, he may decline to issue the Improvement Location Permit and require the applicant to comply with the regulations of this section.

2. For purposes of the 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 lease one (1) of the transferors. Ordinance # 2011-24, passed on 10/17/2011.

B. Minimum Acreage. Lots shall have a minimum of area

1. If No Sewer Line Is Available.

All Zone Districts:	Minimum of 43,560 sq. ft. (1 acre), or a minimum acreage so as to provide for 2 septic fields, whichever is greater.

2. If Sewer Line Is Available.

Districts A-1, A-2, R-E, I-1, I-2:	Minimum of 43,560 sq. ft. (1 acre)
Districts R-1, R-2, R-3, GB, LB, PB	Minimum of 10,890 sq. ft. (¼ acre)

3. There are no acreage or lot width requirements based on slope.

C. Easements.
Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of services.

D. Undeniable Access. Each lot must have undeniable and irrevocable access to a public road by either:
1. Direct access.
2. A private lane agreement. See Section 80.08.08 Private Lanes
3. As specified for Subdivision lots, if the lot is in a Subdivision. See Section 80.10.
4. Or by being added to adjacent parcel that has such access already.
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, Ordinance # 2011-16, passed on 6/20/2011.

80.09.02 DEED DISCLOSURES.

It is the seller's responsibility to inform any and all interested potential buyers in writing of all required deed disclosures prior to sale.

A. 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 disclosing that permitted uses are determined by the Zoning Code. All required disclosures, and all covenants and restrictions shall be disclosed by the seller. It is the responsibility of the buyer to determine that the real estate is suitable for the buyer's intended use.

B.Agricultural and Rural Area Disclosure. All applicants shall sign and record with the Franklin County, Indiana Recorder's Office, the "Notice of Agriculture Activity" located in Appendix A in the Franklin County Zoniong Code.

APPENDIX A
NOTICE OF AGRICULTURE ACTIVITY
TO: ALL APPLICANTS FOR IMPROVEMENT LOCATION PERMITS IN ALL ZONED AREAS OF FRANKLIN COUNTY, INDIANA.

This notice is given to you because of your application for an Improvement Location Permit to build or move into an area of Franklin County that is zoned for Agriculture or near an area zoned for agricultural use.

The purpose of this notice is to assure that you are aware that all agricultural operations may be practiced in the area of this residence and/or subdivision.

Agricultural activity includes but is 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 the sale of farm products.

Single-family dwellings are permitted uses of land in an Agricultural Zone, and this is not restricted to farm families. However, people who choose to live in or near these areas must understand that agricultural operations may be occurring nearby.

You must also understand that Indiana has a "RIGHT TO FARM" law that protects farm operations from unwarranted nuisance suits by neighbors. Farm operations do not constitute a nuisance so long as they are not negligently maintained, do not cause bodily injury to third parties, directly endanger human health, or does not cause damage to adjoining property. This applies to agricultural uses that currently exist, are enlarged, or changed in use in the future to another agricultural use.

By signing this notice form, you verify that you have received it, read it and understand it. You are not giving up the right to seek redress for negligence by individuals associated with a farm operation or by other residents of the area.

MY SIGNATURE CERTIFIES THAT I HAVE RECEIVED THIS NOTICE. I HAVE READ IT AND UNDERSTAND IT. IN ADDITION, I AGREE TO RECORD THIS DOCUMENT AT THE FRANKLIN COUNTY, INDIANA RECORDER'S OFFICE FOR A FEE OF $25.00. Ordinance # 2017-26.

C. Private Lane Deed Disclosure. All parcels on a private lane must have a PRIVATE LANE DEED DISCLOSURE with, at minimum, the entire text contained below, plus any other relevant circumstances involved with the property.

"The owner of the herein described real estate, and for all future owners and occupants of said Real Estate, or any parcel thereof, hereby;

First, acknowledges and agrees that the property is on a private lane, and is not subject to many County services including but not limited to: snow removal and road maintenance. It is understood that some services will be available only at the intersection of the lane and the public road, including but not limited to: garbage pickup, mail delivery, school bus stop. It is understood that services such as fire protection and EMS may have problems reaching each specific lot if the lane is not maintained in a proper manner. It is understood that multiple homes, farms, or other uses, may now, or one day, share the private lane. It is understood that this lane can never be blocked, or access in any way denied to other parcels utilizing the lane. It is understood that a portion of the lane's maintenance, negotiated at the time of sale, is a part of the property, and the responsibility of the property owner.

Second, agrees that this covenant for the benefit of the citizens Franklin County, and is enforceable by any of the foregoing; together with such other covenants as may be required by this Deed." Ordinance # 2011-24, passed on 10/17/2011.

Section 80.10 SUBDIVISIONS

For the purpose of establishing minimum standards of development for densely placed housing, the following section is included in this Ordinance. Subdivisions shall be allowed in all Zone Districts, except where prohibited in other sections of this code.

80.10.01: Definition of a Subdivision.

A. The term "Subdivision" shall only refer to cases where the division of land results in any of the following:

1. Six (6) or more home sites on any one private lane.

2. Two (2) or more contiguous lots, each of 2 acres or less, and both with their own access and own frontage on a public road.

B. Family Exemption. See Section 80.09.01 (A)

80.10.02: Subdivisions Must Have Approval by the APC.

A. No plat or replat of a division of land resulting in a Subdivision shall be filed with the County Auditor and recorded by the County Recorder unless it has first been granted Final Approval by the Franklin County Area Plan Commission, and such approval shall have been signed and certified on the Plat by the President of the Commission.

B. To be eligible for the granting of an approval, all Subdivisions must:

1. Be coordinated with the goals of the Comprehensive Plan,

2. Provide lots with improved road access either already in existence, or provided by the sub-divider, as set forth in Section 80.10.07.

3. Provide proper sanitation, and water supply

4. Not be situated on land with objectionable earth and rock formations or topography

5. Not be harmful to the health and safety of possible residents and the community as a whole.

6. Provide proper drainage and erosion control. Drainage Board approval is required and Rule 5 is in effect. For clarification of Rule 5, consult the Area Planning Director.

7. Provide that all lots contain enough land for the intended use which are not prone to flood.

80.10.03: Procedure to Obtain a Subdivision Approval. This section summarizes the steps required to receive approval of a Subdivision plat. The procedure is expanded upon in Section 80.11.04, Preliminary Approval of a Subdivision, and Section 80.11.05, Final Approval of a Subdivision.

1. Fee Required. A fee will be required when the application is submitted. See Section 80.11.05 for amount and payment procedure.

2. Application for Preliminary Approval. An application shall include the following:
   a. Sketch Plat

b. Location Map
c. Additional Information

3. **Notification of Public and Interested Parties**

4. **Public Hearing and APC Decision on Preliminary Approval**

5. **Appeals** (if necessary)

6. **Application for Final Approval.** An application shall include the following:
   a. Subdivision Plat
   b. Engineering Plan
   c. All Preliminary Approval Materials
   d. Additional Information
   e. 3 copies of mylar plat

7. **Final Approval**

80.10.04: PRELIMINARY APPROVAL OF A SUBDIVISION
The process to obtain Preliminary Approval of a Subdivision Plat shall be as follows:

A. Application Documents Submitted to the Executive Director. An applicant desiring approval of a plat of a Subdivision shall submit a written application to the Plan Commission staff, containing the following elements:

1. **Sketch Plat (11" x 17").** A scaled drawing of the proposed property to be developed that includes:
   a. Lot Layout
   b. Subdivision Name
   c. Proposed streets and their names

2. **Location Map.** The applicant shall include a location map which may be prepared by indicating the data by notations on available maps showing:

   a. Subdivision name and location.
   b. Any roads, streets, or lanes related to the subdivision
   c. Existing elementary and high schools, parks, and playgrounds available for serving the area proposed to be subdivided, and other community facilities.
   d. Location of Corporation Lines if applicable.
   e. Title, scale, north point and date.

3. **Contact Information.** Name, address, and phone number of property owners and/or developers.

4. **Utility Letters.** A letter from all utility services that are proposed to be used, (such as electric, water, sewer, gas, etc.) stating the availability of these services.

5. **Current Zoning Designation**

6. **Development Statement.** A statement as to how the proposed development fits within the Comprehensive Plan.

B. Notification of the Public and Interested Parties for Preliminary Approval.
Upon receipt of an application for Preliminary Approval of a Subdivision, the Plan Commission staff shall review the application for technical conformity with all standards of this Ordinance. Within thirty (30) days after receipt, the Plan Commission staff shall announce the date for a hearing before the Commission and shall:

1. Notify the applicant in writing;

2. Give notice of the hearing in accordance with Section 80.11.08; and

C. Public Hearing and APC Decision on Preliminary Approval of a Subdivision
A public hearing shall be held in accordance with APC rules.

1. Preliminary Approval Granted. If, after the hearing, the Commission determines that the application and plat comply with the standards in this Code, it shall make written findings and a decision granting Preliminary Approval for the plat. This decision shall be signed by the President of the Commission.

2. Preliminary Approval Denied. If, after the hearing, the Commission disapproves the plat, it shall make written findings that set forth its reasons and a decision denying Preliminary Approval and shall provide the applicant with a copy. This decision shall be signed by the President of the Commission.

D. Appeals of Decision on Preliminary Approval
The Preliminary Approval or denial of a Subdivision by the Commission is a final decision of the Commission. It may be reviewed by certiorari procedure as provided by I.C. 36-7-4-1016.

E. Time Limit on Approvals
Upon Preliminary Approval of a Subdivision, the applicant shall have 1 year to submit their application for Final Approval.

80.10.05: PROCESS FOR FINAL APPROVAL OF A SUBDIVISION

The process to obtain Final Approval of a Subdivision Plat shall be as follows: Ordinance 2011-24 passed on 10/17/2011.

A. Application Documents Submitted to the Executive Director. An applicant desiring approval of a plat of a Subdivision shall submit a written application to the Plan Commission staff, no earlier than 30 days, and not later than 1 year, after Preliminary Approval, The application shall contain the following elements:

1. Subdivision Plat. The subdivider shall provide a plat of the Subdivision showing the following:

a. Proposed name of the Subdivision.

b. Names and addresses of the owner and the sub-divider.

c. Streets and rights-of-way, on and adjoining the site of the subdivision, showing the names (which for new streets shall not duplicate other names of streets in the Town or County, except for extensions of existing streets) which shall meet with the approval of the Commission, and including roadway widths, approximate gradients, types and widths of pavement, curbs, walks, crosswalks, sidewalks, tree planting and other pertinent data.

d. Accurate boundary lines, with dimensions and angles, which provide a survey of the tract, closing with an error of not more than one (1) foot in five thousand (5,000) feet.

e. Accurate distances and directions to the nearest established street corners or official monuments. Reference corners shall be accurately described on the plat.

f. Accurate locations of all existing and recorded streets intersecting the boundaries of the tract.

g. Street lines with accurate dimensions in feet and hundredths of feet, with angles to street, alley and lot lines.

h. Layout of lots, showing dimensions and numbers.

i. Accurate locations of easements for utilities and any limitations on such easements, showing widths and purposes of easements.

j. Accurate dimensions for any property to be dedicated or reserved for public, semi- public or community use.

k. Location and size of storm and sanitary sewers and water distribution system.

l. Contours at vertical intervals of two (2) feet if the general slope of the site is less than ten percent (10%) and at vertical intervals of five (5) feet if the general slope is ten percent (10%) or greater.

m. Building setback lines and dimensions.

n. Location, type, material and size of all monuments and lot markers.

o. North point, scale and date.

p. Restrictions of all types which will run with the land and become covenants in the deeds for lots.

q. Certificate for primary approval by the Commission, to be signed by the President of the Commission.

r. Certificate for secondary approval by the Commission, to be signed by the President of the Commission.

s. Certification by a registered land surveyor; and registered professional engineer (when required).

t. Certification by Franklin County Soil and Water Conservation District,

u. Certification of dedication of streets and other public property.

2. Engineering Plans. The subdivider shall submit the following Engineering Plans and Specifications and other required information with the application:

a. Profiles, typical cross-sections and specifications for proposed street improvements.

b. Profiles and locations and other explanatory data concerning the installation of sanitary and storm sewerage systems and water distribution system.

c. A description of the portion of the overall plat of the subdivision intended to be filed for record, including a program for the progressive development of the entire area contained in the overall plat.

d. A statement of the estimated amount of money sufficient to complete the improvements and installations by the subdivider and attested to by a registered land surveyor or a registered professional engineer.

3. All Materials Presented in the Preliminary Application. The subdivider shall include all materials from the Preliminary Approval application, to insure plans are being followed.

4. Additional Information. The subdivider shall submit, the following supplementary information with the application:

a. Statement of the proposed use of lots, stating type of residential buildings with number of proposed dwelling units, or the type of business or industry.

b. Evidence of an adequate source of water supply.

c. A National Cooperative Soil Survey Map from the Franklin County Soil and Water Conservation District showing the soil limitations based upon the intended usage of the development land.

d. A statement concerning the method of controlling erosion before, during, and following construction, i.e., temporary seeding, silt basins, mechanical erosion devices, and other similar means that meet the respective County Soil and Water Conservation guidelines for urban development,

e. If using a private sewage system, a statement from the Health Officer as to whether private septic systems can be used on this property.

f. If flood plain is involved, a statement from the Indiana Department of Natural Resources, Division of Water, concerning construction in floodway, including flood plain high water marks, etc. If the Executive Director determines that the subdivision lies in a flood prone area, the applicant shall forward pertinent plans and materials to the Indiana Department of Natural Resources (IDNR) for review and comment. The Plan Commission may require appropriate changes and modifications in order to assure the following: it is consistent with the need to minimize flood damages; all utilities and facilities such as sewer, septic, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and adequate drainage is provided so as to reduce exposure to flood hazards.

g. Show other features or conditions, which would affect the subdivision favorably or adversely.

B. Final Approval of a Subdivision

1. The Commission may grant Final Approval for all or any part of a plat of a Subdivision which has heretofore been given Preliminary Approval, or the Commission may delegate to the Plan Commission staff the authority to grant such Final Approvals; provided, that Preliminary Approval may be granted after expiration of the time for appeal under I.C. 36-7-4-710; specifically after 30 days has elapsed from the date of the decision of the Commission.

2. Final Approval may be granted to a plat of a Subdivision in which the improvements and installations have not been completed as required by this Code, subject to the following provisions:

a. Surety Bond Posted. Applicant must provide a bond, or other proof of financial responsibility, that is of an amount determined by the Commission to be sufficient to complete the improvements and installations in compliance with this Code. Other proof of financial responsibility may take the following forms:

1. An arrangement whereby cash would be advanced to the Town or the County, depending on jurisdiction, by the Subdivider, and subsequently the financial agent of the governmental body would release to the Subdivider amounts of this money in percentages of the total cost of improvements and installations in the plat of a Subdivision, when such completed portions of the plat have been attested to by a registered professional civil engineer or registered land surveyor, and

approved by the Commission. Upon completion of all of the improvements and installations in the plat, the Town or County would reimburse the Subdivider the total balance of the money originally deposited with the Town or County; or

2. An arrangement whereby the Town or the County, depending on jurisdiction, would have undeniable access to the funds in an escrow account or other type of account, held by a bank or other lending institution, until all of the improvements and installations in the plat of a Subdivision have been completed

b. Agreements With Utilities. With respect to the installation or extension of water, sewer, or other utility service:

1. The applicant shows by written evidence that it has entered into a contract with the political subdivision or utility providing the service; and

2. The Plan Commission determines based on written evidence that the contract provides satisfactory assurance that the service will be installed or extended in compliance with this Code.

3. Bond Released. The bond will be released only upon receipt of a certificate by a registered professional civil engineer or a registered land surveyor that all improvements and installations for the plat of the subdivision required for its approval have been made or installed in accordance with specifications.

80.10.06: DRAFTING STANDARDS

The original drawing of the plat of the subdivision shall be drawn to a scale of fifty (50) feet to one (1) inch, provided that if the resulting drawing is thirty-six (36) inches in shortest dimension, a scale of one hundred (100) feet to one (1) inch may be used. Three (3) black or blue-line prints shall be submitted, or in order to conform to modern drafting and reproduction methods three (3) black-line prints or blue-line prints, and a Mylar film reproducible print shall be submitted. Also, a reduced plat on Mylar film with dimensions of fourteen (14) inches by seventeen (17) inches shall be submitted for filing purposes.

80.10.07: STANDARDS OF DESIGN AND IMPROVEMENT FOR SUBDIVISIONS

The plat of a subdivision shall conform to the following principles and standards of design:

A. Streets

Streets (and alleys, where provided) shall be completed to grades shown on plans, profiles, and cross-sections provided by the subdivider, and prepared by a registered professional engineer and approved by the Commission. They shall conform to the following standards:

1. The streets shall be graded, surfaced, and improved to the dimensions required by the cross sections and the work shall be performed in the manner prescribed in "Standard Specifications for the Indiana Department of Highways," latest issue (hereinafter referred to as the Standard Specifications). A copy of the current Standard Specifications is on file in the office of the Franklin County Area Planning Department.

2. The street and alley layout shall provide access to all lots and parcels of land within the subdivision, and where streets cross other streets, jogs shall not be created. Cul-de-sacs shall not exceed one-half mile in length unless site topography indicates that longer cul-de-sacs would be appropriate.

3. Proposed streets shall be adjusted to the contour of the land so as to produce useable lots and streets of reasonable gradient.

4. Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.

5. Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley to the prescribed width shall be platted within the proposed subdivision.

6. See subsection 29 of this section for widths of arterial and feeder streets.

7. The minimum right-of-way of residential streets, including marginal access streets or cul-de-sacs, shall be fifty (50) feet.

8. Alleys shall not be permitted in residential areas but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes, and, where platted, shall be at least twenty (20) feet in width.

9. The center lines of streets should intersect as nearly at right angles as possible.

10. At intersections of streets and alleys, property line corners shall be rounded by arcs of at least twenty (20) feet radii or by chords of such arcs.

11. At intersections of streets, the property line comers shall be rounded by arcs with radii of not less than fifteen feet or by chords of such arcs.

12. If the smaller angle of intersection of two streets is less than sixty (60) degrees, the radius of the arc at the intersection of property lines shall be increased as deemed advisable by the Commission.

13. Intersections of more than two (2) streets at one point shall be avoided.

14. Where parkways or special types of streets are involved, the Commission may apply special standards to be followed in the design of such parkways or streets.

15. Whenever the proposed subdivision contains or is adjacent to a railroad right- of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.

16. Horizontal visibility on curved streets and vertical visibility on all streets must be maintained along the center lines as follows:
(a) Arterial streets: Five hundred (500) feet.
(b) Feeder streets and parkways: Three hundred (300) feet.
(c) Residential streets: One hundred fifty (150) feet.

17. Curvature measured along the center line shall have a minimum radius as follows:
(a) Arterial streets: Five hundred (500) feet.
(b) Feeder streets and parkways Three hundred (300) feet.
(c) Residential streets: One hundred fifty (150) feet.

18. Between reversed curves on arterial streets, there shall be a tangent of not less than one hundred (100) feet, and on feeder and residential streets such tangent shall not be less than forty (40) feet.

19. Maximum grades for streets shall be as follows:
(a) Arterial streets: Not greater than six percent (6%).
(b) Feeder and residential streets and alleys: Not greater than ten percent (10%).

20. The minimum grade of any street gutter shall not be less than five-tenths percent (0.5%).

21. Proposed streets that are extensions of or in alignment with existing streets shall bear the same name as that borne by the existing street.

22. Normally, only one street, driveway or point of vehicle access shall be permitted from a subdivision onto an arterial or feeder street; provided, however, that any such street, driveway or point of vehicle access shall not be allowed if unreasonably harmful to the health, safety, and general welfare of the public. Two or more streets, driveways or points of vehicle access may be permitted by the Commission, if they do not impair the public health, safety and general welfare.

23. Private Lane from Subdivision Permitted. Where it can be clearly demonstrated by the subdivider that topographic conditions will prevent the utilization of all possible building sites in the subdivision if all lots are required to abut on a street, some variation from that requirement may be permitted by the Commission by means of the careful design and adequate construction of private driveways, subject to the following requirements. (a) Not more than three (3) lots shall be served by any one private driveway. The private driveway may be located on one (1) or more lots or on an easement provided for that purpose.

24. 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 full width of existing paved street. Alley shall be surfaced to their full width.

25. Cul-de-sacs.

a. Cul-de-sacs turn-arounds shall be paved to a diameter of one hundred and ten (110) feet. Ordinance # 2011-24, passed on 10/17/2011.

b. All cul-de-sacs shall terminate in a circular right-of-way, with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way. Where as if a 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 may the placement of any object with be an impediment to snow removal. Ordinance # 2011-24, passed on 10/17/2011.

c. All cul-de-sacs shall terminate in a circular right-of-way, with a minimum diameter of one hundred (100) feet, or other arrangement for the turning of all vehicles conveniently within the right-of-way.

26. Street surface width in hillside subdivisions shall be determined on the basis of average lot density and topographical considerations. The general guide for hillside pavement widths for residential streets is as follows:

Lot Size (Square Feet) 12,000-15,000; 5 Indicated Pavement Width (Feet) 40 feet; Average Lot Size 2 (Square Feet) 16,000-30,000; Indicated Pavement Width a (Feet) 36 feet: Average Lot Size (Square Feet) 31,000-over; Indicated Pavement Width (Feet) 20 feet.

(When streets in hillside subdivisions are to be paved to a width less than twenty feet, off-street parking bays shall be provided integral to the street and on the uphill side thereof at locations throughout the subdivision readily accessible to the lots therein, so as to permit the elimination of all on-street parking. Such bays shall contain in total within the subdivision three spaces per residential lot, such number not to include spaces per residence required by the Zoning Code; provided that when additional parking spaces will be provided on the lots in the subdivision the required number of parking bay spaces may be reduced by the amount of additional on-lot spaces.

27. The subgrade shall be prepared in compliance with Section 207 of the Standard Specifications.

28. The subbase, where required, shall be prepared in compliance with Section 304 of the Standard Specifications. Special subbase drainage in areas of cuts, swales and fills shall be as set out in the approved plans and specifications.

29. The street surface shall be of Portland Cement Concrete materials and construction shall be in accordance with Section 501 of the Standard Specifications and subparagraph 1 below. Hot Asphalt Concrete materials and construction shall be in accordance with Section 403 of the Standard Specifications and subparagraph (b) below. In case of a proposed alternative method, discrepancy, omission or duplication in the required specification standards, the decision of the Franklin County Highway Supervisor or respective Town Board of Trustees shall be sought and considered final.

(a) Rigid Type Pavement (Portland Cement Concrete)

1. Minimum design characteristics of street pavement shall be as follows:

a. 6% air entrained
b. 28-day compressive strength = 4000 p.s.i, 28-day flexural strength = 550 p.s.i.
c. Thickness to conform to the following schedule:

Thickness Residential Collector	Arterial Feeder	Concrete Aggregate
7"	8"	6"
4"	4"	6"

Subject to review by the Franklin County Highway Supervisor or respective Town Board of Trustees.

2. Portland Cement Concrete pavement shall be in accordance with Section 501 of the Standard Specifications. In addition the following shall govern and be met:

a. The subgrade shall conform to Section 501.05 and Section 207 of the Standard Specifications. Subgrade shall be moist but not muddy at the time the concrete is placed. If required, it shall be sprinkled, but the method of sprinkling shall be such that mud or pools of water will not be formed,

b. Subbase, if required, shall meet the above minimum thickness requirements and conform to Section 304 of the Standard Specifications.

c. Weakened plane or dummy transverse contraction joints shall be placed not to exceed twenty (20) foot spacing. A transverse contraction joint shall be placed at every catch basin and manhole in line of pavement. The location of manholes, etc., in the pavement shall determine the exact location of joints. All joints must extend throughout sidesteps to full width of pavements. Transverse contraction joints will be a groove and conform to Section 501.04 of the Standard Specifications.

d. Whenever the width between forms of the pavement under construction is greater than thirteen (13) feet, longitudinal joints shall be constructed so as to divide the pavement into strips not to exceed thirteen (13) feet each. Work shall conform to Section 501.14 of the Standard Specifications.

e. Expansion joints, with approved dowel bar assembly, shall be placed at intersections where shown on the plans and shall conform to Section 501.15.

f. Concrete shall be machine finished except on widened portions, intersections, or other places where hand finishing will be permitted if authorized. Finishing machines or vibrating strike-boards of design other than as specified in the Standard Specifications will be permitted only if work of equal quality as set out in these specifications is obtained. Authorization prior to construction is required. Work shall conform to Section 501.15 of the Standard Specifications.

g. Curing with approved impervious membrane or sealing compounds shall be required, conforming to Section 501.17 of the Standard Specifications. Pavement

(b) Hot Asphalt Concrete

1. Thickness of a proposed asphalt residential street:
Surface asphalt: one (1) inch. No binder base required
Base asphalt: three (3) inches
Total asphalt: four (4) inches
Aggregate subbase: four (4) inches of suitable aggregate base and two (2) inches of suitable finish stone,

2. Asphalt pavement shall be in accordance with Section 403 of the Standard Specifications. In addition, the following shall be met:

a. The subgrade shall conform to Section 403 of the Standard Specifications.
b. Subbase, if required, shall meet the above minimum thickness requirements and conform to Section 403 of the Standard Specifications.
c. Base, binder and surface coarser shall meet the above minimum thickness requirements and conform to Section 403 of the Standard Specifications,
d. Seal coats, prime coats and tack coats shall conform to Section 403 and Sections 407, 408 and 409 (as applicable) of the Standard Specifications.

30. Samples for testing purposes shall be taken as required by the appropriate section of the Standard Specifications. All tests shall be performed in accordance with the appropriate section of the Standard Specifications. All testing shall be performed by a certified agency approved by the respective Town

Board of Trustees if the plat of the subdivision is proposed to be located in a Town, or the Franklin County Highway Supervisor if the plat is proposed to be located in the unincorporated territory. All testing costs shall be paid by the developer. A complete certified copy of all records shall be provided to the Town Board or County Highway Supervisor, as the case may be. The Town or County Highway Supervisor reserves the right to core the pavement before acceptance.

31. Prior to placing the street and alley surfaces, adequate subsurface drainage pipe, when required, shall be coated corrugated pipe or a similar type not less than twelve (12) inches in diameter approved by the Commission. Upon the completion of the street and alley, improvements, plans and profiles as built shall be filed with the Commission.

32. No streets will be accepted until after the plat of the subdivision has been recorded in the County Recorder's Office.

33. All unsightly and objectionable materials shall be removed from the right-of-way before acceptance. All trees, brush, and stumps shall be removed from the edge of pavement to the back of the side ditch slope. In no case will trees be permitted closer than six (6) feet to the edge of the road surface. The entire right-of-way shall be in neat and presentable condition.

34. All work must be acceptable to and meet all the requirements of the Town Board or County Highway Supervisor, as the case may be, prior to acceptance by the Town Board or Board of County Commissioners. Upon the completion of all improvements and installations as required by this Code, the developer shall furnish the respective Town Board if the plat is proposed to be located in a Town, or the Board of County Commissioners if the plat is proposed to be located in the unincorporated territory, with the proper bonds and an engineer's certification that said improvements and installations have been constructed, installed, and completed in compliance with the requirements of this Code. In addition, a letter signed by the Franklin County Highway Supervisor shall be presented to the Board of County Commissioners, stating they find the improvements to have been constructed, installed, and completed in compliance with the requirements of this Code, if such is the case.

B. Streets in Subdivisions

1. Streets may be varied by the Commission in approving a subdivision. Ordinance # 2011-24, passed on 10/17/2011.

2. The approval of street design and alignment at variance with the requirements shall be based upon the planned density of development and topographical and geological features unique to each subdivision, to the end that the street system will best serve the needs of the occupants and the public; provided that,

a. in no event shall the dedicated right-of-way of a street be less than forty feet (40'),

b. the maximum grade of streets may be increased to twenty percent (20%) but only for straight distances of less than one hundred fifty (150) feet, and

c. the design of streets shall give careful consideration to horizontal visibility and curvature and to vision clearance at street intersections which will provide maximum safety of access under the site conditions; in no case shall a radius of curvature, measured on the centerline of the street, be less than eighty (80) feet.

C. Blocks.

1. Blocks should not normally exceed twelve hundred fifty (1250) feet in length, unless unusual circumstances justify greater length.

2. Blocks shall be of sufficient width to permit two tiers of lots of appropriate depth,

except where an interior street parallels a limited access highway or an arterial street or a railroad right-of-way.

3. In blocks of over seven hundred (700) feet in length, the Commission may require at or near the middle of the block a public walk connecting adjacent streets or other public areas, Such walks shall be at least four (4) feet in width of right-of-way and shall be intended for the use of pedestrians only.

D. Lots (in Flatland Subdivisions).

1. All lots shall abut on a street.

2. Side lines of lots shall be at approximately right angles to straight streets and approximately on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots should be avoided.

3. Double frontage lots should not be platted, except that where desired along arterial streets, lots may face on an interior street and back on such thoroughfares. In that event a planting strip, or a planting screen, at least ten (10) feet in width, shall be provided along the back of the lot.

4. Widths and areas of lots shall not be less than that provided in the Zoning Code for single-family dwellings for the district in which the subdivision is located, except that when a water main supply system or a sanitary sewer system is not available, the larger lot area necessary to install a private water supply or private sewage disposal on the lot in accordance with the State Board of Health of the State of Indiana regulations shall become the required minimum lot area.

5. Wherever possible, unit shopping centers, based upon sound development standards, should be designed in contrast to the platting of lots for individual commercial use.

6. Corner residential lots shall be wider than normal in order to permit appropriate setbacks from both streets. Interior residential lots abutting a comer lot shall be wider than the average interior lot in order to permit a wider side yard adjacent to the corner lot.

E. Easements.
Where alleys are not provided, easements for utilities shall be provided. Such easements shall have minimum widths of twelve (12) feet, and where located along lot lines, one-half the width shall be taken from each lot. Before determining the location of easements, the plan shall be discussed with the local public utility companies to assure their proper placing for the installation of services.

F. Building Setback Lines.
Shall be as provided in the Zoning Code.

G. Monuments and Markers.
Shall be placed so that the center of the bar or marked point shall coincide exactly with the intersection of lines to be marked and shall be set so that the top of the monument or marker is level with the finished grade.

1. Monuments shall be set:
   a. At the intersection of all lines forming angles in the boundary of the subdivision.
   b. At the intersection of street property lines.

2. Markers shall be set:
   a. At the beginning and ending of all curves along street property lines.
   b. At all points where lot lines intersect curves, either front or rear of lots.
   c. At all angles in property lines
   d. At all other lot corners or boundary angles not established by a monument.

3. Monuments shall be of stone or concrete (which may be poured in place), with minimum dimensions of four (4) inches by four (4) inches by thirty (30) inches, set vertically in place. They shall be marked on top with a brass plug, or iron or copper dowel, at least three-eights (3/8) inch thick, set flush with the top of the monument, deeply scored on top, with a cross. Markers shall consist of iron pipes or steel bars at least thirty (30) inches long, and not less than five-eights (5/8) inch in diameter.

H. Drainage Facilities.

1. Prior to the construction of street or alley surfaces and pavements, adequate drainage facilities shall be installed by the subdivider, according to plans furnished by the subdivider, prepared by a registered professional engineer or a registered land surveyor and approved by the Commission. A storm drainage analysis based upon a five-year, one-hour rainfall shall be used as the basis for the drainage system. A copy of the analysis is to be submitted to the Commission with the drainage facility plans. Pipe used for drainage shall be of coated corrugated metal, concrete or vitrified clay of an approved design, size and strength to meet the requirements of the specific conditions which may be encountered. Minimum diameters of pipe to be used shall be as follows:

Roadway cross-drains	12"
Entrance culverts	12"
Perforated under-drains	8"

2. Where curbs and gutters are not provided in the street, shallow swales with low points at least three inches (3") below the subgrade of the pavement may be required by the Commission.

3. Upon completion of the street improvements, a minimum of two (2) sets of as-built plan and profiles shall be filed with the Commission.

I. Sewers.

1. The subdivider shall provide the subdivision with sanitary sewage facilities in accordance with one of the three following procedures:

a. Public Collection System.
In all cases where such is possible the developer shall construct a sanitary sewer system connected to a Town sewer.

1. The plans for the system shall be approved by the respective Town Board if the plat of the subdivision is proposed to be located in a Town, the County Highway Supervisor if the plat is proposed to be located in the unincorporated territory, and shall be designed and constructed in accordance with the "Franklin County Area Sanitary Sewer Design and Construction Specifications,"

2. Service laterals shall be installed between the street main and the property line before the street is paved.

b. Local Treatment System.
Where it is not possible to connect the subdivision sanitary sewer system to a Town sewer, as determined by the Commission, the subdivider shall construct a local treatment system consisting of the necessary house laterals, service mains, and interceptors required to conduct the subdivision's sanitary sewage to a single treatment facility. All aspects of such system including the treatment facility, shall be designed with the requirements of the "Franklin County Area Sanitary Sewer Design and Construction Specifications," and the "Franklin County Area Recommended Standards for Sewage Works," and constructed by the subdivider in accordance with the requirements of the respective Town Board or the County Highway Supervisor, as the case may be.

c. Private Disposal System.

Where alternatives (a) and (b) above are not practical, the Commission may permit the subdivider to install on each lot an individual sewage disposal system consisting of a septic tank and the absorption field or other approved disposal system. Such systems shall be designed and constructed by the subdivider in accordance with the "Recommended Standards for Individual Sewage Systems" and the requirements of the Franklin County Sanitation and the Indiana Department of Environmental Management. In no case, however, shall private disposal systems be permitted where soil conditions exist which would prevent percolation or effluent.

2. The plans for the installation of the sanitary sewage facilities shall be provided by the subdivider, prepared by a registered professional engineer, and approved by the Indiana Department of Environmental Management and the Franklin County Sanitation. Upon the completion of sanitary sewer installations, two (2) sets of the as-built plans for such system shall be filed with the Commission.

3. In this division (D), Sewers, and division (J), below, the phrase "the subdivider shall provide" shall be interpreted to mean that the subdivider shall install the facility referred to, or whenever a private sewage disposal system or an individual water supply is to be provided, that the subdivider shall require, as a condition of the sale of each lot or parcel in the subdivision, that the facilities referred to in these sections shall be installed by the developer of the lots in accordance with these regulations. Ordinance # 2016-8, passed on 5/24/2016

J. Water.

1. The subdivider shall provide the subdivision with a complete water main supply system, which shall be connected to a municipal water utility system, except, that when such water supply is not available as determined by the Commission, the subdivider shall provide an individual water supply on each lot in the subdivision in accordance with requirements of the Franklin County Sanitation. The water supply system shall be designed and constructed in accordance with the "Franklin County Area Recommended Standards for Water Works."

2. The plans for the installation of a water main supply system shall be provided by the subdivider and approved by the respective municipal Water Department and the Franklin County Sanitation. Construction of water (change "trains" to "mains") and house services to be placed within the improved portion of the street right-of-way shall be completed prior to the placement of the surface improvements. Upon the completion of the water supply installation, two (2) sets of the plans for such system as built shall be filed with the Commission. Ordinance # 2016-8, passed on 5/23/2016.

K. Gas.
The installation of gas lines shall be as provided by the respective Gas utility.

L. Improvement Credit Procedure.
Improvements required to be installed by the subdivider, which are of a public utility nature - specifically paragraphs (I), (J), and (K) thereof - may provide benefits to other properties in the vicinity of land to be subdivided. Upon the installation of such improvements which cross or adjoin other properties and can be used by such properties, the subdivider and the respective Town Board of Trustees if the plat of the subdivision is proposed to be located in a Town, or the Board of County Commissioners if the plat is proposed to be located in the unincorporated territory, may, by change ("contact" to "contract"), agree that upon the connection or use of the installation made by the subdivider by others, within a period of ten (10) years following their installation, the new user or users shall pay to the Town or County, as the case may be, a fee in an amount agreed upon by the subdivider and the Town or County, the amount of such fee to be credited and paid to the subdivider. Ordinance # 2016-8, passed on 5/23/ 2016.

M. Curb and Gutter.

1. Wherever a proposed subdivision lies adjacent to or between other subdivisions which have been provided with curb and gutter, or whenever the proposed subdivision will average more than three and one-half (3 1/2) lots per gross acre included in the subdivision, the Commission shall require curb and gutter to be installed on each side of the street surface. The Commission shall require curb and gutter to be installed on the downslope side of the street surface in a hillside subdivision. Gutters may also be required along the boundaries of parking bays as necessary for drainage control or public safety. Plans for the installation of the curb and gutter shall be approved by the respective Town Board or by the Franklin County Highway Supervisor, as the case may be.

2. The curb and gutter shall be of one of the construction types shown in Figure 2 and shall be constructed according to the following specifications:

a. The base for the curb and gutter shall be well-compacted on the existing base or grade.

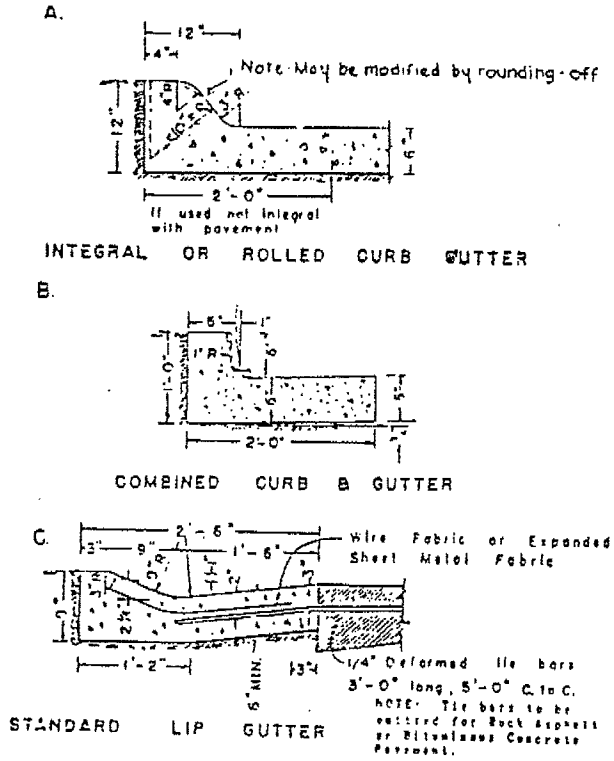
b. The minimum specifications shall be as shown for the three types of cross-sections in Figure 2.

c. All concrete used in the curb and gutter shall meet the Standard Specifications.

Figure 2

Subdivision Control Ordinance

Curb and Gutter Detail – Types A, B and C
Using Portland Cement Concrete



N. Sidewalks.

1. Wherever a proposed (flatland) subdivision lies adjacent to another subdivision which has been provided with sidewalks, and whenever the proposed subdivision will average more than three and one-half (3 1/2) lots per gross acre included in the subdivision, the Commission shall require sidewalks to be installed on each side of the street. In hillside subdivisions sidewalks are required to be installed on the up-

hill sides of all streets, and may be required at points along the downslope side of streets as deemed necessary by the Commission in order to promote public safety. On streets in the vicinity of schools or other public buildings, which, in the Commission's judgment would be necessary for the safety and welfare of pedestrians, the Commission may require sidewalks.

2. If sidewalks are provided, they shall be constructed of Portland Cement Concrete, at least four (4) inches thick, and four (4) feet wide, and the edge of walks adjacent to the property line of the street shall be placed at least one (1) foot from the property line.

3. If sidewalks are not provided, the street grade shall be completed so that additional grading would not be necessary for any future provision of sidewalks.

4. Crosswalks within blocks, as required in paragraph (C) of See. 81.10.7C (3), shall be improved with at least a four (4) foot walk of Portland Cement of Asphalt Concrete four (4) inches thick.

O. Street Signs.
In a subdivision, the subdivider shall provide the subdivision with acceptable street signs at the intersection of all streets.

P. Driveway Entrances.

1. The subdivider and/or landowner shall install approaches for each driveway connection to a street, with a hard surface between the street roadway surface and when the street is provided with curb and gutter the subdivider and/or landowner shall install curb returns on the driveways.

2. Except as otherwise provided for private driveways for access in a Hillside Subdivision in Sec. 80.10.7B (F), driveways shall be constructed so as not to impede the surface drainage system and where curbs are not required the subdivider shall provide one of the following types of improvement:

a. A corrugated iron pipe at least twelve inches (12") in diameter and thirty feet (30') in length to be placed for each driveway approach.

b. A properly dipped or swaled concrete pavement fourteen feet (14') in length, at least six feet (6') in width and six inches (6") thick at the entrance to each driveway, designed so as not to create a hazard to the underparts of automobiles.

80.10.08: Local Legislative Bodies May Waive Requirements
As per IC 36-7-4-701, applicants subject to subdivision requirements may apply to their respective legislative bodies (town boards or county commissioners) for a waiver of any provision of the subdivision code.

SECTION 80.11 ADMINISTRATION

80.11.01: Duties of the Executive Director.

A. Enforcement Officer

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 violation(s), indicating the nature of the violation(s) 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 violation(s) 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 BZA shall be to the courts as provided by law.

B. Basic Duties of the 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 of Zoning Appeals for the purpose of ordering compliance thereof.

3. Provide interpretation of the Comprehensive Plan, and Area Zoning Code, and provide technical and clerical assistance as the APC and BZA may require.

4. Provide and maintain a public information service relative to all matters arising out of the Comprehensive Plan and Area Zoning Code.

5. Maintain permanent and up-to-date records of the Comprehensive Plan and the Area Zoning Code, including but not limited to, all maps, amendments, Improvement Location Permits, Certificates of Occupancy, Variances, Conditional Uses, and appeals, and applications therefore, and records of hearings thereon, in the office of the Area Plan Commission. It is encouraged that copies of this Code, including the Zone Map, be maintained at Franklin County's Public Libraries, and on the County website.

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. The executive director must follow legal procedures to enter property.

80.11.02: GOVERNMENT RESPONSIBILITIES IN REGARDS TO THE ZONE MAP

1. CONDITION OF MAP. The Zone Map must be maintained and kept up to date, and in good condition, by the Executive Director of the Area Plan Commission, with the assistance of the County Commissioners.

2. VERIFICATION OF MAP. The Official Zone Map shall be identified by the signature of the County Commissioners, attested by the County Auditor, and bearing the seal of the County under the following words: "This is to certify that this is the Official Zone Map referred to in the "Area Zoning Code of Franklin County, Indiana ", adopted __(date)__.

3. ACCURACY OF MAP. It is the responsibility of the Executive Director, with the assistance of the Area Plan Commission Board and the County Commissioners, to maintain an accurate map, and to promptly notate changes and correct errors on said map.

4. LOCATION OF MAP. The Official Zone Map shall be located in the office of the Area Plan Commission and shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County, regardless of other copies of said map.

5. ACCESSIBILITY OF MAP. It is the responsibility of the Executive Director to make the Zone Map, or accurate copies of it, readily available to all who request it. It is required to maintain additional accurate copies of the Zone Map at public libraries, on the County website, and at APC and other relevant public meetings. Ordinance # 2011-24, passed on 10/17/2011.

6. REPLACEMENT OF DAMAGED MAP. In the event the Official Zone Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the County Commissioners may direct the Plan Commission to prepare a new Official Zone Map which shall supersede the prior map upon approval by the County Commissioners. The new Official Zone Map may correct drafting or other errors or omissions in the prior map, but no such correction shall have the effect of amending the original Official Zone Map or any subsequent amendment thereof. The new Official Zone Map shall be identified by the signature of the County Commissioners attested by the County Auditor and bearing the seal of the County under the following words: "This is to certify that this Official Zone Map supersedes and replaces on this day (date) the Official Zone Map adopted (date of adoption of map being replaced) as part of Ordinance Number _____ of Franklin County, Indiana".

7. PRESERVATION OF PRIOR MAPS.
Unless the prior Official Zone Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

8. MAP MUST BE UPDATED WITHIN 1 YEAR. Delete. Ordinance # 2011-24, passed on 10/17/2011. (I) Town of Brookville, Cedar Grove, Mt. Carmel, and Oldenburg be removed in its entirety. Ordinance # 1-2012, passed on 6/26/2012.

80.11.03: GOVERNMENT RESPONSIBILITIES IN REGARDS TO THE ZONING ORDINANCE

A. Maintenance of the Master Copy of the Ordinance. The Executive Director and the APC office shall be responsible for maintaining the Master Copy of this Ordinance.

1. The Master Copy shall consist of:

a. A master copy on paper housed in the APC Office;
b. A master electronic copy, housed on a computer in the APC office, for the purpose of efficient distribution, and/or reformatting in the event of an amendment.

2. Amendments to the code shall be incorporated in the paper and electronic versions of the Master Copy within 1 week of their passing into law.

3. Prior versions maintained. The Executive Director and the APC Office shall maintain a paper copy of all prior versions of this ordinance, organized by date, including all prior zoning and subdivision control ordinances in effect in Franklin County. These shall be made available to the public upon request.

4. Current and future revisions shall be identified on page 1 of the Master Copy, hereafter referred to as the "Revision Page."

B. Ordinance must be readily available to the public. The Executive Director and the APC office shall be responsible for maintaining up to date reproductions of this ordinance for the purpose of making the ordinance readily available to the public.

1. At all times there must be:
   a. Free access to a paper copy for all citizens in the APC office
   b. No less than 5 copies available for sale to the public at all times in the APC office, at a cost no greater than the prevailing per page rate of copies.
2. It is recommended that the Executive Director and the APC office also maintain:
   a. Paper copies at all Franklin County Public Libraries and the Batesville Public Library.
   b. An electronic "read-only" version on a public website.
3. Amendments to the Ordinance must be incorporated in all reproductions of the Ordinance maintained by the APC no later than 2 weeks after they pass into law. It is the responsibility of the Executive Director and the APC office to notify any citizen obtaining a copy of this Ordinance of any amendments or other changes not yet incorporated in a particular reproduction of this Ordinance.

C. A reproduction policy established. The Executive Director, with consultation with the APC and the County Commissioners, shall establish procedures for the purpose of consistency in reproduction of this Ordinance. Procedures shall be set to establish consistent pagination, formatting, handling of amendments, date of reproduction, and any other issues regarding the reproduction of this Ordinance.

D. 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 and BZA members and to board members of participating legislative bodies no later than 1 week after said board member's term has commenced. Ordinance # 2011-24, passed on 10/17/2011.

80.11.04: PERMITS

A. Improvement Location Permits.

1. 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 this Ordinance, 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.

   a. 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.

b. Comprehensive Plan. The Executive Director shall be guided by and give consideration to the policies and directives of the Comprehensive Plan of Franklin County, Indiana, prior to the issuance of any Improvement Location Permit.

c. 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 this Ordinance.

2. 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:

a. Legal or site description of the real estate involved including acreage.
b. Location and size of all buildings, structures, and septic site(s).
c. Width and length of all entrances and exits to and from said real estate.
d. All adjacent and adjoining roads or highways.
e. Lot number and area in square feet.
f. Actual shape and dimensions of the lot to be built upon.
g. Front, side and rear yard lines and their distance from the street or Lot Line.
h. 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.
i. Any other items required by this Ordinance.
j. Record of 2 approved septic sites when required.

Applications including site plans or development plans so furnished shall be filed and shall become a permanent record of the Plan Commission.

3. 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, certificate of compliance when required, submitted in the application pursuant to Subsection (C) of this Section, and in compliance with the provisions of this Ordinance, 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.

4. Location Improvement Permits For Conditional Uses. The Executive Director shall issue an Improvement Location Permit for a Conditional Use only upon determining all conditions have been met in the case of a Class 2 Conditional Use, or following receipt of notice from the APC that the application has been approved by the APC for a Class 3 Conditional Use.

5. Structures on Approved Septic Fields. An Improvement Location Permit may be issued for a new structure built on a currently approved septic field, provided a new septic field is identified meeting all the ordinances of this document.

B. Certificate of Compliance for Industrial Uses. Any application for an Improvement Location Permit for any use subject to the provisions of Sections "80.03.10" and "80.03.11" 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. Ordinance # 2014-20, passed on 11/24/2014.

C. 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.

D. 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 Conditional Use, provided that a Certificate of Occupancy is required upon completion of the total development plan.

E. Temporary Improvement Location Permit. A Temporary Location Permit may be issued by the Executive Director after application has been made for an Additional Use specified to need a permit. See Section 80.05

F. General Provisions

1. Site Plans Must Be Filed For Record. Site plans so furnished shall be filed and shall become a permanent public record.

2. 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.

3. 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.

4. 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. (See Section 80.11.05).

5. 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.

6. Health, Sewer & Water 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.

7. Fire Prevention Requirements. 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 agency designated by State law.

8. Soil and Drainage 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 applicable criteria set forth in Sec. 80.08.05 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 Survey, the Indiana Drainage Code, and the respective Town Board have been met before approving applications for Improvement Location Permits.

9. Proper Flood 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 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.

10. Time Limit. The work or use authorized by an Improvement Location Permit, Certificate of Occupancy or Permit for a variance, or other Permit, except for a Conditional Use, must be commenced within six (6) months of the date of issuance of such certificate or permit; otherwise, the same shall become null and void. All work so authorized shall be completed within twelve (12) months from the issuance of the certificate or permit therefore, except that for good cause shown, the Executive Director can extend the completion of time.

11. 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 this Ordinance, 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 each zoning district.

12. Erroneously Issued Permits – Restrictive Covenants.

a. 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 the applicant misrepresented any relevant parts of their application or presentation to the APC.

b. 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.

c. If the APC issues a permit in administrative error, this does not invalidate the permit.

80.11.05: 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.

C. Certificate of Occupancy Fee. For each application for a Certificate of Occupancy, the sum of $20.00 shall be paid.

D. Fees for Amendments Appeals and Requests. Applications for petitions to amend this code ("change the zone map"), appeals from the decision of the Executive Director, requests for Variances, Conditional Uses, Temporary Uses, ("Exceptions" delete) and other matters upon which the APC and/or BZA are required to act, shall be accompanied by the following fees for each application. Ordinance # 2016-8, passed on 5/23/2016.

Variance -	$300.00
Additional Use (where permit is required) -	$150.00
Change of Zone Map	$300.00
Change of Use	$ 50.00
Conditional Use (Class 2) -	$150.00
Conditional Use (Class 3) -	$300.00
Subdivisions -	$300.00
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

E. Fees Not Returnable. No part of any filing fee paid pursuant to this section shall be returnable to the applicant or petitioner, unless it is shown that provisions of this code were not followed by the APC or its agents.

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. (See Sect. 80.11.08)

80.11.06: COMPLAINTS

A. Filing a Complaint. 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, who shall properly record such complaint and immediately investigate.

B. Executive Director Action. Upon receipt of a signed complaint, the Executive Director shall:

1. If necessary, drive by to check the validity of the complaint.

2. Determine the jurisdiction, contacting all appropriate local, state, and federal agencies to determine if any action is already being taken.

3. Unless there is immediate public danger, and if FC Area Planning is the appropriate agency, a letter shall be sent to the person, citing the violation, quoting the Code portion that is being violated, requesting permission to come on said property, and including a 30 day period for the citizen to respond.

4. Make all possible good faith efforts to remedy the violation without fine or court action.

5. If the person does not respond satisfactorily in the 30 days, then the complaint will be brought before the APC, when another letter will be sent giving another 30 day response time.

6. If, after this 30 day period there is still no satisfactory solution, the Executive Director may, with consultation with the APC, initiate judicial action by filing a complaint against such person with the Plan Commission Attorney requesting action thereon.

7. All actions shall be documented in writing and maintained in the APC office and made accessible to the public.

80.11.07: REMEDIES, PENALTIES, AND FINES

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.

C. Fines. In addition to the responsibility to bring any land use into conformation with the code, the landowner may be subject to certain fines or fees associated with the Citizen's cost to seek conformance.

1. **Types of Violations.** Violations shall be categorized based upon the following:

   a. Category I: Immediate Public Danger
   Where continuation of the non-conforming use represents an immediate danger to the community, including but not limited to fire, toxic waste, imminent detriment to public health and safety, or violation of community standards of morality, the APC may request a court order to bring immediate restraint.

   Violations of Category I shall be subject to a court ordered fine up to $2,500, and judgment to correct the violation within a specified time frame. Failure to complete the correction by the date identified by the court may result in the County taking the necessary action to correct the violation, and the costs of such action shall be levied against the landowner. In all cases, the court shall determine and direct the appropriate action to be taken by the County.

   b. Category II: All other violations
   All violations which do not represent an immediate danger to the community, the maximum fine shall be $500.

2. **Commencement of Fines.** Fines are not valid until and binding upon the landowner until:

   a. Adjudged by the court, or
   b. Agreed upon between the landowner and the APC as liquidated damages to resolve a complaint.

D. Administrative Late Fee. In cases where a permit is filed late, the permit can be obtained for the cost of the original fee (as listed in Section 80.11.05 (D)) plus 25 percent.

E. Individual financial responsibility to Citizens of Franklin County. Citizens of Franklin County are encouraged to reach amicable solutions in agreement related to land uses which are offensive to one, and are considered reasonable to the other without the involvement of County Government and burden to the Citizens as a body and court system.

To reduce the financial burden to our Citizens resulting from enforcement of this code, and to reduce administrative costs for our county officials and courts;

In all legal disputes between any Citizen and Franklin County Government related to this code, where the Citizen prevails, the prevailing party's legal expenses and reasonable costs in prosecution of their case shall be fully compensated by the County. (May not be enforceable at bench trial per IC 36-7-4-1010.)

Whereas the County Government has the responsibility to enforce its ordinances, and the Citizens as a body bear the expense of all litigation carried forth by the County Government; in actions initiated by County Government against a Citizen or group of Citizens to press enforcement of this code, should the County prevail, the Citizen shall bear no individual responsibility for the County's legal expenses and reasonable costs associated with the successful prosecution, as those expenses have already been borne by the Citizens as a body.

SECTION 80.11.08: PUBLIC NOTIFICATION

It is the intent of this Ordinance to keep a well-informed citizenry in regards to zoning, and that no one's land or adjacent land will be affected by a decision without specific notification to the owner(s). Standards that are better than the minimum requirements of Indiana Code are included in this section. The following rules shall apply when this Ordinance requires public notification:

A. Indiana Code Standards. Notification standards as outlined in IC 5-3-1 and IC 5-14-1.5-5 remain in effect as minimum standards, except where greater standards are noted here.

B. Applicable to All Cases. All APC or BZA decisions or actions shall be subject to the provisions of this section, including, but not limited to, the following cases:

1. Conditional Use applications, as specified in Section 80.06
2. Variances as specified in Section 80.12
3. Appeals as specified in Section 80.12
4. A Re-zone as specified in Section 80.11.09.
5. Cases as outlined in IC 36-7-4-602, IC 36-7-4-606, and IC 36-7-4-607, including redraws of the zoning map or the adoption of a new zoning ordinance which includes a new zone map.

C. Notification by Certified Mail. In all cases that a parcel, or a neighboring parcel, is subject to an APC or BZA decision or action, the owner of said parcel shall be notified by certified mail, no less than (10) ten days before the hearing concerning said decision or action, by the initiating party.

D. Due Diligence. The initiating party shall employ all reasonable means, including but not limited to, telephone, email, and in-person visits, in order to contact the owners of affected parcels, especially in the case of difficulty of notification via certified letter.

E. Notification in Newspapers.

1. Legal Notices. All public notices required in a newspaper will be printed at the same type size and in the same typeface as the normal text of a story in said newspaper, but in no case shall it appear smaller than 10 point type.

2. Display Advertising Required. In addition to required legal notices, each APC and BZA public meeting or hearing, including special meetings or hearing, must be advertised via display advertising, in the paper of record in the county seat, at least (5) five days in advance of the meeting, stating the time and place of the meeting, general description of the meeting, and the agenda of the meeting. The size of the display ad is as follows:

a. An ad of not less than 2 column inches wide by 6 inches tall shall be required for meetings covering the following:
   1. Amendments to the code
   2. The adoption of a new zoning or subdivision control ordinance
   3. Changes to the zone map, including general rezones and the adoption of a new ordinance including a modified zone map
   4. Meetings concerning industrial uses.

b. An ad of not less than 2 column inches wide by 3 inches tall shall be required for all other meetings.

F. Cost of Notification

The costs incurred by the provisions of this section are borne by the initiating party.

SECTION 80.11.09: REZONING OF LAND

A. PROCEDURE FOR INDIVIDUALS SEEKING TO REZONE LAND. In accordance with IC 36-7-4-602 (c), the following procedure to rezone land is set forth:

1. File Application. An applicant seeking to change the Zone designation of a parcel or parcels of land shall submit an application to the Planning department that includes a petition signed by property owners who own at least 60% of the land in question, along with ten (10) copies of a site plan of the area for which the rezone is requested. Ordinance 2011-24, passed on 10/17/2011.

2. Application Fees. A fee of $300.00 payable to FCAPC is required at the time of filing. The APC has the power to waive or reduce this fee if the applicant can show just cause.

3. APC Hearing.

a. Upon the proper filing of all relevant and necessary documents, the APC shall set a date for public hearing within 45 days, or at the next scheduled APC meeting.

b. Applicant will have duties associated with public notification, as set forth in Section 80.11.08.

c. Applicant should be prepared to present their case, using facts and reason, at the meeting, and may use an attorney or other representative on their behalf.

d. All interested parties, may appear before the APC 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.

e. The APC 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 APC may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.

f. The APC shall make either a "Favorable" or "Unfavorable" recommendation on the matter at the meeting at which that matter is first presented, or at the conclusion of the hearing on that matter, if it is continued.

4. Decision by Legislative. Within 30 days of the recommendation by the APC, the respective legislative body with jurisdiction (Commissioners or Town Board) shall make a final decision on the matter.

5. Updating of Zone Map. Upon a decision to change a parcels Zone designation, the Zone map shall be updated as per Section 80.11.02.

B. PROPERTY OWNER NOTIFICATION.

No land under jurisdiction of this Ordinance shall be have its Zone designation changed without the property owner and adjoining property owner first being notified in writing by certified mail as per Section 80.11.08, except:

1. In the case of inability to deliver to an affected party, documented attempts to communicate including but not limited to telephone, email, and in-person visits may be considered the fulfilling of this requirement.

C. PRIOR USES ALLOWED

Uses in effect at the time of the granting of a rezone that do not conform to the new zone designation shall be deemed Non-Conforming Uses, with all rights thereof. See Section 80.07.

SECTION 80.12: AREA BOARD OF ZONING APPEALS

The Franklin County Area Board of Zoning Appeals (referred to herein as the Board of Zoning Appeals, The Board, or the BZA) is hereby established with membership and appointment provided in accordance with I.C. 36-7-4-900, as set forth herein.

80.12.01: GENERAL PROVISIONS

A. Membership of BZA

1. Board Makeup. The BZA shall consist of five members as follows:

a. One (1) citizen member appointed by the APC from its membership.

b. One (1) citizen member, who may not be a member of any Plan Commission, appointed by the Town Board of the largest municipality participating in the Commission.

c. Two (2) citizen members, of whom one (1) must be a member of the APC and one (1) must not be a member of the APC, appointed by the County Commissioners

d. One (1) citizen member, who may not be a member of any Plan Commission, appointed by the Town Board of the second largest municipality in the County participating in the Commission.

e. All BZA members must be property owners in Franklin County

2. Office Holders Prohibited. None of the members of the BZA may hold other municipal, county or state elective or appointive office, except as stated in item A (1) of this section, and each member must be a resident of the jurisdictional area of the BZA.

3. Terms of Office. Following adoption of this Ordinance, each of the above members shall be reappointed for the balance of the term being served on the present BZA. Thereafter each member shall be for a term of four (4) years. Each term shall expire on the first Monday in January of the year of termination.

B. Election of officers and employees. At the first meeting of each year, the BZA 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.

C. Quorum. A quorum consists of a majority of the entire membership of the BZA.

D. Conflict of Interest. A member of the BZA may not participate in a hearing or decision of the BZA concerning a zoning matter in which he has a direct or indirect financial interest. The BZA 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.

E. Meetings and hearings. All meetings and hearings of the BZA shall be open to the public.

F. Minutes. The BZA 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 BZA and are public records. The BZA shall in all cases heard by it make written findings of fact.

G. Facilities. The plan commission shall provide for suitable facilities for the holding of the BZA's hearings and for the preserving of records, documents, and accounts.

H. Official action. Action of the BZA is not official, unless it is authorized by a majority of the entire membership of the BZA.

I. Rules of BZA

1. Publicly Available. Rules adopted by the BZA shall be printed and be made readily available to all applicants and other interested persons.

2. Allowable Rules. The BZA shall adopt rules concerning the filing of appeals; the application for variances and ("special exceptions" delete); the giving of notice; the conduct of hearings; and the determination of whether a variance application is for a variance of use or for a variance from the development standards, but in no case shall the BZA adopt rules that are in conflict with any provision of this Ordinance. Ordinance # 2016-8, passed on 5/23/2016.

J. Jurisdiction of BZA

1. Area. The BZA shall have jurisdiction over all the land subject to the Zoning Ordinance.

2. Subject Matter. The BZA shall hear, review, and rule on the following:

a. Appeals of Decisions. Any order, requirement, decision, determination or any other action made by the Executive Director, the APC, or employees, agents, or subcommittees of the APC.

b. Conditional Use Permits. The BZA shall approve or deny all permits, when required, for Conditional Uses (formerly Special Exceptions), but only in the classes of cases ("of" delete) in the particular situations specified in this Code. The BZA may impose reasonable conditions as a part of its approval. Ordinance # 2016-8, passed on 5/23/2016.

c. Variances. The BZA may authorize a variance under the conditions of Section 80.12.02.

d. Determination of Boundary Lines. The BZA shall determine all questions concerning the exact location of district boundary lines.

80.12.02: VARIANCES

For the purpose of just and fair application of the law, variances from the code are allowable, subject to the provisions set forth in this section.

A. Types of Variances

1. Use or Zone Variance Not Permitted. Variances from use district or classification cannot be granted under Indiana law.

2. Development Standards Variances May Be Permitted. The BZA shall approve or deny variances from the development standards (such as height, bulk, or area) of the zoning code. A variance may be approved only upon a determination in writing that:

a. The approval will not be injurious to the health, safety, morals, and welfare of the community;
b. 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
c. The strict application of the terms of the zoning code will result in practical difficulties in the use of the property.

B. Procedure for Those Seeking a Variance

1. File Application. An applicant seeking a variance from the development standards of this Zoning Code shall submit a request to the Planning department along with ten (10) copies of a site plan of the property for which the variance is requested. Such a request shall be received at least 30 days prior to the next BZA meeting.

2. Application Fees. A fee of $300.00 payable to FCAPC is required at the time of filing.

3. Hearing. Upon the proper filing of all relevant documents, the BZA shall set a date for public hearing, as set forth in Section 80.12.04. Applicant will have duties associated with public notification, as set forth in Section 80.11.08. Applicant should be prepared to present their case using facts and reason at the meeting, and may use an attorney or other representative on their behalf.

C. Conditions of Approval on the Variance

1. Conditions. The BZA may impose such reasonable conditions upon its approval as it deems necessary to find that the variance will not subvert the general purpose of this or any other County Ordinance and will not injure property, uses, or the public good.

2. Duration of Variance. A variance granted by the BZA shall run with the land until such time as the use of 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. Ordinance # 2011-24, passed on 10/17/2011.

3. Failure to Comply. Where an owner has failed to comply with any condition by the grant of the variance, the BZA may authorize such action as it may deem appropriate to obtain compliance as if the variance had not been granted, up to or including terminating the operation. Ordinance #2011-24, passed on 10/17/2011,

D. 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 BZA must specify by factual findings or by a statement of reasons the basis for denial of a variance requested by a petitioner. The statement shall refer to the points of Section 80.12.02 (A)(2).

E. Variances in FP (FLOOD PLAIN) 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.

80.12.03: APPEALS OF DECISIONS

Any order, requirement, decision, determination or any other action made by the Executive Director, the APC, or employees, agents, or subcommittees of the APC, is able to be appealed, subject to the provisions set forth in this section.

A. General Provisions

1. An appeal filed with the BZA must specify the grounds of the appeal and must be filed within 1 year of the date of the appealed action.

2. The Executive Director, administrative board, or other body from whom the appeal is taken shall, on the request of BZA, transmit to it all documents, or copies thereof, of plans, and papers constituting the record of the action from which an appeal was taken.

3. Upon appeal, the BZA may reverse, affirm, or modify the order, requirement, decision, or determination appealed from. For this purpose, the BZA has all the powers of the official, officer, board, or body from which the appeal is taken.

B. Procedure for Those Seeking an Appeal

1. File Application. An applicant seeking an appeal from a decision under zoning code, shall file an application in the Area Plan Office. Such a request shall be received at least 30 days prior to the next BZA meeting.

2. Application Fees. There fee shall be assessed for an appeal.

3. Hearing. Upon the proper filing of all relevant documents, the BZA shall set a date for public hearing, as set forth in Section 80.12.04. Applicant will have duties associated with public notification, as set forth in Section 80.11.08. Applicant should be prepared to present their case using facts and reason at the meeting, and may use an attorney or other representative on their behalf.

80.12.04: PUBLIC HEARINGS FOR APPEALS, VARIANCES, AND CONDITIONAL USES

A. The BZA shall set a reasonable time for all hearings subject to its jurisdiction.

B. The BZA shall, by rule, determine who are interested parties, how notice is to be given to them, and who is required to give that notice.

C. Public notice must be given to all interested parties, in accordance with Section 80.11.08.

D. At the hearing, each interested party may appear in person, by agent, or by attorney.

E. The Plan Commission staff, as well as other persons, may appear before the BZA 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.

F. The BZA 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' BZA may also require the petitioner to furnish each adverse party with a copy of the petition and a plot plan of the property involved.

G. The BZA shall make a decision on any matter that it is required to hear under its jurisdiction either:
1. At the meeting at which that matter is first presented; or
2. At the conclusion of the hearing on that matter, if it is continued.

H. Within five (5) days after making any decision under Subsection [G] above, the BZA shall file in the office of the Plan Commission a copy of its decision.

SECTION 80.13 DEFINITIONS

A. INTENT

Consistent with the Intent and Purpose of the Code, the glossary of terms is intended to provide all users with clear, consistent definitions of any words which are not part of common usage, or which have specific meanings in the Code which differ from the meanings of those words in common usage. (Rev.01, August 29, 2008)

B. RULES

1. Tenses (present, future) and number (singular, plural) are inclusive.

2. Gender terms are inclusive.

3. The word "shall" is mandatory; the word may is permissive.

4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied". The word "building" includes the word "structure"; the word "structure" includes the word "building". The word "lot" includes the words "plot" or "parcel".

C. DEFINITIONS

Abutting..... Bordering.

Access Drive.... A strip of land design to connect one or more lots to a street, providing equal access to each lot.

Accessory Building and Use... A building or use other than human occupancy, subordinate to another structure or use located on the same lot and which does not change or alter the character of the premises.

Additional Use .....Uses permitted in addition to your primary use. Additional uses are set forth in Section 80.05. "Additional" Uses may be referred to as "Accessory" Uses in prior Franklin County zoning and subdivision ordinances, and in Indiana Code.

Adult Enterprises.....An establishment receiving at least twenty-five percent (25%) of its gross sales (in dollars) from any product or service characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", as defined in this ordinance, or an establishment with a segment or section devoted to the sale or display of such material.

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 the breeding, training and sale of domestic animals for specific economic uses, also including to a variable extent the preparation of these products for man's use and their disposal by marketing or otherwise. In this broad use, it includes farming, horticulture, forestry, animal husbandry, sugar making, etc.

Agricultural Use..... Any use included in the definition "Agriculture". The term "agricultural use" is to be liberally interpreted to include all operations which promote the preservation of farmland and the rural heritage and character of the community.

Alternative Livestock Animals.....are reptiles, deer, bear, or animals not commonly found on a local farm.

Aquifer.....A geologic formation, group of formations or part of a formation capable of storing and yielding groundwater to wells or springs.

Automobile Wrecking Yard..... (See "Junk Yard".)

Basement .....A level of the structure, wholly or partly underground, which shall not be included as a story for the purpose of height measurement.

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.

Board, Or Board Of Zoning Appeals, Or Area Board Of Zoning Appeals.....The Franklin County Area Board of Zoning Appeals.

Boarding House ..... A building not open to transients, where lodging and/or meals are provided for a fee for three (3) or more persons, but not exceeding twelve (12), persons.

Buffer .. Landscape features placed either on private property and privately maintained, or in public rights-of-way for the purpose of buffering lots from adjacent properties, for aesthetic purposes and/or for creating sound and/or visual privacy barriers.

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.

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.

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.

Building, Detached ..... Any building that is no closer than six (6) feet from an adjacent building.

Building, Front Line Of.....The line of the face of the building nearest the front lot line.

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.

Building Inspector.....The official designated by the Board of County Commissioners of Franklin County and authorized to enforce the Building Code.

Building Setback Line .....The line nearest the front of and across a lot establishing the minimum yard to be provided between the front line of a building or structure and the front lot line.

Building Permit..... A permit signed by the Building Inspector stating that a proposed improvement complies with the Building Code.

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.

Business or Commercial.....Any use (except farming)which generates greater than $50,000 annual gross revenue.

Campground.....An area or tract of land used or designed to accommodate two (2) or more camping parties, including cabins, tents, or other camping outfits.

Certificate Of Occupancy.....Document providing constructive notice 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.

Citizen Member ..... Any landowner or resident of Franklin County.

Co-location.....Locating wireless communication equipment for more than one provider on a single site.

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.

Commercial Vehicle.....A motor vehicle which meets one of the following criteria: (1) A gross vehicle weight rating (GVWR) of at least 26,001 pounds; (2) Is designed to transport sixteen (16) or more passengers, including the driver; or (3) Any size vehicle carrying hazardous material which requires placarding.

Commission Or Plan Commission....The Franklin County Area Plan Commission.

Communication Antenna.....Any device used for the transmission or reception of radio, television, wireless telephone, pager, commercial mobile radio service or any other wireless communications signals, owned or operated by any person or entity licensed by the Federal Communications Commission (FCC) to operate such device. This definition shall not include private residence mounted satellite dishes or television antennas or amateur radio equipment including without limitation ham or citizen band radio antennas.

Communications Equipment Building ..... An unmanned building or cabinet containing communications equipment required for the operation of communications antennas and covering and area on the ground not greater than 250 feet.

Communications Tower..... A structure other than a building, designed and used to support communications antennas.

Communication Tower, Height of..... The vertical distance measured from the average ground level of the area within the base of the tower, to the highest point on a communications tower, including antennas mounted on the tower.

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.

Conditional Use ..... A conditional use is a permitted use, but with conditions placed on it. Conditional uses must be approved by the APC, they are set forth in Section 80.06. "Conditional Uses" may be referred to as "Special Exceptions" in prior Franklin County zoning and subdivision ordinances, and in Indiana Code.

Condominium..... The absolute ownership of a unit in a multiunit building or community based on the legal description of the airspace the unit actually occupies, plus an undivided interest in the ownership of common elements, which are owned jointly with the other condominium unit owners. The term is also commonly used to describe the type of real estate so owned.

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 the animals are confined for forty-five (45) days or more of a year (consecutive or non-consecutive) and where food is supplied to the animals only by means other than grazing.

Congregate Housing ..... A residential facility of four or more elderly persons (age 60 or older) within which is provided living and sleeping facilities, meal preparation, laundry service, and cleaning. Such facility may also provide other services such as transportation and limited nursing services.

Construction ..... Includes building, erecting, moving, or any physical operations on the premises which are required for construction. Excavation, fill, paving, and the like shall be considered part of construction.

Contaminant.....as defined in the Federal Water Pollution Control Act, or 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.

County ..... Franklin County, Indiana.

Cul-de-sac (court or dead end street)....A residential street having one end open to traffic and being permanently terminated by a vehicle turn around.

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.

Day Care Center..... As defined in IC 12-17.2.

Day Care Home (Class I) ..... As defined in IC 12-7-2-28.6 and IC 12-7-2-33.7. In order to operate, the home day care must be licensed and comply with all regulations set forth in IC 12-17.2-5.

Day Care Home (Class II) .....As defined in IC 12-7-2-28.6 and IC 12-7-2-33.8. In order to operate, the home day care must be licensed and comply with all regulations set forth in IC 12-17.2-5.

Density.....The number of dwelling units developed per acre of land.

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.

Development Plan..... Specific plans for the development of real property that requires approval by the Plan Commission and which satisfies the requirements of Section 80.12.05 of this Code.

Division of Land .....See "Subdivision" and "Subdivision, Controlled".

Drainage ..... The movement of water from an area by stream or sheet flow and removal of excess water from soil by downward flow.

Disposal....The discharge, deposit, injection, spilling, leaking, or placing of any solid or hazardous waste into or on any land or water so that such waste or constituent thereof may enter the environment or be admitted into the air or discharged into any waters, including ground waters.

District .....A section of the territory within the jurisdiction of the Franklin County Area Plan Commission for which uniform regulations are herein established.

Domestic Pets..... See Household Pets

Dwelling..... A building or portion thereof, used primarily as human residence, but not including hotels or motels, lodging or boarding houses or tourist homes.

(1) A single-family dwelling is a detached building designed for or occupied by one family, exclusively.

(2) A two-family dwelling is a detached building designed for or occupied by two families, exclusively.

(3) A multi-family dwelling is a building designed for or occupied by three or more families, exclusively.

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.

Easement .....A right to use some part of another persons real property for a particular purpose. An easement is irrevocable and creates and interest in the property. Includes, but is not limited to: 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.

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.

Explosive.....a chemical compound, mixture, or device, the primary or common purpose of which is to function by explosive. The term includes, but is not limited to, dynamite, black powder, pellet powder, initiating explosives, detonators, safety fuses, squibs, detonating cord, igniter cord, igniters and display fireworks, 1.3G (Class B, Special). The term "explosive" includes any material classified as an explosive other than consumer fireworks, 1.4G (Class C, Common) by the hazardous materials regulation of DOTn49CFR.

Family ..... An individual or two or more persons related by blood, marriage or adoption, including foster children , living together as single housekeeping unit in a dwelling unit and also including roomers, provided that the number of persons unrelated by blood, marriage, or adoption shall not exceed a total of five persons.

Farm.....A tract of land comprising an area which is devoted to agricultural operations, and pursuits. Includes accessory buildings essential to the operation of the farm. Industrial or commercial operations or structures or confined feeding are not included in this definition.

Farm House Or Farm Dwelling ..... The principle dwelling or residence of the owner or operator of the farm.

Farm Seasonal Worker Housing..... A separate building used or intended to be used for seasonal accommodation of workers in which lodging with or without meals is supplied or intended to be supplied to such employees.

Farmstead Lot ... A tract of land located in an Agriculture District, comprising a Farm House or Farm Dwelling built prior to the date of enactment of this Code, and/or including accessory buildings essential to the operation of the Farm.

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.

Feeder Transmission Line.....is a cable or pipe that transports electric current, petroleum products, gases, or water from the utility to the consumer user.

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 there from. 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.

Final Approval ... An approval required before a plat can be filed with the County Auditor and recorded by the County Recorder. Improvements and installations have been completed, or if not, the applicant has provided a bond or other proof of financial responsibility. Final Approval may be granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of a subdivision which the Plan Commission has already given its primary approval. "Final Approval" may be referred to as "Secondary Approval" in prior Franklin County zoning and subdivision ordinances, and in Indiana Code.

Fireworks.....Any composition or device for the purpose of producing a visible or an audible effect for entertainment purposes by combustion, deflagration, or detonation that meets the definition of 1.4 or 1.3G fireworks as identified in the labeling regulations of the DOTn fireworks, UN 0336, and UN0335 and the U.S. Consumer Product Safety Commission set for the in CPSC 16 CFR: Parts 1500 and 1507, are not explosive materials for the purposed of this code.

Flood Plain.....As per Section ("80.05.15"delete) replace with "80.03.15" (Flood Plain) Article 2. Ordinance # 2016-10, passed on 5/23/2016.

Floor Area, Gross ..... The total area, computed on a horizontal plane, within the outside dimensions of a building. (See Section 80.08.04 for application to off-street parking under subsection [E].

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.

Garage, Private..... An accessory building with capacity for any number of privately owned motor vehicles, boats and trailers of the family resident upon the premises.

Grade (or Lot Ground Level)..... (1) For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;

2) For buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; and

(3) 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.

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.

Group Home for the Mentally or Physically Disabled.....Any home in which eight or fewer mentally or physically handicapped persons reside, and may include two additional persons acting as house-parents or guardians who need not be related to each other or to any of the mentally or physically disabled persons residing in the home.

Hardship.....A perceived difficulty with regard to one's ability to improve land as a result of the application of the development standards of this Ordinance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restriction on economic gain shall not be considered hardships. Nor shall the purchase of land with actual or constructive knowledge that, for reasons other than physical characteristics of the property, the development standards herein will inhibit the desired improvement, be considered a hardship. Nor shall any improvement initiated in violation of the standards of this Ordinance be considered a hardship.

Hazardous Materials (or Hazardous Waste).....A material which is defined in one or more of the following categories:

(1) Ignitable: A gas, liquid, or solid which may cause fires through friction, absorption of moisture, or which has low flash points.
(2) Carcinogenic: A gas, liquid, or solid which is normally considered to be cancer causing or mutagenic.
(3) Explosive: A reactive gas, liquid, or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure, or combinations thereof.
(4) Highly Toxic: A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life.
(5) Moderately Toxic: A gas, liquid, or solid which, through repeated exposure or in a single large dose, can be hazardous to humans.
(6) Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents.

Health Officer ..... Any officer of authority, Franklin County Health Department, and the State Board of Health. Same as "COUNTY HEALTH OFFICER," includes County Sanitarium.

Home Occupation..... 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 meets the requirements set forth in Section 80.06.05. Ordinance # 2011-24, passed on 10/17/2011.

Household Pets ..... domestic animals, generally dogs or cats that are kept inside the home or in the yard in residential districts. It also includes rodents, reptiles, fish, and fowl that are generally caged inside the home. These pets are kept for pleasure and not for profit. 4-H project animals and other animals kept for recreational use (such as hunting, etc.) are treated as Household Pets under this code.

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.

Improvement Location Permit, Temporary..... A TEMPORARY IMPROVEMENT LOCATION PERMIT is an IMPROVEMENT LOCATION PERMIT authorized by the Executive Director with a definite time limit attached thereto.

Industrial, Heavy ..... A use engaged in the basic processing and manufacturing of materials, or a use engaged in storage of or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous or commonly recognized offensive conditions.

Industrial, Light ..... Research and development activities, the manufacturing, compounding, processing, packaging, storage, assembly, and/or treatment of finished or semi-finished products from previously prepared materials, which activities are conducted wholly within an enclosed building.

Industrial Park .....A single or group of structures for industrial operations forming a comprehensive arrangement of buildings, grounds, and access ways.

International Residential Code..... The nationally recognized model building code adopted by the State of Indiana Building Commissioner, and which includes those supplements and amendments promulgated by this agency.

Intersection Visibility..... See Section 80.08.03.

Junk Yard .....Any place at which personal property (including two or more unlicensed automotive vehicles)is stored for restoration, salvage, 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 there from.

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.

Kennel, Commercial ..... Any lot or premises on which for commercial purposes are kept for breeding, boarding, or training purposes, or for sale, five (5) or more adult dogs, cats, or other domestic animals more than one year of age. And, annual sales or service revenue generated by the Commerical Kennel is equal to or greater than $25,000. Unless such are exempted by the Farm Exemption (80.01.05).

Kennel, Private ..... Any lot on which for non-commercial purposes nine (9) or more adult dogs, cats, or other small animals at least one year of age, are kept in outside pens, unless such are exempted by the Farm Exemption (80.01.C.1). 4-H project animals, animals kept for recreational purposes (such as hunting, etc.) are excepted.

Land Fill ..... An area used for the placement of solid waste, liquid waste, or other discarded material on or in the ground.

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 non-vehicular 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.

Legislative Body ..... The Board of Commissioners of Franklin County, or the Board of Trustees of any town in the Jurisdiction of the Code, as well as other State and Federal legislative bodies as applicable.

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.

Lot ..... A parcel of land of at least sufficient size to meet the minimum zoning requirements of the zone in which it is located at the time at which it was created, and that has frontage and access on an improved public street, or on an approved private street or easement, such that the lot has undeniable access. (Buildable Lot)

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.

Lot Ground Level ..... See "Grade".

Lot Line .....The property line between two established parcels of land or one parcel and a public right-of-way or place.

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.

Major Transmission Line.....is a cable or pipe that transports electric current, petroleum products, gases, or water from a provider to the utility user only.

Manufactured Home ..... A single family dwelling unit, designed and built in a factory and installed as a permanent residence, which bears a seal certifying that it was built in compliance with the National Manufactured Housing Construction and Safety Standards Act (1974 U.S.C. 5401 et seq.) The definition of a manufactured home shall not include mobile homes.

Manufacturing, Heavy.....The use of land, buildings or structures for the purpose of manufacturing, assembly, making, preparing, inspecting, finishing, treating, altering, repairing, warehousing or storing or adapting for sale of any goods, substance, article, thing or service.

Manufacturing, Light.... Light manufacturing includes: (1) Laboratory manufacturing: Operations involving the compounding of products such as perfumes, pharmaceutical and the development and assembly of instruments and similar items. (2) Light fabrication and assembly process: The manufacture of any item not involving the generation of noise, odor, vibration, dust or hazard.

Mineral Extraction (or Mining)..... All or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining and surface work incidental to an underground mine.

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: (1) 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;(2) Designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels;(3) Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental assembly operations, location on foundation supports, connection to utilities, and the like.

Mobile Home Park ..... A tract of land which has been developed with all necessary facilities and services 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/or mobile homes for human habitation, either free of charge or for revenue purposes, includes any building, etc.intended for use as a part of the equipment of such MOBILE HOME PARK.

Mobile Home Slab or Foundation... The solid material upon which the mobile home rests, consisting of a continuous concrete slab or a PERMANENT FOUNDATION.

Modular Home..... A single family dwelling unit, designed and built in a factory and installed as a permanent residence. Ordinance # 2011-24, passed on 10/17/2011.

Nonconforming Lot, Structure or use ..... The lawful use of land, a building or structure or portion thereof, which was lawfully established and maintained but, because of the enactment of this code, no longer conforms to the bulk regulations prescribed in the district in which it is located.

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.

Office Park ..... A development that contains a number of separate office buildings, supporting uses and open space designed, planned, constructed, and managed on an integrated and coordinated basis.

Outdoor Storage ..... The storage of any material not in an enclosed building for a period of greater than forty-eight (48) hours in any 30 day time period (whether consecutive or nonconsecutive), including items for sale or, lease, processing, and repair (including vehicles).
Parcel ..... A distinct portion or tract of land, identified by a parcel number, used to record divisions of real estate for tax purposes.

Parking Area ..... Area 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.

Parking Space..... Space designed 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.

Parking Space, Handicap ..... A space in a garage or parking area which meets ADA Standards for Accessible Design, reserved exclusively for vehicle with handicapped license plates or displaying an official city or state issued handicapped placard.

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.

Preliminary Approval.... Approval granted by the Plan Commission and signed and certified by the President of the Plan Commission on a plat of a subdivision in which the procedures, standards of improvement and conditions have been met by the applicant as required by this Code. A Preliminary Approval is a final decision of the plan Commission inasmuch as it may be reviewed by the courts. "Preliminary Approval" may be referred to as "Primary Approval" in prior Franklin County zoning and subdivision ordinances, and in Indiana Code.

Primary Use.....The primary use of your parcel. The Zone where your parcel is located determines allowable uses. Zone districts are set forth in Section 80.03.

Percolation Rate .....measure used by Health Officer to determine Septic Site suitability.

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.

Permanent Foundation ...Any structural system transposing loads from a structure to the earth at a depth below the established frost line without exceeding the safe bearing capacity of the supporting soil. (See I.C. 22-11-1-1.5.)

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.

Person..... A corporation, firm, partnership, association, organization, or any other group acting as a unit, as well as a natural person or persons.

Plan Commission, Commission or Area Plan Commission. ..... The Franklin County Area Plan Commission.

Plan Commission Staff.....The Executive Director and any other persons the Plan Commission has employed or appointed to advise them on matters pertaining to Planning and Zoning.

Plat.....A map or chart indicating the subdivision or re-subdivision of land, either filed or intended to be filed for record.

Premises.....A lot, tract, or plat including buildings thereon, if any.

Private Lane or Private Drive.... Means of access to one or more residential dwellings which is privately maintained by the owners, or the owner's association.

Public Improvement ..... Any drainage ditch, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established.

Public Utility Installations ....The erection, construction, alteration, or maintenance by public utilities, municipal departments, commissions or common carriers of utilities 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. Public utility installations shall not include terminal facilities, treatment plants, processing plants, or the like.

Recyclable Collection Center... see Junk Yard

Solid Waste Transfer Station..... A facility for the collection, separation, compaction, processing and storage of solid waste or recyclable materials until said waste can be transported or transferred to a sanitary landfill or other facility approved and licensed for the disposal of solid wastes or the recycling of materials by the State of Indiana.

Recreational Vehicle or Trailer..... A vehicular, portable unit designed for travel, camping or recreational use.

Recreational Vehicle Park....A tract of land developed in compliance with this Code for short term occupancy by recreational vehicles only.

Regulatory Flood ..... Any flood having a peak discharge which can be expected to be equaled or exceeded on the average of one in a 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.

Restricted Commercial Farm Enterprise.....An operation or use which is inherent to or closely associated with a farm or agriculture, but by its nature may require restrictions for public safety. 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
(6) Cause any undue vibration or excessive glare or heat beyond the boundaries of the property, or
(7) Because of the location of its facilities, influence adversely the uses of adjacent properties, either existing or proposed.

Riding Stables, Commercial.....Commercial venture wherein horses are stabled for riding or training.

Right-Of-Way.....Easement that gives the holder the right to cross another person's land, i.e. a strip of land acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by a street, trail, waterline, sanitary sewer, and/or other public utilities or facilities.

Roof Line.....A horizontal plane, projected parallel to the primary plane of a building, floor and touching the primary roof plane on the building.

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. Runoff from a fully developed area upstream shall mean the surface water runoff that can be reasonably anticipated upon maximum development of that area of the watershed located upstream from the subject tract.

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."

Senior Housing ..... A building or group of buildings containing dwelling units where the occupancy of the dwelling is restricted to persons 60 years of age or older, or couples where either the husband or wife is 60 years of age or older. Does not include convalescent or nursing services.

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).

Sexually-Oriented Business .....See Adult Enterprises

Sign.....Any device, fixture, placard, structure, display, or illustration that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of or identify an object, product, place, activity, business, person, service or interest, or to communicate information of any kind to the public.

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.

Sludge .....Residual material produced by water or sewer treatment processes, industrial processes, or domestic septic tools.

Soil Stabilization .....Chemical or structural treatment of a mass of soil to increase or maintain its stability or otherwise improve its engineering properties.

Solid Waste .....See IC 13-11-2-205 for a complete definition of solid waste. Solid waste disposal shall be regulated under the rules of the following agencies: the Indiana Department of Environmental Management (IDEM), the Indiana State Department of Health, the Franklin County Health Department, and the Southeastern Indiana Regional Waste District.

Specified Anatomical Area.....(1)Less than completely and opaquely covered human genitals, pubic region, buttocks, or female breast below a point immediately above the top of the areola; or (2)human male genitals in a discernable turgid state, even if completely or opaquely covered.

Specified Sexual Activities.....(1) Human genitals in a state of sexual stimulation or arousal; (2) acts of human masturbation, sexual intercourse or sodomy; or (3) fondling, erotic display or erotic touching of human genitals, pubic region, buttocks or breasts, even if completely and opaquely covered.

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.

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.

Street .....A right-of-way or thoroughfare, other than an alley, or place dedicated or otherwise legally established for public use.

Street, Frontage .....A street that runs parallel to the frontal street and located within the space between the building(s) and the frontal street.

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.

Structure ....Anything constructed or erected which requires location on the ground.

Subdivider (Developer).... Any person responsibly engaged in developing or improving a tract of land which complies with the definition of a controlled subdivision as defined in this code.

Subdivision, Controlled.....Any division of land for the purpose of development, and which falls under the controls of this Ordinance Section 80.10. (Rev. 01, August 29, 2008)

Swale.....A low-lying stretch of land which gathers or carries surface water runoff.

Swimming Pool, Family.....an artificial body of contained water more than eighteen (18) inches in depth, with a controlled water supply, designed or intended for use solely by the owner, or lessee thereof, and invited guests without payment of any fee.

Swimming Pool, Public.....Any swimming pool which designed or intended for the purpose of public swimming, including community use, pools at apartments having five (5) or more living units, and other public uses.

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.

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."

Town .....The incorporated Town of Laurel, Cedar Grove, Mount Carmel, Oldenburg, and Brookville, Indiana.

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.

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.

Truck Terminal .....A facility which includes the parking, storing, loading, unloading and/or maintenance of three (3) or more for hire, property-carrying vehicles.

Use .....The employment or occupation of a building, structure or land for service, benefit or enjoyment to a person.

Variance.....A modification of the specific requirements of this Code granted by the BZA 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.

Violation.....Failure to comply with any applicable portion of the Zoning Code Ordinance in accordance with IC 36-1-3-8 (10). Each day a violation continues shall not constitute a separate offense. (I) Town of Brookville, Cedar Grove, Mt. Carmel and Oldenburg shall be amended to clarity that "each day a violation occurs shall constitute a separate offense and shall be punishable as such subject to the limits of applicable estate and federal laws." Ordinance # 1-2012, passed on 6/26/2012.

Wastewater.....Any combination of water-carried wastes from institutional, commercial, and industrial establishments, and residences together with any storm, surface water, or groundwater, as may be present.

Wastewater Treatment Plant .....Any arrangement of devices and structures used for treating wastewater.

Watercourse .....A permanent stream; intermittent stream; river; brook; creek; channel or ditch for water whether natural or manmade.

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.

Zone Map .....A map entitled: "Zone Map, Franklin County, Indiana," dated 1988, and any amendments thereto.

Zoning 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.

D. SEXUALLY ORIENTED BUSINESS CLASSIFICATIONS

Business establishments from Section 80.06.05 of this Code, that, in part or in whole, provide Adult Entertainment, showing live or video pictures or images of specified sexual activities or specified anatomical areas. Sexually oriented businesses are classified, as follows:

1. **Adult Arcade**: An establishment where pictures or images of specified sexual activities or genital areas are shown by any medium or technology.
2. **Adult Novelty, Video or Bookstore**: A commercial establishment in which more than 5% of its stock-in-trade, or of its revenues, or of its interior business or advertising, are devoted to the sale, rental, or other consideration, to any one or more of the following:
   (a) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical areas.
   (b) Instruments, devices, or paraphernalia designed or marketed for stimulation of human genital organs or for sadomasochistic use or sexual abuse.
3. **Adult Cabaret**: A nightclub, restaurant, or similar commercial establishment, wherein alcoholic beverages are not served, which regularly features:
   (a) Persons who appear nude, semi-nude;
   (b) Live performances that are characterized by exposure of specified anatomical areas or by specified sexual activities; or
   (c) Films, motion pictures, videocassettes, slides, or other reproductions that depict or describe specified sexual activities or specified anatomical areas.
4. **Adult Motel**: A motel, hotel or similar commercial establishment which:
   (a) Offers public accommodations, for fee or other compensation, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions that depict or describe specified sexual activities or specified anatomical areas and which advertise the availability of this sexually oriented type of material by means of a sign visible from the public right-of way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
   (b) Allows a tenant or occupant to sub rent the sleeping room.
5. **Adult Motion Picture Theater**: A commercial establishment that regularly shows, for any form of compensation, films, motion pictures, videocassettes, slides or similar photographic reproductions, portraying specified sexual activities or specified anatomical areas.
6. **Adult Theater**: A theater, concert hall, auditorium, or similar commercial establishment which, for any form of compensation, features persons who appear in a state of nudity or in live performances, characterized by exposure of specified anatomical areas or by specified sexual activities.
7. **Escort**: A person who, for any form of compensation, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. **Escort Agency**: A person or business association that, for any form of compensation, furnishes, offers to furnish, or advertises to furnish, escorts as one of its primary business purposes.
9. **Massage Parlor**: Any place where, for any form of compensation, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body, occurs in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service, exposes his or her specified anatomical areas. The definition of sexually oriented business shall not include the practice of massage by or in any licensed hospital; nor by a licensed physician, surgeon, chiropractor, osteopath or therapist; nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath; nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

10. **Nude Model Studio**: Any place where a person appears, for any form of compensation, in a state of nudity or displays specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
11. **Sexual Encounter Establishment**: A business or commercial establishment, that as one of its primary business purposes, offers, for any form of compensation, a place where two or more persons may congregate, associate, or consort for specified sexual activities or exposure of specified anatomical areas or other activities where one or more of the persons is nude or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state, engages in medically approved and recognized sexual therapy.

E. SEXUALLY ORIENTED BUSINESS DEFINITIONS

For the purpose of this Code, certain terms and definitions apply to Section 80.06.05, Sexually Oriented Businesses, as follows:

Employee: A person who works or performs in or for a sexually oriented business, regardless of whether or not that person is paid a salary, wage or other compensation by the operator of the business.

Establishment: Includes

(a) The opening or commencement of any such business as a new business;
(b) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this chapter;
(c) The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
(d) The relocation of any such sexually oriented business.

Nudity or State of Nudity: The appearance of, or state of dress, which fails to opaquely and fully cover the human buttocks, anus, male or female genitals, pubic region or areola or nipple of the female breast.

Operator: Includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.

Permitted or Licensed Premises: Includes any premises requiring a license and/or permit and that is classified as a sexually oriented business.

Permittee and/or Licensee: A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.

Person: An individual, proprietorship, partnership, corporation, association, or other legal entity.

Public Building: Any building owned, leased or held by the United States, the state, the county, the city, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.

Public Park or Recreational Area: Public land designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the County which is under the control, operation, or management of the County park and recreation authorities.

Religious Institution: Any church, synagogue, mosque, temple or building, used primarily for religious worship and related religious activities.

Residential District or Use: A single family, duplex, townhouse, multiple family, or mobile home park or subdivision and campground as defined in the Franklin County Zoning Ordinance.

School: Any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. "School" includes the school grounds, as well as facilities used primarily for another purpose and so long as it is used incidentally as a school.

Semi-Nude: A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, massage parlor, nude model studio, sexual encounter establishment, or any other similar establishment.

Specified Anatomical Areas, in this section, includes any of the following:

(a) Human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola; or
(b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities, in this section, includes any of the following:

(a) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
(b) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
(c) Masturbation, actual or simulated;
(d) Human genitals in a state of sexual stimulation, arousal or tumescence;
(e) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this subsection.

Substantial Enlargement of a Sexually Oriented Business: Increase in the floor areas occupied by the business by more than 15%, over the floor areas existing on the effective date of establishment.

Transfer of Ownership or Control of a Sexually Oriented Business, includes any of the following:

(a) The sale, lease or sublease of the business;
(b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange or similar means;
(c) The establishment of a trust, gift or other similar legal device which transfers ownership or control of the business, except for transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

SECTION 80.14 INDEX OF TERMS

Abutting- 14, 84, 85, 114, 135
Access Drive- 135
Accessory Building and Use -135
Additional Use -53, 57, 85, 97, 123, 125, 135
Adult Motel -78, 79, 80, 150, 152
Adult Enterprises -135, 147
Agriculture -4, 6, 8, 9, 10, 101, 135, 140, 146
Agricultural Use -9, 11, 12, 16, 123, 135
Alternative Livestock Animals -135
Aquifer -136
Area Board of Zoning Appeals -130, 136
Automobile Wrecking Yard -136
Basement -33, 34, 36, 39, 42, 43, 45, 136, 149
Bed and Breakfast -16, 64, 136
Board -3, 4, 6, 7, 15, 17, 18, 20, 21, 22, 24 ,25 ,28, 31, 35, 42, 48, 50, 51, 56, 62, 63, 65, 71, 72, 75, 80, 87, 88, 89, 90, 91, 93,103, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 124, 129, 130, 131, 132, 133, 134, 136, 142, 143
Board of Zoning -3, 6, 7, 15, 18, 35, 48, 50, 51, 56, 62, 63, 75, 93, 119, 130, 131, 132, 133, 134, 136,
Board of Zoning Appeals -3, 6, 7, 15, 18, 35, 48, 50, 51, 56, 62, 63, 75, 93, 119, 130, 131, 132, 133, 134, 136,
Boarding House -64, 136
Buffer -14, 15, 17, 20, 59, 93, 136
Building - 4, 6, 9, 11,12, 13, 14, 15, 16, 17, 18, 20, 21, 26, 27, 30, 33, 35, 37, 39, 44, 46, 48, 54, 55, 57, 58, 64, 66, 67, 69, 72, 75, 77, 81, 83, 84, 85, 86, 87, 88, 92, 94, 95, 97, 106, 110, 114, 119, 122, 123, 124, 125, 132, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 148, 149, 151, 152,
Building Area -30, 136
Building Code -54, 55, 58, 119, 122, 136, 142
Building Detached -136
Building, Front Line of -136
Building, Height of -9, 11, 12, 13, 14, 136
Building Inspector -81, 125, 136
Building Setback Line -136
Building Permit -39, 48, 81, 87, 124, 132, 136, 142
Building, Principal -137
Business or Commercial -25, 137, 151
Campground -137, 152
Certificate of Occupancy -25, 29, 60, 87, 94, 96, 122, 123, 124, 125, 137,
Co- location -137
Commercial Canoe Rental -65, 137
Commercial Vehicle -54, 95, 137
Commission or Plan Commission -4, 6, 7, 8, 24, 26, 27, 28, 29, 30, 40, 42, 51, 52, 57, 61, 79, 87, 90, 103, 104, 105, 106, 107, 108, 109, 110, 113, 114, 115, 116, 117, 119, 120, 121, 122, 123, 124, 126, 130, 134, 137, 139,
140, 142, 145, 146, 149
Communication Antenna -137
Communication Equipment Building -139
Communications Tower -137
Communications Tower, Height of -137
Comprehensive Plan-5, 28, 30, 50, 104, 105, 120, 123, 138
Conditional Use -3, 7, 8, 10, 18, 61, 62, 63, 64, 76, 94, 97, 123, 124, 125, 126, 129, 132, 139,
Confined Feeding Operation -139
Congregate Housing -139

Construction -3, 19, 22, 29, 32, 33, 34, 35, 37, 38, 39, 40, 43, 44, 45, 46, 48, 49, 51, 54, 58, 61, 63, 86, 97, 98, 108, 111, 112, 113, 116, 117, 118, 121, 125, 133, 139, 144, 147
Contaminant -68, 139
County -
Cul-de- sac -111, 139
Cut -25, 89, 90, 139, 148
Day Care Center -66, 139
Day Care Home (Class I & II) 139
Density -12, 14, 47, 112, 114, 139
Development -3, 5, 8, 9, 12, 16, 18, 22, 25, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 40, 43, 44, 48, 49, 61, 62, 63, 66, 70, 76, 84, 88, 89, 90, 91, 93, 94, 97, 98, 101, 104, 105, 107, 108, 114, 115, 123, 124, 125, 126, 132,
133, 139, 140, 142, 143, 145, 148, 149
Development Plan -16, 27, 28, 29, 30, 31, 43, 61, 62, 63, 84, 88, 89, 90, 91, 93, 94, 123, 124, 126, 140
Division of Land -4, 8, 101, 102, 103, 104, 140, 149
Drainage -4, 28, 29, 41, 43, 47, 48, 55, 61, 64, 88, 89, 90, 91, 94, 104, 112, 114, 116, 118, 119, 125, 140, 147
Disposal -18, 21, 28, 45, 57, 67, 72, 73, 74, 115, 116, 117, 124, 136, 140, 147
District -3, 7, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 32, 52, 53, 54, 58, 59, 61, 64, 76, 82, 85, 86, 88, 91, 92, 94, 95, 96, 98, 107, 108, 115, 124, 125, 132, 133, 140, 141, 145,148, 150, 152, 153
Domestic Pets -57, 83, 140
Dwelling -10, 12, 13, 17, 27, 39, 40, 56, 58, 67, 84, 86, 87, 98, 108, 139, 1,40, 141, 143, 144, 145, 148, 150
Dwelling Unit -58, 140, 143, 144, 145
Easement -82, 85, 90, 99, 111, 140, 144, 148
Executive Director -4, 8, 28, 29, 30, 43, 52, 53, 56, 61, 62, 63, 82, 85, 88, 89, 90, 91, 93, 97, 101, 105, 106,108, 120, 121, 122, 123, 124, 125, 126, 127, 132, 134, 140, 143, 146
Explosive -66, 84, 140, 141, 142, 143, 146
Family -9, 10, 12, 13, 14, 17, 18, 55, 56, 58, 67, 74, 76, 84, 85, 92, 94, 98, 101, 104, 115, 140, 142, 144, 145, 149, 150, 153
Farm -5, 17, 22, 54, 57, 65, 67, 72, 99, 102, 136, 141, 144, 147
Farm House or Farm Dwelling -67, 141
Farm Seasonal Worker Dwelling -65, 141
Farmstead Lot -10, 141
Federal Water Pollution Control Act -139, 141
Feeder Transmission Line -141
Fill -25, 35, 37, 38, 43, 47, 49, 67, 89, 90, 139, 141, 144
Final Approval -4, 63, 104, 105, 106, 108, 141
Fireworks -19, 22, 66, 140, 141
Flood Plain -3, 9, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 53, 82, 90, 108, 125, 133, 141
Flood Area (Gross & Net) -33
Garage -17, 37, 46, 57, 96, 142, 146
Grade -34, 36, 37, 38, 42, 46, 47, 48, 49, 50, 86, 89, 91, 111, 114, 115, 118, 119, 139, 141, 142, 144
Ground Floor Area -10, 12, 13, 14, 15, 92, 142
Group Home for the Mentally or Physically Disabled -142
Hardship -36, 37, 40, 50, 83, 142
Hazardous Materials -34, 140, 142
Health Officer -108, 124, 143, 146
Home Occupation -143
Household Pets -57, 140, 143
Improvement Location Permit -8, 25, 26, 30, 61, 62, 63, 82, 84, 88, 97, 101, 122, 123, 124, 125, 126, 133, 143
Improvement Location Permit (Temporary) -143
Industrial (Light & Heavy) -3, 7, 9, 15, 17, 18, 19, 20, 21, 22, 23, 24, 27, 28, 46, 60, 76, 85, 87, 92, 93, 95,110, 124, 125, 129, 141, 143, 148, 150
Industrial Park -143

International Residential Code -143
Intersection Visibility -86, 143
Junk Yard -69, 137, 143, 147
Jurisdiction of the Commission -27, 143
Kennel (Commercial) -69, 144
Kennel (Private) -67, 144
Land Fill -47, 144
Land Use Intensity -28, 144
Lodging House -65, 144
Lot -7, 10, 11, 12, 13, 14, 15, 16, 18, 19, 22, 23,28, 31, 50, 52, 54, 56, 57, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 82, 83, 84, 86, 88, 92, 95, 96, 97, 98, 99, 101, 103, 105, 107, 112, 115, 116, 117, 123, 125, 136, 137, 138, 141, 142,
144, 145, 147, 150
Lot Coverage -10, 12, 13, 14, 144
Lot Ground Level -137, 142, 144
Lot Line -19, 22, 23, 57, 86, 95, 99, 123, 137, 144
Lot of Record -82, 144
Major Transmission Line -144
Manufactured Home -12, 13, 17, 34, 35, 38, 40, 46, 47, 48, 97, 144
Manufacturing (Light & Heavy) -18, 21, 22, 66, 96, 143, 145
Mining (or Mineral Extraction) -34, 69, 139, 145,
Mobile Home -10, 17, 69, 70, 84, 97, 98, 121, 125, 145, 153
Mobile Home Park -69, 84, 97, 145, 153
Mobile Home Slab or Foundation -145
Modular Home -145
Nonconforming Lot -145
Occupied Space -142, 145
Office Park -145
Outdoor Storage -19, 145
Parking Area -15, 64, 71, 95, 146, 147
Parking Space -18, 22, 93, 94, 146
Parking Space (Handicap) -146
Participating Town -25, 88, 89, 90, 91, 123, 137, 138, 146
Preliminary Approval -4, 104, 105, 106, 108, 145
Primary Use -6, 7, 58, 63, 73, 136, 146
Percolation Rate -146
Performance Standard -146
Permanent Foundation -38, 47, 145, 146
Permanent Perimeter Wall -146
Person -53, 56, 63, 76, 77, 78, 79, 80, 81, 88, 90, 120, 123, 124, 127, 129, 130, 135, 138, 140, 146, 148, 149, 150, 151, 152, 153
Plan Commission -5, 7, 8, 9, 25, 29, 41, 52, 88, 91, 104, 105, 106, 108, 109, 120, 121, 122, 123, 124, 125, 127, 131, 135, 138, 140, 141, 146, 150
Plan Commission Staff -29, 105, 106, 108, 135, 146
Plat -27, 28, 29, 30, 104, 105, 106, 107, 108, 109, 110, 113, 114, 116, 117, 141, 146, 147
Premises -46, 55, 57, 64, 67, 76, 77, 78, 79, 80, 81, 82, 92, 93, 96, 98, 123, 124, 127, 136, 139, 142, 144, 147, 151, 152
Private Road -145
Public Improvement -147
Public Utility Installations -6, 86, 147
Recreational Vehicle -34, 38, 39, 46, 72, 98, 147
Recyclable Collection Center -147
Regulatory Flood -36, 39, 40, 41, 44, 46, 49, 147
Restricted Commercial Farm Enterprise -72, 147
Right -Of- Way -52, 85, 86, 90, 91, 92, 95, 99, 110, 111, 112, 114, 115, 117, 125, 144, 148, 149, 151
Roof Line -148
Runoff -33, 35, 89, 90, 148, 149

Sedimentation -88, 90, 91, 148
Senior Housing -148
Service Drive -148
Sexually Oriented Businesses -3, 76, 77, 78, 79, 80, 81, 151, 152
Sign -17, 18, 22, 55, 59, 77, 80, 148, 151
Slope -89, 101, 107, 114, 148
Sludge -148
Soil Stabilization -148
Solid Waste -67, 144, 147, 148
Solid Waste Transfer Station -147
Specified Anatomical Area -79, 136, 151, 152, 153
Specified Sexual Activities -79, 136, 149, 151, 152, 153
Story -10, 12, 13, 14, 95, 129, 137, 149, 150
Story (Half) -149
Street -15, 18, 19, 21, 22, 28, 31, 55, 56, 71, 77, 82, 84, 85, 86, 89, 92, 93, 94, 95, 96, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 123, 125, 136, 139, 141, 142, 144, 147, 149
Street, Frontage -15, 149
Structural Alteration -124, 149
Structure -7, 8, 15, 19, 23, 25, 34, 35, 36, 37, 38, 39, 40, 42, 43, 44, 45, 46, 47, 49, 50, 51, 58, 61, 64, 68, 72, 76, 82, 90, 93, 95, 122, 123, 125, 127, 136, 137, 138, 140, 145, 146, 148, 150
Subdivider (Developer) -149
Subdivision -4, 6, 8, 27, 28, 29, 31, 35, 36, 38, 48, 85, 99, 101, 104, 105, 106, 107, 108, 109, 110, 111, 112, 114, 115, 116, 117, 118, 119, 121, 122, 125, 129, 136, 139, 140, 141, 144, 146, 147, 149, 152, 153
Swale -90, 149
Swimming Pool (Family & Public) -7, 56, 60, 149, 153
Tourist Home -65, 149
Top Soil -88, 149
Town -5, 18, 22, 25, 29, 30, 50, 52, 57, 66, 67, 88, 89, 90, 91, 92, 106, 108, 109, 112, 113, 114, 116, 117, 118, 119, 123, 125, 130, 131, 137, 138, 144, 146, 150
Townhouse -150, 153
Treatment of Hazardous Waste -150
Truck Terminal -150
Use -3, 5, 6, 7, 8, 10, 12, 13, 15, 16, 17, 18, 19, 21, 22, 23, 25, 26, 27, 28, 30, 32, 33, 34, 37, 38, 39, 45, 48, 49, 50, 54, 57, 58, 60, 61, 62, 63, 64, 66, 67, 69, 73, 75, 76, 80, 82, 83, 86, 88, 89, 91, 92, 93, 94, 95, 96, 97, 98, 102, 104, 107, 108, 110, 111, 115, 117, 120, 122, 123, 124, 125, 126, 128, 129, 130, 132, 133, 134, 136, 138, 139, 140, 143, 144, 145, 146, 147, 149, 150, 153
Variance -7, 8, 34, 36, 37, 40, 42, 50, 51, 52, 99, 114, 125, 126, 130, 132, 133, 135, 150
Wastewater -150
Wastewater Treatment Plant -150
Watercourse -36, 38, 41, 43, 44, 89, 90, 91, 150
Yard -4, 10, 12, 13, 14, 15, 18, 22, 56, 57, 63, 64, 65, 69, 85, 86, 95, 96, 115, 123, 137, 143, 147, 150
Zone Map -3, 4, 8, 52, 53, 120, 121, 126, 129, 130, 143, 150
Zoning District -52, 125, 150