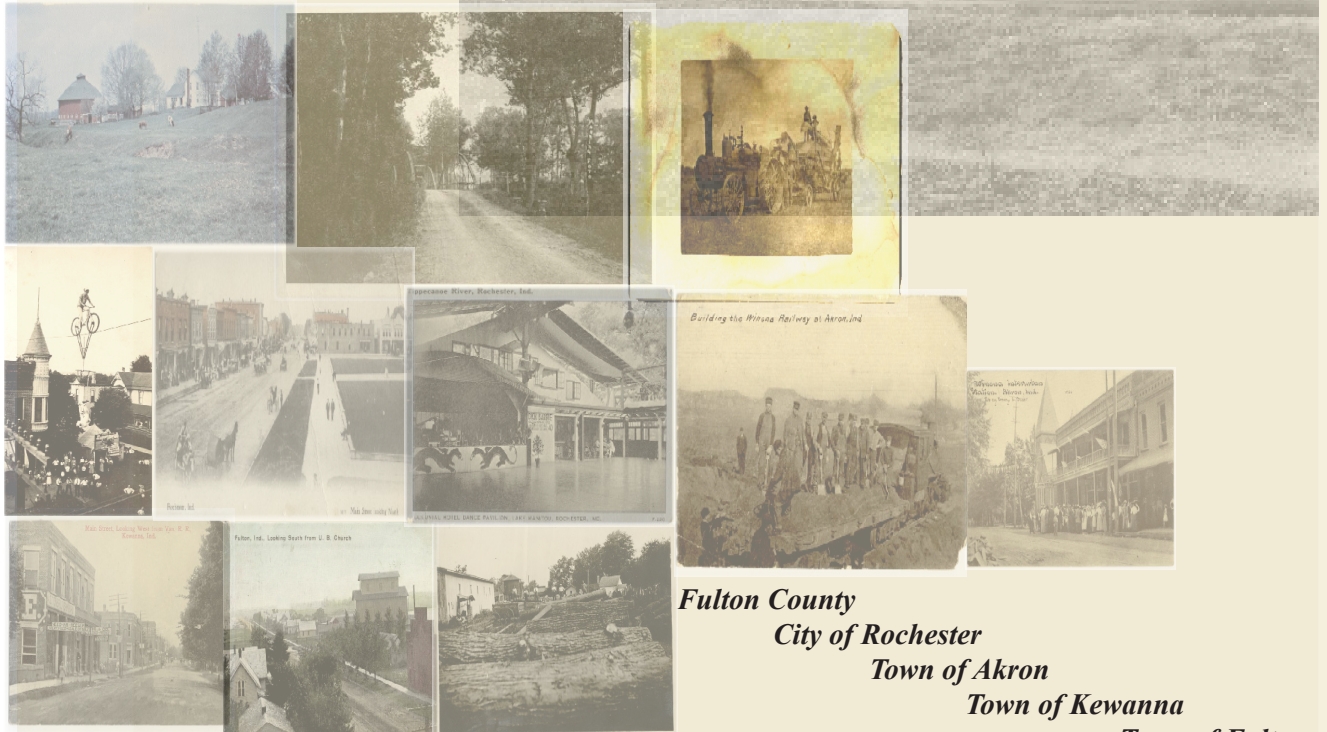
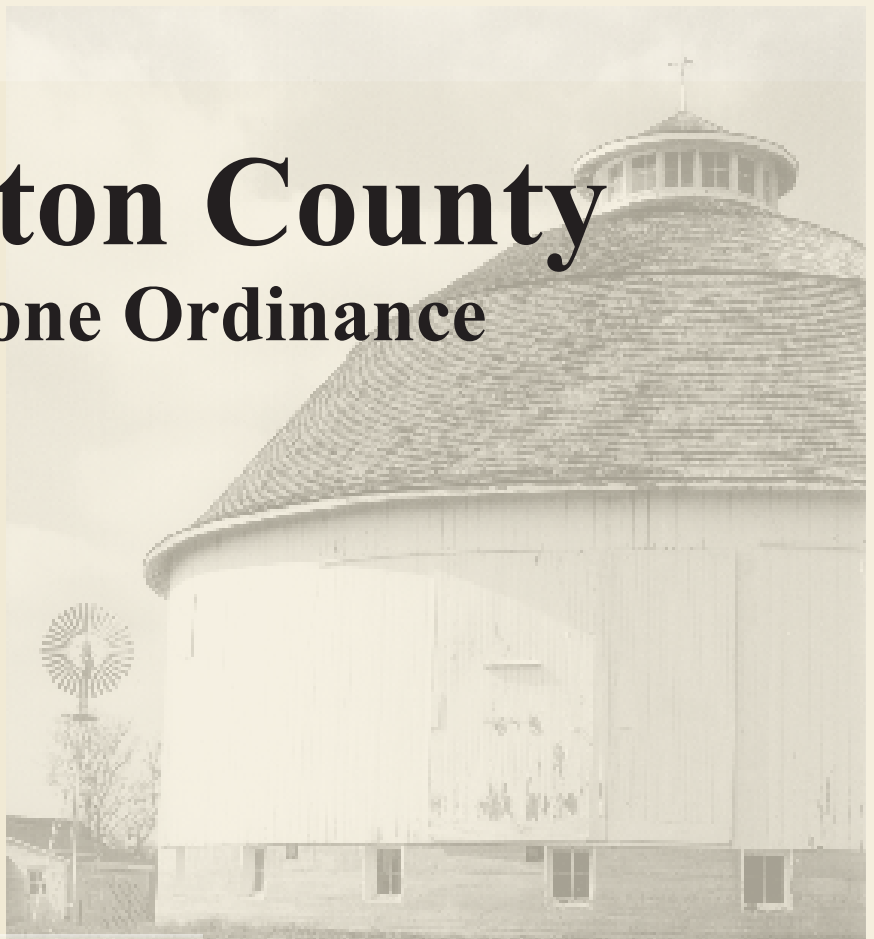


# Fulton County Zone Ordinance



*Fulton County  
City of Rochester  
Town of Akron  
Town of Kewanna  
Town of Fulton*

**Effective Date: January 2008**  
**Amended: October 2018**  
**Amended: June 2021**  
**Amended: September 2022**



# Fulton County Zoning Ordinance

## Table of Contents

		Page #
<b>Article One:</b>	<b>Basic Provisions</b>	
1-1.1	Title	1-3
1-1.2	Defined Words	1-3
1-1.3	Authority	1-3
1-1.4	Purpose	1-3
1-1.5	Compliance	1-3
1-1.6	Severability	1-3
1-1.7	Interpretation	1-3
1-1.8	Jurisdiction Area	1-4
1-1.9	Application	1-4
1-1.10	Repealer	1-4
1-1.11	Amendments	1-4
1-1.12	Effective Date	1-4
1-1.13	Saving Provision	1-5
1-1.14	Transition Rules	1-5
1-1.15	Exclusion	1-6
1-1.16	Unlisted or Questionable Land Uses	1-6
1-1.17	Infrastructure and Utility Easements	1-6
<b>Article Two:</b>	<b>General Zoning Districts</b>	
2-1.1	Establishment of Districts	2-3
2-1.2	District Land Uses	2-4
<b>Article Three:</b>	<b>Zone Map</b>	
3-1.1	Official Zoning Map	3-3
3-1.2	Official Zoning Map Copies	3-3
3-1.3	Location of the Official Zoning Map	3-3
3-1.4	Zoning District Boundaries	3-3
3-1.5	Regular Revisions	3-3
3-1.6	Damaged, Destroyed, or Lost Official Zoning Map	3-4
3-1.7	Official Zoning Map Standards	3-4
3-1.8	Zoning of Newly Annexed Land	3-5
<b>Article Four:</b>	<b>Zone Districts</b>	
4-1.1	“AG” District Intent, Permitted Uses, and Special Exception Uses	4-4
4-1.2	“AG” District Standards	4-5
4-1.3	“AP” District Intent, Permitted Uses, and Special Exception Uses	4-6
4-1.4	“AP” District Standards	4-7
4-1.5	“RR” District Intent, Permitted Uses, and Special Exception Uses	4-8
4-1.6	“RR” District Standards	4-9
4-1.7	“SR” District Intent, Permitted Uses, and Special Exception Uses	4-10
4-1.8	“SR” District Standards	4-11
4-1.9	“R1” District Intent, Permitted Uses, and Special Exception Uses	4-12
4-1.10	“R1” District Standards	4-13
4-1.11	“R2” District Intent, Permitted Uses, and Special Exception Uses	4-14
4-1.12	“R2” District Standards	4-15
4-1.13	“R3” District Intent, Permitted Uses, and Special Exception Uses	4-16
4-1.14	“R3” District Standards	4-17
4-1.15	“KW” District Intent, Permitted Uses, and Special Exception Uses	4-18
4-1.16	“KW” District Standards	4-19
4-1.17	“MP” District Intent, Permitted Uses, and Special Exception Uses	4-20



4-1.18	“MP” District Standards	4-21
4-1.19	“IR” District Intent, Permitted Uses, and Special Exception Uses	4-22
4-1.20	“IR” District Standards	4-23
4-1.21	“HD” District Intent, Permitted Uses, and Special Exception Uses	4-24
4-1.22	“HD” District Standards	4-25
4-1.23	“DC” District Intent, Permitted Uses, and Special Exception Uses	4-26
4-1.24	“DC” District Standards	4-27
4-1.25	“HC” District Intent, Permitted Uses, and Special Exception Uses	4-28
4-1.27	“HC” District Standards	4-30
4-1.28	“VC” District Intent, Permitted Uses, and Special Exception Uses	4-32
4-1.29	“VC” District Standards	4-33
4-1.30	“GC” District Intent, Permitted Uses, and Special Exception Uses	4-34
4-1.32	“GC” District Standards	4-36
4-1.33	“IN” District Intent, Permitted Uses, and Special Exception Uses	4-38
4-1.35	“IN” District Standards	4-40
4-1.36	“IU” District Intent, Permitted Uses, and Special Exception Uses	4-42
4-1.37	“IU” District Standards	4-43
4-1.38	“AO” District Intent, Permitted Uses, and Special Exception Uses	4-44

**Article Five: Development Standards**

*Section One - General Development Standards*

5-1.0	Interpretation	5-3
5-1.1	Introduction	5-3
5-1.2	Development Standards that Apply	5-3
5-1.3	Lot/Yard Standards (LY)	5-3
5-1.4	Wind Energy Conversion (WEC) System Standards (WE)	5-3
5-1.5	Solar Energy Systems (SES) Standards (SE)	5-14
5-1.6	Height Standards (HT)	5-15
5-1.7	Performance Standards (PS)	5-16
5-1.8	Environmental Standards (EN)	5-16
5-1.9	Floodplain Standards (FP)	5-17
5-1.10	Home Occupation Standards (HO)	5-19
5-1.11	Telecommunication Facilities Standards (TF)	5-23
5-1.12	General Sign Standards (GS)	5-26

*Section Two- Agricultural District (AG)*

5-2.0	Interpretation	5-27
5-2.1	Accessory Structure Standards (AS)	5-27
5-2.2	Privacy Fence (Privacy Wall) (FN)	5-28
5-2.3	Temporary Use/Structure Standards (TU)	5-28
5-2.4	Lighting Standards (LT)	5-28
5-2.5	Parking Standards (PK)	5-29
5-2.6	Loading Standards (LD)	5-30
5-2.7	Entrance/Drive Standards (ED)	5-31
5-2.8	Vision Clearance Standards (VC)	5-32
5-2.9	Miscellaneous Standards (MS)	5-33
5-2.10	Temporary Sign Standards (TS)	5-34
5-2.11	Permanent Sign Standards (SI)	5-34

*Section Three- Agricultural Protection District (AP)*

5-3.0	Interpretation	5-37
5-3.1	Accessory Structure Standards (AS)	5-37
5-3.2	Privacy Fence (Privacy Wall) (FN)	5-38



5-3.3	Temporary Use/Structure Standards (TU)	5-38
5-3.4	Lighting Standards (LT)	5-38
5-3.5	Parking Standards (PK)	5-39
5-3.6	Loading Standards (LD)	5-40
5-3.7	Vision Clearance Standards (VC)	5-41
5-3.8	Miscellaneous Standards (MS)	5-42
5-3.9	Temporary Sign Standards (TS)	5-43
5-3.10	Permanent Sign Standards (SI)	5-43

*Section Four - Residential Districts (RR, SR, R1, R2, & R3)*

5-4.0	Interpretation	5-45
5-4.1	Accessory Structure Standards (AS)	5-45
5-4.2	Fences and Walls (FN)	5-46
5-4.3	Temporary Use/Structure Standards (TU)	5-47
5-4.4	Public Improvement Standards (PI)	5-47
5-4.5	Landscaping Standards (LS)	5-47
5-4.6	Lighting Standards (LT)	5-49
5-4.7	Parking Standards (PK)	5-49
5-4.8	Entrance/Drive Standards (ED)	5-50
5-4.9	Vision Clearance Standards (VC)	5-51
5-4.10	Telecommunication Facilities Standards (TF)	5-52
5-4.11	Miscellaneous Standards (MS)	5-53
5-4.12	Temporary Sign Standards (TS)	5-54
5-4.13	Permanent Sign Standards (SI)	5-54

*Section Five- Manufactured Park District (MP)*

5-5.0	Interpretation	5-57
5-5.1	Accessory Structure Standards (AS)	5-57
5-5.2	Fences and Walls (FN)	5-57
5-5.3	Temporary Use/Structure Standards (TU)	5-57
5-5.4	Public Improvement Standards (PI)	5-58
5-5.5	Open Space Standards (OS)	5-58
5-5.6	Landscaping Standards (LS)	5-59
5-5.7	Buffer Yard Standards (BY)	5-60
5-5.8	Lighting Standards (LT)	5-60
5-5.9	Parking Standards (PK)	5-60
5-5.10	Entrance/Drive Standards (ED)	5-61
5-5.11	Vision Clearance Standards (VC)	5-63
5-5.12	Telecommunication Facilities Standards (TF)	5-64
5-5.13	Miscellaneous Standards (MS)	5-64
5-5.14	Temporary Sign Standards (TS)	5-65
5-5.15	Permanent Sign Standards (SI)	5-65

*Section Six- Institutional/Recreational District (IR)*

5-6.0	Interpretation	5-67
5-6.1	Accessory Structure Standards (AS)	5-67
5-6.2	Fences and Walls (FN)	5-67
5-6.3	Temporary Use/Structure Standards (TU)	5-67
5-6.4	Landscaping Standards (LS)	5-68
5-6.5	Lighting Standards (LT)	5-69
5-6.6	Parking Standards (PK)	5-70
5-6.7	Loading Standards (LD)	5-72
5-6.8	Entrance/Drive Standards (ED)	5-72



5-6.9	Vision Clearance Standards (VC)	5-74
5-6.10	Telecommunications Standards (TF)	5-75
5-6.11	Miscellaneous Standards (MS)	5-75
5-6.12	Temporary Sign Standards (TS)	5-75
5-6.13	Permanent Sign Standards (SI)	5-76

*Section Seven- Commercial Districts (HD, DC, VC, HC, GC, IN, IU)*

5-7.0	Interpretation	5-79
5-7.1	Accessory Structure Standards (AS)	5-79
5-7.2	Fences and Walls (FN)	5-79
5-7.3	Temporary Use/Structure Standards (TU)	5-79
5-7.4	Buffer Yard Standards (BY)	5-80
5-7.5	Landscaping Standards (LS)	5-81
5-7.6	Lighting Standards (LT)	5-82
5-7.7	Parking Standards (PK)	5-83
5-7.8	Loading Standards (LD)	5-85
5-7.9	Entrance/Drive Standards (ED)	5-86
5-7.10	Vision Clearance Standards (VC)	5-87
5-7.11	Telecommunications Standards (TF)	5-88
5-7.12	Adult Uses Standards (AU)	5-89
5-7.13	Miscellaneous Standards (MS)	5-89
5-7.14	Temporary Sign Standards (TS)	5-90
5-7.15	Permanent Sign Standards (SI)	5-90

*Section Eight - Akron Development Standards*

5-8.0	Interpretation	5-94
5-8.1	Accessory Structures Standards (AS)	5-94
5-8.2	Adult Entertainment Business Standards (BY)	5-96
5-8.3	Landscaping (LN)	5-98
5-8.4	Lot/Yard Standards (LY)	5-100
5-8.5	Mobile Dwelling Parks (MP)	5-101
5-8.6	Off-Street Loading Standards (LD)	5-102
5-8.7	Off-Street Parking Standards (PK)	5-104
5-8.8	Open Space (OS)	5-111
5-8.9	Outdoor Operations (OO)	5-111
5-8.10	Residential Facilities for the Mentally Ill (RF)	5-112
5-8.11	Streets (Private), Interior Access Driveways, and Interior Access Drives (SD)	5-112
5-8.12	Telecommunications Facilities - Wireless (TF)	5-113
5-8.13	Temporary Uses, Structures and Buildings (TU)	5-116
5-8.14	Vision Clearance (VC)	5-117
5-8.15	On-Premise Signs: Commercial, Industrial Districts (Except for the TC - Town Center District)	5-118
5-8.16	On-Premise Signs: DC - Downtown District	5-120
5-8.17	On-Premise Signs: Residential Districts	5-121
5-8.18	Off-Premise Advertising Signs	5-123

*Section Nine - Kewanna Development Standards*

5-9.0	Interpretation	5-126
5-9.1	Accessory Structures Standards (AS)	5-126
5-9.2	Adult Entertainment Business Standards (BY)	5-126
5-9.3	Parking Standards (PK)	5-128
5-9.4	Residential Facilities for the Mentally Ill (RF)	5-128



5-9.5	Telecommunications Facilities - Wireless (TF)	5-128
5-9.6	Temporary Uses, Structures and Buildings (TU)	5-128
5-9.7	Miscellaneous (MS)	5-129

*Section Ten - Fulton Development Standards*

5-10.0	Interpretation	5-132
5-10.1	Accessory Structures Standards (AS)	5-132
5-10.2	Adult Entertainment Business Standards (BY)	5-132
5-10.3	Parking Standards (PK)	5-133
5-10.4	Residential Facilities for the Mentally Ill (RF)	5-134
5-10.5	Telecommunications Facilities - Wireless (TF)	5-134
5-10.6	Temporary Uses, Structures and Buildings (TU)	5-134
5-10.7	Miscellaneous (MS)	5-135
5-10.8	Temporary Sign Standards (TS)	5-136
5-10.9	Permanent Sign Standards (SI)	5-137

*Section Eleven - Airport Overlay Development Standards*

5-11.0	Interpretation	5-139
5-11.1	Height Standards	5-139
5-11.2	Lighting Standards	5-139
5-11.3	Water Hazards	5-139

**Article Six: Administration**

6-1.1	Administrative Officer	6-3
6-1.2	Effect on Vacation of Zoning	6-3
6-1.3	Summary of Powers and Duties of the Legislative Bodies of Fulton County	6-3
6-1.4	Summary of Powers and Duties of the Plan Commission	6-3
6-1.5	Technical Review Committee (TRC)	6-4
6-1.6	Summary of Powers and Duties of the Divisions of the Board of Zoning Appeals	6-7

**Article Seven: Processes, Permits, and Fees**

Section One - Fulton County

7-1.0	Interpretation	7-3
7-1.1	Intent	7-3
7-1.2	Types of Petitions	7-3
7-1.3	Transition Rules	7-3
7-1.4	Processes per Type of Petition	7-4

Section Two - Town of Kewanna

7-1.0	Interpretation	7-17
7-1.1	Intent	7-17
7-2.2	Types of Petitions	7-17
7-2.3	Processes per Type of Petition	7-17

Section Three - Town of Fulton

7-3.0	Interpretation	7-22
7-3.1	Intent	7-22
7-3.2	Types of Petitions	7-22
7-3.3	Processes per Type of Petition	7-22

**Article Eight: Nonconforming Structures, Lots, and Uses**



8-1.1	Intent	8-3
8-1.2	Distinction Between Illegal Nonconforming and Legal Nonconforming	8-3
8-1.3	Nonconforming Buildings, Structures, and Uses of Land	8-3
8-1.4	Side and Rear Yard Setback Exceptions	8-4
8-1.5	Nonconforming Lots of Record	8-4
8-1.6	Nonconforming Uses of Structures, Land, or Structures and Land in Combination	8-4
8-1.7	Repairs and Maintenance	8-5
8-1.8	Avoidance of Undue Hardship.	8-6
8-1.9	Nonconforming Signs	8-6
<b>Article Nine: Enforcement and Penalties</b>		
9-1.1	Authority	9-3
9-1.2	Violations	9-3
9-1.3	Inspection of Property	9-3
9-1.4	Responsibility of Violations	9-3
9-1.5	Liability	9-3
9-1.6	Violations During the Construction/Building Process	9-3
9-1.7	Types of Violations	9-4
9-1.8	Procedure for Violations	9-5
9-1.9	Fines and Penalties	9-5
9-1.10	Appeals or Trials	9-6
9-1.11	Enforcement, Remedies and Injunctive Relief	9-6
<b>Article Ten: Board of Zoning Appeals</b>		
10-1.1	BZA Division Establishment	10-3
10-1.2	Membership	10-3
10-1.3	Officers, Members, and Employees	10-3
10-1.4	Territorial Jurisdiction	10-3
10-1.5	Powers and Duties	10-3
10-1.6	Rules and Procedures	10-4
10-1.7	Hearings	10-4
10-1.8	Appearances	10-5
10-1.9	Order of Business	10-5
10-1.10	Official Action	10-5
10-1.11	Appeals	10-5
10-1.12	Special Exceptions	10-5
10-1.13	Development Standards Variances	10-7
10-1.14	Appeals of Administrative Decisions	10-7
10-1.15	Exclusion	10-7
10-1.16	Amendments	10-7
10-1.17	Approval	10-7
<b>Article Eleven: Definitions</b>		
11-1.1	General:	11-3
11-1.2	Defined Words:	11-3











# Article One

## Basic Provisions



## Article One

# Basic Provisions

### 1-1.1 Title

This Ordinance shall be formally known as the "Fulton County Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance."

### 1-1.2 Defined Words

Words used in a special sense in this Ordinance are defined in Article Ten.

### 1-1.3 Authority

This Zoning Ordinance is adopted by the required legislative bodies of Fulton County pursuant to its authority under the laws of the State of Indiana, 36-7-4 et seq. Whenever codes cited in this ordinance refer to Indiana Code which has been amended or superseded, this Ordinance shall be deemed amended in reference to the new or revised code.

### 1-1.4 Purpose

This Ordinance is intended to guide the growth and development of Fulton County in accordance with the Fulton County Comprehensive Plan and for the following purpose.

- A. To secure adequate light, air, and convenience of access; and safety from fire, flood, and other dangers;
- B. To promote the public health, safety, comfort, convenience, morals and general welfare;
- C. To plan for the future development of the County to the end:
  - a. That the community grows only with adequate public ways, utility, health, educational, and recreational facilities;
  - b. That the needs of agriculture, industry, and business be recognized in future growth;
  - c. That residential areas provide healthful surroundings for family life;
  - d. That the growth of the community is commensurate with and promotes the efficient and economical use of public funds; and
  - e. That the community strive for high aesthetic value, quality planning and design.

### 1-1.5 Compliance

Compliance with the terms and provision of this Ordinance shall be a prerequisite for the use and development of real property within Fulton County. Failure to comply with the terms and provisions of this Ordinance shall be deemed to be a civil zoning violation enforceable by the Plan Commission or the Board of Zoning Appeals.

No structure shall be located, erected, constructed, reconstructed, moved, altered, converted, or enlarged; nor shall any structure or land be used or existing use be expanded, except in full compliance with all provisions of this Ordinance and after the lawful issuance of all permits and certificates required by this Ordinance.

### 1-1.6 Severability

If any provision of this Ordinance or the application of any provision to particular circumstances is held unconstitutional or invalid by the courts, the remainder of the Ordinance or the application of such provision to other circumstances shall not be affected.

### 1-1.7 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements for the protection of the health, safety, comfort, morals, convenience, and general welfare of the people at large, and are designed



to encourage the establishment and maintenance of reasonable community standards for the physical environment. If two or more provisions within this ordinance are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

**1-1.8 Jurisdiction Area**

This Ordinance shall apply to all land within Fulton County, Indiana.

**1-1.9 Application**

It is not intended by this Ordinance to interfere with, abrogate or amend any existing easements, covenants, or other agreements, between parties, nor is it intended by this Ordinance to repeal, abrogate, annul, or in any way interfere with any existing provisions of laws or ordinances or any rules, regulations, or permits previously adopted or issued pursuant to law relating to the use of building or premises.

Where this Ordinance imposes a greater restriction upon the use of buildings or premises than is imposed or required by such existing provisions of law or by such rules, regulations, agreements, covenants, or permits, the provisions of this Ordinance shall control; but where private covenants, permits, agreements, rules or regulations impose a greater restriction than is imposed by this Ordinance, the greater restriction shall control.

**1-1.10 Repealer**

The Fulton County and the City of Rochester, Indiana, do hereby repeal the Fulton County Advisory Comprehensive Plan, Fulton County Advisory Zoning and Subdivision Ordinances, the Fulton County Advisory Official Zone Map, the City of Rochester Comprehensive Plan, the City of Rochester Zoning and Subdivision Ordinances, and the City of Rochester Official Zone Map. The aforementioned Zoning Ordinance and the referenced Official Zoning Map shall replace the repealed ordinances as well as shall replace all of the sections and provisions of the repealed ordinances which appear and are incorporated in the Fulton County and City of Rochester Code of Ordinances of Fulton County and the City of Rochester, Indiana, as of the adoption and effective date.

**1-1.11 Amendments**

In accordance with I.C. 36-7-4-602, the legislative bodies within Fulton County may amend or partially repeal the text of this Ordinance or they may amend the zoning maps of this Ordinance as follows:

The legislative bodies within Fulton County or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedure of I.C. 36-7-4-602(b) and I.C. 36-7-4-607 and according to the Commission Rules and Procedures.

The legislative bodies within Fulton County, the Plan Commission, or at least fifty percent (50%) of the affected property owners may initiate a petition to change the zoning maps according to the procedure of I.C. 36-7-4-602(c) and I.C. 36-7-4-608 and according to the Commission rules.

In its review of the text and zone map amendments, the legislative bodies within Fulton County and the Plan Commission shall pay reasonable regard to:

- A. The most recently adopted Comprehensive Plan
- B. Current conditions and the character of structure and uses in each district.
- C. The most desirable use for which the land in each district is adapted.
- D. The conservation of property values throughout the jurisdiction.
- E. Responsible development and growth.
- F. The public health safety and welfare.

**1-1.12 Effective Date**

This Ordinance shall be in full force and in effect at 12:01 am, on January 1st, 2008. The effective date is based on the passage and notice of adoption as required by law. Certified by the Plan Commission of



Fulton County, Indiana on the October 22nd, 2007.

This Ordinance was passed and adopted by the County Commissioners of the County of Fulton, in the state of Indiana on the 19th day of November, 2007.

This Ordinance was passed and adopted by the City Council of Rochester, Indiana on the 27th day of November, 2007.

This Ordinance was passed and adopted by the Town Council of Akron, Indiana on the 20th day of November, 2007.

This Ordinance was passed and adopted by the Town Council of Kewanna, Indiana on the 6th day of December, 2007.

This Ordinance was passed and adopted by the Town Council of Fulton, Indiana on the 5th of December, 2007.

#### **1-1.13 Saving Provision**

Except as shall be expressly provided for in this Ordinance, the adoption of this Ordinance shall not:

- A. Abate any action pending under, or by virtue of, any prior ordinance;
- B. Discontinue, abate, modify or alter any penalty accruing or about to accrue under, or by virtue of, any prior ordinance;
- C. Affect the liability of any person, firm, or corporation under, or by virtue of, any prior ordinance;
- D. Waive any right of Fulton County, or any of the incorporated areas within Fulton County, under any section or provision of any prior ordinance; or,
- E. Vacate or annul any rights obtained by any person, firm, or corporation by lawful action of Fulton County, or any of the incorporated areas within Fulton County, under, or by virtue of, any prior ordinance.

#### **1-1.14 Transition Rules**

- A. Any application for an Improvement Location Permit which has been filed with the Advisory Plan Commissions of the Fulton County Advisory Plan Commission or the Rochester City Advisory Plan Commission, or its designees, and which is full and complete, prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance which was in place at the time of filing. However, all administrative procedures and penalties shall follow those set forth by this Zoning Ordinance.
- B. Any application for a zone map amendment which was filed with the Fulton County Advisory Plan Commission or the Rochester City Advisory Plan Commission, or its designees, and which is full and complete prior to the effective date of this Ordinance, shall be allowed to be continued through the process to completion pursuant to the terms and conditions of the Zoning Ordinance which was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in the new ordinance, the zoning administrator shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.
- C. Any application before the Board of Zoning Appeals (i.e. special exception, use variance, development standards variance) which has been filed with the Fulton County Advisory BZA or the Rochester City Advisory BZA, or its designees, and which application is full and complete, prior to the effective date of this Ordinance, shall be allowed to continue the process pursuant to the terms and conditions of the Subdivision Control and Zoning Ordinance which was in place at the time of filing, provided that:
  - a. If such application is no longer required by the terms of this Ordinance, the application will be



dismissed; or,

- b. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance and were not required under the previous Ordinances, such application will be amended to include only those additional approvals which are required and within the jurisdiction of the Board of Zoning Appeals.

D. Property Splits. All new building sites shall meet the requirements of this Ordinance unless:

- a. A building permit is issued and is still valid, or
- b. A parcel was approved as a buildable lot by the Fulton County Advisory Plan Commission or the Rochester City Advisory Plan Commission, or its designees, or the Fulton County Advisory BZA or the Rochester City Advisory BZA, prior to the effective date of this Ordinance.

**1-1.15 Exclusion**

Nothing in this Ordinance or in any rules, regulations, or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate or to authorize any unit of government, legislative body, Plan Commission, or Board of Zoning Appeals now or hereafter established, to restrict or regulate the exercise of the power of eminent domain by the State of Indiana or by any agency of the State of Indiana, or the use of property owned or occupied by the State of Indiana or any agency of the State of Indiana.

**1-1.16 Unlisted or Questionable Land Uses**

Any use not listed as a Permitted Use or Special Exception is considered Non-Permitted unless the Plan Commission or Plan Administrator makes a determination otherwise. The Plan Commission or Plan Administrator may determine into which category any questionable use be placed if not specifically listed and is similar to another use that is Permitted or a Special Exception. This determination may be appealed to the Board of Zoning Appeals.

**1-1.17 Infrastructure and Utility Easements**

Infrastructure and utility easements, including but not limited to those providing for roadways, railroad lines, pipelines, electric power lines, telephone lines, relay stations, water lines, pumping stations, sewer lines, lift stations, and the like, shall be exempt from the provisions of this Ordinance.

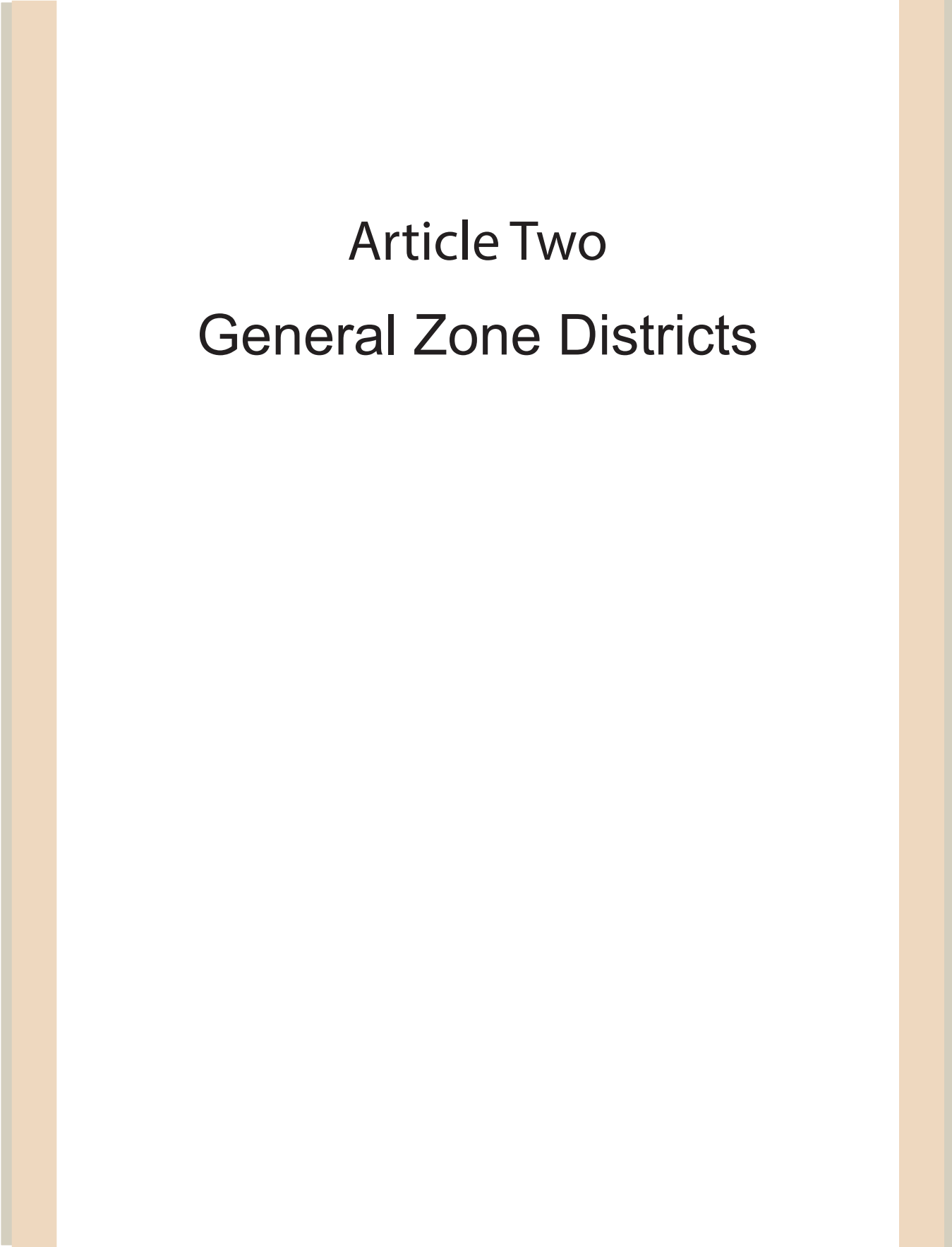
Bus stations, railway terminals, gas storage tanks, power stations, treatment plants, and the like, shall be subject to all use and development standards regulations of this Ordinance.











# Article Two

## General Zone Districts



## Article Two

# General Zoning Districts

### 2-1.1 Establishment of Districts

For the purpose of this Ordinance, the Planning Jurisdiction is divided into the following zoning districts for the general uses as stated:

**AG, Agriculture (Page 4-2):** This district is composed of land to be used for production farming, raising of livestock, and homes and buildings associated with agriculture production.

**AP, Agricultural Protection District (Page 4-4):** This district is composed of land voluntarily designated to be preserved for agricultural production.

**RR, River Residential (Page 4-6):** This district is primarily established for those areas in the planning jurisdiction that have historically resided adjacent to the Tippecanoe River.

**SR, Suburban Residential (Page 4-8):** This district is primarily established for single family homes near the village centers and is to be used to protect, promote, and maintain the future and existing suburban housing growth in and around the city, towns, and village centers and yet, carry the characteristics of rural residential living.

**R1, Residential Cluster (Page 4-10):** This district is primarily established for those areas in the planning jurisdiction that have historically resided in residentially clustered areas.

**R2, Multifamily Residential (Page 4-12):** This district is established for small to moderate sized multifamily apartments, duplexes, condominiums, and/or similar units.

**R3, Lake Residential (Page 4-14):** This district is generally intended to meet the special issues and land use goals for properties located around Fulton County's lakes.

**KW, Kewanna Town (Page 4-16):** This district is intended to provide a land use category for the integration of normal commercial uses and standard residential uses in the Town of Kewanna.

**MP, Manufactured Home Park (Page 4-18):** This district is established for manufactured home parks which lease dwelling sites for single-wide and double-wide manufactured homes.

**IR, Institutional and Recreation (Page 4-20):** This district is established for parks and recreational facilities, as well as, institutionally owned land where the use exists for a public purpose, such as schools, and government buildings.

**HD, Historic Downtown Commercial (Page 4-22):** This district is established to meet the special issues and land use goals for the historic downtown area in the cities and towns within Fulton County.

**DC, Downtown Commercial (Page 4-24):** This district is established to meet the special issues and land use goals for the downtown area in cities and towns within Fulton County.

**HC, Highway Commercial (Page 4-26):** This district is established to meet the special issues and land use goals for area adjacent to highways within Fulton County.

**VC, Village Commercial (Page 4-30):** This district is generally intended to meet the special issues and land use goals for the unincorporated villages in Fulton County.

**GC, General Commercial (Page 4-32):** This district is generally intended for a wide variety of retail, commercial, service, entertainment, and eating establishments.



**IN, Industrial Park/ Manufacturing (Page 4-36):** This district is generally intended for business parks, light or heavy manufacturing facilities, and manufacturing parks.

**IU, Intensive Use (Page 4-40):** This district is primarily established for intensive uses that may be considered noxious under certain circumstances.

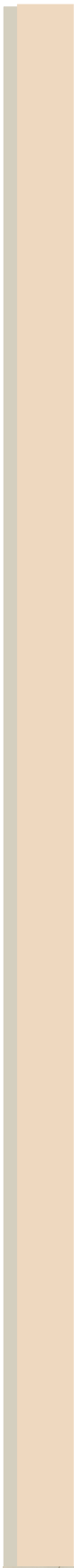
**AO, Airport Overlay District (Page 4-41):** This district is intended to provide protection for the Fulton County Airport against hazards that would be detrimental to the growth of the airport in the future.

**2-1.2 District Land Uses**

Land uses are either Permitted, Non-Permitted or a Special Exception in each Zoning District. Fulton County's permitted and special exception uses for each district are noted in the Permitted Use and Special Exception columns in Article Four.











# Article Three

## Zone Map



## Article Three

# Zone Map

### 3-1.1 Official Zoning Map

The zoning map for Fulton County, officially labeled “Fulton County Zoning Map”, is hereby included as part of this ordinance. The map may also be known as and referred to as the Official Zoning Map.

The Official Zoning Map shall be identified by: the signature of the Plan Commission President; the attestation of the Secretary; and, the Seal of the Plan Commission under the following words: This is to certify that this is the Official Zone Map of the County of Fulton, State of Indiana, together with the date of adoption of the Official Zone Map.

### 3-1.2 Official Zoning Map Copies

Copies of the Official Zoning Map may be made and distributed to interested persons. The Official Zoning Map Copies shall be labeled as copies and have the date which they were last modified printed on them.

### 3-1.3 Location of the Official Zoning Map

The Official Zoning Map will be located in the office of the Plan Administrator.

Unless the prior Official Zone Map has been lost or completely destroyed, the prior Official Zoning Map, along with all available records pertaining to its adoption or amendment, shall be retained and preserved in the office of the Plan Administrator.

### 3-1.4 Zoning District Boundaries

The Zoning District boundaries shall be shown on the Zoning Map. The abbreviations for the zoning districts appearing in this ordinance shall be used to identify the zoning districts on the map. All real property located within Fulton County and under the jurisdiction of the Plan Commission as set forth in this Ordinance is hereby divided into Districts as shown on the Official Zoning Map.

If, after the certification of the Official Zone Map by the Plan Commission, the required legislative bodies within Fulton County, in accordance with the provisions of this Ordinance and Indiana Code 36-7-4-600 et seq., changes any of the district boundaries or other matter portrayed on the Official Zone Map, such changes shall be entered by Staff on a Working Copy of the Official Zoning Map which is maintained in the office of the Plan Administrator. The Working Copy of the Official Zone Map shall be available for public inspection and reference during all normal business hours. In case of discrepancy between changes noted on the Working Copy of the Official Zone Map and the official printed record of the required legislative bodies within Fulton County, the official printed record of the required legislative bodies within Fulton County shall control.

### 3-1.5 Regular Revisions

The Zoning Map should be formally revised annually, or as the Plan Commission determines necessary. During interim periods of time, hand drawn lines and text on the Official Zoning Map will be appropriate to note zoning changes. Copies may be made after the amendments are noted, and each copy shall be noted as an update with the “date last changed” noted on the map. Other revisions may be made to correct drafting or other errors or omission in the prior map, but shall not have the effect of amending the Zoning Map except as adopted by the required legislative bodies within Fulton County.



### **3-1.6 Damaged, Destroyed, or Lost Official Zoning Map**

In the event that the Official Zoning Map becomes damaged, destroyed, lost or difficult to interpret because of the nature or number of changes and additions, the legislative bodies within Fulton County may, by resolution, adopt a new Official Zoning Map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost map.

Staff shall, on an as needed basis, prepare a revised Official Zoning Map for review and recommendation by the Plan Commission at a public hearing for which proper notice is provided. A revised Official Zoning Map shall incorporate all official actions of the required legislative bodies within Fulton County related to matters depicted on the Official Zone Map since the adoption of the prior Official Zoning Map. A revised Official Zoning Map may also include revisions to correct drafting errors and changes in the base information related to plats or streets.

The Plan Commission shall certify its recommendation of such revised Official Zoning Map to the required legislative bodies within Fulton County for official adoption by the required legislative bodies within Fulton County. Any revised Official Zoning Map shall be identified as described above with the addition of the phrase 'Last Updated' and the date of approval by all of the required legislative bodies within Fulton County.

No change of any nature shall be made in the Official Zoning Map, or matter shown thereon, except in conformity with the amendment procedures set forth in this Ordinance.

### **3-1.7 Official Zoning Map Standards**

District boundaries on the Official Zoning Map shall be interpreted as follows:

- A. District boundaries shown within the lines of roads, easements, and transportation right-of-ways shall be deemed to follow the center lines.
- B. District boundaries indicated as following section or fractional sectional lines, platted lot lines, or city or town corporation lines shall be construed as following such lines.
- C. District boundaries indicated as parallel to or extensions of above features shall be construed as so.
- D. District boundaries indicated as approximately following the center line of streams, rivers, or other bodies of water shall be construed to follow such center lines.
- E. Where a district boundary line divides a lot at the time such line is adopted, the regulations for the less restricted portion of such lot shall extend not more than twenty-five (25) feet into the more restricted portion, provided the lot has frontage on a street in the less restricted district. Further, the exact location of where the line crosses the property shall be determined by the Plan Administrator.
- F. The vacation of streets and roads shall not affect the location of such district boundaries.
- G. When the Plan Administrator cannot definitely determine the location of a district boundary by such center lines, by scale or dimensions stated on the Official Zoning Map, or by the fact that it does not clearly coincide with a property line, the Administrator shall refuse action and the Plan Commission shall interpret the location of the district boundary with reference to the scale of the Official Zoning Map and the purposes set forth in all relevant provisions of this Ordinance.
- H. Any ruling of the Plan Administrator pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.
- I. Where a discrepancy exists between the depictions on the Official Zone Map and the text of a legal description accompanying an ordinance for zone map change duly adopted by the City or Town Council, the text of the legal description shall control.



**3-1.8 Zoning of Newly Annexed Land**

All real property annexed into the incorporated areas of Fulton County, Indiana, after the effective date of this Ordinance, shall be considered zoned the same District as the most appropriate District of the property requested to be annexed. The most appropriate district shall be determined by the Plan Administrator. Any ruling of the Plan Administrator pertaining to the most appropriate district may be appealed to the Board of Zoning Appeals.

In those instances in which the Owner of real property proposed for annexation into the incorporated areas of Fulton County desires annexation only if the zoning of the real property is zoned to a District other than that determined to be the most appropriate District, such Owner may file a petition for zone map change which would identify the real property and the requested District. The legislative body of the incorporated area shall consider the request for annexation and zone map change at a combined hearing and shall determine the annexation question and zone map change under a single combined vote. The Plan Commission and the legislative bodies of Fulton County shall have all powers delegated to them by Indiana Code 36-7-4 et seq., and this Ordinance in determining the zone map change.







# **Article Four**

## **Zone Districts**







# AG District

## 4-1.1 “AG” District Intent, Permitted Uses, and Special Exception Uses

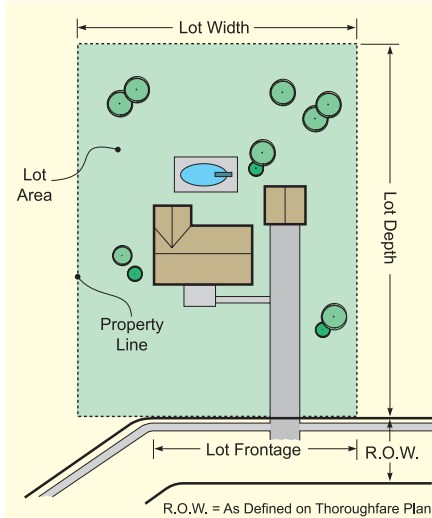
<p style="text-align: center;"><b>District Intent</b></p> <p>The “AG” (Agriculture) District is intended to provide a land use category for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Fulton County for farming operations.</p> <p>Non-agriculture uses that are located within this zoning district may not object to any permitted agriculture use, whether such uses currently exist, are enlarged, or change in the future to another agricultural use.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to protect this district from conflicting land uses, non-agriculture oriented businesses, and any use that may inflict significant environmental impacts or be injurious to neighbors.</p> <p>The Plan Commission and Boards of Zoning Appeals should also strive to promote less than 1 dwelling unit per 10 acres community-wide in the “AG” district.</p>	<ul style="list-style-type: none"> <li>• grazing and pasture land</li> <li>• greenhouse</li> <li>• orchards</li> <li>• plant nursery, with retail</li> <li>• processing agriculture crop products produced on site</li> <li>• storage of farm vehicles, equipment, and materials (used in the farming operation - not for sale)</li> <li>• tree farms, with retail</li> <li>• storage of agricultural products</li> <li><b>Business: Food Sales/Service</b></li> <li>• brewery/pub house</li> <li>• farmer’s market</li> <li>• incubator kitchen</li> <li>• cider mill</li> <li>• winery</li> <li><b>Business: General Business</b></li> <li>• country club or golf course</li> <li>• golf driving range</li> <li><b>Miscellaneous</b></li> <li>• home occupation #1</li> <li>• home occupation #2</li> <li>• Noncommercial wind generating and related apparatus and structures under 200 feet in height</li> <li>• micro/small solar energy system</li> </ul>	<ul style="list-style-type: none"> <li>• antique shop</li> <li>• bait/tackle shop</li> <li>• electrical supply shop</li> <li>• fabric shop</li> <li>• firework sales</li> <li>• flower shop</li> <li>• furniture store</li> <li>• gift shop</li> <li>• hardware store</li> <li>• heating/cooling/sales service</li> <li>• jewelry store</li> <li>• lumber yard</li> <li>• outdoor commercial recreational enterprise</li> <li>• plumbing supply store</li> <li>• variety store</li> <li><b>Industrial Uses</b></li> <li>• gravel/sand/mining**</li> <li>• liquid fertilizer and distribution</li> <li>• machine shop</li> <li>• mini-storage facility</li> <li>• topsoil removal and storage areas</li> <li><b>Institutional/Public Facilities</b></li> <li>• church</li> <li>• cemetery</li> <li>• corporate retreat center</li> <li>• recycling center</li> <li>• recycling collection point (no outdoor storage)</li> <li>• public park/ball fields</li> <li>• fairgrounds</li> <li>• lodge/private club</li> <li>• private camp/campground</li> <li>• school, public or private</li> <li>• sculpture park, for public use</li> <li><b>Communication/Utility</b></li> <li>• cellular/communication/radio/television tower</li> <li>• pipeline pumping station</li> <li>• utility substation</li> <li>• public well</li> <li>• telephone exchange</li> <li><b>Governmental Use</b></li> <li>• fire/police station/correctional institution</li> <li>• municipal/state maintenance facility</li> <li><b>Miscellaneous</b></li> <li>• home occupation #3</li> <li>• private recreational development</li> <li>• Noncommercial wind generating and related apparatus and structures over 200 feet in height</li> <li>• medium/large solar energy system</li> </ul>
<p style="text-align: center;"><b>Permitted Uses</b></p> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single family</li> <li>• dwelling, two-family</li> <li>• residential facility for developmentally disabled (small)*</li> <li>• residential facility for mentally ill*</li> <li>• child care home (owner occupied home)</li> <li>• bed and breakfast facility</li> <li>• detached additional living space</li> <li>• mobile home</li> </ul> <p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• agricultural seed sales</li> <li>• confined feeding operation permitted by IDEM (1200 animal units or less on any one parcel and/or multiple parcels adjoining or contiguously operating or owned parcels and not within one (1) mile of any incorporated limits)</li> <li>• commercial raising of farm and non-farm animals (subject to maximum animal unit limits)</li> <li>• firearm internet sales/gunsmithing (no retail showroom or firearm inventory)</li> </ul>	<p style="text-align: center;"><b>Special Exception Uses</b></p> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• residential facility for developmentally disabled (large)</li> <li>• seasonal cabin</li> <li>• seasonal farm worker housing</li> </ul> <p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• farm equipment sales/service</li> <li>• processing of agricultural products not produced on site</li> <li>• storage of agricultural products not produced on site</li> <li>• sales barn for livestock sale</li> <li>• semi-trailer(s) to be utilized as animal housing</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• kennel</li> <li>• airport/private landing field</li> <li>• veterinary hospital/boarding</li> <li>• landscape business</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• commercial riding stables</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop (enclosed)</li> <li>• automobile repair/major</li> <li>• automobile repair/minor</li> </ul> <p><b>Business: Retail</b></p>	

\* These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

\*\*State law permits mining in rural areas (areas with 7 or less homes within a square mile) regardless of local decision making. In these cases, a Public Hearing is primarily to discuss and mitigate traffic impacts, noise, etc.

# AG District

## 4-1.2 "AG" District Standards

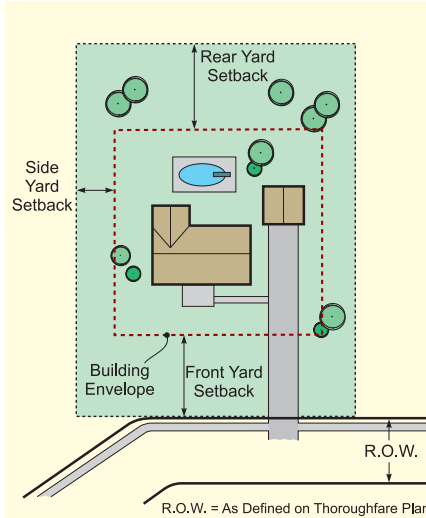


### Minimum Lot Area:

- 1 acre

### Minimum Lot Width/frontage:

- 125' minimum lot width, provided a minimum of 80' is on a public street with access.



### Minimum Front Yard Setback:

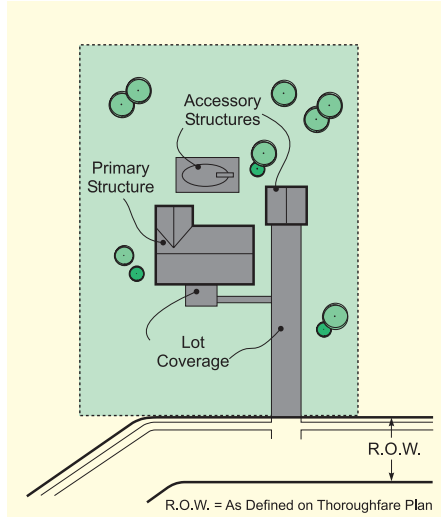
- 50 feet

### Minimum Side Yard Setback:

- 30 feet for the Primary Structure
- 10 feet for accessory structures
- setback for Agricultural Related Accessory structures are equal to height of Accessory Structure, or 25', whichever is less

### Minimum Rear Yard Setback:

- 30 feet for the Primary Structure
- 10 feet for accessory structures
- setback for Agricultural Related Accessory structures are equal to height of Accessory Structure, or 25', whichever is less



### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 20% of the Lot Area.

### Minimum Main Floor Area:

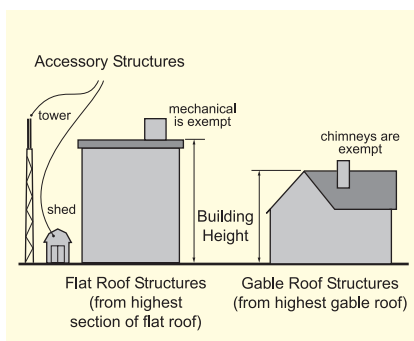
- 980 square feet for one story Primary Structures; or
- 14' x 70' single wide mobile home; or
- 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

### Minimum Floor Area Per Unit:

- 720 square feet **average** per dwelling unit in a multiple-unit Primary Structure.
- 500 square feet minimum per dwelling unit in a multiple-unit Primary Structure.

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects, or expansion projects, within the Agricultural District prior to the commencement of any site development/construction. This is requirement does not apply to production agricultural operations.



### Maximum Structure Height:

- 50 feet for the Primary Structure
- 30 feet for Accessory Structures
- 150 feet for all Agriculture Related Structures

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# AP District

## 4-1.3 “AP” District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The “AP” (Agriculture Protection) District is intended to provide a land use category exclusively for agricultural activities. The provisions that regulate this land use district should protect, promote and maintain areas in Fulton County exclusively for farming operations.</p> <p>The AP District is intended to provide a mechanism for Fulton County landowners to set aside farm ground to ensure the land is protected from development and is maintained as an agricultural use only.</p> <p>Due to the fact this district is completely voluntary by the land owner, the Plan Commission and Boards of Zoning Appeals should strive to maintain the owner’s wish for the land to be protected from future generational zone map amendments. Any zone map amendment requested which would take land out of this district, will need to meet the strict criteria set forth within the Fulton County Comprehensive Plan.</p>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• agricultural seed sales</li> <li>• brewery/pub house</li> <li>• confined feeding operation permitted by IDEM (1200 animal units or less on any one parcel and/or multiple parcels adjoining or contiguously operating or owned parcels and not within one (1) mile of any incorporated limits)</li> <li>• commercial raising of farm and non-farm animals (subject to maximum animal unit limits)</li> <li>• firearm internet sales/gunsmithing (no retail showroom or firearm inventory)</li> <li>• grazing and pasture land</li> <li>• orchards</li> <li>• plant nursery, with retail</li> <li>• processing agriculture crop products (produced on-site and off-site)</li> <li>• storage of farm vehicles, equipment, and materials (used in the farming operation - not for sale)</li> <li>• tree farms, with retail</li> <li>• greenhouse</li> <li>• winery</li> <li>• cider mill</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• farm market</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• Noncommercial wind generating and related apparatus and structures under 200 feet in height</li> <li>• micro/small solar energy system</li> </ul>	<p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• processing of agricultural products not produced on site</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• private landing field</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• gravel/sand/mining**</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• pipeline pumping station</li> <li>• utility substation</li> <li>• telephone exchange</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• Noncommercial wind generating and related apparatus and structures over 200 feet in height</li> <li>• medium/large solar energy system</li> </ul>

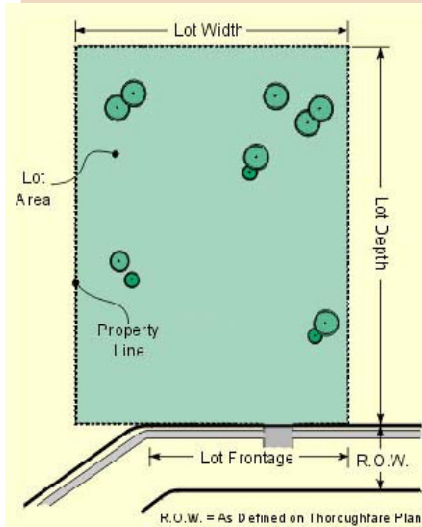
\* These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).

\*\*State law permits mining in rural areas (areas with 7 or less homes within a square mile) regardless of local decision making. In these cases, a Public Hearing is primarily to discuss and mitigate traffic impacts, noise, etc.



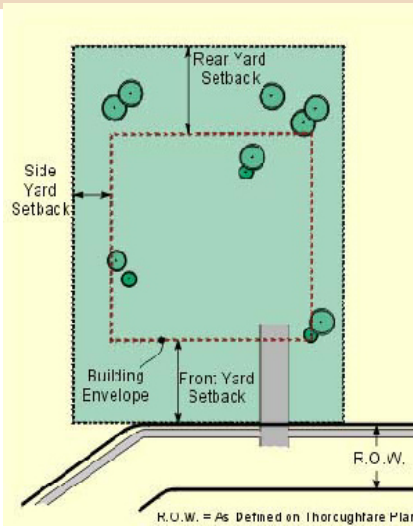
# AP District

## 4-1.4 "AP" District Standards



### Minimum Lot Area:

- 20 acres



### Minimum Front Yard Setback:

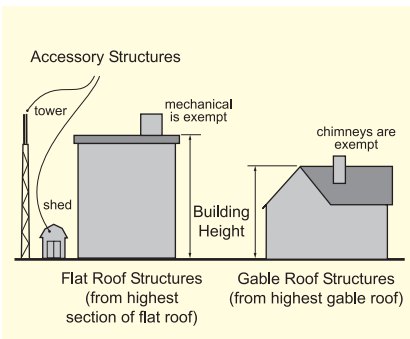
- 50 feet

### Minimum Side Yard Setback:

- 30 feet for the Primary Structure
- setback equal to height of Accessory Structure
- setback for Agricultural Related Accessory structures are equal to height of Accessory Structure, or 25', whichever is less

### Minimum Rear Yard Setback:

- 30 feet for the Primary Structure
- setback equal to height of Accessory Structure
- setback for Agricultural Related Accessory structures are equal to height of Accessory Structure, or 25', whichever is less



### Maximum Structure Height:

- 150 feet for all structures

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# RR District

## 4-1.5 "RR" District Intent, Permitted Uses, and Special Exception Uses

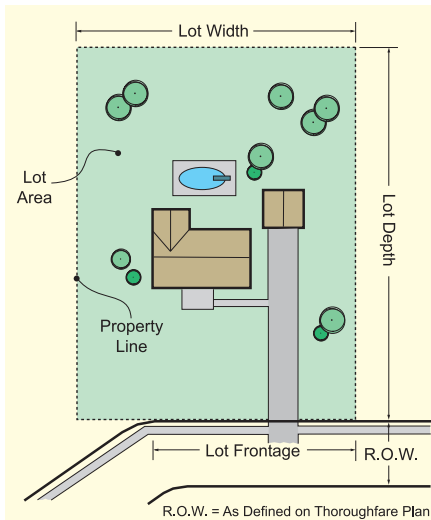
District Intent	Permitted Uses	Special Exception Uses
<p>The "RR" (River) District is intended to provide a land use category for housing located adjacent to the Tippecanoe River. The provision that regulate this land use district are intended to protect, promote, and maintain the future and existing housing growth, as well as, the environment adjacent to the Tippecanoe River. Property within this district will commonly be required to obtain Certified Sea-Level Elevation Surveys to identify the proximity of the 100-year Flood Elevation in relation to the property.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Boards of Zoning Appeals should also strive to promote an average net density of 1 to 2 dwelling units per acre community-wide in the "RR" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single family</li> <li>• detached additional living space</li> <li>• child care home (owner occupied home)</li> <li>• group home (small)</li> <li>• residential facility for developmentally disabled (small)</li> <li>• residential facility for mentally ill</li> </ul> <p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• forestry</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• firearm internet sales/gunsmithing (no retail showroom or firearm inventory)</li> <li>• home occupation #1</li> <li>• micro/small solar energy system</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> <li>• dwelling, two-family</li> <li>• group home (large)</li> <li>• residential facility for developmentally disabled (large)</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• canoe rental</li> <li>• camping</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• community center</li> <li>• church/temple/mosque</li> <li>• public park</li> <li>• library</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• public well</li> <li>• public utility substation</li> <li>• sewage or water treatment plant</li> <li>• telephone exchange</li> </ul> <p><b>Educational Use</b></p> <ul style="list-style-type: none"> <li>• child care center</li> <li>• school (public or private)</li> </ul> <p><b>Governmental Use</b></p> <ul style="list-style-type: none"> <li>• fire or police station</li> <li>• municipal/state maintenance facility</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #2</li> <li>• mini-mart/general store</li> <li>• medium/large solar energy system</li> </ul>

\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).



# RR District

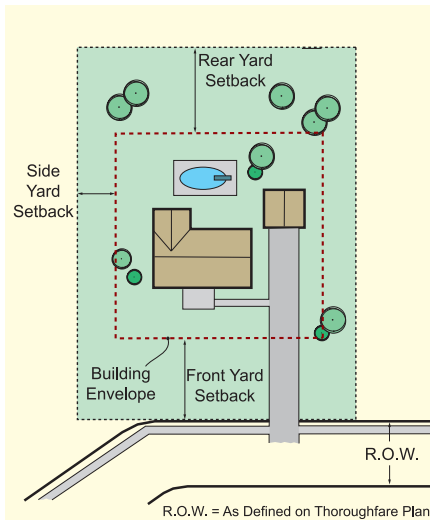
## 4-1.6 "RR" District Standards



**Minimum Lot Area:**  
 • 25,000 square feet

**Minimum Lot Width/frontage:**  
 150 feet, provided a minimum of 100' is on a public street with access.

**Sewer and Water:**  
 • Does not require municipal water or sewer hookup.

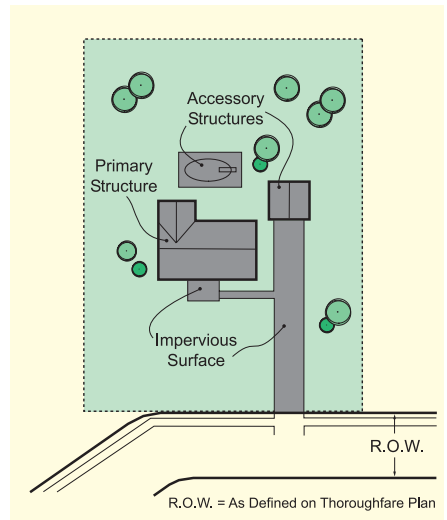


**Minimum Front Yard Setback:**  
 • 10 feet

**Minimum Side Yard Setback:**  
 • 10 feet for Primary Structure  
 • 5 feet for Accessory Structures

**Minimum Rear (River) Yard Setback:**  
 • 25 feet for the Primary Structures and Accessory Structures located on lots **adjacent** to the river

• 10' feet for Primary and Accessory Structures located on lots **not adjacent** to the river

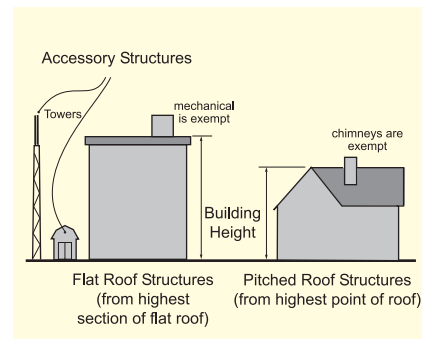


**Maximum Lot Coverage:**  
 • square feet of all primary and accessory structures, and impervious surfaces cannot exceed 30% of the Lot Area

**Minimum Main Floor Area:**  
 • 980 square feet for one story Primary Structures; or  
 • 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

**Minimum Floor Area Per Unit:**  
 • 720 square feet **average** per dwelling unit in a multiple-unit Primary Structure.  
 • 500 square feet minimum per dwelling unit in a multiple-unit Primary Structure.

**Site Plan Requirements**  
 • The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects, or expansion projects, within the River Residential District prior to the commencement of any site development/construction. This is requirement does not apply to production agricultural operations or residential additions/expansions.



**Maximum Structure Height:**  
 • 35 feet for Primary Structures  
 • 20 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\* Drainage Plans will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.

\*\*\*\* A Certified Sea-Level Elevation Survey may be required for any structure that may sit in a FEMA Zone A.



# SR District

## 4-1.7 “SR” District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The “SR” (Suburban Residential) District is intended to provide a residential land use category for suburban areas including single family detached homes in and around the city, town, and village centers, as well as, rural housing developments. The provisions that regulate this land use district are intended to protect, promote, and maintain the future and existing rural housing growth, as well as, the suburban growth in and around the city, towns and village centers.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should also strive to promote an average net density of 1.5 to 3 dwelling units per acre community-wide in the “SR” district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single family</li> <li>• child care home (owner occupied home)</li> <li>• group home (small)</li> <li>• detached additional living space</li> <li>• residential facility for developmentally disabled (small)*</li> <li>• residential facility for mentally ill*</li> </ul> <p><b>Agricultural Uses</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• roadside market</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #1</li> <li>• kennel, private</li> <li>• micro/small solar energy system</li> <li>• firearm internet sales/gunsmith (no retail showroom it firearm inventory)</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> <li>• dwelling, two-family</li> <li>• group home (large)</li> <li>• residential facility for developmentally disabled (large)</li> </ul> <p><b>Agriculture Uses/Service</b></p> <ul style="list-style-type: none"> <li>• greenhouse facilities</li> <li>• tree farms</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop (enclosed)</li> </ul> <ul style="list-style-type: none"> <li>• automobile repair/major</li> <li>• automobile repair/minor</li> </ul> <p><b>Business: General</b></p> <ul style="list-style-type: none"> <li>• store front</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• golf course</li> <li>• country club or golf course</li> <li>• public swimming pool</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• community center</li> <li>• church/temple/mosque</li> <li>• cemetery</li> <li>• public park</li> <li>• library</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• public well</li> <li>• public utility substation</li> <li>• sewage or water treatment plant</li> <li>• telephone exchange</li> <li>• wind generator</li> </ul> <p><b>Educational Use</b></p> <ul style="list-style-type: none"> <li>• child care center</li> <li>• school - public or private</li> </ul> <p><b>Governmental Use</b></p> <ul style="list-style-type: none"> <li>• fire or police station</li> <li>• municipal/state maintenance facility</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #2</li> <li>• medium/large solar energy system</li> </ul>

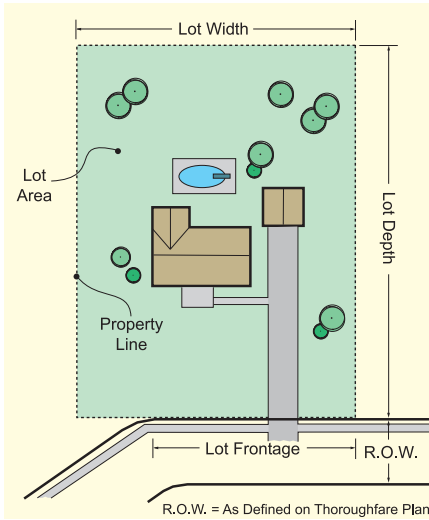
\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).





# SR District

## 4-1.8 "SR" District Standards



### Minimum Lot Area:

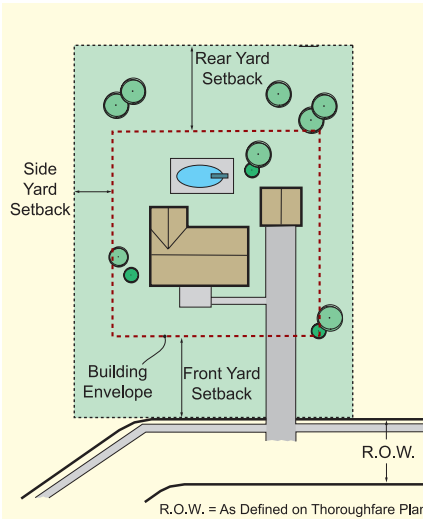
- 14,500 square feet with public sewer
- 25,000 square feet with a septic system

### Minimum Lot Width:

- 100 feet with public sewer at front setback
- 150 feet without public sewer at front setback

### Sewer and Water:

- Does not require municipal water or sewer hookup.



### Minimum Front Yard Setback:

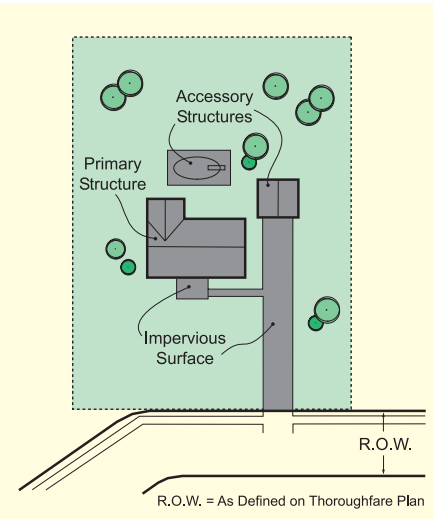
- 10 feet

### Minimum Side Yard Setback:

- 10 feet for the Primary Structure
- 5 feet for Accessory Structures

### Minimum Rear Yard Setback:

- 15 feet for the Primary Structure
- 5 feet for Accessory Structures



### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 30% of the Lot Area.

### Minimum Main Floor Area:

- 980 square feet for one story Primary Structures; or
- 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

### Minimum Floor Area Per Unit:

- 720 square feet **average** per dwelling unit in a multiple-unit Primary Structure.
- 500 square feet minimum per dwelling unit in a multiple-unit Primary Structure.

### Site Plan Requirements

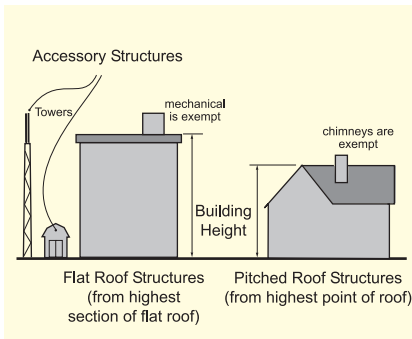
- The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects, or expansion projects, within the Suburban Residential District prior to the commencement of any site development/construction. This requirement does not apply to production agricultural operations or residential additions/expansions.

**Accessory Structures are not permitted on any non adjacent lot prior to any Primary Structure being constructed; except with the intent to build and complete a primary structure within 24 months**

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\* Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 25 feet for Accessory Structures

(height of Accessory Structures may not exceed the Primary Structure)



# R1 District

## 4-1.9 "R1" District Intent, Permitted Uses, and Special Exception Uses

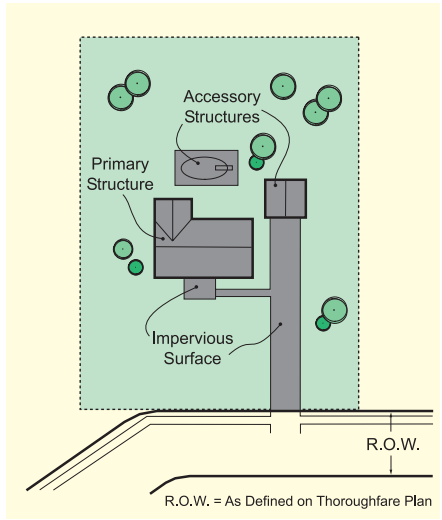
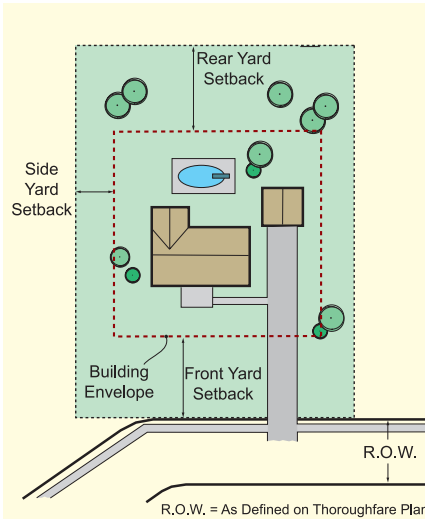
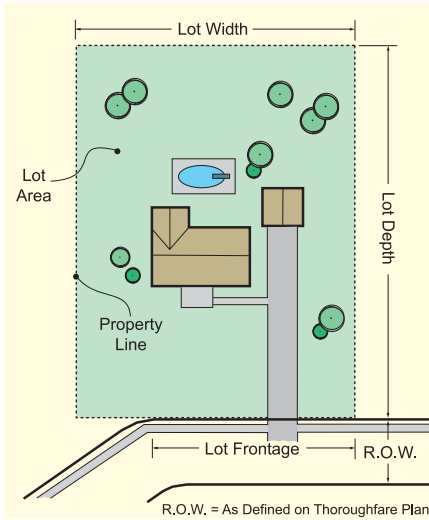
District Intent	Special Exception Uses	Special Exception Uses Continued
<p>The "R1" (Residential Cluster/Medium Density) District is intended to provide a land use category for single family detached homes that have historically resided in clustered areas. The provisions that regulate this land use district should protect, maintain and promote the future and existing clusters of homes in and around the city, towns and village centers.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to protect this district from conflicting land uses, and non-family oriented businesses. The R1 District is established to promote development of areas for convenience uses which tend to meet the daily needs of the residents of the immediate residential districts. Uses within the R1 District are regulated in character to assure harmonious development with the residential districts served and are limited in size and scale to promote pedestrian access.</p> <p>The Plan Commission and Boards of Zoning Appeals should encourage use of sewer systems when available or feasible.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to promote an average net density of 3 to 5 dwelling units per acre community-wide in the "R1" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• accessory apartment</li> <li>• dwelling, multi-family</li> <li>• bed and breakfast facility</li> <li>• convalescent or nursing home</li> <li>• child care center</li> <li>• residential facility for developmentally disabled (large)</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• ball fields</li> <li>• dance/aerobics/gymnastics studio</li> <li>• country club or golf course</li> <li>• public swimming pool</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• book store</li> <li>• camera store</li> <li>• card shop</li> <li>• computer store</li> <li>• fabric shop</li> <li>• flower shop</li> <li>• framing shop</li> <li>• furniture store</li> <li>• garden shop</li> <li>• gift shop</li> <li>• hobby, toy, or game shop</li> <li>• jewelry store</li> <li>• millinery/art gallery</li> <li>• music store</li> <li>• news dealer</li> <li>• pet shop</li> <li>• stationery</li> <li>• video store</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery</li> <li>• convenience store (without gas pumps)</li> <li>• dairy/delicatessen</li> <li>• grocery/supermarket</li> <li>• meat market</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• daycare facility</li> <li>• dress making</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• fitness center/gym</li> <li>• health spa</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• clinic medical/dental</li> </ul>	<ul style="list-style-type: none"> <li>• funeral home or mortuary</li> <li>• enclosed mini-storage facility</li> <li>• photographic studio</li> <li>• printshop/copycenter</li> <li>• recycling collection point (no outdoor storage)</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• photographic studio</li> <li>• professional office (any)</li> <li>• travel agency</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• lodge or private club</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• cemetery</li> <li>• columbarium</li> <li>• library</li> <li>• community center</li> <li>• public park/recreation center</li> <li>• church/temple/mosque</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #2</li> </ul>
<p><b>Permitted Uses</b></p> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single family</li> <li>• dwelling, single family (upper floors)</li> <li>• dwelling, two-family</li> <li>• child care home (owner occupied home)</li> <li>• detached additional living space</li> <li>• residential facility for developmentally disabled (small)*</li> <li>• residential facility for mentally ill*</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• firearm internet sales/gunsmithing (no retail showroom or firearm inventory)</li> <li>• home occupation #1</li> <li>• micro/small solar energy system</li> </ul>		

\*These uses are permitted by Indiana Code (IC 12-28-4-8 and IC 12-28-4-7).



# R1 District

## 4-1.10 "R1" District Standards



### Minimum Lot Area:

- 7,200 square feet (with sewer hookup)
- 20,000 square feet (with a septic system)

### Minimum Lot Area Per Dwelling Unit:

- 7,200 square feet (with sewer hookup)
- 10,000 square feet (with a septic system)

### Minimum Lot Width/Frontage:

- 80 feet, provided a minimum of 60 feet is on a Public Street with access

### Minimum Front Yard Setback:

- 10 feet

### Minimum Side Yard Setback:

- 10 feet for the Primary Structure
- 5 feet for the Accessory Structures

### Minimum Rear Yard Setback:

- 15 feet for the Primary Structure
- 5 feet for Accessory Structures

### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 45% of the Lot Area.

### Minimum Main Floor Area:

- 980 square feet for one story Primary Structures; or
- 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

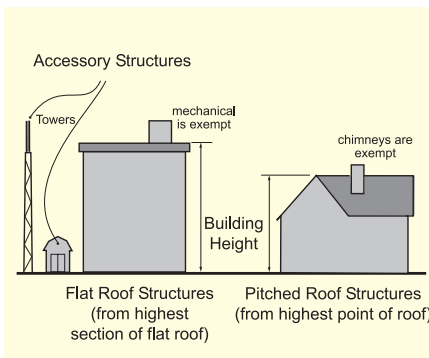
### Minimum Floor Area Per Unit:

- 720 square feet average per dwelling unit in a multiple-unit Primary Structure.
- 500 square feet minimum per dwelling unit in a multiple-unit Primary Structure.

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects, or expansion projects, within the Residential Cluster District prior to the commencement of any site development/construction. This requirement does not apply to production agricultural operations or residential additions/expansions.

**Accessory Structures are not permitted on any non adjacent lot prior to any Primary Structure being constructed; except with the intent to build and complete a primary structure within 24 months**



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 20 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# R2 District

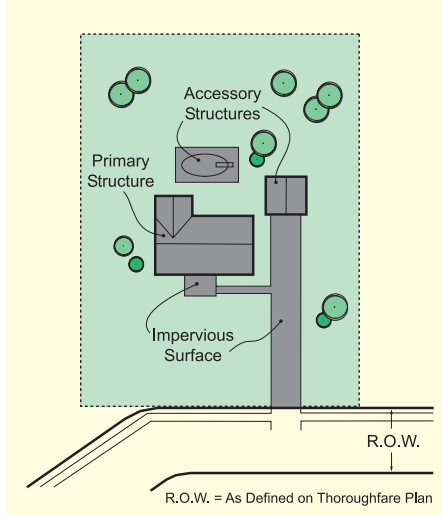
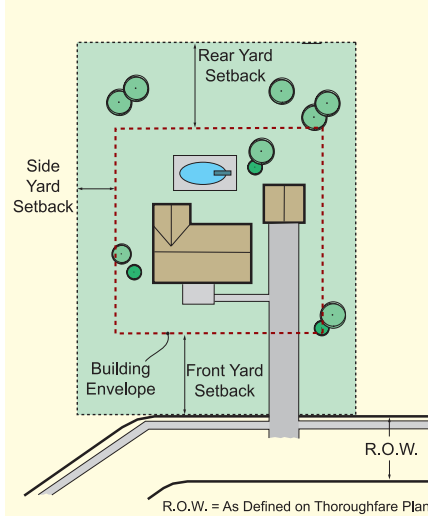
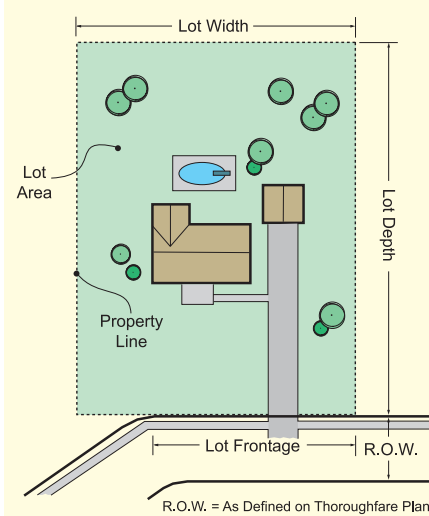
## 4-1.11 "R2" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses***
<p>The "R2" (Multifamily Residential) District is intended to provide a land use category for small to medium scale multifamily developments. The provisions that regulate this land use district should protect, promote and maintain areas in Fulton County for existing and future multifamily housing growth.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to sensitively integrate this district into other Residential Districts and Commercial Districts. This district should be within close proximity to parks, open space, services and retail if possible. Avoid locating near conflicting land uses and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 40 dwelling units per acre community-wide in the "R2" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• child care home (owner occupied home)</li> <li>• dwelling, multifamily</li> <li>• dwelling, two-family</li> <li>• nursing home</li> <li>• retirement community</li> </ul> <p>residential facility for developmentally disabled (large)</p> <ul style="list-style-type: none"> <li>• residential facility for developmentally disabled (small)*</li> <li>• residential facility for mentally ill*</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• firearm internet sales/gunsmithing (no retail showroom or firearm inventory)</li> <li>• home occupation #1</li> <li>• micro/small solar energy system</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> <li>• bed and breakfast facility</li> <li>• boarding or lodging house</li> <li>• detached additional living space</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church, temple or mosque</li> <li>• community center</li> <li>• government building</li> <li>• library</li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• child care institution</li> <li>• municipal/state maintenance facility</li> <li>• school - public or private kindergarten</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• country club or golf course</li> <li>• lodge or private club</li> <li>• public swimming pool</li> <li>• public utility substation</li> <li>• sewage treatment plants</li> <li>• telephone exchange</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• public wells</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #2</li> </ul>



# R2 District

## 4-1.12 "R2" District Standards



### Minimum Lot Area:

- 12,000 square feet (with sewer hookup)
- 20,000 square feet (with a septic system)

### Minimum Lot Area Per Dwelling Unit

- 5,000 square feet (with sewer hookup)
- 10,000 square feet (with a septic system)

### Minimum Lot Width/Frontage:

- 90 feet, provided a minimum of 60 feet on a Public Street with access

### Sewer and Water:

- Requires municipal water and sewer hookup.

### Minimum Front Yard Setback:

- 10 feet

### Minimum Side Yard Setback:

- 10 feet for Primary Structures
- 5 feet for Accessory Structures

### Minimum Rear Yard Setback:

- 15 feet for Primary Structures
- 5 feet for Accessory Structures

### Condominium Complex Setback Requirements:

- The above stated setbacks apply to the exterior boundaries of a Condominium complex. Individually owned Primary and Accessory Uses have a 0' Setback from their individual structure boundaries if so delineated by deed.

### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area.

### Minimum Main Floor Area:

- 1,440 square feet per Primary Structure for single family or multifamily uses.

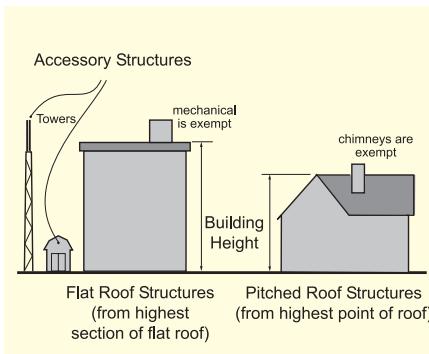
### Minimum Floor Area Per Unit:

- 720 square feet **average** per dwelling unit in a multiple-unit Primary Structure.
- 500 square feet minimum per dwelling unit in a multiple-unit Primary Structure.

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects, or expansion projects, within the Multifamily Residential District prior to the commencement of any site development/construction. This requirement does not apply to production agricultural operations or residential additions/expansions.

**Accessory Structures are not permitted on any non adjacent lot prior to any Primary Structure being constructed; except with the intent to build and complete a primary structure within 24 months**



### Maximum Structure Height:

- 40 feet for the Primary Structure
- 20 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\* Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# R3 District

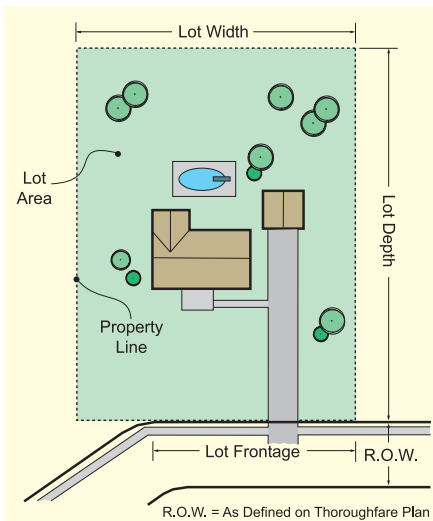
## 4-1.13 "R3" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "R3" (Lake Residential) District is intended to provide a land use category for lots adjacent to lakes. The provisions that regulate this land use district should protect, maintain and promote where possible the "lake character" around the lakes in Fulton County.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to protect this district from business encroachment, conflicting land uses, and non-family oriented businesses.</p> <p>The Plan Commission and Board of Zoning Appeals should strive to promote an average net density of 5 to 6 dwelling units per acre community-wide in the "R3" district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> <li>• boarding or lodging house (owner-occupied)</li> <li>• child care home, owner occupied home</li> <li>• dwelling, single family</li> <li>• dwelling, two-family</li> <li>• detached additional living space</li> <li>• residential facility for developmentally disabled, small *</li> <li>• residential facility for mentally ill *</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• detached garage</li> <li>• firearm internet sales/gunsmithing (no retail showroom or firearm inventory)</li> <li>• home occupation #1</li> <li>• micro/small solar energy system</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, multifamily, apartment</li> <li>• residential facility for developmentally disabled (large)</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• restaurant</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• art gallery</li> <li>• flower shop</li> <li>• garden shop</li> <li>• gift shop</li> <li>• music store</li> <li>• news dealer/bookstore</li> <li>• sporting goods/bait store</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• day spa</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• banquet hall</li> <li>• bar/night club</li> <li>• billiard/arcade room</li> <li>• camping</li> <li>• country club</li> <li>• golf course</li> <li>• lodge or private club</li> <li>• miniature golf</li> <li>• public docks</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• boat sales/service</li> <li>• marina</li> <li>• multi-bay garage (used commercially)</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• public park/recreation center</li> <li>• child care center</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• public well</li> <li>• sewage treatment plants</li> <li>• telephone exchange</li> <li>• utility substation</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #2</li> </ul>



# R3 District

## 4-1.14 "R3" District Standards



### Minimum Lot Area Per Dwelling Unit

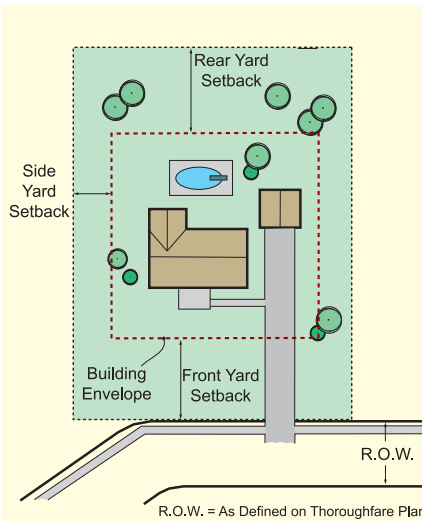
- 6,000 square feet (with sewer hookup)
- 20,000 square feet (with septic system)

### Minimum Lot Width/Frontage:

- 60 feet (with sewer hookup)
- 80 feet (with a septic system)
- provided a minimum of 40 feet is on a Public Street with access

### Maximum Lot Depth:

- 3.5 times the Lot Width



### Minimum Front Yard Setback:

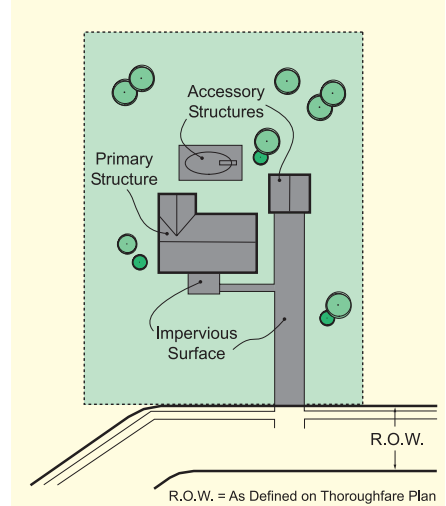
- 10 feet

### Minimum Side Yard Setback:

- 8 feet for the Primary Structure
- 5 feet for the Accessory Structures

### Minimum Lake Yard and Rear Yard Setback:

- 25 feet for the Primary Structures on lots **adjacent** to the lake
- 10 feet for accessory structures on lots **adjacent** to the lake
- 10 feet for Primary and Accessory Structures on lots **non adjacent** to the lake



### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area.

### Minimum Main Floor Area:

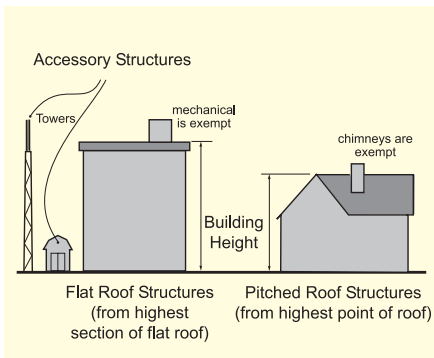
- 900 square feet for one story Primary Structures; or
- 800 square feet for the first floor of the Primary Structure, provided that the total Finished Floor Area is 1,000 square feet or more.

### Minimum Floor Area Per Unit:

- 720 square feet **average** per dwelling unit in a multiple-unit Primary Structure.
- 500 square feet minimum per dwelling unit in a multiple-unit Primary Structure.

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects, or expansion projects, within the Lake Residential District prior to the commencement of any site development/construction. This requirement does not apply to production agricultural operations or residential additions/expansions.



### Maximum Structure Height:

- 35 feet for the Primary Structure
- 20 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# KW District

## 4-1.15 "KW" District Intent, Permitted Uses, and Special Exception Uses

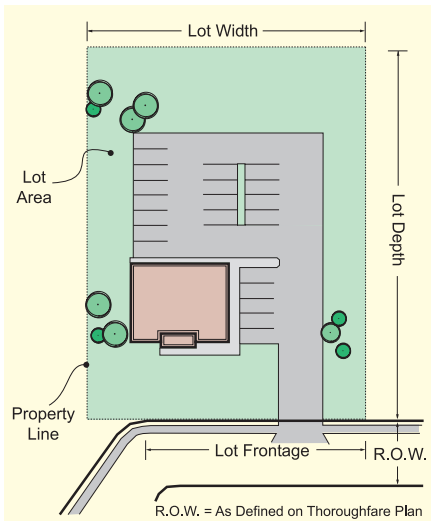
District Intent	Permitted Uses (cont.)	Permitted Uses (cont.)
<p>The "KW" (Kewanna Town) District is intended to provide a land use category for the integration of normal commercial uses and standard residential uses in the Town of Kewanna. The provisions that regulate this land use district should make the district compatible with the adjoining commercial, industrial, and residential districts located outside the corporate boundaries of the Town of Kewanna.</p> <p>The Fulton County Area Plan Commission and The Kewanna/Fulton Board of Zoning Appeals should strive to use this district to stimulate and enhance the Town of Kewanna, as well as, its immediate surroundings.</p>	<ul style="list-style-type: none"> <li>• lumber yard</li> <li>• music store</li> <li>• news dealer/bookstore</li> <li>• office supplies</li> <li>• paint store</li> <li>• plumbing supplies</li> <li>• satellite dish sales/service</li> <li>• shoe sales</li> <li>• sporting goods</li> <li>• variety store</li> <li>• gift shop</li> <li>• hardware store</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery retail</li> <li>• convenience store</li> <li>• delicatessen</li> <li>• drive-in restaurant</li> <li>• drive-through restaurant</li> <li>• grocery store/supermarket</li> <li>• meat market</li> <li>• open, unenclosed business</li> <li>• restaurant</li> <li>• roadside food sales stand</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• day care facility</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• fitness center/gym</li> <li>• health spa</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• accounting office</li> <li>• architecture office</li> <li>• bank/credit union</li> <li>• drive-through bank/credit union</li> <li>• bank machine/ ATM</li> <li>• drive-through bank machine/ ATM</li> <li>• contractor office</li> <li>• design services</li> <li>• insurance office</li> <li>• investment firm</li> <li>• landscape business</li> <li>• law office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• reading clinics</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> <li>• temporary service agency</li> <li>• title company</li> <li>• travel agency</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• boat sales/service</li> <li>• clinic medical/dental</li> <li>• firearm internet sales/gunsmithing (no retail showroom or firearm inventory)</li> <li>• funeral home/mortuary</li> <li>• hospital</li> <li>• hotel/motel</li> <li>• motor-bus station</li> </ul>	<ul style="list-style-type: none"> <li>• photographic studio</li> <li>• print/copy center</li> <li>• recycling collection point (indoor)</li> <li>• sign painting/fabrication</li> <li>• welding</li> <li>• wholesale business</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• banquet hall</li> <li>• bar/night club</li> <li>• billiard/arcade room</li> <li>• bowling alley</li> <li>• dance/aerobics/gymnastics studio</li> <li>• lodge or private club</li> <li>• miniature golf</li> <li>• theater, indoor</li> <li>• video store</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church</li> <li>• community center</li> <li>• government office</li> <li>• library</li> <li>• museum</li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• public/private parking area</li> <li>• recycling collection point (no outdoor storage)</li> <li>• school</li> <li>• trade or business school</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• public wells</li> <li>• radio/tv station</li> <li>• telephone exchange</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• micro/small solar energy system</li> </ul>
<p style="text-align: center;"><b>Permitted Uses</b></p>		
<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family</li> <li>• dwelling, two-family</li> <li>• detached additional living space</li> </ul> <p><b>Agricultural Uses/Services</b></p> <ul style="list-style-type: none"> <li>• agricultural seed sales</li> <li>• brewery/pub house</li> <li>• plant nursery</li> <li>• cider mills</li> <li>• farm equipment sales/service</li> <li>• roadside produce sales• storage of agricultural products</li> <li>• greenhouse facilities</li> <li>• sales of farm materials</li> <li>• wineries</li> <li>• farm markets</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop, enclosed</li> <li>• automobile wash, automatic and self</li> <li>• automobile part sales, new</li> <li>• automobile repair</li> <li>• filling/gas station</li> <li>• motor home sales</li> <li>• automobile sales area</li> <li>• oil change service</li> <li>• automobile service station</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• art gallery</li> <li>• department store</li> <li>• drug store</li> <li>• electrical supplies</li> <li>• fabric shop</li> <li>• floor coverings</li> <li>• flower shop</li> <li>• furniture shop</li> <li>• garden shop</li> <li>• home electronics/appliance store</li> <li>• jewelry store</li> <li>• liquor sales</li> </ul>		<p style="text-align: center;"><b>Special Exception Uses</b></p> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> <li>• dwelling, multi-family</li> <li>• residential facility for mentally ill or developmentally disabled (small)</li> </ul> <p><b>Agricultural Uses/Services</b></p> <ul style="list-style-type: none"> <li>• farm animals on less than 3/4 acre</li> <li>• processing agriculture products</li> <li>• commercial processing agriculture products</li> <li>• Kennel</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• adult entertainment business</li> <li>• firearm sales/gunsmithing - retail showroom &amp; firearm inventory</li> <li>• marina</li> <li>• mini-warehouse</li> <li>• mini-storage facility</li> <li>• warehouse</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• light manufacturing (new)</li> </ul> <p><b>Institutional/ Public Facilities</b></p> <ul style="list-style-type: none"> <li>• mobile classroom</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• storage tanks non-hazardous</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• medium/large solar energy system</li> </ul>





# KW District

## 4-1.16 "KW" District Standards



**Minimum Lot Area:**

- 7,500 square feet

**Minimum Lot Width/Frontage:**

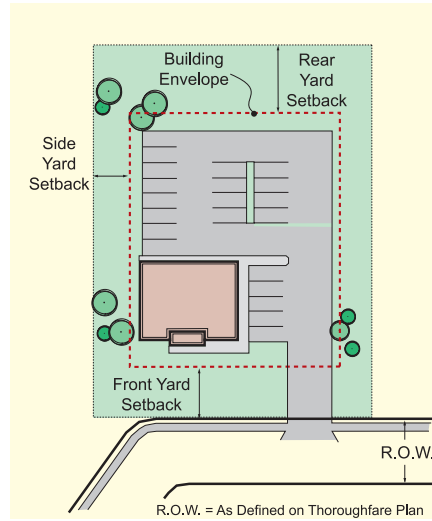
- 75 feet provided a minimum of 40 feet is on a Public Street with access

**Minimum Lot Depth:**

- n/a

**Sewer and Water:**

- Requires municipal water and sewer hookup



**Minimum Front Yard Setback:**

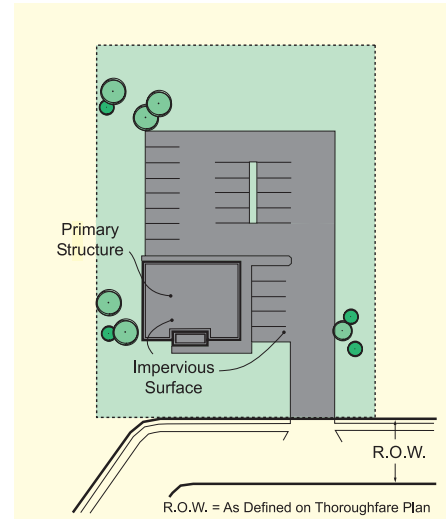
- 10 feet

**Minimum Side Yard Setback:**

- 5 feet

**Minimum Rear Yard Setback:**

- 5 feet



**Minimum Lot Coverage:**

- square feet of all primary and accessory structures, may cover 100% of the Lot Area.

**Minimum Floor Area:**

- 0 square feet for Primary Structures

**Minimum Living Area per Dwelling Unit:**

- 900 square feet per Dwelling Unit

**Site Plan Requirements**

- The Fulton County Technical Review Committee shall review the site plan for all newly created commercial projects or Expansions of an existing commercial projects prior to the commencement of any site development/ construction

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# MP District

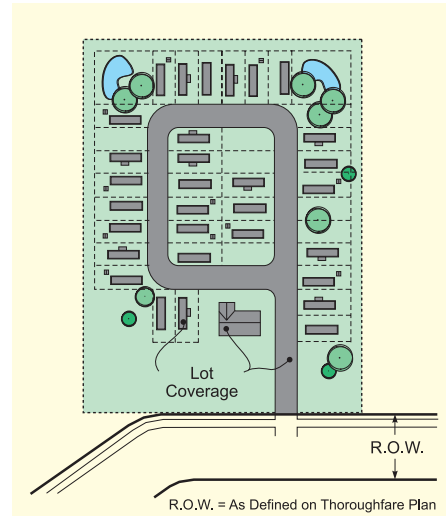
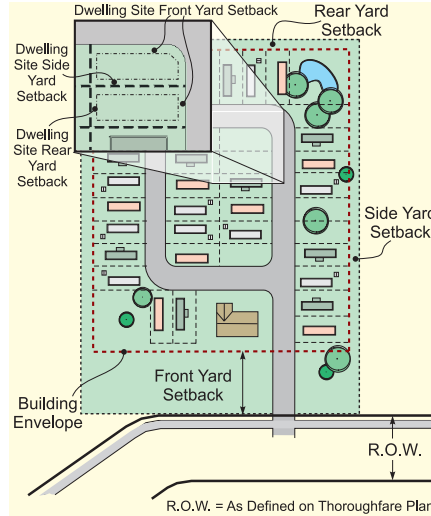
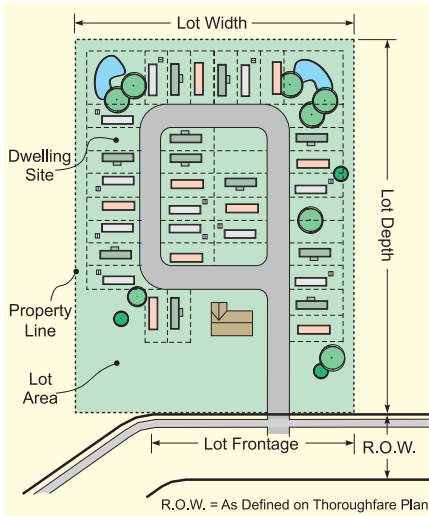
## 4-1.17 “MP” District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The “MP” (Manufactured Home Park) District is intended to provide a land use district for manufactured homes parks in the community as attractive and decent affordable housing . Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance.</p> <p>This district should be within close proximity to parks, open space, services and retail if possible. Avoid locating near conflicting land uses and non-family oriented businesses.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to promote an average net density of 7 to 8 dwelling units per acre community-wide in the “MP” district.</p>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• manufactured home park</li> <li>• dwelling, mobile home</li> <li>• dwelling, manufactured</li> <li>• dwelling, single-family</li> <li>• residential facility for developmentally disabled (small)*</li> <li>• residential facility for mentally ill*</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church</li> <li>• community center</li> <li>• public park/recreation center</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• firearm internet sales/gunsmithing (no retail showroom or firearm inventory)</li> <li>• home occupation #1</li> <li>• micro/small solar energy system</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• child care facility</li> </ul>



# MP District

## 4-1.18 "MP" District Standards



### Manufactured Home Park (Lot) Standards:

#### Minimum Park (Lot) Size:

- 10 acres

#### Maximum Park (Lot) Size:

- 40 acres

#### Minimum Park (Lot) Width:

- 300 ft.

#### Maximum Park (Lot) Width:

- 500 ft.

#### Minimum Park (Lot) Frontage:

- 165 ft.

#### Minimum Park (Lot) Front Yard Setback:

- 60 feet

#### Minimum Park (Lot) Side Yard Setback:

- 30 feet

#### Minimum Park (Lot) Rear Yard Setback:

- 30 feet

### Sewer and Water:

- Requires municipal water and sewer hookup or a community well and a private community sewerage system

### Maximum Park (Lot) Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 65% of the Lot Area.

### Minimum Main Floor Area per Dwelling Unit:

- n/a

### Maximum Structure Height:

- 20 feet for the Primary Structure
- 15 feet for Accessory Structures

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created Manufactured Home Parks or Expansions of an existing Manufactured Home Park prior to the commencement of any site development/construction

## Interior Lot Setbacks

### Minimum Interior Lot (Dwelling Site) Front Yard Setback:

- 10 feet for Primary and Accessory Structures from edge of pavement of interior roads
- Open carports (unenclosed) may set within the 10' front setback.

### Minimum Interior Lot (Dwelling Site) Side Yard Setback:

- 10 feet for Primary Structures or set with a minimum distance between primary units of 20'

- Accessory Structures may set 10' into the side yard adjacent to the main entry or to the side lot line opposite the main entry.

### Minimum Interior Lot (Dwelling Site) Rear Yard Setback:

- 10 feet for the Primary
- 3 feet for the Accessory

### Manufactured Home Park Interior Lot (Dwelling Site) Standards:

#### Minimum Interior Lot (Dwelling Site) Size:

- 4,000 square feet

#### Minimum Interior Lot (Dwelling Site) Width:

- 40 feet

#### Maximum Interior Lot (Dwelling Site) Depth:

- 3.5 times the Lot Width

- \* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

- \*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

- \*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# IR District

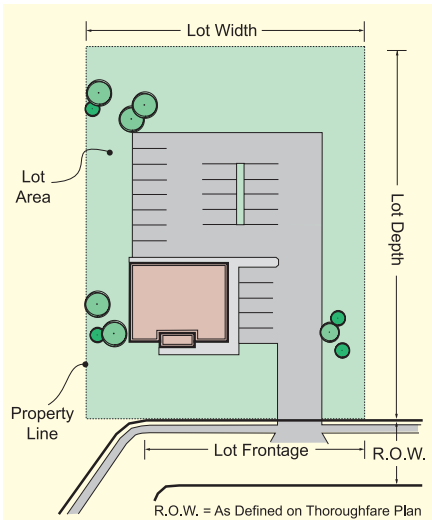
## 4-1.19 "IR" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "IR" (Institutional/Recreational) District is intended to provide a land use category for social service oriented uses; and similar non-profit quasi-public institutions where the use is for public purpose and is anticipated to remain permanent.</p> <p>This land use category is intended for institutionally owned lands, including state, county, and city facilities including, but not limited to, government buildings, schools, parks, open space, playgrounds, and recreational areas.</p> <p>This zoning district may also serve as a buffer between commercial or industrial uses and adjacent residential districts.</p>	<p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• public park/nature center caretaker dwelling</li> <li>• church, temple or mosque</li> <li>• community center</li> <li>• government office</li> <li>• library</li> <li>• museum</li> <li>• nature center</li> <li>• nature preserve</li> <li>• police/fire station</li> <li>• post office</li> <li>• public/private parking area</li> <li>• public park/recreation center</li> <li>• school, public/private</li> <li>• small park/playground</li> <li>• trade or business school</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• hospital</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• fairgrounds</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• micro/small solar energy system</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• single-wide mobile home, utilized seasonally (12' x 60' minimum size)</li> <li>• children's home</li> <li>• nursing home</li> <li>• residential facility for the developmentally disabled (large)</li> <li>• residential facility for the mentally ill</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• airport (private/public)</li> <li>• marina</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• amphitheater</li> <li>• amusement parks</li> <li>• arcades</li> <li>• ATV Park</li> <li>• ball fields</li> <li>• banquet hall</li> <li>• batting cages</li> <li>• camping</li> <li>• country club</li> <li>• driving range</li> <li>• fitness center</li> <li>• go-carts</li> <li>• golf course</li> <li>• miniature golf</li> <li>• movie theater, drive-in</li> <li>• paintball field</li> <li>• public docks</li> <li>• race track</li> <li>• recreational vehicle park</li> <li>• seasonal cabin</li> <li>• skating rink</li> <li>• tennis courts</li> <li>• theater, indoor/outdoor</li> <li>• zoo</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• public wells</li> <li>• sewage treatment plants</li> <li>• telephone exchange</li> <li>• utility substation</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• cemetery or crematory</li> <li>• humane shelter</li> <li>• public swimming pool</li> <li>• recycling collection point</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• medium/large solar energy system</li> </ul>



# IR District

## 4-1.20 "IR" District Standards

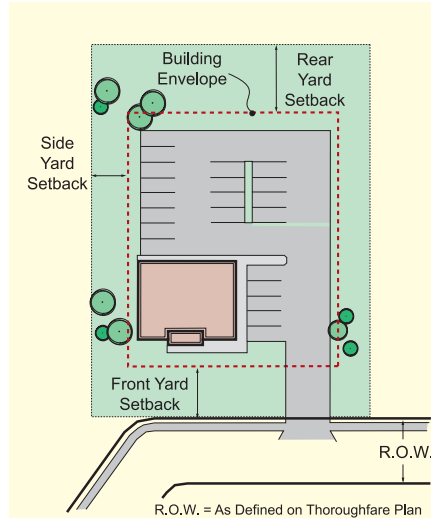


### Minimum Lot Area:

- 10,000 square feet with public sewer
- 30,000 square feet without public sewer

### Minimum Lot Width/Frontage:

- 100 feet, provided a minimum of 65 feet is on a public street with access.



### Minimum Front Yard Setback:

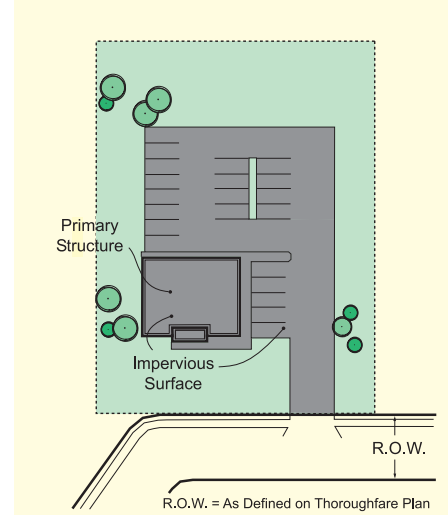
- 25 feet

### Minimum Side Yard Setback:

- 15 feet

### Minimum Rear Yard Setback:

- 20 feet

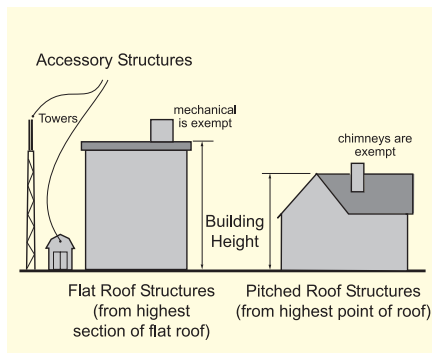


### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area.

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the Institutional/Recreational District prior to the commencement of any site development/construction.



### Maximum Structure Height:

- 35 feet for the Primary Structure.
- 25 feet for Accessory Structures. (height of Accessory Structures may not exceed the Primary Structure)

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\* Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# HD District

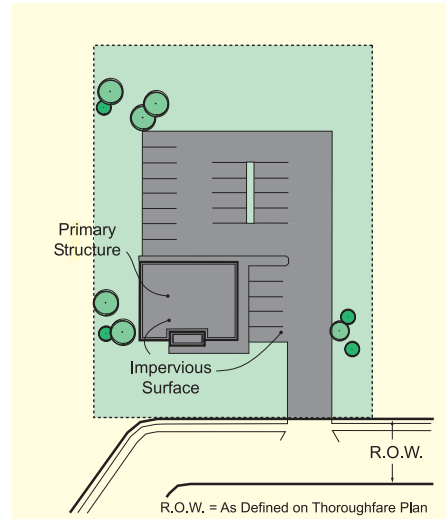
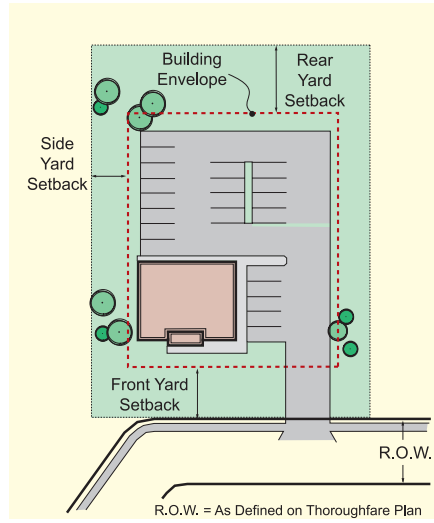
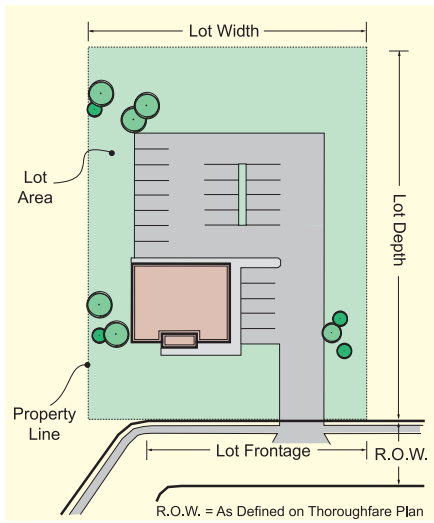
## 4-1.21 "HD" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses (cont.)	Permitted Uses (cont.)
<p>The "HD" (Historical Downtown Commercial) District is intended to provide a district where historical buildings and storefronts within the city of Rochester and each of the towns located within the County can thrive and be maintained without undo hardship. This District shall encourage the maintenance of historical buildings that aids in the proliferation of historical atmosphere within our city and town centers.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to use this district within the city and town centers in order to create a special mixed-use area of small-scale pedestrian oriented commercial, retail, and office uses within the cities and towns located in Fulton County.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to minimize parking lots between buildings, rather, encouraging parking behind buildings.</p>	<ul style="list-style-type: none"> <li>• paint store</li> <li>• liquor sales</li> <li>• music store</li> <li>• news dealer/bookstore</li> <li>• office supplies</li> <li>• bar/night club</li> <li>• billiard/arcade room</li> <li>• bowling alley</li> <li>• dance/aerobics/gymnastics studio</li> <li>• lodge or private club</li> <li>• theater, indoor</li> <li>• plumbing supplies</li> <li>• satellite dish sales/service (no outside storage/display without special exception)</li> <li>• shoe sales</li> <li>• sporting goods</li> <li>• variety store</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery retail</li> <li>• convenience store</li> <li>• delicatessen</li> <li>• farmers market</li> <li>• grocery store</li> <li>• meat market</li> <li>• restaurant</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• day care facility</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• fitness center/gym</li> <li>• health spa</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• accounting office</li> <li>• architecture office</li> <li>• bank/credit union</li> <li>• bank machine/ ATM</li> <li>• contractor office</li> <li>• design services</li> <li>• insurance office</li> <li>• investment firm</li> <li>• landscape business</li> <li>• law office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• reading clinics</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> <li>• temporary service agency</li> <li>• title company</li> <li>• travel agency</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• boat sales/service</li> <li>• clinic medical/dental</li> <li>• funeral home/mortuary</li> <li>• photographic studio</li> </ul>	<ul style="list-style-type: none"> <li>• print/copy center</li> <li>• recycling collection point (indoor)</li> <li>• sign painting/fabrication</li> <li>• wholesale business</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• banquet hall</li> <li>• video store</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• community center</li> <li>• government office</li> <li>• library</li> <li>• museum</li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• public/private parking area</li> <li>• recycling collection point (no outdoor storage)</li> <li>• school</li> <li>• trade or business school</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• public wells</li> <li>• radio/tv station</li> <li>• telephone exchange</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #1</li> <li>• home occupation #2</li> <li>• micro/small solar energy system</li> </ul>
<p style="text-align: center;"><b>Permitted Uses</b></p>		
<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family (upper floors)</li> <li>• dwelling, two-family (upper floors)</li> <li>• dwelling, multi-family (upper floors)</li> <li>• apartments ( upper floors)</li> </ul> <p><b>Agricultural Uses/Services</b></p> <ul style="list-style-type: none"> <li>• agricultural seed sales</li> <li>• plant nursery</li> <li>• greenhouse facilities</li> <li>• sales of farm materials</li> <li>• wineries</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• filling/gas station</li> <li>• automobile sales area</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• art gallery</li> <li>• department store</li> <li>• drug store</li> <li>• electrical supplies</li> <li>• fabric shop</li> <li>• firearms sales/gunsmithing</li> <li>• floor coverings</li> <li>• flower shop</li> <li>• furniture shop</li> <li>• garden shop</li> <li>• gift shop</li> <li>• hardware store</li> <li>• home electronics/appliance store</li> <li>• jewelry store</li> </ul>		<p style="text-align: center;"><b>Special Exception Uses</b></p> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> </ul> <p><b>Agricultural Uses/Services</b></p> <ul style="list-style-type: none"> <li>• processing agriculture products</li> <li>• commercial processing agriculture products</li> <li>• roadside produce sales</li> <li>• farm markets</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• marina</li> <li>• warehouse</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• storage tanks non-hazardous</li> </ul>



# HD District

## 4-1.22 "HD" District Standards



**Minimum Lot Area:**

- 2,000 square feet

**Minimum Lot Width/Frontage :**

- 25 feet, provided a minimum of 25 feet is on public street with access.

**Minimum Lot Depth:**

- 80 feet

**Sewer and Water:**

- Requires municipal water and sewer hookup.

**Minimum Front Yard Setback:**

- 0 feet

**Minimum Side Yard Setback:**

- 0 feet

**Minimum Rear Yard Setback:**

- 0 feet

**Minimum Lot Coverage:**

- square feet of all primary and accessory structures, and impervious surfaces cannot exceed 100% of the Lot Area.

**Minimum Floor Area:**

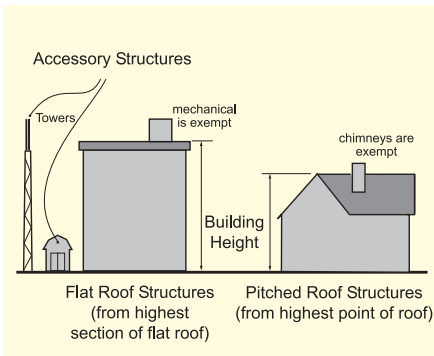
- 1,000 square feet for Primary Structures

**Minimum Living Area per Dwelling Unit:**

- 650 square feet per Dwelling Unit

**Site Plan Requirements**

- The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the Historical Downtown Commercial District prior to the commencement of any site development/construction.



**Maximum Structure Height:**

- 45 feet for the Primary Structure
- 25 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# DC District

## 4-1.23 "DC" District Intent, Permitted Uses, and Special Exception Uses

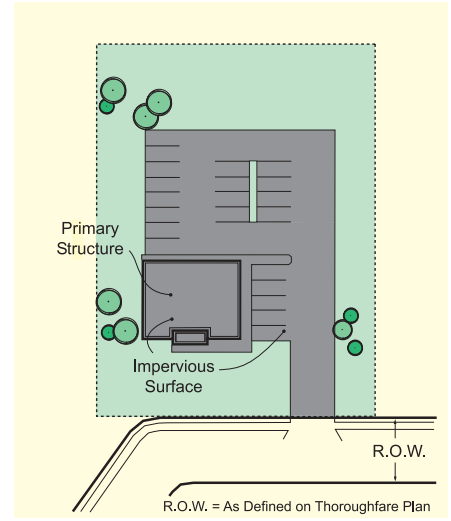
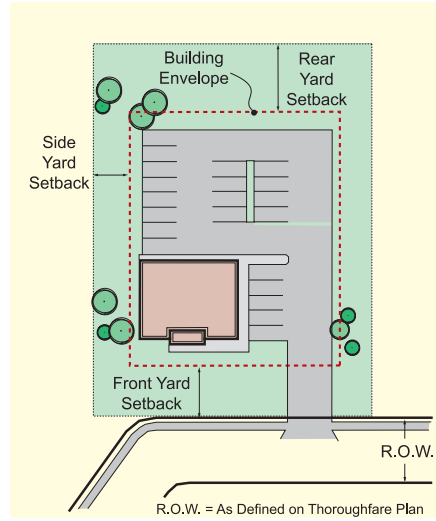
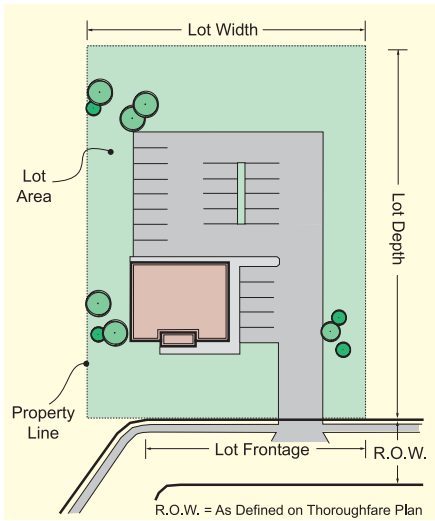
District Intent		Permitted Uses Continued
<p>The "DC" (Downtown Commercial) District is intended to provide a land use category for normal commercial uses in downtown areas. The provisions that regulate this land use district should make the district compatible with residential districts, as well as, inner city/town commercial districts.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to use this district within incorporated limits in order to create a special mixed-use area of small-scale pedestrian oriented commercial, retail, and office uses within the cities and towns located in Fulton County.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to minimize parking lots between buildings, rather, encouraging parking behind buildings.</p>	<ul style="list-style-type: none"> <li>• liquor sales</li> <li>• music store</li> <li>• news dealer/bookstore</li> <li>• office supplies• paint store</li> <li>• pawn shop</li> <li>• pet shop</li> <li>• plumbing supplies</li> <li>• radio, TV, music service &amp; sales</li> <li>• retail showroom</li> <li>• shoe sales</li> <li>• sporting goods</li> <li>• stationery /office supply store</li> <li>• toy, hobby or game store</li> <li>• variety store</li> <li>• satellite dish sales &amp; service (no outdoor storage/display without special exception)</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery retail</li> <li>• convenience store</li> <li>• grocer/delicatessen</li> <li>• meat market</li> <li>• restaurant</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• accounting office</li> <li>• architecture</li> <li>• bank/credit union</li> <li>• bank machine/ATM</li> <li>• clinic medical/dental/optometrists</li> <li>• design services</li> <li>• hospital sanitarium/rehabilitation center</li> <li>• insurance office</li> <li>• investment firms</li> <li>• law office</li> <li>• professional offices</li> <li>• reading clinics</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> <li>• title company</li> <li>• temporary services agency</li> <li>• travel agency</li> <li>• electrical or plumbing contractors</li> </ul> <p><b>Business: General</b></p> <ul style="list-style-type: none"> <li>• print shop/copy center</li> <li>• photographic studio</li> <li>• publishing company</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• day care facility</li> <li>• dress making</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• health spa</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> </ul>	<p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• bait sales</li> <li>• bowling alley</li> <li>• private or public swimming pool</li> <li>• video store</li> <li>• dance/aerobics/gymnastics studio</li> <li>• karate studio</li> <li>• theater, indoor</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• telephone exchange</li> <li>• radio/TV station</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• school - educational use (any)</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #1</li> <li>• micro/small solar energy system</li> </ul>
		<b>Special Exception Uses</b>
<p style="text-align: center;"><b>Permitted Uses</b></p> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family (upper floors)</li> <li>• dwelling, two-family (upper floors)</li> <li>• dwelling, multifamily, (upper floors)</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile part sales (new)</li> <li>• automobile sales, service center, vehicle testing/demonstration track for purpose of vehicle sales.</li> <li>• filling/gas station - no repair or installation service</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• appliance shop</li> <li>• art gallery</li> <li>• camera/photographic supply shop</li> <li>• card shop</li> <li>• department store</li> <li>• drug store</li> <li>• electrical supplies</li> <li>• firearms sales/gunsmithing</li> <li>• floor coverings (including carpet, tile, linoleum)</li> <li>• framing shop</li> <li>• millinery/fabric shop</li> <li>• flower shop</li> <li>• furniture store</li> <li>• gift shop</li> <li>• hardware store</li> <li>• heating and cooling sales/service</li> <li>• jewelry store</li> </ul>		<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• bed and breakfast facility</li> <li>• boarding or lodging house</li> <li>• single family housing</li> <li>• multi-famiy housing</li> </ul> <p><b>Business: Automobile Service</b></p> <ul style="list-style-type: none"> <li>• automobile repair, minor</li> <li>• gasoline service station</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• drive-in/ drive-thru restaurant</li> <li>• farm market</li> <li>• roadside food sales stand</li> <li>• wholesale produce terminal</li> </ul> <p><b>Business: General</b></p> <ul style="list-style-type: none"> <li>• hotel/motel</li> <li>• funeral home/mortuary</li> <li>• motor bus station</li> <li>• veterinary hospital, including boarding</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• banquet hall</li> <li>• bar/night club</li> <li>• billiard/arcade room</li> <li>• lodge or private club</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• drive-thru bank/credit union</li> <li>• drive-thru bank machine/ATM</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• public utility substation</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• child caring institution</li> <li>• church, temple or mosque</li> <li>• community center</li> <li>• government office</li> <li>• museum</li> <li>• neighborhood recycling collection point</li> <li>• parking garage</li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• public/private parking area</li> </ul>





# DC District

## 4-1.24 "DC" District Standards



**Minimum Lot Area:**  
 • 6,000 square feet

**Minimum Lot Width/Frontage:**  
 • 50 feet

**Maximum Lot Depth:**  
 • 120 feet

**Sewer and Water:**  
 • Requires municipal water and sewer hookup.

**Minimum Front Yard Setback:**  
 • 0 feet

**Minimum Side Yard Setback:**  
 • 0 feet

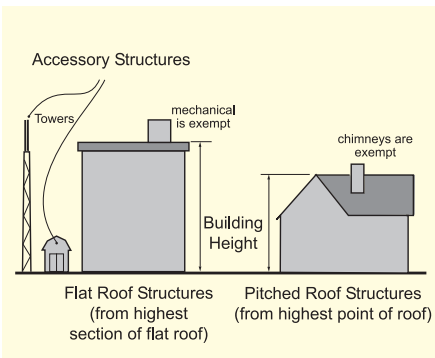
**Minimum Rear Yard Setback:**  
 • 0 feet

**Minimum Lot Coverage:**  
 • square feet of all primary and accessory structures, may cover 95% of the Lot Area.

**Minimum Floor Area:**  
 • 1,000 square feet for Primary Structures

**Minimum Main Floor Area for Dwellings/Living Space:**  
 • 980 square feet for one story Primary Structures; or  
 • 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

**Site Plan Requirements**  
 • The Fulton County Technical Review Committee shall review the site plan all newly created projects, or expansion projects, within the Downtown Commercial District prior to the commencement of any site development/construction.



**Maximum Structure Height:**  
 • 45 feet for the Primary Structure  
 • 25 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\* Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# HC District

## 4-1.25 "HC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses (Continued)	Permitted Uses (Continued)
<p>The "HC" (Highway Commercial) District is intended to provide a land use category for commercial uses that are appropriate for locations along highways. The provisions that regulate this land use district should make the district compatible with the agricultural and residential districts, as well as, environmentally sensitive areas. This district should be used along highways and at interchanges.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to provide for highway oriented business and services while minimizing light pollution, large parking lots along the major roadways, hazardous traffic patterns, traffic conflicts, and excessive use of signs in the "HC" district.</p> <p>The use of access roads/frontage roads should be required for all commercial uses in this district. Further, road cuts onto arterial or collector roads should be restricted.</p>	<ul style="list-style-type: none"> <li>• delicatessen</li> <li>• drive-in restaurant</li> <li>• drive-thru restaurant</li> <li>• grocery/supermarket</li> <li>• meat market</li> <li>• restaurant</li> <li>• roadside food sales stand</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• day care facility/ child care facility</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• fitness center/gym</li> <li>• health spa</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• banquet hall</li> <li>• billiard/arcade room</li> <li>• bowling alley</li> <li>• commercial riding stables</li> <li>• dance/aerobics/gymnastics studio</li> <li>• lodge or private club</li> <li>• miniature golf</li> <li>• public docks</li> <li>• theater, indoor</li> <li>• video store</li> </ul> <p><b>Business: Retail, Under 20,000 sf</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• art gallery</li> <li>• department store</li> <li>• drug store</li> <li>• electrical supplies</li> <li>• fabric shop</li> <li>• firearms sales/gunsmithing</li> <li>• floor coverings</li> <li>• flower shop</li> <li>• furniture store</li> <li>• garden shop</li> <li>• gift shop</li> <li>• hardware store</li> <li>• heating &amp; cooling sales/service</li> <li>• home electronics/appliance store</li> <li>• jewelry store</li> <li>• liquor store/sales</li> <li>• lumberyard</li> <li>• music store</li> <li>• news dealer/bookstore• office sup-plies</li> <li>• paint store</li> <li>• plumbing supplies</li> <li>• satellite dish sales/service</li> <li>• shoe sales</li> <li>• sporting goods</li> <li>• variety store</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• accounting office</li> <li>• architecture office</li> </ul>	<ul style="list-style-type: none"> <li>• bank/credit union</li> <li>• drive-through bank/credit union</li> <li>• bank machine/ ATM</li> <li>• drive-through bank machine/ ATM</li> <li>• contractor/construction office</li> <li>• design services</li> <li>• home remodeling companies (including storage of materials &amp; equipment with accessory offices but no retail commercial activities)</li> <li>• insurance office</li> <li>• investment firm</li> <li>• landscape business</li> <li>• law office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• reading clinics</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> <li>• temporary service agency</li> <li>• title company</li> <li>• trade offices</li> <li>• travel agency</li> <li>• veterinarian office/hospital</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• boat sales/service</li> <li>• clinic medical/dental</li> <li>• engineering or research laboratories</li> <li>• funeral home/mortuary</li> <li>• hospital</li> <li>• hotel/motel</li> <li>• kennel</li> <li>• marina</li> <li>• medical/dental clinic</li> <li>• mini-storage facility</li> <li>• motor bus station</li> <li>• photographic studio</li> <li>• print shop/copy center</li> <li>• sign painting/fabrication</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• school</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• mail order distribution</li> <li>• welding</li> <li>• wholesale business</li> <li>• Noncommercial wind generating and related apparatus and structures under 200 feet in height</li> <li>• micro/small solar energy system</li> <li>• light manufacturing</li> </ul>
Permitted Uses		
<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• addition to existing dwelling</li> <li>• apartment complexes</li> <li>• condominiums</li> </ul> <p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• commercial greenhouse</li> <li>• crop production/land or orchard</li> <li>• farm market</li> <li>• plant nursery</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop, enclosed</li> <li>• automobile repair/minor, enclosed</li> <li>• automobile repair/major, enclosed</li> <li>• automobile part sales, new</li> <li>• automobile sales, service center, vehicle testing/demonstration track for purpose of vehicle sales.</li> <li>• automobile service station</li> <li>• automobile wash, automatic and self</li> <li>• auto/truck storage (outdoor, not a junkyard)</li> <li>• filling/gas station</li> <li>• oil change service</li> <li>• motor home sales</li> <li>• painting and customizing</li> <li>• racing &amp; testing</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery retail</li> <li>• convenience store</li> </ul>		



# HC District

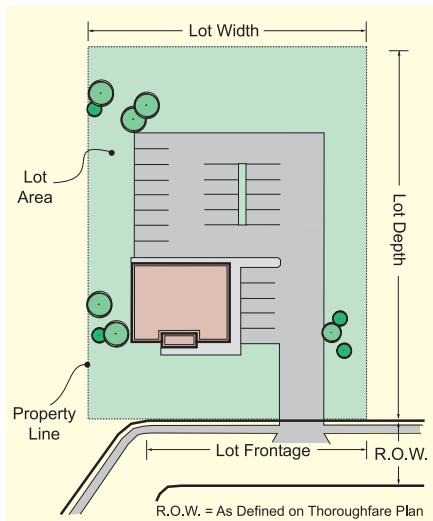
## 4-1.26 "HC" District Intent, Permitted Uses, and Special Exception Uses (Continued)

Special Exception Uses		
<p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• storage of agricultural products</li> <li>• wholesale produce terminal</li> </ul> <p><b>Business: Auto Sales/Service</b></p> <ul style="list-style-type: none"> <li>• automobile auction</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• adult bookstore</li> <li>• adult entertainment business</li> <li>• boat sales/service</li> <li>• landscape business</li> <li>• sign painting/fabrication</li> <li>• mini-warehouse</li> <li>• warehouse and/or distribution center</li> </ul> <p>wholesale business</p> <p><b>Business: Retail, Over 20,000 sf</b></p> <ul style="list-style-type: none"> <li>• department store</li> <li>• lumber yard</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• amusement park</li> <li>• bar/night club</li> <li>• ball fields</li> <li>• race track (any type)</li> <li>• stadium/arena</li> <li>• theater, outdoor</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• cellular/communication/radio/television tower</li> <li>• public wells</li> <li>• radio/TV station</li> <li>• sewage treatment plants</li> <li>• telephone exchange</li> <li>• utility substation</li> </ul> <p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• bottled gas storage/distribution</li> <li>• office complex</li> <li>• Heavy manufacturing</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church, temple or mosque</li> <li>• community center</li> <li>• government office</li> <li>• library</li> <li>• neighborhood recycling collection point</li> <li>• parking garage</li> <li>• recycling facility</li> <li>• <del>school, public/private</del></li> <li>• <del>trade or business school</del></li> </ul> <p><b>Miscellaneous:</b></p> <ul style="list-style-type: none"> <li>• artificial lake</li> <li>• nursing home</li> <li>• truck terminal</li> <li>• Noncommercial wind generating apparatus and structures over 200' in height</li> <li>• medium/large solar energy system</li> </ul>		



# HC District

## 4-1.27 "HC" District Standards



### Minimum Lot Area:

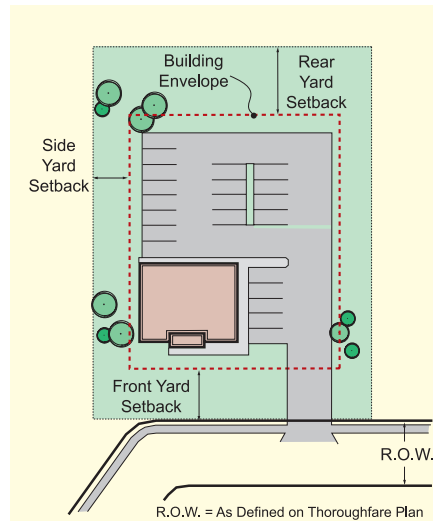
- 20,000 square feet

### Minimum Lot Width:

- 100 feet

### Minimum Lot Frontage:

- 100 feet on a Public Street with access from said Public Street



### Minimum Front Yard Setback:

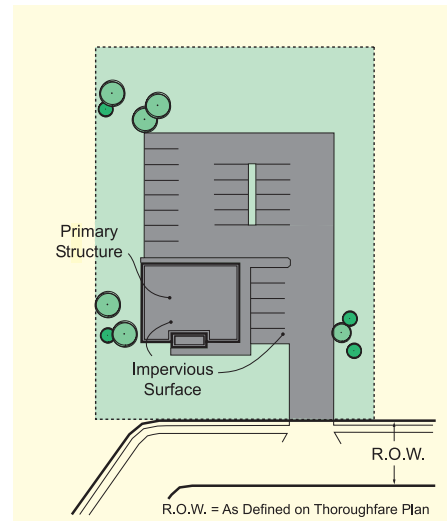
- 25 feet

### Minimum Side Yard Setback:

- 15 feet

### Minimum Rear Yard Setback:

- 15 feet



### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area.

### Minimum Floor Area:

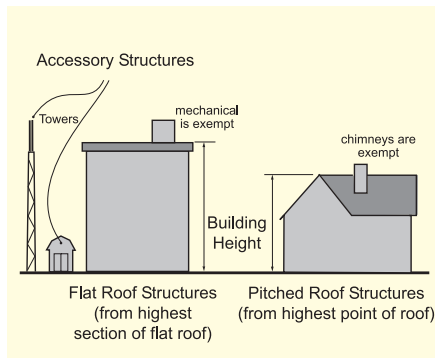
- 1,000 square feet for Commercial Primary Structures.

### Residential:

- Minimum floor area per unit: 720 square feet average per dwelling unit in a multiple unit primary structure. 500 square feet minimum per dwelling unit in a multiple unit.

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the Highway Commercial District prior to the commencement of any site development/construction.



### Maximum Structure Height:

- 45 feet for the Primary Structure
- 25 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)
- 150 feet for all Agriculture Related Structures

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.





# VC District

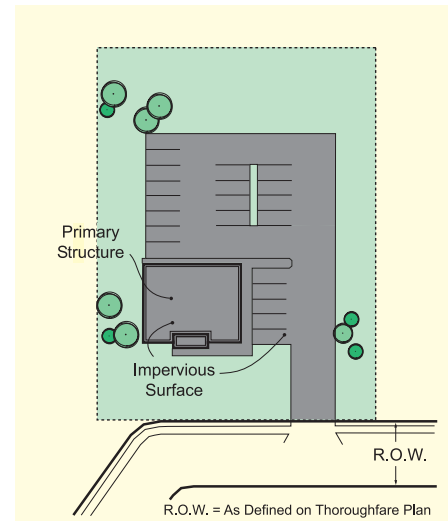
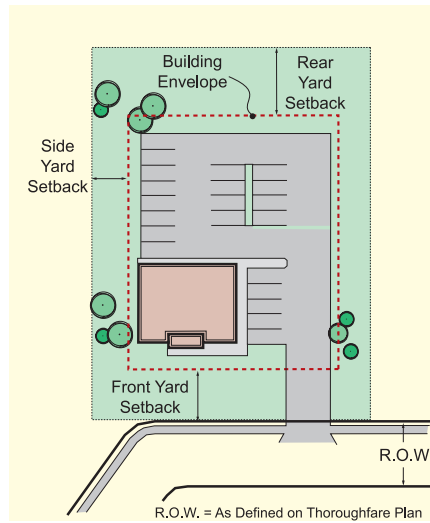
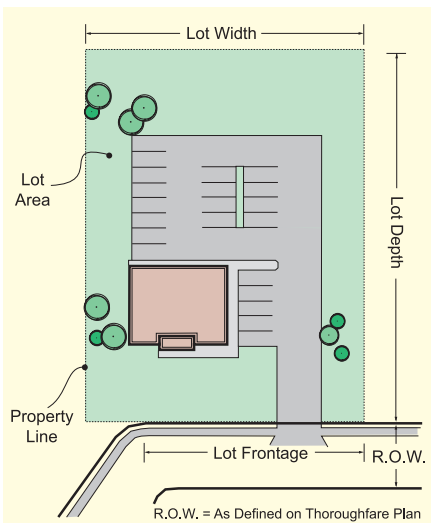
## 4-1.28 "VC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses (cont.)	Permitted Uses (cont.)
<p>The "VC" (Village Commercial) District is intended to provide a land use category for normal commercial uses in rural small towns. The provisions that regulate this land use district should make the district compatible with the "SR", "R1", "R2" and "R3" residential districts.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to use this district only in the downtown area and its immediate surroundings.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to minimize parking lots between buildings, rather, encouraging parking behind buildings and on the street.</p>	<ul style="list-style-type: none"> <li>• gift shop</li> <li>• hardware store</li> <li>• home electronics/appliance store</li> <li>• jewelry store</li> <li>• liquor sales</li> <li>• lumber yard</li> <li>• music store</li> <li>• news dealer/bookstore</li> <li>• office supplies</li> <li>• paint store</li> <li>• plumbing supplies</li> <li>• satellite dish sales/service</li> <li>• shoe sales</li> <li>• sporting goods</li> <li>• variety store</li> </ul> <p><b>Business: Food Sales/Service</b></p> <ul style="list-style-type: none"> <li>• bakery retail</li> <li>• convenience store</li> <li>• delicatessen</li> <li>• drive-in restaurant</li> <li>• drive-through restaurant</li> <li>• grocery store/supermarket</li> <li>• meat market</li> <li>• open, unenclosed business</li> <li>• restaurant</li> <li>• roadside food sales stand</li> </ul> <p><b>Business: Personal Service</b></p> <ul style="list-style-type: none"> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• day care facility</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• fitness center/gym</li> <li>• health spa</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> </ul> <p><b>Business: Office/Professional</b></p> <ul style="list-style-type: none"> <li>• accounting office</li> <li>• architecture office</li> <li>• bank/credit union</li> <li>• drive-through bank/credit union</li> <li>• bank machine/ ATM</li> <li>• drive-through bank machine/ ATM</li> <li>• contractor office</li> <li>• design services</li> <li>• insurance office</li> <li>• investment firm</li> <li>• landscape business</li> <li>• law office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• reading clinics</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> <li>• temporary service agency</li> <li>• title company</li> <li>• travel agency</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• boat sales/service</li> <li>• clinic medical/dental</li> <li>• funeral home/mortuary</li> </ul>	<ul style="list-style-type: none"> <li>• hospital</li> <li>• hotel/motel</li> <li>• motor-bus station</li> <li>• photographic studio</li> <li>• print/copy center</li> <li>• recycling collection point (indoor)</li> <li>• sign painting/fabrication</li> <li>• welding</li> <li>• wholesale business</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• banquet hall</li> <li>• bar/night club</li> <li>• billiard/arcade room</li> <li>• bowling alley</li> <li>• dance/aerobics/gymnastics studio</li> <li>• lodge or private club</li> <li>• miniature golf</li> <li>• theater, indoor</li> <li>• video store</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church</li> <li>• community center</li> <li>• government office</li> <li>• library</li> <li>• museum</li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• public/private parking area</li> <li>• recycling collection point (no outdoor storage)</li> <li>• school</li> <li>• trade or business school</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• public wells</li> <li>• radio/tv station</li> <li>• telephone exchange</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• home occupation #1</li> <li>• home occupation #2</li> <li>• micro/small solar energy system</li> </ul>
<b>Permitted Uses</b>		
<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family (upper floors)</li> </ul> <p><b>Agricultural Uses/Services</b></p> <ul style="list-style-type: none"> <li>• agricultural seed sales</li> <li>• plant nursery</li> <li>• storage of agricultural products</li> <li>• greenhouse facilities</li> <li>• cider mills</li> <li>• farm equipment sales/service</li> <li>• roadside produce sales</li> <li>• sales of farm materials</li> <li>• wineries</li> <li>• farm markets</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop, enclosed</li> <li>• automobile wash, automatic and self</li> <li>• automobile part sales, new</li> <li>• automobile repair</li> <li>• filling/gas station</li> <li>• motor home sales</li> <li>• automobile sales, service center, vehicle testing/demonstration track for purpose of vehicle sales.</li> <li>• oil change service</li> <li>• automobile service station</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• antique shop</li> <li>• apparel shop</li> <li>• art gallery</li> <li>• department store</li> <li>• drug store</li> <li>• electrical supplies</li> <li>• fabric shop</li> <li>• firearms sales/gunsmithing</li> <li>• floor coverings</li> <li>• flower shop</li> <li>• furniture shop</li> <li>• garden shop</li> </ul>		<p style="text-align: center;"><b>Special Exception Uses</b></p> <p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, two-family (upper floors)</li> <li>• dwelling, multi-family (upper floors)</li> <li>• bed and breakfast facility</li> </ul> <p><b>Agricultural Uses/Services</b></p> <ul style="list-style-type: none"> <li>• processing agriculture products</li> <li>• commercial processing agriculture products</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• marina</li> <li>• mini-warehouse</li> <li>• mini-storage facility</li> <li>• warehouse</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• light manufacturing</li> </ul> <p><b>Communication/Utilities</b></p> <ul style="list-style-type: none"> <li>• storage tanks non-hazardous</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• medium/large solar energy system</li> </ul>



# VC District

## 4-1.29 "VC" District Standards



**Minimum Lot Area:**

- 0 square feet

**Minimum Lot Width:**

- 0 feet

**Minimum Lot Depth:**

- 0

**Minimum Lot Frontage:**

- 0 feet on a Public Street with access from said Public Street

**Sewer and Water:**

- Requires municipal water or sewer hookup unless it is not available in the community

**Minimum Front Yard Setback:**

- 0 feet

**Minimum Side Yard Setback:**

- 0 feet (plus buffer yard)

**Minimum Rear Yard Setback:**

- 10 feet

**Maximum Lot Coverage:**

- square feet of all primary and accessory structures, may cover 100% of the Lot Area.

**Minimum Floor Area:**

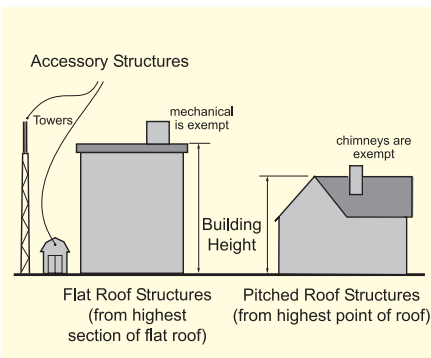
- 200 square feet for Primary Structures

**Minimum Living Area per Dwelling Unit:**

- 720 square feet per Dwelling Unit

**Site Plan Requirements**

- The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the Village Commercial District prior to the commencement of any site development/construction.



**Maximum Structure Height:**

- 50 feet for the Primary Structure
- 25 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)
- 150 feet for all Agriculture Related Structures

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# GC District

## 4-1.30 "GC" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses (Continued)	Permitted Uses (Continued)
<p>The "GC" (General Commercial) District is intended to provide a land use category for most general business uses, including low impact office commercial uses. The provisions that regulate this land use district should not overly restrict normal business practices. This district can be used adjacent to all other commercial districts and residential districts.</p> <p>This District is also established to encourage development of warehouse and light manufacturing and processing facilities which may require limited amounts of Outdoor Storage. These activities typically require public or semi-public utilities, and excellent access to arterial streets. Permitted uses in this district may have outdoor storage/service areas and may generate substantial traffic patterns, but such operations shall be subject to specific development standards in order to minimize any impact on adjacent residential and/or commercial districts.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to use this district with the other commercial districts to encourage a strong and stable area for commerce.</p> <p>The Plan Commission and Board of Zoning Appeals should not encourage "strip development", rather development in clusters which share resources and minimize the cost of public utilities and services. The Plan Commission and Boards of Zoning Appeals should also strive to minimize lighting, un-landscaped large parking lots, parking lots fronting the major streets, and traffic conflicts in the "GC" District.</p>	<ul style="list-style-type: none"> <li>• automobile repair/major, enclosed</li> <li>• automobile repair/minor, enclosed</li> <li>• automobile part sales, new</li> <li>• automobile sales, service center, vehicle testing/demonstration track for purpose of vehicle sales.</li> <li>• automobile service station</li> <li>• automobile wash, automatic and self</li> <li>• auto/truck storage (outdoor, not a junkyard)</li> <li>• filling/gas station</li> <li>• oil change service</li> <li>• motor home sales</li> <li>• painting and customizing</li> <li><b>Business: Food Sales/Service</b></li> <li>• bakery retail</li> <li>• convenience store</li> <li>• delicatessen</li> <li>• drive-in restaurant</li> <li>• drive-thru restaurant</li> <li>• grocery/supermarket</li> <li>• meat market</li> <li>• restaurant</li> <li>• roadside food sales stand</li> <li><b>Business: Personal Service</b></li> <li>• barber/beauty shop</li> <li>• coin laundry</li> <li>• day care facility</li> <li>• dry-cleaning service</li> <li>• fingernail salon</li> <li>• firearms sales/gunsmithing</li> <li>• fitness center/gym</li> <li>• health spa</li> <li>• shoe repair</li> <li>• tailor/pressing shop</li> <li>• tanning salon</li> <li><b>Business: Recreation</b></li> <li>• banquet hall</li> <li>• billiard/arcade room</li> <li>• bowling alley</li> <li>• commercial riding stables</li> <li>• dance/aerobics/gymnastics studio</li> <li>• lodge or private club</li> <li>• miniature golf</li> <li>• public docks</li> <li>• theater, indoor</li> <li>• video store</li> <li><b>Business: Retail, Under 20,000 sf</b></li> <li>• antique shop</li> <li>• apparel shop</li> <li>• art gallery</li> <li>• department store</li> <li>• drug store</li> <li>• electrical supplies</li> <li>• fabric shop</li> <li>• floor coverings</li> <li>• flower shop</li> <li>• furniture store</li> <li>• garden shop</li> <li>• gift shop</li> <li>• hardware store</li> <li>• heating &amp; cooling sales/service</li> <li>• home electronics/appliance store</li> <li>• jewelry store</li> <li>• liquor store/sales</li> </ul>	<ul style="list-style-type: none"> <li>• lumberyard</li> <li>• music store</li> <li>• news dealer/bookstore</li> <li>• office supplies</li> <li>• paint store</li> <li>• plumbing supplies</li> <li>• satellite dish sales/service</li> <li>• shoe sales</li> <li>• sporting goods</li> <li>• variety store</li> <li><b>Business: Office/Professional</b></li> <li>• accounting office</li> <li>• architecture office</li> <li>• bank/credit union</li> <li>• drive-through bank/credit union</li> <li>• bank machine/ ATM</li> <li>• drive-through bank machine/ ATM</li> <li>• contractor/construction office</li> <li>• design services</li> <li>• home remodeling companies (including storage of materials &amp; equipment with accessory offices but no retail commercial activities)</li> <li>• insurance office</li> <li>• investment firm</li> <li>• landscape business</li> <li>• law office</li> <li>• planning offices</li> <li>• professional offices</li> <li>• reading clinics</li> <li>• real estate office</li> <li>• secretarial service</li> <li>• service organization offices</li> <li>• temporary service agency</li> <li>• title company</li> <li>• trade offices</li> <li>• travel agency</li> <li>• veterinarian office/hospital</li> <li><b>Business: General Business</b></li> <li>• boat sales/service</li> <li>• clinic medical/dental</li> <li>• engineering or research laboratories</li> <li>• funeral home/mortuary</li> <li>• hospital</li> <li>• hotel/motel</li> <li>• kennel</li> <li>• marina</li> <li>• medical/dental clinic</li> <li>• motor bus station</li> <li>• photographic studio</li> <li>• print shop/copy center</li> <li><b>Institutional/Public Facilities.</b></li> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li><b>Miscellaneous</b></li> <li>• mail order distribution</li> <li>• welding</li> <li>• wholesale business</li> <li>• Noncommercial wind generating and related apparatus and structures under 200 feet in height</li> <li>• micro/small solar energy system</li> </ul>
<b>Permitted Uses</b>		
<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single family</li> <li>• detached additional living space</li> </ul> <p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• commercial greenhouse</li> <li>• dwelling, single family</li> <li>• crop production/land or orchard</li> <li>• farmers market</li> <li>• plant nursery</li> </ul> <p><b>Business: Auto Sales/Services</b></p> <ul style="list-style-type: none"> <li>• automobile body shop, enclosed</li> </ul>		





# GC District

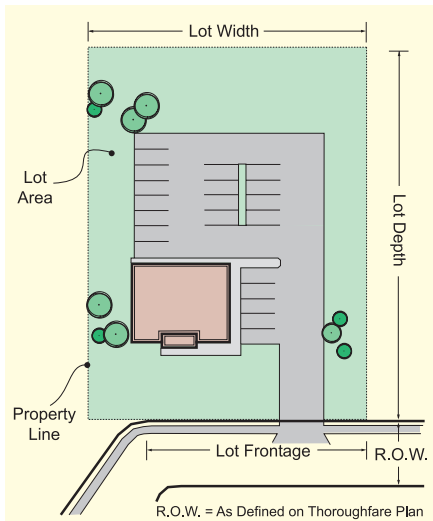
## 4-1.31 "GC" District Intent, Permitted Uses, and Special Exception Uses (Continued)

Special Exception Uses	Special Exception Uses Continued	
<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• dwelling, single-family (upper floors)</li> <li>• dwelling, two-family (upper floors)</li> <li>• dwelling, multifamily, (upper floors)</li> <li>• apartments</li> </ul> <p>• <b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• storage of agricultural products</li> <li>• wholesale produce terminal</li> </ul> <p>• <b>Business: Auto Sales/Service</b></p> <ul style="list-style-type: none"> <li>• automobile auction</li> <li>• racing &amp; testing</li> </ul> <p>• <b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• adult bookstore</li> <li>• adult entertainment business</li> <li>. boat sales/service</li> <li>. landscape business</li> <li>. sign painting/fabrication</li> <li>. mini-storage facility</li> <li>• mini-warehouse</li> <li>• warehouse and/or distribution center . wholesale business</li> </ul> <p>• <b>Business: Retail, Over 20,000 sf .</b></p> <ul style="list-style-type: none"> <li>department store</li> <li>. lumber yard</li> </ul> <p>• <b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• amusement park</li> <li>. bar/night club</li> <li>• ball fields</li> <li>• race track (any type)</li> <li>• stadium/arena</li> <li>. theater, outdoor</li> </ul> <p>• <b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>. cellular/communication/radio/television tower</li> <li>. public wells</li> <li>. radio/TV station</li> <li>. sewage treatment plants</li> <li>• telephone exchange</li> <li>• utility substation</li> </ul> <p>• <b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• bottled gas storage/distribution</li> <li>• office complex</li> <li>• light manufacturing</li> </ul> <p>• <b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• church, temple or mosque</li> <li>• community center</li> <li>• government office</li> <li>• library</li> <li>• neighborhood recycling collection</li> <li>• parking garage</li> <li>• recycling facility</li> </ul>	<ul style="list-style-type: none"> <li>• school, public/private</li> <li>• trade or business school</li> </ul> <p>• <b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• artificial lake</li> <li>• home occupation #1</li> <li>• nursing home</li> <li>• retirement community</li> <li>• truck terminal</li> <li>• Noncommercial wind generating and related apparatus and structures over 200 feet in height</li> <li>• medium/large solar energy system</li> </ul>	



# GC District

## 4-1.32 "GC" District Standards

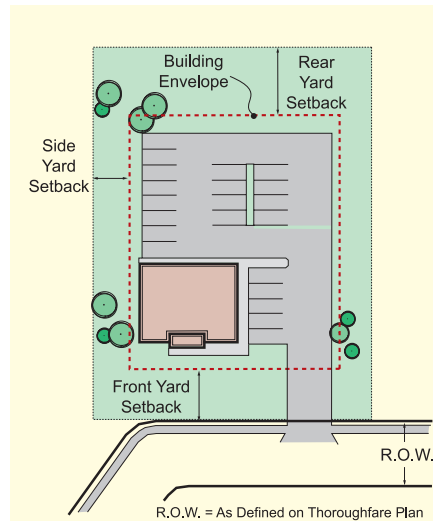


### Minimum Lot Area:

- 20,000 square feet

### Minimum Lot Width/Frontage:

- 100 feet



### Minimum Front Yard Setback:

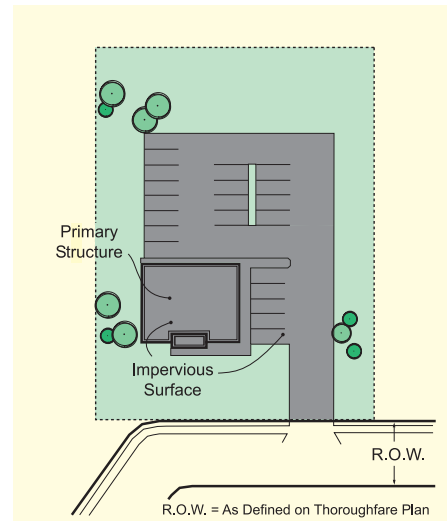
- 25 feet

### Minimum Side Yard Setback:

- 15 feet

### Minimum Rear Yard Setback:

- 15 feet



### Maximum Lot Coverage:

- square feet of all primary and accessory structures, and impervious surface cannot exceed 70% of the Lot Area.

### Minimum Floor Area:

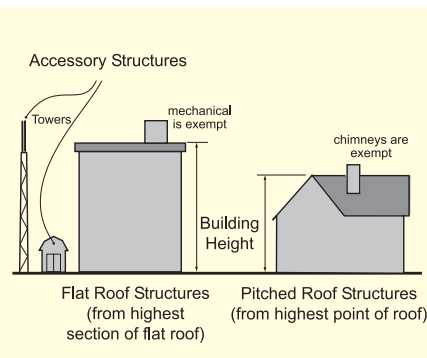
- 1,000 square feet for Commercial Primary Structures

### Minimum Main Floor Area for Dwellings/Living Space:

- 980 square feet for one story Primary Structures; or
- 850 square feet for multiple story Primary Structures, provided that the total Finished Floor Area is 1,200 square feet or more.

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the General Commercial District prior to the commencement of any site development/construction.



### Maximum Structure Height:

- 45 feet for the Primary Structure
- 25 feet for Accessory Structures (height of Accessory Structures may not exceed the Primary Structure)
- 150 feet for all Agriculture Related Structures

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\*Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.





# IN District

## 4-1.33 "IN" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses Continued	Special Exception Uses
<p>The "IN" (Industrial Park/ Manufacturing) District is intended to provide a land use category for most moderate to high impact industrial park and heavy industrial facilities. This district can be used adjacent to the agricultural and commercial districts, where there are not negative effects on the environment.</p> <p>Environmental, public safety, public welfare, and protection from all forms of pollution should be the highest priority. The Plan Commission and Boards of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the "IN" District.</p> <p>Buffer yards are mandatory and although the development of heavy manufacturing and processing facilities may require substantial amounts of outdoor storage, all outdoor storage shall be enclosed, unless specific development standards are applicable to ensure the necessary protection of the adjacent zone districts.</p> <p>The Plan Commission and Boards of Zoning Appeals should strive to use the "IN" district to develop a contiguous area, or cluster, for commerce and job creation and should not encourage "spot zoning" with this district.</p>	<ul style="list-style-type: none"> <li>• automobile sales, service center, vehicle testing/demonstration track for purpose of vehicle sales.</li> <li>• automobile service station</li> <li>• automobile wash, automatic &amp; self</li> <li>• motor home sales</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• contractor/contractor's yard</li> <li>• construction company</li> <li>• engineering or research laboratories</li> <li>• home remodeling companies (including storage of materials &amp; equipment with accessory offices but no retail commercial activities)</li> <li>• firearms sales/gunsmithing</li> <li>• mini-warehouse</li> <li>• enclosed mini-storage facility</li> <li>• publishing company, with printing press</li> <li>• recycling collection point (indoor)</li> <li>• trade shops</li> <li>• warehouse</li> <li>• welding</li> <li>• wholesale business</li> </ul> <p><b>Business: Office Professional</b></p> <ul style="list-style-type: none"> <li>• bank machine/ATM</li> <li>• drive-thru bank machine/ATM</li> <li>• drive-thru bank/credit union</li> <li>• building contractor</li> <li>• electrical contractor</li> <li>• landscape contractor</li> <li>• landscape business</li> <li>• plumbing contractor</li> </ul> <p><b>Business: Retail</b></p> <ul style="list-style-type: none"> <li>• lumberyard</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• communication relay tower</li> <li>• public utility substation</li> <li>• public wells</li> <li>• storage tanks - non hazardous</li> <li>• radio/tv station</li> </ul> <p><b>Industrial Uses</b></p> <ul style="list-style-type: none"> <li>• flex-space</li> <li>• light manufacturing</li> <li>• office complex</li> <li>• research center</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• police/fire station</li> <li>• post office</li> <li>• public park/recreation center</li> <li>• recycling facility</li> <li>• school - commercial, trade or business</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• Noncommercial wind generating and related apparatus and structures under 200 feet in height</li> <li>• micro/small solar energy system</li> </ul>	<p><b>Residential</b></p> <ul style="list-style-type: none"> <li>• single-family housing</li> </ul> <p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• commercial processing of agricultural products</li> <li>• processing of agricultural products</li> </ul> <p><b>Business: Auto Sales/Service</b></p> <ul style="list-style-type: none"> <li>• automobile body shop, enclosed</li> <li>• painting and customizing</li> <li>• racing &amp; testing</li> </ul> <p><b>Business: General Business</b></p> <ul style="list-style-type: none"> <li>• airport</li> <li>• kennel</li> <li>• mail order distribution</li> <li>• outside storage facility (shall be enclosed with privacy fence)</li> <li>• recycling collection point (outdoor storage)</li> <li>• scrap/salvage operation</li> <li>• sign painting/fabrication</li> <li>• transfer station</li> <li>• truck stop</li> <li>• truck terminal</li> <li>• trucking company</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• cellular/communication/radio/television tower</li> <li>• electrical generator</li> <li>• pipeline pumping station</li> <li>• sewage or water treatment plants</li> <li>• utility substation</li> </ul> <p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• biodiesel facility</li> <li>• bottled gas storage/distribution</li> <li>• distribution center</li> <li>• gravel/sand/mining*</li> <li>• heavy manufacturing</li> <li>• iron and steel production</li> <li>• liquid fertilizer storage/distribution</li> <li>• millwork, planing mill, &amp; saw mill</li> </ul> <p><b>Commercial Use</b></p> <ul style="list-style-type: none"> <li>• adult entertainment business</li> </ul> <p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• blast furnace or open hearth</li> <li>• coke ovens</li> <li>• coatings manufacture excluding tar products</li> <li>• concrete mixing</li> <li>• foundries</li> <li>• liquid fertilizer storage &amp; distribution (commercial)</li> <li>• lumber mill</li> </ul>
<b>Permitted Uses</b>		
<p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• agricultural crop production</li> <li>• agricultural seed sales</li> <li>• commercial outdoor storage of farm materials</li> <li>• farm equipment sales/service</li> <li>• farmers market</li> <li>• greenhouse facilities, wholesale only</li> <li>• livestock sales</li> <li>• orchards</li> <li>• plant nursery</li> <li>• storage of agricultural products</li> <li>• storage of farm materials</li> <li>• tree farms</li> <li>• wholesale produce terminal</li> </ul> <p><b>Business: Auto Sales/Service</b></p> <ul style="list-style-type: none"> <li>• auto/truck storage (outdoor, not a junkyard)</li> <li>• automobile repair, major</li> <li>• automobile repair, minor</li> </ul>		

\* State law permits mining in rural areas (areas with 7 or less homes within a square mile) regardless of local decision making. In these cases, a Public Hearing is primarily to discuss and mitigate traffic impacts, noise, etc.



# IN District

## 4-1.34 "IN" District Intent, Permitted Uses, and Special Exception Uses

### Special Exception Uses Continued

- manufacturing, including:
    - asphalt production
    - asphaltic paving materials preparation
    - batch plant (asphalt or concrete production)
    - biological
    - coating, tar products
    - gases and chemicals
    - glue
    - paper
    - railroad equipment (including repair and service)
    - rubber products
    - tar, tar paper, tar products processing
    - tire and inner tubes
  - meat and meat products:
    - packing & processing
  - mineral extraction, borrow pit, topsoil removal & storage areas
  - petroleum tank farm (commercial)
- Institutional/Public Facilities**
- resource recovery facility
- Miscellaneous**
- artificial lake
  - manufactured housing used as office space
  - Noncommercial wind generating and related apparatus and structures over 200 feet in height
  - medium/large solar energy system

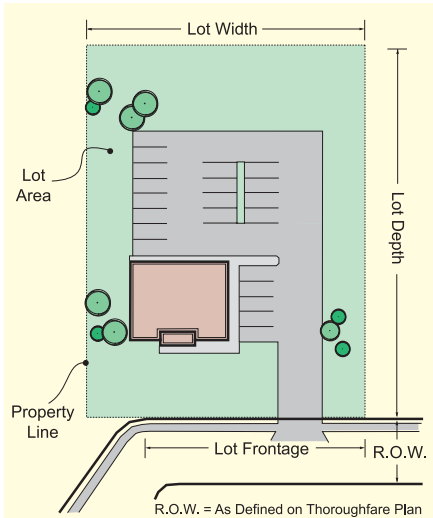
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# IN District

## 4-1.35 "IN" District Standards

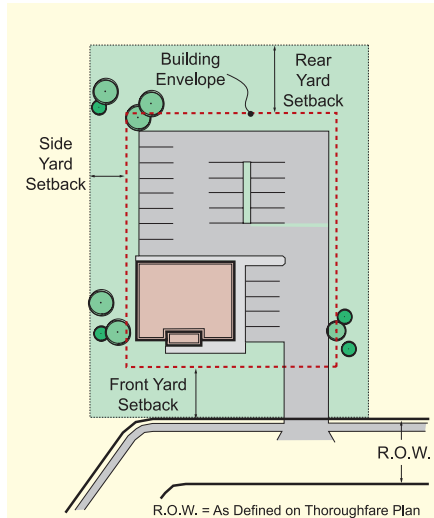


**Minimum Lot Area:**

- 20,000 square feet

**Minimum Lot Width/Frontage:**

- 100 feet, provided a minimum of 60 feet is on a Public Street with access



**Minimum Front Yard Setback:**

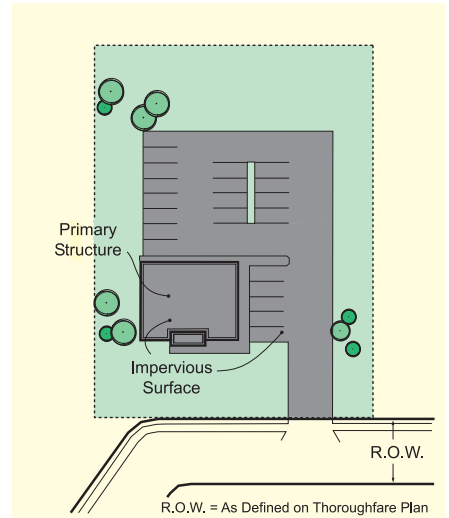
- 35 feet

**Minimum Side Yard Setback:**

- 25 feet

**Minimum Rear Yard Setback:**

- 25 feet



**Maximum Lot Coverage:**

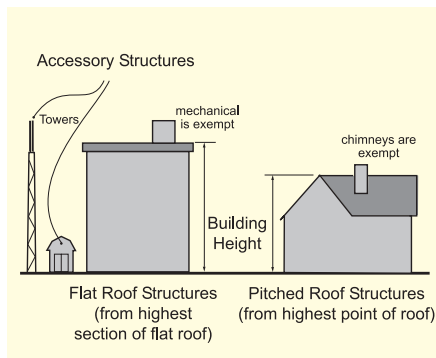
- square feet of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area.

**Minimum Floor Area:**

- 1,000 square feet for Primary Structures

**Site Plan Requirements**

- The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the Industrial District prior to the commencement of any site development/construction.



**Maximum Structure Height:**

- 50 feet for the Primary Structure and Accessory Structures
- 150 feet for all Agriculture Related Structures

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\* Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.





# IU District

## 4-1.36 "IU" District Intent, Permitted Uses, and Special Exception Uses

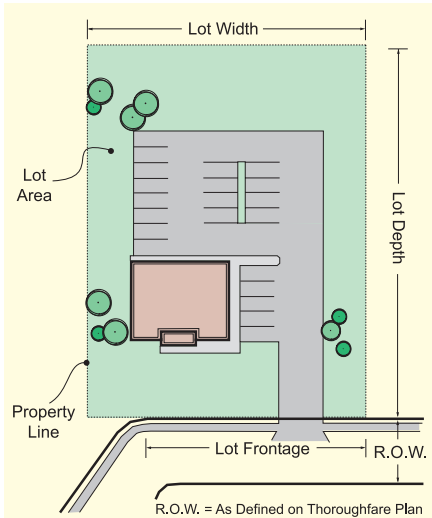
District Intent	Permitted Uses	Special Exception Uses
<p>The "IU" (Intensive Use) District is intended to provide a land use category for intensive uses that may be considered noxious under certain circumstances. This district can be used adjacent to the "IN" industrial district, and agriculture districts where there are not negative effects on the environment. This district should be used sparingly and only when absolutely necessary.</p> <p>Environmental, public safety, public welfare, and protection from all forms of pollution should be the highest priority. The Plan Commission and Board of Zoning Appeals should also strive to minimize lighting, parking lots fronting the major streets, excessive use of signs, and traffic conflicts in the "IU" District.</p> <p>Buffer yards are mandatory and all outdoor storage shall be screened.</p> <p>Written commitments will likely be asked of by the appropriate legislative body, the Plan Commission, or the appropriate Board of Zoning Appeals to assure that the proposed land use will be the only use of the subject property over time.</p>	<ul style="list-style-type: none"> <li>• Noncommercial wind generating and related apparatus and structures under 200 feet in height</li> <li>• micro/small solar energy system</li> </ul>	<p><b>Agricultural Uses/Service</b></p> <ul style="list-style-type: none"> <li>• processing of agriculture products</li> <li>• confined feeding operation permitted by IDEM, (over 1200 animal units, but less than 3,600 animal units, on any one parcel and/or multiple parcels adjoining or contiguously operating or owned parcels)</li> </ul> <p><b>Business: General</b></p> <ul style="list-style-type: none"> <li>• foundries</li> <li>• iron and steel production</li> <li>• liquid fertilizer storage &amp; distribution (commercial)</li> <li>• junkyard</li> <li>• mineral extraction, borrow pit, topsoil removal &amp; storage areas</li> <li>• oil processing, refining &amp; manufacture</li> <li>• penal or correctional facility</li> <li>• petroleum tank farm (commercial)</li> <li>• power plant: thermal electric (utilizing refuse-derived fuels)</li> <li>• power plant: steam (utilizing refuse-derived fuels)</li> <li>• scrap metal yard</li> <li>• recycling collection point (outdoor storage)</li> <li>• recycling facility</li> <li>• resource recovery facility</li> </ul> <p><b>Business: Recreation</b></p> <ul style="list-style-type: none"> <li>• race track</li> </ul> <p><b>Communication/Utility</b></p> <ul style="list-style-type: none"> <li>• cellular/communication/radio/television tower</li> <li>• electrical generator</li> <li>• pipeline pumping station</li> <li>• sewage treatment plants</li> <li>• storage tanks nonhazardous</li> <li>• utility substation</li> </ul> <p><b>Industrial Uses:</b></p> <ul style="list-style-type: none"> <li>• heavy manufacturing</li> <li>• incinerator</li> <li>• flammable/hazardous chemical storage (above ground)</li> <li>• liquid fertilizer storage/distribution</li> <li>• rendering plant</li> <li>• sanitary landfill/refuse dump</li> </ul> <p><b>Institutional/Public Facilities</b></p> <ul style="list-style-type: none"> <li>• police/fire station</li> </ul> <p><b>Miscellaneous</b></p> <ul style="list-style-type: none"> <li>• Noncommercial wind generating and related apparatus and structures over 200 feet in height</li> <li>• medium/large solar energy system</li> </ul>





# IU District

## 4-1.37 "IU" District Standards

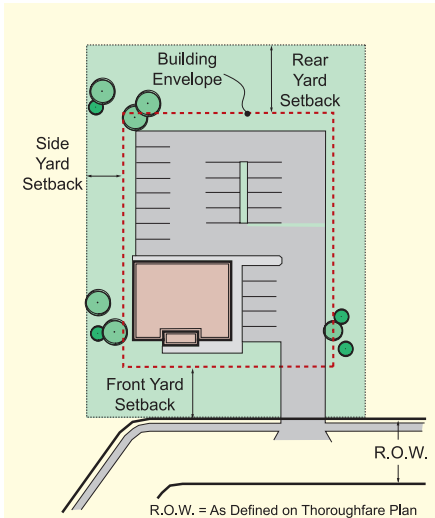


### Minimum Lot Area:

- 3 acres

### Minimum Lot Width/Frontage:

- 225 feet, provided a minimum of 100 feet is on a Public Street with access



### Minimum Front Yard Setback:

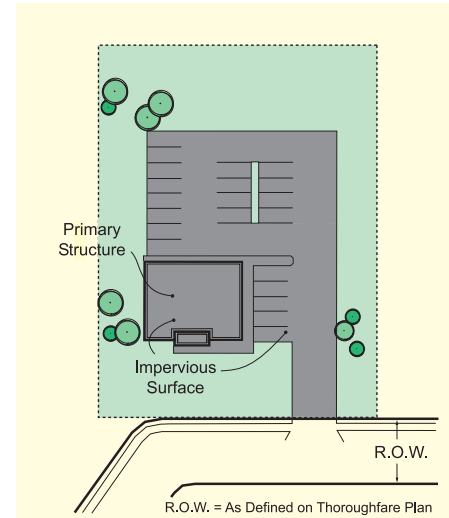
- 150 feet

### Minimum Side Yard Setback:

- 50 feet (plus buffer yard)

### Minimum Rear Yard Setback:

- 50 feet (plus buffer yard)



### Maximum Lot Coverage:

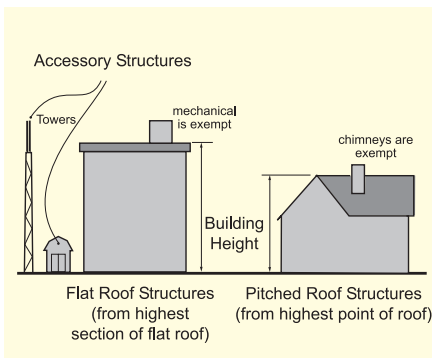
- square feet of all primary and accessory structures, and impervious surface cannot exceed 60% of the Lot Area.

### Minimum Floor Area:

- 1,000 square feet for Primary Structures

### Site Plan Requirements

- The Fulton County Technical Review Committee shall review the site plan for all newly created projects, or expansion projects, within the Intensive Use District prior to the commencement of any site development/construction.



### Maximum Structure Height:

- 50 feet for the Primary Structure and Accessory Structures
- 150 feet for all Agriculture Related Structures

\* A survey with the seal of a licensed surveyor/engineer/architect shall be provided with the creation of any new legal descriptions.

\*\* Drainage Plans and an Impervious Surface schematic showing the total Lot Coverage will be required with all new structures. Any drainage plan not showing water retention within lot lines must have the approval of the Fulton County Surveyor

\*\*\* A survey with the seal of a licensed surveyor/engineer/architect may be required to resolve any question of setback compliance.



# AO District

## 4-1.38 "AO" District Intent, Permitted Uses, and Special Exception Uses

District Intent	Permitted Uses	Special Exception Uses
<p>The "AO" (Airport Overlay) District is intended to be used to protect the Fulton County Airport and any airport to which overlay protection is applied in the future.</p>		









# Article Five

## Development Standards



## Article Five

# Section One - General Development Standards

### 5-1.0 Interpretation

The following development standards listed within Section One are applicable within all of the Zone Districts listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

### 5-1.1 Introduction

All structures, buildings, land uses, land use changes, structural alterations, structural relocations, structural additions, and structural enlargements that are constructed, created, established, or occur after the Effective Date of this ordinance (except as may otherwise be provided within this ordinance) shall be subject to all Development Standards and regulations for the applicable Zoning District.

### 5-1.2 Development Standards that Apply

Listed within Article Five are development standards arranged by category. As an example the four digit code "AS-01" can be found under Article 5, Section Two entitled Agricultural (AG) District. Therefore, the Development Standards listed within Section Two labeled "AS-01" would apply to Agricultural (AG) District.

### 5-1.3 Lot/Yard Standards (LY)

LY-01: All existing conflicts with the lot/yard regulations at the Effective Date of this Ordinance shall be considered a Legal Non-Conforming Lot.

- A. Only one dwelling unit is permitted per tract of land as defined in Article 10 of the Fulton County Zoning Ordinance, except where otherwise provided within the ordinance.
- B. Except hereinafter provided, no building or structure shall be erected unless such building or structure conforms; and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:
  1. Front Yard Setbacks: The minimum Front Yard setbacks shall be as noted for each Zoning District found in Article 4.
  2. Side Yard Setbacks: The minimum Side Yard setbacks shall be as noted for each Zoning District found in Article 4.
  3. Rear Yard Setbacks: The minimum Rear Yard setbacks shall be as noted for each Zoning District found in Article 4.
- C. Buildings, structures, or material for sale are not allowed to be located within the road right-of-way.

### 5-1.4 Wind Energy Conversion System (WEC) Standards (WE)

WE-01: Purpose and Intent

In order to protect the public health, safety, and general welfare of the community while accommodating the energy needs of residents and businesses, these regulations establish general guidelines for the siting and use of wind turbine generators, anemometers and related devices and structures, in order to:

- A. facilitate the provision of Wind Energy Conversion Systems (WECS) services to the residents and businesses of Fulton County;
- B. minimize adverse visual effects of WECS facilities through careful design and siting standards;
- C. encourage the location of WECS in nonresidential areas through performance standards and incentives;



D. avoid potential damage to adjacent properties from WECS failure through structural standards and setback requirements.

**WE-02: Applicability**

The provisions of the WEC Standards are applicable to those districts which allow WECS, govern the siting of WECS and substations that generate electricity to be sold to wholesale or retail markets, or that generate electricity for private use and for operations and maintenance facilities and other accessory facilities, as defined, that are ancillary to commercial WECS. In addition to notification requirements as prescribed by the applicable Rules of Procedure for approval processes, notification requirements for the application for Development Plan Review by the Fulton County Plan Commission shall include notification individually by certified mail to all owners of property within the project area submitted for review at the Applicant's expense. The Development Plan Review will occur during a public hearing legally advertised and will encompass the phases of the project being proposed for development at the time of the public hearing. The approval will be valid only for those phases of the project presented for development. An overall proposed project boundary must be submitted with the phases proposed for development. If future phases of development are organized at a future date, there will be a public hearing conducted for those future phases of development for an additional Development Plan Review at that time. If at any time during the phased construction, the overall project boundaries change from the original presented project plan, subsequent hearings will be held to amend the original Development Plan approval.

**WE-03: Prohibition**

- A. No applicant shall construct, operate, or locate a Commercial WECS within the unincorporated limits of Fulton County, Indiana.
- B. No applicant shall construct, operate, or locate a WECS within the jurisdiction of the Fulton County Plan Commission without having fully complied with the provisions of the Fulton County Zone Ordinance.

**WE-04: Height**

- A. Non-commercial WECS and Meteorological Towers (MET) Towers greater than 200' feet in height shall be a permitted as a special exception use in the AG, AP, HC, GC, IN, and IU Districts. All towers fitting the aforementioned description shall meet all of the development standards listed in the following WECS General Standards and the regulations set forth in Fulton County Zone Ordinance applicable to WECS.
- B. Commercial WECS, Operational Support MET Towers for Commercial WECS Towers, and Operational Support MET Towers have no limitations on height, except those height limitations imposed by Federal Aviation Administration rules and regulations. All towers fitting the aforementioned description shall meet all of the development standards listed in the following WECS General Standards and the regulations set forth in Fulton County Zone Ordinance applicable to WECS.

**WE-05: Setback Regulations**

The following applies to Commercial WECS, Non-commercial WECS, Micro-WECS, and MET Towers:

- A. The setback requirements are waived for a Commercial WECS if the affected adjoining landowners sharing the common property line are Participating Landowners, except the setback from any Public Right-of-Ways (ROW) or public utility easements.
- B. A Commercial WECS tower may be placed up to the property line if a fully executed and recorded written waiver agreement is secured from the affected adjoining Non-Participating Landowner, except the setback from any Public Right-of-Ways (ROW) or public utility easements.
- C. The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within 1,000 feet of a COMMERCIAL WECS Tower, measured from the center of the WECS Tower to the nearest corner of the structure.





- D. For all WECS and MET Towers, the setback shall be measured from existing and future public right-of-way widths from improved or unimproved right-of-ways, as well as, any planned public road improvement or expansion if it is known at the time of application. No guyed wire anchors shall be allowed within any required public road right-of-way setback.
- E. For all Non-commercial WECS and MET Towers, the furthest horizontal extension (including guy wires) shall not extend into a required setback by the zoning district or be closer than twelve (12) feet to any primary structure, or public right-of-way easement for any above-ground telephone, electric transmission or distribution lines.
1. Minimum Setback distance for all COMMERCIAL WECS TOWERS

Distance from a -	
Property line: measured from the center of the WECS Tower to the property line	1.5 times the height of the WECS Tower (where blade is in a vertical position at its highest point)
Residential Dwellings: measured from the center of the WECS Tower to the nearest corner of the structure.	2.0 times the height of the WECS Tower (where blade is in a vertical position at its highest point)
Public Road Right-of Way (ROW) and other right-of-ways, such as railroads and above ground public utility easements: measured from the center of the WECS Tower to the edge of the ROW	1.1 times height of the WECS Tower (where blade is in a vertical position at its highest point), provided the distance is not less than three hundred and fifty (350') feet.
Public Conservation Lands & Public DNR Controlled Lakes: measured from the center of the WECS Tower to the nearest point of the public conservation land property boundary.	1,000'
Tippecanoe River: measured from the center of the WECS Tower to the top of the bank	1/2 Mile
Incorporated Limits of a municipality, platted community, or Residential District as defined by the Fulton County Zone Map: measured from the center of the WECS Tower to the nearest incorporated boundary line, platted lot boundary line, and/or residential district boundary line	-Unincorporated County: 1,500' - unless an executed and recorded waiver with the municipality is granted -City of Rochester: 3 Miles - unless an executed and recorded waiver with the municipality is granted -Town of Akron: 2 Miles - unless an executed and recorded waiver with the municipality is granted T-own of Kewanna: 1,500' - unless an executed and recorded waiver with the municipality is granted -Town of Fulton: 1,500' - unless an executed and recorded waiver with the municipality is granted



Caston School Property Boundary	660' - unless an executed and recorded waiver with the Caston School Board is granted
Above ground electric transmission line: measured from the center of the WECS Tower	1.1 times the height

2. Minimum Setback distance for all NON-COMMERCIAL WECS and MICRO WECS TOWERS

<b>Distance from a -</b>	
Property line: measured from the center of the WECS Tower to the property line	1.5 times total height
Residential Dwellings: measured from the center of the WECS Tower to the nearest corner of the structure.	1.5 times total height
Public Road Right-of Way (ROW) and other right-of-ways, such as railroads and public utility easements: measured from the center of the WECS Tower to the edge of the ROW	1.5 times total height
Public Conservation Lands: measured from the center of the WECS Tower to the nearest point of the public conservation land property boundary.	1,000'
Above ground electric transmission line: measured from the center of the WECS Tower	1.1 times the height

3. Minimum Setback distance for all METEOROLOGICAL (MET) TOWERS

<b>Distance from a -</b>	
Property line: measured from the center of the MET Tower to the property line	1.1 times total height
Residential Dwellings: measured from the center of the MET Tower to the nearest corner of the structure.	1.1 times total height
Public Road Right-of Way (ROW) and other right-of-ways, such as railroads and public utility easements: measured from the center of the MET Tower to the edge of the ROW	1.1 times total height

WE-06: Commercial WECS Power Collection and Transmission System: WECS Substation

1. For all Substations, setbacks from property lines are waived if the affected adjoining landowners sharing the common property line are all Participating Landowners.
2. Poles: for all poles carrying overhead wiring connecting Commercial WECS Towers to a Substation for connection to a utility's electric transmission line, there are no setback requirements from property lines as long as the poles are located within a recorded easement for such purposes.



**WE-07: Public and Private Airstrips**

All WECS are subject to the air space control height and use restrictions surrounding airports per FAA requirements. In addition any private airstrips existing at the time of the WECS application shall not be encroached upon by limiting safe and appropriate take off and landing pathways due to the height or placement of the wind energy structures. Current aeronautical charts shall be consulted to determine the location and proximity of both public and private airstrips within Fulton County.

**WE-08: Equipment Type**

1. All WECS shall conform to applicable industry standards, as well as all local, state and federal regulations. An applicant shall submit certificate(s) of design compliance that wind turbine manufacturers have obtained from Underwriters Laboratories, Det Norske Veritas, Germanischer Lloyd Wind Energie, or an equivalent third party.
2. Turbines: All turbines shall be constructed of commercially available equipment
3. MET Towers: all MET Towers may be guyed.
4. Experimental, or prototype equipment: experimental or prototype equipment still in testing which does not fully comply with industry standards, shall be approved by the Board of Zoning Appeals per the variance process established by this Ordinance.

**WE-09: Controls and Brakes**

All WECS shall be equipped with a manual and automatic redundant braking device capable of halting operation. This includes both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Braking during an over speed condition shall be accomplished via hydraulic aerodynamic pitch regulation of the WECS blades. The hydraulic system must be sufficiently redundant and reliable such that a loss of electrical power does not cause a loss of sufficient pitch functionality to slow the WECS rotor.

**WE-10: Electrical Components**

All electrical components of ALL WECS shall conform to applicable local, state and national codes, and any relevant national and international standards. All wiring for wind farm collection system shall be buried to the collector substation. All wiring connecting turbines to each other as a primary gathering system will be underground unless approved by the Fulton County Plan Commission during the Development Plan Review. Other collection, sub-transmission and transmission line plans shall be submitted with the site plan for approval by the Fulton County Plan Commission during the Development Plan Review: ALL transmission lines that are buried should be at a depth consistent with or greater than local utility and telecommunication lines standards or as negotiated with the land owner or the land owner's designee until the same reach the property line or a substation adjacent to the property line. The applicant may be required to finance outside inspectors deemed necessary by the Plan Commission.

**WE-11: Color and Finish**

In addition to all applicable Federal Aviation Administration (FAA) requirements, the exterior surface of all WECS, including the wind tower, blades and associated outbuildings shall be an aesthetically pleasing or another non-reflective, neutral color. Finishes shall be matte or non-reflective and are subject to approval during the Development Plan Review of Commercial WECS, or the variance procedure through the applicable Board of Zoning Appeals for Non-Commercial WECS and MET Towers.

**WE-12: Warnings**

- A. A sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall be posted on the turbine and/or at another suitable point.
- B. All guyed towers must have one of the following warning mechanisms in use at each anchor point:
  1. Visible and reflective objects, such as flags, plastic sleeves, reflectors, or tape placed on the



- anchor points of guy wires and along the innermost guy wires up to eight (8) feet above ground.
- 2. Visible fencing not less than four (4) feet in height installed around anchor points of guy wires.
- C. The following notices shall be clearly visible on all Non-commercial WECS and Micro WECS Towers and accessory facilities:
  - 1. "No Trespassing" signs shall be attached to any perimeter fence.
  - 2. "Danger" signs shall be posted at the height of five (5) feet on WECS Towers and accessory Structures.
  - 3. A sign shall be posted on the WECS Tower showing an emergency telephone number.
  - 4. The manual electrical and/or over speed shutdown disconnect switch(es) shall be clearly labeled.
- D. Consideration shall be given to paint aviation warnings as required by the FAA on all MET Towers.

**WE-13: Climb Prevention**

All wind Farm WECS tower designs shall include features to deter climbing or be protected by anti-climbing devices such as:

- 1. Fences with locking portals at least six (6) feet in height; or
- 2. Anti-climbing devices fifteen (15) feet vertically from the base of the WECS tower; or
- 3. Locked WECS Tower doors.

**WE-14: Blade Clearance**

- A. Commercial WECS: Minimum clearance between blade tip measured at the lowest point of the arc of the blades and ground level is 50'.
- B. Non-commercial WECS or Micro WECS: The minimum distance between the ground and any protruding blade(s) utilized on all Non-commercial WECS or Micro WECS shall be a minimum of fifteen (15) feet, as measured at the lowest point of the arc of the blades, provided the rotor blade does not exceed 20 feet in diameter. In either instance, the minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

**WE-15: Lighting**

No WECS shall be illuminated unless required by a state or federal agency, such as the Federal Aviation Administration (FAA). ALL lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by FAA permits and regulations. Except with respect to lighting required by the FAA, lighting may require shielding so no glare extends beyond any WECS structure.

**WE-16: Shadow Flicker**

On-Site-Use wind system shall not create shadow flicker for more than 30 hours per year or 30 minutes in a single day on any non-participating house located within a one-mile radius of the WECS tower location. This standard only applies to dwellings in existence at the time of the WECS construction.

**WE-17: Materials Handling, Storage and Disposal**

All solid wastes whether generated from supplies, equipment, parts, packaging, operation or maintenance of the facility, including old parts and equipment related to the construction, operation and/or maintenance of any WECS structure shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws. All hazardous materials or waste related to the construction, operation, and/or maintenance of any WECS shall be handled, stored, transported and disposed of in accordance with all applicable local, state, and federal laws.

**WE-18: Septic and Water**

Any facility shall comply with existing septic and well regulation as required by the Fulton



County Health Department and the State of Indiana Department of Public Health.

**WE-19: Noise and Vibration**

All WECS shall be located so that the level of noise produced by wind turbine is not greater than 50 dBA when measured 50 feet from the foundation of the nearest non-participating dwelling. This level may only be exceeded during short-term events such as utility outages and /or severe wind storms. All other noise and vibration levels shall be in compliance with all county, state, and federal regulations.

**WE-20: Signage**

All signs pertaining to a WECS Project must comply with the Development Standards set forth within this code for the respective zone district the WECS is located.

**WE-21: Feeder Lines**

Feeder lines installed as part of any WECS shall not be considered an essential service. All communications and feeder lines installed as part of any WECS shall be buried underground wherever possible.

**WE-22: Appurtenances**

No appurtenances other than those associated with the WECS construction, operations, maintenance, decommissioning/removal, and permit requirements shall be connected to any WECS tower except with express, written permission by the Board of Zoning Appeals.

**WE-23: Accessory Structures**

Any associated outbuildings/cabinets shall meet all setback requirements for primary structures for the zoning district in which the WECS is located.

**WE-24: Physical Modifications**

In general, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification. Like kind replacements shall not require re-certification. Therefore, prior to making any physical modification, the owner or operator shall discuss with the Plan Commission and Building Commissioner to determine whether the physical modification requires re-certification.

**WE-25: Interference**

No WECS shall be installed in any location where its proximity with fixed broadcast, re-transmission or reception antenna for radio, airport RF signals, television or wireless phone, or other personal communications systems would produce electromagnetic interference with signal transmission or reception unless proven, engineered technology exists to dispel such problems is incorporated into the plans (i.e. detuning or other such systems).

- A. Pre-construction: The applicant shall complete a communications study prior to construction so as to minimize interference with any public or public serving utility microwave transmissions.
- B. Post-construction: If, after the construction of a WECS, the owner or operator receives a written complaint related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions, Airport, and Air Reserve Base, the owner or operator shall take reasonable steps to mitigate said interference. Interference with public/private telecommunications systems such as GPS shall be between the company and the complainant.
- C. Failure to remedy a complaint: If either party cannot produce tangible proof of a valid effort to come to an agreement to remedy a known interference within thirty (30) days, appropriate action will be taken, which may result in the requiring the WECS to become inactive. A complainant must produce proof of communication and factual evidence of complaint prior to the action being brought to the Fulton County Plan Commission.

**WE-26: Maintenance Records**

At least annually, the operator of the Commercial WECS will provide to the Plan Commission a letter certifying that all required and periodic maintenance has been performed during a



particular calendar year and that the WECS is operating safely and efficiently. Should the Plan Commission not receive such annual certification, the Plan Commission will send a notice to the WECS operator requesting the certification letter within thirty (30) days. If after the 30 days, the Plan Commission has not received the required maintenance certification, then the Plan Commission may hire, at the WECS Operator's expense, a qualified Inspector to perform an inspection of the WECS System.

**WE-27: Declaration of Public Nuisance**

Any WECS thereof declared to be unsafe by the Fulton County Plan Commission by reason of inadequate maintenance, dilapidation, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal in accordance with the approved Decommissioning Plan.

**WE-28: Decommissioning Plan**

Prior to a public hearing for Development Plan Review, a decommissioning plan shall include, at a minimum, language to the following:

- A. Assurance – Written assurance that the facilities will be properly decommissioned upon the project life or in the event the facility is abandoned.
- B. Cost estimates- the applicant shall provide a contractor estimate for demolition and removal of the WECS facility. The cost estimates shall be made by a competent party: such as a professional engineer, a contractor capable of decommissioning or a person with suitable expertise with decommissioning WECS.
- C. Financial assurance- Applicant will provide financial assurance in an amount at least equal to said demolition and removal contractor estimate, through the use of a bond issued by an A+ Rated Bond Company, letter of credit or other security acceptable to the County, for the cost of decommissioning each tower and related improvements constructed under the permit. Said security will be released when each tower is properly decommissioned as determined by the Fulton County Plan and Building Departments.
- D. Abandonment by the owner or operator – In the event of abandonment by the owner or operator, the applicant will provide an affidavit to the Fulton County Plan Department representing that all easements for wind turbines shall contain terms that provide financial assurance, including access to the salvage value of the equipment, for the property owners to ensure that facilities are properly decommissioned within one (1) year of expiration or earlier termination of the project.
- E. All applicants or owners or operators shall provide a reposted/renewed/new Financial Assurance document in regard to the Decommissioning Plan every five years commencing with the operation of the WECS. The updated Financial Assurance shall be reviewed and approved by the Area Plan Commission along with an updated contractor's estimate providing an up-to-date cost estimate for the decommissioning of the WECS. The Financial Assurance and contractor's estimate will be reposted, resubmitted, and reviewed every five years by the Area Plan Commission, for a period of 30 years, or until such time all of the WECS are decommissioned in accordance with the Decommissioning Plan.

**WE-29: Discontinuance and abandonment**

Discontinuance- All WECS shall be considered a discontinued use after one (1) year without energy production, unless a plan is developed and submitted to the Fulton County Plan Department outlining the steps and schedule for returning the WECS to service.

**WE-30: Removal**

An applicant's obligations shall include removal of all physical material pertaining to the projects improvements to no less than a depth of four (4) feet below ground level within three hundred and sixty-five (365) days of the discontinuance or abandonment of the facility, and restoration of the project area to as near as practicable the condition of the site immediately before construction of such improvements by the owner or by Fulton County at the owner's



expense.

- A. Written notices – Prior to implementation of the existing procedures for the resolution of such default(s), the appropriate County body shall first provide written notice to the owner and /or operator, setting forth the alleged default(s). Such written notice shall provide then owner and/or operator a reasonable time period not to exceed sixty (60) days, for a good faith negotiations to resolve the alleged default(s).
- B. Cost incurred by the County – If the County removes a tower and appurtenant facilities, it may sell the salvage to defray the costs of removal. By approval, the permittee or grantor grants a license to Fulton County to enter the property to remove a tower pursuant to the terms of an approved decommissioning plan. Cost will be determined by the Fulton County Commissioners.

**WE-31: Liability Insurance**

The owner or operator of any WECS shall maintain a current general liability policy covering bodily injury and property damage and shall be required to name Fulton County as an additional insured with dollar amount limits of at least \$2 million per occurrence and \$5 million in the aggregate and with a deductible of no more than five thousand dollars (\$5,000). A copy of the policy and renewals will be provided to Fulton County. The applicant/owner/operator shall also execute a hold harmless indemnification agreement with Fulton County to continue until the Decommissioning Plan is satisfied.

**WE-32: Development Plan Review Application and Attachments**

In addition to the information required elsewhere in the Fulton County Zoning Ordinance, development plan application and approval for WECS facilities shall include the following supplemental information:

- A. A report from a qualified and licensed professional engineer which:
  - 1. describes the tower height and design including a cross section, latitude, longitude, and elevation,
  - 2. describes the tower’s capacity.
  - 3. document what steps the applicant will take to avoid interference with established public safety telecommunications;
  - 4. includes an engineer’s stamp and registration number; and,
  - 5. includes other information necessary to evaluate the request.
- C. An Economic Development Agreement approved by the Fulton County Board of Commissioners and the Fulton County Council.
- D. A Decommissioning Plan approved by the Fulton County Board of Commissioners and the Fulton County Council.
- E. A Drainage Agreement approved by the Fulton County Drain Board
- F. Road Use and Maintenance Agreement approved by the Fulton County Board of Commissioners and the Fulton County Highway Department.
- G. Location and approximate size and height of all buildings and structures within one thousand (1000) feet adjacent to the proposed WECS facility.
- H. Site plan of the proposed area for development, indicating all improvements.
- I. Elevations showing all facades, indicating exterior materials and color of the tower(s) on the proposed site.
- J. For the purposes of preventing harm to migratory birds and in compliance with the Migratory Bird Treaty Act, the applicant shall provide written documentation that they are in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and Indiana Department of Natural Resources.

**WE-33: Road Use and Maintenance Agreement**

- A. An Applicant, Owner, or Operator proposing to use any county road(s), for the purpose of transporting WECS or Substation parts and/or equipment for construction, operation, or main-



tenance of the WECS) or Substation(s), shall prior to construction:

1. Identify all such public roads and services;
2. Any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it must be approved by the Fulton County Highway Superintendent and Fulton County Commissioners. The Highway Superintendent shall conduct a pre-construction baseline survey to determine existing road conditions for assessing potential future damage.
3. Any road damage caused by the construction of the WECS project equipment, the installation of same, or the removal of same, must be repaired to the satisfaction of the Fulton County Highway Superintendent and Fulton County Commissioners. The Highway Superintendent and Fulton County Commissioners may choose to require either remediation of road repair upon completion of the project or are authorized to collect fees for oversized load permits. Further, a corporate surety bond issued by an A+ Rated Bond Company in an amount to be fixed by a Professional Engineer shall be required by the Highway Superintendent and Fulton County Commissioners to insure the county that future repairs are completed to the satisfaction of the unit of local government. The cost of bonding is to be paid by the applicant.
4. Newly constructed WECS access roads may not impede the flow of water.

**WE-34: Drainage Agreement**

All damages to waterways, drainage ditches, field tiles, or any other infrastructures caused by the construction or maintenance of the WECS, must be completely repaired to near original condition, and so as not to impede the natural flow of water.

- A. All repairs must be completed within a reasonable amount of time, as set by the corresponding County Board (i.e. Fulton County Drainage Board, Board of Commissioners, Plan Commission, Highway Superintendent, etc.)
- B. The Drainage agreement must prescribe or reference provision to address any inadvertent crop damage with the reconstruction/repair of any drainage apparatus described by this section.

**WE-35: Location Improvement Permit and Attachments**

Prior to the issuance of a Location Improvement Permit, the following supplemental information shall be submitted in a tabbed binder and organized by information regarding the overall WECS project and information regarding each individual tower:

- A. Contact information of project applicant, current project owner, and project operator. Notification will be given to the Fulton County Plan Commission of any change of ownership and/or operator throughout the duration of the project.
- B. Project Boundaries with recorded Memorandum of Lease agreements with private property owners.
- C. Project Description, including to the extent possible, information on each wind turbine proposed, including:
  1. Property lines - including identification of adjoining properties
  2. Number of WECS Towers: Individual WECS Tower Locations (including latitude and longitude), proximity to property lines, proximity to primary and accessory structures
  3. Type of turbine
  4. Name plate generating capacity
  5. tower height
  6. rotor length and diameter
  7. total height
  8. anchor base
  9. means of interconnection: feeder lines, overhead transmission lines, substation(s) location, etc.





10. equipment manufacturer(s) - county of origin, make, model, etc.

11. all related accessory structures

- D. A site layout plan - drawn at an appropriate scale, showing distances pertaining to all applicable setback requirements and certified by a professional engineer or registered land surveyor.
- E. Engineering Certification - For all WECS, the manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the permit application, that the foundation and tower design of the WECS is within accepted professional standards, given local soil and climate conditions. An engineering analysis of the WECS Tower showing compliance with the applicable regulation and certified by a licensed professional engineer shall also be submitted. The analysis shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings.
- F. A copy of the FAA's response to the submitted "Notice of Proposed Construction or Alteration" (FAA Form 7460 1) shall be submitted to the Plan Commission; and
- G. A report from a qualified and licensed professional engineer which demonstrates the WECS compliance with structural and electrical standards.
- H. An Erosion Control Plan developed in consultation with the Natural Resources Conservation Services (NRCS), and any storm water quality management plan adopted by the applicable jurisdiction.
- I. A Utility Plan drawn to the same scale as the site layout plan illustrating the location of all underground utility lines associated with the total WECS Project.
- J. In addition to complying with the approved Road Use and Maintenance Agreement, an applicant, owner, or operator proposing to use any county road(s), for the purpose of transporting any component of a Commercial WECS Project and/or equipment for construction, operation or maintenance of a Commercial WECS Project, shall comply with the following pre-construction requirements.
  - 1. Identification of roads and services: Identify all roads and services, to the extent that any proposed routes that will be used for construction and maintenance purposes shall be identified. If the route includes a public road, it shall be approved by the Fulton County Highway Superintendent.
  - 2. Pre-construction survey: The applicant shall conduct a pre-construction baseline survey acceptable to the Fulton County Highway Superintendent to determine existing road conditions for assessing potential future damage. The survey shall include photographs, or video, or a combination thereof, and a written agreement to document the condition of the public facility.
- K. The Fulton County Plan Commission has the ability to hire a licensed engineer to certify any supplemental attachments submitted for permit approval. The applicant will be responsible for the cost of such engineering certification, including, but not limited to, sections WE-35 (E.) through WE-35 (G.).
- L. Any other item reasonably requested by the Plan Commission staff. Such request must be submitted in writing and will state the reasoning for the request for additional information. Any request for supplemental information, notwithstanding the requirements of WE-35, may be heard in front of the Fulton County Plan Commission to ensure the request for additional information is not arbitrary or harassing.

**WE-36: Construction Requirements**

**A. Dust Control**

Reasonable dust control measures will be required and enforced by the Fulton County Highway Superintendent during construction of the WECS.

**B. Drainage**

Reasonable storm water best management practices as required by the Soil and Water Conser-



vation District and in some cases with the approval of a Drainage Plan/Agreement on file with the Fulton County Surveyor.

**WE-37: Post-Construction Requirements**

Post-construction, the applicant shall comply with the following provisions:

**A. As-Built Plans**

Where upon completion of the phases of the project being proposed, the exact measurements of the location of utilities and structures erected during the development are necessary for public record shall therefore be recorded. The applicant, owner, or operator shall submit a copy of the Final Construction Plans (as-built plans), as amended, to the Planning Department with the exact measurements thereon shown. The Plan Commission staff, after being satisfied that the measurements are substantially the same as indicated on the originally approved final plan(s) shall approve, date and sign said Construction Plans for the project. One set of As-Built plans will be submitted in CAD or shape-file format to be incorporated into the Fulton County GIS.

**B. Change in Ownership**

It is the responsibility of the owner or operator listed in the application to inform the Plan Commission of all changes in ownership and operation during the life of the project, including the sale or transfer of ownership or operation. Proof shall be provided to the Plan Commission that any subsequent purchaser shall comply with all financial obligations as originally approved for the project, and that the purchaser is contractually obligated to assume all responsibilities of the original applicant.

**5-1.5 Solar Energy Systems (SES) Standards (SE)**

In order to protect the public health, safety, and general welfare of the community while accommodating the energy needs of residents and businesses, these regulations are necessary in order to:

1. To bring the benefits of solar energy to Fulton County, including the potential to add local jobs, reduce energy bills, and reduce pollution in a manner that preserves reliability and affordability
2. minimize adverse effects of SES facilities through careful design and siting standards;
3. avoid potential damage to adjacent properties from SES failure through structural standards and setback requirements.

**SE-01:** The Fulton County Planning Office is vested with the authority to review, approve, and disapprove applications for Solar Energy Systems, including a sketch, preliminary plans and final plans.

**SE-02:** Regulations of the siting of SES facilities is an exercise of valid police power delegated by the State of Indiana. The developer has the duty of compliance with reasonable conditions laid down by the Fulton County Plan Commission.

**SE-03:** Ground-mounted solar energy systems in all districts shall be installed either in the side yard or rear yard. Ground-mounted solar energy systems accessory to a principal use may be located no closer than the setback for accessory structures from the side or rear lot line.

**SE-04: Height Requirements**

a. Roof mount: Roof-mounted solar energy systems may exceed the maximum building height, provided the SES does not exceed five feet in height above the roofline in residential districts and ten feet above the roof line in all other districts.

b. Ground mount: The maximum height restrictions for accessory structures in each zoning district are applicable to ground-mounted solar energy systems and solar energy systems.

**SE-05:** Lot Coverage cannot exceed the impervious lot surfaced requirements.

**SE-06:** Solar energy systems must meet the requirements of the Fulton County Drain Board.

**SE-07: Permit Requirements**

1. Small rooftop, micro, and ground mount solar installations are permitted in all major zoning districts.



2. A Technical Review Committee (TRC) site plan approval is required for Medium- and Large-scale solar energy systems prior to building permit approval.
3. Micro and Small systems are permitted uses in all Zone Districts.
4. Medium and Large systems are special exception uses in the AG, AP, RR, SR, KW, IR, HC, VC, GC, IN, and IU Districts.

SE-08: A Technical Review is required for Medium- and Large-scale solar energy systems prior to building permit approval. Site Plan documents shall include:

1. Property lines and physical features, including roads, for the project site;
2. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
3. Blueprints or drawings of the solar energy system showing the proposed layout of the system, the distance between the proposed solar collector and all property lines, and the tallest finished height of the solar collector;
4. Name, address, and contact information for proposed system installer;
5. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
6. Zoning district designation for the parcel(s) of land comprising the project site.
7. Documentation that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

SE-09: Removal Requirements – Any small, medium- or large-scale ground-mounted solar energy system which has reached the end of its useful life or has been abandoned shall be removed [by the owner or operator]. The owner or operator shall physically remove the installation no more than one year after the date of discontinued operations. The owner or operator shall notify the Fulton County Plan Department by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- (a) Physical removal of all solar energy systems, structures, and equipment from the site.
- (b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- (c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Fulton County Planning Office may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

SE-10: Abandonment – Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the small, medium- or large-scale ground-mounted solar energy system shall be considered abandoned when it fails to operate for more than one year without the written consent of the Fulton County Plan Department. If the owner or operator of the solar energy system fails to remove the installation in accordance with the requirements of this section within one year of abandonment or the proposed date of decommissioning, the County retains the right after the receipt of an appropriate court order, to enter and remove an abandoned, hazardous, or decommissioned small, medium, or large-scale ground-mounted solar energy system at the owner/operator's expense. As a condition of Site Plan approval, the applicant and landowner shall agree to allow entry to remove an abandoned or decommissioned installation

### 5-1.6 Height Standards (HT)

HT-01: No structure may be erected or changed so as to make its height greater than specified in its applicable Zoning District, except as noted below. Exceptions to height standards include:

- A. These specified height exceptions may exceed the permitted height regulations by twofold (x2) or seventy-five (75) feet; whichever is less.
  - a. Church steeples,
  - b. Water Towers, and



- c. Transmission towers.
- B. These specified height exceptions may exceed the permitted height standards by up to fifteen (15) feet.
  - a. Necessary mechanical appurtenances, and
  - b. Elevator bulkheads.
- C. Telecommunication towers height standards shall be governed by the Telecommunication Facilities Standards of this Article.

**5-1.7 Performance Standards (PS)**

PS-01: All uses established or placed into operation after the effective date of this Ordinance shall comply with the following performance standards in the interests of protecting public health, safety, and general welfare and lessening damage to property. No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance or interferes with reasonable enjoyment of neighboring properties. No use in existence on the effective date of this Ordinance shall be altered or modified to conflict with these standards. The Right to Farm laws may supercede these regulations as they pertain to farming/agricultural uses.

- A. Air Pollution: No use on a property shall release 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.
- B. Electrical Disturbance: No use on a property shall cause electrical disturbance adversely affecting radio, television or other equipment in the vicinity.
- C. Fire Protection: Fire fighting equipment and prevention measures acceptable to the local Fire Departments shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.
- D. Noise: No use on a property shall produce noise in such a manner as to be objectionable because of volume, frequency, intermittence, beat, shrillness, or vibration. Such noise shall be muffled or otherwise controlled so as not to become detrimental. Public safety sirens and related apparatus used solely for public purposes shall be exempt from this standard.
- E. Vibration: No use on a property shall cause vibrations detectable beyond lot lines without the aid of instruments.
- F. Heat and Glare: No use on a property shall produce heat and glare in such a manner as to create a hazard to neighboring property. Nor shall any such heat or glare interfere with the reasonable enjoyment of neighboring property, or transportation function.
- G. Waste Matter: No use on a property shall accumulate within the lot or discharge waste matter beyond the lot lines.
- H. Water Pollution: No use on a property shall produce erosion or other pollutants in such a quantity as to be detrimental to adjacent properties or to conflict with public water quality standards.

**5-1.8 Environmental Standards (EN)**

EN-01: The following standards pertain to environmental concerns in Fulton County. Some of the following standards listed below refer to state regulations. This is not to imply that the county is enforcing state regulations; state regulations are referred to in order to make the petitioner aware that they exist and need to be complied with in addition to local law.

- A. Land Suitability: No land shall be used or structure erected where the land is unsuitable for such use or structure due to slopes greater than ten percent (10%), adverse soil or rock formation, erosion susceptibility, low percolation rate or bearing strength, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of the community.



- B. Drainage: Drainage swales (ditches) along dedicated roadways and within the right-of-way or on dedicated drainage easements are not to be altered, except for maintenance as originally constructed and as approved by the Fulton County Highway Department, the Fulton County Drainage Board, or the Indiana Department of Transportation. Driveways may be constructed over these or other approved structures as permitted by the appropriate agency.
- C. Permanent Structures: No permanent structures other than a fence may be erected, and if erected in violation of this section, no such structure may be used if the location is within seventy-five (75) feet of the center line of any regulated tile ditch, or within seventy-five (75) feet of the existing top edge of any regulated open ditch or tile, or platted regulated subdivision easement unless approved by the Fulton County Surveyor.
- D. Code Compliance / Hazardous Waste: All development must be in compliance with Title 7 of the Indiana Code, as amended, as it relates to hazardous waste, low level nuclear waste, underground storage tanks, waste tires, and other applicable chapters of said Title.
- E. Code Compliance / Environmental Quality: All development must be in compliance with Title 13 of the Indiana Code, as amended, as it relates to air pollution control, water pollution control, solid waste management, and other applicable chapters of said Title.
- F. Waste Disposal: No waste materials such as garbage, rubbish, gasoline, oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be deposited, located, stored, or discharged on any lot in a way that would be likely to runoff, seep, or wash into surface or ground water.
- G. Fuel Storage: Applicable only in Residential Districts and exclude county/city/town facilities. No highly flammable or explosive liquids, solids, or gasses specified by the State Fire Marshal shall be stored in bulk above ground, except tanks or drums of fuel connected directly with energy devises or heating appliances located and operated on the same lot as the tanks or drums of fuel.
- H. Debris / Refuse: Debris and refuse shall not accumulate on any property, in any zoning district.
- I. View Requirements: In the R3 District and where a proposed structure will eliminate more than fifty percent of an adjacent structure's view or exposure to the sun, an additional yard area setback may be required by the Plan Administrator so the fifty percent (50%) view or exposure may be maintained.
- J. Projects Affecting Regulated Drains: Regulated drains are under the jurisdiction of the Fulton County Drainage Board. The Fulton County Drainage Board or Fulton County Surveyor shall review and approve all development or projects directly affecting a regulated open ditch or tile per I.C. 36-9-27-13 of the Indiana Drainage Code.

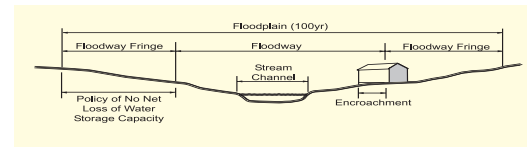
EN-02: It shall be the responsibility of the owner of any lot or parcel of land developed for any use other than for agriculture to provide for adequate surface water drainage. Existing natural surface drainage should be utilized. Whenever the evidence available indicates that the natural surface drainage is inadequate the owner shall provide the parcel with an adequate surface water drainage system which shall be integrated into the drainage pattern of surrounding properties. All drainage plans shall be reviewed and approved by the Fulton County Drainage Board.

### 5-1.9 Floodplain Standards (FP)

FP-01: The intent of floodplain standards is to protect from loss of property and maintain natural areas that help mitigate flooding. Fulton County's Plan Commission and Board of Zoning Appeals should strive to prevent any infilling of land in the floodplain, or constructing of any structures. The floodplain includes the channel, floodway, and floodway fringe of a 100 year flood. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration or best available



information. The Plan Administrator may require a petitioner to acquire a surveyor or engineer to determine the floodplain on a parcel of land.



Under the authority granted to local units of government to control land use within their jurisdiction, the County Commissioners adopt floodplain management regulations in order to accomplish the following: to prevent unwise developments from increasing flood or drainage hazards to others; to protect new buildings and major improvements to buildings from flood damage; to protect human life and health from the hazards of flooding; to lessen the burden on the taxpayers for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations; to maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas.

All development shall be prohibited within the floodplain except as outlined below.

- A. The following uses shall be permitted by right, provided they are permitted by the underlying district:
  - a. Agricultural uses such as crop production, pastures, orchards, tree farms, plant nurseries, vineyards, and general farming.
  - b. Forestry, wildlife areas and nature preserves.
  - c. Parks and recreational uses except golf course and driving range.
  - d. Public streets, bridges, and roadways.
- B. Uses permitted as a Special Exception are as follows:
  - a. Riding stables or trails.
  - b. Public well.
  - c. Sewage treatment plant.
  - d. Water management use facilities (i.e. dams, docks, channel improvements, dikes, jetties, marinas, piers, wharves, levees, seawalls, floodwalls, and irrigation facilities).
  - e. Public/private parking area.
  - f. Golf course.
  - g. Driving range.
  - h. Artificial lake - one and one-half (1 1/2) or more acres.
- C. A Location Improvement Permit is required if any structure is proposed to be erected, any excavation opened, or any material deposited in the floodplain. The application for a Location Improvement Permit shall be accompanied by the following:
  - a. A narrative description of the proposed development.
  - b. Location of proposed development - sufficient to accurately show property and structure in relation to existing roads and streams.
  - c. A site development plan showing existing and proposed structure locations and existing and proposed land grades.
  - d. Elevation of lowest floor (including basement) of all proposed structures.
- D. As required by state law, if the site is located in the *floodway*, the petitioner must receive permission from IDNR to do any excavation, deposits, construction or obstruction activity.
  - a. The *floodway* is defined by the National Flood Insurance Program flood boundary and floodway map.
  - b. If the site is known to be or is potentially in the *floodway* the plan administrator shall require the applicant to forward all pertinent plans and specifications to IDNR and apply for a permit for construction in a floodway. This includes land preparation such as filling,



- grading, clearing, and paving, etc. undertaken before the actual start of construction of the building.
- c. No action shall be taken by the plan administrator until a permit has been granted by IDNR granting approval for construction in a floodway, or IDNR issues a letter stating the proposed activity is not within the floodway and/or under its jurisdiction.
  - d. The plan administrator may issue a Location Improvement Permit but only if the other provisions in this section (FP-01) have been met.
- E. If the site is in the *floodway fringe*, the petitioner may receive a Location Improvement Permit for the permitted uses discussed in “A” of this section. They may also receive a Location Improvement Permit for the special exception uses in “B” of this section after Board of Zoning Appeals approval. In addition, the following requirements apply:
- a. All other provisions in this section (FP-01) shall be complied with.
  - b. All structures (finished floor elevation) are required to be constructed, two (2) feet above the regulatory flood plain elevation. Fill cannot be used to achieve this requirement.
- F. Under no circumstance shall there be a net loss of flood water capacity. No development shall be permitted which acting alone or in combination with existing or future similar works will cause any increase in the elevation of the regulatory flood.
- G. The Fulton County Board of Zoning Appeals when hearing variance requests from this section of the Ordinance shall consider the following in addition to the criteria set forth in this ordinance:
- a. The potential damage to belongings of all those that may be affected by a flood not just the property or building owner.
  - b. The increased flood hazard to other structures and properties in the surrounding area that may be caused by building the proposed structure.
  - c. Whether the site is subject to more frequent flooding than the 100-year flood.
  - d. Whether there are other options for locating the structure.
  - e. The applicant shall demonstrate the necessity of the particular use or structure within the floodplain.

#### 5-1.10 Home Occupation Standards (HO)

HO-01: Home Occupation #1: The intent of the Home Occupation #1 provisions are to allow minimal business practices within certain Zoning Districts. Further, the intent is not to allow the loss of the residential district’s character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply:

- A. The home occupation must not involve retail sales or manufacturing operations.
- B. The home occupation must not involve the employment of any person other than those residing at the location of the home occupation.
- C. At least one (1) member residing on the premises must be the primary operator of the company.
- D. The equipment used for the business must be limited to computers, fax machines, telephones, copy machines, and other small business office equipment.
- E. There must not be any exterior storage or display of products, equipment or materials used in connection with the home occupation.
- F. No more than fifty percent (50%) of the total floor area of the primary structure shall be used for the home occupation.
- G. There shall not be any exterior, structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
- H. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.



- I. There shall not be any additional entrances to the dwelling unit for the purpose of conducting business or to accommodate the business.
- J. No use of an Accessory Structure including attached/detached garages, shall be allowed.
- K. No traffic generation due to the business will be permitted.
- L. No signage for the business shall be allowed on or off the property.
- M. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive.
- N. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
- O. No additional parking may be added to the Lot(s) where the residence is located to accommodate for the home occupation.
- P. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers is not permitted.
- Q. The permitted uses for Home Occupation #1 shall be limited to small offices or operations which have no clients, associates, or persons visiting, shopping, meeting, or otherwise doing business at the home location.
- R. Home occupation uses that meet the above described standards are deemed permitted until the legislative bodies, the Fulton County Plan Commission or a BZA rule the use to be a nuisance, or until adjacent neighbors petition to the Commission that the use is a nuisance.

HO-02: Home Occupation #2: The intent of the Home Occupation #2 provisions are to allow reasonable business practices within certain Zoning Districts. Further, the intent is not to allow the loss of the a district's character or function. To regulate reasonable business practices the following development standards apply.

- A. Retail sales is not permitted.
- B. The home occupation must not involve the employment of any more than one (1) person who is not related and does not reside at the location of the home occupation.
- C. At least one (1) member residing on the premises must be the primary operator of the business.
- D. There shall not be any use of mechanical equipment, other than what is usual for purely domestic or hobby purposes.
- E. There must not be any exterior storage or display of equipment or materials used in connection with the home occupation.
- F. No more than fifty percent (50%) of the total floor area of any level of the primary structure shall be used for the home occupation.
- G. There shall not be any exterior structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
- H. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
- I. Business practices in an Accessory Structure are not permitted except in the AG District.
- J. Minimal traffic generation due to the business will be permitted.
- K. A small sign not exceeding two (2) square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted unless required by State law.
- L. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property line O. for the Dwelling Unit.
- M. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
- N. No more than one additional parking space may be added to the Lot(s) where the residence is





- located to accommodate for the home occupation.
- O. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers is not permitted.
- P. The permitted uses for Home Occupation #2 shall be limited to domestic crafts, professional services, catalog businesses, and Internet businesses, including but not limited to:
- a. dressmaking,
  - b. sewing,
  - c. weaving,
  - d. tailoring,
  - e. ironing,
  - f. washing,
  - g. computer/Internet based sales,
  - h. catalog order business,
  - i. furniture repair,
  - j. hair grooming - one (1) chair,
  - k. home office for a lawyer, doctor, architect, engineer, accountant, or planner,
  - l. home office for a real estate, insurance, notary public, or manufacturer's agent,
  - m. office for clergy,
  - n. art studio, writing studio, music studio, photography studio,
  - o. teaching art, writing, or music for one student at one time,
  - p. photographic studio,
  - q. print shop, and
  - r. sign painting.
- Q. The following permitted uses for Home Occupation #2 shall be limited to the AG District only.
- a. tooling, or machining of any kind,
  - b. welding,
  - c. sign fabrication, and
  - d. wholesale businesses.
- R. The following types of business shall not be permitted as a Home Occupation #2:
- a. medical clinics of any kind,
  - b. retail dress shops,
  - c. funeral homes,
  - d. tourist homes,
  - e. animal hospitals,
  - f. kennels,
  - g. trailer rentals,
  - h. automobile, motor vehicles, equipment repair of any kind,
  - i. painting of automobiles, motor vehicles, or equipment of any kind,
  - j. photo developing,
  - k. television, radio or other electronics repair,
  - l. tool or equipment rental of any kind,
  - m. restaurant or similar establishment,
  - n. salvage operations of any kind,
  - o. freight or trucking operations of any kind,
  - p. contractors business, and
  - q. landscaping/lawncare business.
- S. Permitted uses are deemed so until the County Commissioners, Fulton County Plan Commission or BZA rule the use to be a nuisance, or until the majority of adjacent neighbors petition



to the County that the use is a nuisance.

- T. Uses not specifically mentioned will be interpreted by the Plan Administrator as to whether the use is permitted or not.

HO-03: Home Occupation #3: The intent of the Home Occupation #3 provisions are to allow reasonable business practices within certain Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices and residential character, the following development standards apply.

- A. Retail sales cannot involve more than five percent (5%) of the home occupation inventory.
- B. The home occupation must not involve the employment of any more than two (2) persons who are not related and do not reside at the location of the home occupation.
- C. At least one (1) member residing on the premises must be the primary operator of the business.
- D. There shall not be any use of mechanical equipment, other than what is usual for purely domestic or hobby purposes.
- E. There must not be any exterior storage or display of equipment or materials used in connection with the home occupation.
- F. No more than fifty percent (50%) of the total floor area of any level of the primary structure shall be used for the home occupation.
- G. There shall not be any exterior structural or aesthetic alterations to the dwelling unit to accommodate for the home occupation.
- H. There shall not be any room additions or other structural/aesthetic alterations that change the residential character of the dwelling unit.
- I. Business practices in Accessory Structures are permitted.
- J. Minimal traffic generation due to the business will be permitted.
- K. A small sign not exceeding two (2) square feet will be allowed on the primary structure. No off-site signs or signs in the yard of the property shall be permitted unless required by State law.
- L. No business practice, function, equipment, or process shall create electrical interference, odors, noise, vibration, light, smoke, fumes, or any thing offensive beyond the property line for the Dwelling Unit.
- M. No home occupation that demands increasing or enhancing the size, capacity, or flow of the water, gas, septic, sewer, or electrical system beyond what is standard for a residence will be allowed.
- N. No more than one additional parking space may be added to the Lot(s) where the residence is located to accommodate for the home occupation.
- O. Use of commercial vehicles for pickup and deliveries other than from the U.S. Postal Service, UPS, and other express carriers is not permitted.
- P. The permitted uses for Home Occupation #3 shall be limited to domestic crafts, professional services, catalog businesses, and Internet businesses, including but not limited to:
  - a. dressmaking,
  - b. sewing,
  - c. weaving,
  - d. tailoring,
  - e. ironing,
  - f. washing,
  - g. computer/Internet based sales,
  - h. catalog order business,
  - i. furniture repair,
  - j. hair grooming - one (1) chair,
  - k. home office for a lawyer, doctor, architect, engineer, accountant, or planner,



- l. home office for a real estate, insurance, notary public, or manufacturer's agent,
- m. office for clergy,
- n. art studio, writing studio, music studio, photography studio,
- o. teaching art, writing, or music for one student at one time,
- p. photographic studio,
- q. print shop, and
- r. sign painting.

- Q. The following permitted uses for Home Occupation #3 shall be limited to the AG District only.
- a. tooling, or machining of any kind,
  - b. welding,
  - c. sign fabrication, and
  - d. wholesale businesses.

- R. The following types of business shall not be permitted as a Home Occupation #3:

- a. medical clinics of any kind,
- b. retail dress shops,
- c. funeral homes,
- d. tourist homes,
- e. animal hospitals,
- f. kennels,
- g. trailer rentals,
- h. automobile, motor vehicles, equipment repair of any kind,
- i. painting of automobiles, motor vehicles, or equipment of any kind,
- j. photo developing,
- k. television, radio or other electronics repair,
- l. tool or equipment rental of any kind,
- m. restaurant or similar establishment,
- n. salvage operations of any kind,
- o. freight or trucking operations of any kind,
- p. contractors business, and
- q. landscaping/lawncare business.

- S. Permitted uses are deemed so until the County Commissioners, Fulton County Plan Commission or BZA rule the use to be a nuisance, or until the majority of adjacent neighbors petition to the County that the use is a nuisance.

- T. Uses not specifically mentioned will be interpreted by the Plan Administrator as to whether the use is permitted or not.

#### **5-1.11 Telecommunication Facilities Standards (TF)**

TF-01: Applicable in all Districts except within the incorporated limits of the Town of Akron.

The intent of the following standards is to provide sensible and reasonable use of land for wireless telecommunications facilities and services. It is also intended to encourage sharing of telecommunication towers to make the best use of every tower location. Lastly, these standards are intended to minimize adverse, undesirable visual effects of towers through careful screening.

All Wireless Telecommunication Facilities shall meet the following provisions:

- A. It shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.
- B. A proposal for a new telecommunications tower shall only be approved if the applicant submits verification that the antennas planned for the proposed tower cannot be accommodated on an existing or approved towers or buildings within a three (3) mile radius of the proposed



- tower location due to one or more of the following reasons:
- a. The antennas would exceed the structural capacity of the existing or approved tower, building, or structure as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced, modified, or replaced to accommodate antennas at a reasonable cost.
  - b. The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site. Supportive documentation by a qualified and licensed professional engineer indicating that the interference cannot be prevented at a reasonable cost must be provided.
  - c. The existing or approved towers, buildings or structure within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a qualified and licensed professional engineer.
  - d. Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower, building or structure as certified and documented by a qualified and licensed engineer.
  - e. Unable to enter a commonly reasonable lease term with the existing tower owner. Note: If agreement cannot be reached between parties, both parties shall consent to mediation or arbitration.
  - f. Unable to enter a commonly reasonable lease term with existing land owner. Note: If agreement cannot be reached between parties, both parties shall consent to mediation or arbitration.
  - g. Additional land area is not available.
- C. A propagation study will accompany an application for a new telecommunications tower (if co-location cannot be achieved).
- D. Any proposed telecommunication tower shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicants height and at least four (4) additional users. Towers must be designed to allow for future rearrangement of antennas upon the tower and accept antennas mounted at varying heights. The lot where the tower is located (or lease area) shall be large enough to accommodate all future anticipated accessory structures needed by future antenna users.
- E. No part of any wireless telecommunications facility nor any lines, cables, equipment or wires or braces in connection with either shall at any time extend across or over any part of the right-of-way, public street, highway, sidewalk, trails or property line.
- F. All telecommunication facilities are subject to the air space control height and use restrictions surrounding airports per FAA requirements. In addition any private airstrips existing at the time of the project application shall not be encroached upon by limiting safe and appropriate take off and landing pathways due to the height or placement of the telecommunication structure(s). Current aeronautical charts should be consulted to determine the location of both public and private airstrips within Fulton County.
- G. All antennas, tower and accessory structure constructed within the Fulton County Plan Commission jurisdiction, shall comply with the following requirement:
- a. All applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission.
  - b. Towers shall be certified by a qualified and licensed professional engineer to conform to the latest structural standards and wind loading requirements of the Uniform Building Code.
  - c. Towers and antennas shall be designed to conform with accepted electrical engineering methods and practices and to comply with the provisions of the National Electrical Code.
  - d. Towers shall be constructed to conform with the requirements of Occupational Safety and Health Administration.
  - e. An engineers certification shall be submitted to document and verify the design specifica-



tions but not limited to, the foundation for the tower, and anchors for the guy wires if used, co-location, strength requirements, for natural forces; ice, wind, earth movements, etc.

f. Towers and antennas shall be designed and constructed, at a minimum, to withstand wind gusts of at least eighty (80) miles per hour with one-half inch of ice and to accommodate any co-location requirements.

H. An eight (8) foot high security fence shall completely surround the tower and equipment building.

I. The following buffer plantings shall be located around the perimeter of the security fence of a wireless telecommunications facility:

a. An evergreen screen shall be planted around the entire facility.

1. If hedges are used they shall be a minimum of five (5) feet tall and planted a maximum of three (3) feet on center.

2. If evergreens are used they shall be a minimum of five (5) feet tall and planted a maximum of ten (10) feet on center.

b. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

J. The following shall apply to Existing Antennas and Towers:

a. Existing towers and antennas may continue in use for their current purpose but may not be replaced or structurally altered without complying in all respects to the requirements in this Ordinance.

b. Any request submitted to the Fulton County Plan Commission to install an antenna to be located on an existing approved or “grandfathered” tower will only require a location improvement permit and a copy of the contract between the applicant company and the owner of the tower.

c. If such towers are hereafter damaged or destroyed due to any reason or cause whatsoever, the tower may be repaired and restored to its former location, and physical dimensions upon obtaining a location improvement permit. However, if the cost of repairing the tower to the former use, physical dimensions, and location would be ten percent (10%) more than the cost of a new tower of like kind and quality, then the tower may not be repaired or restored except in full compliance with all requirements in this Ordinance.

d. Any tower unused or left abandoned for twelve (12) consecutive months shall be removed by the tower owner at their expense.

K. The following shall apply to the inspection of towers:

a. All towers may be inspected at least once every one to five (1-5) years by an official of the Fulton County Plan Commission and/or a qualified and licensed engineer to determine compliance with the original construction standards. Deviation from original construction for which a permit is obtained constitutes a violation of this Ordinance.

b. Notice of violations will be sent by registered mail to the owner and the owner will have thirty (30) days from the date the notification is issued to make repairs. The owner will notify the Fulton County Plan Commission that the repairs have been made, and as soon as possible thereafter, another inspection will be made and the owner notified of the results.

TF-02: A Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all of the following requirements:

A. The following shall apply to a Guy Wire Tower, as well as, any other tower not classified within this Section:

1. Minimum front, side and rear property setbacks, as well as, primary structure or commercial structure setbacks must be equal to fifty (50) feet above the height of the tower.

2. Maximum height of tower: three hundred (300) feet

3. Maximum height of accessory structure: fifteen (15) feet.



4. Tower shall be placed no closer than five hundred (500) feet from any residential zoning district or the village commercial district.
- B. The following shall apply to Monopole and Freestanding Towers:
  1. Minimum front, side and rear property setbacks, as well as, primary structure or commercial structure setbacks must be equal to two hundred (200) feet or half the height of the tower, whichever is more.
  2. Maximum height of tower: three hundred (300) feet
  3. Maximum height of accessory structure: fifteen (15) feet.
  4. Tower shall be placed no closer than five hundred (500) feet from any residential zoning district or the village commercial district.

#### 5-1.12 General Sign Standards (GS)

GS-01: Except as otherwise provided herein, it shall be unlawful for any person to erect, construct, enlarge, move or covert any sign, or change the permanent copy on an existing sign structure within the jurisdiction of the Fulton County Plan Commission, or cause the same to be done without first obtaining a sign permit from the Plan Commission. The following sign standards apply to all signs within the jurisdiction of the Fulton County Plan Commission, unless otherwise specified.

- A. Inspection: Signs for which a permit is required may be inspected periodically by the Fulton County Plan Commission or Plan Administrator for compliance with this ordinance.
- B. Removal of Sign: The Fulton County Plan Commission or Plan Administrator may order the removal of any sign erected or maintained in violation of this Article. A thirty (30) days written notice shall be given to the owner or business operator describing the violation and to remove the sign or bring it into compliance. A three (3) day notice shall be given for temporary or portable signs. The Fulton County Plan Commission or Plan Administrator may remove a sign immediately and without notice if the condition of the sign presents an immediate threat to the safety of the public.  
Any cost associated with signs removed by the Fulton County Plan Commission and/or Plan Administrator, pursuant to the provisions of this Article, shall be reimbursed by the owner of said sign. Should said sign not be redeemed within sixty (60) days of its removal, it may be disposed of in any manner deemed appropriate by the County.
- C. Maintenance: All signs and components thereof shall be kept in good repair and in safe, neat, clean and attractive condition. If failure to maintain a sign is determined by the Fulton County Plan Commission or Plan Administrator, a written notice will be given to the owner, business operator or lessee of the property. Thirty (30) days shall be given to the owner, business operator, or lessee of the property to comply to the regulations. After thirty (30) days if the owner/business operator fails to comply penalties shall be imposed according to this ordinance.
- D. Abandoned Signs: A sign shall be removed by the owner or lessee of the premises upon which the sign is located when the business which it advertises is no longer conducted on the premises. If the owner or lessee fails to remove the sign, the Fulton County Plan Commission or Plan Administrator shall give the owner thirty (30) days written notice to remove it. Upon failure to comply with this notice, the Fulton County Plan Commission or Plan Administrator may remove the sign at cost to the property owner or lessee.
- E. Illuminated Signs: All illuminated signs must meet the standards as specified in the State Electrical Code, as adopted and amended by the State of Indiana. In addition, all illuminated signs shall comply with the following standards.
  - a. The full number of illuminating elements shall be kept in satisfactory working condition and immediately repaired or replaced if damaged or burned out. Signs that are only partially illuminated shall meet all electrical requirements for that portion directly illuminated.
  - b. All electrical wiring for permanent signs shall be in conduit. All electricity for signs shall have a disconnecting switch located in a readily accessible place.



## Article Five

# Section Two- Agricultural District (AG)

### 5-2.0 Interpretation

The following development standards listed within Section Two are applicable within the Agricultural (AG) Zone District listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

### 5-2.1 Accessory Structure Standards (AS)

AS-01: The following Accessory Structures/Buildings Standards apply to the agricultural district(s). Accessory Structures/Buildings shall comply with all Development Standards for the Zoning District.

- A. The following Accessory Structures/Buildings are permitted, but must abide by all applicable Standards:
- Agricultural buildings
  - Manure storage structure (see definition for additional regulations)
  - Antennas or satellite dishes,
  - Bath houses or saunas,
  - Decks,
  - Detached garages,
  - Gazebos,
  - Greenhouses,
  - Hot tubs,
  - Mini barns,
  - Pole barns,
  - Sheds,
  - Sport courts,
  - Storage buildings, and
  - Swimming pools.
- B. Two (2) Dumpsters per lot are permitted.
- C. Accessory Buildings are not deemed to include swing sets, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.
- D. No Accessory Structures/Buildings shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.
- E. All permissible Accessory Structures/Buildings shall abide by the following standards:
- a. An accessory structure shall only be located to the rear or side of the primary structure. Gazebos, decks, antennas, satellite dishes are exempt.
  - b. No mobile home or manufactured home may be used as an accessory structure in any district.
- F. All wind generated energy apparatuses when located within the AG District must comply with the following Development Standards:
- a. On-Site-Use wind systems are defined as, “intended to primarily serve the needs of the consumer” on whose property they are constructed.
  - b. On-Site-Use wind systems have a setback of one and one-half times the height of the system, which is measured from the base of the tower to the top of one of the blades in a vertical position.
  - c. On-Site-Use wind systems must have a minimum vertical blade tip clearance from ground level of twenty (20) feet. Vertical blade tip is measured from the base of the tower to the top of one of the blades in a vertical position.
  - d. If an On-Site-Use wind system is supported by guy wires, the wires should be clearly visible to a height of at least 6 feet above the ground.



- e. On-Site-Use wind systems, classified as a permitted use, have a maximum height restriction of two-hundred (200) feet. Any On-Site-Use wind system taller than the required two-hundred (200) feet shall be approved by special exception process within the AG District.
- f. On-Site-Use wind systems shall not make, continue, or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner; and such definition of the previous grievances will be by a metered measure consisting of any noise level exceeding 55 decibels on the “A” scale (dB[A]) at the property line. The cost of the metered measurement will be at the property owner’s expense on whose property the windmill is constructed.
- g. On-Site-Use wind system shall not create shadow flicker upon neighboring properties.

**5-2.2 Privacy Fences (Privacy Walls) (FN)**

FN-01: All privacy fences (privacy) walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.
- F. Not incorporate security wire or sharpened top spikes.

**5-2.3 Temporary Use/Structure Standards (TU)**

TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

- A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
- B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
- C. Permit: All temporary uses/structures will be required to have a temporary Location Improvement Permit and will be subject to fees as adopted, unless otherwise noted in this article.
- D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
- E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-02: Temporary Structures/Uses permitted include:

- A. Construction trailers (permit may be renewed one time by the Plan Administrator with reason.)  
The construction trailer shall be situated at the construction site and occupied by only persons directly engaged in the supervision of the construction of the structure or development.
- B. Roadside sales vehicles or structures,
- C. Pole Building/Barn
- D. Garage

**5-2.4 Lighting Standards (LT)**

LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicles and persons without affecting neighboring properties. Further the





level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- A. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle (“downlighting”).
- C. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle (downlighting) and shall be no more than twenty (20) feet in height.
- D. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle (downlighting).-
- E. All lights within a single development must use consistent style, design, height, size and color throughout the development.
- F. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles). The only exception to this standard is as follows:
  - a. when the subject property is a business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District) .
  - b when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
- G. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

#### 5-2.5 Parking Standards (PK)

PK-01: All parking lots for commercial, industrial, business, public and private employee parking, offices, organizations, and places of assembly must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, gravel, stone, rock, or dust-free material as approved by plan commission, except for special events permitted throughout the year. Dirt, sand or grass is not permitted as a parking surface, except for special events permitted throughout the year that may require spill over parking. Expansion of any parking lot surface will comply with the current Zone Ordinance. In addition, these parking lots, in relation to the facility’s normal activities, must also conform to all the following requirements:

- A. All ingress/egress into parking areas must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, or other durable, dust-free material.
- B. Parking lots shall be located a minimum of 5’ from the road right-of-way, side, and rear property lines. All of the area within the 5’ setback will be sustained as a vegetative buffer between the lot lines and the parking lot.
- C. Parking lots with more than one parking aisle, or designed greater than, or equal to, four-tenths (.4) of an acre, 17,424 square feet, will have interior vegetative buffers installed. The interior vegetative buffers shall be in the form of pedestrian walkways between parking isles, strips or islands planted in the form of some combination of trees, shrubs, and/or grass. Vegetative Islands shall be placed at the end of each parking aisle containing 20 or more parking spaces.
- E. Parking spaces required in this standard must be located either on the premises or on a lot approved by the Fulton County Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.
- F. Parking spaces shall be a minimum of 9’ x 18’. Parking aisle widths shall be as follows:



- 90 degree angle space - 24' wide parking aisle
- 60 degree angle space - 18' wide parking aisle
- 45 degree angle space - 14' wide parking aisle

G. All components of a parking lot must be ADA compliant.

H. A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties are adequate, and at least eighty percent (80%) of the total spaces required for each use. A permanent documentation of the agreement must be recorded with both properties. A permanent written agreement signed by all property owners involved which shall include but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed/approved by the Plan Administrator and/or Plan Commission Attorney. The agreement shall be recorded in the office of the Fulton County Recorder. A copy of which shall be kept in the office of the Fulton County Plan Commission. The Plan Administrator shall approve aggregate parking lots such as mentioned above.

PK-02: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below:

A. One and eight tenths (1.8) parking spaces per employee (rounded up to the nearest whole number) for the largest working shift. For example if there are two (2) shifts, first shift with five (5) employees and the second with seven (7) employees; Thirteen (13) parking spaces would be required to accommodate the employees on the largest shift.

B. One parking space for every four (4) chairs/seats in a restaurants, food services, movie theatre, auditorium, or church.

C. One parking space per 500 square feet of Gross Floor Area in all hardware stores, home improvement stores, furniture stores and community centers.

D. One parking space per every 300 square feet of Gross Floor Area in all convenience stores, gasoline stations, grocery stores, banks, medical clinics and department stores.

E. One (1) parking space per every one (1) sleeping unit in a hotel, motel, boarding/lodging house or bed and breakfast.

F. Additional parking spaces may be required by the Fulton County Plan Commission.

PK-03: If more than two (2) vehicles without a current year license plate or in inoperable condition are stored on a property the following conditions apply.

A. They must be parked:

- a. in completely enclosed buildings, or
- b. a minimum of two-hundred (200) feet from the front property line, a minimum of fifty (50) feet from the side property line, or in the rear yard, as well as,
- c. a minimum of two-hundred (200) feet from a lake or river.

B. They must be screened from view. Screening includes fencing, landscaping, or placement so that it may not be seen from the road. Tarping is not allowed for compliance.

PK-04: No vehicle or tractor, semitrailer, cargo container/pod, hauling trailer, or railroad boxcar of any type may be located on any parcel or lot, except as outlined below:

A: One (1) cargo container/pod may be situated on a parcel or contiguously owned parcels, with a primary structure. Said container must comply with all required setbacks, be situated with the side or rear yard, and maintained in good condition.

## 5-2.6 Loading Standards (LD)

LD-01: There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

A. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted



or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets.

- B. Size: Off-street loading berths for over-the-road tractor-trailers shall be one hundred and twenty (120) feet including the apron. For local pick-up and delivery trucks, off-street loading berths shall be at least sixty (60) feet total including the apron.
- C. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will not interfere with traffic movements. There shall be no maneuvering within the right-of-way.
- D. Surfacing: All open off-street loading berths shall be improved with a compacted base asphalt, concrete or some comparable all-weather, dustless material.
- E. Space Allowed: Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.
- F. Waiver: In situations where the structure clearly does not need and will not in the foreseeable future need loading docks, the Fulton County Plan Commission may reduce the number required or eliminate the requirement.

### 5-2.7 Entrance/Drive Standards (ED)

ED-01: The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

- A. All classification of roads shall be based on the Transportation Plan as found and maintained in the Fulton County Comprehensive Plan.
- B. No entrance or drive shall be permitted to begin within:
  - a. 100 feet of any intersecting road if along a Primary Arterial, unless otherwise approved by INDOT, (see “C” below in the illustration),
  - b. 50 feet of any intersecting road if along a Secondary Arterial (see “C” below in the illustration),
  - c. 50 feet of any intersecting road is along a Minor Collector (see “C” below in the illustration), and
  - d. 25 feet of any intersecting road is along a Local Road (see “C” below in the illustration).

[The distances for the above standards shall be determined by measuring from ROW line to the curb or edge of pavement (whichever is less) of the entrance or drive.]

- D. No entrance or drive on or near a curve shall be permitted when:
  - a. There is less than 655 feet of sight distance on a road with a posted speed limit of 45 mph or greater.
  - b. There is less than 475 feet of sight distance on a road with a posted speed limit of 45 mph or less.
- E. No entrance or drive shall be permitted within:
  - a. 140 feet of the apex of a curve (30 degrees or greater) and where the road is a Primary Arterial,
  - b. 120 feet of the apex of a curve (30 degrees or greater) and where the road is a Secondary Arterial,
  - c. 100 feet of the apex of a curve (30 degrees or greater) and where the road is a Collector,
  - d. 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.
- F. The location of drives on or near curves may be investigated individually by the Plan Administrator or his/her designees and evaluated for their sight distance and design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Plan Administrator or his/her designees be able to reduce the above stated distances by greater than fifty percent (50%).
- G. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-



way, the measurements shall be one-half (1/2) of the below measurements):

- a. 32 feet if from a commercial Zoning District onto a Primary Arterial,
- b. 30 feet if from a commercial Zoning District onto a Secondary Arterial,
- c. 28 feet if from a commercial Zoning District onto a Collector,
- d. 26 feet if from a commercial Zoning District onto a Local Street,
- e. 30 feet if from a multifamily residential Zoning District onto a Primary Arterial, Secondary Arterial, or Collector,
- f. 28 feet if from a multifamily residential Zoning District onto a Local Road,
- g. 28 feet if from a single-family residential Zoning District onto any type of road or street, or
- h. 22 feet if from a single-family residential unit onto any type of street.

[The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance, or drive.]

- H. The Plan Commission may determine if the following are necessary:
- a. an acceleration or deceleration lane, or
  - b. a passing blister at a new entrance or drive.

#### 5-2.8 Vision Clearance Standards (VC)

VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

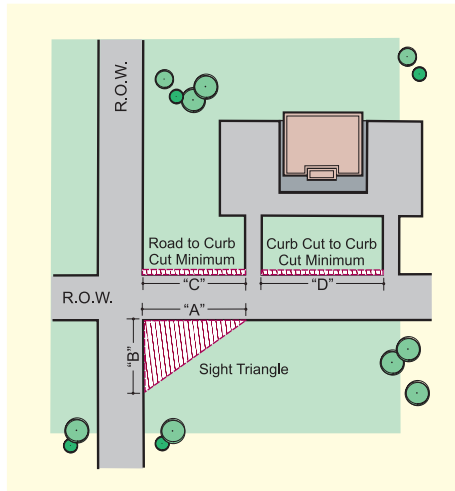
The following Vision Clearance Standards apply to all intersections, drives, curb cuts, and entrances.

- A. A curb cut or drive shall be permitted only if it is located:
- a. A minimum of 300 feet from the crest of a hill where the slope on either side of the crest is 3% or greater, and the speed limit is 45 MPH or greater.
  - b. A minimum of 245 feet from the crest of a hill where the slope on either side of the crest is 3% or greater, or the visibility is determined to be impaired by the Plan Administrator, and the speed limit is 45 MPH or less.
  - c. The visibility to or from the desired location is determined to be impaired by the Plan Administrator.
- B. Curb cuts and drives are permitted when within thirty (30) feet of the crest of a hill unless the Plan Administrator determines the visibility to be impaired.
- C. All intersections must maintain an area (Sight Triangle) where primary or accessory structures, trees, vegetation (other than agriculture crops), or signs (other than road signs) are not allowed to be placed or to project into the area. The Clear Sight Triangle is illustrated below.

The following triangle segment lengths will apply to the determination of a clear sight triangle.

- a. along Primary Arterials 40 feet
- b. along Major Collectors 40 feet
- c. along Minor Collectors 20 feet
- d. along Local Roads 20 feet





VC-02: Any newly proposed entrance onto a Public Road must use the most recent edition of the American Association of State Highway and Transportation Officials' (ASHTO) Policy on Geometric Design of Highways and Streets as the baseline for any vision clearance measurement (site distance, stopping distance, etc.) from the newly proposed entrance onto a public thoroughfare. For the purposes of this section, a "newly proposed entrance onto a public thoroughfare" is specifically defining any new roads, which intersect an existing public thoroughfare (i.e. existing county, city, or town road, street, or alley), that are created by the standards set forth within the Fulton County Subdivision Ordinance.

A. The developer must submit proof that the newly proposed entrance onto a public thoroughfare, complies with the above stated ASHTO standards. Proof of compliance must clearly cross-reference the ASHTO policy with a topographical survey of the proposed entrance onto a County Road, state the ASHTO policy, as well as, cite the chapter, page number, and edition.

### 5-2.9 Miscellaneous Standards (MS)

MS-01: All mobile homes must be tied down and have perimeter skirting. In addition they must be placed at a minimum, on a concrete pad, pillars, runners, or ribbons with appropriate footer approved by the Fulton County Building Inspector in applicable jurisdictions.

MS-02: Storage or parking of recreational vehicles is subject to the following conditions:

- A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
- B. A camper/recreational vehicle may be permitted to be parked for visitation for thirty days in any one calendar year, except when being used as a temporary home/shelter during a construction project on the primary structure (voluntary, disaster repair, etc.) Once final inspection/certificate of occupancy is issued for the completed construction project, the recreational vehicle must defer to only being parked for visitation for thirty days in one calendar year.
- C. A recreational vehicle shall not be parked on a parcel without a primary structure.
- D. A recreational vehicle shall not be used solely for the purpose of personal storage.

MS-03: The following information applies to the lots one and one-half (1.5) acres and more. The minimum lot size to be able to have any farm animal on any lot, or combination of lots, is one and one-half (1.5) acres. There will be two (2) animal units permitted per acre as determined from the following chart. Lots measuring over ten (10) acres in size are exempt from the requirement of two (2) animal units per acre.



Animal Type	Units
Calves (150-750 lbs.).....	.7
Feeder cattle (750-1,200 lbs.).....	1.5
Cows.....	3.0
Nursery pigs (15 to 50 lbs.).....	.08
Grower/feeder pigs (50-280 lbs.).....	.4
Sow and litter.....	.5
Boars.....	.5
Sheep and Goats.....	.4
Turkeys and Geese.....	.02
Chickens.....	.01
Ducks.....	.015
Horses.....	1.7

MS-04: A confined feeding operation must maintain fewer than 1,200 animal units on any parcel adjoining or contiguously operating or owned parcels as determined from the following chart.

Animal Type	Units
Calves (150-750 lbs.).....	.7
Feeder cattle (750-1,200 lbs.).....	1.5
Cows.....	3.0
Nursery pigs (15 to 50 lbs.).....	.08
Grower/feeder pigs (50-280 lbs.).....	.4
Sow and litter.....	.5
Boars.....	.5
Sheep and Goats.....	.4
Turkeys and Geese.....	.02
Chickens.....	.01
Ducks.....	.015
Horses.....	1.7

**5-2.10**

**Temporary Sign Standards (TS)**

TS-01: The following signs shall be permitted. No sign shall be located within the vision clearance area. Signs may not be located on the right-of-way.

- A. One (1) temporary sign is permitted for a total of two (2) months per year. No illumination is permitted.
- B. Any sign that is thirty-two (32) square feet or less does not require a permit. Any sign that is greater than thirty-two (32) square feet requires a permit.
- C. A sign advertising a legally permitted event shall be removed ten (10) days after the event has transpired.

**5-2.11**

**Permanent Sign Standards (SI)**

SI-01: The following signs shall be permitted— except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. No sign shall be located within the vision clearance area. Signs shall not be located in any public right-of-way.

- A. One (1) sign per property. Any sign six (6) square feet or less does not require a permit. Any sign greater than six (6) square feet, but not more than thirty two (32) square feet, requires a



permit. No illumination is permitted.

- B. Any sign greater than thirty two (32) square feet, but not more than one hundred (100) square feet, is permitted by special exception in the AG district. Signs shall be setback a minimum of ten (10) feet from the right-of-way. No illumination is permitted.
- C. Gateway signs for subdivisions are permitted. Two (2) ground signs are permitted per entrance. Signs greater than six (6) feet in height and fifty (50) square feet require a permit.
- D. A commercial billboard, permanently affixed in the ground (not attached or constructed to a motor vehicle or trailer), advertising an “on-site business” as defined by the Indiana Department of Transportation, that is greater than one hundred (100) square feet, but not exceeding three-hundred and thirty (330) square feet, is permitted as a special exception in the AG district. No “on-site” billboard shall be permitted unless it is consistent with the following:
  - a. The sign shall be set back less than six hundred and sixty (660) feet off of the road right-of-way and a minimum of twenty (20) feet off of any side and/or rear property lines.
  - b. The sign shall be set back a minimum of five-hundred (500) feet from other billboards on the same side of the highway measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement.
  - c. The sign must be located more than five-hundred (500) feet from the intersection of any two public rights-of-way measured at which point the pavement widens and the direction of measurement shall be along the edge of pavement away from the intersection.
  - d. The sign shall consist only of a single structure, having either one advertising face, or two back-to-back advertising faces. There shall be no double-decked (stacked) or side-by-side “on-site” billboards.
  - e. Back-to-back billboards are permitted provided that such signs are completely back-to-back or at an offset no greater than an angle of forty-five (45) degrees.
  - f. The maximum height of the sign face shall not exceed thirteen (13) feet and the maximum length of the sign face shall not exceed twenty-five (25) feet exclusive of structural members or supports.







## Article Five

# Section Three- Agricultural Protection District (AP)

### 5-3.0 Interpretation

The following development standards listed within Section Three are applicable within the Agricultural Protection (AP) Zone District listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

### 5-3.1 Accessory Structure Standards (AS)

AS-01: The following Accessory Structures/Buildings Standards apply to the AP District. Accessory Structures/Buildings shall comply with all Development Standards for the Zoning District.

- A. The following Accessory Structures/Buildings are permitted, but must abide by all applicable Standards:
  - Agricultural buildings,
  - Greenhouses,
  - Mini barns,
  - Pole barns,
  - Manure storage structure (see definition for additional regulations)
  - Sheds,
  - Storage building, and
- B. Two (2) Dumpsters per lot are permitted.
- C. Accessory Buildings are not deemed to include swing sets, doghouses, tree houses, and other such incidentals except as otherwise stated in this Ordinance.
- D. No Accessory Structures/Buildings shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.
- E. All permissible Accessory Structures/Buildings shall abide by the following standards:
  - a. An accessory structure shall only be located to the rear or side of the primary structure.
  - b. No mobile home or manufactured home may be used as an accessory structure in any district.
- F. All wind generated energy apparatuses when located within the AP District must comply with the following Development Standards:
  - a. On-Site-Use wind systems are defined as, “intended to primarily serve the needs of the consumer” on whose property they are constructed.
  - b. On-Site-Use wind systems have a setback of one and one-half times the height of the system, which is measured from the base of the tower to the top of one of the blades in a vertical position.
  - c. On-Site-Use wind systems must have a minimum vertical blade tip clearance from ground level of twenty (20) feet. Vertical blade tip is measured from the base of the tower to the top of one of the blades in a vertical position.
  - d. If an On-Site-Use wind system is supported by guy wires, the wires should be clearly visible to a height of at least 6 feet above the ground.
  - e. On-Site-Use wind systems, classified as a permitted use, have a maximum height restriction of sixty (60) feet. Any On-Site-Use wind system taller than the required sixty (60) feet shall be approved by special exception process within the AG District.
  - f. On-Site-Use wind systems shall not make, continue, or cause to be made or continued any loud, unreasonable, unnecessary or unusual noise or any noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any other person, resident or property owner; and such definition of the previous grievances will be by a metered measure consisting of any noise level exceeding 55 decibels on the “A” scale (dB[A]) at the property line. The cost of the metered measurement will be at the property owner’s expense on whose property the windmill is constructed.



- g. On-Site-Use wind system shall not create shadow flicker upon neighboring properties.

### 5-3.2 Privacy Fences (Privacy Walls) (FN)

FN-01: All privacy fences (privacy) walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.
- F. Not incorporate security wire or sharpened top spikes.

### 5-3.3 Temporary Use/Structure Standards (TU)

TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

- A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
- B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
- C. Permit: All temporary uses/structures will be required to have a temporary Location Improvement Permit and will be subject to fees as adopted, unless otherwise noted in this article.
- D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
- E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-02: Temporary Structures/Uses permitted include:

- A. Construction trailers (permit may be renewed one time by the Plan Administrator with reason.) The construction trailer shall be situated at the construction site and occupied by only persons directly engaged in the supervision of the construction of the structure or development.
- B. Roadside sales vehicles or structures,
- C. Pole Building/Barn
- D. Garage

### 5-3.4 Lighting Standards (LT)

LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicle and persons without affecting neighboring properties. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- A. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle (“downlighting”).
- C. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle



- (downlighting) and shall be no more than twenty (20) feet in height.
- D. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle (“downlighting”).-
  - E. All lights within a single development must use consistent style, design, height, size and color throughout the development.
  - F. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles). The only exception to this standard is as follows:
    - a. when the subject property is a business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District) .
    - b when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
  - G. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

### 5-3.5 Parking Standards (PK)

- PK-01: All parking lots for commercial, industrial, business, public and private employee parking, offices, organizations, and places of assembly must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, gravel, stone, rock, or dust-free material as approved by plan commission, except for special events permitted throughout the year. Dirt, sand or grass is not permitted as a parking surface, except for special events permitted throughout the year that may require spill over parking. Expansion of any parking lot surface will comply with the current Zone Ordinance. In addition, these parking lots, in relation to the facility’s normal activities, must also conform to all the following requirements:
- A. All ingress/egress into parking areas must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, or other durable, dust-free material.
  - B. Parking lots shall be located a minimum of 5’ from the road right-of-way, side, and rear property lines. All of the area within the 5’ setback will be sustained as a vegetative buffer between the lot lines and the parking lot.
  - C. Parking lots with more than one parking aisle, or designed greater than, or equal to, four-tenths (.4) of an acre, 17,424 square feet, will have interior vegetative buffers installed. The interior vegetative buffers shall be in the form of pedestrian walkways between parking isles, strips or islands planted in the form of some combination of trees, shrubs, and/or grass. Vegetative Islands shall be placed at the end of each parking aisle containing 20 or more parking spaces.
  - E. Parking spaces required in this standard must be located either on the premises or on a lot approved by the Fulton County Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.
  - F. Parking spaces shall be a minimum of 9’ x 18’. Parking aisle widths shall be as follows:
    - 90 degree angle space - 24’ wide parking aisle
    - 60 degree angle space - 18’ wide parking aisle
    - 45 degree angle space - 14’ wide parking aisle
  - G. All components of a parking lot must be ADA compliant.
  - H. A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and at least eighty percent (80%) of the total spaces required for each use. A permanent documentation of the agreement must be recorded with both properties. A permanent written agreement signed by all property owners involved which shall include but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed/approved by the Plan Administrator and/



or Plan Commission Attorney. The agreement shall be recorded in the office of the Fulton County Recorder. A copy of which shall be kept in the office of the Plan Commission. The Plan Administrator shall approve aggregate parking lots such as mentioned above.

- PK-02: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below:
- A. One and eight tenths (1.8) parking spaces per employee (rounded up to the nearest whole number) for the largest working shift. For example if there are two (2) shifts, first shift with five (5) employees and the second with seven (7) employees; Thirteen (13) parking places would be required to accommodate the employees on the largest shift.
  - B. One parking space for every four (4) chairs/seats in a restaurants, food services, movie theatre, auditorium, or church.
  - C. One parking space per 500 square feet of Gross Floor Area in all hardware stores, home improvement stores, furniture stores and community centers.
  - D. One parking space per every 300 square feet of Gross Floor Area in all convenience stores, gasoline stations, grocery stores, banks, medical clinics and department stores.
  - E. One (1) parking space per every one (1) sleeping unit in a hotel, motel, boarding/lodging house or bed and breakfast.
  - F. Additional parking spaces may be required by the Planning Commission.

- PK-03: If more than two (2) vehicles without a current year license plate or in inoperable condition are stored on a property the following conditions apply.
- A. They must be parked:
    - a. in completely enclosed buildings, or
    - b. a minimum of two-hundred (200) feet from the front property line, a minimum of fifty (50) feet from the side property line, or in the rear yard, as well as,
    - c. a minimum of two-hundred (200) feet from a lake or river.
  - B. They must be screened from view. Screening includes fencing, landscaping, or placement so that it may not be seen from the road. Tarping is not allowed for compliance.

PK-04: No vehicle or tractor, cargo container/pod, semi trailer, hauling trailer or railroad box car of any type may be located on any parcel or lot, except for the allowances below.

- A. One (1) cargo container/pod may be situated on a parcel or contiguously owned parcels, with a primary structure. Said container must comply with all required setbacks, be situated within the side or rear yard and maintained in good condition.

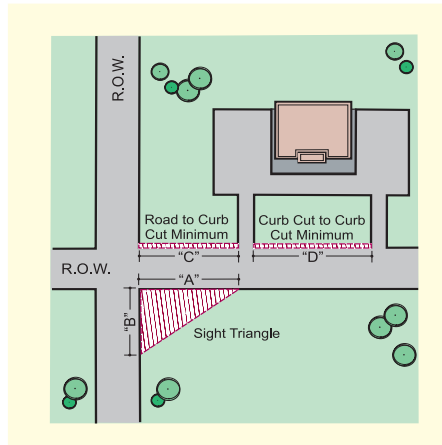
#### **Loading Standards (LD)**

LD-01: There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- A. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street or alley. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two streets.
- B. Size: Off-street loading berths for over-the-road tractor-trailers shall be one hundred and twenty (120) feet including the apron. For local pick-up and delivery trucks, off-street loading berths shall be at least sixty (60) feet total including the apron.

5-3.6



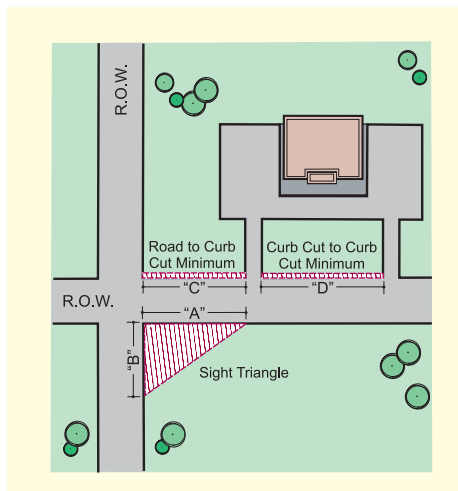


**5-3.7 Vision Clearance Standards (VC)**

VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

- A. A curb cut or drive shall be permitted only if it is located:
  - a. A minimum of 300 feet from the crest of a hill where the slope on either side of the crest is 3% or greater, and the speed limit is 45 MPH or greater.
  - b. A minimum of 245 feet from the crest of a hill where the slope on either side of the crest is 3% or greater, or the visibility is determined to be impaired by the Plan Administrator, and the speed limit is 45 MPH or less.
  - c. The visibility to or from the desired location is determined to be impaired by the Plan Administrator.
- B. Curb cuts and drives are permitted when within thirty feet of the crest of a hill unless the Zoning Administrator determines the visibility to be impaired.
- C. All intersections must maintain an area (Sight Triangle) where primary or accessory structures, trees, vegetation (other than agriculture crops), or signs (other than road signs) are not allowed to be placed or to project into the area. The Clear Sight Triangle is illustrated below.



The following triangle segment lengths will apply to the determination of a clear sight triangle.

- a. along Primary Arterials                      40 feet
- b. along Major Collectors                        40 feet



- c. along Minor Collectors 20 feet
- d. along Local Roads 20 feet

VC-02: Any newly proposed entrance onto a Public Road must use the most recent edition of the American Association of State Highway and Transportation Officials' (ASHTO) Policy on Geometric Design of Highways and Streets as the baseline for any vision clearance measurement (site distance, stopping distance, etc.) from the newly proposed entrance onto a public thoroughfare. For the purposes of this section, a "newly proposed entrance onto a public thoroughfare" is specifically defining any new roads, which intersect an existing public thoroughfare (i.e. existing county, city, or town road, street, or alley), that are created by the standards set forth within the Fulton County Subdivision Ordinance.

A. The developer must submit proof that the newly proposed entrance onto a public thoroughfare, complies with the above stated ASHTO standards. Proof of compliance must clearly cross-reference the ASHTO policy with a topographical survey of the proposed entrance onto a County Road, state the ASHTO policy, as well as, cite the chapter, page number, and edition.

**5-3.8 Miscellaneous Standards (MS)**

MS-01: Storage or parking of recreational vehicles is subject to the following conditions:

- A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
- B. A recreational vehicle may be permitted to be parked for visitation for thirty days in any one calendar year.
- C. A recreational vehicle shall not be parked on a parcel without a primary structure.
- D. A recreational vehicle shall not be used solely for the purpose of personal storage.

MS-02: The following information applies to the lots one and one-half (1.5) acres and more. The minimum lot size to be able to have any farm animal on any lot, or combination of lots, is one and one-half (1.5) acres. There will be two (2) animal units permitted per acre as determined from the following chart. Lots measuring over ten (10) acres in size are exempt from the requirement of two (2) animal units per acre. The plan administrator shall have discretion to determine the minimum acreage for farm animals not listed.

<u>Animal Type</u>	<u>Units</u>
Calves (150-750 lbs.).....	.7
Feeder cattle (750-1,200 lbs.).....	1.5
Cows .....	3.0
Nursery pigs (15 to 50 lbs.).....	.08
Grower/feeder pigs (50-280 lbs.).....	.4
Sow and litter .....	.5
Boars.....	.5
Sheep and Goats .....	.4
Turkeys and Geese.....	.02
Chickens .....	.01
Ducks .....	.015
Horses .....	1.7

MS-03: A confined feeding operation must maintain fewer than 1,200 animal units on any parcel adjoining or contiguously operating or owned parcels as determined from the following chart.

<u>Animal Type</u>	<u>Units</u>
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Calves (150-750 lbs.).....	.7
Feeder cattle (750-1,200 lbs.).....	1.5
Cows.....	3.0
Nursery pigs (15 to 50 lbs.).....	.08
Grower/feeder pigs (50-280 lbs.).....	.4
Sow and litter.....	.5
Boars.....	.5
Sheep and Goats.....	.4
Turkeys and Geese.....	.02
Chickens.....	.01
Ducks.....	.015
Horses.....	1.7

**5-3.9 Temporary Sign Standards (TS)**

TS-01: The following signs shall be permitted. No sign shall be located within the vision clearance area. Signs may not be located on the right-of-way.

- A. One (1) temporary sign is permitted for a total of two (2) months per year. No illumination is permitted.
- B. Any sign that is thirty-two (32) square feet or less does not require a permit. Any sign that is greater than thirty-two (32) square feet requires a permit.
- C. A sign advertising a legally permitted event shall be removed ten (10) days after the event has transpired.

**5-3.10 Permanent Sign Standards (SI)**

SI-01: The following signs shall be permitted— except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. No sign shall be located within the vision clearance area. Signs shall not be located in any public right-of-way.

- A. One (1) sign per property. Any sign six (6) square feet or less does not require a permit. Any sign greater than six (6) square feet, but not more than thirty two (32) square feet, requires a permit. No illumination is permitted.
- B. Any sign greater than thirty two (32) square feet, but not more than one hundred (100) square feet, is permitted by special exception in the AG district. Signs shall be setback a minimum of ten (10) feet from the right-of-way. No illumination is permitted.
- C. Gateway signs for subdivisions are permitted. Two (2) ground signs are permitted per entrance. Signs greater than six (6) feet in height and fifty (50) square feet require a permit.
- D. A commercial billboard, permanently affixed in the ground (not attached or constructed to a motor vehicle or trailer), advertising an “on-site business” as defined by the Indiana Department of Transportation, that is greater than one hundred (100) square feet, but not exceeding three-hundred and thirty (330) square feet, is permitted as a special exception in the AG district. No “on-site” billboard shall be permitted unless it is consistent with the following:
  - a. The sign shall be set back less than six hundred and sixty (660) feet off of the road right-of-way and a minimum of twenty (20) feet off of any side and/or rear property lines.
  - b. The sign shall be set back a minimum of five-hundred (500) feet from other billboards on the same side of the highway measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement.
  - c. The sign must be located more than five-hundred (500) feet from the intersection of any two public rights-of-way measured at which point the pavement widens and the direction of measurement shall be along the edge of pavement away from the intersection.
  - d. The sign shall consist only of a single structure, having either one advertising face, or two



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back-to-back advertising faces. There shall be no double-decked (stacked) or side-by-side “on-site” billboards.

- e. Back-to-back billboards are permitted provided that such signs are completely back-to-back or at an offset no greater than an angle of forty-five (45) degrees.
- f. The maximum height of the sign face shall not exceed thirteen (13) feet and the maximum length of the sign face shall not exceed twenty-five (25) feet exclusive of structural members or supports.





Article Five

**Section Four - Residential Districts (RR, SR, R1, R2, & R3)**

**5-4.0 Interpretation**

The following development standards listed within Section Four are applicable within the Residential (RR, SR, R1, R2, & R3) Zone Districts listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

**5-4.1 Accessory Structure Standards (AS)**

AS-01: Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent is given by the agency the easement belongs to or is managed by.

In all Districts except the RR and R3, accessory Structures are not permitted on any non adjacent lot prior to any Primary Structure being constructed; except with the intent to build and complete a primary structure within 24 months. Accessory Structures also must relate to the Primary Structure and its uses.

The following Accessory Structures are permitted, but must abide by all applicable Standards:

- antennas or satellite dishes less than thirty-six (36) inches
- bath houses or saunas
- decks
- garages
- gazebos
- greenhouses, private
- hot tubs
- mini barns
- storage building
- pole barn
- agricultural buildings
- sheds
- boat docks
- sport courts
- carports
- swimming pools (swimming pools must abide by 675 IAC 20)

Accessory Buildings are not deemed to include swingsets, doghouses, treehouses, and other such incidentals except as otherwise stated in this Ordinance.

AS-02: R3 District Only - Accessory Structures shall comply with all Development Standards for the subject Zoning District. Also, no Accessory Structures shall encroach on any platted easement unless written consent is given by the agency the easement belongs to or is managed by.

Accessory Structures are only permitted on a roadside lot prior to any Primary Structure being constructed.

•

Roadside Lots: (Lots not located on a Lake or Channel)



- decks
- garages
- gazebos
- greenhouses, private
- hot tubs
- mini barns
- storage building
- agricultural buildings
- sheds
- sport courts
- carports
- swimming pools (swimming pools must abide by 675 IAC 20)

Accessory Buildings are not deemed to include swingsets, doghouses, treehouses, and other such incidentals except as otherwise stated in this Ordinance.

AS-03: The following Accessory Structures Standards apply to residential districts. All permissible Accessory Structures shall abide by the following standards:

- A. Accessory building area allowed is unlimited as long as the accessory building area does not exceed the maximum lot coverage permitted by the appropriate zoning district.
- B. Enclosed structures such as attached or detached garages, mini-barns, barns, pool houses, etc. are to be counted toward the total accessory building area. Unenclosed structures such as gazebos, picnic shelters, etc. are not to be counted.
- C. No more than three (3) enclosed accessory buildings are permitted on a Lot.
- D. An accessory structure shall only be located to the rear or side of the primary structure.
- E. No mobile home or manufactured home may be used as an accessory structure in any district.
- F. Swimming pools, hot tubs, mini barns, campers, recreational vehicles, bath houses or sauna shall only be located to the rear of the primary structure except in the case of corner or through lots; in that instance, the structures may be placed on the side of the primary structure.

#### 5-4.2 Fences and Walls (FN)

FN-01: Except in the R3 District - All fences and walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.
- F. Not incorporate security wire or sharpened top spikes.

FN-02: R3 District Only - The following standards shall apply for fences and walls.

- A. The following applies to fences and walls on lakeside lots.
  - a. Fences and walls within the road yard shall.
    1. Present the non-structural face outward.
    2. Not be greater than six (6) feet in height in the side yard and greater than three (3) feet in height in the roadway.
    3. Be seventy (70) percent transparent (see-through). If the fence is four (4) feet or less in height it may be solid.
    4. Not be closer than two (2) feet to any public right-of-way.
    5. Not be placed within the clear vision triangle.
    6. Not incorporate security wire or sharpened top spikes.
  - b. Fences are permitted within the lakeyard 4 feet or less in height and 70 % transparent.



- C. The following applies to fences and walls on roadside lots.
  - a. Present the non-structural face outward.
  - b. Be permitted up to the property line.
  - c. Not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the roadway.
  - d. Not be closer than two (2) feet to any public right-of-way.
  - e. Not be placed within the clear vision triangle.
  - f. Not incorporate security wire or sharpened top spikes.

**5-4.3 Temporary Use/Structure Standards (TU)**

TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

- A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
- B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
- C. Permit: All temporary uses/structures will be required to have a temporary Location Improvement Permit and will be subject to fees as adopted, unless otherwise noted in this article.
- D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
- E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-02: Temporary uses permitted include:

- A. Construction trailers (permit may be renewed one time by the Plan Administrator with reason. The construction trailer shall be situated at the construction site and occupied by only persons directly engaged in the supervision of the construction of the structure or development.

**5-4.4 Public Improvement Standards (PI)**

PI-01: R2 District Only - The following public improvement standards shall apply as follows:

- A. Multifamily Developments shall be permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development. Any public streets which will carry the increased traffic the park or development shall be adequate to accommodate such traffic. Drainage facilities and public utilities shall have sufficient capacity to serve the development. The Plan Administrator shall make a determination as to needed street and drainage improvements. The Plan Administrator or their designee shall make a determination after consulting the proper City, Town, and/or County Official responsible for street, drainage, and utility improvements. The decision of the Plan Administrator or their designee may be appealed to the Board of Zoning Appeals. When public improvements are required, the developer or authorized representative shall be required to post performance and maintenance guarantees for such improvements in a manner specified in the Subdivision Control Ordinance.
- B. All private streets shall be constructed to the public streets standards set forth in the Public Improvement Design Standards Ordinance.

**5-4.5 Landscaping Standards (LS)**

LS-01: Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, heat build-up, may reduce energy costs in structures and will improve the aesthetics of the community. The



following general standards apply.

- A. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without the written permission from the agency that established the right-of-way or easement.
- B. No trees may be planted within three (3) feet of sidewalks, streets, curbs, gutters, or other infrastructure, unless approved otherwise by the planning commission. Any planting near a drainage tile must be at an approved distance designated by the Fulton County Drainage Board.
- C. The species of trees and plants for proposed landscape plan may be subject to approval of plan commission or its designees.

LS-02: Minimum Plantings Required by Use:

USE	NUM.	TYPE	PER	SIZE
Multiple Family	3	Trees	2 dwelling units	1" caliper if deciduous 3 feet tall if evergreen
	1	Ornamental	4 dwelling units	6 feet tall
	1	Foundation Plantings	10' of perimeter	18" tall
Retail Comm. (Not HD or DC district)	3	Trees	1000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	20' of perimeter	18" tall
Office Comm. (Not HD or DC district)	3	Trees	1000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	10' of perimeter	18" tall
Institutional (Not HD or DC district)	3	Trees	1000 sq. of ground ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	10' of perimeter	18" tall
Industrial (Not HD or DC district)	3	Trees	3000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	30' of perimeter	18" tall

- A. The plantings required to meet Buffer Yard standards shall not be counted toward this minimum landscaping requirement.
- B. Existing trees on site can be counted toward the minimum landscaping requirements. The floor area from all existing buildings must be calculated and accounted for when determining if the existing trees on site will accommodate the minimum requirements listed above.
- C. All foundation plantings must be within ten (10) feet of the structures' foundation and should be shrubs, ornamental bushes, ornamental plants, or flowering plants. The following is required for all single family developments.
- D. Any landscaping plan deviating from the requirements above may be submitted for approval to the Plan Commission as an alternate landscaping plan.



#### 5-4.6 Lighting Standards (LT)

LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicle and persons without affecting neighboring properties. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- A. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle (“downlighting”).
- C. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle (downlighting) and shall be no more than twenty (20) feet in height.
- D. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle.-
- E. All lights within a single development must uses consistent style, design, height, size and color throughout the development.
- F. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles). The only exception to this standard is as follows:
  - a. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District) .
  - b when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
- G. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

#### 5-4.7 Parking Standards (PK)

- PK-01 Two (2) off-street parking spaces, paved are required per dwelling unit. Neither of the off-street parking spaces required may include spaces within car ports or garages. Further, off-street parking spaces may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine (9) feet wide and eighteen (18) feet long.
- PK-02 R2 District Only - One and one-half (1.5) paved off-street parking spaces are required per dwelling unit. In multifamily housing developments at least one (1) space per two (2) units is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in car ports or garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine and one-half (9.5) feet wide and nineteen (19) feet long.
- PK-03 Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings, and shall not be parked or stored in any zone unless specifically authorized under the terms of this Ordinance.
- No vehicle or tractor/trailer/semi trailer/railcar of any type may be used for the purpose of personal storage.
- PK-04 No parking of any vehicle on any lot not directly adjacent to a primary structure in any residential district.



PK-05 The parking of a commercial vehicle in residential zone districts shall be prohibited; except that one commercial vehicle of not more than three (3) tons capacity may be parked on any lot where there is a principal building as long as it is:

- A Used by a resident of the premises, and
- B. Parked in an enclosed garage or accessory building, or is located in the rear yard at least ten (10) feet from the rear property line.

This regulation shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in a residential district.

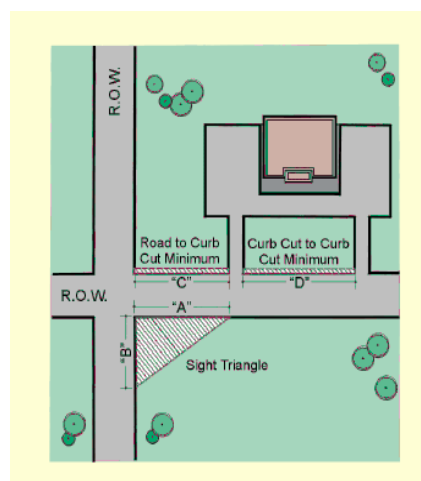
PK-06 All parking lots for institutional uses, businesses, public and private employee parking, offices, organizations, and places of assembly within a Residential District shall comply with the parking requirements as set forth in the Institutional/Recreational District Development Standards. (Article 5, Section 6).

#### 5-4.8 Entrance/Drive Standards (ED)

ED-01: The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

- A. All classification of roads shall be based on the Transportation Plan as found and maintained in the Fulton County Comprehensive Plan.
- B. No entrance or drive shall be permitted to begin within:
  - a. 100 feet of any intersecting road if along a Primary Arterial, unless otherwise permitted by INDOT (see “C” below in the illustration),
  - b. 50 feet of any intersecting road if along a Secondary Arterial (see “C” below in the illustration),
  - c. 50 feet of any intersecting road is along a Minor Collector (see “C” below in the illustration), and
  - d. 25 feet of any intersecting road is along a Local Road (see “C” below in the illustration).

[The distances for the above standards shall be determined by measuring from ROW line to the curb or edge of pavement (whichever is less) of the entrance or drive.]



- C. No entrance or drive on or near a curve shall be permitted when:
  - a. There is less than 655 feet of sight distance on a road with a posted speed limit of 45 mph or greater.
  - b. There is less than 475 feet of sight distance on a road with a posted speed limit of 45 mph or less.



- D. No entrance or drive shall be permitted within:
  - a. 140 feet of the apex of a curve (30 degrees or greater) and where the road is a Primary Arterial,
  - b. 120 feet of the apex of a curve (30 degrees or greater) and where the road is a Secondary Arterial,
  - c. 100 feet of the apex of a curve (30 degrees or greater) and where the road is a Collector,
  - d. 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.
- E. The location of drives on or near curves may be investigated individually by the Plan Administrator or his/her designees and evaluated for their sight distance and design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Plan Administrator or his/her designees be able to reduce the above stated distances by greater than fifty percent (50%).
- F. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (1/2) of the below measurements):
  - a. 32 feet if from a commercial Zoning District onto a Primary Arterial,
  - b. 30 feet if from a commercial Zoning District onto a Secondary Arterial,
  - c. 28 feet if from a commercial Zoning District onto a Minor Collector,
  - d. 26 feet if from a commercial Zoning District onto a Local Street,
  - e. 30 feet if from a multifamily residential Zoning District onto a Primary Arterial, Secondary Arterial, or Collector,
  - f. 28 feet if from a multifamily residential Zoning District onto a Local Street,
  - g. 28 feet if from a single-family residential Zoning District onto any type of street, or
  - h. 22 feet if from a single-family residential unit onto any type of street.

[The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance, or drive.]
- H. The Plan Commission may determine if the following are necessary:
  - a. an acceleration or deceleration lane, or
  - b. a passing blister at a new entrance or drive.

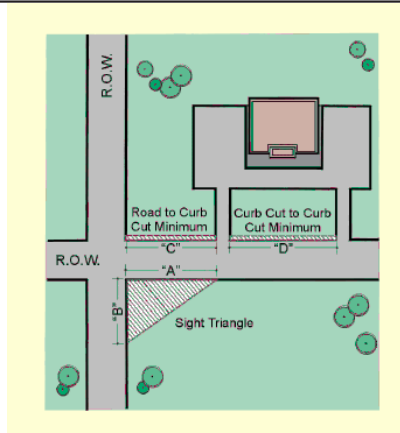
**5-4.9 Vision Clearance Standards (VC)**

VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

- A. No entrance, curb cut, or drive shall be permitted if within:
  - a. 160 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator, and the speed limit is 45 MPH or greater.
  - b. 100 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator, and the speed limit is 30 MPH or greater.
  - c. 80 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator, and the speed limit is under 30 MPH.
- B. All intersections must maintain a clear vision triangle where no Primary or Accessory Structures, trees, vegetation, or signs other that road signs are allowed to be placed or to project into. The Clear Vision Triangle is illustrated below.





The following triangle leg lengths will apply to the determination of a clear vision triangle.

- a. along Primary Arterials                      45 feet
- b. along Secondary Arterials                    40 feet
- c. along Collectors                                35 feet
- d. along Local Roads                              20 feet

VC-02: Any newly proposed entrance onto a Public Road must use the most recent edition of the American Association of State Highway and Transportation Officials’ (ASHTO) Policy on Geometric Design of Highways and Streets as the baseline for any vision clearance measurement (site distance, stopping distance, etc.) from the newly proposed entrance onto a public thoroughfare. For the purposes of this section, a “newly proposed entrance onto a public thoroughfare” is specifically defining any new roads, which intersect an existing public thoroughfare (i.e. existing county, city, or town road, street, or alley), that are created by the standards set forth within the Fulton County Subdivision Ordinance.

A. The developer must submit proof that the newly proposed entrance onto a public thoroughfare, complies with the above stated ASHTO standards. Proof of compliance must clearly cross-reference the ASHTO policy with a topographical survey of the proposed entrance onto a public thoroughfare, state the ASHTO policy, as well as, cite the chapter, page number, and edition.

**5-4.10 Telecommunication Facilities Standards (TF)**

TF-01: Roof/Wall Mounted Antennas: The following chart shows where roof mounted antennas are permitted, and where and how they are restricted and necessary approvals.

BZA Approval	Plan Administrator Approval
Unscreened 11 or more feet above the roof line	Unscreened 10 or less ** feet above the roof line
Plan Administrator Approval	Plan Administrator Approval
Screened 11 or more feet above the roof line	Screened 10 or less feet above the roof line

\*\* If within 200 feet of residential property lines BZA approval required

TF-02: Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all the general and following requirements when located in a residential district:

- A. The tower shall be setback from any property line a distance equal to at least one hundred percent (100%) the height of the tower.
- B. Maximum height: tower 125 feet - accessory structure 15 feet
- C. Minimum number of antenna sites for a 125 feet tower is 3; if tower is less than 125 feet refer to TF-01K.
- D. The tower shall be a monopole design.





**Miscellaneous Standards (MS)**

5-4.11

MS-01: Storage or parking of recreational vehicles is subject to the following conditions:

- A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
- B. No more than one (1) recreational vehicle may be stored or parked outdoors on a residential parcel at any one time.
- C. Camper/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 the vehicle shall project beyond the front of the primary structure, side yard setback, or rear yard setback.
- D. A camper/recreational vehicle shall not block a sidewalk, street, or alley.
- E. A camper/recreational vehicle shall not be parked on a parcel without a primary structure, except in the RR and R3 Districts. However, all lakeside lots within the R3 District must have a primary structure located on, or adjoining, the lot the recreational vehicle is parked upon.
- F. A tent may not be pitched on any lot without a primary structure located on or adjoining the lot the tent is located. Said parcel where tent is located must be owned by same person who owns the primary structure.
- G. A recreational vehicle shall not be used solely for the purpose of personal storage.
- H. A camper/recreational vehicle may be permitted to be parked for visitation for thirty days in any one calendar year, except when being used as a temporary home/shelter during a construction project on the primary structure (voluntary, disaster repair, etc.) Once final inspection/certificate of occupancy is issued for the completed construction project, the recreational vehicle must defer to only being parked for visitation for thirty days in one calendar year.
- I. Recreational vehicles must be properly plated and in road worthy condition.

MS-02: All roof mounted heating, air conditioning, ventilation, or other mechanical equipment shall be screened with materials that are complementary and aesthetically appealing to the structure on which they are affixed. From any location within four hundred (400) feet of the structure, the screening must hide or disguise the above listed equipment.

MS-03 RR and SR District Only - The following information applies to lots one and one-half (1.5) acres and more. The minimum lot size to be able to have any farm animal on any lot, or combination of lots, is one and one-half (1.5) acres. There will be two (2) animal units permitted per acre as determined from the following chart. Lots measuring over ten (10) acres in size are exempt from the requirement of two (2) animal units per acre in the AG District. The plan administrator shall have discretion to determine the minimum acreage for farm animals not listed.

<u>Animal Type</u>	<u>Units</u>
Calves (150-750 lbs.).....	.7
Feeder cattle (750-1,200 lbs.).....	1.5
Cows.....	3.0
Nursery pigs (15 to 50 lbs.).....	.08
Grower/feeder pigs (50-280 lbs.).....	.4
Sow and litter .....	.5
Boars.....	.5
Sheep and Goats .....	.4
Turkeys and Geese.....	.02
Chickens .....	.01
Ducks.....	.015
Horses .....	1.7



MS-04: All side property lines must be within ten (10) degrees of perpendicular to the street center line or radial on curve.

MS-05: R2 District Only - All outdoor storage of materials, products for sale, construction materials, trash containers, etc. shall be fenced with a six (6) foot privacy fence on all sides.

MS-06: Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.

#### **5-4.12 Temporary Sign Standards (TS)**

TS-01: The following signs shall be permitted. No sign shall be located within the vision clearance area. Signs may not be located on the right-of-way.

- A. One (1) temporary sign is permitted for a total of two (2) months per year. No illumination is permitted.
- B. Any sign that is thirty-two (32) square feet or less does not require a permit. Any sign that is greater than thirty-two (32) square feet requires a permit.
- C. A sign advertising a legally permitted event shall be removed within ten (10) days after the event has transpired.
- D. Freestanding Signs are prohibited.

#### **5-4.13 Permanent Sign Standards (SI)**

SI-01: The following signs shall be permitted— except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. No sign shall be located within the vision clearance area.

- A. One (1) nameplate sign not exceeding a combined area of one (1) square foot in area is permitted on the primary structure. No permit is required. No illumination is permitted.
- B. One sign in conjunction with a legally permitted home occupation is permitted. Said sign must not exceed six (6) square feet and shall not be illuminated. No permit is required.
- C. Gateway signs for subdivisions. Two (2) signs are permitted per entrance. Said signs shall not exceed six (6) feet in height. Maximum size shall be fifty (50) square feet in area.
- D. Identity signs for multifamily projects. Two (2) signs are permitted per entrance. Said signs shall not exceed six (6) feet in height. Maximum size shall be twenty-four (24) square feet in area.
- E. Commercial Use: Any one sign shall not exceed six (6) feet in height and/or fifty-five (55) square feet in area.
  - a. Two (2) signs are permitted per entrance.
  - b. Only static lighting (ie. no movement) is allowed.
  - c. Freestanding Signs are prohibited.







## Article Five

# Section Five- Manufactured Park District (MP)

### 5-5.0 Interpretation

The following development standards listed within Section Five are applicable within the Manufactured Park (MP) Zone District listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

### 5-5.1 Accessory Structure Standards (AS)

AS-06: Manufactured Home Park Accessory Structures standards are as follows:

- A. Management offices, sales offices, storage, mini-warehouses, laundry, dry cleaning facilities, and other structures customarily incidental to manufactured home parks shall be permitted, provided that the following criteria are met:
  - a. They are subordinate to the residential component of the park and add aesthetic value to the park.
  - b. They are located, designed and intended to serve only the needs of the park.
  - c. The establishments shall present no visible evidence of their business nature to areas outside the park.
- B. Permitted accessory structures are as follows:
  - decks (freestanding)/patios
  - attached/detached garages
  - gazebos
  - greenhouses
  - hot tubs
  - mini barns
  - sheds
  - sport courts
  - boat houses
- C. Model manufactured homes as sales units provided the number of model homes is limited to five percent (5%) of the authorized number of dwelling sites in the park. Model homes must comply with all standards set forth in the MP District. One (1) unit may be used as a sales/administrative office.
- D. No mobile home or manufactured home may be used as an accessory structure.

### 5-5.2 Fences and Walls (FN)

FN-01: All fences and walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than six (6) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.
- F. Not incorporate security wire or sharpened top spikes.

### 5-5.3 Temporary Use/Structure Standards (TU)

TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

- A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not



- be permitted for one (1) year from the application date.
- B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
- C. Permit: All temporary uses/structures will be required to have a temporary improvement location permit and will be subject to fees as adopted, unless otherwise noted in this article.
- D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
- E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-02: Temporary uses permitted include:

- A. Garage sales (no permit necessary), are permitted for a total of seven (7) days per year, per property.
- B. Children's roadside stand (no permit necessary)
- C. Tents for a private party/event (no permit necessary)
- D. Construction trailers (permit may be renewed one time by the Building Commissioner with reason. The construction trailer shall be situated at the construction site and occupied by only persons directly engaged in the supervision of the construction of the structure or development.

#### 5-5.4 Public Improvement Standards (PI)

PI-01: The following public improvement standards shall apply as follows:

- A. Manufactured Home Parks and Multifamily Developments shall be permitted only if the public streets, drainage facilities, and utilities are adequate to serve the proposed development. Any public streets which will carry the increased traffic the park or development shall be adequate to accommodate such traffic. Drainage facilities and public utilities shall have sufficient capacity to serve the development. The Plan Administrator shall make a determination as to needed street and drainage improvements. The Plan Administrator or their designee shall make a determination after consulting the proper City, Town, and/or County Official responsible for street, drainage, and utility improvements. The decision of the Plan Administrator or their designee may be appealed to the Board of Zoning Appeals. When public improvements are required, the developer or authorized representative shall be required to post performance and maintenance guarantees for such improvements in a manner specified in the Subdivision Control Ordinance.
- B. Attachment to public or semi-public water and sanitary facilities shall be mandatory in MP, Manufactured Home Parks.
- C. Manufactured Home Parks shall be in accordance with IC 16-11-27-1 et. seq., Rule 410 IAC 6-6 and their subsequent amendments, the State Board of Health Requirements, and the requirements of this Ordinance.
- D. All private streets shall be constructed to the public streets standards set forth in the Public Improvement Design Standards Ordinance.

#### 5-5.5 Open Space Standards (OS)

OS-01: The intent of the Open Space standards are to allow adequate open space in the MP, Manufactured Home Parks District:

- A. A minimum of 400 square feet per dwelling site shall be dedicated to open space, a portion of which shall be an active recreational area, or a quarter (1/4) acre whichever is greater. Open space shall be configured for the activity for which it is designed.
- B. The minimum lot size may be reduced provided that the amount by which the lot is reduced is devoted to common open space and the lot size is not less than 3200 square feet.



**5-5.6 Landscaping Standards (LS)**

LS-01: Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, heat build-up, may reduce energy costs in structures and will improve the aesthetics of the community. The following general standards apply.

- A. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without the written permission from the agency that established the right-of-way or easement.
- B. No trees may be planted within three (3) feet of sidewalks, streets, curbs, gutters, drainage tile, or other infrastructure, unless approved otherwise by the planning commission.
- C. The species of trees and plants for proposed landscape plan may be subject to approval of plan commission or its designees.

LS-02: Minimum Plantings Required by Use:

USE	NUM.	TYPE	PER	SIZE
Multiple Family	3	Trees	2 dwelling units	1" caliper if deciduous 3 feet tall if evergreen
	1	Ornamental	4 dwelling units	6 feet tall
	1	Foundation Plantings	10' of perimeter	18" tall
Retail Comm. (Not HD or DC district)	3	Trees	1000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	20' of perimeter	18" tall
Office Comm. (Not HD or DC district)	3	Trees	1000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	10' of perimeter	18" tall
Institutional (Not HD or DC district)	3	Trees	1000 sq. of ground ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	10' of perimeter	18" tall
Industrial (Not HD or DC district)	3	Trees	3000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	30' of perimeter	18" tall

- A. The plantings required to meet Buffer Yard standards shall not be counted toward this minimum landscaping requirement.
- B. Existing trees on site can be counted toward the minimum landscaping requirements. The floor area from all existing buildings must be calculated and accounted for when determining if the existing trees on site will accommodate the minimum requirements listed above.
- C. All foundation plantings must be within ten (10) feet of the structures' foundation and should be shrubs, ornamental bushes, ornamental plants, or flowering plants. The following is required for all single family developments.
- D. Any landscaping plan deviating from the requirements above may be submitted for approval to the Plan Commission as an alternate landscaping plan.



### 5-5.7 Buffer Yard Standards (BY)

BY-01: A general purpose of zoning is to protect conflicting Zoning Districts from being adjacent to one another. The need for Buffer Yard Standards stems from the periodic occurrence of two adjacent Zoning Districts conflicting or have the potential of conflicting. The following Buffer Yard Standards only apply along the property lines where two conflicting Zoning Districts meet.

If a MP District is adjacent to RR, SR, R1, R2, or R3. A buffer shall be installed on the property located in the MP district. The following buffer standards shall apply:

- A. The developer or owner of the subject property is responsible for installing the Buffer Yard.
- B. The adjacent property owner shall not have to participate in installing the Buffer Yard.
- C. An additional ten (10) feet of setback shall be required in addition to the normal setback.
- D. One (1) deciduous canopy tree and one (1) needled evergreen tree must be planted for every thirty (30) feet of contiguous boundary with conflicting district.
- E. All trees must be planted within five (5) to fifteen (15) feet from the property line which is contiguous to the conflicting property.
- F. An irregular line or row of trees is preferred.
- G. All trees must have at least a one to two inch (1-2") caliper, be properly maintained, and be replaced if the tree dies, is diseased, or is damaged.

### 5-5.8 Lighting Standards (LT)

LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicle and persons without affecting neighboring properties. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- A. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle ("downlighting").
- C. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle (downlighting) and shall be no more than twenty (20) feet in height.
- D. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle.-
- E. All lights within a single development must uses consistent style, design, height, size and color throughout the development.
- F. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles). The only exception to this standard is as follows:
  - a. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District) .
  - b. when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
- G. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

### 5-5.9 Parking Standards (PK)

PK-01 Two (2) off-street parking spaces, paved are required per dwelling unit. In manufactured home parks at least one (1) space per dwelling unit is required for visitor parking and shall be spread evenly throughout the development. Visitor parking spaces cannot include spaces in car ports or





garages. Further, any off-street parking space may not fully or partially be in a public right-of-way or utility easement. Each space must be at least nine (9) feet wide and eighteen (18) feet long.

PK-02 All parking lots for institutional uses, businesses, public and private employee parking, offices, organizations, and places of assembly within a Manufactured Park District shall comply with the parking requirements as set forth in the Institutional/Recreational (IR) District Development Standards. (Article 5, Section 6).

PK-03 Vehicles or trailers of any type without current license plates or in an inoperable condition shall be prohibited in residential zone districts other than in completely enclosed buildings, and shall not be parked or stored in any zone unless specifically authorized under the terms of this Ordinance.

No vehicle or tractor/trailer/semi trailer/rail car/cargo container of any type may be located on any parcel or lot.

PK-04 The parking of a commercial vehicle in residential zone districts shall be prohibited; except that one commercial vehicle of not more than three (3) tons capacity may be parked on any lot where there is a principal building as long as it is:

- A. Used by a resident of the premises, and
- B. Parked in an enclosed garage or accessory building, or is located in the rear yard at least ten (10) feet from the rear property line.

This regulation shall not be interpreted to prohibit commercial vehicles from temporary loading and unloading in a residential district.

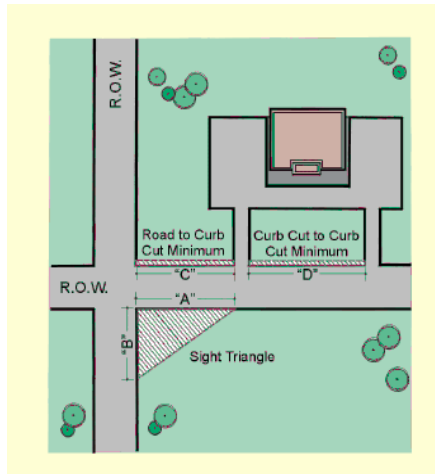
#### **5-5.10 Entrance/Drive Standards (ED)**

ED-01: The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

- A. All classification of roads shall be based on the Transportation Plan as found and maintained in the Fulton County Comprehensive Plan.
- B. No entrance or drive shall be permitted to begin within:
  - a. 100 feet of any intersecting road if along a Primary Arterial unless otherwise authorized by INDOT (see “C” below in the illustration),
  - b. 50 feet of any intersecting road if along a Secondary Arterial (see “C” below in the illustration),
  - c. 50 feet of any intersecting road is along a Minor Collector (see “C” below in the illustration), and
  - d. 25 feet of any intersecting road is along a Local Road (see “C” below in the illustration).

[The distances for the above standards shall be determined by measuring from ROW line to the curb or edge of pavement (whichever is less) of the entrance or drive.]





- D. No entrance or drive on or near a curve shall be permitted when:
- There is less than 655 feet of sight distance on a road with a posted speed limit of 45 mph or greater.
  - There is less than 475 feet of sight distance on a road with a posted speed limit of 45 mph or less.
- E. No entrance or drive shall be permitted within:
- 140 feet of the apex of a curve (30 degrees or greater) and where the road is a Primary Arterial,
  - 120 feet of the apex of a curve (30 degrees or greater) and where the road is a Secondary Arterial,
  - 100 feet of the apex of a curve (30 degrees or greater) and where the road is a Collector,
  - 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.
- F. The location of drives on or near curves may be investigated individually by the Plan Administrator or his/her designees and evaluated for their sight distance and design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Plan Administrator or his/her designees be able to reduce the above stated distances by greater than fifty percent (50%).
- G. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (1/2) of the below measurements):
- 32 feet if from a commercial Zoning District onto a Primary Arterial,
  - 30 feet if from a commercial Zoning District onto a Secondary Arterial,
  - 28 feet if from a commercial Zoning District onto a Collector,
  - 26 feet if from a commercial Zoning District onto a Local Street,
  - 30 feet if from a multifamily residential Zoning District onto a Primary Arterial, Secondary Arterial, or Collector,
  - 28 feet if from a multifamily residential Zoning District onto a Local Street,
  - 28 feet if from a single-family residential Zoning District onto any type of street, or
  - 22 feet if from a single-family residential unit onto any type of street.
- [The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance, or drive.]
- H. The Plan Commission may determine if the following are necessary:
- an acceleration or deceleration lane, or
  - a passing blister at a new entrance or drive.



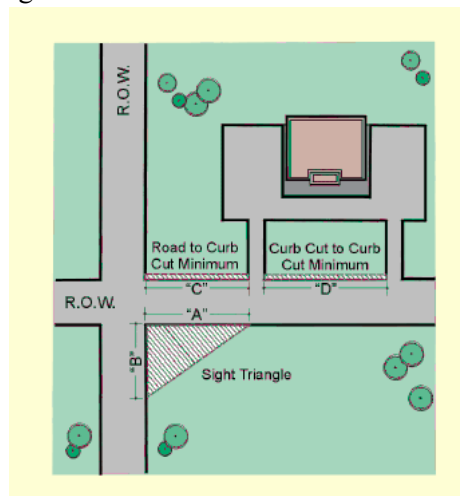
- ED-02: In manufactured home parks with twenty (20) or more manufactured homes:
- A. Two (2) access points shall be required into and out of the manufactured home park.
  - B. Individual dwelling sites may only have driveways on interior roads.

**5-5.11 Vision Clearance Standards (VC)**

VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

- A. No entrance, curb cut, or drive shall be permitted if within:
  - a. 160 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is 45 MPH or greater.
  - b. 100 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is 30 MPH or greater.
  - c. 80 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is under 30 MPH.
- B. All intersections must maintain a clear vision triangle where no Primary or Accessory Structures, trees, vegetation, or signs other than road signs are allowed to be placed or to project into. The Clear Vision Triangle is illustrated below.



The following triangle leg lengths will apply to the determination of a clear vision triangle.

- a. along Primary Arterials            45 feet
- b. along Secondary Arterials        40 feet
- c. along Collectors                    35 feet
- d. along Local Roads                  20 feet

VC-02: Any newly proposed entrance onto a Public Road must use the most recent edition of the American Association of State Highway and Transportation Officials’ (ASHTO) Policy on Geometric Design of Highways and Streets as the baseline for any vision clearance measurement (site distance, stopping distance, etc.) from the newly proposed entrance onto a public thoroughfare. For the purposes of this section, a “newly proposed entrance onto a public thoroughfare” is specifically defining any new roads, which intersect an existing public thoroughfare (i.e. existing county, city, or town road, street, or alley), that are created by the standards set forth within the Fulton



County Subdivision Ordinance.

- A. The developer must submit proof that the newly proposed entrance onto a public thoroughfare, complies with the above stated ASHTO standards. Proof of compliance must clearly cross-reference the ASHTO policy with a topographical survey of the proposed entrance onto a County Road, state the ASHTO policy, as well as, cite the chapter, page number, and edition.

**5-5.12 Telecommunication Facilities Standards (TF)**

TF-01: Roof/Wall Mounted Antennas: The following chart shows where roof mounted antennas are permitted, and where and how they are restricted and necessary approvals.

BZA Approval	Plan Administrator Approval
Unscreened 11 or more feet above the roof line	Unscreened 10 or less ** feet above the roof line
Plan Administrator Approval	Plan Administrator Approval
Screened 11 or more feet above the roof line	Screened 10 or less feet above the roof line

\*\* If within 200 feet of residential property lines BZA approval required

TF-02: Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all the general and following requirements when located in a residential district:

- A. The tower shall be setback from any property line a distance equal to at least one hundred percent (100%) the height of the tower.
- B. Maximum height: tower 125 feet - accessory structure 15 feet
- C. Minimum number of antenna sites for a 125 feet tower is 3; if tower is less than 125 feet refer to TF-01K.
- D. The tower shall be a monopole design.

**5-5.13 Miscellaneous Standards (MS)**

MS-01: Each manufactured home in a manufactured home park must be tied down and have perimeter skirting.

MS-02: All mobile homes must have the tongue or pulling ring completely removed and stored in an area completely hidden from view from any public way or adjoining property.

MS-03: Storage or parking of recreational vehicles is subject to the following conditions:

- A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
- B. A recreational vehicle may be permitted to be parked for visitation for up to seven (7) consecutive days, but not to exceed fourteen (14) total days in any one calendar year.
- C. No more than one (1) recreational vehicle may be stored or parked outdoors on a residential parcel at any one time.
- D. 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 the vehicle shall project beyond the front of the primary structure, side yard setback, or rear yard setback.
- E. Year-round storage of a recreational vehicle is permitted if it is either enclosed, screened with vegetation, or not within seventy-five (75) feet of all neighboring residential structures. If either of these conditions is not met, outdoor storing or parking shall not extend more than nine (9) months of any single calendar year.
- F. A recreational vehicle shall not block a sidewalk.
- G. A recreational vehicle shall not be parked on a parcel without a primary structure.



H. A recreational vehicle shall not be used solely for the purpose of personal storage.

MS-04: All roof mounted heating, air conditioning, ventilation, or other mechanical equipment shall be screened with materials that are complementary and aesthetically appealing to the structure on which they are affixed. From any location within four hundred (400) feet of the structure, the screening must hide or disguise the above listed equipment.

MS-05: All side property lines must be within ten (10) degrees of perpendicular to the street center line or radial on curve.

MS-06: Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.

#### **5-5.14 Temporary Sign Standards (TS)**

TS-01: The following signs shall be permitted. No sign shall be located within the vision clearance area. Signs may not be located on the right-of-way.

- A. One (1) temporary sign is permitted for a total of two (2) months per year. No illumination is permitted.
- B. Any sign that is forty (40) square feet or less does not require a permit. Any sign that is greater than forty (40) square feet requires a permit.
- C. A sign advertising a legally permitted event shall be removed ten (10) days after the event has transpired.

#### **5-5.15 Permanent Sign Standards (SI)**

SI-01: The following signs shall be permitted— except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. No sign shall be located within the vision clearance area. (MP) .

- A. One (1) nameplate sign not exceeding a combined area of one (1) square foot in area is permitted on the primary structure. No permit is required. No illumination is permitted.
- B. One sign in conjunction with a legally permitted home occupation is permitted. Said sign must not exceed four (4) square feet and shall not be illuminated. No permit is required.
- C. Gateway signs: Two (2) signs are permitted per entrance. Said signs shall not exceed four (4) feet in height. Maximum size shall be fifty (50) square feet in area.
- D. Identity signs for multifamily projects. Two (2) signs are permitted per entrance. Said signs shall not exceed four (4) feet in height. Maximum size shall be twenty-four (24) square feet in area.
- E. Commercial Use: Any one sign shall not exceed four (4) feet in height and/or twenty-four (24) square feet in area.
  - a. Two (2) signs are permitted per entrance.
  - b. Only static lighting (ie. no movement) is allowed.
  - c. Freestanding Signs are prohibited.





## Article Five

# Section Six- Institutional/Recreational District (IR)

### 5-6.0 Interpretation

The following development standards listed within Section Six are applicable within the Institutional Recreational (IR) Zone District listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

### 5-6.1 Accessory Structure Standards (AS)

AS-01: Accessory Structures shall comply with all Development Standards for the Subject Zoning District.

- A. Accessory Structures are not allowed on a lot prior to any Primary Structure being constructed and must relate to the Primary Structure and its uses, except when pertaining to a public park areas.
- B. The following Accessory Structures are permitted, but must abide by all applicable Standards:
  - Antennas or Satellite Dishes less than thirty-six (36) inches,
  - Decks,
  - Gazebos,
  - Storage buildings,
  - Sheds,
  - Dumpsters, and
  - similar structures related to the primary use.
- C. No Accessory Structures/Buildings shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.
- D. All permissible Accessory Structures/Buildings shall abide by the following standards:
  - a. An accessory structure shall only be located to the rear or side of the primary structure. Gazebos, decks, antennas, satellite dishes are exempt.
  - b. Antennas or Satellite Dishes shall only be permitted to the rear of the primary structure.
  - c. Dumpsters shall be enclosed and screened on all four sides.

### 5-6.2 Fences and Walls (FN)

FN-01: All fences and walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than eight (8) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard.
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.

### 5-6.3 Temporary Use/Structure Standards (TU)

TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

- A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
- B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
- C. Permit: All temporary uses/structures will be required to have a temporary improvement location permit and will be subject to fees as adopted, unless otherwise noted in this article.



- D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
- E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-03: Temporary Structures/Uses permitted include:

- A. Construction trailers (permit may be renewed one time by the Plan Administrator with reason. The construction trailer shall be situated at the construction site and occupied by only persons directly engaged in the supervision of the construction of the structure or development.
- B. Roadside sales vehicles or structures,
- C. Tents for sales and business events. Maximum duration (time limit) is fifteen (15) days with permit.

#### **5-6.4 Landscaping Standards (LS)**

LS-01: Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, heat build-up, may reduce energy costs in structures and will improve the aesthetics of the community. The following general standards apply.

- A. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without the written permission from the agency that established the right-of-way or easement.
- B. No trees may be planted within three (3) feet of sidewalks, streets, curbs, gutters, drainage tile, or other infrastructure, unless approved otherwise by the planning commission or an independent municipal code.
- C. The species of trees and plants for proposed landscape plan may be subject to approval of plan commission or its designees.





LS-02: Minimum Plantings Required by Use:

USE	NUM.	TYPE	PER	SIZE
Multiple Family	3	Trees	2 dwelling units	1" caliper if deciduous 3 feet tall if evergreen
	1	Ornamental	4 dwelling units	6 feet tall
	1	Foundation Plantings	10' of perimeter	18" tall
Retail Comm. (Not HD or DC district)	3	Trees	1000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	20' of perimeter	18" tall
Office Comm. (Not HD or DC district)	3	Trees	1000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	10' of perimeter	18" tall
Institutional (Not HD or DC district)	3	Trees	1000 sq. of ground ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	10' of perimeter	18" tall
Industrial (Not HD or DC district)	3	Trees	3000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	30' of perimeter	18" tall

- A. The plantings required to meet Buffer Yard standards shall not be counted toward this minimum landscaping requirement.
- B. Existing trees on site can be counted toward the minimum landscaping requirements. The floor area from all existing buildings must be calculated and accounted for when determining if the existing trees on site will accommodate the minimum requirements listed above.
- C. All foundation plantings must be within ten (10) feet of the structures' foundation and should be shrubs, ornamental bushes, ornamental plants, or flowering plants. The following is required for all single family developments.
- D. Any landscaping plan deviating from the requirements above may be submitted for approval to the Plan Commission as an alternate landscaping plan.

**5-6.5 Lighting Standards (LT)**

LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicle and persons without affecting neighboring properties. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- A. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle ("downlighting").
- C. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle (down-



- lighting) and shall be no more than twenty (20) feet in height.
- D. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle.-
  - E. All lights within a single development must use consistent style, design, height, size and color throughout the development.
  - F. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles). The only exception to this standard is as follows:
    - a. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District) .
    - b. when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
  - G. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

### 5-6.6 Parking Standards (PK)

- PK-01 All parking lots for institutional businesses, public and private employee parking, offices, organizations, and places of assembly must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, gravel, stone, rock, or dust-free material as approved by plan commission, except for special events permitted throughout the year. Dirt, sand or grass is not permitted as a parking surface, except for special events permitted throughout the year that may require spill over parking. Expansion of any parking lot surface will comply with the current Zone Ordinance. In addition, these parking lots, in relation to the facility's normal activities, must also conform to all the following requirements:
- A. All ingress/egress into parking areas must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, or other durable, dust-free material.
  - B. Parking lots shall be located a minimum of 5' from the road right-of-way, side, and rear property line. All of the area within the 5' setback will be sustained as a vegetative buffer between the lot lines and the parking lot.
  - C. Parking lots with more than one parking aisle, or designed greater than, or equal to, four-tenths (.4) of an acre, 17,424 square feet, will have interior vegetative buffers installed. The interior vegetative buffers shall be in the form of pedestrian walkways between parking isles, strips or islands planted in the form of some combination of trees, shrubs, and/or grass. Vegetative Islands shall be placed at the end of each parking aisle containing 20 or more parking spaces.
  - D. Parking spaces shall be a minimum of 9' x 18' and be striped so as to show each parking space.
  - E. Parking aisle widths shall be as follows:
    - a. 90 degree angle space - 24' wide parking aisle
    - b. 60 degree angle space - 18' wide parking aisle
    - c. 45 degree angle space - 14' wide parking aisle
  - F. Be designed as to prevent vehicles from having to maneuver in the public right-of-way.
  - G. All components of a parking lot must be ADA compliant.
  - H. Be constructed to allow proper drainage.
  - I. Parking spaces described in this Rule must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.
  - J. A group of adjacent properties may provide a joint parking area if the number of spaces



required for all properties is adequate, and at least seventy percent (70%) of the total spaces required for each use. A permanent documentation of the agreement must be recorded with both properties. A permanent written agreement signed by all property owners involved which shall include but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed/approved by the Plan Administrator and/or City Attorney. The agreement shall be recorded in the office of the Fulton County Recorder. A copy of the recorded agreement shall be kept in the office of the Plan Commission. The Plan Administrator shall approve aggregate parking lots such as mentioned above.

PK-02: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. The developer/builder must calculate additional parking spaces that may be necessary.

All uses.	One (1) parking space per employee that potentially can be working at any given time.
Restaurants, food services, movie theatre, auditorium, or church.	One (1) parking space per every three (3) chairs.
Furniture stores and automobile sales.	One (1) parking space per five hundred (500) sq. ft. of GFA
Hardware stores, home improvement stores, and community centers.	One (1) parking space per four hundred (400) sq. ft. of GFA
Fitness, health spa, entertainment facility, skating rink or similar facilities.	One (1) parking space per two hundred (200) sq. ft. of GF A
Convenience stores, gasoline stations, grocery stores, banks, and department stores.	One (1) parking space per three hundred (300) sq. ft. of GFA
Daycare facility.	One (1) parking space per every ten (10) children enrolled
Hotel, motel, bed and breakfast, and lodging or boarding home.	(1) parking space per sleeping unit.
Golf course	Thirty (30) parking spaces per nine (9) holes.
*Additional parking spaces may be required by the Planning Commission or Board of Zoning Appeals if deemed necessary.	

PK-03: If more than two (2) vehicles without a current year license plate or in inoperable condition are stored on a property in residential and agricultural zone districts the following conditions apply.

A. They must be parked:

- a. in completely enclosed buildings, or
- b. a minimum of two-hundred (200) feet from the front property line, a minimum of fifty (50) feet from the side property line, or in the rear yard.
- c. a minimum of two-hundred (200) feet from a lake or river.

B. They must be screened from view. Screening includes fencing, landscaping, or placement so that it may not be seen from the road.



PK-04: No vehicle or tractor/trailer/semi trailer/railcar/cargo container of any type may be located on parcel or lot.

**5-6.7 Loading Standards (LD)**

LD-01: There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- A. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street right-of-way or alley easement. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in a front of the primary structure, or on the side of the primary structure adjoining a street.
- B. Size: Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.
- C. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. There shall be no maneuvering in the right-of-way.
- D. Surfacing: All open off-street loading berths shall be improved with a compacted base of asphalt, concrete or some comparable all-weather, dustless material.
- E. Space Allowed: Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.
- F. Off-Street Loading Berth Requirements:

<b>Minimum Loading Berths Required</b>	<b>Gross Floor Area</b>
1	up to 40,000 sq. ft.
2	40,000 to 80,000 sq. ft.
3	80,000 to 120,000 sq. ft.
4	120,000 to 160,000 sq. ft.

One additional off-street loading space shall be required for each additional 80,000 sq. ft. after 320,000 sq. ft.

In situations where the structure clearly does not need and will not in the foreseeable future need loading docks, the plan commission may reduce the number required or eliminate the requirement.

**5-6.8 Entrance/Drive Standards (ED)**

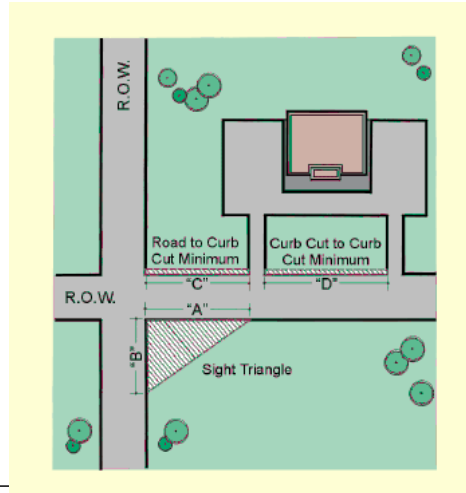
ED-01: The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

- A. All classification of roads shall be based on the Transportation Plan as found and maintained in the Fulton County Comprehensive Plan.
- B. No entrance or drive shall be permitted to begin within:
  - a. 100 feet of any intersecting road if along a Primary Arterial unless otherwise authorized by INDOT (see “C” below in the illustration),
  - b. 50 feet of any intersecting road if along a Secondary Arterial (see “C” below in the illustration)



- tion),
- c. 50 feet of any intersecting road is along a Minor Collector (see “C” below in the illustration), and
  - d. 25 feet of any intersecting road is along a Local Road (see “C” below in the illustration).

[The distances for the above standards shall be determined by measuring from ROW line to the curb or edge of pavement (whichever is less) of the entrance or drive.]



- C. No entrance or drive on or near a curve shall be permitted when:
  - a. There is less than 655 feet of sight distance on a road with a posted speed limit of 45 mph or greater.
  - b. There is less than 475 feet of sight distance on a road with a posted speed limit of 45 mph or less.
- D. No entrance or drive shall be permitted within:
  - a. 140 feet of the apex of a curve (30 degrees or greater) and where the road is a Primary Arterial,
  - b. 120 feet of the apex of a curve (30 degrees or greater) and where the road is a Secondary Arterial,
  - c. 100 feet of the apex of a curve (30 degrees or greater) and where the road is a Collector,
  - d. 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.
- E. The location of drives on or near curves may be investigated individually by the Plan Administrator or his/her designees and evaluated for their sight distance and design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Plan Administrator or his/her designees be able to reduce the above stated distances by greater than fifty percent (50%).
- F. No entrance or drive shall exceed the following pavement widths for two-way traffic (if one-way, the measurements shall be one-half (1/2) of the below measurements):
  - a. 32 feet if from a commercial Zoning District onto a Primary Arterial,
  - b. 30 feet if from a commercial Zoning District onto a Secondary Arterial,
  - c. 28 feet if from a commercial Zoning District onto a Collector,
  - d. 26 feet if from a commercial Zoning District onto a Local Street,
  - e. 30 feet if from a multifamily residential Zoning District onto a Primary Arterial, Secondary Arterial, or Collector,
  - f. 28 feet if from a multifamily residential Zoning District onto a Local Street,
  - g. 28 feet if from a single-family residential Zoning District onto any type of street, or



h. 22 feet if from a single-family residential unit onto any type of street.

[The distances for the above standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance, or drive.]

G. The Plan Commission may determine if the following are necessary:

- a. an acceleration or deceleration lane, or
- b. a passing blister at a new entrance or drive.

**5-6.9 Vision Clearance Standards (VC)**

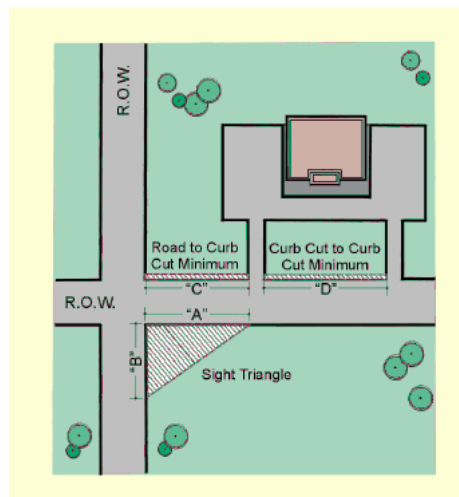
VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

A. No entrance, curb cut, or drive shall be permitted if within:

- a. 160 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is 45 MPH or greater.
- b. 100 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is 30 MPH or greater.
- c. 80 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is under 30 MPH.

B. All intersections must maintain a clear vision triangle where no Primary or Accessory Structures, trees, vegetation, or signs other than road signs are allowed to be placed or to project into. The Clear Vision Triangle is illustrated below.



The following triangle leg lengths will apply to the determination of a clear vision triangle.

- a. along Primary Arterials                      45 feet
- b. along Secondary Arterials                    40 feet
- c. along Collectors                                35 feet
- d. along Local Roads                              20 feet

VC-02: Any newly proposed entrance onto a Public Road must use the most recent edition of the American Association of State Highway and Transportation Officials' (ASHTO) Policy on Geometric



Design of Highways and Streets as the baseline for any vision clearance measurement (site distance, stopping distance, etc.) from the newly proposed entrance onto a public thoroughfare. For the purposes of this section, a “newly proposed entrance onto a public thoroughfare” is specifically defining any new roads, which intersect an existing public thoroughfare (i.e. existing county, city, or town road, street, or alley), that are created by the standards set forth within the Fulton County Subdivision Ordinance.

A. The developer must submit proof that the newly proposed entrance onto a public thoroughfare, complies with the above stated ASHTO standards. Proof of compliance must clearly cross-reference the ASHTO policy with a topographical survey of the proposed entrance onto a public thoroughfare, state the ASHTO policy, as well as, cite the chapter, page number, and edition.

**5-6.10 Telecommunications Standards (TF)**

TF-01: Roof/Wall Mounted Antennas: The following chart shows where roof mounted antennas are permitted, and where and how they are restricted and necessary approvals.

BZA Approval	Plan Administrator Approval
Unscreened 11 or more feet above the roof line	Unscreened 10 or less ** feet above the roof line
Plan Administrator Approval	Plan Administrator Approval
Screened 11 or more feet above the roof line	Screened 10 or less feet above the roof line

\*\* If within 200 feet of residential property lines BZA approval required

TF-02: Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all the general and following requirements when located in a residential district:

- A. The tower shall be setback from any property line a distance equal to at least one hundred percent (100%) the height of the tower.
- B. Maximum height: tower 125 feet - accessory structure 15 feet
- C. Minimum number of antenna sites for a 125 feet tower is 3; if tower is less than 125 feet refer to TF-01K.
- D. The tower shall be a monopole design.

**5-6.11 Miscellaneous Standards (MS)**

MS-01: All roof mounted heating, air conditioning, ventilation, or other mechanical equipment shall be screened with materials that are complementary and aesthetically appealing to the structure on which they are affixed. From any location within four hundred (400) feet of the structure, the screening must hide or disguise the above listed equipment.

MS-02: All outdoor storage of materials, products for sale, construction materials, trash containers, etc. shall be fenced with a six (6) foot privacy fence on all sides.

MS-03: Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.

**5-6.12 Temporary Sign Standards (TS)**

TS-01: The following temporary signs shall be permitted. No freestanding sign shall be located within the vision clearance area. Free standing signs shall be a minimum of ten (10) feet from right-of-way. A temporary Sign permit is required unless otherwise specified.

A. One noncommercial freestanding sign no larger than thirty-two (32) square feet. Real estate or



signs for an event of public interest (e.g. county fair or church event) are considered noncommercial for the purpose of this article in addition to all other noncommercial signs. No permit is required.

- B. Pennants, Banners or similar devices are permitted for grand openings or special promotions.
- C. Portable signs are permitted for grand openings or special promotions under the following conditions.
  - a. Such sign shall not be not be used for a time to exceed three (3) months in a six month period.
  - b. Such sign shall not exceed thirty-two (32) square feet
  - c. One portable sign is permitted per street frontage.
- D. Construction signs are permitted only during under the following conditions.
  - a. Such sign shall not exceed thirty-two (32) square feet in area.
  - b. Such sign shall be permitted for the duration of the construction period only.

**5-6.13 Permanent Sign Standards (SI)**

SI-01: The following signs shall be permitted– except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. No freestanding sign shall be located within the vision clearance area.

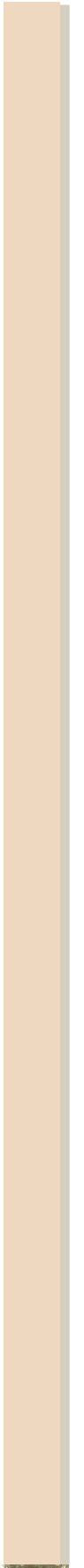
- A. Ground sign - One ground sign per entrance in conjunction with a legal permitted use not exceeding six (6) feet in height and thirty-two (32) square feet in area. The sign shall be located a minimum of ten (10) feet from right-of-way .
- B. Wall sign - One wall sign in conjunction with a legally permitted use not exceeding one hundred (100) square feet in area.
- C. Directional Signs - Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required.
- D. Freestanding Signs - Freestanding signs shall not exceed one hundred and fifty (150) square feet

Maximum Height	Distance from Right-of-Way
10 feet	5 feet
20 feet	10 feet
25 feet	15 feet
30 feet	20 feet
35 feet	25 feet

- E. Awning Signs
- F. Total signage shall not exceed two hundred (200) square feet per lot.









## Article Five

# Section Seven- Commercial Districts (HD, DC, VC, HC, GC, IN, IU)

### 5-7.0 Interpretation

The following development standards listed within Section Seven are applicable within the Commercial (HD, DC, VC, HC, GC, IN, IU) Zone Districts listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

### 5-7.1 Accessory Structure Standards (AS)

AS-01: The following Accessory Structures/Buildings Standards apply to commercial uses/districts. Accessory Structures shall comply with all Development Standards for the Subject Zoning District.

- A. Accessory Structures are not allowed on a lot prior to any Primary Structure being constructed and must relate to the Primary Structure and its uses.
- B. The following Accessory Structures are permitted, but must abide by all applicable Standards:
  - Antennas or Satellite Dishes less than thirty-six (36) inches,
  - Decks,
  - Gazebos,
  - Storage buildings,
  - Sheds,
  - Dumpsters,
  - Manure storage structure (see definition for additional regulations), and
  - similar structures related to the primary use.
- C. No Accessory Structures/Buildings shall encroach on any platted easement unless written consent of the agency the easement belongs to or is managed by.
- D. All permissible Accessory Structures/Buildings shall abide by the following standards:
  - a. An accessory structure shall only be located to the rear or side of the primary structure.
  - b. Antennas or Satellite Dishes shall only be permitted to the rear of the primary structure.
  - c. Dumpsters shall be enclosed and screened on all four sides.
  - d. No mobile home or manufactured home may be used as an accessory structure in any district.

### 5-7.2 Fences and Walls (FN)

FN-01: All fences and walls shall:

- A. Present the non-structural face outward.
- B. Be permitted up to the property line.
- C. Not be greater than eight (8) feet in height in the side yard and rear yard or greater than four (4) feet in height in the front yard. .
- D. Not be closer than two (2) feet to any public right-of-way.
- E. Not be placed within the clear vision triangle.

### 5-7.3 Temporary Use/Structure Standards (TU)

TU-01: Temporary Uses or Structures that abide by all applicable development standards for the subject zoning district are permitted. The following standards also pertain to temporary uses/structures.

- A. Transition to Permanent or Accessory Uses/Structures: Any temporary use or structure that is intended to transition into a permanent use/structure or accessory structure must meet all standards for a permanent use/structure or accessory structure. In the event the intent is not noted upon the application, the transition to a permanent use/structure or accessory structure will not be permitted for one (1) year from the application date.
- B. Duration: All temporary uses/structures shall be permitted for the period of up to six (6) months, unless otherwise noted in this Ordinance.
- C. Permit: All temporary uses/structures will be required to have a temporary Location Improve-



- ment Permit and will be subject to fees as adopted, unless otherwise noted in this article.
- D. Cessation of Use: All temporary uses/structures must, upon cessation, remove all structures, elements, and debris; and revert all alterations to the original site to its original state. All removal and alterations must take place within the permitted duration.
  - E. A petitioner shall be limited to a total of one (1) temporary uses/structures per year.

TU-02: Temporary Structures/Uses permitted include:

- A. Construction trailers (permit may be renewed one time by the Plan Administrator with reason. The construction trailer shall be situated at the construction site and occupied by only persons directly engaged in the supervision of the construction of the structure or development.
- B. Roadside sales vehicles or structures,
- C. Tents for sales and business events. Maximum duration (time limit) is fifteen (15) days with permit.

#### **5-7.4 Buffer Yard Standards (BY)**

BY-01: A general purpose of zoning is to protect conflicting land uses (zoning districts) from being adjacent to one another. The need for Buffer Yard Standards stems from the periodic occurrence of two (2) adjacent zoning districts conflicting or have the potential of conflicting.

- A. If a property in an IN or IU District is adjacent to any other district other than the IN or IU districts, a buffer shall be installed on the property located in the IN or IU district. The following buffer standards shall apply:
  - a. The developer or owner of the subject property is responsible for installing the Buffer Yard.
  - b. The adjacent property owner shall not have to participate in installing the Buffer Yard.
  - c. An additional thirty feet (30') of setback shall be required in addition to the normal setback.
  - d. A row of deciduous canopy trees must be planted twenty (20) feet apart from one another.
  - e. Additionally, a five foot (5') tall fence, or five foot (5') tall undulating berm, or a row of needled evergreen trees twelve (12) feet apart will also need to be placed parallel to the property line and at least five feet (5') from the deciduous canopy trees.
  - f. All trees must be planted within ten (10) to thirty (30) feet from the property line and within the subject property.
  - g. An irregular line or row of trees is preferred.
  - h. All trees must have at least a one to two inch (1-2") caliper, be properly maintained, and be replaced if the tree dies, is diseased, or damaged.
- B. In addition, an IU district must be a minimum of twelve-hundred (1200) feet from any residential district and at least 600 feet from any existing residence, other than that of the applicant.
- C. Any new dwelling, other than quarters provided for hired help connected with the IU District, or any new church, business, school, recreational area (public or private), or public building shall have a separation distance of not less than 600 feet from any IU District. An exception to this may be asked for by requesting a Development Standard Variance. If, or when, such a variance is granted by the Board of Zoning Appeals, the party obtaining the variance shall be required to attach to the recorded deed a covenant protecting the IU District's operating use, or if no legal transfer of ownership is contemplated at the time of the variance, then the petitioner will incorporate a similar recorded covenant to be cross-referenced with an affidavit in aid of title. Said covenants shall read as follows:

"In accepting this deed, grantees do hereby acknowledge that the surrounding land is an IU District; and grantees, and their successors in interest, are precluded from complaining and/or attempting to enjoin any IU District operation within 600 feet because of nuisances which might result from said operation."

BY-02: A general purpose of zoning is to protect conflicting land uses (zoning districts) from being



adjacent to one another. The need for Buffer Yard Standards stems from the periodic occurrence of two (2) adjacent zoning districts conflicting or have the potential of conflicting. If a property in a VC district is adjacent to any other district other than the VC District, an additional ten (10) feet of setback shall be required in addition to the normal setback on the yard(s) abutting the other zoning district.

BY-03: A general purpose of zoning is to protect conflicting Zoning Districts from being adjacent to one another. The need for Buffer Yard Standards stems from the periodic occurrence of two adjacent Zoning Districts conflicting or have the potential of conflicting. The following Buffer Yard Standards only apply along the property lines where two conflicting Zoning Districts meet.

If a GC or HC District is adjacent to SR, RR, R1, R2, R3, or MP. A buffer shall be installed on the property located in the GC or HC district. The following buffer standards shall apply:

- A. The developer or owner of the subject property is responsible for installing the Buffer Yard.
- B. The adjacent property owner shall not have to participate in installing the Buffer Yard.
- C. An additional twenty (20) feet of setback shall be required in addition to the normal setback.
- D. One (1) deciduous canopy tree and two (2) needled evergreen trees must be planted for every twenty (20) feet of contiguous boundary with conflicting district.
- E. All trees must be planted within five (5) to fifteen (15) feet from the property line.
- F. An irregular line or row of trees is preferred.
- G. All trees must have at least a one (1”) to two inch (2”) caliper, be properly maintained, and be replaced if the tree dies, is diseased, or is damaged.

#### 5-7.5 Landscaping Standards (LS)

LS-01: Landscaping is an essential part in the design and development of a site. Such plantings are a benefit to the environment, public health, safety, comfort, convenience and general welfare of the community. These standards will result in the reduction of storm water runoff, glare, heat build-up, following general standards apply.

- A. No landscaping materials, vegetation, plants, shrubs, trees, retaining walls, bedding, lighting, or mounds may extend into any existing or proposed right-of-way or easement without the written permission from the agency that established the right-of-way or easement.
- B. No trees may be planted within five (5’) feet of sidewalks, streets, curbs, gutters, drainage tile, or other infrastructure, unless approved otherwise by the planning commission.
- C. The species of trees and plants for proposed landscape plan may be subject to approval of plan commission or its designees.
- D. All landscaping must be properly maintained (i.e. pruning, replacing plants and/or trees that have died, is diseased or damaged, etc.)



LS-02: Minimum Plantings Required by Use:

USE	NUM.	TYPE	PER	SIZE
Multiple Family ings	3	Trees	2 dwelling units	1" caliper if deciduous 3 feet tall if evergreen
	1	Ornamental	4 dwelling units	6 feet tall
	1	Foundation	10' of perimeter	18" tall Plant-
Retail Comm. (Not HD District)	3	Trees	1000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	20' of perimeter	18" tall
Office Comm. (Not HD District)	3	Trees	1000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	10' of perimeter	18" tall
Institutional (Not HD District)	3	Trees	1000 sq. of ground ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	10' of perimeter	18" tall
Industrial (Not HD District)	3	Trees	3000 sq. ft. floor area	1" caliper if deciduous 3 feet tall if evergreen
	1	Foundation Plantings	30' of perimeter	18" tall

- A. The plantings required to meet Buffer Yard standards shall not be counted toward this minimum landscaping requirement.
- B. Existing trees on site can be counted toward the minimum landscaping requirements. The floor area from all existing buildings must be calculated and accounted for when determining if the existing trees on site will accommodate the minimum requirements listed above.
- C. All foundation plantings must be within ten (10) feet of the structures' foundation and should be shrubs, ornamental bushes, ornamental plants, or flowering plants. The following is required for all single family developments.
- D. Any landscaping plan deviating from the requirements above may be submitted for approval to the Plan Commission as an alternate landscaping plan.

**5-7.6 Lighting Standards (LT)**

LT-01: The intent of lighting standards are to provide a level of illumination for adequate, safe and efficient movement of vehicle and persons without affecting neighboring properties. Further the level of illumination shall vary according to the type of use on a lot. The intensity of light created on any site shall not significantly go beyond the property line of the subject property.

The following lighting standards apply:

- A. All lighting shall be shielded with opaque material to prevent direct lighting on streets, alleys, and adjacent properties.
- B. All lighting elements used to cast light on building facades, features of buildings or signs shall have cutoff luminaires with less than a ninety degree angle ("downlighting").
- C. Lighting for parking lots must all be consistent in their color, size, height, and design. Further, all parking lot lights shall have cutoff luminaires with less than a ninety-degree angle (down-



- lighting) and shall be no more than twenty (20) feet in height.
- D. All free standing lights and lights mounted on walls or facades must have cutoff luminaires with less than a ninety degree angle.-
  - E. All lights within a single development must use consistent style, design, height, size and color throughout the development.
  - F. All lighting from a property must not cause illumination beyond the property line of that property (at .5 foot candles). The only exception to this standard is as follows:
    - a. when the subject property is business and the adjacent property is zoned for business or industrial the allowable light at the property line is one (1.0) foot candles (only on sides of the property that are adjacent to the similar Zoning District) .
    - b when the subject property is industrial and the adjacent property is zoned for industrial the allowable light at the property line is two and one half (2.5) foot candles (only on sides of the property that are adjacent to the similar Zoning District).
  - G. Measurements shall be taken along any property line of the subject property with a light meter facing the center of the property at a height of six (6) feet.

#### 5-7.7 **Parking Standards (PK)**

- PK-01: All parking lots for commercial businesses, public and private employee parking, offices, organizations, and places of assembly, etc. must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, gravel, stone, rock, or dust-free material as approved by plan commission, except for special events permitted throughout the year. Dirt, sand or grass is not permitted as a parking surface, except for special events permitted throughout the year that may require spill over parking. Expansion of any parking lot surface will comply with the current Zone Ordinance. In addition, these parking lots, in relation to the facility's normal activities, must also conform to all the following requirements:
- A. All ingress/egress into parking areas must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, or other durable, dust-free material.
  - B. Parking lots shall be located a minimum of 5' from the front, side, and rear property line. All of the area within the 5' setback will be sustained as a vegetative buffer between the lot lines and the parking lot.
  - C. Parking lots with more than one parking aisle, or designed greater than, or equal to, four-tenths (.4) of an acre, 17,424 square feet, will have interior vegetative buffers installed. The interior vegetative buffers shall be in the form of pedestrian walkways between parking isles, strips or islands planted in the form of some combination of trees, shrubs, and/or grass. Vegetative Islands shall be placed at the end of each parking aisle containing 20 or more parking spaces.
  - D. Parking spaces shall be a minimum of 9' x 18' and be striped so as to show each parking space.
  - E. Parking aisle widths shall be as follows:
    - a. 90 degree angle space - 24' wide parking aisle
    - b. 60 degree angle space - 18' wide parking aisle
    - c. 45 degree angle space - 14' wide parking aisle
  - F. Be designed as to prevent vehicles from having to maneuver in the public right-of-way.
  - G. All components of a parking lot must be ADA compliant.
  - H. Be constructed to allow proper drainage.
  - I. Parking spaces described in this Rule must be located either on the premises or on a lot approved by the Plan Commission. All required off-street parking spaces, however, must be located within six-hundred (600) feet of the respective lot.
  - J. A group of adjacent properties may provide a joint parking area if the number of spaces required for all properties is adequate, and at least seventy percent (70%) of the total spaces re-



quired for each use. A permanent documentation of the agreement must be recorded with both properties. A permanent written agreement signed by all property owners involved which shall include but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed/approved by the Plan Administrator and/or the Plan Commission Attorney. The agreement shall be recorded in the office of the Fulton County Recorder. A copy of the recorded agreement shall be kept in the office of the Plan Commission. The Plan Administrator shall approve aggregate parking lots such as mentioned above.

PK-02: To reduce traffic congestion and hazards along roadways, off-street parking shall be required for business and industrial uses. The minimum number of parking spaces shall be determined by adding up the spaces required for each applicable statement below. The numbers below do not guarantee the quantity needed per use, only minimums are expressed. The developer/builder must calculate additional parking spaces that may be necessary.

All uses.	One (1) parking space per employee that potentially can be working at any given time.
Restaurants, food services, movie theatre, auditorium, or church.	One (1) parking space per every three (3) chairs.
Furniture stores and automobile sales.	One (1) parking space per five hundred (500) sq. ft. of GFA
Hardware stores, home improvement stores, and community centers.	One (1) parking space per four hundred (400) sq. ft. of GFA
Fitness, health spa, entertainment facility, skating rink or similar facilities.	One (1) parking space per two hundred (200) sq. ft. of GF A
Convenience stores, gasoline stations, grocery stores, banks, and department stores.	One (1) parking space per three hundred (300) sq. ft. of GFA
Daycare facility.	One (1) parking space per every ten (10) children enrolled
Hotel, motel, bed and breakfast, and lodging or boarding home.	(1) parking space per sleeping unit.
Golf course	Thirty (30) parking spaces per nine (9) holes.
*Additional parking spaces may be required by the Planning Commission or Board of Zoning Appeals if deemed necessary.	

PK-03: The following shall apply to the village commercial (VC) district.

A. Off-street parking is not required.

B. If the property owner chooses to have off-street parking the following will apply:

- a. All ingress/egress into parking areas must be paved with asphalt or concrete within the incorporated limits of the City of Rochester. All other jurisdictions under the authority of this Zone Ordinance are required to pave with asphalt, concrete, gravel, stone, rock, or dust-free material as approved by plan commission, except for special events permitted throughout the year.





- b. Parking areas must be constructed to allow proper drainage.
- c. Parking areas must be designed as to prevent vehicles from having to back into public streets.
- d. Parking lots shall have a minimum four (4) foot setback from the property.
- e. Parking spaces shall be a minimum of 9' x 18'.  
Parking aisle widths shall be as follows:
  - ninety (90) degree angle space - twenty-four (24) feet wide parking aisle
  - 60 degree angle space - 18' wide parking aisle
  - 45 degree angle space - 14' wide parking aisle

PK-04: No vehicle or tractor/trailer/semi trailer/railcar/cargo container of any type may be located on any lot or parcel.

PK-05: If more than two (2) vehicles without a current year license plate or in inoperable condition are stored on a property the following conditions apply.

- A. They must be parked:
  - a. in completely enclosed buildings, or
  - b. a minimum of two-hundred (200) feet from the front property line, a minimum of fifty (50) feet from the side property line, or in the rear yard, as well as,
  - c. a minimum of two-hundred (200) feet from a lake or river.
- B. They must be screened from view. Screening includes fencing, landscaping, or placement so that it may not be seen from the road. Tarping is not allowed for compliance.

PK-06: IN and IU Districts only. Semi trailers and/or cargo containers may be used for the purpose of storage, but must be located to the side and rear yard and maintained on good condition.

#### 5-7.8 Loading Standards (LD)

LD-01: There shall be provided off-street loading berths not less than the minimum requirements specified in this section in connection with any building or structure which is to be erected or substantially altered, and which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles.

- A. Location: All required off-street loading berths shall be located on the same lot as the use to be served, and no portion of the vehicle shall project into a street right-of-way or alley easement. No permitted or required loading berth shall be located within twenty-five (25) feet of the nearest point of intersection of any two (2) streets, nor shall it be located in a front of the primary structure, or on the side of the primary structure adjoining a street.
- B. Size: Off-street loading berths for over-the-road tractor-trailers shall be at least fourteen (14) feet in width by at least sixty (60) feet in length with a sixty (60) foot maneuvering apron, and shall have a vertical clearance of at least fifteen (15) feet. For local pick-up and delivery trucks, off-street loading berths shall be at least twelve (12) feet in width by at least thirty (30) feet in length with a thirty (30) foot maneuvering apron, and shall have a vertical clearance of at least twelve (12) feet.
- C. Access: Each required off-street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movements. There shall be no maneuvering in the right-of-way.
- D. Surfacing: All open off-street loading berths shall be improved with a compacted base of asphalt, concrete or some comparable all-weather, dustless material.
- E. Space Allowed: Space allowed to any off-street loading berth shall not, while so allocated, be used to satisfy the space requirements of any off-street parking areas or portions thereof.



F. Off-Street Loading Berth Requirements:

<b>Minimum Loading Berths Required</b>	<b>Gross Floor Area</b>
1	up to 40,000 sq. ft.
2	40,000 to 80,000 sq. ft.
3	80,000 to 120,000 sq. ft.
4	120,000 to 160,000 sq. ft.

One additional off-street loading space shall be required for each additional 80,000 sq. ft. after 320,000 sq. ft.

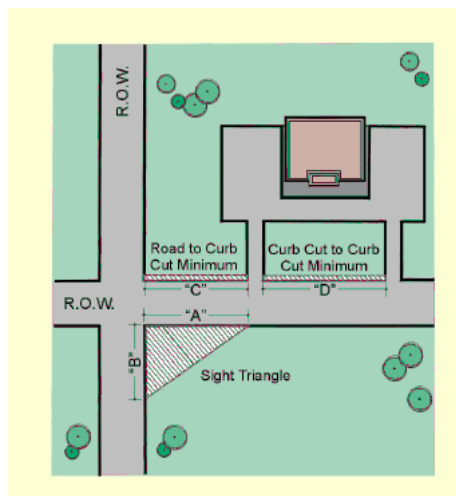
In situations where the structure clearly does not need and will not in the foreseeable future need loading docks, the plan commission may reduce the number required or eliminate the requirement.

**5-7.9 Entrance/Drive Standards (ED)**

ED-01: The intent of Entrance and Drive Standards is to provide for a safe and efficient vehicular and pedestrian transportation system. The following standards apply to entrances and drives.

- A. All classification of roads shall be based on the Transportation Plan as found and maintained in the Fulton County Comprehensive Plan.
- B. No entrance or drive shall be permitted to begin within:
  - a. 100 feet of any intersecting road if along a Primary Arterial unless otherwise authorized by INDOT (see “C” below in the illustration),
  - b. 50 feet of any intersecting road if along a Secondary Arterial (see “C” below in the illustration),
  - c. 50 feet of any intersecting road is along a Minor Collector (see “C” below in the illustration), and
  - d. 25 feet of any intersecting road is along a Local Road (see “C” below in the illustration).

[The distances for the above standards shall be determined by measuring from ROW line to the curb or edge of pavement (whichever is less) of the entrance or drive.]



- D. No entrance or drive on or near a curve shall be permitted when:
  - a. There is less than 655 feet of sight distance on a road with a posted speed limit of 45 mph or greater.
  - b. There is less than 475 feet of sight distance on a road with a posted speed limit of 45 mph or less.
- E. No entrance or drive shall be permitted within:



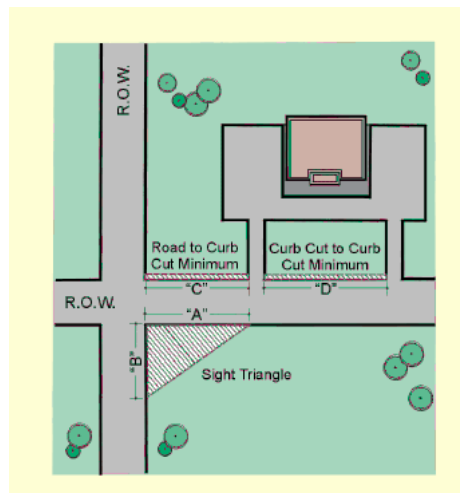
- a. 140 feet of the apex of a curve (30 degrees or greater) and where the road is a Primary Arterial,
  - b. 120 feet of the apex of a curve (30 degrees or greater) and where the road is a Secondary Arterial,
  - c. 100 feet of the apex of a curve (30 degrees or greater) and where the road is a Collector,
  - d. 70 feet of the apex of a curve (30 degrees or greater) and where the roads is a Local Road.
- F. The location of drives on or near curves may be investigated individually by the Plan Administrator or his/her designees and evaluated for their sight distance and design speed of the roadway or the posted speed limit, whichever is greater. In no case shall the Plan Administrator or his/her designees be able to reduce the above stated distances by greater than fifty percent (50%).
- G. No entrance or drive shall be less than thirteen (13') in width for one-way or twenty six (26') feet in width for two-way traffic. Single family housing within a commercial district is exempt.
- H. The Plan Commission may determine if the following are necessary:
- a. an acceleration or deceleration lane, or
  - b. a passing blister at a new entrance or drive.

**5-7.10 Vision Clearance Standards (VC)**

VC-01: The intent of Vision Clearance Standards are to provide for a safe vehicular and pedestrian transportation system. The visibility at intersections, driveways, curb cuts, and entrances are particularly important for the safe movement of vehicles and pedestrians.

The following Vision Clearance Standards apply to all intersections, drive, curb cuts, and entrances.

- A. No entrance, curb cut, or drive shall be permitted if within:
- a. 160 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is 45 MPH or greater.
  - b. 100 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is 30 MPH or greater.
  - c. 80 feet of the crest of a hill where the slope on either side of the crest is 6% or greater, or the visibility is determined to be impaired by the Plan Administrator and the speed limit is under 30 MPH.
- B. All intersections must maintain a clear vision triangle where no Primary or Accessory Structures, trees, vegetation, or signs other that road signs are allowed to be placed or to project into. The Clear Vision Triangle is illustrated below.



The following triangle leg lengths will apply to the determination of a clear vision triangle.

- a. along Primary Arterials 45 feet
- b. along Secondary Arterials 40 feet
- c. along Collectors 35 feet
- d. along Local Roads 20 feet

VC-02: Any newly proposed entrance onto a Public Road must use the most recent edition of the American Association of State Highway and Transportation Officials’ (ASHTO) Policy on Geometric Design of Highways and Streets as the baseline for any vision clearance measurement (site distance, stopping distance, etc.) from the newly proposed entrance onto a public thoroughfare. For the purposes of this section, a “newly proposed entrance onto a public thoroughfare” is specifically defining any new roads, which intersect an existing public thoroughfare (i.e. existing county, city, or town road, street, or alley), that are created by the standards set forth within the Fulton County Subdivision Ordinance.

A. The developer must submit proof that the newly proposed entrance onto a public thoroughfare, complies with the above stated ASHTO standards. Proof of compliance must clearly cross-reference the ASHTO policy with a topographical survey of the proposed entrance onto a public thoroughfare, state the ASHTO policy, as well as, cite the chapter, page number, and edition.

**5-7.11 Telecommunications Standards (TF)**

TF-01: Roof/Wall Mounted Antennas: The following chart shows where roof mounted antennas are permitted, and where and how they are restricted and necessary approvals.

BZA Approval	Plan Administrator Approval
Unscreened 11 or more feet above the roof line	Unscreened 10 or less ** feet above the roof line
Plan Administrator Approval	Plan Administrator Approval
Screened 11 or more feet above the roof line	Screened 10 or less feet above the roof line

\*\* If within 200 feet of residential property lines BZA approval required

TF-02: A Wireless Telecommunications Facility shall require a Special Exception approval from the Board of Zoning Appeals and meet all of the following requirements when located in an AG, IN and IU district:

- A. The following shall apply to a Guy Wire Tower, as well as, any other tower not classified within Section 3-6.17, TF-03:
  - 1. Minimum front, side and rear property setbacks, as well as, primary structure or commercial structure setback must be equal to fifty (50) feet above the height of the tower.
  - 2. Maximum height of tower: three hundred (300) feet
  - 3. Maximum height of accessory structure: fifteen (15) feet.
  - 4. Tower shall be placed no closer than five hundred (500) feet from any residential zoning district or the village commercial district.
- B. The following shall apply to a Monopole and Freestanding Tower:
  - 1. Minimum front, side and rear property setbacks, as well as, primary structure or commercial structure setback must be equal to two hundred (200) feet or half the height of the tower, whichever is more.
  - 2. Maximum height of tower: three hundred (300) feet
  - 3. Maximum height of accessory structure: fifteen (15) feet.
  - 4. Tower shall be placed no closer than five hundred (500) feet from any residential zoning



district or the village commercial district.

TF-03: This section applies to the HD, DC and GC districts.

Wireless Telecommunications Facility shall require approval as Special Exception by the Board of Zoning Appeals and meet the following and all other requirements within this ordinance:

- A. Minimum side and rear property setbacks equal to 80% of the height of the tower. Towers are not permitted in the front yards.
- B. Maximum height: tower 180 feet - accessory structure 15 feet.
- C. Minimum number of antenna sites for a 180 feet tower is 4; if tower is less than 180' refer to TF-01K.
- D. Tower shall be placed no closer than five hundred (500) feet to any residential structure.

**5-7.12 Adult Uses Standards (AU)**

AU-01: Adult bookstores or adult entertainment businesses shall be sited a minimum of twenty-five-hundred (2500) feet from churches, parks or schools.

**5-7.13 Miscellaneous Standards (MS)**

MS-01: IN and IU Districts only. Junkyards and Scrap Metal Yards shall have an eight (8) foot opaque fence enclosing the junkyard and/or scrap metal yard area.

MS-02: All roof mounted heating, air conditioning, ventilation, or other mechanical equipment shall be screened with materials that are complementary and aesthetically appealing to the structure on which they are affixed. From any location within four hundred (400) feet of the structure, the screening must hide or disguise the above listed equipment.

MS-03: All side property lines must be within ten (10) degrees of perpendicular to the street center line or radial on curve.

MS-04: All outdoor storage of materials, products for sale, construction materials, trash containers, etc. shall be fenced with a six (6) foot privacy fence on all sides.

MS-05: Street addresses must be posted on all primary structures and be visible from primary roadway and/or be posted on mailbox or other suitable structures visible from primary roadway.

MS-06: The following information applies to lots one and one-half (1.5) acres and more. The minimum lot size to be able to have any farm animal on any lot, or combination of lots, is one and one-half (1.5) acres. There will be two (2) animal units permitted per acre as determined from the following chart. Lots measuring over ten (10) acres in size are exempt from the requirement of two (2) animal units per acre. The plan administrator shall have discretion to determine the minimum acreage for farm animals not listed.

<u>Animal Type</u>	<u>Units</u>
Calves (150-750 lbs.).....	.7
Feeder cattle (750-1,200 lbs.).....	1.5
Cows.....	3.0
Nursery pigs (15 to 50 lbs.).....	.08
Grower/feeder pigs (50-280 lbs.).....	.4
Sow and litter .....	.5
Boars.....	.5
Sheep and Goats .....	.4
Turkeys and Geese.....	.02
Chickens .....	.01
Ducks.....	.015



Horses .....	1.7
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MS-07: A confined feeding operation must maintain fewer than 1,200 animal units on any parcel adjoining or contiguously operating or owned parcels as determined from the following chart.

Animal Type	Units
Calves (150-750 lbs.).....	.7
Feeder cattle (750-1,200 lbs.).....	1.5
Cows .....	3.0
Nursery pigs (15 to 50 lbs.) .....	.08
Grower/feeder pigs (50-280 lbs.).....	.4
Sow and litter .....	.5
Boars.....	.5
Sheep and Goats .....	.4
Turkeys and Geese.....	.02
Chickens .....	.01
Ducks .....	.015
Horses .....	1.7

**5-7.14 Temporary Sign Standards (TS)**

TS-01: The following temporary signs shall be permitted. No freestanding sign shall be located within the vision clearance area. Free standing signs shall be a minimum of ten (10) feet from right-of-way. A temporary Sign permit is required unless otherwise specified.

- A. One noncommercial freestanding sign no larger than thirty-two (32) square feet. Signs for an event of public interest (e.g. county fair or church event) are considered noncommercial for the purpose of this article in addition to all other noncommercial signs. No permit is required.
- B. Pennants, Banners or similar devices are permitted for grand openings or special promotions.
- C. Portable signs are permitted for grand openings or special promotions under the following conditions.
  - a. Such sign shall not be not be used for a time to exceed three (3) months in a twelve (12) month period.
  - b. Such sign shall not exceed thirty-two (32) square feet
  - c. One portable sign is permitted per street frontage.
- D. Construction signs are permitted only during under the following conditions.
  - a. Such sign shall not exceed thirty-two (32) square feet in area.
  - b. Such sign shall be permitted for the duration of the construction period only.

**5-7.15 Permanent Sign Standards (SI)**

SI-01: HD, DC, and VC Districts only. All signs require a permit unless otherwise specified. The following signs shall be permitted– except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. Illuminated signs are allowed, but must be auto programmed to dim at dusk if a visual impairment/nuisance to surrounding structures/ vehicles.

- A. Total sign area allowed per lot -
  - a. HD District: Maximum signage allowed per lot is equal to 40 square feet total. Any combination of signs permitted under this section may be used, as long as, they do not exceed total area allowed per lot.
  - b. DC & VC Districts: the length of the building that faces the road= the amount of signage allowed per lot.
  - c. Under no circumstance may a ground sign exceed eighty (80) square feet
  - d. Under no circumstance shall the total square footage of all other signs exceed one-hundred (100) square feet. Any combination of signs permitted under this section may be used, as long as, they do not exceed total area allowed per lot.



- B. Wall sign - Wall signs shall be flushed to the building.
- C. Awning sign
- D. Marquee sign
- E. Projecting sign
- F. Freestanding/Ground sign - One ground sign/freestanding per lot not to exceed 9 feet in height. Sign area must be within the total sign area allotted per lot. No portion of the sign shall encroach on the public right-of-way or create a vision clearance issue for surrounding drives or street/alley intersections.
- G. Directional Signs - Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required and they shall not be counted toward the total area allowed per lot. -

SI-02: HC and GC District only. All signs require a permit unless otherwise specified. The following signs shall be permitted— except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. Illuminated signs are allowed, but must be auto programmed to dim at dusk is a visual impairment to surrounding structures/vehicles.

A. Total sign area allowed per lot -  $1.5 \times$  the length of building that faces the road = the amount of signage permitted per lot. For example: If a building is 100 feet wide, then 150 square feet of signage would be permitted per lot. Any combination of signs permitted under this section may be used as long as they do not exceed the total area allowed per lot. In addition, the following maximums apply.

a. Under no circumstance may the combination of all signs exceed three-hundred and fifty (350) square feet

B. Wall signs - Wall signs shall be flushed to the building.

C. Awning sign

D. Ground/Freestanding signs - One ground/freestanding sign per lot. Sign area must be within the total sign area allowed per lot. Sign height shall be permitted according to the following chart.

Maximum Height	Distance from right of way
10 feet	5 feet
20 feet	10 feet
25 feet	15 feet
30 feet	20 feet
35 feet	25 feet

E. Directional Signs - Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required and they shall not be counted toward the total area allowed per lot.

F. Billboards - A commercial billboard, permanently affixed in the ground (not attached or constructed to a motor vehicle or trailer) that is greater than one hundred (100) square feet, but not exceeding three-hundred and thirty (330) square feet, is permitted in the Commercial Districts. No commercial billboard shall be permitted unless it is consistent with the following:

- a. The sign shall be set back a minimum of thirty (30) feet from the road right-of-way and a minimum of 20 feet off of any side and/or rear property lines.
- b. The sign shall be set back a minimum of five hundred (500') feet from other billboards on the same side of the highway measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement..
- c. The sign must be located more than five-hundred (500) feet from the intersection of any two public rights-of-way measured at which point the pavement widens and the direction of measurement shall be along the edge of pavement away from the intersection.
- d. The sign shall consist only of a single structure, having either one advertising face, or two



back-to-back advertising faces. There shall be no double-decked (stacked) or side-by-side commercial billboards.

- e. Back-to-back billboards are permitted provided that such signs are completely back-to-back or at an offset no greater than an angle of forty-five (45) degrees.
- f. The maximum height of the sign face shall not exceed thirteen (13) feet and the maximum length of the sign face shall not exceed twenty-five (25) feet exclusive of structural members or supports

SI-03: IN and IU Districts only. The following signs shall be permitted. All signs require a permit unless otherwise specified. Illuminated signs are allowed, but must be auto programmed to dim at dusk is a visual impairment to surrounding structures/vehicles..

A. Total sign area allowed per lot - 2 x the length of building that faces the road = the amount of signage permitted per lot. For example: If a building is 100 feet wide, then 200 square feet of signage would be permitted per lot. Any combination of signs permitted under this section may be used as long as they do not exceed the total area allowed per lot. In addition, the following maximums apply.

- a. Under no circumstance shall the total square footage of all other signs exceed four-hundred and fifty square (450) feet.

B. Wall signs - Wall signs shall be flushed to the building.

C. Awning sign

D. Freestanding signs - One freestanding sign per lot. Sign area must be within the total sign area allowed per lot. Sign height shall be permitted according to the following chart.

Maximum Height	Distance from right of way
10 feet	5 feet
20 feet	10 feet
25 feet	15 feet
30 feet	20 feet
35 feet	25 feet

E. Directional Signs - Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required and they shall not be counted toward the total area allowed per lot.

F. Billboards - A commercial billboard, permanently affixed in the ground (not attached or constructed to a motor vehicle or trailer) that is greater than one hundred (100) square feet, but not exceeding three-hundred and thirty (330) square feet, is permitted as a permitted use in the Commercial Districts. No commercial billboard shall be permitted unless it is consistent with the following:

- a. The sign shall be set back a minimum of thirty (30) feet from the road right-of-way and a minimum of 20 feet off of any side and/or rear property lines.
- b. The sign shall be set back a minimum of five hundred (500') feet from other billboards on the same side of the highway measured between two points at the edge of pavement, found by lines drawn from the nearest edge of each sign perpendicular to the edge of pavement..
- c. The sign must be located more than five-hundred (500) feet from the intersection of any two public rights-of-way measured at which point the pavement widens and the direction of measurement shall be along the edge of pavement away from the intersection.
- d. The sign shall consist only of a single structure, having either one advertising face, or two back-to-back advertising faces. There shall be no double-decked (stacked) or side-by-side commercial billboards.
- e. Back-to-back billboards are permitted provided that such signs are completely back-to-back





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or at an offset no greater than an angle of forty-five (45) degrees.

f. The maximum height of the sign face shall not exceed thirteen (13) feet and the maximum length of the sign face shall not exceed twenty-five (25) feet exclusive of structural members or supports.



## Article Five

# Section Eight - Akron Development Standards

### 5-8.0 Interpretation

The following development standards listed within Section Eight are only applicable within the incorporated area of the Town of Akron (except as may otherwise be provided within this ordinance).

### 5-8.1 Accessory Structures Standards (AS)

AS-01: Accessory Uses shall comply with all development standards of the applicable zoning District unless an exception is provided for specifically in this ordinance.

- A. Accessory Uses shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted.
- B. Underground facilities shall not be located in or under any required Front, Side or Rear Yard or Bufferyard.
- C. Game Courts shall not be located in any required Front, Side or Rear Yard, or between the established Front Building Line and the Front Lot Line provided, however, a basketball goal may be located in a driveway in any residential district.

AS-02: Accessory Uses shall be permitted in all zoning Districts, however, Accessory Uses shall not be permitted on a Lot prior to the erection of the Primary Building or Use.

A. By way of example only, typical residential Accessory Uses are:

- Garages
- Carports
- Porches
- Decks
- Canopies
- Mini-Barns
- Patios
- Bathhouses
- Game Courts, Including Tennis or Basket-Ball Courts
- Signs
- Hot Tubs
- Radio Sending and Receiving Antennas
- Satellite Dish Antennas
- Storage Buildings
- Swimming Pools

AS-03: Additional Development Standards for Accessory Uses in any residential district. Accessory Uses permitted shall also comply with the following Development Standards:

A. Man-made bodies of water (i.e. ponds, reservoirs, lake, lagoon, swamp, etc.) of any type are not allowed to be developed within the incorporate limits of the Town of Akron, unless otherwise stated with this ordinance or required by the Fulton County Drain Board.

a. Koi/ornamental ponds are allowed with the Town of Akron. Such koi/ornamental ponds shall comply with the following regulations:

1. Said pond is lined with materials acceptable to the industry standard to maintain the water volume and prevent water leakage
2. Said pond shall not be more than four (4) feet depth.
3. Said pond shall not be sized to hold more than 1,100 gallons of water
4. Said pond shall maintain a setback of 10' from all side and rear property lines and comply with front setback required in the applicable zone district.
5. Said pond does not require a permit.

B. A swimming pool or hot tub shall not be located between any Front Lot Line and the established Front Building Line, or in any required Side or Rear Yard.



C. The swimming pool or hot tub shall be enclosed by either: a fence, which shall be adequate to prevent persons, children or animals from harm, and shall be equipped with a self-closing, self-latching gate; or a safety pool cover complying with the provisions of IAC 20-4-27(c). If a fence is utilized, such fence shall:

- a. if erected at Grade, be not less than five (5) feet in height; or,
- b. if erected on the deck of an above ground pool or hot tub, not be less than thirty-six (36) inches in height measured from the surface of the deck.

D. No pool or hot tub shall be erected or constructed unless adequate distance from overhead electrical wires is provided in accordance with the National Safety Code and the National Electrical Code, current editions.

E. Abandoned or unused swimming pools or hot tubs, situated on a lot where the dwelling unit is not occupied for periods of thirty (30) days or more, shall be drained or equipped with a cover adequate to prevent persons, children or animals from danger or harm.

F. All swimming pools or hot tubs, including associated decking and aprons, shall be included in the calculation of Maximum Lot Coverage.

G. Patios, Porches, gazebos and Decks shall comply with all Maximum Lot Coverage, Minimum Yards and Building Setback, and Maximum Building Height regulations of the applicable ing District for Primary Buildings.

H. Fences (including chain link, solid, architectural screen, latticework or masonry) or Hedges.

- a. Shall not exceed forty-eight (48) inches in height above Grade in a required Front Yard;
- b. Shall not exceed six (6) feet in height above Grade in a required Side or Rear Yard;
- c. Shall comply with all Vision Clearance Area requirements of Section 8-5-1.23 of this Ordinance; and,
- d. Shall not exceed the Maximum Building Height allowed for an Accessory Building if located elsewhere on a Lot.

#### AS-04: Satellite Dish Antennas in Residential Districts

A. In all Residential Districts, the regulations of this Section shall apply to Satellite Dish Antennas which are greater than one meter (39.37") in diameter. These regulations are intended to allow Satellite Dish Antennas to be located in a manner that: (i) does not unreasonably delay or prevent the installation, maintenance or use of the antenna; (ii) does not unreasonably increase the cost of installation, maintenance or use of the antenna; or (iii) preclude reception of an acceptable quality signal.

B. The regulations of this Section are intended to accomplish the following specific and clearly defined health, safety and aesthetic objectives:

- a. To promote the public health and safety by providing criteria for the placement of Satellite Dish Antennas greater than one meter (39.37") in diameter which ensure that all such installations are performed in a manner which limits endangerment of life and property on the site and on surrounding properties if the antennas should collapse or are felled by ice or high winds; and
- b. To ensure the aesthetic harmony of residential areas by providing for a harmonious Street scape, consistent with the Comprehensive Plan, uncluttered by nonresidential Structures, including guy wires, poles, masts, cables or other appurtenances which can create a visual blight offensive to those who reside, work or travel in the Town of Akron.

C. The following regulations are intended to meet the above objectives without unnecessarily burdening the Federal interests in ensuring the availability of satellite services and in promoting fair and effective competition among competing communication service providers.

- a. Satellite Dish Antennas greater than one meter (39.37") in diameter shall be permitted provided that:
  - 1. If ground mounted, Satellite Dish Antennas shall:
    - a. not be located in any required front, side or rear yard, or between the established Building Line and the Front Lot Line; and,
    - b. not exceed the Maximum Building Height allowed for an Accessory Structure.



2. If roof-mounted, Satellite Dish Antennas shall:
  - a. not exceed the Maximum Building Height limit allowed for a Primary Building;
  - b. not extend beyond the horizontal limits of the roof area; and,
  - c. be installed in accordance with plans certified by a registered engineer that the proposed installation complies with the standards listed in the BOCA Basic Building Code. Furthermore, written documentation of such compliance, including load distribution within the Building's support Structure, shall be furnished.

AS-05: Accessory Uses in the Residential District, and all Commercial and Industrial Districts.

No Accessory Use or Structure shall be permitted in any required Front, Side or Rear Yard unless specifically authorized by the applicable zoning District regulations. In addition, the Accessory Uses noted shall also comply with the following requirements:

- A. Trash containers - Trash containers exceeding thirty-six (36) cubic feet shall:
  - a. be screened on at least three sides within a solid-walled or fenced enclosure, not less than six (6) feet in height above Grade;
  - b. not be located between the front line of the Primary Building and the Front Lot Line; and,
  - c. not be located in any required Yard or required Bufferyard.
- B. Parking Areas - shall comply with the Off-Street Parking Regulations of Section 3.10 of this Ordinance.
- C. Loading Areas - shall comply with the Off-Street Loading Regulations of Section 3.11 of this Ordinance.

AS-06: Accessory Uses in all Commercial and Industrial Districts.

- A. Drive through facilities (including drive-through banking) - shall be so designed that:
  - a. drive through lanes do not conflict with the safe and efficient flow of traffic into and out of required Parking Spaces or Loading Spaces;
  - b. drive through lanes have a "bail out" capability;
  - c. provide at least five (5) waiting spaces prior to the first ordering, pick-up or service facility; and,
  - d. provide at least one waiting space after the last pick-up or service facility.
- B. Gasoline dispensers and Canopies - shall not be located within any required Front, Side or Rear Yard or Bufferyard and shall be provided with adequate on-site maneuverability so as to avoid any interference with through traffic on any public Right-of-Way.

**5-8.2 Adult Entertainment Business Standards (BY)**

AU-01: In the development and adoption of this Article, it is recognized that there are some Adult Entertainment Business uses which due to their very nature have certain objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such Adult Entertainment Businesses under their jurisdiction to ensure that these adverse effects will not contribute to the blighting or down grading of adjacent neighborhoods. The special regulations deemed necessary to control the undesirable externalities arising from these Adult Entertainment Businesses are set forth below. The purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these Adult Entertainment Business uses by restricting their close proximity to churches, parks, schools, day care and Child Care facilities and residential areas.



- A. The Establishment, Enlargement, Reconstruction, Resumption or Structural Alteration of any Adult Entertainment Business shall be prohibited if such Adult Entertainment Business is within one thousand (1000) feet of two (2) other such Adult Entertainment Businesses or within six hundred (600) feet of any existing church, school, day care facility, Child Care facility, park, agricultural District, or residential zoning District within the Corporate limits of the Town of Akron, Indiana.
- B. Provided further, that no Adult Entertainment Business shall be Established, Enlarged, Reconstructed, Resumed, or Structurally Altered unless the site or proposed site is located in a I-1, Light Industrial District or I-2, Heavy Industrial District and has been approved as a Special Exception Use by the Board of Zoning Appeals.
- C. Provided further, that no Adult Entertainment Business shall be operated within the Corporate limits of the Town of Akron, Indiana, unless the operator has a valid license issued by the Town for each and every separate place of business operated by such person.

AU-02: The distance between one Adult Entertainment Business and another Adult Entertainment Business shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of each such business. The distance between an Adult Entertainment Business, and any church, school, park, day care facility, Child Care facility, agricultural District, or residential District shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of the Adult Entertainment Business to the nearest Lot Line of the church, school, day care facility, Child Care facility, park, agricultural District or residential zoning District.

AU-03: Notwithstanding any other provisions of this Ordinance to the contrary, all exterior displays for an Adult Entertainment Business shall comply with the following regulations.

- A. No Adult Entertainment Business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas by display, decorations, Sign, show window or other opening from any Public Right-of-Way.
- B. Number of Signs. Not more than one (1) Business Wall Sign shall be permitted for an Adult Entertainment Business and said Business Wall Sign shall be permitted only on the front facade of the Building. In addition to the one (1) permitted Business Wall Sign, an Adult Entertainment Business may be permitted not more than one Pole or Ground Sign Structure if it is permitted by the Akron Zoning Ordinance, Section 8-5-6.4, and any amendments thereto, and which meets all of the requirements of the zoning District in which it is located. All other Sign Structures shall be prohibited.
- C. Sign Surface Area. The Sign Surface Area of a Business Wall Sign for an Adult Entertainment Business shall not exceed an amount equal to five percent (5%) of the front Building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the Adult Entertainment Business, or one hundred (100) square feet, whichever is the lesser. The maximum Sign Surface Area of a Ground or Pole Sign Structure, where permitted, shall not exceed one (1) square foot for each lineal foot of Frontage of the Lot, or thirty-six (36) square feet, which is the lesser.
- D. Lighting, Signs and Sign Structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights) or any flashing or animated lights (either interior to the Sign, on the exterior of the Sign, or as a border to the Sign).
- E. This Section 8-5-3.5 is subject to the provisions of Section 8-5-8 - Nonconforming Lots, Uses, Buildings or Structures.



### 5-8.3 Landscaping (LN)

- LN-01: Whenever landscaping is required by the Development Standards of any zoning District, the minimum size of all required landscape plant materials at the time of planting shall be as follows:
- A. Deciduous Shade Tree: two and one-half (2 1/2) inch caliper at six (6) inches above the ground
  - B. Ornamental Shade Tree: one and one-half (1 1/2) inch caliper at six (6) inches above the ground
  - C. Evergreen Tree: five (5) feet in height
  - D. Shrubbery or Hedge: twenty-four (24) inches in height.
- LN-02: The provision of landscaping in Minimum Yards and Bufferyards as provided for in this Ordinance shall be modified in any situation in which existing trees and vegetation are preserved. A credit for the planting of trees required by this Ordinance shall be awarded at a rate of one-half (1/2) inch for each one (1) inch of aggregate tree caliper preserved. A credit for the preservation of undergrowth and shrubs shall be awarded on a one to one (1:1) basis for the lineal feet of screening provided by the existing undergrowth and shrubs.
- LN-03: The Plan Commission, upon request by the applicant, shall have the authority to modify the landscape requirements of this Ordinance and approve an alternative landscape plan so long as the alternative landscape plan is appropriate to the site and its surroundings and is consistent with the intent and purpose of this Ordinance. An alternative landscape plan may, by way of example, include: mounds; berm; low-level fence or wall; screening devices; preservation of existing vegetation or natural features; or, a clustering of required plant materials.
- LN-04: Such alternative landscape plan shall be filed by the applicant in the form of a Special Request before the Plan Commission. The Special Request shall be considered by the Plan Commission at the next regularly scheduled meeting of the Plan Commission. If approved by the Plan Commission, the alternate landscape plan shall be stamped approved by the Plan Commission and become a part of the requirements for an Location Improvement Permit.
- LN-05: The following standards apply to all uses within the R2 District, except mobile dwelling parks.
- A. All minimum Perimeter Yards shall be landscaped with grass or other suitable ground cover materials, shall remain free from Structures except where expressly permitted below:
    - a. Minimum Front Perimeter Yards - may include Driveways and shall be landscaped with one (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every forty (40) feet of Frontage along all required Front Yards. Such trees shall be reasonably spaced within and along the required Front Yard.
    - b. Minimum Side and Rear Perimeter Yards - may include Interior Access Driveways connecting adjoining Lots and shall be landscaped with one (1) deciduous shade tree, ornamental tree or evergreen tree planted for every thirty (30) feet of linear distance along all required side and rear Perimeter Yards. Such trees shall be reasonably spaced within and along all required side and rear Perimeter Yards.
    - c. If ten (10) or more Parking Spaces are located in a Hard-surfaced Area located between the Minimum Front Perimeter Yard or Minimum Side or Rear Perimeter Yard and a Building, shrubbery or hedges shall be planted along the edge of such Hard-surfaced Area at the maximum spacing of four (4) feet on center.
    - d. Minimum Interior Yards: In projects containing two (2) or more Buildings, Interior Yards of not less than 15' shall be provided. Interior Yards shall be measured perpendicular to the Building or Structure at all points.
    - e. Use of Interior Yards. Required Interior Yards may be used for open space, landscaping and sidewalks, open balconies, uncovered Porches and Patios.
- LN-06: The following regulations apply to uses within the DC District:
- A. Except where interrupted by a Driveway, all minimum Yards shall be free from Buildings or Structures, landscaped with grass or other suitable ground cover materials and shall



include: a. Minimum Front Yard:

1. Depth of Yard: six (6) feet, measured from and paralleling the Right-of-Way; and
2. Landscaping: one (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every thirty (30) feet of Frontage along the required Front Yard.

b. Minimum Side or Rear Yards:

1. Depth of Yard: ten (10) feet shall be provided when a Parking Lot abuts the Side or Rear Lot Line of a residential District, measured from and paralleling the Side or Rear Lot Line of a residential District.

2. Landscaping: one (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every forty (40) feet of linear distance along the required side or rear yard.

B. If the Parking Spaces of Parking Lots are located between the Minimum Front Yard or Minimum Front, Side or Rear Yard and a Building, shrubbery or hedges shall be planted along the edge of such Parking Lot at a maximum spacing of four (4) feet on center.

LN-07: The following regulations apply to uses within the R1 District:

- A. All Minimum Front Yards and Minimum Front, Side and Rear Bufferyards shall be landscaped with grass or other suitable ground cover materials and shall be landscaped as follows:
  - a. Minimum Front Yards - One (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every forty (40) feet of Frontage along all required Front Yards. Such trees shall be reasonably spaced within and along the required Front Yard;
  - b. Minimum Front, Side or Rear Bufferyards - One (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every thirty (30) feet of Frontage or linear distance along all required front, side or rear Bufferyards. Such trees shall be reasonably spaced within and along all required front, side or rear Bufferyards.
- B. If the Parking Spaces of Hard-surfaced Areas are located between the Minimum Front Yard or Minimum Front, Side or Rear Bufferyard and a Building, shrubbery or hedges shall be planted along the edge of such Hard-surfaced Area at a maximum spacing of four (4) feet on center.

LN-08: All Minimum Front Yards and Minimum Front, Side and Rear Bufferyards shall be landscaped with grass or other suitable ground cover materials and shall be landscaped as follows:

- A. Minimum Front Yards - One (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every forty (40) feet of Frontage along all required Front Yards. Such trees shall be reasonably spaced within and along the required Front Yard.
- B. Minimum Front, Side or Rear Bufferyards - One (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every thirty (30) feet of Frontage or linear distance along all required front, side or rear Bufferyards. Such trees shall be reasonably spaced within and along all required front, side or rear Bufferyards.
- C. If the Parking Spaces of Hard-surfaced Areas are located between the Minimum Front Yard or Minimum Front, Side or Rear Bufferyards and a Building, shrubbery or hedges shall be planted along the edge of such Hard-surfaced Area at a maximum of four (4) feet on center.

LN-09: All Minimum Front Yards and Minimum Front, Side and Rear Bufferyards shall be landscaped with grass or other suitable ground cover materials and shall be landscaped as follows:

- A. Minimum Front Yards - One (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every forty (40) feet of Frontage along all required Front Yards. Such trees shall be reasonably spaced within and along the required Front Yard;
- B. Minimum Front, Side or Rear Bufferyards - One (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every thirty (30) feet of Frontage or linear distance along all required front, side or rear Bufferyards. Such trees shall be reasonably spaced within and along all required front, side or rear Bufferyards.
- C. If the Parking Spaces of Hard-surfaced Areas are located between the Minimum Front Yard or Minimum Front, Side or Rear Bufferyard and a Building, shrubbery or hedges shall be planted



along the edge of such Hard-surfaced Area at a maximum of four (4) feet on center.

#### 5-8.4 Lot/Yard Standards (LY)

- LY-01: All existing conflicts with the lot/yard regulations at the Effective Date of this Ordinance shall be considered a Legal Non-Conforming Lot.
- A. Except hereinafter provided, no building or structure shall be erected unless such building or structure conforms; and no building or structure shall be altered, enlarged or reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot/yard regulations of the district in which it is located, as follows:
- a. Front Yard Setbacks: The minimum Front Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Article 3.
  - b. Side Yard Setbacks: The minimum Side Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Article 3.
  - c. Rear Yard Setbacks: The minimum Rear Yard setbacks shall be as noted in the Two-Page Spreads for each Zoning District found in Article 3.
- LY-02: Front Yard Setback provisions of this Ordinance are subject to the following modification:
- A. In any Block in any District contained in this Ordinance in which an existing Front Yard Setback is established by existing, legally established Buildings or Structures on more than sixty percent (60%) of the total number of Lots within the same Block Face fronting on the same Public Street, the minimum required Front Yard Setback for any new Building, Structure or addition along such Block Face shall be the average of such established Front Yards if such dimension is less than the minimum Front Yard Setback established by this Ordinance.
- LY-03: The following standards apply to all uses within the DC District.
- A. Minimum Yards and Building Setbacks
- a. Except as noted in the subsections below, there shall be no Front, Side or Rear Setback required, provided, however, if a Side or Rear Setback is provided along any Side or Rear Lot Line not abutting an Alley, such Setback shall be not less than ten (10) feet.
  - b. Minimum Yards shall be required for any Parking Lot, whether a Primary Use or an Accessory Use.
- LY-04: Laterally-supported extensions, such as canopies, eaves, cornices, bay windows, or roof overhangs, may extend a maximum of twenty-four (24) inches into any required Front, Side or Rear Yard; required front, side or rear Bufferyard; or required front, side or rear Perimeter Yard.
- LY-05: All Operations located within six-hundred (600) feet of a Residential District boundary (except Outside Storage, Off-Street Parking and Off-Street Loading) shall be conducted within completely enclosed Buildings.
- A. All storage of materials or products within six-hundred (600) feet of a Residential District boundary shall be either:
- a. within completely enclosed Buildings; or,
  - b. effectively screened within a chain link, lattice or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof. The storage area shall be surrounded by landscaping per the requirements of this ordinance.
- B. The total area devoted to Outside Operations or Outside Storage shall not exceed twenty-five (25) percent of the Gross Floor Area of enclosed Structures or Buildings on the Lot.
- LY-06: All Operations located within six-hundred (600) feet of a Residential District boundary (except Outside Storage, Off-Street Parking and Off-Street Loading) shall be conducted within completely enclosed Buildings.
- A. All storage of materials or products within six-hundred (600) feet of a Residential District boundary shall be either:





- a. within completely enclosed Buildings; or,
  - b. effectively screened within a chain link, lattice or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof. The storage area shall be surrounded by landscaping per the requirements of this ordinance.
- B. The total area devoted to Outside Operations or Outside Storage shall not exceed seventy-five (75) percent of total Lot Area.

**5-8.5 Mobile Dwelling Parks (MP)**

MP-01: The following standards apply to all mobile dwelling parks developed under the MP District standards.

- A. All minimum Perimeter Yards shall be landscaped with grass or other suitable ground cover materials, shall remain free from Structures except where expressly permitted below:
  - a. Minimum Front Perimeter Yards - may include Driveways and shall be landscaped with one (1) deciduous shade tree, ornamental tree, or evergreen tree planted for every forty (40) feet of Frontage along all required Front Yards. Such trees shall be reasonably spaced within and along the required Front Yard.
  - b. Minimum Side and Rear Perimeter Yards - may include Interior Access Driveways connecting adjoining Lots and shall be landscaped with one (1) deciduous shade tree, ornamental tree or evergreen tree planted for every thirty (30) feet of linear distance along all required side and rear Perimeter Yards. Such trees shall be reasonably spaced within and along all required side and rear Perimeter Yards.
- B. Mobile Dwelling Placement is as follows:
  - a. Each Mobile Dwelling shall be located on an individual mobile dwelling site.
  - b. Minimum mobile dwelling site area:
    - 1. Single wide units: four thousand (4,000) square feet
    - 2. Double (or greater) wide units: five thousand (5,000) square feet
  - c. Front Building Setback : Ten (10) feet from Right-of-way of an internal Public Street or ten (10) feet from the curb line of any interior private street or Interior Access Drive within the Park. Parking Spaces shall not be permitted within this required Setback.
  - d. A minimum distance of fifty (50) feet shall be provided between any Mobile Dwelling and any non-Mobile Dwelling within the Mobile Dwelling Park.
  - e. A minimum distance of twenty (20') feet shall be provided between all Mobile Dwellings at their closest point to each other.
  - f. Any Mobile Dwelling Accessory Structure, open on at least two (2) sides, may project into such require interior yard provided that the distance between such Accessory Structure and any other mobile dwelling, or between such Accessory Structures of two (2) mobile dwellings, shall be at least fifteen (15) feet.
- C. Minimum Recreational and Open Space Areas. Developed recreational and common open space areas equal to, at a minimum, ten (10) percent of the total area of the Mobile Dwelling Park shall be required. Land used for the required Perimeter Yard, Mobile Dwelling sites, vehicular areas, Access easements, and Rights-of-Way shall not be considered as part of this required ten (10) percent open space. Items such as drainage swales may be included as open space if, through proper design, they add favorably to the open space inventory and site development of the Mobile Dwelling Park and do not present a health or safety hazard to Mobile Dwelling Park residents.
- D. Recreational and common open space areas shall be accessible to all Mobile Dwelling Park residents, appropriately located within the Mobile Dwelling Park with respect to the residents they are designed to serve and with regard to adjacent land uses. Accessibility to such areas



shall not solely be gained by way of a Mobile Dwelling site.

- E. Open Storage Area: An open storage area shall be provided within the Park boundaries for the purpose of storing travel trailers, campers, boats, and other recreational vehicles owned by Park residents. The open storage area required for the Park shall be computed on the basis of one hundred twenty (120) square feet of space per mobile dwelling site. Such open storage areas shall be screened so as not to be directly visible from any perimeter boundary of the Park and shall be accessible to all Park residents. Travel trailers, campers, boats, and other recreational vehicles shall be permitted to be stored only in such storage areas, whether temporarily or permanently.
- F. Paved Stands. All mobile dwellings sites shall be improved as follows:
  - a. Concrete runners, concrete pillars or a paved stand shall be provided to accommodate each mobile dwelling.
  - b. An anchoring system or tie-down shall be provided, installed and attached to the mobile dwelling upon its placement on the mobile dwelling site to withstand the specified horizontal, uplift, overturning wind forces on a mobile dwelling based upon accepted engineering design standards as required by Regulation HSE 21 of the Indiana State Board of Health.
- G. Skirting. No later than thirty (30) days after a mobile dwelling has been placed upon a mobile dwelling site, the areas between the bottom of the sides and ends of the mobile dwelling and the surface upon which it is located shall be enclosed by walls made of a visibly opaque skirting material. Mobile dwellings shall have skirting or other design attachments installed by the mobile dwelling owner which shall harmonize with the architectural style of the mobile dwelling. Access doors shall be permitted under the mobile dwelling.
- H. Streets and Sidewalks
  - a. Public Streets, Private Streets, Interior Access Drives, Driveways and Off-Street Parking areas shall be provided in accordance with Section 8-5-3.10.
  - b. Sidewalks shall be installed within each Park in accordance with the following:
    - 1. Sidewalks are required to be installed on one side of a Street with an improved width of twenty (20) feet or less and on both sides of a Street with an improved width of greater than twenty (20) feet,
    - 2. All sidewalks shall be Hard-surfaced and shall have a thickness of no less than four (4) inches.
- I. Park and Site Plan Requirements. As part of the application for a Special Exception, a Mobile Dwelling Park developer shall submit a site plan, sign plan, landscape plan and lighting plan in compliance with the requirements of this ordinance.

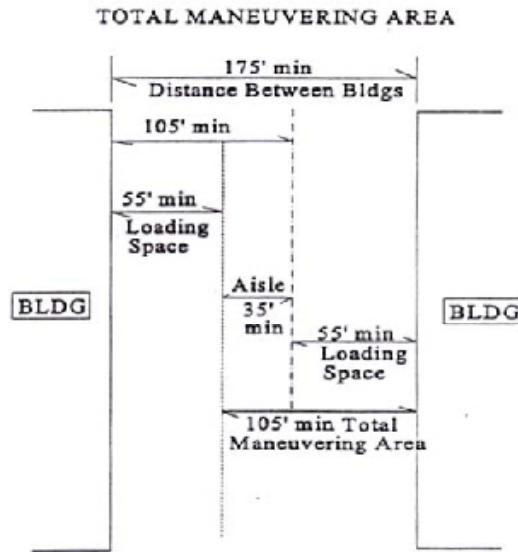
#### 5-8.6 Off-Street Loading Standards (LD)

LD-01: All commercial or industrial development or conversions of use for which an Location Improvement Permit is required by this Ordinance shall provide required Off-Street Loading Areas in accordance with the following regulations. The following standards shall apply to the design of Off-Street Loading Areas required by this Ordinance:

- A. Loading Space Dimensions - A required Off-Street Loading Space shall be at least twelve (12) feet in width by at least fifty-five (55) feet in length, exclusive of aisle and maneuvering space, and shall have a vertical clearance of at least fifteen (15) feet.
- B. Minimum Aisle Width - Each required Off-Street Loading Space shall open directly upon an aisle or Interior Access Drive with a width of at least thirty-five (35) feet and creating a total maneuvering area, inclusive of the Loading Space, of at least one-hundred and five (105) feet.
- C. Each maneuvering area, aisle and Interior Access Drive shall be so designed and located as to provide safe and efficient ingress/egress to each required Loading Space and so that trucks do not back from or into a Public Street, or onto an adjoining property (unless the subject prop-



erty and the adjoining property are located within the same Industrial Park and such maneuvering area is subject to a recorded easement allowing such maneuvering).



- LD-02: All required Loading Spaces shall be located on the same Lot as the use served and shall have the following standards apply to the design of the Loading Spaces required by this Ordinance:
- A. All Loading Spaces shall be oriented toward a Side or Rear Lot Line.
  - B. No Loading Space shall be located between the Front Lot Line and the front line of any portion of the Building served.
  - C. No Loading Space shall be located in a required Side or Rear Yard or required side or rear Bufferyard.
- LD-03: Space allocated for Off-Street Loading Spaces and associated maneuverability shall not be used to satisfy Off-Street Parking Space requirements.
- LD-04: All required Off-Street Loading Areas and the ingress/egress to and from such Off-Street Loading Areas shall be hard-surfaced with asphalt or concrete to provide a dust-free surface. A gravel surface may be used for a period not to exceed six (6) months after the commencement of the use for which the Loading Area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified herein.
- LD-05 Off-Street Loading Spaces for all uses shall be provided in accordance with the minimum requirements set forth in this ordinance.



**TABLE 11.2.10-A**

**REQUIRED OFF-STREET LOADING**

Gross Floor Area of Building (Square Feet)	Required Number of Loading Spaces
< 10,000	0
10,001 - 40,000	1
40,001 - 100,000	2
100,001 - 200,000	3
Each Additional 200,000 or portion thereof	1 Additional

LD-06: All required Loading Spaces within the DC District shall have the following standards apply to the design of the Loading Spaces required by this Ordinance:

- A. All Off-Street Loading Areas shall be located either on the Lot served or within fifty (50) feet of the Lot served.
- B. Each Off-Street Loading Area shall be designed and located in a manner which will not interfere with traffic movements and will not result in any vehicle, or part thereof, encroaching into any Alley, Street or Public Right-of-Way.
- C. Off-Street Loading facilities shall comply with the requirements of this ordinance.

**5-8.7 Off-Street Parking Standards (PK)**

PK-01: All new development, Building additions or conversions of use for which an Improvement Location Permit is required by this Ordinance shall provide required Off-Street Parking Areas in accordance with the following regulations.

- A. Existing Parking Areas. - Off-Street Parking Areas shall not be reduced below the minimum requirement for such use as required by this Ordinance. Any Off-Street Parking Areas existing prior to the effective date of this Ordinance which were already below the standards established by this Ordinance shall not be further reduced.
- B. Location of Parking Areas - Off-Street Parking Areas shall be located on the same Lot, within the same Integrated Center, or within three hundred (300) feet of the Building or use served by the Off-Street Parking Area. Off-Street Parking for any use shall be located within a zoning District which permits the use for which the Off-Street Parking is required.

PK-02: In the SR and R1 Districts each dwelling unit shall be provided with at least two (2) Off-Street Parking Spaces.

PK-03: The following standards shall apply to the design of Off-Street Parking Areas required by this Ordinance in the R2, MP, and all Commercial and Industrial Districts.



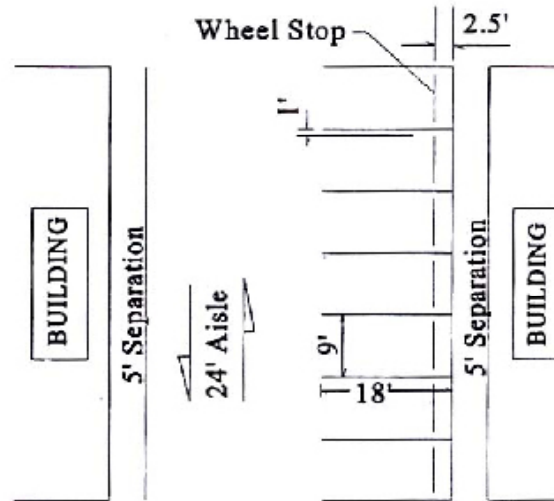
- A. Standard Parking Schemes: The layout of all Parking Areas shall be in compliance with the requirements set forth in Table 11.2.11-A - Parking Lot Design.
- B. Surface of Parking Areas: All required Off-Street Parking Areas and the ingress/egress to and from such Off-Street Parking Areas shall be hard-surfaced with asphalt or concrete to provide a dust-free surface. A gravel surface may be used for a period not to exceed six (6) months after the commencement of the use for which the Parking Area is provided, where ground or weather conditions are not immediately suitable for permanent surfacing as specified herein.
- C. Distance from Buildings in Commercial and Industrial Districts: All Parking Spaces, Parking Areas and Interior Access Drives located in any Commercial and Industrial District shall maintain a minimum five (5) foot separation from the wall of a Building.
- D. Definition of Parking Spaces: All Parking Spaces shall be provided with wheel stops or other devices to insure that motor vehicles do not encroach beyond the Parking Area or into a required Yard.
- E. Minimum Number of Off-Street Parking Spaces: Off-Street Parking for all uses shall be provided in accordance with the minimum requirements set forth in Table 11.2.11-B. When the computation of required Parking Spaces results in a fraction of one-half (1/2) or greater, the number of required Parking Spaces shall be rounded up to the next whole number.

PK-04: Required Parking for the Disabled: Every Parking Lot and Parking Garage available to the public shall have Parking Spaces reserved for the use of physically handicapped persons according to the following schedule (as required by ADA Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a), published in the Federal Register, Volume 56, No. 144, dated July 26, 1991):

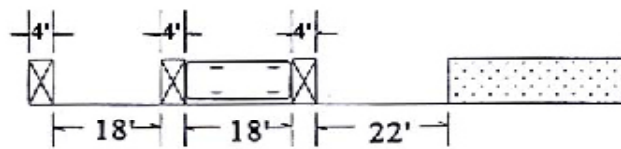
**TABLE 11.2.11-A  
PARKING LOT DESIGN**

<u>Angle Of Park- ing Space</u>	<u>Width Of Park- ing Space</u>	<u>Depth Of Parking Space</u>	<u>Width Of Maneu- vering Aisle</u>
61° - 90°	9' - 0"	18' - 0"	24' - 0"
46° - 60°	9' - 0"	18' - 0"	18' - 0"
45°	8' - 6"	18' - 0"	15' - 0"
Parallel	8' - 0"	22' - 0"	12' - 0"





**ANGLE PARKING**



**PARALLEL PARKING**

PK-05: The following standards shall apply to the design of Off-Street Parking Areas required by this Ordinance in the DC District.

- A. Business Uses - All uses other than Dwelling uses located in the DC District shall provide a minimum of one (1) row of Parking Spaces along the side or rear of the Lot if such Lot abuts an alley. Such Parking Spaces shall comply with the requirements of Section 8-5-3.10, provided, however, such Parking Spaces may be accessed directly from the abutting adjacent Alley.
- B. All Dwelling uses located in the DC District shall provide Parking Spaces at a ratio of one (1) Parking Space per Dwelling Unit. Such Parking Spaces shall comply with the requirements of Section 8-5-3.10, provided, however, such Parking Spaces may be accessed directly from an adjacent Alley



**TABLE 5-8.7  
REQUIRED OFF-STREET PARKING**

	<b>USE</b>	<b>MINIMUM PARKING REQUIREMENT</b>
1.	Any Commercial Recreational Enterprise Involving The Assembling Of Persons (Unless Otherwise Specified In This Table)	INDOOR: One (1) Parking Space for each two hundred fifty (250) square feet of Gross Floor Area. OUTDOOR: One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area plus one (1) Parking Space for each six hundred (600) square feet of site area accessible to the public, exclusive of the Parking Area.
2.	Automobile, Truck, Bus, Boat, Recreational Vehicle Or Motorcycle Sales Or Rental	One (1) Parking Space for each five hundred (500) square feet of Gross Floor Area, plus one (1) space for each seven thousand (7,000) square feet of outdoor display area.
3.	Banking: BANK, SAVINGS AND LOAN, CREDIT UNION (COMBINED DRIVE-THROUGH AND WALK-IN FACILITIES; Or Walk-In Facility Only);Grocery/Supermarket; Medical, Dental, Optometrists Clinics/Offices	One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area. (Note: Drive-through facilities are further regulated by Section 3.1)
4.	Bowling Alleys	Four (4) Parking Spaces for each alley/lane
5.	Religious Uses, Including Church, Synagogue Or Other House Of Worship	One (1) Parking Space for each four (4) permanent seats in the sanctuary.
6.	Auditoriums, Assembly Halls, Recital Halls,Theaters, Indoor	One (1) Parking Space for each four (4) seats at maximum capacity calculated pursuant to Fire Code.
7.	Fire Station	Three (3) Parking Spaces for truck bay, plus a minimum of three (3) additional Parking Spaces.
8.	Community Centers, Museums, Civic Clubs, Philanthropic Institutions, Libraries	One (1) Parking Space for each four hundred (400) square feet of Gross Floor Area, or
9.	Day Nurseries, Child Care Centers, Kindergartens, Nursery Schools:	One (1) Parking Space for each eight (8) pupils based upon maximum capacity.



**TABLE 5-8.7  
REQUIRED OFF-STREET PARKING**

	<b>USE</b>	<b>MINIMUM PARKING REQUIREMENT</b>
10.	Gasoline Service Stations, Tire And Auto Service Center, Automobile Repair, Other Auto Service Functions	One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area devoted to retail sales, plus two (2) spaces per service bay, (a service bay shall not be considered a Parking Space), plus three (3) customer spaces
11.	Hardware/Paint/Home Improvement Store	One (1) Parking Space for each three hundred (300) square feet of Gross Floor Area plus one (1) Parking Space for each one thousand (1000) square feet of the facility devoted to outside operations or storage, exclusive of the Parking Area.
12.	Hotels, Motels	<p>a. One (1) Parking Space for each rental sleeping unit.</p> <p>b. If, in addition to sleeping units, there are other uses or accessory uses located within or operated in conjunction with the Hotel or Motel, such as ballrooms, meeting rooms, dining area, retail stores, auditoriums, restaurants, night clubs, and the like, additional Parking Spaces, calculated based upon the parking requirements for that specific use, shall be provided (calculation shall be based upon the total square feet of Gross Leasable Floor Area for such uses located within or operated in conjunction with the Hotel or Motel).</p>
13.	Mini-Warehouses	One (1) Parking Space for each two hundred (200) square feet of Gross Floor Area devoted to office space, plus one (1) Parking Space per resident/manager, plus one (1) Parking Space for each thirty (30) storage units. Required Off-Street Parking Spaces shall not be utilized as rental or leased spaces.
14.	Miniature Golf; Tennis/Raquet Club	Four (4) Parking Spaces for each golf hole, plus one (1) space per each one hundred (150) square feet devoted to Accessory retail or amusement establishments.
15.	Mortuary / Funeral Home / Crematories	One (1) Parking Space for each fifty (50) square feet of floor area in parlors and assembly rooms.





**TABLE 5-8.7  
REQUIRED OFF-STREET PARKING**

	<b>USE</b>	<b>MINIMUM PARKING REQUIREMENT</b>
16.	Nursing Care, Convalescent Home, Hospital, Sanitariums, Rehabilitation Centers	One (1) Parking Space for each two (2) patient beds.
17.	Office (Except Medical, Dental, Optometrists Offices)	Three and one-half (3.5) Parking Spaces for each one thousand (1000) square feet of Gross Floor Area.
18.	Residential: single Family, Two-Family, And Multi-Family Dwellings	Two (2) Parking Spaces per Dwelling Unit.
19.	Restaurant: A. Family (Dine-In Only)  B. Fast Food, With Or Without Drive-Through  C. Fast Food, Drive-Through Only (No Seating)	One (1) Parking Space per each three (3) customer seats (including outdoor seating areas) (minimum of five (5) Parking Spaces required).  One (1) Parking Space per each five (5) customer seats (minimum of five (5) Parking Spaces required).  One (1) Parking Space per one hundred (100) square feet of Gross Floor Area (mini-mum of four (4) Parking Spaces required).
20.	Taverns And Night Clubs	One (1) Parking Space per each seventy-five (75) square feet of Gross Floor Area.
21.	Retail Or Service Commercial Uses - Individual, Freestanding Uses Or Integrated Centers: Including But Not Limited To: Bakeries; Convenience Stores; Drug Stores; Beauty And Barber Shops; Liquor Stores; Laundromats, Photo Studios; Jewelry, Gift, Appliance And Similar Stores; Personal Service Shops	Three and one half (3.5) Parking Spaces for each one thousand (1000) square feet of Gross Leasable Floor Area shall be required for any individual, freestanding retail or service commercial use unless listed separately in this section, in which case the parking requirement noted for that specific use shall be utilized. Provided, however, that in no case shall any individual use provide less than three (3) Parking Spaces.
22.	Schools: Commercial, Trade Or Business	One (1) Parking Space for each one hundred (100) square feet of Gross Floor Area in the building, or one (1) Parking Space per each twenty-five (25) square feet of classrooms, whichever provides the greater number of spaces.



**TABLE 5-8.7  
REQUIRED OFF-STREET PARKING**

	<b>USE</b>	<b>MINIMUM PARKING REQUIREMENT</b>
23.	Assembly, Manufacturing, Or Similar Use	<p>One (1) Parking Space for each one thousand (1,000) square feet of Gross Floor Area devoted to such use.</p> <p>If, in addition, there is space devoted to office, retail or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided.</p>
24.	Distribution, Warehouse, Or Similar Use	<p>One (1) Parking Space for each three thousand (3,000) square feet of Gross Floor Area.</p> <p>If, in addition, there is space devoted to office, retail or other uses specified elsewhere in these regulations, parking required for such additional use shall also be provided.</p>
25.	Uses Not Specified	<p>For any use not specified above, specific requirements shall be determined by the Staff and shall be based upon requirements for similar uses, expected demand and traffic generated by the proposed use, and other information from appropriate traffic engineering and planning criteria.</p>



### 5-8.8 Open Space (OS)

OS-01: Developed Recreational Open Space Requirements For The R2 District.

- A. For Multifamily Dwelling projects containing more than ten (10) Dwelling Units, Developed Recreational Open Space areas equal to, at a minimum, ten (10) percent of the total Lot Area of the project shall be Required. Developed Recreational Open Space may include, but not be limited to, such facilities as: playgrounds; tot lots; swimming pools; tennis, volleyball or basketball courts; and common recreational buildings.
- B. Developed Recreational Open Space areas shall not overlap any required Interior Yards or Perimeter Yards.

### 5-8.9 Outdoor Operations (OO)

OO-01: Except for the following uses which may be conducted outdoors, all uses and operations in the DC District shall be conducted completely within enclosed Buildings:

- A. Off-Street Parking, Off-Street Loading and delivery;
- B. walk-up customer service windows;
- C. outdoor seating and dining areas; and,
- D. sidewalk sales of goods and merchandise.

OO-02: Provided, however, outdoor seating and dining areas or sidewalk sales areas shall:

- A. not reduce the usable sidewalk width in the Public Right-of-Way to less than five (5) feet at any point;
- B. be completely confined to the Lot or retail space or the area immediately in front of the Lot or retail space occupied by said use; and
- C. if located in a Public Right-of-Way, be subject to the approval of the applicable agency (i.e., Indiana Department of Transportation or the Town Council) for activity in a Public Right-of-Way.

OO-03: Outdoor operations shall be subject to the following regulations:

- A. All operations, servicing and processing located within six-hundred (600) feet of a Residential District boundary (except Outside Storage, outside display, Off-Street Parking and Off-Street Loading) shall be conducted within completely enclosed Buildings.
- B. Outdoor operations shall not be located between a Building Line and a Bufferyard.
- C. Outdoor operations shall not be located in a required Yard or required Bufferyard.
- D. Outdoor operations shall not be located so as to interfere or conflict with walks, required Parking Areas, required Loading Areas, Driveways, Interior Access Drives, or Interior Access Driveways.
- E. Vending machines - provided that vending machines:
  - a. shall abut the exterior wall of a Building; and,
  - b. shall not be located in a required Yard or required Bufferyard; and,
  - c. shall be located within an enclosure, which screens the vending machine from view on all but the vending or front side. The open side of the enclosure shall not face any residential District.

OO-04: Outside Storage or Outside Display of Merchandise, including the display of goods or materials for sale, lease or rental when abutting the side or rear yard of a Residential District shall be either:

- A. within completely enclosed Buildings; or,
- B. effectively screened within a chain link, lattice or similar type fenced area, with ornamental, non-solid or chain link gates. The height of said fence shall be at least six (6) feet and shall not exceed eight (8) feet. Materials or products stored within the enclosure shall not exceed the height thereof. The storage area shall be surrounded by landscaping per the requirements of this Section.

OO-05: Outdoor Operations - All uses and operations (except Off-Street Parking, Off-Street Loading and delivery, walk-up customer service windows and drive-through customer service windows) shall



be conducted completely within enclosed Buildings, except where expressly permitted below:

- A. Outdoor seating shall not be located between a Building Line and a Bufferyard.
- B. Vending machines - provided that vending machines:
  - a. shall be located about the exterior wall of the Building; and,
  - b. shall not be located in a Required Yard or Required Bufferyard.
  - c. shall be located within an enclosure, which screens the vending machine from view on all but the vending or front side. The open side of the enclosure shall not face any residential District.
- C. Outdoor Display or Sales - provided that such display or sales shall:
  - a. be Accessory to the Primary Use;
  - b. not exceed 1% of the Gross Floor Area of each non-related and separately operated use;
  - c. shall not be located in a Required Yard or Required Bufferyard;
  - d. shall not be located so as to interfere or conflict with walks, required Parking Areas, required Loading Areas, Driveways, Interior Access Drives, Interior Access Driveways, landscaped Yards.
- D. Gasoline Pumps - provided that no outdoor operations other than the dispensing or installation of gasoline, oil, antifreeze and other similar products and the performance of minor services for customers as related to said dispensing or installation are conducted on the site.

**5-8.10 Residential Facilities for the Mentally III (RF)**

RF-01: A Residential Facility for the Mentally III as defined in this Ordinance and by Indiana Code 12-7-2-167 may not be located within three thousand (3,000) feet of another Residential Facility for the Mentally III, as measured between Lot Lines.

**5-8.11 Streets (Private), Interior Access Driveways, and Interior Access Drives (SD)**

All Private Streets, Interior Access Driveways, and Interior Access Drives shall be developed to the following standards:

SD-01: Minimum pavement width available for through traffic, exclusive of Parking Areas:

A. Residential Districts:

- 1 way traffic, no parking - 12'
- 1 way traffic, parking on one or both sides - 24'
- 2 way traffic, no parking - 20'
- 2 way traffic, parking on one or both sides - 24'

B. Commercial or Industrial Districts:

- 1 way traffic, no parking - 18'
- 1 way traffic, parking on one or both sides - 30'
- 2 way traffic, no parking - 24'
- 2 way traffic, parking on one or both sides - 36'

SD-02: Minimum pavement depth and materials for through traffic widths noted in A. above, exclusive of Parking Areas, shall be those specified by the "Standard Specifications", Indiana Department of Transportation (IDOT) (8-17-1-39), 1988 Edition, the Indiana Department of Transportation Supplemental Specifications provided, however, curbing shall not be required. The "Standard Specifications" of the IDOT are incorporated into this Ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Clerk-Treasurer of the Town of Akron, Indiana.

SD-03: Private Streets, Interior Access Driveways, and Interior Access Drives shall be privately maintained in good repair and reasonably free of chuckholes, standing water, weeds, dirt, trash, debris, mud, ice and snow by the owner, project management, owner's association or other similar organization.

SD-04: R2 District - Private Streets, Interior Access Driveways, and Interior Access Drives for Multifamily Dwelling Projects. Individual Buildings and Dwelling Units located within a Multifamily



Dwelling project may be served by Private Streets, Interior Access Driveways, and Interior Access Drives developed in compliance with the standards set forth in this Ordinance.

#### **5-8.12 Telecommunications Facilities - Wireless (TF)**

- TF-01: Notwithstanding any other provision of this Ordinance and in addition to other applicable provisions, Wireless Telecommunications Facilities, when such are permitted by federal law and the laws of the State of Indiana, shall be regulated and governed by the regulations and requirements of this Section. However, this Section shall not apply nor be construed to apply to Amateur Radio Operators who are licensed to operate a radio or transmitter by the Federal Communications Commission under Part 97 of the Federal Communications Commission's Rules.
- TF-02: Wireless Telecommunication Facilities are considered a Special Exception Use in the AG District contained in this Ordinance and permitted by right in the IN Districts contained in this Ordinance.
- A. The applicant for a Wireless Telecommunication Facility Special Exception shall demonstrate that they have exhausted all efforts to locate the proposed Telecommunications Antennas upon existing Buildings or Structures in the geographical area of the proposed Telecommunications Antennas. The applicant shall submit a master plan for its Wireless Telecommunication Facilities throughout the Town of Akron. The master plan shall demonstrate efforts to minimize the size and number of Telecommunications Antenna locations throughout the geographical area, taking into consideration existing technology.
- B. The placement of Telecommunications Antennas upon existing Telecommunications Towers may be administratively approved by the staff.
- TF-03: In addition to complying with the requirements for a Special Exception Use for the Zoning District of the property, all Wireless Telecommunications Facilities shall comply with the following additional requirements:
- A. The maximum height of a Telecommunications Tower, including Antenna Array, shall not exceed one hundred and twenty (120) feet above Grade.
- B. No new Telecommunications Towers shall be located within five thousand (5,000) feet from another Telecommunications Tower.
- C. All guys and guy anchors shall be located within the buildable area of the Lot and shall not be located within any Front, Side or Rear Yard Setback or front, side or rear Bufferyard Setback and, in any event, no closer than five (5) feet to any Lot Line.
- D. The base of a Telecommunications Tower shall be enclosed by security fencing.
- E. Equipment Buildings must be similar in color and character to the main or adjoining Building or Structure or blend with the landscaping and other surroundings immediately adjacent to the equipment Building and shall be enclosed by a chain link or wrought iron fence.
- F. A Telecommunications Tower shall be erected and operated in compliance with the most current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards.
- G. A Telecommunications Tower must be:
- a. Used by three (3) or more wireless communications providers; or
  - b. Designed and built so as to be capable of use by three or more wireless communications providers including providers such as cellular or PCS providers using Antenna Arrays of nine (9) to twelve (12) Antennas each within fifteen (15) vertical feet of each other with no more than three (3) degrees of twist and sway at the top elevation and the owner of the Telecommunications Tower and the property on which it is located must certify to the Town that the Antenna is available for use by another wireless Telecommunications provider on a reasonable and nondiscriminatory basis and at a cost not exceeding the market value for the use of the facilities. If a portion of the Telecommunications Tower is to be leased to other wireless communications providers, the portions of the actual or proposed lease that demonstrate compliance with the requirements of this paragraph shall be submitted with the



application for Special Exception and Location Improvement Permit.

- H. All Telecommunications Towers shall be of a tapering monopole construction, except that another type Telecommunications Tower may be allowed upon showing that the alternate type of Telecommunications Tower would cause less visual impact on surrounding property than a similar monopole Structure.
- I. No lettering, symbols, images, trademarks, Signs, or advertising shall be placed on or affixed to any part of a Telecommunications Tower, Antenna Array or Antenna, other than as required by FCC regulations regarding Telecommunications Tower registration or other applicable law.
- J. The need for the requested site and the nature of any existing sites shall be documented and the manner in which the placement will promote the Town of Akron Telecommunications Policies shall be demonstrated.
- K. Telecommunications Towers shall be constructed to minimize potential safety hazards. Telecommunications Towers shall be constructed so as to meet or exceed the most recent EIA-222 standards, and prior to issuance of an Improvement Location Permit, the Building Commissioner shall be provided with an engineer's certification that the Telecommunications Tower's design meets or exceeds those standards. Guyed Telecommunications Towers shall be located in such a manner that if the Telecommunications Tower should fall along its longest dimension, the Telecommunications Tower will remain within the Lot Lines and avoid habitable Structures, Public Streets, utility lines and other Telecommunications Towers.
- L. Telecommunications Towers and equipment Buildings shall be located: to minimize their number, height and obtrusiveness; to minimize visual impacts on the surrounding area; and, in accordance with the following Town of Akron Telecommunications Policies:
  - a. Ensure that the height of Telecommunications Towers have the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate.
  - b. Demonstrate that the selected site for a new Telecommunications Tower provides the least visual impact on residential areas or the public way and illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.
  - c. Site Telecommunications Towers to minimize being visually solitary or prominent when viewed from residential areas or the public way. The Telecommunications Tower should be obscured by vegetation, tree-cover, topographic features, and Buildings or other Structures to the maximum extent feasible.
  - d. Place Telecommunications Towers to ensure that historically significant landscapes are protected. The views of and vistas from architecturally or historically significant Structures should not be impaired or diminished by the placement of Telecommunications Towers.
  - e. The Board of Zoning Appeals may grant a Special Exception which does not fully comply with the Telecommunications Policies contained herein for Telecommunications Towers when the Board of Zoning Appeals determines that such a grant better accomplishes the Telecommunications Policies set out in this subsection than would a strict application of these Telecommunication Policies. Such deviations from the Town of Akron Telecommunications Policy shall be no greater than necessary to accomplish those policies.
- M. No signals or lights or illumination shall be permitted on Telecommunications Towers unless required by the Federal Communications Commission, the Federal Aviation Administration, or the Town of Akron.
- N. If any additions, changes, or modifications are to be made to a Telecommunications Tower, the Staff shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the Town of Akron.
- O. Telecommunications Towers which have not been used for a period of one (1) year shall be removed. The last Telecommunication service provider to use a Telecommunications Tower



shall notify the Plan Commission or its designee within thirty (30) days that use of a Telecommunications Tower has been discontinued.

P. All Telecommunications Towers shall comply with all ordinances of the Town of Akron not in conflict with this Section.

TF-04: Roof-mounted Telecommunications Antennas are allowed on non-residential Buildings in the AG and SR Districts, and on any Building in the GC and IN Districts, without further zoning proceedings, provided a Non-Whip Antenna does not exceed the height of the Building by more than ten (10) feet and is screened from view from any adjacent Public Right-of-Way and provided a Whip Antenna does not exceed the height of the Building by more than fifteen (15) feet and is located no closer than fifteen (15) feet to the perimeter of the Building. Prior to installation of a roof-mounted Telecommunications Antenna, the Building Inspector shall be provided with an engineer's certification that the roof will support the proposed Telecommunications Antenna and associated roof-mounted equipment. Roof-mounted Telecommunications Antenna and associated equipment shall be screened with enclosures or facades having an appearance that blends with the Building on which they are located or by locating them so that they are not visible from an adjacent Public Right-of-Way.

A. Building-mounted Telecommunications Antennas of the Non-Whip Antenna type are allowed on nonresidential Buildings in the AF and AR Districts, and on any Buildings in the I-1 and I-2 Districts, without further zoning proceedings, provided the Non-Whip Antenna is mounted flush with the exterior of the Building so that it projects no more than thirty (30) inches from the surface of the Building to which it is attached and the Non-Whip Antenna's appearance is such as to blend with the surrounding surface of the Building.

B. Associated equipment shall be placed either within the same Building or in a separate Building which matches the existing Building in character and Building materials or blends with the landscaping and other surroundings immediately adjacent to the separate Building housing the equipment. Associated equipment for roof-mounted Telecommunications Antennas may be located on the roof of the Building if it is screened from view from any adjacent Public Right-of-Way.

C. Telecommunications Antennas are allowed without further zoning proceeding on existing utility, lighting, Telecommunications Towers and Sign Structures exceeding fifty (50) feet in height above Grade in the AG and IN Districts, provided that the Telecommunications Antenna does not exceed the height of the Structure by more than ten (10) feet if a Non-Whip Antenna or fifteen (15) feet if a Whip Antenna. Existing Structures may be rebuilt if necessary to support the load of the new Telecommunications Antenna without further zoning proceedings if the rebuilt Structure is substantially similar in appearance to the existing Structure it replaces.

D. Telecommunications Antennas located on existing Buildings or Structures are not subject to the five thousand (5,000) foot separation requirement.

E. When an application for an Improvement Location Permit to locate a Telecommunications Antenna on an existing Building or other Structure is made, the Staff shall be provided with color photo simulations showing the site of the existing Structure with a photo-realistic representation of the proposed Telecommunications Antenna and the existing Structure or any proposed reconstruction of the Structure as it would appear viewed from the closest residential property and from adjacent Public Right-of-Way. The applicant shall also submit photographs of the same views showing the current appearance of the site without the proposed Telecommunications Antenna.

TF-05: Telecommunications Antennas shall not be constructed or used within the Town of Akron without all approvals and permits first having been secured.



### 5-8.13 Temporary Uses, Structures and Buildings (TU)

TU-01: A Temporary Use, Structure or Building which is in compliance with the provisions of this Section, shall be allowed in any District. A Temporary Use, Structure or Building which will be converted into a permanent Primary or Accessory Use after the cessation of the Temporary Use shall be required to obtain an Improvement Location Permit prior the establishment of the use or the construction of any Structure or Building. A Temporary Use, Structure or Building which will be removed from the site upon cessation of the Temporary Use shall be exempt from the requirements of this Ordinance to obtain an Improvement Location Permit.

- A. Permitted Temporary Uses, Structures and Buildings: By way of example only, permitted Temporary Uses, Structures and Buildings include: construction trailers, sales offices, Garage Sales and seasonal retail sales.
- B. Duration: Except for Garage Sales, Seasonal Retail Sales, and mobile classrooms, a Temporary Use, Structure or Building shall be permitted for an initial period not to exceed one (1) year, which may be renewed for an additional one (1) year period by the Plan Commission upon showing of good cause.
- C. Compliance with Development Standards: Any Temporary Use, Structure or Building shall comply with all applicable Development Standards and Setback requirements in the District in which the Temporary Use, Structure or Building is located.
- D. Cessation of Use: All Structures, Buildings or debris associated with the Temporary Use shall be removed from the site immediately upon completion or cessation of the Temporary Use.
- E. Additional Regulations for Garage Sales: Notwithstanding any regulations above to the contrary, a Garage Sale may be conducted only on a premises subject to the following additional regulations:
  - a. A Garage Sale may be conducted two (2) times each calendar year and shall not exceed three (3) consecutive days in duration;
  - b. A Garage Sale shall only be conducted during the hours from sunrise to sunset;
  - c. All personal property exhibited outdoors during a Garage Sale shall be placed within a Building or Structure or otherwise removed from the premises immediately following the end of the Garage Sale;
  - d. Garage Sale Signs shall comply with the applicable provisions of Section 8-5-6.
  - e. Nothing in this Section shall be construed to prohibit one (1) or more owners from conducting a combined Garage Sale on one (1) of the premises owned by the participants, provided that there is compliance with all other provisions of this Section.

TU-02: Any temporary Seasonal Retail Sales use, Structure or Building shall also comply with the following regulations:

- A. The use or Structure shall comply with all Setback requirements for a Primary Building on the site;
- B. A minimum of three (3) Off-Street Parking Spaces shall be provided on-site for the temporary Seasonal Retail Sales use;
- C. The location of the temporary Seasonal Retail Sales use and its required amount of Parking Spaces shall not interfere with any required Parking Spaces or safe and efficient flow of vehicular and pedestrian traffic around the Parking Area for the permanent Primary Use of the site;
- D. Signs for the temporary Seasonal Retail Sales shall comply with the provisions of the Sign Regulations for Freestanding Identification Signs for a Single Use Site, and for Building Identification Signs; and
- E. Notwithstanding the provisions above to the contrary, Seasonal Retail Sales uses shall not exceed ninety (90) days in duration.

TU-03: Mobile classrooms shall be permitted only as a Temporary Use in compliance with the following





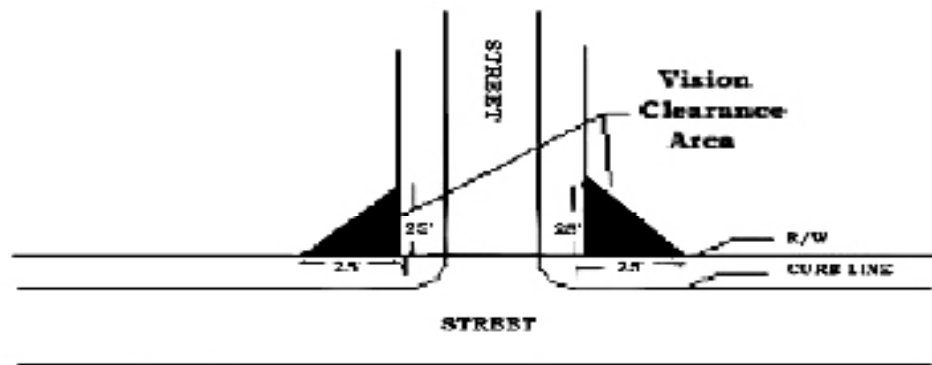
requirements:

- A. Mobile classrooms shall be for use by a Religious Use or school.
- B. Mobile classrooms shall be permitted by the grant of a special exception by the Board of Zoning Appeals.
- C. Applicants for a special exception shall submit a site plan in compliance with the provisions of Section 8-5-4.2 of this Ordinance at the time of filing a petition for special exception.
- D. Special Exceptions for Mobile Classrooms shall be conditioned upon the Applicant making progress towards accomplishing the goals of development indicated the Site Plan within a reasonable period of time as established by the Board of Zoning Appeals.
- E. Special exceptions for mobile classrooms shall be reviewed annually by the Board of Zoning Appeals to determine if the applicant is making progress towards accomplishing the goals of development indicated on the site plan.

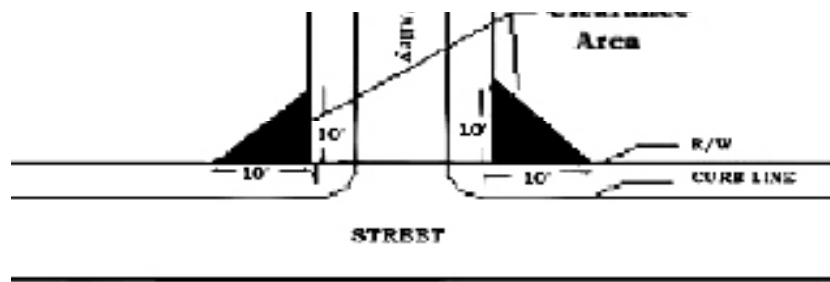
#### 5-8.14 Vision Clearance (VC)

No Building, Structure or Improvement, including landscaping, shall be erected, placed, planted or maintained so as to interfere with a Vision Clearance Area located between the heights of two and one-half (2-1/2) feet and nine (9) feet above the crown of a Street, Driveway or Alley. A Vision Clearance Area shall be established for all Streets, whether public or private, in one of the following manners.

VC-01: At the intersection of Streets, Vision Clearance Areas are formed at each corner by the Street Right-of-Way lines and a line connecting points on the Right-of-Way lines located twenty-five (25) feet away from the intersection of such Street Right-of-Way lines. In the case of a round or corner-cut Right-of-Way, the measurement shall be taken from the intersection of the Right-of-Way lines extended; or,



VC-02: At the intersection of a Street with a Driveway or Alley, Vision Clearance Areas shall be formed by the intersection of the Street Right-of-Way line and the Driveway surface edge or the Right-of-Way of the Alley and a line connecting points ten (10) feet from the intersection of such Street Right-of-Way line and the Driveway surface edge or Alley Right-of-Way.



VC-03: The provisions of the Vision Clearance Areas, shall not apply to the DC District in cases where there is a signalized street intersection, or for street intersections which have a four-way stop.

**5-8.15 On-Premise Signs: Commercial, Industrial Districts (Except for the DC - Downtown District)**

- A. Freestanding Identification Signs for Single Use Sites
  - a. Freestanding Identification Signs shall be permitted as follows:
    - 1. Ground Signs - all NC, GC, I-1 and I-2 Districts
    - 2. Pylon Signs - GC and I-2 Districts
    - 3. Pole Signs - GC and I-2 Districts
  - b. One (1) Freestanding Identification Sign shall be permitted for each Street Frontage of a Lot.
    - 1. When a Lot has more than one (1) Street Frontage and qualifies for an additional Freestanding Identification Sign, the minimum separation between Freestanding Identification Signs on the Lot, regardless of the orientation of the Freestanding Identification Signs, shall be one hundred (100) feet.
  - c. Maximum Sign Surface Area shall apply individually to each Street Frontage and shall not exceed:
    - 1. sixty four (64) square feet for Single Use Sites with less than five hundred (500) feet of Street Frontage; or,
    - 2. one hundred and fifty (150) square feet for Single Use Sites with over five hundred (500) feet of Street Frontage.
  - d. Minimum Front, Side and Rear Setback for Freestanding Identification Signs.
    - 1. Front Yard Setback:
      - (1) Required Front Yard - ten (10) feet from the Existing Right-of-Way.
      - (2) Required Front Bufferyard - twenty (20) feet from the Existing Right-of-Way.
    - 2. Side and Rear Yard Setback - the same as required for any Building or Structure in the applicable zoning District.
  - e. Maximum Height of Freestanding Identification Signs.
    - 1. Ground Sign - six (6) feet in height above Grade.
    - 2. Pylon Sign or Pole Sign - twenty (20) feet in height above Grade.
- B. Freestanding Identification Signs for Integrated Centers
  - a. Freestanding Identification Signs shall be permitted as follows:
    - 1. Ground Signs - NC, GC, I-1 and I-2 Districts
    - 2. Pylon Signs - GC, I-1 and I-2 Districts
    - 3. Pole Signs - GC and I-2 Districts
  - b. One (1) Freestanding Identification Sign, which shall include the name of the Integrated Center, shall be permitted for each Street Frontage of an Integrated Center.
    - 1. When an Integrated Center has more than one Street Frontage and qualifies for an additional Freestanding Identification Sign, the minimum separation between Freestanding Identification Signs on the Integrated Center, regardless of the orientation of the Freestanding Identification Signs, shall be one hundred (100) feet.
  - c. Maximum Sign Surface Area shall apply individually to each Street Frontage. The maximum Sign Surface Area shall not exceed:
    - 1. sixty four (64) square feet for Integrated Centers with less than five hundred (500) feet of Street Frontage;
    - 2. two hundred (200) square feet for Integrated Centers with over five hundred (500) feet of Street Frontage.
  - d. Minimum Front, Side and Rear Setback for Freestanding Identification Signs.
    - 1. Front Setback:
      - (1) Required Front Yard - ten (10) feet from the Existing Right-of-Way.
      - (2) Required Front Bufferyard - twenty (20) feet from the Existing Right-of-Way.



2. Side and Rear Setback - the same as required for any Building or Structure in the applicable zoning District.
  - e. Maximum Height of Freestanding Identification Signs.
    1. Ground Sign - The maximum height of a Freestanding Ground Identification Sign shall not exceed six (6) feet in height above Grade.
    2. Pylon Sign - The maximum height of a Freestanding Pylon Identification Sign shall not exceed twenty (20) feet in height above Grade.
    3. Pole Sign - The maximum height of a Freestanding Pole Identification Sign shall not exceed thirty-five (35) feet in height above Grade.
- C. Building Identification Signs.
- a. Building Identification Signs shall be limited to Wall Signs.
  - b. There shall be no limit to the number of Wall Building Identification Signs per facade, provided that the total Sign Surface Area of all Wall Signs located on each Building facade shall not exceed the maximum Sign Surface Area for the Building facade upon which such Signs are located.
  - c. For any Building which has more than one Street Frontage, the maximum Sign Surface Area of ten (10) percent shall apply to all Building facades with Street Frontages. The total Sign Surface Area of all Building Identification Signs oriented to an individual facade shall not exceed:
    1. Front Facade - ten (10) percent of the total area of the front facade of the Structure or tenant space;
    2. Side and Rear Facades - five (5) percent of the side or rear facade of the Structure or tenant space; and,
    3. The linear measurement of a Business Identification Wall Sign shall not exceed eighty (80) percent of the linear width of the facade of the Structure or tenant space on which the Sign is located.
- D. Incidental Signs.
- a. Incidental Signs shall be Ground or Wall Signs.
  - b. Maximum Number of Signs Allowed
    1. If a Lot or Integrated Center has one (1) Driveway, two (2) Incidental Directional Signs shall be permitted at the Driveway entrance or exit;
    2. If a Lot or Integrated Center has more than one (1) Driveway, one (1) Incidental Directional Sign shall be permitted for each Driveway; and,
    3. One (1) Incidental Directional Sign or one (1) Incidental Parking and Loading Sign shall be permitted at each critical turning point along an Interior Access Drive when required to safely direct vehicular traffic (e.g., to direct vehicular traffic to: a drive-up window; a customer or employee Parking Area; or, a delivery or Loading Area).
  - c. Maximum Sign Surface Area of Incidental Signs.
    1. Incidental Signs shall not exceed six (6) square feet in Sign Surface Area per Sign.
    2. Incidental Parking and Loading Signs shall not exceed twenty-four (24) square feet in Sign Surface Area per Sign.
  - d. Minimum Front, Side and Rear Yard Setback for Freestanding, Incidental Signs.
    1. Front Yard Setback or Front Bufferyard Setback - three (3) feet from the Existing Right-of-Way.
    2. Side and Rear Yard Setback or Side and Rear Bufferyard Setback - the same as required for any Building or Structure in the applicable zoning District.
  - e. The maximum height of a Freestanding Incidental Ground Sign shall not exceed four (4) feet in height above Grade.
- E. Suspended Signs shall be permitted on any Building containing two or more individual, non-related and separately operated uses subject to the following regulations.



- a. There shall be no more than one (1) Suspended Sign per grade-level tenant.
- b. The maximum Sign Surface Area of a Suspended Sign shall not exceed five (5) square feet.
- c. All portions of the Suspended Sign or Sign Structure shall be not less than eight (8) feet above finished Grade.

**5-8.16 On-Premise Signs: DC - Downtown District**

- A. Freestanding Identification Signs.
  - a. Freestanding Identification Signs may be Ground Signs or Pylon Signs.
  - b. One (1) Freestanding Identification Sign shall be permitted for each Street Frontage of a Lot.
  - c. When a Lot has more than one (1) Street Frontage and qualifies for an additional Freestanding Identification Sign, the minimum separation between Freestanding Identification Signs on the Lot, regardless of the orientation of the Freestanding Identification Signs, shall be one hundred (100) feet.
  - d. Maximum Sign Surface Area shall apply individually to each Street Frontage and shall not exceed fifty (50) square feet per Street Frontage.
  - e. There shall be no minimum required front, side or rear Setback for Freestanding Identification Signs, provided, however, such Signs shall not encroach into any Public Right-of-Way or any Vision Clearance Area.
  - f. Ground Sign - The maximum height of a Freestanding Ground Identification Sign shall not exceed six (6) feet in height above Grade.  
Pylon Sign - The maximum height of a Freestanding Pylon Identification Sign shall not exceed fifteen (15) feet in height above Grade.
- B. Building Identification Signs in the DC - Downtown District.
  - a. Lower Level Building Identification Signs.
    - 1. Wall Signs located on the first twenty-six (26) feet of Building height or the actual Building height, whichever is less, shall be considered lower level Building Identification Signs.
    - 2. The total Sign Surface Area of all lower level Building Identification Signs oriented to an individual facade shall not exceed:
      - a. Front Facade - ten (10) percent of the total area the first twenty-six (26) feet or the actual Building height, whichever is lesser, of front facade of a Building; and,
      - b. Side and Rear Facades - five (5) percent of the total area of the first twenty-six (26) feet or the actual Building height, whichever is lesser, of a side or rear facade of a Building.
    - 3. Provided, that for any Building which has more that one Street Frontage, the maximum Sign surface area of ten (10) percent shall apply to all Building facades with Street Frontages.
  - b. Upper Level Building Identification Signs.
    - 1. Wall Signs located above the first twenty-six (26) feet of Building height shall be considered upper level Building Identification Signs.
    - 2. The total Sign Surface Area of all upper level Building Identification Signs oriented to an individual facade shall not exceed:
      - a. Front Facade - five (5) percent of the total area of that portion of the front facade of a Building located above twenty-six (26) feet above Grade; and,
      - b. Side and Rear Facades - three (3) percent of the total area of that portion of a side or rear facade of a Building located above twenty-six (26) feet above Grade.
    - 3. Provided, that for any Building which has more that one Street Frontage, the maximum Sign surface area of five (5) percent shall apply to all Building facades with Street Frontages.
- C. Projecting Building Identification Signs.
  - a. Maximum Height: Projecting Building Identification Signs shall not extend above the roof line.



- b. Maximum Projection from Building:
  - 1. No Projecting Building Identification Sign or Sign Structure supporting a Projecting Building Identification Sign shall extend more than eight (8) feet from or beyond its supporting Building.
  - 2. No Projecting Building Identification Sign or Sign Structure shall extend any closer to an imaginary perpendicular vertical plane located at the Street pavement line, curb or outside edge of sidewalk than three (3) feet.
  - 3. Projecting Building Identification Signs in compliance with the above regulations may project into the air rights of a Public Right-of-Way if approval for such encroachment into the air rights of a Public Right-of-Way is obtained from the governmental authority having jurisdiction prior to the placement of the Projecting Building Identification Sign.
- c. Minimum Height Above Grade for a Projecting Building Identification Sign - The bottom edge of a Projecting Building Identification Sign shall not be less than ten (10) feet above Grade over a walkway or fifteen (15) feet above Grade over a Driveway.
- D. Incidental Signs.
  - a. Incidental Signs shall be Ground or Wall Signs.
  - b. Number of Signs.
    - 1. If a Lot has one (1) Driveway, two (2) Incidental Directional Signs shall be permitted at the Driveway entrance or exit;
    - 2. If a Lot has more than one (1) Driveway, one (1) Incidental Directional Sign shall be permitted for each Driveway; and,
    - 3. One (1) Incidental Directional Sign or one (1) Incidental Parking and Loading Sign shall be permitted at each critical turning point along an Interior Access Drive when required to safely direct vehicular traffic (e.g., to direct vehicular traffic to: a drive-up window; a customer or employee Parking Area; or, a delivery or Loading Area).
  - c. The maximum Sign Surface Area of Incidental Signs shall not exceed six (6) square feet in Sign Surface Area per Sign.
  - d. There shall be no minimum required front, side or rear Setback for Freestanding Incidental Signs, provided, however, such Signs shall not encroach into any Public Right-of-Way.
  - e. The maximum height of a Freestanding Incidental Ground Sign shall not exceed four (4) feet in height above Grade.

**5-8.17 On-Premise Signs: Residential Districts**

- A. Single Family Dwellings, Two-Family Dwellings, Residential Facilities for the Mentally Ill, Residential Facilities for the Developmentally Disabled, Child Care Home, and Home Occupation Uses shall be permitted one (1) Ground Identification Sign or one (1) Wall Identification Sign per Street Frontage, provided:
  - a. The maximum Sign Surface Area shall not exceed two (2) square feet;
  - b. The Sign shall be constructed a material(s) which blends in with the residential character of the neighborhood, such as but not limited to, wood or stone;
  - c. The Sign shall not encroach into any Public Right-of-Way; and,
  - d. The Sign shall not interfere with the Vision Clearance Area as specified in Section 8-5-1.20.
- B. Multifamily Dwelling Uses shall be permitted one (1) Ground Identification Sign, provided:
  - a. The Sign shall not exceed thirty-two (32) square feet in Sign Surface Area;
  - b. The Sign shall indicate only the name, address of the management thereof, or associated information;
  - c. The Sign shall maintain a minimum Front Yard Setback of ten (10) feet from the Proposed Right-of-Way, and shall maintain a minimum Side and Rear Yard Setback consistent with the requirements for an Accessory Structure in the District to which the real estate is zoned; and,
  - d. The Sign shall not interfere with the Vision Clearance Area as specified in Section 8-5-1.20.



- C. Two (2) Ground Identification Signs shall be permitted at each entrance to a recorded, platted residential Subdivision provided:
- a. The Signs shall be constructed of ornamental metal, stone masonry, or other permanent material;
  - b. The Signs shall indicate only the name of the Subdivision;
  - c. The Signs shall not exceed thirty-two (32) square feet in Sign Surface Area each;
  - d. The Signs shall not encroach into any Public Right-of-Way;
  - e. The Signs shall not interfere with the Vision Clearance Area as specified in Section 8-5-1.20; and,
  - f. Only one (1) Sign shall be permitted in each quadrant of an intersection.
- D. The following regulations shall apply to all businesses and other uses permitted in the Residential Districts by Special Exception.
- a. Freestanding Identification Signs.
    1. Type of Signs: Freestanding Identification Signs shall be Ground Signs.
    2. Number of Signs: One (1) Freestanding Identification Sign shall be permitted for each Street Frontage of a Lot.
    3. Maximum Sign Surface Area of Freestanding Identification Signs: thirty-two (32) square feet.
    4. Minimum Setback for Freestanding Identification Signs:
      - a. Front Yard Setback - ten (10) feet from Proposed Right-of-Way.
      - b. Side and Rear Yard Setback - the same as required for an Accessory Structure in the applicable zoning District.
    5. Maximum Height of Freestanding Identification Signs: six (6) feet in height above Grade.
  - b. Building Identification Signs.
    1. Type of Signs: Building Identification Signs shall be Wall Signs.
    2. Number of Building Identification Signs: There shall be no limit to the number of Wall Building Identification Signs, provided that the total Sign Surface Area of all Wall Identification Signs located on a Building shall not exceed the maximum Sign Surface Area for the Building.
    3. Maximum Sign Surface Area of Building Identification Signs oriented to an individual facade shall not exceed:
      - a. Front Facade - five (5) percent of the total area of a front facade of a Building; and,
      - b. Side and Rear Facades - three (3) percent of a side or Rear facade of a Building.
      - c. Provided, that for any Building which has more than one Street Frontage, the maximum Building Identification Sign Surface Area of five (5) percent shall apply to all Building facades with Street Frontages.
  - c. Incidental Signs.
    1. Type of Signs: Incidental Signs shall be Ground or Wall Signs.
    2. Number of Signs.
      - a. If a Lot has one (1) Driveway, two (2) Incidental Directional Signs shall be permitted at the Driveway entrance or exit;
      - b. If a Lot has more than one (1) Driveway, one (1) Incidental Directional Sign shall be permitted for each Driveway; and,
      - c. One (1) Incidental Directional Sign or one (1) Incidental Parking and Loading Sign shall be permitted at each critical turning point along an Interior Access Drive when required to safely direct vehicular traffic (e.g., to direct vehicular traffic to: a drive-up window; a customer or employee Parking Area; or, a delivery or Loading Area).
    3. Maximum Sign Surface Area of Incidental Signs: two (2) square feet in Sign Surface Area.
    4. Minimum Setback for Freestanding, Incidental Signs:
      - a. Front Yard Setback - Three (3) feet from Proposed Right-of-Way.



b. Side and Rear Yard Setback - the same as required for an Accessory Structure in the applicable zoning District.

5. Maximum Height of Incidental Signs: four (4) feet in height above Grade.

#### 5-8.18 Off-Premise Advertising Signs

- A. Off-Premise Advertising Signs shall be a permitted only in the GC - General Commercial and IN - Heavy Industrial Districts.
- B. Off-Premise Advertising Signs shall be Pole or Ground Signs.
- C. Maximum Sign Surface Area for Off-Premise Advertising Signs.
  - a. Sign Surface Area - an Off-Premise Advertising Sign shall not exceed three hundred (300) square feet in Sign Surface Area;
  - b. Number of Displays - an Off-Premise Advertising Sign shall not contain more than two (2) Advertising Signs per Sign Surface;
  - c. Extensions Allowed - temporary extensions or embellishments integrally incorporated into the Sign Surface having: a vertical height of no more than four (4) feet above the top of a Sign; a maximum horizontal dimension of no more than one (1) foot beyond the sides of the Sign; and, a maximum vertical dimension of one (1) foot below the bottom of the Sign, shall be allowed.
- D. The minimum distance between Off-Premise Advertising Signs shall be as specified below.
  - a.. Linear Spacing - The minimum distance between Off-Premise Advertising Signs located along and oriented towards the same side of a Public Street shall be two thousand five hundred (2,500) linear feet subject to the following:
    - 1. The spacing requirement shall be applied equally to both sides of the Street at the same time regardless of whether the Off-Premise Signs are on the same side of the Street;
    - 2. The spacing requirement shall be applied continuously along a Street to all Off-Premise Signs oriented towards that Street in either direction whether the Off-Premise Signs are in the same block or are in different blocks separated by an intersecting Street;
    - 3. When applying the spacing requirement to Off-Premise Advertising Signs, Pole or Ground Signs shall be treated the same, whether double-faced or single-faced; and,
    - 4. Off-Premise Advertising Signs located at the same intersection are not in violation of the minimum spacing requirement specified herein, because of their nearness to one another if they are located so that their messages are directed towards traffic flowing in different directions.
  - b. Measurement of Linear Spacing - The method of measurement of the spacing between Off-Premise Advertising Signs oriented towards the same Street shall be along the centerline of the Street to which the Off-Premise Sign is oriented from the point in the Street's centerline closest to the leading edge of the Off-Premise Sign.
  - c. Radial Spacing. In no event shall an Off-Premise Advertising Sign be closer than one thousand (1,000) feet from any other Off-Premise Advertising Sign regardless of location or orientation.
- E. Minimum Front, Side and Rear Yard Setback for Off-Premise Advertising Signs.
  - a. Front Yard Setback - shall be fifty (50) feet from the Right-of-Way.
  - b. Side and Rear Yard Setback - shall be ten (10) feet.
- F. The maximum height of an Off-Premise Advertising:
  - a. Ground Sign shall not exceed six (6) feet in height above Grade.
  - b. Pole Sign shall not exceed thirty-five (35) feet in height above Grade.
- G. The supports, uprights, bracing and framework of an Off-Premise Advertising Pole Sign shall be of steel construction. The sign structure itself shall be monopole in design.
- H. No Off-Premise Advertising Sign shall be located within six hundred (600) feet of any Residential District.









## Article Five

# Section Nine - Kewanna Development Standards

### 5-9.0 Interpretation

The following development standards listed within Section Nine are applicable within the Kewanna (KW) Zone District listed within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

### 5-9.1 Accessory Structures Standards (AS)

AS-01: Accessory Uses shall comply with all development standards of the applicable zoning District unless an exception is provided for specifically in this ordinance.

- A. Accessory Uses shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted.
- B. Underground facilities shall not be located in, or under, any required Front, Side or Rear Yard Setback.

AS-02: An accessory structure that is portable, as well as, 120 square feet or less, does not require a permit from the Area Plan Commission, but must conform to the setbacks within the Kewanna Town District.

AS-03: Accessory Building, or Structure: Defined as, a building or structure which:

- A. is subordinate to a principal building or structure in area, intent, and/or purpose;
- B. contributes to the comfort, convenience, or necessity of occupants of the principal building, structure, or principal use;
- C. does not alter or change the character of the premises;
- D. is located on the same zoning lot as the principal building, structure, or use;
- E. conforms to the setback and other requirements of this Ordinance unless otherwise provided for by this Ordinance.

AS-04: Accessory Uses: Drive Through and Canopied Facilities

- A. Drive through facilities (including drive-through banking) - shall be so designed that:
  - a. drive through lanes do not conflict with the safe and efficient flow of traffic into and out of required Parking Spaces or Loading Spaces;
  - b. drive through lanes have a “bail out” capability;
  - c. provide at least five (5) waiting spaces prior to the first ordering, pick-up or service facility; and,
  - d. provide at least one waiting space after the last pick-up or service facility.
- B. Gasoline dispensers and Canopies - shall not be located within any required Front, Side or Rear Yard Setback or Bufferyard and shall be provided with adequate on-site maneuverability so as to avoid any interference with through traffic on any public Right-of-Way.

AS-05: Privacy Fences

- A. Privacy fences shall setback a minimum of two (2) feet from any front, side, and/or rear yard property line but do not require a Location Improvement Permit.

### 5-9.2 Adult Entertainment Business Standards (BY)

AU-01: In the development and adoption of this Article, it is recognized that there are some Adult Entertainment Business uses which due to their very nature have certain objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such Adult Entertainment Businesses under their jurisdiction to ensure that these adverse effects will not contribute to the blighting or down grading of adjacent neighborhoods. The special regulations deemed necessary



to control the undesirable externalities arising from these Adult Entertainment Businesses are set forth below. The purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these Adult Entertainment Business uses by restricting their close proximity to churches, parks, schools, day care and Child Care facilities and residential areas.

- A. The Establishment, Enlargement, Reconstruction, Resumption or Structural Alteration of any Adult Entertainment Business shall be prohibited if such Adult Entertainment Business is within one thousand (1000) feet of two (2) other such Adult Entertainment Businesses or within six hundred (600) feet of any existing church, school, day care facility, Child Care facility, or park within the Corporate limits of the Town of Kewanna, Indiana.
- B. Provided further, that no Adult Entertainment Business shall be Established, Enlarged, Reconstructed, Resumed, or Structurally Altered unless the site or proposed site is approved as a Special Exception Use by the Board of Zoning Appeals.
- C. Provided further, that no Adult Entertainment Business shall be operated within the Corporate limits of the Town of Kewanna, Indiana, unless the operator has a valid license issued by the Town for each and every separate place of business operated by such person.

AU-02: The distance between one Adult Entertainment Business and another Adult Entertainment Business shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of each such business. The distance between an Adult Entertainment Business, and any church, school, park, day care facility, Child Care facility, agricultural District, or residential District shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of the Adult Entertainment Business to the nearest Lot Line of the church, school, day care facility, Child Care facility, park, agricultural District or residential zoning District.

AU-03: Notwithstanding any other provisions of this Ordinance to the contrary, all exterior displays for an Adult Entertainment Business shall comply with the following regulations.

- A. No Adult Entertainment Business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas by display, decorations, Sign, show window or other opening from any Public Right-of-Way.
- B. Number of Signs. Not more than one (1) Business Wall Sign shall be permitted for an Adult Entertainment Business and said Business Wall Sign shall be permitted only on the front facade of the Building. In addition to the one (1) permitted Business Wall Sign, an Adult Entertainment Business may be permitted not more than one Pole or Ground Sign Structure if it is permitted by the Akron Zoning Ordinance, Section 8-5-6.4, and any amendments thereto, and which meets all of the requirements of the Kewanna Town District. All other Sign Structures shall be prohibited.
- C. Sign Surface Area. The Sign Surface Area of a Business Wall Sign for an Adult Entertainment Business shall not exceed an amount equal to five percent (5%) of the front Building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the Adult Entertainment Business, or one hundred (100) square feet, whichever is the lesser. The maximum Sign Surface Area of a Ground or Pole Sign Structure, where permitted, shall not exceed one (1) square foot for each lineal foot of Frontage of the Lot, or thirty-six (36) square feet, which is the lesser.
- D. Lighting, Signs and Sign Structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights) or any flashing or animated lights (either interior to the Sign, on the exterior of the Sign, or as a border to



the Sign).

### 5-9.3 **Parking Standards (PK)**

PK-01: The following shall apply to the zone districts within the incorporated limits of the Town of Kewanna

- A. Off-street parking is not required.
- B. If the property owner chooses to have off-street parking the following will apply:
  - a. All ingress/egress into parking areas must be paved with asphalt, concrete or other durable material.
  - b. Parking areas must be constructed to allow proper drainage.
  - c. Parking areas must be designed as to prevent vehicles from having to back into public streets.
  - d. Parking lots shall have a minimum four (4) foot setback from the property lines.
  - e. Parking spaces shall be a minimum of 9' x 18'. Parking aisle widths shall be as follows:
    - ninety (90) degree angle space - twenty-four (24) feet wide parking aisle
    - 60 degree angle space - 18' wide parking aisle
    - 45 degree angle space - 14' wide parking aisle

PK-02: If any vehicle without a current year license plate or in inoperable condition is stored on a property in Kewanna Town District the following conditions apply.

- A. They must be parked:
  - a. in completely enclosed buildings, or
  - b. a minimum of two-hundred (200) feet from the front property line, a minimum of fifty (50) feet from the side property line, or in the rear yard.
- B. They must be screened from view. Screening includes fencing, landscaping, or placement so that it may not be seen from the road. Tarping is not allowed for compliance.

PK-03: No vehicle, tractor, semitrailer, railroad bulk storage container, cargo container or similar type of trailer/storage may be located on any parcel or lot.

### 5-9.4 **Residential Facilities for the Mentally Ill (RF)**

RF-01: A Residential Facility for the Mentally Ill as defined in this Ordinance and by Indiana Code may not be located within three thousand (3,000) feet of another Residential Facility for the Mentally Ill, as measured between Lot Lines.

### 5-9.5 **Telecommunications Facilities - Wireless (TF)**

TF-01: Wireless Telecommunications Facilities, specifically towers over 130 feet in height, are not permitted within the corporate limits of the Town of Kewanna, due to aesthetic preservation.

### 5-9.6 **Temporary Uses, Structures and Buildings (TU)**

TU-01: A Temporary Use, Structure or Building which is in compliance with the provisions of this Section, shall be allowed in any District. A Temporary Use, Structure or Building which will be converted into a permanent Primary or Accessory Use after the cessation of the Temporary Use shall be required to obtain an Location Improvement Permit prior the establishment of the use or the construction of any Structure or Building. A Temporary Use, Structure or Building which will be removed from the site upon cessation of the Temporary Use shall be exempt from the requirements of this Ordinance to obtain an Location Improvement Permit.

- A. Permitted Temporary Uses, Structures and Buildings: By way of example only, permitted Temporary Uses, Structures and Buildings include: construction trailers, and sales offices.
- B. Duration: Except for mobile classrooms, a Temporary Use, Structure or Building shall be permitted for an initial period not to exceed one (1) year, which may be renewed for an additional one (1) year period by the Plan Commission upon showing of good cause.
- C. Compliance with Development Standards: Any Temporary Use, Structure or Building shall comply with all applicable Development Standards and Setback requirements in the Dis-



trict in which the Temporary Use, Structure or Building is located.

D. Cessation of Use: All Structures, Buildings or debris associated with the Temporary Use shall be removed from the site immediately upon completion or cessation of the Temporary Use.

TU-02: Mobile classrooms shall be permitted only as a Temporary Use in compliance with the following requirements:

A. Mobile classrooms shall be for use by a Religious Use or school.

B. Mobile classrooms shall be permitted by the grant of a special exception by the Board of Zoning Appeals.

C. Applicants for a special exception shall submit a site plan in compliance with the provisions of Section 8-5-4.2 of this Ordinance at the time of filing a petition for special exception.

D. Special Exceptions for Mobile Classrooms shall be conditioned upon the Applicant making progress towards accomplishing the goals of development indicated the Site Plan within a reasonable period of time as established by the Board of Zoning Appeals.

E. Special exceptions for mobile classrooms shall be reviewed annually by the Board of Zoning Appeals to determine if the applicant is making progress towards accomplishing the goals of development indicated on the site plan.

### 5-9.7 Miscellaneous (MS)

MS-01: Only one dwelling is allowed per tract of land.

MS-02: All mobile homes must be tied down, properly skirted, and placed on an approved footer of concrete slab, pillars, runners, or ribbons.

MS-03: All mobile homes must have the tongue or pulling ring completely removed and stored in an area completely hidden from view from any public way or adjoining property.

MS-04: Storage or parking of recreational vehicles is subject to the following conditions:

A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.

B. A may be permitted to be parked for visitation for thirty days in any one calendar year, except when being used as a temporary home/shelter during a construction project on the primary structure (voluntary, disaster repair, etc.) Once final inspection/certificate of occupancy is issued for the completed construction project, the recreational vehicle must defer to only being parked for visitation for thirty days in one calendar year.

C. A recreational vehicle shall not be parked on a parcel without a primary structure.

D. A recreational vehicle shall not be used solely for the purpose of personal storage.

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MS-05: More than three dogs (defined as being a canine six (6) months of age or older) is considered kennel and is only allowed as a Special Exception within the Kewanna Town District.

MS-06: Farm animals as defined within the Kewanna Town Ordinance Record may be kept on land equaling three quarters (3/4) of an acre or larger. Land equaling three quarters (3/4) of an acre or smaller may keep farm animals by special exception approval only. Roosters are not allowed on any lot within the Kewanna Incorporated Limits.







## Article Five

# Section Ten - Fulton Development Standards

### 5-10.0 Interpretation

The following development standards listed within Section Ten are only applicable within the incorporated limits of the Town of Fulton (except as may otherwise be provided within this ordinance).

### 5-10.1 Accessory Structures Standards (AS)

AS-01: Accessory Uses shall comply with all development standards of the applicable zoning district unless an exception is provided for specifically in this ordinance.

- A. Accessory Uses shall not encroach upon any platted easements unless specifically authorized by the terms of the easement or by written consent of the agency in whose favor the easement is granted.
- B. Underground facilities shall not be located in, or under, any required Front, Side or Rear Yard Setback.

AS-02: An accessory structure that is portable, as well as, 120 square feet or less, does not require a permit from the Area Plan Commission, but must conform to the setbacks required within the zone districts designated within the Fulton Incorporated Limits.

AS-03: Accessory Building, or Structure: Defined as, a building or structure which:

- A. is subordinate to a principal building or structure in area, intent, and/or purpose;
- B. contributes to the comfort, convenience, or necessity of occupants of the principal building, structure, or principal use;
- C. does not alter or change the character of the premises;
- D. is located on the same zoning lot as the principal building, structure, or use;
- E. conforms to the setback and other requirements of this Ordinance unless otherwise provided for by this Ordinance.

AS-04: Accessory Uses: Drive Through and Canopied Facilities

- A. Drive through facilities (including drive-through banking) - shall be so designed that:
  - a. drive through lanes do not conflict with the safe and efficient flow of traffic into and out of required Parking Spaces or Loading Spaces;
  - b. drive through lanes have a “bail out” capability;
  - c. provide at least five (5) waiting spaces prior to the first ordering, pick-up or service facility; and,
  - d. provide at least one waiting space after the last pick-up or service facility.
- B. Gasoline dispensers and Canopies - shall not be located within any required Front, Side or Rear Yard Setback or Bufferyard and shall be provided with adequate on-site maneuverability so as to avoid any interference with through traffic on any public Right-of-Way.

AS-05: Fences

- A. All fences shall setback a minimum of two (2) feet from any front, side, and/or rear yard property line and have a maximum height of 4’ in the front yard. Fences do not require a Location Improvement Permit.

### 5-10.2 Adult Entertainment Business Standards (BY)

AU-01: In the development and adoption of this Article, it is recognized that there are some Adult Entertainment Business uses which due to their very nature have certain objectionable operational characteristics particularly when located in close proximity to residential neighborhoods, thereby having a deleterious impact upon property values and the quality of life in such surrounding areas. It has been acknowledged by communities across the nation that state and local governmental entities have a special concern in regulating the operation of such Adult Entertainment Businesses under their jurisdiction to ensure that these adverse effects will not contribute to the blighting or down grading of adjacent neighborhoods. The special regulations deemed necessary to control the undesirable externalities arising from these Adult Entertainment Businesses are set





forth below. The purpose of these controls and regulations is to preserve the integrity and character of residential neighborhoods, to deter the spread of urban blight and to protect minors from the objectionable operational characteristics of these Adult Entertainment Business uses by restricting their close proximity to churches, parks, schools, day care and Child Care facilities and residential areas.

- A. The Establishment, Enlargement, Reconstruction, Resumption or Structural Alteration of any Adult Entertainment Business shall be prohibited if such Adult Entertainment Business is within one thousand (1000) feet of two (2) other such Adult Entertainment Businesses or within six hundred (600) feet of any existing church, school, day care facility, Child Care facility, or park within the Corporate limits of the Town of Fulton, Indiana.
- B. Provided further, that no Adult Entertainment Business shall be Established, Enlarged, Reconstructed, Resumed, or Structurally Altered unless the site or proposed site is approved as a Special Exception Use by the Board of Zoning Appeals.
- C. Provided further, that no Adult Entertainment Business shall be operated within the Corporate limits of the Town of Kewanna, Indiana, unless the operator has a valid license issued by the Town for each and every separate place of business operated by such person.

AU-02: The distance between one Adult Entertainment Business and another Adult Entertainment Business shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of each such business. The distance between an Adult Entertainment Business, and any church, school, park, day care facility, Child Care facility, agricultural District, or residential District shall be measured in a straight line, without regard to intervening Structures or objects, from the closest exterior structural wall of the Adult Entertainment Business to the nearest Lot Line of the church, school, day care facility, Child Care facility, park, agricultural District or residential zoning District.

AU-03: Notwithstanding any other provisions of this Ordinance to the contrary, all exterior displays for an Adult Entertainment Business shall comply with the following regulations.

- A. No Adult Entertainment Business shall be conducted in any manner that permits the observation of any material depicting, describing or relating to Specified Sexual Activities or Specified Anatomical Areas by display, decorations, Sign, show window or other opening from any Public Right-of-Way.
- B. Number of Signs. Not more than one (1) Business Wall Sign shall be permitted for an Adult Entertainment Business and said Business Wall Sign shall be permitted only on the front facade of the Building. In addition to the one (1) permitted Business Wall Sign, an Adult Entertainment Business may be permitted not more than one Pole or Ground Sign Structure if it is permitted by the Akron Zoning Ordinance, Section 8-5-6.4, and any amendments thereto, and which meets all of the requirements of the zone districts within the Fulton Incorporated Limits. All other Sign Structures shall be prohibited.
- C. Sign Surface Area. The Sign Surface Area of a Business Wall Sign for an Adult Entertainment Business shall not exceed an amount equal to five percent (5%) of the front Building facade of the first floor elevation (first ten (10) feet) of the premises occupied by the Adult Entertainment Business, or one hundred (100) square feet, whichever is the lesser. The maximum Sign Surface Area of a Ground or Pole Sign Structure, where permitted, shall not exceed one (1) square foot for each lineal foot of Frontage of the Lot, or thirty-six (36) square feet, which is the lesser.
- D. Lighting, Signs and Sign Structures may be illuminated, provided, however, such illumination shall not be by way of exposed neon, exterior lighting (e.g., spot or flood lights) or any flashing or animated lights (either interior to the Sign, on the exterior of the Sign, or as a border to the Sign).

### 5-10.3 Parking Standards (PK)

PK-01: The following shall apply to zone districts within the incorporated limits of the Town of Fulton.



- A. Off-street parking is not required.
- B. If the property owner chooses to have off-street parking the following will apply:
  - a. All ingress/egress into parking areas must be paved with asphalt, concrete or other durable material.
  - b. Parking areas must be constructed to allow proper drainage.
  - c. Parking areas must be designed as to prevent vehicles from having to back into public streets.
  - d. Parking lots shall have a minimum four (4) foot setback from the property lines.
  - e. Parking spaces shall be a minimum of 9' x 18'. Parking aisle widths shall be as follows:
    - ninety (90) degree angle space - twenty-four (24) feet wide parking aisle
    - 60 degree angle space - 18' wide parking aisle
    - 45 degree angle space - 14' wide parking aisle

PK-02: If any vehicle without a current year license plate or in inoperable condition is stored on a property within the incorporated limits of the Town of Fulton the following conditions apply.

- A. They must be parked:
  - a. in completely enclosed buildings, or
  - b. a minimum of two-hundred (200) feet from the front property line, a minimum of fifty (50) feet from the side property line, or in the rear yard.
- B. They must be screened from view. Screening includes fencing, landscaping, or placement so that it may not be seen from the road. Tarping is not allowed for compliance.

PK-03: No vehicle, tractor, semitrailer, railroad bulk storage container, cargo container or similar type of trailer/storage of any type, may be located on any parcel or lot.

**5-10.4**

**Residential Facilities for the Mentally Ill (RF)**

RF-01: A Residential Facility for the Mentally Ill as defined in this Ordinance and by Indiana Code may not be located within three thousand (3,000) feet of another Residential Facility for the Mentally Ill, as measured between Lot Lines.

**5-10.5**

**Telecommunications Facilities - Wireless (TF)**

TF-01: Wireless Telecommunications Facilities, specifically towers over 130 feet in height, are not permitted within the incorporated limits of the Town of Fulton, due to aesthetic preservation.

**5-10.6**

**Temporary Uses, Structures and Buildings (TU)**

TU-01: A Temporary Use, Structure or Building which is in compliance with the provisions of this Section, shall be allowed in any District. A Temporary Use, Structure or Building which will be converted into a permanent Primary or Accessory Use after the cessation of the Temporary Use shall be required to obtain an Improvement Location Permit prior the establishment of the use or the construction of any Structure or Building. A Temporary Use, Structure or Building which will be removed from the site upon cessation of the Temporary Use shall be exempt from the requirements of this Ordinance to obtain an Improvement Location Permit.

- A. Permitted Temporary Uses, Structures and Buildings: By way of example only, permitted Temporary Uses, Structures and Buildings include: construction trailers, and sales offices.
- B. Duration: Except for mobile classrooms, a Temporary Use, Structure or Building shall be permitted for an initial period not to exceed one (1) year, which may be renewed for an additional one (1) year period by the Plan Commission upon showing of good cause.
- C. Compliance with Development Standards: Any Temporary Use, Structure or Building shall comply with all applicable Development Standards and Setback requirements in the District in which the Temporary Use, Structure or Building is located.
- D. Cessation of Use: All Structures, Buildings or debris associated with the Temporary Use shall be removed from the site immediately upon completion or cessation of the Temporary Use.

TU-02: Mobile classrooms shall be permitted only as a Temporary Use in compliance with the following requirements:



- A. Mobile classrooms shall be for use by a Religious Use or school.
- B. Mobile classrooms shall be permitted by the grant of a special exception by the Board of Zoning Appeals.
- C. Applicants for a special exception shall submit a site plan in compliance with the provisions of this Ordinance at the time of filing a petition for special exception.
- D. Special Exceptions for Mobile Classrooms shall be conditioned upon the Applicant making progress towards accomplishing the goals of development indicated the Site Plan within a reasonable period of time as established by the Board of Zoning Appeals.
- E. Special exceptions for mobile classrooms shall be reviewed annually by the Board of Zoning Appeals to determine if the applicant is making progress towards accomplishing the goals of development indicated on the site plan.

**5-10.7 Miscellaneous (MS)**

MS-01: Only one dwelling is allowed per tract of land.

MS-02: All mobile homes must be tied down, properly skirted, and placed on an approved footer of concrete slab, pillars, runners, or ribbons.

MS-03: All mobile homes must have the tongue or pulling ring completely removed and stored in an area completely hidden from view from any public way or adjoining property.

MS-04: Storage or parking of recreational vehicles is subject to the following conditions:

- A. At no time shall a parked or stored recreational vehicle be occupied or used for living, sleeping or housekeeping purposes, except as outlined below.
- B. A camper/recreational vehicle may be permitted to be parked for visitation for thirty days in any one calendar year, except when being used as a temporary home/shelter during a construction project on the primary structure (voluntary, disaster repair, etc.) Once final inspection/certificate of occupancy is issued for the completed construction project, the recreational vehicle must defer to only being parked for visitation for thirty days in one calendar year.
- C. A recreational vehicle shall not be parked on a parcel without a primary structure. a
- D. A recreational vehicle shall not be used solely for the purpose of personal storage.

MS-05: More than three dogs (defined as being a canine six (6) months of age or older) is considered kennel and is only allowed as a Special Exception within the Fulton Incorporated Limits.

MS-06: There shall be no farm animals raised, bred, or stored within the Fulton Incorporated Limits, except when the property is located within the SR or AG District. Any property located within the SR or AG District, within the incorporated limits of the Town of Fulton, shall be regulated as follows:



The following information applies to lots one and one-half (1.5) acres and more. The minimum lot size to be able to have any farm animal on any lot, or combination of lots, is one and one-half (1.5) acres. There will be two (2) animal units permitted per acre as determined from the following chart. Lots measuring over ten (10) acres in size are exempt from the requirement of two (2) animal units per acre. The plan administrator shall have discretion to determine the minimum acreage for farm animals not listed.

<u>Animal Type</u>	<u>Units</u>
Calves (150-750 lbs.).....	.7
Feeder cattle (750-1,200 lbs.).....	1.5
Cows.....	3.0
Nursery pigs (15 to 50 lbs.).....	.08
Grower/feeder pigs (50-280 lbs.).....	.4
Sow and litter .....	.5
Boars.....	.5
Sheep and Goats .....	.4
Turkeys and Geese.....	.02
Chickens .....	.01
Ducks .....	.015
Horses .....	1.7

**5-10.8 Temporary Sign Standards (TS)**

TS-01: Residential Districts only: The following signs shall be permitted. No sign shall be located within the vision clearance area. Signs may not be located on the right-of-way.

- A. One (1) temporary sign is permitted for a total of two (2) months per year. No illumination is permitted.
- B. Any sign that is thirty-two (32) square feet or less does not require a permit. Any sign that is greater than thirty-two (32) square feet requires a permit.
- C. A sign advertising a legally permitted event shall be removed within ten (10) days after the event has transpired.
- D. Freestanding Signs are prohibited.

TS-02: Commercial Districts only: The following temporary signs shall be permitted. No freestanding sign shall be located within the vision clearance area. Free standing signs shall be a minimum of ten (10) feet from right-of-way. A temporary Sign permit is required unless otherwise specified.

- A. One noncommercial freestanding sign no larger than thirty-two (32) square feet. Signs for an event of public interest (e.g. county fair or church event) are considered noncommercial for the purpose of this article in addition to all other noncommercial signs. No permit is required.
- B. Pennants, Banners or similar devices are permitted for grand openings or special promotions.
- C. Portable signs are permitted for grand openings or special promotions under the following conditions.
  - a. Such sign shall not be not be used for a time to exceed three (3) months in a twelve (12) month period.
  - b. Such sign shall not exceed thirty-two (32) square feet
  - c. One portable sign is permitted per street frontage.
- D. Construction signs are permitted only during under the following conditions.
  - a. Such sign shall not exceed thirty-two (32) square feet in area.
  - b. Such sign shall be permitted for the duration of the construction period only.



## 5-10.9 Permanent Sign Standards (SI)

- SI-01: Residential Districts only: The following signs shall be permitted— except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT. No sign shall be located within the vision clearance area.
- A. One (1) nameplate sign not exceeding a combined area of one (1) square foot in area is permitted on the primary structure. No permit is required. No illumination is permitted.
  - B. One sign in conjunction with a legally permitted home occupation is permitted. Said sign must not exceed four (4) square feet and shall not be illuminated. No permit is required.
  - C. Gateway signs for subdivisions. Two (2) signs are permitted per entrance. Said signs shall not exceed four (4) feet in height. Maximum size shall be fifty (50) square feet in area.
  - D. Identity signs for multifamily projects. Two (2) signs are permitted per entrance. Said signs shall not exceed six (6) feet in height. Maximum size shall be twenty-four (24) square feet in area.
  - E. Commercial Use: Any one sign shall not exceed four (4) feet in height and/or twenty-four (24) square feet in area.
    - a. Two (2) signs are permitted per entrance.
    - b. Only static lighting (ie. no movement) is allowed.
    - c. Freestanding Signs are prohibited.
- SI-02: Commercial Districts only. All signs require a permit unless otherwise specified. The following signs shall be permitted— except when in a federally funded state highway right-of-way or when the sign is intended to be viewed from any federally funded state highway within Fulton County, unless specifically permitted by INDOT.
- A. Total sign area allowed per lot - The length of building that faces the road = the amount of signage allowed per lot. For example: If a building is 100 feet wide than 100 square feet of signage would be allowed for the lot. Any combination of signs permitted under this section may be used as long as they do not exceed the total area allowed per lot. In addition, the following maximums apply.
    - a. Under no circumstance may a ground sign exceed eighty (80) square feet
    - b. Under no circumstance shall the total square footage of all other signs exceed one-hundred (100) square feet.
  - B. Wall sign - Wall signs shall be flushed to the building.
  - C. Awning sign
  - D. Marquee sign
  - E. Projecting sign
  - F. Ground sign - One ground sign per lot not to exceed 9 feet in height. Sign area must be within the total sign area allotted per lot. Sign shall be placed a minimum of ten (10) feet from the right-of-way.
  - G. Directional Signs - Directional signs no more than three (3) feet in height and no more than six (6) square feet. No permit is required and they shall not be counted toward the total area allowed per lot.





Article Five

## Section Eleven - Airport Overlay Development Standards

### 5-11.0 Interpretation

The following development standards listed within Section Eleven are only applicable within the Airport Overlay (AO) Zone District as written within the Fulton County Zoning Ordinance (except as may otherwise be provided within this ordinance).

### 5-11.1 Height Standards

HT-01: Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow or maintained within the Airport Overlay District to a height in excess of the following height limits herein established for the applicable Airport Instrument Approach Surface Area, Airport NonInstrument Approach Surface Area, Airport Transitional Surface Area, Airport Horizontal Surface Area and Airport Conical Surface Area, as defined and enforced by the Federal Aviation Administration (FAA) and as designated on the Airport Overlay District Zone Map.

HT-02: Height limits for the Airport Instrument Approach Surface Area shall be one (1) foot in height for each thirty-four (34) feet in horizontal distance beginning at a point two hundred (200) feet from the end of the runway and extending to a distance of ten thousand (10,000) feet from the end of the runway.

HT-03: Height limits for the Airport Transitional Surface Area shall be one (1) foot in height for each seven (7) feet in horizontal distance beginning at a point two hundred and fifty (250) feet from the centerline of the runway. For illustration purposes, the horizontal distance begins three hundred (300) feet from the centerline of the runway (which is the total land owned by the Airport Authority) and extends five thousand (5,000) feet from the centerline of the runway.

HT-04: Any construction request that falls between the regulated height ranges designated within the Airport Overlay District, must have the approval from a designee of the Fulton County Airport Authority prior to issuance.

### 5-11.2 Lighting Standards

LT-01: All lights shall be located or shielded in such a manner that they do not interfere with runway, taxi, tower or any other airport lights or result in glare which may interfere with the use of the airport in landing, taking-off or maneuvering of aircraft.

LT-02: Such markers and lights as may be required by the FAA, the Indiana Department of Transportation, Division of Aeronautics, or the Fulton County Airport Authority to indicate to air crews the presence of structures or trees constituting airspace hazards, as defined by the FAA, shall be permitted.

### 5-11.3 Water Hazards

WZ-01: No retention ponds shall be constructed within twenty five hundred (2,500) feet of the centerline of the runway. If drainage is required within the denoted area, it shall be managed with detention ponds and not retention ponds.









# Article Six

## Administration



## Article Six

# Administration

### 6-1.1 Administrative Officer

The Executive Director of the Plan Commission in the Fulton County, Indiana will have the principal responsibility for administration and enforcing or coordinating the enforcement of this Ordinance within the Plan Commission's planning jurisdiction.

### 6-1.2 Effect on Vacation of Zoning

Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the Zoning Districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended Zoning Districts. In the event of a partial vacation, the adjoining Zoning District, or Zoning District nearest the portion vacated, shall be extended automatically to include all of the vacated area. Any disputes as to the exact zoning district boundaries shall be determined by the Zoning Administrator. Appeals of the Zoning Administrator's determination may be brought before the Board of Zoning Appeal.

### 6-1.3 Summary of Powers and Duties of the Legislative Bodies of Fulton County

The powers and duties of the Legislative Bodies of Fulton County are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

- A. County Commissioners', Rochester City Council, Akron Town Council, Fulton Town Council, and Kewanna Town Council Duties:
  - a. Adopt, reject or amend the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance, or segment thereof, that have been certified and submitted by the Plan Commission.
  - b. Adopt, reject or amend proposals to amend or partially repeal the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance that has been certified and submitted by the Plan Commission.
  - c. Adopt, reject or amend proposals to amend the Official Zoning Map certified and submitted by the Plan Commission.
  - d. Adopt, reject or amend proposals for a Planned Development District that have been certified and submitted by the Plan Commission.
  - e. Adopt, reject or amend proposals to adopt or amend a Fee Schedule that have been certified and submitted by the Plan Commission. This duty also applies to the Fulton County Council.
  - f. All duties as permitted by Indiana State Code.
- B. County Commissioners', Rochester City Council, Akron Town Council, Fulton Town Council, and Kewanna Town Council Powers:
  - a. Initiate amendments to the text of the Comprehensive Plan, Strategic Plans, Zoning Ordinance, or Subdivision Control Ordinance.
  - b. Initiate amendments to the Official Zoning Map.
  - c. All powers as permitted by Indiana State Code.

### 6-1.4 Summary of Powers and Duties of the Plan Commission

The powers and duties of the Plan Commission are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.



A. Plan Commission Duties:

- a. Adopt and maintain an approved Comprehensive Plan, Zoning Ordinance and Subdivision Control Ordinance as authorized under Indiana State Law.
- b. Adopt and maintain rules and procedures for holding meetings, holding public hearings, and administering and enforcing the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance.
- c. Maintain complete records of all meetings, hearings, correspondences, and affairs of the Plan Commission.
- d. Record and file bonds and contracts for development and land use functions.
- e. Publish and make available to the public all plans, ordinances, and other related material that are the responsibility of the Plan Commission.
- f. Adopt and maintain a permitting process and seal used to certify official or approved documents.
- g. Certify and submit recommendations to the corresponding legislative bodies including new versions of and revisions to the Comprehensive Plan, Zoning Ordinance, Subdivision Control Ordinance, and Official Zoning Map.
- h. Certify and submit recommendations to the corresponding legislative bodies for adopting a Planned Development District.
- i. Maintain monetary and fiscal records of the Plan Commission.
- j. Prepare and submit an annual budget to the County Council.
- k. Approve or deny plats or replats of Subdivisions.
- l. Designate a hearing examiner or a committee of the commission to conduct any public hearing required to be held by the *Plan Commission*;
- m. Approve or deny development plans and amendments to development plans.
- n. Assign street numbers to new lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments, in conjunction with the 911 Coordinator.
- o. Establish and maintain a Fee Schedule approved by the fiscal bodies of Fulton County that assigns a fee to permits, processes, and official actions of the Plan Commission in order to defray the administrative costs of such duties and powers.
- p. Enforce regulations and procedures of the Comprehensive Plan, Zoning Ordinance, and Subdivision Control Ordinance to the extent of the local Resolutions, Ordinances, and State of Indiana Law.
- q. All duties as permitted by Indiana State Code.

B. Plan Commission Powers:

- a. Delegate to a committee or person the role as Executive Director of the Plan Commission.
- b. Hire, remove, and determine job descriptions for support staff to the Plan Commission.
- c. Determine the compensation for support staff and Plan Commission members as provided within the annual budget of the Plan Commission.
- d. Establish advisory committees as necessary made up of County officials and the general public.
- e. Establish an executive committee.
- f. Seek funding assistance through grant programs as necessary.
- g. Distribute copies or summaries of the Comprehensive Plan, Zoning Ordinance, or Subdivision Control Ordinance to the general public and development community.
- h. All powers as permitted by Indiana State Code.

**6-1.5 Technical Review Committee (TRC)**

The Fulton County Technical Review Committee (TRC) is hereby formed for the purpose of providing technical review of certain types of petitions and applications. The intent of the Technical Re-



view Committee is to provide efficiency in the work load of the Plan Commission, as well as applicants, by establishing a body to make determinations regarding petitions for which the only criteria is consistency with the applicable adopted standards of Fulton County. Further, the TRC shall provide for efficiency in the approval process of petitions determined by the Plan Commission and Fulton County legislative bodies, by providing an initial examination and report based on all applicable adopted requirements of the County. All approval processes and actions of the Technical Review Committee shall be consistent with the requirements of Indiana Law.

- A. The authority of the Technical Review Committee and appeals of its decisions shall be as follows:
  - a. The Technical Review Committee shall have the authority to review the following types of petitions, forwarding comments to the Fulton County Plan Commission:
    - 1. Re-Zoning Petitions,
    - 2. Planned Unit Development Concept Plans, and
    - 3. Planned Unit Development Detailed Plans.
- B. The Technical Review Committee shall have the authority to approve Site Development Plans as defined by *Article 7, Site Development Plans* of this Ordinance.
- C. All decisions of the Technical Review Committee may be appealed to the Plan Commission following the procedure outlined in Article 7 of this Ordinance.
- D. The Plan Director shall serve as the staff for the Technical Review Committee. He/she shall distribute all appropriate materials and keep all necessary files and meeting records. The organization of the Technical Review Committee shall be as described below:
  - a. The Technical Review Committee shall, at a minimum, consist of the following members:
    - 1. the Plan Director;
    - 2. the County Surveyor;
    - 3. the Superintendant of the Fulton County Highway Department, acting as the liason for each of the incorporated areas, as well as, the authority for the unincorporated county;
    - 4. a member of the staff of the Fulton County Health Department;
    - 5. two (2) members of the Plan Commission (in addition to the County Surveyor) appointed by the Plan Commission; and
    - 6. any others deemed necessary by the Technical Review Committee (such as representatives of the Soil and Water Conservation District, utilities, and other appropriate jurisdictions).
- E. Members of the Committee shall either be present at the time of the scheduled Committee meeting or submit written comments regarding each specific petition to the Plan Director prior to the appropriate meeting.
  - a. Each committee member shall only comment on the aspects of each petition that directly relate to their area of expertise regarding the applicable adopted standards of Fulton County.
  - b. If no comments are received from any member of the Committee it shall indicate that individually they have no objection to any aspect of the petition.
- F. The Plan Director shall oversee the operation of the Technical Review Committee and shall make the final determination regarding any specific aspect of a petition on which members of the Technical Review Committee disagree.
  - a. In cases of disagreement and at his/her discretion, the Plan Director may forward any petition before the Technical Review Committee to the Plan Commission for a determination on the request.
  - b. The Plan Director shall determine the action to be taken on each petition by the TRC based on the comments of the TRC members.



- c. All petitions which are not approved by the TRC, and not forwarded to the Plan Commission, shall be denied or tabled and placed on the agenda for the next appropriate TRC meeting.
    - 1. Prior to that meeting the petitioner shall address the comments of the TRC, making appropriate modifications to the application materials.
    - 2. The petitioner shall provide appropriate copies of the revised materials prior to the next committee meeting based on the adopted calendar of meeting and filing dates.
    - 3. The petitioner may withdraw any petition following the review of the Technical Review Committee by submitting a notice of such withdrawal in writing to the Plan Director. Any petitions which are withdrawn and are subsequently refiled shall be considered a new petition and shall be subject to all applicable requirements for new petitions established by this Ordinance.
  - d. The petitioner and/or a representative of the petitioner shall be required to attend all Technical Review Committee meetings at which their petition shall be reviewed. If the petitioner or their representative is not present, the petition shall automatically be tabled and placed on the agenda for the next appropriate TRC meeting.
  - e. The Plan Director shall make written documentation of the comments and findings of the Technical Review Committee for each petition and make those findings available to the petitioner within five (5) business days of the Committee's review. The written documentation shall consist of the following:
    - 1. a letter to the petitioner stating the action taken by the Committee, and
    - 2. a list of any outstanding comments made by the members of the TRC, including references to appropriate sections of adopted, applicable requirements of Fulton County, the State of Indiana, and/or the Federal government.
- G. In all cases, the Technical Review Committee shall only consider the applicable adopted requirements of this Ordinance, the Fulton County Subdivision Control Ordinance, any adopted Fulton County Construction or Improvements Standards, and any other adopted and applicable standards of Fulton County, the State of Indiana, and/or the Federal government.
- a. In all cases in which the TRC has approval authority and a petition conforms to the applicable standards, that petition shall be approved.
  - b. In no case shall any petitioner be required to make any modifications to any petition based solely on the opinions or other undocumented and adopted standards of any member of the Committee.
    - 1. This shall not be interpreted as prohibiting any committee member from providing comments which express their professional opinions regarding a petition being forwarded to the Plan Commission.
    - 2. This shall further not be interpreted as preventing the Plan Director from establishing requirements for individual petitions based on professional norms in the instances where such requirements are authorized by this Ordinance.
- H. Any applicant or interested party may appeal the decision of the Technical Review Committee to the Plan Commission.
- a. Applicants seeking relief from specific development standards or other requirements of the Zoning Ordinance which are unrelated to the Committee's interpretation of the applicable requirements shall be required to obtain variance approval from the Board of Zoning Appeals.
  - b. All appeals of determinations of the TRC shall meet the following requirements:
    - 1. The appealing party shall be required to provide the Plan Director with written notice of the appeal within thirty (30) days of the date of the Committee decision.
    - 2. The Plan Director shall place the appeal on the agenda for the next appropriate Plan Commission meeting consistent with the adopted calendar of meeting and filing dates.
    - 3. Public notice for the meeting shall be required, consistent with the provisions of this Ordinance.



- c. The Plan Commission shall consider the provisions of this Ordinance and all other documented, applicable standards in deciding the appeal.
- I. In all cases, the application materials, including any drawings which are presented to the Plan Commission, or provided to the Plan Director with an Improvement Location Permit application, following TRC review shall be completely consistent with those presented to the TRC, with the exception of any revisions requested by the Committee. Any petition which is inconsistent with the approval of the Technical Review Committee shall be referred back to the TRC for review and comment.

**6-1.6 Summary of Powers and Duties of the Divisions of the Board of Zoning Appeals**

The powers and duties of the Board of Zoning Appeals are described below. Duties should be interpreted as activities that are obligations. Powers should be interpreted as activities that are optional to be initiated.

**A. Board of Zoning Appeals Duties**

- a. Review and hear appeals of decisions made under this Ordinance by the Executive Director of the Plan Commission, Plan Commission Staff, Building Commissioner, Committees or Administrative Boards or other body except Plan Commission.
- b. Review and hear appeals of decisions in relation to the enforcement of this Ordinance by an Administrative Board or other body except Plan Commission.
- c. Review, hear and approve or deny all petitions for special exceptions based on the provisions of this ordinance and Indiana State Code. -
- d. Review, hear, and approve or deny all petitions for variances from development standards (such as height, bulk, or area) of this Ordinance.
- e. All duties as permitted by Indiana State Code.

**B. Board of Zoning Appeals Powers**

- a. Hire, remove, and determine job descriptions for support staff (as necessary).
- b. Determine the compensation for support staff and BZA members as provided within the annual budget of the Board of Zoning Appeals.
- c. All powers as permitted by Indiana State Code.









# Article Seven

## Processes, Permits and Fees



## Article Seven

# Processes, Permits, and Fees

## Section One - Fulton County

### 7-1.0 Interpretation

The following processes, permits, and fees listed within Section One are only applicable within Fulton County (except as may otherwise be provided within this ordinance).

### 7-1.1 Intent

The Development Review Procedures for Fulton County are intended to provide for the protection of the public health, safety, morals and general welfare of the residential and business citizens of Fulton County by providing for the thorough review of all permit applications and development petitions so that informed decisions regarding such permit applications and development petitions may be rendered while balancing the needs of the development community for the timely review of those permit applications and development petitions.

### 7-1.2 Types of Petitions

Fulton County hereby requires that an application and filing fee be submitted for the following petitions:

- a. Development Standard Variances
- b. Special Exceptions
- c. Location Improvement Permit
- d. Certificate of Occupancy
- e. Zoning Map Amendments
- f. Administrative Appeals
- g. Sign Permit Review for Permanent Signs
- h. Sign Permit Review for Temporary Signs
- i. Petition to Change an Approved Plan

All applications may be obtained through the Plan Commission office. Fees shall be paid at the Plan Commission office at the time of submitting the application. A Docket Number will be assigned.

### 7-1.3 Transition Rules

#### A. Prior Location Improvement Permit Filing

Any application for an Location Improvement Permit that has been filed with the Plan Commission or its designees and is full and complete, three (3) years or less prior to the effective date of this Ordinance, shall be regulated by the terms and conditions of the Zoning Ordinance that was in place at the time of filing.

#### B. Prior Zoning Map Amendment Filing

Any application for a Zoning Map Amendment that was filed with the Plan Commission or its designees, and is full and complete prior to the effective date of this Ordinance, shall continue through the process to completion pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing. However, if the proposed use would no longer be permitted in the proposed zoning district or the proposed zoning district no longer exists in this Ordinance, the Plan Commission shall amend the application such that the request for rezoning would accomplish the same end goal for the applicant.

#### C. Prior BZA Petition Filing

Any application before the Board of Zoning Appeals (i.e. special use, use variance, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, three (3) years or less prior to the effective date of this Ordinance, shall continue the



process pursuant to the terms and conditions of the Zoning Ordinance that was in place at the time of filing, provided that:

- a. If such application is no longer required by the terms of this Ordinance, the application will be dismissed; or
- b. If the proposed use or development requires additional approvals from the Board of Zoning Appeals pursuant to the terms of this Ordinance that were not required under the previous Ordinance, the application will be amended to include only those additional approvals that are now required and within the jurisdiction of the Board of Zoning Appeals.

**D. Expiration of Previous Approvals**

All variances, special uses (special exception), rezonings, and other petitions regulated by this Ordinance which were approved three (3) years or less prior to the effective date of this Ordinance and not executed through the proper receipt of an Location Improvement Permit shall expire and become void seven (7) years after the effective date of this Ordinance.

- a. All Location Improvement Permits issued three (3) years or less prior to the effective date of this Ordinance shall be void two (2) years after their date of issue if construction has not begun.
- b. Location Improvement Permits issued three (3) years prior to the effective date of this Ordinance for which construction has begun shall become void if construction is abandoned for a period of six (6) consecutive months or if, in the opinion of the Zoning Administrator, construction has otherwise ceased.
- c. All approvals which expire and/or become void shall comply with all applicable provisions of this ordinance if re-issued.

**7-1.4 Processes per Type of Petition**

**A. Development Standard Variances:** The following procedure applies to Variance Petitions.

- a. Submit a Variance application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Board of Zoning Appeals meeting.
- b. BZA will then review the variance application and required supportive information testimony of the petitioner, and testimony of the public at their next regularly scheduled public meeting. The BZA may approve, deny or table the petition. The BZA may add conditions to an approval. Approvals shall only be granted upon finding of fact in compliance with 36-7-4-900 et seq. and the requirements of this Ordinance
- c. The intensity of the variance may be reduced at the public hearing if approved by the BZA.

**B. Special Exceptions:** The following procedure applies to Special Exception Petitions.

- a. Submit a Special Exception application, required information, and application fee at least thirty (30) days prior to the regularly scheduled BZA meeting.
- b. The BZA shall then review the Special Exception application, required information, testimony of the petitioner, and testimony of the public at their next regularly scheduled public meeting. The BZA may approve, deny, or table the petition. The BZA may add conditions to an approval.

**C. Location Improvement Permit:** The following procedure applies to Location Improvement Permit Applications.

- a. A permit is not require for handicap accessibility ramps, which may be built within the setback requirements, as long as a visual clearance hazard is not created. The handicap accessibility ramps may be built no wider than 6 feet, in exclusion of the necessary platforms that allow a turning radius. Validity of the handicap necessity may be required.
- b. Permits Required: No building ,structure, or major infrastructure shall be erected, moved, or added to, demolished or structurally altered without an Location Improvement Permit issued by the Plan Commission office. No Location Improvement Permit shall be issued by the Plan Commission office unless the project is in conformity with the provisions of this Ordinance.
- b. Application for an Location Improvement Permit: All applications for Location Improvement



Permits shall be accompanied by:

1. A site plan drawn to scale of not more than 1"=100' should include:
    - a. North arrow;
    - b. the common address for subject property and parcel number (if applicable);
    - c. a site location map, including the legal description of the Lot, showing context around subject property (aerial maps preferred);
  2. plans drawn showing the actual dimensions and shape of the lot to be built upon;
  3. names, center-lines and Right-of-Way widths of all Streets, Alleys, thoroughfares, public ways, water ways, or railroad Right-of-Ways abutting or within the Lot;
  4. the exact sizes and locations, including distances from Lot lines detailing compliance of all required setbacks of all buildings, structures, improvements, wells, septic systems already existing on the lot, if any, as well as, road right of ways;
  5. structures proposed for demolition should be indicated as such;
  6. the location and dimensions of the proposed building or alteration, including fences, walls, screening/buffering devices, sheds, paved areas, storage areas, and parking areas (indicate if parking is hardsurfaced);
  7. Location of any proposed or existing Driveway and its width at the property line. (Any connection to an alley must also be indicated);
  8. The height of the existing and proposed Buildings, Structures or Improvements;
  9. location of floodplain boundaries or wetlands (if applicable); and
  10. drainage outlets.
- c. The application shall also include such other information as lawfully may be required by the Planning Commission office to determine conformance with and provide for the enforcement of this ordinance including, but not limited to:
1. elevations of the existing or proposed building or alteration;
  2. detailed description of the existing or proposed uses of the building and land;
  3. the number of family dwelling units, or rental units the building is designed to accommodate;
  4. natural, physical or hazardous conditions existing on the lot; and
  5. landscape plan;
  6. lighting plan; and
  7. drainage plan.
- d. The application for any Commercial, Industrial or Special Exception Use shall also include such other information as lawfully may be required by the Planning Commission office to determine conformance with and provide for the enforcement of this ordinance including, but not limited to:
1. (If applicable) Location, dimensions, and type (e.g. ground, pole, wall) of all Signs on the site, existing and proposed. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale;
  2. All utilities to provide service to the Buildings or Structures on the Lot;
  3. The location and dimensions of all off-street parking and off-street loading facilities;
  4. Location, size and species of all proposed and existing trees (six (6) inches or larger at four and one-half (4.5) feet above grade) and landscaping;
  5. Site Data Summary (a text summary in table format describing: square footage of existing and proposed Buildings; existing, proposed and required parking; existing, proposed and required loading; proposed and permitted Maximum Building Height; accommodation of drainage, sanitary sewer, water and other utility services; legal description; lighting; and landscaping);
  6. The seal of the registered professional engineer or architect responsible for the site plan; and,
  7. all other information required by the Plan Commission for the proper administration and



enforcement of this Ordinance.

- e. The Plan Commission may waive or relax any of the site plan requirements listed above, as circumstances dictate.
- f. The approved plans and application materials shall be retained by the Plan Commission office.
- g. Expiration of Permits:
  - 1. Initiation of Work: If the work described in any Location Improvement Permit has not begun within four (4) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.
  - 2. Completion of Work: If the work described in any Location Improvement Permit has not been completed within two (2) years for a primary structure or one (1) year for accessory structures of the date of issuance thereof, said permit shall expire; no written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Location Improvement Permit has been obtained .
  - 3. The Executive Director may give three (3) extensions for up to three (3) months each for work completion. Requests for extensions must be received within one (1) month of the expiration. A fee will be charged.
- h. Duration of Location Improvement Permit.

An Location Improvement Permit shall be valid for the longer of:

  - 1. one (1) year after date of issuance; or
  - 2. the length of any required Building Permit, if such Building Permit is obtained for the Building, Structure, Improvement or Sign covered by the Location Improvement Permit within one (1) year after the date of issuance of the Location Improvement Permit.
  - 3. the Plan Commission shall have the power to extend the period of validity of any Location Improvement Permit one or more times, provided, however, the total time period of all extension(s) shall not exceed six (6) months.
- i. Construction According to Permits and Permit Application: Location Improvement Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.
- j. The Area Plan Commission hereby requires that an Location Improvement Permit be obtained for the following:
  - 1. All residential dwellings,
  - 2. Any structure over 120 square feet without a foundation; or any size with a foundation,
  - 3. Privacy Fence (unless otherwise specified in the Development Standards)
  - 4. Other detached residential accessory buildings (with foundation or overhead structures),
  - 5. Detached and attached garages, carports, and stables,
  - 6. Temporary structures,
  - 7. Swimming pools (inground or above ground),
  - 8. Additional square footage to any structures,
  - 9. Demolition, (except within the Agricultural & Park Districts)
  - 10. All commercial, industrial, multifamily and institutional buildings,
  - 11. Structures other than buildings (including satellite dishes larger than 24", towers, antennas),
  - 12. Removal of trees and plants within buffer yards or landscaping required by this ordinance
  - 13. Adding or subtracting dwelling units or leased space in multifamily or commercial structures,



14. Placement or moving of manufactured or mobile homes,
15. Parking lot construction, alteration, expansion, or removal, and paving of a gravel lot,
16. Construction of or alterations to Ponds, (except lined and/or landscaping ponds, subject to Fulton County Health Department and Fulton County Surveyor approval) which must be located a minimum of 75 feet, in all directions, from all septic tanks, dosing tanks, lift stations and soil absorption systems, unless such distance is waived by the Fulton County Health Department; construction or alterations to lakes must meet the above prescribed standards, except the distance requirements from all septic tanks, dosing tanks, lift stations and soil absorption systems, which must be set by the Fulton County Health Department.
17. Ponds must be located a minimum of 20' off of the Right-of-Way of any adjacent roadway.
18. Mineral extraction,
19. Telecommunication facilities,
20. Any exterior construction that adds to or alters the height of the existing structure
21. Manure Storage Structures
22. Solar Energy Systems

- k. Review of Location Improvement Permit Application.
  1. The Staff may take up to five (5) business days to study an application for a single family or two family residential/accessory structure. If, after five (5) business days, additional information or written objections are not submitted to the applicant, the staff shall issue the Permit.
  2. The Staff may take up to ten (10) business days to study the application for structures or improvements associated with a Multifamily, Commercial, Industrial, Special Exception, or Sign uses. If, after ten (10) business days, additional information or written objections are not submitted to the applicant, the staff shall issue the Permit.
- l. Sanitary Sewer/Septic Permit Required.
 

An application for an Location Improvement Permit for any Building, Structure, Improvement or use shall not be approved until it has been ascertained by the Staff that:

  1. the proposed Building, Structure, Improvement or use will be served by a public sanitary sewer system; or
  2. the proposed Building, Structure, Improvement or use will be served by a private sanitary sewer system or private septic system as approved by the Fulton County Health Department or the Indiana State Board of Health.
- m. When an Location Improvement Permit has been obtained and is required to deviate from the plans filed with the permit application, the builder, developer or owner shall apply for an Amended Location Improvement Permit. The Staff shall determine compliance of the Amended Location Improvement Permit application with the provisions of this Ordinance and any other applicable conditions, covenants or restrictions. If the Amended Permit application is found to be in compliance, the Staff shall issue an Amended Location Improvement Permit.
- n. If the Staff determines that construction or development is proceeding or has proceeded in violation of any applicable law, ordinance, rule, regulation, site plan, or condition of Board approval, or that the Location Improvement Permit has been issued in violation of any applicable law, ordinance, rule, regulation, site plan, zoning commitment, or condition of Board approval, the Staff may revoke said Location Improvement Permit. In the event that an Location Improvement Permit is revoked, the Staff shall send written notice of the revocation to the permit applicant.

D. Site Development Plan: The intent of the site development plan review is to further the goals of the Fulton County Comprehensive Plan; provide for the adequate, consistent review of new development to ensure compliance with this Ordinance; and address the unique characteristics of certain types of



development that require specific review and approval. The site development plan review process is not intended to provide an alternative to rezoning, variance, special exception, platting, or other established procedures, but rather to allow for the administrative review of site conditions and plans for consistency with applicable requirements prior to the issuance of Improvement Location Permits. The site plan review shall involve individual lots sited for development, and shall be submitted for the Technical Review Committee's approval.

- a. Site Development Plan shall be required for all developments for which approval by the Technical Review Committee is required.
- b. The Technical Review Committee, in its role as staff for the Plan Commission, shall have the authority to review and approve Site Development Plans required by this Article consistent with the Technical Review Committee provisions of this Ordinance.
  1. Neither the Technical Review Committee nor the Plan Commission shall have the authority to waive any requirement of this Ordinance in the review of a Site Development Plan. All variances from the terms of this Ordinance shall be subject to the approval of the Board of Zoning appeals consistent with the regulations of this Ordinance.
  2. The procedure for the review of proposed changes or revisions to previously approved Site Development Plans shall follow the process for the initial approval of a Site Development Plan outlined in this Section.
- c. All applications may be obtained from the office of the County Plan Commission. All fees required shall be paid at the time petition and permit applications are submitted.
  1. All applications shall be made on forms provided by the Plan Director. All petitioners and permit applicants shall submit original applications which are completed in their entirety either in ink or typed. All applications shall be signed.
  2. All petitioners and applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the County and the applicable Rules and Procedures of the Plan Commission.
  3. All petitions and permit applications shall be assigned reference and/or docket numbers by the Plan Director. Petition applications shall be scheduled by the Plan Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this Article and the appropriate adopted calendar of filing and meeting dates for the Plan Commission.
- d. The petitioner shall submit:
  1. Application for Site Development Plan review including;
    - a. an affidavit and consent of property owner (if the property owner is someone other than the petitioner);
    - b. the required filing fee; and
    - c. required supporting information to the Plan Director. Supporting information shall include, but not be limited to the following (the Plan Director, County Surveyor, Technical Review Committee, and/or Plan Commission may request additional supportive information, which shall be provided by the applicant).
  2. A summary statement of the characteristics and operation of the development, including the population densities, presence of any adult uses, and number of potential employees. The statement shall include any written commitments being made regarding the Site Development Plan.
  3. If the Site Development Plan involves a previously undeveloped location, the petitioner shall provide a detailed statement describing the reasons why available redevelopment and in-fill development sites are not appropriate for this development.
  4. A general description of the site and its ownership including:





- a. the name, address, and telephone number of the applicant,
  - b. the name, address, and telephone number of any land surveyors, engineers, or other professionals responsible for the Site Development Plan design
  - c. the name, address, and phone number of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or contracted design professional),
  - d. the legal description of the subject property and common address of the site, and
  - e. the proposed name of the development (if applicable).
5. A vicinity map showing and clearly identifying the subject property and showing all land within five hundred (500) feet of the subject property. The location map should identify the current zoning and use of all property within five hundred (500) feet of the subject property.
- a. The vicinity map shall also show all property which is contiguous to the subject property that is owned and/or otherwise controlled by the owner or developer of the subject property.
  - b. A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Plan Director, County Surveyor, Technical Review Committee, and/or Plan Commission. At a minimum the conceptual drawings shall include a description of general driveways and access points, general land uses, general lot arrangements, and general drainage conditions and plans.
6. A property survey may be required by the Technical Review Committee bearing the seal of a registered land surveyor and drawn to a scale of not more than 1 inch = 100 feet, showing the following existing features for the subject property and all land within two hundred (200) feet of the property lines of the subject property:
- a. the boundary line and dimensions of the subject property;
  - b. all structures;
  - c. topography interpolated from USGS sources and/or otherwise meeting the requirements of the County (provided topographic information shall tie into horizontal and vertical control points);
  - d. significant wooded areas and other isolated trees;
  - e. 100-year floodplain and 100-year floodway boundaries;
  - f. public and private streets (including street names), rights-of-way and easements;
  - g. building setback and any build-to lines;
  - h. all known drainage areas, tiles, pipes and structures;
  - i. utility services (including fire hydrants);
  - j. any known underground tanks;
  - k. street accesses; and
  - l. any other paved or otherwise improved areas.
7. A site plan, drawn to a scale of not more than 1 inch = 100 feet, and bearing the seal of a professional engineer or land surveyor clearly showing all proposed aspects of the property and all features relevant to the Site Development Plan, including:
- a. setbacks and buffer yards;
  - b. topography (including elevation contour lines at two (2) foot intervals or otherwise meeting the requirements of the County);
  - c. structures (including buildings, fences, and walls);
  - d. all structure heights, dimensions, and floor areas;
  - e. areas of outdoor storage;
  - f. permanent dumpsters and trash areas;



- g. locations, dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking spaces and ramps for the disabled, parking lots, loading docks or areas, sight visibility triangles, and interior side walks (all public road access shall be subject to any additional requirements of the County);
  - h. open spaces and specific landscaped areas;
  - i. locations and capacities of public and private utilities (all septic systems shall be subject to the approval of the Fulton County Health Department, all public sewer connections shall be subject to the approval of the appropriate County/City/Town official);
  - j. water meter clean out locations and elevations and top of casting elevations;
  - k. sanitary sewer invert elevations;
  - l. the location, width, and purpose of all easements;
  - m. the use of each structure and the amount of parking allocated for those uses (consistent with the requirements of this Ordinance);
  - n. public improvements including sidewalks, pathways, street trees, and right-of-way dedications; and
  - o. locations for temporary uses, such as seasonal sales areas.
8. A landscaping plan drawn to a scale of not more than 1 inch = 100 feet, and showing the following:
    - a. proposed landscaping, buffer yards, and street trees;
    - b. topography (including elevation contour lines at two (2) foot intervals or otherwise meeting the requirements of the County);
    - c. 100-year floodplain and 100-year floodway boundaries;
    - d. existing and proposed public and internal sidewalks and other pedestrian ways,
    - e. the size and spacing of the plantings at the time of installation and the species proposed to be used to meet the requirements of this Ordinance; and
    - f. all existing trees and vegetation to be preserved, and the drip lines for such trees.
  9. A sign plan showing the location, height, method of illumination (if any) and dimension of all permanent signs and indications of appropriate locations, heights, and sizes of any temporary signs.
  10. A site drainage plan bearing the approval of the Fulton County Drain Board
  11. A site lighting plan, drawn to a scale of not more than 1 inch = 100 feet, showing the type and location of all exterior lighting fixtures.
  12. A site construction plan, drawn to a scale of not more than 1 inch = 100 feet, showing:
    - a. proposed erosion and sediment control measures;
    - b. the location of any proposed construction trailer and worker parking;
    - c. the location, height, and dimensions of any temporary construction-related signage;
    - d. any temporary site accesses to be used during construction;
    - e. any temporary utility connections; and
    - f. the location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas.

E. Technical Review Committee Review: The Technical Review Committee shall review the Site Development Plan, including all supportive information on the date established by the adopted calendar of meeting and filing dates. All Technical Review Committee actions and procedures shall be consistent with the provisions of this Ordinance.

- a. In reviewing the Site Development Plan, the Committee shall consider whether or not the proposed Site Development Plan is consistent with the requirements of this Ordinance and any other applicable legally adopted requirements of Fulton County.



- b. The Committee may approve, approve with modifications, deny, table, or forward to the Plan Commission the Site Development Plan.
  1. The Committee shall approve the Site Development Plan if it complies with all applicable requirements of this Ordinance.
  2. The Committee shall approve the Site Development Plan with modifications if it is generally consistent with the considerations for approval outlined in E(2)(a) above, but requires minor modifications to be completely in compliance with the requirements and intent of this Ordinance. The applicant shall revise the Site Development Plan proposal consistent with the Committee comments and supply revisions for review of the Plan Director prior to the issuance of any Improvement Location Permit.
  3. The Committee shall deny the Site Development Plan if it is found to be inconsistent with the considerations outlined in this Article and Ordinance. If denied, the TRC decision shall automatically be appealed to the Plan Commission without further application or action by the applicant. The appeal shall be reviewed by the Plan Commission in accordance with *this Ordinance*. The applicant may voluntarily withdraw the appeal of the TRC decision to the Plan Commission at any time.
- c. The Committee shall table the Site Development Plan based on a request by the Plan Director or the petitioner, a determination by the Plan Director that sufficient information has not been provided, or the failure of the petitioner or an appropriate representative of the petitioner to appear at the Committee meeting. Site Development Plan applications which are tabled shall be automatically docketed for the next review meeting.
  1. The Committee shall forward Site Development Plans which are generally consistent with the considerations outlined above to the Plan Commission for a public hearing if the proposal:
    - a. includes any improvement to be dedicated to the public,
    - b. includes proposed written commitments, or
    - c. requires the imposition of conditions in order to be completely consistent with the considerations for approval.
- d. If Plan Commission review is required, the Site Development Plan shall be placed on the agenda for the next meeting of the Plan Commission consistent with the adopted calendar of meeting and filing dates. The applicant shall revise the Site Development Plan proposal consistent with any Committee comments prior to review by the Plan Commission and shall provide such revision for review consistent with the adopted calendar of filing and meeting dates.
- e. Public Meeting Notification (if necessary) shall be completed consistent with the requirements of Indiana State Code, the Rules and Procedures of the Plan Commission, and the provisions of this Ordinance.
- f. The Plan Commission shall, at a meeting scheduled consistent with the adopted calendar of meeting and filing dates, review the Site Development Plan and any supportive information.
  1. The applicant and/or any appropriate representatives of the applicant, such as a surveyor or attorney, must be present at the public hearing to present the Site Development Plan and address any questions the Commission may have.
  2. The Commission shall consider a report from the Plan Director describing the findings of the Technical Review Committee and testimony from the applicant and any interested parties in making its decision.
  3. The Plan Commission shall approve, approve with modifications, deny, or table the Site Development Plan application.
    - a. The Plan Commission shall approve the Site Development Plan if it is consistent with all applicable requirements of this Ordinance.



- b. The Plan Commission shall approve the Site Development Plan with modifications if it is generally consistent with all applicable requirements of this Ordinance. The Plan Commission may impose conditions on the approval of a Site Development Plan, which shall become written commitments of the applicant, if the conditions are necessary to satisfy the requirements and intent of this Ordinance.
  - c. The Plan Commission shall deny the Site Development Plan if it is not consistent with the applicable requirements of this Ordinance. Site Development Plan applications which have been denied shall not be re-filed for a period of one (1) year from the date of the denial, unless a different design which addresses the reasons for the denial is submitted.
  - d. The petition shall be tabled based on a request by the Plan Director, the petitioner, remonstrators, or interested parties; an indecisive vote; or a determination by the Plan Commission that additional information is required prior to action being taken on the request. The tabling of all petitions shall be consistent with the adopted Rules and Procedures of the Plan Commission.
  - g. The Plan Commission may approve a Site Development Plan with the condition that surety be provided that guarantees the timely completion of any proposed public improvements included in the development. The surety shall be in a form acceptable to the Plan Commission, the Plan Director, and the County Attorney, and be consistent with the surety provisions of the Fulton County Subdivision Control Ordinance.
  - h. The Plan Director shall prepare and sign written findings of fact documenting the action taken by the Technical Review Committee and the Plan Commission (if Plan Commission review is necessary). The Plan Director shall make copies of the written findings of fact available to the applicant within five (5) days of the date of the decision.
  - i. Prior to any construction activity, the improvements approved through all Site Development Plans shall be required to obtain the appropriate Improvement Location Permit, and any other required permits specified by this Ordinance.
4. The applicant in any Site Development Plan application may make written commitments regarding the characteristics of the proposed future use of, or the resolution of outstanding issues in existence on the subject property consistent with IC 36-7-4-613.
- a. Written commitments may be proposed by the petitioner as an element of the initial submittal of application materials, as a response to comments made by the Technical Review Committee, or in response to any modifications requested by the Plan Commission.
  - b. Any commitments shall be considered by the Technical Review Committee and/or the Plan Commission at the time of their review of the petition.
  - c. Following final action being taken on the Site Development Plan application, the written commitments shall be recorded by the petitioner in the office of the Fulton County Recorder. A copy of the recorded commitments shall be provided by the petitioner to the Plan Director for the records of the Plan Commission prior to the receipt of an Improvement Location Permit.
  - d. The written commitments shall be considered part of this Zoning Ordinance binding on the subject property.
    - 1. The written commitments shall be binding on the owner of the subject property, any subsequent owners of the subject property, and any person or entity that acquires an interest in the subject property or any portion of the subject property.
    - 2. The written commitments shall be enforceable by the Plan Commission consistent with the adopted provisions for the enforcement of any aspect of this Ordinance.
    - 3. The written commitments may be modified by the Plan Commission only through the Site Development Plan process described by this section.



5. Any applicant or interested party may appeal a determination made by the Technical Review Committee to the Plan Commission through the procedure described below:
  6. The person making the appeal shall submit to the Plan Director a letter giving notice of the appeal and required supportive information within thirty (30) days of the decision which is subject to the appeal. Supportive information shall include, but not be limited to the following:
    - a. Copies of all materials submitted to the Technical Review Committee upon which the decision being appealed was based.
    - b. Copies of any written decisions or findings of fact which are the subject of the appeal.
    - c. A letter describing the reasons for the appeal noting specific sections of this Ordinance, Indiana State Code, or other standards applicable to Fulton County upon which the appeal is based.
  7. Notification for a scheduled public hearing regarding the Site Development Plan shall be completed consistent with the requirements of this Ordinance.
  8. The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the appeal and supportive information.
    - a. Either the entity initiating the appeal or their representative must be present at the public hearing to present the appeal and address any questions from the Commission.
    - b. The Commission shall consider a report from the Plan Director, testimony from the entity making the appeal, and testimony from any interested parties at the public hearing.
    - c. The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the requirements of the Rules and Procedures of the Commission.
    - d. Upon hearing the appeal, the Plan Commission may approve, approve with modifications, deny, or table the Site Development Plan application consistent with the approval procedure for applications referred to the Commission by the Technical Review Committee as described in this Article.
- F. Certificate of Occupancy: The following procedures apply to Certificates of Occupancy/Compliance.
- a. It shall hereby be declared unlawful and in violation of the provisions of this ordinance for any builder or property owner to allow any new or significantly remodeled structure to become occupied or utilized prior to:
    1. Legally obtaining an Location Improvement Permit,
    2. Passing a final inspection; and
    3. Receiving an Certificate of Occupancy Permit from the Plan Commission office.
  - b. The Staff shall, within fourteen (14) days of a request for Certificate of Occupancy, inspect the premises for compliance with the provisions of this Ordinance and the Location Improvement Permit.
  - c. A Temporary Certificate of Occupancy/Compliance may be issued by the Staff if the proposed Building, Structure or Use complies with the provisions of this ordinance, except that certain external site features (e.g., finish coat for asphalt Parking Areas or landscaping) have not been completed due to ground or weather conditions which are not immediately suitable for permanent installation. The duration of the Temporary Certificate of Occupancy/Compliance shall be specified on the Temporary Certificate of Occupancy/Compliance, provided, however, in no case shall a Temporary Certificate of Occupancy/Compliance exceed six (6) months in duration. In cases of extreme hardship or weather conditions, and for good cause shown, the Plan Commission may grant a one (1) time extension of not to exceed three (3) months. Where pertinent, a Certificate of Occupancy/Compliance may be issued without all the required landscaping installed if a landscape bond is provided. The landscape bond shall be one and half times (1 1/2) the cost of the planting and installation cost. In order to determine the bond amount, a quote of the actual cost will be provided by the developer's landscape contractor.

G. Zoning Map Amendments



The following procedure applies to Zoning Map Amendment Petitions

- a. Submit an application, required supportive information, and application fee at least thirty (30) days prior to the regularly scheduled Plan Commission meeting.
  1. Any application requesting a zone map amendment, from any district to an IU District, must be accompanied by a Third Party Review, which could contain recommendations that are applicable to the sited operation and, any and all, land utilized within/for the operation. Any recommendations included in the Third Party Review will be taken into account and may become a condition of the approval for the Zone Map Amendment. The petitioner shall bear the burden of expense of the Third Party Review.
  2. The Third Party Review shall consist of a review of the compatability of the proposed facility with the soil types existing on the proposed facility site, a review of the soil types of any land utilized within/for the proposed operation, a review of any and all setbacks dictated by a state or federal agency and their effectiveness in conjunction with any existing waterways located at the proposed site and/or on any land utilized within/for the proposed operation, and a review of any and all additional environmental concerns regarding sensitive areas contained at the proposed site and/or on any land utilized within/for the proposed operation
- b. The Plan Commission will then review the application and required supportive information. When considering an amendment to the zoning map, the Plan Commission may require or allow the petitioner to submit written commitments, as specified in IC 36-7-4-615, that restrict the use(s) of the proposed zoning district.
  1. Initial Rezoning - Written commitments may be initiated by the Plan Commission, the petitioner, or by the legislative bodies.
    - a. In approving written commitments, the legislative bodies may stipulate that the Plan Commission without the legislative bodies' consent may not modify such commitments. In making the stipulation, the legislative bodies shall be deemed to be modifying the written commitments.
    - b. If the legislative bodies wishes to initiate or modify the written commitments recommended by the Plan Commission, the legislative bodies shall refer the new commitments or modifications to the Plan Commission for consideration. The legislative bodies or the Plan Commission may require notice and a public hearing if either body regards such notice and hearing to be needed to afford adequate opportunity for public input.
    - c. After considering the new or modified conditions, the Plan Commission must agree or disagree with the legislative bodies' action.
    - d. If the Plan Commission agrees with the new or modified commitments, they take effect immediately.
    - e. If the Plan Commission disagrees with the new or modified commitments, the Plan Commission shall forward them to the legislative bodies with the reasons for disagreement. The commitments shall take effect only if the legislative bodies again vote to require said modified commitments.
  2. Modifications or termination of commitments after initial zoning - The Plan Commission may modify or terminate written commitments after notice is provided in accordance with the legislative bodies' rules of procedure. The modification may be initiated by the owner of the property, by the Plan Commission, or by the legislative bodies. The commitments to be modified are subject to the legislative bodies' stipulation included in Section 5.3 (E)(a) (1). In such a case such modification must be certified to the legislative bodies for review and approval. The Plan Commission per year can approve only one modification to the written commitments.



3. Modifications or termination of commitments involving permitted uses may be allowed only through the same procedure as the initial rezoning.
  4. The written commitments shall be recorded in accordance with the I.C. 36-7-4-615. Recorded commitments are binding on the owner of the parcel, a subsequent owner of a parcel, and any person who acquires an interest in the parcel. An ordinance amending the zoning map, which includes written commitments, shall not be effective until the commitments are recorded. After the ordinance is adopted and the commitments are recorded, the zoning map shall be amended to indicate the new district designation with the letter "C" appended to indicate that commitments accompany the district designation. The commitments must be recorded within 90 days after the legislative body adopts the amendment, unless the Plan Commission grants an extension. In the event the commitments are not recorded within the specified time, the ordinance shall not take effect and shall be considered null and void.
  5. A zoning compliance certificate shall not be issued for any property subject to written commitments unless the use and/or development on the property complies with the recorded written commitments.
  6. Any violations associated with written commitments are subject to the standards of Article 7, Enforcement and Penalties, within the Fulton County Zoning Ordinance.
- c. If the petition has not been tabled, it will then be forwarded to the legislative bodies for review. The legislative bodies will then review the application, required supportive material and Plan Commission recommendation. The legislative bodies may approve the recommendation as given by the Plan Commission, approve with additional/revised commitments, deny, table, or render no decision on the petition. (*I.C. 36-7-4-606*)
1. The petitioner may be required to bear a certain percentage of the financial responsibility, as set by the legislative bodies, for the cost of any materials to upgrade infrastructure associated with a proposed operation.
- d. Upon reviewing a zoning map amendment the following should be considered:
1. The most recently adopted Comprehensive Plan.
  2. Current conditions and character of structures and uses in each district.
  3. The most desirable use for which the land in each district is adapted.
  4. The conservation of property values throughout the jurisdiction.
  5. Responsible development and growth.
  6. The public health, safety and welfare.
- F. Administrative Appeal: The following procedure applies to Administrative Appeals.
- a. Submit a written statement specifying the grounds for the appeal and any applicable supporting material within thirty (30) days of the decision alleged to be in error.
  - b. The administrative official or body from which the appeal is taken, shall transmit to the Board all documents, plans and papers constituting the record of action.
  - c. Administrative appeals require public notice in the newspaper per I.C. 5-3-1-2 and 5-3-1-4.
  - d. At their next regularly scheduled public meeting, the BZA shall then review:
    1. The written statement and supportive material by the petitioner,
    2. The record of action supplied by the administrative official or body from which the appeal is taken.
    3. Testimony of the petitioner, and
    4. Testimony of the administrative official or body from the which appeal is taken.
    5. Testimony by members of the public.
- G. Sign Permit Review for Permanent Signs: The following procedure applies to Permanent Sign Permit Review.
- a. Application: Application for a permit shall be filed with the Plan Commission office and shall be



accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the Fulton County Zoning Ordinance, including:

1. Name and address of the property owner of the premises on which the sign is located or is to be located.
  2. Name and address of the owner of the sign.
  3. Clear and legible drawings with description showing the location of the sign which is the subject of the permit.
  4. All signs on the same parcel or owned by the same business must be noted.
- b. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this Article shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
- c. Nullification: A sign permit shall become null and void if work has not been started within twelve (12) months of the date of the permit or completed within eighteen (18) months of the date of the permit.
- d. Permit Exceptions: The following shall not be considered as creating a sign and therefore shall not be required to have sign permit unless other specified.
1. Changeable Copy - The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
  2. Maintenance - Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved.
  3. Exempt Signs - exempt signs as described in the Fulton County Zoning Ordinance.
- H. Sign Permit Review for Temporary Signs  
The following procedure applies to Sign Permit Review for Temporary Signs.
- a. Application: Application for a permit shall be filed with the Plan Commission office and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the County, including:
1. Type of temporary sign/device to be used.
  2. Period of time the temporary sign/device is to be used.
  3. Location at which temporary sign/device is to be used.
- I. Schedule of Fees: The legislative bodies/fiscal bodies shall maintain an official Fees Schedule for permits and processes outlined in this Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Ordinance are a part of this, the Zoning Ordinance. The Fees Schedule shall be available to the public in the office of the Plan Commission office. The Fees Schedule may be amended by a recommendation submitted to the legislative bodies/fiscal bodies by the Planning Commission followed by the legislative bodies/fiscal bodies approving said amendments by resolution. Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition. Any person or persons who shall initiate construction of a structure or change of use of structure or property prior to obtaining an Location Improvement Permit or any other required permit/application shall pay three times the amount of the normal permit fee plus twenty dollars for every foot of the structure's height.





## Article Seven

### Section Two - Town of Kewanna

#### 7-2.0 Interpretation

The following processes, permits, and fees listed within Section Two are only applicable within incorporated limits of the Town of Kewanna (except as may otherwise be provided within this ordinance).

#### 7-2.1 Intent

The Development Review Procedures for the Town of Kewanna are intended to provide for the protection of the public health, safety, morals and general welfare of the residential and business citizens of the Town of Kewanna by providing for the thorough review of all permit applications and development petitions so that informed decisions regarding such permit applications and development petitions may be rendered while balancing the needs of the development community for the timely review of those permit applications and development petitions.

#### 7-2.2 Types of Petitions

The Town of Kewanna hereby requires that an application and filing fee be submitted for the following petitions:

- a. Development Standard Variances
- b. Special Exceptions
- c. Location Improvement Permit
- d. Certificate of Occupancy
- e. Zoning Map Amendments
- f. Administrative Appeals
- g. Sign Permit Review for Permanent Signs
- h. Sign Permit Review for Temporary Signs
- i. Petition to Change an Approved Plan

All applications may be obtained through the Plan Commission office. Fees shall be paid at the Plan Commission office at the time of submitting the application. A Docket Number will be assigned.

#### 7-2.3 Processes per Type of Petition

- A. Development Standard Variances, Special Exceptions, Certificate of Occupancy, Zone Map Amendments, and Administrative Appeals petition requests shall follow the same procedure as written in Section 7-1.4 of the Fulton County Zoning Ordinance.
- B. Site Development Plan and the Technical Review Committee shall follow the same procedure as written in Section 7-1.4 of the Fulton County Zoning Ordinance.
- C. Location Improvement Permit  
The following procedure applies to Location Improvement Permit Applications.
  - a. Permits Required: No building, structure, or major infrastructure shall be erected, moved, or added to, demolished or structurally altered without an Location Improvement Permit issued by the Plan Commission office. No Location Improvement Permit shall be issued by the Plan Commission office unless the project is in conformity with the provisions of this Ordinance.
  - b. Application for an Location Improvement Permit: All applications for Location Improvement Permits shall be accompanied by:
    1. A site plan drawn to scale of not more than 1"=100' should include:
      - a. North arrow;
      - b. the common address for subject property and parcel number (if applicable);
      - c. a site location map, including the legal description of the Lot, showing context around subject property (aerial maps preferred);



2. plans drawn showing the actual dimensions and shape of the lot to be built upon;
  3. names, center-lines and Right-of-Way widths of all Streets, Alleys, thoroughfares, public ways, water ways, or railroad Right-of-Ways abutting or within the Lot;
  4. the exact sizes and locations, including distances from Lot lines detailing compliance of all required setbacks of all buildings, structures, improvements, wells, septic systems already existing on the lot, if any, as well as, road right of ways;
  5. structures proposed for demolition should be indicated as such;
  6. the location and dimensions of the proposed building or alteration, including fences, walls, screening/buffering devices, sheds, paved areas, storage areas, and parking areas (indicate if parking is hardsurfaced);
  7. Location of any proposed or existing Driveway and its width at the property line. (Any connection to an alley must also be indicated);
  8. The height of the existing and proposed Buildings, Structures or Improvements;
  9. location of floodplain boundaries or wetlands (if applicable); and
  10. drainage outlets.
- c. The application shall also include such other information as lawfully may be required by the Planning Commission office to determine conformance with and provide for the enforcement of this ordinance including, but not limited to:
1. elevations of the existing or proposed building or alteration;
  2. detailed description of the existing or proposed uses of the building and land;
  3. the number of family dwelling units, or rental units the building is designed to accommodate;
  4. natural, physical or hazardous conditions existing on the lot; and
  5. landscape plan;
  6. lighting plan; and
  7. drainage plan.
- d. The application for any Commercial, Industrial or Special Exception Use shall also include such other information as lawfully may be required by the Planning Commission office to determine conformance with and provide for the enforcement of this ordinance including, but not limited to:
1. (If applicable) Location, dimensions, and type (e.g. ground, pole, wall) of all Signs on the site, existing and proposed. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale;
  2. All utilities to provide service to the Buildings or Structures on the Lot;
  3. The location and dimensions of all off-street parking and off-street loading facilities;
  4. Location, size and species of all proposed and existing trees (six (6) inches or larger at four and one-half (4.5) feet above grade) and landscaping;
  5. Site Data Summary (a text summary in table format describing: square footage of existing and proposed Buildings; existing, proposed and required parking; existing, proposed and required loading; proposed and permitted Maximum Building Height; accommodation of drainage, sanitary sewer, water and other utility services; legal description; lighting; and landscaping);
  6. The seal of the registered professional engineer or architect responsible for the site plan; and,
  7. all other information required by the Plan Commission for the proper administration and enforcement of this Ordinance.
- e. The Plan Commission may waive or relax any of the site plan requirements listed above, as circumstances dictate.
- f. The approved plans and application materials shall be retained by the Plan Commission office.
- g. Expiration of Permits:
1. Initiation of Work: If the work described in any Location Improvement Permit has not begun



within four (4) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.

2. Completion of Work: If the work described in any Location Improvement Permit has not been completed within two (2) years for a primary structure or one (1) year for accessory structures of the date of issuance thereof, said permit shall expire; no written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Location Improvement Permit has been obtained .
  3. The Executive Director may give three (3) extensions for up to three (3) months each for work completion. Requests for extensions must be received within one (1) month of the expiration. A fee will be charged.
- h. Duration of Location Improvement Permit.  
An Location Improvement Permit shall be valid for the longer of:
- a. one (1) year after date of issuance; or
  - b. the length of any required Building Permit, if such Building Permit is obtained for the Building, Structure, Improvement or Sign covered by the Location Improvement Permit within one (1) year after the date of issuance of the Location Improvement Permit.
  - c. the Plan Commission shall have the power to extend the period of validity of any Location Improvement Permit one or more times, provided, however, the total time period of all extension(s) shall not exceed six (6) months.
- i. Construction According to Permits and Permit Application: Location Improvement Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.
- j. The Area Plan Commission hereby requires that an Location Improvement Permit be obtained for the following:
1. All residential dwellings,
  2. Any structure over 120 square feet without a foundation; or any size with a foundation,
  3. Other detached residential accessory buildings (with foundation or overhead structures),
  4. Detached and attached garages, carports, and stables,
  5. Temporary structures,
  6. Swimming pools (inground or above ground),
  7. Additional square footage to any structures,
  8. Demolition, (except within the Agricultural & Park Districts)
  9. All commercial, industrial, multifamily and institutional buildings,
  10. Structures other than buildings (including satellite dishes larger than 24", towers, antennas),
  11. Removal of trees and plants within buffer yards or landscaping required by this ordinance,
  12. Adding or subtracting dwelling units or leased space in multifamily or commercial structures,
  13. Placement or moving of manufactured or mobile homes,
  14. Parking lot construction, alteration, expansion, or removal, and paving of a gravel lot,
  15. Construction of or alterations to Ponds or lakes, (except lined and/or landscaping ponds, subject to Fulton County Health Department and Fulton County Surveyor approval) which must be located a minimum of 75 feet, in all directions, from all septic tanks, dosing tanks, lift stations and soil absorption systems, unless such distance is waived by the Fulton County Health Department,
  16. Mineral extraction,



- 19. Telecommunication facilities,
  - 20. Any exterior construction that adds to or alters the height of the existing structure
  - k. Review of Location Improvement Permit Application.
    - a. The Staff may take up to five (5) business days to study an application for a single family or two family residential/accessory structure. If, after five (5) business days, additional information or written objections are not submitted to the applicant, the staff shall issue the Permit.
    - b. The Staff may take up to ten (10) business days to study the application for structures or improvements associated with a Multifamily, Commercial, Industrial, Special Exception, or Sign uses. If, after ten (10) business days, additional information or written objections are not submitted to the applicant, the staff shall issue the Permit.
  - l. Sanitary Sewer/Septic Permit Required.
 

An application for an Location Improvement Permit for any Building, Structure, Improvement or use shall not be approved until it has been ascertained by the Staff that:

    - a. the proposed Building, Structure, Improvement or use will be served by a public sanitary sewer system; or
    - b. the proposed Building, Structure, Improvement or use will be served by a private sanitary sewer system or private septic system as approved by the Fulton County Health Department or the Indiana State Board of Health.
  - m. When an Location Improvement Permit has been obtained and is required to deviate from the plans filed with the permit application, the builder, developer or owner shall apply for an Amended Location Improvement Permit. The Staff shall determine compliance of the Amended Location Improvement Permit application with the provisions of this Ordinance and any other applicable conditions, covenants or restrictions. If the Amended Permit application is found to be in compliance, the Staff shall issue an Amended Location Improvement Permit.
  - n. If the Staff determines that construction or development is proceeding or has proceeded in violation of any applicable law, ordinance, rule, regulation, site plan, or condition of Board approval, or that the Location Improvement Permit has been issued in violation of any applicable law, ordinance, rule, regulation, site plan, zoning commitment, or condition of Board approval, the Staff may revoke said Location Improvement Permit. In the event that an Location Improvement Permit is revoked, the Staff shall send written notice of the revocation to the permit applicant.
- D. Sign Permit Review for Permanent Signs: The following procedure applies to Permanent Sign Permit Review.
- a. Application: Application for a permit shall be filed with the Plan Commission office and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the Fulton County Zoning Ordinance, including:
    - 1. Name and address of the property owner of the premises on which the sign is located or is to be located.
    - 2. Name and address of the owner of the sign.
    - 3. Clear and legible drawings with description showing the location of the sign which is the subject of the permit.
    - 4. All signs on the same parcel or owned by the same business must be noted.
  - b. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this Article shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
  - c. Nullification: A sign permit shall become null and void if work has not been started within twelve (12) months of the date of the permit or completed within eighteen (18) months of the date of the permit.
  - d. Permit Exceptions: The following shall not be considered as creating a sign and therefore shall



not be required to have sign permit unless other specified.

1. Changeable Copy - The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
2. Maintenance - Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved.
3. Exempt Signs - exempt signs as described in the Fulton County Zoning Ordinance.

E. Sign Permit Review for Temporary Signs

The following procedure applies to Sign Permit Review for Temporary Signs.

- a. Application: Application for a permit shall be filed with the Plan Commission office and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the County, including:
  1. Type of temporary sign/device to be used.
  2. Period of time the temporary sign/device is to be used.
  3. Location at which temporary sign/device is to be used.

F. Schedule of Fees

The legislative bodies/fiscal bodies shall maintain an official Fees Schedule for permits and processes outlined in this Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Ordinance are a part of this, the Zoning Ordinance. The Fees Schedule shall be available to the public in the office of the Plan Commission office. The Fees Schedule may be amended by a recommendation submitted to the legislative bodies/fiscal bodies by the Planning Commission followed by the legislative bodies/fiscal bodies approving said amendments by resolution. Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition. Any person or persons who shall initiate construction of a structure or change of use of structure or property prior to obtaining an Location Improvement Permit or any other required permit/application shall pay three times the amount of the normal permit fee required within the unincorporated Fulton County. (ie. If the fee of a Location Improvement Permit issued within the unincorporated area of Fulton County is twenty dollars (\$20), then if a person initiates construction of a structure or change of use within the incorporated area of the Town of Kewanna prior to obtaining a Location Improvement Permit, then the cost of the Location Improvement Permit would be sixty dollars (\$60) payable to the Fulton County Plan Commission Office.)



## Article Seven

### Section Three - Town of Fulton

#### 7-3.0 Interpretation

The following processes, permits, and fees listed within Section Three are only applicable within the incorporated limits of the Town of Fulton (except as may otherwise be provided within this ordinance).

#### 7-3.1 Intent

The Development Review Procedures for the Town of Fulton are intended to provide for the protection of the public health, safety, morals and general welfare of the residential and business citizens of the Town of Fulton by providing for the thorough review of all permit applications and development petitions so that informed decisions regarding such permit applications and development petitions may be rendered while balancing the needs of the development community for the timely review of those permit applications and development petitions.

#### 7-3.2 Types of Petitions

The Town of Fulton hereby requires that an application and filing fee be submitted for the following petitions:

- a. Development Standard Variances
- b. Special Exceptions
- c. Location Improvement Permit
- d. Certificate of Occupancy
- e. Zoning Map Amendments
- f. Administrative Appeals
- g. Sign Permit Review for Permanent Signs
- h. Sign Permit Review for Temporary Signs
- i. Petition to Change an Approved Plan

All applications may be obtained through the Plan Commission office. Fees shall be paid at the Plan Commission office at the time of submitting the application. A Docket Number will be assigned.

#### 7-3.3 Processes per Type of Petition

- A. Development Standard Variances, Special Exceptions, Certificate of Occupancy, Zone Map Amendments, and Administrative Appeals petition requests shall follow the same procedure as written in Section 7-1.4 of the Fulton County Zoning Ordinance.
- B. Site Development Plan and the Technical Review Committee shall follow the same procedure as written in Section 7-1.4 of the Fulton County Zoning Ordinance.
- C. Location Improvement Permit  
The following procedure applies to Location Improvement Permit Applications.
  - a. Permits Required: No building, structure, or major infrastructure shall be erected, moved, or added to, demolished or structurally altered without an Location Improvement Permit issued by the Plan Commission office. No Location Improvement Permit shall be issued by the Plan Commission office unless the project is in conformity with the provisions of this Ordinance.
  - b. Application for an Location Improvement Permit: All applications for Location Improvement Permits shall be accompanied by:
    1. A site plan drawn to scale of not more than 1"=100' should include:
      - a. North arrow;
      - b. the common address for subject property and parcel number (if applicable);
      - c. a site location map, including the legal description of the Lot, showing context around subject property (aerial maps preferred);



2. plans drawn showing the actual dimensions and shape of the lot to be built upon;
  3. names, center-lines and Right-of-Way widths of all Streets, Alleys, thoroughfares, public ways, water ways, or railroad Right-of-Ways abutting or within the Lot;
  4. the exact sizes and locations, including distances from Lot lines detailing compliance of all required setbacks of all buildings, structures, improvements, wells, septic systems already existing on the lot, if any, as well as, road right of ways;
  5. structures proposed for demolition should be indicated as such;
  6. the location and dimensions of the proposed building or alteration, including fences, walls, screening/buffering devices, sheds, paved areas, storage areas, and parking areas (indicate if parking is hardsurfaced);
  7. Location of any proposed or existing Driveway and its width at the property line. (Any connection to an alley must also be indicated);
  8. The height of the existing and proposed Buildings, Structures or Improvements;
  9. location of floodplain boundaries or wetlands (if applicable); and
  10. drainage outlets.
- c. The application shall also include such other information as lawfully may be required by the Planning Commission office to determine conformance with and provide for the enforcement of this ordinance including, but not limited to:
1. elevations of the existing or proposed building or alteration;
  2. detailed description of the existing or proposed uses of the building and land;
  3. the number of family dwelling units, or rental units the building is designed to accommodate;
  4. natural, physical or hazardous conditions existing on the lot; and
  5. landscape plan;
  6. lighting plan; and
  7. drainage plan.
- d. The application for any Commercial, Industrial or Special Exception Use shall also include such other information as lawfully may be required by the Planning Commission office to determine conformance with and provide for the enforcement of this ordinance including, but not limited to:
1. (If applicable) Location, dimensions, and type (e.g. ground, pole, wall) of all Signs on the site, existing and proposed. Include separate elevations of proposed Sign Structures with all dimensions drawn to scale;
  2. All utilities to provide service to the Buildings or Structures on the Lot;
  3. The location and dimensions of all off-street parking and off-street loading facilities;
  4. Location, size and species of all proposed and existing trees (six (6) inches or larger at four and one-half (4.5) feet above grade) and landscaping;
  5. Site Data Summary (a text summary in table format describing: square footage of existing and proposed Buildings; existing, proposed and required parking; existing, proposed and required loading; proposed and permitted Maximum Building Height; accommodation of drainage, sanitary sewer, water and other utility services; legal description; lighting; and landscaping);
  6. The seal of the registered professional engineer or architect responsible for the site plan; and,
  7. all other information required by the Plan Commission for the proper administration and enforcement of this Ordinance.
- e. The Plan Commission may waive or relax any of the site plan requirements listed above, as circumstances dictate.
- f. The approved plans and application materials shall be retained by the Plan Commission office.
- g. Expiration of Permits:
1. Initiation of Work: If the work described in any Location Improvement Permit has not begun



- within four (4) months from the date of issuance, said permit shall expire; no written notice shall be given to the persons affected.
2. Completion of Work: If the work described in any Location Improvement Permit has not been completed within two (2) years for a primary structure or one (1) year for accessory structures of the date of issuance thereof, said permit shall expire; no written notice of expiration shall be given to the persons affected. Work shall not proceed unless and until a new Location Improvement Permit has been obtained .
  3. The Executive Director may give three (3) extensions for up to three (3) months each for work completion. Requests for extensions must be received within one (1) month of the expiration. A fee will be charged.
- h. Duration of Location Improvement Permit.  
An Location Improvement Permit shall be valid for the longer of:
- a. one (1) year after date of issuance; or
  - b. the length of any required Building Permit, if such Building Permit is obtained for the Building, Structure, Improvement or Sign covered by the Location Improvement Permit within one (1) year after the date of issuance of the Location Improvement Permit.
  - c. the Plan Commission shall have the power to extend the period of validity of any Location Improvement Permit one or more times, provided, however, the total time period of all extension(s) shall not exceed six (6) months.
- i. Construction According to Permits and Permit Application: Location Improvement Permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Any other use, arrangement, or construction not authorized shall be deemed as a violation of this ordinance and subject to an order of removal, mitigation, or penalty fees.
- j. The Area Plan Commission hereby requires that an Location Improvement Permit be obtained for the following:
1. All residential dwellings,
  2. Any structure over 120 square feet without a foundation; or any size with a foundation,
  3. Other detached residential accessory buildings (with foundation or overhead structures),
  4. Detached and attached garages, carports, and stables,
  5. Temporary structures,
  6. Swimming pools (inground or above ground),
  7. Additional square footage to any structures,
  8. Demolition, (except within the Agricultural & Park Districts)
  9. All commercial, industrial, multifamily and institutional buildings,
  10. Structures other than buildings (including satellite dishes larger than 24", towers, antennas),
  11. Removal of trees and plants within buffer yards or landscaping required by this ordinance,
  12. Adding or subtracting dwelling units or leased space in multifamily or commercial structures,
  13. Placement or moving of manufactured or mobile homes,
  14. Parking lot construction, alteration, expansion, or removal, and paving of a gravel lot,
  15. Construction of or alterations to Ponds or lakes, (except lined and/or landscaping ponds, subject to Fulton County Health Department and Fulton County Surveyor approval) which must be located a minimum of 75 feet, in all directions, from all septic tanks, dosing tanks, lift stations and soil absorption systems, unless such distance is waived by the Fulton County Health Department,
  16. Mineral extraction,





- 19. Telecommunication facilities,
  - 20. Any exterior construction that adds to or alters the height of the existing structure
  - k. Review of Location Improvement Permit Application.
    - a. The Staff may take up to five (5) business days to study an application for a single family or two family residential/accessory structure. If, after five (5) business days, additional information or written objections are not submitted to the applicant, the staff shall issue the Permit.
    - b. The Staff may take up to ten (10) business days to study the application for structures or improvements associated with a Multifamily, Commercial, Industrial, Special Exception, or Sign uses. If, after ten (10) business days, additional information or written objections are not submitted to the applicant, the staff shall issue the Permit.
  - l. Sanitary Sewer/Septic Permit Required.
 

An application for an Location Improvement Permit for any Building, Structure, Improvement or use shall not be approved until it has been ascertained by the Staff that:

    - a. the proposed Building, Structure, Improvement or use will be served by a public sanitary sewer system; or
    - b. the proposed Building, Structure, Improvement or use will be served by a private sanitary sewer system or private septic system as approved by the Fulton County Health Department or the Indiana State Board of Health.
  - m. When an Location Improvement Permit has been obtained and is required to deviate from the plans filed with the permit application, the builder, developer or owner shall apply for an Amended Location Improvement Permit. The Staff shall determine compliance of the Amended Location Improvement Permit application with the provisions of this Ordinance and any other applicable conditions, covenants or restrictions. If the Amended Permit application is found to be in compliance, the Staff shall issue an Amended Location Improvement Permit.
  - n. If the Staff determines that construction or development is proceeding or has proceeded in violation of any applicable law, ordinance, rule, regulation, site plan, or condition of Board approval, or that the Location Improvement Permit has been issued in violation of any applicable law, ordinance, rule, regulation, site plan, zoning commitment, or condition of Board approval, the Staff may revoke said Location Improvement Permit. In the event that an Location Improvement Permit is revoked, the Staff shall send written notice of the revocation to the permit applicant.
- D. Sign Permit Review for Permanent Signs: The following procedure applies to Permanent Sign Permit Review.
- a. Application: Application for a permit shall be filed with the Plan Commission office and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the Fulton County Zoning Ordinance, including:
    - 1. Name and address of the property owner of the premises on which the sign is located or is to be located.
    - 2. Name and address of the owner of the sign.
    - 3. Clear and legible drawings with description showing the location of the sign which is the subject of the permit.
    - 4. All signs on the same parcel or owned by the same business must be noted.
  - b. Effect of Sign Permit Issuance: A sign permit issued under the provisions of this Article shall not be deemed to constitute permission or authorization to maintain an unlawful sign nor shall it be deemed as a defense in an action to remove an unlawful sign.
  - c. Nullification: A sign permit shall become null and void if work has not been started within twelve (12) months of the date of the permit or completed within eighteen (18) months of the date of the permit.



d. Permit Exceptions: The following shall not be considered as creating a sign and therefore shall not be required to have sign permit unless other specified.

1. Changeable Copy - The changing of advertising copy or message on an approved sign such as a theater marquee and similar approved signs which are specifically designed for use of replaceable copy.
2. Maintenance - Painting, repainting, cleaning or other normal maintenance and repair of a sign or sign structure unless a structural change is involved.
3. Exempt Signs - exempt signs as described in the Fulton County Zoning Ordinance.

E. Sign Permit Review for Temporary Signs

The following procedure applies to Sign Permit Review for Temporary Signs.

- a. Application: Application for a permit shall be filed with the Plan Commission office and shall be accompanied by information as may be required by the Plan Commission to assure compliance with the laws and regulations of the County, including:
  1. Type of temporary sign/device to be used.
  2. Period of time the temporary sign/device is to be used.
  3. Location at which temporary sign/device is to be used.

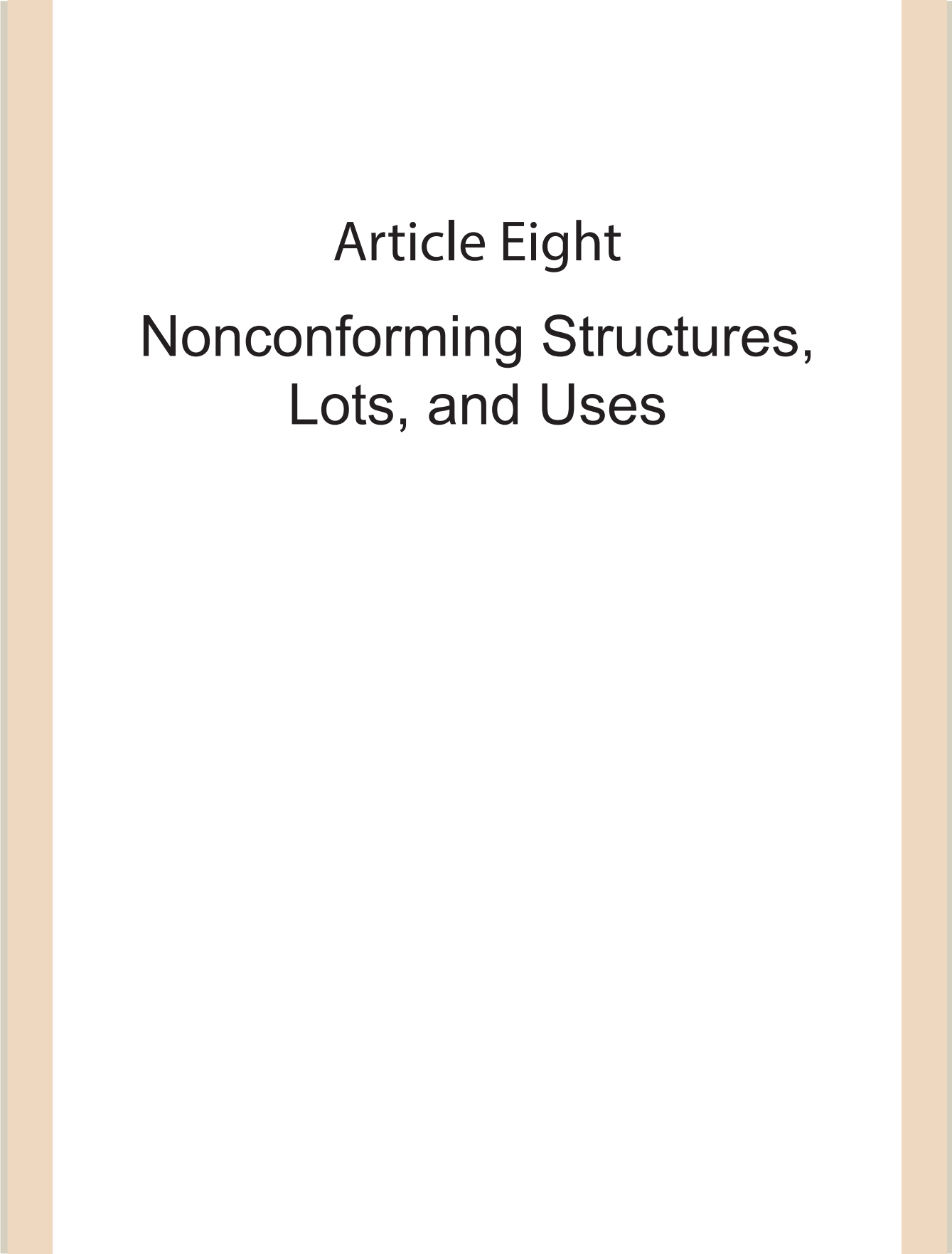
F. Schedule of Fees

The legislative bodies/fiscal bodies shall maintain an official Fees Schedule for permits and processes outlined in this Ordinance. Penalties, collection procedures for permits and penalties, appeals process, and other petition processes pertaining to this Ordinance are a part of this, the Zoning Ordinance. The Fees Schedule shall be available to the public in the office of the Plan Commission office. The Fees Schedule may be amended by a recommendation submitted to the legislative bodies/fiscal bodies by the Planning Commission followed by the legislative bodies/fiscal bodies approving said amendments by resolution. Until all applicable fees, charges, and expenses have been paid in full, no final action shall be taken on any permit application, appeal, or petition. Any person or persons who shall initiate construction of a structure or change of use of structure or property prior to obtaining an Location Improvement Permit or any other required permit/application shall pay three times the amount of the normal permit fee required within the unincorporated Fulton County. (ie. If the fee of a Location Improvement Permit issued within the unincorporated area of Fulton County is twenty dollars (\$25), then if a person initiates construction of a structure or change of use within the incorporated area of the Town of Fulton prior to obtaining a Location Improvement Permit, then the cost of the Location Improvement Permit would be sixty dollars (\$75) payable to the Fulton County Plan Commission Office.)









Article Eight  
Nonconforming Structures,  
Lots, and Uses



## Article Eight

# Nonconforming Structures, Lots, and Uses

### 8-1.1 Intent

Upon adoption of this Ordinance and Zoning Map, some buildings, structures, lots, and uses may no longer conform to the regulations of the Zoning District that they are located. For this reason, this Article has been generated to provide the rules, policies and regulations that apply to these buildings, structures, lots, and uses referred to as Legal Nonconforming.

### 8-1.2 Distinction Between Illegal Nonconforming and Legal Nonconforming

A building, structure, or lot which was constructed or is being used without an approved Building Permit, Location Improvement Permit or approval from the BZA or Plan Commission is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this Ordinance and all other applicable County law and shall be altered to conform with all applicable standards and regulations of this Ordinance. Further, an illegal nonconforming building, structure, lot or use is created at the fault of the owner, tenant or property manager.

Legal Nonconforming differs from Illegal Nonconforming in that the reason for the nonconformance is caused by the enactment of a Zoning Ordinance or a change to the Zoning Ordinance. The building, structure, lot or use has not changed, but due to the enactment of a Zoning Ordinance or a change in the Ordinance, the property no longer conforms to the policies and standards of the Zoning District in which the property resides. When this situation occurs, the property is deemed Legal Nonconforming or another term commonly used is "Grandfathered."

### 8-1.3 Nonconforming Buildings, Structures, and Uses of Land

Any continuously occupied, lawfully established structure, building, or uses of land prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meets the developmental standards due to reasons stated below shall be deemed a Legal Nonconforming Building(s), Structure(s), or Use of Land.

Legal Nonconforming Building(s), Structure(s), or Use(s) of Land no longer meet one or more of the following development standards of this Ordinance: -

- a. Front, Side and Rear Yard Setbacks,
- b. Maximum Lot Coverage,
- c. Minimum Main Floor Area,
- d. Minimum Finished Floor Area,
- e. Height,
- f. Bufferyard,
- g. Parking,
- h. Accessory Structures/Buildings, and
- j. Any other provision of this Ordinance that is applicable to the building, structure, or use of land.

A legal nonconforming building, structure, or use of land may continue provided that it remains the same or fits within the below described tolerances:

- A. Any legal nonconforming building(s), structure(s), or use(s) of land shall not be enlarged or altered in a manner that increases its nonconformity, but any building(s), structure(s), or use(s) of land, or portion thereof, may be altered to decrease its nonconformity.



- B. Any legal nonconforming building(s) or structure(s) which is damaged or destroyed by more than seventy-five percent (75%) of its fair market value shall thereafter conform to the regulations of the district in which it is located. The above stated seventy-five percent (75%) of the fair market value does not include any damage or destruction that is self-imposed. Primary residential structures and churches are exempt from the seventy-five percent (75%) rule. However, if the structure is rebuilt the nonconformity cannot increase (i.e. must have same ground floor square footage or less).
  - a. The Gross Floor Area and the Maximum Building Height devoted to the Legally Established Nonconforming Use shall not be increased, except as such increase is required to comply with other applicable Federal, State or Local regulations (i.e., minor enlargements to accommodate ADA Accessibility Guidelines or current Building Codes).
- C. If a building or structure is moved for any reason, for any distance, it shall thereafter conform to the provisions of this Ordinance.

**8-1.4 Front, Side and Rear Yard Setback Exceptions**

The minimum Side and Rear Yard Setback requirements for a Lot containing a Single Family or Two Family Dwelling in a Residential District shall be subject to the following exceptions:

- A. A Legally Established Nonconforming, detached, Accessory Garage may be reconstructed on an existing foundation even though such reconstruction would not comply with required Side or Rear Yards, provided such reconstruction does not interfere with a Vision Clearance Area or encroach into any Right-of-Way.
- B. A Legally Established Nonconforming Single Family or Two Family Dwelling (including decks and porch attributes) may be enlarged or extended one time along a Legally Established Nonconforming Front, Side or Rear Yard provided that the lineal footage of such enlargement or extension does not exceed fifty percent (50%) of the lineal footage of the original dimension of the Single Family or Two Family Dwelling along that front, side, or rear setback, provided such enlargement or extension does not interfere with a Vision Clearance area or encroach into any Right-of-Way. None of such extensions described may get closer than the original footprint to the existing property line.

**8-1.5 Nonconforming Lots of Record**

All legally established and recorded lots prior to the effective date of this Ordinance, or its subsequent amendments, that no longer meet the lot standards listed below shall be deemed a Legal Nonconforming Lot of Record.

A Legal Nonconforming Lot of Record no longer meets one or more of the following lot standards of this Ordinance.

- a. Lot Area,
- b. Lot Width,
- c. Lot Depth,
- d. Lot Frontage, and
- e. Any other provision of this Ordinance that is applicable to Lots.

- A. Legal Nonconforming Lots of Record may be built upon only if the proposed use is permitted and all development standards of the applicable Zoning District of this Ordinance are met.

**8-1.6 Nonconforming Uses of Structures, Land, or Structures and Land in Combination**

Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this Ordinance or its subsequent amendments that is no longer a permitted use in the district where it is located shall be deemed a Legal Nonconforming Use. A legal nonconforming use may





continue provided that it remains otherwise lawful, subject to the following conditions:

- A. In the case of a legal nonconforming use of structure, the structure may be expanded up to a total of twenty percent (20%) of the floor area on the date of adoption of this Ordinance. Any expansion(s) equaling twenty percent (20%), or less, of the total floor area existing on the date of adoption of this Ordinance shall conform to all applicable development standards, unless a variance of developmental standards is received from the Board of Zoning Appeals. With the exception that if the expansion will create additional parking or loading requirements than the previous use, such new use will comply with the requirements of the development standards of this Ordinance, unless a variance from developmental standards is granted by the Board of Zoning Appeals. Any expansion(s) equaling more than twenty percent (20%) of a structure used in conjunction with a legal nonconforming use, must then conform to all of the regulations within the Fulton County Zoning Ordinance. (i.e. Zone District permitted uses, special exception uses, development standards, etc.); otherwise
- B. No existing structure devoted to a legal nonconforming use shall be enlarged, expanded, increased, extended, constructed, reconstructed, moved, or structurally altered except as to change the use of the structure to a use permitted in the district in which it is located or as otherwise specified in this Article; and
- C. No building or structure shall be constructed in connection with an existing legal nonconforming use of land, until such time that the building or structure conforms with the Fulton County Zoning Ordinance.
- D. Any legal nonconforming use of a structure may be extended throughout any parts of a building which were plainly arranged or designed for such use at the effective date of this Ordinance or its subsequent amendments, but no such use shall be extended to occupy any land outside the building.
- E. If no structural alterations are made, a legal nonconforming use of structure, or structure and land in combination, may be changed to another legal nonconforming use, provided that the zoning administrator shall make specific findings that the proposed use is equally appropriate or more appropriate to the district than the existing legal nonconforming use. With the exception that if the new use requires more parking or loading area than the previous use, such new use will comply with the requirements of the development standards of this Ordinance, unless a variance from developmental standards is granted by the Board of Zoning Appeals.
- F. If a legal nonconforming use is discontinued or abandoned for two (2) years, except when government action impedes access to the premises, any subsequent use of such land, structure or land and structure shall conform to the provisions of this Ordinance.
- G. When a legal nonconforming use is superseded by a permitted use, it shall thereafter conform to regulations of the district, the legal nonconforming use may not thereafter be resumed.
- H. Where a legal nonconforming use applies to a structure and land in combination, removal or destruction of the structure shall eliminate both the nonconforming use of the structure and the land. Destruction is defined as damage of more than seventy-five percent (75%) of its fair market value at the time of destruction.
- I. When a mobile home is legally nonconforming due to the size and type of structure, it may only be replaced by a structure that conforms with its zoning district.

#### **8-1.7 Repairs and Maintenance**

The following applies to legal nonconforming structures or buildings, and legal nonconforming uses of structures, or structures and land in combination:

- A. Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, or plumbing; under the condition that the cubic content existing when the structure became nonconforming shall not be increased.
- B. If a structure or portion of a structure were to become unsafe or condemned due to lack of repairs



or maintenance, and is declared by an authorized official to be unsafe or condemned due to physical condition; the building or structure shall be restored, repaired or rebuilt within six (6) months of the declaration. If the improvements have not been made within the six (6) months, all future improvements must conform to all standards and regulations within this ordinance.

- C. If a building or structure becomes unsafe or unlawful due to physical condition and is razed, the building or structure shall be rebuilt in conformity with the district in which it is located.
- D. Nothing in this Section shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any building or structure or part thereof declared to be unsafe by any official charged with protecting public safety upon order of such official.

#### **8-1.8 Avoidance of Undue Hardship.**

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans for or construction of any Building or Structure, or the designation of use of any Building or Structure, for which an Improvement Location Permit has been properly filed for or issued prior to the effective date of this Ordinance; provided that the construction of such Building or Structure is commenced within six (6) month of such effective date and diligently prosecuted to completion; and provided further however that such construction shall be completed within two (2) years of the issuance of said Improvement Location Permit.

#### **8-1.9 Nonconforming Signs**

The following applies to legal nonconforming signs.

- A. Signs which existed prior to the time this ordinance was passed and were in conformance with previous ordinances will be legally nonconforming until such time a major change is made to the sign structure. Major changes include changing the size, changing the height, and/or relocation.
- B. All nonconforming signs shall be kept in good repair, safe, neat, clean and attractive condition.
- C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Ordinance.









# Article Nine

## Enforcement and Penalties



## Article Nine

# Enforcement and Penalties

### 9-1.1 Authority

The Plan Commission, Board of Zoning Appeals, the legislative bodies holding authority within Fulton County, and the Executive Director are designated to enforce the provisions, regulations, and intent of this Ordinance. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et. al. and all other applicable state law.

### 9-1.2 Violations

Complaints made pertaining to the Zoning Ordinance shall be investigated by the Plan Commission office. Also, any suspected violations by the Plan Commission, Board of Zoning Appeals, Legislative Bodies, or the Executive Director shall be investigated. Action may or may not be taken depending on the findings. The degree of action will be to the discretion of the investigating person(s) and should reflect what is warranted by the violation.

### 9-1.3 Inspection of Property

Investigations of property may be done so by the Plan Commission Staff either from a right-of-way without permission of the property owner, or adjacent property (with permission), or from the property suspected of a violation once the inspector has presented sufficient evidence of their authorization and described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

In the event that the investigator(s) is (are) denied entry, the Plan Commission, Board of Zoning Appeals, Legislative Bodies, or the Executive Director, and providing there is evidence of violation of this Ordinance, may apply to the court of jurisdiction to invoke legal, applicable, or special remedy for the enforcement of this Ordinance or any applicable ordinances adopted under state code. The application shall include the purpose, violation(s) suspected, property address, owner's name if available, and all relevant facts. Additional information may be necessary as requested by the court.

The warrant issued shall order the owner, tenant, or occupant shall permit entry by the Executive Director for the purposes documented in the application for the warrant.

### 9-1.4 Responsibility of Violations

The owner, tenant, or occupant of any property or building, or part thereof, shall be responsible for the violation. Architects, builders, developers, or agents thereof may also be found responsible for the violation if evidence of their involvement or negligence is found. Ultimately, if fault is not clearly found in whole or in part in persons other than the Owner, the Owner shall be held responsible in whole or in part as warranted by the Plan Commission, Board of Zoning Appeals, Legislative Bodies, or the Executive Director.

### 9-1.5 Liability

A structure that is raised or converted, or land used in violation of this Ordinance or its subsequent amendments may be deemed a common nuisance and the owner or possessor of the structure, or land is liable for said nuisance.

### 9-1.6 Violations During the Construction/Building Process

Any three members of the Plan Commission, including at least one officer, and/or Zoning Administrator may place a Stop-Work-Order or Violation Notice on any land/property improvement process. Stop-Work-Orders shall be issued by written letter which shall state the violation and that work or illegal activity must stop immediately until the matter is resolved. This letter shall be posted in a conspicuous place or be delivered/mailed to the owner, developer, property manager, tenant, or occupant. Any three



members of the Plan Commission, including at least one officer, or Zoning Administrator must meet with the person(s) served the Stop-Work-Order notice within seven (7) days of such a request to meet. A Memorandum of Agreement shall be drafted stating the conditions in which construction or action may be resumed. This Memorandum of Agreement must be signed by the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation and the Zoning Administrator or any three members of the Plan Commission including at least one officer.

If any type of work is resumed after a Stop-Work-Order is issued, and prior to the signing of a Memorandum of Agreement, the owner, developer, property manager, tenant, or occupant that has caused or is responsible for the violation will be fined \$500 per day for every day that the work resumes. Fines will automatically accrue each day without any further notices being sent.

Reasons for a Stop-Work-Order include:

- A. Not complying with Development Standards and/or any regulations of the Zoning or Subdivision Control Ordinance.
- B. Not obtaining an Location Improvement Permit.
- C. Not meeting the conditions or commitments of a special exception, variance, or building permit.
- D. Not meeting the conditions of Development Commitments, Development Plans, Detail Plans, or covenants which are enforceable by the Plan Commission.
- E. Not obtaining any other permit necessary for site/property improvement as called out in local Code, Zoning Ordinance, or Subdivision Control Ordinance.
- F. Illegal use or expansion of use of building/ structures or building/structures and land in combination.

#### **9-1.7 Types of Violations**

The following items shall be deemed civil zoning violations, enforceable by the Plan Commission, Board of Zoning Appeals, Legislative Bodies, and the Executive Director. Penalties may be imposed based on the provisions set forth in this Article.

- A. The placement or erection of a primary structure, secondary structure, sign, structures or any other element determined by the Plan Commission or Executive Director to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
- B. The maintenance of a primary structure, secondary structure, sign, accessory structure, or any other element determined by the Plan Commission or Executive Director to not conform to the provisions or explicit intent of the Zoning Ordinance and that has not specifically been granted.
- C. Failure to obtain an Location Improvement Permit when required.
- D. Conducting a use or uses that do not comply with the provisions or explicit intent of the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, or Floodplain regulations, and which have not specifically been granted.
- E. Any failure to comply with the Development Standards and/or any regulations of the Zoning Ordinance or Subdivision Control Ordinance, Sign Ordinance, or Floodplain regulations, Location Improvement Permit.
- F. Proceeding with work under a Stop-Work-Order or a violation of a Memorandum of Agreement
- G. Any failure to comply with commitments or conditions made in connection with a rezoning, Special Exception, Developmental Standards Variance, Use Variance or other similar or documentable commitment, including verbal agreements during official Plan Commission, Board of Zoning Appeals, and Legislative Body meetings.
- H. Continuing work without required inspections.





**9-1.8 Procedure for Violations**

There shall be a three step procedure for violations of this Ordinance. These steps are as follows:

- 1) Any three members of the Plan Commission including at least one officer, or the Zoning Administrator, or designated representative of the Plan Commission or County Commissioners shall issue a Notice of Fines and Penalties to the person(s) who have committed, in whole or in part, a violation. The citation may be served by personal service, by certified mail, by First Class U.S. Mail, or by placement in a conspicuous place on the property where the violation occurs and shall serve as notice that a civil zoning violation has been committed. The Notice of Fines and Penalties is a warning to the violator(s) that a Violation has been determined and that it must be corrected within fifteen (15) days of the mailed date of notice or posting of notice, with the fifteenth day expiring on a business day.
- 2) Any three members of the Plan Commission including at least one officer, or the Zoning Administrator, or designated representative of the Plan Commission/legislative bodies shall issue a Notice of Violation to the person(s) who have committed, in whole or in part, a violation. The Notice of Violation is a citation that states the fines and penalties for the violation. Once written notice is given to the Plan Director stating the intention to comply, the person(s) in violation will have fifteen (15) days to pay said fees and/or comply with the penalties with the fifteenth day expiring on a business day. The person(s) in violation must correct the violation within fifteen (15) days or face additional Notices of Violation.
- 3) If the person(s) in violation refuse to pay or comply with the penalties, or correct the violation, after Notice the Plan Commission or County Commissioners may pursue court action through the court of jurisdiction. Fines and liens against the property may also be pursued until the matter is resolved.

**9-1.9 Fines and Penalties**

The Board of Zoning Appeals by mandatory injunction in the Circuit or Superior Court of the county against the owner or possessor of the real estate, may require the removal of a structure erected in violation of this Ordinance, or the removal of any use or condition in violation of this Ordinance.

Monetary fines will be imposed for each civil violation determined upon a single inspection as follows:

First notice is a warning letter, unless the matter is resolved , additional monetary fines will be imposed for each additional notification for each civil violation. No-tices for violations shall be sent no sooner than fifteen calendar days after the previous notice, with the fifteenth day expiring on a business day.

Second Notice	\$100.00 per civic violation
Third Notice	\$500.00 per civic violation
Fourth Notice	\$1400.00 per civic violation

No single civil violation shall exceed two thousand dollars (\$2000.00). Payment of any violation shall be made to the Treasurer who shall deposit the funds in the General Fund or Planning Commission Fund as determined by the legislative bodies. A receipt of payment must be recorded and a receipt issued to the person making payment.

Additional notices of a single civil violation issued within eighteen (18) months of one another, will be considered a continuance of the first notice of violation, and fines will automatically begin to accrue in accordance with above stated monetary fines. A warning letter is not required to be sent with each additional notice of violation within eighteen (18) months of the first notice.



**9-1.10 Appeals or Trials**

- A. Any person receiving a notice of violation and/or fines may appeal the violation and/or fine to the Board of Zoning Appeals. A written statement from the person in violation shall be submitted to the Zoning Administrator via Certified Mail at least three (3) days prior to the date the fine is due.
- B. Fines due will be postponed until the BZA has made a ruling as to the violation and/or fine. The person(s) in violation shall have thirty (30) days to file for a hearing with the BZA. Also the person(s) in violation shall have a maximum of two (2) years to complete the hearing process with the BZA. Failure to meet these deadlines will reinstate all fines due by the person(s) in violation.
- C. No additional notices will be issued by the Plan Commission in the event the person(s) in violation has (have) submitted a written statement of their intention to Appeal or go to trial.

**9-1.11 Enforcement, Remedies and Injunctive Relief**

- A. The Plan Commission or any enforcement official designated by this Ordinance may bring an action in the Circuit or Superior Court of the County to evoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under IC 36-7-4, and its subsequent amendments this includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, etc.  
The plan commission or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County to enforce:
  - a. All agreements between plan commission or its designees which have been recorded as covenants in connection with a subdivision plat, a development plan, or a planned development.
  - b. All commitments made in accordance with IC 36-7-4 et al.
  - c. All conditions imposed in accordance with IC 36-7-4 et al.
- B. The Board of Zoning Appeals, or any enforcement official designated by this Ordinance may bring action in the Circuit or Superior Court of the County to restrain a person violating IC 36-7-4 et al. or any ordinance adopted under IC 36-7-4 et al. which includes but its not limited to the Zoning Ordinance, Subdivision Control Ordinance, Sign Ordinance, etc.
- C. The Board of Zoning Appeals or any enforcement official designated by this Ordinance may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing to remove a structure erected in violation of this Ordinance or applicable state code.
- D. If the Board of Zoning Appeals, or its designated enforcement official is successful in its action, the respondent shall bear all costs of the action.
- E. An action to enforce a commitment made in accordance with IC 36-7-4 et al. may be brought in the Circuit or Superior Court of the County by:
  - a. Any person who is entitled to enforce a commitment made in accordance with IC 36-7-4 et al. under the rules of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or
  - b. Any other specially affected person who was designated in the commitment.









# Article Ten

## Board of Zoning Appeals



## Article Ten

# Board of Zoning Appeals

### 10-1.1 BZA Division Establishment

There shall exist four divisions of the Board of Zoning Appeals, herein referred to as "the Board", within Fulton County, as allowed by IC 36-7-4-900 series.

### 10-1.2 Membership

Each division of the Board of Zoning Appeals (BZA) shall consist of and continue as a five (5) member Board. Members shall be appointed pursuant to IC 36-7-4-902

### 10-1.3 Officers, Members, and Employees

Following their initial appointment to a division of the BZA, the member shall be appointed for a term of four (4) years. Each term shall expire at midnight on December 31 of the fourth year of the four (4) year term; however, members of the Board of Zoning Appeals shall serve until his successor is appointed and seated.

At its first regularly scheduled meeting in each calendar year, the Board shall select from its membership a chairman and a vice-chairman. Each shall serve for one year.

The vice-chairman shall have the authority to act as chairman of the Board during the absence or disability of the chairman.

Upon resignation or replacement of the chairman or vice-chairman as a member of the Board, the Board shall elect a successor at its next regularly scheduled meeting.

The Board shall appoint and fix the duties of a secretary, who is not required to be a member of the Board. The secretary shall be charged with such duties as required under state statutes, county ordinances, and these rules.

If a vacancy occurs among the members of the Board, the appointing authority shall appoint a member for the unexpired term of the vacating member. The appointing authority shall be notified in writing by the secretary when a member has been absent for three (3) consecutive meetings of the Board. Such absences may constitute cause for removal from the board by the appointing authority under IC 36-7-4-906(f).

### 10-1.4 Territorial Jurisdiction

Each division of the Area Board of Zoning Appeals has limited territorial jurisdiction that is exclusive within the following territorial descriptions:

- A. The Fulton County Area Board of Zoning Appeals has limited and exclusive jurisdiction over all land encompassed within the unincorporated areas of Fulton County.
- B. The Rochester City Area Board of Zoning Appeals has limited and exclusive jurisdiction over all land encompassed within the incorporated boundaries of the City of Rochester.
- C. The Akron Area Board of Zoning Appeals has limited and exclusive jurisdiction over all land encompassed within the incorporated boundaries of the Town of Akron.
- D. The Kewanna-Fulton Area Board of Zoning Appeals has limited and exclusive jurisdiction over all land encompassed within the incorporated limits of the Town of Kewanna and the Town of Fulton.

### 10-1.5 Powers and Duties

The divisions of the Board of Zoning Appeals shall have exclusive subject matter jurisdiction for:

- A. Variances from Development Standards;
- B. Special exceptions; and



C. Administrative appeals.

#### 10-1.6 Rules and Procedures

- A. Rules and Procedures: The divisions of the Board of Zoning Appeals shall have sole authority to adopt any and all rules under Indiana Code Section 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices for, and conduct of meetings, and public hearings.
- B. Facilities and Funding: Fulton County shall provide suitable facilities for the holding of divisions of the Board of Zoning Appeals meetings and hearings and the storage of its records, documents, and accounts, and in its annual budget to provide sufficient funds for the functioning of said Board and its staff.
- C. Filing: All applications for variances, special exceptions, and requests for appeal shall be filed by the applicant with the staff of the divisions of the Board of Zoning appeals and in the form prescribed by the Board.

#### 10-1.7 Hearings

- A. Each division of the Board shall fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances.
- B. Public notice in accordance with IC 5-3-1-2 and IC 5-3-1-4 and due notice to interested parties shall be given at least ten (10) days before the date set for the hearing.
- C. The party pursuing the appeal or applying for the special exception or variance shall be required to assume costs of public notice and notice to interested parties. Interested parties shall be defined within the Rules of Procedure of each individual division of BZA.
- D. The party pursuing the appeal or applying for the special exception or variance in an IU District shall be required to assume costs of public notice and notice to interested parties. Interested parties shall include, but are not limited to, all properties within a one (1) mile radius of the subject site boundaries within the county's jurisdiction and only directly adjacent properties outside the county's jurisdiction.
- E. Each division of the Board may under special circumstances and by rule, add to the interested parties stated above. In this case, the county shall bear the cost of the additional notice.
- F. Other persons may appear and present relevant evidence at such public hearing.
- G. A person may not communicate with any member of the division of the Board before the hearing with intent to influence the member's action on a matter pending before said division of the Board.
- H. Special meetings may be called by the chairman or by two (2) members of the division of the Board upon written request to the secretary. The secretary shall send to all members, at least three (3) days before the special hearing, a special notice fixing the time and place of the meeting. Written notice is not required if:
  - a. The date, time and place of the special meeting are fixed in the regular meeting;
  - b. All members of the division of the Board are present at that regular meeting; and
  - c. The secretary complies with the notice requirement of IC 5-14-1.5.
- I. The chairman of the division of the Board shall preside over meetings and hearings, decide questions of order, subject to appeal by division of the Board meetings, and preserve decorum in the meeting room. The chairman may warn any person present that particular conduct is a breach of courtesy and may order a person expelled from the meeting for disruptive conduct.
- J. The secretary shall keep minutes of its proceedings and record the vote on all actions taken. The division of the Board shall also make written findings of fact in all cases heard by it. The minutes shall be presented to the division of the Board at the next succeeding regular meeting. When approved, the minutes shall be signed by the chairman and attested by the secretary.





### **10-1.8 Appearances**

- A. The petitioner or the petitioner's agent must appear in person or by counsel to present petition or remonstrance to the Board and for the Board to consider the case. If no person appears on behalf of a petition, the petition may be tabled until the following meeting or dismissed under B.
- B. The Board's secretary or staff must be informed in writing prior to the meeting if the petitioner requests a time extension. The chairman will determine whether the petitioner's reasons warrant an extension. If the petitioner or the petitioner's agent fail to appear at the meeting for which the extension was given without sufficient reason, the petition may be dismissed.

### **10-1.9 Order of Business**

- A. The order of business for a regular meeting shall be:
  - a. Call to Order;
  - b. Determination of quorum;
  - c. Consideration of minutes of previous meeting;
  - d. Old Business (tabled or continued items);
  - e. New Business;
  - f. Report of officers and Committees;
  - g. Communications, Bills, and Expenditures;
  - h. Adjournment; and
  - i. Executive Meeting (subject to the regulations of the Indiana open door Statutes).
- B. The order of business for special meetings shall be:
  - a. Call to Order;
  - b. Roll Call and determination of quorum;
  - c. The business for which the special meeting was called; and
  - d. Adjournment.

### **10-1.10 Official Action**

- A. A majority of the members of a division of the Board who are qualified to vote shall constitute a quorum. Action of a division of the Board shall not be official unless it is authorized at a regular or properly-called special meeting. All actions must be authorized by a majority of the entire membership of a division of the Board.
- B. Voting by a division of the Board shall be by roll call vote of the members. All members present shall vote on every question unless they are permitted to abstain by the presiding officer.
- C. On all decisions on petitions before a division of the Board of Zoning Appeals, a division of the Board shall adopt written findings of fact and a written decision.
- D. Pursuant to IC 36-7-4-909, a member of a division of the Area Board of Zoning Appeals may not participate in a hearing or decision of a division of the Board concerning a zoning matter in which he has a direct or indirect financial interest. The division of the Board shall enter in its records the fact that its member has such a disqualification.

### **10-1.11 Appeals**

Every decision of a division of the Board of Zoning Appeals shall be subject to review by a writ of certiorari as prescribed in IC 36-7-4-1000 series.

### **10-1.12 Special Exceptions**

There shall be no cases or application therefore, nor any particular situation in which these rules authorize special exceptions without the approval of a division of the BZA. Further, no previous applications shall set a precedence for any other application before a division of the BZA.



- A. A division of the Board may grant a special exception for a use in a district if, after a hearing under, it makes findings of facts in writing, that:
  - a. the proposal will not be injurious to the public health, safety, morals, and general welfare of the community;
  - b. the requirements and development standards for the requested use as prescribed by this Ordinance will be met;
  - c. granting the exception will not subvert the general purposes served by this Ordinance and will not, permanently injure other property or uses in the same district and vicinity; and,
  - d. the proposed use will be consistent with the character of the district therein and the Fulton County Comprehensive Plan.
- B. When considering a Special Exception a division of the Board of Zoning Appeals may examine the following items as they relate to the proposed use:
  - a. topography and other natural site features
  - b. zoning of the site and surrounding properties;
  - c. driveway locations, street access and vehicular and pedestrian traffic;
  - d. parking, amount, location, design;
  - e. landscaping, screening, buffering;
  - f. open space and other site amenities;
  - g. noise production and hours of operation;
  - h. design, placement, architecture, and building material of the structure;
  - i. placement, design, intensity, height, and shielding of lights;
  - j. traffic generation; and,
  - k. general site layout as it relates to its surrounding.
- C. A division of the Board may impose such reasonable conditions upon its approval as it deems necessary to find that Section 10.11 above will be served.
- D. A division of the Board may require the owner of the parcel of property to make a written commitment concerning the use or development of the parcel as specified under IC 36-7-4-921 and have such commitment recorded in the Fulton County Recorder's Office.
- E. A division of the Board may limit special exceptions to a specific individual and/or a specific time period and for a specific use.
- F. A use authorized by special exception may not be expanded, extended, or enlarged unless reauthorized by a division of the Board under the procedures set forth in these rules for granting a special exception.
- G. A special exception, granted for a specific use ceases to be authorized and is void if that use is not established within a twelve (12) month period of the date the special exception was granted and all commitments met.
- H. If a division of the Board grants the special exception, it shall direct the applicant to apply for an Location Improvement Permit and/or a Building Permit. If such application complies with all Ordinances and rules, an Location Improvement Permit and/or a Building Permit for the use authorized by special exception shall be issued.
- I. A special exception may be terminated by a division of the Board of Zoning Appeals under the following conditions:
  - a. Upon the filing of a complainant application by an interested person or a member of the staff, a public hearing is held with notice to the property owner; and,
  - b. At the public hearing a finding is made by a division of the Board that one or more of the following has not been complied with:
    - 1. The terms of this Ordinance,
    - 2. Conditions of approval,



3. Written Commitments.

- c. A complainant may not file for the same cause within the twelve (12) months.

**10-1.13 Development Standards Variances**

- A. A division of the Board may grant a variance from the development standards of the zoning ordinance (such as height, bulk, area) if, after a public hearing, it makes findings of facts in writing, that:
- a. the approval will not be injurious to the public health, safety, morals, and general welfare of the community; and
  - 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 this Ordinance will result in a Practical Difficulty.
- B. A division of the Board may require the owner of a parcel of property to make written commitments and record it in the Fulton County Recorder's Office concerning the use or development of that parcel or may impose conditions upon that grant of variance.
- C. A developmental standards variance granted by a division of the Board shall run with the parcel until such time as: (1) the use of the variance ends, or (2) the property conforms with the Ordinance as written.
- D. A division of the Board of Zoning Appeals may enforce any condition and/or commitment it has imposed as if it were a standard of this Ordinance.

**10-1.14 Appeals of Administrative Decisions**

- A. A division of the Board shall hear and decide appeals where it is alleged there is error in any of the requirements, decisions or determination made by an administrative official or body charged with the administration and enforcement of this Ordinance.
- B. An appeal concerning interpretation or administration of this Ordinance may be taken by any person aggrieved by any decision of the administrative official or body charged with the administration and enforcement of this Ordinance.

**10-1.15 Exclusion**

Nothing in these rules, regulations or orders issued pursuant to this Ordinance shall be deemed to restrict or regulate the power of eminent domain by the State of Indiana or by any state agency. Nor shall they be deemed to authorize any unit of government, legislative body, plan commission, or board of zoning appeals to restrict or regulate the power of eminent domain by the State of Indiana or a state agency.

As used in this section, the term "state agency" shall mean and include all agencies, boards, commissions, departments, and institutions, including state educational institutions of the State of Indiana.

**10-1.16 Amendments**

Amendments to these rules of procedure may be made by a division of the Board at any regular meeting upon the affirmative vote of a majority of the members of a division of the Board. The suspension of any rule may be ordered at any meeting by a two-thirds (2/3rds) vote of the entire division of the Board.

**10-1.17 Approval**

Rules of Procedure of a division of the Fulton County Board of Zoning Appeals must be approved by an affirmative vote of all members of said division of the Board of Zoning Appeals at a regularly scheduled meeting of the division of the Board.







# Article Eleven

## Definitions



# Article Eleven

## Definitions

### 11-1.1 General:

The definitions contained in this Article shall be observed and applied in the interpretation of all Articles in this Ordinance, except where the context clearly indicates otherwise. Words used in the present tense shall include the future; words used in the singular number shall include the plural and the plural the singular; words in the masculine gender shall include the feminine. The word “person” includes a firm, association, organization, partnership, trust, limited liability company, corporation, or other legal entity, as well as an individual. The word “shall” is mandatory, the word “may” is permissive.

### 11-1.2 Defined Words:

The following terms shall have the following meanings:

**100-year storm event:** A seven (7) inch rain or greater in a twenty-four (24) hour period

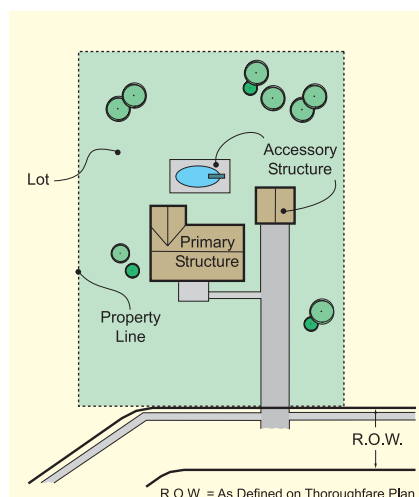
**Abandonment:** The relinquishment of property or a cessation of the use of the property for a continuous period of one year by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

**Access:** The way in which vehicles ingress and egress a Lot from a Street fronting along said Lot.

**Access Drive:** That area within the Right-of-Way between the pavement edge or curb and the Right-of-Way line to provide ingress and egress to and from a Lot.

**Accessory Building, or Structure:** A building or structure which:

- A. is subordinate to a principal building or structure in area, intent, and/or purpose;
- B. contributes to the comfort, convenience, or necessity of occupants of the principal building, structure, or principal use;
- C. does not alter or change the character of the premises;
- D. is located on the same zoning lot as the principal building, structure, or use;
- E. conforms to the setback, height, bulk, lot coverage, and other requirements of this Ordinance unless otherwise provided for by this Ordinance;
- F. may not be constructed prior to the time of construction of the principal building or structure, unless used for agricultural or personal storage or otherwise specified in this Ordinance; and
- G. is not designed for human occupancy as a dwelling or commercial use.



**Administrator:** See Executive Director.

**Adult Entertainment Business:** An establishment having twenty-five percent (25%) of its stock in trade or its dollar volume in trade, books, magazines, periodicals or other printed matter, adult cabaret, adult live entertainment arcade, photographs, films, motion pictures, video cassettes, slides, tapes, records or other forms of visual or audio representations which are distinguished or characterized by their emphasis on matter depicting, describing or relating to sexual activities or sexual anatomical areas.

**Advertising Sign:** See Sign, Advertising.

**Agriculture:** The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, forestry, feed lots and animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities.

"Agriculture" shall not include stock yards, or the commercial feeding of garbage or offal to swine or other animals.

**Agriculture Zoning District:** Refers to the AG District.

**Ag Related Structure:** Any structure that serves as an agricultural operation, including but not limited to crop production and animal husbandry. Pole barns, grain bins, silos, grain dryers, grain legs, etc. are examples of such structures.

**Alley, Private:** A privately held Right-of-Way for public use as a secondary means of public Access to a Lot otherwise abutting upon a Public or Private Street and not intended for traffic other than public services and circulation to and from said Lot.

**Alley, Public:** Any Public Right-of-Way which has been dedicated or deeded to and accepted by the public for public use as a secondary means of public Access to a Lot otherwise abutting upon a Public Street and not intended for traffic other than public services and circulation to and from said Lot.

**Antenna:** A structure or device that is used for the purpose of receiving and or transmitting signals, images, sounds, or information of any nature by radio, visual, or electromagnetic waves, including but not limited to directional or omni-directional antennas, panels, and microwave or satellite dishes.

**Antenna Height:** The vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

**Antenna Support Structure:** Any pole, telescoping mast, tower tripod, or any other structure which supports a device used in the transmitting and/or receiving of electromagnetic waves.

**Apartment:** One (1) or more rooms in an apartment building or combination apartment and commercial building, arranged, intended, designed, or occupied on a rental basis as a dwelling unit of a single family, an individual, or a group of individuals.

**Apartment Building:** A multi-family housing structure designed and constructed to accommodate three (3) or more apartments, in contrast to single or two-family dwellings converted for multi-family use.

**Applicant:** The owner, owners, or legal representative of real estate who makes application to the Fulton County Plan Commission and/or Board of Zoning Appeals for action by said commission or board affecting the real estate owned thereby.

**Area Plan Commission:** A planning commission serving multiple local government jurisdiction estab-





lished as defined under the Indiana Code, 36-7-4. The Fulton County Plan Commission is an Area Plan Commission.

**Arterial, Primary:** See Primary Arterial

**Arterial Street:** See Street, Arterial

**Artificial Lake:** Either: (i) an artificially created body of water which is not required in connection with a storm water management system; or (ii) that portion of an artificially created body of water developed in connection with a storm water management system which exceeds the capacity required to manage the 100 year storm event.

**Assisted Living Facility:** See Nursing Home

**Attached Building:** A building that is structurally connected to another building by a foundation, wall, or roof line. Carports, garages and the like shall be considered attached buildings and abide by all regulations pertaining to primary buildings.

**Authorized Agent:** Any party duly authorized in writing by the Owner of a subject parcel to act on the Owners behalf with respect to a petition for zone map change, Subdivision Plat, Development Plan approval or vacation of land.

**Auto Repair, Major:** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame, or fender straightening or repair; and overall painting of vehicles.

**Auto Repair, Minor:** Incidental repairs, replacement of parts, and motor service to automobiles but excluding any operation specified under “Automobile Repair, Major”.

**Awning:** A roof-like cover, often of fabric, metal, plastic, fiberglass or glass designed and intended for protection from the weather or as a decorative embellishment, and which is supported by and projects from a wall or roof of a Structure over a window, door, walk or the like.

**Banner:** A temporary Sign of lightweight fabric or similar material mounted to a pole or Building at one or more edges. Flags of any governmental or political unit shall not be considered Banners.

**Base Zones:** A base zone is the existing zoning district of the subject property prior to the approval of a planned development rezone.

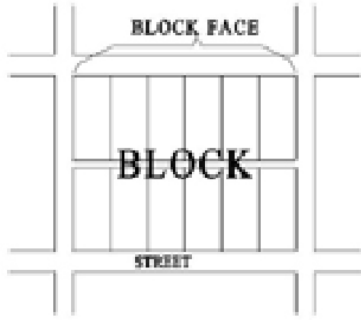
**Bed And Breakfast:** The commercial leasing of bedroom(s) for guest(s) within a private, owner-occupied, one or Two Family Dwelling Unit. Such leasing provides temporary accommodations, typically including a morning meal, to overnight guests for a fee. Such leasing may also provide for the temporary accommodation of daytime meetings or receptions for guests for a fee. Such leasing caters largely to tourists and the traveling public.

**Berm:** A man-made, formed, earth mound of definite height and width used for landscaping and obscuring purposes, the intent of which is to provide a transition between uses of differing intensity.

**Billboard:** See “Sign, Outdoor Advertising”.

**Block:** A tract of land bounded by Streets, or by a combination of Streets and public parks, cemeteries, railroad Rights-of-Way, shorelines, or municipal boundary lines.





**Block Face:** The Frontage of a Block, which may contain one or more Lots, along one side of a Public or Private Street between intersections.

**Board:** See Board of Zoning Appeals.

**Board of Zoning Appeals, Akron:** The Town of Akron's Board of Zoning Appeals or any division thereof.

**Board of Zoning Appeals, Fulton and Kewanna:** The Town of Fulton's and the Town of Kewanna's Board of Zoning Appeals or any division thereof.

**Board of Zoning Appeals, Fulton County:** The Fulton County's Board of Zoning Appeals or any division thereof.

**Board of Zoning Appeals, Rochester:** The City of Rochester's Board of Zoning Appeals or any division thereof.

**Boarding House:** A building or part of a building that contains accommodation facilities for lodging, and typically with meals reserved solely for the occupants thereof for a fee. Boarding houses do not include bed and breakfasts, multi-family dwellings, hotels or motels.

**Bond:** Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the Plan Commission. All bonds shall be approved by the Commission wherever a bond is required by these regulations.

**Boulevard:** See Street, Parkway

**Buffer Landscaping:** Any trees, shrubs, walls, fences, berms, space, or related landscaping features required under this Ordinance on private lots, and privately maintained, for buffering lots from adjacent properties or public rights-of-way for the purpose of increasing visual or other aspects of privacy and aesthetics.

**Buffer Yards:** An area adjacent to front, side and rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to provide attractive spaces to reduce the impacts of proposed uses on adjacent property or natural features and to screen incompatible uses from each other. Buffers also help to maintain existing trees or natural vegetation, to block or reduce noise, glare or other emissions and to maintain privacy. Buffer yards are in addition to (separate from) front, rear, or side yard setbacks.

**Building:** A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals; and when separated by division walls from the ground up and without



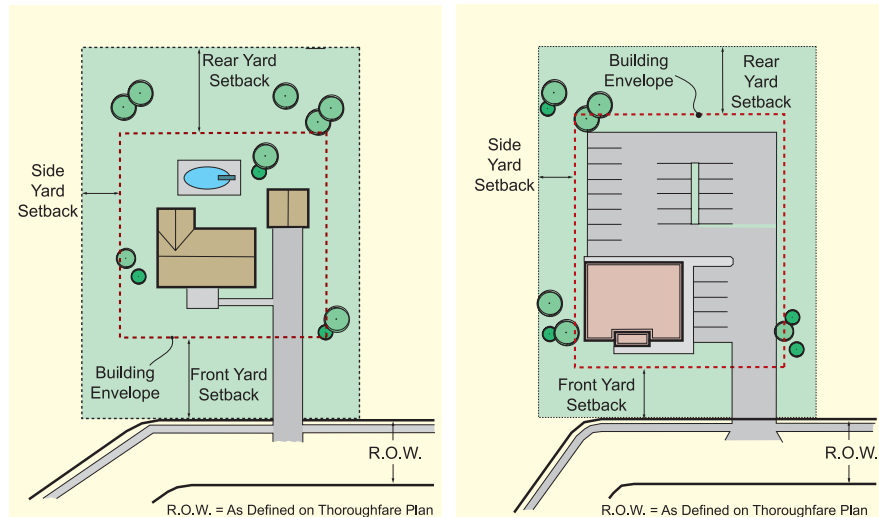
openings, each portion of such building shall be deemed as a separate building.

**Building Area:** The horizontal area of the buildings on a lot, measured from the outside exterior walls, excluding open areas or terraces, unenclosed porches or decks, and architectural features that project no more than two feet.

**Building Height:** See Structure Height

**Building Height, Maximum:** See Maximum Structure Height.

**Building Envelope:** The setback lines that establishes an area on a lot in which building can occur.



**Building Line:** A line parallel to any Front, Side or Rear Lot Line which passes through the nearest point of any Building or Structure.

**Building Line, Front:** A line parallel to any Front Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of contact with any Side Lot Line.

**Building Line, Side:** A line parallel to any Side Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of contact with any Front or Rear Lot Line.

**Building Line, Rear:** A line parallel to any Rear Lot Line which passes through the nearest point of any Building or Structure and terminates at the point of contact with any Side Lot Line.

**Business:** The engaging in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or the maintenance or operation of offices, recreational, or amusement enterprises.

**BZA:** See Board of Zoning Appeals

**Cabin, Seasonal:** Seasonal cabins, of all types, are allowed within the Agricultural and Park Districts as special exceptions, must be a minimum of 250 square feet, but not more than 625 square feet, and shall not be used for more than 180 days in one calendar year.

**Campground:** Any site, lot, field, or tract of land designed with facilities for short term occupancy by recreational vehicles and other camping equipment but not including mobile homes.



**Canopy:** A roof-like cover, often of fabric, metal, plastic, fiberglass or glass on a support, which is supported in total or in part, from the ground and providing shelter over, for example, a doorway, outside walk, Interior Access Drive or Parking Area.

**Capital Improvement Plan:** A proposed schedule of future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project. Major projects requiring the expenditure of public funds, over and above the annual local government's operating expenses, for the purchase, construction, or replacement of the capital improvements for the community are included.

**Cemetery:** A tract of land set apart for or containing graves, tombs, or funeral urns.

**Certificate of Compliance:** A certificate is issued prior to the Certificate of Occupancy stating that the building, structure or use has been constructed and complies with the provisions of this Ordinance, Developer Commitments, and all conditions of the Plan Commission or BZA. A posting of bond may be accepted for incomplete requirements that will be completed as per a written agreement. The time period and amount of bond shall be determined by the Zoning Administrator.

**Child Care:** A service that provides for the care, health, safety, and supervision of a child's social, emotional, and educational growth. (For reference see Indiana Code 12-7-2.)

**Child Care Center:** Any institution operated for the care of children, licensed pursuant to I.C. 12-3-2-3.1, et seq., and as defined by Indiana Code Section 12-3-2-3.

**Child Care Home:** The term includes class I child care home and class II child care home as defined in IC 12-7-2-33.7 and IC 12-7-2-33.8

**Child Care Institution:** a) A residential facility that provides for the care, supervision and protection of children on a twenty-four (24) hour basis; or b) An institution that operates under a license issued under IC 12-16.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and, complies with the rules adopted under IC 4-22-2 by the Division of Family and Children (For reference see Indiana Code 12-7-2)

**Collector, Major:** See Major Collector

**Collector, Minor:** See Minor Collector

**Collector Street:** See Street, Collector

**Co-location:** A number of different telecommunication providers or different use antennas by the same provider or several providers locate their transmitting facilities on a single tower to allow the use of a number of different kinds of public and private telecommunications services including police, fire, emergency management, storm warning etc.

**Commission:** See Area Plan Commission

**Commitment:** An assurance in written form that is made in connection with a rezoning, planned unit development, development plan, variance, special exception, special use, conditional use, or contingent use which may include maps, site plans or other exhibits, and which contains the information necessary to effect the provisions of this ordinance or the approval to which the commitment is connected. Commitments are established by the IC 36-7-4-1500 Series for establishment of Planned Unit Developments; IC 36-7-4-1405 and IC 36-7-4-613 for Site Plans; IC 36-7-4-921 for variances; and IC 36-7-4-608 for amendments to the zoning maps. Commitments shall be recorded in the office of the Fulton County Recorder.



**Communication Tower:** A guyed, monopole, or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication.

**Communications Facility:** A land use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. Communications facilities include structures or towers and accessory buildings.

**Comprehensive Plan:** Refers to the Fulton County Comprehensive Plan. The plan includes goals, objectives and strategies for land use, growth management, transportation/thoroughfares, community facilities and services, environment concerns, infrastructure, aesthetics and identity, economic development, and parks and recreation. The plan was developed and adopted by the Commission pursuant to the I.C. 36-7-4-500 series and includes any part and/or policies separately adopted and any amendment to such plan and/or policies, or parts thereof.

**Condition of Approval:** Stipulations or provisions set forth by the Board of Zoning Appeals or Plan Commission required as a prerequisite for approval of a petition.

**Condominium:** Real estate lawfully subject to I.C. 32-1-6 (1-31), (the Horizontal Property Law), by the recordation of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

**Confined Feeding Operation:** Any operation, owned and/or operated by the same person(s), persons in partnership, or a company and/or corporation(s) consisting of a lot, building, or combination of lots and buildings specially designed for the confined feeding, breeding, raising, or holding of a specified number of animal units of the same animal or fowl type. For the purpose of this definition, a roadway does not negate parcels from being contiguous. The Indiana Department of Environmental Management's (IDEM) definition of what constitutes a confined feeding farm operation shall be used to distinguish between a confined operation and an open farm operation. The animal unit numbers shall be listed within the Fulton County Zoning Ordinance and not subject to any variation in IDEM's animal unit numbers.

**Construction Plan(s):** See Improvement Plans.

**County:** Fulton County, Indiana.

**Covenants:** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider. In the case of public health, safety and welfare, covenants may be applied by the Commission, that are recorded with the plat and deed. Covenants can also be placed on commercial and industrial developments. Covenants are not enforceable by the Plan Commission or its designees. However, they are enforceable in civil court by interested or affected parties.

**Cul-De-Sac:** A street having one (1) end open to traffic and being permanently terminated by a vehicular turnaround.

**Day Care Center:** See Child Care Center

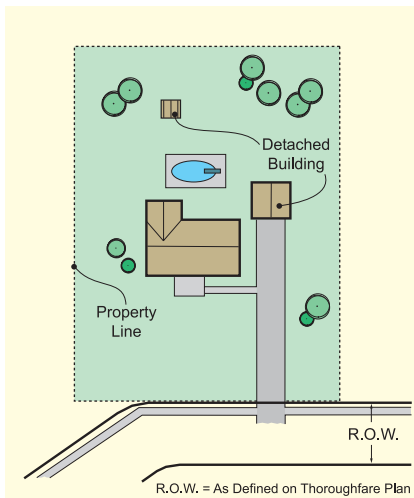
**Deck:** An unenclosed, platform Accessory Structure of which any permanent horizontal area(s) of the platform is raised above Grade level and is designed and intended for the recreational enjoyment of the occupant(s) and guest(s) of the Primary Use or Structure.

**Dedication:** The setting apart of land or interests in land for use by the municipality or public by ordinance, resolution, or entry in the official minutes as by the recording of a plat.

**Density, Gross:** A unit of measurement which represents the number of units per acre of land on the aggregate total land to be developed.



**Detached Building:** A building that has no structural connection with the principal building or any other building or structure.



**Developed Recreational Open Space:** The total horizontal area of those portions of a Lot which are located outside of any required Yard and which are set aside and developed for the recreational use and enjoyment of all residents of a project.

**Developer:** The owner or representative of land proposed to be subdivided or commercially/ industrially utilized. Consent for making applications for development approval shall be required from the legal owner of the premises.

**Development Plan:** Specific plans for residential or commercial development of property within a District setting forth certain information and data as required by this Ordinance.

**Development Requirements:** Development Standards plus any additional requirements specified in this Ordinance which must be satisfied in connection with the approval of a Development Plan.

**Development Standards:** Area, bulk, height and other applicable regulations of a zoning District contained in the Ordinance which govern the physical development of real estate.

**District:** Areas within Fulton County for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces about buildings, are established by this Ordinance. Districts are drawn on the Official Zoning Map.

**Domestic Pets:** Animals commonly used as household pets, protection, companions, and for the assistance to disabled persons. Domestic pets shall include animals that are cared for and treated in a manner acceptable for pet dogs, cats, and birds. Domestic pets shall include, but not be limited to, dogs, cats, parakeets, parrots, finches, lizards, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

**Drainage Pond:** A designated body of water which is required in connection with a storm water management system.

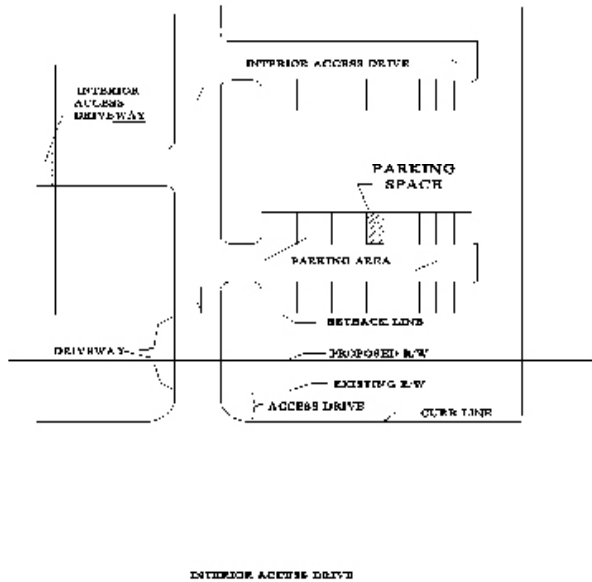
**Drive, Interior Access:** A way for internal vehicular movement in and around an individual Lot or Integrated Center.

**Drives, Private:** See Street, Private



**Driveway:** Access for vehicular egress/ingress between the Right-of-Way of a Public or Private Street and the minimum required Setback Line on a Lot.

**Driveway, Interior Access:** A minor, Private Street providing for vehicular egress/ingress between the minimum required Setback Lines of separate Lots or between Lots within the boundaries of an Integrated Center.



**Duplex:** See Dwelling, Two-Family

**Dwelling:** Any Building, or portion of a Building, which is designed or used primarily for residential purposes, including a Single Family, Two Family and Multifamily Dwelling but not including Hotels, Boarding Houses, lodging houses and tourist Dwellings.

**Dwelling, Manufactured Home:** A single-family dwelling unit designed and built in a factory, installed as a permanent residence, which bears a seal certifying that it was built in compliance with the federal Manufactured Housing Construction and Safety Standards Law (1974 U.S.C. 5401 et seq.), and which also complies with the following specifications:

- A. shall have been constructed after January 1, 1981, and must exceed nine hundred fifty (950) square feet of occupied space per I.C. 36-7-4-1100(d).;
- B. is attached to a permanent foundation of masonry construction and has a permanent concrete or concrete block perimeter enclosure constructed in accordance with the One and Two Family Dwelling Code;
- C. has wheels, axles, and towing chassis removed;
- D. has a pitched roof with a minimum rise of 2/12; and
- E. consists of two (2) or more sections which, when joined, have a minimum dimension of 23' in width for at least 60% of its length.

**Dwelling, Mobile Home:** A transportable dwelling unit which is a minimum of 8' in width and which is built on a permanent foundation or tied down with perimeter skirting when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which was manufactured either:

- A. Prior to June 15, 1976 and bears a seal attached under Indiana Public Law 135, 1971, certifying that it



was built in compliance with the standards established by the Indiana Administrative Building Council: or,

B. Subsequent to or on June 15, 1976 and bears a seal, certifying that it was built in compliance with the Federal Mobile Home Construction and Safety Standards.

C. Is designed for occupancy by one Family.

**Dwelling, Modular Home:** See Dwelling, Manufactured Home.

**Dwelling, Multi-Family:** A residential building designed for or occupied by three (3) or more families, with the number of families in residence not exceeding the number of dwelling units provided.

**Dwelling, Single-Family:** A detached residential dwelling unit designed for and occupied by one (1) family.

**Dwelling Site:** A site within a manufactured home park and/or mobile home park with required improvements and utilities that is leased for the long term placement of manufactured homes and/or mobile homes.

**Dwelling, Two-Family:** A residential building containing two (2) dwelling units designed for occupancy by not more than two (2) families.

**Dwelling Unit:** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient or individual unit by one (1) family or other social association of persons and having permanently installed sleeping, cooking, and sanitary facilities. But shall not include recreational vehicles.

**Easement:** A grant by a property owner to specific persons, the general public, corporations, utilities, or others, for the purpose of providing services or access to the property.

**Executive Director:** The officer appointed by and/or delegated the responsibility for the administration of this ordinance's regulations by the Area Plan Commission. The Plan Commission is hereby designated as the Director for the purpose of administering and enforcing this ordinance and is the County officer referred to herein wherever the term Director or Executive Director appears.

**Expressway/Freeway:** Any roadway that operates at a high service level, consists of limited access, is divided, carries region-wide traffic.

**Family:** One or more human beings related by blood, marriage, adoption, foster care or guardianship, together with incidental domestic servants and temporary, non-compensating guests; or, not more than four (4) human beings not so related, occupying a Dwelling Unit and living as a single housekeeping unit.

**Farm:** An area used for agricultural operations.

**Farm Animals:** Animals commonly used for transportation, food, skins, and other by-products. Farm animals include, but are not limited to, horses, cattle, pigs, sheep, goats, mules, donkeys, miniature horses, miniature donkeys, camels, emu, ostrich, llamas, alpacas, rabbits, mink, fox, buffalo, chickens, turkeys, quail, pheasants, and other animals or fowl of similar characteristics.

**Financial Assurance:** reasonable assurance from a creditworthy party, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit or combinations thereof.

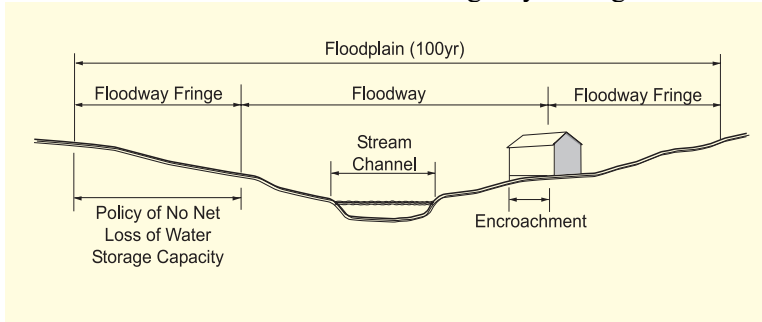
**Finished Floor Area:** See Floor Area, Finished

**Flex-Space:** A light industrial use which includes a combination of office space and either warehouse or light assembly operations, provided that a minimum of fifteen (15) percent of the Gross Floor Area of each tenant space shall be devoted to office use.





**Floodplain:** The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by flood water. The flood plain includes the channel, floodway, and floodway fringe. Flood plain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration.



**Floor Area:** The sum of all horizontal surface areas of all floors of all roofed portions of a building enclosed by and within the surrounding exterior walls or roofs, or to the centerline(s) of party walls separating such buildings or portions thereof. Floor area of a building shall exclude exterior open balconies and open porches.

**Floor Area, Finished:** That portion of floor area constructed, completed, and usable for living purposes with normal living facilities which includes sleeping, dining, cooking, working, entertainment, common space linking rooms, areas for personal hygiene, or combination thereof. Floor area or portion thereof used only for storage purposes and not equipped for the facilities mentioned above shall not be considered Finished Floor Area.

**Floor Area, Gross:** For Dwelling Units, the total area, computed on a horizontal plane inclusive of finished Basements, attached Garages, entrances, hallways, stairways and other enclosed areas, but exclusive of unfinished Basements, cellars and attics.

For Commercial or Industrial Buildings or Structures, the sum of all horizontal surface areas of all floors of a Building or Structure measured from the exterior faces of the exterior walls or from the center line of walls separating abutting Buildings or Structures.

**Floor Area, Gross Leasable:** That portion of the Gross Floor Area which is designated for the exclusive use and occupancy of a tenant.

**Floor Area, Main:** That portion of Finished Floor Area located on the first (or nearest ground level) floor of the dwelling unit. The Main Floor Area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

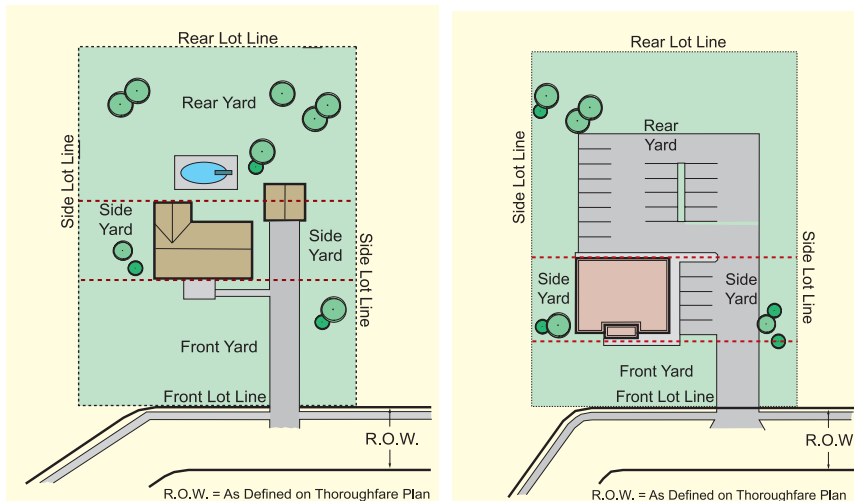
**Flood Protection Grade:** The elevation of the lowest point around the perimeter of a building at which a one hundred (100) year flood may enter any Finished Floor Area.

**Foundation:** The supporting member of a wall or structure.

**Freeway:** See Expressway

**Front Yard:** The horizontal space between the nearest foundation of a building to the Front Lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the Front Lot line.





**Frontage:** See Lot Frontage

**Game Court:** In Residential Districts, a type of recreation facility which consists of an unpaved or paved, Accessory, surface area of ground open and essentially unobstructed to the sky, on the same Lot as the primary Structure, designed and intended for the playing of a recognized sport as an Accessory, recreational activity by the occupants and guests of the primary Structure, which may include fencing, screening, nets, goals, or other necessary appurtenances required for recreational use.

**Garage:** An attached or detached structure whose principal use is to house motor vehicles or personal property for the accommodation of related dwelling units or related business establishments.

**Garage, Parking:** Any Building or Structure designed and intended for the storage of motor vehicles for compensation.

**Gasoline Service Station:** Any Building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, which may include as an Accessory Use: convenience store, minor automotive repairs, the sale and installation of lubricants, tires, or batteries, car washes, and similar uses. Such establishments shall provide a facility where gasoline and other motor fuels are stored and subsequently dispensed by means of fixed, approved dispensing equipment by customers or employees.

**Grade:** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the structure and the property line or, when the property line is more than five (5) feet from the structure, between the structure and a line five (5) feet from the structure.

**Ground Floor Area:** See Floor Area, Main

**Group Home:** A residential facility licensed by the Community Residential Facilities Council, or its successor in authority, and authorized by the Indiana State Code in which care is provided on a twenty-four (24) hour basis for not more than ten (10) children in need of services or who have committed a delinquent act.

**Guyed Tower:** A communication tower that is supported, in whole or part, by guy wires and ground anchors.

**Hardship:** A difficulty with regard to one's ability to improve land stemming from the application of the development standards of this Ordinance, which may or may not be subject to relief by means of variance. In and of themselves, self-imposed situations and claims based on a perceived reduction of or restric-



tion on economic gain shall not be considered hardships. Self-imposed situations include: 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; any improvement initiated in violation of the standards of this Ordinance: any result of land division requiring variance from the development standards of this Ordinance in order to render that site buildable.

**Hardsurfaced Area:** Quality of an outer area being solidly constructed of pavement, brick, paving stone, concrete or a combination thereof.

**Height:** See Structure Height

**Highest Adjacent Grade:** The highest natural elevation of the ground surface, prior to the start of construction, next to the proposed walls of a structure.

**Hobby Farming:** The use of land for purposes, including: dairying, pasturage, apiculture, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry. Processing and storage of harvested produce or other end products shall not be allowed on site. Hobby farming cannot be the principal income source for the owner, operator or household on site.

Hobby farming shall not include feed lots, stock yards, or the commercial feeding of garbage or offal to swine or other animals.

**Home Occupation #1:** The intent of the Home Occupation #1 provisions are to allow minimal (no impact to structure or surroundings) business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate minimal business practices within residential districts, development standards for home occupations have been established and can be found in Article 5.

**Home Occupation #2:** The intent of the Home Occupation #2 provisions are to allow moderate home business practices within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices for home occupations, development standards have been established and can be found in Article 5.

**Home Occupation #3:** The intent of the Home Occupation #3 provisions are to allow a little more intensive businesses practices than Home Occupation #2 within certain residential Zoning Districts. Further, the intent is not to allow the loss of the residential district's character or function as a residential area or neighborhood. To regulate reasonable business practices for home occupations, development standards have been established and can be found in Article 5.

**Hotel:** A building in which lodging or board and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public. Compensation is usually assessed on a day-to-day basis.

**Hospital:** An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment, or care for three (3) or more unrelated individuals suffering from illness, disease, injury, deformity, or other abnormal physical conditions. The term "hospital" as used in this Ordinance does not apply to institutions operating primarily for treatment of insane persons, drug addicts, liquor addicts, and other types of cases necessitating restraint of patients, and the term "hospital" shall not include convalescent, nursing, shelter, or boarding homes.

**Impervious Surface:** Any material that prevents absorption of stormwater into the ground.



**Improvement:** Any man-made, immovable item which becomes part of, placed upon, or is affixed to real estate.

**Improvement Plan(s):** The maps or drawings showing the specific location and design of improvements to be installed in accordance with the requirements of this Ordinance.

**Incidental:** A minor occurrence or condition which is customarily associated with a permitted use and is likely to ensue from normal operations.

**Industrial Park:** See Integrated Center.

**Industry, Light:** See Manufacturing, Light

**Industry, Heavy:** See Manufacturing, Heavy

**Industrial District:** Refers to the Industrial Zone District found in Article 4.

**Industrialized Building (System):** any part of a building or other structure that is in whole or in substantial part fabricated in an off-site manufacturing facility for installation or assembly at the building site as part of a Class 1 structure, a Class 2 structure, or another building or structure. However, the term does not include a mobile structure or a system that is capable of inspection at the building site. (IC 22-12-1-14)

**Integrated Center:** An area of development (commercial, industrial, or any combination of commercial, industrial and residential uses) of one or more Lots, comprised of:

- A. Two or more individual, non-related and separately operated uses in one Building sharing common site facilities;
- B. One or more Buildings containing non-related and separately operated uses occupying a common site, which utilizes one or a combination of common site facilities, such as Driveways, Parking Areas, Interior Access Drives, maintenance and similar common services; or,
- C. One or more Buildings containing non-related and separately operated uses occupying individual sites, which are interrelated by the utilization of one or a combination of common facilities, such as Driveways, internal Public or Private Street network developed in accordance with an approved Subdivision, Parking Areas, maintenance or other services.

**Interior Lot:** See Lot, Interior

**Interstate:** See Expressway

**Junk:** An automobile, truck, other motor vehicle, large appliances, furniture or like materials which has been damaged to such an extent that it cannot be operated under its own power or used and/or will require major repairs before being made usable. This could also include such a vehicle which does not comply with State or County vehicle laws or ordinances.

**Junk Yard:** A place, usually outdoors, where waste or discarded used property is accumulated and is not actively being salvaged for reuse or resale.

**Jurisdiction:** See Planning Jurisdiction

**Jurisdiction Area:** All land within the limits of Fulton County, Indiana.

**Kennel:** A place primarily for keeping four (4) or more adult dogs, or other small animals that are ordinarily bred for sale as pets. Also could include temporary care facility for compensation, such as an

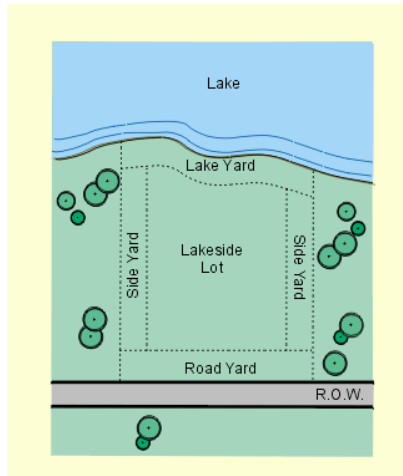


animal shelter. All kennels shall have a 6' privacy fence constructed of wood or vinyl enclosing the facility in order to reduce the sight of outside stimuli to the animals and to reduce noise of the facility from neighboring properties..

**Lakeside Lot:** A property adjacent to a lake.

**Lake Yard :** The area between the primary structure and the lake on a Lakeside Lot.

**Lake Yard Setback:** The Setback from a lake on a Lakeside Lot (Lot Line, Front).



**Landscaping:** The improvements of a lot with grass, shrubs, trees, and other vegetation and/or ornamental objects. Landscaping may include pedestrian walks, flower beds, berms, fountains and other similar natural and man-made objects designed and arranged to produce an aesthetically pleasing effect.

**Landscaping Pond:** A pond, typically man-made, lined with a substance, or built within a structure, to prohibit water seepage into the soil, and utilized for ornamental purposes only.

**Large Wind System:** A WECS that has a nameplate capacity (manufacturer's rating) of more than 50 kilowatts per wind tower, or a total height of more than 140', or a swept area of more than 40'. Any WECS meeting one or more of these criteria shall be considered a large wind system.

**Lattice Tower:** A guyed or self-supporting three or four sided, open, steel frame structure used to support telecommunications equipment.

**Limited Access Highway:** See Expressway.

**Loading Area:** A hard-surfaced, off-street area maintained and intended for the maneuvering and temporary parking of vehicles while transferring goods or materials to and from a facility. Loading Area includes the Loading Space and maneuvering area required to enter the Loading Space.

**Loading, Off-Street:** A Loading Area located completely on a Lot and accessed via Interior Access Drives, Interior Access Driveways, Access Drives, or Driveways in which no individual Loading Spaces gain direct Access to a Public or Private Street.

**Loading Space:** A hard-surfaced, off-street area used for the temporary parking of a commercial vehicle while transferring goods or materials to and from a facility.

**Local Road:** A street designed primarily to provide access to abutting properties and discourage through traffic, as depicted by the Transportation Plan element within the Comprehensive Plan.



**Local Street:** See Street, Local.

**Location Improvement Permit:** A permit issued under the Zoning Ordinance prior to receiving a building permit, permitting a person, firm, or corporation to erect, construct, enlarge, alter, move, improve, remove, or convert any building or structure within its jurisdiction, or the pursuit of changes to the condition of the land.

**Lodging House:** See Boarding House.

**Lot:** A piece, parcel or tract of land.

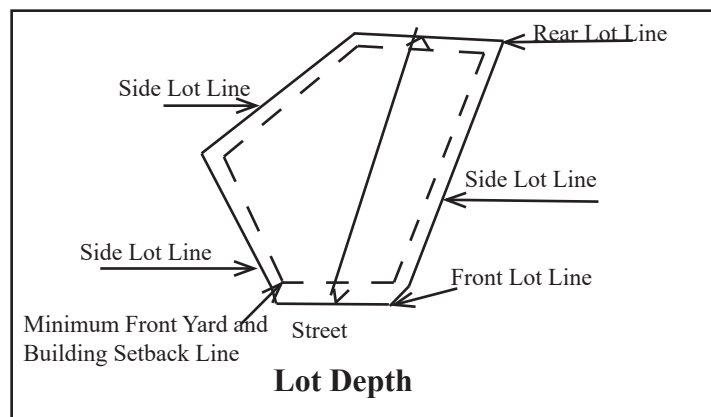
**Lot Area:** The area bounded on all sides by the Front, Rear, and Side Lot Lines that is available for use or development and does not include any area lying within the Right-of-Way of any Public or Private Street or easement for surface Access into the subject Lot or adjoining Lots.

**Lot, Buildable:** A lot upon which a structure or building can be constructed and occupied.

**Lot, Corner:** A lot situated at the intersection of two (2) streets or which fronts a street on two (2) or more sides forming an interior angle of less than one-hundred and thirty-five (135) degrees.

**Lot Coverage:** The area of a zoning lot occupied by the principal building, any accessory structures and impervious surface.

**Lot Depth:** The distance from the midpoint of the Front Lot Line to the midpoint of the Rear Lot Line.



**Lot, Developed:** A lot with buildings or structures.

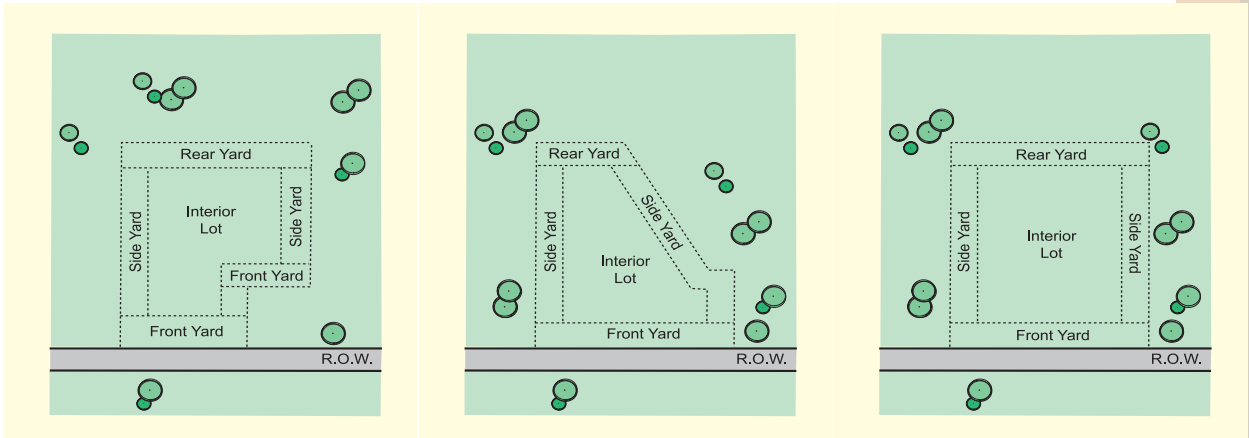
**Lot, Double Frontage:** A Lot abutting two (2) parallel Streets, or abutting two (2) Streets which do not intersect at the boundaries of the Lot.

**Lot Frontage:** All property of a lot fronting on a street right-of-way ~~or watercourse~~, as measured between side lot lines.

**Lot, Improved:** A lot upon which a structure or building can be constructed and occupied. The lot shall have frontage on or access to an improved street, meet minimal setbacks, and have all necessary utilities available to the lot such as sewer, water, electricity, etc.

**Lot, Interior:** A lot other than a corner lot or a through lot.





**Lot Line:** The line of separation of a Lot from any abutting Street or adjoining Lot.

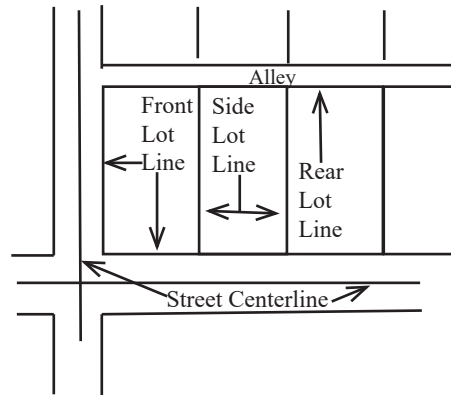
**Lot Line, Front:**

- A. For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way; and
- B. For a corner lot, the line marking the boundary between the lot and each of the abutting streets.

(SEE GRAPHICS FOR "FRONT YARD")

**Lot Line, Rear:** A Lot Line which is opposite and most distant from the Front Lot Line, or in the case of a triangularly shaped Lot, a line ten (10) feet in length within the Lot, parallel to and at the maximum distance from the Front Lot Line. However, in the case of a Corner Lot, any Lot Line which intersects with a Front Lot Line shall not be considered a Rear Lot Line.

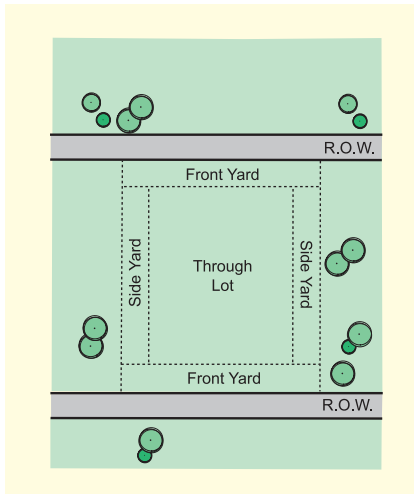
**Lot Line, Side :** Any Lot Line not designated as a Front or Rear Lot Line.



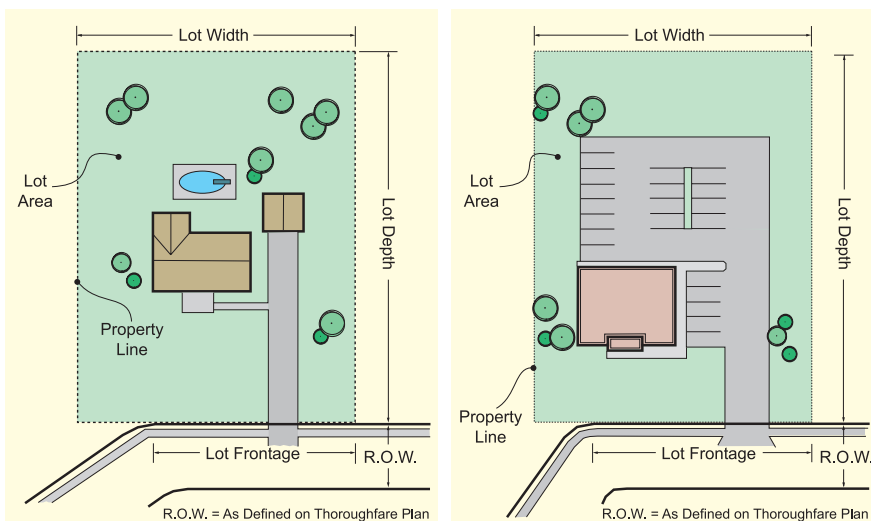
**Lot of Record:** A lot recorded in the office of the Fulton County Recorder, as well as the Fulton County Auditor's Office in the official County plat books. A parcel or lot described by metes and bounds, and a description of what has been so recorded through an official deed, memorandum, contract, etc.



**Lot, Through:** A lot fronting on two (2) parallel or approximately parallel streets, or abutting two (2) streets which do not intersect at the boundaries of the lot. Also includes lots fronting on both a street and a watercourse or Lake.



**Lot Width:** The distance as measured between the side lot lines. The lot width of a property that has irregular boundaries shall be the narrowest distance between side lot lines. Cul-de-Sac front lot widths shall be regarded as the minimum frontage requirement and shall be measured at the front set back line, with the rear property boundary line being at least the minimum width.



**Main Floor Area:** See Floor Area, Main

**Maintenance Bond:** A legally binding agreement whereby the Subdivider posts a surety bond in a form acceptable to the Plan Commission for the maintenance of Improvements, installations and Lot Improvements.

**Major Collector:** A street with signals at important intersections and stop signs on side streets, and that collects and distributes traffic to and from Minor Collectors, as depicted by the Transportation Plan element within the Comprehensive Plan.

**Maneuvering Space:** An open space in a parking area which:  
A. is immediately adjacent to a parking space;





- B. is used for and/or is necessary for turning, backing or driving forward a motor vehicle into such parking space, but
- C. is not used for the parking of or storage of motor vehicles.

**Manufactured Home:** See Dwelling, Manufactured Home.

**Manufactured Home Park:** A parcel of land containing two (2) or more dwelling sites, with required improvements and utilities, that are leased for long term placement of Mobile Home Dwellings and/or Manufactured Home Dwellings, and shall include any street used or intended for use as part of the facilities of such Mobile Home Park. A Manufactured Home Park does not involve sales of Mobile Home Dwellings or Manufactured Home Dwellings in which unoccupied units are parked for inspection or sale.

**Manufacturing, Heavy:** The assembly, fabrication or processing of goods and materials using processes that ordinarily have greater than minimal impacts on the environment, or that otherwise do not constitute light manufacturing, and which may include open uses and outdoor storage. Heavy manufacturing generally includes processing and fabrication of products made from extracted or raw materials.

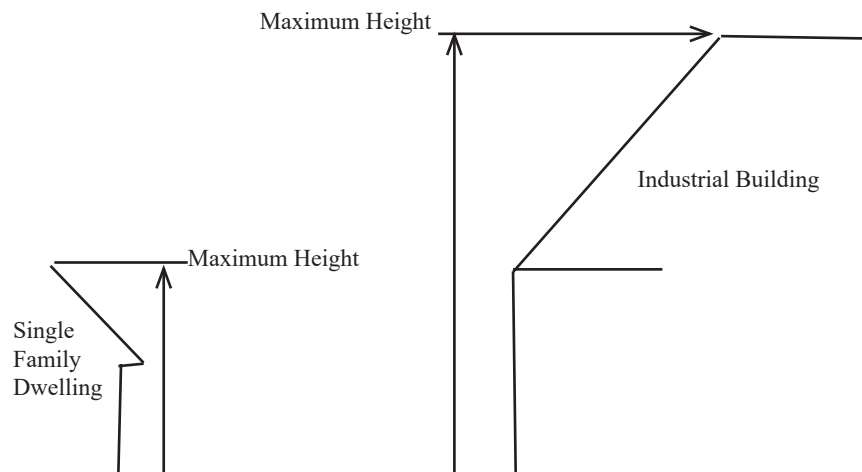
**Manufacturing, Light:** The assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke fume odors, glare or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing of goods are housed entirely within an enclosed building. Light manufacturing generally includes processing and fabrication of finished products predominantly from previously prepared materials.

**Manure Storage Structure:** A structure, lagoon, pit, pond, etc. used to store fecal and urinary excretion of livestock and poultry in any size confined feeding operation as defined by the Fulton County Zone Ordinance. All such structures are considered an accessory structure and required to set a minimum of 200' off of all right-of-ways and 200' off of all side and rear property lines.

**Marker (survey):** A stake, pipe, rod, nail, or any other object which is not intended to be a permanent point for record purposes.

**Master Plan:** See Comprehensive Plan.

**Maximum Building Height:** The vertical distance measured from finished Grade to the highest point of the roof.



**Meteorological Tower:** Towers which are erected primarily to measure wind speed and direction plus other data, excluding towers and equipment used by airports, the Indiana Department of Transportation, or other similar applications to monitor weather conditions. The meteorological tower must meet the minimum distance of ½ mile from the sides of the private airport extending parallel to the airport sides and one mile from each end of the runway (excluding heliports).



**Meteorological Tower, Operational Support:** Towers which are erected primarily to measure wind speed and direction plus other data in support of an operating WECS, excluding towers and equipment used by airports, the Indiana Department of Transportation, or other similar applications to monitor weather conditions. The meteorological tower must meet the minimum distance of ½ mile from the sides of the private airport extending parallel to the airport sides and one mile from each end of the runway (excluding heliports).

**Micro Wind System:** A building-mounted wind system that has a nameplate capacity (manufacturer's rating) of 10 kilowatts or less, and projects no more than 15' above the highest point of the roof; such building-mounted wind systems shall not be considered a wind energy conversion system. Micro wind systems are subject to regulations in all zoning districts

**Minor Collector:** A street designed to facilitate the collection of traffic from Local Roads and to provide circulation within neighborhood areas and convenient ways to reach Major Collectors or Primary Arterials, as depicted by the Transportation Plan element within the Comprehensive Plan.

**Mobile Home:** See Dwelling, Mobile Home.

**Mobile Home Park:** See Manufactured Home Park.

**Monopole Tower:** A communication tower consisting of a single pole constructed without guy wires and ground anchors.

**Monument (survey):** A permanent physical structure which marks the location of a corner or other survey point.

**Motel:** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single zoning lot, and designed for use by transient automobile tourists. A motel furnishes customary services such as maid service and laundering of linen, telephone, secretarial, or desk service, and the use and upkeep of furniture.

**Motor Home:** See Recreational Vehicle.

**Neighborhood Recycling Collection Point:** A site where individuals bring household recyclable materials to either drop off without compensation, or, to redeem the materials for monetary compensation. Beyond any limited sorting, no other processing of the materials takes place at the site. All materials are stored completely within the Structure while awaiting periodic shipment to the processing facilities. While these collection points may be developed as freestanding sites, they typically are Accessory Uses sharing the site of a larger Primary Use. Possible Structures for this type of operation include such Recycling Containers as "igloos", reverse vending machines, trailers, or similar Structures.

**Nonconforming Building or Structure, Legally Established:** Any continuous, lawfully established Building or Structure erected or constructed: (a) prior to the time of adoption, revision or amendment of the zoning ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning District; or (b) pursuant to a granted variance of the zoning ordinance.

**Nonconforming Use, Legally Established:** Any continuous, lawful land use having commenced: (a) prior to the time of adoption, revision or amendment of the zoning ordinance but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning District; or (b) pursuant to a granted variance.

**Non-Residential Subdivision:** See Subdivision, Non-Residential.



**Nursing Home:** A private home for the care of the aged or infirm, or any other person in need of nursing care for treatment of disease or injury, which does not contain equipment for surgical care and is not primarily designed for mental patients or alcoholics.

**Office Park:** See Integrated Center.

**Official Zoning Map:** A map of the Fulton County, Indiana, that legally denotes the boundaries of zoning districts as they apply to the properties within the planning jurisdiction. There is only one Official Zoning Map and is kept up to date by the Area Plan Commission and the Executive Director.

**Off-site Improvements:** Any premises not located within the area of the property to be subdivided, used, or built upon whether or not in the same ownership of the applicant for subdivision approval.

**Open Space:** An area of land not covered by buildings, parking structures, or accessory uses except for recreational structures. Open space may include nature areas; streams and flood plains; meadows or open fields containing baseball, football, and soccer fields, golf courses, swimming pools, bicycle paths, etc. Open Space does not include street rights-of-way, platted lot area, private yard, patio areas, or land scheduled for future development.

**Out Lot:** That portion of land in a Subdivision, Integrated Center or planned development which is: (a) usually located adjacent to a Street or Frontage Street; and, (b) is intended for an additional and separate Building or Buildings in the development.

**Outdoor Storage:** See Storage, Outdoor.

**Owner:** Any person, group, of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land under these regulations, or their legal representative.

**Parcel:** See Lot.

**Parent Tract:** A lot of record as recorded (location, size, shape, etc) on the effective date of this Ordinance; or a lot as defined by its last conditional transfer of ownership by recorded contract transacted before the effective date of this Ordinance. Multiple lots that are contiguous and owned by one (1) person, persons in partnership, or a company and/or corporation(s) shall be considered one (1) Parent Tract for the purpose of calculating the amount of exempted splits allowed, yet each lot of record, as recorded by its own separate legal description prior to the effective date of this Ordinance, shall maintain its ability to be sold individually as a lot, but only as it corresponds to the said recorded legal description prior to the effective date of this Ordinance. Easements shall not constitute a separation of two (2) or more pieces of land owned by one (1) person, persons in partnership, or a company and/or corporation(s). A lot of record with an existing public road that splits it shall be considered two (2) parent tracts.

**Parking Area:** Any area other than an open exhibition or display area, not inclusive of Interior Access Drives, Driveways, Interior Access Driveways and Access Drives, intended for the temporary storage of vehicles including Parking Spaces and the area allocated to the egress/ingress of vehicles to and from the actual Parking Space.

**Parking Garage:** See Garage, Parking.

**Parking Lot:** The primary or Accessory Use of a Lot or a portion of a Lot for the parking of vehicles.

**Parking, Off-Street:** A Parking Area located completely on a Lot and accessed via Interior Access Drives, Interior Access Driveways, Access Drives, or Driveways in which no individual Parking Spaces



gain direct Access to a Public or Private Street.

**Parking Area, Public/Private :** A group of parking spaces in an open area not including any part of a street or alley, designed or used for temporary parking of motor vehicles.

**Parking Space:** An off-street portion of the Parking Area, which shall be used only for the temporary placement of an operable vehicle.

**Patio:** A open hardsurfaced area Accessory Structure to a Primary Use or Structure of which the horizontal area is at Grade level.

**Pavement:** A layer of concrete, asphalt or coated macadam used on street, parking area, sidewalk, or airport surfacing.

**Pennant:** A Sign of lightweight plastic, fabric, or other similar material, whether or not containing a message of any kind, which is suspended from a rope, wire or string, usually in a series, and which is designed to move in the wind. Flags of any government or political unit shall not be considered pennants.

**Performance Bond:** An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat or in other situations as stated forth in this Ordinance and/or as deemed by the Executive Director, and provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

**Permanent Foundation:** A structural system for 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.

**Permanent Perimeter Enclosure:** A permanent perimeter structural system completely enclosing the space between the floor joists of the home and the ground, except for the necessary openings, constructed in accordance with the One and Two Family Dwelling Code.

**Permitted Use:** The use of land or the use of a Building or Structure on land which is allowed, either as a matter of right or under limited conditions (i.e., as a Special Exception Use, an Accessory Use, a Home Occupation, or a Temporary Use) in the zoning District applicable to the land.

**Person:** A corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit, as well as a natural person

**Plan Commission:** The Area Plan Commission of the Fulton County.

**Planned Development:** A large-scale unified development meeting the requirements for zoning approval under the provisions of Article Five of this ordinance. Generally a planned development consists of a parcel or parcels of land, controlled by a single landowner, to be developed as a single entity which does not correspond in size of lots, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any district of this Ordinance. This may result in more attractive and affordable development than conventional developments would allow. Clustered housing (dwellings built in innovative lot arrangements around common open space) and zero lot line housing (dwellings built immediately adjacent to lot lines) are possible as part of planned developments. A planned development requires approval through a zoning map amendment.

**Planning Jurisdiction:** See Jurisdiction Area.

**Plat:** A drawing, map, plan or other graphic representation of a Subdivision of a tract of land or a replat



of such a tract of land into Lots of Record.

**Plat, Primary:** The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the approval of a proposed subdivision are based. The primary plat and plans shall be subject to public notice and public hearing according to law and according to Plan Commission rules. (Under former state statutes, the primary plat was referred to as a “preliminary” plat.)

**Plat, Secondary:** The secondary plat, pursuant to I.C. 36-7-4-700 series, is the final plat document in recordable form. A secondary plat shall substantially conform with the preceding primary plat, or section thereof. The secondary plat and plans are not subject to public notices and public hearings.

**Porch:** A roofed-over structure projecting out from the wall or walls of a main structure and commonly open to the weather in part.

**Practical Difficulty:** A difficulty with regard to one’s ability to improve land stemming from regulations of this Ordinance. A practical difficulty is not a “hardship,” rather it is a situation where the owner could comply with the regulations within this Ordinance, but would like a variance from the Development Standards to improve his site in a practical manner. For instance, a person may request a variance from a side yard setback due to a large tree which is blocking the only location that would meet the Development Standards for a new garage location.

**Preexisting Towers and Antennas:** Any tower or antenna for which a permit has been issued prior to the effective date of these regulations are exempt from the requirements of these regulations so long as the tower or antennas are not modified or changed.

**Primary Arterial:** A street with access control, restricted parking, and that collects and distributes traffic to and from minor arterials, as depicted by the Transportation Plan element within the Comprehensive Plan.

**Primary Plat:** See Plat, Primary.

**Primary or Principal Building/Structure:** The building or structure in which the principal use of the lot or premises is located or conducted, with respect to residential uses, the principal building or structure shall be the main dwelling. Only one primary single-family structure shall be allowed on any one lot at any time.

**Primary Structure Within A WECS Project Boundary:** for each property, the structure that one (1) or more persons occupy the majority of time on that property for either business or personal reasons. Primary structure includes structures such as residences, commercial buildings, hospital, and day care facilities.

**Principal Use:** The main use of land or buildings as distinguished from an accessory use. A principal use may be either a permitted use or a special exception.

**Privacy Fence:** A privacy fence must be to the side and rear of primary structures (except within the commercial and industrial districts as long as no vision clearance hazard results), be permitted up to the property line unless otherwise specified by this ordinance, a maximum height of six (6) feet unless otherwise specified by this ordinance, and is at least 90 percent opaque, unless otherwise specified throughout this ordinance. A privacy fence may only be made of wood and/or vinyl. It may not consist of metal, cars, mobile homes, or any other material other than wood or vinyl.

**Private Street:** See Street, Private

**Production Agricultural Operation:** a farm operation including the production, preparation and marketing of crops, livestock and livestock products that are produced on land that is owned or rented, contigu-



ous or non- contiguous to one another.

**Professional Engineer:** A qualified individual who is licensed as a professional engineer in any state in the United States.

**Professional Office:** An office used by members of a recognized profession.

**Public Improvements:** Any storm drainage facility, street, highway, parkway, sidewalk, pedestrian-way, tree, lawn, off-street parking area, lot improvement, utility, 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.

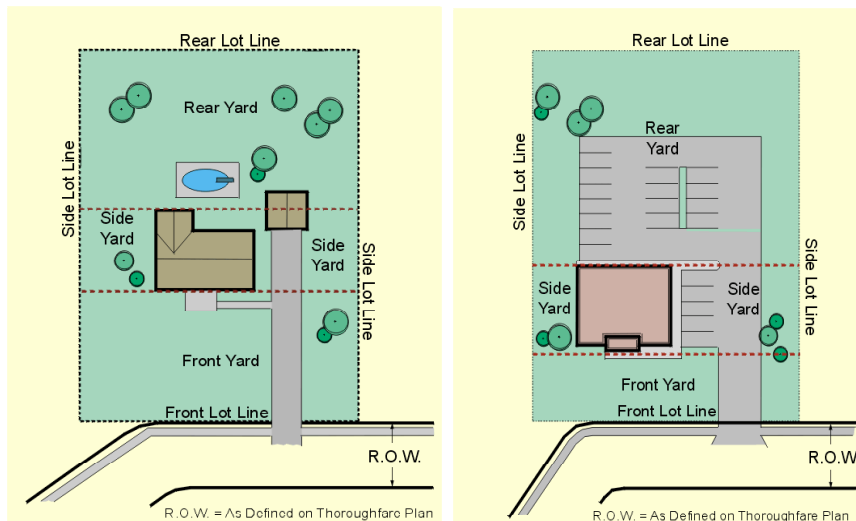
**Public Street:** See Street, Public.

**Public Utility:** Any person, firm, or corporation duly authorized to furnish under public regulation to the public, electricity, gas, steam, telephone, fiber optics, transportation, water, or sewerage systems.

**Public Works Agreement:** A contract, between the developer and the County to complete the necessary improvements in accordance with the approved plans and specifications by a given date.

**Racetrack:** Any venue for the sport of racing or competing where participants drive, ride, or control motorized vehicles, as well as animals. A racetrack may or may not have areas for spectators. Racetrack includes, but is not limited to oval track racing, drag racing, motorcross, tractor pulling, go-carts racing, remote control airplane flying, horse track and similar uses.

**Rear Yard:** The horizontal space between the nearest foundation or structural appurtenance of a building to a rear lot line and that rear lot line, extending to the side lines of the lot, and measured as the shortest distance from the foundation to the rear lot line. The rear yard of a corner lot shall be that yard at the opposite end of the lot from the front yard.



**Recreational Vehicle:** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreational, camping, and travel use and including but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes. A recreational vehicle shall not be used as living quarters.

**Recreational Vehicle Park:** Any site, lot, field, or tract of land under single ownership, or ownership of two or more people, designed with facilities for short term occupancy for recreational vehicles only.



**Recycling Container:** A receptacle designed and intended for the collection of cleaned, sorted, solid household waste products, including, but not limited to glass, plastic, metal and paper.

**Recycling Facility:** A recycling operation involving further processing (relative to a Neighborhood Recycling Collection Point) of materials to improve the efficiency of subsequent hauling. Such a facility typically features sorting, the use of a crushing apparatus, and the storage of the material until it is shipped out.

**Registered Land Surveyor/Engineer:** A land surveyor/engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**Regulatory Flood:** A flood having a peak discharge which can be equalled or exceeded on the average of once in a one hundred (100) year period, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission; Further, this flood is equivalent to a flood having a one percent (1%) probability of occurrence in any given year.

**Regulatory Floodway:** The channel of a river or stream and those portions of the flood plains adjoining the channel which are reasonably required to efficiently carry and discharge peak flow of the regulatory flood of any river or stream and, is that area covered by floodwaters in significant downstream motion or covered by significant volumes of stored water during the occurrence of the regulatory flood.

**Religious Use:** A land use and all Buildings and Structures associated therewith devoted primarily to the purpose of divine worship together with reasonably related Accessory Uses, which are subordinate to and commonly associated with the Primary Use, which may include but are not limited to educational, instructional, social, residential or Child Care Ministry uses.

**Re-Plat:** A change in a recorded subdivision plat if such change affects any street layout or area reserved thereon for public use or any lot line or easement; or if it affects any map or plan legally recorded.

**Research Park:** See Integrated Center.

**Residential District:** Refers to the RR, SR, R1, R2, R3, and MP Districts.

**Residential Facility for the Developmentally Disabled:** A residential facility which provides residential services for developmentally disabled individuals as defined by Indiana State Code.

**Residential Facility for the Mentally Ill:** A residential facility which provides residential services for mentally ill individuals as defined by Indiana State Code.

**Resource Recovery:** The processing of solid waste into commercially valuable materials or energy.

**Rest Home:** See Nursing Home.

**Retirement Community:** An age-restricted development, which may include detached and attached dwelling units, apartments, and may also have a nursing home component.

**Right-of-Way:** A strip of land occupied or intended to be occupied by transportation facilities, public utilities, or other special public uses. Rights-of-way intended for any use involving maintenance by a public agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

**R.O.W:** See Right-of Way.

**Road:** See Street.

**Road, Local:** See Local Road



**Road Yard:** The area between the road and the primary structure on a Lakeside Lot.

**Road Yard Setback:** The Setback from a road on a Lakeside Lot.

(SEE GRAPHICS FOR LAKE YARD)

**Roadside Food Vendor, Mobile Retail Food Establishment:** A retail food establishment that is wheeled, on skids, mounted on a vehicle, a marine vessel, or otherwise readily movable, such as a push-cart or trailer.

**Roadside Food Vendor, Temporary Food Establishment:** A retail food establishment that operates for a period of no more than fourteen (14) consecutive days in conjunction with a single event or celebration with the approval of the organizers of the event or celebration.

**Roof Mounted Antenna:** Any device attached to a building, or structure that is used for wireless telecommunications service. (not included in these definitions are AM radio, non commercial but residential type radio, TV, ham two-way radio, short-wave radio, antennas and satellite dishes but which may be included in other sections of this zoning ordinance)

**Salvage Yard:** A place, usually outdoors, where waste or discarded used property other than organic matter, including but not limited to automobiles, farm implements and trucks, is accumulated and is or may be salvaged for reuse or resale; this shall not include any industrial scrap metal yard. But not limited to, wood, paper, tires and glass.

**Satellite Dish/Antenna:** An apparatus capable of receiving communications from a transmitter relay located in a planetary orbit, or broadcasted signals from transmitting towers.

**School:** A public or private institution which offers instruction in any of the branches of learning and study comparable to that taught in the public schools under the Indiana School Laws, including pre-kindergarten, kindergarten, elementary school, and junior and senior high schools, but excluding trade, business, or commercial schools.

**Scrap Metal Yard:** A general industrial use established independent or ancillary to and connected with another general industrial use, which is concerned exclusively in new and salvaged metal pipes, wire, beams, angles, rods, machinery, parts, filings, clippings, and all other metal items of every type, and which acquires such items incidental to its connection with the other general industrial use or by purchase, consignment or bailment which stores, grades, processes, melts, cuts, dismantles, compresses, cleans, or in any way prepares said items for reuse by the connected other general industrial use or for storage, sale or shipment and use in other industries or businesses including open hearth, electric furnaces and foundry operations; such an establishment shall not include junk yards or salvage yards.

Such an establishment will be disqualified from being classified as a scrap metal yard, and the same will be classified as a junk yard if the storage, dealing in or the permitting of the accumulation of significant quantities of combustible, organic or nonmetal scrap materials such as, but not limited to, wood, paper, rags, garbage, tires, bones and shattered glass on the premises of .

**Seasonal Farm Worker Housing:** Seasonal Farm Worker Housing of all types may be permitted as accessory structures in the AG District, in conjunction with an agriculture operation, provided that the housing is not occupied more than six months in one calendar year and the Seasonal Farm Worker Housing conforms to all applicable county and state requirements. Housing must be located at least 200 feet from a property line and 100 feet from a street right-of-way line. In reference to maximum occupancy per housing unit, all types of housing must provide a minimum floor space of 100 square feet per person; all





housing utilized for this purpose must maintain a minimum main floor area of 625 square feet and are temporary second dwellings.

**Seasonal Retail Sales:** A Temporary Use established for a fixed period of time, for the retail sale of seasonal products, including but not limited to, such items as food, Christmas trees, pumpkins and live plants. This use may or may not involve the construction or alteration of any permanent Building or Structure.

**Secondary Arterial:** See Street, Secondary Arterial.

**Secondary Plat:** See Plat, Secondary

**Secretary, Administrative:** The Administrative Secretary of the Plan Commission as duly appointed by the Plan Commission in accordance with I.C. 36-7-4-304.

**Self-Imposed:** Self-Inflicted; imposed by oneself; voluntarily assumed or endured.

**Setback:** That distance measured perpendicularly from the property line or Right-of-Way, if bordered by a road, to the closest point of the Building, Structure, Sign Structure, Parking Area or any other permanent Improvement.

**Setback Line:** A line that establishes the minimum distance that a Building, Structure, or portion thereof, can be located from a Lot Line or right-of-way line.

**Setback, Minimum Side:** The minimum distance from a Side Lot Line required by this Ordinance, measured perpendicularly from the Side Lot Line, to the closest point of the Building, Structure, Sign Structure, Parking Area or any other permanent Improvement.

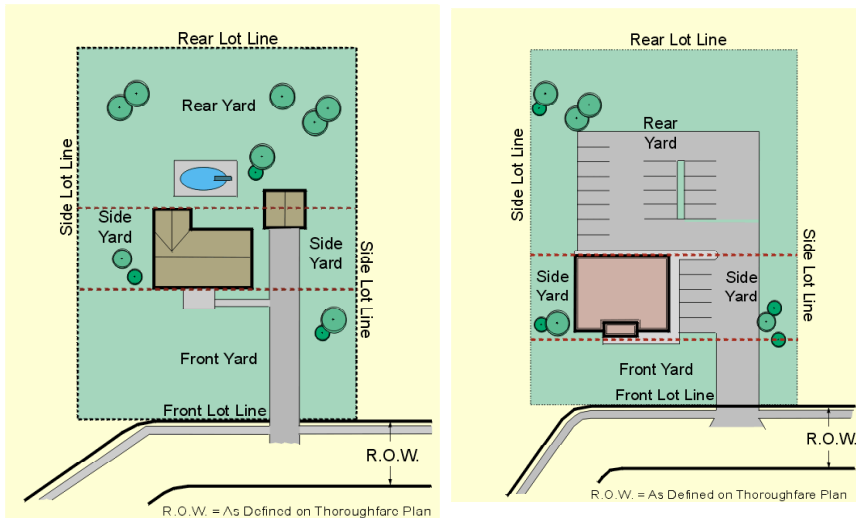
**Sewer System:** A network of piping used for carrying off liquid and solid waste.

**Shared Housing:** Any dwelling unit which the owner allows to be occupied by unrelated persons living as a single housekeeping unit, provided that the number of occupants does not exceed twice the number of bedrooms, and that the total number of unrelated occupants does not exceed four (4) regardless of the number of bedrooms.

(SEE GRAPHIC UNDER "SIDE YARD")

**Side Yard:** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four (24) inches into that space; steps or terraces not higher than the level of the first floor of the building; and open lattice-enclosed fire escapes, fireproof outside stairways and balconies projecting not over twenty-four (24) inches into that space.





**Sign:** Any name, identification, description, display, or illustration which is affixed to, painted on, or is represented directly or indirectly upon a building, structure, or piece of land, and which directs attention to an object, product, place, activity, person, institution, organization, or business. Religious symbols on places of worship or structures owned and operated by religious organizations shall not be considered a sign unless accompanied with text.

**Sign, Awning:** A Building Identification Sign or graphic printed on or in some fashion attached directly to the material of an awning.

**Sign, Balloon:** A temporary Sign consisting of a bag made of light weight material which is either (i) filled with a gas lighter than air or (ii) continuously filled with blown air, and designed to rise or float in the atmosphere or is attached to the ground or a Building.

**Sign, Business:** See, Sign, Identification.

**Sign, Canopy:** Any Sign that is part of or attached to a canopy over a door, entrance, or window.

**Sign, Changeable Copy:** See Reader Board Sign or Electronic Variable Message Sign.

**Sign, Construction:** A Temporary Sign which identifies the construction activity on a property and announces the project, owner or developer, contractor, subcontractor, architect, engineer, funding sources or related information.

**Sign, Directional:** Any Incidental Sign which serves solely to designate the location of or direction to any place or area located on the same Lot.

**Sign, Directory:** An on-premise Sign on which the name, title, Street number, or use of Building is displayed.

**Sign, Electronic Variable Message (EVMS):** A Sign, or portion thereof, where the message copy includes characters, letters or illustrations that can be changed or rearranged electronically without touching or physically altering the primary surface of the Sign. Message copy may be changed in the field or from a remote location.



**Sign, Freestanding:** A Sign that is attached to, erected on or supported by some Structure (such as a pole, mast or frame) that is not itself an integral part of or attached to a Building or Structure whose principal function is something other than the support of a Sign.



**Sign, Ground:** Any Freestanding Sign constructed in or on the ground surface with a maximum height not exceeding nine (9) feet above Grade.



**Sign, Identification:** Any Sign which is limited to the name, address and number of a Building, institution or person and to the activity carried on in the Building or institution, or the occupancy of the person.

**Sign, Incidental:** A Sign relating to the Lot or use thereof and designated Accessory Uses, direction, identification, information, construction, or real estate for sale, lease, or rent.

**Sign, Marquee:** Any Building Identification Sign painted, mounted, constructed or attached in any manner on a marquee.

**Sign, Noncommercial Opinion:** A Sign which does not advertise products, goods, businesses, or services and which expresses an opinion or point of view.

**Sign, Nonconforming:** A Sign which qualifies as a Legally Established Nonconforming Structure.

**Sign, Off-Premise:** See Sign, Advertising.

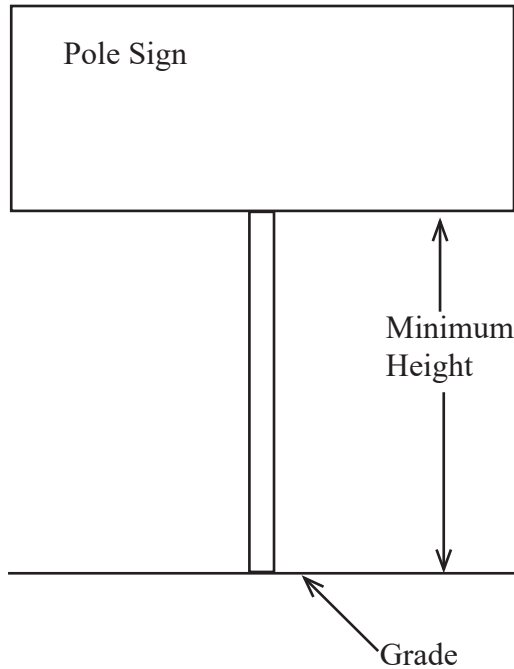
**Sign, On-Premise:** A Sign which directs attention to a Building, business, product, activity, or service offered on the property on which the Sign is located.



**Sign, Outdoor Advertising:** An outdoor sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered. Could also be called a billboard.

**Sign, Parking and Loading:** Any Incidental Sign which serves to designate the location of any Parking or Loading Area on a Lot and may include the name of the owner or the establishment for which such Parking or Loading Area it is provided.

**Sign, Pole:** Any Freestanding Sign which has its supportive Structure(s) anchored in the ground and which has the lowest portion of its Sign display surface elevated a minimum of ten (10) feet above the Grade.



**Sign, Portable:** Any Sign or Sign Structure not securely attached to the ground or other permanent Structure, or: a Sign designed to be transported from place to place, including but not limited to Signs transported by means of wheels; a Sign attached to A- or T-frames; a menu and sandwich board Sign; a balloon used as a Sign, umbrella used for advertising; and, a Sign attached to or painted on a vehicle parked and visible from the Public Right-of-Way, unless said vehicle is used in the normal day-to-day operation of the business.

**Sign, Projecting:** Any Sign which is affixed to a Building or wall in such a manner that the leading edge extends more than eighteen (18) inches beyond the surface of such Building or wall face.

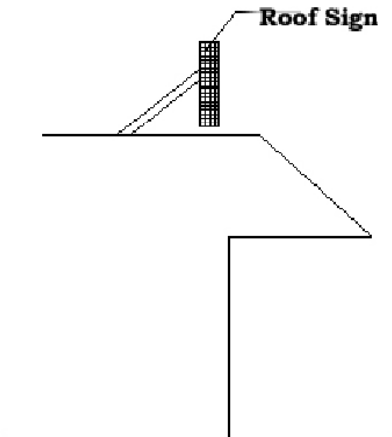


**Sign, Pylon:** Any Freestanding Sign anchored in the ground with its Sign display surface extending upward from the ground surface and which has a height exceeding six (6) feet above Grade.

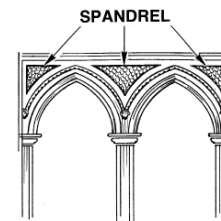


**Sign, Reader Board:** A Sign, or portion thereof, where the message copy includes characters, letters or illustrations that can be physically altered without altering the primary surface of the Sign. The message copy of a Reader Board Sign can be changed manually in the field or through remote electronic or electric techniques. Methods of changing the message copy include the use of: (i) changeable letters, numbers, symbols and similar characters; (ii) changeable pictorial panels; or, (iii) rotating panels or other similar devices.

**Sign, Roof:** Any Sign erected on or wholly constructed upon a roof of any Building and supported solely on the roof Structure.



**Sign, Spandrel:** Any Sign that is a part of or attached to the Spandrel.



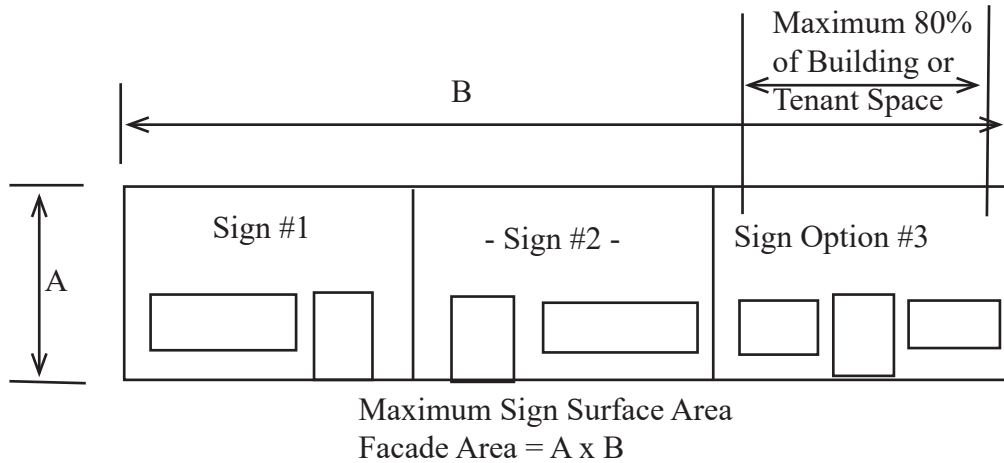
**Sign Structure:** Any Structure including supports, uprights, bracing and framework which supports or is capable of supporting any Sign.

**Sign Surface:** The surface of the Sign upon, against, or through which the message of the Sign is exhibited.

**Sign Surface Area:** The area of a Sign Surface (which is also the Sign Surface Area of a Wall Sign or other Sign with only one face). Sign Surface Area shall be computed by using the smallest square, rectangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the Sign from the backdrop or Structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall other-



wise meets the applicable regulations of this Ordinance and is clearly Incidental to the display itself.



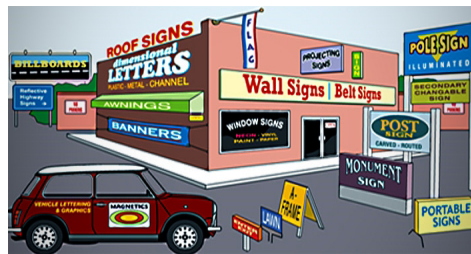
**Sign, Suspended:** Any Sign that is suspended from the underside of a horizontal plane surface and is connected to the horizontal plane surface.

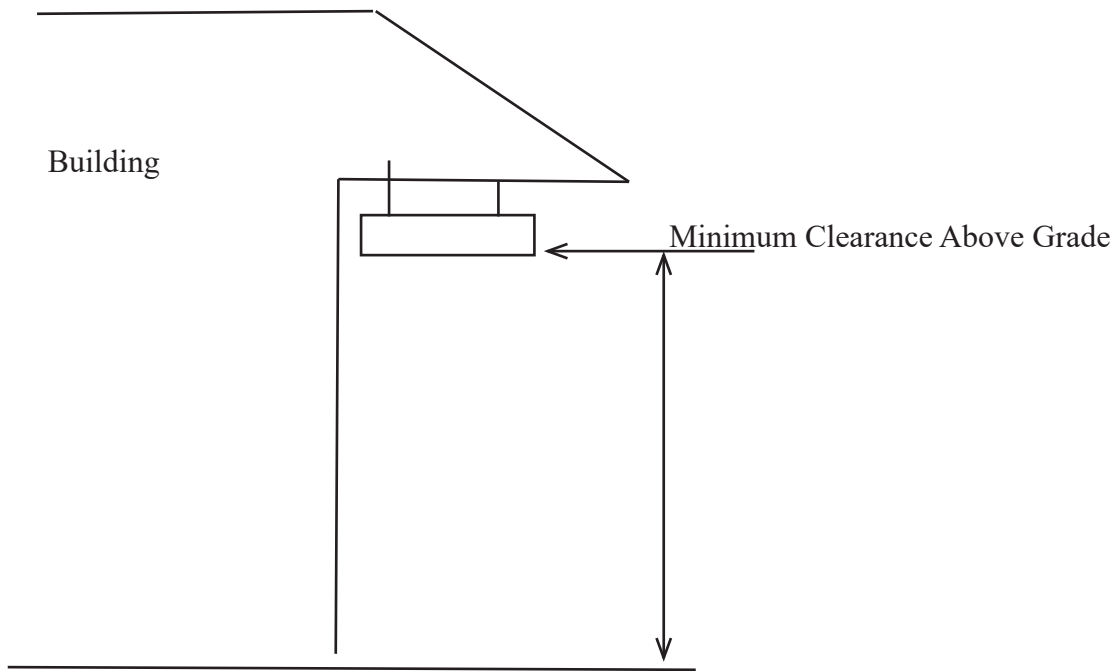


**Sign, T-Frame:** A Portable Sign utilizing an inverted “T” style of framing to support the Sign.

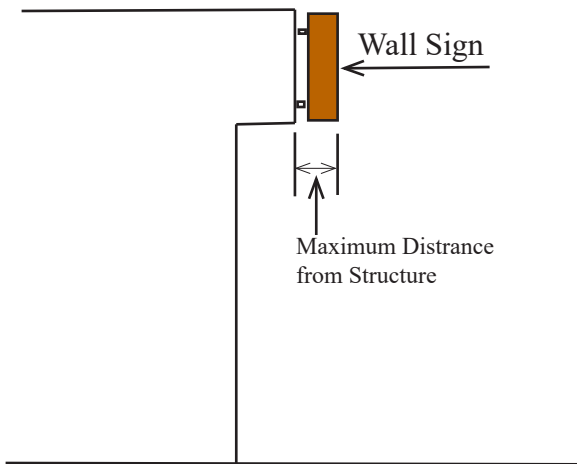
**Sign, Temporary:** Any Sign or Sign Structure which is not permanently affixed or installed, and is intended to be displayed for limited periods only. Examples of such Signs include, but are not limited to the following: real estate, construction, special event, Garage Sale, home improvement/remodeling, and model home Signs.

**Signs, Types of:** The graphic below depicts the primary types of signs. Regulations for the type of signs permitted will vary by zoning district.





**Sign, Wall:** Any Sign attached to or erected on a wall of a Building or Structure, with the exposed face of the Sign in a plane parallel to the plane of said wall, within eighteen (18) inches of said wall, and containing only one Sign display surface.



**Sign, Weekend Directional:** A Sign relating to: real estate open houses; residential development under construction; or, real or personal property auctions.

**Sign, Wind:** A Sign of lightweight fabric or similar material attached at one end to a pole or similar apparatus so as to swing freely, inflate and flutter by movement of the wind.

**Sign, Window:** Any Sign placed: (i) inside of and within two (2) feet of a window; or, (ii) upon a window panes or glass, and is intended to be seen from the exterior of the window.

**Site Plan:** A conceptual drawing completed of an proposed project.



**Small Wind System:** A WECS that has a nameplate capacity (manufacturer's rating) less than or equal to 50 kilowatts per wind tower, and a total height of 140' or less, and a swept area of 40' or less.

**Solar Energy System:** Any device or structural design feature that has a whole primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

- Roof-mounted/building mounted solar energy system: a solar energy system that is structurally mounted to the roof of a building or structure.
- Ground-mounted solar energy system: a solar energy system that is structurally mounted to the ground and is not roof mounted.
- Large-scale solar energy system: a solar energy system that occupies more than 40,000 square feet of panel surface area.
- Medium-scale solar energy system: a solar energy system that occupies more than 1,750 but less than 40,000 square feet of panel surface area.
- Small-scale solar energy system: a solar energy system that occupies 1,750 square feet of panel surface area or less.
- Micro-scale solar energy system: a solar energy system that occupies less than 120 square feet of panel surface area. (Solar energy systems not tied to an electrical system or a stand alone system are exempt such as flag pole lights, single solar lights, etc.)
- "Primary Use" Solar Energy System: A solar energy system is considered a primary use if there is no other primary use on site.

**Special Exception:** The use of land or the use of a Building or Structure on land which is allowed in the zoning District applicable to the land only through the grant of a Special Exception by the Board of Zoning Appeals.

**Sport Court:** A primary use of an area to be used for sports only, not including driveways.

**Staff:** The Executive Director, or any attorney, employee or agent of the Fulton County, Indiana, as designated by the Fulton County Area Plan Commission.

**Storage and Transfer Establishment:** A facility at which products, goods or materials are received from various locations and temporarily warehoused while awaiting distribution or shipment via a subsequent carrier, possibly along with other products, goods or materials to another destination.

**Storage, Outside:** The storage of any product, goods, equipment, machinery, vehicles, boats, junk, tractor trailers, railroad cars, supplies, Building materials or commodities, including raw, semi-finished and finished materials for a period of time in excess of one (1) week, the storage of which is not accessory to a residential use, and which is visible from ground level, provided, however, that vehicular parking and the display of automobiles, boats, trucks or farm equipment associated with a legally established dealership shall not be deemed Outside Storage.

**Story:** That part of a Building, with an open height of no less than seventy-eight inches (78"), except a mezzanine, included between the upper surface of one floor and the lower surface of the next floor, or if there is no floor above, then the ceiling next above.

**Street:** Any Public or Private Right-of-Way, with the exception of Alleys, essentially open to the sky and open and dedicated to the general public for the purposes of vehicular and pedestrian travel affording Ac-





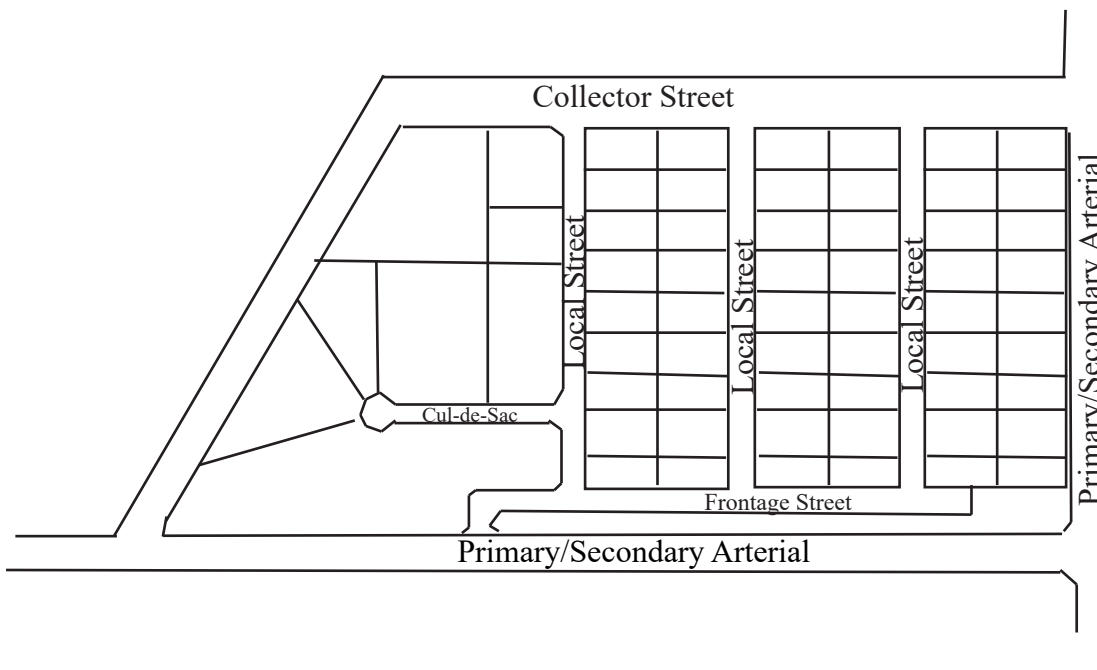
cess to abutting property, whether referred to as a Street, lane, road, drive, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A Street may be comprised of pavement, shoulders, gutters, curbs, sidewalks, Parking Space, and similar features.

**Street, Collector:** A street designed to facilitate the collection of traffic from local streets and to provide circulation within neighborhood areas and convenient ways to reach arterial streets, as depicted by the Transportation Plan within the Comprehensive Plan.

**Street, Frontage:** A Street located along side and generally parallel with a more heavily traveled Street and which provides Access to abutting property(ies).

**Street, Limited Access:** A Street along which Access is restricted due to the acquisition of Access rights from adjoining properties by the appropriate governmental agency having jurisdiction over such Street.

**Street, Local:** A Street, not classified as a primary arterial street, secondary arterial street or Collector Street, designed and intended to carry low volumes of vehicular traffic movement at low speeds within the immediate geographic area with direct Access to abutting properties.



**Street, Primary Arterial:** A street with access control, restricted parking, and that collects and distributes traffic to and from Collector Streets, as depicted by the Transportation/Thoroughfare Plan element within the Comprehensive Plan.

**Street, Private:** Vehicular streets and driveways, paved or unpaved, which are wholly within private property except where they intersect with other streets within public rights-of-way and maintained by the owner(s).



**Street, Private:** A privately-held Right-of-Way, with the exception of Alleys, essentially open to the sky and open to the general public for the purposes of vehicular and pedestrian travel affording Access to abutting property, whether referred to as a Street, easement, road, expressway, arterial, thoroughfare, highway, or any other term commonly applied to a right-of-way for said purposes. A Private Street may be comprised of pavement, shoulders, curbs, sidewalks, Parking Space, and similar features.

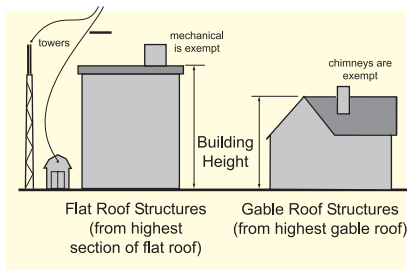
**Street, Public:** All property dedicated or intended for public highway, freeway, or roadway purpose or subject to public easements therefore.

**Street, Secondary Arterial:** A street that collects and distributes traffic to and from collector and primary arterial streets, as depicted by the Transportation Plan within the Comprehensive Plan.

**Structure:** Anything constructed or erected which requires location on the ground or attachment to something having a location on the ground, including but not limited to buildings, sheds, detached garages, mobile homes, manufactured homes, above-ground storage tanks, free-standing signs and other similar items.

**Structural Alterations:** Any change in the supporting members of a building or structure such as bearing walls, partitions, columns, beams or girders, or any substantial change in the footprint or increasing size of living space.

**Structure Height:** The vertical distance measured from the lot ground level to the highest point of the roof gable. the gable being the section of wall located at the end of a pitched roof, between the edges of intersecting pitches. It is usually triangular and extends from the eaves to the ridge. No decorative element situated on roof may be used for the purpose of determining height of a asructure.



**Subdivider:** The owner, developer, or Authorized Agent of the owner or developer of real estate, who is responsible for all designs, reservations and Improvements related to the petition for Primary or Secondary Plat approval or the development of a Subdivision.

**Subdivision:** The division of a parent tract or other piece of land into at least two (2) smaller lots or the combination of two or more smaller lots into one lot so that, either now or in the future, the subdivider can do any of the following with one or more of the subdivided lots:

- A. Transfer ownership.
- B. Construct buildings or establish a use other than vacant.
- C. Create new building sites for leasehold.

The actual location, shape and size of a parent tract to be divided is determined by the official record of the last transfer of its ownership transacted before the Fulton County Zoning Ordinance enacted or by its last conditional transfer of ownership by recorded contract transacted before the Fulton County Zoning Ordinance was enacted. -

**Subdivision, Non-Residential:** A Subdivision of a tract of land for any commercial, industrial, or Special Exception Use.



**Substation:** the apparatus that connects the electrical collection system of the WEC(s) and increases the voltage for connection with the utility's transmission lines.

**Surety:** An amount of money or other negotiable security paid by the subdivider, developer, or property owner or his surety to the County which guarantees that the subdivider will perform all actions required by the County regarding an approved plat or in other situations, and provides that if the subdivider, developer, or property owner defaults and fails to comply with the provisions of his approval, the subdivider, developer, or property owner or his surety will pay damages up to the limit of the bond, or the surety will itself complete the requirements of the approval.

**Swept area:** The diameter of the least circle encompassing all blades for a WECS.

**Swimming Pool:** A self-contained body of water at least eighteen (18) inches deep and eight (8) feet in diameter or width and used for recreational purposes. It may be above or below ground level, and shall be considered an accessory structure/ use. In the AG District, when considering an in-ground pool, the depth of the pool shall equate to the required side and rear setbacks.

**Switching Station:** shall be an apparatus/structure in the system similar to a substation but not necessarily increasing voltage into the grid.

**Telecommunications Tower (Tower):** A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended primarily for the purpose of mounting an antenna, a meteorological device, other similar apparatus or broadcasting radio frequencies.

**Temporary Location Improvement Permit:** A permit issued under the Zoning Ordinance permitting a temporary use or structure not to exceed two 2 months.

**Temporary Use:** A land use established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**Temporary Use/Structure:** A land use or structure established for a limited and fixed period of no more than four (4) months with the intent to discontinue such use or structure upon the expiration of the time period.

**Total height:** Regarding WECS, the distance measured from the ground level at the base of the tower to the highest extension of the blade or rotor.

**Tower:** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes, but is not limited to radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

**Transfer Station:** A facility where solid and liquid waste is transferred from a vehicle or container to another vehicle or container for transportation. The term does not include the following:

- A. a facility where the solid and liquid waste that is transferred has been generated by the facility; or,
- B. a Recycling Facility. (For reference see Indiana Code 13-7-1.)

**Transportation/Thoroughfare Plan:** The official plan, now and hereafter adopted, which includes a street plan, sets forth the location, alignment, dimensions, identification, and classification of existing and proposed streets, and other thoroughfares.

**Underground Facilities:** An Accessory Structure which is at least seventy-five (75) percent subterranean, utilized for storage of personal property or as a temporary shelter for people, such as a storm cellar



or fallout shelter.

**Use:** The purposes of which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**Variance, Development Standards:** A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this Ordinance, to deviate from the development standards (such as height, bulk, area) that the Ordinance otherwise prescribes.

**Vehicle, Motorized:** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**Vehicle, Un-motorized:** Any mode of transportation lacking a combustion engine.

**View Corridor:** A view corridor is a three-dimensional area extending out from a viewpoint. The width of the view corridor depends in the focus of the view. The focus of the view may be a single object which would result in a narrow corridor, or a group of objects, such as a downtown skyline, which would result in a wide corridor. Panoramic views have very wide corridors and may include a 360 degree perspective. Although the view corridor extends from the viewpoint to the focus of the view, the mapped portion of the corridor extends from the viewpoint and is based on the area where base zone heights must be limited in order to protect the view.

**Warehouse and Distribution Center:** A Building or Structure for the storage of goods, materials or products awaiting shipment to another location for wholesale or retail trade.

**Water System:** A community potable water supply system including existing and new wells and/or surface water sources and intakes, treatment facilities, and distribution lines and includes such of the above facilities established by the developer to serve a new subdivision or commercial/ industrial development.

**Wind Energy Conversion System (WECS):** The equipment that converts and then stores or transfers energy from the wind into usable forms of energy and includes any base, blade, foundation, generator, nacelle, rotor, wind tower, transformer, turbine, vane, wind farm collection system, wire, or other component used in the system.

**WECS - Commercial:** All necessary devices that together convert wind energy into electricity, delivers that electricity to a utility's transmission lines, and receives monetary compensation for the energy, including but not limited to the blades, rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substation(s), switching stations, meteorological towers, communication facilities, and other required facilities and equipment, as related to a WECS Project.

**WECS Development Plan Applicant:** the entity or person who submits to the County an application for the siting of any WECS or Substation or thereafter operates or owns a WECS.

**WECS - Non Commercial:** All necessary devices that together convert wind energy into electricity, independently consume the electricity for on-site distribution to a farm, school, business, factory or the like, and do not receive monetary compensation for the energy except under the parameters of on-site distribution. This includes but is not limited to the blades, rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substation(s), switching stations, meteorological towers, communication facilities, and other required facilities and equipment, as related to a WECS Project.

**WECS - Non Commercial (Unincorporated County Only):** All necessary devices that together convert



wind energy into electricity, independently consume the electricity, and does not receive monetary compensation for the energy. This includes but is not limited to the blades, rotor, nacelle, generator, WECS tower, electrical components, WECS foundation, transformer, electrical cabling from the WECS Tower to the substation(s), switching stations, meteorological towers, communication facilities, and other required facilities and equipment, as related to a WECS Project.

**WECS Operator:** the entity responsible for the day-to-day operation and maintenance of the WECS, including any third party subcontractors.

**WECS Owner:** the entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean (i) property owner from whom land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or (ii) any person holding a security interest in the WECS(s) solely to secure an extension of credit, or a person foreclosing on such security interest provided that after foreclosure, such person seeks to sell the WECS(s) within one year of such event.

**WECS Project:** the collection of WECS and Substations as specified in the Development Plan approval application.

**WECS Tower:** the support structure to which the nacelle and rotor are attached, free standing or guyed structure that supports a wind turbine generator.

**WECS Tower Height:** the distance from the rotor blade at its highest vertical point to the top surface of the WECS foundation at grade.

**Wind Farm:** Two or more large wind systems on a single property or aggregated properties.

**Wind Farm Collection System:** All the low-voltage wiring and cabling connecting any wind turbine with another wind turbine or to a place where voltage is stepped up, commonly known as a substation or switching station.

**Wind Tower:** The monopole, freestanding, or guyed structure that supports the energy capture, conversion, storage and transfer components of a WECS. These wind towers are not attached to any building.

**Wireless Telecommunications Facility:** A wireless telecommunications facility consists of the equipment and structures utilized to transmit or receive telecommunication signals to and from any communications source which may also be connected to a mobile and or stationary unit with land-based facilities including but not limited to all antennas, towers, and accessory structures.

**Wireless Telecommunications Services:** Licensed public commercial telecommunications services, including but not limited to cellular, digital, personal communication services (PCS), enhanced specialized mobilized radio (ESMR), paging, and other similar services that are marketed to the general public.

**Yard:** A space on the same lot with a principal building that is open and unobstructed except as otherwise authorized by this ordinance.

**Zoning Administrator:** See Executive Director

**Zoning District:** See District

**Zoning Map:** See Official Zoning Map







