

## CHAPTER 156: ZONING

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## **BASIC PROVISIONS**

### **§ 156.001 TITLE.**

(A) *Title.* This chapter shall be formally known as the "Hancock County, Indiana Zoning Ordinance," and it may be cited and referred to as the "Zoning Ordinance" or "Ordinance".

(B) *Defined words.* Words used in a special sense in this chapter are defined in §156.121. All other words shall have the meaning inferred from their context in this chapter or their ordinarily accepted definitions.

(C) *Meanings.* The following rules of construction shall apply to the text of this chapter:

(1) The particular and specific provisions of this chapter shall supersede any general requirements that are established by it.

(2) The words **SHALL** and **WILL** are always mandatory and not discretionary. The word **MAY** is permissive.

(3) Words used in the present tense include the future; and words used in the singular number include the plural; and the plural includes the singular; words of the masculine gender will include the feminine and the neuter gender will refer to any gender as required, unless the context plainly indicates the contrary.

(4) The phrase **USED FOR** includes arranged for, designed for, intended for, maintained for, or occupied for.

(5) The word **PERSON** includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.

(6) Unless it is plainly evident from the context that a different meaning is intended, a regulation which involves two or more items, conditions, provisions, or events connected by the conjunction **AND**, **OR**, or **EITHER . . . OR**, the use of the conjunction is defined as follows:

(a) **AND** means that all the connected items, conditions, provisions, and events apply together and not separately.

(b) **OR** means that the connected items, conditions, provisions, or events apply separately or in any combination.

(c) **EITHER . . . OR** means that the connected items, conditions, provisions, or events shall apply separately but not in combination.

(7) The word **INCLUDES** does not limit a term to the specified examples, but is intended to extend the term's meaning to all other instances or circumstances of like kind or character.

(8) The word **TOWN** means any of the towns which are members of the Area Plan Commission, the word **COUNTY** means Hancock County, Indiana, and the word **STATE** means the State of Indiana.

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Definitions, see § 156.121*

**§ 156.002 AUTHORITY AND PURPOSE.**

(A) *Authority.* This chapter is adopted by Hancock County pursuant to its authority under the laws of the State of Indiana, I.C. 36-7-4 et seq. Whenever codes cited in this chapter refer to Indiana Code which has been amended or superseded, this chapter shall be deemed amended in reference to the new or revised Indiana Code.

(B) *Jurisdiction.* This chapter shall apply to all land within the county except for those areas under the jurisdiction of a municipality that is not a member of the County Area Plan Commission.

(1) *Federal and state property.* This chapter shall not apply to any property owned by the government of the State of Indiana or the United States of America. This chapter shall apply to all property owned by other units of local government, including municipalities, school corporations, etc.

(2) *Heritage markers.* In no instance shall this chapter be interpreted as restricting or prohibiting the State of Indiana or any of its political subdivisions from setting aside, by law, sites, memorials, edifices, and/or monuments in commemoration of persons or objects of historical or architectural interest or value, or as part of local heritage, consistent with I.C. 36-7-4-1105.

(C) *Purpose.* This chapter is intended to guide the growth and development of the county in accordance with the Hancock County Comprehensive Plan and the Thoroughfare Plan for the following purposes, consistent with I.C. 36-7-4-601(c):

(1) *Adequate facilities.* To secure adequate light, air, and convenience of access; and provide safety from fire, flood, and other dangers.

(2) *Public safety.* To promote the public health, safety, convenience, and general welfare.

(3) *Future development.* To plan for the future development of the county to the end that:

(a) The community grows with adequate public ways, utilities, health, education, and recreation facilities;

(b) The needs of agriculture, industry, and business be recognized in future growth;

(c) Residential areas provide healthful surroundings for family life; and

(d) The growth of the community is commensurate with and promotes the efficient and economical use of public funds.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2015-12C, passed 12-1-15)

**Statutory reference:**

*Exercise of planning and zoning authority, see I.C. 36-7-4-203*

*Heritage markers, see I.C. 36-7-4-1105*

*Local planning and zoning, see I.C. 36-7-4 et. seq.*

*Zoning ordinance purpose, see I.C. 36-7-4-601(c)*

**§ 156.003 INTERPRETATION AND APPLICATION.**

(A) *Conflicting requirements.* The provisions of this chapter shall be the minimum requirements for the protection of the health, safety, comfort, 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 chapter are in conflict or are inconsistent with one another, then the provision which is most restrictive shall control.

(B) *Overlapping regulations.* When this chapter along with private covenants, private contracts, commitments, permits, agreements, state laws, federal laws or other regulations applies to a structure or parcel of land, the greater restriction shall control. In no instance shall this chapter be interpreted as altering or negating any other applicable regulations.

(C) *Compliance.* 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 chapter and after the lawful issuance of all permits and certificates required by this chapter.

(D) *Additional Information.* As the provisions of this chapter shall be the minimum requirements for the protection of the health, safety, comfort, 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, the Planning Director of the Hancock County Area Plan Commission reserves the right to require additional information.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.004 OFFICIAL ZONING MAP.**

(A) *Official zoning map.* The zoning map for Hancock County in effect on the date of adoption of this chapter, officially labeled "Official Hancock County, Indiana Zoning Map", is hereby included as part of this chapter. The map may also be known and referred to as the official zoning map and as the zoning map. The official zoning map shall include the ordinance number by which it was adopted and the date of adoption.

(B) *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. A fee may be established for the purchase of official zoning map copies.

(C) *Location of the official zoning map.* The official zoning map will be located in the office of the Hancock County Area Plan Commission.

(D) *Zoning district boundaries and identification.* The zoning district boundaries shall be as shown on the official zoning map. The abbreviations for the zoning districts appearing in this chapter shall be used to identify the zoning districts on the official zoning map. Planned unit developments shall be indicated on the official zoning map using the three-digit "PUD" abbreviation and the ordinance number by which each PUD is created. Rezonings that include conditions, commitments or restrictions shall be noted as such.

(E) *Regular revisions.* The official zoning map should be formally revised annually, or otherwise as the Plan Commission determines necessary.

(1) *Zoning map amendments.* A notation on the official zoning map shall be made within two business days of the effective date of any approved ordinance making a zoning map amendment. The notation shall be made either electronically or through a permanent-pen hand-written note. The notation shall include the ordinance number by which the change was approved and the date of the approval by the appropriate legislative body.

(2) *Errors and omissions.* Other revisions may be made to correct drafting or other errors or omissions in the zoning map, but shall not have the effect of amending the map.

(F) *Damaged, destroyed, or lost official zoning map.* In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret, the Board of County Commissioners may, by ordinance, adopt a new official zoning map which shall, to the extent possible, duplicate the accuracy of the damaged, destroyed or lost or completely destroyed, it or any significant parts shall be preserved, together with any available records of its adoption and amendment.

(G) *Interpretation standards.* Zoning district boundaries on the official zoning map shall be interpreted as follows:

(1) *Streets and easements.* Zoning district boundaries shown within the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the center lines.

(2) *Property lines.* Zoning district boundaries indicated as following section or fractional sectional lines, platted lot lines, or municipal corporation lines shall be construed as following such lines.

(3) *Bodies of water.* Zoning 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. Boundaries indicated as following shore lines shall be construed as moving with any change in the actual shore line.

(4) *Divided lots.* When a zoning district boundary line divides a lot or parcel, the Planning Director shall determine the applicable zoning district. The Planning Director may require a rezone or replat of the site if any portion of a construction or development proposal overlaps two or more zoning districts. The petitioner shall be responsible for filing the appropriate forms and for paying the appropriate filing fees to rezone or replat the lot or parcel. If a portion of a lot or parcel is in an overlay district, the the entire lot or parcel shall be deemed as being within the overlay district.

(5) *Extensions of lines.* Zoning district boundaries indicated as parallel to or extensions of the features listed in divisions (G)(1) through (4) above shall be construed as so.

(H) *Interpretation procedure.* The Planning Director shall determine the applicable zoning for each property in the Plan Commission's jurisdiction as described in divisions (G)(1) through (5) above.

(1) *Appeals of Planning Director interpretations.* Any ruling of the Planning Director pertaining to the district boundaries may be appealed to the Board of Zoning Appeals.

(2) *Plan Commission interpretation required.* If the Planning Director cannot definitely determine the location of a district boundary, immediate action on any affected application shall be delayed until such time when the Plan Commission

determines the zoning district boundary 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 chapter. This interpretation may occur as part of a regular or special Plan Commission meeting and does not require a public hearing. Decisions of the Plan Commission may not be appealed to the Board of Zoning Appeals, but may be appealed to a court of jurisdiction.

(I) *Effect of vacation on zoning.* Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by the 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 be subject to all 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.

(Ord. 2007-1B, passed 2-5-07)

## **§ 156.005 ADOPTION AND AMENDMENTS**

(A) *Transition rules.* The following transition rules shall apply to the adoption of this chapter.

(1) *Previously applied for improvement location permits.* Any application for an improvement location permit that has been filed with the Plan Commission or its designees and is full and complete, prior to the effective date of this chapter, shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing. However, all administrative procedures and penalties shall follow those established by this chapter.

(2) *Previously filed zoning map amendment requests.* 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 chapter, 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, the Planning Director shall, with the applicant's consent which shall not be unreasonably withheld, amend the application so that the request for rezoning would accomplish the same end goal.

(3) *Previously filed Board of Zoning Appeal petitions.* Any application before a Board of Zoning Appeals (i.e. special exception, development standards variance) that has been filed with the Board of Zoning Appeals or its designees and is full and complete, prior to the effective date of this chapter, 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) *Obsolete applications.* If the application is no longer required by the terms of this chapter, the application will be dismissed;

(b) *Applicable regulations.* The improvements to which the application relates shall be regulated by the terms and conditions of the zoning ordinance that was in place at the time of filing, consistent with division (A)(1) above; and

(c) *Administrative procedures.* All administrative procedures and penalties shall follow those established by this chapter.

(4) *Expiration of previous approvals.* All variances, special exceptions, and other applications regulated by this chapter that were approved prior to the effective date of this chapter and not executed through the proper receipt of an improvement location permit shall expire and become void one year following the effective date of this chapter.

(a) *Construction approved, but not begun.* All improvement location permits issued prior to the effective date of this chapter shall be void one year after their date of issue if construction has not begun.

(b) *Construction begun, but abandoned.* Improvement location permits issued prior to the effective date of this chapter for which construction has begun shall become void if construction is abandoned for a period of 12 consecutive months or if, in the opinion of the Planning Director, construction has otherwise ceased.

(c) *Re-issued approvals.* All approvals which expire and/or become void shall comply with this chapter if re-issued.

(B) *Amendments.* The following process and decision criteria shall apply to the amendment of this chapter.

(1) *Amendment process.* In accordance with I.C. 36-7-4-602, the participating legislative bodies may amend or partially repeal the text of this chapter or they may amend the official zoning map of this chapter as follows:

(a) *Zoning ordinance text amendments.* Any participating legislative body or the Plan Commission may initiate a proposal to amend or partially repeal the text according to the procedures of I.C. 36-7-4-602(b) and the adopted Plan Commission rules and procedures.

(b) *Official zoning map amendments.* Any participating legislative body, the Plan Commission, or at least 50% of the affected property owners may initiate an application to change the official zoning map according to the procedures of I.C. 36-7-4-602(c), the adopted Plan Commission Rules and Procedures, and the requirements of §§ 156.010 et seq.

(2) *Decision criteria.* In its review of the text and zoning map amendment proposals, the Plan Commission and appropriate legislative bodies shall consider, consistent with I.C. 36-7-4-603:

(a) The most recently adopted Comprehensive Plan;

(b) Current conditions and the character of structures 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 Plan Commission's jurisdiction; and
- (e) Responsible development and growth.

(Ord. 2007-1B, passed 2-5-07)

**Statutory reference:**

*Decision criteria, see I.C. 36-7-4-603*

*Ordinance amendments, see I.C. 36-7-4-602(b)*

*Zoning map amendments, see I.C. 36-7-4-602(c)*

**Cross reference:**

*Administration generally, see §§ 156.010 et seq.*

*Plan Commission powers and duties, see § 156.012*

**§ 156.006 AREA PLAN COMMISSION.**

(A) Pursuant to I.C. 36-7-4-211, effective January 1, 2020, the Area Wide Plan Commission shall consist of seven members as follows:

- (1) Three members appointed by the County Commissioners who are citizen members or land owners in the unincorporated area;
- (2) One County Council member or designated appointee;
- (3) Two members that are appointees of the two towns represented by the Area Plan Commission; and
- (4) One member appointed by the school corporation superintendents.

(B) The members appointed by a municipality must reside within the municipal limits of the appointing authority. The other members must reside within the territorial jurisdiction of the Area Planning Department.

(C) The term of each appointed member shall be four years. A member serves until his or her successor is appointed and qualifies. A member vacates his or her position when he or she fails to meet the residency requirements of this section, or if he or she is a member of the Board of Commissioners or County Council, or he or she no longer holds that position. A vacancy shall be filled by the appointing authority for the balance of the term.

(D) A member may not hold elective office or any other appointed office in a municipal, county, or state government unless the member is appointed from the membership of an elected body.

(Ord. 2015-12C, passed 12-1-15; Am. Ord. 2019-12A, passed 12-17-19)

**§ 156.007 BOARD OF ZONING APPEALS.**

(A) The Board of Zoning Appeals under I.C. 36-7-4-902, whose initial terms are fixed under I.C. 36-7-4-906, shall be appointed as follows:

- (1) The appointment by the largest participating municipality shall serve for one year;
- (2) The appointment by the second largest participating municipality shall serve for two years;
- (3) The appointment by the Board of Commissioners of a member of the Area Plan Commission shall serve for three years;
- (4) The appointment by the Area Plan Commission from its membership shall serve for four years;
- (5) The appointment by the Board of Commissioners of a person not serving on the Area Plan Commission shall serve for four years.

(B) The initial terms shall expire, pursuant to I.C. 36-7-45-906, on the first Monday of January of the first, second, third or fourth year respectively, after the year of the member's appointment.

(Ord. 2015-12C, passed 12-1-15)

**ADMINISTRATION**

**§ 156.010 GENERAL ADMINISTRATION.**

(A) *Administrative Officer.* The Hancock County Planning Director (including any designee(s) of the Planning Director), will have the principal responsibility for the administration and enforcement of this chapter within the Plan Commission's planning jurisdiction. The duties of the Planning Director, or his/her designee shall include, but not be limited to:

- (1) *Improvement location permits.* Reviewing, approving, or disapproving all improvement location permits and keeping

permanent records of applications made and actions taken;

(2) *Inspections.* Conducting inspections of structures and properties to determine compliance with the requirements of this chapter and all approvals granted by the Plan Commission, Board of Zoning Appeals, Plat Committee, or other body in the execution of its duties as established by this chapter and the Indiana Code;

(3) *Record keeping.* Maintaining permanent and current records documenting the application of this chapter including, but not limited to, all maps, amendments, special exceptions, variances, and appeals;

(4) *Plan Commission applications.* Receiving, processing, docketing, and referring to the Plan Commission all appropriate applications;

(5) *Board of Zoning Appeals applications.* Receiving, processing, docketing, and referring to the Board of Zoning Appeals all appeals, variances, special exceptions, and other matters upon which it is authorized to act under this chapter and the Indiana Code;

(6) *Plat Committee applications.* Receiving, processing, docketing, and referring to the Plat Committee all appropriate applications;

(7) *Technical Review Committee.* Receiving, processing, docketing, and referring to the Technical Review Committee all appropriate applications;

(8) *Clerical and technical assistance.* Providing all such clerical and technical assistance as may be required by the Board of Zoning Appeals, Plan Commission, Technical Review Committee, legislative bodies, or other body in the execution of its duties as established by this chapter and the Indiana Code.

(B) *Fee schedule.* The Planning Director shall maintain a schedule of fees, as approved by the County Commissioners, for all applications, permits, and other processes outlined in this chapter.

(1) *Fee basis.* All fees shall be intended to reimburse the Plan Commission for the time and cost of processing the required materials. In no instance shall a fee be used as a means of discouraging or encouraging any particular types of applications.

(2) *Public access.* The fee schedule shall be made available to the public by the Planning Director.

(3) *Establishment and revisions.* The fee schedule shall be prepared by the Planning Director, reviewed by the Plan Commission, and approved by ordinance by the Board of County Commissioners.

(a) The fee schedule may be amended by a recommendation submitted to the Board of County Commissioners by the Plan Commission followed by the Commissioners' approval of a revised fee schedule ordinance.

(b) The Planning Director shall review the fee schedule annually and bring any necessary revisions to the attention of the Plan Commission and Board of County Commissioners.

(4) *Payment required.* Until all applicable fees have been paid in full, no action shall be taken on any application or petition.

(5) *Fines for failing to obtain a permit.* The Planning Director may require any person who initiates construction of a structure or the alteration of land prior to obtaining any required permit to pay up to two times the amount of the normal permit fee listed on the fee schedule as a penalty in addition to any enforcement cost including incurred attorney's fees for such activity (and in addition to the established fee).

(C) *Schedule of meeting and filing dates.* The Planning Director shall maintain an annual calendar of meeting and filing dates for the Technical Review Committee, Plat Committee, Plan Commission, and Board of Zoning Appeals. The existence of this calendar shall not be interpreted as prohibiting special meetings of the Committees, Commission, or Board.

(1) *Coordination of calendars.* The calendars of the Technical Review Committee, Plat Committee and Plan Commission shall be coordinated to ensure the efficient processing of applications.

(2) *Conformance with the Indiana Code.* All meeting and filing dates shall be based on the requirements of this chapter and the laws of the State of Indiana.

(3) *Approval of dates.* The calendar of meeting and filing dates shall be prepared by the Planning Director and approved by the Plan Commission and Board of Zoning Appeals (the Plan Commission shall be responsible for approving a coordinated calendar for the Technical Review Committee and the Plat Committee). The calendar of meeting and filing dates shall be reviewed and updated annually by the Planning Director.

(Ord. 2007-1B, passed 2-5-07)

## **§ 156.011 LEGISLATIVE BODIES DUTIES AND POWERS.**

The powers and duties of the participating legislative bodies with regard to this chapter are defined by the Indiana Code, and are described in this chapter.

(A) *Duties.* Duties should be interpreted as activities that are obligations. Legislative body duties include:

(1) *Plans and ordinances.* Adopt, reject, or amend the Comprehensive Plan, any other plans, the Zoning Ordinance,



and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;

(2) *Plan and ordinance amendments.* Adopt, reject, or amend proposals to amend or partially repeal the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and the Subdivision Control Ordinance as certified and submitted by the Plan Commission;

(3) *Zoning map amendments.* Adopt, reject, or amend proposals to amend the official zoning map certified and submitted by the Plan Commission;

(4) *Planned unit developments.* Adopt, reject, or amend proposals for planned unit developments as certified and submitted by the Plan Commission;

(5) *Fee schedule.* Adopt, reject, or amend proposals to adopt or amend a fee schedule as certified and submitted by the Plan Commission; and

(6) *Other duties.* All additional duties as established by the Indiana Code.

(B) *Powers.* Powers should be interpreted as activities that are optional and may be initiated by the participating legislative bodies. Legislative body powers include:

(1) *Plan and ordinance amendments.* Initiate amendments to the text of the Comprehensive Plan, any other plans, the Zoning Ordinance, and/or the Subdivision Control Ordinance;

(2) *Zoning map amendments.* Initiate amendments to the official zoning map; and

(3) *Other powers.* All additional powers as permitted by the Indiana Code.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.012 PLAN COMMISSION DUTIES AND POWERS.**

The powers and duties of the Hancock County Area Plan Commission with regard to this chapter are defined by the Indiana Code, and are described in this chapter. These powers and duties are further described by the Plan Commission Rules and Procedures.

(A) *Duties.* Duties should be interpreted as activities that are obligations. Plan Commission duties include:

(1) *Rules.* Supervise and make rules for the administration of the affairs of the Commission (I.C. 36-7-4-401(a)(1));

(2) *Procedures.* Prescribe uniform rules pertaining to investigations and hearings (I.C. 36-7-4-401(a)(2));

(3) *Record keeping.* Maintain a complete record of all proceedings (I.C. 36-7-4-401(a)(3));

(4) *Meeting time and records.* Fix the time for holding regular meetings each month, or as necessary, keep minutes of all meetings, and maintain all minutes and records in the office of the Commission (I.C. 36-7-4-306);

(5) *Certification.* Adopt a seal and certify all official acts (I.C. 36-7-4-401(a)(6) and (7));

(6) *Recommendations.* Make recommendations to the participating legislative bodies concerning the adoption and amendment of the Comprehensive Plan, the Zoning Ordinance (including the zoning map), the Subdivision Control Ordinance, and planned unit development district ordinances (I.C. 36-7-4-405(a)(1));

(7) *Decisions.* Approve or deny plats, re-plats, and amendments to plats consistent with the I.C. 36-7-4-700 series (I.C. 36-7-4-405(a)(2));

(8) *Surety.* Assume responsibility for the custody and preservation of all Commission documents and papers (I.C. 36-7-401(a)(4));

(9) *Publications.* Prepare, publish, and distribute reports, ordinances, and other material relating to the activities authorized by the Indiana Code (I.C. 36-7-4-401(a)(5));

(10) *Fiscal supervision.* Supervise the fiscal affairs of the Commission (I.C. 36-7-4-401(b)(1));

(11) *Budgeting.* Prepare and submit an annual budget to the County Council. (I.C. 36-7-4-401(b)(2));

(12) *Employees.* Prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the Commission, consistent with the compensation fixed by the County Council (I.C. 36-7-4-402(b));

(13) *Street names and addresses.* Assign street numbers to lots and structures, renumber lots and structures, assign street names, and approve or deny proposed street names in new developments in conjunction with the County Sheriff's office (I.C. 36-7-4-405(b)(1), (2), and (3));

(14) *Board of Zoning Appeals facilities.* Provide suitable facilities for the holding of BZA hearings and for the preserving of records, documents, and accounts (I.C. 36-7-4-914); and

(15) *Other duties.* All additional duties as established by the Indiana Code.

(B) *Powers.* Powers should be interpreted as activities that are optional and may be initiated by the Commission. Plan Commission powers include:

(1) *Advisory committees.* Establish advisory committees as necessary, composed of specific members and organized for specific purposes (I.C. 36-7-4-407);

(2) *Executive committee.* Establish an executive committee (I.C. 36-7-4-408);

(3) *Funding assistance.* Seek funding assistance through grant programs as necessary (I.C. 36-7-4-409) and accept gifts, donations, and grants (I.C. 36-7-4-310);

(4) *Fee schedule.* Establish a schedule of fees to defray the administrative costs of the official actions of the Commission (I.C. 36-7-4-411);

(5) *Secretary.* Appoint and fix the duties of a secretary (I.C. 36-7-4-304);

(6) *Professional services.* Contract for special or temporary services and any professional counsel (I.C. 36-7-4-311); and

(7) *Other powers.* All additional powers as permitted by the Indiana Code.

(C) *Communication with Plan Commission members.* No person (including applicants, remonstrators, and other interested parties) may communicate with any member of the Commission before the hearing with intent to influence the member's action on a matter pending before Plan Commission.

(Ord. 2007-1B, passed 2-5-07)

### **§ 156.013 BOARD OF ZONING APPEALS.**

(A) *Establishment and membership.* Pursuant to I.C. 36-7-4-900 series, the participating legislative bodies establish the Hancock County Area Board of Zoning Appeals which shall conduct business consistent with all requirements of the Indiana Code and this chapter.

(B) *Powers and duties.* The powers and duties of the Hancock County Area Board of Zoning Appeals with regard to this chapter are defined by the Indiana Code, and are described in this chapter. These powers and duties are further described by the Board of Zoning Appeals Rules and Procedures.

(1) *Duties.* Duties should be interpreted as activities that are obligations. Board of Zoning Appeals duties include:

(a) *Meeting time.* Fix a reasonable time for the hearing of administrative appeals, special exceptions, and variances (I.C. 36-7-4-920);

(b) *Minutes.* Keep minutes of its proceedings and record the vote on all actions taken, file all minutes and records in the office of the Board, and make written findings of fact in all cases (I.C. 36-7-4-915);

(c) *Rules and procedures.* Adopt rules concerning the filing of appeals, applications, public notice, the conduct of hearings, and the determination of whether a variance application is for a variance of use or for a variance from the development standards (I.C. 36-7-4-916(a));

(d) *Publications.* Make adopted rules available to all applicants and other interested persons (I.C. 36-7-4-916(c));

(e) *Variances.* Review, hear, and approve or deny all applications for variances from development standards, such as height, setback, or area (I.C. 36-7-4-918.5);

(f) *Special exceptions.* Review, hear and approve or deny all applications for special exceptions (I.C. 36-7-4-918.2);

(g) *Appeals.* Review, hear, and decide appeals of decisions made under this chapter or in the enforcement of this chapter by the Plan Commission Director or other Plan Commission staff, committees, administrative boards, or any other bodies (except the Plan Commission) (I.C. 36-7-4-918.1); and

(h) *Other duties.* All additional duties as established by the Indiana Code.

(2) *Powers.* Powers should be interpreted as activities that are optional and may be initiated by the Board. Board of Zoning Appeals powers include:

(a) *Hearing officer.* Appoint a hearing officer (I.C. 36-7-4-923);

(b) *Secretary.* Appoint a secretary and other employees as necessary for the discharge of Board duties (I.C. 36-7-4-913); and

(c) *Other powers.* All additional powers as permitted by the Indiana Code.

(C) *Rules and procedures.* The Board of Zoning Appeals shall have sole authority to adopt any and all rules under I.C. 36-7-4-916 and any and all procedures concerning organization, selection of officers, forms for applications, filing requirements, procedures, notices and conduct of meetings, and public hearings.

(D) *Filing.* All applications for variances, special exceptions, and requests for administrative appeal shall be filed by the applicant with the Planning Director in the manner prescribed by the Board.

(E) *Communication with Board members.* No person (including applicants, remonstrators, and other interested parties) may communicate with any member of the Board before the hearing with intent to influence the member's action on a matter

pending before the Board.

(F) *Notice of public hearing.* For all public hearings, notice shall be provided to the public consistent with the requirements of § 156.101.

(G) *Re-filing of denied applications.* No request for variance, special exception, or administrative appeal that has been denied may be re-filed for a period of one year from the date of the denial, unless substantial changes have been made that address the reasons for denial.

(H) *Appeals.* Every decision of the Board of Zoning Appeals shall be subject to review by a court of jurisdiction (writ of certiorari) as prescribed by I.C. 36-7-4-1000 series. All appeals shall be presented to a court of jurisdiction.

(I) *Improvement location permit required.* If the Board grants a special exception or variance, it shall direct the applicant to apply for an improvement location permit. If such application complies with all requirements established by the Board and this chapter, an improvement location permit for the execution of the approved variance or special exception shall be issued.

(J) *Expiration of approvals.* A special exception or variance ceases to be authorized and is expired if the obtaining of an improvement location permit, or the execution of the approval, has not been completed within one year of the date the variance or special exception is granted. The variance or special exception shall also expire if the approved construction has not been completed and approved by the Planning Director as being consistent with all written commitments or conditions, the requirements of this chapter, and all applicable permits within two years of the date the approval is granted.

(K) *Termination.* A variance or special exception may be terminated by the Board of Zoning Appeals under the following procedure:

(1) *Public hearing.* Upon determination by the Planning Director that possible grounds for termination exist, the matter shall be placed on the Board of Zoning Appeals agenda for a public hearing. The Planning Director shall notify the applicant and all adjoining properties previously noticed, of the hearing via certified mail a minimum of ten days prior to the hearing.

(2) *Grounds for termination.* At the public hearing the variance or special exception shall be revoked if a finding is made by the Board that one or more of the following is true:

- (a) The execution of the approval is not consistent with any requirement of this chapter;
- (b) The execution of the approval is not consistent with any condition of approval;
- (c) The execution of the approval is not consistent with any written commitment; or
- (d) The approved was the result of fraud or the misrepresentation of facts.

(3) *Time limitation.* No special exception or variance may be reviewed by the Board of Zoning Appeals for the same cause more than once in any one-year period.

(Ord. 2007-1B, passed 2-5-07)

**Statutory reference:**

*Board of Zoning Appeals, see I.C. 36-7-4-900 series*

**Cross reference:**

*Jurisdiction, see § 156.002(B)*

*Notice of public hearing, see § 156.101*

**§ 156.014 McCORDSVILLE BOARD OF ZONING APPEALS.**

(A) *Establishment and membership.* Effective July 1, 2003, there is hereby created a separate division of the Hancock County Area Wide Board of Zoning Appeals to be known as the McCordsville Division of the Hancock County Area Wide Board of Zoning Appeals, whose duty it shall be to hear all petitions and issues authorized by Indiana law to be heard and determined by such a Board of Zoning Appeals within the limited territorial jurisdiction comprised of the incorporated boundaries of the Town of McCordsville, Indiana, and subject to the General Provisions of this chapter as set forth above and whose membership shall be appointed pursuant to I.C. 36-7-4-902(a) with the further provision that the executive and legislative body referred to therein shall be considered as the Town Council of the Town of McCordsville, Indiana. The initial term for the members of the McCordsville Division of the Hancock Area Wide Board of Zoning Appeals shall be as follows after which each member's term shall be for a period of four years:

(1) Three citizen members appointed by the executive of the municipality of whom one must be a member of the Plan Commission and two must not be members of the Plan Commission;

(2) One citizen member appointed by the fiscal body of the municipality who must not be a member of the Plan Commission; and

(3) One member appointed by the Plan Commission from the Plan Commission's membership who must be a county agricultural agent or a citizen member of the Plan Commission other than the member appointed under division (A)(1) above.

(B) *Powers and duties.* The powers and duties of the McCordsville Division of the Hancock County Area Board of Zoning Appeals shall be those specified by this chapter and the Indiana Code for such a Board of Zoning Appeals. These powers and duties shall be exercised within the limited territorial jurisdiction comprised of the incorporated boundaries of the Town of McCordsville, Indiana.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-3D, passed 3-9-09)

#### **§ 156.015 FORTVILLE BOARD OF ZONING APPEALS.**

Effective July 1, 2019, there is hereby created a separate division of the Board of Zoning Appeals to be known as the Fortville Division of the Board of Zoning Appeals, whose duty it shall be to hear all petitions and issues authorized by Indiana law to be heard and determined by such a Board of Zoning Appeals within the limited territorial jurisdiction comprised of the incorporated boundaries of the Town of Fortville, Indiana and subject to the general provisions of this chapter as set forth above and whose membership shall be appointed pursuant to I.C. 36-7-4-902(a) and (g) with the further provision that the executive fiscal body and legislative body referred to therein shall be considered as the Town Council President and the the Town Council of the Town of Fortville, Indiana, respectively. The initial term for the members of the Fortville Division of the Board of Zoning Appeals shall be as follows after which each member's term shall be for a period of four years:

(A) One year for the citizen member appointed by the Plan Commission from its membership or by the legislative body, should the Plan Commission be unable to make its appointment;

(B) Two years for the citizen member appointed by the fiscal body of the municipality who must not be a member of the Plan Commission;

(C) Three years each for the two citizen members appointed by the executive of the municipality who are not members of the Plan Commission;

(D) Four years for the citizen member appointed by the executive of the municipality who is to be a Plan Commission member.

(Ord. 2019-5A, passed 5-6-19)

## **ZONING DISTRICTS**

#### **§ 156.020 ESTABLISHMENT OF ZONING DISTRICTS.**

(A) *Establishment of zoning districts.* For the purpose of this chapter, the planning jurisdiction is divided into the following zoning districts. Each of the zoning districts stands alone and is not part of a hierarchy-system of zoning. For example, uses permitted in the CN district are not permitted in the CC district unless expressly listed as such in the CC district. Only those uses and standards that are expressly indicated and noted for each district apply to that district. These districts, including PUDs, are graphically represented on the official zoning map, which is hereby declared to be a part of this subchapter.

(1) Agricultural Zoning District

A - Agricultural

(2) Residential Zoning Districts

RR - Residential: Rural

R1.0 - Residential: 1.0

R2.5 - Residential: 2.5

R3.5 - Residential: 3.5

R5.0 - Residential: 5.0

RMH - Residential: Manufactured Home Park

RM - Residential: Multifamily

(3) Commercial Zoning Districts

CN - Commercial: Neighborhood

CC - Commercial: Community

CR - Commercial: Regional

(4) Institutional Zoning District

IN - Institutional

(5) Industrial Zoning Districts

IBP - Industrial: Business Park

IL - Industrial: Light

IG - Industrial: General

(B) *Establishment of Planned Unit Development (PUD) District.* This chapter allows for any zoning district(s) to be rezoned for the creation of a PUD. All PUDs shall be consistent with the requirements of §§ 156.050 et seq.

(C) *Subdivision of land.* The subdivision of land in every zoning district shall be consistent with the provisions of the applicable subdivision control ordinance for the jurisdiction in which the property is located.

(Ord. 2007-1B, passed 2-5-07)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay zoning, see §§ 156.040 et seq.*

*Planned unit developments, see §§ 156.050 et seq.*

**§ 156.021 LAND USES.**

(A) *Land uses specified.* Each land use is either a permitted, non-permitted or a special exception use in each zoning district. A general list of permitted and special exception uses for each district are noted in the Permitted Uses and Special Exceptions divisions accompanying the description of each district in this subchapter. The graphics that accompany the descriptions of each land use are to be considered representative and not to scale. Specific land uses are also listed in the Land Use Matrix following division (B) below. The designation of special exception is not meant to imply that the use in question will be disallowed, only that they will be reviewed and checked for conformance with county standards and will require a public hearing.

(B) *Unlisted or questionable land uses.* Any use not listed as a permitted use or special exception use is considered non-permitted. The Planning Director may determine into which category any use is placed if it is not specifically listed but is similar to another use that is a permitted or a special exception use. This determination may be appealed to the Board of Zoning Appeals consistent with the provisions of § 156.104.

LAND USE MATRIX															
PRIMARY LAND USE  P = Permitted Use  S = Special Exception Use	ZONING DISTRICT														
	A	RR	R1.0	R2.5	R3.5	R5.0	RMH	RM	CN	CC	CR	IN	IBP	IL	IG
<b>LAND USE MATRIX</b>															
<b>PRIMARY LAND USE</b>															
<b>ZONING DISTRICT</b>															
<b>P = Permitted Use</b>															
<b>S = Special Exception Use</b>															
<b>LAND USE MATRIX</b>															
<b>PRIMARY LAND USE</b>															
<b>ZONING DISTRICT</b>															
<b>P = Permitted Use</b>															
<b>S = Special Exception Use</b>															
<b>Agriculture Uses</b>															
Agricultural chemical sales, distribution and storage	S													S	S
Agribusiness Type 1	P	S	S	S					S	S	S	S	P	P	P
Agribusiness Type 2	S	S	S	S					S	S	S	S	S	S	S
Animal stables (excluding kennels)	P	S	S	S					S	S	S	P	S	P	P
Crop processing and storage														P	P
Crop production	P	P	P	P					P	P	P	P	P	P	P
Farm (confined feeding)	P														
Farm co-op facility	S													S	S
Farm equipment sales and service	S										P		P	P	S
Farmer's market	S								P	P	P	P			
Fertilizer sales, distribution and storage	S													S	S
Grazing and pasture land	P	P	S	S					P	P	P	P	S	P	P

Livestock auction/sales facility	S														S
Livestock raising and breeding	P	P	S	S					S	S	S	P		S	S
Nursery	P	S	S	S					S	P	P	P	S	P	P
Seed sales, distribution and storage	S	S	S	S					S	S	S	P		P	P
Winery	P	S	S	S					S	P	P		P	P	P
<b>Communications/Utilities Uses</b>															
Communication service exchange										S	S	P	P	P	P
Meteorological tower	P	S	S	S					S	S	S	S	S	P	P
Public wellfield/water treatment facility	P	P										P			
Sewage treatment plant	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Telecommunications facility/tower	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Utility substation									S	S	P	P	P	P	
Water tower	P	S	S	S	S	S	S	S	S	S	S	S	P	P	P
WECS/Commercial	S												S	S	S
WECS/Micro	P	P	S	S	S	S	S	S	S	P	P	S	P	P	P
WECS/Non-commercial	P	S						S	S	S	S	S	S	P	P
WECS/Small	P	P	S	S	S	S	S	S	S	P	P	S	P	P	P
<b>Residential Uses</b>															
Bed and breakfast facility	S	S	S	S	S	S		S	S	S	S		S	S	S
Boarding house	S	S						S	S	S	S	S			
Child care home	S	S	S	S	S	S	S	S	S						
Dwelling, multi-family (more than 2 dwelling units)								P	S	S	S				
Dwelling, secondary (on upper floors of other use)									P	P	P				
Dwelling, single-family (includes manuf. homes)	P	P	P	P	P	P	P								
Dwelling, two-family				S	P	P		P	P						
Group home	S	S	S	S	S	S	S	S							
Manufactured home park							P								
Nursing/assisted living facility						S	S	S	S	S	S	P			
Residential facility for the developmentally disabled type I	P	P	P	P	P	P	P	P	P	P	P	P			
Residential facility for the developmentally disabled type II	S	S	S	S	S	S	S	S	S	S	S	P			
Residential facility for the mentally ill	S	S	S	S	S	S	S	S	S	S	S	P			
Retirement facility	S	S	S	S	S	S	S	P	S	S	S	P			
<b>Institutional/Public Uses</b>															
Airport												P	S	S	S
Airstrip (private)	S	S										S	S	S	S

Animal shelter	P										S	S	S	S	
Cemetery	P	S	S								P	P			
Church or other place of worship	S	S	S	S	S	S	S	S	S	P	P	P	P	P	
Community center		S	S	S	S	S	S	S	S	P	P	P			
Commercial bus/train terminal										S	S	P			
Fairgrounds	P											P			
Funeral home									S	P	P	P	P		
Government facility (non-office)	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Government office	S	S	S	S	S	S	S	S	S	P	P	P	P	S	S
Heliport	S	S										S	P	P	P
Hospital/medical center	S									P	P	P	P		
Institution for the developmentally disabled/mentally ill										S	S	P			
Library	P	P	P	P	P	P	P	P	P	P	P	P	S		
Lodge or private club									S	P	P				
Medical clinic									S	P	P	P	P	P	P
Museum or gallery									S	S	S	P			
Parking lot or structure (as a primary use)									S	P	P		P	P	P
Penal or correctional institution												S		S	S
Police, fire or rescue station	P	S	S	S	S	S	S	S	P	P	P	P	P	P	P
Post office									S	S	S	P	P		
Public bus/train terminal						S		S	S	S	S	S	S	S	S
Residential treatment center	S	S	S							S	S	P			
School (P - 12)	S	S	S	S	S	S	S	S	S	S	S	P			
Trade or business school									S	P	P	P	P	P	P
University or college										S	S	P	P		

**Park Uses**

Campground/RV park	S											S			
Driving range (as a primary use)										S	S	S			
Golf course and/or country club (including driving range)	P	P	P	P	P	P	P	P		P	P	S			
Nature preserve/center	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park and Recreation Facility	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P

**Commercial Uses**

Administrative/professional office									P	P	P		P	P	P
Adult uses															S
Antique shop									P	P	P				
Apparel/footwear store									P	P	P				

Art or photo gallery									P	P	P					
Auction facility (excluding livestock)										S	P		P			
Auto parts sales (without on-site repair)										P	P					
Auto repair and body shop										P	P		S	S		
Automobile/motorcycle sales, lease, service										P	P		S			
Bakery (retail)									P	P	P		P			
Bank/financial institution									P	P	P					
Banquet or assembly hall									S	P	P					
Bar									S	S	P		S			
Barber/beauty shop									P	P	P		P			
Billiard room or arcade									S	S	P		S			
Bowling alley									S	P	P					
Building finishes shop (paint, carpet, wallpaper, etc.)									S	P	P		P	P		
Building supply store										S	P		P	P		
Business/financial services office									P	P	P		P	P		
Car wash										P	P					
Child care center								S	P	P	P	P	S	S	S	
Conference center										P	P	S	P	P	P	
Convenient store (without gas station)									P	P	P					
Craft/fabric store									P	P	P					
Dance or martial arts studio									P	P	P		P			
Data processing/call center										P	P		P	P	P	
Deli									P	P	P		P			
Department store										P	P					
Dry cleaners, retail									P	P	P		P			
Equipment sales and rental	S								S	S	S		S	P	P	
Fireworks sales (permanent)										S	S		S			
Fitness center									P	P	P		P			
Flower shop									P	P	P					
Garden shop									S	P	P					
Gas station									S	P	P					
Gift shop									P	P	P					
Greenhouse (commercial)	P	S	S	S					S	P	P	P	P	P	P	
Grocery store									P	P	P					
Gymnastics center									S	P	P		P			
Hardware store									S	P	P					
Health spa									P	P	P		P			



Home electronics/ appliance store									S	S	P				
Home occupations	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Hotel/motel									S	P	P		P		
Ice cream shop									P	P	P		P		
Investment firm									P	P	P		P	P	
Jewelry store									P	P	P				
Kennel	S	S	S	S	S	S					S		S	S	
Liquor store									S	P	P				
Manufactured home sales											S		S	S	
Meat market									P	P	P				
Medical/dental office									S	P	P				
Microbrewery/brew- pub									S	P	P		S		
Miniature golf course									S	P	P				
Motocross facility															S
News dealer/bookstore									P	P	P				
Night club										P	P		S		
Office supply store									P	P	P				
Oil change shop									S	P	P				
Pet grooming establishment	S	S	S	S	S	S			P	P	P		P	P	P
Pet store									S	P	P				
Pharmacy									P	P	P				
Photographic studio									P	P	P		P		
Print shop/copy center									P	P	P		P	P	
Radio/TV station									S	P	P		P	P	P
Record/CD/musical instrument shop									P	P	P				
Recreational vehicle sales and service											P		S	P	
Repair services (small appliances, jewelry, alterations, etc.)									P	P	P				
Restaurant									P	P	P	P	P		
Retreat center	S	S							S	S	P	S			
Riding stables	S	S									S	S			
Seasonal hunting or fishing facility	S	S									S				
Self-service laundry									P	P	P		P		
Shoe repair/tailor shop									P	P	P		P		
Shooting range (outdoor)	S	S									S				
Shooting/archery range (indoor)											S		S		
Shopping mall										S	P				
Skating rink/swimming pool										P	P		S		
Sporting goods shop									S	P	P				

Stationary store									P	P	P						
Supermarket									S	S	P						
Tanning salon									P	P	P			P			
Tattooing/body piercing establishment									S	S	P			S			
Theater									P	P	P						
Truck stop/travel center	S										S				S	S	
Variety store									S	P	P						
Vehicle detailing/ accessory shop										P	P			S	P		
Veterinary office/ animal clinic (without outdoor kennels)									P	P	P			P			
Video/music store									P	P	P						
<b>Industrial Uses</b>																	
Agricultural products terminal	P																P
Animal and animal products processing	S																S
Assembly facility											P			P	P	P	
Boat/RV storage facility (outdoor)														P	S	S	
Bottle gas storage and distribution																	S
Concrete/asphalt production facility																	S
Contractor's storage yard	S									S	S			S	S	P	
Contractor's warehouse	P								S	S	S			P	P	P	
Explosive manufacturing and storage																	S
Fabrication facility														P <sup>1</sup>	P <sup>1</sup>	P	
Food and beverage production														S	S	P	
Inoperable vehicle storage																	S
Junk/scrap metal yard																	S
Lumber yard										S				P	P	P	
Manufacturing facility														P <sup>1</sup>	P <sup>1</sup>	P	
Mineral extraction and processing	S																S
Mini-warehouse self-storage facility											P			P	P	P	
Packaging facility											P			P	P	P	
Petroleum and chemical processing and storage																	S
Power generation facility (commercial)	S															S	S
Printing/publishing facility											P			P	P	P	
Refuse dump/transfer station																	S
Research and development facility														P	P	P	

Sanitary landfill														S
Semi-tractor/trailer storage														S S
Tool and dye shop										S		P	P	P
Truck freight terminal														S P
Truck sales and service center														S S
Warehouse and distribution facility												P	P	P
Waste incinerator														S
Wholesale distribution facility												P	P	P

<sup>1</sup> Reference § 156.021(C) for supplemental land use standards.

(C) *Industrial land use standards in the IBP and IL Districts.* Unless modified or waived by the Board of Zoning Appeals as a special exception, the following supplemental standards shall apply in the IBP and IL zoning districts:

(1) *Floor area.* The maximum floor area dedicated to fabrication and/or manufacturing operations shall not exceed 75%. At least 25% of the floor shall be utilized for other than such operations, such as for administrative offices.

(2) *Outdoor storage.* Permanent or temporary outdoor storage of equipment and/or materials shall not be allowed. All such storage shall be enclosed within a permanent structure.

(3) *Loading and service areas.* Areas for truck parking, loading and unloading, service bays, or other such areas shall be screened in accordance with the buffer yard type 3 standards of the zoning chapter.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09; Am. Ord. 2009-9A, passed 9-21-09; Am. Ord. 2010-2D, passed 2-22-10; Am. Ord. 2010-9C, passed 9-20-10; Am. Ord. 2010-12A, passed 12-20-10; Am. Ord. 2010-12B, passed 12-20-10; Am. Ord. 2011-9D, passed 9-20-11; Am. Ord. 2012-5A, passed 5-29-12; Am. Ord. 2013-6C, passed 6-18-13; Am. Ord. 2014-5E, passed 7-15-14; Am. Ord. 2015-5H, passed 5-19-15; Am. Ord. 2015-8A, passed 8-4-15; Am. Ord. 2017-12B, passed - -17; Am. Ord. 2018-3D, passed 3-5-18; Am. Ord. 2018-7C, passed 7-31-18; Am. Ord. 2019-10F, passed 10-15-19; Am. Ord. 2021-11B, passed 11-30-21)

**Cross reference:**

Administrative appeal applications, see § 156.104

**§ 156.022 DISTRICT BOUNDARIES.**

(A) *Lot standards established.* The lot standards for each zoning district shall be as specified in the description of each district in this subchapter. Lot standards shall include, but not be limited to, front yard setback, side yard setback, rear yard setback, lot area, lot width, lot frontage, lot depth, height, living and ground floor areas, and lot coverage. A summary of the lot standards is provided in the table below.

LOT STANDARDS											
Zoning District	Min. Lot Area <sup>5</sup>	Max. Lot Area	Min. Lot Width	Max. Lot Coverage (all hard surfaces)	Min. Front Yard Setback <sup>1</sup>	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Living Area	Min. Ground Floor Living Area	Max. # Primary Structures Per Lot	Max. Height
Agricultural Zoning District											
LOT STANDARDS											
Zoning District	Min. Lot Area <sup>5</sup>	Max. Lot Area	Min. Lot Width	Max. Lot Coverage (all hard surfaces)	Min. Front Yard Setback <sup>1</sup>	Min. Side Yard Setback	Min. Rear Yard Setback	Min. Living Area	Min. Ground Floor Living Area	Max. # Primary Structures Per Lot	Max. Height
Agricultural Zoning District											
A	1.5 acres (septic) 1 acre (sewer)	NA	125 ft.	25%	50 ft.	15 ft.	15 ft.	1,200 sq. ft.	40%	1 dwelling	40 ft.
Single-Family Residential Zoning Districts											

RR	1.5 acres (septic) 1 acre (sewer)	NA	125 ft. <sup>4</sup>	35%	50 ft.	15 ft.	15 ft.	1,200 sq. ft.	60%	1 dwelling	40 ft.
R1.0	23,000 sq. ft.	NA	125 ft. <sup>4</sup>	35%	50 ft.	15 ft.	15 ft.	1,200 sq. ft.	40%	1 dwelling	35 ft.
R2.5	14,000 sq. ft.	NA	90 ft. <sup>4</sup>	35%	40 ft.	15 ft.	15 ft.	1,200 sq. ft.	40%	1 dwelling	35 ft.
R3.5	11,000 sq. ft.	NA	80 ft. <sup>4</sup>	40%	35 ft.	10 ft.	15 ft.	1,100 sq. ft.	40%	1 dwelling	35 ft.
R5.0	7,500 sq. ft.	NA	65 ft. <sup>4</sup>	45%	35 ft.	10 ft.	15 ft.	950sq. ft.	40%	1 dwelling	35 ft.
RMH	5 acres (park) 4,000 sq. ft. (home)	NA	100 ft. (park) 30 ft. (home)	50%	50 ft. (lot) 15 ft. (home)	50 ft. (lot) 10 ft. (home)	50 ft. (lot) 10 ft. (home)	720 sq. ft.	100%	1 dwelling per site	35 ft.
<b>Multi-Family Residential Zoning Districts</b>											
RM	4,000 sq. ft. per 1 BR 5,000 sq. ft. per 2 BR 6,000 sq. ft. per 3 BR	NA	100 ft.	75%	40 ft. <sup>2</sup>	50 ft. <sup>3</sup>	50 ft.	Average 1,000 sq. ft.	750 ft.	NA	45 ft.
<b>Commercial Zoning Districts</b>											
CN	23,000 sq. ft.	100,000 sq. ft.	100 ft.	75%	20 ft. <sup>2</sup>	10 ft. <sup>3</sup>	20 ft. <sup>2</sup>	750 sq. ft.	NA	NA	45 ft.
CC	1 acre/ 43,560 sq. ft.	NA	125 ft.	75%	50 ft. <sup>2</sup>	15 ft. <sup>2</sup>	20 ft. <sup>2</sup>	500 sq. ft.	NA	NA	45 ft.
CR	2.5 acres	NA	150 ft.	75%	50 ft. <sup>2</sup>	15 ft. <sup>2</sup>	30 ft. <sup>2</sup>	750 sq. ft.	NA	NA	55 ft.
<b>Institutional Zoning District</b>											
IN	1 acre	NA	100 ft.	50%	25 ft. <sup>2</sup>	50 ft.	NA	NA	NA	NA	50 ft.
IBP	1 acre	NA	250 ft.	75%	50 ft. <sup>2</sup>	25 ft. <sup>2</sup>	50 ft. <sup>2</sup>	NA	NA	NA	50 ft.
IL	2 acres	NA	125 ft.	75%	50 ft. <sup>2</sup>	25 ft. <sup>2</sup>	50 ft. <sup>2</sup>	NA	NA	NA	50 ft.
IG	5 acres	NA	125 ft.	75%	100 ft. <sup>2</sup>	50 ft. <sup>2</sup>	100 ft. <sup>2</sup>	NA	NA	NA	50 ft.

<sup>1</sup> As measured from the right-of-way as designated in the Thoroughfare Plan.

<sup>2</sup> Minimum building separation - 25 feet.

<sup>3</sup> Additional buffer yard requirements may apply.

<sup>4</sup> Minimum lot frontage for a lot on a cul-de-sac or curve is 45 feet. For all cul-de-sac streets, the minimum depth of front yard shall be 35 feet from the road right-of-way regardless of street width.

<sup>5</sup> For purposes of this section, lots or parcels not served by a community, municipal, private or public wastewater treatment or sanitary sewer system approved by the Indiana Department of Health shall be subject to the same lot and yard requirements as specified for the A District.

(B) *General lot requirements.* All lots shall comply with the following requirements consistent with the applicable lot standards:

(1) *Legal nonconforming lots.* All lots legally established prior to the effective date of this chapter which are in conflict with the lot standards shall be considered legal non-conforming lots consistent with the provisions of §§ 156.090 et seq.

(2) *Compliance requirements.* Except as provided in this chapter, no structure shall be erected, altered, enlarged or

reconstructed unless such alteration, enlargement, or reconstruction conforms with the lot regulations of the zoning district in which it is located. The lot requirements of this subchapter shall not apply in instances where this chapter specifically provides alternate requirements, such as an overlay zoning district.

(3) *Setback standards.* No portion of any structure is allowed to be located within the required setbacks. Structures shall include, but not be limited to garages, carports, balconies, roofs, decks, chimneys, fire escapes, and platforms above adjacent grade level. Parking spaces, interior drives, other vehicle use areas and sidewalks shall be permitted within the required setbacks at adjacent grade level subject to the requirements of this chapter. Violation of these standards will subject the property owner to the penalties described under §§ 156.115 et seq.

(C) *Development standards.* All structures and land uses, including any alterations to either, that are established or otherwise occur after the effective date of this chapter shall conform to the development standards provided by this chapter. The development standards that apply to each zoning district shall be as cross-referenced in the description of each district in this subchapter and as described in the development standards set forth in §§156.060 et seq. The development standards shall not apply in instances where this chapter specifically provides alternate requirements, such as an overlay zoning district or performance-based standards.

(D) *Dwellings.* In any district, no residential primary or accessory structure may be located closer than 750 feet to a waste control structure for a confined feeding operation as required and defined by I.C. 13-18-10. This provision shall apply only to structures that would require a building permit pursuant to this chapter. This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

(E) *Confined feeding.* No confined feeding operation, as defined in I.C. 13-18-10, or waste control structure for a confined feeding operation may be located closer than 100 feet to a street right-of-way line, 750 feet to an existing residential zoning district boundary line, or 750 feet to an existing residential primary or accessory structure other than that of the applicant. This provision shall apply only to those structures that would require a building permit pursuant to this chapter. This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

(F) *Dwellings - concentrated animal feeding operations.* In any district, no residential primary or accessory structure may be located closer than 750 feet to the property boundary line of a waste control structure for a concentrated animal feeding operation, as required and defined by 40 CFR 122.23. This provision shall apply only to structures that would require a building permit pursuant to this chapter. This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

(G) *Concentrated animal feeding operation.* No concentrated animal feeding operation or waste control structure for a concentrated animal feeding operation, as defined by 40 CFR 122.23, may be located closer than 750 feet to an existing residential zoning district boundary line or 750 feet to the property boundary line of the applicant. This provision shall apply only to those structures that would require a building permit pursuant to this chapter. This provision may be waived or modified subject to the granting of a special exception by the Board of Zoning Appeals.

(H) (1) *Exception.* Notwithstanding § 156.022(G), a concentrated animal feeding operation as defined by 40 CFR 122.23, or waste control structure for a concentrated animal feeding operation, may be located no closer than 350 feet to an existing residential zoning district boundary line or 350 feet to the property boundary line of the applicant, provided that the operation complies with the following buffering standards.

(2) *General buffering standards.* A buffer yard of shrubs and evergreen trees shall be located a maximum of 100 feet (as measured from the base of the mound) from the concentrated animal feeding structures or waste control structures, and surround the entire feeding operation. Adequate ingress and egress through the buffer yard shall be approved by the Planning Director. All required shrubs shall be minimum 24 inches tall, as measured from grade at time of planting. The final minimum height of the buffer shall not be less than eight feet in height at any point where the buffer is required. The shrubs and trees shall be supplemented by an undulating mound, a minimum of three feet in height, with a maximum slope of 3:1 (rise:run).

(a) *Responsibility.* The owner of the property being developed or otherwise changed in use is responsible for installing the buffer yard at the time of that development or change. The adjacent property owner shall not have to participate in installing the buffer yard.

(b) *Planting location.* Required buffer yard shrubs and trees may be placed either at regular intervals or in irregular patterns representing a natural landscape. No buffer yard or required landscape materials shall be placed within any easement, right-of-way or septic field.

(c) *Tree size.* Evergreen conifers must be a minimum of two feet in height, measured from the top of the root ball when planted. The separation between trees shall not exceed eight feet on center.

(d) *Ground cover.* All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground-covering vegetation. Landscaping stone or other non-vegetative surfaces may not be substituted for ground-covering vegetation unless otherwise approved by the Planning Director.

(e) *Maintenance.* All landscape materials must be properly maintained and kept in a neat and orderly appearance, free from all debris and refuse.

1. All plant material that, in the opinion of the Planning Director, is unhealthy or dead shall be replaced by the end of the next spring or fall planting season.

2. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth-inhibiting measures may only be used to ensure the public safety.

(f) *Qualifying trees and shrubs.* Refer to the evergreen tree and shrub species tables in § 156.075 for the list of qualifying trees and shrubs.

(l) *Residential facility for the developmentally disabled type I* A residential facility which provides residential services for not more than eight developmentally disabled individuals, as defined by I.C. 12-28-4-8 and established under a program authorized under I.C. 12-11-1.1(e)(1) or I.C. 12.11-1.1(e)(2), shall meet the same zoning requirements, development standards and building codes as other residential structures or improvements in the same residential zoning district or classification.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2007-6F, passed 7-23-07; Am. Ord. 2007-9B, passed 10-1-07; Am. Ord. 2008-12B, passed 12-29-08; Am. Ord. 2009-2A, passed 2-2-09; Am. Ord. 2011-3D, passed 3-15-11; Am. Ord. 2015-12C, passed 12-1-15)

**Cross-reference:**

*Nonconformities, see §§ 156.090 et seq.*

**§ 156.023 AGRICULTURAL (A).**

(A) *District summary.* The "A" Agriculture zoning district is intended to provide locations for agricultural operations and related land uses. This district is further intended to reduce conflicts between residential and agricultural uses, preserve the viability of agricultural operations, and limit development in areas with minimal infrastructure. Single-family dwellings are permitted in the "A" district except that major residential subdivisions are not permitted.

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Agricultural uses.*

- (a) Animal stables (excluding kennels).
- (b) Crop processing and storage (materials produced onsite).
- (c) Crop production.
- (d) Farm (confined feeding).
- (e) Grazing & pasture land.
- (f) Livestock raising and breeding.
- (g) Nursery.
- (h) Winery.

(3) *Residential uses.*

- (a) Dwelling, single-family (includes manufactured homes).
- (b) Residential facility for the developmentally disabled type I.

(4) *Communications/utilities uses.*

- (a) Public wellfield/water treatment facility.
- (b) Water tower.

(5) *Institutional/public uses.*

- (a) Animal shelter.
- (b) Cemetery.
- (c) Fairgrounds.
- (d) Library.
- (e) Police, fire, or rescue station.

(6) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds.

(7) *Industrial uses.*

- (a) Agricultural products terminal.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Agricultural uses.*

- (a) Agricultural chemical sales, distribution, and storage.
- (b) Farm co-op facility.
- (c) Farm equipment sales and service.
- (d) Farmer's market (for sale of products grown off-site).
- (e) Fertilizer sales, distribution, and storage.
- (f) Livestock auction/sales facility.
- (g) Seed sales, distribution, and storage.

(3) *Residential uses.*

- (a) Bed and breakfast facility.
- (b) Boarding house.
- (c) Child care home.
- (d) Group home.
- (e) Residential facility for the developmentally disabled type II.
- (f) Residential facility for the mentally ill.
- (g) Retirement facility.

(4) *Communications/utilities uses.*

- (a) Sewage treatment plant.
- (b) Telecommunications facility/tower.

(5) *Park uses.*

- (a) Campground/RV park.

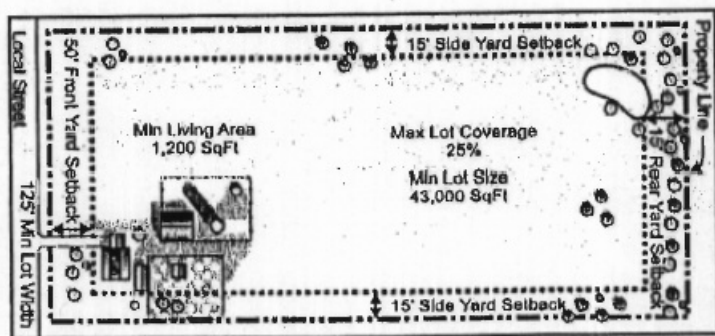
(6) *Institutional/public uses.*

- (a) Airstrip (private).
- (b) Church or other place of worship.
- (c) Government facility (non-office).
- (d) Government office.
- (e) Heliport.
- (f) Hospital/medical center.
- (g) Penal or correctional institution.
- (h) School (P-12).

(7) *Commercial uses.*

- (a) Greenhouse (commercial).
- (b) Health spa.
- (c) Home occupation.
- (d) Kennel.
- (e) Retreat center.
- (f) Riding stables.
- (g) Seasonal hunting or fishing facility.

- (h) Shooting range (outdoor).
- (i) Truck stop/travel center.
- (j) Veterinary office/animal clinic.
- (8) *Industrial uses.*
  - (a) Mineral extraction and processing.
  - (b) Power generation facility (commercial).
- (D) *Lot standards.*
  - (1) Minimum lot area: 43,000 square feet.
  - (2) Maximum lot area: not applicable.
  - (3) Minimum lot width (measured at front setback/build-to line): 125 feet.
  - (4) Maximum lot coverage (including all hard surfaces): 25%.
  - (5) Minimum front yard setback - (measured from street right-of-way): 50 ft.
  - (6) Minimum side yard setback - (measured from property line): 15 ft.
  - (7) Minimum rear yard setback - (measured from rear property line): 15 ft.
  - (8) Minimum living area per dwelling: 1,200 square feet.
  - (9) Minimum ground floor living area: 1,200 square feet.
  - (10) Maximum primary structures per lot: 1 dwelling.
  - (11) Maximum height: 40 feet.



Illustrative layout (does not reflect all requirements contained within this chapter.)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.024 RESIDENTIAL: RURAL (RR).**

(A) *District summary.* The "RR", Residential: Rural zoning district is intended to provide areas for a mixture of agricultural and residential land uses. This mixture is intended to promote and maintain agricultural operations while allowing minimal residential development. This district should be used to provide unique, rural housing options with the ability to connect to available infrastructure.

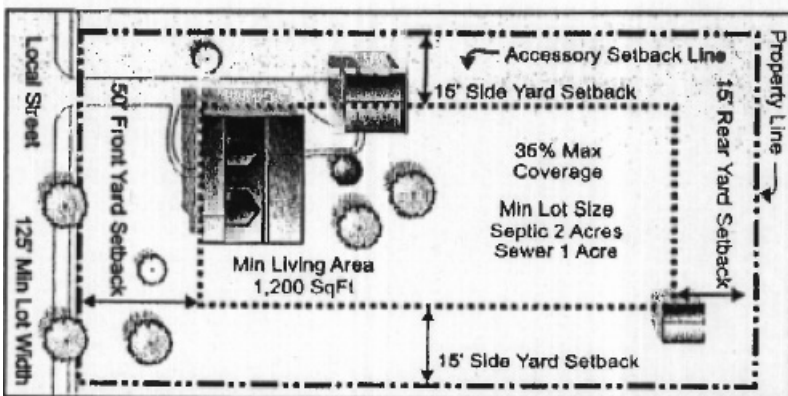
(B) *Permitted primary uses.*

- (1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.
- (2) *Agricultural uses.*
  - (a) Crop production.
  - (b) Grazing and pasture land.
  - (c) Livestock raising and breeding.



- (3) *Residential uses.*
  - (a) Dwelling, single-family (includes manufactured homes).
  - (b) Residential facility for the developmentally disabled type I.
- (4) *Communications/utilities uses.*
  - (a) Public wellfield/water treatment facility.
- (5) *Institutional/public uses.*
  - (a) Library.
- (6) *Park uses.*
  - (a) Golf course and/or country club (including driving range).
  - (b) Nature preserve/center.
  - (c) Park and/or playgrounds (including athletic facilities).
- (C) *Special exception primary uses.*
  - (1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.
  - (2) *Agricultural uses.*
    - (a) Animal stables (excluding kennels).
    - (b) Winery.
  - (3) *Residential uses.*
    - (a) Bed and breakfast facility.
    - (b) Boarding house.
    - (c) Child care home.
    - (d) Group home.
    - (e) Residential facility for the developmentally disabled type II.
    - (f) Residential facility for the mentally ill.
    - (g) Retirement facility.
  - (4) *Communications/utilities uses.*
    - (a) Sewage treatment facility.
    - (b) Telecommunications facility/tower.
    - (c) Water tower.
  - (5) *Institutional/public uses.*
    - (a) Airstrip (private).
    - (b) Cemetery.
    - (c) Church or other place of worship.
    - (d) Community center.
    - (e) Government facility (non-office).
    - (f) Government office.
    - (g) Heliport.
    - (h) Police, fire, or rescue station.
    - (i) School (P-12).
  - (6) *Commercial uses.*
    - (a) Home occupations.
    - (b) Kennel.
    - (c) Retreat center.

- (d) Riding stables.
  - (e) Seasonal hunting or fishing facility.
  - (f) Shooting range (outdoor).
- (D) *Lot standards.*
- (1) Minimum lot area:
    - (a) Two acres (87,120 square feet) - if septic.
    - (b) One acre (43,560 square feet) - if sewer.
  - (2) Maximum lot area: not applicable.
  - (3) Minimum lot width (measured at front setback/build-to line): 125 feet.
  - (4) Maximum lot coverage (including all hard surfaces): 35%.
  - (5) Minimum front yard setback - (measured from street right-of-way): 50 feet.
  - (6) Minimum side yard setback - (measured from property line): 15 feet.
  - (7) Minimum rear yard setback - (measured from rear property line): 15 feet.
  - (8) Minimum living area per dwelling: 1,200 square feet.
  - (9) Minimum ground floor living area: 60%.
  - (10) Maximum primary structures per lot: 1 dwelling.
  - (11) Maximum height: 40 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.025 RESIDENTIAL: 1.0 (R1.0).**

(A) *District summary.* The “R1.0”, Residential: 1.0 zoning district is intended to provide areas for single-family residential land uses developed in suburban-style subdivisions. These areas should be located adjacent to existing developed areas and should be connected to available infrastructure. This district should be used to provide unique, rural housing options and a transition between rural areas and higher density residential development.

(B) *Permitted primary uses.*

- (1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.
- (2) *Agricultural uses.*
  - (a) Crop production.
  - (b) Grazing and pasture land.

(3) *Residential uses.*

- (a) Dwelling, single-family (includes manufactured homes).
- (b) Residential facility for the developmentally disabled type I.

(4) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds (including athletic facilities).

(5) *Institutional/public uses.*

- (a) Library.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in §156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Child care home.
- (b) Group home.
- (c) Residential facility for the developmentally disabled type II.
- (d) Residential facility for the mentally ill.
- (e) Retirement facility.

(3) *Communications/utilities uses.*

- (a) Sewage treatment plant.
- (b) Telecommunications facility/tower.
- (c) Water tower.

(4) *Institutional/public uses.*

- (a) Cemetery.
- (b) Church or other place of worship.
- (c) Community center.
- (d) Government facility (non-office).
- (e) Government office.
- (f) Police, fire, or rescue station.
- (g) School (P-12).

(5) *Commercial uses.*

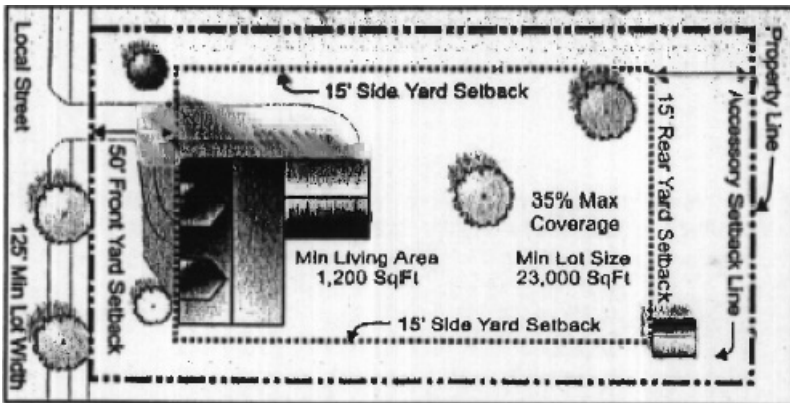
- (a) Home occupations.
- (b) Kennel.

(D) *Lot standards.*

- (1) Minimum lot area: 23,000 square feet.
- (2) Maximum lot area: not applicable.
- (3) Minimum lot width (measured at front setback/build-to line): 125 feet.
- (4) Maximum lot coverage (including all hard surfaces): 35%.
- (5) Minimum front yard setback - (measured from street right-of-way): 50 feet.
- (6) Minimum side yard setback - (measured from adjacent property line): 15 feet.
- (7) Minimum rear yard setback - (measured from rear property line): 15 feet.
- (8) Minimum living area per dwelling: 1,200 square feet.
- (9) Minimum ground floor living area: 40%.

(10) Maximum primary structures per lot: 1 dwelling.

(11) Maximum height: 35 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.026 RESIDENTIAL: 2.5 (R2.5).**

(A) *District summary.* The "R2.5", Residential: 2.5 zoning district is intended to provide areas for single-family residential land uses developed in suburban-style subdivisions. These areas should be located adjacent to existing developed areas and should be connected to available infrastructure (roads and utilities). This district should be used to provide unique housing options.

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Dwelling, single-family (includes manufactured homes).
- (b) Residential facility for the developmentally disabled type I.

(3) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds (including athletic facilities).

(4) *Institutional/public uses.*

- (a) Library.

(C) *Special exception primary uses.*

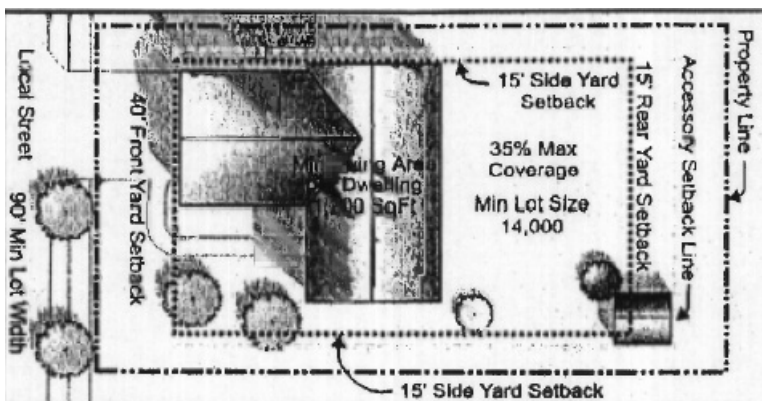
(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Child care home.
- (b) Dwelling, two-family.
- (c) Group home.
- (d) Residential facility for the developmentally disabled type II.
- (e) Residential facility for the mentally ill.
- (f) Retirement facility.

(3) *Communications/utilities uses.*

- (a) Sewage treatment plant.
- (b) Telecommunications facility/tower.
- (c) Water tower.
- (4) *Institutional/public uses.*
  - (a) Church or other place of worship.
  - (b) Community center.
  - (c) Government facility (non-office).
  - (d) Government office.
  - (e) Police, fire, or rescue station.
  - (f) School (P-12).
- (5) *Commercial uses.*
  - (a) Home occupations.
  - (b) Kennel.
- (D) *Lot standards.*
  - (1) Minimum lot area: 14,000 square feet.
  - (2) Maximum lot area: not applicable.
  - (3) Minimum lot width (measured at front setback/build-to line): 90 feet.
  - (4) Maximum lot coverage (including all hard surfaces): 35%.
  - (5) Minimum front yard setback - (measured from street right-of-way): 40 feet.
  - (6) Minimum side yard setback - (measured from adjacent property line): 15 feet.
  - (7) Minimum rear yard setback - (measured from rear property line): 15 feet.
  - (8) Minimum living area per dwelling: 1,200 square feet.
  - (9) Minimum ground floor living area: 40%.
  - (10) Maximum primary structures per lot: 1 dwelling.
  - (11) Maximum height: 35 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

Development standards, see §§ 156.060 et seq.

Overlay districts, see §§ 156.040 et seq.

Sign standards, see §§ 156.085 et seq.

**§ 156.027 RESIDENTIAL: 3.5 (R3.5).**

(A) *District summary.* The "R3.5", Residential: 3.5 zoning district is intended to provide areas for single-family residential

land uses developed in suburban-style subdivisions. There is also the opportunity for two-family dwelling developments in some cases. These areas should be located adjacent to existing development and near infrastructure (streets and utilities) for ease of connection..

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Dwelling, single-family (includes manufactured homes).
- (b) Dwelling, two-family.
- (c) Residential facility for the developmentally disabled type I.

(3) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds (including athletic facilities).

(4) *Institutional/public uses.*

- (a) Library.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Child care home.
- (b) Group home.
- (c) Residential facility for the developmentally disabled type II.
- (d) Residential facility for the mentally ill.
- (e) Retirement facility.

(3) *Communications/utilities uses.*

- (a) Sewage treatment plant.
- (b) Telecommunications facility/tower.
- (c) Water tower.

(4) *Institutional/public uses.*

- (a) Church or other place of worship.
- (b) Community center.
- (c) Government facility (non-office).
- (d) Government office.
- (e) Police, fire, or rescue station.
- (f) School (P-12).

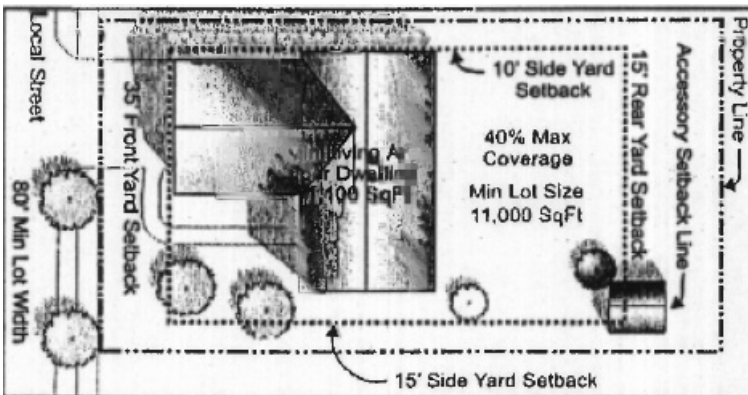
(5) *Commercial uses.*

- (a) Home occupations.
- (b) Kennel.

(D) *Lot standards.*

- (1) Minimum lot area: 11,000 square feet.
- (2) Maximum lot area: not applicable.
- (3) Minimum lot width (measured at front setback/build-to line): 80 feet.
- (4) Maximum lot coverage (including all hard surfaces): 40%.
- (5) Minimum front yard setback - (measured from street right-of-way): 35 feet.

- (6) Minimum side yard setback - (measured from adjacent property line): 10 feet.
- (7) Minimum rear yard setback - (measured from rear property line): 15 feet.
- (8) Minimum living area per dwelling: 1,100 square feet.
- (9) Minimum ground floor living area: 40%.
- (10) Maximum primary structures per lot: 1 dwelling.
- (11) Maximum height: 35 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.028 RESIDENTIAL: 5.0 (R5.0).**

(A) *District summary.* The "R5.0", Residential: 5.0 zoning district is intended to provide areas for single-family residential land uses developed in suburban-style subdivisions, and developed on relatively smaller lots than the lower-density zoning districts. There is also the opportunity for two-family and multi-family dwelling developments in some cases. These areas should be located adjacent to existing development and near compatible infrastructure (streets and utilities).

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Dwelling, single-family (includes manufactured homes).
- (b) Dwelling, two-family.
- (c) Residential facility for the developmentally disabled type I.

(3) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds (including athletic facilities).

(4) *Institutional/public uses.*

- (a) Library.

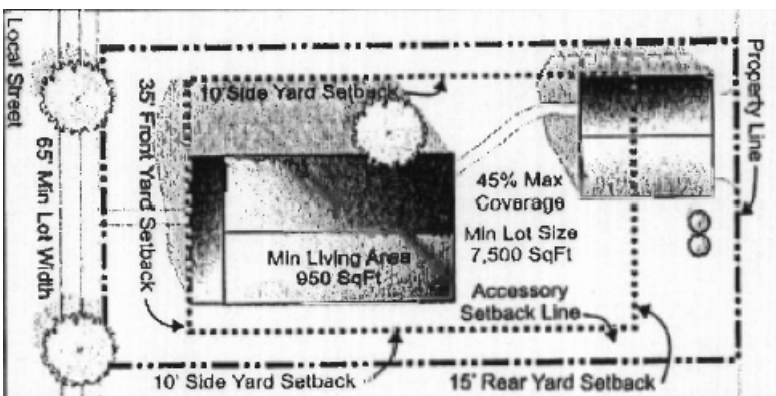
(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Child care home.
- (b) Group home.

- (c) Nursing/assisted living facility.
  - (d) Residential facility for the developmentally disabled type II.
  - (e) Residential facility for the mentally ill.
  - (f) Retirement facility.
- (3) *Communications/utilities uses.*
- (a) Sewage treatment facility.
  - (b) Telecommunications facility/tower.
  - (c) Water tower.
- (4) *Commercial uses.*
- (a) Home occupations.
  - (b) Kennel.
- (5) *Institutional/public uses.*
- (a) Church or other place of worship.
  - (b) Community center.
  - (c) Government facility (non-office).
  - (d) Government office.
  - (e) Police, fire, or rescue station.
  - (f) Public bus/train terminal.
  - (g) School (P-12).
- (D) *Lot standards.*
- (1) Minimum lot area: 7,500 square feet.
  - (2) Maximum lot area: not applicable.
  - (3) Minimum lot width (measured at front setback/build-to line): 65 feet.
  - (4) Maximum lot coverage (including all hard surfaces): 45%.
  - (5) Minimum front yard setback - (measured from street right-of-way): 35 feet.
  - (6) Minimum side yard setback - (measured from adjacent property line): 10 feet.
  - (7) Minimum rear yard setback - (measured from rear property line): 15 feet.
  - (8) Minimum living area per dwelling: 950 square feet.
  - (9) Minimum ground floor living area: 40%.
  - (10) Maximum primary structures per lot: 1 dwelling.
  - (11) Maximum height: 35 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)



**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.029 RESIDENTIAL: MANUFACTURED HOME PARK (RMH).**

(A) *District summary.* The "RMH", Residential: Manufactured Home Park zoning district is intended to provide locations for leased-lot neighborhoods of manufactured homes. This district should be used to establish and maintain locations for these facilities near compatible infrastructure (streets and utilities), commercial services, other high density housing or open space.

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Dwelling, single-family (includes manufactured homes).
- (b) Manufactured home park.
- (c) Residential facility for the developmentally disabled type I.

(3) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds (including athletic facilities).

(4) *Institutional/public uses.*

- (a) Library.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Child care home.
- (b) Group home.
- (c) Nursing/assisted living facility.
- (d) Residential facility for the developmentally disabled type II.
- (e) Residential facility for the mentally ill.
- (f) Retirement facility.

(3) *Communications/utilities uses.*

- (a) Sewage treatment facility.
- (b) Telecommunications facility/tower.
- (c) Water tower.

(4) *Institutional/public uses.*

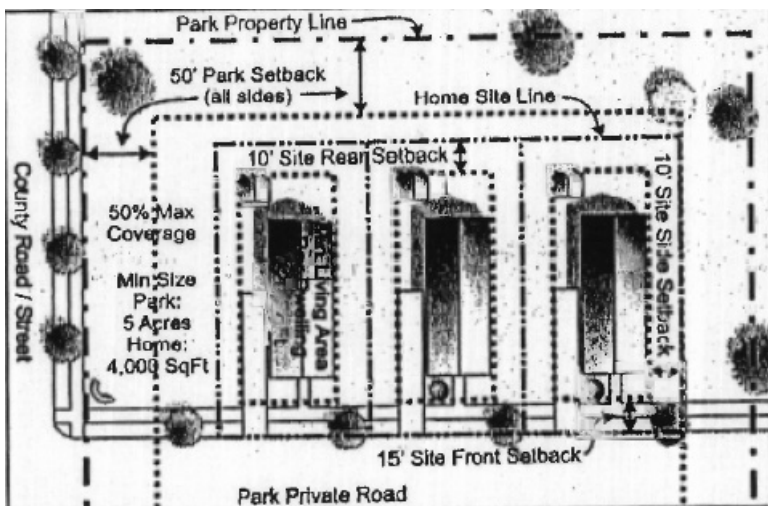
- (a) Church or other place of worship.
- (b) Community center.
- (c) Government facility (non-office).
- (d) Government office.
- (e) Police, fire, or rescue station.
- (f) School (P-12).

(5) *Commercial uses.*

- (a) Home occupations.

(D) *Lot standards.*

- (1) Minimum lot area:
  - (a) Five acres - for the park as a whole.
  - (b) Four thousand square feet - for each home site.
- (2) Maximum lot area: not applicable.
- (3) Minimum lot width (measured at front setback/build-to line):
  - (a) One hundred feet - for the park as a whole.
  - (b) Thirty feet - for each home site.
- (4) Maximum lot coverage (including all hard surfaces): 50%.
- (5) Minimum front yard setback:
  - (a) Fifty feet - measured from right-of-way.
  - (b) Fifteen feet (home) - measured from edge of pavement of internal roads.
- (6) Minimum side yard setback - (measured from adjacent property/lot line):
  - (a) Fifty feet - from all properties outside the park.
  - (b) Ten feet - from other park home sites, facilities, or common areas.
- (7) Minimum rear yard setback - (measured from rear property line):
  - (a) Fifty feet - from all properties outside the park.
  - (b) Ten feet - from other park home sites, facilities, or common areas.
- (8) Minimum living area per dwelling: 720 square feet.
- (9) Minimum ground floor living area: 100%.
- (10) Maximum primary structures per lot: 1 dwelling.
- (11) Maximum height: 35 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.030 RESIDENTIAL: MULTIFAMILY (RM).**

(A) *District summary.* The “RM”, Residential: Multi-family zoning district is intended to provide areas for multi-family residences such as two-family dwellings, townhomes, apartment homes, and condominiums. These are generally high density areas and should be located in areas that have or will have access to compatible infrastructure (streets and utilities).

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Dwelling, multi-family (more than two dwelling units).
- (b) Dwelling, two-family.
- (c) Retirement facility.
- (d) Residential facility for the developmentally disabled type I.

(3) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds (including athletic facilities).

(4) *Institutional/public uses.*

- (a) Library.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Bed and breakfast facility.
- (b) Boarding house.
- (c) Child care home.
- (d) Group home.
- (e) Nursing/assisted living facility.
- (f) Residential facility for the developmentally disabled type II.
- (g) Residential facility for the mentally ill.

(3) *Communications/utilities uses.*

- (a) Sewage treatment facility.
- (b) Telecommunications facility/tower.
- (c) Water tower.

(4) *Institutional/public uses.*

- (a) Church or other place of worship.
- (b) Community center.
- (c) Government facility (non-office).
- (d) Government office.
- (e) Police, fire, or rescue station.
- (f) Public bus/train terminal.
- (g) School (P-12).

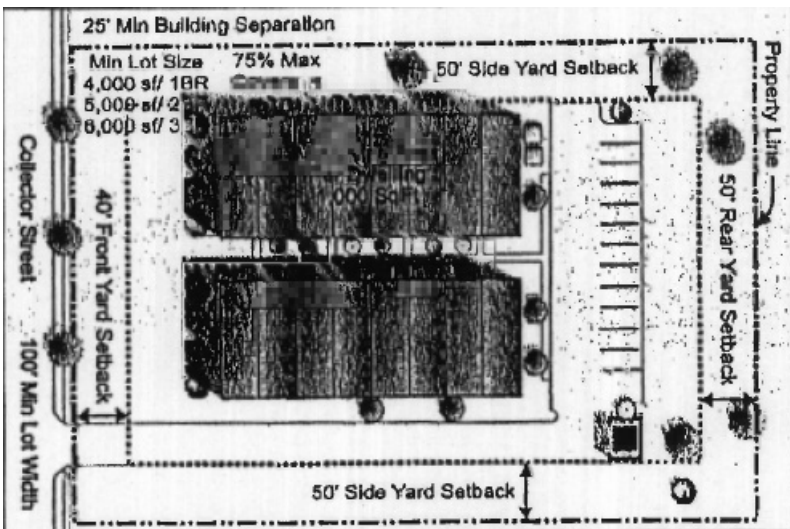
(5) *Commercial uses.*

- (a) Child care center.
- (b) Home occupations.

(D) *Lot standards.*

(1) Minimum lot area:

- (a) Four thousand square feet per one bedroom.
- (b) Five thousand square feet per two bedroom.
- (c) Six thousand square feet per three bedroom.
- (2) Maximum lot area: not applicable.
- (3) Minimum lot width (measured for allowable project frontage): 100 feet.
- (4) Maximum lot coverage (including all hard surfaces): 75%.
- (5) Minimum front yard setback - (measured from street right-of-way): 40 feet.
- (6) Minimum side yard setback - (measured from adjacent property/lot line): 50 feet.
- (7) Minimum rear yard setback - (measured from rear property line): 50 feet.
- (8) Minimum living area per dwelling: average 1,000 square feet.
- (9) Minimum ground floor living area: 750 feet.
- (10) Maximum primary structures per lot: not applicable.
- (11) Maximum height: 45 feet.
- (12) Maximum building separation: 25 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.031 COMMERCIAL: NEIGHBORHOOD (CN).**

(A) *District intent.* The "CN" Neighborhood Commercial zoning district is intended to provide convenience goods, services, and amenities within close proximity to residential areas. This district is further intended to permit the development of traditional mixed-use neighborhood centers which would include second story residential above commercial. This district should be protected from non- neighborhood serving land uses such as "big box" or other more regional retail uses.

(B) *Permitted primary uses.*

- (1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.
- (2) *Agricultural uses.*
  - (a) Farmer's market.
- (3) *Residential uses.*

- (a) Dwelling, secondary (on upper floors).
  - (b) Dwelling, two-family.
  - (c) Residential facility for the developmentally disabled type I.
- (4) *Institutional/public uses.*
- (a) Library.
  - (b) Police, fire, or rescue station.
- (5) *Park uses.*
- (a) Nature preserve/center.
  - (b) Park and/or playgrounds.
- (6) *Commercial uses.*
- (a) Administrative/professional office.
  - (b) Antique shop.
  - (c) Apparel/footwear store.
  - (d) Art or photo gallery.
  - (e) Bakery (retail).
  - (f) Bank/financial institution.
  - (g) Barber/beauty shop.
  - (h) Business/financial services office.
  - (i) Child care center.
  - (j) Convenience store (without gas station).
  - (k) Craft/fabric store.
  - (l) Dance or martial arts studio.
  - (m) Deli.
  - (n) Dry cleaners (retail).
  - (o) Employment service.
  - (p) Flower shop.
  - (q) Gift shop.
  - (r) Grocery store.
  - (s) Health spa.
  - (t) Ice cream shop.
  - (u) Investment firm.
  - (v) Jewelry store.
  - (w) Meat market
  - (x) News dealer/bookstore.
  - (y) Office supply store.
  - (z) Pharmacy.
  - (aa) Photographic studio.
  - (bb) Print shop/dopy center.
  - (cc) Record/CD/musical instrument shop.
  - (dd) Repair services (small appliances, jewelry, alterations, etc.).
  - (ee) Restaurant.
  - (ff) Self-service laundry.

- (gg) Shoe repair/tailor shop.
- (hh) Stationery shop.
- (ii) Tanning salon.
- (jj) Theater.
- (kk) Veterinary office/animal clinic (without outdoor kennels).
- (ll) Video/music store.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Agriculture uses.*

- (a) Nursery.
- (b) Winery.

(3) *Residential uses.*

- (a) Boarding house.
- (b) Bed and breakfast facility.
- (c) Child care home.
- (d) Dwelling, multi-family (more than two dwelling units).
- (e) Nursing/assisted living facility.
- (f) Residential facility for the developmentally disabled type II.
- (g) Residential facility for the mentally ill.
- (h) Retirement facility.

(4) *Communications/utilities uses.*

- (a) Sewage treatment facility.
- (b) Telecommunications facility/tower.
- (c) Water tower.

(5) *Institutional/public uses.*

- (a) Community center.
- (b) Church or other place of worship.
- (c) Funeral home.
- (d) Government facility (non-office).
- (e) Government office.
- (f) Lodge or private club.
- (g) Medical clinic.
- (h) Museum or gallery.
- (i) Parking lot or structure (as a primary use).
- (j) Post office.
- (k) School (P-12).
- (l) Trade or business school.
- (m) Public bus/train terminal.

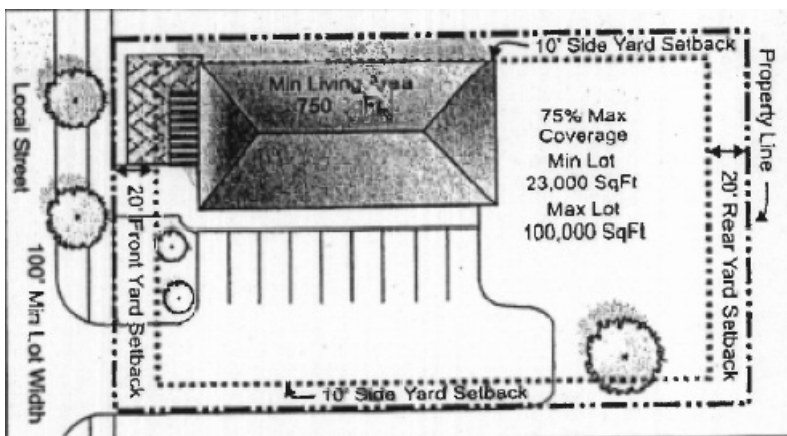
(6) *Commercial uses.*

- (a) Banquet or assembly hall.
- (b) Bar.
- (c) Billiard room or arcade.

- (d) Bowling alley.
- (e) Building finishes shop (paint, carpet, wallpaper, etc.).
- (f) Fitness center.
- (g) Garden shop.
- (h) Gas station.
- (i) Gymnastics center.
- (j) Hardware store.
- (k) Home electronics/appliance store.
- (l) Home occupations.
- (m) Hotel/motel.
- (n) Liquor store.
- (o) Medical/dental office.
- (p) Microbrewery/brew-pub.
- (q) Miniature golf course.
- (r) Oil change shop.
- (s) Pet store.
- (t) Radio/TV station.
- (u) Retreat center.
- (v) Sporting goods shop.
- (w) Supermarket.
- (x) Variety store.

(D) *Lot standards.*

- (1) Minimum lot area: 23,000 square feet.
- (2) Maximum lot area: 100,000 square feet.
- (3) Minimum lot width (measured at front setback/build-to line): 100 feet.
- (4) Maximum lot coverage (including all hard surfaces): 75%.
- (5) Minimum front yard setback - (measured from street right-of-way): 20 feet.
- (6) Minimum side yard setback - (measured from adjacent property line): 10 feet.
- (7) Minimum rear yard setback - (measured from rear property line): 20 feet.
- (8) Minimum living area per dwelling: 750 square feet.
- (9) Minimum ground floor living area: not applicable.
- (10) Maximum primary structures per lot: not applicable.
- (11) Maximum height: 45 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross- reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.032 COMMERCIAL: COMMUNITY (CC).**

(A) *District intent.* The "CC", Community Commercial zoning district is intended to provide locations for a variety of small to mid-sized business and institutional facilities that serve a wide area of the community. This district can be used alone and in combination with other zoning districts to create areas for community shopping, entertainment, services, and public gatherings. This district is intended to permit a mixture of compatible land uses in close proximity to transportation routes and other necessary infrastructure and utilities.

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Agricultural uses.*

- (a) Farmer's market.
- (b) Nursery.
- (c) Winery.

(3) *Residential uses.*

- (a) Dwelling, secondary (on upper floors).
- (b) Residential facility for the developmentally disabled type I.

(4) *Institutional/public uses.*

- (a) Church or other place of worship.
- (b) Community center.
- (c) Child care center.
- (d) Funeral home.
- (e) Government facility (non-office).
- (f) Government office.
- (g) Hospital/medical center.
- (h) Library.
- (i) Lodge or private club.
- (j) Medical clinic.
- (k) Parking lot or structure (as a primary use).
- (l) Police, fire, or rescue station.
- (m) Trade or business school.

(5) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds (including athletic facilities).

(6) *Commercial uses.*

- (a) Administrative/professional office.



- (b) Antique shop.
- (c) Apparel/footwear store.
- (d) Art or photo gallery.
- (e) Auto parts sales (without on-site repair).
- (f) Auto repair and body shop.
- (g) Automobile/motorcycle sales and service.
- (h) Bakery (retail).
- (i) Bank/financial institution.
- (j) Banquet or assembly hall.
- (k) Barber/beauty shop.
- (l) Bowling alley.
- (m) Building finishes shop (paint, carpet, wallpaper, etc.).
- (n) Business/financial services office.
- (o) Car wash.
- (p) Child care center.
- (q) Conference center.
- (r) Convenience store (without gas station).
- (s) Craft/fabric store.
- (t) Dance or martial arts studio.
- (u) Data processing/call center.
- (v) Deli.
- (w) Department store.
- (x) Dry cleaners (retail).
- (y) Employment service.
- (z) Fitness center.
- (aa) Flower shop.
- (bb) Garden shop.
- (cc) Gas station.
- (dd) Gift shop.
- (ee) Greenhouse (commercial).
- (ff) Grocery store.
- (gg) Gymnastics center.
- (hh) Hardware store.
- (ii) Health spa.
- (jj) Ice cream shop.
- (kk) Investment firm.
- (ll) Jewelry store.
- (mm) Liquor store.
- (nn) Meat market.
- (oo) Medical/dental office.
- (pp) Microbrewery/brew-pub.
- (qq) Miniature golf course.

- (rr) News dealer/bookstore.
- (ss) Night club.
- (tt) Office supply store.
- (uu) Oil change shop.
- (vv) Pet store.
- (ww) Pharmacy.
- (xx) Photographic studio.
- (yy) Print shop/copy center.
- (zz) Radio/TV station.
- (aaa) Record/CD/musical instrument shop.
- (bbb) Repair services (small appliances, jewelry, alterations, etc.).
- (ccc) Restaurant.
- (ddd) Self-service laundry.
- (eee) Shoe repair/tailor shop.
- (fff) Skating rink/swimming pool.
- (ggg) Sporting goods shop.
- (hhh) Stationery shop.
- (iii) Tanning salon.
- (jjj) Theater.
- (kkk) Variety store.
- (lll) Vehicle detailing/accessory shop.
- (mmm) Veterinary office/animal clinic (without outdoor kennels).
- (nnn) Video/music store.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Bed and breakfast facility.
- (b) Boarding house.
- (c) Dwelling, multi-family (more than two dwelling units).
- (d) Nursing/assisted living facility.
- (e) Residential facility for the developmentally disabled type II.
- (f) Residential facility for the mentally ill.
- (g) Retirement facility.

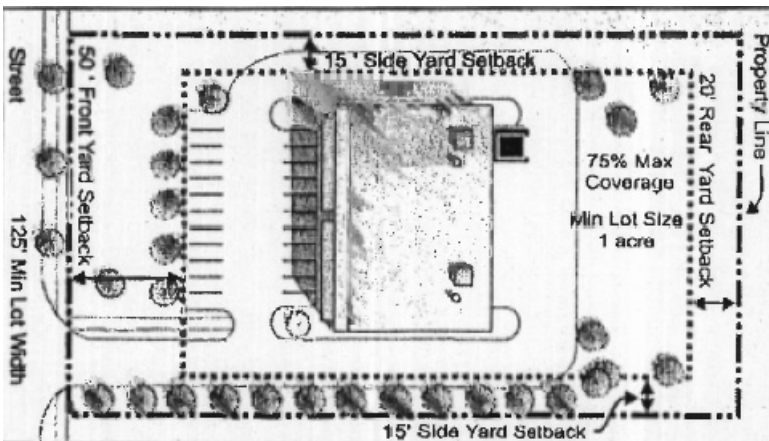
(3) *Communications/utilities uses.*

- (a) Communications service exchange.
- (b) Sewage treatment facility.
- (c) Telecommunications facility/tower.
- (d) Utility substation.
- (e) Water tower.

(4) *Institutional/public uses.*

- (a) Commercial bus/train terminal.
- (b) Institution for the developmentally disabled/mentally ill.

- (c) Museum or gallery.
  - (d) Post office.
  - (e) School (P-12).
  - (f) University or college.
  - (g) Public bus/train terminal.
- (5) *Park uses.*
- (a) Driving range (as a primary use).
- (6) *Commercial uses.*
- (a) Auction facility (excluding livestock).
  - (b) Bar.
  - (c) Billiard room or arcade.
  - (d) Building supply store.
  - (e) Fireworks sales (permanent).
  - (f) Home electronics/appliance store.
  - (g) Retreat center.
  - (h) Shopping mall.
  - (i) Supermarket.
- (D) *Lot standards.*
- (1) Minimum lot area:1 acre.
  - (2) Maximum lot area:not applicable.
  - (3) Minimum lot width (measured at front setback/build-to line): 125 feet.
  - (4) Maximum lot coverage (including all hard surfaces): 75%.
  - (5) Minimum front yard setback - (measured from street right-of-way):50 feet.
  - (6) Minimum side yard setback - (measured from adjacent property line):15 feet.
  - (7) Minimum rear yard setback - (measured from rear property line):20 feet.
  - (8) Minimum living area per dwelling:500 square feet.
  - (9) Minimum ground floor living area:not applicable.
  - (10) Maximum primary structures per lot: not applicable.
  - (11) Maximum height: 45 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100 et seq.*

*Sign standards, see §§ 156.085 et seq.*

### **§ 156.033 COMMERCIAL: REGIONAL (CR).**

(A) *District intent.* The "CR", Regional Commercial zoning district is intended to provide locations for a variety of business and institutional land uses that serve a regional market or require convenient access to high-volume transportation routes. This district is intended to permit a mixture of compatible land uses in close proximity to major transportation routes and other necessary infrastructure and utilities.

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Agricultural uses.*

- (a) Farm equipment sales and service.
- (b) Farmer's market.
- (c) Nursery.
- (d) Winery.

(3) *Residential uses.*

- (a) Dwelling, secondary (on upper floors).
- (b) Residential facility for the developmentally disabled type I.

(4) *Institutional/public uses.*

- (a) Cemetery.
- (b) Church or other place of worship.
- (c) Community center.
- (d) Funeral home.
- (e) Government facility (non-office).
- (f) Government office.
- (g) Hospital/medical center.
- (h) Library.
- (i) Lodge or private club.
- (j) Medical clinic.
- (k) Parking lot or structure (as a primary use).
- (l) Police, fire, or rescue station.
- (m) Trade or business school.

(5) *Park uses.*

- (a) Golf course and/or country club (including driving range).
- (b) Nature preserve/center.
- (c) Park and/or playgrounds (including athletic facilities).

(6) *Commercial uses.*

- (a) Administrative/professional office.
- (b) Antique shop.
- (c) Apparel/footwear store.
- (d) Art or photo gallery.
- (e) Auction facility (excluding livestock).

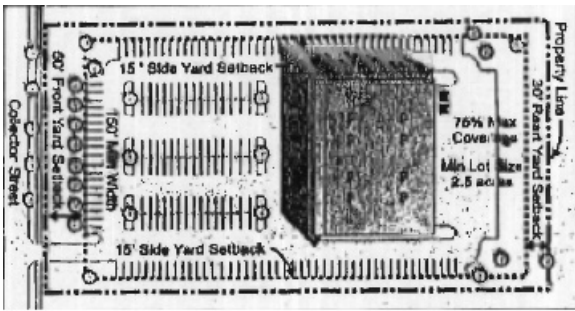
- (f) Auto parts sales (without on-site repair).
- (g) Auto repair and body shop.
- (h) Automobile/motorcycle sales and service.
- (j) Bank/financial institution.
- (k) Banquet or assembly hall.
- (l) Bar.
- (m) Barber/beauty shop.
- (n) Billiard room or arcade.
- (o) Bowling alley.
- (p) Building finishes shop (paint, carpet, wallpaper, etc.).
- (q) Building supply store.
- (r) Business/financial services office.
- (s) Car wash.
- (t) Child care center.
- (u) Conference center.
- (v) Convenience store (without gas station).
- (w) Craft/fabric store.
- (x) Dance or martial arts studio.
- (y) data processing/call center.
- (z) Deli.
- (aa) Department store.
- (bb) Dry cleaners (retail).
- (cc) Employment service.
- (dd) Fitness center.
- (ee) Flower shop.
- (ff) Garden shop.
- (gg) Gas station.
- (hh) Gift shop.
- (ii) Greenhouse (commercial).
- (jj) Grocery store.
- (kk) Gymnastics center.
- (ll) Hardware store.
- (mm) Health spa.
- (nn) Home electronics/appliance store.
- (oo) Hotel/motel.
- (pp) Ice cream shop.
- (qq) Investment firm.
- (rr) Jewelry store.
- (ss) Liquor store.
- (tt) Meat market.
- (uu) Medical/dental office.
- (vv) Microbrewery/brew-pub.

- (ww) Miniature golf course.
- (xx) News dealer/bookstore.
- (yy) Night club.
- (zz) Office supply store.
- (aaa) Oil change shop.
- (bbb) Pet store.
- (ccc) Pharmacy.
- (ddd) Photographic studio.
- (eee) Print shop/copy center.
- (fff) Radio/TV station.
- (ggg) Record/CD/musical instrument shop.
- (hhh) Recreational vehicle sales and service.
- (iiii) Repair services (small appliances, jewelry, alterations, etc.).
- (jjj) Restaurant.
- (kkk) Retreat center.
- (lll) Self-service laundry.
- (mmm) Shoe repair/tailor shop.
- (nnn) Shopping mall.
- (ooo) Skating rink/swimming pool.
- (ppp) Sporting goods shop.
- (qqq) Stationery shop.
- (rrr) Supermarket.
- (sss) Tanning salon.
- (ttt) Theater.
- (uuu) Variety store.
- (vvv) Vehicle detailing/accessory shop.
- (www) Veterinary office/animal clinic (without outdoor kennels).
- (xxx) Video/music store.

(C) *Special exception primary uses.*

- (1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.
- (2) *Residential uses.*
  - (a) Bed and breakfast facility.
  - (b) Boarding house.
  - (c) Dwelling, multi-family (more than two dwelling units).
  - (d) Nursing/assisted living facility.
  - (e) Residential facility for the developmentally disabled type II.
  - (f) Residential facility for the mentally ill.
  - (g) Retirement facility.
- (3) *Communications/utilities uses.*
  - (a) Communications service exchange.
  - (b) Sewage treatment facility.
  - (c) Telecommunications facility/tower.

- (d) Utility substation.
- (e) Water tower.
- (4) *Park uses.*
  - (a) Driving range (as a primary use).
- (5) *Institutional/public uses.*
  - (a) Animal shelter.
  - (b) Commercial bus/train terminal.
  - (c) Institution for the developmentally disabled/mentally ill.
  - (d) Museum or gallery.
  - (e) Post office.
  - (f) Public bus/train terminal.
  - (g) School (P-12).
  - (h) University or college.
- (6) *Commercial uses.*
  - (a) Fireworks sales (permanent).
  - (b) Kennel.
  - (c) Manufactured home sales.
  - (d) Riding stables.
  - (e) Seasonal hunting or fishing facility.
  - (f) Shooting range (outdoor).
  - (g) Shooting/archery range (indoor).
  - (h) Truck stop/travel center.
- (7) *Industrial uses.*
  - (a) Lumber yard.
  - (b) Tool and dye shop.
- (D) *Lot standards.*
  - (1) Minimum lot area:2.5 acre.
  - (2) Maximum lot area:not applicable.
  - (3) Minimum lot width (measured at front setback/build-to line): 150 feet.
  - (4) Maximum lot coverage (including all hard surfaces): 75%.
  - (5) Minimum front yard setback - (measured from street right-of-way):50 feet.
  - (6) Minimum side yard setback - (measured from adjacent property line):15 feet.
  - (7) Minimum rear yard setback - (measured from rear property line):30 feet.
  - (8) Minimum living area per dwelling:750 square feet.
  - (9) Minimum ground floor living area:not applicable.
  - (10) Maximum primary structures per lot: not applicable.
  - (11) Maximum height: 55 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-2A, passed 2-2-09)

**Cross-reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.034 INSTITUTIONAL (IN).**

(A) *District intent.* The "IN", Institutional zoning district is intended to provide locations for large-scale public facilities, educational facilities, religious centers, and other institutions. This district provides development standards that are responsive to the unique scale and other considerations common to these types of uses. This district is further intended to reduce land use conflicts and to ensure that institutions are appropriately integrated into the community and well-served by transportation routes and other necessary infrastructure and utilities.

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Agricultural uses.*

(a) Farmer's market.

(3) *Residential uses.*

(a) Nursing/assisted living facility.

(b) Residential facility for the developmentally disabled type I.

(c) Residential facility for the developmentally disabled type II.

(d) Residential facility for the mentally ill.

(e) Retirement facility.

(4) *Communications/utilities uses.*

(a) Communication service exchange.

(b) Public wellfield/water treatment facility.

(c) Utility substation.

(5) *Institutional/public uses.*

(a) Airport.

(b) Cemetery.

(c) Commercial bus/train terminal.

(d) Community center.

(e) Church or other place of worship.

(f) Fairgrounds.

(g) Funeral home.

(h) Government facility (non-office).



- (i) Government office.
- (j) Hospital/medical center.
- (k) Institutional facility for the developmentally disabled/mentally ill.
- (l) Library.
- (m) Medical clinic.
- (n) Museum or gallery.
- (o) Police, fire, or rescue station.
- (p) Post office.
- (q) School (P-12).
- (r) Trade or business school.
- (s) University or college.

(6) *Park uses.*

- (a) Nature preserve/center.
- (b) Park and/or playgrounds (including athletic facilities).

(7) *Commercial uses.*

- (a) Child care center.
- (b) Restaurant.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in §156.021 provides detailed use lists for all zoning districts.

(2) *Residential uses.*

- (a) Boarding house.

(3) *Communications/utilities uses.*

- (a) Sewage treatment plant.
- (b) Telecommunications facility/tower.
- (c) Water tower.

(4) *Institutional/public uses.*

- (a) Airstrip (private).
- (b) Animal shelter.
- (c) Heliport.
- (d) Penal or correctional institution.
- (e) Public bus/train terminal.

(5) *Park uses.*

- (a) Campground/RV park.
- (b) Driving range (as a primary use).
- (c) Golf course and/or country club (including driving range).

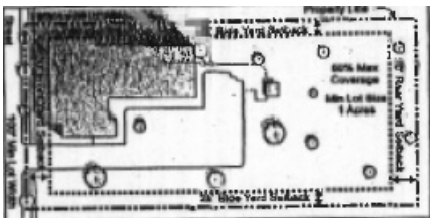
(6) *Commercial uses.*

- (a) Conference center.
- (b) Retreat center.
- (c) Riding stables.

(D) *Lot standards.*

- (1) Minimum lot area:1 acre.
- (2) Maximum lot area:not applicable.

- (3) Minimum lot width (measured at front setback/build-to line): 100 feet.
- (4) Maximum lot coverage (including all hard surfaces): 50%.
- (5) Minimum front yard setback - (measured from street right-of-way):50 feet.
- (6) Minimum side yard setback - (measured from adjacent property line):25 feet.
- (7) Minimum rear yard setback - (measured from rear property line):50 feet.
- (8) Minimum living area per dwelling:not applicable.
- (9) Minimum ground floor living area:not applicable.
- (10) Maximum primary structures per lot: not applicable.
- (11) Maximum height: 50 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.035 INDUSTRIAL: BUSINESS PARK (IBP).**

(A) *District summary.* The "IBP", Industrial: Business Park zoning district is intended to provide locations for small-scale manufacturing, construction, production, assembly and other light industrial uses. This district provides appropriate development standards for small-scale businesses, entrepreneurial and similar operations. This district is intended to permit a mixture of compatible land uses in close proximity to transportation routes and other necessary infrastructure and utilities.

(B) *Permitted primary uses.*

- (1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.
- (2) *Agricultural uses.*
  - (a) Animal stables (excluding kennels).
  - (b) Crop production.
  - (c) Farm equipment sales and service.
  - (d) Nursery.
  - (e) Winery.
- (3) *Communications/utilities uses.*
  - (a) Communication service exchange.
  - (b) Utility substation.
  - (c) Water tower.
- (4) *Institutional/public uses.*
  - (a) Church or other place of worship.
  - (b) Funeral home.
  - (c) Government facility (non-office).

- (d) Government office.
  - (e) Heliport.
  - (f) Hospital/medical center.
  - (g) Medical clinic.
  - (h) Parking lot or structure (as a primary use).
  - (i) Police, fire, or rescue station.
  - (j) Post office.
  - (k) Trade or business school.
  - (l) University or college.
- (5) *Park uses.*
- (a) Nature preserve/center.
- (6) *Commercial uses.*
- (a) Administrative/professional office.
  - (b) Auction facility (excluding livestock).
  - (c) Bakery (retail).
  - (d) Barber/beauty shop.
  - (e) Building finishes shop (paint, carpet, wallpaper, etc.).
  - (f) Building supply store.
  - (g) Business/financial services office.
  - (h) Conference center.
  - (i) Dance or martial arts studio.
  - (j) Data processing/call center.
  - (k) Deli.
  - (l) Dry cleaners (retail).
  - (m) Employment service.
  - (n) Fitness center.
  - (o) Greenhouse (commercial).
  - (p) Gymnastics center.
  - (r) Health spa.
  - (s) Hotel/motel.
  - (t) Ice cream shop.
  - (u) Investment firm.
  - (v) Photographic studio.
  - (w) Print shop/copy center.
  - (x) Radio/TV station.
  - (y) Restaurant.
  - (z) Self-service laundry.
  - (aaa) Shoe repair/tailor shop.
  - (bbb) Tanning salon.
  - (ccc) veterinary office/animal clinic (without outdoor kennels).
- (7) *Industrial uses.*
- (a) Assembling facility.

- (b) Boat/RV storage facility (outdoor).
- (c) Contractor's warehouse/storage facility.
- (d) Lumber yard.
- (e) Mini-warehouse self-storage facility.
- (f) Packaging facility.
- (g) Printing/publishing facility.
- (h) Research and development facility.
- (i) Tool and dye shop.
- (j) Warehouse and distribution facility.
- (k) Wholesale distribution facility.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Communications/utilities uses.*

- (a) Sewage treatment plant.
- (b) Telecommunications facility/tower.

(3) *Institutional/public uses.*

- (a) Airport.
- (b) Airstrip (private).
- (c) Animal shelter.
- (d) Library.
- (e) Public bus/train terminal.

(4) *Commercial uses.*

- (a) Auto repair and body shop.
- (b) Automobile/motorcycle sales and service.
- (c) Bar.
- (d) Billiard room or arcade.
- (e) Child care center.
- (f) Firework sales.
- (g) Kennel.
- (h) Manufactured home sales.
- (i) Microbrewery/brew-pub.
- (j) Night club.
- (k) Recreational vehicle sales and service.
- (l) Shooting/archery range (indoor).
- (m) Skating rink/swimming pool.
- (n) Vehicle detailing/accessory shop.

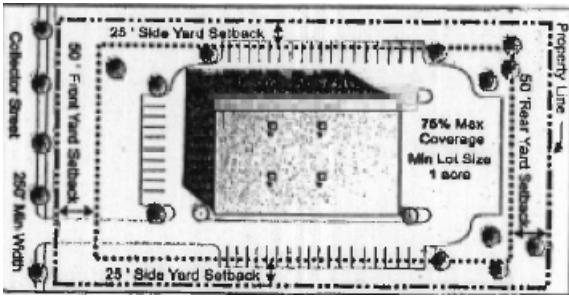
(5) *Industrial uses.*

- (a) Fabricational facility.
- (b) Food & beverage production.
- (c) Manufacturing facility.

(D) *Lot standards.*

- (1) Minimum lot area: 1 acre.

- (2) Maximum lot area: not applicable.
- (3) Minimum lot width (measured at front setback/build-to line): 250 feet.
- (4) Maximum lot coverage (including all hard surfaces): 75%.
- (5) Minimum front yard setback - (measured from street right-of-way): 50 feet.
- (6) Minimum side yard setback - (measured from adjacent property line): 25 feet.
- (7) Minimum rear yard setback - (measured from rear property line): 50 feet.
- (8) Minimum living area per dwelling: not applicable.
- (9) Minimum ground floor living area: not applicable.
- (10) Maximum primary structures per lot: not applicable.
- (11) Maximum height: 50 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.036 INDUSTRIAL: LIGHT (IL).**

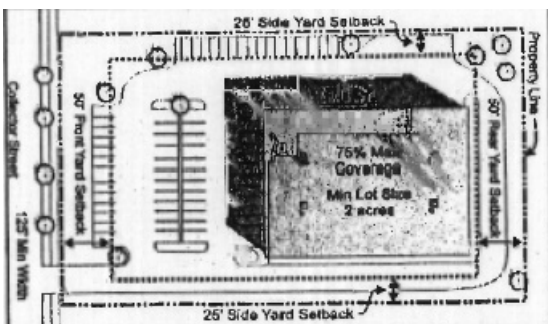
(A) *District summary.* The "IL", Light Industrial zoning district is intended to provide locations for production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants. This district should be used to support industrial retention and expansion in Hancock County.

(B) *Permitted primary uses.*

- (1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.
- (2) *Agricultural uses.*
  - (a) Crop processing and storage (materials produced on-site).
  - (b) Crop production.
  - (c) Farm equipment sales and service.
- (3) *Communications/utilities uses.*
  - (a) Communication service exchange.
  - (b) Utility substation.
  - (c) Water tower.
- (4) *Institutional/public uses.*
  - (a) Church or other place of worship.
  - (b) Heliport.

- (c) Medical clinic.
  - (d) Parking lot or structure (as a primary use).
  - (e) Police, fire, or rescue station.
  - (f) Trade or business school.
- (5) *Park uses.*
- (a) Nature preserve/center.
- (6) *Commercial uses.*
- (a) Administrative/professional office.
  - (b) Building finishes shop (paint, carpet, wallpaper, etc.).
  - (c) Building supply store.
  - (d) Business/financial services office.
  - (e) Conference center.
  - (f) Data processing/call center.
  - (g) Employment service.
  - (h) Investment firm.
  - (i) Print shop/copy center.
  - (j) Radio/TV station.
  - (k) Recreational vehicle sales and service.
  - (l) Vehicle detailing/accessory shop.
- (7) *Industrial uses.*
- (a) Assembly facility.
  - (b) Contractor's warehouse/storage facility.
  - (c) Lumber yard.
  - (d) Mini-warehouse self-storage facility.
  - (e) Packaging facility.
  - (f) Printing/publishing facility.
  - (g) Research and development facility.
  - (h) Tool and dye shop.
  - (i) Warehouse and distribution facility.
- (C) *Special exception primary uses.*
- (1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.
- (2) *Agriculture uses.*
- (a) Agricultural chemical sales, distribution, and storage.
  - (b) Farm co-op facility.
  - (c) Fertilizer sales, distribution, and storage.
  - (d) Livestock raising and breeding.
  - (e) Seed sales, distribution, and storage.
- (3) *Communications/utilities uses.*
- (a) Sewage treatment plant.
  - (b) Telecommunications facility/tower.
- (4) *Institutional/public uses.*
- (a) Airport.

- (b) Airstrip (private).
  - (c) Animal shelter.
  - (d) Government facility (non-office).
  - (e) Government office.
  - (f) Penal or correctional institution.
  - (g) Public bus/train terminal.
- (5) *Commercial uses.*
- (a) Auto repair and body shop.
  - (b) Child care center.
  - (c) Kennel.
  - (d) Manufactured home sales.
  - (e) Truck stop/travel center.
- (6) *Industrial uses.*
- (a) Boat/RV storage facility (outdoor).
  - (b) Fabrication facility.
  - (c) Food and beverage production.
  - (d) Manufacturing facility.
  - (e) Power generation facility (commercial).
  - (f) Semi-tractor/trailer storage.
  - (g) Truck freight terminal.
  - (h) Truck sales and service center.
- (D) *Lot standards.*
- (1) Minimum lot area: 2 acres.
  - (2) Maximum lot area: not applicable.
  - (3) Minimum lot width (measured at front setback/build-to line): 125 feet.
  - (4) Maximum lot coverage (including all hard surfaces): 75%.
  - (5) Minimum front yard setback - (measured from street right-of-way): 50 feet.
  - (6) Minimum side yard setback - (measured from adjacent property line): 25 feet.
  - (7) Minimum rear yard setback - (measured from rear property line): 50 feet.
  - (8) Minimum living area per dwelling: not applicable.
  - (9) Minimum ground floor living area: not applicable.
  - (10) Maximum primary structures per lot: not applicable.
  - (11) Maximum height: 50 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100 et seq.*

*Sign standards, see §§ 156.085 et seq.*

**§ 156.037 INDUSTRIAL: GENERAL (IG).**

(A) *District summary.* The "IG", Industrial: General zoning district is intended to provide locations for general industrial manufacturing, production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts. This district should be used to support industrial retention and expansion in Hancock County.

(B) *Permitted primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Agricultural uses.*

- (a) Crop processing and storage (materials produced on-site).
- (b) Grazing and pasture land.

(3) *Communications/utilities uses.*

- (a) Communication service exchange.
- (b) Utility substation.
- (c) Water tower.

(4) *Institutional/public uses.*

- (a) Heliport.
- (b) Medical clinic.
- (c) Parking lot or structure (as a primary use).
- (d) Police, fire, or rescue station.
- (e) Trade or business school.

(5) *Park uses.*

- (a) Nature preserve/center.

(6) *Commercial uses.*

- (a) Administrative/professional office.
- (b) Conference center.
- (c) Data processing/call center.
- (d) Radio/TV station.

(7) *Industrial uses.*

- (a) Agricultural products terminal.
- (b) Assembly facility.
- (c) Fabrication facility.
- (d) Food and beverage production.
- (e) Lumber yard.
- (f) Manufacturing facility.
- (g) Mini-warehouse self-storage facility.
- (h) Packaging facility.
- (i) Printing/publishing facility.



- (j) Research and development facility.
- (k) Tool and dye shop.
- (l) Truck freight terminal.
- (m) Warehouse and distribution facility.
- (n) Wholesale distribution facility.

(C) *Special exception primary uses.*

(1) *Land use matrix.* The land use matrix set forth in § 156.021 provides detailed use lists for all zoning districts.

(2) *Agriculture uses.*

- (a) Agricultural chemical sales, distribution, and storage.
- (b) Crop production.
- (c) Farm co-op facility.
- (d) Farm equipment sales and service.
- (e) Fertilizer sales, distribution and storage.
- (f) Livestock auction/sales facility.
- (g) Livestock raising and breeding.
- (h) Nursery.
- (i) Seed sales, distribution, and storage.
- (j) Winery.

(3) *Communications/utilities uses.*

- (a) Sewage treatment facility.
- (b) Telecommunications facility/tower.

(4) *Institutional/public uses.*

- (a) Airport.
- (b) Airstrip (private).
- (c) Government facility (non-office).
- (d) Government office.
- (e) Penal or correctional institution.
- (f) Public bus/train terminal.

(5) *Commercial uses.*

- (a) Adult uses.
- (b) Child care center.
- (c) Indoor/outdoor recreation facility.
- (d) Motocross facility.
- (e) Truck stop/travel center.

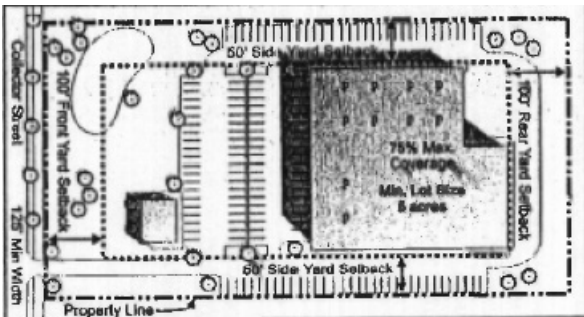
(6) *Industrial uses.*

- (a) Animal and animal products processing.
- (b) Boat/RV storage facility (outdoor).
- (c) Bottle gas storage and distribution.
- (d) Concrete/asphalt production facility.
- (e) Contractor's warehouse/storage facility.
- (f) Explosive manufacturing and storage.
- (g) Inoperable vehicle storage.

- (h) Junk/scrap metal yard.
- (i) Mineral extraction and processing.
- (j) Petroleum and chemical processing and storage.
- (k) Power generation facility (commercial).
- (l) Refuse dump/transfer station.
- (m) Sanitary landfill.
- (n) Semi-tractor/trailer storage.
- (o) Truck sales and service center.
- (p) Waste incinerator.

(D) *Lot standards.*

- (1) Minimum lot area: 5 acres.
- (2) Maximum lot area: not applicable.
- (3) Minimum lot width (measured at front setback/build-to line): 125 feet.
- (4) Maximum lot coverage (including all hard surfaces): 75%.
- (5) Minimum front yard setback - (measured from street right-of-way): 100 feet.
- (6) Minimum side yard setback - (measured from adjacent property line): 50 feet.
- (7) Minimum rear yard setback - (measured from rear property line): 100 feet.
- (8) Minimum living area per dwelling: not applicable.
- (9) Minimum ground floor living area: not applicable.
- (10) Maximum primary structures per lot: not applicable.
- (11) Maximum height: 50 feet.



Illustrative layout (does not reflect all requirements contained within this chapter)

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Development standards, see §§ 156.060 et seq.*

*Overlay districts, see §§ 156.040 et seq.*

*Procedures and permits, see §§ 156.100 et seq.*

*Sign standards, see §§ 156.085 et seq.*

## OVERLAY ZONING DISTRICTS

### § 156.040 ESTABLISHMENT AND GENERAL STANDARDS.

(A) *Establishment of overlay districts.* The overlay districts noted below have been established to provide additional development standards that respond to unique characteristics of the properties to which they apply. The overlay districts will assist Hancock County in providing for the public welfare and accomplishing the goals of the Comprehensive Plan. The development of properties which are located in one or more overlay districts shall be subject to the requirements of both the overlay district(s) and the underlying district in which they are located. The following overlay zoning districts shall apply to properties in the jurisdiction of the Hancock County Area Plan Commission as specified in the description of each district in this subchapter.

(1)	WP-OL	Wellfield Protection.
(2)	C-OL	Corridor.
(3)	AP-OL	Airport.
(4)	V-OL	Rural Village.
(5)	Shirley Overlay.	

(B) *Effect of planned unit development district.* All planned unit developments shall be consistent with the requirements of §§ 156.050 et seq. Planned unit developments shall not be subject to the requirements of any overlay district, unless otherwise specified as an element of the planned unit development detailed plan.

(C) *Land uses.* All land uses which are permitted, non-permitted or a special exception use in any underlying zoning district to which an overlay district is applied shall remain permitted, non-permitted, or special exception uses unless otherwise specified by the applicable overlay district(s).

(D) *Lot, yard, and development standards.* Any lot, yard, and development standards established by an overlay district shall apply as follows:

(1) *Replacement of underlying district standards.* All lot, yard, and development standards established by an underlying zoning district shall apply unless alternate standards are provided by the overlay district(s).

(2) *Additional overlay district standards.* Properties located in any overlay district(s) shall also be subject to any additional lot, yard, and development standards established by the overlay district(s).

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2014-8C, passed 8-5-14; Am. Ord. 2021-7A, passed 7-20-21)

**Cross reference:**

*Planned unit developments, see §§ 156.050 et seq.*

*Zoning districts, see §§ 156.020 et seq.*

**§ 156.041 WELLFIELD PROTECTION (WP-OL).**

(A) *Intent.* This section is intended to safeguard the public health, safety, and general welfare of those persons within Hancock County who rely on public and/or utility-operated wellfields for clean, safe drinking water. These regulations are intended to prevent land uses and certain development practices that commonly have the potential to degrade water quality by introducing chemicals, organic hazards, and other potentially harmful elements into the ground water system within the five-year capture area of the wellfields. This includes the introduction of hazardous materials into the area, the creation of hazardous by-products from onsite activities, and the alteration of the land in a manner that increases the exposure of the ground water system to potential contaminants.

(B) *Boundaries and exemptions.* The Wellfield Protection Overlay District (WP-OL) shall apply to all properties as indicated on the official zoning map of Hancock County, but shall generally conform to the boundaries of the five-year wellfield capture areas within the county's jurisdiction (as updated periodically).

(C) *Uses.* All uses permitted in the underlying district(s) are permitted in the Wellfield Protection Overlay District; and all uses that are special exceptions in the underlying district(s) are special exceptions in the Wellfield Protection Overlay District unless specifically noted otherwise below.

(1) *Prohibited uses.* The following uses shall be prohibited in the Wellfield Protection Overlay District (see the land use matrix set forth in § 156.021 for detailed use listings):

(a) *Agriculture uses.* Agricultural chemicals, products sales, distribution, and storage facility; farm (confined feeding); farm equipment sales and service; greenhouse (commercial); and livestock auction/sales facility.

(b) *Communications/utility uses.* Sewage treatment plant.

(c) *Park uses.* Campground/RV park; driving range (as a primary use); golf course and/ or country club (including driving range).

(d) *Institutional/public uses.* Airport; animal shelter; fairgrounds; government facility (non-office); heliport; hospital/medical center; and medical clinic.

(e) *Commercial uses.* Auto-oriented uses (small scale); auto-oriented uses (medium scale); auto-oriented uses (large scale); mass transit terminal/station (excluding a public bus stop); kennel; fireworks sales (permanent); and truck stop/travel center.

(f) *Industrial uses.* Animal and animal products processing; boat/RV storage facility (outdoor); concrete/asphalt production facility; contractor's warehouse/storage facility; food and beverage production; general industrial production; hazardous materials production; light industrial assembly and distribution; light industrial processing and distribution; mineral extraction and processing; research and development facility; truck freight terminal; truck sales and service center; and waste disposal facility.

(2) *Uses not specified.* The Plan Commission, through the site development plan review process, may also prohibit or impose conditions on other uses not listed in division (C)(1) above that are reasonably demonstrated to pose a hazard to the drinking water supply due to chemicals used onsite or by-products of onsite activities. Some examples of this type of use may include building cleaning or maintenance service companies, engineering or vocational shops or laboratories, landscape or lawn installation or maintenance services, and mortuaries.

(D) *Development standards.* All development within the boundaries of the Wellfield Protection Overlay District shall comply with all applicable state, federal, and local regulations, in addition to the following development standards.

(1) *Abandoned wells.* All known abandoned wells shall be identified and sealed consistent with any applicable requirements of the County Engineer.

(2) *Surface water impoundments.*

(a) No surface impoundments, ponds, or lagoons shall be established except for the purpose of:

1. Storm water retention and detention ponds, or
2. Recreation and landscaping purposes.

(b) All detention and retention ponds shall be constructed in a manner that provides an effective barrier to the migration of potential contaminants into the ground water and in accordance with the Stormwater Drainage Ordinances of Hancock County or McCordsville.

(3) *Public sewer service.* All development, with the exception of a single-family residence located on a lot of at least two acres, shall be connected to a public sewer. All floor drains must be routed to a temporary holding area for future removal or as otherwise permitted by the Planning Director.

(4) *Trash and recycling containers.* All non-residential trash and recycling containers shall be located on hard-surfaced areas that drain to a public storm sewer.

(5) *Storage and transfer of potential contaminants.* All areas that may be used for the storage and/or transfer of potential ground water contaminants shall be constructed in a manner to prevent any release from the area from reaching the ground water. The containment area shall be capable of, at a minimum, containing 110% of the potentially hazardous material for which the area has storage and transfer capacity.

(6) *Auto repair facilities.* All vehicle and auto repair facilities shall be located within an enclosed building that includes a floor constructed of material that forms an effective barrier to prevent the migration of fluids or other materials into the ground water.

(Ord. 2007-1B, passed 2-5-07)

## **§ 156.042 CORRIDOR (C-OL).**

(A) *Intent.*

(1) The purpose of this section is to establish an overlay district to address the unique characteristics of the properties adjacent to Hancock County's transportation routes. These corridors have unique traffic management needs, development pressures, and aesthetic characteristics that require the establishment of additional development standards to meet the goals of the Comprehensive Plan and fulfill the purpose of this chapter.

(2) The intent of the Corridor Overlay District is to require development along the county's thoroughfares that is aesthetically consistent, responsive to development pressures, and proportional to the area's traffic management issues.

(B) *Boundaries and exemptions.* The Corridor Overlay District (C-OL) shall apply to all development sites, buildings, structures, plantings, signs, street hardware, and any other improvements that are visible to the public and affect the physical development of land within the I-70, US 40, US 52, US 36/SR67, SR 9 north of Greenfield past Maxwell, the crossing of SR 234 and 200W, and CR 600W between the US 52 and US 36/SR 67 corridor overlay zones as shown on the official zoning map or as measured 600 feet from the centerline of the corridor street. Breaks and widths of corridor overlays can be seen on the official zoning map. All agricultural, single and two-family residential uses shall be exempt from the requirements of this overlay district.

(C) *Uses.* All uses permitted in the underlying district(s) are permitted in the Corridor Overlay District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Corridor Overlay District.

(D) *Development standards.* All commercial development within the boundaries of the Corridor Overlay District shall comply with the development and design standards set forth in this section. The visibility and accessibility of the land within the corridors is unique and therefore commands the highest standards of development which stimulate substantial capital investments, encourage efficient land use, promote coordinated development, permit innovative site designs, establish development standards and preserve the integrity of the roadways within the corridors.

(1) *Vehicular access.* The corridor streets which function as primary thoroughfares must have reasonable restrictions as to the number and location of access points within the overlay zone. Access shall be approved by the town, County Highway Engineer or INDOT depending on jurisdiction. To provide safe and sufficient traffic movement to and from adjacent lands:

(a) Frontage roads, access roads, and distributors roads may have to be constructed.

(b) Shared access shall be coordinated with contiguous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged.

(c) New access points onto the primary thoroughfares in the corridors shall be coordinated with existing access points whenever possible and approved by the town, County Highway Engineer or INDOT depending on the jurisdiction.

1. The following curb cut policy shall apply throughout the US 40, US 52, US 36/SR 67, and CR 600W corridors.
2. Curb cuts shall be no closer than one foot for each 400 feet of frontage.
3. No curb cuts shall be within 200 feet of any intersection of public roads.
4. Opposing curb cuts shall align squarely or be offset no less than 200 feet.

(2) *Access to undeveloped sites.* Stub streets shall be built in all cases where adjacent lots have reasonable potential for development. "Reasonable potential" shall include any adjacent parcel of adequate size for commercial or residential development or any adjacent parcels determined by the County Area Plan Commission or its duly appointed or designated representative.

(3) *Site layout.* Development plans shall include the full development of the site. Ownership patterns may limit the degree to which this can be shown. Plans should indicate phasing and be prepared in accordance with the requirements of §§ 156.100 et seq.

(a) Site layout shall consider the relationship between all buildings on site.

(b) Pedestrian connectivity between uses shall be shown.

(c) The amount of offstreet parking located between the street and the front facade of the building shall not exceed 80% of the total parking requirement.

(d) Internal drive aisles that connect multiple lots shall minimize points of access for safe vehicular circulation.

(e) The orientation and access for outlots shall be considered and show on the plan.

(4) *Architectural standards.* The following architectural standards shall apply to commercial facilities:

(a) *Facade.* The facade is the wall that fronts on a public or private street. If the structure fronts onto more than two streets, the wall that faces the streets with the highest Thoroughfare Plan classification, shall be treated as the front facade. Facades on outlots/outparcels shall have exterior treatments similar to that on the front facade. All front facades shall incorporate the following elements.



**(“Big box” commercial with enhanced architecture)**

1. *Recesses/projections.* Wall recesses/projections that are at least 12 inches for every 70 feet of facade. The projection shall extend for at least 20% of the length.

2. *Entry features.* Entryway features are only required at the primary entrance to the structure and shall include at least three of the following design elements:

a. Raised corniced parapets over the door, peaked roof forms having an average slope greater than or equal to a minimum 5/12 pitch, arches, or architectural details such as tile work and moldings that are integrated into the building structure and design;

b. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting;

c. Enhanced exterior lighting such as wall sconces, building mounted accent lights, or decorative pedestal lights;

d. Prominent three-dimensional entryway feature, such as a clock tower or other similar architectural design element, projecting from the plane of the main exterior walls by a minimum of eight feet and raised above the adjoining parapet wall/roof by a minimum of three feet; and

e. Pilasters projecting from the plane of the wall by a minimum of eight inches and/or architectural or decorative columns to create visual breaks and interest in the facade walls.

3. *Display windows.* All facade walls shall have display windows, faux windows, or decorative windows for no less than 60% of the facade's horizontal length along all pedestrian walkways.

4. *Entrances.* All facades that abut a street, public or private, shall feature as least one customer entrance.

5. *Detail features.* Building facades shall include a repeating pattern that incorporates no less than three of the elements listed below. At least one of these elements shall repeat horizontally. All elements shall repeat at intervals of no more than 100 feet, either horizontally or vertically.

a. Color change.

b. Texture change.

c. Material module change.

d. Architectural change: In the form of structural bays created through a change in plane no less than 24 inches wide such as an offset, reveal, or projecting rib.

e. Story change: A clear delineation between each story of the structure provided by a consistent cornice line.

6. *Exterior materials.* The use of smooth-faced concrete block, untextured smooth-faced tilt-up panels, and standing seam metal panels shall be prohibited. The Planning Director shall approve or deny the use of all composite and alternative materials that replicate the appearance and durability of those listed below. All facade wall exterior building materials shall be high quality, and shall be limited to any combination of the following:

a. Brick or face tile;

b. Wood;

c. Native stone;

d. Glass (reflective glass shall be limited to a maximum of 50% of the area of any facade wall on which glass is used);

e. Tinted and/or textured concrete masonry units (such as split face block and burnished block);

f. Tilt-up concrete panels that are adorned or textured;

g. Architectural precast concrete;

h. Architectural metal;

i. E.I.F.S; and

j. Fiber cement board.

7. *Exterior colors.* Exterior facade wall colors shall be low reflectance and subtle tones. The use of high intensity, primary, metallic, black or fluorescent colors shall be prohibited. Building trim and accent areas may feature brighter colors or primary colors. Such building trim and accent areas shall not exceed 10% of any single exterior wall area excluding all windows, doors, and glass construction materials.

8. *Roof design.* All roofs or parapets should vary three-dimensionally to add visual interest to the building and shall include architectural detailing, cornices, moldings, trims, variations in brick coursing, and other similar detailing. All roofs shall comply with the following:

a. All rooftop mechanical equipment, such as HVAC units, shall be screened from the view of all streets (public and private) by parapets, dormers, or other screens on properties within the corridor overlay. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.

b. Sloped roofs shall not exceed an average height equal to that of the supporting walls.

c. Sloped roofs shall have overhanging eaves that extend a minimum of eight inches past the supporting walls.

d. Sloped roofs shall either be of architectural standing seam metal, tile, slate, or dimensional shingles.

(5) *Pedestrian circulation and public spaces.* The following provisions are intended to maximize the safety of the site for vehicles and pedestrians and shall apply to all commercial facilities.



**(Parking lot with special paving and landscape)**

(a) *Pedestrian facilities.* A continuous, delineated pedestrian pathway network no less than six feet wide, that continues from the perimeter public sidewalk to the principal customer entrance of all principal buildings on the site shall be provided.

1. Sidewalks, no less than eight feet wide, must be provided along the full length of the building along any facade that features a customer entrance.

2. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of special pavers, bricks, or scored concrete. The design characteristics of the internal pedestrian walkways must continue when the walkway crosses driving surfaces.

3. All internal walkways must feature landscaping, benches, and other such materials/ facilities for no less than 50% of their length. Internal walkway features can be composed of any combination of the following: benches, tree plantings decorative lighting (no more than ten feet in height), decorative bollards, kiosks, shrubs, or hedges.

(b) *Public spaces.* Each establishment must contribute to the enhancement of the community and its public spaces by providing at least two of the following amenities.

1. A landscaped patio/outdoor seating area or plaza that is a minimum of 2,000 square feet in area.

2. A water feature (excluding any required detention/retention ponds).

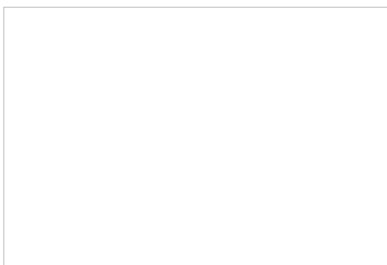
3. A clock or bell tower or other vertical element (either as a freestanding structure or in conjunction with the primary entrance features).

4. Bus/public transportation shelters and turn off lanes.

5. Public art or sculpture.

6. A mini park.

(6) *Outdoor storage, service and loading areas.* Areas for outdoor storage, truck parking, trash collection/compaction, loading and unloading, or other such uses shall not be visible from abutting streets (public or private), or adjacent non-industrial properties.



**(Screened trash and loading area)**

(a) *Delivery and auto service areas.* Service areas including, but not limited to, loading docks, truck courts, and automobile service bays shall be oriented away from the view of any public street or adjacent residential zoning district or use unless screened by an eight-foot masonry wall constructed of materials compatible with the primary architecture, and extending the entire length of the service area.

1. The service areas shall have additional screening along the exterior side of the masonry wall in the form of landscaping buffer, designed by a landscape professional, to be 100% opaque and four feet in height at the time of planting.

2. No property owner shall be permitted to inhibit the height and density of any required landscaping outlined in this section except for maintenance purposes.

(b) *Permanent outdoor display, sales and storage.*

1. Merchandise may be stored or displayed for sale to customers only in areas immediately adjacent to the primary structure on each property. The storage of outdoor merchandise for sale elsewhere on the property shall be prohibited. This area shall be:

- a. Enclosed by a minimum eight-foot tall wall, or
- b. Composed of a three-foot tall base wall topped by wrought iron or tubular steel fencing.

2. No merchandise other than trees shall be visible above the wall or fencing. Each wall shall comply with the building materials requirements of division (D)(4)(a)6. above and shall be consistent in appearance and material as the primary structure on the property.

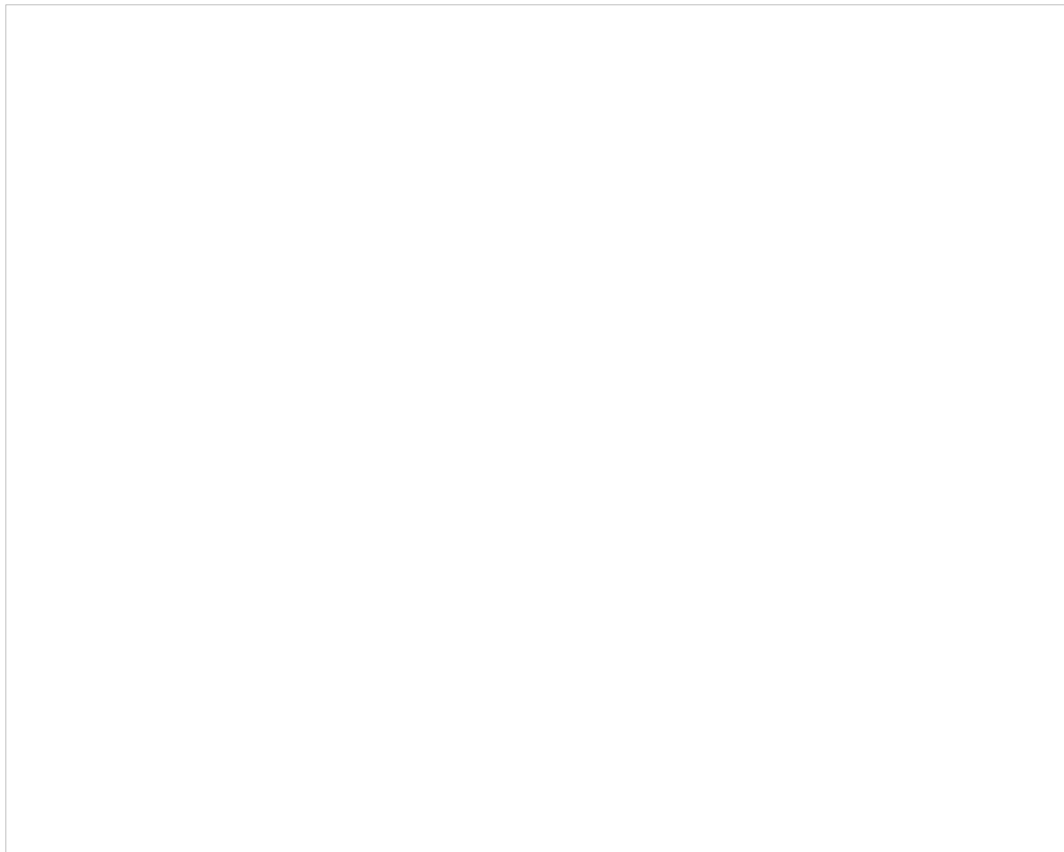
(c) *Shopping cart storage.* Shopping carts may be stored outside each entrance to the building provided that there are no more than two cart storage areas (on each side of the entryway) and that no single cart storage area exceeds 20 feet in length. The cart storage areas shall be screened with building materials substantially similar to the building facade.

(7) *Landscaping standards.* Refer to § 156.075 for landscaping standards.

(8) *Parking standards.* Refer to § 156.069 for parking standards.

(9) *Lighting.* Refer to § 156.077 for exterior lighting standards.

(10) *Signage standards.* Refer to §§ 156.085 et seq. for signage standards.



Illustrative layout (does not reflect all requirements established by this chapter)

(Ord. 2007-1B, passed 2-5-07)

**§ 156.043 AIRPORT (AP-OL).**

(A) *Intent.* The Airport Overlay District permits operation of the Mt. Comfort Airport and regulates uses adjoining the airport to ensure compatible growth and development. District regulations control building height and prohibit uses that create electrical interference. Underlying districts define permitted uses in the Airport Overlay District.

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACT.** The Indiana Tall Structure Act, being I.C. 8-21-10 and as hereafter amended.

**AIRPORT.** Mt. Comfort Airport.

**AIRPORT HAZARD.** Any structure, tree, object, or use of land which penetrates the airspace reserved herein for



passage of aircraft or is otherwise hazardous to the flight of aircraft in landing or taking off at the airport.

**AIRPORT REFERENCE POINT.** The point established as the approximate geographic center of the airport landing area.

**AIRPORT ZONING MAP.** The map showing height restriction zones for Mt. Comfort Airport. The airport zoning map was adopted with the height ordinance for property in the vicinity of Mt. Comfort Airport, also known as Ordinance 2009-3C, and is made part of this section and the official county zoning map by reference.

**ESTABLISHED AIRPORT ELEVATION.** The established elevation of the highest point on the landing area, which is 863 feet above mean sea level (MSL).

**HEIGHT.** For the purpose of determining the height in limits in all zones set forth in this section and shown on the airport zoning map, the datum shall be mean sea level (MSL) elevation unless otherwise specified.

**LANDING AREA.** The area of the airport used for the landing, take off, or taxiing of aircraft.

**NOISE SENSITIVE ZONE.** The Act at I.C. 8-21-10-3 defines a noise sensitive zone as an area lying 1,500 feet on either side of the extended centerline of a runway for a distance of one nautical mile from the boundary of a public use airport which definition is incorporated herein and made a part of this chapter.

**NONCONFORMING USE.** Any structure, tree, or use of land which is lawfully in existence at the time of this section or an amendment thereto becomes effective and which does not then meet the requirements of this section or amendment.

**NON-PRECISION INSTRUMENT RUNWAY.** A runway that has or is planned to have and is so indicated on a Federal Aviation Administration (FAA) planning document, an electronic approach guidance system utilizing navigational aids that provide horizontal course alignment guidance and position location, but not electronic descent guidance which authorizes aircraft to execute non-precision approaches with visibility minimums down to and including  $\frac{3}{4}$  mile.

**PERSON.** An individual, firm, partnership, corporation, company, association, joint stock association, or body politic, and includes a trustee, receiver assignee, administrator, executor, guardian, or other representative.

**PRECISION INSTRUMENT RUNWAY.** A runway that has or is planned to have and is so indicated on a Federal Aviation Administration (FAA) planning document, an electronic approach system utilizing navigational aids that provide electronic descent guidance in addition to the course alignment guidance of a non-precision instrument runway which authorizes aircraft to execute precision approaches with visibility minimums of  $\frac{3}{4}$  mile or less.

**RUNWAY.** The surface of an airport used for landing and taking off of aircraft.

**RUNWAY CLEAR ZONE.** The land underlying a Precision Instrument Approach Surface, a Non-Precision Instrument Approach Surface or a Visual Approach Surface as defined in this chapter extending for the first 5,200 feet of the respective approach surface measured horizontally from the runway end along the extended centerline of such runway.

**STRUCTURE.** An object constructed or installed by man, including, but without limitation thereof buildings, towers, smokestacks, and overhead transmission lines.

**TERMINAL NAVIGATIONAL AIDS (NAVAIDS).** Those facilities and equipment installed on or near the airport for the purpose of providing pilots with electronic guidance or visual reference to use in executing an approach to land at the airport.

**TREE.** Any object of natural growth.

**VISUAL RUNWAY.** A runway that is used only under visual flight rules (VFR) and/or for circle to land instrument flight procedures.

(C) *Height restriction zones.* There are hereby created and established certain zones which include all of the land lying within and under the approach surfaces, transition surfaces, horizontal surfaces, and conical surfaces. The zones and surfaces are shown on the Mt. Comfort Airport zoning map. The various zones are hereby established and defined as follows:

(1) *Precision instrument approach surface.* The land area located at each end of each instrument runway to be equipped for precision landings, its surface area having a width of 1,000 feet at a horizontal distance of 200 feet beyond each end of the runway and widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,200 feet beyond each end of the runway, its centerline being the continuation of the runway centerline.

(2) *Non-precision instrument or visual approach surface.* The land area located at each end of each non-precision instrument or visual runway for landings and take-offs, its surface area having an inner width identical to width of the primary surface at a width of 4,000 feet at a distance of 10,200 feet beyond the end of the runway. The approach surface centerline is the continuation of the runway centerline.

(3) *Primary surface.* A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of that runway, but when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each end of that runway. The elevation of the nearest point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of a primary surface is 500 feet for visual runways and 1,000 feet for all other runways. The width of the primary surface is the width prescribed for the most precise approach to either end of the runway.

(4) *Transitional surface.* These surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended from the sides of the primary surface and from the sides of the approach surfaces. Transitional surfaces for those portions of a precision approach surface which project through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

(5) *Horizontal surface.* A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary surface of each runway of each airport and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is 5,000 for visual runways and 10,000 for all other runways.

(6) *Conical surface.* The land area beginning at the periphery of the horizontal surface area and thence extending outwardly for a horizontal distance of 4,000 feet.

(D) *Height limitations.* Except as otherwise provided herein, no structure or tree shall be erected, altered, allowed to grow, or maintained in any zone created by this section to a height in excess of the height limit herein established for the zone. The height limitations are computed from the applicable runway and elevation or the airport elevation as appropriate, and are hereby established for each of the zones in question. When an area is covered by more than one height limitation, the more restrictive limitation shall prevail. Nothing in this section shall be construed as prohibiting the growth, construction, or maintenance of any tree or structure to a height 50 feet or less above the surface of the land.

(1) *Precision instrument approach surface.* Height limits shall be one foot in height for each 100 feet in horizontal distance beginning at a point 200 feet from the end of the instrument runway and extending to a distance of 10,200 feet from the end of the runway, thence one foot in height for each 50 feet in horizontal distance to a point 50,200 feet from the end of the runway.

(2) *Non-precision instrument approach surface.* Height limits shall be one foot in height for each 50 feet in horizontal distance beginning at a point 200 feet from the end of the non-precision instrument runway and extending to a point 10,200 feet from the end of the runway.

(3) *Transitional surface.* Height limits shall be one foot in height for each seven feet in horizontal distance beginning at the primary surface edge, measured at right angles to the longitudinal centerline of the runway, extending upward to a maximum height of 150 feet above the established airport elevation. In addition to the foregoing, there are established height limits of one foot in vertical height for each seven feet in horizontal distance measured from the edges of all approach surfaces for the entire length of the approach surface and extending upward and outward to the points where they intersect the horizontal and conical surfaces. Further, where the instrument approach surface projects through and beyond the conical surface, a height limit of one foot for each seven feet of horizontal distance shall be maintained beginning at the edge of the instrument approach surface and extending a distance of 5,000 feet from the edge of the precision instrument approach surface measured at right angles to the continuation of the centerline of the runway.

(4) *Conical surface.* Height limits shall be one foot in height for each 20 feet of horizontal distance beginning at the periphery of the horizontal surface and measured perpendicularly to the periphery of the horizontal surface.

(E) *Use restrictions.* No use may be made of land within any zone established by the subchapter in a manner as to create electrical or radar interference with radio communication between the airport and aircraft, making it difficult for flyers to distinguish between airport lights and others, resulting in glare in the eyes of the flyers using the airport, impairing visibility in the vicinity of the airport, or otherwise endangering the landing, taking off, or maneuvering of aircraft.

(1) *Bird strike hazard restrictions.* No waste disposal site, solid waste transfer station, recycling facility, or other bird attracting use shall be located within the AP-OL district without approval and proper authorization by the Federal Aviation Administration.

(2) *Exempt uses.* The following uses and structures are exempt from these height restrictions:

(a) A structure or object that is shielded by existing permanent structures or by natural terrain or topographic features of equal or greater height and is located in an area of established development where it is evident that the shielded structure would not adversely affect aircraft navigation.

(b) Any air navigation facility, airport visual approach or landing aid, aircraft arresting device, or meteorological device of a type approved by the FAA and the height of which is fixed by its functional purpose.

(c) Any structures owned or maintained by the airport or any branch of government for utility purposes.

(3) *Prohibited uses.* The following types of uses shall be prohibited within the runway clear zone:

(a) Auditoriums.

(b) Amphitheaters.

(c) Day care facilities.

(d) Concert halls.

(e) Hospitals.

(f) Major residential plats.

- (g) Major commercial or industrial plats with a residential component.
- (h) Mobile home parks.
- (i) Nursing homes.
- (j) Outdoor music facilities.
- (k) Public and private educational institutions.
- (l) Religious places of worship.
- (m) Wireless communication facilities.

(n) Any uses involving the sales, storage, manufacture, and/or distribution of gasoline, propane, or other flammable, toxic, explosive, radioactive, biohazardous materials in a quantity and of a type that would further jeopardize the health of aircraft occupants, bystanders, and emergency personnel in the event of an aircraft accident.

(o) Any uses not expressly identified above, in addition to all uses legally existing before the effective date of this chapter, shall be permitted in the runway clear zone.

(4) *Special exception uses.* The following types of uses shall be special exceptions within the runway clear zone, provided that they are also listed as permitted or special exception uses in the underlying standard zones:

- (a) Mixed non-residential uses.
- (b) Shopping centers not exceeding 15,000 square feet in gross floor area.
- (c) Cemeteries.
- (d) Hotels.

(5) *Noise protection.* All structures as defined in the Act permitted in the noise sensitive zone after effective date of this chapter shall obtain a noise-sensitive permit from the Indiana Department of Transportation, Aeronautics Section in accordance with the procedures specified in the Act at I.C. 8-21-10-3.

(F) *Nonconforming uses.* The height limits and use limitations established by this section shall not be construed to require the removal, lowering, or other changes or alteration of any structure or tree not conforming to the regulations as of the effective date of this subchapter, or otherwise interfere with the continuance of any nonconforming use. Nothing herein shall require any change in construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this chapter, and is diligently prosecuted.

(G) *Safety lights.* The owner of any nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of markers and lights as shall be deemed necessary by the Indianapolis Airport Authority to indicate to the operators of aircraft in the vicinity of the airport the presence of airport hazards. The markers and lights shall be installed, operated, and maintained at the expense of the Indianapolis Airport Authority.

(H) *Permits.* No permit for construction or alteration of a structure or use within the Airport Overlay District shall be granted except in accordance with the following provisions:

(1) *Airport hazards.* No permit shall be granted for the establishment or creation of an airport hazard or to permit a nonconforming use, structure, or tree to be made or to become higher, or to become a greater hazard to air navigation than it was on the effective date of this chapter or any amendments thereto, or than it is when the application for a permit is made.

(2) *Abandonment.* Whenever the Planning Director or designated authority determines that a nonconforming structure or tree has been abandoned or more than 80% torn down, physically deteriorated or decayed, no permit shall be granted that would allow the structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2009-3C, passed 3-9-09)

#### **§ 156.044 VILLAGE (V-OL).**

(A) *Intent.* Development standards should promote the health safety and welfare and preserve the character and pedestrian scale of the village. Development standards should reflect the existing size, scale and massing of structures and pedestrian orientation and interconnectivity of the streets.

(B) *Boundaries and exemptions.* The Village Overlay District (V-OL) shall apply to Spring Lake and village areas as designated on the Official Zoning Map of Hancock County.

(C) *Uses.* All uses permitted in the underlying district(s) are permitted in the Village Overlay District. All uses that are special exceptions in the underlying district(s) are special exceptions in the Rural Village Overlay District.

(D) *Development standards.* All development within the boundaries of the Village Overlay District shall comply with the following development standards. Under conditions where a strict interpretation of the design and development standards cannot be met, a modification to the development plan may be proposed to maintain the spirit rather than the letter of the law. In addition, developments with distinct and unique architectural designs may be considered. The request of modification

shall be submitted to the Planning Commission for review.

(1) *Applicability.* This overlay, unless otherwise noted, shall apply to all public, private, and institutional development. Unless specified, requirements and development standards of the CN: Commercial Neighborhood District shall apply.

(2) *Review.* Development plans in this zoning classification shall be subject to review by the Area Plan Commission and/or its designees in accordance with the procedures in § 156.107.

(3) *Streets.* Public streets and alleys shall be designed to the standards set forth in the Hancock County Thoroughfare Plan as approved by the County Highway Engineer. If a town thoroughfare plan exists, then the streets and alleys shall be designed to the standards set forth in the town thoroughfare plan within the town jurisdiction.

(4) *Architectural.*

(a) *Scale and massing.* The architectural design of development shall reflect scale and massing of development within the district. Similar massing can be achieved by respecting existing setbacks, proportionate sizing of windows, doorways, rooflines and similar use of exterior and landscape materials. One-story buildings along the street elevation shall incorporate architectural elements such as three-dimensional cornices, dormers, windows and parapet walls to provide the illusion of an additional one-half to one story.

(b) *Setbacks.*

1. *Front.* Setbacks shall be equal to the average setbacks for buildings on the same side of the street within 100 feet. Where there are no such buildings, the minimum front yard setback is determined by the classification of the adjoining road as noted on the Thoroughfare Plan.

2. *Side.* Setbacks shall be equal to the average setbacks for buildings on the same side of the street within 100 feet, or the minimum sideyard setback as stated in the applicable underlying zoning district, which ever is less.

(c) *Facades.* Architectural design shall be in context with existing development. All siding shall be natural materials such brick, stone, wood, or fiber cement plank siding, decorative precast panels, E.I.F.S. or a combination of these materials. Color should be subtle, neutral hues and of low reflectance. Building materials shall not include smooth-faced concrete block or concrete tilt-up panels. The street level facade should be at least 60% transparent to discourage blank unarticulated facades. The rear elevation of the building will be consistent in finish with the front facade of the building; however, the high degree of architectural detailing and articulation seen on the front will not be required.

(d) *Entries.* Entryways shall be clearly defined and contain such features as canopies, porticos, arcades, raised corniced parapets, arches, awnings, integral planters, etc.

(e) *Roofs.* Roofs shall have at least two of the following features:

1. Parapets. Parapets shall not exceed 30% of the height of the supporting wall and must conceal flat roofs.

2. Cornice. Cornices shall be three dimensional.

3. Eaves. Eaves and overhangs shall be a minimum of three feet past the supporting walls.

4. Cupolas.

5. Dormers.

6. Roof pitch. Roof pitch shall be a minimum of 5:12 pitch on a sloped roof; a facade gable shall be a minimum of 8:12 pitch.

(f) *Service areas.* All delivery service areas shall employ walls or landscaping to screen views.

(g) *Mechanical equipment.* Ground, building and roof-mounted mechanical equipment shall be screened from view. Landscaping, fences, walls and parapet walls on roofs can be used.

(5) *Parking.*

(a) On-street parking shall be permitted in this district and shall count towards required parking.

(b) Shared parking. Cooperative provisions for off-street parking may be made by contact between two or more adjacent property owners. The parking area provided on any one lot may be reduced to not less than 75% of the number of required parking spaces for the use occupying such lot.

(c) To the extent that developments make joint use of the same parking spaces at different times, up to 1/2 of the parking spaces may be credited to both uses if one use is a church, theater, professional offices or assembly hall whose peak hours of attendance will be at night or on Sundays, and the other use or uses are ones that will be closed at night or on Sundays.

(6) *Landscaping.* A premium shall be placed on the preservation of existing mature plant material and credit shall be given towards in-kind required landscaping. Landscaping requirements for commercial zoning districts as set forth in §§ 156.060 et seq. shall apply.

(7) *Lighting.* Decorative lighting shall be used for streets, parking lots, buildings and landscaping.

(8) *Site amenities.* Plazas, mini-parks, water features, flagpoles, public art, and coordinated site furniture are encouraged.

(9) *Signage.* Refer to § 156.087.

(a) Signage shall be designed to be an integral part of the site context and architectural features. The scale, colors and materials of signs shall be compatible and harmonious with existing development.

(b) Sign shall be visible to both motorists and pedestrians.

(c) Signs shall be externally illuminated. No signage illumination shall be so designed, located or directed to cast glare or direct light onto adjacent public roadways.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2007-6A, passed 6-4-07; Am. Ord. 2014-8C, passed 8-5-14; Am. Ord. 2021-7A, passed 7-20-21)

#### **§ 156.045 SHIRLEY OVERLAY DISTRICT.**

(A) *Intent.* The Shirley Overlay District is established to streamline the development review process within the Town of Shirley while promoting the health, safety and general welfare of its citizens and preserving the town's historic character.

(B) *Applicability.* The Shirley Overlay District shall apply to all areas within the incorporated limits of the Town of Shirley. The district, unless otherwise noted, shall apply to all public, private, and institutional development.

(C) *Land use.* All uses permitted in the underlying zoning district(s) are permitted in the Shirley Overlay District. All uses that are special exceptions in the underlying zoning district(s) are special exceptions in the Shirley Overlay District. Within the Town of Shirley, residential storage structures may be permitted as a primary use, subject to Board of Zoning Appeals approval of a special exception, in a residential zoning district pursuant to the following requirements:

(1) The structure shall be for the sole purpose of storing the owner's or tenant's personal property.

(2) The structure shall be located on a lot or parcel that is under the same ownership as the principal residence.

(3) The structure shall be located on a lot or parcel that is adjacent to the principal residence. The lot or parcel may be separated from the principal residence by not more than one street or alley.

(4) The structure shall be designed and built to conform to the architectural standards referenced in division (E) below.

(5) The quantity of such structures on the lot or parcel shall not exceed one.

(6) The maximum cumulative storage area on the lot or parcel shall not exceed 1,000 square feet.

(D) *Development standards.* All development within the Shirley Overlay District shall comply with the following development standards. Under conditions where a strict interpretation of the design and development standards cannot be met, a modification to the development plan may be considered to maintain the spirit rather than the letter of the law. In addition, developments with distinct and unique architectural designs may be considered. In cases where the Planning Director cannot agree with said modifications, then variances to the standards may be sought through a petition to the Hancock County Board of Zoning Appeals.

(1) *Review.* Plans for construction and development within the Shirley Overlay District shall be reviewed and approved by the Shirley Town Manager (or designee) and Hancock County Plan Commission Director prior to issuance of an improvement location permit.

(2) *Streets.* Public streets and alleys shall be designed to the standards set forth by the town as approved by the Town Manager. If a town thoroughfare plan exists, then the streets and alleys shall be designed to the standards set forth in the town thoroughfare plan within the town's jurisdiction.

(E) *Residential development standards.*

(1) *Setbacks.*

(a) *Front.* Notwithstanding the lot standards of the zoning chapter, the minimum front yard building setback for properties in the Residential R3.5 zoning district shall be either:

1. Thirty-five feet within which a balcony or porch may encroach 15 feet resulting in a 20-foot setback; or

2. The average of front yard setbacks for buildings on the same side of the street within 200 feet, whichever is less.

(b) *Side.* Notwithstanding the lot standards of the zoning chapter, the minimum side yard building setback for properties in the Residential R3.5 zoning district shall be either:

1. Consistent with the zoning chapter; or

2. The average of side yard setbacks for buildings on the same side of the street within 200 feet, whichever is less.

(c) *Rear.* Notwithstanding the lot standards of the zoning chapter, the minimum rear yard building setback for properties in the Residential R3.5 zoning district shall be either:

1. Consistent with the zoning chapter; or
2. The average of rear yard setbacks for buildings on the same side of the street within 200 feet, whichever is less.

(2) *Entries.* Balconies or porches encroaching into a front yard building setback shall not be enclosed.

(3) *Minimum lot area.* The minimum lot area in the R3.5 zoning district shall be 4,800 square feet.

(4) *Minimum lot width.* The minimum lot width in the R3.5 zoning district shall be 40 feet.

(F) *Non-residential development standards.*

(1) *Architectural.*

(a) *Scale and massing.* One-story buildings along the street elevation shall incorporate architectural elements such as three-dimensional cornices, dormers, windows, and parapet walls to provide the illusion of an additional one-half to one story.

(b) *Setbacks.*

1. *Front.* Notwithstanding the lot standards of the zoning chapter, the minimum front yard building setback for non-residentially zoned properties shall be equal to the average setbacks for buildings on the same side of the street within 100 feet. Where there are no such buildings, then the minimum front yard setback shall conform to the zoning chapter.

2. *Side.* Notwithstanding the lot standards of the zoning chapter, the minimum side yard building setback for non-residentially zoned properties shall be equal to the average setbacks for buildings on the same side of the street within 100 feet. Where there are no such buildings, then the minimum side yard setback shall conform to the zoning chapter.

(c) *Facades.*

1. *Architecture.* The street level facade shall be at least 60% transparent to discourage blank unarticulated facades. The rear elevation of the building shall be consistent in finish with the front facade of the building; however, the high degree of architectural detailing and articulation seen on the front shall not be required.

2. *Materials.* All siding for non-residential buildings shall consist of natural materials such brick or face tile, native stone, wood, fiber cement plank siding, decorative precast panels, E.I.F.S. decorative metal panels, stucco, non-reflective glass, tinted and/or textured concrete masonry units (such as split face block and burnished block), or a combination of these materials. Finished building materials shall not include the use of vinyl siding, smooth-faced concrete block, untextured smooth-faced tilt-up panels, or standing seam metal panels.

(d) *Entries.* Entryways for non-residential buildings shall be clearly defined and contain such features as canopies, porticos, arcades, raised corniced parapets, arches, awnings, integral planters, etc.

(e) *Roofs.* Roofs for non-residential buildings shall have at least two of the following features:

1. Parapets. Parapets shall not exceed 30% of the height of the supporting wall and must conceal flat roofs.
2. Cornice. Cornices shall be three dimensional.
3. Eaves. Eaves and overhangs shall be a minimum of one foot (12 inches) past the supporting walls.
4. Cupolas.
5. Dormers.
6. Roof pitch. Roof pitch shall be a minimum of 5:12 pitch on a sloped roof.
7. Minimum nine-inch eave overhangs.

(f) *Service areas.* Delivery service areas for non-residential development shall employ walls or landscaping to screen views from public roads.

(g) *Mechanical equipment.* Ground, building and roof-mounted mechanical equipment for non-residential development shall be screened from view. Landscaping, fences, walls, and parapet walls on roofs shall be used for such screening from public roads.

(2) *Parking.* The provision of off-street parking spaces shall not be required within the Shirley Overlay District.

(3) *Landscaping.* A premium shall be placed on the preservation of existing mature plant material and credit shall be given towards in-kind required landscaping. Landscaping shall be installed and maintained in accordance with the zoning chapter.

(4) *Lighting.* Decorative lighting shall be installed and maintained for streets, parking lots, and non-residential developments in accordance with the zoning chapter.

(5) *Signage.*

(a) The scale, colors and materials of signs shall be consistent with existing development.

(b) Signs shall be visible to both motorists and pedestrians.

(c) No signage illumination shall be so designed, located, or directed to cast glare or direct light onto adjacent public roadways.

(d) Signage shall comply with the requirements of the zoning chapter.

(Ord. 2014-8C, passed 8-5-14; Am. Ord. 2021-7A, passed 7-20-21)

#### **§ 156.046 BROADWAY CONSOLIDATED TIF DISTRICT DESIGN STANDARDS.**

The Broadway Consolidated TIF District Design Standards as laid out in Ord. 2016-10-B are hereby adopted by reference as if laid out in full herein.

(Ord. 2016-10-B, passed 10-4-16)

### **PLANNED UNIT DEVELOPMENT**

#### **§ 156.050 PUD, INTENT, USES, AND STANDARDS.**

(A) *Intent.*

(1) The purpose of these regulations is to provide greater design flexibility in the development of land when consistent with the Comprehensive Plan and the intent of the zoning and subdivision control ordinances.

(2) Planned unit development regulations are intended to encourage innovations in land development techniques so that unique opportunities and circumstances may be met with greater flexibility. Planned unit developments should be used to address unique environmental concerns, provide a unique mix of land uses, and implement the Comprehensive Plan in ways not considered by the established zoning districts. A planned unit development should not be used if the proposed development can be created using established zoning districts.

(B) *Uses.* All uses are subject to the discretion and approval of the Plan Commission. Once uses are approved by the Plan Commission, they are granted by right. All land uses proposed in a planned unit development must be compatible with the intent of the Comprehensive Plan and the characteristics of surrounding land uses and zoning districts.

(C) *Development requirements.* Development requirements for all proposed planned unit developments shall be created by the applicant as part of the preliminary plan submittal. All proposed development requirements are subject to the review and approval of the Plan Commission and the applicable legislative body. Generally, the planned unit development shall provide standards for the development that replace:

(1) The lot standards established by §§ 156.020 et seq., and

(2) Each topic area regulated by §§ 156.060 et seq.

(D) *Rules and procedures.* All proceedings brought under this subchapter are subject to the rules and procedures of the Plan Commission.

(E) *Limitation of ordinance amendments.* Any initiative of the Plan Commission to amend this chapter that would affect an approved planned unit development before its completion, shall not be enforced on the planned unit development. New amendments to this chapter shall only apply to planned unit developments that have been declared abandoned, or for which an approval has expired.

(F) *Origination of proposals.*

(1) Any applicant may propose a planned unit development district in accordance with the procedures established in this subchapter. A parcel or site proposed for a planned unit development may or may not be under single ownership. However, if not under single ownership, the multiple owners must have a contractual agreement:

(a) Not to develop the parcels separately, but in accordance with a single, unified plan, and

(b) In which the separate owners have given their express intentions to enter into such private agreements and to assure its completion as planned and to the satisfaction of the Plan Commission.

(2) The legislative body may grant an extension of such time for such a period as it deems in the public interest.

(Ord. 2007-1B, passed 2-5-07)

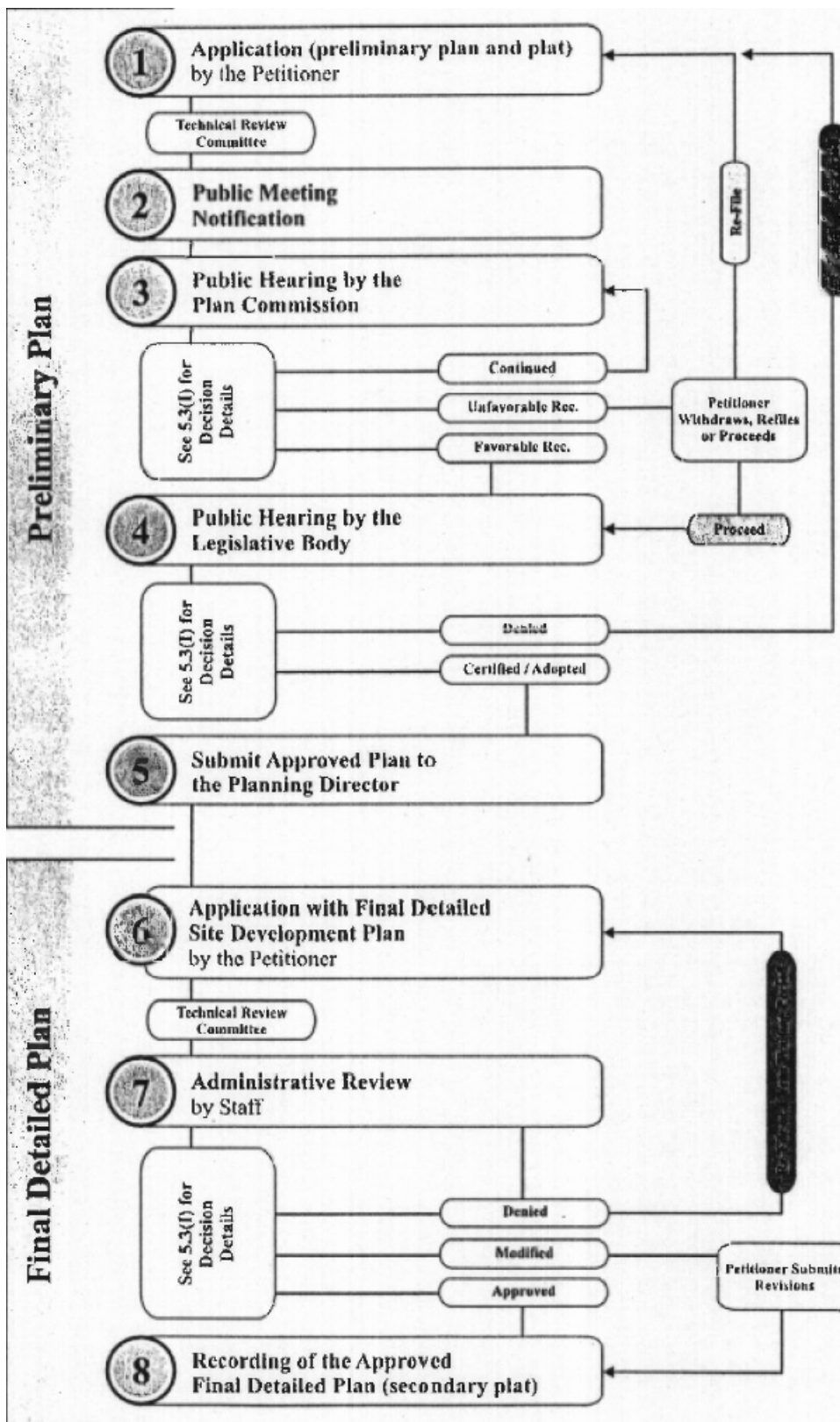
#### **Statutory reference:**

*Planned unit development, see I.C. 37-4-1550 series*

#### **Cross reference:**

*Development standards, see §§ 156.060 et seq.*

#### ***Procedure to Establish/Rezone to a PUD***



**§ 156.051 GENERAL APPLICATION REQUIREMENTS.**

(A) *General application requirements.* All applications may be obtained through the Planning Director's office. Fees shall be paid at the Planning Director's office at the time the applications are submitted.

(1) *Application forms.* All applications shall be made on forms provided by the Planning Director. All applicants shall submit original applications which are completed in their entirety in ink or typed.

(2) *Copies required.* All applicants shall submit copies of applications and necessary attachments as required by the adopted policies of the Planning Director and the applicable rules and procedures of the Plan Commission.

(B) *Review schedule.* All applications shall be assigned reference and/ or docket numbers by the Planning Director. Applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this subchapter and the adopted calendar of filing and meeting dates for



the Plan Commission.

(Ord. 2007-1B, passed 2-5-07)

## **§ 156.052 PRELIMINARY PLAN AND REZONING.**

(A) *Intent.* The purpose of the preliminary plan is to provide a formal opportunity for the applicant and the Plan Commission to discuss the general elements of the proposed PUD. The preliminary plan prepares the Plan Commission for a future discussion of details and minimizes the risk incurred by the applicant in creating the detailed plan.

(B) *Application.* The applicant shall submit a planned unit development preliminary plan review application, an affidavit and consent of property owner (if the owner is someone other than the petitioner), a copy of the deed(s) for the property involved, the required filing fee, the preliminary plan and plat, and any other supporting information.

(C) *Preliminary plan data.* The preliminary plan may take the form of a booklet of letter or legal sized paper, a set of 24-inch by 36-inch sheets, or a combination of these formats. The following shall be included in the preliminary plan submission:

(1) *Cover page and index.* The cover sheet shall indicate that it is the preliminary plan for that particular development and include the date of submittal, and an index identifying all sections included in the preliminary plan document, and references to any separate sheets of information.

(2) *Site description.* A description of the property and applicants involved, including:

- (a) The name, mailing address, e-mail address, and telephone number of the applicant;
- (b) The name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the preliminary plan design;
- (c) The legal description of the subject property and common address of the site; and
- (d) The proposed name of the development (if applicable).

(3) *Common holdings map.* A map of any property adjacent to the property subject to the preliminary plan owned or otherwise controlled by any or all of the petitioners. The common holdings map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the preliminary plan. The general description shall be in map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.

(4) *Sewerage verification.* A letter verifying that proper waste disposal will be available to the property.

- (a) For proposals using septic systems (or other alternatives to public sewer service), a letter from the Hancock County Health Department shall be provided verifying that the development shall be adequately served.
- (b) For proposals using public or private sewers, a letter from the applicable utility provider shall be included verifying that the proposed development shall be served.

(5) *Existing site conditions.* A description of all existing conditions on the subject property, including:

- (a) *Built features.* All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights;
- (b) *Easements.* All existing easements and an indication of their purpose;
- (c) *Topography.* A topographic survey of the area with contour lines a maximum of two feet apart;
- (d) *Natural features.* The location of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an eight-inch DCH);
- (e) *Historic features.* An identification of any historic features, specifically those listed as outstanding, notable, or contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures; and
- (f) *Other features.* Any other significant feature(s) that may influence the design of the development.

(6) *Proposed development.* A conceptual plan of the proposed development of the property, including:

- (a) *Street systems.* The layout and design of proposed street systems (including on-street parking, sidewalks, and street trees);
- (b) *Land uses.* The land use areas and number of acres within the development (including a specific list of the individual land uses permitted in each area and densities of any proposed residential uses);
- (c) *Open space.* The proposed location, improvements to open space (including park facilities, natural areas, trail systems, and other common areas);
- (d) *Landscaping.* The conceptual design of landscaping, buffering, and/or screening proposed for the development,

wooded areas to be preserved;

(e) *Natural features.* A description of the accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands (as identified by IDNR, IDEM, or an individual with a US Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification), wooded areas, and isolated preservable trees (with greater than an eight-inch DCH);

(f) *Historic features.* A description of the accommodation of historic features, specifically those listed as outstanding, notable, or contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures;

(g) *Development requirements.* Detailed text documenting the development requirements that will apply to development (including general lot size and dimensions, building setbacks, off-street parking requirements, lighting standards, sign standards, landscaping requirements, etc.);

(h) *Written commitments.* A description of any written commitments that are being proposed as part of the development;

(i) *Covenants.* A description of any private covenants and restrictions that will be established for the development;

(j) *Drainage.* A detailed drainage concept meeting the requirements of the County Surveyor; and

(k) *Project phasing.* A statement of the proposed order of development of the major elements of the project, including phasing, if applicable, and the order and content of each phase.

(7) *Supplemental information.* Any other information requested by the Planning Director or Plan Commission to aid in the review of the detailed plan. This may included, but not be limited to, topic areas such as traffic, utilities, tree preservation, flood hazards, and architectural design standards.

(D) *Technical Committee Review.* The preliminary plan shall be reviewed by a Technical Committee.

(E) *Preliminary Plan/Plat Requirement.* Planned unit developments shall be required to comply with the Hancock County Subdivision Control Regulations, per I.C. 36-7-4-1513 and the provisions of §§ 156.100 et seq. for site plan development plan review. In no instance shall the approval of a PUD be interpreted as waiving or modifying any subdivision control ordinance or site development plan processes. If a subdivision of land and/or site development plan review is required for the development, the preliminary plat and/or site development plan may be filed simultaneously as the preliminary plan for review by the Plan Commission.

(F) *Public hearing notification.* Notification for the scheduled public hearing regarding the preliminary plan shall be completed consistent with the requirements of § 156.101 and the rules and procedures of the Plan Commission.

(G) *Plan Commission public hearing.* The Plan Commission will, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no later than 60 days following the receipt of the preliminary plan application), review the application and required supporting information.

(1) *Representation.* Either the applicant or a representative of the applicant must be present at the public hearing to present the application and address any questions the Commission may have.

(2) *Presentations.* The Plan Commission shall consider a report from the Planning Director and testimony from the petitioner, remonstrators, and other interested parties at the hearing. The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the rules and procedures of the Plan Commission.

(3) *Possible action.* The Plan Commission will in concurrence with established rules and procedure review the application and required supporting information. The preliminary plan shall be forwarded to the applicable legislative body with a favorable recommendation, forwarded with an unfavorable recommendation, forwarded with no recommendation or continued by the Commission. Per I.C. 36-7-4-1512 the Plan Commission may impose conditions or require written commitments from the applicant.

(a) *Favorable recommendation.* The preliminary plan application shall be forwarded with a favorable recommendation if it is found to be consistent with the decision criteria listed in division (J) below; or

(b) *Unfavorable recommendation.* The application shall be forwarded with an unfavorable recommendation if it is found to be inconsistent with the decision criteria listed in division (J) below; or

(c) *No recommendation.* The application shall be forwarded with no recommendation; or

(d) *Continued.* The applicant may be continued based on a request by the Planning Director, the petitioner, a remonstrator, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Plan Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.

1. Additional legal notice shall not be required unless specified by the Plan Commission.

2. The continuing of all applications shall be consistent with the adopted rules and procedures of the Plan Commission.

(4) *Certification of recommendation.* The Plan Commission shall certify its recommendation by resolution to the applicable legislative body within five business days of its decision. The Planning Director shall forward to the legislative body appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the petition, and a PUD district ordinance (rezoning) meeting the requirements of I.C. 36-7-4-1503 for the legislative body's consideration.

(H) *Legislative body meeting.* The applicable legislative body shall hold a meeting and vote on the proposed planned unit development district ordinance (re-zoning) within 90 days of its certification by the Plan Commission.

(1) *Legal notice.* Legal notice of action on the ordinance shall be provided consistent with Indiana law.

(2) *Possible action.* The legislative body may either approve or deny the PUD district ordinance (rezoning) consistent with the decision criteria provided by division (J) below. The legislative body also may approve with modifications, per I.C. 36-7-4-1512, such as impose conditions, require written commitments from the applicant, and/ or condition the release of improvement location permits on the provision of adequate surety for any public improvements.

(a) *Failure to act.* If the legislative body fails to act within the 90-day time frame the ordinance shall become effective or be defeated consistent with the recommendation of the Plan Commission and the provisions for rezoning petitions of I.C. 36-7-4-608.

(b) *Denial.* If a PUD district ordinance (rezoning) is denied by the legislative body a one-year waiting period shall be imposed prior to the filing of a new preliminary plan for the same development.

(c) *Approval.* If the legislative body approves the rezoning, the land is officially rezoned. The official zoning map must be amended to reflect the zoning change, the date of approval by the legislative body, and the ordinance number.

(I) *Preliminary plan signatures and filing.* The implementation of an approved preliminary plan must be consistent with the following provisions:

(1) *Preliminary plan signatures.* When approved, the preliminary plan shall be signed by the Plan Commission President and Secretary.

(2) *Preliminary plan filing.* The approved preliminary plan, including all development requirements serving as the zoning requirements on the subject property shall be filed with the Planning Director by the applicant. The documents must clearly state that the development requirements and any written commitments are enforceable by the Plan Commission.

(3) *Covenant recording.*

(a) Any covenants for the development shall be recorded with the Hancock County Recorder. The documents must:

1. Clearly distinguish covenants for development requirements and written commitments and
2. Indicate that covenants are private agreements that are not enforceable by the Plan Commission.

(b) The petitioner shall provide one copy of the recorded documents to the Planning Director for the records of the Plan Commission.

(J) *Preliminary plan decision criteria.* In reviewing the planned unit development preliminary plan petition, the Plan Commission and legislative body shall pay reasonable regard to the following, consistent with I.C. 36-7-4-603:

(1) *Requirements and intent.* The extent to which the proposal fulfills the requirements and intent of this subchapter and the Chapter 155, Subdivision Control Regulations;

(2) *Planning documents.* The Comprehensive Plan and any other applicable, adopted planning studies or reports;

(3) *Characteristics.* The current conditions and the character of current structures and uses in each zoning district;

(4) *Desired use.* The most desirable use of which the land in each district is adapted;

(5) *Property values.* The conservation of collective property values throughout Hancock County as a whole; and

(6) *Growth management.* Responsible growth and development.

(7) *Overlay requirements.* Corridor and Town of McCordsville Overlay Districts.

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Comprehensive Plan, see Ch. 151*

*Notice of public hearing, see § 156.101*

**§ 156.053 FINAL DETAILED PLAN.**

(A) *Intent.* The purpose of the final detailed plan application is to establish the details of the proposed PUD, document those details, and obtain final PUD approval from the Plan Commission and the applicable legislative body.

(B) *Application.* The petitioner shall submit a final detailed plan review application, affidavit and consent of property owner

(if the owner is someone other than the petitioner), a copy of the deed(s) for the property involved, the required filing fee, the final detailed plan, and any other supporting information. The final detailed plan filing shall occur within 18 months of the date of preliminary plan approval. If no final detailed plan filing has occurred within that period, the preliminary plan approval shall expire. An extension may be granted upon request to the Plan Commission under certain conditions without the need for a public hearing. If the project is phased and was part of the preliminary plan, the petitioner may submit partial final detailed plans which correspond to the phases involved.

(C) *Final detailed plan data.* The final detailed plan may take the form of a booklet of letter and/or tabloid sized paper and a set of 24-inch by 36-inch sheets. The final detailed plan may include any graphics that will explain the features of the development. The following shall be included in the final detailed plan submission.

(1) *Cover page and index.* The cover sheet shall indicate that it is the final detailed plan for that particular development and include the date of submittal, an index identifying all sections/phases included in the final detailed plan document, and references to any separate sheets of information.

(2) *Site description.* A description of the property and petitioners involved, including:

- (a) The name, mailing address, e-mail address, and telephone number of the applicant;
- (b) The name, mailing address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the final detailed plan design;
- (c) The legal description of the subject property and common address of the site; and
- (d) The proposed name of the development (if applicable).

(3) *Vicinity map.* A vicinity map showing the use and zoning of all properties within 1,320 feet (¼ mile) of the property subject to the final detailed plan. A site location diagram shall also be included.

(4) *Common holdings map.* A map of any property adjacent to the property subject to the final detailed plan that is owned or otherwise controlled by any or all of the applicants. The common holdings map shall be accompanied by a general description of the future development of that property and its relationship to the area included in the final detailed plan. The general description may be in either text or map form and shall include, at a minimum, general land uses, general street patterns and access points, and general drainage designs.

(5) *Existing site conditions.* A site survey of all existing conditions on the subject property, including:

- (a) *Built features.* All existing streets (including travel lanes, sidewalks, street trees, rights-of-way, etc.), established open spaces, structures, wells, utility lines and facilities, fire hydrants, and street lights;
- (b) *Easements.* All existing easements and an indication of their purpose;
- (c) *Topography.* A topographic survey extrapolated from USGS data or otherwise meeting the requirements of the County Surveyor;
- (d) *Natural features.* The location of natural streams, regulated drains, 100-year floodplains and floodways (extrapolated from FEMA maps), water courses, wetlands (general locations as indicated by the National Wetlands Inventory), and wooded areas;
- (e) *Utilities.* The general location of utilities serving the site (including sanitary sewer, water, electricity, natural gas, and data transmission);
- (f) *Historic features.* An identification of any historic features, specifically those listed as outstanding, notable, or contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures; and

(g) *Other features.* Any other significant feature(s) that may influence the conceptual design of the development.

(6) *Proposed development.* A description of the proposed development of the property, including:

- (a) *Street systems.* The general plan, profile, and description of proposed street systems (that identifies proposed arterial and collector streets and other information as necessary as listed in § 156.106;
- (b) *Land uses.* The general land use areas within the development (including proposed densities of residential uses);
- (c) *Open space.* The general location of open space;
- (d) *Landscaping.* Detailed plan areas of landscaping, buffering, and/or screening proposed for the development;
- (e) *Natural features.* A description of the general accommodation of natural streams, regulated drains, 100-year floodplains and floodways, water courses, wetlands, and wooded areas identified in § 156.052(C)(5)(d);
- (f) *Historic features.* A description of the general accommodation of historic features, specifically those listed as outstanding, notable, or contributing on the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report or listed in the National Register of Historic Places and/or Indiana Register of Historic Sites and Structures;
- (g) *Written commitments.* A description of any written commitments that are being proposed as part of the development;

(h) *Covenants*. A general description of any private covenants and restrictions that may be established for the development; and

(i) *Drainage*. A drainage plan meeting the requirements of the County Surveyor.

(7) *Supplemental information*. Any other information requested by the Planning Director or Plan Commission to aid in the review of the preliminary plan. This may include, but not be limited to, topic areas such as traffic, utilities, tree preservation, flood hazards, and architectural design standards.

(D) *Administrative review by staff*. Upon review, county planning staff shall approve, approve with modifications, or deny the detailed plan application.

(1) *Approve*. The application may be approved if it is found to be consistent with all applicable requirements and the intent of this chapter and the Hancock County Comprehensive Plan. Staff may accept or require written commitments from the petitioner as part of the approval. The Planning Director may require certain additional written commitments to be lettered on the plat of record.

(2) *Approve with modifications*. The application may be approved with modifications if it is generally consistent with all applicable requirements of this chapter. Staff may impose conditions on the approval of the detailed plan, which shall become written commitments of the applicant. The Planning Director may require certain additional written commitments to be lettered on the plat of record.

(3) *Deny*. The application may be denied if it is found to be inconsistent with any applicable requirements and/or the intent of this chapter and/or the Comprehensive Plan.

(a) *Continue*. The application may be continued and referred back to the Plan Commission based on a request by the Planning Director, the petitioner, a remonstrator, the legislative body, or an interested party. The application shall be continued in the case of an indecisive vote, a determination by the Commission that additional information is required prior to action being taken on the request, or if an appropriate representative of the application fails to appear at the public hearing.

1. Additional legal notice shall not be required unless specified by the Plan Commission.

2. The continuing of all petitions shall be consistent with the adopted rules and procedures of the Commission.

(b) *Re-filing following denial*.

1. If staff determines that there is not compliance with the ordinance, the applicant may re-file a revised detailed plan within 90 days of the date of denial. The revised detailed plan shall be reviewed as if it were a new application.

2. Detailed plan applications that have been denied and not re-filed within the specified deadline shall not be re-filed for a period of one year from the date of the denial.

(E) *Findings of fact*. The Planning Director shall prepare and sign written findings of fact. The Planning Director shall make copies of the written findings of fact available to the applicant within five business days of the date of each review of the application.

(F) *Recording*. All approved final detailed plans and modifications thereof shall automatically expire and become null and void unless recorded in the office of the Hancock County Recorder within two years of approval.

(1) *Failure to record*. Failure to record the plans and modifications in the time provided for in § 156.057 shall automatically void the approval of the detailed plan.

(2) *As-built drawings*. If, upon completion of all development, the exact measurements as to the location of buildings or structures erected during the development are deemed desirable for public record by recording thereof, the developer shall submit a copy of the approved final detailed plan to the Planning Director as an amended approved detailed plan with the exact measurements thereon shown, and upon being satisfied that the measurements are substantially the same as indicated on the original approved final detailed plan, the Planning Director shall re-approve, date, and sign the amended approved final detailed plan, which the developer shall then record.

(G) *Improvement location permit*. Detailed plan approval is required prior to the issuance of an improvement location permit. An improvement location permit, consistent with § 156.106 is required prior to any construction activity occurring on the subject property.

(1) *Plat approval required*. If a subdivision plat is required, plat approval consistent with the subdivision control ordinance must also be obtained prior to the receipt of any improvement location permits.

(2) *Supporting information*. The Plan Commission may require any additional supporting information not already stated by this subchapter to be provided prior to the issuance of an improvement location permit.

(Ord. 2007-1B, passed 2-5-07)

*Statutory reference:*

*Conditions of approval, see I.C. 36-7-4-1512*

*PUD district ordinances, see I.C. 36-7-4-1503*

*Rezoning criteria, see I.C. 36-7-4-603*

*Rezoning procedures, see I.C. 36-7-4-608*

**Cross reference:**

*Improvement location permits, see § 156.106*

*Notice of public hearing, see § 156.101*

*Subdivision regulations, see Ch. 155*

**§ 156.054 WRITTEN COMMITMENTS.**

(A) The applicant in any planned unit development 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 I.C. 36-7-4-615. Commitments made by the applicant and conditions of approval established by the Plan Commission or legislative body shall be considered written commitments for the purpose of this subchapter.

(B) *Note.* Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements which are not enforceable by the Plan Commission

(C) *Commitment proposals.* Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Planning Director, or in response to any modifications requested by the Plan Commission or legislative body.

(D) *Consideration of commitments.* Any commitments shall be considered by the Plan Commission and legislative body if they have been established at the time of the review. Written Commitments shall be included as an element of the PUD district ordinance (rezoning) establishing the PUD zoning and shall be recorded in the office of the Hancock County Recorder by the petitioner. A copy of the recorded commitments shall be provided to the Planning Director.

(E) *Enforcement of commitments.* The written commitments shall be considered part of this chapter binding on the subject property.

(1) *Applicability.* 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 any portion of the subject property.

(2) *Enforcement.* The written commitments shall be enforceable by the Hancock County Area Plan Commission consistent with the adopted provisions for the enforcement of this chapter.

(3) *Modification.* The recorded written commitments may be modified only through the Planned Unit Development process described by this subchapter.

(Ord. 2007-1B, passed 2-5-07)

**§ 156.055 COVENANTS.**

(A) Covenants shall be set forth in detail. The Plan Commission may review covenants that pertain to any written commitments, development requirements and/or common areas, swales, or drainage systems. A copy of the recorded covenants shall be provided to the Planning Director by the petitioner for the records of the Plan Commission.

(B) *Note.* Covenants shall be distinguished from written commitments and development requirements. Written commitments and development requirements are elements of the PUD approval and are enforceable by the Plan Commission. Covenants are private agreements that are not enforceable by the Plan Commission.

(C) *Lot owner's association.* Adequate provision shall be made for a private organization (i.e., lot owner's association) with direct responsibility to, and control of, the lot owners involved. The lot owner's association shall provide for the operation and maintenance of all common facilities, such as any common areas and ponds, in the best possible manner. Legal assurances shall be provided which show that the private organization is self-perpetuating.

(D) *Service access to common areas.* The covenants shall state that all common facilities and drainage systems not dedicated to the public shall be maintained by the private lot owner's organization in such a manner that adequate access is provided for fire, police, health, sanitation, and public utility vehicles to service them. All streets, roadways, and common facilities not dedicated to the public shall be operated and maintained at no expense to any governmental unit.

(Ord. 2007-1B, passed 2-5-07)

**§ 156.056 MODIFICATIONS.**

(A) *Administration.* The Planning Director may from time to time approve minor modifications of the detailed plan without a public hearing consistent with I.C. 36-7-4-1511(i). The modifications shall be consistent with the purpose and intent of the overall development and the approved preliminary plan. Such modifications shall not include any change in type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in access points, or any alteration of the development requirements.

(1) *Procedure.* To request a minor modification, the property owner, developer, or applicant shall provide the Planning Director with a letter that identifies the PUD and the requested minor modification. The letter shall be accompanied by any necessary supporting drawings or other materials. The Planning Director shall provide a written response within 15 business days informing the applicant if the minor modification has been approved. All materials relating to the minor modification shall be kept on file with the other PUD materials in the office of the Plan Commission.

(2) *Public notice.* No notice, in addition to that which may be required by the rules and procedures of the Plan Commission, shall be required for the review or approval of minor modifications.

(B) *Appeal.* Any affected party may appeal any minor modification decision by the Planning Director to the Plan Commission within 30 days of the determination.

(C) *Rules and procedures.* The Plan Commission may, through its rules and procedures, establish rules governing the nature of proceedings and notice required to make a minor modification under this chapter per I.C. 36-7-4-1511(j).

(D) *Major modifications.* Major modifications that may include any change in type of use, any increase in density, any lessening of aesthetic treatments, any alteration of frontage or building location, any change in access points, or any alteration of the development requirements shall require a public hearing conducted in the manner established by the legislative body pursuant to § 156.052. Notice of the hearing must be given in the same manner as notice is given under § 156.052(F).

(Ord. 2007-1B, passed 2-5-07)

**Statutory reference:**

*Minor modifications, see I.C. 36-7-4-1511(i)*

**§ 156.057 EXPIRATION, ABANDONMENT AND EXTENSIONS.**

(A) *Expiration.* Approval of a final detailed plan shall expire after a period of five years from the approval of the preliminary plan, unless the development is 50% completed in terms of improvements including streets, parks, walkways, utility installations, and sanitary sewers. Determination of the amount of completion shall be made by the Plan Commission upon a recommendation by the Planning Director. Following expiration of a final detailed plan, the appropriate legislative body of the Area Plan Commission may declare the bond to be in default and cause all public improvements to be installed according to the final detailed plans.

(B) *Abandonment.* The planned unit development may be considered officially abandoned if, in the opinion of the Planning Director, the development is incomplete and no, or minimal, construction activity has occurred for a period of five consecutive years. Any outstanding surety for the project may be used by the appropriate legislative body consistent with the Hancock County Subdivision Control Ordinance provisions for subdivision surety.

(C) *Extensions.* An extension, not to exceed six months, for accomplishing any processes required by this subchapter, or for resuming construction activity in an abandoned development may be granted by the Plan Commission upon a written request from the petitioner. All requests for extensions must occur a minimum of 30 days prior to the applicable deadline.

(D) *Plan Commission rezoning.* The Plan Commission may initiate a rezoning for any property included in a planned unit development that has been abandoned or for which the detailed plan approval has expired. Any rezoning by the Plan Commission shall meet all applicable requirements for the rezoning process provided by § 156.105.

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Subdivision control regulations, see Ch. 155*

*Zoning map amendments, see § 156.004*

**DEVELOPMENT STANDARDS**

**§ 156.060 INTRODUCTION AND APPLICATION.**

(A) *Introduction.* All structures, 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 chapter (except as may otherwise be provided within this chapter) shall be subject to all development standards and regulations applicable to the zoning district in which they are located. All projects approved prior to the effective date of this chapter shall adhere to the terms and conditions of approval and/or written commitments made under the zoning ordinance that was in place at the time of filing.

(B) *Expansion or modification of existing uses and structures.* No structure, parking area, or other site feature regulated by this chapter shall be enlarged, altered, or expanded unless the minimum improvements required by this subchapter are provided on the property in a manner equal to the extent of its alteration or expansion.

(C) *Requirements for non-conforming uses and uses permitted by special exception or variance.* Any use which is non-conforming in the zoning district in which it is located or is permitted by special exception or variance shall be consistent with the standards for the zoning district in which the use is permitted by this chapter. The Board of Zoning Appeals may specify

the appropriate standards for all uses permitted by special exception or variance.

(Ord. 2007-1B, passed 2-5-07)

**§ 156.061 HEIGHT STANDARDS.**

(A) *Intent.* The intent of these height standards is to protect the public health, safety, and general welfare by providing for adequate light and air, and by ensuring adequate fire protection service.

(B) *General height standards applicable to all zoning districts.*

(1) *Height requirements.* The maximum height permitted shall be as described below and noted in the Maximum Structure Height table, subject to the exceptions listed in division (B)(2) below.

(a) *Measuring height.* In all instances, the height of a structure shall be measured from grade level at the lowest point of the base of the structure to the highest point of the of the structure, excluding the necessary appurtenances listed in division (B)(2)(d) below.

(b) *Additional residential limitations.* No accessory structure located in a residential zoning district may exceed the height of the primary structure on the property.

<b>Maximum Structure Height</b>		
<b>Zoning District</b>	<b>Type of Structure</b>	
	<b>Primary</b>	<b>Accessory</b>
<b>Maximum Structure Height</b>		
<b>Zoning District</b>	<b>Type of Structure</b>	
	<b>Primary</b>	<b>Accessory</b>
A- Agricultural	40 ft.	35 ft.
RR - Residential: Rural	40 ft.	26 ft.
R1.0 - Residential: 1.0 Unit/Acre	35 ft.	26 ft.
R2.5 - Residential: 2.5 Units/Acre	35 ft.	26 ft.
R3.5 - Residential: 3.5 Units/Acre	35 ft.	26 ft.
R5.0: Residential: 5.0 Units/Acre	35 ft.	26 ft.
RMH - Residential Manufactured Home Park	35 ft.	26 ft.
RM - Residential: Multifamily	45 ft.	26 ft.
CN: Commercial: Neighborhood	45 ft.	26 ft.
CC - Commercial: Community	45 ft.	26 ft.
CR - Commercial: Regional	55 ft.	26 ft.
IN - Institutional	50 ft.	26 ft.
IBD - Industrial: Business Park	50 ft.	35 ft.
IL - Industrial: Light	50 ft.	35 ft.
IG - Industrial: General	50 ft.	35 ft.

(2) *Exceptions.* No structure may be erected or changed so as to make its height greater than specified in the applicable zoning district, except as noted below. For the purposes of this section, the height of church steeples, chimneys, and other structures which are attached or otherwise a part of another structure shall be measured from grade level.

(a) *General exceptions.* The following structures may exceed the permitted height regulations by twofold (x2):

1. Church steeples;
2. Spires, belfries, and cupolas; and
3. Industrial related storage tanks, mechanical equipment, and smokestacks.

(b) *Telecommunications towers and antenna.* The height of telecommunication towers and antenna shall meet the requirements of § 156.073.

(c) *Amateur radio towers.* Amateur radio towers shall meet the requirements of the § 156.062(B)(6)(b).

(d) *Necessary appurtenances.* The following structural elements may exceed the permitted height standards for the zoning district in which they are located by up to ten feet:



1. Necessary mechanical appurtenances;
2. Utility substations and related essential facilities;
3. Water tanks;
4. Chimneys;
5. Fire towers;
6. Stair towers;
7. Stage bulkheads; and
8. Elevator bulkheads.

(e) *Agricultural structures.* All structures in a zoning district where agriculture is allowed that are used in agricultural products storage and/or processing may exceed the permitted height standards for the district in which they are located and be erected to any height that is necessary for their operation. This exemption shall not be interpreted as applying to commercial agricultural structures, such as commercial grain terminals and similar uses.

(f) *Water towers.* Water towers may exceed the permitted height standards for the zoning district in which they are located and may be erected to a maximum height of 200 feet.

(3) *FAA requirements.* Nothing in this chapter, including the exceptions listed above shall be interpreted as waiving any height regulations related to air travel. All applicable Federal Aviation Administration (FAA) restrictions and regulations shall apply to all structures.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2008-6B, passed 6-9-08)

#### **§ 156.062 ACCESSORY USE AND STRUCTURE STANDARDS.**

(A) *Intent.* The intent of these accessory use and structure standards is to address the unique features of these types of structures and uses; allow the reasonable utilization of property; and to ensure the provision of adequate light, air, and circulation on each property.

(B) *General accessory use and structure standards applicable to all zoning districts.*

(1) *Order of establishment.* No accessory use or structure shall be permitted to be located, placed, or established on any lot prior to the issuance of a permit for a primary use or structure. All accessory uses and structures shall be permitted only in association with, and on the same lot as, the primary use or structure. Properties located in the RR (Residential Rural) and A (Agriculture) zoning districts shall be exempt from these requirements.

(2) *Incidental uses and structures.* The following shall be considered incidental uses and structures and shall meet the requirements specified.

(a) *Satellite dish.* Satellite dishes located in a single-family residential zoning district shall not exceed 24 inches in diameter. In other zoning districts, and for satellite dishes that exceed 24 inches in diameter, the following requirements shall apply:

1. *Location.* In addition to the location requirements specified division (B)(5) below, no satellite dish (including anchors or supports) shall be located in the front yard.

2. *Height.* No satellite dish within residential zoning districts shall be mounted above the height of the eave of the roof. For other zoning districts, no satellite dish shall exceed ten feet in height from ground level (if mounted on the ground) or five feet in height above the highest point of the roof of the primary structure (if mounted on the roof). Satellite dishes shall be permitted to exceed these height requirements if a determination is made by the Board of Zoning Appeals, through the development standard variance process, that the increased height is technically necessary to successfully receive satellite signals.

3. *Screening.* Satellite dishes located in Commercial (C) or Institutional (IN) zoning districts shall be screened by the structure of the roof or by landscaping.

(b) *Other incidentals.* Bird baths and houses, mailboxes, lamp posts, doghouses, patios, yard ornaments, athletic courts, and similar items, except as otherwise stated in this chapter, shall be exempt from the requirements of this section.

(3) *Vehicle use.* In no instance shall a vehicle, including semi-tractor trailers, truck bed whether located on or off a truck chassis, and/or mobile home structure be used as an accessory structure in any district (such as for storage, etc.).

(4) *Permitted accessory uses.* Accessory uses shall be permitted in each zoning district as either permitted uses or special exceptions consistent with the permitted accessory uses table. All accessory uses shall be subject to the standards provided by this section. The Planning Director shall determine whether or not uses not specifically listed are permitted based on the consistency of each use with the intent of the district in which it is located.

(a) *Accessory dwelling standards.*

1. Single-family dwellings constructed and used as accessories to the primary dwelling on the property (otherwise



Permitted Accessory Structures																
P - Permitted																
S - Special Exceptions																
	A	RR	R1.0	R2.5	R3.5	R5.0	RMH	RM	CN	CC	CR	IN	IBD	IL	IG	
<b>Use of Structure</b>																
Amateur radio and radio receiver antenna (see § 156.062(B)(6)(b))	P	S	S	S	S	S	S	S	S	P	P	P	P	P	P	
Attached and detached decks 30 inches or more above grade	P	P	P	P	P	P	P		P							
Recreational greenhouses (less than 50 sq. ft.)	P	P	P	P	P	P										
Detached garages and carports (1)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Dwelling, accessory	S	S	S	S	S	S	S		S							
Home occupation	S	S	S	S	S	S	S	S								
Mini-barns, sheds and gazebos (2)	P	P	P	P	P	P	P	P	P							
Swimming pools and hot tubs (above- ground and in-ground)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Use of Land</b>																
Commercial parking lot or garage									P	P	P		P	P	P	
NA - Not Applicable																
(1) Carports not on a permanent foundation and less than 200 square feet shall not be counted as an accessory structure and shall be exempt from this section.																
(2) Permitted per residence or business use (no more than two of any type of accessory structure is permitted).																

(7) *Park and recreation facility accessory uses and structures.* Where park and recreation facilities are permitted, customary accessory uses and structures including but not limited to restrooms, refreshment stands and sporting goods sales are also permitted, subject to the following standards:

(a) *Area.* The maximum cumulative area occupied by accessory uses and structures, including any parking intended for accessory structure use that is separate from park and recreation area primary parking, shall not exceed 10% of the park and recreation site;

(b) *Subordinate role.* The accessory uses and structures shall be subordinate to the recreational character of the development;

(c) *Design focus.* The accessory uses and structures shall be located, designed and intended to serve only the needs of the park and recreation facility;

(d) *Visibility.* The accessory uses and structures shall present no visible evidence of their business nature to areas outside the park or recreation park facility;

(e) *Parking.* Parking for accessory uses and structures shall be consistent with the parking standards of § 156.069; and

(f) *Waste containers.* All dumpsters and other waste containers shall be screened consistent with § 156.076.

(8) *Multi-family dwelling/manufactured home park accessory uses and structures.* Where multi-family dwellings or manufactured home parks are permitted, customary incidental uses and accessory structures including but not limited to management offices, sales offices, storage facilities, day-care centers, self-service laundries, fitness centers, community centers, and recreation centers, shall also be permitted, subject to the following standards:

(a) *Area.* The maximum cumulative area occupied by accessory uses and structures, including any associated parking shall not exceed 10% of the park and development site;

(b) *Subordinate role.* The accessory uses and structures shall be subordinate to the recreational character of the development;

(c) *Design focus.* The accessory uses and structures shall be located, designed and intended to serve only the needs of the development;

(d) *Visibility.* The accessory uses and structures shall present no visible evidence of their business nature to areas outside the multifamily or manufactured home park facility;

(e) *Parking.* Parking for accessory uses and structures shall be consistent with the parking standards of § 156.069; and

(f) *Waste containers.* All dumpsters and other waste containers shall be screened consistent with § 156.076.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2008-8D, passed 8-18-08; Am. Ord. 2014-5E, passed 7-15-14; Am. Ord. 2015-8A, passed 8-4-15)

### **§ 156.063 TEMPORARY USES AND STRUCTURE STANDARDS.**

(A) *Intent.* The purpose of these temporary use and structure standards is to establish minimum standards for the temporary use of property and the placement of temporary structures in order to:

- (1) Accommodate the temporary needs or properties and land uses;
- (2) Ensure that temporary uses do not become permanent without proper scrutiny, and
- (3) Protect the public welfare from the unique hazards that can be created by temporary uses and structures.

(B) *General temporary use and structure standards applicable to all zoning districts.*

(1) *Temporary structure standards.* All temporary structures shall conform to the following requirements:

(a) *Applicable development standards.* Temporary structures must meet all development standards for a permanent accessory structure unless otherwise specified in this section.

(b) *Temporary structure time limits.* Any temporary structure used for a permitted primary use may be permitted for up to two years, unless otherwise specified by this chapter.

(2) *Temporary use and structure standards.* Temporary uses and structures are permitted in any zoning district provided that the use is a permitted use in that zoning district. All temporary uses and structures shall conform to the following requirements:

(a) *Permit requirements.* All temporary uses and structures shall require an improvement location permit unless otherwise specified in this section. No temporary use or structure, or the related signs, lighting, parking, etc. shall be constructed or placed upon a site prior to all necessary permits being obtained.

(b) *Time limits.* Temporary uses and/or structures that seek extensions of the initial time limits established in this section shall be subject to administrative approval.

1. An unlimited number of one year extensions may be granted by the Board of Zoning Appeals or the Planning Director. The Board may impose reasonable conditions as part of its approval.

2. No extensions of the time limits described in this section shall be considered for any temporary use or structure that violates any requirements of this chapter as it existed at the time the extension is requested.

(c) *Removal.* All temporary uses and/or structures must be removed and the site reverted to its original condition within the duration of the permit or any extension thereof.

(3) *Construction trailers.* Construction trailers are permitted as temporary structures during times of construction activity. Construction trailers shall not be located in any required setback or buffer yard.

(4) *Construction dumpsters.* Dumpsters for construction-related debris shall be permitted as temporary structures during times of construction activity. Dumpsters shall not be located in any required setback or buffer yard.

(C) *Residential temporary use and structure standards applicable to the single-family residential zoning districts.* The following temporary uses and structures are permitted as described below, no permit shall be required unless otherwise specified.

(1) *Garage/yard sales.* Garage/yard sales are permitted to occur four times per calendar year, for a maximum of 30 days per calendar year. Garage/yard sales shall be distinguished from flea markets in that garage/yards sales are clearly incidental to residential uses, while flea markets are commercial businesses and primary uses. In no instance shall this provision be interpreted as permitting the operation of a flea market.

(2) *Children's roadside stands.* Children's roadside stands shall be permitted, but shall not be located in any public right-of-way.

(3) *Temporary home sales facilities.*

(a) Temporary model homes and temporary sales trailers shall be permitted in each development until either:

1. Building permits have been obtained for greater than 90% of the lots included in the preliminary plat for the

development, or

2. Two years from the date of approval of the secondary plat or final detailed plan for the most recent section of the development, whichever is less.

(b) An improvement location permit shall be required.

(c) *Location.* Temporary home sales facilities shall be located on a lot in the development in which the homes are for sale. No other structures shall be permitted on any lot occupied by a model home or temporary sales trailer.

(d) Design requirements. The placement of home sales facilities shall be consistent with the following requirements.

1. *Uses.* The use of the facility shall be limited to open house purposes for prospective buyers. Temporary home sales facilities may not be directly used for the purpose of selling homes in other developments or in other communities.

2. *Signs.* Signs shall be placed in a manner consistent with the intersection sight visibility standards in §156.072 and in compliance with sign standards in § 156.086.

3. *Lighting.* All exterior lighting for model homes shall be limited to typical household exterior lighting. The use of all other types of lighting, including floodlighting and search lights shall be prohibited.

4. *Parking.* Temporary home sales facilities shall conform with the following parking requirements:

a. Model homes shall provide a minimum of two off-street parking spaces for the use of salespersons and potential buyers. The parking spaces shall conform to the size requirements of this chapter. Off-street parking for the facility shall be located in, and not extend beyond, the driveway. The driveway area shall be consistent in size and paving with those of the homes to be constructed in the development.

b. Temporary sales trailers shall provide two off-street parking spaces. The spaces shall be surfaced with stone meeting the requirements of the County Highway Engineer.

5. *Landscaping.* Temporary home sales facilities shall conform with the following landscaping requirements:

a. Model homes shall provide landscaping consistent with that which will be provided for homes to be constructed in the development.

b. Temporary sales trailers shall provide a landscape area extending from the trailer for five feet in each direction. The landscaping shall include a variety of shrubs and other materials consistent with the landscaping design of the development. The trailer site shall be graded to ensure proper drainage and treated with a combination of grass seed and sod appropriate to prevent erosion and provide a lawn consistent with that of the homes to be built in the development.

(e) Model home conversion. Prior to the sale of a model home for use as a residence, all signage shall be removed and the garage area restored.

(f) *Sales trailer conversion.* Any builder using a temporary home sales trailer and either constructing an approved model home, or removing the trailer, shall restore the trailer site to pre-installation conditions, removing the trailer and any associated signage and lighting. If the trailer is to be replaced by a model home, the trailer and all associated site features shall be removed prior to the issuance of a permanent certificate of occupancy for the model home.

(Ord. 2007-1B, passed 2-5-07)

## **§ 156.064 INDUSTRIAL OPERATION STANDARDS.**

(A) *Intent.* The purpose of these industrial operation standards is to minimize the conflicts between industrial and other land uses and to protect persons and property from the possible by-products of industrial operations.

(B) *General industrial operation standards applicable to the industrial zoning districts:*

(1) *General standards.* All uses placed into operation after the effective date of this chapter shall comply with all federal and state standards, as well as the following general standards in the interests of protecting public health, safety, and general welfare and lessening potential damage to property. No use in existence on the effective date of this chapter shall be altered or modified in a manner that conflicts with these standards.

(a) *Fire and explosive hazard.* Firefighting equipment and prevention measures shall be subject to the approval of the governing fire agency and shall be readily available and apparent when any activity involving the handling and storage of flammable or explosive materials is conducted.

(b) *Noise.* No use on a property shall create a production or operational noise, or combination of noises that are detectable without the aid of instruments at the boundary line of any residential or commercial zoning district.

(c) *Odor.* No use on a property shall emit any objectionable odor, or combination of odors, that is detectable without the aid of instruments at the boundary line of any residential or commercial zoning district.

(d) *Vibration.* No use on a property shall cause any objectionable vibrations or concussions that are detectable without the aid of instruments at the property lines of the lot on which the use is located.

(e) *Glare and heat.* No use on a property shall produce any glare or heat that is detectable without the aid of

instruments at the property lines of the lot on which the use is located. All outdoor lighting shall be exempt from these industrial standards, but shall comply with the outdoor lighting standards of § 156.077.

(f) *Noxious or toxic materials.* No use on a property shall accumulate or discharge outside any building materials, gases and fluids generally known to be toxic or noxious. Such uses shall also comply with all applicable regulations of the Hancock County Board of Health.

(g) *Waste materials.* No use on a property shall accumulate on the lot, or discharge beyond the lot lines any waste matter in violation of the applicable standards and regulations of the Hancock County Board of Health and/or Indiana State Board of Health

(h) *Water pollutants.* No use on a property shall discharge any material, whether liquid, solid or gas, into public waters without any required approvals of the Hancock County Board of Health and/or Indiana State Board of Health.

(2) *Exemptions.* The industrial standards provided by this chapter shall be subject to the following exemptions:

(a) *Farming operations.* Any applicable "Right to Farm" laws may supercede these standards as they pertain to farming and agricultural uses.

(b) *Exemptions.* The following uses, activities, and circumstances shall be exempt from the standards established by this section:

1. *Construction and maintenance.* Site preparation or the construction, maintenance, repair, alteration, or improvement of structures, equipment or other improvements on or within the lot lines of the subject property;

2. *Motor vehicles.* The operation of motor vehicles for the transportation of personnel, material, or products; and

3. *Public safety alerts.* Public safety sirens and related apparatus used solely for public purposes and/or necessary for the protection of life, limb, or property.

(3) *Applicability.* All uses shall conform with any and all applicable requirements of the state and federal governments (including the standards of the Occupational Safety and Health Administration - OSHA). No use on a property shall exhibit obnoxious characteristics to the extent that it constitutes a public nuisance defined by and subject to the Hancock County Code. In cases where the requirements of this chapter are in conflict with other applicable requirements, the most restrictive shall apply.

(4) *Interpretation.* The industrial standards established by this section provide general guidelines for discussing expectations with new and expanding industrial operations. They also provide references to applicable state and federal regulations. Where applicable the determination of conformance of industrial operations with the requirements of this section shall be determined by the Area Plan Commission, BZA, or Planning Director when consistent with the petition review processes established by this chapter.

(Ord. 2007-1B, passed 2-5-07)

## **§ 156.065 RESIDENTIAL STANDARDS**

(A) *Intent.*

(1) The purpose of these residential standards is to:

(a) Provide minimum requirements for residential facilities and

(b) Establish the unique standards for new residential developments.

(2) This section also establishes requirements for residential facilities for the developmentally disabled and mentally ill that both minimize conflicts with other uses and permits the establishment of such facilities consistent with I.C. 12-28-4-7.

(B) *Residential facility standards applicable to the single-family residential, multi-family residential, commercial, and institutional zoning districts.*

(1) *Residential facilities for the mentally ill.* Residential facilities for the mentally ill shall be permitted but are designated a special exception use to require notice and public hearing consistent with §§ 156.020 et seq.. All such facilities shall be required to comply with all licensing and operational standards of the State of Indiana.

(a) *Exclusion prohibited.* In no instances shall a residential facility for the mentally ill be prohibited from locating, expanding, or operating in a residential area solely because the facility is a business or because the individuals residing in the facility are not related.

(b) *Separation.* A residential facility for the mentally ill may be excluded from a residential area if the residential facility will be located within 3,000 feet of another residential facility for the mentally ill, as measured between lot lines.

(2) *Residential facilities for the developmentally disabled.* Residential facilities for the developmentally disabled Type I shall be a permitted use consistent with §§ 156.030 et seq. Residential facilities for the developmentally disabled Type I are defined as those that are not designed for, nor accommodate more than eight developmentally disabled individuals. Type II facilities which accommodate more than eight developmentally disabled individuals, consistent with I.C. 12-28-4-7, are designated a special exception use and will be permitted after public hearing.

(C) *Residential development and design standards applicable to the multi-family residential, and residential manufactured home park zoning districts unless otherwise noted.* It is the intent of these design standards to promote both technically and aesthetically pleasing housing options for the residential developments planned in Hancock County, Indiana.

(1) *Residential subdivision layout.*

(a) *Open space.*

1. Residential zoning districts R2.5 and R3.5 shall include provisions for recreation preserve areas, which shall be accessible by means of walking, hiking, biking, or automobile, and shall total in acreage, 6% of the gross number of acres. Land preserved as required in division (C)(1)(e) shall not be included in this area. Multifamily residential open space shall be provided at a minimum of 8% of the net land area.

2. Developments classified as R5.0 shall include provisions for recreation preserve areas, which shall be accessible by means of walking, hiking, biking, or automobile, and shall total in acreage, 10% of the gross number of acres. Land designated as floodplain shall not be counted towards required open space unless it is designated as common area and accessible to all owners of the common area.

(b) *Pedestrian access.* Residential zoning districts R1.0, R2.5, R3.5 and R5.0 shall include public sidewalks that shall be constructed by the builder/lot owner at the time of construction of the residence. Minor subdivision plats shall be exempt from the above requirement. All sidewalk design and construction shall comply with the Americans with Disabilities Act (ADA), as amended. The restrictive covenants of the development shall include the following maintenance covenant text and be recorded with the plat of the development:

"The developer or property owner (lot owner) shall be responsible for constructing a four-foot wide concrete sidewalk of 4,000 PSI strength plain cement four inches thick, sloped ¼-inch per foot toward the street with expansion joints each 48 inches along the entire street frontage of their respective lot. The sidewalk shall be constructed prior to completing finish lot grading. The sidewalk shall be located one foot inside the street right-of-way line, (not on the lot) and parallel to the street right-of-way line. The one year from completion of residence. Thereafter, the homeowners association shall be responsible for maintenance and upkeep of the sidewalk except for any damage done by the adjoining lot owner. All public sidewalks lot owner is responsible for the repair and maintenance of the sidewalk for the initial shall comply with all Americans with Disabilities Act (ADA), as amended, requirements and in the situation of a conflict between ADA rules, covenants or other regulations, the ADA shall govern."

(c) *Community structure.* In developments with greater than 300 dwelling units, the development plan shall include provisions for a civic or community building (clubhouse) which will be available to all property owners within the development. Any civic or community building shall have a ground floor area of no less than 2,000 square feet and comply with the same architectural guidelines and covenants which are applicable to the residences proposed for the development.

(d) *Public safety.* In developments zoned R2.5, R3.5 or R5.0 the petitioner/developer shall submit the development plan to the governing fire agency for review to determine if the plan shall include provisions to preserve land for future fire structures. If the fire agency so determines that a need exists for land, the Hancock County Area Plan Commission may require, the petitioner to include in the plans of the development, such reserved land areas up to two acres. At such time as that land is platted, the developer shall include the land in the plat and deed the land to the governing fire agency within 60 days thereafter, or upon taking title to the land.

(e) *Community amenity.* In developments that are zoned R3.5 or R5.0 and which are greater than 120 and less than 239 acres, shall include provisions for public recreation such as baseball fields, soccer fields, basketball court, tennis courts, fitness trails and the like. The land set aside for such uses shall be a minimum of five acres and shall increase five acres for each additional 120 acres that the gross number of acres exceeds 239 acres. The park land shall be transferred to the public park association or governmental body responsible for maintenance upon recording the plat for the area upon the consent of the public park association or government body responsible for maintaining such areas. If at the time of recordation of the plat, a park board or governmental body does not exist, the land shall be deeded to the homeowners association for maintenance and control. After five years from the date of recordation, if no responsible governmental body has been formed or does not formally request title to the land, the homeowners association shall use the land for the benefit of the development as set forth above. The use may include park amenities, sports fields, trails, community buildings and other uses which meet the intent of this section of the chapter and shall be consistent with all applicable zoning commitments, codes and regulations.

(f) *Block length.* The maximum length of a block of residences along a perimeter of the development, excluding frontage along a public road, shall not exceed 500 feet. Acceptable block breaks include a future street stub; neighborhood park a minimum of 100 feet in width; lot configuration which causes the residence orientation to be altered a minimum of 60 degrees; change in building minimum standards which alter the rear elevations of the residences to give the appearance of a block change (roof line changes, rear wall alignment).

(g) *Street interconnectivity.* In all developments there shall be a plan for vehicular connections into undeveloped tracts or parcels of land. Streets designed for future extensions shall have public right-of-way platted to the developer's property line so as not to create future right-of-way takings or purchases upon extension. A barricade shall be constructed on the extension to prevent accidental passage into undeveloped areas.

(h) *Driveway.* In residential zoning districts R1.0 R2.5, R3.5 and R5.0 the driveway on corner lots shall be handed in the opposite side from the intersection of the street right-of-way lines.

(i) *Mailboxes.* In residential zoning districts R1.0 R2.5, R3.5 and R5.0 the developer, in the subdivision covenants, shall establish a uniform design and specification for all mailboxes. The design and specifications shall be done in accordance with the U.S. Postal Service regulations. Further, all county regulations for the placement of mailboxes shall be adhered to.

(j) *Landscaping.* Landscaping as stated below shall be required for all single and multifamily subdivision development prior to the issuance of a certificate of occupancy. Extensions of up to 120 days may be granted to take advantage of optimal planting conditions. Individually or custom constructed residences shall provide landscaping within 180 days after the certificate of occupancy is issued.

1. *Perimeter plant material.* Perimeter plant material shall be provided on the perimeter of subdivision development when adjacent to a public way as follows:

a. A 20-foot landscaping area adjacent to the road or right-of-way. The landscaping shall be located in an area designated as common area. All attempts should be made to avoid conflicts with drainage and utility easements that would prevent the installation of landscape materials in accordance with the ordinance.

b. Trees shall be provided at a minimum rate of six trees per 100 lineal feet of perimeter planting. Perimeter plantings shall be a roughly equal mix of deciduous canopy trees and evergreen trees.



***Perimeter Mound with Landscaping***

c. Shrubs shall be provided at a minimum rate of ten per 100 lineal feet of perimeter planting.

d. Calculation. Trees and shrubs shall be prorated and rounded up to the nearest whole number for every foot over the initial 100 feet.

e. Planting pattern. It is suggested that the required trees and shrubs be at least 50% evergreen, planted in clusters or irregular patterns; and shall be combined with.

2. *Perimeter fences/walls/mounds.* One of the following landscaping options shall be required in addition to the plant material.

a. Decorative perimeter fences/walls shall be combined with plant material and shall be constructed of masonry, stone, wood, or decorative metal. Fences/walls constructed of synthetic materials that simulate natural materials will also be considered. Fences/walls shall be at least 36 inches in height, but not over 72 inches in height. Fencing/walls may only be provided by the developer and only located in the area designated as "common area" or "landscape easement". Landscaping shall be placed on the right-of-way side of the fence/wall.

b. Mounds. Mounds shall be combined with plant material, as described above, and may include fencing. Mounds shall be located in an area designated as "common area" or "landscape easement." Mounds shall be a minimum of three feet in height. Maximum side slope shall not exceed a 3:1 ratio. Engineering design requirements shall determine the setback from the right-of-way line of a public or private street and from the property line of an adjoining property. Continuous mounds (levee look) are not permitted.

3. *Common area.* Where a common area is designated on the plat or development plan of a commercial or residential project, a property or homeowner's association shall be formed and shall be required to provide necessary maintenance to said common areas as division (C)(1)(k).

4. *Individual lots.* The minimum landscape package for front and side yards shall be consistent with the following table:

<b>Zoning District</b>	<b># of Trees</b>	<b>Minimum # of Shrubs</b>	<b>Front Yard Sod</b>
R2.5	3	8	No
R3.5	3	10	Yes
R5.0	2	12	Yes

a. The minimum number of shrubs required is a total for the side and front yard combined, not for each yard



individually.

b. All trees shall be a minimum of two-inch caliper and all shrubs shall be a minimum of 18 inches in height per National Nursery Standards.

c. Lots that have existing trees in the front yard that meet the required minimum shall not be required to plant additional trees. In order for the existing trees to qualify as an existing tree it must be a minimum size of two-inch caliper measured six inches above the existing ground elevation at the base of the tree and be part of the finish landscape package upon completion of the residence and the final lot grading.

d. In addition to the above requirements, landscape packages for corner lots shall include a street-side yard (which shall be defined as the yard fronting the street on the side of the house that does not face the street) plan of one evergreen tree with a minimum height of six feet and 12 shrubs. The street-side yard shall be sodded for all developments designated R1.0 and higher densities.

e. All trees shall be planted such that upon maturation the branches and limbs shall not interfere with the adjacent property use. Any tree becoming such a nuisance shall be trimmed or cut back to eliminate the nuisance by the property owner.

f. Plant material shall be placed out of the sight visibility triangle in §156.072. There should be a clear visibility zone between 36 inches and nine feet maintained by the property owner.

(k) *Homeowners association.*

1. In developments which include any of the following, the developer shall be required to establish a homeowners association in accordance with the laws of the State of Indiana prior to transferring title to any property within the development.:

- a. The density is equal to or greater than 0.5 units per acre;
- b. Common or open areas;
- c. Landscaped entryway which will require annual maintenance; or
- d. Public sidewalks.

2. The homeowners association shall be formed as a corporation in a form similar to the sample association in Appendix A, incorporated herein by reference. The covenants of the subdivision secondary plat shall include the following language:

a. Homeowners association. Each lot owner in this subdivision or addition, by acceptance of a deed conveying title thereto, whether from the developer or a subsequent owner of such lot, shall accept such deed subject to the provisions of the bylaws of the (*insert the name of the association*) Homeowners Association, Inc., and thereby becomes a member of the (*insert the name of the association*) Homeowners Association, Inc., for the purposes outlined herein. The Homeowners Association, Inc. shall be self-perpetuating and will not be disbanded.

b. The homeowners association shall be professionally managed by a licensed property manager which shall be required by the association bylaws. The laws of the association shall further require that revisions to the bylaws, covenants, and/or the management firms' contract may occur only upon the consent of 80% or more of the lien holders of the property in the subdivision (not the property owners).

(l) *Waste.* In residential zoning districts R1.0 or greater, the developer shall require the homeowners association to contract with only one trash collection company for the entire development. The trash collection company shall also provide curbside recycling for the development.

(2) *Residential subdivision architectural standards.* Major or minor subdivisions in residential zoning districts R2.5, R3.5 and R5.0, located within one mile of a municipal boundary, shall include the following minimum building design standards:

(a) Homes located adjacent to and directly across the street from each other shall not be of the same front elevation. This does not prohibit the home to the rear from being the same front elevation.

(b) Exterior chimneys for fireplaces shall be masonry in entirety unless placed on the rear exterior wall of the residence. Chimneys that do not originate on an exterior wall that protrude through the roof may be of material other than masonry, excluding aluminum.

(c) Roof pitch shall be no less than 6/12.

(d) Nine-inch overhangs on all roofs, except side gables may use an architectural alternative such as articulated cornices which create a dimensional affect with wood, vinyl or aluminum subject to Planning Director approval.

(e) Residences built on corner lots shall include a minimum of three windows of minimum size three feet by five feet, on the side of the home facing the street (street-side yard).

(f) Interior drive widths. The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:

1. For single- and two-family residential uses the minimum driveway width shall be 12 feet.

2. For all multi-family uses refer to § 156.069.

(g) Developments in zones R2.5, R3.5 and R5.0 may contain fences in the street side yard provided the fences are consistently themed with the residence and are at least 50% open. Chainlink is prohibited in the front and street sideyard. Fences shall be no higher than 42 inches from the adjacent finished grade. The fence may be located no closer than five feet from the right-of-way and shall be located no closer than ten feet of the front line of the residence. The fence shall also be located outside of the sight visibility triangle if higher than 36 inches.

(h) Facade/exterior material shall be masonry veneer (brick, stone, textured and colored concrete masonry units), wood, fiber cement board siding, stucco, composite lap siding, decorative precast panels, aluminum, or heavy-gauge vinyl. Vinyl siding shall be approved and endorsed as meeting or exceeding ASTM D3679 by the Vinyl Siding Institute (VSI) through the VSI siding certification program. The minimum thickness of vinyl siding shall be 0.048 inches; Lap siding shall have a maximum nine-inch exposed board face.

1. Front elevation. All homes shall have masonry (brick, stone, textured and colored concrete masonry units) on a minimum 50% of the front elevation, excluding doors, windows, and other openings.

2. Side and rear elevations. Side and rear elevation of homes that abut a public way shall have at least 30% masonry as the exterior building material on that visible elevation and shall contain at least one architectural feature.

3. Unless adjacent to masonry wrap, all windows, doors and corners shall have a minimum nominal one-inch by six-inch wood or vinyl surround, shutters, decorative trim or headers.

4. The Planning Director may consider a request for modification to the masonry requirement when extraordinary or innovative architectural styles (Victorian, Farmhouse, Cape Cod) that provide many other architectural features maintain the spirit rather than the intent of the design guidelines.

(i) Architectural features. All houses shall have a minimum of four features from the following list. Porches, side-load or court-entry garages, or full first floor masonry wrap, each count as two features towards the required four.

1. Front porch - minimum eight feet in width and four feet in depth supported by columns;
2. Veranda/balcony;
3. Reverse gable;
4. Turrets;
5. Two or more roof planes visible on the front of the house;
6. Decorative garage doors or windows in garage doors;
7. A separate overhead door for each single garage bay;
8. Side-loaded or court-entry garage;
9. Brick, stone or textured concrete masonry on 100% of the front elevation (excluding openings);
10. At least four feet of relief at one or more points along the front or rear elevations;
11. Full first floor masonry wrap;
12. Sunroom, screened porch, or breakfast nook on rear for relief;
13. Transom windows;
14. Bay windows;
15. Two or more dormers; and
16. Decorative geometric front, rear and side gable roof vents or windows; and
17. Window grids/grills.

(j) Dimensions. A single-family dwelling façade shall comprise at least 55% of the total facade width. The attached garage shall not exceed more than 45% of the facade width.

(k) Entries. Single-family dwelling entries shall have a presence toward the street and be accented with at least one building-mounted light fixture.

(l) Windows. Windows are required on all sides of the dwelling that are adjacent to a street, common area, or not perpendicular to the street.

(m) Roof.

1. Minimum pitch: 6:12.

2. Materials. Roof materials such as tile, slate, cedar shake with fire protection, three-dimensional asphalt, fiberglass shingles, standing seam metal, or other approved metal that simulates traditional roofing materials shall be used

on all structures.

(n) Garages. Each home shall have a minimum attached two-car garages.

1. Three-car garages. The third bay shall have a separate door and shall be recessed at least two feet from the other bays.

2. Garage-forward design:

a. Front-loaded garages that protrude between 8 and 12 feet forward of the dwelling area shall have at least one window installed in the garage wall that is perpendicular to the facade of the dwelling.

b. Front-loaded garages that protrude between 12 and 16 feet forward of the dwelling area shall have at least two windows installed in the garage wall that is perpendicular to the facade of the dwelling.

c. Garages that protrude more than 16 feet shall be side-loaded and shall install a window(s) that faces the street.

(3) *Residential subdivision architectural standards.* Major or minor subdivisions in residential zoning districts R2.5, R3.5 and R5.0, located beyond one mile of a municipal boundary, shall include the following minimum building design standards:

(a) Homes located adjacent to and directly across the street from each other shall not be of the same front elevation. This does not prohibit the home to the rear from being the same front elevation. No more than 15% of the homes shall have the same front elevation.

(b) Exterior chimneys for fireplaces shall be masonry in entirety.

(c) Roof pitch shall be no less than 6/12.

(d) 12-inch overhangs on all roofs.

(e) Residences built on corner lots shall include a minimum of three windows of minimum size three feet by five feet, on the side of the home facing the street (street-side yard).

(f) Interior drive widths. The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:

1. For single- and two-family residential uses, the minimum driveway width shall be 12 feet.

2. For all multi-family uses refer to § 156.069.

(g) Developments in zones R2.5, R3.5 and R5.0 may contain fences in the street side yard provided the fences are consistently themed with the residence and are at least 50% open. Chainlink is prohibited. Fences shall be no higher than 42 inches from the adjacent finished grade. The fence may be located no closer than five feet from the right-of-way and shall be located no closer than ten feet of the front line of the residence. The fence shall also be located outside of the sight visibility triangle if higher than 36 inches.

(h) Facade/exterior material shall be masonry veneer (brick, stone, textured and colored concrete masonry units), wood, fiber cement board siding, stucco, composite lap siding, decorative precast panels, or aluminum.

1. Front elevation. All homes shall have masonry (brick, stone, textured and colored concrete masonry units) on a minimum 60% of the front elevation, excluding doors, windows, and other openings.

2. Side and rear elevations. Side and rear elevation of homes that abut a public way shall have at least 40% masonry as the exterior building material on that visible elevation and shall contain at least two architectural features.

3. Unless adjacent to masonry wrap, all windows, doors and corners shall have a minimum nominal one-inch by six-inch wood surround, shutters, decorative trim or headers.

4. The Planning Director may consider a request for modification to the masonry requirement when extraordinary or innovative architectural styles (Victorian, Farmhouse, Cape Cod) that provide many other architectural features maintain the spirit rather than the intent of the design guidelines.

(i) Architectural features. All homes shall have a minimum of six features from the following list. Porches, side-load or court-entry garages, or full first floor masonry wrap, each count as two features towards the required six.

1. Front porch - minimum eight feet in width and four feet in depth supported by columns;

2. Veranda/balcony;

3. At least two reverse gable;

4. Turrets;

5. Two or more roof planes visible on the front of the house;

6. Decorative garage doors or windows in garage doors;

7. A separate overhead door for each single garage bay;

8. Side-loaded or court-entry garage;
9. Brick, stone or textured concrete masonry on 100% of the front elevation (excluding openings);
10. At least four feet of relief at one or more points along the front or rear elevations;
11. Full first floor masonry wrap;
12. Sunroom, screened porch, or breakfast nook on rear for relief;
13. Transom windows;
14. Bay windows;
15. Two or more dormers;
16. Decorative geometric front, rear and side gable roof vents or windows; and
17. Window grids/grills.

(j) **Dimensions.** A single-family dwelling facade shall comprise at least 65% of the total facade width. The attached garage shall not exceed more than 35% of the facade width.

(k) **Entries.** Single-family dwelling entries shall have a presence toward the street and be accented with at least two building-mounted light fixtures.

(l) **Windows.** Windows are required on all sides of the dwelling that are adjacent to a street, common area, or not perpendicular to the street.

(m) **Roof.**

1. Minimum pitch: 6:12.

2. **Materials.** Roof materials such as tile, slate, cedar shake with fire protection, three-dimensional asphalt, fiberglass shingles, standing seam metal, or other approved metal that simulates traditional roofing materials shall be used on all structures.

(n) **Garages.** Each home shall have a minimum attached two-car garages.

1. Three-car garages. The third bay shall have a separate door and shall be recessed at least two feet from the other bays.

2. **Garage-forward design:**

- a. Front-loaded garages that protrude between 8 and 12 feet forward of the dwelling area shall have at least one window installed in the garage wall that is perpendicular to the facade of the dwelling.

- b. Front-loaded garages that protrude between 12 and 16 feet forward of the dwelling area shall have at least two windows installed in the garage wall that is perpendicular to the facade of the dwelling.

- c. Garages that protrude more than 16 feet shall be side-loaded and shall install a window(s) that faces the street.

(4) **Cluster subdivisions.**

(a) **Exceptions.** Cluster subdivisions are exceptions to residential zoning classification standards for the development of cluster subdivisions. The following section shall apply for any primary plat of a subdivision approved after the effective date of this section in the R1.0 R2.5, R3.5 R5.0 or any other zoning classification that allows single-family or two-family dwellings as a special exception.

(b) **Development standards.** Any subdivision, the plat of which is submitted for plat approval in accordance with Chapter 155, Subdivision Control Regulations, may be developed as a cluster subdivision in accordance with the following:

1. **Purpose.** Cluster subdivisions are intended to allow greater flexibility in the design and development of subdivisions, in order to produce innovative residential environments, provide for more efficient use of land, protect topographical features, and permit common area and open space to accomplish this purpose. The following regulations and exceptions shall apply only to cluster subdivisions.

2. **Exceptions.** Exceptions to the development standards relating to the subdivision's lot size, shape and dimensions may be permitted for individual lots within a cluster subdivision, as follows:

- a. **Project area (minimum size of subdivision).** There shall be a minimum of five acres required for the development of a cluster subdivision. The tract of land to be developed shall be in one ownership or shall be the subject of an application filed by or on behalf of the owners of the entire tract. The tract shall be developed as a unit and in the manner approved.

- b. **Project density.** The overall maximum density of the proposed cluster subdivision shall remain the same as that permitted by developing the same site area into developable lots in full compliance with the applicable underlying zoning district regulations and Chapter 155, Subdivision Control Regulations.

c. *Sewers.* Attachment to public or semipublic water and sanitary sewer facilities shall be mandatory for development in any cluster subdivision with a minimum lot area of less than 43,000 square feet.

d. *Area, width, setback and open space for individual lots.*

i. Individual lots in a cluster subdivision are exempt from the following development standards of the applicable residential zoning classification:

- A. Minimum lot area;
- B. Minimum lot width;
- C. Minimum lot width at setback; and
- D. Minimum side and rear yard setback regulations.

ii. Minimum side and rear yard setback regulations may be modified as follows:

- A. Setback from any subdivision boundary property lines: 20 feet.
- B. The minimum rear yard setback: 15 feet.

C. The minimum side yard setback shall have a minimum depth in accordance with the following regulations provided that a minimum distance of 15 feet is maintained between buildings on adjacent lots:

R-1	2 feet
R-2.5	8 feet
R-3.5	6 feet
R-5	6 feet
All other zoning classification s	8 feet

iii. Any plat of a subdivision submitted for plat approval in accordance with the Chapter 155, Subdivision Control Regulations, subsequent to the effective date of this section, may reduce the minimum side yard requirement for one side yard of each lot to zero provided that:

- A. A minimum distance of 15 feet shall be required and maintained between all buildings on adjacent lots;
- B. No windows or doors shall be provided or maintained on that portion of the structure which reduces the required side yard by use of this exception; and
- C. An easement, providing for the continual maintenance of that portion of the structure that reduces the required side yard by use of this exception is provided, recorded and maintained.

iv. Minimum street frontage. Minimum street frontage may be reduced to 15 feet provided, however, that each individual lot shall have direct access to a public street.

v. Minimum open space. Individual cluster lots shall have a minimum open space of 50% percent.

vi. The amount of permanent open space created by the development of the site as a cluster subdivision shall be equivalent to, or more than, the total reduction in lot sizes. At least 75% of the total amount of open space shall consist of tracts of land at least 50 feet wide.

vii. The permanent open space created by the development of the site as a cluster subdivision shall be provided in such a manner that it is preserved in its naturally occurring state for passive recreational activities. A subordinate amount of this permanent open space may be developed as a common recreational area. The permanent open space created by the development of the site as a cluster subdivision shall further be provided in such a manner that it is accessible to residents of the subdivision and for maintenance. The permanent open space shall perpetually run with the subdivision and shall not be developed or separated from the cluster subdivision at a later date. Provisions shall be made for continuous and adequate maintenance at a reasonable and nondiscriminatory rate of charge.

(c) *Procedures for cluster subdivision approval.*

1. The petitioner shall submit a site plan, commitments and covenants for the property proposed for a cluster subdivision consistent with the procedures set forth in §§ 156.105 and 156.106 for review and conceptual design approval by the Plan Commission Director prior to filing for plat approval. The Plan Commission Director shall compare the proposed cluster subdivision with the site plan showing the same site developed in compliance with the applicable residential zoning classification and determine the appropriateness of cluster design for the site.

2. In determining the appropriateness of cluster design for the site, the Plan Commission Director shall look for the following attributes:

- a. Protection of unique topographical features on the site, including, but not limited to: slopes, streams, and natural water features;

- b. Protection and preservations of wooded areas, individual trees of significant size, wetlands, or other environmentally sensitive features;
- c. Development of common open space and recreational areas easily accessible to residents of the subdivision including provisions for walkways and bikeways;
- d. Provide a more efficient use of the land;
- e. Produce innovative residential environments;
- f. Minimize the alteration of the natural site features to be preserved through the design and situation of individual lots, streets, and buildings;
- g. Diversity and originality in lot layout and individual building design shall be encouraged to achieve the best possible relationship between development and the land; and
- h. Relationship to surrounding properties, improvement of the view from and of buildings, and minimizing of the land area devoted to motor vehicle access shall be encouraged through the arrangement and situation of individual lots, buildings and units.

3. The Plan Commission Director shall further review the proposed cluster subdivision to ensure that the proposed cluster development will be constructed, arranged, and operated so as not to interfere with the development and use of neighboring property, in accordance with the applicable district regulations, to include any necessary transition along the perimeter of the development with adjacent single-family zoning districts.

4. If upon review, the Plan Commission Director, based upon the attributes noted above, determines that the proposed cluster subdivision is not appropriate for the site, the Plan Commission Director shall inform the petitioner in writing of the determination. The petitioner may, within five business days, request a review from of the Plan Commission Director's decision by filing an approval petition before the Hancock County Area Plan Commission.

5. If upon review, the Plan Commission Director, based upon the attributes noted above, determines that the proposed cluster subdivision is appropriate for the site, the Plan Commission Director shall inform the petitioner in writing of the determination. The petitioner may then proceed with the filing of a petition for primary plat before the Hancock County Area Plan Commission. The filed plat shall be in substantial compliance with the proposed plat reviewed by the Plan Commission Director.

(d) *Maintenance of common open space areas.* Subsequent to the Plan Commission Director's determination that the proposed cluster subdivision is appropriate for the site, the petitioner shall submit with the filing of the primary plat documentary assurances that permanent dedications of the permanent open space areas shall be made and that adequate provision(s) is being made for continuous and adequate maintenance of projects permanent open space, common areas and recreation areas. The documentary assurances shall be incorporated in the plat that is recorded with the office of the Hancock County Recorder. No exceptions to these requirements shall be permitted unless the Plan Commission determines that the petitioner has adequately provided for such upkeep, protection and maintenance of open space, common area or recreational areas through other legally binding perpetual agreements.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2019-11B, passed 10-15-19)

#### **§ 156.066 HOME OCCUPATION STANDARDS.**

(A) *Intent.* The purpose of these home occupation standards is to establish minimum requirements for home-based businesses in order to protect the residential character of Hancock County's residential areas, preserve property values, and prevent the hazards to persons and property that can result from residential-commercial land use conflicts.

(B) *General home occupation standards applicable to the single-family residential, multi-family residential, and manufactured home zoning districts.* A home occupation may be permitted, subject to Board of Zoning Appeals approval of a special exception, as an incidental use to any dwelling unit. In order to be considered a permitted home occupation, the use shall comply with the following requirements:

(1) *Activities.* The face-to-face wholesale/retail sale of stocked inventories is not permitted, except for incidental sales that do not exceed 25% of total home occupation sales. Mail-order/telephone/internet sales, as well as distribution of sold merchandise is permitted. Manufacturing activities are not permitted.

(2) *Effects of operation.* There shall be no equipment or process used in the home occupation that creates noise, vibration, glare, smoke, fumes, odors, or electrical interference that is detectable, without the aid of instruments, off the premises (as determined by the Planning Director). There shall be no electrical or mechanical equipment utilized in the home occupation that will create any visual or audible interference with radio or television reception.

(3) *Owner/operator.* At least one person residing within the dwelling must be the primary operator of the home occupation.

(4) *Employees.* The home occupation may not involve the on-site employment or regular on-site gathering of any more than one person, other than those residing at the location of the home occupation.

(5) *Outdoor storage/display.* Their shall be no exterior storage of products, equipment or materials that are related to the home occupation.

(6) *Business area.* The home occupation may be located within the dwelling, but shall not exceed a total area of 500 square feet. The home occupation must utilize no more than 25% of the total floor area of the dwelling.

(7) *Structural alterations.* The home occupation must not require any structural or aesthetic alterations to the dwelling that change its residential character as described below:

(a) *Dwelling appearance.* The dwelling shall not be altered in its appearance and the home occupation shall not be conducted in such a manner as to differentiate the dwelling from the residential character of the area by the use of colors, materials, construction, or lighting.

(b) *Entrances.* The home occupation shall not require any additional entrances to the dwelling.

(c) *Utility service.* The home occupation shall not require increasing or enhancing the size, capacity, or flow of the water, gas, waste treatment, or electrical systems beyond what is standard for a residence.

(d) *Interior alterations.* There shall be no alterations to the interior of the dwelling to accommodate the home occupation that would render the structure undesirable for residential use.

(8) *Parking and business vehicles.* The home occupation shall not involve on-site customers, employees, meetings, or other events that necessitate the installation of any off-street parking spaces in addition to those required by this chapter for the dwelling unit. The on-site storage of business vehicles shall meet the requirements of § 156.069.

(9) *Deliveries.* The home occupation must not require the regular use of commercial vehicles for pickup and deliveries, other than those from the U.S. Postal Service or other small package carriers.

(10) *Signs.* No signs of any type shall be used, other than those permitted in the applicable zoning district by §§ 156.085 et seq.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2010-9B, passed 9-20-10)

#### **§ 156.067 MANUFACTURED HOME PARK STANDARDS.**

(A) *Intent.* The purpose of these manufactured home standards is to identify the minimum requirements for the installation and use of manufactured homes consistent with the requirements of I.C. 36-7-4-1106 and the intent of this chapter.

(B) *General manufactured home standards applicable to the manufactured home park.*

(1) Manufactured homes in a single-family residential zoning districts shall comply with the minimum development and design standards of the residential zoning district as set forth in § 156.065.

(2) *Storage space.* Each home shall be provided with an enclosed, waterproof storage space a minimum of 20 square feet, either as an accessory structure on each home site, behind the skirting, or at a central storage facility.

(3) *Emergency shelter.* Each development or manufactured home park shall be equipped with a structure of adequate construction to provide shelter for residents from tornados and other severe weather events. The shelter shall be of sufficient size to accommodate a population equal to 2.5 persons per home site present in the development.

(4) *Entrances and interior roads.* All interior manufactured home park streets shall either be dedicated to the public or be private interior drives. All interior streets, whether dedicated to the public or private drives shall meet the design and construction standards for public streets, including intersections, sidewalks, street trees, etc., provided by Chapter 155, Subdivision Control Regulations. If private streets are used, a street easements shall be substituted for the interior street right-of-way.

(5) *Compliance verification.* Prior to the release of an improvement location permit for construction of the manufactured home park, the following shall be provided to the Planning Director:

(a) *Access.* A letter from the County Highway Engineer, verifying the approval of the design of access points to public streets.

(b) *Sanitary sewer service.* A letter from a sanitary sewer service provider, verifying that adequate sanitary sewer service shall be available to the homes.

(c) *Board of Health.* A letter from the Indiana State Board of Health, verifying that all applicable requirements have been met.

(d) *Drainage.* A letter from the County Surveyor verifying drainage approval for the site.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.068 ENVIRONMENTAL STANDARDS.**

(A) *Intent.* The purpose of these environmental standards is to:

(1) Encourage the protection of unique environmental features; and

(2) Protect persons and property from the dangers presented by both the natural and built environments. Some of the

following standards refer to complimentary state or federal regulations, that are not enforced by the county, in order to increase awareness of these regulations.

(B) *General environmental standards applicable to all zoning districts.*

(1) *Land suitability.* No land should be used, or structure erected where the land is unsuitable for such use or structure due to slopes, adverse soil or rock formations, erosion susceptibility, or any other feature determined by the Planning Director, County Surveyor, County Engineer, County Board of Health, or Plan Commission as likely to be harmful to the health, safety, and general welfare of the community.

(2) *Preservation of natural features.* Existing natural features such as mature trees, streams, lakes, wetlands, streamside riparian areas, floodplains, and similar assets should be preserved through harmonious and careful design. Land to be developed shall be designed and improved as far as practical in conformity to existing topography in order to minimize storm water runoff and conserve the natural cover and soil.

(a) *Wetlands.* Wetland areas shall be managed consistent with all applicable standards of the U.S. Army Corps of Engineers, the Indiana Department of Environmental Management, U.S. Department of Agriculture, and other appropriate agencies.

(b) *Streamside forests (riparian areas).* All structures shall be set back a minimum of 25 feet from the top-of-bank, as determined by the County Surveyor. Within this required setback, preservation of native vegetation and minimal construction activity is encouraged subject to I.C. 36-9-27. Information produced by the National Resource Conservation Service as expressed in the Conservation Practice Standards for Riparian Forest Buffer (Code 391) or Forest Stand Improvement (Code 666) provide alternative sources for the management of riparian areas.

(c) *Floodplains.* Floodplains shall be managed consistent with the Hancock County Code Chapters 152 and 154.

(d) *Trees.* When the preservation of existing trees is specified by the requirements of this chapter and/or by conditions placed on the approval of an application the following standards shall be met:

1. *Construction activity.* No construction activity damaging to the existing trees including the driving of construction vehicles and storage of construction materials shall occur within the drip-line of any tree to be preserved. Signs and construction fencing shall be used to demarcate the preservation areas.

2. *Tree maintenance.* All trees to be preserved shall be included in an easement recorded with the Hancock County Recorder within five days of Plan Commission approval. The easement shall include language that, subject to the approval of the Planning Director, requires the continued maintenance of the trees and prohibits the removal of healthy trees. Trees that are removed due to poor health, disease, or act of nature shall be replaced by the property owner prior to the conclusion of the next planting season (spring or fall, whichever is sooner). Replacement trees shall have a minimum trunk diameter of two inches, measured at 12 inches above the root ball.

(3) *Conservation of historic features.* Existing historic features (such as those listed as outstanding, notable, or contributing in the Indiana Dept. of Natural Resources Indiana Historic Sites and Structures Inventory - Hancock County Interim Report, listed in the National Register of Historic Places, or listed in the Indiana Register of Historic Sites and Structures), and similar irreplaceable assets should be preserved through harmonious and careful design.

(4) *Ground cover.* Any part or portion of a nonfarm parcel that is not used for structures, loading or parking spaces, sidewalks, etc. shall be landscaped or left in a natural state that complies with the applicable weed and nuisance ordinances of Hancock County. If landscaped, it shall be planted with an all season ground cover and with trees and shrubs in accordance with the requirements of this chapter and in keeping with the natural surroundings.

(5) *Waste/debris.* All properties shall at all times be maintained and used only in clean, neat and well-groomed conditions, free from all natural and man-made debris, junk, rubbish, trash, weeds, and similar items.

(a) *Waste stored outdoors.* No waste materials such as, but not limited to, garbage, rubbish, household appliances, inoperable vehicles, furniture designed for interior use, gasoline, oil, flammables, soils, tars, chemicals, greases, dead plant material, noxious weeds, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm water bodies or ground water, provide a habitat for disease carrying animals and insects, or represent a public safety hazard shall be deposited, located, stored, or discharged outside on any lot.

(b) *Waste stored in structures.* Waste shall not be allowed to accumulate within structures in a manner that is inconsistent with applicable regulations for the storage of such materials.

(c) *Open dumping.* Open dumping shall not be permitted in any zoning district.

(Ord. 2007-1B, passed 2-5-07)

**§ 156.069 PARKING STANDARDS.**

(A) *Intent.* The purpose of these parking standards is to reduce street congestion, ensure proper vehicular and pedestrian circulation, and therefore improve public safety by identifying the appropriate number and location of off-street parking spaces for each zoning district.

(B) *General parking standards applicable to all zoning districts.*



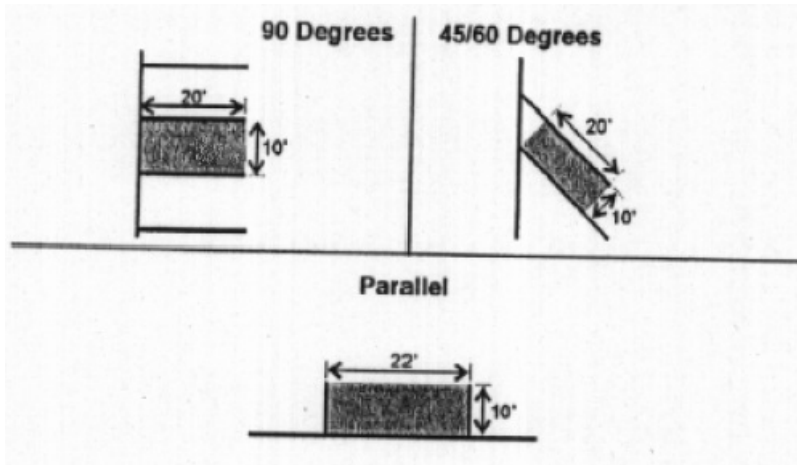
(1) *General requirements.* Parking spaces shall be located on the lot with the uses for which they are required. Exceptions are for off-site and shared parking. All parking spaces shall meet the following general requirements:

(a) *Location.* No off-street parking spaces may be fully or partially located in a public right-of-way, septic field, required landscape area, or buffer yard.

(b) *Access.* All required parking spaces must be designed to provide direct access for vehicles. In no case may areas which do not have direct access be considered a parking space meeting the requirements of this chapter (example: a residential driveway shall not be considered a parking space meeting the requirements of this section if a parked vehicle in the driveway prevents direct access to a required parking space in a garage or carport).

(c) *Parking space dimensions.* Parking space size shall be a minimum of 180 sq. ft. and dimensions shall conform with the Parking Space Requirements table below. In no instance shall the overhang of a vehicle be considered as part of the required parking space area.

(d) *Interior drive aisle dimensions.* Interior drive dimensions shall conform with the entrance and drive standards in § 156.071.



(2) *Requirements for nonconforming uses and uses permitted by special exception or variance.* Any use which is nonconforming in the zoning district in which it is located or is permitted by special exception or variance shall provide parking which is consistent with the use and the standards for the zoning district in which the use would be ordinarily permitted by this chapter. In no case shall the number of parking spaces required for non-conforming uses or those permitted by special exception or variance be solely based on the standards for the district in which they are located. The Board of Zoning Appeals shall specify the number of parking spaces for all uses permitted by special exception or variance consistent with the intent of this section. However, the BZA may grant variances consistent with the intent of this subchapter.

(3) *Requirements for uses not specifically listed.* The number of parking spaces required for uses that are not listed specifically shall be determined by the Planning Director based on the consistency of the use with those that are specified.

(4) *Park use requirements.* Off-street parking spaces for park and recreation uses and buildings located in any zoning district shall be provided consistent with the requirements for business uses provided by division (D) below.

(5) *Vehicle storage requirements.* The storage of all motor vehicles shall be consistent with the following requirements:

(a) *Vehicle storage.* Except as permitted in § 156.021, no vehicle, including recreational and commercial vehicles, shall be parked, stored, or allowed to remain on a lot or parcel of land that does not contain a primary structure.

(b) *Stored vehicles to be salvaged/repared.* The outdoor storage of such vehicles associated with permitted auto repair or salvage facilities shall be consistent with the following requirements:

1. All such vehicles, including antique vehicles, shall be stored within the rear or side yard. In no case shall such vehicles be stored in any front yard, buffer yard, required landscape area, or required setback area.

2. All storage areas for such vehicles shall be completely enclosed with a six-foot tall, 100% opaque wood, stone, or masonry fence. Gates allowing access to the storage areas are permitted, shall be closed when not in use, and shall consist of six-foot tall, 100% opaque wooden doors.

3. *NOTE: Stored Vehicles.* In no instance should the provisions for stored vehicles be interpreted as enforcement of traffic code provisions for inoperable vehicles. These provisions are intended to ensure that auto repair and salvage facilities are operated consistent with the general welfare of the community.

(c) *Recreational vehicle parking.* The open parking of recreational vehicles shall be subject to the following standards unless waived or modified by the Board of Zoning Appeals as a special exception. These provisions shall apply only within residentially zoned major subdivisions that are associated with residential uses as the only primary use of the property.

1. For purposes of this section, open parking shall be construed as the unenclosed presence or storage of any recreational vehicle as defined in § 156.121.

2. Open parking of a recreational vehicle shall be subject to the following standards:

a. At no time shall a recreational vehicle be occupied or used for living, sleeping, or housekeeping purposes except for visitation as described in this section.

b. No portion of any required minimum front yard setback shall be used for the open parking of a recreational vehicle or parts thereof except for visitation purposes as described in this section.

c. The wheels or any similar transporting devices for a recreational vehicle shall not be removed except for repairs, nor shall such vehicle be otherwise permanently fixed to the ground in a manner that would prevent ready removal of the vehicle.

d. Not more than one recreational vehicle shall be permitted to be openly parked at any time. However, one additional recreational vehicle shall be permitted for visitation purposes not to exceed 30 days in any three-month period.

3. Notwithstanding the provisions of this section, a recreational vehicle may be parked anywhere on the premises for loading and unloading purposes for a period not to exceed seven days in any 14-day period.

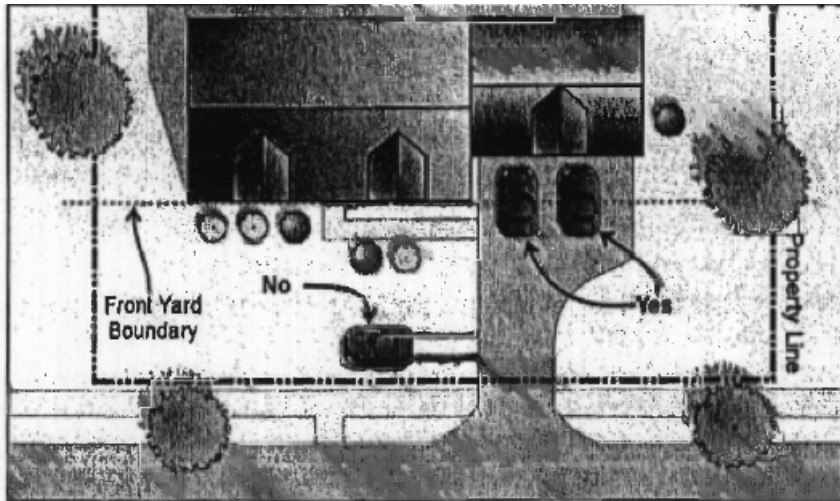
(d) *Commercial vehicle storage.* The storage or parking of commercial vehicles in residential zoning districts and primarily residential planned unit developments is subject to the following requirements:

1. The parking of a commercial vehicle shall be limited to one standard sized vehicle including cars, SUVs, and pick-up trucks. The parking of automobile trailers is not permitted. As an exception, any commercial vehicle may be stored within an enclosed structure. Semi-tractor/trailer storage shall be prohibited except as permitted in § 156.02 et seq.

2. This regulation shall not be interpreted to apply to commercial vehicles used for conveying the necessary tools and materials to premises where labor, using such tools and materials, is to be performed during the time of parking such vehicles, or to commercial vehicles in the process of temporarily loading or unloading deliverable goods.

(C) *Residential parking standards applicable to the agricultural, single-family residential, multi-family residential and manufactured home park zoning districts.*

(1) *General standards.* In no instance shall any vehicles be stored or parked in any front yard or side yard or rear yard. Temporary parking of vehicles in driveways accessed from the street and passing through the yard are exempt from this requirement.



(2) *Single-family dwellings.* Parking spaces for single-family zoning districts shall be provided on the same lot as the dwelling unit for which they are required and shall meet the following standards:

(a) *Spaces requirements.* A minimum of two off-street spaces, either paved or of crushed stone, are required for each dwelling unit.

(b) *Access/location requirements.* Parking areas must be designed to prevent vehicles from having to back into or maneuver in any arterial or collector street.

(3) *Village overlay dwellings.* Parking spaces for dwellings shall be provided on the same lot as the dwelling unit for which they are required and shall meet the following standards:

(a) *Space requirements.* Off-street, paved parking spaces are required for each dwelling unit consistent with the average number of off-street spaces provided per dwelling unit in village overlay zoned lots within 500 feet of the subject lot. A maximum of two off-street parking spaces per dwelling unit shall be required.

(b) *Access/location requirements.* Parking areas must be designed to prevent vehicles from having to back into or

maneuver in any arterial street.

(4) *Manufactured home park dwellings.* Parking spaces for dwellings in the Residential: Manufactured Home Park (RMH) zoning district shall be provided on the same site as the dwelling unit for which they are required and shall meet the following standards:

(a) *Space requirements.* A minimum of two off-street parking spaces are required for each dwelling unit. In addition, parking spaces for management offices, sales facilities, self-service laundries, and other accessory uses shall be equal to one-half of the requirements for those uses established by division (D) below.

(b) *Access/location standards.* Parking areas must be designed to prevent vehicles from having to back into or maneuver in public streets (excluding all alleys and any streets that are internal to the development).

(5) *Multi-family dwellings.* Parking spaces for dwellings in the Residential: Multi-Family (RM) zoning district shall meet the following standards:

(a) *Space requirements.* A minimum of 2.5 off-street parking spaces are required for each dwelling unit (rounded up to the nearest complete space). In addition, parking spaces for management offices, sales facilities, self-service laundries, and other accessory uses shall be equal to one-half of the requirements for those uses established by division (D) below.

1. *Parking of the disabled.* The required spaces shall include parking for the disabled meeting the requirements of division (D)(1)(e) below. The minimum number of disabled spaces provided shall either be as specified in the disabled space standards table or equal one space for every handicap-accessible dwelling unit, whichever is greater.

2. *Driving surfaces.* All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt, concrete, or other porous pavement materials that are approved by the Planning Director. All parking areas shall be clearly painted to show each parking space.

3. *Drainage.* Parking areas must be constructed to allow proper drainage, which shall be

4. *Curbs.* All parking areas shall generally be completely curbed. Curbing shall not be required if, in the opinion of the County Surveyor/Town Engineer, the drainage system for the property shall be best served if curbs were not present.

5. *Lighting.* Lighting for parking areas shall conform with the applicable exterior lighting standards of § 156.077.

6. *Landscaping.* Landscaping for parking areas shall conform with the applicable landscaping standards of § 156.075.

(b) *Access/location standards.* Parking areas must be designed to prevent vehicles from having to back into or maneuver in public streets (excluding all alleys and any streets that are internal to the development).

(D) *Non-residential parking standards applicable to the commercial, institutional, and industrial zoning districts.*

(1) *General standards.* Parking spaces shall be located on the lot with the use(s) for which they are required. All parking spaces and interior drives shall meet the following requirements.

(a) *Driving surfaces.* All parking areas, including parking spaces, interior drives, and ingress/egress into parking areas must be paved with asphalt, concrete, or porous pavement material that has been previously approved by the Planning Director to the nearest paved street. All parking areas shall be clearly marked to show each parking space.

(b) *Drainage.* Parking areas must allow proper drainage, and shall be subject to the review and approval of the County Surveyor/Town Engineer.

(c) *Curbs.* All parking areas for non-residential uses shall be completely curbed. Curbing shall not be required if, in the written opinion of the County Surveyor/Town Engineer, the drainage system for the property and surrounding environment shall be best served if curbs were not present.

(d) *Minimum number of spaces.* The minimum number of parking spaces required per property shall be determined by the sum of spaces required for each applicable use in the Non-Residential Required Parking Space Table at the end of this section.

(e) *Parking for the disabled.* Parking spaces reserved for disabled persons shall be provided in all parking areas consistent with the requirements of the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities, Chapter 4.1.2 (5)(a) and all applicable revisions.

1. All required parking spaces for the disabled shall be those that are the closest to the main entrance of the primary structure.

2. Parking spaces for the disabled shall count toward the total number of spaces required by this chapter.

(2) *Access/location requirements.* All parking spaces shall be accessed and located consistent with the following standards:

(a) *Access to public streets.* Parking areas must be designed to prevent vehicles from having to back into or maneuver in public streets (access to alleys shall be exempt from this requirement).

(b) *Maneuvering space.* All parking spaces shall be provided with adequate maneuvering space into which vehicles

can back for the purpose of exiting the parking space. For all multifamily and non-residential uses the following interior drive minimums shall be required:

1. Thirteen feet if one-way traffic and no parking or 45 degree parking;
2. Eighteen feet if one-way traffic and 60 or 90 degree parking;
3. Twenty-four feet if one-way traffic or accessing a loading berth.

(c) Off street parking in the front set back shall be prohibited.

(3) *Offsite and shared parking.* Under certain conditions, offsite and shared parking may be allowed on another lot that is within 500 feet of the lot occupied by the use(s) for which they are required.

(a) *Off-site parking.* Two or more uses may provide off-site parking collectively on one lot, however the total number of spaces shall not be less than the sum of the spaces required for each use (example: a group of business, industries, and/or apartments located on upper-floors over businesses may provide a common parking area). At least 80% of parking spaces shall be provided on site.

(b) *Shared parking.* Two or more uses for which the normal hours of operation do not substantially overlap may share parking either on or off-site (example: a church may share its parking lot with a business, or with apartments located on upper-floors of adjacent businesses). The Planning Director may grant a maximum 20% reduction in required parking.

(c) *Approval requirements.* All off-site and shared parking space arrangements are subject to the approval of the Planning Director. Approvals shall be based on the determination that the use of off-site and/or shared parking will not provide hardships for pedestrians, will not result in potentiality hazardous traffic conditions, and will provide an adequate number of parking spaces for the uses involved. The parking needs of possible future uses of the property shall also be considered by the Planning Director.

(d) *Required documentation.* A permanent documentation of any off-site and/or shared parking agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement shall be reviewed and approved by the Planning Director and the County Attorney. A copy of the agreement shall be retained for the files of the Plan Commission. Cross access easements shall be provided and recorded by each property owner to enable the sharing of parking facilities. Amendments to the agreement shall be subject to Planning Director approval and be duly recorded with the County Recorder.

(e) *Bicycle parking.* All non-residential uses shall provide one designated bicycle parking area for every 30 vehicle parking spaces required by this chapter, with a minimum area for two bicycle spaces. Each bicycle area shall provide adequate facilities for securing the parked bicycle.

<b>Parking Space Requirements</b>		
<b>Angle of Parking</b>	<b>Minimum Parking Space Size</b>	
	<b>Width</b>	<b>Length</b>
<b>Parking Space Requirements</b>		
<b>Angle of Parking</b>	<b>Minimum Parking Space Size</b>	
	<b>Width</b>	<b>Length</b>
Partial (Option 1)	10 feet	18 feet
Parallel (Option 2)	9 feet	20 feet
90 degree, 60 degree, and 45 degree	10 feet	20 feet
Disabled	(refer to ADA guidelines)	
Employees per shift: For each employee working on the largest shift (for multi- shift operations ample parking spaces to accommodate shift changes shall be provided)	1 space	
Business vehicles: For each vehicle stored on site	1 space	
Dwelling units: For each dwelling unit on site	2 spaces	
<b>In Addition to ...</b>		
<b>Commercial Use</b>		
Auto-oriented facility: For every 200 square feet in any car wash, repair or modification facility	1 space	

Dealerships: For each vehicle or mobile home on display at an auto/boat/RV/farm implement/manufactured home dealership (of an appropriate size, and to be used for the storage of each vehicle)	1 space
Hotel/motel: For each sleeping unit in nay hotel, motel or bed and breakfast	1 space
Retail stores (small size): For every 300 square feet in a personal service business, beauty or barber shop, or dry-cleaners	1 space
Retail stores (large size): For every 400 square feet of gross floor area in all hardware, home improvement, furniture, and large appliance stores	1 space
Retail stores (medium size): For every 300 square feet of gross floor area retail space in all convenience stores, gas stations, greenhouses, grocery stores, department stores and other retail facilities	1 space
Sales facility showrooms: For every 500 square feet in all auto/boat/RV or farm implement sales facility showrooms	1 space
Self-storage facility: For every 5,000 square feet at a self-storage facility	1 space
<b>Office Use</b>	
Arts/public space: For every 300 square feet in any library, museum or art gallery	1 space
Medical/dental office: For every 250 square feet of gross floor area in any medical or dental office or clinic	1 space
Professional office: For every 300 square feet in any administrative or professional business office or bank	1 space
<b>Public/Institutional Use</b>	
Airport: For every five hangar or tie-down spaces at an airport or heliport	1 space
College/university: For every two on-campus residents of a resident-based college or university	1 space
Day care: For every six children, permitted by capacity, in any day care facility	1 space
Educational facility, after high school: For every four students for which a community college, business, vocational, trade or other commuter-based school is designed	2 spaces
Fairgrounds: For every 300 square feet of area in enclosed structures at a fairground	1 space
Hospital/nursing home: For every four patient beds at a hospital or nursing home	1 space
Penal/correctional institution: For every ten inmates for which a penal or correctional institution is designed	1 space
Elementary/middle school: For every classroom for which an elementary or middle school is designed (see also Gathering space requirement under Recreation/Assembly Use for additional spaces)	1 space
High school: For every 20 students for which a high school is designed (see also Gathering space requirement under Recreation/Assembly use for additional spaces)	1 space
Bowling alley: For every lane at a bowling alley	5 spaces
Camping facility: For every camp site or cabin at a campground	1 space
Gathering space, non-business: For every three seats in a restaurant, auditorium, gymnasium, stadium, grandstand, funeral home, church (or other place of worship), or movie theater	1 space
Golf course: For every nine holes at any golf course	20 spaces

Nature area: For every one-half acre of area included in a nature area	1 space
Recreational facility, sports: For every field or court at a sports or recreation facility	20 spaces
Recreational facility, water-based: For every 100 square feet of recreational area at a swimming pool greater than 24 inches, skating rink or public lake	1 space
Recreational facility: For every 200 square feet of gross floor area in any fitness center, dance academy, health spa, private lodge or club, or entertainment center	1 space

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2010-2C, passed 4-5-10)

**Cross reference:**

*Exterior lighting standards, see § 156.075*

*Landscaping standards, see § 156.077*

*Non-residential design standards, see § 156.078*

**§ 156.070 LOADING STANDARDS**

(A) *Intent.* The purpose of these loading requirements is to provide minimum standards for the loading and unloading of materials at commercial, industrial, and institutional facilities. These requirements are intended to prevent loading and unloading from occurring on a public street or in other locations that would present a danger to persons or property.

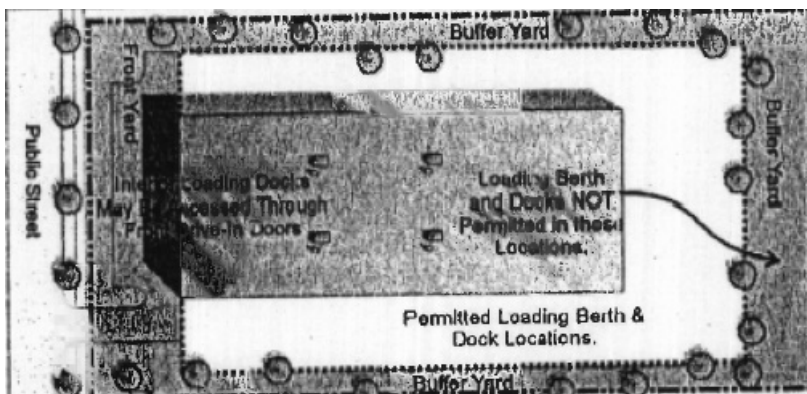
(B) *General loading standards applicable to commercial, institutional, and industrial zoning districts.*

(1) *Loading berths required.* Adequate off-street loading berths and areas shall be provided for any building or structure which requires the receipt or distribution of materials or merchandise by trucks or similar vehicles. Off-street loading berths may be provided either within or outside of structures on the property.

(2) *Location.* All required off-street loading berths shall be located on the same lot as the use to be served. They shall be designed so that no portion of a loading/unloading vehicle projects into a street, alley, or other public right-of-way. Shared truck courts between adjacent properties shall be permitted.

(a) All exterior loading berths for commercial and institutional uses shall be oriented to face the side or rear yards of the lot on which they are located.

(b) No loading space may be located in any front yard or any required buffer yard.



(3) *Design and construction.* All off-street loading berths shall meet the following design and construction requirements:

(a) *Size requirements.* All interior and exterior off-street loading berths for over-the-road tractor-trailers shall be a minimum of 13 feet in width and 140 feet in length including the apron. For local pick-up and delivery trucks, off-street loading berths shall be at least 12 feet in width and 60 feet in length including the apron.

(b) *Vertical clearance.* All loading spaces shall be provided with a vertical clearance of not less than 15 feet.

(c) *Driving aisle requirements.* All loading berths shall be accessed by a driving aisle that is a minimum of 24 feet in width for two-way traffic or 13 feet in width for one-way traffic at all points between the accessed public street and the loading berth.

(d) *Surfacing requirements.* All off-street loading berths shall be paved with concrete or other

(4) *Access.* Each required off-street loading berth shall be designed with appropriate means of vehicular access to a

street or alley in a manner that will not interfere with traffic movements. There shall be no maneuvering within any street right-of-way. In no case shall a loading berth be located in such a manner as to require loading/unloading vehicles to back into a public right-of-way or overhang adjacent property.

(5) *Space allowed.* Space provided for use as any off-street loading berth shall not be used to satisfy any off-street parking space requirements of § 156.069.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.071 ENTRANCE/DRIVE STANDARDS.**

(A) *Intent.* The purpose of these entrance and drive standards is to provide for a safe and efficient vehicular and pedestrian transportation system by establishing minimum standards for site entrances, driveways, and interior drives.

(B) *General entrance/drive standards applicable to all zoning districts.*

(1) *General requirements.* All driveways and interior drives shall conform to the following design requirements:

(a) *Entrance widths.* No entrance shall exceed the following pavement widths at the point which they intersect the public right-of-way. The distances for these standards shall be determined by measuring from the outside edges of the curb or pavement (whichever is more) of the entrance or drive at the public right-of-way which it accesses, and shall not include any acceleration or deceleration lanes or turning radii:

1. Fourteen feet per lane (exclusive of any medians) if from a nonresidential or multifamily residential use onto any type of street, and

2. Thirty-two feet total if from a single-family or two-family use onto any type of street.

(b) *Travel direction.* The direction of travel for vehicles using entrances shall be as follows:

1. All entrances providing access to a public right-of-way from all lots used for purposes other than single or two-family residences shall be designed so that vehicles are traveling in a forward direction when entering and leaving.

2. In no case may any entrance for any use be designed to require a vehicle to back onto any arterial or collector street.

(c) *Shared entrances and drives.* Shared entrances and drives are encouraged for all uses in all zoning districts, specifically for any multifamily residential or non-residential uses accessing a major collector or arterial street.

1. *Access easements.* All shared entrances and drives shall be constructed only in appropriate access easements which easements must be recorded before usage commences.

2. *Required documentation.* A permanent documentation of any shared entrance and drive agreement must be signed by all involved property owners. The permanent written agreement shall include, but is not limited to the following items: maintenance, snow removal, ownership, and liability. The agreement, which can be amended and assigned shall be reviewed and approved by the Town/ County Highway Engineer and duly recorded with the County Recorder. Any changes to the agreements must be accomplished with the consent of the Planning Director. A copy of the agreement shall be retained for the files of the Plan Commission. The agreement shall be recorded prior to the issuance of the occupancy permit.

(d) *Interior drive widths.* The minimum pavement widths for driveways and interior drives shall meet the following requirements, exclusive of any parking spaces:

1. For single and two-family residential uses the minimum driveway width shall be 12 feet.

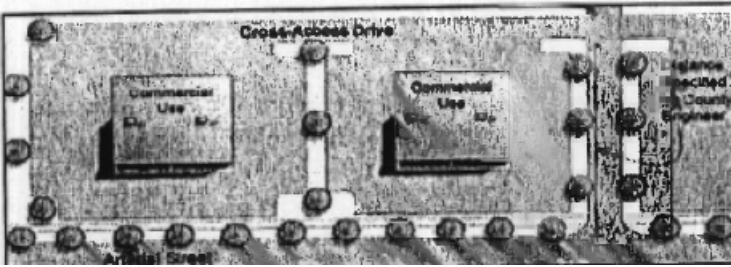
2. For all multifamily uses refer to § 156.069.

(e) *Curbs.* All entrances and interior drives for property used for purposes other than agriculture, single-family residential, or two-family residential shall generally be completely curbed. Curbing shall not be required if, in the opinion of the County Surveyor/County Highway Engineer, the drainage system for the property shall be best served if curbs were not present.

(f) *Commercial area internal linkages.* All uses located in a Commercial (C) zoning district shall provide interior drives that allow access between existing and proposed commercial uses on adjacent properties.

1. *Cross-access required.* The drives must be designed as a single two-way drive or a pair of one-way drives that provide access between the parking lots and interior drives of all adjoining commercial uses.

2. *Separation.* Interior drives providing cross-access between adjacent parcels shall be separated from the right-of-way of any such street by a minimum distance specified by the County Highway Engineer (based on the vehicle stacking requirements of the entrance(s) to the property from the public street.



(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2020-8E, passed 8-18-20)

**Cross reference:**

*Landscaping standards, see § 156.075*

**§ 156.072 SIGHT VISIBILITY STANDARDS.**

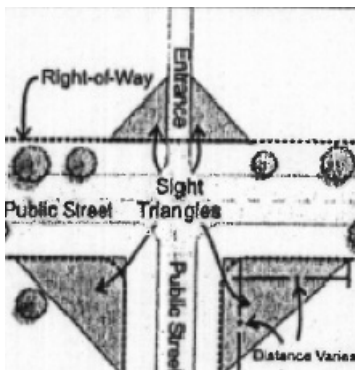
(A) *Intent.* The purpose of these sight visibility standards is to contribute to a safe vehicular and pedestrian transportation system by ensuring clear visibilities at street intersections and the vehicle entrances to properties.

(B) *General sight visibility standards applicable to all zoning districts.*

(1) *Sight visibility triangle required.* All properties shall maintain an area (the "sight visibility triangle") at every intersection of an adjoining street with other streets and entrance drives. The sight visibility triangle shall be free of structures, vegetation (including crops), signs (other than street signs), and other opaque or partially opaque objects between a height of two and one-half and 12 feet measured from the nearest top-of-curb (or edge of pavement where curbs are not present).

(2) *Sight visibility triangle dimensions.* The sight visibility triangle shall be established by connecting points located along the intersecting rights-of-way (or edge of pavement in the case of entrances). The dimensions of the triangle vary dependent on criteria (such as speed design) as stipulated in the Geometric Design of Highways and Streets by the AASHTO (American Association of State Highway and Transportation Officials) latest edition, for intersection sight distance.

(Ord. 2007-1B, passed 2-5-07)



**§ 156.073 TELECOMMUNICATION FACILITY STANDARDS.**

(A) *Intent.* The purpose of these telecommunication facility standards is to provide for adequate, reliable public and private telecommunications service while maximizing the use of transmission towers and tower sites. These requirements also seek to minimize the adverse, undesirable visual impact of towers through minimizing needed towers and tower sites, careful design and siting, and screening.

(B) *General telecommunication facility standards applicable to all zoning districts.*

(1) *Required approvals.* The placement of telecommunications facilities shall meet the following approval requirements:

(a) *Installation of new antenna.* The installation of new antenna(s) on existing towers, including legal non-conforming towers, and existing alternative structures (such as water towers, buildings, or church steeples) may be approved by the Planning Director subject to conformance with all applicable requirements of this chapter. New antenna that will add any height to an existing tower, or extend over ten feet above the highest point of any alternative structure shall be subject to the provisions of this section for the installation of new towers as described.

(b) *Installation of new accessory structures.* The installation of new accessory structure(s), such as equipment buildings, to support the installation of antenna on existing towers or alternative structures may be approved by the Planning Director subject to conformance with the applicable requirements of this chapter.

(c) *Installation of new tower.* The installation of any new tower(s) shall be reviewed either by the Planning Director in



the case of a permitted use or by the Board of Zoning Appeals as a special exception use consistent with the provisions of this section and §§ 156.020 et seq.

(2) *Abandonment.* Abandoned or unused towers or portions of towers shall be removed as follows: The owner of a wireless facility shall file annually a declaration with the Plan Director or his or her duly authorized designee as to the continuing operation of every facility installed subject to these regulations, and purchase a occupancy permit under the guidelines of § 156.100. In addition, the owner shall file annually a certificate of insurance from the owner's insurance carrier annually a certificate of insurance from the owner's insurance carrier listing Hancock County and the Hancock County Commissioners as additional insureds for the purposes of general liability with regard to bodily injury, personal injury and property damage from all possible risks in an aggregate amount of not less than \$5,000,000 per incident with a further provision that said insurance carrier shall notify the Hancock County Commissioners 30 days in advance of either cancellation and/or non-renewal of said policy of insurance. Failure to do any of the above requirements shall be determined to mean that the facility is no longer in use and considered abandoned, thus subject to the following:

(a) *Removal.* All abandoned or unused towers and associated facilities shall be removed within 180 days of the cessation of operations at the site unless a time extension is approved by the Plan Director or his or her duly authorized designee. A copy of the relevant portions of a signed lease which requires the applicant to remove the tower and associated facilities upon cessation of operations at a site shall be submitted at the time of application. In the event that a tower is not removed within 180 days of the cessation of operations at a site, the tower and associated facilities may be removed by the county and the costs of removal, enforcement including attorney's fees shall be assessed against the property; and/or the property owners.

(b) *Time constraint.* Unused portions of towers above a manufactured connection shall be removed within 180 days of the time of antenna relocation. The replacement of portions of a tower previously removed requires the issuance of a new wireless facility permit.

(3) *Required documentation.* In addition to the requirements provided elsewhere in this chapter for the receipt of a special exception approval and an improvement location permit, applications for new towers shall include the following:

(a) *Engineer's report.* A report from a professional engineer licensed in the State of Indiana that:

1. Describes the tower height and design including a cross-section, latitude, longitude, and elevation;
2. Documents the height above grade for all potential mounting positions for co-located antenna and the minimum separation distance between antenna;
3. Describes the tower's capacity, including the type and number of antenna it can accommodate;
4. Documents what steps the tower owner will take to avoid interference with established public safety telecommunication facilities; and
5. Includes an engineer's stamp and registration number.

(b) *Letter of intent.* A letter of intent committing the tower owner, property owner, and their successors to allow the shared use of the tower if an additional user agrees in writing to meet reasonable terms and conditions for shared use.

(c) *Proof of compliance.* Proof of compliance with all applicable Federal Communications Commission (FCC), Federal Aviation Administration (FAA) and Indiana Department of Transportation (INDOT) regulations, provided by those agencies.

(d) *Removal affidavit.* A letter committing the property owner and their successors to remove the tower and all related accessory structures, fences, landscaping, and equipment if the tower is abandoned (unused for a period of one year).

(e) *Additional insured.* The tower owner shall name Hancock County as an additional insured.

(f) *Determination of new tower need.* Any proposal for a new telecommunications tower shall only be approved if the applicant submits verification from a professional engineer licensed in the State of Indiana that the antennas planned for the proposed tower cannot be accommodated on any existing or approved towers or other structures within a two mile radius of the proposed tower location due to one or more of the following reasons:

1. *Inadequate structural capacity.* The antennas would exceed the structural capacity of the existing or approved tower or other structure, and the existing or approved tower, building or other structure cannot be reinforced, modified, or replaced to accommodate the antennas at a reasonable cost.
2. *Interference.* The antennas would cause interference impacting the usability of other existing or planned equipment at the tower site and the interference cannot be prevented at a reasonable cost.
3. *Inadequate height.* The existing or approved towers or structures within the search radius cannot accommodate the planned equipment at a height necessary to function reasonably.
4. *Unforeseen circumstances.* Other unforeseen reasons that make it unfeasible or impossible to locate the planned telecommunications equipment upon an existing or approved tower or structure.
5. *Commonly reasonable lease agreement.* The proposed tower owner is unable to enter a commonly reasonable lease term with the existing tower owner or land owner.
6. *Land availability.* Additional land area is not available (when necessary).

(4) *Design requirements.* All telecommunications facilities shall meet the following design requirements:

(a) *Contextual design.* Towers and antennas should generally be designed to blend into the surrounding environment through the use of color, camouflaging and architectural treatment, except in an instance where the color is dictated by federal or state authorities such as the Federal Aviation Administration.

1. Wireless telecommunication towers should generally be of a monopole design and, when located within or adjacent to an environmentally or aesthetically sensitive area, or a residential district, be designed to architecturally camouflage the wireless telecommunication tower as much as reasonably practical to blend into the surroundings.

2. The use of residentially compatible materials such as wood, brick, or stone is required for associated accessory structures, which shall be designed to architecturally match the exterior of any adjacent residential or commercial structures within the neighborhood or area.

(b) *Lighting.* Only when lighting is for safety or security reasons or required by the FAA or other federal or state authority will it be permitted. All ground level security lighting shall be oriented inward so as not to project onto surrounding properties, and shall have 90 degree cut-off luminaries (shielded downlighting).

(c) *Co-location.* All telecommunication towers shall be designed, and engineered structurally, electrically and in all other respects to accommodate both the applicant's equipment and at least one additional user for every 50 feet in total tower height in excess of 75 feet.

1. Each additional user shall be assumed to have an antenna loading equal to that of the initial user.

2. Towers must be designed to allow for rearrangement of antennas and to accept antennas mounted at varying heights.

(d) *Tower height.* All towers and antenna shall conform with all FAA tall structure requirements. Tower height shall be expressed as, and measured from, ground level in all instances.

1. In the Commercial (C) zoning districts and Institutional zoning districts the maximum height of the tower shall be 150 feet. The maximum height of any accessory structure shall be 15 feet.

2. In the Industrial (I) and Agriculture zoning districts the maximum height of the tower shall be 200 feet. The maximum height of any accessory structure shall be 15 feet.

(e) *Interference with public safety facilities.* No new telecommunications facility shall result in any interference with public safety telecommunications.

(f) *Signs.* Signs for all telecommunications facilities shall be on site and limited to two square feet per user.

(5) *Site requirements.* All telecommunications facilities shall meet the following site requirements:

(a) *Residential areas.* No tower shall be placed closer than 500 feet to any property included in a residential zoning district.

(b) *On-site staff.* All telecommunications facilities shall be fully automated and unattended on a daily basis, and shall be visited only for periodic maintenance and emergencies.

(c) *Vehicular access.* Vehicular access to the tower and equipment building shall, whenever feasible, be provided along existing driveways. Vehicle access drives shall be gravel in the Residential, Rural (RR) and Agriculture (A) zoning districts, and paved in all other zoning districts. Any portion of the entrance located in a public right-of-way shall meet the applicable public street design, construction, and pavement requirements.

(d) *Site area.* 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. The size of the site shall also be of sufficient area to allow the location of one additional tower and associated support facilities. At a minimum, the width and depth of the tower site shall be a distance equal to one-half the tower height.

(e) *Setback.* The minimum front, side, and rear yard setback for all towers shall be 50 feet from all property lines. No part of a wireless telecommunications facility, including the security fence, any required guide wires or bracing, and required landscape screening shall be permitted in any required front yard setback. Landscape screening in addition to the requirements of this section may be provided in the setback area.

(f) *Encroachment.* No part of any wireless telecommunications facility nor associated lines, cables, equipment, wires or braces shall at any time extend across or over any part of a public right-of-way, street, highway, sidewalk, or property line.

(g) *Fencing.* An eight-foot high security fence shall completely surround the tower and accessory equipment building site.

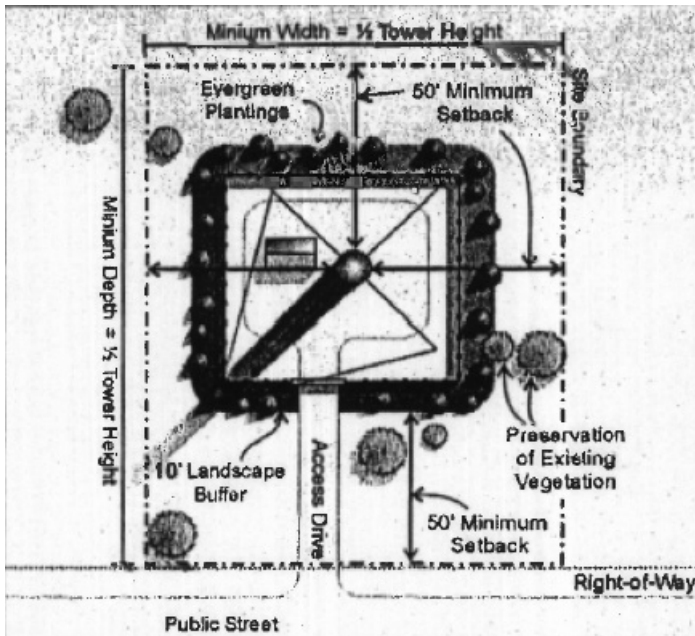
1. An area ten feet in width shall remain outside of the fence for the purpose of providing the landscape screening described in division (B)(5)(h) below.

2. In all zoning districts, the required security fence enclosing the facility shall be 100% opaque and of wood, brick, or stone construction. Opaque eight-foot tall wooden gates shall be provided to access the facility.

(h) *Landscape screening.* Evergreen buffer plantings shall be located around the outermost perimeter of the security

fence of all wireless telecommunications facilities, including any wires and anchors.

1. If evergreen hedges are used they shall be a minimum of two feet tall at the time of planting (measured from ground level) and shall be planted a maximum of three feet on center.
  2. If evergreen trees are used they shall be a minimum of five feet tall at the time of planting (measured from the top of the rootball), and shall be planted a maximum of ten feet on center.
  3. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.
- (i) *NOTE:* All telecommunications facilities shall be considered accessory uses for the purposes of this chapter.



### **Sight Design Requirements**

(6) *Construction requirements.* All antennas, towers and accessory structures shall comply with the following construction requirements:

(a) *General state/federal requirements.* All facilities shall meet the applicable provisions of the Building Code of the State of Indiana and the Federal Communications Commission.

(b) *Wind loading/building code requirements.* All facilities shall meet the structural standards and wind loading requirements of the applicable building code.

(c) *Electrical requirements.* All facilities shall meet the accepted electrical engineering methods and practices and comply with the provisions of the National Electrical Code.

(d) *OSHA requirements.* All facilities shall meet the requirements of Occupational Safety and Health Administration.

(e) *Engineer's certification.* An engineer's certification shall be submitted to document and verify the design specifications including but not limited to, the foundation for the tower, anchors for the guy wires if used, co-location, and strength requirements for natural forces; ice, wind, earth movements, etc.

(f) *FAA requirements.* All facilities shall conform with all lighting and marking requirements of the Federal Aviation Administration.

(7) *Existing facilities.* The following shall apply to existing antennas and towers:

(a) *Replacement of existing towers.* Existing legal nonconforming towers may continue in use for their current purpose but may not be replaced unless either the replacement tower is an exact match to the height, setback, and other features of the removed tower, or the replacement tower complies in all respects to the requirements in this chapter. 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 an improvement location permit.

(b) *Expansion of existing facilities.* Any expansion resulting from a specific co-location shall be exempt from the provisions of § 156.090(C) that requires conformance with this chapter in the case of substantial expansions.

(c) *Installation of additional antennas.* Any request submitted to the Board of Zoning Appeals to install an antenna to be located on an existing approved or "grandfathered" tower shall require an improvement location permit, a copy of the contract between the applicant company and the owner of the tower, and all required documentation. If the antenna will add height to an existing tower or exceed the height of any alternative structure by more than ten feet it shall be considered a new tower for the purposes of this section.

(Ord. 2007-1B, passed 2-5-07)

## § 156.074 FENCE AND WALL STANDARDS.

(A) *Intent.* The purpose of these fence and wall standards is to provide minimum requirements in order to provide adequate light, air circulation, and privacy; and to protect the public welfare by preventing visual obstructions along public ways.

(B) *General fence and wall standards applicable all zoning districts.*

(1) *General requirements.* Fences and walls shall be permitted in all zoning districts without a permit subject to conformance with the following requirements:

(a) *Structural face.* All fences and walls shall present the nonstructural face outward.

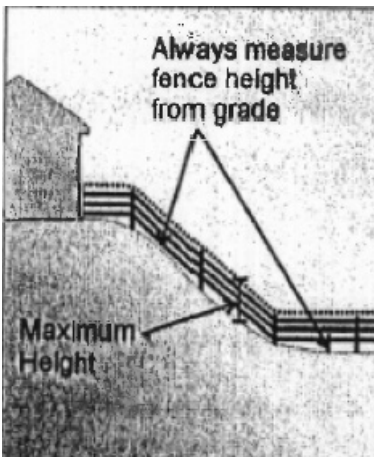
(b) *Drainage.* No fence or wall shall disrupt the flow of water in any drainage easement, or otherwise result in impediments for storm-water runoff. Any fence or wall located in an easement may be removed by the easement holder when accessing the easement.

(c) *Setbacks.* All fences and walls may be permitted up to a property line except as noted in this chapter. No fence or wall may be placed in any right-of-way or required sight visibility triangle, see § 156.072. Fences and walls within the easement of a drain, pond, and/or lake shall require the approval of the County Surveyor and/or County Highway Engineer.

(d) *Buffer yards.* No fence or wall may be placed in any required buffer yard that does not specifically provide for the inclusion of fences.

(e) *Materials.* Fences and walls shall be constructed of wood, decorative metal, masonry or synthetic materials styled to simulate natural materials.

(2) *Height exceptions.* Fences specifically required by this chapter for screening, telecommunications facilities, or other purposes may exceed the maximum heights established by this section consistent with the appropriate specific requirements of this chapter.



### **Fence Height Measurement**

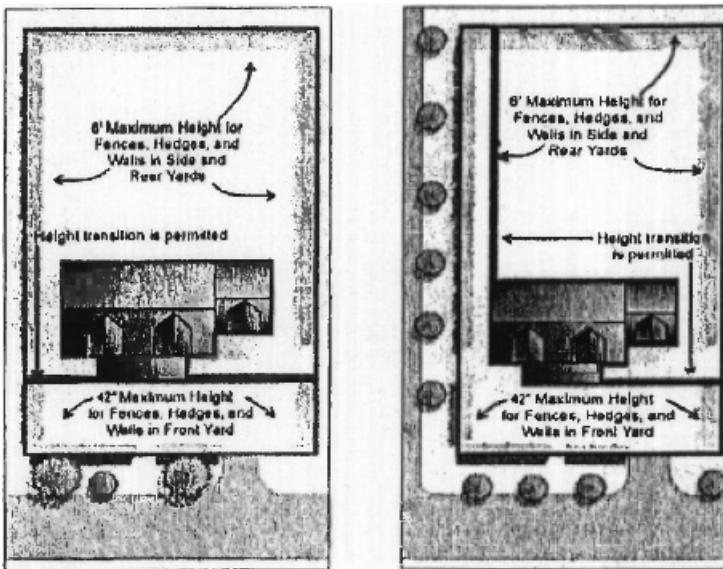
(3) *Height measurement.* The height of a fence shall be determined by measuring from the adjacent grade to the highest point of the fence, excluding fence posts. Fence posts may exceed the maximum height of the fence by up to one foot.

(4) Swimming pools, private, shall be designed and installed in conformance with 675 IAC 20.

(C) *Residential fence and wall standards applicable to agricultural, and residential land uses.*

(1) *Height requirements.* Residential fences and walls shall not exceed six feet in height in any side or rear yard or 3.5 feet (42 inches) in height in any front yard. Front yard fence shall be at least 50% transparent. For the purposes of this requirement, the front yard shall be defined as the area located between an adjacent street and the wall of the primary structure that faces it. Agricultural fences shall be exempted from these standards.

(2) *Prohibited fences.* All electrified, barbed wire, razor wire, and stockade fences are prohibited on all non-farm property. Chainlink fences are prohibited in the front yard in residential districts. In no instance shall this be interpreted as prohibiting the use of invisible fences.



### Front Yard Fence Height

(D) *Non-residential fence and wall standards applicable to communications/utilities, commercial, institutional, and industrial land uses.*

(1) *Height standards.* Fences and walls located within the front yard setback area along a public road frontage shall not exceed 48 inches in height. All other fences and walls shall not exceed eight feet in height.

(2) *Architectural standards.* Fences and walls located within the front yard setback area along a public road frontage shall be decorative. Such fences and walls shall include complimentary landscaping with breaks by variation in height, columns, recesses, and projections. The maximum uninterrupted length of such fences and walls, without breaks, shall be 100 feet.

(3) *Exemptions.* Fences for athletic facilities such as ball diamonds, tennis courts and driving ranges shall be exempt from the height and architectural standards of this section.

(4) *Prohibited fences.* Electrified, barbed wire, razor wire, and stockade fences shall be prohibited on all non-farm property. Industrial uses, communications/utilities, and penal and correctional facilities shall be exempt from this standard.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2007-6A, passed 6-4-07; Am. Ord. 2014-5D, passed 4-22-14; Am. Ord. 2015-8A, passed 8-4-15)

### § 156.075 LANDSCAPING STANDARDS.

(A) *Intent.* The purpose of these landscaping standards is to reflect the essential role that landscape materials play in the development of every property. These minimum requirements for plantings are intended to benefit the public welfare through improved aesthetics and the reduction of storm water run-off, glare, and heat buildup.

(B) *General landscaping standards applicable to the manufactured home park, multi-family residential, commercial, institutional, and industrial zoning districts.*

(1) *General standards.* A landscape plan designed and sealed by a registered landscape architect shall be submitted.

(a) *Applicable requirements.* In no instance shall any landscaping required by this section, or by any other section of this chapter be used to meet the requirements of a different section. In all cases the landscaping required by any section of this chapter shall be considered as being in addition to any other requirements.

(b) *General requirements.* All plant materials required by this section shall be free of disease, insects and/or damage. Under no circumstances shall any artificial plant be installed and/or counted as part of the required plantings. All plant materials shall be living and shall meet the following requirements:

(c) *Measurement standards.* All new trees required to be planted by this chapter shall be measured as follows:

1. All broad leaf/deciduous trees shall be two inches in diameter at the time of planting, measured at six inches above the rootball.
2. All evergreen conifers shall be five feet in height at the time of planting, measured from the top of the rootball.
3. All shrubs shall be 24 inches in height at the time of planting, measured from ground level.

(d) *Earth mounds.* Earth mounds and berms shall be physical barriers that block or screen the view similar to a hedge, fence or wall. Mounds shall be constructed with proper and adequate plant material to prevent erosion. A difference in elevation between areas requiring screening does not constitute an existing earth mound and shall not be considered as

fulfilling any screening requirement. Where mounds are to be mowed, the maximum permitted slope is 3:1 (run:rise), and the minimum height shall be 36 inches.

(e) *Qualifying plant material.* Plant material meeting the landscaping requirements of this chapter shall be as follows. Unlisted plant materials may count toward requirement upon review and approval of the Planning Director. The list is not inclusive of all available plant materials.

1. *Broad leaf/deciduous trees.* Broad leaf, deciduous trees shall qualify as meeting the requirements of this chapter if listed in the Qualifying Broad Leaf, Deciduous Tree table at the end of this section.

2. *Evergreen conifers.* Evergreen trees species commonly planted in Central Indiana or as recommended in the table shall be permitted.

3. *Shrubs.* Shrub species commonly planted in Central Indiana shall be permitted.

4. *Grass.* Grass shall be planted in species normally grown as permanent lawns in Central Indiana. In swales or other areas subject to erosion, solid sod, erosion reducing net or mat, or suitable mulch shall be used.

(f) *Non-qualifying plant material.* In no instance shall any tree listed on the Non-Qualifying Trees table at the end of this section be used to meet any landscaping requirements of this chapter.

(g) *Existing vegetation.* Any existing vegetation that is retained, and that meets the species and location requirements of this section, may be counted towards fulfilling the minimum landscaping requirements, subject to the approval of the Planning Director. No construction activity of any kind shall take place within the area defined by the drip-line of any vegetation that is to be retained and counted as fulfilling these requirements. See § 156.068(B)(2)(d) for protection measures for existing vegetation.

(h) *Utility easement conflicts.* Plant material shall be located in areas in areas exclusive of drainage and utility easements and overhead utilities. Plant material shall not be placed in the road/street right-of-way without permission from the Town or County Highway Engineer.

(i) *NOTE:* Single-family residential requirements can be found in §156.065.

(2) *Design standards.*

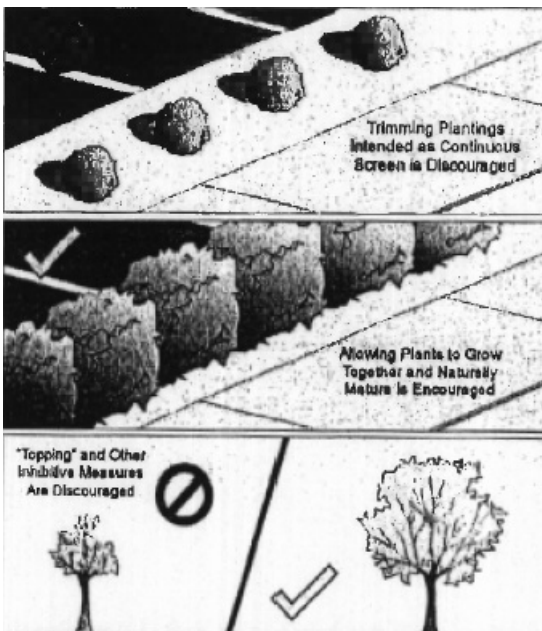
(a) All proposed landscape materials should complement the form of the existing trees and plantings and should visually unite the development. Light, water, soil conditions, and ongoing maintenance requirements should be considered in selecting plant materials.

(b) *Ground cover:* All areas not landscaped with hedges or trees shall be provided with grass or other living ground cover.

(3) *Maintenance requirements.* Trees, vegetation, irrigation systems, fences, walls and other landscape elements are considered elements of a project in the same manner as parking and other site details. The owner of the property shall be responsible for the continuous proper maintenance of all landscaping materials, and shall keep them free from refuse and debris and in good repair at all times.

(a) *Replacing landscaping materials.* All unhealthy or dead plant material shall be replaced by the end of the next planting season. Other required landscape material that becomes defective shall be replaced or repaired within three months of the occurrence of the defect.

(b) *Trimming plant material.* Landscape materials are intended to grow, spread and mature over time. Landscaping materials used to fulfill requirements of this section may not be pruned or otherwise treated so as to reduce overall height or level of opacity. Pruning, limbing-up, topping, and other inhibiting measures including removal may only be practiced to insure the public safety or to preserve the relative health of the material involved.



**Plant Material Maintenance**

(4) *Non-residential perimeter requirements.* Development that abuts a County Road, collector, arterial, or interstate highway shall install one tree per 35 feet in combination with a mound or shrub row in a designated landscape easement or common area a minimum of 15 feet wide. This requirement may be eliminated if required screening for parking areas or bufferyards is located within 20 feet of the right-of-way.

(5) *Residential landscaping requirements.* Single, two-family and multi-family residential development shall meet the landscaping requirements of § 156.065(C)(1)(j) in addition to those of this section.

(6) *Non-single-family residential lot interior requirements.* Landscaping shall be required on each lot based on the use of that lot as defined in the Site Interior Planting Requirements table.

<b>Site Interior Planting Requirements</b>	
<b>Land Use Type</b>	<b>One broadleaf/deciduous tree or evergreen conifer shall be required for every:</b>
Multiple family residential and manufactured home park	1,000 square feet of yard area
Commercial	1,000 square feet of yard area
Institutional	2,000 square feet of yard area
Industrial	3,000 square feet of yard area

(a) *Non-single-family residential properties.* Where a lot is occupied by a combination of the land uses listed below, only plantings consistent with the requirements for the land use that would result in the most landscaping is required.

(b) *Tree locations.* All required trees may be located in clusters or dispersed throughout the yard.

(c) *Yard calculation.* For the purposes of this section, the yard shall mean all areas of the property not covered with structures, parking areas, or other hard surfaces. Other landscape areas required by this section and required buffer yards shall not be included in the calculation of yard area.

(7) *Parking lot perimeter requirements.* All parking lots, including parking spaces, interior drives, and loading/unloading areas, shall be separated from all street rights-of-way by a landscaping area that is a minimum of 20 feet in width. Screening may consist of either of the following options or a combination:

(a) *Planting.* A minimum of one tree shall be provided for every 30 linear feet of landscaped area. The trees may be a combination of broad leaf/deciduous and evergreen conifers. In addition, a minimum of one shrub shall be provided for at least every five feet to form a continuous screen. A minimum of 50% of the required shrubs shall be evergreen.

(b) *Landscape berm.* A landscaped berm that is a minimum of three feet in height shall be provided along the length of the landscaped area. Trees shall be provided and shrubs where the berm tapers to less than 36 inches.

(c) *Walls.* Decorative screening walls or fencing with landscaping shall be included along the perimeter.

(8) *Parking lot interior requirements.* To help reduce excessive heat build-up and emissions from large areas of hard surfacing, landscape areas must be provided within parking lots.

(a) *Landscaped areas required.* Landscape islands with a surface area equal to 5% of the area of the paved surface (including all parking spaces, interior drives, loading docks, drop-off/pick-up lanes, and access drives beyond the right-of-way) shall be provided in all parking lots.

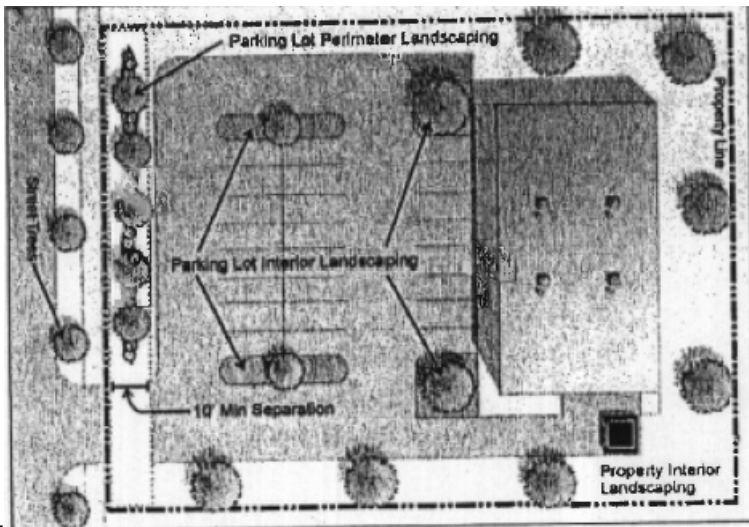
(b) *Vehicle overhang.* Parked vehicles may hang over the landscaped area up to two feet. In no instance shall this overhang be counted as part of the required parking space area.

(c) *Landscaped area standards.* The required landscape areas shall meet the following requirements:

1. All required landscaped areas shall consist of curbed islands or peninsulas a minimum of five feet wide that are surrounded on at least two sides by pavement. Landscaping on the perimeter of the parking lot shall not be counted toward meeting this requirement.

2. All landscape islands must be a minimum of 200 square feet in area.

3. A minimum of one broad leaf/deciduous tree providing shade at maturity shall be provided for every 200 square feet of landscaped area. Shrubs, ground cover, and other live plant material shall be used to fill the rest of the island.



**Required Landscaping**

<b>Qualifying Broad Leaf/Deciduous Trees*</b>			
<b>Common Name</b>	<b>Botanical Name</b>	<b>Height at Maturity</b>	<b>Recommended Use(s)</b>
<b>Qualifying Broad Leaf/Deciduous Trees*</b>			
<b>Common Name</b>	<b>Botanical Name</b>	<b>Height at Maturity</b>	<b>Recommended Use(s)</b>
<b>Maple</b>			
Trident Maple	Acer Buergerianum	20 - 35 feet	Site interior/street/utilities
Hedge Maple	Acer Campestre	25 - 35 feet	Site interior/parking/utilities
Paperbark Maple	Acer Griseum	20 - 30 feet	Site interior
Armstrong Red Maple	Acer Rubrum "Armstrong"	40 - 60 feet	General/columnar
Red Sunset Maple	Acer Rubrum "Red Sunset"	40 - 60 feet	General
Tilford Red Maple	Acer Rubrum "Tilford"	40 - 60 feet	General
Sugar Maple	Acer Sacchrum	60 - 75 feet	General - site interior
Common Alder	Alnus Glutinosa	40 - 60 feet	Street
<b>Birch</b>			
River Birch	Betula Nigra	40 - 70 feet	Wet area/stream sides
Paper Birch	Betula Papyrifera	50 - 70 feet	Lawn



Hornbeam			
Upright American Hornbeam	Carpinus Betula "Fastigiata"	30 - 40 feet	General/columnar
American Hornbeam	Carpinus Caroliniana	20 - 30 feet	Street/lawn
Shagbark Hickory	Carya Ovata	60 - 80 feet	General
Redbud			
Eastern Redbud	Cercis Canadensis	20 - 30 feet	Ornamental
White Redbud	Cercis Canadensis "Alba"	20 - 30 feet	Ornamental
Smoketree	Cotinus Obovatus	20 - 30 feet	Site interior
Hawthorn			
Washington Hawthorn	Crataegus Phaenopyrum	25 - 30 feet	Site interior
Lavelle Hawthorn	Crataegus x Lavellei	15 - 30 feet	Site interior
Rubber tree	Eucommia Ulmoides	40 - 60 feet	Site interior
Ginkgo (male)			
Autumn Gold Ginkgo	Ginkgo Biloba "Autumn Gold"	50 - 80 feet	General/large areas
Fairmont Ginkgo	Ginkgo Biloba "Fairmount"	50 - 80 feet	General
Upright Ginkgo	Ginkgo Biloba "Upright"	50 - 80 feet	Columnar street
Honeylocust			
Majestic Honeylocust	Gleditsia Triacanthos Inermis "Majestic"	30 - 70 feet	Street/lawn
Moraine Honeylocust	Gleditsia Triacanthos Inermis "Moraine"	30 - 70 feet	Street/lawn
Shademaster Honeylocust	Gleditsia Triacanthos Inermis "Shademaster"	30 - 70 feet	Street/lawn
Skyline Honeylocust	Gleditsia Triacanthos Inermis "Skyline"	30 - 70 feet	Street/lawn
Sunburst Honeylocust	Gleditsia Triacanthos Inermis "Sunburst"	30 - 70 feet	Street/lawn
Kentucky Coffeetree	Gynano Cladus Dioica	60 - 75 feet	Park/lawn/open areas
Black Walnut	Juglaus Nigra	50 - 75 feet	Not widely planted
Golden Raintree	Koelreuteria Paniculata	30 - 40 feet	Site interior/street
Sweet Gum			
Festival Sweet Gum	Liquidambar Styraciflua "Festival"	60 - 75 feet	General
Moraine Sweet Gum	Liquidambar Styraciflua "Moraine"	60 - 75 feet	General
Tulip Tree	Liriodendron Tulipifera	70 - 90 feet	Lawn/open space
Cucumber Tree	Magnolia Acuminata	50 - 80 feet	General
Crabapple			
Snowdrift Crabapple	Malus Cultivars	10 - 25 feet	Site interior/ornamental
Amur Cork Tree	Phellodendran Amurense	30 - 45 feet	Site interior/open spaces
London Planetree	Plantanus x Acerifolia	70 - 100 feet	General
Pear			
Aristocrat Pear	Pyrus Calleryana "Aristocrat"	40 feet	Site interior/street
Chanticleer Pear	Pyrus Calleryana "Chanticleer"	35 feet	Site interior/street
Oak			

White Oak	Quercus Alba	50 - 80 feet	General
Scarlet Oak	Quercus Coccinea	70 - 75 feet	General
Pin Oak	Quercus Palustris	60 - 70 feet	Street/lawn
English Oak	Quercus Robur	40 - 60 feet	Columnar/10 - 15 feet wide
Red Oak	Quercus Rubra	60 - 75 feet	General
Sassafras Tree	Sassafras Albidum	30 - 60 feet	Naturalistic settings
Linden			
Silver Linden	Tilia "Tomentosa"	50 - 70 feet	Street/lawn
Basswood	Tilia Americana	60 - 80 feet	General
Chancellor Linden	Tilia Cordata "Chancellor"	50 - 70 feet	Street/lawn
Greenspire Linden	Tilia Cordata "Greenspire"	50 - 70 feet	Street/lawn
Evergreen			
White Fir	Abies Concolor	30 - 50 feet	Lawn/park screening
Leyland Cypress	Cupressocyparis Leylandii	60 - 70 feet	Lawn/park screening
Norway Spruce	Picea Abies	40 - 60 feet	Lawn/park screening
Serbian Spruce	Picea Omorika	50 - 60 feet	Lawn/park screening
Colorado Blue Spruce	Picea Pungens Glauca	40 - 60 feet	Lawn/park screening
Austrian Pine (European Black Pine)	Pinus Nigra	30 - 90 feet	Lawn/park screening
Eastern White Pine	Pinus Strobus L.	50 - 80 feet	Lawn/park screening
* Hawthorn, Honeylocust, Crabapple, Soft Maples (Silver Maple referred to as Common or Water Maple and Red Maple), Willow and Sycamore shall not be planted within drainage easements.			

<b>Qualifying Shrubs</b>	
<b>Common Name</b>	<b>Botanical Name</b>
<b>Qualifying Shrubs</b>	
<b>Common Name</b>	<b>Botanical Name</b>
Tall Shrubs (5 feet or greater)	
Wintergreen Barberry	Berberis Julianae
Tatarian Dogwood	Cornus Alba 'Sibirica'
Hedge Cotoneaster	Cotoneaster Lucidus
Leyland Cypress	Cupressocyparis Leylandii
Japanese Holly	Ilex Crenata
Chinese Juniper	Juniperus Chinsis'Hetzii Columnaris'
Border Privet	Ligustrum Obtusifolium
Northern Bayberry	Myrica Pensylvanica
Fire Thorn	Pyracantha Species
Arrowwood Viburnum	Taxus sp. Vibur. Dentatum & Trilobum
Yew	Taxus x Media' Densiformis','Hicksii'
American Arborvitae	Thuja Occidentalis 'Emerald','Woodwardii','Techny'
Burkwood Virburnum	Viburnum x Burkwoodii
Shrubs (5 feet or less)	
Japanese Burberry	Berberis Thunbergii
Boxwood	Buxus Microphylla Koreana 'Green Gem', 'Green Mountain', 'Green Velvet'

Burning Bush	Euonymus Alatus 'Compactus'
Juniper Cranberry Bush	Juniperus Sp
Japanese Spirea	Spirea Japonica
European Cranberry Bush	Viburnum Opulus 'Nanum'
American Cranberry Bush	Viburnum Trilobum 'Compactum'
Ornamental Grasses	Multiple

<b>Non-Qualifying Trees</b>		
<b>Common Name</b>	<b>Botanical Name</b>	<b>Negative Feature(s)</b>
<b>Non-Qualifying Trees</b>		
<b>Common Name</b>	<b>Botanical Name</b>	<b>Negative Feature(s)</b>
Boxelder	Acer negundo	Aggressive, shallow roots, weak wood
Norway Maple	Acer platanoides	Invasive
Silver Maple	Acer saccharinum	Aggressive, shallow roots, weak wood
Tree of Heaven	Ailanthus altissima	Seeds, suckers, weak wood, invasive
Mimosa	Albizia julibrissin	Invasive
European White Birch	Betula pendula	Insect-prone, invasive
Hackberry	Celtis occidentalis L.	Disease-prone
Camphor Tree	Cinnamomum camphora	Invasive
Russian Olive	Elaeagnus angustifolia	Poor form, disease-prone, invasive
Ash	Fraxinus	Disease
Ginkgo (female)	Ginkgo biloba - Female	Fruits
White Lead Tree	Leucaena leucocephala	Invasive
Chinaberry Tree	Melia azedarach	Invasive
Mulberry	Morus species	Fruits, shallow roots, invasive
Princess Tree	Paulownia tomentosa	Invasive
Senegal Date Palm	Phoenix reclinata	Invasive
White Poplar	Populus alba	Suckers, shallow roots, weak wood, invasive
Cottonwood	Populus deltoides	Weak wood, shallow roots, seeds
Lombardy Poplar	Populus nigra 'Italica'	Insects, disease, short-lived
(Wild) Black Cherry	Prunus serotina	Disease-prone
Bradford Pear	Pyrus calleryana 'Bradford'	Weak branching, low branches
Brazilian Pepper Tree	Schinus terebinthifolius	Invasive
Tallow Tree	Triadica sebifera	Invasive
American Elm*	Ulmus americana*	Insects, disease
Siberian Elm	Ulmus pumila	Weak wood, seeds
Silver Maple (referred to as Common or Water Maple)		Roots damage or block drainage tiles
Sycamore Willow		Roots damage or block drainage tiles

\* Note that suitable disease resistant cultivars and hybrids exist as substitutes for this species.

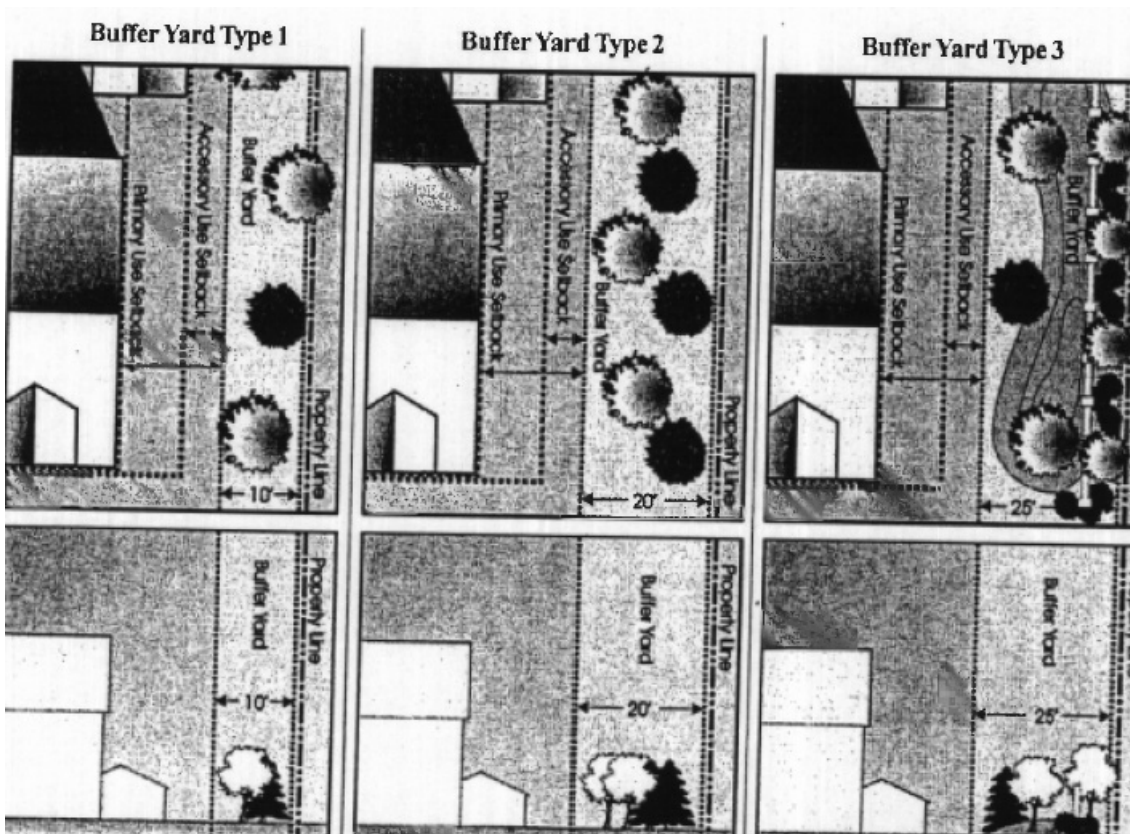
(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2015-12C, passed 12-1-15)

**§ 156.076 BUFFERING AND SCREENING STANDARDS.**

(A) *Intent.*

(1) The purpose of these buffering and screening standards is to lessen the potential conflicts between the possible





(2) *Buffer yard standards.* The buffer yard standards only apply along the property lines where the two dissimilar zoning districts meet as specified in the Buffer Yard Requirements Table above. The required buffer yards shall be installed despite the presence of streets, alleys, and other features. Existing mature vegetation (such as streams and fence rows) may be credited towards required buffering. When a dissimilar land use locates next to an established residential land use within the same zoning classification, buffering and screening standards per this section buffer yard type 1 shall apply.

(a) *Responsibility.* The developer or owner of the property being developed or otherwise changed in use is responsible for installing the buffer yard at the time of that development or change. The adjacent property owner shall not have to participate in installing the buffer yard.

(b) *Buffer yard location.* All required buffer yard areas shall be provided entirely on the subject property and shall be in addition to setbacks required by this chapter.

(c) *Planting location.* Required buffer yard trees may be placed either at regular intervals or in irregular patterns representing a natural landscape. However, no two buffer yard trees (excluding evergreen trees) shall be placed within ten feet of one another. No buffer yard or required landscape materials shall be placed within any easement, right-of-way, or septic field.

(d) *Tree size.* All broad leaf/deciduous trees must have at least a 2½-inch caliper measured at six inches above the top of the rootball, and all evergreen conifers must be a minimum of five feet in height measured from the top of the rootball when planted.

(e) *Ground cover.* All portions of the buffer yard not planted with trees, shrubs or other landscaped materials shall be covered with grass or other ground covering vegetation. Landscaping stone or other non-vegetative surfaces may not be substituted for ground covering vegetation unless otherwise approved by the Planning Director.

(f) *Application.* No landscaping required by this section may be used to satisfy the minimum requirements of any other provisions of this chapter.

(g) *Maintenance.* All landscape materials must be properly maintained, and kept in a neat and orderly appearance, free from all debris and refuse.

1. All plant material which is unhealthy or dead, in the opinion of the Planning Director, shall be replaced by the end of the next spring or fall planting season.

2. Landscape materials are intended to grow, spread and mature over time. Pruning, limbing-up, topping and other growth inhibiting measures may only be used to ensure the public safety.

(C) *Materials and mechanical equipment buffering standards applicable to the multi-family residential, commercial, institutional, and industrial zoning districts.*

(1) *Ground level.* All outdoor storage areas for completed products manufactured on-site, production materials, and equipment, as well as dumpsters and other waste containers, and mechanical equipment located on the ground shall be

screened consistent with the following requirements. In no instance shall this be interpreted as applying to merchandise for sale that is temporarily or seasonally placed outdoors.

(a) *Fencing.* A minimum six-foot tall, 100% opaque fence of wood, brick, or stone construction shall completely screen the area from the view of public streets and adjacent properties. Opaque six-foot tall gates shall be provided to access the facility. The gates shall generally remain closed, except when immediate access to the area is required.

(b) *Landscape screening.* Evergreen planting shall be provided around the exterior perimeter of the required fencing. If evergreen shrubs are used they shall be a minimum of two feet tall at the time of planting, and planted at a maximum of three feet on center.

(2) *Roof-mounted.* All roof-top equipment, such as HVAC units, shall be screened from the view of all public streets by parapets, dormers, or other screens. The material of all such screens shall be consistent with the exterior materials used on the facade of the structure.

(Ord. 2007-1B, passed 2-5-07)

## **§ 156.077 EXTERIOR LIGHTING STANDARDS.**

(A) *Intent.* The purpose of these exterior lighting standards is to provide minimum outdoor lighting standards that protect the public safety and the general welfare of the community by reducing unsafe and unpleasant lighting conditions, such as light trespass and light pollution, while also promoting the safe and efficient movement of vehicles and pedestrians and the security of local properties.

(B) *General exterior lighting standards applicable to all new or replaced lighting in all zoning districts.* A photometric plan with fixture details is required with each application for an improvement location permit that requires a development plan.

(1) *General requirements.* All exterior lighting shall conform with the following general requirements:

(a) *Mounting height measurement.* For the purposes of this section, the mounting height of all light fixtures shall be defined as the vertical distance between the grade level of the surface being illuminated and the top of the lighting fixture (luminaire).

(b) *Use of timers/dimmers.* Wherever practicable, exterior lighting shall include timers, dimmers, and/or sensors to reduce overall energy consumption and eliminate unneeded lighting.

(c) *Electrical service.* The electrical service to all outdoor lighting fixtures shall be underground, unless the fixtures are mounted directly on buildings or utility poles.

(d) *Holiday lighting.* Holiday lighting shall be exempt from the provisions of this section.

(e) *Light trespass.* Light trespass into the night sky and onto neighboring properties shall be prevented through the use of such techniques as horizontally mounted lamps with reflectors, glass, polycarbonate or acrylic refractors, louvered optics, and house-side shields.

(2) *Street and parking lot lighting requirements.* Street and parking lot lighting shall be designed to provide the minimum lighting necessary to ensure adequate vision, comfort, and safety for travel ways and parking areas, while avoiding glare and direct illumination of adjacent properties or streets. These lighting requirements shall also apply to interior drives and other areas on the property used by vehicles.

(a) *Lighting fixtures.* All lighting fixtures providing illumination shall be full cutoff, cutoff, or semicutoff fixtures (most to least restrictive) and directed downward at ground level. All luminaires with these features comply with "dark sky" recommendations for exterior lighting.

(b) *Maximum mounting height.* The maximum mounting height for street and parking lot light fixtures shall be as follows:

1. Twenty feet in all agricultural, single-family residential, and multifamily residential zoning districts;
2. Twenty-five feet in all commercial and institutional zoning districts; and
3. Thirty feet in all industrial zoning districts.

(3) *Illuminated canopy requirements.* Lighting levels under canopies for gas stations, convenience stores, drive-up banking centers, and similar locations shall be adequate to facilitate the activities taking place on the property, and shall not be used for the purpose of illuminating signs. Such lighting shall conform with the following requirements:

(a) *Lighting fixtures.* Lighting fixtures on canopies shall conform to either of the following requirements:

1. All light fixtures mounted on the canopies shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy, or
2. The lighting of the canopy shall use indirect lighting through which light is beamed upward and then reflected down from the underside of the canopy by light fixtures that are shielded so that illumination is focused exclusively on the underside of the canopy.

(b) *Fixture location.* Lights shall not be mounted on the top or sides of any canopy and the sides of the canopy shall

not be illuminated. In no instances shall this be interpreted as prohibiting the placement of signs on the canopy which are illuminated consistent with the standards for sign illumination in this section.

(4) *Lighting of exterior display/sales areas.* Lighting levels on exterior display/sales areas shall be adequate to facilitate the activities taking place in such locations. Such lighting shall conform with the following requirements:

(a) *Lighting fixtures.* All lighting fixtures used to illuminate exterior display/sales areas shall be cut-off, semi-cut-off, or full cut-off fixtures (luminaires) focused directly downward onto the display/ sales area. Such light fixtures shall be located, mounted, aimed, and shielded so that direct light is not cast onto adjacent streets or properties.

(b) *Fixture location.* All lighting fixtures and mounting poles shall be located within the areas being illuminated.

(5) *Lighting of outdoor athletic/performance facilities.* Lighting for all outdoor athletic and performance facilities and events shall provide adequate light for the event or facility while minimizing light pollution and the illumination of adjacent streets and properties.

(a) *Play/performance area lighting.* Lighting fixtures for the playing fields and/or performance areas shall be specifically mounted and aimed so that their beams fall directly within the play/ performance area and its immediate surroundings and does not spill onto adjacent streets or properties.

(b) *Dual lighting system.* The use of spotlights and/or floodlights to illuminate the play/performance area shall be permitted. However, each facility shall be designed and constructed with a dual lighting system which permits the main lighting for the event (spotlighting, floodlighting, etc.) to be turned off, with an alternate low level lighting system used for clean-up, night maintenance and other activities.

(c) *Exemptions.* Outdoor athletic fields and courts established as accessory uses to single and two-family residences shall be exempt from these requirements.

(6) *Security lighting.* Security lighting shall be coordinated with other lighting on the property to the extent possible and shall otherwise conform with the following requirements:

(a) *Non-residential lighting fixtures.* All security lighting in nonresidential areas shall be shielded and specifically aimed so that illumination is directed only to the intended area. The light source for any security lighting shall include shields that prevent their light source or lens from being visible from adjacent properties and/or streets. Security lighting fixtures may be mounted on poles located no further than ten feet from the perimeter of the area intended to be illuminated.

(b) *Residential lighting fixtures.* Security lighting fixtures in residential areas shall make use of indirect and reflected lighting techniques to provide soft lighting under canopies, entry porches, or soffits.

(7) *Lighting of building facades.* Building facades may be illuminated, subject to the following requirements:

(a) *Lighting fixtures.* Lighting fixtures shall be located, aimed, and shielded so that light is directed only onto the building facade. Lighting fixtures shall not be directed toward adjacent streets or roads.

(b) *Lighting direction.* Lighting fixtures shall be designed to wash the facade of the building with light (rather than providing a spot or floodlight affect) and may be directed upward or downward onto the facade. Exterior facade lighting shall be contained on the building facade or in the landscape areas adjacent to the building and shall focus on entries and architectural features.

(8) *Illuminated signs.* External lighting fixtures illuminating signs shall be located, aimed, and shielded so that light is directed onto only the sign face, with minimal light spillage. Lighting fixtures shall not be aimed toward adjacent streets, roads, or properties. In no instance shall this section be interpreted as prohibiting the use of neon signs.

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Sign illumination, see § 156.085 et seq.*

**§ 156.078 NON-RESIDENTIAL DESIGN STANDARDS.**

(A) *Intent.* The purpose of these non-residential design standards is to establish a minimum level of design quality while at the same time allowing site and building design creativity and flexibility for non-residential development.

(B) *General standards apply to non-residential uses in the commercial, industrial and institutional zoning districts.*

(1) *Applicability.* All commercial developments shall meet or exceed the requirements of this section, in addition to all other applicable development standards established by this chapter. These commercial standards shall apply to the following:

(a) Improvement location permit applications for new structures submitted on or after the effective date of this chapter;

(b) Expansions greater than 50% of pre-existing facilities; and

(c) Expansions to other structures that result in a structure greater than 20,000 square feet in gross floor area.

(2) *General development standards.*

(a) *Site layout.*

1. Site planning which encourages compatibility between the site and the buildings and between all buildings on the site is encouraged. Where natural or existing topographic patterns contribute to a development, they shall be preserved and developed. Modification to topography shall be permitted where it contributes to the overall development.

2. The orientation of buildings shall promote interaction with the street and provide a pedestrian friendly environment.

3. Newly installed infrastructure and service revisions necessitated by exterior alterations shall be underground. To the extent possible, all existing overhead utilities shall be relocated underground.

4. All structures shall be evaluated in terms of scale, mass, color, proportion, and compatibility with adjoining developments.

5. Colors shall be subtle, harmonious and non-reflective. Accents shall be compatible.

(b) *Vehicular access.* Major and minor arterials and major collector streets must have reasonable restrictions as to the numbers and location of access points within the corridor overlay zone. To provide safe and sufficient traffic movement to and from adjacent lands:

1. Frontage roads, access roads, and distributors roads may have to be constructed.

2. Shared access shall be coordinated with contiguous lots and designed to preserve the aesthetic benefits provided by the greenbelt areas. Access at the side or rear of buildings is encouraged.

3. New access points onto the major and minor arterials within the corridor overlay zone shall be coordinated with existing access points whenever possible and approved by the County Highway Engineer.

4. The following curb cut policy shall apply throughout the US 40, US 52, US 36, and CR 600W corridors.

a. Curb cuts shall be no closer than one foot for each 400 feet of frontage.

b. No curb cuts shall be within 200 feet of any intersection of public roads.

c. Opposing curb cuts shall align squarely or be offset no less than 200 feet.

(c) *Access to undeveloped sites.*

1. Stub streets shall be built in all cases where adjacent lots have reasonable potential for development.

2. Reasonable potential shall include any adjacent parcel of adequate size for commercial or residential development or any adjacent parcels determined to have reasonable potential by the County Area Plan Commission or its duly appointed or designated representative.

(d) *Architectural design requirements.*

1. *Exterior materials.* Building facades may be constructed from wood, stone, masonry, E.I.F.S., cement fiber board, concrete, vinyl, metal or glass or other materials which provide the same desired quality. Products other than those listed below must be approved by the County Area Plan Commission or its duly appointed designees.

a. Buildings constructed of metal shall be permitted in the agriculture, rural residential and industrial districts. Facades that exceed 50% metal shall contain other design elements such as concrete or masonry bases, pitched roofs, enhanced entries or color variation.

b. Stone material used for masonry construction may consist of granite, sandstone, slate, limestone, marble, or other hard and durable all weather stone. Ashlar, cut stone, and dimension stone construction techniques are acceptable.

c. Brick material used for masonry construction shall be composed of hard fired all-weather standard size brick or other all-weather facing brick.

d. Concrete finish or precast concrete panels shall be textured using the following techniques: exposed aggregate, bush-hammered, sand blasted, or other concrete finish as approved by the County Area Plan Commission or its duly appointed designees. Concrete masonry units (CMU or block) shall be textured or splitface, and otherwise not smooth.

2. *Roof design.* The materials and finishes for roofs shall complement those materials used for the exterior walls. Roofs may be pitched or parapet walls used to screen flat roofs.

3. *Mechanical equipment screening.* Roof-mounted equipment on exposed roofs shall be screened from view. The appearance of roof screens shall be coordinated with the building to maintain a unified appearance. All ground and building mounted mechanical and electrical equipment shall be screened from view. The screens and enclosures shall be treated as an integral element of the building's appearance.

4. The exposed walls and roofs of buildings shall be maintained in a clean, orderly, and attractive condition, and be free of cracks, dents, punctures, breakage, and other forms of visible marring. Materials that become excessively faded, chalked, or otherwise deteriorated shall be refinished, repainted, or replaced.



5. Refuse and waste removal areas, loading berths, service yards, storage yards, and exterior work areas shall be screened from view with fencing, walls or landscaping.

6. All accessory buildings shall be constructed with materials that are similar and compatible with materials used in the principal structure.

(e) *Signage standards.* Signage shall be designed to be an integral part of the architectural and landscaping plans. The colors, materials, and style of signage shall be architecturally compatible and accentuate the buildings and landscaping on the site. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates. Signs shall be in conformance with §§ 156.085 et seq. unless otherwise specified below.

1. No pole sign shall exceed 25 feet in height;

2. There shall be a minimum spacing of 200 feet between any pole or ground signs located along US 40, US 52, US 36, and CR 600W; and

3. In no instance shall pole signs for multiple businesses, strip commercial centers or strip business centers exceed 200 square feet of copy area.

(f) *Landscaping plan.* Landscaping shall be in conformance with § 156.075. Plans shall be prepared and submitted at the same time as the other construction plans for an improvement location permit in conformance with the requirements of §§ 156.100 et seq. regarding procedures and permits.

1. Landscaping materials selected should be appropriate to local growing and climatic conditions. Wherever appropriate, existing trees should be conserved and integrated into the landscaping plan; credit toward required in-kind landscaping may be given.

2. The provisions for landscaping installation and maintenance are as follows:

a. All landscaping required by the approved landscaping plan shall be installed prior to the issuance of a building occupancy permit if the permit is issued during a planting season, or within six months of the date of occupancy if during a non-planting season.

b. It shall be the responsibility of the owners and their agencies to insure proper maintenance of the landscaping, in accordance with the standards set by this subchapter and as indicated on the landscaping plan which has been approved by the Area Plan Commission. This is to include, but is not limited to, replacing dead plantings with identical varieties or a suitable substitute, and keeping the area free of refuse and debris.

(g) *Parking standards.* Refer to § 156.069.

(h) *Lighting.* Refer to § 156.077.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.079 ADULT USE STANDARDS.**

(A) *Intent.* The purpose of these adult use standards is to establish specific requirements for adult uses that both ensure the viability of speech activities protected by the U.S. Constitution and prevent the land use conflicts that result from the secondary affects of the presence of such uses.

(B) *General adult use standards apply to the General Industrial zoning district(s).* Hancock County is aware of, and is relying on information gathered by other communities such as Indianapolis, Indiana; New York, New York; Tucson, Arizona, Seattle, Washington; Austin, Texas; Oklahoma City, Oklahoma; Houston, Texas; Minneapolis, Minnesota; and Phoenix, Arizona that demonstrates that adult uses are distinguishable from other business uses due to their negative impacts on the general welfare of neighboring portions of the community. Those negative impacts include increased crime, blight, and deprivation of property values. It has been recognized that local governments have a special concern in regulating adult uses to ensure that the adverse effects will be minimized and not contribute to land use conflicts and the blighting of adjacent areas. It has been determined by the United States Supreme Court that local communities may demonstrate this concern by, after careful review of factual information, regulating the time, place, and manner in which adult uses occur. The intent of this section is to preserve the character and integrity of residential neighborhoods, to deter the spread of blight, and to protect minors from the objectionable characteristics of adult uses. Further, it is the intent of this section to minimize the level to which any particular commercial area is exposed to the secondary affects of adult businesses by discouraging the development of districts of such uses.

(1) *Permitted use.* Adult uses shall be permitted by special exception only in the IG - Industrial: General zoning district.

(2) *Separation requirements.* Adult uses shall be located a minimum of 1,000 feet from any church, school, park, day care facility, residentially zoned area, public or cultural facility (such as city hall, libraries, etc.), or any other adult use. The distance shall be measured in a straight line, without regard to intervening structures or objects, from the closest property lines of the lot on which each use is located.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.080 WIND ENERGY CONVERSION SYSTEMS.**

(A) *Purpose.* The purposes of this section are to:

- (1) Assure that any development and production of wind-generated electricity in Hancock County is safe and effective;
- (2) Facilitate economic opportunities for local businesses and residents;
- (3) Promote utilization of wind energy in support of Indiana's alternative energy sources potential; and
- (4) Minimize potential adverse visual effects of WECS facilities through careful design and siting standards.

(B) *Applicability.* The provisions of this section are applicable to all zoning districts which:

- (1) Allow wind energy conversion systems (WECS);
- (2) Govern the siting of WECS and substations that generate electricity to be sold to wholesale or retail markets; or
- (3) Allow electricity generation for private use.

(C) *Prohibition.* No entity or person shall construct, operate, or locate a wind energy conversion system (WECS) within Hancock County without having fully complied with the provisions of this section.

(D) *Conflict with other regulations.* Nothing in this section is intended to preempt other applicable state and federal laws or regulations, including compliance with all Federal Aviation Administration (FAA) rules and regulations and/or the notification requirements of the FAA; nor is this section intended to interfere with, abrogate, or annul any other ordinance, rule, or regulation, statute or other provision of law. In the event that any provision of this section conflicts with a provision of any other ordinance, rule, regulation, statute, or provision of law, the more restrictive provision that imposes the higher standard shall govern.

(E) *Definitions.* For purposes of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**APPLICANT.** Any entity or person who submits to the Hancock County Plan Commission or Hancock County Board of Zoning Appeals an application for the siting of a wind energy conversion system (WECS) or substation or thereafter operates or owns a WECS or substation.

**FINANCIAL ASSURANCE.** Acceptable assurance from a creditworthy entity or person, examples of which include a surety bond, trust instrument, cash escrow, or irrevocable letter of credit or combination thereof.

**HEIGHT, WECS.** The vertical distance to the highest point of the WECS structure or to the rotor blade at its highest point, whichever is greatest, measured from the ground level.

**OPERATOR.** The entity or person responsible for the day-to-day operation or maintenance of the WECS, including any third party contractors.

**OWNER.** The entity or entities with an equity interest in the WECS(s), including their respective successors and assigns. Owner does not mean:

(a) The property owner from whom the land is leased for locating the WECS (unless the property owner has an equity interest in the WECS); or

(b) 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 entity seeks to sell the WECS(s) within one year of such event.

**PROFESSIONAL ENGINEER.** A qualified individual who is licensed as a professional engineer in the State of Indiana.

**SUBSTATION.** The apparatus/structure that connects the electrical collection system of the WECS and increases the voltage for connection with the utility's transmission lines.

**SWITCHING STATION.** An apparatus/structure in the electrical collection system of the WECS similar to a substation but not necessarily increasing voltage into the utility transmission lines.

**TOWER, METEOROLOGICAL.** A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts intended for mounting meteorological devices and instruments such as thermometers and wind velocity measurers.

**TOWER, WECS.** A ground pole, spire, structure, or combination thereof including supporting lines, cables, wires, braces, and masts to which are attached the nacelle (motor and drive train housing), rotor, wind turbine generator, and related WECS components.

**WECS PROJECT.** The collection of WECS, substations, switching stations and related devices as specified in the application for an improvement location permit.

**WIND ENERGY CONVERSION SYSTEM (WECS).** All necessary devices that together convert wind energy into electricity and deliver that electricity to the applicant's property or a utility's transmission lines, including but not limited to the rotor, nacelle, generator, tower, electrical components, foundation, transformer, electrical cabling for the WECS tower to the substation(s), switching stations, meteorological equipment, communications equipment, and all other required facilities and equipment relating to the WECS project.

(a) *Commercial WECS.* A system primarily designed to collect wind energy for distribution and resale to a utility. For purposes of this section, a commercial WECS is also defined as:

1. Two or more non-commercial WECS towers located on the same parcel of ground;
2. Four or more small WECS towers located on the same parcel of ground; or
3. One non-commercial WECS tower and two or more small WECS towers located on the same parcel of ground.

No height limit is specified for commercial WECS.

(b) *Micro-WECS.* A roof-mounted or wall-mounted system with a nameplate capacity not exceeding ten kilowatts designed to collect wind energy for on-site distribution to a farm, residence, school, or business. These systems shall not exceed ten feet above the highest point of the structure's roof and may not be located on the building's front elevation facing a public street.

(c) *Non-commercial WECS.* A system primarily designed to collect wind energy for on-site distribution to a farm, school, business, or factory. For purposes of this section, a non-commercial WECS is also defined as not more than three small WECS towers on the same parcel of ground. Non-commercial WECS towers shall not exceed 140 feet or 200 feet in height according to the district regulations of this section.

(d) *Small WECS.* A freestanding system anchored by a concrete footer or guy wires designed to collect wind energy for on-site distribution to a farm, residence, school, or business. Towers associated with a small-WECS shall not exceed 60 feet in height.

(F) *District regulations.*

(1) *Location.* Meteorological towers and all WECS shall be permitted, not permitted, or a special exception use according to the meteorological/WECS tower matrix of § 156.021(B).

(2) *Improvement location permit required.* No structure or site improvement relating to a meteorological tower or WECS shall be erected, moved, or added to without an improvement location permit (ILP) first being issued by the Planning Director. No ILP shall be issued unless the project is in conformance with the provisions of this section and other applicable regulations of Hancock County.

(3) *Height.* In addition to the provisions of § 156.021(B), a special exception use permit shall be required for meteorological towers or non-commercial WECS towers exceeding 140 feet in height in the Residential, Commercial, Institutional, and Industrial Business Park (IBP) zoning districts, or 200 feet in height in the Agriculture, Industrial Light (IL), and Industrial General (IG) zoning districts. Commercial WECS are subject to no height limitation except as imposed by FAA rules and regulations and/or the Board of Zoning Appeals.

(4) *Horizontal extension.* In addition to the provisions of division (G) below, the furthest horizontal extension of a meteorological tower or WECS (including guy wires) shall not extend into a required setback of the zoning district or be closer than 12 feet to any primary structure, right-of-way easement, above-ground telephone line, or electrical transmission or distribution line.

(5) *Spacing and density.* A WECS shall be separated from any other WECS by a minimum of 200 feet, measured from the tip of the blades when the blades are parallel to the ground.

(G) *Minimum setback requirements.* In addition to the provisions of division (F) above, the following setback standards shall apply to all meteorological towers and WECS:

- (1) *Meteorological towers.* The minimum setback distances for meteorological towers shall be as follows:

<b>Distance from a:</b>	<b>Minimum Setback Distance</b>
Property line, measured from the center of the tower to the property line:	1.1 times (1.1 x) the total height, provided that the distance is no less than the required yard setback. This requirement may be waived by the affected adjoining landowner(s) in a recorded agreement to the satisfaction of the Planning Director.
Residential dwelling, measured from the center of the tower to the nearest wall, roofline, or corner of the structure:	1.1 times (1.1 x) the total height.
Road right-of-way, measured from the center of the tower to the edge of the designated right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than the required yard setback.
Other easements, such as railroads and utility easements, measured from the center of the tower to the edge of the right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than the required yard setback.

(G) *Commercial WECS*. The minimum setback distances for commercial WECS shall be as follows:

<b><i>Distance from a:</i></b>	<b><i>Minimum Setback Distance</i></b>
Property line, measured from the center of the WECS tower to the property line:	1.1 times (1.1 x) the total height. This requirement may be waived by the affected adjoining landowner(s) in a recorded agreement to the satisfaction of the Planning Director.
Residential dwelling, measured from the center of the WECS to the nearest wall, roofline, or corner of the structure:	One thousand feet (1,000').
Road right-of-way, measured from the center of the WECS to the edge of the designated right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than three hundred fifty feet (350').
Other easements, such as railroads and utility easements, measured from the center of the WECS to the edge of the right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than three hundred fifty feet (350').

<b><i>Distance from a:</i></b>	<b><i>Minimum Setback Distance</i></b>
Public conservation land, measured from the center of the WECS to the nearest point of the designated public conservation land in question:	Seven hundred fifty feet (750').
Wetland, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS to the nearest point of the wetland in question:	As determined in writing from the Army Corps of Engineers.
Incorporated limit of a municipality, measured from the center of the WECS to the nearest corporate limits:	Fifteen hundred feet (1,500').

(3) *Micro, non-commercial, and small WECS*. The minimum setback distances for micro-WECS, non-commercial WECS, and small WECS shall be as follows:

<b><i>Distance from a:</i></b>	<b><i>Minimum Setback Distance</i></b>
Property line, measured from the center of the WECS to the property line:	1.1 times (1.1 x) the total height, provided that the distance is no less the required yard setback prescribed for that zoning district.
Residential dwelling, measured from the center of the WECS to the nearest wall, roofline, or corner of the structure:	1.1 times (1.1 x) the total height.
Road right-of-way, measured from the center of the WECS to the edge of the designated right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less the required yard setback prescribed for that zoning district.
Other easements, such as railroads and utility easements, measured from the center of the WECS to the edge of the designated right-of-way:	1.1 times (1.1 x) the total height, provided that the distance is no less than the required yard setback prescribed for that zoning district.
Public conservation land, measured from the center of the WECS to the nearest point of the public conservation land in question:	Seven hundred fifty feet (750').
Wetland, as defined by the U.S. Army Corps of Engineers, measured from the center of the WECS to the nearest point of the wetland in question:	As determined in writing from the Army Corps of Engineers.

(4) *Residential reciprocity*. The setback for a residential dwelling shall be reciprocal in that no residential dwelling shall

be constructed within 1.1 times (1.1 x) the height of a meteorological tower, 1,000 feet of a commercial WECS; or 1.1 times (1.1 x) the height of a commercial, micro, or small WECS. No variance from these development standards may be granted in conflict with the rules established by the Federal Housing Administration.

(5) *Road right-of-way setback.* The setback for road rights-of-way shall be measured from the designated right-of-way line pursuant to the adopted Comprehensive Plan and/or Thoroughfare Plan of Hancock County.

(H) *Safety design and installation standards.*

(1) *Equipment type.*

(a) *Turbines.* All turbines shall be constructed of commercially available equipment.

(b) *Meteorological towers.* Meteorological towers may be guyed.

(c) *Experimental or proto-type equipment.* Experimental or proto-type equipment still in testing which does not fully comply with industry standards may be approved by the Board of Zoning Appeals according to the variance process established by this section.

(2) *Industry standards and other regulations.* All WECS and meteorological towers 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.

(3) *Controls and brakes.*

(a) *Braking system.* All WECS shall be equipped with a redundant braking system. This shall include both aerodynamic over speed controls (including variable pitch, tip, and other similar systems) and mechanical brakes. Stall regulation shall not be considered a sufficient braking system for over speed protection.

(b) *Operation mode.* All mechanical brakes shall be operated in a fail-safe mode.

(4) *Electrical components.*

(a) *Standards.* All electrical components of all WECS shall conform to applicable local, state and national codes, and any relevant national and international standards.

(b) *Collection cables.* All electrical collection cables between each WECS shall be located underground except with express, written permission by the Planning Director or Board of Zoning Appeals.

(c) *Transmission lines.* All transmission lines that are buried shall be at a depth consistent with or greater than local utility and telecommunication underground lines standards except with express, written permission by Planning Director or the Board of Zoning Appeals.

(5) *Appearance.* In addition to all applicable FAA requirements, the following shall also apply:

(a) *Wind turbines and towers.* All wind turbines and towers that are part of WECS shall be white, grey, or other neutral color.

(b) *Blades.* All blades shall be white, grey, or other neutral color. Blades may be black in order to facilitate deicing.

(c) *Finishes.* Finishes shall be matte or non-reflective.

(d) *Visual uniformity.* When two or more WECS are located on the same parcel of land, all turbines shall have the same number of rotor blades, and all rotor blades shall spin in the same direction in relation to the wind. All turbines shall have the same height from blade tip to the ground, and all machinery and structures and blades shall be painted with the same color scheme.

(6) *Hazard protection.* With the exception of roof-mounted micro-WECS, all towers and guyed towers shall utilize the following protective mechanisms:

(a) *Visible and reflective objects.* 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 feet above the ground.

(b) *Climb prevention.* All 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 feet in height; or
2. Anti-climbing devices 15 feet vertically from the base of the WECS tower; or
3. Locked WECS tower doors.

(c) *Visible fencing.* Visible fencing not less than four feet in height shall be installed around anchor points of guy wires.

(7) *Blade clearance.* The minimum distance between the ground and any protruding blades(s) utilized on all commercial WECS shall be 25 feet as measured at the lowest point of the arc of the blades. The minimum distance between the ground

and any protruding blade(s) utilized on all remaining WECS shall be a minimum of 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.

(8) *Lighting.*

(a) *Intensity and frequency.* All lighting, including lighting intensity and frequency of strobe, shall adhere to but not exceed requirements established by Federal Aviation Administration permits and regulations.

(b) *Shielding.* Except with respect to lighting required by the FAA, lighting shall be shielded so that glare will not extend beyond any WECS structure.

(9) *Materials handling, storage and disposal.*

(a) *Solid wastes.* 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 shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

(b) *Hazardous materials.* 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.

(I) *Other applicable standards.*

(1) *Sewer and water.* All WECS facilities shall comply with the existing septic and well regulations as required by the Hancock County Health Department and/or the State of Indiana Department of Public Health.

(2) *Utility interconnection.* The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as prescribed by the applicable regulations of the electrical utility, as amended from time to time.

(3) *Feeder lines.* With the exception of required minimum setback distances, feeder lines installed as part of any WECS shall not be considered an essential service. Therefore, all communications and feeder lines installed as part of any WECS shall be buried underground.

(4) *Other appurtenances.* No appurtenances other than those associated with the wind turbine operations shall be connected to any wind tower except with express, written permission by the Planning Director or Board of Zoning Appeals.

(J) *Signage.* In addition to complying with §156.085 regarding sign standards, the following signage regulations and standards shall apply. In the event that one of the following regulations or standards conflicts with another sign regulation or standard prescribed by this section, the most restrictive regulation or standard shall apply.

(1) *Surface area.* No sign shall exceed 16 square feet in surface area.

(2) *Height.* No sign shall exceed six feet in height.

(3) *Manufacturer's or owner's company name and/or logo.* The manufacturers or owner's company name and/or logo may be placed upon the compartment containing the electrical equipment.

(4) *Development signs.* An identification sign relating to a commercial WECS may be located on each side of the total WECS area, provided that no more than four signs are located on any one project site.

(5) *Other signs and logos.* No other advertising signs or logos shall be placed or painted on any WECS.

(6) *Warning and contact information.* For all commercial WECS, a sign or signs shall be posted on the tower, transformer and substation warning of high voltage. Signs with emergency contact information shall also be posted at the base of the tower and/or other suitable location.

(7) *Non-commercial WECS and small WECS.* The following notices shall be clearly visible on all non-commercial WECS, and small WECS towers and accessory facilities:

(a) "No Trespassing" signs shall be attached to any perimeter fence.

(b) "Danger" signs shall be posted at the height of five feet on WECS towers and accessory structures.

(c) A sign shall be posted on the tower showing an emergency telephone number.

(d) The manual electrical and/or overspeed shutdown disconnect switch(es) shall be clearly labeled.

(8) *Meteorological towers.* Aviation warnings shall be painted on all meteorological towers pursuant to, or unless expressly waived by, the Federal Aviation Administration (FAA).

(K) *Operation and maintenance.*

(1) *Physical modifications.* In general, with the exception of micro-WECS, any physical modification to any WECS that alters the mechanical load, mechanical load path, or major electrical components shall require re-certification by a professional engineer. Like-kind replacements shall not require re-certification. However, prior to making any physical

modification, the owner or operator shall consult with the Planning Director and/or the Board of Zoning Appeals to determine whether the physical modification requires re-certification.

(2) *Noise and vibration.* The noise level of micro-WECS, non-commercial WECS or small WECS shall not exceed 55 decibels (A-weighted) and shall not exceed 50 decibels (C-weighted) if it is determined that a pure tone noise is generated by the project. This level may only be exceeded during short-term events such as utility outages and/or severe wind storms. In the event of a written complaint received by the Planning Director, the owner/operator shall be responsible for contracting with a licensed or certified noise analyst to verify compliance with this standard. If an agreement to remedy the complaint is not reached within 90 days, appropriate action shall be taken by the Planning Director and/or Board of Zoning Appeals, which may result in requiring the WECS to become decommissioned and taken out of service. The noise level of a commercial WECS shall not exceed ten decibels above the pre-construction ambient baseline sound level. Measurements shall be taken five feet above ground level at the nearest property line. The base-line ambient noise level shall be documented and recorded with the Hancock County Recorder's Office prior to issuance of the improvement location permit.

(3) *Interference.* The owner and/or operator shall eliminate interference with electromagnetic communications, such as radio, telephone, microwaves, or television signals caused by any WECS. In particular, the owner and/or operator shall comply with the following:

(a) *Pre-construction.* The owner or operator shall complete a communications study by a licensed or registered radio communications specialist prior to construction. The study shall include specific recommendations to minimize interference with any public or public-serving utility microwave transmissions. The WECS design shall implement the recommendations of the study which shall be submitted to the Planning Director prior to issuance of the improvement location permit.

(b) *Post-construction.* If after construction of the WTCS, the Planning Director, owner, or operator receives a written complaint related to interference with the broadcast of residential television, telecommunication, communication or microwave transmissions, the owner or operator shall eliminate said interference. Interference with private telecommunications systems such as GPS shall be between the company and the complainant.

(c) *Failure to remedy a complaint.* If an agreement to remedy a known interference is not reached within 90 days of receipt of the complaint, appropriate action shall be taken by the Planning Director and/or Board of Zoning Appeals, which may result in requiring the WECS to become decommissioned and taken out of service. This does not apply to interference with private telecommunications systems.

(4) *Declaration of public nuisance.* Any WECS declared to be unsafe by the Hancock County Building Official by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal pursuant to the approved decommissioning plan.

(L) *Decommissioning plan.* Prior to receiving an improvement location permit or building permit, or siting approval for a WECS under this section, the applicant in cooperation with the Planning Director and/or the Board of Zoning Appeals shall formulate a decommissioning plan in recordable format to ensure that the WECS is properly decommissioned. This requirement shall not apply to a micro-WECS. The decommissioning plan shall include, but not be limited to, the following language.

(1) *Assurance.* Written assurance that the WECS will be properly decommissioned within six months of non-operation or abandonment. An applicant's obligations shall include removal of all WECS-related components and materials.

(2) *Cost estimate.* A contractor cost estimate for demolition and removal of all WECS-related components and materials to a depth of not less than four feet below ground level and restoration of the project area to pre-construction condition. The cost estimate may include any offsetting affects of salvage value. 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 or experience with decommissioning WECS.

(3) *Financial assurance for non-commercial and commercial WECS.* Financial assurance in an amount not less than the aforementioned cost estimate in the form of a bond, irrevocable letter of credit acceptable to the Hancock County Board of Commissioners, or other security acceptable to Hancock County. The security shall be released when the WECS has been decommissioned according to the decommissioning plan as determined by the Planning Director.

(M) *Discontinuation and abandonment.*

(1) *Discontinuation.* All WECS shall be deemed a discontinued use after 12 months without energy production or upon expiration of an annual occupancy permit, if required. Prior to this, the owner or operator may submit a plan to the Planning Director outlining the steps and schedule for returning the WECS to service and obtaining an occupancy permit, if required. The plan shall be subject to review and approval by the Planning Director or the Board of Zoning Appeals.

(2) *Access easement.* With the exception of micro-WECS and small WECS, in the event of abandonment by the owner or operator, the applicant shall provide an affidavit to the Planning Director representing that recorded access easements exist for purposes of salvaging the remaining WECS equipment and/or restoring the property to pre-construction condition.

(3) *Written notices.* Prior to implementation of procedures to resolve the default(s), the Planning Director shall first provide written notice to the owner and/or operator setting forth the alleged default(s). Such written notice shall provide the owner and/or operator a reasonable time period not to exceed 60 days for good faith negotiations to resolve the alleged default(s).

(4) *Costs incurred by Hancock County.* In the event Hancock County removes the WECS-related components and materials, Hancock County may sell the salvage to defray the costs of restoring the property to pre-construction condition. As a condition of permit approval, the owner and/or operator grants a license to Hancock County to enter the property to pursuant to the terms of the approved decommissioning plan.

(N) *Liability insurance.* With the exception of micro-WECS, the owner shall submit and maintain at all times a comprehensive commercial general liability insurance policy, including completed operations coverage, with limits of no less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate in addition to an umbrella policy or an excess limit policy of no less than \$4,000,000 all of which policies shall name Hancock County and the Hancock County Board of Commissioners as additional insureds. In both cases, the policies shall state that the owner and insurance carrier will notify the Hancock County Commissioners and Hancock County Plan Commission 30 days in advance of either cancellation and/or non-renewal of said policies.

(O) *Application procedures.* In accordance with § 156.021(B), applications for special exceptions and improvement location permits shall include the following.

(1) *All WECS.* An application for a special exception and improvement location permit for a WECS shall include the following information:

(a) *Contact information of project applicant.* The name(s), mailing address(es), email addresses, fax numbers and phone number(s) of the applicant(s), as well as a description of the applicant's business structure and overall role in the proposed project.

(b) *Contact information of current project owner.* The name(s), mailing address(es), email addresses, fax numbers and phone number(s) of the owner(s), as well as a description of the owner's business structure and overall role in the proposed project, and including documentation of land ownership or legal control of the property on which the WECS is proposed to be located. The Planning Director shall be informed of any changes in ownership.

(c) *Contact information of project operator.* The name(s), mailing address(es), email addresses, fax numbers and phone number(s) of the operator(s), as well as a description of the operator's business structure and overall role in the proposed project.

(d) *Legal description.* The legal description, address, and general location of the project.

(e) *Project description.* The WECS project description, including information for each proposed tower and wind turbine, shall include the following:

1. Number of turbines;
2. Type;
3. Name plate generating capacity;
4. Tower height;
5. Rotor diameter;
6. Total height;
7. Anchor base;
8. The means of interconnecting with the utility transmission lines;
9. The potential equipment manufacturer(s); and
10. All related accessory structures.

(f) *Site layout plan.* A site plan, drawn to scale. All drawings shall be at a scale of one inch equals thirty feet (1"=30'). Any other scale must be approved by the Planning Director. No individual sheet or drawing shall exceed 24 inches x 36 inches.

(g) *Engineering certification.* The manufacturer's engineer or another qualified registered professional engineer shall certify, as part of the building permit application that the turbine, foundation and tower design of the WECS is within accepted professional standards for such structures, given local soil and climate conditions. An engineering analysis of the tower showing compliance with the applicable regulations 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.

(h) *Proof of correspondence and cooperation with wildlife agencies.* 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 he or she is in direct correspondence and cooperation with the U.S. Fish and Wildlife Service and the Indiana Department of Natural Resources.

(i) *Plan release from fire prevention and building safety.* The applicant for an WECS shall submit the application documents to the Indiana Fire Prevention and Building Safety Commission for certification that the WECS complies with the Indiana Building Code.



(2) *Non-commercial WECS.* In addition to the application requirements listed in division (O)(1), an application for a special exception and/or improvement location permit for non-commercial WECS shall include the following information:

(a) *Demonstration of energy need.* The primary purpose of the production of energy from a non-commercial WECS shall be to serve the energy needs of that tract. The applicant(s) shall demonstrate how much energy is needed and how the proposed size and number of the WECS fulfills this need. Net-metering may be allowed, but shall not be the primary intent of the WECS.

(b) *Statement of FAA compliance.* A statement of compliance with all applicable FAA rules and regulations, including any necessary approvals for installations within close proximity to an airport.

(c) *Utility notification.* A non-commercial WECS shall not be installed until evidence has been given that the local utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Systems that do not connect to utility transmission lines shall be exempt from this requirement.

(d) *Compliance with National Electrical Code.* A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This information is frequently supplied by the manufacturer.

(3) *Commercial WECS.* In addition to the application requirements listed in division(O)(2), applications for commercial WECS shall include the following information:

(a) *Preliminary site layout plan.* In place of the site layout plan described in division (O)(1)(f), an application for a commercial WECS shall include a preliminary site layout plan with distances drawn to scale by a registered land surveyor illustrating the following:

1. Property lines, including identification of adjoining properties;
2. The latitude and longitude of each individual wind turbine, along with individual identification of each WECS;
3. Dimensional representation of the structural components of the tower construction including the base and footings;
4. WECS access roads;
5. Substations;
6. Electrical cabling;
7. Ancillary equipment;
8. Primary structures within one-quarter mile of all proposed WECS;
9. Required setback lines;
10. Location of all public roads which abut, or traverse the proposed site;
11. The location of all above-ground utility lines within a distance of two times the height of any proposed WECS structure;
12. The location of any historic or heritage sites as recognized by the Division of Historic Preservation and Archeology of the Indiana Department of Natural Resources, within one mile of a proposed WECS;
13. The location of any wetlands based upon a delineation plan prepared in accordance with the applicable U.S. Army Corps of Engineers requirements and guidelines, within one mile of a proposed WECS;
14. Any other item reasonably requested by the Planning Director and/or Board of Zoning Appeals, such as:
  - a. Topographic map;
  - b. USGS topographical map, or map with similar data, of the property and the surrounding area, including any other WECS within ten rotor distance, but no less than a one-quarter mile radius from the proposed project site, with contours of not more than five-foot intervals;
  - c. Noise profile;
  - d. Location of all known WECS within one mile of the proposed WECS, including a description of the potential impacts on said WECS and wind resources on adjacent properties;
  - e. Copy of the communications study;
  - f. Statement of FAA compliance.

(4) *Aggregated projects.* Aggregated projects may jointly submit a single application and be reviewed under joint proceedings and notices.

(P) *Pre-construction requirements.* Prior to the issuance of an improvement location permit, the applicant shall submit the following information to the satisfaction of the Planning Director in addition to the application requirements of division (O) above:

(1) *Decommissioning plan.* For all WECS except micro-WECS, a decommissioning plan as prescribed in division (L) above.

(2) *Drainage, road use and maintenance agreements.* For all WECS except micro-WECS and small WECS, agreements relating to drainage, road use, and maintenance shall be approved by the Hancock County Commissioners. The agreements shall be developed in conjunction with the Hancock County Surveyor and the Hancock County Highway Department. The agreements must be signed before any improvement location permit is issued. The drainage agreement must prescribe or reference provisions to address crop and field tile damages.

(3) *Erosion control plan and Rule 5 compliance.* For all WECS except micro-WECS, 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.

(4) *Utility plan.* For all WECS, a utility plan drawn to the same scale as the site plan illustrating the location of all underground utility lines associated with the total WECS project shall be submitted to the Planning Director. No individual sheet or drawing shall exceed 24 inches by 36 inches.

(5) *Final site layout plan.* For commercial WECS, provide a copy of the final site layout plan illustrating the final location of all that is required in the preliminary site layout plan, as approved by the landowner.

(6) *Avoidance and mitigation of damages to public infrastructure.* For commercial WECS, in addition to complying with the approved road use and maintenance agreements, an applicant, owner, or operator proposing to use any county road(s) for the purpose of transporting commercial WECS or substation parts and/or equipment for construction, operation or maintenance of a commercial WECS or substation, shall comply with the following pre-construction requirements.

(a) *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 Hancock County Highway Department.

(b) *Pre-construction survey.* The applicant shall conduct a pre-construction baseline survey acceptable to the Hancock County Highway Department 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.

(Q) *Construction requirements.* During construction, the applicant shall demonstrate that the following requirements are being met:

(1) *Dust control.* For commercial WECS, reasonable dust control measures shall be required by the Board of Zoning Appeals during construction of a commercial WECS.

(2) *Drainage.* For all WECS except micro-WECS, storm water best management practices as required by the approved drainage plan/agreement on file with the Hancock County Surveyor.

(R) *Post-construction requirements.* Post-construction, the applicant shall comply with the following provisions:

(1) *Road repairs and bonds.* For all WECS except micro-WECS, road damage caused by the construction of the project, the installation of the same, or the removal of the same, shall be repaired to the satisfaction of the Hancock County Highway Department. The County Highway Department may require remediation of road repair upon completion of the project or may collect fees for oversized load permits. Further, a corporate surety bond in an amount determined by a professional engineer may be required by the Department to insure that repairs are completed to the satisfaction of the Department. The cost of bonding shall be paid by the applicant.

(2) *As-built plans requirement.* For all WECS except micro-WECS, within 60 days of completion of all development, the exact measurements of the location of all constructed and installed utilities and structures shall be recorded. Initially, the applicant, owner, or operator shall submit a copy of the as-built construction plans to the Planning Director with the exact measurements shown thereon. The Director, after being satisfied that the measurements are substantially the same as indicated on the originally approved plan(s), shall approve, date and sign the as-built plans which the applicant, owner, or operator shall then record and provide a copy of said recorded document to the Planning Director.

(3) *Annual occupancy permit.* For all WECS except micro-WECS, for purposes of this section, it shall be the responsibility of the applicant or property owner to inform the Planning Director of all changes in ownership or operation during the life of the project and to seek and obtain an annual occupancy permit with proof of insurance from the Hancock County Board of Zoning Appeals.

(S) *Summary of submittal requirements for WECS applications.*

<b>APPENDIX: SUMMARY OF SUBMITTAL REQUIREMENTS FOR WECS APPLICATIONS</b>			
	<b>WECS/ Commercial</b>	<b>WECS/Micro and Small</b>	<b>WECS/ Non- Commercial</b>
<b>APPENDIX: SUMMARY OF SUBMITTAL REQUIREMENTS FOR WECS APPLICATIONS</b>			

	<i>WECS/ Commercial</i>	<i>WECS/Micro and Small</i>	<i>WECS/ Non- Commercial</i>
<b>Applications for Special Exceptions and ILPS</b>			
Contact information/applicant	•	•	•
Contact information /project owner	•	•	•
Contact information/project operator	•	•	•
Legal description	•	•	•
Project description	•	•	•
Site layout plan	•	•	•
Engineering certification	•	Small, only	•
Proof wildlife agencies	•	Small, only	•

<b>APPENDIX: SUMMARY OF SUBMITTAL REQUIREMENTS FOR WECS APPLICATIONS</b>			
	<i>WECS/Commercial</i>	<i>WECS/Micro and Small</i>	<i>WECS/Non- Commercial</i>
<b>APPENDIX: SUMMARY OF SUBMITTAL REQUIREMENTS FOR WECS APPLICATIONS</b>			
	<i>WECS/Commercial</i>	<i>WECS/Micro and Small</i>	<i>WECS/Non- Commercial</i>
<b>Applications for Special Exceptions and ILPS (cont'd)</b>			
Plan release fire/building safety	•	Small, only	•
Demonstration of need	•		•
FAA compliance	•		•
Utility notification	•	If connected to utility	•
National Electrical Code	•	•	•
Preliminary site plan	•		
<b>Pre-Construction ILP Requirements In Addition to Above</b>			
Decommissioning plan	•	Small, only	•
Drainage, road and maintenance agreements	•		•
Erosion control plan	•	Small, only	•
Utility plan	•	•	•
Final site layout plan	•		
Identification of roads and services	•		
Pre-construction survey	•		
<b>Construction Requirements</b>			
Dust control	•		
Drainage BMPs	•	Small, only	•
<b>Post-Construction Occupancy Permit</b>			
Road repairs and bonds	•	Small, only	•
As-built plans	•	Small, only	•
Occupancy permit	•	Small, only	•

(Ord. 2010-2D, passed 2-22-10)

**§ 156.081 AGRIBUSINESS STANDARDS.**

(A) *Intent.*

(1) These standards are intended to promote agribusiness and agritourism in Hancock County while preserving the quality and character of the county's neighboring land uses. For purposes of this section, the term **AGRIBUSINESS** refers to activities occurring on a farm that promote agriculture and/or the profitability of farming operations. These standards are also intended to establish minimum criteria for agriculturally-based businesses while preserving and fostering the diversity and economic vitality of Hancock County farms.

(2) Generally, **AGRIBUSINESS** is a commercial enterprise involving the production, raising, processing, distribution, and sale of agricultural and value added agricultural products. Agribusiness may also include **AGRITOURISM** venues involving public visitation of agricultural, horticultural, or agribusiness operations for purposes of education and entertainment. Agritourism may include both agricultural and non-agricultural activities.

(3) When interpreting and administering this section, attention should be given toward categorizing broad types of venues (i.e. U-pick operation, dairy operation with cheese making, etc.) rather than detailing or forecasting every possible activity or event that may happen at a given location. As in any industry, changes in current trends, customer demands, and crop performance will affect the specific nature of activities from year to year. When considering operations for approval the BZA is encouraged to consider general, rather than specific, categories of activities and events.

(B) *General requirements.* An agribusiness operation may only be permitted in association with land that is actively producing an agricultural product. Operations and activities relating to an agribusiness shall be accessory to the primary agricultural use of the land. An agribusiness may be allowed only in accordance with the Land Use Matrix and Definitions sections for Agribusiness Type 1 and Agribusiness Type 2 of this chapter. Concurrently, two or more types of agribusiness may be conducted on the same parcel. In addition, an agribusiness shall be subject to the following requirements:

(1) *Agribusiness Type 1.* A land use associated with an Agribusiness Type 1 shall not be subject to an improvement location permit; however, any site improvement or structure associated with an Agribusiness Type 1 shall be subject to an improvement location permit pursuant to the requirements of this chapter and all applicable building codes.

(a) *Parking.* Parking areas shall not be required for an Agribusiness Type 1.

(b) *Hours of operation.* Operations involving patrons shall be limited to the hours between 7:00 a.m. and 10:00 p.m., except as follows:

1. Seasonal activities and/or special events shall cease by midnight.
2. Overnight camping associated with historical reenactments, involving fewer than 100 patrons, shall be allowed.
3. Extension of these hours shall be subject to BZA approval of a special exception.
4. Employees and family members of the owner/operator shall be exempt from this provision.

(2) *Agribusiness Type 2.* The Board of Zoning Appeals shall review for approval the size, scope, and duration of an Agribusiness Type 2 and the number of any separate and distinct agribusinesses and/or agribusiness activities sought to be operated on the land, as well as the frequency of the activities. The Board of Zoning Appeals shall, in considering whether to grant a special exception for an Agribusiness Type 2, weigh the potential benefits of the proposed agribusiness to the land owner and the promotion of agriculture against the anticipated impact of the agribusiness upon surrounding landowners. The Board shall also consider comments regarding the proposal from the County Surveyor, County Highway Engineer, and local Fire Department. A special exception granted to operate an Agribusiness Type 2 shall remain valid as long as the owner/operator continues meeting the requirements of the special exception. Notification of surrounding land owners shall be provided pursuant to the county's standard notification procedure.

(a) *Parking.* The design and location of parking areas shall be reviewed and approved by the Board of Zoning Appeals in accordance with the parking standards of this chapter. The BZA may require additional parking areas if overflow parking events regularly occur and/or to minimize traffic congestion. In no instance shall parking be permitted within the public right-of-way; the owner/operator shall take measures to ensure that vehicles do not park in the right-of-way.

(b) *Type 1 activities included.* A special exception to operate a Type 2 activity shall be assumed to include all activities referenced in the definition for Type 1 unless otherwise determined by the BZA at the time the special exception is granted.

(c) *Approval runs with land.* Any special exception and terms thereof granted for an agribusiness operation shall run with the land unless otherwise determined by the BZA.

(3) *Improvement location and building permit required.* All structures relating to an agribusiness shall be subject to applicable zoning and building code requirements.

(4) *Owner/operator.* The primary operator of the agribusiness shall be the owner of the land and/or have legal control of the land, owned or rented.

(5) *Signage.* On-site directional signage (such as traffic control signage) necessary to provide a safe and well-organized experience for guests is encouraged. For purposes of this section, corporate branding may be utilized provided the directional signage is not visible from the public road.

(6) *Vehicular access.* The design, installation, and maintenance of driveway entrances for an agribusiness shall be reviewed and approved by the County Highway Department and/or applicable agency.

(7) *Sanitation.* Temporary public toilet facilities that are visible from public roads or located within 100 feet of residential homes shall be screened unless otherwise approved by the Planning Director. Temporary toilet facilities for employees required by agricultural food safety regulations are exempt from this screening.

(8) *Buffer yard required.* Any agritourism activity, including parking area, located within 200 feet of an established residential primary structure, of other than the owner's, shall install a landscape buffer yard between the activity and residential structure, as follows:

(a) *Trees.* Two broadleaf deciduous canopy trees and two evergreen trees shall be planted for every 50 feet of boundary between the activity and residential property line.

(b) *Shrubs.* Shrubs shall be planted along 50% of the boundary.

(c) *Mound or wall.* The plantings shall be supplemented by either:

1. An earth mound, at least three feet tall, with a maximum slope of 3:1 (rise:run), or

2. An opaque fence/wall, at least six feet tall, of wood, brick or stone. At least 75% of the above required plant material shall be located outside of the fence/wall.

(d) *Height.* The minimum height of the buffer yard shall not be less than eight feet upon maturity.

(e) *Standards.* All landscape materials required by this section shall be subject to the landscaping standards of this chapter.

(f) *Placement limitation.* The buffer yard shall not be placed within any easement, right-of-way, or septic field.

(g) *Additional cover.* All portions of the buffer yard not planted with trees and/or shrubs shall be covered with grass or other common landscape material.

(h) *Maintenance.* Trees and shrubs are intended to grow, spread and mature over time. Therefore, pruning, limbing-up, topping and other growth-inhibiting measures may be used only to ensure public safety.

(i) *Qualifying trees and shrubs.* Refer to the tree and shrub species tables in § 156.075 for the list of qualifying trees and shrubs.

(9) *Waste/debris.* The owner/operator of an agribusiness shall maintain the site and adjacent areas in a clean, neat, and well-groomed condition. Trash shall be collected and stored in closed containers. All dumpsters visible from public roads or within 100 feet of residential homes shall be screened unless otherwise approved by the Planning Director.

(10) *Other considerations.* The agribusiness shall comply with the county's standards and regulations pertaining to, but not limited to signage, lighting, and maximum occupancies, unless waived or modified by the Board of Zoning Appeals. Structures relating to an agribusiness may also be subject to state license and permit requirements for public occupancies, amusement and entertainment. The County Planning Department shall maintain an informational checklist of other permits and approvals that may be required to operate an agribusiness.

(11) *Legal non-conforming ("grandfathered") uses.* An agribusiness legally in existence prior to enactment of this section shall not be subject to the provisions of this section. However, any such agribusiness that adds a new and distinct Agribusiness Type 2 activity must comply with this section prior to adding the new business. An agribusiness legally in existence pursuant to a variance or special exception granted prior to enactment of this section shall not be subject to the provisions of this section but shall continue to conform to the terms of approval of the variance or special exception.

(Ord. 2012-5A, passed 5-29-12; Am. Ord. 2015-5H, passed 5-19-15)

## SIGN STANDARDS

### § 156.085 GENERAL SIGN STANDARDS.

(A) *Intent.* The intent of this subchapter is to further the goals of the Comprehensive Plan; avoid the proliferation of signage; encourage signs to be compatible with the scale of buildings and the surrounding features; maintain and enhance the aesthetic environment of the County; eliminate potential hazards to motorists and pedestrians resulting from signs; and promote the health, safety, and welfare of the residents of Hancock County.

(B) *General sign standards applicable to all zoning districts.*

(1) *General requirements.* Except as otherwise provided in this subchapter, it shall be unlawful for any person to erect, construct, enlarge, move or convert any sign within the jurisdiction of the Hancock County Area Plan Commission, or cause the same to be done without first obtaining a sign permit. The following general sign standards apply to all signs within the jurisdiction of the Hancock County Area Plan Commission.

(a) *Sign permit review for permanent signs.* The following procedure applies to permanent sign/improvement location permit review.

1. *Application.* Application for a sign permit shall be filed with the Planning Director and shall be accompanied by any information the Planning Director determines is necessary to assure compliance with this chapter, including but not limited to:

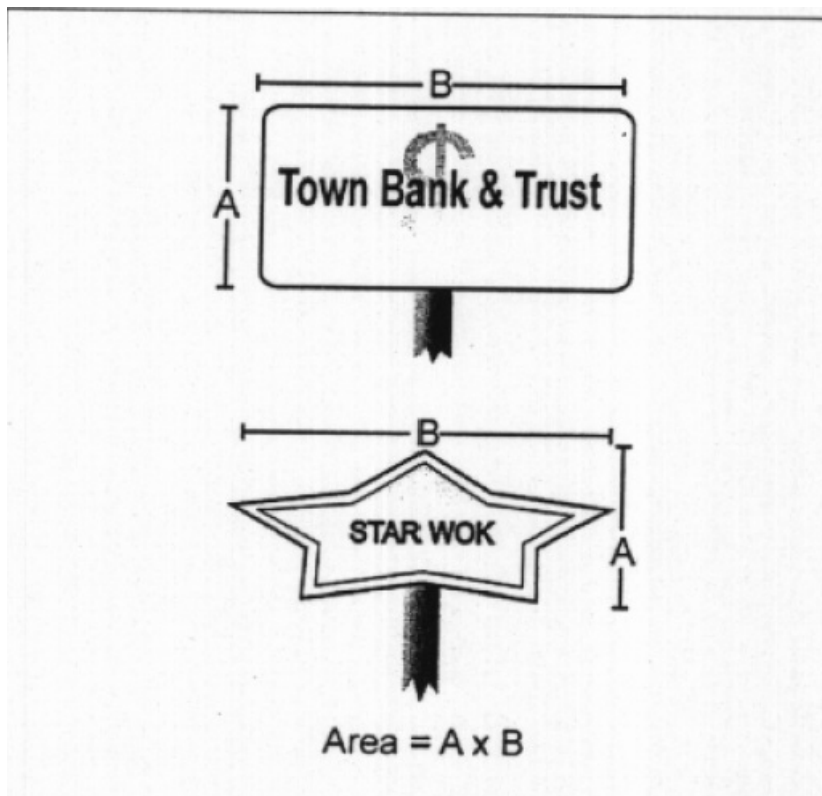
- a. Clear and legible drawings with descriptions showing the location of the sign which is the subject of the permit.
- b. An indication of all existing and anticipated signs on the same property and for the same business use.
- c. A dimensioned drawing showing the size of the sign area and the height of the sign.
- d. Description of sign materials and colors.
- e. Type of illumination.
- f. Mounting details.

2. *Effect of sign permit issuance.* A sign permit issued under the provisions of this section 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.

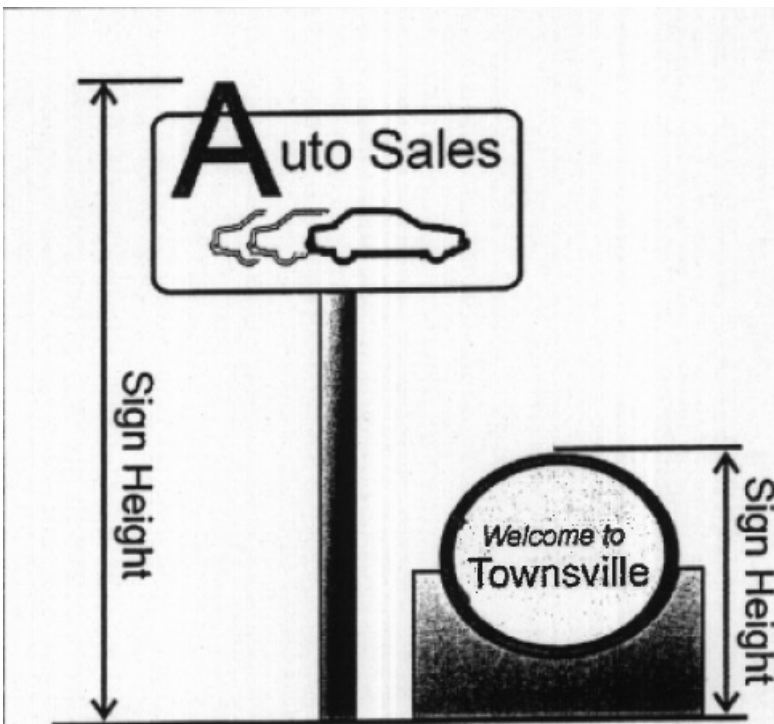
3. *Expiration.* A sign permit shall become null and void if work has not been started within 30 days of the date the permit is issued or completed within 180 days of the date the permit is issued.

(b) *Measurement.* The sign area shall be calculated by multiplying the maximum vertical dimension by the maximum horizontal dimension including the extreme limits of characters, lettering or figures. The sign height shall be measured from the grade at the edge of the adjacent right-of-way to the highest point of the sign, and include any poles or other supports unless otherwise specified in this subchapter. In no case shall sign height be measured from the top of any berm or other artificial grade.

(c) *Double-faced signs.* For all signs permitted by this subchapter, a double-sided sign may be erected. Only the sign area of one of the two sides shall be considered the sign area of the entire sign. However, the two sides shall be identical and shall be placed back-to-back, and the maximum distance between the two sides shall not exceed two feet at any point.



**Sign Area Measurement Examples**



### **Sign Height Measurement Examples**

(d) *Inspection.* Signs for which a permit is required may be inspected periodically by the Planning Director for compliance with this subchapter.

(e) *Removal of sign.* The Planning Director may order the removal of any sign erected or maintained in violation of this subchapter, at the cost of the property owner, consistent with the provisions of §§ 156.115 et seq. regarding enforcement and penalties.

(f) *Maintenance.* All signs and their components shall be kept in good repair and in safe, neat, clean, attractive, and structurally sound condition. Owners shall patch and paint damaged areas when signs are removed within 30 days.

(g) *Abandoned sign structures.* A sign structure, including all poles, frames, supports, and other structural, electrical, mechanical, and other elements, shall be removed by the owner of the premises upon which it is located if it is unused for a period of six months or greater.

(h) *Illuminated signs.* All illuminated signs must meet the exterior lighting standards of § 156.077.

(i) *Enforcement.* The enforcement of violations of the provisions of this subchapter shall be as provided by §§ 156.115 et seq.

(j) *Ground/monument sign structure.* Sign structure shall be constructed of decorative brick, stone, or other masonry, wood or metal.

(2) *Exempt signs.* The following signs are exempt from all provisions of this subchapter if in compliance with the conditions specified for each. No permit shall be required.

(a) *Integral identification features.* Names of buildings, date of erection, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure.

(b) *Public signs.* Public signs erected by or on the order of public officer(s) in the performance of public duty, such as signs to promote safety, no trespassing, or traffic signs; memorial plaques; signs of historical interest; and signs directing people to public facilities.

(c) *Utility marker signs.* Utility signs necessary to mark cables and lines for public and private utilities unless such signs are determined to be a hazard by the Planning Director.

(d) *Real estate signs.* Real estate signs, provided they are not located in the right-of-way, do not exceed more than two per property, and do not exceed a sign area of six square feet per sign in single-family residential zoning districts and 32 square feet per sign in all other zoning districts. In addition, each subdivision (defined as the area included in each primary and preliminary plat) shall be permitted one temporary sign, not exceeding 32 square feet in sign area).

(e) *Sandwich board signs.* One sandwich board sign for every business use located on a property. No sandwich board sign may exceed four feet in height, two feet in width, or six square feet in area. Each sign must be located within ten feet of the main entrance of the business for which it is established. The sign shall be located outside of the right-of-way unless otherwise approved by the County Highway or Town Engineer.

(f) *Emergency signs.* Emergency signs, such as those used by the fire or police department or those displaying employee information.

(g) *Sponsorship signs.* Sponsorship signs, such as those located inside little league ball diamonds and at other athletic and community facilities, provided such signs are, in the opinion of the Planning Director, oriented to those visiting and using the facility.

(h) *Pennants.* Pennants, streamers and any combination of such signs, provided that they are not located in a right-of-way and their use is temporary and does not exceed 30 days in any three-month period.

(i) *Banners.* One banner shall be permitted per business that does not exceed 24 square feet in area and shall be limited to 30 days of use in any three-month period.

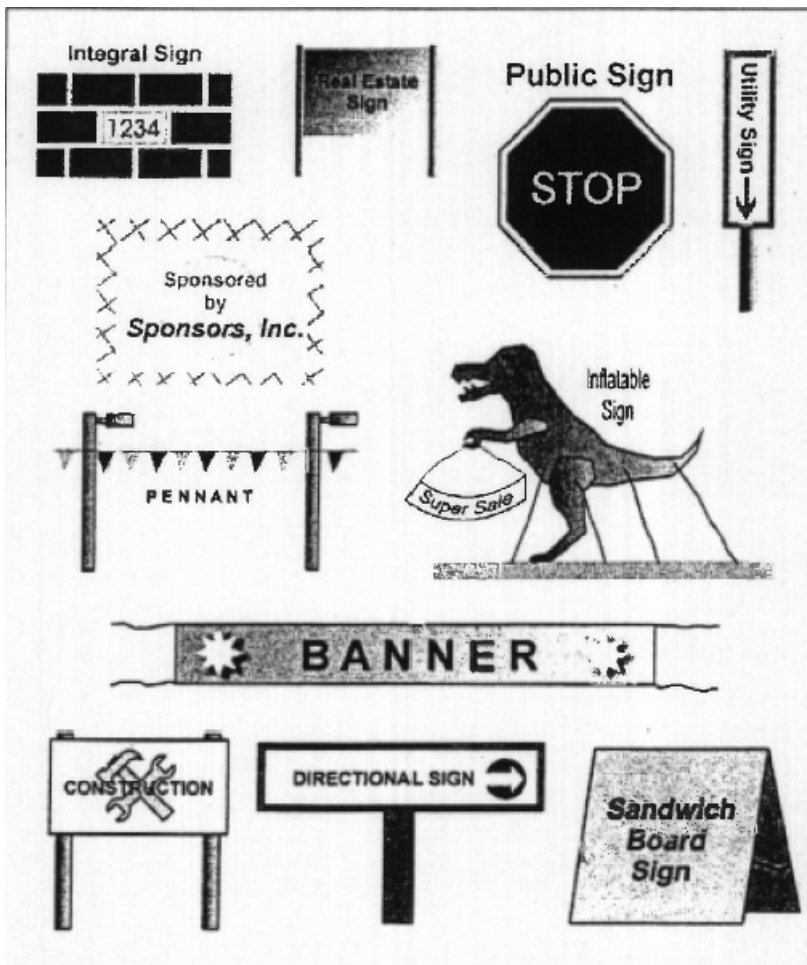
(j) *Construction signs.* Signs posted on construction sites, provided that they are not located in the right-of-way, do not exceed more than two per property, do not exceed six square feet per sign in single-family residential zoning districts and 32 square feet per sign in all other zoning districts, and are removed upon completion of construction activity.

(k) *Directional signs.* On-premise directional signs provided they are no more than four feet in height or six square feet in area. They shall be setback a minimum of two feet from all public rights-of-way. Directional signage shall not incorporate corporate branding.

(l) *Inflatable objects.* Inflatable objects, provided that they are not located in a public right-of-way, do not exceed more than one per property or business use (whichever is greater) at any time, no single inflatable object exceeds ten feet in height, and no property or business use (whichever is greater) makes use of any inflatable sign or signs more than seven consecutive days two times per calendar year.

(m) *Window signs.* Window signs that are less than 10% of the window area and with individual letters less than three inches in size.

(n) *Barn signs.* Barn signs, provided that they are not located on more than one barn per property.



### Exempt Sign Examples

(3) *Prohibited signs.* The following types of signs are expressly prohibited in all zoning districts.

(a) *Animated signs.* A sign which in its entirety or in part moves, rotates, flashes, or revolves. Such signs do not include changeable copy signs.

(b) *Emissions.* Signs that emit audible sound, odor or visible matter.



(c) *Imitation of official signs.* Signs that purport to be, are in imitation of, or resemble an official traffic sign or signal or which bear the words "Stop", "Slow", "Caution", "Danger", "Warning", or similar words.

(d) *Imitation of emergency vehicles.* Signs that may be construed as a light of an emergency or road equipment vehicle.

(e) *Visual impairment.* Signs that hide any traffic or roadway sign, signal or device from view, or that interfere with the sight visibility area as defined in § 156.072.

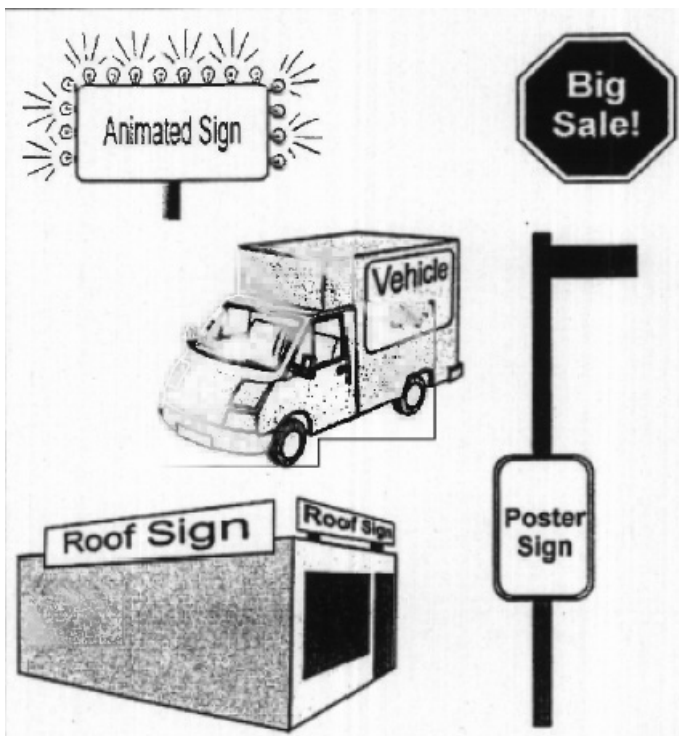
(f) *Encroachment.* Signs that are located in any right-of-way including those posted on utility poles or street signs. Projecting signs specified as permitted in this subchapter and approved by the applicable legislative body shall be permitted.

(g) *Obstruction.* Signs that obstruct any door, fire escape, stairway, or any opening intended to provide entrance or exit for any structure.

(h) *Vehicle signs.* Signs placed on vehicles or trailers parked on public or private property primarily for the purpose of displaying the sign. Prohibited signs do not include those displayed on vehicles parked for the purpose of lawfully making deliveries or random sales or service. Prohibited signs do not include vehicles which are customarily used for transporting persons or properties, and vehicles parked at a driver's place of residence during non-business hours or for incidental purposes.

(i) *Poster signs.* Posters, placards and other similar signs attached to light poles, gas station canopy supports, trees, and elsewhere outdoors that are not included as permitted temporary or permanent signs as described by this subchapter.

(j) *Permanent roof-mounted signs.* Signs that are mounted to the roof of a structure or are mounted to the wall of a structure and extend higher than that wall.



### **Prohibited Sign Examples**

(4) *Changeable copy sign standards.*

(a) *Types.* Changeable copy signs consist of two distinct types of signs: manual signs and electronic variable message signs (EVMS). Changeable copy signs shall comply with the requirements of this section in addition to all other provisions of this chapter.

(b) EVMS shall be permitted as a component of one permanent sign for individual uses or business centers per each allowable street frontage, or building frontage.

(c) *Amount of a sign that can contain an EVMS.* The portion of a sign dedicated for an EVMS shall not exceed 40% of the sign area.

(d) *Duration.* Changeable copy must have a minimum duration of one minute and must be a static display. No portion of the image may flash, scroll, twirl, change color, or in any manner imitate movement.

(e) *Transition.* In all districts where a sign changes by EVMS, the change sequence must be accomplished instantaneously and without special effects such as spinning, scrolling or traveling, and must be completed in no less than

one second but no more than two seconds.

(f) *Brightness and ambient dimmer control.* Electronic graphic display signs must have an automatic dimmer control (or photo electric cell) that maintains the minimum amount of light intensity necessary for clear and adequate visibility based on the surrounding ambient light at all times. For residential districts, the illumination must not exceed a maximum brightness of three-tenths (0.3) footcandles above the ambient light. For commercial and industrial districts, the illumination must not exceed a maximum brightness of eight-tenths (0.8) footcandles above the ambient light.

(g) *Brightness measurement.* Illumination shall be measured from the nearest edge of the nearest street pavement at a height of four to five feet above grade. The brightness of an EVMS sign located perpendicular to the street shall be measured at a 45 degree angle. The brightness of an EVMS sign located parallel to the street shall be measured at a 90 degree angle.

(h) *Static display.* Fluctuating or flashing illumination shall be prohibited. No portion of any sign may fluctuate in light intensity or use intermittent, strobe or moving light or light that changes in intensity in sudden transitory bursts, streams, zooms, twinkles, sparkles or in any manner that creates the illusion of movement. No portion of any sign may change its message or background in a manner or by a method of display characterized by motion or pictorial imagery, or depict action or a special effect to imitate movement, or the presentation of pictorials or graphics displayed in a progression of frames that give the illusion of motion or the illusion of moving objects, moving patterns or bands of light or expanding or contracting shapes, etc.

(i) *Color display.* Electronic message boards shall exhibit a consistent background.

(j) *Malfunction.* In the event of a malfunction, the EVMS shall freeze in one position or shall be shut down.

(k) *Off-premise use prohibited.* Messages displayed on a changeable copy sign shall not direct attention to a business conducted off the premise.

(l) *Public service announcements.* EVMS may be used to display public emergency service announcements such as weather alerts, national and local security events, or Amber alerts and the like. In the event of a public emergency only, announcements may scroll continuously, until the message is no longer necessary according to the County Sheriff.

(m) *Previously approved, non-conforming.* All previously approved existing electronic message signs that contain an electronic changeable copy module which does not comply with the provisions of this section shall be exempt from the brightness and duration of copy provisions of this section.

(n) *Portability.* Temporary or portable changeable copy signs shall be prohibited in all districts.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2011-3E, passed 5-31-11; Am. Ord. 2015-8B, passed 8-4- 15)

## **§ 156.086 RESIDENTIAL SIGN STANDARDS.**

Sign standards applicable to the single-family residential, manufactured home park, and multi-family residential zoning districts.

(A) *Subdivision/facility entry signs.* One double-faced or two single-sided ground / monument type signs are permitted at each entrance to a subdivision, apartment complex, or other residential development. A permit shall be required.

(1) *Sign area.* Sign area shall not exceed 32 square feet.

(2) *Height.* Sign height shall not exceed six feet measured from ground level. In no case may mounding or other alterations of the natural ground level be used as a point of reference for measuring sign height.

(3) *Setback.* Each sign structure shall be set back a minimum of two feet from the right-of-way of any public street and shall be located outside of the sight visibility triangle per § 156.072 . Entry signs placed in the right-of-way of a public street, such as in the median of a boulevard, shall be prohibited unless approved by the County Highway or Town Engineer.

(4) *Features.* Ground/monument entry signs shall generally incorporate design features into the structure such as decorative brick or stone walls, lighting and landscaping.

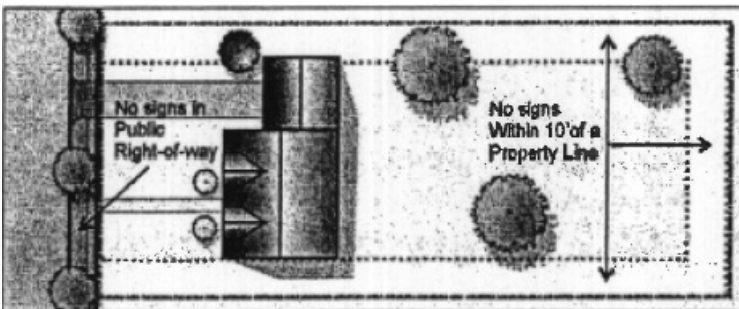
(5) *Landscaping.* A minimum of two square feet of landscaping per one square foot of sign area consisting of shrubs and perennial ground cover shall be provided.



**Subdivision Entry Sign**

(B) *General signs.* Every property shall be permitted signs that meet the following standards. No permit shall be required.

- (1) *Dimensions.* Signs with the exception of "yard cards" shall be no greater than six square feet in area or four feet in height.
- (2) *Setback.* No sign shall be located in a public right-of-way or closer than ten feet to any other property line.
- (3) *Political advertisement.* Political signs may be erected no more than 30 days prior to the election and are to be removed within five days after the election.



(C) *Identification/home occupation signs.* No displays, signs, and/or advertisements associated with the home occupation shall be permitted.

(D) *Model home/temporary sales facility signs.* Wall, awning, or ground signs shall be permitted on the lot of the sales facility and limited to an aggregate square footage not exceeding 32 square feet of sign area. In addition, individual model homes may have one sign not to exceed four square feet. Such signs shall be placed a minimum of ten feet from the right-of-way and ten feet from adjacent property lines, and in a manner consistent with the sight visibility standards of § 156.072.

(E) *GENERAL SIGN NOTE.* The general sign provisions are intended to accommodate political signs, contractor signs, "yard cards" and other similar types of signs. See Sign Standards Table in § 156.087.

(Ord. 2007-1B, passed 2-5-07)

**§ 156.087 NON-RESIDENTIAL SIGN STANDARDS.**

*PROJECTING SIGN NOTE.* Signs that project into the right-of-way of a public street shall require the approval of the applicable legislative body.

(A) *Sign standards applicable to the commercial: neighborhood and village overlay zoning districts.*

(1) *Signs for ground floor uses.* The signs for ground floor uses shall meet the following standards. These standards shall also apply to any business use occupying multiple floors, including the ground floor. A permit shall be required unless otherwise specified in this chapter.

(a) *Sign area.* The aggregate sign area shall be equivalent to one and one-half square feet of for every one linear foot per tenant frontage on a public right-of-way or private street.

- 1. In no instance shall the aggregate sign area for any tenant/ business use exceed 100 square feet in area.
- 2. The number of graphic elements shall be held to the minimum needed to convey the sign's primary message and

shall be composed in proportion to the overall sign area.

(b) *Number of signs.* No more than one of each sign permitted below shall be allowed per street frontage for ground floor uses. The total sign area shall not exceed the aggregate square footage.

(c) *Sign types permitted.* Any combination of the following signs may be used for each use as long as they are consistent with the total area allowed per use, the total number of signs permitted per use, and the other development standards listed in this section:

1. Wall signs,
2. Awning signs;
3. Projecting signs;
4. Window signs;
5. Time and temperature signs; and
6. Ground/monument signs.

(d) *Development standards by sign type.* Development standards for each type of sign are as follows:

1. *Wall sign.* Wall signs shall be located on the facade of the primary structure facing a public or private street. Signs shall not exceed 50% of the signable area. Signs shall not project more than 12 inches from the wall.

2. *Awning sign.* Awning signs shall not exceed 50% of the principal face of the awning. The lowest point of the awning shall not be closer than 8½ feet above the adjacent grade.

3. *Projecting sign.* No projecting sign shall, at its lowest point (except for the supporting building, structure, or column), be less than 8½ feet above grade level. A maximum of one sign per frontage on a public or private street shall be permitted per business. Projecting signs shall not exceed 24 square feet, nor project more than four feet from the building. Proof of insurance may be required.

4. *Window signs.* Window signs shall not exceed 25% of the window area.

5. *Time and temperature signs.* Time/temperature signs shall be counted toward the aggregate sign area, and shall meet the development standards that are consistent with the manner in which they are mounted. The illumination of the copy shall not cause glare to be inflicted upon adjacent property owners or the traveling public.

6. *Ground/monument signs.* One ground sign per lot is permitted and shall not exceed 32 square feet in sign area and shall not exceed six feet in height. Ground signs shall be no closer than 150 feet. An increase in square footage may be allowed for multiple tenant usage.

(2) *Signs for upper floor uses.*

(a) Signage for upper-floor uses shall be permitted in addition to ground floor uses, subject to the following standards. In addition to the provisions below, upper-floor uses are permitted window signs consistent with division (A)(1)(d)4. above. This applies to multi-tenant uses.

(b) If the upper floors of any structure is occupied by a single use that is separate and distinct from any that is located on the ground floor, that use shall be permitted wall signs not exceeding one square foot of sign area for every one linear foot of building frontage, with a maximum square footage of 50 square feet. The wall sign shall be located on the structure between the eaves, cornice or other roof element and the top of windows on the uppermost floor.

(3) *Signs for residential uses.* Residential uses located within a Commercial: Neighborhood zoning district shall be permitted signs consistent with the provisions of § 156.086. Suspended, awning and projecting signs are encouraged and shall not exceed six square feet in area.

(4) *Illumination.* External, internal or indirect illumination is permitted.

(B) *Sign standards applicable to the agriculture, commercial: community; commercial :regional; and industrial zoning districts.*

(1) *Signs permitted.* The sign standards provided in the Sign Standards Table at the end of this section shall apply to all signs and properties as indicated. A permit for each sign shall be required unless otherwise specified by this section.

(a) *Sign area.*

1. Aggregate sign area per tenant shall be two square feet per one lineal foot of building frontage on a public right-of-way or private street. Sign area shall not exceed 200 square feet.

2. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's primary message and shall be composed in proportion to the overall sign area.

(b) *Sign types permitted.* Any combination of the signs indicated in the Sign Standards Table at the end of this section may be used as long as the aggregate area does not exceed the total allowed per use and the sign is consistent with the other development standards provided by the table or listed in this section.

(c) *Development standards by sign type.* Development standards for each type of sign are as follows:

1. *Wall sign.* The aggregate sign area shall not exceed two square feet per one lineal foot of tenant frontage on a public right-of-way or private street. Signs for secondary frontages shall be calculated at a rate of one square foot per one lineal foot of the facade and shall not be deducted from the aggregate sign area. Wall sign shall not exceed 75% of the signable area. For purposes of this section, a wall sign is not a barn sign.

2. *Awning sign.* Awning signs shall not exceed 50% of the principal face of the awning which at its lowest point shall not be closer than 8½ feet above the adjacent grade. Awning signs shall be deducted from the aggregate sign area.

3. *Projecting sign.* No projecting sign shall, at its lowest point (except for the supporting building, structure, or column), not be less than 8½ feet above grade level. A maximum of one sign per frontage on a public or private street shall be permitted per tenant. Projecting signs shall not exceed 24 square feet nor project more than four feet from the building. These signs shall be deducted from the aggregate sign area. Proof of insurance may be required.

4. *Ground/monument sign.* Single and multi-tenant ground signs shall be placed a minimum of ten feet from the public right-of way. Ground sign area is based on the total area of the face used to display the signage not including the supporting structure. Ground signs shall not exceed 32 square feet in area or eight feet in height. Signs greater than 25 square feet shall be setback a minimum of 20 feet. Landscaping consisting of shrubs and perennial groundcover shall be provided at a rate of two square feet per one square foot of sign area.

5. *Changeable copy/time and temperature signs.* Signs with changeable copy shall comply with the changeable copy sign standards of this chapter. Time/temperature signs shall be counted toward the aggregate sign area, and shall meet the development standards that are consistent with the manner in which they are mounted. The illumination of the copy shall not cause glare to be inflicted upon adjacent property owners or the traveling public.

6. *Multi-tenant joint signs.* Structures and/or centers under one ownership containing multiple businesses may be allowed by special exception one monument or freestanding pole sign for the structure or center for the joint use of all tenants for which the facility is designed, including any outlots. Multi-tenant signs may be permitted an increase in maximum square footage up to 25%. The sign shall be setback a minimum of ten feet from all public rights-of-way.

7. *Window signs.* Window signs that do not exceed 25% of the ground floor window area shall be permitted. Window sign area shall be counted toward the aggregate.

8. *Off-premise and billboard signs.* Off-premise and billboard signs may be permitted only in the CC, CR, IL, and IG districts. For purposes of this section, neither an off-premises sign nor a billboard sign is a barn sign.

9. *Freestanding pole signs.* Pole signs may be allowed by special exception within 1,000 feet of an interstate interchange.

(d) *Illumination.* Signs may be internally, indirectly or externally illuminated unless otherwise specified in this chapter.

(2) *Signs for residential uses.* Residential uses located within a commercial: community; commercial: regional; or industrial zoning district shall be permitted signs consistent with the provisions of § 156.086.

(3) *Temporary signs.* In addition to the signs permitted by division (B)(1) above, one temporary sign for each business shall be permitted for no more than seven consecutive days, a maximum of four times per calendar year. A permit shall be required each time a temporary sign is to be used, and the sign shall meet the following requirements:

(a) *Illumination.* The sign may be illuminated consistent with the exterior lighting standards of §156.077. In no instance shall any temporary sign use any flashing or blinking lights or other effect prohibited by this chapter.

(b) *Height and area.* The sign shall not exceed 12 square feet in area or four feet in height from ground level.

(c) *Setback.* The sign shall be placed a minimum of ten feet from any public right-of-way and any other property line.

(d) *Types of temporary signs.* In no instance shall this provision be interpreted as temporarily or permanently permitting any sign prohibited by § 156.085(D).

(e) *Conversion to a permanent sign.* No sign manufactured, designed, and otherwise intended for use as a temporary sign shall be used as a permanent sign.

(C) *Institutional permanent sign standards applicable to the institutional zoning district.* The following sign regulations shall apply. All signs require a permit unless otherwise specified.

(1) *Freestanding signs.*

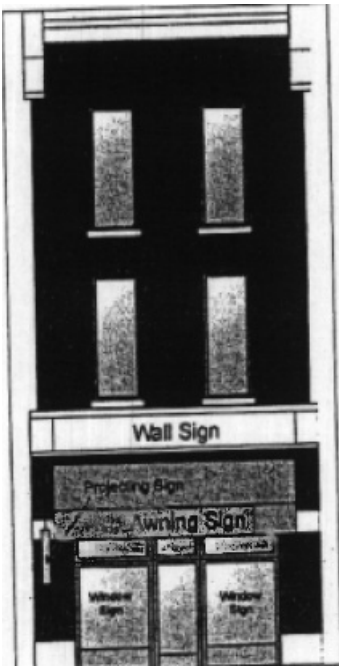
(a) *Location.* No more than one sign shall be placed at any one entrance.

(b) *Setback.* No such sign shall be located closer than ten feet to a public right-of-way or private street.

(c) *Height and area.* The primary sign area shall be calculated based on ten square feet per 10,000 square feet of building area. No such sign shall exceed eight feet in height or 50 square feet in area. Secondary signs at other entrances shall be calculated at a rate of five square feet per 10,000 square feet of building area not to exceed 25 square feet.

(2) *Wall signs.* Signs identifying individual structures at the facility shall be two square feet per lineal foot of building frontage on a public right-of-way or private street. No sign shall exceed 100 square feet in area.

(3) *Illumination.* Internal illumination shall be restricted within 500 feet of a residential use or residential district as measured to the closest point of the sign.



**Downtown Sign Examples Ground Sign**



**Projecting Signs**

Non-Residential Sign Standards									
Sign Standards	Zoning District								
	A	R	CN/OL	CC	CR	IN	IBP	II	IG
Non-Residential Sign Standards									
Sign Standards	Zoning District								
	A	R	CN/OL	CC	CR	IN	IBP	II	IG
Step 1 - Sign Area Calculations by District									
Building Frontage/Wall Sign Size Ratio (the total sign area permitted per use)	2 sq. ft. of signage permitted for every 1 lin. ft. of building coverage	Ground or Monument	1.5 sq. ft. of sign area permitted per 1 lin. ft. of building frontage	2 sq. ft. of signage permitted for every 1 lin. ft. of building frontage	2 sq. ft. of signage permitted for every 1 lin. ft. of building frontage	2 sq. ft. of signage permitted for every 1 lin. ft. of building frontage	2 sq. ft. of signage permitted for every 1 lin. ft. of building frontage	2 sq. ft. of signage permitted for every 1 lin. ft. of building frontage	2 sq. ft. of signage permitted for every 1 lin. ft. of building frontage
Aggregate sign area - maximum	200	32	200	200	200	200	200	200	200
Step 2 - Identify Permitted Sign Types (P = Permitted S = Special Exception)									
Wall			P	P	P	P	P	P	P
Awning			P	P	P	P	P	P	P

Projecting (limited to 1 per business use)			P	P	P		P	P	P
Ground/Monument		P	P	P	P	P	P	P	P
Freestanding/Pole	S			S	S		S	S	S
Changeable Copy	P			P	P	P	P	P	P
Time and Temperature			P	P	P	P	P	P	P
Off-Premise/Billboard				P	P			P	P
Window			P	P	P	P	P	P	P
Internal Illumination				P	P	P	P	P	P
<b>Step 3 - Review the General Sign Standards</b>									
Maximum wall sign size			100	200	200	100	200	200	200
Maximum projecting sign size			24	24	24		24	24	24
Maximum ground/monument sign height		6	6	6	8	8	8	8	8
Maximum free-standing/pole sign area		32	32		50	50/25	50	50	50
Maximum multi-tenant joint sign area				+25%	+25%		+25		
Maximum multiple-floor sign area - separate tenant 1 sq. ft. per 1 lin. ft. of frontage			50	50	50	50	NA	NA	NA
Maximum window sign area coverage			25%	25%	25%	25%	25%	25%	25%
See § 156.086(D) for Model Home Sales Facility Sign Standards									

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2007-6A, passed 6-4-07; Am. Ord. 2011-3E, passed 5-31-11; Am. Ord. 2015-8B, passed 8-4-15)

## NONCONFORMITIES

### § 156.090 NONCONFORMING STATUS.

(A) *Intent.*

(1) Upon adoption of this chapter some structures, lots, and uses that were previously established and maintained consistent with all applicable requirements may no longer conform to the regulations of the zoning district in which they are located. For this reason, this subchapter has been written to provide the rules, policies and regulations that apply to these structures, lots, and uses; referred to as legal nonconforming. This subchapter may be referred to as the "grandfather" clause. If a use, structure, etc. was established legally under a previously applicable ordinance, it is described as "grandfathered" (legal nonconforming).

(2) These regulations are intended to inform property owners about the options for using and modifying nonconforming properties and to support the eventual elimination of the nonconformities.

(B) *Illegal nonconforming described.* A structure, lot, or use that is nonconforming and that was established or constructed without an approved improvement location permit or approval from the Board of Zoning Appeals or Plan Commission is considered illegal nonconforming. An illegal nonconforming property shall be subject to actions and penalties allowed by this chapter and all other applicable county ordinances and shall be altered to conform with all applicable standards and regulations of this chapter.

(C) *Legal nonconforming ("grandfathered") described.* 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 (including the official zoning map). The structure, lot or use has not changed, but due to the zoning ordinance enactment or change, the property no longer conforms to the standards of the zoning district in which it is located. When this situation occurs, the property is deemed legal nonconforming or "grandfathered". Legal nonconforming lots, structures, uses, etc., may continue in the manner and to the extent that they existed or were used at the time the change in the zoning ordinance was enacted.

(D) *Exemptions.* Structures, uses, and other property features that are nonconforming due to prior variance, special exception, or other approvals shall not be subject to the provisions of this subchapter, but shall conform to the terms of their approval.

(E) *Repairs and maintenance.* The following applies to legal nonconforming structures, uses of structures, or uses of structures and land in combination:

(1) *Ordinary repairs.* Work may be done for ordinary repairs or replacement of walls, heating, fixtures, wiring, plumbing, etc.; under the condition that the nonconforming features (setbacks, lot coverage, land use, etc.) are not increased.

(2) *Structures declared unsafe.* Nothing in this subchapter shall be deemed to prevent the strengthening, repairing, or restoring to a safe condition of any structure that has been declared unsafe by the appropriate county official.

(F) *Nonconforming lots of record.* All lots legally established and recorded with the Hancock County Recorder prior to the effective date of this chapter, or its subsequent amendments, that no longer meet an applicable provision of this chapter (such as minimum area, width, or depth) shall be deemed legal nonconforming lots of record. 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 chapter are met.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.091 NONCONFORMING STRUCTURES.**

(A) *Legal nonconforming structures.* Any structure (such as a primary structure, accessory structure, fence, etc.) lawfully established prior to the effective date of this chapter, or its subsequent amendments, that no longer meets the development standards (setbacks, height, etc.) shall be deemed a legal nonconforming structure.

(B) *Continuation of nonconforming structures.* The continuation and modification of nonconforming structures shall be consistent with the following requirements.

(1) *Increases in nonconformity.* No legal nonconforming structure shall be enlarged or altered in a manner that increases its nonconformity without the approval of a variance by the Board of Zoning Appeals. Any structure may be altered to decrease its nonconformity.

(2) *Intentional alterations.* Any legal nonconforming structure that is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.

(3) *Accidental alterations.* Legal nonconforming structures that are required to be altered or removed due to government action or damage from fire, flood, other natural disaster, or criminal act may be restored to their legal nonconforming condition. Such structures, if rebuilt or restored, shall be identical or smaller in volume, height, setback, scale, and all other aspects to that which was altered or removed.

(C) *Exception.* A legal nonconforming single-family residence located in any commercial, industrial, or institutional zoning district may be expanded by up to 50% of the pre-expansion living area one time in any five-calendar year period. The expansion must be for the purpose of continuing the residential use of the property. Required setbacks for the expansion shall be either those established by the zoning on the property, or those provided by the pre-expansion structure, whichever is less restrictive.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.092 NONCONFORMING SITE FEATURES.**

(A) *Legal nonconforming site features.* Any site feature or improvement (such as landscaping, dumpster enclosures, parking space dimensions, etc.) lawfully established prior to the effective date of this chapter, or its subsequent amendments, that no longer meets the development standards shall be deemed a legal nonconforming site feature.

(B) *Continuation of nonconforming site features.* The continuation and modification of nonconforming site features shall be consistent with the following requirements.

(1) *Increases in nonconformity.* No legal nonconforming site feature shall be altered, removed, or otherwise modified in a manner that increases the amount of nonconformity. Site features may be modified in a manner that maintains or lessens the extent of the nonconformity.

(2) *Site modifications.* If building expansions or other changes to the property occur that require corresponding site feature improvements, the affected features shall only be required to be modified to the extent necessary to accommodate the property changes. For example, parking lot landscaping would only be required for new portions of a parking lot that was required to be expanded due to a change in the use of the property - the amount of landscaping in the preexisting parking areas will be unaffected. The required installation of new site features shall not require the entire site to be brought into compliance with this chapter.

(Ord. 2007-1B, passed 2-5-07)

#### **§ 156.093 NONCONFORMING USES.**



(A) *Legal nonconforming uses.* Any lawful use of structures, land, or structures and land in combination established prior to the effective date of this chapter 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.

(B) *Continuation of nonconforming uses.* A legal nonconforming use may continue provided that it remains otherwise lawful, subject to the following conditions:

(1) *Modification of structures.* 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 division(B)(5) below.

(2) *New structures.* No new structure shall be constructed in connection with an existing legal nonconforming use of land.

(3) *Expansion within structures.* Any legal nonconforming use may be extended throughout any parts of an existing structure that were plainly arranged or designed for such use at the effective date of this chapter or its subsequent amendments, but no such use shall be extended to occupy any land outside the structure.

(4) *Expansion on the property.* No legal nonconforming use of land shall be enlarged, increased, extended to occupy a greater area of land, or moved in whole or in part to any other portion of a lot than was occupied at the effective date of this chapter.

(5) *Non-conforming residential use.* A legal nonconforming single-family residence located in any commercial, industrial, or institutional zoning district may be replaced or expanded for the purpose of continuing the residential use of the property. Required setbacks and lot coverage for the residence shall be either those established by the Residential (R2.5) zoning district, or those provided by the pre-expansion structure, whichever is less restrictive.

(6) *Change of use (to another nonconforming use).* If no structural alterations are made, it is possible to change any nonconforming use to another nonconforming use.

(a) *Similar uses.* Nonconforming uses may be changed to another similar nonconforming use. For the purpose of this section similar uses shall be considered those within the same land use categories (such as office uses, retail uses (small scale), etc.) as provided by §§ 156.020 et seq.

(b) *Dissimilar uses.* Nonconforming uses may only be changed to other dissimilar nonconforming uses with the approval of the Board of Zoning Appeals. For the purpose of this section dissimilar uses shall be considered those that are not within the same land use categories (such as office uses, retail uses (small scale), etc.) as provided by §§ 156.020 et seq.

1. The Board may approve the change of use if it finds that the proposed use is equally or more appropriate to the district in which it is located than the existing use.

2. The Board shall consider the development standards applicable to the proposed use established by this chapter and may make reasonable conditions as part of any approval.

(7) *Change of use (to a permitted use).* When a legal nonconforming use is replaced by a permitted use, it shall thereafter conform to the regulations of the district in which it is located, and the legal nonconforming use may not be resumed.

(8) *Discontinuation of use.* If a legal nonconforming use is intentionally discontinued for 12 continuous months or longer, any subsequent use of such land, structure, or land and structure in combination shall conform to the provisions of this chapter.

(a) *Exemptions.* Uses that are required to be discontinued due to government action that impedes access to the premises or damage from fire, flood, other natural disaster, or criminal act shall be exempt from this provision.

(b) *Exemption conditions.* Such exempt uses, if restored, shall be identical in scale, lot coverage, and all other aspects to that which was discontinued.

(9) *Nonconforming structures and land in combination.* Where legal nonconforming use status applies to a structure and land in combination, an intentional removal or alteration of the structure, or its use, that establishes conformity shall also eliminate the legal nonconforming status of the land. Legal nonconforming uses located in structures specifically constructed or modified to suit only such use are exempt from this provision and may be resumed if the structure has not been intentionally altered to serve other uses, used to house a permitted use, or used to house another nonconforming use with the approval of the Board of Zoning Appeals as specified in division (B)(5) above.

(10) *NOTE: EXAMPLE OF NONCONFORMING STRUCTURES AND LAND IN COMBINATION.* Legally established apartment units located in a single family dwelling zoning district at the effective date of this chapter may continue to be used as apartments after a period of vacancy if the structure has not been modified to physically remove the apartments.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2015-12C, passed 12-1-15)

**Cross reference:**

*Zoning districts, see §§ 156.020 et seq.*

## § 156.094 NONCONFORMING SIGNS.

(A) *Legal nonconforming signs.* Any sign, lawfully established prior to the effective date of this chapter, or its subsequent amendments, that no longer meets the development standards shall be deemed a legal nonconforming sign.

(B) *Sign defined.* For the purposes of this subchapter, a sign shall include the sign face and any supports, poles, frames, or other associated lighting, electrical, mechanical, and structural features.

(C) *Continuation of nonconforming signs.* The continuation and modification of nonconforming signs shall be consistent with the following requirements:

(1) *Increases in nonconformity.* No legal nonconforming sign shall be enlarged or altered in terms of face area, height, or any other aspect that increases its nonconformity.

(2) *Intentional alterations.* Any legal nonconforming sign that is intentionally altered, moved for any distance, or replaced shall conform to the regulations of the district in which it is located, and the discontinued legal nonconforming features may not be resumed.

(3) *Accidental alterations.* Legal nonconforming signs that are required to be altered or removed due to government action or damage resulting from fire, flood, other natural disaster, or a criminal act may be restored to their legal nonconforming condition. Such signs, if rebuilt or restored, shall conform with the requirements of this chapter, or shall be identical in scale and all other aspects to that which was altered or removed.

(4) *Sign faces and messages.* The sign faces and/or message on a legal nonconforming sign may be altered, replaced, repainted, and repaired provided that the nonconformity of the sign is not increased. Nothing in this subchapter shall be interpreted as requiring a sign to be brought into conformance with this chapter if it is changed only to the extent that the face area is changed, but not increased in size or altered in shape.

(5) *Temporary signs.* Any signs in existence at the time this chapter becomes effective that were previously permitted as temporary signs may only remain in use consistent with the requirements of this chapter. Any temporary signs that are no longer permitted shall be removed within 60 days of the effective date of this chapter. Any nonconforming temporary signs shall be considered to be in violation of this chapter and shall be subject to the provisions of §§ 156.115 et. seq.

(Ord. 2007-1B, passed 2-5-07)

## PROCEDURES AND PERMITS

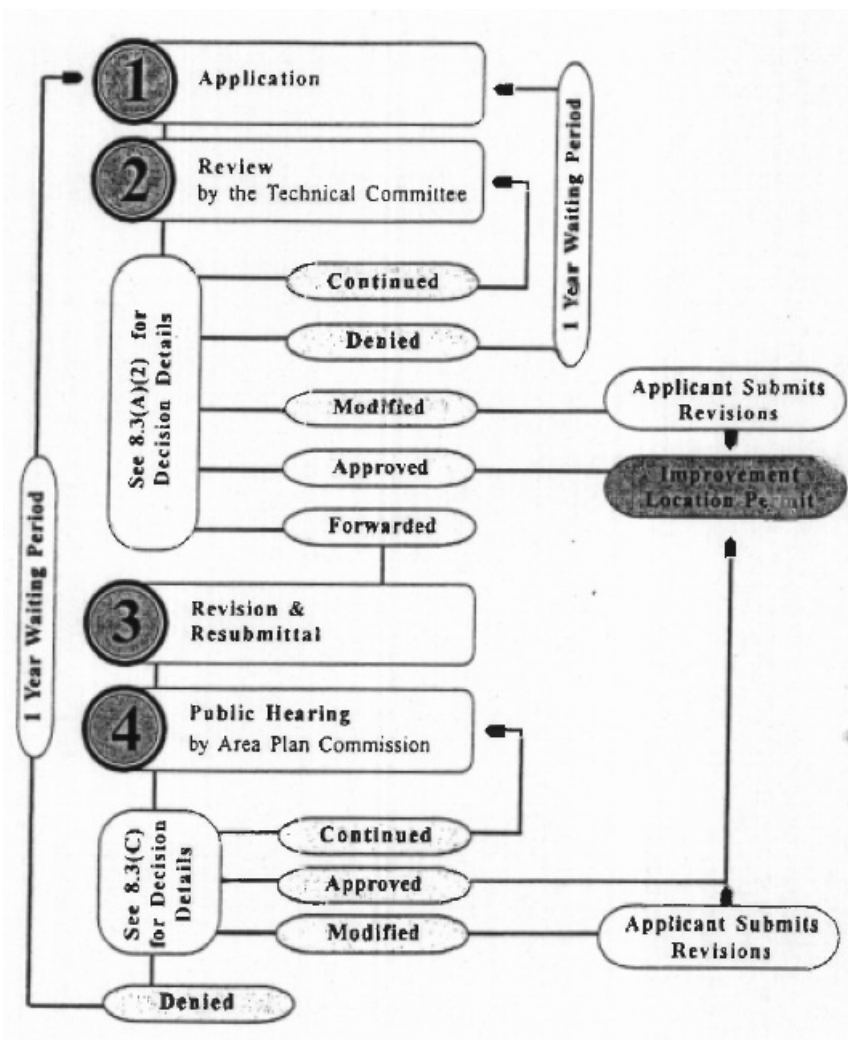
### § 156.100 PETITION AND PERMIT APPLICATION TYPES.

(A) *Petition applications required.* Hancock County requires that an application and fee be submitted for the following types of petitions:

- (1) Development standards variance,
- (2) Special exception,
- (3) Administrative appeal,
- (4) Zoning map amendment ("Rezoning"),
- (5) Planned unit development (subject to the requirements of §§156.050 et seq.),
- (6) Minor subdivision,
- (7) Major subdivision primary plat, and
- (8) Major subdivision secondary plat.

(B) *Permit applications required.* Hancock County requires that an application and fee be submitted for the following types of permits:

- (1) Improvement location permit (Note: a building permit may also be required consistent with the provisions of the Hancock County Building Code), and
- (2) Sign permit.



### Development Plan Process Diagram

(C) *Application materials.* All applications may be obtained from the Planning Director. Fees shall be paid to Hancock County at the time all petition applications are submitted and at the time all permits are issued.

(1) *Application forms.* All applications shall be made on forms provided by the Planning Director. All applicants shall submit original applications that are completed in their entirety in ink or typed.

(2) *Copies of materials.* All applicants shall submit copies of applications and necessary plans and attachments as required by the adopted policies of the Planning Director and the applicable rules and procedures of the Plan Commission and Board of Zoning Appeals.

(3) *Scheduling.* All applications shall be assigned reference and/or docket numbers by the Planning Director.

(a) *Petition applications.* Petition applications shall be scheduled by the Planning Director for the appropriate public hearings based on the completeness of the application consistent with the requirements of this subchapter and the appropriate adopted calendars of filing and meeting dates for the Board of Zoning Appeals and/or Plan Commission.

(b) *Order of action taken.* Action shall be taken on all applications in the order in which they were received.

(Ord. 2007-1B, passed 2-5-07)

### Cross reference:

*Planned unit development, see §§ 156.050 et seq.*

### § 156.101 NOTICE OF PUBLIC HEARING.

For all public hearings, the notice shall be provided to the public consistent with the requirements of this section and the rules and procedures of the Board of Zoning Appeals and Plan Commission. Required public notice shall include the following.

(A) *Legal notice.* The applicant shall prepare and pay for a legal notice consistent with the requirements of I.C. 5-3-1 for publication in the local newspaper. The legal notice shall appear in the newspaper no less than one time at least ten days prior to the public hearing, not including the date of the hearing. Legal notices shall include each of the following.

(1) *Property location.* The general location of the subject property, including its common address and a legal description of the included land.

(2) *Available plans.* The project plans are available for examination at the office of the Hancock County Area Plan Commission.

(3) *Hearing information.* A public hearing will be held, giving the date, place, and hour of the hearing.

(4) *Written comments.* Written comments on the application will be accepted prior to the public hearing and may be submitted to the Planning Director.

(B) *Notice to interested parties.* The applicant shall prepare and distribute written notice of the application to all interested parties. The written notice shall be distributed at least ten days prior to the public hearing, not including the date of the hearing. In no instances shall streets, alleys, streams, or other features be considered boundaries for precluding notification.

(1) *Notice information.* The notice shall contain the same information as the legal notice that is published in the newspaper as outlined in division (A) above.

(2) *Responsibility.* The distribution and cost of the notice shall be the responsibility of the applicant.

(3) *Notification requirements.* Notification shall be provided to owners of all parcels of land adjoining the subject property to a depth of two ownerships or 600 feet, whichever is less, from the exterior boundaries of the subject property. The most current list of property owners can be obtained from the County Auditor's Office. For the purposes of notification, where any adjacent parcels of land are owned by the applicant(s), subject property shall be deemed to include adjacent land owned by the applicants.

(4) *Notification certification.* A copy of the materials provided to each property owner, the completed mailing and/or delivery forms, and a completed Affidavit of Notice certifying the correctness of the mailing list shall be provided to the Planning Director by the applicant a minimum of two business days prior to the date of the public hearing.

(Ord. 2007-1B, passed 2-5-07)

**Statutory reference:**

*Legal notice, see I.C. 5-3-1*

**§ 156.102 VARIANCE APPLICATIONS.**

In no case shall any variance to the terms of this chapter be authorized without the approval of the BZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA. The following procedure shall apply to all variance applications.

(A) *Application.* The applicant shall submit a variance application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. Supporting information shall include, but not be limited to, the following:

(1) *Site plan.* A site plan shall be signed and dated. The site plan shall be drawn to scale and/or fully dimensioned to the satisfaction of the Planning Director and clearly show the entire layout of the property with all features relevant to the variance request.

(2) *Statement of intent.* A statement of intent to the Board of Zoning Appeals describing the details of the variance being requested and stating how the request is consistent with the required findings of fact. The statement should include any written commitments being made by the applicant.

(B) *Notification.* Notification for the scheduled public hearing regarding the variance request shall be completed consistent with § 156.101 and the rules and procedures of the Board of Zoning Appeals.

(C) *Public hearing.* The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the variance application and required supporting information.

(1) *Representation.* The applicant and any representative of the applicant must be present at the public hearing to present the petition and address the required findings of fact.

(2) *Testimony.* The Board shall consider a report from the Planning Director and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.

(3) *Procedures.* The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the rules and procedures of the Board.

(4) *Possible Action.* The BZA may approve, approve with conditions, deny, or continue the application in accordance with I.C. 36-7-4-918.4.

(a) *Approval.* The application shall be approved if a determination in writing is made consistent with the decision criteria listed in division (D) below.

(b) *Approval with modifications.* The application shall be approved with modifications if the Board of Zoning Appeals determines that the requirements of division (D) below may be met if certain conditions are applied to the application. The

Board may make reasonable conditions related to the required decision criteria in division (D) below, part of its approval and/or accept written commitments from the applicant.

(c) *Denial.* The application shall be denied if a determination in writing consistent with the decision criteria listed in division (D) below is not met. Applications that are denied shall not be eligible for consideration again by the Board for a period of 12 months from the date of denial.

(d) *Continued.* The application may be continued by the Board based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.

1. Additional legal notice shall not be required unless specified by the Board of Zoning Appeals.

2. The continuing of all applications shall be consistent with the adopted Rules and Procedures of the Board of Zoning Appeals.

(D) *Decision criteria.*

(1) In taking action on all variance requests, the Board shall use the following decision criteria, consistent with the requirements of the Indiana Code.

(2) *Development standards variance.* The Board may grant a variance from the development standards of this chapter (such as height, bulk, area) if, after a public hearing, it makes a determination in writing, consistent with IC 36-7-4-918.5, that:

(a) *General welfare.* The approval will not be injurious to the public health, safety, morals, and general welfare of the community;

(b) *Adjacent property.* 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) *Practical difficulty.* The strict application of the terms of this chapter will result in a practical difficulty in the use of the property. This situation shall not be self-imposed, nor be based on a perceived reduction of, or restriction on, economic gain.

(E) *Conditions.* The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the decision criteria for approval have been met.

(F) *Commitments.* The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under I.C. 36-7-4-921. Such commitments shall be recorded in the Hancock County Recorder's Office. A copy of the recorded commitments shall be provided to the Planning Director for inclusion in the petition file at the time of application for an improvement location permit. No improvement location permit shall be issued for a permit application which does not comply with the recorded commitments.

(G) *Limitations.*

(1) The following limitations shall apply to the execution of a variance approval.

(2) *Development standards variance.* A development standards variance granted by the Board and executed in a timely manner as described in this subchapter shall run with the parcel until the property conforms with the ordinance as written.

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Notice of public hearing, see § 156.101*

**§ 156.103 SPECIAL EXCEPTION APPLICATIONS.**

In no case shall special exception uses be authorized without the approval of the BZA. Further, no decisions on previous applications shall serve to set a precedent for any other application before the BZA. The following procedure applies to special exception applications.

(A) *Application.* The applicant shall submit a special exception application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information. A Fiscal Impact Study may be required in accordance with Hancock County Code. Other supporting information shall include, but not be limited to, the following:

(1) *Site plan.* A site plan shall be signed and dated, and clearly show the entire layout of the property and all features relevant to the special exception request.

(2) *Statement of intent.* A statement of intent to the Board of Zoning Appeals describing the details of the special exception request including, but not limited to:

(a) The ways in which the special exception shall comply with the applicable development standards of this chapter,

(b) The ways in which the special exception shall be consistent with the required determination in writing described by division (D), and

(c) Any written commitments being made by the applicant.

(B) *Notification.* Notification for the scheduled public hearing regarding the special exception request shall be completed consistent with § 156.101 and the rules and procedures of the Board of Zoning Appeals.

(C) *Public hearing.* The BZA will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates, review the special exception application and required supporting information.

(1) *Representation.* The applicant and any representative of the applicant must be present at the public hearing to present the application and address the required findings of fact.

(2) *Testimony.* The Board shall consider a report from the Planning Director and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.

(3) *Procedures.* The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the rules and procedures of the Board.

(4) *Possible action.* The BZA may approve, approve with conditions, deny, or continue the application.

(a) *Approval.* The application shall be approved if a determination in writing is made consistent with the requirements of division (D) below and the Indiana Code.

(b) *Approval with modifications.* The application may be approved with modifications if the Board of Zoning Appeals determines that the required determination in writing may be made only if certain conditions are applied to the application. The Board may make reasonable conditions related to the required determination in writing, part of its approval and/or accept written commitments from the applicant.

(c) *Denial.* The application shall be denied if a determination in writing with the requirements of division (D) and the Indiana Code is not met. Applications that are denied shall not be eligible for consideration again by the Board for a period of 12 months from the date of denial.

(d) *Continued.* The application may be continued by the Board based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request.

1. Additional legal notice shall not be required unless specified by the Board of Zoning Appeals.

2. The continuing of all applications shall be consistent with the adopted rules and procedures of the Board of Zoning Appeals.

(D) *Decision criteria.* The Board of Zoning Appeals shall have the power to authorize special exceptions. In approving special exceptions, the Board of Zoning Appeals may attach any conditions to the special exception as it deems necessary to assure compliance with the purpose of this chapter. If the conditions of the special exception are not completely and continuously adhered to after the granting of the special exception, the special exception shall become null and void upon notice to the property owner from the Board of Zoning Appeals. The following requirements shall be met:

(1) The special exception shall be listed in §156.021;

(2) The special exception can be served with adequate utilities, access roads, drainage, and other necessary facilities;

(3) The special exception shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons, and shall comply with the development standards of §§ 156.060 et seq.;

(4) The special exception shall be sorted, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties;

(5) The special exception shall produce a total visual impression and environment which is consistent with the environment of the neighborhood;

(6) The special exception shall organize vehicular access and parking to minimize traffic congestion in the neighborhood;

(7) The special exception shall preserve the purpose of this chapter.

(E) *Other considerations.* When considering a special exception the Board of Zoning Appeals may consider the following items as they relate to the proposed use:

(1) Topography and other natural site features;

(2) Zoning of the site and surrounding properties;

(3) Driveway locations, street access and vehicular and pedestrian traffic;

(4) Parking (including amount, location, and design);

- (5) Landscaping, screening, buffering;
- (6) Open space and other site amenities;
- (7) Noise production and hours of any business operation;
- (8) Design, placement, architecture, and building material of the structure;
- (9) Placement, design, intensity, height, and shielding of lights;
- (10) Traffic generation;
- (11) General site layout as it relates to its surroundings: and
- (12) Any other criteria deemed relevant by the Board.

(F) *Conditions.* The Board may impose such reasonable conditions upon its approval as it deems necessary to find that the criteria for approval in division (D) have been satisfied.

(G) *Commitments.* The Board may require the owner of the property to make written commitments concerning the use or development of the property as specified under I.C. 36-7-4-921. Such commitments shall be recorded in the Hancock County Recorder's Office. A copy of the recorded commitments shall be provided to the Planning Director for inclusion in the petition file at the time an application is submitted and prior to the issuance of any improvement location permit. No improvement location permit shall be issued for a permit application which does not comply with the recorded commitments.

(H) *Limitations.* Unless otherwise specified by the Board, special exception approvals shall be limited to, and run with the applicant at the location specified in the application. The Board may also limit special exceptions to a specific time period and a specific use. Special exceptions shall also be invalid if:

- (1) The property conforms with the ordinance as written, or
- (2) The special exception approval is terminated, consistent with §156.013.

(I) *Special exception use expansion.* A use authorized as a special exception may not be expanded, extended, or enlarged unless reauthorized by the Board under the procedures set forth in this subchapter for granting a special exception.

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Notice of public hearing, see § 156.101*

**§ 156.104 ADMINISTRATIVE APPEAL APPLICATIONS.**

The Board may grant an appeal of any decision, interpretation, or determination made by the Planning Director, other Plan Commission staff members, or any other administrative official or board charged with the duty of enforcing and interpreting this chapter. The following procedure shall apply to all appeals of administrative decisions.

(A) *Application.* The appellant shall submit an administrative appeal application within ten days of the Board's decision along with the required supporting information. Supporting information shall include, but not be limited to, the following:

- (1) *Original submittals.* Copies of all materials upon which the decision being appealed was based.
- (2) *Written decisions.* Copies of any written decisions that are the subject of the appeal.
- (3) *Appeal basis.* A letter describing the reasons for the appeal noting specific sections of this chapter or other standards applicable in Hancock County upon which the appeal is based.

(B) *Board review and action.* The BZA will then, at a meeting scheduled consistent with the adopted calendar of filing and meeting dates, review the administrative appeal application and supporting information.

(1) *Representation.* The appellant and any representative of the appellant must be present at the meeting to present the appeal.

(2) *Testimony.* The Board shall consider a report from the Planning Director and testimony from the applicant at the meeting and/or witnesses.

(3) *Procedures.* The presentation of reports and testimony and all other aspects of the meeting shall be consistent with the rules and procedures of the Board.

(4) *Possible action.* The BZA may grant, grant with modifications, deny, or continue the appeal.

(a) *Granted.* The appeal shall be granted if the determination in writing is made consistent with the requirements of division (C) below.

(b) *Granted with modifications.* The appeal shall be granted with modifications if the Board of Zoning Appeals determines that the proper interpretation of the provision(s) that are subject to the appeal is consistent with neither the administrative decision nor the requested interpretation of the applicant.

(c) *Denied.* The appeal shall be denied if the determination in writing is made supporting the administrative decision.

(d) *Continued.* The appeal shall be continued based on a request by the Planning Director or applicant; an indecisive vote; or a determination by the Board that additional information is required prior to action being taken on the request. The continuing of all applications shall be consistent with the adopted rules and procedures of the BZA.

(C) *Decision criteria.* The Board shall only grant an appeal of such an administrative decision based on a determination in writing, that the decision of the administrative person or board was inconsistent with the provisions of this chapter.

(Ord. 2007-1B, passed 2-5-07)

## **§1 56.105 ZONING MAP AMENDMENT APPLICATIONS (REZONES).**

The following procedure shall apply to all zoning map amendment ("rezoning") applications.

(A) *Application initiation.* Proposals for zoning map amendments may be initiated by either the Plan Commission, the appropriate participating legislative body, or through an application signed by property owners of at least 50% of the land involved.

(1) *Legislative body initiation.* The Plan Commission shall prepare the application for zoning map amendment if either the Commission or appropriate legislative body has initiated the application. The Planning Director shall serve as the representative of the applicant for such proposals.

(2) *Property owner initiation.* Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

(B) *Application.* The applicant shall submit a rezoning application, affidavit and consent of property owner (if the owner is someone other than the applicant), to the Area Plan Commission and/or the appropriate legislative body, a copy of the deed for the property involved, the required filing fee, and required supporting information. A Fiscal Impact Study (FIS) may be required in accordance with this chapter. Supporting information shall include, but not be limited to the following:

(1) *Site plan.* A conceptual site plan showing all features relevant to the application.

(2) *Vicinity map.* A vicinity map showing the use and zoning of all properties within 500 feet of the property subject to the rezoning request.

(3) *Letter of intent.* A letter of intent to the Plan Commission stating the reasons for the rezoning, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the applicant.

(C) *Notification.* Notification for the scheduled Plan Commission public hearing regarding the rezoning request shall be completed consistent with the requirements of § 156.101 and the rules and procedures of the Plan Commission.

(D) *Plan Commission public hearing.* The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no later than 60 days following the receipt of the application per I.C. 36-7-4-608), review the rezoning application and required supportive information.

(1) *Representation.* The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any questions the Commission might have.

(2) *Testimony.* The Commission shall consider a report from the Planning Director and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.

(3) *Procedures.* The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the rules and procedures of the Commission.

(4) *Possible action.* The Plan Commission shall either forward the application to the appropriate legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.

(a) *Favorable recommendation.* The application shall be forwarded with a favorable recommendation if, by a majority vote of the Plan Commission, it is found to be consistent with the decision criteria listed in division (G) below. The recommendation may include commitments requested by the Plan Commission.

(b) *Unfavorable recommendation.* The application shall be forwarded with an unfavorable recommendation if, by a majority vote of the Plan Commission, it is determined by the Plan Commission to be inconsistent with the decision criteria listed in division (G) below.

(c) *No recommendation.* The application may be forwarded with no recommendation if, by a majority vote of the Plan Commission, it is determined that the application includes aspects that the Plan Commission is not able to evaluate.

(d) *Continued.* The application may be continued by the Plan Commission based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote, or a determination by the Plan Commission that additional information is required prior to action being taken on the request.

1. Additional legal notice shall not be required unless specified by the Plan Commission.

2. The continuing of all applications shall be consistent with the adopted rules and procedures of the Plan



Commission.

(E) *Certification.* The Plan Commission shall certify its recommendation by resolution to the appropriate legislative body within ten business days of its determination, (per I.C. 36-7-4-608. The Plan Commission staff shall forward to the appropriate legislative body appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the application, and an ordinance for the legislative body's consideration.

(F) *Legislative body action.* The appropriate legislative body will review the rezoning application and the materials forwarded from the Plan Commission. The appropriate legislative body may then take action on the application.

(1) *Notification.* The appropriate legislative body shall provide notification of action on the ordinance consistent with the Indiana Code.

(2) *Possible action.* The appropriate legislative body may either approve or deny the ordinance. If the appropriate legislative body fails to act within the 90 days of the ordinance's certification to the appropriate legislative body, the ordinance shall become effective or be defeated with the provisions of I.C. 36-7-4-608. The appropriate legislative body may also seek modifications or additions to any written commitments as described in division (H) below.

(G) *Decision criteria.* In reviewing the rezoning application, the Plan Commission and appropriate legislative body shall consider the following:

(1) *Comprehensive plan.* The Hancock County Comprehensive Plan and any other applicable, adopted planning studies or reports;

(2) *Current conditions.* The current conditions and the character of current structures and uses in each district;

(3) *Desired use.* The most desirable use for which the land in each district is adapted;

(4) *Property values.* The conservation of property values throughout Hancock County's planning jurisdiction; and

(5) *Responsible growth.* Responsible growth and development.

(H) *Written commitments.* The applicant in any rezoning 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 I.C. 36-7-4-615.

(1) *Origin of commitments.* Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, or in response to any modifications requested by the Plan Commission or appropriate legislative body.

(2) *Consideration of commitments.* All commitments shall be considered by the Plan Commission and the appropriate legislative body in the review of the application.

(a) Commitments shall be included as an element of the rezoning ordinance prepared by the Plan Commission following action taken at the public hearing.

(b) Any deletion, addition, or alteration of the written commitments proposed by the appropriate legislative body shall be referred back to the Plan Commission for consideration and included in a revised or affirmed recommendation regarding the application or may amend the written commitments and incorporate said written commitments within the rezoning ordinance.

(c) Any rezoning application shall include a commitment to properly control weeds until the site is completely developed.

(3) *Documenting of commitments.* Following final action being taken on the rezoning application, the rezoning ordinance, with any written commitments included, shall be recorded in the office of the Hancock County Recorder by the applicant and shall not be considered effective until so recorded. A copy of any recorded commitments shall be provided to the Planning Director at the time of application for any improvement location permit. No improvement location permit shall be issued for a permit application that does not comply with the written commitments.

(4) *Enforcement of commitments.* The written commitments shall be considered part of the rezoning ordinance binding on the subject property.

(a) 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 portion thereof.

(b) The written commitments shall be enforceable by the Plan Commission or appropriate legislative body consistent with the adopted provisions for the enforcement of any other aspect of this chapter, as described in §§ 156.115 et seq.

(c) The written commitments may be modified only through the zoning map amendment process described by this section.

(Ord. 2007-1B, passed 2-5-07)

**Statutory reference:**

*Plan Commission certification, see I.C. 36-7-4-608*

**Cross reference:**

*Enforcement and penalties, see §§ 156.115 et seq.*

*Notice of public hearing, see § 156.101*

**§ 156.105 ZONING MAP AMENDMENT APPLICATIONS (REZONES).**

The following procedure shall apply to all zoning map amendment ("rezoning") applications.

(A) *Application initiation.* Proposals for zoning map amendments may be initiated by either the Plan Commission, the appropriate participating legislative body, or through an application signed by property owners of at least 50% of the land involved.

(1) *Legislative body initiation.* The Plan Commission shall prepare the application for zoning map amendment if either the Commission or appropriate legislative body has initiated the application. The Planning Director shall serve as the representative of the applicant for such proposals.

(2) *Property owner initiation.* Any property owners requesting a zoning map amendment shall be the applicants and assume responsibility for preparing application materials.

(B) *Application.* The applicant shall submit a rezoning application, affidavit and consent of property owner (if the owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information to the Plan Commission. If the applicant is a legislative body, then submittal of the filing fee shall not be required. A Fiscal Impact Study (FIS) may be required in accordance with this chapter. Supporting information shall include, but not be limited to the following:

(1) *Site plan.* A conceptual site plan showing all features relevant to the application.

(2) *Vicinity map.* A vicinity map showing the use and zoning of all properties within 500 feet of the property subject to the rezoning request.

(3) *Letter of intent.* A letter of intent to the Plan Commission stating the reasons for the rezoning, including a detailed description of any proposed development for which the rezoning is sought. The letter should include any written commitments being made by the applicant.

(C) *Notification.* Notification for the scheduled Plan Commission public hearing regarding the rezoning request shall be completed consistent with the requirements of § 156.101 and the rules and procedures of the Plan Commission.

(D) *Plan Commission public hearing.* The Plan Commission will then, in a public hearing scheduled consistent with the adopted calendar of filing and meeting dates (but no later than 60 days following the receipt of the application per I.C. 36-7-4-608), review the rezoning application and required supportive information.

(1) *Representation.* The applicant and/or any representative of the applicant must be present at the public hearing to present the application and address any questions the Commission might have.

(2) *Testimony.* The Commission shall consider a report from the Planning Director and testimony from the applicant, remonstrators, the public, and interested parties at the hearing.

(3) *Procedures.* The presentation of reports and testimony and all other aspects of the public hearing shall be consistent with the requirements of the rules and procedures of the Commission.

(4) *Possible action.* The Plan Commission shall either forward the application to the appropriate legislative body with a favorable recommendation, an unfavorable recommendation, or no recommendation; or continue the request.

(a) *Favorable recommendation.* The application shall be forwarded with a favorable recommendation if, by a majority vote of the Plan Commission, it is found to be consistent with the decision criteria listed in division (G) below. The recommendation may include commitments requested by the Plan Commission.

(b) *Unfavorable recommendation.* The application shall be forwarded with an unfavorable recommendation if, by a majority vote of the Plan Commission, it is determined by the Plan Commission to be inconsistent with the decision criteria listed in division (G) below.

(c) *No recommendation.* The application may be forwarded with no recommendation if, by a majority vote of the Plan Commission, it is determined that the application includes aspects that the Plan Commission is not able to evaluate.

(d) *Continued.* The application may be continued by the Plan Commission based on a request by the Planning Director, applicant, remonstrator, or interested party; an indecisive vote, or a determination by the Plan Commission that additional information is required prior to action being taken on the request.

1. Additional legal notice shall not be required unless specified by the Plan Commission.

2. The continuing of all applications shall be consistent with the adopted rules and procedures of the Plan Commission.

(E) *Certification.* The Plan Commission shall certify its recommendation by resolution to the appropriate legislative body within ten business days of its determination, (per I.C. 36-7-4-608). The Plan Commission staff shall forward to the

appropriate legislative body appropriate copies of the Plan Commission resolution, the original application and all supporting information, any staff reports regarding the application, and an ordinance for the legislative body's consideration.

(F) *Legislative body action.* The appropriate legislative body will review the rezoning application and the materials forwarded from the Plan Commission. The appropriate legislative body may then take action on the application.

(1) *Notification.* The appropriate legislative body shall provide notification of action on the ordinance consistent with the Indiana Code.

(2) *Possible action.* The appropriate legislative body may either approve or deny the ordinance. If the appropriate legislative body fails to act within the 90 days of the ordinance's certification to the appropriate legislative body, the ordinance shall become effective or be defeated with the provisions of I.C. 36-7-4-608. The appropriate legislative body may also seek modifications or additions to any written commitments as described in division (H) below.

(G) *Decision criteria.* In reviewing the rezoning application, the Plan Commission and appropriate legislative body shall consider the following:

(1) *Comprehensive plan.* The Hancock County Comprehensive Plan and any other applicable, adopted planning studies or reports;

(2) *Current conditions.* The current conditions and the character of current structures and uses in each district;

(3) *Desired use.* The most desirable use for which the land in each district is adapted;

(4) *Property values.* The conservation of property values throughout Hancock County's planning jurisdiction; and

(5) *Responsible growth.* Responsible growth and development.

(H) *Written commitments.* The applicant in any rezoning 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 I.C. 36-7-4-615.

(1) *Origin of commitments.* Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, or in response to any modifications requested by the Plan Commission or appropriate legislative body.

(2) *Consideration of commitments.* All commitments shall be considered by the Plan Commission and the appropriate legislative body in the review of the application.

(a) Commitments shall be included as an element of the rezoning ordinance prepared by the Plan Commission following action taken at the public hearing.

(b) Any deletion, addition, or alteration of the written commitments proposed by the appropriate legislative body shall be referred back to the Plan Commission for consideration and included in a revised or affirmed recommendation regarding the application or may amend the written commitments and incorporate said written commitments within the rezoning ordinance.

(c) Any rezoning application shall include a commitment to properly control weeds until the site is completely developed.

(3) *Documenting of commitments.* Following final action being taken on the rezoning application, the rezoning ordinance, with any written commitments included, shall be recorded in the office of the Hancock County Recorder by the applicant and shall not be considered effective until so recorded. A copy of any recorded commitments shall be provided to the Planning Director at the time of application for any improvement location permit. No improvement location permit shall be issued for a permit application that does not comply with the written commitments.

(4) *Enforcement of commitments.* The written commitments shall be considered part of the rezoning ordinance binding on the subject property.

(a) 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 portion thereof.

(b) The written commitments shall be enforceable by the Plan Commission or appropriate legislative body consistent with the adopted provisions for the enforcement of any other aspect of this chapter, as described in §§ 156.115 et seq.

(c) The written commitments may be modified only through the zoning map amendment process described by this section.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2007-9B, passed 10-1-07)

**Statutory reference:**

*Plan Commission certification, see I.C. 36-7-4-608*

*Written commitments, see I.C. 36-7-4-615*

**Cross reference:**

*Enforcement and penalties, see §§ 156.115 et seq.*

*Notice of public hearing, see § 156.101*

## **§ 156.106 IMPROVEMENT LOCATION PERMITS.**

The following requirements apply to improvement location permit (ILP) applications.

(A) *General requirements.* No structure or site improvement shall be erected, moved, or added to on platted or unplatted land, without an improvement location permit first being issued by the Planning Director. No improvement location permit shall be issued unless the project is in conformance with the provisions of this chapter, the Subdivision Control Ordinance, and other applicable regulations of Hancock County.

(B) *Permit required.* Hancock County requires that an improvement location permit be obtained for any of the actions listed below. A single improvement location permit may be issued for a combination of these actions, if they occur together. The Planning Director shall determine if the application requires review by the Technical Committee.

- (1) New development, after rezoning or plat approval;
- (2) Adding or subtracting dwelling units or leased space in multifamily or commercial structures;
- (3) Any use that exceeds 120 square feet in area and/or has a permanent foundation (including structures other than buildings such as towers and antennas);
- (4) Any temporary use of land or temporary structure;
- (5) Signs (§ 156.109);
- (6) Swimming pools with a depth greater than 30 inches (in-ground pools shall be required to obtain a permit, above ground pools less than 15 feet in diameter shall not be required to obtain a permit, but shall comply with this chapter);
- (7) Additions to all structures;
- (8) Changes of use;
- (9) Placement or replacement of manufactured or mobile homes;
- (10) Parking lot construction or alteration;
- (11) Removal of required trees and plants within buffer yards and landscaping areas required by this chapter;
- (12) Mineral extraction;
- (13) Telecommunication towers, buildings, and antenna; and
- (14) Any exterior construction that adds to or alters the height of an existing structure.

(C) *Exemptions.* No ILP shall be required for the types of improvements listed below. However, any such improvement shall comply with any applicable requirements of this chapter, the Subdivision Control Ordinance, and any other adopted standards of Hancock County.

- (1) Routine maintenance, repair, or interior non-structural remodeling of existing buildings not involving any change of use, additional lot coverage, or increase in structure size.
- (2) Essential services, as defined in §156.121.
- (3) Lot and yard improvements such as fences, drives, sidewalks, patios, decks, retaining walls, play equipment, gazebos less than 200 square feet in area, above ground pools less than 30 inches in depth and 15 feet in diameter, and landscaping.
- (4) Signs with a surface less than one square foot in area.
- (5) Mini-barns and storage containers that are portable and less than 200 square feet or less in area.

(D) *Copies.* A copy of all submitted plans and application materials shall be retained by the Planning Director for the permanent records of the Plan Commission.

(E) *Expiration of permits.* If the rough-in inspection described in any improvement location permit has not been completed within 12 months of the date of its issuance, the permit shall automatically be deemed expired.

- (1) The Planning Director may grant extensions for up to six months to obtain the certificate of occupancy.
- (2) No extension shall be granted unless any appropriate fees, as defined by the adopted fee schedule, are paid to the county and the project continues to conform with all applicable requirements of Hancock County.

(F) *Construction according to permits and permit application.* Improvement location permits issued on the basis of plans and applications only authorize the use, arrangement, and construction set forth in such approved plans and applications. Current approved plans and the permit shall remain on the construction site. Any other use, arrangement, or construction not authorized shall be deemed a violation of this chapter and subject to the provisions of §§ 156.115 et seq.

(G) *Application.* Application forms for an improvement location permit shall be obtained from the Planning Director. All applications shall be completed in their entirety in ink or typed and submitted to the Planning Director. Prior to permit issuance, fees shall be paid to the Area Plan Commission pursuant to the adopted fee schedule. A complete submittal shall include an application form, site plan, construction details, building elevations, landscape plan, and lighting plan. The Planning Director may modify or waive these submittal requirements depending on the scope and nature of the applicant's proposal.

(H) *Site plan requirement.* Pursuant to division (G) above, a site plan shall be submitted that is drawn to an appropriate scale, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana. Proposals involving only agricultural or residential accessory structures may be exempt from this requirement. The site plan shall clearly show all proposed aspects of the property and relevant features of the site including but not limited to: existing and proposed structures; setbacks from property lines or road centerlines; structure dimensions and floor areas; areas of outdoor storage; permanent dumpster and trash areas; locations and dimensions of existing and proposed parking areas; proposed and existing landscape areas; locations of public and private utilities; location, width, and purpose of all easements; and use of each structure. The Planning Director may modify or waive these submittal requirements depending on the scope and nature of the applicant's proposal.

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2010-9E, passed 9-20-10)

**Cross reference:**

*Enforcement and penalties, see §§ 156.115 et seq.*

**§ 156.107 DEVELOPMENT PLAN REVIEW.**

(A) *Intent.*

(1) The intent of this subchapter is to provide for the adequate, consistent review of new development to ensure consistency with the zoning ordinance; accommodate traffic and utility systems; and address the unique characteristics of certain areas of development. Development plan review is provided for by the I.C. 36-7-4-1400 series. The 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 development plans for consistency with applicable requirements prior to the issuance of permits.

(2) Generally, development plan review shall involve new non-residential and residential (multifamily and subdivision) development and shall occur after rezoning and primary plat approvals. Development plan review may occur before or after any necessary Board of Zoning Appeals applications based on the characteristics of each application.

(3) The following process and requirements apply to all new site development.

(B) *Authority and process outline.*

(1) *Development plan required.* Development plan approval may be required upon the discretion of the Board of Zoning Appeals and the Plan Commission.

(2) *Exemptions.* The following types of development shall be exempt from the requirements of this subchapter, but shall be required to obtain an improvement location permit and/or any other permit or approval otherwise required by this chapter.

(a) *Sign installation.* The replacement or installation of any sign(s) not occurring as part of an improvement to any other aspect of the property.

(b) *Parking lot expansion.* The expansion of an existing parking lot that does not result in:

1. A greater than 25% or 2,000 square foot (whichever is greater) increase in the surface area of the parking previously available on the property;
2. The demolition of any structure; or
3. The need for modifications to street accesses.

(c) *Structural expansion.* The expansion of an existing structure or the construction of an accessory structure that does not result in a greater than 25% increase in the floor area of the structures that were previously existing on the property and does not require the provision of additional landscaping, parking, or other improvements regulated by this chapter (building permit).

(d) *Residential use/structure.* The placement of an individual manufactured home or the construction or expansion of a single-family residential use and structure (building permit).

(3) *Review and approval authority.* The Planning Director, or his designee, in their role as staff for the Plan Commission, shall have the authority to review and approve development plans in conjunction with the Technical Committee as required by this subchapter.

(a) *Waiver of requirements.* Neither the Planning Director nor the Area Plan Commission shall have the authority to waive any requirement of this chapter in the review of a site development plan. All variances from the terms of this chapter

shall be subject to the approval of the Board of Zoning Appeals.

(b) *Revision process.* The procedure for the review of proposed amendments or revisions to previously approved site development plans shall follow the process for the initial approval of site development plans outlined in this subchapter.

(4) *Process outline.* A preliminary informal meeting shall be held with county staff prior to application submittal. The process is illustrated below and detailed in division (C) below.

### **Development Plan Process Diagram**

#### **(C) Application materials.**

(1) *General requirements.* All applications may be obtained from the Planning Director. Fees shall be paid to the Planning Director at the time the application is submitted.

(a) *Application forms.* All applications shall be made on forms provided by the Planning Director. All applicants shall submit original applications that are completed in their entirety either in ink or typed.

(b) *Copies required.* All 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.

(c) *Review schedule.* All applications shall be assigned reference and/or docket numbers by the Planning Director. Applications shall be scheduled by the Planning Director for the appropriate meetings and/or public hearings based on the completeness of the application consistent with the requirements of this subchapter and the appropriate adopted calendar of filing and meeting dates for the Plan Commission (available in the Planning Department).

(2) *Application.* The applicant shall submit an application for development plan review, an affidavit and consent of property owner (if the property owner is someone other than the applicant), a copy of the deed for the property involved, the required filing fee, and required supporting information to the Planning Director.

(a) *Application material format.* All drawings shall be provided in both hard copy and digital format in a manner specified by the Planning Director.

(b) *Supporting information.* Supporting information shall include, but not be limited to, that described by division (C)(3) below (the Planning Director, County Surveyor, Technical Committee, and/or Plan Commission may request additional supporting information, which shall be provided by the applicant).

(3) *Required materials.* The following materials shall be submitted with all development plan applications.

(a) *Summary statement.* 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 development plan.

(b) *Site description.* A general description of the site and its ownership including:

1. The name, street address, e-mail address, and telephone number of the applicant;
2. The name, street address, e-mail address, and telephone number of any land surveyors, engineers, or other professionals responsible for the development plan design;
3. The name, street address, e-mail address, and telephone number of the primary contact individual for the application (it shall be indicated if the primary contact person is the applicant or a contracted design professional);

(c) *Cover sheet.* A cover containing the following information. A conceptual drawing describing the future development of all contiguous holdings described above shall be provided by the applicant upon the request of the Planning Director, County Surveyor, Technical Committee, and/or Plan Commission. At a minimum the conceptual drawings shall include a description of the general street access points, general land uses, and general drainage conditions and plans.

1. A vicinity map shall clearly identify the subject property, property that is contiguous to the subject property that is owned and/or otherwise controlled by the owner or developer of the subject property, and the current zoning and use of all property within 500 feet of the subject property;

2. A site location map showing the subject property and adjacent streets;

3. The legal description of the subject property and common address of the site, and

iv. the proposed name of the development (if applicable).

(d) *Property survey.* A property survey, drawn to an appropriate scale, bearing the seal of a land surveyor registered in the State of Indiana, and showing the following existing features for the subject property and all land within 100 feet of the property lines of the subject property:

1. The boundary lines and dimensions of the subject property;

2. All structures (specifically indicating any structures recognized as outstanding, notable, or contributing in the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report; and those listed in the National Register of Historic Places; and/or the Indiana Register of Historic Sites and Structures);

3. Topography interpolated from USGS sources and/or otherwise meeting the requirements of the County Surveyor (topographic information shall tie into horizontal and vertical control points);
4. Significant wooded areas and other isolated trees and wetlands;
5. 100-year floodplain and 100-year floodway boundaries (including elevations);
6. Public and private streets (including street names), sidewalks and other pedestrian paths, rights-of-way, and easements;
7. Required building setbacks and any build-to lines and buffer yards;
8. All known drainage areas, tiles, pipes and structures;
9. Utility services (including fire hydrants) and easements;
10. Street accesses; and
11. Any other paved or otherwise improved areas.

(e) *Site plan.* A site plan, drawn to an appropriate scale, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, clearly showing all proposed aspects of the property and all features relevant to the site including:

1. All setbacks and buffer yards;
2. Topography (including elevation contour lines at two-foot intervals, or otherwise meeting the requirements of the County Surveyor/Town Engineer);
3. Preserved wooded areas and isolated trees and wetlands;
4. Existing and proposed structures (including buildings, fences, and walls);
5. All structure heights, dimensions, and floor areas;
6. Areas of outdoor storage;
7. Permanent dumpsters and trash areas;
8. Locations, dimensions, and design features (including all curb radii, tapers, and parking space dimensions) of road accesses, interior drives, parking lots, loading docks or areas, intersection sight visibility triangles, and interior sidewalks;
9. Open spaces and specific landscaped areas;
10. Locations and capacities of public and private utilities;
11. The location, width, and purpose of all easements;
12. The use of each structure and the amount of parking required and provided for the use;
13. Any public improvements including sidewalks, street trees, and right-of-way dedications;
14. Locations for temporary uses, such as seasonal sales areas;
15. Locations of proposed signs (separate permit required).

(f) *Landscaping plan.* A landscaping plan, prepared by a registered landscape architect, drawn to an appropriate scale, showing the following:

1. Proposed landscaping, buffer yards, and street trees;
2. Topography (including elevation contour lines at two-foot intervals, or otherwise meeting the requirements of the County Surveyor);
3. 100-year floodplain and 100-year floodway boundaries (including elevations);
4. Existing and proposed public and internal sidewalks and other pedestrian ways;
5. The size and spacing of the plantings at the time of installation, height at maturity, and the botanical and common name of the species proposed to be used to meet the requirements of this chapter; and
6. All existing trees and vegetation to be preserved, and the driplines for such trees (in which no construction activity shall occur).

(g) *Stormwater drainage plan.* A site drainage plan, bearing the seal of a professional engineer or land surveyor registered in the State of Indiana, including all calculations required by the County Surveyor. The drainage plan shall include the location of the following:

1. All natural streams, regulated drains, and watercourses;

2. 100-year floodways and 100-year floodplains (including elevations);
3. All marshes, wetlands, and wooded areas, and
4. All drainage area features as described in the drainage calculations.

(h) *Lighting plan.* A site lighting plan prepared by an electrical engineer drawn to an appropriate scale, showing the type and location of all exterior lighting fixtures (site and building lighting).

(i) *Erosion control/sedimentation plan.* A site erosion control sedimentation plan, drawn to an appropriate scale, showing proposed erosion and sediment control measures.

(j) *Construction plan.* A site construction plan, drawn to an appropriate scale, showing:

1. The location of any proposed construction trailer and worker parking;
2. The location, height, and dimensions of any temporary construction-related signs;
3. Any temporary site accesses to be used during construction;
4. All traffic control signs and devices (subject to the approval of the County Highway Engineer and consistent with the Manual of Uniform Traffic Control Devices);
5. Any temporary utility connections; and
6. The location of any stockpiles of dirt, construction materials, and construction waste dumpsters or storage areas, wash off areas.

(k) *Street plan and profile.*

(l) *Sanitary sewer plan and profile.*

(m) *Utility plan.*

1. Water;
2. Electrical.

(n) *Grading plan.*

(C) *Review process.*

(1) *Technical Committee Review.* The Technical Committee shall review the development plan, including all supporting information on the date established by the adopted calendar of meeting and filing dates (available in the Planning Department).

(a) *Representation.* The applicant and/or a representative of the applicant must be present at the meeting to present the Development Plan and address any questions the Committee may have.

(b) *Considerations.* In reviewing the development plan, the Committee shall consider whether or not the proposed development plan is consistent with the requirements and intent of this chapter, any other applicable adopted requirements of Hancock County, and the standards of the local utility providers.

(c) *Possible action.* The Committee may approve, approve with modifications, deny, continue, or forward the development plan to the Plan Commission.

1. *Approve.* The Committee shall approve the development plan if it complies with all applicable requirements set forth above.

2. *Approve with modifications.* The Committee shall approve the development plan with modifications if it is generally consistent with the considerations for approval outlined in division (D)(1)(b) above, but requires minor modifications to be completely in compliance with the requirements and intent of this chapter. The applicant shall revise the development plan proposal consistent with the Committee comments and supply revisions for review by the Planning Director prior to the release of any improvement location permit.

3. *Deny.* The Committee shall deny the development plan if it is found to be inconsistent with the considerations outlined in division (D)(1)(b) above. The development plan can be resubmitted for review by the Technical committee if there have been significant changes as deemed by the Planning Director. If not, there shall be a one-year waiting period before the same site development plan can be resubmitted as a new application.

4. *Continue.* The Committee may continue the development plan if requested by the applicant, if a determination has been made by the Planning Director that sufficient information has not been provided, or if the applicant or an appropriate representative of the applicant fails to appear at the Committee meeting. Development plan applications that are continued shall be automatically docketed for the next Committee meeting.

5. *Forward to Plan Commission.* The Committee shall forward development plans that are generally consistent with the considerations outlined in division (D)(1)(b) above to the Plan Commission for a public hearing if the proposal:

- a. Includes any improvement to be dedicated to the public (if that improvement has not previously been shown on



a recorded plat or otherwise dedicated);

- b. Includes proposed written commitments; or
- c. Requires the imposition of conditions in order to be completely consistent with the considerations for approval.

(2) *Plan Commission preparation.* If Plan Commission review is required, the 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 development plan proposal consistent with any Committee comments and submit the revised plans to staff ten days prior to review by the Plan Commission and shall provide such revision for review.

(3) *Plan Commission review (if necessary).* The Plan Commission shall review the development plan and any supporting information.

(a) *Representation.* The applicant and/or a representative of the applicant must be present at the public hearing to present the Development Plan and address questions from the Commission.

(b) *Presentations.* The Commission shall consider a report from the Planning Director describing the findings of the Technical Advisory Committee and any testimony from the applicant and any interested parties in making its decision.

(c) *Possible action.* The Plan Commission shall approve, approve with modifications, deny, or continue the site development plan application.

1. *Approve.* The Plan Commission shall approve the development plan if it is consistent with all applicable requirements of this chapter.

2. *Approve with modifications.* The Plan Commission shall approve the development plan with modifications if it is generally consistent with all applicable requirements of this chapter. The Plan Commission may impose conditions on the approval of a development plan if the conditions are necessary to satisfy the requirements and intent of this chapter. Accepted conditions shall become written commitments which shall be recorded by the applicant before any construction activity commences.

3. *Deny.* The Plan Commission shall deny the development plan if it is not consistent with the applicable requirements of this chapter. Development plan applications that have been denied shall not be re-filed for a period of one year from the date of the denial, unless a different design, that addresses the reasons for denial, is submitted.

4. *Continue.* The application may be continued based on a request by the Planning Director, the applicant, a remonstrator, or an interested party; an indecisive vote; a determination by the Commission that additional information is required prior to action being taken on the request; or if the applicant or an appropriate representative of the applicant fails to appear at the public hearing.

- a. Additional legal notice shall not be required unless specified by the Plan Commission.
- b. The continuing of all applications shall be consistent with the adopted rules and procedures of the Commission.

(4) *Permits.* Prior to any site work or construction activity, the applicant shall be required to obtain the appropriate improvement location permit and any other required permits specified by this chapter.

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Notice of public hearing, see § 156.101*

**§ 156.108 WRITTEN COMMITMENTS.**

The applicant with a rezoning petition 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 I.C. 36-7-4-613 which, if accepted by the Area Plan Commission, must be recorded by the applicant prior to application for an improvement location permit.

(A) *Origin of commitments.* Written commitments may be proposed by the applicant as an element of the initial submittal of application materials, as a response to comments made by the Technical Advisory Committee, or in response to any modifications requested by the Plan Commission.

(B) *Consideration of commitments.* Any commitments shall be considered by the Technical Advisory Committee and/or the Plan Commission at the time of their review of the application.

(C) *Filing of commitments.* Following final action being taken on the development plan application, the written commitments shall be documented by the Planning Director. A copy of the commitments shall be maintained by the Planning Director for the records of the Plan Commission.

(D) *Enforcement of commitments.* The written commitments shall be considered part of this chapter binding on the subject property.

(1) *Successors in interest.* 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) *Enforcement.* The written commitments shall be enforceable by the Plan Commission as if they are a part of this chapter, consistent with the provisions of §§ 156.115 et seq.

(3) *Modification.* The written commitments may be modified by the Plan Commission only through the development plan process described by this subchapter.

(Ord. 2007-1B, passed 2-5-07)

**Cross reference:**

*Enforcement and penalties, see §§ 156.115 et seq.*

*Notice of public hearing, see § 156.101*

**§ 156.109 SIGN PERMITS.**

(A) The following procedure applies to improvement location permits for signs only (sign permits).

(B) *Sign permit review for permanent signs.* The following procedure applies to permanent sign permit review. Sign standards are contained in §§ 156.085 et seq.

(1) *Application.* Application for a permit shall be filed with the Planning Director and shall be accompanied by any information the Planning Director determines is necessary to assure compliance with this chapter, including but not limited to:

- (a) Clear and legible drawings with descriptions showing the location of the sign which is the subject of the permit;
- (b) An indication of all existing and anticipated signs on the same property and for the same business use;
- (c) A dimensioned drawing showing the size of the sign face area and the height of the sign;
- (d) Description of sign materials and colors;
- (e) Type of illumination;
- (f) Mounting details.

(2) *Effect of sign permit issuance.* A sign permit issued under the provisions of this section 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.

(3) *Expiration.* A sign permit shall become null and void if work has not been started within 30 days of the date the permit is issued or completed within 180 days of the date the permit is issued.

(Ord. 2007-1B, passed 2-5-07)

**§ 156.110 CERTIFICATES OF OCCUPANCY.**

(A) *Intent.* The intent of the certificate of occupancy procedure is to coordinate building, planning, and engineering related issues and approvals into a single process and to better ensure the public safety and general welfare.

(B) The following procedure applies to certificates of occupancy.

(1) *Certificate requirements.* It shall be unlawful and in violation of this chapter for any builder or property owner to allow any improvement that requires an improvement location permit to become occupied or utilized prior to:

- (a) Legally obtaining an improvement location permit;
- (b) Successfully completing all required inspections, including the final inspection; and
- (c) Obtaining a certificate of occupancy from the Planning Director.

(2) *Inspection.* Upon the completion of the work approved through an improvement location permit, the permit holder shall contact the Planning Commission Office and schedule a final inspection to verify the installation of improvements consistent with the requirements of this chapter.

(3) *Certificate issuance.* The Planning Director or designee shall issue the certificate of occupancy if the improvements comply with this chapter, the Subdivision Control Ordinance, and other applicable requirements. The Planning Director may also issue a limited or temporary certificate of occupancy at his/her discretion.

(Ord. 2007-1B, passed 2-5-07)

**ENFORCEMENT AND PENALTIES**

**§ 156.115 GENERAL PROVISIONS.**

(A) *Authority.* The Plan Commission, Board of Zoning Appeals, Building Official, County Surveyor, and/or Planning

Director (including their staff and/or designees) are designated to enforce the provisions, regulations, and intent of this chapter. All remedies and enforcement shall comply with the powers set forth in IC 36-7-4-1000 et seq. and all other applicable state laws.

(B) *Violations.* Complaints made pertaining to compliance with provisions of this chapter shall be investigated by the Planning Director. The Planning Director may include other officials, such as the County Surveyor, Building Official, County Sheriff, or any of their designees in the investigation. Action may or may not be taken depending on the findings of the investigation. The degree of action will be within the sole discretion of the Planning Director, and should reflect both what is warranted by the violation as well as a consistent approach to the enforcement of this chapter.

(C) *Inspections.* Investigations of property may be done by the Planning Director from a right-of-way, from adjacent property (with permission of that property owner), or from the property suspected of a violation once he/she has described the purpose of the inspection to the owner, tenant, or occupant at the time of the inspection.

(D) *Entry.* In order to execute inspections, the Director or inspectors shall have the right to enter upon any premises at any reasonable time for the purpose of carrying out his, her or their duties in the enforcement of this chapter, unless the owner or occupant of the premises refuses to permit entry to the Director or inspectors when entry is sought pursuant to this section. In the event of this refusal, the Director may petition any judge of the Hancock Circuit or Superior Courts for the issuance of an administrative search warrant. The petition shall identify the premises upon which entry is sought and the purpose for which entry is desired. The petition shall state the facts giving rise to the belief that a condition which is in violation of this chapter on the premises, or that a violation in fact exists and must be abated, and that the condition or violation is not a lawful nonconforming use to the best of the affiant's belief. Any warrant issued pursuant to the petition shall order the owner or occupant to permit entry to the Director or inspectors for the purposes stated therein.

(E) *Responsibility.* The property owner shall be held responsible for all violations on his/her or their property.

(F) *Types of violations.* The following items shall be deemed violations of this chapter in response to which the Planning Director shall take all actions necessary to eliminate said violations using all authority granted to the Planning Director pursuant to this subchapter.

(1) *Illegal structures.* The placement, erection, and/or maintenance of a primary structure, sign, accessory structure(s) or any other element determined by the Planning Director not to be in conformity with the provisions or explicit intent of this chapter.

(2) *Illegal use.* Conducting a use or uses that do not comply with any element of the provisions or explicit intent of this chapter.

(3) *Failure to obtain a permit.* Failure to obtain an improvement location permit or other permits and approvals required by this chapter.

(4) *Violation of stop-work-order.* Proceeding with work after issuance of a stop-work-order or in violation of a memorandum of agreement, as described in § 156.116(B).

(5) *Failure to comply with development standards.* Any failure to comply with any element of the development standards and/or regulations of this chapter.

(6) *Failure to comply with commitments.* Any failure to comply with commitments or conditions made in connection with a rezoning, special exception, or variance; or other similar and documented commitment whether recorded or not.

(7) *Failure to comply with permit requirements.* Any failure to comply with the plans submitted and approved in order to obtain a permit.

(Ord. 2007-1B, passed 2-5-07)

**Statutory reference:**

**§ 156.116 CONSTRUCTION PROCESS VIOLATIONS.**

(A) *Stop-work orders.* The Planning Director may place a stop-work-order on any land/property improvement process.

(1) *Procedure.* Stop-work orders shall be issued by written letter that shall state the nature of the violation and that the work and/ or any other illegal activity must stop immediately until the matter is resolved. If the property is occupied by someone other than the property owner, a copy of said stop-work order shall be provided to said occupant(s). This letter shall be posted in a conspicuous place and be delivered/mailed to the property owner.

(2) *Reasons.* Reasons for a stop-work order include, but are not limited to:

(a) Not complying with any element of the development standards and/or any regulation of this chapter or the Hancock County Subdivision Control Ordinance.

(b) Not obtaining an improvement location permit or any other required permit or approval prior to the construction or installation of any improvement for which an approval or permit is required by this chapter.

(c) Not completing structures or other improvements consistent with any approved improvement location permit, variance, special exception, or other approval.

(d) Not meeting the conditions or commitments of a special exception, variance, rezoning, or other approval whether recorded or not.

(e) Not meeting the conditions of a site development plan, planned unit development detailed plan, or written any commitment associated therewith.

(f) Illegal use or expansion of use of structures, or structures and land in combination.

(B) *Memorandum of agreement.* The Planning Director must meet with the person(s) served the stop-work order notice within seven days of any such meeting being requested. A memorandum of agreement shall be drafted stating the conditions by which construction or action may be resumed. This memorandum of agreement must be signed by the Planning Director and the property owner that is responsible for the violation.

(C) *Appeals.* Any stop-work order issued as a result of the enforcement of this chapter, may be appealed to the Board of Zoning Appeals. This appeal shall follow the provisions established for Administrative Appeals.

(D) *Resumption of construction activity.* The stop-work order shall be lifted and construction activity may resume upon either:

(1) The resolution of the violation(s) to the satisfaction of the Planning Director; or

(2) The execution of all tasks required by the memorandum of agreement.

(Ord. 2007-1B, passed 2-5-07)

### **§ 156.117 IMMEDIATE PUBLIC RISK VIOLATIONS.**

Any violation of this chapter that presents an immediate risk to the health, safety, or welfare of the public or to property within the county may be corrected by the Planning Director, or a person, firm, or organization selected by the Planning Director without prior notice to the property owner or other person responsible for the violation.

(A) *Immediate public risk violation defined.* Immediate public risk violations shall include but not limited to:

(1) *Obstructions.* Signs, structures, landscaping or other materials placed in an easement, sight visibility triangle, or other non-public right-of-way in violation of this chapter;

(2) *Distractions.* Any sign, structure, landscaping, or other material located on private property that serves to distract or inhibit operators of motor vehicles on adjacent public streets, pedestrians, or other members of the general public; and

(3) *Other threats.* Any other immediate threat to public welfare as determined by any representative of Hancock County or of any participating town entity, or by the Board of Zoning Appeals based upon the advice and recommendation of the Plan Director.

(B) *Seizure of materials.* Any sign, structure, landscaping or other material that constitutes an immediate public risk violation may be seized by the Planning Director in a manner that results in the least amount of damage to the material or the property on which it is located under the circumstances.

(C) *Notice of violation.* The Planning Director shall provide notice to the owner of the property as listed in the records of the Auditor's Office. Office upon which the violation was located, or any discernible appropriate owner of materials placed within the right-of-way in violation of this chapter, by placing a notice in a conspicuous place on the property and by mailing a letter to that property owner.

(1) *Notice time requirements.* All notice letters shall be sent to the property owner via certified mail within 24 hours of the seizure. Any notice that is to be posted on the property shall be posted at the time the material is seized.

(2) *Notice contents.* The letter and posted notice shall include the following:

(a) A description of the materials seized;

(b) A citation of the section(s) of the chapter that were violated and the characteristic(s) of the violation that posed an immediate threat to public welfare;

(c) The address and phone number of the Planning Director and the name of the person to be contacted by the property owner to discuss the violation and request the return of the seized item(s); and

(d) Instructions describing how, where, and when the seized items may be claimed.

(D) *Storage and retrieval of seized materials.* The Planning Director shall store any sign, structure, landscape materials or other items seized in a secure location for a period of no less than 30 days from the date notice was mailed to the property owner. The property owner may claim the seized property at any time following its seizure upon the payment of the fine specified on the fee schedule and the establishment of a memorandum of agreement between the property owner and Planning Director regarding the future use of the item in a manner consistent with this chapter.

(E) *Liability.* Neither the Planning Director, Hancock County, nor any other official or entity involved in the seizure shall be liable for any damage to the seized materials or the property from which they were taken.

(Ord. 2007-1B, passed 2-5-07)

## § 156.118 VIOLATION PROCEDURES.

(A) *General procedures.* There shall be a minimum of a three step procedure for the prosecution of violations of this chapter. Intermediate steps, including additional notices of violation and extensions of time limits for compliance may be used by the Planning Director at his/her sole and unlimited discretion. However, the general procedure for all violations shall follow the minimum steps set forth below. The minimum steps are as follows:

(1) *Notice of violation.* The Planning Director shall issue a notice of violation to the person(s) committing, in whole or in part, a violation. The notice of violation is a warning to the violator(s) that a violation has been observed and that it must be corrected within a specified time frame from the date of the mailing.

(2) *Notice of penalty for violation.* The Planning Director shall issue a notice of penalty for violation to the person(s) committing, in whole or in part, a violation. The notice of penalty for violations is a citation that states the penalty for the violation. The notice of penalty for violation shall be mailed via certified mail, return receipt requested by the Planning Director. The person(s) in violation will have a specified number of days from the date of the mailing to pay all applicable penalty, and must correct the violation within the time period specified by the Planning Director or face additional penalty and/or any other enforcement action authorized by this chapter.

(3) *Legal action.* If the person(s) in violation refuses to pay the penalty, attorney's fees, court costs, and/or correct the violation within the time frame specified by the Notice of Penalty for Violation, the Planning Director may refer the violation to the Plan Commission attorney in order to pursue court action through the Circuit of Superior Court of Hancock County. Additional penalty and liens against the property may also be pursued until the matter is resolved.

(B) *Monetary fines.* Monetary fines may be imposed at the discretion of the Planning Director by issuance of the notice of fines for violations as set forth above.

(1) *Multiple violations.* Each day a violation exists shall constitute a separate offense.

(2) *Fine amount.* Each separate offense shall be subject to a maximum fine specified by the adopted fee schedule assessed on a per day basis from the date of compliance requested by the Planning Director in the notice of violation.

(a) In addition to any fine imposed, any person who initiates any activity that requires an improvement location permit without first obtaining such permit may be required to pay two times the normal amount of the permit fee as an additional fine, consistent with the adopted fee schedule.

(b) The amount of any fine shall be as determined by the Planning Director.

(3) *Payment.* The payment of any violation shall be by cash or cashiers check and shall be delivered to the Planning Director who shall forward the funds to the Clerk-Treasurer for deposit in the appropriate fund.

(a) The Planning Director shall issue a receipt to the person making the payment.

(b) The Planning Director may, at his/her discretion, waive the assessed fine for the timely correction of the violation.

(C) *Appeals.* Any person receiving a notice of violation and/or fine(s) for violation may appeal the violation and/or fine to the Board of Zoning Appeals. A written statement from the person in violation, either filing an administrative appeal consistent with § 156.104, shall be submitted to the Planning Director via certified mail at least three days prior to the date any fine and/or compliance is due.

(1) *Fines.* No additional fines shall accrue from the date of the appeal until the BZA has made a ruling as to the violation and/or fine.

(2) *Additional notices.* No additional notices will be issued by the Planning Director if the person(s) in violation has (have) submitted an appeal.

(D) *Legal remedies.* The Planning Director via the Plan Commission attorney may bring an action in the Circuit or Superior Court of Hancock County to invoke any legal, equitable, or special remedy, for the enforcement of any ordinance or regulation created under I.C. 36-7-4, and its subsequent amendments.

(1) *Enforcement.* Implementation of the legal remedies set forth above may be used to prosecute violations of the following:

(a) The zoning ordinance, subdivision control ordinance, sign code and any other requirements adopted separately by the Hancock County Commissioners or adopted by their reference in the zoning or subdivision control ordinance.

(b) All agreements with the Plan Commission or its designees that have been established as written commitments.

(c) All commitments made in accordance with I.C. 36-7-4 et seq.

(d) All conditions imposed in accordance with I.C. 36-7-4 et seq.

(2) *Injunction.* The Planning Director may bring an action in the Circuit or Superior Court of Hancock County to enjoin a person(s) from violating I.C. 36-7-4 et seq. or any ordinance adopted under I.C. 36-7-4 et seq.

(3) *Removal of structures.* The Planning Director may also bring an action in the Circuit or Superior Court of the County for a mandatory injunction, directing the property owner to remove a structure erected in violation of this chapter.

(4) *Responsibility for prosecution expenses.*

(a) A defendant/respondent shall reimburse the Office of the Planning Director all expenses associated with the prosecution of a violation of any provision of this chapter, including but not limited to any fines, attorney's fees, photocopying charges, mileage, hours, or portions thereof, devoted to said prosecution by the Planning Director or any employee of Hancock County and any other cost incurred directly or indirectly by any employee or elected official of Hancock County related to said prosecution.

(b) *Documentation.* Only those costs of enforcement that are documented by the Planning Director, and that have a relationship to the enforcement action shall be paid by the defendant/ respondent.

(5) *Other parties eligible to seek enforcement.* An action to enforce a written commitment made in accordance with I.C. 36-7-4 et seq. may be brought in the Circuit or Superior Court of the county by:

(a) *Rules and procedures provisions.* Any person who is entitled to enforce a commitment made in accordance with I.C. 36-7-4 et seq. under the rules and procedures of the Plan Commission or the Board of Zoning Appeals in force at the time the commitment was made; or

(b) *Specified parties.* Any other specially affected person who was designated in the written commitment.

(Ord. 2007-1B, passed 2-5-07)

## DEFINITIONS

### § 156.120 DEFINED WORDS.

Words used in a special sense in this chapter are defined in §156.121. All other words, terms, and/or phrases not specifically defined by this chapter shall have the meaning inferred from their context in this chapter or their ordinarily accepted definitions.

(Ord. 2007-1B, passed 2-5-07)

### § 156.121 DEFINITIONS.

For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

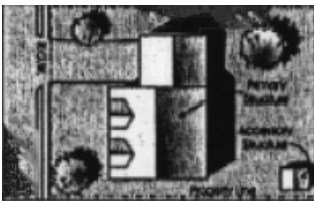
**ABANDONMENT.** To intentionally stop the use or development of a property for a continuous period of time.

**ABUTTING.** Having a common border, including being separated from such a common border by a right-of-way, street, alley, easement, body of water, or other feature. In some cases, where specified by this chapter, abutting also includes lots or other features within a specific vicinity.

**ACCESS POINT.** A driveway or other means of physical connection for the movement of vehicles or persons between a property and an adjacent property or street.

**ACCESSORY STRUCTURE.** A structure that is subordinate to a primary structure in area, extent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary structure; does not alter or change the character of the property; and is located on the same lot as the primary structure.

**ACCESSORY USE.** A use which is secondary to a primary use in area, extent, and/or purpose; contributes to the comfort, convenience, or necessity of occupants of the primary use; does not alter or change the character of the property; and is located on the same lot as the primary use.



**ACRE.** A land area equal to 43,560 square feet.

**ACREAGE, GROSS.** The total area within a parcel of land.

**ADDITION.** Any construction that increases the size of a structure in terms of site coverage, floor area, volume, and/or height.

**ADDRESS.** The number or other designation assigned to a housing unit, business establishment, other structure, or lot for the purposes of mail delivery, emergency services, and general identification.

**ADJACENT.** See **ABUTTING** .

**ADJOINING.** See **ABUTTING** .

**ADMINISTRATIVE/PROFESSIONAL OFFICE.** An office establishment primarily engaged in overall management and general supervisory functions, such as executive, personnel, finance, legal, and sales activities.

**ADMINISTRATOR, ZONING.** The individual or group responsible for the implementation and enforcement of this chapter. The Executive Director or Planning Director of the Area Plan Commission shall be the administrator of this chapter.

**ADULT BOOKSTORE.** An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following:

(1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or

(2) Instruments, devices or paraphernalia that are designed for use in connection with specified sexual activities.

**ADULT MOVIE THEATER.** An establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT USES.** The exhibition, sale, distribution, or performance of material that is characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas including but not limited to adult bookstores, adult movie theaters, strip clubs and massage parlors.

**ADVERTISING STRUCTURE (OFF-PREMISE SIGN).** Any sign or structure functioning to direct attention to an establishment or business that is not located on the same legal parcel as the advertising sign or structure.

**AGRIBUSINESS TYPE 1.** An operation that sells products grown on the premises directly to consumers and offers small-scale educational, recreational, and retail venues to the general public. Such activities are considered to be consistent with the normal operations of a farm. This category may include the following:

(1) The production and sale of supplemental processed products, including but not limited to: bakery items, milk and cheese, concessions, crafts, flowers, and meat. Such production area(s) may not exceed 5,000 square feet of cumulative floor area unless otherwise approved by the Board of Zoning Appeals as a special exception.

(2) Indoor and outdoor activities such as, but not limited to: animal exhibit, consumer harvesting of products, educational tours, agricultural exhibit, food demonstration, hay rides, horseback riding, picnic/play area, sleigh rides, Easter egg hunt, gem mine, corn maze, private parties, farmer's market, historical reenactments not exceeding twice annually, and inflated playhouses and similar temporary recreational equipment.

**AGRIBUSINESS TYPE 2.** An operation that accommodates and/or operates year-round attractions or facilities for the general public, including but not limited to:

(1) Public venues such as: meeting/reception facility, riding stables, bed and breakfast facility (i.e. farm-stay), tractor-pull competition, rodeo, turkey shoot, amplified music associated with an agribusiness event exceeding eight days annually, and historical reenactments exceeding twice annually.

(2) Commercial operations such as: restaurants, beverage/food processing, feed mill, gift shop, micro-brewery, grocery store, and wood mill.

**AGRICULTURAL PRODUCTS SALES, DISTRIBUTION, AND STORAGE.** A primary use engaged in the sale or rental of farm tools and equipment, grain, tack, animal care products, and farm supplies. This excludes the sale of large farm implements, such as tractor and combines, but does include food sales and farm machinery repair services that are incidental to the primary use.

**AGRICULTURAL PRODUCTS TERMINAL.** A commercial facility for the transfer, pickup, storage, or discharge of agricultural goods.

**AGRICULTURAL ZONING DISTRICT.** The AG, Agriculture zoning district.

**AGRICULTURE.** Farming, including dairying, pasturage, apiculture, aquaculture, agriculture, horticulture, floriculture, viticulture, forestry and animal and poultry husbandry, and the necessary incidental uses, all of which are directly related to the production of food. The operation of any incidental uses shall be secondary to that of the normal agricultural activities.

**AGRICULTURE** shall not include stock yards, the commercial feeding of garbage or offal to swine or other animals, or the raising of animals for medical tests or other experiments.

**AGRICULTURE STRUCTURE.** A structure located on a farm and designed and constructed to house farm implements, livestock, hay, grain, fruit, and/or other agricultural products, supplies, and equipment used by the operators of the farm.

**AGRICULTURE STRUCTURE** shall not include dwellings or structures used for the processing, treating, or packaging of agricultural products, or by the public.

**AIR POLLUTION.** Presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of characteristics and duration that are injurious to human, plant, or animal life, to property, or which unreasonably interfere with the comfortable enjoyment of life and property.

**AIRPORT.** Any area of land designed and used for the landing and take-off of aircraft, including all necessary facilities for

the housing and maintenance of aircraft.

**ALLEY.** A public right-of-way, other than a street, road, crosswalk, or easement, that provides secondary access for the abutting property.

**ALTERATION.** Any change, addition, or modification in construction or use of an existing structure or property.

**AMATEUR RADIO TOWER.** A freestanding or building-mounted structure, including any base, tower or pole, antenna and appurtenances, intended for airway communication purposes by a person holding a valid amateur radio license from the Federal Communications Commission.

**AMEND or AMENDMENT.** Any repeal, modification, or addition to a regulation; or any new regulation.

**ANIMAL.** Any live vertebrate creature, domestic or wild, excluding human beings.

**ANIMAL, DOMESTIC.** Any animal that has been adopted by human beings to live and breed in a tame condition.

**ANIMAL, FARM.** Any animal that customarily is raised for profit on farms and has the potential of causing a nuisance outside of rural areas or if not properly maintained.

**ANIMAL AND ANIMAL PRODUCTS PROCESSING.** The processing or treatment of animals and animal material as a raw resource for refinement as food and non-edible products. Custom- exempt facilities are included within this category.

**ANIMAL SHELTER.** A facility used to care for and house lost, stray, homeless, abandoned, or unwanted animals; including those found running at-large or otherwise subject to impoundment consistent with applicable laws. **ANIMAL SHELTER** includes facilities for adoption, medical treatment, and cremation.

**ANIMAL STABLES.** The use of any structure with stalls or compartments and/or land where animals, excluding dogs and cats, are sheltered and fed.

**ANTENNA.** Any system of wires, poles, rods, reflecting discs, or similar devices 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 external to or attached to the exterior of any building.

**APARTMENT.** A dwelling unit in a structure, arranged, intended, designed, or occupied on a rental basis for the housing of a single family, an individual, group of individuals, or other single housekeeping unit.

**APPLICANT.** The owner, owners, or legal representative of real estate who make application for action affecting the property.

**APPLICATION.** The completed form or forms, together with any other required materials, exhibits, and fees required of an applicant consistent with the procedures established by this chapter.

**APPURTENANCE.** A minor element of a larger structure, such as a bay window, stairs, light post, etc.

**ARCADE.** A building or part of a building containing four or more video, pinball, or similar player-operated amusement devices, in any combination, for commercial use.

**ARCHERY RANGE.** A facility designed and/or used for target practice with bows and arrows.

**AREA PLAN COMMISSION.** A plan commission serving a county and one or more city or town government jurisdictions, established as defined under the I.C. 36-7-1-2. The Hancock County Area Plan Commission is the area plan commission referred to by this chapter.

**ARTERIAL ROAD.** See **STREET, ARTERIAL.**

**ARTERIAL STREET.** See **STREET, ARTERIAL.**

**ASSEMBLY FACILITY.** A building or portion of a building in which facilities are provided for group civic, educational, political, professional, religious, cultural, or social functions.

**ASSISTED LIVING FACILITY.** A facility providing services that assist residents with daily activities, such as dressing, grooming, bathing, etc.

**ATHLETIC FIELD.** A wide stretch of open land used for outdoor games such as baseball, basketball, football, or soccer.

**AUCTION FACILITY.** A building or property used for the storage of goods and materials that are to be sold on the premises by public auction, and for the sale of the said goods and materials by public action on an occasional basis only.

**AUTO-ORIENTED USES, LARGE SCALE.** Uses such as sales and service of automobiles, motorcycles and/or recreational vehicles, and others listed under the heading of Auto-Oriented Uses, Large Scale by the Land Use Matrix included in § 156.021. This does not include any uses, such as auto repair shops or gas stations, listed under the headings of auto-oriented uses medium or small scale.

**AUTO-ORIENTED USES, MEDIUM SCALE.** Uses such as auto repair and body work, vehicle detailing/auto accessory sales and installation, oil change/lube shops, and others listed under the heading of Auto-Oriented Uses, Medium Scale by the Land Use Matrix included in § 156.021. This does not include any uses listed under the headings of auto-oriented uses



large or small scale.

**AUTO-ORIENTED USES, SMALL SCALE.** Uses such as gas stations, car washes, and others listed under the heading of Auto-Oriented Uses, Small Scale by the Land Use Matrix included in § 156.021. This does not include any uses listed under the headings of auto-oriented uses large or medium scale.

**AUTOMOBILE PARTS SALES.** The use of any structure and/or property for the display and sale of new or used parts for motor vehicles. This does not include any salvage yard or the storage of inoperable vehicles.

**AUTOMOBILE REPAIR.** The use of a structure or property for the repair of motor vehicles, including noncommercial trucks, motorcycles, recreational vehicles and boats; including, but not limited to, the sale, installation and servicing of equipment and parts. **AUTOMOBILE REPAIR** includes muffler shops, auto repair garages, tire sales and installation, wheel and brake shops, body and fender shops, and similar repair and service activities, but excludes dismantling or salvage.

**AUTOMOBILE SALES AND SERVICE.** The storage and display for sale of more than two motor vehicles where repair work, body work, and parts sales is incidental to the operation of the new or used vehicle sales.

**AWNING.** A roof-like cover, often of fabric, metal, or glass designed and intended for protection from the weather or as a decorative embellishment, and which projects from a wall or roof of a structure over a window, walk, or door. **AWNING** includes those that may be retracted or folded against the face of a supporting building.

**BAKERY (COMMERCIAL).** A place for preparing, cooking, baking, and wholesale selling of products intended for off-site distribution and retail sales.

**BAKERY (RETAIL).** An establishment primarily engaged in the retail sale of baked products for consumption off-site. The products may either be prepared on or off-site.

**BALCONY.** An uncovered and unenclosed platform that projects from the wall of a building and is surrounded by a railing or parapet for use of the tenants. When a balcony is covered or enclosed, it is no longer considered a balcony.

**BANK.** A facility for the custody, or exchange of products typically money. Also included is the extension of credit and facilitating the transmission of funds.

**BANNER.** A sign composed of a logo or design on a lightweight material either enclosed or not enclosed in a rigid frame and secured or mounted to allow motion caused by the atmosphere.

**BANQUET HALL.** See **ASSEMBLY HALL**.

**BAR.** A facility or area used primarily for the serving of alcoholic beverages, and in which the serving of food is only incidental to the consumption of alcohol.

**BARBER SHOP.** Any establishment or place of business within which the practice of cutting hair is engaged in or carried on by one or more employees.

**BASE FLOOD ELEVATION.** The elevation, expressed in feet above mean sea level, to which flooding can be expected to occur on a frequency of once every 100 years, or which is subject to a 1% or greater chance of flooding in any given year.

**BASEMENT.** The portion of a building located below the first level, a majority of the height of which is located below the average finished grade of the building perimeter.

**BATCHING PLANT.** A facility for the manufacture or mixing of concrete, cement, and concrete and cement products, including any apparatus, equipment, and uses incidental to such operations.

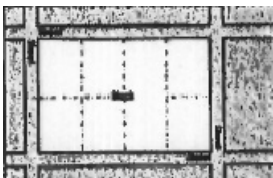
**BEAUTY SALON.** Any commercial establishment where cosmetology is offered or practiced on a regular basis for compensation.

**BED AND BREAKFAST FACILITY.** A private, owner occupied single-family dwelling that provides temporary overnight sleeping accommodations and morning meals to lodgers, for compensation, in three or fewer guest rooms for periods not to exceed three consecutive weeks.

**BERM.** A man-made mound of earth of definite height and width used for landscaping and screening purposes.

**BILLIARD ROOM (POOL HALL).** A business establishment containing more than two pool or billiard tables for the use by patrons.

**BLOCK.** Property abutting one side of a street and lying between the two nearest intersecting streets (either crossing or terminating), railroad right-of-way, lake, river, stream, or other physical boundary.



**BOARD.** The Board of Zoning Appeals.

**BOARD OF ZONING APPEALS.** A board established consistent with I.C. 36-7-4-900 series. The Hancock County Board of Zoning Appeals is the Board of Zoning Appeals referred to by this chapter.

**BOARDING HOUSE.** A building or part of a building that contains accommodation facilities for lodging for definite periods of time, typically with meals served from a single kitchen. **BOARDING HOUSES** do not include bed and breakfasts, multi-family dwellings, hotels, or motels.

**BOAT STORAGE FACILITY.** A structure or area designed for the storage of watercraft and marine equipment.

**BOND.** See **SURETY.**

**BOOKSTORE.** A retail establishment that, as its primary business, engages in the sale, rental, or other charge-for-use of books, magazines, newspapers, greeting cards, postcards, videotapes, computer software and/or any other printed or electronically conveyed media.

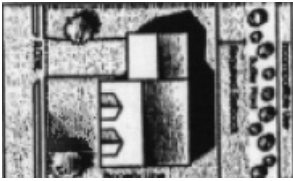
**BOTTLE GAS STORAGE AND DISTRIBUTION.** The storage and distribution of bottle gasses including propane, carbon dioxide, helium, and other commercially used gases.

**BOWLING ALLEY.** An establishment that devotes a majority of its gross floor area to bowling lanes, equipment, and playing areas. A **BOWLING ALLEY** may include other incidental uses, such as other recreation activities, a restaurant, or a bar.

**BUFFER.** A strip of land, a fence, and/or area of landscaping between one use and another designed and intended to separate and screen those uses.

**BUFFER LANDSCAPING.** Any trees, shrubs, walls, fences, berms, or related landscaping features required by this chapter as part of a buffer.

**BUFFER YARDS.** An area adjacent to front, side and/or rear property lines, measured perpendicularly from adjacent property lines and/or right-of-way lines, intended to screen incompatible uses from each other. Buffer yards are also used to help 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.



**BUILD-TO LINE.** A line parallel to the front property line indicating the distance from the front property line at which primary structures must be built. A **BUILT-TO LINE** is neither a minimum or a maximum, but rather a specific requirement.

**BUILDABLE AREA.** See **BUILDING ENVELOPE.**

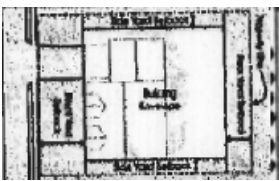
**BUILDING.** A structure having a roof, supported by columns or walls, for the shelter, support, or enclosure of persons, property, or animals. When separated by division walls from the ground up and without openings, each portion of such building may be deemed as a separate building.

**BUILDING, ATTACHED.** A building that is structurally connected to another building by a foundation, wall, or roof line.

**BUILDING, DETACHED.** A building which is surrounded by open space and located on the same lot as another building.

**BUILDING CODE.** The locally adopted Indiana Building Code establishing and controlling the standards for constructing mechanical equipment, all forms of permanent structures, and related matters within Hancock County. Also referred to in this chapter as the Hancock County Building Code.

**BUILDING ENVELOPE.** The three dimensional portion of a lot or site, exclusive of all required setbacks, buffer yards, maximum height standards, landscaping, or open space within which a structure may be built.



**BUILDING HEIGHT.** See **STRUCTURE HEIGHT.**

**BUILDING OFFICIAL.** The person responsible for the enforcement of the Hancock County Building Code.

**BUILDING PERMIT.** An official certification issued by the Building Official authorizing the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or

other structure.

**BUILDING SUPPLY STORE.** A large warehouse-style establishment that offers retail and wholesale site development, building, and hardware supplies, including various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the building supply retail sales.

**BUS/MASS TRANSIT TERMINAL.** A centralized and/or primary community facility for the transient housing or parking of motor driven buses, and the loading and unloading of passengers.

**BUSINESS.** A commercial endeavor to engage in the purchase, sale, lease, barter, or exchange of goods, wares, merchandise, and/or the provision of services.

**BUSINESS/FINANCIAL SERVICES OFFICE.** Any office where the primary occupation is concerned with such federal or state-regulated businesses as banking, savings and loans, loan companies, and investment companies.

**BUSINESS DISTRICT.** A geographic area used for commerce and the operation of a business or businesses.

**BZA.** See **BOARD OF ZONING APPEALS.**

**CAMPGROUND.** Any site, lot, field, or tract of land designed with facilities for short term and/or seasonal occupancy by recreational vehicles and other camping equipment, but not including mobile homes.

**CAMPUS.** An area of land constituting and making up the grounds of an institution, such as a college or university, a business complex, or a manufacturing park.

**CAR WASH.** The use of a property for the washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**CARPORIT.** A permanent structure, which includes a roof and roof-supports but not enclosed by walls, which is used as an accessory to a dwelling unit for the purpose of providing shelter to one or more vehicles.

**CEMETERY.** Land used or dedicated to the burial of the dead, including crematoriums and mausoleums.

**CERTIFICATE OF OCCUPANCY.** A certificate issued by the county certifying that a newly constructed or modified structure and/or property is completed in its entirety and is in complete compliance with all applicable regulations of Hancock County, and therefore may be occupied.

**CHANGE OF USE PERMIT.** See **IMPROVEMENT LOCATION PERMIT.**

**CHILD CARE CENTER.** As defined by I.C. 12-7-2-28.4 and for the purposes of this chapter, a nonresidential building where at least one child receives child care from a provider:

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

**CHILD CARE HOME.** As defined by I.C. 12-7-2-28.6 and for the purposes of this chapter, an establishment providing non-overnight care, supervision, and protection of children in private residences which is incidental to the primary residential use. A child day care home includes at least six and no more than 16 children (not including the children for whom the provider is a parent, stepparent, guardian, custodian, or other relative; or those which are at least age seven) who, at any time, receive child care from a provider:

- (1) While unattended by a parent, legal guardian or custodian;
- (2) For regular compensation; and
- (3) For more than four hours but less than 24 hours in each of ten consecutive days per year, excluding intervening Saturdays, Sundays, and holidays. The term includes Class I child care homes and Class II child care homes as defined in I.C. 12-7-2-33.7 and I.C. 12-7-2-33.8.

**CHILD CARE HOME, CLASS I.** As defined by I.C. 12-7-2-33.7 and for the purposes of this chapter:

(1) **CLASS I CHILD CARE HOME** means a child care home that serves any combination of full-time and part-time children, not to exceed at any one time 12 children plus three children during the school year only who are enrolled in at least grade one. Except as provided in I.C. 12-17.2-5-6.3(b), the addition of three school age children may not occur during a break in the school year that exceeds four weeks, and

(2) A child:

(a) For whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and

(b) Who is at least seven years of age; shall not be counted in determining whether the child care home is within the limit set forth in division (1) of this definition.

**CHILD CARE HOME, CLASS II.** As defined by I.C. 12-7-2-33.8 and for the purposes of this chapter:

(1) **CLASS II CHILD CARE HOME** means a child care home that serves more than 12 children but not more than any combination of 16 full-time and part-time children at any one time, and

(2) A child:

(a) For whom a provider of care in the child care home is a parent, stepparent, guardian, custodian, or other relative; and

(b) Who is at least seven years of age; shall not be counted in determining whether the child care home is within the limit set forth in division (1) of this definition.

**CHILD CARE INSTITUTION.** As defined by I.C. 12-7-2-29 and for the purposes of this chapter:

(1) A residential facility that provides child care on a 24-hour basis for more than ten children; or

(2) A residential facility with a capacity of not more than ten children that does not meet the residential structure requirements of a group home; or

(3) Operates under a license issued under I.C. 12-17.4; provides for delivery of mental health services that are appropriate to the needs of the individual; and complies with the rules adopted under I.C. 4-22-2 by the Indiana Division of Family and Children.

**Editor's note:**

*I.C. 12-17-4 was repealed by P.L. 145-2006, Sec. 376.*

**CHURCH.** The use of a building and/or property by a non-profit group for the purpose of religious worship together with all incidental uses commonly associated with such a facility, such as a day-care center or school. **CHURCH** includes synagogue, temple, mosque or any other like facility used for worship and religious activities.

**CIRCUS or CARNIVAL.** A temporary outdoor amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food service, sales, or small-scale games.

**CLINIC.** Any facility in which human patients are admitted for medical, psychiatric, surgical, or dental study or treatment on an out-patient only basis, and in which the services of at least two physicians or dentists are provided.

**CLUSTER DEVELOPMENT.** A development in which a number of dwelling units, or other structures, are placed in closer proximity than usual, or are attached, for the purpose of providing open space.

**CLUSTER SUBDIVISION.** See **CLUSTER DEVELOPMENT.**

**COLLECTOR ROAD.** See **STREET, COLLECTOR.**

**COLLECTOR STREET.** See **STREET, COLLECTOR.**

**COLLEGE.** See **UNIVERSITY.**

**COMMERCIAL DISTRICT.** See **BUSINESS DISTRICT.**

**COMMISSION.** See **AREA PLAN COMMISSION.**

**COMMON AREA.** Land within a development which is not individually owned or dedicated to the public, but which is designed and intended for the use, enjoyment, and maintenance of the property owners within that development or other specific area. The **COMMON AREA** may include complimentary structures and/or other improvements.

**COMMON OWNERSHIP.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association, including ownership by different corporations, firms, partnerships, entities, or unincorporated associations with at least one common stockholder, partner, or associate.

**COMMUNICATIONS SERVICE EXCHANGE.** A telecommunications facility that houses one or more computer systems and related equipment dedicated to building, maintaining, and/or processing data. Such a facility would likely include a telephone service exchange, a data center, and a server farm.

**COMMUNITY CENTER.** A meeting place where people living in the same community and their guests may carry on cultural, recreational, or social activities.

**COMPATIBLE.** Having harmony and consistency in design, function, and/or appearance.

**COMPREHENSIVE PLAN.** A document, consistent with the requirements the Indiana Code, that is a compilation of policy statements, goals and objectives, standards, maps, and statistical data for the physical, social, and economic development of the community. The Hancock County Comprehensive Plan is the comprehensive plan referred to by this chapter.

**CONCRETE/ASPHALT PRODUCTION FACILITY.** A facility where raw materials are processed into concrete or asphalt for sale and/or immediate use. Facilities typically include all necessary equipment for both transport and application of the

finished product.

**CONDITION OF APPROVAL.** Stipulations or provisions set forth as a prerequisite for approval of an application.

**CONDOMINIUM.** Real estate lawfully subject to the I.C. 32-25 series, the Horizontal Property Law, by the recording of condominium instruments, in which undivided interests in the common areas and facilities are vested in the condominium unit owners.

**CONFERENCE CENTER.** A facility used for service organizations, business and professional conferences, and seminars limited to accommodations for conference attendees. The accommodations can include sleeping, eating, and recreation. A conference center is not designed to be utilized only by the general public for overnight purposes.

**CONFINED FEEDING.** The raising of animals for food, fur or recreation in lots, pens, ponds, sheds or buildings, where they are confined, fed and maintained for at least 45 days during any year, and where there is no ground cover or vegetation present over at least half of the animals' confinement area. Livestock markets and sale barns are excluded from this term. See also **FARM (CONFINED FEEDING)**.

**CONTIGUOUS.** See **ABUTTING**.

**CONTRACTOR'S STORAGE YARD.** An unenclosed portion of a lot or parcel upon which a construction contractor stores construction equipment and other materials customarily used in the trade carried on by the contractor.

**CONTRACTOR'S WAREHOUSE.** An enclosed building within which a construction contractor, or landscape contractor, stores construction equipment and other materials customarily used in the trade. Office space, as an accessory use, may be permitted with a contractor's warehouse.

**CONVENIENCE STORE.** A small retail establishment that offers for sale a limited line of groceries, convenience goods, tobacco products, periodicals, and other household products. A convenience store may also sell gasoline.

**CORRIDOR GREENBELT.** That portion of the front yard of a lot that is immediately adjacent and parallel to the existing or proposed right-of-way, whichever is greater, of US 40, US 52, US 36, and CR 600W having a minimum depth of 30 feet from the street right-of-way line.

**COUNTY.** Hancock County, Indiana.

**COVENANTS.** Private and legal restrictions of various kinds on the usage of lots, typically within a subdivision and applied by the subdivider, that are recorded with the plat and deed. Covenants are enforceable in civil court by interested or affected parties.

**CRAFT/FABRIC STORE.** Any business that produces on the premises articles for sale of artistic quality or handmade workmanship, or businesses that primarily sell items and materials used in the creation of crafts and other such handiwork.

**CROP PROCESSING AND STORAGE.** The processing of harvested crops, as well as the storage of both the raw and processed crops. Processing includes any or all of the following or similar activities as they relate to crop produce: cleaning, shelling, drying, cooking, and packaging.

**CROP PRODUCTION.** The production and management of agricultural crops, including planting, cultivation, and harvesting.

**CUL-DE-SAC.** See **STREET, CUL-DE-SAC**.

**CURB CUT.** The providing of vehicular ingress and/or egress between property and an abutting public street.

**CUSTOM-EXEMPT FACILITIES.** A location where each animal present for slaughter must be processed, packaged, and returned to its owner for consumption within the owner's home to his/her family and non-paying guests or employees. Products are labeled "not for sale."

**DANCE/MARTIAL ARTS STUDIO.** An establishment where patrons learn and/or practice dance or martial arts.

**DATA PROCESSING CENTER.** Facilities where electronic data is processed by employees, including data entry storage, conversion, or analysis; subscription and credit card transaction processing; telephone sales and order collection; mail order and catalogue sales; and mailing list processing.

**DAY CARE CENTER.** See **CHILD CARE CENTER**.

**DAY CARE HOME.** See **CHILD CARE HOME**.

**DECIDUOUS TREE.** See **TREE, DECIDUOUS**.

**DECK.** A platform, either freestanding or attached to building that is supported by pillars or posts.

**DEDICATION.** The intentional setting apart of land or interests in land for use by Hancock County or other city or town government.

**DEFECTIVE LANDSCAPING.** Dead or dying plant material, damaged berms, walls, fences, and/or other landscaping elements.

**DELI (DELICATESSEN).** An establishment where food is sold for consumption either on or off premises, excluding

groceries and supermarkets.

**DENSITY.** The number of dwelling units per acre.

**DENSITY, GROSS.** The numerical value obtained by dividing the total number of dwelling units in a development or area by the gross size of the area (in acres), including all non-residential land uses, rights-of-way, streets, and other features included in the area.

**DENSITY, NET.** The numerical value obtained by dividing the total number of dwelling units in a development or area of the actual tract of land (in acres) upon which the dwelling units are located, or proposed to be located, including common open space and excluding non-residential uses, rights-of-way, and streets.

**DEPARTMENT STORE.** A business conducted under a single name that directly exhibits and sells a variety of unrelated merchandise and services to customers (includes discount stores).

**DESIGN.** A planned arrangement of forms, shapes, massing, colors, and materials intended to serve a useful purpose or be decorative or artistic. The essence of a design resides not in the elements individually, nor in their method of arrangement, but in the total ensemble that awakens some sensation in the observer's mind.

**DESIGNATED ENFORCEMENT ENTITY.** The County Board of Zoning Appeals.

**DETACHED STRUCTURE.** A building that has no structural connection with the primary structure.



**DETENTION AREA.** An area that is designed to capture specific quantities of stormwater and to gradually release the stormwater at a sufficiently slow rate to avert flooding.

**DEVELOPER.** An individual, partnership, corporation (or agent thereof), or other entity that undertakes the responsibility for land development, particularly the designing of a subdivision plat or site development plan showing the layout of the land and the public improvements involved therein. In as much as the subdivision plat is merely a necessary means to the end of assuring a satisfactory development, the term **DEVELOPER** is intended to include the term **SUBDIVIDER**, even though the personnel involved in successive stages of the project may differ.

**DEVELOPMENT.** Any man-made change to improved or unimproved real estate including but not limited to:

- (1) Construction, reconstruction, or placement of a structure or any addition to a structure;
- (2) Installing a manufactured home on a site, preparing a site for a manufactured home or installing recreational vehicle on a site for more than 180 days;
- (3) Installing utilities, erection of walls and fences, construction of roads, or similar projects;
- (4) Construction of flood-control structures such as levees, dikes, dams, channel improvements, etc.;
- (5) Mining, dredging, filling, grading, excavation, or drilling operations;
- (6) Construction and/or reconstruction of bridges or culverts;
- (7) Storage of materials; or
- (8) Any other activity that might change the direction, height, or velocity of flood or surface waters.

**DEVELOPMENT PLAN.** Dimensioned plans showing the entire on-site distribution of all elements for a proposed construction project, which would normally include architectural, engineering, landscape architectural, lighting and signage plans.

**DEVELOPMENT REVIEW COMMITTEE.** The Development Review Committee shall be the Planning and Zoning Committee of the Town of McCordsville.

**DEVELOPMENT STANDARDS.** Regulations provided by this chapter that provide specific conditions for the development and use of buildings and property.

**DIRECTOR.** The Planning Director of the County Area Plan Commission.

**DISTRIBUTION FACILITY.** A use where goods are received and/or stored for delivery to the final consumer at remote locations.

**DISTRICT.** An area with common social, physical, economic, or land use characteristics.

**DOMESTIC PETS.** Animals commonly used as household pets, protection, companions, and for the assistance of 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, spiders, guinea pigs, hamsters, gerbils, rats, mice, rabbits, aquarium fish, pot belly pigs, ferrets, and snakes if cared for in the manner described above.

**DORMITORY.** A structure specifically designed to provide sleeping and living quarters for long-term stay by students of a college, university, or other institution. A common kitchen and common gathering rooms may also be provided.

**DRAINAGE.** The outflow of water or other fluids from a site through either natural or artificial means.

**DRAINAGE SYSTEM.** All facilities, channels, and areas which serve to convey, filter, store, and/or receive stormwater, either on a temporary or permanent basis.

**DRIP LINE.** An imaginary vertical line that extends from the outermost branches of a tree's canopy to the ground.

**DRIVE, PRIVATE.** See **STREET, PRIVATE.**

**DRIVE-THRU/DRIVE-UP FACILITY.** A small scale establishment developed so that its retail or service character is dependant on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, rather than within a building or structure.

**DRIVE-THRU SERVICE.** An opening or openings in the wall of a building or structure designed and intended to be used to provide for sales and/or service to patrons, who remain in their vehicles, products that are used or consumed off-site.

**DRIVEWAY.** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**DRIVEWAY, COMMON.** An access shared by adjacent property owners.

**DRIVING RANGE.** An area equipped with distance markers, clubs, balls, and tees for practicing golf drives and putting, which may or may not include a snack-bar and pro-shop, but does exclude golf courses and miniature golf courses.

**DRY CLEANERS (COMMERCIAL).** A large scale establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Commercial cleaners serve businesses and clean uniforms, generally with the cleaners picking up and delivering the clothing to its business clients.

**DRY CLEANERS (RETAIL).** An establishment that cleans fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation in volatile solvents, and all related processes. Retail cleaners serve individuals on a walk-in basis, generally with patrons dropping off, and picking up their clothing.

**DUMPSTER.** A receptacle container that has a hooking mechanism that allows it to be raised and dumped into a sanitation truck, including dumpsters for trash, compacted materials, and recycling.

**DUPLEX.** See **DWELLING, TWO-FAMILY.**

**DWELLING.** A building or structure or portion thereof, designed for the residential purposes of a family or other single housekeeping unit. **DWELLING** does not include hotels, motels, or lodging houses.

**DWELLING, ACCESSORY.** A separate and complete secondary dwelling unit established in conjunction with and clearly subordinate to another dwelling that which serves as the primary use and/or structure on the property.

**DWELLING, FARM.** A single-family dwelling that is located on, and used in connection with farm operations.

**DWELLING, MANUFACTURED HOME.** Single-family detached dwelling units that are factory built to the National Manufactured Construction and Safety Standards Act in a transportable section or sections. Manufactured homes are divided into three categories, type I, II, and III, as defined by this chapter.

**DWELLING, MOBILE HOME.** A structure transportable in one or more sections which in traveling mode is eight feet wide or more in width and 40 or more feet in length, and which is built on a permanent chassis and designed to be used as a dwelling unit.

**DWELLING, MULTI-FAMILY.** A structure designed for and occupied by three or more families or other single units of housekeeping, with the number of families and housekeeping units in residence not exceeding the number of dwelling units provided.

**DWELLING, SINGLE-FAMILY.** A structure designed for and occupancy by one family or other single unit of housekeeping and therefore including no more than one dwelling unit.

**DWELLING, TWO-FAMILY.** A residential structure consisting of two distinct dwellings constructed with a single continuous footing, a uniform roof structure, and at least one common wall measuring a minimum of eight feet in length. The structure shall have the exterior appearance of a single-family house.

**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 UNIT.** Any structure or portion thereof designed for or used for residential purposes as a self-sufficient, individual unit by one family or other similar social association of persons as a single housekeeping unit, and having permanently installed sleeping, cooking, and sanitary facilities.

**E.I.F.S.** Acronym for Exterior Insulation Finishing System, a construction siding material.

**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.

**EDUCATIONAL INSTITUTION.** See **SCHOOL.**

**EGRESS.** An exit.

**ELEVATION.** One of the faces of a building. The front elevations of adjacent housing shall be distinguished from one another through a change in form and massing. Alteration in color or materials alone shall not be considered sufficient enough change to constitute a distinct elevation.

**EMPLOYMENT SERVICE.** An establishment that seeks and identifies available jobs for patrons seeking employment.

**EQUINE SERVICES.** Operations involved in the shelter and care of horses, as well as breeding, training, and for giving lessons, including stables, stud farms, and other related uses.

**EQUIPMENT, MECHANICAL.** Equipment installed for a use appurtenant to the primary use. Such equipment may include heating and air conditioning equipment, solar collectors, parabolic antennas, and power generating devices.

**EQUIPMENT SALES AND RENTAL.** Establishments engaged in the sale or rental of tools, trucks, construction equipment, agricultural implements, and similar equipment.

**EROSION.** The detachment, movement, and wearing away of soil and rock fragments by flowing surface or subsurface water or by wind.

**ESSENTIAL SERVICES.** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, telephone, sewer, or water transmission or distribution systems, including poles, wires, mains, drains, sewers, pipes, conduit cables, fire alarm boxes, police call boxes, traffic signals, hydrants, street signs, and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate services by public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

**EVERGREEN TREE.** See **TREE, EVERGREEN.**

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this chapter.

**EXPANSION OF AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**EXPLOSIVE MANUFACTURING AND STORAGE.** The manufacture and storage of any chemical compound, mixture, or device of which the primary and common purpose is to function by explosion with substantially simultaneous release of gas and heat, the resulting pressure being capable of producing destructive effects.

**EXTERNAL ILLUMINATION.** Illumination of a sign that is affected by an artificial source of light not contained within the sign itself.

**FBFM (FLOOD BOUNDARY AND FLOODWAY MAP).** An official map delineating the floodway, floodway fringe, 100-year floodplain, and 500-year floodplain which is prepared in conjunction with a flood insurance study.

**FEMA.** Federal Emergency Management Agency.

**FHBM.** Flood Hazard Boundary Map.

**FIRM (FLOOD INSURANCE RATE MAP).** The official map on which FEMA has delineated both the areas of special flood hazard and risk premium zones.

**FPG (FLOOD PROTECTION GRADE).** The elevation of the regulatory flood plus two feet at any given location in the Special Flood Hazard Area (SFHA).

**FABRICATION FACILITY.** An establishment where employees and machinery are used to assemble product components created offsite.

**FACADE.** The portion of any exterior elevation on a building, extending from grade level to the top of the parapet, wall, or eaves for the entire width of the building.

**FAIRGROUNDS.** An area of land used for agricultural related office buildings, animal shows and judging, carnivals, circuses, community meeting and recreational facilities, concerts, food booths and stands, games, rides, rodeos, sales and auctions, storage, and theaters.

**FAMILY.** One or more persons occupying a dwelling unit as a single housekeeping unit and therefore using common facilities for cooking, sanitation, and gathering. A **FAMILY** does not include any society, club, fraternity, sorority; or group living in a boarding house, hotel, motel, bed and breakfast facility, lodging house, rooming house, or club; any group of individuals whose association with each other is seasonal or any individuals who are in a group living arrangement as a



result of criminal activity.

**FAMILY CHILD CARE HOME.** See **CHILD DAY CARE HOME.**

**FARM (CONFINED FEEDING).** Any livestock operation that meets one or more of the following characteristics:

- (1) Any confined feeding of at least 300 cattle, or 600 swine or sheep, or 30,000 fowl, such as chickens, ducks and other poultry;
- (2) Any animal feeding operation utilizing a waste lagoon or holding pits;
- (3) Any animal feeding operation where the operator elects to come under the provisions of I.C. 13-18-10; or
- (4) Any animal feeding operation that is causing a violation of I.C. 13-18-10 as determined by the Stream Pollution Control Board. See also **CONFINED FEEDING.**
- (5) For purposes of this ordinance, a **CONCENTRATED ANIMAL FEEDING OPERATION** (or **CAFO**) has the meaning set forth in 327 IAC 5-4-3.

**FARM (DWELLING).** See **DWELLING, FARM.**

**FARM (GENERAL).** An property or area exceeding 20 acres in size that is used for agriculture (such as the production and storage of vegetables, fruit trees, or grain, as well as the raising of farm animals, such as poultry or cattle, on a limited basis). A **FARM** shall include all related structures and the storage of equipment and materials used on-site for the farm operation. A **FARM** shall not include the commercial raising of animals, confined feeding, or the commercial feeding of garbage or offal to swine or other animals.

**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.

**FARM EQUIPMENT SALES AND SERVICE.** An establishment that services farm implements, as well as offers for sale new and used farm implements.

**FARMER'S MARKET.** The seasonal selling at retail of home-grown vegetables or produce, occurring in a pre-designated area, where the vendors are the same individuals who have raised the products for sale.

**FAST FOOD RESTAURANT.** See **RESTAURANT, FAST FOOD.**

**FENCE.** Any structure, solid or otherwise, which is a barrier and is used as a boundary or means of protection, confinement, or concealment.

**FENCE, BARBED-WIRE.** One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals.

**FENCE, DECORATIVE.** An ornamental barrier, either solid or open, that meets the following criteria:

- (1) Promotes the aesthetic and architectural style of the principal use or area;
- (2) Consists of durable materials such as brick, stone, ornamental block, wood, and/or metal;
- (3) Does not resemble a chain-link, woven wire mesh, or stockade form of construction; and
- (4) Has obtained written verification from the Planning Director that the structure qualifies as a decorative fence according to this definition.

**FENCE, STOCKADE.** A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

**FERTILIZER SALES, DISTRIBUTION, AND STORAGE.** An establishment that stores, distributes, and sells fertilizers primarily for agricultural crop production use.

**FINAL PLAT.** See **PLAT, SECONDARY.**

**FINANCIAL INSTITUTION.** Any establishment wherein the primary use is concerned with such federal or state-regulated business as banking, savings and loans, loan companies, and investment companies.

**FINISHED FLOOR AREA.** See **FLOOR AREA, FINISHED.**

**FIREWORKS SALES.** The primary business is the retail sale of devices defined as fireworks by the State of Indiana.

**FITNESS CENTER.** A place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control.

**FLAT ROOF.** The silhouette formed by a roof line. While the name infers a roof with no pitch, the actual roof structure is required to have a slope for drainage purposes. The roof line can be stepped or flat in appearance by using architectural elements such as cornices, mansards, and parapets.

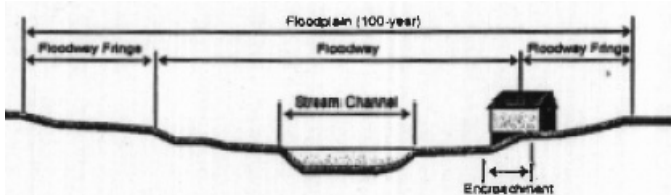
**FLEA MARKET.** An occasional or periodic market held in an open area or structure where goods are offered for sale to the general public by individual sellers from open or semi-open facilities or temporary structures. **FLEA MARKET** shall not include informal garage or yard sales.

**FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

**FLOOD HAZARD AREA.** Any area located within the floodplain, including the flood fringe and floodway.

**FLOODLIGHT.** Reflector type light fixture that produces unshielded and undirected illumination.

**FLOODPLAIN.** The relatively flat area or low land adjoining the channel of a river or stream which has been or may be covered by the regulatory flood. The floodplain includes the channel, floodway, and floodway fringe. Floodplain boundaries are to be determined by using the Floodway-Flood Boundary Maps of the Federal Insurance Administration/Federal Emergency Management Administration (FEMA).



**FLOODWAY.** The channel of a river or stream and those portions of the floodplains adjoining the channel which are reasonably required to efficiently carry and discharge the peak flood flow of the regulation flood of any river or flooding stream.

**FLOODWAY FRINGE.** Those portions of the floodplain lying outside the floodway. The floodway fringe is not necessary for carrying and discharging peak flood flow, but is subject to flooding.

**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**. The finished floor area of a primary structure does not include a garage, carport, deck, unfinished storage, patio, or open porch.

**FLOOR AREA, GROUND.** That portion of finished floor area located on the first (or nearest ground level) floor of the dwelling unit.

**FLOWER SHOP.** An indoor or outdoor facility that primarily sells flowers, bulbs, and seeds for planting by patrons. Flower centers can include greenhouse operations, and incidental sales of small gardening equipment and accessories.

**FOOD AND BEVERAGE PRODUCTION.** The large scale processing of raw ingredients and materials to create finished or unfinished foods and beverages.

**FOOT CANDLE.** A measure of illumination on a surface that is one foot from a uniform source of light of one candle and equal to one lumen per square foot.

**FOUNDATION.** The supporting member of a wall or structure.

**FRATERNITY, EDUCATIONAL.** A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

**FRATERNITY, SOCIAL.** A private club of individuals organized around a civic, social, or intellectual goal or pursuit. See also **PRIVATE CLUB**.

**FRONT LINE.** With respect to a building, the foundation line that is nearest the front lot line.

**FRONT LOT LINE.** For an interior or through lot, the line marking the boundary between the lot and the abutting street right-of-way. For a corner lot, the line marking the boundary between the lot and each of the abutting street rights-of-way.

**FRONT YARD.** see **YARD, FRONT**.

**FRONTAGE.** See **LOT FRONTAGE**.

**FUNERAL HOME.** A facility used for the preparation of the deceased for display and burial and the conducting of rituals and religious programs associated with burial. See also **MORTUARY**.

**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 SALE.** The sale or offering for sale to the general public items of personal property on any portion of a lot in a residential zoning district, either within or outside of a structure.

**GARDEN SHOP.** A retail establishment that primarily sells garden implements, plants, landscaping materials, and related accessories.

**GAS STATION.** Any building, structure, or area of land used for the retail sale of automobile fuels, oils, and accessories, without any repair service.

**GENERAL INDUSTRIAL PRODUCTION.** Industrial production involving manufacturing, fabrication, and related processes.

**GIFT SHOP.** An establishment that primarily sells keepsakes, trinkets, jewelry, cards, stationery, and other small gift-related items.

**GLARE.** The reflection of harsh, bright light producing an effect that causes annoyance, discomfort, or loss of visual performance and visibility.

**GOLF COURSE.** A tract of land laid out with at least nine holes improved with tees, greens, fairways, and hazards for playing a game of golf, including any associated clubhouse or shelters and excluding miniature golf courses, and other similar commercial enterprises.

**GOLF COURSE, MINIATURE.** A theme-oriented recreational facility composed of a series of putting greens where patrons pay a fee to move in consecutive order from one green to the next.

**GOVERNMENT FACILITY.** A building, group of buildings, and/or piece of property operated or occupied by a governmental agency to provide a governmental service to the public. Government facilities also include the storage and service of government vehicles, equipment, and supplies.

**GOVERNMENT OFFICE.** An office occupied by a governmental agency that provides a governmental service to the public.

**GRADE.** The finished surface of the ground adjacent to the exterior walls of a building.

**GRADE, EXISTING.** The vertical elevation of the ground prior to any excavation, filling, or other construction activity.

**GRADE, FINISHED.** The final elevation of the ground surface after man-made alterations have been completed.

**GRANDFATHERED.** A description of the status of certain properties, uses, activities, and conditions that were legally existing prior to the effective date of this chapter.

**GRANNY FLAT.** See **DWELLING, ACCESSORY.**

**GRAZING AND PASTURE LAND.** A fenced area used for the feeding and upkeep of livestock.

**GREENHOUSE.** A building or structure constructed primarily of translucent materials which is devoted to the protection or cultivation of flowers and other tender plants.

**GREENHOUSE, COMMERCIAL.** A building used for the growing of plants, all or some of which are sold at retail or wholesale either on or off-site.

**GROCERY STORE.** See **SUPERMARKET.**

**GROSS DENSITY.** Density determined by dividing that total acreage within the site by the total number of dwelling units.

**GROUND FLOOR AREA.** See **FLOOR AREA, GROUND.**

**GROUP HOME.** As defined by I.C. 12-7-2-98.5 and for the purposes of this chapter means a residential structure in which care is provided on a 24-hour basis for not more than ten children.

#### **Editor's Note**

*I.C. 12-7-2-98.5 was repealed by P.L. 145-2006. Sec. 376.*

**GYMNASTICS CENTER.** An establishment where patrons learn and practice gymnastics, generally in a gymnasium.

**HARD SURFACE.** See **PAVED SURFACE.**

**HARDSHIP.** A difficulty with regard to one's ability to improve land stemming from the application of the requirements of this chapter, 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 restriction on, economic gain shall not be considered hardships.

**HARDWARE STORE.** A small or medium-scale facility primarily engaged in the retail sale of various basic hardware lines, such as tools, builder's hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, and garden supplies and cutlery. A lumberyard may be included as an incidental use to the hardware retail sales.

**HAZARDOUS MATERIAL.** Any substances or materials that by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental to the health of any person handling or otherwise coming into contact with such material or substance.

**HAZARDOUS MATERIAL STORAGE/PROCESSING FACILITY.** All structures, other appurtenances, and any improvement to the land used for treating, storing, processing, or disposing of hazardous materials.

**HEALTH SPA.** A place or building where active exercise and related activities are performed utilizing weight control or muscle building equipment or apparatus for the purpose of physical fitness. Also a place or building that provides therapeutic massage by a massage therapist certified by the Indiana State Board of Massage Therapy, exercise, and related activities with or without such equipment or apparatus.

**HEDGE.** A row of closely planted shrubs, bushes, or any other kind of plant used as a compact, dense, living barrier that protects, shields, separates, or demarcates an area.

**HEIGHT.** The vertical distance to the highest point of any roof for structures which have roofs, and the vertical distance to the highest point of all other structures, measured from adjacent grade level.

**HELIPORT.** An area used for the landing and take-off of helicopters, including any structures, buildings, and equipment associated with that use.

**HISTORIC SITE.** All structures and other features identified as contributing, notable, or outstanding by the Indiana Historic Sites and Structures Inventory - Hancock County Interim Report, or listed in the National Register of Historic Places or the Indiana Register of Historic Sites and Structures, as well as any subsequent amendments and/or additions to any of these publications.

**HOME ELECTRONICS/APPLIANCE STORE.** An establishment that primarily sells home appliances, electronics, and related accessories.

**HOME OCCUPATION.** An occupation carried on in a dwelling unit by a resident thereof which is limited in extent, and incidental and secondary to the use of the dwelling unit for residential purposes, and therefore does not change its residential character.

**HOME OWNER'S ASSOCIATION.** See **LOT OWNER'S ASSOCIATION.**

**HOSPITAL.** An institution where sick or injured persons are given medical care and, during the course of that treatment, are housed overnight, fed, and provided nursing and related services. Related services include diagnostic facilities, laboratories, hospices, outpatient facilities, treatment facilities, and training facilities. **HOSPITAL** does include institutions operating for the treatment of insane persons and persons suffering addictions, but does not include nursing homes, retirement facilities, shelters, or boarding houses.

**HOTEL.** A building in which lodging is provided and offered to the public for compensation, and in which egress and ingress from all rooms is made through an inside lobby or office.

**HOUSEKEEPING UNIT.** A group of individuals functioning as a single household, making common use of a single kitchen and other family quarters. See also **FAMILY.**

**ICE CREAM SHOP.** Any establishment that primarily offers ice cream and frozen desserts to be eaten on or off premises.

**IMPERVIOUS SURFACE.** Any hard-surfaced, man-made area that prevents absorption of stormwater into the ground.

**IMPROVEMENT.** Any building, structure, bridge, work of art, area, parking facility, public facility, fence, gate, wall, landscaping, or other object constituting a physical addition to real property.

**IMPROVEMENT LOCATION PERMIT.** A permit allowing a person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any structure; alter the condition of the land; change the use or occupancy of a property; or otherwise cause any change to occur that is subject to the requirements of this chapter and/or Chapter 155, Subdivision Control.

**INCIDENTAL.** A minor occurrence or condition that is customarily associated with a permitted use and is likely to ensue from normal operations.

**INCIDENTAL SALES.** See **SALES, INCIDENTAL.**

**INCINERATOR.** A facility that uses thermal combustion processes to destroy or alter the character or composition of medical waste, sludge, soil, or municipal solid waste (not including animal or human remains).

**INDECISIVE VOTE.** A vote which fails to receive a majority of the votes of the entire membership of the body, either in favor or opposed.

**INDUSTRIAL DISTRICT.** The use of a property or area for the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity, including related storage facilities and warehouses.

**INDUSTRIAL ZONING DISTRICTS.** Refers to the IBD, Industrial Business Development; IL, Light Industrial; and IG, General Industrial zoning districts.

(1) **INDUSTRIAL: BUSINESS PARK.** Small scale manufacturing, construction, production, and assembly uses, as well as other light industrial uses. This district is specifically intended to provide appropriate setbacks and standards for small-scale businesses, entrepreneurial operations, start-up businesses, and similar operations.

(2) **INDUSTRIAL: GENERAL.** General industrial manufacturing, production, assembly, warehousing, research and

development facilities, and similar land uses. This district is intended to accommodate a variety of industrial uses in locations and under conditions that minimize land use conflicts.

(3) **INDUSTRIAL: LIGHT.** Light production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate only industrial uses that are completely contained within structures and do not involve the outdoor storage of materials or the release of potential environmental pollutants.

**INFRASTRUCTURE.** Facilities and services needed to sustain industry, residential, commercial, and all other land use activities, including utilities and streets.

**INOPERABLE MOTOR VEHICLE.** A motor vehicle which meets one or more of the following conditions:

(1) Any motor vehicle from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or mechanically inoperable; or

(2) Any motor vehicle which cannot be driven on a public street without being subject to issuance of a traffic citation by reason of its operating condition or not displaying a valid and current license plate.

**INOPERABLE VEHICLE STORAGE.** The outdoor storage of inoperable motor vehicles from which there has been removed the engine, transmission, or differential or that is otherwise partially dismantled or mechanically inoperable. Any motor vehicle which cannot be driven on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or not displaying a valid and current license plate.

**INSPECTORS.** Employees of the Area Plan Commission authorized by the Administrator to enter, examine, and survey all lands within the county to accomplish the enforcement of this chapter, and any other land use regulations of the county.

**INSTITUTIONAL FACILITY FOR THE DEVELOPMENTALLY DISABLED.** An institutional facility that provides care, supervision, and protection for persons with developmental disabilities consistent with the provisions of the Indiana Code. See also **RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED.**

**INSTITUTIONAL FACILITY FOR THE MENTALLY ILL.** An institutional facility that provides care, supervision, and protection for mentally ill persons consistent with the provisions of the Indiana Code. See also **RESIDENTIAL FACILITY FOR THE MENTALLY ILL.**

**INTERIOR GREENBELT.** That portion of the front yard of a lot that is immediately adjacent and parallel to the right-of-way of intersecting corridor streets having a minimum depth of 15 feet from the street right-of-way line.

**INVESTMENT FIRM.** Any office where the primary occupation is concerned with businesses that buy and sell stocks, bonds, and other notes of purchase.

**JEWELRY STORE.** Store that primarily sells new jewelry, with some sales of used merchandise.

**JUNK.** Scrap or waste material of any kind.

**JUNK YARD.** A place where junk, including inoperable vehicles, appliances, wood, paper, rags, garbage, tires, shattered glass, and any other worn-out, cast-off, or discarded items have been collected for re-sale, disposal, or storage.

**JURISDICTION.** Any area over which a unit of government exercises power and authority.

**KENNEL.** Any property where five or more dogs, cats, or other domestic animals over the age of four months are kept, raised, cared for, trained, sold, bred, boarded, shown, treated, or groomed either for commercial or non-commercial purposes.

**LAND USE.** The occupation or use of land for any human activity or purpose.

**LAND USE PETITION.** A rezoning petition, variance petition, special exception petition, or any other petition permitted by rules of procedure adopted by the County Area Plan Commission.

**LANDSCAPE BUFFER.** See **BUFFER.**

**LANDSCAPING.** The improvement 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.

**LEGAL NONCONFORMING LOT.** Any lot which has been legally established and recorded prior to the effective date of this chapter, or its subsequent amendments, that no longer meets the lot-specific development standards.

**LEGAL NONCONFORMING USE.** Any continuous, lawful use of structures, land, or structures and land in combination established prior to the effective date of this chapter, or its subsequent amendments, that is no longer a permitted use in the zoning district in which it is located.

**LETTER OF MAP AMENDMENT (LOMA).** An amendment to the currently effective FEMA map that establishes that a property, area, and/or structure is not located in a special flood hazard area (SFHA). A LOMA is only issued by FEMA.

**LETTER OF MAP REVISION (LOMR).** An official revision to the currently effective FEMA map. It is issued by FEMA and changes flood zones, delineations, and elevations.

**LIBRARY.** A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

**LIGHT INDUSTRIAL PROCESSING AND DISTRIBUTION.** Processing and distribution of materials and products from processed or previously manufactured materials. Light industry is capable of operation in such a manner as to control the external effects of processing such as smoke, noise, odor, etc.

**LINEAR PARK.** A park or other green, open space that forms a corridor, or is a part of a corridor along a body of water, street, abandoned rail line, or pedestrian/bicycle trail.

**LIQUOR STORE.** A store that offers retail and/or wholesale liquor, including wine and beer.

**LIVESTOCK AUCTION/SALES FACILITY.** A commercial establishment where livestock is collected and auctioned and/or sold. Livestock at the facility are there on a temporary basis, for immediate sale only, and not housed long term.

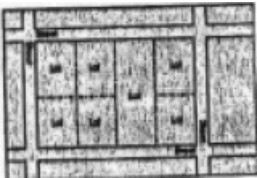
**LIVESTOCK RAISING AND BREEDING.** The production and upkeep of livestock for the purposes of sale, including the feeding, sheltering, grazing, and shipping of livestock, including the storage of all necessary materials and equipment.

**LOADING BERTH.** A space within a building or on the premises providing for the loading and unloading of merchandise and materials.

**LOCAL STREET.** See **STREET, LOCAL.**

**LODGE or PRIVATE CLUB.** A membership organization that holds regular meetings and that may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or engage professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities.

**LOT.** A contiguous area of land separated from other areas of land by a separate description (including a recorded deed, a subdivision plat or record of survey map, or by metes and bounds) for purpose of sale, lease, transfer of ownership, or separate use.



**LOT, BUILDABLE.** Any lot upon which improvements are permitted to be constructed, or which is otherwise allowed to be occupied and used consistent with all applicable requirements of this chapter.

**LOT, CORNER.** A lot located at the corner of two or more streets.



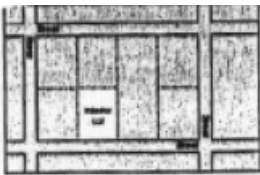
**LOT, DEVELOPED.** A lot upon which improvements have been made or is otherwise being used for human purposes.

**LOT, DOUBLE FRONTAGE.** See **LOT, THROUGH.**

**LOT FRONTAGE.** The horizontal distance between side lot lines where a property abuts a street.

**LOT, IMPROVED.** See **LOT, DEVELOPED.**

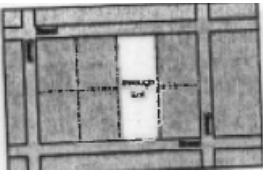
**LOT, INTERIOR.** Any lot which is not a corner lot or through lot.



**LOT, LEGAL NONCONFORMING.** See **LEGAL NONCONFORMING LOT.**

**LOT, RECORDED.** See **LOT OF RECORD.**

**LOT, THROUGH.** A lot having frontage on two or more non-intersecting streets.



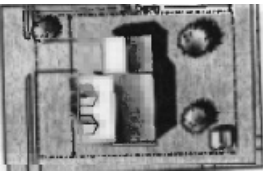
**LOT, UNDEVELOPED.** A lot of record upon which no improvements exist.

**LOT, ZONING.** A single tract of land that, at the time of application for an improvement location permit, is designated by the applicant for the purpose of complying with this chapter as the tract to be used, developed, or built upon. A zoning lot or lots may coincide with one or more lots of record.

**LOT AREA.** The horizontal area within the exterior lines of a lot, including any easements, but excluding any rights-of-way or other similar dedications to the public.

**LOT COVERAGE.** The percentage of the lot area covered by buildings, structures, parking areas, driveways, walkways, and other paved or impervious surface.

**LOT DEPTH.** The horizontal distance between the front and rear lot lines.

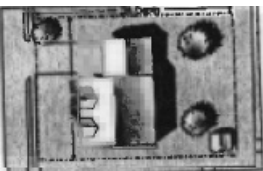


**LOT LINE.** The property lines which define the lot.

**LOT OF RECORD.** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Recorder, or a parcel of land, the deed to which has been recorded in the office of the County Recorder prior to January 1, 2002, whether or not the property has been subsequently transferred, but must have been transferred by the same description that was of record prior to January 1, 2002.

**LOT OWNERS ASSOCIATION.** An incorporated non-profit organization operating under recorded land agreements through which each lot owner is automatically a member and each lot is automatically subject to a proportionate share of the expenses for the organization's activities, such as maintaining common property.

**LOT WIDTH.** The horizontal distance between side lot lines measured at the required minimum front setback line or built-line line affecting the property.



**LOWEST FLOOR.** The lowest of the following:

- (1) The top of the basement floor;
  - (2) The top of the garage floor, if the garage is the lowest level of the building;
  - (3) The top of the first floor of buildings elevated on pilings or constructed on a crawl space with permanent openings;
- or

(4) The top of the floor level of any enclosure below an elevated building where the walls of the enclosure provide any resistance to the flow of flood waters unless the walls are designed to automatically equalize the hydrostatic flood forces on the walls by allowing for the entry and exit of flood waters, by providing a minimum of two openings (in addition to doorways and windows) having a total area of 1 square inch for every one square foot of enclosed area subject to flooding. The bottom of all such openings shall be no higher than one foot above grade; such enclosed space shall be usable for the parking of vehicles and building access.

**LUMBER YARD.** An area used primarily for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

**LUMINAIRE.** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

**LUMINAIRE, CUT-OFF TYPE.** A luminaire that emits less than 2.5% of lamp lumens, eliminating glare. The bulb is

recessed into the housing.

**LUMINAIRE, FULL CUT-OFF TYPE.** A luminaire with no light emitted above the horizontal plane.

**LUMINAIRE, SEMI CUT-OFF TYPE.** A luminaire with less than 5% of the lamp lumens emitted above the horizontal plane.

**MANEUVERING SPACE.** An open space in a parking area which is immediately adjacent to a parking space and is used for and/or is necessary for turning, backing, or driving a motor vehicle into the parking space, but 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 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. 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.

**MANUFACTURED HOME SALES.** The sale and incidental storage of single-family detached housing that includes mobile homes and manufactured homes type I, II, and III.

**MANUFACTURED HOME SITE.** The area of land in a manufactured home park for the placement of one manufactured home.

**MANUFACTURING FACILITY.** A facility for the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

**MARKER (SURVEY).** A stake or any other object which is intended to mark a point on a lot or within a subdivision.

**MASSAGE PARLOR.** An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless the treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state.

**MASSING.**

(1) The shape and form a building takes on through architectural design. There are ten architectural design elements that create urban space;

- (a) Building silhouette (similar pitch and scale to a roof line);
- (b) Spacing between building facades (setbacks or notches between primary facades that frame the structure);
- (c) Setback from property line (building setback and/or primary facade setback from the property line);
- (d) Proportion of windows, bays, and doorways (vertical or horizontal elements tied together in bands across facade lengths);
- (e) Proportion of primary facade (size of facades similar in area and height to width ratios);
- (f) Location and treatment of entryway (important visual commonality between structures);
- (g) Exterior materials used (similar materials and treatment add to detail and monumentality of a building);
- (h) Building scale (similarity of building height and configuration);
- (i) Landscaping (ties together buildings and defines space); and
- (j) Shadow patterns form decorative features (the light and dark surfaces from materials used and projections from windows, bays, and setbacks create visual breaks).

(2) A specific project may not need to incorporate all ten elements.

**MEAT MARKET (BUTCHER).** A market that primarily offers retail and/or wholesale meats, but may also sell related incidental products.

**MECHANICAL EQUIPMENT.** See **EQUIPMENT, MECHANICAL.**

**MEDICAL or HEALTH CLINIC.** A building, other than a hospital, used by two or more licensed physicians for the purpose of receiving and treating patients.

**MEDICAL OFFICE.** A building, other than a hospital, used by one or more licensed physicians for the purpose of receiving and treating patients.

**METES AND BOUNDS.** A description of land prepared by a state-registered land surveyor providing measured distances and courses from known or established points on the surface of the earth.

**MICROBREWERY (BREW-PUB).** A facility for the production and packaging of malt beverages of low alcoholic content



for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment.

**MINERAL EXTRACTION.** The extraction of metallic and nonmetallic minerals or materials from the earth for use off-site, including incidental uses and facilities such as rock crushing, screening, and the necessary storage and use of explosives.

**MINI-STORAGE FACILITY.** A storage structure containing separate storage spaces of varying sizes, each for individual purchase or rental for the storage of household goods.

**MIXED-USE DEVELOPMENT.** An area, parcel of land, or structure developed for two or more different land uses.

**MOBILE HOME.** A transportable structure suitable for year-round single-family occupancy and having water, electrical, sewage connections similar to those of conventional dwellings.

**MODULAR HOME.** A factory-fabricated transportable building designed to be used alone or to be incorporated with similar units at a building site and designed and constructed with a perimeter frame to become a permanent structure on a site, with all outside walls supported by a permanent foundation. A modular home is a single-family dwelling for the purposes of this chapter.

**MONUMENT (SURVEY).** A permanent physical structure which marks the location of a corner or other survey point.

**MORTUARY.** A facility for the storage and preparation of human dead prior to burial, including the conducting of funeral services.

**MOTEL.** An establishment consisting of a group of attached or detached living or sleeping accommodations with bathroom and closet space, located on a single 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. See also **HOTEL**.

**MOTOR HOME.** See **RECREATIONAL VEHICLE**.

**MOTOR VEHICLE.** Any passenger vehicle, truck, tractor, tractor-trailer, truck-trailer, trailer, or semi-trailer propelled or drawn by mechanical power.

**MOTOR VEHICLE, INOPERABLE.** See **VEHICLE, INOPERABLE**.

**MULTI-FAMILY DWELLING.** See **DWELLING, MULTI-FAMILY**.

**MULTI-TENANT BUILDING.** A grouping of two or more business establishments that either share common parking on the lot where they are located, or that occupy a single structure or separate structures that are physically or functionally related or attached.

**MULTI-USE PATHWAY.** See **PATHWAY**.

**MUSEUM.** A building having public significance by reason of its architecture or former use or occupancy, or a building housing a specific collection of natural, scientific, or literary materials, objects of interest, or works of art, and designed to be used by the public with or without an admission charge. It may include as an accessory use the sale of goods to the public.

**NATURAL CONDITION.** The condition that arises from, or is found in nature unmodified by human intervention.

**NATURAL DRAINAGE.** Drainage channels, routes, and ways formed over time in the surface topography of the earth prior to any modifications or improvements made by unnatural causes and/or human intervention.

**NATURE PRESERVE/CENTER.** An area in which plants, animals, and topographic features are protected in their current, natural condition.

**NEWS DEALER.** An establishment that primarily sells newspapers, magazines, and other periodicals.

**NIGHT CLUB.** A commercial establishment operated as a place of entertainment featuring live, recorded, or televised musical, comedy, or magic performances; dancing; and/or the serving of alcoholic beverages.

**NONCONFORMING LOT.** A lot that does not conform to the regulations of the zoning district in which it is located.

**NONCONFORMING STRUCTURE.** A building or other structure that does not conform to the regulations of the zoning district in which it is located.

**NONCONFORMING USE.** A use of land that does not conform to the regulations of the zoning district in which it is located.

**NUISANCE.** An interference with the enjoyment and use of property as defined by the nuisance ordinances of the Hancock County Code.

**NURSERY.** Any land used to grow fruits, vegetables, trees, shrubs, flowers, and other plants for sale. A nursery may not include the distribution or sale of materials that are not raised on the premises.

**NURSING HOME.** A private home for the 24-hour per day care of the aged, infirm, or any other person in need of nursing care which does not contain equipment for surgical care or for treatment of disease or injury, and is not primarily designed for mental patients or alcoholics. **NURSING HOME** does include physical therapy equipment used in an on-going basis for

the rehabilitation of patients.

**OBJECTIONABLE ODOR.** Odors that are nauseating, noxious, or generally recognized as unpleasant.

**OCCUPANCY.** The use of any land or structure.

**OFF-STREET PARKING.** The provision of parking spaces which are not located on any public right-of-way.

**OFFICE, PROFESSIONAL.** See **PROFESSIONAL OFFICES**.

**OFFICE SUPPLY STORE.** A large establishment that offers retail and wholesale office supplies including items such as paper, writing utensils, computer equipment, and office furniture.

**OFFICE USE.** Administrative, executive, professional, research, or similar organizations, and laboratories having only limited contact with the public, with no merchandise or merchandising services sold on the premises.

**OFFICIAL ZONING MAP.** A map of Hancock County, Indiana that legally denotes the boundaries of zoning districts as they apply to the properties within the Area Plan Commission's jurisdiction.

**OIL CHANGE SHOP.** A facility that provides lubrication, checking, changing, and the addition of those fluids and filters needed for automobile maintenance. Generally such services are provided while the customer waits.

**OPEN SPACE.** An area of land not covered by structures or accessory uses except for those related to recreation. **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 yards, patio areas, or land scheduled for future development.

**ORNAMENTAL SHRUB.** See **SHRUB, ORNAMENTAL**.

**ORNAMENTAL TREE.** See **TREE, ORNAMENTAL**.

**OUTDOOR STORAGE.** The keeping of items for sale, the products of manufacturing, materials used in production, vehicles, and other similar materials and/or equipment in an area outside of any building.

**OUTDOOR STORAGE, SEASONAL.** The outdoor storage of items for retail sale that are, by their nature, sold during a peak season, such as fruits and vegetables, Christmas trees, lawn accessories, and bedding plants.

**OUTLOT.** A lot platted as part of a larger development that is intended for the development of uses and structures which are complementary too but of a smaller scale than the primary use or structure in the development.

**OVERLAY ZONING DISTRICT.** A zoning district that extends across one or more other zoning districts which is intended to provide additional or alternate regulations for a specific critical feature or resource.

**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, or their legal representative.

**OWNERS ASSOCIATION.** See **LOT OWNERS ASSOCIATION**.

**PACKAGING FACILITY.** A facility that packages supplies and products that are manufactured off-site.

**PARAPET.** The portion of a wall which extends above the roof line.

**PARCEL.** See **LOT**.

**PARK AND RECREATION FACILITY.** Any public or private land and related structures, including athletic fields, shelter houses, and maintenance facilities that are designed to provide recreational, educational, cultural, or aesthetic use.

**PARKING, OFF-STREET.** A storage space for an automobile located outside of a street right-of-way.

**PARKING, ON-STREET.** A storage space for an automobile that is located within the right-of-way of a street.

**PARKING, SHARED.** A parking space or lot used jointly by two or more uses or structures.

**PARKING LOT.** An open off-street area to be used for the storage of motor vehicles for limited periods of time. A parking lot includes all parking spaces, interior drives, and maneuvering areas. Outdoor areas at facilities where motor vehicles, including uninstalled mobile and manufactured homes, are sold that are intended for the storage of such vehicles are also considered a parking lot.

**PARKING SPACE.** A space within a public or private parking area for the storage of one motor vehicle.

**PARKING STRUCTURE.** A structure of two or more stories, whether privately or publicly owned, used for parking more than four automobiles.

**PATHWAY.** A designated route for travel by pedestrians, bicycles, and other non-motorized methods of personal transportation and recreation which is surfaced with crushed rock, concrete, or asphalt and separated from streets by distance or striping.

**PAVED SURFACE.** A durable surface for parking, driving, riding or similar activities that utilizes asphalt, Portland cement, concrete, brick, paving blocks, or other approved surfaces. Crushed gravel, street grindings, stone, rock, or dirt, sand or

grass are not a paved surface.

**PENAL (CORRECTIONAL) INSTITUTION.** Publicly or privately operated facilities housing persons awaiting trial or persons serving a sentence after being found guilty of a criminal offense.

**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.

**PERSON.** A person, corporation, firm, partnership, association, trust, organization, unit of government, or any other entity that acts as a unit, including all members of any group.

**PERSONAL SERVICES.** An establishment or place of business primarily engaged in the provision of frequent and recurrent services of a personal nature, such as a beauty or barber shop, shoe repair shop, or tanning salon.

**PET GROOMING ESTABLISHMENT.** Any premises within which domestic pets, such as dogs and cats, are groomed or bathed for commercial gain.

**PET STORE.** A retail sales facility primarily involved in the sale of domestic animals, such as cats, dogs, fish, birds, and reptiles as well as domestic pet accessories. A **PET SHOP** does not include the retail sale of exotic or farm animals.

**PETITIONER.** See **APPLICANT**.

**PETROLEUM PROCESSING AND STORAGE.** An establishment that processes and stores petroleum and its raw ingredients.

**PHARMACY.** A place where drugs and medicines are prepared and dispensed. **PHARMACY** also includes the incidental retail sale of medical accessories and convenience goods and services.

**PHOTOGRAPHIC STUDIO.** A facility engaged in onsite photography, processing, and development, including limited retail sale, lease and service of photography equipment and supplies.

**PLACE OF WORSHIP.** See **CHURCH**.

**PLAN.** See **COMPREHENSIVE PLAN**.

**PLAN COMMISSION.** See **AREA PLAN COMMISSION**.

**PLANNED UNIT DEVELOPMENT.** A large-scale unified development meeting the requirements of this chapter. Generally a planned unit development provides design flexibility (e.g. mixed use) for a parcel or parcels to be developed as a single entity which does not correspond in size of lots, layout, bulk or type of buildings, density, lot coverage, and required open space to the regulations established in any zoning district of this chapter.

**PLANNING JURISDICTION.** The area over which a city, town or county has planning authority as drawn by each community in compliance with I.C. 36-7-4 et seq.

**PLANTING SEASON.** The spring and fall time periods during which new plant material which is installed is most likely to survive the planting process. Generally these periods are from April 15 to June 15 in the spring and from October 15 to November 15 in the fall.

**PLAT.** A map or chart that shows a division of land.

**PLAT, PRIMARY.** The primary plat, pursuant to I.C. 36-7-4-700 series, is the plat and plans upon which the primary approval of a proposed subdivision is based.

**PLAT, SECONDARY.** The secondary plat, pursuant to I.C. 36-7-4-700 series, is the plat document of a subdivision meeting all of the requirements of the County prepared in a recordable form.

**POLICE, FIRE, OR RESCUE STATION.** An outpost station that serves as an office of operation for police, fire, and/or rescue services. Such stations include personnel, equipment, vehicles, and training facilities.

**PORCH.** A covered, but otherwise unenclosed area projecting out from the wall or walls of a main structure providing direct access to the building. When a porch is enclosed, it is no longer considered a porch.

**POST OFFICE.** A facility operated by the United States Postal Service that houses service windows for mailing packages and letters, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

**POWER GENERATION FACILITY.** A facility that produces usable electricity by harnessing any array of resources including fossil fuels, water, wind, and solar sources.

**PRACTICAL DIFFICULTY.** A difficulty with regard to one's ability to improve land stemming from regulations of this chapter. A **PRACTICAL DIFFICULTY** is not a hardship, rather it is a situation where the owner could comply with the regulations within this chapter, but would like a variance from the development standards to improve his/her 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.

**PRIMARY PLAT.** See **PLAT, PRIMARY.**

**PRIMARY STRUCTURE.** The building or structure in which the primary use of the lot or premises is located or conducted, with respect to residential uses, the primary building or structure shall be the main dwelling. For agricultural uses, the primary structure may be a barn or other agricultural structure.

**PRIMARY USE.** See **USE, PRIMARY.**

**PRINCIPAL RESIDENCE.** The building and location where the owner or tenant resides six months or more in a 12-month period.

**PRINT SHOP (COPY CENTER).** A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, blueprint, and facsimile sending and receiving, and including offset printing.

**PRINTING FACILITY.** Any facility that prints publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

**PRIVATE CLUB.** A facility or property owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose and for which membership is required for participation.

**PRIVATE RECREATIONAL FACILITY.** A recreational facility for use by residents and guests of a particular residential development, church, private primary or secondary educational facility, or limited residential neighborhood, including both indoor and outdoor facilities and privately-owned golf courses open to the public.

**PRIVATE STREET.** See **STREET, PRIVATE.**

**PROCESSING PLANT.** A building or an enclosed space used for the collection and processing of material. Processing means the preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.

**PROFESSIONAL OFFICES.** A building or establishment for the provision of professional services. Examples of professional services include doctors, lawyers, architects, financial advisors, stockbrokers, engineers, and similar services.

**PROHIBITED TREES.** See **TREES, PROHIBITED.**

**PROPERTY OWNER.** The person(s) identified as the property owner on the most recent list prepared and maintained by the Hancock County Auditor's Office. See also **OWNER.**

**PUBLIC ART.** Any visual work of art that is accessible to public view and located on public or private property.

**PUBLIC HEARING.** A formal meeting, announced and advertised in advance consistent with the requirements of this chapter, which is open to the public, and at which members of the public have an opportunity to participate.

**PUBLIC IMPROVEMENT.** Any improvement, facility, or service which provides transportation, drainage, public utilities, or similar essential services which are typically or specifically required to be provided by a unit of government.

**PUBLIC STREET.** See **STREET, PUBLIC.**

**PUBLIC UTILITY STRUCTURE.** Electric and telephone substations and distribution centers, filtration plants, pumping stations and water reservoirs; public or package sewer treatment plants, telephone exchanges; radio and television transmitting or relay stations; antenna towers and other similar public utility service structures.

**PUBLISHING FACILITY.** Any facility that prints and/or assembles publications including books, magazines, and newspapers for the purposes of sale and/or distribution.

**QUARRY.** A lot or any part of a lot used for the extracting of stone, sand, gravel, or any other material to be processed for commercial purposes.

**RACETRACK.** Any measured venue for the sport of racing where animals or machines are entered in competition against one another or against time. 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-cart racing, remote control airplane flying, and similar uses.

**RADIO STATION.** An establishment that broadcasts radio signal programming.

**REAR YARD.** See **YARD, REAR.**

**RECORD.** The written documentation of the actions and expressions of a public body, such as the Area Plan Commission or Board of Zoning Appeals.

**RECORD SHOP (CD SHOP).** An establishment that primarily deals with new and used audio recordings in an array of media formats. Some shops also include the sales of new and used video recordings as well.

**RECREATIONAL VEHICLE.** Any building, structure, or vehicle designed and/or used for seasonal living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place (either under its own power or towed by another vehicle). Recreational vehicles are built on a single chassis and measure 400 square feet or less, including the largest horizontal projections. **RECREATIONAL VEHICLES** include automobiles when used for living or sleeping purposes, pick-up truck coaches, motorized homes, boats, jet skis, wave runners and other aquatic vehicles, travel trailers, snow mobiles, and camping trailers not meeting the definition of a manufactured or mobile home.

**RECREATIONAL VEHICLE PARK.** Any site, lot, field, or tract designed with facilities for the temporary use of recreational vehicles.

**RECREATIONAL VEHICLE SALES.** The sale and incidental storage of recreational vehicles.

**REFUSE DUMP.** A facility designated to receive and hold municipal solid waste and other waste matters. Waste at a refuse dump is not compacted or covered as it is in a sanitary landfill.

**REGISTERED ARCHITECT.** An architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGISTERED LAND SURVEYOR.** A land surveyor properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGISTERED LANDSCAPE ARCHITECT.** A landscape architect properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGISTERED PROFESSIONAL ENGINEER.** An engineer properly licensed and registered or through reciprocity permitted to practice in the State of Indiana.

**REGULATORY FLOOD.** The flood having a 1% probability of being equaled or exceeded in any given year, as calculated by a method and procedure which is acceptable to and approved by the Indiana Natural Resources Commission and the Federal Emergency Management Agency. The regulatory flood is also known by the term **BASE FLOOD**.

**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.

**REPAIR SERVICES.** Establishments that provide repair services to individuals and households, rather than businesses, not including automotive and equipment repair. Typically such services include the repair of appliances, watches, jewelry, and musical instruments.

**REPLAT.** Any change in a final plat of an approved or recorded subdivision.

**RESEARCH LABORATORY.** A structure or group of structures used primarily for applied and developmental research where product testing is an integral part of the operation and goods or products used in the testing may be manufactured and stored.

**RESIDENCE.** See **DWELLING.**

**RESIDENTIAL DISTRICT.** An area used primarily for dwellings.

**RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED TYPE I.** A residential facility which provides residential services for not more than eight developmentally disabled individuals, as defined by I.C. 12-28-4-8.

**RESIDENTIAL FACILITY FOR THE DEVELOPMENTALLY DISABLED TYPE II.** A residential facility which provides residential services for more than eight developmentally disabled individuals, as defined by I.C. 12-28-4-8.

**RESIDENTIAL FACILITY FOR THE MENTALLY ILL.** A residential facility which provides residential services for mentally ill individuals, as defined by I.C. 12-28-4-7.

**RESIDENTIAL STORAGE STRUCTURE.** A noncommercial, nonindustrial building to be used for the sole purpose of sheltering equipment, materials, and/or supplies used by the owner or tenant of the principal residence.

**RESIDENTIAL TREATMENT CENTER.** Any facility licensed by the Indiana Department of Health, public or private, which regularly provides one or more people with 24-hour a day substitute care, food, lodging, training, education, supervision, habilitation, rehabilitation and treatment they need, but which for any reason cannot be furnished in the person's own home.

**RESTAURANT.** A structure in which the principal use is the preparation and sale of food and beverages.

**RESTAURANT, DRIVE-IN.** A facility, a building and adjoining parking area the primary function of which is selling food to the public by order from and service to passengers in vehicles parked outside of the structure. Drive-in restaurants may also provide seating inside of the building.

**RESTAURANT, FAST FOOD.** A facility, including a building and adjoining parking area, the primary function of which is selling food to the public. The food is customarily prepared and served within short amounts of time and can be served within the facility to be consumed in an indoor or outdoor provided seating areas, or by order from and service to passengers in vehicles outside of the structure.

**RETAIL USES.** Commercial enterprises that provide goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the business.

**RETAIL USES, LARGE SCALE.** Retail uses that tend to serve a regional area and include establishments such as supermarkets, shopping malls, and department stores.

**RETAIL USES, MEDIUM SCALE.** Retail uses that tend to serve a community-wide area and include establishments such as craft stores, sporting goods stores, pharmacies, antique shops, meat markets, and repair services.

**RETAIL USES, SMALL SCALE.** Retail uses that tend to serve a local area and include establishments such as video stores, delicatessens, bakeries, gift shops, and ice cream shops.

**RETIREMENT FACILITY.** A residential complex containing multi-family dwellings designed for and occupied by senior citizens. Such facilities may include a common gathering and dining facilities, but exclude nursing care.

**RETREAT CENTER.** A facility used for professional, educational, or religious meetings, conferences, or seminars which provides meals, housing, and recreation for participants during the period of the retreat or program.

**REZONING.** An amendment to the official zoning map which has the effect of removing property from one zoning district and placing it in a different zoning district.

**RIDING STABLE.** An establishment that shelters and offers upkeep to horses for use by patrons and private owners. Stables generally include grazing pastures and land designated for horseback riding.

**RIGHT-OF-WAY.** Property occupied or intended to be occupied by a street, trail, utility transmission line, or other public utility or facility.

**RIGHT-OF-WAY LINE.** The limit of publicly owned land encompassing a public facility, such as a street or an alley as measured in the Thoroughfare Plan.

**ROAD.** See **STREET**.

**ROW.** See **RIGHT-OF-WAY**.

**SALES, INCIDENTAL.** Sales that are related and subordinate to the primary service or retail activities of a commercial use.

**SALES, TEMPORARY SEASONAL.** Facilities that are indoor or outdoor and operate on a temporary basis for the sale of seasonal fruits and vegetables, fireworks, Christmas trees, and/or other holiday, event, or season related products.

**SANITARY LANDFILL.** The designated area where nonhazardous and non-medical farm, residential, institutional, commercial, or industrial waste is buried.

**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. See also **TRADE OR BUSINESS SCHOOL**.

**SCHOOL, COMMERCIAL.** See **TRADE OR BUSINESS SCHOOL.**

**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, dumps, or automobile graveyards.

**SEASONAL HUNTING/FISHING FACILITY.** A designated outdoor area that allows for the hunting and fishing of certain species during their appropriate gaming seasons.

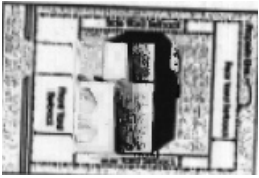
**SEED SALES, DISTRIBUTION, AND STORAGE.** An establishment that sells, stores, and distributes agricultural seed for farm planting. Such establishments primarily sell in bulk for commercial farm purposes.

**SELF-SERVICE LAUNDRY.** A business with vending machine type washing, drying, dry-cleaning, and ironing equipment for use by customers on site.

**SERVICES, FARM IMPLEMENT AND SALES.** A use primarily engaged in the sale or rental of farm tools and implements, feeds, grain, tack, animal care products, and farm supplies. Does not include the sale or distribution of agricultural chemicals, including fertilizer.

**SERVICES, PERSONAL AND PROFESSIONAL.** See **PROFESSIONAL SERVICES.**

**SETBACK.** The horizontal distance between a structure and a lot line or right-of-way line.



**SEWAGE TREATMENT PLANT.** Any facility designed for the treatment of sewage that serves an entire community, region, or specific geographic area.

**SHADE TREE.** See **TREE, SHADE.**

**SHOE REPAIR SHOP.** An establishment that primarily repairs shoes, with incidental sales of shoe related items.

**SHOOTING RANGE.** Any establishment at which firearms are discharged for the purpose of recreation and entertainment.

**SHOOTING RANGE (INDOOR).** A shooting range at which all shooting areas and targets are completely enclosed in a structure.

**SHOOTING RANGE (OUTDOOR).** A shooting range at which any portion of the shooting areas or targets are located outside of a completely enclosed structure.

**SHOPPING MALL.** A shopping center where numerous stores front on a pedestrian way that may be enclosed or open.

**SHRUB, ORNAMENTAL.** A shrub planted primarily for its ornamental and screening value, not to be confused with a perennial.

**SIDE LOT LINE.** A lot boundary line other than a front or rear lot line, typically those which are perpendicular to, and intersect with the front and rear lot lines.

**SIDE YARD.** See **YARD, SIDE.**

**SIGHT VISIBILITY TRIANGLE.** Triangular shaped areas on each corner of an intersection that are looked through by drivers approaching or departing an intersection to view oncoming traffic on crossing streets and roadways.

**SIGN.** Any name, identification, description, device, display, or illustration which is affixed to, painted, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, person, institution, organization, or business. A sign includes the face area which conveys a message, any equipment or sign device, and any related mechanical, electrical, and structural supports and features, such as poles and lighting. In no instance shall this chapter be interpreted as considering any flag as a sign.

**SIGN, ABANDONED.** A sign that identifies or advertises a business, product, service, owner, or other activity that is no longer located on or conducted on the property where the sign is displayed.

**SIGN, ANIMATED.** A sign which in its entirety or in part moves, rotates, flashes, or revolves. Such signs do not include changeable copy signs.

**SIGN, AREA.** The entire face of a sign including the message surface and any framing or trim, but excluding any poles or

other supports. Sign area is measured as the maximum vertical dimension of the face area multiplied by the maximum horizontal dimension of the face area, each at its largest point.

**SIGN, AWNING.** A sign incorporated into, or attached to an awning.

**SIGN, BANNER.** A sign with a message applied to cloth, paper, fabric, or flexible plastic, with any such non-rigid material for background.

**SIGN, BARN.** One or more signs that are painted onto an agricultural barn that direct attention to a business, commodity, service, organization, or entertainment.

**SIGN, BILLBOARD.** See **SIGN, OFF-PREMISE.**

**SIGN, CHANGEABLE COPY.** A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged either electronically or manually.

**SIGN, DIRECTIONAL.** Any on-premises sign that includes information assisting in the flow of pedestrian or vehicular traffic, such as "enter", "exit", and "one-way".

**SIGN, DOUBLE-FACED.** A sign designed and/or used to display a message on the outer surface of two identical and opposite parallel planes.

**SIGN, ELECTRONICALLY VARIABLE MESSAGE (EVMS).** An advertising sign 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. The message copy can be changed in the field or from a remote location.

**SIGN, ENTRY FEATURE.** A permanent on-premise sign identifying an entrance to a residential subdivision, apartment complex, or manufactured home park.

**SIGN, FACE.** The area or display surface used for the message.

**SIGN, FREE-STANDING.** A sign supported completely by a frame, pole, or foundation and which is independent from all other structures on the property.

**SIGN, GROUND.** A street sign supported by one or more uprights, posts, or bases placed upon or affixed in the ground and not attached to any part of a building. It includes freestanding signs and monument signs.

**SIGN, HEIGHT.** The highest point measured from adjacent street grade level to the highest point of the sign, including any structure, frame, light fixture, or other element of the sign.

**SIGN, ILLUMINATED.** A sign lighted by or exposed to artificial lighting either by internal or external illumination.

**SIGN, MANUAL.** Exterior signs or portions of signs that are fixed in place and designed to be used with removable text or graphics to allow the changing of copy.

**SIGN, MONUMENT.** A sign that is permanently affixed to the ground at its base, supported entirely by a base structure, and not mounted on a pole. This sign could be displayed on a decorative feature of brick, wood or other material, which is intended to serve as an entry feature or focal point.

**SIGN, MURAL.** A sign painted onto the side of a building, wall, ground, or structure.

**SIGN, OFF-PREMISE.** A sign which directs attention to a business, commodity, service, organization, or entertainment conducted, sold, or offered elsewhere than upon the premises where such sign is located or to which it is affixed. This definition includes billboard and other outdoor advertising and directional signs located on private property, but does not include barn signs.

**SIGN, POLE.** See **SIGN, FREE-STANDING.**

**SIGN, PORTABLE.** Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to, signs designed to be transported by means of wheels; signs converted to A or T-frames; menu or sandwich board signs; and balloons used as signs.

**SIGN, POSTER.** Any sign made of cardboard, metal, plastic or other semi-rigid material which is attached to outdoor products, structures, or other features, or anchored into the ground with the use of stakes.

**SIGN, PROJECTING.** A sign attached to and projecting out from a building face or wall, generally at right angles to the building.

**SIGN, PYLON.** A freestanding sign, other than a pole or ground mounted sign, which is secured permanently to the ground, and has a height that is greater than its width.

**SIGN, REAL ESTATE.** A temporary sign that relates to the sale, lease or rental of property or structures, or to construction activity on a site.

**SIGN, SEARCHLIGHT.** A searchlight used to attract attention to a property, use, or structure consistent with the definition of a sign.

**SIGN, SANDWICH BOARD.** A free-standing sign located at grade level constructed in such a manner as to form an "A" by



separating to opposite and parallel sign faces by supporting structural members.

**SIGN, TEMPORARY.** An on-premise sign not fixed to a permanent foundation and displayed for a fixed period of time, for the purpose of conveying information, knowledge, or ideas to the public about a subject related to the activities on the premises upon which it is located.

**SIGN, VEHICLE.** A sign that is attached to or painted on a parked vehicle for the purpose of drawing attention to the product, business, or property which is indicated on the sign.

**SIGN, WALL.** A sign attached to or painted on the exterior wall of a structure.

**SIGN, WINDOW.** A sign affixed to a window or placed immediately behind a window pane so as to attract the attention of persons outside of the structure.

**SIGN PERMIT.** A permit issued by the Planning Director on behalf of the Area Plan Commission that must be obtained before temporary and permanent signs are erected.

**SIGN SETBACK.** The distance between any property line or right-of-way and the nearest portion of any sign at or above grade level.

**SIGNABLE AREA.** A two-dimensional area that describes the largest square, rectangle, or parallelogram on the facade of a building which is free of architectural details.

**SITE DEVELOPMENT PLAN.** The plan indicating the location of existing and proposed buildings, structures, paved areas, walkways, vegetative cover, landscaping and screening within a site proposed for development which is to be submitted for approval prior to the release of improvement location permits on the site consistent with the requirements of the I.C. 36-7-4-1400 series.

**SITE IMPROVEMENT.** The erection, construction, placement, repair, alteration, conversion, removal, demolition, maintenance, moving, razing, or remodeling of any new or existing structure or any part thereof and any activity for which an improvement location permit is required.

**SKATING RINK.** An establishment that provides facilities for patron skating.

**SORORITY, EDUCATIONAL.** A club or social activity officially associated with and recognized and supervised by an institution for higher education whose membership is limited exclusively to students of the institution.

**SORORITY, SOCIAL.** A private club of individuals organized around a civic, social, or intellectual goal or pursuit. See also **PRIVATE CLUB.**

**SPECIAL EXCEPTION.** A use that would not be appropriate generally or without restrictions throughout the zoning district, but if controlled as to number, area, location, or relation to the neighborhood, would promote public health, safety, and general welfare.

**SPECIAL EXCEPTION USE.** See **USE, SPECIAL EXCEPTION.**

**SPECIAL FLOOD HAZARD AREA (SFHA).** Those lands within the jurisdiction of Hancock County that are subject to inundation by the regulatory flood. The SFHAs of the county are identified on the Flood Insurance Rate Map of Hancock County prepared by the Federal Emergency Management Agency.

**SPECIFIED ANATOMICAL AREAS.** As used herein, includes any of the following:

(1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areola; or

(2) Human male genitals in a discernibly turgid state, even if completely or opaquely covered.

**SPECIFIED SEXUAL ACTIVITIES.** As used herein, includes any of the following:

(1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;

(2) Sex acts, actual or simulated, including intercourse or copulation or sodomy;

(3) Masturbation, actual or simulated; or

(4) Excretory functions as part of or in connection with any of the activities set forth in divisions (1) through (3) above.

**SPORTING GOODS SHOP.** An establishment that primarily sells sporting equipment, sporting apparel, and related items.

**SPOT ZONING.** The zoning of a typically small area of land controlled by a single or limited number of property owners that results in the property involved being granted permitted uses and/or development standards that are inconsistent with those provided to, or planned for, similar surrounding properties.

**SPOTLIGHT.** A fixture designed to direct a narrow intense beam of light on a desired area.

**STATE.** The State of Indiana.

**STATIONARY SHOP.** An establishment that primarily sells stationary, paper, cards, writing utensils, and various related items.

**STOCKADE FENCE.** A wooden fence made of half round posts with pointed tops.

**STOP-WORK ORDER.** A written document issued by an enforcement official which requires the cessation of an activity.

**STORAGE, OUTDOOR.** See **OUTDOOR STORAGE.**

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling above it.

**STREAM BANK.** The usual boundaries, not the flood boundaries, of a stream channel.

**STREET.** A partially or fully improved public thoroughfare, including a road, highway, drive, lane, avenue, place, boulevard, and any other thoroughfare that affords vehicular access to abutting property.

**STREET, ARTERIAL.** A street which serves the major traffic movements within a community, such as between the central business district and the outlying commercial and residential areas, as well as a majority of the vehicular traffic entering and leaving the county to travel to and from adjacent communities. Hancock County arterial streets are identified on the Thoroughfare Plan within the Hancock County Comprehensive Plan.

**STREET, COLLECTOR.** A street designed and used to carry moderate volumes of traffic from local streets to arterial streets. Hancock County collector streets are identified on the Thoroughfare Plan within the Hancock County Comprehensive Plan.

**STREET, CUL-DE-SAC.** A street with a single common ingress and egress and with a turn-around at the end.

**STREET, INTERSECTING.** Any street that joins another street at an angle, whether or not it crosses the other street.

**STREET, LOCAL.** A street designed to provide vehicular access between individual properties and the collector and arterial street system. Hancock County local streets are identified on the Thoroughfare Plan within the Hancock County Comprehensive Plan.

**STREET, NON-RESIDENTIAL.** Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is not residential.

**STREET, PRIVATE.** Any street which is privately owned and maintained that is used to provide vehicular access to more than one property or dwelling unit.

**STREET, PUBLIC.** A street constructed and maintained by a unit of government within an officially deeded and accepted public right-of-way.

**STREET, RESIDENTIAL.** Any street where the primary land use of the lots which the street provides access to, as well as the lots on either side of the street is residential.

**STREET FRONTAGE.** The distance along which a property line of a lot abuts the right-of-way of an adjacent street.

**STREET INTERSECTION.** The point of crossing or meeting of two or more streets.

**STREET ORIENTATION.** The direction of the architectural front facade of a building in relation to the street.

**STREET VISTA.** A view framed by buildings at the termination of the axis of a thoroughfare.

**STRIP CLUB.** A business establishment in which striptease performances, and related services such as lap dancing, may take place.

**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. Also, substantial roofing and siding work when repairs are made to the structure beneath.

**STRUCTURE.** Any building or other object that is constructed or erected that requires location on or under the ground or is attached to something on the ground.

**STRUCTURE HEIGHT.** The vertical distance measured from adjacent ground level to the highest point of the roof.

**SUB-LOTS.** Portions of a lot of record created in connection with the transfer of ownership of individual dwelling units in a two-family or multi-family dwelling.

**SUBDIVIDER.** Any person or other entity which initiates proceedings to create a subdivision. See also **DEVELOPER.**

**SUBDIVISION.** The division of any lot, tract or parcel of land into two or more lots, parcels, sites or other divisions for the purpose, whether immediate or future, of sale, transfer, gift, or lease which results in one or more new building sites.

**SUBDIVISION, CLUSTER.** See **CLUSTER DEVELOPMENT.**

**SUBSTANTIAL IMPROVEMENT.** For the purpose of flood hazard area standards, substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the start of construction of the improvement. This term includes structures that have incurred substantial damage regardless of the actual repair work performed. This term does not include improvements to structures to correct existing violations of state or local health, sanitary, or safety code requirements or any alteration of an

historic structure, provided that the alteration will not preclude the structure's continued designation as an historic structure.

**SUPERMARKET.** Large-scale retailers of food and grocery supplies, typically also including flower shops, pharmacies, bakeries, branch banks, and other complementary and incidental uses.

**SUPPLY YARDS.** A commercial establishment storing or offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods. **SUPPLY YARDS** do not include the wrecking, salvaging, dismantling or storage of automobiles and similar vehicles.

**SURETY.** An amount of money or other negotiable instrument provided by a developer to the county which guarantees that they will perform all actions required by the county regarding an approved site development plan, plat, or other improvement, which provides that if the developer fails to comply with the requirements of approval, funds will be provided for the county to complete those requirements.

**SWIMMING POOL.** Any structure located either at, above, or below grade which is designed and/or used to hold water which exceeds two feet in depth at any point for the purpose of recreation and entertainment of adults and children.

**TAILOR SHOP.** An establishment that alters and repairs clothing for patrons.

**TANNING SALON.** Any business which provides a service using artificial lighting systems to produce a tan on a person's body, including the incidental sale of tanning products.

**TATTOOING/BODY PIERCING ESTABLISHMENT.** Any place whether public or private, temporary or permanent, in nature or location, where tattooing, body piercing or application of permanent cosmetics is performed.

**TAVERN.** See **BAR**.

**TELECOMMUNICATIONS.** The transmission of information between or among geographic points without change in the form or content of the information as sent or received.

**TELECOMMUNICATIONS ANTENNA.** Any structure or device, including all appurtenances, used for the purpose of collecting or radiating electromagnetic waves, including those used to transmit cellular telephone service, data, radio and television signals, and any other information.

**TELECOMMUNICATIONS TOWER.** A mast, pole, monopole, guyed, or freestanding framework, or other vertical structure that acts as an antenna or to which an antenna is affixed or attached.

**TEMPORARY SEASONAL SALES.** see **SALES, TEMPORARY SEASONAL**.

**TEMPORARY USE.** See **USE, TEMPORARY**.

**THEATER.** A facility for audio and visual productions and performing arts, excluding adult motion picture theaters and adult entertainment businesses.

**TOOL AND DYE SHOP.** An establishment that processes, cuts, and molds metal into tools, molds, machine components, and similar products.

**TOPOGRAPHY.** The configuration of the earth's surface, including the relative relief, elevations, and position of land features.

**THOROUGHFARE PLAN.** The official plan, now and hereafter adopted, which sets forth the location, alignment, dimensions, and classification of existing and proposed streets and other thoroughfares.

**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, or other similar apparatus above ground.

**TOWNHOUSE.** A one-family dwelling with a private entrance that is attached horizontally to other dwelling units in a linear arrangement, with a front and a rear wall that are totally exposed for light, access, and ventilation.

**TRADE or BUSINESS SCHOOL.** A specialized instructional establishment that provides on-site training of business, commercial, and/or trade skills such as accounting, data processing, and computer repair. Includes vocational schools and career centers.

**TRAIL.** A public way, separate from a street, alley, or other vehicle roadway, designed for and used by pedestrians, cyclists, and others using non-motorized transportation and recreation equipment.

**TREE, BROADLEAF.** Trees having non-needle like leaves.

**TREE, DECIDUOUS.** Trees and shrubs that shed their leaves annually.

**TREE, EVERGREEN.** Trees and shrubs that do not shed their leaves annually.

**TREE, ORNAMENTAL.** A deciduous tree possessing qualities such as flowers or fruit, attractive foliage, bark or shape, with a mature height generally under 35 feet.

**TREE, PROHIBITED.** A tree, as listed in this chapter that does not meet site-landscaping or performance standard requirements.

**TREE, SHADE.** A deciduous tree planted primarily for its high crown of foliage or overhead canopy.

**TRUCK FREIGHT TERMINAL.** An area and building where trucks and cargo are stored, where loading and unloading is carried on regularly, and where minor truck maintenance is performed.

**TRUCK SALES AND SERVICE.** Any establishment that sales and services semis, grain trucks, and other vehicles similar in size. Inoperable trucks may be stored on a temporary basis, and only if they are to be serviced.

**TRUCK STOP.** A facility designed and used to provide services to the trucking industry including, but not limited to, fuel stations, repair shops, truck washes, restaurants, convenience stores, weight scales, and shower facilities, all as part of a unified facility.

**UNDEVELOPED LAND.** Land in its natural state.

**UNIVERSITY (or COLLEGE).** An institution for post-secondary education, public or private, offering courses in general, technical, or religious education and operated not-for-profit. It operates in buildings owned or leased by the institution for administrative and faculty offices, student and faculty housing, classrooms, laboratories, chapels, auditoriums, lecture halls, libraries, student and faculty centers, community rooms and facilities, athletic facilities, fraternities, and sororities. A university may include for-profit businesses and facilities that are incidental to the educational, cultural, and athletic functions and which lease space from the institution. A university shall not include trade schools operated for profit.

**UNNECESSARY HARDSHIP.** A hardship which is subject to relief by means of variance, such as those that result from exceptional topographic conditions, exceptional physical conditions of a parcel of land, or other characteristics of the property that are unique from those of adjoining property in the same zoning district. Hardships which are self-imposed, resulting from errors in judgement on the part of the property owner, or based on a perceived reduction in economic gain shall not be considered unnecessary hardships.

**USE.** The purpose for which land, building, or structure thereon is designed, arranged, or intended, or for which it is occupied, maintained, let, or leased.

**USE, CHANGE OF.** The discontinuation of the specific primary use of a lot or structure and the replacement of that use with a different specific use.

**USE, EXISTING.** The use of a lot or structure present at the effective date of this chapter.

**USE, ILLEGAL.** Any use that is neither legal nonconforming or permitted by right or special exception in the zoning district in which it is located as defined by this chapter.

**USE, NONCONFORMING.** A use which does not conform with the use regulations of the zoning district in which it is located.

**USE, PERMITTED.** Any use listed as a permitted use in this chapter or which is an accessory or temporary use associated with a permitted use for the zoning district in which it is located.

**USE, PRIMARY.** The main use of land or structures, as distinguished from an accessory use. A primary use may be either a permitted use or a special exception use.

**USE, SEASONAL.** A temporary land use relating to a particular activity or event not exceeding three consecutive months within a 12-month period.

**USE, SPECIAL EXCEPTION.** A use that is designated by this chapter as being permitted in a specific zoning district if it is found to be appropriate and upon application, is specifically authorized by the Board of Zoning Appeals.

**USE, TEMPORARY.** A land use or structure established for a limited and fixed period of time with the intent to discontinue such use upon the expiration of the time period.

**USE CATEGORY.** A group of similar use types that are associated with each other to such an extent that they are grouped together for the purpose of identifying land uses by this chapter, such as retail uses, office uses, personal service uses, and general industrial production.

**UTILITY SUBSTATION.** A building or structure used for the distribution or transmission of utilities such as water, gas, electricity, or sewer.

**VACATION.** The termination or termination of interest in a plat, an easement, or a right-of-way or other public dedication.

**VARIANCE, DEVELOPMENT STANDARDS.** A specific approval granted by a Board of Zoning Appeals in the manner prescribed by this chapter, to deviate from the development standards (such as height, bulk, area) that the chapter otherwise prescribes.

**VARIANCE, USE.** See **USE, VARIANCE**.

**VARIETY STORE.** A retail establishment that sells a multitude of consumer goods.

**VEHICLE.** A device used as a mode of transportation of persons and/or goods including but not limited to automobiles, semi-tractor trailers, all types of trailers, snowmobiles, recreational vehicles, motorcycles, and like devices.

**VEHICLE, INOPERABLE.** A vehicle which, due to mechanical defect or failure, or incorrect or unapparent licensing, is not

physically or legally able to be operated.

**VEHICLE DETAILING/ACCESSORY SHOP.** An establishment that provides auto-detailing services and/or sells associated merchandise. Services offered are cosmetic in nature, and do not include mechanical upgrades or repairs.

**VETERINARY OFFICE (ANIMAL CLINIC).** An establishment for the care, observation, or treatment of domestic animals.

**VIDEO STORE.** An establishment primarily engaged in the retail rental of DVD, videotapes, films, CD-roms, laser discs, video games, or other electronic media.

**WAREHOUSE.** A facility for the storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**WASTE, HAZARDOUS.** See **HAZARDOUS WASTE.**

**WASTE DISPOSAL FACILITY.** Any facility that functions to store or dispose of waste including incinerators, junk metal yard, sanitary landfills, refuse dumps, and inoperable vehicle storage.

**WATER TOWER.** A tower or standpipe that functions as a reservoir providing water to the community.

**WELLFIELD (PUBLIC PUMPHOUSE).** An area of land that contains one or more existing or proposed wells for supplying water to a water utility.

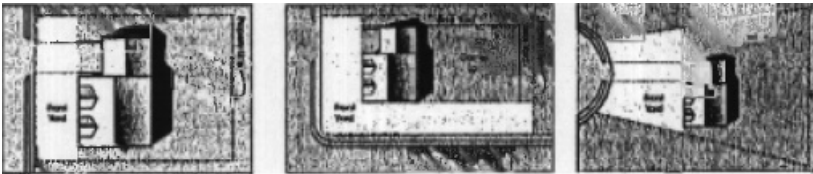
**WETLAND.** Areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support vegetation typically adapted for life in saturated soil conditions as identified by the National Wetlands Institute and certified by an individual with a U.S. Army Corps of Engineers Regulation 4 Jurisdictional Wetland Certification.

**WHOLESALE FACILITY.** An establishment or place of business primarily engaged in selling and/or distributing merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers.

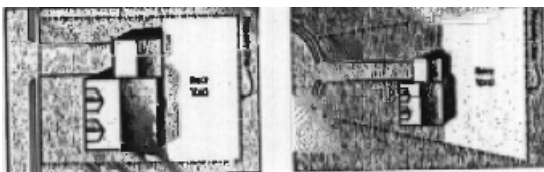
**WINERY.** A facility in which wine products are grown and processed for commercial sales. The development may include other uses such as a retail shop, standard restaurant, bar or live entertainment.

**YARD.** A space on a lot that is open and unobstructed.

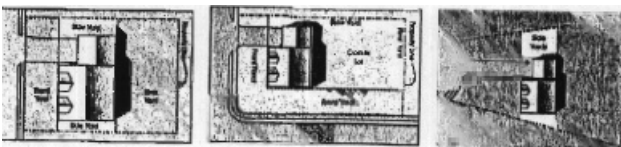
**YARD, FRONT.** The horizontal space between the nearest foundation of a building to the front lot line, extending to the side lines of the lot, and measured as the shortest distance from that foundation to the front lot line.



**YARD, REAR.** The horizontal space between the nearest foundation 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. Corner lots shall have no rear yards, only front yards and side yards.



**YARD, SIDE.** The horizontal space between the nearest foundation of a building to the side lot line and that side lot line, measured as the shortest distance between that foundation and the side lot line.



**YARD, SIDE (AGGREGATE).** The sum of the horizontal space between the foundation of a building and each side lot line, measured as the shortest distance between the foundation and the side lot line.

**YARD, SIDE (SEPARATION).** The sum of the distance of the horizontal space between a foundation and side lot line, plus the horizontal space between the foundation and shared side lot line of the structure on the immediately adjacent lot.

**YARD SALE.** See **GARAGE SALE.**

**ZONING DISTRICT.** A section of the county for which uniform zoning regulations governing use, height, area, size, intensity of use of buildings and land, and open spaces around buildings, are established by this chapter.

**ZONING MAP. See OFFICIAL ZONING MAP.**

(Ord. 2007-1B, passed 2-5-07; Am. Ord. 2008-6C, passed 6-9-08; Am. Ord. 2008-12B, passed 12-29-08; Am. Ord. 2009-9A, passed 9-21-09; Am. Ord. 2010-9C, passed 9-20-10; Am. Ord. 2010-9D, passed 11-1-10; Am. Ord. 2010-12A, passed 12-20-10; Am. Ord. 2011-3E, passed 5-31-11; Am. Ord. 2012-5A, passed 5-29-12; Am. Ord. 2013-6C, passed 6-18-13; Am. Ord. 2014-5D, passed 4-22-14; Am. Ord. 2014-5E, passed 7-15-14; Am. Ord. 2014-8C, passed 8-5-14; Am. Ord. 2015-5H, passed 5-19-15; Am. Ord. 2015-8B, passed 8-4-15; Am. Ord. 2015-12C, passed 12-1-15; Am. Ord. 2017-8B, passed 8-15-17; Am. Ord. 2019-10F, passed 10-15-19; Am. Ord. 2021-7A, passed 7-20-21; Am. Ord. 2021-11B, passed 11-30-21)